

**Four days in January:
Lessons, not change, from the Palestine Papers**

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Abstract

The leak of the Palestine Papers in late January 2011 offered prospects for a game changer in the Israeli-Palestinian conflict; unfortunately the leak fell on deaf ears. The previously classified documents detail the last ten years of negotiations between the Israeli's, Palestinians, and affiliated parties. The leak itself does not offer prospects for changing the scope of the conflict but rather the realities of the negotiations exposed by the papers offer up the possibility for change. Through the documents it becomes apparent that the peace process itself has actually been part of maintaining the status quo rather than changing it in any way, and that this has also resulted in deep internal division within the Palestinian political structure. The papers reveal a silent peace process, an alliance between the US, Israel and Fatah, they demonstrate how Hamas was sidelined from the negotiations process, and how lack of Israeli compromise has since resulted in a breakdown of Fatah's legitimacy. The lack of effort on the part of the media to examine the full scope of the papers, analyze them, and discuss them in a scholarly manner, resulted in limited coverage and a tendency to sensationalize the leak.

Almost no progress has been made on the major permanent status issues of security, refugees, Jerusalem, and borders/territory in the four years since the late 2007 Annapolis negotiations. There are many unanswered questions over how the conceptualization of sovereignty will ultimately play into resolution of the conflict. The papers represent only a Palestinian/Fatah viewpoint and so much of the story still remains to be told. While the US and Israel still remain the dominant force in the conflict the resignation of lead Palestinian negotiator Saeb Erekat, formation of a coalition government between Hamas and Fatah, and call for elections in 2011 demonstrate that the Palestine Papers will continue to have a lasting impact but only as far as the international community will let them.

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Listening with deaf ears

Amidst a hotbed of activity in the surrounding region the peace-process between the Israeli's and Palestinians began 2011 at a virtual standstill. In late January 2011 popular news outlets Al-Jazeera and The Guardian jointly released approximately 1,700 previously classified documents from the last 10 years of negotiations. They are known as the Palestine Papers. The leak of this information follows a lineage in the new age of Wikileaks. Furthermore, it appears logical in the wake of multiple Arab world uprisings, revolts, and protests in recent months.

Unfortunately, the spontaneity and severity of these other events has virtually buried news about the Palestine Papers as the world seems almost tired of dealing with decades old issue even after some of its secrets became revealed.

The Palestine Papers themselves do not disrupt the status quo. In fact it is argued that the status quo is actually maintained by the peace process, evidence of which is innumerable throughout the papers. Instead, the Palestine Papers confirm to the world at large the suspicions all along; that what we called a peace process had little to do with peace or a process at all. The documents fail to upset the basic calculations of power that govern this issue. However, they do serve to demonstrate the deep divisions in the Palestinian political atmosphere and suggest that the way forward may not be through Israel or the US as it has been in the past, but alternatively with reform of the Palestinian government. From the Palestine papers a clearer picture is painted of the "silent peace process" that went on between the US, Israel, and Fatah. The divisions between Fatah and Hamas that aided in keeping Hamas out of the negotiations are all the more obvious. Hamas, illegitimate and nonnegotiable to Israel and the US, has an equally illegitimate counterpart in Fatah, which, as a result of the papers is likely to suffer in terms of legitimacy to the Palestinian people, stagnating negotiations. Finally, the general lack of and unwillingness on

the part of Israel to compromise at all played a major role in dismantling the Palestinian political structure as it stands today.

The role of the media in the dissemination of the Palestine papers was instrumental. Co-released by both Al-Jazeera and The Guardian the hope was that these papers would someone be a game changer in the Israeli-Palestinian conflict. Unfortunately the papers have suffered from a number of setbacks that have sidelined them from making the impact many might have hoped for. Among these are the regional uprisings of the so-called Arab Spring that drew attention from major media outlets, specifically Al Jazeera who has a regional base, and focused their attention to more immediate and developing stories. Additionally, the lack of time put in to reporting on and disseminating the Palestine Papers, brought on by a combination of the regional events or presumes lack of interest means that in the interim the Palestine Papers lack the thorough analysis and scholarly discussion they require and deserve. The limited scope of journalistic reporting resulted in a very narrow focus on the documents that were released, reducing the sample to a cache of meeting minutes with sparse addition from other relevant papers. Finally, the sensationalism evoked upon this minimalist viewpoint does a disservice to the dissemination of the papers and their effectiveness and relevance as it pertains to the Israeli-Palestinian conflict. The following discussion attempts to right some of these wrongs by looking into the “silent-peace process” told through a more thorough review of what was in the meeting minutes that the news agencies missed.

The public is aware that since the Annapolis Conference, hosted by former US President George W. Bush in November 2007, there have been no major negotiations held between the Israeli and Palestinians. The release of the Palestine Papers brought hope that there was some parallel narrative to the story being told the world that somehow, some way, the parties were

making progress. The release of the Palestine Papers confirms that this is not the case. Despite the optimism surrounding Barack Obama's presidency and his attempts to reach out the Arab world, namely through his speech in Cairo in 2009, the Israeli-Palestinian conflict has been for the most part out of the picture. The opposing sides remain deadlocked over borders/territory, Jerusalem, refugees, and security, the same issues they've been unable to agree upon for years. The Palestine Papers reveal that a tendency to make resolution of one permanent status issue conditional upon another has helped to dismantle the negotiations. While the parties are engaged in endless debate over the Terms of Reference for negotiations, the Palestine Papers reveal that the self-interested, politics as usual style of these careerist, party line, negotiators spells no future for the peace process unless and until the rules of the game are changed. The Palestine Papers can be the catalyst for such change only as long as they are not taken for granted.

Timeline

2007 November: George Bush, the US president, hosts peace talks between Palestinians and Israelis at Annapolis, Maryland, while Hamas still holds control over Gaza.

2008 January: Israel steps up military actions on Gaza and Hamas, killing seven Palestinians. Olmert vows to respond to continuing rocket attacks from Gaza. Israel continues incursions into Gaza, leaving Palestinians in a humanitarian crisis without fuel, power, food and water.

January 23: Palestinians blow up part of the border at Rafah, going into Egypt and thousands of Gazans cross the border to buy food and other supplies.

February: Israel launches military campaign, codenamed Operation Hot Winter, in the Gaza Strip, resulting in the deaths of 112 Palestinians and three Israelis.

May: Tony Blair, former British prime minister, announces new peace initiative based on the ideas of the Peace Valley plan.

December: Israel launches Operation Cast Lead, a full scale invasion of the Gaza Strip in response to rocket attacks by Palestinian armed groups. Some 1400 Palestinians are killed, many of them civilians. After 22 days of fighting, Israel and Hamas each declare separate unilateral ceasefires.

2009 March: Binyamin Netanyahu assumes office as Israeli prime minister following parliamentary elections.

April 3: United Nations establishes a fact-finding mission on the Gaza war, headed by Richard Goldstone, an international jurist from South Africa.

June 4: Barack Obama, the US president, calls for a "new beginning between the United States and Muslims" in a historic speech in Cairo.

September 15: Goldstone releases his report, accusing both Israel and Hamas of war crimes and possible crimes against humanity during the Gaza war.

November 3: The US House of Representatives overwhelmingly passes a resolution denouncing the Goldstone report as "irredeemably biased and unworthy of further consideration or legitimacy."

November: Netanyahu announces a 10-month so-called freeze on construction in illegal West Bank settlements. The freeze does not apply to East Jerusalem.

2010 January: Israel resumes air strikes against smuggling-tunnels on the Gaza-Egypt border.

May 31: Israel violently intercepts a Gaza-bound aid flotilla, killing nine activists on board the Mavi Marmara, the lead vessel.

September 22: United Nations Human Rights Council terms the Israeli raid on the Gaza flotilla "disproportionate" and condemns its "unacceptable level of brutality."

September: Another round of direct negotiations between the Israeli and Palestinian leadership begins. The talks collapse in the same month after Israel refuses to extend the freeze on settlement construction in the West Bank.

2011 January 23: Al Jazeera releases The Palestine Papers, revealing a trove of documents, e-mails and minutes of meetings, shedding light on 10 years of negotiations between Israel and the Palestinians.

(Timeline: Palestine-Israel conflict)

Negotiators

Israeli	Palestinian
Tzipi Livni Former Israeli foreign minister; current opposition leader and head of Kadima party	Saeb Erekat Chief negotiator, Palestinian Authority
Ehud Olmert Former Israeli Prime Minister	Ahmed Qurei Former prime minister; former Palestinian Authority chief negotiator
Udi Dekel Former head of the Israeli Negotiations Unit under Prime Minister Ehud Olmert	Maen Areikat Chief Representative to the Palestine Liberation Organization (PLO) mission to the United States
Amos Gilad Former head of the Israeli defense ministry's political security branch and Israel's caretaker coordinator in the occupied territories	Mohammed Dahlan Former leader of Fatah in the Gaza Strip and, since August 2009, an elected member of the Fatah Central Committee
Tal Becker Senior adviser to Tzipi Livni	

(Source: Al-Jazeera)

Media coverage and sensationalism

The decision to limit analysis of the Palestine Papers to the events following the Annapolis Conference of 2007 is based primarily on the understanding that this was the last major round of negotiations that took place between the parties. Focusing on the Palestine Papers post-Annapolis helps to provide a narrative about what could appropriately be considered the “silent peace-process” that has taken place over the last three and a half years. Furthermore, bringing in the role of the media, particularly Al-Jazeera helps to demonstrate how the lack of reporting on the Palestine Papers may have contributed to their sidelining. It is worth noting that while The Guardian also participated in the joint dissemination of the Palestine Papers they are largely omitted from the following discussion, this has to do with a number of factors. Most of what The Guardian released in the way of reporting on the Palestine Papers was images of documents directing the reader to specific portions of the documents that were deemed relevant. Accompanying these images was no additional reporting or analysis. Additionally, the reporting done by The Guardian focused primarily on reactions to the documents and what the documents revealed rather than the actual substance within the documents. Finally, what useful sources could be taken from The Guardian were typically duplicates of reporting already done by Al-Jazeera and even on the rare occasion they were not, still maintained a narrow focus on discussion the meeting minutes released, while giving minimal consideration to any of the other material. As such Al Jazeera’s reporting is notably more relevant and effective and is thus paramount in the discussion below.

As the rest of the world, especially Al-Jazeera, have more recently become concerned with the revolutions in Tunisia, Egypt, Libya, and now Bahrain and Yemen there has been limited amounts of additional reporting on the Palestine Papers. Unfortunately the media

reporting on the Palestine Papers appears to be primarily sensational in nature. While there are major issues referenced not only by Al-Jazeera but also other sources they tend to focus on meeting minutes in negotiations between the two sides. Certainly the meeting minutes do provide a certain amount of insight and because the discussions summarized by the meeting minutes are not formal hard documents or agreements the information contained in them is somewhat more exclusive. Nevertheless, the minimal discussion of the other papers which include numerous reports, drafts agreements, summaries, memos, emails and the like means that the understanding of the Palestine Papers remains cloudy. In order to get a better picture of what is told to us by the Palestine Papers it is important to go beyond the basic reporting done by the media and explore the additional wealth of sources that are available in this instance. Had it not been for the other regional issues presently occurring in the Middle East it is likely there would have been more of a scholarly discussion of the substance of the Palestine Papers. While this may be the case Al-Jazeera's reporting and the particular papers they focus on is an effective backdrop for a broader discussion of the papers as a whole.

To begin with Al Jazeera's role, shortly after the end of the Annapolis negotiations of November 2007 a negotiation meeting between the US, Israel, and the Palestinians resulted in some stark realizations about the fate of the Palestinian refugees. Tzipi Livni, then Israeli Foreign Minister, told Palestinian negotiators that were obligated to provide for any and all Palestinian refugees. To support this claim she asserted that once a decision was reached on Palestinian territory that territory became satisfied the rights for all Palestinians, regardless of where they once lived. Surprisingly this becomes a reality accepted by Palestinian negotiators as Saeb Erekat indicated in an October 2009 meeting that the Palestinians must be made aware that not all the refugees would be able to return. Moreover, Erekat reaffirms these sentiments in

negotiations with the US where he refers to a “symbolic number” of refugees returning. That “symbolic number” could possibly be based on a proposal made by Former Israeli Prime Minister Ehud Olmert who stated that Israel might agree to allow 5,000 refugees total, 1,000 a year for 5 years. The percentage of refugees this “symbolic number” refers to is a mere .01% of the 5 million Palestinian refugees in existence (Arian, “PA selling short the refugees”). While it is certainly relevant that such a limited number of refugees would be allowed, and that the Palestinian negotiators would agree to it there is more to the story here. Considerations about the peace process, sovereignty, power, and other overarching themes are missing from the reporting and serve to make it ineffective.

To continue, in early 2008 at a meeting between the two sides Tzipi Livni “tells Palestinian negotiator Saeb Erekat that he will have to accept an Israeli military presence in the West Bank” (Carlstrom, “Demanding a demilitarized state”). This position is reiterated in July of the same year when Udi Dekel, a senior adviser to then-Israeli Prime Minister Ehud Olmert states that “the Palestinians would have no choice but to accept a long term Israeli presence in their state” (Carlstrom, “Demanding a demilitarized state”). Erekat, for the Palestinians, attempts to compromise on the issue by accepting a presence of US and European or other multinational forces. Still the Israeli’s reject this and make the claim that their “interest in demilitarization is driven by fear” (Carlstrom, “Demanding a demilitarized state”). The negotiations over demilitarization expand into airspace with Livni stating that Palestinians will “have to share control with Israel” and subject themselves to Israeli actions in that airspace. When the Qurei rejects this distortion of sovereignty, Livni taunts him by targeting his dignity and implying that in order to maintain it he has to make concession on even the most fundamentally agreed upon international principles. At the same meeting in May 2008 the

Israeli's also sought to exercise control over what forces the Palestinians would be allowed to maintain for the purpose of security. Simply put the Israeli's took the position that the Palestinians would not require a military and that as long as law and order could be maintained whatever forces were necessary for that would be sufficient. Of course this is all done in the interest of Israeli security that is disproportionate by comparison through the double standards maintained towards Palestinian security (Carlstrom, "Demanding a demilitarized state"). Here again there is a missing discussion about the relevance of sovereignty to the matter.

One of the major obstacles for both sides also has to do with media coverage not only after the release of the Palestine Papers but also in years past. In a number of meetings that took place throughout 2008 both the Palestinians and the Israelis complain about Al-Jazeera's view on Hamas (Carlstrom, "The PA vs. Al-Jazeera"). In addition Al-Jazeera's reporting on the progress of the negotiations could also serve as a means by which Hamas is strengthened due to negative press about Israeli demands and PA concessions. Despite the less than favorable views of Al-Jazeera held by both Israel and the PA at least one source from the leaked Palestine Papers deems the PA's own media performance during the late 2008 and early 2009 Gaza War as poor (Carlstrom, "The PA vs. Al Jazeera").

It is not farfetched to make a connection between the progress of the negotiations and the political goals of the major negotiating parties. With Hamas declared a terrorist organization by both the US and Israel, and the political opponent of the moderate Palestinian party Fatah, the three major players find common ground in their mutual enemy. It goes back to the old saying of "the enemy of my enemy is my friend." With the Palestinians politically divided both the US and Israel have been able to manipulate the interests of the Palestinian delegation that is more agreeable to their formula for resolution. As a political actor Fatah is of course interested in one

thing and that is power. With a moderate stance Fatah has become the Palestinian “friend” or the US and Israel while Hamas has been cast aside. The US and Israel bolster the power of Fatah by bringing them into the fold and in turn Fatah concedes to the demands of Israel and the US. In a sense one of the paths to statehood marked by the US and Israel has been to promote a Fatah fronted destruction of Hamas. Evidence of promoting Fatah against Hamas is found in meetings held in February, April, May, and June of 2008 and again references in September 2009 (Al-Arian, “Erekat: “I can’t stand Hamas”). Given that the article “The PA versus Al Jazeera” shed light on the medias apparent favoritism over Hamas it is surprising that Al Jazeera chooses not to elaborate further on the relationship between Israel, the US, and Fatah and how that plays into an anti-Hamas anti-Al Jazeera sentiment.

One notable incident that occurred throughout mid-2008 revealed negotiations between Hamas and Israel over a swap of Hamas prisoners in exchange for a sole Israeli prisoner. Parallel negotiations took place between Israel and Fatah over the same issue. The problem is that the relationship between Israel and Fatah is much stronger than any relationship Israel has with Hamas. This resulted in a series of bargaining agreements that led to the release of far less prisoners than the Palestinians expected. The idea was that Israel and Fatah wanted to release a portion of the prisoners large enough to bolster the moderate Palestinian party. Had Israel cut a deal with Hamas over the release of Gilad Shalit, the sole Israeli prisoner, it is likely more Palestinians would have been released and Hamas would have walked away looking like heroes (Abunimah). While Al Jazeera is certainly reporting facts in instances like this it does serve to explain why this might upset Fatah and make them feel as though the media had a pro-Hamas stance.

Jerusalem is one of the core issues of the Israeli-Palestinian conflict but it appears to be marred by formalities where either side would refuse to discuss the issue or there would be a back and forth over exactly what issues could be discussed. One such meeting occurred in May 2008 at the King David Hotel in West Jerusalem (Al-Arian, “A glimpse into the negotiation room”). When they failed to come to an agreement on the parameters of the negotiations, negotiators would simply move on to something else. At a June 2008 meeting Former Secretary of State Condoleezza Rice makes the suggestion that the Palestinian airspace is too small and should alternatively be located in Jordan. Palestinian negotiators recognize this bending of the concept of sovereignty as outlandish, but there is no reason to think that Rice and Tzipi Livni, lead Israeli negotiator, are anything but serious.

While the Israeli’s were resistant to multilateralism when it came to security forces, in 2008 the Prime Minister Ehud Olmert made the suggestion that “the US along with Egypt, Jordan, and Saudi Arabia should take membership on a committee to determine the fate of the Haram al-Sharif” a disputed section of Jerusalem (Swisher). The problem with this was that with the introduction of third parties into the negotiations, additional interests were interjected. In December 2008 just before the start of the Gaza War, Erekat advised David Welch, then US Assistant Secretary of State, that the Saudi’s regarded Haram al-Sharif as all of Jerusalem possibly serving as part of the reason the proposed multilateral committee was never convened (Swisher). While the position of the Saudi’s may have been a contributing factor as to why such a committee was never convened there are other more concerning issues. In particular during the discussing of Jerusalem in October of 2009, Erekat follows a thematic lineage where he openly make concessions to what he referred to as the “biggest Yerushalayim in history” giving previously hotly contested sections of Palestinian East Jerusalem to Israel (Swisher). It is

precisely the focus on these miniscule quotes that become the definition of Al Jazeera's reporting style on the Palestine Papers. Rather than reporting on the substance of a variety of documents in an attempt to decode them and make their contents useful the reporting style only serves to incite anger and stifle negotiations further.

On the topic of borders and population transfers it may be easier to understand what is going on in the mid of Israeli negotiators if we consider the sentiments expressed by Tzipi Livni. Just before the late 2007 Annapolis negotiations, which are the backdrop for the revision of history invoked by this work, Livni states, "I was the Minister of Justice. I am a lawyer...But I am against law – international law in particular. Law in general" (Livni: A lawyer against law?). Typically it is in the best academic interests to avoid making such a point utilizing such a sensational statement. Nevertheless, the point is to sensationalize, not to construct a profile of how the Israeli delegation actually approaches negotiations. Some believe that "given the imbalance of power between the occupied and the occupier, international law and the concepts of justice are the last refuges for Palestinians" (Livni: A Lawyer against law?). However, as a political actor the refuges of Palestinians are not much of a concern for someone who is an agent of the political actor of Israel, and they can't really be expected to be. If the Palestinian delegations play by international law that will be their choice. The problem is created when Israel, through the eyes of Livni should not be subject to international law while the Palestinians should, especially when the latter lack a state, the fundamental unit that would subject them to international law in the first place.

A late October 2008 Palestinian memo titled "Progress Report on Territory Negotiations" affirms the Palestinian position that proposed land swaps do not include the people living on the territory. This position is contrary to the Israeli view where territory and populations are one in

the same. In essence the Israeli position forces “tens of thousands of Arabs to choose between their citizenship and their land” (Carlstrom, “Expelling Israel’s Arab population?”). During a meeting in June 2008 Livni even went as far as to indicate, “land swaps should include Israeli Arab villages” (Carlstrom, “Expelling Israel’s Arab population?”). Despite that these Israeli Arabs are in fact citizens of Israel, Livni is focusing solely on ethnicity and not legally recognized political identity. If there is a more blatant indication of this sort of neo-Zionist position in recent rhetoric about the Israeli-Palestinian conflict it would be hard to find. While this is certainly a shocking revelation, it is the editorializing of the reporting that takes away from the true value of the documents. As one journalist writes:

What Livni is saying is clear: She never mentions ‘Jewish majority’; her objective is a Zionist state...Israel in this conception cannot be a multi-cultural state: It is fundamentally a conceptualization of differential rights for Jew and non-Jew. Minorities claiming equal political rights within a Zionist state represent an internal contradiction, a threat to this vision of a state based on special rights for Jews...

...Once the motives are understood as Zionist, it becomes clear that it entails a very different calculus of the benefits of Palestinian statehood - over the alternative motivation of preserving a Jewish majority...

...Israel devolved some control over its people to Palestinian leaderships, but never the land or its resources...

...But more pertinently, whilst Israel’s borders are not fixed, and ambiguous, Israel has been able to maintain differential rights for Jews and non-Jews. Were Israel - as a state - to be formalized, however, any minority within it, is likely to be emboldened to agitate for equal rights - whereas in their present ambiguous situation, minorities are

fearful, and cautious to raise demands, lest they be ethnically cleansed in some future 'population' swap...

...Zionists are also likely to conclude that a Palestinian state, established alongside Israel, would be active in efforts to generate international support for the principle of minority rights in Israel – and thus threaten the Zionist basis of the state by delegitimizing their state as racist. (Crooke)

The Palestinian and Israeli delegations spent a considerable amount of time negotiating their next diplomatic maneuver as opposed to actually making progress on peace. Fatah would make suggestions as to what Israel should do to improve Fatah's public image and political stance, and in turn Israel would get Fatah to make the necessary concessions on Palestinian demands. When some Gazans broke through the well known Rafah Crossing into Egypt in early 2008, Fatah negotiators, particularly former PA Prime Minister Ahmed Qurei, appeared concerned about the approval this brought to Hamas. Qurei asked Israel to reclaim the crossing and while this would seemingly be in the best interests of Israel for the sake of security, the Israeli delegation was able to use it as leverage against Fatah. Expressing a willingness to abide by the Palestinian request, Tzipi Livni, on behalf of Israel, suggested that Israel would comply if Fatah would agree with terms of a new peace agreement. While no concrete peace agreement came as a result, the ongoing cooperation between Fatah and Israel chronicles the nurturing of their special relationship.

One of the more scathing reports is revealed in a 28 January 2011 report from Al Jazeera titled "PA's foreknowledge of the Gaza War?" In it the journalist David Poort reviews a number of the Palestine papers that seem to blatantly indicate that Fatah leaders were aware of Israel's pending invasion of the Gaza Strip. The late December 2008 and early January 2009 Israeli

military operation, Operation Cast Lead, has been widely considered the “Gaza War” but has also been referred to by some as a “massacre.” The operation was so severe that it led to a report by the UN Human Rights Commission (UNHRC) called the Goldstone Report. The Goldstone Report criticizes both Israel and Palestine, particularly Hamas, for human rights violations. The significance in the Palestine Papers is that meetings held in October 2009, shortly after the release of the Goldstone Report, find Saeb Erekat, lead Palestinian negotiator, making reference to a request by Israel right before the late 2008 attacks began to have Palestinian Fatah leader Mahmoud Abbas ride with Israel into Gaza. Though Abbas declined the invitation from Israel the fact that he was aware of the imminent invasion and said or did nothing is just as bad. Earlier reports that were also leaked indicate that Israel had discussed with both Fatah and Egypt the possibility of occupying Gaza following the fall of Hamas. While both parties obviously declined, this leak in particular provides insight in the parallel narrative exposed by the Palestine Papers but Al Jazeera largely ignores that in favor of sensationalism. Even in the early months of 2008 following the Annapolis Conference, Israel was hinting at an inevitable clash with Hamas in Gaza.

A mid-2008 meeting between negotiators from the two sides produced what has come to be known as the “Napkin Map.” The map is referred to as such because it was based on map proposed by Israel that Mahmoud Abbas requested, but was declined a copy of, and therefore had to render a drawing of the proposed map onto a napkin. While the map is notable for its proposed divisions of territory one particularly concerning point is on the matter of sovereignty. At the meeting in which the Napkin Map was rendered then Israeli Prime Minister Ehud Olmert “proposed a ‘safe passage’ – a territorial link between the West bank and Gaza – that would be

under Palestinian control yet remain under Israeli sovereignty” (Carlstrom, “The “napkin map” revealed”).

These sorts of interactions between Fatah and Israel are only partially telling of the true nature of the back room politics. While the media, in particular Al Jazeera, will report the camaraderie between the two sides as somewhat of a shock it really comes as no surprise when analyzing the political landscape. Tzipi Livni, the Former Israeli Foreign Minister, and member of Israel’s more moderate Kadima party, was viewed as especially friendly to the moderate Palestinian party, Fatah. However, leaked documents demonstrate that she still supported hard-line Israeli policy which called for the transfer of Palestinian-Israeli villages to a new state of Palestine, despite the fact that this would effectively displace more Palestinians. Livni also hold the same hard-line Israeli positions on the issues of refugees, territory, and demilitarization of the Palestinian state. (Poort, “Qurei to Livni: “I’d vote for you”)

Even though such position are, or at least should be, contrary to what any Palestinian leader would be in favor of, the fact that Fatah saw Kadima as their partner and vice versa is merely politics as usual. Israeli’s politicians, generally speaking, are opposed to Hamas, so that makes Fatah immediately more attractive. Fatah is also opposed to Hamas as they represent the party’s main political opponent. As Fatah would rather have a moderate Israeli party in power this makes Kadima more attractive. What results is that Kadima has to play to their Israeli constituents to gain favor with them but must also maintain their favorability with the Fatah as representatives of the Palestinians. On the other hand Fatah must do the same in appearing the desirable party for the Palestinian people but appeasing Kadima enough to the extent that that remains negotiating partners.

The problem is that the Israeli's be they Kadima, Likud, or Labor already have a state while the Palestinians do not. This means that the Palestinians have a greater stake in the negotiations for peace and a solution, be it one-state or two-state, than the Israeli's. This is the reason concessions are so often made on the part of Fatah but rarely on the part of Israel, Kadima or otherwise. This is not to say of course that Fatah's weak leadership is commendable in preserving the interests of the Palestinians. Fatah is after all a political actor and is doing what is best in its baseline interest, power. While corroborating with Israel may lead to Fatah falling out of favor with the Palestinians they represent, there is no reason to believe that another party will replace them as the main Palestinian negotiating body with Israel and the US. This maintains the status quo power structure. Fatah uses Kadima, and Israel at large to put down their opposition, Hamas, while Israel bolsters Fatah to make it appear the legitimate representative of the Palestinian people, while Fatah signs over all of the Palestinian demands simply to remain favorable to the more powerful west.

In June of 2009 an email exchange between Erekat and the Palestinians Negotiation Support Unit recounted a meeting between Mahmoud Abbas and Obama where Abbas detailed the risks of decision-making to the US President. On the one hand Abbas said that Obama could call for an Israeli settlement freeze that would go unenforced, or he could proclaim opposition not to Israel, but their actions. The former, Abbas warned, would likely radicalize the Palestinian population. Of course the former is what the US went with. A settlement freeze was agreed to but unenforced, settlements continued and when the building activity slowed it was often because developers were running out of room, not because the settlements were frozen (Carlstrom, "Deep frustrations with Obama"). Here again, it is not so much that the information in the email is irrelevant, but more about the fact that the information comes from an email.

With the diversity in documentation presented by the Palestine Papers some of the more personal exchanges like emails and meeting minutes are of particular interest. However, in the grand scheme of the whole cache of papers the repeated concentration on emails and meeting minutes really does the leak of the Palestine Papers no justice. Amidst the frustrations with Obama, Mahmoud Abbas, the Palestinian Prime Minister threatened to resign partly due to failure to make any progress on a peace plan (US sidelined Palestinian democracy). Additionally, the Palestinian PM was upset over the stalemate with Hamas over the shape of internal Palestinian politics. Faced with the threat of losing their Palestinian ally the US spent much of the latter half of 2009 extending a hand to Abbas, whether it was to boost the public image of the PA or host bilateral talks between Fatah and Hamas (Abunimah, “US sidelined Palestinian democracy”).

Reports and analysis of the Palestine Papers conducted by Al Jazeera demonstrate the great extent to which the Israeli’s and Fatah were willing to go in their collaboration efforts. Connecting a dialogue throughout some of the Palestine papers dating back to negotiations at Annapolis in late 2008, it is very clear “the extent to which the PA linked the fate of Hamas with its own political survival” (Poort, “The al-Maldhoun assassination”). Interestingly enough, “the Palestine Papers show how the Al Aqsa Martyr’s Brigade, once the spearhead of action against the Israeli occupation, has been transformed into a body that helps maintaining it” (Poort, “The al-Madhoun assassination”). The collaboration between Fatah and Israel was done as a means of silencing Palestinian political differences, particularly those coming from Hamas. The idea was that Fatah would be promoted as the sole authority, the only option for Palestinians in terms of representation and negotiation with Israel. Seemingly negotiators hoped this would eventually create a de facto peace agreement and acceptance of the status quo as fate. Fatah members

argued that the consent to work with Israel particularly on security measures was a means of legitimizing the Palestinian leadership and demonstrating their monopoly on the use of force.

Documented meetings from September and October of 2009 indicate that US envoy George Mitchell told Palestinian chief negotiator Saeb Erekat that previous agreements made with the Bush Administration were “nonbinding.” The particular agreement that Mitchell was referring to was the one outlined in the 2003 “Road Map” whereby a Palestinian state would come into being along the 1967 lines. The reality is that both Israeli’s and Palestinians were upset about the logistics of the agreement. Israel did not want to go back to the 1967 lines because it would separate “Israel as it was established in 1948 from the West Bank and Gaza Strip where Palestinians hoped to have their state” (Abunimah, “A dangerous shift on 1967 lines”). On the other hand the Palestinians objected to the Obama Administration’s reimagining of what had previously been agreed to. Obama promised in a September 2009 speech at the UN that the Palestinians would have a contiguous state and that the Israeli’s would have security. In the mind of Palestinian negotiators he was neglecting to mention that “the intended outcome of negotiations would be a Palestinian state on the 1967 borders with a third party security role and a staged Israeli withdrawal” (Abunimah, “A dangerous shift on 1967 lines”). Al Jazeera pulls its conclusions not from the actual agreements or resolutions leaked with the Palestine Papers but instead from emails, meeting minutes, and other casual exchanges. The endorsement of Israel as a Jewish state by Obama yet his failure to commit to the 1967 borders for the Palestinians was viewed by Palestinian negotiators as an abandonment of the Road Map. The US instead introduced the phrase “equivalent in value” meaning that a final agreement would give Palestinians an area equivalent to the West Bank and Gaza but that this area was basically subject to Israeli approval. The Obama Administration had pushed aside the work of the Bush

Administrations work and basically started the negotiation process from scratch, using only those components that fit their own agenda.

A few days before the spectacle at the UN Saeb Erekat argued, “Obama’s failure to secure a complete settlement freeze from the Israeli government would damage the credibility of the young administration” (Carlstrom, “Deep frustrations with Obama”). This is obviously an attempt by Palestinians negotiators to convince the Obama Administration that their interests are at stake. Yet David Hale, an envoy for the US, writes this off claiming that a sovereign government cannot be forced. Notably this position by the Obama Administration that sovereignty cannot be forced is contrary to the position taken by Condoleezza Rice from the Bush Administration when she had, a couple of years earlier, made the suggestion that the Palestinians put their airspace in Jordan. The concerns of the Obama Administration are indicative of a government concerned with credibility but unwilling to back up that concern with substance. While the Administration made an attempt to bring Palestinians back into negotiations they did not make a conscious effort to pick up where the Bush Administration left off and weather the storm of the complex conflict resolution.

Despite the frustrations with Obama the Palestinians were nevertheless cooperating with his Administration. In a meeting in late September 2009 US negotiators pressured Palestinian negotiators into delaying a vote on the Goldstone report in hopes of bringing Israel back to the negotiating table. The Goldstone Report is of course the UN investigation into the December 2008/January 2009 conflict known as the Gaza War. The report ultimately declared that both Hamas and Israel were guilty of war crimes. The US wanted the Palestinians to delay a vote on the Goldstone Report at the UN to appease the Israeli’s who were likely to be more reluctant to negotiate after having received negative press from being investigated for war crimes. The

Palestinians sought a number of commitments from the US on the parameters of the negotiations including the matters of borders and Jerusalem. The US was able to pressure the Palestinians into making such concessions because it was in the best interests for them to make nice with Israel so that negotiations could continue and a final settlement could be reached. Knowing that the Palestinians relied on Israeli participation to come to a final agreement the US managed to get the Palestinians to agree not to prosecute Israel for war crimes and to delay a vote on the Goldstone Report (Mustafa, “PA stonewalled the Goldstone vote”). While this damaged the credibility of the Palestinian delegation to their constituents, and Palestinian negotiators believed it would gain them favor with the US and Israel in negotiations. Whether or not it actually has is more or less unclear. Still it is the use of terminology such as “stonewalled” by Al Jazeera that really creates a conflict between their agency and the Palestinian Authority. Granted, the PA did in fact delay the Goldstone vote but it is apparent that Al Jazeera is looking more to be an actor when it comes to the Israeli-Palestinian conflict than it is to be a legitimate unbiased media source.

The papers also reveal that the PA was “critical, mistrustful and fearful of [their] Arab neighbors” (Carlstrom, “The region is slipping away”). Most of the criticism arises from feelings negotiators have that nations in the region are trying to undermine the legitimacy of the PA. From Qatar, to Saudi Arabia, to Egypt, PA negotiators have complaints about the actions of their neighbors, particularly when it comes to their relations with Hamas. Despite the close US-Egyptian and US-Saudi relationships, and the fact that both those nations are at peace with Israel, it appears that they still pose a threat to Fatah whether it is through government policy or the cult of public opinion.

More disturbing is the willingness of the Palestinian delegation to willingly and knowingly make concessions on Jerusalem that represents a literal surrendering of Palestinian demands. Saeb Erekat made the extent concessions clear in early 2010, shortly after the release of the Goldstone Report, where he gave up Palestinian claims to basically all of Jerusalem, particularly the eastern part, and staked a claim only to Haram al-Sharif, the Temple Mount (Abdullah). Additional reporting by Al-Jazeera reveals that such concessions were actually based in tradition dating back a few years. The settlement activity for which the PA negotiators seem to so virulently oppose resulted in part from the Palestinian approval of Israel's annexation of settlements (Poort, "The biggest Yerushalayim"). In return the Palestinians got nothing. In fact discussion on Jerusalem at meetings throughout 2008 and 2009 was made taboo by Israeli negotiators who refused to even consider the matter unless they got what they wanted. The debate boils over into claims in the West Bank and while the Palestinians maintain a stronger position on these the reality is when it comes to the settlements "the Palestinian negotiators cannot accept them, and Israeli negotiators cannot dismantle them" (Poort, "The biggest Yerushalayim"). Even when the PA offers to allow the settlements to remain within the territory of a Palestinian state the Israeli's refuse. With no political will to dismantle them, allow them to remain, or compromise, the status quo is maintained.

The PA did employ an interesting strategy in an attempt to upset the status quo. Beginning in the post-Annapolis era and continuing all the way into 2010, Palestinian negotiators threatened reverting to a one-state solution if an agreement could not be reached. In some instances this strategy did work to make Israel budge but ultimately ended up in the same place with Israel refusing to dismantle settlements and Palestinians refusing to accept them. The reality is that while the settlements may be illegal and the Palestinians may be able to use the

one-state solution as a threat, Israel and the US controls the power, rendering opposition futile. Despite the unwillingness of Israel and the US to accept the one-state solution and the inability of the PA to force the issue, evidence does suggest approval of the idea is on the rise with the Palestinian public (Poort, “The threat of a one-state solution”). Those endorsing a one-state solution such as embattled Libyan leader Muammar Qaddafi pointed to the irreconcilable differences between Israeli security concerns and Palestinian refugees as reasons a one-state solution might be the best and viable alternative. While settlement activity continues, albeit at varying rates, the PA may push for a one-state solution but will again be met with the stagnation of the status quo (Poort, “The threat of a one-state solution”).

The silent peace process

With Al Jazeera’s reporting and analysis style laid out the next variable that the Palestine papers introduce is the “silent peace process.” This process is not exclusively that which can be deciphered from reading the Palestine Papers, it is deeper than that. The silent peace process also has to do with the untold story behind many of the sources Al Jazeera focused on for their reporting. It has been said that Al Jazeera’s narrow scope, focus on a minimal and specific set of the documents, and sensationalism have clouded the discussion around them and hindered the possibilities of their potential impact. What can be gained from taking a closer look at the documents used by Al Jazeera is that there is much more to them than meets the eye when it comes to the media reporting. Many of the events and discussion overlap those already revealed in the previous section but delve deeper into the minutes of meetings utilized by Al Jazeera and pull out more substantial meaning.

Beginning with preparation for the Annapolis Conference the Israeli’s and Palestinians met at a November 13, 2007 Negotiation Team Meeting to lay out the principles of the

Annapolis negotiations. The “Terms of Reference” desired by the Palestinians are UNSCR 242 and 338 as well as the Roadmap. The Israeli’s Term’s of Reference were simply the principles of the Quartet. The problem at this meeting arose over Israeli displeasure with the Palestinians inclusion of the Arab Peace Initiative, international law, and UNSCR 1515, 1397, and 194 as additional Terms of Reference. The primary issue seems to be over the inclusion of the Arab Peace Initiative. The initiative, which was agreed upon in 2003 amidst a meeting of the Arab League in Tehran, Iran sets out, among a number of other plans, a goal of regional normalizations with Israel. When it comes to including this as TOR for the Annapolis Conference Israel objects because their primary concern is resolution of the Israeli-Palestinian Conflict as a means of normalization with the Arab world. Instead the API calls for a bilateral regional process of normalization that does not necessarily prioritize Palestine. (Meeting Minutes: 8th Negotiation Team Meeting)

One element of the negotiations that is particularly problematic is the tendency of the parties to compartmentalize the issues. There is evidence to support this shortly after the end of the Annapolis Conference in a meeting between the two sides in late January 2008. At this meeting the focus is on Jerusalem, and while the parties include brief discussion on the structure of negotiations and other permanent status issues, they are mentioned only insofar as they are relevant to the primary topic, Jerusalem (Meeting Minutes: Ahmad Qurei, Saeb Erekat and Tzipi Livni). In another meeting between Palestinian Qurei, Erekat, and Livni from the same period, the negotiators lay out exactly which issues they are going to focus on and in what context. There is endless reference to the 2003 Roadmap for Peace and the so-called Clinton Parameters of the mid-to-late 1990’s. The sides agree to focus on borders, land, Jerusalem, refugees, security, and water amidst the parameters for negotiations. However, the tendency to

compartmentalize becomes problematic, when for example, Qurei argues that if an agreement can be reached on the matters of borders, the issue of settlements will work itself out (Meeting Minutes: Ahmed Qurei, Saeb Erekat and Tzipi Livni). While the position of the Palestinians is that resolution of borders will give rise to resolution of settlement, the Israeli's, according to Livni, take the position that resolution of security will give rise to resolution of borders. The unfortunate end to all of this is progress on none of the issues and rather stagnation over the 1967 line approved by Palestinians and detested by the Israeli's. The Palestinians on the other hand argue that a two-state solution cannot be dealt with upon the precondition of security and that alternatively permanent status issues each have to be dealt within their own sphere until an agreement is reached. The Israeli's play to the Palestinians desires by stating that they will not discuss borders with the Palestinians until the Palestinians will discuss security with them. Ultimately this discussion digresses to an analysis of the regional security situation and more importantly the differences between "demilitarized" and "limited arms" state when it comes to Palestine. These terms become increasingly more relevant in the negotiations. (Meeting Minutes: Saeb Erekat, Amos Gilad, and Tzipi Livni).

Understandably the major issues for the Israeli's were security and Jerusalem, while for the Palestinians they were focused on refugees and borders/territory. As Israel certainly has the upper hand in negotiations in terms of its international standing and the relationship it has with the US it is not surprising that one of the meetings shortly after Annapolis focused on security. Primarily Israel's security concerns focus on Hamas and as Hamas are the political opponents of Fatah Israel find and ally in Fatah by concerning themselves with Hamas' control in the West Bank, Palestinian security, and the demilitarization plan. For this reason Israeli negotiators note that if Fatah as a party is to fail Hamas will move in to fill the void and for the Israeli's this is not

a viable alternative. Therefore Israel takes a serious interest in supporting Fatah and Palestinian security forces (Meeting Minutes: 4th Plenary Meeting on Territory).

Notably, negotiators on both sides even take to referring to the Gaza Strip as “Hamastan” implying that it is practically a separate entity from “Palestine” and the “Palestinians” but that it is nevertheless the responsibility of Israel and Fatah to resolve (Meeting Minutes: Post-Annapolis Security Session). The discussion of Hamas as a threat fuels the debate surrounding the concepts of an army versus a demilitarized state or a state with limited arms (Meeting Minutes: Post-Annapolis Security Session). The Israeli’s mask their concern about control over Palestinian security in an argument that they are trying to prevent Palestine from becoming a failed state (Meeting Minutes: Post-Annapolis Security Session). While Israeli negotiators go on to advocate for the demilitarized state the Palestinians argue for a state with limited arms, something more than a police force but less than an army, and also suggest the introduction of a third part security force and regional cooperation (Meeting Minutes: Post-Annapolis Security Session).

The two sides seem to realize that if negotiations remain stagnant Fatah will become weaker and therefore a permanent agreement is a necessity now more than ever. This is dangerous as Fatah realizes that the clock is ticking and becomes more flexible in negotiations in order to reach an agreement with Israel while hoping to maintain their standing in the Palestinian political arena. As one Palestinian negotiator states “we want to return to the Gaza Strip not defeated but as a legitimate authority” and later “Hamas must not feel that it is achieving daily victories...I hope that Hamas will be defeated, not militarily I mean because we didn’t try this; we didn’t engage in a civil war” (Meeting Minutes: Ahmed Qurei and Tzipi Livni). This could ultimately lead to a rushed agreement in which the Palestinian negotiators end up in a much more

compromising position. The alternative would merely be Israel's non-negotiation with Hamas and maintenance of the status-quo (Meeting Minutes: 4th Plenary Meeting on Territory). One of the means that the Israeli's and Fatah intend to use to marginalize Hamas is through addressing the question of security via the Palestinian security forces. While Israel and the Palestinian negotiators may disagree on the ultimate nature of the security forces the Palestinians certainly seem willing to meet Israel's demands because it would mean gaining the support of the US and Israel while being able to exert political and physical force against Hamas under the banner of security (Meeting Minutes: Bilateral Meeting on Security).

Not surprisingly negotiators from both sides developed quite a rapport with one another as they spent countless days trying to hash out issues that they could not come to an agreement over. The minutes of a meeting held on May 11, 2008 are telling of this cordial relationship between negotiators on opposing sides. While this is the sort of sensationalism that is typical of the media coverage, notably Al-Jazeera, there is much more that can be taken away from these meeting minutes. In this particular discussion Israeli negotiators discuss the layout of principles by which the negotiations will move forward. In total there are twelve of them. Some are similar to major issues that the parties are concerned with such as sovereignty, security, and international standards. The others relate more to the actual negotiations and include: linkages between specific issue committees and the potential peace treaty, committee agendas, committee topics, special relations, nature of the issues, topics not already covered major issues, use of experts, and preventing committee overlap. Despite the attempts to kick-start the negotiations by laying out the parameters, when it comes to actually trying to resolve the Israeli-Palestinian conflict the topic matter repeatedly turns back to ways in which Hamas can be undermined. As if it wasn't already bad enough that there are hundreds of political prisoners involved in the

conflict, Fatah and Israel make a political spectacle out of their release. Specifically, the negotiators discuss which prisoners are going to be released such that it will bolster Fatah's public image while either having no effect on or harming the image of Hamas (Meeting Minutes: Plenary Session on Prisoners, Culture of Peace and Legal).

This further extends to the discussion on security because it is believed that anything done to increase Hamas' favorability could create additional threats (Meeting Minutes: Post-Annapolis Bilaterals and Trilateral in Berlin). Similar sentiments are expressed in a meeting between Saeb Erekat and Marc Otte, an EU representative, where the former says to the latter "Reaching an agreement is a matter of survival for us. It's the way to defeat Hamas" (Meeting Minutes: Saeb Erekat and Marc Otte).

The task of negotiating the negotiations, as one might call it, is definitely not an easy one, which helps to explain why negotiations since Annapolis have been at such a stand still. On one hand it is possible to say that the politicizing of the negotiations themselves reflects the potential both sides see in the outcome of the negotiations. On the other hand the over-politicizing of the negotiation procedures makes any outcome from the negotiations increasingly more unlikely. In the minutes from this particular round of negotiations this sort of stalemate is reflected in the words of lead Palestinian negotiator Saeb Erekat. Speaking on the topic of Palestine as a sovereign nation with limited arms he explains that the Palestinian approach to negotiations is "over-protectionist at this stage, because when we speak about a country with limited arms, we cannot speak about a country with limited dignity" (Meeting Minutes: 3rd Meeting of State to State Expert Committee). It is for this reason that the Palestinians "feel the need to protect ourselves with international law, treaties, conventions" (Meeting Minutes: 3rd Meeting of State to State Expert Committee).

Territory, another contentious issue is discussed in meeting on May 29, 2008. According to the minutes of that meeting the Palestinians and Israeli's debated the issue of territory with the former taking the position of UNSCR 242 and 338 and the latter holding to the line established following the 1967 war. The Palestinians believe according to Resolution 242 that the Israeli's are not entitled to rights or settlements in the occupied territories while the Israeli's hold the opposite opinion. Alternatively, the Israeli's hold back on offers of land swaps unless they receive certain concessions from the Palestinians and bind these demands to their claims over territory incorporated after the 1967 war. (Meeting Minutes: 8th Meeting on Territory)

By the end of June 2008 the two sides are still stuck in the same cycle of compartmentalization of issues and trickle down resolutions. The Israeli's hold firm to a comprehensive understanding of the security situation that includes questions on the "army, list of arms, passages, airport and seaport, and electromagnetic spectrum" (Meeting minutes Bilateral Post-Annapolis Plenary Session). Similarly the Palestinians still maintain that once borders are resolved, resolution of the settlements question will come naturally. In an attempt to quasi-address the matter of both borders and security the Palestinians suggest introducing a third-party security force as a means of keeping Israeli soldiers out of Palestinian territory but still being able to provide adequate protection without the use of a Palestinian army. In a similar attempt to resolve the matter of settlements the Palestinians suggest the concept of "compensation for occupation" whereby Israel would pay Palestinians in order to continue to live on and occupy land that was supposed to be swapped and the land would remain under Israeli sovereignty (Meeting Minutes: Bilateral Post-Annapolis Plenary Session). At another meeting the sides address the issues of borders and Jerusalem in conjunction with each other. While Israel ties the issue of borders to security, and the Palestinians tie the issue of settlements to borders a new

dynamic that is introduced in the binding of Jerusalem to resolution of borders, and the resolution of Jerusalem to resolution of more base level disputes over infrastructure, religious lands, economy, and so forth (Meeting Minutes: General Plenary Meeting).

One of the major problems with Al Jazeera's coverage is evident in this deeper exploration of the sources they utilized. Notably the meeting minutes presented here only covers a period up to late 2008. There are many reasons for this. The first reason has to do with events out of Al Jazeera's control, namely the onset of the Israeli military's Operation Cast Lead also known as the Gaza War of late 2008 and early 2009. Reporting by Al Jazeera as noted in the previous section does highlight how the Fatah negotiators were aware of threat of Israeli military action on Hamas in Gaza. The stagnant negotiations and the oncoming military operation definitely play a role in limiting the availability of relevant sources in the late 2008 and early 2009 period for Al Jazeera to report on. Following the early 2009 Gaza War focus of the Israeli-Palestinian conflict was on the Goldstone Report, issued by the United Nation in September of 2009 that found both Hamas and Israel guilty of war crimes. Al Jazeera does report on how the Palestinian Authority worked with Israel to delay the Goldstone Report in order to prevent smearing of Israel's public image. Beyond discussion over the Gaza War and the Goldstone Report the meetings throughout the remainder of 2009 and beyond do not necessarily reveal anything particularly relevant to the prospect for Israeli-Palestinian peace. Going forward from the Goldstone Report negotiations remained at a stand still or generally nonexistent. Within nine months of Goldstone was the Gaza Flotilla Crisis in May 2010. In this instance the Israeli's fired and inflicted casualties to a set of ships on a humanitarian mission to bring aid to Gaza. These events all have a significant impact on why the scope of depth of Al Jazeera's reporting and the coverage of the Palestine Papers is so minimal.

A parallel narrative

Beyond the media coverage and beyond the silent peace process revealed in the sources used by the media is the parallel narrative. This narrative is another telling of the Palestine Papers not through the media coverage and not through their sources and the limitation to meeting minutes, but rather through a broader sampling of the documents themselves. Unfortunately, even in this case the relevance of the documents to the peace process is limited in some instances. It must be understood that the Israeli-Palestinian peace process is heavily subjected to endless repetition and as such during periods when it seems there is little to no activity it is likely because the sides are reiterating the same points they have been all along. Just as events like the Gaza War, Goldstone, and the Flotilla impact not only the scope of Al Jazeera's reporting, but also the meeting minutes, they impact the parallel narrative by limiting it to the period immediately following the Annapolis negotiations throughout 2008, and an additional period into late 2009, following the Gaza War. The cache of documents presented by the Palestine Papers cuts off in September 2010 but the only significant or notable event around that time is the Gaza Flotilla of May that same year. Still the parallel narrative below serves to fill in some of the gaps left in Al Jazeera's reporting as well as a reading between the lines of sorts when it comes to understanding the meeting minutes that were the predominant focus.

Annapolis: a new hope

Following the end of the Annapolis negotiations just a month before the Government of Israel and the Palestinian Authority drafted a document entitled "Ideas on Security." The late December 2007 document focuses on the Palestinian obligations for Israeli security. Notable the goal is for the Palestinians to prevent hostility against Israel, avoid alliances against Israel, accept an equipped and effective security force, accept an international security force, and take any

additional steps necessary to ensure security is maintained. (Palestinian Obligations for Israeli Security)

In the early months of 2008 negotiations between the parties were moving forward. A joint document released by the side in March was entitled “Agreement for Ending the Conflict.” The major goals of the document are to resolve the refugee question justly, end the occupation following the 1967 Six Day War, and ultimately create a Palestinian state. As usual the Terms of Reference for the parties remain almost exactly what they always have been. Discussion over the borders focuses on the lines established after the 1967 War. Additionally consideration is made for land swaps and a territorial link between the Palestinian lands. The borders will apply to Jerusalem, with West Jerusalem being the independent capital of Israel, with East Jerusalem serving that purpose for the Palestinians. Joint efforts would be made on matters of infrastructure. Refugees would be allowed to return, resettle, or be compensated, but much of the logistics as to how this would pan out are omitted. On matters of security Palestine would be a sovereign state with limited arms subject to the placement of an international force. On issues concerning water and economic relations the Israelis and the Palestinians agreed to cooperate. Following the signing of this proposed document more thorough negotiations on permanent status issues would be scheduled and resolution of these matters would be place into a timeline. This would ultimately lead to a normalization of Arab-Israeli relations across the regions and establishment of territorial integrity (Agreement for Ending the Conflict). A similar proposal is made in the April 2008 document “The End Game” (Proposal for Treaty – NSU Comments).

The means by which such events are going to take place are the concerns of the State-to-State Negotiations Committee which was established for the purpose of making “transitional arrangements to ensure continuous provision of services and the smooth handover of

responsibilities, relevant assets and documents as part of the process to achieving full Palestinian sovereignty” (Negotiations Principles for State-to-State negotiations Committee). The State-to-State negotiations framework fits more broadly into a proposed Israeli “Peace Process Time Line” from July 2008. The proposed timeline is a Negotiation of the Agreement, which is the current phase, followed by a Negotiation on Implementation of the Agreement, which is the transition period, then there is the Completion of Negotiations and Residual Implementation Arrangements, which is the implementation period, and finally the Day After, which is the final status and resolution. Barring any modification by the PA this is the general structure to which the parties agree to when it comes to proceeding with negotiations (Palestinian Response to Israeli Proposal for “Peace Process Time Line”).

Though this document never entered into force it is representative of one of the first products of the post-Annapolis era. Keeping to the concept of continuing negotiations on other permanent status issues, the parties held a meeting in March 2008 on security relations. At this meeting they agreed to avoid entering into alliances with parties that would be hostile to the other and to work towards creating a framework for regional security cooperation. On the nature of the security forces focus remained on limiting the extent of the Palestinians forces to fit within the guidelines of limited arms as well as the addition of an international presence to supplement the restrictions on Palestinian forces (Bilateral and Regional Security Relations). This framework of security negotiations derives itself from prior meetings such as a February 17 meeting on security, and then repeats itself in during the May 20 meeting on the “Concept for Security Relations.” During the months immediately following Annapolis, the PA produced a report highlighting their achievements made in the security sector since Annapolis. Progress was made in the areas of security reform and capacity building which resulted in successful

counterterrorism options and also saw discipline of security forces for purported violations. Furthermore, the Palestinians began joint efforts with the Israeli's (Palestinian Authority Achievements: Security Services/Police – February 2008). The achievements in the security sector also reflect more broadly on the widespread infrastructure achievements made throughout 2008 (Palestinian Progress on Infrastructure Negotiations – October 2008).

Security is not the only permanent status issue the parties negotiate. Beginning in February of 2008 they also sit down to discuss issues surrounding territory and borders. The basis for these negotiations is of course, the 1967 borders with the opportunity for land swaps. Additionally the parties discuss the need to determine the line for international borders, mainly where the international security force will be allowed to operate. This ties the concept of borders and security together. Of lesser significance are the discussions over private property and archeological sites. Both sides do resolve to give mutual recognition of sovereignty to each other and allow one another to operate as sovereign states unless otherwise limited by the context of an agreement. Just as there is a connection made by the security regime and borders over the determination of international boundaries, the borders of Jerusalem and its designation as the capital of two states, creates another connection between three of the four major issues. With concerns over borders, security, and Jerusalem, it is determined that Israel will engage in settlement evacuation and dismantling of the settlements (FAPS – Territory – February 2007).

Having discussed borders, security, and Jerusalem the remaining matter for the sides to touch upon in the post-Annapolis period is the issues of refugees. The Palestinians are seeking acknowledgement and acceptance on the part of Israel for the plight of the refugees and a joint undertaking between the two sides to resolve the refugee crisis. Similar to their more generalized proposals the Palestinians resolve to provide the refugees with resettlement,

repatriation, return, and compensation options. These options are pending stipulations from Israel as well as efforts to determine what role an international mechanism might play in resolving the refugee question (Israel and Palestine Refugee Proposal).

These sentiments echo pre-Annapolis policy demonstrated in the Joint Document on Refugees for Annapolis developed prior to the 2007 negotiating conference but not disseminated throughout the PA until May of 2008. Among some of the other issues addressed throughout negotiations on refugees is the establishment of an international funding campaign to compliment the international mechanism assisting with the refugee issues, a phasing out of the United Nations Relief and Works Agency which has been charged with handling the Palestinian refugees since its inception (Join Document on Refugees for Annapolis #1-5). The Palestinian delegation does raise issues about the particulars of the international mechanism, particularly the fact that it will be headed by the US. The PA believes this will be difficult to market to the Palestinians particularly the refugees, and that ultimately involvement of the UN or a possible joint EU-US effort will be brought to the table (Memo on US-led Mechanism for Refugees). The involvement of the EU is not something exclusively applied to the refugee issue however. It is also a solution welcomed by the Palestinians for putting pressure on Israel to curtail its human rights abuses by means of the EU duty of non-recognition for states that commit violations as well as invoking the Rules of Origin clause over Israeli goods produced in occupied territories actually belonging to Palestinians. The PA believes the EU extending a hand to Israel in developing close ties could bring about some of these necessary changes.

With regard to Israel's role in the resolution of the refugee issue there are significant questions over Israel's capacity to absorb Palestinian refugees. At a meeting held in late July 2008 the two sides discuss exactly what their options are in this case and do some forecasting for

the next 50 years. Ultimately three potential scenarios are realized. The first is a return of 41 thousand refugees a year for 15 years between 2013 and 2028 for a total of 600,000. Another option is for Israel to accept 38 thousand Palestinian a year, the total accepted in the years from 1996 to 2007. This would permit a return of 570,000 refugees. The final options presume that not all refugees would be interested in returning, and estimates a return of 2 million over the same 15 year period. In each instance the population of Palestinians in Israel increases from about 15% at the present to somewhere between 25-35% (Israel's Capacity to Absorb Palestinian Refugees). Sentiments toward the refugee issue consistently reaffirm their rights as individuals protected by international law, Israel's responsibility, repatriation, resettlement, and return options, restitution and compensation, and finally remuneration for host states (Non-Paper on Palestinian Refugees).

Concerning the refugee issues there are a number of problems on both the Israeli and Palestinian sides. The Palestinians have struggles with communication as well as with where to draw the line on the refugee matter. For the Israeli's there are questions over the legal status of the refugees and the means they will take to achieve such status and this is the basis for Israel's support of the international mechanism when it comes to handling the refugee issue. There also remain issues with the effectiveness and efficiency of the bilateral process and also means to resolve the refugee matter with other concerned parties such as host states. (Progress on the Refugee Negotiations –October 2008)

In the meantime the PA also focuses on Israeli human rights violations, to the extent they deem them ethnic cleansing. Specifically they note that Israel has expanded its settlement activities, confiscated ID cards, demolished houses, and prevented freedom of movement through use of border closures and walls (Ethnic Cleansing in Occupied East Jerusalem). To the

extent that Israeli human rights violations play into their conceptualization of a security regime, so too does the policy of settlement activity. A July 2008 PA document found that Israel had been engaging in land confiscation, settlement planning, settlement authorization, settlement construction, financing and incentives, and settlement outposts (Israeli Settlement Activity Since Annapolis). In this way it is not difficult to see how Israel's primary goal is security but as a result this also has an impact upon progress in the realms of territory and borders, as well as refugees rights.

Conflict as usual and ritualistic stagnation

A new year does not bring about any significant change in the structure of the negotiations. In regards to the permanent status issues concerns are still evident over the 1967 boundaries, border crossings, territorial linkages (specifically the sovereignty, route, nature, use, security, and implementation of them), and maritime boundaries (Joint Document 2009). Even months later when "A Guide for the Palestinian Authority – Borders – Issue Overview and Guidelines" is released in September of 2009, the issues remain the same with no significant progress having been made. Despite the stagnant nature of the negotiations, Compensation for Occupation, a concept established during the 1993 Oslo Accords, is brought to the table in September of 2009. This concept holds that in order for Palestinians to receive compensation from the Israeli government, the claimants bear the burden of proof when it comes to providing evidence that their lands were occupied. This includes collection, documentation, maintenance, and analysis of any damages caused by settlements, exploitation of natural resources, property damage, financial manipulation, human rights violations, and the like (Compensation for Occupation: PDRP Guidelines Overview).

Even on issues outside of the bilateral Israeli and Palestinian negotiations there was little to no progress. No determination on the role of the US and the international community was made and the negotiations involving such matters were basically a reiteration of those from years prior. This again goes into what role a third party, be it the US or otherwise, would have in resolving disputes over border and territory, Jerusalem, refugees, security, water, and so forth (Palestinian Response to US Proposals – Permanent Status Negotiations). Quite literally as far as the Terms of Reference go in 2009 nothing remains changed from 2008, and basically any negotiations are still reliant on Annapolis as their framework (Paper on Terms of Reference).

A July 2009 report by the Palestinian Authority did find numerous improvements in the security sector including the maintenance of law and order through internal discipline for violations as well as apprehension of subversives. Furthermore, the PA took on security sector reform and better implementation of security sector coordination (One Authority, One Gun: Palestinian Performance of Road Map Security Obligations). In light of the improvements made by Palestinians to the security regime it was requested of Israel that they undertake a number of confidence building measures for the sake of the Palestinians. As more efficient Palestinian security mechanisms should have brought confidence to the Israeli's, requests by the Israeli's that the Palestinians reopen certain borders and lift the closure regime on certain crossings do not seem unreasonable. In addition the PA desired a greater effort on economic development and cooperation between the Palestinians and Israeli's. These included a number of economic projects that also fed into water, telecommunications, and electricity related infrastructure projects. Understandably a great deal of reluctance on the part of Israel had to do with the aftermath and backlash from the Gaza War of early 2009, but the Palestinian Authority did press

the Israeli's on and end to the blockade of Gaza and similar abuses committed in East Jerusalem (Outline of Potential Confidence Building Measures Required from Israel).

Following July of 2009 the context of the Palestine Papers shows a digression into discussion over the upcoming vote on the Goldstone Report. This is evidenced in Al Jazeera's reporting in the previous sections. After Goldstone the Gaza Flotilla Crisis disrupts the negotiations again when it occurs in May 2010. The reality is however, that the negotiations since Annapolis never made any significant progress. Attempts to restart them amidst the Gaza War, the Goldstone Report, and the Gaza Flotilla Crisis all seem to have failed. In reality the fact that the Gaza War began just over twelve months after the Annapolis negotiations ended is evidence enough that the Israeli-Palestinian peace process is inherently non-existent and has meaning only in language but not in substance.

Screaming without a voice

As governments continue to topple in the Middle East the reality of the Palestine Papers will remain quiet but won't vanish. These documents provide proof of the failed nature of Palestinian politics, of the lack of compromise on behalf of the Israeli's, and of the unwillingness of the US to remain neutral. Through analysis of the parallels between public knowledge and these classified documents over this period of silent negotiation the international community will have a more concrete answer about the shape the peace process was taking and the direction it should be steered in.

While the release of the Palestine Papers is significant, their content, and meaning will do little to upset the power structure. The major issues remain security, refugees, borders/territory, and Jerusalem. The only significant change that is likely is a shift in power from Fatah to Hamas or a more general radicalization of the Palestinian population. The US and Israel will refuse to

recognize Hamas as a viable partner in negotiations so the layout of the peace process will remain the same. Fatah may continue to negotiate with the US and Israel but the fact that they have been exposed by the Palestine Papers will threaten the legitimacy of any agreement that comes out of it. Unless Hamas moderates and falls into step with the demands of the US and Israel they will be sidelined a negotiator on the part of the Palestinians.

Some might say that this conflict can't go on forever but we must be reminded that it has lasted 60 years so far. If Fatah loses legitimacy on the part of the Palestinians they represent and Hamas fails to gain legitimacy with the US and Israel the status quo will be maintained. Unfortunately this is the situation that appears most likely, which is why the ultimate significance of the Palestine Papers seems to be limited to a mere four days in January. These four days are January 23rd to January 26th, 2011, when Al Jazeera and The Guardian in the UK released the Palestine Papers. This is not meant to downplay importance of the Palestine Papers but rather be realistic about their role such that the papers do not affect the peace process and will only be notable for their release date.

Left with this realization the Palestine Papers provide evidence of and confirm a number of other facts. The first of these is that Israel and the US remain the dominant powers. Evidence of this is shown particularly through Israel's unwillingness to compromise, backed by the US, which ultimately forces Fatah into submission and threatens their legitimacy. Secondly, these documents, while revealing part of the story of the peace process that was previously untold, come from the Fatah negotiation offices and therefore reflect only one of many viewpoints surrounding the confidentiality of the last three and a half years of negotiations. By and large the permanent status issues, borders and territory, security, Jerusalem, and refugees remain unchanged. Sovereignty remains the paramount theme over all of these issues yet significant

discussion about it is absent from the negotiations. How can a demilitarized or limited arms state consider itself truly sovereign? How does a state legitimize its sovereignty when its entire people, specifically the refugees have no hope of ever residing inside its borders? How does the requirement of an international force play to a redefining of sovereignty? These questions and more are the ones left unanswered by the Palestine papers.

One of the more pressing matters is figuring out exactly who represents the Palestinians. The Palestine Papers are significant in that they are the first step to figuring this out. The Palestine Papers introduce a new dynamic and offer up a number of lessons to be learned about the peace process. From the failure in reporting on the part of the media, to the uncompromising position of Israel, the flexibility of Fatah, the isolation of Hamas, the ignorance over relevance to the theme of sovereignty, and the overall lack of progress, the reality of the Israeli-Palestinian peace process, or the lack thereof, is now all the more evident. The effects of the Palestine Papers are already being seen. The swift resignation of lead Palestinian negotiator Saeb Erekat had the most immediate and significant impact. In the few short months since the release of the papers there has been a call within the Palestinian political atmosphere for elections in 2011. Even more recently in the past couple of weeks a coalition government between Fatah and Hamas has been formed. This change in the Palestinian political atmosphere offers the best possibility of a just solution for Palestinians and the most comprehensive, lasting, and stable solution for the region as a whole.

Even more recently on May 11, 2011 a French lawyer who has worked in the Palestinian Negotiations Support Unit, named Ziyad Clot, revealed himself to be the source of the leak of the Palestine Papers after he became disillusioned with the peace process and what he witnessed first hand. There is no telling what Clot outing himself will mean for the Palestine Papers. With the

60th anniversary of the Palestinian Nakba on May 15, 2011 it's likely that Palestinians will take advantage of the opportunity to become part of the Arab Spring. Hopefully these events will reawaken the discussion the Palestine Papers in the mainstream, which to this point has been short lived. Clot's brave and courageous action cannot fall on deaf ears. His willingness to disseminate materials put the duty of responsibility in the hands of the international community. There must be more effective reports, thorough analysis, and widespread dissemination beyond just the leak itself. Only through these actions can the leak of the Palestine Papers be prevented from being just another four days in history.

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