

SECURITY ISSUES

1. Summary

After decades of enduring the instability and violence stemming from Israel's military occupation, the Palestinian people seek stability and security, both in their daily lives and as a nation. In particular, they aspire to exercise their right to self-determination through an independent, sovereign state able to exercise its full rights and responsibilities as a sovereign nation, including maintaining a responsible self-defence capability. The state of Palestine, however, will have no interest in developing an offensive military capability vis-à-vis other states.

“Demilitarised State”

Israel has insisted that the State of Palestine be formally deemed a “demilitarised state.” It has sought a *blanket* demilitarisation of the entire state, rather than the more limited objectives of arms limitations and demilitarised zones. As a concept, demilitarisation has never been applied to entire states. Although Israel has never articulated in any detail what it means by a “demilitarised state”, it is understood to imply specific limitations on status, size, weapons, structure and organization of the security sector. Extensive limitations would inhibit, if not entirely cripple, the performance of basic security functions such as maintaining law and order and protecting international borders. Demilitarisation of the entire state, therefore, not only undermines the sovereignty of a future Palestinian state, but also its viability and stability. In contrast to the Israeli position, the Palestinian people aspire to a state with defensive arms, one that can maintain internal stability, as well as defend against external threats.

Israeli Military Presence on Palestinian Territory and Control Over Airspace

Using the pretext of the need for a rapid response to a threat from the East, Israel has demanded a number of arrangements that would allow its security forces to detect, and respond quickly, to a surprise military threat from the East. In particular, in past negotiations it has demanded the placement of three early warning stations (EWS) on high ground in the West Bank, along with a number of military installations in the Jordan Valley. It also demanded the “right” to deploy on Palestinian territory in case of an ‘emergency’. Although in previous negotiations the Palestinians were willing to be flexible with respect to installations, such as EWS (as long as they were temporary and subject to Palestinian regulation), it was clear that the “threat from the East” was merely a pretext for continuing Israeli control over Palestine.

Additionally Israel has demanded the use of Palestinian airspace for military operational purposes, training purposes, as well as called for other intrusive controls over Palestinian civil aviation.

2. The Palestinian Position

The starting point for negotiations on security is that it is in both sides' interest to have a robust security sector and internal security infrastructure in Palestine. Another key starting point is that Israeli presence in, and control over, parts of Palestinian territory are, as a matter of principle, an unacceptable violation of the sovereignty and independence of the State of Palestine. Only limited arrangements that address legitimate security interests will be considered.

As a matter of law (and common sense) a principal condition for ending Israel's occupation and establishing the sovereignty of Palestine is the complete withdrawal of Israeli forces from Palestinian territory, which includes airspace and territorial waters. Limited and temporary arrangements may be acceptable as long as they are not intrusive and do not constitute violations of national sovereignty.

- **Limitations on Palestinian Military Capability and Alliances:** Palestine does not seek to become a military state, but it requires a small army for internal and external self-defence. Therefore, the P.L.O. rejects a "demilitarised state". However, a "state with limited arms" or "defensive arms" may be acceptable, depending on the specific limitations proposed.

While Palestine may accept limits on certain types of armaments (e.g. jet fighters or offensive missile capability), it does not accept limits to the numbers of individuals or structure of the security sector, which in any event will be limited for economic reasons. In particular, a Palestinian air force is necessary for transportation, and internal patrolling and protection of the borders.

With respect to regional security arrangements, Palestine welcomes the establishment of a regional collective security regime, and would not enter into alliances with states hostile to Israel.

- **Early Warning Stations (EWS) on Palestinian Territory:** Jordan and Egypt have signed and implemented peace treaties with Israel. Moreover, with the technology that is now available, such installations simply do not improve Israel's capability to detect an imminent threat from the East. The Palestinian side may consider temporarily leasing installations to Israel, with specific conditions including location, fixed timeframe, limitations on use, compensation, number of personnel, third party or Palestinian access for inspection etc.

- **Israeli Military Presence in the Jordan Valley:** There is no objective strategic rationale for Israeli bases or military control over the Jordan Valley, particularly in light of Israel's longstanding peace treaty with Jordan, existing military and warfare technology and the geo-strategic layout of the territory. To counter Israeli concerns, Palestine is willing to accept a third-party security role. If there is to be such a presence it should be restricted in time and made subject to a Status of Forces Agreement.

- **Airspace:** The management of Palestinian airspace once a sovereign state is established presents several issues that implicate Palestinian and Israeli security concerns. A framework should be negotiated for coordinating air traffic control between Palestine and Israel that permits timely responses to threatening situations (e.g. unidentified aircraft headed towards the two states' airspace) and promotes economic efficiency.

As for civil aviation, the regulation of civil flights should be in accordance with international standards and procedures under the Convention on International Aviation (the "Chicago Convention"). Palestine and Israel should resolve issues relating to the use of each other's airspace for civil aviation in the same manner as other neighbouring states do. The International Civil Aviation Organisation (ICAO) should be the forum for resolution of disputes on these issues.

Palestine may seek access to Israeli airspace for its civilian and security aircraft. Arrangements for privileged Palestinian access to Israeli airspace for civilian flights between the West Bank and

Gaza Strip (as opposed to general flight routes available to aircraft from other states), may be sought by Palestine.

Since independent nations do not routinely give foreign powers the right to military over-flight over their territory, there is no legitimate reason for Israeli military over-flight in Palestinian airspace. Such Israeli arguments as the need to use the airspace for military training or as part of necessary security arrangements are simply not valid.