

Country/entity	Israel Palestine
Region	Middle East and North Africa
Agreement name	Protocol Concerning Safe Passage between the West Bank and the Gaza Strip
Date	5 Oct 1999
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Arab-Israeli Conflicts (1948 -)

This conflict involves Israelis and Palestinians over territory and belonging and has long historical antecedents. The agreements post-1990 are between the Palestinian Liberation Organisation (PLO) and Israel, with some supporting inter-state agreements (i.e. between Israel and Jordan). More recently the importance of the once dominating Palestinian Liberation Organisation (PLO) has diminished not in the least due to the effective disappearance of its left-wing members and the loss of the popularity of their political wing, Fatah. Hamas and other Islamic groups have attained significant relevance in Fatah's stead, with Hamas controlling the Gaza strip (from which Israel ultimately unilaterally withdrew (not coded as a peace agreement).

Geo-political implications of the conflict have been considerable across the MENA region. Close
Arab-Israeli Conflicts (1948 -)

Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Israel-Palestine peace process
Parties	Israel, signed for by Schlomo Ben Ami; PLO, signed for by Jamil Altarifi;
Third parties	-
Description	This agreement is pursuant to the Wye River memorandum of 23 October 1998 and the Sharm el-Sheikh Memorandum of 4 September 1999. It seeks to provides detailed modalities for the safe travel of persons between the West bank and the Gaza strip. It includes the need for safe passage cards, validation of such cards and issuance of safe passage permits thereafter.

Agreement document	IL_PS_991005_Regional_Protocol_Concerning_Safe_Passage_between_the_West_Bank_and_the_Gaza (opens in new tab) Download PDF
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Groups

Children/youth	<p>Groups→Children/youth→Substantive</p> <p>Page 4, 4. On-duty Palestinian policemen and minors under age 14, traveling in accordance with the provisions of paragraphs 7 and 3.I below, respectively, shall not be required to receive a safe passage card for the use of safe passage.</p> <p>Page 5, I. 1. a. Minors under the age of 16 who are accompanied by a parent and registered in the identity card of that parent will not be required to carry individual safe passage cards.</p> <p>b. Such minors shall identify themselves via the identity card of the accompanying parent.</p> <p>2. a. Minors who are not accompanied by a parent may also use safe passage without carrying a safe passage card provided that:</p> <p>i. they are under the age of 14; and</p> <p>ii. they are accompanied by an adult (18 or over).</p> <p>b. Such minors shall identify themselves by means of a birth certificate or a certified copy of the parent's identity card in which they are registered.</p>
Disabled persons	No specific mention.
Elderly/age	<p>Groups→Elderly/age→Rhetorical</p> <p>Page 4, 3. Use of Safe Passage</p> <p>C. ... 5. Men over 50 and women shall generally receive their safe passage cards through the Palestinian side, except for special cases. The Israeli side will make all efforts to minimize such exceptions.</p>
Migrant workers	No specific mention.
Racial/ethnic/national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender

Page 4, 3. Use of Safe Passage

3. C. 5. Men over 50 and women shall generally receive their safe passage cards through the Palestinian side, except for special cases. The Israeli side will make all efforts to minimize such exceptions.

Men and boys

Gender→Men and boys→Gender neutral wording

3. Use of Safe Passage

3. C. 5. Men over 50 and women shall generally receive their safe passage cards through the Palestinian side, except for special cases. The Israeli side will make all efforts to minimize such exceptions.

LGBTI

No specific mention.

Family

Page 5, I. 1. a. Minors under the age of 16 who are accompanied by a parent and registered in the identity card of that parent will not be required to carry individual safe passage cards.

b. Such minors shall identify themselves via the identity card of the accompanying parent.

2. a. Minors who are not accompanied by a parent may also use safe passage without carrying a safe passage card provided that:

i. they are under the age of 14; and

ii. they are accompanied by an adult (18 or over).

b. Such minors shall identify themselves by means of a birth certificate or a certified copy of the parent's identity card in which they are registered.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access

Page 1-2, 2. General Provisions

A. Article X of Annex I, and the attached map No. 6 delineate two routes through which Israel will make safe passage available.

B. 1. Israel will ensure safe passage for persons and transportation during daylight hours (from sunrise to sunset) or as otherwise agreed, but in any event not less than 10 hours a day.

Page 2, 2. Travelers will be required to commence their journey as follows,

i. one and a half hours for travelers using private vehicles and taxis;

ii. two hours for commercial traffic and buses, before sunset on the day of the journey.

Page 1-2, 2. General Provisions

C. 1. Safe passage will be effected by means of privately owned road vehicles and public transportation, as detailed in paragraph 5 below.

2. Safe passage shall be via the following designated crossing points:

i. the Erez crossing point (for persons and vehicles only);

ii. the Karni crossing point (Commercial) (for goods only);

iii. the Tarkumya crossing point (for persons, vehicles and goods); and

iv. an additional crossing point around Mevo Horon.

D. 1. The safe passage arrangements will not be available on Yom Kippur, Israel's Memorial Day and Israel's Independence Day.

2. Both sides may make special arrangements for other designated days, as agreed between them.

Page 2, E. Israel shall signpost the safe passage routes clearly and shall take all necessary measures to ensure smooth movement while preserving safety and security on the route or routes in use on any specific day.

F. Except as provided in paragraph 3.H.2 below, the use of safe passage by residents of the West Bank and the Gaza Strip does not afford them license to be present in Israel except along the safe passage routes designated for their use.

Page 3, I. Nothing in this Protocol will be construed as derogating from Israel's right to apply inspection measures necessary for ensuring security and safety at the crossing points of the safe passage. Maximum efforts will be made to maintain the dignity of persons using safe passage and to implement inspection measures relying heavily on brief and modern procedures.

Page 3, H. 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 Protocol or in the Agreement.

Israel will notify the Palestinian side, through agreed channels, of any decision to deny the use of its territory as a result of such violations. The notification shall include details of the violations giving rise to the denial. The individual in question shall have the right to request, through the Palestinian side, that Israel reconsider its decision.

... J. Israel shall notify the Palestinian side of incidents involving persons using safe passage routes through the agreed channels.

K. It is understood that the safe passage shall be operated on a cost-reimbursement basis, in accordance with an agreement on the modalities to be reached in the Joint Economic Committee.

L. Israel shall be compensated for damages incurred by Israel, Israelis or their property as a result of the use of safe passage, in accordance with an agreement on the modalities to be reached in the Joint Economic Committee.

Protection measures	No specific mention.
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Other	No specific mention.
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Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions	No specific mention.
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Justice sector reform

Criminal justice and emergency law	No specific mention.
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State of emergency provisions	No specific mention.
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Judiciary and courts	No specific mention.
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Prisons and detention	No specific mention.
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Traditional Laws	No specific mention.
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Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
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National economic plan	No specific mention.
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Natural resources	No specific mention.
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International funds	No specific mention.
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Business	<p>[Summary] Page 6, provision '5. Use of Vehicles on Safe Passage Routes' requires the registration of vehicles for taxi drivers and other private companies to allow for safe passage.</p> <p>Page 9-10, 8. Use of Safe Passage for Commercial Traffic</p> <p>A. Goods transferred to or from the Gaza Strip via the safe passage will enter or leave the Gaza Strip through the Karni (Commercial) crossing point.</p> <p>B. Commercial vehicles carrying goods from the West Bank to the Gaza Strip via safe passage will travel along the relevant safe passage route as far as the Yad Mordechai Junction, and from there branch off to Karni as indicated on Map No. 6 (attached to the Agreement). Commercial vehicles carrying goods from the Gaza Strip to the West Bank will follow the same routes in reverse.</p> <p>C. All provisions of this Protocol and the Agreement relating to use of vehicles on safe passage routes shall apply to the use of commercial vehicles.</p> <p>D. The provisions in this paragraph 8 shall not prejudice any other mechanism established in the Agreement, or based on the Agreement, with respect to passage of goods.</p> <p>E. Further details concerning commercial traffic will be agreed upon in a special sub-committee in the CAC. Until decided otherwise, the current arrangements adopted by the CAC concerning commercial traffic shall remain in effect.</p>
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights	No specific mention.
Pastoralist/ nomadism rights	No specific mention.
Cultural heritage	No specific mention.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees

Page 2,

G. 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 kept open for safe passage. Notice of such temporary closure or modification shall be given to the Palestinian side, through agreed channels, as far in advance as the circumstances will allow.

Page 3, H. 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 Protocol or in the Agreement.

Israel will notify the Palestinian side, through agreed channels, of any decision to deny the use of its territory as a result of such violations. The notification shall include details of the violations giving rise to the denial. The individual in question shall have the right to request, through the Palestinian side, that Israel reconsider its decision.

... J. Israel shall notify the Palestinian side of incidents involving persons using safe passage routes through the agreed channels.

Page 6, 3. Use of Safe Passage, J. Persons and vehicles shall not carry explosives, firearms or other weapons or ammunition except for special cases that may be agreed by both sides. Transportation of dangerous substances shall be in accordance with the provisions of the Agreement.

Ceasefire

No specific mention.

Police

Page 4, 4. On-duty Palestinian policemen and minors under age 14, traveling in accordance with the provisions of paragraphs 7 and 3.I below, respectively, shall not be required to receive a safe passage card for the use of safe passage.

Page 5, 3. Use of Safe Passage, H. 3. In the case of a technical breakdown, travelers must remain on the safe passage route with their vehicles until the arrival of the Israeli police and follow their instructions. In addition, travelers may stop another vehicle using safe passage and request the driver to inform the authorities at the destination crossing point of the case.

Page 9, 7. Passage of Palestinian Police

A. In accordance with paragraph 2.g, Article X of Annex I, uniformed and plainclothes Palestinian policemen required to use the safe passage so as to perform their duty in the West Bank and the Gaza Strip, or Palestinian policemen other than in instances covered by paragraph 7.E below, using privately owned vehicles, official vehicles or other means of transportation, will be able to use the safe passage after the Palestinian police has submitted an application and after that application was approved, through the relevant DCO two working days prior to the planned journey.

B. Palestinian policemen provided for in paragraph 7.A above and Palestinian police vehicles and equipment moving between the West Bank and the Gaza Strip via safe passage shall be escorted by Israeli security forces vehicles.

C. When in safe passage, the weapons of the Palestinian policemen will be handed over to the Israeli police and placed in a closed trailer affixed to the Israel police vehicle. A Palestinian policeman may travel in the aforementioned Israeli police vehicle. The vehicle shall be driven by a member of the Israeli police. Upon completion of the safe passage journey the weapons shall be handed over to the Palestinian officer in charge in the DCO.

D. Cases of usage of safe passage by Palestinian policemen requiring special attention and arrangements will be dealt with and coordinated through the Joint Coordination and Cooperation Committee for Mutual Security Purposes (JSC).

E. The provisions set out in this Protocol and in the Agreement relating to regular persons will apply to Palestinian policemen using safe passage when off duty. Such policemen may only use safe passage when unarmed and out of uniform.

Armed forces

No specific mention.

DDR

No specific mention.

Intelligence services

No specific mention.

Parastatal/rebel and opposition group forces

No specific mention.

Withdrawal of foreign forces

No specific mention.

Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.

International mission/force/similar	No specific mention.
Enforcement mechanism	Page 10, 9. Future Meetings for Improving Operation of the Safe Passage: A Continuing Safe Passage Committee shall meet regularly to supervise the implementation of this Protocol and to discuss ways to improve the safe passage operation, as agreed between both sides.
Related cases	No specific mention.
Source	UN Peacemaker - http://peacemaker.un.org/ ; http://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20PS_991005_Protocol%20Concerning%20Safe%20Passage%20between%20the%20West%20Bank%20and%20Israel.pdf
