

## Concept

# Demilitarized Palestinian State

## Definition

The concept Demilitarized Palestinian state describes the principle that the future Palestinian state will not have a regular standing army, in addition to limited powers and responsibilities. This concept has been a recurring Israeli demand in peace negotiations.<sup>1</sup>

## Components of Palestinian Demilitarization

In the agreements signed between Israel and the PLO during the Oslo Process, Israel insisted on maintaining full control over the external security perimeter of the Palestinian Authority (PA) while granting the Palestinians responsibility for internal security. Israel's position was that Permanent Status would also place considerable limits on Palestinian security powers and responsibilities.

The Declaration of Principles (9/93) agreed to the establishment of a "strong (Palestinian) police force," which was designed to provide security for the public.<sup>2</sup> The principle of Israeli control over the external security perimeter meanwhile was a feature of the Gaza-Jericho Agreement (5/94)<sup>3</sup> and the Interim Agreement (9/95).<sup>4</sup>

These agreements formulated several restrictions for demilitarizing the PA:

- **Entity with no Military, but Police Force** – the Interim Agreement allowed for the existence of internal security forces only.<sup>5</sup>
- **Arms Restrictions** – the Interim Agreement set quotas on arms, ammunition and equipment.<sup>6</sup>
- **Israel is Responsible for External Security and Passages** – while the Interim Agreement calls for joint Israeli-Palestinian control over the border crossings, it also specifies that Israel will be

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<sup>1</sup> The principle of demilitarizing the Palestinian state was anchored in agreements signed between Israel and the PLO as follows: [Declaration of Principles](#) (09/93) sections 8, 15; [Gaza-Jericho Agreement](#) (05/94) Articles VIII, XI, XVII, XXI; [The Interim Agreement](#) (09/95) Article XIV; [The Wye River Memorandum](#) (10/98) section II; [The Sharm el-Sheikh Memorandum](#) (09/99) Sections 6, 8; Camp-David Summit (07/00).

For Israel's position in negotiations see: Draft of Framework Agreement on Permanent Status (09/00). See also unofficial agreements between Israeli and Palestinian sources: [Beilin Abu-Mazen Agreement](#) (10/95) Article IV; [The Ayalon-Nusseibeh Plan](#) (07/02), Section 5; [The Clinton Parameters](#) (12/00) section on security.

Recently, Prime Minister Netanyahu put forward this demand in his speech in Bar-Ilan University. See Roni Sofer, [YNET](#), 06/14/09.

<sup>2</sup> See the [Declaration of Principles](#), Article VIII: Public Order and Security.

<sup>3</sup> See the [Gaza-Jericho Agreement](#), Article VIII: Agreements for Security and Public Order.

<sup>4</sup> See the [Interim Agreement](#), Chapter 2, Article XII: Agreements for Security and Public Order.

<sup>5</sup> See the [Interim Agreement](#), Article IV The Palestinian Police, sec. 5: annex I, article IV, sec 5: Arms, Ammunition and Equipment.

<sup>6</sup> See the [Interim Agreement](#) Article IV, sec. 5: Arms, Ammunition and Equipment.

fully responsible for the security and management of the borders with Egypt and Jordan as well as for the aerial, naval, and electromagnetic space.<sup>7</sup>

- **Prohibition on Defense Pacts** – the Interim Agreement forbids the PA from conducting independent foreign relations.<sup>8</sup> The draft over the Framework Agreement on Permanent Status (09/00)<sup>9</sup> (FAPS) and the Geneva Accords (10/03)<sup>10</sup> both explicitly prohibit the formation of military alliances with foreign countries.
- **Prohibition on Foreign Militaries or Armed Forces from Entering the PA** – according to the Interim Agreement, the only armed forces in the Gaza Strip and the West Bank would be the IDF and the Palestinian security forces.<sup>11</sup>

During negotiations between Israel and the Palestinians over the FAPS, **Israel demanded that current security limitations on the PA would also remain during 'Permanent Status'**. *In addition to these demands*, Israel also called for:

- **Special security arrangements for the border regime**, including the external perimeter of the Palestinian state (such as security zones in the Jordan Valley and the border with Egypt, entry and exit points of the Palestinian entity from the sea, air and land) and along the border with Israel;
- **Israeli deployment in the West Bank during emergencies** – this includes: (1) military sites for IDF deployment in the Jordan Valley and along strategic routes during emergencies; (2) designated paths for IDF movement across the West Bank;
- **IDF early warning stations on Palestinian territory.**

During the negotiations over the FAPS, the Palestinians objected to Israel's security demands. Nevertheless, according to various reports, some progress was made during the Camp David Summit on this issue.<sup>12</sup>

Following the failure of the Camp David Summit, the Clinton Parameters (12/2000) presented the two parties with a proposal that the Palestinian state would be non-militarized. The President determined that Israel would maintain a significant military presence in the Jordan Valley for a time period of three

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<sup>7</sup> See the [Interim Agreement](#) Appendix I, Article VIII- passages: sec. 1.a and 1.b

<sup>8</sup> See the [Interim Agreement](#), sec. XI.

<sup>9</sup> According to the Draft of the Framework Agreement on Permanent Status (sec. 59) which came into being during Prime Minister Ehud Barak's tenure (1999-2001), it was agreed that " The Palestinian Party shall not maintain any military forces, capacities or infrastructure in any location, not shall it become a party to any alliance, agreement or co-operative activity that is of a military, paramilitary, or security character." See Gilead Sher, **Within Reach**, London and New York: Routledge, 2006, page 245.

<sup>10</sup> See [Geneva Accords](#) sec. 5: Security, I. II. 3.

<sup>11</sup> See [Interim Agreement](#), Ch. 2: Redeployment & Security Arrangements sec. XIV Palestinian Police, sec. 3-4.

<sup>12</sup> President Clinton's special envoy, Dennis Ross, writes in his book that Arafat has indeed rejected the possibility of Israeli presence in the Jordan Valley but agreed to the presence of third parties across the border (See Dennis Ross, **The Missing Peace**, New York: Farrar, Strauss and Giroux, 2004, pp. 702-703). Ross then writes: "We made headway on the first set of security issues – Israeli needs to be reconciled with Palestinian civilian air usage – and joint and cooperative responses to terrorism. On the second set of issues - demilitarization of the Palestinian state and an Israeli and international presence in the Jordan Valley – we had mixed results. Palestinians had more of a problem with the symbolism of not having an army than with the practicality of limiting their forces and the weapons they could possess (see: Ross, p. 702).

years with a minor presence in specific sites for another three years. In addition, Israel would have three early warning stations for a time period of ten years, with a Palestinian liaison presence.<sup>13</sup>

## The Extent of International Involvement in Palestinian Demilitarization

In order to allow for special security arrangements, the agreements signed during the Oslo Process called for international mechanisms that would serve as guarantors for the security needs of Israelis and Palestinians.<sup>14</sup> The assumption made by both sides was that Permanent Status would also require special security arrangements requiring international involvement. Accordingly, the role of the international community has been expanded in unofficial agreements between Israelis and Palestinians:

- **Beilin Abu-Mazen Agreement** (10/1995) invites an international force that would ensure proper security arrangements between the two sides. In addition, a permanent International Observer Force (IOF) was added, whose mandate was described in the Permanent Status Agreement.<sup>15</sup>
- **The Clinton Parameters** (12/2000) suggest an international presence with unspecified powers as a key component to the security arrangements.<sup>16</sup>
- **The Geneva Accords** (12/2003) suggest a multinational force inside the Palestinian state that would observe, inspect and provide deterrence. This force would be present at international border crossings and early warning stations.<sup>17</sup>

## Trends Undermining the Principle of Demilitarization

In light of the failure of the Camp-David Summit (07/2000), the Disengagement Plan (08/2005), and the Hamas takeover of the Gaza Strip (06/2007), the principle of demilitarizing a Palestinian state has been considerably undermined:

- **The Trend of Palestinian Inversion** – a chief component of Israel's mindset regarding the demilitarization of a Palestinian state was that the Palestinians were eager to establish a state as soon as possible.<sup>18</sup> As a result, Israel assumed that the Palestinians would agree to limited sovereignty and the principle of demilitarization in exchange for a state, even with temporary borders.

However in recent years and in light of various trends, there has been an increase in Palestinian voices rejecting the idea of a Palestinian state without permanent borders, full sovereignty and rights guaranteed by international law, including the right to form a military.<sup>19</sup>

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<sup>13</sup> See [The Clinton Parameters](#), Security.

<sup>14</sup> The idea of an international presence in Palestine originated in agreements signed between Israel and the PLO, but which stated an international presence would only be temporary in nature with an observer's status.

<sup>15</sup> See [Beilin Abu-Mazen Agreement](#), Article IV sec 6.

<sup>16</sup> See [The Clinton Parameters](#), Security.

<sup>17</sup> See The [Geneva Accords](#), Article 5.

<sup>18</sup> In 1988, the Palestinians declared the establishment of a state (Algiers Declaration) despite the fact the PLO had no foothold in the West Bank or Gaza. From the Oslo Process until 2000 the Palestinians demanded the upgrading of the PA's status and even threatened to act unilaterally in this regard.

<sup>19</sup> As part of the negotiations with Israel, Abu-Ala demanded the establishment of a regular standing army to protect the independence of the future Palestinian state. See Roni Sofer, [YNET](#), 05/19/08; See also Ahmad Samih Khalidi, ["Thanks But No Thanks"](#), [The Guardian](#).

This presents a dilemma for Israel as it is forced to decide between an agreement that does not anchor its security interests (i.e. a militarized Palestinian state) and foregoing an agreement, which may bring about a Palestinian inversion towards the Two State Solution (see: [Can a Shelf Agreement Anchor Israel's Security Demands?](#)).

- **The Disengagement Plan and the Rafah Agreement** – as part of the Israeli withdrawal from Gaza (08/05), Israel left the external security perimeter of Gaza, including the Gazan-Egyptian border (Philadelphi Route) and surrendered its control over the Rafah border crossing. The loss of Israeli control over Gaza's external security perimeter has led to a significant reduction in Israel's ability to observe and enforce the principle of Palestinian demilitarization, and the extent of arms smuggling into Gaza has increased accordingly.<sup>20</sup>

In order to resolve the problem of passages between Israel, Gaza and Egypt, the Rafah Agreement (Agreement on Movement and Access) was signed between the Government of Israel and the PA in which the two sides agreed to a third-party presence (European Union) that would serve as a supervising body on exit and entry of people and goods into the Gaza Strip.<sup>21</sup>

This model was intended to provide a solution to this new reality in which Israel did not control the external security zone of the PA. Yet the Hamas takeover on Gaza (see above) did not allow for its implementation.

- **The Hamas takeover of Gaza** – after Hamas' takeover of Gaza (06/07), it appears that the issue of demilitarization is no longer applicable in the Gaza Strip. Following Operation 'Cast Lead' (12/08), Israel strived to enforce a reality of de-facto demilitarization by signing an agreement with the U.S. and NATO to prevent arms smuggling.<sup>22</sup> Hamas, however, continues to smuggle weapons into Gaza and to arm itself.<sup>23</sup>

In light of the political and ideological rivalry between Fatah and Hamas, the reality in which Hamas is accumulating weapons in Gaza reduces the possibility to reach an agreement with the PLO regarding the demilitarization of the West Bank. Hamas' spokespeople are preventing the PLO and PA leaderships on this issue.<sup>24</sup>

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<sup>20</sup> See Reut document: [The Collapse of the Rafah Agreement](#).

<sup>21</sup> See Reut document: [Agreement on Movement and Access](#).

<sup>22</sup> See Tal Snider, [NRG](#), 01/16/09.

<sup>23</sup> See Barak Ravid, [Ha'aretz](#), 05/31/09.

<sup>24</sup> Responding to demands about demilitarization made by Prime Minister Netanyahu and President Obama, Khaled Mashal, Chairman of the Hamas' Political Bureau, that a demilitarized state is a lame one and not a serious political entity. See Ali Waqad, [YNET](#), 06/25/09.