

Territorial Discontinuity and Palestinian Autonomy: Implementing the Oslo II Agreement

David Newman

Introduction

The Oslo II agreement¹ between Israel and the Palestinian authority is the latest in the series of transition agreements reached by the two sides. The implementation of this agreement is due to take place over the coming six months, resulting in an Israeli military withdrawal from virtually all major Palestinian population centres and the transfer of authority in these towns to the Palestinian administration. As part of the ongoing process, elections for a representative governing authority are planned for the entire Palestinian populace of the West Bank and Gaza Strip. Despite the assassination of Israeli prime minister Rabin, the process is going ahead as planned.

The Agreement

The agreement is a complex one. The four hundred pages and numerous maps which form part of this agreement testify to the problems incurred in reaching the final accord. Indeed, the final agreement is so complex that many commentators argue that it will not be possible to implement it on the ground and that, instead of continuing on the path of transition, it would be preferable to move immediately into the final stages of negotiations over the ultimate territorial separation between the two sides. Not only do the Oslo II arrangements, if fully implemented, lend themselves to misinterpretation by the extreme elements on both sides, but they are costly to implement. Israel has committed itself to constructing a number of 'safe passage' bypass roads for the Israeli settler community so that they will not have to travel through areas controlled by the Palestinian authority. It is possible that in a final arrangement, these newly constructed roads will also be handed over to the Palestinian authority as territorial separation becomes more permanent.

The Agreement does not deal with territorial issues alone. Other issues include the holding of elections throughout the territories, the release of Palestinian

prisoners within Israeli jails, the public annulment of the PLO manifesto and its statements concerning the destruction of Israel, the withdrawal of Israel military forces, and so on. Each of these is linked to the other in a complex timetable. Thus, a major prisoner release was meant to signal the commencement of implementation. But, in a surprise decision, Israeli President Ezer Weizmann, who is a strong supporter of the peace process, refused to grant amnesty to four of the women prisoners who had been found guilty of killing Israeli citizens. For the Palestinians, this was an immediate breach of the agreement.

Another timetabling issue concerns the holding of elections and the continued Israeli military withdrawal. Israel has always perceived the holding of elections as an indication of the 'democratisation' of Palestinian society. Complete transfer of authority and withdrawal of military forces is partially dependent on the holding of these elections, while for their part the Palestinians argue that free elections can not be held while there remains an Israeli military presence. Many of these issues will have to be solved on an incremental basis. As each problem of non-implementation, or of perceived breach of the agreement by one side, arises, the Israeli and Palestinian negotiators will meet to work out an immediate solution to be implemented on the ground.

The signing of the Oslo II accords has not been met with the same degree of euphoria which surrounded the first Oslo agreement some two years earlier. Continued violence and acts of terrorism have not been conducive to a change in atmosphere amongst either the Israeli or Palestinian populations. The difficulties which accompanied the drawn out and tedious negotiations between Chairman Yassir Arafat and Israeli Foreign Minister (now Prime Minister) Shimon Peres did nothing to dispel the great degree of mutual mistrust with which each side continues to perceive the other. For the Palestinians, anything short of a fully fledged state is too little, while for the Israelis the continued transfer of territorial parcels of the West Bank to

the Palestinians and the introduction of armed Palestinian units within these areas is perceived as a strategic threat in their own backyard.

The Territorial Anomalies of Oslo II

The Oslo II agreement, an odd name for an agreement which was negotiated in the Red Sea port of Taba and ostentatiously signed in Washington, divides the area of the West Bank into three types of area (Figure 1):

Areas 'A' include all those areas within which authority is to be transferred from the Israeli military administration to the governing Palestinian authority. These are the areas to which the existing autonomy in Jericho and the Gaza Strip is to be expanded. They include virtually all of the major Palestinian towns, with the exception of East Jerusalem, which from an Israeli perspective remains off the agenda, and parts of Hebron. The Israeli military is scheduled to withdraw from all other West Bank towns over a period of six months, beginning in the north with the town of Jenin and gradually moving in a southerly direction to include the towns of Nablus, Qalqilyah, Tulqarem, Ramallah, Bethlehem and much of Hebron. Five major towns, including Nablus and Bethlehem will have been transferred by Christmas so that for the first time ever a Palestinian authority will preside over the Christmas celebrations. The transfer of authority in these towns effectively enables most of the Palestinian population to fall under direct Palestinian administration, while enabling Israel to relieve itself of the responsibility of caring for the large population under its control. Since this is an urban population, the territorial extent of Areas "A" is minimal.

Areas 'B' include most other Palestinian population centres, such as villages and refugee camps, throughout the region. Here too the Israeli military is scheduled to withdraw and to transfer civilian authority to the Palestinian administration. At the same time, Israel retains overall security control of these regions, enabling it to move into these areas to conduct searches and to retaliate for any violence emanating from these same places. The sum population of the villages and refugee camps is less than that of the urban centres, but covers a larger territorial area.

The remainder of the West Bank (excluding East Jerusalem) is categorised as *Area 'C'*. These areas,

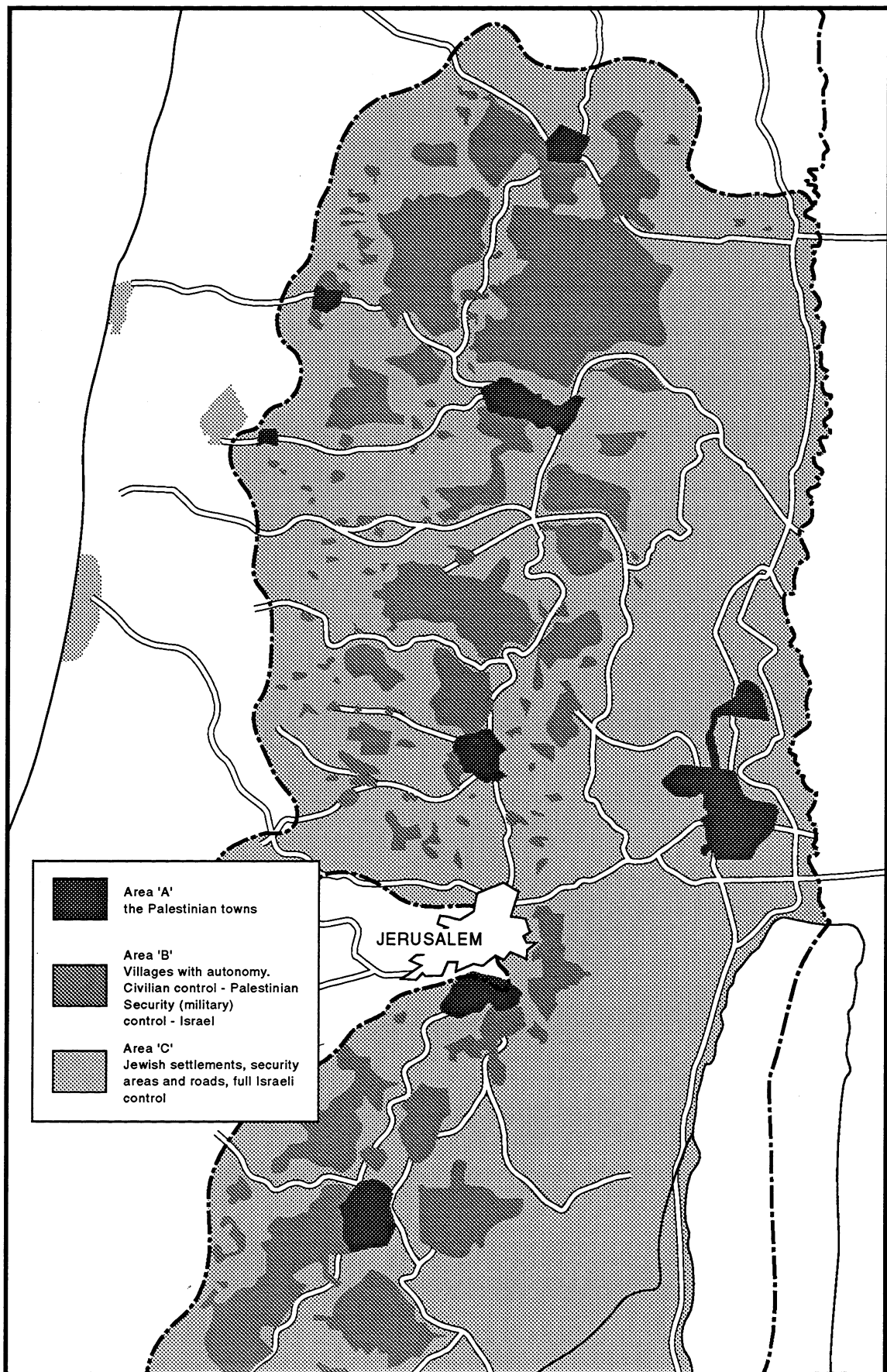
encompassing approximately 60% of the total region, remain under full Israeli control. Areas 'C' include all Israeli settlements, the Jordan valley, and all major roads and other transportation arteries deemed as necessary for the Israeli security posture. Where key roads are transferred to the Palestinian authority, new bypass roads are scheduled to be constructed for the benefit of the Israeli settler population, prior to the evacuation of these areas. The final evacuation of Bethlehem just a few days prior to Christmas was delayed due to the non-completion of the bypass road allowing Israeli settlers in the Gush Etzion area to travel safely to Jerusalem without having to enter Bethlehem. Road crews worked around the clock to ensure the evacuation of the city prior to Christmas.

The complexity of these territorial arrangements has resulted in the creation of a large number of disconnected territorial nodes and exclaves. While it is a significant expansion of autonomy for the Palestinians, there is no territorial contiguity which allows for the smooth regional functioning of a new administration. Passage from one Palestinian controlled town to another will often have to take place along Israeli controlled roads. Both Israeli and Palestinian settlements find themselves surrounded by territory belonging to the other side. No clear line exists separating the two populations and their respective territories.

The recent handover of Tulkarem may serve to illustrate this. The city of Tulkarem was turned over to the Palestinian authority on 10 December. Tulkarem is located alongside the old border, at the narrowest point separating the West Bank from the Israeli coast, only twelve kilometres from the coastal resort of Netanya. In the wake of the Israeli evacuation of Tulkarem, it was decided to establish a twelve kilometre fence to the west of Qalqilyah and Tulkarem, separating the Palestinian towns from the Jewish settlements inside Israel. Some 20 villages, containing 2,000 inhabitants, see themselves as returning to the pre-1967 situation of border settlements. They are uncertain of the nature of relations which will accompany the transfer of the neighbouring towns to Palestinian authority and, as such, have requested the re-erection of a fence of separation.

Joint Policing

In an effort to police their respective populations, the two sides have agreed upon eleven joint patrols



throughout the West Bank, based on the joint patrols already in operation in Gaza. They will operate in the seven Palestinian towns and along eleven major transportation arteries, commencing the day after Israeli military withdrawal. Three months later, each side can request a change in the routes of the joint patrols and/or request additional routes in Areas "B" and "C". They will take the form of the existing joint patrol in the Jericho area.

The Israeli contingent will be made up of members of the 'border patrol', while the Palestinian contingent will be composed of four Palestinian policemen, armed with their 'personal' sidearms. Some of the patrols will be led by the Israeli contingent, others by the Palestinians. A joint committee will solve any problems that arise concerning the use of weapons and the arrest of either Palestinians or Jewish settlers. Only Israeli soldiers will be allowed to arrest Jewish settlers. The object of these joint patrols are to prevent terrorist activity; to prevent open conflict between Palestinians and settlers; and to maintain open transportation arteries.

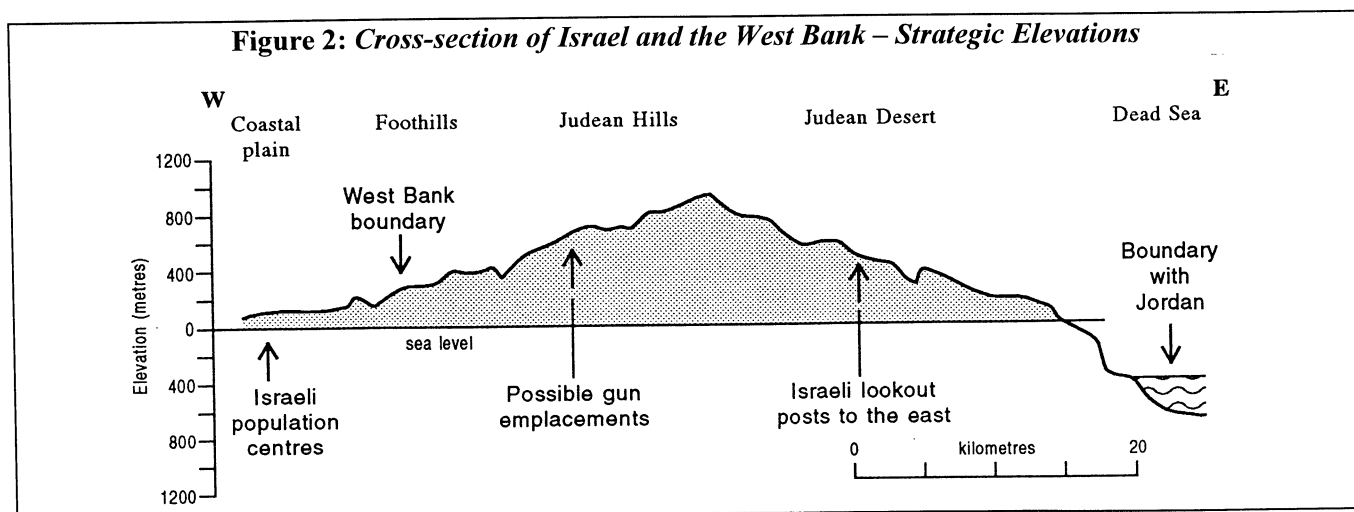
Constraints

It is possible that the present Israeli government was prepared to go much further in their territorial concessions at this stage. However, they were faced by two major constraints during the negotiations. The first of these concerns the traditional security discourse of all Israeli governments since 1967. This discourse argues that the western margins of the West Bank, in close proximity to the Israeli population centres, are a necessary strategic asset which have to remain under Israeli control (Figure 2). Moreover, Israel has always desired to retain control of the Jordan Valley which, it is argued, is

essential as a means of ensuring a defensible border with Jordan. Control over this boundary is perceived as a way by which the transfer of heavy weapons across into a Palestinian entity can be prevented.

These security ideas which are reemerging in the present series of negotiations are a throw back to the earliest plans put forward by the Israeli government following the 1967 War, known at the time as the Allon Plan. Both the Allon plan of then, and the present Oslo II map, essentially creates an Israeli security *cordon sanitaire* around all of the Palestinian areas, with a single territorial corridor linking the Palestinian areas with Jordan.

The second constraint facing the Israeli government is the issue of the Israeli settlements. While some 60-70% of the settlements are located in relative close proximity to the old 'green line' boundary between Israel and the West Bank, the remainder of these settlements are dispersed throughout the region. Many of these, especially those in Hebron to the south and Elon Moreh to the north, contain some of the most fanatically committed of the religious nationalist groups who refuse to concede any transfer of territory to a Palestinian authority. These groups are the prime movers behind the fierce, and often violent, internal opposition to the current peace accords. A decision by the government, at this stage, to forcibly remove any of these settlements would result in even fiercer opposition leading to bloodshed. Some religious leaders have called on soldiers to refuse to carry out any orders to evacuate settlements, while others have been heard to discuss the possibility of civil war. The result has been to create a map in which all of the Israeli settlements, including the isolated outliers, remain under full Israeli control.



Hebron

Nowhere was the settlement issue more strongly felt in the negotiations than that concerning the settlers of Hebron. Some 400 religious nationalist Jewish settlers reside in the very heart of this city containing over 100,000 Palestinians. Following 1967 a Jewish township, Qiryat Arba, was set up to the east of the city as a separate community. Today, Qiryat Arba contains a few thousand residents. During the 1980s, some of the settlers sought to establish a territorial presence within the town itself, as close as possible to the 'Machpelah Cave', the site which they believe is the burial place of the Jewish ancestors, Abraham, Isaac and Jacob. This same site is also holy to the Moslem population. Much bitter conflict has arisen over questions concerning the right of access to the Machpelah Cave, resulting in total separation of the two groups of worshippers on alternate days. During the early 1980s, a groups of Jewish worshippers were killed

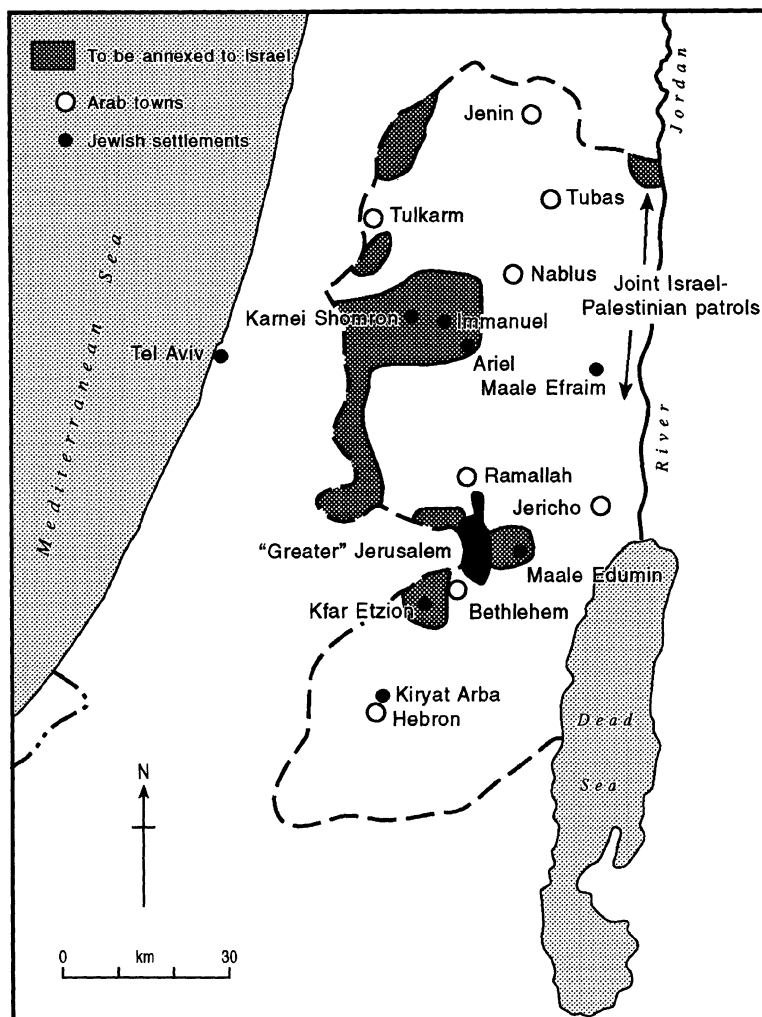
while on their way from Hebron to Qiryat Arba, while in 1994 a Jewish resident of Qiryat Arba killed Moslem worshippers in the mosque on the site.

The Hebron settlers have stated their intention to remain in situ and reject any notion of evacuation. The Israeli government would prefer to remove the settlers from the heart of the Arab town, but are fearful of the opposition they will encounter to such a move. As a result of the Oslo II negotiations, Hebron has become a major rallying cry for the right wing opponents of peace within Israel. During the recent festival period, tens of thousands of Jews from throughout Israel arrived every day to pray at the holy sites as a means of demonstrating their support for the retention of Israeli control over Hebron. As a result of the agreement, Hebron will become divided, with much of the city being transferred to Palestinian control, while the area with the Israeli settlers and the Machpelah Cave

remaining under Israeli control. Territorial continuity will be retained between these two locations and between them and the Jewish suburb of Qiryat Arba. The transfer of control of much of the town to the Palestinians includes part of the main north-south road linking the town to Jerusalem and the main Israeli population centres. Part of the agreement includes the construction of a by pass road which will link the settler enclave and Qiryat Arba with the road to the north, by skirting the town of Hebron from the east. Transfer of authority in the rest of the town is not due to take place until this road has been completed.

Needless to say, neither of these arguments – the security and the settlements – is acceptable to the Palestinians. In the run up to the discussions over the final territorial arrangement, a term which is no more than a euphemism for the creation of a Palestinian state but which cannot yet be openly stated by Israel government ministers, the Palestinians will demand nothing less than the whole of the West Bank. Even this, they argue, makes up only 23% of mandate Palestine and, as such, represents for them a major concession. But, they will argue, such a territory must be devoid of all Israeli security installations (along the Jordan Valley) and free of all Israel settlements.

Figure 3



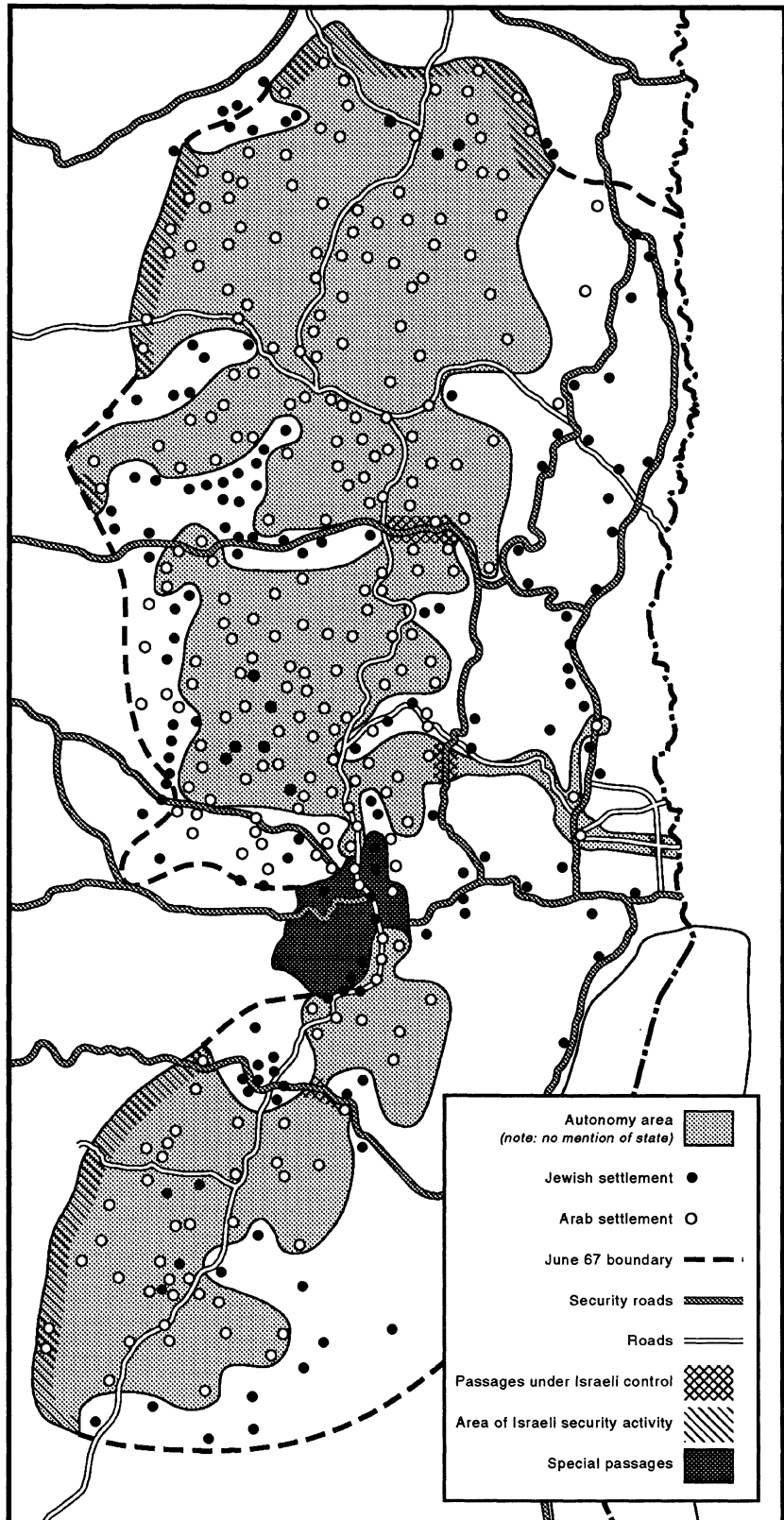
From Oslo II to the Final Territorial Arrangement

According to the timetabling set out in the first Oslo agreement, the two sides are scheduled to commence negotiations over the final territorial arrangements two years after the implementation of autonomy in Gaza and Jericho. This requires the commencement of negotiations in May 1996. Although not yet categorically defined as such, the use of the term "*final territorial arrangement*" is simply a semantic alternative to the term "*Palestinian state*". Within Israel, where large sections of the population remain sceptical about the present peace process and are still not used to seeing their leaders negotiating with PLO officials who were, until two years ago, their lifelong enemies, it is not yet deemed the right time to begin selling the concept of a Palestinian state. Notwithstanding, a number of government ministers, especially those associated with the peace movements, have begun to state the inevitability of a Palestinian state following on from the present agreement.

During the course of the past year, alternative maps have been produced by different Israeli political and academic institutions, all aimed at reaching a final territorial arrangement. In December 1994, the Jaffee Center for Strategic Studies proposed a plan which would annex approximately 11% of the West Bank to Israel. This area, most of it in close proximity to the 'green line', would encompass approximately 65% of the Israeli settlements but would also include a number of Palestinian settlements (Figure 3).

More recently, a new political grouping known as the 'Third Way', has produced an alternative map. This group was formed by disgruntled Labour Party politicians who, while supporting the principles of the current peace process, believe that the government is giving too much away with too little in return. Composed of a number of retired senior military figures, this group has

Figure 4: The 'Third Way' Map



emphasised the security dimensions of a final agreement, again arguing for the retention of the Jordan valley as a defensive *cordon sanitaire* (Figure 4). The resemblance of the 'Third Way' map to that of the Allon Plan, devised some thirty years ago, is striking. This probably derives from the military background of those involved in the respective plans of 1967 and 1995, and their insistence on retaining control of the Jordan Valley.

At the time of writing, one of the peace movements, Netivot Shalom, has produced yet another map (Figure 5) in which they argue that it is possible to include approximately 85% of the Israeli settlements by annexing only 6% of the total area. This map is an exercise in cartographic ingenuity in that it has also managed to exclude any Palestinian village or town from the annexed area. While this may sound an ideal territorial solution, a quick glance at the map shows the highly complex and gerrymandered boundaries which such a solution would entail.

The length of the proposed boundaries for each alternative are even more complex. The length of the 'green line' boundary is some 327km. This is doubled to over 600km by the Netivot peace group proposal and tripled to nearly 1,000km by the 'Third Way' alternative. Ironically, the 'Third Way', who it seems likely will run as a political party of the 'middle road' for next year's parliamentary elections, emphasise the security dimensions of a final agreement but at the same time create the most difficult boundaries to defend under a final territorial arrangement.

But these, and other proposals, have one thing in common. They all believe that it is necessary to negotiate the final arrangement instead of moving from one transition stage into another without any clear or fixed objectives as to what is desirable at the end of the day. They largely accept that a final arrangement must be based on the highest degree of territorial and demographic separation between the two peoples, each of whom is clearly unprepared to live under the sovereignty or control of the other. They all understand the need to create compact territories, with as few territorial anomalies, such as exclaves, by pass roads and territorial corridors as possible. There is some concern that the approach adopted by new Prime Minister Peres is to emphasise the functional, rather than territorial, nature of the final arrangement. This would leave the anomalous territorial situation created by Oslo

II in place, rather than moving to ultimate territorial separation in two compact and distinct territories.

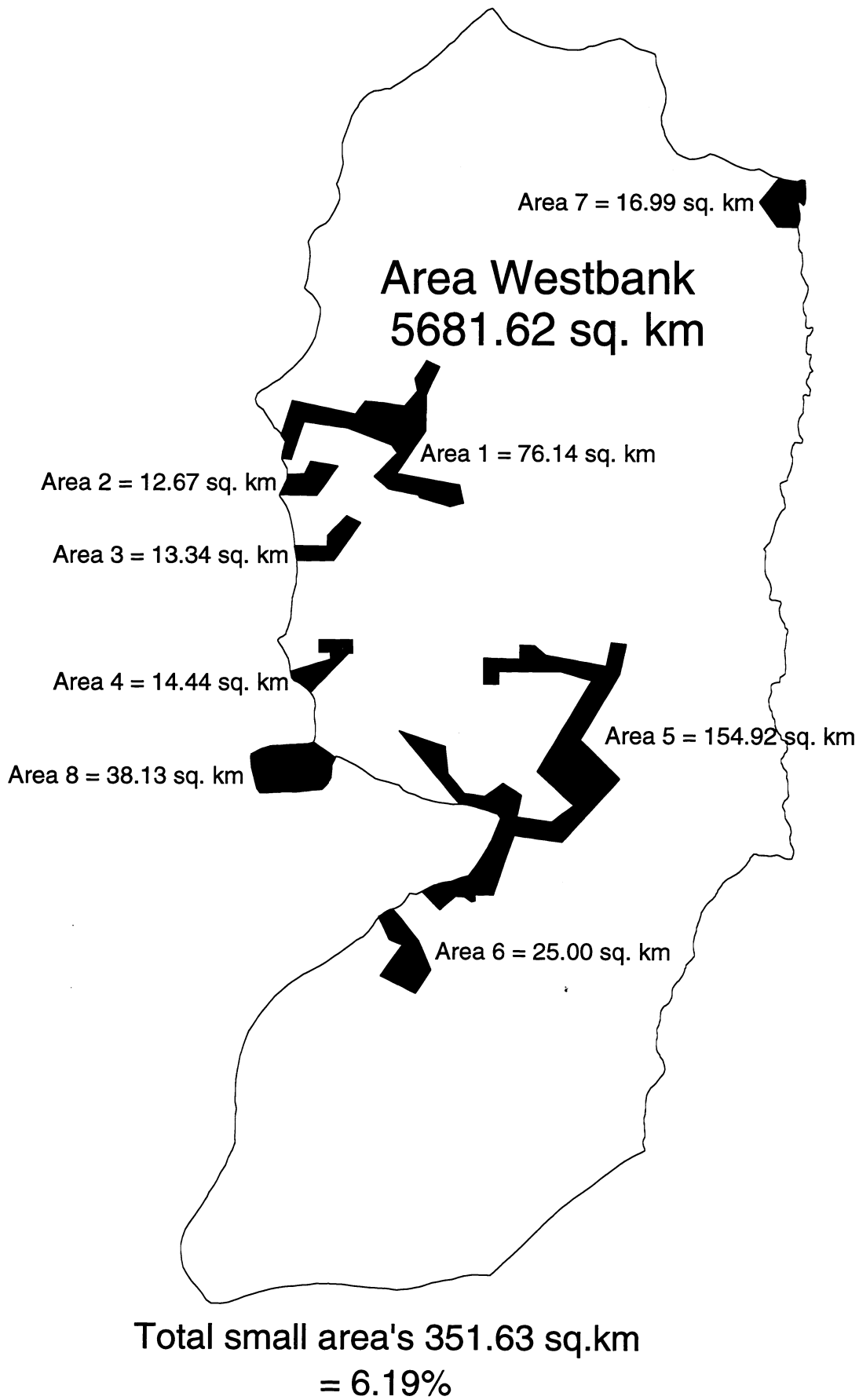
This is in stark contrast with the map accompanying the Oslo II agreement. In an effort to please everybody, the negotiators on both sides have ended up pleasing nobody. They have created a situation which can easily be breached by either of the extreme groups opposing the peace process. It requires just one case of straying into the 'wrong' territory, or driving along the 'wrong' road and refusing to acknowledge the policing authority of the 'other' for a major incident to occur. A number of such incidents will be influential in swaying public opinion away from the overall political process and against the present pro-peace leadership in both sides.

The detailed timetable for the rest of the implementation of Oslo II is summarised in Table 1. Six months after the swearing in of the newly elected authority is the final date for the first stage of "*further redeployment*" of Israeli troops throughout Areas "C" in the West Bank. Twelve months after the swearing in of the council is the final date for the second stage of the "*further redeployment*", and eighteen months is the deadline for the third and final stage.

Israeli and Palestinian Elections: Hanging in the Balance

The successful implementation of the Oslo II accords and the move towards a final territorial arrangement is largely dependent on the outcome of elections to be held amongst the Palestinians and the Israeli general elections. For Arafat to press ahead with his policy of stages, he requires a clear vote of support in the face of increasing Hamas opposition at what many view as a 'sell out' to the Zionist enemy. For the Israeli government to make more concessions, it must overcome the growing feeling of frustration amongst much of the Israeli population that the agreements so far have not brought about an improvement in their personal safety and security. For many, Rabin, the military hero of the past, has been responsible for 'selling

Figure 5: Netivot Shalom Peace Map



13/12/95	Transfer of Nablus to Palestinian authority
14/12/95	Israeli evacuation of rural Area "B" around Nablus
16/12/95	Final date for registration of parties for the Palestinian elections
17/12/95	Transfer of the town of Qalqilyah to Palestinian authority
18/12/95	Transfer of Bethlehem to Palestinian authority
19/12/95	Evacuation of rural Area "B" around Bethlehem
22/12/95	Final date for registration of candidates for the Palestinian elections
26/12/95	Evacuation of rural Area "B" around Hebron
28/12/95	Transfer of Ramallah to Palestinian authority
29/12/95	Evacuation of rural Area "B" around Ramallah
30/12/95	Publication of Palestinian electoral register and final list of parties
31/12/95	Palestinian election campaign commences
18/1/96	End of election campaign
20/1/96	Palestinian elections
26/3/96	Redeployment in the city of Hebron
4/5/96	Final date for the commencement of negotiations on the final territorial arrangements, two months after the swearing in of the elected Palestinian authority. Final date for the changing of the Palestinian Covenant calling for the " <i>destruction of Israel</i> ".

out' on parts of the historical homeland. It was the more extreme members of groups holding this view that justified the assassination of the prime minister.

On the Palestinian side, an early optimistic sign concerns the talks which are being held between the PLO and Hamas leadership. There have been press reports that the Hamas are prepared to take part in the Palestinian elections and to become more involved within the power transfer process. This would be accompanied by a cessation of violence against Israel. Such a move would lend greater credibility to the Arafat leadership as well as remove the single major deterrent for Israeli public

opinion, namely the cessation of violence and the feelings of greater personal security.

This in turn will influence the outcome of the Israeli elections scheduled to take place towards the end of 1996. The major campaign issue will concern the success or failure of the current peace process. Continued acts of violence and terrorism will move the delicate balance of support away from the present government towards the right wing Likud party, while a situation of political stability will enable the present government to return to power. The Oslo II agreement was itself ratified in the Israeli Knesset (Parliament) with only the narrowest of majorities, 61-59, with two of the government's own members voting against the accords. Israeli opponents of the peace process argued that since the 61 votes in favour of the government included those of the five Arab members of Parliament, this did not signify a Jewish majority in favour of the peace accords and, as such, was not legitimate. Arab members of parliament, so they argue, should not take part in votes concerning the ultimate territorial arrangements since they are supportive of the Palestinian cause. Notwithstanding, the two vote majority has enabled the Israeli government to go ahead with the process of implementing the Oslo II

Accords, but they would clearly like a larger parliamentary majority to carry on with the peace process through to the final stages.

The Israeli-Palestinian negotiations over the "*final territorial arrangement*" are scheduled to commence in May 1996, exactly two years after the implementation of the Oslo I agreement. However, the proximity of this date to the elections within Israel make it unlikely that any substantial progress or major decisions will be taken during that year. Should the present Israeli government be replaced by the right wing opposition, it is quite likely that no further talks will go ahead at this stage, although it is equally unlikely that even a right-wing government would attempt to reverse any of the

existing agreements, certainly those which have been implemented on the ground. If, on the other hand, the Labour party return to power, they are likely to press ahead with a final agreement, resulting in the creation of a separate and independent Palestinian state with a clearly demarcated boundary of territorial and demographic separation.

The Palestinian Elections

Oslo II laid out a framework for the holding of elections amongst the Palestinian population. They are scheduled for 20 January 1996. The elections will be for the President of the Autonomy Authority which will be composed of 82 members. They will be elected on a regional basis in sixteen voting districts including East Jerusalem. The number of representatives for each district will be determined according to the electoral register, which has not yet been finalised.

The Palestinian Authority will consist of an executive and a legislative branch. The executive authority will be headed by the "*Ra'is*" (President) who can appoint non-elected members (up to 20% of the total number) to serve in executive posts, but they will not have voting powers. The legislative authority, the Parliament, will consist of the elected members and will be headed by the "*Spokesman*" (Chairperson) of the authority.

The franchise is open to anyone over the age of 18 and it is estimated that there will be approximately 1.2 million eligible voters. In addition, the many Palestinians who lack proper identification will be allowed to vote if they are over the age of 40 and have lived in the area for at least three years, or if they are under 40 and have lived in the area for at least four years. It is estimated that this will add between 50-100,000 voters to the electoral register.

Anyone over the age of 30 who is registered as a voter will be able to stand for election to the Autonomy Authority, while anyone over the age of 35 can stand as President. There will be two voting slips, one for President, one for the candidates for the Authority, within each electoral district. Both the President and the Authority members will be elected by a simple plurality, i.e; the largest number of votes.

The Aftermath of the Rabin Assassination: Increased Support

In the immediate aftermath of the Rabin assassination, public opinion became more supportive of the peace process. The hundreds of thousands of people who attended memorial rallies for the late Prime Minister were perceived as representing the silent majority of peace process supporters who had, until recently, left the field clear for the violent demonstrations of the right wing opponents of the government policies.

The decision by new Prime Minister Shimon Peres to exchange the foreign affairs portfolio for the Defence Ministry, the same combination that was held by Rabin, was also seen as a move aimed at convincing the Israeli population that the government would continue to act in the best interests of national security, while at the same time moving ahead with the next stages of the peace accords. It was generally felt that Rabin won the last elections precisely because of his defence and military background. This drew him support from many within the military establishment who would not necessarily have given the same support to Peres. At the same time, it is often forgotten in Israel that Peres previously served as Defence Minister during the mid-1970s, at which time he was perceived as adopting a hard line policy and was even responsible for helping set up some of the first West Bank settlements. In addition, Peres was one of the major architects of the Defence Industries which were established during the 1950s and 1960s. For Peres to continue to receive the support enjoyed by Rabin, he has to show himself to be well versed in defence and security doctrine.

Had it been possible to hold snap elections, then it is quite likely that the Israeli government would have cashed in on the feeling of revulsion for the right wing brought on in the immediate aftermath of the assassination. However, advancing the date of the elections would still have required a period of 4-5 months at the minimum, during which period political life would have returned to normal. The alternative is for the government to wait out the full period until October 1996, allow Peres to establish himself as the new Prime Minister and to increase his public support. Moreover, the October date falls out just a few days after the first anniversary of Rabin's assassination, an event which is likely to be used to the benefit of the current government.

Given the still tenuous political climate within Israel, it is unlikely that the Peres government will make any major further agreements with the Palestinians prior to the elections. Given, however, the more moderate stance of Peres and his newly promoted supporters within the Labour party, it is likely that the background material for the next stage of negotiations will be prepared and that, at least formally, the negotiations will get underway at their prescribed date in April 1996. The question remains as to whether "Oslo III" will be yet another interim accord, with the transfer of more territories to Palestinian autonomy, or whether the government will now go ahead with final negotiations to include territorial separation and the possible establishment of an independent Palestinian state.

Notes

- ¹ A summary of which was included in the last issue of the "Boundary and Security Bulletin".

Dr. David Newman is a Senior Lecturer of Political Geography at Ben Gurion University in the Negev, Israel. He is a regular contributor to *the Boundary and Security Bulletin* on issues relating to the peace process and recently published an IBRU *Boundary and Territory Briefing* 'Boundaries in Flux: The 'Green Line' boundary between Israel and the West Bank – Past, Present and Future'. The bulk of this article was written prior to the assassination of Prime Minister Rabin.