

Overview of Security Decidable Issues

A. Limitations on Palestinian Military Capacity

A1 Demilitarisation and Demilitarised Zones

A2 Restrictions on Alliances

The issues to be negotiated here relate to the military capacity of the Palestinian state. As the Israelis are likely to initially demand a demilitarised state, the Palestinian negotiating position starts from an objective assessment of the interests of both sides:

- Palestine is interested in acting and being recognised as an independent state able to exercise its full rights and responsibilities as a sovereign nation, and in maintaining a responsible self-defence capability. It has no interest in developing an offensive military threat to Israel.
- Israel has fears and concerns regarding future hostile acts by Palestine, directly, or along with other states. Therefore, Israel has a legitimate interest in being confident that Palestinian military capacity is not at a level that can pose a serious threat to the State of Israel.

It is therefore in neither side's interest to have a Palestinian military with offensive capability. However, it is in both sides' interest to have a robust police and internal defensive security structure in Palestine. Having agreed to these principles, the negotiation should then turn to the specific instruments and means through which the interests of both sides may be accommodated.

Several options are available to negotiators that would satisfy these interests, mainly:

- limitations on import and production of certain types/ quantities of arms and 'dual-use' equipment, based on international standards and practice;
- limitations on certain types of force structure based on existing models;
- establishment of temporary demilitarized zones;
- restrictions on military alliances, including the issue of neutrality

B. Exceptions to Israeli Military Withdrawal from Palestinian Territory

B1 Early warning stations

This demand has been raised repeatedly in the past by the Israelis and should not be discussed unless specifically raised again by Israel. It is based on Israel's

concern about a threat of attack from the East, the basic interest being detection of an imminent attack as quickly as possible. Palestinian negotiators can present a number of arguments and options that address these concerns without the need for such intrusive Israeli presence on Palestinian soil which adversely affects the core interests of Palestinians, which are:

- to have sovereign control over their physical and natural resources;
- to feel secure in their homes and in their homeland;
- to ensure physical contiguity of Palestinian territory; and
- to have an environment that encourages growth and prosperity.

Further, Palestinians have legitimate and fundamental concerns relating to continued Israeli military presence on sovereign Palestinian territory after peace which would be a reminder of the occupation and may be seen as an indication that the occupation has not ended.

In case Palestinian negotiators agree to EWS in principle, several options and tools are available to limit any such installations by requiring specific conditions for EWS, principally:

- Location should take into account Palestinian interests and concerns,
- EWS should be temporary, with a fixed timeline for expiry,
- Uses should be limited and not impinge on Palestinian sovereignty,
- Number and function of personnel should be limited,
- third party or Palestinian access should be granted for inspection and verification.

There are various commonly used legal instruments that may be used to reach agreement based on the above interests and conditions, such as international leases and Status of Forces agreements (SOFA).

B2 Military presence in the Jordan Valley

The assessment of interests here is similar to B1. 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. Furthermore, such a presence undermines key Palestinian interests by:

- diminishing Palestine's ability to control its own international borders with Jordan;
- constraining free movement between Palestinian population centres, in particular between Jericho and the northern parts of the West Bank;
- limiting Palestinian development, preventing the natural growth of Palestinian cities and towns, especially upwards towards the northern sections;

- diminishing the water and other natural resources to which the state of Palestine will have access under international legal standards; and,
- causing the loss of significant areas of valuable agricultural land.

A number of options may be proposed to counter Israeli security concerns, mainly through a third party security role, e.g.:

- Internationally-administered early warning systems
- Deployment of a trip-wire force, e.g. NATO / US Forces
- Deployment of multinational observer force
- International peacekeepers
- Control zones, with regular spot checks by third party

Should there be agreement to an Israeli military presence, it should be restricted and made subject to a Status of Forces Agreement (legal instruments similar to EWS) and placed under the supervision of an international force.

Additionally, Israel has demanded in the past the right to **emergency deployment** under certain conditions to the Jordan Valley. Palestinian interests (sovereignty, safety of the population; damage and economic loss) suggest that negotiators should not agree to a right of deployment. If the decision is to agree, options are available for regulating this right in a manner that minimizes its harm to Palestine and ensures that it is only used by Israel in cases of real threat.

B3 Use of Palestinian airspace

The management of Palestinian airspace once a sovereign state is established presents several issues that implicate perceived Israeli security concerns. Israel has raised the following issues in prior permanent status negotiations:

- The establishment of a framework for coordinating air traffic control between Palestine and Israel that permits timely responses to threatening situations;
- Israeli use of Palestinian airspace for military operational purposes (e.g., interdicting a threatening aircraft)
- Israeli use of Palestinian airspace for military training purposes.

In addition, Palestine may itself seek access to Israeli airspace for its civilian and security aircraft. Additional issues that Palestine may wish to raise include the following:

- Arrangements for privileged Palestinian access to Israeli airspace for civilian flights between the West Bank and Gaza Strip (as opposed to general air corridors available to aircraft from other states), which Israel may treat, in part, as a “security” issue; and

- Arrangements for Palestinian access to Israeli airspace for security purposes (e.g., hot pursuit along border, presidential flights, etc.).

With respect to **civil aviation**, Palestine can rely on the rules and norms of international civil aviation law and agreements (mainly the *Chicago Convention* and the standards of ICAO, the International Civil Aviation Organisation) to meet its interests and address Israeli concerns. Furthermore, options are available at the technical level of managing the narrow airspace of the two states in a manner that is efficient, secure and that respects their sovereignty. A number of options are also available, if necessary, to allow for privileged air corridor(s) between the West Bank and Gaza Strip.

Israeli **military use of Palestinian airspace**, whether for training or operations raises serious concerns:

- Overflight has a negative psychological impact on Palestinian civilians. During the second intifada, Israeli military aircraft became associated with the bombardment of Palestinian cities and the assassination of Palestinian citizens.
- Palestine's proposed demilitarization or neutrality will be undermined by Israeli military operational use of Palestinian airspace. Palestine could be seen as a supportive military ally of Israel and on that account become a target of reprisals that are intended to be against Israel.
- Palestinian territory becomes "the front line" in conflicts in which Israel is engaged.
- Palestine suffers noise pollution and interference with radio communications.

Analysis and argument clearly demonstrates that there is no security rationale for operational military overflights. However, should there be agreement in principle to allow it, strict conditions can be put in place to regulate it and minimize its harm (eg pre-notification, restricted zones, limits on types of aircraft and weapons etc.) Trade-offs and alternatives are also analysed and are available to minimize the harm to overall Palestinian interests

With respect to military training, analysis indicates there are no technical reasons for Israel to require use of Palestinian airspace whether for air defence, navigational, or ground attack training. In fact, Israel usually conducts much of its military exercises in other parts of the world, given the limited its limited airspace (even when combined with that of Palestine).

B4 Use of electromagnetic spectrum

Objective technical analysis is available to rebut any Israeli demand for use of the electromagnetic sphere based on military needs (issues dealt with in state to state file).