

# Agreed Principles for Rafah Crossing

*15 November 2005*

To be supplemented prior to opening by agreements on security, customs and 3rd party implementation procedures

## **General**

Rafah will be operated by the Palestinian Authority on its side, and Egypt on its side, according to international standards, in accordance with Palestinian law and subject to the terms of this agreement.

Rafah will be opened as soon as it is ready to operate at an international standard in accordance with the specifications of this agreement and as soon as the 3rd party is on site, with a target date of November 25.

Use of the Rafah crossing will be restricted to Palestinian ID card holders and others by exception in agreed categories with prior notification to the GoI and approval of senior PA leadership.

The PA will notify the GoI 48 hours in advance of the crossing of a person in the excepted categories-diplomats, foreign investors, foreign representatives of recognized international organizations and humanitarian cases.

The GoI will respond within 24 hours with any objections and will include the reasons for the objections;

The PA will notify the GoI of their decision within 24 hours and will include the reasons for their decision;

The 3rd party will ensure the proper procedures are followed and will advise both sides of any information in its possession pertaining to the people applying to cross under these exceptions.

These procedures will remain in place for a period of 12 months, unless the 3rd party delivers a negative evaluation of the PA running the Rafah crossing. This evaluation will be done in close coordination with both sides and will give due consideration to the opinion of both sides.

Rafah will also be used for export of goods to Egypt.

Objective criteria for the inspection of cars will be established by consensus. The criteria are as follows:

Search equipment will be installed, including

- Black lights
- Power tools and a compressor for the tools
- Technology to be agreed, possibly including sonic imagery, gamma detection (full vehicle or hand held), and/or millimetre wave imagery
- Mirrors and bore scope equipment to search hard to reach places

Personnel will be trained to search vehicles and on the use of this equipment by the 3rd party to international standards.

Cameras will be installed to monitor the search process.

The 3rd party will evaluate the capacity of the PA to inspect cars according to these criteria and to international standards. Once the PA develops the capacity to inspect cars to the satisfaction of the 3rd party, cars will be allowed to pass through Rafah. Until that time, cars will pass through on an exceptional basis, subject to specifications agreed in the security protocol.

Rafah will be the only crossing point between the Gaza Strip and Egypt (with the exception of Kerem Shalom for the agreed period).

The PA will establish clear operating procedures.

Until Rafah is operational, the PA will open Rafah crossing on an ad hoc basis for religious pilgrims, medical patients, and others, in coordination with General Gilad's office on the Israeli side.

Israel will provide the PA with all information needed to update the Palestinian population registry, including all information on Palestinian ID card holders who are currently outside the country.

A liaison office, led by the 3rd party, will receive real-time video and data feed of the activities at Rafah and will meet regularly to review implementation of this agreement, resolve any disputes arising from this agreement, and perform other tasks specified in this agreement. Security

The PA will act to prevent the movement of weapons and explosives at the Rafah crossing.

The PA will establish baggage limits for each passenger as part of the procedures. Limits will be the same as currently applied by the GoI; very frequent travellers (suitcase policy) to be agreed.

Travellers, including returning residents, may use the crossing point to bring in personal effects as defined in Rule 1(e) to Heading 7 of the Annex to the prevailing Customs Tariff. Any other personal belongings or other goods shall be cleared at the Kerem Shalom crossing point.

The PA will provide the 3rd party a list of names of the workers at Rafah crossing which will be shared with the Israelis. The PA will take the Israelis concerns into account.

Security services from Israel, PA, the U.S., and Egypt will continue to coordinate on security issues and will participate in the security working group.

On a case by case basis, the PA will consider information on persons of concern provided by the GoI. The PA will consult with the GoI and the 3rd party prior to the PA making a decision to prohibit travel or not. During this consultation, which will not take more than six hours, the person in question will not be permitted to cross.

### **Customs**

GoI and PA will continue to apply the Paris Protocol of 29 April 1994.

Rafah will be operated according to international standards and rules and the Paris Protocol.

GoI and PA agree on widest possible co-operation and information sharing.

GoI and PA will co-operate on training issues.

GoI and PA customs will hold regular meetings to which the GoE will be invited as appropriate.

### **Kerem Shalom**

PA customs officials will clear incoming cargo at Kerem Shalom under the supervision of Israeli customs agents.

Both sides will discuss operating procedures at a later stage.

Operations at Kerem Shalom will provide training and capacity building to PA customs staff.

The 3rd party will review the PA's customs capacity in 12 months and make a recommendation to both sides for a joint decision regarding future arrangements. In the event of a disagreement, the U.S., in consultation with the GoI, the PA, and the 3rd party, will resolve the issue expeditiously.

### **Third party**

The 3rd party will have the authority to ensure that the PA complies with all applicable rules and regulations concerning the Rafah crossing point and the terms of this agreement. In case of non-compliance the 3rd party has the authority to order the re-examination and reassessment of any passenger, luggage, vehicle or goods. While the request is being processed, the person, luggage, vehicle or cargo in question will not be allowed to leave the premises of the Rafah crossing point.

The 3rd party will assist the PA to build capacity - training, equipment and technical assistance - on border management and customs.

Details of the 3rd party's role are specified in the attached memorandum of understanding.

The 3rd party will be the European Union.

**Source:** As Published by the Prime Minister's Office - Israel Ministry of Foreign Affairs