

Subject: 7th “Coordination and Evaluation Committee” meeting on Monday 07 May 2007, at 10.00 hrs in Jerusalem at the Delegation of the European Commission, George Adam Smith Street no. 5, Sheik Jarrah – French Hill

Reference: 1) Agreed Arrangement on the European Union Border Assistance Mission at the Rafah Crossing Point on the Gaza-Egypt border, Art. III, Para 6;
2) Previous “6th Coordination and Evaluation Committee” meeting on 07 March 2007, in Jerusalem (Delegation of the EC).

Date: 7 May 2007 at 10.00 hrs

AGENDA:

I. Welcome of the parties and opening the Meeting

Talking Points:

- Rafah Crossing remains closed most of the time: **Normalisation of operations is at this point a prerequisite for further meaningful discussion in this forum.**
- Rafah is a Palestinian-Egyptian crossing and Israel has no right to close it.
- Each closure of Rafah constitutes an Israeli breach of the APRC.

II. Approval of the Agenda

Talking Points:

- Approved.

III. Approval of the Minutes & Agreed Actions of previous Meetings on 07 March 2007

Talking Points:

- Approved.

IV. Items for this meeting:

4.1. EU BAM's mandate extension;

Talking Points:

- We have already sent an official written request to the EU requesting the extension of EU BAM's Mandate. We are happy to follow up with the form letter requesting extension should that be needed.
- In the last CEC meeting Israel promised to officially request the extension of EU BAM's mandate but failed to do so.
- There should be no link between the extension of the EU BAM's mandate and the GOI "issues of concern".
- However, these issues are being discussed with the USSC and the GOI:
 - "Goods of concern": We already submitted a proposal for resolving the issue of "goods of concern" to the USSC. We will be meeting with the USSC and the GOI to discuss the issue later on today.
 - Money transfers: We already discussed and resolved the issue of the transfer of large sums of money through the RCP with General Dayton.
 - Persons of concern: The procedures for dealing with persons of concern are detailed in the agreement. Security coordination and implementation issues are outside the scope of this forum and should be raised with the National Security Advisor (Mr. Mohammad Dahlan).

4.2. Adherence to APRC provisions on continuous operation of RCP;

Talking Points:

- Israel continues to close Rafah in breach of the agreements. As the EU BAM stated this action is political and not grounded in legitimate security concerns.
- Israeli security will be guaranteed through the continuous and normal operation of the RCP and the KSCP. This will allow Palestinian security and customs officials better ability to check and control the movement of passengers, goods and money through the crossings.
- Palestinian performance, to the extent we have been allowed to operate under normal conditions, has been outstanding and in accordance with international standards.
- ON KSCP: The biggest security risk to Rafah is the lack of normal operation due to Israel's illegal obstructions, and to the continued Israeli

closure of KSCP for imports from or through Egypt.

- Israel must sign the Customs Protocol and open KSCP immediately. This will greatly improve the operations at Rafah and solve most of the problems there.
- Israel has no right to prevent access by EU BAM to the RCP at any time whatsoever. In the last SWG meeting, LTG Pistolese raised the need for the EU BAM to access RCP at times other than regular hours for training and administrative work.
- The EU BAM has this right to access the RCP under the agreements, and we fully support the EU position on this.

4.3. Procedure and announcement for opening the RCP - incident on Sunday 22 April;

Talking Points:

- The RCP is a Palestinian – Egyptian international crossing.
- Israel doesn't have the right to decide on the opening or closure of the RCP.
- The EU BAM should be allowed free access to the RCP at any time and in accordance with the agreements.
- Israel should provide the Palestinian side with full information on any alleged "security threat" at the RCP through the liaison office. The Palestinian side should then assess the situation and decide on the opening of the crossing and notify the EU BAM.

4.4. Procedures for RCP operations (ref CEC meetings of 3 January and 7 March 2007);

Talking Points:

- As RCP is a Palestinian-Egyptian crossing, Israel has no say on procedures for the operation of the crossing.
- Accordingly, we are open to discuss procedures and recommendations for improvements up to international standards bilaterally with the EU BAM.
- As a prerequisite to any meaningful engagement, it is imperative for there to be normal operations.
- **Our engagement on these issues here continues therefore to be contingent on normalisation of operations, without which all this work will have no effect.**

4.5. Movement of the RCP ambulance (new issue);

Talking Points:

- The EU BAM should provide the needed equipment and training for the inspection of vehicles. This will allow for the through movement of ambulances to the Egyptian side of the crossing and relieve the suffering of the patients.
- The EU BAM proposal to operate a "shuttle" ambulance between the Palestinian and Egyptian side of the RCP will magnify the suffering of the patients. This will require a double back to back transfer of the patients - once from the hospital ambulance to the "shuttle" ambulance and once again to the Egyptian ambulance.
- Instead Palestinian ambulances should be allowed to cross to the Egyptian side of the RCP to deliver patients.
- The Presidential Guards will inspect the returning ambulances under the observation of the EU BAM monitors.
- Incidents of misuse of the ambulances and breach of procedures are a direct result of the irregular and sporadic operation of the RCP.
- These practices did not take place before the closure of the crossing.
- Only normal and regular opening of the crossing will fully prevent these, and similar incidents, from taking place.

4.6. Procedure for import of goods through Kerem Shalom (new issue) ;

Talking Points:

- The procedures for import of goods from or through Egypt at KSCP are specified in great detail in the Customs Annex.
- Israel should sign the Customs Annex as agreed, and in accordance with the benchmarks set by the US Secretary of State and allow for the operation of the KSCP immediately.
- Unfortunately the detailed agenda on this issue is misleading. It ignores the fact that both in the APRC and in the Customs Annex it was agreed that *"Palestinian customs officials shall clear incoming cargo at the KSCP"* and not only receive training at the KSCP.
- We hope that this oversight by the EU BAM of the agreed role for Palestinian Customs officials at the KSCP was unintentional and will not reoccur.

4.7. Procedure for export of goods through the RCP (new issue);

Talking Points:

- The RCP is a Palestinian – Egyptian Crossing.
- While there might be a need to agree on export procedures with Egypt, Israel is not a relevant party to these negotiations.
- While according to the Paris Protocol the Palestinian Authority has to implement the Israeli "import policy", the Palestinian Authority has the right to develop its own export policies and procedures.
- We are willing to meet with the EU BAM bilaterally and brief you on our current export procedures and existing agreements with Egypt.
- We will be exporting two shipments of goods to and through Egypt in the coming week. We expect you all to make your best efforts to facilitate this process to the utmost.
- We continue to stress that the RCP should operate normally and on a daily base. In addition, on the specific date of these exports, we need to receive assurances from the GoI that the EU BAM will be allowed to enter the RCP to monitor the export process.
- We will notify the GoI in advance on the date of the exports.

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);
- Repairs on the DVRs and cameras at the RCP (ref CEC meeting of 07 March 2007);

Talking Points:

- Nazmi to brief on the maintenance of technical equipment.

4.9. EC equipment contribution for the RCP (state of play - ref CEC meetings of 3 January and 7 March 2007);

Talking Points:

Israel is blocking the movement of EU donated equipment both at Ashdod and Karni. The EU BAM should demand from the Israeli side to cease such obstructions and release the equipment immediately.

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 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);

Talking Points:

- Given the irregular operations and unpredictability of opening, it is impossible to maintain a regular list of workers. **Once operations are normal we will provide the list.**
- There is very limited capacity to issue proper identity cards. We need your help in building the infrastructure and providing modern ID cards for the staff. Again, all this is contingent on normal operations to be of any benefit.

4.11. Miscellaneous

- Next meeting on **Monday 04 June 2007.**