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From Unilateral Disengagement to Trilateral Engagement

Paper 3: Preparing for Israeli withdrawal from Philadelphi, Gaza Airport and Gaza Seaport

The objective

Prime Minister Sharon's disengagement plan created an opportunity to break the vicious circle of the last four years. Its success can propel a process of reduction of violence and return to the political process. Its failure will lead to a closure of this rare window of opportunity.

The Israeli public and polity will measure the success of the plan only by one benchmark, the security parameters. If there will be a reduction in the level of violence, the IDF will be able to cut the size of the forces positioned at the Gaza Strip area, and Israel will be capable of dealing with the remaining security threats more effectively after disengagement, it will be judged a success leading the way to further progress in the political process.

According to the Interim Agreement of September 28, 1995 Israel continued to retain control over the external envelope of the Gaza Strip. This pertained to a narrow land strip along the border with Egypt, the air space, the sea off the coast of Gaza and the international passages, whether they are land passages, airports or seaports.

If the Israeli withdrawal from the Gaza Strip will be full, including the opening of the accesses to the external world, there is a greater chance that it will lead to positive psychological, political and social-economical developments that will facilitate a process of reduction of violence and resumption of mutual trust. It will prevent friction and create motivation among the Palestinians to retain a quiet and stable situation.

The problem is that if Israel will relinquish its control over the external envelope it will be used by the armed groups and those that oppose Israeli-Palestinian reconciliation to smuggle arms and ammunition into the Gaza Strip in violation of the Interim Agreement. These arms may undermine the existing balance of power and

may be used to attack Israeli targets quite deep inside the Israeli territories. Israel will have to retaliate in force, and that will create a new vicious circle that will bring Israel back into the Gaza Strip.

Prime Minister Sharon understands this Problem. Initially his plan included a full withdrawal from the Gaza Strip, but the IDF (Israel Defense Force) and the GSS (General Security Service) leaderships convinced him that Israel cannot afford relinquishing control over the external envelope because of the risks involved, and he modified his plan accordingly, but left open the option of withdrawing from the Egyptian border and enabling the opening of the airport and a seaport at a later stage.

The purpose of the paper is to develop a politico-security solution that will enable Mr. Sharon to re-modify his plan so it will include a full withdrawal, or at least so it will shorten the time frame between the initial withdrawal and the full withdrawal.

The threats

There are three types of weapon smugglings operations in the Gaza Strip:

- Smuggling operations organized by the Palestinian Authority and its security organs.
- Smuggling operations organized by the different Palestinian armed factions and especially Hamas.
- Smuggling for private profits executed by crime gangs. They smuggle different goods but also weapons.

Sometimes the smuggling operations are done in cooperation between some of the three elements involved in the smuggling.

At the past weapons were smuggled through the sea and through the land border with Egypt, above ground, but Israel succeeded in blocking effectively these two routes and therefore the smuggling operations were diverted to underground tunnels that are dug under the narrow strip controlled by Israel at the border between Egypt and the Gaza Strip. These tunnels are controlled by crime gangs that operate in the Rafah area and are closely cooperating with the armed factions that operate in the same area. We are facing the usual combination of crime and political terror.

There is no control of any central Palestinian authority in this area. The PA lacks the will and the capacities for doing that. There is no will because as long as the Intifada continues the smugglings serve also the needs of the PA, and in the absence of a political process the PA has no motivation to take the risks embedded in an attempt to curb the smugglings. The PA security organs were hurt badly because of the four years of violent conflict. They were hurt materially and they lost their legitimacy in the Palestinian public. As long as the reform of the Palestinian security organs is not carried out these organs are also not under a unified command and usually they serve the different particular personal interests of different political and security personalities. This situation does not presently allow any effective Palestinian security operations in the Rafah area which turned into anarchical gangland.

No nation succeeded in devising 100 percent solutions to the problem of smugglings. Therefore, there is a need to categorize the threats according to priorities and focus on prevention of smuggling of items that pose more significant threats. There are three categories of such items:

- Weapons that have a potential to change significantly the balance of power between Israel and the Palestinians such as anti-aircraft missiles and anti-tank missiles.
- Weapons that increase the Palestinians' capacity to attack civilian targets deep inside Israel, such as artillery rockets, artillery guns and mortars.
- Large quantities of explosives and other kinds of weapons that can make a quantitative change.

It means that a basket of solutions that will prevent smuggling of these destabilizing weapons will provide a satisfactory response to the threats, even if it will not be possible to guarantee the prevention of smuggling of any other weapons in small quantities and numbers.

Description of the general conception including security needs.

The suggested solution should include a basket of means that will deal with the Egyptian side of the border, the Palestinian side of the border, the airport and the sea port.

On the Egyptian side of the border:

- Egypt will take upon itself a clear and strong commitment to prevent smuggling to the Gaza Strip.
- Egypt will deploy effective military (Border Guards) and internal security forces along the border. The security annex of the Israeli-Egyptian Peace Treaty allows only deployment of civilian police units in this area. Israel and Egypt will have to agree on the appropriate modifications to this annex to allow this deployment.
- The Egyptian deployment and counter-smuggling activities will be monitored by international monitors. The MFO is already responsible for monitoring Egyptian deployment in the Sinai Peninsula. It is suggested that it will undertake also this missions.
- The Egyptian internal security forces will be responsible for uncovering the smuggling rings, preventing their activities, and arresting their members.

On the Palestinian side of the border:

- The PA security forces will have the sovereign responsibility for guarding the border.
- Their activities will be monitored by an international monitoring mechanism that will deploy fixed observation posts along the border and mobile patrols.
- The PA security forces will be also responsible for dismantling the smuggling rings on their side, for searching for smuggling tunnels in the built-up areas, and for destroying them.
- The Palestinian counter-smuggling activities will be monitored closely and tightly by the international monitoring mechanism.

In the international passage to Egypt:

- The Palestinian security forces will have the sovereign responsibility for prevention of smuggling.
- The international monitoring mechanism will supervise closely and tightly the work of the Palestinian security forces.

- The monitoring mechanism will be equipped for this purpose with independent cargo monitoring equipment such as x-ray machines.

In the airport:

- The Palestinians will be allowed to repair the runways and re-activate the airport.
- The security arrangements and the international monitoring arrangements will be similar to the arrangements in the land international passage.

In the seaport:

- The Palestinians will be allowed to start building the international sea port in Gaza.
- Monitoring of cargo in a sea port is a much more complex and daunting mission, because of the size of the containers, and the volume of cargo that should be inspected. The building of the port will take quite a long time and that should be used to develop a concept of monitoring with x-ray machines every cargo that leaves the port, whether in a maritime container or in other form of package. Sea containers' x-ray machines are very expensive and therefore it seems that there should be only one set of them operated jointly by the Palestinians and the international monitors.

Financing of the monitoring mechanism and its monitoring mechanism should be taken by the international community through the existing donor mechanisms.

As part of this concept Israel should adjust its expectation concerning the smuggling of arms and ammunition into the Gaza Strip. No solution, including the unilateral Israeli solutions can prevent completely any smuggling. The purpose of the system devised in this suggestion is to prevent smugglings that will have a meaningful destabilizing effect by undermining the existing military balance and introducing new destabilizing weapon systems into the Gaza Strip.

Egypt's role

Mission

Egypt's mission should be to prevent smuggling of weapons through its territory to the Gaza Strip:

- First, it should maintain effective control of its side of the border fence with guard posts and patrols.
- Second, it should prevent smuggling of weapons into its territory and then from its territory to the Gaza Strip. For this purpose it has to persecute the smuggling gangs and stop their operations by arresting their members and bringing them to court.
- Third, it has to locate the Egyptian ends of the smuggling tunnels and destroy them.
- And last it should stop use of its ports and shore for smuggling operations through the sea to the Gaza Strip by operating at the ports and other potential points of departure and in the sea.

Deployment

The necessary deployment of Egyptian forces should include:

- a. A Border Guards battalion that will maintain constant activity on the Egyptian side of the fence with fixed posts along the border and patrols that cover the areas between the fixed posts.
- b. A detachment of internal security personnel to collect data on the smuggling operations and operate against the smuggler gangs.
- c. Few light but rapid naval vessels that will operate at the sea off the border area to prevent smuggling through the sea.

Tasks

The tasks of the Border Guards' battalion should be as follows:

- a. Manning of posts along the border

- b. Maintaining mobile patrols along the border during day and night.
- c. Assisting the internal security detachment in intelligence operations and arrests of suspects involved in smuggling operations.
- d. Destroying smuggling tunnels that are exposed.

The tasks of the security detachment should be:

- a. Collection of intelligence about smuggling networks and gangs and their operations, including cooperation among gangs on both sides of the border.
- b. Dismantlement of these networks and gangs in cooperation with the military force and the police force, arresting their members and interrogation of those arrested.

Monitoring Egyptian participation

The monitoring of Egyptian participation will have two purposes; to prevent Egyptian misuse of the changes in the security Annex of the peace treaty, and to verify that the Egyptian forces are fulfilling their commitments to prevent smuggling of weapons from their territory to the Gaza Strip.

The MFO will carry out the monitoring on the Egyptian side of the border.

Legal framework

The Egyptian deployment and activities should be covered by the following legal documents:

- a. Israeli-Egyptian agreement that will allow the deployment of the Border Guards battalion and the internal security detachment and will specify the necessary modification to annex 1 of the Peace Treaty - "Protocol Concerning Israeli Withdrawal and Security Agreements".
- b. Egypt-Israel-MFO agreement on coordination mechanism for this area.
- c. A letter of the Egyptian government to the Quartet that will include its commitment to prevent smuggling to the Gaza Strip.

The MFO's role

Mission

The MFO mission will be to monitor the deployment and operations of the Egyptian forces along the border with the Gaza strip. The MFO already monitors the deployment of the Egyptian forces in Sinai according to the security annex of the Egypt-Israel Peace treaty. It has only to make the changes that are necessary as a result of the change of the Egyptian deployment of forces in this area. Monitoring the operations against smuggling of these forces is a new mission.

Deployment

The MFO should deploy a number of fixed observation posts along the border in a way that will cover the full length of the border. Their presence should also deter Palestinians and Egyptians from colluding in smuggling through the fence. They should be equipped with suitable day and night vision equipment. The length of the border line is about 14 km. It seems that 4-5 observation posts will be sufficient.

In addition the MFO will have to deploy in this area a group consisted of new type of monitors. These monitors should be people with previous experience with police and customs work to monitor the Egyptian counter smuggling operations.

Tasks

The tasks of the MFO will be as follows:

- a. To monitor that the deployment of Egyptian forces is according to the modified agreement with Israel. This task is different from the usual MFO task because in this case they will have to monitor not only increases of the force above the allowed force but also decreases.
- b. To monitor the borderline with the Gaza Strip
- c. To monitor the continuous anti-smuggling operations of the Egyptians.
- d. To monitor the Egyptian response to information that is passed to them through the MFO- Egypt-Israel coordination mechanism about smuggling operations.

- e. To verify that the full cycle of dealing with a smuggling operation is carried out: interrogation, arrests, legal proceedings, prison.

Legal framework

The operation of the MFO in this area will be in accordance with an agreement between the two sides on the necessary modifications to annex 1 of the Peace Treaty – "Protocol Concerning Israeli Withdrawal and Security Agreements". In Article 2 a new zone should be defined with the necessary changes in Egyptian deployment.

In addition, Egypt, Israel and the USA, the parties that established the MFO will agree on the necessary modifications to the Protocol to the Treaty of Peace that established the MFO. The changes should focus on several chapters in the annex to the protocol:

- a. Functions and responsibilities of the MFO – to include the new functions in the area of the border of the Gaza Strip.
- b. Size and organization – to include the necessary additions for the elements that will be deployed in this area.

The Palestinian role

Mission

The Palestinian mission should be to prevent smuggling through the border with Egypt, through the airport and through the sea port and stop the operations of the rings involved in smuggling whether they are criminal gangs or groups belonging to armed militias of the different political factions.

Deployment

The PA security forces will have to be deployed in sufficient numbers in the following locations:

- a. The Rafah crossing point

- b. Along the Philadelphi strip – the PA should maintain a system of fixed positions and patrols that will keep tight control over the border with Egypt. The length of the border is approximately 14 kms. It seems that a force that has the size of 1-2 battalions (3-6 companies) is needed for this mission.
- c. In the airport.
- d. In the sea port – the large size of the sea-port necessitates deployment of a relatively large force (battalion size) to guard it and prevent misuse of its facilities in addition to physical security infrastructure such as security fence and alarm systems.
- e. The PA will keep a heavy security presence in the town of Rafah to bring back law and order to this area and prevent the operation of crime gangs and rogue armed groups that are involved in smuggling.

Tasks

The Security forces of the Palestinian Authority will be responsible for the following tasks:

- a. Commitment not to allow involvement of any of its organs in weapon smugglings.
- b. Preventing smuggling of weapons through the Rafah crossing by screening baggage and cargo that goes through this post.
- c. Guarding the Philadelphi fence and preventing smuggling through this fence day and night. The PA will commit to maintain the fence and not tear it down.
- d. Preventing smuggling of weapons through the Airport and the sea port by screening every cargo that goes through these places, and by keeping the areas of the two installations controlled areas, in which no unauthorized personnel is allowed to enter, and no authorized personnel is allowed to transfer weapons outside the installations.
- e. Preventing smuggling through underground tunnels by locating and destroying them.

- f. Dismantling the smugglers gangs by criminal investigation, arrests and use of the relevant judicial processes.

Necessary capacities

The PA forces in Gaza do not have the necessary capabilities to be able to fulfill the above tasks. These capacities have to be built. They can be divided to two sorts of capacities; material capacities and legitimacy.

The material capacities are manpower, installations, equipment and training. The PA security forces in the Gaza Strip employ a vast number of people. The problem is that after more than four years of Intifada and deterioration of the PA's institutions it is doubtful whether it has real control over its personnel. There is a need for re-checking of the existing personnel through a process of screening. The undisciplined elements should be fired and got rid of. New personnel should be recruited based on qualifications. In the framework of building a training program for the new and the old personnel special attention should be given to building a cadre of security persons that specialize in anti-smuggling operations. Such training should be given by third parties either by hosting Palestinian trainees in their training facilities or by sending instructors to the Gaza Strip.

Although some installations of the PA security forces were destroyed during the present armed conflict there is no shortage of suitable installations taking into account that the PA can also utilize the installations that will be left by the IDF at the area of the settlements that will be evacuated.

There is a need for special kind of equipment for prevention of smugglings including screening machinery (x-ray machines etc.) to be used at the border crossing, the airport and the sea port. Third parties may be helpful in supplying these kinds of equipment.

The more difficult problem of the PA security forces is the lack of legitimacy. That should be acquired through a process of reform in the PA including reform of the PA security services. The reform process should decrease the number of different security forces and establish unity of command. It is important to have one command that will be responsible for the prevention of smuggling activities at the border with Egypt.

Legal framework

Israel is not going to sign at the first stage any new agreements with the Palestinians because of the unilateral nature of the disengagement plan. Therefore the commitments of the PA that pertain to the prevention of smuggling should be given to a third party. The most suitable one is the Quartet.

The international role

Mission

Third parties will have several missions:

- a. To monitor the Palestinian activities against smuggling at the border with Egypt, the airport and the sea port.
- b. TO assist in building the Palestinian capacities needed to prevent smuggling.

Organization and force composition

The international presence should be consisted for the purpose of dealing with the problem of the Philadelphi axis, the airport and the sea port of two elements:

- a. A monitoring mechanism that include a command group and four field missions:
 - i. The border line observers and monitors
 - ii. The airport monitors
 - iii. The sea port monitors
- b. A Rafah security assistance group that will be attached to the command of the Palestinian security forces in Rafah area and will have a double role; to assist, advise and facilitate the Palestinians in fulfilling their counter-smuggling commitments, and tightly monitor their counter-smuggling operations. The monitors and advisers should be persons with previous relevant custom and police experience.

Deployment

The international presence will deploy observation posts and mobile patrols along the Philadelphi road to observe the Palestinian activities in this area.

The other group of monitors and advisers will be deployed in the area of Rafah to monitor the anti-smuggling activities of the PA in the town of Rafah and assist them in management of anti-smuggling operations.

A group of monitors will be attached to the Rafah crossing to monitor the screening activities of the Palestinians. For that purpose the monitors will be equipped with their own screening equipment and will be capable of performing sample screening. They will have also video coverage of the terminal to inspect the Palestinian activities.

The same arrangements will be installed in the airport and sea port, but because of the greater areas of these installations, the monitoring groups will include also mobile teams that will cover the areas outside the checking facilities of the cargo and the luggage.

Tasks

The first task of the international party, presumably the Quartet, should be to develop a proposal on the lines of this paper that will provide a decent solution to the problem of smuggling of weapons to the Gaza Strip without Israeli presence in the Gaza Strip. Acceptance of this proposal will allow full Israeli withdrawal from the Gaza Strip.

Along the Philadelphi road the main tasks of the monitors will be:

- a. To cover with observation posts the full length of the border fence,
- b. To monitor the deployment and the activities of the Palestinian security forces along the border.
- c. To track over the ground smuggling attempts and the Palestinian prevention activities and to demand rectification in cases of inaction.

In the town of Rafah and the adjacent refugee camps the tasks of the monitors and advisers will be:

- a. To monitor the Palestinian counter-smuggling activities including tracking of tunnels and investigation of smuggler gangs.
- b. To escort Palestinian forces engaged in counter-smuggling operations.
- c. To track the treatment of the persons accused of smuggling activities through the all criminal and judicial process.
- d. To advise and instruct the relevant Palestinian security forces in counter-smuggling techniques and tactics.

In the Rafah crossing, the airport and the sea port the tasks of the international party will be:

- a. To monitor the smuggling prevention procedures and activities of the Palestinians
- b. To perform their own sample screening.
- c. To ensure that no smuggling activities are taking place in the areas of the airport and the seaport.
- d. To advise and assist the Palestinians in acquiring the necessary screening equipment and other security equipment (including financing).

The sea port was not yet built. The monitoring group should be involved in the planning and building process to create the conditions for effective monitoring.

Legal framework

It is suggested that the Quartet should present the PA with a paper that will elaborate the roles of the international party. The PA will accept the suggested arrangements through a paper to the Quartet. The two documents will be presented to the GOI, and it will be asked to modify the disengagement plan so it will include withdrawal from the Philadelphi strip and acceptance of the operation of an airport and a sea port in the Gaza Strip.

Proposed Timetable

The proposed timetable is as follows:

- a. Until the end of Oct. 2004 – preparing the proposal and getting the parties acceptance.
- b. 11.04-3.05 – organizing the international presence, organizing training in counter-smuggling for Palestinian personnel inside and outside the Gaza Strip.
- c. 4.05-6.05 – deployment of Egyptian forces, organizing of a Palestinian force for the control of the border area and a Palestinian team for the Rafah crossing, deployment of the first group of international advisers and monitors to the area of Rafah.
- d. 7.05-9.05 final coordination and training.
- e. Last quarter of 2005 – Israeli withdrawal from Philadelphi area and the Rafah crossing, full deployment of the Palestinian forces and the international elements.