



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 30 June 2014  
(OR. en)**

**11437/14**

**LIMITE**

**COPS 165  
CIVCOM 129  
PESC 696  
CSDP/PSDC 403  
COMEM 114  
EUBAM RAFAH 7**

**COVER NOTE**

---

From: European External Action Service (EEAS)  
To: Political and Security Committee (PSC)  
Subject: Interim Strategic Review of EUBAM Rafah

---

Delegations will find attached EEAS document 01022/14.

---

Encl.: EEAS document 01022/14

# EUROPEAN EXTERNAL ACTION SERVICE



**Crisis Management and Planning  
Directorate - CMPD**

**Brussels, 30 June 2014**

**EEAS 01022/14**  
ARES (2014) 2149044

**LIMITE**

**COPS  
PESC  
CIVCOM  
CSDP/PSDC  
COMEM  
EUBAM RAFAH**

## **NOTE**

---

From: Crisis Management and Planning Directorate (CMPD)  
To: Political and Security Committee

---

Subject: Interim Strategic Review of EUBAM Rafah

---

Delegations will find enclosed the EEAS document 01022/14.

## **1. Situation - General context.**

1. On 9 April 2014, the PSC tasked the EEAS to prepare an interim Strategic Review taking into account developments in the Middle East Peace Process (MEPP). At that stage it was argued that given the sensitivities regarding the MEPP talks and the opportunities that may arise for the mission, it was not opportune to make significant changes to the mandate of EUBAM Rafah.

2. Since then, the ensuing developments on the ground, namely the hiatus in the peace talks and the announcement of a reconciliation deal between Fatah and Hamas, confirm the assessment that the situation continues to be too fluid and transitory to warrant a major change of direction. Meanwhile the situation in Egypt remains very challenging with the mounting pressure on the Muslim Brotherhood impacting also on the situation of Hamas in Gaza.

3. Concerning the peace talks; in the run-up to the 29 April 2014 deadline significant problems were seen between the parties including fallout over prisoners that were not released by Israel, the subsequent Palestinian decision to notify accession to several multilateral treaties and conventions, and continued settlement expansion throughout the period of the talks.

4. The potential impact of intra-Palestinian reconciliation on the future of EUBAM Rafah is significant. However, plans for the implementation of the reconciliation deal announced in April have yet to be made public. The EU has consistently called for intra-Palestinian reconciliation behind President Abbas. This position was clearly reiterated in the Council Conclusions of 12 May 2014 where the Council stated that reconciliation on the terms outlined by President Abbas in his speech of 4 May 2011 is an important element for the unity of a future State of Palestine and for reaching a two-state solution and a lasting peace. The Council also welcomed the prospect of genuine democratic elections. Although there are indications to believe that this deal might have a slightly better chance of being realised, at this stage it is premature to determine whether it will actually be implemented and whether elections will indeed take place in a few months following the formation of a unity government.

5. Various other issues that would have a direct impact on the EUBAM Rafah mission also remain to be clarified, such as the future of the Rafah crossing, the presence of Palestinian Authority (PA) officials and, of course, the position of all parties including Egypt. If the renewed reconciliation deal was to be fully implemented and elections were to be held, the impact of such

developments on the future of EUBAM Rafah would need to be carefully assessed. Again, the situation remains transitory and unpredictable and the next few weeks will provide more clarity on the commitment of Fatah and Hamas to this deal.

## **2. Overview of actions undertaken.**

### **a) Overview of EU engagement.**

6. The EU position, as defined by the statement of the High Representative on 27 April and the Council Conclusions of 12 May, is to urge both parties to return to negotiations and to not allow the extensive efforts deployed in recent months to go to waste; and to call on both sides to exercise maximum restraint and to avoid any unilateral action such as continued settlement expansion which may further undermine peace efforts and the viability of a two-state solution. The EU will continue to closely monitor the situation and its broader implications, and will act accordingly. In such a sensitive phase, it would be unwise to signal to the parties the EU intention to start a substantial review of EUBAM Rafah that could be interpreted as lack of confidence in the prospects of a resumption of the talks.

### **b) Overview of other engaged actors and their activities**

7. In the wake of these developments, all parties (including the US) have adopted a 'wait and see approach' in order to reassess what might be possible after the expiry of the April 29 deadline without a breakthrough. Concurrently both parties have said that they are willing to continue the negotiations.

### **c) Risk assessment**

8. Reference is made to the SIAC Assessment "Risk Assessment for EUBAM Rafah", EEAS 02520/13, dated 3 December 2013.

### **3. Mission assessment**

#### **a) Review of the mission planning assumptions, capacities, progress, impacts, external perceptions (national, international) and visibility of the Mission**

9. The main operational responsibility for EUBAM Rafah is to preserve its capacity for rapid redeployment to the Rafah Crossing. As agreed by EU Member States (in the framework of the last Six Monthly Report), the focus of the mission's preparedness-related activities will be to further work with PA counterparts on developing their capacity to deploy and function at the border should they return to the Rafah Crossing – the "PA preparedness project" – which has been recognized as a fundamental aspect of the overall capacity for speedily reactivating the crossing point. The "PA preparedness project" responds to real and acknowledged capability gaps on the PA side regarding the prospective management of the Rafah Crossing. The process of collaboratively addressing these gaps has an operational and political meaning, both to the PA and to the EU, which goes beyond Rafah. PA counterparts have shown great interest in this project. The way ahead, including future mission support activities, has been identified and agreed with the PA. In the operational forecast, the "PA preparedness project" is expected to run its course in the next mandate period, and the support of Member States will be key to carrying out planned activities with the PA.

#### **b) Mandate evaluation**

10. The successful completion of the "PA preparedness project" should mark a significant moment with regard to the availability of further operational space for EUBAM Rafah if not deployed at the border crossing point. If political developments do not unlock any operational likelihood of redeployment then closure must be considered likely.

11. Conversely, any redeployment of EUBAM Rafah – be it under the original mandate or in any other appropriate way – will be heavily reliant on quick and substantial mobilisation by Member States.

#### **c) Transition strategy**

12. It is assessed that EUBAM Rafah itself, as a confidence building measure (CBM) tightly constrained within the 2005 AMA, is unable to transition to other means (or other parties) unless it

has been able to contribute to an effective border management procedure at the Rafah crossing point. However other options to support Cross Border Movement could be envisaged. A transition strategy will have to analyse these other options.

#### **4. Way ahead - Actions for future engagement**

##### **a) Main parameters of the suggested future actions**

13. Given the above-outlined context the decision to postpone a full strategic review, involving extensive consultations with both the Israeli and Palestinian authorities remains sensible until such time as there is full clarity on the next steps in the Middle East Peace Process and on the terms of the implementation of the Palestinian reconciliation deal.

14. This Interim review highlights potential options below that could be explored in the full strategic review, due in February 2015. These are outlined below.

##### **b) Options, pros and cons**

15. a. Close the mission. As of today, in the absence of political development, the return to the crossing point is unlikely. On the other hand political developments will necessitate a fresh look at the EU engagement, including its CSDP component. In both cases it is assessed that EUBAM as it stands should be closed in the summer of 2015 as it does not deliver against its core mandate of providing sufficient assistance/assurance at the Rafah crossing point.

b. Options other than closure:

i. Maintain the status quo. While the EU and partners seek a definitive two-state solution the MEPP will remain alive, either actively pursued or in temporary abeyance. This would imply maintaining a mission that does not deliver against its mandate and has a very limited prospect of redeploying to the Rafah Crossing Point;

ii. Merge the mission with EUPOL COPPS. Both missions could be merged to save running costs and have a single CSDP mission in-country, this will have to be discussed with all actors, in particular the Palestinian Authority and the Government of Israel;

iii. Reduce the mission to a symbolic presence. Further reduce the mission costs by downsizing

and/or double-hatting EU personnel in Brussels and/or in-theatre. Overall staff numbers would reduce from the current 1 x Head of Mission, 3 x International staff, 4 x local staff.

**c) Implementation of recommended option**

16. The Strategic Review in February 2015 will consider all options. It will have to, in particular, focus on modalities for closure of EUBAM in Summer 2015.

**5. Planning process - Next steps**

17. a. PSC note Interim Strategic Review and provide guidance, as required;

b. Ongoing assessment of the impact of Palestinian reconciliation, and MEPP, noting this may result in a significant political change;

c. Strategic Review presented to PSC in February 2015.