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Abdulsalam Muala

# Unlocking the Palestinian-Israeli Negotiations

A Critical Review  
of Contemporary  
Literature and  
Methodologies



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# Unlocking the Palestinian-Israeli Negotiations

A Critical Review of Contemporary Literature  
and Methodologies

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# Preface

Scholars and researchers have considered that the Palestinian-Israeli negotiations have reached a deadlock. There are a fair number of studies that have tried to explore the factors and reasons that led to. This study seeks to achieve two goals. First: to assess the methodology used by literature to evaluate and analyze the Palestinian-Israeli negotiation process based on the assumption that the methodology mentioned has involved a clear shortcoming given the narrow analytical framework that it had adopted while trying to evaluate the negotiating experience referred to. Second: to monitor the reflections of that shortcoming on the nature of the recommendations offered by the literature to remove the negotiating impasse, which is represented in the call to replace conflict resolution methodology with conflict management methodology and then to explore whether this substitution will facilitate a break from the negotiating stalemate and pave the way for a reasonable solution to the conflict, as those studies see, or it will only push the conflict into a state of negative inertia. The study reviews and analyzes the factors considered by previous studies as the reason why the negotiation process has become blocked; then study highlights other inputs that critically affect the outcomes of the negotiating process but were neglected by these studies. It then analyzes the implications of the replacement of conflict methodologies and explores the effects of that on the outcomes of the negotiating process. The study found that the analytical framework used by literature had been clearly deficient; this deficiency is plainly reflected in the nature of recommendations that have been called upon to replace the methodologies dealing with the conflict. These recommendations neither facilitating the process of reaching a solution to the conflict nor finding a solution to the negotiating impasse, but pushed them into a state of negative inertia.

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# Chapter 1

## Introduction



**Abstract** This chapter focuses on the conceptual framework of the conflict, a necessary step that paves the way to a deeper understanding of the case in question and leads to addressing the conflict in a better manner. This is done by reviewing the basic concepts directly relevant to this study as well as previous studies. The chapter begins with a background on the Palestinian-Israeli negotiations, and then reviews the concept of conflict, the concept of conflict resolution, the concept of conflict management, and, finally, the patterns of conflict. A discussion of the concept of conflict contributes to providing a comprehensive conceptualization about the conflict, its causes and how best to address it. Highlighting the concepts of conflict resolution and conflict management helps to clarify the differences between them and how to deal with conflict considering the trade-offs between them as well as to explore the shape of the relationship between each of them with the conflict. The analysis of conflict patterns helps in identifying the extent to which the conflict is responding to negotiating solutions according to the nature of the conflict.

**Keywords** Conflict • Conflict resolution • Conflict management • Patterns of conflict

### 1.1 Background on the Palestinian-Israeli Negotiations

After decades of harsh and protracted conflict in Palestine, the United States decided to invite the parties to the Palestinian-Israeli conflict to sit at the negotiating table to discuss the destiny of the conflict. The Madrid Peace Conference held in the Spanish capital in 1991 was the starting point for what has become known as the Arab-Israeli peace process, which has taken negotiation as a mechanism to find a solution to the Arab/Palestinian-Israeli conflict.

At subsequent negotiations and as a culmination of secret talks between representatives of the Palestine Liberation Organization (PLO) and the Israeli government that held in the capital of Norway, the two parties announced that they had achieved a political agreement in 1993.

The optimism that accompanied the signing of the Oslo agreement was not long lasting. Despite the relatively short period of time the parties needed to achieve that agreement, indications of disagreement between them started to emerge while they tried to apply the accord on the ground (Rynhold 2008). Therefore, that dilemma pushed the parties into detailed renegotiations on many of the issues agreed upon in Oslo and necessitated the signing of new conventions.

The negotiating option received a painful blow when the Israeli Likud party came to power in 1996. Benjamin Netanyahu, the new Israeli Prime Minister, worked diligently to freeze and sabotage the Oslo agreement by carrying out unilateral steps. He continued the policy of demolishing Palestinian homes and confiscating their land, imposing curfews on them, as well as continuing to build Jewish settlements in the occupied Palestinian territory (Shlaim 2016). Accordingly, it became clear to the Palestinians that the Netanyahu government (1996–1999) was not serious about the search for a political solution to the conflict on the basis of Security Council Resolution 242 (Land for Peace); additionally, the thought was that Israeli governments might be unwilling to do so future (Pundak 2001).<sup>1</sup> As a result, the negotiating process did not show any progress at all.

With the return of the Israeli Labor Party to power again in 1999, the Israeli Prime Minister, Ehud Barak, did not show enthusiasm for returning the negotiation process to its former state. Instead, he adopted a negotiating policy of maneuvering and procrastination. This was demonstrated by the continuation of settlement construction, the maintenance of military roadblocks in the occupied Palestinian territory, and the worsening of the economic situation, which pushed the Palestinian people to despair with respect to the negotiating process (Pundak 2001).

When the chairman of Israeli opposition party Ariel Sharon visited Al-Aqsa Mosque (Al-Haram Al-Sharif) in a provocative manner on September 28, 2000, the Palestinians realized that the Israelis had no desire to end their occupation of the Palestinian territories, then they soon launched Intifada Al-Aqsa against the Israeli occupation. Early 2001 witnessed the last attempt to break the stalemate in the Palestinian-Israeli negotiations through what so-called Taba talks, which held from January 21–27, but the two sides failed to reach an agreement (Matz 2003). At this juncture, experts and researchers considered that the option of negotiation aimed at finding a solution to the Palestinian-Israeli conflict had completely collapsed (Kelman 2005).

The Palestinian-Israeli negotiation experience acquires importance from three dimensions. The first of which reflects the growing interest in negotiation by States and rival groups as a mean of solving the problems arising between them (Maiese 2003). Secondly, it is difficult to separate the Palestinian-Israeli conflict from the international context and its influences from its very inception to the current moment (Kriesberg 2009). This has been manifested through the global dealt with the conflict (Yehoshua 2011, April 26), as the Middle East has been a great magnet for garnering the attention of the international political system (Shlaim 2016). Finally, the obvious deadlock that has accompanied the negotiating experience.

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<sup>1</sup>One of the Israeli architects of the Oslo Accords.

Previous studies have discussed several issues while trying to explore the reasons that have caused the deadlock that has arisen in the Palestinian-Israeli negotiating process. A fundamental question remains, however, about the reasons why that process has not achieved the assumed negotiating objectives so far.

Past studies have focused on the nature of the conflict and its characteristics as main inputs into their analyses. Certainly, these are important inputs and should not be neglected in any way. On the other hand, these inputs alone seem insufficient to form an analytical framework aimed at assessing the Palestinian-Israeli negotiating experience. In fact, other crucial factors and ingredients exist, which clearly affect the outcomes of the negotiating process. Unfortunately, they have been absent from previous analytical frameworks attempting to monitor and analyze the negotiating experience in question. However, the failure to take these into account has meant that the evaluation process is clearly flawed (Barqawi and Katchanovski 2013).

This issue is considered to be a cornerstone for attempting to assess the methodology on which past studies depended while trying to address the impasse of the Palestinian-Israeli negotiating process.

Needless to say, the exclusion of several considerations and factors with a clear impact on the outcome of the negotiating process by the previous studies has negatively impacted the nature of perceptions and recommendations made by them to exit the negotiating deadlock. These implications have been embodied in the call to replace the conflict resolution method that aims to address the root causes of the conflict with conflict management method, which focuses on the change of self-awareness, the political culture of the parties to the conflict, and their perceptions towards each other on the one hand, and towards the conflict on the other hand, so as to facilitate the process of reaching a solution (Aggestam 1999).

Conflict resolution method often leads to an end to the conflict, as it seeks to address the causes and deep roots of a conflict, but does conflict management method lead to the same outcome and how and why? Researchers have seen that through the method of conflict management many obstacles that make the Palestinian-Israeli conflict seem intractable will be overcome by altering the repertoire of the psycho-social infrastructure of parties to the conflict towards each other, as a first step in changing the relationship between them. Such a change remains a necessary condition for advancing the peace process, as it focuses on halting the violence associated with the conflict (Bar-Tal 2007). Likewise, the achievement of shifts in positions of the parties to the conflict will make them closer to each other and create a real opportunity to renew the peace efforts (Menkel-Meadow and Nutenko 2009).

However, other scholars are of the view that, in light of the Palestinian-Israeli negotiating experience, the methodology and clear objectives of conflict management can lead in an adverse way to the escalation of the conflict and make access to a solution seem elusive (Ben-Artzi et al. 2015). This is because the philosophy of conflict management is based on addressing the manifestations of the conflict and its side effects, not on the basis of addressing the underlying causes that have led to the conflict (Azem 2012b).

Arguably, the replacement of a method dealing with the conflict does not include a guarantee that will ease the access to a solution, and it may even accumulate

impediments that prevent it. Rather than speeding up the creation of conditions for a solution, the change in method may be a reason for postponing such access indefinitely. Unfortunately, conflict management does not address the root causes of the conflict but attempts to control its rhythm and prevent it from going towards escalation or violence.

Hence, examining whether this substitution facilitates the chances of a solution to the conflict or pushes it into a stalemate is necessary. It is also necessary to determine whether it will lead to the demise of the Israeli occupation, which is the most visible manifestation of the conflict or to the normalization of its presence as a dominant party.

## 1.2 The Concept of Conflict

It is of importance to identify the concept of conflict and to analyze its connotations as a preliminary step necessitated by the attempts aimed at analyzing and understanding the Palestinian-Israeli conflict and identifying the reasons for the failure of the negotiating processes that have tried to find a solution. Identifying the concept is a step that will help to remove the conceptual ambiguities and the dark areas that accompany both the subject of conflict and the negotiating process.

*The Dictionary of Civil and Political Terminology* defines conflict as “A social position that arises when two or more parties seek to achieve opposite or inappropriate objectives, and the conflict in international relations can be observed in the form of a war as a threat and as an actual reality” (Al-Jabali et al. 2014: 98). Lopez and Stohl (1989) opine that the concept of conflict represents a position in which two or more parties have incompatible objectives, values or interests, to the point at which a party’s decision about this situation is very bad, given the challenges that face a decision maker in light of the differing interests with the other party. This suggests that the concept of conflict reflects a result imposed by the incompatibility of structures and interests between the parties and leads to the creation of positional responses that reflect the main political problems (Badawi 1997).

According to Galtung (2000: 13), the principal founder the Oslo-based of Peace Research Institute, “When goals are incompatible a contradiction, an issue, is born”. Contradiction in the visions and the interests of parties to the conflict comprises, along with their attitudes and behavior, a conflict triangle through which Galtung has tried to elaborate on how the life-cycle of a conflict operates.

Burton (1993: 11) opines that “conflict describes a relationship in which each party perceives the other’s goals, values, interests, or behavior as antithetical to its own. Conflict embraces, first, the relationships between parties to a dispute, their perceptions and misperceptions, their shared and separate values, and their goals and motivations; and second, the political, social, economic, and institutional environment in which the dispute takes place”.

Wright (1951 as cited in Al-khazendar 2014) points out that sometimes conflict is used to refer to a collision or contradiction in principles, concepts, emotions or

objectives, or claim to entities or identities, and sometimes refers to the process of settling these contradictions. In his turn, Kazanský (2015: 44) noted that the conflict in its political dimension refers to “the clash of political subjects, who struggle to enforce their interests and goals usually aimed at gaining, controlling and distributing power”.

Gallo (2013) explained that conflict is a special pattern of order, through which complications emerge across a range of unrelated elements. The foregoing confirms that conflict is not an exception in the context of human relations but is a major and natural component of such relationships (Aggestam et al. 2015; Burton 1993; Lederach 2014) and that the emergence of conflict is not spontaneous but has obvious premises, reasons, and motives. Therefore, if the parties want to end the conflict, then attention must be paid to those premises, reasons, and motives, and they must all be treated. Otherwise, the efforts aimed at resolving the conflict will remain useless.

In fact, failure to take these into account will adversely affect the chances of success in reaching a solution to a conflict, give the conflict more complications and make a conflict less likely to respond to the efforts at a solution. Additionally, the images and backgrounds of the conflict are multiple and that a conflict can involve all those images at once, which makes attempts at finding a solution seems not easy, as that the obstacles that may prevent reaching a solution take many forms.

Along the same lines, the multiple sources of a conflict that involve clashing material interests, diversity in identity, ideological variance, stereotypes and prejudices require a deep understanding of conflict so as to deal with it effectively (Lyamouri-Bajja et al. 2012).

### 1.3 The Concept of Conflict Resolution

Those interested in conflict issues have begun to think in a way that helps avert the ravages and destructive consequences of war by focusing on efforts to find solutions to existing conflicts, where it has been found that the cost of an armed clash between two forces might be costly for both as well as cause damage to other parties given the lack of capacity of the parties to end the conflict in a conclusive way. The means that there is no victor in such a war and that no one will be spared from its horrors.

Consequently, the parties to the conflict find themselves motivated to adopt mechanisms that help in finding solutions for their common interests. Wallensteen (2015) believes that the solution to a conflict would mean joint work among the parties to solve a central problem that creates enmity between them, and one requirement for a solution is the acceptance of each party of the existence and the survival of the other party, accompanied by mutually stopping all acts of violence between them. Burton (1990), Fisher (1990), Kriesberg (1992) consider that conflict resolution is a political process through which the parties to the conflict aim at eliminating the reasons that create a state of mismatch between them and make their objectives and interests appear contradictory so that the process creates a state of compatibility between them.

Conflict resolution aims not merely to resolve the immediate social conflict, but also to recognize insights into the dynamic nature of the problem and thus to address the root causes and sources of a conflict (Burton 1993). The purpose of this approach is to help the parties involved in the conflict to understand the needs of the other parties and the sources of conflict perspectives and to work to find radical solutions to issues (Al-Smadi 2009–2010). In other words, the efforts to resolve the conflict aim at finding a consensus between the parties, so that a compromise is reached based on sharing the benefits and costs between them and that the solution does not favor one party over the other.

Laue (1991) opines that a solution to a conflict between the two parties become a reality if the agreement has realized their common interests and needs and when the agreement is not based on compromises of the values of any party because the basic values of the parties are non-negotiable. In the meantime, the parties should not retreat from the solution reached, even if they have the power to do so in the post-settlement phase. This is a situation that reflects the willingness of the parties to reach a solution and then, in turn, their willingness to create the conditions and reasons necessary for their sustainability.

According to Miller (2005: 25), conflict resolution is “a variety of approaches aimed at terminating conflicts through the constructive solving of problems, distinct from management or transformation of conflict”. From his turn, (Manning n.d.) articulates that the concept of conflict resolution has many interpretations, but fundamentally the process is aimed at resolving or ending the conflict that can include multiple methods, including the use of violence and war. Pillar (1983 as cited in Høglund 2001) considers that using military means in a conflict would contribute to the acceleration of the process of reaching a solution, as that the use of violence can force the parties to the conflict to avert the high costs of its use. Therefore, the parties start to determine whether to continue a violent clash between them or whether reaching a reasonable, non-violent solution is more profitable. In the same vein, Gallo (2013: 156) pointed out an “important fact that is too often disregarded is that a conflict does not end simply when violence is stopped or when a satisfactory compromise between the parties is signed”.

The above mentioned shed more light on the nature of the reactions between and among rival groups or states and show variance in alternatives that they could use against each other. Chomsky (1994) elaborated that conditions in international relations are too varied to the extent to which it is not easy to find a theory to apply uniformly. This harmonizes with the vision that considers that the discipline of International Relations suffers from an obvious lack of theoretical agreements – a “divided discipline” (Holsti 1985).

The matter provides motivation for debate on conflict in the context of international relations and for an exploration on how that influences the efforts aimed at searching for a solution to a conflict. There are two main approaches in international relations, the Realist and the Idealist. Realism as a trend of thought focuses on the competitive and conflictual nature of international relations (McGlichey et al. 2017).

Consequently, international relations will reflect “a struggle for power and a quest for survival, which results in a condition of permanent conflict between States without

any possibility of evolution or progress” (Fernandes 2016–2017: 14). A situation that appears to be acceptable by most political scientists and diplomats. Therefore, it seems to be easy for a state to adopt a centric vision towards world affairs (Nye and Keohane 1971).

On the other hand, “idealism considers it possible to build a world of peaceful coexistence, prosperity and well-being, achieved through cooperation and based on values and aspirations shared by humans” (Fernandes 2016–2017: 14). Accordingly, when the efforts aimed at finding a solution to a conflict face an obstacle, this indicates that the idealism perspective is totally excluded from consideration.

The foregoing brings a focus on the differing philosophies of the concept of conflict resolution by affirming that the mechanisms for a solution are not limited to merely peaceful means. This proposition runs counter to the initial impression that may come forward when thinking about the meaning of the concept. If that is the case, then using only peaceful means to reach a solution to the conflict may be a reason for not reaching it in principle because one of the tools that may facilitate access to a solution is essentially neutralized. Hence, this proposal offers a vision that links between the use of coarse means and the goal of reaching a solution to a conflict.

However, some researchers believe that conflict resolution constitutes a substitute for the risks and threats involved in an unsolved conflict. Therefore, this method focuses heavily on the means and mechanisms that help accomplish that solution. Similarly, Hill (1982) elaborates that the concept of conflict resolution as a special knowledge field emerged during the 1950s and 1960s, which witnessed the peak of the Cold War between the polarized international forces representing the United States and the Soviet Union, when the potential for nuclear conflict between those forces seemed to threaten the survival of humanity.

In light of the above mentioned, the risks associated with conflict may push the parties towards a search for solutions. Thus, the chances of finding a solution to a conflict are linked to the degree of risks involved by an open conflict. This makes the costs of the alternative opportunity for conflict resolution have a role in determining the fate of the conflict and whether it would be geared towards resolution or deadlock. The parties to the conflict will be interested in reaching serious solutions if the risks associated with the continuation of the conflict are high, so as to avoid the damage they may cause. For that reason, if a party to a conflict does not face high risks in the event that the conflict remains open, then reaching a solution seems precluded. In the case of the Israeli-Palestinian conflict, the Israelis seemingly do not face high risks in case of not reaching a solution to the conflict, and this is why Israel is lagging in reaching a solution.

Regarding how it is possible to resolve a conflict, Lederach (2014) calls for transforming a conflict, claiming that conflict transformation represents a crucial step that paves the way for finding a solution. Additionally, he elaborates that the approach aims at understanding the core of the conflict as embedded in the broad context not in isolation. The matter requires promoting constructive change between the rivalries through dialogue (Lederach 2014). Conflict transformation focuses on reducing violence and preventing the escalation of a conflict, while seeking to find just solu-



tions that satisfy both the parties to a conflict. “On the other hand, this approach goes beyond negotiating solutions and builds toward something new” (Lederach 2014: 36).

## 1.4 The Concept of Conflict Management

Conflict management method has emerged in the context of attempts to deal with the conflict and to control its movement considering the failure of the conflict resolution method to reach the wanted solution that gains the acceptance of the relevant parties. Tanner (2000) finds that the concept of conflict management is relevant to the limitation, mitigation and containment of a conflict but without seeking to resolve it necessarily either. Zartman (1997b) sees that conflict management means the elimination of violence, the relevant acts, and leave dealing with the conflict to the political level only.

Others have shown that the conflict management means the ability to recognize the conflict and deal with it in such a way as to mitigate tension in the feelings of the parties involved, strengthening of relationships among them, and providing opportunities for the growth of creativity and joint action in a way that reduces the opportunities for conflict to be occur. It also includes addressing the conflicts that emerge and containing the armed confrontation through appropriate interventions (U.S. Department of Interior 2010).

The purpose of the conflict management approach is to assist the parties to a conflict to reach a situation in which each party refrains from engaging in conduct characterized by violence and hostility towards the other side. It does not focus on the sources of conflict, as much as on the behavior of the parties to the conflict, and usually, this method is used to reduce the degree of hostility and complications in the conduct of the parties to a conflict, so that an appropriate point is reached to target the sources and themes of conflict, such as the pursuit of a ceasefire between two parties fighting (Al-Smadi 2009–2010). Conflict management aims to use non-violent means to deal with a conflict through compromise or through third-party assistance that seeks to facilitate access to settlement or resolution (Manning n.d.).

Conflict management has three patterns. One of these is unilateral actions, which are carried out by one of the parties to the conflict and through which one party tries to prevent the other party from initiating the escalation of violence. Second, joint action in terms of formal and non-formal conduct by both parties to prevent or control violence through joint coordination. Finally, there is the external role. This belongs to a third party comprising a super-power, an active regional player, or international organizations seeking to intervene in the conflict to prevent violence or work to control it (Bar-Siman-Tov 2007).

Conflict management deals with the realities of the conflict as it is, and in the way that these realities are imposed on the ground. It does not seek to alter or influence these realities to facilitate a solution. Instead, it tries to normalize the relationship between the parties to the conflict and to reduce the levels of violence or the possibility for armed clashes between them to the lowest degree.

This is done in the context of the recognition of the sovereignty of such facts, which means that no serious steps are being taken to end the conflict because conflict management is not basically trying to approach the causes that led to its eruption, does not try to study or analyze the conflict to better understand it, or how it should be addressed. Therefore, conflict management seeks to maintain and not to exceed certain levels of a conflict, which indicates that its work is aimed at preventing the development of the conflict by keeping it as dictated by the facts present on the ground. This is an endeavor that Aggestam and Björkdahl (2011) have described as a freezing of conflict, whereby a state of tranquility and peace is created, but without actions to resolve the conflict.

Accordingly, and because a feeling exists that the concept of conflict management today reveals certain topics related to conflict and not all of them, and in light of how the topic is actually dealt with. Azem (2012a) calls for a redefining of conflict management terminology, launched from a viewpoint that theoretical bases of mechanisms dealing with conflict including conflict management are absent. Additionally, besides the common connotations of conflict management like the containment of a conflict, preventing its violent manifestations, settling it, and resolving it, a real need exists to develop the concept to encompass other domains like escalating a conflict, creating it, complicating it, and preventing it to be resolved as partial topics involved by conflict management.

## 1.5 Patterns of Conflict

Conflicts take different forms and vary according to their nature and characteristics (Bar-Tal 2007). This means that several levels and types of conflict can exist. Therefore, the multiplicity of conflicts that exist require the presence of multiplicity in criteria needed to classify them. Scholars have classified the conflicts into two categories according to their responsiveness to the negotiating of a solution. The first of which has been seen as easy and simple (conflicts of interests). The second is that one party views the other party as difficult and complicated (conflicts of values and basic needs). Accordingly, the first category responds to negotiated solutions, given its nature, and the second as a deep-rooted is considered non-negotiable because of its thorny nature (Burton 1993; Durojaye et al. 2013). These requires taking into account the nature of a conflict, as well as its particular characteristics while trying to analyze and assess it. According to Galtung (2009: 125), Analysts usually commit a major mistake when considering only the first type of conflict. “If the task of conflict analysis is to help understand the future better, then, conflict analysis has to include both types”.

### ***1.5.1 Conflicts of Interests***

This type of conflict responds to efforts aimed at reaching a negotiated solution based on the rule of sharing the gains and costs between the parties to the conflict. This is aided by the fact that the nature of the conflict serves the objective of reaching an appropriate solution, as it revolves around material sources (Druckman 2005) such as a border conflict between two existing entities, or their respective quotas in bilateral projects, the amount and volume of interests or gains they have in common issues, or the quest for power-sharing in a region.

Fisher et al. (1991) call for focusing on interests, not on positions in negotiations. A tactic, that eases the reach for a solution since interests are easy to be negotiated because the conflict is not about one of the major values such as the land, identity or existence.

In the view of Al-Jabiri (2015), a conflict of interests seems reasonable, meaning that its causes can be identified, absorbed and addressed. And therefore, arguably this type of conflict responds to rational treatment efforts by responding to the minimum requirements of the balance of interests.

Nye and Keohane (1971) opine that normal conflicts about resources, interests, and goals are negotiable and that a compromise is possible within the existing balance of power between the parties. “This assumption is met in situations where the conflict is over distributable resources, the actors are nation-states, and there is a third party with adequate leverage over the disputants” (Rouhana and Kelman 1994: 157–158).

Therefore, the effectiveness of negotiation as a method of conflict resolution seems to be linked to a range of conditions and determinants. This points out that a negotiated solution is not inevitable but remains a potential option for use under specific conditions and without affirmative imperative results (Lewicki et al. 2010; Pfetsch 2007; Zartman 1997a, b). In another way, shortcomings accompany negotiation as a potential option regarding issues that are negotiable in nature how if the question under discussion does not respond to the principle of negotiations basically. Accordingly, Zartman (1995) articulated that most conflicts today tend to defy the negotiating solution.

### ***1.5.2 Conflicts of Values and Basic Needs***

A conflict of values and basic needs is a pattern of a zero-sum conflict or an existential conflict in which the scramble between two parties revolves around their own existence, so that the presence of one of them will inevitably be at the expense of the existence of the other party, and such conflicts cannot be resolved by negotiation because they belong to the category of conflicts of basic values and needs (Galtung 2000; Kelman 2007). Coleman and Deutsch (2015: 67) elaborated that “Issues that seem vitally important to a person such as one’s identity, security, selfesteem, or reputation often are experienced as being non-negotiable”. This is because it is unreason-

able to subject the issues of existence, identity and the future of a group of people to fragmentation, sharing, and bargaining, as a reflection of the concept of negotiation.

Such a pattern of conflict is called a pure conflict, which occurs when the parties to the conflict espouse rigid positions and reject waivers of what they consider to be vital interests, a situation in which opportunities to meet the common interests of the parties disappear (Alfredson and Cungu 2008). In such conflicts, the scramble reaches the highest level of contradiction between them, which is reflected in the nature of the conflict on the one hand, and the chances of a negotiated solution on the other. It is difficult for this type of conflict to respond to efforts that aim at finding a solution because the protagonists do not have a willingness to bargain around the issues of existence, values and basic needs (Druckman 2005).

Needless to say, understanding why and how a conflict might occur cannot occur without also understanding the deprivation of the basic needs of a group of people that they are seeking to fulfill. Galtung (2000) opines that some conflicts occur because of the threat to basic human needs, and for that reason they are non-negotiable. He considers them different from place to place, and over time. Accordingly, Galtung divided them into four classes: survival, well-being, identity, and freedom.

“One line of thought that slowly developed in the 1970s arose from the revival of interest in the idea, originally developed by Abraham Maslow, that all human individuals possessed a number of basic needs and that the frustration of these needs would lead to conflicting behavior and even to organized (or disorganized) violence” (Avruch and Mitchell 2013). According to Abu-Nimer (2013), a basic human-needs framework provides vital principles that ease the achievement of a solution in intractable deep-rooted conflicts. The framework relies on the vision that the deprivation of human needs causes the eruption of a conflict. Consequently, reaching a solution requires to engage in a process that leads to fulfilling the basic human needs of the parties to the conflict equally.

In view of this, conflicts on values and basic needs are considered intractable (Bar-Tal 2007; Burgess and Burgess 2016). In fact, many factors influence a conflict and determine to extent to which it may respond to the efforts seeking to resolve it (Ross 2014). Identifying and highlighting these factors help to better understand conflict trends and provides researchers with reliable tools to analyze a conflict better and to enable them to anticipate the tracks of the negotiating process aiming at finding a solution to.

## 1.6 Conclusion

This chapter drew a conceptual road map that would pave the way to analyze the Palestinian-Israeli conflict, an inevitable step to approach the Palestinian-Israeli conflict and the relevant negotiating process correctly. On that basis, the analysis of the concept of conflict was a necessary entry point for identifying the reality of the conflict for the case at hand, its nature and the grounds for its resurrection, and then identifying the most feasible approaches to addressing it. In the same vein,

the definition and characterization of the concepts of conflict resolution and conflict management were a complement to the effort to build the aforementioned map. This highlighted both the conflict resolution and conflict management methodologies and identified the differences between them, the nature of their work, and their role in the efforts aimed at resolving the conflict or at least to mitigate its manifestations. All of which will help to explore the methodology most suited to the efforts aimed at finding a solution to a conflict. The concept of conflict resolution concerns endeavors to find a solution for the causes of the conflict, which means that the effort used by this methodology addressed the deep-rooted nature of the conflict.

Accordingly, these efforts lead mostly to a solution to a conflict if the parties have the will and goodwill. In contrast, the conflict management methodology is preoccupied with addressing the manifestations of conflict and trying to prevent it from worsening and going towards more violence or an escalation. The analysis of the patterns of conflict helped to identify the nature of the Palestinian-Israeli conflict in light of the extrapolation of multiple types of conflict. Accordingly, it becomes easier to understand whether the nature of the conflict will facilitate a response to the negotiating solution.

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## Chapter 2

# Diagnosing the Palestinian-Israeli Conflict and an Analysis of the Relevant Negotiating Process



**Abstract** Previous studies have focused on the nature of the Palestinian-Israeli conflict and have considered that nature as an input to analyze the deadlock that has accompanied the negotiating track. They have also considered the conflict in question as being intractable given its nature. Hence, highlighting the specific characteristics of the conflict have reflected that point of view. Many scholars have articulated that the Palestinian-Israeli conflict is existential one, which means that installing one of the parties to the conflict on the disputed land includes eliminating the possibility of the other party's presence on it. Therefore, the conflict in Palestine reflects the battle of identity, destiny, and land. Such conflicts are characterized by the asymmetry between the two parties because one is a colonial state, while the other is a people under colonial rule. Asymmetry takes several dimensions that prevent reaching a reasonable solution to such a conflict, a situation that directly leads to the prolongation of the conflict as well as the prolongation of the negotiating process seeking a solution. On the other hand, the lack of confidence among the parties to the conflict is one of the most striking manifestations of this pattern of conflict.

**Keywords** Intractable conflict · Asymmetric conflict · Prolong negotiating-process

### 2.1 Analysis of the Nature of the Palestinian-Israeli Conflict

Previous studies have sought to explore the reasons led negotiating efforts into deadlock and have attempted to identify the factors that have influenced the outcome of the negotiating process. Many scholars opine that the Palestinian-Israeli conflict is protracted, and it seems difficult to reach a solution, as both parties to the conflict face deep-rooted conflicts, and the overt hostility between the parties shows its effects in the form of clear violence (Bar-Tal 2007; Coleman et al. 2007; Frosh and Wolvfeld 2007; Hammack 2009; Kriesberg 2015; Nagar and Maoz 2015; Shlaim 2016).

Handelman (2011) consider that the Palestinian-Israeli conflict embodies a phenomenon that has obvious complexities, does not respond to traditional ways of resolving conflict and includes deep-rooted and overlapping issues, which

makes the prediction of the efficacy of political solution initiatives seems elusive. The Palestinian-Israeli negotiations have been inconclusive for 20 years, noted (Goldenberg 2015). Albin (1997: 49) stressed that the well-known global approaches and strategies of resolving conflicts “are not effective in all circumstances, especially ones that have sharp divisions between the conflicting parties”. The Palestinian-Israeli conflict is resisting efforts to find a solution as it represents an unprecedented conflict in human history (Yehoshua 2011, April 26).

The studies about the Palestinian-Israeli negotiations focused on revealing the nature of the conflict and its relationship to the efforts aimed at finding a solution. Some have attributed the failure of the Palestinian-Israeli negotiating process to the seemingly intractable and difficult nature of the conflict that resists solution efforts (Bar-Siman-Tov 2010). From their pointed of view, Coleman et al. (2007) pointed out that intractable conflicts are fundamentally resistant to responding to efforts to resolve them, as they seem unsolvable.

The concept of intractability that accompanies the conflict belongs to the works of, Kriesberg (1998) who has proposed a criterion for differentiating between conflicts that respond to the efforts seeking for a solution and those that defy those efforts. The conflicts that defy these efforts are characterized by the following.

1. First, the conflict spans for an extended period of time, at least one generation of people, and the parties to the conflict share a high degree of hostility and hatred.
2. Second, the conflict is characterized by violence and includes events that lead to harm and death for many members of the conflict community.
3. Third, the conflict does not respond to efforts to find a solution, as the parties to the conflict do not expect to gain a peaceful solution easily.
4. Fourth, many sources possessed by the parties to the conflict are consumed, and they are engaged in attempts to discredit each other.

## **2.2 Characteristics of the Palestinian-Israeli Conflict**

Previous studies have shown a range of attributes of the Palestinian-Israeli conflict that have not helped in reaching a negotiated solution.

### **2.2.1 Existential Conflict**

The conflict in Palestine reflects a pattern of existential conflict in which each side claims ownership of the same land, and, in such conflicts, the identity and survival of one of the parties represent a direct threat to the identity and existence of the other party, and these inputs lead to a zero-sum conflict not only with regard to the land but also with regard to identity and existence (Kelman 2007). It is, therefore, difficult to find solutions for such conflicts because the issues of conflict are related to identity

and existence are not governed by the principles of sharing and bargaining, which is precisely the philosophy of negotiation.

According to Al-Magazi (2014) the Palestinian-Israeli conflict is different about other conflicts because it represents a struggle for existence, as Jews around the world seek to replace another people who have been living on their lands for thousands of years. The intention was the establishment of a national homeland for Jews which led to a diaspora for Palestinians by exploiting the international situation in which most countries of the Arab world, including Palestine, were under the control of the Western colonial powers.

Kelman (1999) reported that this trend resulted in the emergence of a situation in which two different parties claimed ownership of the Palestinian Territory, namely, the Palestinian national movement and the Zionist movement. Each party considers that the acceptance of the identity of the other party constitutes a negation of self-identity and the recognition of one's state makes the allegations of the other party on the same land weak, so claims relating to the same land are directly and intrinsically related to the national survival of the parties to the conflict.

The Zionist project is existential in nature. This necessarily means that it suffers from problems of existence and survival such that chronic nature of its goals represents the main engine of all its thinking and movement strategies (Al-Muneer 2011). At the moment, this philosophy reflects the way in which Israel deals with the suggested solutions to its conflict with the Palestinians. Israel is used to refusing to offer any concessions that the negotiating process requires, as Israel has no desire to make any changes with the current fait accompli, which may affect the equation of its absolute control over the Palestinian territory. This is clearly linked to the Israeli existence in accordance with the Israeli perspective itself.

### 2.2.2 *Asymmetric Conflict*

The asymmetry between the parties in the conflict arises according to the different nature of the other, sometimes, one party represents an occupying power and the other represents the occupied party. Such a status casts overshadow the ability of one party to obtain power sources against the other. Gallo and Marzano (2009) believe that conflicts resulting from the emergence of colonial movements are necessarily structurally imbalanced. The relationship between the parties is that of the colonizer with the colonized; in such a case the conflict is manifested by the existence of a party representing a colonial power, while the other is a people, a political movement or a national liberation organization.

The concept of asymmetric conflicts has become a leading theory of conflict in the post-cold-war era, in which intra-State wars have emerged between different ethnic groups, and, in fact, manifest asymmetry characterizes several of today's conflicts (Gallo and Marzano 2009). Asymmetric conflicts take three forms. These are power asymmetry between the parties to the conflict, strategic asymmetry that reflects the substantial difference in strategies for dealing with conflict by the parties,

and finally structural asymmetry that reveals the nature of their respective legal status. Usually, intractable conflicts involve more than one form of asymmetry (Gallo and Marzano 2009). Clearly, such forms of asymmetry are present in the Palestinian-Israeli conflict, which add further complexities to the situation and compound the negative repercussions of the negotiated efforts to resolve the conflict.

### **2.2.2.1 Power Asymmetry**

Inequality in power occurs when a power imbalance is present between the parties to a conflict, a situation that is common in conflicts, which are called asymmetric conflicts. Those types occur when the sides of the conflict are actually asymmetrical (Dunne et al. 2006). In such a case one of them is very strong, while the other is very weak. It is a situation that usually coincides with the existence of other cases of asymmetry (Gallo and Marzano 2009).

### **2.2.2.2 Strategic Asymmetry**

The strategic asymmetry between the parties to the conflict occurs when their strategic approaches or tactical positions on the conflict vary (Gallo and Marzano 2009). The Israeli side considers that the conflict in Palestine is an open one and has not yet reached its end. Therefore, Israel does not take any actions that would hinder the pursuit of its objectives in the future, employs all sources of power and mobilizes them in a Battle of Destiny. It does not link the achievement of goals or successes with a generation or a specific leadership and adopts a long-term policy with careful planning and gradualism in steps.

Many indications suggest that Israel considers taking over Palestine as a phase in a larger project, which means that it has not yet exhausted the objectives of the Zionist project in the region. Does that mean that its engagement in the negotiation process aims at reaching a settlement on parts of the Palestinian territory, which puts a definitive end to its expansionist ambitions towards a Grand Israel? Or, does it use negotiation as a mean to manage the conflict and as an instrument to achieve what it has so far failed to achieve through other methods to impose its hegemony over the region? There are many statements and positions showing that the leaders of Israel consider that they are still on the pathway to achieving their great expansionist goals and that they have been determined to achieve these goals. The most important indicator of this is the notion that Israel has not yet finished its war of independence.

Israel considers that the war that took place in 1948, seizing about 78% of the historical land of Palestine and displacing 60% of the Palestinian people and destroying more than 400 Palestinian villages and cities (Ahmed 2009), is a special national War of Independence for the Jewish people. After seizing the rest of Palestine in 1967, Israel still considers itself not to have finished that war. Israeli Prime Minister Ariel Sharon (2001–2006) considered Israel's response to the second Palestinian Intifada (2000–2004) to be part of the context of Israel's War of independence (Saleh 2011).

Tizini (2003, October 21) confirmed that Sharon had committed all forms of repression, murder, and displacement, as well as the demolition of homes and the assassinations of Palestinian intifada activists, thereby attaining what Israel's strategic theorists consider "new steps on the path of the War of Independence," which began at the end of the 1940s. Therefore, the practices of the Israeli army aimed at the reoccupation of certain areas in the West Bank and Gaza Strip should be understood in the context of the completion of that war.

Following renewed clashes between Palestinians and Israelis in 2000, then deputy mayor of Jerusalem, Meron Benvenisti made it clear that the conflict between them was considered important and stressed that the 1948 war was not over. Moshe Ya'alon, the deputy chief of staff of the Israeli army, said that the fierce confrontations between the Palestinian and Israeli side (after the year 2000) represented the second half of the 1948 war, noting that the solution to what is happening may be similar to what happened in 1948 (Renhart 2014). The claim that Israel has not ended its war of independence follows a number of positions and indicators, including a failure to establish a constitution for the state, the non-delimitation of state borders, and continuing the dream of a Grand Israel.

It is remarkable that Israel has not adopted a written constitution for itself (The Knesset 2014), as have most countries of the world. This is perhaps because the nature of the Israeli entity and the circumstances of its creation and the desire of the Jews to expand the conquest of new Arab lands that precludes the drafting of a constitution for the emerging entity.

After the 1948 Palestinians catastrophe, and the emergence of Israel on the scene it was supposed that Israel has to adopt a constitution like others, but, at that time, the Prime Minister, David Ben-Gurion, refused to establish a constitution for Israel (Palestinian News & Information Agency 2018). Diskin (2006) justified that refusal by reminding that with the divided nature of the Israeli society that it is difficult to establish a consensus among the divergent groups on a constitution. If such a justification is really true, then, establishing a state according to the same circumstances seems more difficult; hence, is this why Israel succeeded in establishing a state and failed to draw a constitution? Diskin (2006: 2) added, "In the Israeli context, decisions have to be made regarding the essence of the state as the national home of the Jewish people, the rights of its minorities and questions of religion and state, which some maintain have been the principal factors responsible for the delay in passing the constitution".

Palestinians opine that, if a constitution were to be created, then property rights, especially land ownership, would have to be defined and because most of the land before 1948 was in the name of Palestinians (not a minority but the indigenous inhabitants) these lands might have to be returned to them if a constitution existed. Additionally, the existence of a constitution might lead to drawing the borders of the Zionist entity, which contradicts with perceptions of the greater Israel that transcends the historical borders of Palestine (Palestinian News & Information Agency 2018).

El-Messiri (1999) went on to consider that the nature of the Israeli entity as a colonial substitution entity would explain the absence of a constitution so far in Israel. He added that Menachem Pigen had said: "If Israel was Palestine then the

Zionism would lose its right as a national liberation movement for the Jewish people and became a process of colonization and rape”, so Israel has not yet set its borders, a situation that keeps the door open to Israel for further expansion at the expense of the land of others (El-Messiri 1999: 16).

As for the state border, Israeli politicians consider it premature to talk about the borders of the State, which has not yet been finalized. David Ben-Gurion, “believed that if there was no defined border between Israel and the rest of Palestine, then all of Palestine could be considered open territory, available for conquest” (Fincham 2014). For that, “it was his intention to capture territory outside the Partition Plan borders and include it in the state” (Kleiman 1999).

In his turn, Yitzhak Rabin, the father of the Oslo Israeli accord, has addressed his vision on this issue in a speech to the Knesset a month before his assassination in 1995. While asking the Knesset to approve the treaty he signed with the Palestinians at the White House saying “the country’s security border will be on the River Jordan, there will be no return to the 4 June 1967 lines and new blocs of settlements will be built in (West Bank) and the Gaza Strip” (Israel Ministry of Foreign Affairs 1995).

Benjamin Netanyahu, the current Israeli Prime Minister tells Aipac that Israel’s 1967 borders are in defensible (The Guardian 2011, May 24) in a gesture that he refuses to get back to these borders. Obviously, Netanyahu adopts the terminology invented by Israeli strategic thinkers who always believed that the Jewish state could not protect its future without the existence of the defensible borders (Allon 1976). Needless to say, such a term is elastic and undefined. Therefore, what is considered defensible borders now might become indefensible a couple of years later according to the Israeli perspective.

The idea of a Grand Israel stretching from the Nile to the Euphrates has prevailed in the thoughts of leaders of the Zionist movement over time, and the idea has shifted over that time to a strategic goal that Israel is seeking to implement in stages. This would occur through, inter alia, the use of expansionist warfare, accompanied by the forcible push of the indigenous inhabitants of the region to the outside, and the forced addition of the world’s Jews into the state, and the enactment of a group of the basic laws governing the affairs of an emerging entity that help to avoid defining the state borders, so that the work to achieve Grand Israel is not hindered (El-Messiri 1999).

In the same vein, the leaders of Israel have begun show reticence to act on the fate of any part of the occupied territories under their domination in the context of a settlement with the Palestinians. Podeh (2014) articulated that one reason why Israeli Prime Minister Sharon rejected the Arab peace initiative put forward by the Arab Summit held in Beirut in 2002 was that accepting it would force him to cede parts of the land of Grand Israel. This was an important indication that the determinants of Israeli policy are not only based on current moment inputs but also considers the strategic dimensions of the goals to be achieved.

Regarding the Palestinian leaders, their vision towards the conflict is quite different. This was more evident in the stage of searching for a negotiated solution in which the conduct of the political leadership seemed in a race with time to achieve any agreement regardless of its content (Nofal 2004). This contrasts with the cycli-

cal nature of a conflict extended through sequential generations (Handelman 2011; Yehoshua 2011, April 26), which means that it is unwise to work for a definitive end to it at a time when the Palestinians and Arabs are in the worst situation.

That policy was evident by the acceptance of a low ceiling offers because of the imbalance of power between the two parties, which meant the absence of strategic objectives, a comprehensive vision, and long-term plans. In return, the goal of maintaining the PLO's survival was a top priority for the Palestinian leadership as it struggles against Israel (Al-Khateeb 2008). While this objective is important, it becomes deficient and detrimental, if its realization is linked to the bargaining of the rights of the Palestinian people.

The sought to keep the survival of the PLO, and linking of the political achievement with its leadership formed a constraint on the content of the possible solutions to the conflict. As a result, the leadership of the PLO has not been to refrain from adopting steps and decisions that would legitimize the existence of the Israeli occupation, giving it the right to remain on the Palestinian territory and hinder efforts to continue struggling against it in the future.

### 2.2.2.3 Structural Asymmetry

Structural asymmetry usually occurs when an asymmetry is present in the structure (legal form) between the parties to a conflict. Structural asymmetry is at the heart of a dispute between two parties, which makes the situation very peculiar and different from other asymmetries. The scramble in conflicts that are classified as asymmetric revolves around the nature of the relationship between the adversaries, in which the efforts of one of them aim at preserving the current form of the relationship while the efforts of the other party focus on changing it. In such case, one of the parties to the conflict is a governmental institution, while the other is a non-governmental organization, as is often the case in conflicts aimed at confronting colonialism (Gallo and Marzano 2009).

The manifestations of the structural asymmetry between the parties to the conflict are reflected in the situation under consideration in the following items:

First, the negotiation of the case in question is not between two states, but between a state and a national liberation movement, the PLO (Bar-Siman-Tov 2007). The negotiating tracks and outcomes will thus be governed by this equation, as the political conflict between adversaries does not imply charity and an inclination to surrender, and the stronger party is, therefore, unwilling to make negotiated concessions unless the other party possesses a power to force him to do so.

Second, the Palestinian negotiator does not have a fully fledged political entity in advance, which makes the negotiating process useless, particularly if it is to establish this entity via negotiations, a situation that is very similar to trying to put the cart in front of the horse. In a way, this questions the feasibility of such a negotiating process.

Third, a Palestinian negotiator must negotiate the future of a land that is fully controlled by the Israeli occupation. In such a case, the mission of a Palestinian

negotiator will be difficult to achieve. Accordingly, Tzoreff (2010) queries: Why is the conflict in Palestine so different? Why does it seem difficult to apply the successful Egyptian and Jordanian model to the Palestinian model? He adds: The reason for this is because both have clearly defined lands, while Palestinians do not own the land belonging to them. They have no sovereignty which helps them to stand as a peer in front of the Israelis, but they are in the process of trying to get rid of the occupation rule.

Gallo and Marzano (2009: 40) articulated that:

From 1948 onwards, Israel has been a state, with its own territory, internationally recognized borders, a clear political agenda, a defined foreign policy, and a powerful and well-organized army. On the contrary, the Palestinians had to fight hard to move from a situation of non-existence - if not as refugees - to the recognition of being a nation, with their own right to a national state.

Discussing asymmetry between the parties to the conflict is considered an important diagnostic development because it highlights one of the most important reasons causing the impasse of the negotiations and expands the framework used in evaluating the negotiating process.

Obviously, conflicts involving structural asymmetry have been deeply studied, but it is rare that the asymmetry has been used as a theoretical framework for the analysis of the characteristics and mechanisms of this type of conflict. The exception of which is the contribution of Johan Gultong of value, which focused on his vision of the Palestinian-Israeli conflict. The contribution still retains its great value (Gallo and Marzano 2009).

### ***2.2.3 Protracted Conflict and the Negotiating Process***

Edward Azar, a theorist in conflict issues, was the first to use the terminology “protracted social conflicts”. To him, the critical factor in protracted conflicts was “the prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions, and economic participation” (Ramsbotham et al. 2011: 99).

One of the most striking features of the Palestinian-Israeli conflict, as well as its own negotiating experience, was that it has spanned an extended period of time. Yehoshua (2011, April 26) elaborated that the conflict is one of the longest-standing conflicts in the modern era, stretching for more than 130 years. The protracted negotiation process is characterized by its failure to achieve peace between the two parties to the negotiations (Aggestam and Bjorkdahal 2011). Therefore, the policy of prolonging the negotiating process has been a methodology followed by the strong party who desires to manipulate with negotiations and deviate from its real purpose (Slater 2002).

In such a case exploring whether the prolongation of negotiations is natural or intentional and drawing lessons from it are important. Al-Jarbawi (2014) considers



that Israel is not interested in reaching a negotiated solution and instead uses the negotiations to cover up its desire to gain the time necessary to impose the desired facts on the ground. In turn, Cohen (2005) opined that the long period of conflict would give another dimension to its intractable nature. In such a case, the party who feels that the time serves his goals tends to employ the time factor as a source of force against the competing party who feels the shortness of time because it is not being in his favor. Therefore, tactics of delaying and procrastination are common in such cases (Zakay and Fleisig 2010).

### ***2.2.4 Lack of Trust Between the Parties to the Conflict***

The lack of trust between the parties to the conflict is one impediment to progress in the international negotiating process (Al-A'asfoor 2006). Previous studies, therefore, have discussed the issue during the process of evaluating the Palestinian-Israeli negotiations, noting that the situation of incompatibility and lack of confidence between the parties to the conflict has negatively affected the outcome of the negotiations and has contributed to the consolidation of the existing negotiating deadlock (Bar-Siman-Tov 2007; Goldenberg 2015). Obviously, this issue needs further discussion based on the fact that the natural situation among the parties involved in the conflict includes a lack harmony and low confidence and that negotiation is mostly conducted between enemies or adversaries not only between friends. Yet, a response to the logic and requirements of negotiation remains possible with the presence of correct bases of negotiation.

Therefore, it seems that linking the negotiation deadlock with the lack of trust between the negotiating parties is unconvincing. No doubt, trust-building between the parties to the conflict might facilitate the efforts seeking a solution and, in some ways will affect positively the directions of the negotiating process. However, this does not mean that the existence of the trust is an inevitable need for the successful political process (Bar-Siman-Tov 2007). Therefore, a lack of trust between the parties to the conflict does not mean that a solution cannot be achieved (Fells 2012).

Thompson considered that negotiations are not as much a matter of trust as a strategic issue (Avruch 2006). This points out that, while trust is vital and as is how it facilitates the achievement of consensus between the parties to the negotiations, trust is not the decisive element for reaching an agreement. Enemies negotiate while negotiation does not mean that the hostility between each other is not removed and, without hostility and conflict of interest, people will not negotiate. However, finding the appropriate condition for creating a state of trust between the parties to the intractable, protracted, and deep conflict seems difficult and unavailable (Babbitt and Hampson 2011; Kelman 2005). Lewicki and Stevenson (1997) have offered a key point regarding this matter, articulating that trust plays a vital role if the goal is to achieve a single deal.

Previous studies, which dealt with the issue of trust between the parties to negotiations, have not addressed it in a balanced way; they have mentioned trust as if

both parties bore a lack of trust between them equally. However, analyzing the issue in a more explicit way and identifying the party responsible for the decline in the level of trust between them is important. The level of trust between the parties can be linked to the amount of their commitment to the rules of negotiation and to their responsibilities the conventions stipulated. These form a criterion that measures the extent to which the obligations of the parties help in finding an acceptable level of trust between them.

Anderson (2014) asserts that the commitment in the responsibilities and rules of negotiation is one salient principle of negotiation. Shlaim (2013, September 12) explained that the Oslo process did not face a failure from the beginning but confronted it later because Israel under the leadership of the Likud had reneged on the obligations that were had entailed in accordance with the agreement. Shlaim added: "I thought the peace accords 20 years ago could work, but Israel used them as cover for its colonial project in Palestine".

Kriesberg (2015) considers that failure to apply the clauses of the agreement between the parties to the conflict will cause a case of misunderstanding between them, stating that the two parties have not respected the obligations deriving from them. But, Pundak (2001), one of the Israeli architects of the Oslo Accords, made it clear that the Israeli violations of the agreement were far greater and more substantial than the Palestinian violations, pointing out that the breach took place under Netanyahu's reign (1996–1999). In his turn, Machover (2012) articulated that, before the assassination of Yitzhak Rabin in November 1995, Israel has been stalling with respect to its obligations provided in the agreement, and no further withdrawal from the occupied territory was carried out. After Rabin's assassination, the Oslo agreement became a dead letter.

Clearly, the Palestinian side was committed to its responsibilities for the signing of the agreement and until the arrival of the Netanyahu government in 1996 that intentionally breached it substantially, which makes the continued Palestinians one-sided commitment meaningless. Palestinian violations of the spirit of the agreement according to Israeli researchers were minor in comparison with Israeli violations. In contrast, Israel has violated the agreement from its very approval so that the negotiating process reached a stalemate. This makes it unfair to hold both parties equal in responsibility for the lack of trust between them.

Former US Secretary of State James A. Baker III said the biggest obstacle to a peaceful solution of the Palestinian-Israeli conflict was represented by Israeli settlements, whose activities have had continued momentum even at the height of the negotiating process (WILPF 2001). This issue has nothing to do with the nature of the conflict, but with the conduct, intentions and strategies of one of its parties, which requires examining the negative impact of that on trust-building between the parties to the conflict, and how this is reflected in a deadlock in the negotiating process.

At subsequent negotiating stages, Israel did not respect its obligations under the Quartet Roadmap for Israeli-Palestinian Peacemaking of 2003 articulated by the United Nations, the United States, the European Union, and Russia while the Palestinian side committed itself to all that it was required to do in accordance with the same plan, including stopping the resistance against the Israeli occupation (Barghouti

2011). This was confirmed by the fact that Israel had placed a dozen conditions for resuming negotiations with the Palestinians according to under that plan (Aggestam and Bjorkdahl 2011).

If the maturity of the parties to the conflict and their readiness for a negotiated solution helps in building bridges of trust between them, Brom (2013), one of Israel's foremost authorities on national security affairs, pointed out that the Israeli party, in particular, was the least mature in accepting such a solution. Goldenberg (2015) articulated that a number of representatives of European countries have made a clear stand on several occasions that Israel will increasingly face political and economic isolation if it is unable to find a solution to its conflict with the Palestinians. In a salient indication of Israel's responsibility for the stalemate in the negotiating process from the European point of view.

Despite the foregoing, Goldenberg (2015) considered that the lack of trust between the parties had been reflected in absence of the will necessary for both parties to take decisive and painful steps for a solution. It was supposed that Goldenberg takes into account the developments in relations between the parties to the conflict in light of the Palestinian negotiator's recognition of Israel's right to exist on what constitutes 78% of the Palestine land, while accepting negotiating on the remaining 22% as Barghouti (2011) has elaborated rather than holding both of them equal responsibility for lack of trust among them.

Obviously, the PLO's recognition of Israel was exceptional and should have paved the way for breaking the deadlock in the relationship between the two parties through creating confidence between them, but it did not prevent a deadlock in the negotiating process. Waage (2005) had a different opinion in diagnosing the interactions of the situation and its repercussions on the level of trust between the two parties: Israel is the strongest, has a clear national security agenda and does not desire to make many concessions. The Palestinians, although they had a strong vision for the state on future, they are the weaker party and were therefore prepared to make important compromises to avoid further marginalization of the PLO and the Palestinian cause.

In contrast, the Israeli side refrained from recognizing the right of the Palestinian people to exist on part of the land. In this regard, the absence of such information while analyzing the negotiating process, as well as assessing of trust relationships between the parties can lead to false conclusions. Anyhow, Goldenberg (2015: 19) himself considers that "Israeli settlement activity in the West Bank will continue to undermine confidence between the two sides until there is a final status agreement".

In light of the characteristics of the Palestinian-Israeli conflict, the conflict can be described as a zero-sum game and, as a reflection of this, the Palestinian concessions will not meet the minimum demands of the Israelis, and Israeli concessions will not meet also the minimum demands of the Palestinians, Therefore, each party seeks to employ the most possible means and international support to win the conflict (Bar-Tal and Salomon 2006). These are requirements necessitated by the nature of the conflict, which is based on exile and fixation (negation of the other and self-fixation), and not on the basis of a search for common interests that promote the parties to meet each other. The nature of the conflict in question constitutes the most important impediment to a negotiated solution.

Bar-Siman-Tov (2010) believes that these impediments take many forms, strategic, structural, and psychological. Strategic impediments are primarily due to security risks contained in the peacemaking process, which requires both parties to the conflict to make concrete concessions. The structural impediments are shaped by internal political structures of the negotiating parties in that the political elites, parties, group of interests and organizations may reject the peace process for political, ideological, or security reasons, as negotiating process is believed to threaten the national interests. Finally, psychological inhibitions are of cognitive and emotional dimensions, centered around the historical narrative and the collective memory of the parties to the conflict trying to prevent any change in the belief system and attitudes towards the other side or towards the conflict.

The above-mentioned experts and researchers have discussed some characteristics of the Palestinian-Israeli conflict and, by highlighting its nature, have tried to draw an image that helps in understanding the impasse that has accompanied the attempts to find a negotiated solution, an effort that is undoubtedly estimated. However, the nature of the conflict should not have been relied upon alone to analyze the negotiating process. Needless to say, many factors have influenced the negotiating process as well as the outcomes expected from them. So the exclusion of these factors from the analytical framework, which aims at assessing the negotiating process will affect the results of the evaluation process negatively. Accordingly, the nature of these results will be reflected on the recommendations that have been suggested by previous studies to reflect on the negotiating process impasse.

Obviously, the nature of a conflict clearly affects the outcome of the negotiating process that seeks to find a solution (Jackson 2000). Separating the complexities of conflict from the outcomes of the negotiating process is indeed difficult (Al-Jarbawi 2014). But, on the other hand, it is unreasonable to analyze the outcomes of the negotiating process from only the standpoint of the complexities involved in the conflict.

The focus of previous studies on the nature of the conflict and its linkage to the state of negotiating deadlock has led to the development of specific perceptions of how to overcome that situation. In fact, a deadlock in a conflict is one of its most salient manifestations and characteristics, but the problem is inherently related to the conflict itself, not merely to its characteristics or nature. These details are of importance because they prevent focusing on searching for a solution to the negotiating impasse as a stand-alone dilemma rather than for seeking to address the conflict itself and the reasons that led to its resurrection. That was a systematic trap that previous studies failed to avoid, as will be seen in the following pages.

It is necessary to note that the intractable nature of the conflict, or the complexities involved, are not exceptional, but are natural and foreseeable in the context of the conflict situation. Conflicts are inherently complex and intractable, depend on multiple factors, and vary in their magnitudes from one case to another (Burgess and Burgess 2003). Therefore, the characterizations of a conflict as intractable and the search to eliminate the manifestations of intractability are not a precedent in the field of conflict analysis, nor do they help to break the deadlock.

## 2.3 Conclusion

This chapter identified the nature of the Palestinian-Israeli conflict. Accordingly, highlighting the characteristics of the conflict constituted a suitable entry point to analyze the negotiating experience through which the parties have tried to find a solution to the conflict, and so the nature of the conflict has formed the starting point for assessing the negotiating process from the standpoint of previous studies.

Previous studies have considered that the conflict in question is an existential one, meaning that the essence of the conflict is related to the self-existence of at least one of its parties. It is a situation that makes attempts to search for a negotiated solution to the conflict seem elusive because the subordination of the core values of a group of people to the principles of negotiation and compromise seems unacceptable to the parties to the conflict.

This type of conflict is characterized by an asymmetry between its parties, one of which is strong while the other is weak, and this asymmetry is reflected in multiple images and forms, including power asymmetry, strategic asymmetry, and structural asymmetry, all of which create obstacles to attempts to reach an acceptable solution to the conflict.

These impediments contribute in adding new dimensions to the nature of the conflict like the prolongation of both the conflict and the accompanying negotiating experience. This will enhance the presence of the manifestations that do not help to respond to the negotiating solutions, and the low levels of confidence between the parties to the conflict will worsen the situation.

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## Chapter 3

# Subjects Disregarded in the Literature of the Palestinian-Israeli Negotiations



**Abstract** This chapter sheds further light on other factors that influence the trajectory and outcomes of the negotiating process in a decisive manner in an attempt to broaden the analytical framework aiming at analyzing the Palestinian-Israeli negotiating experience. There are factors that have not been considered by previous studies while trying to assess the negotiating process in question. Therefore, they have lost an important opportunity, which would help to better analyze that experience. This chapter analyzes the impact of such a gap on the findings of the previous studies and how these were reflected on the nature of the recommendations they have made to break the negotiating deadlock. One of the most salient repercussions of that gap was the concentration on the manifestations of the conflict and not on the conflict itself, as well as the preoccupation with attempts to alter its nature rather than seeking an enduring solution.

**Keywords** Influencing factors · Analytical gap · Literature assessment

### 3.1 Other Factors Influencing the Outcomes of the Negotiating Process

There are vital factors and inputs that affect the trajectory and the outcomes of the Palestinian-Israeli negotiating process. The researcher observed that previous studies did not take all of them into account while attempting to assess and analyze this experience. And, therefore, they lost the opportunity to gain the benefits provided by such inputs for analyzing the negotiating experience under discussion. The following are some of these factors.

### ***3.1.1 The Extent to Which the Negotiating Process Meets the Theoretical Rules of Negotiation***

The theoretical rules of negotiation constitute an important frame of reference for the evaluation of negotiating experiences, by examining the extent to which they have responded to those rules. Negotiating literature that has matured in light of practical practice has set out a set of criteria for a negotiation to be effective, including but not limited to: negotiating requirements, negotiating principles and negotiating characteristics as well as articulating the foundations to be present for the success of the negotiating process (Anderson 2014; Robins 2010). Dajani (1996: 13) considers that “peace has its objective terms, conditions, and prerequisites, and unless these are recognized and fulfilled, any negotiating process or agreement is not only doomed to fail but may even produce entirely contrary results”.

These standards and fundamentals have set out the roadmap that the negotiating process must follow to be meaningful. Considering that, exploring the extent to which those standards and foundations are present in the Palestinian-Israeli negotiating process is important. If they were found to be not present, this then will be one of the major reasons that have led to the failure of the negotiating process. Therefore, the presentation of the stumbled Palestinian-Israeli negotiating process on the theoretical frameworks for negotiation seems necessary, as long as the reasons that have led to the faltering of that experience must be sought.

Fisher et al. (1991) developed the concept of principled negotiations, through which they determined the limits of fruitful negotiations. This is a concept fit to be used as a normative basis for assessing the negotiating experience in question. The most salient idea of principled negotiation is the such called the best alternative to a negotiated agreement (BATNA). The idea stipulates that the negotiator should have perceptions in advance about the alternative to negotiation, and the ability should exist to activate this alternative at any time when the negotiation option does not seem to be fruitful. This perception plays an integral part of the concept and philosophy of negotiation. When a negotiator has no alternative to negotiation or is incapable of using that alternative when is needed, this means that the negotiating process operates outside the rational framework of negotiation.

The importance of the BATNA lies in the fact that it puts an end to concessions that can be made by a weaker party, or an end to the bullying, procrastination, and evasion used by the more powerful party, otherwise the negotiating process for the weaker party seems meaningless. Luecke (2003) articulated that a negotiator must determine the alternative to negotiation before engaging in the negotiating process, otherwise it is not known when a negotiated agreement is possible and when the moment is suitable for withdrawing from the negotiating process.

Fisher et al. (1991) think that the need to negotiate stems from the belief that what can be achieved through negotiation is beyond what can be achieved through non-negotiation options. If the expected achievements through negotiation contradict with such an assumption, then the aggrieved party must reject any agreement that does not meet its acceptable limit for BATNA, and if a negotiator misses the perception that

clearly identifies the best option for BATNA in advance, then he is, in fact, practicing blind negotiation.

The BATNA constitutes an entrance to evaluate the negotiating process and is also a source of strength for a negotiator if it is best used by expanding the circle of alternatives available to him. The importance of the best alternative does not depend on determining the acceptable minimum negotiated achievement but works to raise that limit (Fisher et al. 1991).

Thomas (1998) considers that the BATNA represents the most feasible guard against another party's aggressiveness and that party's propensity to adopt a harsh bargaining approach and provides protection against blind trust in adversaries. This makes negotiators aware of the best ways in which to act if negotiations fail or to obtain offers that represent less than the acceptable limit expressed by the preferred alternative option.

An effective BATNA helps to strengthen the negotiating position of a negotiator because it widens prospects for possible alternatives when the negotiating option fails to attain the low limit of the gains required (Thomas 1998). For instance, it was of importance that the Palestinian negotiator operate an intra-Palestinian dialogue to create a consensus in the Palestinian political spectrum about how to deal with the Israeli occupation in case of the failure of the negotiating process; such a step reflects an effective BATNA. That is the Palestinian negotiator was really needed to improve his negotiation's stance, and, because he failed in doing that, he had lost an opportunity to improve upon the expected outcomes of the negotiating process.

On the other hand, the weak BATNA which does not provide the negotiator with many force factors, will not be helpful, and then the opponent can obtain what he wants in case the BATNA is weak (Thomas 1998). The BATNA is one source of strength that a negotiator can acquire. Therefore, a weak negotiator can enhance his negotiating position by relying on a convincing BATNA. If the powerful negotiating party has elements of strength in specific areas, then the weak party can offset some of the power imbalance between them by developing an effective BATNA. This is a situation that allows the weak party to identify the appropriate moment to withdraw from the negotiating process if it seems fruitless or to obtain more offers from the other party (Brett 2007; Fisher et al. 1993).

Gosselin (2007) emphasizes that negotiating effectiveness depends primarily on available and affordable alternatives to negotiation, whether they are alternatives to saturation sources or alternatives to skills and negotiating behavior. Thompson (2008) asserts that the best way to improve the BATNA is to explore all available methods of work that can be used and when checked, the BATNA will be the key to the negotiating power of the negotiator.

The studies that have attempted to evaluate the stumbling Palestinian-Israeli negotiations experience did not analyze the abilities of the parties to the conflict, most notably the Palestinian party, to activate the BATNA, and did not monitor also the positive or negative influences of that on the outcomes of the negotiating process. However, the idea that states that negotiation might be unsuitable as an option for dealing with the conflict because of its particular nature have often been disregarded from the research and discussion. This indicates that the negotiation option was not

subject to a deep discussion or whether it was suitable or not to be used to solve such a protracted intractable conflict in principle.

This deficiency has caused a rift in the methodology aimed at finding the root causes that led the negotiating process into a stalemate. Therefore, the negotiation option still the only considered option that used to seek a solution to the conflict. In the meantime, the call to replace the conflict resolution approach with the conflict management approach has used to cover the deficiencies of the previous studies methodology.

### ***3.1.2 The Viability of the Palestinian-Israeli Conflict for Negotiated Solutions***

General negotiating literature has articulated that some conflicts do not respond to negotiation efforts for special reasons (Conflict Research Consortium 1998). Many researchers are of the view that negotiations are fit enough to resolve only a few conflicts (Churchman 1995). Others are of the view that the success of negotiating processes depends primarily on the conflict's susceptibility to negotiation (Nierenberg and Calero 2010).

Deutsch (2003), Coleman and Deutsch (2015) consider that issues critical to people, such as identity, security, self-esteem, and reputation, seem to be non-negotiable. That underscores the importance of exploring whether the Palestinian-Israeli conflict is negotiable when trying to assess the situation. This criterion is a vital element in the analytical framework that should be used to assess the Palestinian-Israeli negotiating process; it helps to identify one of the most important reasons having a strong impact on the outcome of negotiations.

While previous studies have considered the Palestinian-Israeli conflict as thorny and existential, they did not link that with the possibility that the conflict would not be amenable to a negotiating solution due of that nature. That was clear because no one has proposed to consider the amenability of the Palestinian-Israeli conflict to negotiation as a key analytical input while assessing the negotiating process. Hence, the negotiating option remains present in the plans and perceptions that seek to find a resolution to the conflict. And, with the maintenance of negotiation as a viable option, the task of negotiations has been shifting from finding solutions to the conflict to changing the nature of conflict through adopting conflict management methodology.

### ***3.1.3 The Impact of the Negotiating Strategies Used***

Obviously, negotiating strategies clearly influence the outcome of the negotiating process (Kriesberg 2015). Therefore, one obstacle to reaching a negotiated

solution relates to the nature of the negotiating strategies adopted. This will happen when both parties to the conflict or at least one of them use a negotiating strategy designed to achieve the goals and interests of only one party and ignore the interests of the other party (Michael 2010). Conversely, the idea of negotiation is based on reaching compromises accounting for the interests of both parties to the conflict (Wertheim 2002).

Bar-Siman-Tov (2010) thinks that one strategic impediment to the success of the Palestinian-Israeli negotiating process concerns the nature of the negotiating strategy adopted by the negotiating parties that are aimed at maximizing self-gains by managing a harsh bargaining process against the opponent and ignoring the need to build a viable peace process in the medium and long terms.

Jalal (2007), Robins (2010) distinguished between the negotiation approaches based on the zero-sum rule (distributive or competitive approach) and those aim at achieving mutual gains (integrative Approach). In the zero-sum approach, each party seeks to gain the most benefits, while it seeks to deprive its negotiating counterpart of similar gains. Conversely, the integrative approach is based on the joint gains of the parties to the conflict. They added that the negotiating methodologies reflect the negotiating strategy espoused by each party (Jalal 2007; Robins 2010).

Therefore, some negotiating processes take a long time without achieving their objectives, as one party adopts a strategy that does not lead to a negotiated solution. Multiple types of strategies can be used in the negotiating process, and each negotiating strategy necessarily reflects the nature of each party's negotiating purpose. Hence, through scrutinizing the negotiating strategies adopted by the parties, an awareness of them help determine whether either of them is concerned with reaching a negotiated agreement with the other party.

Anderson (2014) sees that the negotiating strategy reflects the broad vision and the overall plans of negotiations' track, so as to include the goals and objectives of the negotiation process, the interim plans and the negotiating policy used. The Israeli negotiators have adopted a negotiating strategy based on the conflict management approach, rather than on conflict resolution, which aims to weaken the opponent one step at a time. The net result is reaching the conviction that a solution should be accepted in the manner decided by Israeli negotiators (Saleh 2014).

There are two types of negotiation strategies that can be used according to the conceptual and theoretical literature of negotiation, which is the common interest strategy and the strategy of conflict approach.

### 3.1.3.1 The Common Interest Strategy

This strategy has a set of specific strategies that are all aimed at building a situation in which the interests of the negotiating parties are considered, such as the integration strategy, the strategy for developing cooperation, and the strategy of deepening and broadening the relationship between them (Jalal 2007; Robins 2010). These strategies are based on the rule that all parties will achieve some degree of benefits according to a win/win approach. This will often lead to the success of the negotiating process

through the achievement of solutions acceptable to the negotiating parties. As long as the Palestinian-Israeli negotiations have reached a deadlock, it is easy, then, to infer that such negotiating strategy is excluded from the plans of negotiators, specifically the Israeli negotiator, as he is the powerful party controlling most negotiating inputs, as well as the land being negotiated around.

### 3.1.3.2 The Strategy of Conflict Approach

This strategy also has a set of specific strategies that all reflect the competitive endeavors of the rival parties (Robins 2010). The Israeli negotiating technique will be analyzed considering those strategies. This is to explore the nature of the Israeli negotiating strategy and whether it is aimed at reaching mutually negotiated gains or is seeking to achieve only Israeli gains.

#### The Strategy of Exhaustion (Attrition)

This primarily aims at exhausting the opponent and draining him materially and psychologically so that he eventually accedes to his opponent's demands and accepts his opponent's own vision (Jalal 2007; Robins 2010). This strategy can be reflected through several levels, including depletion and draining the efforts of the other party to the greatest degree possible.

Depletion of the other party's time is done through the extension of the negotiating period, so that the negotiating process takes the longest possible time, without reaching reasonable results. In such cases, negotiations seem to be self-required to gain time and consume the strength factors of the opponent (Jalal 2007; Robins 2010). As a result, negotiation is spent discussing secondary issues and without going to the depth of the problems that have necessitated the negotiations between the parties in the first place (Goldenberg 2015).

Israel has adopted a negotiating strategy aimed at gaining time through procrastination regarding negotiating entitlements while continuing to ignore the Palestinian requests related to the end of the Israeli military occupation of the Palestinian territories, border demarcation, East Jerusalem issues, and the refugee's issue (Barghouti 2011). As the negotiating process moves forward, Israel has been working to win time through evading its negotiating commitments and procrastinating with respect to the deadlines for a final solution. Indeed, Israeli procrastination has been the most significant feature of the Palestinian-Israeli negotiations. In the beginning, 1998 was set as the deadline for the establishment of the Palestinian State, but Israel postponed the date until 2005. Ultimately, even this date has been forgotten (Saleh 2014).

The Israeli side has sought to prolong the negotiating process, as this serves its strategy of expansion within the Palestinian territories, the establishment of settlements, and strengthening the Israeli domination in the occupied territories (Muhammad 2016, July 5). Draining the efforts of the other party to the greatest degree possible through focusing on the minor issues, Israel raises artificial legal obstacles

around the negotiating elements to the extent of name phrases and expressions that focus on artistic and economic aspects and delay decisions until so-called expert opinions are received (Jalal 2007; Robins 2010). Israel has parsed the negotiations into many sets of precise details and linked them so that any single issue can be decided only through a comprehensive agreement. This has led to the networking of scores of negotiators to arrive with an appropriate combination of the detailed issues involved in the negotiating process, and this has required hundreds of working hours in bilateral, multilateral and international negotiating tracks (Saleh 2014).

### Fragmentation Strategy (Distraction)

Fragmentation strategy is considered one of the most effective strategies of the conflict approach. It is based on identifying the strengths and weaknesses of the opponent, the reasons that unite him and the factors that differentiate him. It seeks to recognize the affiliations, beliefs, scientific and cultural level and then adopting a cunning plan to promote these divisive and weakness factors (Jalal 2007; Robins 2010).

The Rhodes Armistice Agreements of 1949 represented the first negotiating experience on Palestine, in which Israel adopted a principle that was never changed, namely, to negotiate with each Arab state in private, and never to negotiate with them together. Because of those negotiations, armistice agreements were signed with Egypt on July 1949, with Lebanon on March 1949, with Jordan on April 1949 and with Syria on July 1949. The truce negotiations in Rhodes lasted 40 days, and no one was entitled to interrupt the negotiations under any pretext, a method later followed by the United States at Camp David (Hammaad 1997; Saleh 2014).

Israel has sought to prevent Arabs from acting as a single negotiating unit by developing multiple negotiating tracks. Thus, Israel has set bilateral negotiations between other parties and her to the conflict severally and negotiates separately with Palestinians, Jordanians, Syrians and Lebanese (Saleh 2014). In doing so, Israel attempts to disperse the parties and to sow suspicions and feelings of apprehension among them, pushing them to side battles to weaken them and to neutralize their ability to stand together. For example, Al-Khateeb (2014) stated that the Israeli negotiating delegation in Washington had encouraged the Palestinian delegation to ignore the PLO and to not give it any attention. He added that the United States officials have made efforts aimed at making eminent members of the Palestinian delegation act independently of the leadership of the PLO.

### The Strategy of Control Provisions (Subjugation)

This strategy is evidenced by the ability of the stronger negotiating party to exert control over the negotiating sessions, with the ability to reject, modify or alter the negotiating plans, as he enjoys advancing initiatives through which he forces the other party to respond to his demands (Jalal 2007; Robins 2010). According to this strategy, negotiation is used as a tool that performs a functional role through a step-

by-step methodology. The process begins with breaking the silence and starting to collect data about the counterpart negotiator by using elementary negotiation. By gaining information, the strengths and weaknesses of the opponent are collected, and, then, the stage of bargaining to push the opponent to adopt a specific trend begins (Jalal 2007).

In this case, the Israeli negotiator enjoys full control over the track of the negotiations. As Mansour (2011: 53) has said: "Given the absence of symmetry between the parties to the negotiations on the site and the possibilities, the situation seemed as if the Israeli negotiator was negotiating with himself." This situation has encouraged Israel to violate the principle of negotiation consistently and its terms of reference, according to Haider Abdul Shafi (Baidas 1999). Moreover, the conduct of Israeli negotiators has often gone far beyond that by changing the rules of negotiations many times in a way that confirms how much power an Israeli negotiator possesses and by which he continues to confront his Palestinian counterpart with (Aggestam and Björkdahl 2011).

As a reflection of this, Israeli negotiators are accustomed to exerting intense pressure on their Palestinian counterparts to comply with and accept their demands for a solution. This is done at the same time the Gaza Strip is being blockaded and the killings continue as do the prosecutions and detentions of Palestinians, the demolition of houses, the construction of the separation wall, closures and roadblocks, the continued efforts to Judaize Jerusalem, the confiscation of land and the building of settlements, and the postponement of the implementation of signed conventions (Saleh 2014).

If a review of the Israeli negotiating strategy helps to interpret the outcomes of the negotiating process, the reference to the Palestinian negotiating strategy serves the same purpose. Analysts, intellectuals and those who monitor the negotiating process consider that no clearly defined Palestinian negotiation strategy exists, probably due to the absence of a balance of power between the parties to the negotiations (Al-Khateeb 2014). In contrast, the Palestinian negotiator used to consider negotiations as a strategic option. Whenever the process faced obstacles, the Palestinian negotiator resorted to tactical alternatives, so as to restore life to the negotiating track or only to improve the negotiating terms (Al-Jarbawi 2014).

Two indications of the weakness of the Palestinian negotiating strategy exist, according to Rouhana (2013). In addition to the fact that the Palestinian negotiator lacked a BATNA, the second indicator refers to the Palestinian negotiator's inattention to calling for the adoption of global norms such as international resolutions and international law that can be consulted in the event of disagreement between the negotiating parties. This is a critical issue for the weak party because it helps it to deal with unequal force relationships. It is surprising that recourse to international institutions has become a Palestinian threat rather than a negotiating reference point itself.



### ***3.1.4 The Negotiating Objectives of the Parties to the Conflict***

The negotiating objectives espoused by the parties to the conflict clearly affect the outcomes of the negotiating process (Al-khazendar 2014). It is, therefore, important to identify these objectives and to explore the extent to which they affect the nature and outcome of the negotiations.

The idea of scrutinizing the objectives of negotiation for the parties to the conflict gains its legitimacy through the realization that there are two types of interests that the negotiators seek to achieve, one of which concerns the general issue that necessitated the use of negotiating option. The second represents the special needs and interests of the negotiators stemming from the new relationship between them, which may be either similar or dissimilar according to the system of values and beliefs of each party (Lewicki et al. 1996).

Zartman (2008) argues that negotiation plays a role in three directions: (1) preventing conflict from going to the worse, (2) providing solutions to the crisis if the first track fails, and when the previous two tracks fail, (3) a definitive end is sought to the escalation and violence resulting from the conflict. Clearly, none of the three negotiating tracks available is intended to resolve the conflict but merely to manage it by addressing some of the effects associated with the conflict or preventing it from going in a worse direction. For these reasons, the negotiating process often takes another turn or faces a deadlock.

Druckman et al. (1999) sees that different motives are behind the choice of negotiation by parties to a conflict, some of which aim at establishing contacts for the purpose of taming the opponent, buying time, or bringing the influence of a third party. It is, therefore, necessary to inquire of the goals that push the parties to sit at the negotiating table, given either a direct or indirect impact of those on the outcomes of the negotiating process (Ghpson 2010). Nicolaev (2007) considers that the main objective of any negotiating process is to seek an acceptable solution to the parties to the conflict for a common problem.

Accordingly, it can be said that, when the goal of the parties to the conflict is to reach a solution, they will then be able to overcome all the obstacles that prevent them from attaining that regardless their nature. And, when the chances of a solution to the conflict fade, the negotiating objectives of the parties must be considered as part of the analytical framework used to assess the negotiating process.

### ***3.1.5 The Impact of the International Political Context on the Outcomes of the Negotiating Process***

Miall (2004) considers that the connotations and meaning of a conflict are highly dependent on the context in which they arise. The context in which negotiations are taking place effectively influences the developments and outcomes of the negotiating process (Kriesberg 2015). The context is usually embodied in three dimensions, local,

regional, and international (Miall 2004). Negotiations do not take place in a vacuum and cannot be isolated from the impact of the surrounding context with its diverse levels that is changing every moment. Therefore, the context has real influence on the negotiating process, whether directly or indirectly (Gallo 2013). Therefore, Miall (2004) called for a shift from relying on theories of conflict to theories of conflict-in-context, stressing that in an age of globalization, a conflict must be analyzed within the social, regional and international contexts in which it takes place.

Within this contextual rationale, Gallion (2007), Lewicki et al. (1996) considers that the success of the peace negotiations in the Middle East depends not only on the parties to the conflict but also on the international factors that affect the negotiating process. Shlaim (2016) explained that the Middle East had been the focus of international attention after the end of the Second World War, and the region was one of the cold-war arenas among the great powers, as it represented a source of competition between those powers.

These days, regional and international powers play an increasing role regarding the Palestinian question, and this increasing role may make the negotiating process more complex (Hänsel 2010). Accordingly, including the above-discussed items in the analytical framework that is designed to assess and analyze the Palestinian-Israeli negotiating experience is necessary, given the connotations these items involve. Unfortunately, most previous studies have not used them as inputs into the analytical framework, while trying to assess the negotiating experience. Although some researchers have pointed to some of these items, these references have often occurred as passing references, and the items mentioned, or some of them were not considered as main entrances for the evaluation process of the negotiating experience in question. This has created a gap in the structure of the analytical process carried out by previous studies towards the Palestinian-Israeli negotiating experience; this also cast a shadow over the nature of the findings and recommendations made by those studies to overcome the problem of Palestinian-Israeli negotiating deadlock.

### **3.2 How the Methodology of the Literature Reflected on the Nature of Recommendations**

The perceptions, the diagnostic method, and the nature of the analytical framework adopted by previous studies to analyze the Palestinian-Israeli negotiation process reflected on the nature of the offered proposals for a solution to the negotiation deadlock, which had accompanied that experience. As the perceptions and analytical framework are criticized for their shortcomings, the recommendations and proposals that resulted from them would not be free from criticism either, as they represented results that reflected those frameworks. The gap in the proposals made by previous studies to break out of the Palestinian-Israeli negotiating impasse is evident in two issues.

### ***3.2.1 Changing the Priorities***

Obviously, literature tries to direct the efforts to address the impasse that has accompanied the negotiating process, rather than addressing the conflict itself. That means a preoccupation with one of the dilemma's symptoms and not with its root causes, and this can be done by transforming the intractable nature of the conflict into a solvable conflict through inducing the parties to the conflict to alter their attitudes towards the conflict and to change their vision of the other side (Aggestam 1999). These are the efforts that previous studies see as an entry point for facilitating a solution of the conflict. This should go through changing the awareness of the parties to the conflict towards the conflict itself and inducing them to reshape their perceptions and the historical narrations about it in a manner that reflects positively on their political behavior, which facilitates the process of reaching a negotiating solution (Bar-Tal 2007).

This means that, instead of concentrating efforts to alter the existing reality that embodies a great injustice to one of the parties to the conflict, that party must be persuaded to accept the *fait accompli*, adapting to its requirements, then the conflict becomes solvable. This is based on stabilizing the *fait accompli* and not based on lifting injustice from the oppressed and restoring their rights.

The thorny nature of the conflict is an integral part of the existing conflict situation, playing a critical role in steering the conflict, making it permanent and dynamic. This a situation embodies a force element and a lever in which the weak party can invests, keeping its grievances open wounds. This is a situation that the other more powerful party does not accept and seeks to divert attention from it.

In striving to change the nature of the conflict, this nature becomes an arena of a scramble between the parties. The strong party seeks to change that nature to deprive the weaker party of the advantages it provides him with, and to close the way to the prospects of a renewed confrontation imposed by the nature of the conflict. In such a case, the goal of changing the nature of the conflict becomes part of the battle, not one of the tools used to solve it, so it is important to draw attention to the effects of the search to alter the nature of the conflict and the beneficiaries of such an effort.

### ***3.2.2 Adopting Reverse Methodology***

The second issue is dealing with the idea of replacing conflict resolution methodology with conflict management methodology. This means moving a step backward regarding the search for a reasonable solution to the conflict because the conflict management methodology paves the way for the conflict resolution methodology since it comes first according to literature. The issue is to be discussed in the next chapter.

The concept of conflict management reflects a modest vision of dealing with conflicts, and the idea has developed and matured over decades. Conflict management

means reducing or halting manifestations of violence that usually companion a conflict and preventing it from escalating, but without actually seeking to address the causes of the conflict. Thus, clearly, the concept of conflict management embodies the idea of temporary containment of the conflict, which proceeds from a consideration that the negotiating process faces many obstacles. Consequently, the efforts through the conflict management approach start to focus on bringing changes in the vision and the awareness of the parties to the conflict to adopt changes in the range of values, culture, beliefs and special orientations, ensuring a shift in their political, economic and social behavior, which is more focused on the parties and the environment of conflict than on conflict itself (Azem 2012).

### 3.3 Conclusion

Expanding the analytical framework aimed at assessing the Palestinian-Israeli negotiating experience is important as this would provide a better opportunity to determine the reasons that led to the deadlock in the negotiating process. To that effect, this chapter included focused references on factors that clearly influenced the track and outcome of the negotiating process to attract attention to the analytical ingredients have been omitted by the previous studies while trying to assess the Palestinian-Israeli negotiating experience. Obviously, exploring the extent to which the Palestinian-Israeli negotiating process responds to the theoretical rules of negotiation, the susceptibility of the conflict to the negotiating solution, analyzing the negotiating strategies that Israeli negotiators have consistently used, examining the negotiating objectives of the parties to the conflict, and evoking the role and influence of the political context in which the negotiating process is running helps to provide a more comprehensive analysis of this experience through determining the most important reasons preventing a negotiating solution to the conflict in question. The absence of such important analytical elements of the analytical framework aimed at analyzing the Palestinian-Israeli negotiating experience disclose the shortcomings involved in the evaluative process. This was reflected in the nature of the recommendations and the format of the proposals made by the previous studies to remove the impasse in the negotiating process.

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## Chapter 4

# Shifting from Conflict Resolution to Conflict Management



**Abstract** Scholars have started to pay attention to the idea of conflict management in the search for a negotiating solution to the Palestinian-Israeli conflict, and this interest has evolved with the emergence of a trend calling for the replacement of the conflict resolution methodology with the conflict management methodology to deal with the conflict. Therefore, calling for a substitution requires highlighting the form of the relationship between them. This chapter explores the reasonableness of the claim to replace the methodologies in light of the idea of a fixed chronological order between them, and then to know whether this replacement is warranted and or whether the substitution serves both parties to the conflict or only one of them. The chapter then seeks to find a link between the methodology of conflict management and the Israeli negotiating behavior and to explore whether the Israeli negotiating methodology is trying to reach a real solution to the conflict or has been inspired by the idea of conflict management since the start of the negotiating process. In conclusion, the chapter provides an assessment of the conflict management methodology and its implications for the parties to the conflict and the development of the conflict and the opportunities for its resolution through an analysis of the core function of the methodology.

**Keywords** Conflict resolution · Conflict management · Israeli negotiating-behavior

### 4.1 Emergence of Conflict Management Method

A link existed between the emergence of the conflict management methodology and the adequacy of the conflict resolution methodology regarding the Palestinian-Israeli situation. Bar-Siman-Tov (2007) pointed out that, when efforts to find a solution to the Palestinian-Israeli conflict failed, researchers and decision-makers considered that the time was not ripe for conflict resolution. Therefore, the methodology for conflict resolution disappeared, while the conflict management methodology became preferable. Analysts have begun to talk about the conflict management rather than the conflict resolution since the outbreak of the second Intifada in 2000 in a step



that reminds how intractable the conflict is, and suggests that it cannot be resolved peacefully in the near future to come (Handelman 2011). Conflict management serves as a substitute for the conflict resolution and as a stage leading to it at the same time (Bar-Siman-Tov 2007; Handelman 2011).

Thus, pushing the idea of conflict management forward is linked to the failure of the conflict resolution methodology to find a solution. However, the role of the conflict management method does not mean playing the roles of the conflict resolution method but is for managing the post-failure phase of efforts aimed at finding a solution to the conflict. This is done by controlling some of its manifestations and steering the movement of its interactions, preventing it from slipping towards unwanted violence, perhaps from the view of only one of the parties to the conflict. Thus, the argument that conflict management methodology is considered a substitute for conflict resolution methodology requires a deep consideration and scrutiny because their objectives and working mechanisms are different from each other (Ben-Artzi et al. 2015).

The theorists of the conflict management methodology have not explained how the use of this methodology would lead to improvements in the relationship between the parties, or how they would enhance efforts to end the conflict (Handelman 2011). This is because no preconceived assumptions or credible perceptions exist that can pave the way for a lasting solution to the conflict (Kelman 1998).

Mial (2004) believes that the theorists who tend to use conflict management methodology believe that violent conflicts have consequences that are difficult to eliminate because disagreement in such situations is centered around basic values and needs within conflicting societies. These theorists believe that the purposeful pursuit of the resolution of such conflicts seems unrealistic and that the best possible is to manage and contain these conflicts, which requires an end to violence and the resumption of normal political relations.

Others have articulated that several trends appeared when people seemed unable to resolve the conflict, and those trends aim at maintaining the status quo, through preventing the situation from worsening. These goals can be achieved by maintaining the negotiating process to prevent escalation and the emergence of violence, but not to reach a solution (Ben-Artzi et al. 2015). It is a situation that does not help to end the conflict, but to keep it in the freezer (Aggestam and Bjorkdahl 2011).

No doubt, that the conflict management methodology aims at preserving the nature of the status quo between the parties to the conflict, by preventing manifestations of violence and confrontation between them that is considered one of the possible tools to resolve the conflict according to the concept of conflict resolution. The maintenance of the status quo often reflects the interests of one of the parties to the conflict, while the other party seeks to employ all instruments of confrontation to alter the status quo so as to achieve its own interests by virtue of the conflicting interests of the parties.

Israel's policy has always been aimed at developing the status quo into a fait accompli, depending on the unlimited support it receives from its Western allies, and this ongoing policy has not been subjected to any effective challenges. Therefore, Israel can create more and more facts of a fait accompli and perpetuate its status in an increasingly expanding occupation with a vastly superior military force (Cohen 2014).

However, the tasks of the conflict management methodology do not appear to be based on a balance of the interests of the parties to the conflict, as well as working in two directions. The conflict management methodology seems to serve the goals of the Israeli side, which is working vigorously to keep on the realities of the fait accompli as it is and to obstruct the endeavors of the Palestinian side. The Palestinian side seeks to employ all the tools available to achieve its objectives, which include changing the realities of the fait accompli that include a great deal of injustice. This situation reflects the role of the methodology, which concerns the desire to control conflict trends, rather than the desire to facilitate a solution. Therefore, arguably, conflict management in its Western theoretical projections seems to be one of the tools of conflict more than being a means to facilitate a solution to it.

There is a problem with the theoretical framework of negotiation including, of course, the conflict management methodology, which developed mostly by the Western contributions and has reversed the experiences of conflict and European negotiation as interstate conflict model. This model is intended to be applied to cases in which one party to the conflict is not Western and represents a people under occupation, while the other party is an occupying power. This makes it difficult according to the Palestinian point of view to manage the conflict in accordance with the Western perspective because the repercussions of this are contrary to Palestinian interests.

Palestinian negotiators might look to manage the conflict in accordance with a new basis and norms of conflict management, which should reflect their own visions and interests. However, such faces three obstacles. First, no theoretical basis exists about how to manage the conflict in a way that differs from the Western perspective of conflict management, and how to manage the conflict between non-state actors and state-actors. This issue foremostly requires creative efforts. Second is the weakness of the Palestinian negotiators, and the nature of the circumstance accompanying their engagement in the negotiation process (Qurie 2005).

Palestinian negotiators are unable to do so, as they are not actually negotiating counterparts to Israeli negotiators in accordance with the prevailing theoretical rules of negotiation. Therefore, Palestinian negotiators are not partners of the negotiating event but just follow the will of the other Israelis. On the other hand, Israel has not dealt with the Palestinians as if they were peers (Kriesberg 2014). Third, even if a Palestinian negotiator is able to be a partner, he does not have the desire to do so because he does not wish to lose his political survival, which is linked to the existence of an ongoing negotiating process. Addressing these ideas needs self-standing search.

## 4.2 Dialectic Relationship Between Conflict Resolution and Conflict Management

Both the conflict resolution and conflict management methodologies play a role in the process aimed at resolving the Palestinian-Israeli conflict based on the two-state solution. Despite the chronological sequence that linked their relations, both of them do not work in a totally separate, but rather in an overlapping manner (Yousef and Mostafa 2013). Hence, knowing the boundary of the relationship between them is necessary.

The conflict management methodology paves the way for the conflict resolution methodology, while the second is integrated with the first (Bar-Siman-Tov 2007). Ben-Artzi et al. (2015) affirmed that the idea of conflict management has been adopted as an alternative to the idea of conflict resolution, which focuses on the discussion of thorny issues of conflict. These are the core of the conflict and its root cause, while the method of conflict management is aimed at creating a state of confidence and eliminating many of the barriers between the parties to pave the way for conflict resolution.

The conflict can be managed first, moving from violence to political status, and then resolved and transformed, and its causes removed (Zartman 2007). There are two salient inputs to the relationship between conflict resolution and conflict management methodologies, which are chronological sequence and replacement.

### 4.2.1 Chronological Sequence

This refers to which methodologies come first. According to previous studies, conflict management methodology comes first because one of its tasks is to pave the way for the conflict resolution methodology. The relationship between the two methodologies is important as it reveals the transition between them (Bar-Siman Tov 2007). It is a path that begins with conflict management and ends with the conflict resolution. Ben Artzi et al. (2015) explained that, instead of discussing the root causes of conflict, some felt that the search for a settlement could be divided into several stages. After achieving the stages of conflict management, the process will transit into conflict resolution, which will be mature because of the elimination of the many barriers between the two parties during the previous conflict management phases.

The chronological sequence represents the most salient manifestation of the relationship between the two methodologies. Because the conflict management methodology comes first, the transition from a conflict resolution methodology that has failed to find a solution to the conflict to the conflict management methodology as suggested by previous studies means using a reverse trend in the relationship between them. So, what is the justification of such motion? How can previous studies explain and justify the transition from the advanced conflict resolution methodology to the

primary conflict management methodology? How can this setback serve the efforts aimed at finding a solution to the conflict?

The implementation of the reverse substitution of conflict methodologies seems arbitrary in dealing with the facts, probably because of the unwillingness to open the debate on the alternative to the negotiations that have been failed yet to find a solution to the conflict. However, the back-to-back process cannot be separated from its indications linked with the time dimension in particular because the search for a solution to the conflict will enter new episodes. Needless to say, the time factor and its direction represent a distinguishing characteristic of the conflict, and, therefore, excluding this dimension from the discussion circle around the present and the future of the conflict is unwise. Reversing the methodology, therefore, serves the Israeli side that is looking for the precious time needed to change the facts on the ground. In other words, this means, in practical terms, the freezing of the natural movement of the conflict by preventing it from moving forward and keeping it in a range that is appropriate for the beneficiary party to maintain the status quo as long as possible.

### ***4.2.2 Replacement***

The substitution between the methodologies somehow contradicts the concept of chronological sequence and the integration in the work of these methodologies, and it becomes difficult to match the meaning revealed by the chronological sequence and the meaning revealed by the substitution of methodologies unless changing the concept of conflict resolution. The mission is expected to be achieved through conflict management approach.

This is clearly evident in light of the realization that the work of the conflict management methodology is not relevant to overcoming the physical obstacles and realities of the situation that are impeding a solution to the conflict, but rather to work to change the criteria for acceptance or rejection of the suggested solutions to the conflict by the parties, so that what was previously unacceptable to the weaker party in particular would now be acceptable. Therefore, the substitution does not really occur among the methodologies aimed at reaching a solution to the conflict, but rather in the content of the solution required. Depending on the change in the stances of the weaker party, which will be achieved mostly through the use of conflict management approach.

Explaining the perspective through which the methodologies are replaced is necessary as is how they are carried out, and whether both parties to the conflict agree to this procedure and that it reflects their common interests. Does the substitution reflect the principle of reciprocity in the presumed relationship between them (Zartman 2008). Or, is there a party that decides on the nature of the clash, the mechanisms of the stampede, and the form of the relationship between the parties unilaterally? Obviously, the requirement to replace methodologies dealing with conflict is not based on clear rules and lacks a theoretical frame and the required conceptual

support. It neither provides an integrated view of the justification for replacement and its access mechanisms nor how it affects the efforts to find a solution to the conflict.

The absence of participation of the parties to the conflict in determining the mechanisms designed to resolve or to manage the conflict will complicate the problem rather than facilitate a solution because the procedures in such a case will reflect the positions, desires, and visions of one party to the conflict, not both. To be mutually acceptable and successful, conflict-related plans for dealing with the parties must reflect their visions together and their common interests, as the conflict is an expression of an interactive relationship between two parties. How is it possible then for one of them to decide on the form of such a relationship and the mechanisms for resolving it in a unilateral manner?

Dajani (1996: 5–6) articulated that when Palestinians failed to “insist upon a prior agenda for negotiations, thus allowing Israel alone to determine their nature, scope, direction, and content”. Aggestam and Bjorkdahl (2011), Coleman (2003) explains that if the strong party to the conflict is accustomed to determining the form of relationship between the two parties of the conflict, then this would create the foundation to the most significant problem facing the efforts aimed at ending the conflict, adding that this happens because of the sovereignty of the vision of that party, which determines the nature of the relationship with the other party, and the way they face each other.

Accordingly, the conflict management is likely to have a deep trap targeting the weak party to the conflict particularly, since it works in one direction and not in two directions, trying to maintain a certain level of interaction between the parties to the conflict, and working to change the nature of their relationship before a just solution is achieved. The conflict management method, therefore, may make it difficult for the parties to reach a solution to the conflict, rather than working towards a solution (Ben-Artzi et al. 2015).

### 4.3 Conflict Management and Israeli Negotiating Behavior

Regarding the overlapping between conflict resolution methodology and conflict management methodology, which adds another dimension in the form of their relationship, then examining and assessing the Israeli negotiating behavior seems important. This will disclose if it is aimed at reaching a reasonable solution to the conflict, or if it has been used as a tool to manage the conflict since the beginning of the negotiating track, especially because such an overlap allows the Israelis to hide behind the conflict management methodology to continue the violent struggle against the Palestinian people, while seemingly trying to find a negotiated solution to the conflict.

According to Brom (2013), Israel joined the Madrid Peace Conference in 1991 to gain the time it needed to impose the wanted facts on the ground and realize its vision of a greater Israel project. Said (2002) articulated that Israel had sought through the Oslo Accords of 1993 and 1995 to legitimize its occupation of the West

Bank, Gaza, Jerusalem and the Golan and to compel the Palestinians to accept that fact by bringing this issue to the heart of the agreement with the PLO. Al-Khateeb (2014) opines that, one of Israel's strategic objectives of the Declaration of Principles (Oslo) was to establish and expand settlements, and the Israeli negotiating strategy sought to ensure harmony between Israel's settlement policies and the agreements with the Palestinians.

Pruitt (2015) stated that Israel had been eager to achieve two goals through the signing of the Oslo Accords, which were to reduce the likelihood of a further resurgence of the Intifada and then to stop the advance of Hamas movement. Gallo and Marzano (2009) consider that, at times, a party not wishing to change the status quo uses negotiations to slow the transition towards a lasting peace, and this can be achieved through a range of ways. One is foot-dragging by making the negotiating process last for as long as possible, while the facts on the ground are being altered to serve the interests of Israel, making it difficult, if not impossible, to reach a solution according to the demands of the Palestinian party.

Even after the mutual recognition between the PLO and the Israeli Government in 1993, Israeli leaders continued to pursue a policy of prevarication towards the issues of occupation and of Jewish settlements and the Palestinian State, which had not only caused frustration to the Palestinian side but also created resentment against Israeli policy as a whole (Aggestam and Bjorkdahl 2011; Kriesberg 2014). In the same vein, Israel had maintained its colonial practices during the negotiations, and the pace of such practices had increased dramatically in many cases. All this was done before the negotiations reached a deadlock in late 2000.

First, Israel has continued to work on the construction of settlements in the occupied Palestinian territories, which poison the atmosphere of negotiations and undermine the chances of success in reaching an agreement between the parties (Goldenberg 2015). Furthermore, their creation constitutes a natural barrier to the possibility of a Palestinian state (Kelman 2007). The group Americans for Peace Now indicated that the rate of increase in Israeli settlement construction in the occupied Palestinian territories amounted to 52.49%, from September 1993 to 2001, and the number of settlers in the same period was 72%, jumped from 115,700 to 203,000 (Barak 2005).

Second, Israel has continued to confiscate Palestinian land, aiming to alter the realities of geography on the ground and did not stop the practices of arrest, murder and destruction of property, and between September 1993 and October 2001. More than 157,180 dunums (38,840 acres or 15,718 ha) of Palestinian land were confiscated for building settlements and bypass roads (Isaac and Rizik 2002).

Third, Israel has continued its policy of the dismemberment of the West Bank and Gaza Strip, with military roadblocks that make the lives of Palestinians an intolerable inferno (Stockton 2014). Also, Israel has procrastinated in the transition to the final solution issues, which were to be resolved by the end of a five-year transitional period, in accordance with the Oslo Agreement, and from the moment of the signature of the Declaration of Principles Agreement (Goldenberg 2015).

Fourth, Israel has detained thousands of Palestinian prisoners and kept them in detention in its jails. The Oslo Accords provided for the release of political prisoners. Section 20 of the Gaza-Jericho convention calls on Israel to release 5,000 Palestinian

political prisoners, and section 16 of the Interim Convention provides for the release of more Palestinian prisoners in three stages (Al-Wafd 2015, October 16).

Fifth, Sarah Roy explained that the Israeli Government had imposed 342 days of full closure of the Gaza Strip and 291 days of full closure in the West Bank during the period from 1993 to 1996 (the period of appeasement and delight in the Oslo agreement). Palestinians were prohibited from any economic activity outside the West Bank and Gaza during those days, and, for the rest of the days, they were subject to less harsh closures (Al-Khateeb 2014).

Accordingly, how it is possible to differentiate between the negotiating rounds that happened under the heading of conflict resolution between 1993 and 2001 and those that happened under the heading of conflict management like the road map negotiations 2003, the Annapolis negotiations 2008, and then the 2013–2014 negotiation rounds? Are there any differences between them in content, in mechanisms, or in goals and visions? If it is difficult to find differences between the two situations, then does this mean that the two negotiating situations reflect the methodology of conflict management? Is there any need for further proof that Israel has been using negotiation as a tool to manage the conflict and not to resolve it since the start of the negotiation process?

Obviously, there is a clear relationship between the methodology of conflict management and the Israeli negotiating behavior, so highlighting this relationship seems necessary, and serves the goal of this research given the clear harmony between them. This will help also to shed light on that relation since the negotiating process had started. This means that linking the replacement of methodologies with the developments that have happened in 2000, according to the literature, is inaccurate.

On the other hand, no clear relationship exists between the conflict management methodology and the Palestinian negotiating behavior, so that it can be reviewed in this research. There was, however, a Palestinian negotiating conduct, and, in that light, comparisons could be made between both Palestinian and Israeli negotiating behavior, but this was not done because of the nature of this research, and the space allocated to the research does not accommodate such branching.

#### 4.4 Assessment of Conflict Management Method

Conflict management methodology primarily attempts to develop a state of transitions in the directions of the parties to the conflict, to make them closer to each other. It is expected that this type of transformation will stimulate efforts aimed at reaching an acceptable solution to the conflict (Menkel-Meadow and Nutenko 2009). This requires that the parties to the conflict change their profoundly held views of the conflict and replace them with a more moderate look at the peace efforts and its requirements (Bar-Tal 2000).

Hill (1982) considers that subjective conflict requires a change in “self” as a requirement for a solution. A subjective conflict is that to which the personal fate of the parties to a conflict are subject to such as the struggle for identity, destiny, and



land. Kelman (2004) says that reconciliation as one of three elements of the peace industry in existential identity struggles requires that the parties change a component of their identity, which concerns the perception of the other party.

Thus, the idea of changing the positions and attitudes of the parties to the conflict appears to be a critical step and contributes to overcoming the obstacles to a solution between two parties that are dominated by hostility. However, this needs further clarification and discussion, as it involves an imbalanced generalization, which requires a clearer definition of the idea and its connotations.

It is not necessary for both parties to the conflict to change their positions to find a situation of rapprochement between them; it is sufficient for only one of them to do so that the positions of the parties can converge. In an asymmetry-based relationship as in the case in question, the weak party is already equipped to respond to the demands for change that it is heaped on it for subjective and objective reasons. What is needed, therefore, to ascertain whether the process is aimed at changing the awareness of both parties to the conflict through working in two directions, or that it affects only one party because it operates only in one direction?

Aggestam (1999) articulated this matter when she considered that changing self-image and political culture of parties to the conflict makes conflict easier and more amenable to resolution, a change that political actors conceive of in different ways. That meant that the change to be achieved in the perceptions of the actors is not mutually parallel, as both parties are not seeking to change their positions, their perceptions to get them closer together, but usually, the stronger party sought to make changes in the weaker party.

In any case, attempts to change the psychological and social structure of the parties to the conflict seem problematic because changing the cognitive, psychological and social heritage of people is difficult (Churchman 1995). Nevertheless, such a change is considered a cornerstone in the endeavors attempting to eliminate the obstacles that resist finding a solution to the conflict according to the literature, the task that might be achieved by using conflict management approach.

In analyzing the circumstances of the situation, it has been shown that efforts are being made for bringing about change in only one party, that of the Palestinians. Therefore, the claim that encouraging both parties to the conflict to change their perceptions is necessary contradicts what is happening on the ground. In fact, all parties are exerting pressure on the weaker side (the Palestinians) to change its perceptions and historical narratives on the conflict by betting on their inability to resist the purposeful orientations to change their attitudes towards the conflict and the other party.

Therefore, the conflict management methodology goes in a different direction. That will be more evident in light of the realization that the conflict management methodology is an expression of a battle aimed at changing the positions of the other party, given its capability to influence its awareness (Bar-Siman-Tov 2007).

Conflict management methodology targets the awareness of parties to a conflict in a way that aims to address the causes of a conflict resting on peoples' awareness and not on the facts on the ground, which is dangerous if it goes in only one direction or focuses only on one party to the conflict. Needless to say, conflict is primarily linked



to perceptions and awareness more than to attitudes and behavior as it is defined and presented in general, and, when discussing the concept of conflict, awareness should be considered a central concept that cannot be overridden (Swanström and Weissmann 2005).

No doubt, the conflict emanates primarily from consciousness before it is reflected in a problem that appears on the ground because the issue of conflicts of interest that cause the conflict exists in awareness and perception. Without consciousness saturation with concepts such as conflict, heterogeneity, divergence, and contradiction between the actors, there will be no conflict between them on the ground. It can, therefore, be confidently said that conflict is a foremost a matter of consciousness. Fisher et al. (1991) are of the view that conflict in the end, does not occur in objective reality but in the minds of people.

Therefore, the differing concepts and perceptions between the parties about an issue lead to a conflict between them, and, to the extent to which concepts and perceptions seem contradictory, the conflict gains a parallel magnitude in sharpness and the complexities involved. Accordingly, an action to change the awareness of issues will be in itself an act of conflict and not a tool that facilitates reaching a solution. This is unless the intended solution reflects the perspective of one of the parties to the conflict, and this emphasizes once more the fact that the conflict management methodology does not serve both parties to the conflict, but one of them only.

The issue of changing the nature of the conflict and the perspective of the parties toward each other by reprogramming the consciousness of the weak party does not help to reach a solution to the conflict, but rather complicates it because the mechanism of the methodology is unidirectional. It is an effort in the powerful party's basket of gains, which should be matched by a parallel effort by the weak party through a reluctance to respond to the purposes of that effort, and thereby serve its own goals through its own method of conflict management.

Clearly, efforts on the ground in the Palestine-Israeli reflect endeavors aim at changing the perceptions of the Palestinians about the conflict by attempting to standardize a range of ideas in their consciousness. Such current ideas have been expressed in accepting Jewish settlers east of Jerusalem as neighbors and in expressing the ending of occupation as if it were a process of redeployment, as well as replacing the terminology of the occupied territories with the terminology of zones of conflict (Aggestam and Bjorkdahl 2011).

Clearly, these efforts have been aimed solely at changing the awareness of the Palestinian side and no comparable effort has been made to change the awareness of the Israeli side, as a matter of reciprocity. As a representation of that fact, calls for the creation of the new Palestinian have been made, but no similar calls have been made for the creation of the new Israeli (Dayton 2009). The issue reflects the nature of calls aiming at achieving transitions and the parties that are targeted. If an attempt to influence Israeli consciousness were available, then it would have been easy to invite that party to abandon its historical memory, which claims that Israelis own the disputed land. It is this consciousness that has caused the renewal of the conflict in its present form.

Avineri (1981), Vital (1982) see that the Jews have returned to the land of Israel (Palestine) with the aim of establishing their own state after two thousand years of exile, and they have been armed with a Zionist ideology that will provide them with the rationale to justify their steps (as cited in Bar-Tal and Salomon 2006). Therefore, working to change the awareness of the other party will not only fail to end the conflict equitably but will help to achieve the objectives demanded by the Israelis.

Bringing about a change in the consciousness of one party to the conflict leads to a change in the relationship between them but serves one party exclusively. At a time when calls for transforming the conflict are on the rise through changing the positions and perceptions of one party towards the other party, the strong party (Israel) insists upon upholding the status quo, in which it plays the role of the dominant party, preferring the survival of that status on a comprehensive settlement of the conflict (Aggestam and Bjorkdahl 2011; Brom 2013).

Arguably, this means that any transformation is to be on the Palestinian side only, and when Palestinians respond to the pressure to do so, this will leave the impression that the conflict has been resolved or that it is on the way to being resolved at least, whether this is true or not. The theoretical assumption that conflict management leads to the resolution of the conflict has stalled and is even making the distance for a solution farther apart rather than bringing it closer (Ben-Artzi et al. 2015) because of the imbalance in the work of the conflict management methodology.

Accordingly, Kelman (1999) believes achieving the transformations in the relationship between the parties to the conflict should be an expression of the ultimate treatment of the conflict and its deep roots. It should not precede that because that would give the impression of the end of the conflict by achieving those transformations so that the strong party would consider that the fulfilled transformations should be the alternative to the solution to the conflict as a real solution from the standpoint it adopts.

Accordingly, Ben-Artzi et al. (2015) see that the idea, which stipulates that conflict management methodology paves the way for a conflict resolution methodology, involves a problem of concept. This needs to be articulated and debated by literature, as the conflict management methodology has failed to form the bedrock to pave the way for a solution to the conflict and, therefore, represents a stumbling block to such access, as it is changing the nature of the interests of the parties to the conflict, as well as altering the concept of their common interests, so that they can reach the goal of resolving the conflict.

The movement of change in the positions and vision of the parties to the conflict can be conducted according to two forms. The first form reflects the responses of the parties to the efforts to bring about the desired change in its positions by an external influence. It is exactly the form has been discussed by previous studies. The second form reflects the flow and natural evolution of events. Conflict does not take place in a static environment, but witnesses shifts at every moment, visible or subtle, intentional or spontaneous, and possibly negative or positive according to the perspective of each party (Kriesberg 2014).

The parties to the conflict usually seek to make deliberate and planned transformations of the other side to serve their objectives and interests, and such efforts are part

of the tools of conflict that the parties use in confronting each other. Each party seeks to pull the other party into its positions and perceptions and into the mechanisms it adopts to deal with the conflict (Thomas 1998).

In contrast to planned transformations, natural transformations occur that may not meet the interests of the strong party so that a strong party usually takes a firm stance against such transformations because they do not serve its interests. This suggests that attitudes towards transitions are carefully calculated and governed by a rule of interests and not by principles.

For example, the regional and international political systems have refused to recognize the results of the Palestinian legislative elections that was concluded in 2006, as an expression of rejection of one of the most natural conflict-related transitions. In a similar context, what has been known as the Quartet on the Middle East (the United States, Russia, European Union, United Nations) have asked Hamas who won elections to implement a list of conditions and demands as a prerequisite to resuming providing assistance for the Palestinian authority (Pike 2017; Gordon 2006).

Israel also imposed a series of sanctions against the new Palestinian government. The leaders of Israel have taken the initiative of saying that they will not sit with Hamas at the negotiating table, as it does not seem to be an appropriate partner, demanding the boycott of the new Palestinian Government. Indeed, Israel has refrained from negotiating with the Palestinian Authority under the leadership of Fatah for two years, replacing it with the implementation of unilateral procedures to impose a solution to the conflict according to the Israeli perspective (Bennis 2012).

## 4.5 Conclusion

The idea of replacing the conflict resolution methodology with the conflict management methodology was strongly present in the perceptions presented by previous studies to overcome the impasse of Palestinian-Israeli negotiations. This is an issue that calls for an examination of the impact of this replacement on the nature and outcomes of the negotiating process through an analysis of the opportunities for conflict management methodology to positively influence efforts aimed at finding a solution to the Palestinian-Israeli conflict. In particular, the call for replacement was made in the light of the failure of the conflict resolution methodology to reach a solution.

Research has shown that the conflict management methodology does not help to reach a solution to the conflict. In this context, it is also useful to analyze the formula that governs the relationship between the conflict resolution and conflict management methodologies, and, in this light, it has been possible to explore their respective contributions to the efforts aimed at resolving the conflict.

Learning about the Israeli negotiating methodology and examining its relationship with the conflict management methodology is vital as long as there are calls to use this methodology to address the Palestinian-Israeli conflict. The mechanisms, characteristics, and objectives of the conflict management methodology were found to be strongly present in Israeli negotiating behavior from the very beginning of the

negotiating track. The chapter assesses conflict management methodology, explaining the focus of the methodology on shifts in the positions of the parties to the conflict in the first place, as a step facilitating the process of reaching a negotiated solution to the conflict.

It was critical to know whether the required transformations were aimed at both parties to the conflict or only at one of them. Through analysis and extrapolation, the study found that the work of the methodology concentrated only on the weak Palestinian party, and, therefore, the methodology seemed to be serving only one of the parties to the conflict and not the other. It can, therefore, be said that the methodology of conflict management plays a role as one of the conflict tools rather than an effective one that seeks to resolve it.

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