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proposes a creative and controversial proposal for Egypt to assume legal responsibility for Gaza instead of Israel. Egypt would be responsible for monitoring the border with Gaza and Gazans would be able to import and export goods from nearby Egyptian ports. Israel should accept Hamas' recent offer of a total cease fire and Hamas and other militant groups would no longer have a reason to shoot rockets into Israel. Sounds like a fantasy? Perhaps, but it is worth exploring and I would like to hear your thoughts. Surely the status quo is unacceptable and will never lead to peace.

Peace, Jim

The prospect of a new Gaza reality

Gershon Baskin , THE JERUSALEM POST

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Even after the disengagement from Gaza, Israel remained legally responsible for the welfare of the 1.5 million Palestinians there. International law considered the Gaza Strip to be under Israeli occupation even after every single settler and soldier left. The reason for Israel's continued legal responsibility is mainly based on the fact that Israel sealed all of Gaza's borders to the outside world and prevented the opening of a sea or airport in Gaza for the use of the Palestinians. Israel furthermore continues to control Gaza's territorial water and airspace. After the kidnapping of Gilad Schalit the Israeli control of Gaza was made even harsher. Following the Hamas coup d'état in mid-June 2007 Israel's squeeze on Gaza translated into a policy of complete strangulation.

Because of the continued illegal launching of rockets and mortars at Israel most of the international community did little more than voice concern over the Israeli policies and fears of an emerging humanitarian crisis in Gaza. For the people of Gaza, those policies became intolerable. That led to the decision of the Hamas leadership to bring down the walls on the Rafah border and to create new facts on the ground.

FOR THE time being, the status quo of complete Israeli domination and control over Gaza has been broken by the Hamas. Returning to the previous situation before the forced border opening is probably impossible. Hamas has been strengthened by its bold actions against the Israeli strangulation which was aimed at weakening Hamas.

Neither Israel nor Egypt was prepared for the new reality. Hundreds of thousands of Gazans paraded into Sinai in search of food, cigarettes, medical supplies and probably weapons, explosives and other illegal and dangerous materials. The Egyptian government could do nothing in the face of pictures of suffering of Palestinians including Israeli military raids into Gaza with large numbers of fatalities. The Egyptian government had to face the reality of Arab public opinion at home and throughout the region which would have exploded on the streets of Cairo had the Egyptian police in Sinai prevented with force the onslaught of the Palestinian masses from flowing freely into Sinai.

From Israel's point of view, the opening of the Rafah border without any supervision or monitoring was describe by some experts as the doomsday scenario. Israel's fear of terrorist cells trained in Iran and more sophisticated weapons moving freely into Gaza may have happened and there was no Israeli response. Israel's decision not to respond with force was based on the bilateral relations with Egypt and perhaps with Jordan as well, which probably would have had to respond dramatically if Israel violated Egypt sovereignty.

This new reality, which is far from desirable from an Israeli point of view, could be turned around in Israel's favor. Recognizing that the smuggling of people, money and weapons have been taking place under the Gaza-Egypt border for years, even when Israel fully occupied Gaza, the new reality brings that smuggling above ground and adds the possibility that Egypt will station border inspectors on the Egyptian side of Rafah. Furthermore, it is possible to renegotiate the agreement with the European Union on the stationing of EU monitors on the border. It could be possible to move those EU monitors to the Egyptian side of the border, which would remove any Israeli control over the monitors' movement and enable at least some form of third-party supervision over the border.

THE MOST obvious advantage for Israel, and probably for Gaza as well, is if the new arrangements enable the Gaza border to remain open and allow Israel to wash its hand of Gaza entirely. Israel would be able to claim that it is no longer responsible for the welfare of the Palestinian people of Gaza. If they need fuel, food, water, medical supplies or treatment - go to Egypt. If they want to export agricultural produce to Europe - use al Arish or Port Said. If they want to import raw materials for factories, import them via Egypt - not via Israel.

Egypt would probably not be pleased with such an Israeli declaration. Until now Egypt has said that the Rafah border has remained closed due to Israeli insistence. That could easily change and Egypt would be "freed" from the Israeli demand to keep the border closed.

Egypt is still unlikely to agree to the new arrangement. It does not appear that Egypt would be anxious to take over responsibility for the welfare of Gaza's population. Egypt has been taking a strong position in the days following the forced opening of the border, now using force against those Gazans still trying to get into Sinai illegally. Nonetheless, Egypt's displeasure does not have to impact on Israel's decision on this matter. Egypt could easily appeal to the Arab League for assistance, financial or otherwise to care for the needs of Gaza. There is no need for Israel to continue to be held responsible for the welfare of the people of Gaza.

The change of the status quo would impact on other important issues as well. One such change would effect the Israeli control over the Palestinian population registry. The regime in Gaza would be able to issue identity cards and passports without any regard to current agreements on this issue this of course impacts on immigration policies. It is doubtful that any significant number of Palestinian refugees would freely choose to immigrate to Gaza and it is equally doubtful that the Gazan economy could support a wave of new immigration.

While taking these bold steps Israel could offer the Palestinians in Gaza a cease-fire arrangement that the Hamas leadership has been trying to achieve without success. Israel has until now objected to offering Hamas a cease-fire for fear that it would strengthen the Hamas regime. That is no longer an issue in light of the clear victory of Hamas in the eyes of the Gazan public because of the forced

opening of the Rafah border. It is now possible to reduce the violence in the south, remove the burden of Gaza from Israel and then wait until the time comes when Gaza could be included in a future peace process. Gaza will not disappear and the people there will remain part of the Palestinian people and when there is a peace agreement that will create the Palestinian state next to Israel, Gaza will have to be included in those developments.