

TERMS OF REFERENCE
Employing an International or Third Party Presence To Address
Security Dimensions of the Palestine-Israel Permanent Status Agreement

Israel and the PLO have been engaged in negotiations to define the “permanent status” of the relationship between Israel and the future state of Palestine. The negotiations cover a range of issues, including the future security relations between the two states.

A key component of the Palestinian position on security is the use of third party observers and forces to help assure the parties’ compliance with the agreement and to exercise functions that the parties may be hesitant to entrust to each other. A number of potential roles are envisaged for third parties:

- Monitoring and verification of the parties’ compliance with various aspects of the agreement including :
 - Compliance with timetables for Israeli withdrawal from Palestinian territory;
 - Respect for each State’s territorial integrity, particularly in certain sensitive zones;
 - Compliance with any personnel and arms limitations imposed on the Palestinian armed forces, including monitoring of Palestine’s international borders; and
 - Adherence to regulations governing Israeli access to and use of any military locations that Israel is permitted to maintain in Palestinian territory (such as early warning stations in the West Bank).
- Monitoring of cross-border infiltration, both along the Palestine-Israel border and along Palestine’s other international borders;
- Helping to maintain order, to resolve disputes, and to ensure respect for human rights as Israeli military forces withdraw from Palestinian territory;
- Contributing to Palestinian defense from, and deterrence of, external threats (in lieu of a fully functioning Palestinian army, on which the agreement is likely to place significant constraints); and
- Serving as a “tripwire” force in the Jordan Valley to compensate for the withdrawal of Israel’s forces to behind its international border with Palestine.

Some of these functions fall squarely within the realm of traditional peacekeeping activities. Others involve a considerably more active role in safeguarding the security interests of the parties. For that reason, different types of involvement by different types of international actors (states, intergovernmental organizations, etc.) may be appropriate.

In addition, some of these functions (such as monitoring Israel’s adherence to withdrawal timetables and keeping the peace during the withdrawal period) will be transitional functions with clear end-dates, while others (such as monitoring adherence to arms/personnel limitations and contributing to national defense efforts) will be longer term.

Although the issue of third party presence has been addressed only tentatively in negotiations, it is likely that it will be a major dimension of any final settlement regarding security relations and could even be part of a shorter-term solution to the current violence in the Occupied Palestinian Territories. Accordingly, we seek assistance in constructing a legal framework and practical, specific proposals for the deployment of international or third party forces or observers in Palestinian territory.

In particular, we need to answer the following questions:

- (1) In what other contexts have third party or international forces/observers been employed to exercise each of the functions described above? Specific attention should be given to examples involving either (a) international supervision of withdrawals or handovers of military/security functions (especially where new state actors are involved) or (b) long-term monitoring efforts addressing specific issues raised here, such as arms/personnel limitations, ongoing use of military sites, border security, etc.). **[useful in order to cite precedents and draw on previous legal texts]**
- (2) What type of international presence (civilian observers, military personnel, etc.) is ideally suited to exercise each of the functions described above? Within what type of organizational/command structure?
- (3) In view of their legal mandates, which parties (e.g., UN, NATO, individual third countries) are well suited to exercise each of the functions described above?
- (4) How might the relationship between the international presence and the parties (individually and in conjunction) be structured – both legally and practically? Attention should be given to the relationship between these forces and local civilian authorities.
- (5) What role can technology (e.g., sensors) play in assisting the international presence in addressing each of the functions described above?
- (6) Broadly speaking, what issues related to the international presence should be defined in an Israel-Palestine agreement? What issues should be addressed in agreements (SOFA and otherwise) with the parties providing the international forces/observers? How may these various agreements be coordinated (e.g., side letters, declarations, sponsorship, etc.)?

In addition, in view of the recent outbreak of violence in the Occupied Palestinian Territories, it would be useful to explore using international forces as a buffer between Palestinians and Israeli occupying forces or in a monitoring capacity. In order to develop a defensible proposal along these lines, we will need the following information:

- Review of precedents for the deployment of such forces;
- Identification of options regarding the composition of such forces;

- Analysis of legal principles supporting a proposal for the deployment of such forces; and
- Review of attributes and liabilities of the Agreement on Temporary International Presence in the City of Hebron (Jan. 21, 1997), with an eye toward identifying problems to be avoided in the future.

These issues may best be addressed in a separate paper.

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The consultant commissioned to do this work should have substantial practical experience in building and managing peacekeeping operations and a solid command of the international legal framework governing peacekeeping efforts.