

Negotiation Brief

LAND CORRIDOR BETWEEN WEST BANK AND GAZA – CONCERNS & RECOMMENDATIONS:

I. Israeli Proposal

Palestine will have an “elevated safe passage” connecting the West Bank with the Gaza Strip. The elevated safe passage will account for 3% of the land swapped by Israel in return for annexing settlements in the West Bank.

II. Concerns

There are problems with both the idea of an **elevated highway** and with the Israeli proposal for including the corridor in the **land swaps**.

A. An elevated highway would give rise to a number of problems that can be avoided through the construction of a ground highway:

1. **Cost:** For a ground highway, the road construction cost is approximately \$1.8 million per every road kilometer. For an elevated highway, the road construction cost is approximately \$25 million per every road kilometer. This expense would reduce the amount of funds available for other projects in Palestine.
2. **Expansion and maintenance:** With an elevated highway, it will be very difficult to:
 - a. Expand the number of road lanes in the future;
 - b. Add a rail line;
 - c. Extend infrastructure (water pipes, gas, electricity); and
 - d. Divert traffic in the event of accidents, road maintenance, or sabotage.
3. **Security:** An elevated highway would be extremely vulnerable to sabotage. Moreover, Israel can adequately address all of its security concerns with a “ground highway” corridor, using means such as ground patrols and electronic surveillance.

B. Under any scenario, Israel should *not* be credited 3% for permitting the construction of the corridor.

1. If the corridor is **under Israeli sovereignty** – and Palestinian control – it should not be included in a swap for lands annexed to Israel. Annexed land should only be swapped for land to be placed under Palestinian sovereignty.
2. If the corridor is **under Palestinian sovereignty**, the amount of territory on which it is situated must be calculated in advance, and the percentage must reflect this figure. If the highway is elevated, a smaller percentage is warranted because Israel can put some of the land beneath it to its own uses (for example, for roads).

III. Recommendations:

Palestine must demand a **land corridor** with the following characteristics:

1. **No elevation:** The highway should be at ground level, except where it intersects with major existing Israeli roads, where it may be elevated or underground.
2. **A corridor, not a “safe passage”:** The current “safe passage” arrangements leave the road under full Israeli control. Instead, Palestine should demand either:
 - a. A ground corridor under *full Palestinian sovereignty*; OR
 - b. A ground corridor under *exclusive Palestinian jurisdiction and control*. (In this case, as noted above, the safe passage cannot be calculated as part of the land swapped for settlements.)

Note: The second option may be preferable. A corridor under Palestinian jurisdiction and control would amply satisfy Palestine’s needs. Moreover, if Palestinian lands are to be annexed by Israel, it would be prudent to swap these lands for territory in Israel that has more development potential (such as lands in West Jerusalem).

3. **Exclusive Palestinian jurisdiction and control means that Palestine would have the following powers:**

- i. Palestinian police patrol the corridor and arrest criminal suspects;
- ii. Palestinian courts have jurisdiction over traffic offences and other criminal and civil matters raised by the corridor; and
- iii. Decisions regarding who has access to the corridor rest entirely with the state of Palestine.

4. **Interim Arrangements:** For the avoidance of doubt, the Agreement must specify:

- i. **Which party** is responsible for **construction and maintenance** of the corridor.
- ii. **Financing construction costs** needs to be worked out in advance. Will it be foreign donors, Israel, Palestine, a combination?
- iii. **Palestine** should have **control and jurisdiction over the land on which the corridor is being built** in order to make sure that Israel cannot impede its construction.
- iv. Agreement on a **temporary road until the final road is opened**. At minimum, the current safe passage arrangements should be improved if it will be used on a temporary basis. One option would be to involve international forces to ensure that Israel abides by the agreed arrangements.