

# Egypt, the Rafah Border and the Prospects for Gaza

Three main issues are decisive for border management at Rafah. The first concerns the respective roles of the Palestinian and Egyptian authorities in any prospective border agreement. The second, which is between Egypt and the European Union, concerns the nature of a possible cooperative management system. The third, which is primarily an issue for Egypt and Israel, relates to borderland security. The May 2011 announcement by Egypt's interim government that the Rafah border crossing would be reopened on a permanent basis suggests that new mechanisms and procedures might soon be used to govern the crossing's operation and administration.

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In the face of Israel's continued blockade of the Gaza Strip, the question of how Egypt ought to manage the Rafah Crossing Point (RCP) is increasingly viewed as a matter of concern by various stakeholders, both locally and internationally. Following the collapse of Egypt's single-party system in February 2011, state actors no longer have sole control over the creation, implementation and securing of Egypt's border policies at Rafah, while various non-state actors – such as civil society, private businesses and investors (corporations and financial actors) – have emerged as important agenda-informers. This is not to suggest that non-state actors will take over the authority of state actors in setting and securing Egypt's strategies and policies in relation to the RCP; rather, it is to note that their interests and concerns are gaining ground, moving from the background to the foreground of national political debate. Consequently, Egypt's prospective comprehensive border policy at Rafah is likely to result from an (inter)play and synthesis between the perspectives and concerns of various domestic stakeholder groups.

What follows is a brief analysis of the agendas and interests of Egyptian stakeholders, the official Egyptian position regarding border policy at Rafah, and the differences between the official Egyptian position and the position of the other main parties at the RCP – namely, the Palestinian authorities, the EU and Israel.

### The Actors

Egypt's operation and administration of the RCP is influenced and defined by the demands and concerns of a range of national and international stakeholders. Egyptian stakeholders include the Egyptian *authorities*, the country's political and/or economic *elites*, and various *micro-level actors*. The authorities are the primary stakeholders and consist of the Supreme Council of the Armed Forces, the Office of the Presidency, National Security, the General Intelligence Service and the Egyptian Ministry of Foreign Affairs. Egypt's elites comprise the second category of stakeholders and include the leading political parties, the office of the governor of northern Sinai and business-owners in the Rafah borderland region. The third group of stakeholders consists of micro-level actors, including the Bedouin population in the borderland, who have relatives on both sides of the border; owners of tunnels; and other groups, such as

NGOs and syndicates that have interests in or concerns about the way in which the border crossing at Rafah is operated. Finally, a fourth category of stakeholders is external, consisting of the Palestinian authorities ( Hamas, the Palestinian Authority [PA] and the Palestine Liberation Organization), the government of Israel, the EU (particularly the EU Border Assistance Mission in Rafah), and Gazan and Israeli civilians.

### The Main Issues: Egypt's Official Policy and International Commitments

There are four key issues that currently frame the nature of Egypt's official position towards the permanent opening of the RCP. These are (1) the absence of a ratified agreement on the operation of the border crossing; (2) Egypt's official stance towards Hamas, according to which the latter's governance of the Gaza Strip is unlawfully grounded; (3) Egypt's diplomatic alliance with the PA in the search for a peaceful and negotiated resolution to the occupation of the Occupied Territories and the blockade on Gaza; and (4) Egypt's political stance on maintaining the vision of a two-state solution. These dimensions, which overlap with each other to some extent, shed light on the multilayered structure of Egypt's overarching position.

### Egypt's Overarching and Official Position

Currently, the RCP is open and in operation, but on an exceptional basis, namely, Egyptian stakeholders' adherence to humanitarianism.

The RCP currently operates almost exclusively for Palestinians and foreign nationals wanting to enter or leave the Gaza Strip, and it is not open to Egyptian citizens. Furthermore, the RCP is operating in the absence of an official agreement between Egypt and the Palestinian authorities. While Egypt is officially committed to the permanent opening and operation of the RCP, there are currently restrictions on the opening hours and the amount of persons allowed through on a daily basis. Considering these limitations, the term open is restricted in practice. Notwithstanding, a *consultation committee* has been formed with the purpose of strategizing Egypt's specific procedures for facilitating cross-border movement of a broad range of civilians and humanitarian supplies.

### Guiding Principles

Egypt is operating the RCP in the absence of a comprehensive policy, which is set to be determined by a new government (set to take office in 2012). In the meantime, five guiding principles govern the operation of the RCP: (1) Though Egypt is not a party to the 2005 Agreement on Movement and Access to and from the Gaza Strip (AMA) and has no obligation towards implementing a future international agreement, it encourages the enactment of an international mechanism for operating Gaza's side of the RCP. (2) Smuggling is illegal, regardless of what is being trafficked through the tunnels in Rafah. (3) Egypt is working to find the best ways of countering smuggling. (4) While the transport of some humanitarian supplies is allowed, Rafah is a passenger-only terminal. (5) Egypt is determined to continue operating the RCP on the basis of these principles in spite of the political context.

### Egyptian Stakeholder Interests and Concerns

The key policy concerns and interests likely to be considered in the formation of Egypt's prospective border policy at Rafah are as follows. The first substantive concern is how to enforce security in the borderland region. Eliminating trans-national crime networks in the borderland is a primary objective in this context. The authorities are seeking to address the issue of borderland security through the following means: (1) improving border control at Rafah; (2) encouraging the formation of a cooperative border-management apparatus on Gaza's side of the crossing; (3) and (re)visiting/negotiating changes to the demilitarization clauses in the Israel-Egypt peace treaty in order to increase the military presence in Zone C of the borderland region.

The second substantive issue is how to eliminate the humanitarian context of the tunnel industry. Keeping the RCP open for passengers and allowing specific transports to Gaza through the RCP, such as those carrying food and medical supplies, is perceived as the most effective means by which Egypt can contribute to eliminating the humanitarian dimension of the tunnels. There is also a parallel effort to increase economic productivity and provide greater access to employment in the borderland region. The issue of how to increase and

encourage greater communication between the authorities, national investors and local inhabitants regarding development in the borderland is likely to be addressed in Egypt's future policy approach. Collaboration between national and regional actors also underpins how the new government will address the issue of the tunnels. Here, working closely with the Palestinian authorities and strengthening relations with other regional actors such as Iran is a primary focus.

Finally, the regime governing the opening of the RCP will have to be further developed, evaluated and defined. Here, facilitating the regular opening of the RCP and relaxing procedures for passengers wanting to pass through are of foremost importance. While a new policy may permit the transport of particular goods – for example, construction materials – Rafah will essentially remain a passenger-only terminal. Complete normalization is largely dependent on the achievement of a comprehensive settlement between the Palestinian authorities and Israel and the materialization of a two state-solution. In this regard, Egypt's prospective policy for the Rafah border will likely take into account the latter's significance as the only border in the Occupied Territories under exclusive Palestinian control. How to move forward in assisting the Palestinian authorities in establishing control over the other six crossing points between Gaza and Israel, as well as the seaport and airport in Gaza, is likely to form part of future policy deliberations in Egypt.

### Assessment of the Main Parties' Interests

There are three main issues decisive for border management at Rafah. The first is an issue between the Palestinian and Egyptian authorities and concerns their definitions of a prospective border agreement. There are currents on the Palestinian side that anticipate the formation of a bilateral agreement. Although the Egyptian authorities do not strongly oppose this notion, they suggest that the blockade of Gaza needs to be given thorough consideration, and that the current internal political transformations taking place in Egypt must first be resolved.

The second issue is between Egypt and the EU and concerns the nature of a cooperative management system. While the EU, particu-

larly the EU Border Assistance Mission in Rafah, is open to developing a formal relationship on the ground with Egyptian agencies involved in border management, particularly border and customs officials, Egyptian authorities do not want to instate a formal liaison with a third party on their side of the border.

The third issue is between Egypt and Israel and concerns borderland security. Israeli authorities indicate strong opposition to increasing military presences in the Sinai Peninsula. However, there are strong voices on the Egyptian front seeking to amend the demilitarization protocols in the Egypt–Israel peace treaty. Given the realities on the ground, and given that Rafah is a site where these various transnational concerns are played out and acted upon, the continued opening of the RCP is contingent upon the establishment of a formal understanding and agreements between Egypt and these other main parties, particularly with respect to the main issues.

### Instituting Egyptian–Palestinian Bilateral Agreement

The Egyptian and Palestinian authorities diverge on a number of issues. The Palestinian authorities perceive Egypt as an 'excluded' but important party in the 2005 Agreement on Movement and Access to and from the Gaza Strip (AMA), and have further indicated a desire to increase Egypt's role in a future border agreement. While the Palestinian authorities desire the formation of a border agreement involving Egypt, there is disagreement on how to proceed. Despite Israel's continued occupation of Palestinian territory and its ongoing blockade of Gaza, Hamas would like to see the creation of a Palestinian–Egyptian bilateral agreement. The PA/PLO perceives such a move as politically complex and suggests further developing and/or modifying the AMA protocols – for example, officially including Egypt as a main party in a multilateral Rafah border agreement and conceivably enabling certain imports and exports to take place at the RCP. In other words, ironically, the AMA is viewed by the Palestinian authorities as a valuable policy that provides a mechanism for monitoring and for coordination between the parties, but is also perceived as symbolizing external unwarranted control over the RCP.

On the part of the Egyptian authorities, implementing and further developing the AMA, particularly the Agreed Principles for the Rafah Crossing, is perceived as an essential requirement for moving forward in expanding and further improving the operation of the RCP. Nevertheless, Egyptian authorities are reluctant to take a primary and direct role in any multilateral agreement involving the management of the crossing points and/or borders to a prospective Palestinian state. Egypt's position is in part grounded in the understanding that a border agreement for Rafah should also include a focus on the operation of Gaza's other corridors and is in part based on the Egyptian authorities' insistence on reinstating the PA's presence at the Rafah terminal.

### Formal Cooperation Between Egypt and the EU

Border-management issues – including the degree of cooperation and collaboration between the various parties – are perceived differently by Egypt and the EU. Egyptian authorities generally perceive border management as an autonomous issue that should be developed independently by the parties on both sides of a border. The EU's general approach to border management is that ensuring a regulated border necessitates the establishment of formal cooperation between the authorities on both sides.

Egyptian authorities do not welcome the formal involvement of the EU Border Assistance Mission in Rafah in Egyptian affairs. This position is linked to Egypt's multilayered and dynamic interests at the Rafah border. Formal involvement of the EU Mission on Egypt's side of the border crossing is perceived as potentially enabling external parties (such as Israel, the EU and the Middle East Quartet) to influence how the Egyptian authorities deal with internal stakeholder interests and concerns, and how Egypt determines its border-management guidelines, policies and procedures. Safeguarding Egyptian sovereignty is in this sense a primary concern.

### Border Security

There have been growing concerns in both Egypt and Israel that increased movement of people through the borderland following the permanent opening of the RCP may strengthen the political objectives and military means

of militant resistance groups operating from Gaza, as well as the resources used to finance them, thereby undermining the capacity of both sides to guard their borderlands effectively. A focal point for discussion between the Egyptian and Israeli authorities is accordingly the methods used to secure the Rafah borderland against transnational crime networks that facilitate the smuggling of weapons and other contraband into Gaza.

Though no longer stationed on the Egypt–Gaza border, Israel continues to exercise a degree of influence over the strategies Egypt uses to secure the borderland region. This is primarily based on the demilitarization protocols in the Egypt–Israel peace treaty. Israeli authorities from both the right and the left wing are in principle against changing the demilitarization protocols, a stance that they justify in terms of fears that amendments may lead to increased hostilities between the two sides.

Research findings suggest that in the light of the increased movement of people and goods, and with it illegal criminal networks, some Egyptian stakeholder groups are considering the possibility of enhancing the Egyptian state’s capacity to physically control the Rafah border through increased military presences in the borderland. Nevertheless, Israel’s government has not indicated an openness or willingness to amend the demilitarization protocols.

### Concluding Remarks

**Stakeholder Apprehension** – Since the interim government in Egypt announced the permanent opening of the RCP in 2011, questions have been posed by stakeholders as to whether the new Egyptian government will institute a Rafah border mechanism based on the remains of the multilateral AMA agree-

ment or instigate a new Egyptian–Palestinian bilateral agreement. There is an element of apprehension within Egypt’s interim government that instituting an Egyptian–Palestinian agreement may be perceived by external parties as Egypt asserting control over Gaza, thereby supporting a deeper split within the OPT. Among the Palestinian authorities, there are concerns that Egypt’s permanent opening of the RCP is not in itself a move towards a bilateral border agreement. Concurrently, the EU is concerned that a new mechanism may make the role of the EU Border Assistance Mission in Rafah as a third-party monitor at the Rafah terminal superfluous. Israeli authorities are particularly concerned that Egypt’s opening of the RCP will lead to relaxed border regulations and security at the Rafah terminal, as well as increased smuggling of weapons into the Occupied Palestinian Territories via the tunnels underneath the Rafah border.

**The Current Political Context** – The new situation in Egypt means that the political relationship between Egypt and Israel is likely to alter, and the gap between the two authorities may broaden with the instatement of a new Egyptian government, particularly in lieu of the inclusion of parties such as the Muslim Brotherhood’s Freedom and Justice Party. The nature of cross-border relations between the main parties will be determined by the outcome of the power struggle in Egypt between the military, the remnants of the collapsed NDP regime and some 50 political parties (which include the Muslim Brotherhood’s Freedom and Justice Party, reported to have secured 36% of valid party-list votes, the hard-line-conservative Salafi-based Al-Nour party, with 24%, and the liberal Egyptian Bloc, with 13%). In this regard, significant structural transformations are taking place in Egypt, as a result of which the agenda of lower-level

stakeholders may take front stage and have a greater impact both on Egypt’s approach to border policy and on how the state relates to external actors.

**Egypt’s Rafah Border Policy** – The concern regarding Hamas’s exclusive administrative control over the RCP, which shaped part of the previous Egyptian regime’s basis for officially closing the RCP between 2007 and 2010, has seemingly moved to the background of political discussions. Simultaneously, the Muslim Brotherhood’s agenda of strengthening political ties with the Palestinian authorities and establishing normalized relations between Egypt and the Hamas government is moving to the foreground of internal political discussions, particularly with reference to border management at Rafah.

A strengthening of a popular elected government in Egypt at the expense of the political power of the military could open for increased Egyptian–Palestinian bilateralism in border-control management. On the other hand, as the volatile situation in Sinai is a common Egyptian–Israeli security concern, the Egyptian military cannot allow any changes in the border management that could lead to Israeli military reactions in Sinai.

**Coming to a Consensus** – Stakeholder interests and concerns will inevitably factor into negotiations for an impending Rafah border agreement. In the light of the various apprehensions posed by the main parties, coming to a consensus will require sincere political will with respect to the following three conditions: renegotiating and further developing the AMA protocols; effectively eliminating the humanitarian aspect of the tunnel industry; and further combating crime networks, while consolidating state authority and securing order in the Rafah borderland. ■

### THE AUTHOR

Mareah Peoples’ research consists of an anthropological assessment of Middle Eastern culture, society, language, belief systems and politics. Specific research interests include the dynamics of structural transformation and change in the Middle East – particularly Egypt, Palestine, Israel and Saudi Arabia, and their impact on the local-global context.

### THE PROJECT

This policy brief forms part of the project ‘Egypt at the Rafah Border and the Prospects for Gaza’ and is derived from a larger report that provides a detailed analysis of the main stakeholders in Egypt and their various interests, concerns and agendas in relation to the Rafah border and crossing point. The full report can be downloaded from [www.prio.no](http://www.prio.no).

### PRIO

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