

A Militarized Palestinian State¹

The Re'ut Institute – Fundamental Early Warning Paper

A **Fundamental Early Warning** is a Re'ut Institute product whose aim is to reveal gaps between new trends and events, *on the one hand*, and primary assumptions of the Government of Israel (GOI), *on the other hand*.

Failure to adjust to such gaps may lead Israel to a “**Fundamental Surprise**”² which may expose its policy as not relevant.

This paper attempts to highlight the working assumptions behind the policies of the GOI, indicate new trends and recommend policy options to close the relevancy gap.

Essence of Warning

The Demilitarization Principle, according to which the Palestinian entity would be demilitarized, appeared in all Israeli-Palestinian agreements.

In recent years, and to a larger extent following the Disengagement, this principle has been eroded, to the point of collapsing.

The collapse of the Demilitarization Principle would constitute a **fundamental change in Israel's national security perception** vis-à-vis the Palestinians. This change would have **far-reaching ramifications regarding the issue of border crossings** between the Palestinian entity, Israel, and third parties, and regarding the **structure and content of the Permanent Status Agreement**.

This issue should affect Israel's policy regard Gaza the day after the Disengagement. If Israel neglects to conduct a profound examination of prevailing trends, it might pay a political price for a non-existent and non-feasible demilitarization.

Existing Mindset – Demilitarized Palestinian State

1. According to the Israeli mindset, **the principle of a demilitarized Palestinian State** (hereinafter: "Demilitarization Principle") is a fundamental component of any Permanent Status Agreement between Israel and the Palestinians.³

¹ Translation Draft: is a draft version of the English translation. The final version of the original document is available in Hebrew.

² The concepts “**Fundamental Early Warning**” and “**Fundamental Surprise**” were coined by Dr. Zvi Lanir, founder of Praxis Institute. For further information, see: <http://www.praxis.co.il/>; Zvi Lanir. *Fundamental Surprise – Intelligence in Crisis*. 1983 (Hebrew).

³ The Demilitarization Principle is accepted by the entire Israeli political spectrum, and is stipulated in the following documents:

2. The Demilitarization concept includes the following components:
 - a. Accepting the Demilitarization Principle;
 - b. Restricting the mandate of Palestinian military forces to internal security only and placing further restrictions on the production of arms;
 - c. Prohibiting the signing of military treaties and the entry of foreign forces;
 - d. Establishing an international observation mechanism in Palestinian territories;
 - e. Additional restrictions on Palestinian security control along the borders, at border crossings, air space, territorial waters and electromagnetic spectrum.
3. *Hence*, demilitarization requires **control over the external perimeter** – The corner stone of demilitarization is maintaining Israeli (or third party) control over the external perimeter, which would allow supervising the access of munitions into Palestinian territories.
4. **Israeli forces would be deployed in the Palestinian state**, i.e. the Palestinian state *would be* void of Palestinian military forces, *but not* of Israeli forces. Israel is supposed to control the air space and maintain Early Warning Stations within the territory of the Palestinian state. Additional demands, made by Israel and rejected by the Palestinians and the US, included Israeli presence in the external perimeter of the Palestinian state and IDF Holding Areas on the eastern border.⁴
5. The mainstay of Israeli perception regarding the demilitarization of the Palestinian entity is the assumption that **the Palestinians want a state *and soon***.⁵ According to this perception, the Palestinians would be willing to accept limitations on their sovereignty, such as demilitarization.

Internal Israeli understandings regarding Permanent Status Agreement: "Beilin-Eitan Agreement" (1/97), Article B.1

Agreements signed between the Government of Israel (GOI) and PLO: "Declaration of Principles" (9/93), Articles 8, 15; "Gaza – Jericho Agreement" (5/94) Articles VIII, IX, XVII, XXI; "Interim Agreement" (9/95) Article XIV; "Wye River Memorandum" (10/98) Article II; "Sharm el Sheikh Memorandum" (9/99) Articles 6, 8; "2000 Camp David Summit" (7/00).

Israeli positions in negotiations with the Palestinians: see "Draft of Framework Agreement on Permanent Status" (previously updated 9/00) Article 5.56.

Non-formal agreements between Israelis and Palestinians: "Beilin - Abu-Mazen Document" (11/95), Article IV; "Statement of Principles Signed by Ami Ayalon & Sari Nusseibeh" (7/02) Article 5; "Geneva Initiative" (10/03) Article 5 and "Clinton Ideas" (12/00), Security section.

⁴ For details on the negotiations over security arrangements within the Permanent Status Agreement see: Sher Gilead *Just Beyond Reach*, Tel Aviv, Miskal 2001 (Hebrew); and Ross Dennis, *The Missing Peace*, NY, Farrar, Straus and Giroux, 2003.

⁵ In 1988 the PLO declared the establishment of a Palestinian state ("Algiers Declaration") although it had no power over the West Bank and Gaza. During the Oslo Process and up until 2000, the Palestinians demanded to upgrade the political status of the Palestinian Authority (PA) and threatened to take unilateral steps for that purpose on 5/99, 9/00, 11/00.

Diverging Reality – The Demilitarization Principle Has Been Eroded

In practice, emerging trends are undermining this perception, rendering it irrelevant:

6. Inversion Of Positions Regarding a Palestinian State with Provisional Borders (PSPB) –

- *In the past*, the Palestinians demanded a state, even with provisional borders, and Israel opposed that demand.
- *Currently*, Israel is committed to the Roadmap, which stipulates the establishment of a PSPB (within the Second Phase), while the Palestinians reject this idea and demand the establishment of a Palestinian state that would follow a Permanent Status Agreement.⁶

As a result, there are very low chances of reaching and implementing an **agreement on the establishment of a demilitarized PSPB**, within the Second Phase of the Roadmap.

7. Leverage of Time – Many Palestinians believe that time is on their side. This belief is based on consistent demographical trends, international de-legitimization of Israel and the increasing status of international tribunals such as the International Court of Justice in The Hague.

Consequentially, Palestinian willingness to **officially** compromise various elements of their sovereignty, including demilitarization, decreases.

8. Dysfunctional Palestinian Authority (PA) – In the lack of fundamental reforms in the Palestinian political system, the unification of the security forces, the disarmament of paramilitary groups⁷ and the prevention of arms manufacturing are all unlikely to take place.

9. The Reciprocity Principle is becoming a fundamental principle of Israeli-Palestinian relations. The Palestinians strongly object to arrangements of unilateral applicability. Meanwhile, international support for unilateral Palestinian concessions is also diminishing. *Thus*, this principle erodes the legitimacy of Israel's demand for demilitarization of the Palestinian entity *without* a reciprocal Israeli compensation.

⁶ Abu-Mazen stated that the establishment of a PSPB *prior* to Permanent Status Agreement is a "trap" and called for the establishment of a back channel for Permanent Status negotiations *alongside* the negotiations over the Roadmap (*New York Times* 2/14/05); The Fatah Central Committee (6/30/05) rejected the idea of a PSPB and reiterated its adherence to the establishment of a fully sovereign Palestinian state (http://news.monstersandcritics.com/mediamonitor/printer_1027231.php); Abu Ala rejected the establishment of a Palestinian state with a "racist separation fence... aggressive settlements ... and without the fulfillment of the full rights of the Palestinian People and their right of return" (7/26/05) <http://www.ynet.co.il/articles/0,7340,L-3118855,00.html> (in Hebrew).

⁷ For Example, see the rising power of the Hamas, and the threat it poses to the Fatah leadership (Benn, *Ha'aretz*, 6/8/05; Regular, *Ha'aretz*, 7/17/05; Hess, *Ha'aretz*, 7/17/05, Rubinstein, *Ha'aretz*, 6/5/05 and interview with Abu-Mazen at: Lally Weymouth. "The Safest Way", *Washington Post*, 9/11/05).

10. ***As a result, the cost of Palestinian consent to the demilitarization of their state is increasing, to the point where it may not be feasible.***

*For instance, The Beilin–Abu-Mazen Document (10/95) and the Clinton Ideas (12/00) were based on the principle of an **international observation force only within Palestinian territory but not** along Israeli-Palestinian borders.*

In comparison, the Geneva Initiative (10/03)⁸ stipulated that the international force would be stationed **along the Israeli-Palestinian border and would serve to protect the Palestinians as well**. Furthermore, such an international force would have powers within Israel's territory, in accordance with the Reciprocity Principle.

11. **End of Responsibility as the Israeli organizing idea** – The goal of ending Israel's responsibility over Gaza was one of the organizing ideas behind the Disengagement Plan. In order to achieve international recognition of ending Israel's responsibility, the GOI was required to end its control over the external perimeter of Gaza. This instance sets a benchmark for any future discussions regarding **ending Israel's responsibility over the West Bank as well**.

12. **The Philadelphia Precedent** –

- a. In the Disengagement Plan, **Israel waived its control over the external perimeter of Gaza** *without* reaching an arrangement with the Palestinians or the establishment of an international observation force that would supervise the border crossings between Egypt and the PA.
- b. Since it has no control over the Philadelphia route and the Palestinians may break down the border with Egypt, **Israel would find it difficult to enforce a strict border regime in the external perimeter of Gaza**.
- c. **Egypt as a watchman** – The entrance of Egyptian forces into Philadelphia Route created a situation in which, in light of the dysfunctional PA, Egypt's determination is the only thing that can prevent Palestinian access to anti-aircraft weapons and long-range rockets.
- d. **Precedent for the West Bank** – The border regime between Gaza and Egypt sets a precedent for the future border regime between the West Bank and Jordan. It would be difficult, and not very logical, for Israel to establish a stricter border regime in the West Bank than the one in Gaza.

Implications

13. **A new strategic organizing idea** – The erosion of the Demilitarization Principle may bring to future security and economic arrangements **based on the Israeli-Palestinian border** *and not* on arrangements around the external perimeter of Palestinian territory. This is a fundamental change in Israel's national security.

The essence of this change is that the Palestinian entity would be released from foreign presence in its external perimeter. Therefore, Israel would have to find ways to base its national security perception on activity from within Israeli

⁸ **The Geneva Initiative** is not a formal Israeli governmental act. However, it has set a benchmark for Palestinian expectations.

territory and on deterrence (similar to the logic of the border regime with Jordan and Lebanon).

On the short term,

14. **End of Responsibility over Gaza** – If Israel insists on implementing the Demilitarization Principle in Rafah and in the air and sea ports in Gaza, it may undermine its own claim regarding the end of its responsibility over Gaza.
15. **Rafah Crossing as precedent for general arrangements regarding the external perimeter** – The arrangements at Rafah crossing will serve as precedent for the security arrangements at the air and sea ports.

Furthermore, since any arrangement made regarding the Rafah crossing will require the consent of Egypt, the Palestinians and other relevant international actors, it would be difficult for Israel to maintain its demand for the demilitarization of Gaza. *Therefore, arrangements for international observation over the Rafah crossing are the most urgent issue on the political agenda.*

16. **Safe Passage** – There is a clear link between the arrangements regarding the external perimeter of the Palestinian entity and the Safe Passage. The need to achieve Palestinian consent for the former may oblige Israel to pay a political price in the latter.
17. **Strategic change in Israel-Egypt relations** – Insisting on the Demilitarization Principle may create friction and tension between Israel and Egypt, since Egypt is in charge of preventing smuggling on the Gaza border.⁹
18. **Dangerous Precedent from Jordan's Point of View** - Israel's withdrawal from the external perimeter, the erosion of the Demilitarization Principle and the relocation of the economic and security arrangements to the Israeli-Palestinian border, constitute a fundamental change for the Jordanians. Following the Disengagement precedent, Israel may withdraw from the border between Jordan and the West Bank.

Regarding the Permanent Status Agreement,

19. **The structure and content of the Permanent Status Agreement are about to undergo fundamental changes** – According to the existing mindset, the Permanent Status will entail reciprocal intrusions into each state's sovereign space. The collapse of the Demilitarization Principle will undermine other Israeli demands for powers and authority within Palestinian territory. The lack of Israeli presence within Palestinian territory would also undermine the logic behind Palestinian intrusion into Israeli territory. Consequently, **a Permanent Status Agreement *without* Demilitarization pursues the idea of separation to a larger extent than a Permanent Status Agreement *with* Demilitarization.**

⁹ For example, some claim that the Philadelphia agreement is a modification to the Israel-Egypt Peace Agreement. Furthermore, note the tension between Israel and Egypt in the days following the withdrawal from Philadelphia (see Alon, *Ha'aretz*, 9/14/05).

Policy Options

20. **Israel must focus on the essence** – In the new reality created after the Disengagement, the Demilitarization Perception of control and supervision over all Palestinian forces has been eroded. However, it is still possible to maintain important components of demilitarization. For this purpose, Israel should redefine its goals and focus on the most crucial demilitarization components.
21. **Urgent need for policy regarding the Rafah Crossing!!!** – Israel must establish a policy regarding **observation arrangements at the Rafah Crossing that would be affected by the issue of demilitarization**. Inflated demands regarding demilitarization may obstruct an agreement on the Rafah crossing. This issue requires rapid decision making.
22. **Designing a national security perception based on deployment and deterrence from within Israel's territory** – Israel should prepare for the possible collapse of the Demilitarization Principle. This would require the formation of a comprehensive national security perception towards the Palestinians that would be based on deterrence and the deployment of military forces from within Israel.
23. **Re-examination of Permanent Status structure** – The collapse of the Demilitarization Principle would entail fundamental changes in the structure and content of Permanent Status arrangements. The GOI should examine alternative Permanent Status frameworks that are not based on Demilitarization.

Additional Sources

- About signed agreements see: "[1978 Camp David Accords](#)" (Hebrew); "[Oslo Process](#)" (Hebrew); "[Interim Agreement](#)" (Hebrew); "[2000 Camp David Summit](#)" (Hebrew); "[Geneva Initiative](#)" (Hebrew).
- About the Disengagement see: "[Disengagement Plan](#)"; "[End of Responsibility](#)"; and Systemic Overview: "[End of Responsibility in Gaza](#)".

End.