

Opening Gaza to the Wider World: The Israeli-Palestinian Agreement on Movement and Access

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Brief Analysis

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On November 25, Palestinians celebrated the opening of their first self-governed external passage, the Rafah border crossing that separates the Gaza Strip from Egypt. Following months of negotiations, on November 15 Israel and the Palestinian Authority (PA) reached the Agreement on Movement and Access, governing the flow of people and goods into and from the Gaza Strip. Israel's disengagement from the whole of Gaza, including the border with Egypt, made an accord on border crossings necessary. The agreement was achieved through extensive mediation by Quartet's special envoy, James Wolfensohn, and at the final stage through the unprecedented involvement of U.S. secretary of state Condoleezza Rice. The agreement is an attempt to balance Israeli security concerns with Palestinian political, humanitarian, and economic concerns.

The Crossing between Egypt and Gaza

The agreement divides responsibility between Israel and the PA in controlling the crossing between Gaza and Egypt. It stipulates the use of two passages: the Rafah international crossing, controlled by the Palestinians under the supervision of the EU, and Kerem Shalom, controlled by Israel and located at the meeting point of Israel, Egypt, and the Gaza Strip.

The Rafah Border Crossing. The Rafah crossing will serve as an entry point into Gaza for some people and (under certain conditions) vehicles, and as an exit point for all people and goods. Incoming access through the crossing will be restricted to holders of Palestinian identity cards and their baggage and to a few other specific categories of people -- diplomats, foreign investors, representatives of recognized international organizations, and humanitarian workers -- whose crossing will be reported to Israel forty-eight hours in advance. Implicitly, all others have to enter Gaza via Kerem Shalom. This categorization is meant to enable Israel to prevent the influx of potentially dangerous persons, such as al-Qaeda operatives or Hamas's external leadership.

EU Monitoring. The EU will place monitors at the Rafah border crossing. Their mission will be to ensure that the PA complies with its specific obligations at the crossing point as well as to help build the Palestinian border-management capacity in general. While their role does not include enforcement, EU monitors will be empowered to freeze the transit process and demand the rechecking of any person, bag, or vehicle coming across the border. A joint liaison room will be established in Kerem Shalom under the leadership of the EU where Israeli, PA, and EU representatives can watch a live video and data feed from the Rafah crossing. The EU has already announced that it will deploy a mission of up to seventy monitors and support staff under the supervision of Maj. Gen. Pietro Pistolesse of Italy's Arma dei Carabinieri military police force.

The Israeli Role. Israel will be able to express concern or demand denial of entry regarding specific people or bags crossing into the Gaza Strip through Rafah, but Israel will not have veto power. The PA must consider the Israeli

position, consult with Israel and the EU before making its final decision on individual cases, and explain its decision. While they conduct their own investigation, or carry out the consultative requirements of the agreement, Palestinian border agents can hold suspicions persons attempting to cross at Rafah for up to six hours.

Goods. Under the agreement, goods will enter the Gaza Strip only through Kerem Shalom, where they will be inspected by Israel. This procedure is motivated both by security and economic concerns. Israel seeks to prevent the smuggling of weapons by controlling cargo transfers. In addition, both sides seek to maintain the Israeli-Palestinian customs union established in the 1994 Paris Protocol of the Oslo Accords. The Palestinians want the customs union continued mainly to ensure free access to the Israeli market, and Israel wants to be sure that the regulations and taxes of the customs union remain intact. At Kerem Shalom there will be a new joint customs border crossing, with Palestinian customs officials working under the supervision of Israeli government officials to clear all incoming cargo.

Vehicles. Vehicles will be allowed to enter Gaza through Rafah only after the implementation of state-of-the-art technological surveillance and security devices detailed in the agreement, in conjunction with third-party training and supervision. The implicit result of these terms is that until EU monitors certify the PA's inspection capability, all vehicles will cross through Kerem Shalom.

Movement between the Gaza Strip, the West Bank, and Israel

Movement of Goods between Israel and the PA. The agreement outlines the development of the Karni crossing in northern Gaza as the main facilitating site for access and movement of goods to and through Israel and as a model for other passages in Gaza (such as Erez) and in the West Bank. A high-tech scanner will be installed in Karni by December 31; once it is in place, 150 export trucks will be processed through Karni per day. That number will be expanded to 400 by the end of 2006. In the future, a new generation of x-ray equipment able to scan trailers and containers will be used at the passages. The agreement commits Israel to allow the continuous operation of the passages and to ensure the speedy export of agricultural produce, including urgent exports during the 2005 harvest season. The PA undertook to protect its side of the passages (which has been targeted by terrorists) and to upgrade its management of them. Implementation arrangements will be worked out in a bilateral Israeli-Palestinian committee with Quartet and U.S. participation as needed.

Movement between the West Bank and the Gaza Strip. The agreement arranges the transport of goods and people between the West Bank and the Gaza Strip through a system of (escorted) convoys intended to address the interim period until a permanent connection can be established (such as a railway or a sunken roadway). Bus convoys are to begin by December 15, and truck convoys one month later. Implementation details will be worked out in a bilateral committee. The agreement specifically recognizes Israeli security concerns about movement between Gaza and the West Bank because traffic between the two areas goes through Israel and could help introduce new terror capabilities into the West Bank.

Movement in the West Bank. The agreement stipulates that Israel and the United States will determine an agreed list of the minimum number of checkpoints and roadblocks in the West Bank vital to the preservation of security by December 31. It is fair to assume that this target date, as well as the target dates for the movement of convoys between Gaza and the West Bank, were set to secure greater freedom of movement ahead of Palestinian legislative elections scheduled for January 25, 2006 -- a timetable intended to boost Palestinian president Mahmoud Abbas's standing among Palestinian voters.

Seaport and Airport

The agreement stipulates that construction of a new seaport in the Gaza Strip can begin and offers assurances to foreign investors that Israel will not interfere in the development of the project. It also notes that all related security

issues must be resolved prior to the seaport's completion (generally expected to take at least three years) through a U.S.-led tripartite committee. While the agreement does not allow the rebuilding of Gaza's airport (which would take several months), it commits the parties to recognize the importance of the subject and continue discussing it.

Conclusion

The agreement sets a precedent for partnership with third parties in the development of a lasting solution for the access and movement for Palestinians within the framework of Israeli security needs. If successful, the agreement could pave the road for similar models in additional PA-controlled international passages, including the seaport and the airport. However, if the Rafah model fails, it would be a major setback to Israeli-Palestinian relations, to the prospects for future negotiations, and to hopes for a more open Israeli-PA border. Since the agreement mandates a review and evaluation of its arrangements after twelve months, the coming year will prove a crucial one.

This report was prepared by Jamie Chosak, a research assistant at The Washington Institute, under the guidance of Brig. Gen. Michael Herzog (IDF), a visiting military fellow at the Institute.

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