Interactive Models of Peacemaking: The Palestinian-Israeli Case*

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Abstract

The Israeli-Palestinian conflict is an intractable conflict, a complex phenomenon that has encouraged some analysts to suggest a “conflict management” rather than a “conflict resolution” approach to peacemaking. We describe and evaluate four models of peacemaking that grow out of these strategies. The first, the “dictator” model, involves unilateral action by one of the parties. The second, the “anarchist” model, encourages domestic reforms within each of the two societies. The third, the “diplomat” model, uses bargaining between political elites from both sides, as in the Oslo peace process of the 1990s. The fourth, the “democrat” model, proposes the creation of public, multiparty negotiating forums, based on the model used in South Africa and Ireland. We conclude that a multifaceted approach that includes elements from all four models is necessary to create conditions for a more constructive peace process.

Introduction

The Israeli-Palestinian conflict is an intractable conflict. It has no simple solution, because it involves so many different issues and interests. These are so intertwined that the chain of cause and effect is almost impossible to control, such that if progress is made in one area, new problems immediately emerge in another. The conflict can also be described as a complex phenomenon.¹ We use this term to mean that we cannot predict outcomes of specific diplomatic initiatives or political strategies. However, we can identify general patterns that are like to appear under various conditions.

¹ For further discussion of the nature of complex phenomena, see Hayek (1967).
The fact that the conflict is intractable does not mean progress is impossible. There are other formerly intractable conflicts, such as the South African struggle and the “troubles” in Northern Ireland, which have been resolved. Two decades ago, it was not clear that the Israeli-Palestinian conflict would be the most enduring. There is an extensive and ever-expanding body of literature that attempts to explain the persistence of the conflict and suggest solutions. Game theorists, for example, have attempted to model the tactics and behavior of the parties (e.g., Bhattacharya, Smarandache, Khoshnevisan, 2004; Cowen, 2004). Such models provide valuable lessons and new ways of imagining negotiations, but cannot substitute for policy analysis and detailed studies of past failures and successes (compare to Rubinstein 2006). What we provide are models of their interactions.

A broad international consensus exists about the basic features of a future agreement. There will be two states for two peoples, and a partition of the land with border adjustments (based on the route of the Israeli security barrier and/or the “Green Line”) and land swaps. Gaza may be connected to the West Bank—perhaps via a tunnel—once the Palestinian government is re-unified. Most Palestinian refugees granted the opportunity to “return” will be resettled in the Palestinian state and not in Israel. The two-state solution has remained the dominant concept, even after the Hamas coup in Gaza in May 2007 and despite the continued expansion of Israeli settlements in the West Bank. Indeed, political leaders in the Middle East and beyond remain committed to the two-state solution. The remaining question is how to achieve that goal.

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2 The conflicts in both of these two cases persist, but in radically diminished ways, as constructive political contests rather than destructive violent conflicts. What is fundamental to peace in both cases is that all parties have agreed to abide by the basic principles of non-violence, human rights, democracy and self-determination.

3 For a discussion of all three when none had yet been resolved, see Hermann and Gagiano (1990).

4 For a history of the evolution of this consensus, see Golan (2006); for a summary of what is currently anticipated from an agreement as of this writing, see Eldar (2007).
Since the beginning of the second *intifada* in September 2000, analysts have begun to speak about “conflict management” as an alternative to “conflict resolution” (e.g., Inbar, 2006; Kreisler, 2004). That shift acknowledges the intractable nature of the conflict, and suggests that it cannot be resolved by peaceful means in the near future. The two societies, according to this view, must prepare to live in a state of tension, with violence hopefully diminishing over time. However, the conflict management concept does not explain how attempts to reduce the destructive impact of the conflict will create the conditions for future relations between the parties such that successful negotiations might be possible.

In general, there are two emerging trends in the literature, both operating within the constraints of the two-state solution: the “conflict resolution” approach and the “conflict management” strategy. The “conflict resolution” approach - argues for returning to the negotiating table as soon as possible to achieve a final peace agreement (e.g. Kelman 2007). In contrast, the “conflict management” strategy - eschews such bargaining in favor of reducing the intensity of the conflict to a more tolerable level and achieving incremental improvements in the relations between the two sides (e.g., Inbar, ibid).

In this paper, we attempt to integrate insights from both the “conflict resolution” and the “conflict management” approaches with lessons learned from successful negotiations in South Africa and Northern Ireland. We present four models of peacemaking. The first two models, the “dictator” model and the “anarchist” model, are archetypes that define the boundaries of the discussion over different kinds of negotiation. They are not merely theoretical, but describe real-world policies consistent with the “conflict management” approach. The third and fourth models, the “diplomat” and “democrat,” are moderate versions of the first two models that yield useful practical suggestions. The latter model, which proposes the creation of a public, multiparty
negotiating forum (PMNF), is new to the Israeli-Palestinian conflict, yet has been used successfully in the other two cases we consider (South Africa and Northern Ireland).

We argue that successful peacemaking requires the use of all four of these models of peacemaking in an integrated fashion, with the first two models (“dictator” and “anarchist”) serving as constructive alternatives to negotiation, and the last two models (“democrat” and “diplomat”) shaping the political and institutional relationship between the two sides.

The “dictator” model – unilateral actions

The “dictator” model involves unilateral action by one of the parties to shift the geopolitical framework of the conflict in a direction that favors eventual negotiations. This unilateral action may be either diplomatic or military. In general, the action is taken by a strong leader whose domestic political control enables him to take steps that have the external form of concessions to the other side.

The recent history of the Middle East provides two examples of drastic, unilateral moves by political leaders to achieve progress. The first was that of former Egyptian President Anwar Sadat, whose astonishing arrival in Israel in 1977 paved the way to negotiations between the two nations (compare to Kelman 1988). The second example was that of Ariel Sharon, who carried out Israel’s unilateral and precedent-setting disengagement from Gaza and the West Bank in 2005. This move has not yet led to successful negotiations—indeed, violence continued in Gaza between rival Palestinian factions, and terror groups carried out kidnappings and rocket attacks against Israel. However, on the other hand, it is possible that the disengagement laid the foundations for future agreement by demonstrating Israel’s ability to carry out territorial
compromises and withdraw from settlements if need be. It also sent a signal to Palestinians that
they would have to begin considering seriously the practical implications of independence.

Neither Sadat nor Sharon ended the conflict on his own, and each unilateral move created
new problems to be solved, but both created new conditions that were more conducive to the
possibility of eventual peace. The term “dictator” applies loosely here, and refers more to a style
of leadership: Sadat, the unelected autocrat, first revealed his peace proposals before the Israeli
Knesset, a democratic legislature; while Sharon, the elected prime minister, overrode the results
of an internal party referendum to impose the disengagement policy. This behavior fits an
archetype we recognize as “Machiavellian” (Handelman, 2006). Indeed, the “dictator” model is
rooted in a long tradition of political thought, beginning with Niccolò Machiavelli (1979), which
embraces the idea that post-conflict republic can only emerge after a transitional authoritarian
period in which the institutional foundations for stability are established (Wantchekon, 2004).
This tradition continued with Thomas Hobbes (1985), and includes contemporary “realist”
thinkers such as Samuel Huntington (1968), and even liberal advocates of the free market system
and minimal government such as Friedrich A. Hayek (1981). What these thinkers share is a
common belief that in desperate circumstances, wherein the dominant social and political
experience is one of ceaseless bloodshed and strife, it is sometimes necessary to have a strong
ruler wielding unchallenged authority in order to create the conditions for a “healthier” order to
emerge.

Not all unilateral actions by strong leaders are constructive. When the late Palestinian
Authority Chairman Yasser Arafat pursued the second intifada, refusing to offer a diplomatic
response to the proposed peace terms of Israeli Prime Minister Ehud Barak and U.S. President
Bill Clinton, he greatly exacerbated the conflict. The Machiavellian tradition struggles to explain
how to guarantee that the authoritarian redeemer is a republican or a liberal leader, a benevolent tyrant who stays in power only long enough to complete his historical task. Indeed, Arafat was neither a nation-builder nor a peace-maker in the Machiavellian mould (e.g., Jamal, 2006).

The “dictator” model cannot therefore sustain a peace process by itself. Indeed, the model is more of an alternative to negotiation rather than a model of negotiation itself. Nevertheless, the “dictator” model, when successful, makes negotiations more likely to succeed in future, regardless of the short-term costs of unilateral actions.

The “anarchist” model – domestic reforms

The “anarchist” model focuses on creating opportunities for conflict management by encouraging domestic political reforms within the two societies. Like the previous model, it aimed in the short term at managing the conflict within more constructive bounds rather than resolving it outright. However, instead of calling on the authority of a strong leader to impose a unilateral policy, it encourages each society to pursue its self-interest in a more stable fashion. Put differently, the “anarchist” model addresses the question, “How do we resolve the conflict?” by first asking, “How do we build a decent society in times of conflict?” If the “dictator” model aims to reshape the landscape of the conflict from the top down, the “anarchist” model hopes to do so from the bottom up. The term “anarchist” is not meant to imply social chaos, but to refer to a form of social order achieved without coercion. It draws on free market economists’ notion of decentralized authority as the means of solving collective problems. The basic idea is that an adequate framework of rules and institutions are a necessary condition for the transformation of ’social chaos’ to ’spontaneous order’ (e.g., Hayek, 1960). In a peacemaking context, “anarchy”
refers to domestic reforms within the rival societies have the potential to create opportunities for negotiation between them.

At first blush, an inward focus might seem indifferent at best to the prospects of peace between Israelis and Palestinians. However, the internal political ambivalence of both Israelis and Palestinians contributes to the conflict, chiefly by allowing well organized, religiously or ideologically motivated minorities to dictate terms to the rest of society. Israel’s settlement policy, for example, was born in a policy vacuum that Israel’s leaders refused to resolve regarding the future of the territories captured in the 1967 war (Gorenberg, 2006). Palestinian politics have been marred by ambivalence between democratic aspirations and Islamist autocracy, which has prevented Palestinian leaders from fulfilling their commitments to stop terror and end incitement (Rubin, 1999). Domestic reforms that improve the internal cohesion of each society, the rule of law and the accountability of political leaders may reduce extremism and the conflict it creates. Internal progress may also encourage optimism about diplomacy and the peace process.

On the Israeli side, reform would mean the creation of a new constitution that checks parliamentary power, resolves the tension between religion and the state, and accommodates Israel’s Arab minority. These reforms will more clearly establish the boundaries of Israeli sovereignty and help Israel explicitly identify its own interests and goals in a way it has not done since independence in 1948. On the Palestinian side, domestic reform means building public institutions and a stable and transparent administration while disarming violent groups and developing civil society. Reform should also create the foundations of a domestic economy that is less dependent on foreign aid and the wages of migrant labor.
Like the “dictator” model, the “anarchist” model is more an alternative to negotiation than a negotiation strategy. In particular, the “anarchist” model allows each party to improve its “no-deal option,” also referred to by scholars of negotiation as the best alternative to a negotiated agreement (BATNA). Paradoxically, by improving its own BATNA, each side can pressure the other to negotiate, since each knows the other can walk away more easily (Laz and Sebenius, 2006). Until recently, Israel’s BATNA was continued occupation, and the Palestinian BATNA was renewed violent struggle. By introducing its Basic Laws—a sort of quasi-constitution—in 1992, taking advantage of the Internet economy, and improving internal security, Israel improved its BATNA over the past two decades. By contrast, the self-enrichment of Arafat and his circle of former exiles did nothing to improve the Palestinian BATNA; indeed, by shunting grassroots leadership aside, they may have worsened it. Creating a stable polity and economy is therefore the first step to improving the Palestinian bargaining position—and, indirectly, to encouraging negotiations between Israel and the Palestinian Authority.

In addition, the experience of domestic reform in the “anarchist” model might create future opportunities for negotiations between the two sides. In Israel, improved relations between the Jewish majority and Arab minority might prepare the way for better relations with the Palestinian polity. On the Palestinian side, the Hamas coup means that domestic reforms in the Palestinian Authority—as well as negotiations with Israel—will have to be considered as a two-stage process, beginning in the West Bank and only later including Gaza. Still, a Palestinian society that is becoming more stable and prosperous may find it easier to make and honor commitments to Israel. If nothing else, the “anarchist” model will help ensure that if the peace process fails, the results will not be as catastrophic for either side as they have been in the recent past.
The “diplomat” model – official elite interactions

The third model, the “diplomat” model, is a process of negotiation among political elites, and is the dominant experience of the peace process as it has been conducted between Israelis and Palestinians. This model contains both Track I diplomacy and Track II diplomacy. Track I diplomacy is formal negotiation between official representatives of both sides, where controversies are tackled and agreements worked out. Track II diplomacy is unofficial bargaining and exploration between a wider circle of leaders and policymakers, usually intended to prepare and support Track I diplomacy. While Track I ultimately determines the fate of the peace process, Track II enables participants to share ideas more openly, to deal with obstacles that stand in the way of progress in Track I talks, and to communicate in the event that Track I is stalled or breaks down. The “diplomat” model aimed at conflict resolution and not merely conflict management.

The Oslo peace process, formalized with the Declaration of Principles (DOP) in August 1993 and a dramatic handshake between Israeli Prime Minister Yitzchak Rabin and P.L.O. leader Yasser Arafat on the White House lawn in September 1993, was an example of the “diplomat” model. The process was initiated through secret Track II meetings between a small group of Israeli academics and several PLO representatives, outside of the stagnant Madrid talks. When the initial progress was reported back to the political leaders on both sides, they allowed the negotiations to go ahead. After the signing of the DOP, Track I talks dominated, with summits convened between the top political and security echelon to address specific issues and problems,
though Track II cooperation continued alongside these talks (Savir, 1998). Though the agreements created a variety of committees to promote voluntary cooperation on specific issues, and a Joint Liaison Committee (JLC) to resolve disputes, most negotiations were held between a few representatives of each side at the highest level. The process illustrated two characteristics that enable the “diplomat” model to work effectively. The first is the political will of political leaders to advance a stalled peace process; the second is a constructive combination of Track I and Track II diplomacy.

However, the collapse of the Oslo process into the second intifada illustrated two key weaknesses of the “diplomat” model. The first is that negotiation among elites, whether Track I or Track II, does not recover easily from violent interference by extremists. When key leaders are assassinated, and civilians are killed by terror, even the most basic discussions become impossible. Attacks by Palestinian and Israeli extremists exacerbated the mutual suspicion of the two societies and made it politically difficult for leaders to pursue negotiations, much less final agreements. The second weakness is that the “diplomat” model does not involve the public in any substantial way, which is critical when ordinary people are at the heart of the conflict. Peace was never represented by public institution in the Oslo process, and therefore was never a political reality, much less a social one. Even supporters of the peace process lacked meaningful input into the negotiations, even at the Track II level. For many on both sides, the only available political postures were acquiescence or opposition. As terror attacks against Israelis increased,

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5 Indeed, the two leaders, Rabin and Arafat, though sworn enemies, seemed to be highly motivated to reach an agreement (e.g., Kelman, 1997).
6 The efficient combination of Track I and II diplomacy at the beginning of the Oslo process led to what was considered its most important achievement—namely, mutual recognition and the beginning of direct negotiation between Israel and the Palestine Liberation Organization. Ibid,183-194.
7 The JLC and other instruments created by the Oslo process were not public institutions but in fact extensions of the “diplomat” model of bargaining among elites. The JLC in particular was only meant to handle disputes as they arose. However, as Gershon Baskin (2007) notes: “The JLC that was established was simply incapable of resolving the disputes because it became the forum through which each side raised its claims against the other—not for the purpose of resolving the dispute but to ‘score points’ against the other side. When the breaches piled up so high the JLC ceased to function, as did most of the joint bodies that were formed through the agreements.”
and the Palestinian economic situation worsened, peace advocates on both sides wasted effort attacking each other.

Thus while the “diplomat” model is useful in preparing and carrying out negotiations between the parties, and might used with good intentions on both sides it is not robust enough by itself to survive the challenges of an intractable conflict like the Israeli-Palestinian case. It is a top-down process, unable to dictate reconciliation between two societies fundamentally at odds with one another. If the active approach of the “diplomat model” is to advance the prospects of resolution, it must be supported by other strategies as well.

**The “democrat” model – public, multiparty negotiating forums**

The fourth model is the “democrat” model, which uses public, multiparty negotiating forums to conduct negotiations. It is the bottom-up answer to the top-down approach of the “diplomat” model, equally active in its ambitions to resolve the conflict but relying on representative bodies rather than elite individuals to carry the process forward.

In the “democrat” model, all parties from both sides are invited to participate in a joint forum. A set number of delegates from each party may be appointed on a voluntary basis; alternatively, delegates may be chosen through democratic elections conducted by an independent election commission. The only firm rule is that the forum will exclude any party that has not ended or at least suspended efforts to achieve its political objectives through violence. The powers of the forum could be limited or expansive, and could change over time; its work can end as soon as the conflict is resolved, or it can continue to exist as a means for resolving new disagreements as they arise. What is critical is that it be seen as the legitimate representative of at least the mainstream parties on both sides, and that it discourages violence.
The “democrat” model was used successfully in the talks that brought about the end of apartheid in South Africa in the early 1990s, and which ended the “troubles” in Northern Ireland over the past decade. In South Africa, the government and eighteen other political parties came together in 1991 to form the Convention for a Democratic South Africa (Codesa), in which they publicly formalized negotiations that had been secret for several years. In Northern Ireland, the Forum for Peace and Reconciliation was created in 1994; the Northern Ireland Forum followed in 1996; and the Belfast Assembly was established by the Good Friday agreement of 1998 (McKittrick and McVea, 2002).

In neither South Africa nor Northern Ireland did the negotiating forums actually succeed in producing an agreement. In fact, these institutions failed, and did so repeatedly. The Codesa talks collapsed and were re-convened, only to collapse again. The Belfast Assembly was suspended for several years due to disagreements between the various parties, particularly on the decommissioning of arms by paramilitary groups. In both South Africa and Northern Ireland, violence continued alongside the talks after they had begun, threatening to undo past gains and return the parties to a state of open confrontation, the worst-case scenario.

However, these forums made negotiations more likely to succeed, for two reasons. First, they helped to de-legitimize violence, as rejectionist parties began to give up armed struggle, not only because other parties had united against violence but also because they did not want to be excluded from the political spoils slowly emerging at the bargaining table. As a result, over time, violence had less pronounced political consequences in both cases. The assassination of South African Communist Party leader Chris Hani in 1993, and the Omagh bombing in Northern Ireland in 1998, both threatened to end progress but ultimately encouraged all parties to renew their efforts to achieve a negotiated settlement.
The second reason that public, multiparty negotiating forums work is that they involve the public, at least indirectly, and therefore give ordinary people on both sides a stake in the success of the process. They help control the unintended consequences of negotiations—such as the fact that extremists may increase their attacks in an effort to thwart progress—and allow coalitions of moderate parties to form across national boundaries. In addition, they give the process a sense of reality that is lacking in the “diplomat” model. These advantages are anticipated by the work of Hannah Arendt, a critic of totalitarianism and also an early, passionate advocate of Jewish-Arab cooperation. Arendt, who followed a long scholarly tradition, argued that the law of unintended consequences was one of the most difficult problems human society has to solve in order to survive. Representative political institutions, she argued, provide a potent solution to the problem by providing the “space of appearance,” in which relationships can be affirmed and repaired (Arendt, 1998). In effect, public negotiating forums provide a “space of appearance” for the silent majority of civilians on both sides who wish to end the conflict.

The Oslo process created several joint committees, but did not create public, multiparty negotiating forums. This was partly because of over-reliance on economic cooperation as the mechanism to achieve reconciliation between Israeli and Palestinian societies, but also because of a reluctance to create shared political institutions when the ultimate goal of the negotiations was to create a political separation between the two nations. However, there is no reason a shared negotiating forum could not exist between two independent and sovereign states. There is a long tradition of federalism in both mainstream and revisionist Zionist thought that envisions some form of cooperation between two separate Jewish and Arab political communities, partly out of a realization that the two societies are too entwined—socially, geographically, politically

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8 Recent popular diplomatic initiatives outside the formal negotiating process, such as the Geneva Initiative of 2003 and the Ayalon-Nusseibeh plan, have attempted to include the public more broadly, which is a step in the direction of the “democrat” model, albeit informally (Golan, 2006).
and economically—to be totally separated (Gorny, 2006). Today, there is a surprisingly broad acceptance of the need for some form of political confederation between Israel and an independent Palestine, possibly including Jordan (Avesar, 2007).

Together with the negotiations provided for under the “diplomat” model, which are essential to shaping the substance of political agreements (and to creating a public negotiating forum in the first place), the “democrat” model could advance the possibility of successful negotiations. In addition, a public, multiparty negotiating forum could provide the institutional foundations for future cooperation between the two states in a federal arrangement that meets the needs of both peoples while respecting their independent sovereignty.

Conclusion

To recapitulate: in our discussion, we have described four different models for peacemaking and applied them to the Israeli-Palestinian conflict (see Figure 1, below). Two of them grow out of the “conflict management” strategy: one of these, the “dictator” model, focuses on political leadership, while the other, the “anarchist” model, begins with society on either side. The other two models pursue a “conflict resolution” strategy: the first, the “diplomat” model, involves bargaining between elites, while the second, the “democrat” model, uses public, multiparty negotiating forums.

Table 1. Interactive models of peacemaking

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Our central claim is that these four models should be regarded as complementary. The two "conflict management" models, which acknowledge the intractability of the conflict, also define the boundaries of the peacemaking discussion. In addition, they provide constructive alternatives to negotiation that reinforce the possibility of successful peace-making by improving the positions of both sides and strengthening both internal accountability and external openness to dialogue. The two "conflict resolution" models provide practical guidelines for the actual design of negotiations between Israelis and Palestinians. These suggest that traditional forms of Track I and Track II talks (the "elite" model) should be combined with public, multi-party negotiation forums (the "democrat" model) that could be regarded as new proto-federal institutions. Crucially, the “democrat” model—neglected thus far in the history of Israeli-Palestinian negotiations—also provides a basis for cooperation in a post-conflict era. The political and economic viability of the Palestinian state, and the management of complex issues that do not adhere to national boundaries, will require continued cooperation and negotiation between Israel and Palestine. Hermetically sealing one from the other is not feasible for either side. A joint negotiating forum could also support domestic reform in the two societies and assist the advance of human rights and democracy, as well as security, within the region.

In the intractable Israeli-Palestinian conflict, no recommendation can be a recipe for success. Our approach is perhaps best characterized as design for better failures over time. Nevertheless, the complexity of the situation indicates the need for a multi-faceted negotiating strategy that has the potential to limit the impact of failures in the short run and lay the foundations for a sustained peace process in the long run. The four models emphasize, in different ways, two critical issues necessary for any effective comprehensive approach to peace-making: responsible leadership (the “dictator” model and the “diplomat” model) and the
preparation of the opposing societies for a reasonable peace process (the “anarchist” model and the “democrat” model). To put it differently, peace will require both inspired leadership and the patient efforts of ordinary people. Hopefully, a multi-faceted approach to peace-making, incorporating all of the models we describe, can allow such leadership, and such efforts, to emerge and grow.

References


