

**INTERNAL BRIEFING NOTE****ASSESSMENT OF SHARON'S GAZA WITHDRAWAL PLAN<sup>1</sup>****SECURITY FILE*****Background***

The purpose of this internal note is to assess the parameters and details of the Gaza key principles withdrawal plan, hereinafter "Gaza plan", in light of the security arrangements that Israel intends to leave behind during the interim period *and* after the evacuation is complete, and the security restrictions it intends to impose against the Palestinian Authority. These arrangements (short and medium-long term) and restrictions, respectively, will be assessed against Palestinian interests and objectives, and responds to them by providing solid recommendations to minimize risks and maximize benefits.

As such, this note will begin with a brief and general assessment of Articles I (Overview) and II (Main points of the plan) in light of the security provisions that the Gaza plan has identified. This section will attempt to explicate Israeli objectives in relation to the withdrawal plan, and by so doing it will assess the implications involved and how these might affect Palestinian interests.

Section two will provide a more in-depth analysis regarding the specific security articles (Articles III, IV and V) and other articles that have security implications (Articles VI, VII, XI and XII). This section is two-fold. The first sub-section will identify the Israeli provision to highlight the issue and ensuing problems. The second sub-section will identify recommendations for potential utilization solely by the PA and/or through the PA with the assistance and/or partnership of a third party.

**Section One*****General Assessment******Article I: Overview***

*Paragraph 2: "Israel believes that it must act to improve the current reality..."*

*Section B: "The plan will lead to a better security reality, at least in the long-term."*

It is quite evident from this paragraph that Israel will continue to conduct military operations inside the Gaza Strip. This may include, but not limited to, ground incursions and operations from air and sea. The Palestinian territorial integrity will not be preserved. This reinforces the argument that the occupation and the ability to maintain military

---

<sup>1</sup>As a general rule, the authenticity of this document cannot be confirmed. Conflicting reports on origin and source have reinforced this uncertainty. Nevertheless, the NSU can only proceed on the operational assumption that this document should nevertheless be assessed to assist PA efforts in responding to it.

hegemony over territory have not ended. This is also an implicit call to continue building the wall and to seek military guarantees from the United States. There is also a quasi-explicit call that the plan will only lead to a better security reality in the long-term, implying that in the short to medium term the security situation will not significantly change. In fact, the opposite could be true. Moreover, this statement is based on the premise that the Gaza plan will succeed in the short to medium term and as such Israeli long-term objectives are contingent and dependent on short term successes. Assuming this is true, Palestinian efforts on this front run counter to Israeli intentions. While the PA will attempt to maintain a degree of law and order to deal with the new reality, Israeli military operations on the ground will hamper Palestinian efforts. While the PA attempts to assert control and authority these efforts are being undermined by Israeli military incursions and attacks. If unabated, this could permanently inhibit Palestinian ability to effectively govern and administer the territory.

*Section G: "The disengagement move does not detract from the existing agreements between Israel and the Palestinians. The existing arrangements will continue to prevail".*

This statement runs counter to the underlying motivation of the Gaza plan. The Gaza plan is intended to create a new reality both within the Gaza Strip and vis-à-vis Israel yet it maintains that the existing agreements will continue to remain in force. Moreover, the fatal flaw in this statement is highlighted by the fact that existing arrangements are not necessarily per existing agreements. Further, since January 2003, Israel has suspended all types of coordination and cooperation at the operational level and up, with the exception of haphazard and ad-hoc tactical coordination absent political dialogue. It is understood from this provision that the existing security arrangements governing security protocol, movement of persons and goods, among others, will continue to remain in force. This will not improve the current dynamics and the Gaza Strip will in fact remain completely enclosed. The possibility of negotiations and dialogue is held hostage to Palestinian efforts. The current threshold in relation to Palestinian security performance is so high that the prospect of resuming a form of dialogue with Israel is very low.

#### ***Article II: Main Points of the Plan***

*Sections A and B, Points 2 and 2, respectively: "Upon completion of the move..."*

Removing forces and equipment and providing security to settlers during evacuation and removing facilities in settlements, if that becomes the preferred scenario for Israel, will take a long time to complete. The withdrawal should therefore be seen in the context of a long process through which there is going to be a transitional period until the PA takes over vacated areas. As such, during the interim period, it is fair to assume that Israel will maintain military presence on the ground and in certain cases may even beef up this presence. A withdrawal over a long period of time serves Israel's long-term interests. It will not be seen as a "Lebanon-style" overnight withdrawal thereby overcoming public and international perceptions that resistance succeeded. Second, maintaining a military foothold in Gaza and the northern West Bank strengthens Israel's ability to quickly respond to what it deems threatening to its national security. This in fact is threatening to

Palestinian interests. The United States has supported and financed a withdrawal that may take a very long time to complete by which time the prospects to establish effective control over territory and to secure a political process would have been severely minimized.

## **Section Two**

### ***Specific Security Issues, Implications and Recommendations***

#### ***Article III: Security Reality after the Evacuation***

*Section A, Point 1: "Israel will supervise and guard the external envelope on land, will maintain exclusive control in the air space of Gaza, and will continue to conduct military activities in the sea space of the Gaza Strip."*

This has adverse implications on PA exercise of authority on the ground. In this statement, Israel reserves the right to enter Palestinian territory with the intent of aggression. It clearly violates Palestinian-Israeli agreements and is counterproductive to Palestinian efforts. It is conceivable that Israel will continue its military policy against the Palestinian population. It may even, if it wishes to really undermine Palestinian efforts, to step up its activities in the area. This is also evident in Section B, Point 3, whereby "existing security activity will continue." This is reflective of its policy of "where there is quite there will be quite." The probability of this is relatively low, so it fair to assume that military activity will continue. It also wishes to maintain total control of the airspace and sea space and ways. This is a permanent status issue and the fact that Israel is requesting such ability has no affect on Palestinian legal rights.

It is recommended that the PA seeks international guarantees and assurances for its territorial integrity. The PA needs to argue that absent Israeli commitment to respect Palestinian ability to preserve its borders the environment will be extremely fragile on this front. The PA is attempting to govern and administer the Gaza Strip on the hand, yet Israel is conducting low-altitude military over flight training (and operations) and limiting Palestinian ability to use Palestinian territorial waters.

The PA can go one step further and request for international forces to be deployed along the Gaza-Israel border. This will of course be rejected by Israel. Further, the international community may resist such calls. From an operational perspective, this strategy may not work. However, from a political perspective, rejection of Palestinian demands puts the onus on the international community to provide the protection needed to the Palestinians. This will also offset Israeli moves to declare that "occupation has ended." To guarantee Israel's ability on this front, it is clear that it is attempting to place its overall objective under the rubric of the "right of self defense," as highlighted in Sections A and B, Points 3 and 2, respectively.

*Section A, Point 2: "The Gaza Strip will be demilitarized and devoid of armaments, the presence of which is not in accordance with the existing agreements between the sides."*

This is a permanent status issue. It has no affect or implications on Palestinian efforts to administer and govern the Gaza Strip during and after the withdrawal. Indeed, it has no affect on Palestinian legal rights or in relation to the legal status of the West Bank. A state can not impose "demilitarization" on another without explicit consent. Israeli demands are in fact devoid of any real substance. This issue will be negotiated as part of final negotiations. Having said that, however, existing agreements provide the PA with the right to possess 45 armored personnel carriers and light and medium caliber machine guns, as well as non-fixed wing helicopters. Most of this armament was destroyed or confiscated since September 2000. The PA at this point can request additional arms, if only necessary operationally. Symbolically and if Palestinian efforts bear fruit on this front, it may boost Palestinian perception of PA control on the street.

***Article IV: Military installations and infrastructures in the Gaza Strip and the northern Samaria area***

*"In general, they will be dismantled and evacuated, except for those that Israel will decide to leave in place and transfer to a body that will be determined."*

There is a clear contradiction on this issue. In Article II, Section A, Point 2 and Article III, Section B, Point 1 Israel has indicated that "no permanent military presence will remain..." But in Article IV, Israel is indicating that "except for those [military installations and infrastructures] that Israel will decide to leave in place." It is not clear to which body will these areas be transferred. No indication whether this body is international, Palestinian and/or Israeli.

This opens the door for Palestinian action on this front. It can determine whether existing facilities are in fact needed for Palestinian use. If so, it can suggest a model and structure for taking over the areas for future Palestinian use. It is possible that in the interim period these areas be transferred to an international body. The PA, however, is the host government and will maintain exclusive political authority over all Palestinian areas. Operational authority may rest with the international body (this is investigated further below in Article VII).

***Article V: The nature of military aid to the Palestinians***

*"Israel agrees that, in coordination with it, advice, aid and instruction will be given to Palestinian security forces..."*

This is an interesting article. Israel insists that Palestinian areas will be "demilitarized" on the one hand yet agrees to the transfer of "military aid" to the Palestinians, and this will done "in coordination with it". This clearly opens the door for coordination either directly between the PA and Israel or through a third party. Whichever case it is, there is room to engage on this front to utilize the possibility of strengthening Palestinian capacity in the short to medium term. This, however, must be done consistently and in light of Palestinian long-term planning and execution.

*"Israel insists that there will be no foreign security presence in the Gaza Strip...that is not done in coordination with Israel and with Israel's agreement."*

Here, Israel is ruling out the possibility for international security presence on the ground. It is not ruling out the possibility of international non-security presence. Moreover, it is conceivable that there *could* be security presence on the ground. However, this must be done in coordination with Israel and with Israel's agreement. Again, this opens the door for coordination between the PA and Israel. The PA should consider the possibility of utilizing a third party to work with Palestinian security forces. There is also a strong chance to utilize a third party on the ground to assist Palestinian civilian agencies in developing Palestinian civilian capacities on the ground.

***Article VI: The border area between the Gaza Strip and Egypt***

*"During the first stage, Israel will continue to maintain a military presence along the border line between the Gaza Strip and Egypt..."*

*"...it is possible there will be a need for the physical enlargement of the areas in which the military activity will be carried out."*

This is not indicative of Israeli intent to evacuate the area. The first stage could be a permanent interim arrangement. This obviously negates Israeli intentions to "completely withdraw" from the Gaza Strip. This is damaging to Palestinian interests. This implies that the entire Rafah area including adjacent areas in the vicinity will be under exclusive Israeli control, including the Mawasi area and other rich agricultural areas. The PA can seek the presence of a third party to deploy along the border and to secure the area. In addition, Israel intends to expand the security perimeter and to enlarge its military presence and activity in the area. It will be impossible for the Palestinians to effectively govern and administer the area if the border regime continues to be managed exclusively by Israel. This will diminish Palestinian ability to alter the dynamics in the Gaza Strip as a whole.

*"The evacuation of this area will be contingent on...the security reality and the extent of Egypt's cooperation in the creation of a more reliable arrangement."*

Evacuating the area is held hostage to a change in the "security reality" and "Egypt's cooperation." Israel is not satisfied with the current discussions it is having with Egypt on this front and not satisfied with the current Egyptian border regime. This opens the door to engage bilaterally with the Egyptians to establish a robust security regime along the border with the presence and assistance of a third party. This will allow the Palestinians to argue for Israeli withdrawal from the area.

*"If and when conditions emerge...Israel will be prepared to examine the possibility of establishing a seaport and an airport in the Gaza Strip, subject to arrangements that will be determined by Israel."*

The international community will not even consider the possibility of rebuilding the airport and seaport absent Israeli explicit guarantees and assurances that it will not destroy the facilities. This prompts international action on this front. Moreover, rebuilding these ports alone is insufficient. They need to be rebuilt and made operational. There is room here to utilize a third party role that can bridge the gap between Israel and the PA.

#### ***Article VII: The Israeli settlements***

*"Israel will aspire to leave standing the real assets of the Israeli settlements. (Note: subject to the presence of an international body that will accept proprietorship...)"*

*"Israel proposes that an international body be established...to be agreed upon by the United States and Israel, which will receive possession from Israel of the settlements that remain and will appraise the value of all the assets."*

It is quite clear that Israel intends to leave behind assets in the Gaza Strip. However, it will only transfer them to an international body (one that is based on the AHLC)<sup>2</sup>. It is conceivable that this body can establish some sort of custodianship over the assets. The PA is the host government and it may grant a degree of operational authority to be exercised by this international body. The PA however must insist that this be done in coordination with the PA and with the PA's agreement. Israel cannot establish this body without Palestinian consent. The US cannot grant this international body political authority. The United States has no legal rights to impose an international body inside Palestinian territory. But this must be viewed positively, however. It opens the door to engage internationally and with Israel to identify an international mechanism and body responsible for these assets under PA explicit political authority and jurisdiction.

#### ***Article XII: The international crossing points***

*Section A, Point 1: "The existing arrangements will remain in force"*

Article I states that the Gaza plan does not "detract from the exiting agreements" between the sides. In theory, this implies that the agreements signed between both sides during the Oslo process should be honored. Here, however, the existing arrangements at Rafah will "remain in force." This runs counter to what both sides agreed to in relation to the management of the international crossing point. It is clear from this statement however that the security arrangements at and near the international crossing point between the Gaza Strip and Egypt will in fact remain in force. This is clearly insufficient for Palestinian purposes.

The existing arrangements run counter to Palestinian interests in relation to movement of persons and goods, which at this point is extremely limited and held hostage to Israeli security overrides. While earlier reports suggested that the Sharon government was

---

<sup>2</sup> The NSU can examine this possibility for merits and liabilities. It can also propose an international body to assist Palestinian efforts on this front.

unclear regarding its intentions in Rafah, the Gaza plan however confirms that Israel will remain in the area and will in some areas enlarge the security perimeter. This increases damages to Palestinian interests. One of the determining factors in Israel's decision to remain there may have been the result of unproductive Egyptian-Israeli discussions on this front. It was evident that Israel was seeking security guarantees in relation to the management of the border.

It is recommended that as a general rule the PA must argue for a complete withdrawal from Gaza including the entire length of the border area between Gaza and Egypt. This, however, will require that the PA be prepared to present a credible security plan to manage the area and the international crossing points between Gaza and Egypt. The PA's position on this front can be strengthened by calling for a limited role of a third party. The role of a third party can be utilized to assist the PA set up and implement an effective border regime system that takes into consideration security issues and economic movement and development.

In addition, the current arrangements at the international crossing point between the West Bank and Jordan are insufficient. The PA can utilize a third party to assist Palestinian efforts. A third party can work with the PA to re-open the Palestinian terminal, increase the hours of operation and dispatch Palestinian security officers and customs officials. Political speaking, in addition to operational gains, there also symbolic advantages in linking West Bank changes to the Gaza Strip (territorial link).

*Section A, Point 2: "Israel is interested in transferring the crossing point...south of its current location..."*

Israel "is interested" to transfer the crossing point to the border area between Egypt, Israel and Gaza, the border triangle, but only in coordination with Egypt. Egypt has already indicated that it will not, at least in the short term, entertain this proposal. This is based on the premise that Egypt wishes to distant itself from the withdrawal plan.

It is recommended that the PA continues to insist on maintaining the current Rafah crossing point in its location, but with enhanced crossing arrangements. The PA should also insist that Egypt reject the Israeli proposal. It may be possible to consider this proposal for merits and liabilities, but only after complete withdrawal from the Rafah area and transfer of responsibility to the PA.