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BACK CHANNEL DIPLOMACY:
The Strategic Use of Multiple Channels of Negotiation
in Middle East Peacemaking

A Thesis

Presented to the Faculty

of

THE FLETCHER SCHOOL OF LAW AND DIPLOMACY

Tufts University

by

ANTHONY WANIS-ST. JOHN

in partial fulfillment of the requirements for the

Degree of Doctor of Philosophy

April 2001

BACK CHANNEL DIPLOMACY
The Strategic Use of Multiple Channels of Negotiation in Middle East Peacemaking

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St. John's University, The School of Education and Human Services
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Adjunct Professor, Armenian Diplomatic Training Program, Tufts University, Medford
Create and teach International Negotiation Theory and Skills to Armenian diplomats

Adjunct Professor, University of Massachusetts, Dispute Resolution Program, Boston
Create and teach Cross-Cultural Conflict Management

Adjunct Professor, Clark University, College of Professional and Continuing Education, Worcester
Cross-Cultural Conflict Management, Intercultural Communication, and Negotiation Theory/Practice

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Conduct intensive conflict resolution and negotiation training workshop for Palestinian managers in private and public organizations, USAID funded civil society training program

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i

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Consultant, CMI/Vantage Partners, LLC, Cambridge
Provide negotiation training services to corporate clients in US and Mexico, including CNN, BMC, Bombardier, MathWorks

Consultant, CMI International Group, LLP, Cambridge
Advanced negotiation training workshops for lawyers, conducted in Spanish, including PricewaterhouseCoopers

Senior Trainer, Mediation Works, Inc., Boston
Provide conflict resolution training services to Americorps staff; teach University-level negotiation course to student and community leaders at Connecticut College

Consultant, Conflict Management Group, Cambridge
Negotiation training for government officials and Inter-American Development Bank, Dominican Republic

Consultant Services, 1996 to present

Mediation Works, Inc., Boston
Team facilitation of strategic planning workshop for public sector organization

World Bank, Washington, DC
Research and substantive proposals for judicial reform projects financed by the World Bank in Latin America and Asia; facilitator and analyst at strategic planning workshop for El Salvador's Supreme Court judicial reform program

Conflict Management Group, Cambridge
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Atlantic Rim Associates, Maine
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Created and implemented original quantitative analyses of corporate waste disposal for our corporate and municipal clients; derived formula to determine unknown quantities of illicit hazardous wastes; carried out due diligence practice in support of corporate strategies for acquisitions of restaurant franchise; instructed numerous attorneys and staff in judicial procedures; trained, supervised and managed four legal assistants and other staff; managed relationships with clients in Mexico, Colombia, Puerto Rico, France; assisted in negotiations with USEPA over clean-up of Superfund sites; clients included non-profit organizations, multinational corporations, banks, educational institutions, government agencies, real estate developers, tenant associations, community organizations.

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"Back Channel Diplomacy in the Middle East: Research Methodology, Literature, Findings from the Field," PhD Group Colloquia, Fletcher School of Law and Diplomacy, Medford, MA, November 8, 2000

"Back Channel Diplomacy: Some Implications for Public and Private Organizations," corporate presentation in Cambridge, MA, September 5, 2000

"Synthesis of Research and Practice, New Directions," Minorities and Mediation, Islamic Legal Studies Program, Harvard Law School, Cambridge, MA, April 15, 2000 [Panelist on Final Panel]

"Back Channel Diplomacy: Research and Empirical Evidence," Graduate Research Fellows Colloquia Series, Program on Negotiation, Harvard Law School, March 31, 2000

"Harvesting the Field: The State of Conflict Management Research and Practice," Conflict Studies: A New Generation of Ideas (Conference), University of Massachusetts, Boston, October 24, 1998 [Conference Luncheon Address]

"Impressions of Palestine and Reflections on the Peace Process," International Negotiations and Conflict Resolution Group, Fletcher School of Law and Diplomacy, Medford, MA, October 5, 1998 [Dinner lecture]

"Mediating the Kashmir Dispute," Conflict Studies: A New Generation of Ideas (Conference), University of Massachusetts, Boston, October 5, 1996 [International Relations Panelist]

"Negotiation and the Palestinian-Israeli Peace Process," Israel College Program, Clark University, Worcester, MA, August 8, 1996 [Guest Lecturer to class of Israeli Jewish and Arab graduate students]

Selected Publications

"Implementing ADR in Transitioning States: Lessons Learned From Practice"
Harvard Negotiation Law Review, Vol. 5, Spring 2000
Academic journal of negotiation and law at Harvard Law School and Harvard Negotiation Research Project

"An Assessment of Back Channel Diplomacy: Negotiations Between the Palestinians and Israelis"
PON Paper 00-7 (September 2000)
Program on Negotiation, Harvard Law School

"Managing Investment and Chaos in Southeast Asia"
[training program in international political crisis negotiation for business, diplomatic, military and NGO officials]
Fletcher School of Law and Diplomacy, April 1998
(co-author)

"The National Security Council: Tool of Presidential Crisis Management"
Journal of Public and International Affairs, vol. 9, no. 1 (1998)
Journal of the Assoc. of Professional Schools of International Affairs, Princeton University

"Guatemala: From Truce to Peace"

iii

[Multi-party dispute resolution simulation]
Program on Negotiation, Harvard Law/Tufts/MIT, 1997
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"Commercial Alternate Dispute Resolution in Bolivia," Appendix "B" in S. Brown, C. Cervenak, D. Fairman, *Alternative Dispute Resolution Programs: A Guide for USAID*, December 1997 (USAID Contract AEP-I-00-96-90022-00)

"Third Party Mediation Between India and Pakistan: A Modest Proposal"
International Peacekeeping, vol. 4, no. 4 (1997)

"Advice to Princes in the Global Age": Review Essay of *Power Sharing and International Mediation in Ethnic Conflicts*, by T. Sisk and *Elusive Peace*, by I. W. Zartman
The Fletcher Forum of World Affairs, vol. 21, no. 2 (1997)
Academic journal of The Fletcher School of Law and Diplomacy

"Managers as Negotiators: The Power and Gender Mix" (research report)
Negotiation Journal, vol. 12, no. 4 (1996)
Academic journal of the Program on Negotiation, Harvard/MIT/Tufts

"Toward the 'Next Generation' of Research on Mediation and Third-Party Intervention" (research report)
Negotiation Journal, vol. 12, no. 3 (1996)

"The Mediating Role in the Kashmir Dispute Between India and Pakistan"
The Fletcher Forum of World Affairs, vol. 21, no. 1 (1996)

Resolving the Kashmir Conflict Between India and Pakistan: Prospects for Mediation
Working Paper Series, 96-2
Program on Negotiation, 1996

In Defense of Rights: Attacks Against Lawyers and Judges in 1993
[Chapter on Guatemala]
Lawyers Committee for Human Rights, July 1994

In Defense of Rights: Attacks Against Lawyers and Judges in 1992
[Chapters on Colombia and Argentina]
Lawyers Committee for Human Rights, March 1993

Fellowships and Honors

- Program on Negotiation, Research Affiliate, Harvard University, 2000 to present
- Program on Negotiation, Graduate Research Fellowship, Harvard University, 1999-2000
- National Security Education Foundation Fellowship, 1998
- Arthur Vining Davis Foundation Fellowship, 1996-1997
- Fletcher School of Law and Diplomacy Scholarship; 1994-1999
- Gibran Kahlil Gibran Scholarship, 1995
- W. H. Donner Foundation fellowship for research into Middle East peace process, 1995-1996
- St. John's University, School of Education and Human Services, Gold Medal for Academic Excellence, 1987

- St. John's University Scholarship, 1984-1987
- Queens College, CUNY Dean's List, 1984
- New York State Regents Scholarship, 1980-1983

Professional Volunteer Activities

Founding Board Member, Corporation for the University of the Middle East   1996-1997
Non-profit initiative to build a university system in the Middle East; craft business plan, review incorporation, by-laws and tax-exempt papers, design strategic planning process, meet with Middle Eastern(Arab and Israeli) diplomats, policymakers, potential donors and international advisors; build board of advisors

Consultant, Lawyers Committee for Human Rights, New York City   1992-1994
Interviewed human rights lawyers in Guatemala; investigation and analysis of allegations of human rights abuses against members of judiciary and the bar; wrote sections of annual publication *In Defense of Rights: Attacks On Lawyers and Judges,* drafted letters to government and diplomatic officials and heads of state regarding human rights violations against judicial officials and attorneys; interviewed clients and translated evidence in Guatemalan political asylum case

Adviser, CRECEN--Comité de Refugiados Centroamericanos, Long Island   1986-1992
Advised the refugee community with immigration affairs and non-profit status; served as Congressional liaison; translated diplomatic meetings from Spanish to English; analyzed, translated and compiled human rights organizations reports; edited and published monthly human rights newsletter

Language Fluency

Complete fluency in English, Spanish, French
Basic Arabic

v

ACKNOWLEDGMENTS

This research project made me the beneficiary of many acts of collegiality and friendship that I will never forget even if I do not mention them all. Jeffrey Z. Rubin was my professor of international negotiation and a mentor. The first paper I wrote in graduate school was for his 1994 Processes of International Negotiation class and I chose to analyze the emerging Palestinian-Israeli peace process. He published it as a Working Paper at the Program on Negotiation at Harvard.[1] Jeff was intrigued by my allusions to the perils of back channel diplomacy and urged me to write another paper on that aspect of the process.[2] The phenomenon of multiple channels of negotiation needs a lot of research. It seemed a natural choice for a PhD dissertation.

Jeff was an unreformed optimist and I could not convert him to a darker view of the conflict. Yet his optimism pulled me through the Spring of 1995 when the peace process began to unravel and Jeff left us. In that same Spring, another important mentor, Omar Rivabella, who had taught me so much about writing, justice and politics (*no dejés que vean tus calzoncillos*, he used to say) was also called away to a better place. During my first trip to Palestine in 1998, Memee, my paternal grandmother, passed away while I stood on her native shores. From afar I remembered her tender laughter while I walked among Crusader ruins.

Family

I am fortunate to have a supportive family that values the quest for self-improvement and learning. For helping me get the journey started in the very first and darkest moments of doubt, many thanks to my bro Tom, an orthopedic surgeon. You probably don't know how important your support was. Brother Greg sweated through a PhD in molecular medicine at the same time as I did mine and we compared notes constantly. Sis Carine was there all the way through, a friend and advisor to me and Claudia, and Isabela's favorite aunt, godmother and spoiler (the good kind). Dad Lucien and Mom Gita taught me by example to create my own destiny and to shape the world around me. Ernesto y Luz María también siempre

---

[1] Anthony Wanis-St. John, "The Negotiations between the Palestinians and Israel: Short-Term Breakthrough or Long-Term Failure?" (Program on Negotiation Working Paper Series 95-4, Program on Negotiation, Harvard Law School, 1995).

[2] Anthony Wanis-St. John, "An Assessment of Back Channel Diplomacy: Negotiations between the Palestinians and Israelis" (Program on Negotiation Paper Series, 00-7, Program on Negotiation, Harvard Law School, 2000).

brindaron apoyo moral e intelectual. "Como decía Grabinsky..." My sister-in-law Laura Dinora accompanied us to Palestine and Israel in May 2000.

A PhD, it is said, is a solitary journey. Indeed I spent many solitary hours learning more than I ever wanted to know about Word, PowerPoint or EndNote, or teaching my word processor to recognize words like *al-nakba, ceasefire, de-escalation, gunships, intifada, irredentism, messianism, neorealism, rejectionism, salaam,* and *shalom.* That said, in my own experience, I found much companionship and selfless friendship along the way. Many people gave of themselves so that I could finish. No one sacrificed more in terms of time, peace of mind, and deferred dreams than my querida habibti Claudia, and my magnificent children Isabela bint Antun and Christopher ibn Antun. More than once Isabela and I discussed the fact that 'doctores de filosofía' never give shots or check your temperature. When I had delivered a complete draft she asked me "Now you have all the time to play?" ☺

People near and far were part of this process as well: Elie Farhat (Isabela's godfather) has been brother and friend since our days in Damascus, Summer of 1995; Iman Soliman we chanced upon under the walls of Old Jaffa; Dalia Mroué and Hosein kindly hosted me in Washington; Carol Chouchani is the cousin I discovered at Fletcher; Walid Chamoun is uniquely 'Lubnani' and I will always appreciate him for his warm irreverence. Dafni Mano Tidhar and her family became very dear friends. She said once, "I think we understand each other," and it is true. Anton Grizold, a visiting fellow at Fletcher and now the Defense Minister of Slovenia, shared more than a name with me. Our days at Fletcher truly helped me appreciate the humbleness of great men and the wisdom of those who draw from many wells.

Committee
Those on my committee deserve *highest recognition* for their time, critical readings, and commentary: Eileen Babbitt, Alan Henrikson and Sa'adia Touval. Sa'adia is a professor at Johns Hopkins School of Advanced International Studies, and his participation on my committee is above and beyond the call of duty. I deeply appreciate all their support and insight.

PhD Security Council
I must acknowledge special PhD comrades-in-arms from our days in the Fares 'bunker': these are members of the PhD Security Council: Darren Kew, Seung-Young Kim, Ezequiel 'Quiel' Reficco. These were my co-conspirators. Many thanks for constant intellectual stimulation, mutual learning, support and above all friendship. Fellow delegates to the Fares Center General Assembly included Tim, Wilma, Luke, Eric, Dana, Mark and Phil.

Shadow Committee

For substantive discussions on my topic, I asked for the insight of many people who made up a sort of shadow committee. I thank in particular Howard Raiffa, *emeritus* professor from HBS (who gave me a virtual 'letter of introduction' with the Peres Institute at Tel Aviv University); Herbert Kelman, one of the originators of the problem-solving workshop at Harvard; Robert Gallucci, longtime diplomat and now Dean of Georgetown's School of Foreign Service; William Quandt, former NSC official and professor at UVA; Chuck Cogan, researcher at the Kennedy School of Government, and formerly with the CIA's directorate of operations. These people have no official position Fletcher and had no obligation to assist me. Special thanks also to David Metcalfe: I am very grateful for your intellectual encouragement and happy that our fellowships at Harvard overlapped. Others who were very helpful in my research include Professors Rex Brynen and Neil Caplan. Professor Caplan conducts archival research on the diplomacy of this conflict and was good enough to let me know about the Hebrew University Conference on Back Channel Diplomacy that took place while I was conducting interviews. He also told me about Aharon Klieman's original paper on back channel diplomacy. Professor Rex Brynan permitted me access to his rich email networks of Palestine/Israel news and research.

William Mott IV, professor at Salem State College, was the single most dedicated reader of my research proposal. Bill gave of his knowledge and wisdom freely and always invited me to improve my thinking and the text. No words can be sufficient to thank him for his assistance to me and many other Fletcher PhDs on questions of methodology, content, style and philosophical significance. He links together the fields of knowledge that have forgotten their interconnectedness. Indeed he is a *doctor of philosophy*. All members of the shadow committee have been helpful at some point in research and writing, some even opening up their address books for my interviews, while none bear any responsibility for any defect.

Fletcher Back Channels

Mariesmith Michaud and Paula Cammarata helped me get access to many materials at the Fletcher's Ginn Library and beyond for almost seven years. For the many courtesies you showed me and for the human warmth, indulgence and friendship, I thank you. Nora Moser, Ann Marie Decembrele, and Carol Murphy made the internal procedures of Fletcher more rational and human to accommodate me. I have always found good advice and support when I opened the Registrar Office door on everything from parenting to managing the idiosyncrasies of professors. Jane Morris was good enough to improve my citation style. Miriam Seltzer did the thesis search and has been very helpful over the years with my obscure requests for research assistance. Karin McMaster, assistant to Professors Babbitt and Henrikson has extended many, many courtesies over the years. Professor Anthony Pereira spent lots of time talking me through questions of methodology and research design. I cannot fail to mention Giovanna at Trios for her *ciao bello* and occasional free cookies to

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Palestine and Israel
The friends I made in Palestine are so important to me because they taught me about myself and my heritage even as they trusted me enough to help me. I always found it ironic to have to say to the security people at Ben Gurion Airport that I had not met a single Arab Palestinian on my trips and that I therefore could not give them the names and addresses of anyone. These are my 'invisible' friends: *Shukran* to Samer Abu-Ghazaleh (a brother who stood on the shores of Gaza with me as we looked back across the Mediterranean) and the Abu-Ghazaleh family; Mahmoud al-Neirab, who gave us the keys of Palestine; Salah Elayan for all of his trust and assistance; Firaz Yaghi at the PLC personally made many calls for me to obtain interviews. Thanks also to al-Khleifi family for hosting us in Ramallah; Ra'ed Rajab; Kathleen Ridolfo; Dr. Mahdi 'Abd al-Hadi, Deniz Altayli, Abu Jamal and all the PASSIA group; Nadia Sartawi; Kim Kahlhamer; 'Adli Dana; Muna al-Tamimi at Bir Zeit University hosted my little family at a fine restaurant on the highest hilltop in Ramallah overlooking Jerusalem, and received us at the university; there was also a Palestinian sage who knew the Arabic origins of Shakespeare and Dante, as well as the meaning of my own

name, whom I met under the walls of Damascus Gate in East Jerusalem. Muna, Muna, and Suha have always treated me like a brother.

I was delighted to find much collegiality in Israel as well and was greatly assisted in obtaining my interviews by Tel Aviv University Professor of Sociology Arie Nadler, and program assistant Ya'el Koblentz, both of whom run the Peres Institute for Regional Peace and Cooperation. Ya'el called my Israeli interviewees herself and I will never forget this act of generosity. Arie has great ideas for regional conflict resolution that I hope will bear fruit in the near future. Moti Cristal, a lawyer in Prime Minister Barak's Negotiation Support Centre, was also a good guide, knew the best bakeries and coffee shops in Tel Aviv and West Jerusalem, and permitted me a glimpse of his professional world. Gracias Moti. Prof. Aharon Klieman wrote the first and until now perhaps the only monograph on back channel diplomacy.[3] He took time to speak with me at the Back Channel Diplomacy Conference at Hebrew University that I attended, courtesy of Prof. Yaacov Bar-Siman-Tov and Charles Enderlin, a French journalist who has written a general history of Middle Eastern back channels.

The Institute for Palestine Studies in Washington DC and Beirut was an important source of Palestine-Israel political analysis and documentation. Their people were good enough to locate some out-of-print publications, and provided them to me without charge.

I thank my interviewees for taking the time to meet with me while they were in the middle of their ongoing peacemaking activities, official duties and private careers. It was exciting to touch upon one Palestinian-Israeli back channel in May 2000 while I was doing the interviews.

Yet, as this thesis explains, that back channel was not enough to stop the descent into violent conflict that commenced while my family and I were leaving the country in May 2000. We hope one day to return to a country in which a just peace reigns and past wounds can begin the slow process of healing.

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[3] Aharon Klieman, *Statecraft in the Dark: Israel's Practice of Quiet Diplomacy* (Jerusalem: Jaffee Center for Strategic Studies, 1988).

Memee

I went to find my ancestral home
And knocked on wooden doors
The jasmine blooms and midnight mists
Desert sands and worn stone streets
Ahlein they breathed with open arms and
Brought me back to you
Here and
Far from here
It lives and you live
Within and without...
In quiet channels and buzzing markets
Among silent ruins and secret yearnings
I return to you
And return to you what was always yours

Claudia

Gracias a tí
Mi estrella del crepúsculo
Misión cumplida

Para decirte lo tanto que te amo
Necesitamos nuestra propia via secreta

BACK CHANNEL DIPLOMACY:
The Strategic Use of Multiple Channels of Negotiation in Middle East Peacemaking

ABSTRACT

Anthony Wanis – St. John

Back channel diplomacy (BCD) refers to official negotiations conducted in secret among the parties to a dispute or even between a party and a third party intervenor, which complement front channels, and are potentially at variance with declared policies. Aspects of secrecy in negotiation have been the subject of descriptive and prescriptive literature. Research specifically focused on the strategic interaction of multiple channels of international negotiation—front and back channels—did not exist.

In this study, the cases of Palestinian-Israeli peace negotiations from 1991 to 1998 are rigorously analyzed according to a theoretical framework designed to understand what BCD is, and how it works. This helps us understand why decisionmakers use it. The framework looks at the treatment of the issues negotiated, the role of secrecy, the exclusion of subparties that results from secrecy, the role of third party intervenors, the proximity of decisionmakers to the negotiators, and the strategic interaction of multiple channels (front and back). The overarching condition is that of incrementalist peace negotiations, which proceed from early agreements on principles, to interim accords and finally to a permanent settlement.

Decisionmakers use BCD to mitigate a set of uncertainties that affect many negotiations, but which are particularly salient for negotiations in violent international conflicts. The uncertainties regard the i) cost of entry into negotiations, ii) effect of spoilers in the peace process, iii) the lack of information on other parties' interests and preferences that is needed to make the decision to negotiate, and iv) impact of negotiation outcome on the decisionmakers.

In helping to manage these uncertainties, BCD is associated with the achievement of early breakthrough agreements where front channels fail. However, under the condition of the incrementalist peace process requiring progressively more difficult implementation, BCD's inherent qualities of secrecy and the consequent exclusion turn problematic. The ability of decisionmakers to conclude accords before spoilers can mobilize against them is progressively diminished, until BCD no longer helps the parties reach agreement, but becomes a substitute for good faith negotiation and ultimately, yields negative returns. The potential exists for renewal of violent conflict.

BACK CHANNEL DIPLOMACY:
The Strategic Use of Multiple Channels of Negotiation in Middle East Peacemaking

Chapter 1
INTRODUCTION

TABLE OF CONTENTS

TABLE OF FIGURES

It will be our wish and purpose that the processes of peace, when they are begun, shall be absolutely open and that they shall involve and permit henceforth no secret understandings of any kind. The day of conquest and aggrandizement is gone by; so is also the day of secret covenants... likely...to upset the peace of world.

-President Woodrow Wilson's Address to Congress on the "Fourteen Points"[1]

One wonders whether the success of conferences must not ultimately depend on *new forms* of what used to be called 'secret diplomacy'.

-Herbert Butterfield, "The New Diplomacy and Historical Diplomacy."[2]

I. Statement of the problem

This study analyzes *back channel diplomacy* (BCD) in Middle East peacemaking efforts, particularly in the conte t of the Palestinian-Israeli peace process. Back channel diplomacy refers to *official* negotiations conducted in *secret* between the parties to a dispute or even between a party and a third party intervenor, which supplement, bypass, replace or alternate with potential or e isting front channels and are *potentially at variance* with declared policies of the parties.

The 1993 Oslo Accords between Israel and the Palestine Liberation Organization (PLO) were the successful outcome of back channel negotiations.[3] These back channel

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[1] President Woodrow Wilson, "Address of the President of the United States Delivered at a Joint Session of the Two Houses of Congress, January 8, 1918," in Department of State, *Foreign Relations of the United States* (F.R.U.S.) 1918, Supplement 1, *The World War*, vol. 1, (Washington: United States Government Printing Office, 1933).

[2] Herbert Butterfield, "The New Diplomacy and Historical Diplomacy," in *Diplomatic Investigations*, eds. Herbert Butterfield and Martin Wight, (London: George Allen & Unwin Ltd, 1966), 181-192. Emphasis added.

[3] Declaration of Principles on Interim Self-Government Arrangements (Israel-PLO), September 13, 1993, Article V, reprinted in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record* rev. 2d ed. (Washington, DC: Institute for Palestine Studies, 1993).

2

negotiations proceeded in parallel with open negotiations conducted by official Israeli and Palestinian delegations in Washington DC, neither of whom knew about the Oslo channel.

The successful conclusion of the Oslo Accords leads to the prediction that BCD, when used in international conflicts, permits the parties to reach agreements while normal front channels fail. A simple policy prescription would follow from this: when front channels are impossible to open or are failing to pioduce an agreement, open a back channel.

During the Palestinian-Israeli negotiations that took place from 1991 to 1998, the highest level decisionmakers of each side followed this policy advice very consistently. Yet even as the parties concluded a long series of agreements during that time, peaceful relations became progressively less evident. A final, permanent status agreement proved impossible to negotiate by the conclusion of the five year interim period following the breakthrough Oslo Accords, despite this reliance on back channels. Indeed the period reviewed here came to an end with the future of the peace process very much in doubt. The peace process had failed to live up to the specifications of its design: it had resulted in the erosion of trust between the parties, rather than the progressive advancement toward the resolution of ever more comple issues. Furthermore, the peace process had failed to bring peace.

Why then, did the parties achieve difficult breakthroughs using BCD, but ultimately fail to reach their goals? To find the answers, I look to the characteristics of the diplomatic method itself.

BCD, a comprehensive practice of secret negotiation, depends on the e clusion of numerous important subparties within each side. It helps the parties manage the

3

interested third parties who seek to intervene diplomatically in the conflict. BCD lowers the price of entry into negotiations by obviating some of the need for preconditions. It brings control of the negotiation process closer to the decisionmakers. BCD negotiators enjoy greater autonomy to e plore options that cannot be easily discussed in front of an audience.

Yet these same characteristics, which any political leader might find inherently attractive, e acerbated some of the very conditions that motivated leaders to choose BCD. This in turn led to an increased reliance on BCD, that has been accompanied by increasing difficulties in implementation of agreements. Ultimately, BCD contributed to the reversal of gains made in the peace process. BCD therefore e hibited a certain duality as a tool of statecraft, helping the parties sign accords which they found increasingly difficult to implement or enforce.

In the Middle East and elsewhere, negotiations in crisis management and peacemaking efforts are sometimes characterized by the use of secrecy. The e istence of secret diplomacy is well-established, though it has been little studied. The debate on secret diplomacy is not comple . Scholarly writing to a great e tent consists of commentary either for or against. Those in favor argue that it is a necessary tool of statecraft while those against point to the inconsistency between democratic governance and secrecy.

Much less attention has been paid to the reality that secret official negotiation efforts are used by decisionmakers in parallel with separate official negotiations that are not secret. This results in multiple, simultaneous channels of negotiation.

The simultaneous e istence of front and back channels suggests the possibility

4

that the decisionmakers make strategic choices about how to use different channels. I argue that this systematic use of both secret and open channels of negotiation is essentially a special type of negotiation. A study of this subject should transcend the classical debate on secrecy versus openness in diplomacy. Since secret negotiations are often used in parallel or in sequence with open or acknowledged negotiations, they merit research as a specific class of international negotiations.

II. Concepts of diplomacy and negotiation

Conceptualizations or 'images' of diplomacy and negotiation are offered here because they reflect and shape the assumptions in negotiation research. We begin with a brief portrayal of diplomacy as it is embodied in contemporary international law—the way diplomacy is supposed to be and largely is practiced. Then we e plore what I term the 'single channel paradigm' before proceeding to the development of more comple images of international negotiation that have emerged in the literature.

A. International treaty law

International diplomatic practice is the subject of a contemporary international treaty known as the 1961 Vienna Convention on Diplomatic Relations. This treaty is a guide for the conduct of diplomatic practice and states' domestic laws as they affect international diplomacy. Upon accession to the treaty, states incorporate it into their domestic laws, thus making it the 'law of the land'. Article 3 of the Vienna Convention partially lists the duties of a diplomatic mission which include representing the sending state, protecting its interests and negotiating with the government of the receiving state, among others. The Convention neither e plicitly permits nor prohibits international negotiations along channels other than official diplomatic missions. Nor does the Convention specify norms for negotiations during violent conflict, e cept insofar as Article 45 permits diplomatic representation to be assigned to a third state when state-to-state relations are broken. While the Convention and its purposes are clear, they do not cover all contingencies.[4]

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[4] Vienna Convention on Diplomatic Relations, 500 U.N.T.S. 95, done at Vienna, April 18, 1961, entered into force April 24, 1964. Reprinted in Louis Henkin, *International Law: Cases and Materials* (St. Paul: West Publishing Company, 1994), Document Supplement.

6

By and large, states adhere to the Convention since it reflects and codifies custom. This compliance has not prevented states from resorting to other forms of diplomacy in circumstances such as armed conflict, including the use of unaccredited persons to conduct their negotiations. The Vienna Convention is silent on the many variations of diplomacy that e ist in practice, including secret diplomacy. Diplomacy in the Palestinian-Israeli peace process conflict, since it took place largely in the absence of mutual state-to-state recognition, deviates more than it conforms to the Convention.

B. The single channel paradigm

International negotiations are often portrayed in theoretical literature as communications between individuals or delegations who unambiguously represent their state or non-state principal, and are empowered to speak for and seek to fulfill the interests of the party they represent. The principals are states or non-state actors depicted in monolithic terms. The literature has depicted such bargaining as proceeding through a single 'channel' or at a single negotiating table that brings the opposing negotiators from monolithic parties together to communicate and negotiate. This image of the single channel is not an accurate reflection of real international negotiation practice, which is characterized by multiple parties, pluralistic parties, and multiple channels of negotiation between them.

C. Toward more comple definitions

The move toward a more comple understanding of negotiation benefits from developments in schools of theory including negotiation analysis and comple interdependence theory. Chapter 2 is fully dedicated to the literature, and a brief e amination of the conte t into which BCD fits is offered here: the evolution of theoretical portrayals of international negotiation.

7

Game theory, the foundation for negotiation analysis and interdependence, served mainly to specify (with mathematical rigor) large sets of possible game 'moves', but failed to prescribe implementable actions parties could take to improve individual and collective negotiation outcomes, being constrained by assumptions of rationality, utility ma imization, and symmetric information among players. Negotiation analysis sees *the structural components of negotiation processes (parties, issues, positions, etc.) as variables* that parties can manipulate.[5] Comple interdependence theory critiques and refines the assumptions of neorealist political philosophy, with its focus on monolithic states and systemic causes for political outcomes. In their place, comple interdependence claims that *states are not monolithic parties* and that there is no true separation of domestic from international issues since they both affect each other.[6]

These developments enable recent international negotiation research to argue that many negotiations are in fact multiparty or multilateral negotiations whose outcome is influenced by a wide variety of factors and attributes, rather than bilateral contests between states whose outcome is determined by their relative power.[7] The e istence of multiple parties to a negotiation affects both process and outcome and has been subject to study from numerous research perspectives.[8] There is now an emerging research emphasis on pluralistic parties, rather than monolithic ones.[9]

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[5] James K. Sebenius, "Negotiation Analysis," in *International Negotiation: Analysis, Approaches, Issues,* ed. Victor A. Kremenyuk, (San Francisco: Jossey-Bass Publishers, 1991).

[6] Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little Brown, 1977).

[7] In negotiation theory, Raiffa first sketched out the spectrum of negotiations that ranges from bilateral, 'single issue' to multilateral, 'many issue' negotiations. Howard Raiffa, *The Art and Science of Negotiation* (Cambridge, MA: Belknap Press of Harvard University Press, 1982).

[8] See for e ample, I. William Zartman, ed., *International Multilateral Negotiation: Approaches to the Management of Comple ity* (San Francisco: Jossey-Bass, 1994).

[9] Howard Raiffa, with David Metcalfe, and John Richardson, *Collaborative Decision Making* (unpublished: forthcoming, 2001).

8

In political science, there is some evidence of moving beyond the debate between those who favor and those who condemn secret diplomacy.[10] The first publication to define and identify patterns of secret diplomacy as a strategic tool of foreign policy was Aharon Klieman.[11] More recently, Karin Aggestam wrote a monograph on the overlap of the Madrid and Oslo Channels using some of the concepts presented by Klieman earlier.[12]

The present work bridges the contributions of these streams of theory to present a more accurate reflection of international peace negotiations. Research on BCD advances theory by proposing that international negotiations are better understood as pluralistic parties using multiple channels of negotiation between them.[13] In practice some negotiations are conducted between pluralistic parties along several channels. We can roughly sketch out a typology of back channel diplomacy: Let us assume—only for the moment—that the highest decisionmakers on all sides know about all channels. One strategic decision they can make is to operate one or more of their negotiation channels secretly. This means that knowledge of this channel may be kept away not only from e ternal allies or other parties, but also the public or politically active segments of it, and other stakeholders within government, interested parties, and cabinet officers. In the ideal case, all negotiators in the front channels are kept in the dark about the back channel

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[10] For classical arguments in favor, see Henry Kissinger, *Years of Upheaval* (Boston: Little Brown, 1982); Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace* 5th rev. ed. (New York: Knopf, 1978); Butterfield, "The New Diplomacy and Historical Diplomacy," For arguments against, George Eller, *Secret Diplomacy* (London: S. Swift and Co. Ltd., 1912); Paul Samuel Reinsch, *Secret Diplomacy, How Far Can It Be Eliminated?* (New York: Harcourt Brace and Company, 1922); Wilson, "Address of the President of the United States Delivered at a Joint Session of the Two Houses of Congress, January 8, 1918,"

[11] Aharon Klieman, *Statecraft in the Dark: Israel's Practice of Quiet Diplomacy* (Jerusalem: Jaffee Center for Strategic Studies, 1988); Aharon Klieman, "The Use of Back Channels in Israeli Diplomacy" (paper presented at the Conference Back Channel Negotiations in the Arab-Israeli Conflict, Hebrew University of Jerusalem, May 4, 2000).

[12] Karin Aggestam, "Two Track Diplomacy: Negotiations between Israel and the PLO through Open and Secret Channels," *Davis Papers on Israel's Foreign Policy* 53 (1996).

negotiations.

Most diplomatic negotiations (whether bilateral or multilateral) are conducted using a single, acknowledged channel. For the purposes of this study, these are referred to as formal negotiations, or *front channel* negotiations. Conventional front channel diplomacy (FCD) in international disputes includes direct bilateral negotiation, multilateral conferences, and open mediation by a third party such as an international organization, state, non-governmental organization (NGO), or other non-state actor. The key variable they share is the openness about the fact that there are negotiations taking place.

The e istence of multiple channels of negotiation is a phenomenon that is rich in research possibilities because it invites comparison of the processes and outcomes of each channel, as well as the relationship between them.

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[13] I am indebted to David Metcalfe for his remarks to me on the distinction between monolithic and pluralistic parties in negotiation analysis.

10

III. Terminology

A. Origins

Back channel diplomacy in history evokes the image of an alternative physical *space* for the conduct of international negotiations. This image is rooted in the word 'channel'. I briefly consider the term and its appropriateness.

The control and distribution of knowledge and information have concerned human societies for millennia. The use of secrecy—the categorization of knowledge as *secret*—is one the principal instruments with which this is accomplished. Deciding who gets access to information and when they get it is part of the way we manage our private and public lives. In the public realm, in the management of national and international affairs, secrecy, in the guise of adjectives such as *compartmented, clandestine, privileged, eyes only, confidential,* is accepted as part of the process of government, even democratic government.[14] If at least for the sake of argument we accept that secrecy is a part of governing, the remaining question is of a practical nature: how do policymakers manage secret activities and information?

In practical terms, secrets of state are established and preserved by dramatically limiting the number of parties with access to them. BCD is a more elaborate effort than simple limits on the number of people with access to information. It involves the construction of separate structures which are themselves kept secret and within which secret information is contained. Channel comes from the Latin term *canalis,* associated

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[14] In the United States as in other countries, the balance between democratic control of national policy and secrecy in the planning and implementation of such policy is the object of a tug-of-war between institutions such as the newsmedia, lobbies, the Congress on one side and the E ecutive and its agencies, such as the NSC, CIA, NSA etc., on the other.

11

with the diversion and conveyance of running waters.[15] BCD evokes the diversionary sense of the word 'channel'; diverting the flow of water—or information and knowledge—away from those to whom they might otherwise go. Channels are not only means of directing communication. They also refer to transactional 'spaces' where information, money, goods, and actions are e changed. Insofar as much negotiation research has its theoretical origins in economic behavior and game theory research, one could say that *back channels* are the *black markets* of formal diplomacy; a place where parties seek alternative arrangements while others are e cluded from the transaction. 'Channel' has both a functional and spatial sense that fit well with the image of BCD.[16]

B. General definition

Back channel negotiation in international conflicts refers to secret, official negotiations between the contending parties that take place in parallel with front channel negotiations or replace them. Back channel negotiations can therefore bypass or supplement e isting front channel negotiations. The participants in the secret, back channel must have some measure of official empowerment from their respective authorities in order for this phenomenon to be distinguishable from non-official, people-to-people efforts at peacemaking. The latter are usually referred to as Track II Diplomacy which are compared and distinguished below.[17] The back channel may also be the forum in which solutions are e plored that are at variance with the e pressed policies of the

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[15] I am grateful to Alan Henrikson for pointing out the riverine image evoked by the term 'back channel' and for suggesting the black market analogy.

[16] See entries, etymology and works cited for "Channel" , *The Compact Edition of the O ford English Dictionary* 2 vols. (New York: O ford University Press, 1971), 270-271.

[17] See Joseph Montville, "The Arrow and the Olive Branch: A Case for Track Two Diplomacy," in *Conflict Resolution: Track Two Diplomacy*, eds. John McDonald and Diane Bendahmane, (Washington, DC: Foreign Service Institute, Department of State, 1987); John W. McDonald, "Further E ploration of Track Two Diplomacy," in *Timing the De-Escalation of International Conflicts*, eds. Louis Kriesberg and Stuart J. Thorson, (Syracuse, N.Y.: Syracuse University Press, 1991); Harold H. Saunders, "We Need a Larger Theory of Negotiation: The Importance of Pre-Negotiation Phases," *Negotiation Journal* 1, no. 3 (1985).

parties. These elements of secrecy and official status, as well as the e ploration of options or solutions at variance with declared policies are all integral and interdependent parts of the definition of back channel negotiation. Two additional properties: simultaneity and multiple negotiation channels, are present by definition when front and back channels are employed at the same time by the same parties.

C. The relation to Track II diplomacy

The fact that analysts occasionally conflate the concepts of Track II and back channel negotiation[18] underscores the need for more consistency of usage.

The impetus to develop a 'practice' of *unofficial* diplomacy often comes from people who were themselves diplomats and understand the institutional, legal, political and social-psychological constraints of *official* diplomacy as well as the formal authority it has.[19]

Montville describes Track II as "unofficial, informal interaction between members of adversarial groups or nations with the goals of developing strategies, influencing public opinions, and organizing human and material resources in ways that might help resolve the conflict."[20] Track II activities are sometimes designed with high public e posure in mind. The degree of publicity tends to increase when the primary intended audience is the general public rather than only the elites who participate in the activity. Participants or facilitators rarely if ever actually claim that negotiation is taking

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[18] One negotiation scholar e plicitly conflates the two general concepts when he wrote that a "special form of back channel negotiation is often referred to as track two diplomacy or citizen diplomacy," P. Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts* (Columbia: University of South Carolina, 1996), 184. A case-specific instance of conceptual confusion is in Jacob Bercovitch, "Conflict Management and the Oslo E perience: Assessing the Success of Israeli-Palestinian Peacemaking," *International Negotiation* 2, no. 2 (1997), 117.

[19] Gennady I. Chufrin and Harold H. Saunders, "A Public Peace Process," *Negotiation Journal* 9, no. 2 (1993).

[20] Montville, "The Arrow and the Olive Branch: A Case for Track Two Diplomacy".

13

place in Track II activities. The goal and impact of Track II diplomacy differ from those

of official diplomacy as well. Rather than seeking to negotiate, sign and implement peace

agreements, Track II participants seek to change the conflict dynamics of relations

between elites and other groups within the contending parties.

Unofficial conflict resolution activities include the phenomena of people-to-

people 'prenegotiations'[21] which are meant to diminish overall tensions and even provide

substantive inputs for official negotiations, and interactive problem-solving workshops,[22]

in which parties to a conflict are brought together for the purpose of humanizing the

relationship between the contending parties and e ploring options for meeting joint

needs. These are all characterized by the absence of official negotiating authority among

participants. This very lack of 'power' is e plicitly sought by those who advocate and

practice Track II diplomacy.[23] Rather than relying on political power, practitioners of

Track II diplomacy base their activities on the premise that barriers to conflict resolution

can be conceptualized in terms of cognitive and social psychological phenomena[24] that

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[21] Harold Saunders, "Possibilities and Change: Another Way to Consider Unofficial Third Party Intervention," *Negotiation Journal* 11, no. 3 (1995).

[22] Ronald J. Fisher, "Prenegotiation Problem Solving Discussions: Enhancing the Potential for Successful Negotiation," in *Getting to the Table: The Processes of International Prenegotiation*, ed. Janice Gross Stein, (Baltimore: Johns Hopkins University Press, 1989); Herbert C. Kelman, "Informal Mediation by the Scholar/Practitioner," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, eds. Jacob Bercovitch and Jeffrey Z. Rubin, (New York: St. Martin's Press, 1992); Herbert C. Kelman, "Negotiation as Interactive Problem Solving," *International Negotiation* 1, no. 1 (1996).

[23] Stephen P. Cohen et al., "Evolving Intergroup Techniques for Conflict Resolution: An Israeli-Palestinian Pilot Workshop," *Journal of Social Issues* 33, no. 1 (1977); Herbert C. Kelman, "Contributions of an Unofficial Conflict Resolution Effort to the Israeli-Palestinian Breakthrough," *Negotiation Journal* 11, no. 1 (1995); Roger Fisher, *Facilitated Joint Brainstorming: A Powerful Method for Dealing with Conflict* (Cambridge, MA: Harvard Negotiation Project, 1996); Nadim N. Rouhana and Herbert C. Kelman, "Promoting Joint Thinking in International Conflicts: An Israeli-Palestinian Continuing Workshop," *Journal of Social Issues* 50, no. 1 (1994).

[24] Barriers include errors of attribution, biases in construal of the conflict, the construction of enemy images, cognitive dissonance and others. Herbert C. Kelman, "Social Psychological Dimensions of International Conflict," in *Peacemaking in International Conflict*, eds. I. William Zartman and J. L. Rasmussen, (Washington, DC: United States Institute of Peace, 1997); Janice Gross Stein, "Image, Identity and Conflict Resolution," in *Managing Global Chaos*, eds. Chester Crocker and Fen Osler Hampson, (Washington, DC: United States Institute of Peace, 1996).

14

affect party perceptions of self, adversary and the nature of the conflict itself. Practitioners e plicitly believe that Track II 'processes' can be designed to diminish such barriers and thereby create a different atmosphere or conte t in which political and social problems are formally addressed by the official negotiators.[25]

D. Component terms

Negotiation is "joint decisionmaking under conditions of conflict and uncertainty, in which divergent positions are combined into a single outcome. Each of two or more sides attempts to obtain what it wants through the e change of information, typically in the form of offers and counteroffers."[26] These offers reflect both the parties' internal valuation and prioritization among the issues at stake as well as the respective differences of value and priority between the adversary parties. The adjustment of such offers to create and claim value for each side, and making commitments to an agreement are also essential parts of negotiation. The activities that follow commitment are not limited to implementation. There may be residual unresolved issues, details to work out from agreed principles, new disputes, or changed conditions or preferences, or perhaps new political realities that necessitate continued negotiation. This general description holds whether the conte t of the conflict is domestic or international.

A *negotiation process* is a series of negotiations or meetings at which negotiations take place, each of which is considered part of a larger overarching conte t, i.e., a peace process, a labor-management wage negotiation, a business acquisition, an

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[25] Diana V. Chigas, "Unofficial Interventions with Official Actors: Parallel Negotiation Training in Violent Intrastate Conflicts," *International Negotiation* 2, no. 3 (1997); Lawrence E. Susskind, Abram Chayes, and Janet Martinez, "Parallel Informal Negotiation: A New Kind of International Dialogue," *Negotiation Journal* 12, no. 1 (1996); Ronald J. Fisher, "The Potential Contribution of Training to Resolving International Conflict," *International Negotiation* 2, no. 3 (1997).

[26] I. William Zartman and Jeffrey Z. Rubin, eds., *Power and Negotiation* (Ann Arbor: University of Michigan Press, 2000), 12.

15

alliance or a treaty convention, etc.

I use the term *channel* in this study to refer to a specific bilateral or multilateral encounter or series of encounters in which the parties are negotiating. Negotiations that occur in an open or at least acknowledgeable channel and are conducted by recognized agents for or officials of the parties usually need no further description. Here, I term them *front channel* or *formal* negotiations.

The term *international* has traditionally been used to describe an activity that transcends state borders, or e ists in the framework of relations between states recognized as such by other states or international organizations. International affairs ceased to be the e clusive domain of states and governments at least since the origins of modern international organizations over a century ago. Other actors are involved, ranging from individuals to non-governmental organizations, businesses, international organizations and military alliances. Nevertheless, the legal quality of state sovereignty has traditionally been invoked to maintain a wide range of activities and phenomena subject to a state's e clusive jurisdiction, particularly the organized use of force and the ability to enter into binding commitments with other states and international organizations.

While sovereignty continues to be the quintessential quality and part of the definition of statehood—as well as the aspiration of choice for secessionists and liberation movements based on religion, ethnicity or ideology—critical events of *global* importance often take place within the borders of states, or between states and non-governmental actors or simply have effects that transcend the originating state's borders. For these reasons, I use the term *international* in a broad sense, to include significant internal conflicts or conflicts that are neither purely interstate nor purely internal, as the

16

Arab-Israeli conflict has repeatedly demonstrated itself to be. The Israeli-Palestinian problem in particular requires precisely this e pansive use of the term.

IV. Research Methodology

The comparative study of the cases of Palestinian-Israeli front and back channel negotiations between 1991 and 1998 is modeled on the "heuristic case study" approach described by Harry Eckstein and refined by Ale ander George. This approach was chosen in order to discern "important general problems and possible theoretical solutions"[27] in contrast with formal hypothesis-testing political science studies that specify a general law that should e plain the outcome of a particular case, and then evaluate how well or poorly the case is e plained and predicted by the general law. The heuristic approach, on the other hand, ultimately seeks to "formulate generalizable relations that were not previously apparent."[28] It is ideal for building up knowledge about important subjects that have not been systematically studied and for which testable hypotheses do not yet e ist, as is the case with BCD.

The analysis of the cases in Chapter 7 is e plicitly comparative, using Ale ander George's method of structured, focused comparison, which borrows from the classical 'method of difference'.[29] Case studies using this method begin with specific instances of a phenomenon, search for general patterns, and culminate in testable hypotheses about the phenomenon.

Elite interviewing was selected as the primary method of gathering critical case information because a researcher faces several obstacles in order to collect documentary evidence on phenomena whose e istence is meant to be denied or which is deliberately

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[27] Harry Eckstein, "Case Study and Theory in Political Science," in *Handbook of Political Science*, eds. Fred Greenstein and Nelson Polsby, (Reading, MA: Addison-Wesley, 1975), 104-107.

[28] Ale ander George, "Case Studies and Theory Development: The Method of Structured, Focused Comparison," in *Diplomacy: New Approaches in History, Theory and Policy*, ed. Paul Gorden Lauren, (New York: The Free Press, 1979), 51.

[29] Ibid., 52.

18

avoided, destroyed or hidden. Indeed this 'deniability' is one of its compelling qualities. Policymakers place high value on deniable actions and statements, things they want to do for some reason but do not wish to be identified with at some point in time, particularly if they fail or if they involve controversial policy changes. This variant of international negotiation is not likely to be immediately reported in the media, nor will it appear in diplomatic bulletins, unless a party perceives that a leak serves its interests more than the negotiation itself.

Primary source case data was collected during the Spring of 2000 by interviewing Palestinian and Israeli negotiators and decisionmakers: the direct participants in the various negotiations stages, as well as using their public statements, analytical publications and autobiographical accounts, and other traditional primary sources. The reliance on participants is important in any topic involving secrecy since potential archival sources are either none istent or closed to the researcher. The interviews were completed in Washington, DC; Jerusalem; Ramallah; al-Bireh; and Tel Aviv.

V. Research questions

The Oslo success, considered in isolation from the rest of the Palestinian-Israeli peace process, suggests that BCD helps parties reach agreements and break deadlocks. Taken as a whole however, the cases help e plain why negotiations failed despite the reliance on BCD, numerous negotiations and signed agreements, as well as involvement of prominent third parties with leverage and resources. The task of this research then is to seek answers to the question: Why did the parties achieve breakthroughs using BCD, but ultimately fail to attain the state goals of the peace process?

It is important to understand how BCD functioned in the different channels of Palestinian-Israeli negotiation and what impact it had on the peace process during the seven years that are covered in the cases.

Function: How does it work?
Since research on international negotiation has not focused on BCD as a comprehensive phenomenon, I survey discrete areas of literature in Chapter 2 for their insights into the characteristic elements of BCD identified in the definition. The cases themselves provide empirical evidence of how BCD operates. From the perspective of the political decisionmaker as well as the negotiator, BCD is used to take advantage of one or more of its intrinsic benefits, which are described and analyzed in detail in the case chapters.

Impact: What effect does BCD have on peace processes?
Decisionmakers choose different methods of diplomacy according to their knowledge, interests and skills. In order to make better decisions regarding the use of BCD, the particular consequences of using it, both positive and negative, need to be made available to policymakers. The consequences of BCD in the case studies are traced and analyzed.

20

Front channel Palestinian-Israeli negotiations have by and large either failed or resulted in deadlocks while back channel negotiations have succeeded in generating signable written agreements endorsed by the highest political authorities of each side. At Oslo, the back channel resulted in mutual acceptance of each side's leadership, a key obstacle in many peace negotiations. The constant re-negotiation of the implementation agreements suggests that back channels are effective but that newcomers to the negotiations seek to distinguish themselves from agreements already made in the dark by renegotiating certain aspects. The parado is that BCD results in agreements that would not be attainable by normal diplomatic means, while at the same time bearing within it the seeds of its own undoing.

Table 1.1: Research questions, purpose, inquiry
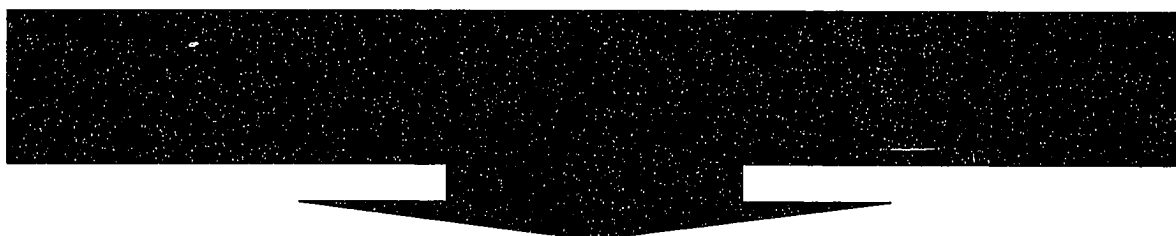
	Knowledge needed	Sources
1	What is back channel diplomacy?	Tentative but systematic definition based on empirical evidence is offered in Ch. 1, ¶ 1
2	How does it *operate*? Why do decisionmakers choose to use it?	Theoretical literature and empirical evidence provide insight into the dynamics of secrecy and other variables in negotiation, and the benefits of BCD
3	What is the *impact* of using BCD in international conflicts?	Case studies show what the particular impact of BCD has been in the Palestinian-Israeli peace process

22

VI. Negotiations between Israel and the Palestinians

BCD is the standard negotiating procedure in Israeli-Palestinian diplomacy. Despite having overcome legal and logistical barriers to negotiating openly with each other, they continue to use BCD. The Palestinian-Israeli peace process is conducted along multiple channels, both secret and open. This approach is used for both interim arrangements and 'permanent status' issues.

The peace process essentially concerns the political status of the territory and Palestinian inhabitants of the West Bank (referring to an area lying to the west of the Jordan River) and the Gaza Strip (a Palestinian enclave on the Mediterranean coastal plain), and the conditions under which Israel will accept any change in their political status. Part of British-controlled Mandate Palestine was conquered and occupied by Zionist forces in 1948 and became the territorial foundation of the state of Israel. Upon the termination of the British Mandate in Palestine, the West Bank and Gaza came under Jordanian and Egyptian control, respectively, from 1949-1967. In the aftermath of the June 1967 War, the West Bank and Gaza were occupied by Israeli forces. Different Israeli political parties considered the occupied territories alternately as sources of bargaining leverage for eventual peace deals with neighboring states, or as new territory to be anne ed and settled by Israelis. Actual Israeli policy since 1967 has been a mi of both of these policies.

A. Multiple, parallel negotiation channels

The Palestinian-Israeli peace process was officially launched at the Madrid Peace Conference of October 30, 1991. It marked the first time that official Palestinian and Israeli delegations openly met with the purpose of negotiating peace arrangements. These bilateral Israeli-Palestinian negotiations, though historic, did not produce any agreement.

23

There was, however, a secret 'back channel' of negotiation between the PLO and Israel taking place in Norway, removed from the Madrid process and hidden from the official delegations ultimately resulted in the first Palestinian-Israeli peace agreement, the Declaration of Principles on Interim Self-Government Arrangements (the "Oslo Accord"), initialed on September 9, 1993.

B. Separation of interim and permanent status issues, 1991-1998

The fundamental characteristic of the Israel-Palestinian peace process is its 'incrementalism'. This refers to a process in which a time period for conducting negotiation is defined early. The initial accords are used to reach agreement on principles and frameworks. Later accords address issues that have a progressively greater impact on the situation on the ground, issues that require positive implementation actions. The incremental process postpones negotiations on the most comple and difficult issues until the end. Incrementalist peace processes (also called staged or sequentialist peace processes) are structured on the assumption that it will be easier to reach agreement on principles, frameworks and other issues that do not require any immediate change in the status quo. As agreement is reached successfully on issues of increasingly greater importance, the hope is that the parties will build enough trust in each other and the negotiation process to negotiate the most difficult issues that they had previously set aside, and conclude a comprehensive peace treaty.

The Palestinian-Israeli peace process e plicitly is structured on a 'declaration of principles' in which the parties first pledged to reach agreement on interim issues related to the establishment of Palestinian self-government, and the territorial e tent of self-government, which requires the withdrawal of Israeli military forces from Palestinian territory. This was to take place during an 'interim period' of five years. At the

24

conclusion of the interim period, the negotiators hoped to have finished work at least on a new framework agreement setting out the principles according to which they would seek agreement on the so-called 'permanent status' issues. After this they hoped to transition into a stable bilateral and regional peace arrangement.

Since the Oslo breakthrough in September 1993, Israel and the PLO have conducted almost continuous negotiations that resulted in three major interim accords, and several other issue-specific agreements. The major issues of the interim period were the incremental withdrawal and redeployment of Israeli troops from the large Palestinian cities in the West Bank and Gaza, the dismantlement of the Israeli Civil Administration and transfer of administrative powers to the Palestinian National Authority (PNA), and joint Palestinian-Israeli security cooperation against terrorism.

Both front and back channels were used simultaneously throughout the post-Oslo period by each of the three Israeli governments that came to power since 1992, including the rightist (Likud party) government of Prime Minister Binyamin Netanyahu that lasted from 1996 to 1999.

Regarding the permanent status talks, both front and secret channels were used for negotiations. The five final status issues are

1.   Status of East Jerusalem

2.   Jewish settlements in the Occupied Territories

3.   Palestinian refugees and their right of return

4.   Final borders and political status of Palestine

5.   Israel's security concerns

By deferring these issues until the permanent status talks, incrementalism meant that both sides were no longer demanding satisfaction of their demands as a precondition

25

for further talks. The outcome of the permanent status was clouded by considerable uncertainty. Rather, they accepted the fact that to reach any agreement, they had to refrain from discussing these issues.

Traditionally, the parties' respective positions on these issues have been clearly incompatible, especially when considered as a comprehensive set of inseparable demands. The issues are in fact, highly interrelated, making concessions on any one of them costly and bridging proposals difficult to formulate. The positions are presented here in table format (Table 1.2) and are considerably simplified policy statements. The format does not account for the breadth of debate among parties, factions and individuals within each side. Nor does it mention here the potential concessions that have been articulated by the sides at any time.

Table 1.2: Final Status Issues, with some traditional Israeli and Palestinian policies

	Final Status Issue	Israel	Palestine
1	Jerusalem	Unified halves (East and West) of Jerusalem comprise the eternal capital of Israel	Arab East Jerusalem is occupied territory since the June 1967 war. E. Jerusalem (including the Old City) is "al-Quds" the capital of Palestine. The city should not be divided; both states to have their capital within it
2	Refugees	Israel did not e pel the refugees, and has no moral or legal responsibility for them. They cannot return to Israel, e cept small numbers for family reunification.	The refugee problem was caused by Israel; some were e pelled from their homes by force. Refugees have a right of return to their lands and properties in Israel. They are also entitled to compensation
3	Borders	The borders of the West Bank and Gaza prior to June 1967 are not relevant. Offer Palestinians between 50 and 90% of the land for a future political entity that will not amount to a sovereign state, perhaps confederated with Jordan.	All of the Gaza Strip and the West Bank, including E. Jerusalem, are occupied territory and are the territorial basis for the state of Palestine and must be evacuated by the Israeli armed forces and civil administration. Confederation with Jordan is a possible option
4	Settlements	The vast bulk of the settlements, especially those constructed around East Jerusalem and along the Green Line (pre-June 1967 border between Israel and the West Bank) and the settlements in the Jordan Valley and elsewhere, to be incorporated into Israel	All settlements to be evacuated and the territory returned to prior owners, communities for private or public use.
5	Security	Jordan Valley is the Israeli 'security border'. There can be no Palestinian army and no presence of any foreign troops in Israel or the territories west of the Jordan River.	Crossings between the West Bank and Jordan, and between Gaza and Egypt, must be controlled by the Palestinian state. Israeli troops must be withdrawn from all the occupied territories. Palestinians to maintain their own internal security forces. UN Peacekeeping troops sought to protect Palestinians

27

According to the interim arrangements, a permanent status agreement should have entered into force on May 4, 1999 at the conclusion of a five year interim period that started on May 4, 1994 when Israel began its first withdrawal from the Gaza Strip and Jericho in the West Bank. During the interim five year period (1994-1999), the parties hoped to build confidence in each other and the negotiation process, while simultaneously conducting the interim and final status negotiations on separate tracks.

May 4, 1999 came and went without any noticeable progress on final status issues having been made in front channels. Despite the absence of negotiated progress on the final status, PNA President Arafat backed away from making his promised unilateral declaration of Palestinian statehood. At that moment Israeli Prime Minister Binyamin Netanyahu was just two weeks away from a new electoral contest.

Former army chief of staff Ehud Barak and his Labor-led coalition handily defeated Netanyahu at the polls and set about on a re-energized program of negotiations with the Palestinians and Syria. Barak committed himself to an accelerated withdrawal of Israeli forces from Lebanon, with or without a bilateral agreement with Syria, which caused Palestinian negotiators some concern about Barak's negotiation priorities since they did not want to be sidelined by Israeli-Syrian talks. The end of the interim period arrived without the Israeli redeployments in the West Bank having been completed, and without any permanent status agreement. The Barak government at first sought to persuade the Palestinians to proceed directly to a final status arrangement and skip the rest of the interim redeployments. The Palestinians insisted on finishing the interim redeployments first.

C. Overview of the cases

The three cases of Palestinian-Israeli negotiation are briefly presented here. They represent an ideal real-world 'laboratory' of international negotiations because they share numerous variables that are thus controlled for, such as the parties involved, cultural factors, the overall conflict of which they are a part, the relatively short time frame in which they took place, the international political and economic conte t in which they took place, among others.

The numerous Palestinian-Israeli negotiations are grouped into three chapters for analytical clarity. First is the Madrid peace process. Its Israeli-Palestinian Track functioned from October 1991 to September 1993. The process began with a multilateral conference in Madrid, Spain which was followed up by direct talks between delegations from Israeli and Arab national delegations. The second case chapter concerns the Oslo Channel which operated in secret from January 1993 to September 1993. The third case chapter begins in September 1993 and covers all the negotiations that followed the Madrid process and the Oslo Channel.

1. Madrid peace process (October 1991-September 1993)

This is the first historic instance of *official* negotiations between the Palestinians and the Israeli government. Israel sought to e clude the PLO from direct participation in these talks and instead conducted them with notable Palestinians living in the Occupied Territories. The talks were conducted in Rome, Italy and Washington, DC after an initial peace conference was opened in Madrid, Spain on October 30, 1991. The conference and its ensuing bilateral tracks were the product of intense shuttle diplomacy by US Secretary of State James Baker, III. The bilateral negotiations continued for two years until September 1993 without resulting in an agreement, at which point they were overtaken

29

by the revelations of a secret parallel negotiation channel in Oslo. The Madrid Conference and the ensuing Israeli-Palestinian bilateral negotiations are analyzed in Chapter 4.

2. Oslo peace process (January 1993-September 1993)

For a variety of reasons which will be e plored in this study, a back channel was opened between Israel and the PLO during the last year of the Madrid process. The back channel negotiations took place in and around Oslo, Norway, with the facilitation of the Norwegian government. These negotiations were held from January 20, 1993 to September 1993 and were held with the knowledge of the highest political authorities on each side. At Oslo, the negotiators achieved a breakthrough. They drafted and initialed a Declaration of Principles and e changed letters of mutual recognition, a plan for incremental Palestinian autonomy based on future negotiations and mutual pledges not to alter the status quo in the Palestinian territories during a five year interim period. The emergence and unfolding of the Oslo Channel are the subject of Chapter 5.

3. The interim period (1993-1998)

This case begins after the failure of the Madrid Process and the successful conclusion of the Oslo talks. All Palestinian-Israeli negotiations after September 1993 followed a pattern whose origins can be found embedded in the Camp David Accords of September 17, 1978: the separation of the negotiation agenda into two interdependent parts; interim and final status issues.[30] The *interim* issues are to be negotiated and implemented during a *transitional* period of five years in which the Israeli military government and armed forces are withdrawn from West Bank and Gaza territory while

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[30] See Camp David Accords, Framework for Peace in the Middle East (Egypt-Israel), and Framework for the Conclusion of a Peace Treaty Between Egypt and Israel (Egypt-Israel), September 17, 1978 reprinted in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record.*

an elected Palestinian National Authority progressively assumes governmental functions. In contrast, *final status* talks are to lead to a *permanent* settlement of the Palestinian-Israeli conflict based on United Nations Security Council Resolutions 242 (1967) and 338 (1973) and were to commence "not later than the beginning of the third year of the interim period."[31]

This case covers the period 1993 to 1998 during which the major interim agreement was negotiated between Israel and the PLO. These accords were concerned with the details of implementing interim measures specified in the Oslo Accords. As a result of these negotiations, the PNA was formed and progressively acquired territorial jurisdiction in the West Bank and Gaza as the Israel Defense Force (IDF) redeployed.[32] Palestinians held elections on January 26, 1996 in which they chose PLO Chairman Yasir Arafat to be the President of the PNA while also electing members of a new lawmaking body, the Palestinian Legislative Commission (the PLC). This election was in one sense, a popular referendum on the peace process and a further rejection of armed conflict as the way toward attainment of Palestinian self-determination.

These negotiations survived numerous crises including incidents of terror by both Palestinian and Israeli rejectionists of the peace process. Besides the grim toll in civilian lives, on November 4, 1995 Israeli Prime Minister Yitzhak Rabin was assassinated by an Israeli law student for having negotiated the Oslo and Interim Accords. In light of the political uncertainty, social violence and negotiation stalemate which arose in the period

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[31] See Declaration of Principles on Interim Self-Government Arrangements (Israel-PLO), September 13, 1993, Article V, reprinted in Ibid.

[32] The PNA is the Palestinian governmental structure composed of e ecutive, legislative and judicial branches and as of December 2000 e ercised limited sovereignty in the Palestinian territories from which the Israeli military government had withdrawn. The PLO did not cease to e ist, but maintains a separate organizational identity from the PNA. The PLO is after all, an umbrella organization of numerous political parties and factions. After September 1993, the PLO began transforming itself from a diaspora politico-military organization into a recognized political organization in the West Bank and Gaza.

31

1993-1998, the parties deliberately set up parallel front and secret channels of negotiation. The multi-channel structure was essential to the conduct and conclusion of the interim accords.

Talks on the final status issues, those issues that were deliberately e cluded from the interim stages of the Oslo Accord and its subsequent interim agreements, did not officially begin until the opening ceremony on May 5, 1996 (and did not resume until November 9, 1999). The 1996 opening session established "joint working groups on the final status issues, a steering committee for the negotiations, as well as a secret back channel where [both sides] hoped the real progress would be made."[33] The impending Israeli elections prevented further work on this.

Prior to the official opening of final status talks, a secret back channel was created to draft a framework agreement for the final status. Heading the Israeli side was Yossi Beilin, Deputy Minister of Foreign Affairs, while the Palestinian side was supervised by Mahmoud Abbas (Abu Mazen), one of the highest PLO officials under Yasir Arafat. From September 1, 1994 to October 31, 1995, a small group of academics under Beilin's and Abu Mazen's supervision worked, mostly in Stockholm, to create a draft agreement that would be submitted to both sides' leadership for approval and could serve as the starting point for the formal, front channel final status negotiations. Rabin was assassinated just four days after the draft framework agreement was completed and as a consequence Rabin never saw it. Rabin's death cut short the progress achieved in this channel. A series of HAMAS terror attacks weakened the caretaker government of Shimon Peres, who had replaced Rabin as Prime Minister upon the latter's death.

The Peres-led government was voted out of power in May 29, 1996. The 1996

Israeli elections were also seen as a popular referendum on the peace process negotiations insofar as the outcome reflected the strategy of both Palestinian and Israeli rejectionists who worked hard to delegitimize the peace process. The secular right wing Likud party formed a new government under Likud leader Binyamin Netanyahu and sought to redefine Israel's commitment to the signed accords and understandings. Netanyahu's government focused great attention on the construction, occupation and subsidization of Jewish settlements in the West Bank.

Despite its strident dismissal of the peace process begun by the rival political party, the Netanyahu government immediately established a dual channel negotiation structure similar to the one that its predecessors had used. PNA officials and Netanyahu's personal attorney opened a back channel so that Israel could renegotiate provisions of the Interim Agreement. One of the most difficult issues of the Netanyahu years was the withdrawal of Israeli military forces from Palestinian territories, who were supposed to be redeployed in three stages according to the Interim Agreement (the further redeployments, or FRDs). Netanyahu's government refused to implement them, alleging PNA noncompliance with other provisions of the Interim Agreement. The led to a complete breakdown of front channel negotiations. While most observers believed that the peace process was frozen, in reality detailed, secret negotiations were being conducted.

The PLO-Likud back channel negotiations reached the highest levels—secret meetings between Abu Alaa and Netanyahu—and resolved enough outstanding issues in dispute for the parties to open a front channel negotiation at the Wye Plantation near Washington, DC, with the active mediation of President William Clinton. This summit

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[33] Uri Savir, *The Process: 1,100 Days That Changed the Middle East* (New York: Random House, 1998),

33

negotiation process resulted in the Wye River Memorandum, which committed Netanyahu to the FRDs in e change for Palestinian concessions on security issues, and set a timetable for the resumption of permanent status talks. In the wake of the Wye Memorandum, the Israeli government consequently suffered a political crisis and suspended its implementation of this Memorandum until new elections could be held. After calling for new elections, Prime Minister Netanyahu was unable to form a new government and the peace process came to a virtual standstill. The election resulted in Netanyahu's defeat by former Israel Defense Forces (IDF) chief of staff Ehud Barak. Barak had campaigned on a pledge to reinvigorate the peace process and set himself e plicit deadlines in order to achieve his goals.

Front and back channels for both interim and final status negotiations of the interim period to 1998 are the subject of Chapter 6.

300.

VII. Outline of remaining chapters

The remaining chapters are laid out as follows: Chapter 2 is the review of theoretical literature that provides a basis for understanding BCD; Chapter 3 reveals the earliest reported Israel-PLO secret negotiations, and serves as historic conte t for the case chapters. Chapters 4 concerns the Madrid Peace Conference of 1991 and the bilateral, front channel track of Palestinian-Israeli negotiations that emerged from it and was held in Washington, DC. Chapter 5 analyzes the evolution of the Oslo Back Channel that operated in parallel with the front channel Washington talks and achieved the first real breakthrough in the Palestinian-Israeli peace process. Chapter 6 is the analysis of the negotiations that continued after the Oslo Accords. We analyze these negotiations and the accompanying agreements, paying particular attention to the ongoing use of back channels to reach agreements. At the same time, we observe a progressive decline in the ability of the parties to implement the agreements reached. The role of third parties, subparties, secrecy and other variables is assessed to determine the long term, negative relationship between BCD and the implementation of agreements. Chapter 7 draws together all the Palestinian-Israeli negotiation channels from 1991-1998, and draws conclusions about the contribution of the analytical variables. Furthermore, Chapter 7 sets out the analytical conclusions concerning the benefits of consequences of BCD and outlines a typology of BCD.

BACK CHANNEL DIPLOMACY:
The Strategic Use of Multiple Channels of Negotiation in Middle East Peacemaking

Chapter 2
THEORY ON SECRECY AND CHANNELS

TABLE OF CONTENTS

TABLES AND FIGURES

I.   Introduction to the theoretical review

In this chapter we examine the literature relevant to a study of back channel diplomacy (BCD). In Chapter 1, I framed the research question as a task that relied on understanding what BCD is, how it works and what consequences it has.[1] The literature reviewed here is useful for defining the phenomenon and beginning to understand what it is used for. By understanding the research paradigms relevant to BCD, it becomes possible to see how this study contributes to negotiation literature.

In the **first** section we consider the phenomenon of secrecy as a human social activity that protects creativity but implies exclusion. The **second** section reviews relevant concepts from political theory; realism and neoliberalism. The **third** section considers early descriptive theory about back channel diplomacy. The **fourth** section introduces dilemmas that BCD is used to manage: intra-organizational bargaining, international crisis negotiation; and the effect of publicity on negotiation behavior. The **fifth** section discusses the contribution of negotiation analytic theory and indicates where this study is situated in that literature. The **sixth** section builds the analytic framework used in this study within the context of the literature.

These sections situate the present work as a theoretical building block that draws from and builds on the existing literature on negotiation. Table 3.1 below lists the surveyed fields of theory and their specific areas of relevance to this study.

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[1] See Chapter 1, Table 1.1

In the aggregate, this chapter provides the theoretical bases for the tentative typology of back channel international negotiation that integrates the insights of theory and empirical observation, that is presented in Chapter 7.

38

Table 3.1: Theory and BCD

§	Theoretical fields	Application to BCD
I	Social Ethics	The phenomenon of secrecy in human activities
II	Political Theory	Utility of secrecy in diplomacy, the question of monolithic v. complex paradigms of the state, cooperation by negotiation, multiple channels by which international relations are conducted
III	Early Theory on BCD	Definitions
IV	Dilemmas and Challenges	Internal negotiations, crisis management and the effect of publicity on negotiations
V	Negotiation Analysis	Variability of structures and processes of negotiation, prescriptive approaches to negotiation, moves to 'change the game' of negotiation
VI	Analytic Framework	Derived from theory in this chapter, used to systematically analyze the Palestinian-Israeli cases

39

II. The phenomenon of secrecy

A fuller consideration of the phenomenon of secrecy *per se* is an appropriate

place to start. Secrecy is the *sine qua non* characteristic of all types of back channel

diplomacy (BCD). Sissela Bok, in her broad exploration of the ethics of secrecy in

diverse human activities, defines secrets and secrecy in the following terms:

> To keep a secret from someone, then is to block
> information about it or evidence of it from reaching that
> person, and to do so *intentionally*: to prevent him from
> learning it, and thus from possessing it, or revealing it. The
> word "secrecy" refers to the resulting *concealment*. It also
> refers to the methods used to conceal, such as codes or
> disguises or camouflage, and the practices of concealment,
> as in trade secrecy or professional confidentiality.[2]

The substance of secrecy thus being defined in terms of intentional concealment,

Bok explores observable effects of secrecy, in particular exclusion and conflict:

> It presupposes separation, a setting apart of the secret from
> the non-secret, and of keepers of a secret from those
> excluded...The *separation between insider and outsider* is
> inherent in secrecy; and to think something secret is already
> to envisage potential conflict between what insiders
> conceal and outsiders want to inspect or lay bare.[3]

Bok notes that humanity's recourse to secrecy has both positive connotations (as

in the protection of the private and the sacred) and negative ones (the dangerous and the

shameful). "Secrecy can work in opposite directions, so as both to inhibit and to support

moral choice."[4]

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[2] Sissela Bok, *Secrets: On the Ethics of Concealment and Revelation* (New York: Vintage Books, 1984), 5-6. Emphasis added.

[3] Ibid., 6. Emphasis added.

[4] Ibid., 102.

40

Bok writes that secrecy shields political decisionmakers from criticism and obscures their failures. Secrecy distances decisionmakers psychologically from the effects and human implications of their decisions, working through the mechanism of discrimination between insider and outsider.[5] In the conduct of political affairs, however, she notes the legitimate uses of "administrative secrecy" as when a president decides to devalue a currency or when a prosecutor conducts a criminal investigation—premature revelation would undermine the policy action itself. "If administrators had to do everything in the open, they might be forced to express only safe and uncontroversial views, and thus to bypass creative or still tentative ideas."[6]

BCD, within this social-ethical framework, provides opportunities to accomplish two goals: to protect a fragile negotiation process from internal and external parties and audiences by their deliberate exclusion, while also negotiating arrangements potentially at variance with the interests of the people on whose behalf the negotiation is conducted because of the diminished accountability and enhanced flexibility.

Bok's characterization of secrecy as a dualistic human behavior, embodying beneficial and dangerous aspects is both intuitively appealing and helpful to this study. Much of the literature that is reviewed in this chapter emphasizes the positive and makes little mention of the real consequences of using secret and open channels of negotiation together.

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[5] Ibid., 102-111.

[6] Ibid., 175.

41

III. Political theory

Back channels, in the vocabulary of political theorists, could be characterized as a type of *institution*, constructed in order to reduce the *transaction costs* incurred in starting and conducting a front channel negotiation; reducing informational asymmetry, reconfiguring issues so that internal and external tradeoffs are possible, and providing the space for iterated transactions protected from audiences, in short, *a forum for decisionmaking with reduced uncertainty*. BCD permits tradeoffs between the various channels: a decisionmaker can pursue the different channels for different purposes. Across the channels several elements may differ: the parties represented, the degree of negotiator autonomy and role of outside parties. Empirical research, such as the cases examined in Chapters 4, 5 and 6, confirm these assertions and specify the differences between channels.

Political theory served as the context for debates on the use of secrecy in diplomacy. The realist paradigm paid attention to the uses of secrecy in negotiation, so that principals could create rational public policy decisions. Challenges to realism contributed to the demise of the image of the state as monolithic party in international relations.

A. Realism and the debate on secret vs. open diplomacy

In its classic form, the realist paradigm in international relations posits that states, the principal actors in the international system, seek to acquire, maximize and maintain power, which defines states' interests.[7] The later *neo*realist formulation of the paradigm

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[7] Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace* 5th rev. ed. (New York: Knopf, 1978).

42

finds power alone to be insufficient as a definition of state interests, and assumes that states behave in *strategic* ways that are *rationally* calculated to ensure their survival under the condition of *anarchy*, which is the defining characteristic of the international system.

The actions and behaviors of states within this system with their different strengths and capabilities are to a large extent motivated, defined and constrained by the external environment in which they find themselves—an environment characterized by the absence of central authority—according to the neorealist framework.[8] Neorealists do not ignore the domestic factors which affect international politics, including the attributes of the individual state. However the paradigm as a whole differentiates for analytical purposes the domestic from the international realm, placing greater emphasis on the latter, claiming that the unit-level (state) causes for international relations outcomes are insufficient. The great variation in states' internal attributes does not correspond to the more limited variety of outcomes in international relations, narrowly portrayed in terms such as peace, crisis, or war. Neorealism therefore turns to the 'system' for explanations and predictions.[9]

A principal assumption underlying the realist paradigm is that the state is a 'unitary' actor, in addition to being the most important subject of analysis in international relations. That is, "world politics can be analyzed as if states were unitary rational actors, carefully calculating costs of alternative courses of action and seeking to maximize their

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[8] Kenneth Waltz, in his explanation of this assumption, has written that it is a "radical simplification made for the sake of constructing a theory." He accepts that states may have diverse interests, but that "survival is a prerequisite to achieving any goals that states may have." Kenneth N. Waltz, "Political Structures," in *Neorealism and Its Critics*, ed. Robert O. Keohane, (New York: Columbia University Press, 1986), 81-87.

[9] Kenneth N. Waltz, "The Origins of War in Neorealist Theory," *The Journal of Interdisciplinary History* 18, no. 4 (1988).

43

expected utility, although doing so under conditions of uncertainty..."[10] This state-centric approach to international relations is coupled with the view of the state as a monolithic 'black box', whose internal mechanisms are ignored or assumed away. Within this black box are such things as conflicting domestic interests, bureaucratic politics, and psychological dynamics of leaders, groups among other factors all of whom are factors involved in the conduct of BCD.

Classical realism reacted against the proclamation of a "new diplomacy" that followed World War I, advocated by figures such as President Woodrow Wilson. Theorists and practitioners from the classic realist tradition advocate isolating policymakers and international negotiators from domestic pressures, because of the negative impact such pressures place on negotiators.

In his call for a "revival of traditional diplomatic practices," Hans Morgenthau, the dean of classical realism, attacked the "vice of publicity" in diplomacy. Morgenthau complained that diplomacy was becoming distorted by "crusading aspirations of nationalistic universalism." New diplomacy, with its built-in audiences combines with absolute national doctrines resulting in "the degeneration of diplomatic discourse into a propaganda match" between diplomats. This in turn prevents negotiators from concluding discreet compromises that could satisfy national interests. Diplomats and the governments they represent find themselves having to make absolute declarations of principle and take positional stances from which they cannot easily retreat, unless they are willing to endanger the political survival of the government.[11]

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[10] Robert O. Keohane, "Theory of World Politics: Structural Realism and Beyond," in *Neorealism and Its Critics*, ed. Robert O. Keohane, (New York: Columbia University Press, 1986), 165.

[11] Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, 535-553.

44

Henry A. Kissinger, as both historian and statesman, seems to have followed Morgenthau's *realpolitik* precepts of diplomatic practice closely.[12] He considered three factors—Congressional pressure, "bureaucratic indiscipline,"[13] and leaks to the media by diplomats—to be cause enough to "move the conduct of negotiations more and more into the White House" while he was the National Security Advisor to President Nixon, and later Secretary of State to both Nixon and President Gerald Ford.[14] Kissinger was able to construct a stable mechanism of secret negotiation with the Soviet Ambassador to the US, Anatoly Dobrynin in parallel with negotiations conducted between the US State Department and the Soviet Foreign Ministry, which Kissinger dubbed "The Channel."[15] It may be safe to assume that Kissinger was one of the first to use the term 'back channel' generally to describe such activities.

The writings of Morgenthau and Kissinger flow from a realist contention that states *would make* rational foreign policy decisions if they were not impeded by the need to manage large bureaucracies (Kissinger) or mobilize domestic support (Morgenthau).[16] They do not question the rationality assumption; rather they confirm the assumption by focusing on the forces they feel undermine the pursuit of rationality and rational foreign

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[12] Despite the closeness of Morgenthau's prescriptions and Kissinger's practices, Morgenthau is only mentioned once in Kissinger's own treatise on international diplomacy, and then only to note Morgenthau's disapproval of the conduct of the Vietnam War on the ground of its immorality. Henry Kissinger, *Diplomacy* (New York: Simon & Schuster, 1994), 668.

[13] Kissinger described this as the State Department's "tactical day-to-day deviations from White House policy." Henry Kissinger, *White House Years* (Boston: Little Brown, 1979), 138.

[14] In reflecting on his earlier work as a consultant to the Kennedy White House, Kissinger foreshadowed the reason for his subsequent extensive use of back channel diplomacy. "[Truman] asked me what I had learned. I replied that the bureaucracy appeared to me to function as fourth branch of government, severely restricting the president's freedom of action." Kissinger, *Diplomacy*, 425.

[15] Kissinger, *White House Years*, 138.

[16] This conclusion is drawn by Andrew Moravscik, "Introduction: Integrating International and Domestic Theories of International Bargaining," in *Double-Edged Diplomacy: International Bargaining and Domestic Politics*, eds. Peter B. Evans, Harold K. Jacobson, and Robert D. Putnam, (Berkeley: University of California Press, 1993), 9-10.

45

policy processes and outcomes: domestic politics and internal bureaucracies, respectively.

Realists observe the policy prescription that secrecy in diplomacy is a tool for the management of a party's own bureaucratic actors and constituencies. **Realism's principal defect with regard to a study on back channel diplomacy is its reliance on the monolithic image of the state.** The monolithic image of the state as political actor excludes research that portrays the state as a collection of groups whose interests are in contention and who affect the conduct of international affairs. In its search for explanations in the 'system', **realism takes not of the existence of (indeed it advocates) diplomatic secrecy, but takes little note of why states use multiple channels of diplomacy.**[17] The continuing relevance of realism to theoretical puzzles and practical problems of international politics has been questioned by competing streams of political theory, to which we now turn.

B. Complex interdependence and multiple channels

One major theoretical approach that emerged as a challenge to realism has been termed "liberal institutionalism" or "neoliberalism."[18] Neoliberalism builds on the complex interdependence concept and attempts to resolve an anomaly from the realist paradigm: If we accept the assumption that the international system is characterized by anarchy that causes states to make strategic moves to survive but which can result in war,

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[17] Of course, Kissinger noted his own use of multiple channels in his memoirs. His rationalizations for the use of back channels also erode the monolithic image of the state since he used them to work around other executive agencies.

[18] Joseph M. Grieco, "Anarchy and the Limits of Cooperation," *International Organization* 42, no. 3 (1988); John J. Mearsheimer, "The False Promise of International Institutions," *International Security* 19, no. 3 (Winter 1994), 14.

46

why do states also achieve cooperative and mutually beneficial arrangements under the same conditions?[19]

Theories of "complex interdependence" systematically challenge the realist paradigm and its underlying assumptions, creating intellectual space for new questions on the study and practice of diplomacy.

One of the foundation texts still merits a close examination of its arguments. Keohane and Nye, in *Power and Interdependence: World Politics in Transition* asked research questions about the "major features of world politics when interdependence, particularly economic interdependence, is extensive."[20] In juxtaposition to the ideal typology constructed by realism, they sought out the complexity of international relations. The characteristics of their model describe a world in which "actors other than states participate directly in world politics, in which a clear hierarchy of issues does not exist, and in which force is an ineffective instrument of policy."[21] There is much to explore in this argument.

Of the three elements at the core of their proposal, two are considered here. The first is that "multiple channels connect societies, including informal ties between governmental elites as well as formal foreign office arrangements; informal ties among nongovernmental elites...and transnational organizations."[22] Domestic politics in one state affect its relations with another. States are no longer thought of as the only unit of analysis in international relations. Relations between states can no longer be considered

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[19] Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, NJ: Princeton University Press, 1984); Kenneth A. Oye, "Explaining Cooperation under Anarchy," *World Politics* 38, no. 1 (1985).

[20] Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little Brown, 1977), 5.

[21] Ibid., 24.

the exclusive domain of the executive powers and ambassadors, whether in practice or in theory. Furthermore, the various channels through which relations are conducted are themselves good candidates for research and analysis. Both domestic interest groups and numerous government bureaucracies are acknowledged to have an effect on international negotiations either by trying to effect policy directly, or by having contact with counterpart groups and agencies in other countries.[23]

Second, the realist conception that the threat and use of force are the most important instruments of statecraft and rank first on the agenda of issues that states bargain over is no longer accepted without question. Instead, Keohane and Nye point to the "absence of hierarchy among issues." They explain that "many issues arise from what used to be domestic policy, and the distinction between domestic and foreign issues becomes blurred. These issues are considered in several government departments (not just foreign offices), and at several levels. Inadequate policy coordination on these issues involves significant costs. Different issues generate different coalitions, both within governments and across them, and involve varying degrees of conflict."[24] States are seen as complex organizations, not simply vehicles for the formulation and execution of narrow foreign policy decisions strongly related to the use or threat of force.

These two elements together address the core assumptions of realism and open the door to inquiry about domestic and bureaucratic politics as they interact with international diplomacy.[25]

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[22] Ibid., 25-26.

[23] Ibid., 236-242.

[24] Ibid., 26-27.

[25] For third argument, they claim that "military force is not used by governments toward other governments within the region, or on the issues, when complex interdependence prevails." Ibid., 27-29. This is simply a reflection of the 'reality' that a great proportion of international relations are neither problematic nor

48

Keohane and Nye's use of the term 'multiple channels' is itself intriguing and permits us to ask if national governments continue to be the only decisionmakers in diplomacy and international relations. In most cases, the answer must simply be 'yes'. At the very least however, complex interdependence leaves space for researchers to analyze interactions between non-state actors and states despite their inherent asymmetries of power and resources. While national governments continue to be in fact, the ultimate decisionmakers in international diplomacy, they can no longer be said to be the *only* sources of input for policy decisions and negotiations, a contention reflected in the complex interdependence concept.

Complex interdependence further asserts that a state's negotiation leverage is partly based on the state's ability to persuade its internal subparties to make compromises, since their interests are affected by international negotiations to different degrees, positively or adversely or in some combination,[26] a theme taken up by later theorists, notably Putnam.[27]

Within this paradigm, there is no observation of multiple *negotiation* channels per se and no contemplation of the consequences of their use, only the recognition that a more generic multiple channel dynamic exists and poses a challenge to the monolithic image of the state.

Game theoretic analyses such as those generated by the "Prisoner's Dilemma" (PD) scenario lie at the heart of much neoliberal theorizing since the major obstacle

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conflictual. The agreements that interdependent states and other international actors make with each other, for the most part, require little or no enforcement and generate little or no controversy.

[26] Ibid., 239.

[27] Robert Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42, no. 3 (1988); Peter B. Evans, Harold K. Jacobson, and Robert D. Putnam, eds., *Double-Edged Diplomacy: International Bargaining and Domestic Politics* (Berkeley: University of California Press, 1993).

49

preventing states with mutual interests from cooperating with each other is the threat or *uncertainty* that the other side will defect from any cooperative arrangement.[28] Rational parties have incentives to defect because of the short term gains that accrue to defecting parties despite the greater value of mutually cooperative moves for all parties in the long run in PD.[29]

True to game theory's origins in economics, the inherent incentive for defection in international PD situations is described as a political "market failure" that can be mitigated when states deliberately create structures that reduce the risk of defection: Therein lies neoliberalism's answer to the theoretical puzzle of cooperation under conflict, anarchy and uncertainty.

Organizations, regimes, or binding agreements (collectively termed "institutions" by neoliberals)[30] created by diplomatic negotiation diminish the degree of international anarchy and reduce the *transaction costs* of attaining and complying with agreement. They do this by providing a forum for *iterated transactions* (long term relationships and interactions) that provide long term gains for cooperators and diminish defection by providing future opportunities for reciprocation of either cooperative or defecting moves and ultimately, uncertain of the outcome of their international negotiations. BCD is a response to these uncertainties. It represents a kind of institution whose full benefits and consequences are analyzed in the cases and conclusions.

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[28] Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*.

[29] Rubin and Brown, as the basis of their social psychology textbook on negotiation behavior, synthesized the findings of approximately 400 experimental negotiation studies that relied explicitly on a model such as PD derived from game theory (prior to 1975). The Rubin and Brown work is explored more fully below because of its breadth and because of the direct relevance of its proposals to the variables of BCD, particularly their survey of the effects of publicity on negotiation processes. Jeffrey Z. Rubin and Bert R. Brown, *The Social Psychology of Bargaining and Negotiation* (New York: Academic Press, 1975).

[30] Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*.

50

Game theory provided a mathematical basis for such concepts.[31] Institutions also provide a forum for *issue linkage*; which refers to the act of grouping negotiated issues together so as to enable the parties to make internal tradeoffs among them, and compensate any internal 'losers' that result from an external arrangement, while also facilitating tradeoffs across the table.[32] Finally, institutions supply a *rule structure* that facilitates more *symmetrical access to information* participants need to make wise decisions, thereby building confidence in a given interaction and permitting monitoring of compliance with negotiated agreements.[33] The game theoretic assumption that all players know all the rules and possible moves they and others can make in a conflict or bargaining situation (perfect information) is here adjusted to more accurately reflect the reality that states and nonstate actors are uncertain of the rules, uncertain of each others' moves.

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[31] See for example, R. Duncan Luce and Howard Raiffa, *Games and Decisions* (New York: Wiley, 1957).

[32] Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy.*

[33] Ibid.

51

IV. Early theory and definition

Moving beyond the debate on open versus secret diplomacy, one finds occasional references to back channel diplomacy or its key elements. The following section reviews early definitions and descriptive theory on BCD.

In *The Practical Negotiator* Zartman and Berman wrote that "the relationship between the negotiator and the home front may be described in terms of channels." They used the term to describe one form of summit diplomacy that parallels the work of professional diplomats. They observed that back channels could *sometimes* require secrecy in order to break negotiation impasses. The front channel can serve as "a public negotiating screen for more delicate private talks...a propaganda arm, covering up for concessions." A front channel could also serve as "the intelligence arm, sounding out the other side on its demands and flexibility in preparation for a direct offer through the back channel."[34] **Zartman and Berman essentially conflated summit diplomacy with back channel diplomacy and saw secrecy as an optional element of summitry**. This is a reflection of the realist prescription about secret diplomacy. While I argue that summits and secret diplomacy are easily distinguishable from each other, it is not difficult to conceive of *secret* summit meetings as one of many possible forms that back channel diplomacy can take.

The only book focused exclusively on BCD, and which defines BCD as an international negotiation activity more complex than simple secret negotiation was *Statecraft in the Dark: Israel's Practice of Quiet Diplomacy* written by Israeli scholar

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[34] I. William Zartman and Maureen R. Berman, *The Practical Negotiator* (New Haven: Yale University Press, 1982).

52

Aharon Klieman.[35] Klieman considers 'quiet diplomacy', 'diplomatic back channels' and 'back channel diplomacy' to be interchangeable terms. His monograph is largely based on four decades of Israeli diplomatic history, but also considers US and other cases. First he tackles the methodological and definitional problems of research in this area and discusses the debate concerning the use of secrecy in democracies, noting that "foreign policy must serve two masters. One are democratic norms; the other is the national interest" and that BCD sits at the intersection of the two concepts, possibly offending norms in order to advance interests.

Writing in the wake of the Iran-Contra affair that involved the US, Nicaragua, Israel and Iran, Klieman defended quiet diplomacy and its reliance on secrecy to undertake strategic initiatives and believed it should be distinguished from covert operations which are tactical uses of secrecy for intelligence or military operations against other states. His definition of quiet diplomacy is worth citing:

> Veiled collaboration involving two or more international actors pursuing essentially peaceful high policy objectives, and which expresses itself in explicit communication, businesslike exchanges, and tacit understandings or arrangements of such sensitivity as to preclude sharing these confidences with either domestic constituencies or other outside parties.[36]

He writes that "one of the primary aims of secret, back channel talks is to help clarify and define the limits to tolerable deviation" from expected behavior or policy.[37] He also argues that the strategies of BCD can be analyzed according to whether they

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[35] Aharon Klieman, *Statecraft in the Dark: Israel's Practice of Quiet Diplomacy* (Jerusalem: Jaffee Center for Strategic Studies, 1988); Aharon Klieman, "The Use of Back Channels in Israeli Diplomacy" (paper presented at the Conference Back Channel Negotiations in the Arab-Israeli Conflict, Hebrew University of Jerusalem, May 4, 2000)

[36] Klieman, *Statecraft in the Dark: Israel's Practice of Quiet Diplomacy*, 10-13.

[37] Ibid., 109.

53

serve offensive or defensive strategies. Defensive strategies seek to preserve a status quo, such as the state of de facto non-belligerency that lasted for nearly twenty years between Jordan and Israel prior to the 1967 War, and then resumed until the conclusion of a formal peace treaty in 1994. BCD can also be offensive, in the sense that it can help facilitate a revisionist strategy, a change in the status quo, such as the US opening to China.

He describes the dangers that BCD poses to international relations, including fostering of mistrust if there are leaks, generation of unrealistic expectations, and complacent acceptance of the back channel in place of formal peace arrangements. The success of a back channel initiative depends on the match between the strategy of the user and circumstances 'on the ground'.[38]

Klieman considers BCD to be useful in crisis management contexts as well as in long term, sequenced, "multi-stage secret diplomatic processes." BCD results in several kinds of outcomes: ranging from public agreements, public agreements supplemented with secret side-agreements, and secret accords whose existence is not revealed. Finally, BCD has political consequences; it can cause administrative confusion. It can also engender public distrust.

Klieman's observations and analyses are clearly the best early treatment of this topic and the only work exclusively dedicated to a more comprehensive phenomenon than simple secret diplomacy. His work appears rooted in the assumption of the state as unitary actor. **It is descriptively accurate, but serves essentially as a starting point for deeper inquiry, for example, on the effect of provoking public distrust or causing administrative confusion. The case studies of his monograph are not analyzed**

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[38] Ibid.

according to an explicit theoretical framework and Klieman's critical appraisal of the use of back channels over time is limited to noting that they could become a substitute for front channels and could erode public trust.

Louis Kriesberg, a sociologist who focuses on social conflict and its resolution, took some note of what he termed "secret meetings" in international conflict resolution efforts in his comparative study *International Conflict Resolution.* He explored how de-escalation negotiations began in the US-USSR and Arab-Israeli conflicts. Initiation of negotiations involved three elements: the presence (or absence) of positive inducements prior to negotiations; the range of issues presented; and the parties involved. Kriesberg notes however that many peace initiatives are not accompanied by "any significant conciliatory deeds by the proponent," and such initiatives occur in so-called "secret meetings."[39] His consideration of secret meetings prior to substantive negotiations possibly indicates that the decisionmakers involved are very likely risk averse due to political or cultural factors, and the secret meeting is therefore a low cost way of exploring the feasibility of negotiations involving eventual concessions without any initial conciliatory or coercive action, either of which might incur costs to the proponent of negotiations. These risks of negotiation in violent conflict are analogous to the dilemmas of crisis management described by Synder and Diesing above.[40] **Kriesberg's insight is limited to this single benefit that BCD provides; exploratory talks without prior concessions or preconditions. BCD can be and is used at all points of a peace process or crisis management situation.**

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[39] Louis Kriesberg, *International Conflict Resolution: The US-USSR and Middle East Cases* (New Haven: Yale University Press, 1992), 90-105.

[40] Glenn H. Snyder and Paul Diesing, *Conflict among Nations: Bargaining, Decision Making, and System Structure in International Crises* (Princeton, N.J.: Princeton University Press, 1977).

P. Terrence Hopmann, in *The Negotiation Process and the Resolution of International Conflicts*, synthesized the findings of various disciplines. He did not advance thinking on BCD much beyond the assertions of Zartman, Rubin and others noted above. His contribution to the understanding of BCD was to note the human need for redundancy in communication to increase the chances of understanding intentions.[41]

Hopmann believes parties resort to "signaling and covert problem solving" when they face a conflict that is spiraling out of control. Specific actions include *back channel negotiations* which he defined simply as informal discussions behind the scenes "to reverse the competitive spiral."[42] **Hopmann essentially sees BCD as a tool for escaping from the trap of international prisoners' dilemma. He does not explore BCD's causes, motivations, or the actual effects on process or outcomes of international negotiations nor does he specifically identify the contexts in which it arises.**

Colosi's conception of international negotiation is captured in the title of his essay "The Iceberg Principle." Secrecy is a required condition for successful negotiation of international conflicts and obscures the ninety percent of diplomatic activity that is hidden from researchers. The secrecy isolates negotiators from their internal subparties as well as their principles, thus enabling effective communication. This communication requires mutual trust to be built, and secrecy is required for trust-building. However, Colosi argues that the purpose of trust is related to the *provocation of* "doubt and uncertainty." Mutual trust enables the negotiators to build a relationship that permits them to create "doubts in the minds of others as to the viability of the other parties' positions." Secrecy is needed to create trust, which facilitates communication, which

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[41] P. Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts* (Columbia: University of South Carolina, 1996), 151, 164-166.

[42] Ibid., 165.

helps negotiators manage uncertainty and encourage their counterparts to doubt in their own positions. This in turn leads to a changed mindset, which ultimately results in realistic counteroffers. The other side, according to Colosi, trusts you enough to also trust your negative characterization of their negotiation demands, thus enabling the other side to make concessions.[43] **The value of Colosi's observation is its emphasis on what happens at the interpersonal level between negotiators in the back channel. It ignores the actual structural change implied by secrecy or secret channels however. It provides no evaluation of the impact—either positive or negative—of letting oneself be influenced in the manner he describes.**

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[43] Thomas R. Colosi, "The Iceberg Principle," in *Perspectives on Negotiation: Four Case Studies and Interpretations*, eds. Diane B. Bendahmane and John W. McDonald, (Washington, D.C.: Center for the Study of Foreign Affairs Foreign Service Institute, U.S. Dept. of State, 1986), 245-250.

57

V. Dilemmas and challenges addressed by secrecy

Some of the major writings in negotiation research have mentioned the use of secrecy to loosen constraints and manage dilemmas that confront negotiators and decisionmakers. The challenges reviewed here are the dynamics of internal bargaining that have an impact on 'external' negotiations, policy dilemmas faced by decisionmakers in the management of international crises, and the effect of audiences on negotiators.

A. Internal bargaining

1. Negotiation in the labor-management context

Walton and McKersie, with the first edition (1965) of their work *A Behavioral Theory of Labor Negotiations*, explicitly built on and moved beyond the game theoretical rational decisionmaking models in order to more accurately describe what happens in all types of social negotiations. They provided a unique synthesis of negotiation theory that has yet to be proven obsolete. Placing their work in the behavioral school of industrial relations theory, they systematically identified and analyzed four subprocesses in social negotiations; distributive bargaining, integrative bargaining, intra-organizational bargaining and moves to modify party attitudes.[44]

Walton and McKersie describe secret negotiation as a way to keep people from one's own side "in the dark" and assert that it commonly occurs in intra-organizational bargaining contexts.[45] They describe the main problem facing negotiators regarding their own organizations in these terms: "the principal group (or a portion of it) holds expectations which are not compatible with the negotiator's own projections about the

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[44] Richard E. Walton and Robert B. McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System* 2d ed. (Ithaca: ILR Press, 1991 (first ed. 1965)), 11-359, 382-391.

[45] Ibid., 390.

outcome and judgments about the best way to bargain."[46] The resulting discrepancy poses to the negotiator several choices about how to best construct or manage internal consensus.

The menu of "tactical assignments" available for this task includes, according to Walton and McKersie, exaggerating, disguising or creating ambiguity about the actual level of bargaining achievement "in order to minimize the dissatisfaction experienced by the principal group." In other words, the negotiator lies about the substance of an emerging agreement. This can be accompanied by marginalizing internal opponents and preventing them from exercising surveillance over negotiations, keeping them busy in negotiation subcommittees dealing with less important matters, or simply "keeping agreements quiet"—making oral or secret written agreements (supplementary to the main contract) whose existence is hidden from the principals on either side.[47]

These tactics are often used in conjunction with a communication mode described by Schelling as "tacit negotiation,"[48] which takes place when the negotiator communicates to the other side that "certain of his actions should not be taken seriously" at the negotiation table, thereby protecting one's negotiating position in front of principals and audiences while indicating to the adversary the possibility of concession.[49]

The authors also observed that "covert bargaining meetings"—secret meetings or conversations between opposing negotiators—can accomplish the same thing as tacit negotiation and are a more useful alternative when principals or constituents are

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[46] Ibid., 310-351.

[47] Ibid., 330-336.

[48] Thomas C. Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1980), 53-80.

[49] Walton and McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System*, 100, 336.

sophisticated about discovering the content of tacit negotiation.[50] Covert or secret bargaining is seen as a more extreme method for adversaries at the negotiation table to adequately communicate commitment and concession possibilities to each other, while keeping principals out of the way.

Walton and McKersie's brief description is significant in and of itself, but is generated by the assumption that such behavior is motivated only by the need to manage the dilemma that emerges from intra-organizational bargaining. It is part of an active strategy of reducing the discrepancy between principal expectations and negotiator projections.[51] The authors **do not explore other causal factors** that drive parties to use such negotiation tactics or strategies, **nor did they consider the specific effects of covert bargaining on negotiation outcome**, limiting themselves to describing how and when it operates on the process. While their observations and analyses are relevant to international conflicts and negotiations, their research is very much **rooted in domestic labor-management contexts**. My analytical framework uses the intra-organizational dynamic, but also seeks other possible causes of back channel diplomacy. My case studies also differ from the work of Walton and McKersie because I explicitly pay close attention to the consequences of using this strategy, whereas they limited themselves to describing its existence.

2. Two-level games

Putnam's work on "two level games" critiques the "state-centric" bias of the literature that explores the link between domestic and international politics and reminds

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[50] Ibid., 337-338.
[51] Ibid., 338-340.

us that "it is wrong to assume that the executive is unified in its views."[52] Standing on the shoulders of Walton and McKersie's 1965 observations about the significance of intra-party negotiation, Putnam is explicit in rejecting the neorealist assumptions of states as unitary actors whose international negotiations are (or should be) isolated from domestic and bureaucratic politics. He proposes a new bargaining metaphor: "two level games." National decisionmakers sit at two negotiation tables simultaneously, playing two highly complex and interrelated 'games' of bargaining. At one table, the decisionmakers negotiate with their domestic constituencies, interest groups, party members, legislators and domestic policy advisors while at the other, they sit with foreign counterparts, as well as their own foreign policy advisors. *Moves that might be rational at one table might have adverse consequences for the decisionmaker or the players at the other table.* The domestic negotiation table can have significant potential to constrain the moves of the negotiator at the international negotiation.

Significantly, Putnam raised the possibility that domestic actors on each side of an international negotiation can form "cross-table alliances" with each other, and influence the outcome of such negotiation. He recommended that "strategic implications of direct communication between Level II players should be explored." Putnam goes far in recognizing, as others did before him, that negotiations at one 'table' should not be analyzed in isolation from numerous other factors that affect the process and the outcome, including intra-party negotiations, linked negotiations with other parties, and other contextual factors. His particular analytic contribution was to point out the potential linkages between the other levels. *I would propose that under some circumstances, Level II players can construct alternate negotiation channels.*

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[52] Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games."

Putnam's contribution lies in the recognition of linked negotiation tables that realism assumed away in theory. He does not go so far as to observe that multiple negotiation tables can exist within the same 'level'. It is important to point out that BCD proposes that between parties to an international conflict negotiation, more than one table may exist and that one of the tables can be protected by secrecy. The analytical framework used in this study does make use of Putnam's explicit linkage between the domestic negotiation table and the international one at which decisionmakers sit at simultaneously. In fact, I analyze the effects that the multiple international channels have on domestic constituencies and vice versa.

B. Crisis diplomacy

Snyder and Diesing offered some thoughts on the use of publicity and secrecy surrounding crisis negotiations. They identify the dilemmas involved in conducting crisis management strategies of coercion and accommodation. When actions are taken pursuant to a policy of *coercion*, Snyder and Diesing describe the dilemma as "win vs. risk avoidance." When actions are determined by a policy of *accommodation*, they describe the resulting dilemma as one of "settlement vs. loss avoidance." They briefly explore these for their relevance to the third dilemma; that of "publicity vs. secrecy."

In international crises, decisionmakers and negotiators only have access to imperfect information about the capabilities and intentions of the other parties, and are subject to "misperception and unreliable communication channels."[53] In this context of risk, coercive bargaining moves (negotiation moves that include elements of threat) made to 'win' the crisis are constrained by a compelling interest to avoid risks of escalation to

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[53] Snyder and Diesing, *Conflict among Nations: Bargaining, Decision Making, and System Structure in International Crises*, 209-210.

62

war. Similarly, accommodative bargaining moves (negotiation proposals that include concessions) made to persuade the other party or parties to achieve settlement are constrained by a compelling interest to avoid losses.[54] Finally, crisis negotiators face a choice of making both their coercive and accommodative negotiations moves publicly or secretly. The resulting choice sets can be depicted graphically, as I have done in Figure 3.1. Negotiators often mix strategies of coercion and accommodation given their respective risk/loss-avoidance preferences, and use elements of both secrecy and publicity in the hopes of achieving their goals. Either coercion or accommodation may be the dominant strategy, complemented by some reliance on the other strategy, in order "to help meet the constraint on the dominant one."[55] Complementing this dimension of the strategic mix, public diplomatic statements (or leaks to the press) are combined with private correspondence or secret discussions.

Figure 3.1 shows that in international crises, both coercive and accomodative negotiation moves can benefit from secrecy: threats are deniable and therefore less provocative while flexible concessions are facilitated. The authors' contribution is descriptive: they explain how but not why crisis management dilemmas are managed in this way. The insights of Rubin and Brown, which are explored below, help us understand the psychological and political concerns that encourage the use of secrecy in crisis negotiations.

Decisionmakers make similar choices and face similar dilemmas in non-crisis situations. Snyder and Diesing **do not pay adequate attention to the longer term consequences of using back channel diplomacy** to deploy either a coercive or an

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[54] Ibid., 209-251.

[55] Ibid., 255-256.

accomodative strategy. In either case there is the risk that internal parties will be affected and try to have an impact on the decisionmaker. If such parties discover the negotiations, they can prevent the decisionmaker from implementing an accomodative move, and then trust built with the adversary is compromised. If, on the other hand, the decisionmaker implements an arrangement or agreement to deescalate the crisis, domestic constituencies may disapprove and mobilize against further negotiation or implementation.

Figure 3.1: Choices and dilemmas in crisis negotiation: publicity v. secrecy[56]

NEGOTIATION AND COMMUNICATION

	Publicity	Secrecy
Coercion *(Win vs. avoiding risk of escalation)*	(+) Threats are credible, public opinion satisfied, which prevents backdown (-) Risk of escalation if all sides use public threats; retreat is difficult I	(+) Threats are deniable and reversible since they are made quietly (-) Coercive power of threats is reduced II
Accommodation *(attain settlement vs. avoiding losses)*	(-) Public concessions are more difficult to retreat from than private concessions, further concessions are made difficult (-) Risk that no agreement reached III	(+) Permits more flexible use of concessions without becoming committed prematurely (-) Eliminates use of public commitment as tool of bargaining leverage IV

STRATEGY (row label at left)

BCD used in Quadrants II, IV

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[56] Based on the concepts of Synder and Diesing. Ibid., 209-256.

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C. Audiences and negotiation

What makes back channel diplomacy qualitatively different from front channel diplomacy? The *sine qua non* characteristic of any variation of back channel diplomacy is procedural secrecy, which implies the lack of an observing audience and media. This secrecy implies the exclusion of subparties from the process of the negotiation.

Experimental research in the social sciences that focuses specifically on the variable of secrecy in negotiation may not exist. However, if we characterize the research variable as 'publicity', then secrecy as an element of negotiation is a measure of that variable indicating *the absence of an audience* or *the absence of publicity* from the negotiation. There has long been interest in studying the effect of an audience on a negotiation. We can gain insight into the expected effects of secrecy by understanding the studied effects of publicity.

Rubin and Brown's work is a seminal synthesis of the findings from a vast set of experimental and empirical negotiation research. They advanced several proposals regarding the effects of negotiation in the presence of an audience.[57] They begin by noting that an audience may exercise great influence on a negotiator, whether physically present or 'psychologically' present in the mind of the negotiator, whose actions and performance may eventually become known to that audience. Audiences, they observed, may either be dependent on the negotiator for fulfillment of their interests

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[57] Rubin and Brown, *The Social Psychology of Bargaining and Negotiation*, 43-54.

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(constituencies) or non-dependent (they cite the press as an example of a non-dependent audience).[58]

"The mere presence of an audience...motivates bargainers to seek positive, and avoid negative evaluation—especially when the audience is salient to the bargainers."[59] If the bargaining situation is characterized by intense conflict, this motivation can induce a negotiator to take aggressive actions against an opposing party—actions that could be counterproductive to the interests of the constituency—if that opposing party has publicly humiliated or exploited the counterpart. In such a potentially aggressive bargaining situation, negotiators face a dilemma: "although concessions must be made in order to reach agreement, the act of concession-making is likely to be seen by the conceder, the opposing party and others as a sign of weakness that may invite exploitation." In such a context, the negotiator makes significant efforts to 'save face': finding the appropriate context, relationship or pretext in which to conduct negotiations while protecting oneself from what could be called the 'audience effect'. This latter observation alone helps explain why decisionmakers have long placed value on secrecy in international diplomacy.

They also find ample support for the proposal that constituencies, to whom a negotiator is accountable, can control the negotiator's behavior by whatever measures of accountability are available; membership on the negotiating team, in a political party, possession of elected office, etc. for example. The constituency thus generates great pressure on the negotiator toward "loyalty, commitment and advocacy of their preferred positions."[60] To obtain positive evaluation, the negotiator must satisfy constituency

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[58] Ibid., 43.

[59] Ibid., 44-47.

[60] Ibid., 50-51.

interests. Rubin and Brown note the paradox that a negotiator's actions to satisfy constituent interests can be defeated when excessive advocacy and commitment preclude creative negotiating.[61]

While groups of people that are party to a conflict can exercise a stabilizing influence in that conflict, there is also a danger that groups, such as audiences to a conflict and a negotiation process, actively work to increase hostility. Under certain circumstances, such as when audience members witness a conflict and perceive that they are protected by anonymity, far from urging restraint or reason, they clamor for escalation of conflict.[62]

The implication from this research is that the absence of audience scrutiny—at least for the duration of the negotiation process itself—reduces certain constraints on the negotiator, especially if the negotiator is accountable to that audience. In intense conflict situations, the tactic of secrecy may be a requirement for any negotiation to take place at all, in order to insulate negotiators from the need to avoid negative evaluation or worse consequences. The research also indicates that this may be a necessary but insufficient condition, since an audience may be 'psychologically present': *eventual* exposure to an evaluating audience is itself associated with the negative effects described here, although the evidence for this (one study by Brown) is less robust.[63]

1. The negotiation site

In his experimental research on the physical site at which a negotiation is held, Martindale found that negotiating on one's home 'territory' provides additional

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[61] Ibid., 54.

[62] Bert R. Brown, "The Effects of Need to Maintain Face on Interpersonal Bargaining," *Journal of Experimental Social Psychology* 4 (1968); Jeffrey Z. Rubin, Dean G. Pruitt, and Sung Hee Kim, *Social Conflict: Escalation, Stalemate, and Settlement* 2nd ed. (New York: McGraw-Hill, 1994), 134-135.

[63] Rubin and Brown, *The Social Psychology of Bargaining and Negotiation*, 45.

bargaining leverage to the home party while weakening the 'visiting' party. Rubin and Brown believe that the territorial location of a negotiation exercises greater influence on negotiators' levels of assertiveness than their own personal attributes. To describe a negotiation site that provides no additional leverage to any party to a conflict, Martindale coined the term 'site neutrality'.[64]

Rubin and Brown take the site neutrality concept further when they consider advice to the third party mediator in a dispute. They argue that limiting a negotiation site's openness (accessibility to audiences) is an important aspect of preparation for an international negotiation. Sites that are open inhibit the actions of negotiators because they provide an opportunity for posturing before the public and the media. They also note that such posturing can sometimes be tactical; negotiators posture to maintain or enhance their credibility and status with the audience.[65]

Later prescriptive analysis by Pruitt, Rubin and Kim deliberately advised third parties to take advantage of closed sites at the beginning of negotiations between disputants in order to protect the negotiating parties from their audiences and thereby reducing the likelihood that the negotiation parties will become intransigent. However, the same third party is advised gradually to shift to more open mediation settings later on when agreement is imminent or already achieved in order to take advantage of negotiator commitment to the agreement that has been witnessed by the public. The mediator's goal then becomes that of using the negotiator-audience relationship as a barrier to backsliding from publicly-made commitments.[66]

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[64] D. A. Martindale, "Territorial Dominance Behavior in Dyadic Verbal Interactions," *79th Annual Convention of the American Psychological Association* 6 (1971), 305-306.

[65] Rubin and Brown, *The Social Psychology of Bargaining and Negotiation*, 85-87.

[66] Rubin, Pruitt, and Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, 204-205.

In essence, Pruitt, Rubin and Kim recommend that mediators should first minimize the audience effect (before intransigent commitments are made) and later take advantage of the audience in order to encourage compliance once agreements are made. The mechanism that facilitates both procedural intransigence and agreement compliance is known as entrapment, a concept to which we now turn our attention.

2. Entrapment

The mechanism by which the audience and the negotiator connect with and influence each other is known in social and cognitive psychology as the process of *entrapment.*[67] Entrapment is usually characterized as a dysfunctional but widespread human behavior through which parties demonstrate over-commitment to a given course of action, even after the potential benefits of that course of action can no longer exceed its costs. Rather, the behavior is continued in order to justify 'sunk' costs. Entrapment in social conflicts can lead to zero-sum thinking by parties and worse; it encourages behavior in which we are not only concerned with minimizing our own losses once our resources are committed, but in maximizing the losses of our adversaries, in essence, conflict escalation.

One of the three defining characteristics of entrapment is the decisionmaker's perception that choices are limited to two extremes: total commitment or total withdrawal.[68] One weakness of the research on entrapment is that experiments often examine decisionmaking dilemmas in conflicts, rather than in negotiation situations per se.

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[67] Joel Brockner and Jeffrey Z. Rubin, *Entrapment in Escalating Conflicts: A Social Psychological Analysis* (New York: Springer-Verlag, 1985); Joel Brockner et al., "Factors Affecting Entrapment in Escalating Conflicts: The Importance of Timing," *Journal of Research in Personality* 16 (1982).

[68] Brockner and Rubin, *Entrapment in Escalating Conflicts: A Social Psychological Analysis*, 247-266.

The researchers argue that their observations have direct implications for negotiators: negotiation audiences, especially constituencies, are believed to exercise entrapment pressures on negotiators precisely because they are believed to (or actually do) encourage negotiators toward the extreme of total commitment to declared positions even when faced with evidence that such a course is counterproductive. The negotiator is motivated to save face in front of an evaluative audience but does so by sticking to a course of action that is damaging to the interests of those represented in the negotiations.

The social psychology research presents highly valuable findings that I do not dispute. However, its methodological characteristics are problematic in some regards. First of all it is based to great extent on **experimental cases**. Despite the high number of experimental cases and the scientific advantages of that research methodology, it is often **better suited for generating testable hypotheses** than reaching definitive conclusions about a particular case. Indeed, the case study's virtues are that one can arrive at highly specific knowledge about a real event or series of events. Second, the experiments were entirely based on **interpersonal conflict scenarios**, not international situations of violent conflict or acute crisis. There are additional pressures in the international contexts such as domestic constituencies, loss of political power, the possibility of war, among others. In other words, the uncertainties and risks are higher for the international negotiator than for the university student subject to the experiment. Third, the knowledge generated by this school of research has been based on testing the opposite condition: the presence of audiences and publicity. Logical inferences can be drawn about the effect of the *absence* of publicity and audiences. The case studies of the next chapters address all of these methodological aspects.

71

3. Prescriptions

The same authors who were concerned with the entrapment dynamic proposed the use of BCD to manage its effects.

Rubin, in *Dynamics of Third Party Mediation*, described back-channel negotiation as a way for parties to decommit themselves from "belligerent or intransigent courses of action" by circumventing such a commitment. He considers back channel negotiation to be one of a larger set of actions that third parties to international conflict can take to increase chances of agreement between the principal disputants.[69] **His analysis did not go beyond this however. Decommitment is little more than the use of secrecy to save face: make concessions quietly while taking an aggressive public stance.**

Rubin, Pruitt and Kim in their text *Social Conflict* developed this concept further and consider it separately from actions that international third parties can take.[70] They categorize back channel negotiation as one of three types of "covert problem solving" that permits parties to reduce the misinterpretation or exploitation that can arise from three kinds of losses associated with cooperative bargaining: loss of image (or face), loss of position, and loss of information.[71]

Negotiators minimize position and information loss because the secrecy is used to reduce the amount of commitment attached to possible concessions, or information that could be used to make threats against the party providing it. Image loss is minimized if back channel negotiators speak for themselves without committing their principals and constituents.[72] **Their analysis was an acknowledgment that secrecy permits**

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[69] Jeffrey Z. Rubin, "Introduction," in *Dynamics of Third Party Intervention: Kissinger in the Middle East*, ed. Jeffrey Z. Rubin, (New York: Praeger, 1981), 33-34.

[70] Dean Pruitt, *Negotiation Behavior* (New York: Academic Press, 1981), 98-99.

[71] Rubin, Pruitt, and Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, 182-191.

[72] Ibid., 189.

72

decommitment and exploratory talks while preventing loss of image. Like other writers, their analysis is two dimensional; that is, it lacks a time dimension. There is no investigation of the effect on outcome or what the effect is over time. The research they cited for their assertions is thin: the domestic context was covered much better by Walton and McKersie.[73] One of their sources explored the raw data of labor contract negotiation transcripts and observed informal 'side-bar' discussions by the parties conducting an official negotiation in protracted labor disputes.[74]

The research on international negotiation they cite has nothing to do with 'covert problem solving'. Rubin et al. relied upon observations of diplomatic interaction in the United Nations General Assembly, reported by Alger, whose hypothesis was that the UN General Assembly itself, considered the archetype of problematic diplomatic arenas by numerous observers, is actually an alternative diplomatic channel where parties obtain information, create relationships and align their respective national interests more easily than in traditional bilateral channels.[75] Alger's interesting article was more a casual observation than the result of a research project but says nothing about back channel diplomacy.

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[73] Walton and McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System.*

[74] These observations seem to rely on the work of Ann Douglas, who observed 'off-the-record' labor negotiating sessions, and their interaction with official sessions. Ann Douglas, *Industrial Peacemaking* (New York: Columbia University Press, 1962), 85-87.

[75] Chadwick F. Alger, "Non-Resolution Consequences of the United Nations and Their Effect on International Conflict," *Journal of Conflict Resolution* 5, no. 2 (1961), 138-139.

VI. Negotiation analysis

Negotiation analysis is a field of research that seeks to approximate real negotiations, in order to describe, analyze and ultimately, *prescribe* useful negotiation advice so that parties can purposely structure the process and improve the outcomes of their negotiations. The emphasis on prescription, and on moves to change nearly any aspect of the 'architecture' of negotiation makes it a compelling theoretical home for research on BCD with its radical restructuring of the negotiation process.

The genesis of the negotiation analytic tradition is retrospectively attributed to Schelling, as well as Walton and McKersie. Their respective works were written from disparate research paradigms even as they contributed original proposals generally applicable to negotiation, and called into question some of the tenets of game theory.[76] Game theory provided a rigorous framework for the analysis of interactions including negotiation, but its assumptions have proven to be too constraining for the elaboration of prescriptive analysis that is useful, accessible and operational, as well as conditioned on the "likely behavior of the other side."[77] More recent work in negotiation analysis explicitly relaxed key assumptions tied to the game theory paradigm: full rationality, fully shared knowledge of the game (symmetrical information).

The goal of negotiation analysis also differs from game theory's narrower quest to specify points of equilibrium that can arise from the strategic interaction of two or more negotiators. Raiffa wrote the principal text of negotiation analysis, providing advice for

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[76] Schelling, *The Strategy of Conflict*; Walton and McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System*.

[77] James K. Sebenius, "Negotiation Analysis: A Characterization and a Review," *Management Science* 18, no. 1 (1992), 35.

74

parties engaged in negotiations along a spectrum of complexity.[78] This was followed by Lax and Sebenius' volume on negotiation analysis as applied to organizational and managerial contexts.[79] Peyton Young offered an edited volume that sought to extend Raiffa's work and present new research findings to practitioners and researchers from outside of the game theoretic school. Multilateral international negotiations (international conferences, treaty negotiations) were the subject of studies by Antrim and Sebenius, who used different quantitative and qualitative analytical tools from negotiation analysis.[80] Sebenius took stock of the field of negotiation analysis in his 1992 journal article.[81]

Negotiation analysis does *not* assume that parties will necessarily agree upon outcomes that distribute all value optimally, fairly or efficiently just because such outcomes exist and can be specified to the parties. Rather it focuses on concepts such as the "zone of possible agreement (ZOPA), a subjectively perceived set of possible agreements that is better than a non-agreement alternative. Further deconstructing the game theoretic model of bargaining, negotiation analysis posits that parties hold subjective (not just asymmetric) perceptions of interests, outcome probabilities and information. Since the ZOPA is thought to be subjective, negotiation analysis posits that the parties' perception of ZOPA can be modified in order to "yield more favorable distributions of negotiated outcomes."

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[78] Howard Raiffa, *The Art and Science of Negotiation* (Cambridge, MA: Belknap Press of Harvard University Press, 1982).

[79] David A. Lax and James K. Sebenius, *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain* (New York: Free Press, 1986).

[80] Lance Antrim, "Multilateral Conference Mediation: Tommy Koh and the Law of the Sea," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, eds. Jacob Bercovitch and Jeffrey Z. Rubin, (New York: St. Martin's Press, 1992); James K. Sebenius, *Negotiating the Law of the Sea* (Cambridge, Mass.: Harvard University Press, 1984)

[81] Sebenius, "Negotiation Analysis: A Characterization and a Review."

In order to better understand and give advice in complex negotiations negotiation research focuses on four elements:

- Interests underlying negotiation issues (as distinguished from positions taken)

- Alternatives to agreement, and how to modify (improve or worsen) them

- Moves to create value, which are in tension with bargaining moves to claim value

- Strategies to change the negotiation 'game' the parties are playing (from zero-sum to positive-sum, for example).[82]

The final element in Sebenius' description is of most interest here. In practice (more than in theory) it has long been recognized that **a party can take action to change the process of negotiation.**[83] Deliberate actions can be taken by one party to alter the perceptions or attitudes of others.[84] Negotiation analysis goes further: **issues** previously unconnected can be linked, they can be sequenced in some order, added or removed. **Parties** can be brought into a negotiation, excluded, herded into a coalition or prevented from joining one. A party may make unilateral moves to improve its own alternatives (or worsen others') in case the parties fail to reach agreement. All of these actions can be taken strategically for the purpose of deliberately improving one or more parties' outcomes.

Raiffa has alluded more than once to BCD-type activities.[85] True to his decision analysis heritage, Raiffa recommended that parties use BCD-type contacts as a forum for reducing uncertainties by obtaining information from each other *prior to* actual

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[82] Lax and Sebenius, *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain.*

[83] Schelling, *The Strategy of Conflict.*

[84] Walton and McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System.* See their references to attitudinal restructuring.

[85] Raiffa, *The Art and Science of Negotiation*; Howard Raiffa, "Analytical Barriers," in *Barriers to Conflict Resolution*, eds. Kenneth J. Arrow, et al., (New York: W. W. Norton & Company, 1995); Howard Raiffa, *Lectures on Negotiation Analysis* (Cambridge: PON Books, 1996).

76

negotiating. Parties engage in a decisionmaking process when deciding whether to negotiate or not. Raiffa sketches a heuristic model for this process according to decision analysis principles. In making their decision, parties seem to disproportionately value the possession of "perfect information" that would ostensibly help them know the other parties' preferences, valuations, moves and most importantly, the likelihood of attaining agreement. In so doing, parties mistakenly choose *not* to negotiate. They "don't think consciously about...creative ways of collecting information about the uncertainties of their problem—e.g. by pursuing informal dialogues that precede formal negotiations."[86] Raiffa's assertion that negotiators can *reduce their own* uncertainties by informal dialogues complements Colosi, who believes negotiators want to *create uncertainty for their counterparts.*[87] But international negotiations do not occur in a vacuum. They are affected by the constructive and destructive actions of the parties, and other dynamic changes. Uncertainties persist and new ones arise in the course of negotiation. BCD can be used for managing continuing informational deficiencies or uncertainties.

Negotiation analysis has lacked an understanding of BCD and its consequences. Only Raiffa understood the potential value of BCD-type activities, and explicitly recommends them but only to reduce the uncertainty of entering into negotiation.

Ultimately, the game theory origins of negotiation analysis constrain research despite explicit relaxation of the key assumptions. The tendency to view negotiations as a game with optimal and suboptimal moves still persists in this field. BCD is more than a single game move that either brings gains or doesn't. The relative newness of negotiation analysis makes it an ideal place to contribute knowledge on BCD because BCD plays a

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[86] This observation is based on an unofficial CSCE Conference at which Raiffa provided training services to diplomats. Raiffa, "Analytical Barriers,", 135-137.

[87] Ibid. Compare with Colosi, "The Iceberg Principle."

77

key role in the management of negotiation uncertainties and because it is a structural modification of the negotiation process of the type that might be prescribed by negotiation analysts.

VII. Synthesis of theoretical insights

A. Secrecy: exclusion and protection

We began the chapter with a discussion of secrecy and its Janus-faced character; *protecting* knowledge and initiative by *excluding* people who would otherwise be aware of them.[88]

Our consideration of the contending paradigms of political theory revealed that realism does not shy away from prescribing secrecy in the conduct of international negotiations, in order to protect the policymaker from domestic pressures by excluding constituencies from knowledge about negotiation.[89]

B. Negotiating under conditions of uncertainty

Parties are motivated to search for communication channels that reduce the political 'transaction costs' of negotiation and diminish the uncertainties involved in engaging in and concluding negotiations. Building on the contributions of game theory and decision analysis, elements of both negotiation analysis and complex interdependence can be used to depict BCD as a method of negotiating under conditions of great uncertainty. Neither field has provided a comprehensive view of how BCD could mitigate the transaction costs of negotiating under conditions of uncertainty. Only Raiffa specifies one of the many kinds of uncertainty that negotiators might face.

C. Multiple channels

Neoliberalism, while having little to say about actual use of secrecy, poses a formidable challenge to the realist representation of the state as monolith, describing

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[88] Bok, *Secrets: On the Ethics of Concealment and Revelation.*

[89] Morgenthau, *Politics among Nations: The Struggle for Power and Peace*; Kissinger, *White House Years*; Herbert Butterfield, "The New Diplomacy and Historical Diplomacy," in *Diplomatic Investigations*, eds. Herbert Butterfield and Martin Wight, (London: George Allen & Unwin Ltd, 1966).

complex interdependence predicated on multiple channels by which international relations are conducted in the pursuit of mutually optimal international relationships.[90] There are sporadic references to the existence of multiple negotiation channels, but no systematic research on the *effect* of operating multiple channels from any of the streams of literature.

D. Internal bargaining

Game theory-based research in numerous disciplines has been useful in sketching out the conditions and dynamics of international cooperation in a world of conflict, anarchy and distrust. In order to achieve its mathematical rigor, game theory incorporates assumptions that severely constrain its ability to produce relevant, prescriptive analysis for the conduct of international negotiations. The relaxation of those assumptions permitted the exploration of the link between intra-organizational bargaining and secret negotiation.[91] Secrecy is used for managing the expectations of principals, constituents and audiences.

Putnam's second level is essentially the internal, domestic negotiation that affects the external, international one. The 'two-level games' metaphor envisions the possibility of cross-table alliances forming between the internal subparties of each negotiator.[92] Putnam may not have intended to imply that such cross table alliances would negotiate with each other. Like the 'multiple channels' image of Keohane and Nye,[93] the two-level games concept demonstrates the descriptive inaccuracy of the monolithic state

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[90] Keohane and Nye, *Power and Interdependence: World Politics in Transition.*

[91] Walton and McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System.*

[92] Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games."

[93] Keohane and Nye, *Power and Interdependence: World Politics in Transition.*

80

assumption and advances us several steps toward the consideration of theoretical

negotiation models that incorporate multiple negotiation tables, as in BCD.

E. Audiences, constituencies, principals

Social psychological research on the audience effect in negotiation, site neutrality

and the entrapment phenomenon together compose a foundation of research applicable to

the behavioral aspects of secrecy in negotiation.[94] It would be inaccurate to describe this

as research on negotiation and secrecy per se. However, since it focuses on the absence of

secrecy (audiences, publicity) its hypotheses are convertible to insights about secrecy.

The same researchers who explored the effect of publicity made prescriptive proposals

about using secrecy.

F. Structuring negotiations: use of BCD

Negotiation analysis builds on the insights of game theory and behavioral

sciences in its modeling of international negotiations. Most importantly however, it

presents a logical step forward in negotiation theory-building since it definitively sets

aside some of the constraining assumptions of game theory and political realism. The

field demonstrates readiness to see every element of a negotiation process, structure and

outcome as a variable. Moreover, negotiation analysts attempt to describe strategic ways

to transform negotiations precisely by manipulating what older theoretical perspectives

had consigned to the *ceteris paribus* bin; the role of information, communication, number

of parties, issues, sequencing of issues and others.

BCD, in the negotiation analytic perspective, represents a more radical and

deliberate manipulation of a 'variable' that has—in theory but not in practice—never

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[94] Rubin and Brown, *The Social Psychology of Bargaining and Negotiation*; Brockner and Rubin, *Entrapment in Escalating Conflicts: A Social Psychological Analysis*; Rubin, Pruitt, and Kim, *Social Conflict: Escalation, Stalemate, and Settlement*.

81

varied: the number of actual negotiations processes that are taking place either completely in parallel with each other or sequentially alternating between open and secret. [95]

Although not the subject of research by negotiation analysts, the use of secrecy and multiple channels are properly considered as structural changes in the negotiation process; tools for the reduction or management of uncertainty. It is entirely realistic to hypothesize that one of the most radical changes of game structure in a negotiation is the creation of a second negotiation channel, hidden from but potentially overlapping with the first (front) channel. The second, secret channel is used to manage a variety of uncertainties that present themselves to the parties involved. BCD fits comfortably within the flexible contours and relaxed assumptions of the negotiation analytic framework.

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[95] Sebenius, "Negotiation Analysis: A Characterization and a Review."

82

VIII. Research variables

In order to adequately compare and analyze a political phenomenon, candidate study variables must be selected. Many aspects of international negotiations affect the outcome. Political scientists and historians such as Touval and Caplan have examined cases of negotiation in the Middle East by exploring the presence of certain factors or unfolding of different dynamics across several cases or across time.[96] In all of the Palestinian-Israeli negotiation channels, the uncertainties confronting the negotiators are noted. Theorists have described uncertainty as a condition affecting negotiation and which might be ameliorated by secrecy, but the uncertainties remain to be specified in the case histories. I use the synthesis of theory-generated insights above to construct an framework that is used to analyze the cases of Palestinian-Israeli negotiations. These serve to organize the data and the structure of the case chapters. They are listed here and then explored in more detail:

1. Issues negotiated

2. Role of secrecy and publicity focused on the negotiations

3. Subparties included or excluded

4. Proximity of decisionmakers, autonomy of negotiators

5. Presence and role of third parties in the negotiation process

6. Strategic use of multiple channels of negotiation

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[96] See for example, Saadia Touval, *The Peace Brokers: Mediators in the Arab-Israeli Conflict, 1948-1979* (Princeton, N.J.: Princeton University Press, 1982); and Laura Zittrain Eisenberg and Neil Caplan, *Negotiating Arab-Israeli Peace: Patterns, Problems, Possibilities* (Bloomington: Indiana University Press, 1998).

83

Analytical Framework:

1. *Issues negotiated, excluded or deferred across the different channels.*
The issues being negotiated are typically the core concern of any negotiation; they are

what the parties propose to work on together. What are the issues being negotiated? Are

the issues negotiated the same between back and front channels? Are the issues

negotiated differently?

2. *Role of secrecy and publicity focused on the negotiators and their work.*
This element is of prime concern in this study. In classic diplomatic analyses parties will

use either secrecy or publicity at different times, whichever one serves their interests best.

In the Palestinian-Israeli negotiations, publicity and secrecy are used simultaneously. In

the cases, I paid particular attention to the effects of secrecy which can be both beneficial

and damaging.

3 . *Exclusion and inclusion of subparties* (constituencies, political allies, bureaucracies, factions, mobilized interest groups, etc.) .
Using the insights on the links between internal and external negotiation, I sought to

identify the internal parties that were prevented from knowing about and participating in

a negotiation process. Their reaction to their exclusion is of particular interest: did they

protest? Did they make moves to participate in the next round of negotiations? Did they

take any actions to impede or support the peace process, or the implementation of

agreements?

4. *Proximity of the decisionmaker* to the negotiator, (the 'distance' between the negotiator and the decisionmaker) and the *negotiator's autonomy* (permissiveness of the mandate and instructions given to negotiators).
In the labor-management context described by Walton and McKersie, the negotiator uses

secrecy to manage the expectations of 'principals'. But in classic realism, it is the

political decisionmaker or 'principal' who negotiates in secret. Is there a relationship

84

between the choice of negotiation channel and the proximity between decisionmakers and negotiators? Does the degree of proximity affect the autonomy the negotiator has at the negotiation table?

5. *Presence and role of third parties in the negotiation process.*
Third parties often play an intermediary role in international conflicts. It is well-established that states which intervene do so to satisfy their own interests. Third party interests can conflict with the interests of one or more of the parties. It is worth exploring if the exclusionary element of BCD is also used to marginalize third party intervenors. If third parties are involved in a back channel, it is worth exploring what roles they play and why they are accepted.

6. *Strategic use of multiple negotiation channels: front and back channels.*
One unique aspect of BCD is that it is treated here as part of larger system of negotiations, indeed, it may be one of several tracks of negotiations, managed independently of each other. The existence of multiple negotiation channels provides opportunities to explore more fully the motivations of parties for using secret and open negotiations together. Are the motivations different? Do the channels affect each other? Do they complement or conflict with each other? Are they part of an overarching strategy by the political decisionmakers? If there are multiple channels, what are their characteristics: are they parallel or sequential?

By using this framework, we obtain a systematic and comprehensive understanding of BCD, including the benefits, consequences and characteristics of this tool of statecraft.

85

BACK CHANNEL DIPLOMACY:
The Strategic Use of Multiple Channels of Negotiation in Middle East Peacemaking

Chapter 3
BACK CHANNEL PATTERNS BEFORE OSLO

TABLE OF CONTENTS

I. Back channel patterns

Direct secret channels between Israel and the Palestine Liberation Organization (PLO) did not start in Oslo as might be supposed, but nearly a decade prior to the Oslo breakthrough. At issue was the goal of Palestinian self-government, as an interim step toward sovereignty. The United States-brokered Camp David framework had previously set out the negotiation principles to attain Palestinian self-government, but no progress was made on this during the US presidencies of Jimmy Carter and Ronald Reagan. In the wake of Camp David's failures to address the core Palestinian-Israeli conflict, Israel and the PLO began exploring prenegotiation contacts and began moving away from their reliance on third parties.

In this chapter, we review the earliest reported Israel-PLO contacts; the presence and role of third parties with an interest in the negotiations process, the United States and Jordan; the diplomatic events surrounding the Palestinian uprising or *intifada;* the PLO contacts with the main contending parties in Israeli politics, Labor and Likud; and finally the Persian Gulf War and the new opportunity it presented for US intervention and Arab-Israeli peace initiative. These events show the progression of diplomatic activities that led to the Oslo negotiations.

II. The earliest official secret contacts

Due to the failure of any party to achieve an outright electoral majority in Israel's 1984 national elections a 'national unity' government was forged from an alliance of convenience between the two principal parties, Labor and Likud, and took power in September 1984. Yitzhak Rabin (Labor) became Defense Minister while Shimon Peres (Labor) shared a rotating prime ministry with Yitzhak Shamir (Likud). Peres served as

Prime Minister for the first two years of the coalition government, while Shamir served as Prime Minister for the last two years. The Likud-Labor 'cohabitation' (as some called it) at the highest levels of government provided new opportunities for departures from traditional, established policies of Israeli governments.

Reuven Hazak, second in command at Israel's domestic counter-intelligence agency *Shin Bet*, was assigned in July 1984 to keep a watch on Stephen Cohen, a Canadian academic who had recently informed Yitzhak Shamir of his interactions with the Egyptian officials and the PLO. Cohen persuaded Hazak that he intended no harm to the state of Israel and that to the contrary, they could work together. They jointly came up with a strategy to goad Shamir toward negotiating directly with his arch-enemy, the PLO. According to one diplomatic history, Cohen obtained official authorization to establish secret contacts with the PLO on behalf of the Shin Bet, under the pretext of obtaining information on the fate of Israeli MIAs in Lebanon and Shamir approved of this venture. Cohen separately met with Arafat in Tunis and succeeded in persuading him that secret talks between the PLO and the Israelis could prepare the way for an official peace process.[1] At that time, Arafat coined the phrase "secret kitchen" for such talks, referring to secret negotiations for preparing both the 'ingredients' and the 'courses' to be served in a front channel.

Peres describes the secret channel opened to the PLO during his term as Prime Minister, taking responsibility for authorizing these missions. Shamir, Rabin and Peres discussed them at their meetings during the years of the national unity government.[2] Peres, however, does not claim that this channel was opened to explore a political

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[1] Charles Enderlin, *Paix Ou Guerres: Les Secrets Des Negociations Israelo-Arabes (1917 -1997)* (Paris: Stock, 1997), 476-479, 493.

88

settlement with the Palestinians, but only to discuss the MIA issue, ostensibly as a facade for engaging in substantive talks on a peace settlement.

Jordan and the PLO announced on February 11, 1985 their intention to create a Jordanian-Palestinian confederation on both banks of the Jordan, once Israel had withdrawn from the West Bank. They committed themselves to negotiating jointly toward that goal.[3]

Israel sent one of its high Shin Bet officials, Yossi Genosar, to New York in June 1985 to meet with Said Kemal, the restored PLO representative in Egypt, in order to conduct a kind of pre-negotiations session, which was being supervised by Ehud Barak, the Chief of Military Intelligence; Prime Minister Shimon Peres; Yossi Beilin, the Cabinet Secretary; Defense Minister Yitzhak Rabin, and Avraham Shalom, head of Shin Bet. Genosar and Kemal met again in London during August 1985, where the PLO made proposals that can only be considered remarkable in light of the early stage of high level Palestinian-Israeli contact, and in light of what they eventually agreed upon nearly a decade later; a decade during which much blood was spilt during the *intifada* and the Gulf War and further violence by Israeli soldiers, settlers and Palestinians. In the course of the secret contacts the PLO in 1985 proposed to its Israeli counterparts an incremental peace process beginning with autonomy in Gaza, and leading to a Palestinian confederation with Israel.[4] The 'Gaza-first' proposal had been first discussed by Egyptian

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[2] Shimon Peres, *Battling for Peace: A Memoir* (New York: Random House, 1995), 264.

[3] William B. Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967* (Washington: Brookings Institution, 1993), 351.

[4] Enderlin, *Paix Ou Guerres: Les Secrets Des Negociations Israelo-Arabes (1917-1997)*, 484, 485.

President Anwar al-Sadat, US Secretary of State Cyrus Vance and Shimon Peres in the context of the Camp David Accords on Palestinian autonomy.[5]

In late 1985 Peres recruited Shlomo Gazit, a retired general who was the first military governor of the Occupied West Bank, and former head of military intelligence to carry out a secret mission to the PLO in Geneva. His non-official status gave him 'deniability' and therefore distanced him somewhat from the shaky Israeli coalition government. A Palestinian assassination attempt in Cyprus claimed three Israeli lives in September and led to a reprisal Israeli airstrike against PLO headquarters in Tunis, killing sixty-five Palestinians and Tunisians and nearly killing Arafat and other top leaders. Another extremist but marginal Palestinian faction hijacked the Italian cruise ship *Achille Lauro* on October 7, 1985 on its passage between Egypt and Israel. Under such circumstances, Prime Minister Shimon Peres and Defense Minister Rabin cancelled the Gazit mission to Geneva.[6]

III.　The fading Jordanian role

Shimon Peres called for an international peace conference on the Middle East in his speech before the General Assembly in October 1985. King Husayn and Shimon Peres had already met secretly in London on July 19 order to develop a plan for joint rule of the West Bank (their so-called 'condominium' plan) that was supposed to emerge from the envisioned international conference and met again there on October 5, 1985. Nevertheless, US officials such as George Shultz concluded that "neither Hussein nor Peres was politically strong enough to deliver the concessions needed to make the peace

[5] Sol M. Linowitz, *The Making of a Public Man: A Memoir* (Boston: Little Brown, 1985), 227. Shimon Peres takes credit for the Gaza-first concept and claims it was rejected by al-Sadat. Peres, *Battling for Peace: A Memoir*.

[6] Enderlin, *Paix Ou Guerres: Les Secrets Des Negociations Israelo-Arabes (1917 -1997)*, 486.

90

process work, even though their own thinking was not far apart."[7] Arafat was both attacked militarily and courted secretly by Israel, challenged by extremist terrorist factions within the Palestinian movement, and in early 1986, found himself and the PLO abandoned by King Husayn, who was then healing the political rift that had developed between Syria (violently opposed to the PLO) and Jordan. The rift between the PLO and Jordan developed over the questions of American engagement with the PLO. The PLO insisted on direct channels, while the United States insisted on detailed PLO commitments to UN Security Council resolutions 242 and 338. Jordan was the intermediary in these exchanges, which ended up straining and breaking Jordanian-PLO relations.[8] A summit meeting between Arafat and King Husayn took place on January 25, 1986 but resulted in a complete rupture. No joint PLO-Jordanian cooperation in international diplomacy could be envisaged.

This consistent reliance by the United States and Israel on Jordan to 'deliver' the PLO, or to be itself the political representative of West Bank Palestinians and thus bypass the PLO, was to have significant implications for the broader regional peace process, since it relied on sustained and solid Jordanian-PLO cooperation with the PLO as a submissive junior partner at best. This approach also depended on the political will of the Hashemite Kingdom to assert its claim to represent the Palestinians, which itself implied further confrontation with the PLO—an unlikely scenario.[9] These diplomatic events foreshadowed the eventual necessity for both Israel and the United States of having to

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[7] Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967*, 356.

[8] Ibid., 355 and note 56 on page 570 for the analysis of the Jordanian-PLO rift.

[9] Already in September 1970, Jordan had attacked PLO military and refugee camps, expelling the PLO from Jordan, in a military operation that cost thousands of Palestinian civilians and fighters their lives.

91

deal directly with the PLO in a sustained manner and laid the political groundwork for the intensified and ongoing use of back and multiple channels of diplomacy.

The failure of the Reagan administration peace initiatives to bear fruit helped to demonstrate the need for direct US-PLO engagement as well. The events below are analytically relevant to the narrowing of options that lead ultimately to direct and intense contact between the Israeli government and the PLO.

IV. Secret pre-negotiations between Israel and the PLO

The continued difficulties of using the Jordanians as proxies for negotiations with the Palestinians possibly prompted Peres to send Shlomo Gazit and Yossi Genosar to Paris to meet with Hani al-Hassan, executive member of the PLO Central Committee and Said Kemal on February 21, 1986. Stephen Cohen joined the group as well. The pretext for these negotiations continued to be the possibility of obtaining PLO intelligence on the fate of Israeli MIAs in Lebanon, in exchange for ongoing dialogue on the terms of Israeli-Palestinian coexistence and political matters.[10] A second meeting took place in Brussels on March 12, 1986, in which, significantly, it appears that both the Israeli and Palestinian delegations proposed the parallel, simultaneous use of an international conference leading to bilateral, open negotiations, and secret negotiations. The difference between their proposals seemed to be how much importance to assign to the official negotiations; the Israelis proposed that the official channels be a facade, while the Palestinians responded that the open negotiations would have intrinsic importance that could not be dismissed.

A third meeting took place on April 3, 1986 in Paris. The Israelis declined an invitation to Tunis to meet with Arafat. The delegations further developed the idea that an international conference would be attended by prominent West Bank and Gaza

Palestinians, but not by PLO officials from the Palestinian Diaspora, who would work only in the secret channel. Agreements would be drafted in the secret channel and finalized in the open one,[11] a proposal that is nearly an exact model of the parallel, Madrid/Oslo negotiations that took place from 1992-1993. Shimon Peres readily acknowledges that he initiated these negotiations, although he claims that they were limited in scope to the MIA issue alone. He also states that "Shamir knew of these missions: they were discussed in our discreet 'prime ministers' troika', which was made up of Shamir, Rabin and myself."[12]

The third member of the troika, Yitzhak Rabin also explored some secret channels of negotiation with Palestinians. A member of his staff, Eitan Haber (later to become Rabin's chief of staff (political, not military) while Rabin was prime minister until 1995) initiated a series of approximately twelve secret negotiation sessions for Rabin with Palestinian mayors from the West Bank and Gaza in 1987. There were two purposes for these meetings. Rabin hoped to forestall social unrest that some Israeli analysts anticipated in the days before the *intifada* while also checking to see whether any Palestinian leaders would make concessions to Israel rather than rely on the PLO as the representative of Palestinian nationalism and leadership. Haber and Rabin concluded that only in Tunis could they get results. Haber claims that the secrecy of these meetings was to protect the mayors from being targeted by the PLO due to their meetings with Israeli officials. After the meetings with Rabin, arrangements were made for followup meetings

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[10] Enderlin, *Paix Ou Guerres: Les Secrets Des Negociations Israelo-Arabes (1917 -1997)*, 489-509.

[11] Ibid., 501.

[12] Peres, *Battling for Peace: A Memoir*, 264.

between the mayors and two Israeli envoys; Yossi Genosar of the Shin Bet and Shlomo

Gazit, the retired head of Israeli military intelligence.[13]

V.   The Israeli ban on contact with the PLO

As the frequency of meetings between Israelis and Palestinians (including PLO

officials) increased, a small but growing sector of the Israeli electorate began supporting

the idea of direct negotiations with the PLO. The Likud members of the National Unity

coalition government in Israel began seeking ways to prohibit such meetings by

legislation. Their efforts dovetailed with the Labor party's desire to outlaw Kach, the

racist political party of Brooklyn-born Rabbi Meir Kahane, which openly advocates the

wholesale expulsion of all Palestinian Arabs from Israel, the West Bank and Gaza Strip.

A Labor-Likud deal resulted in two laws passed on August 5, 1986; one excluding Kach

from participation in government and the other criminalizing Israeli contacts with the

PLO. Only journalists and academics attending conferences were exempted from the anti-

PLO legislation and the three year prison sentence it prescribed.[14] A new barrier had been

erected to 'dialogue with the enemy.'

Besides the obvious benefit of not having to disavow their publicly-declared anti-

negotiation postures, Enderlin argues that there was another reason PLO officials found

the "secret kitchen" idea appealing: External parties with an interest in the

conflict—whether interested superpowers such as the United States and, at that time, the

Soviet Union, or regional players such as Syria—could be excluded from negotiations

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[13] Eitan Haber, Interview with the Author, Tel Aviv, Israel, May 8, 2000.

[14] Mordechai Bar-On, *In Pursuit of Peace: A History of the Israeli Peace Movement* (Washington, D.C.:
United States Institute of Peace Press, 1996), 214.

94

processes since they tended to use the parties and any negotiations for their own strategic benefit, in addition to or in substitution for the benefit of the parties themselves.[15]

During the period that contact with the PLO was forbidden to Israeli citizens, the communications between them actually increased. The PLO set out to meet with the different political parties and coalitions in Israeli politics in order to build "a bridge between Arabs and Israelis."[16] Three major encounters took place between PLO officials and groups of Oriental Jews, and representatives of the Israeli Peace Now movement. These were held in Romania (1986), Hungary (1987), and Toledo, Spain (1989). Palestinian leader Hanan Ashrawi called them "a series of exploratory rehearsal dialogues...hosted by a variety of third parties, to "normalize" the negotiations option and to set its terms of reference." At the very least, these talks "contributed incrementally to identifying the basic issues and creating a pool of possible approaches and agendas."[17]

VI.   Back channel with Likud

Once started on the road of dialogue, the PLO sought to cast its net as wide as possible. The PLO would no longer limit its official exploratory negotiations to only anti-Zionist Jews, left wing secular Israelis or Oriental Jews disaffected with the ruling political elite. Since Shamir and the secular right dominated government policymaking regarding peace with the Palestinians, the PLO decided to open channels to the Likud leadership. In the West Bank, Sari Nusseibeh, a Fateh member (Arafat's party within the PLO) and at that time a professor at Bir Zeit University, and Faysal al-Husayni, Fateh

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[15] Enderlin, *Paix Ou Guerres: Les Secrets Des Negociations Israelo-Arabes (1917 -1997)*, 495.

[16] Mahmoud Abbas, *Through Secret Channels* (Reading: Garnet Publishing, 1995), 17.

[17] Hanan Ashrawi, *This Side of Peace: A Personal Account* (New York: Simon & Schuster, 1995), 10-11. For a detailed account of an Israeli's encounters with PLO officials see Uri Avnery, *My Friend, the Enemy* (London: Zed Books, 1986).

leader and head of New Orient House, the Palestinian quasi-governmental institution in East Jerusalem, met with Likud Central Committee member Moshe Amirav, an associate of then-Prime Minister Yitzhak Shamir, throughout July and August 1987.[18] Together they produced a Document of Principles which contained the contours of a far-reaching peace agreement between Israel and the PLO. These efforts collapsed when Shamir ordered Amirav to refrain from making contact with the Palestinians. Faysal al-Husayni was arrested by the Israeli military (controlled by Shamir's Labor party rival Defense Minister Yitzhak Rabin). Shamir had evidently been kept informed of Amirav's negotiations with the Fateh leaders by Amirav and other Likud members who were marginally involved in the effort. Unhappy with the far-reaching mutual concessions foreshadowed in the draft, Shamir dismissed Amirav from the internal committees of the Likud party and disowned Amirav's work. Shamir has little now to say about that remarkable early draft agreement, other than to claim that "he [Amirav] was not a serious man."[19]

The PNC as a whole progressively moved to legitimize such contacts, even though some Palestinian militant factions continued to oppose them.[20] These conferences and contacts encouraged the growth of a new network of Palestinians and Israelis interested in moving beyond the enemy images they had of each other and holding dialogues on issues of mutual concern. They were not negotiations between the state of Israel and the PLO and the participants were not empowered to enter into binding

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[18] Sari Nusseibeh, Interview with the Author, East Jerusalem, May 10, 2000; Faisal al-Husayni, Interview with the Author, 'Ayn Sinya, Ramallah, and East Jerusalem, May 14, 2000; Abbas, *Through Secret Channels*; 37-43; Bar-On, *In Pursuit of Peace: A History of the Israeli Peace Movement*, 234-237.

[19] Yitzhak Shamir, Interview with the Author, Tel Aviv, Israel, May 14, 2000.

[20] Abbas, *Through Secret Channels*, 12-18; Muhammad Muslih, *Toward Coexistence: An Analysis of the Resolutions of the Palestine National Council* (Washington, DC: The Institute for Palestine Studies, 1990), 32.

agreements with each other. Nonetheless, real negotiations between authorized Israeli and Palestinian negotiators were taking place in secret at that time.

VII. The Peres-Husayn Channel and the unwilling Americans

On April 11, 1987, in the midst of the Israeli national unity government, Foreign Minister Peres donned a wig and traveled to London to meet secretly with King Husayn.[21] There, Peres and Husayn agreed on the modalities of setting up an international peace conference under UN auspices. The conference would deal with the most difficult issues, especially the issue of Palestinian self-determination, in separate bilateral committees. Jordan would be Israel's partner in terms of representation of the Palestinians, who would not participate independently. The conference would confer legitimacy on the ongoing quiet diplomacy between Jordan and Israel while resulting in the permanent marginalization of the PLO and the establishment of a joint Israeli-Jordanian arrangement for the West Bank.[22] Peres planned to have US Secretary of State George Shultz adopt the London Agreement as a US initiative, and propose it openly to Jordan and Israel, so that Likud Prime Minister Yitzhak Shamir would accept the 'American plan'.[23] Peres sent Yossi Beilin secretly to brief Shultz' aide Charlie Hill on the agreement, which accorded well with Shultz' plan to propose "shared, overlapping or interwoven sovereignties across Israel, the West Bank and Jordan," as his preferred basis for peace in the region. Beilin urged Shultz to take on the initiative, and claimed to speak for both Jordan and Israel. By April 20, Peres had informed Shamir himself about what had transpired in London. Peres

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[21] Peres, *Battling for Peace: A Memoir*, 265.

[22] See "The London Document,"(Three Part Understanding Between Jordan and Israel), reprinted in Mahdi F. Abdel Hadi, ed., *Documents on Palestine, Volume 1: From the Pre-Ottoman/Ottoman Period to the Prelude of the Madrid Middle East Conference* 2 vols. (Jerusalem: Palestinian Academic Society for the Study of International Affairs, 1997), document F29.

states that he had fully briefed Shamir both before and after the London trip and that Shamir had consented to the initiative.[24]

In any case, Shamir had his aide Eliyakim Rubinstein (who would later become head the Israeli delegation to the Israeli-Palestinian talks that emerged from Madrid in 1991) call Shultz and explain that Shamir was opposed to any UN involvement which Shamir feared would give a regional role to the PLO and to the USSR. On April 24, Shamir sent Minister without Portfolio Moshe Arens as his personal envoy to ask Shultz to distance himself from the Peres-Husayn London Agreement thus bypassing the Minister of Foreign Affairs Peres and keeping him in the dark about the Arens trip.[25] Shultz explained that King Husayn needed the conference as cover to provide him legitimacy for negotiating on behalf of the Palestinians. The Soviets had already agreed to play only a symbolic role. Shultz left Husayn the task of persuading Shamir, which ultimately led to the collapse of the London Agreement.[26]

Husayn then secretly hosted Shamir in his London residence on July 18, 1987. After their meeting, Shamir sent envoy Dan Meridor to Shultz to brief him, without the knowledge of the Israeli embassy in Washington. Husayn also conveyed his impressions of the meeting to Shultz. The versions were contradictory, with Husayn portraying Shamir as 'hopeless' while Meridor painted a rosy picture of their secret encounter.[27]

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[23] Avi Shlaim, "His Royal Shyness: King Husayn and Israel (Interview of King Husayn)," *New York Review of Books*, July 15, 1999

[24] Peres, *Battling for Peace: A Memoir.*

[25] Ibid., 265-270.

[26] George P. Shultz, *Turmoil and Triumph: My Years as Secretary of State* (New York: C. Scribner's Sons, 1993), 936-941.

[27] Ibid., 942-948.

In September, Shultz renewed his efforts to cajole the parties to attend an internationally sponsored peace conference and hoped to take advantage of an impending Reagan-Gorbachev summit to invite Shamir and Husayn to Washington. This time Shultz succeeded in persuading Shamir that a US-USSR 'summit' at which the Soviets were present but uninfluential, would not damage Israel while still providing Husayn with the cover he required. But at Shultz' October 20, 1987 meeting with King Husayn, the tables had turned. It appears the Shamir-Husayn channels of direct, secret communication had convinced Husayn that Shamir was an unsuitable partner for constructive peace talks. Husayn declined Shultz' efforts.[28]

Peres has bitterly complained that, had this effort succeeded, the next chapter in Palestinian-Israeli affairs might have been averted or at least, been less costly to the two sides.

VIII. The new Arab Rebellion: Intifada

In the years 1936 to 1939, the Arab Rebellion in Palestine was part of the social context for a series of secret pre-negotiations among prominent Arab nationalists and Zionist leaders under the auspices of the Palestine Mandate authorities.[29] The *intifada* was a massive civil uprising that erupted on December 7, 1987 in the Gaza Strip and quickly spread to the West Bank. It constituted an expression of Palestinian rage against the continuing Israeli occupation and its effects. The *intifada* was waged by diverse methods: Palestinian non-cooperation with the military government, massive demonstrations, stone-throwing against troops, and non-violent protest. During this time, the Palestinian organizations HAMAS (Islamic Resistance Movement) and Islamic Jihad emerged from

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[28] Ibid., 942-948.

the shadow of the secular nationalist movements operating under the PLO umbrella. They espoused violent methods of resistance, including attacks on Israeli soldiers and civilians. The main Israeli response in the field was use of repressive force against Palestinians in the West Bank and Gaza; closing of universities and other social institutions, mass arrests without trial, house demolitions, violent suppression of protests, deportation, beatings, imprisonment and death squad assassinations.[30]

In certain aspects, the *intifada* provides a historical parallel to the Arab Rebellion. The *intifada* was an acute social conflict that provided the political context for exploratory negotiations between Palestinians and Israelis in an effort to somehow move away from an ongoing violent confrontation. It served as the catalyst for much new diplomatic activity which is analyzed below, and ultimately led to the first direct, open Palestinian-Israeli negotiations that would be held under the sponsorship of the superpowers at Madrid in 1991 as well as to the Oslo back channel that resulted in a the historic Declaration of Principles in 1993.

IX. The Shultz Initiative: Reentry of the United States

The *intifada* succeeded in arousing a surprising amount of concern among leaders and ordinary citizens in Israel and the United States, as well as in Europe. At the urging of American Jewish leaders, Israeli politicians and even President Mubarak of Egypt, Secretary of State George Shultz decided to travel to the region in early 1988 in order to assess the possibility of another major peace initiative sponsored by the United States. He came up with a proposal (the Shultz Initiative) that would have accelerated the program

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[29] Michael J. Cohen, "Secret Diplomacy and Rebellion in Palestine, 1936-1939," *International Journal of Middle East Studies* 8 (1977)

[30] Zeev Schiff and Ehud Yaari, *Intifada: The Palestinian Uprising--Israel's Third Front* (New York: Simon and Schuster, 1990).

100

of negotiation envisioned in the Camp David Accords and explicitly endorsed rapid final status negotiations, without regard to the success or failure of the negotiations on the transitional stage. It incorporated the Peres-Husayn understandings by calling for a joint Jordanian-Palestinian delegation.[31] The negotiations would be initiated at an international conference and followed up by active US mediation in all phases. Likud Prime Minister Shamir opposed key aspects of the plan, and the PLO resented being excluded. The Soviets and Syria were cool to the plan. Only Egypt openly endorsed it. As at Camp David, front-channel negotiations on the Israeli-Palestinian conflict demonstrated the strengths and limitations of this method and the great variance in the utility of third party intervenors.

With the onset of the *intifada* and the local leadership that led it and grew out of it, the PLO expended efforts building grassroots support in the Occupied Territories. As the *intifada* raged on, the Tunis-based PLO succeeded in coordinating civil disobedience activities directly with the "Unified National Leadership of the Uprising," as the internal leadership of the *intifada* called itself.[32]

As 1988 was beginning, Shultz launched a new "Initiative" which, he hoped, would keep Shamir on board while bringing Husayn back into the fold. He had already received some pragmatic proposals from Palestinian leaders in the West Bank and Gaza concerning Palestinian self-rule. At the same time, Shamir launched his own concept for Palestinian administrative autonomy. Seizing the moment, Shultz introduced his ambitious diplomatic timetable to Shamir's and Peres' aides (separately), as well as to

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[31] Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967*, 364-367, also see Appendix I for text of invitation letter describing the initiative; Shultz, *Turmoil and Triumph: My Years as Secretary of State*.

[32] Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967*, 364.

local Palestinian leaders and Jordanian officials. His plan was to visit the region in February 1988. Within one year, autonomy talks would begin, Israeli and Palestinian elections would be held, and the Palestinian self-governing authority would be inaugurated by February 1989.[33]

Shultz recognized that Palestinians were at the heart of the conflict and therefore, at the heart of the solution. This observation led him to predict that Palestinians would not participate in his newest peace plan unless they felt that transitional autonomy arrangements would lead to a satisfactory final status. Shultz' plan therefore included an important, additional element that he termed the "interlock." By December 1988, negotiations should begin on final status of the Palestinian territories, regardless of the status of the autonomy talks.[34] This recognition of the parties' need to minimize uncertainties was significant, even if it was insufficient.

During Shultz' February 1988 shuttle diplomacy trip to Israel and the Palestinian territories, Shultz and his Middle East team had separate meetings with aides to Peres and Shamir. The Likud-led faction within the cabinet and the Knesset mounted an effort to discourage Shultz from continuing but Shamir himself encouraged Shultz, going so far as to ask Shultz to convey to King Husayn that he was "ready to negotiate final status...sovereignty." The local Palestinian leadership had been contacted by Shultz' team and were willing to meet with him, but at the last moment were prevented from doing so by PLO directives. King Husayn too gave Shultz only mixed support. On this

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[33] Shultz, *Turmoil and Triumph: My Years as Secretary of State*, 1018-1019.
[34] Ibid., 1016-1019.

basis, Shultz issued letters of invitation for the international conference and the ensuing negotiations to all the parties in March, complete with his 'interlock' concept.[35]

Without prior warning, King Husayn announced Jordan's explicit renunciation of administrative responsibilities and claims to the West Bank on July 31, 1988.[36] King Husayn also declined to represent the Palestinians in any regional diplomatic efforts. The Jordanian 'partner' identified and courted by Israel and the United States had washed his hands of the Palestinian dilemma beyond his borders, leaving Israel and the United States little choice but to engage the Palestinians themselves. Although its options for a negotiating partner continued to narrow, the Israeli coalition government continued a policy of rejecting the PLO. Israel instead continued to follow a policy of deporting local leaders associated with the *intifada* while simultaneously echoing the longstanding Israeli complaint about the lack of strong local leaders who could represent Palestinian interests[37]—a complaint that had carried over from the Arab-Zionist conflict of early 1900s.

The United States, if it wanted to continue to promote a regional peace process and play a role in it, found that it had no other option than to initiate high-level contact with the PLO. News and images of the *intifada*, as well as the failure of the IDF to control it by repressive force, continued to make constant headlines and put pressure on the US administration to address the situation.

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[35] Ibid., 1020-1034.

[36] See King Husayn, Speech on Jordan's Disengagement from the West Bank, Amman, 31 July 1988, Appendix 14 in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record* rev. 2d ed. (Washington, DC: Institute for Palestine Studies, 1993), 262.

[37] Schiff and Yaari, *Intifada: The Palestinian Uprising--Israel's Third Front*, 147.

At a speech given at the Wye Plantation in September, Shultz bequeathed his initiative to the next American administration, affirming "the right of Palestinians to participate actively in every stage of negotiations."[38]

X.   Palestinian recognition of Israel: new back channels

Prior to the Palestinian declaration of statehood and the implicit recognition of Israel in November 1988, a delegation of Israelis, led by Dr. Ephraim Sneh (a reserve IDF general who had headed the military government in the West Bank), and a delegation of PLO officials, led by Hani al-Hassan met in Paris for three meetings during August and September 1988. Prof. Stephen Cohen and PLO ambassador Said Kemal were also present. The first two dramatic encounters were characterized by "an atmosphere of elation and mutual trust." The Israeli agenda was to see if the PLO could control the *intifada* and reduce the level of violence, in exchange for a reduction in Israeli repressive measures, prior to the general elections in Israel, scheduled for the end of the year.[39]

A fourth meeting, to be held after the election on November 3, 1988, never took place due to Peres' electoral defeat to Shamir. Further analyses of the interim failure of these talks include the Palestinian perception that Israel could not make bold political decisions and that it could not set aside the use of force, and the Israeli perception that the PLO could not control the *intifada* by itself. The secrecy in which these talks were held was a product not only of their illegality under Israeli law, but may also have stemmed from the need to exclude Shamir and the Likud party since Shamir would have tried to end the talks had he known about them, or at least known their true overarching purpose.

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[38] Shultz, *Turmoil and Triumph: My Years as Secretary of State*, 1034.

104

XI. The PLO–US dialogue: front and back channels

Between July and December 1988, the United States and the PLO attempted to come to agreement on the terms of a diplomatic "dialogue" to be held between them, predicated on the PLO's acceptance of UN Security Council Resolutions 242 (1967) and 338 (1973), explicit recognition of Israel and the PLO's renunciation of violence. Several channels of negotiation operated simultaneously: the Swedish government, the CIA and the good offices of a US citizen of Palestinian origin all pushed the US and the PLO toward a dialogue.[40]

At that time, the US government began to communicate with PLO officials in Ankara, Algiers and Tunis through US diplomats in those capitals.[41] Additionally, prominent American Jewish figures met with Yasir Arafat in the hopes of laying the ground for open, official contacts among Israel, the PLO and the US.[42] Some negotiations over the terms of the PLO's acceptance of US conditions for a dialogue between Tunis and Washington were also handled by the CIA, but the Swedish back-channel produced direct exchanges of correspondence between the high level decisionmakers: Secretary of State Shultz and Arafat.[43]

Mohamed Rabie, an American citizen of Palestinian origin who had links to the PLO leadership, approached William Quandt, senior Brookings Fellow and former NSC official in charge of Middle East affairs in the Nixon and Carter Administrations. King

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[39] Ari Shavit, "Secret Passage to Oslo," *Ha'Aretz*, February 12, 1999, reprinted in *Journal of Palestine Studies* 28, no. 3 (1999): 157-160.

[40] Shultz, *Turmoil and Triumph: My Years as Secretary of State*, 1034-1045.

[41] Abbas, *Through Secret Channels*, 23-27.

[42] Mohamed Rabie, *U.S.-PLO Dialogue: Secret Diplomacy and Conflict Resolution* (Gainesville: University Press of Florida, 1995), 64-84; Abbas, *Through Secret Channels*, 23-27; Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967*, 367-380.

[43] Ibid., 367-380; Shultz, *Turmoil and Triumph: My Years as Secretary of State*, 1032-1045.

105

Husayn's surprise renunciation of claims and responsibilities for the West Bank had definitively created a political vacuum for the United States regarding the Palestinian-Israeli conflict. Quandt therefore arranged meetings between high level State Department officials and Rabie in order to explore the possibility of a US-PLO dialogue[44] which could legitimate the PLO as the elusive negotiating partner for Israel that some US policymakers believed was missing from the Middle East peace efforts.[45]

The Palestine National Council (PNC), the Palestinian parliament-in-exile, held its historic 19th meeting in Algiers and on November 15, 1988 issued a declaration of Palestine's statehood, implicitly recognized Israel in the context of the 'two-state solution' originally proposed by the UN forty years before.[46] The declaration was embraced not only by PLO supporters in the West Bank and Gaza, but also by the Israeli peace movement and center left parties, which mobilized public opinion in order to articulate a clear demand that the government commence negotiations with the PLO over the status of the West Bank and Gaza.[47] The PNC envisioned that the way to the two-state solution was by creating a UN-sponsored international conference. Secret contacts began before and after the declaration.

The US government was also moving toward open diplomatic engagement with the PLO, despite expressing serious reservations about the independent Palestinian state

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[44] Rabie, *U.S.-PLO Dialogue: Secret Diplomacy and Conflict Resolution*; Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967*.

[45] See George Shultz' recollection of his final official conversation with Yitzhak Shamir in which he related to Shamir the need to have negotiators "who truly represent their own constituencies, not people who think the way you do and easy for you to talk to," predicated on Shultz' experience with Nixon's ethnic desegregation actions. Shultz, *Turmoil and Triumph: My Years as Secretary of State*, 1045-1050.

[46] See Muslih, *Toward Coexistence: An Analysis of the Resolutions of the Palestine National Council* for an examination of the PLO/PNC political developments. Also see UNGA Resolution 181(II), November 29, 1947; "Recommending a Partition Plan for Palestine."

[47] Bar-On, *In Pursuit of Peace: A History of the Israeli Peace Movement*, 249-253.

106

called for at the Algiers PNC meeting. In November 1988 Shultz declined to recommend to the Attorney General that Yasir Arafat be granted a US visa to attend a UN General Assembly session, hoping to exercise further leverage over the PLO and thus obligate the PLO to moderate its policies regarding recognition of Israel.

The secret Swedish back channel was precisely the forum for assuring both Shultz and Arafat in advance that their respective interests would be met by the terms and procedure of the dialogue. At that moment, Shultz' dilemma was not due to a lack of information but rather a lack of certainty regarding outcome. Information was in overabundance. His recollection provides some insight into the problems of the statesman involved in complex negotiations:

> Everyone knew that something was brewing. Rumors abounded. People tried either to take credit for or to kill the prospective development. Messages—usually false messages—flew back and forth. I shut my ears to all the noise except for what the Swedes and I communicated to one another.[48]

Ultimately, Arafat delayed in making public the text that the Swedes had shown Shultz and that all had approved. Instead, Arafat decided to persuade the PLO Executive Council about the wisdom of his actions before making the declaration public. The Executive Council approved Arafat's declaration recognizing Israel's right to exist and live in peace and informed the Swedes that Arafat would in fact make the policy public in his address to the UN General Assembly, whose venue had been changed to Geneva in light of Shultz' denial of the Arafat visa request.[49]

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[48] Shultz, *Turmoil and Triumph: My Years as Secretary of State*, 1043.

[49] Ibid., 1032-1045.

Arafat made his explicit declarations to the UN General Assembly in Geneva, in which he accepted the US conditions for dialogue on December 13, 1988 (with even more explicit clarifications to the press on December 14, 1988)[50] and President Reagan directed that the US-PLO dialogue commence.[51] Rabie proposed to Arafat that the official dialogue with the US be supplemented by "a private channel" that would be composed of former officials, academics and Middle East experts who could impact public opinion—the very essence of a Track II effort. Arafat approved.

The official US-PLO dialogues consisted of four rounds of meetings between Robert Pelletreau, US Ambassador to Tunisia and a high level PLO delegation, although many other working-level meetings were held. Little progress was made, possibly because the US side spent much of the time promoting Israeli Prime Minister Yitzhak Shamir's proposals for local elections in the West Bank and Gaza as the path to limited autonomy—a plan designed to displace the PLO. Two other obstacles were the vociferous Israeli opposition to the dialogue (led by then Deputy Foreign Minister Binyamin Netanyahu) and communication failures within the US-PLO dialogue.[52] Furthermore, several overlapping channels of diplomatic contact served to undermine both the US' and the PLO's investment in their dialogue. These were the third party efforts of Egypt and the Soviet Union.[53] Egypt had direct communication with Yasir Arafat himself, who was actually excluded from the US-PLO dialogue. President Bush's

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[50] Yasir Arafat, Speech to the United Nations General Assembly, Geneva, December 13, 1988 and Yasir Arafat, Press Conference Statement, Geneva, December 14, 1988, reprinted as Appendices 17 and 18 in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record*.

[51] Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967*, 369-394.

[52] The delegations used their own respective languages in the meetings, and Rabie believes their mastery of each others' language was below par. Rabie, *U.S.-PLO Dialogue: Secret Diplomacy and Conflict Resolution*.

[53] Ibid., 99-107.

Secretary of State, James Baker, began using Egyptian good offices to obtain Arafat's acceptance of his conditions for a new regional peace effort.

XII. Further Israel-PLO back channels

Even while these early US-PLO contacts were proceeding, Yitzhak Rabin, then Defense Minister in the coalition government, had opened a back-channel to Tunis "outlining a position more advanced than that of the United States" through Arab members of the Israeli Knesset.[54]

Apparently at Rabin's initiative as defense minister, Israel opened up exploratory discussions with imprisoned *intifada* leaders, who Rabin considered to be a front for the PLO. The purpose of these talks, in some respects reminiscent of South Africa's negotiations with Nelson Mandela while he was imprisoned,[55] was to see whether or not this newly emerging, non-Tunis Palestinian leadership would participate in an elections plan designed to exclude the PLO while ending Israel's problems in the occupied territories. According to one Palestinian informed about these discussions, the Israelis broke them off unilaterally.[56] However, Rabin was not the only government official looking to the PLO as a potential negotiation partner.

During the second half of the National Unity Government, when Yitzhak Shamir became Prime Minister, Ezer Weizman, nephew of Chaim Weizman, one of Israel's founding statesman became Science Minister. The younger Weizman had been commander of the Israel Air Force at the pinnacle of his military career and Defense

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[54] Ibid.

[55] The South African government wanted to trade Mandela his freedom in exchange for a renunciation of armed struggle by the African National Congress. Allister Sparks, "The Secret Revolution," *New Yorker*, April 11, 1994,

[56] Nusseibeh, Interview with the Author.

109

Minister under Menachem Begin, but resigned from Likud to protest Begin's delays in the negotiation of the Palestinian autonomy arrangements embodied in the Camp David Accords.[57] As Science Minister from the Labor opposition, he violated the ban on contact with the PLO by secretly meeting with the PLO representative in Switzerland, Nabil Rimlawi, and also addressed a letter to Yasir Arafat. When the contacts were revealed, Shamir attempted to fire Weizman during a Cabinet meeting. Rabin suggested the compromise of keeping Weizman as Minister, but without portfolio. Rabin's suggestion was implemented.[58]

During that time, Yitzhak Shamir's right wing allies and his own Likud party demanded that Shamir not participate in any Baker peace plan. After he succeeded at consolidating his government and excluding the Labor party from his cabinet in May 1990, Shamir's non-cooperation with the US worked against the modest achievements of the US-PLO dialogue and derailed Baker's initial peace plans. In any case, the US-PLO dialogue was officially suspended by President Bush in June 1990 after a Palestinian splinter faction aligned with Iraq attempted an armed incursion into Israel.[59]

XIII.   The Persian Gulf War: a new opportunity for the international peace conference

As the Cold War approached its final throes a new geo-political event shook the Middle East. Iraq invaded its small oil-rich neighbor Kuwait on August 2, 1990. In response, the administration of US President George Bush began organizing a broad multilateral coalition to repel that occupation. Five months later, on January 16, 1991 the

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[57] Ezer Weizman, *The Battle for Peace* (New York: Bantam Books, 1981); Peres, *Battling for Peace: A Memoir*, 202

[58] Yitzhak Shamir, *Summing Up: An Autobiography* (London: Weidenfeld and Nicolson, 1994), 172-173.

[59] Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967*, 388-394.

110

Persian Gulf War erupted and altered the political balance in the region. Israel had been attacked with Iraqi missiles, but US management of the crisis effectively isolated Israel from participation in the warfighting since Israeli participation had the potential to split the military coalition, in which Arab armies participated on the allied front. The PLO was ostracized for Yasir Arafat's support for Iraq early on in the conflict, even though numerous Palestinians spoke out against the Iraqi occupation of Kuwait, drawing parallels to their own occupation by Israel.[60] In the aftermath of both the Cold War and the Persian Gulf War, a new regional political backdrop for Palestinian-Israeli peace was being created in which positive US-Soviet coordination was possible.

After Iraq's surrender, US Secretary of State James Baker began trips to the Middle East to promote an international peace conference in order to take advantage of the newly changed context of Palestinian-Israeli relations and to promote an open Arab-Israeli peace process. His efforts culminated in the Madrid Peace Conference of October 1990, at which national delegations from Israel, Lebanon, Syria and a joint Jordan-Palestine delegation convened. The conference would provide the international legitimacy needed for each party to engage in direct bilateral talks (between Israel and each of the Arab delegations) leading to full peace accords.

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[60] Ashrawi, *This Side of Peace: A Personal Account.*

111

BACK CHANNEL DIPLOMACY:
The Strategic Use of Multiple Channels of Negotiation in Middle East Peacemaking

Chapter 4
THE MADRID PEACE CONFERENCE AND THE
ISRAELI-PALESTINIAN TRACK

TABLE OF CONTENTS

TABLE OF FIGURES

I. The context of the Madrid Peace Conference

On October 30, 1991, delegations from Israel, Lebanon, Syria, and a joint Jordanian-Palestinian delegation convened in Madrid, Spain to inaugurate the open peace process. At the insistence of Israel's government, the Palestinian delegates could neither be members of the Palestine Liberation Organization (PLO) nor Arab residents of East Jerusalem. Nor could they attend the conference under their own auspices. Jordan was required to provide a fig leaf of legitimacy for the Palestinians: Jordan's diplomatic delegation incorporated notable Palestinians from the West Bank (excluding Jerusalem) and Gaza. A separate Palestinian-Israeli bilateral 'track' eventually emerged in Washington, DC and met for ten rounds of intense but ultimately fruitless negotiations between 1991 and 1993. With the PLO's exclusion from the Madrid Process, the wrong parties again seemed to be trying to negotiate an end to the core issue of Arab-Israeli political hostility.

Once again Israeli and Palestinian front-channel negotiations demonstrated their limitations, given the difficulty of the issues being negotiated and the political constraints of the negotiators. Proposals advanced by the Israeli side demonstrated a retreat from aspects of the Camp David Accords and were predicated on the concept of personal but not territorial autonomy for Palestinians, under continued Israeli sovereignty. The Palestinian side proposed the formation of a Palestinian Interim Self-Governing Authority and was intent on negotiating its powers with a view toward independent Palestinian statehood.[1]

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[1] Camille Mansour, *The Palestinian-Israeli Peace Negotiations: An Overview and Assessment, October 1991-January 1993* (Washington, DC: Institute for Palestine Studies, 1993).

113

The Madrid Peace Conference seemed to exemplify the classic, large multilateral sessions that had so often proven ineffective in Middle East peacemaking. Despite their shortcomings, large conferences were long seen as desirable, essential elements of peacemaking by would-be third party intervenors in Middle East conflicts because they brought all the relevant parties together, permitted the third party great leverage and conferred legitimacy on the process of negotiation with one's enemy.

Under the auspices of the United States and the USSR, Israel and the surrounding Arab states Syria, Lebanon, Jordan attended as parties. The Jordanian delegation provided diplomatic cover for a delegation of Palestinians who would succeed in attaining direct negotiations with their Israeli counterparts. This marked the first time that Palestinians had official representation at an international peace conference on the conflict that so intimately involves them.[2] The context for the Madrid Peace Conference is in many ways the immediate background for the entire Palestinian-Israeli peace process that is covered in this chapter as well as Chapters 5 and 6.

A. Reviving Camp David's autonomy arrangements

While the Camp David II Conference of 1979 generated an Israeli-Egyptian agreement to negotiate autonomy for the Palestinians in the West Bank and Gaza, this accord remained a dead letter throughout the decade that followed. The conclusion of the Egyptian-Israeli peace led to the demise of Egyptian leadership in intra-Arab politics and was followed by the Israeli invasion of Lebanon. The Revolution in Iran brought a quasi-religious government into power. Iran and Iraq were locked in a bloody war. The region was a focal point of conflict.

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[2] Unless we include the failed 1938 St. James Palace conferences in London where Palestinian Arab and Zionist delegations met separately with the British Partition Commission.

114

The ten year diplomatic backdrop for the Madrid Conference included intense back channel diplomacy, track II efforts and various efforts to engage the prestige of the United States presidency in Middle East peacemaking. The Israeli government struggled through different coalitional configurations during the years 1984-1988, during which time Shimon Peres and Yitzhak Shamir each held the position of prime minister consecutively.

B. Intifada and secret negotiations

The Palestinian uprising or *intifada* erupted in December 1987 and Israeli military measures to suppress the uprising were extremely harsh. In 1988, the PNC issued a declaration of independence for Palestine. As mentioned in Chapter 3, from 1985 to 1988 there were several instances of serious high level secret encounters between Israel and the PLO, some of which were for the purpose of seeing if the PLO could control the *intifada*. Consistent with Israel's desire to promote alternatives to the PLO, the Israeli government began holding informal and secret talks with imprisoned leaders of the *intifada* just prior to the Labor/Likud elections plan of 1989.[3]

In that climate of violence and secret diplomacy the PLO publicly recognized Israel and renounced armed struggle, setting in motion the short-lived PLO-US dialogue under US Secretary of State George Shultz. All of this resulted in the partial legitimization of the PLO within US policymaking circles as the United States continued the search for a negotiating partner suitable for Israel.[4]

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[3] Sari Nusseibeh, Interview with the Author, East Jerusalem, May 10, 2000.

[4] See Chapter 3 for the discussion and analysis of these events.

C. The Israeli Autonomy Plan of 1989

In May 1989 Shamir, at the helm of a newly solidified Likud-led government, proposed a plan for local elections in the West Bank and Gaza, hoping to forestall any withdrawal of the IDF and Israeli settlers from Palestinian territory while also dampening the *intifada*. The local elections plan did not have the reach of the autonomy arrangements sketched out in the Camp David Accords. The elections plan was first drafted in early 1989 by Joel Singer, who would later play a key role in the 1993 Oslo back channel as well as all the Israeli-Palestinian negotiations that followed until 1996. Singer was a lawyer in private practice who served for several years in the IDF's international law department and had participated in the Camp David, Israel-Lebanon and Taba dispute negotiations. He wrote the elections plan at the request of Yitzhak Rabin, then Defense Minister in the Unity government. Rabin submitted it to Shamir, who adopted it.[5] The PLO was to be explicitly excluded from negotiations on the elections arrangements. Shamir also excluded negotiations on territorial status and self-determination issues. Not surprisingly, West Bank/Gaza Palestinians declined to participate in implementing the Shamir plan.[6] The PLO was not entirely out of the picture. US Secretary of State James Baker inherited the US-PLO Dialogue from his predecessor George Shultz, and used it to pressure the PLO to accept being formally excluded from negotiations that were to lead to local elections and autonomy. The PLO

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[5] Joel Singer, Interview with the Author, Washington, DC, April 4, 2000.

[6] Charles D. Smith, *Palestine and the Arab-Israeli Conflict* 3rd ed. (New York: St. Martin's Press, 1996), 302-307.

116

showed some willingness to accede to Baker's demands. Shamir, however, disavowed his own elections/negotiation plan on June 28, 1989.[7]

D. Isolation of the PLO

The suspension of the US-PLO dialogue in March 1990 and the deterioration of this fragile bilateral relationship once again isolated the PLO politically. This helped push Yasir Arafat away from the United States since it was deemed an unreliable partner, and toward Iraq, the remaining regional counterweight to Egypt, Syria and Israel.

The invasion of Kuwait by Iraq on August 2, 1990 further isolated the PLO leadership, since they were at that time banking on Iraqi President Saddam Husayn's pretense of linkage; Iraq would withdraw from Kuwait if Syria withdrew from Lebanon, and Israel withdrew from both Lebanon and the Palestinian territories.

The reduction of US-Soviet rivalry contributed to the total isolation of Iraq and permitted the United States to organize a military coalition under UN auspices. The coalition consisted of armed forces from European, Arab and other states under operational US command who brought about the withdrawal of Iraqi forces from Kuwait.

E. Baker's post Gulf War diplomacy

Secretary of State Baker took advantage of the postwar military balance and diplomatic conditions to re-launch peace initiatives for the Middle East just as Henry Kissinger had done in an analogous historical moment following the 1973 Middle East war. The futility of Iraqi attempts to militarize the Arab-Israeli conflict, the political weakness of the PLO, Jordan's King Husayn as well as Israel's demonstrated dependence on US military technology and power projection all combined with a popular, energized

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[7] William B. Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967* (Washington: Brookings Institution, 1993), 390-392; Smith, *Palestine and the Arab-Israeli Conflict*, 302-304.

117

US presidency willing to take domestic political risks for a foreign policy victory. The conditions had seldom been better for James Baker to undertake a new round of regional shuttle diplomacy throughout 1991 in order to persuade the regional players to attend the conference.[8]

Baker conducted several months of meetings with regional heads of state in order to build support and commitment to attend the peace conference. What was unique about his shuttle diplomacy was the fact that he met repeatedly with the Palestinian 'notables'—the local leadership—in the West Bank and Gaza, in order to both include them at the peace conference while simultaneously meeting Shamir's minimum requirements for Palestinian participation.

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[8] Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967*, 394-403.

II. Analysis

The delegations in attendance at the Madrid Peace Conference sustained the fragile momentum beyond the plenaries. Israel and each of the attending Arab delegations held bilateral negotiation sessions, thus initiating the bilateral 'tracks' that were, by design, the only real criterion of a successful outcome for the conference. I analyze the conference itself, but more importantly the bilateral rounds of negotiations on the "Palestinian-Israeli Track" that emerged from the Conference.

As noted in Chapter 2, each of the cases will be analyzed according to the following analytical framework.

Table 4.1: General categories for case analysis

	Category
1	Issues Negotiated
2	Secrecy and Publicity
3	Subparties Included and Excluded
4	Decisionmaker Proximity and Negotiator Autonomy
5	Third Parties: Presence and Role
6	Strategic Use of Multiple Channels of Negotiation

119

A. Issues negotiated

At the beginning of the Palestinian-Israeli negotiations, the delegations could not agree on how to talk to each other; the process of negotiation was itself in dispute. After they resolved this, they failed to overcome their differences over what to talk about; the substance of the negotiation agenda. Their procedural and substantive differences arose because their end goals and assumptions were in conflict. The Israeli delegation worked on the assumption that Palestinian autonomy would be built on a functional, administrative structure with no territorial base or sovereign powers. This had its roots in Likud's long rejection of a Palestinian state. The Palestinian delegation worked on the assumption that autonomy could be limited, but the limitations would only be temporary. The goal was always clear to anyone who was paying attention: Local autonomy only as a bridge to statehood, with the requisite territorial base on the entire West Bank and Gaza, and with a national capital in East Jerusalem. These were fundamental differences that could not be ignored or finessed. In terms of process, these differences determined the Palestinian preference for self-representation, as opposed to the Israeli preference for a joint Palestinian-Jordanian delegation.

The Palestinian-Israeli Track moved very slowly toward a common agenda for negotiation. The first two rounds of Palestinian-Israeli talks, and part of the third, were dedicated solely to the *procedural* dispute over Palestinian participation.[9] The question was whether or not the Palestinian delegation could meet alone with the Israelis, and if its status was equal to that of the other Arab states negotiating with Israel (Syria, Lebanon and Jordan).

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[9] Camille Mansour, *The Palestinian-Israeli Peace Negotiations: An Overview and Assessment, October 1991-January 1993* (Washington, DC: Institute for Palestine Studies, 1993), 7-15.

120

From round 3 onward, the delegations began exchanging incompatible draft documents outlining concepts and details of their proposed interim arrangements. The Palestinian documents did not meet the minimum requirements of the Israeli delegation. The Israeli proposals also fell far short of what the Palestinian delegation was instructed to seek. Thus there was always a large gap between the proposals submitted by each side. An examination of the key documents exchanged demonstrates their incompatibility.[10] Simply put, the two delegations were working on the basis of vastly different assumptions. With time, the Israeli drafts became more detailed and provided initial responses to some Palestinian concerns while still retaining Israeli control over territory, lawmaking, settlers, natural resources, security and other sets of issues.

Nevertheless, one Palestinian advisor to the delegation wrote that "a small exhausting step had been made toward Israeli acceptance of Palestinian central authority during the interim period...there is yet another progress, but only insofar as unraveling the incoherence of the Israeli model can be considered progress. Still it is not without utility for the battle for public opinion and third party intervention to oppose the force of logic to the logic of force."[11]

Embedded in this Palestinian analysis are elements important for the present analysis; the "battle for public opinion" that Mansour mentions refers to the Palestinians' use of the newfound publicity to convey the legitimacy of the Palestinian desire for self-determination to non-Palestinian audiences watching the unfolding of the peace process. The "third party intervention" Mansour mentions refers to the Palestinians' need for

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[10] The documents exchanged in first fifteen months of the Track (eight rounds, encompassing the Madrid Conference and the subsequent Palestinian-Israeli rounds) are the subject of a legal analysis by one of the Palestinian delegation's advisors, who notes that the parties did not even agree to a common agenda during that time. See Ibid. and the documents annexed thereto.

[11] Ibid., 44.

121

superpower patronage; a strong advocate that can bolster the argument for legitimacy and back up the Palestinian claim with diplomatic, political and economic leverage.

The Israeli side finally accepted a separate bilateral negotiation track with the Palestinians. Once the procedural question had been resolved of who was to represent the Palestinian cause at the negotiation table, the subsequent sessions mostly consisted of exchanges of competing draft documents. The Israeli delegation focused on the enumeration of civil powers that a Palestinian governing 'council' could exercise in the lives of Palestinian people in the West Bank and Gaza. The Palestinian delegation sought a far different goal; an interim, provisional government with a defined territorial base and broad powers of governance. At the conclusion of the interim period, the Palestinian goal was to have a state on all the territory of the West Bank and Gaza. This disagreement on the substance of the negotiations was directly related to the competing frameworks under which the Track could operate.

The Palestinians delegation, for their part, pursued a "two-pronged approach." While they were offering proposals on the composition of the Palestinian Interim Self Governing Authority (PISGA), they felt that a number of other serious concerns had to be brought up with the Israelis because they directly affected the personal safety of the Palestinian delegation, the status of Palestinian territory and the protection of Palestinian civilians. In this regard, they articulated their view that East Jerusalem was occupied Palestinian territory, that settlements had to be halted immediately and that the Geneva Convention Relative to the Protection of Civilian Persons in Time of War was applicable to the Palestinian people and territory under occupation, among other concerns. Domestic constituencies and the Palestinian political groups opposed to the peace process felt that these demands were not legitimate subjects of negotiation, but rather should have been

preconditions to negotiation. The Palestinian delegation was in a sense burdened by this dual role and the Israeli delegation did not 'engage' on the overarching issues that concerned their counterparts.[12]

The question of the overarching framework for the negotiations was problematic from the beginning. There was no lack of political and legal frameworks to guide the negotiations, only a lack of political will to choose among them and find an agreed basis for negotiations over substance. For example, the Camp David Accords set forth Prime Minister Begin's autonomy plan for the Palestinians, and was more detailed than UN Security Council Resolutions 242 and 338. However, the UN resolutions incorporated the "land for peace" principle as the basis of peace in the region, implying Israeli withdrawal from territories occupied in the 1967 and 1973 Wars. Israel argued that Resolution 242, if it applied to the Palestinians at all, applied only to the final status negotiations, not interim autonomy talks or the far more limited goals of the Madrid talks. In short, the Israeli argument rested on the contention that the resolutions applied only to existing states. Jordan and Egypt, after all, had been running the West Bank and Gaza respectively from 1948 until the 1967 war, not the PLO.

The Palestinian delegation argued that their terms of reference and letter of invitation to the Madrid conference explicitly invoked UN resolutions 242 and 338, which embodied the legal principles that supported their aspirations to establish a Palestinian state in the West Bank and Gaza Strip. Additionally, a US Letter of Assurances to the Palestinian delegation explicitly invoked the relevant UN Security

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[12] Ibid., 13-14.

123

Resolutions as the framework for negotiation, without limiting their application to only the issues related to the permanent status phase of negotiations.[13]

Over time, the two delegations' work seemed to be converging slightly, but the fact remains that they did not establish a common working agenda and instead argued over legal and diplomatic status of the Palestinian delegation, terms of reference, and only then began offering each other their ideas on the substance of the interim period.

In essence, the Washington talks demonstrated two incompatible visions of the peace process. On the Palestinian side was the requirement of certainty regarding the final status (a Palestinian state on all of the West Bank and Gaza, dismantlement of Jewish settlements, repatriation of the refugees, etc), as a precondition to negotiating on interim issues. The Israeli delegation, at first reflecting the intransigence of Yitzhak Shamir, was not offering anything the Palestinians felt they could work with. The ideological motivation for Shamir was the imperative of preventing the establishment of a Palestinian state and at best, conceding administrative responsibilities to the Palestinian people, while preventing them from achieving territorial sovereignty. This ideological motivation did not carry over into the Rabin government, but the Israeli delegation in Washington received no new negotiation guidance, despite requesting it.[14] However, the working assumption on the Israeli side continued to be that interim negotiations should not predetermine the outcome of the permanent status negotiations. The distance between the two delegations therefore remained significant and was one of the factors that impeded real progress, since negotiations are difficult if parties cannot agree about what

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[13] "The Conference and the negotiations that follow will be based on UN Security Council Resolutions 242 and 338." See US Letter of Assurances, reprinted in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record* rev. 2d ed. (Washington, DC: Institute for Palestine Studies, 1993), document A.2

[14] Eliyakim Rubinstein, Interview with the Author, East Jerusalem, May 8, 2000.

124

they are negotiating over. This was not the case in the Oslo Channel, which is the subject of the following chapter.

B. The role of secrecy and publicity

There was little secrecy in the Palestinian-Israeli negotiations that emerged from the Madrid Conference. On the contrary, both parties saw the utility of the public relations opportunity provided by the Washington talks. The few quiet diplomatic episodes that occurred in this case are discussed below, but had no impact on the conduct or outcome of the negotiations.

The Madrid conference provided the Palestinians and Israelis their first opportunity to change global opinion about their conflict. For the Palestinians, it was a first chance to make their case in the arena of the newsmedia. For the Israelis, it was an opportunity to shift public opinion in their favor after acquiring a negative public image during the years of the *intifada* when cameras transmitted the images of the fighting to anyone with a television set. From the perspective of the third party interested in getting both the Israelis and Palestinians committed to a new course of diplomatic engagement, the preference would be for more rather than less publicity focused on the conference.

Previous conferences on Middle East peace, when measured against their goals, had uniformly yielded poor results, if any at all, except for the Rhodes conference, at which UN Envoy Ralph S. Bunche skillfully obtained ceasefire and disengagement agreements from all the belligerents. In both substantive goals and procedural dynamics, Middle East conferences had either been of a minimalist or comprehensive model. Baker followed and modified Kissinger's 1973 'minimalist' conference example.[15] The high

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[15] Ben-Zvi predicted in 1989 that the circumstances that had helped the 1973 Geneva conference would not be repeated; boycott of the plenary by Syria and sidelining of the USSR by offering the possibility of side compensation. Abraham Ben-Zvi, *Between Lausanne and Geneva: International Conferences and the*

125

profile conference would not have to result in an agreement to succeed, but simply commit the parties to proceed quietly in bilateral or trilateral subsets on their own or under the auspices of the United States.[16]

The three day long Madrid Conference itself was a veritable media show,[17] which facilitated two contradictory behaviors. In the spotlight of the international media, the Israeli and Arab delegations traded acerbic accusations calculated to lay blame for the conflict at each others' doorsteps. At the same time, simply by being there, they demonstrated a degree of engagement in a process that conferred recognition of each parties' legitimacy. This was, after all, the first time that Palestinians and Israelis were negotiating together. Their public appearance together communicated some measure of mutual acceptance, even if this acceptance was instrumental and opportunistic rather than truly conciliatory.

The Madrid Conference was structured so as to provide maximum media coverage to the opening plenaries. The ensuing bilateral talks were eagerly anticipated by large groups of media correspondents.

The Palestinian-Israeli track continued in Rome and in Washington DC, where, according to the minimalist model, the talks should have proceeded quietly. Nevertheless, the intense asymmetries of power between the two parties[18] can help explain the

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Arab-Israeli Conflict (Boulder, CO: Westview Press, 1990), 107-109. In fact, the USSR was greatly weakened by the time the Madrid Conference was held and Syria both attended the plenary and engaged in serious subsequent negotiations with Israel.

[16] Laura Zittrain Eisenberg and Neil Caplan, *Negotiating Arab-Israeli Peace: Patterns, Problems, Possibilities* (Bloomington: Indiana University Press, 1998), 75-76.

[17] See excerpts from the film footage of the conference in Zvi Dor-Ner, *The Fifty Years War: Israel and the Arabs* (Boston: PBS, 1999), Video recording.

[18] Besides the obvious differences in military and political power, the delegations were subject to the power asymmetry dynamic. Israel refused to meet with Palestinian delegates it did not approve of. The unacceptable criteria were East Jerusalem residency, Diaspora membership and, of course, official status within the PLO. Despite this phenomenon in which one party to a conference had to approve the

126

consistent use the Palestinian delegation made of media exposure and public relations. Hanan Ashrawi, a Palestinian academic with a Ph.D. in English literature from the University of Virginia became the delegation's spokesperson and acted as a conceptual 'translator', making the Palestinian goals and the obscure details of negotiations salient to the global public. She had also been a central figure in the preliminary negotiations with US Secretary of State Baker over the terms of reference and the substance of the negotiations. Technically, Ashrawi and others were only advisors to the Palestinian delegation. Because of their residency in Jerusalem, Israel did not accept them as part of the negotiation team. Ashrawi recalls that upon arrival in Madrid, "the press, I decided, would be a partner in my battle for legitimacy and the truth."[19]

One of the principal tasks of the Palestinian delegates and their advisors at Madrid was to establish themselves as a legitimate diplomatic representative of the Palestinian people. For decades, Palestinians in the West Bank had been declaring their inability and unwillingness to negotiate with Israel in place of the PLO. The members of the Washington delegation explicitly associated themselves with the banned PLO, and pressured the United States and Israel to concede that the Palestinians needed to negotiate separately from the Jordanians. At Madrid, a first bilateral meeting of the joint Palestinian-Jordanian and Israeli delegations concluded with a televised handshake among the three delegation heads and a joint press statement.[20]

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membership of its enemy's delegation, the PLO was involved in the choice, preparation and coordination of the Palestinian delegation.

[19] Hanan Ashrawi, *This Side of Peace: A Personal Account* (New York: Simon & Schuster, 1995), 143.

[20] Charles Enderlin, "Researching the Parallel-Secret Negotiations: Overview of the 80's" (paper presented at the Conference Back Channel Negotiations in the Arab-Israeli Conflict, Hebrew University of Jerusalem, May 4, 2000), 594.

The second round of bilateral talks between Israelis and Palestinians was to begin on December 4, 1991 in Washington, DC. Instead of appearing for the negotiation at the appointed time, the Israeli delegation's spokesman, Binyamin Netanyahu, held a preliminary press conference. Ashrawi retaliated in kind.[21] Ashrawi writes that when the negotiation session was finally scheduled, the State Department refused the Palestinian delegation entry to a conference room separate from the Jordanian delegation. The delegation heads conducted what became known as 'couch diplomacy' or 'corridor diplomacy', sitting on couches in the corridors of the State Department, without the delegations ever meeting.[22] Active public relations efforts served to highlight the procedural issues that were in dispute. "Our press briefings became debates by proxy, and the substance of our talks the public property of all interested parties and individuals."[23]

Sari Nusseibeh, who is now the President of al-Quds University in Jerusalem, and a prominent Jerusalemite, was a member of the PLO Steering Committee supervising both the bilateral and multilateral talks that emerged from the Madrid and Moscow conferences. His recollection of the Washington talks is that negotiators sought above all to "hold on to their positions and to announce this as soon as they stepped out of the negotiating room. It was just as important in the minds of those people in the room to address the world at large as it was for them to address their counterparts. It was very constrained."[24]

The delegations regularly held press conferences before, during and after negotiation rounds, and also provided media commentary on the unfolding events in

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[21] Ashrawi, *This Side of Peace: A Personal Account*, 160.

[22] Ibid., 161-163; Mansour, *The Palestinian-Israeli Peace Negotiations: An Overview and Assessment, October 1991-January 1993*, 10-11.

[23] Ashrawi, *This Side of Peace: A Personal Account*, 244.

128

Israel and Palestine. There can be no question that, for both procedural and strategic reasons, the Palestinian-Israeli Track was conducted in the light of television cameras, except for several informal sessions the parties conducted in parallel with formal rounds 6 and 7 (these are the so-called 'side channels', which are discussed in the section on strategic use of multiple channels below, Section II.F). Even in the informal talks the parties could not establish a common negotiation agenda. These only served to underscore the disparity between the delegations' respective goals and assumptions about the outcome of the negotiation process.

C. Exclusion and inclusion of subparties

The Madrid Conference and the Palestinian-Israeli bilateral track that was conducted in Washington were not characterized by the substantive exclusion of significant parties, if one considers the Washington talks in their entirety. Over time the PLO controlled the Washington delegation with an ever-firmer hand. On the Israeli side Labor replaced Likud as the party in power. The public nature of the talks and the delegations' extensive use of press conferences assured that all interested parties were aware of the Washington talks. In this sense, Likud had only the pretense of excluding Labor from the negotiation process and only the illusion of excluding the PLO.[25]

The bilaterals suffered from what Zartman called the problem of acceptable spokespersons in the resolution of international and internal conflicts. "The issue of valid spokespersons, usually a precondition for negotiations, becomes the major issue in the

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[24] Nusseibeh, Interview with the Author.

[25] Yitzhak Shamir, Israeli Prime Minister at the time of the Madrid Conference, explicitly sought to prevent Labor leaders from implementing their competing concepts of regional peace, to the extent these concepts implied any real accommodation with the PLO. Yitzhak Shamir, Interview with the Author, Tel Aviv, Israel, May 14, 2000.

129

conflict."[26] Both Palestinians and Israelis have had historical difficulty moving beyond denial of legitimacy of their counterparts, which naturally is a key impediment to peace negotiations. The Israeli government's attempt to exclude the PLO, and its exclusion of the Labor Party by virtue of being a Likud-dominated government, constitute the main exclusionary aspects of the Madrid Conference and the bilateral Tracks. Both of these conditions changed over the course of the negotiations as the Labor party replaced the Likud and the PLO continually emerged as the executive conferring a mandate on the Palestinian delegation. The gradual inclusion of the PLO and Labor did not change the tenor of the Washington talks. To understand why nothing changed, it is necessary to understand that the Israeli front channel negotiators remained the same over time. Despite the electoral triumph of a more pro-negotiation government, the negotiators' distance from the Israeli decisionmakers continued to grow. Their negotiation flexibility did not increase. On the contrary, it became more constrained.

Shamir is a public figure who continues to be opposed to the conduct of peace talks with the PLO.[27] One of his regrets at not winning the last election he ran in, which took place during the first year of the Track, is that he could not continue to take advantage of a weak PLO in order to ultimately destroy it.[28] At the time of the Madrid Conference, when he was Prime Minister, he was even more intensely opposed to dealing with the PLO. Both major parties, Labor and Likud, hoped to make some arrangements about the Palestinians without dealing with the PLO. Likud and parties to its right look to Jordan as the future Palestinian state and some extreme right parties go so far as

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[26] I. William Zartman, ed., *Elusive Peace: Negotiating an End to Civil Wars* (Washington, D.C.: Brookings Institution, 1995), 10; Janice Gross Stein, ed., *Getting to the Table: The Processes of International Prenegotiation* (Baltimore: Johns Hopkins University Press, 1989).

[27] Shamir, Interview with the Author.

[28] Ibid.

130

advocating the 'transfer' of the Palestinians out of the West Bank and Gaza. Labor has put some effort into having King Husayn take responsibility for the West Bank. During the post-Camp David I and II years, Israel attempted to cultivate an alternative leadership among the non-Diaspora Palestinians, which was one of the Israeli goals in the 1982 invasion of Lebanon.

During the *intifada*, an alternative Palestinian leadership appeared to have emerged without the initial assistance or coordination of the PLO but was not seen as a negotiation partner. Despite all of this effort to avoid the PLO, secret Israeli overtures to the PLO were made during those years, partially because Israel thought the PLO to be responsible for the *intifada*.

In this context, Shamir conditioned his government's attendance at Madrid on the exclusion of certain Palestinians. PLO officials were of course excluded. Residents of East Jerusalem were also persona non grata due to the implication that could be drawn about his government's willingness to negotiate the status of East Jerusalem. This left the prominent civic leaders in the West Bank and Gaza, none of whom had ever disavowed the PLO.

But was the PLO really excluded? PLO officials were in fact prevented from attending the Madrid Conference and were not present at the meetings of the Palestinian-Israeli Track. The Palestinian delegation made occasional public declarations of affiliation with or support of the PLO, and had regular consultations with PLO officials. Of course, none of this could persuade the Shamir government to acknowledge that it was, in fact, negotiating with the PLO by proxy.[29] After surviving a plane crash in the

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[29] From May 7 to 10, 1992, PLO's Central Council convened to consider the progress of the negotiations at the critical juncture of the Israeli elections. The Council issued a final statement in which it expressed its

131

Libyan desert, Yasir Arafat met with the Palestinian delegation openly in April in Cairo. He met with them again in Amman in June 1992 to signal tacitly to Shamir that the delegation was "a team receiving its instructions from its leadership [the PLO] while participating in the decisionmaking process."[30]

Although the PLO acquiesced in being overtly excluded from the Madrid Conference and the Track, it remained very much involved in monitoring the work of the Palestinian delegation. One of the leaders of the Palestinian delegation termed the dialectic between the PLO and the 'insider' delegation *"fax politica*—politics via the fax machine."[31] The PLO accomplished two apparently contradictory tasks: it assented to being excluded from the Madrid process even while it exerted great efforts to control the Palestinian delegation from the PLO's Tunis headquarters by drafting negotiation directives and background studies for the Palestinian delegation.[32] Hassan Asfour, a Tunis-based PLO official who negotiated at Oslo, was the secretary of the PLO's follow-up committee that monitored all the developments in the Washington Track. According to Asfour, no piece of paper went from the Palestinian delegation to the Israeli delegation without being vetted by President Arafat and his principal deputy, Mahmoud Abbas (known by the patronym Abu Mazen).[33]

The extent of PLO involvement in guiding the Palestinian delegation was so well understood that US Secretary of State Warren Christopher made explicit reference to it at his meeting on August 3, 1993 with the Palestinians. In that meeting he was perplexed

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gratitude for the "delegation of the PLO and of the people." Mansour, *The Palestinian-Israeli Peace Negotiations: An Overview and Assessment, October 1991-January 1993,* 23.

[30] Ibid., 24.

[31] Shimon Peres, *The New Middle East* (New York: Henry Holt, 1993), 7

[32] Mahmoud Abbas, *Through Secret Channels* (Reading: Garnet Publishing, 1995), 88.

[33] Hassan Asfour, Interview with the Author, Ramallah, Palestine, April 29, 2000.

that the Palestinian delegation refused to provide him with the official PLO response to a second US 'bridging' proposal. The Palestinians were refusing to hand it over despite Arafat's explicit instructions to do so because of their own assessments regarding its inadequacy. Christopher had been assured that he would receive it by the Egyptian government. His admonishment to the delegation served as an opportunity for them to urge direct American engagement with the PLO.[34] The direct Israel/PLO back channel was in fact well underway by that time and very close to an initial agreement. The PLO move in the front channel was part of a PLO strategy to minimize the potential for progress in the Washington track and therefore to demonstrate to Rabin that the PLO was in control of the Palestinian delegation in Washington as well as the Palestinian delegation at Oslo.

While it is true that the PLO was working with the Palestinian delegation behind the scenes, evidently there were PLO officials who resented being excluded from the front-line work of the delegation and who did not relish the thought that the delegation might actually become an alternative leadership, replacing the weakened PLO. Rehabilitation and survival of the PLO were certainly motivations on the PLO side.

The religious nationalist groups such as HAMAS and Islamic Jihad that had arisen in Gaza and the West Bank were not included either on the Palestinian delegation or in the formal PLO leadership. While they may not have participated in the peace process even if invited, their exclusion was to have grave consequences later when renewed attacks on Israeli soldiers and civilians helped to galvanize the religious and secular right in Israel, which led to the 1995 assassination of Rabin, the defeat of the

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[34] Ashrawi, *This Side of Peace: A Personal Account*, 254.

133

Labor government in 1996 and political rise and fall of Likud and Binyamin Netanyahu after 1996.

On the Israeli side, there was no great impediment to political participation. The open, acknowledged nature of the negotiations implied that the Israeli government's cabinet ministers all knew about and approved the involvement of the Shamir government in the negotiations process. At the time of Madrid, all cabinet ministers were united behind Shamir, who had by then succeeded in forming a government without an alliance-based national unity structure. The solidity of the Shamir government did however imply that the other major party—Labor—was excluded from policymaking and decisionmaking. During the 1992 Israeli elections, while the Track was in its first full year of negotiation, the peace plank of the Labor party platform called for more effective peacemaking with the Palestinians and Syrians. In effect, Labor had been excluded and wanted to get in on the game by getting back into government.

In the 1992 prime ministerial elections in Israel, Shamir's former Defense Minister, Yitzhak Rabin handily defeated Shamir, ushering in a Labor government that had formed a coalition with another center-left coalition, Meretz. The Israeli policymaking and decisionmaking process regarding the Track had now completely changed hands from the hard line right to the center and left of the political spectrum.

There was broad Israeli political participation in the highest levels of decisionmaking on the negotiations that prepared for and conducted the Madrid Conference and the subsequent negotiations. This is not because either the Shamir government or the Rabin government that followed sought the permission or consensus of opposing party while they were managing the negotiations. On the other hand, the process was started by a Likud-led government and concluded by a Labor-led

government. Both parties had a turn at managing the peace process according to their preferences. While in power, each party excluded the other from decisionmaking regarding the peace process. Under both governments however, the same individual (the secretary of the cabinet, a longstanding civil servant) led the Israeli delegation. For each government, there seemed to be an unwillingness to empower the chief negotiator, Eliyakim Rubinstein, with any significant negotiating authority.[35] Rabin's failure to change the delegation or at least its instructions was disappointing domestic constituencies that were pro-peace. It was also difficult for the Palestinian delegation to understand, since they were avid followers of Israeli politics and believed that the Labor platform would lead to direct contacts with the PLO.

When parties are excluded from a negotiation process, they will pursue their interests in one of two ways: either they seek political power or access to it, or, if this is not permitted to them, they become rejectionists and spoilers. Rabin's Foreign Minister and longtime rival Shimon Peres was instructed to focus on the multilateral talks with its regional working groups because Rabin wanted to keep control of the Track himself. It is not surprising, in this regard, that Peres, always an activist when it came to pursuing different peace initiatives and finding himself excluded from the front channel peace process, took charge of the secret channel that vied with the Washington Track for progress.

On the Israeli side, the major parties excluded each other, but each got their turn managing the Washington negotiations and had the consent of their respective political allies, which, to be sure, are not always to be counted on. Cabinet ministers and military

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[35] Rubinstein, Interview with the Author, ; Eitan Haber, Interview with the Author, Tel Aviv, Israel, May 8, 2000; Mansour, *The Palestinian-Israeli Peace Negotiations: An Overview and Assessment, October 1991-January 1993*; Camille Mansour, Interview with the Author, Bir Zeit, Palestine, May 9, 2000.

officers were aware of and participated in policymaking on the Washington Track. On the Palestinian side, the PLO, though nominally excluded, became increasingly present.

The level of exclusion of subparties was not high with regard to the Washington talks. This stands in remarkable contrast with the dynamics of the Oslo Channel, which is analyzed in the next chapter.

D. Proximity of decisionmakers, autonomy of negotiators

While they excluded each other from their management of the peace process, both Israelis parties continued the same negotiation strategy in the Washington DC. Rubinstein recalls no difference in negotiation instructions. Savir gives the impression that the intentions of the two governments were different. Unlike Shamir, Rabin wanted the Washington channel to succeed. The difference, according to Savir, is that Rabin wanted a 'low cost' arrangement to come out of the Washington talks and so, kept the hardline delegates there with their instructions intact. When the Oslo secret channel was functioning in parallel with the Washington talks, Rabin changed nothing because he wanted to 'test' the PLO and see where they would be more flexible.[36] This preference prevented him from changing the negotiation mandate of Rubinstein, and this in turn was the Israeli contribution to the failure of the talks. Decisionmaking was retained by Rabin, whose 'distance' from the Israeli delegation in Washington increased. Eliyakim Rubinstein, the head of the Israeli delegation, explains that "we had a limited mandate…a bigger role was given to the people who went to Oslo," and recounts that his explicit request for more negotiating flexibility from Prime Minister Rabin was denied.[37]

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[36] Uri Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method" (paper presented at the Conference Back Channel Negotiations in the Arab-Israeli Conflict, Hebrew University of Jerusalem, May 4, 2000).

[37] Rubinstein, Interview with the Author.

The Palestinian delegation coordinated very closely with the Tunis leadership, although their contact was sometimes subject to the intercession of lower level PLO officials. The delegation progressively lost negotiating autonomy over time as Arafat exerted more and more control over the negotiation mandate given to the delegation. Ashrawi wrote retrospectively that "at first, Abu Mazen wanted the Washington talks to succeed and adopted flexible policy positions and negotiations guidelines since he had no "alternative leadership" preoccupation. Later on, as the back-channel negotiations took a serious turn and show signs of genuine progress, Abu Mazen began to issue more hard-line instructions in a deliberate attempt to block the Washington talks and to clear the way for the Oslo backstage negotiations..."[38] At later stages of negotiation, "PLO instructions were becoming more rigid and demanding. While we held on to our basic negotiating strategy, the leadership was averse even to creating an impression of progress on technical issues. I began to wonder then whether a back-channel was already in operation and asked Abu Ammar (Arafat) and Abu Mazen. Both denied it."[39]

Similarly on the Israeli side, the Shamir government deliberately undermined its own negotiators by severely limiting their negotiating mandate. This helped derailed progress on the Washington Track because Shamir felt that Israel would benefit from appearing to negotiate in good faith while simultaneously consolidating settlements. Shamir retrospectively admitted this when he confirmed to the Israeli newspaper *Ma'Ariv* "I would have carried on autonomy talks for ten years...and meanwhile we would have reached half a million people in Judea and Samaria (West Bank)."[40]

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[38] Ashrawi, *This Side of Peace: A Personal Account*, 183.

[39] Ibid., 218.

[40] Yitzhak Shamir, interviewed by Joseph Harif, *Ma'Ariv* June 26, 1992, cited in Avi Shlaim, "Prelude to the Accord: Likud, Labor and the Palestinians," *Journal of Palestine Studies* 23, no. 2 (1994).

The locus of decisionmaking seemed on both sides to stay with top level decisionmakers who failed to provide the negotiation flexibility their respective delegations desired and requested, thus depriving their delegations of the negotiation autonomy needed to consider creative solutions that lay outside the bounds of the maximal aspirations expressed in negotiating positions. Decisionmakers on both sides jealously guarded flexibility and negotiation mandates, either manipulating the front channel delegation (the PLO) or simply denying the front channel negotiators the flexibility they themselves request (Israel).

E. Presence and role of third party

The United States was the third party that convened the Madrid Conference and built the consensus for it among the parties that attended, capitalizing on the changed regional balance after the Persian Gulf War. During the Bush Administration, the third party role with the regard to the Palestinian-Israeli negotiations was characterized by a cautious stance, and included little or no direct mediation. The United States applied pressure on the Shamir government and the Palestinian delegates to attend the conference but then withdrew from any active intermediary role. The Clinton Administration tried new techniques as it became active in the negotiations, but these did not have the intended impact. The US role served its purpose in convening the conference and was not useful for either delivering Israeli concessions to the Palestinians or for reducing the expectations of the Palestinians. Once the United States had served its purpose, both sides' decisionmakers moved away from the US presence in the negotiations, and sought each other directly in the Oslo Channel.

William Quandt observed that, at the Madrid conference, the US government "seemed determined to play the part of convener, but not yet that of mediator."[41] While both Palestinians and Israelis were both apt to accuse the Bush Administration of partiality to 'the other side', Baker and the US Middle East team refrained from direct mediation at the Madrid Conference and the Palestinian-Israeli track.

Nevertheless, the United States described its role as that of the 'honest broker', a label that obscures the close strategic US-Israel relationship. Typically, US candidates for national public office vie with each other in expressing pro-Israel sentiments. The historically close relationship did not prevent the Palestinian delegation from actually counting on the intervention of the United States, precisely because of this close relationship in the hope that only an Israeli ally as reliable as the United States could exercise leverage over the Israeli government in the peace process. This dynamic is well-understood in international mediation theory and explains that third party states intervene in conflicts to protect and satisfy their core interests rather than for humanitarian purposes. Weak parties not allied with the intervening state accept intervention in the expectation that the intervenor will 'deliver' the ally.[42] The interest-driven intervention of third party mediators is not without its problems, however and the intervenor's interests may be held more important than those of the parties, eventually leading the parties to reject such intervention.

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[41] Quandt, *Peace Process: American Diplomacy and the Arab-Israeli Conflict since 1967*, 404.

[42] Jeffrey Z. Rubin, ed., *Dynamics of Third Party Intervention: Kissinger in the Middle East* (New York: Praeger, 1981); Jeffrey Z. Rubin, Dean G. Pruitt, and Sung Hee Kim, *Social Conflict: Escalation, Stalemate, and Settlement* 2nd ed. (New York: McGraw-Hill, 1994); Saadia Touval, "The Superpowers as Mediators," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, eds. Jacob Bercovitch and Jeffrey Z. Rubin, (New York: St. Martin's Press, Inc., 1992); Saadia Touval and I. William Zartman, eds., *International Mediation in Theory and Practice* (Boulder: Westview Press, 1985); Saadia Touval and I. William Zartman, "Mediation in International Conflicts," in *Mediation Research*, eds. Kenneth Kressel and Dean Pruitt, (San Francisco: Jossey-Bass, 1989).

139

The United States did in fact exercise a surprising amount of leverage over the issue of a $10 billion loan guarantee that President Bush successfully held up in order to pressure Prime Minister Shamir into freezing settlements in Palestinian territory, including East Jerusalem. This earned Bush (and Baker) the enmity of the Israeli right, and Shamir pledged never to slow down settlements, which in turn led the United States to quietly favor Rabin over Shamir in his successful 1992 bid for power.

On the other hand, for the Palestinians, even this gesture of conditionality was insufficient. The Palestinians hoped for active mediation. Ashrawi claimed that "the Palestinian call for a more active and effective American involvement...continued unheeded...this ineffectuality undermined the official negotiations and was a contributing factor leading to the alternative back-channel negotiations in Oslo between the PLO and representatives of the Israeli government."[43] At one point, the Palestinian delegation sent an official memorandum to James Baker reminding him of the commitments implied in the Letter of Assurances, detailing Israel's human rights violations alleged to be taking place during the negotiations process, and finally, calling for a renewal of the US-PLO dialogue.[44] For their part, the Israeli government wished to avoid having to make substantive concessions, even to the United States and has consistently expressed a preference for minimal US involvement, except for situations in which (like their Palestinian counterparts) they feel the United States could and should 'deliver the other side'.

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[43] Ashrawi, *This Side of Peace: A Personal Account*, 171.

[44] See Palestinian Delegation, Memorandum to Secretary James Baker, Jerusalem, July 20, 1992, reprinted in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record*, document A.11

The Palestinian dissatisfaction with the quality of US third party intervention carried over into the new US administration of William Clinton. After the Clinton inauguration, a crisis developed over the issue of killings of Palestinians by Israelis and of Israelis by Palestinians. In December 1992 Rabin had ordered the deportation of more than four hundred Palestinians accused of belonging to HAMAS. They were dropped off in a no-man's-land zone within Lebanon. Despite a UN Security Council Resolution 799 obliging Israel to return the deportees, no progress was made and the Washington Track was essentially frozen by the non-participation of the Palestinians. US Secretary of State Warren Christopher visited the region to support a return to the negotiation table. The Palestinian delegation asked for American policy clarifications and diplomatic support on key issues in exchange for a resumption of talks, but according to the participants, the promised support fell far short.[45]

With the new American administration and foreign policy team led by Warren Christopher, the Palestinian delegation returned to the negotiation table while the deportation crisis was still unfolding. They had been obliged to return by Arafat himself, who was complying with Rabin's wish that the Washington Channel must operate as a condition for Israeli participation in Oslo.[46]

When talks resumed (ninth round, April 27, 1993), they assumed a new format in keeping with the Clinton pledge of 'full partnership'. The United States decided to hold separate negotiations with the Israeli and Palestinian delegations in Washington and become a more active intermediary. A trilateral meeting was called in order to present an American document constructed from its separate consultations. The PLO, through the

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[45] The six-point incident is described by Ashrawi in her memoirs. Ashrawi, *This Side of Peace: A Personal Account*, 231-236.

[46] Ibid.

141

follow-up committee, issued instructions to the delegation to the effect that they should refuse to attend such a meeting without a preparatory meeting with the Americans and equal opportunity of prior review, on a par with the Israeli delegation. The Americans declined to provide prior review of the document and Tunis ordered the delegation to not even discuss the American document, which the Palestinians thought backtracked on issues that the Israelis had conceded earlier.[47] Ashrawi observed that "the language of Tunis [PLO headquarters] was becoming more strident in direct proportion to the quiet progress made in the secret talks under way in Oslo."[48]

The tenth round of talks in Washington took place between June 15 and July 1, 1993. The American team continued with its attempt to draft a bridging proposal, and focused exclusively on direct American-Palestinian negotiations. The delegation insisted on the inclusion of East Jerusalem under eventual Palestinian territorial jurisdiction and the removal of the settlements.[49]

Hanan Ashrawi told the US Middle East team that "if American positions [concerning the nature of the Palestinian interim government] continue to be so rigid and you insist in being an obstacle to the peace, the natural conclusion will be to address the Israelis directly without you," a warning that went unheeded by the Americans.[50]

US intervention was at first insufficiently assertive for the Palestinians and potentially too coercive for the Israelis. Later the quality of US intermediation (separate,

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[47] Ibid., 242-244. See United States of America, Draft of "Israeli-Palestinian Joint Statement," Washington, DC, May 12, 1993, reprinted in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record*, document A.21

[48] Ashrawi, *This Side of Peace: A Personal Account*, 244.

[49] Ibid., 249-251. See Palestinian Delegation, "Ten Point Statement on the Peace Process," Washington, DC, May 28, 1993, reprinted in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record*, document A.22. Also see United States of America, Draft of "Israeli-Palestinian Joint Declaration of Principles," Washington, DC, June 30, 1993, reprinted in Ibid., document A.23

[50] Ashrawi, *This Side of Peace: A Personal Account.*

142

direct negotiations with the delegations) was perceived by the Palestinians as being too manipulative and insufficiently neutral. The quality of the US presence, or lack of presence (depending on one's preference and perspective) may indeed have been a reason for the Israelis and the PLO to turn to other channels where that presence would not be a factor at all, a motivation which has been suggested by back channel negotiators in other international conflicts.[51]

F. Strategic use of multiple negotiation channels

The Washington Track was the first acknowledged negotiation process between official Israeli and Palestinian delegations. In a sense, it was the pattern from which the parties would deviate later by establishing truly separate back channels. There were two brief experiments with quasi-back channels within the framework of the Washington Track. In an effort to transform the lack of progress, the PLO leadership proposed that the Washington Track adopt a unofficial and informal negotiation process to supplement (not replace) the formal talks. Abu Mazen conceived of them as a "side channel" in which the parties could set aside formalities and protocol, and "probe matters without inhibition." The two delegations divided into three bilateral committees addressing Palestinian concerns on land, economic issue and human rights.[52]

According to the legal advisor to the Palestinian delegation, the informal channel began operating in round six (Washington DC, August 24-September 24, 1992) and round seven (Washington, DC, October 21-November 20, 1992) in order to "get clarification" on these issues and probed "whether there was any reasonable expectation

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[51] The former Deputy Foreign Minister of Armenia recounts that he opened a back channel to Azerbaijan, the neighboring republic with which Armenia was in a state of war, in part to marginalize Russian mediators. Gerard Libaridian, Presentation at Program on Negotiation, Cambridge, February 25, 2000.

[52] Abbas, *Through Secret Channels*, 94-95.

143

[that the Israeli delegation] might acquiesce in practice in what they refused to acknowledge in principle." Mansour believed that the informal efforts only served to confirm "many of the Palestinian fears." The fact that they were implemented, albeit briefly (they continued into round eight) calls attention to the structural difficulties of the formal negotiations. The informal talks should have operated as a kind of noncommittal brainstorming session that could contribute any 'product' to the formal channel. However, the delegation members were the same in the formal and informal talks, and the desired informality eluded the parties. Abu Mazen complains that the informal sessions amounted to a "rigid framework of meetings whose duration, venue and composition were set in advance" and which failed "largely because neither party understood the main purpose behind them."[53]

A second back channel within the Madrid process opened up when Ashrawi and Faisal al-Husayni met secretly with Foreign Minister Shimon Peres and Rabin's envoy (a former military governor of the West Bank) Ephraim Sneh for the purpose of seeing if there was a way to avoid implementing a US-Israeli arrangement on limited compliance with the Security Council resolution on the deportees. Arafat refused Ashrawi's request for explicit approval of these meetings, and recommended that they be handled at lower levels first, in order to hammer out agreement on details before high level leaders got involved. The initiative went no further.[54] According to Abu Mazen, at this time, the PLO itself quietly sent word through Russian and Egyptian intermediaries to the Israeli leaders requesting the opening of direct secret talks. According to Abu Mazen, Rabin declined

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[53] Ibid., 94-95.

[54] Ashrawi, *This Side of Peace: A Personal Account*, 238.

144

the offer.[55] Nearly simultaneously the Oslo process had its humble beginnings, although Rabin was at first excluded from the small circle of Israelis who knew about it.

There was a five month lull between the eighth and ninth rounds of the Washington Track in part due to the Palestinian delegation's decision to protest the expulsion to Lebanon of over 400 Palestinians alleged to be members of HAMAS. In January 1993, one month after the ninth round concluded in Washington, the secret talks in Oslo began. The Palestinian and Israeli delegations in the Washington rounds were excluded from the circle of those who knew about the existence of the secret channel.

The origins of the Oslo Channel have been attributed to Hanan Ashrawi, who inadvertently contributed to their activation when she invited Israeli professor Ya'ir Hirschfeld and Dr. Ron Pundik to a meeting at her house in Ramallah. Prof. Hirschfeld was involved with the multilateral negotiation working groups on economic development issues. The PLO-appointed head of the Palestinian multilateral delegation, Ahmed Qurei' (known by the patronymic Abu Alaa) was scheduled to be in London at the same time Hirschfeld would be there attending a multilateral meeting. Ashrawi suggested that Hirschfeld make contact with Qurei' there to work directly on economic issues of interest to the Israeli and Palestinian delegations to the multilaterals. Their meeting laid the foundation of the Oslo Channel.[56]

Hassan Asfour (who knew about and participated in the Madrid and Oslo processes), as well as Israeli delegation head Eliyakim Rubinstein and Palestinian spokesperson Hanan Ashrawi (both of whom participated and knew only the Madrid process at the time) concur that draft proposals, preparatory materials, briefing

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[55] Abbas, *Through Secret Channels*, 96-97.

[56] Ashrawi, *This Side of Peace: A Personal Account*, 220.

145

documents and substantive concepts migrated from the Madrid process to Oslo, which further establishes a substantive link between the two.[57]

When the Washington Track began, it operated as the sole venue for negotiation. Eventually the delegations developed their own informal lateral 'channel' in a failed experiment to inject creativity and clarity in the negotiations. It continued concurrently with the Oslo Channel and the actual members of the Washington Track on both sides knew nothing about the existence of the Oslo Channel until it was revealed publicly.

The multiplicity of channels provided the parties with strategic opportunities. At the point when the PLO was seeking increased Israeli commitment to the direct talks in Oslo, the Israeli government wanted to test the seriousness of PLO leadership. Rabin's conditions for continuing the Oslo Channel at an upgraded level included the exclusion of East Jerusalem from Palestinian interim self-rule. In Oslo, the PLO officials conceded to this.[58] Yet PLO instructions to the Palestinian delegation in Washington, once it resumed participation in talks following the deportation crisis, were to insist on the Jerusalem issue.

On August 30, 1993, the existence of the Oslo Channel was officially acknowledged by Norwegian Foreign Minister Johan Jørgen Holst, who played an active intermediary role between the PLO and the Israeli government during July and August regarding developments in the Oslo Channel. The next day, the eleventh round of the Washington Track was scheduled to begin, but was overshadowed by the revelation of the Oslo Declaration of Principles and the details that were leaked about it, especially the

[57] Asfour, Interview with the Author; Ashrawi, *This Side of Peace: A Personal Account*; Rubinstein, Interview with the Author.

[58] David Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord* (Boulder, Colo.: Westview Press, 1996), 42.

146

'Gaza-Jericho first' concept that had been opposed by the Palestinian delegation to the Washington talks.

Joel Singer, one of the Oslo negotiators, noted that "if life were simple, content being negotiated in secret could be finished in the front channel. But life is not simple," referring to the demise of the Washington track and the use of the Oslo Channel to finalize and initial the agreement.[59] It is difficult to imagine how the Washington delegations could have been persuaded to finalize an agreement on the basis of one of the Oslo drafts, since it was so different from the work they were doing.

The revelation of the secret channel in Oslo and the agreement reached there definitively put an end to the Israeli-Palestinian open negotiations in Washington and caused great consternation among the participants of those talks on both sides. In this regard the overlap of multiple channels reached its logical limit. Once the secret channel produces a result and that result is made public rather than being quietly passed over to the front channel, the front channel becomes redundant.

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[59] Singer, Interview with the Author.

147

III. Analytical conclusions

The Madrid Conference and the Palestinian-Israeli Bilateral Track that followed it were negotiations in which the media was seen by both sides as a strategic partner in order to persuade their own followers that they were giving nothing away and defending their core interests while also conducting a global public relations exercise by showing that they were negotiating.

Owing to their conflicting end goals, the delegations spent considerable time locked on the normally preliminary issue of overarching framework, representation, status and negotiation agenda. In the end, they only succeeded in exchanging mutually unacceptable competing drafts on the interim arrangements of Palestinian self-rule. In order to get beyond this conceptual debate on the nature of self-government they would have needed either a stronger mandate to negotiate from their respective leaders or a more activist and skilled third party intervenor or both. Neither condition was present in this case.

Although Likud tried to exclude both the PLO and the Israeli Labor party from the peace process, it could not do so for long. The Oslo Channel was very much a PLO-Labor project. The Washington bilateral talks enjoyed a broad range of political participation on both sides, but this proceeded along irregular patterns; the Israelis switched leadership and parties mid-stream, while the nominally marginalized PLO increasingly asserted itself. The delegations in Washington were distanced from the key decisionmakers and were continually denied the broad mandate to negotiate that they needed in order to accomplish their goals. When the PLO and Labor were together in charge of the Washington talks, the existence of a separate back channel in Oslo prevented them from making positive use of the front channel, which remained a

148

contentious and unsuccessful negotiating forum where the positions of each delegation only became more unyielding over time.

The US role was unsatisfactory to both sides; Palestinians yearned for a more activist stance that would confer leverage on them at the expense of the close Israel-United States relationship. The Shamir government balked at the mildly coercive measures enacted by the Bush Administration. Although solicited by the Palestinians for the leverage it could exercise with the Israelis and the power and prestige associated with the world's remaining superpower, the United States disavowed any intention of becoming an active mediator during the Bush Administration. This lack of a *mutually accepted* mediator contributed to the failure of the track. After the transition to the Clinton Administration, there was a qualitative change in the US diplomatic presence in the Palestinian-Israeli bilateral track. Yet the new US activism did not succeed. By meeting separately with each delegation the United States made itself a proxy negotiator for the absent party. In this second phase, the process used by the United States was flawed, intensifying rather than mitigating the adversarial dynamics.

The Madrid process, when initiated, was the sole Palestinian-Israeli negotiation process, with the exception of the failed informal sessions in Washington and the secret Ashrawi, al-Husayni, Peres, Sneh meeting that had no concrete outcome. At the commencement of the Washington talks, there were no direct lines of communication between Palestinian and Israeli decisionmakers. The Oslo negotiations were initiated and concluded along a separate channel, overlapping with the Washington Track for nine months, presenting the decisionmakers ample opportunities to use both for strategic purposes. The Oslo Channel took the top decisionmakers by surprise for several asymmetrical reasons. The Israelis were surprised at the moderation they heard from the

149

PLO. The PLO was surprised to find itself across the table from Rabin's envoys and later perceived the opportunity to achieve recognition, to be the signers of an agreement, rather than anonymous drafters.[60] Both sides pursued both channels until the back channel produced a viable framework agreement. The multiple channels available to the decisionmakers provided them with opportunities to test each others' intentions and the extent of the negotiators' proximity to decisionmakers. The flaws of the negotiations in Washington prevented that forum from becoming the place where the parties would sign the Declaration of Principles, which at one point was the only stated purpose of the Oslo Channel.

The Madrid Peace Conference and the negotiations that emerged from it held valuable lessons for the Israelis, Palestinians and Americans involved in the peace process. Procedural conflicts embittered the atmosphere when Israel tried to dictate the terms of participation and the proposals of autonomy. The United States implemented ineffective third party roles. Publicity provided the parties with the benefit of legitimacy but hindered the creativity of the negotiators. The strategic manipulation of this channel by both Israel and the PLO, in attempts to steer each other in the direction of the back channel at Oslo, also undermined the work of the front channel delegations.

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[60] Ahmed Qurei (Abu Alaa), Interview with the Author, al-Bireh, Palestine, April 29, 2000.

BACK CHANNEL DIPLOMACY:
The Strategic Use of Multiple Channels of Negotiation in Middle East Peacemaking

Chapter 5
THE OSLO CHANNEL

TABLE OF CONTENTS

TABLES

> Traditionally, only collaborators or people with questionable national credentials had conducted talks with Israeli officials...popular perceptions presented such meetings as "normalization" under occupation or suspicious secret deals/sell-outs.
> -Hanan Ashrawi, spokeswoman for Palestinian delegation in Washington[1]

> Gnawing at us all was the paradox of the agreement's momentous importance—for our peoples, for the Middle East and perhaps the whole world—and the clandestine way in which it had been sealed.
> -Uri Savir, Israeli envoy to the Oslo Back Channel[2]

I. Constructing the Oslo Channel

Israel and the Palestine Liberation Organization (PLO) opened up and operated the Oslo Channel in parallel with the direct bilateral talks taking place in Washington DC under the auspices of the United States. At all times it remained a secret channel of negotiation and underwent several transformations until it became the main channel for both parties. Ultimately it resulted in an agreement to divide issues between interim and final status negotiations, an agreement to divide Palestinian territory and authority over it in chronologically spaced stages covering limited but gradually increasing spheres of authority. Finally, the Oslo Channel eclipsed the Washington talks when the parties determined that they would conclude an accord directly with each other in the Oslo

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[1] Ashrawi, reflecting on her and Faisal al-Husayni's secret meetings with Shimon Peres and Ephraim Sneh, which were efforts to defuse the 'deportation crisis'. Hanan Ashrawi, *This Side of Peace: A Personal Account* (New York: Simon & Schuster, 1995), 238.

[2] Savir reflecting on the clandestine initialing of the Israel-PLO declaration of principles in Oslo. Uri Savir, *The Process: 1,100 Days That Changed the Middle East* (New York: Random House, 1998), 58.

152

Channel and work toward mutual recognition between Israel and the PLO, rather than plugging the results of their work back into the problematic Washington talks.

A. Oslo's two phases

The Oslo Channel is often regarded as one single negotiation process. In reality, it consisted of two conflict management phases that must be distinguished from one another even though the phases proceeded sequentially.[3] The first phase was a quasi-Track II effort in which only one side (the PLO) was officially represented and empowered to make negotiated commitments, while the other side, (the Israeli government) sent unofficial representatives to Oslo with strong connections to one political figure who hoped to persuade his superiors to invest diplomatic resources in the Oslo Channel—not entirely Track II, nor a fully official back channel.

During the first phase, the Israelis present at Oslo disavowed any decisionmaking authority. The second phase of the Oslo Channel involved the 'upgrading' of the Israeli participants to the Oslo talks to officials directly authorized by the Prime Minister. With both sets of delegates now fully and officially empowered, the track became a full back channel negotiation; its existence was kept secret from front channel negotiators, among others, and it worked in parallel with an existing front channel negotiation process (the Madrid Track).

The Oslo Channel resulted from a convergence of international political circumstances, internal political considerations for both the Palestinians and Israelis and their respective actions to find a suitable negotiating partner on the other side. While

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[3] Joel Singer, Interview with the Author, Washington, DC, April 4, 2000 ; Anthony Wanis-St. John, "The Negotiations between the Palestinians and Israel: Short-Term Breakthrough or Long-Term Failure?" (Program on Negotiation Working Paper Series 95-4, Program on Negotiation, Harvard Law School, 1995).

153

systemic considerations supply some of the reasons for the use of a negotiation strategy involving a parallel secret channel we will look to the peace process and negotiations themselves for other explanations for the use of the secret channel. The analytic categories for case comparison are used to organize the case data.

B. Converging efforts

Diverse initiatives contributed to creation of the direct PLO-Israel negotiation channel in Norway. The three sides of this triangular relationship were formed by:

- PLO efforts to negotiate directly with Israeli officials of both Labor and Likud, and prevent the creation of a so-called 'alternative leadership' that Israel had been promoting since the beginning of the 1967 military occupation of the West Bank and Gaza

- the work of progressive factions within the Israeli Labor party and the Israeli peace movement calling for direct talks with the PLO

- offers of assistance by third parties that both the PLO and the Israelis trusted, such as the Norwegian and Dutch Labor parties.

We briefly consider these opportunities and how the parties took advantage of them.

C. Yossi Beilin and the Norway connection

The earliest direct secret Israel-PLO contacts were detailed in Chapter 2. These took place in New York and London in 1985, followed by 1986 talks in Brussels and Paris, the Amirav-Nusseibeh (Likud-PLO) document of principles in 1987, and in 1988 a series of secret Israel-PLO encounters in Paris. Besides these recently-revealed official secret negotiations, several quiet, non-official dialogues were taking place among Palestinian and Israeli public figures during that period. Yossi Beilin a Labor party member of the Knesset and Israel's deputy foreign minister after June 1992 knew about

154

and participated in some of the non-official dialogues and knew about some of the direct contacts through Peres.

The Israeli leg of the Israel-Norway-PLO Oslo 'triangle' began with Yossi Beilin. Beilin had developed a relationship with a Norwegian social scientist, Terje Rod Larsen, then director of the Institute of Applied Social Science in Oslo (FAFO) and Norwegian deputy foreign minister Jan Egeland of the Norway Labor Party before the 1992 electoral victory of Labor.[4] As an activist in the Labor Party, Beilin had founded the Mashov Caucus, a progressive faction that worked to build party consensus on diverse social issues in order to move the party to the left. Through Mashov, Beilin met an Israeli academic named Prof. Ya'ir Hirschfeld who brought with him an extensive network of informal affiliations with Palestinian leaders in East Jerusalem and the West Bank, including Jerusalem leader Faisal al-Husayni and Dr. Hanan Ashrawi.[5] Beilin, as leader of the Mashov Caucus, initiated and attended several unpublicized dialogues with Palestinian leaders even while he was serving first as Cabinet Secretary and then as Deputy Finance Minister in the Israeli Unity government.[6]

In early 1989, the former Dutch Foreign Minister Max van der Stoel proposed to Prime Minister Shimon Peres that he open a back channel with PLO officials in Holland. Peres declined the invitation. However, Beilin was interested and traveled to the Hague in July 1989 in order for van der Stoel to conduct 'proximity' talks, shuttling between the hotel rooms of Beilin and two PLO officials, 'Abd Allah Hourani and Afif Safiyeh. Van

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[4] Savir, *The Process: 1,100 Days That Changed the Middle East*, FAFO was involved in studying the state of the Palestinian economy in Gaza. Beilin is currently the Minister of Justice in the Barak government. Larsen is currently UN Special Envoy to the Middle East.

[5] Yossi Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement* (London: Weidenfeld & Nicolson, 1999), 18.

der Stoel's efforts resulted in a draft joint statement of principles for peace negotiations which van der Stoel planned to take to the two sides' leadership for approval, ostensibly presenting it as his own document while counting on the complicit input of both sides to facilitate acceptance. When the PLO leadership wanted to negotiate further revisions, Beilin felt he could not continue and the initiative eventually collapsed.[7]

In March 1990 Shimon Peres, as Finance Minister, decided to risk withdrawing the Labor Party from the National Unity coalition government, thereby dissolving it in order to call for new elections in which he hoped to form a Labor-led government. Due to defections by the religious parties Peres was courting, the effort failed completely and Likud not only won, it formed a government without the need to enter into a coalition with Labor.[8]

With the Labor party out of the Israeli government Beilin, as a member of the Knesset, continued his efforts to pave the way for a peace process. He made contacts with Palestinian leaders in 1990 and 1991, including Sari Nusseibeh, a prominent academic and PLO affiliate from Jerusalem, Faisal al-Husayni and others.[9] Beilin's purpose in these contacts was to draft a protocol that would guide negotiations between the Palestinians and the Israeli Labor and left wing parties if and when they managed to form a future Israeli government. The meetings culminated in a plenary on August 5, 1990 at

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[6] Ibid., 23.

[7] Ibid., 25-30.

[8] Shimon Peres, *Battling for Peace: A Memoir* (New York: Random House, 1995), 245-246.

[9] Nusseibeh is currently President of al-Quds University in East Jerusalem. Faisal al-Husayni has long headed the most prominent Palestinian political and social institution in East Jerusalem, known as New Orient House. Both are affiliated with al-Fateh, the main centrist party within the PLO and that is Arafat's power base.

which a relatively progressive document was indeed approved.[10] The protocol and the growing strength of Israeli-Palestinian relationships upon which it rested were immediately overshadowed by the Iraqi invasion of Kuwait and subsequent events.

Upon the conclusion of the Persian Gulf War, James Baker spent much of 1991 conducting his shuttle diplomacy in preparation for the Madrid Conference, as discussed in Chapter 4.

Beilin and Hirschfeld, with the financing of European development agencies, set up an NGO called the Economic Cooperation Foundation (ECF) in 1991, which employed Hirschfeld and his former student, Dr. Ron Pundik full time on peace issues and provided Beilin a way to continue his work through individuals who were neither Labor party officials nor government employees, thus achieving the expression of official ideas through nonofficial people. While Shamir's government conducted the Madrid conference with its bilateral and multilateral tracks, the Mashov caucus served as a progressive vanguard of the Labor Party while out of power. Beilin pushed the party to adopt positions in favor of eliminating the legal prohibition on meetings with the PLO, and ultimately, negotiating with the PLO directly, as soon as the party should return to power.[11]

In January and August 1992, (before and after Rabin's election) the PLO itself, through Abu Alaa and Arafat aide Bassam Abu Sharif, asked the Norwegian government to take the initiative of facilitating direct Israel-PLO negotiations. The Norwegian

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[10] Sari Nusseibeh, Interview with the Author, East Jerusalem, May 10, 2000; Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 33-36. The document committed both the Israelis and the Palestinians to a future process of negotiation that included the PLO, invoked UN Sec. Co. Resolutions 242 and 338, and explicitly recognized a Palestinian right to self-determination.

[11] Ibid., 40-42.

government conveyed this message to the Israeli Ambassador in Norway, who apparently rejected it without any consultation with the political leadership in Jerusalem and Tel Aviv.[12]

As we have seen, the first phase of the Madrid peace process had two titular sponsors, the United States and the Soviet Union. The Madrid Conference was not the only front channel diplomatic conference launched by the sponsors. It fell to the new government in Moscow (then called the Commonwealth of Independent States—the CIS) to structure a conference on various negotiation issues that would be addressed by multilateral working groups rather than in bilateral negotiations.[13] The CIS set up a conference in Moscow at which the 'multilateral' talks were launched in January 1992. A multilateral steering committee was also set up to monitor the progress of the working groups.

FAFO in the early 1990s undertook extensive research on the living conditions in Gaza. Terje Larsen, director of FAFO came into contact with both Palestinians and Israelis in the course of the research and began to understand the fundamentals of the Palestinian-Israel conflict and the shortcomings of the Madrid peace process. He began to believe that FAFO itself could serve as "the perfect venue for a secret Israeli-Palestinian meeting."[14] Some of their data was used for the multilateral working group on refugees

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[12] David Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord* (Boulder, Colo.: Westview Press, 1996), 15-16.

[13] The working groups were on water issues, refugees, environment, regional economic development, and arms control and regional security. Israel and all the Arab delegations attended all the working groups simultaneously. Laura Zittrain Eisenberg and Neil Caplan, *Negotiating Arab-Israeli Peace: Patterns, Problems, Possibilities* (Bloomington: Indiana University Press, 1998), 75-86. Also see Rex Brynen, "Much Ado About Nothing? The Refugee Working Group and the Perils of Multilateral Quasi-Negotiation," *International Negotiation* 2, no. 1 (1997).

[14] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 51.

that emerged from the Moscow conference.[15] On May 29, 1992, Larsen met with Yossi

Beilin and openly proposed that FAFO be used as the conduit for a supplementary

channel of secret negotiation between Labor and the PLO, "we can provide you with a

venue...before the elections, after the elections, whether you remain in the opposition or

return to power." Larsen made the same proposal to Faisal al-Husayni. Beilin put Larsen

in touch with Hirschfeld, who already had his network of contacts among Palestinians.

Larsen's wife, Mona Juul, was the director of the office of Deputy Foreign

Minister Jan Egeland, and in that capacity had received a PLO delegation to Norway

headed by Abu Alaa in January 1992 (mentioned above). Abu Alaa gave Juul and Larsen

the impression that he would be willing and able to negotiate directly with the Israelis,

given the proper forum.[16] The FAFO-Labor-PLO triangle was forming. The only missing

ingredient, it seemed, was for Labor to return to power. This condition, once it was

realized, did not automatically set in motion a parallel peace process between Israel and

the PLO due to the internal divisions within the new cabinet, principally the rivalry

between Rabin and Peres.

PLO contacts with the Israeli Labor party were not the only channel being

pursued. Abu Mazen, in his memoirs, hints at stranger encounters than the Oslo Channel.

Before the June 1992 electoral defeat of the Likud party a PLO envoy met with a senior

Israeli intelligence official in March and April, who claimed he had briefed the Israeli

Cabinet (and thus Shamir) on these contacts. The PLO also made contact with one of

Likud's most ideologically extreme leaders, former general and defense minister Ariel

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[15] Johan Jørgen Holst, Reflections on the Making of a Tenuous Peace, or the Transformation of Images of the Middle East Conflict, School of International and Public Affairs, Columbia University, September 28, 1993.

Sharon, the architect of the Israeli invasion of Lebanon in 1982 and the failed alliance with the Maronite Christian factions there. The purpose of these secret meetings was to convey to Likud and Sharon that Abu Mazen desired direct negotiations between the PLO and Israel.[17] Also in April, there were several secret meetings between a Palestinian notable from the West Bank city of Nablus with ties to the PLO, Sa'id Kanaan, and two Israeli figures General (ret'd.) Shlomo Gazit, the first military governor of the West Bank and Yossi Genosar, an official with Shin Bet, the Israeli counter-intelligence and internal security service, in order to explore Palestinian support for the Labor party, get clarifications on the Labor party platform and to suggest ways to expedite progress in the stalled Washington negotiations.[18]

The June 23, 1992 elections in Israel brought to power a Labor-dominated government with a solid pro-peace process mandate, which sidelined PLO efforts to court Likud. Shimon Peres and Yitzhak Rabin, longtime Labor party rivals, formed a new government that enjoyed not only broad popular support, but the approval of the outgoing Bush and incoming Clinton Administrations. The light sanctions that Bush and Baker had imposed on Israel gave way to renewed support for Israel.

Rabin worked hard to reduce the extent of Shimon Peres' influence in the new government, retaining for himself the Defense and Prime Minister portfolios. Peres, even though he was offered the cabinet position of Minister of Foreign Affairs, was excluded from managing Israeli-United States relations, and, more critically, was prevented from supervising the bilateral Palestinian-Israeli track. Rabin himself took charge of the

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[16] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 49-53.

[17] Mahmoud Abbas, *Through Secret Channels* (Reading: Garnet Publishing, 1995), 43-45.

Palestinian-Israeli Track, assigning Peres the supervision of the multilateral negotiations.[19]

To the consternation of the Palestinian delegation in Washington, the Rabin government did not make any changes in the Israeli delegation in Washington, either in terms of personalities or negotiating mandate. The Washington track continued as it had before the election.

On September 9, Jan Egeland visited Israel in order to meet with Beilin, who was now Deputy Minister of Foreign Affairs, especially to revisit the idea of conducting a secret channel of negotiations through Oslo. Egeland indicated that Norwegian Foreign Minister Thorvald Stoltenberg (replaced by Johan Jørgen Holst in April 1993) stood behind the FAFO proposal to host the secret channel and would provide both political and financial support. There was no disagreement between Beilin and Egeland on the need for a parallel track. Beilin wanted to recreate the negotiations that led to the Peres-Husayn London Agreement of 1987, in which he participated. His desire was to negotiate an accord in secret with the PLO and then "lay the completed work on the negotiating table without the existence of the track ever being known. To the world it would seem that all the problems had been solved by official negotiation while the truth would be very different."[20] The negotiation would be with the PLO, even though the signing and implementation was supposed to fall to the local Palestinian leadership. The back channel was not yet conceived of as an entirely separate entity, and independent forum for not only negotiation but decisionmaking as well.

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[18] Eitan Haber, Interview with the Author, Tel Aviv, Israel, May 8, 2000; Abbas, *Through Secret Channels*, 58-67.

[19] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 54-55.

In order to proceed, Beilin needed the open support of Peres. This proved impossible to even ask for, because in early September, Rabin had prohibited Peres from even meeting with al-Husayni in order to discuss the Washington talks. Beilin felt he could not ask Peres to sanction the Oslo meeting, and also felt he could not go alone and hide the channel from him. With Rabin prohibiting activities that were much less daring than a secret channel in Oslo, Beilin felt compelled to deputize Hirschfeld to go to Oslo in his stead while he, Beilin, would feed him information on substantive problems of the Washington talks.[21] At the end of September 1992, the talks in Washington completed another round and were expected to be on hold until the outcome of the US elections.

D. Hanan Ashrawi's suggestion

While Beilin was exploring the options of a back channel through the Norwegians, the Palestinians were also looking for ways to make progress. Pundik and others point, not to Beilin, but rather to Hanan Ashrawi as the author of the Oslo Channel because she suggested the meeting that would blossom into the Oslo Channel. While she was still spokeswoman for the Palestinian talks in Washington, Ashrawi met with Hirschfeld and Pundik at her home in Ramallah on November 30, 1992.

At that meeting she made two radical suggestions.[22] First, despite (or perhaps because of) her prominent role as spokesperson for the talks in Washington, she suggested that a secret three-way working group be set up in Washington, involving the United States, the PLO and Israeli high level officials, to work in parallel with the official

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[20] Ibid., 56-59.

[21] Ibid., 56-59.

[22] Ron Pundik, "The Oslo Negotiations: From Track II to Back Channel" (paper presented at the Conference Back Channel Negotiations in the Arab-Israeli Conflict, Hebrew University of Jerusalem, May 4, 2000).

Track. Pundik and Hirschfeld promised to suggest the idea to Beilin. Second, she

proposed that Hirschfeld go to London while a meeting of the Multilateral Talks'

Steering Committee was to take place. While there, Hirschfeld could meet with the PLO

official secretly overseeing the (non-PLO) Palestinian delegation to the Multilateral

Negotiations. That official was Ahmed Qurei' (Abu Alaa), then the PLO's director

general of economic affairs and planning.[23] Although not a prominent PLO official at that

time, Abu Alaa was already known to Beilin and Hirschfeld for a progressive paper he

wrote advocating regional economic integration and joint development projects among

Palestine, Israel and neighboring states.[24] Ashrawi's suggestion directly set in motion the

encounter that would lead to the series of negotiation sessions in Norway held between

the PLO and Israel (the Oslo Channel).[25]

The steering committee of the multilateral negotiations was scheduled to meet in

London on December 4, 1992. Hirschfeld traveled to London regarding a Track II

initiative funded by the Swiss government, which brought together Israelis and

Palestinians to discuss the issue of water use, the subject of one of the multilateral

working groups.[26] The Israeli legal ban on meetings with the PLO was still in effect (the

"Law of Association") and Hirschfeld was not entirely sure that he should meet with Abu

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[23] Abu Alaa is currently speaker of the Palestinian Legislative Council, the parliamentary branch of the Palestinian National Authority. He continues to be involved in key Palestinian-Israeli negotiations that followed Oslo, especially back channel efforts. Ahmed Qurei (Abu Alaa), Interview with the Author, al-Bireh, Palestine, April 29, 2000

[24] Jane Corbin, *Gaza First: The Secret Norway Channel to Peace between Israel and the PLO* (London: Bloomsbury, 1994), 27-28. The document itself has been provided to me by Abu Alaa. Ahmed Qurei (Abu Alaa), "Thoughts on the Prospective Dividend and Regional Economic Cooperation" (unpublished manuscript, Tunis, 1991).

[25] Hanan Ashrawi, *This Side of Peace: A Personal Account* (New York: Simon & Schuster, 1995).

[26] Pundik, "The Oslo Negotiations: From Track II to Back Channel."

Alaa.[27] Only journalists and academics attending conferences were exempted from the anti-PLO legislation and the three year prison sentence it prescribed,[28] an exception which provided the Norwegians with an idea to camouflage the Oslo Channel.

E. The London encounter

Beilin arrived in London heading the Israeli delegation to the multilaterals. Abu Alaa arrived in London to supervise the Palestinian participation in the working groups. Larsen was there on other business. Once Hirschfeld decided to meet with Abu Alaa, Terje Larsen arranged the logistics of the Hirschfeld-Abu Alaa encounter in London. The Norwegian government, through Larsen, offered to host further meetings in Norway if all went well.[29] Hirschfeld recalled informing Beilin about meeting the PLO leader on the same day.[30] The Hirschfeld-Abu Alaa encounter resulted in both sides realizing that there was a new opportunity for direct Israel-PLO talks.

Hirschfeld presented himself as an academic with only tenuous connections to the Israeli leadership, but the Palestinians who met with him (Abu Alaa and Afif Safiyeh, the PLO representative in London) were present in their full official capacity, with the authorization and knowledge of the executive committee of the PLO.[31]

Yasir Arafat assigned one of his closest confidants, Mahmoud Abbas (Abu Mazen) with the tasks of overseeing the London meeting and recommending any follow-up. His assessment of the London meeting was that Hirschfeld "could not have acted on

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[27] Amos Elon, "The Peacemakers," *New Yorker*, December 20, 1993.

[28] Mordechai Bar-On, *In Pursuit of Peace: A History of the Israeli Peace Movement* (Washington, D.C.: United States Institute of Peace Press, 1996).

[29] Corbin, *Gaza First: The Secret Norway Channel to Peace between Israel and the PLO*, 30.

[30] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 60-63; Elon, "The Peacemakers."

[31] Abbas, *Through Secret Channels*, 112-113.

his own initiative, that he must have received authorization from...Peres and Beilin, that he had been sent to sound us out and that this faction in the Israeli cabinet wanted to open a channel other than the Washington channel."[32]

At that point, the PLO was ready to participate officially and at a senior level in any eventual Oslo encounter, sidelining Palestinian leaders from the occupied territories, such as Faisal al-Husayni. For the initial contacts in London and the first five rounds of Oslo meetings, the PLO was engaging in what was basically a quasi-Track II effort that Beilin, on the Israeli side hoped would transform itself into a full back channel negotiation. Paradoxically, the Israeli cabinet was not even informed of the London meeting, except insofar as Beilin helped to set it in motion and asked his colleague from their NGO, Ya'ir Hirschfeld to stand in for him. Beilin observes that "it is possible that had [the PLO] known I was the only government official aware of the [initial Oslo] negotiations they would not have invested as much as they did."[33]

Larsen invited Beilin's two associates Hirschfeld and Pundik, as well as three senior PLO officials, Ahmed Qurei', Maher al-Kurd (later replaced by Mohamed Abu Koush) and Hassan Asfour (who was then the secretary of the negotiations committee of the PLO, overseeing every detail of the Madrid Track) to Oslo in January 1993, for the purpose of drafting a document of principles that, it was hoped, would serve to set out the guidelines by which the parties would proceed to manage their relationship and resolve their conflicts. The Norwegians' stated purpose was not to create a fully operational

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[32] Ibid., 113. At the time, Abu Mazen was the PLO's Director General of International Relations and a member of the Executive Committee of the PLO. He eventually met and negotiated draft final status accords with Beilin in Stockholm in 1995. He did not seek a position within the Palestinian National Authority and now heads the Negotiation Affairs Department of the PLO.

[33] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 62.

165

parallel negotiation track. They did not initially plan to "circumvent" the talks in Washington, but rather to "circumvent some of the political obstacles which prevented direct and open negotiations between Israel and the PLO, with a view to injecting the results of the 'back channel' into the 'front channel'."[34]

F. The Oslo Channel, phase I

Here we review progress made in the first phase of the Oslo Channel, during which there was official PLO representation, but no corresponding official Israeli presence. Initial Israeli participation, though non-official, benefited from the input and guidance of Yossi Beilin, and eventually of both Foreign Minister Shimon Peres and Prime Minister Yitzhak Rabin.[35] It is nevertheless true that, from the Israeli perspective, the Oslo Channel was a freelance operation run by Beilin that only gradually became imbued with the full authority of the government of Israel.[36]

The Israeli Knesset repealed the "Law of Association" that had made it a crime for Israelis to meet with any official of PLO on January 19, 1993. The first Israeli-Palestinian encounter within the new legal framework took place the next day in Norway.

On January 20, the five Israelis and Palestinians arrived in Oslo and were taken to Sarpsborg, a two hour drive south of Oslo, and treated to a presentation by FAFO on economic conditions in Gaza, simply to keep up the pretense of a purely academic meeting. The delegates eagerly started their own talks, and agreed broadly on an initial

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[34] Holst, Reflections on the Making of a Tenuous Peace.

[35] The accounts of both Abu Mazen and Yossi Beilin, as the overseers of the Oslo Channel, are the best written accounts of what transpired in the first five rounds at Oslo. See translated minutes of these rounds in Abbas, *Through Secret Channels*, 132-141. Also see Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 64-84.

[36] And even then, existence of the Oslo Channel was a jealously guarded secret. No cabinet ministers or military or intelligence chiefs were informed until the agreement was initialed on September 19, 1993.

Israeli withdrawal from Gaza, (the so-called 'Gaza-first' concept, previously a non-starter from the point of view of the Palestinians). The idea of Palestinian self-government in Gaza first had been circulating among Israelis, Palestinians, and the Arab states since 1949 when the Palestinians declared an All-Palestine government in Gaza, then controlled by Egypt. It was later brought up in the context of Camp David autonomy talks and Peres credits himself with having proposed the concept to a reticent al-Sadat.[37] Furthermore, they agreed on the need to facilitate a 'mini-Marshall Plan' for international aid and investment in Palestinian territories, as well as on the need to promote economic cooperation between the Palestinians and Israelis.

The Palestinians worked from a ten point draft declaration prepared by Abu Mazen. His draft integrated the interim/permanent status distinction, but conceived Palestinian authority as extending to all the pre-1967 territory during the interim stage, with spheres of authority to be negotiated.[38] Abu Mazen also sought the creation of a joint "Israeli-Palestinian Committee" to address "common issues and disputes," with final recourse to an ad hoc arbitral tribunal composed of United States, Russian, Egyptian, Jordanian, Palestinian and Israeli members.

The Israeli and Palestinian back channel envoys began discussions on the components of a draft declaration of principles for Israeli-Palestinian peace negotiations during their second encounter in Norway (February 11-12, 1993). They argued about the extent of Palestinian self-government jurisdiction and the Israelis argued that during the interim stage, Palestinian rule could not extend to the entire West Bank and Gaza since such an arrangement would necessitate dealing with the settlements and Jerusalem, which

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[37] Peres, *Battling for Peace: A Memoir*, 255.

167

they wanted to consign to a final status arrangement to be negotiated separately. Hirschfeld insisted that Palestinian self-rule would commence in Gaza and gradually extend to the West Bank but not East Jerusalem.

Between the second and third rounds, the seriousness of the Palestinian side having been demonstrated, Yossi Beilin felt that it was time to seek "the legitimization of the process." He decided to present the draft documents to Foreign Minister Peres, informing him for the first time of the existence of the Oslo Channel. Peres himself informed Rabin about the Channel, evidently arguing that the Oslo Channel at least had the merit of providing low-risk intelligence on the PLO without formal Israeli commitment.[39] Rabin seemed unimpressed but did not attempt to quash the effort. At minimum, he did not want Oslo to replace the Washington talks. The official Track in Washington had been frozen by Palestinian non-participation due to Prime Minister Rabin's expulsion to a no-man's-land in Lebanon of 415 alleged members of HAMAS on December 17, 1992 which followed the killings of Israeli soldiers by HAMAS and Palestinian civilians by the IDF.

Hoping to save face before a new US administration, Rabin made further Israeli participation in Oslo contingent upon a resumption of the Washington talks.[40] In order to persuade the Palestinians to go back to the table in Washington, Rabin authorized Peres to get involved with the bilateral track which Rabin had jealously kept away from his Labor Party rival. Peres and Ephraim Sneh on the Israeli side, and Faisal al-Husayni with

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[38] Abbas, *Through Secret Channels*, 115-117.

[39] Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, 23. Makovsky relies on his interviews with Peres and Rabin for this assertion.

[40] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 72-76.

Hanan Ashrawi on the Palestinian side met four times in secret, but they were unable to obtain a Palestinian commitment to return to Washington in light of the expulsions.[41]

At this point, both Israeli and Palestinian decisionmakers knew that indeed they had two structurally parallel (and not simply alternative) tracks available to them, one secretly proceeding in Oslo and the other (openly) proceeding in Washington. This awareness of separate, parallel *negotiation* channels, (as opposed to simply exploratory talks among people with varying levels of authority) led both sides to marginalize several other *additional* channels, some of which operated under the direction of Prime Minister Yitzhak Rabin himself, according to statements by the principal architects of the secret channel on both sides. Heikel reports that "No fewer than nine different channels ran through Cairo, where aides to Mubarak were highly active arranging meetings. David Kimche, undersecretary of the Israeli Foreign Ministry and former director of Mossad, was in charge of one of these channels." [42]

Finally made aware that two negotiation channels were available to them, decisionmakers were now in a position to use them both strategically, through the manipulation of the information, the negotiators, and their instructions in the respective channels.

By their third round (March 20-21, 1993), they had produced a draft declaration of principles for approval of each side's leadership. The pace of progress was nothing short of stunning, compared to the talks in Washington, that they agreed were to be

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[41] Ashrawi, *This Side of Peace: A Personal Account*, 238. Also see Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, 25. See Chapter 4, section F of this thesis.

[42] Abbas, *Through Secret Channels*, 132-134; Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 74-76. Mohamed H. Heikal, *Secret Channels: The Inside Story of Arab-Israeli Peace Negotiations* (London: HarperCollins, 1996), 433.

resumed as Rabin's condition for continuing Israeli participation at Oslo. Thorvald Stoltenberg renounced his position as Norwegian foreign minister in order to assume a UN appointment to address the conflict in the former Yugoslavia. He was replaced by the equally supportive Johan Jørgen Holst in early April.

In the fourth round (April 30, 1993), the parties discussed the PLO's move to slow progress in the Washington talks in order for the Israeli side to consider the draft declaration more broadly, and to find a mechanism for having the United States adopt any agreement from Oslo as its own. The Israelis emphasized that the Oslo Channel was designed to provide input into Washington, not replace Washington, a move which was perceived by the Palestinians as Israeli intransigence, drawing attention to the possibility of completing and signing the draft declaration in the Oslo Channel. The Gaza-plus-Jericho concept was brought up again by the Palestinians during this round, meaning the gradual implementation of autonomy both in Gaza and in a foothold on the West Bank. This idea extended the 'Gaza-first' concept and tested the Israeli's seriousness regarding withdrawal of forces from the West Bank. The Washington talks had by now resumed.[43]

The fifth round (May 8-9, 1993) was spent reviewing Israeli progress in building internal consensus on the draft declaration but the Israeli side indicated that its own status was not yet 'official'. Hirschfeld and Pundik, though they now enjoyed the backing of Rabin and Peres, were still isolated from Israeli decisionmaking at the policy level. They were instructed to avoid discussing the draft declaration of principles and, ironically, to once again emphasize the Washington Track's preeminence. The Israelis conveyed

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[43] Details of the fourth round can be found in Abbas, *Through Secret Channels*; Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*; Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*; Savir, *The Process: 1,100 Days That Changed the Middle East.*

Rabin's satisfaction that the PLO had demonstrated its commitment to the Oslo Channel by slowing down progress unilaterally in the Washington talks and indicated that Rabin would now shift his attention from Israel-Syria negotiations back to the Israel-Palestinian track.

Abu Alaa had conceded in Oslo that Palestinian interim self-rule would not include East Jerusalem, a concession at variance with longstanding Palestinian policy on the status of the occupied territories and wholly inconsistent with the Palestinian demands in Washington. But he needed to know that his concession was being taken seriously and that it would be reciprocated. Abu Alaa demanded more concrete assurances about Israeli investment of political and diplomatic capital in the Oslo Channel. Abu Alaa voiced his concerns to Terje Larsen, who communicated them to the Israeli leadership.[44]

The Israeli delegates felt that upon the conclusion of the fifth round, they could not return to Oslo without discussing the draft declaration, which had been put on hold while Rabin and Peres reviewed it. The draft was extensive and reached far beyond the meager accomplishments of the Israeli and Palestinian negotiators in the Washington talks, who had failed to even agree on what they were negotiating. Significantly, the draft declaration integrated an incremental approach, provided for East Jerusalemites to participate as candidates and voters in Palestinian elections, and divided the peace process into interim and permanent stages. The permanent stage would include Jerusalem's political status, Palestinian refugees, sovereignty, borders and security

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[44] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*; Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, 40-43.

arrangements. The territory over which the Palestinians would exercise authority in the interim period was not specified in the draft.[45]

G. Oslo: phase II

In the second phase of the Oslo Channel the Israeli delegation added two government officials to their delegation in response to Palestinian demands for more Israeli commitment to Oslo and corresponding to Peres and Rabin's desire to at least complement the Washington talks with the Oslo Channel. This second phase of Oslo is therefore characterized by parity in the official status of both the Palestinian and Israeli delegations although there continued to be internal and cross-party jockeying to determine which would channel would predominate.

In the second phase, the negotiations in Oslo also became more serious and focused on problem-solving and survived crises and negotiator brinksmanship. The new Israeli arrivals came with the consent, knowledge and trust of Prime Minister Rabin and an official mandate to represent the State of Israel in the Oslo negotiations with the PLO. But their first duty was to assess, for Rabin, the benefits of continuing the channel.[46]

It would be a grave error to dismiss the first phase (rounds one to five) of the Oslo Channel as an academic exercise. Equally, the significance of 'upgrading' the Oslo Channel should not be underestimated. Had Oslo failed or leaked during the second phase, the Israeli government would no longer have been able to portray the Oslo

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[45] See Abu Mazen's reprint of the draft Oslo declaration, Abbas, *Through Secret Channels*, 143-149.

[46] For the Palestinian perspective on the second phase, the only published primary source remains Abu Mazen's. The Israeli perspective is provided by the memoirs of Uri Savir, Yossi Beilin and to a lesser extent, Shimon Peres. Makovsky relies on his interviews with many key participants and continues to be a useful reference. My primary sources for the second phase include interviews with Asfour, Abu Alaa, Singer and conference papers read by Pundik and Savir.

172

Channel as a simple conversation devoid of political commitment, hence deniability in the second phase was possible but no longer *plausible*. The upgrading of the Israeli delegation was the direct product of Israeli decisionmaking at the highest levels and therefore reflected a major policy shift to use a second channel (Oslo) to work toward an accord (and not simply for exploratory talks).

After the fifth round, the Oslo Channel was no longer a project of Yossi Beilin's NGO, about which Shimon Peres happened to be informed. Consequently, a meeting between Israeli and PLO officials implicitly carried with it the element of *de facto* political recognition, with consequent political uncertainties and possible costs for both sides. While there had been prior secret negotiations between Israel and the PLO, the purpose was now decidedly more concrete for both parties; the conclusion of a preliminary accord and not simply the discussion of Israeli MIAs in Lebanon as cover for exploratory talks, as had been the case before. (See Chapter 2 for details of the 1985-1988 secret talks.)

The first official approved by Peres and Rabin to attend the sixth round in Oslo was Uri Savir, newly-appointed Director General of the Foreign Ministry. Savir's presence signaled Rabin's approval of the channel in his capacity as prime minister. Savir arrived in Oslo on May 20, 1993 acutely aware of the historical significance of his involvement. He brought with him two sets of conditions for Israeli support for the back channel: a procedural set and a substantive set. The procedural conditions he attributes to Yitzhak Rabin: total secrecy regarding Oslo and resumption of the talks in Washington. To Shimon Peres he attributes the substantive conditions: continued PLO agreement to exclude Jerusalem from interim arrangements, the possibility of starting Palestinian

autonomy in Gaza (the 'Gaza-first' concept), and a Palestinian pledge to negotiate everything within a bilateral framework rather than pursue other avenues of dispute resolution, such as international arbitration and third party mediation.[47]

Savir attended the sixth round of the Oslo Channel on May 20, 1993 and set out the conditions imposed by his superiors. The Palestinians contacted Tunis and acknowledged some of the Israeli interests underlying these conditions (without entirely conceding the points), while bringing up the demand for Jericho in conjunction with an initial handover of Gaza. The atmosphere in the Oslo Channel was one of intense contention over the substance combined with equally intense relationship- and trust-building. Once inducted and accepted into the Oslo clique Savir recommended to Peres and Rabin that negotiations continue in Oslo.[48] The PLO was anxious for Savir to move forward on the draft so that it could be passed on to the Washington delegations. However, the Israeli side was not prepared to return to Oslo until a resumption of the Washington talks.[49]

At a meeting with Peres on June 6, 1993 Prime Minister Rabin abruptly changed his mind about the Oslo Channel and ordered all work on it postponed until the resumption of the Washington talks. On the following day, Rabin sent an official letter to Peres outlining his objections to the Oslo Channel and his suspicion that the PLO was trying to sideline its own moderates in the Washington delegation.[50] The Palestinian Washington delegation, on orders from Tunis, had recently refused to meet with the

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[47] Savir, *The Process: 1,100 Days That Changed the Middle East*, 5-6; Uri Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method" (paper presented at the Conference Back Channel Negotiations in the Arab-Israeli Conflict, Hebrew University of Jerusalem, May 4, 2000).

[48] Savir, *The Process: 1,100 Days That Changed the Middle East*, 23-24.

[49] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 86-88.

American peace team in order to avoid having to deal with American bridging proposals. The Palestinian Washington delegation continued to insist on concessions Israel was not willing to make.[51] Arafat's intent with these moves was to signal to Rabin that Oslo was the preferred forum, but it has been surmised that Rabin misinterpreted the signal, nearly derailing the only channel with the potential to produce an initial accord.[52]

Peres and his staff worked on a written response to Rabin's letter in which they emphasized the relative moderation of the PLO envoys in Oslo, underlined the PLO's agreement to restart the Washington talks, thus pointing out to Rabin the true import of Tunis' actions regarding the Washington talks. Rabin relented at a meeting with Peres on June 10, 1993.[53]

The next and seventh Oslo round (June 14-15, 1993) coincided with the resumption of talks in Washington (the ninth round of the Washington bilaterals).[54] The eighth Oslo round took place on June 25-27, 1993. Both the seventh and eighth Oslo rounds introduced new negotiation dynamics caused by the arrival of an Israeli attorney, Joel Singer who entered the Oslo Channel as a legal consultant to the Israeli Ministry of Foreign Affairs.[55] These two rounds were marked by intense interrogatory-style questioning of the Palestinians by Singer. Among the many questions he put to the

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[50] Ibid., 92-93.

[51] Ashrawi, *This Side of Peace: A Personal Account*, 243-245.

[52] Mark Perry, *A Fire in Zion: The Israeli-Palestinian Search for Peace* (New York: Morrow, 1994).

[53] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 93-95.

[54] The circumstances surrounding the overlap of the two channels; the resumption of Washington and near defection of the Palestinian delegation due to their loss of confidence in the PLO leadership, the US mediation role and their Israeli interlocutors are discussed in Chapter 4.

[55] Singer is an attorney in the Washington law firm Sidley & Austin. He was head of the international law department of the IDF and had participated in Israeli negotiations at Camp David in the 1970s, with Lebanon in 1983 and again with Egypt (over the Taba issue) in 1985-1986. Singer, Interview with the Author; Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 88-90.

Palestinians, Singer inquired whether the PLO would be willing to resort to secret agreements (secret texts) or secret exchanges of letters in the course of negotiating their agreements.[56] Singer came aboard with an initial sense that the existing Oslo draft declaration of principals did not meet Israeli interests in numerous regards. He redrafted the declaration to respond to Israeli interests and to take into account the answers to the questions he posed to the Palestinian delegation at Oslo.

Singer brought to the negotiations the idea that the Oslo Channel should produce an agreement of mutual recognition. This was so the PLO would be more than a mere back channel negotiating partner facilitating agreement between the delegations in Washington. Singer hoped the PLO would actually assume responsibility for controlling dissident factions in the occupied territories and for preventing outbreaks of anti-Israeli violence, and recognized that the PLO would only play such a role if it was the signatory of any accord and Israel's acknowledged negotiation partner. At first, neither Rabin nor Peres agreed to this, but Rabin gave his consent for Singer to bring it up in Oslo as a private initiative.[57]

At that time, Ephraim Sneh, a member of the Knesset and former military governor in the occupied territories, was meeting informally with Nabil Shaath, then the PLO representative in Cairo. This new potential 'channel' caused some confusion as well, and Abu Alaa suspected that Israel was trying to open several channels in order to find the shortest path to an agreement signed by the delegations in Washington, which, he

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[56] Abu Mazen's minutes of the Oslo rounds mention this question. Abbas, *Through Secret Channels*, 153-155. The concept would be applied to the Israel-PLO understanding on Palestinian institutions in Jerusalem. Peres addressed a confidential letter to Holst setting forth Israeli acceptance of their presence. An exact facsimile of Peres' letter is reproduced by Abu Mazen in his memoirs. Ibid., appendix 3.

[57] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 95.

feared, would then be sidelined by Israeli negotiations with Jordan and Syria, both of which were taken very seriously by Rabin.[58] Within two months time, with progress and risks accumulating rapidly, the envoys in Oslo mutually agreed to keep up Israeli contacts with Shaath because they deflected attention from the Oslo Channel.[59]

During the eighth Oslo round Singer formally presented a new draft declaration of principles to the Palestinians, and this draft provoked a crisis as the Palestinians wondered what had become of the understandings previously reached with the Israeli academics Hirschfeld and Pundik. Abu Alaa countered with Arafat's own set of questions for the Israeli delegation. Almost as an inducement, Singer held out the mutual recognition issue, which corresponded exceedingly well with the PLO's own reasons for participating in the Oslo Channel. The PLO had little interest in drafting an agreement merely for the signature of the Washington delegation and instead sought a central role as a newly indispensable partner that had long been scorned.[60]

The ninth round was held on July 4-6 in Gresheim, north of Oslo and Singer submitted a new draft declaration of principles including gradual conferral of autonomy to Gaza and later to Jericho. An interim agreement would be negotiated afterward to work out the extension of autonomy to other areas of the West Bank. Key differences remained over the mention of Jerusalem and its Palestinian residents, demands for arbitration provisions and displaced Palestinians, among other issues. However, both delegations felt that progress was being made, trust and confidence were being strengthened at both an interpersonal level as well as in regards to mutual political

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[58] Ibid., 102-103.

[59] See minutes of August 20, 1993 negotiations in Oslo, in Abbas, *Through Secret Channels*, 179.

[60] Qurei (Abu Alaa), Interview with the Author.

perceptions. Abu Mazen reports that the Palestinians felt that the PLO was being recognized as the key partner, despite the continued Israeli insistence on plugging final results into Washington.[61] Uri Savir commented that the Palestinians at first balked at the new draft and characterized it as a step backwards. The delegates pushed on and incorporated Palestinian objections into the draft for further consultation.

The tenth round took place on July 11 and marked another turning point. Abu Alaa arrived with a new draft incorporating several new amendments to the 'Gresheim draft', among them the concept of territorial links between Gaza and the West Bank. The Israelis protested what they termed 'new demands'.[62] On that day, Norwegian Foreign Minister Holst was visiting Arafat in Tunis, under the guise of an official visit to that country. Holst stepped away from the Norwegian facilitative role and assumed the role of active mediator, conveying to Arafat the risk involved in insisting on his new demands. Holst is credited with coming up with the concept of 'safe passage' in lieu of extra-territorial corridors, and with convincing Arafat to accept this compromise.[63]

While the Norwegians were assuming a newly active intermediary role during July 1993, Peres became persuaded that it was now in Israel's interest to recognize the PLO and permit the arrival of Arafat in Gaza in order to begin assuming the administration of the territory. Holst and his team met with both the PLO and the Israelis before the next round of the Oslo Channel building confidence: providing assurances,

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[61] Minutes of the round and Abu Mazen's comments are found in Abbas, *Through Secret Channels*, 159-161.

[62] Savir, *The Process: 1,100 Days That Changed the Middle East*, 38-39.

[63] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 106.

urging flexibility and commitment to the process, conveying messages about each side's interests and priorities to the other side.[64]

The eleventh round in Oslo took place July 24-26, 1993. The Palestinians arrived with their own new draft, incorporating new substantive demands, including negotiated (rather than unilateral) Israeli military redeployments, a large Palestinian police force and others.[65] The Palestinians expressed concern that the sponsors of the official Madrid Process—meaning the United States and Russia—would be happy if the Oslo Channel failed to produce an agreement.[66] Pledges that Arafat had made to the Norwegians since the last round were kept, thus eliminating some areas of disagreement. But the Palestinians were still concerned about the balance between what could be agreed upon in the text of the draft declaration and what needed to be deferred to the interim and permanent status negotiations.[67]

The parties went over the Israeli draft clause by clause to confirm agreements reached and see if further discussion was merited on the remaining issues. Savir and Singer themselves brought up Israeli concerns on security issues and on limiting the powers of the Palestinian Council, but this only "soured the atmosphere of the talks."[68] The specific issues for which there remained substantial disagreement included the wording concerning the implementation of UN Security Council Resolutions 242 and 338, whether or not the final status issues should be named in the text (the Palestinians wanted Jerusalem as well as the other issues mentioned), the extent of the area around

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[64] Ibid., 108-110; Savir, *The Process: 1,100 Days That Changed the Middle East*, 41-44.

[65] Ibid., 44-45.

[66] Abbas, *Through Secret Channels*, 168.

[67] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 110-112.

179

Jericho to be part of the initial Israeli withdrawal, whether or not the Palestinian refugees would be mentioned as a subject for regional coordination, and the wording on the extent of participation or exclusion of the East Jerusalemites from Palestinian elections, among others.[69] The negotiators recall that were sixteen outstanding areas of disagreement.[70] Thus the crisis in the Oslo Channel had another important effect. It had brought an important issue—previously kept aside by Rabin and Peres—directly onto the table for discussion.

On July 26, the crisis came to a head. There seems to have been a mix of acrimony and brinksmanship in the atmosphere. Abu Alaa announced his intention to resign as negotiator and withdraw from the Oslo talks. Savir and Hirschfeld eulogized the Oslo Channel as another lost opportunity for both Palestinians and Israelis. The Palestinians began packing their luggage. Uri Savir, sensing that the time had come for drastic measures, approached Abu Alaa privately at the suggestion of Terje Larsen. Savir asked him to consider getting Palestinian concessions on eight of the sixteen issues on which Israel felt it could be flexible. He also held out to Abu Alaa the seven conditions that would most likely cause Israel to recognize the PLO publicly, although this was still a private initiative of Joel Singer's making. The Norwegians were appointed to be the intermediaries on this move to break the deadlock. Savir appealed for a 'yes' or 'no' answer, hoping to avoid further bargaining. Abu Alaa accepted Savir's proposal and

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[68] Ibid., 111.

[69] See points of disagreement from the July 25-26, 1993 draft declaration of principles, Abbas, *Through Secret Channels*, 171-172.

[70] Savir, *The Process: 1,100 Days That Changed the Middle East*, 49-50.

180

committed himself to persuade Arafat to 'split the difference' on the outstanding disagreements and accept the Israeli conditions for recognition.[71]

With their private meeting, confidence in the Oslo Channel was restored, but still had been badly shaken as each side felt that the end was in sight and sought to maximize its own advantages and minimize losses. The Palestinians sought clarity about the endgame; the final status and issues linked to it, while the Israelis preferred to defer decisionmaking on most critical issues by consigning them to the permanent status talks while also insisting that the terms of the initial agreement not prejudice in any way the outcome of the final status. In other words, they sought to de-couple the interim from the permanent status negotiations, precisely the opposite of the PLO interests and traditional policies.

As if to prove that one channel of secret negotiation does not preclude the existence of other secret channels between the same parties at the same time, Rabin and Arafat communicated with each other via an exchange of letters. At the end of July and beginning of August, without informing his closest advisors, including his colleagues, the Israeli officials working on Oslo (Peres, Beilin, Savir, Gil), Rabin sent a letter to Arafat through the health minister Haim Ramon who had a link to the PLO through Dr. Ahmed al-Tibi, a Palestinian citizen of Israel. Rabin sought to outline the Israeli perspective on limiting interim Palestinian jurisdiction both in geographic and functional terms, reserving for Israel rights of 'hot pursuit' and IDF intervention in the autonomous territories, and to remove settlements from the scope of Palestinian jurisdiction. Arafat's letter to Rabin conceded Israeli control of settlements, consented to the exclusion of

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[71] Ibid., 47-50.

181

Jerusalem from interim self-rule, and conditioned all of this on a mutual recognition agreement.

Abu Mazen was Ahmed al-Tibi's interlocutor in Tunis for this exchange of letters. While meeting with al-Tibi, Abu Mazen announced his intention to step down from his supervisory role for the Oslo Channel and as head of the negotiations committee and threatened to cancel Palestinian participation in the Washington talks. Al-Tibi evidently repeated the remarks to Health Minister Haim Ramon while he was conveying the letter from Arafat to Rabin. According to Abu Mazen, these remarks convinced Rabin of the possibility that his government might collapse if the Washington talks were cancelled. Abu Mazen claims that the Israelis were more flexible in the Oslo Channel after hearing of his remarks.[72]

In addition, Peres approached Egyptian President Hosni Mubarak and asked him to use his good offices to persuade Arafat to set aside the search for more Israeli concessions and to make the necessary decisions.[73]

The political context of the parties offered two compelling reasons for both parties to return to Oslo. Beilin recalls that the "dominant sensation [in the Oslo steering committee] was that of time running out."[74] The PLO was concerned that Rabin's preference for an accord with Syria would sideline Palestinian arrangements. Indeed in August it seemed that progress was being made on the Israeli-Syrian negotiations. Secretary of State Warren Christopher served as conduit for an exchange of messages between Syrian President Hafez al-Asad and Prime Minister Rabin on August 3 and 4. In

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[72] Abbas, *Through Secret Channels*, 169-170, 195-196.

[73] Peres, *Battling for Peace: A Memoir*, 294-297.

[74] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 116.

these exchanges, the parties accepted the concept of full Israeli withdrawal from Golan Heights in exchange for full normalization of relations from Syria, predicated on an extended implementation timetable and acceptable security arrangements.[75] The Israelis used PLO concerns about an impending deal with Syria as a tactic to push the PLO back into the Oslo Channel on Israeli terms. Rabin and Peres preferred to conduct one deal at a time, believing it would be difficult to 'sell' two peace agreements involving concessions of territory to the Israeli public, not to mention the political opposition.[76]

The second context factor worked directly against the Rabin government's interests and against the process as a whole. Rabin and Peres were concerned that their governing coalition could weaken because a corruption inquiry had just resulted in the indictment of Aryeh Deri, leader of SHAS (a Sephardic religious party) and Rabin's Interior Minister.[77] Deri was obliged to resign from the cabinet by judicial order and, it was feared, his party would leave the government coalition as a result. No Israeli government takes the loss of any of its coalition partners lightly. Since no party commands a majority by itself in the Knesset, no party can govern alone, which in turn, increases the importance of small parties who can join or defect from coalitions. Relatively small numbers of votes in the cabinet and the Knesset are often sufficient to derail or legitimize policy changes. Upon the departure of SHAS, the Labor –Meretz coalition would become a minority cabinet, unable to command a Knesset majority

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[75] Savir, *The Process: 1,100 Days That Changed the Middle East*, 52. However, Beilin attributes the precipitous loss of momentum in the Israel-Syria track to the American Middle East peace team's preference for August vacations. Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 114-115.

[76] Peres, *Battling for Peace: A Memoir*, 299.

[77] "We must hurry," I told our Norwegian friends, "or we may end up with a peace treaty but no government to sign it." Ibid., 298.

without the assistance of parties outside of the coalition—the Israeli Arab parties.[78] Deri survived until the conclusion of the Oslo Channel, but his indictment prevented him from casting his cabinet vote in favor of the Oslo Accords.[79]

Norwegian Foreign Minister Holst explicitly offered Beilin his services as a proactive mediator to reverse the apparent breakdown in the Oslo Channel. The Norwegians began looking for ways to restart the talks. The last round had ended without any agreement on a date to resume talks in Oslo. In August, the Norwegians set up an informal encounter between Abu Alaa and Ya'ir Hirschfeld. Together they reduced the issues in dispute from over twenty to about three, concerning Palestinian institutions in Jerusalem and security responsibilities, and both parties agreed to resume negotiations in Oslo.[80] This was accomplished, not by coming to agreement on all outstanding issues, but jointly deciding that several disputes did not need to be resolved early, but could be postponed until the negotiation of arrangements for the handover of Jericho and Gaza.[81]

The Norwegians proposed a new date for the resumption of talks. The twelfth round was convened on August 13, 1993. The Israelis would not accept the Palestinian re-formulations of the seven Israeli conditions for mutual recognition, so this issue was also deferred until after the conclusion of the declaration. Despite the small number of outstanding issues remaining to be negotiated, the Palestinians could not get authority to

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[78] Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, 69, n. 24.

[79] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 114-116; Peres, *Battling for Peace: A Memoir*, 298.

[80] Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, 68.

[81] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 116.

either make further concessions or to accept proposals that bridged the gaps between the two sides and the round closed on August 15.[82]

Shimon Peres was previously scheduled to make an official state visit to Sweden and Norway on August 17. The Israelis decided to take advantage of Peres' trip by proposing that he meet with Holst in Stockholm so that Holst could mediate between the parties and resolve the outstanding disputes over the draft declaration. Holst placed the calls to Arafat's office in Tunisia where Abu Mazen, Yasir 'Abd Rabbuh (who had led the Palestinian participation in the US-PLO dialogue), Abu Alaa and Hassan Asfour had gathered for this round of telephone diplomacy. Peres, Joel Singer and Avi Gil (Peres' Chief of Staff) stood by in Stockholm. Holst acted as the intermediary in a marathon of nine phone conferences between the Israeli and Palestinian leadership that lasted the entire night and continued into the next day.[83] Thanks in part to the presence of decisionmakers such as Peres and Arafat that night, only one issue remained open and Peres delegated it to Uri Savir, who was immediately dispatched to Norway from Israel, along with Hirschfeld and Pundik.[84] Abu Alaa and Hassan Asfour immediately flew to Norway from Tunis to meet the Israelis.

In the evening of August 19 Savir and Abu Alaa worked out the last issue pending in the draft declaration: when the five year interim period would begin and end. The

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[82] Savir, *The Process: 1,100 Days That Changed the Middle East*, 53.

[83] Abbas, *Through Secret Channels*, 175-179; Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 116-118; Peres, *Battling for Peace: A Memoir*, 299-300; Savir, *The Process: 1,100 Days That Changed the Middle East*, 54-56.

[84] Ibid., 55.

185

Israeli withdrawal from Gaza and Jericho would mark the countdown and the final status talks were to be concluded no later than five years after that initial withdrawal.[85]

Yasir Arafat still wanted a legal expert to go over the declaration of principles. The Egyptian government produced one instantly: Taher al-Shash, an Egyptian diplomat and lawyer who worked on the Camp David accords and served the Palestinian delegation in Washington. Al-Shash was summoned to go to Oslo the morning of August 19. In giving his conditional approval of the text to Arafat, he noted that its main defects were the political concessions made in the negotiations, not the legal language of the text itself, although he doubted the PLO could have done any better.[86]

Near midnight on August 19, 1993, Holst arranged a clandestine ceremony for the initialing of the document on the same table that Norway had signed a secession agreement from Sweden in 1905. Abu Alaa and Hassan Asfour initialed the document for the PLO while Singer and Savir initialed it for the Israeli government as Egeland, Gil, Hirschfeld, Holst, Juul, Larsen, Peres, Pundik, and al-Shash, looked on. The Declaration of Principles on Interim Self-Government Arrangements, as it was titled, was now approved by high-level policymakers on both sides. A breakthrough was made, but three things still needed to take place: the agreement had to be officially signed, then ratified, and finally implemented. All of this hinged on the question of *who* would sign on behalf of the Palestinians. And this question was tied to the mutual recognition issue.

Shortly after the initialing, Yitzhak Rabin contacted Yossi Beilin on August 22, wanting to know if the initialed declaration included any clause in which the PLO

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[85] Ibid., 56.

[86] Heikal, *Secret Channels: The inside Story of Arab-Israeli Peace Negotiations*, 452. Also see Savir, *The Process: 1,100 Days That Changed the Middle East.*

renounced terrorism. Beilin informed him that only the drafted mutual recognition documents explicitly did so while the declaration of principles did not. Rabin ordered him to "see what can be done" about getting such a commitment, and to contact the Norwegians. Neither Holst nor Beilin thought that it would be feasible for the PLO to renounce the use of force without being openly recognized.[87]

In the meantime, the United States, which had been aware of but seemingly indifferent to the Oslo Channel, was informed of the agreement. Peres, recalling his abortive 1987 ploy to get US sponsorship of an Israeli-Jordanian initiative (see Chapter 3), tried to convince Christopher to present the agreement to the world as an American achievement. Although Christopher declined to do so, the United States was fully supportive and began making preparations for a signing ceremony of historic proportions to take place at the White House.

News of the Oslo back channel began leaking toward the end of August and on August 30 the entire Israeli cabinet and top security officials were presented with the initialed declaration of principles. Rabin presented it as an agreement that would be signed by the Washington delegation, not mentioning the role of the PLO. Several of those present expressed substantive concerns openly while wondering why they were excluded from this momentous policy shift. The IDF chief of staff Ehud Barak expressed several reservations about future security. However it was Eliyakim Rubinstein who, as both secretary of the cabinet and the chief of the Israeli delegation in Washington, had been doubly excluded. Rubinstein's chief complaint, then and now, is that he and his delegation were denied what he called 'rope' or negotiating flexibility. In any case, the

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[87] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 121-122.

declaration was approved unanimously, with only two ministers abstaining, including Aryeh Deri of SHAS who supported the declaration but was on the verge of resigning from government.[88]

On the same day, but again without the knowledge of the cabinet, Uri Savir and Abu Alaa returned to Oslo to work out the mutual recognition issue. As they were unable to completely resolve their differences Foreign Minister Holst continued to play an active intermediary role. Without this agreement, the Israelis feared that the PLO would not go forward with the declaration of principles.[89] On September 3, Peres and Holst once again conducted a round of telephone diplomacy to Tunis. Savir and Abu Alaa continued their talks in Paris on September 9-10 at the suggestion of Holst and Mubarak.

The Israelis, Palestinians and Norwegians (led by Foreign Minister Holst) reconvened in Paris. In Tunis, Arafat convened the PLO's Executive Committee while Rabin and Peres were monitoring events from Israel. During another twenty two hour session the delegations dealt with PLO recognition of Israel ('unconditionally' vs. 'within secure and recognized borders'), a PLO commitment to end the *intifada*, renounce the use of force and to discipline Palestinians who resort to violence, and rescinding of clauses in the Palestinian National Charter that contradicted the recognition of Israel.

The Palestinians also sought Israeli assurances regarding a freeze on Jewish settlements in the occupied territories, and preservation of the Palestinian institutions in Jerusalem. Rabin and Peres decided to convene the cabinet to ratify an agreement, if there was one, at 5:00 p.m. (Jerusalem time—it would be 4:00 p.m. in Paris), creating the pressure of deadline. Holst asked Arafat to take responsibility for decisionmaking

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[88] Ibid., 125; Eliyakim Rubinstein, Interview with the Author, East Jerusalem, May 8, 2000.

alone—without seeking consensus in the Executive Committee. Most of the disputed language was resolved in Israel's favor.[90] There was no document constituting an agreement, as had been previously planned. Mutual recognition was embodied in an exchange of letters: one from Arafat to Rabin incorporating the Palestinian concessions, and one from Rabin, simply recognizing the PLO as negotiating partner on behalf of the Palestinians. In a side letter from to Holst, Arafat committed himself to call for an end to the *intifada* in his public statements. A fourth letter, which was to be kept secret, was also drafted: this letter, addressed to Holst from Peres committed Israel to the preservation of Palestinian institutions in Jerusalem. It was dated October 11, 1993, and therefore subsequent to the official signing of the Declaration of Principles in order to protect it from cabinet and Knesset ratification or public scrutiny.[91]

The Israeli cabinet approved the letter exchange except for the Peres-Holst letter (of which they knew nothing). This act conferred Israeli recognition of the PLO—with whom it had been at war for three decades—without so much as a debate. Holst once again undertook a mission of shuttle diplomacy. He flew to Tunis on Thursday September 9, where he expected to pick up Arafat's signed copy and fly on to Jerusalem to witness Rabin's signing of the reply letter. Holst was delayed by the deliberations of the PLO Executive Committee, some of whose members were troubled by the highly asymmetrical concessions reflected in the mutual recognition letters. Nevertheless both

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[89] Qurei (Abu Alaa), Interview with the Author.

[90] Savir, *The Process: 1,100 Days That Changed the Middle East*, 64-77.

[91] The four letters are reprinted in Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, appendices XI, XII, XIII and XIX. An exact facsimile of Peres letter is reproduced by Abu Mazen in his memoirs. Abbas, *Through Secret Channels*, appendix 3.

Arafat and Rabin signed their letters for Holst.[92] With this exchange of letters, President Clinton removed prohibitions on US-PLO contact on September 10, noting that the PLO's commitments to Israel formed the basis for a renewed dialogue. This facilitated the arrival of Arafat in Washington for the signing ceremony.

On the morning of the signing ceremony, September 13, 1993 Arafat let it be known that he was leaving Washington unless the wording in the preamble of the Declaration of Principles was changed from "Palestinian delegation" to "PLO." The Americans and Israelis at first refused to make this last change. Once they relented, the negotiations that began on January 20, 1993 in Norway were complete. Abu Mazen and Shimon Peres signed the Declaration of Principles, while President Clinton nudged Yitzhak Rabin and Yasir Arafat together for one of the most publicized handshakes in history. The historic signing ceremony did not in any way signify the end of a negotiated peace process, but, more modestly, made the world witness to a simple framework agreement to negotiate the modalities in the exchange of territory for peace in one of the century's most enduring conflicts.

H. Oslo's outcome

Once the Oslo channel produced the Declaration of Principles and the mutual recognition discussions, the Washington Palestinian-Israeli Track became redundant because nothing even remotely similar was happening there in terms of progress.

After 1993 Israelis and Palestinians entered new, uncharted territory: negotiated coexistence with a gradual disengagement of Israel from its military control over the territories and lives of the Palestinians. The Oslo Accords were not peace treaties, they

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[92] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 128.

190

were agreements to continue negotiating, first on the comparatively easy interim issues and later on the relatively more complex permanent status issues. The formal signing of the Declaration of Principles heralded the initiation of the interim phase of Palestinian-Israeli relations.

During the interim phase, from 1993-1998 and beyond, Palestinian-Israeli diplomacy functioned in several ways. First, the parties began negotiating the operational details of Israeli withdrawal, Palestinian administrative powers, elections and numerous other issues. Second, some of these issues were negotiated both in front channel negotiations and in back channel negotiations. Third, secret negotiations took place in order to accelerate the final status phase. Fourth, the permanent status talks commenced officially in the front channel but this was little more than a ceremonial event. The parties never resumed permanent status talks throughout the interim period which expired on May 4, 1999.

Mobilized opposition to the peace process emerged among both secular nationalists and religious movements in both Israel and Palestine, demonstrating sharp polarization of each side's supporters and opponents.

II. Analysis

In the following analytical categories, the key case data are discussed. These categories are not 'hermetic'. On the contrary, they interact. For example, any degree of secrecy implies some exclusion of subparties. The inclusion and exclusion of subparties helps determine who sits at the negotiation table, how close the negotiator is to the decisionmakers and the degree of autonomy the negotiator has. The intervention of third parties may be problematic in some regards, leading the parties carefully to manage the involvement of such third parties. The existence of multiple channels may mean that different issues are discussed in different channels.

As noted in Chapter 2, each of the cases will be analyzed according to the following analytical framework.

Table 5.1: General categories for case analysis

	Category
1	Issues Negotiated
2	Secrecy and Publicity
3	Subparties Included and Excluded
4	Decisionmaker Proximity and Negotiator Autonomy
5	Third Parties: Presence and Role
6	Strategic Use of Multiple Channels of Negotiation

192

A. Issues negotiated

As mentioned in the last chapter, the delegations in the Washington talks brought

negotiation positions to the table that were based on incompatible goals of Palestinian

autonomy. The Israeli delegation in Washington, in contrast, held fast to the key

assumption of the previous Likud government; that Palestinian self-government could

only have functional attributes and no territorial sovereignty.[93] As mentioned in the

previous chapter, the Israeli and Palestinian delegations in Madrid never reached

agreement on what they were there to negotiate. At all times they differed on the goals of

the interim stage. The Palestinian delegation in Washington sought assurances that the

permanent status would lead to statehood, and all the implications that flow from that

goal, while the Israelis insisted on autonomous interim arrangements, without any

territorial basis, that would not prejudice their preferred final outcome for the occupied

territory. As Yossi Beilin has observed, "in Washington the Palestinians had rejected this

concept; in Oslo, they accepted it, in that they agreed—*at variance with* their positions in

Washington—that Jerusalem, the settlements and Israel's military security zones would

be left outside the scope of autonomy."[94]

Beilin overstates the case: the Palestinian delegation in Oslo accepted an

incremental approach, but did not concede that the final outcome would in any way be

diminished. They simply accepted the Israeli time preference to defer negotiations on it.

Beilin also overlooks the fact that the Israeli delegation in Oslo, in both phases,

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[93] The functionalist approach is attributed to Moshe Dayan, former Defense Minister and Foreign Minister of Israel and Shimon Peres' ideas about Jordanian-Israeli condominium in the West Bank are predicated on this idea. The territorialist approach is attributed to Yigal Allon, former general and Foreign Minister of Israel, as well as a mentor of Yitzhak Rabin. Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, 92-93, 122-123.

[94] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 133-134. Emphasis added.

193

proceeded on the assumption that Palestinian self-government would have some dimension of territoriality and that this territory would increase during the interim phase of the peace process. The Israeli delegation in Washington had no such conception of Palestinian autonomy.

Issues being negotiated were treated much differently in the Oslo Channel. First of all, the main activity that the two delegations worked on in both phases was the drafting of a declaration of principles, a framework to guide further negotiations. They worked jointly on revising the drafts of this document. A declaration of principles is by no means a final peace accord, but something much more modest in scope. The parties spent much time in Oslo deciding on broad principles that would guide them on *how* to resolve disputed issues, but that did not of themselves resolve them. They also agreed to divide negotiated issues into two piles; one pile of 'interim' issues and a second pile of 'permanent status' issues. This protected the parties from having such issues 'predetermined'. This was in fact the substance of the agreement they were making in Oslo. Technical aspects of the interim issues were not decided in Oslo.

The Camp David Accords have provisions for Palestinian autonomy, and divide the peace process into two phases; a transitional period during which interim measures were to be taken, and a final phase in which full peace would be attained, and all outstanding issues were to be resolved and the political status of the Palestinians finally settled. All those who tried to revive the Camp David Accords at some point were faced with question of linkage: is the final status linked to the interim phase? If so, how? Is one dependent on the other legally? Do concessions in the interim phase prejudice one's preferred outcomes, rights or interests in the permanent status negotiations?

American political figures such as Special Envoy Sol Linowitz, and Secretaries of State Shultz, Baker, and Christopher faced this issue. In the Washington track, the Palestinians found themselves on opposite end of the spectrum as the Israelis, who even when agreeable to negotiations, sought to reduce the strength of linkage between interim and final phases. Although their preferences were opposed, the motivations for both sides were similar: to minimize their potential losses and concessions in the final phase. In this sense, each used the linkage issue to minimize the uncertainty of outcome for their side. No party wants it goals in the permanent status talks to be prejudiced by the outcomes in the interim stage. For Israel, this meant not committing to any permanent stage outcome for the Palestinians, regardless of how much progress was made in the interim stage. For the Palestinians, the opposite preference holds: they sought assurances that the West Bank and Gaza would be the accepted endgame, regardless of how little they gained in the interim stage and despite any setbacks along the way.[95]

By insisting that relevant UN Security Council resolutions 242 (1967) and 338 (1973) were not applicable to the interim phases, the Israelis at the Madrid Track wanted to minimize any 'painful' early concessions; painful in terms of security interests, as well as domestic political concerns. The Palestinian delegation insisted on the linkage because it implicitly predetermined the outcome of the final status; a Palestinian state on all the territory of the West Bank and Gaza that was not under Israeli control from 1949 to 1967. The Palestinian delegation in Washington was faithfully following PLO guidance and longstanding policy that explicitly sought to specify the destination in advance of the journey.

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[95] If, for example, the Palestinians exercised effective sovereignty over only 40% of the West Bank and Gaza territory, they did not want the state to be limited to that figure.

The Oslo Channel modified these dynamics in certain ways. Whereas the Madrid Track had not resolved this dispute between the delegations, the Oslo Channel moved quickly toward a pragmatic compromise whereby the negotiation principles such as UN Security Council Resolution 242 were invoked by both parties, but no explicit final outcome was sketched out in advance. In other words, Oslo provided linkage, but did not specify to *what* the interim stage was linked. While the Oslo declaration of principles did not commit Israel explicitly to withdrawal from all of the pre-1967 Palestinian territories, it accomplished something that the drafts in Washington did not: it provided an initial *territorial* foundation for the establishment of Palestinian authority and sovereignty. As mentioned, the dimension of territorial sovereignty was a Palestinian desideratum in the Madrid Track, but was never conceded by the Israeli delegation.

Oslo embodied the incrementalist approach to managing issues in peace negotiations. The parties would start with small confidence building measures: limited withdrawal of occupying forces, gradual transfer of civil and police powers, and limited self-government, while consigning the defined set of final status issues (on return of occupied territory, settlements, the return of Palestinian refugees and other final status items) to another negotiation process entirely, that was not to begin officially until 1996.

The issue of Jerusalem and its Palestinian residents became the hallmark of the incrementalist approach. The PLO wanted some mention of Jerusalem in the drafts, or some demonstration of its connection to the permanent status and the Palestinian desire to establish a capital there. The Israelis consistently opposed this. On the subject of elections however some provision had to be made for the Palestinians of East Jerusalem. This was done by adding an annex to the Declaration of Principles, whose first article

196

permits those residents to "participate in the elections process, according to an agreement between the two sides" which had not been negotiated yet.[96]

With such creative terminology, the parties avoided deciding whether residents could run or simply vote in the elections, and set up a future negotiation over the issue.

The final Declaration set forth the agreement to provide an initial Israeli withdrawal from Gaza and Jericho, endowing the PLO with a future territorial base and a starting point for Palestinian self-rule while also providing for future negotiations on five (later six) spheres of civil authority that would be assumed simultaneously with the first Israeli withdrawal (from Gaza/Jericho).[97] The Annex on withdrawal from Gaza and Jericho stipulated that the parties would quickly negotiate another agreement that would resolve the size of the Jericho area (much disputed in the later rounds of the Oslo Channel), the timetable of withdrawal and the establishment of the "safe passage" routes between Gaza and the West Bank that Johan Jørgen Holst had persuaded Arafat to accept.[98] Limited power was transferred to the Palestinians upon the initial withdrawal even though the PNA had not yet been structured. The negotiations over the Declaration provided for a future negotiation to conclude a comprehensive "Interim Agreement," which would specify the structure of the Palestinian National Authority (PNA) and the modalities for transferring power to it. Many issues disputed in the Oslo Channel were

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[96] Annex I "Protocol on the Mode and Conditions of Elections," Declaration of Principles on Interim Self-Government Arrangements, September 13, 1993. The text and annexes to the DoP are available on the World Wide Web, and were accessed December 31, 2000. See State of Israel, Ministry of Foreign Affairs <http://www.israel.org/mfa> and also Palestine Liberation Organization/Palestinian National Authority, Negotiation Affairs Department <http://www.nad.gov.ps>

[97] Article VI "Preparatory Transfer of Powers and Responsibilities," Declaration of Principles.

[98] Annex II "Protocol on Withdrawal of Israeli Forces from the Gaza Strip and Jericho Area," Declaration of Principles.

197

left to the negotiations on the Interim Agreement.[99] Once the PNA was inaugurated (called a "Council" in the Declaration of Principles) the Israeli military government would be withdrawn and the civil administration would be "dissolved."[100] Additionally, the Declaration of Principles enumerated broad areas of Palestinian-Israeli cooperation in economic affairs and social development as well as areas of regional development under the auspices of the G-7 countries. These clauses were general enough to require the establishment of ongoing negotiation committees to specify details of implementation.[101] Another clause established a Joint Israeli-Palestinian Liaison Committee which would handle coordination and implementation of the declaration.[102]

The fact that the PLO itself was the negotiating partner for Israel in the Oslo Channel brought up an issue that was far removed from the talks in Washington; mutual recognition between the state of Israel and the PLO as the political representative of the Palestinian people. This was inevitable despite the Israeli concept that Oslo would simply produce an agreement to be executed by the Washington delegations. Indeed, the PLO participation in Oslo was, to a great extent, predicated on the goal of being the Palestinian signatory and implementing party, not just the negotiating partner.[103] This issue certainly could never have been on the negotiating table in Washington, despite occasional appeals by the Palestinian delegation to the US hosts to recognize and reopen the dialogue with the PLO. In the Oslo Channel as well, recognition was not initially 'on the table' and

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[99] Article VII "Interim Agreement," Declaration of Principles.

[100] Article VII.5, "Interim Agreement," Declaration of Principles.

[101] Annex III, "Protocol on Israeli-Palestinian Cooperation in Economic and Development Programs, and Annex IV, "Protocol on Israeli-Palestinian Cooperation Concerning Regional Development Programs, Declaration of Principles.

[102] Article X, Declaration of Principles.

[103] Qurei (Abu Alaa), Interview with the Author.

198

when it came up, it was as a private initiative of Joel Singer's. Uri Savir held it out as an inducement to Abu Alaa at the July crisis in the Oslo Channel. Nevertheless, it took on a life of its own separate from talks on the declaration of principles. Thus separated, it provided both parties with leverage. The PLO wanted recognition, and Israel realized that recognition was the price of having the declaration of principles and getting an explicit renunciation on the use of force from the PLO. Recognition became a macro-level negotiation issue and the entirety of the declaration of principles depended on successful resolution of the issue. The somewhat transparent exclusion of the PLO from the Washington talks, and the fact that those talks were fruitless in terms of outcome, meant that such a critical issue could not have been brought to the table there, much less negotiated successfully. Given the dynamics of the parties and their complementary goals, the issue had to emerge somewhere and the only place for it to be negotiated was in the direct back channel.

For the Palestinians, the universe of issues is the same in each 'channel', the difference between the channels reflected different approaches to handling the issues, as well as different solutions to the issues in contention. The Palestinian delegation in Washington enjoyed an historic first opportunity to gain global recognition for the Palestinian national cause, hence its preoccupation with representation of that cause and a rights-based orientation. In Oslo, the Palestinians were pragmatic political players, consumed by the goal of returning to the occupied territories and establishing themselves as the Palestinian government. The Israeli delegations in each channel reflected vastly different approaches to the political future of the occupied territories, as discussed above.

Oslo enjoyed an agreed goal for the negotiations, which always eluded the delegations in Washington. With this agreed goal, the negotiators in the Oslo back channel were able to consider solutions that the Washington negotiators could not, such as recognition of the PLO, and non-prejudicial deferral of permanent status issues.

B. The role of secrecy and publicity

1. Secrecy

For Norway, as well as the PLO and Israel, secrecy was a strategic, desired condition of the talks. Johan Jørgen Holst, foreign minister of Norway at the time of the conclusion of the Oslo Channel, explained that "the negotiations were conducted in secrecy in order to prevent opposition from blocking progress before the potential success had been demonstrated."[104]

What was the extent of secrecy? The US State Department was informed early on, but appeared to take no notice of the Oslo Channel while it invested the prestige of the United States in the Washington talks. The Egyptians were not only aware, but like Norway, they helped the Channel by playing an occasional intermediary role. The Egyptians were also aware of other Israel-PLO contacts. A key aspect of structuring a back channel is to have a front channel that is unaware of any other negotiations so that it conducts its negotiations as if it were the only existing channel, thereby making it responsive to the tactical and strategic directives of the top decisionmakers who are aware of all channels. The Oslo Channel was successfully kept secret from the negotiators in the Washington talks on both delegations, although members of the Palestinian delegation, including Camille Mansour, a legal advisor to the delegation, and

Hanan Ashrawi, the spokesperson, claim to have deduced the existence of a secret channel.[105]

At the highest level of PLO policymaking, the Oslo Channel was gradually revealed to the PLO Executive Committee, which represented all the member political and military groups within the PLO, but not to other representative bodies such as the PNC or the executive councils of the parties that make up the PLO. Abu Mazen and Arafat did not reveal the existence of the Oslo Channel to their own political group, Fateh, and Abu Mazen only hinted at his optimism in July 1993 meetings of the Revolutionary Council and the Central Committee, two high-level policymaking bodies of the Fateh leadership.[106] The small circle of Arafat advisors; 'Abd-Rabbuh, Abu Mazen, Abu Alaa, and few others were the mirror image of the small circle of Israeli political figures who were aware of the channel within the government's cabinet (in addition to the two academics from ECF; Hirschfeld and Pundik).

The Israeli military command as well as the heads of three intelligence agencies were denied knowledge of the back channel.[107] Finally, Labor's coalition partners (Meretz and SHAS), were not informed and neither were any of the ministers in the Rabin cabinet (except of course for Peres and Beilin).

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[104] Holst, Reflections on the Making of a Tenuous Peace.

[105] Ashrawi, *This Side of Peace: A Personal Account*; Camille Mansour, Interview with the Author, Bir Zeit, Palestine, May 9, 2000.

[106] Abbas, *Through Secret Channels*, 165-166.

[107] There was an alleged Mossad (Israel's foreign intelligence agency) mole at PLO headquarters in Tunis: Adnan Yasin, who worked as an aide to Arafat. Mossad reported to Rabin in his capacity as both Prime Minister and Defense Minister, and may have informed Rabin of the Oslo Channel even before Peres brought it to his attention, assuming that Yasin was privy to such information. Yasin was uncovered on October 26, 1993. The uncovering of Yasin is mentioned in "Chronology," *Journal of Palestine Studies* 23, no. 2 (Winter 1994).

It hardly needs to be said that the Israeli and Palestinian public were kept in the dark about the Oslo Channel, including of course the Israeli settlers' organizations and the Palestinian religious nationalist groups, but these are considerations to be discussed under exclusion of subparties.

Shimon Peres is an Israeli statesman with long experience in secret diplomacy. He was present at the secret summit meeting in which the French, British and Israeli governments decided to invade Egypt in 1956 (the Sèvres Protocol).[108] He helped build up the armed forces of Israel by negotiating secret arms sales from France[109] and was instrumental in developing the Dimona nuclear reactor for Israel, also built with French assistance in great secrecy.[110] In April 1987 he activated Israel's longstanding secret channel with Jordan in an attempt to fulfill his ambition of getting Jordan to assume the leadership role in Palestinian autonomy. A political figure with his experience understood clearly the value of preserving certain state actions under the cover of secrecy. His experience and instincts in this regard guided him to oversee the Oslo Channel while his exclusion from oversight of the Washington talks facilitated his exploration of alternatives.

When Peres attended the secret ceremony for the Oslo Declaration, he declined to initial it himself. Instead he directed Singer and Savir to initial it on behalf of the Israeli government "because the agreement had not yet been submitted to the cabinet for approval. It had to remain "deniable" in case, God forbid, the need to deny it should still

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[108] Peres, *Battling for Peace: A Memoir*, 102-114.

[109] Ibid., 103.

[110] Ibid., 115-124.

202

arise."[111] Peres assumed that by not attaching his name to it, the negotiations could still be dismissed as a freelance operation rather than a political action of the state.

Various of the key players have stated unequivocally that secrecy was a requirement for the Oslo Channel. Savir and Abu Alaa noted that secrecy protected the negotiation process and helped the negotiators learn to trust each other as individuals and as political adversaries.[112] They make very clear that the publicity surrounding the Madrid Track was a major disincentive to creative bargaining, due to the dynamic that results when people negotiate in front of audiences with an interest in the outcome; principals and constituents, which are even more intense in negotiations concerning a violent conflict.

Early in the second phase of the Oslo Channel when it was contemplated that any agreement reached there would be signed in the Washington talks, Joel Singer asked the Palestinians what they thought about using secret agreements, secret letters or letters to a third party to supplement any open agreement, as had been done in the Egypt-Israel peace process.[113] This in fact was done in order to close the negotiations over mutual recognition: the Peres letter to Holst on the preservation of Palestinian institutions in Jerusalem. The Oslo Channel not only was conducted with procedural secrecy, but also produced secret understandings.[114]

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[111] Ibid., 301.

[112] Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method,"; Qurei (Abu Alaa), Interview with the Author.

[113] This is according to Abu Mazen's transcription of Joel Singer's forty questions in the sixth round of the Oslo Channel. Abbas, *Through Secret Channels*, 155.

[114] The secret letter from Peres to Holst was revealed by Arafat in a public statement while traveling through South Africa after the signing of the Declaration of Principles. It came to light after ratification however.

Secrecy permeated every aspect of the Oslo process and permitted the decisionmakers to proceed without risking the interference of their advisors, coalition partners, political opponents and domestic constituencies. It provided protection for the negotiators, so that they could experiment with new ideas for managing the peace process and bridging the gaps in their respective positions, and permitted concessions to be made without immediate loss of face. It also protected them from the audience effect and manipulation of third parties. Finally, secrecy insulated the negotiators from the events on the ground—violence, provocations and other negative developments that front channel negotiators would feel obligated to respond to, usually by stopping the negotiations.

2. Publicity

Despite his long experience with secret diplomacy, Peres, as well as Hirschfeld and Abu Alaa understood the importance of marketing peace arrangements to constituencies, which necessarily involves publicity. In his public statements, Peres occasionally would indicate that progress on the Israeli-Palestinian track was closer than people thought, leaving most observers perplexed. At some point, Abu Mazen believed his optimistic assessments were putting the Oslo negotiators at risk of being discovered, and he passed a message to Peres asking him to moderate his public statements. Peres demurred, citing the need to prepare the public.[115] Peres' intentions were impeccable, but the measures taken were wholly inadequate, piquing curiosity rather than causing a shift in public opinion.

The Holst-Peres trip to the United States for the purpose of informing Warren Christopher and the resulting American plan to host a signing ceremony were partly for

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[115] Abbas, *Through Secret Channels*.

204

the purpose of converting the gains of the Oslo Channel into a public commitment by having a global audience. It was also part of Peres' plan to obtain American financial support for redeployment and to begin building diplomatic and economic support for the Palestinians. Ultimately, these were insufficient moves to build a public consensus for the peace arrangements embodied in the Oslo Accord.[116]

Uri Savir has criticized the failure of both parties to take any concrete steps towards reconciliation between ordinary Palestinians and Israelis, part of a larger "peace propaganda plan" that was raised in the first phase of the Oslo Channel but ultimately neglected. Savir considers this omission to be a cause of the lack of public support for the peace process and the rising popularity of rejectionists, although he recently affirmed that the "detachment from public opinion" of BCD, while it prevents the parties from adequately preparing the public, is outweighed by the advantage that with BCD "we don't have to create such tremendous expectations" about a future peace deal (as in the Israel-Syria negotiations) and public opposition to potential concessions cannot be mobilized, thereby enabling negotiators to do their work.[117] Back channel negotiators still face the dilemma of persuading fickle or hostile constituencies that the negotiations were conducted in their interest. Public signing ceremonies are just the first step of this process.

C. Exclusion and inclusion of subparties

Both parties sought to marginalize subparties within the Israeli government and within the PLO, not to mention parties who are not part of the governing structure of

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[116] Don Peretz, *The Arab-Israeli Dispute* (New York: Facts on File, Inc., 1996).

[117] Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method."

205

either; opposition parties (Likud, HAMAS, PFLP), settlers groups (YESHA Council), Palestinian refugees, dissident factions from the PLO (Abu Nidal, Abul Abbas).

On the Israeli and Palestinian sides, there is ample evidence that different channels, to some extent, corresponded to different decisionmakers and negotiators within the same subgroup because of political and personal rivalry on the Israeli side and due to internal friction among PLO officials on the Palestinian side, as well as a patrimonial decisionmaking style of Arafat which results in the elevation or demotion of different negotiators according to political expedient.[118] Oslo was essentially a project of Abu Mazen and (eventually) Shimon Peres and not an initiative of more senior officials such as Faruq Qaddumi (then the most senior PLO official below Arafat) or Yitzhak Rabin. Rabin's efforts to exclude Peres, a member of his own cabinet and the Minister of Foreign Affairs, from supervision of the bilateral Madrid Track also played a role in encouraging Peres to explore other options, especially in light of Madrid's problematic handling of both substance and process of negotiation. Rabin attempted to cut Peres out of the bilateral Palestinian-Israel peace talks, the Israel-Syria and Israel-Jordanian talks, leaving him supervision of the multilateral talks only. Abu Mazen had the advantage of being involved in both Washington and Oslo Channels.

The Oslo Channel was Shimon Peres' second major secret effort at a peace settlement concerning the West Bank and Gaza. The first was his London Agreement of April 11, 1987, negotiated in secret with King Husayn, at which he hoped to set in

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[118] This point was made clear to me by Camille Mansour, a Palestinian lawyer who founded the Bir Zeit University Law Centre and was a member of the Palestinian delegation to Washington. Mansour, Interview with the Author. Uri Savir recalls that Muhammad Abu Koush, the most junior Palestinian negotiator at Oslo, met with Uri Savir in Frankfurt, informing him that he was replacing Abu Alaa in the post-Oslo phase. This turned out to be his first and last time as chief negotiator. Savir, *The Process: 1,100 Days That Changed the Middle East*, 81.

motion an international peace conference that would confer legitimacy on a joint Israeli-Jordanian solution in the West Bank and Gaza. It will be recalled that, as part of a 'unity' government, Peres had no monopoly on decisionmaking, even as foreign minister. In fact, Peres' exclusion of Yitzhak Shamir led to the latter's efforts to torpedo the initiative. The main excluded subparty throughout the negotiations with Husayn had been the Prime Minister and other cabinet members, despite their key role in Israeli decisionmaking. The Peres-Husayn plan called for George Shultz to adopt and 'sell' the plan back to Shamir and Husayn, which ultimately he found impossible to do, as detailed in Chapter 2 primarily because the policy decision could not be made by Shamir due to his government's coalition structure.

At the initiation of the Oslo Channel (the first meeting in London and subsequent meetings in Norway) it appears that the highest levels of political decisionmaking were not aware of events. Abu Mazen reported little to Arafat pending the determination of the Norwegian government's official involvement and the confirmation that the Israeli leadership was backing this channel. Similarly, Beilin did not initially inform Peres about the existence of the Oslo Channel, and certainly did not inform Rabin. Only gradually was the Oslo channel revealed to Peres, who later revealed it to Rabin.

From that point, other cabinet ministers, the military, and political coalition partners and of course political parties in the opposition were deliberately excluded from the circle of those who knew about Oslo. The strategy of secrecy was broadened to exclude not only external actors, but internal bureaucratic ones as well, and even high level staff members in the PLO and the Israeli government. This exclusion was to prevent insiders from overburdening the process with concerns (legitimate or not) pertaining to

207

their bureaucratic or political interests and to prevent others from mobilizing Israelis opposed to peace arrangements and provoking a political crisis by accusing the government of betraying the national interest.

Exclusion is both a cause and effect of secrecy. To keep something secret, knowledge of that thing is prevented from spreading to others. Secrecy and exclusion were instrumental in delaying but not eliminating internal crises that arose when the Oslo accords were revealed. When the Oslo accords became public, Binyamin Netanyahu led the opposition charge against Rabin in the Knesset and warned Rabin that future generations of Israelis would "settle the historic account" with him.[119]

D. Proximity of decisionmakers, autonomy of negotiators

Although the Oslo Channel was not directly initiated by Peres, he took 'ownership' of it quickly. Decisionmaking—getting the Israeli government to take responsibility for the Oslo Channel—was something that was of great concern to Peres throughout the existence of the Channel, and once the Channel's existence was brought to his attention, he successfully persuaded Prime Minister Rabin to adopt the channel as his own (by the third round of Oslo negotiations) while shutting out the Foreign Ministry, the Prime Minister's aides and his cabinet colleagues. He had learned from his 1987 experience that he needed at least the Prime Minister to be amenable to his plan.

In order to maintain his authority within the Oslo Channel that he had no part in establishing, Rabin sent an envoy he personally trusted to the Oslo encounters when it was upgraded to fully official status; Joel Singer.[120] In the second phase of the Oslo

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[119] Binyamin Netanyahu, statement to the Knesset on Israeli-Palestinian Declaration of Principles, Jerusalem, September 21, 1993, reprinted in *Journal of Palestine Studies* 23, no. 2 (Winter 1994): 141-143.

[120] Singer, Interview with the Author.

Channel, therefore, the link between the negotiators and key decisionmakers was extremely direct, with no bureaucratic intermediaries at all to impede communication.

As a consequence of Peres and Rabin becoming gradually aware of and committed to the Oslo Channel, the Israeli negotiators were upgraded to official status; Uri Savir, the director general of the foreign ministry, was first sent in the sixth round, later joined by Joel Singer in the seventh round. The locus of Israeli decisionmaking moved much closer to Oslo than to Washington. As for Hirschfeld and Pundik, the initial Israeli delegates to the Oslo Channel, they saw their negotiating autonomy decline precipitously as their work bore fruit. As negotiators, they had an inherent obsolescence. They were necessary to open the channel, but their level of authority and proximity to Israeli decisionmaking were insufficient to keep the Palestinians interested and thus insufficient to keep the channel open and operating.

Arafat too was apparently unaware of the existence of the Oslo Channel at its initiation, according to one Arab confidant, and was not informed until after the first meeting had concluded.[121] His initial point of information was one of his closest and highest ranking aides, Mahmoud Abbas (Abu Mazen).

Abu Mazen was, at that point, not entirely certain that the government of Norway was supporting Larsen, who had informally helped to bring together Abu Alaa and Ya'ir Hirschfeld. Abu Mazen was uncertain about the extent of Israeli commitment as well. Still, as the main PLO advocate of direct contacts with the Israeli political parties, in or out of power, and as the main advocate of interim (as opposed to comprehensive) solutions, he was highly interested.

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[121] Heikal, *Secret Channels: The inside Story of Arab-Israeli Peace Negotiations*, 437.

He quickly understood the potential of Oslo and reported to Arafat, obtaining his approval for the talks. Few PLO officials in the Executive Committee found out about Oslo, while larger PLO Central Committee and the PNC were sidelined. Despite his initial distance from Oslo, Arafat quickly became the central point of decisionmaking for the Palestinian delegation at Oslo, and Abu Alaa returned to Tunis with his delegation to consult and debrief with Arafat and an intimate circle of aides after each Oslo encounter.[122]

The PLO and Israeli government excluded large categories of constituencies from knowledge of the Oslo Channel and severely limited the access of their highest officials and staff (and as mentioned, kept it a secret from their front channel negotiators). Both parties' negotiators in Oslo enjoyed a highly direct connection and instant communication with the highest policy and decisionmakers within their side, and both were directly overseen by an official just below the cabinet rank (or its equivalent, in the case of the PLO): Beilin and Abu Mazen. The individual negotiators enjoyed a high level of confidence from their leaders.

Both Oslo delegations had similar and high levels of negotiating flexibility flowing from several factors, including the absence of bureaucratic or external actors asserting their demands and calling for constraints on bargaining behavior, the confidence their leaders had in them, the negotiators' proximity and access to the decisionmakers,

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[122] Abbas, *Through Secret Channels*, 185-190.

and no doubt, their own skill as negotiators, which each side has complemented (and criticized) the other on.[123]

Their broad negotiation mandate stands in contrast to the highly constrained negotiation mandate of both delegations in Washington. The people sitting at the negotiation table in Washington were, on the Palestinian side, residents of the occupied territories, not PLO officials. This made their mandate highly circumscribed and indeed, they sought PLO guidance openly until they felt they were being manipulated by Arafat. Besides advocating for the restoration of legitimate national rights for the Palestinians, the delegation served to represent the Palestinian plight before the world in a way that had never been done before. Their accomplishments were stronger in terms of representation than in terms of actual negotiation. This is especially true given the Shamir government's negotiation guidelines to its delegation, which remained the same under Rabin.

On the Israeli side, the chief of the delegation, Eliyakim Rubinstein, is a civil servant who had worked with numerous governments without regard to the party in power. Without any new policy guidance, he felt (understandably) that he had no mandate to do anything differently under Rabin than he had done under Shamir. This alone is enough to explain why the talks went nowhere.

At Oslo, the people and the process were different. Without the press, the Palestinians had one less audience to worry about on a daily basis. They were not concerned with the immediate effects on public opinion or press relations. Both

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[123] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*; Peres, *Battling for Peace: A Memoir*; Qurei (Abu Alaa), Interview with the Author; Savir, *The Process: 1,100 Days That Changed the Middle East*; Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method."

delegations at Oslo made skillful use of brainstorming, and early on had decided to permit any issue to be brought to the table, and any concession to be retractable, especially in the first phase. These considerations helped them create common work agendas that they were committed to making progress on. These simple, business-like, and process-oriented tasks were never accomplished in Washington.

The proximity and involvement of the decisionmakers to their negotiators at Oslo is certainly one factor that facilitated their ability to take steps beyond the bounds of political rhetoric and negotiate what they felt could be pragmatic arrangements. The PLO delegation arrived at Oslo actually *proposing* (as opposed to shunning) an interim solution with an initial territorial basis in Gaza, something which was not on table at the Washington talks.[124] Hirschfeld and Pundik also worked with a great deal of flexibility, drafting the initial DoP which explicitly mentioned Jerusalem as an problem to be *negotiated* (as opposed to claimed in its entirety at the outset). In their case, however, they were not close to the Israeli prime minister. However, Savir and Singer, once they were inducted into the Oslo Channel, worked with a broad mandate that included (under the right circumstances for Israel) recognition of the PLO.

E. Presence and role of third parties

As is widely understood, a third party intervenor such as the United States, with power and resources of its own, intervenes because of its interests in the conflict or because of its closeness to one of the conflict parties. The leverage it counts on with its ally and the other party to the conflict is due to the resulting triangular dynamic in which one party seeks to get closer to the intervenor at the expense of the ally by making

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[124] Heikal, *Secret Channels: The Inside Story of Arab-Israeli Peace Negotiations*, 439.

concessions to the intervenor, while the ally may make concessions to preserve the relationship with the intervenor. The role of power in mediation is the subject of several works in the literature, most recently a collection by Zartman and Rubin.[125]

The quality of Norway's role in the Oslo channel is captured in Uri Savir's recollection of his first trip to Oslo, (the sixth Oslo round). After one attempt to break the ice between Savir and the Palestinians, Terje Larsen "decided to leave us...'If you can't get along on your own, call me.'"[126] The Norwegian role was primarily one of facilitating appropriate logistics with due attention paid to secrecy, isolation, safety and comfort. However, at key moments, the Norwegians, especially Terje Larsen and Mona Juul, would intervene in a subtle manner in order to suggest compromise language or concepts or to clarify communication. Terje Larsen was "appointed the liaison between Tunis and Jerusalem" by Savir and Abu Alaa.[127] They received briefings from each delegation at the start and end of each round, and passed messages from one party to the other between rounds.[128] Norway also did not try to be an diplomatic advocate for either side asymmetrically, as the United States often did. This is a remarkably different model of third party intervention than the one played by the United States in the Washington talks, which vacillated between passivity and imposition of proposals.

In Holst's words, Norway had "no special interests of her own to promote or defend," had the confidence of both sides, a long tradition of quiet commitment to

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[125] I. William Zartman and Jeffrey Z. Rubin, eds., *Power and Negotiation* (Ann Arbor: University of Michigan Press, 2000).

[126] Savir, *The Process: 1,100 Days That Changed the Middle East*, 12.

[127] Ibid., 21.

[128] Abbas, *Through Secret Channels*, 136-137, 175-176; Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, 22; Savir, *The Process: 1,100 Days That Changed the Middle East*, 21, 43, 49-50.

213

international peace, and the resources to underwrite the involvement of a small, interdisciplinary team of facilitators that hosted the Israeli and Palestinian negotiators. Their intervention was limited to "providing the logistical arrangements and communicating between the rounds, since there were no direct phone links between Israel and the PLO in Tunis."[129] Jan Egeland termed Norway's third party role as one of "multiparty facilitation rather than mediation...the Palestinians and Israelis were uniquely qualified for and motivated to doing the actual negotiations by themselves."[130]

But the Norwegian role did not remain limited to providing quiet counsel and discreet Scandinavian country mansions for the talks. Norway's Foreign Minister Holst visited Tunisia and Israel in July 1993 for the purpose of speaking directly with Arafat and Peres in order to build their confidence as they approached agreement and recognition. Holst condemned the "interventionist propensities of third party mediators," whose past actions in the Arab-Israeli conflict "may also have contributed to past failures," a thinly veiled reference to the United States. Among other things Holst reassured the respective leaderships that their own negotiators were not diluting the interests of their respective sides in the intimate, isolated Oslo negotiations.[131] In the final rounds of Oslo, Holst's active intermediation was pivotal in getting compromise proposals accepted and in encouraging timely decisionmaking.

All of these assertions notwithstanding, the role Norway played was not confined to simple facilitation, but took on many of the aspects of active mediation at several

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[129] Holst, Reflections on the Making of a Tenuous Peace.

[130] Jan Egeland, "The Oslo Accord: Multiparty Facilitation through the Norwegian Channel," in *Herding Cats: Multiparty Mediation in a Complex World*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela R. Aall, (Washington, D.C.: United States Institute of Peace Press, 1999), 531.

[131] Holst, Reflections on the Making of a Tenuous Peace.

points in the Oslo Channel, especially to manage crises and to build the confidence of both PLO and Israeli leadership.

Curiously, the United States was briefed about Oslo on several occasions and seemed to take little or no interest in the existence and work of the Oslo Channel. This may have been due to the State Department's unwarranted belief in its own centrality to the Washington talks, or due to an institutional blindness regarding the positive roles other states could play in the Middle East.[132] Hassan Asfour believed US disinterest in Oslo can be attributed to the US' belief that the PLO was only "a temporary organization after the Gulf War."[133] All parties knew that the 1987 Peres-Husayn back channel attempt at concluding a framework accord on the Palestinian territories was derailed when the United States found it could not support an initiative that the Israeli cabinet was not united behind.[134] The United States may have wished to avoid confronting an analogous internal competition between Peres and Rabin, though it was less pronounced than the gap between Shamir and Peres in 1987.

The 'official' Israeli negotiators at Oslo, Joel Singer and Uri Savir, did nothing to update the United States about the Oslo Channel. This was only done at the commencement and conclusion of the Oslo Channel. Savir states that Yitzhak Rabin's conditions for sending him to continue the Oslo process were ongoing secrecy and the absence of substantive intervention by any third parties.[135] The historic Israeli aversion to international intervention in the Arab-Israeli peace process was usually translated into a

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[132] Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, 13, 26-29.

[133] Hassan Asfour, Interview with the Author, Ramallah, Palestine, April 29, 2000.

[134] See Chapter 3 for the details of the April 11, 1987 London Agreement.

[135] Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method"; Singer, Interview with the Author.

215

desire to exclude the UN and the Soviets from substantive roles. Behind this aversion lay the perception that the UN and the Soviets were traditionally pro-Arab in their political alignments and that their intervention would involve Israeli concessions. Given the abiding US interest in the peace process, interest which ebbed and flowed and took different forms according to US presidential dispositions, but which never disappeared in any US administration, Israel no doubt wished to avoid having to make concessions to the one party who could credibly demand such a concession in return for its commitment of diplomatic and military support.

At the procedural level we find additional reasons for Israeli aversion to third party involvement, although Savir's analytical insights in this regard were made after the Oslo experience and subsequent negotiations. Savir makes quite clear that parties in conflict cannot develop "the creativity, the trust, the mutual understanding of interests with a third party present." Savir believes that relying on a third party to pressure your adversary is a tactic that may ultimately backfire and he reserves his most strident criticism for the United States as mediator.[136] Abu Alaa recalls only half jokingly, "we tried many times to involve the Americans, but fortunately they didn't take [Oslo] seriously." Abu Alaa also depicts third parties as interested in an accord for their own political purposes, rather than for facilitating the mutual learning between the adversaries; learning about tactics, strategies, true interests and concerns.[137]

On the PLO side, we find a historic longing to find support or at least empathy in Washington DC in order to get the United States to deliver Israeli concessions, just as the early Zionists sought the support of first the Ottoman and later the British government

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[136] Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method."

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216

and finally, the Hashemites—a powerful party who could wring or make concessions on behalf of or in spite of, the Palestinians.[138] One factor that contributed to PLO support for the Oslo Channel was precisely the realization that the United States was not going to deliver Israeli concessions. Once the PLO understood the limits of US leverage with the Israelis, Arafat opted for direct talks with the support of the Norwegians to negotiate an accord.

Certainly Norway and Israel have expressed reservations about an activist US role in the Israeli-Palestinian peace process. Israel had little interest in a Russian role either. The PLO was precluded from having a direct bilateral relationship with the United States for the duration of the Washington talks and until the Oslo Channel had concluded. As the weaker party, the PLO welcomed the reopening of the US-PLO dialogue at the conclusion of the Oslo Channel.

More important perhaps than the identity of the third party intervenor is the quality of intervention. Norwegian facilitation (with sporadic mediation as needed) was much better matched to the political needs of both parties in the Oslo Channel than the US role in the Washington talks. The back channel did therefore protect the Israelis and the PLO from US pressures.

A third party without an intermediary role but with the potential to disrupt the progress of the Israeli-Palestinian track is Syria. Rabin's chief of staff, Eitan Haber (who knew little about the Oslo Channel) argues that direct and open Israel-PLO negotiations

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[137] Qurei (Abu Alaa), Interview with the Author.

[138] This pattern of early Zionist/Israeli negotiations is described by several historians. See Avi Shlaim, *The Politics of Partition: King Abdullah, the Zionists and Palestine 1921-1951* (Oxford: Oxford University Press, 1998), as well as Neil Caplan, *Futile Diplomacy: Early Arab-Zionist Negotiation Attempts* vol. 1 (London: F. Cass, 1983); Neil Caplan, *Futile Diplomacy: Arab-Zionist Negotiations and the End of the Mandate* vol. 2 (London: F. Cass, 1986).

217

at the time of the Washington talks would have made the Palestinians vulnerable to pressure from the Syrian government, which may have preferred a deal of its own with Israel before any Palestinian-Israeli accord.[139] At different times Rabin also seems to have preferred the Israeli-Syrian track with its relative lack of complexity compared to the Israeli-Palestinian negotiations. Oslo permitted the PLO to neutralize any pressure and interference the Syrians might have exerted, had they known about Oslo.

F. Strategic use of multiple negotiation channels

The secret channel was useful for facilitating communication, reducing uncertainty and information asymmetry, signaling preferences, while the front channel was instrumental in protecting the secret channel and provided a practical motivation (lack of progress) to open the secret channel. To gain these advantages, the parties needed to have *multiple* channels. They had to conduct negotiations in two channels simultaneously.

The Oslo Channel was established during a five month lull in the Madrid negotiations, between its eighth and ninth rounds and therefore began in parallel with the later phase of the Madrid Track.

Egyptian observer Mohamed Heikel wrote that at least "nine different secret [PLO-Israel] channels ran through Cairo" at the time the Oslo Channel was being started up, although little is known about the extent and purpose of these contacts.[140] By one account, senior Israeli academics and former military commanders met with PLO security officials and academics in London and Rome in October 1992 under the auspices of an

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[139] Haber, Interview with the Author. Also see Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord.*

[140] Heikal, *Secret Channels: The inside Story of Arab-Israeli Peace Negotiations*, 433-435.

academic conference on regional security in the Middle East.[141] They explored aspects of security cooperation under an eventual accord for Palestinian self-government. However this dialogue had no participation or input from the Israeli government, although its results appear to have filtered back to the delegations in Washington.[142]

In addition to the talks in Washington and Oslo, the Norwegians and even the Egyptian government served as occasional intermediaries carrying messages to the PLO and Israeli leaders, while some direct bilateral links existed as well, such as the al-Tibi-Ramon relationship. At different times all were made use of, and in order to avoid confusion, at the beginning of the Oslo Channel, there was some discussion of the need to limit channels and focus efforts and commitments in one channel alone—the Oslo Channel.[143]

As the Madrid and Oslo tracks coexisted in time, there can be no doubt that they represented the parties with opportunities for strategic use. One of the first opportunities for such strategic use arose over the issue of East Jerusalem. Was it to be included in an eventual area of Palestinian self rule during the interim period or not? While the PLO was conceding this point in the Oslo Channel, it issued parallel but contrary instructions to the delegation in Washington. The first result was confusion: which channel was conveying the real PLO position? Was there a single PLO position? After the confusion, the signal was interpreted correctly; the Israelis could expect moderation only in the channel where the PLO was directly present: Oslo.

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[141] Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord.*

[142] Ashrawi, *This Side of Peace: A Personal Account.*

[143] Abbas, *Through Secret Channels*, 134.

219

In Chapter 4, we saw that the effect of the Oslo Channel, once it was revealed, was to kill the talks proceeding in Washington, especially since the agreement from Oslo was not going to be passed over to the Washington delegations for final negotiations and execution. Rather, the Washington talks were bypassed altogether, alienating many of its participants on both sides.

With the PLO effectively guiding the Palestinian delegation in Washington anyway, the question must be asked: why bother with a direct parallel and secret channel between Israel and the PLO? Part of the answer is found in the qualitative differences between the Washington and Oslo, elements such as the flexibility of the negotiators and their proximity to decisionmakers. Other factors behind the multiple channels are discussed here and include the domestic political concerns (for Israel) and the need for legitimacy and a central role (for the PLO).

Domestic political concerns for the Israelis help explain their aversion to the PLO, but the need to survive politically, for Rabin, meant producing results on the peace process and at some point, Rabin's best option for satisfying Israeli policy interests—controlling terrorism, managing the *intifada*, gaining legitimacy among the other Arab governments and opening up new export and capital markets—was to reach an agreement with the PLO and bring the PLO back to the occupied territories to undertake the responsibilities toward Israel that the self-governing entity would assume. In short, Rabin needed a negotiation partner that could deliver the concessions for Israeli security and for Labor party political survival. An agreement with the Washington delegation would not accomplish this and was too remote in any case. Ultimately, and perhaps paradoxically, Rabin's choice for the Oslo Channel was consistent with older

Zionist/Israeli policies of shunning local Palestinian interlocutors and seeking outsiders (the Emir Faysal, King Husayn in Jordan, Sadat in Egypt and finally, the exiled PLO leadership) in order to 'deliver' the Palestinians. The PLO would have to control internal dissidents, manage religious nationalists and paramilitary groups while negotiating the terms of the interim agreements and the final status. By the time Oslo was signed, Palestinians in the West Bank and Gaza often considered the PLO leadership in Tunis and elsewhere to be the 'external' leadership: people who did not live with the effects of the Israeli occupation.

The lure of gaining legitimacy in the eyes of the Israeli and US governments helped motivate the PLO to seek a central, direct role via the back channel. Shunned by the United States and Israel, in conflict with regional players such as Syria and Jordan, the PLO was suffering a severe financial crisis when the Oslo Channel opened. It desperately wanted to get US support after political isolation drove it to align with Iraq prior to the Persian Gulf War. New legitimacy would pave the way for becoming the sole representative of the Palestinian people's national aspirations.

Neither party could accomplish these goals through the Washington negotiations.

Multiple channels existed at the time that the Oslo Channel was conducted and there were efforts to both reduce the scope of such channels, while making selective use of them in order to clarify intentions and facilitate communications at the highest levels of decisionmaking. The two parallel negotiation channels, Washington and Oslo, served as opportunities to signal intentions, preferences about which channel to use most seriously, issue preferences and other information from one side to another even though the original function of this parallel dynamic was to send finalized drafts from the secret

channel to the front channel. Joel Singer, alluding to the complex sets of reasons that can motivate the use of multiple channels and changing purposes for them, noted that "if life were simple, content being negotiated in secret could be finished in the front channel. But life is not simple."[144] The Washington talks served to protect the Oslo Channel by deflecting attention from it. The existence of parallel channels was in these several dimensions a useful part of the peace process for both parties.

G. Additional aspects of the Oslo Channel

The secrecy and seclusion of the Oslo talks, skillful facilitation by the Norwegians and the time to live together for brief but intense periods permitted some Oslo negotiators to build personal friendships (Abu Alaa and Uri Savir, for example). While they did not erase their respective national identities in creating a personal relationship with a delegate from the other side, they succeeded in distancing themselves from the stereotypes each had of the other. Both Abu Alaa and Uri Savir mention that *trust-building* was one of the chief benefits of the Oslo Channel, at both interpersonal and a political levels.[145]

Uri Savir believes that trust cannot be built with third parties present and that, in the absence of inter-party trust, negotiation creativity cannot be exercised. "When you sit down with your counterpart and want to test a creative idea, and if it's not secret and not based on an element of trust, your counterpart will run to his boss and say 'I sense there is some flexibility on the other side' for leverage, and the idea is dead."[146]

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[144] Singer, Interview with the Author.

[145] Qurei (Abu Alaa), Interview with the Author; Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method."

[146] Ibid.

222

Some BCD negotiators mention another motivation for pursuing back channel negotiations. They seek to reduce the *uncertainties* inherent not only in negotiation outcomes, but also uncertainties *about what they know about their adversaries*. Abu Alaa states that at Oslo "we learned what's serious and what's not, what is true and what is not true with the Israelis. And...they know the same for us...we are open books for each other. We know their tactics and strategies, and they know the same for us."[147] Similarly, Uri Savir notes that "part of secret negotiations is really to try and learn... what is real, what is fake, where the real sensitivities are, the real issues are."[148] Abu Alaa believes that "the most important thing in secret negotiations is to educate, to teach the other side about your real concerns. And to listen to him about his real concerns."[149]

Both Savir and Peres noted the intelligence value of secret negotiations. Peres used this argument to convince Rabin to support the Oslo Channel. Savir argues that Israel does not have the expertise on the Arab world it claims to have and that the intelligence community would learn a lot about the "sensitivities" of the Arab world by considering Israel's secret negotiators as a resource.[150]

The lack of information on the preferences and concerns of the other side is a key weakness in negotiations of any kind and BCD is one mechanism for reducing a perceived information deficit. Reducing this deficit assists parties in formulating proposals that are calculated to be accepted by the adversaries while also tacitly

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[147] Qurei (Abu Alaa), Interview with the Author.

[148] Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method."

[149] Qurei (Abu Alaa), Interview with the Author.

[150] Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method."

conveying to the other side where one might be flexible and depart from a stated demand

or long-held position.

224

III. Analytic conclusions

The Oslo Channel and its outcome transformed the political landscape of the Middle East dramatically by moving the parties away from declared mutual rejection to becoming publicly acknowledged partners in the search for negotiated solutions. The Oslo process was in many ways the result of more than five years of secret encounters between Israel and the PLO. It was also the result of the convergence of multiple links between the parties and several motivating factors.

Concessions were made by both parties on the issues by making tradeoffs among the issues and against time (by deferring issues to future negotiation stages). The way the issues were discussed was qualitatively different and far more effective than what was happening in Washington. At Oslo, the parties quickly established a common work agenda.

The Oslo Channel only gradually took on the characteristics of a fully official secret back channel because the top policymakers on the Israeli side were at first not fully aware or committed to it, which meant that it was in essence a freelance operation that later assumed the mantle of the state's authority.

The channel was successfully kept secret from the negotiators in the front channel, as well as the subparties, constituents and bureaucratic insiders. It was even kept secret from top Israeli and Palestinian policymakers at first. The secrecy protected the back channel negotiators from pressures that all the excluded parties could have exerted on the Oslo Channel. The major interested third party, the United States, played no role in the creation and conduct of the back channel in Oslo. The United States did however

225

assist in converting the secret channel into a public agreement, and re-activated US-PLO relations.

The existence of multiple channels operating simultaneously presented interesting opportunities for tacit communication between the principals—Rabin and Arafat. The Oslo Channel was itself supplemented by additional confidence building contacts that were made by confidants, as well as by Norway and Egypt. The multiple channels also enabled both parties to simultaneously hold different negotiating positions for strategic purposes.

Although it was not necessarily apparent at the time, it is my contention that there would have been no breakthrough accord had there not been multiple channels of substantive negotiations, i.e., both Madrid and Oslo operating together (as opposed to exploratory talks or other non-bargaining contacts). This is because the multiplicity of channels permitted both parties to manage significant uncertainties: By having two channels, the decisionmakers on each side communicated through close colleagues and through tacit signaling (by manipulating their own positions in each channel). They reduced their exposure to subparties: they could both point to the Washington track as evidence of talks, but there were no real concessions to justify in public. There were no major preconditions to comply with (except the resumption of the Washington talks). The Oslo talks were protected from interference of the United States or the Arab League and there were no internal parties to negotiate in advance on the terms and conditions of an eventual bilateral agreement. The existence of both channels provided a deniable way to gather information on real preferences without the risk of public failure.

226

It is also my contention that the secret channel produced the breakthrough precisely because it was kept secret. *The secrecy permitted the negotiation to be conducted without the interference of obstructive third parties, disruptive internal subparties, before whom tough concessions could not be made.*

BCD permits the parties to align the factors that facilitate successful outcomes in negotiations not burdened by mutual rejection.

When BCD becomes institutionalized, however, excluded parties can begin to surmise the existence of secret channels and come to expect them, thereby reducing their impact and usefulness. The audience effect, mentioned in the social psychology literature, reasserts itself again if negotiators, even back channel ones, are aware that at some point, their work will be revealed, scrutinized and possibly subject to a hostile ratification process.

The very secrecy of the Oslo Channel permitted it (and those responsible for it) to become lightning rods for rejectionism. Little effort was made to explain the full implications of the agreement and the subsequent stage of negotiations after the Washington signing ceremony did not strengthen the confidence of the parties in each other. The failure to anticipate and address the initial alienation with the accord led to much more strident rejectionism. The alienation was partly the result of the exclusion of subparties but more importantly, reflected serious ideological incompatibilities between for example, the Likud party and the Labor coalition in power in 1993, and on the Palestinian side, between the centrist parties of the PLO and Palestinian factions based in Lebanon and Syria. The effects of these difficulties were amplified by the failure of both sides' leadership to encourage the growth of pro-peace constituencies and the failure to

facilitate immediate economic and social benefits to the Palestinians under the emerging self-rule arrangement. Settler organizations and Islamic nationalist groups were understood to reject both their respective political leaders and the new official rhetoric of peace that emerged from the DoP.

Added to all of this were the enormous challenges of starting the new implementation negotiations in full view of civil society and inquisitive media channels. The negotiations conducted in the remainder of the interim period are the subject of Chapter 6.

Chapter 6
NEGOTIATIONS DURING THE
INTERIM PERIOD: 1993-1998

TABLE OF CONTENTS

TABLES AND FIGURES

I. The Interim and Permanent Status negotiations

A. Overview

The Declaration of Principles (DoP) signed on the White House lawn in September 1993 set out the general terms of Palestinian-Israeli cooperation and the gradual withdrawal of the Israeli military government and civil administration from parts of the West Bank and Gaza Strip. Complex negotiations were anticipated in the DoP in order to implement the orderly transfer of power and territory to a Palestinian government and to determine the final disposition of the occupied territory.

The Oslo accords were negotiated to create a condition that did not yet exist: negotiated, limited autonomy. It had very limited implementation consequences, being limited to expressing the will of the parties to work with each other. By contrast, the negotiations that followed Oslo not only had immediate effects, but were extremely sensitive to daily, unfolding events. The parties front channel negotiations were the subject of local and global scrutiny after Oslo. The media reported rumors of further back channels on occasion and leaked documents linked to them. These negotiations awakened a wide spectrum of popular expectations spanning from rage and despair to exuberance and hope.

The Madrid and Oslo negotiation channels in one sense constitute a single negotiation 'set'. They are treated separately in the previous two chapters partly because they evolved separately: the highest level policymakers did not initially design the back channels, especially on the Israeli side. By contrast, following Oslo, the parties deliberately and constantly engaged in multiple channels of negotiation.

230

The DoP established a five year transitional period starting with the initial Israeli withdrawal from Gaza and Jericho, during which only two further stages of negotiations were projected. The first stage was to result in a comprehensive Interim Agreement that spelled out the details and limits of Palestinian autonomy. One purpose of the first stage, aside from reaching agreement on the details of autonomy, was to build trust between the parties and establish cooperative working relationships in economic, military and social affairs of interest to both sides. Upon this anticipated basis of trust and cooperation, the parties hoped to enter into a second stage of negotiations by the beginning of the third year of the transitional period and conclude a permanent status agreement in the remaining two years that settled the major issues they had deferred in the DoP.

In practice, the entire interim period was punctuated by political crises that eroded rather than built trust and that generated new interparty conflict. More negotiations were required in order to implement what had already been agreed to both in principle and in detail. These further negotiations resulted in additional accords not anticipated in the DoP. Both front and back channels were used for negotiations on interim and permanent status negotiations.

Israeli and Palestinian negotiators in the 1993 Oslo Channel negotiated vigorously over the categorization of disputed issues as either interim or permanent status. The Palestinians generally preferred immediate as opposed to deferred negotiation while the Israelis sought to reserve as much as possible for an indeterminate final status negotiation process.

The difficult unfolding of the peace process provided support for the argument that the very deferral of the permanent status issues permitted the Oslo Channel to

231

succeed, but also exposed the entire Israeli-Palestinian peace process to the risk of collapse on numerous occasions. Sectors within the Israeli and Palestinian population claimed that they had been betrayed by their own leaders during the interim period, not trusting a process based on incremental transfer of autonomy to the Palestinian side. The uncertainty of the eventual permanent status ironically permitted pessimists on both sides to consider those issues as having been predetermined against their own respective interests.

The deferral of the permanent status issues also complicated the implementation of the interim issues because some were organically linked to each other. The primary example of this concerned the timing and geographical extent of Israeli redeployment of its armed forces in the occupied territory. These redeployments were constrained above all by the security arrangements for Jewish settlements in the West Bank and Gaza. This became the chief obstacle to Israel withdrawing: Redeployment was an interim negotiation item while settlements were reserved for permanent status talks, and redeployments were constrained by the unwillingness of Israeli governments to confront the settlers, as well as the need to protect them. The expansion of settlements, the construction of bypass roads (which link the settlements to Israel and are built on private and public land claimed by Palestinians) as well as acts of violence and terror by each side consistently eroded public confidence in the peace process. The division of issues into interim and permanent status groupings was made according to the logic of resolving 'easy' issues first. This failed to account for the issue linkages between them.

Israeli politics, not inherently stable even in the absence of crisis, were agitated by the ebb and flow of the peace process. Symptomatic of this instability was the rise of the

232

secular and religious right wing in Israel, which mirrored Palestinian secular and religious rejectionism of the peace process. Palestinian rejectionism was expressed along a spectrum that ranged from nonparticipation in the peace process to violent paramilitary actions against both Palestinians and Israelis, but did not seriously threaten the leadership of Arafat.

For Israel, political instability reached its lowest point with the assassination of Prime Minister Rabin. The assassination of Rabin was followed by the failure of Shimon Peres' 1995 reelection bid, the triumph and fall of Likud and Prime Minister Binyamin Netanyahu, the return of Labor and the rise of Barak in 1999, and Barak's steep decline in 2000-2001. According to one of the chief Israeli negotiators at Oslo and in the post-Oslo period, the turnover of Israeli governments also contributed to the practically needless renegotiation of clauses of previous agreements mostly so that successive governments could claim they were implementing their very own agreement, and not any (allegedly defective) agreement of the previous government.[1]

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[1] Joel Singer, Interview with the Author, Washington, DC, April 4, 2000.

B. The major agreements

The interim period that followed Oslo was marked by numerous signed agreements between the PLO and Israel. This multitude of agreements does not indicate that all was well in the peace process. On the contrary, it is symptomatic of varying degrees of good faith invested in the negotiations, real and imagined implementation failures, constant changes in negotiators, and constant new issues. The basic interests of the parties continued to be fundamentally opposed on all issues of critical importance. Some of the early agreements arose from crises that occurred in the course of the transitional period. Others were significant stand-alone documents which were later integrated into the Interim Agreement. The Hebron Accords of 1997 and the Wye River Memorandum were little more than renegotiations of issues that had already been thoroughly debated and agreed upon, but which had not been implemented. The chronology of the major agreements and associated negotiations in this case is summarized in the following table:

234

Table 6.1 Chronology of major agreements post-Oslo: Interim and permanent status negotiations 1993-1998[2]

	Agreements	Dates of Negotiation:	Scope	BCD/FCD
1	Cairo Agreement, Feb. 9, 1994	Oct. 13, 1993 to Jan. 9, 1994	Security aspects of initial IDF withdrawal	BCD/FCD
2	Israeli-Palestinian Security Agreement, March 31, 1994	March 6-31, 1994	Interim; limited to Hebron in aftermath of massacre at Ibrahimi Mosque	BCD/FCD
3	Economic Agreement (Paris Protocol), April 29, 1994	Nov. 1993 to April 29, 1994	Interim; limited to economic issues	FCD
4	Agreement on the Gaza Strip and Jericho Area, May 4, 1994 (incorporating both the Cairo Agreement and Paris Protocol)	September 13, 1993 to May 4, 1994	Interim; initial Israeli withdrawal	BCD/FCD
5	Agreement on the Preparatory Transfer of Powers and Responsibilities, August 29, 1994	July 5, 1994 to August 29, 1994	Interim; spheres of authority	BCD/FCD
6	Interim Agreement on the West Bank and Gaza Strip ("Oslo II"), Sept. 28, 1995	Dec. 6, 1994 to Sept. 24, 1995	Interim; comprehensive	BCD/FCD
7	Framework for the Conclusion of a Final Status Agreement (Stockholm or Abu Mazen-Beilin Agreement), Oct. 31, 1995	Sept. 1, 1994 to Oct. 31, 1995	Permanent; framework agreement	BCD
8	Israel-PLO Permanent Status Negotiations [joint communiqué]	May 5-6, 1996	Permanent	FCD
9	Hebron Protocol, Note for the Record and Agreed Minute, Jan. 15, 1997	August 1996 to Jan. 15, 1997	Interim; implementation of Interim Agreement	BCD/FCD
10	Wye River Memorandum, Oct. 23, 1998	Back channels from May to Oct. 1998, summit Oct. 15-23, 1998	Interim; implementation of Interim Agreement	BCD/FCD

[2] Text and annexes of all of these documents (except the Stockholm Agreement) are available on the World Wide Web, and were accessed December 31, 2000. See State of Israel, Ministry of Foreign Affairs <http://www.israel.org/mfa> and also Palestine Liberation Organization/Palestinian National Authority, Negotiation Affairs Department <http://www.nad.gov.ps> The Stockholm Agreement accompanied the article by Michael Hirsh, "The Lost Peace Plan," *Newsweek*, September 18, 2000, both of which were accessed on the day of publication <http://www.msnbc.com>.

Negotiations continued intensively with the Barak government which replaced Netanyahu, but those fall outside the scope of this study which covers Netanyahu's government and the conclusion of the Wye River Memorandum.

C. Negotiations and channels

Following the September 13 signing ceremony, Palestinians, Israelis and other interested parties around the world began declaring their support, skepticism or rejection of the newly-revealed PLO-Israel peace process. Among the Palestinians, secular and religious nationalist movements aligned themselves either for or against the Oslo Accords and by extension, the Palestinian and Israeli leadership. Suicide bombings by HAMAS and Islamic Jihad against Israeli settlers, soldiers, and civilians, as well as killings of Palestinian civilians by settlers and Israeli troops continued. Officials of Fateh, Arafat's party within the PLO, were assassinated by elements of the extremist splinter faction Abu Nidal. Israeli settlers began organizing large protests against the Rabin government and incurred warnings from the political leadership. A motion of no-confidence against Rabin was defeated in the Knesset on November 9, 1993. The PLO began intensive efforts to persuade HAMAS and secular nationalist opposition groups, including factions within Fateh, not to obstruct the emerging peace process. Israeli military authorities began planning for numerous contingencies, including the possibility of Israeli civil conflict and insubordination within the ranks of the Israel Defense Force (IDF).[3] Controversy arose over plans by the settlers' main organization to establish their own armed units.[4] In short,

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[3] Chronology, *Journal of Palestine Studies* 23, no. 3 (Spring 1994).

[4] Council of Jewish Communities in Judea, Samaria and Gaza (YESHA), cited in "Chronology," *Journal of Palestine Studies* 23, no. 3 (Spring 1994).

constituencies, subparties and outside parties mobilized for or against the process, magnifying the importance of each step taken in the negotiations.

The DoP allotted the parties a three month period in which to conclude an agreement on the modalities of the initial withdrawal from the Gaza Strip and Jericho. That agreement had to set out the structure of the Palestinian National Authority (PNA), as well as the training and deployment of Palestinian police officers (some of whom would come from the exiled military forces of parties belonging to the PLO-such as the Palestine Liberation Army, PLA) who would assume responsibility for public order upon the withdrawal of Israeli forces. Also, a joint security cooperation mechanism was created to deter Palestinian attacks on Israelis as was an arrangement for introducing Palestinian control and presence at the border crossings between Gaza and Egypt, and between Jericho and Jordan, which were pending. The details of the 'safe passage' for Palestinians between the West Bank and Gaza remained to be worked out.[5]

The first PLO-Israel negotiation meeting of the post-Oslo period took place at the Mayflower Hotel in Washington DC on the same day as the signing of the Oslo Accord, September 13, 1993. Those present included the two Oslo delegations, as well as Shimon Peres, Yossi Beilin and Abu Mazen. They set out the general plans for their next steps: appointing new negotiating teams, and defining the issues for upcoming negotiations. Israeli negotiators complained that for several weeks after this they heard nothing more from the Palestinian side, which was trying to build internal consensus on the Accords,

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[5] Declaration of Principles on Interim Self-Government Arrangements (Israel-PLO), September 13, 1993. See Annex II, Protocol on Withdrawal of Israeli Forces from the Gaza Strip and Jericho Area. Article XVII provides that the Declaration will come into force one month after signing, that is October 13, 1993, making the initial withdrawal due on December 13, 1993.

neutralize internal opposition and work out the operational implications of the Declaration of Principles.[6]

Both the Israelis and the PLO were undergoing internal reassessments of what had been committed to and what needed to be done going forward. Within the PLO leadership, in Chapter 5 we saw that new individuals were constantly being brought into the negotiations while existing negotiators were marginalized by the PLO leadership. Similarly, on the Israeli side, the military staff, which was not consulted on the negotiation of the Oslo Accords, positioned themselves to assume a high-profile role in the coming negotiations.

1. Toward the withdrawal from Gaza-Jericho

Negotiations on the details of the first post-Oslo issues began in October 1993 in Cairo and Taba. The Taba talks were extensively covered by the media. Joel Singer complained to Uri Savir that no actual negotiations were taking place, only "endless soapboxing."[7] The negotiators at Taba nevertheless took care not to replicate all the adverse conditions of the 1992-1993 talks in Washington. For example, the heads of the delegations announced their intention to establish "a direct channel of communication." In addition, they established joint working groups on security and civilian matters, with smaller joint subgroups under these as well.[8] At the same time, a separate set of negotiators was meeting in secret in Rome and Geneva, negotiating and planning the

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[6] Uri Savir, *The Process: 1,100 Days That Changed the Middle East* (New York: Random House, 1998), 79-80.

[7] Ibid., 99.

[8] See "Israeli-Palestinian Gaza-Jericho Committee, joint communiqués, Taba, Egypt, October 13, 14, 21, 1993, reprinted in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record* rev. 2d ed. (Washington, DC: Institute for Palestine Studies, 1993), document C.5.

security cooperation aspects of the Israeli-Palestinian peace process.[9] A third set of negotiations on economic cooperation was initiated in November in Paris. At the end of November, in al-Arish on the Egyptian Sinai coast, Israeli and PLO delegations began negotiating the areas of authority to be transferred to the Palestinians.

Hassan Asfour, one of the Palestinians from the Oslo Channel, revealed that he, Dr. Nabil Shaath, and Gen. 'Abd al-Razak Yihye conducted back channel negotiations with Gen. Amnon Shahak, Chief of Staff of the IDF, Joel Singer and an officer of the Shin Bet internal security force. This back channel to the initial withdrawal talks was arranged by Egypt and spanned November and December 1993. They worked in parallel with the front channel negotiators, and indeed, some of them were simultaneously participating in the front channel negotiations.[10]

Toward the end of the year, after three and a half months of both front and back channel negotiations, it was apparent to both sides that negotiations on the initial Israeli withdrawal would not be completed by the agreed deadline. In an effort to accelerate the talks, the top decisionmakers were brought in. Two summits were held, the first between Arafat and Peres (December 11, 1993) and the second between Arafat and Rabin on the deadline for the Gaza-Jericho agreement (Cairo, December 13). The impasse revolved around Israeli efforts to assure that security would be paramount in the interim period, which meant that the Palestinians had to incorporate the Israeli security concept in the self-government arrangements or persuade the Israelis to modify it.

The failure of the Arafat-Rabin summit led Rabin to re-insert Peres more fully into the post-Oslo negotiations so that he could take charge of the Israeli side of the Joint

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[9] Savir, *The Process: 1,100 Days That Changed the Middle East*, 101-112.

239

Liaison Committee (JLC) that was formally set up in the DoP.[11] The media channels

knew of the JLC negotiations but were denied access to the negotiators themselves during

December. The JLC called on the Norwegians to convene a meeting in Oslo in late

December 1993. Top level negotiators for both sides met in Oslo on December 20 and

21, including Yossi Sarid, then the Environment Minister, Gen. Amnon Shahak, Yasir

'Abd-Rabbuh, the PLO official who had previously led the US-PLO dialogue, and Abu

Alaa in the hope that solid progress by them could pave the way for a decisive summit

between Arafat and Rabin. Rabin explained his absence in terms of a desire for certainty

in the negotiation's outcome: "There should be no meeting unless we know beforehand

that the results are assured," he declared.[12] The second day of the Oslo session

uncharacteristically included delegates from the United States, Russia, Egypt, the

European Community. The JLC then continued negotiations in Versailles as guests of the

French government on December 22-23, 1993 in the presence of only three Norwegians

and without informing the media of its whereabouts. West Bank settlers announced their

own plans to expand settlements in defiance of the Israeli government while HAMAS

carried out attacks on Israelis. The IDF continued shooting at Palestinian stone-throwers

in the West Bank and Gaza.

This JLC channel continued working in Cairo on December 27, with the presence

of Peres and Abu Mazen. The talks made progress, but Peres is reported to have lost his

patience. After dictating a draft agreement embodying compromises in the details of the

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[10] Hassan Asfour, Interview with the Author, Ramallah, Palestine, April 29, 2000.

[11] Article X of the Declaration of Principles: "In order to provide for the smooth implementation of this Declaration of Principles and any subsequent agreements pertaining to the interim period...a Joint Israeli-Palestinian Liaison Committee will be established in order to deal with issues requiring coordination, other issues of common interest and disputes."

240

border passages, he abruptly departed Cairo with his delegation. Arafat proposed certain modifications to the extent of the Jericho area and the procedures for crossing from Jordan, which were in turn rejected by Peres and Rabin.[13]

The main delegations for the Gaza-Jericho agreement reconvened in Taba, Egypt for intense negotiations from January 10-12, January 18-20 and managed to narrow differences and resolve numerous outstanding details in dispute.[14]

The parties reconvened in Oslo on January 20 for the funeral of the Norwegian Foreign Minister who had played such a key role in the original Oslo Channel: Johan Jørgen Holst. At the funeral, Peres and Arafat held two meetings and authorized Joel Singer and Abu Alaa to remain behind in Oslo with new negotiation teams in order to jointly prepare a single draft of the agreement. Thus the reintegration of both Peres and Abu Alaa in the main Gaza-Jericho negotiations had taken place by the start of 1994. Further negotiations in this channel took place in Davos on joint security issues (January 28-30) and Cairo (February 1, 7-9, 1994). On February 7, Peres and Arafat met at the Egyptian Foreign Ministry to try to break deadlocks on the disputed details concerning control of Palestinian border crossings to Jordan and Egypt and exhorted their delegations to work around the clock if they had to in order to hammer out an agreement.

Before this round was over, however, Peres discovered that Israeli military officers attached to his negotiating delegation were quietly passing information on these proceedings to the Planning Branch of the IDF in Israel. His vigorous protests directly to Rabin secured his negotiating autonomy. At the same time, Peres asked the Egyptian

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[12] Savir, *The Process: 1,100 Days That Changed the Middle East*, 113.

[13] Ibid., 109-113.

[14] Chronology, *Journal of Palestine Studies* 23, no. 3 (Spring 1994).

241

Foreign Minister Amr Musa to intervene with Arafat and encourage him to concede on the details of managing security at the border crossings. As the delegations continued to dispute the details, it took a private encounter between only Savir and Abu Alaa to finally break the impasse on the issue of controlling border crossings and creating some measure of joint control at the crossings. A dispute arose over control of key roads in Gaza and Jericho. The Israeli position on this issue was revealed late in the process and aroused the ire of the Palestinian negotiators. Arafat conceded to the Israelis on this issue but had difficulty persuading the Palestinian delegation. Peres insisted on initialing these understandings but Abu Alaa refused to initial the maps delineating Israeli authority on key roads. It took President Mubarak's intervention with Arafat to get Abu Alaa to initial the maps at a ceremony hosted by the Egyptians on February 9. The 'Cairo agreement', as it was called, was made public without the controversial maps, a pattern that would be repeated in future Palestinian-Israeli accords, since the maps graphically demonstrated the degree of accommodation each side had shown.[15] While significant in itself, it did not cover all the issues included in the larger Gaza-Jericho negotiations. The delegations passed their work back to the negotiating committees working on the rest of the Gaza-Jericho Agreement, who resumed work in Taba on February 14, and in Cairo from February 21-23. The parties reported making progress in these talks and the IDF began planning its Gaza redeployment, an historic moment in the narrative of Palestinian-Israeli conflict.[16] This new momentum of the peace process faced its first severe test before the end of February 1994.

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[15] Cairo Agreement (Israel-PLO), February 9, 1994, reprinted in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record*, document C.6.

[16] Savir, *The Process: 1,100 Days That Changed the Middle East*, 114-120.

2. Hebron: the first security crisis

Dr. Baruch Goldstein was a resident of Kiryat Arba, a militant Jewish settlement outside of Hebron and a former US spokesman of the Israeli Kach party, which openly advocates expulsion of Palestinians by violent means. Early in the morning of February 25, 1994 he dressed in his IDF uniform and proceeded to the Ibrahimi Mosque/Tomb of the Patriarchs, holy to Muslims and Jews. While Muslim worshippers were observing dawn prayers there, Goldstein opened fire on them, killing twenty nine people before being killed himself. In response to the massacre Arafat suspended Palestinian participation in the negotiations.

Goldstein succeeded in dramatically altering the negotiation agenda and greatly eroding the parties' fragile trust in each other and in the peace process. Palestinian protests over the killings resulted in IDF curfews, shootings and more deaths.[17]

The PLO recalled its delegates to all the different negotiation venues. Israel decided to send a delegation to Tunis on March 6 in order to convince Arafat to return to the negotiations and drop his preconditions for their resumption. These preconditions included the removal of settlers who had invaded Old Hebron, the disarming of all settlers, and international protection for Palestinians. The United States and Norway also sent their representatives to Tunis to intervene. US State Department coordinator on the peace process Dennis Ross threatened a US veto on a UN Security Council Resolution condemning the massacre unless the PLO returned to the negotiation table. Terje Larsen stayed on in Tunis in order to mediate a solution on security measures for the protection of Palestinians in Hebron. Rabin and Peres decided to remove the small group of Jewish

243

settlers from the midst of Old Hebron, where they were a source of violent friction. The United States conditionally and reluctantly cast its Security Council vote in favor of the UN Security Council Resolution 904 (1994) on March 18, which denounced the massacre, called for disarming the settlers and for a temporary international protection force in Hebron.

A second Israeli delegation left for Tunis led by Savir and Shahak on March 20, and without revealing the plans to remove the settlers, convinced Arafat to simultaneously pursue negotiations on new security arrangements in Hebron as well as the Gaza-Jericho Agreement. While this delegation was in Tunis, Rabin abandoned the plan for removal of the settlers within Hebron.[18]

From March 23-31 Israel and the PLO continued negotiations in Cairo on security arrangements for the Hebronites. They signed an agreement that permitted the introduction of a "temporary international presence in Hebron" (the TIPH) to protect the Palestinians there, composed of 160 Norwegians, Danes and Italians. The agreement committed the parties to resume the Gaza-Jericho negotiations on an accelerated schedule and to follow up the next agreement with discussions on expanding the areas of authority to be transferred to the Palestinians. Israel agreed to shorten the anticipated initial withdrawal schedule.[19] Negotiations resumed in Cairo. In early April, the Israeli forces began leaving their bases in Jericho and Gaza. By mid-April, the parties reached

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[17] This pattern of terror attacks worked both ways of course. Large scale attacks against Israelis by HAMAS especially in 1996 quickly eroded faith in the Labor Party and the peace process among Israelis leading to the consequences analyzed in this chapter.

[18] Savir, *The Process: 1,100 Days That Changed the Middle East*, 121-134.

[19] Israeli-Palestinian Security Agreement, (Israel-PLO), March 31, 1994, reprinted in *Journal of Palestine Studies* 23, no. 4 (Summer 1994), 102-103.

244

agreement on the composition of and logistical arrangements for the Palestinian police that would enter Gaza and Jericho.

3. Summits for Gaza-Jericho

Abu Alaa, who had assumed the leadership of the newly-formed Palestinian Economic Council for Development and Reconstruction (PECDAR) and his counterpart, Israeli Finance Minister Avraham Shochat, were appointed to lead their respective delegations through a sequence of negotiating sessions that took place in France. At the end of April they completed their work on a Israeli-Palestinian economic agreement that covered customs rates, movement of agricultural and industrial goods, tourism, the establishment of a Palestinian Monetary Authority, taxation cooperation, insurance, and the details of Palestinian labor rights in Israel. The agreement became an Annex to the later Gaza-Jericho Agreement and was therefore subordinated to the accord's security arrangements.[20]

A breakthrough in the Gaza-Jericho negotiations was announced on April 28; enough issues were settled so that the parties could state that they had a tentative accord. A summit was to be convened on May 4 in order for the highest level decisionmakers to resolve the remaining disputes on the security arrangements and territorial extent of the Jericho area. Both the Israeli Cabinet and the PLO Executive Committee approved the tentative accord on May 1. The delegations continued working until another summit in President Mubarak's office on the night of May 3-4, 1994. As with the Oslo Declaration of Principles, disagreements continued until the moment of signature in the Cairo

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[20] Protocol on Economic Relations (Israel-PLO), April 29, 1994, reprinted in *Journal of Palestine Studies* 23, no. 4 (Summer 1994), 103-104. Also see Savir, *The Process: 1,100 Days That Changed the Middle East*, 142. The protocol was later integrated into the Agreement on the Gaza Strip and the Jericho Area as Annex IV.

Auditorium on May 4, when Arafat refused to initial certain appended maps on the argument that some issues still remained to be negotiated. Despite eleventh hour brinksmanship by Arafat, the agreement was finalized, thus paving the way for the first negotiated Israeli withdrawal from the West Bank and Gaza, the initial transfer of power to the Palestinians, and the return of Yasir Arafat.

The May 4, 1994 signing in Cairo of the "Agreement on the Gaza Strip and the Jericho Area" officially initiated the five year interim period, during which the parties were to quickly finalize a full interim agreement, and commence, no later than the third year, negotiations on a the permanent status agreement. The groundwork had already been laid for the pursuit of these two different negotiations processes simultaneously. Palestinian police officers began assuming the posts abandoned by the Israelis and joint patrols were organized under the terms of the Agreement. The IDF completed its initial withdrawal from Gaza and Jericho within three weeks, by May 25, 1994.

4. Arrival of Arafat, empowerment of Palestinian National Authority

At the end of June, Nabil Shaath and Gen. Shahak continued bilateral negotiations on the scope of Palestinian self-rule and coordination for the arrival of PLO Chairman Arafat so that he could assume leadership of the PNA. Arafat returned to Gaza on July 1, 1994 and during his three day visit appealed directly to both secular and religious opposition groups to cooperate with him in dismantling the Israel occupation. In Israel demonstrations against the arrival of Arafat portrayed Rabin as a traitor. The Rabin government faced and defeated further no-confidence motions on July 4. After continuing his visit to Jericho, Arafat met with Rabin for meetings July 6-7 and inaugurated the next stage of negotiations on expanding the PNA's powers.

246

On July 11, Palestinian and Israeli delegations led by Nabil Shaath and Gen. Danny Rothschild respectively, convened open negotiations on early empowerment, Israeli redeployment, Palestinian elections and expansion of the Palestinian autonomous area, and set up new working groups and subcommittees to structure the negotiations. On a separate track, negotiations resumed to complete the unfinished business from the Gaza-Jericho Agreement.

Rabin decided to postpone the opening of safe passages routes between Gaza and Jericho in August and accused the PNA of not taking enough action against HAMAS for its attacks against Israeli civilians and soldiers. The ability of rejectionists to derail a peace effort depends in part upon the willingness of the negotiating parties to react to the provocations of those determined to delegitimize the negotiations, thus enabling the rejectionists to exercise an effective veto and rendering the actions of the parties reactive rather than proactive. At the same time, there is a tension between the need to proceed with negotiations despite provocation, and the parties' unwillingness to be attacked or victimized while they are conducting negotiations. This general description could apply to either side in this case. The delay in opening the safe passage routes was one of the first indications that the accords were often ambiguous enough for each side to interpret them to its own advantage and to condition its own compliance with its perception of its counterparts' willingness to comply. The basis for the Palestinian-Israeli peace arrangements could not be considered land for peace, but rather 'security-cooperation-in-exchange-for-limited autonomy'.

Peres involved himself in the Cairo negotiations on the expansion of the PNA's areas of jurisdiction, and a partial agreement was concluded by August 18. The draft was

initialed on August 24 and the final version was signed in Gaza on August 29, 1994 by

Nabil Shaath and Gen. Rothschild, who headed the IDF's policy planning branch.

5. Elections and redeployment of the IDF

The PNA began to assume self-government responsibilities in the areas under its

jurisdiction while preparing for new negotiations on Palestinian elections that would be

linked to Israeli military withdrawal from the major cities of the West Bank and Gaza.

These negotiations began on October 3, 1994 and were conducted by Sa'eb Eraqat,

Minister of Local Affairs of the PNA (and one of the Palestinian delegates to the Madrid

Conference) and Gen. Rothschild.[21] Abu Mazen participated on the Palestinian side when

negotiations were held outside of Israel and occupied territories. Agenda items included

the size of the Legislative Council to be elected, whether or not separate government

branches could be formed and whether or not secular and religious opposition groups

could participate in the Palestinian elections. At the end of November 1994, the issue of

IDF withdrawal in advance of the Palestinian elections had not been resolved, with Prime

Minister Rabin proposing that a three day, temporary withdrawal take place only for

conducting the elections. For opposite reasons, both the IDF and the Palestinians rejected

this approach.

The negotiations on the elections became part of a larger set of negotiations on the

full interim agreement that had been anticipated in the DoP and after November were

addressed in both front and back channels.

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[21] The Declaration of Principles included a provision for the Palestinians to hold elections within nine months of the DoP entering into force (Article III) and set out the principle that Israeli "military forces should be deployed outside populated areas." (Article XIII) Since these were discussed together, the provisions may be interpreted as the parties' intent to implement Israeli withdrawal and Palestinian elections by July 12, 1994.

6. Back and front channels for the Interim Agreement

From the conclusion of the Gaza-Jericho Agreement in May 1994 more than a year passed before the full Interim Agreement was signed. In that year, negotiations were held on the transfer of power to the PNA and continued with the focus on elections and the related military withdrawal from Palestinian cities. In December 1994, Israeli and PLO delegations began meeting in Cairo to negotiate the full interim agreement.

A highly complex system of negotiations evolved in the making of the interim agreement. At the highest level were periodic summits between Arafat and Rabin or Peres. At the next level below them, the JLC was tasked with implementation and dispute resolution responsibilities. The JLC became a critical negotiation forum on several occasions and was led by Shimon Peres on the Israeli side and Abu Mazen (later replaced by Nabil Shaath) on the Palestinian side. Formal negotiation teams were organized around the main interim issues of the elections, the Israeli redeployment and the transfer of powers to the PNA. The Palestinian negotiators reported directly to the Higher Committee on Negotiations, a PLO body kept separate from the PNA, thus formalizing the PLO's separate existence and management of the peace process. Three additional joint Israeli-Palestinian coordination committees were set up to address civil affairs, security cooperation and economic cooperation. On the Palestinian side, these negotiators reported to the PNA executive cabinet rather than to the organs of the PLO. All the Israeli negotiators reported to Uri Savir, the Director General of the Israeli Foreign Minister and the chief Israeli negotiator, who answered to Peres and Rabin.

The Nobel Peace Prize was conferred upon Arafat, Rabin, and Peres in Oslo on December 9, 1994, and the three held a four day long summit immediately after in Stockholm. Their meetings only highlighted the differences between the two sides on the

249

elections/withdrawal issues. Israel felt compelled to delay its withdrawal until it felt security arrangements were in place and proposed delaying the Palestinian elections for one year, while the PLO insisted on the planned withdrawal. Since open negotiations had failed to resolve this problem, Peres and Arafat jointly decided to have the JLC provide the cover for a back channel that would be led by Savir and Abu Alaa.[22]

The back channel began operation on January 4, 1995. Israeli participants included Joel Singer, Uri Savir and two IDF generals on the Palestinian side while the Palestinians sent Abu Alaa, Hassan Asfour, Hassan Abu-Libdeh and Gen. 'Abd al-Razak Yihye thus mixing new members and veterans of Oslo. These delegations met secretly at the Yamit Hotel in Tel Aviv for two months. One of the most innovative outcomes of this back channel was the Palestinian proposal to create joint Palestinian-Israeli security forces in parts of the West Bank and Gaza, in order to create joint but temporary responsibility for security, and to change the mutually negative perceptions of Israelis and Palestinians.[23]

In January, Rabin began authorizing the confiscation of Palestinian lands to build roads from Jewish settlements in the West Bank directly to Israel, so that settlers could bypass Palestinian population centers. A bomb attack against Israelis carried out by Islamic Jihad resulted in Israel imposing a sanction known as 'closure' on the Palestinian territories; the prevention of movement of people, vehicles and goods. A Rabin-Arafat summit on February 9 highlighted mutually incompatible demands: Israel demanded that the PNA succeed where the IDF and Israeli internal security forces had failed: to prevent terror attacks by cracking down on the PNA's internal opposition as a minimum

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[22] Savir, *The Process: 1,100 Days That Changed the Middle East*, 159.

condition for Israel to continue negotiating the Israeli interim withdrawal. Arafat demanded an end to the closure and the harsh economic effects it had on Palestinians, citing it as a cause of militancy. Despite these setbacks, talks resulted in agreement on the construction of a commercial seaport in Gaza in February 1995.

A March summit between Arafat and Peres was needed to make progress on the issue of creating Gaza-West Bank 'safe passages', and setting limits on the expansion of settlements and the confiscation of land. Israel also agreed to permit limited numbers of Palestinian workers to return to their jobs in Israel. Savir claims that the progress made at the Peres-Arafat summit was largely due to the bargaining completed in the back channel at the Yamit Hotel.[24] The closure remained in place however, and renewed anti-Israel attacks took place, resulting in further Israeli calls for a PNA crackdown on HAMAS and Jihad. Israeli confiscations of land continued despite the Arafat-Peres understandings.

Rabin continued this policy and personally authorized the confiscation of 134 acres of land in East Jerusalem for the construction of new Jewish neighborhoods in April, declaring that the pledge to halt settlements did not apply to Jerusalem. By the end of April, Prime Minister Rabin and the IDF made unilateral announcements of decisions to redeploy Israeli forces from Hebron, Nablus, Ramallah, Tulkarm and Bethlehem back to bases in Israel. Rabin did not announce a timetable for the redeployments. In May, right wing opponents of Rabin and Arab members of the Knesset threatened to bring down the government with a vote of no-confidence. Rabin temporarily suspended the confiscation of the Jerusalem land in order to regain the confidence of the Arab legislators thus preempting the parliamentary measure.

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[23] Ibid., 165-172.

Resistance to the peace process was becoming intense among both Israelis and Palestinians. Doubts arose about the ability of the parties to negotiate a complex interim agreement, much less begin a permanent status negotiation. The population on both sides was not content with the slow pace and elusive gains of the process. Yossi Beilin believed that the Interim Agreement could be skipped altogether and the parties should proceed to the permanent status negotiations.[25]

In May 1995, the parties decided that negotiations on several different interim issues had to proceed in parallel in order to reach the deadline of July 1. Three sets of open negotiations were set up: In one set of negotiations, the parties worked on the Palestinian elections, while in a second, they worked on the IDF redeployment and the expansion of spheres of self-rule for the Palestinians. The third set was a high level channel: it consisted of direct negotiation sessions between Arafat and Peres.

This structure did not produce an agreement by the July 1 deadline and a new structure was put in place, comprising one comprehensive set of negotiations made up of twenty subcommittees supplemented by intensive high level summits between Arafat and Peres. Peres conceived of the summit level channel to be little more than a cover for a back channel between Abu Alaa and Uri Savir. The back channel met throughout June and focused on details of the interim security arrangements. The back channel continued from where the January talks at the Yamit Hotel had left off.

Also beginning in May several back channel sessions on the security arrangements were held in Turin, Italy, courtesy of the Italian government and the Fiat Company, which provided a private jet to bring the delegations to Italy as well as the

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[24] Ibid., 172.

252

facilities for the talks. The parties continued in the back channel in Israel after news about the Italy meetings leaked to the press. Despite severe disagreements on the details of the Israeli withdrawal and the subsequent security arrangements, Abu Alaa and Uri Savir continued to meet in the back channel throughout June, at times without their colleagues. On July 1 Peres and Arafat met to bridge the remaining gaps in the work accomplished in the back channel. The PLO conceded that Israel would retain "overriding" responsibility for security for the interim period in parts of the West Bank in return for Israeli complying with a firm schedule of redeployments and transfer of territory to Palestinian control.[26]

Peres and Arafat announced on July 4 that they had reached agreement on a two year phased withdrawal and appointed Abu Alaa and Uri Savir to continue negotiating the details. This arrangement would entail subdividing the West Bank and Gaza into 3 areas: Areas A, B and C. Only Area A would be under the full sovereignty of the PNA while in Area B, civil governance responsibilities would be transferred to the PNA with the Israeli and joint patrols handling security. The largest subdivision included all the territory in which little or no Palestinian control could be exercised: Area C. This included Israeli settlements, military bases, border areas with Jordan and Israel proper as well as other Palestinian territory appropriated for Israeli purposes. In essence, Area C was a continuation of the status quo.

After this the parties decided to remove the talks from the scrutiny of each sides' opposition. Nevertheless Israeli right wing protesters located the site of the negotiations

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[25] Ibid., 153-155.

[26] For details of the back channel negotiations on the Israeli redeployment and security arrangements that took place between January and July 1995, see Ibid., 159-192.

at a hotel in the Israeli coastal town of Zichron Ya'acov. These negotiation sessions brought together 150 delegates in four subcommittees operating simultaneously on portions of the draft interim agreement. Talks continued in two remote locations in order to avoid the scrutiny of Israeli protestors: 'Ayn Jidi on the Dead Sea shore and the Taba resort in Egypt. Talks were temporarily halted by a Palestinian suicide bombing in Tel Aviv on July 24.

The parties moved negotiations to the Israeli resort of Eilat on the Red Sea on August 1, 1995. A preliminary interim agreement was reached by August 11 in Eilat and was initialed by the chief negotiators in the back channels: Abu Alaa and Uri Savir. Together, Areas A and B would include seven major Palestinian cities and 450 villages and refugee camps, but initially amount to less than 30% of the West Bank. East Jerusalem was excluded from this arrangement, being reserved as an issue for the permanent status talks. The geographic scope of the Interim Agreement had to be graphically represented in a series of maps. Israel, the party withdrawing its forces, reserved the right to draft the maps indicating the lines of withdrawal, and only revealed the maps to the Palestinian negotiators on September 4. The maps themselves became the subject of intense bargaining throughout September since they provided for isolated enclaves of Palestinian control. At one negotiation session Peres presented revised maps to Arafat, who walked out of the meeting declaring that the maps depicted a 'fig leaf' for the continuation of the occupation.

The comprehensive Interim Agreement was finally initialed on September 24, 1995 even as Israel imposed another closure on the West Bank. The Interim Agreement was signed at a White House ceremony by Arafat and Rabin on September 28. Twenty

six appended maps that detailed the scope of the initial redeployment were initialed behind closed doors. The previous partial agreements on elections, expansion of spheres of authority and economic cooperation were integrated into the complete agreement.[27] The preamble recommitted the parties to commencing permanent status talks no later than May 4, 1996.

The entire peace process had become known in the international media simply as "Oslo" and this latest agreement became known as "Oslo II," despite having little to do with Norway. The reference was to the secrecy of some of the negotiations that contributed to the agreement and the perception that a new breakthrough had been achieved on the details (as opposed to only the principles) of interim coexistence.

The Palestinian elections provided for in the agreement were to result in a Palestinian Council with legislative powers and incorporating an executive authority. This was to be the body responsible for assuming the different spheres of authority relinquished by the Israeli military government and Civil Administration in the three subdivisions of Palestinian territory for the duration of the transitional period.

Implementation on withdrawal arrangements began on time one month after the signing ceremony. A key provision of the Interim Agreement concerned the future Israeli withdrawals and transfer of territory to the PNA. In particular, three further redeployments (FRDs) of Israeli forces were scheduled to take place at intervals of six months as of the inauguration of the Palestinian Council.[28] Security cooperation between

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[27] Interim Agreement on the West Bank and Gaza Strip (PLO-Israel), September 28, 1995.

[28] See Articles II, III and X of the Interim Agreement, which are the initial articles of the agreement that deal with the Palestinian elections, the structure of the Palestinian Council, and the Israeli redeployment, respectively. Also see Annexes I and II of the Agreement, which set out the details of the redeployment and security arrangements, and the full elections protocol respectively.

255

Israelis and Palestinians, including joint patrols in the West Bank and Gaza also began pursuant to the agreement.

At the time of the signing of the Interim Agreement, the PLO (ostensibly with Israel's approval) was encouraging HAMAS to transform itself into a political party and participate in the upcoming electoral process. The HAMAS movement was apparently split between leaders in the West Bank/Gaza and those in the Diaspora, with the latter resisting accommodation with the PNA and refusing to participate in the elections. Within Israel, opposition to the Interim Agreement had been building throughout the period of negotiation and was evident in demonstrations by settler groups and right wing parties. Posters of Yitzhak Rabin were circulated in which he was depicted wearing a Nazi uniform. The Likud party refused to distance itself from this rising tide of rejectionism, and indeed, seemed to take political advantage of this rejection of negotiated settlement in order to return to power.

The official cars of Prime Minister Rabin and another of his ministers were attacked by Israeli mobs in the month following the signing of the Interim Agreement. Some of the Israeli negotiators recognized that they had failed to build popular Israeli support for the peace process, as a counterweight to the religious and secular right. In response to this need, Israeli supporters of the peace process organized a major peace rally on November 4, 1995 in Kings of Israel Square in Tel Aviv. While leaving the rally, Rabin was assassinated by an Israeli law student who was a member of a settler group advocating violence against Arabs and opposed to Palestinian autonomy. Shimon Peres, as acting Prime Minister, formed a new cabinet in the turbulent days that followed the assassination.

The joint Steering and Monitoring Committee met frequently during the Peres government to negotiate the details and resolve differences in the implementation plans. The Palestinian elections were held on schedule on January 20, 1996 despite the non-participation of two secular resistance organizations (Democratic Front and the Popular Front for the Liberation of Palestine, DFLP and PFLP), and two religious movements (Islamic Jihad and HAMAS).

Suicide bombers carried out several attacks at the end of February and beginning of March 1996 following Israel's assassination of an alleged HAMAS bombmaker Yihye Ayyash. HAMAS and Islamic Jihad distanced themselves from the attacks while Fateh, Arafat's party within the PLO, held rallies protesting the attacks. The suicide bombings provoked further right wing demonstrations against the Peres government in Israel and severely eroded Peres' base of electoral support.

In April 1996 Shimon Peres, facing an election in May in which small parties would exercise great leverage, and trying to manage rumors concerning secret negotiations on the permanent status, declared that any final settlement would be subject to a public referendum in Israel. By conceding this final veto to the electorate, he hoped to extract both negotiation leverage and political advantage.

The referendum offer was an implicit bargain: a mandate to continue the peace process as Peres saw fit while gaining votes at the expense of the Likud leader Binyamin Netanyahu, in exchange for reducing the electorate's lack of input into the negotiations processes. In essence, Peres was proposing a strategy for the reduction of the electorate's uncertainty in the outcome of the peace process.

During the same month, two startling revelations were made. First, Yossi Beilin and Abu Mazen admitted having conducted secret talks in order to draft a framework agreement on the permanent status issues, after details of the draft agreement were leaked to the press in February. This was the so-called Stockholm Channel, discussed in the following section of this chapter. Second, settler leaders and PNA officials revealed that they had held ten meetings since June 1995 to discuss coexistence arrangements in the permanent status.

7. The Stockholm back channel: modeling the endgame

The permanent and interim phases exerted influence on each other. Some on each side feared that the interim arrangements would necessarily predetermine or limit (according to one's preferences for the outcome) the outcome of the permanent settlement. Others believed that the interim stage was too indeterminate, that little trust-building could be accomplished in this stage since it was vulnerable to spoilers and because it did not necessarily represent a dramatic change for the Palestinians' living conditions. Yossi Beilin, the Israel's chief proponent of the Oslo back channel, was of the latter camp.

In October 1993, Yossi Beilin attended a meeting of the multilateral talks that were launched at the Madrid peace conference two years earlier. Since Tunisia was the host Beilin decided to take advantage of being there to meet with Yasir Arafat. During a private moment with Arafat, Beilin proposed setting up a non-binding Israeli-Palestinian dialogue on the permanent status issues in order to demonstrate progress and build public support for the peace process before difficulties arose in the interim stage. Arafat agreed with Beilin on the need for such a dialogue and named Abu Mazen as the likely

interlocutor. Beilin notes that he did not inform Peres about this proposal on the assumption that Peres would feel obliged to discuss it with Rabin, and that Rabin in turn would quash the effort.[29]

Beilin did not have to wait long for the interim period crises he feared would undermine support for the peace process among both Palestinians and Israelis. Under the auspices of the Jaffee Center for Strategic Studies at Tel Aviv University and the Economic Cooperation Foundation (the ECF, Beilin's own nonprofit think-tank), Beilin organized a series of seminars on aspects of the permanent status issues to "bypass negotiations and look to the end of the process, rather than planning Israel's opening gambits."[30] These seminars took place between April 1994 and May 1995. Participants believed that they were simply conducting an academic exercise that could contribute to the formal, official permanent status talks scheduled to begin in May 1996 and were unaware of Beilin's intention to use the work of the seminars as ideas for his back channel. Beilin was also looking ahead to the next elections. He believed that his back channel could advance work on the permanent status so that when the formal opening of talks took place, a framework agreement could be almost immediately announced. This would prevent Likud from using a campaign strategy that invoked the fear that Labor would concede all to the PLO.[31] Subsequent events proved Beilin all too prescient.

Starting on September 1, 1994, Beilin sent Ya'ir Hirschfeld and Ron Pundik to Stockholm, where the Swedish government had agreed to host the new back channel. The Palestinian side was also represented by two academics, Ahmed Khalidi and Husayn

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[29] Yossi Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement* (London: Weidenfeld & Nicolson, 1999), 143-145.

[30] Ibid., 146.

259

Agha. Meetings in Sweden proceeded on a monthly basis. During 1995, Abu Mazen and Yossi Beilin supervised the work of the Stockholm Channel, as it came to be known, and the two 'supervisors' met in Jerusalem. Neither Beilin nor Abu Mazen played a central role in the post-Oslo interim negotiations. The ECF continued to sponsor seminars and debates to generate ideas for the talks between the academics. In June 1995 Faisal al-Husayni joined the Stockholm talks. Nominally a minister in the PNA, al-Husayni was the embodiment of the PLO in Jerusalem. In July 1995 Beilin assumed his new post as Minister of Economics and Planning, but changed nothing in the conduct of the Stockholm Channel, although his ability to travel abroad without raising eyebrows was curtailed.

From July to October of 1995, the academics and political figures who worked with them negotiated the final provisions of the draft "Framework for the Conclusion of a Final Status Agreement Between Israel and the Palestine Liberation Organization." At the end of October, the academics reached agreement among themselves and decided to present the final document to their principals, Beilin and Abu Mazen. On October 31, the two sides met in Tel Aviv, and Beilin and Abu Mazen proposed adjustments in the document on the few items on which there was disagreement. Once the changes were accepted by the academics, thirteen months of back channel negotiations supplemented by university seminars came to an end. Beilin recorded in his memoirs that "what was deferred in Oslo was the grist of Stockholm." Once the draft was finalized it became "something to be recommended to the higher political echelons...Arafat...Rabin and

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[31] Ibid., 153.

Peres.[32] The Stockholm Channel participants believed realistically that their document would not be adopted in its entirety by either side, but that at least it might eliminate years of fruitless bargaining. Beilin hoped it could actually be unveiled on day of the deadline for the initiation of permanent status talks, May 4, 1996. Less realistically, he believed that if Labor were to win the October 1996 elections, the agreement could be signed by both parties. Abu Mazen set out to persuade Arafat that the draft was a solid basis for negotiations and Beilin made plans to show it to Peres and then to Rabin upon his return from an official trip to Washington. While attending an event in his honor at the Israeli Consulate in New York, Beilin learned that Rabin had been assassinated. Upon his return, Beilin presented the document to Peres, who was just learning of this channel two years after it was conceived. No move was made to use the document as the formal basis for the permanent status negotiations. Peres first faced an uphill battle against Palestinian and Israeli rejectionists of the peace process, but did not prevail at the polls.

The essential terms of the Beilin-Abu Mazen framework agreement demonstrate the impossibility of a negotiated solution without significant concessions from both sides. They also demonstrate remarkable creativity while protecting the core interests of each nation.[33] The back channel nature of the Stockholm Channel provided both the opportunity to explore the concessions made and the creativity needed to bridge the gaps. The document provides for:

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[32] Ibid., 154-177.

[33] While this far-reaching agreement had no discernible impact on the peace process during the years covered in this study, President Clinton is said to have used it as a model for his mediation at the Camp David talks in July 2000. See Michael Hirsh, "The Lost Peace Plan," *Newsweek*, September 18, 2000. More importantly, see Framework for the Conclusion of a Final Status Agreement Between Israel and the Palestine Liberation Organization (Abu Mazen-Beilin Agreement or Stockholm Agreement), October 31, 1995.

- Israeli recognition of the state of Palestine to be established in most of the West Bank and Gaza by May 5, 1999

- an extraterritorial passageway between the West Bank and Gaza

- a three stage Israeli troop withdrawal to be completed by May 4, 2000

- a residual Israeli armed force in the Jordan Valley comprised of three battalions, three air defense units and three early warning stations; joint patrols in the Jordan Valley. These measures to continue until November 2007 but only until Israel concludes peace treaties with other states in the region

- the deployment of an International Observer Force in Palestine

- unification of Jerusalem under one Joint Higher Municipal Council and two subcouncils to govern Palestinian and Israeli areas; an expansion of the municipal borders of Jerusalem to include Palestinian villages and Israeli settlements; the establishment of two capitals ("al-Quds" and "Yerushalayim") within the undivided city, each under its own sovereignty; the Old City of Jerusalem would enjoy a special status, with the respective submunicipalities governing the affairs of citizens of Palestine and Israel who reside within the walls; extraterritorial jurisdiction for Palestine on the Haram al-Sharif

- right of return of the Palestinian refugees to the state of Palestine, Israel to acknowledge the "suffering caused to the Palestinian people...and their right to compensation and rehabilitation for moral and material losses"; some refugees can enter Israel under family reunification provisions.

The permanent status talks commenced officially in the front channel at Taba, Egypt on May 5, 1996, in accordance the schedule set out in the DoP and the Interim Agreement and on the eve of Israeli elections. There was no evidence that the negotiators considered the Stockholm Channel document as a starting point. With the Israeli elections being held at the end of the month on May 29, the initial meetings did little more than discuss the structure of the negotiation process, including setting up a steering committee and naming working groups. Notably, the joint communiqué they released stated that "the steering negotiation group will meet periodically, both formally and

informally."[34] Savir notes that he and Abu Alaa agreed that the talks, if they proceeded, would have to be supplemented by their now institutionalized back channel.

As Yossi Beilin feared, the events in the interim stage would have a profoundly negative effect on the permanent status talks. After the Taba opening sessions, permanent status talks did not resume until after the defeat of the incoming Likud government, which is considered next.

8. Likud: rejectionist rhetoric and back channels

The Israeli elections were held on May 29, 1996. A wave of both Palestinian and Israeli rejectionism of the peace process helped propel the Likud candidate Binyamin Netanyahu to victory. Netanyahu formed a government in coalition with other smaller right wing parties and was inaugurated on June 18, 1996. There was little movement on the Palestinian-Israeli peace process until Netanyahu announced the formation of Israeli negotiation teams to address outstanding interim implementation issues in August. The reactivation of the high level Steering and Monitoring Committee was delayed, but the other joint liaison committees also began work in August.

Nearly from its inauguration, the dual channel approach was adopted by the new government: Netanyahu appointed his personal attorney, Isaac Molho, to be his special envoy to Yasir Arafat, the PNA and the PLO. Molho was not a formal member of any of Israel's negotiation teams, committees or working groups but was explicitly instructed by Netanyahu to set up a secret channel with Arafat.[35]

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[34] Joint Communiqué, Permanent Status Negotiations, First Session, (Israel-PLO) Taba, May 5-6, 1996,

[35] Isaac Molho, Interview with the Author, Tel Aviv, Israel, May 11, 2000.

The Interim Agreement signed by the PLO and the previous Israeli government provided for the IDF's withdrawal from seven Palestinian cities. The redeployment from Hebron was to take place in accordance with a detailed provision of the Interim Agreement[36] on March 28, 1996 under Shimon Peres' caretaker government. Peres suspended redeployment until after the elections because of suicide bombings in Israel. After its inauguration the Netanyahu government took no action to redeploy either, guaranteeing that the parties would renegotiate the circumstances of withdrawal from Hebron. Later in June, Netanyahu declared invalid the once-secret side letter to Norwegian Prime Minister Holst from Shimon Peres that accompanied the Oslo Accords and in which Israel committed itself to preserving Palestinian institutions in Jerusalem.

Instead of implementing the Interim Agreement the Netanyahu government proposed that the Palestinians accept a new arrangement on Hebron in which Israel would be free to strengthen the settlement in the midst of the city and avoid substantial redeployment. The issue quickly became the subject of international attention because of Kiryat Arba, the large militant settlement that had been built on Hebron land, and the small number of settlers that had occupied homes in the center of Old Hebron, necessitating the presence of large numbers of IDF troops in the middle of the town. Additionally, Israeli forces had closed the main road in Hebron, al-Shuhada Street, to Palestinian traffic. Israel wanted to retain sole control for security in Hebron and also wanted to place limits on the type of armament that Palestinian security forces could carry. Another point of contention was that Netanyahu's government sought the PLO's consent to give the Israeli security forces 'hot pursuit' rights; the ability to pursue

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[36] "Guidelines for Hebron," Interim Agreement on the West Bank and Gaza Strip (PLO-Israel), Washington DC, September 28, 1995, Annex I, Article VII

264

Palestinians into Area A. A final point of contention was the ongoing detention of thousands of Palestinians in Israeli jails, a subject that negotiators had dealt with in prior agreements.

The Norwegian social scientist who had been so instrumental in the Oslo Accords, Terje Larsen, had become UN Special Coordinator for the Occupied Territories and in this capacity facilitated two weeks of secret talks at the end of August between Netanyahu and Arafat's envoys. Larsen's goals were modest: simply to identify outstanding matters to be discussed in the Palestinian Israeli Steering and Monitoring Committee (PISMC). This negotiation group was headed by Sa'eb Eraqat and Lt. Gen. Dan Shomron, but only managed to meet once before a crisis erupted in September.

The date for the first of three stipulated Israeli redeployments, September 7, 1996, came without Israel identifying regions from where it would remove troops and hand over security responsibility to the PNA. The closure continued while the new Minister of Infrastructure, Ariel Sharon, worked on the expansion of settlements.

The September 24 opening and completion of a long-disputed tunnel underneath the Haram al-Sharif/Temple Mount became imbued with political significance when Netanyahu stated that his purpose was to assert Israeli dominance and sovereignty in East Jerusalem. This action (the "Tunnel incident") ignited an already tense situation caused by the closures and lack of progress on the peace process. Intense protest and rioting by the Palestinians ensued for two days and spread throughout the West Bank and Gaza. Defense Minister Yitzhak Mordechai authorized the use of live ammunition, tanks and helicopter gunships to put down the clashes. Security cooperation between Israeli and Palestinian officers, a major component of the Interim Agreement, helped control the

situation in parts of the West Bank and by keeping soldiers and civilians apart, but elsewhere, Palestinian police returned fire returned fire against the Israeli forces, thus outlining the limits of their nascent security cooperation.

The United States government immediately prepared a 2 day summit meeting in Washington while the clashes continued in the West Bank and Gaza. Netanyahu and Arafat met privately during the October 1-2 summit, but made no breakthroughs. Their major achievement was to agree on holding nonstop negotiations on all issues in dispute.

The parties reopened negotiations at Erez Checkpoint on the Gaza-Israel border on October 6, but decided to move their meetings to Eilat and Taba and close them to the media beginning October 14. Dennis Ross acted as intermediary between Arafat and Netanyahu, conveying messages and proposals, while the high level PISMC held its oversight meetings in Jerusalem and Tel Aviv. The delegations formed three subcommittees to address Hebron arrangements, security issues such as the closures, and economics issues. By the end of October, the parties decided to shift the center of negotiation to "back room talks": the third party shuttle diplomacy exercised by Dennis Ross. Key sticking points continued to be the refusal of the Netanyahu government to comply with the Interim Agreement provisions on withdrawal from Hebron as well as the FRDs.

Netanyahu accused the PNA of inciting the protests following the tunnel incident and therefore not complying with the Interim Agreement. For Israel, the Agreement needed to be renegotiated in order to further improve security for settlers while thousands of houses and apartments were being constructed in the existing settlements. During the last three months of the year, Infrastructure Minister Sharon announced the construction

266

of several entirely new settlements even as this critical phase of negotiations was underway.

Maj. Gen. Oren Shahor, who had been heading the Hebron talks for Israel, was removed by Netanyahu and accused of meeting privately with PNA officials, as well as passing information on the negotiations to former Prime Minister Shimon Peres of Labor in November 1997. This was a sign of political tension within the Netanyahu government and also demonstrated the extent that party politics permeate negotiation dynamics in Israel. Shahor's secret meetings with PNA officials during the period of negotiations indicate a private back channel initiative by the official front channel negotiator.

In order to increase momentum in their negotiations, in mid-November the parties raised the level of authority in the Hebron talks by appointing IDF Chief of Staff Gen. Shahak and the head of the PLO's Negotiation Affairs Directorate Abu Mazen to head their respective delegations on the Hebron redeployment issue. At the beginning of December, Palestinian and Israeli security officials established a hotline to enable them to communicate directly in emergencies.

At the end of November Arafat himself met with several leaders of the settler movement to discuss cooperative actions as well as the possibility of joint business arrangements. These remarkable meetings were supposed to be kept secret, but were reported in the Palestinian media and indicated the potential for official Palestinian tolerance of the settlements within Palestinian territory in a future permanent arrangement between the PLO and Israel.

At the end of December 1996 Netanyahu's envoy to Arafat, Isaac Molho, met with Arafat and Sa'eb Eraqat after Netanyahu announced plans to restore large subsidies

for settlers. President Clinton himself made a public statement criticizing moves to expand the settlements and subsidize settlers. Netanyahu publicly rejected Clinton's remarks and vowed to strengthen the settlements. Clinton and Netanyahu's public exchange of remarks indicated a remarkable degree of tension between the governments of the United States and Israel. Israel was sending a signal about the limits of its tolerance for US pressure in the context of the peace process.

Despite this bilateral tension, by the end of December, the United States was visibly trying to act as mediator, and made no effort to maintain a low profile.[37] US Ambassador to Israel Martin Indyk proposed a new document embodying agreements reached so far on the outstanding issues in dispute and proposing a timetable for Israel to comply with the redeployment commitments of the Interim Agreement. The timetable for withdrawal also drew a public rejection by Netanyahu. On December 24, 1996 and January 5, 1997 Arafat and Netanyahu held summit meetings at Erez Crossing in an attempt to close the remaining gaps on a new accord for Hebron.

As 1996 drew to a close, the political organization representing the settler movement, YESHA, announced the conditions under which it would end its support for Netanyahu's government, despite months of regular meetings between Netanyahu and settler groups, as well as implementation of pro-settlement policies. YESHA's conditions included the failure to complete construction of new settlements in East Jerusalem and Hebron, as well as the withdrawal of the IDF from parts of Area C (the scheduled redeployments anticipated in the Interim Agreement). In other words, YESHA

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[37] United States Special Coordinator on the Middle East Peace Process, Dennis Ross, On-the-Record Briefing on the Hebron Agreement, Washington, January 17, 1997, reprinted in *Journal of Palestine Studies* 26, no. 3 (Spring 1997): Special Document File, 144-145.

conditioned its further support for Netanyahu on his avoiding compliance with the prior arrangements made with the Palestinians, and perhaps more damaging to Netanyahu, on his avoidance of any *new* negotiated agreements with the PLO. While negotiators often point to limitations on their authority as a tactic to minimize their ability to make concessions, YESHA's limits encroached on the political survival of Netanyahu.

The new accords included a Hebron Protocol, a US-submitted Note for the Record, and an Agreed Minute, and gave Israel ten days to redeploy from 80% of Hebron (Area H1) into an Israeli-controlled sector (H2) and to turn over to the PNA all civil governance responsibilities in the new, reduced Palestinian area of Hebron.[38] Joint Mobile Units were to operate from H2 and both sides would bear the same kinds of arms. Since Israeli legal experts had expressed the opinion that Israel's security forces could enter Area A if they wished, Israel did not insist on consent from the PNA for 'hot-pursuit' rights. Al-Shuhada street and the Palestinian marketplace were to be reopened and the United States committed itself to renovate the street through the United States Agency for International Development. The PNA would also have to consult the Israelis concerning construction of new Palestinian buildings from which Netanyahu feared the settlers could be attacked. Certain provisions of the Hebron Protocol were implemented quickly.

The Note for the Record that was part of the accords set out what Dennis Ross saw as the unfulfilled obligations of the Interim Agreement and listed them as either items to be simply implemented or items subject to further negotiation, despite earlier

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[38] Three documents comprise the 1997 Hebron Accords: Protocol Concerning the Redeployment in Hebron (PLO-Israel), Note for the Record (United States Special Middle East Coordinator), and Agreed Minute, Erez Crossing, January 15, 1997.

arrangements. As to implementation, Israel was to carry out the first stage of FRD during the first week of March 1997 and release Palestinian prisoners in accordance with the Interim Agreement's Annex VII. The PLO was to complete the revision of the Palestinian National Charter, prevent violent protest, fight terrorism, limit the number of Palestinian security forces and keep official PNA offices only in areas agreed upon with Israel (to prevent the PNA from operating in Jerusalem and supporting Palestinian claims there). The items for further negotiation included financial affairs, economic cooperation, the construction of the Gaza seaport and airport, and the safe passageways (that had not been opened yet) among others. Several joint subcommittees were set up to negotiate on one agenda item each and to work in parallel with each other. Both parties were also to resume the stalled Permanent Status talks within two months of implementation of the Hebron protocol (March 1997). In January 1997, Isaac Molho was appointed to head the Israeli permanent status delegation.

The FRDs continued to bedevil the peace process even after the Hebron Protocol was signed. In February Israel's Foreign Minister David Levy asserted that the redeployments were unilateral Israeli decisions, not subject to negotiation or consultation with the Palestinians. This posture on the three remaining stages of troop withdrawal served to underline the fundamental difference between the PLO and the Netanyahu government's strategic goals. The former insisted on the return of the entire West Bank and Gaza. Netanyahu on the other hand, spoke in terms of retaining large portions of Palestinian territory in any permanent status arrangement, avoiding a return to the pre-

June 1967 lines and preventing the emergence of a Palestinian state.[39] He therefore wished to avoid or at least delay the FRDs so as to minimize the transfer of territory to PNA control during the interim period.

The ink had barely dried on the Hebron protocol when the Netanyahu government announced on February 19 its intention to build 6,500 housing units on one of the last undeveloped tracts of land in East Jerusalem, known as Jabal Abu Ghunaym in Arabic, and Har Homa in Hebrew. Within a month of the announcement, the site became the scene of daily protests and clashes between protesters and Israeli troops.

The controversy coincided with the Netanyahu cabinet's March 6 decision to limit its first stage of redeployment to an area comprising 9% of the West Bank, 7% of which was already under joint control (Area B). The new Area A would increase to approximately 9% of the West Bank. The areas to be transferred would be noncontiguous, and Israel would control major transportation routes, territory adjacent to settlements, and other large strategic tracts, such as the corridor east of Jerusalem dividing the northern and southern halves of the West Bank. The PLO informed the Israeli government of its 'nonacceptance' of this unilateral determination, and Israel indicated it would not turn over the territory if the PLO declined to accept it. The PLO suspended negotiations with Israel on March 9 due to Netanyahu's refusal to reverse the Har Homa settlement and the refusal to negotiate the redeployment map.

This suspension of negotiations was the commencement of an 18 month period in which there was little or no discernible progress on the implementation of the Interim

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[39] Israeli Prime Minister Binyamin Netanyahu, Statement to the Knesset on the Protocol Concerning Redeployment in Hebron, Jerusalem, January 16, 1997, reprinted in *Journal of Palestine Studies* 26, no. 3 (Spring 1997): Special Document File, 141-143.

Agreement. Third parties such as the United States and Egypt attempted to wrestle the parties back to the table without success.

In February and March, Arafat convened a meeting of the Palestinian secular and religious nationalist groups who had rejected the peace process in order to build consensus on the permanent status issues and to brief them on the FRD dispute. The PLO desired to reconstruct national unity and heal the rift among secular and religious nationalist groups in order to undermine the militant wings and violent actions of those groups. But doing so risked accusations by the Israeli government that the PLO was not doing enough to eradicate these organizations and to stop violence against Israelis.

Israel in fact accused Arafat of encouraging terrorism by holding talks with the rejectionists. Arafat's crackdown on HAMAS and Jihad after a March 21 suicide bombing led them to suspend their participation in the dialogue with the PNA and only complicated the fragile Palestinian-Israeli consensus on the peace process. The Israeli government was caught in a dilemma of its own making. It had spent political capital repudiating the Oslo Accords and the Interim Agreement, and now found itself seeking a way to escape renewed its commitments under those agreements (embodied in the Hebron accords) in order to appease the religious and secular right that had brought Netanyahu to power. Appeasing them meant, in effect, delaying or attempting to alter Israel's obligations under those agreements. Such a choice would encourage Palestinian protest and encourage the conditions under which terrorism flourishes and paradoxically creating new insecurity for Israelis. The Netanyahu government resorted to direct and secret negotiations with the PLO as a way of making progress with the Palestinians while presenting a public posture of implacable hostility toward them.

At the end of April and the beginning of May 1997, Yossi Beilin of Labor, at that moment a member of the Knesset opposition, met with Arafat to propose his own five point plan for restarting talks, and set off to Egypt and Jordan to build support for his plan, despite Netanyahu's denunciation of the Beilin initiatives. March 17, the date the Hebron accords had set for resumption of the permanent status talks, passed without action due to the continuing controversy over Har Homa and the unimplemented FRD.

Egypt tried to assume the role of third party intervenor after the failure of a regional mission by Dennis Ross in May. Egyptian President Hosni Mubarak succeeded only in obtaining a one day delay in the demolition of Palestinian homes at Har Homa and came away with no other gains. The United States Congress passed a resolution on June 10 calling on the Clinton Administration to move the US Embassy to Jerusalem, a move resisted by all American governments since the annexation of East Jerusalem. Clashes between Palestinians protesters and Israeli forces grew in intensity throughout June while the Israeli press described Netanyahu's plans for a permanent settlement as "Allon plus." (The term 'plus' is used with the respect to Israeli gains of territory. The return of land to the Palestinians would be *less* than anticipated in the 1968 Allon Plan for partition of the West Bank .)

The volatility of Israeli politics during the years of the peace process meant that no single Israeli party could determine the direction of the process and also that neither of the main parties would tolerate being excluded from the process. With this in mind, the PLO and Labor (headed by former IDF Chief of Staff Ehud Barak) set up a joint committee at the end of July to discuss negotiation positions.

In late July, Netanyahu called on American Jewish leaders to constrain the Clinton Administration's attempts to pressure Israel on settlements and FRD compliance. Suicide bombs killed fourteen Israelis and wounded over one hundred seventy Israelis and Palestinians on July 30 in a Jerusalem market. After the bombings negotiations were again suspended and Israel imposed an extremely severe closure within the Palestinian areas and between them and Israel, Jordan and Egypt. US initiatives in July and August focused on getting the Central Intelligence Agency involved in security cooperation between Israel and the PNA. A new round of suicide bomb attacks on September 4 led to more closures and led Israel to declare that it would no longer be bound by any of its agreements with the PLO. Israel depicted the bombings as a PLO violation of the accords despite being actions committed by parties that were never a part of the PLO. US Secretary of State Madeleine Albright issued a straightforward call to Israel to refrain from provocative actions such as expansion or construction of settlements. Her exhortations to Netanyahu were met by open defiance and pledges to continue settlement activity.

The United States persuaded both sides to attend high-level meetings in Washington in late October to encourage the implementation of the FRDs and discourage 'unilateral' actions. The Israeli cabinet would not at first give Foreign Minister David Levy a clear negotiating mandate for the Washington talks. When he finally obtained instructions, he found his authority to negotiate highly circumscribed. The Israeli delegation was empowered only to discuss the implementation issues pending from the Interim Agreement, rather than the scope and timing of FRDs, which were precisely what the Palestinian team wanted to discuss during the Washington meetings November 3–6,

1997. Predictably, no progress was made at these meetings. Netanyahu proposed eliminating the interim phase and jumping directly to the permanent status negotiations. The Palestinians wanted to implement and complete the Interim Agreement provisions. The United States proposed doing both: going forward with implementation and renegotiation of the outstanding Interim Agreement provisions while conducting the permanent status negotiations in parallel .

At the end of 1997, the Israeli government drew up two competing permanent status plans under which Israel would retain either 52% or 64% of the West Bank. The plans were proposed by Defense Minister Mordechai and Infrastructure Minister Sharon, respectively. Netanyahu refused to carry any proposals for redeployment with him, preferring to only discuss another list of conditions he wanted the PLO to comply with.

Clinton publicly called on Israel to redeploy from 10% to 15% of Area C just prior to his scheduled end of year meetings with Arafat and Netanyahu. The Netanyahu government announced a plan that contemplated a single 6% to 8% redeployment without indication of whether Area C or B would be involved. This proposal was too meager for the PLO and the United States, but considered too generous by the Israeli settlers who protested the fact that Netanyahu's government was even considering a redeployment.

Foreign Minister Levy did not enjoy great autonomy during his time under Netanyahu. He resigned as Foreign Minister in January 1998. The Netanyahu cabinet, composed of coalition allies, imposed restrictions on the scope of redeployment, conditioning any redeployment at all on PLO compliance with a growing list of demands mostly concerned with fighting terrorism. At the same time, the Israeli Cabinet approved

ambitious new plans in 1998 to expand the settlements. The announcements coincided with the arrival of Dennis Ross in the region.

At the end of January, Clinton proposed his own redeployment plan for the purpose of restarting the final status talks: he described a second FRD that itself would be divided into three stages. It was unclear whether this would incorporate the unfulfilled first FRD of March and replace the third FRD anticipated in the Interim Agreement. Neither Arafat nor Netanyahu wholeheartedly accepted the Clinton proposals, even after they were modified in February meetings in Washington with Israeli and Palestinian envoys.

Quieter diplomatic initiatives directly between Israeli and PLO officials—particularly Molho and Abu Mazen—followed the consultations with the Clinton Administration, which had become preoccupied with the possibility of aerial strikes against Iraq. The US position on the FRD evolved into a comprehensive proposal to tightly link each of the three mini-stages of the FRD to PLO compliance with anti-incitement and anti-terrorism measures, another formal annulment of the Palestine National Charter, possible extradition of Palestinian suspects to Israel, among other conditions. Under the March 1998 Clinton proposal, a total of 13.1% of the West Bank would be covered by the FRD. Netanyahu continued to resist any US pressure to predetermine the amount of territory transferred. Back channel talks between the Israeli government and the PLO were continuing at this time. In mid-March settler-initiated violence toward Palestinians sparked riots in Hebron and a bomb was planted outside the al-Aqsa Mosque in Jerusalem, wounding people as they left prayer services.

Netanyahu in April expressed a willingness to transfer 9% in this second FRD plus 2% to cover the first FRD which was never implemented, but found Madeleine Albright firmly fixed on the 13.1% figure. Furthermore, Albright held a press conference in which she directly accused Netanyahu of impeding progress on the Clinton proposal, which had been accepted by Arafat. She also asserted that, contrary to Netanyahu's declarations, the 13.1% transfer would not endanger Israel's security. Albright publicly summoned the parties to a Washington summit scheduled for May 11, 1998. The invitation was an 'exploding offer'. The condition for attendance was explicit acceptance of the 13.1% FRD and an immediate commencement of the final status talks at the May 11 meeting. Netanyahu actively resisted the pressure he was getting from the third party whose favor and support he most desired, and Clinton canceled the May 11 summit. Further meetings between Albright and Netanyahu resulted in no progress but prompted President Clinton to openly criticize delaying tactics without mentioning Netanyahu by name.

With no progress on either the FRD or on the implementation of less controversial provisions of the Interim Agreement, as well as ongoing clashes between Palestinians and Israeli forces, suicide bombings, confiscations of land, demolitions of homes, expanding settlements, and the revocation of residency rights of East Jerusalem Palestinians who had US residency, the peace process seemed indeed to have died by mid-1998. Behind the scenes however, Isaac Molho and Abu Alaa, who had become the speaker of the Palestinian Legislative Council were holding meetings. During their back channel negotiation sessions, they discussed two modifications to the FRD proposal that might make it palatable enough to both parties so that it could be implemented. First was the

creation of a fourth category of territory in the West Bank, Area "D" which could be transferred to Palestinian control in little more than name. No housing development or security responsibilities for Palestinians were to be permitted in the new area. The second modification concerned a higher number for the overall FRD: 15%.

Between May and July, Netanyahu initiated secret talks with the leader of the opposition Labor party chairman, Ehud Barak in order to explore the eventuality of structuring of a Labor-Likud unity government, and the strategies such a government would pursue in the negotiations with the PLO and Syria. Relations with the opposition did not improve despite this example of what might be called 'internal back channel negotiation'. Nevertheless Netanyahu was correct to anticipate the need for support from the opposition since his natural constituencies denied his government flexibility in the peace process.

In June Netanyahu explored but eventually discarded the idea of subjecting the FRD to a national referendum. While this would evidently cause significant delay, Netanyahu shared concerns similar to those of Shimon Peres when the latter offered to submit any permanent status agreement to referendum prior to losing the national elections. The underlying concern was to carve out negotiating 'space' while appearing to minimize risks of such negotiation as perceived by the electorate and politically-mobilized subgroups. Netanyahu was concerned, as was Peres before him, about losing the political support of the religious and settler groups. During the summer of 1998 the United States withdrew from its highly visible role in the FRD controversy and even declined to send Dennis Ross to the region at Israel's request. The idea of a new territorial category took on importance in the back channel as the parties began to bargain

278

not over whether to accept this modification, but over how much Palestinian control could be exerted under the new territorial classification.

Molho continued to meet secretly with Abu Alaa and Arafat while Abu Alaa held at least four meetings with Netanyahu in August 1998. The parties quietly informed the United States of having made progress, prompting a regional visit by Dennis Ross and an invitation to Arafat and Netanyahu to meet with Clinton on September 28. A 13% figure for the FRD was agreed upon but the PLO's reciprocal obligations were not yet settled. Clinton scheduled further talks at the Wye River Plantation in Maryland later in the year. Ariel Sharon was given the job of chief negotiator for the upcoming Wye negotiations and was also named Minister of Foreign Affairs. Settlement expansion proceeded aggressively in August and September and settler violence increased throughout the West Bank so significantly that the IDF mobilized troops to halt settler attacks in Hebron.

During the Netanyahu years prior to the Wye summit, there was no implementation of the FRD obligations under the Interim Agreement. The parties sent their delegations to the White House on October 15, 1998 for the opening ceremony of the Wye negotiations and then secluded themselves for nine days at the Wye Plantation under a leaky media blackout. Settler leaders arrived to meet with Israeli negotiators at Wye on the sidelines of the talks in spite of US efforts to seclude the parties. Halfway through the summit, Netanyahu suspended his delegation's official involvement in the negotiations to protest a grenade attack at a bus stop in Israel. President Clinton and King Husayn of Jordan reentered the talks to apply pressure on the parties. On October 21, the Israeli delegation announced its intention to leave talks if Arafat did not accept Netanyahu's demands on Israeli security. In the absence of any US support for his

position, Netanyahu backed down from his threat to leave. An agreement was finally reached in the early morning of October 23, 1998.[40]

The United States, for the first time, choose to take an active part in the *implementation* of the agreement by committing the CIA to assist the Palestinian security forces with the prevention of terrorist actions and the prosecution of organizations that instigated them. The agreement provided for the formation of a Palestinian-US security committee, as well as a Palestinian-Israeli security committee.

On the day the agreement was reached Netanyahu overplayed his hand in trying to appease domestic constituencies who would oppose the agreement when he informed Clinton that he would not attend the signing ceremony unless the United States freed convicted spy Jonathan Pollard, a civilian employee of the US Navy who sold military secrets to Israel. Clinton offered only to review the Pollard case.

The Wye River Memorandum obligated the parties to a meet a set of requirements relating to the three stages of the FRD and Palestinian security cooperation according to a twelve week timetable. In return for concrete steps the Palestinians were to take against terrorism and opposition to the peace process, Israel would fulfill the first two of the Interim Agreement's FRDs by turning over a total of 13% of the West Bank Area C to the Palestinians. One percent of this would be reclassified as Area A. The remaining 12% should have become Area B and was to include a 3% portion to be classified as 'nature reserves' on which the Palestinians could not build or otherwise develop. Additionally, 14.2% of Area B was to become Area A. After this, the Palestinians hoped to control nearly 40% of the West Bank and govern most Palestinians. But the map would not

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[40] The Wye River Memorandum, (Israel-PLO), Washington DC, October 23, 1998.

280

provide a clean line of separation between Palestinians and settlers, who were interspersed among the Palestinian areas. See Table 6.__ for the breakdown of the FRDs. The entire transfer of territory was to proceed in three stages and take no more than twelve weeks to accomplish. The PLO was also to publicly void portions of the Palestine National Charter and both parties pledged to resume permanent status negotiations immediately. [41]

Table 6.2: Agreed further redeployments (FRDs) from the Wye Memorandum, 1998[42]

FRD from:	Area C to B	Area B to A	Area C to A	Implemented
Stage 1 (within 2 weeks of entry into force of agreement)	2%	7.1%		Yes, 11/20/98
Stage 2 (between weeks 2 and 6)	5%			No
Stage 3 (between weeks 6 and 12)	5%	7.1%	1%	No
Total	12%	14.2%	1%	

Netanyahu delayed cabinet consideration of the Wye Memorandum. The agreement was eventually approved by the Knesset and the Israeli cabinet but without the support of key coalition members. His government aggressively resumed settlement activities. Arafat warned that he would declare a state on May 4, 1999, when the interim arrangements were to expire. In November, immediately after the first stage of the territorial handover, Ariel Sharon called upon Israelis to "grab" new land in the

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[41] See "Time Line" annexed to the Wye Memorandum.

[42] Stages 2 and 3 of the Wye Memorandum's FRD provisions were not carried out during the Netanyahu government due its unilateral noncompliance. These two remaining stages were broken up again into three stages in the Sharm al-Sheikh Memorandum (PLO-Israel), Egypt, September 4, 1999. They were to be completely implemented by January 20, 2000, but this deadline too was honored in the breach.

281

Palestinian territories "because everything we take now will stay ours, everything we don't grab will go to them," provoking the creation of several new settlements, some of which had to be dismantled by the IDF. With two stages of the Wye FRD still not carried out, Netanyahu formally declared a freeze on implementation of the Wye Memorandum on December 2, 1998 and presented a list of demands that the PLO and PNA had to comply with in order to renew implementation.[43] In the presence of President Clinton, on December 14 the Palestine National Council convened in Gaza to affirm a letter which revoked clauses of the National Charter that contradicted coexistence with Israel. Despite fulfilling this key condition for the second stage of the FRD Netanyahu insisted he would not carry out further FRD activity.

The statements by Sharon, Netanyahu and Arafat were designed for public consumption in order to project a tough image to their constituents. As for Israel, these moves were not enough to appease Netanyahu's right-wing supporters, who quickly turned on him. The Knesset scheduled a vote on a motion of no-confidence against the Netanyahu government for December 9, 1998, but postponed it until December 21, after the scheduled date of the second stage of the Wye FRD (December 18), and to accommodate President Clinton's visit to the region (December 12-15). On the day of the Knesset vote, Netanyahu preempted the no-confidence motion by calling for new elections to take place on May 17, 1999 after the scheduled expiration date of the interim period (May 4, 1999). During the lame-duck remainder of the Netanyahu government, no

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[43] List of Palestinian "Unfulfilled Commitments" Under the Wye Memorandum, Office of Prime Minister Netanyahu, December 15, 1998, reprinted in *Journal of Palestine Studies* 28, no. 3 (Spring 1999), Documents and Source Material, 154.

progress was made on either the implementation of the interim agreement, or the Wye Memorandum, whose final deadline passed on January 29, 1999.

In the aftermath of the Wye Memorandum, the Israeli governing coalition began crumbling by challenges from the center and right of Likud. Netanyahu dismissed Yitzhak Mordechai as Defense Minister in anticipation of Mordechai's bid to create a centrist political party that would challenge Netanyahu. Former IDF Chief of Staff and the chief negotiator of the Interim Agreement's FRD provisions, Gen. Amnon Lipkin Shahak, also called for an end to the Likud government. Both soldiers criticized the freeze on implementation of the Wye Memorandum. On the right, prominent Likud party members such as Binyamin Begin (son of former Prime Minister Menachem Begin) defected in order to form their own smaller parties.

The permanent status negotiations were not restarted despite one preliminary meeting between Sharon and Abu Mazen on November 18, 1998.

Netanyahu did nothing to advance the peace process while also failing to make a qualitative change to Israel's security. In choosing not to implement the existing Interim Agreement, Netanyahu was obliged to renegotiate their outstanding provisions. While this gained him some tactical points regarding PLO concessions on security cooperation, the simple act of negotiation, and the simple commitment to comply with the Hebron and Wye accords cost Netanyahu the support of the settlers and the right wing political groups that formed the core of his coalition. This simply slowed the interim peace process down to a crawl. Neither party was able to proceed with the permanent status talks in large part due to the implementation failures at the interim stage. Netanyahu claimed to have introduced the concept of "reciprocity" in both the Hebron and Wye

accords and cited this repeatedly as one of the most significant changes he introduced to the peace process. His interpretation of reciprocity, however, was a constructed one which Molho accuses the Clinton Administration of failing to understand when it urged Israeli to carry out its obligations under the Wye Memorandum.[44]

The PLO began the phase of the peace process that corresponded to the Netanyahu government with an attempt to build consensus in favor of the peace process among the most entrenched Palestinian rejectionists by negotiating with them. The PLO and the PNA attempted to fulfil two roles: one as Israel's security enforcer and the other as a political movement leading its constituency to statehood. The inherent contradictions of these roles cost the Palestinian leadership popular support and helped to dampen any remaining popular enthusiasm for the peace process among Palestinians after the failures of the Netanyahu years. Arafat's pledge to unilaterally declare a Palestinian state in the aftermath of the Wye Memorandum raised unrealistic expectations among Palestinians while needlessly causing concern among Israelis.

The back channel that the parties used in the Netanyahu years helped them manage their constituencies, the interested third parties and their respective internal opposition. It also helped them create workable compromise language in their agreements, even if they accomplished nothing more than the reformulation of previously agreed items. Netanyahu's decision to suspend compliance weakens the link between BCD and implementation of outcomes. His government could only negotiate in secret.

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[44] As mentioned above in the discussion of the Hebron Accords, the Netanyahu's conception of reciprocity was expressed as: "Israel didn't have to comply with any of the agreement as long as the Palestinians didn't comply with a part of it. Everyone understood this. Absolutely." Molho, Interview with the Author.

284

Once negotiations were revealed, his political power base crumbled instead of accepting

the fait accompli.

285

II. Analysis

As noted in Chapter 2, each of the cases will be analyzed according to the following analytical framework.

Table 6.3: General categories for case analysis

	Category
1	Issues Negotiated
2	Secrecy and Publicity
3	Subparties Included and Excluded
4	Decisionmaker Proximity and Negotiator Autonomy
5	Third Parties: Presence and Role
6	Strategic Use of Multiple Channels of Negotiation

A. Issues negotiated

Formal negotiation agenda items (the subjects of a dispute) are correctly defined as 'issues' that negotiators agree to include on their agenda, set aside for later, or avoid altogether.

The negotiations in the post-Oslo period covered a vast amount of issues, ranging from troop withdrawals to tax collection. The division of issues was formally determined in the DoP. Everything but Jerusalem, Palestinian refugees, borders, water rights, and settlements was subject to negotiation in the interim talks. Of these, the issues of borders

286

and settlements together cast their long shadow on the interim negotiations. The drafters of the DoP, in their recognition of the difficulty of the permanent status issues, perhaps did not pay enough attention to the *issue linkages*. A completely clean division between interim and permanent status issues was possible.

The Israeli settlements in the West Bank and Gaza proved to be a difficult problem throughout the peace process. Formally reserved for resolution only during talks on the permanent status, the Israeli government began permitting several settlements to expand in capacity, geographical extent and population despite the DoP commitment to maintain the status quo in the occupied territories during the interim period. The discontinuity between the accords and reality would eventually cause a shift in the negotiation agenda of the parties. Some of the settlements were areas of frequent tension precisely because they were set up in the midst of or adjacent to important Palestinian population centers, such as East Jerusalem and Hebron, Ramallah, Nablus and other areas. Israel felt that large numbers of troops would be required to safeguard settlers in such places. The presence of the settlers had a direct and negative impact on the cornerstone of the Interim Agreement—the further redeployments. The inability to entirely separate the effect of the permanent status issues from the interim issues is mentioned here because this interaction among the issues affected the decision to work on certain issues in back channels.

The Oslo and Madrid peace negotiations differed from each other greatly in terms of as solutions proposed to the same sets of issues. The post-Oslo period encompassed both interim and permanent status negotiations.

Interim negotiations. In the negotiation of the Interim Agreement, the Hebron Accords, and the Wye River Memorandum, the amount of territorial control ceded to the Palestinians, the security arrangements, and the timetable of Israeli redeployments were among the most difficult issues faced. These topics were on the agenda of both front and back channels. The solutions however, were found in the back channels.

Permanent status negotiations. In the five years under review here, front channel negotiations on the permanent status issues were only inaugurated but never actually conducted. The back channel Stockholm document negotiated by the Israeli and Palestinian academics working under Yossi Beilin and Abu Mazen were nevertheless engaged in very daring scenario building in order to find acceptable tradeoffs among the issues, each parties' prioritization of the issues, and across the table between the parties. The lack of a front channel does not permit any comparative conclusions about what might have been different in the front channel.

Counterfactually, and using knowledge from the front channel permanent status negotiations that were conducted after the period of this study, we can surmise that, had their been a front channel on the permanent status issues in 1995-1996, it would have resembled the Palestinian-Israeli negotiations that followed the Madrid Peace Conference in 1991-1993; diametrically opposed opening positions on each final status issue, nonstarters as proposed solutions (not even minimally acceptable to the other side), which would in turn prevent possible solutions from even being discussed, procedural disputes that prevent substantive exchanges, little creative thinking.

The Palestinian and Israeli negotiators cast light on the reasons why something might be discussed in a back channel while it is kept off the agenda or set aside in the front channel.

> If some issue in the back channel is revealed to the public, the decisionmakers have to express their views on it. This complicates the negotiations. So issues are kept off the table in the front channel in order to not have to make public statements that later bind the decisionmaker.[45]

Hassan Asfour, PLO official and negotiator present in Oslo and back channel negotiations throughout the post-Oslo period, and now a Minister in the PNA, stated that the issues were the same in both front channel and back channel. After this remark, however, he mentions that each party had taboo issues that could not be discussed in front of the media.[46]

However neither Molho nor Asfour are referring to the problems or issues that first bring the parties together, but rather to the *different possible solutions* that might be agreed upon to resolve the problem. There can be little doubt that potential solutions to a problem that could be construed as concessions by one side or the other are more likely to be discussed in a back channel than in a front channel.

B. The role of secrecy and publicity

It is relatively easy to see why the parties chose secrecy for the Oslo negotiations. The lack of recognition and long mutual demonization made it extremely difficult for the Israelis to admit they were talking to the PLO. The PLO, despite having declared its willingness to do so long before Oslo, still found the political costs of talking to the

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[45] Ibid.

[46] Asfour, Interview with the Author.

289

Israelis to be very high. After the breakthrough of Oslo and the mutual recognition letters, the parties were much freer (in terms of political risk) to negotiate with each other openly. Since there were no legal impediments to meeting with each other, the answer must lie in procedural and substantive concerns. These are summed up by Hassan Asfour, a PLO official involved in the back channels from the beginning. "Secrecy is used," he said to "protect the process."[47]

The Oslo process also involved a small measure of making secret agreements, not just conducting secret negotiations. One of the first reminders that Oslo had entailed not only procedural secrecy, but also secret agreements came in June 1994 during the interim period. At that time Shimon Peres acknowledged publicly that he had written a secret letter to Norwegian Foreign Minister Holst as part of the Oslo Accords, providing assurances to the PLO that Israel would not close down Palestinian institutions in Jerusalem. Yasir Arafat had earlier revealed the existence of the commitment in a provocative speech given at a mosque in South Africa. Netanyahu, when he took office, repudiated the Peres letter and set out to remove Palestinian institutions from Jerusalem and prevent Palestinian political activity in the city. The issue of secret documents did not seriously arise again until the Wye Memorandum was signed, although little has been offered to support the contention that there were secret undertakings, other than the "letters of assurance" provided by the United States to each side. The previous chapter noted that Peres' purpose in post-dating the secret letter was to avoid making it subject to cabinet and Knesset approval.

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[47] Ibid.

290

The degree of publicity that Palestinian and Israeli negotiators faced in the post-Oslo period was unprecedented. Mobilized constituencies, rejectionists, supporters, regional and global players all carefully monitored events to see the impact on their respective interests and aspirations. Expectations and suspicions were raised in the aftermath of Oslo. On the Israeli side, both Labor and Likud governments felt obligated to remove negotiations from the view of the settlers and the right.

In the chronology of negotiations from the end of 1993 to the end of 1998, we find that the parties returned more and more to back channels. This pattern culminated, in 1998, with the preparation for the Wye summit being conducted by BCD even while most observers believed that the peace process was dead, or at best dormant.

Netanyahu's chief negotiator, Isaac Molho, understood the need to have a front and back channel operating simultaneously, not only to divert attention from the back channel, but to protect the leadership from having to take public positions from which it would be difficult to make needed concessions on.[48] Despite Molho's insight, the Netanyahu years were characterized by a measure of negotiation intransigence which cannot solely be attributed to Israeli posturing for the sake of remaining in power. Nevertheless, the intentions and good faith of the negotiators and decisionmakers are not being subject to analysis or evaluation. Our focus is on why the parties used secret, back channels.

A certain sense of optimism can be sensed from some of the back channel negotiators. Abu Alaa believes that only in the back channel negotiations can parties truly discover each others' underlying interests and priorities, and that this knowledge greatly

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[48] Molho, Interview with the Author.

facilitates agreement. "The most important thing in the secret negotiations is to educate, to teach the other side about your real concerns. And to listen to him about his real concerns..."[49]

Uri Savir, reflecting on the use of several back channels to draft portions of the Interim Agreement, argues that secrecy is needed to model ideas without them being considered a concession.

> It's only in a secret surrounding with both parties trust[ing]
> the secrecy that the best ideas can be tested. And without
> jointly testing ideas, a good agreement is actually
> impossible.[50]

Savir's argument echoes and supports that of Hassan Abu-Libdeh, one of the PLO negotiators involved in the back channels leading to the Interim Agreement and now President of the Palestinian Bureau of Statistics. Abu-Libdeh believes that back channels are useful to test out innovative ideas while minimizing the risk of having to commit oneself to the idea or the risk of being accused of having made an unnecessary concession:

> Of course in the back channels there have always been very
> daring ideas floating around; ideas that are initiated on the
> table and then sometimes one team or both teams would go
> back to their leaders to convince them of these things. Back
> channel activities are much more entrepreneurial. [They]
> cannot produce the final agreement because at some stage

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[49] Ahmed Qurei (Abu Alaa), Interview with the Author, al-Bireh, Palestine, April 29, 2000.

[50] Uri Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method" (paper presented at the Conference Back Channel Negotiations in the Arab-Israeli Conflict, Hebrew University of Jerusalem, May 4, 2000).

you have to bring in the experts...Whenever there was a back channel, most of the time [it is] used for modeling.[51]

During the Netanyahu's tenure as Prime Minister in Israel, a period lasting nearly twenty months passed without any apparent negotiation activity. Yet during that time, some of the worst days of Palestinian-Israeli relations, Abu Alaa held at least thirteen secret face-to-face meetings with Netanyahu himself, as well as with Ariel Sharon and Netanyahu's chief back channel negotiator, Isaac Molho.[52]

Molho met with Eraqat, Abu Alaa and Arafat himself numerous times in secret to negotiate the terms of the Hebron accords and to prepare for the Wye Plantation summit in 1998.[53]

The back channel negotiator during the Netanyahu years had a different vision of the utility of secrecy; it is used to help maintain two postures: an adversarial one in public, and a more collaborative one in secret. When the Netanyahu government took over, Isaac Molho, Netanyahu's personal attorney, was asked to undertake a mission on behalf of the Likud government: secretly convey to Yasir Arafat that

> Our public statements [against the PLO, the opposition, the peace process and the prior agreements] had a strategic and tactical purpose. More important than the public statement is the importance of the messenger. I was sent there to reach agreement. The Palestinians learned that my presence was an indication of seriousness on Netanyahu's part.[54]

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[51] Hassan Abu-Libdeh, Interview with the Author, al-Baloa, Palestine, May 3, 2000.

[52] Qurei (Abu Alaa), Interview with the Author.

[53] Sa'eb Eraqat, Interview with the Author, Jericho, Palestine, May 12, 2000; Molho, Interview with the Author.

[54] Ibid.

293

Dr. Sa'eb Eraqat, who played a leading role in front and back channels, interim and permanent status negotiations throughout the peace process, distinguishes between what he termed "off-media" negotiations and back channel negotiations. He openly recognizes the value of holding negotiations out of the range of the newsmedia, because "the pressure of the media kills the negotiations." He also believes that the Israelis use alternate, back channels to get concessions out of the Palestinians. "They would go to negotiate [in secret] with Abu Alaa if they didn't like what they heard [in front channels]. My negotiations are ONE item, ONE price." In his perspective, negotiations with the Israelis in the Netanyahu years were an attempt by Israel to 'dictate' terms not negotiate. From Eraqat's perspective, we can speak of parties 'channel-shopping'; trying to obtain the terms most favorable to themselves in whatever channel provides those terms.[55]

While comparing the progress of the front channel interim agreement talks in Cairo and his own Stockholm back channel, Yossi Beilin writes about the effect that publicity had on the interim agreement negotiations and the negotiator behaviors in that environment:

> at a certain stage these [interim] talks [in Cairo] had fallen victim to the Washington syndrome: media hype, predetermined positions, confrontation in the conference hall and inconclusive stalemate, presaging neither disintegration nor progress. It was clear that this could not be allowed to continue and another secret negotiating track was initiated forthwith, headed by Uri Savir and Abu Alaa, which made progress...[56]

Not surprisingly then, we find that negotiators used back channels increasingly throughout the interim period, whether they were addressing interim or permanent status

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[55] Eraqat, Interview with the Author.

issues. They were using them *simultaneously with* front channels, in order to negotiate

the Interim Agreement. The were used *in sequence with* (followed by) front channels, as

was the case in the preparation for the Wye Plantation summit. Similarly, they were used

when a *front channel did not yet exist*, as in the Stockholm channel, which began its work

long before the commencement of the formal permanent status negotiations.

C. Exclusion and inclusion of subparties

The exclusion and inclusion of subparties in the negotiations process exerted

unexpected effects in this case, as excluded Palestinians helped determine what would

happen in the Israeli elections. The scrutiny of the excluded rejectionists was a constant

motivation for back channels.

Subparties of the PLO and the Israeli government immediately registered their

presence as the post-Oslo stage began. The inclusion and exclusion of subparties exerted

an influence on the selection of negotiators and, on the Israeli side, determined who the

decisionmakers would be. In their ongoing jockeying for access to power, Israeli political

parties that are marginalized in one government are not static. They seek access to power

by aligning themselves with each other in order to exert more influence on policy in the

following elections or cabinet reshuffle.

The Executive Committee of the PLO was the first contentious internal forum that

Arafat faced. Six of eighteen members resigned rather than legitimize the Oslo Accords.

Those who had been intimately involved in the Oslo Channel and close to the center of

PLO decisionmaking were rebuffed. Savir claims that Yasir Arafat relieved Abu Mazen

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[56] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement*, 164.

and Abu Alaa of their responsibilities regarding contacts with the Israelis, ostensibly to diminish their highly public profile.[57]

At the beginning of 1994, a delegation of Palestinians from the West Bank and Gaza flew to Tunis for four days of meetings with Yasir Arafat to demand changes in his leadership style. The delegation was led by Haydar 'Abd al-Shafi, the former head of the Palestinian delegation to the talks in Washington and one of the founding members of the PLO.[58] Throughout the interim period 'Abd al-Shafi proposed alternative models of political leadership, especially regarding the conduct of the peace process.[59] Groups such as these have not been able to participate more effectively in Palestinian decisionmaking or peace negotiations.

The most difficult challenge that faced the PNA in terms of parties excluded from the peace process concerned the rise of Palestinian political organizations solidly rooted in religious nationalism: HAMAS and the Movement of the Islamic Jihad. HAMAS is a complex organizations, part of social service networks that provided for the basic needs of a population under military occupation and without a functioning government. At the same time, HAMAS and Jihad reject a model of Palestinian emergence into sovereignty based on secular nationalism and do not accept the existence of Israel. They mobilize their constituencies by appealing to religious principles and religious identity, in contrast with the other groups under the PLO umbrella, most of whom were originally organized

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[57] Savir, *The Process: 1,100 Days That Changed the Middle East*, 94.

[58] See "Memorandum to Yasir Arafat," reprinted in *Journal of Palestine Studies* 23, no. 3 (Spring 1994).

[59] It is revealing that Yitzhak Shamir expressed his preference for dealing with 'Abd al-Shafi rather than Arafat, characterizing the former as "an extremist, but an honest man." This is not because Shamir expected a more moderate negotiation stance from 'Abd al-Shafi, but more probably because the difficulty of reaching agreement with the local Palestinian leaders suited Shamir's strategy of delay. Yitzhak Shamir, Interview with the Author, Tel Aviv, Israel, May 14, 2000.

according to ideologies of liberation on the left side of the political spectrum. As rejectionists of the PLO-Israel negotiations, militant wings of both HAMAS and Jihad organized paramilitary operations and terror attacks against Israeli military installations and settlers. When they exceeded these limits and targeted Israeli civilians within Israeli population centers they helped to stop and nearly reverse the peace process.

A great deal of PLO-Israel negotiation resources were dedicated to the containment and deterrence of the military wings of these organizations and exposed the PNA to ongoing pressure to suppress these movements on its own and in cooperation with Israel. According to the narratives of the early Oslo encounters, the PLO encouraged Israel to believe it had a choice between recognizing the PLO and confronting a growing Islamic fundamentalist 'threat' among Palestinians. Indeed one of Israel's rationales for recognizing the PLO in the Oslo Channel was that such recognition would empower the PLO not only to be to be the sole representative of the Palestinians, thus marginalizing the Islamic groups, but also to require the PLO to repress them as potential threats to its monopoly on political power. The PNA attempted several strategies for dealing with its internal religious opposition, ranging from embracing them as co-strugglers against the occupation to imprisonment of their leaders and members suspected of activity against Israel. During the Rabin/Peres years, there was some attempt by Israel to distinguish between the PNA and rejectionist militants, but during the Netanyahu years, no measure taken by the PNA was sufficient and blame for Palestinian terror attacks was regularly placed on the PNA, which only served to undermine the Palestinian struggle against violence.

The structure of this relationship, in which rejectionists were excluded from political participation, not to mention the decisionmaking in the peace process, necessarily permitted them to exercise great influence over the peace process. If Israelis could be made to feel insecure while coexistence was being negotiated, the entire premise for the peace process could be easily questioned, not only by the secular and religious right wing parties in Israel, from which this could be expected, but by the population in general and undecided voters in particular. This is a clear link between marginalized Palestinian parties and the determination of Israeli decisionmakers.

Israeli domestic groups also mobilized demonstrations and other political activity to oppose the peace process. Uri Savir condemns Israeli political parties that support the settlers, including the National Religious Party and the secular Likud party (especially the party chairman in 1993, Binyamin Netanyahu) for sowing "the seeds of violence" in the post-Oslo period.[60] Openly violent groups like Kach, which was linked to the Hebron massacre, were involved in the killing of Palestinian civilians in those years.

Israel's most important bureaucratic players who had been excluded from Oslo took center stage in the post-Oslo period: the military itself. Maj. General Amnon Lipkin-Shahak, at the time the Deputy Chief of Staff under General Ehud Barak, was named the new head of the Israeli delegation. Two other generals, Uzi Dayan (nephew of Moshe Dayan) and Danny Rothschild joined Joel Singer ("the sole remnant of the original Oslo Club") to negotiate the Interim Agreement.

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[60] Savir, *The Process: 1,100 Days That Changed the Middle East*, 86-87.

298

Yossi Beilin, as well as his associates from the Economic Cooperation Foundation, Dr. Hirschfeld and Dr. Pundik, were even sidelined by Peres in the negotiations for the Interim Agreement.[61]

By contrast, Maj. Gen. Ehud Barak, the IDF Chief of Staff under Rabin, resigned from the military at the end of 1994 and on January 1, 1995 entered deeper into Rabin's inner circle by becoming one of his special advisors, thus bringing him one step closer to government and party leadership, both of which he would eventually assume.

At the first Rabin-Arafat session in Cairo on October 6, 1993 the presence of local (not Tunis/Diaspora) Palestinians figures was noticed, including Hanan Ashrawi, Faisal al-Husayni and Jerusalemite Ziyad Abu-Zayyad. In the coming years, all three would later have cabinet positions in the PNA but at that time, Ashrawi and al-Husayni were fresh from the experience of having staffed the futile front channel in Washington. Their presence as negotiators in Cairo seems to have been symbolic, because the PLO was busy trying to obtain the loyalty of its subfactions. A plan for staffing different post DoP negotiation committees was drafted by the Washington delegation but the names the PLO proposed to fill the positions "appeared to be politically motivated either to deliver factional representation or rewards for earlier favors" rather than meeting professional or technical expertise criteria.[62]

The Israeli delegation to the first working session in Cairo also included three figures who had been completely kept in the dark about the Oslo Channel: Eitan Haber, Rabin's *chef de cabinet*; Shimon Sheves, director of the Prime Minister's office; and Jacques Neria, Rabin's foreign policy advisor. Eitan Haber had a long and close

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[61] Ibid., 95

299

relationship with Rabin, having served on his staff when he was defense minister under Yitzhak Shamir. Haber was also the official who set up Rabin's secret contacts with Palestinian mayors prior to the *intifada,* mentioned in Chapter 3.[63]

Given the immediate exclusion of some of the most important figures behind the Oslo Accords from the interim negotiations, it is hardly surprising to find that some of these figures were active in the Stockholm back channels addressing the permanent status. As we saw in the Oslo case, Chapter 5, the exclusion of high level bureaucratic insiders sometimes motivates them to support activities that are at variance with the declared, official policies and channels.

At the level of subparties, however, the Palestinian attempts to find an option for including rejectionists and persuading them to join, or at least not to impede the peace process, appears to have yielded some results in the period studied here. Security cooperation greatly assisted in reducing violence against Israelis. The Israelis in the Rabin/Peres years appear to have rejected any accommodation with their own rejectionists since they felt strong enough to govern without them. Netanyahu was himself one of the rejectionists and yet he found himself constrained by the same political realities that faced his predecessors.

In order to save face and not openly abandon some of the claims made during election campaigns, both Rabin and Netanyahu used back channels to continue negotiations with the Palestinians. In the Netanyahu years back channels replaced or preceded, rather than supplemented open negotiations while in the prior governments, they were used to supplement open channels. In Netanyahu's case, his government

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[62] Hanan Ashrawi, *This Side of Peace: A Personal Account* (New York: Simon & Schuster, 1995), 276-279.

included parties that were more rightist than his own Likud party. The net effect of Netanyahu's back channel diplomacy was the concentration of negotiation and decisionmaking authority by exclusion of subparties even within his own cabinet.

In the post-Oslo period the Palestinian side did not change in terms of leadership, although negotiators were themselves moved around from open to back channels or out of the negotiations altogether. The Palestinian subparties excluded from negotiations are themselves one of the motivations to use back channels since they reject the compromises implied by negotiation. The Israeli example supports a stronger idea: excluded parties, once they are in power, themselves seek to engage in the negotiations processes from which they have been excluded. They were excluded due to their rejectionism, but when they assume the responsibilities of government, they use back channels to minimize the risk of being accused of betraying principle.

D. Proximity of decisionmakers, autonomy of negotiators

During the first two and a half years of the Netanyahu government there was a widespread perception that little was being accomplished in the peace process, or worse, that it was being reversed. In fact, the back channel negotiators were highly active. Molho stated that "I have met with Arafat many times. I probably have more face time with Arafat than any other Israeli. We had meetings in Gaza, Jericho, Nablus, Hebron, all of them in Arafat's offices. I was in constant communication with Arafat and the Palestinians despite the darkest days of our relationship with them."[64] Molho was the quintessential outsider in government. He had never held public office or served the government. He was not part of the military bureaucracy in Israel or the intelligence

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[63] Eitan Haber, Interview with the Author, Tel Aviv, Israel, May 8, 2000.

services. Yet he was chosen by Netanyahu to be his secret envoy to the PLO. Indeed one of the reasons Netanyahu trusted Molho was the latter's distance from government.

This, Molho explained, was a factor contributing to the broad negotiating mandate he enjoyed as a back channel negotiator:

> "When the leaders trusts you a lot, you have lots of room to maneuver. I was not a strategic decisionmaker. I was entrusted to get tactical results. I asked Bibi [Netanyahu] 'Where do you want to go? I'll take you there.' There is a division between the strategic and the tactical [dimensions of political negotiations]. You have *lots of freedom* to negotiate if you are not involved in the strategic decisionmaking and have the trust of the decisionmaker."[65]

Molho's negotiating flexibility was remarkable compared to the limits that were put on Foreign Minister David Levy and later on Defense Minister Mordechai, both of whom grappled with the FRD issue in front channels while Molho was addressing it in the back channel.

On the Palestinian side, a similar dynamic was seen and appreciated by the other side. The principal back channel negotiators included Abu Alaa, Hassan Asfour, and Hassan Abu-Libdeh, as well as Abu Mazen. Of these four men, three were among the top five decisionmakers within the inner circles of the PLO. Only missing were top aide Yasir 'Abd-Rabbuh and Yasir Arafat himself. 'Abd-Rabbuh was often part of front channel negotiations. But all reported to Abu Mazen and Yasir Arafat. In the Palestinian case, the back channel negotiators were themselves part of the decisionmaking mechanism and so their proximity to decisionmaking was great.[66]

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[64] Molho, Interview with the Author.

[65] Emphasis added. Ibid.

[66] Asfour, Interview with the Author; Qurei (Abu Alaa), Interview with the Author.

302

Joel Singer summed this up by stating that back channel negotiations:

> allow you to bypass difficulties, by establishing a channel behind
> or next to an open negotiation channel. It is another, smaller,
> higher level channel with more authority to negotiate and
> maneuver so that more difficult and sensitive problems can be
> handled in a manner less subject to peer pressure. Secret
> negotiations have more qualified participants by virtue of their
> rank and negotiating mandate and therefore [have] the ability to be
> flexible.[67]

E. Presence and role of third parties

The US role in hosting the public ceremony of the Oslo Accords signified the

beginning of new American involvement in the Israeli-Palestinian peace process. Having

been excluded from the channel in which real negotiations while it was sponsoring futile

talks in Washington, the United States reasserted itself. Uri Savir recalls that "our

working contacts with the American peace team became almost daily."[68] At the same

time, the Norwegians who had set up the Oslo Channel remained very active in the post-

Oslo stage. At times, it appears that the various third parties, including Egypt, Jordan,

Sweden and others were vying for the attention of the parties, nearly competing with each

other for influence.

This was not always well-received by the parties. At the beginning of Secretary of

State Warren Christopher's December 1993 visit to Israel and during the crisis

negotiations after the Hebron massacre, Israel asked the Americans and Norwegians,

respectively, to refrain from getting involved in the substantive details of the

negotiations.[69] Nevertheless, the United States and Norway continued to carry messages

between the parties on numerous occasions.

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[67] Joel Singer, Interview with the Author, Washington, DC, April 4, 2000.

[68] Savir, *The Process: 1,100 Days That Changed the Middle East*, 85.

[69] Ibid., 129 and *Journal of Palestine Studies* 23, no. 3 (Spring 1994).

As the peace process continued into the Netanyahu years, the United States as well as the member states and institutions of the European Union became increasingly involved in the Israeli-Palestinian peace process. The EU designated a Spanish diplomat, Miguel Moratinos, to be its special envoy to the Middle East peace process, a role similar to that of Dennis Ross, the US State Department official. The role of their respective special envoys to the peace process grew as both Israelis and Palestinians competed for the influence of the third parties and sought to have the third parties legitimize their positions and use the third parties to exert its influence on the other side.

Dennis Ross and King Husayn of Jordan played significant intermediary roles after the January 5, 1997 summit, enabling the parties to finalize a written agreement in the pre-dawn hours of January 15 with the participation of Netanyahu and Arafat. King Husayn contributed a compromise plan regarding dates for Israel's FRDs. Netanyahu preferred to either avoid setting dates for further deployments or to defer the completion date of the redeployments until the conclusion of the permanent status talks. Arafat preferred early redeployments in order to exert PNA jurisdiction over the maximum amount of West Bank and Gaza territory as early as possible, in advance of the permanent status settlement. Jordan, the United States and the European Union favored the Palestinian time preference, while letting Israel determine the geographical extent and location of these FRDs. Implicit in both parties' negotiation postures is the assumption that the extent of the PNA's territorial reach prior to the permanent status accord would pre-determine the final territorial demarcation.

The presence of Dennis Ross, and the inclusion of his Note for the Record in the Hebron accords signaled that both Israel and the PLO desired to leverage the US presence

304

in the peace process. Israel took pains to interpret the Note for the Record as US approval of Israel's ability to unilaterally halt negotiations on either interim or final status issues if it felt that the PLO were not complying with any of its commitments, thus practically ensuring that further negotiations would be needed to achieve full compliance by the parties.[70] The PLO for its part, insisted on the Note for the Record precisely to minimize the chances of Israeli noncompliance, to establish linkage between the different negotiation processes, and to make the United States a witness to the entire process. This combination amounted to the Palestinian desire to avoid renegotiation of agreed-upon issues. The parties agreed to include the US Note for the Record for reasons that were not only asymmetrical, but also for reasons that were incompatible. Dennis Ross sent letters of assurance to both Israel and the PLO dated January 15, 1997. The existence of the letters was announced but their content was kept secret. Israel leaked its letter to the press within the first two days after the Hebron Protocol. The intervention of the third party, while not unproblematic from the perspective of either the PLO or Israel, was nevertheless accepted for the traditional reasons that parties accept a mediator they accuse of favoring the other side. Each hoped that the United State's influence with the other party would increase the chances of getting concessions during negotiations (the Israeli preference) or compliance with agreements made (the PLO preference).

As noted the United States was not the only third party present in the Hebron negotiations. The European Union's Council of Ministers also provided a letter to President Arafat as part of the new Hebron accords. The letter was reportedly approved

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[70] Netanyahu's interpretation of the principle of 'reciprocity' is that Israeli compliance is conditioned upon Palestinian compliance. "I do not know any other interpretation of the word 'agreement'." Prime Minister Binyamin Netanyahu, Statement to the Knesset on the Protocol Concerning Redeployment in Hebron,

by both the United States and Israel, ostensibly because they perceived it to serve their respective interests. The Israeli side asked that the letter be kept secret. The letter addresses Arafat as 'President', refers to the Madrid and Oslo frameworks, and finally, commits the EU to use "all its political and moral weight to ensure that all the provisions in the agreements reached will be fully implemented on the basis of reciprocity..."[71] The reference to 'reciprocity' served Netanyahu's interests while the engagement of the EU in supervising compliance was a Palestinian desideratum. Arafat referred to the letter at a joint press conference with the Dutch Prime and Foreign Ministers at the Hague two weeks after the Hebron Protocol was signed, thus making it public.

President Clinton and Secretary of State Albright became more directly involved in the Palestinian-Israeli negotiation impasse after the failed Washington summit of November 1997. As the third parties grew increasingly active during the Netanyahu years, the use of back channels *appeared* to recede somewhat. However, when communication between the PLO and the Netanyahu seemed to be completely interrupted, the third parties seemed helpless to intercede. Back channels once again became the preferred modus operandi. The back channel however, was prelude to further third party involvement in order to provide the cover for concessions and to wring concessions from the other side, as the Wye River talks demonstrated. They excluded the United States from their back channel mostly because the third party was not perceived as having anything to contribute during those talks. When the moment arrived to actually

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Jerusalem, January 16, 1997, reprinted in *Journal of Palestine Studies* 26, no. 3 (Spring 1997): Special Document File, 141-143.

[71] Letter of Assurances to President Arafat from Hans van Mierlo, President of the European Union Council of Ministers, The Hague, Netherlands, January 15, 1997, reprinted in *Journal of Palestine Studies* 26, no. 3 (Spring 1997): Special Document File, 139-140.

sign an official agreement, the third parties were again needed, either to save face while making concessions or to exert pressure on the other party.

The political downfall of the Netanyahu government, which began in earnest just after signing the Wye Memorandum, demonstrated to many Israeli and Palestinian observers the limitations on third party effectiveness in this conflict. When the Barak government took over from Likud, the use of US intervention was much more selective and reflected a realization that back channel, direct contacts had been more effective in particular moments of the peace process over last decade.

This case continues to provide support for the concept that back channels are used by parties as part of their strategies for managing third party involvement in their negotiations. The desire for third party intervention need not be uniform at all points during a negotiation. A party that is aware of this will seek to limit or expand that intervention according to the perceived benefits of either action. The back channel is in this sense useful to contain the third party, either because a party fears being manipulated into giving concessions or because a party fears that the third party is more likely to promote its own or the adversary's interests.

F. Strategic use of multiple negotiation channels

Earlier we saw that throughout the interim period the PLO and Israel used multiple channels of negotiation: both front and back channels together. We also saw that back channels are used to negotiate difficult issues, and to test controversial solutions to those issues even while front channels are being used. Thus one of the drivers of multiple channels is the existence of subsets of issues that the negotiators choose not to manage by conventional, front channel means. Negotiators in the post-Oslo period believe that

307

multiple channels are needed as part of a system of negotiation. Back channels need front channels to divert attention from the work of the back channel. This is because the front channels draw all the scrutiny while back channels are less exposed to premature publicity during the time they are used to negotiate politically solutions that one or more of the negotiating parties fears to be publicly identified with.[72]

In the analyses using the previous variables, there was ample evidence of the use of multiple channels. The way in which this multiplicity manifests can also be analyzed; back channels were used *simultaneously*, *sequentially* or *as a substitute* for front channels.

It is especially clear that during the post-Oslo period, the top decisionmakers knew about the existence of the simultaneous and sequential back channels in interim issues. On the Israeli side, the top negotiators and decisionmakers claim to have known nothing about the Stockholm Channel. In his memoirs Uri Savir went so far as to claim (inaccurately) that no agreement had been reached there. While it is true that no agreement was signed, a final draft suitable for presentation to the decisionmakers was completed. Savir says that Peres took pains to claim that there was no Israeli authorization of the Stockholm channel.[73] Beilin also claimed to have informed Peres only after the document was finalized.[74]

The back channels used for the Interim Agreement differed from those used in the Hebron and Wye accords; the strategic purposes were different, as mentioned in the above subsections. Yet the back and front channels for the interim accords were

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[72] Molho, Interview with the Author.

[73] Savir, *The Process: 1,100 Days That Changed the Middle East*, 157-158.

[74] Beilin, *Touching Peace: From the Oslo Accord to a Final Agreement.*

308

complementary projects, deliberately employed by the parties' top decisionmakers, who used multiple channels for purposes as divergent as 'channel shopping' and trust-building.

There is no question that multiple channels were employed throughout the period under review. The principal differences among the negotiations for the different accords concern the relationship and timing with the front channel, as has been analyzed above.

G. Some systems aspects of the interim and permanent status negotiations

Several aspects of this complex web of negotiations should be analyzed for their interactivity. Some contextual aspects of the interim period point to feedback effects: phenomena which cause the factors from which they arise.

1. Subordination of agreements and the security paradox

Given the numerous accords that were negotiated in this period, another aspect worth noting is the prioritization of the different agreements reached. Earlier, we noted that one of the first post-Oslo agreements to be reached concerned Israeli-Palestinian economic cooperation. This agreement became an annex to the Gaza-Jericho Agreement but its provisions were not to supersede the security aspects of the interim arrangements, which would predominate. This prioritization had serious consequences for the interim period. As security for Palestinians and Israelis deteriorated, Israel unilaterally imposed 'closures' of the entire West Bank and Gaza on security grounds, with devastating economic effects on all Palestinians, who considered it a collective punishment. This resulted in further erosion of public confidence in the peace process and created conditions that facilitated militancy and rejectionism.

309

The subordination of all negotiation issues to questions of security permitted spoilers to have veto on the process by simply eroding security. For the rejectionist, this is an easy call to make. Their actions erode the support of the other side's moderates for the peace process and without that support, the consensus for peace is threatened.

This subordination and prioritization is an important contextual factor for the Palestinian-Israeli peace process. Necessitated by the multiplicity of channels and complexity of the accords, not to mention the overarching Israeli interest in security arrangements, the overall effect has been, paradoxically, to diminish the security for Israelis and Palestinians alike.

2. Feedback loops: audiences and back channels

Just as the subordination of all things to security has a paradoxical effect on the security situation, other factors examined in this section operate together: the presence of audiences for example, drives negotiators to harden their positions. Parties use back channels to manage this dilemma. We have seen what happens when agreements negotiated in the back channel come to light. For example, prior to the May 4, 1995 signing ceremony for the full Interim Agreement, a third party—Egypt—was at work facilitating negotiations removed from the media. After the back channel negotiations ended and the full agreement was drafted, Egypt hosted the very public signing agreement, which the parties understood would be closely watched, particularly by those whose interests were not represented or who opposed the peace process. Arafat's well-publicized balking at the signing of the maps, and the consequent interruption of the ceremony received broad media coverage. Uri Savir interpreted this as evidence that Arafat "wanted to show his constituents that he was fighting for their interests, against a

310

broadside of international pressure, and was prepared to embarrass his partners in order to protect their rights."[75] While Savir's interpretation may suffer from some measure of partisanship, it nevertheless points to the audience effect on negotiations; *an effect with potential impact even when the public is presented with a fait accompli that was negotiated in a back channel.*

The use of a back channel can indeed postpone public response to secret negotiations while they remain secret. *Ultimately that response emerges*, and when it does, it may be characterized by suspicion and resentment. Some of the negotiator behaviors are made in anticipation of this reaction, leading to a systemic structure, a feedback loop: Concern about audiences and publicity drives negotiators to use back channels. When the agreements come to light, the negotiators fear the rejection of the public. They act in ways calculated to restore confidence of their own constituents, which erodes the trust of their adversaries. Constituents resent the concessions that have been made, and lose trust in their leadership and the peace process. Without this trust, negotiators will feel the need to negotiate in the back channel for their next interaction. And so, actions have unintended consequences which cause the parties to deepen their reliance on a mechanism that, while calculated to facilitate agreement in the present, casts a shadow on the future.

3. Incompatible goals and the failure of incrementalism

The fundamental goals of the parties continued to be opposed throughout the interim period. All of the negotiations took place under the shadow of the occupation. Indeed, two purposes of all this negotiation were the mitigation of the administrative and

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[75] Savir, *The Process: 1,100 Days That Changed the Middle East*, 120-140.

311

military burden on Israel and the partial rollback of the occupation. Israel became increasingly concerned about its own security and increasingly demanding that the PNA do more to prevent attacks against Israel. The resulting pressure on the PNA compromised Arafat's standing among Palestinians, and led to fractures within the PLO, undermining Arafat's ability to control dissidents. This Israeli military responses within the West Bank and Gaza provided further motivation for militant opposition to compromise and cooperation with Israel. Israel moved toward consensus on the need to separate Palestinians from Israelis, but the interim agreements failed to sustain the working relationship necessary for effective compromise on the final status issues.

The interim agreements also left in place or exacerbated numerous problems for the Palestinians, including military checkpoints between the different areas of the West Bank and Gaza, prevention of movement between the West Bank and Gaza, limitations on entry into Jerusalem, revocation of East Jerusalem Palestinian residency cards, expansion of the settlements and the construction of bypass roads to carry traffic to Israel from the West Bank and Gaza, and the continued presence of the IDF near Palestinian population centers. The economic isolation of Palestinian territory, severely exacerbated by recurrent closures, further contributed to growing Palestinian disillusionment with the peace process. Finally, key provisions of the interim agreements were renegotiated by successive Israeli governments as the formula of 'land-for-peace' gradually deteriorated into 'limited autonomy-for-security and separation'.

During the Netanyahu years, the back channels negotiations started out as a way to find creative compromises, but evolved into a substitute for both the interim agreement implementation and the permanent status negotiations. The incompatibility of each side's

312

goals, in combination with Netanyahu's double posture of negotiating while denying the

legitimacy of negotiations reduced the back channel to a delaying mechanism.

313

III. Analytical Conclusions

During the interim period, the PLO and the three successive governments in Israel concluded a series of agreements culminating in the Interim Agreement (and the various renegotiations of its provisions). They also began exploring the contours of a permanent settlement. For both interim and permanent status talks they used front and back channels. At first, the parties invoked the success of the 1993 Oslo Channel deliberately to construct back channels during the post-Oslo period. Agreement was reached on the most difficult *interim* challenges only by explicitly using back channels. The understandings reached in back channels were plugged into front channel negotiations that were conducted simultaneously or sequentially with the back channels.

The agreements and channels of negotiation analyzed in this chapter were characteristic of an incremental approach to a negotiated peace process. The common hope for both parties was that progress in the negotiation and implementation of the interim accords would facilitate agreement on the permanent status issues. *In most of the negotiations of the interim period, BCD is highly correlated with reaching agreement.*

The actual implementation of these agreements, a necessarily open and public activity, proved far more challenging. The Oslo accords of 1993 required the parties only to refrain from taking certain unilateral actions, and more importantly, set out basic principles for further negotiation, thereby minimizing the need for operational implementation plans. In contrast, all of the interim accords involved positive acts of implementation. Difficulties in implementation of the Interim Agreement caused damage to the fragile working relationship needed to build a partnership for peace. This made it

314

much more difficult to conclude a viable permanent status agreement. In this sense, Yossi Beilin's fears that drove him to open the Stockholm Channel were well-founded.

Back channels used for the permanent status issues during the interim period are somewhat more difficult to evaluate. While they did not produce anything like the expectation and momentum (much less signed accords) of the Oslo negotiations of 1993, BCD created a model for a permanent settlement and helped sectors within each party build interpersonal trust. The Beilin-Abu Mazen Framework Agreement was an early sign that permitted optimism.[76] It served more as an exercise in modeling possible contours of the permanent settlement than an agreement itself. In this sense it was both more and less substantial than the DoP, which was an official agreement, but did not model anything at all and said very little in terms of specific actions the parties should or should not undertake. Despite the deliberate use of BCD to get agreements over the course of the five years reviewed here, a critical appraisal is necessary.

If the interim agreements and the channels used to achieve them are evaluated by the narrow criterion of whether or not they created the trust and confidence necessary to move to the permanent status issues, *collectively they must be considered a failure*. The continued erosion of Palestinian self-determination claims, renewed protests and the Israeli military response to the protests in 2000-2001 demonstrated the extent to which

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[76] Some of the broad contours of a permanent settlement indicated in the Beilin-Abu Mazen Stockholm agreement reappeared in the Camp David summit during July 2000 and in the Clinton proposal of January 2001, demonstrating at minimum that a permanent status agreement could be reached, though at great cost to the preferred positions of the parties. Both sides pointed to unacceptable political costs, existing commitments and non-negotiable principles that precluded agreement on the permanent status issues. In this sense, The Stockholm Channel proved useful for the exercise of crafting a model agreement, and possibly even preparing mobilized constituencies for the sacrifices involved by putting taboo issues on the agenda to be negotiated and compromised on in some form.

the interim phase and its aftermath failed to achieve their overall strategic goal of transforming a conflictual relationship to a cooperative one.

BCD was a fundamental element in the successful conclusion of interim accords, given the distance between the negotiating positions of the parties. The characteristics of BCD are such that a party is able to present an agreement as a *fait accompli*. Over time, however, subparties, constituencies and opposition groups came to expect back channels and some mobilized to oppose secret agreements and multiple negotiation channels from which they were excluded.

At the conclusion of the period being researched, as well as in the two years that followed, BCD had not resulted in any permanent status agreements. As permanent status back channels and their possible terms and conditions came to light, the short term effect was uniformly negative. No configuration of the permanent status could possibly please all the interested subparties and constituencies. It remained to be seen whether or not the mere discussion of the previously undiscussable had prepared the way for broader acceptance of a permanent status agreement. The continued reliance on BCD was useful for reaching agreements which committed the parties to a negotiated peace process and challenged their fundamental assumptions about each other.

The very usefulness of BCD as a tool of making agreements in principle, and modeling possible scenarios of implementation reached its limit when the agreements had practical aspects that needed to be operationalized. The very exclusion of spoilers and other subparties that made the conclusion of such agreements possible became a severe liability as constituencies mobilized to prevent what they feared and perceived to be further concessions on the ground.

The simple comparison of the Madrid negotiations and the Oslo Channel leads to the optimistic conclusion that back channels are indispensable for breakthroughs. A longer view of the peace process reveals a far more problematic diplomatic landscape. Back channels cause or even exacerbate some of the very problems for which decisionmakers use them, completing their transformation from being an action taken as a consequence of something, to becoming a cause of that very thing.

317

BACK CHANNEL DIPLOMACY:
The Strategic Use of Multiple Channels of Negotiation in Middle East Peacemaking

Chapter 7
BACK CHANNEL DIPLOMACY: IMPLICATIONS FOR PRACTICE AND THEORY

TABLE OF CONTENTS

TABLE OF FIGURES

In the following sections, I synthesize the findings from the cases and move from the specific details of the cases toward generalizations applicable to other international cases. This study is placed back in the context of the existing literature and suggestions for further research are offered.

I begin by distilling the cases into a rigorous assessment of diplomatic practice in the Middle East from 1991-1998. The comparative analysis of the cases is set out here using the variables identified in Chapter 3, and provides a strong sense of how Palestinian -Israeli peacemaking diplomacy has been conducted since the Madrid Conference. In particular, I present a full picture of the role of back channel diplomacy (BCD) in those years of negotiations.

Building on the comparative analysis—which is necessarily case specific—I return to the questions posed in Chapter 1 concerning definition and practical implications for decisionmakers using BCD. Based on historical evidence and theoretical insight, it then becomes possible to present a *typology* of the variations of BCD, and its implications for further research on this aspect of international negotiation.

I. Comparing channels of Palestinian-Israeli diplomacy: 1991-1998

It seems particularly important to understand how the parties proceeded from clandestine contact before the Madrid Conference, to the futilities of the Washington talks, then achieved the breakthrough of the Oslo Accords and then began a descent toward renewed conflict that cancelled the joint gains of the Interim Agreement. At the time of this writing, the parties have descended still further down the spiral of violence with renewed bloodshed, not only erasing the negotiated change of the post-Netanyahu

319

years, but returning the parties in the span of one decade to a condition at least as critical as when they officially began the peace process in 1991.

A. Overview of the comparative analysis

From late 1991 to late 1998 the Palestinians and Israelis engaged in at least eight 'sets' of different negotiation channels. Seven of these sets included at least one secret back channel and one front channel. Eighteen channels of negotiation operated within these eight sets. In the time period under review, the parties concluded eight accords of major significance and several smaller ones that were integrated into them. All of the major accords were substantially negotiated in back channels and most were finalized in a front channel. (See Table 7.1, Analytical Table of Palestinian-Israeli Negotiations 1991-1998.) The seven sets in which the front and back channel are paired form the core of the comparative analysis presented here.

After 1993, the practice of using front and back channels either simultaneously or in sequence was no longer coincidental as was the case with Madrid/Oslo, but rather was an integral part of the 'architecture' of Palestinian-Israeli negotiations. All the important accords depended on the exclusion of important subparties, important constituent groups and even important internal bureaucratic players. Third parties were active even when back channels were used, but their mediation roles were qualitatively different from mediation roles in front channels: they tended to be less coercive, more facilitative and providing of good offices. In front channels, third parties tended to exercise leverage and threats. During the Netanyahu years, the United States became very heavily involved as mediator, culminating in President Clinton's summit for Netanyahu and Arafat at the Wye River Plantation.

320

When we examine the accords that were partially or fully implemented, we find—not surprisingly—that the accords with greater operational implications, such as troop withdrawals or security cooperation, were more difficult to implement. This is because these implementation features aroused the ire of groups that were hostile to peace arrangements. Although they had not known about the back channel negotiations, such groups were acutely sensitive to implementation of the agreements once these were made public. Implementation of such agreements also became harder *over time*, despite the continued use of back channels.

The original breakthrough accords that resulted from the 1993 talks in Oslo required the parties to abstain from certain unilateral actions and to observe a set of 'principles' in their subsequent negotiations. The Oslo channel and the resulting Declaration of Principles did not require either side to change much in its own status quo, despite being groundbreaking agreements that surprised large portions of the public on both sides.

In the four most successful sets of negotiations that had a strong operational component (the Gaza-Jericho Agreement, the Hebron Massacre Security Agreement, Interim Agreement, and the Hebron Protocol) the parties skillfully used back channels to break impasses in front channels, and then passed the back channel work to the front channel.

When they are used, back channels are clearly insufficient in and of themselves to *cause* the successful implementation of peace negotiations: BCD was used in instances of successful and failed implementation. The most conspicuous instance of failure was the negotiations that preceded the US mediation at the Wye River Plantation summit in 1998. At the same time, it is important to recognize that BCD was present in almost all the

321

cases of Palestinian-Israeli success in terms of simply reaching agreement on the complex issues that divide them. Even in the case of the unimplemented Wye Memorandum, intense back channel negotiations laid the groundwork for the understandings embodied in the agreement.

The following section synthesizes the analytical findings from the cases organized as seven paired sets that include front and back channels. Of all the negotiation channels of the post-Oslo period (the subject of Chapter 6) only the Transfer of Powers negotiations did not have a corresponding back channel. They constitute the sole exception to the pattern of paired sets of back and front channels that emerged from this study. All other front channels were in some way paired with back channels.

Table 7.1: Analytical table of Palestinian-Israeli negotiation channels 1991-1998[1]

SETS	SET 1					SET 2		SET
NEGOTIATION CHANNEL	MADRID PEACE CONFERENCE & BILATERALS 1991-1993	DEPORTATION BACK CHANNEL 1992	INFORMAL DC TALKS 1992	OSLO CHANNEL 1993	RAMON-AL-TIBI CHANNEL	GAZA-JERICHO BACK CHANNEL 1993-1994	GAZA-JERICHO FRONT CHANNEL 1994	HEBRON MASSACRE BACK CHANNEL 1994
BACK/ FRONT CHANNEL	FCD	BCD	BCD	BCD	BCD	BCD	FCD	BCD
ISSUES	Legitimacy of Pal envoys; Interim Pal autonomy/Isr withdrawal				Rabin-Arafat letters	Initial Isr withdrawal and transfer of power		Security for Heb resume Gaza-Je
SECRECY[2]	None	High	High	High	High	High	Low	High
EXCLUSION OF SUBPARTIES[3]	Med.	High	Med	High	High	Med	Low	Med
PROXIMITY OF DECISIONMAKERS[4]	Med	High (Isr); Low (Pal)	Low	Med (Phase I), High (Phase II)	High	High	Med to High	High
NEGOTIATOR AUTONOMY[5]	Low	Low	Low	High	N/A	High	Med to High	High
THIRD PARTY PRESENCE/ROLE[6]	High (US)	Low	High (US)	Low-Med (Norway, Egypt)	None	Low (Egypt, France, Norway)	Med (Egypt)	High (US) to Med (Norway)
MULTIPLE CHANNELS	No 1991-92; Yes 1993 (Oslo)	Yes (Washington)	Yes (Washington)	Yes (Washington)	Yes (Oslo)	Yes		Ye
AGREEMENT	No	No	No	Yes	N/A	Yes		Ye
IMPLEMENTATION	N/A	N/A	N/A	Partial	N/A	Yes		Ye
MISC. COMMENTS	Conference, bilateral and multilaterals	Crisis management	Side track to Pal-Isr bilaterals	Full BCD	Side track to Oslo	Full BCD		Crisis Managem

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[1] The indicators of the variables are limited to high, medium and low to facilitate comparison. These are heuristics, de

[2] Degree of secrecy: high (total), medium (some external parties and internal subparties are aware), and low (generally

[3] Exclusion of subparties: high (total exclusion of all but select inner circle), medium (key bureaucratic players are inc

[4] Proximity of decisionmakers: high (DMs are participants or otherwise directly involved), medium (officials close to

[5] Negotiator autonomy: high (broad mandate to be flexible, make concessions, make creative arrangements), medium

[6] Third party presence/role: high (coercive mediation motivated by global power, interests), medium (limited leverage

	SET 3		'SET' 4	SET 5		SET 6		SET 7		PRE-MEM...
	HEBRON MASSACRE BACK CHANNEL 1994	HEBRON MASSACRE FRONT CHANNEL 1994	TRANSFER OF POWERS 1994	INTERIM AGREEMENT BACK CHANNELS 1994-1995	INTERIM AGREEMENT FRONT CHANNEL 1994-1995	STOCKHOLM CHANNEL 1995	PERMANENT STATUS FRONT CHANNEL 1996	HEBRON BACK CHANNEL 1997	HEBRON FRONT CHANNEL 1997	PRE-MEM... CHA... 199...
	BCD	FCD	FCD	BCD	FCD	BCD	FCD	BCD	FCD	BCD
...ansfer	Security for Hebronites; resume Gaza-Jericho talks		1 issue	Security cooperation; partition of Palestinian areas		Comprehensive framework agreement for permanent status		Isr withdrawal from Hebron		Impl... resu...
	High	Low	Low	High	Low	High	Low	High	Low	Hig...
	Med	Med	Low	High	Low	High	Low	High	Medium	Hig...
...High	High	High	High	High	Med except JLC	High (Ital), Med (Isr)	Med	High	Medium except summits	Hig...
...High	High	High		High	Low except JLC	High	Low	High	Low to Med	Hig...
...Egypt)	High (US) to Med (Norway)	Med (Egypt)	Low (Egypt)	Low (Italy and Egypt)	Low (Egypt)	Low (Sweden)	N/A	Low (UN- Terje Larsen)	High (US)	Nor...
	Yes		No	Yes		Yes		Yes		
	Yes		Yes	Yes		Yes	No	Yes		
	Yes		Yes	Partial		No	N/A	Partial		
	Crisis Management		Simple issue	Full BCD		Exploratory modeling security crisis	Opening ceremony prior to Isr elections	Full BCD		BC... co... imp...

se are heuristics, defined below.
, and low (generally known)
ratic players are included, including some political allies) and low (no effort to exclude).
n (officials close to decisionmakers are close to negotiators) and low (minimal contact between negotiators and DMs)
gements), medium (strict instructions and limited flexibility) and low (exact instructions, no tolerance for deviation)
m (limited leverage, regional power) and low (facilitative, neutral, absence of vested interests)

	SET 4	SET 5		SET 6		SET 7		SET 8	
ON ... CRE ... NEL	TRANSFER OF POWERS 1994	INTERIM AGREEMENT BACK CHANNELS 1994-1995	INTERIM AGREEMENT FRONT CHANNEL 1994-1995	STOCKHOLM CHANNEL 1995	PERMANENT STATUS FRONT CHANNEL 1996	HEBRON BACK CHANNEL 1997	HEBRON FRONT CHANNEL 1997	PRE-WYE MEMO BACK CHANNEL 1997-1998	WYE SUMMIT 1998
	FCD	BCD	FCD	BCD	FCD	BCD	FCD	BCD	FCD
... lks	1 issue	Security cooperation; partition of Palestinian areas		Comprehensive framework agreement for permanent status		Isr withdrawal from Hebron		Implement redeployments; resume perm status talks	
	Low	High	Low	High	Low	High	Low	High	Med
	Low	High	Low	High	Low	High	Medium	High	Med
	High	High	Med except JLC	High (Pal); Med (Isr)	Med	High	Medium except summits	High	High
		High	Low except JLC	High	Low	High	Low to Med	High	High
...)	Low (Egypt)	Low (Italy and Egypt)	Low (Egypt)	Low (Sweden)	N/A	Low (UN-Terje Larsen)	High (US)	None	High (US)
	No	Yes		Yes		Yes			Yes
	Yes	Yes		Yes	No	Yes			Yes
	Yes	Partial		No	N/A	Partial			No
	Simple issue	*Full BCD*		*Exploratory modeling; security crisis*	*Opening ceremony prior to Isr elections*	*Full BCD*		*BCD as strategy of delay with commitment; avoidance of implementation*	

l below.
...own)
...d, including some political allies) and low (no effort to exclude)
...sionmakers are close to negotiators) and low (minimal contact between negotiators and DMs)
...t instructions and limited flexibility) and low (exact instructions, no tolerance for deviation)
...ional power) and low (facilitative, neutral, absence of vested interests)

323

B. 'Sets' of channels

1. The Madrid-Washington-Oslo channels

In the set of negotiations that included the Madrid Conference and the Washington negotiations in the front channel, there is clear evidence of the inability of the parties to construct a negotiation agenda. Two issues consumed the energy of the parties at the table. First was the issue of who would represent the Palestinian side. Second was the scope of Palestinian self-rule. The early acrimony over procedural matters and the legitimacy of Palestinian self-representation complemented the Shamir government's declared intention to negotiate as a way to undermine Palestinian self-determination by aggressively continuing its settlement policies and refusing to discuss any transfer of territorial sovereignty. The issue of Palestinian representation was never completely resolved by the negotiators in this channel. Israel conceded that the Palestinians could negotiate separately from the Jordanians, but could not be PLO officials (or residents of East Jerusalem, although Faisal al-Husayni's later inclusion modified that). Later in the Washington talks, the focus of both sides converged on the drafting of a declaration of principles regarding Palestinian self-government. From that point on, the parties differed not on the issue presented for negotiation, but on the extent of mutual accommodation they would make to attain it.

In Oslo, there was initially an agreed purpose to the talks although it changed by mutual consent. The original purpose was to draft a declaration of principles that could be passed on to the deadlocked front channel negotiators in Washington. During the second phase of the Oslo talks, the agreed purpose changed to actually approving the draft Declaration of Principles (DoP) in the back channel (directly between the Israeli government and the PLO). The issue of mutual recognition was added to the agenda at

324

the end of the process as well. The problem of representation was reversed at Oslo; the Israeli side was at first represented by two academics who acted as proxies for one government official in Israel. They brought creativity and deniability to the Oslo Channel for Israel. The Palestinian's demands for solid Israeli commitment to the Oslo Channel prompted Israel to send official envoys, thus erasing the asymmetries of representation that plagued the Madrid/Washington talks. Of course, the parity of official status did not erase the overarching asymmetries of power between the parties.

At the Madrid conference and beyond, public and media relations played a key role in both the Palestinian search for global recognition and legitimacy, as well as the Israeli search for affirmation of its decision to meet the Palestinians at the negotiation table for the first time. Given the intense public awareness of the negotiations, both sides negotiated under intense political pressures. This exposed the negotiations to the effects of everyday events taking shape in Israel and Palestine. When the deportation crisis arose the Palestinian delegation in Washington suspended its participation in negotiations and they ground to a halt.

Instead of being constrained by critical events on the ground, the Oslo Channel was used by the Israelis to propose that the Palestinian delegation in Washington return to the table. Oslo was conducted in a total media blackout, and achieved comprehensive internal secrecy on each side as well.

The Likud party initiated the Madrid conference but Labor inherited the bilateral track that issued from it. Both major Israeli parties and their coalition allies and government agencies had input in the front channel peace process. The PLO was sidelined from participating in the Madrid conference but all involved understood that Tunis managed the Palestinian negotiators in Washington. In Oslo there was no input

325

from Israeli cabinet ministers (except for Peres, Beilin amd later Rabin) or coalition members, political parties, military staff or career diplomats. The closest aides to the Oslo participants were themselves excluded. The PLO carefully prevented its member parties, political committees and military factions from derailing the Oslo process, to say nothing of the Islamic and secular nationalists opposed to the PLO. The exclusion of external and internal subparties facilitated keeping control of the Oslo process close to the top leaders on each side. The negotiators they chose in Oslo, as compared with Madrid/Washington, were trusted confidants, with immediate access to the very highest leaders. They were also empowered to explore daring initiatives and make far-reaching concessions.

The US role in setting up the Madrid conference was manipulative and assertive. The American mediation role that followed was far more complicated, involving elements of assertive, biased mediation, with a reluctance to fully interpose itself. After applying modest pressure to bring them to the table, the Bush Administration declined to pressure the Israelis too much in the conduct of the negotiations. With the Clinton Administration, there was a new activism in the mediator role, but its new approaches failed to produce any result. While the Norwegian role in Oslo has been depicted as idyllic in some media accounts, providing little more than fresh flowers and Nordic scenery, the role was in fact far more activist, involving the structuring of negotiation sessions, caucusing with each side, clarifying communication and providing compromise language on draft agreements. Nevertheless, the Norwegians' interests in the outcome derived from neither domestic politics nor global leadership responsibilities. They were unable to coerce either party yet had the trust of both. At the end of the Oslo channel, the highest levels of Norwegian leadership got involved to resolve crises and propose compromises to facilitate the breakthrough. They had none of the 'baggage' of the US

326

role that has long sought to reconcile two very conflicting profiles; that of staunch supporter of Israel and that of 'honest broker' in the peace process.

The overlap between the Madrid/Washington channel and the Oslo channel was not part of the initial plans of either Palestinian or Israeli decisionmakers. At the time the Madrid Conference was held, no one admits to contemplating a back channel. The initiative itself came from Beilin, Abu Alaa, Abu Mazen and the Norwegians, not from Rabin or Peres or Arafat. Some lessons in diplomacy along multiple channels were quickly learned however, and the parties began to explicitly construct simultaneous back and front channels after September 1993.

Since there were very few operational aspects of the DoP, there was little to actually implement on the ground. Its existence alone, and the new requirement to negotiate openly with 'the enemy' generated both support and rejection and opened up a new chapter in the Arab-Israeli conflict.

2. Gaza-Jericho channels

Following the breakthrough DoP, the parties set up both a front and back channel to conduct their first post-Oslo negotiations, which would lead to the Gaza-Jericho Agreement, set in motion the initial Israeli withdrawal from Palestinian territory and the initial transfer of civil and police powers. This was the first deliberate construction of a multiple channel negotiation structure for the Palestinians and Israelis. It was also the first negotiation with immediate operational implications for the parties. The back channel operated in secret with the assistance of France, Norway and Egypt at different times, while the front channel was in operation in Egypt only. The principal difficulty the parties faced was reaching agreement on the security arrangements for the interim period. The back channel was used to explore the first possibilities of Palestinian-Israeli security

327

cooperation in the occupied territories for the purpose of combating armed wings of religious and secular nationalist groups opposed to the terms of the new process.

On both the Israeli and Palestinian sides, the negotiators who were sent to Oslo were initially sidelined after Oslo, although they were called back to participate in the back and front channel negotiations when difficulties arose. The back channel continued to enjoy protection from external parties such as the United States. Exclusion of subparties began to erode from this point and could no longer be as hermetic as during the Oslo episode. Parties within the governing coalition of Israel and within the PLO umbrella, as well as bureaucratic actors on each side now sought a role in the peace process. Some negotiators worked in both the front and back channels, unlike the Madrid/Washington-Oslo dichotomy. Key constituencies, as well as public and political opposition groups, continued to be excluded from the negotiations process.

Since the media and public were now aware that the parties were negotiating, special attention was paid to Palestinian-Israeli diplomacy. The security issue was difficult to explain: decisionmakers were uncomfortable explaining security cooperation as the basis for Palestinian self-rule. For the Israelis it meant giving up exclusive control of security while for the Palestinians it meant cooperation with the occupying forces in the suppression of internal opposition.

From this point forward, when back channels were constructed, they were used to plug their results into existing front channel arrangements. Agreements were signed and celebrated in public, even the preliminary drafts and subsections of what later became the Interim Agreement.

Arafat, Rabin and their closest officials by this time were keeping back channel negotiators in close proximity. After Oslo (and continuing through 1998) the highest

328

level decisionmakers *explicitly* used multiple channels (front and back) in their 'architecture' of diplomacy. High level officials from each party oversaw both channels: Savir, Beilin, Singer, Rabin (and eventually Peres) on the Israeli side, and Abu Alaa, Abu Mazen, Yasir Arafat, Sa'eb Eraqat and Hassan Asfour on the Palestinian side. By this time, the parties created their first permanent high level negotiation working group, the Joint Liaison Committee (JLC), which kept the decisionmakers involved in the negotiations and enabled them to set up and have access to back channels with ease.

The back channel negotiators continued to demonstrate flexibility more than their front channel counterparts, were able to create and accept pragmatic proposals to difficult problems, made concessions and modeled solutions prior to committing to them in the front channel.

In terms of the third party involvement, the focused shifted from Washington DC to other regional capitals. In 1993-1994 the United States was still in the process of building a new political relationship with the PLO. Egypt hosted talks and played a more traditional 'biased' third party role. Israel accepted Egyptian hosting and mediation precisely because the close PLO-Egypt relations would permit Egypt to pressure the PLO, and because the Israel-Egypt peace treaty facilitated their bilateral cooperation on regional affairs. This coincided with Egypt's re-emergence as a regional Arab leader after long marginalization following the Egypt-Israel peace treaty of March 26, 1979. Egyptian mediation was less coercive and more even-handed than US mediation, less balanced than Norway but nonetheless acceptable to both sides.

The Gaza-Jericho Agreement, reached using both front and back channels, was implemented fully. Nevertheless, the first signs of organized opposition to the operational aspects of the peace process began to emerge at this time.

329

3. Hebron Massacre crisis

In the midst of the negotiations for the Gaza-Jericho withdrawal, the massacre of Muslim worshippers by Baruch Goldstein took place, followed by protests in which numerous Palestinians were killed. The crisis nearly destroyed the fragile trust that was being built by Israel and the PLO. For this set of negotiations, crisis management and resumption of the autonomy talks were the Israeli goals, while disarming the settlers and recruiting an international protection force for the Hebronites were Palestinian goals. Israel sent two delegations to Tunis to meet quietly with Arafat. Once agreement had been reached, talks specifically on Hebron continued in the front channel. The third party role became less coercive as time went on during the crisis negotiations. The third party mediator role shifted from Dennis Ross, US Special Envoy, to Terje Larsen of Norway, and finally Hosni Mubarak of Egypt. The security provisions of these talks would be integrated into later agreements. It was in the back channel context that Rabin briefly considered removing the Jewish settlers from the midst of Hebron, where they caused great friction with Palestinians and kept high numbers of IDF troops in close contact with Palestinian civilians.

The back channel trips to Tunis were instrumental in getting Arafat to resume the Gaza-Jericho talks without attaining his preconditions for such resumption. The agreement reached was implemented despite the tension of the crisis and its violent aftermath.

4. Transfer of powers

The transfer of powers 'set' of negotiations is the only negotiation episode for which there appears to have been no back channel working in tandem with a front channel. The issue was perhaps too simple to result in major difficulties: the transfer of

civil spheres of governance to the Palestinians who wanted them, from the Israelis who were only too happy to give them up. No Palestinian-Israeli negotiations would ever be so easy to conclude. Decisionmakers on both sides were involved in closely supervising the talks and Egypt provided a low-profile third party hosting role for the talks. The talks resulted in an implemented agreement. Because these negotiations took place only in a front channel, they are the conspicuous exception to the pattern of Palestinian-Israeli diplomacy that emerged in this study; a pattern in which front and back channels are found in pairs.

5. Interim Agreement channels

The most important goal of the interim period was for the parties to negotiate and implement a single comprehensive agreement. This would definitively dismantle a large portion of the Israeli military government in the occupied territories, defining Palestinian authority and set out the conditions under which this transfer of authority and territory would take place. For Palestinians one of the most important provisions of the Interim Agreement concerned the staged withdrawal of the IDF while for the Israelis it was the increased security cooperation in the initial Area B, where the bulk of Palestinians were living.

Palestinian concessions regarding the phased transfer of territory in the Interim Agreement were predicated on Israeli compliance with the redeployment schedule. This turned out to be a poorly structured linkage, given the Israeli decision to not implement the redeployments under the circumstances that followed the signing of the Interim Agreement, including the cresting wave of Israeli popular rejection of the peace process, the assassination of Prime Minister Rabin, rising Palestinian rejectionism culminating in several suicide bombings by HAMAS, a major flare up of the conflict between Israel and

331

the Hizballah in southern Lebanon, and the ascent to power of Likud and Binyamin Netanyahu.

The back channel operated with some distance from the events taking place on the ground, including the deaths of civilians on both sides, the closures, land confiscations that Palestinians were subject to, and the deteriorating sense of security that ordinary Israelis were feeling. Both Uri Savir and Abu Alaa, who led their respective back channel delegations leading up to the interim agreement agree that there was a need for conducting their negotiations in parallel. They were able to propose and evaluate the core tradeoffs and concessions that eventually became part of the Interim Agreement, without the intrusion of the right wing Israeli protesters who were clamoring to remove Labor from power. Important bureaucratic actors were involved in the crafting of the key provisions of the Interim Agreement, such as General Amnon Shahak and his counterparts Generals Muhammad Dahlan and Jibril Rajoub of the Palestinian Preventive Security Force. Rather than becoming a factor blocking agreement, their involvement in the back channel proved to be important for building bridges between the security establishments of both sides. The various phases of the back channel leading to the Interim Agreement were creatively integrated into the larger front channel negotiations which involved, at one juncture, hundreds of negotiators organized in functional teams.

The major problems that plagued the PLO and Israel in the interim period encompassed growing internal opposition to the negotiations policies and strategies. For the Palestinians, it also signified the continuation of the Israeli occupation; closures, steady worsening of the economy and settlement expansion, shootings by settlers and soldiers, new divisions within the West Bank and Gaza. The Israelis, within Israel, faced a steady erosion in their own sense of security as suicide bombings grew in frequency.

332

In such a climate some questioned the utility of negotiating the Interim Agreement at all and proposed moving directly to negotiations on the permanent status issues. Among the latter were Yossi Beilin and Abu Mazen. Beilin was sidelined after Oslo, and turned his attention to creating a back channel on the permanent status.

The signing of the Interim Agreement was the crowning success of Palestinian-Israeli back channel diplomacy, or at least had the potential to be if all of its provisions were fulfilled. As noted, there were too many contingencies built in to the agreement and the contextual factors did not favor these contingencies. The signing of the agreement appeared to meet the key interests of both sides: the Palestinians wanted to maximize the transfer of territory and responsibility to the Palestinian National Authority (PNA) prior to the permanent status talks. The Israelis wanted to ensure a transition that protected their core preferences for the permanent status.

At first it seemed that those who advocated a quick and decisive move to the permanent status talks in lieu of the interim agreement had been proven wrong. Subsequent developments complicated this debate because a permanent framework agreement was drafted in the wake of the signing of the Interim Agreement, but political events overtook the secret negotiations of the Stockholm Channel, which are considered next.

6. Permanent status channels

The first observation to be made about the front channel permanent status talks during the period under study is that the parties failed utterly to do more than hold the first opening ceremony in the Spring of 1996 (it was not destined to be the last opening ceremony). The permanent status talks had always been implicitly conditioned on the ability of the parties to build trust, and promptly fell victim to the ongoing erosion of

333

such trust. Peres' electoral defeat signaled the end of the permanent status talks, partly because Likud had no interest in reaching a permanent status agreement with the PLO. The two subsequent agreements (Hebron Protocol and Wye Memorandum) established timetables for the resumption of the permanent status talks but these were not observed.

The permanent status front channel was conspicuously inaugurated with a joint communiqué. The negotiators were highly skilled and high ranking members of the negotiation teams of each side, but not within the most intimate circles of leadership. During the Netanyahu years, the resumption of the permanent status track became a regular item of US mediation, and Isaac Molho was actually designated head of the Israeli side under Netanyahu. Negotiations were not actually conducted however.

The permanent status agreement continued to be held hostage to the implementation failures of the interim stage during the period studied here and continuing until the time of writing (Spring 2001). From a prescriptive point of view, one policy option would have been to suggest a new back channel for the permanent status talks. This did not take place during the Netanyahu years; the parties kept themselves busy with the futile task of finding a way for Israel to comply with the further redeployments (FRDs) scheduled in the Interim Agreement.

At the time the front channel permanent status talks were being launched, six months had already passed from the time a draft permanent status framework agreement was completed by teams under the supervision of Abu Mazen and Yossi Beilin secretly in Stockholm (the Stockholm Agreement). The back channel on the permanent status issues that was sorely needed in 1996 and onward had already completed its work in 1995.

Although political events and crises prevented the Stockholm agreement from being adopted by either party, this document is very likely the closest the parties have

ever come to reconciling the conflicting narratives of Palestinian self-determination and Zionism since the creation of the state of Israel. The negotiation of the agreement was carried out by a small group of academics joined by Beilin (then a cabinet minister in the Rabin government) and Abu Mazen (then as now, the highest PLO official after Arafat). They set up a series of public academic seminars on the permanent status issues in order to elicit creative thinking on those issues, which they then secretly incorporated into the agreement.

No other political party or social groups participated in the Stockholm negotiations, or even knew about them. On the PLO side, only a small circle around Arafat knew, while Beilin kept his cabinet colleagues in the dark, despite his instant access to Rabin and Peres. The Swedish government hosted and facilitated the talks while the United States was kept out entirely as a third party.

Since there was no implementation and therefore no immediate loss of political or popular support provoked by such implementation, the Abu Mazen-Beilin Agreement has served mostly as a public relations exercise that benefits both sides to the extent they actually desire an agreement: It demonstrated the extent to which undiscussable and non-negotiable issues could actually be fruitfully discussed in detail and result in pragmatic solutions. This is not to diminish the controversy such provisions aroused just by being put in writing.

7. Hebron Protocol

The Netanyahu government, once inaugurated, was intent on renegotiating the security arrangements and IDF redeployment plans the parties had already concluded regarding the Palestinian city of Hebron. Netanyahu had support among the small settler

community in the midst of that city and in Qiryat Arba, a large settlement on the outskirts of Hebron.

The back channel operated in secrecy with very limited participation of Israeli military commanders or even cabinet officials. Its existence belied the rhetoric of the Netanyahu government. Isaac Molho, head of the Israeli back channel delegation, was the personal attorney of the Prime Minister while his counterpart was Abu Alaa, speaker of the Palestinian Legislative Council and the former Oslo negotiator. Both were extremely close to their respective leadership. High ranking officials also managed the front channel negotiations, including Abu Mazen and Gen. Amnon Shahak. YESHA, the settler organization, however, had sufficiently mobilized to dictate terms to Netanyahu. Any compliance with the provisions of the Interim Agreement resulting in the transfer of territory would result in the loss of YESHA's support.

During this time, the Netanyahu government began an aggressive expansion of settlements and provoked the so-called Tunnel Incident in which security coordination between Palestinian and Israelis security forces broke down. The back channel remained isolated from the provocation and incitement that each side accused the other of injecting into the process.

The back channel occasionally benefited from the intervention of Terje Larsen, who had assumed the post of UN Special Coordinator for the Occupied Territories. The front channel was in many ways a US production: it marked the onset of energetic US mediation and manipulation by Dennis Ross, with occasional participation from Secretary of State Madeleine Albright, President Clinton and the US Ambassador to Israel, Martin Indyk.

The work accomplished in the back channel was at one point passed to the front channel, where the parties concluded a new protocol on Hebron, including confidential undertakings by the United States. The full implementation of the Hebron Protocol could not be effected however.

With the conclusion of the Hebron Protocol Netanyahu sought to forestall the loss of right wing support while also renegotiating the major peace accords. He stirred new controversy when he authorized the construction of a new settlement in East Jerusalem on Jabal Abu Ghunaym/Har Homa. Israel attempted to unilaterally determine the geographic scope and location of the further redeployments referred to in the Hebron Protocol, which effectively ended implementation of the FRDs and brought an end to serious front channel negotiations for more than a year.

After the failure to implement the FRDs, the Israeli cabinet imposed restrictions on Netanyahu regarding how much Palestinian territory he could turn over to any measure of Palestinian control. At the time of the Hebron Protocol, Arafat was actively engaged in futile efforts to reconcile internal opponents among both religious and secular nationalists with his peacemaking efforts with Israel. But Arafat could not simultaneously court these internal opposition movements while repressing them, as required by the back channel arrangements made with the Netanyahu government. His moves to repress them caused them to suspend any dialogue with the PNA, driving them more firmly into the rejectionist camp. The Hebron Protocol continued the downward turn that came in the aftermath of the Interim Agreement. As the negotiations and accords called for more substantive aspects of implementation, the internal opposition of each party organized to block such implementation. Given the parliamentary nature of the Israeli government,

337

Netanyahu perceived the threat to his government if he implemented existing agreements or negotiated new ones.

8. Pre-Wye and Wye

As noted, in the aftermath of the Hebron Protocol Israel declined to carry out the FRDs on any terms other than its own, an approach repudiated by the PLO. This marked a new low point in the peace process as all front channel negotiations and working group level activity to oversee implementation of existing agreements came to a halt.

The parties established a back channel as a substitute for a functioning front channel since the Israeli government depended on an anti-peace process popular base for its political survival. The United States became deeply involved in efforts to break the apparent impasse.

The United States played a very assertive third party role during the Netanyahu years, except during the summer of 1998, when the United States temporarily left the parties on their own. The Molho-Abu Alaa back channel became the sole remaining avenue of Palestinian-Israeli diplomacy and set the groundwork for a series of meetings between the principal decisionmakers. When the parties had reported enough progress to Washington, President Clinton became more involved and scheduled a summit meeting at Wye River Plantation for the Autumn of 1999. The Wye summit resulted in agreement due to the earlier progress made in the back channel and due to the active participation of President Clinton. These conditions were necessary but not sufficient for success, since the Netanyahu government suspended implementation of the Wye Memorandum soon after it was signed, citing its political survival as a defense.

The issues in the back and front channel were essentially the same: Instead of overseeing the implementation of the Interim Agreement, the parties spent their time

renegotiating the FRDs and the resumption of permanent status talks. As noted in the other negotiation sets, proposals for these issues differed across the channels. At the Wye Summit, the United States proposed a role for the CIA as a way to address the problem of security cooperation. The United States offered new proposals on the FRDs and for the continuation of the peace process. Israel preconditioned its compliance with any new agreement on Palestinian fulfillment of all their commitments.

The back channel was covered in secrecy while the Wye Summit was a highly publicized event (from which the Clinton Administration tried without success to prevent leaks). The back channel excluded many political actors interested in the outcome of the peace process: the US mediators (although they knew about the contacts), front channel negotiators, bureaucratic actors such as Israeli military commanders and Palestinian security chiefs and rejectionists such as the settlers and HAMAS. At Wye, of course, the third party was the host, and could not be excluded. Security chiefs participated as negotiators. Clinton could not prevent a settler group from coming to meet with Netanyahu and his delegation while the prime minister was at Wye.

Since the front channel was a summit meeting, there was higher level representation at the Wye summit than in the back channel, reversing the pattern of the other negotiation sets, in which the back channel negotiators were closer to decisionmakers and of higher rank than their front channel counterparts.

By the time the Wye Summit was concluded, spoilers had mobilized themselves sufficiently to threaten the political viability of the Netanyahu government. Not facing elections, Arafat was not worried about losing a vote of confidence. However, his control of the popular factions of the PLO was beginning to erode as Fateh leaders and members lost confidence in the peace process. The failures of Wye did not help Arafat to gain the

cooperation of the hardline rejectionists. The Netanyahu coalition crumbled soon after the Wye Summit. Netanyahu's sacked defense minister Mordechai and former chief of staff Shahak both criticized the government for failing to implement the Wye Memorandum.

Back channel diplomacy had failed to accomplish anything more than help the parties prepare for a summit hosted by the United States. Its utility as a diplomatic tool suffered from the ability of excluded parties to constrain the decisionmakers and by the political will of those using that tool.

C. Analytical variables

1. Issues negotiated

The comparative analysis demonstrates that the front and back channels do not necessarily consider different issues. *However, identical sets of issues are treated very differently in front and back channels.* The *process* of negotiation and the *solutions* offered are what differ between front and back channels. In terms of process, the ability to model solutions without commitment to them permits much greater negotiator flexibility and this protection is afforded by the secrecy of back channels. In terms of issues, the ability of the negotiators to offer and consider solutions outside of the range of political rhetoric is greater in the back channels. Such negotiators need to be empowered to reach agreements that deviate from the maximal demands and rhetoric and such empowerment results from the negotiator's autonomy and proximity to the top decisionmakers. Secrecy, autonomy and proximity to decisionmakers are considered below.

2. Exclusion of subparties

In the Palestinian-Israeli context each side's leaders sought out individuals or subparties within 'the other side' who could deliver that side while being politically

acceptable to their adversary and still having the requisite authority among their own people to enforce the conditions of a settlement. The different Palestinian and Israeli nationalist parties, bureaucratic actors and politicians are all highly focused on attaining their own national goals, and at times mix these with religious motivations. The political spectrum among both Palestinians and Israelis is very broad and not all groupings fit comfortably within either the PNA framework or the Israeli parliamentary government. Within each side are politically organized groups that reject accommodation with the enemy and today denounce their own leadership for making even symbolic concessions to the other side.

From the perspective of Palestinian nationalism, this is a conflict in which the Palestinians are now negotiating for the liberation of the 22% (West Bank, including East Jerusalem, plus Gaza) of their original homeland so they will be able to build a state on it. Zionist narratives of the conflict do not concede this point; the Arabs of Palestine renounced their legitimate rights to a state within Mandatory Palestine when they rejected the UN partition plan. At minimum, for the Palestinians, this peace process must result in the very demands that Israelis have always considered maximal.

In this sense, there is little for the Palestinian side to concede of substance, hence their understanding that the incrementalism enshrined in Oslo would lead to the attainment of their 'red line' demands on the permanent status issues, not to further erosion of rights, living conditions, and land. This is a negotiated peace process in which the Palestinians have accepted Israeli conditions for interim autonomy while each side reserves their respective positions on the permanent status.

For both sides to come to this fundamental understanding, large portions of their respective political, popular and bureaucratic bases had to be sidelined completely by

341

excluding them from the negotiation process at Oslo. After Oslo, the bureaucratic insiders returned to the negotiation table, and few were permitted into the back channels. Popular groups and political parties began a struggle to reach power, by electoral process in Israel and by popular mobilization in Palestine. *Their exclusion was critical for the initial breakthrough, but also motivated them to organize themselves to oppose the peace process and to influence the outcome of national elections and policies.* As each stage of the peace process involved more aspects of implementation on the ground, these excluded groups, such as secular and religious nationalists on both sides, pressed harder against their own leadership to forestall any substantive concessions. *This drove new negotiations into back channels, stimulating the cyclical nature of these processes.*

3. Proximity of decisionmakers and negotiator autonomy

Throughout this study I have analyzed two variables together on the assumption that they work together. The cases supported this assumption by showing that *back channel negotiators have far more access to top decisionmakers than their front channel counterparts.* Along with this proximity to the decisionmakers comes greater trust and authority, which translates to greater negotiating autonomy for the negotiator.

Whether at Oslo or in the pre-Wye back channels, negotiators reported directly to top decisionmakers. This holds even when the back channel starts with some unofficial negotiators on one side, as in the Stockholm Channel. Beilin would have submitted the draft directly to Rabin had the prime minister not been assassinated. He submitted it directly to acting prime minister Peres, but the suicide bombings, impending elections and continued closures of the Palestinian territories created a hostile context for further negotiation.

342

The exception to this observation is when the front channel is a summit, in which case, the front channel has same or higher level negotiators than the back channel, as in the Wye Plantation summit.

In front channel negotiations, negotiators do not necessarily enjoy great access to the decisionmakers for whom they work. In back channels, the distance between decisionmakers and front line negotiators is greatly reduced, although this may be asymmetrical, as the unsuccessful 1992 HAMAS deportation channel showed, when the Israeli side was represented by the foreign minister and the Palestinians were represented by members of their Washington delegation.

The proximity of decisionmakers to the negotiators is an aspect of BCD that surpasses the simple definitions of classic secret diplomacy. Proximity to decisionmakers is part of the design of back channels and enables the back channel negotiators to obtain greater flexibility in negotiation and to get more direct input from the decisionmakers. The *negotiators tend to be of higher bureaucratic rank in the back channel and therefore more able to credibly deviate from declared policy and stretch the limits of rhetoric.* The back channel negotiators shared the quality of virtually being personal envoys of the decisionmakers. This trust-based relationship translated into negotiating practices that demonstrated more flexibility at the negotiation table than their front channel counterparts.

For example, the tradeoffs made on the issue of transfer of territory to the PNA, and the concurrent Israeli 'FRDs' were facilitated by the creation of 'nature preserves' in certain parts of the West Bank, and by mechanisms for joint security cooperation as well as by international observers in Hebron and other measures that were not contemplated in front channels. The entire territorial dimension of the interim period was never

343

entertained by the Israeli negotiators in the Washington talks while it was an integral component of the Oslo talks.

4. Presence and role of third parties

Mediators with power, resources and interests tied to the parties in conflict are often instrumental in bringing parties to the table by the triadic leverage they exercise over their allies and the allies' adversaries.

Diplomatic practices in the Middle East and outside the region lend strength to the contention that third party intervenors can overstep the bounds of useful intervention, driving the parties to work outside of a mediated framework in which the mediator fails to mitigate or take advantage of power asymmetry between the parties or in which the mediator is simply ineffective. The mediator with the greatest leverage over the parties, the United States, was the least effective third party from 1991-1998. After coordinating the Madrid Peace Conference, the United States was excluded by the design of the parties, and not brought back in until the end of the period analyzed in this study.

In contrast, the other third party states that played an intermediary role—such as Norway, Egypt, and Sweden—were associated with back channels. And those back channels were more effective for reaching agreements than bilateral or US sponsored front channels. Terje Larsen continued to advise back channel negotiators on both sides even when he became the UN Special Coordinator for the Occupied Territories. Even the chief Netanyahu BCD negotiator credits Larsen with teaching him the value of BCD.[7] These mediators differed from the United States in terms of better facilitative skills, less global scale political interests, flexibility in terms of adapting their mediation role as needed by the parties, and more explicit trust of the parties.

Third party intervenors typically are accepted by weak parties in the hope they will reduce power asymmetries. Third parties are accepted even when 'biased' precisely because they can (it is hoped) influence their 'client' state. The PLO has long sought out the United States as a sponsor of its self-determination claims while Israel is highly dependent on US diplomatic, political and military support. Despite these considerations, both the PLO and Israeli have proven willing to conduct much of their bilateral diplomacy beyond the range of US regional peace efforts.

5. Strategic use of multiple channels: front and back channel diplomacy

The simultaneous use of back and front channels is a another feature that distinguishes BCD from classic secret diplomacy. Looking further at Table 7.1, there is relationship between these back channel-front channel 'sets' and the agreements reached. In all but one instance, the existence of multiple channels is not only *correlated with reaching agreement, but cited as a causal factor by the negotiators themselves in reaching that agreement.*

Diplomacy along multiple channels encompasses the use of both secret and open channels of negotiation. Not only do multiple channels (front and back) exist, but their interaction was made evident in the cases where we find ample use of back channels to complement front channels (Oslo/Washington talks, Interim Agreement BCD/FCD), or to substitute for them (Hebron Protocol). We have also seen back channels used to prepare for front channel negotiations (Pre-Wye to prepare for Wye). Additionally, completely parallel negotiation channels provide decisionmakers opportunities to tacitly

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[7] Isaac Molho, Interview with the Author, Tel Aviv, Israel, May 11, 2000.

345

communicate. They can, for example, 'test' each other by gauging the reaction of a proposal in one channel before it is used in another.

6. The role of secrecy

Secrecy has been left for last as an analytical category because of the way in which it interacts with several of the other elements examined in the cases. The first critical observation is that in seven of the eight 'sets' of negotiations set out in Table 7.1, a back channel precedes or accompanies a front channel on the same issues, indicating systematic use of back channels to supplement front channels, as if they were inseparable in practice. The analytical element of secrecy appears in every instance where the parties are negotiating a major agreement and in each of these instances, was the channel in which concessions were initially made and creative options for difficult issues were considered.

In the words of Uri Savir, it is clear that secrecy is needed by negotiators and decisionmakers in order to reach "tomorrow's consensus"; in other words, to come to agreements that do not conform to the declared policies or popular expectations of their respective sides.[8] Negotiators and decisionmakers validate the realist contention that policy, to be rational (at least in peacemaking), must be freed from the bonds of public opinion. This obviously has direct consequences of exclusion of subparties and third parties. But the validation of a realist argument is somewhat beside the point. Peacemaking is a different human endeavor than the negotiation of a free trade agreement or other less contentious matters. The mobilization of populations and constituents in order to unify them against a perceived enemy is a task that is constantly undertaken by

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[8] Uri Savir, "Roundtable Discussion: Strengths and Weaknesses of the Method" (paper presented at the Conference Back Channel Negotiations in the Arab-Israeli Conflict, Hebrew University of Jerusalem, May 4, 2000).

346

governments and non-state actors such as insurgency movements. The tools for doing this are well known; adversaries demonize each other relentlessly and take advantage of all the psychological mechanisms available to discourage people from forming more positive (and often more accurate) images.[9] The effect is hard to undo and may in fact be too hard to undo as a precondition for peacemaking negotiations. Since the political costs may be high, policymakers have little choice: they must negotiate in secret, and may even conduct a front channel to protect the work of the back channel.

The paragraph above addresses some of the domestic constraints and possibly bureaucratic resistance points to negotiated peacemaking.

D. Summary of case conclusions

The protective mantle of secrecy permits parties to explore creative solutions to vexing problems and disputes, and permits parties to exclude third parties and internal spoilers who seek to impose their own partisan interests onto the negotiations at the expense of the parties' ability to reach agreement. The back channel negotiators are invested with the requisite authority needed to make concessions and craft bold solutions that are not contemplated by their front channel counterparts, and the back channel negotiator often reports directly to the head of state, bypassing layers of bureaucracy that career diplomats face. Back channels are certainly qualitatively different than front channels. But more importantly, they are better structured to help the parties reach agreements, at least initially.

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[9] Herbert C. Kelman, "Social Psychological Dimensions of International Conflict," in *Peacemaking in International Conflict*, eds. I. William Zartman and J. L. Rasmussen, (Washington, DC: United States Institute of Peace, 1997); Janice Gross Stein, "Image, Identity and Conflict Resolution," in *Managing Global Chaos*, eds. Chester Crocker and Fen Osler Hampson, (Washington, DC: United States Institute of Peace, 1996).

If the analysis stopped with the examination of the relationship between back channels and agreements reached, one might simply conclude that back channels are a useful policy choice. But the analysis must not end there: agreements reached in violent conflicts, like any agreement, must be implemented and result in positive changes for the parties in order to be considered effective. This is not what happened in the Palestinian-Israeli cases. Over time, the agreements reached were to address ever more difficult interim and finally, permanent status issues, since they were negotiated on the incrementalist assumption that success on smaller issues would build interparty trust and facilitate agreement on the most critical issues.

Until the signing of the Interim Agreement both parties could credibly point to partisan and joint gains. After the Interim Agreement, this changed. The Palestinians' most important gain, the FRDs of Israeli forces, were not fully implemented. Similarly, the Israelis' most important gain, security (and consequently security cooperation with Palestinian security forces) began a downward spiral and never completely recovered. Each and every new agreement since that time (with the exception of the draft Abu Mazen-Beilin agreement) was little more than a renegotiation of these two issues. Each side faced considerable internal political pressure to deliver on its issue. This pressure culminated in public rejection of the negotiation process, which constrained the decisionmakers further still, necessitating new back channels and agreements. As each new agreement surfaced, the political leadership of each side was denounced by its hard-line supporters and hard-line opposition for the secrecy and exclusion used to attain the new agreement.

With the negotiation of the Interim Agreement, there was a turning point at which the diplomatic *solution* to the problem of rejectionists and mobilized subparties—back

channel diplomacy—began transformation into a *cause* of new rejectionism and mobilization.

Therefore two key conditions make themselves evident in the cases and cover all the channels: the incrementalism of the peace process and the progressive failure to implement critical portions of the agreements reached. These general conditions cover the entire Palestinian-Israeli peace process from 1991 to 1998.

What then is their relevance to BCD? The defining characteristics that made BCD so helpful in the early stages of the Palestinian-Israeli peace process turn into liabilities for the peace process in the following ways: The exclusion of third parties and internal subparties that was so essential to effective, direct bargaining, becomes more difficult because they react to their exclusion by getting involved in the political process from which they were excluded. The internal spoilers reacted negatively against the agreements reached because they felt that the agreements were 'betrayals' of their interests that went too far in accommodating 'the enemy'. The decisionmakers who were closely identified with the back channels then became the target of the spoilers, who sought to reduce leaders' political power or otherwise constrain peacemaking policies. In the case of Prime Minister Rabin, this cost him his life. All of these liabilities in turn hurt the ability of the parties to continue implementing past agreements, negotiating current issues and certainly damage the ability to negotiate in the future. In such straits, the parties find themselves choosing between negotiating in a hostile social context, or resorting again to back channels.

The Palestinian and Israeli decisionmakers and negotiators, over the course of the period reviewed here, when faced with the decaying peace process, consistently chose to open further back channels, initiating a vicious cycle of new secrecy which led to more

349

exclusion and alienation of subparties, who in turn continuously mobilized against the peace process and political leaders involved in it.

This then is the final irony of the Palestinian-Israeli peace process: *the diplomatic method which permitted the parties to conclude their most important agreements—BCD—progressively exacerbated the conditions which led decisionmakers to choose it in the first place.*

The consequences of this paradox are two-fold: back channels generate further use of back channels, at least under the conditions of an incrementalist model of peacemaking in which subsequent agreements involve ever greater concessions and implementation involves making real changes on the ground. As implementation fails to take place on schedule or at all, as was the case throughout the period 1995-1998, mutual mistrust arises again between the parties. Rejectionists point to the failed implementation as evidence of bad faith, which justifies further, sometimes violent, rejectionism. These conditions of mistrust and rejectionism, which first generated the need for back channels, reassert themselves and overtake the fragile momentum of agreements reached, thus undermining the process.

350

II. Theoretical findings

There are propositions to be derived from these cases and the comparative analysis offered above. In Chapter 1, I observed that the Oslo channel, when considered in light of the futile Washington negotiations, seemed to support the idea that back channels are a powerful tool of diplomacy and statecraft. I posed the testable hypothesis that back channels, when front channels are failing to produce agreement, will result in a successful outcome in peace negotiations. Why then, did the Palestinian-Israeli peace process deteriorate if the parties relied on BCD for the entire period under review? In searching for the answer to this research question, I also sought to test my definition of BCD, as well as to explore how it worked and why decisionmakers would choose it.

In this section, I adopt the decisionmakers' perspectives to rigorously examine the benefits of BCD in terms of managing uncertainties. This permits us to gain an understanding of both *how* BCD works and *why* a decisionmaker chooses to use it. I follow this with a serious consideration of the negative consequences that these benefits can have.

I have elsewhere made the obvious point that the conclusion of agreements does not in any way signal the success of the outcome, especially in incremental peace processes where an agreement constantly leads to new negotiations. (The condition of incrementalism is the overarching condition that colored the entire Israeli-Palestinian peace process.) The output of the decisionmaking process—the act of negotiating and the decision to sign an agreement, while significant in themselves, must be complemented by the political decision to put in motion "the set of consequences flowing from that

351

implementation of and adaptation to that decision."[10] Therefore, I offer some proposals on the implementation of BCD agreements.

I then return to the definition of BCD offered in Chapter 1 to test the strength of the provisional definition.

Moving further toward generalization, I sketch out a typology of BCD and its interaction with front channels.

A. Benefits and consequences

It is apparent that negotiators and decisionmakers by and large overestimate the benefits and ignore the consequences of using BCD. In place of analyzing the effects of their diplomatic methods, they accuse each other of bad faith. Numerous problems in the peace process can simply be the result of party intentions. However it is more challenging to examine the diplomacy of the parties and see where its structures and processes themselves have contributed to the deterioration of the peace process.

The secrecy that is present in BCD causes or interacts with other aspects of BCD to produce a 'package' of benefits for the political decisionmaker. The benefits of secrecy are evident throughout these cases: secrecy helps the parties manage four categories of uncertainty that affect negotiations. These are:

- Uncertainties regarding the *cost of entry* into negotiations—concerning the preconditions set by one or both parties prior to negotiations
- Uncertainties regarding the actions of *'spoilers'*—parties who can act to destroy an emerging peace arrangement
- Uncertainties about *information* needed to negotiate—the true preferences of parties, the feasibility of solutions
- Uncertainties concerning *outcome*—leaders prefer not to negotiate in front channels when they deem the risk of failure to be high

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[10] Arild Underdal, "The Outcomes of Negotiation," in *International Negotiation: Analysis, Approaches, Issues*, ed. Viktor A. Kremenyuk, (San Francisco: Jossey-Bass Publishers, 1991).

352

Each of these is considered in detail here, with the corresponding Palestinian-Israeli negotiations where the benefit was present noted in brackets.

1. Entry

By not publicly acknowledging their negotiations parties permit themselves to negotiate without demanding or making prior concessions that are very often used as preconditions for talks in violent conflicts.[11] Uncertainty arises because such conditionality is often ambiguous: it may not specify all the actions required or the reciprocal steps that will be taken upon satisfaction of the demands. Parties making demands cannot be entirely sure that their preconditions will result in the desired changes on the part of their adversaries.[12] Given the ambiguity of demands, responding parties are never certain when they have conceded enough to be accepted as legitimate representatives since there is no enforcement mechanism or guarantor to insure that satisfaction of the prior conditions will lead to the prize of negotiations.

Historically, Palestinian and Israeli political leaders had conditioned negotiations with each other on the satisfaction of prior conditions. This pattern was evident throughout the history of the Zionist-Arab and Palestinian-Israeli conflict and was certainly present at the Madrid Conference, in the aftermath of the Hebron massacre and throughout the Netanyahu government.[13]

This uncertainty is eliminated or reduced by BCD. Parties can claim they will not talk with the adversary while under fire, even as they in fact do just that in order to

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[11] Louis Kriesberg, *International Conflict Resolution: The US-USSR and Middle East Cases* (New Haven: Yale University Press, 1992).

[12] Indeed, the party making the demand may not actually intend to negotiate at all.

[13] The pattern continued with the electoral victory of the Ariel Sharon government, which claimed it would not resume any negotiations with the PLO until the al-Aqsa intifada ceased. Sharon quickly sent his son to meet with Arafat despite his preconditions.

manage a crisis, discuss ways to rebuild trust and end a cycle of violence. In short, parties can maintain an adversarial posture while seeking ways to de-escalate the conflict. [early PLO-Israel contacts, Deportation back channel, Oslo back channel, Hebron Massacre back channel, pre-Wye back channel]

2. Spoilers

There is uncertainty about the actions of other parties who have an interest in the outcome but are not at the negotiation table. **Secrecy** by definition is a process of segregating parties from access to certain information; **exclusion**. Parties are *initially* better able to manage potential spoilers (whether they are **subparties** or **third party intervenors**) when the spoilers do not know of the existence of that negotiation table. The benefit here is one of the most critically important aspects of BCD. The value-added of this type of diplomacy in the ideal case is that parties make breakthrough agreements before subparties or third parties can mobilize to work against negotiation, agreement or implementation. By using BCD, negotiators seek to stay ahead of the ability of spoilers to mobilize quickly enough to derail the process. [Oslo, Gaza-Jericho, Hebron Massacre, Interim Agreement back channels]

3. Information

Parties often lack information about the interests, priorities and flexibility of the other side. This is sometimes referred to as uncertainty about basic *information* parties feel they need in making a decision to negotiate.[14] Maximal demands are made before interested constituencies and audiences (including one's adversary) but parties are

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[14] Howard Raiffa, "Analytical Barriers," in *Barriers to Conflict Resolution*, eds. Kenneth J. Arrow, et al., (New York: W. W. Norton & Company, 1995)

354

sometimes more flexible than is immediately apparent. Decisionmakers use BCD to reduce informational uncertainties in several ways.

Adversaries explore the true dimensions of each others' public declarations and policies, and then communicate and exchange ideas regarding the possible contours of agreement without commitment to those ideas. This enables the parties to reach an agreement that meets at least some of their interests. Practitioners and theorists alike discuss the benefits of modeling solutions without publicity prior to committing to them.[15] This benefit is greatly augmented by the proximity between decisionmakers and negotiators that is found in BCD. In contrast with the line negotiators in FCD, political decisionmakers have the final authority to reveal the true interests of their side or to deviate from declared policy in order to reach agreement.[16]

Additionally, the use of paired front and back channels enables parties to strategically send messages calculated to encourage reliance on back channels only, while also permitting them to test in the back channel the degree of inflexibility, external constraints and authority the parties project in the front channel, thus forming a better picture about the adversary's interests, priorities and flexibility: [all Palestinian-Israeli back channels]

4. Outcome

Principal decisionmakers often decline to either commence negotiations or participate in them because of a clear preference for not being associated with a failed effort. In democratic systems, this may be evident especially during electoral campaigns.

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[15] Roger Fisher, *Facilitated Joint Brainstorming: A Powerful Method for Dealing with Conflict* (Cambridge, MA: Harvard Negotiation Project, 1996).

[16] Hassan Abu-Libdeh, Interview with the Author, al-Baloa, Palestine, May 3, 2000; Molho, Interview with the Author.

The distance between **decisionmakers** and negotiators is progressively reduced as the degree of secrecy increases. Given this uncertainty of outcome, secret channels permit high level negotiators and decisionmakers to get involved in negotiations without risking their prestige, popularity, and reputation. [all Palestinian-Israeli back channels]

Negotiating under multiple conditions of uncertainty is a problem for any type of negotiation. However, uncertainty regarding negotiations in violent conflicts is particularly concerning because the stakes are extremely high: political instability, war, political and physical survival. BCD packages these four benefits and decisionmakers seeking to deescalate a crisis or negotiate a more comprehensive agreement in a violent conflict are posed not so much with a dilemma of whether or not to negotiate using BCD, but rather when to start.

However, each component of this bundle of benefits has a *negative consequence* for the diplomatic process of peacemaking. The cases produced dramatic evidence of how peace processes can become unraveled. The direct negative consequences of these benefits of BCD are considered here:

5. Delay: the price of entry

While BCD may facilitate entry into negotiations by diminishing the cost or eliminating the need for preconditions and prior concessions, this very ease of entry provides an opportunity for parties to use BCD as a delaying mechanism while they seek to attain their goals unilaterally. Back channels then become a substitute for real negotiated change. The adversary is kept busy negotiating but real progress is never

contemplated. In this sense we see that BCD is no guarantee of good faith in negotiation. It does not shape the parties' intentions. It cannot be relied upon as a panacea.

The reduction of uncertainty of entry costs, by deferring concessions to future negotiations, simply postpones the uncertainties, rather than eliminating them altogether. While some peace negotiations may involve the specification of conditions to be fulfilled prior to entering talks, the Israeli-Palestinian case is one in which preconditions or concessions a party requires prior to coming to the table, were assigned to a future negotiation table. This necessarily creates uncertainties about the endgame—the final outcome of the negotiation process—since the key demands of the parties, or the key issues of importance to all parties are deferred to a negotiation separated from the interim issues, negotiations and agreements. The case chapters provided much evidence that the negotiators often underestimated the importance of the linkages between the permanent status issues (Jerusalem, settlers, borders, etc.) and the interim issues (elections, redeployments, security). These linkages were often an obstacle to interim progress (redeployment from Hebron for example, was impeded by the presence of the tiny militant Israeli settlement in the middle of Hebron).

6. Return of the spoilers: feedback effects

BCD permits the parties to manage their own internal spoilers at the early stages of incrementalist peace processes, but this too can become a liability, as became apparent from 1995 to 1998. Even if the Netanyahu government intended to fully comply with the prior agreements made between the government of Israel and the PLO (it freely admitted it would not), it was increasingly constrained by the power and mobilization of Israeli groups and parties who were averse to the peace process per se and who provided the

main source of support to that government. Similarly HAMAS and the Movement for Islamic Jihad, and even secular activists were increasingly able to contrain the PLO's participation in the peace process.

Back channels and front channels, while used in 'sets', seem to generate feedback effects. At first this is a positive development and even deliberate, as the product of back channels is used or finalized in front channels. The principal parties, if they reach agreements and implement them fully and quickly, remain ahead of their internal opponents and spoilers. As the operational aspects of implementing agreements (troop withdrawals and territorial return, etc.) increase, political opponents and excluded subparties react by mobilizing to protest against concluded accords, anticipate further secret negotiations and express their opposition to future negotiations. As spoilers learn that their leaders will use back channels, they mobilize more quickly to prevent implementation of agreements or further negotiation, whether front or back channel. As this process continues to be used however, the internal opponents gain in political strength and increase their capacity for political or paramilitary action. While they might mobilize against any agreement, these groups express special aversion for secret negotiations which they cannot directly influence.

The actions of the various rejectionist groups on each side feed back on each other and are used as justifications by their counterparts: Every Palestinian suicide bombing is cited as a need for repressive measures and land seizures by the Israeli settlers. Every killing of a Palestinian civilian, demolition of a home or land seizure by the IDF or the settlers is cited as further justification by armed wings of HAMAS or Jihad. When either side commits these types of action they facilitate the faster mobilization and deeper rejectionism of the other side.

BCD alone will not manage spoilers for long. At best, BCD defers the audience effect noted in social-psychology negotiation research.[17] This postponement only works as long as the audience (spoilers, in this case) does not guess or learn on its own about back channels. They react against the exclusion and can then accuse their own leaders of collaboration with the enemy. They can only be managed by each side implementing its commitments in good faith and demonstrating the political gains derived by such implementation, to mainstream and militant factions, bureaucratic actors and armed forces. Shifts in popular attitudes in favor of a peace process would be highly valuable and may both stimulate and be the result of good faith implementation. Unfortunately such critical shifts in mainstream support become more remote as a peace process unravels.

7. Risks of revealing preferences and interests in back channels

Managing the informational uncertainties is also a complex task. Parties may find it hard to truly 'model' solutions without commitment to them. If agreement is not reached, one party may want to start anew while another may wish to start at the point where previous negotiations left off. If trust is not present among the negotiators or if the parties intend to leak information to damage their counterparts, modeling of possible solutions involving concessions is highly risky because it exposes negotiators to their spoilers.

Confusion can also be a problem. Whenever a party adopts two contrasting positions on the same issue as is the case when front and back channels are used together, or willingly discusses a possibility in the back channel that it will not contemplate in the

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[17] Jeffrey Z. Rubin and Bert R. Brown, *The Social Psychology of Bargaining and Negotiation* (New York: Academic Press, 1975); Jeffrey Z. Rubin, Dean G. Pruitt, and Sung Hee Kim, *Social Conflict: Escalation,*

front channel, an astute decisionmaker on the other side is posed with the dilemma of trying to decide which channel (and position) should be taken more seriously. Parties face challenges discerning each others' intentions when back channels and front channels are used together.

When multiple channels are used to manage informational uncertainties, a party may determine that it prefers to negotiate in the channel where it believes it can exact the most gains relative to other channels: Parties can therefor use BCD to 'channel shop'. They minimize risks associated with individual negotiators on the other side who seem less inclined to make concessions or who have less authority to do so by negotiating in alternative channels. [18] The tendency to channel shop could also become problematic when, for example important front channel negotiators express a sense of betrayal (about their leaders) or indignation (about the manipulative adversary) once they learn about a back channel they were excluded from.[19]

8. Outcome risks

Since the decisionmakers are closer to back channels than front channels (except for summits) and generally prefer not to be associated with a *failed* negotiation outcome, it becomes important for them to determine the credibility of any channel that is available. A party faced with the availability of multiple channels may legitimately wonder which channel corresponds both to its own interests while also being aligned with the decisionmaker on the other side. This may change over time, as the Oslo channel demonstrated. Once Savir and Singer arrived to represent Israel officially, the PLO was

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Stalemate, and Settlement 2nd ed. (New York: McGraw-Hill, 1994).

[18] Sa'eb Eraqat, Interview with the Author, Jericho, Palestine, May 12, 2000.

[19] Recently, Yasir Abd–Rabbu (PLO Executive Council) and David Levy (Israeli Foreign Minister) resigned their (front channel) negotiation duties to protest the existence of back channels.

360

finally sure that Rabin and Peres were behind the effort. The task here is for back channel negotiators to become progressively less deniable so that counterparts take each other seriously and not dismiss the back channel as simply a freelance operation.

Since BCD permits the highest level decisionmakers to be involved in negotiations that would otherwise hurt their popular standing, they are vulnerable to the criticisms of whatever agreement is reached. Both Palestinians and Israelis criticized their respective leaders for conceding 'too much' in, for example, the Oslo Accords, the Interim Agreement and the Wye Memorandum. The concessions involved in the Oslo Accords—the decision to confer mutual but highly asymmetric recognition and engage in a staged peace process without a declared final outcome—involved such large deviations from declared policies and preferences of each side that they could only have been made by the highest authorities. While they achieved breakthroughs and did not fail to reach agreements, these were considered failures and in some cases betrayals by their hardline supporters and opponents.

Thus in each of the four uncertainties that are mitigated by BCD, there are hidden costs that become due and payable if the parties rely too much on this method and fail to build a general consensus in favor of the peace process. More critically, in the case of the spoilers, costs escalate to the point where they surpass and finally cancel the needed benefit, yielding not diminishing returns, but *negative* returns and returning the parties to violent confrontation in place of cooperation.

361

Table 7.2: Managing uncertainty: benefits and consequences of BCD

	Uncertainties of negotiations in international conflict	Benefit of using BCD	Negative consequence of continued use of BCD
1	Cost of Entry	Facilitates negotiation without prior concessions or preconditions	Permits negotiation to be used as delay tactic. Does not eliminate uncertainty; prior concessions are deferred to future negotiations, creating more future uncertainty
2	Spoilers	Management of spoilers is facilitated by their early exclusion	Continued exclusion (use of BCD) motivates spoilers to mobilize in anticipation of concessions, implementations, future negotiation.
3	Information on interests, preferences, flexibility	True preferences of other parties can be modeled without public commitment, different channels are used for tacit communication	Parties seek to 'channel shop', instead of negotiating workable agreements, different messages can lead to confusion
4	Outcome	BCD reduces risk that failure poses to the political leader, who can deviate from declared policies	Concessions of the DM may go too far beyond public expectation, generating over-whelming opposition

362

B. Hypotheses generated by the data

According to the empirical analysis provided by the cases, I offer the following propositions.

Proposition one:

Back channel negotiations used in international conflicts will facilitate early breakthrough agreements.

This is particularly true if negotiations occur under multiple conditions of uncertainty, including those related to cost of entry, spoilers, information and outcome, and under the condition of an incremental peace process.

Proposition two:

Over time, reliance on back channels will yield diminishing returns in the form of more difficult implementation of existing agreements, and constraints on current negotiations.

Agreements in a staged peace process will have progressively more material implications on the ground. Implementation will require positive moves that are predicated on concessions. Excluded subparties will reject concessions once they learn of them, and anticipate the existence of new back channels. These excluded parties will mobilize political resources and act to prevent implementation of existing agreements, conclusion of current negotiations and initiation of future negotiations. Leaders facing this problem will decide to use back channels again, but implementation will be harder, future negotiation will be more constrained and concessions will be more difficult to make.

As noted, reaching and signing agreements is not the same as making peace. Agreements have to be implemented to make a real difference. Given the importance of

363

implementation to the viability of peace processes, implementation of BCD agreements merits special attention.

Proposition three:

Decisionmakers confront the implementation dilemma once they have signed an agreement that was negotiated using BCD. They risk losing the trust of either internal spoilers or adversaries, *according to whether or not they implement an agreement.*

When a party implements a BCD agreement, especially controversial provisions of an agreement, that party incurs immediate and future costs by destroying the confidence of subparties and rejectionists, who will make future negotiations more difficult over time. On the other hand, if a commitment is not undertaken, the party not implementing faces immediate costs because credibility with the adversary is lost or damaged.

Proposition four:

Back channels thus generate and exacerbate the very conditions that led parties to use them, requiring further use of back channels.

Once a party sacrifices its trust and credibility by not implementing, BCD again becomes the preferred way of communication for the adversary to save face. If a party *does* implement, the trust of internal subparties opposed to the peace process is placed at risk. In this case, the implementing party needs BCD to manage spoilers.

Proposition five:

Negotiations that rely on BCD proceed from breakthrough agreements, to diminishing returns, and ultimately, to negative returns in the form of failed implementations, constraints on future negotiations, renewed conflict and loss of intraparty cohesion.

If the parties continue to rely on BCD and fail to build popular consensus for the peace process, eventually the ability of spoilers to mobilize will exceed the ability of parties to conclude and implement agreements with their adversaries. The parties face the possibility of renewed conflict if they cannot implement existing agreements or proceed to future agreements. Renewed conflict may leave the parties further from negotiated settlement than when they started their negotiation process and disposed toward renewed violent confrontation.

C. A tool of statecraft

In Chapter 1, I proposed a definition of back channel diplomacy:

> *official* negotiations conducted in *secret* between the parties to a dispute or even between a party and a third party intervenor, which supplement, bypass, replace or alternate with potential or existing front channels and are *potentially at variance* with declared policies of the parties.

The cases go far to confirm the definition from Chapter 1. The cases also offer good evidence that this phenomenon exists as a deliberate choice of statecraft. BCD involves several interrelated dynamics not comprehensively included in portrayals of secret diplomacy, taking us beyond the classic debate on whether diplomacy, to be effective, should be conducted in secret, or whether this secrecy itself undermines the foundations of government.

The above definition should also include the following statement of benefit and
caution:

- Back channel diplomacy is a tool of statecraft
  that permits parties to *manage multiple
  uncertainties* of negotiation in violent conflict,
  thereby *reducing the transaction costs* of such
  negotiations for the political decisionmakers.

- Over time, reliance on BCD yields diminishing
  returns, and eventually is counterproductive,
  exacerbating the very conditions that led
  decisionmakers to use it

D. A Typology of back channel diplomacy

With the definition of BCD that has been offered above, it remains to offer a
typology of the phenomenon. I have observed four variants of BCD directly in the
Palestinian-Israeli cases and describe them generally below.

- Secret *prenegotiations* (for exploring the possibility of negotiations)

- *Direct* secret negotiations (with no parallel open activities)

- *Intermittent, sequential* use of open and secret channels of negotiation

- Secret negotiations conducted in *parallel* with open negotiations

These variants of BCD all share the sine qua non characteristic of secrecy. They
are assumed to be inherently neither sinister nor benevolent in intention. Intentions to
negotiate in good faith or not are not affected by the type of diplomacy used. The various
forms BCD negotiations take result from their placement along a continuum of
simultaneity and multiplicity of channels.

366

On one end of the continuum, back channel diplomatic efforts are the only discussions taking place between the parties, and in fact, may be of such a preliminary nature that their chief purpose is to explore the feasibility of further diplomatic contact or conflict de-escalation, also either openly or in secret. Here the parties most likely do not have diplomatic relations, are possibly in a state of war or other form of violent conflict and due to the uncertainties regarding entry and outcome, simply need to ascertain whether or not further negotiations should be conducted. If further negotiations are contemplated, the type of negotiation used and the level of party involvement need to be determined.

In the second variant, BCD appears as a single, secret channel in which the parties are officially represented and are actually negotiating to reach an agreement. Once again normal diplomatic relations are not present: there is no front channel. The features that most distinguish this variant from the first are the representation and intention of the parties. The representation is official and deliberate. These are typically no outside agents removed from the inner circle of the decisionmakers, but trusted envoys. Their intent is to reach some kind of agreement, not simply to explore the feasibility of other forms of negotiation. This form of BCD most resembles the depictions from classic debates on the political and ethical dimensions of secret diplomacy.

The third variant is characterized by intermittent and sequential use of back and front channels. Here one might inquire as to the timing of the sequencing. The secret channels might be used only while political costs of negotiation are high. They can be followed by open sessions or conferences designed to legitimate concessions and agreements. The front channels may simply be used for the purpose of representation,

367

intelligence-gathering, or posturing. The parties are officially represented and move between front and back channels according to need or preference.

Finally, the fourth and most complex variant is where we find back channel negotiations taking on an almost entirely separate existence, occurring *in parallel with* front channel negotiations. At this end of the continuum of multiplicity and simultaneity of channels, BCD realizes its full capacity as an alternative negotiation channel. The rich possibilities for negotiating at two separate tables are fully realizable here; the projection of a public negotiating posture while retaining a closely held channel where decisionmakers contemplate deviations from policy and costly concessions. The full ability to use the channels in strategic ways, to use them to subtly signal preferences and areas of flexibility is only realized when there are parallel channels.

Table 7.3: Four Variations of BCD

	Variant	Uses
1	Secret prenegotiations	Determine the feasibility of further negotiations in a front channel. May be conducted by unofficial agents
2	Direct, secret negotiations	Classic secret diplomacy: official representation in a secret channel, which is the only venue of negotiation
3	Intermittent, sequential use of open and secret channels	Preparation and negotiation for the attainment of a final peace agreement which will be publicly celebrated
4	Secret channels in parallel with open negotiations	Strategic shifts in policy, manipulation of subparties and internal spoilers, protection of the back channel, for use in the early phases of a staged peace process

While the spectrum moves generally in a direction of increasing simultaneous and parallel channels, it also increases in strategic value. That is, the need for secret negotiation channels becomes more rooted in strategic purposes connected to larger political goals than tactical interests of a short-term nature.

369

III. Implications for practice

The eight year range of the cases analyzed here allows a comprehensive picture of BCD's advantages and disadvantages to emerge. When engaged in a violent, intractable conflict, parties will find compelling reasons to use BCD. If however, their negotiation process involves a prolonged period of incremental changes leading toward a final peace, they should be aware that the benefits of BCD can become a fading opportunity.

What policy-relevant advice could this knowledge generate? It would be reasonable to start with the assumption that decisionmakers will be motivated to see the benefits but not necessarily the negative consequences of BCD. Several general pieces of policy relevant counsel suggest themselves from the above analysis of BCD.

The first thing to consider is the kind of peace process the parties are engaging in. Reducing for a moment the complexities of peace processes into two categories, we might depict them as either processes that immediately result in a final comprehensive agreement, or processes that build on principles and frameworks and work progressively toward comprehensive agreements (sequentialism, incrementalism, or stages). *BCD has particular drawbacks for incrementalist peace processes* due to the ability of excluded parties to mobilize themselves over time as the process continues without final resolution. Standing in rather stark contrast with the Palestinian-Israeli peace process, the Jordanian-Israeli peace process demonstrates that when a comprehensive peace is really the first and last product of a negotiation process, BCD is much less problematic.

Second, peace agreements, even if they are thought of as a breakthrough negotiated in a back channel, are no panacea for internal divisions within parties. The international political events of the past decade give eloquent witness to the fact that

370

internal divisions are quite difficult to manage during and after a peace process. BCD can be helpful early in the international conflict, but has severe limitations as time goes on. The policy relevance of this observation is that there is really *no substitute for building a pro-peace consensus* among a party's supporters and detractors. This is hard work and is not the subject of the study, but naturally presents itself as a critical task that policymakers cannot neglect if they are using BCD, despite the temptation to do so by relying on back channels to manage the audience effect. The government-sponsored peace rally in Tel Aviv was the site of the assassination of Prime Minister Rabin and signaled that the efforts to do so in the Palestinian-Israeli peace process were 'too little, too late', as several negotiators have observed.[20] Joint efforts by the leaders to reach out to each parties' mainstream should be part of the open efforts to build consensus on so critical a policy shift as war to peace.

Finally, regarding implementation, I have proposed that simply implementing an agreement will not be enough to move the process ahead towards a comprehensive peace. On the contrary, I have explained how implementation of a BCD agreement carries its own risks. That said, the *benefits of implementation outweigh the costs*. My observation is that early and rapid implementation is what really presents spoilers with a fait accompli that they are hard pressed to undo, not the simple existence of an agreement. If the task of the leader is to deliver results to people and mute the criticisms of rejectionists, then slow or failed implementation of an agreement can only hurt the credibility of the leader or government that signed the agreement.

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[20] See for example Uri Savir, *The Process: 1,100 Days That Changed the Middle East* (New York: Random House, 1998).

Careful consideration of the risks of incremental peace processes, diligent attention to the task of leading consensus for change, and faithfully implementing agreements under the conditions of the 'implementation dilemma' should be categories of analysis for any policymaking task regarding peacemaking, especially when back channels are to be used.

IV. Implications for research

In the literature review, I explored the extent to which existing research paradigms have supplied knowledge of aspects of BCD. The key insights offered by the different traditions were surveyed. Some of the writing was descriptive in scope and highly useful: Zartman and Berman's description of secret summitry,[21] and Hopmann's observation that multiple (secret and open) channels of negotiation exist to improve problematic communication in international conflict.[22] The work that followed provided glimpses of analytical insight that my research has to great extent confirmed.

Kriesberg noted the use of "secret meetings" to start negotiations without prior inducements.[23] Rubin discussed the possibility of using back channels to decommit from belligerent courses of action.[24] Raiffa noted that parties fail to take advantage of "informal dialogues" to reduce uncertainties of deciding to enter and conduct negotiations.[25] Rubin, Pruitt & Kim coined the term "covert problem solving" to describe BCD-like activities to mitigate a party's loss of face, loss of privileged information and loss of 'position' in a negotiation.[26] Walton and McKersie offered the insight that secrecy is used to manage difficult internal negotiations with constituents and principals.[27]

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[21] I. William Zartman and Maureen R. Berman, *The Practical Negotiator* (New Haven: Yale University Press, 1982).

[22] P. Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts* (Columbia: University of South Carolina, 1996).

[23] Kriesberg, *International Conflict Resolution: The US-USSR and Middle East Cases.*

[24] Jeffrey Z. Rubin, ed., *Dynamics of Third Party Intervention: Kissinger in the Middle East* (New York: Praeger, 1981).

[25] Raiffa, "Analytical Barriers."

[26] Rubin, Pruitt, and Kim, *Social Conflict: Escalation, Stalemate, and Settlement.*

[27] Richard E. Walton and Robert B. McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System* 2d ed. (Ithaca: ILR Press, 1991 (first ed. 1965)).

Klieman's seminal work advanced the notion of using BCD to effect dramatic offensive or defensive shifts in foreign policy strategy.[28]

All of these observations touch on one of the 'uncertainties' noted above; uncertainties the decisionmaker faces regarding entry into negotiations, the information needed to conduct negotiations, the role of parties that can act as spoilers, and the uncertainties of the outcome.

In a sense, all of these valuable insights were like the proverbial blind men touching different pieces of the elephant. This is not to imply that these authors are in any intellectual sense 'blind', only to note that they focused on limited aspects of what I have treated as a comprehensive whole. These authors' works (with the exception of Klieman) were not specifically focused on BCD, but on some other aspect of negotiation and conflict management. Not all of them were concerned with international relations. They emerged from competing paradigms of research. None were explicitly built on comparative case studies. My study delves deeply into the case studies to explore the full operational dynamics of BCD over time in an historic international negotiation process. I used theoretical insights from several research paradigms to frame the study.

This study fits well with two of the research traditions: negotiation analytics and diplomatic history. Negotiation analysis draws upon the insights of several disciplines to refine models of negotiation behavior and to provide prescriptive advice for real parties. It has posed serious challenges to game theoretic assumptions about structures of negotiation. This work on BCD advances the notion that negotiation parties are pluralistic, not monolithic. The present work is also the only study I know of that

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[28] Aharon Klieman, *Statecraft in the Dark: Israel's Practice of Quiet Diplomacy* (Jerusalem: Jaffee Center for Strategic Studies, 1988).

explicitly compares front and back channels of negotiation as 'sets'. The differences that emerge from this comparison are more likely to be attributable to the phenomenon being studied than to other factors, since so many factors are controlled for (being identical within the sets). This study contributes specific understandings about the structure and process of BCD. Historians can benefit from the framing of the analysis according to the chosen variables, while negotiation analysis is strengthened by new understanding of this significant reconfiguration of international negotiations. It can contribute some insight into the successes and failures of peace processes and better diplomatic practices for cultivating peace.

In the tradition of empirical studies of diplomacy,[29] this work sought to examine multiple analytical elements in historical case studies in order to offer a more complete understanding of an existing phenomenon or series of political and diplomatic events. I also began the task of offering general knowledge derived from those cases. I have provided some concepts to be considered prior to the decision to use BCD in order to begin the task of building policy-relevant knowledge.

Back channel diplomacy is an important aspect of international relations and merits further study *as a distinct form of diplomacy* from all research traditions that touch upon its significance. Future case studies should examine negotiations in paired sets, identify the pluralistic players, the degree of exclusion of subparties, the role of third parties, the proximity of negotiators to decisionmakers and the autonomy of the negotiators, and the interactivity between paired channels. Impacts on reaching

agreement and implementation of an agreement should not be ignored. Such studies should, ideally, span several years of BCD use in order to test the proposals regarding the circularity of cause and effect when parties depend on BCD, the interaction of spoilers (their ability to mobilize against negotiated peace processes) and BCD, and the dynamics of the implementation dilemma.

Examples of BCD-related research might include case studies in which the relationship between spoiler mobilization and the value added of BCD differ from the dynamic observed in the 1991-1998 Palestinian-Israeli cases.[30] Cases in which the parties had long-term successful outcomes using BCD under the conditions of incremental peace processes should be sought as well.

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[29] Laura Zittrain Eisenberg and Neil Caplan, *Negotiating Arab-Israeli Peace: Patterns, Problems, Possibilities* (Bloomington: Indiana University Press, 1998); Alexander L. George and William E. Simons, eds., *The Limits of Coercive Diplomacy* 2nd ed. (Boulder: Westview Press, 1994); James L. Richardson, *Crisis Diplomacy: The Great Powers since the Mid-Nineteenth Century* (Cambridge, UK: Cambridge University Press, 1994); Saadia Touval, *The Peace Brokers: Mediators in the Arab-Israeli Conflict, 1948-1979* (Princeton, N.J.: Princeton University Press, 1982).

[30] Thanks to Ezequiel Reficco for our conversations on the utility of BCD.

V. Synthesis of implications for theory and practice

The Palestinian-Israeli cases support the contention that international negotiations in violent conflicts are better understood as conflicts among highly pluralistic parties using multiple channels of negotiation between them: front and back channels. Theories of negotiation should more consistently recognize that in practice, such negotiations are conducted in both front and back channels and that this has a significant impact on the process and outcome of such critical negotiations.

When international peace is at stake, the fullest understanding of the tools of statecraft used is needed by policymakers and observers. BCD is in many ways the practice of statecraft in the dark (to paraphrase Klieman). Policymakers and negotiators should have the clearest possible understanding of not only the benefits BCD provides, but also the impacts it has on peacemaking efforts.

377

BACK CHANNEL DIPLOMACY:
The Strategic Use of Multiple Channels of Negotiation in Middle East Peacemaking

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401

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