

# Against conventional wisdom: mediating the Arab–Israeli conflict

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Mediation in the Arab–Israeli conflict has seduced a large number of international operators – and sometimes consumed their active lives. Its quasi-fatal attraction stems exactly from the source of its difficulties: the tragically irreconcilable narratives the parties maintain; the almost total lack of trust and empathy between them; and the surprising similarities of their fears and hopes. Usually described as the core conflict in the Middle East, and with obvious impact on international peace and security, the Arab–Israeli conflict seems to cry out for mediation. However, Israel has consistently maintained that the conflict is better dealt with directly and exclusively by the parties, with little or no external interference, and its view has become a conventional wisdom in the Arab–Israeli peacemaking community since the mid-1970s.

This paper argues against this wisdom. Past attempts to resolve the Arab–Israeli conflict show that successful mediation has carried out five indispensable tasks of the negotiation process:

- establishing contact when the parties cannot afford to declare it at the beginning of the process
- exploring positions to determine the existing amount of convergence and therefore set an attainable target
- providing necessary persuasion, pressure and incentives
- suggesting bridging solutions, and
- providing credible guarantees for implementation.

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Without a mediator, or coalition of mediators, who can carry out these five tasks, the parties cannot reach and implement peace agreements. The fate of the current episode of the peace process, which started in Annapolis in November 2007, will largely depend on the US administration's preparedness to step up its mediation role to address these tasks.

### *Lessons of the Israeli–Egyptian peacemaking*

In the final days of the Israeli–Egyptian war of October 1973, the US stepped in and positioned itself as an active mediator between Israel, Egypt and Syria. Its involvement bore fruit: not only did it negotiate the cessation of hostilities between the warring countries, it also squeezed them into three agreements: two of them (in 1974 and 1975) ended the state of war between Israel and Egypt, also serving as basis for the future peace treaty. A Disengagement Agreement between Israel and Syria (1974) became the cornerstone of their relations for the following thirty years.

Between November 1973 and September 1975, US Secretary of State Henry Kissinger made 11 trips to the Middle East, shuttling between Cairo, Damascus and Jerusalem. He offered Egypt and Israel a trusted channel for communication at a moment where direct contacts were prohibitively expensive. In his talks, Kissinger examined whether there was enough convergence of views among the three countries to reach peace agreements. His determination was that there was not. Consequently, he opted for a more modest objective: reaching agreements that would separate their armed forces on the ground and lay foundations for future peace talks. This determination was critical; it defined peacemaking for many years to come in what would later be called the 'step-by-step' approach. Kissinger's mediation was critical for the success of the negotiation of the forces' separation; although Egyptian and Israeli officers were negotiating directly, they did not succeed in finding solutions to their most critical differences. Kissinger resolved these in proxy negotiation with Egyptian and Israeli leaders.

On the Syrian side, Kissinger had exceptionally long discussions with President Assad. Combined with a US pledge to continue its efforts until a peace agreement was secured, Kissinger persuaded the Syrian president to reverse his earlier position and accept an interim disengagement agreement. As was the case in the Egyptian–Israeli negotiation, Kissinger came up with bridging proposals at critical moments, such as those regarding the early-warning station on the Golan Mount and the restitution of AlQunitra to the Syrian side – two of the negotiations' most difficult issues. To guarantee the implementation of the agreement, Kissinger pledged the deployment of a UN force on the Golan Heights, and negotiated its terms of reference with the parties. During these two years, Kissinger's mediation performed the five tasks described above, regardless of the wisdom of the choices he made in performing them.<sup>2</sup>

<sup>2</sup> Some argue that his 'bridging proposals' were in fact reformulations of earlier Israeli proposals. Others argue that his determination of the 'convergence area' on the Syrian–Israeli track was too pessimistic and that it would then have been possible to seek a fully fledged peace agreement.

After these initial successes, US elections and change of administration reduced its involvement in the conflict resolution effort until President Carter made it a policy objective to seek a comprehensive peace in the Middle East. Diplomatic efforts focused on reviving the idea of convening a conference in Geneva at which all the parties would negotiate under international auspices. While Arabs required an active involvement by the international community in the negotiation, Israel insisted that negotiation should be exclusively bilateral, with third-party involvement reduced to a minimum. The preparations for the conference increasingly tilted in the latter direction. There were many other disagreements, especially regarding the Palestinian representation. In addition, both Israeli Prime Minister Begin and Egyptian President Sadat seemed to prefer direct and bilateral negotiations. The fledgling Geneva exercise finally collapsed when Sadat visited Jerusalem, engaging in direct negotiation with Israel for the first time.

Sadat's visit was supposed to have overcome the main hurdle that the Geneva Conference was meant to address – starting direct negotiation between Israel and its Arab neighbours. However, soon after the Jerusalem visit, it became clear that the Egyptians and Israelis were unable to make progress on their own. Once the initial reaction to the 'historic visit' subsided, the lack of trust between the two countries, the difficulties in communication, the wide gap between their positions and expectations, and their internal political constraints made it difficult for the leaders to make progress. It was then that US intervention was again called upon. US President Carter's return to the process and his subsequent active mediation effort marked the true beginning of Egyptian–Israeli peace negotiations.

The details of the American role in brokering the Camp David Accords of 1978 and the Egyptian Peace Treaty of 1979 are widely available and need not be reiterated here. However, the US was not the only mediator in this process. It was in fact Romania's Ceausescu, Austria's Kreisky and Morocco's Hasan II who helped the parties establish contact and assess whether an agreement was achievable. This was done without US involvement, and indeed against its preference.<sup>3</sup> However, it was the US who stepped in later and provided the three other tasks of this mediation: bridging proposals, persuasion/incentives/pressure, and implementation guarantees. For 13 days in Camp David, President Carter shuttled between the two leaders, prevented the collapse of the talks, several times stopped the leaders from leaving the resort, pressured both of them at various points, and provided each country with huge financial, economic and military incentives and compensation packages as well as written guarantees regarding implementation and regarding the American positions on sensitive aspects of the conflict. US mediation continued until, literally, the last minutes before the signing of the accords.

In 1979, Carter's involvement was again critical in reaching the Egyptian–Israeli Peace Treaty. In a first, and so far last, the US President shuttled between Cairo and Jerusalem for two weeks until he secured both sides' consent to the terms of the treaty that was subsequently signed

<sup>3</sup> At this point the US administration was focused on convening the Geneva Conference.

in Washington. Here again, Carter used his office's strength in creating a compromise between the two sides' positions over almost all points of the treaty. A heavy American assistance package was attached to the agreement, as well as other guarantees made to the parties in separate documents. In fact, a review of the 13-day negotiation preceding the signing of the Camp David accords and of the two-week negotiations leading to the signing of the Peace Treaty shows that there was almost nothing 'bilateral' about these negotiations: one wonders how the parties could have concluded either agreement without this type of mediation.

### *The Palestinian–Israeli experience*

The history of Palestinian–Israeli peacemaking shows a similar pattern: the rare cases of success have followed an active mediation effort. When the parties were left to themselves, they failed to reach agreements or implement those they had signed. In the 1980s, various attempts were made, mostly in secret, to mediate between the Palestinian Liberation Organisation (PLO) and Israel. Building on similar attempts in the 1970s, these efforts stumbled at the rock of Palestinian refusal to recognise Israel and the latter's refusal to deal with the PLO until it does.

The US, whose Secretary of State Kissinger had committed not to engage with the PLO without Israel's consent, was not in a position to mediate between the two sides. Peacemaking paid the price of this diplomatic anomaly, just as it does today with the US refusal to engage with the Islamic Resistance Movement (Hamas). As is the case today, other mediators who were prepared to engage with the Palestinian ostracised group – for example European countries – lacked the necessary leverage that the US could provide. Therefore, most of the mediation effort focused on getting the PLO and the US to start a dialogue.

Although this effort ultimately succeeded, the US abstained from translating its dialogue with the PLO into a meaningful mediation that would bring Israel and the PLO together. Without mediation, Israel and PLO did not start talks on their own. When State Secretary Baker and President Bush threw their weight behind convening a comprehensive peace conference in Madrid (1991), they applied the necessary pressure on the reluctant Israeli prime minister as well as his Arab counterparts and managed to get them to participate at the conference.<sup>4</sup> However, the success was short-lived as the conference limited itself to launching bilateral and direct negotiation with no interference from the 'sponsors' – the US and the USSR. An Israeli and a non-PLO Palestinian delegation met many times, quarrelled over apparent links between the PLO and the Palestinian delegation and over other procedural matters, but made no substantive progress.

Progress resumed only when Norwegian mediators established a communication channel between the PLO and Israel. The mediators first probed the parties and came to the conclusion that there was sufficient convergence in their positions to reach a declaration of principles that would serve as basis for a subsequent peace agreement. While the Norwegian mediators

<sup>4</sup> James Baker went as far as withholding American credit guarantees until PM Shamir accepted the US proposal; a first and last in American–Israeli relations. He also shuttled between Arab capitals, including having the mandatory long conversations with President Assad to persuade him to participate at the conference.

clearly lacked the leverage necessary to provide pressure or guarantees, they hosted and facilitated secret meetings between the two sides for eight months, during which time they offered persuasion and bridging proposals to prevent the collapse of the talks. When the parties reached agreement in August 1993, the Norwegian mediators handed the process over to those who can carry out the indispensable tasks of pressure, incentives and guarantees: the US hosted the signing of the declaration of principles less than a month later.

This declaration was the beginning of a long process that has not come yet to an end, at least not formally. A number of agreements were negotiated and more-or-less implemented in the following years, from the Interim Agreement of 1995 to the Sharm Esheikh Understandings of 1999. None of these agreements was negotiated without active involvement of the US, Egypt and/or Jordan. Moreover, the implementation of each step of these agreements required outside help. The US, Egypt and Jordan often mediated between the two sides details such as: defining the area that would constitute 0.7% of the West Bank and from which Israel would withdraw; deciding whether a Palestinian signature on the Israeli withdrawal maps was required; verifying whether Israel transferred due customs revenues to the Palestinian bank accounts; deciding whether Palestinian militants wanted by Israel and jailed by the Palestinian Authority had the right to keep cell phones while in custody; or discussing the fate of stolen cars smuggled into the West Bank and Gaza. In these, and on more important occasions, the mediators had to carry out the same group of five tasks identified above. Every time the parties were left to themselves, they failed to reach agreement and quickly called upon the ‘sponsors’ to intervene.

In 2000, US mediation took a more assertive direction following Barak’s electoral victory over Netanyahu, whose term was marked by a practical lull in peacemaking. In a bid to reach an Israeli–Palestinian peace treaty reminiscent of Carter’s, President Clinton invited the two sides to Camp David. For 14 days, Clinton and his team shuttled between the two sides, organised bilateral and trilateral meetings, suggested bridging proposals, offered incentives and guarantees, and applied direct pressure. The attempt failed. Clinton later tabled a US substantive proposal for an Israeli–Palestinian settlement – a precedent in US mediation. Yet his bid failed again. And so did the direct bilateral talks that followed in Taba, Egypt.

What happened in Camp David and immediately afterwards was much debated, with the failure being blamed on some or all of the following: PLO Chairman Arafat’s lack of flexibility; Barak’s lack of resolve; and Clinton’s taking sides, applying misplaced pressure, failing to involve Arab states earlier in the process, and losing precious time before tabling his own proposals. In any of the explanations offered, this was a mediation failure. The US misjudged the parties’ readiness to accept the compromises necessary to reach a final and permanent peace agreement, or failed to suggest acceptable compromises – and instead applied pressure on one side that couldn’t respond positively even if it wanted to.

It took seven years for Israelis and Palestinians to resume peace talks, when the US administration, encouraged by signs of rapprochement between Palestinian and Israeli leaders, convened another peace summit in November 2007 at Annapolis. The overarching idea behind this renewed process was twofold: resume Israeli–Palestinian final-status negotiations, and create a wider umbrella of Arab–Israeli reconciliation which, in addition to being desirable in its own right, would offer Israeli and Palestinian leaders the political capital they need to fend off internal criticism.

### *Annapolis: mediating an overarching Arab–Israeli reconciliation?*

The US spent the period between December 2006 and May 2007 exploring the positions of Arab states on whether they would be prepared to engage Israel and under which conditions. At the same time, State Secretary Rice stayed in communication with the parties, and at various points helped resolve differences between Palestinian and Israeli leaders. The period leading up to the Annapolis meeting itself witnessed intensive negotiations as the parties tried to reach a framework agreement before the conference. The US was directly involved in this negotiation and quickly took the lead on it until the conference day.

It is now known that the parties had abandoned the idea of coming up with any joint document before the conference and that it was the US that insisted on a joint declaration and squeezed the two sides to acquiesce. Today, the future of the Palestinian–Israeli talks looks rather bleak, and the wider Arab–Israeli reconciliation efforts have disappeared altogether. Yet, the Annapolis process might be salvaged if the United States would be prepared to step up and realign its involvement in order to perform adequately the needed mediation tasks.

This requires the US to measure accurately the degree of convergence available over final-status issues among Israeli and Palestinian leaders and in the wider Arab world. A considerable amount of persuasion and pressure will be necessary to enlarge the convergence area enough to reach agreement over Jerusalem, borders and refugees. Persuasion, pressure and incentives, as well as the assurances and guarantees, are likely to make or break this deal. Yet these have to be based on reasonable proposals that the parties can ultimately live with. Obviously, this would require the US to table its own bridging proposal, but after it garners support for its main lines among key members of the international community.

The wider Arab–Israeli reconciliation is both dependent on and enabling for an Israeli–Palestinian peace. American mediation is vital for this reconciliation to start. An engagement with Syria – even in the diluted form of encouraging the ongoing Turkish mediation between Syria and Israel – will make it easier for the Arab leaders to take bolder steps towards reconciliation with Israel. This, in turn, will offer political dividends to both Olmert and Abbas that they can use in order to strengthen their respective positions internally.

### *Conclusion*

In sum, lessons of the past indicate that Arabs and Israelis cannot reach or implement peace agreements on their own; an active and engaged mediation is necessary. Such a mediation should perform five indispensable tasks: facilitate contact; determine the existing area of converging positions; persuade, pressure and provide incentives; suggest compromises; and provide credible guarantees for implementation.

Mediation is often carried out by governments, but non-governmental bodies sometimes make invaluable contributions to the negotiation process. A non-governmental body started the Oslo process, and provided the parties with a trusted channel of communication as well as a reliable assessment of the 'convergence area'. The Geneva Accords provided the Israelis and Palestinians, and indeed the international community, with a bridging proposal at a time where doubt of the possibility of a compromise was on the rise. In the Arab–Israeli context, mediation has sometimes been carried out by the US alone. On other occasions, it has been performed by multiple actors, and in stages, as was the case with Romania, Austria and Morocco in 1977, as well as with Norway in 1993.

Turkey seems to be engaged in a similar attempt, working with Israel and Syria despite the US's absence and visible irritation. After nearly two years of preliminary talks, contacts and discussions, Turkey succeeded in getting the two sides to commit to continued negotiations through the Turkish mediators. This is an outstanding achievement given the regional context and US animosity to the Syrian regime. However, it is unlikely that Syria and Israel would be able to reach a final and permanent peace agreement without American involvement. Yet, it would be rather difficult for the new US administration to ignore progress made by Israeli–Syrian indirect talks.

Similarly, it is possible to argue for a mediation effort to be deployed between Israel, Hamas and the Palestinian Authority. Countries like Russia, Turkey, Norway, Egypt or Jordan – as well as a number of non-governmental actors – could provide indirect and trusted communication, as well as exploring whether sufficient convergence of positions can be reached. Eventually, if this effort is successful, as was the case in Oslo in 1993, the baton can be passed to those who refuse to do the preliminary work but who are the only ones capable of heavy lifting.

This is not to suggest that mediation is a guarantee for success; many other factors determine the outcome of negotiation. Sometimes the parties are not ready for a deal, or one of the parties makes unexpected choices or relentlessly obstructs a deal. Occasionally, mediators make inaccurate assessments, or place pressure where a positive response should not be expected. Yet, in all cases, mediation has proved to be a minimal condition for Arabs and Israelis to come together and attempt to resolve their conflict – necessary but not sufficient.

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