The Conundrum of 'Further Redeployments':

Does Oslo Offer Its Own Solution?

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Brief Analysis

The peace process, says the State Department spokesman, is in "dire straits." That is the assessment following Special Middle East Coordinator Dennis Ross's trip to the Middle East, in which no solution was reached for a key element of the current impasse: the question of the second and third redeployments (FRDs).

While there has been considerable media reporting of the U.S. ideas, the Israeli counter-proposals and the Palestinian preferences in regard to the FRDs, public discussion has included virtually no reference to the text of the 314-page Oslo II "interim agreement," the September 1995 accord that governs the relationship between Israel and the Palestinian Authority until the expiration of the Oslo mandate in May 1999. Moreover, numerous myths about the proper implementation of the Oslo accords have arisen that have no basis in the original text.

> In reality, Oslo itself may provide an answer to the FRD problem. Indeed, a return to the text may offer a compromise solution that may not leave all parties happy but could offer a way out of the impasse.

Background to "further redeployments": Oslo really envisioned four phases of "redeployment," following the original withdrawal from Gaza and Jericho. Phase one was the redeployment from "cities, towns, villages, refugee camps and hamlets" that was completed prior to the January 1996 Palestinian general election. Subsequently, according to article XI, para 2d, "further redeployments of Israeli military forces to specified military locations will be gradually implemented ... in three phases." Originally, all FRDs were to have been completed 18 months after the inauguration of the Palestinian Legislative Council, i.e., by the end of 1997. This timetable was thrown off-kilter by the Labor Government's postponement of the Hebron redeployment. Hebron itself was resolved in January 1997, and at that time a new timetable for the three subsequent FRDs was worked out, crystallized in letters to the principals by then-Secretary of State Warren Christopher, noting that the last of the FRDs should be completed by "mid-1998."

> Nowhere in the Oslo Accords is the scope of the FRDs addressed. That is, there is no discussion of precise areas from which Israel should withdraw or percentages of the West Bank that should comprise each redeployment. Claims by the Palestinian Authority to expect 30 percent of the West Bank in each of the three FRDs have no basis in the agreement. In addition, the agreement itself implies—but does not specifically state—that determination of the scope of FRDs is solely an Israeli responsibility, not subject to negotiation with the Palestinians. That position was

clarified in the January 1997 Christopher correspondence and confirmed publicly by the U.S. embassy in Tel Aviv. (The latter noted, inter alia, that "further redeployment phases are issues for implementation by Israel, rather than issues for negotiations with the Palestinians.")

> In March 1997, Israel proposed to implement the first of these three FRDs under the post-Hebron timetable, but this FRD was rejected by the Palestinians as insufficient. Under the Oslo Accords, art. X, para. 2, Israel had good reason not to implement that redeployment unilaterally, since FRDs must proceed "commensurate with the assumption of responsibility for public order and internal security by the Palestinian Police," i.e., Oslo sought to prevent the possibility of a security vacuum emerging in territory from which Israel might withdraw. In effect, according to the Oslo Accords, Israel alone has the right to determine the scope of FRDs but it takes both parties to implement them.

The third redeployment: Several points of contention revolve around the "third redeployment." According to Oslo, this final FRD will be to "specified military locations" and to areas concerning "issues to be addressed in the permanent status negotiations." The latter phrase refers to Israeli settlements and Jerusalem. Here, two key questions emerge: First, what is the relationship between the "third redeployment" and "final status talks"? And second, who has responsibility for determining the definition of "specified military locations"?

Many media reports have advanced the notion that FRDs should be completed in advance of final status talks. This impression has also been made by government officials—here and abroad—who stress the separateness of these items on Secretary of State Albright's four-part agenda (FRDs, security cooperation, cessation of "provocative acts," and "accelerated final status talks.") In fact, this is a mistake. There is an essential and organic connection between the third redeployment and the final status talks that is supported by the text of the Oslo Accord and by the timetable of implementation that it envisions. Indeed, FRDs and "final status talks" are supposed to proceed coterminously, in parallel with each other, not sequentially, as is now the common view. The presumption was that they were to be finished before the final status deal is concluded, but not before those talks got underway. Consider the following:

- According to the original Oslo timetable, final status talks were to have begun in earnest by May 1996 with the "third redeployment" not to have been completed until more than year later. This meant that, in the view of the Oslo drafters, considerable progress was to have been made in the ultimate negotiations over the final disposition of the territories before that very significant withdrawal to "specified military locations" would take place. Indeed, final status talks should have proceeded in a serious way before even the first FRD took place.

- Article XI, paragraph 2f (here quoted in full) says the following: "The specified military locations referred to in Article X, paragraph 2 above will be determined in the further redeployment phases, within the specified time-frame ending no later than 18 months from the date of the inauguration of the [Palestinian Legislative] Council, and will be negotiated in the permanent status negotiations." (Emphasis added; this paragraph is repeated, in toto, in Annex I, article I, para 10.)

The traditional interpretation of this paragraph is that Israel defines and implements the "specified military locations" during the interim period while the final disposition of these locations will be determined in "final status talks." Currently, the Israeli government would like to do away with the third FRD, because it would force Israel to give up too many "final status" bargaining chips now, or at least to fold the FRD into the final status talks. For their part, the Palestinians hold fast to the third redeployment and to the Christopher timing (mid-1998), because it implies a vast Israeli withdrawal from all lands not directly related to security, Jerusalem and settlements. While the Palestinian Authority flouts numerous security-related Oslo obligations, this is one issue in which it seems to be more orthodox in interpreting Oslo than are the Israelis.

> However, a re-reading of the paragraph cited above could lead to a different interpretation. As the italicized

phrases indicate, a literal reading of this paragraph supports the Israeli view that the third redeployment should be subsumed within the final status talks, in essence that it should become the first item on the "territorial committee" of those negotiations. At the same time, that re-reading supports a Palestinian view that the definition of "specified military locations" is a legitimate subject for negotiations between the two parties, not something that Israel can decide unilaterally, as was the case with the first and second redeployments.

Conclusion: While not making all parties happy, this re-interpretation of Oslo's key passage on FRDs may offer a solution to the current conundrum: the definition of the second redeployment (i.e., the vexing issue of "percentages") is a "solely Israeli responsibility" but the "third redeployment" should be defined in negotiations within the "final status talks" in which the Palestinian Authority is a full partner. By this formula, each side's position is circumscribed: Palestinians would have a say in the definition of "specified military locations" but no third FRD would proceed unless both sides agreed on its scope, giving both a veto on the process. This sort of creative re-interpretation of a seminal text may provide the Solomonic solution to this thorny problem.

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