

# Embassy of the State of Palestine

General Delegation  
of Palestine to Australia,  
New Zealand, and the Pacific



## INTERN POLICY REPORT

### A Security Framework For a Palestine-Israel Final Status Agreement

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## EXECUTIVE SUMMARY

Questions of final status and statehood have paramount importance in Palestinian politics. Despite many unfortunate setbacks and delays, the Oslo Accords Process remains the official path towards resolving these issues. The Accords make it clear that security is a final status issue: an issue of prime importance, which must be resolved as part of a final status agreement.

This report seeks to recommend a security framework which may be incorporated into a final status agreement. In order to be, a security framework must adequately address the security fears of both nations, while still being mutually acceptable. Therefore, this report will first need to ascertain the security needs and political red lines of each party. This will be achieved largely through analysis of primary literature. Once political red lines and security fears have been established, it will be possible to propose security solutions for each fear, and to analyse their potential agreeability and effectiveness. Both primary and secondary literature will be relied upon in this endeavour.

Four primary recommendations will be made:

1. Palestine should be demilitarised.
2. Palestine must have a powerful internal security force, with responsibility for counter-terrorism and counter-militant duties. Its armaments should be subject to limitations which are strict, yet dignified and future-proof. This can be achieved by a multilayered acquisitions process.
3. Palestinian security from future Israeli aggression should be provided by a third party.
4. Israel should be allowed to establish two Early Warning Stations and be allowed a very limited right of redeployment in a very small area, in dire and strictly-defined circumstances.

This report is, by necessity of its breadth and brevity, very shallow in its analysis of each solution. It is only intended to be an overview and, in some places, to prompt new thought. Each solution deserves far deeper analysis than will be afforded here.

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## ABBREVIATIONS

UN – United Nations.

US – United States of America.

IDF – Israeli Defence Forces.

PA – Palestinian National Authority.

PLO – Palestinian Liberation Organisation.

NSU – Negotiations Support Unit (a subunit of the PLO Negotiations Affairs Department).

## INTRODUCTION

The Two State Solution, particularly the Oslo model, represents the official negotiating framework for peace negotiations. This model sets out five “final status issues” which must be settled as part of a Final Status Agreement:<sup>1</sup>

1. Borders,
2. Jerusalem,
3. Settlements,
4. Refugees,
5. Security.<sup>2</sup>

Therefore, in order for the Palestinian State to be realised, provisions must be agreed to which provide a perception of security for both Israel and the future Palestinian State. Previous rounds of negotiations have failed to find a set of arrangements which is capable of catering to each side’s security concerns, without irreconcilably contravening the expectations, security or otherwise, of either.

This report seeks to recommend a security framework which may be incorporated into a final status agreement by finding such a set of arrangements. This report will attempt to ascertain the major security fears of each party, and also their political red lines. It will then analyse various security arrangements to attempt to find a set of arrangements which will adequately cater to the parties’ fears, without crossing their political red lines, as previously established. Finally, that set of arrangements will be recommended.

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<sup>1</sup> A sixth issue, water rights, is often considered a final status issue, and has been dealt with as one during multiple rounds of negotiations, however it is not explicitly described as such in the Oslo Accords. See eg Negotiations Support Unit, “Requirements for Successful Permanent Status Negotiations,” Al-Jazeera: Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/20121821146687173.html>.

<sup>2</sup> *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip*, signed and entered into force 28 September 1995, art XXXI (5).

## METHODOLOGY

This report will rely heavily on primary resources when attempting to ascertain the security fears and political red lines of the parties. In particular, The Palestine Papers<sup>3</sup> provide invaluable insight into the parties' negotiating positions. Statements of officials from both sides supplement these documents. Such statements are particularly important when discussing post-2011 developments, as no negotiating documents are publicly available.

Potential solutions to identified fears were drawn from three sources: Firstly, primary documents illuminate a number of potential solutions which have already been discussed in negotiations. Secondly, secondary sources have suggested some alternative and novel solutions which deserve consideration. Finally, original ideas of the author will be presented with reference to relevant case studies and theory.

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<sup>3</sup> The Palestine Papers refers to a set of leaked negotiating documents spanning the period 1999-2011, which were published by Al Jazeera in 2011.

## SECTION ONE – FEARS AND POLITICAL RED LINES

### 1.1 – Palestinian Security Fears

#### 1.1.1 – Terrorism and internal insecurity

The PLO seems reluctant to explicitly express a fear of terrorism and internal insecurity, perhaps out of a desire to avoid exacerbating Israel's parallel fear. However, certain demands that Palestinian negotiators have made demonstrate that they do feel the need to secure themselves against unrest and terrorism. For example, in a May 2008 bilateral meeting, Chief Negotiator Saeb Erekat said that a key "track" for him was "[to establish lists of] the needed things... for internal security, public order, preventing smuggling." He also acknowledged that "limited guns" will be problematic "when we have to face HAMAS."

Similarly, in a June 2008 trilateral meeting, Erekat said "we demand security forces to enforce the rule of law and order."<sup>4</sup> Later, in 2010, The PLO's description of the functions of the security force which it proposed included "to fight crime **and terrorism**" (emphasis added) and "to maintain and uphold internal law and order and carry out law enforcement duties pursuant to the rule of law."<sup>5</sup> The demand for a force greater than a police force to deal with these concerns demonstrates that Palestinian negotiators fear terrorism and internal violence.

#### 1.1.2 – External threats and reinvasion

All states fear other states, and therefore feel the need to guard themselves against external military threats.<sup>6</sup> Palestine is no exception. A non-paper prepared for discussion by the NSU indicates that Palestine needs to "protect national security interest based on a defensive security strategy" and "protect international borders from aggression."<sup>7</sup> Ahmed Queri, former PA Prime Minister, put this concern directly to the Israeli side during the June 2008 Trilateral Meeting, saying "we want no more and no less than any other state that is able to protect its borders from any external threat."<sup>8</sup>

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<sup>4</sup> Trilateral Meeting Minutes, 15 June 2008, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218233143171169.html>; It is important to note that Erekat is not discussing a regular police force, even a strong one; Israel had already agreed that Palestine should have a strong police force, at the aforementioned meeting in May, see Minutes of the 4<sup>th</sup> Plenary Meeting on Security, 27 May 2008, Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218232815468271.html>;

<sup>5</sup> Non-Paper: PLO Security Positions, May 2010, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/20121821154593997.html>.

<sup>6</sup> For a discussion on how this is true not only in realist thought, but also in spite of neoliberalist notions of cooperation, see Robert Jervis, "Realism, Neoliberalism and Cooperation," *International Security* 24, no. 1, (Summer 1999): 42.

<sup>7</sup> Non-Paper: PLO Security Positions, May 2010, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/20121821154593997.html>

<sup>8</sup> Trilateral Meeting Minutes, 15 June 2008, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218233143171169.html>.



It is intuitive that Israel should be chief among Palestine's perceived external security threats, however Palestinian negotiators have been reluctant to acknowledge this. In fact, in the June 2008 meeting, Erekat expressly objected when Tzipi Livni suggested that Palestine had only Israel in mind when discussing its border security.<sup>9</sup> The 2010 NSU non-paper comes the closest to expressing a particular fear of Israel by acknowledging that 3<sup>rd</sup> party forces would be required along the Palestinian-Israeli border, in addition to Palestine's other borders, but it is far short of lending it a sense of prime importance, which might be expected.<sup>10</sup> It is clear however, that the history of Palestinian-Israeli relations has caused mutual popular resentment at both the popular and political level. Negotiations do acknowledge at least this much,<sup>11</sup> and secondary literature is explicit; the dominant Israeli cultural narrative regarding the Palestinian territories is one which threatens the Palestinians' identity and right to exist.<sup>12</sup> This results in a strong anti-Zionist cultural attitude in Palestine.<sup>13</sup>

The negotiators are unwilling to connect this to a Palestinian fear of Israel, however it follows naturally based on constructivist or "strong" liberal understandings of international security.<sup>14</sup>

## 1.2 – Palestinian Political Red Lines.

### 1.2.1 – The continuation of a situation of indignity.

Palestine's only major red line has been the perpetuation and legitimisation of a situation of indignity. This includes any *de facto* continuation of the occupation, and also includes continued Israeli military presence in Palestine (particularly a visible or felt presence).<sup>15</sup>

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<sup>9</sup> Ibid.

<sup>10</sup> Non-Paper: PLO Security Positions, May 2010, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/20121821154593997.html>. The non-paper does not include defence as part of the proposed mandate of this force, but that is because the Palestinian negotiating position at the time was that a regular but limited Palestinian force would be responsible for defence.

<sup>11</sup> Draft: Prospects of Peace during President Obama's Administration - A Palestinian Perspective, 26 April 2010, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218211520328105.html>. See also Ahmed Queri's opening remarks in Trilateral Meeting Minutes, 15 June 2008, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218233143171169.html>.

<sup>12</sup> Herbert C. Kelman, "The Political Psychology of the Israeli-Palestinian Conflict: How Can We Overcome the Barriers to a Negotiated Solution?" *Political Psychology* 8 No. 3, (1987): 347.

<sup>13</sup> Alexander Flores, "Judeophobia in Context: Anti-Semitism among Modern Palestinians," *Die Welt des Islams* 46, no. 3 (2006): 307-330.

<sup>14</sup> See for eg Alexander Wendt, "Anarchy is What States Make of it: The Social Construction of Power Politics," *International Organization* 46, no. 2, (Spring 1992): 391.

<sup>15</sup> PLO Presentation: Permanent Status Negotiations – Security, undated, Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/20121823020296280.html>.

## 1.3 – Israeli Security Fears.

### 1.3.1 - Transborder terrorism originating from Palestine.

Israel is extremely concerned that a future Palestine will fertile ground for terrorism and militant resistance. This is clearly informed by their experiences from the Gaza withdrawal, as shown by Livni's June 2008 comments:

*Hamas has missiles in the Gaza Strip because we are not there, and there are no missiles in the west Bank because we are there. We have to take into consideration the possibility of a threat that might come to the future state of Palestine; Hamas might control the situation... I want to trust that terrorism will not come to us from your state.*<sup>16</sup>

Condoleeza Rice summarised in the same meeting that "Armies do no [sic] pose a threat but terrorism does."<sup>17</sup>

### 1.3.2 – Palestinian aggression.

Unlike Palestinian negotiators, Israel has been willing to acknowledge that, despite all good intentions, the future dyad may dissolve into tension and even military conflict. Amos Gilad<sup>18</sup> said "we are not persuaded that if you have an army it will not be a threat to us. We frankly don't trust that if you establish an army that you won't turn against us because of the history, terrain, etc."<sup>19</sup> Because of this fear, Israel has long presented Palestinian demilitarisation as a political red line.<sup>20</sup>

### 1.3.3 – An "attack from the East."

Throughout negotiations, Israel has expressed great concern that it will be attacked from the east.<sup>21</sup> Presumably, during the Camp David negotiations in 2000 "the east" meant Iraq, Syria or Iran. With the current situations in Iraq and Syria, it can be presumed that Israel now only has Iran to fear to the east.

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<sup>16</sup> Trilateral Meeting Minutes, 15 June 2008, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218233143171169.html>

<sup>17</sup> Ibid.

<sup>18</sup> At that time Gilad was the Director of the IDF's Political-Military Affairs Bureau.

<sup>19</sup> Minutes of the 4<sup>th</sup> Plenary Meeting on Security, 27 May 2008, Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218232815468271.html>.

<sup>20</sup> See Section 1.4.1.

<sup>21</sup> Minutes of the 4<sup>th</sup> Plenary Meeting on Security, 27 May 2008, Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218232815468271.html>; NSU Presentation: Challenges to a Negotiated Solution, 1 February 2009, Palestine Papers, <http://transparency.aljazeera.net/Services/Search/default.aspx>; See also Uzi Deyan et. Al., *Israel's Critical Requirements for Defensible Borders: The Foundations for a Secure Peace*, (Jerusalem: Jerusalem Center for Public Affairs, 2014).

## 1.4 – Israeli Political Red Lines

### 1.4.1 – Demilitarisation as a red line

As a result of its fear of Palestinian aggression, Israel has demanded ever since the 2000 Camp David negotiations that Palestine be a demilitarised state, although no rigorous definition of “demilitarised” seems to have ever been proffered.<sup>22</sup>

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<sup>22</sup> NSU Report: Progress on Security Negotiations, October 2008, Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218203828843448.html>.

## SECTION TWO – POSSIBLE SOLUTIONS

This section includes many of the most commonly suggested solutions, as well as some original ideas of the author. Not all solutions discussed here are ultimately recommended.

### 2.1 – Demilitarisation as a solution

Demilitarisation developed as a solution to Israel's fear of future Palestinian aggression. Recent Palestinian positions have been supportive of the concept and even language of demilitarisation.<sup>23</sup> A relatively clear position on this issue was one positive development to come out of the generally fruitless Kerry Negotiations, with Abbas saying on record "We will be demilitarized... Do you think we have any illusion that we can have any security if the Israelis do not feel they have security?"<sup>24</sup> Recent statements by Abbas have confirmed that this is still the PLO's position, and also that his definition of "demilitarised" is expansive. In 2018 he said "I support a state along the 1967 borders without an army. I want unarmed police forces with batons, not guns."<sup>25</sup>

Demilitarisation is a concept which will define the entire security architecture of Palestine. It is clear that Israel will not sign an agreement without a Palestinian commitment to demilitarisation, and that Palestine is willing to agree to demilitarisation. For these reasons, the remainder of this report will proceed under the assumption that Palestine will be demilitarised. However, despite not having an army, Palestine will require internal security forces.<sup>26</sup> It is therefore necessary to define demilitarisation with some clarity; Palestine may not be permitted a military, but it must be permitted internal security which requires some arms.

#### 2.1.1 Defining demilitarisation

Defining demilitarisation has proven difficult in negotiations. The Israeli negotiators have suggested a list of **allowed** weapons.<sup>27</sup> Palestine objected to this on the basis that it found such as restrictive modality humiliating and undignified.<sup>28</sup> Unmentioned by Palestinian negotiators, a list of allowed weapons also

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<sup>23</sup> Previously Palestine preferred the term "state with limited arms;" this was sometimes essentially the same as what Israel was calling "demilitarisation," while at other times the difference was more than merely linguistic.

<sup>24</sup> Jodi Rudoren, "Palestinian Leader Seeks NATO Force in Future State," *The New York Times*, 2 February 2014, <https://www.nytimes.com/2014/02/03/world/middleeast/palestinian-leader-seeks-nato-force-in-future-state.html>.

<sup>25</sup> Toi Staff, "Abbas backs demilitarized Palestinian state, says funds better spent on schools," *Times of Israel*, 29 August 2018, <https://www.timesofisrael.com/abbas-backs-demilitarized-palestinian-state-says-funds-better-spent-on-schools/>.

<sup>26</sup> See section 2.3.

<sup>27</sup> Talking points - Permanent Status Issues, December 2008, December 2008, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218204259328512.html>.

<sup>28</sup> Ibid.

fails in the long term because of its inability to adapt to changes in circumstance and technology; as internal security threats evolve, Palestinian internal security forces must be able to adopt the appropriate countermeasures. A list of allowed armaments cannot cater for this. A list of allowed weapons therefore crosses Palestine's dignity red line, and also should fail to allay Palestine's fear of terrorism and internal violence. A list of allowed weapons therefore cannot be recommended.

Palestine's preferred method, a list of **banned** armaments,<sup>29</sup> has converse shortcomings. It is not future-proof, because it cannot hope to list all current and future technologies which may be threatening to Israel. Demilitarisation based on a banned list of armaments is therefore ineffective. This breaches Israel's demilitarisation red line, and cannot allay their fear of future Palestinian aggression. Therefore, a banned list cannot form part of a final status agreement.

An agreement must be capable of functioning indefinitely on its own terms if it is to truly be a *Final Status Agreement*. Therefore, the conditions imposed on Palestine with regards to demilitarisation must be capable of adaptation to future conditions. This report therefore proposes a multi-layered, mechanism-based approach. As a starting point and to establish some common ground, an unconditionally allowed list and an unconditionally banned list should be annexed to the text. These lists should include only core, uncontroversial cases.<sup>30</sup>

For any acquisitions which Palestine requires which are not on either list, the preferred but optional starting point should be for Palestine to seek Israeli approval. While it should be expected that the political climate will not always allow this, direct negotiations on armaments will, in many instances, be an opportunity to enhance co-operation. Palestine should have the option of conducting any such negotiations in absolute secrecy; this is important because while a positive result could enhance perceptions of cooperation, a negative result or even the act of making a request could be extremely undignified for Palestine. It is therefore helpful for Palestine to be able to pursue this option in the hope of enhancing perceived cooperation, without risking indignity.

The fact that this mechanism is potentially very undignified must be offset by having at least one alternative mechanism which avoids Palestinian subjugation.<sup>31</sup> Two alternative mechanisms are suggested, which would ideally both operate: firstly, a relatively neutral international actor, preferably a

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<sup>29</sup> Draft Comments on Jones Security Non-Paper (#3), August 2008, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218203255703177.html>.

<sup>30</sup> An example of an uncontroversial allowed weapon might be handguns for policing. An uncontroversial banned weapon might be short range ballistic missile.

<sup>31</sup> Without alternatives, this solution is really no different to having an "allowed" list, and is subject to the same shortcomings.

state involved in assisting with Palestinian counter-terrorism if one exists,<sup>32</sup> should have the absolute authority to approve Palestinian acquisitions which it agrees are either:

- a. Necessary for upholding good governance and combating terrorism, or
- b. Desirable for upholding good governance and combating terrorism and non-threatening to Israeli security.

As a final alternative, the Final Status Agreement should set up a process whereby, after first unsuccessfully pursuing one of the previous options, Palestine should have the right to notify Israel of its intention to unilateral acquire a particular capability, and these acquisitions should be permitted unless Israel can demonstrate to the satisfaction of a pre-arranged arbitration committee that the weapons are:

- a. Unnecessary for upholding good governance and combating terrorism, and
- b. Threatening to Israel's security.

It is intended that this final method be far more symbolic than practical. It gives Palestine the theoretical right to acquire necessary weapons without the approval of another state, and therefore avoids subjugating Palestine to any other state. It thus serves to preserve Palestinian dignity, while still ensuring that Palestine will not become militarised.

## 2.2 – A third party to assist with Palestinian external security.

One of the effects of demilitarisation is that Palestine will not have a true defence force, capable of warding off external threats. It has been suggested that a third-party force should be stationed in Palestine to provide security from external threats. The possible identity and mandate of this third party has never been properly established, and a number of options are worth discussing.

### 2.2.1 – A US-led NATO force

During the Kerry negotiations, a US-Led NATO coalition was Abbas's suggested third party (although his statements indicate flexibility).<sup>33</sup> The mandate of the suggested NATO force was never made particularly clear, at least to the public, although it seems that Abbas was contemplating that they would have a border patrol and counter-terrorism role.<sup>34</sup> The border patrol function would certainly provide a high degree of Palestinian security from external forces; it would not be sufficient to militarily overcome any sustained invasion attempt, but would none-the-less act as a serious deterrent. Any country considering

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<sup>32</sup> See section 3.3.2.

<sup>33</sup> Jodi Rudoren, "Palestinian Leader Seeks NATO Force in Future State," *The New York Times*, 2 February 2014, <https://www.nytimes.com/2014/02/03/world/middleeast/palestinian-leader-seeks-nato-force-in-future-state.html>.

<sup>34</sup> See section 3.3.2 regarding a counter-terrorism role. Ibid.

invading Palestine would be extremely bold to do so if it involved engaging a NATO force and thereby tempting a large-scale NATO retaliation.

The main issue with a NATO force is convincing NATO to participate. NATO's military resources are already stretched, and recent changes in the Middle East have led some commentators to suggest that the pay-off for NATO, if it could solve the Palestinian-Israeli<sup>35</sup> conflict, would not be what it once was.<sup>36</sup> Threat perceptions of NATO countries are also increasingly close to home,<sup>37</sup> and Donald Trump has hardly been a force of stability for NATO.<sup>38</sup> All of these factors severely limit NATO's likely willingness to engage in an open-ended campaign so far from the Atlantic.

Notwithstanding these issues, if a US-led NATO force could be raised it should be welcomed.

## 2.2.2 – A United Nations force on the Palestine – Israel border

UN peacekeeping forces are highly successful at traditional peacekeeping missions.<sup>39</sup> While it is clearly unrealistic to expect the United Nations conduct an ongoing operation securing the full length of Palestine's borders, including those with Jordan, it is less unrealistic to ask the UN to raise a peacekeeping force for deployment along the Palestine-Israel borders. Ideally, such a force would have a "traditional" peacekeeping mandate of observation and interposition. Studies suggest that such forces increase the likelihood of a durable peace by ten-fold.<sup>40</sup>

The obvious problem with a solution like this is that it leaves Palestine defenceless on its Jordanian border. This may not truly be a problem at all though; it is not unheard of for countries to be defenceless yet safe. Israeli negotiators have pointed to Costa Rica as a model example of a demilitarised state. It bordered on insolence to suggest a Costa Rica model without addressing the elephant in the room (the possibility of future reoccupation by Israel). However, if a UN peacekeeping mission can allay Palestinian fears of Israel, then the Costa Rica comparison may be a viable one. Costa Rica disbanded its military in the wake of a

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<sup>35</sup> That the term Arab-Israeli conflict is no longer attitude is illustrative of the point – With inter-gulf and Iranian-Arab tensions rising, and relations between Israel and some Arab states (for example Saudi Arabia) at a high, Israel no longer what defines regional security for many Arab states.

<sup>36</sup> Jamie Sheah, "NATO at Full Stretch," *International Politics Review* 4, no. 1, (2016): 36.

<sup>37</sup> Lucie Béraud-Sudreau and Bastian Giegerich, "NATO Defence Spending and European Threat Perceptions," *Survival* 60 no. 4 (August 2018): 53.

<sup>38</sup> Joyce P. Kaufman, "The US Perspective on NATO Under Trump: Lessons of the Past and Prospects for the Future," *International Affairs* 93, No. 2 (March 2017): 251.

<sup>39</sup> See eg Virginia Page Fortna, "Interstate Peacekeeping: Causal Mechanisms and Empirical Effects" *World Politics* 56 No. 4 (July 2004): 481; Ernst B. Haas, *Why We Still Need the United Nations: The Collective Management of International Conflict, 1945–1985* (Berkeley: Institute of International Studies, University of California, Berkeley, 1986).

<sup>40</sup> Virginia Page Fortna, "Interstate Peacekeeping: Causal Mechanisms and Empirical Effects" *World Politics* 56 No. 4 (July 2004): 481, 502. Note that while that study found that peacekeeping in the Arab-Israeli conflict was disastrously unsuccessful (2000% increase in likelihood of resumed hostilities), the results are not statistically significant, and furthermore are usually related to observer-only missions.

civil war in 1948, and since that time has maintained only a paramilitary force for internal security.<sup>41</sup> The factors which allowed demilitarisation in Costa Rica may be applicable to Palestine, as long as there is a mechanism to prevent any Israeli aggression.

Bowman suggests that the lack of interstate wars, as was observed in Latin America, is a threshold factor in allowing a country to be demilitarised.<sup>42</sup> However, this analysis seems to skip an important logical intermediary. It is not that a lack of regional conflict immediately predicates a lack of a need for an army, but rather that, in the case of Costa Rica, a lack of regional conflict gave rise to a lack of perceived or actual threat, and the absence of these types of threat respectively gave rise to a lack of domestic or realpolitik need for an army. Therefore, for the Costa Rican model to be applicable to Palestine, it is not necessary that the region be devoid of conflict, but rather that Palestine be devoid of a perceived or actual external security threat.

As discussed above, a UN force can prevent an attack from Israel. The likelihood of an attack from Jordan is extremely low. Firstly, Jordan has no identifiable strategic incentive to invade, and secondly invasion runs counter to Jordan's socialised norms regarding its military: just as initiating inter-state war was counter-normative in Panama and Nicaragua, it would be counter-normative in Jordan.<sup>43</sup>

Beyond the threshold question, Bowman identified factors which helped prevent a public backlash to total demilitarisation in Costa Rica. He cites the lack of military caste in Costa Rica, and the fact that its citizenry was offered an alternative vision for public spending, namely education.<sup>44</sup> Palestine similarly lacks a military caste.<sup>45</sup> Like Costa Rica, Palestinians should be receptive to the message that public money would be better spent in other sectors. Palestinian politicians already seem to be making statements remarkably reminiscent of 1948 Costa Rica; for Costa Rica, it was "time for Costa Rica to return to her traditional position of having more teachers than soldiers,"<sup>46</sup> while in Palestine, Abbas's policy is that

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<sup>41</sup> Tord Høivik and Solveig Aas. "Demilitarization in Costa Rica: a farewell to arms?." *Journal of Peace Research* 18, no. 4 (1981): 333-350.

<sup>42</sup> Kirk Bowman, "Militaries and Modern States: The Comparative Evidence From Costa Rica and Honduras" in Peter N. Stearns ed., *Demilitarization in the Contemporary World* (Champaign IL, University of Illinois Press, 2013): 185.

<sup>43</sup> See Appendix A – Jordan's non-threatening behaviour.

<sup>44</sup> Kirk Bowman, "Militaries and Modern States: The Comparative Evidence From Costa Rica and Honduras" in Peter N. Stearns ed., *Demilitarization in the Contemporary World* (Champaign IL, University of Illinois Press, 2013): 185.

<sup>45</sup> Palestine is home to many military and para-military brigades, but these brigades cannot be considered to give rise to a true political caste of military people, precisely because of their disunity, disorganisation, and, in many cases, disenfranchisement with government. Indeed, this mirrors perfectly the experience of Costa Rica, which, prior to 1948, had numerous relatively small, disorganised and poorly trained militant groups operating on its territory, but which never constituted a political class; see Tord Høivik and Solveig Aas. "Demilitarization in Costa Rica: a farewell to arms?." *Journal of Peace Research* 18, no. 4 (1981): 333-350.

<sup>46</sup> J. D. Cozean, "The Abolition of the Costa Rican Army," (Master's thesis, George Washington University, 1966), 31.



“Instead of warplanes and tanks, I prefer to build schools and hospitals.”<sup>47</sup> The lack of Palestinian military caste and the need for expenditure elsewhere should assist in preventing domestic outcry against a lack of defence from the East.

If a UN peacekeeping force can secure Palestine from Israel, there is no reason why Palestine need fear any other state. Therefore, having a UN peacekeeping force stationed along Palestine’s borders with Israel may provide sufficient external security for the state.

## 2.3 – Counter-terrorist force

Israel and Palestine both fear that terrorism and internal violence will take hold in Palestine. To prevent this fear from being realised, Palestine requires a robust, powerful counter-terrorist force.<sup>48</sup>

### 2.3.1 – Domestic Counter-Terrorism force

In developing a domestic counter-terrorism force, it may be that the best place to look is actually Israel.<sup>49</sup> Israel’s relative success in combating terrorism, particularly traditional terrorism originating from areas which it controls, is well documented.<sup>50</sup> This is the style of terrorism which presumably will be of most concern to Palestine.<sup>51</sup> Palestine would do well to model it’s counter terrorist force on Israel’s success in combating traditional terrorism.<sup>52</sup>

Academics have drawn many lessons from Israel’s success. Jones<sup>53</sup> suggests that what he terms a “networked strategy” is vital to Israel’s success, particularly when conducting medium/large-scale counter-insurgency operations. This approach sees decision making dispersed to the commanders of small units, in frequent communication with each other and availed of intelligence as rapidly as possible. A malleable doctrine is essential to this strategy, as it allows small-unit commanders the latitude to make

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<sup>47</sup> Toi Staff, “Abbas backs demilitarized Palestinian state, says funds better spent on schools,” *Times of Israel*, 29 August 2018, <https://www.timesofisrael.com/abbas-backs-demilitarized-palestinian-state-says-funds-better-spent-on-schools/>.

<sup>48</sup> See section 2.1.1 regarding the armaments for this force.

<sup>49</sup> The author wishes to note that Israel has not always been careful or capable in its target identification when operating to suppress Palestinian terrorism, and that this has been, at times, a great crime against the Palestinian people. It is not the author’s intent to suggest that these abhorrent failings are in any way excusable, desirable, or worthy of emulation. However, none of this changes the fact that, when employed against proper targets, Israel’s tactics have been extremely effective.

<sup>50</sup> Daniel Byman, *A High Price: The Triumphs and Failures of Israeli Counterterrorism* (Oxford University Press, 2011); Charles David Freilich, “Israel’s Counter-Terrorism Policy: How Effective?” *Terrorism and Political Violence* 29 No. 2 (2017): 359.

<sup>51</sup> Compared to Israel, cross-border terrorism and cross-border guerrilla campaigns seem relatively unlikely to threaten Palestine, particularly once any transitional issues which may arise with extremist Israelis are overcome.

<sup>52</sup> The (also effective) approach which Israel has taken to non-traditional terrorist threats such as Hezbollah would be maladaptive in Palestine.

<sup>53</sup> Seth G. Jones, “Fighting Networked Terrorist Groups: Lessons From Israel,” *Studies in Conflict and Terrorism* 30 no. 4 (2007): 281.

meaningful, situationally informed decisions. Freilich<sup>54</sup> adds nuance to the notion of malleable doctrine by suggesting that an inconsistent doctrine has undermined deterrence by at times making Israel appear weak-willed, while at other times making it appear brutal, exacerbating hatred and drawing international outcry. Freilich also points out that, crucially, Israeli counter-terrorist operations are an around-the-clock affair.<sup>55</sup>

The size of the Palestinian counter-terrorist force is ultimately something which must be determined by negotiations, as it clearly speaks to demilitarisation. Some Israeli-influenced reports have suggested that it should be equivalent to a SWAT unit of a large American city,<sup>56</sup> which probably amounts to approximately 300 well-equipped officers.<sup>57</sup> For comparison, during Operation Defensive Shield, the IDF deployed approximately 1000 soldiers to Nablus alone.<sup>58</sup> It is extremely unlikely that the Palestinian Security forces would ever need to mount such a large operation, however the possibility cannot be discounted given the fractured nature of Palestinian politics, and the presence of political groups willing to resort to violence.

This report therefore recommends that Palestine develop a well-trained and resourced counter-terrorism force of 1000 men, or as large as can be negotiated.<sup>59</sup> This force should have a clear strategic doctrine, but should be comprised of small, networked units with high levels of tactical autonomy.

### 2.3.2 – Foreign assistance in counter-terrorism

The value of proper training in counter-terrorism is difficult to overstate. Palestinian-Israeli security cooperation and EU assistance are currently laying a foundation for a well-trained force,<sup>60</sup> however the Palestinian counter-terrorist forces will need to grow significantly to fill the gap which Israel will leave.<sup>61</sup> This risks flooding the currently fairly well trained PSF with inexperienced and potentially poorly trained recruits. A 3<sup>rd</sup> party force can assist in mitigating this danger, by providing training support, and ideally also operational assistance to fill the gap while new recruits are gradually trickled into the force.

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<sup>54</sup> Charles David Freilich, "Israel's Counter-Terrorism Policy: How Effective?" *Terrorism and Political Violence* 29 No. 2 (2017): 359.

<sup>55</sup> Ibid.

<sup>56</sup> Ilan Goldenberg et al., *Advancing the Dialogue: A Security System for the Two-State Solution* (RAND Corporation, 2016).

<sup>57</sup> NYPD ESU includes slightly over 300 tactical officers. David A. Klinger and Jeff Rojek *Multi-Method Study Of Special Weapons and Tactics Teams*, (US Department of Justice, 2008), 4.

<sup>58</sup> Seth G. Jones, "Fighting networked terrorist groups: Lessons from Israel," *Studies in Conflict & Terrorism* 30, no. 4 (2007): 281.

<sup>59</sup> It should be pointed out that Israel demands that the Palestinian force be effective – a large force may therefore be possible to negotiate, as it is Israel's interests.

<sup>60</sup> International Crisis Group, *Squaring The Circle: Palestinian Security Sector Reform Under Occupation* (Amman/Brussels: International Crisis Group, 2010), 15-20.

<sup>61</sup> The IDF still accounts for 60-70% of successfully thwarted terror attacks in the West Bank. Julia Lisiecka, "Israeli-Palestinian security cooperation: what next?" *EUISS ISSUE Alerts* 12 (2017):1.

The US or a US led coalition is the most likely force to fill this 3<sup>rd</sup> party role, however any party fulfilling the following criteria would be valuable:

1. A history of paramilitary competence (especially counter-terrorist competence),
2. Willing to commit to the mission (an interest in the region's security might be valuable),
3. Not abhorrent to Israel.

Clearly, the party best fitting those descriptors would be Israel itself. Unfortunately, this runs contrary to the bulk of counter-terrorist and counter-insurgency theory which says that a grass-roots legitimacy and popularity, or at least sense of shared identity, is vital in a successful counter-terrorist force.<sup>62</sup> Israel, for the foreseeable future, remain very unpopular amongst the majority of Palestinians, and so cannot be part of a force which shares identity with Palestinians.

This report therefore recommends that a third party "counter-terrorism partner" be found. This partner must be competent, committed, and acceptable to Israel, however Israel itself cannot be this partner.

## 2.4 – Provisions for securing Israel's "narrow waist."

### 2.4.1 – Forward basing in the Jordan Valley

In response to its fear of an attack from the east, Israel has demanded the right to maintain permanent military bases in the Jordan Valley.<sup>63</sup> **This will not be accepted by Palestine.** To allow this would leave Palestine vulnerable to an attack from Israel, particularly if a UN peacekeeping model of external security is adopted.<sup>64</sup> It would also be extremely undignified for Palestinians to continue to live in the shadow of the military which has been their oppressor for so long. Because forward basing would exacerbate Palestine's fear of external threats, and would violate its political red line of dignity, it is **not** recommended by this report.

### 2.4.2 – Israeli emergency redeployment arrangements

Also in response to its fear of an attack from the east, Israel has demanded the right to redeploy troops to specific locations along the Allon road and to its East.<sup>65</sup> This, Israel argues, will enable Israel to defend

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<sup>62</sup> See for eg Dennis Ross, "Counterterrorism: a Professional's Strategy," *World Policy Journal* 24 no. 1 (Spring 2007): 19; Christopher Paul, "How Do Terrorists Generate and Maintain Support?" in *Social Science for Counterterrorism: Putting the Pieces Together*, ed. Paul K. Davis and Kim Cragin (Santa Monica: RAND Corporation, 2009): 139; Holthuis Two Sides of the Same COIN: The Path to Counterinsurgent Success (Dissertation, University of the Witwatersrand).

<sup>63</sup> NSU Report: Progress on Security Negotiations, October 2008, Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218203828843448.html>; NSU Memo Re: Comparative Analysis on Palestinian and Israeli Position on Security, 20 September 2000, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/20121821197250303.html>

<sup>64</sup> See section 3.2.2. The model set out there does not prevent an attack from Israeli military bases within Palestine.

<sup>65</sup> NSU Memo Re: Comparative Analysis on Palestinian and Israeli Position on Security, 20 September 2000, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/20121821197250303.html>.

itself (and Palestine for that matter) from an attacker arriving via Jordan, thanks to the geographic advantage afforded by overlooking the Jordan Valley.<sup>66</sup> The NAD was actually willing to consider this suggestion when it first arose in 2000,<sup>67</sup> but it has ultimately been rejected in every negotiation round.<sup>68</sup> However, this report suggests that it may be worth considering; the logic of NAD has never been adequately refuted: if Israel believes that it is under existential threat, for example by an Iranian invasion of Jordan, and believes that reinvading Palestine would prevent its destruction, it will do so. It is hard to imagine any way that this could be prevented: in such dire and circumstances it is likely that any third party stationed in Palestine would simply acquiesce, or else that Israel would overcome them and worry about the consequences later.<sup>69</sup> Given the futility of attempting to prevent Israeli redeployment, it may be better to instead attempt to *control* redeployment by surrounding it with strict criteria and processes. Specifically, redeployment should only be allowed after the invasion of Jordan by a regime openly hostile to Israel, and should only be allowed for a limited period of time (perhaps six months). This is to endure that it is truly an emergency response only, only giving Israel time to develop a longer-term solution, which *may* involve a negotiated extension of Israel's stay **only** if Palestine so desires. Also, by agreeing to a right of redeployment, Palestine has a chance of limiting Israeli redeployment to a defined territory (a limited number of sites along the Allon Road and eastward). This control would be denied to them if Israel unilaterally decided to redeploy.

All of these conditions on Israel's emergency redeployment are almost totally unenforceable. However, in an emergency, having no Israeli right to redeploy also means that, when Israel inevitably redeploys regardless, there are no limits on its redeployment. It is this report's assessment that NAD's logic has never been refuted: it is better to legalise the inevitable and have a hope of controlling it, then to oppose that inevitability, and in doing so lose all hope of control. Therefore, this report recommends that Israel be allowed a very limited right of redeployment.

#### 2.4.3 – Early warning stations

Israel has demanded three early warning stations, one near Hebron, one near Nablus, and one on Ba'al Hatsur.<sup>70</sup> Palestine was willing to agree to the presence of early warning stations,<sup>71</sup> yet issues remained

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<sup>66</sup> Uzi Deyan et. Al., *Israel's Critical Requirements for Defensible Borders: The Foundations for a Secure Peace*, (Jerusalem: Jerusalem Center for Public Affairs, 2014).

<sup>67</sup> NSU Email Re: Security Presentation, 1 August 2000, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218211830234360.html>

<sup>68</sup> NSU Report: Progress on Security Negotiations, October 2008, Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218203828843448.html>.

<sup>69</sup> Dennis Jett, "What Can Peacekeepers Do If There Is No Peace to Keep?" *Middle East Policy* 23 no. 4 (December 2016): 149.

<sup>70</sup> Camp David: Israeli Presentation on Security, 20 July 2000, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/201218211825671840.html>.

<sup>71</sup> NSU Memo Re: Comparative Analysis on Palestinian and Israeli Position on Security, 20 September 2000, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/20121821197250303.html>;

regarding the number, location, and operation of the stations.<sup>72</sup> Regarding number, Palestine objected to the Hebron station on the basis that it is served no valid strategic purpose.<sup>73</sup> The operational issues concerned:<sup>74</sup>

- Sovereignty and period of use,
- The number of Israeli personnel,
- The security of the stations,
- The transport of troops and equipment to the sites,
- Allowable usage of the sites,
- Monitoring.

The best solution to all of these issues would be to designate and operate the stations as joint Israeli/Palestinian projects. This would avoid any need for monitoring, allow transport and security to be a Palestinian affair, and reduce the number of Israeli personnel required. Period of use and sovereignty should not be difficult to solve; there is no reason why Israel should object to Palestinian sovereignty as long as their usage of the facility is appropriately guaranteed.

A shared operation of the facility would have the added benefit of providing an opportunity for intelligence sharing and security cooperation, and thus for confidence building.

This report therefore recommends that Palestine offer Israel these early warning stations as jointly operated facilities.

If these arrangements should fail, it should be noted that these stations do not pose a threat to Palestinian security, and, if appropriate measures are put in place to reduce Israeli visibility, they do not excessively impinge upon dignity. Therefore, if joint operation proves un-negotiable, the stations should be allowed regardless.

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Miguel Ángel Moratinos, "Non-Paper on the Taba Negotiations, 27 January 2001, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/CEA3EFD8C0AB482F85256E3700670AF8>.

<sup>72</sup> NSU Memo Re: Comparative Analysis on Palestinian and Israeli Position on Security, 20 September 2000, The Palestine Papers, <http://transparency.aljazeera.net/en/projects/thepalestinepapers/20121821197250303.html>

<sup>73</sup> Ibid.

<sup>74</sup> These issues are not elucidated in publicly available negotiating documents, however they are clearly the issues to which the Geneva Initiative attempts to respond; The Geneva Initiative Draft Permanent Status Agreement, 2003, <https://ecf.org.il/issues/issue/171>.

## SECTION 3 – RECOMMENDATIONS

Table 1, below, sets out this report’s recommendations, and correlates them to the fear which they solve.

Recommendation	Fear alleviated
<p><b>Palestine should be a demilitarised state.</b></p> <p>Palestine will require limited arms, and these should be determined by a multilayered, future-proof process.</p> <p>The suggested layers for that process are:</p> <ol style="list-style-type: none"> <li>1. A very basic list of both allowed and disallowed armaments, to the extent that certain armaments are uncontroversial.</li> <li>2. An optional, and allowably secret, process for ongoing Palestinian-Israeli arms negotiations.</li> <li>3. A neutral third-party with a right to approve acquisitions</li> <li>4. A last-resort ability to acquire weapons, subject to an Israeli right of review before an arbitrator.</li> </ol>	<p>Israeli fear of Palestinian aggression.</p>
<p><b>Palestine should have a counterterrorist force.</b></p> <p>This force would number 1000 counter-terrorist officers.</p> <p>This force should be supported by a third-party nation, with a mandate to assist in training.</p> <p>Ideally, the third-party nation would also offer transitional operational assistance, to avoid a sudden influx of inexperienced Palestinian officers.</p> <p>Any competent, committed, and mutually acceptable third-party nation can fulfil this role, other than Israel.</p>	<p>Mutual fear of terrorism and insurgency arising in Palestine.</p>
<p><b>A third-party force should be stationed in Palestine to help ensure Palestine’s external security, at least from Israel.</b></p> <p>A US-led NATO force would be preferable, if one can be found.</p> <p>As an alternative, while a UN peacekeeping force would likely like the strength of numbers to patrol the full border, it could at least patrol the Palestine-Israel border, and this would provide sufficient security for Palestine.</p>	<p>Palestinian fear of external threats and reinvasion.</p>
<p><b>Israel should be allowed a heavily limited right of redeployment to the east of the Allon Road.</b></p> <p><b>The early warning stations which Israel desires should be jointly operated by Palestine and Israel.</b></p>	<p>Israeli fear of an “attack from the East.”</p>

Table 1 – Recommendations and corresponding alleviated fears.

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## APPENDIX A – JORDAN’S NON-THREATENING PAST

According to the Correlates of War project, Jordan has been involved in 30 militarised interstate disputes. Only three of these were interstate wars, and of those interstate wars only one was initiated by Jordan. The only example of Jordan imitating an inter-state war is the Arab-Israeli war of 1948.

At lower levels of conflict, Jordan has an even more peaceful record. Below is the Correlates of War data on interstate disputes with a “highest action” of “clash” or higher for both Jordan (Table 2) and Nicaragua (Table 3). Data was limited to Post WWI. Nicaragua has initiated 13 clash-or-higher interstate disputes, and Jordan 12.

This data shows that if Costa Rica can feel safe from Nicaragua without a military, then Palestine should be able to feel safe from Jordan.

Start Date	Originated by Jordan?
20/4/1950	Yes
14/6/1962	Yes
25/8/1963	Yes
17/5/1967	No
11/6/1970	Yes
06/1948	Yes
1/12/1971	No
15/7/1967	Yes
20/7/1971	Yes
21/10/1962	No
14/5/1948	Yes
15/12/1959	Yes
8/1/1949	No
1/1/1957	Yes
15/8/1959	Yes
4/5/1990	Yes

Table 2: Jordanian Clash-or-higher conflicts since WWI

Start Date	Originated by Nicaragua?
2/1922	Yes
5/1/1907	Yes
11/1979	Yes
11/12/1948	Yes
14/8/1962	Yes
12/9/1978	Yes
28/9/1983	Yes
7/1/1986	Yes
31/5/1985	Yes
16/4/1986	Yes
2/9/1987	Yes
8/4/1995	Yes
19/2/2000	Yes

Table 3: Nicaraguan Clash-or-higher conflicts since WWI

## APPENDIX B – SUGGESTIONS FOR FURTHER RESEARCH

The following topics were raised by this report, but were discussed in criminal brevity, or not addressed at all:

- A plethora of third-parties could potentially offer a form of protection for the integrity of Palestine's borders. This report could only analyse two, and a far greater range of third parties is worthy of study.
- The applicability of this report's proposals under Donald Trump's emerging peace plan.
- This report's assertion that Jordan does not pose a serious threat to Palestine, even if Palestine is defenceless to it, is incredibly brief by necessity.
- The necessary size of a NATO or UN force is briefly touched on in so far as it relates to the ability of these institutions to raise forces. Accurate estimates would allow a more nuanced discussion, but would require research beyond the brevity of this report.
- The proposed multi-layered arms control proposal is totally novel. It in particular deserves further analysis, as it is without precedent.
- Electromagnetic spectrum and airspace control issues were occasionally raised in negotiations as security issues. These issues are certainly worth investigating, however this report considers them as general civilian issues with security implications, rather than true security issues.
- Intelligence sharing is vitally important in preventing cross-border terrorism and also has potential to assist in relationship building. Mechanisms for encouraging it need to be discussed. The reason why it is neglected in this report is that it should not be enshrined in a Final Status Agreement.
- Overall this report is, by necessity of its breadth and brevity, very shallow. Before any of these solutions could even be presented in negotiations, a far deeper analysis of each recommendation should be undertaken.