

# MANAGING GLOBAL CHAOS

## SOURCES OF AND RESPONSES TO INTERNATIONAL CONFLICT

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### Chapter 31

#### CASE STUDY

##### Mediation in the Middle East

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Since World War II, every U.S. administration has had to deal with the Arab-Israeli conflict in the Middle East. Over the past half-century, the conflict has proved to be a rich source of insights into the role of third-party official mediators in a complex, protracted, multiparty negotiation. In 1991, in order to cull these valuable insights, the United States Institute of Peace convened a study group composed of veteran diplomats, policymakers, and scholars to review the history of UN and U.S. mediation efforts and to extract practical lessons applicable not only to the Middle East but also to other peace processes that include official third-party involvement in the negotiations.

This chapter, which is an amended version of portions of the study group's report, considers the necessary elements of successful mediation in the Arab-Israeli conflict, examining the mediator's role in bringing about and sustaining peace talks, the effect of timing and ripeness on the success of the mediation, the challenges of building negotiating structure, the essential component of presidential engagement, and the importance of good intelligence to the mediator effort. The last part of the chapter contains key observations on the role of mediation throughout the whole negotiating process.

#### Necessary Elements for Successful Mediation

##### The Mediator's Role

A mediator is primarily responsible for finding ways around stalemates and for proposing compromise language to bridge conflicting positions; but a successful mediator of the Arab-Israeli conflict must also be in a position to provide incentives, assurances, and guarantees. The role of the a third party is as central to the history of the Arab-Israeli conflict as is the tradition that such a third party has a dual obligation. Both sides have expected and continue to expect a "mediator-umpire" to play an active role in resolving differences.

The history of British mediation during the mandate period was marked by both sides threatening the mediator with disruptive behavior—such as public protests, boycotts, civilian disturbances, or prolonged violence—if the petitioner's demands were not met. Each side expected the mediator to validate the righteousness and justice of its claims and to force the other side to acknowledge a new status quo. If a decision were not to one side's liking, it felt free to disregard the decision and to circumvent or disregard the decision maker whenever possible. U.S. mediators in the 1970s and 1980s were occasionally confronted with similar obstacles.

Although direct talks between parties symbolize mutual recognition, parity, and legitimacy, they do not ensure progress in the negotiations. Private, unpublicized face-to-face talks between Israeli and Arab officials have sometimes created a climate of better understanding, indicated areas of possible compromise, and even developed mutual trust between the participants. But more typically, direct Arab-Israeli talks without the presence of a mediator have been short and ineffective. A striking example was the disappointing outcome of Prime Minister Menachem Begin's bilateral meeting with President Anwar Sadat at Ismailia a few weeks after Sadat's historic trip to Jerusalem in 1977; the Ismailia meeting produced a

significant setback. Even so, Israeli leaders have consistently tried to avoid direct negotiations, judging them too politically costly if they do not remain secret. They risk personal and national isolation from their fellow Arabs for recognizing Israel and its claims “directly.” Therefore, Arab leaders have usually judged indirect talks through the United Nations, the United States, or others to be less politically dangerous.

The Oslo Agreement of 1993 between Israel and the Palestine Liberation Organization (PLO) was the first major achievement of Arab-Israeli peacemaking reached without a large component of third-party mediation. The Norwegian “good offices” role was important, but wholly non-substantive. Subsequent Israel-Palestinian agreements and the Israel-Jordan peace treaty were then completed with only marginal help from the U.S. mediators. However, the U.S. role as third-party mediator was critical in talks between Israel and Syria as well as between Israel and Lebanon.

Missed opportunities for talks between Arabs and Israelis have resulted from either or both sides being unwilling to risk—or unable to risk—domestic political upheaval or political, economic, and communal isolation. A mediator provides the political cover necessary for a leader who wants an understanding but who must defer to domestic politics or to inter-Arab political constraints. Israeli cabinet members also have often relied on U.S. mediators to present certain difficult positions so that the blame for accepting an unpopular compromise can be put on American “pressure,” not on their own government.

The history of mediating Arab-Israeli disputes provides a number of lessons about the mediator’s role. First, in this conflict, mediators must be prepared to take significant risks, including that of failure. A lot of brinkmanship is involved in successful mediation; mediators must be cautious but not nerveless. They must be ready to go beyond what the parties say the mediator’s role should be. Even though the parties (Israel in particular) will often remind the mediators that they are not participants and that their role is merely to bring the conflicting parties together, both sides actually do expect the mediators to play active roles, especially when an impasse develops.

This peculiarity of mediation of the Arab-Israeli conflict may apply more to American mediators than to UN mediators, although the overriding reason that the special representative of the UN secretary general, Gunnar Jarring, failed in his 1971 mediation effort was that he was overly cautious. Jarring might have achieved more had he pressed the Israelis harder and gone beyond simply conveying messages between the parties. He apparently lacked the necessary self-confidence to exceed the letter of his formal brief. Procedurally, his fastidiousness has a negative impact on the parties.

Jarring’s lack of success may also have reflected the inherent ambivalence of his position at that time as UN mediator. In contrast, UN Undersecretary General Ralph Bunche’s success in the 1949 armistice negotiations reflected U.S. confidence and support for the UN mediation effort and for Bunche personally. It is clear that if the great powers do not actively back the UN mediator’s mission, that mediator will achieve little. This is particularly true if the parties to the conflict sense any American hesitancy toward the mission. Moreover, as with any UN activity, the degree to which the United Nations alone can implement and sustain an agreement sets an outer limit to the direct leverage a UN mediator has available to bring parties to agreement. That leverage is likely to be sufficient only with a relatively few small nations; it is wholly inadequate among the Arab-Israeli conflict to go much beyond providing “good offices” on the part of the UN secretary general.

The second lesson is that mediators should facilitate, not dominate, the negotiating process. Mediators should not offer proposals without having consulted carefully with both parties in advance. Jarring violated this rule, as have others. As issues arise throughout the negotiations, mediators should remain approachable and responsive to each side’s concerns.

Third, mediators should be extremely wary of threatening to withdraw and leave the parties to their own devices. Understandably, mediators may assume that the parties will pay a price to keep them involved. In fact, however, the parties often have mixed feelings. Even while having to rely on outside mediators, they are never wholly comfortable with having third parties involved. They would sometimes welcome an excuse to end the negotiations rather than be forced to make difficult decisions.

Fourth, mediators cannot rush the parties to a conclusion. Deadlines are dangerous. Rushing governments into accepting a mediator's formula may risk collapsing the talks altogether. Proposing an early deadline can have two disastrous results: the parties' and the mediator's bitter disappointment about unfulfilled expectations, and the mediator's loss of credibility with the parties. Mediators must work patiently and persistently, realizing that their personal stamina alone often sustains the mediation process. Rarely are complex Middle East negotiations concluded quickly.

American representatives on the Palestine Conciliation Commission in 1949 believed that they could have an Arab-Israeli peace treaty signed and the Palestinian refugee problem solved within two months. Similarly, in 1983-1984, Special Middle East Envoy Donald Rumsfeld initially believed that he could quickly arrive at a solution. Such optimism is invariably unrealistic.

A fifth lesson is that mediators should understand and accommodate the particular negotiating styles of different leaders. President Assad might take nine hours of Tete-a-tete to make a very few points. A strategist and a tactician, he derives enjoyment from hearing new ideas and debating the issues. Prime Minister Yitzhak Shamir tended to listen rather than talk, and he disliked theoretical argument. Mediators tried to elicit responses from him in private, with his advisers not present. They were well advised to remain patiently attentive through prolonged periods of silence.

Prime Minister Begin often began and frequently punctuated his discussions with emotional references to tragic events in Jewish history. By recognizing that penchant, an informed mediator could use Israel's history to emphasize how vital a lasting peace could be for the Jewish people. President Jimmy Carter drew on this understanding at Camp David by personally inscribing photographs for Begin's grandchildren, a gesture that apparently moved Begin to soften his position on several issues in the waning hours of the negotiations. President Sadat disdained details. He concentrated on broad principles, leaving it first to Secretary of State Henry Kissinger and later to Carter, in effect, to negotiate details on his behalf. Carter, who insisted on acquiring a personal mastery of details, was ideally suited to undertake this role.

Sixth, a mediator must demonstrate a knowledgeable grasp of the history behind the issues. History weighs much more heavily on Arab and Israeli leaders than on Americans. Memories of past injustices, wars, and betrayals crowd and shape today's decisions. All parties fear being pulled by outside forces into a risky negotiating process whose end could be national disaster. Naturally, Middle Eastern leaders have a comprehensive grasp of their history that American mediators lack. They can also draw on better official records of earlier periods and can rely upon more continuity among the officials and diplomats dealing with the issues. Yet if Israeli or Arab leaders are to acquire any real confidence in a third-party mediator, that person will have to demonstrate real understanding not only of the issues, but also of the historical connections, underlying fears, and basic principles that shape the behavior of both sides.

Seventh, a mediator needs to be clear about the limitations on all the parties. The mediator should be able to convey effectively to each party an understanding of the frame of reference within which the other side is operating, plus the objective constraints that place limits on the other party's negotiating flexibility on specific issues. Kissinger, U.S. Secretary of State Cyrus Vance, and Carter all demonstrated this capacity very successfully.

## Timing

Arab and Israel leaders must have strong incentives to justify taking the political risks incurred by entering into negotiations. Moreover, negotiations have only succeeded at moments when the status quo seemed more painful or dangerous than a potential negotiated compromise, at least for some of the parties. A real or anticipated crisis can provide the essential catalyst to get them to the negotiating table. Breaks in the status quo, such as wars and regime changes, provide unique conditions for reviving a stalled negotiation or launching a new initiative.

Timing in launching negotiations is often decisive. The October 1973 war, Sadat's 1977 visit to Jerusalem, Israel's 1982 invasion and expulsion of the PLO from Lebanon, the outbreak

of the 1987 *intifadah*, and the 1991 Persian Gulf War all seemed to provide promising openings for American initiatives. Washington used each of those opportunities to position itself in a central role in the negotiations, to prescribe or circumscribe Moscow's role in a future negotiating process, and to pressure both Arab and Israeli leaders to try diplomacy one more time. In fact, however, only some of these situations were truly "ripe." For example, the comprehensive policy initiative launched attention away from Israel's invasion of Lebanon and back to peace negotiations over the West Bank and Gaza. It misfired, in large part because of bad timing: Neither Israel nor Syria would consider a broader agenda while the outcome of the Israeli gamble in Lebanon remained unclear.

In late 1973, Secretary of State Kissinger was able to choreograph the diplomatic process after the war because U.S. diplomacy has played a central role in defining how the war would end. Soon after Egypt and Syria launched their surprise attack on Israel, Sadat began signaling that he wanted contact with Washington. Israel desperately needed U.S. military and political assistance. Kissinger maintained close communication with both sides. When the war ended somewhat inconclusively (under strong pressure from the United States, the Soviet Union, and the UN Security Council), each side was ready to talk and see Kissinger assume the role of mediator.

Although Sadat's visit to Jerusalem in 1977 surprised Washington and threw Carter's comprehensive peace approach off stride, the Carter administration soon seized the opening presented by Sadat's dramatic initiative and embarked on the mediation efforts that ultimately produced the Camp David Accords and the 1979 Egyptian- Israeli peace treaty.

In 1988, Secretary of State George Shultz tried unsuccessfully to exploit the situation produced by the *intifadah* in the West Bank and Gaza by bringing Israelis and Palestinians together to negotiate the transitional arrangements originally foreseen in the Camp David Accords, with the addition of a tighter time frame. Most recently, the regional repercussions of the Gulf War, combined with a much weakened Moscow anxious to cooperate with Washington's approach, spurred President George Bush and Secretary of State James Baker to pursue energetically their goal of convening a broad-based Middle East peace conference in Madrid.

Attempting to predict the next major status quo shift is a futile exercise. Leadership changes in all the regional protagonists during this decade are, however, highly probable, and such changes might loosen some uncompromising negotiating positions anchored to historical ideologies. They might also harden them. For example, PLO chairman Yasser Arafat's replacement would not necessarily have rescinded the PLO Charter. Nonetheless, changes in leadership can offer outside mediators new opportunities. Yitzhak Rabin's election as prime minister of Israel in the summer of 1992 provided such an opportunity. Whether or not Washington is already actively engaged in the region at such moments, U.S. diplomats should be prepared. In this complex negotiating environment, diplomatic timing is crucial.

### Principles or Process

Putting together a negotiating process is almost as difficult as trying to negotiate the actual substance of a peace settlement. In this conflict, as in others, the parties see the procedural and substantive issues as fundamentally entwined. While mediators talk about procedure, or negotiating venue, or what the agenda might be, or how to finesse procedural road blocks (such as who will represent the Palestinians), each side is calculating how a particular procedure might affect the eventual substantive outcome. The mediator's objective is to achieve a peace settlement that safeguards the fundamental interests of all and that all parties can eventually accept. No particular process is intrinsically better than any other to achieve this end.

In this regard the United States has long endorsed several general principles that should be reflected in any outcome of Arab-Israeli negotiations. These are expressed in UN Security Council Resolution 242, with added emphases on safeguarding the security of Israel and on finding an acceptable way to provide legitimate national political rights for the Palestinian people. Washington's flexible approach to process should not be mistaken for flexibility in supporting these principles. Yet, in the last analyses, the U.S. interest is in achieving a genuine, durable peace. Whatever formula can be freely accepted by all parties that achieves that goal should satisfy the United States.

U.S. mediators have most successfully managed the dual task of facilitating and guiding negotiations by following a step-by-step approach, working toward a broad, long-term objective. Setting the goal as something broadly desirable for both sides, this approach has avoided putting parties at immediate loggerheads and deadlocking the mediation effort. Attempts by either the United Nations or the United States to resolve all major issues in a single conference or negotiating process have thus far failed.

## Presidential Engagement

Vigorous and continuous participation by the United States at the highest government level is essential for progress. Only when the president is active and when his personal involvement is obvious do the parties to the conflict take a U.S. mediation effort seriously. Only then do they seriously begin to consider possible outcomes. The prospect of U.S. mediation at the presidential level forces domestic debate on basic issues.

Presidents have successfully employed special envoys or senior diplomats for exploratory missions and for hammering out implementation arrangements after political agreements have been reached. But for handling the main issues, only the president or a secretary of state who enjoys the president's visible backing will suffice.

Although such an active role can divert a president from other pressing responsibilities, unfortunately no alternative route to success in the Middle East exists. To a certain extent, the culture demands that leaders must negotiate directly. All these regimes, including Israel's, are highly personalized. Kings and presidents meet often, sending personal emissaries if they have something private to convey. Foreign ministers generally count only as secondary players, though Moshe Dayan was clearly an exception, and professional diplomats are not given much weight. Furthermore, nearly thirty years have passed in which American presidents and secretaries of state have been personally involved in pushing forward sometimes very trivial issues inch by inch. This history cannot be erased. No Israeli, Syrian, Jordanian, or Palestinian leaders will believe the United States is serious about a major initiative unless the president himself is visibly involved on a regular basis. Only the secretary of state, if properly anointed (as in the cases of Nixon and Kissinger, Carter and Vance, Bush and Baker, and Clinton and Christopher) and if able to devote the energy and time, can substitute for the president in much of the detailed negotiation.

President Carter's enormous commitment of time and attention during the Camp David process and the treaty negotiation that followed gave rise to expectations about the role of future presidents that may be highly unrealistic; but the expectation is there just the same. Secretary Shultz's effectiveness on overall Arab-Israeli issues was seriously undermined by the perception in the region that Middle East peacemaking was not high among President Reagan's priorities. President Bush's frequent public underscoring of his strong concern about Israel's settlement policies provided clear evidence of his engagement in the substantive issues involved in any Arab-Israeli mediation effort.

## Good Intelligence

Timely intelligence can be critical to the mediator's work. Directing U.S. intelligence agencies to provide it often requires White House or National Security Council staff support for the U.S. mediation team, which underscores the need for an active presidential role. Mediators are at a great disadvantage if they must rely heavily on governments whose interests are directly involved for information about the actual circumstances on the ground. For example, in mediating the lines to which Israeli forces were to withdraw in Sinai, U.S. negotiators had precise data about the location of unexploited oil reserves in the Gulf of the Suez and their relationship to alternate possible withdrawal lines, as well as three-dimensional scale models of the passes and terrain in the Sinai. In fact, U.S. information was more accurate than that available to either Israel or Egypt.

American intelligence was indispensable to the success of Kissinger's shuttle diplomacy during the mid-1970s. Intelligence collection and dissemination during that critical period were effectively geared to the needs of diplomacy. No other period during the history of U.S. mediation has evidenced such superior intelligence targeting and analysis. It enabled Kissinger to avoid what would have been unsustainable agreements. During Carter's pursuit of an

Egyptian-Israeli agreement, intelligence products were also very useful, especially in preparing for the Camp David conference and during subsequent negotiations over the peace treaty. But "faulty" intelligence assessments too often characterized the 1980s. For example, during Ambassador Philip Habib's mediation missions in Lebanon, U.S. intelligence assessments were at times so misleading that Habib's team had to stop relying on them to any significant degree. Understandings based on inaccurate intelligence can quickly fall apart, leading to charges of bad faith.

Sometimes American intelligence has been led astray by misinformation deliberately provided by foreign intelligence agencies or, conversely, has been forced to rely excessively on foreign sources for dependable information because of the lack of reliable U.S. intelligence sources in the region. U.S. mediators have been embarrassed to discover in the middle of negotiations that they lacked a vital piece of information. A 1968 UN mission headed by U.S. Ambassador to the United Nations George Ball was made especially difficult because of a lack of reliable information from the parties involved. The UN group was seeking agreement from a number of Arab states and Israel on the interpretation of UN Security Council Resolution 242. U.S. negotiators who accompanied Ball on the mission knew that King Hussein and Israeli officials had been meeting directly, but the Israelis refused to acknowledge the meetings. The Americans were therefore forced to rely solely on Jordanian information about those meetings. Moreover, any message the U.S. negotiators might bring from the Israelis would be compared by the king to what he was hearing directly from the Israelis. This situation became untenable when the king displayed skepticism over a pledge the Israeli foreign minister expressly gave Ball to carry to the king because Hussein had already heard or understood it differently from the Israelis.

Although exchanging intelligence is a common practice among the intelligence agencies of friendly or allied nations, independently obtained and properly assessed raw intelligence is critical to a U.S. mediator's effectiveness.

## General Observations

The study group report also contained a number of observations on the larger text of peacemaking in the Middle East. These conclusions, although drawn from the Arab-Israeli experience, offer valuable lessons for U.S. mediation in other conflicts.

## Context

- Success in Arab-Israeli negotiations has come only at moments when the status quo was riskier or more painful than potential compromise, at least to one side. A real or anticipated crisis has usually provided the essential catalyst for the parties to come together. The timing of an initiative can determine its outcome.

- Direct talks between Arabs and Israelis are important symbols of acceptance and normalcy and are well worth pursuing. However, because of the wide historical and psychological gap between the parties, direct talks have not produced agreement unless a vigorous, creative, and persistent third-party mediator was involved.

- All comprehensive approaches to mediating this conflict have ultimately failed. Starting in the direction of a comprehensive settlement, however, has sometimes provoked serious bilateral negotiating. Success has come only in bilateral negotiations, and then only with a very active third-party mediator.

- Since 1967, the United States has been that essential third party, the only mediator able to provide credible incentives, assurances, and guarantees-- the necessary complementary elements outside the parameters of the negotiating agenda.

- Successful mediation required tedious, prolonged prenegotiation to achieve three goals. The first goal is to narrow the agenda, removing insolvable issues from the negotiating table, at least temporarily, thereby reducing the political risks for the parties taking part. When the agenda has not been narrowed in advance, negotiations have invariably failed. Second, narrow the list of active participants to those parties most driven to achieve some agreement. Finally, informally identify the general outlines of an eventual agreement, should formal negotiations succeed. Both sides must believe that they can produce an acceptable

agreement; if they do not, entering into formal negotiations may pose unacceptable political risks.

## Mediation Guidelines

- Involve the U.S. president directly. Only when the president is active and only when his personal involvement is obvious do the parties take a U.S. mediation effort seriously. Only the secretary of state or a high-level presidential emissary can be an effective surrogate for the president-- and then only if the president's hand remains clearly visible on the throttle.

- Concentrate on private meetings with top Middle East leaders. Each of these regimes is highly personalized, and foreign ministers do not make the final decisions, although they and senior aides can do important groundwork in exploring possible compromises.

- Choose a venue for negotiations that is conducive to an unpressured, informal discussion among participants when they are not in formal negotiating sessions. The setting should be sufficiently isolated to prevent unfettered media access to the negotiators.

- Try to base the mediating process on already accepted negotiating guidelines-- for example, Security Council resolution 242 and 338 and the Camp David agreement. Avoid creating broad new frameworks with untested or unfamiliar elements or terminology.

- Discuss concepts with top leaders until the shape of possible areas of agreement emerges. Tentative understandings may, nevertheless, evaporate. Verbal compromises made to bridge intrinsically irreconcilable positions are inherently fragile and subject to much renegotiation when committed to writing.

- Understand that no party will give up a hard-core principle, especially in advance of a real "end game." It may, however, agree to negotiate about how that "right" or principle might be exercised or applied.

- Consult privately with top leaders of all parties before introducing any significant new U.S. proposal. Public surprises will produce rejection and defiance, not flexibility.

- Avoid public rejection of U.S. ideas or proposals; such a rejection could preclude reintroducing any of these ideas in a different context. Yesterday's rejected idea can be, and often has been, part of tomorrow's accepted plan.

- Try to maintain maximum confidentiality while possible compromises are in play. If leaders want the mediator to succeed, they will protect the confidentiality of sensitive details, at least temporarily. Fewer premature leaks will occur if fewer key people are privy to the details.

- Avoid offering American interpretations for positions taken by other parties. The only reliable interpretations are those of the parties themselves. Above all, avoid giving private U.S. assurances to either side about anticipated outcomes.

- Refrain from characterizing any proposal as a formal "U.S. plan." It will immediately become a political target on which to vent frustrations or be used as an excuse for putting off difficult choices.

- Keep in mind that leverage or "pressure" is of little or no value until the negotiating process is well advanced and parties can "smell" agreement. Only when they fear losing a good deal that is within reach can the mediator's careful use of pressure facilitate the "end game." Pressure tactics are of no use and are likely to be self-defeating in the pre negotiation phase.

- Persevere, once a serious mediation effort has been launched. Tenacity and persistence are crucial to success, as is continuity. Don't pause long between mediation rounds; small openings will freeze over and unpredictable upheavals in the region will divert leaders' attention. Between top-level mediating missions, keep the ball in play through a trusted deputy negotiator.

- Keep Congress well informed about the progress of negotiations. Executive branch

consultations with key members of Congress should take place before, during, and after watershed moments in negotiations. These consultations can test the boundaries of congressional support and minimize congressional interference in the administration's diplomacy strategy.

### Dealing with Particular Parties

- Refrain from relying on any Arab leader to "deliver" another's support for a process or a position. Too often, such assurances cannot be carried out. However, general endorsements of a U.S. negotiating initiative by major Arab governments not directly involved can be very helpful.

- Do not become involved in internal Israeli politics, regardless of how tempting the prospect might appear. Deal straightforwardly with the government in office and focus on the prime minister as the ultimate source of decision making.

- Russia's primary interest (as was the Soviet Union's) is to be seen as playing a diplomatic role in commensurate with superpower status. This may be even truer today, when actual Russian influence in the region is at an all-time low.

- Russian or Western European leaders can only marginally influence the negotiating positions of either Arabs or Israelis-- but they can substantially complicate matters if they are not included in consultations throughout the negotiation process.

### The Future

As for the future of the Arab-Israeli negotiating process, history suggests that the United States will have to play multiple roles as catalyst, confidant, choreographer, and certifier for each party, regardless of the number of other mediators or sponsors involved in the process. Success will come in discrete, largely bilateral agreements, probably sequential rather than simultaneous. In this series of prolonged, multiple negotiations, the U.S. role will be demanding and crucial. Most of all, it will require a continuing commitment to diplomatic resources and presidential attention that will stretch over several years.