



EU BAM Rafah

European Union Border Assistance Mission Rafah

6th COORDINATION AND EVALUATION COMMITTEE

JERUSALEM, 7th MARCH 2007 AT 10.00 HRS

MINUTES

DRAFT TO AMEND

PARTICIPANTS

1. The following attended the meeting:

a. Government of Israel delegation:

Hagay Alon - MOD
Colonel Uri Singer – IDF
Oded Herrmann

b. Palestinian delegation:

Dr. Saeb Erekat – PLO Chief Negotiator
Maj Gen Musbah El Behesi – Presidential Guard
Jamal Abu Al Fahem – Presidential Guard
Nazmi Muhanna - General Administration on Crossings and Borders (GACB)
Zeinah Salahi - PLO Negotiations Support Unit, Legal Adviser
Bader Rock - PLO Negotiations Support Unit, Legal Adviser
Rami Dajani - PLO Negotiations Support Unit, Legal Adviser
Salim Abu Safiyah - General Administration on Crossings and Borders (GACB)
Nizar Farsakh – PLO Negotiations Support Unit, Legal Adviser

c. USA delegation:

Lt Gen Keith Dayton, USSC
Thomas Duffy – Consul General, Jerusalem

d. EU delegation:

Lt Gen Pietro Pistolese - EUBAM HOM
Alberto Ucelay – Political Advisor to EUSR
Col Patrick Delval - DHOM EUBAM
Eric Lebegue – EUBAM Chief of Operations
Petri Lamppu - EUBAM Legal Advisor
Nigel Milverton - EUBAM Reporting and Analysis Officer

AGENDA

2. The agenda was as follows:

- a. Welcome to the Parties and opening of the meeting.
- b. Approval of the agenda, and of the minutes and agreed actions of the last CEC meetings of 20 December 2006 and 3 January 2007.
- c. Agenda items:
 - i. Adherence to APRC provisions on continuous operation of RCP.
 - ii. Definitions for the excepted categories.
 - iii. Procedures for RCP operations (ref CEC meeting of 03 Jan 2007).
 - iv. Customs related issues.
 - Import of donations - Import of goods – Incidents on 07 February 2007 (Non-compliance report EUBAM 25/2007 to PA dated 09 February 2007);
 - v. Maintenance of technical equipment at RCP:
 - Fibre optic cable trenched (images and data transfer from terminal to LO);
 - Transfer of Egyptian donation N° 4221 through KSCP to RCP (state of play);
 - Repairs on the Digital Video Recorders (DVRs) and cameras at the RCP;
 - vi. EC equipment contribution for the RCP (state of play).
 - vii. Pending issues:
 - Palestinian Authority
 - Government of Israel
 - viii. Miscellaneous (next CEC meeting).

MINUTES

INITIAL REMARKS

3. EUBAM HOM opened the meeting with his "Initial Remarks" (Annex A), and invited the delegations to approve the agenda, and also the minutes and agreed actions of the last CEC meetings of 20 December 2006 and 3 January 2007.
4. ISR delegation - Hagay Alon - approved the proposed agenda and the minutes.
5. PA delegation - Dr. Sa'eb Erekat - approved the proposed agenda, but said that he had received the minutes of the last CEC meeting only a few days ago, and asked that in the future the minutes are issued a reasonable time (to allow for proper review) before the next meeting.

AGENDA ITEMS

6. Adherence to APRC provisions on continuous operation of RCP (agenda item 4.1 - Annex C):
EUBAM HOM outlined the situation. Comments were as follows:

- a. PA – Dr Sa’eb Erakat started by expressing appreciation for the EU help and emphasized that the PA had already requested the extension of the EUBAM mandate beyond 24 May 2007, in a letter from President Abbas to Javier Solana. He went on to state that the problems affecting continuous opening were the same. He asked what else the PA needed to do to obtain continuous opening as they had done everything asked of them. He made the following specific points:
 - i. The Egyptians’ maintenance operations at the terminal should not lead to closure of the crossing.
 - ii. In the absence of normalisation, Friday is a bad day for opening (he referred specifically to the problems of Friday 2 March when the crossing was closed early due to disorder), and also the random decisions and short notice (after midnight the night before) given by the GOI of openings makes it difficult for the PA to operate properly.
 - iii. It is not right and makes no sense to issue Non-Compliance Reports to the PA during exceptional, limited and random openings when the pressure of passengers and the short notice given to them makes it very difficult to run the crossing properly. He showed newspaper pictures from 6 March of many passengers on the roof of buses at RCP. And highlighted the negative image this gives to President Abbas and the leadership among population.
 - iv. Dr. Erekat reiterated that the closure of RCP is politically motivated, citing the Shalit case, and that it is therefore punishment to the 1.4 million population of Gaza. He informed the committee that he is currently sending a daily letter to the GOI MOD protesting this.
- b. GOI – Hagay Alon responded, but first emphasized that the GOI has a great interest in the continuance of EUBAM beyond 24 May 2007, and informed the committee that he has sent the required letters to that effect, as GOI sees the Mission as being very important. His points were as follows:
 - i. The GOI were not aware that Friday was problematic for the PA, and this would be taken into consideration in the future.
 - ii. There were coordination problems between the Parties, and also that the Egyptian LO issue (at the Liaison Office) needed to be pushed forward.
 - iii. He was not aware of the Egyptian maintenance problems and that these affected opening.
 - iv. He said that newspaper pictures like those shown by Dr Erekat were against the common interest and a formula needed to be found in order to move forward.
- c. PA – Dr Sa’eb Erakat emphasised that normalisation was vital. He then spoke again about the short notice given before opening, and asked why it had to be after midnight. He said that the PA in general and the Presidential Guard in particular need to be given the chance to succeed, and that normalisation would not undermine Israeli security. He then said that the opening of the crossing was often delayed by the late arrival of EUBAM monitors. Erekat also insisted the opening on time (8 a.m.) in order to finish on time so that EUBAM

monitors could leave safely before dark. He stressed the importance of maximizing the opening times on the few days the crossing actually opens.

- d. EUBAM – COO Eric Lebeque stated that the EUBAM monitors were always at the Kerem Shalom gate on time.
- e. GOI – Hagay Alon stated that the IDF military police patrol are there to open the gate on time 90% of the time, and that he will get a message to them to try and improve on this.
- f. EUBAM - HOM stated that the crossing usually closes late and therefore any time lost at the beginning of the day was made up at the end; GOI – Col Uri Singer said that this issue was not a problem and the GOI did not complain about late closures.

7. Exceptional categories (agenda item 4.2 - Annex C): EUBAM HOM summarized the issues involved with this point, and asked about when the agreed sub-working group could meet and who from the Parties would attend. The discussion was as follows:

- a. GOI – Hagay Alon asked in which forum this issue was to be agreed, and that in his opinion it should be excluded from the agenda. He suggested that the issue was being addressed in the SWG and that there is no need for duplication. EUBAM – HOM pointed out that the formation of a CEC sub-working group had already been agreed, and said that if the GOI would prefer, it could raise the issue in the Security Working Group (SWG) but the CEC sub-working group should still meet. EUBAM – HOM further noted that the issues were technical, based on the submitted list, so the sub-working group would only need to discuss the details. PA – Dr Sa'eb Erakat agreed and stated that the PA had already submitted their definitions of the categories in December and had received no response, and that they were ready to meet on several occasions and that the CEC (sub-working group) was the right forum in which to discuss the issue.
- b. USSC - Lt Gen Keith Dayton, whilst emphasizing that he was only an observer at the CEC, suggested that as there were policy issues involved (mainly regarding the definition of humanitarian cases) it might be easier for the issue to be resolved at the SWG on 28 March 2007.
- c. PA – Dr. Erekat replied that the definition of humanitarian cases is neither an Israeli nor US decision. He reminded the committee of the negotiation history of the agreements, pointing out that the Palestinian side did not agree to define the categories in the agreement, since this is a Palestinian policy decision. He expressed willingness to accommodate legitimate Israeli concerns, but it is not for GOI to decide.
- d. There was then some discussion between USSC - Lt Gen Keith Dayton, GOI – Hagay Alon and PA – Dr Sa'eb Erakat about a bi-lateral meeting between the PA and GOI prior to the SWG meeting. USSC - Lt Gen Keith Dayton emphasized that if a decision needed to be taken, this could be done at the SWG meeting which had the capacity to make decisions.
- e. EUBAM – HOM summarized the discussion by saying that a sub-working group would meet, under the auspices of EUBAM, prior to 28 March 2007 and if no solution was found in this forum the issue would be taken up by the SWG.

8. Procedures for RCP Operations (agenda item 4.3 – Annex C): EUBAM – HOM summarized the issues involved and asked for comments:

- a. GOI – Hagay Alon said that the GOI needed a few more weeks in order to address the document. He applauded the use of the title “The Way Ahead” as it contained some serious operational issues. He had nothing more to add.

- b. EUBAM – HOM asked whether GOI would address the issues before or after 24 May 2007; GOI – Hagay Alon replied suggesting that there should be a CEC meeting especially to discuss these issues in 3-4 weeks time.
- c. EUBAM – HOM said that it was a sensitive issue as on 19 March 2007 he would be addressing the committee of all 27 EU Member States and would be speaking about these points, and the EU would want clarification. He asked the GOI if he could at least have some indication of their thoughts before 19 March. GOI – Hagay Alon agreed that this should be possible.
- d. PA – Dr Sa'eb Erakat emphasised that the PA wanted to continue to improve and move towards international standards. He said that no weapons passed through RCP, and that no money was coming in. He asked again what was stopping RCP operating normally. He observed that the tunnel problem should be addressed with the Egyptians, and that the PA was being blamed for things outside its control. He also said that everything was dependant on normalisation, and that EUBAM had no right to close the crossing unilaterally. He asked the GOI delegation once again what it required in order to normalise operations. GOI – Hagai Alon did not answer the question.

9. Import of donations - Import of goods – Incidents on 07 February 2007 (agenda item 4.4 – Annex C): HOM summarized the issue, reminding the meeting of the attempt to import outboard engines and other items on 7 February 2007. The discussion was as follows:

- a. PA – Dr Sa'eb Erakat opened the discussion by asking why the Egyptians allowed these items through their side of the crossing. He alluded to the serious security problems in the Sinai. EUBAM – HOM said that the Egyptians are not part of the agreement, and the buses involved came from the PA side. The discussion about the bus continued; PA – Dr Sa'eb Erakat then asked why the Egyptians were not involved in the CEC; EUBAM – HOM reminded him that they were in the SWG. It was emphasised by all in the discussion that the PA did the right thing by sending the outboard engines etc back to Egypt.
- b. PA - Maj Gen Musbah El Behesi stated that from a security point of view the PA do not control what comes from Egypt. It is only when it gets to the terminal that they can control it.
- c. USSC - Lt Gen Keith Dayton rounded off the discussion by saying that in including this issue on the agenda the intension was not to criticise the PA but to raise the issue of imports through Kerem Shalom. He went on to say that the US considers that the Presidential Guard do a very good job. He also said whilst it is known that all sorts of stuff comes from Egypt, according to international practice these items are the responsibility of the receiving country. He emphasizes that the SWG was the right forum in which to discuss issues pertaining to the Egyptians, and that the issue in question was being addressed.
- d. PA – Dr Sa'eb Erakat thanked Lt Gen Keith Dayton and ended the discussion by reiterating that the Customs protocol must be signed and Kerem Shalom opened for its intended purpose; i.e. goods coming from or through Egypt. He pointed out that this will solve most of the current problems at RCP. USSC – LTG Keith Dayton said this issue will be raised in the upcoming SWG.

10. Maintenance of technical equipment at RCP: Fibre Optic cable (agenda item 4.5 – Annex C): EUBAM – HOM emphasised the importance of the cable, not only for the transfer of data to the Liaison Office but also for EUBAM internal communications. He asked why it had not yet been mended; the last CEC meeting had been told that the Jawwal company had been tasked to repair it.

- a. PA – Dr Sa’eb Erakat stated that the Jawwal company had mended the cable, but because the GOI did not allow the deployment of PA security forces to guard the area along the Philadelphia Corridor the cable was stolen.
- b. PA - Nazmi Muhanna explained the situation, saying that parts of the cable have been stolen three times in the last month, and that PA will at its own expense get the cable put in underground in steel pipes, and that there should be an agreement with the Jawwal company for this maybe today. He said that there was a need to get approval from the GOI for the digging work.
- c. PA – Dr Sa’eb Erakat said that the PA have expressed their willingness at the SWG to redeploy security forces along the Philadelphia Corridor.
- d. GOI – Hagay Alon said that there will have to be contact between the Parties in order to solve the issue of the underground cable. EUBAM – HOM asked about the redeployment of PA security forces to the Philadelphia Corridor as this was important for the security of EUBAM. GOI – Hagay Alon said that this was a separate issue, but that he would look into the matter of providing security over the next few weeks..

11. Maintenance of technical equipment at RCP: Egyptian Donation N° 4221 - RCP Scanners and Other Equipment (agenda item 4.5 – Annex C): EUBAM - DHOM reported that all the items had crossed into the Gaza Strip on 6 March, with the exception of the bus.

- a. GOI – Hagay Alon said that the bus does not meet GOI Ministry of Transport standards.
- b. There was then some discussion about the use of the bus, which would not be travelling on Israeli roads. In response to several parties questions regarding the need for GOI clearance, given that the bus would only be used within the RCP, GOI – Hagai Alon said he would like Palestinians to ride a bus that was safe.
- c. EUBAM – HOM asked the GOI to try and facilitate the clearance of the bus so that it would be able to cross into the Gaza Strip.

12. Maintenance of technical equipment at RCP: Repairs of the Digital Video Recorders and Cameras (agenda item 4.5 – Annex C): There was only a short discussion about this:

- a. PA – Dr Sa’eb Erakat said that the PA had committed to repair everything, and asked what still needed to be done.
- b. EUBAM – DHOM said that 2 cameras and one DVR were not working and therefore the whole area was not covered.
- c. PA – Jamal Abul Fahem mentioned that part of the problem is in the wiring and not the cameras themselves and this is something the Palestinian side cannot fix. As for the cameras, Dr Sa’eb Erakat made a commitment that all would be mended as soon as possible.

13. EC equipment contribution for the RCP -state of play. (agenda item 4.6 – Annex C): EUBAM – HOM drew the attention of the meeting to the list of EC equipment which had still not yet been transferred to RCP, and much of which was being held by the GOI customs authorities.

- a. GOI – Hagay Alon said it was the first time they had seen the list.
- b. GOI - Oded Herrmann asked for the name of the agent involved, as with these details he would be able to facilitate the import of the items. PA – Dr Sa’eb Erakat expressed surprise that the GOI had not been given details, GOI – Col Uri Singer said that they had repeatedly

asked for all the relevant information. It became apparent that the Al Jazeera company contracted by the EU had dealt with the items as a regular import rather than a donation.

- c. USSC - Lt Gen Keith Dayton said that there had obviously been a mix-up, but this should not be a contentious issue and that Mr Herrmann was expert at sorting these things out quickly.
- d. EUBAM – HOM said that the matter would be resolved.

14. Pending Issues (agenda item 4.7 – Annex C): EUBAM – HOM drew the attention of the meeting to the list of pending issues, outlining the number of unanswered letters from both Parties. He asked for answers:

- a. GOI – Hagay Alon said that with reference to the first issue (the interference with the crossing of EUBAM personnel at Erez) he was very embarrassed about this, that it was a financial issue, and there were internal GOI bureaucratic issues that they were doing their best to solve.
- b. GOI – Oded Herrmann said, regarding the second issue (delays at KS gate) that he has addressed the second letter.
- c. EUBAM – HOM said that he hoped for a response before he goes to Brussels as he will have to update the EU.
- d. PA – Dr Sa'eb Erakat spoke about the provision of list of workers at RCP. He outlined the difficulty of providing a fixed list when the crossing is opened at short notice on an exceptional basis only, given a number of unpredictable factors. He said that all these pending issues can be easily resolved once operations are normalised EUBAM – HOM acknowledged this but emphasised the importance of knowing who was authorised to work at the terminal.
- e. PA – Dr Sa'eb Erakat said that the PA cannot perform miracles given the situation, but would respond to the extent it can to all the pending issues on the list, but not to Non-Compliance Reports until there had been a return to normal operations at RCP.

15. Future meetings: After some discussion it was agreed that:

- a. The **next CEC meeting** would take place on **Monday 16 April 2007**.
- b. The **sub-working group** meeting to discuss the **Exceptional Categories** would take place on **Monday 19 March 2007**.

AGREED ACTIONS

16. See Annex B.

Nigel Milverton
Reporting and Analysis

Annexes:

A. Initial remarks by EUBAM HOM

B. Agreed Actions

Distribution:

All attendees

EUSR

DGE IX

CEC EUBAM HOM INITIAL REMARKS

Dear colleagues and friends, I will, as always, say a few words before we start the meeting:

Since the Rafah Crossing Point started operations under the present agreement on 25 November 2005, it has been closed for 45% of the time. Since the events of 25 June 2006 it has been closed for over 80% of the time.

We are approaching a critical phase for the Rafah Crossing Point. Whilst the European Union has agreed in principle to continue to support the European Union Border Assistance Mission after May 24th 2007, this decision has yet to be finalised. There might well be member states who will question the wisdom of doing so in the light of the high rate of closure. To put it frankly, the Mission is not being enabled to do what it was created to do, and the European Union has stated very clearly that normalisation is its first priority.

This is the 6th CEC meeting. Looking back at the minutes of previous meetings I can see many issues – **principally adherence to the provisions of the Agreed Principals for Rafah Crossing on continuous opening** – which are again being repeated in the agenda of this meeting.

The purpose of this Committee, according to the Agreed Arrangement for EUBAM, is to “review the implementation of the APRC”. It also provides a valuable forum where the Parties are able to meet and resolve technical issues pertaining to the management and running of the crossing.

I feel that it is time for all of us to ask ourselves what we have really achieved in the last months. We must all think very hard about how we can move forward and improve the present rate of opening - which stands at less than 20% - and thereby facilitate progress towards normalisation, **so** that when I go to Brussels in a few weeks time I will be able to make an unqualified recommendation that the European Union Border Assistance Mission be maintained at the Rafah Crossing Point beyond the 24th of May..

I would like to wish you all a productive meeting.

AGREED ACTIONS - CEC MEETING 7 MARCH 2007

Approval of Agenda: EU BAM agreed to provide minutes and agreed actions well in advance of next meetings in order to allow for review and amendments to the drafts.

1. Adherence to APRC provisions on continuous operation of RCP (agenda item 4.1): GOI agreed that in the future they would take into consideration the difficulties experienced by the PA on Friday openings.
2. Exceptional categories (agenda item 4.2): A sub-working group will meet, under the auspices of EUBAM, on 19 March 2007 and if no solution was found to the issue in this forum the issue would be taken up by the SWG on 28 March 2007.
3. Procedures for RCP Operations (agenda item 4.3): GOI will give some indication of their thoughts by correspondence on the issues in the document before 19 March 2007.
4. Import of donations - Import of goods – Incidents on 07 February 2007 (agenda item 4.4): The issue of the Egyptians allowing such goods through their side of the terminal and the signing of the Customs Protocol (opening Kerem Shalom) will be addressed at the SWG.
5. Maintenance of technical equipment at RCP: Fibre Optic cable (agenda item 4.5):
 - a. PA committed to have the cable placed in a steel pipe underground.
 - b. There will be coordination between the Parties to enable the digging of the trench for the cable.
 - c. GOI will respond about the issue of the redeployment of PA security forces to the Philadelphia Corridor in the SWG.
6. Maintenance of technical equipment at RCP: Egyptian Donation N° 4221 - RCP Scanners and Other Equipment (agenda item 4.5): The GOI will try to resolve the bureaucratic issues which are stopping the bus being imported.
7. Maintenance of technical equipment at RCP: Repairs of the DVRs and Cameras (agenda item 4.5): The PA will repair the cameras and DVR as soon as possible.
8. EC equipment contribution for the RCP -state of play. (agenda item 4.6): EUBAM will coordinate the resolution of this issue by liaising with Oded Herrmann and the relevant people in the EC.
9. Pending Issues (agenda item 4.7):
 - a. GOI will resolve the bureaucratic issues that resulted in EUBAM members being delayed at Erez crossing, and will respond to the other issues.
 - b. The PA will do all within its power to respond to all the pending issues on the list, but will not respond to the Non-Compliance Reports pending normalisation.

Subject: 6th “Coordination and Evaluation Committee” meeting on 07 March 2007 at 10.00 hrs in Jerusalem at the Delegation of the European Commission

AGENDA:

4.1. Adherence to APRC provisions on continuous operation of RCP

1. SITUATION

According to the Agreement on Movement and Access (AMA), the crossing should operate continuously.

- Since 25 June 2006 till 06 March 2007 RCP was open 49 days out of 260 days. At the moment: average of 1,3 day opening/week since 25 June 2006. Since 25 June 2006 RCP was only 18.9 % open and since the beginning of the mission on 25 November 2005 we had 55,58 % opening days. The last opening days were on 02 and 06 March 2007 in both directions. We had 8 opening days in January (5 in both directions and 3 only for incoming passengers from Egypt to Gaza) and 6 opening days in the month of February (5 in both directions and 1 only for incoming passengers from Egypt to Gaza).
- Efforts are made by all parties to encounter the Israeli (security) concerns. PA efforts – ceasefire – less kassams – Mecca agreement – NUG.
- Loss of confidence of the Palestinians in regular – continuously opening of the RCP. More surprisingly, closures have increased lately for the general public, while the terminal is regularly opened for government delegations and VIPs, often including senior members of Hamas. The constant closures defeat the general purpose of the agreement meant to facilitate for ordinary people to move freely and conduct business.
- The EU position is that the general improvement of security and issues of concern raised by Israel are not solved by having the terminal closed.
- Closures also lead to an increase of pressure on the crossing point on those days it is allowed to open, and have a negative impact on the security of operations. Closures also affect the full implementation of the agreement, including capacity building efforts by EUBAM and the EC, which are also in the interest of GoI.
- The EU is expecting the Israeli Government to abide by the existing agreements. EU stressed the key aim of obtaining the regular opening and normalisation of the RCP.

2. CHALLENGES

- Balance between freedom of movement for Palestinians and respect for the (security) concerns of Israel.
- Currently the EU intends to extend the presence of EUBAM beyond May 2007. The decision has not yet been made and should the GoI policy of closures be maintained, it is possible that the Mission may not be extended.

3. OBJECTIVE

- Adherence to APRC provisions on **continuous operation** of RCP.

4. REACTION/COMMENT

4.1. PA

4.2. GOI

5. AGREED ACTION

Subject: 6th “Coordination and Evaluation Committee” meeting on 07 March 2007 at 10.00 hrs in Jerusalem at the Delegation of the European Commission

AGENDA:

4.2. Exceptional categories

1. SITUATION

According to the APCR and the Security Protocol, persons in the four excepted categories can cross RCP if the agreed procedure is followed. The four categories are:

- diplomats,
- foreign investors,
- foreign representatives of recognised international organisations,
- humanitarian cases.

2. CHALLENGES

See the minutes from the 3rd CEC meeting on 20th of November 2006.

3. AGREED ACTION

Both Parties will provide EUBAM their interpretation of the Exceptional Categories as soon as possible. A sub-working group to deal with this issue was established by CEC meeting’s decision on 20 December 2006. It was agreed that this sub-working group will be convened by EUBAM and attended by representatives from both the GoI and the PA.

4. FOLLOW UP

On CEC meeting of 20 December 2006, the PA provided their interpretation of the Excepted Categories. Until the date, the Israeli response has not yet been received. EUBAM called a sub-working group meeting on three occasions (27.12.06, 11.01.07 and 07.02.07) but parties failed to convene due to various reasons.

5. OBJECTIVE

- To reach an agreement between the Parties on the issues mentioned above. There will always be “borderline” cases.
- To agree on a date of the first meeting of the sub-working group that will be organised in Jerusalem at the EC Delegation, George Adam Smith Street nr 5, Sheik Jarrah – French Hill. The PA and GOI are advised to provide the list of their participants.

6. REACTION/COMMENT

6.1. GOI

6.2. PA

7. AGREED ACTION

Subject: 6th “Coordination and Evaluation Committee” meeting on 07 March 2007 at 10.00 hrs in Jerusalem at the Delegation of the European Commission

AGENDA:

4.3. Procedures for RCP Operations

Follow up of the CEC meeting of 3 January 2007

1. BACKGROUND

The Agreements give the EUBAM a leading role in the Liaison Office, encourage all parties to improve cooperation and provide the opportunity to review implementation of the Agreements.

- The 3rd party will have the authority to ensure that the PA complies with all applicable rules and regulations concerning the Rafah crossing point and the terms of this agreement. In case of non-compliance the 3rd party has the authority to order the re-examination and reassessment of any passenger, luggage, vehicle or goods. While the request is being processed, the person, luggage, vehicle or cargo in question will not be allowed to leave the premises of the Rafah crossing point. (ref APRC, first paragraph under the section Third Party).
- To deal with the issues under the APRC that cannot be solved at the level of the liaison office, the GoI and the PA will identify interlocutors for the EUBAM at different levels of the authority up to the level of the minister in order to address problems that may arise in the implementation of the APRC.
(ref Agreed Arrangement on the EUBAM at the RCP on the Gaza-Egypt border, Article IV, Operational Arrangements for the EUBAM, Item 9, first paragraph).
- One of the tasks of the EUBAM is to improve co-operation between Israel and the Palestinian Authority in cross-border information sharing and joint operations. In addition, one of the objectives of the deployment of the EUBAM is to improve trans-national co-operation on border management. (ref AA-EUBAM, Article II, Objectives, Item 3 and; Article III, Tasks, Item 2.b).
- The EUBAM will have unrestricted access to all operations and locations at the RCP, including all Border Units and Customs Posts, along access, exit and transit itineraries to and from the outer perimeter of the RCP including the road leading to and up to Kerem Shalom.
(ref AA-EUBAM, Article IV, Operational arrangements for the EUBAM, Para. 1).
- The GoI and the PA will give full cooperation and assistance necessary for the fulfilment of the tasks of the EUBAM.
(ref AA-EUBAM, Article IV, Operational arrangements for the EUBAM, Para. 8).

2. CURRENT SITUATION

Operational arrangements at Rafah Crossing Point have been agreed between the parties on a daily basis in the Liaison Office. Since the beginning of the current setting, 25 November 2005, cooperation has run smoothly and most of the issues have been discussed and solved in the Liaison Office after a constructive dialogue.

Due to the special situations and difficulties experienced at Rafah Crossing Point over the last few weeks, and in particular in the light of the incidents of 14 December and 28 December 2006, we feel that what prior to the incident of 25 June 2006 could be solved in the Liaison Office, has to be addressed at the level of the CEC.

Procedures for RCP operations were discussed in the CEC meeting of 3 January 2007.

3. THE WAY AHEAD

EUBAM would like both the PA and the GoI to exert their efforts in order to fulfil their commitments in view of the operational arrangements at Rafah Crossing Point. The following list provides an overview of some of the challenges that yet need to be tackled:

Access:

- The Philadelphi Corridor or any alternate route that bypasses the JVT area to the Rafah terminal should be used only in cases of emergency and/or in special situations after informing and discussing with all the parties.
- Both parties are encouraged enhance their efforts in order to provide the necessary staff (Palestinian escort and IDF patrols) on time in order for the EUBAM to cross through Kerem Shalom Gate without unnecessary delays.
- PA is requested to ensure unhindered access for the EUBAM member to move between the Egyptian and the Palestinian terminals at RCP in support of the liaison efforts of the EUBAM with the Egyptian authorities (as agreed between the EUBAM and Egyptian authorities).

Operational arrangements:

- The total number of Palestinian buses present at any given time inside the Palestinian Rafah Crossing Point (including the Philadelphi Corridor) should be agreed with the EU monitors to facilitate the understanding that operations will be conducted in an organized manner and finished on time.
- Closure of the JVT area should be ensured early enough to allow the Egyptians to finish their procedures and to return the possibly rejected passengers well before the agreed closing time of the Palestinian RCP.
- In cases it becomes evident that the Egyptian side will not be able to accept additional passengers from the Palestinian side without compromising the agreed closing time, the Palestinian officials should take action to return the Palestinian buses back to the JVT area without delay.
- Palestinian buses should be sent to the Corridor only one at a time after having ensured that the Egyptian side is prepared to receive the passengers. Correspondingly, incoming buses from Egypt should be allowed to enter the Palestinian border one at a time.
- With regard to restrictions set by the Egyptian authorities on certain groups of passengers in need of prior coordination, such as male Palestinians 18-40 yrs of age, the Palestinian officials should ensure effective screening and initiate contacts with the Egyptian officials before allowing the said passengers to be sent to the Egyptian border. The Palestinian side should further refrain from sending passengers back to the Egyptian border if they have already been rejected once the same day.
- Liaison office must be informed in advance of any planned back-to-back procedures (export of goods, ambulances carrying patients and/or dead bodies etc.).
- The use of ambulances must be strictly limited to their intended purpose.
- Frequent Travelers' Suitcase policy, amended by the agreement between the two RCP managers on both sides of the Rafah Crossing (3 pieces of luggage, 30 kg each), should be enforced.
- The PA should ensure that all relevant officials are present at their working places until the departure of the EUBAM from the Rafah Crossing.
- Passengers in the Palestinian buses should be limited to the number of seats in the bus (approx. 50 to 60).
- PA buses should return back from the Egyptian border empty or with rejected persons only. With reference to international customs regulations, rejected passengers should return back carrying only the personal effects they initially had upon entering the Egyptian border. This should be ensured by the PA Liaison Officers on the Egyptian side.

Non-compliance with the agreed arrangements:

- For operational and security reasons, the EUBAM may advise the PA not to allow more passengers to enter the RCP whilst the request of re-examination and reassessment of any passenger, luggage, vehicle or goods is still in process.
- In cases of serious non-compliance or when deemed necessary due to the prevailing security situation or in circumstances of particular importance where there is every likelihood that adherence to the applicable rules and regulations concerning the Rafah Crossing Point and the terms of this agreement could be compromised, the 3rd party has the authority to request the PA to suspend operations and, to withdraw its staff from Rafah crossing point.

4. OBJECTIVE

- To agree on these procedures for RCP procedures.
- To implement the agreed procedures.

5. REACTION/COMMENT

5.1. PA

5.2. GOI

6. AGREED ACTION

Subject: 6th “Coordination and Evaluation Committee” meeting on 07 March 2007 at 10.00 hrs in Jerusalem at the Delegation of the European Commission

AGENDA:

4.4. Import of donations - Import of goods – Incidents on 07 February 2007

1. SITUATION

- During the afternoon of 7 February at 17.10 Hrs arrived from Egypt some buses at the same time. One bus was full of wheelchairs and other items. It was said to be a part of a donation. The Palestinian Liaison Officer and the PA Coordinator at the border were advised not to organize and not to accept this donation, which is a serious breach of agreements, and could only take place through Kerem Shalom Crossing Point. This bus did not enter.
In the extended opening period from 17.00 to 20.00 Hrs three ambulances came to the terminal with approximately 30 second hand wheelchairs which were unloaded. Neither the drivers nor anyone else knew where they came from, what the destination was and who the owner was. The wheelchairs were deposited inside the terminal.
- At 18.00 Hrs a Palestinian bus full of goods from another donation arrived in the Palestinian side from Egypt. It was apparent that some Palestinian official had sent an empty bus to transport these items. Once again the Palestinian Liaison Officer and the PA Coordinator at the border were advised to send the bus back to Egypt immediately. It was also stressed that if the bus will not be sent to Egypt, EU BAM will suspend the operations and withdrew from the crossing point. Finally the bus with the items crossed back to Egypt at 18.50 Hrs.
- At 19.05 Hrs it was noticed that from Egypt with one passenger arrived five outboard motors for boats. Because these were apparently commercial goods and not personal effects, EU BAM demanded the motors being sent back to Egypt. Finally at 23.25 Hrs, after most of the EU BAM monitors had left the crossing point only three Mission members remaining there, the Palestinians told to be ready to send the motors back to Egypt and they were transported to the Egyptian terminal gate. After long liaising with the Egyptian authorities the gate was opened and the goods were back in Egypt at 01.10 Hrs on 8 February.

2. CHALLENGES

- Import of goods is not allowed through the Rafah Crossing point. Import of donations, instead, may take place through the Kerem Shalom Crossing Point
- Non-compliance N° 25/2007 with the APRC was sent on 09 February to the PA.

3. OBJECTIVE

- Respect of principles and rules of the APRC related to import of donations and import of goods through Kerem Shalom.

4. REACTION/COMMENT

4.1. GOI

4.2. PA

5. AGREED ACTION

Subject: 6th “Coordination and Evaluation Committee” meeting on 07 March 2007 at 10.00 hrs in Jerusalem at the Delegation of the European Commission

AGENDA:

**4.5. Maintenance of technical equipment at RCP:
Fibre Optic cable**

Follow-up of the Extra CEC meeting of 3 January 2007

1. SITUATION

- In the CEC meeting of 20 November 2006, GoI agreed to provide a solution in the next one or two weeks. It was further mentioned that the cable would be repaired by the IDF.
- On 17 December 2006, the repairs of the fibre optic cable were completed on the Israeli side and coordination for the repairs on the Palestinian side was initiated.
- In the CEC meeting of 20 December 2006, PA informed that Jawwal, the Palestinian communications company, will start the reparation on the optic fibre cable, in coordination with the IDF. The ISR delegation confirmed this information.
- On 24 December 2006, the Palestinians completed the repairs of the fibre optic cable on the Palestinian side of the fence.
- On 29 December 2006, it was observed in the Liaison Office that the cable, which had been fixed on the poles on the Palestinian side, was no longer in place. The Palestinian side was requested to assess the damage.
- In the CEC meeting of 3 January 2007, the Parties agreed to the suggestion to explore the feasibility of the option to fix the cable on the no man’s land in between the two borders.

2. CHALLENGES

- Until the date, the fibre optic cable has not been operational since June 2006 when it was knocked down by a PA truck carrying food stuffs from Kerem Shalom to the Gaza Strip. During the IDF operations following the incident of 25 June 2006, the cable has been further damaged between Kerem Shalom and the PA DCO post by the Israeli armoured vehicles.
- Lack of fibre optic cable hampers operations at Rafah Crossing Point since the Microwave connection does not reach the same level of quality and stability. Besides data and video transmission, also the separate line for the use of EUBAM for a direct phone connection between LO and RCP and, for the transfer of data as part of the EUBAM network/intranet can be used only once the repairs have been completed.

3. OBJECTIVE

- The fibre optic cable should be repaired without delay.

4. REACTION/COMMENT

5.1. PA

5.2. GOI

5. AGREED ACTION

Subject: 6th “Coordination and Evaluation Committee” meeting on 07 March 2007 at 10.00 hrs in Jerusalem at the Delegation of the European Commission

AGENDA:

**4.5. Maintenance of technical equipment at RCP:
Egyptian Donation N° 4221 - RCP Scanners and Other Equipment**

Follow up of the Extra CEC meeting of 3 January 2007

1. CURRENT SITUATION

- In the CEC meeting of 20 November 2006, the GoI informed that the Cabinet of the Minister is directly coordinating this matter with the IDF. A solution was expected in the next one or two weeks.
- On 5 December 2006, five (5) vehicles were checked at Kerem Shalom and allowed entry into the Gaza Strip (fire engine, ambulance and three Toyotas Minibuses). One vehicle (bus) was returned back to Egypt by the Israeli authorities due to discrepancies in the paperwork.
- On 7 and 11 December 2006, the Israeli side was prepared to open KSCP in order to facilitate coordination for the rest of the equipment but the transfer did not take place due to some unfinished issues on the paperwork with the Egyptian customs.
- On 19 December 2006 the Egyptian side informed that they are ready to bring the items to Kerem Shalom. On 25 December 2006, Kerem Shalom Liaison Office, Kerem Shalom Crossing Point, PA at RCP and EU BAM were ready to receive the equipment at Palestinian RCP but the Egyptians were still not ready to bring the equipment.
- By January-February 2007, the Egyptians informed that now they would be ready to move the equipment to Kerem Shalom. However, the Palestinians informed that they still had some outstanding financial issues to solve prior to the transfer of the said donation.
- On 28 February 2007, after EUBAM request, the Israeli side suggests that all the remaining items (incl. bus and tractor) would be brought to Kerem Shalom on 7 March 2007.
- On 05 March 2007 EUBAM was informed that the date for the crossing of the Egyptian donation n° 4221 has been changed. All the remaining items except for the bus are scheduled to cross and crossed via Kerem Shalom Crossing Point to Palestinian RCP finally **on Tuesday 6 March 2007**.

2. CHALLENGES

Receive the earliest availability for the coordination of the remaining bus.

3. OBJECTIVE

The clear objective is to have all the equipment transported to RCP via KSCP.

4. REACTION/COMMENT

4.1. GOI

4.2. PA

5. AGREED ACTION

Subject: 6th “Coordination and Evaluation Committee” meeting on 07 March 2007 at 10.00 hrs in Jerusalem at the Delegation of the European Commission

AGENDA:

**4.5. Maintenance of technical equipment at RCP:
Repairs of the DVRs and Cameras**

1. SITUATION

- With reference to EUBAM assessment of repairs conducted at the RCP after the damage of 14 December 2006, dated 27 December 2006, addressed to both Parties, it still has to be noted that views of some of the cameras at the RCP are not received due to malfunctioning of some Digital Video Recorders (DVRs).

2. CHALLENGES

- As per the Agreements, the Liaison Office should receive video feed from all cameras (ref Appendix A on the Operation of Cameras).

3. OBJECTIVE

- To have all the cameras and DVRs repaired as soon as possible.

4. REACTION/COMMENT

5.3. PA

5.4. GOI

5. AGREED ACTION

Subject: 6th “Coordination and Evaluation Committee” meeting on 07 March 2007 at 10.00 hrs in Jerusalem at the Delegation of the European Commission

AGENDA:

4.6. EC equipment contribution for the RCP (state of play)

Follow up of the Extra CEC meeting of 3 January 2007

1. SITUATION

The following equipment has not yet been transferred to the RCP, as of 01st March 2007:

Lot 01a	X-ray Inspection Systems for Personnel Luggage: VERTIGO 7555 (Manufacturer: ScanLogik Technology Ltd)	2	Al Jazeera Company	X-ray machines are for the time being in the <u>Israeli Ministry of Environment</u> since end of January 2007. No news on the hand over. EC forwarded on 19 February a letter to the Israeli Customs through the Agency Maliline. EUBAM send a letter on 06 March to Mr. Shai Avital of the Ministry of Environment. Expected to be delivered second week of March and hand over immediately afterwards.
Lot 01b	X-ray Inspection Systems for Arrival Baggage: VERTIGO 1010 (Manufacturer: ScanLogik Technology Ltd)	2	Al Jazeera Company	As above.
Lot 05	Vehicles: - 4x4 vehicle (7-seater) - 4x4 pick-ups - cars	4 2 2	Al Jazeera Company	8 cars are waiting for <u>VAT/Customs Clearance authorization by the Israeli authorities</u> , expected imminently, and should be handed over in March 2007, according to supplier.
Lot 12	Purchasing of Custom Police Uniforms		National Company	Uniforms are locally manufactured in the Gaza Strip despite the flack jackets. These flack jackets are in Ben Gurion Airport - Israeli customs.

2. CHALLENGES

- The x-ray machines are currently with the Israeli Ministry of Environment.
- The vehicles and Custom Police flack jackets are waiting for the customs clearance by the Israeli authorities.
- Coordination with the IDF for a number of site visits by IMG/ECTAO consultants is foreseen to be needed via Kerem Shalom to RCP.

3. OBJECTIVE

- The objective is to have all the equipment transferred to RCP as soon as possible.

4. REACTION/COMMENT

4.1. GOI

4.2. PA

5. AGREED ACTION

Subject: 6th “Coordination and Evaluation Committee” meeting on 07 March 2007 at 10.00 hrs in Jerusalem at the Delegation of the European Commission

AGENDA:

4.7. Pending issues

A. Palestinian Authority

Until the date, the PA response has not been received in the following inquiries raised in the letter sent to the Palestinian Authority, dated 25 November 2006:

- List of names of the workers at Rafah Crossing which will be shared with the Israelis (ref APRC 3rd item under section Security);
- The number of RCP staff and, the need to issue new RCP identity cards for the reassessed number of the Palestinian staff at RCP;
- The announced appointment of the new RCP manager.

Until the date, the PA response has not been received to the letter, dated 22 December 2006:

- Adherence to operational agreements by the PA Liaison Officers.

Until the date, the PA response has not been received to the following issue that was raised in the CEC meeting of 3 January 2007:

- Deployment of one Presidential Guard at the Kerem Shalom Liaison Office.

Until the date, the PA response to the following Non-Compliance letters has not been received:

- Non-Compliance with the APRC on 28th November 2006 (smuggling of cash through the Rafah Crossing Point and movement of passengers outside the perimeter of the RCP);
- Non-Compliance with the APRC on 14th December 2006 (failure to heed advice and failure to inspect luggage);
- Non-Compliance with the APRC on 28th December 2006 (access by cars through Rafah by PA PM Haniyah, registration of passengers into Gaza Strip after closure time of RCP);
- Non-Compliance with the APRC on 23rd January 2007 (registration of passengers into Gaza Strip after closure of RCP);
- (Non-Compliance with the APRC on 7 February 2007, see Agenda 4.4.);
- Non-Compliance with the APRC on 7 February 2007 (immigration procedures);
- Non-Compliance with the APRC on 13 February 2007 (registration of passengers’ data out of the view of the cameras).

B. Government of Israel

Until the date, the GoI response to the following letters has not been received:

- Crossing of EUBAM personnel at Erez (dated 8 Dec 2006 and, 22 Feb 2007);
- Delays at KS Gate due to Israeli Military Police (dated 8 Jan 2007 and, 14 Feb 2007);
- Unilateral Closure of the Rafah Crossing Point (dated 16 Jan 2007 and, 15, 21 and 26 Feb 2007).