

MEETING AT THE UNITED STATES STATE DEPARTMENT
WITH SECRETARY OF STATE JAMES BAKER
THURSDAY, FEBRUARY 20, 1992

Faisal Husseini met with Secretary of State James Baker at the U.S. State Department on February 20, 1992. Accompanying Faisal were Mohamad Ishtayyeh and George Salem. Present on behalf of the U.S. State Department in addition to Secretary Baker were Dennis Ross, Margaret Tutweiler, Dan Kurtzer and Aaron Miller. George Salem maintained notes of the meeting. The meeting commenced at approximately 5:30 p.m. and concluded at approximately 6:35 p.m.

After Baker's welcome and telling Faisal how glad he was that he was here, Faisal stated that the "Israelis are forcing us to talk about procedural matters versus substance matters because of their actions. Therefore, I will begin with procedural issues. The Israelis have started to deal with us in a new way. The arrests of Mohammed Hourani and Jamal Shoubaki are a problem for us. We sent Hourani's name as a member of the Palestinian negotiating team. Both names were sent to the Consulate, asking that they be given visas to come with us to America. The Israelis arrested them before we could leave. Our position, is if the Israelis have something against one of our delegates, then they should contact us. If the delegate has done something against the law, then they cannot incarcerate or detain the individual without a trial and without a right to counsel. We want freedom of movement for our people, and protocol. We want

staff and a procedure with respect to detentions and arrests of our delegates if the Israelis insist on doing this. Therefore, something must be done to release these two people, who are arrested and are under administrative detention."

Faisal continued "at the same time, when we send a list of our delegation, I don't understand why part of the delegation is turned back. The first time this happened, all of our delegates refused to cross the bridge, and the Israelis allowed everyone to go. This time, the Israelis refused completely on a few people, and our delegation was forced to choose between going without them or returning. We didn't want to be accused of delay by the Americans, therefore we decided to go without them."

Baker asked, "What were the reasons given?" Faisal responded, "nothing."

Baker responded, "I have three comments:

1. There is nothing we can do about a practice that we do not approve of, or about administrative detention. The only way to progress on these issues is through the peace process, and with self governing authority for you. I told you in the first meeting, I can't waive a wand and stop the settlements. I can't wave a wand here and stop the administrative detentions.
2. When the detention was announced about Shoubaki, I personally inquired and I am, based on what I am told by the Israelis, assured that this is something we have carried as far as we can, based on the record given to

me. I have not had an Israeli response on Mohammad Hourani.

3. You've got a delegation that started at 30 or 40 and it is now 90. The Israelis believe you are increasing your size to include people subject to arrest. I don't agree with this Israeli assessment, but I don't know why you need 90 people.
4. The four people that were denied the ability to cross the bridge by the Israelis were going to Amman. They weren't coming here."

Faisal interjected, "They are part of our delegation."

Baker interjected, "You've got a big team. Seventy people coming to the United States. Ninety people leaving the Occupied Territories." Faisal responded, "I don't know how large the Israeli delegation is." Baker responded, "I don't know either. It's not important how big your delegation is. We have to find out why the four weren't allowed to cross." Faisal responded, "Don't accept secret files from the Israelis on these issues. If the Israelis have a problem, then let them take firm, public steps to deal with them. If the allegation against these four individuals is, "resistance to occupation", then who among the delegates is not resisting occupation. All of our people are activists against the occupation."

Baker stated, "We had an understanding, that the delegation would be made up in a certain way." Faisal responded, "These people are ready to live with the Israelis in peace. Those

people that have been sent to prison are people who are resisting the occupation. I, for example, was sent to prison for these reasons. Sammi Kanaan was also sent to prison for similar reasons." Baker responded, "I'm not trying to excuse the Israelis. When Shoubaki was detained we went in on the highest levels and this is the first time I agree with the posture of the Israelis, based on the information they have given me. I can't do much for you on this."

Faisal asked, "Is it because the Israelis are refusing, or are you in fact convinced?" Baker responded, "I do not think the Israelis are lying to me in this case. I'm not excusing administrative detention. Administrative detention is inexcusable. One should have counsel, and we'll make that case ~~but I can't do more than that.~~" Baker then looked to Dennis Ross and told him to talk with the Israelis about administrative detention.

Faisal stated, "If Israeli law is that if someone can be dangerous because he is plotting to overthrow the state, the Israelis can detain and interrogate that individual and, keep him for 14 days without seeing anyone. We refuse to allow the Israelis to use these tactics against our team or against our bodyguards." Baker responded, "They shouldn't do this to anyone. These are violations of basic human rights standards. They ought to allow people to meet with attorneys, and they must have some semblance of due process."

Faisal stated, "This applies to everyone. The Israelis have occupied our lands for over 40 years. We cannot accept to allow the Israelis to deal with me as a negotiator on one day, and then on the second day, let them place me under arrest. It means that the Israelis can hurt anyone in the delegation. If I can talk with them about certain procedures, then there must be a "special status" for those we are naming on our team. If they have something against members of our delegation, or our support team, then they should deal with this in an open way. We cannot negotiate as a Palestinian team under occupation so long as we have no rights to protecting our team."

Dennis Ross then asked, "Have you informed the Israelis of the members of your team?" Faisal responded, "We give the names to the Consulate, who gives the names to the Embassy, who then gives the names to the Israelis." Ross stated, "The Israelis have refused to receive the list from us." Faisal stated, "Fine, we will deal with the Israelis directly, with your presence but if you ask us to deal with the Israelis without you, then I will not. You and we are under occupation. It is problem that we both have."

Margaret Tutweiler said to Baker, "You raised these issues with the Prime Minister and the Foreign Minister." Baker stated, "Yes, we discussed these in previous meetings." Ross stated, "We did not know Hourani was a member of your team. If we're going to be helpful we can't be surprised." Faisal then started to raise Shoubaki, whereupon Baker stated, "They were looking for

Shoubaki before you put him on your team." Faisal rejected this. Faisal stated, "No. Shoubaki was named on February 9th." Baker said, "They looked for him on February 2nd." Dan Kurtzer interjected, "He was turned back the same day as Hourani. Shoubaki was arrested the next day. We didn't know he was a member of the delegation until he was turned back from the bridge." Faisal stated, "Ten or twelve days after he was turned back from the bridge, the Israelis arrested Jamal Shoubaki. He is part of our political committee. We are challenging the Israelis. If they have anything against Jamal Shoubaki, we would like to see it. They cannot arrest him without allowing him an attorney, and the Red Cross into see him." Baker asked Ross, "Have we weighed in?" Ross responded, "we can." Baker then said to Faisal, "We will weigh in, on the Red Cross and on an attorney. Also, because they are on the delegation, we can say to the Israelis that you either charge them or release them."

Faisal said, "We are sending a list. These people that we are sending on the list are our grassroots supporters, and have grassroots constituencies. They protect us. We want them to keep in touch so that they can see that we are not selling out and that they can see what we are doing, so that they can keep the grassroots informed. We need these people."

Ross stated, "It very much helps to get that explanation, and for us not to be surprised."

Faisal then said, "What I have discussed thus far are the problems which the Israelis are creating. I now want to address

the problems that you are creating." Baker responded, "We can deal with these issues."

Faisal continued, "There are three factions ^{but make the delegation} ~~on the ground~~:

1. Supporters of Fatah;
2. Supporters of the ex-Communist party;
3. Supports of the ~~PLO~~ or Democratic Front.

We need to have these supporters as part of the peace process, and it's very important to have them as part of the delegation. A dentist was expelled by the Israelis from the West Bank. He was elected a member of the El Bireh Municipality. We asked for a visa for him, and we were turned down. In addition, we have the issue of the visas for Nabil Shaath and Akram. You are now asking for them to be given visas for family reasons and business considerations such as conferences." Baker stated, "We will correct this."

Faisal continued, "On the issue of Saeb Erakat, we want to finish this issue. We would like to rectify this issue." Baker responded, "I'm not sure the Israelis will sit with him. You don't want me to meet him. He's a big blow hard." Faisal responded, "Saeb is doing an excellent job with the other Arab delegations. He had problems before because he couldn't accept our leadership."

Baker stated, "The last time I heard him, he said we are the PLO. I cannot sit with him." Faisal responded, "He was part of our delegation in Moscow." Ross retorted, "We didn't accredit anyone in Moscow, and we didn't see him." Baker stated, "We have

a Souk, we have chandeliers and we have rugs and you can keep trying to horse trade."

Faisal then said, "Now for the substance." Baker interjected, "I hope you are coming here with some plans this time." Faisal responded, "We believe that Shamir will not withdraw from one inch of land, as he has said. He is not going to talk about peace. He is not interested in land for peace or peace for watermelons. Shamir is opposing us, yet he is able to negotiate with the other Arabs and with the Palestinians. In light of the fact that he is able to maintain his hard line and still deal with the Arab states, why would the Israelis elect anyone else? He takes all, and he gives nothing. We are strengthening the Israeli extremists and weakening the Israeli moderates by our dealing with him. And we are doing the same thing on the Palestinian side. This forces us to lose control over our own people, and you'll face further instability. This is against your interests."

Baker responded, "I understand the argument. I don't agree, however. I don't know the Israeli political scene but I have been heavily involved in politics here for over 15 years. The worst thing you could do is walk away. That would strengthen him. He could say the Palestinians are unwilling to talk. It is fluid with the Israelis today more fluid within the last 24 hours, with Rabin's ascension than it was prior to that. If you're interested in changing governments, you've got a fluid situation. Avoid doing anything that'd strengthen the hard

liners. Therefore, don't give them any excuse. Engage the Israelis on substance. Start on Monday. Challenge them. They've got plans they're ready to talk about."

Faisal responded, "We came with substance. The Israeli's retreated, and said, let's see next time. Let's get together next month. And in the interim the Israelis can say that we are dealing with the Arabs." Baker responded, "If he is running against a strong candidate, it's a heck of a lot better for you to be substantively engaged as part of the process." Ross added, "The key is, you need to convey that you are serious. If a realistic deal is possible, we must have a real choice and a real chance. If you present realistic ideas, then they can't say that the lack of progress is because of you." Baker added, "If you say, we'll hold off until after the Israeli elections, that will only strengthen the hard liners in Israel."

Faisal stated, "Go on with the whole procedure now, during the next two months, within your policy. We would like to discuss settlements with the Israelis." Baker responded, "Fine, within the negotiations." Faisal responded, "Okay, in the negotiations we will say that item number 1 is settlements. If we do this, don't tell us to put the settlement issue aside and to deal with the other issues. Let us deal on the settlements first. The argument and the clash on the settlements issue will be in two places: 1) at the table and 2) on the ground. On the ground, a wide circle of Israelis will support us." Baker responded, "It's no problem, so long as you don't do it at the

expense of progress on the self government arrangements. If you insist on settlements first, that is dumb, because you won't get a settlement freeze. We're holding firm on our position on the loan guarantees. Don't believe all you read in the Israeli press. If what we are trying to do happens, it will be unprecedented." Ross added, "If you want to pursue talks on a settlement freeze, and if you cannot get to substance because you insist on a settlement freeze as a condition precedent, then that is a problem. You can deal with it if you deal with real issues, while insisting on a settlement freeze."

Baker added, "You can say that here are real, practical, reasonable proposals. However, settlements remain a problem. That would be a good approach but it's a nonstarter to say stop the settlements first. It won't help if you hurt the Israeli public. See what happens in this debate Monday and Tuesday. I testify on Monday or Tuesday in Congress, and we'll see what happens. You need to know that we won't change our policy." Ross added, "There is no risk of that."

Faisal stated, "We don't want a change. We have our own contacts, and for our own reasons and for the reasons of moderate Israelis, there will be a clash between us and Shamir on the settlements." Baker asked, "Clashes on the ground?" Faisal responded, "No. It will be highlighted in different ways." Ross stated, "The way to do this is to say that a real deal is available, and the impediment to that is settlements. Make realistic proposals that reflect the kind of arrangements that

could be worked out." Faisal stated, "We can talk about our view of self government. We don't know when we'll reach that point." Baker asks, "What point?" Faisal stated, "The point where we'll withdraw from the table, and it will be clear that there is no progress, and we will present it to the Israeli public opinion and say what has happened."

Ross responded, "Be careful." Baker added, "It could back fire." Kurtzer then said, "If you raise the issue of settlements, you don't expect us to support you do you?" Faisal responded, "Don't attack us." Baker then asked Kurtzer, "I'm not following you, Dan." Faisal then added, "All I am saying is don't attack us for this tactic." Baker responded, "We've never attacked you."

Ross then said, "It makes me uneasy. It is very dangerous to manipulate someone's politics. They'll react negatively to that. If your desire is to highlight, then the way to do that is to make reasonable proposals and make clear that they are real and reasonable."

Baker added, "You need to get real, reasonable proposals. You've got to get out there what you're willing to accept. I don't know what will happen on this settlement issue when it hits."

Faisal said, "We will talk about our view and how we can see our future. The one who will talk about blocking is not the Palestinians. It is the Israelis. I will not say anything about Rabin, because it will hurt him. Tutweiler added, "That's

right." Ross stated, "The key is to engage on the substance. Your plan last time, all of it, engage on the specific issues, about the interim arrangements, and lay out your vision of peace, and what inhibits your ability to get there. You must try that first. You haven't engaged in substance yet. You're far more credible raising your concerns if there are substantive changes."

Faisal stated, "We're not letting anyone say that we're trying to hurt or stop the negotiations."

Baker stated, "You'd just say that progress isn't available because the Israelis won't stop settlements." Dennis says that if you do that, don't do that now, do it in April or May." Ross added, "Don't cut across what we are doing either. The Secretary is going to the Hill next week."

Baker then said, in very strong terms, "Don't do anything until our deal plays out. Our deal will play out before April 15th. However, if they try to attach the bill as an amendment to the Continuing Resolution, it could go on longer, but we will know where we stand by April 15th."

Kurtzer then asked, "Are you putting the political demands on the table?" Baker stated, "They'll make a public effort within Israel that we will never make progress with the settlements issue unresolved." Ross added, "Our ability to say that our ability to conclude agreements is made difficult or impossible because of settlements." Aaron Miller then stated, "Remember that you're not competing for the minds and hearts of the Israelis. Forty percent of Israelis belong to the Labor

Party, and forty percent belong to Likud. The issue is with the 20% of the undecided voters to do or say something."

Baker stated, "Substantive progress has to be underway and you must have real, substantive proposals on the table. If you do, it might have some effect. Be very careful not to cut across what we're doing. We've never done it before, we hope we can win in Congress."

Faisal asked Baker, "If there were huge, Israeli demonstrations against settlements, would that help you?"

Baker responded, "If they are Israelis, sure." Ross added, "It helps us most if there is a serious effort by you to reach agreement. That will make clear the impediment to reaching an agreement is the Israeli settlement activity."

Faisal stated, "I would like to refer to your letter stating that you are unhappy about the Palestinian response to the killing of the three Israeli soldiers. I was asked, does this hurt the peace process? My response was that the Israeli army is bombing Lebanon, and they are saying publicly that their bombing of Lebanon will not hurt the peace process. My response was to ask the Israelis, not me. All of these things hurt the peace process. As a people under occupation, we have the right to use all means to resist, including armed struggle."

Baker responded, "My only point is that if you want to help the hardliners, then take a hardline position and don't say that we regret the loss of life. If you want to help the moderates,

then take a moderate position and say that you regret the loss of life, as part of peace and reconciliation."

Baker went on to say, "You didn't express regret for loss of life."

Faisal continued, "For me as a negotiator I need, one, credibility from our people, so that two, I can have flexibility with the negotiations. The Israelis are doing things that hurt our credibility."

Baker said, "I can't do anything about administrative detentions. The settlement loan guarantees would have gone through last September if I hadn't stopped it. So don't say that we didn't do something." Faisal interjected, "You can explain that here, but it is hard to explain to a woman and her three children who were kicked out of their very modest home in Silwan."

Baker responded, "I agree. There is a lot we don't agree with that we can't affect." Faisal added, "I was forced to forcibly try to remove settlers from these homes in Silwan, because I had to attempt to keep my credibility. This is not my style, but they put us in this position." Faisal added, "I talk for Israelis and Palestinians. Therefore, the way we talked was to show that we are going to the peace process to stop these things. But I can't condemn this sort of attack."

Baker said, "Well, you need the extra visa. You raised the Saeb issue and you have the issue of the people turned back today. I'll consider these issues, and I will deal with the

question of the attorneys and the Red Cross for those under administrative detention. On Saeb, I won't sit with him." Tutweiler then added, "On administrative detention, every day we say our policy publicly."

Baker then got up and ended the meeting after approximately an hour. He thanked Faisal for coming and shook his hand, shook our hands and left.

The meeting concluded at approximately 6:35 p.m.