

Chapter 9

Safe Passages

In any scheme of dividing Palestine the primary difficulty lies in the fact that no line can be drawn which would separate all the Arabs from all the Jews.

—from the Palestine Royal Commission report (July 1937)

In the early chapters on ripening conflicts we stressed the need for a road map in the figurative sense of peace constructs and strategies. Having embarked on a road to peace, all of us require clear directions for arriving at an agreed exit from the Arab-Israel conflict. But now, in capping our discussion of the physical, security, and economic agenda items, the emphasis shifts to the importance of road maps in the most literal sense.

One of the main themes underpinning this study is the idea of *inter-connectedness*, deriving from geopolitical (i.e., human and spatial) realities. I now invite the reader's attention, therefore, to the safe passages issue. It is arguably one of the finest if not absolutely best confirmations of this thesis that Israeli Jews and Palestinian Arabs are fated to live together, however much separately. Yet "safe passages" is noteworthy in another regard. Having been born in and kept alive through constructive ambiguity, it promises to be an item of great contention in going beyond negotiation to implement any terms of a settlement and peace plan premised upon the illusory notion of two separate state entities.

The final status negotiations can be counted on to revolve around three contentious principles in particular: political status, authority, and powers; security (incorporating economic viability and ecology); and territorial expanse, whether measured in acreage or percentage points. To these must now be added a fourth set of mischievous principles. Those of territorial integrity and territorial contiguity.

Entities, Enclaves, and Contiguity

At the height of the landmark July 1937 parliamentary debate over dividing Palestine, Lord Samuel, speaking as an authority fully conversant

with the Holy Land's unique human and physical properties, nevertheless employed a European frame of reference only too painfully familiar to his English audience. In censuring the proposed partition plan, the former first high commissioner for Palestine derided it for incorporating some of the worst features of the Versailles peace treaties: in particular, those provisions for imposing "a Saar, a Polish Corridor and half a dozen Danzigs and Memels into a country the size of Wales."¹ Thus, in a single devastating sentence, did he succeed in puncturing the initial aura and pristine appeal of the territorial compromise formula.

Pro-partitionists at the time promised to bestow upon each of the two ethnic communities in Palestine a separate economic, cultural, and political existence. And, yet, despite their best efforts at a clean cut, the Peel mapmakers had been unable to assure the projected Arab and Jewish states the minimum of territorial integrity. As evidenced by his disparaging references to enclaves and to the "Polish Corridor," in effect Samuel's main objection to the plan was that it made no sense on the ground because of *noncontiguity*.

Today, despite six intervening decades, little has changed in the basic geopolitical equation. On the contrary, from the standpoint of being able to implement an updated version of territorial compromise, matters have become distinctly worse given the immensely more complicated Israeli-Palestinian demographic spread and overlapping Arab-Jewish residential patterns.

So complicated in fact that the situation has elements of sheer absurdity. When the "Gaza-Jericho first" step-by-step peace strategy was first announced in 1993, few observers, even the more sophisticated, bothered to consult a map. Otherwise, they might have asked the obvious: how were ordinary Palestinians physically to get from one extremity to the other? And what prospects were there for Yasir Arafat and his fledgling Palestinian Authority to integrate and effectively administer the two detached "provinces"? By remote control across more than 90 kilometers (nearly 60 miles) of Israeli land and airspace? By shuttle government?

Since then, absurdity piles upon absurdity. Thus, for instance, in responding to four attacks that left more than fifty Israelis dead in February-March 1996, the government of Shimon Peres ordered a 2–3-kilometer-wide security zone established east of the 350-kilometer-long pre-1967 border. An extensive system of controls were established to limit and regulate the movement of Palestinian labor and goods from the West Bank and Gaza Strip into and out of Israel. The reason given by the Cabinet for the exclusionary zone and for these checks was to forge "coexistence in security and peace" between Israel and the Palestinians. The

contradiction between controlled access, security zones and the idea of Israeli-Palestinian separation, on the one hand, and coexistence and safe passage, on the other, may have escaped many of the Cabinet members.

Just as, months and millions of dollars later, citing thousands of Palestinians without permits who constantly cross freely into Israel by foot and by car via the broken seam along the entire length of the “green line,” in May 1998 the State Comptroller’s Office admitted, “de facto, there is almost free and unsupervised passage between Judea, Samaria and Israel.”² Given the situation, the comptroller’s report pronounced the thirty-four-kilometer boundary between Israel and the West Bank completely porous, hence ineffective.

The prevailing situation therefore represents the height of absurdity. Ambitious programs are adopted, heavy expenditure appropriated, manpower assigned from the IDF and police units, and every sort of device from gravel roads and bypass roads to sophisticated surveillance equipment. And yet the phenomenon of car thefts from Israel to the PA territories increases at a rate such to be declared a “national plague.” While the declared “safe passage” policy of strictly demanding all Palestinians entering or leaving Israel to pass through three or four supervised border crossings remains unenforced and ineffective. For added measure, the more earnestly Israeli law enforcement authorities work at dealing operationally with the problem, by tightly stitching together and closing “the seam,” the greater the criticism from government leaders who charge that the enforcement measures are politically motivated and really aim at re-instating the green line as the final peace border.

The goal of free but also safe passage is a mockery, perhaps, but also a source of present and future concern. Heightened insecurity for Israelis while at the same time a source of inconvenience, harassment, and personal embarrassment for ordinary Palestinians.

Peering further down the road, having committed itself to making adequate provision for contiguous safe passage between the West Bank and the Gaza Strip, what kind of Israel will there be with Palestinian transit rights through its sovereign space? But if denied such contiguous links, how valid, how viable is a Palestinian state or entity split into two unconnected parts? Conversely, how much credibility can there be to an “effective Israeli presence,” civilian and military, in Judea and Samaria when Palestinian police, in turn, wield their own prerogative of sealing off access roads to non-Palestinians?

In short, safe passage represents the operative equivalent in current diplomatic parlance to Samuel’s outmoded interwar “Polish Corridor” analogy.

Partition as nightmare? Or as the proverbial light at the end of the tunnel? Whether the principles of safe passage, freedom of movement, and contiguity are or are not given practical effect in the permanent status final accords, and, if yes, the precise manner by which Israelis and Palestinians extend these rights to each other, will largely determine partition's fate. That is how critical the ground rules issue really is and yet how little understood in other than the most general terms.

Corridors of Power

Coined as part of the Oslo understandings, the seemingly innocuous agenda item safe passage (in Hebrew: *hama'avar habatuach*) surely offers one of the more telling examples of constructive ambiguity in recent Middle Eastern peacemaking.

Its origins lie in the Declaration of Principles (DOP) on Interim Self-Government Arrangements, dated September 13, 1993. Article 4, outlining the jurisdiction of the Palestinian interim self-government authority, states: "The two sides view the West Bank and the Gaza Strip as a single territorial unit"—a unit, moreover, whose "integrity will be preserved during the interim period." In effect, Israel thereby committed itself to the principle of territorial contiguity as legally binding in all future negotiations, since it follows that if the two Arab-designated regions are in fact to be regarded as one they must also be geographically linked.

Indeed, Annex 2 of the DOP enshrines the term *safe passage* for the first time. In a "Protocol on Withdrawal of Israeli Forces From the Gaza Strip and Jericho Area," pursuant to their joint pledge the signatories accepted other immediate undertakings, including clause 3(g): "Arrangements for a safe passage for persons and transportation between the Gaza Strip and Jericho area," with only the technical details remaining to be fleshed out in the next scheduled round of negotiations.

Further clarifications were presented on May 4, 1994, with the follow-up Cairo Agreement on the Gaza Strip and the Jericho area. In the first instance, Article 7 emphasizes that while the new accord relates only to Gaza and Jericho, these two cities and their environs are in fact "an integral part" of the larger and more extensive West Bank and Gaza Strip that would need to be linked at a later stage. In the second instance, under Article 23, six of the final clauses reaffirm the two contracting parties' shared view of the West Bank and the Gaza Strip as "a single territorial unit."

It is, however, the third reference in this chain of progression that is the most direct, the most explicit, and therefore the most instructive. Article 9, “Arrangements for Safe Passage Between the Gaza Strip and the Jericho Area,” spells out for the first time in considerable detail the specific modalities for effecting “safe passage,” thereby revealing some of the deeper implications behind the concept. Because of its importance for our subsequent analysis, Article 9 deserves full citation.

**Cairo Agreement on the Gaza Strip
and the Jericho Area (4 May 1994)**

Article IX

Arrangements for Safe Passage

Between the Gaza Strip and the Jericho Area

1. General

- a. There shall be safe passage between the Gaza Strip and the Jericho Area for residents of the Gaza Strip and the Jericho Area and visitors to these areas from abroad, as detailed in this Article.
- b. Israel will ensure safe passage during daylight hours (from sunrise to sunset) for persons and transportation.
- c. safe passage will be effected via the following designated crossing points:
 - (1) the Erez crossing point; and
 - (2) the Vered Yericho crossing point.
- d. Israel will make safe passage available through one or more of the routes delineated on attached map no. 3.

2. The Usage of Safe Passage

- a. As detailed below, persons using safe passage shall carry, in addition to the personal and vehicle documentation, the following documents:
 - (1) a safe passage card; and
 - (2) (for drivers only) a vehicle safe passage permit.

Arrangements for implementation of safe passage, as well as modalities for the issuance by Israel of safe passage cards and vehicle safe passage permits, shall be discussed and agreed in the CAC (the Joint Civil Affairs Coordination and Cooperation Committee).

- b. Residents of the Gaza Strip and the Jericho Area in possession of a permit enabling them to enter Israel will be able to use this permit as a safe passage card.
- c. Safe passage cards and vehicle safe passage permits shall be stamped by the Israeli authorities at the crossing point with the time of departure from the crossing point and the estimated time of arrival.

- d. Residents of the Gaza Strip and the Jericho Area who are denied entry into Israel may be permitted by Israel to use safe passage in accordance with special arrangements to be made in each individual case through the JSC (the joint Coordination and Cooperation Committee for mutual security purposes).
- e. Special arrangements will apply with respect to passage of Palestinian leaders, senior Palestinian Authority officials and distinguished personalities. The CAC will define the scope and nature of these special arrangements, in consultation with the JSC.
- f. The mode of passage of Palestinian policemen on duty, between the Gaza Strip and the Jericho Area, will be coordinated through the JSC.
- g. Any additional matters relating to the usage of safe passage will be coordinated through the JSC.

3. Passage and Mode of Transit

- a. Persons and vehicles in transit under these arrangements shall neither break their journey nor depart from the designated routes, and shall complete the transit within the designated time stamped on their safe passage cards and permits, unless a delay is caused by a medical emergency or a technical breakdown.
- b. Persons using safe passage shall be subject to the laws and regulations applicable in Israel and in the West Bank respectively.
- c. Persons and vehicles using safe passage shall not carry explosives, firearms or other weapons or ammunition, except for special cases that will be agreed to in the JSC.

4. General Provisions Regarding the Routes

- a. The above arrangements shall in no way affect the status of the routes used for safe passage.
- b. Routes used for safe passage shall be closed on Yom Kippur, Israel's Memorial Day and Israel's Independence Day.
- c. Without prejudice to the use of safe passage, Israel may, for security or safety reasons, temporarily modify the arrangements for safe passage. Notice of such temporary modification shall be given to the Palestinian authority through the JSC. At least one route of safe passage shall, however, remain open.
- d. Israel shall notify the Palestinian Authority of incidents involving persons using safe passage.

For purposes of comparison, the one other important safe passage-related document, Article 10 under Annex I ("Protocol Concerning Re-deployment and Security Arrangements") of the Interim Agreement on the West Bank and the Gaza Strip, dated September 28, 1995, and signed in Washington, D.C, also merits being quoted in its entirety.

**Interim Agreement on the West Bank and
the Gaza Strip (September 1995)
Article X under Annex I (“Protocol Concerning
Redeployment and Security Arrangements”)**

Article X
Safe Passage

1. General

- a. There shall be a safe passage connecting the West Bank with the Gaza Strip for movement of persons, vehicles and goods, as detailed in this Article.
- b. Israel will ensure safe passage for persons and transportation during daylight hours (from sunrise to sunset) or as otherwise agreed by the JSC, but in any event not less than 10 hours a day.
- c. Safe passage through Israel between the West Bank and the Gaza Strip will be effected via the following designated crossing points:
 - (1) the Erez crossing point (for persons and vehicles only);
 - (2) the Karni (commercial) crossing point (for goods only);
 - (3) the Tarkumya crossing point; and
 - (4) an additional crossing point around Mevo Horon.
- d. Israel will make such passage available through the routes indicated on attached map no. 6.
- e. Consistent with Article XXXI, paragraph 6 of the Agreement, the arrangements included in this Article are without prejudice to the permanent status negotiations.

2. Use of Safe Passage

- a. As detailed below, persons using the safe passage shall carry, in addition to personal and vehicle documentation, the following documents:
 - (1) a safe passage card; and
 - (2) (for drivers only) a vehicle safe passage permit.

Arrangements for the implementation of the safe passage usage, as well as modalities for the issuance by Israel of safe passage cards and vehicle safe passage permits, shall be discussed and agreed in the JSC, in consultation with the CAC.

- b. Residents of the West Bank and the Gaza Strip in possession of a permit enabling them to enter Israel will be able to use this permit as a safe passage card.
- c. Safe passage cards and vehicle safe passage permits shall be stamped by the Israeli authorities at the crossing point, with the time of departure from the crossing point and the estimated time of arrival.
- d. Israel may deny the use of its territory for safe passage by persons who have seriously or repeatedly violated the safe passage provisions detailed in this Article.

- e. Persons who are denied entry into Israel will use safe passage by means of shuttle buses which will be escorted by the Israel Police and which will operate from 7:00 AM to 2:00 PM on two days of every week. The exact date and times of such operation will be coordinated through the JSC. Applications by persons denied entry to Israel to use safe passage must be submitted to, and agreed upon in, the relevant DCO (Joint District Coordination Office) at least five days prior to the planned journey.
- f. Special arrangements will apply with respect to the passage of Palestinian leaders, senior Council officials, distinguished personalities and guests of the Ra'ees (chairman/president) of the Council. The CAC will define the scope and nature of the special arrangements, in consultation with the JSC.
- g. The movement of Palestinian policemen on duty through the safe passage between the West Bank and the Gaza Strip will be coordinated through the JSC.
- h. Any additional matters relating to the usage of safe passage will be coordinated through the JSC.

3. Mode of Use of Safe Passage

- a. Persons and vehicles using safe passage under these arrangements shall neither break their journey nor depart from the designated routes, and shall complete the passage within the designated time stamped on their safe passage cards and permits, unless a delay is caused by a medical emergency or a technical breakdown.
- b. Persons using the safe passage through Israel shall be subject to Israeli law.
- c. Persons and vehicles using the safe passage shall not carry explosives, firearms or other weapons or ammunition, except for special cases that may be agreed in the JSC.

4. General Provisions Regarding the Safe Passage Routes

- a. The above arrangements shall in no way affect the status of the safe passage and its routes.
- b. The safe passage arrangements will not be available on Yom Kippur, Israel's Memorial Day and Israel's Independence Day.
- c. Israel may, for security or safety reasons, temporarily halt the operation of a safe passage route or modify the passage arrangements while ensuring that one of the routes is open for safe passage. Notice of such temporary closure or modification shall be given to the JSC.
- d. Israel shall notify the Council of incidents involving persons using safe passage routes through the JSC.

Such extensive provisions in both the Cairo and Washington documents notwithstanding, the safe passage issue proved more intractable than an-

ticipated and, if anything, increasingly difficult to finalize. To just what extent is perhaps best evidenced in the Netanyahu-Arafat “Note for the Record” of January 15, 1997. We find listed, and, indeed, given pride of position among the “Outstanding Interim Agreement Issues” still pending:

- a. Safe Passage
- b. Gaza Airport
- c. Gaza port
- d. Passages
- e. Economic, financial, civilian and security issues
- f. People-to-people

Four of the six negotiating items still awaiting further clarification five years after Oslo directly relate to future links between Gaza, Israel, and the designated eastern Palestinian area. Let this serve as our first observation about safe passages: how central and how extraordinarily sensitive a peace issue it really is—for Israel, for the Palestinians, and for any Israeli-Palestinian partition-based disengagement.

Reading Between the Lines

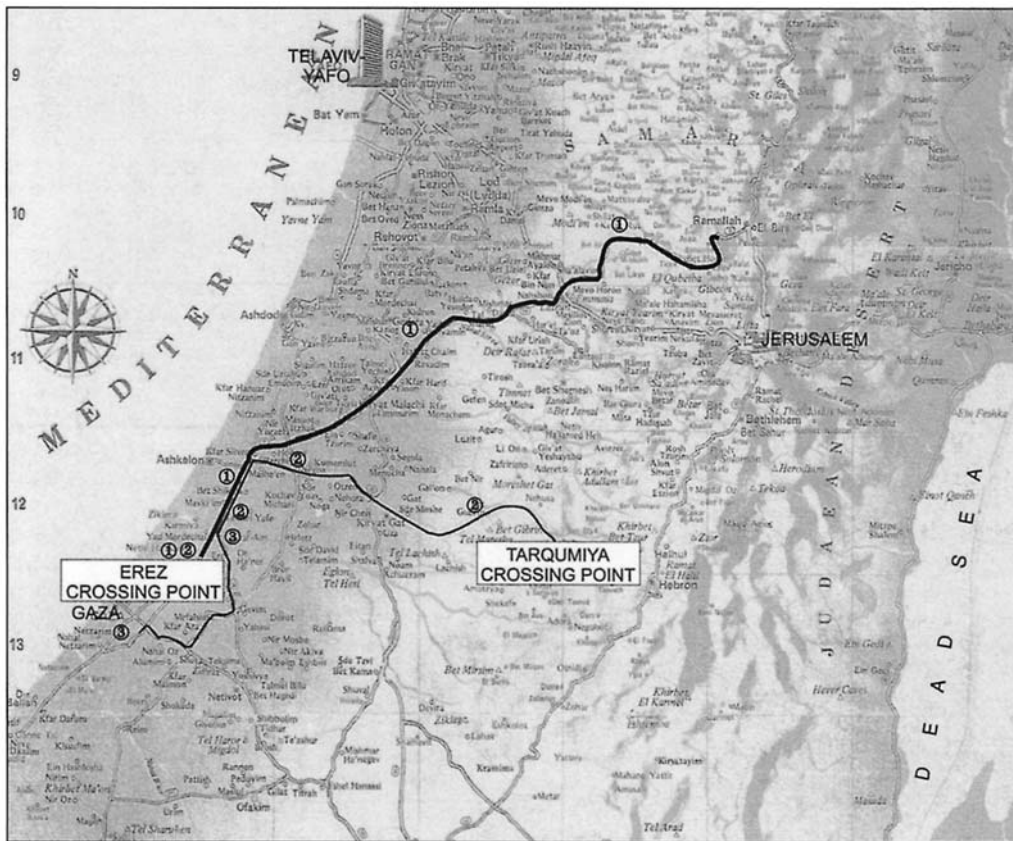
This leads us to a second observation. Despite the distinct possibility that one or more roads will run across Israeli territory from east to west and bisect the country, the entire safe passage issue: (a) has been dealt with over the heads of most Israeli leaders and certainly the public at large and, consequently, (b) has tended to evolve with little if any real grasp of the deeper ramifications.

Israeli decision makers in 1993 endorsed the triad of general principles—territorial integrity, contiguity, and safe passage—without serious government discussion in Jerusalem. Without prior consultation among military and technical experts. Without detailed position papers. Without Knesset or media debate. And without first thinking through the economic, security, transportation, and myriad other on-the-ground implications.

At the highest official level, reaching swift agreement in conditions of absolute secrecy with the Palestinians over the most basic and broad guiding principles took precedence over all else for those few individuals privy to the Norwegian secret gambit. In their rush to achieve a strategic diplomatic breakthrough they were either forced by the pace of events or else quite prepared to worry only later about smaller operative details. Also, in their supreme confidence, they inclined to regard matters like safe pas-

sage as relatively inconsequential; as essentially legalistic, technical, and procedural. Otherwise, it is incomprehensible how or why they might have consented to such sweeping commitments and principles without thinking through in advance some of their deeper and more far-reaching implications.

Besides being relegated to the status of a second-order problem, safe passage and road guarantees were also assumed to be subject to the new Oslo spirit of cooperation and mutual goodwill. Moreover, the DOP satisfied Israeli core preconditions, above all, exclusive responsibility for security. West Bank Palestinians would be allowed to travel freely to and from Gaza—but only as a privilege to be conferred or retracted by Israel, through Israeli territory and under strict Israeli safety controls. Accord-

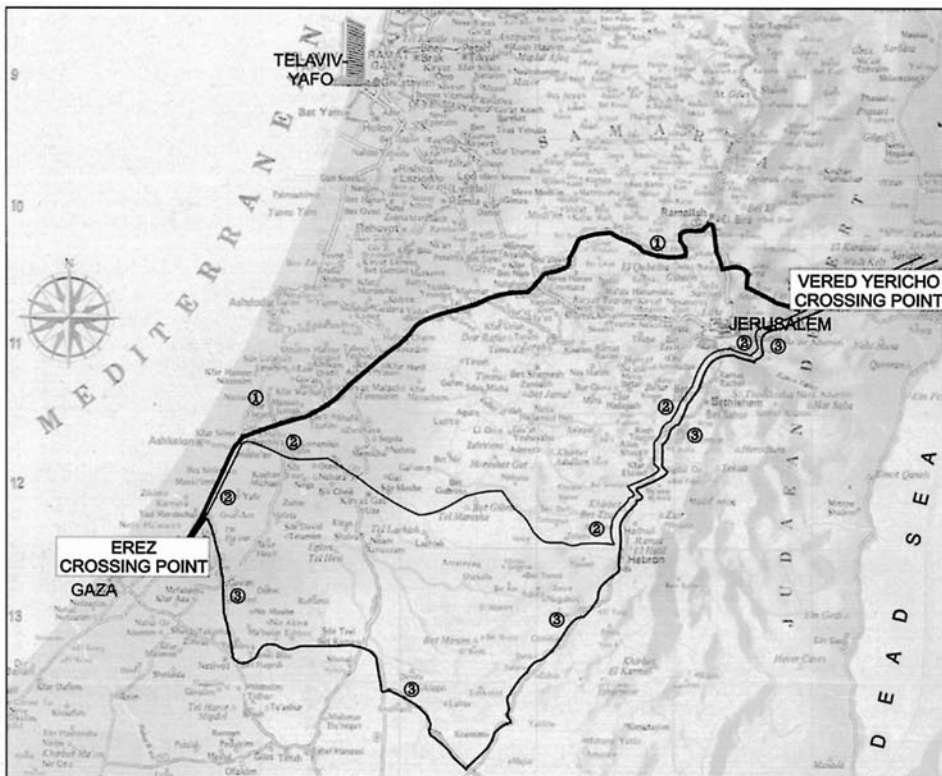


18. The 1994 Cairo "Safe Passages" Map

ing to this line of reasoning, Israel could afford therefore to be forthcoming.

Because the safe passage clause has been treated as a nonissue and kept outside the public domain, of marginal importance at best, as late as 1997 few Israelis knew the problem existed, or what it meant, let alone its gravity and direct implications. From a domestic political perspective, were Articles 9 and 10 of the 1994 and 1995 documents, plus the two accompanying maps, to have been widely circulated and discussed in the daily press, becoming common knowledge, they might have had a definite effect in coloring public sentiment regarding the wisdom of Oslo, the wages of peace, and the feasibility of separatist solutions.

Whether intentional or not, Prime Minister Rabin's Knesset presentation in May 1994, for instance, referred ingenuously only to the likeli-



19. The 1995 Washington “Safe Passages” Map

hood of problems (unspecified) arising at the points of passage “into the Gaza and Jericho areas, both from outside the borders and from inside and outside Israel.” He neglected to mention the *ma’avar batuach* between Jericho and Gaza. In the critical initial post-Oslo period the public eye was in fact drawn to protracted wrangling with the PLO over the matter of passages. But only at the extremities (i.e., the border crossings from Egypt to Gaza, as well as from Jordan into the West Bank). Whereas, however incredible, what remained unaddressed was the critical “middle ground”—literally, that belt of land traversing the interior of Israel from one end to the other, including population centers, and, in addition, Israel’s central airspace.

Doubly fortuitous for government practitioners of constructive ambiguity, more pressing, controversial, and newsworthy issues like Hebron, terrorism, and settlement policy have combined to distract attention away from the safe passage issue per se at later stages of the Israeli-Palestinian negotiations. Figuratively speaking, geopolitical reference points like the Allenby Bridge, Hebron’s Jewish quarter, and Jerusalem’s subterranean tunnels have repeatedly captured and consistently monopolized the attention of Israeli and international commentators alike, in contrast to the prospect of Palestinian highways, lateral roads, and transportation corridors inside Israel proper.

Moving Between the Lines

Although spared academic, journalistic, and even partisan political scrutiny, the meaning of safe passage nonetheless has undergone interesting and significant transformation. One trend has already been mentioned: extending the geographic radius from limited (Gaza and Jericho) to expansive (the entire Gaza Strip as well as all of the West Bank).

Still, this dynamic—marking the inevitable conversion of *ma’avar batuach* from an abstraction and a convenient catchphrase into an earthly blueprint—can be plotted along three additional lines. These are

- from vagueness to greater specificity—although not necessarily clarity;
- from single-dimensional (a land corridor) to multilayered (air, rail, gas, and pipelines);
- from Arab dependency to a “two-way street” whereby Israelis will eventually find themselves equally dependent upon the Palestinian authorities for their own freedom of movement anywhere along the West Bank.

Each of these trends emerges in sharper relief from a closer reading and content analysis of the available documentation.

The Devil *Is* in the Details

In the first place, there are any number of basic questions and sticking points that readily come to mind, some of them perhaps more obvious than others. To begin with:

Just how many access roads are required to fulfill Israel's pledge?

What are the points of entry and exit? From exactly where to where on the map?

What kinds of roads? Existing ones, with Palestinian and Israeli traffic merging, or highways specially constructed for this purpose? Special passenger buses? A railway and freight cars?

If Palestinian, how wide are the corridors to be? Flat surfaced, underground tunnels, or elevated overpasses?

Under whose jurisdiction, and according to which legal system?² Should Israel be permitted to arrest a Palestinian traveling between the two areas? Whose flag will fly?

Whose sovereignty? Joint? Israeli? Palestinian? What about extraterritoriality? Possible international status or supervision?

And what will be the status of individual Palestinians in transit? Where are the billion or more shekels conservatively estimated as the start-up costs for building three terminals and laying the road foundations to come from?⁴ This pales in comparison with the billion-dollar figure loosely bandied about for more elaborate elevated overpasses or subterranean tunnels.

Who bears financial responsibility for road maintenance? Will Israel have the right to charge toll fees on a daily or monthly basis for any Palestinian traveling these roads? Should Arabs desiring to traverse Israel from sundown Friday to sunset Saturday night be inconvenienced, or even be prevented from doing so, simply because it happens to be the Jewish Sabbath?

Last, and by logic, the goal of West Bank–Gaza integration—for the two are patently not intended to exist as isolated provinces—implies more than land routes only. Full implementation of the safe passage principle arguably should—or could—result in a network of oil and natural gas pipelines, a Palestinian national water carrier, as well as a railroad system and airplanes crisscrossing Israel.

Indicative of the complexities, but also of the piecemeal way they have been handled, Israel and the Palestinian Authority were reported in February 1998 to have reached agreement on at least one point. Air flights from anywhere in the Arab world can only follow a flight pattern proceeding from El-Arish in Egypt to the newly built Dahaniya air terminal

in the Gaza Strip, not from the east across the West Bank and Israel to Dahaniya.⁵

Successive protocols still leave ample room for uncertainty about inspection and travel procedures. So, too, regarding security provisions.

Effective Safeguards?

That Israel bears sole responsibility for security is clear from the wording of the preliminary outline agreements. In belated acknowledgment of this responsibility, and of the many political as well as technical complications arising from it, a high-level interdepartmental committee was later set up, with Ministry of Internal Security director general Ami Plont as its head, to draft detailed safe passage proposals for presentation to Palestinian counterparts. As of late 1998, however, their on-again, off-again desultory discussions had made few real inroads toward resolving this one single and seemingly mundane issue of such great import, nevertheless, for the smooth working of peace and normalization in the daily lives of Israelis and Palestinians.

In rereading Articles 9 and 10 one begins to sense the great potential for misunderstanding and friction in the enforcement of this authority by Israel. In manning the border checkpoints into Israel, for example, and in seemingly routine inspection procedures. More specifically, in imposing strict standards for car registration, driver's licenses, and vehicle inspection. In turning back agricultural produce or livestock not meeting Israeli health specifications. In delaying transport of West Bank export products destined for the Mediterranean coast or, in the opposite direction, Gaza Strip products earmarked for sale east of the Jordan River, at a time when fully 90 percent of items exported by Palestinians pass through Israel and nearly 90 percent of the goods Palestinians import come from Israel.⁶ In extending courtesies to Palestinian officials, workers, students, overseas tourists, or pilgrims from Arab countries and foreign dignitaries visiting the Palestine Authority.

Another distinct issue is the very practical security question of how to monitor the movements of an average of over eight hundred trucks entering and leaving the Gaza Strip each day. Plus thousands of Palestinian laborers and businessmen who, once having gained admission, are in transit through the central urban heartland of Israel. Clause 3(a) of both the 1994 and 1995 versions provides that "persons and vehicles using safe passage under these arrangements shall neither break their journey nor depart from the designated routes, and shall complete the passage within the designated time stamped on their safe passage cards and permits, unless a delay is caused by a medical emergency or a technical breakdown."

No matter how carefully worded, there is legitimate room for doubting whether effective controls can be exercised to ensure against these strictures being violated or abused. Or in guaranteeing each Palestinian entrant will in fact transact his or her business inside Israel within the given time limit and return to the West Bank or Gaza at the end of the day before the entry permit expires—all this without setting off security alarms.

Highly instructive of the complications involved are details for a new inspection system presented to a committee of the Knesset by the Israel Ports Authority, in charge of supervising the border crossings. The inspection plan calls for lorries with special permits to travel to and from approved locations, such as factories and warehouses, in order to pick up or deliver produce. These “sterile” trucks would pass through a tunnel-like entrance between Gaza and the Israeli side of the border and then be tracked to points in Israel by electric homing devices.⁷ The purpose of these devices is twofold: to significantly improve the efficiency of the passage while at the same time ensuring Arab drivers do not deviate from their assigned designation.

Another measure now in force at the Erez terminal employs eight sophisticated cargo X-ray machines, paid for by the United States, to help speed inspecting transborder cargo.⁸ Only afterward did it become apparent that, leaving the question of their effectiveness and efficiency aside, measures like these have the unintended effect of substantially raising the cost of transporting Arab goods across the border, including heavier fees. The feared macroeconomic effect is a drop in the volume of trade between Israel and the Palestine Authority.

Terror prevention continues to be the highest priority for Israeli civilian, military, and police authorities. It will weigh heavily now and in the future on how strict, or relaxed, inspection procedures will be enforced at border checkpoints. Even in an era of open borders and safe passage, additional pressing concerns extend to drug-running, dealing in arms, smuggling of contraband goods, and other forms of criminal activity. Nor need one look far, or too closely, to detect additional loopholes with the potential for creating an Israeli-Palestinian contretemps.

Imagine a scenario in which the Palestinian self-government, faced with an emergency of its own because of disorders either in the Gaza Strip or on the West Bank, urgently needs to redeploy security units by land or air from one zone to the other, only to encounter a refusal by Israel. In a similar vein: What if Israel, again, perhaps as a form of political pressure or in retaliation for an act of terrorism against civilian targets, were to ex-

ercise its right—as it has on several occasions in recent years—to impose restrictions on free movement? Even going so far as to enforce closure of the border crossing points, thus halting all traffic and denying West Bankers access to the sea and to Mediterranean seaports.

To make my point even clearer: more than sealing off the West Bank and Gaza from Israel, closures have the effect of sealing off the West Bank from Gaza. This gives the separation formula new meaning.

Going beyond divorcing Israelis from Palestinians, the absence of agreed mechanisms for assuring mutual free, safe, and secure passage for Arabs and Israelis alike implies detaching and isolating the two constituent parts of the projected Palestinian state. The effects upon Gaza are particularly ominous, based upon their history of separate development from the West Bank and the experience thus far with closure. The absence of smooth trade routes to markets in Jordan and of port revenues from West Bank commerce, combined with the inability to find regular employment in Israel, only works to reinforce the impression of nearly a million Gazans kept in confinement in a narrow area 45 kilometers long, 10 kilometers wide that they, too, are living in their own perpetual state of siege. The 1998 B'tselem report goes so far as to accuse some Israeli authorities with the ulterior motive of precisely wanting politically to divide Palestinian rule into two separate weak areas. Intentional or not, the cumulative effect of repeated and sustained closures is to accustom Palestinians in the Gaza and the West Bank communities to economic, political, social, familial, and personal separation.

On the other hand, Israel's security predicament deepens once the concept of safe passage is extended from land routes to sky lanes. Leave aside the normal hazards of civilian air traffic congestion and the proliferation of air corridors to accommodate Palestinian as well as Royal Jordanian airlines. What is to prevent the Palestinians from taking advantage of the safe passage provision, using helicopters or aircraft to transport weapons, attempt secret landings inside Israel, conduct aerial reconnaissance flights, and photograph sensitive civilian as well as military installations? The very thought of Arab extremists using overflight permits to drop explosives over Israel, or to poison water reservoirs from the air, is of course entirely inconsistent with the fundamental Oslo premise of future peaceful relations.

Based upon logic and western European norms, private and commercial vehicles deserve to go unescorted from Gaza to the West Bank and from Israel in either direction. Obviously, in a climate of trust not only are all safe passage-related issues capable of resolution, but a safe pas-

sage regime functioning smoothly might actually epitomize the boon of Israeli-Palestinian jointness, or interdependence, through separation. On the other hand, the record until now in trying to set up this safe passage apparatus on a routine statutory basis has been uniformly discouraging.

Bridges, Buffers, or Barriers?

Rather than smoothing the way by serving as the first test case for building patterns of cooperation, the improvised safe passage regime instituted since 1993 upon Israel's withdrawal from the twin cities of Gaza and Jericho, if anything, has actually aggravated Israeli-Palestinian tensions. First, in day-to-day people-to-people relations—the *logistics* of safe passage, and, second, in official bilateral negotiations—the *politics* of safe passage.

People to People

In this long and uneasy interim phase both the Israeli and the local Arab press pick up and report unpleasant experiences occurring on an almost daily basis at one of the checkpoints leading from the Gaza Strip into Israel. All relate in some way to the dual exercise of the right of passage by Palestinians, on the one hand, and, on the other, the Israeli authorities' right to regulate these movements over and through their territory.

Although routinely reported upon, the trouble is that these incidents are usually mentioned in passing and then immediately forgotten, precisely because they are treated (a) as isolated incidents rather than symptomatic of something quite fundamental and (b) as human interest stories instead of what they really are, a political issue.

The improvised, unsystematic "system" that has remained in force merely means that any Palestinian innocently seeking to travel to or from Gaza and the West Bank must face double bureaucratic harassment. Once, in appealing for approval from PA officials empowered to pass on passage requests to the Israeli authorities. Again, in dealing with Israeli authorities and border guards who have the right to approve or reject the travel plans, facilitate or delay the actual physical movement of people or goods. Indeed, adding to the absurdities inherent in the whole safe passage issue, it is usually easier to enter Israel from either Gaza or the West Bank than to cross Israel from Gaza to the West Bank and back. A few determined Gaza students have even taken to flying via Egypt to Amman, Jordan, and traveling from there by bus or car into the West Bank to pursue their studies.

The litany of specific documented grievances continues to mount.⁹ At the principal Israeli points of exit and entry near or at the green line, and

between Gaza and Israel, but also at the various checkpoints and barriers erected on roads inside the Gaza Strip and the West Bank separating Jewish settlements from Arab towns, and vice versa. These can and have ranged from simple inconveniences and personal indignities to official protests and even an international incident or two.

Example: in July 1998 IDF military personnel manning a roadblock at a key junction inside the Gaza Strip made an on-the-spot decision not to allow PA supply minister Abdul Azziz Shahin, possessor of a VIP pass, to pass with a convoy of twenty-two vehicles on the coastal road near the protected Jewish settlements of Gush Katif. This led to a tense standoff for several hours with Palestinian forces in the strip, as armed personnel immediately retaliated by blocking other junctions and access roads to Israeli settlers on their way home to the Gush. While a huge traffic jam developed, each side, positioned behind makeshift barricades and guns at the ready, accused the other of willful provocation. A compromise was finally negotiated that saw layers of closure upon closure peeled back: the original PA convoy passed through the Israeli roadblock, the Palestinians cleared the junctions they were blocking, and, in exchange, the IDF lifted the closure it had imposed during the crisis over the Gaza Strip as a whole.¹⁰

Example: medical emergencies. In August 1998 the media and private groups like the Physicians for Human Rights association accused IDF guards imposing closure and curfew on Hebron of probable cause in the subsequent death of two infants whose mothers had been delayed on the way to hospital delivery rooms.¹¹ Similar tragedies attributed to often unwarranted and impeded passage imposed by overzealous, bored, or insensitive border guards had taken place previously, and in the Gaza Strip as well.

Example: for reasons not entirely clear, Israeli border policies offer the distinct impression of being stricter with a comparatively small number of qualified college aspirants than with the thousands of uneducated day workers employed inside Israel in menial tasks. Over a thousand university students from Gaza, barred under sustained closure orders from returning to campuses on the West Bank, have forfeited academic credits. Others resort to more expensive detours, exiting Gaza illegally, flying from Egypt to Jordan, and then furtively crossing into the West Bank via the Allenby bridge. Some enterprising Gazans have been known to engage in this cat-and-mouse game by flying to Cyprus or Turkey for a brief stay, returning not to Gaza but to Israel's Ben-Gurion Airport and from there to their West Bank campuses. Catching on,

the Israeli port authorities now escort West Bank-bound Gazans from the airport back to the Erez checkpoint. Still other undergraduates, equally resolute but less solvent, resort to a more “direct” route of “irregular” entry into the West Bank by hiding in produce trucks crossing to the West Bank.

However facilitated, their studies are bought at the expense of long family separation and the risk of being apprehended for being at their campuses illegally. As a result, compared to 1,200 to 1,400 Gazan students registered at West Bank colleges in former years, 1997–1998 figures showed only 600 studying, none of them with authorized permits.¹²

Example: some 80 of the highest members of the Palestinian Authority have A status passes enabling them to travel with their own escort and guard and not be submitted to the usual questioning and security searches. Another 160 with B status identification cards are also given special treatment, expediting their moving freely from one area to another: exiting the Gaza Strip, entering Israel, exiting Israel, entering the Palestinian areas.

On more than one occasion, however, various Palestinian officials have charged Israeli border police manning the Erez and Karni checkpoints with inflicting delays and with insulting behavior. Conversely, Israeli authorities accuse the VIPs of failing to give the necessary advance notice, of cursing the soldiers, and, far more serious, of abusing the privilege by smuggling students, suspected Hamas members, and even weapons in their cars.¹³

Example: the absurdity of the situation is illustrated by the conditions devised in 1995 whereby Palestinian police moving between the two self-rule areas are required to transfer their personal arms to an Israeli vehicle for reclaiming at the end of the journey.

Still more effective in pointing up the extreme awkwardness: the saga of Arafat’s two personal helicopters. Every visit to his West Bank constituents from headquarters in Gaza required not only flight authorization and Israeli inspection of the aircraft but escort by an IDF military helicopter from takeoff to landing. Any complications, such as technical delays or denial of overflight approval, invariably were interpreted, or misinterpreted, by his spokesmen as both a personal slight and insulting to the Palestinian people.

The very fact that Israel originally ever approved of Arafat’s use of the helicopter route can be seen as confirmation of post-Oslo improvisation on Israel’s part. Some mode of transportation obviously had to be found to meet his legitimate claim to greater mobility in establishing the Palestine Authority and in rallying support for the accords among West Bank

residents. Under the circumstances an air link was deemed the lesser evil. And less sensitive by far than contemplating scenes of Arafat traveling back and forth at will in a motorcade, with his own armed escort and with Palestinian pennants flying, from one end of Israel to the other.

Only in March 1997, in the midst of yet another political crisis of confidence, was Arafat successful in extracting special personal permission for his plane to use the Dahaniya airfield at Rafiyah—but still requiring joint Israeli-Palestinian preflight inspection of the plane and its passenger list. And not before belated Israeli sensitivities concerning its airspace in general and particularly the opening of a Palestinian international airport located in the Gaza Strip succeeded in alienating the late King Hussein too. Serving to remind us of the vital interests of Jordan in any emerging system of air corridors, one major factor in the timing of the king's undiplomatic letter to Prime Minister Netanyahu, also in March, was the personal affront in having been denied permission to fly Arafat from Amman to Gaza.

A small footnote strengthening the sense of compound absurdity. Responding to questions in the Knesset's foreign affairs and defense committee, Defense Minister Yitzhak Mordechai in May 1998 contributed the following three bits of information. Yes, there was intelligence information to suggest Arafat might be abusing the personal air corridor privilege by using his helicopter to smuggle weapons and fugitives wanted by Israel from Gaza to the West Bank. No, Israel had no "authentication" enabling it to make this accusation "unequivocally." But, yes, standing orders required that every vehicle used by Arafat be examined if higher-level intelligence so warranted.¹⁴

The Politics of Safe Passage

Does this index of accusation and counteraccusation, of recrimination and reprisal simply trace to small-mindedness on Israel's part? Are such seemingly petty and spiteful restrictions worth the price in political goodwill of the Palestinians? Of the Jordanians? Of world opinion? Insufficiently underscored are deeper misgivings, admittedly after the fact, as to the longer-term implications of having so readily acceded already at the outset of discussions in 1993 to the principle of Gaza–West Bank territorial integrity by means of the safe passage clause.

Absolutely critical yet since forgotten is a single formative security event in 1995 that took place in the northern Negev. Police officials disclosed on March 21 that satchels of dynamite hidden in a truck parked in the Tel-Sheba residential area had been discovered in time thanks to the

vigilance of two patrolmen. Driven by a local Israeli bedouin and two Gazans issued a transit permit to the West Bank by lax border control personnel, the truck instead detoured southward with the intention of setting off the explosives in downtown Beersheba.

Jolted by the potentially devastating dimensions of the near mishap, security leaders ordered an immediate tightening of border crossing procedures. Plans then under discussion with the Palestinians for further liberalizing the safe passage regime were put on hold. Severe transport restrictions were imposed instead. The number of trucks permitted through daily in either direction was reduced, their loads transferred to Israeli trailers and checked by soldiers; upon entering Israel, they then had to travel in convoys with police escort.

Thereafter, the cycle of ill will became entirely predictable. Whether as a preventive act, or as a punitive measure in dealing with terrorist attacks or violence in the territories, the Israeli authorities imposed full or partial closure upon the territories, often for an extended period lasting even for months, all but severing the umbilical cord between the eastern and western regions. To which the Palestinian authorities responded by charging Israel with bad faith and a direct breach of the Oslo, Cairo, and Washington understandings, with making life and commerce impossible for the Palestinians, and with proceeding to implement “cantonization.” The net psychological effect, of course, has been to aggravate the twofold political and territorial divide—between the two sides and between the two noncontiguous halves of the Palestinian autonomy.

Across the Bargaining Table

Which brings us to a final set of characteristics. Both are necessary for understanding the future importance of the safe passage component within any larger permanent status peace package predicated upon territorial division and separation.

One is the striking degree of imprecision; the second, and not unrelated, is the gap between respective Israeli and Palestinians interpretations of the relevant diplomatic instruments. A case in point: Israel has wanted to charge a fee for Palestinians using the routes to cover maintenance costs, but the PA has opposed this. This, I submit, owes to conflicting conceptions of what safe passage means. Not only in a technical sense but ultimately in terms of sovereignty, contiguity, security, and control. In short, both protagonists are playing for considerably bigger stakes than just the number of connecting corridors.

Desultory bilateral discussion of the issue already has been long and inconclusive. Therefore, if and whenever (before or as part of the permanent status bargaining) all safe passage-related issues are finally tackled in a systematic and comprehensive manner, we can expect the negotiations to be hard and determined. Certainly longer, harder, and more determined than anyone present at Oslo dreamed, yet could and should have anticipated.

Even when it comes to something so basic as the exact number of links necessary to fulfill the territorial unity commitment, the ambiguities are abundant, compounded by serious discrepancies between one safe passage protocol and another. Referring back to the Oslo, Cairo, and Washington texts, the language varies considerably. "Safe passage" would seem to suggest, in minimalist terms, not necessarily more than a single artery.

Thus, the 1993 document speaks of arrangements for "a safe passage" for persons, etc. But then the wording shifts to "safe passages" in the plural, seeming to mandate multiple corridors, as indeed warranted by the accompanying maps. But because no final accord has been negotiated, there remains great latitude in interpretation. Palestinian demands have varied from one highway to two, three, or four—all of them using existing Israeli roads. Whereas at least one Palestinian draft even calls for a fifth special transitway to be constructed by the Palestinian Authority and kept entirely under its control and not subject to any Israeli regulations. One likely first safe passage route would run south and east from Gaza to Hebron. A second course would wend its way north from Gaza to Ramallah, cutting eastward through heavily populated Israeli areas. This is where matters stood in 1999: tentative and contentious.

On the other hand, in contrast to the possible number and siting of connecting arteries, the documents are completely silent as regards the indeterminate width of Palestinian corridors. Or, for that matter, perhaps four transport corridors now earmarked by the Netanyahu government to run in an east-west direction across the West Bank in order to connect Israel with the Jordan Valley.

Awakening belatedly to the issue's gravity, and "brainstorming" over how best to negotiate themselves out of a potentially compromising cul-de-sac, Israeli technocrats have shown no lack of ingenuity in devising all sorts of schemes for minimizing the risks inherent in safe passage. Some of them are worth pursuing, others border on the preposterous. One idea involved running a sealed train between the two Palestinian areas; reported under serious consideration in July 1997 was a Defense Ministry plan for operating a special bus line for Palestinians only.¹⁵

Similarly the absurdity in trying to give strict interpretation to the safe passage–related doctrines of territorial integrity and contiguity. Under one version of Prime Minister Netanyahu’s conception of the penultimate final status map, which found its way to the Israeli press in late spring 1998, he would have liked Israel to retain a small zone north of Jenin separating it from the green line.

Palestinian contiguity would only be from Jenin through Nablus to the trans-Samaria highway, which would remain under Israeli control, and then continue to Ramallah. Instead of retaining another road dividing the West Bank from east to west just below Jenin, Israel would make do with the zone just north of Jenin, which conceivably might later disappear, granting the Palestinians a larger measure of contiguity northward, extending up to the green line and virtually joining the Israeli Arab town of Umm al-Fahm, thereby supplementing contiguity from Tulkarem to Jenin and Nablus.¹⁶

At about the same time, Netanyahu expressed himself on the safe passage conundrum. Drawing analogies and inspiration from the Anglo-French English Channel tunnel crossing, he told a British reporter for the *Daily Telegraph*, “You have connected two states separated by water, whereas our problem is in linking two entities separated by land. A separate passage will provide the answer in the future, giving the Palestinians free transit between Gaza and the West Bank, while granting Israeli citizens territory and security.”¹⁷ For his purposes, either a tunnel or a forty-kilometer bridge spanning Hebron and Gaza would suffice to solve Israel’s and the Palestinians’ problem.

Whichever way you look at the map, though—any checkerboard map—contiguity and safe passage access routes make a mockery of pure separatism and 100 percent sovereignty. Which need not prevent both sides from presenting impossible, unrealistic maximum positions. The lines of conflict are therefore clearly drawn.

Palestinian negotiators are certain to give safe passage a maximalist interpretation, demanding as many independent air and land links as possible in the name of economic and social viability, administrative efficiency, governmental effectiveness, and geographic contiguity. Whereas in future bargaining Israeli representatives are equally certain to insist upon as few corridors as possible, with exclusive responsibility for maintaining security along the entire route from entry point to exit. In general, they, too, will be as little forthcoming as the situation permits on this particular agenda item. And for good reason.

Clearly, those who masterminded the Oslo gambit in 1993 must have had little inkling as to the profound geopolitical ramifications of their

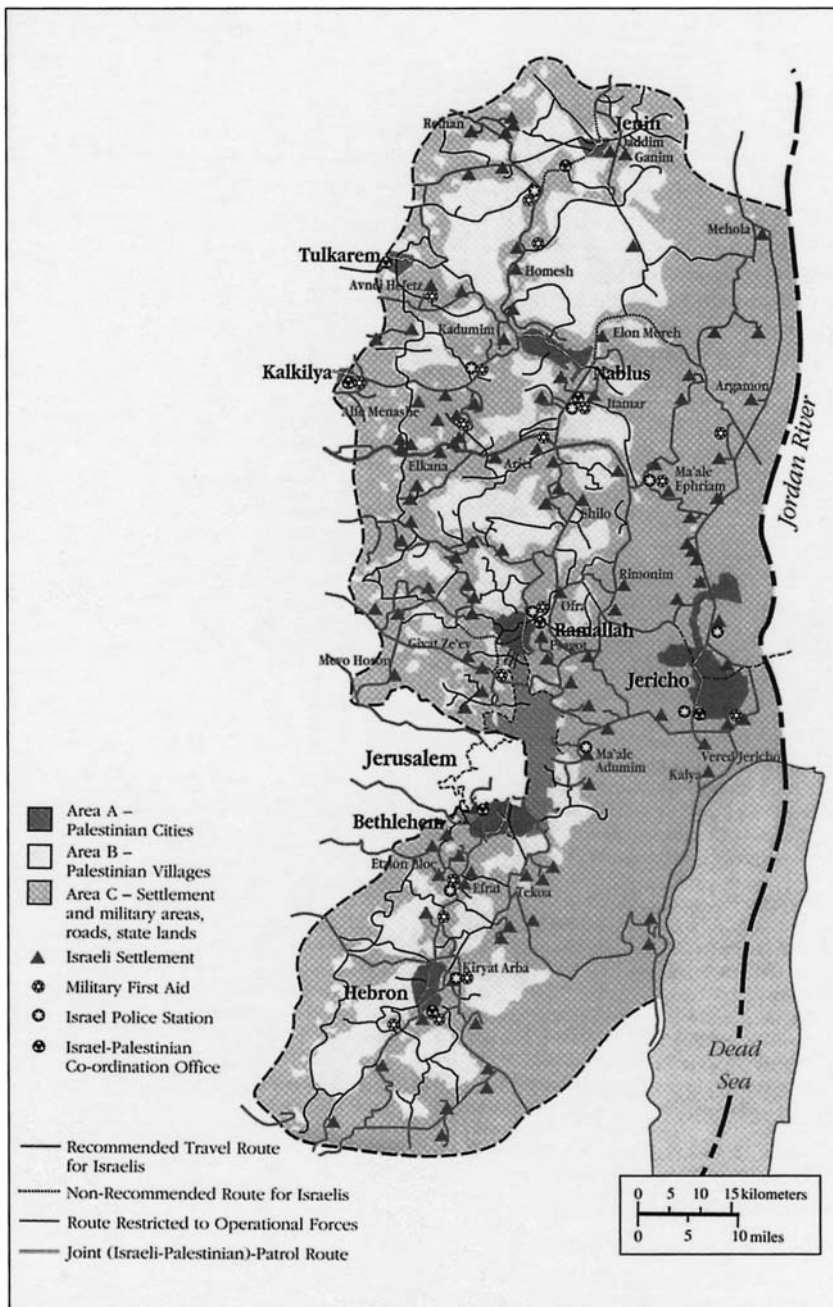
readily endorsing the principles of Palestinian territorial integrity and safe passage. It now turns out that the Palestinians are not the only ones threatened with (a) being divided in half and (b) dependency status.

Israel, too, faces being split—from north to south—should it be pressured into adopting the Palestinian interpretation calling for extraterritoriality and sovereignty over at least one or more land corridors. The tables are further turned, and the superior-subordinate relationship balanced, in the second instance, by realizing that the notion of safe passage—formerly assumed to be a privilege awarded to or right conferred unilaterally upon the Palestinians—must now extend to Israel as well.

Thus, for example, before departing for talks in Paris with Secretary of State Madeleine Albright in December 1997, Prime Minister Netanyahu assured supporters that his government regarded the Jewish settlements as a national interest and would therefore insist not only upon retaining all of them but assuring *access* to them.¹⁸ In the interim, though, faulting the authorities with empty promises and half-hearted attempts at proving them with safe passage, a Jewish settler group calling itself the Committee for Road Safety has been formed. In what can hardly qualify as improved security or confidence-enhancing measures, the activist CRS claimed responsibility in the summer of 1998 for such bald provocations as throwing rocks and firing on Palestinian police vehicles.¹⁹

Already from the 1997 Hebron agreement there began to emerge the contours of a patchwork scheme whereby, under the best possible circumstances, Israel's limited presence on the West Bank will feature enclaves of Jewish settlements inside areas under Palestinian self-rule together with a string of isolated military outposts and early warning stations deployed along the Jordan River. This situation becomes tenable only if IDF supply convoys and Israeli citizens are able to move freely along a grid of secured access roads running through alien Palestinian territory.²⁰ Which perhaps explains why Israel's insistence upon *orkim muvtakhim*, "secure arteries," for itself, and not just for the Palestinians, has assumed greater salience in internal Israeli deliberations of late; just as it will at the future bargaining table.

Indeed, extrapolating from unauthorized versions of Prime Minister Netanyahu's "Allon plus" plan for the West Bank, it would necessitate no less than three Palestinian transit routes from the Jordan River to the green line and four, possibly five Israeli access roads.²¹ A detailed West Bank map drafted by Israeli geographer Arnon Sofer, on the other hand, posits the need for five Palestinian east-west passages and three Israeli ones.²²



20. IDF Deployment Map and West Bank Road Grid

By the end of 1998 the West Bank dynamic was emerging with greater clarity. The presence of the Jewish settlements on the West Bank color the permanent status map (a) by infringing on the degree and territorial extent of Palestinian sovereignty, (b) by requiring an Israeli security presence for protective purposes, (c) by multiplying the ever expanding number of roads that have yet to be incorporated into a rational “system” of interconnected roads and bypass roads linking Jewish settlement clusters and defense posts with each other and Arab territories with each other.

Not being a transport engineer, I have no idea whether any such integrated system of links affording safe convenient passage can, or cannot, be put together *ex post facto*. But I do know that such an objective and remedial “all-Palestine” transportation blueprint has quickly become both an urgent necessity and a serious complicating factor in Israeli-Palestinian pre-peace testing and probing of each other.

In the interim, what governs are intensified acts of unilateralism on the part of both the Israeli and the Palestinian authorities. If allowed to continue unchecked, the present situation risks fulfilling one dire analogy and prediction that ranks with Lord Samuel’s critique of the 1937 hermetic partition plan quoted at the opening of this chapter. It is that “Bosnia will look like the Garden of Eden compared to what Jews and Palestinians in Judea and Samaria can look forward to. Strips from north to south, roads from east to west, and mutually antagonistic populations extend into one another like pieces of a puzzle created by the devil for the punishment of man.”²³

Until the roads and pieces are indeed put together into a comprehensive whole, however, there is no free or safe passage of people, travelers, or goods. Not within the West Bank and not between the West Bank and Gaza. Neither between the two parts of the Gaza Strip nor between Israel and its settlement holdings.

By November 1997 there was speculation Israel might not insist its West Bank settlements be linked physically by land, since the same prerequisite of communication between them could be technically achieved through alternative means: if not highways and side roads then via tunnels and bridges.²⁴ Meanwhile, when Cabinet discussion took place in December 1997 over Israeli principles for a final settlement based upon “security” and “national” interests, Defense Minister Yitzhak Mordechai proposed linking eastern and western security strips by means of only two—but not less than two—Israeli security roads that would traverse the West Bank along an east-west axis. His version contrasts with that of National Infrastructure Minister Ariel Sharon, who insisted upon at least three such roads under sole Israeli control.²⁵

With both sides having a shared interest in securing ease of access and approach for themselves and their nationals, as part of a longer-term comprehensive partition settlement it is worth exploring how these geopolitical adversities might best be parlayed constructively into a peace asset yielding only beneficiaries. One clue that conferring higher degrees of territorial continuity, thereby facilitating greater freedom of movement, might be used as a bargaining chip in the territorial negotiation became public in July 1998. According to sources close to the interim status negotiations on further redeployment, Defense Minister Mordechai was prepared to soften Israel's position on one of the principal sticking terms.²⁶ In offering the "10 + 3" formula, he was prepared to meet the Palestinian demand that the Judean desert nature reserve be contiguous. Were this to become accepted practice it could provide the precedent for a permanent status strategy whereby Israel might trade sensitivity toward Palestinian contiguity in return for Palestinian land concessions.

For the present and foreseeable future, however, fear and vulnerability are the motive forces. In looking at the preliminary maps and related papers on safe passage, Palestinians see it as a club Israel holds over their heads: a scheme for fragmenting autonomous territories into economic islands that are easily blockaded and a tool for restricting them to a bantustanlike existence. In a word, preventing statehood. Israelis, for their part, once better informed, might be excused for viewing any system of corridors as regressive—part of a larger scheme aimed at constricting the country, not only back to the 1967 borders but to the original 1947 partition lines. In a word, eliminating statehood.

Magnanimity, in short, is a commodity entirely absent in negotiating safe passage and other territorial issues. Outside observers would do well to appreciate that Jewish-occupied and Arab-occupied Palestine is not the continental United States; the Middle East is not Europe; neither is the current Middle East anywhere near a projected, futuristic "new Middle East."

Paper and Political Trails

Armed with this background and analysis, it is now less puzzling why the largely technical corridors provision has nevertheless remained a sore point and an open question well into the post-Oslo interim phase.

Standard explanations see it as falling prey to the larger peace process and to more sensitive, pressing issues like Hebron, Jerusalem, settlement expansion, and terrorism. Safe passage by comparison—or so the rea-

soning until now goes—is a secondary issue. And as such, it must be relatively easy to resolve once the two sides determine to do so and put their heads together. Besides, not only are procedures for safe passage outlined in considerable detail in the Cairo and Washington protocols, they are actually already in daily operation.

Far more convincing in accounting for the procrastination: safe passage is really about land, control, and insecurities. Accordingly, delay in legally consummating the three interrelated agenda items of the Dahaniya airport, the Gaza seaport, and safe passage traces to their being extremely sensitive in their own right.

Although neither side has come out and said as much in so many words, insistence upon territorial integrity and innocent passage by both the Palestinians and Israel has emerged more recently as a major sticking point. Clearly, assigning preferential treatment in any partition scheme to lines of direct communication, access, and continuity between Palestinian cities and areas will appear to be one-sided and unfavorable to Israelis. As would granting higher priority to corridors of power linking Israeli outposts and settlements in the eyes of Palestinians.

Since 1993 matters have gotten worse with time—both more complicated and politically more sensitive—now that both parties have awakened to (a) the objective complexities and (b) the fuller implications.

So much is safe passage a sticking point that it actually beclouds the threefold negotiation, partition, and reconciliation processes. Neither is it easily solvable through discussions among technical experts. So sensitive and politicized had the issue become that it was now in the hands of the top negotiators themselves.

As a primer to negotiating an Israeli-Palestinian safe passage treaty, two brief cautionary notes against making light of the issue or treating it as merely technical.

Historically, one of the main reasons secret peace negotiations with Transjordan broke down at the last moment owed to exasperation on Ben-Gurion's part with King Abdullah, who in 1949–1950 continuously sought to extract further concessions over the width and extraterritorial status of the corridor to the sea already granted to him in principle by Israel.

Add to this a comparative perspective on noncontiguity in other territorial and jurisdictional disputes. Foremost among them:

- Cold war memories of Germany's partition, "the siege of Berlin," and "checkpoint Charlie," recalling Soviet pressure against the U.S. and the Western powers by denying freedom of movement across eastern Ger-

man territory and subjecting military convoys to rigorous inspection, long delays, and other forms of harassment.

- The ill-fated, short-lived (1958–1961) United Arab Republic (UAR) experiment in Arab unity that sought to incorporate Egypt, Syria, the Sudan, and Yemen. The Nasserist merger was marked throughout by rivalry and tension between two power centers, Cairo and Damascus. But what really contributed to the UAR's breakup were the many logistical problems arising from the considerable distances between Egypt and its Syrian province—with Israel as the intervening land wedge and buffer—and Nasser's inability to dispatch troops at the time of the 1961 showdown.
- The devastating effect that being split into eastern and western wings separated by nearly a thousand miles of intervening hostile Indian territory had upon Pakistan's political history—one of the forgotten legacies of the 1947 partition of India. In that case, too, physical distance translated into psychological and geopolitical distance, fostering local East Pakistani (Bengali) regionalism based upon economic inequalities, discrimination, and resentment, which eventually boiled over into militant secession. In the end, loss of control by Islamabad in 1971 resulted in creation of an independent Bangladesh.
- Of more direct and contemporary relevance: the terrible ethnic disjunctures and daunting situation on the ground in Bosnia, challenging enforcement of the 1996 Dayton accords; in particular, the corridor around Brcko and the problem of access to and through Split, Srebrenica, Mostar, etc., in between one sector and another.

Conversely, there are a good number of constructive precedents that need to be studied for insights into how neighboring countries have built mechanisms that seem to be working well in moving people and commerce across geographic and political borders. Instances like Germany and Switzerland, Belgium and the Netherlands, the United States and Canada with respect to Alaska.

Some tentative conclusions, therefore:

First, the international legal principles of freedom of movement, territorial integrity, contiguity, and safe passage go to the very heart of the future Israeli-Palestinian relationship. Their application will have much to say in determining the frequency as well as the quality of contacts between the two adjacent communities by determining degrees of autonomy, grassroots cooperation, interdependence, or integration.

Second, the safe passage clause epitomizes the earthy side of partition. In mirroring the mix of human, natural, and political geography it tests

the ability of peacemakers to devise workable, practicable solutions on the ground. As expressed, for example, in whether future borders are to be open or closed, the movement of people, of goods, of ideas free or restricted, transportation and communications grids rationalized or economically wasteful and illogical.

Third, continuity and safe passages conceivably might yet serve as a fungible bargaining chip in the negotiations, working to promote a more balanced territorial exchange. Were the Palestinians to assign equal priority to obtaining contiguous land unbroken by Israeli settlements as they do to land mass, the way could be opened for trading less total land for a more contiguous Palestinian-ruled area.²⁷

Fourth, the safe passage arrangements hold one of the keys to lasting peace. Depending upon how they are finalized, the web of latitudinal and horizontal arteries dictated by human and physical circumstances constitute, without exaggeration, the indispensable “integrative factor” pulling the parts of partition together. Crisscrossing the entire West Bank, they will either make or break the permanent status structure.

Hostage to Each Other

On a note of guarded optimism, Palestinian safe passage and Israeli secure arteries create a certain parallelism that has not existed previously. Such symmetry goes beyond *de facto* recognition alone and all but dictates collaborative behavior. Because there is built into the structure of the core relationship a double veto inspired by the very idea of safe passages.

Under the looming territorial arrangement each of the parties will possess a “stranglehold” over the other, with the option of acting unilaterally to interdict the other’s access and freedom of transit. But to exercise this option and to impose sanctions would be sheer folly for the simple reason that it invites immediate retaliation. No matter how justified, closure of roads otherwise open to Palestinian movement on the part of Israel is almost certain to occasion a tit-for-tat unilateral action by Palestinian authorities against Israeli travelers and vehicular movement, and vice versa. The result is reciprocal vulnerability and shared pain. In closure crises and in closure wars no less than in resource, trade, and water wars, everybody stands to be a loser. Here the author is reminded of an Israeli road safety campaign, popular several years ago, that educated drivers on the primary goal: not always to be “in the right,” and certainly not road rage, but simply to arrive “home” safe and sound.

In solving the enigma of safe passages, latter-day partitionists would also do well to consider incorporating a Middle Eastern version of medieval and nuclear “mutual hostage” theory into the final treaty as a useful mechanism in encouraging respect for each other’s needs, rights, and freedom of movement. If physical circumstances themselves dictate safe corridors, then the double veto has a certain cogency, for (a) it derives naturally from the situation rather than being artificially contrived and (b) there is fundamental equivalence (i.e., in vulnerability, in costs and benefits). These, in turn, introduce elements of (c) reciprocity and (d) interdependence, which together argue the wisdom of (e) voluntary compliance, if for no other reason than self-interest. Finally, even if beginning as compellence, mutual hostage theory might eventually become the instrument in later stages of peace building for fostering closer integration, leading in the best-case scenario to higher forms of functionalism, federative frameworks, and a regionalist approach.

In the end, safe passage needs to be seen as anything but a second-order problem or a minor, technical peace agenda item. The Oslo endorsement of the principle of contiguity has taken on newer and far greater import in recent diplomatic exchanges. The dilemma is posed in stark zero-sum terms by former Israeli defense minister Moshe Arens: “If our minimal security requirements are respected in the permanent settlement, the Palestinian state [*sic*] cannot be geographically contiguous.”²⁸ Such formulations in effect pit Jewish territorial continuity against Palestinian territorial continuity.

Neither is the search for an effective formula and regime as simple, or easy, as might originally have been assumed. There can be Palestinian territorial continuity or there can be Jewish territorial continuity, with one coming at the expense of the other. Palestinian specks, islands, and strips versus Israeli specks, islands, and strips.

Peering at a map of the area, it is hard for the moment to imagine a truly viable mechanism for implementing the “territorial contiguity” principle without a full measure of cooperation and mutual sensitivity on the part of both entities. Prospects strongly suggest some form of bifurcated Palestinian state—east Palestine and west Palestine; with an equally discomfited, because bisected and transected, Israeli state. Also needed are a good deal of technological ingenuity and no small amount of investment capital to finance the large infrastructure that will be needed to finesse this particularly unseemly aspect of repartition.

Without prejudice to exactly how the issue works itself out, it does however teach two verities of the Arab-Israel encounter. Separating the two peoples residing on the land is not the same as dividing the land. And, second, in the case of contemporary “Palestine” it is not good fences, or walls, but rather good roads—partition plus—that in the end must make for good neighbors.