



The Israeli-Palestinian Border Regime the Day After the Disengagement – Enabling the Possible

Introduction

Israel's disengagement process from the Gaza Strip will necessarily shape a new geopolitical reality, one of whose salient components will be a system of borders between the emerging Palestinian entity in the Gaza Strip and Israel, Egypt and the rest of the world (the air and sea ports). The management of the various borders and the regime enacted in them will have a substantial impact on the nature of the bilateral relations between Israel and the PA, as well as on the nature of the relations between the PA and Egypt and the rest of the world, and the nature of the relations between Israel and Egypt.

The disengagement process can be viewed as an opportunity for the parties involved to shape a new political reality that can open a window to the renewal of the political process that will lead to the improvement of the relations between the parties and to political prospect that can lay the groundwork for more advanced measures.

Supposing that the disengagement process can be converted from a unilateral Israeli process to a coordinated bilateral (Israeli-Palestinian) process, with the assistance of international elements, the parties are facing an opportunity to jointly shape the nature of their common border regime.

As part of an encompassing strategic process that included the operation of 12 Israeli-Palestinian thinking teams which examined a series of issues and areas of interest with the purpose of developing a conceptual framework whose purpose was to break the political deadlock by leveraging the disengagement process for the renewal of the peace process, one team dealt with the question of the border regime.

In this document we would like to present the main recommendations formulated during the team's work process, in an attempt to offer a possible conceptual framework for a border regime on the day after the disengagement. The policy document that was written in the Strategic Affairs Unit of IPCRI present guiding principles and a conceptual framework for the border regime for the day after the disengagement, based on the

assumption that the disengagement is an opportunity that could be leveraged into a political process. The document is based on recommendations developed by the Israeli-Palestinian team in addition to elements added since the team completed its original work.

The purpose of the document

The purpose of the document is to offer a conceptual framework for shaping a border regime between the Gaza Strip and Israel and Egypt for the day after the disengagement, and to present a possible model of action.¹

The rationale

The Israeli disengagement from the Gaza Strip will not lead to the severance of the Gaza Strip from Israel with the thrust of a sword, and will require a gradual process of adjustment and accommodation. The essence of that process is reconstructing the economic and governmental infrastructures in the Gaza Strip and ensuring its viability in a way that allows its independent existence apart from Israel, or at least with less dependence on Israel.²

The disengagement process creates a new geographical and political reality in which five areas of interest and domains of action will be created (the land border, the sea port, the airport, the international border with Egypt and the passage between the Gaza Strip and the West Bank) which the parties will have to manage and operate in coordination. Considering the different and unique characteristics of each one of the of activity, the parties will have to develop different models of border regimes in each one of the areas in a manner that provides the unique response required for each one of those domains of action.

Considering past experience and the serious crisis of trust that bedevils the parties after more than four years of violent conflict, we assume the two sides will not manage to develop, shape and manage the various models of border regimes without the assistance and active involvement of a third party. The third party will be any international party whose composition and authorities and roles are agreed by the sides.

Assumptions, key terms and trends

- The Israeli disengagement plan is a political opportunity for the sides to leverage it to renew the political process if it becomes a coordinated Israeli-Palestinian political process with the assistance of the international community depending upon resolute leadership of the U.S.³
- The Israeli disengagement from the Gaza Strip in coordination with the Palestinian Authority and with international help assistance will make it possible to lower the level of violence and help to create the necessary conditions and the requisite

¹ Even though the document refers to the Gaza Strip, the principles presented in it may be applied (with the appropriate adjustments) to the West Bank as well.

² We must stress in this context that the first precondition for the Gaza Strip's viability is its political-economic connection to the West Bank. Without that connection the Gaza Strip has no chance of surviving and functioning as an independent economic unit.

³ It should be emphasized here that the Israeli military echelon believes a disengagement coordinated with the Palestinians is better than a unilateral disengagement – see Amos Harel, “Ha’aretz,” November 7, 2004.

atmosphere to renew the political process and shape and position an effective and stable border regime.

- The concept of border regime in the context of the Gaza Strip refers to the land border, the sea border, the air space, the international border with Egypt and the passage between the Gaza Strip and the West Bank.
- The Israeli disengagement from the Gaza Strip may help and facilitate the rehabilitation of the Palestinian government and institutions in a manner that allows for a more effective Palestinian governance including more effective security control, including in the domains of activity that are relevant to the issue of border regime discussed in this paper.
- The involvement of the international community is a necessary condition for the success of the shaping and operation of the planned border regime, at least in the first stages and for a period of time that will not be less than three years. For that purpose the entrance and exit strategy of the third party must be planned and formulated, as well as determining its roles and powers, its composition, its modes of operation and the source of its authority.
- International involvement, in the sense of intensive support and aid over a long time, will also be needed for the reconstruction of the Palestinian economic infrastructures and government institutions.
- A successful rehabilitation and reconstruction of the PA institutions, effective PA administration and its ability to maintain law and order along with its ability to govern and operate all the necessary governmental apparatuses can serve as the basis of turning the PA into a Palestinian state and expedite the realization of the independence of the Palestinian people in its state.
- The viability of the Gaza Strip requires the reconstruction of its infrastructures and economy alongside and parallel to its dependence on Israel and its assistance (electricity, water, communications infrastructures, labor, the movement of people and goods and operating the air and sea ports). This dependence can be assumed to continue for several years. It may weaken but in the present conditions it is hard to predict the time of its discontinuation. In order to ensure the viability of the Gaza Strip the continuity of its connection to the West Bank must be guaranteed, out of the understanding that together they comprise a single political economic unit.
- Therefore, the Gaza Strip can not be severed from Israel with a “Thrust of a sword,” but only in a gradual and controlled process that allows for the reconstruction of the Palestinian governmental institutions and infrastructures, while stabilizing the political reality and the routines of life on the one hand, and preventing the possible system breakdown on the other.
- The necessary connections between Israel and the Gaza Strip and between the Gaza Strip and Egypt require the formulation of principles and a model of action for a safe, stable and effective border regime (expanding and improving existing crossing points) to enable the necessary viability of the Gaza Strip to ensure the security and wellbeing of its Palestinian residents.
- The proposed principles and model of operation require the establishment and operation of mechanisms of coordination and cooperation between Israel and the PA and between them and the involved international parties.
- The success of each model of operation proposed in the Gaza Strip is a prerequisite for the continuation of the process in the West Bank too and the application of the same principles and the same model (with the necessary adjustments) to the borders that will be created by agreement between the parties in the West Bank as well.

- The evacuated Israeli properties can help reconstruct the economy of the Gaza Strip and it would be correct to transfer them in an orderly manner to an authorized international party/third party, that will guarantee their orderly and effective transfer to the authorized bodies on behalf of the PA. The water allotment that was given to the Israeli settlements in the Gaza Strip should remain as is and be allotted to the Gaza Strip.
- The border regime that is formed should provide a response to the needs of the parties in a way that allows the rehabilitation of the trust between them as the basis for developing principles and “rules of the game” to manage disagreements between them with non-violent means and with the backing and legitimacy of the international community.
- Therefore, from Israel’s point of view, the border regime that is formulated should provide a response to security, international legitimacy, releasing Israel from its exclusive responsibility for the wellbeing and economy of the Palestinian population⁴, stability of the political system (in the sense of a broad public consensus in Israel) and improving its international status. While from the Palestinian point of view that same regime should provide a response to liberation from the Israeli occupation, security in daily life in the broadest sense of the term, a basis for the rehabilitation of the PA institutions, stability of the social systems and stable governance as the basis of independence and a Palestinian state and a significant improvement in the economic and the living conditions of the Palestinian population.
- Until the political and economic situations are stabilized and new agreements are signed, the Paris protocol will continue serving as the envelope of Israeli-Palestinian economic relations.
- The air and sea ports will have to be operated to ensure the viability of the Gaza Strip. But the security problems and the security risk (in Israel’s view) involved in the rehabilitation and operation of the ports require supervision and control mechanisms for the activity of these ports. Since Israel is withdrawing its forces from the Gaza Strip, the responsibility for security supervision of the ports should be transferred to bodies from the international community/a third party trusted and accepted by both sides. The third party will agree to assume responsibility for the security supervision subject to severe and binding security parameters that will be agreed by both sides and backed by the third party.
- Since the Gaza Strip and the West Bank will be considered a single Palestinian territorial unit, there must be a passage between the two areas (one possibility is laying a railroad). The principles of the operation of that passage are an important component in the new border regime.
- The border regime is not a purely security-military affair and must offer a solution to both economic and political issues. Therefore, in order to offer a response to the relevant economic issues, there must be preparation for developing the crossing points and improving their modes of operation in a way that makes it possible to provide the required response to the economic and other needs of the residents of the Gaza Strip.
- In order to reconstruct the Palestinian economy, which will continue to rely on Israel in the coming years, there must be preparation for the establishment and development of Special Interest Zones in which economic and other activity will

⁴ It is emphasized that from the point of view of international law, and according to the opinion of the Israeli Ministry of Justice, Israel will continue to be considered the occupying power in the event that it will continue to control fully and unilaterally the international borders of Gaza, the airspace and sea space outside of Gaza. In this situation Israel will continue to bear direct responsibility for the welfare of the civilian population of Gaza.

take place. In order to regulate the economic and other activity in those areas, it will be necessary to transport raw materials and extract goods effectively and expediently. The planned border regime should enable the regulation of the principles of operation of the Special Interest Areas and ensure their proper and continuous activity.

- The planning of the border regime and its operation should address three periods: before the disengagement, during the disengagement process and after the disengagement. In each one of the phases a unique model adjusted to the characteristics and challenges of the period will be needed.

Principles of operation and involvement of a third party and possible roles for the third party

The active involvement of a “third party” in formulating and operating the proposed model for the border regime is a central organizing principle.

Given the importance of the active involvement of the third party, it is imperative to examine the accumulated international experience in other conflict arenas and develop a conceptual framework that will allow us to create a range of possibilities for the operation and involvement of the third party. A range of possibilities is necessary to adjust different principles of action in different areas, since it is clear that the model of activity relevant to operating the border regime along the land border is not necessarily relevant or appropriate for the operation of the seaport.

A thorough familiarity with the international experience and possible principles of operation will help create spheres of flexibility for both sides and help the international community develop the relevant model for the various areas of activity.

In relation to the operation of a third party three main dimensions should be noted: 1. The role and mandate authorities of the third party; 2. The composition of the third party; 3. The source of authority for the third party. The range of possibilities regarding the roles of the third party and its authorities can begin with very limited powers authorities of monitoring and supervision and end with very broad powers authorities of enforcement and administration. The third party can be military, semi-military, police, civilian or any possible combination thereof, and it can be composed of representatives of one country, representatives of an international organization, or representatives of an ad hoc multi-national organization that would be established on the basis of agreement between the parties and the involved international bodies (like the MFO in Sinai that was created as part of the peace accord between Israel and Egypt). The source of authority for operating the force can be one country agreed by the sides, an international organization, or a special multi-national organization whose composition is agreed by the sides and the involved international parties. The three dimensions described above create a very large range of opportunities, whose characteristics can be understood through the following matrix:

The 3rd Party Involvement – 3 Dimensions

Management	Compliance	Verification	Monitoring	Authority Roles
				composition
				One State Military or civilian
				International Military or civilian
				Multinational Military or civilian

The Third Dimension: The Source of Authority: one state, international organization, special tribunal.

The third party can be given different and various roles as part of the agreed border regime beyond its roles as a mediating, liaising and moderating facilitating party in the relations between the sides, which has the ability to help rebuild trust. To illustrate the idea, following is a possible list of roles for the third party:

- Security supervision in the air and sea ports.
- Monitoring, verifying and supervising the activity of the Egyptians and the Palestinians along the Philadelphi Route to thwart efforts to smuggle weapons.
- Taking responsibility for the evacuated Israeli infrastructures and assets in the Gaza Strip, their management and their orderly transfer to parties authorized by the PA.
- Managing industrial estates along the land border.
- Supervising and managing the transfer of goods and agricultural produce from the Gaza Strip to Israel, from the Palestinian side of the border.
- Operating joint operation rooms along the land border to monitor and supervise the security activity of both sides (see our proposal to renew security coordination that describes a possible model for that purpose).
- Help in operating the civilian border crossings, which are supposed to provide the solution to the crossing of people, goods, agricultural produce and raw materials.
- Help in organizing transportation for workers in Israel while maintaining the security parameters as defined by Israel.

The border regime – a possible model

As stated above, when referring to border regime we must distinguish between five separate areas of interest: the land border, the seaport, the airport, the international border with Egypt and the passage between the Gaza Strip and the West Bank. In this document we will focus on the land border out of the understanding that the border regime in the other areas requires the development and adaptation of different models than the one proposed to manage the land border regime.

The border regime in the air and sea ports⁵ requires very strict attention to security aspects out of concern for weapon smuggling into the Gaza Strip, but it also has political aspects – international, legal, economic, health, environmental and others, that require further in-depth study. At the same time it is clear that the third party in the sea and air ports has a central and important role. Therefore, a skilled and authorized force must be positioned there, whose scope of authorities has to be substantial and effective, considering the absence of authorized Israeli representation at those sites.

We recommend operating the border regime at the Rafah crossing according to the existing agreements until the renewal of the political process and a new discussion of the location of the crossing point and the rules of its operation.

The same is true for the passage between the Gaza Strip and the West Bank, which we recommend operating according to the existing agreements with certain improvements, for the implementation of which a third party can be useful – such as organized transportation through an international company with Israeli-Palestinian partnership, that would operate under the responsibility of an international party that is also involved in the land border regime. The involvement of that international party in the land border regime would afford it the understanding and commitment as to the security parameters and greatly facilitate the requisite cooperation between itself and the Israeli security authorities. In the future laying a railroad can be considered between the Gaza Strip and the West Bank so as to allow the continuous and secure transport of passengers and goods from the Gaza Strip to the West Bank and back more efficiently and comfortably, and with a lower degree of friction between the population of Palestinian travelers and the Israeli security check officials.

The detailed policy paper recently issued by IPCRI about the resumption of Israeli-Palestinian security coordination with the assistance of a third party also engages in detail the proposed principles and model of operation for the Philadelphi Route and therefore we will not expand on that issue in this paper.

As stressed above, in this paper we wish to expand the subject and present a possible model of operation for a border regime along the land border between the Gaza Strip and the State of Israel. Most of this chapter was written by two experts: an Israeli – Adi Ashkenazi, and a Palestinian, Hisham Dasouqi, who are familiar with the rules of operation of the various border crossings along the border of the Gaza Strip with Israel since they were created (after the Oslo accords) and till this day.

The land border regime – proposed model

The land border regime has two main components: 1. The security component of securing the border line from both sides and it applies to the Palestinian security apparatuses and to the IDF, and a possible model of operation was presented in the detailed policy paper issued separately (see reference to that paper above). 2. The civilian-economic component that refers to the various crossing points along the border whose purpose is to allow the crossing of goods, raw materials and people, including: workers in Israel, business people and humanitarian cases.

The model presented in this chapter focuses on the civilian-economic component and refers to the various existing crossing points and others, which we recommend establishing, and wishes to present a series of assumptions, principles and possible

⁵ Special attention must be paid to the issue of fishing rights in Gaza's waters, because of its economic importance and the immediate consequences of any border regime concerning the maritime border on this economic branch. Fishing rights have been limited and/or entirely prevented during the past four years because of security concerns.

patterns of action. In this framework we also offer a series of recommendations to develop the crossing points, expand them and fit them with advanced technologies that could simplify and streamline processes.

A possible proposal for the development and operation of existing crossing points along the land border between the Gaza Strip and Israel⁶

General

The largest volume of economic activity in the Gaza Strip takes place at the Karni terminal, but as the result of various lapses in the security system, led to infiltration of suicide bombers the authorities closed the cargo terminal and shut down its activities for certain periods of time. The damage caused to Israel by the lapses of security is serious and substantial. At the same time, shutting down the terminal leads to the accumulation of very heavy economic losses for the Palestinian side.

In this document we wish to present a series of proposals and principles of action to expand the terminals along the land border between the Gaza Strip and Israel and improve the level of their ongoing operation, while adhering to the strictest security standards.

Assumptions

1. The economic cooperation and ties between the Palestinians and the Israelis will continue at least in the short and medium term and a creative approach will be needed to maintain them at the current level or even improve them.
2. The very existence of the crossing points and checkpoints on the ground is a given fact that will persist at least in the near future, with all the proposed solutions to improve the economy and the fabric of life in all areas being based on the assumption that the continued operation of the crossing points and checkpoints or even their expansion are necessary.
3. Improving the Palestinian economy will substantially reduce the effects of stress and frustration in the PA and could even improve Israel's economic situation. Improving the economic situation various Palestinians elements could restore a sense of having something to lose, which would reduce the motivation of various elements in the PA to employ violence that might risk the economic achievements. Ultimately that process could have positive repercussions on the security situation and emerge as a restraining factor that helps reduce the of violence.
4. Improving the Palestinian economy will impact the Israeli economy by increasing demand, increasing trade volume and among other things also restoring jobs that were eliminated after of the September 2000 events.

The guiding principles of the offered solutions

1. Maintaining human dignity and human rights at the crossing points and checkpoints.
2. Ensuring the personal security of the terminal operators as well as the security of the population that uses them without harming the security needs and demands for crossing into Israel.

⁶ Based on a paper written by Adi Ashkenazi and Hisham Dasouqi

3. Maintaining high standards at the terminals in international terms, whether in regard to infrastructures or providing a service of higher quality and politeness to the population that uses the crossing points.
4. Maintaining the principle of continuity as a primary consideration in economic activity regarding the flow of people and goods.
5. The expansion of economic activity will require a considerable increase in the output of the terminals (in the flow of people and goods) by way of a number of alternatives – expanding the existing terminals, increasing their efficiency or adding additional terminals.
6. Providing a solution to the handling of cargo and movement of people in consideration of the implications of the disengagement plan, which we think will lead to an increase in the required volume of handling.

The ties between Israel and the PA in light of the disengagement plan

1. As noted in the assumptions and guiding principles, the disengagement plan is not expected, at least in the short and medium run, to have an effect on the very existence of the economic ties between the sides, while it nonetheless might have an effect on the volume of trade because of the possibilities for economic growth in the Gaza Strip.
2. The disengagement plan can have a positive impact and lead to the increase in the volume of handling of goods according to the conditions that develop on the ground:
 - I. Expanding trade is possible if there is security stability following the increase in available land in the Gaza Strip for construction and development, and the possible increase in foreign investments due to the change in the political environment in the region.
 - II. Beyond that, the disengagement plan might become a growth engine for the Gaza economy (among other things by turning it into a unified economic unit and lifting obstacles) and thereby lead to a growth in trade volume.
3. On the other hand, there could also be a situation of a serious reduction in trade volume due to the development of grave security conditions and an escalation in the amount of violence. The opening of the Philadelphi Route (if evacuated by Israel) could allow some of the trade between Israel and the PA to be diverted to Egypt.

Subjects that require solutions

Providing appropriate responses to the movement of various populations through terminals and checkpoints:

- Quick and accessible passage for businessmen and merchants throughout the day;
- Effective, quick and safe passage for laborers who work in Israel;
- Quick and easy passage for experts and professionals in areas related to the economy (infrastructures, the environment, health and others);

Providing an adequate response to the flow of goods with an emphasis on the quick and daily crossing of sensitive and vital goods:

- Basic food items;
- Sensitive agricultural produce, animals and agricultural inputs;
- Raw materials for construction, aggregates, oils and gas;
- Agricultural and industrial products designated for export;
- Medical equipment, drugs and oxygen for hospitals;
- General goods and containers that belong to international organizations;

- Imported goods from the ports, with an emphasis on the Ashdod port;
- Goods designated for Gaza that enter from Egypt through the Rafah terminal and goods that enter through the Nitzana terminal and Karni and are designated to go through the PA.

Providing an adequate response to the passage of empty containers of all sorts (fruit containers, milk product containers and so on) to ensure the continuity of the conveyance of the goods and to prevent bottlenecks.

Finding modes of operation to reduce pressure on the crossing points, whether regarding the movement of people or goods, while maintaining and expanding economic activity.

The issues at hand and the proposed solutions

The necessity of improving the overall output of the crossing terminals between Israel and the PA requires the issue of the crossing points to be addressed, and on this issue there are currently two schools of thought in regard to improving the output of the crossing points between Israel and the PA:

- I. Building a small number of terminals that would offer a full and comprehensive response to the crossing of goods and people;
- II. Increasing the number of terminals while institutionalizing terminals that specialize in specific kinds of goods (an agricultural terminal, oils, aggregates), among other reasons with the view of these serving as alternatives to each other.

The advantages of each of these approaches will be detailed below, with the advantages of one being the disadvantages of the other.

Building a small number of terminals – advantages:

- Saving in costs of planning and infrastructure development and operational costs.
- Saving additional manpower and creating additional security systems.
- Avoiding opening additional crossing points that could become security breaches.
- Centralized control of data and trade that enables an improvement in supervision of all areas (customs, health and others).
- Size advantage – buying more advanced technological equipment for security checks which is not possible in small terminals (such as a container screener).
- Reducing the bureaucracy involved in institutionalizing new terminals and the possibility of promoting development processes at an accelerated pace.

Increasing number of terminals – advantages:

- Creating more alternatives for maintaining economic activity in the case of warnings of security incidents at specific terminals.
- Reducing conveyance costs for goods and easing travel of people by reducing the distance between terminals and all areas.
- Improving quality of service and price level due to competition and reduction of volume of traffic on central routes.

Preferred alternative: Due to what was stated above we see fit to chose the option of expanding the existing terminals/those under construction and technologically upgrading them, with the limited pinpointed addition of a designated terminal in the Gaza Strip for the

conveyance of agricultural produce, sensitive goods and aggregates (see separate chapter).

Technologically upgrading the terminals requires the massive purchase of container screeners, trucks and magnometers equipped with “sniffers” which have recently been developed and are currently available on the world market.

In addition, a team needs to be created to prepare plans to improve the efficiency and output of the existing terminals, which have not yet been institutionalized (Erez, Sufa, Tarqumiya, Shama, Qalqiliya and so on) according to the following parameters:

- Improving level of security at terminal.
- Continued activity on the basis of the existing infrastructure and manpower with an option of minimal improvements in accordance with the assumptions and guiding principles.

The work should be carried out by organization and methods engineers/security experts, with the recommendations presented to bodies such as USAID, the World Bank and others for the purpose of budgetary/executional support. As an additional solution for the reduction of friction at the checkpoints and reducing the pressure on them we recommend diverting Palestinian employment while encouraging the necessary structural changes to modern services and technological products which do not require physical conveyance and are based on telecommunications and the Internet⁷

Reducing pressure on the terminals (with an emphasis on movement of people) and shortening waiting time:

- The current situation is that the Palestinian population arrives at the terminals with no prior knowledge of their opening status or the level of crowdedness that exists in them.
- This creates crowding at the terminals, long waiting periods and as a consequence the undesirable process of creating stress among the population and the soldiers, increasing security friction and a serious hampering of the terminal’s functioning.
- A solution – providing real time information as to the situation at the terminals to reduce the pressure and shorten waiting times.⁸

⁷ This can be done by:

- Requisitioning technological projects and services from the EU, Israel and the international community as part of aid and international cooperation programs.
- Increasing cooperation with the Israeli economy by training workers according to a structured plan.
- Employing skilled workers that use computerized work interfaces on the Internet to work in Gaza (such as electronic trade, Internet services and so on).

⁸ For that purpose, these steps could be implemented:

- Creating a service governmental or private sector company to provide information about the pressure at the crossing points.
- Placing authorized and coordinated representatives at each terminal and checkpoint to issue reports in real time about the opening status of the terminals and the degree of crowdedness in them.
- Creating and operating a service center that coordinates the reports from all the terminals and provides the information by a variety of means:
 - Telephone services – an accessible telephone exchange for customer service, SMS messages to mobile phones/beepers.
 - Reports through the Palestinian media.
 - Updated reports on the Internet.

Placing responsibility for the terminals on both sides under the supervision of a third party

In order to promote economic cooperation between the Israeli and Palestinian sides, the possibility of sharing security and administrative responsibility at the terminals should be examined, so that both sides (with the participation of an international party) guarantee the process and have the ability to influence the terminals for the sake of their proper management.

Responsibility at the terminals can be divided by creating a physical presence of Palestinian representatives near the Israeli representatives on the basis of the model agreed and carried out at the Allenby terminal – that is, stationing Palestinian representatives at every crossing point into Israel, including in the West Bank, even though both sides of the crossing point are defined as Area C. The purpose of the Palestinian representation, as well as the international representation, is to simplify and improve crossing procedures, but **the presence of these representatives does not detract from Israel's exclusive security responsibility** as far as the movement of goods, raw materials, agricultural produce and people from the Gaza Strip into Israel.

To this day the crossing points established in the West Bank have been operated in a non-institutionalized manner solely by IDF soldiers, without the physical presence of Palestinian representatives, who have not been allowed to enter the premises of those crossing points.

Therefore, the Palestinians have not had any way of actualizing their responsibility at those crossing points or understand what was happening in them (the pressure bearing on them and the overall reality of the crossing point). In addition, information gaps were created between the requirements and criteria for crossing into Israel and the Palestinian checkpoints at the entrances to cities.

For instance – sometimes, because of a security alert, Israel decides to allow the crossing through a checkpoint of humanitarian goods only. Because of the absence of a Palestinian presence at the site a gap is created between those criteria and the criteria for crossing at the Palestinian checkpoints before the crossing point into Israel.

Besides the absence of coordination that exists in any case, deliberate mutual actions of transferring goods in non-compliance with the criteria at the checkpoints controlled by the other side have been committed, against the overall interest of both sides.

Industrial estates and employment

According to the existing plans, Palestinian employment in Israel is supposed to gradually shrink until it fully ceases in 2007.

On this matter uncertainty should be reduced and action should be taken on a number of levels:

- Defining the quota of laborers in Israel in each one of these years and coordinating this quota with the Palestinians.
- Seeking to increase the number of workers as much as possible to the scale of 50,000 workers.

- Increasing the number of years Palestinian labor is allowed in Israel by at least 3 more years in order to allow the Palestinians time for a reasonable employment substitution.
- Creating a team of employment experts that would act to define entry conditions, working hours and social conditions, locating places of employment (including locating new employers) and setting rules for transport with the workers' transport companies, such as:
 - **Organizing employers** – establishing a system for dividing an overall quota over a cross section of professions and allocating workers to employers who meet the conditions set by the committee, that would include a security representative – which would create control of the number of employees, their location and the security conditions.
 - **Organized transport** – since the employers and places of work will be organized it will be possible to select a transport provider by tender that would present its bus lines, guards, pickup and drop off stops, timetables etc.
 - **Sleeping arrangements** – here too the complete control of identity and place of employment would make it possible to set sleeping conditions in Israel or possibly a location in each city or area, but this should be determined by a committee.

We believe deciding the above rules and complete control of information about workers will make it possible to create a “green lane” at all terminals for workers. These lanes can be organized so as to allow for the presence of representatives of the employers who will receive and identify their workers, besides the presence and responsibility of the security officials.

The technological issue is critical for easing the flow of Palestinian workers in and out of Israel, and therefore we recommend introducing the biometric identification system to allow rapid flow on the one hand and reducing friction with the soldiers at the terminals on the other hand. We also recommend introducing innovative technological systems for the crossing of people that combine a magnetometer and a sniffer in order to shorten the screening time.

As far as industrial estates, a new model of industrial estates should be built under the auspices and responsibilities of international bodies (including the possibility of operating a security screening system on the Palestinian side of the industrial estates) which will be located no more than 2-3 kilometers from the terminals in the following way:

- Building a cluster of 2-3 industrial estates around the Karni terminal and another 2-3 in the area of the Rafah or Sufa crossings, with international funding and Israeli support, which may be expressed in any way from a financial investment to the coordination of the way security checks are performed inside the industrial area for goods designated to exit through the terminals, or even including an Israeli security representative for the coordination of movement.⁹

⁹ A necessary condition for the success of those industrial estates is the involvement of Israeli entrepreneurs, investors and businessmen. For that purpose the conditions allowing the access of those Israelis and their active and continual involvement in the industrial estates has to be guaranteed. Such involvement will guarantee the connection between the Israeli market as a main customer and the industrial estates.

- Creating an Israeli-Palestinian-International team (in each industrial zone) to decide entry conditions to the industrial estate, the way security checks are conducted, the monitoring technology of the envelopes – cameras, electronic fence, screening authorities and authorized parties to handle security around the industrial estates and inside them so that raw materials and final products can be transported to and from the industrial estates in such a way that the security check at the Israeli terminal is minimal.
- Preparing the terminals at Sufa, Karni and Rafah to contain a designated area for the industrial estates that provides an effective, continuous and singular solution to those estates – meaning investing in building additional screening cells, buying screeners and sniffers according to the needs of the industrial estate, buying conveyors, agreeing on reduced tolls, creating an “express green lane” separate from the regular lane at the terminal, hiring and training manpower.
- Creating an Israeli-Palestinian-International team (again by the international party that is responsible in each and every area) for the terminals to establish crossing arrangements from these industrial estates to Israel and back.

It is important to stress that a Palestinian industrial estate that is not linked to defined passage will not justify its existence.

The need for an additional terminal in the Gaza Strip – Sufa

The need for another terminal in the southern Gaza Strip (the Sufa terminal) has previously been defined in this document with its main purpose being providing an alternative to the Karni terminal in routine and emergency times, reducing conveyance costs and easing the life of the residents of the Gaza Strip. The additional terminal should serve as a platform for the conveyance of aggregates and sensitive goods, whereas for technical, ecological and hygienic reasons they must be separated as follows:

- a) Creating an agricultural terminal that meets the following requirements:
 - I. Providing a solution for the conveyance of fresh agricultural produce (vegetables, fruits), sensitive products (eggs, chicks and other animals, milk products, medicine) and agricultural inputs.
 - II. Meeting international standards for the conveyance and handling of agricultural produce, especially the EUREP GAP.
 - III. Building storage refrigerators, conveyance equipment and packing firms on either side of the terminal and additional facilities according to need.
 - IV. Mechanisms to operate the terminal:
 1. On the Palestinian side of the terminal a team will operate comprised of representatives of the PA – security coordination officials, customs and security representatives, in the presence of an international team, and work opposite the Israeli side on a daily basis. On the Palestinian side a coordinator will work with the Palestinian merchants for the physical handling of the conveyance and the paper work and coordination with the Israeli side.
 2. This part of the terminal will be separated into three sectors – sensitive materials, agricultural produce and raw materials, which

will be conveyed according to that order of priority (or alternately on the basis of separate gates).

3. The security aspect – operating the terminal will take place in two stages, so that in Stage I it is used only for bringing goods into the Gaza Strip (exporting goods will continue through Karni) and in Stage II it will open to two-way traffic after security arrangements are set.

2. Building a terminal for the conveyance of aggregates to the Gaza Strip

- 2.i. Arranging two separated and secured platforms for the entrance of aggregates that would allow continuous work on both sides, with the unloading of aggregates from Israel on the one side and loading the aggregates to the Gaza Strip on the other and carrying out a coordinated reloading.
- 2.ii. Building a conveyor belt for aggregates to operate parallel to the platforms and at times when the transfer of goods on the platforms is restricted.
- 2.iii. Terminal infrastructures – the operation of this part of the terminal might involve creating large warehouses on both sides.
- 2.iv. Manner of operation – in order to avoid monopolies the aggregate dealers and the conveying party at the terminal should be separated, with the possibility of creating an Israeli-Palestinian conveyance company.

Comment: Because of the centrality and the importance of agriculture for the economy of the Gaza Strip and the livelihood of its residents (both regarding the export of agricultural produce from the Gaza Strip and the marketing of agricultural produce and agricultural products from Israel to the Strip), the importance of creating an agricultural coordination committee to carry out the complex and vital coordination regarding plant and animal life is increased.

Technologies

The technologies that presently exist at the terminals for the security check of goods are improving but are far from providing the optimal solution mainly because of budget constraints.

There are a number of Israeli and international companies that specialize in security equipment and technology that can build improved technological packages for the terminals that would improve security and passage conditions and reduce friction with the population.

Following are a number of highlights of required and existing shelf technologies on the world market:

- **Goods** – Only recently was a container screener bought for the Karni terminal and it is presently still in the trial stage.
 - i) We recommend providing a budget (even if international) for the purchase of this kind of screener for all the terminals planned for the West Bank and Gaza.
 - ii) We recommend buying state of the art screeners with CT or other technology to gradually replace the old screeners of the Karni terminal and also be installed in the new West Bank terminals.
 - iii) We recommend buying a truck screener that would allow checking trucks without unloading them (rules should be made as to which products are entitled to use them).

- **People:**

- i) Recently technologies have been developed for people screeners combined with sniffers – a tool that can reduce waiting time, provide an improved security solution and reduce friction between the travelers and the terminal operators.
- ii) Buying luggage screeners based on CT technology for quick and effective screening of personal luggage without friction.
- iii) Introducing the technology of biometric identity cards to allow an increase in the number of stations the Palestinians can cross through at a time, while reducing friction with the soldiers, without increasing manpower even in situations when the volume of traffic increases.

For instance – at the Erez Crossing, when the quota for the entry of Palestinian workers is 5,000 8-10 lanes are opened because of manpower shortages, whereas introducing the technology would expand the crossing's output and make it possible to operate as many as 25 lanes with the same manpower that is currently allotted to the terminal.

Manner of operation of third party – possible proposal

As part of this model we propose that the international party that is involved in the land border regime have monitoring, verification and supervision authorities on the Palestinian side of each of the terminals that are operated. The main roles of this task force will be:

1. Helping to create the industrial estates and developing the terminals along with assistance in their ongoing operation with an emphasis on the management of the industrial estates, while mentoring and training the Palestinian side towards assuming responsibility for the operation of the estates, or independent ongoing management in cases of economic investments by private investors in exchange for guarantees by the involved international party.
2. Monitoring and supervision of the Palestinian security screening procedures according to the security protocol that will be agreed between the sides.
3. Assistance and facilitating in developing the coordination mechanisms between the Israeli and Palestinian sides while restoring trust between the sides.

For this purpose the international party will create a terminal administration with a central headquarter and a branch offices at each terminal to coordinate and operate at the various terminals. Along with the international parties, Israeli and Palestinian liaison officers will work at that administration and assist as much as needed to transfer data and handle various problems. The Israeli and Palestinian liaison officers will be subject to the Israeli and Palestinian terminal administrations respectively.

The international party's terminal administration will operate an information and assessment unit that will be authorized to gather data, conduct research and present different kinds of assessments that will serve as a data base for the performance of the administration's main jobs and can serve as the basis for periodic meetings between the Israeli and Palestinian sides and a data base for

solving problems, future development and executing changes and adjustments as needed and with the agreement of the parties involved.

A mechanism and principles of coordination should be developed between the terminal administration and other international administrations that are on the ground and in charge of other subjects (such as the security administration – the joint operations rooms – see IPCRI document on the subject). The guiding principle is coordination between the different international parties and working in the framework of the emerging overall context with the understanding that the different areas of activity and interest are interrelated, interfacing and affect each other, and therefore a comprehensive view and systemic approach are necessary.

Appendix A – lexicon of key terms

- **Political opportunity** – A key working assumption in this document is that the Israeli disengagement process from the Gaza Strip is a possible lever for reducing the level of violence and creating the conditions for the renewal of the political process. Such leverage is possible in a process in which the unilateral measure becomes a coordinated measure with the Palestinians and with the help of the international community (not to suggest that a Palestinian refusal to the measure should prevent Israel from executing it unilaterally). The possible leveraging of the process makes it possible to break through the limits of the existing system (the Gaza Strip) and has the potential of a formative strategic effect and thus the political opportunity.
- **Border regime** – The cluster of principles, norms, regulations and procedures agreed upon by the parties for the purpose of the management and operation of the various spheres of activity that have features of a border between the sides. Regarding the Gaza Strip, that term includes five main spheres of activity: the land border, the sea port, the air port, the international border with Egypt and the passage between the Gaza Strip and the West Bank.
- **Restoring government** – Resuming the functioning of the Palestinian institutions of government in all areas of life in the framework of a system of principles and patterns of action, based on the law and stately norms of government. Defining sources of state authority and expropriating any governmental or military powers from non-government bodies and creating three main separate branches: the legislative branch, the judiciary branch and the executive branch.
- **Effective Palestinian governance** – The ability of the central Palestinian government and its authorized extensions to ensure law and order and the proper management of the lives of the Palestinian residents.
- **Effective security control** – The consolidation of the Palestinian security apparatuses and their subjugation to the central source of authority (subject to what is requisite according to the road map or any other agreement between the parties), while neutralizing the operational capability of extra-governmental armed organizations, and a proven effort by the Palestinian security apparatuses to prevent terror and destroy its infrastructures.
- **Involvement of the international community – a third party** – Active and helpful presence of international parties who were invited by the sides and authorized by the sides to operate in the various areas of activity, in an attempt to facilitate coordination between the parties, help rebuild trust, monitor the implementation of the agreements signed by the sides and ensure that the sides keep the commitments they made in those agreements.
- **Entrance and exit strategies** – The arrival of various task forces (civilian, military, police or any other combination between them) will be determined as part of the agreement both in regard to timetables, to the makeup of the force and its roles and the source of its authority to use it. The activity of the international party will be limited in time by agreement, but will be no less than three years, at which time the force will either reduce its activity or end it based on agreed standards and criteria that will be determined by the parties and discussed periodically as agreed by the sides.
- **The third party – its roles, authorities, composition, patterns of action and source of authority** – See explanation and chart/matrix in body of text.

- **The viability of the Gaza Strip** – The Gaza Strip's ability to function economically in the sense of infrastructures, the propriety and efficiency of institutional activity and the ability to provide sources of employment and a reasonable and appropriate standard of living to the residents of the Strip with minimal dependence on external parties.
- **Possible system breakdown** – The breakdown of effective action of Palestinian government institutions and inability to govern and organize civilian life in the Gaza Strip, including the inability to impose law and order and guarantee security and the effective handling of security-undermining parties.
- **Coordination and cooperation apparatuses** – Israeli and Palestinian apparatuses alongside international apparatuses that would work on the basis of agreed principles for the coordination and regulation of all matters that require handling by both sides and that are relevant to both sides, including security, economy, infrastructures, environment, humanitarian issues etc.
- **The evacuated Israeli properties** – All of the assets and buildings in the Israeli settlements and army facilities except for buildings and infrastructure which could be put to dangerous use against Israel. This definition includes: settler homes, public buildings (not including synagogues and other holy buildings), greenhouses and agricultural infrastructures, civilian infrastructures of water, electricity, gas and communications, military facilities that can serve the Palestinian security forces. All of these assets should be transferred to a third party that should assume the responsibility of transferring them in an orderly manner to the PA subject to the principles that are determined and agreed between the sides and as a basis and aid to the reconstruction of the PA and the welfare and economic reconstruction of the residents of the Gaza Strip.
- **"Rules of the game"** – The system of principles and procedures agreed between the parties for the management of disagreements between them or for handling problems and disputes.
- **Control and supervision mechanisms for activity at ports** – International monitoring bodies that would act on a regular and systematic basis to guarantee all of the requisite security regulations in operating the sea and air ports. Their role and responsibility is to carry out the strict security screening for baggage and passengers who arrive in the Gaza Strip through the two ports and to ensure that the screening are carried out according to the strict and severe criteria that Israel demands and which will be elaborated in an agreement between the sides. The international monitoring mechanism will enjoy broad authorities and act in a coordinated and continuous manner together with the Israeli and Palestinians sides.
- **Strict and binding security parameters** – The strict security screening parameters as are employed at Israeli ports and according to the binding professional definition of the authorized security bodies in Israel.
- **A single Palestinian territorial unit** – The Gaza Strip and the West Bank (its Palestinian part) will be considered one Palestinian territorial unit and a single political entity. The two geographic units need a connection between them, whose nature and characteristics will be determined between the sides as part of political negotiations. Until that time the two geographic units will be linked by a passage, the principles of whose operation will rely on the existing agreement, while examining the possibility of introducing a number

of improvements, at least some of which can be executed with the help of the international party (see proposal in body of document).

- **Special Interests Zones** – Geographic areas located in the border area, in the Palestinian territory and along the Israeli border, in which the required infrastructure will be built for industrial, agricultural, health and educational enterprises. In these areas a special regime will be established in which the rules of entry and exit of people, goods and raw materials will be decided. These areas will enjoy a special status that will allow easy access and active international involvement for the purpose of large investments for the realization of joint interests that can help improve the welfare and economic condition of the residents of the Strip, along with the ability to provide the necessary infrastructure for peace-shaping Israeli-Palestinian cooperation.
- **Three periods** – The disengagement initiative should be treated as a process with three main phases: the first phase is the stage of preparation for the disengagement, the second phase is the disengagement itself and the third phase is the reality after the disengagement. The border regime should be formulated on the basis of a general vision but in a gradual process based on the three described stages and adjusted to them.