
M E M O R A N D U M

TO: Col. Mohammad Dahlan

FROM: Negotiations Support Unit

DATE: 20 September 2000

RE: Comparative Analysis: Recent Palestinian and Israeli Positions on Security

Please find attached a table reviewing the positions each party has taken in negotiations regarding the issue of security – both at Camp David and at recent sessions at the King David Hotel in Jerusalem.

This memorandum analyzes the positions taken by the two parties and identifies the points of agreement, the points of disagreement, and additional issues requiring attention that have not been addressed in the negotiations.

Points of Agreement

The two sides have tentatively reached agreement regarding the following security-related issues:

- *Disarmament of civilians.* The parties agree that only the Palestinian security forces will carry weapons – light or heavy. Although Palestine has insisted that Israeli settlers also be disarmed, Israel does not appear to have responded to this request.
- *Prohibition of presence of hostile foreign forces on Palestinian soil.* The parties agree that the treaty will prohibit the stationing or deployment in Palestinian territory of third party forces hostile to Israel. Israel, however, also seeks the right to decide whether other *non-hostile* forces will be permitted to enter Palestinian territory.
- *Prohibition of Palestinian entry into hostile military or security alliances.* The parties also agree that the agreement will prohibit Palestine from entering into military or security alliances hostile to Israel. Again, however, Israel demands the right to decide whether Palestine enters into *any* military or security alliances.
- *Prohibition of importation or manufacture by Palestine of arms other than those specified in the agreement.* The parties appear to agree that Palestine will import and/or manufacture only the arms specified in the agreement (and only in the quantities specified in the

agreement). Although Israel initially favored a blanket prohibition on Palestinian arms production, it appears willing to consider some limited production, in accordance with specified arms limitations. **The parties have not recently discussed what specific mechanisms will be employed to verify that Palestine has not violated the terms of the arms limitations. At Camp David, Israel insisted on a 3rd party presence at the Palestine-Jordan border; this issue should be discussed and resolved.**

- *Existence of early warning stations.* The parties have agreed in principle to the maintenance of early warning stations in the West Bank. As discussed below, however, they have not agreed on the number of stations or on arrangements for access and operation.
- *Transitional arrangements during withdrawal period.* The parties agree that special transitional arrangements will apply during the period when Israeli settlers are being evacuated from the settlements in Palestinian territory. As discussed below, however, they continue to disagree regarding the length of the period and the status of the territory during that time.
- *Involvement of international forces.* The parties agree that international forces may usefully be employed to monitor and verify their compliance with the agreement and to help safeguard Palestinian security interests.
- *Monitoring and verification.* The parties agree that monitoring and verification mechanisms will be required, but they have not discussed what types of specific mechanisms and technology will be used.
- *Joint security cooperation.* The parties agree that security cooperation, bilaterally and multilaterally, is desirable and are prepared to establish mechanisms to that end.
- *Combating terrorism.* The parties agree to combat terrorism, individually and in cooperation, at all levels. **Because the term “terrorism” may be interpreted in many ways, however, the Palestinian side should be cautious about entering into broadly worded commitments in this area that may be vulnerable to multiple interpretations.**

Points of Disagreement

The following issues remain in dispute:

- *Palestinian Armed Forces.* There are four points of disagreement related to the Palestinian armed forces:

- (1) The two sides appear to have different ideas regarding the *scope of demilitarization*. Palestine is willing to accept a regime involving limitations on arms and armaments. The Israelis seek a limitation on the size of the Palestinian forces, as well.
- (2) In accordance with this substantive difference, the parties disagree about *the words to be used to describe Palestine's status*. The Palestinian side rejects the term "demilitarized state" and prefers references to "limited arms" or "defensive arms." The Israelis seek a clear commitment to "demilitarization." **If the substantive dispute above is resolved, this dispute should be relatively easy to address; the term "demilitarization" has no single accepted legal meaning.**
- (3) Palestine seeks to have a functioning *air force* – though one of limited size. The functions envisaged for this force are transportation of the Palestinian forces, escorting VIPs, and combating internal and external threats (though no fighter aircraft are demanded). **This dispute may be overcome through creative drafting: Israel does not appear to object to these functions – only to the idea that a military "air force" will carry them out.**
- (4) Israel seeks to prohibit Palestine from *stationing any Palestinian forces abroad without its consent*, in order to prohibit Palestine from establishing an army abroad. The Palestinian side has argued that Palestine may seek to contribute to peacekeeping efforts or to participate symbolically in armed conflicts. Israel responds that it would give its consent to these types of efforts. **Both parties' concerns may be addressed by including a mutual commitment to the following:**

Israel and Palestine shall refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of the other.

- *Early warning stations*. Although the parties agree on the existence of early warning stations in principle, they have yet to agree on the following issues:
 - *Number of stations*. The Israeli side seeks three stations, one at Ba'al Hatzor, one at Mt. Ebal, and one at an as yet unspecified location in the South. The Palestinian side refuses to accept more than two stations. **There is absolutely no valid strategic reason for Israel to have an early warning station in the South. Moreover, convincing arguments may be made for the existence of no more than one station in the West Bank during peacetime.**
 - *Zoning and planning around stations*. The Israeli side has recently requested agreement on zoning/planning restrictions near the early warning stations,

notwithstanding a prior American assurance that these stations would not adversely affect Palestinian life. **Because Palestine itself may need to implement zoning restrictions near these sites for domestic reasons (e.g., safety and security), it may be feasible to reach agreement on minor restrictions bilaterally. These restrictions should be linked, however, to restrictions on Israeli use of the stations (e.g., that the stations will not be used to monitor Palestinian communications, for the positioning of weapons, etc.). An annex will be required to address these arrangements in detail.**

- *Emergency deployment in the Jordan Valley.* Palestine has rejected Israel's demand for access through Palestinian territory to specified deployment sites and zones in the Jordan Valley during emergency situations. **Although an ongoing Israeli presence in Palestinian territory is undesirable, it is likely that Israel will enter Palestinian territory during an emergency regardless of whether Palestine has given consent. Agreeing to special arrangements for emergency situations may be practical in order to narrow the range of situations in which Israel may enter, to prevent damage to Palestinian residential and commercial areas and roads during such an emergency, to provide for compensation in the case of such damage, and to provide clear guidelines for the withdrawal of Israeli forces after the emergency. Should the Palestinian side wish to consider some form of Israeli emergency access, the NSU has prepared draft treaty language that may be used.**
- *Transitional arrangements.* There appear to be three primary disputes regarding transitional arrangements, as they apply to military withdrawal:
 - *Ongoing Israeli presence in the Jordan Valley.* Israel seeks not only a transitional period during which settlers would be evacuated, but also a longer period before it withdraws its military forces from the Jordan Valley. Palestine has rejected the second demand. **Israel has no valid strategic interest in maintaining a force in the Jordan Valley once the settlers have been evacuated. This issue is addressed in both the "Negotiating Brief: Mutual Security without Israeli Territorial Annexation" and the paper "Early Warning Stations and Jordan Valley Sites." If desirable, the NSU can prepare a short paper for presentation to the Israelis addressing the strategic dimensions of this issue.**
 - *Term of transitional arrangements.* Israel has suggested that it requires 2-4 years to resettle the settlers. The Palestinian side has demanded a shorter term. **In view of the fact that Israel resettled almost a million immigrants from the former Soviet Union within a few years, it is difficult to discern why it needs more than one year to resettle 40,000 settlers.**
 - *Sovereignty.* Based on discussions in recent meetings, Israel appears to favor deferring Palestinian assumption of sovereignty over certain areas of the

West Bank (such as the Jordan Valley) until the end of the transitional period. The Palestinian side insists that it will assume sovereignty at the beginning of the transitional/withdrawal period. **The approach of the Palestinian side is legally sound; Israel has no claim to sovereignty over these areas, and any concerns it has during the withdrawal period may be adequately addressed through status of forces arrangements.**

- *Airspace.* Although Israel recognizes that Palestine will have sovereignty over its airspace, Israel seeks control over the airspace and overflight rights for its military aircraft. The Palestinian side asserts its sovereign right to control its airspace and has expressed concern that Israeli overflight rights would give Israel the opportunity to attack other Arab countries via Palestinian airspace. **It may be difficult, however, to obtain Israel's agreement to full withdrawal from the Jordan Valley without allowing air defense as an alternative means of safeguarding its security. One means of overcoming this dispute may be to limit Israeli overflight rights only to defined emergency situations, unless otherwise agreed, and only for defined defensive purposes (not including launching supposedly "pre-emptive" attacks on other States' military facilities).**
- *Electromagnetic spectrum.* Israel recognizes that Palestine will have sovereignty over the spectrum but seeks to control it. Israel is prepared, however, to "accommodate" Palestinian commercial needs. The Palestinian side continues to assert its international legal right to control over its spectrum but is willing to coordinate with Israel, in accordance with international standards, and to accommodate any legitimate security interests.
- *Security at Palestine's borders with Jordan and Egypt.* At Camp David, Israel sought an invisible security presence at Palestine's external border crossings, along with an international presence. It is unclear whether Israel still seeks this presence. The Palestinian side has rejected both demands.

Issues Requiring Attention

The following issues have not been addressed in significant detail in recent negotiations, but require attention:

- *Regime at Israel-Palestine borders.* In economic negotiations, Israel has suggested that it favors the erection of significant security controls at its borders with Palestine, including the establishment of a permit system that is even more restrictive than what currently exists. Israel's proposals could have a disastrous effect on the Palestinian economy and weaken support for the peace process. **It is imperative that the Palestinian demand for free cross-border movement (subject to reasonable security controls) be given high priority in permanent status**

negotiations. The NSU, in cooperation with the Ministry of Economy and Trade and security experts, has prepared a paper setting forth a variety of proposals on this front. This issue should be discussed internally and in negotiations with Israel at the earliest possible date.

- *Disarmament of settlers.* Although the Palestinian side has repeatedly raised concerns regarding settler violence during a withdrawal period, Israel has not made a firm commitment to their disarmament. Israel should be pressed to address this issue concretely.
- *Landmines and unexploded ordnance.* Israeli landmines and unexploded ordnance have resulted in the deaths of numerous Palestinians – primarily children – since the beginning of the occupation. As part of its withdrawal, Israel should be obliged to identify minefields or training areas where unexploded ordnance has been left and to finance clearing these areas of dangerous materials. The NSU can provide detailed information regarding this issue, if desirable.
- *Weapons of mass destruction.* Israel should be obliged to agree not to station any nuclear, biological, or chemical weapons anywhere on Palestinian soil during the withdrawal period (or in any early warning stations or other sites where Israeli presence is permitted). In addition, because Israel's possession of these weapons threatens Palestinian security and safety, Palestine should call on Israel to accede to the international conventions banning these weapons.
- *Israeli espionage.* In light of Israel's past covert operations in Palestinian territory and in other countries, Israel should be obliged to agree to refrain from organizing, assisting, or participating in acts of violence or espionage in or against Palestine.
- *Leasing of early warning sites.* To the extent that Palestine agrees to the maintenance of Israeli early warning stations or other military sites in Palestinian territory, Palestine should demand that these sites be leased for a specified time period, should insist on compensation for the use of the land, and should place restrictions on Israeli access to and uses of the sites in order to prevent inappropriate surveillance or deployment of weapons. Palestine should also insist on a regular inspection regime in order to assure compliance with the leasing arrangements.

The NSU is prepared to provide more comprehensive information and analysis regarding any of the issues raised above. Please do not hesitate to let us know if we can be of further assistance.