

Unripeness and Conflict Management:
Re-Examining the Oslo Process and its Lessons
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Abstract

While the collapse of the Israeli-Palestinian peace efforts (the “Oslo process”), is usually attributed to the substantive dimensions of the negotiations, the interaction of domestic political factors or cultural issues, these explanations are misleading or, at best, incomplete. Instead, a detailed analysis demonstrates fundamental weaknesses in the negotiating process, structure and core hypotheses. As this paper demonstrates, the general assumption of “ripeness” in the Arab-Israeli relationship, in general, and in the Palestinian-Israel dimension, in particular, was incorrect. Critical transformative conditions, such as mutual understanding, and extensive confidence building measures, were absent throughout the Oslo period. Many of the core factors behind the conflict, including religious and identity issues, were largely ignored in the formal peace process. As a result, in the absence of ripeness and its various attributes, the permanent status negotiations that took place in 2000 were doomed from the beginning, regardless of the particular proposals that were made and responses (or the lack of such) during the discussions. Based on a better understanding of these process-based factors, the absence of ripeness among leaders and societies, and the resulting rejection of the compromises necessary for agreement, alternative approaches and negotiating structures must be sought. This paper makes the case that for the short-term, realistic Israeli-Palestinian conflict management efforts should focus on informal and indirect processes, and a structure of coordinated gradual unilateral actions.

Key words: un-ripeness, Oslo process, formal and informal negotiations, failure of transformation

**UNRIPENESS AND CONFLICT MANAGEMENT:
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Many of the analyses that have appeared following the collapse of the Israeli-Palestinian peace efforts (the “Oslo process”), and the escalating violence that followed, provide explanations based on substantive dimensions of the negotiations. These include the strategies, interests, expectations, and decision-making processes employed by both the Israeli and Palestinian leaders, as well as the interaction of domestic political factors and cultural issues. The intense debate continues on responsibility for the failure of the permanent status negotiations specified under the 1993 DOP, and conducted at the Camp David Summit, the Taba negotiations, and also in the various channels that operated before and between these formal efforts (Singer, 2002; Fox News, 2002; Malley & Agha, 2001; Shavit, 2001).

However, a closer look at the history of this period raises basic questions about the negotiating process, its structure and the core hypotheses. It is now very clear that the general assumption of “ripeness” in the Arab-Israeli relationship, in general, and in the Palestinian-Israeli dimension, in particular, was incorrect. Such ripeness is deemed to be essential for the negotiation of formal agreements and their implementation, specifically in the efforts to resolve protracted ethno-national and identity-based conflicts (Kriesberg 2001). According to the dominant models of conflict resolution, in the absence of ripeness and its various attributes, the permanent status negotiations that took place in 2000 between Palestinian and Israeli leaders were doomed from the beginning, regardless of the particular proposals that were made and responses (or the lack of such) during the discussions.

The absence of ripeness at the levels of both the elite leadership and the societies, and the resulting resistance to the compromises necessary for a comprehensive agreement, suggests that alternative approaches and negotiating structures should be considered. In particular, this paper makes the case that for the short-term, realistic Israeli-Palestinian conflict management efforts should focus on informal and indirect processes, and a structure of coordinated gradual unilateral actions.

“UNRIPENESS”: THE REASONS FOR FAILURE IN THE FORMAL APPROACH

The formal approach to resolving the Palestinian-Israeli conflict, as reflected in the Oslo process, as well as in the cases of Northern Ireland, Cyprus, and other “existence disputes” (Agid Ben-Yehuda and Auerbach 1991), is based on the assumption of “ripeness”. According to the standard theories of conflict resolution, conditions of ripeness – i.e., the ability to move from confrontation to compromise -- result from fundamental changes in the definition of interests, perceptions, psychological attitudes, and domestic political processes (Zartman 1989, Gross Stein 1989). In the language of game theory, the transformation from intense conflict to accommodation, mutual concessions, and agreement, is reflected in the movement from a zero-sum framework, in which gains for one party are losses for the other, to a positive sum framework (“win-win”) based on mutual gains and cooperation (Brams 1996, Axelrod 1984).

Changes in psychological attitudes among the parties to the conflict, at both the elite and societal levels, are essential elements in this transformation process. While leaders might, in some cases, be able to negotiate agreements based on compromise and non-zero-sum approaches, the implementation process and the maintenance of cooperative approaches over time require the active support from broad segments of civil society.

Analyses of peace-making and peace-building efforts in Northern Ireland, South Africa and other cases highlight the centrality of attitudinal change, with a particular emphasis on healing (Kriesberg, 1992; Bar-Tal & Bennink, 2001) and reconciliation processes involving broad sectors of society (Bar-Tal 2000, Rothstein 1999, Arthur 1999). These processes (under the framework of the “contact hypothesis”) are anchored in extensive and sustained dialogues and people-to-people contacts, both formal and informal. In this approach, the exchange of narratives is designed to break down negative stereotypes and to create mutual understanding, empathy, and “relationship building” (Kelman 1998, Maoz 2000, Lederach 1997, Saunders 1999).

In this context, Kelman (1999), Bar-Tal (2000), and others emphasize the mass socialization role of the media, educational systems and other mechanisms, and the necessity of transforming the messages conveyed by these institutions. Formal documents and treaties do not simply dissolve existing stereotypes, “negative constructions”, and the mutual delegitimation and denial of national identity between adversaries. (Kelman, 1987). Rather, as noted by the adherents to the reconciliation approach to peacemaking, “To change these unfavorable portrayals, a bottom up psychological process of change in perceptions and relations has to take place” (Maoz 2000).

In the case of the Oslo negotiations and framework agreement (the Declaration of Principles) signed in September 1993, the process of conflict transformation based on attitudinal change was widely perceived to have begun after a period of escalating conflict and changes in the balance of power in the region. According to this explanation, the Palestinian uprising, known as the intifada, that began at the end of 1987, created a high level of uncertainty and stress in both Israeli and Palestinian societies. The war with Iraq in 1991, following the invasion of Kuwait, added to the insecurity. For Israel, the use of ballistic missiles and the threat of chemical and biological warheads heightened the awareness of the dangers of regional proliferation, while the apparent defeat of Iraq by the U.S. weakened the PLO, which had embraced Saddam Hussein and thus isolated itself in much of the Arab world. Many analysts viewed changes in the PLO’s policies during this period as verification that “the goal of ending the Zionist intrusion gradually changed to become the establishment of an Arab Palestinian state alongside Israel” (Kriesberg 2001:376). At the same time, the Israeli consensus, which viewed the PLO as a terrorist organization, began to shift, and the prospect of “two state solution” began to gain support.

Under the conditions of a “hurting stalemate” that was widely seen to have developed on both Israel and the PLO, the U.S.-led Madrid peace conference was convened in October 1991. Following what was widely described as a period of “pre-negotiation” (Zartman 1989), the Oslo channel was opened and this led to the breakthrough agreement (Makovsky 1996, Steinberg 1995). At this stage, many analysts and policy makers declared that the conflict had become “ripe” for a negotiated solution, based on the transformation to a “win-win” outcome (Pruitt)1997. (In contrast, one year prior to the Oslo agreement, Richard Haass (1990: 47) declared that “the Middle East is not a dispute ripe for resolution” (Haass 1990)).

A decade later, following the breakdown of the Oslo framework, these assumptions were shown to have been incorrect, and the theories based on the concepts of ripeness, reconciliation, and healing are now seen to have been problematic and even tautological. Ripeness is invoked repeatedly by both academics and practitioners to explain the conflict resolution process, but its constituent elements remains highly abstract and subjective. The main psychological elements, such as mutual understanding, empathy, “relationship building”, and trust are difficult to measure consistently and meaningfully at the societal level. While Kriesberg (1987) has argued for disaggregating these concepts, and distinguishing between different thresholds of ripeness

for different activities in a generally linear model of conflict resolution, this approach does not resolve the basic methodological and conceptual difficulties of this approach.

Whether examined as a single package or a sequence of stages, the reports proclaiming the existence of ripeness following the Oslo agreements seem to have been the result of wishful thinking, rather than detached analysis. In retrospect, the failure of the Israeli-Palestinian peace efforts reflects, among other factors, the fundamental absence of such a “bottom up” transformation. Many of the dialogues and track-two discussions were conducted at the elite level or between academics, such as the problem-solving workshops conducted by Kelman, with little or no spill-over.¹

In addition, the limited “grass roots” people-to-people (P2P) discussions often involved small groups of like-minded individuals discussing narrow issues. In many cases, the emphasis on developing personal links between Israelis and Palestinians (particularly groups of students and young people) overshadowed the type of political dialogue that could lead to fundamental changes in the substantive relationship (Abu-Nimer 1993, 1999). In these frameworks, the role of the mediators and facilitators in such people-to-people exercises was based on models developed from individual and group psychology, with much lower emphasis on the political aspects of conflict transformation or the means to develop mutual understanding of conflicting group interests (Rothman 1996). Indeed, many facilitators referred to their function as “like that of a therapist” and designed to “involve and confirm individuals representing groups in conflict” (Montville 1993) by helping “to establish working trust” (Kelman 1991). Even when some political dialogue was involved, attitudinal changes regarding the conflict and stereotypes of “the other” were quite limited, asymmetric, and often temporary.² While detailed research has not yet been published, the evidence indicates that the dialogue process was also limited by the self-selection of many of the participants, meaning that individuals or groups that were already more inclined towards empathy and understanding were more likely to participate in such dialogues. Such groups were not representative of broader society and did not provide a firm foundation for broad spill-over effects, as became evident when the process collapsed.

At the grass-roots level, the emphasis on building individual psychological relationships overshadowed the need for focusing on shared societal and intercultural issues. While negative stereotypes and huge gaps in perceptions and narratives were well documented (Levinson 1995), the development and implementation of methods to create mutual understanding and to reconciling these gaps were largely neglected.³

On the Palestinian side, after 1994 and the creation of the Palestinian Authority, participation in people-to-people discussions required the permission of PA officials and, in particular, Hassan Asfour, one of the more militant members of the Palestinian cabinet, and became less frequent. As David Makovsky (2001) noted, “A key premise of the Oslo talks was that formal peace agreements would produce greater trust and security for both sides. But ... such trust has shown few signs of developing. ... Unlike Nelson Mandela in South Africa, Arafat refused to equate peace with reconciliation, thus gutting any hopes that a deal between governments could be transformed into a far more meaningful -- and lasting -- peace between peoples”. The pre-existing negative images and stereotypes held by both sides of the other were not altered, and may even have been reinforced.

Furthermore, one of the key psychological foundations considered necessary for the success of this process was largely absent. The dominant model, as developed by Montville and others, depends on “cathartic use of forgiveness” in which the victims of aggression and injustice forgive the perpetrators (Montville 1993). This was the basis for the “truth and reconciliation” process in South Africa, in which the definition and roles of victim and assailant were clearly defined and agreed by all the parties. Franco-German reconciliation after World War II is also frequently cited as an example of success using the reconciliation approach

(Ackermann 1994), but in this case, Germany was first defeated, occupied, and de-Nazified. Such a clear outcome is very unusual in international relations, and thus, this model is inapplicable to ethno-national conflicts in areas such as the Middle East. In addition, there was no question of German responsibility for the conflict and Holocaust.

In contrast, in the Israeli-Palestinian case, efforts to draw clear and widely accepted distinctions between perpetrators and victims are doomed to failure. Palestinians clearly view themselves and demand that others see them as the weak victims of Israeli strength and injustice, manifested by decades of “occupation” following the 1967 war. Similarly, the self-image of many Israelis is also that of victim -- in this case of Arab violence and injustice extending long before 1967 -- and as a weak minority surrounded by a much stronger and hostile Arab world.

As a result of this dichotomy, the Israeli leaders who negotiated the Oslo agreements, including Prime Minister Yitzhak Rabin, viewed the peace process as marking a new beginning, and cautioned against continued conflict over historic responsibility that would lead to continued deadlock and violence. (Some analysts claim that this approach was explicitly accepted by the Palestinians in the early phase of the Oslo negotiations (Rothman 1997).) Even among those Israelis who acknowledged the validity of parts of the Palestinian “narrative” and accepted some measure of Israeli moral responsibility for the plight of the refugees (largely revisionist historians such as Benny Morris (2001) and others), most rejected the simple dichotomy between Palestinian “victims” and Jewish aggressors. In this environment, the uni-dimensional models based on reconciliation and restorative justice were inapplicable to the Israeli-Palestinian context during the Oslo process.

Under these conditions, without any change in the mutual images or progress towards reconciliation, the very detailed interim agreements concluded in 1993, 1994, 1995 and 1998 became the basis for enhanced conflict. The meticulously negotiated clauses and hundreds of pages of precisely drafted annexes and maps, specifying many different aspects of the Palestinian-Israeli relationship, provided numerous new sources of disagreement over implementation.

This highly legalistic approach exacerbated the gulf in expectations and also emphasized the differences in both political culture and societal culture between the Israeli and Arab approaches (Hall 1959, Cohen 1990).⁴ The obligations that were included were often highly ambiguous, as in the case of the infamous “further redeployments” (FRDs) to undefined “specified military locations”; with respect to extradition of terrorist suspects; the complex and contentious security arrangements governing Area B; and in the case of repeated Palestinian pledges to end anti-Israeli incitement. As Israelis and Palestinians focused on claims of the other’s violations and the climate of relations remained very hostile, the “constructive ambiguity” in the Oslo agreements became destructive.

At the same time, the formal framework and sequence enshrined in the 1993 Declaration of Principles pressed the permanent status negotiations to the forefront. The DOP specified a five year (for confidence building) between the implementation of the first interim (Gaza-Jericho) agreement that took place in May 1994, and the end of the process, with agreement on borders, settlements, refugee claims, and Jerusalem. Although this sequence was stretched out to some degree, both Israeli and Palestinian societies demanded to know where this process would end before taking further incremental steps. Among Palestinians, despair over the absence of progress on the key issues pressure led to support for a unilateral declaration of independence (UDI). In Israel, Ehud Barak was elected Prime Minister in 1999, to a large degree, on the basis of his pledge to reach agreements on permanent within a year. This schedule was enshrined in the Sharm el Sheik memorandum of September 1999, and set the timing of the Camp David summit. (Thus, critics who blame Barak or Clinton for pushing an

unprepared Arafat into premature negotiations miss the point. The momentum and details of the Oslo process itself dictated the timing.)

Once these talks had failed, the beginning of the violence at the end of September 2000 marked the end of the limited efforts at societal transformation, and the absence of ripeness. The failure of the continuing talks at Taba and the escalating attacks confirmed the termination of the Oslo process. (The frequently repeated assertions tracing the breakdown to the events of early 1996, including the Palestinian terror attacks and the subsequent election of Benjamin Netanyahu as Israeli Prime Minister, confuse the symptoms of failure with the causes, which were manifest much earlier.) Although some discussions at different levels have taken place since then, based on the parameters of the Camp David and Taba negotiations, the absence of broad societal support for fundamental compromises that would mark an end to the conflict is absent on both the Israeli and Palestinian side. On the contrary, the violence of the conflict has revealed and reinforced deep-seated anger and hatreds, and the sense of broken promises and failed expectations illustrates the counter-productive outcome of the Oslo effort.

The results of the special Israeli election in February 2001, in which Ehud Barak was overwhelmingly defeated by opposition leader Ariel Sharon, reflected the rejection of continued concessions with the objective of reaching an agreement with the Palestinian Authority, headed by Yassir Arafat. While no elections have been held in the PA since 1996, public opinion polls and other indicators also reflect dissatisfaction with the outcome of Oslo. In other words, ripeness, conflict transformation, mutual understanding, and cultural dialogue is apparently still a long way off, and as a result, grand efforts to reach a “permanent status agreement” are unlikely to succeed for the foreseeable future. Instead, as will be discussed in further detail below, alternative approaches are required that are not predicated on “ripeness” and pre-existing reconciliation.

THE STRUCTURAL IMPACTS OF “UNRIPENESS”

The absence of ripeness and of catalysts for conflict transformation, particularly on the societal level, magnified the structural defects of the conduct of the Oslo process and contributed significantly to its catastrophic failure. Without ripeness and broad societal acceptance of a “win-win” framework, an interim process without clear agreement on the destination with respect to the central elements of “land” and “peace” proved unsound. In terms of land and territory, the Palestinians “understood” that the permanent status agreement would result in a return to the 1948-1967 armistice lines (known as the “pre-1967 boundaries”), perhaps with minor agreed adjustments, but this outcome was by no means clear on the Israeli side.

At the same time, the definition of “peace” also remained subject to intense disagreement, and from the Israeli perspective, the minimal requirement of security was not met. As Makovsky (2001) noted, “The Oslo framework was based on Arafat's promise to Rabin that henceforth all disputes would be solved peacefully. To this end, Israel helped create an armed PA, giving it the security apparatus the Palestinian leaders deemed essential to wage war against the Islamist extremists of Hamas”. From the beginning, Israeli critics of the Oslo process argued that a Palestinian state in most of the West Bank regions would become a failed state and, like Lebanon or Sudan, a base for terrorism and continued conflict. Instead of moving towards a relationship based on reconciliation, in which these concerns were addressed and mitigated, continued Palestinian suicide bombings and other attacks throughout this period reinforced and validated these Israeli fears. Indeed, the visible support that Yassir Arafat and the PA leadership gave to the use of violence for advancing political goals was seen as concrete evidence of the dangers of the Oslo process. Support for the counter-claim, based on the theory

that a viable Palestinian state would lead to the development of stable peaceful relations without terrorism, was increasingly difficult to maintain, and resulted in a halt to the transfer of additional territory to the PA, beginning in early 1996.

While reflecting Israeli anger and fears regarding the future of a Palestinian state, the Israeli response reinforced Palestinian views that the Oslo process would, in fact, not result in the contiguous sovereign state that they had expected. In the absence of a process of conflict transformation and ripeness, as described in the preceding section, the Oslo process reached an impasse. These difficulties might have been overcome in an environment of substantive transformative activities at the societal level, but, as noted above, efforts to create such an environment were seriously neglected.

The difficulties resulting from an atmosphere of deep mistrust were compounded by the concept of a “permanent status agreement” that was created in the Oslo talks and enshrined in the Declaration of Principles. This concept, and the five-year time frame that was established to reach this objective, were major sources of unrealistic expectations. Nothing in the relations between peoples and states can be considered permanent, and certainly, the promise that the parties to a bitter ethno-national and religious conflict could resolve all the differences and create a permanent peace in a period of five (or even twenty-five) years was counterproductive. At best, and under optimum conditions, mutual understanding and tolerance can only evolve slowly, and sudden transformations are rare and short-lived. The contradictions between the concrete interim measures and the terms of the uncertain permanent status agreement created unfilled expectations that exacerbated the tensions. Thus, in an environment of “unripeness”, the introduction of the concept of “permanent status” was a mistake from the beginning.

If there had been a means to bridge the uncertainties created by this structure, a network of confidence-building measures would have been central. Beyond the grass-roots dialogues and psychological approaches to reconciliation and conflict transformation discussed above, structural CBMs were supposed to provide the glue to cement the interim pieces together while working towards a comprehensive agreement. Such CBMs, along with the cultural dialogues discussed above, are necessary to create an environment for conflict transformation and to preserve cooperation in the face of crises, setbacks, and renewed violence. In contrast, without the creation of confidence between the parties, and a network of dependency relationships, any movement towards conflict resolution is not sustainable. The zero-sum perceptions, as well as the legacies of violence, war, and terrorism leave deep fissures and high levels of distrust, and CBMs (or in some cases, tolerance building measures) are necessary to overcome pressures that lead back to the old patterns (Saunders 1999, Lederach 1997).

Such measures constitute a central part of the post-Cold War conflict transformation paradigms, beginning in the mid-1970s (Macintosh 1993, Lund 1996:6 fn. 10), and were important components in the concepts within which the Madrid and Oslo processes took place. Academics, such as Lund (1996:41), Kriesberg (2000) and Zartman (forthcoming) emphasize the importance of such measures to promote reconciliation and inter-communal accommodation, and to transform the conflict into a situation conducive to stable peace while reducing the potential for re-escalation”. Examples include cooperative economic and environmental projects, natural disaster planning programs, track-two meetings and joint projects involving political leaders, journalists, educators, academics, military officers, religious figures, and businesspersons.

However, throughout the period of the Oslo process, the level of implementation of CBMs remained very limited, as documented in the report of the Mitchell Commission and other sources. Efforts to put cooperative projects into practice at the level of civil society in order to respond to shared problems, including water, the environment, etc., and also joint economic activities, were blocked by the political obstacles, particularly on the Palestinian side,

as noted above. While a number of mechanisms were developed in the area of security cooperation, including joint Palestinian-Israeli patrols (Heifetz-Yahav 2002), these were problematic, formalized and failed to produce much spill-over beyond the immediate activities. (The first casualty that signaled the opening of the violence at the end of September 2000 was an Israeli member of a joint patrol who was killed by his Palestinian counterpart (O'Sullivan 2000).) As in the case of people-to-people dialogues, Palestinian officials argued that substantive CBMs could only be implemented after a permanent status agreement is reached to end the conflict. The report of the Mitchell Commission (2001) emphasized the centrality of confidence building measures, and the degree to which the absence of such measures allowed for the creation of conditions leading to the outbreak of the wave of violence in September 2000.

ALTERNATIVE ROUTES TOWARDS MORE REALISTIC OBJECTIVES

Under these conditions, in the absence of ripeness and a foundation for societal reconciliation or conflict transformation, another cycle characterized by the failures inherent in the Oslo process would be worse than useless. Instead of repeating the mistakes of the past with additional formal efforts to negotiate detailed legal agreements, different processes should be sought that incorporate the more modest and realistic goals of conflict management, in contrast to the more ambitious goal of conflict resolution. As Richard Haass has noted, most intense ethno-national conflicts “are rarely amenable to solution and must be managed. At the heart of management is an appreciation of the limits of foreign policy and the risks inherent in ignoring them” (Haass 1990:1-2). Before the Oslo process began, Haass warned that the “frustration with ambiguity and unresolvable conflicts can lead to policies at best futile and at worst dangerous and counterproductive” (Haass 1990:4).

To translate conflict management into reality, a realistic approach based on the conditions on the ground, must be developed. In other words, before the complex issues that maintain this conflict can be tackled, the level of friction and violence must be reduced substantially. At this stage, before resuming discussions of mutual concessions and commitments on the core issues of refugees, Jerusalem, and borders, informal processes based on gradual unilateral reciprocal measures appear to be the best way to proceed. Such measures will not produce the grand ceremonies on the White House lawn or to receive Nobel Peace prizes, but in terms of substance, they are likely to prove more resilient.

In this context, it is useful to reconsider the concept of “gradual reduction in tensions” (GRIT), developed by academics such as Robert Osgood, during the height of the Cold War (Osgood 1962). Most models of conflict transformation accept the reality of an environment of intense conflict and distrust, but also includes the recognition by both parties that their vital interests and survival required some level of cooperation. In this prisoners’ dilemma situation, in which direct negotiations of compromise solutions are impossible, incremental unilateral measures to reduce friction and prevent unwanted clashes and escalation could be taken. Each such unilateral measure is chosen carefully in order to avoid misperception (either as a sign of weakness or as an indication of hostile intentions), and to invite reciprocal responses in kind. The overall conflict relationship is maintained via deterrence, but evolving “rules of the game” are designed to lower the chances of misunderstanding, miscommunication, and catastrophic failures in the deterrence relationship.

Instead of seeking to end conflicts which have flourished for decades, or even centuries, through a sudden and dramatic change in policies, this approach begins with modest efforts to alter the pattern of negative interaction based on suspicion, hostility, and distrust. As Axelrod has noted, cooperation can begin by introducing such elements in a reciprocal manner during a

“tit for tat” cycle (Axelrod 1984). Common interests and mutual interdependencies in specific practical areas are developed which make increased conflict costly and undesirable to both sides. As Haass and others note, low-level and low-risk confidence building measures are an important part of this reciprocal process. When direct formal negotiations are not likely to end in agreement, the task of diplomacy “is to prevent conflict from breaking out and to work toward the day when solution-oriented diplomacy can prosper” (Haass 1990:29). Precisely because these activities involve very little if any risk, the absence of “trust-based relations” (Mishal and Morag 2000: 524) is not a barrier to the adoption of this approach. Eventually, this process can help create the foundation for a political accommodation and beginning a process of conflict transformation through a path that is more realistic than the ripeness-based models discussed in the first section of this paper.

In the Cold-War context, particularly after the Cuban Missile crisis in 1962 brought Moscow and Washington to the brink of mutual annihilation, limited functionalist cooperation was the basis for considerable successes. On a number of occasions, the Kennedy and Johnson Administrations deliberately acted with restraint vis-à-vis the Soviet Union, and in some critical actions, the Soviets responded in kind. These gradual informal reciprocal moves were an important prelude to the beginning of the formal arms control negotiations that produced the SALT I and ABM treaties in 1972, and also helped to maintain this process from the collapse of détente in the 1970s and until the Gorbachev era (Steinberg 1983). When conditions changed, these highly ambiguous arrangements (described by George as “pseudoagreements”) (George 1983) were replaced by written arms control agreements.

This approach has also been applied in other areas of conflict, such as economic relations. Lipson notes that “Informality is best understood as a device for minimizing the impediments to cooperation, at both the domestic and international levels” (Lipson 1991:500). In addition, informal processes allow for greater flexibility, giving the parties the confidence that they will be able to change policies with relative ease in response to changing conditions. Tacit agreements are not seen as diplomatic precedents, so that cooperation does not necessarily imply diplomatic recognition, for example (Lipson 1991:501).

In the Middle East, a series of informal “understandings”, rules of the game, and mutual restraint has also been applied, with varying success, in the relationship between Israel and Syria after the 1974 Separation of Forces agreement. During most of this period, there were no direct substantive talks, and the deterrence relationship was managed indirectly, informally, and sometimes, via third parties to avoid misinterpretation. After the disruption of the 1982 Lebanon War, this relationship was restored a few years later, and contributed to the de-escalation of crises in the mid-1990s. (Indeed, it might be argued that the acceleration of the direct peace talks in 1999 at Shephardstown resulted in greater incentives to use violence in Lebanon, in order to increase the pressure for concessions, and also in terms of domestic audiences. This is another example in which, given the absence of “ripeness”, direct negotiations can be counterproductive.)

In a similar manner, the cooperative relationship between Israel and Jordan until the 1994 peace treaty was also based on informal “understandings”, although, in contrast to the other cases, these were negotiated directly in secret meetings (Klieman 1986). After the 1967 war, Moshe Dayan’s policy of “open bridges” and de-facto local autonomy for the Palestinians was also based, in large part, on informal arrangements designed to reduce tensions and conflict. These arrangements lasted until the late 1970s, and some elements continued until the outbreak of the intifada in 1988. While the limited lifetime of informal reciprocal arrangements in this and other cases illustrates that such approaches are not permanent substitutes for formal efforts to resolve conflict, this model is potentially more suitable than the plunge into formal direct negotiations, detailed treaties, and increased conflict over implementation.

In this context, and based on the overwhelming evidence that the Israeli-Palestinian relationship is not yet ripe for formal agreements on core issues, the informal and gradual approach based on unilateral reciprocal measures should be given increased consideration.

The first goal of an informal process would be to reduce the degree of friction left by the incomplete Oslo process and the long period of violence. No one will gain by returning to the pre-Oslo map and conditions, and the status quo left by the collapse of Oslo is also untenable. The swiss-cheese map and the intertwining of different areas of jurisdiction (Areas A, B, and C) and islands of Israeli or Palestinian control within larger areas controlled by the other side is an invitation to continuing violence and escalating conflict.

In this context, and despite the well-known limitations and difficulties, separation in some form is a necessary step towards reduction in tensions. In order to reduce friction, Israel can unilaterally reduce its presence in some areas (meaning that some settlements will be dismantled). This step would expand the areas under contiguous Palestinian control, allowing Palestinians to move between neighboring cities and villages without encountering Israeli forces. The process could begin in Gaza with the evacuation of small settlements such as Netzarim (or perhaps the entire Gaza strip), and also the small settlements near the major Palestinian population centers such as Jenin and Nablus/Shechem.

In response, and in order to sustain the process, the Palestinians must find ways to demonstrate that the transfer of additional territory will not increase the level of violence and terrorism. This will not be easy, and detailed consideration is required. Resumption of security cooperation could provide an important element of this process, although the modalities would have to be redesigned. Following the long period of violence and the distrust it has created, the reinstitution of joint patrols of Israeli and Palestinian security officials would require a major change in perceptions and attitudes. In the absence of credibility (another casualty of the failure of the Oslo process), words, in terms of negotiated agreements, will count for little, while actions and transparency will be of central importance. Agreement on the deployment of an "international presence" to verify implementation of security and anti-terror undertakings by the Palestinians (and, in order to provide symmetry, of Israeli undertakings on settlement evacuation) could reinforce these unilateral measures.

Under such conditions, and despite the absence of a formal agreement, the creation of a viable Palestinian state would not necessarily be seen as a threat, but rather as a step towards long-term coexistence with Israel. At a later stage, mutual recognition and the exchange of ambassadors would also build confidence, and strengthen the dynamism of this process.

Implementation of this informal and gradualist approach to conflict management is not easy, by any measure. In Israel, there will be strong ideological opposition to unilateral separation and dismantling of any settlements, including those in isolated locations without any historical or security significance, critics will claim that these measures reward and encourage Palestinian violence. Many Palestinians will also resist efforts to end the violence and develop informal cooperative relationships with Israelis. However, as the costs of the violence increase, and there is recognition that increased costs will not change the political relationship or provide any advantages for either side, a "hurting stalemate" situation may develop (or may have already been created) that will allow for this gradual transformation to begin.

Over time, perhaps a few years, or a decade or more, the environment will change, new leaders will emerge, and the last and most difficult steps towards an end to the conflict can be taken, requiring a return to the negotiating table and formal agreements. For this informal and gradual process to succeed, a great deal of patience and leadership is required, and both are in short supply in the Middle East. However, in the absence of "ripeness", the informal approach based on reciprocal measures appears to be the best available option.

Biographical sketch

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References

- Abu-Nimer, Mohammed (1993). "Conflict Resolution Between Arabs and Jews in Israel: A Study of Six Intervention Models." Doctoral dissertation, George Mason University.
- Abu-Nimer, Mohammed (1999). *Dialogue, Conflict Resolution, and Change Arab-Jewish Encounters in Israel*. Albany, NY: SUNY University Press.
- Ackermann, A (1994). "Reconciliation as a Peace-Building Process in Post-War Europe: The Franco-German Case." *Peace & Change* 19, 3:229-250.
- Agid-Ben Yehuda, Hemda, & Auerbach, Yehudit (1991). "Attitudes to an Existence Conflict." *Journal of Conflict Resolution* 35, 3:519-546.
- Arthur, Paul (1999). "The Anglo-Irish Peace Process: Obstacles to Reconciliation," in Robert Rothstein, editor, *After the Peace: Resistance and Reconciliation*. London: Lynne Rienner.
- Axelrod, Robert (1984). *The Evolution of Cooperation*. NY: Basic Books.
- Bar-Tal, Daniel (2000). "From Intractable Conflict Through Conflict Resolution to Reconciliation: Psychological Analysis." *Political Psychology* 21(2): 351-366.
- Bar-Tal, Daniel and Bennink, Gemma H. (2001, June 12-13). "The Nature of Reconciliation as an Outcome and as a Process." Paper presented at conference on Reconciliation, Leonard Davis Institute, Hebrew University, Jerusalem.
- Brams, Steven (1996). *Fair Division*. Cambridge: Cambridge University Press.
- Carnegie Commission on Preventing Deadly Conflict (1997). *Preventing Deadly Conflict*. NY: Carnegie Corporation of New York, 151-165.
- Cohen, Raymond (1990). *Culture and Conflict in Egyptian-Israeli Relations*. Bloomington: Indiana University Press.
- Fox News (2002, April 21). Transcript of interview with Dennis Ross.
- George, Alexander (1983). "The Basic Principles Agreement of 1992," in Alexander George, editor, *Managing U.S.-Soviet Rivalry: Problems of Crisis Prevention*. Boulder, Colo.: Westview Press.
- Gross Stein, Janice, ed. (1989). *Getting to the Table*. Baltimore: Johns Hopkins University Press.
- Haass, Richard N. (1990). *Conflicts Unending: The United States And Regional Disputes*. New Haven: Yale University Press.
- Hall, E.T. (1959). *The Silent Language*. New York: Doubleday.
- Hall, E.T. (1976). *Beyond Culture*. New York: Doubleday.
- Hazon, Yoram (2000) *The Jewish State: the Struggle for Israel's Soul*, NY: Basic Books
- Heifetz-Yahav, Deborah (2002). *From Fighters To Peacekeepers: Negotiating Relations In The Israeli-Palestinian Joint Patrols*. Ph.D. diss. Tel Aviv University.
- Kelman, Herbert C. (1991). "Interactive Problem Solving: The uses and limits of a therapeutic model for the resolution of international conflicts," in V D Volkan, et al, editors, *The Psychodynamics of International Relationships*. Lexington MA: Lexington Books.
- Kelman, Herbert C. (1998). "Social-psychological Contributions to Peacemaking and Peacebuilding in the Middle East." *Applied Psychology* 47(1): 5-29.
- Kelman, Hebert C. (1987) "The Political Psychology of the Israeli-Palestinian conflict:: How can we overcome the barriers to a negotiated solution." *Political Psychology* 8(3):347-363
- Kelman, Herbert (1999). "Transforming the Relationship between Former Enemies: A Social-psychological Analysis," in Robert Rothstein, editor, *After the Peace: Resistance and Reconciliation*. London: Lynne Rienner.

- Klieman, Aharon (1986). *Israel and Jordan: Coexistence Without Peace*. Tel Aviv: Maariv Publishing House.
- Kriesberg, Louis (1987). "Timing and the Initiation of De-escalation Moves." *Negotiation Journal*, 3(3), 375-383.
- Kriesberg, Louis (1992). *International Conflict Resolution: The U.S.-USSR and Middle East Cases*. New Haven: Yale University Press.
- Kriesberg, Louis (2000, August 5-9). *The Role Of Reconciliation In Changing Inter-Communal Accommodations*. Paper Presented at the International Peace Research Association Meeting, Tampere, Finland.
- Kriesberg, Louis (2001). "Mediation and the Transformation of the Israeli-Palestinian Conflict." *Journal of Peace Research* 38, 3:373-392.
- Kriesberg, Louis and Thorson, Stuart (Eds.) (1991). *Timing the De-Escalation Of International Conflicts*. Syracuse: Syracuse University Press.
- Lederach, John Paul (1997). *Building peace: Sustainable Reconciliation in Divided Societies*. Washington, D.C.: United States Institute of Peace.
- Levinson, Hanna, Katz, Elihu, & El-Haj, Majid (1995). *Yehudim VeAravim BeIsrael : Arachim Meshutafim VeDimuyim Hadadiyim [Jews and Arabs in Israel: Shared Values and Mutual Images]*. Jerusalem: Sikkuy & the Guttman Institute for Applied Social Research [in Hebrew].
- Lipson, Charles (1991). "Why are some international agreements informal?" *International Organization* 45, No. 4 Autumn.
- Lund, Michael (1996). *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*, Washington, D.C.: US Institute of Peace Press.
- Macintosh, James (1993). "Confidence Building Measures in Europe: 1975 to the Present," in Richard Dean Burns (Ed.), *Encyclopedia of Arms Control and Disarmament*, New York: Charles Scribners' Sons.
- Makovsky, David (1996). *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*. Boulder: Westview Press.
- Malley, Robert & Agha, Hussein (2001, August 9). "Camp David: The Tragedy of Errors," *New York Review of Books*.
- Makovsky, David (2001). "Middle East Peace Through Partition." *Foreign Affairs* March/April.
- Maoz, Ifat (2000). "An Experiment in Peace: Reconciliation-Aimed Workshops of Jewish-Israeli and Palestinian Youth." *Journal of Peace Research* 37(6):721-736.
- Ministry of Foreign Affairs, Israel (1999, September 4). *The Sharm el-Sheikh Memorandum on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations*, from <http://www.mfa.gov.il/mfa/go.asp?MFAH0fo30>.
- Mishal, Shaul and Morag, Nadav (2000) "Trust Or Contract? Negotiating Formal and Informal Agreements in the Arab-Israeli Peace Process," *International Negotiation Journal*, 5:3.
- Mitchell Commission [Sharm el-Sheikh Fact-Finding Committee] (2001). "Full text of the report completed on April 30, 2001 and published on May 20, 2001." Washington, DC.
- Mollov, Ben and Lavie, Chaim (2001). "Culture, Dialogue and Perception Change in the Israeli-Palestinian Conflict," *International Journal of Conflict Management*, 12:1 69-87.
- Montville, Joseph (1993). "The healing function in political conflict resolution," in Dennis J. D. Sandole and Hugo van der Merwe (Eds.), *Conflict Resolution in Theory and Practice*, Manchester: Manchester University Press.
- Morris, Benny (2001). *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-1999*. NY: Knopf.
- Morris, Benny (2002a, February 21). "Peace? No Chance." *The Guardian*.

- Morris, Benny (2002b, June 13). "Camp David and After: An Interview with Ehud Barak." *The New York Review of Books*.
- Osgood, Charles (1962). *An Alternative to War or Surrender*. Urbana, Ill.: University of Illinois Press.
- O'Sullivan, Arie (2000, October 5). "IDF considering ending joint patrols." *Jerusalem Post*.
- Pruitt, Dean G. (1997). "Ripeness theory and the Oslo talks." *International Negotiation* 2:91-104.
- Putnam, Robert D. (1988). "Diplomacy and Domestic Politics: the logic of two-level games", *International Organization* 42:427-460
- Report of the Carnegie Commission on Preventing Deadly Conflict (1997). *Preventing Deadly Conflict*, Carnegie Corporation of New York.
- Rothman Jay (1996). "Reflexive Dialogue as Transformation," *Mediation Quarterly* 13:4 345-52
- Rothman, Jay (1997). *Resolving Identity-Based Conflict in Nations, Organizations and Communities*. San Francisco, California: Jossey-Bass.
- Rothstein, Robert (Ed.) (1999). *After the Peace: Resistance & Reconciliation*. London: Lynne Rienner.
- Saunders, Harold (1999). *A Public Peace Process*. New York: St. Martin's Press.
- Savir, Uri, (1998). *The Process: 1,100 Days that Changed the Middle East*, New York: Random House (Published in Hebrew as *Ha'tahalich*, Tel Aviv: Yediot Aharonot Books).
- Shavit, Ari (2001, September 14). "End of a Journey." *Ha'aretz* (weekend magazine)
- Singer, Saul (2002, March). "Whose Fault was the Failure of Camp David?" *Jerusalem Viewpoints* 474. Jerusalem Center for Public Affairs.
- Steinberg, Gerald M. (1983). *Satellite Reconnaissance: The Role of Informal Bargaining*. New York: Praeger.
- Steinberg, Gerald M. (1995). "A Nation that Dwells Alone? Foreign Policy in the 1992 Elections," in Daniel Elazar and Shmuel Sandler, editors, *Israel at the Polls: 1992*. Lanham: Rowman and Littlefield.
- Wallach, John (2000). *The Enemy Has a Face: The Seeds of Peace Experience*, Washington DC: USIP Press
- Zartman, I. William (1989). "Prenegotiation: Phases and Functions." *International Journal*. XLIV:237-253.
- Zartman, I. William (n.d.). "Preventive Diplomacy: Setting the Stage" in I. William Zartman (Ed.), *Negotiating to Prevent Escalation and Violence*. Carnegie Commission for the Prevention of Deadly Conflicts, forthcoming, from (<http://www.ccpdc.org/pubs/zart/zartfr.htm>).

¹ In descriptions and analyses of elite dialogues and negotiations, the emphasis on developing cordial personal relations is often taken as a substitute for common interests, particularly in autobiographical material. For example, much of the literature on the Oslo process, written by the various negotiations and mediators, emphasizes the personal friendships that developed between the Israeli and Palestinians teams. The impact of these “friendships” later proved to be negligible. (Savir 1998) Later, Ehud Barak’s dinners with Yassir Arafat at the Israel Prime Minister’s family home and other such efforts had no discernable impact. Similarly, Montville (1993) cites Helmut Schmidt’s claims that his personal relationship with Brezhnev was central in transforming the relationship between the Soviet Union and West Germany. However, other analysts argue that interests, and not personal relations were the key factors.

² Despite the claims made for programs such as “Seeds of Peace” (Wallach 2000), when the violence and terrorism began, the evidence suggests that most links between Israeli and Palestinian participants disappeared. Anecdotal evidence was presented in interviews with camp participants broadcast “Innocence Lost” 60 Minutes, CBS News, October 28 2001.

³ For an important exception, see Molloy and Lavie (2001)

⁴ Mishal and Morag (2001: 524) present a parallel explanation regarding the failure of formal agreements, based on specific societal characteristics, in contrast to generalized explanations. Their model distinguishes between processes based on “trust” and “contract”, such that “negotiations between states whose foundations rest on a mainly hierarchical order will tend to be based on contracts whereas those between states exhibiting chiefly networked orders will focus more on trust as the basis for their relationship”. Thus, the networked social order of the Palestinians is seen as antithetical to the contractual framework embodied in the Oslo process, in contrast to the Egyptian case in which the hierarchical order was consistent with formal and detailed treaties. The utility of this model in explaining outcomes needs to be tested against other cases outside the Israeli-Arab conflict zone, as well in comparison to different analytical frameworks.