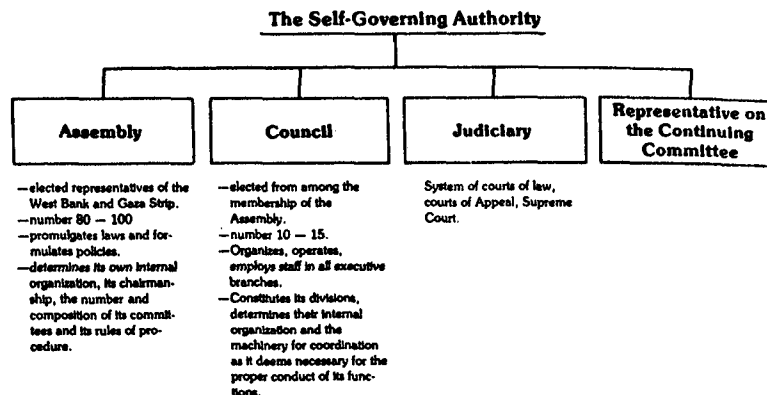


IMPLEMENTING CAMP DAVID—WEST BANK- GAZA STRIP NEGOTIATIONS

Government of Egypt Proposed Model of Full Autonomy for
the West Bank and Gaza Strip, January 28, 1980



I — Introduction

(a) The Camp David Framework stipulates the withdrawal of the military government and its civilian administration, and the transfer of its authority to the self-governing authority which will replace it.

(b) In reviewing the powers and responsibilities of the military government and its civilian administration, the working group was seeking to envisage, through a practical approach, the powers and responsibilities to be exercised by the SGA in the context of its replacement of the military government and its civilian administration as stated in the Camp David Framework. That was the purpose of the survey of the current situation, it was a way out of the deadlock caused by the conceptual discussions of the comprehensive approach, and a step to provide the parties with basic information for discussing the transfer of authority. Indeed, the presentations of the powers and responsibilities of the military government and its civilian administration were meant to lead the working group, in the light of these presentations, and in the context of the transfer of authority, to prepare a model for the powers and responsibilities to be exercised by the SGA.

This method was endorsed by the decision taken at the London meeting of the heads of delegation on

October 26, 1979:

"...Presentations on the current situation will provide the parties with basic information for discussing transfer of authority as stated in the Camp David Framework".

This led subsequently to the call of the plenary on December 19, 1979 to the working group:

"To proceed to prepare for the plenary's future consideration a proposed model for the powers and responsibilities to be exercised by the SGA".

(c) When the method is thus set in perspective, it becomes clear that when a model of the powers and responsibilities of the SGA is to be prepared, the guiding frame should be the powers and responsibilities of the military government and its civilian administration and that the focal points in discussing such a model should be:

- 1 — Withdrawal of the Israeli military government and its civilian administration.
- 2 — The transfer of authority.
- 3 — Organs of the SGA which will take over from, and replace, the military government and its civilian administration.

II – The Military Government and its Civilian Administration

(a) On June 7, 1967, the Israeli military command published proclamation No. 2 entitled "Laws and administration proclamation". A section of which is concerned with the assumption of government by the Israeli defence forces, and under the title "Assumption of powers" it reads:

"Any power of government, legislation, appointment, or administration with respect to the region or its inhabitants shall henceforth vest in me alone and shall be exercised only by me or a person appointed by me to that end or acting on my behalf".

(b) The Israel military government currently existing in the West Bank and Gaza Strip has full comprehensive authority. It assumes the power of formulating all policies and coordinating all activities. Its decision making emanates from different and interconnected channels of Israeli cabinet and inter-ministerial levels as well as a chain of military command leading to the area or regional commander (one for the West Bank and one for Gaza) who was vested with full legislative and executive authority in the area as shown in the aforementioned proclamation. Mandatory orders issued by the military commander presented legislative enactments and revisions. Policy is determined according to considerations adopted by the office of the coordinator of activities, the Israeli ministry concerned and the regional command.

(c) Administrative authority is delegated to regional and district commanders. Routine administrative duties and conduct of ordinary activities are left to the relevant institutions that were already operating in the West Bank and Gaza or to newly organized units of administrative service.

The civil administration of the military government is carried out by branches, each branch supervising a number of units. The units carry out the conduct of every day life. Heads of units who operate in the areas are directly subordinated through the chief of branch to the military commander while they come, at the same time, under the corresponding ministries

in Israel on professional matters. From the ministry they get instructions on professional matters, how to act, how to deal with the problems arising out of the daily life. From the commander, through the chief of branch, they get the policy, the command.

(d) The military government and its civilian administration is therefore composed of different levels manifesting different layers of authority. One layer legislates and formulates policies while another layer executes and carries out the policies.

The Camp David Framework stipulates the transfer of both. It is not a matter of transferring the administrative set-up which implements the orders but first and foremost transferring the strata of authority which holds the power to issue the orders.

(e) It may be recalled that the civil administration of the military government is mainly composed, even now, of local inhabitants. According to the figures of December 1978 there were in the West Bank 11165 local employees in the civil administration (and only 980 Israelis) while in Gaza there are local director-general heading 14 of the main units.

So, it may be said, that even now the Palestinian people in the West Bank and Gaza Strip are bearing most of the responsibility for running the affairs of their daily life but only carrying out decisions which were made for them and implementing policies which were formulated over their heads.

When the Camp David Framework promises them full autonomy, it can only mean that under the SGA they will be able to take their own decisions and formulate their own policies.

The full autonomy which the Camp David Framework provides for cannot amount to a reorganization of what the Palestinians in the West Bank and Gaza Strip already have, but rather the transformation of that set-up in an authority which is self-governing. Hence, the withdrawal of the military government and the transfer of its manifold authority to the inhabitants.

III – Withdrawal of the Military Government and the transfer of authority

(a) The first step in establishing the SGA should be the withdrawal of the military government, the Camp

David Framework for peace states clearly that: "The Israeli military government and its civilian administra-

tion will be withdrawn as soon as a self-governing authority has been freely elected by the inhabitants of these areas to replace the existing military government".

The joint letter of March 26, 1979 states that: "The Military Government and its civilian administration will be withdrawn, to be replaced by the SGA."

(b) *Distinction is made in both the Camp David Framework and the joint letter between two kinds of withdrawals:*

- 1 — The withdrawal of the military government and its civilian administration which is total and absolute. It is an unqualified withdrawal; and
- 2 — A withdrawal of Israeli armed forces which is going to be partial and there will be a redeployment of the remaining forces into specified security locations.

(c) The withdrawal of the military government and its civilian administration, which occurs as soon as the SGA is elected, is the first step towards the assumption by the SGA of its powers and responsibilities. The transfer of authority takes place by handing over the powers and responsibilities of the military government and its civilian administration to the newly elected SGA. The SGA replaces the outgoing regime.

(d) In this respect, the following elements should

be stressed:

- (1) The transfer of authority implies the handing over of all powers and responsibilities presently exercised by the military government and its civilian administration.
- (2) The transfer of authority should be carried out in a peaceful and orderly manner.
- (3) Whenever Palestinian institutions already exist in the West Bank and Gaza Strip, as part of the prevailing system of civil service, they will, in the course of such transfer of authority, take over the functions of, and replace, the military government and its civilian administration. It is only when new functions, or new powers, are transferred to the SGA which were not exercised before under the military regime by the Palestinian people that new organs should be sought.

(e) Stress should be focused more on the powers and functions that are not exercised by the Palestinian people under the military regime so that the necessary relevant organs would be suggested. The Palestinian people already played the major role in the civil service which obeyed the commands and implemented the policies of the military regime. Under the autonomy there will be need for an organ to fulfill their newly acquired power to make their own decisions and formulate their own policies. The elected body of the SGA is obviously that organ.

IV — Powers and Responsibilities to be Exercised by the Self-Governing Authority

For a model of powers and responsibilities to be exercised by the SGA, some keywords and guidelines from the Camp David Framework for peace should be stressed at the outset.

- (a) It is a self-governing authority, which means that it governs itself by itself. It is a self-generating authority. No outside source vests it with its authority.
- (b) It provides full autonomy, and not an impaired or partial autonomy.
- (c) This self-governing authority with full autonomy comes through free elections. It is a democratic structure of government by the people and for the people. As an elected body it has a representative character and its membership fulfill the functions and exercise the powers that an elected representative body usually does.

I — Nature of the SGA

The SGA is an interim arrangement for a period not exceeding 5 years. This transitional process, at the outset of which the Israeli military government and its civilian administration will be withdrawn and the SGA established, can demonstrate that the practical problems arising from a transition to peace can be satisfactorily resolved. The transitional period is aimed at bringing about the changes in attitudes that can assure a final settlement which realizes the legitimate rights of the Palestinian people while assuring the security of all the parties. The purpose of this transitional arrangement is:

- (a) To ensure a peaceful and orderly transfer of authority to the Palestinian people in the West Bank and Gaza Strip.

(b) To help the Palestinian people to develop their own political, economic and social institutions in the West Bank and Gaza Strip so as to give expression to the principle of full autonomy which the SGA provides.

(c) To provide the proper conditions for the Palestinian people to participate in negotiations leading to the solution of the Palestinian problem in all its aspects and the realization of their legitimate rights including their right to self-determination.

2— Scope of the SGA:

(a) The jurisdiction of the SGA will encompass all of the Palestinian territories occupied after 5 June 1967 and which are delineated in the relevant armistice agreements of 1949 (Egyptian Israeli armistice agreement of 2 April, 1949 regarding the Gaza Strip and Jordanian Israeli armistice agreement of 24 February, 1949 regarding the West Bank including Arab Jerusalem).

(b) Authority of the SGA extends to the inhabitants as well as the land in the West Bank and Gaza Strip.

(c) All powers and responsibilities of the SGA apply to the West Bank and Gaza Strip which shall be regarded under the autonomy as one territory and integral whole.

(d) All changes in the geographic character, the demographic composition and the legal status of the West Bank and Gaza Strip or any part thereof are null and void and must be rescinded as they jeopardise the attainment of the legitimate rights of the Palestinian people as provided for in the Camp David Framework.

This applies in particular to:

- 1— East Jerusalem, the annexation of which by Israel is null and void and must be rescinded. Relevant Security Council Resolutions, particularly Resolutions 242 and 267 must be applied to Jerusalem which is an integral part of the West Bank. Legal and historical Arab rights in the City must be respected and restored.
- 2— Israeli settlements in the West Bank and Gaza Strip are illegal and, in the course of a final settlement should be withdrawn.

During the transitional period there should be a ban on the establishment of new settlements or enlarging the existing ones. After the inauguration of the SGA all settlers in the West Bank and Gaza will come under the authority of the SGA

General Powers and Responsibilities of the SGA

- 1— Promulgation of laws and regulations
- 2— Policy formulation and supervision
- 3— Budgetary provisions
- 4— Taxation
- 5— Employment of staff
- 6— Issuance of identity and travel documents
- 7— Control of in and out movement of persons and goods
- 8— Power to assume obligations and own property
- 9— Power to hold title to public land
- 10— Power to sue and to be sued
- 11— Power to enter into contracts
- 12— Power to participate in negotiations on the final status of the West Bank and Gaza Strip and to ascertain the views of the Palestinians.
- 13— Assuming responsibility for:
 - (a) Public administration;
 - (b) Public services;
 - (c) Public order and internal security and police;
 - (d) Public domain and natural resources
 - (e) Economic and financial fields;
 - (f) Social and cultural fields;
 - (g) Human rights and fundamental freedoms;
- 14— Administration of Justice.

Structure of the SGA

(a) The SGA will be composed of 80 - 100 members freely elected from the Palestinian people in the West Bank and Gaza Strip.

(b) The structure of the SGA contains two main organs:

- An assembly composed of all freely elected representatives from the West Bank and Gaza.
- A council composed of 10 - 15 members to be elected from among the membership of the assembly.

(c) *The Assembly:*

- (1) It will take over, and replace, the authority of the military government in enacting laws and

regulations, formulating and supervising policies, adopting the budget, levying taxes, etc...

- (2) Its internal organization of a chairman with one or more vice-chairman, its rules of procedure and the number and composition of its committees will be determined by the Assembly itself.
- (d) The Council:
 - (1) It assumes the actual administration of the West Bank and Gaza and implements the policies formulated by the assembly in the different domains.
 - (2) It covers the whole range of activities and has full power in organizing, operating, employing staff and supervising the following executive branches: Education — Information and Culture — Transportation and Communications — Health — Social Welfare — Labour — Tourism — Internal Security — Housing — Religious Affairs — Agriculture — Economy and Finance — Commerce — Industry — Administration of Justice.
 - (3) The Council will constitute its divisions as it deems necessary for the proper conduct of its functions and will determine the number of divisions, the internal organization of divisions and the machinery for coordination as befits the best and the most effective conduct of its activities. It may get in this respect, and if requested, expert help from the parties.
- (e) The Judicial authority will be manifested in a

system of courts of law, courts of appeal and supreme court enjoying full guarantees for independence and efficiency in their administration of justice.

(f) The SGA will have a representative, alongside with the representatives of Israel, Egypt (and Jordan), on the continuing committee in accordance with Article 3 of the Camp David Framework. Matters of common concern to Israel and the SGA which need mutual arrangements could be dealt with through the committee.

5 — Seat of the SGA

The seat of the SGA will be East Jerusalem.

6 — Additional Arrangements

(a) As soon as the SGA is established and inaugurated in the West Bank and Gaza Strip, a withdrawal of Israeli armed forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations. Permission will be required for any movement of military troops into or through the territory.

(b) The Camp David Framework requires the parties to negotiate an agreement which includes, inter alia, arrangements for assuring internal security and public order. Responsibility for security and public order will be decided jointly by the parties including the Palestinians, the Israelis, the Egyptians (and the Jordanians).

(c) A strong police force will be established in the West Bank and Gaza Strip. It will be constituted by the SGA and composed of the people of the West Bank and Gaza Strip.
