

AGREED ARRANGEMENT
on the
European Union Border Assistance Mission
At the Rafah Crossing Point on the Gaza-Egypt border

Following the letter of the Quartet Special Envoy James Wolfensohn of 2 November 2005;

Noting the conclusion of the ‘Agreement on Movement and Access’ between the Government of Israel and the Palestinian Authority (‘the Parties’) of 15 November 2005;

Following the conclusion of the attached ‘Agreed Principles for Rafah Crossing’ between the Government of Israel and the Palestinian Authority of 15 November 2005 and its annexes as agreed by the Parties (together the ‘APRC’);

Following the invitation of the Government of Israel (‘GoI’) and the Palestinian Authority (‘PA’);

The European Union shall deploy a Border Assistance Mission (‘EU-BAM’) at the Rafah Crossing Point on the Gaza-Egypt border (‘RCP’).

Article I – Mandate

The EU-BAM shall actively monitor, verify and evaluate PA performance with regard to the implementation of the APRC and will act with authority to ensure that the PA complies with all applicable rules and regulations concerning the RCP and the terms of the APRC. The EU-BAM shall also contribute to Palestinian capacity building in all aspects of border control and customs operation.

Article II – Objectives

The objectives of the deployment of the EU-BAM are to:

1. Contribute to confidence building between the parties, particularly concerning all aspects of border control and customs operation at the RCP;
2. Contribute to building institutional capacity in the PA to ensure effective border control and surveillance as well as a professional customs operation;
3. Improve trans-national co-operation on border management.

Article III – Tasks

The EU-BAM shall be established with the tasks of:

1. Actively monitoring and verifying the performance of the Palestinian border guards and customs officials concerning, inter alia:

- a. Effective border control and surveillance measures on the basis of relevant PA legislation and the APRC;
 - b. Undisturbed functioning of the surveillance cameras, computer systems and equipment installed at the RCP and transmission of data in accordance with the specifications agreed by the Parties in the APRC;
 - c. Appropriate handling of passengers who act/have acted in breach of applicable rules and regulations;
 - d. Proper disposal of confiscated goods;
 - e. Implementation of the Paris Protocol.
2. Assist the PA to build capacity - training, equipment and technical assistance – on border management and customs in order to:
 - a. Improve the efficiency of procedures at the RCP and the effective control of persons and luggage (and in a later phase: vehicles) crossing the border;
 - b. Improve co-operation between Israel, Egypt and the Palestinian Authority in cross-border information sharing and joint operations;
 - c. Provide training for the PA border guards and customs officials regarding search of vehicles that will cross through the RCP and on the use, according to international standards, of the vehicle search equipment that shall be installed at the RCP.
3. Evaluation / assessment of:
 - a. The PA's application of the procedures regarding the 'others by exception in agreed categories'-passenger, as defined in the APRC;
 - b. The capacity of the PA to inspect cars according to criteria in the APRC and to international standards;
 - c. The PA's customs capacity, including at Kerem Shalom, in 12 months and make recommendations to both Parties for a joint decision regarding future arrangements.
4. The EU-BAM, in any case of doubt about the compliance with the applicable rules and regulations of the border guard or customs' official, shall require the re-examination and re-assessment of any passenger, luggage, vehicle or consignment of goods on which customs duty or other revenue collected at importation has already been assessed and collected. While the re-assessment is being conducted, the person(s), luggage, vehicle or goods in question shall not be allowed to move/leave the premises of the customs or border post. In case the EU-BAM remains unsatisfied with the performance of the checks, it shall refer up the PA management chain.
5. Liaison office:
The EU-BAM will lead a liaison office, which will receive real-time video and data feed of the activities at the RCP and will meet regularly to review implementation of the APRC, resolve any disputes arising from the APRC and perform other tasks specified in the APRC.
6. Coordination and Evaluation Committee:
The EU BAM will participate in a Coordination and Evaluation Committee to be established with the GoI and the PA for the review of the implementation of the APRC. The Committee will meet regularly and not less than once a month.

7. Reporting:
The EU-BAM will report weekly in writing to the Coordination and Evaluation Committee on the activities and the findings of the EU-BAM.
8. Other tasks:
Share a PA-list of names of workers at RCP with the GoI.

Article IV – Operational arrangements for the EU-BAM

1. The scope of the activities of the EU-BAM is bound by the APRC.
2. The EU-BAM will be present at the RCP during all hours of operation. The EU-BAM will have unrestricted access to all operations and locations at the RCP, including all Border Units and Customs Posts, along access, exit and transit itineraries to and from the outer perimeter of the RCP including the road leading to and up to Kerem Shalom.
3. The EU-BAM monitors shall be citizens of EU-Member States and Acceding States and be suitably qualified. The EU-BAM will make efforts to include experts able to read and speak Arabic.
4. The EU-BAM will be led by the Head of Mission (HoM). All EU-BAM personnel will work under his/her authority and follow his/her operational instructions. He/she will have discretionary power to decide whether the personnel of EU-BAM wear civilian dress or uniform. He/she will continuously assess the security risk for the EU-BAM and may recommend, after consultation with the PA, to deploy armed security guards at the RCP to guarantee the personal safety of its personnel. Arrangements for the implementation of such a recommendation shall be agreed by the Parties.
5. The EU-BAM shall wear identification at all times when on duty.
6. The estimated size of the EU BAM is set at approximately 70 personnel. Additional personnel can be sent to reinforce the EU-BAM with prior notification of the GoI and the PA, and the status of any additional personnel will be defined in agreement with the Parties.
7. The EU-BAM will have no authority to enforce the laws of Israel and the Palestinian Authority, and they will refrain from any action or activity incompatible with the nature of their duties.
8. The GoI and the PA will provide EU BAM with all information with regard to the application of this Agreed Arrangement. The GoI and the PA will render full cooperation and assistance necessary for the fulfilment of the tasks of the EU BAM. To facilitate this cooperation the GoI and the PA will, inter alia, appoint senior English-speaking officers (one each) to act as point of contact to the EU-BAM.
9. To deal with the issues under the APRC that cannot be solved at the level of the liaison office, the GoI and the PA will identify interlocutors for the EU BAM at different levels of the authority up to the level of the Minister in order to address problems that may

arise in the implementation of the APRC. The GoI and the PA will inform EU BAM, at the latest by the time of deployment of EU BAM of the names of these interlocutors and will respond as soon as possible.

Article V - Duration

Based on EU recommendation, the duration of the Mission shall be for 12 months, renewable for further six [6] months, unless all Parties agree to bring the Mission to a close./.