



EU BAM Rafah

European Union Border Assistance Mission Rafah

7th COORDINATION AND EVALUATION COMMITTEE

JERUSALEM, 7th MAY 2007 AT 10.00 HRS

MINUTES

DRAFT TO AMEND

PARTICIPANTS

1. The following attended the meeting:

a. Government of Israel delegation:

Hagay Alon - MOD
Oded Herrmann

b. Palestinian delegation:

Dr. Saeb Erekat – PLO Chief Negotiator
Maj Gen Musbah El Behesi – Presidential Guard
Jamal Abu Al Fahem – Presidential Guard
Nazmi Mhanna – GACB
Salim abu Safiyah - GACB
Zeinah Salahi - PLO Negotiations Support Unit, Legal Adviser
Bader Rock - PLO Negotiations Support Unit, Legal Adviser
Rami Dajani - PLO Negotiations Support Unit
Nizar Farsakh - PLO Negotiations Support Unit

c. USSC delegation:

Col Paul Rupp, USSC Ops Officer
Lt Col Randy Helbach, USSC Asst Ops Officer
Mr Denis Lefebvre, USSC Border Crossing Expert
Ms Nisha Singh, USSC Political Advisor
Mr Dov Schwartz, USSC Media Rep

d. US Consulate General:

Mr Thomas Duffy, Deputy Principal Officer

e. US Embassy:

Mr Norman Olsen, Senior Advisor to the Ambassador

f. EU delegation:

Lt Gen Pietro Pistolese - EUBAM HOM

Col Patrick Delval - DHOM EUBAM

Mario Martins – Political Advisor

Juhanna Sankelo – (acting) EUBAM Legal Advisor

Nigel Milverton - EUBAM Reporting and Analysis Officer

AGENDA

2. The agenda was as follows:

- a. Welcome to the Parties and opening of the meeting.
- b. Approval of the agenda, and of the minutes and agreed actions of the last CEC meeting of 7 March 2007.
- c. Agenda items:
 - i. Agenda item 4.1: EUBAMs mandate extension.
 - ii. Agenda item 4.2: Adherence to APRC provisions on continuous operation of RCP.
 - iii. Agenda item 4.3: Procedure and announcement for opening the RCP - incident on Sunday 22 April.
 - iv. Agenda item 4.4: Procedures for RCP operations (ref CEC meetings of 3 January and 7 March 2007).
 - v. Agenda item 4.5: Movement of the RCP ambulance (new issue).
 - vi. Agenda item 4.6: Procedure for import of goods through Kerem Shalom (new issue).
 - vii. Agenda item 4.7: Procedure for export of goods through the RCP (new issue).
 - viii. Agenda item 4.8: Maintenance of technical equipment at RCP: Fiber optic cable trenched (images and data transfer from terminal to LO - ref CEC meetings of 3 January and 7 March 2007).
 - ix. Agenda item 4.8: Maintenance of technical equipment at RCP: Repairs on the DVRs and cameras at the RCP (ref CEC meeting of 07 March 2007).

- x. Agenda item 4.9: EC equipment contribution for the RCP (state of play - ref CEC meetings of 3 January and 7 March 2007).
- xi. Agenda item 4.10: Pending issues:
- List of names of the workers and, the number of RCP staff (ref letter to PA dated 25 Nov 2006).
 - The need to issue new RCP security identity cards for the reassessed number of the Palestinian staff at RCP (ref letter to PA dated 25 Nov 2006).
 - Deployment of the Presidential Guard Liaison Officer at the Liaison Office (ref CEC meeting of 3 Jan 2007).
- xii. Miscellaneous: Next meeting on 4 June 2007 assuming the mandate of EUBAM is extended.

MINUTES

INITIAL REMARKS

3. EUBAM HOM opened the meeting with his "Initial Remarks" (Annex A), and invited the delegations to approve the agenda, and also the minutes and agreed actions of the last CEC meetings of 7 March 2007.
4. PA delegation - Dr. Sa'eb Erekat - approved the proposed agenda and the minutes of the last meeting.
5. ISR delegation - Hagay Alon - approved the proposed agenda and the minutes, but emphasised that this approval did not signify the agreement of the GoI with the Procedures for RCP Operations (minutes of the CEC meeting of 7 March 2007 paragraph 8), and that an answer on this issue would be forthcoming within the next few weeks.

AGENDA ITEMS

6. EUBAM's Mandate Extension (agenda item 4.1): EUBAM HOM outlined the issue.
- a. PA – Dr Sa'eb Erakat opened the discussion by outline the problems of the closure of RCP from the Palestinian perspective; he also said that as Egypt now has a problem in Gaza RCP was closed because of them as well as the GoI. He emphasised that the PA has asked EUBAM to stay, and that the PA has addressed and continues to address the issues of concern to the GOI. He also said that continued closure was strengthening the position of the lawless elements within the Gaza Strip, and ended by stating that the PA cannot consider the renegotiation of any of the substantive provisions of the present EUBAM mandate.
- b. GOI – Hagay Alon made several points as follows:
- ii. In response to a point made in the speech by Dr Sa'eb Erakat he emphasised that the IDF Chief of Staff has a deep understanding of the needs of the Palestinian people.

- iii. He spoke about the problems of coordinating with the Egyptians, in that the days they find acceptable to open the crossing do not match those of the GoI. He said that the GoI will investigate these issues using their channels and report back, but also said that the USSC might be best placed to discuss them with the Egyptians. He proposed that the USSC took this issue on.
- iv. He stated that the GOI were wondering about attending the CEC meeting because the decision about the extension of EUBAM's mandate had yet to be made by the GOI. However, a decision was made at ministerial level that the meeting should go ahead in order to maintain as much normality as possible given the circumstances. This, he said, indicated the general opinion about the renewal of the mandate, and there would be a clear decision by the GOI by 24 May 2007.
- c. EUBAM – HOM said that he hoped the decision would be made well in advance of 24 May as there were many practical issues involved. The technical limit date is 14 May 2007.
- d. USSC – Col Rupp apologised on behalf of Lt Gen Dayton for his being unable to attend the meeting, and said he felt there was a good agenda.

7. Adherence to APRC provisions on continuous operation of RCP (agenda item 4.2): EUBAM HOM pointed out that Thursday 3 May was the only day the crossing was open during the previous week. The last time it was open was on 29 April. He also said that he understood from Dr Sa'eb Erakat that the Egyptians now wanted to open only on Tuesday, Wednesday and Thursday each week. He said he wondered why the Egyptians were imposing these limitations. Comments were as follows:

- a. PA – Dr Sa'eb Erakat said the Egyptians would have to be asked about the opening days.
- b. GOI – Hagay Alon repeated what he had suggested during the previous discussion and urged the meeting to consider that the USSC should approach the Egyptian in order to resolve these difficulties.
- c. EUBAM – HOM agreed to this, and USSC- Col Rupp said that the USSC and his staff have daily contact with the parties. HOM ended the discussion and summarised the agreement that USSC would be asked to move forward with the issue.

8. Procedure and announcement for opening the RCP (agenda item 4.3): EUBAM HOM outlined the issue as described in the agenda. The discussion was as follows:

- a. GOI – Hagay Alon made the following comments:
 - i. He said that regarding issues relating to the Egyptians, their request to be informed 48 Hrs in advance of any opening was new. This matter will be investigated by the GOI; he said that it would be helpful if the Egyptians could send a formal communication about their need for 48 Hrs notice.
 - ii. The GOI hopes to be able to return to the position whereby the political-level decision that RCP can open is made on a weekly rather than daily basis.
 - iii. He assured the meeting that every effort will be made by the GOI to get the decisions about opening confirmed by noon or the early afternoon on the day prior to opening.
 - iv. He then mentioned the proposed Rafah website which had been discussed at the Security Working Group (SWG) on which would be published opening times. He said that the GOI were still waiting for a proposal paper from USSC.

- b. USSC – Col Rupp said that he was not aware that a paper was expected by GOI about the proposed website. GOI – Hagay Alon said that it was his understanding that such a paper would be forthcoming, and USSC – Col Rupp said that this would not be a problem and one would be written and forwarded to GOI.
- c. PA – Dr Sa'eb Erakat asked that a film be shown to illustrate the problems caused by exceptional opening. The film lasted about 10 minutes and showed the disruption caused at the terminal when it was flooded by people desperate to cross last year.
- d. EUBAM – HOM emphasised that such problems (as shown in the film) did not happen prior to 25 June 2006 and the start of closures of the crossing.

9. Procedures for RCP Operations (agenda item 4.4): EUBAM – HOM summarised the proposal, which was to agree to hold bi-lateral meetings with the GOI and PA to discuss the procedures outlined in the paper.

- a. GOI – Hagay Alon agreed and said he would notify EUBAM who would attend.
- b. PA – Dr Sa'eb Erakat agreed to the proposal.

10. Movement of the RCP ambulance and use of ambulances (agenda item 4.5): EUBAM – HOM outlined the proposal which was to use the RCP ambulance to transport sick and wounded people between the terminals.

- a. GOI – Hagay Alon said that in general back-to-back transfer of patients was accepted practice, and this even applied to Israeli citizens returning to Israel from, for example, Jordan. The only exception is in Jerusalem where a special system exists, but one which he said could not be duplicated at RCP. He summarised by saying the back-to-back system works well elsewhere, and that there is no need to change it.
- b. PA – Dr Sa'eb Erakat said it was up to EUBAM to provide an inspection mechanism for vehicles, so PA ambulances could be inspected going to and from the Egyptian terminal.
- c. GOI – Hagay Alon said that the proposed system was not logical, and that GOI would need time to check it. In response, the PA – Dr Erakat countered that transferring a patient three times was not logical.
- d. EUBAM – HOM said that this was an issue between the PA and the Egyptians and did not involve the GOI. He also said that it was in the interests of the Egyptians to have a secure system.
- e. GOI – Hagay Alon stated that this was a complex issue which needed further thought and PA – Dr Sa'eb Erakat said that he would not accept a system which required three ambulances. EUBAM – HOM closed the discussion by saying that car checking systems would improve as foreseen in the AMA.

11. Procedure for import of goods through Kerem Shalom (agenda item 4.6): EUBAM – HOM outlined the issue and the proposal not to enter in the political – diplomatic discussion of the Customs Protocol but already to prepare and elaborate all activities necessary to implement the import of goods once the Protocol is signed. Comments were as follows:

- a. PA – Dr Sa'eb Erakat said that he hoped that the Customs Protocol would be signed very soon, and that he and GOI colleagues would be meeting in the next few days in order to clear up a few specific articles which he hoped would be resolved.

- b. EUBAM – HOM said that the Customs Protocol was very important for RCP, as merchants should go through Kerem Shalom Crossing Point (KSCP) which would make operations at RCP much easier.
 - c. GOI – Hagay Alon stated that KSCP could not be dealt with because there are problems with RCP. Whilst KSCP is of course related with RCP issues relation to it will be sorted out at the highest GOI/PA level. He said that the GOI were working on it, and that the Customs Protocol would be signed. He emphasised that KSCP cannot be discussed in the CEC because the CEC does not have the mandate to do so, and said that he cannot now agree to the proposal.
 - d. EUBAM – HOM reiterated the proposal – a meeting between PA and GOI and inviting the Egyptians (GOE), and emphasised that issues relating to RCP cannot be dealt with properly without involving the GOE and similarly indeed the discussion of customs issues should involve GOE.
 - e. PA – Dr Sa'eb Erakat referred to the statement made by EUBAM – HOM and said that what was said was looking forward, which was good, but first the Customs Protocol issue had to be concluded with the GOI and then things could move forward.
 - f. EUBAM – HOM emphasised that the EU had great expectations that this issue could be moved forward. GOI – Hagay Alon noted this.
12. Procedure for export of goods through the RCP (agenda item 4.7): HOM outlined the issue and said that a visit organized for today (7 May 2007 – see agenda) to the Egyptian side of RCP failed because no authorisation was forthcoming from GOI.
- a. GOI – Hagay Alon said that he was waiting for a report about who and why failed to authorise the visit. He said that he could see no reason why the meeting should no go ahead, but that there was a need to think about the agenda.
 - b. EUBAM HOM – said that all that was required was that the visit (ECTAO/EUBAM/World Bank (WB)/ Director of Customs, RCP) be allowed to cross and talk with GOE officials. Another date will be fixed.
 - c. PA – Dr Sa'eb Erakat said that this issue needed to be sorted out at the highest level before the summer.
 - d. PA - Nazmi Muhanna said that the PA was trying very hard to deal with the GOE and hopes to succeed. He also mention a WB pilot scheme.
 - e. EUBAM – HOM said that if we succeed exports could start. He further said that he hoped that this matter could be moved forward this week.
 - f. PA - Nazmi Muhanna made a long speech about the overall situation at RCP, saying that it was very important to solve the problems affecting the crossing by 1 June 2007. He said that whilst the PG do an excellent job in terms of the security at RCP, the level of frustration building up in the Gaza Strip is such that armed groups could try and get into the terminal and force their way across the border and burn the terminal to the ground unless there is a return to continuous opening. He implied that not even the PG would be able to stop this happening due to the numbers involved. He ended by asking whether RCP was a real crossing or not.
 - g. GOI – Hagay Alon said that the message was clear.

13. Maintenance of technical equipment at RCP: Fibre Optic cable (agenda item 4.8): EUBAM reminded the meeting that there was still a problem with the fibre-optic cable, which had not operated since June 2006.

- a. PA - Nazmi Muhanna said that the problem was that equipment was stolen because it was 3 Km from the gate at KSCP to the first PA check point. He said that if the National Security Forces (NSF) were allowed to return to their posts along the Philadelphia Corridor this problem would not occur.
- b. EUBAM – HOM said that it had been suggested (in the CEC meeting of 3 Jan 2007) to put the cable on 2-3 metre high poles to reduce the risk of it being stolen. PA - Nazmi Muhanna said that Israeli approval would be needed for this and if he has the approval he would do it tomorrow (8 May 2007).
- c. GOI – Hagay Alon said that this issue would be discussed; EUBAM – HOM emphasised that if the NSF were allowed to return they could not only guard the cable but also help look after the security of EUBAM (he referred to a recent incident involving an explosive device). GOI – Hagay Alon agreed that he would raise this issue; GOI - Oded Herrmann confirmed that it had already been raised.

14. Maintenance of technical equipment at RCP: Repairs of the DVR's and Cameras (agenda item 4.8):

- a. PA - Nazmi Muhanna said that all cameras were working. EUBAM – DHOM said that 5 were not working, 2 of which were missing.
- b. PA - Jamal Abu Al Fahem said that all the cameras in the main area were working, but EUBAM – DHOM reminded the PA that ALL cameras should be in a working condition, including those in the commercial and VIP areas.
- c. PA – Dr Sa'eb Erakat asked EUBAM to provide a list of which cameras were not working and he would ensure they were fixed.

15. EC equipment contribution for the RCP (agenda item 4.9): The proposal was to take this from the CEC agenda. There was some discussion involving USSC- Col Rupp and a representative from the EC about the equipment, especially an X-ray machine. USSC- Col Rupp said that there was a good procedure in place. GOI - Hagay Alon said that there was no problem, and agreed that there were open channels, and PA - Dr Sa'eb Erakat was satisfied with this. It was agreed to remove the issue from the CEC agenda.

16. Pending issues (agenda item 4.10): The pending issues were discussed as follows:

- a. List of names of the workers and number of RCP staff: PA – Dr Sa'eb Erakat said that the list would be provided by Nazmi Muhanna within 48 hours.
- b. Need to issue new security identity cards for the reassessed PAL staff at RCP: PA – Dr Sa'eb Erakat said that Nazmi Muhanna would deal with this within a week.
- c. Deployment of Presidential Guard Liaison Officer at the Liaison Office: EUBAM – HOM reminded the meeting of the agreement to have a PG LO at the Liaison Office. GOI - Oded Herrmann asked whether this was in addition to the present LO and was reminded by EUBAM – POLAD that this extra officer had already been agreed by GOI. EUBAM – HOM said the number of LO's was not specified in the agreement. PA – Dr Sa'eb Erakat said he had no objection and would forward a name today (7 May 2007); GOI - Oded Herrmann said that this name would be checked.

17. Future meetings: After some discussion it was agreed that the next CEC meeting would take place on 4 June 2007 assuming that the extension to EUBAM's mandate had been agreed.

Nigel Milverton
Reporting and Analysis

Annexes:

- A. Initial remarks by EUBAM HOM
- B. Agreed Actions

Distribution:

All attendees
EUSR
DGE IX

EUBAM HOM OPENING REMARKS

Dear Colleagues and friends, Good Morning and many thanks for coming to this meeting.

Welcome to the CEC, the last one of the current EUBAM Mandate.

As you know we are still negotiating the extension of EUBAM's mandate beyond May the 24th. The EUSR, Ambassador Marc Otte, is still working on this front with the relevant parties, with the support of EUBAM officials.

Again, I call your attention for the need of NORMALIZATION at Rafah Crossing Point. During the month of April, the Terminal was opened less often than during the month of March. We all need to work together to bring NORMALIZATION at RCP, since we all recognise its importance.

I need to share with you our concern for the fact that also Egypt has been recently creating some problems on the regular opening of the Crossing. We need to address this fact to our political leaders and to find a solution. Even if we cannot do much about this in this meeting, I need to call your attention for this fact. As you know, Egypt is not a part in the Agreements, but a political solution must be found for this situation.

I also would like to remark with great satisfaction that EUBAM, in coordination with the European Commission, started this month the programme of capacity building for Palestinian customs officers, at the RCP. After so many delays, for this or that reason, it is with great satisfaction that I salute the beginning of this new step in the implementation of EUBAM's mandate at RCP.

Wish you all of us a good meeting and that our discussions here today will bring good results for the operations at Rafah Crossing Point.

AGREED ACTIONS - CEC MEETING 7 MAY 2007

1. EUBAM's Mandate Extension (agenda item 4.1): There will be a clear decision by the GOI by the technical limit date of 14 May 2007.
2. Adherence to APRC provisions on continuous operation of RCP (agenda item 4.2): It was agreed that the USSC would be asked to liaise with the Egyptians in order to resolve the issue of their only agree to open RCP on specific days.
3. Procedure and announcement for opening the RCP (agenda item 4.3): USSC – Col Rupp undertook to provide a paper to GOI about the proposed Rafah website.
4. Procedures for RCP Operations (agenda item 4.4): It was agreed that the bi-lateral meeting to discuss the matter.
5. Movement of the RCP ambulance and use of ambulances (agenda item 4.5): It was agreed to review the proposal in the light of the remarks of GOI and PA, and the role of the EU BAM in the future to build capacity for vehicle inspection.
6. Procedure for import of goods through Kerem Shalom (agenda item 4.6): It was agreed to wait the signature of the Customs Protocol to move forward with the activities to have the import of goods implemented.
7. Procedure for export of goods through the RCP (agenda item 4.7): Report to receive from GOI on the decision not to authorise the crossing of the EUBAM linked visitors to the RCP through Kerem Shalom and then to Egypt. GOI agreed there is no reason to prevent delegation access in the future.
8. Maintenance of technical equipment at RCP: Fibre Optic cable (agenda item 4.8): GOI will further raise the issue of the deployment of the NSF along the Philadelphia corridor, and the PA - Nazmi Muhanna – will seek approval for the mounting of the fibre-optic cable on 2-3 metre high posts.
9. Maintenance of technical equipment at RCP: Repairs of the DVR's and Cameras (agenda item 4.8): EUBAM will provide a list to Dr Saeb Erekat of the cameras which are not working at the terminal, and he will ensure they are fixed.
10. EC equipment contribution for the RCP (agenda item 4.9): It was agreed to remove this item from the agenda of the CEC.
11. Pending issues (agenda item 4.10): It was agreed that:
 - a. List of names of the workers and number of RCP staff: A list will be provided by PA - Nazmi Muhanna within 48 hours.
 - b. Need to issue new security identity cards for the reassessed PAL staff at RCP: PA - Nazmi Muhanna will get this done within a week.

- c. Deployment of Presidential Guard Liaison Officer at the Liaison Office: The PA will forward a name immediately and the GOI will check it. GOI will check their position in this issue.