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The Atkin Paper Series

**Saving peace:** *The case for amending the Egypt-Israel peace treaty*

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# Introduction

This paper examines the 1979 peace treaty between Egypt and Israel, and the prospects for revising the treaty in light of the 2011 popular uprising in Egypt and the subsequent political changes that are currently sweeping the region. The issue of revising the treaty has been raised extensively in Egypt since the 2011 'Eilat incident', in which unidentified gunmen attacked Israeli soldiers and civilians near the Red Sea resort town of Eilat, triggering a serious escalation in violence. Israel launched three nights of air raids on the Gaza Strip and pursued gunmen across the Egyptian border, killing six Egyptian soldiers and generating a diplomatic crisis between the two countries. In response to an outburst of public anger, the Supreme Council of the Armed Forces (SCAF), the military faction serving as interim leaders of Egypt following the revolution, considered the possibility of annulling or amending the treaty (an act that, from a legal perspective, cannot be taken unilaterally by any party to the treaty). In a radical shift from the policies of the just-ousted President Mubarak, former Prime Minister Essam Sharaf announced shortly after the incident that the peace treaty with Israel 'is not sacred' and could be amended. However, the Egyptian Foreign Ministry later declared that Cairo was committed to preserving the treaty 'as long as Israel was committed to its obligations literally and in essence'.<sup>1</sup>

The killing of Egyptian soldiers by Israeli forces represented a nadir within an already deteriorating relationship. Egyptian-Israeli relations have acquired the highest level of uncertainty and ambiguity since the 1970s, as manifested in a series of incidents – such as protestors in Cairo ransacking the Israeli Embassy, and the approximately fifteen militant attacks sabotaging Sinai pipelines that export gas to Israel – as well as the gradual reduction of trade with Israel. These developments reflect the growing negative public sentiment towards the Egyptian-Israeli relationship and the 1979 peace treaty with Israel, culminating in calls for the amendment of the treaty.

Mohammed Seif al-Dawla, an adviser to current Egyptian President Mohammed Morsi, has announced that amending the treaty is 'a matter of time' and that he would submit a proposal for introducing changes to the treaty. However, President Morsi has confirmed that his government will respect and uphold Egypt's international commitments, including the peace treaty. Meanwhile, Israeli anti-Islamist concerns mounted after the inauguration of President Morsi in June 2012. Israeli Foreign Minister Avigdor Lieberman described the revision of the treaty as a 'slippery slope', and later told an Israeli radio station that Egyptians were 'deluding themselves and deluding others' in discussing treaty revision.<sup>2</sup>

The conflicting statements and the uncertainty accompanying the political situation in Egypt – especially with the erosion of security in the Sinai Peninsula, which has acted as a buffer zone between the two countries for over thirty years – has highlighted concerns over treaty revision and the ability of the new Egyptian

government to uphold its obligations with respect to containing the security situation in Sinai.

The political and social transformations in the Middle East following the 'Arab uprisings' represent a unique opportunity for the peace process. Although the Israeli government tends to portray recent developments in the Arab world as a threat to Israel and to the 1979 peace treaty, in my opinion the prospects of harnessing these developments to foster lasting peace in the region are much greater. It is more likely that the new, popularly elected Arab regimes will try to maintain their commitment to peace with Israel while simultaneously endeavouring to please the angry masses in their countries who demand foreign policy adjustments in light of Israeli aggression against the Palestinian people. That compromise could be achieved through the revision of the Egyptian-Israeli peace treaty.

This paper explores the underlying reasons for revising the treaty; the elements that could and/or need to be changed and possible demands from Egypt; and the implications of such amendments. I also seek to identify the effect such a revision would likely have on Egyptian-Israeli relations and on the peace process.

# *‘There can be no war without Egypt and there can be no peace without Egypt’.* Former Egyptian President Anwar Al Sadat (1970 – 1981)

**O**n 26 March 1979, Israel and Egypt signed a peace treaty, the first of its kind between an Arab country and the state of Israel. This peace treaty ended the state of war between the two nations, constrained both parties from carrying out any hostile activities, and demilitarised the Sinai Peninsula. Israel agreed to withdraw its forces from the Sinai and deploy them along the internationally recognised border, and to relinquish the settlements, military bases, infrastructure and oil fields that it had acquired. This created a permanent border between the two countries and initiated a process of normalisation of diplomatic and economic relations.

The 1979 peace treaty contained nine articles, along with a military annex stating the terms of Israeli withdrawal and the security arrangements, and another annex detailing how the two parties would deal with each other in terms of their economic, social and cultural relations. Additionally, both parties signed a Memorandum of Agreement with the United States that stated the obligations of both parties in case of any violations of the security agreement, and the role that the United Nations (UN) would play in supervising the implementation of this annex (for example, with respect to verification in limited force zones, the establishment of checkpoints, reconnaissance patrols and observation posts in the temporary buffer zones). The agreement also incorporated the American aid that would be provided to Egypt in the form of military and economic assistance, which has averaged approximately \$2 billion a year since 1979. Military aid has arrived via a funding stream known as Foreign Military Financing; amounting to approximately \$1.3 billion since 1987, it enables Egypt to purchase American-manufactured military goods and services.

The agreement also provided for the free passage of Israeli ships through the Suez Canal and recognition of the Gulf of Aqaba and the Straits of Tiran as international waterways. The Straits of Tiran is the narrow sea passage, roughly 13 kilometres wide, between the Sinai and Arabian peninsulas; it had been a source of tension between the two countries and was one of the main reasons for the Israeli attack on Egypt in 1976 (after Egyptian President Jamal Abd El Nasser decided to close the Straits to all ships flying the Israeli flag). Finally, and most notably, the treaty also made Egypt the first Arab country to officially recognise the state of Israel.

It is important to understand that by the end of the 1960s, Egypt had suffered a number of setbacks, including the defection of Syria from the United Arab Republic, the crumbling of the Egyptian army after it launched an unjustified war in Yemen, and more significantly, defeat at the hands of Israeli forces in 1967 – all of which contributed to a crumbling economy and a sense of national defeat. When President Anwar Al Sadat took over in 1970, he worked to distance Egypt from pan-Arab grievances, after a long period of unwinnable wars undertaken by Nasser under the slogans of pan-Arabism and a united Arab front. Sadat realised that the time had come where constant wars were not going to achieve any direct, on-the-ground gains for Egypt.

In an unprecedented act, Sadat decided to conduct the first official visit of any Arab leader to Israel, signalling to the world that a new era of Egyptian foreign policy towards the peace process had begun. His act garnered significant criticism regionally, and much admiration internationally. For that, and for the subsequent successful peace negotiations, Sadat shared the Nobel Peace Prize in 1978 with Israeli Prime Minister Menachem Begin.

Until the signing of the treaty, the only successful attempts to avoid conflict between Israel and its neighbours were the disengagement agreements after the 1973 war between Israel and Syria with respect to the Golan Heights, and between Israel and Egypt on the Sinai Peninsula (Sinai I in 1974 and Sinai II in 1975). Sadat, however, aspired to a more comprehensive deal that included full Israeli withdrawal from all of the occupied territories. In his speech in front of the Knesset, Sadat announced that he wanted to go beyond what he described as 'partial peace' (namely, ending the state of belligerence or having a third disengagement agreement). He made it clear that he was seeking a more comprehensive and durable agreement that would include ending the occupation of the Arab territories occupied in 1967, and achieving the right to self-determination for the Palestinian people.

However, by signing the 1979 agreement with Israel, many Egyptians believed Sadat put Egypt's interests ahead of Arab unity and that he had destroyed the vision of a united 'Arab front' against Israel whilst abandoning the Palestinian cause. Most Arab nations, and especially Palestinian Arabs, opposed Sadat's vision for peace and looked upon his unilateral act as a great betrayal. Palestine Liberation Organization Chairman Yasser Arafat commented, 'Let them sign what they like. False peace will not last'. He went so far as to accuse Sadat of betraying the Egyptian people, and said they would eventually eliminate him.<sup>3</sup> The Arab League expelled Egypt and moved its headquarters from Cairo to Tunis. It was not until 1989 that the League re-admitted Egypt as a member and returned its headquarters to Cairo.

Sadat's critics argued that this bilateral process only made the Israelis and other Arabs less willing to move toward a comprehensive agreement that would include other Arab parties. Both critics and supporters, however, have acknowledged the fact that the bilateral Egyptian-Israeli relationship was transformed in unprecedented fashion after the treaty was signed. Formal exchange of ambassadors, direct Cairo-

Tel Aviv air service, and post and telephone communications were all an outcome of the treaty.

It is important to state that Arab opponents of the treaty at the time, including Arafat, were not against the idea of peace in itself. They were, however, concerned that Egypt unilaterally signing a treaty undermined their negotiating status and reduced the possibility of an Israeli withdrawal from the West Bank, and weakened the negotiating position of other Arab countries. Sadat's actions gave the Jewish state the ability to negotiate a separate treaty with Egypt and eliminate the threat of war on that front, and at the same time left Israel's hands untied on other fronts (namely, defining its eastern borders, and settling and absorbing Jewish settlers there).

In his appearance before the Israeli Knesset, Sadat said, 'I come to you today on solid ground to shape a new life and to establish peace, but to be absolutely frank with you, I took this decision after long thought, knowing that it constitutes a great risk'.<sup>4</sup> The Egyptian President was correct that it was very risky for him: as a result of initiating peace with Israel, he was isolated by other Arab nations and became unpopular among his people, which finally led to his assassination in 1981. This is not to say that Egyptian public opinion was united against the peace treaty – some Egyptians supported Sadat's visit to Israel because they thought it would help their economic conditions improve. However, that hope largely did not materialise.

Sadat's successor, Mohamed Hosni Mubarak, maintained what Sadat created: the so-called 'cold peace' with Israel. He distanced Egypt from Israeli aggression against the Palestinian people, the ongoing building of settlements (particularly on the West Bank) and the blockade of Gaza, and stayed silent on Israel's 2006 offensive in Lebanon. Despite summoning his ambassador from Israel on a number of occasions during times of heated crisis, Egypt under Mubarak continued diplomatic relations with Israel and the Egyptian government never once questioned the peace treaty.

Now that protests have swept Mubarak from power, Israel faces new players in Egypt, some of whom have a different approach towards the peace agreement. In the immediate aftermath of the revolution, the demands of the Egyptian protestors focused on ending decades of dictatorship and fixing longstanding internal problems in their country. However, public resentment of Mubarak's policies on Palestinian rights and Egypt's stance on the conflict rapidly surfaced with the political opening in the country and has become an important part of the public debate. Revising Egyptian-Israeli relations in a way that would reflect Egypt's post-revolution stance on concepts of occupation and resistance is of utmost importance and is directly linked to calls for changing the treaty to better suit the new reality in both Egypt and the region.





# Modifying the Egypt-Israel peace treaty and potential Egyptian demands

**E**gypt's potential demands to revise the treaty will most likely be governed by three major aspirations: restoring Egypt's self-image as a major regional player; restoring security in the Sinai Peninsula; and restoring Egypt's role in the Israeli-Palestinian conflict.

## **Restoring Egypt's self-image**

The peace treaty between Israel and Egypt is not popular among Egyptians. A survey undertaken after the Arab uprisings found that 54 per cent of Egyptians wanted to end the treaty, compared to 36 per cent who wanted to keep it.<sup>5</sup>

This is not to say that most Egyptians want to go back to a state of war with Israel. It is more that Egyptians feel that their national pride has been undermined by a treaty that grants Israel authority over their sovereign land in Sinai and gives the United States leverage over the Egyptian government (thanks to the military aid package). American warships and airplanes get 'expedited processing' through the Suez Canal and Egyptian airspace, and an economic aid package allows the United States to advocate neo-liberal structural policies that are not at all popular among the Egyptian grassroots. Moreover, many Egyptians believe that American defence companies are the chief beneficiaries of the military aid agreement, since all of that aid is allocated to Egyptian weapons purchased from American defence contractors. Others believe that it is only a narrow clique of senior military officers who actually benefit from it.

Any reading of the treaty validates such concerns, as the articles of the treaty reveal its inherent bias towards Israel. The peace treaty as it stands ensures that Egypt is dependent on Israel and the United States by putting Egypt's obligations towards the Jewish state ahead of any of its other strategic obligations, and gives Israel the upper hand over Egypt due to the apparent American preference that Israel receive more technologically advanced weaponry than Egypt. While Egypt's air force is packed with F-16 fighter planes, Israel has the more sophisticated F-15 planes. Moreover, only Israel is allowed to return at any time to conditions as they existed prior to the signing of the treaty (which included full Israeli control over Sinai). And when Washington and Jerusalem signed an agreement in 2007 to increase Israel's aid by more than \$600 million per year, Cairo was not involved in this agreement.

The average Egyptian may not be necessarily keen on the technical details of the treaty, but would still be aware that the American bias towards Israel – which has been a constant in US foreign policy for political, historical or sentimental reasons – was clearly articulated by the Carter administration in the 1979 peace treaty. Any change in the treaty, even if it will not directly address these concerns, will be able to address some of the negative sentiments towards the treaty.

## **Restoring security in Sinai**

Mohammed Esmat Seif al-Dawla, the Egyptian presidential adviser championing the idea of changing the peace treaty with Israel, stated that his proposal would include major changes to Article IV, which governs the establishment of 'limited force zones in Egyptian and Israeli territory' along the shared border in the Sinai Peninsula. According to Article IV, Egypt is allowed to station only limited forces – no more than one division – more than 30 miles from the Suez Canal.<sup>6</sup> Article IV also permits review and amendment of this clause 'by mutual agreement of the Parties'.<sup>7</sup> In other words, the treaty leaves most of the Sinai demilitarised, and as a result it prevents Egypt from augmenting its security control over the Sinai Peninsula.

The demilitarisation of Sinai was suitable at the time the treaty was signed, in order to build confidence between two countries that had just come out of a long state of war with each other. However, the demilitarisation process has only applied to state actors, with the result that a small number of Egyptian security forces with limited arms are facing an increasing number of non-state militant actors and jihadist groups inhabiting or crossing the peninsula from neighbouring countries. The growing radicalism of Islamist power brokers and the increasing influence of Bedouins from Gaza, who cross via tunnels to seek vengeance in Sinai, have created a security vacuum dilemma which has led to the peninsula becoming a haven for arms smuggling and a terrorism infrastructure, which needs to be properly dealt with.

Article III of the treaty states that both countries need 'to ensure that acts or threats of belligerency, hostility, or violence do not originate from and are not committed from within its territory, or by any forces subject to its control or by any other forces stationed on its territory'.<sup>8</sup> This means that both states are obligated to prevent the use of their territory for acts of violence against the other. In the context of the present lawlessness in Sinai, Egypt has the responsibility and obligation to preserve security within its territories. In order to take such measures, Egypt has to have the authority to increase its security presence according to what it sees as necessary and sufficient to contain the current situation and prevent future threats, without waiting for Israeli approval to do so on an ad hoc basis. Additionally, any potential changes to Article IV must address the current limitations by amending the number and nature of forces allowed in the four designated areas, in addition to the geographical division of the areas themselves.

## **Restoring Egypt's role in the Palestinian conflict**

Paragraph 5 of Article VI states that 'in the event of a conflict between obligations under the present treaty and other obligations, the obligations under this treaty will be binding and implemented'.<sup>9</sup> This means that should a conflict of interest arise, the obligations generated by the treaty are binding and have precedence over all others. Thus, with respect to the conflict between Egypt's Arab neighbours and Israel, Egypt has to stand idle and prioritise its commitments to Israel over any of its other commitments. For Egypt to restore its leading position in the region, Article VI has to be completely annulled, and the treaty has to be given the typical status

of an agreement between two countries and not given priority over other Egyptian commitments.

Egypt's demands would also likely include the amendment of Article III of the treaty, concerning respect for territorial sovereignty and integrity and the political independence of the other party. An amendment could require that Israel's eastern borders are defined and recognised in agreement with its neighbours, as the peace agreement currently does not force Israel to redefine its eastern borders and they are left vague.

Finally, Article IX of the treaty provides that all protocols, annexes and maps attached to the treaty are an integral part of it, except the annexed letters referring to peace with other Arab countries and the rights of the Palestinians to self-determination. Whatever reason led President Sadat to offer such a compromise at the time is surely not valid now, and this article should be changed to include those letters, in order to present a more comprehensive and inclusive vision for peace in the region and to tackle more specific issues like the final status of Gaza and the West Bank.



# Rationale for amending the treaty

**A**s mentioned earlier, the peace treaty has never been popular among Egyptians. However, there are a number of additional factors that represent the underlying rationale for amending the treaty from my perspective.

## **Finding a long-term solution for eliminating potential threats to both parties**

In the past, to avoid changing the treaty or amending the annex that incorporated the protocol on Israeli withdrawal and security arrangements, Israel sought to increase the number of troops in areas contiguous to the Gaza Strip through separate agreements on an ad hoc basis.

The fall of Mubarak's police state in Egypt has led to the erosion of the state security apparatus in Sinai, leaving the peninsula with a security vacuum that different groups (including Bedouin tribes) are all competing to fill. In August 2012, suspected militants attacked an Egyptian border station, killing sixteen Egyptian soldiers before storming the Israeli border with a stolen armoured vehicle. Such cross-border assaults by non-state actors have intensified tensions between Egypt and Israel, calling into question the ability of the forces allowed in the Sinai (according to the 1979 peace treaty) to maintain stability and security.

Israel's blockade on Gaza's northern and eastern borders, which began almost twenty years ago and increased in 2007 after Hamas took over the Strip, has turned Sinai into Gaza's primary trade and access route. Sinai has replaced Israel as Gaza's prime portal for food, fuel and weapons. Arms are smuggled heavily from Libya through the Egyptian crossing at Salloum, and then by road to Sinai and into Gaza through the extensive tunnel system.<sup>10</sup>

The security vacuum and the contesting forces require the drafting of a new political contract to balance the new power and trade relationships in the peninsula. The current status quo of lawlessness in Sinai could turn the peninsula into a proxy battlefield for surrounding powers, and could potentially lead to future cross-border attacks or sabotage of shipping lanes in the Straits of Tiran or through the Suez Canal.

Another problem attached to the erosion of security in the peninsula is the flow of illegal immigrants coming into Israel through Egypt. A large number of African immigrants fled to Israel after conflicts ripped their countries apart. A large contingent (approximately 60,000 in a nation of nearly 8 million) have come from Sudan. Prime Minister Benjamin Netanyahu has called the immigrants 'infiltrators' (a term also used for Palestinian militants) who are 'swamping' the country and threatening 'the character of the Jewish state'. Additionally, according to a poll, 52 per cent of Israelis see these Africans as a 'cancer', and one man at an anti-immigration rally even suggested they should 'burn them out and put poison in their food'.<sup>11</sup> Changing the

security annex of the treaty would give Egypt more authority over its borders with Israel and help prevent this so-called 'infiltration', be it by Africans who are seeking a better life or even by Palestinians. In addition, having an increased presence in Sinai would enable Egyptian forces to better control the peninsula and prevent smuggling through the tunnels into Gaza.

Israeli anxieties over the close ties between Hamas and its parent organisation, the Muslim Brotherhood in Egypt, are understandable. After all, it is unlikely that a Muslim Brotherhood government would – as Mubarak used to do – accuse Hamas of fostering militancy in Sinai, or proactively enhance the siege of Gaza. However, if Israel gave Egypt more leverage in Sinai, it might possibly delegate its battle with jihadist groups in the areas adjacent to Gaza to the Egyptians, and turn the fight within Egypt into one between Egyptians and their government.

The security protocol annex which divides Sinai into areas of limited arms in Zones A, B and C (with a corresponding Zone D in Israel) was drafted with the aim of creating a security system that would prevent both Egypt and Israel from becoming an unexpected threat against the other, as was the case for Egypt in 1967 and for Israel in 1973. However, the reality on the ground, more than thirty years since the signing of the treaty, indicates that the real threat for both sides comes from a third party, the jihadist militants, who began during Mubarak's regime to carry out terrorist attacks in Sinai as well as breaching the border with Gaza through the tunnels.

There needs to be a long-term solution for eliminating potential threats and this will not be possible without revising the security protocols of the peace treaty to allow Egyptian troops to enter with necessary force to protect the buffer zone. Israel must seriously consider these revisions as a long-term solution. Thus far, they have done so on a temporary basis because of current conditions. Over the last year, Israel has allowed Egypt to deploy thousands of troops in central and eastern Sinai despite treaty restrictions. In August 2012, Israel allowed Egypt to deploy roughly fifty main battle tanks, two attack helicopters and two F-16 multi-role fighters in the demilitarised east as part of a counter-insurgency operation.<sup>12</sup> Such temporary allowances should be allowed to become permanent.

### **Israel needs to engage with a new reality in the Middle East**

At least on a diplomatic level, Israel ought to consider the revision of the treaty as an alternative to absorbing an angry, mobilised Egyptian public opinion calling for the annulment of the treaty. It is important to note that the majority of Egyptians – excluding more radical groups – do not want to go to war with Israel; rather, they want to make a symbolic gesture against Israeli acts towards Palestinians.

Thus far, Israel's response to the revolutions in the region has included accepting plans for additional housing units for settlers in East Jerusalem and in the Bab el Shams area (known as E1); attacking Palestinian Authority President Mahmoud Abbas for reconciling with Hamas and taking the Palestinian statehood bid to the UN General Assembly; shooting six Egyptian soldiers on the border; and reminiscing over the Mubarak era. This is why engaging in serious negotiations for

revising the treaty could be an opportunity for Israel to engage with the new reality in neighbouring countries with a positive approach.

A prime example can be seen with the most recent explosion of hostilities in the region in November 2012, when Israel launched Operation Pillar of Defence in Gaza with the targeted killing of Hamas leader Ahmed Jaabari. Senior Hamas leader Ismail Haniyeh gave a speech saying, 'we call on our Arab brothers, and especially Egypt ... and the new Egyptian Presidency, to suppress this barbaric campaign against Gaza and its people'.<sup>13</sup> The Egyptian response came a few hours later, with Egyptian Presidential Spokesperson Yasser Ali announcing that President Morsi had recalled the Egyptian ambassador to Israel, summoned the Israeli ambassador in Cairo to convey Egypt's objection to continued Israeli attacks on Gaza, and ordered the Egyptian representative at the UN to call for an emergency meeting of the Security Council. Additionally, Morsi called on the Secretary General of the Arab League to hold an emergency meeting for Arab foreign ministers. It is not surprising that a Muslim Brotherhood president would engage in such symbolic reactions to the Israeli attacks on Gaza and the killing of Al-Jaabari. (It is interesting to note that Mubarak, who made it obvious that he could not care less about the Palestinian struggle, recalled the Egyptian ambassador to Israel at least four times during his presidency.) Morsi's actions won him easy 'brownie points' from the antagonised Egyptian public. However, he has also raised expectations for taking more concrete steps to support neighbouring Gaza, whether through unconditionally opening the Rafah crossing or amending the peace treaty. Both scenarios would no doubt instantly increase his credibility domestically among both Islamists and leftists.

Despite the fact that Morsi has repeatedly assured the foreign media that his government will respect and uphold Egypt's international commitments, it will not be hard for the Egyptian government to argue that it is necessary to revise the treaty for Egypt to be able to uphold such commitments.

### **Israel would be short-sighted to allow the Egyptians to annul the treaty**

Even if Egypt annulled the treaty unilaterally without entering into a direct war with Israel, it would be a great loss for the Jewish state because it was only through the treaty that Egypt was taken out of the equation of the Arab-Israeli conflict. Any acceptance by Israel that the treaty could be amended would rapidly reduce public pressure on the Egyptian government. Moreover, the Israeli government has to realise that the Egyptian president no longer has unlimited authority to stay in power, and that Morsi or any other democratically elected president in Egypt will have to be responsive to public pressure in order to get re-elected. At present, it is likely that an Egyptian president can rely on playing the anti-Israel card in order to distract the public from rapidly deteriorating economic conditions and to win the votes of ultra-orthodox Salafis.

## **Preserving Egypt's national security**

The security situation in Sinai and Egyptian-Palestinian relations – two issues directly affected by the peace treaty – are cornerstones of Egyptian national security. Thus, it can be expected that Morsi will be vigilant in handling anything pertaining to these two issues, and that his position will not be subject to revolutionary bartering or party manoeuvring. However, due to the centrality of such issues, they cannot be brushed away for long.

The peace treaty clearly puts limitations on Egypt's sovereignty over its own territory; it takes priority over all other treaties; and it ensures that no future treaty can affect it in any way. Thus, the amendment of the treaty can correct this imbalance or at least reduce the disparity so as to improve Egypt's strategic position.



# Conclusion

**T**he peace treaty between Israel and Egypt constituted a significant and groundbreaking change in Middle East politics. It laid the foundation for a fundamental change in the peace process, not only between Egypt and Israel but between Israel and its other neighbours. The termination of the state of war and installation of a state of peace in Article I of the treaty created a new legal and political framework in the region. The significance of the peace relationship between Egypt and Israel, and the fact that a generation of Egyptians and Israelis have grown up without the threat of war, is a central factor to the national security of both countries.

In light of recent developments in Egypt, and in the Sinai Peninsula in particular, concerns are being voiced in Egypt as to whether the integrity of the peace relationship between Egypt and Israel can remain intact. The political changes taking place in Egypt with the emergence of a Muslim Brotherhood leadership and administration, with inherently close ideological and organisational ties with Hamas, and the lack of security control by the Egyptian military in Sinai that has enabled a situation of enhanced terror activity there, have all contributed to the importance of considering the revision of the peace treaty between the two countries.

The Egyptian-Israeli peace treaty is a cornerstone of Egyptian national security, and the Egyptian government is expected to deal with any change in the treaty with extreme caution. It should distance itself from momentary sentiments or party manoeuvring and should take into consideration the following observations:

- The Egyptian administration and its leadership should transparently convey to its people that amending or changing the treaty does not mean that Egypt will engage in any direct or indirect military confrontation with Israel. Rather, any change would invoke the essence of peace between the two countries, as stated in Article III of the treaty: 'to ensure that acts or threats of belligerency, hostility, or violence do not originate from and are not committed from within its territory, or by any forces subject to its control or by any other forces stationed on its territory'.
- The treaty currently has no time limit, so it is of utmost importance that any amendments to the treaty incorporate a timeframe and are not left timeless, leaving both parties with the right to extend or terminate them. This would bring the treaty into line with other international treaties, so that the choice for each party will not rest between continuing with what they may feel are inconvenient conditions or war. Adding a time limit clause does not at all imply questioning the essence of the treaty that is upholding peace between the two countries; rather, it would be more focused on revising the agreement depending on the

changing facts on the ground. Parts of the agreement that could potentially be revised are mostly those related to the security arrangements and the demilitarised zones between the two countries.

- The United States could encourage security cooperation between Israeli officers and their Egyptian counterparts, possibly with US involvement. A tripartite Egyptian-Israeli-American committee could possibly be established for cooperation on security in Sinai.
- The Egyptian government should find a sustainable solution to formalise access and movement as well as trade relationships across Sinai's borders with Gaza and Israel through the Rafah crossing, without leaving the tunnels as the only means for such access. Accordingly, enhanced and formalised security coordination between Egypt, Israel and Hamas should take place in order to be able to hold parties to account in case of security violations.
- It is of utmost importance that negotiations on revising the treaty should primarily take into consideration the relationship between the peace treaty and the legitimate rights of the Palestinian people. President Morsi should be aware of the fact that there will be no genuine normalisation between Egyptians and Israelis without prioritising the rights of the Palestinian people.

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## **About ICSR**

ICSR is a unique partnership of King's College London, the University of Pennsylvania, the Interdisciplinary Center Herzliya (Israel), and the Regional Centre for Conflict Prevention Amman (Jordan). Its aim is to counter the growth of radicalisation and political violence by bringing together knowledge and leadership. For more information, see [\*\*www.icsr.info\*\*](http://www.icsr.info)

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