

PLANNING CONSIDERATIONS FOR INTERNATIONAL INVOLVEMENT IN AN ISRAELI WITHDRAWAL FROM PALESTINIAN TERRITORY

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On 6-7 May 2004—in the wake of Likud’s rejection of Sharon’s disengagement plan from the Gaza Strip and parts of the northern West Bank—a group of Israelis, Palestinians and international officials and experts convened to address operational aspects of third party involvement in a withdrawal process. Chaired by Jarat Chopra and Mark Walsh, the meeting was hosted in Noordwijk aan Zee by the Netherlands Ministry of Foreign Affairs, sponsored by the Programme for Security in International Society at the University of Cambridge Centre of International Studies and organized with Strategic Assessments Initiative. The aim of the discussions was to consider what can and cannot work from a functional perspective, within the context of social and political realities. The meeting explored a range of issues affecting the design of any third party role during the period of an Israeli withdrawal from Palestinian territory. The participants combined local and regional expertise, direct knowledge of the parties’ positions and experience in complex peace operations, with humanitarian, military and transitional political elements. This mixture of individuals allowed the synthesis of area-specific information and lessons of multi-dimensional missions to produce comprehensive planning considerations. The following report is a reflection of the issues discussed, and incorporates many of the ideas contributed by the participants. The content is the responsibility of the authors alone.

The results of this meeting extend the work of earlier “Planning Considerations” reports that are available on-line at the U.S. Army War College website (<http://www.carlisle.army.mil/usacsl/Studies.asp>). These initial documents gleaned some principles for intervening effectively and sustainably in the Israeli-Palestinian context, and they were circulated widely in international planning circles, amongst the parties and their respective communities, as well as to a diverse range of experts and interested observers. The report below identifies current strategic aspects of an Israeli withdrawal; describes the operating environment for a third party; outlines the potential nature of international involvement in the border regime, in Palestinian governance and in the transfer of assets in the Gaza Strip; and concludes with general planning factors and considerations.

The conclusion reached by the authors is that third party involvement is critical and inevitably required if the withdrawal is to serve the interests of all sides involved.

I. Strategic Aspects of Withdrawal

Current Context: On 18 December 2003, Israeli Prime Minister Ariel Sharon announced his government’s intention to “unilaterally disengage”—ultimately from the Gaza Strip and parts of the West Bank by the end of 2005. On 14 April 2004, U.S. President George W. Bush endorsed Sharon’s plan after months of discussions.

Bush also endorsed Israeli interpretations of two permanent status issues—the return of refugees and the borders of a future Palestinian state. In addition, Bush reversed U.S. policy on Israel’s “separation barrier,” supporting its continued construction through the West Bank instead of on the Green Line.

The Unilateral Disengagement Plan: Sharon’s original, publicly-issued plan states that “Israel will evacuate the Gaza Strip, including all the Israeli settlements currently existing there, and will redeploy outside the territory of the Strip.” The plan further expresses Israel’s intention to evacuate four settlements and permanent military installations in the northern part of the West Bank. The expectation is to create “territorial contiguity” in the northern West Bank as well as “transportation contiguity” throughout the West Bank. The plan affirms that the disengagement will not detract from “existing agreements” and notes that “existing arrangements” will continue to prevail. However, according to the plan, upon conclusion of Israel’s withdrawal from the Gaza Strip, “there will be no basis for the claim that the Gaza Strip is occupied territory.”

“Unilateral Disengagement”: Israel claims that this plan will be implemented unilaterally because “there is no Palestinian partner with whom it is possible to make progress on a bilateral agreement.” Nevertheless, disengagement principles call for existing arrangements to be maintained, therefore acknowledging that the intimate level of interdependency between Palestinians and Israelis will continue. There are relationships between Palestinian actors and Israeli armed forces, Israeli firms and service providers, and the Israeli government. Such interactions entail a certain amount of coordination and a number of understandings that, without bilateral negotiations, will need to be facilitated through other means.

Responses to Unilateral Disengagement

International Response: Subsequently, on 4 May 2004, Quartet members (the United Nations, the European Union, the Russian Federation, and the United States) endorsed Sharon’s plan for withdrawal from Gaza as a positive step towards fulfilling some of the requirements of last year’s Road Map—accepted at the time by both the Israeli government (with 14 reservations) and the Palestinian Authority (PA). The Quartet announced that it would “act on an urgent basis, in conjunction with the World Bank, UNSCO [United Nations Special Coordinator’s Office for the Middle East Peace Process] and the AHLC [Ad Hoc Liaison Committee], on the basis of a World Bank/UNSCO rapid-assessment study, to ensure Palestinian humanitarian needs are met, Palestinian infrastructure is restored and developed, and economic activity is reinvigorated.”

Palestinian Response: The Palestinian Authority responded with dismay to both Israel’s announcement of the plan and U.S. support for it. The PA continues to argue that any withdrawal should occur within the context of bilateral negotiations. It also asserts that it will only be able to guarantee the internal security of areas vacated by Israel if withdrawal from the Gaza Strip is complete, if it is a negotiated process, and if President Yasser Arafat is allowed full freedom of movement.

Hamas, the Islamist-nationalist opposition movement, has declared that it will cease all military operations against Israelis upon a full withdrawal from Gaza. However, it has warned that it will continue to launch attacks against Israelis from the West Bank.

Various Fatah cells and loosely affiliated organizations have similarly expressed their willingness to halt all operations in and from the Gaza Strip under comparable conditions.

Israeli Response: On 2 May 2004, Sharon submitted the unilateral disengagement plan to a referendum of Likud Party members. Following an intense lobbying and public campaign by the settler movement, the plan was rejected. Thereafter, Sharon asserted that he would persist in preparing for a unilateral disengagement and that he would present a revised plan to the Israeli cabinet for approval. Polls would seem to indicate that the plan still has support among a majority of the Israeli public, as well as among a majority of Likud voters. The leading Likud coalition partner, Shinui, has announced that it continues to support the plan and expects it to be brought before the government, approved and implemented. The Labor Party has affirmed that it would vote in favour of the withdrawal plan if presented to the Knesset.

Needs and Concerns of Disengagement

Israeli Needs and Concerns: Israel's main objectives of disengagement are to minimize the friction points between Israelis and Palestinians, and to redeploy along more easily managed security lines. In the medium and long terms, Israel hopes such a move will help decrease Palestinian public support for extremist militants, and promote what it perceives as a responsible partner for bilateral peace negotiations. Following disengagement, Israel's principal concern remains the security dimension (i.e., preventing terrorist activities, the reconstitution of terrorist infrastructure or rocket firing into Israel). Chaos, it is feared, will strengthen extremist movements. Consequently, Israel has a vested interest in social, political and economic stabilization and further development in the Gaza Strip. In terms of international involvement in reconstruction and rehabilitation, Israel prefers a U.S.-led effort.

Israel also wants to use its disengagement and removal of settlements to improve its international stature. However, the relocation of settlers entails internal political risks of a public perception of defeat, which will be magnified if evacuated settlement homes are taken over or destroyed by Palestinian militants. Such events are expected to adversely affect Israeli public support for later withdrawals in the West Bank. Therefore, Israel has an interest in the orderly transfer of all evacuated assets to parties that could better aid the cause of peace.

Palestinian Needs and Concerns: The primary interest of Palestinians is an end to the Israeli occupation and the establishment of an independent state. They fear that Israel will evacuate only from the Gaza Strip and consolidate its hold on the West Bank—a concern amplified by Bush's statements regarding the borders and the "separation barrier." Palestinians need to utilize the withdrawal as a step towards permanent status negotiations and resolution of the conflict.

Other Palestinian concerns vary according to specific actors. The Palestinian Authority has become the *de facto* negotiating partner with Israel and the United States, despite lacking a popular mandate. It fears becoming irrelevant to Palestinians if it is unable to fulfil its promise of negotiating an end to occupation. Hamas wants to translate the withdrawal of Israeli forces into a political victory for itself and to play a future role in governing Gaza, without compromising its final status views. A

number of Palestinians are seeking that any governing body created in the Gaza Strip respond to demands for democracy and good governance.

Palestinian concerns also include an increasing distrust of United States goals and practices, which might affect the acceptability of specific compositions of third party forces.

International Needs and Concerns: International interests vested in the Israeli-Palestinian peace process arise from both the levels of national governments and international bureaucracy. From a national leadership perspective, increased third party involvement towards resolving the conflict, if successful, could provide significant political rewards domestically and internationally. However, such involvement also entails great personal political risks that might be alleviated by some guarantees from Palestinians and Israelis. Moreover, resources of a number of nations are already overstretched in other conflict areas, and the Israeli-Palestinian situation may not rank as the highest priority for on-the-ground deployment.

At the bureaucratic level, the international community has created a number of institutions, organizations, and relationships with the Palestinian Authority and Israel linked to the peace process. These include, but are not limited to: the AHLC, composed of capital level decision makers from key donors; the Local Aid Coordination Committee (LACC), with the participation of all donors active on the ground; the Task Force on Project Implementation, that facilitates, amongst other needs, access for assistance; the Humanitarian and Emergency Policy Group, which monitors the humanitarian crisis and proposes policy approaches; the Task Force on Palestinian Reform, engaged in promoting institutional reform efforts; programs of the World Bank, International Monetary Fund, UNSCO, and the United Nations Relief and Works Agency (UNRWA); activities of the United Nations Development Programme and World Food Programme; responsibilities of the International Committee of the Red Cross; plus international non-governmental organizations and projects directly funded by various countries. Given institutional inertia, this bureaucratic landscape would be difficult to change or dissolve in the event of new circumstances.

In some respects, the organizational infrastructure necessary for third party involvement is already in place, including more than one thousand international personnel active in-theatre. However, this system has largely aimed to assist the PA administer limited areas and it is unclear, and perhaps unlikely, that it alone could provide an umbrella for the qualitative leap in the nature of international action, and conflict management and resolution, required in a withdrawal.

Disengagement as an Opportunity

Expectations and Fears: Palestinians and Israelis acknowledge that the unilateral disengagement plan reflects the failure of both parties' political establishments to successfully negotiate an agreement to end the conflict. Nevertheless, a full Israeli withdrawal from the Gaza Strip and areas of the northern West Bank offers an opportunity for altering the ground situation and initiating new and constructive dynamics.

From an Israeli perspective, the first significant removal of Israeli settlements from Palestinian territory is of great symbolic importance. Its political ramifications are enhanced by the fact that evacuation is proposed by a right wing-led government.

For Palestinians, there is hope for and trepidation over the prospective withdrawal. A clear majority of Palestinians, especially in areas they expect Israel to relinquish, look forward to the removal of settlements and military personnel. However, there is great fear of the political consequences and the danger of fatally fracturing the Palestinian national aspiration for independent statehood.

While the plan itself is unilateral, all parties affected (both local and international) bear the burden of maximizing its potential and applying it as a trust-building measure capable of channelling both Israelis and Palestinians back to the peace process. The international community can play a positive role in helping to manage and shape the expectations of both sides in this regard, ensuring the realization of potential benefits.

Third Party Involvement: Israeli insistence on a unilateral approach leaves many issues of interdependency to be resolved, if disengagement is to promote peace, security, and freedom for all concerned. Lacking direct bilateral arrangements, a need arises for a third party to facilitate common understandings and assume some specific tasks on the ground which could serve the converging interests of both Israelis and Palestinians. Furthermore, the disengagement plan publicly affirms—for the first time since the establishment in 1994 of the Temporary International Presence in Hebron—Israel’s willingness to consider a third party role in various capacities. The plan states “Israel agrees that, in coordination with it, advice, aid and instruction will be given to Palestinian security forces for the purpose of fighting terror and maintaining public order by American, British, Egyptian, Jordanian or other experts, as will be agreed upon by Israel.” The plan also refers to the possibility of a foreign security presence, to be coordinated with and agreed on by Israel. It also calls for “the presence of an international body that will accept proprietorship” of the real estate assets of the settlements.

II. Operating Environment of the Gaza Strip

Territory and Population: The Gaza Strip is some 11 kilometres wide and 30 kilometres long. It adjoins the Mediterranean Sea and the Egyptian border in Israel's southwest corner. The Strip constitutes only 5.8% of the total territory of the West Bank and Gaza combined.

Gaza is home to about 1.2 million Palestinians (approximately 80% of whom are refugees) living on approximately 60-70% of the available land. About 7,500 Israeli settlers reside in 23 settlements. The settlements together with military installations and positions comprise the remaining 30-40% of the Gaza Strip.

Control and Access: Israeli forces are deployed in direct support of the settlements and control the settler roads, leading from Israel proper, which divide the Gaza Strip into three segments. In addition, Israel maintains a sophisticated array of electronic surveillance mechanisms along the fence separating Israel from the Gaza Strip, which incorporate drones, video cameras, thermal imaging devices and listening devices.

The air and sea space surrounding the Gaza Strip has been under exclusive Israeli control since the start of the *intifada* in 2000, when cooperative arrangements in these areas ceased between the Palestinian Authority and Israel. The Gaza Strip has no sea port, although plans exist for its construction. The Danahiya Airport near the Egyptian border is not functioning and requires 6 months work to become operational again.

Geographic Divisions: The Gaza Strip has often been viewed as an easier operating environment because of the perception that it is, compared to the West Bank, a seemingly contiguous area that lends itself to simpler management. However, due to the nature of the violence over the last 3 years, Israeli forces have applied tight internal and external closures that have, in effect, created a number of discrete geographical enclaves—exacerbating the political divisions between the Palestinian factions and, in particular, undermining the legitimacy of the Palestinian Authority for a variety of reasons. This phenomenon is most marked around Khan Younis in Central Gaza, and in Rafah in the southern Gaza Strip. In any given scenario, it can be expected that these areas will continue to pose a challenge to Palestinian unity and will require special treatment. Not surprisingly, both areas suffer crippling poverty, widespread unemployment, and poor law and order.

Supply Lines: Despite the conflict, Israel has, through its Civil Administration, facilitated ongoing humanitarian assistance to the Palestinian people. The operating paradigm in this endeavour has been to reconcile the dilemma of meeting Israel's security needs while at the same time reducing the impact on the Palestinian economy and humanitarian situation. Additionally, Israel has continued to supply utilities (water, power, gas, etc.) to the Palestinians and not halted their provision as a weapon. Other interactions with the Palestinians occur at the Gaza Strip crossing points. At each of these crossing points there are customs, immigration and security functions that need to be exercised.

III. Border Regime in the Gaza Strip

Competing Concerns about Access

Territorial Access: Two over-riding, though competing, concerns underlie the issue of how to enable the access of peoples, goods and services into and out of the Gaza Strip. For Palestinians, access to Israel, the West Bank, Egypt and the rest of the world, and in particular their ability to engage in commerce and trade, is an important component of stability and economic development in Gaza. Whilst Israel, too, has a vested interest in the socio-economic development of Gaza, its first priority will be to ensure that Palestinians cannot engage in terrorist activities against Israelis.

In the current political climate, Israel does not trust Palestinians to refrain from preparing new weapons systems or to prevent violent acts from emanating out of Gaza. In any trade-off between the unfettered movement of persons and flow of resources, and the imposition of border restrictions to avert possible attacks, Israel will decide in favour of the latter. For Palestinians, exclusive Israeli control under the existing security arrangements will not allow for a real opportunity to open up the Gaza area. The introduction of a third party presence could bridge the gap between

the two sides and help devise mechanisms to attend simultaneously to their respective concerns. Similarly, the long-term nature of any border regime for Gaza is dependent on strengthening Palestinian governmental institutions and functions and the effective implementation of wide security reforms.

Israeli Perspective: Israel has the need to ensure that a withdrawal does not compromise its security requirements. It will wish to make certain that the flow of goods and people both into and out of Gaza is closely monitored and, when necessary, goods are impounded or persons are detained. Specifically, Israelis have two overlapping sets of concerns. The first priority for Israel is to fully control its borders and crossing points with Gaza to stop Palestinians intent on attacking Israeli citizens. Israel will want available the means to prevent smuggling of weapons and explosive devices across the border into Israel and into the West Bank. This task falls within Israel's sovereign rights and does not impact directly on Palestinian rights.

The second concern deals with the flow of people, goods and resources into Gaza. Israel will wish to prevent Palestinians in Gaza from developing the capacity and expertise to build a terrorist infrastructure, procuring weapons systems beyond those necessary for the maintenance of local law and order, acquiring resources to fund such activities, together with limiting the entry of personnel from outside Gaza with the skills to assist the whole enterprise. In this respect, Israel argues the need to maintain some form of control of the points of entry between Gaza and Egypt, along the Egyptian border areas, and over access into Gaza via sea and air. This task does impact directly on Palestinian rights.

Palestinian Perspective: For Palestinians it is important to manage, as far as is possible, the many complex aspects of the border regime to minimize their impact on socio-economic and humanitarian conditions. This is best done in cooperation with the international community and the Government of Israel. Palestinians are concerned that the withdrawal from Gaza will lead only to additional "prison" space. While movement within the Strip will be freer, individual and commercial transit through land crossing points will be extremely limited and subject to a strenuous closure policy. The territorial links between the Gaza Strip and the West Bank, Israel and the rest of the world have to be maintained to rehabilitate the economic situation; to ease the flow of trade and labour, persons, and services in and out of the West Bank and Gaza; and to facilitate fishery activities in the Gaza sea. Palestinian control of the international crossing point with Egypt and rebuilding of the seaport and airport will only enhance prospects for economic success.

The ability of Palestinians to benefit from a Gaza withdrawal largely depends on the landscape in which they have to operate, and in particular the extent of the opening up of the Strip. A predictable business environment will require maximum accessibility amidst secure and stable conditions. Any military action between Israelis and Palestinians after withdrawal would inhibit the creation of these conditions and the meaningful engagement by the international community towards achieving long-term goals.

To aid such efforts, it is imperative that Palestinian authorities prevent attacks and the launching of rockets against Israel. They need to be able to secure borders with Israel and Egypt, including the coastline of Gaza, to intercept infiltration, smuggling and

other illegal activities. All of this requires the deployment of Palestinian forces along the Gaza-Israel and Gaza-Egypt borders, and the resumption of maritime patrols. Adequate armament and training are essential for a Palestinian maritime security capability.

Third Party Roles: The international community could consider playing a variety of constructive roles. The potential function of a third party presence would be twofold. First, international personnel may directly facilitate and coordinate management of trans-border issues, such as ecological and health problems. Second, international assistance will be needed in the creation of new Palestinian institutions relating to the border regime and crossings points. With regards to information sharing, Israel and the Palestinians in the Gaza Strip might want to cooperate in such cross-border actions as halting criminal activities. Trilateral mechanisms could facilitate this process, especially in the case of a cohesive third party involvement in various Palestinian governing agencies. Some formal and/or informal dispute resolution mechanisms will also be required. Israeli-Palestinian disagreements relating to border issues (transfer of goods, people and resources) are likely to come up. Moreover, an international presence may be invited to deploy at some or all of the crossing points in the Gaza Strip.

Crossing Point Operations

Crossing Points: Four existing crossing points make up the Gaza border regime. First, the Erez Crossing (or Beit Hanoun) is the main access point to Gaza for staff from international organizations and the diplomatic community entering from Israel. Palestinian workers seeking employment in Israel exit Gaza at this point. Co-located with the crossing point is the Erez Industrial Zone, which employs approximately 4,000 Palestinians, the wages for whom support a further 40,000 Palestinians. Second, the checkpoint at Karni is the principal terminal for the import and export of perishable and non-perishable consumables and has a multi-lane, back-to-back loading system. Palestinian business persons enter and exit at this point for onward travel to Israel and the West Bank. Third, the Sufa Crossing primarily serves as the entry point for industrial and construction materials as well as some Palestinian labour.

Rafah Crossing Point: The fourth existing crossing point is at Rafah and offers international access to Egypt through a Palestinian terminal, which is under Israeli control, and an Egyptian crossing post. Currently, Palestinian customs, immigration, and security presence is at a minimum. Most of the facilities have either been destroyed or are inadequate to accommodate the flow of traffic. The Palestinian terminal will need to be rebuilt and improved.

Sharon's disengagement plan refers to an Israeli interest in relocating this point two kilometres south of its present location, to the 'border triangle' between Egypt, Gaza and Israel. From a Palestinian perspective, if Israeli forces withdraw from that area, relocation of the Rafah crossing becomes an internal Palestinian issue.

The Rafah crossing point presents a unique and relatively more complicated challenge to Gaza border regime planners. Its geographical location and importance as an economic node may demand special consideration. As a consequence, policy, plans,

operations, structure, and linkages for this passage point might be addressed separately from broader regime development.

Ensuring Effective Border Operations: The operational effectiveness of border crossings has a profound and direct impact on Palestinian and Israeli goals after withdrawal. Third party means of helping to ensure this effectiveness include the development of a border regime construct that can lead to an operational concept and creation of a border control apparatus on the ground. Complementary technical measures can then be designed, followed by a dispute resolution mechanism with a robust liaison program to tie the regime to both sides.

In all border crossing points, third party assistance can be directed most purposefully at the coordination of a timetable and an orderly transfer of assets; development of infrastructure; exchange of data; establishment of a port authority; improvement of operational efficiency; effective management, training, and coordination; and linkage to other border points, such as Rafah, and to onward shipments to and from Israeli sea and air ports.

Border Regime Transition

Border Control Regime: Israeli unilateral disengagement necessitates a new border regime for the Gaza Strip that will entail a lengthy process of construction and readjustment. During this time, changes in the border infrastructure and procedures will have to be phased. The transitional period will, in turn, offer an opportunity for third party assistance with interim measures that can minimize interruption to services. A third party might examine the border's passages and establish criteria for identifying the most efficient crossing point to protect and monitor—which coincidentally provides the maximum economic benefit to Gaza's population.

The border control regime, itself, offers many opportunities for advice, assistance and support from a third party. These include: acceptable involvement in the planning, design, and implementation of the regime's structure; assistance with the concepts, acquisition, and installation of technical security measures; determination and application of monitoring and policing procedures; and the establishment of an appropriate dispute resolution mechanism that can address an array of potential border problems, ranging from crossing modalities to the closure of passages. An adjunct of this mechanism is an effective liaison program that complements and enhances the interface between Israeli and Palestinian border control authorities.

Ranking of Border Concerns: There are different concerns—shared to varying extents by the parties—regarding the Gaza border regime and operations of specific crossing points. In the case of movement of Palestinians from Gaza into Israel, the entire scope of access for people, goods, and services presents a significant security concern for Israel. By contrast, the movement of people, goods, and services in the opposite direction, from Israel into Gaza, is of less concern to Israel. Similarly, Israel has few concerns in relation to movement of goods and the mobility of people from Gaza into Egypt, which is primarily a matter for the Palestinian and Egyptian authorities who manage and control the flow of traffic.

The most complex issue in terms of land border crossings is the entry of people, goods, and services from Egypt into Gaza at Rafah. This crossing point exemplifies the connection between Israeli security needs and any future bilateral relationship between Egypt and the Palestinians in Gaza. New border controls at this location will require sufficient measures to prevent the smuggling of weapons and illegal contraband of all kinds, and to interdict persons with hostile intent.

Israel maintains a high security interest in ensuring that any future arrangements will allow it to oversee and monitor the passage of goods, resources and individuals into Gaza. Israel would be unwilling to transfer to the Palestinians full responsibility for access to Gaza. Accordingly, it has proposed the movement of the border crossing from Rafah to the 'border triangle.' If acceptable to Palestinians, a new border terminal and regime, comprising customs, security and immigration procedures, would need to be established and, in principle, third party involvement could help in its design and the transition to its functioning.

International Operational Audit: A third party presence can assist in the establishment of a trilateral regime that can facilitate the access of peoples and goods into Gaza, whilst attending to Israeli needs and Palestinian needs and concerns. Doing so, however, would require a proper "operational audit" of existing arrangements at each border crossing point. This audit would take into consideration Israeli and Palestinian interests and fears and explore the range of possible options and solutions to maximize efficiency and security. A new configuration will be able to minimize the interface between Palestinians and Israelis, thereby reducing friction. The audit could well be conducted independently, with the support of the international community and Israeli and Palestinian input. It may also spell out the functional scope of third party involvement on the ground.

Air, Sea, Land and Other Arrangements

Managing the Airport and Sea Port: Reopening the airport and construction of a seaport in Gaza would deliver two key Palestinian resources. Both can serve as engines of economic growth and as a major source of employment. They may possibly reduce Palestinian dependence on transit through Israel. Notwithstanding very narrow air routes in the region, identification of procedures for effective management of the Gaza airspace is feasible. Third party support could have a significant role in air space policies, operations, manning, financing, and linkages consistent with the approval of both sides. On a macro scale, the seaport and airport provide the most extensive outreach for the Palestinian people to the rest of the world.

The current agreement between Israel and the Palestine Liberation Organization (PLO) on security arrangements at the airport calls for: Israeli control of the airspace and overriding security control over customs and immigration procedures; and grants the Palestinian Authority limited control of the administration and operation of the airport itself. The revival of these arrangements with any reopening of the airport requires the stationing of Israeli security personnel in Gaza. Israel would not be prepared to transfer this responsibility solely to the Palestinians. A third party presence, in coordination with Israeli authorities, could allow for the development of new security and customs arrangements which would reduce, or possibly eliminate, the necessity of Israeli presence at the airport. The construction of a Gaza port creates

a related set of security concerns demanding new arrangements. In this respect, offloading of goods designated for Gaza at Ashdod or Haifa and their subsequent transportation into Gaza either by boat or by train needs to be considered.

Patrolling Territorial Waters: The territorial waters of Gaza represent a significant natural resource for Palestinians and offer employment to 5,000 individuals in a fishing industry off the coastline. This industry is in constant flux between periods of “low security risk” to Israel, during which Palestinian fishing boats can operate further out at sea, and periods of “higher security risk” to Israel, when fishing boats are compelled to remain closer to shore or have to stay in port.

While fishing is a valuable source of local income, boats also constitute a potential means of smuggling goods, personnel and explosives into Gaza. The effective patrolling of these waters is an important security concern for Israel, yet the continued operation of Israeli vessels off Gaza is seen as an infringement of Palestinian sovereignty. Maritime security is essential for Palestinian governance of Gaza after an Israeli withdrawal. A third party can help bridge these competing concerns. The international community possesses a wealth of experience in counter-narcotics and fisheries control that could supplement or mitigate Israel’s need for control of the coastline. Central to the development of such maritime operations are detailed plans, operational concepts, efficient organizing structures, appropriate cost-effective logistics, comprehensive training and affordable resources.

Controlling the Philadelphi Route: The Philadelphi Route marks a strong point of divergence and a clash between Israeli security concerns and Palestinian economic and political interests. At stake here is the issue of which party will be responsible for the management and the patrolling of the border between Gaza and Egypt. Israeli concerns relate to preventing the smuggling of weapons and goods from Egypt and maintaining a physical presence along the border to limit such possibilities. Israel has indicated that it intends to remain militarily deployed along the Philadelphi Route for an unspecified period of time. For Palestinians, the continuation of any Israeli presence—military or civilian—along the border and the patrolling of the Philadelphi Route would represent the continuation of Israeli occupation of Gaza, and therefore constitutes a point of friction between Palestinians and Israel. There is, however, a convergence of interests of both sides to remove Israeli forces from the area.

The primary role of a third party presence along the Philadelphi Route would aim to reconcile competing interests and facilitate the development of a new border regime, accounting for the political and security needs of all parties involved. The engagement of Egypt is critical in the planning and implementation of any arrangements. An initial assessment would evaluate Israeli security concerns along this border and the technological, electronic and force structure required to meet them. Subsequently, models can be designed in which an international presence allows for the reduction of Israeli forces to a minimum, and leads to their eventual replacement along the entire Philadelphi Route.

From an Israeli perspective, such arrangements could include joint Israeli and international patrols and presence along the entire length of the border with Egypt. From a Palestinian perspective, anything less than complete Palestinian control over that area would not only constitute a continuation of occupation but also a major point

of friction. Palestinians can, in the interim period, accept joint Palestinian and international presence along the border. A third party can also facilitate and complement Palestinians in the conduct of border crossing functions and the management of border facilities and infrastructure. If the necessary force structure and mission leadership were established, Israel might be prepared to consider an international deployment along the Egyptian-Gaza border. The dispatch of such a force to Gaza would entail high cost and political risk to any country prepared to contribute to such a mission, and it would require the full support of all the sides to secure local legitimacy. In this context, tailored liaison, coordination, and dispute resolution mechanisms need to be developed between Israel, Egypt, a third party, and the Palestinian security services. Any configuration along the border would need to establish clear division of roles, responsibilities and channels for effective communication. An extension of the mandate of the Multinational Force and Observers stationed in the Sinai may be considered in this respect.

Monitoring the Egypt-Gaza Tunnels: A related concern for Israel along the Egyptian-Gaza border is the smuggling of weapons and goods through tunnels. The prevention of smuggling necessitates a set of tactical measures for closing the tunnels. An Israeli and/or international presence along the Philadelphi Route cannot address this aspect of any new border regime, since the entry and exit points of these tunnels are beyond the immediate border zone. As with overall control of the border, Egypt has a pivotal role to play in the design and implementation of any relevant third party element. A third party can facilitate the monitoring of the tunnels and the development of a coordination and liaison mechanism for sharing intelligence information aimed at limiting the capability for smuggling activities. While it will be a joint Egyptian-Palestinian interest to combat smuggling and infiltration, a third party can assist both sides in identifying a suitable arrangement, subject to international verification.

Addressing Transnational Issues: In addition to air, sea and land components, there are other transnational implications of the comprehensive control of the Gaza Strip boundaries. Less tangible considerations in designing an effective border regime include communications, environment, health, and agriculture. A multitude of new protocols with Gaza's neighbours and with the international community may need to be drafted and implemented in order to manage these equally vital features of the border regime. Third party assistance can include an analysis of legal considerations, identification of relevant international protocols, coordination of plans and policies with interested parties, and the definition of obligations and responsibilities of the appropriate Gaza agencies.

Facilitating Local Community Development: Economic development is the centrepiece of Palestinian strategic objectives in the aftermath of an Israeli disengagement from the Gaza Strip. A key ingredient for Gaza's economic future is in the area of local community development. Third party measures—such as an assessment of local economies, quick impact projects, and training and vocational programs to provide skills at the local level—can enhance and improve the prospects for sustained community development. International efforts need to ensure that such programs are facilitated and that necessary external resources can be provided without interruption.

IV. Palestinian Governance in the Gaza Strip

Convergence of Interests

Palestinian Interests: Palestinians consider governance to be an internal matter. However, out of necessity they have been willing to discuss and coordinate a variety of issues with Israel and the international community. The very structure of the Palestinian Authority was determined in negotiations with Israel. Since then, there have been several attempts to address Palestinian and other party concerns about the quality, if not the nature, of that governing arrangement. Withdrawal from the Gaza Strip provides an opportunity for Palestinians, most likely with the assistance of the international community, to develop a new mode and standard of governance compatible with Palestinian interests as a national group.

The withdrawal—especially if it is complete and involves a transfer of sovereign powers—would allow Palestinians for the first time to exercise, with fewer limitations, the functions of government characteristic of a normal society. It also creates unique possibilities for Palestinians to establish law and order on a cooperative basis with all existing factions, each of which has announced its willingness to observe a comprehensive cease-fire from the Gaza Strip upon completion of a full Israeli withdrawal.

As significant, the withdrawal potentially offers Palestinians greater flexibility in establishing their own economic policy. Palestinians might be able to create a border system around their territory that would minimize the benefits of smuggling and black market economies. Success would in turn affect issues of security and law and order. For example, the same tunnels used for smuggling ammunition from Egypt into the Gaza Strip are also maintained by the profits made from smuggling cigarettes that are half the price of those imported from Israel (5-7 shekels versus 13-17 shekels). With an effective border regime between Israel, Egypt and the Gaza Strip, Palestinians could import products more freely thereby minimizing any advantage in smuggling.

Israeli Interests: Israel has an interest in effective Palestinian governance in the Gaza Strip because of its potential ability to address Israeli security needs. For example, Israel continues to demand from the Palestinian Authority greater efforts in security sector reform and performance. Israel would demand such performance from Gaza in order to avoid a cause for Israeli incursions.

Israel also would benefit from normalization of Palestinian economic activity and provision of full governmental and basic services to all sections of Palestinian society, since the attraction for organizations like Hamas would presumably lessen.

Third Party Involvement: International involvement in Palestinian governance can range across institution building and legitimation, economic development, capacity building, and especially the one area specifically mentioned in the Sharon plan: advising, aiding and instructing Palestinian security services. There appears to be a greater degree of willingness than ever before by both parties for an effective monitoring and verification role by the international community.

International involvement is required in developing the basic institutional functions for overall governance, including re-establishing policing activities and the provision of public services. Towards that end, international and Palestinian experts need to conduct assessments of the organizational and governing framework existing in Gaza, the limits of administrative capacities, and the required financial resources, equipment, and training programs, as well as review various economic and legal issues.

In considering third party involvement, Palestinians will have to determine the nature and degree of intrusion they would accept, Israelis the nature and degree they would support, and the international community the nature and degree it would undertake. Israel's views would be guided primarily by the operational security constraints posed by any particular scenario. Furthermore, the international community will need to enhance the level of coherence of its complex authority relations on the ground—the more intrusive its role, the greater clarity and unity of command it will require.

Currently, the international role in Palestinian governance is to provide *assistance* to a weak domestic authority. Such involvement is at the minimalist end of the spectrum of types of missions that seek to re-establish or help re-establish political authority in the wake of conflict. More intrusively, a third party may function as a *partner* with a fragile Palestinian authority. In a highly factionalized or fractured political environment, as is the case in the Gaza Strip, a greater degree of involvement would require the international exercise of selective powers of *control*. Finally, at the opposite, most intrusive end of the spectrum, an international transitional administration might fully *govern* parts or all of Palestinian territory.

Degrees of Involvement in Palestinian Governance

Assistance: Within any withdrawal scenario, international assistance to existing governmental departments will be expected to continue. This category of involvement entails a limited degree of intrusion by international actors, either as part of a single mission or as separate efforts. Such assistance to the Palestinian Authority has been supported by Israel and has included humanitarian and reconstruction aid provided by international relief and development agencies, in cooperation with Palestinian ministries and local non-governmental organizations. The AHLC and the LACC work to advise and direct the strengthening of weak governing structures.

Generally, such a minimal level of involvement is rooted in the disparate configuration of international actors on the ground (including inter-governmental organizations, non-governmental organizations and state donors), which lack a cohesive super-structure, commonly defined strategic objectives and orchestrated expenditure of resources. Moreover, the existing international presence in the Gaza Strip is expected to be reduced, if not completely removed, in the event an Israeli withdrawal results in a state of anarchy.

Given the potential for a different set of circumstances, the AHLC and other available mechanisms may not be the best means for responding to full Israeli disengagement. Even if the withdrawal is perceived as only a redeployment, the international community will have to reassess the scope of its assistance, the design of its structures and terms of its mandates.

Partnership: The fractured nature of the polity in the Gaza Strip may necessitate a greater degree of third party involvement. In this scenario, an international political mission is drawn into an integrated relationship with Palestinians to provide some coherence for the government and to become more its partner than its advisor (as occurred, for example, in Namibia). International officers may directly make some decisions regarding the development of governing institutions. Humanitarian agencies, such as UNRWA, would be expected to work in conjunction with the mission to continue fulfilling many basic service functions in cooperation with Palestinians. Hamas provides significant social services that contribute to people's well-being and fully expects to be part of any governing system. However, this might also create a dilemma for the international community that has largely blacklisted the organization.

Israelis have concerns over a partnership model as it may represent the worst of all worlds. On the one hand, an increased international presence has the potential to limit Israeli freedom of action. On the other hand, it may be insufficient to provide the change in circumstances required by Israeli security imperatives.

Similarly, the international community may not be willing to increase its level of involvement, which would entail greater risk, without much more influence to be exerted over the parties.

The Palestinian Authority, by contrast, may prefer a partnership model that strengthens its ability to provide social services, and even enhances its security capacity, without surrendering its position in administering territory.

Planning for such an option will entail an initial mapping exercise and assessment of current Palestinian institutional strengths and weakness—aimed at presenting before the Palestinian leadership alternatives for a division of labour, outlining specific governing tasks to be undertaken by the third party.

Control: This level of intrusiveness has been discussed by many third party actors (and was the case in Cambodia). In this scenario, military and policing units provide much of the security that is needed and are responsible for re-creating the Palestinian police force. The international political mission selectively exercises control powers, but negotiates with various actors, such as the PA, Hamas, and local Fateh groups, regarding most issues. The third party has to assume some responsibilities for basic utilities, meaning it may be in direct negotiations with Israel—from where Palestinians in the Gaza Strip obtain their gas, electricity, and water.

Israel would expect this level of involvement to result in considerable international responsibility for security in the areas from which it withdraws. The Israeli security apparatus and a robust third party military and police presence would need to agree on a wide range of coordination mechanisms, including guarantees regarding an exit strategy.

Most likely, Palestinians and the international community would only consider support for such a model if it was within the context of a political solution with a definite end state, such as provided by the Road Map. It is unclear how Palestinian opposition groups might respond to this level of involvement without knowing what eventual outcome is intended.

Governorship: This level of intrusiveness is normally only considered in situations of state collapse, resulting in anarchy and chaos without any functioning government, sometimes coincidentally creating a haven for terrorism; or when an occupying power has withdrawn and there appears to be a vacuum of authority. The principal objective of the international exercise of executive, legislative and judicial powers is the establishment of fully functioning local self-government with maximum popular participation. (Examples of such interventions include Kosovo and East Timor.)

Contrary to conventional wisdom, it appears that there is notable support among both the Israeli and Palestinian public, and some within their respective leaderships, for at least considering this level of involvement.

For Palestinians, a transitional administration potentially offers protection from Israeli attack and good governance. Furthermore, it would provide secular and/or moderate Palestinian actors an opportunity to reassert their authority in an environment free from threat. For Israelis, such a mission might be a means of displacing a Palestinian regime in which it has completely lost faith, and replacing it with trusted administrators until a new Palestinian leadership is created.

Elections and Palestinian Governance

Legitimacy Deficit: In any degree of international involvement, some amount of space for civil society development would be expected, most obviously in the form of elections. Since 1996, Palestinians were authorized by the PLO's agreements with Israel to conduct presidential and parliamentary elections. However, since then, for a variety of reasons, subsequent elections have not been held at either the national or municipal level. The failure to organize regular elections has created a legitimacy deficit, not only between the international community and the Palestinian Authority, but also between the PA and the Palestinian public.

Electoral Planning: The international community, through the AHLC and LACC reform processes, has already prepared an electoral reform template that includes changes to the electoral laws. Under the conditions of a withdrawal, an assessment would be needed to determine the applicability of the reforms to the new situation. If the Gaza Strip, or any other part of Palestinian territory, is no longer considered "occupied," then the elections conducted there might be of a qualitatively different nature. A methodology to ensure as much harmonization as possible between occupied and free areas would need to be devised. Should elections even be held in both, either simultaneously or sequentially? How different would governing structures be in each and for what purpose would elections be held? Would the international community work with civil elements of organizations that have been formally banned by the United States and the European Union? How would Israel react to Hamas gains at the polls?

International Electoral Tasks: Depending upon its degree of involvement, a third party would either assist, monitor and report on the "freeness and fairness" of the process run by a Palestinian electoral commission; or through an international electoral commission, it would organize and conduct all aspects of the balloting itself. In either case, planners need to consider the full range of electoral activities that are well known to the international community, including: waging a public information campaign concerning timetables, rights and responsibilities, and the secrecy of voting

procedures; establishing rules for the formation of parties and a code of conduct for campaigning; registering parties and individuals; ensuring general security, protection of the ballots, and freedom of movement, expression and assembly; as well as performing all other tasks necessary for free and fair elections.

Furthermore, the safety of international personnel and access of voters will have to be guaranteed. This depends on the permissiveness of the environment, which in turn depends on the security situation, the amount of public support, and the political context of the election. Israel would have to determine its willingness to facilitate organizers of balloting on a tactical level. For example, would Israel allow a limited security presence with a mandate to ensure the protection of international personnel or the free movement of voters?

Monitoring Incitement: Israel has a general interest in international monitoring of Palestinian incitement in the public media, civil education, and religious systems. Palestinians would prefer any mechanism to monitor Israeli public spheres as well. To have an effect, findings should be made public. During a withdrawal, incitement is likely to be a problem on both sides, particularly at critical moments, including an Israeli point of departure, and potentially during elections depending upon their timing.

Security and Palestinian Governance

Israeli Expectations of a Third Party: Israel considers international involvement in supporting and monitoring Palestinian security operations, most specifically against terrorist cells and infrastructure, to be critical regardless of the status of territory from which it withdraws. Due to its lack of trust in Palestinian security capacity and the requisite political willingness to act accordingly, Israel will prefer as much international verification as possible, but would weigh this potential benefit against the limitations on Israeli military operations any presence will entail.

Palestinian Acceptability of a Third Party: Palestinians, in contrast, would expect no more Israeli intrusiveness in its security affairs than existed during the period of Israeli-Palestinian cooperation, particularly between 1996 and 2000, if the Gaza Strip remains occupied. They would probably only consider comparable or less intrusiveness by third party actors if the status of the territory changes.

Formulating Trilateral Understandings: Israelis and Palestinians alike would anticipate, as a practical matter, that all security-related mechanisms be established through trilateral understandings (Israeli-international-Palestinian). These could be concluded following a withdrawal, even if Israel insists that the withdrawal itself be conducted unilaterally. For instance, the Trilateral Security Committee could be revived, though adapted to the new environment.

Third Party Requirements: A positive international contribution in the security sphere (short of full operational involvement) will depend on the extent of the third party having: independent access to intelligence sources; human resources, with the necessary quantitative and qualitative skills, to provide viable monitoring and verification; and perceived legitimacy and respect from both Israeli and Palestinian security establishments.

Centralizing Correction Facilities: During the last three years, Israel has argued that Palestinian jails were either simply “revolving-doors” through which alleged militants passed, or actual centres for planning terrorist activities. Palestinians argued that Israeli reprisal attacks on detention facilities, and the resulting damage to police forces and prisoners, completely undermined support for the security services and led Palestinians to oppose the arrest of any individual for any reason.

Consequently, Palestinians suggested to the European Union the creation of one central prison in the West Bank and one central prison in the Gaza Strip that would be built, maintained, and secured by European police with Palestinian participation. An Israeli advantage was the assurance that prisons were not being misused and that prisoners were actually incarcerated. A Palestinian advantage was the public’s assurance that European standards of due process and treatment were being observed and that Palestinian prisoners were safe from Israeli attack. For a variety of reasons, this idea was never implemented.

The creation of a central prison may be reconsidered in light of the withdrawal, but international control of prisoners is complicated by the recent allegations of abuse in Iraq by the U.S. and United Kingdom. Nevertheless, there are lessons to be drawn from the experience of European monitors in the Jericho jail following the April 2002 siege of Arafat’s compound and standoff at the Church of the Nativity.

V. Assets Transfer in the Gaza Strip

Interests in Assets Transfer

Israeli Interests in Assets Transfer: Israel has a vested interest in the orderly transfer into Palestinian hands of its assets in the Gaza Strip and the northern West Bank—which include homes, production facilities and public infrastructure. This interest is based both on a normative foundation, and on Israel’s wish to incorporate such a move into an eventual permanent status framework. When Israelis negotiate issues of settlement withdrawal with Palestinians, it is expected that they will claim compensation for assets left behind. Furthermore, in past permanent status negotiations, Israel has discussed the use of settlement assets for the resettlement of Palestinian refugees. However, the prospect of possible looting, destruction, or mass takeover of the assets by Palestinians, especially extremist factions, holds great political ramifications for Israelis, and even for various Palestinian interests.

The withdrawal will entail the removal of hundreds of Israeli families from their homes, and fierce resistance may incur some use of force. Pictures of the extractions can be expected to have a dramatic and negative impact on the Israeli public. Such events—if coupled with scenes of takeover by Palestinian factions employed in active combat with Israel—could entrench an association of defeat with withdrawal, hampering any support for further withdrawals. In addition, Israel fears irredentism among the settler community, who may attempt in the future to return to their homes in evacuated areas. For these reasons, Israel will consider the option of a controlled destruction of assets by its military forces in advance of departure.

Palestinian Interests in Assets Transfer: The PLO, the Palestinian Authority, and many other Palestinians also have an interest in the orderly acquisition of Israeli

settlement assets, both for their psychological significance in terms of public morale and for any potential economic benefit. The primary goal for centres of Palestinian authority is to create a precedent for future transfers of assets in the West Bank. Anything that will promote the idea among the Israeli public that assets transfer is a positive development will enhance long term Palestinian national objectives by encouraging further withdrawals. Palestinians also seek to maximize economic gain from the transfer of assets. Current use of the land both agriculturally and for homes is not the most efficient with regards to Palestinian development needs.

Palestinians are concerned that an assets transfer does not create circumstances in which either local or external security forces confront Palestinians seeking to appropriate particular fixed materiel. However, Hamas and other opposition movements want to portray the withdrawal from these areas as a victory by their military wings over the Israeli government. To that end, any transfer procedure which reinforces this view in Palestinian public eyes would be preferred by these groups.

In either case, dispensing with assets after withdrawal is likely to be a controversial issue among Palestinians, who have been concerned about past misappropriation of land and property by the Palestinian Authority, leaders of local factions, or squatters. Furthermore, Palestinians who originally owned the land will want to reclaim their property.

Coordination of Assets Transfer

Necessity of International Coordination: Given Palestinian and Israeli interests, there is no effective way to transfer assets without detailed operational planning and coordination. The international community, while fully supporting the transfer from Israelis to Palestinians, has not been inclined to assume for itself transitional authority over the assets—both because of the practical difficulties in securing and administering the assets, and out of fear of being perceived as a new occupier by Palestinians, particularly if local access to the land is restricted. Nevertheless, Israel has linked its decision to destroy or transfer assets intact on third party receipt of the assets from Israel.

Therefore, an orderly transfer of these assets necessitates either a direct arrangement between Israel and the Palestinians (which Israel has currently rejected), or coordination between Israel and a third party and between the third party and Palestinians. International coordination of assets transfer will have to involve the following tasks and objectives.

Inventory of Assets: A clear, methodical and transparent definition of what constitutes the moveable and immovable “assets” will need to be determined prior to a withdrawal process. A comprehensive survey of all structures, infrastructure and current land usage will need to be conducted and the results compiled and registered in an available data base. Such an inventory will be required for the transitional management and eventual transfer of assets. It will provide a standard of measurement by which to conduct a damage assessment, if necessary, upon withdrawal. It will serve as a base-line for the improvement of assets during the transition if required.

Planning for Transitional Usage: An integrated economic and administrative plan for the short to medium-term usage of assets will need to be formulated, based on the inventory, well in advance of the start of a transfer. Such a plan may involve the maintenance of infrastructure in good working order, the preservation or increase in productivity of agricultural areas and/or the restoration of damaged property. The plan will need to outline the means of protection of the assets while also ensuring Palestinian access according to the terms of transitional usage.

Significantly, the transitional plan will need to be situated within the longer-term strategic goals of Palestinian national development planning. Doing so will require—prior to the development of the transitional plan—a degree of clarity on Palestinian intentions with regards to eventual dispensing with the assets, following the necessary popular dialogue and policy articulation. Otherwise, treating evacuated areas differently from other areas of Gaza will further fragment the territory.

Furthermore, such a transitional plan will also need to be harmonized with, if not a key feature of, an overall international development plan for the Gaza Strip in the event of a large-scale reconstruction and rehabilitation program. For instance, the management of revenue from agricultural areas may need to be incorporated in the financing arrangements for boosting the economy of Gaza. An integrated approach will necessitate an explicit link between the assets plan and a comprehensive and multifunctional campaign plan for Gaza as a whole.

Preparation for Transfer of Assets: Ideally, a seamless transfer process would involve a piece-by-piece handover of the assets in an orderly manner, to ensure the gradual and effective assumption of control. Such a step-by-step or phased approach may not be politically feasible. The more abrupt the withdrawal and more immediate the transfer expectations, the more advance preparation for the receipt of assets will be needed. Such preparation will be aimed at achieving continuity in production—until a rearrangement of land usage as desired is possible—and the preservation of infrastructure. Achieving this will require an integrated and multifunctional effort that combines economic, security, administrative and other relevant elements—with all that this necessitates in terms of unity of leadership (ranging from coordination amongst international actors, to empowering a lead agency or establishing an overarching command structure). Consequently, such an effort will have to be organized well in advance of a transfer in order to be prepared to assume control of the assets on D-Day. Depending upon the political climate, the final evacuation and relinquishing of control may provide a window measured in hours before the assets will have to be secured.

Public Support Campaign: A carefully crafted campaign to obtain maximum consent from the majority of Palestinians will be required in the lead up to a withdrawal and throughout the transitional period, including the final dispensing with the assets. Public support will mitigate reliance on security forces of any brand, which will inevitably be unable to meet a widespread challenge to them. In order to develop such a campaign, the range of local perceptions regarding the withdrawal process and the transfer of assets will need to be assessed on the ground. This task is well beyond appreciating the variety of legal claims that will arise to land, or concerted efforts to obtain material assets. Various levels of messages and types of contacts will be critical in order to mobilize the balance of the population in favour of an orderly process as possible.

Protection of Assets: The transitional protection of assets will be affected by whether or not Israel chooses a policy of deliberate destruction and what degree of damage may occur during the withdrawal process. A distinction can be made between Israeli destruction of houses versus infrastructure. Also, there will be the possibility of settler damage to assets before withdrawal. Nevertheless, and despite the requirement for an effective public support campaign, there will be considerable pressure on a security element to deploy around the assets as Israeli forces withdraw. It is unlikely that a major international force will be available or willing to fight to effect a seamless transfer or to maintain control throughout the transitional period. Palestinian security forces will be required to play a major role, but they may also lack the requisite capacity to perform the relevant tasks or willingness to fire on Palestinians to protect assets for a third party framework. There may also be insufficient time to build up these security forces to the necessary level of capability, regardless of the level of external assistance, before the projected period of withdrawal. A combined security arrangement, with Palestinian and international elements, may need to be considered. More specifically, an operating style will need to be developed that links the public support campaign with security functions.

Coordination Arrangements: Despite an Israeli imperative of “unilateralism,” the design for a coordination arrangement that suits the interests of both parties as well as the international community is possible. This arrangement can entail at the minimum a relationship between Israel and a third party and between the third party and Palestinians. Such an ad hoc arrangement would be something other than the existing international architecture on the ground, but would entail at least coordination if not some degree of integration amongst key actors already on the ground. This arrangement would not necessarily imply a large-scale intervention, but it will require a degree of flexibility to bridge the apparent contradiction of unilateralism and coordination. In addition to an operational umbrella, coordination arrangements will be required down to the tactical level in the lead up to and in the wake of D-Day. Without a specific coordination arrangement tailored to the purpose, it will be unrealistic to expect either a seamless or an orderly transfer process.

A third party “custodian” or “proprietor” need not necessarily assume full executive powers over the assets. As in the international role in Palestinian governance generally, a range of options varying in their degree of intrusiveness are possible that corresponds to the operational categories of assistance, partnership, control and governorship. A transfer process may also transit through more than one of these options as Palestinians assume increased responsibility over the assets. It is also feasible that the transfer of assets to a transitional custodian occur within a framework of Palestinian invitation and consent to the third party—which would imply early if not immediate Palestinian ownership with temporary international management, and which concurrently would be consistent with Israeli unilateralism. In this context, while a mandating authority or Security Council resolution may invaluablely provide political top cover and support to the exercise, the arrangement would necessitate separate agreements with Israel and Palestinians, in combination to constitute a source of authority. A campaign plan for this transition would detail the interactions between Israelis, the third party and Palestinians throughout each stage of withdrawal and transfer. It would also identify a timetable that meets the potentially contradictory needs and concerns of Israelis and Palestinians.

VI. General Planning Factors and Considerations

Harmonization and Coherence

Existing Structures: Political power and security control continues to fragment in the West Bank and the Gaza Strip. Israel has effectively redeployed its military forces throughout the area, regularly entering and conducting operations in Palestinian population centres. The Palestinian Authority still has official administrative responsibility in areas of the West Bank and Gaza not under Israeli control, but in effect is unable to fully exercise functions of government under current conditions, especially south of Gaza City and elsewhere. Social services are provided mostly by UNRWA and Hamas to a significant percentage of the population. Local Fatah groupings, primarily organized by extended families or clans (*hamule*), exist in multiple locations and exercise variable degrees of control.

Any third party effort will have to determine its relationship to the numerous structures existing, local and international, to obtain the maximum degree of consent to its involvement. Doing so might be easier in the context of Israeli disengagement than it was in the past, as all major actors have announced their willingness to cease military activities emanating from the Gaza Strip upon conclusion of a total withdrawal.

Incrementalism and Coherence: Institutional and organizational incrementalism is one of the greatest shortcomings of international interventions and yet remains the dominant paradigm by which political decisions are made. It is also the prevailing paradigm in the West Bank and the Gaza Strip. Despite the Quartet, which is mandated to guide the peace process with the Road Map; or the presence of Israel, formally considered by the international community to be the occupying power; and the Palestinian Authority, exercising specific civilian and security tasks in particular areas, there is no institution or individual responsible for overseeing the entire enterprise of administration of the occupied territory.

The problem of an overarching structure for an international mission and its mandate will be further complicated by the possibility of the Gaza Strip and areas of the northern West Bank having a different territorial status after a withdrawal to the remainder of the West Bank.

Mission Contours

Uniqueness of Mission: Lessons from previous missions can be adapted to each new operational environment, although a unique blueprint is always needed. There are specific challenges for international planners of an Israeli withdrawal from one part of Palestinian territory sufficient to end Palestinian resistance there, while the occupation remains in other parts. Though incomparable in terms of the basic situation, nevertheless there may be some points to be drawn from the experience in Eastern Slovenia, where an international mission administered an area being transferred from Serbia to Croatia while other international activities proceeded in Croatia and Bosnia. Brcko is another complicated example of an intrusive intervention in a small discrete area within the context of a larger mission.

Purpose of Involvement: A clear purpose of international involvement in an Israeli withdrawal from Palestinian territory is at once complicated and simple. The Road Map and Security Council resolutions indicate that the conclusion of the Israeli-Palestinian conflict is to come about through direct bilateral negotiations between the parties, resulting in the creation of two states living side by side in peace and security. Therefore, it would be expected that the purpose of a third party would be to create the necessary conditions to ensure that this happens. However, the establishment of such circumstances is a complex matter that involves geopolitical considerations, as much as security and state building ones.

Scope of Activity: In the current political context, international involvement would not only facilitate the withdrawal itself, but also help secure conditions for ensuring the withdrawal is permanent and a successful harbinger of a future peace deal. Furthermore, it would be doing so not as a result of an agreement between the parties, but as a response to the unilateral decision by one side to withdraw and with the assistance of the other deciding to cease hostile operations. Consequently, the scope of international activity depends on which conditions there is political determination to create. These include, at a minimum, the maintenance of security for both Palestinians and Israelis, without which future violence is assured; and the rehabilitation of Palestinian political life, without which future negotiations are not assured.

Long-Term Mandate: The mandate of international involvement in the short term needs to be connected to the longer-term engagement of the international community, including after the conclusion of a permanent status agreement. In past permanent status negotiations, the parties entertained ideas about requesting international forces to perform particular tasks, such as assisting with border regime elements or serving as a trip-wire to guarantee both parties' territorial integrity. If withdrawal from the Gaza Strip is complete, Palestinians will control a border with a state other than Israel for the first time. The Palestinian-Egyptian border is of great concern for Israel, which continues to argue that conditions do not exist for its withdrawal from that area. A short-term third party role in border control that assists or replaces Palestinians may be anticipating long-term permanent status arrangements, and in turn affect or dictate the robustness or intrusiveness of international involvement in this task.

Composition: There are only a handful of nations able to deliver the necessary civilian and military assets required to respond to an Israeli withdrawal from the Gaza Strip and the northern West Bank. Since 2003, another conflict has demanded the commitment of several of the competent countries: the war in Iraq. Meanwhile, the war in Afghanistan continues, further draining international resources and specific capabilities. However, for the first time, Israelis and Palestinians are seriously considering the involvement of Egyptian personnel in a variety of functions. Both are willing to consider an Egyptian role in securing the Palestinian-Egyptian border and in security sector reform of Palestinian forces—at least in the Gaza Strip. However, such involvement would also have to take into account Egyptian national interests that include regional stability, avoiding potential conflict with its Palestinian neighbours or with Israel, maintaining its relationship with the United States, and assuring its regional leadership position.

Acceptability of Forces: It is imperative for a third party to obtain a maximum level of acceptance possible from local actors, within the contours of its mandate, to help assure the achievement of its objectives. In general, Israel continues to insist on U.S. leadership of any international forces, yet is considering an enhanced Egyptian role. Usually, Palestinians support the introduction of a U.S.-led mission and would welcome Egyptian personnel perceived as facilitating the withdrawal of Israeli troops. However, recent developments in the region have reduced the acceptability of U.S. involvement to a new low among Palestinians. A mission viewed as guaranteeing Israeli security interests at the expense of Palestinian national aspirations could potentially draw hostile responses. Conversely, Israel would not support any international force that failed to serve its security needs. Without a clear and public campaign that explains how an international mission intends to fulfil both goals, insufficient level of acceptance for it may undermine the chances of success.

Timetable: Timelines associated with international missions are often unrealistic and rooted in political goals disconnected from operational realities. They tend to be the result of late planning in reaction to already disastrous conditions. Sharon's plan for disengagement by the end of 2005, and the internationally-recognized Road Map with its own phases, create an opportunity for international and regional planners to prepare a third party timetable, consistent with local expectations and based on true assessments of the ground situation. Benchmarks, phases, critical milestones and operational sequencing will logically be related to issues of coordination.

Legal Aspects

Source of Authority: The critical feature of any international involvement is the source of authority for its mandate and the exercise of its powers and responsibilities. Consent of sovereign states traditionally constituted a key feature of this authority, in combination with a UN resolution. Only in enforcement actions under Chapter VII of the UN Charter could official invitations be dispensed with. In internal conflicts, the consent of parties—whether the government, united resistance movements or divided factions—became a practical necessity in inverse proportion to the available strengths of international forces.

The international community regards Israel as the occupying power exercising control over Palestinian territory, while the Palestinian Authority administers particular areas. Palestinians argue that sovereignty ultimately rests with the Palestinian people as represented by the PLO. For the first time since permanent status negotiations, Israel has announced its desire for the Gaza Strip to cease being considered occupied territory upon its withdrawal. This raises the prospect that the PLO, if internationally recognized, may be able to exercise sovereignty on behalf of the Palestinian people and therefore invite onto its territory an international mission—although as a practical matter this would require the consent of Israel and Egypt.

Applicable Law: If the Gaza Strip and/or the northern West Bank remain occupied territory within the definition of the international community, then the Fourth Geneva Convention will apply to any entities exercising authority, Israeli and Palestinian. If however the Gaza Strip ceases to be occupied territory, for instance with the passage of a UN Security Council resolution, and a Palestinian government is recognized as sovereign, then Palestinian law will apply to any third party presence. Finally, if the

Gaza Strip is no longer considered occupied by Israel, but the international community vests control in a third party transitional administration, then it would be equally bound by the Fourth Geneva Convention.

Status of Territory: Israel considers the Gaza Strip and the West Bank to be “disputed territory,” except for East Jerusalem which it annexed after the 1967 war. Palestinians and the international community consider the territory taken by Israel in 1967 to be “occupied territory.” The Israeli plan suggests that, at a minimum, the Gaza Strip is to alter its status after the withdrawal. However, it is unclear whether Palestinians would be willing to acknowledge that separate components of the occupied territory could be considered liberated or not. Furthermore, even if Palestinians and/or the international community were willing to affirm the end of occupation, this would not necessarily result in Palestinian statehood.

Status of Refugees: Israel argues that if a Palestinian government is recognized as sovereign, then the legal status of refugees living in the Gaza Strip should be changed. Palestinians argue that the status of refugees is determined by their place of origin—not nation of origin.

Location of Sovereignty: As a result of implementation of Israel’s disengagement plan, who will exercise sovereignty over the Gaza Strip? In the last decade, the PLO, as the sole legitimate representative of the Palestinian people, negotiated a number of agreements with Israel and the international community. The PLO and Israel agreed to create the Palestinian Authority to administer parts of the occupied territory until conclusion of permanent status negotiations. By agreement with the PLO, the Palestinian Authority expressly does not have the right to exercise sovereignty. If the Gaza Strip remains occupied territory, it is expected that the PA will resume and expand administration of the Gaza Strip, while Israel will continue to exercise control. However, if the occupation ends, then some power will have to exercise sovereignty. Options include the PLO or a PLO-derived body (that may incorporate existing elements of the PA), which will establish a representative, democratic, and transparent government; or the creation of a transitional international governing authority; or a combination of the two.

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