

Agreement on the Gaza Strip and the Jericho Area

(excerpts)

Draft of April 26, 1994

The Government of the State of Israel and the Palestine Liberation Organization (PLO), the representative of the Palestinian people;

Preamble

Within the framework of the Middle East peace process initiated at Madrid in October 1991

Reaffirming their determination to live in peaceful coexistence, mutual dignity and security while recognizing their mutual legitimate and political rights;

Reaffirming their desire to achieve a just, lasting and comprehensive peace settlement through the agreed political process;

Reaffirming their adherence to the mutual recognition and commitments expressed in the letters dated September 9, 1993, signed by and exchanged between the Prime Minister of Israel and the Chairman of the PLO;

Reaffirming their understanding that the interim arrangements, including the arrangements to apply in the Gaza Strip and the Jericho Area contained in this Agreement, are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council Resolutions 242 and 338;

Desirous of putting into effect the Declaration of Principles on Interim Self-Government Arrangements signed at Washington, D.e. on September 13, 1993, and the Agreed Minutes thereto (hereinafter "the Declaration of Principles"), and in particular the Protocol on withdrawal of Israeli forces from the Gaza Strip and the Jericho Area;

Hereby Agree to the following arrangements regarding the Gaza Strip and the Jericho Area:

Definition of the Gaza Strip and Jericho Area

1. For the purpose of this Agreement, the Gaza Strip and the Jericho Area are delineated on the relevant map.
2. The two sides view the West Bank and the Gaza Strip as a single territorial unit, the integrity of which will be preserved during the interim period.

Scheduled Withdrawal of Israeli Military Forces

1. Israel shall implement an accelerated and scheduled withdrawal of Israeli military forces from the Gaza Strip and from the Jericho Area beginning immediately with the Signing of this Agreement and to be completed within three weeks from this date.
2. Subject to the arrangements included in the Annex, the Israeli withdrawal shall include evacuating all military bases and other fixed installations to be handed over to the Palestinian police.
3. In order to carry out Israel's responsibility for external security and for internal security and public order of Israelis and Israeli settlements, concurrently with the withdrawal, Israel will redeploy its remaining military forces to the Israeli settlement areas, Israeli settlements and the military installation area shown on the map, in accordance with the provisions of this Agreement. Subject to the provisions of this Agreement, this redeployment shall constitute full implementation of Article XIII of the Declaration of Principles with regard to the Gaza Strip and the Jericho Area.
4. For the purposes of this Agreement, "Israeli military forces" may include Israeli Police and other Israeli security forces.
5. [I: Israelis, including Israeli military forces.] IP: Israeli military forces and civilians] may continue to use roads freely within the Gaza Strip and the Jericho Area.
6. The Palestinian police force shall be deployed and shall assume responsibility for public order and internal security of Palestinians in accordance with this Agreement and the Annex.

Transfer of Authority

1. Israel shall transfer authority as set out in this Agreement from the Israeli military government and its Civil Administration to a Palestinian Authority, hereby established, in accordance with the Article on Jurisdiction of this Agreement, except for the fact that Israel shall continue to exercise authority in accordance with the Article on Jurisdiction.
2. As regards the transfer of authority in civil spheres, powers and responsibilities shall be transferred as set out in the Protocol concerning Civil Affairs attached as an Annex.

3. The Palestinian Authority shall have the structure described. The PLO shall inform the Israeli government of the names of the members of the Palestinian Authority and any changes thereof.
4. Arrangement for a smooth and peaceful transfer of the agreed powers and responsibilities, are set out in the Annex. 5. Upon the completion of the Israeli withdrawal and the transfer of powers and responsibilities, the Civil Administration in the Gaza Strip and the Jericho Area will be dissolved and the Israeli military government will be withdrawn. The withdrawal of the military government shall not prevent it from continuing to exercise the powers and responsibilities set out in this Agreement.
6. A joint Civil Affairs Coordination and Cooperation Committee and two Joint Regional Civil Affairs Sub-Committees for the Gaza Strip and the Jericho Area respectively will be established in order to provide for coordination and cooperation in civil affairs between the Palestinian Authority and Israel.
7. The offices of the Palestinian Authority shall be located in the Gaza Strip and the Jericho Area pending the inauguration of the Council to be elected pursuant to the Declaration of Principles.

Legislative Powers of the Palestinian Authority

1. The Palestinian Authority shall have the power, within its jurisdiction, to promulgate legislation, including basic laws, laws, regulations and other legislative acts.
2. Legislation promulgated by the Palestinian Authority shall be consistent with the provisions of this Agreement.
3. Legislation which exceeds the jurisdiction of the Palestinian Authority or which is inconsistent with the provisions of this Agreement shall be null and void.
4. Legislation to be promulgated by the Palestinian Authority shall be provided to a legislation sub-committee. Israel may request that the Legislation Sub-Committee decide whether such proposed legislation exceeds the jurisdiction of the Palestinian Authority or is otherwise inconsistent with the provisions of this Agreement. Where Israel makes no such request, the proposed legislation shall be deemed to satisfy the requirements of paragraph nos. 1-3 above.
5. Where Israel makes a request under paragraph 4 above and the Legislation Sub-Committee is unable to reach a decision on the proposed legislation, the matter shall be referred to the Joint Liaison Committee.
[6. Pending the decision of the Legislation Sub-Committee, or, if the matter is referred to it, of the Joint Liaison Committee, the proposed legislation shall not enter into force.]
7. Laws and military orders in effect in the Gaza Strip or Jericho Area prior to the signing of this Agreement shall remain in force, unless amended or abrogated in accordance with this Agreement.

Arrangements for Security and Public Order

Option 1

1. In order to guarantee public order and internal security for the Palestinians of the Gaza Strip and the Jericho Area, the Palestinian Authority shall establish a strong police force, as set out in Article (PDPF) below. Israel shall continue to carry the responsibility for defending against external threats, including the responsibility for protecting the Egyptian border and the Jordanian line, and for defense against external threats from the sea and from the air, as well as the responsibility for overall security of Israelis and Israeli settlements for the purpose of safeguarding their internal security and public order.

Option 2

1. Israel shall continue to carry the responsibility and retain the powers for defense against external threats. In this regard, Israel shall bear the responsibility for protecting the Egyptian border and the Jordanian line, and for defense against external threats from the sea and from the air. The Palestinian Authority shall assume the responsibility of internal security and public order within its jurisdiction, as set out in Article (PDPF) below. Israel shall continue to be responsible and retain the powers for internal security and public order of settlements and Israelis.
2. Agreed security arrangements and coordination mechanisms are specified in the Annex.
3. A joint Coordination and Cooperation Committee for mutual security purposes, as well as three joint Coordination and Cooperation Offices for the Gaza district, the Khan Yunis district and the Jericho district respectively, are hereby established.
4. The security arrangements provided for in this Agreement may be reviewed at the request of either Party and may be amended by mutual agreement of the Parties.

The Palestinian Directorate of Police Force

1. In order to guarantee public order and internal security for the Palestinians in the Gaza Strip and the Jericho Area, the Palestinian Authority shall establish a strong police force the Palestinian Directorate of Police Force (hereinafter "the Palestinian Police"). The duties, functions, structure, deployment and composition of the Palestinian Police, together with provisions regarding its equipment and operation, are set out in an Annex.
2. Except for the Palestinian Police referred to in this Article and the Israeli military forces referred to above, no other armed forces shall be established or operate in the Gaza Strip or the Jericho Area.
3. Restrictions regarding explosives equipment and weapons are contained in an Annex.
Except for the arms, ammunition and equipment of the Palestinian Police described in the Annex, neither the Palestinian Authority, nor any organization or individual under the jurisdiction of the Palestinian Authority, shall manufacture, acquire, possess, import or otherwise introduce into the Gaza Strip or Jericho Area,

any firearms, ammunition, weapons, explosives, gunpowder, or any related equipment.

Notwithstanding the above, the Palestinian Authority may grant licenses permitting the use of explosives and gunpowder for civilian use and shall supervise such use.

The JSC shall agree on standard conditions to be included in such licences, and on means of inspection and notification.

Passages

Arrangements for coordination between Israel and the Palestinian Authority regarding the Gaza-Egypt and Jericho-Jordan passages, as well as any other agreed international crossings, are set out in an Annex.

Safe Passage between the Gaza Strip and Jericho Area

Arrangements for safe passage of persons and transportation between the Gaza Strip and the Jericho Area are set out in an Annex.

Relations Between Israel and the Palestinian Authority

1. Israel and the Palestinian Authority shall seek to foster mutual understanding and tolerance and shall accordingly abstain from incitement, including hostile propaganda, against each other and, without derogating from the principle of freedom of expression, shall take legal measures to prevent such incitement by any organizations, groups or individuals within their jurisdiction.
2. Without derogating from the other provisions of this Agreement, Israel and the Palestinian Authority shall cooperate in combatting criminal activity which may affect both sides, including offenses related to the trafficking in illegal drugs and psychotropic substances, smuggling and offenses against property, including offenses related to vehicles, such as theft of vehicles and vehicle parts.

Human Rights and the Rule of Law

1. The Joint Israeli-Palestinian Liaison Committee established pursuant to Article X of the Declaration of Principles shall ensure the smooth implementation of this Agreement. It shall deal with issues requiring coordination, other issues of common interest and disputes.
2. The Joint Committee shall be composed of an equal number of members from each Party. It may add other technicians and experts as necessary.
3. The Joint Committee shall adopt its rules of procedure, including the frequency and place or places of its meetings.
4. The Joint Committee shall reach its decisions by Agreement.

Liaison and Cooperation with Jordan and Egypt

1. Pursuant to Article XII of the Declaration of Principles, the two parties shall invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Governments of Jordan and Egypt, on the other hand, to promote cooperation between them. These arrangements shall include the constitution of a continuing Committee.
2. The Continuing Committee shall decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder.
3. The Continuing Committee shall deal with other matters of common interest.

Settlement of Differences and Disputes

1. Any difference relating to the application of this Agreement shall be referred to the appropriate coordination and cooperation mechanism under this Agreement. The provisions of Article XV of the Declaration of Principles shall apply to any such difference which is not settled through the appropriate coordination and liaison mechanism.

Prevention of Hostile Acts

Both sides shall take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other's jurisdiction and against their property, and will punish offenders. In this regard, the Palestinian side shall also take measures necessary to prevent such hostile acts directed against the Israeli settlement areas and the infrastructure serving them and the military installation area.

Missing Israelis

The Palestinian Authority shall cooperate with Israel by providing all necessary assistance in the conduct of searches by Israel within the Gaza Strip and the Jericho Area for missing Israelis.

Confidence Building Measures

[I: Israel and the Palestinian Authority will implement confidence building measures, including the release of detainees and prisoners held by Israel, and the protection of persons who have or are believed to have cooperated or collaborated with Israel, as detailed in the Protocol attached as an Annex.]

Temporary International Presence

[P:1. The parties agree to a temporary international or foreign presence in PNA territory, including international observers, instructors and other elements.]

2. The international presence shall consist of qualified personnel from the donor countries.
3. A special Fund from donor countries shall be established to provide finance for this international presence and ensure its maintenance.
4. The international presence may be renewed one year after its deployment by agreement.
5. A trilateral cooperation and coordination mechanism shall be established.
6. Israel and the Palestinian Authority shall negotiate a special Protocol that will implement this Article.

Preservation of Rights, Liabilities and Obligations

[Note: This Article will be addressed by the Legal Committee.]

[I: 1. Nothing in this Agreement affects the rights, liabilities and obligations in existence at the date of entry into force of this Agreement of any person or legal entity, whether such person or entity is within or outside the Gaza Strip and Jericho Area.]

2. [I: Unless otherwise determined in an Annex, the transfer of the agreed powers and responsibilities includes all related rights, liabilities and obligations of the Israeli military government and its Civil Administration arising with regard to acts or omissions which occurred prior to the transfer, whether such rights, liabilities or obligations matured before or after the transfer.)

[P: Rights and obligations of the Israeli military government and its Civil Administration shall be transferred to the Palestinian Authority. Financial obligations must be transferred to the Palestinian Authority together with budgetary allocations or other funds concerning their total amount.)

[P: Contracts and other transactions concluded by the Israeli military government and its Civil Administration which are valid beyond the transfer of authority shall be transferred to the Palestinian Authority.)

[P: However, the Palestinian Authority may inform Israel that it shall not be bound by such contracts which it sees disadvantageous, incompatible with its economic or social policy, or inconsistent with this Agreement. Disputes regarding such contracts shall be settled by the Joint Liaison Committee.)

Final Clauses

1. This Agreement shall enter into force on the date of its signing.
2. The arrangements established by this Agreement shall remain in force until and to the extent superseded by the Interim Agreement referred to in the Declaration of Principles or any other agreement between the parties.
3. The five-year transitional period referred to in the Declaration of Principles shall commence on ...
4. [I: As part of Israel's responsibility for security in accordance with this Agreement, in the event of the outbreak of hostilities, or the imminent threat of such hostilities, Israel may take all measures necessary to respond to such events, including the introduction of additional military forces wherever required, until the termination of the hostilities or the removal of the threat.)
5. The Parties agree that, as long as this Agreement is in force, the security fence erected by Israel around the Gaza Strip shall remain in place and that the line demarcated by the fence, as shown on the map, shall be authoritative only for the purpose of this Agreement.
6. Nothing in this Agreement shall prejudice or preempt the outcome of the negotiations on the Interim Agreement or on the permanent status to be conducted pursuant to the Declaration of Principles
7. The Gaza Strip and the Jericho Area will continue to be an integral part of the West Bank and Gaza Strip, and their status shall not be changed for the period of this Agreement. Nothing in this Agreement shall be considered to change this status.
8. The Preamble to this Agreement, and all Annexes, Appendices and maps attached hereto, shall constitute an integral part hereof.