

**OUTLINE OF POTENTIAL CONFIDENCE BUILDING MEASURES
REQUIRED FROM ISRAEL**

INTRODUCTORY NOTE

The CBMs outlined in this paper are not presented in any particular order of priority, feasibility, or utility. The paper is only an overview of the range of possible CBMs, and does not constitute an exhaustive list or make any recommendations with respect to any particular measure.

In considering and evaluating any potential CBM from a legal perspective, it is advisable to keep in mind the following criteria:

- *CBM should be fully consistent with Palestinian permanent status interests, and not compromise Palestinian interests and/or positions in any future political negotiations.*
- *It should complement, rather than substitute for, efforts to end the Israeli occupation that began in 1967 and reach a just resolution of the Palestinian refugees issue.*
- *It ought to be raised within the context of existing agreements (i.e., existing Israeli obligations under the Road Map, AMA, Oslo, etc.), rather than as new “asks” of Israel.*

A. Security and “September 28 lines”

- 1) Withdraw completely from areas under PA security control. Cease all actions and operations undertaken without consent of the PA, particularly military incursions, and cease interference with the continuous (24hrs a day, 7 days a week) operations of the PA security forces within the areas under their control.
- 2) Restart implementation of interim agreement provisions on further redeployments and conversion of land from Area C to Areas B and A.
- 3) Agree to a robust 3rd party role with regard to security. For example, agree to revive the tripartite security committee with the participation of the United States, as well as other mechanisms to facilitate coordination, monitor progress, and resolve disputes.

B. Lifting the closure regime

- 1) Substantially lift the closure regime in accordance with the provisions of the Agreement on Movement and Access¹.

C. Crossings

- 1) The Allenby Bridge: Re-establish PA customs and border police role at Allenby as defined in the Interim Agreements.
- 2) Rafah: Reopen the Rafah crossing for normal operation (passengers and goods) under the terms agreed in the AMA and the Rafah Agreements, with necessary modifications.

¹ While the PA/ PLO should not negotiate over individual checkpoints or other barriers to movement, certain priorities may be articulated as part of a comprehensive approach to the removal of the entire closure regime.

- 3) Karni (Al-Muntar): Immediately open the Karni crossing for the movement of all imports and exports in accordance with the AMA.
- 4) “Crossings” with Israel:
 - i. Israel should relocate all crossings on the 1967 border; or
 - ii. Alternatively, Israel has to provide the Palestinian side with a letter and guarantees that the location of these crossings will not prejudice the positions and/or outcomes in permanent status negotiations.
 - iii. Allow the development of the Palestinian side of the crossings to enable Palestinian control over customs, VAT and dumping of goods

D. Economic Development

- 1) Revive and empower the committees established under the Interim Agreement
- 2) Implement the Paris Protocol – Israel should stop carrying out policies that violate the customs envelope, for example, restrictions on Palestinian importers from selling products in Israel; Israel’s stated intention to collect VAT from Israeli consumers buying products in the PA and moving them to Israel.
- 3) Allow rejuvenation of Palestinian tourism sector through:
 - i. Implementation of the AMA;
 - ii. Removal of restriction on access by international tourists, including Israelis and Jordanian, to the West Bank and;
 - iii. Allow the development of sites in Area C for tourism purposes to enable the diversification of tourism through such measures as the conversion of the legal status of land from Area C to Area A or B.
- 4) Allow and facilitate access to, and investment in the Palestinian economy by Palestinian citizens of Israel. As a first step this requires revoking the military order barring Israeli citizens entry into area A. As an immediate measure, the IDF should stop harassing and arresting them for entering area A.
- 5) Movement of labour: Israel Ministry of Finance should back withdraw its recommendation to double the charges on employing Palestinian labour in Israel as part of the 2009-2010 Budget Law. This will increase the costs of employing Palestinians in Israel and will result in thousands of Palestinians losing their Jobs in Israel which will raise the already high unemployment rate in the PA.

E. Economic Projects

- 1) Facilitate housing projects in line with PA policies.
- 2) Take necessary measures to allow progress on industrial estates:
 - i. Lift all access and movement restrictions to allow for the implementation and success of these projects;
 - ii. Allow the use of Area C for the implementation of the projects through changing their classification to Area “A”.
 - iii. Alternatively, allow establishing the projects in area C and commit to authorize all needed Master Plans and Building Permits and other Permits in a special fast track by the Civil Administration.

F. Actions related to Area C (and East Jerusalem)

- 1) Stop all land confiscations in the West Bank, including East Jerusalem, regardless of the pretext (*e.g.*, requisitions, declaration of “state” land, designation of “abandoned” or

“absentee” property, expropriation, etc.), as well as the issuance of military orders or other legal instruments for this purpose.

- 2) Stop all demolitions and destruction of Palestinian property in the OPT, including in East Jerusalem, whatever the pretext (*e.g.*, “administrative”, “military” and “punitive” demolitions), as well as the issuance of demolition orders or other legal instruments for this purpose.
- 3) Transfer all planning and zoning authorities with respect to Palestinian localities in Area C to the relevant Palestinian authorities and in accordance with the applicable local law.
- 4) Allow and participate in a committee involving donors and other stakeholders with the authority to take decisions relating to Palestinian infrastructure in Area C.
- 5) Rescind the permit regime in the OPT for access and residency purposes, particularly with respect to the Jordan Valley and the areas between the Wall and the 1967 border.
- 6) Allow Palestinian use of all roads in the West Bank, including ‘bypass roads’.
- 7) Take active, visible and effective measures to prevent and punish settler violence and crime, particularly as they affect Palestinian persons and property.

G. Water and water-related projects

- 1) Establish a fast-track approval process for water and wastewater related projects to include the Joint Water Committee and Israeli Civil Administration in order to enable the prompt implementation of water and wastewater related humanitarian projects.
- 2) Enable the construction of a Desalination Plant for Gaza and a north south Water Carrier to supply additional quantities of safe drinking water to partially address the humanitarian crisis and protect the shared freshwater resource (Coastal Aquifer).
- 3) Enable the rehabilitation of the water supply network and the remaining 70 m section of pipeline which crosses the border from the Israeli National Water Carrier to the Gaza City reservoir to enable the realization of the 5 mcm of water as an Israeli obligation under the OSLO II Interim Agreement Article 40 and the potential for an additional supply of water to Gaza.
- 4) Enable the development of new sources of water for the West Bank, especially in Area C.
- 5) Facilitate the construction of Wastewater Treatment Plants in the West Bank and the Gaza Strip to provide additional quantities of water (re-use) for use in agriculture and to safeguard the shared risks associated with the release of untreated wastewater into the environment.

H. Electricity related projects

- 1) Provide all required clearances for the construction of substations in Jenin, Nablus, Ramallah and Hebron
- 2) Provide all required clearances for the construction of electricity distribution networks especially in the northern part of the West Bank.

I. Telecommunications

- 1) Release of frequencies for the commercial launching of the second mobile operator in Palestine Wataniya and for the expansion of the first mobile operator Jawwal. The portion required amounts to 2 X 6.8MHz on the 1800MHz band.

J. Gaza

- 1) Immediately allow all materials needed for reconstruction from entering the Gaza Strip.
- 2) Transfer of cash: Allow a systematic monthly transfer of NIS 350-400 millions to the licensed banks in the Gaza Strip to allow for payment of the PA salaries and the provision of needed cash for daily transactions of these banks.
- 3) Extend the fishing zone off the coast of Gaza to 20 nautical miles, in accordance with the Interim Agreement.

K. East Jerusalem

- 1) Re-open all closed East Jerusalem institutions as called for in the Road Map
- 2) As a priority, allow access to all Palestinians to East Jerusalem for all purposes, including health care, education, religious purposes. More generally, lift the closure and permit regime around East Jerusalem, allowing freedom of movement and access to and from the city to all Palestinians.
- 3) Stop all ID card revocations of Palestinian East Jerusalem residents.
- 4) Allow freedom of assembly and expression to Palestinian residents of East Jerusalem. At a minimum this requires that Israel stop banning or obstructing cultural and artistic events, conferences or meetings