AN ASSESSMENT OF BACK CHANNEL DIPLOMACY: NEGOTIATIONS BETWEEN THE PALESTINIANS AND ISRAELIS

Anthony Wanis - St. John

An Assessment of Back Channel Diplomacy: Negotiations Between the Palestinians and Israelis

In the years 1190 to 1191, the Sultan Salah al-Din was consolidating his hold on Syria and Palestine after having bloodlessly retaken Jerusalem from the Crusaders. The loss of Jerusalem rallied the Western world to send more Crusaders in greater strength to the Middle East in the hopes of taking Jerusalem again. The German Emperor, as well as King Philip Augustus of France and King Richard the Lionheart of England each came with new forces. The Crusades, while full of bloody battles, were dotted by periods of coexistence between the Arabs and the invaders from the West, arranged by diplomatic negotiation between the Crusaders and the Arabs' respective leaders. Salah al-Din's brother al-'Adil was the chief emissary to King Richard and was authorized to negotiate with him about the terms for Richard's withdrawal, prisoner releases, possession of the True Cross and other matters. While King Richard attempted to turn Salah al-Din's brother against him, Salah al-Din opened parallel negotiations with another Crusader prince, the ruler of Tyre, Marquis Conrad, who offered Salah al-Din an alliance against King Richard (Maalouf 1987). The offer strengthened al-'Adil's negotiating posture with King Richard and was part of Salah al-Din's strategy for the successful conclusion of a five-year truce with his adversary. This historical incident illustrates an early use of parallel, secret diplomacy, a little-understood negotiation method which is increasingly used for contemporary peace making in violent conflicts.

ANALYSIS AND EVALUATION

Back channel negotiations have been used by diplomats and other players in international relations possibly for as long as peoples, nations and states have had dealings with each other. Back channel negotiations refer here to negotiations that take place in secrecy, removed from public scrutiny and sometimes even occur parallel to acknowledged or "front channel" negotiations. They therefore bypass or supplement normal, open channels of diplomacy; negotiations typically handled by foreign ministries and departments of state. They are sometimes used to explore concessions, options and solutions that contradict declared, official policies articulated by governments or insurgents. The use of both front channel and back channel negotiation (or multi channel negotiation) occurs frequently in the practice of international relations but has thus far eluded systematic study.

Back channel negotiation must be distinguished from activities that are entirely unofficial, sometimes referred to as Track II diplomacy. These are meetings between people with no official government rank, from opposing sides of an international conflict. Former diplomats who have become practitioners of Track II diplomacy say the purpose is to achieve "the reduction or de-escalation of conflict within a country or between countries by lowering the anger, tension or fear that exists, by facilitating improved communication and by helping to bring about a better understanding of each party's point of view" (McDonald 1991). One well-developed Track II approach is known as the "interactive problem-solving" workshop for international conflict resolution pioneered by Herbert Kelman, who for 20 years has been crafting informal encounters between politically active and influential Israelis and Palestinians (though not national officials) for the purpose of facilitating the breakdown of psychological barriers to communication and, eventually, commencing joint social and political problem-solving (Kelman 1992a; Kelman 1995b; Kelman 1995a; Kelman 1997; Rouhana and Kelman 1994). The characteristic lack of "official' status of Track II participants is both an advantage and a disadvantage. On one hand, it is what permits participants

to exceed the bounds of rigid official positional bargaining. At the same time, this implies that there is little, if any, binding quality to such interactions.

There is no sign that the back channel approach is presently losing any of its appeal in the world of international affairs. In fact, back channel negotiations appear to be increasingly prevalent among governments, insurgent movements, secessionist groups, international organizations, labor federations, trade concerns and other entities with an international personality and reach.

In this paper, historical uses of back channel negotiation will be surveyed to provide historical context and lay the foundation for initial assessments of this tool of diplomacy. A landmark case of contemporary back channel diplomacy will be analyzed: the negotiations between the Palestinians and Israel that took place from 1991-1993. The case will serve to test ideas on back channel negotiation, assess this diplomatic phenomenon and point to lines of inquiry regarding future uses of this instrument of negotiation.

Evolutions in Diplomacy

Diplomacy is an ancient art of mutual communication between political leaders across political, ethnic or religious boundaries. The principal diplomatic tool for adjusting differences and resolving disputes is negotiation. The genesis of diplomacy may predate the beginning of history with the periodic sending of emissaries or delegations from court to court, ruler to ruler. In the seventeenth and eighteenth centuries, a new system of diplomacy emerged with the advent of the modern state, consisting of increasingly permanent ambassadors stationed abroad and a bureaucratic machinery at home issuing instructions and assessing information, led by a single individual representative of the sovereign, the minister of foreign affairs. During World War I, President Woodrow Wilson in his famous Fourteen Points called for "open covenants openly arrived at," partly in response to the public impression that professional diplomacy had failed too often in preventing war, and that diplomacy practiced behind closed doors did not adequately represent, and at times even betrayed, the interests of the governed. This led to an era of increasing control of foreign affairs by politicians themselves, rather than their professional diplomatic corps opening new opportunities for negotiations to proceed in multiple fora. This past century has also witnessed the emergence of mass public opinion and its constraining impact on states' conduct of foreign affairs. In the era of international organization, the diplomatic practice of states began to include more multilateral conferences (either in large assemblies with numerous national delegations or at summit conferences between heads of state) and permitted unprecedented public access to the procedures, actions and personalities involved in official diplomacy.

Sovereign states have became the predominant form of political organization, and the voices of the governed are able to influence the function of government in democratic states. Nevertheless, this has not prevented diplomacy from being conducted in secrecy, and, at times, without regard to public accountability or public interest. Nor has it prevented negotiations from being exercised in defiance of established practice, declared policy, official bureaucracy and even other simultaneous official negotiations.

In this present age of almost instant and wide-spread public access to global events and the diplomatic exchanges that deal with them (exemplified by the influence that sources such as CNN and vehicles such as

television and the Internet have on the public's and the policy maker's awareness and opinion formulation) back channel diplomacy persists as a tool for bypassing foreign policy bureaucracies and sensitized public opinion in order to attempt to reduce some of the transaction costs associated with a negotiation. As secret diplomacy, it is potentially deniable by officials should its mission fail. It may be seen as a potentially risk-free forum for exploring and negotiating otherwise unresolvable matters. The resultant dynamic has gone almost unnoticed in the scholarly literature of the emerging disciplines of negotiation and conflict resolution. This oversight in the literature is an opportunity for new and relevant scholarship.

Back Channel Negotiation in Diplomatic History

At the Congress of Vienna in 1814-1815, in the wake of Napoleonic wars aiming at ending Europe's monarchies, Austria, Great Britain, Prussia, Russia and France attempted to construct an international balance of power system among themselves to prevent future Napoleons from challenging monarchical Europe. Nonetheless, it is believed that even while negotiations for this seminal international system. the "Concert of Europe." were being held, Charles de Talleyrand, the French envoy, managed to negotiate a secret defensive treaty between Austria, Britain and France against Prussia and Russia (Eller 1912).

One hundred years later, the archives of diplomatic history reveal three interconnected and fascinating examples of back channel diplomacy relating to the Middle East: the Hussein-MacMahon Correspondence, the Sykes-Picot Agreement, and the French-Russian arrangements on Palestine. Of course many other, less hidden, diplomatic and military initiatives interacted, contradicted and complicated these events to produce the modern Middle East.

During World War I, Great Britain sought to design the post-war Middle East under eventual British domination even as it tried to subvert the Ottoman Empire by fomenting an Arab revolt against the Ottoman rulers. The vehicle for this subversion was to encourage the kingship ambitions of the Sharif Hussein ibn 'Ali, ruler of Mecca, and to turn him against the Ottomans. Sir Henry MacMahon, British High Commissioner in Egypt, engaged Hussein in ambiguous correspondence purporting to carve out a caliphate for Hussein free from Turkish or British rule in exchange for his delivering an Arab uprising against the Turks (The Hussein-MacMahon Correspondence).

Since the Ottomans were allied with Germany and the Arabs were Ottoman subjects, MacMahon was essentially making deals behind enemy lines. Yet France, Britain's war ally, had designs and interests of her own in the Middle East. In order to negotiate freely with Hussein, the British needed to ascertain the limits of French designs. The secret 1915-1916 negotiations between Sir Mark Sykes, the British negotiator and Francois Georges Picot, a French consul in Lebanon, (resulting in the Sykes-Picot Agreement) delineated the parts of the post-war Middle East that either Britain and or France would rule directly and the parts that would be nominally independent. A significant part of the Middle East was to comprise "an Independent Arab state or a Confederation of Arab States" that was nevertheless divided between French and British spheres of influence (Fromkin 1989). Arab self-rule, despite the negotiations with Hussein, was never a real consideration.

Russia, another British war ally (though peacetime rival) also had to approve the Sykes-Picot arrangements,

since its interests reached into South West Asia and the Middle East. While both British and French diplomats were securing Russian approval, the French Premier Aristide Briand used back channel diplomacy to negotiate a secret pact with Russia defining their respective spheres of influence in the Ottoman Empire and securing Russian support for an eventual French administration in Palestine, rather than the system of zones divided into international, French and British control as contemplated in the Sykes-Picot Agreement (Fromkin

1989). The conflicting aspirations of the Arab nationalists, the Zionists, the French, the British, and the Russians were manipulated via back channel diplomacy in order to shape the destiny of the contemporary

Contemporary examples of back channel diplomacy can be found in US diplomatic history. During the Cuban Missile Crisis, President Kennedy and only three other advisors were aware that in order to defuse tension with the Soviets, a secret pledge to remove American missiles from Turkey had been added to the public pledge not to invade Cuba. The President denied the existence of this clause and cut out of the loop all of the other key decision makers in the National Security Council. Disclosure of the secret pledge was thought to be dangerous politically since European allies and domestic constituencies might see this as a betrayal of both allies and national interests. During the week of the crisis, Aleksander Fomin, KGB Station Chief in Washington, initiated back channel contact with a journalist, State Department correspondent John Scali, in order to convey Kruschev's messages. These channels were utilized to supplement official government contact (Allison 1987; Kagan 1995).

Following the 1967 Arab-Israeli War, a direct private telephone link was established in 1969 between US National Security Adviser Henry Kissinger and the Israeli Minister of Defense Yitzhak Rabin. According to one historical analysis, this had the effect of facilitating the White House's pursuit of a foreign policy at variance with the one being implemented by the US State Department, in effect permitting the US government to maintain a public diplomatic posture while pursuing a private foreign policy agenda (Quandt 1993).

In 1974 Henry Kissinger, as US Secretary of State, sought rapprochement with Cuban Premier Fidel Castro. During 18 months of efforts, he set up secret negotiations between State Department official Lawrence Eagleburger and Fidel Castro's aide Ramon Sanchez Parodi in New York's La Guardia Airport, despite official US censure of the Castro regime.

During 1985 and 1986, officials of the Reagan Administration initiated two interrelated back channel operations that completely circumvented official diplomacy and trespassed into illegality. In what came to be known as the Iran-Contra scandal, various administration officials, apparently without Presidential authorization, effected the sale of weapons to Iran via Israel on the assumption that Iranian influence would help free Western hostages held by pro-Iranian insurgents in Lebanon. The US, officially a neutral in the Iran/Iraq War, had previously declared an arms embargo on Iran. Ransom payments to hostage-holding insurgents were contrary to declared policies.

Subsequently, profits from the arms operation to Iran were diverted to a secret resupply operation for the Nicaraguan Contras, a US-fomented insurgency against the Nicaraguan government, which at the time, was

Middle East.

.................

prohibited from receiving US military assistance (1987). Secret negotiations between US and Israeli officials and both the revolutionary Iranian leadership and the Contras were the vehicle for these operations.

Further examples include the process by which South Africa's Minister of Justice, Police and Prisons, Jacobus Coetsee, opened a back channel to the African National Congress (ANC) in 1985 by contacting Prisoner No. 466/64, Nelson Mandela. His purpose was to make "discreet contact" with the ANC leaders (Sparks 1994). Over the next few years, Minister Coetsee met with Mandela in prisons, hospitals and private homes. He subsequently informed President P.W. Botha about the talks; the president directed that the talks continue, but that even Cabinet members initially be kept in the dark. The government hoped to offer Mandela his freedom in exchange for a renunciation of armed struggle by the ANC. Mandela ultimately sought all-party negotiations leading to the dismantling of apartheid. Due to the slow progress of the negotiations, Mandela was even concerned that the government would open competing back channels with other ANC elements (Sparks 1994). The back channel with Mandela eventually opened the way to acknowledged negotiations for democratic transition in South Africa.

In each example, communication channels that were not officially acknowledged were used to negotiate arrangements that were in direct contradiction to the official policies of the parties involved or in conflict with yet other front or back channel arrangements.

Assessing Back Channel Diplomacy

Numerous factors motivate parties to use back channel negotiations, and yet there are factors which should be considered seriously by negotiators before opening a back channel. As the historical use of back channel negotiations comes to light from newly opened archival material, it will be important to develop a base of theoretical and practical knowledge concerning their advantages and disadvantages from the standpoint of the negotiation process. The objective of this paper is to start that research.

The use of a diplomatic back channel may involve trade-offs and risks that should be considered by the negotiating parties. Questions to pose might include: How much public trust and constituent unity are the parties willing to risk in order to escape public scrutiny? Is the reputation of the negotiators and their clients at stake? Is there a question of illegality or impropriety? Is it necessary to compromise the parties' concrete interests and negotiating goals in order to get a deal with the other side? How is the transition to "front channel" negotiations accomplished? What enforcement mechanisms exist? These are just some of the questions that negotiators should ask in evaluating the merits of resorting to the back channel. While some of these considerations are validly held in open diplomatic practice, there are special risks in a back channel context, especially as some of these considerations combine to threaten any fragile accommodation already made.

Contexts for Back Channel Diplomacy

An examination of historical cases reveal two specific contexts in which back channel negotiation may be particuarly useful: i) to break a diplomatic impasse that has been reached in front channel negotiations or in the absence of front channel negotiations, and ii) to de-escalate an international crisis with the potential for

violence.

Breaking a Diplomatic Impasse

The stalemate that can follow protracted conflict often discourages the expression of creative ideas for resolving the dispute. If the parties never have communicated directly, this may be a low-risk way to build up a dialogue. If the parties cease to talk, or cease to talk effectively, then the back channel may be sought as a way to reopen dialogue that has fallen apart in the front channel. This is attained by diminishing the obstacles to negotiation, as well as providing a less-risky environment in which to explore creative solutions, prior to commitment on outcomes. In South Africa, Afrikaner Brotherhood leaders remarkably noted that "the stereotypes on both sides were starting to break down with the (back channel) contacts" they had with the ANC (Sparks 1994).

De-escalating a Crisis

In international crises, in which time for decision making is short, credible threats to a state's core values and interests are involved and the danger of armed conflict may exist, a back channel has on occasion been used to supplement or replace official diplomacy.

Back channel negotiations are a lever with which to push parties toward more optimal outcomes while reducing certain risks and costs associated with open negotiations and inflexible, maximalist declared policies and negotiation positions. However, there may be costs in using a back or multichannel negotiation strategy in international conflict. Table 1 outlines the potential advantages and disadvantages and disadvantages of using this approach; the following sections discuss each in further detail.

Table 1. Potential Advantages and Disadvantages of Back Channel Diplomacy

Advantages Disadvantages

Secrecy Exclusion of subparties
Informality Loss of intraparty cohesion
Simultaneous parallel channels Front channel alienation
Confused communication

Confirmation of negative perceptions

Advantages of Back Channel Diplomacy

The principal advantages of back channel diplomacy in the two contexts identifited above reflect three of its principal characteristics: the informal environment for negotiation; the element of secrecy and absence of public scrutiny; and the strategic use of simultaneous, multiple channels of negotiation. Back channel contacts, often facilitated by a discreet third party, bypass the many bureaucratic layers and officials with responsibilities in crisis management. An intermediary may seek to gain the confidence of two or more parties willing to communicate about managing their crisis, define true shared interests and move the back channel parties toward an outcome both can "save face" with. In an age of reduced response time, an effective back channel is a highly direct way of communicating, buying time and providing data to decision makers. Its effectiveness in a crisis relies also on the possession of timely intelligence and accurate analysis, having

parties who are capable of and willing to make concessions and commitments, and having negotiators in the back channel who can effectively translate secret agreement into official action.

Taking Advantage of the Element of Secrecy

International relations are full of historical examples in which contact with the enemy was seen as a deadly taboo by the respective constituencies, if not the leaders as well. When a party's public declarations have made contact politically risky, secrecy provides cover that facilitates the most direct contact with the enemy. Furthermore, negotiators often lock themselves into rigid bargaining positions when provided with an audience of either constituents, followers, allies, or other states. The absence of public scrutiny that characterizes back channel diplomacy can lead to a more inventive negotiation context.

Symbolic postures, taken by the parties in public (for example, a non-accommodating posture necessitated by cultural demands or political survival) might be more safely laid aside as long as there is no audience before whom to lose face. This encourages the frank pursuit of the issues to be negotiated, rather than fixation on historic blame for the conflict, or other details that are peripheral to the parties' interests and goals but readily consumed by the public.

During a lecture at a university in the Boston area in 1995, a high ranking Pakistani diplomat was asked about different future relationship scenarios between Pakistan and India. The diplomat showed little if any enthusiasm for closer relations. However, during informal discussions after the speech, the diplomat made an urgent appeal for the initiation of back channel diplomacy with India in order to address issues of nuclear proliferation and the resolution of the Indo-Pakistani conflict over Kashmir, tacitly acknowledging that public posturing which has a deep symbolic value can be laid aside to pursue discreet problem-solving talks.

Taking Advantage of Informality

An informal atmosphere may be created in which the stiff requirements of protocol are set aside in favor of a more personal human interaction. The back channel negotiating teams might include persons who are not government officials, but rather outside agents empowered to negotiate. Informality can stimulate the consideration of options that might be considered taboo or might not even arise in highly ritualized diplomatic encounters.

Informality is facilitated by keeping negotiations secret. Without audiences, posturing is minimized. This encourages the mitigation of blaming, which in turn facilitates the growth of trust and diminishes the mutual suspicion that often characterize relations between official representatives of parties, particularly those who have a bitter adversarial history, and perhaps even a vested interest in the continuation of conflict. By facilitating the development of cooperative, constructive interpersonal relationships between negotiators, the chances of coming to a settlement on the issues that divide their principals and constituents are increased.

Strategic Simultaneous Utilization of Back and Front Channels

Unique strategic opportunities arise if parties are using both front and back channel negotiations simultaneously. The information obtained in the former may enrich the latter and vice versa. Tentative moves may

be made in one, then pursued in the other. As noted above issues identified as intractable in a public forum may be worked out effectively if the lack of publicity enables the parties to venture previously unthinkable proposals and concessions and to explore where their interests truly overlap, complement and oppose each other. The channels may be used alternately to send exploratory signals to the other side in order to test the intentions and reactions of the adversary.

The use of multiple channels may accomplish several things: First, it may reduce the likelihood that communications are not being received or are being distorted. In this regard, they can be an attempt to overcome perceptual distortions (stereotypes, negative images, etc.) one may have of his or her adversary (Hopmann 1996). Such distortions come into play whenever there is conflict between two parties attempting to communicate, but especially when negotiators are from different cultures. Culture predisposes us to communicate and behave in many predictable "ranges" of responses because of our attitudes toward uncertainty, authority, cooperation/competition and individualist or collective social orientation (Hofstede 1997). Communication is an integral component of negotiation. Parties from different cultures often find that their messages are, to some extent, not understood by each other. A back channel may be an attempt to find a recipient for one's message who can convey it to decision makers as it was intended rather than how it was misperceived. This characteristic has its disadvantages, as we will see below.

Disadvantages of Back Channel Diplomacy

The very qualities that make the pursuit of the back channel appealing must be carefully examined as they may turn into liabilities for the parties. Ultimately the risks of such negotiations may actually prejudice the interests of the parties and, in the long run, endanger the possibility of preserving the very accommodation they seek to achieve in negotiating their differences.

Back channel negotiations have several distinct disadvantages. They include: the exclusion of subparties; loss of intraparty cohesion; alienation in the front channel; confusion of signals; sacrificing of interests; and the confirmation of negative images and intentions. Each is considered below:

Exclusion of Subparties

The parties who are actors in international conflicts are usually not monolithic. Rather, they are composed of alliances and coalitions among several diverse subgroups whose interests do not necessarily overlap completely. This observation applies to governments as much as it does to insurgent groups. Back channel negotiations, by their very secrecy, sometimes result from the exclusion of constituent subgroups on whose behalf an agreement is purportedly negotiated. Such exclusion can have grave implications for the survival of the final negotiated outcome if intra-party accusations of collusion and "selling-out" interests and constituencies are sustained, which leads to the discussion of the next characteristic.

Loss of Intraparty Cohesion

A certain amount of intraparty solidarity is essential in order for a negotiated outcome to "stick." Since parties are usually not monolithic, all the subparties must be united in supporting the outcomes of back channel negotiations if they are to be implemented and survive. The element of procedural secrecy compli-

................

cates this task. Consensus must be built up to persuade constituencies of the wisdom of negotiation and settlement or management of the dispute as opposed to violence, war or at best, nothing. Parliaments sometimes have to ratify accords, popular referenda may be held on a settlement and political elections may test the viability of both the political leadership and the negotiated outcomes that leaders obtain. Intraparty cohesion suffers when elements within one side to a conflict perceive that they were excluded from the process, or, that their interests have not been satisfied by it. Should the discontent of excluded parties, or parties who otherwise perceive that their interests were compromised reach significant proportions, the parties' respective internal cohesion may be endangered. Since commitment to the outcome may rely on the construction of a potentially fragile intra-party consensus, this can endanger the future viability of a negotiated outcome.

In a world in which national identities seem to be breaking down into progressively smaller subnational units, state cohesion gives way to religious and ethnic identity, potentially complicating settlement of disputes.

The recent eight years of conflict that have consumed the Balkans demonstrate the fragility of group constructs such as states and nationalities, as well as the difficulty in keeping parties from further splintering and endangering agreed upon solutions. This dynamic has been in evidence in the conflicts in Angola, Rwanda, Burundi, Chechnya, the Central Asian republics, Afghanistan, the Kurdish conflict in Turkey and Iraq, and numerous other conflict settings. In such conflict settings, the loss of intraparty cohesion greatly endangers any settlement reached whether it is a ceasefire or a comprehensive peace accord.

Alienation in the Front Channel

Related to the exclusionary element is the danger of alienating those persons engaged in front channel negotiations, who might otherwise be counted on to play key roles in obtaining general acceptance of the final negotiated outcome. This is inherent in situations in which the parties are simultaneously pursuing both front and a back channel negotiations, since negotiators in the front channel may feel manipulated or even betrayed by the proceedings of the back channel. The risk involved is similar to the loss of intraparty cohesion, since disaffected negotiators may themselves oppose outcomes reached in the back channel.

While official US and Soviet delegations were trying to negotiate the first Strategic Arms Limitation agreement in Geneva (SALT I), Henry Kissinger secretly negotiated his own version of the agreement with the Soviet Ambassador to the US Anatoly Dobrynin. Kissinger's and Dobrynin's accounts are available in their autobiographical works (Dobrynin 1995; Kissinger 1979). For the perspective of those whose work was circumvented, Gerard Smith's autobiography is instructive (Smith 1985).

Confusion

Another disadvantage related to situations in which multi-channel negotiations are being held is the introduction of confusion. Signals sent in the front channel may not be taken seriously in light of a contrasting position being adopted in the back channel, and vice versa. The importance of this consideration increases as the back channel is used strategically in efforts to influence the other side. Should a signal be misinter-

.................

preted, the actions chosen may lead to less than optimal outcomes.

Furthermore, issues of credibility and legitimacy arise if negotiating positions in the back channel are not believed due to declarations made in the front channel. Authority to enter into binding agreements may be increasingly held in doubt as credibility is diminished, ultimately leading back toward stalemate or even to renewed conflict.

Sacrificing Interests to Obtain Agreement

Any agreements reached in a back channel may be too removed from the parties' real-life interests and concerns. This can result if the reduced hostility of the informal setting and the lack of a public audience lead to overly accommodating interpersonal relationships and inappropriate concessions between the opposing negotiators.

The exclusion of subparties also contributes to this problem, as the resulting accord may fail to satisfy the legitimate interests of one or both of the opposing parties. The peril, in short, is that in obtaining an otherwise unattainable agreement via the back channel, the parties may have sacrificed so much of their interests that the viability of the settlement is jeopardized, again leading to failure of negotiation and perhaps to renewed conflict or violence.

Confirmation of Negative Perceptions

While back channel negotiation can confuse communication as mentioned above, it may also serve to confirm negative images of the adversary or negative intentions that might not otherwise have altered the status quo. Images that we form of our adversaries (enemy images) are problematic because they are resistant to disconfirming evidence. Social psychological research confirms that when we receive evidence that contradicts our negative images of adversaries, we tend to discount such information and attribute it to a passing, situational context ("they were forced to back down"). Similarly, our own actions, if comparable to our enemey's actions, tend to be justified as necessary due to circumstances. On the other hand, when we perceive information that supports our negative images, we attribute this to the nature or disposition of our adversary ("That's how they are.") (Kelman 1997; Rubin, Pruitt, and Kim 1994). Negative confirmation can halt or reverse progress in negotiations and conflict management efforts.

In the three years leading up to the October 1973 War among Egypt, Israel and Syria, numerous efforts were made to mediate between Egypt and Israel and take advantage of the ceasefire on the ground, including the 1973 opening of a back channel between the US and Egyptian national security advisors, Henry Kissinger and Hafez Ismail, respectively (Heikal 1996; Kissinger 1982; Quandt 1993). The net result was to clarify for President Sadat that neither US nor Egyptian peace initiatives were going to elicit the concessions he required from Prime Minister Meir of Israel. Thus the October War became an inevitability. "Sadat did not make his decision until he was sure that the secret channel had failed," wrote a former Sadat confidant (Heikal 1996). Janice Gross Stein observed that in this case, "the failure of prenegotiation in the context of acute domestic pressure was the catalytic factor in the choice of war" (Stein 1989).

.................

1991-93 Negotiations Between the Palestinians and Israel

Prior to 1993, there had been no open diplomatic contact between the PLO and the Israeli government, which had been locked in violent conflict over the political destiny of the Palestinian people and their land for a quarter of a century. Back channel diplomacy was the method by which Israel and the Palestine Liberation Organization (PLO) were able to sign a Declaration of Principles on Interim Self Government Arrangements on September 13, 1993. The accords provided for mutual recognition and a framework to guide ongoing negotiations and relations, as well as the initial withdrawal of Israeli armed forces from parts of Gaza and Jericho in the Palestinian territories under Israeli occupation since the June 1967 Arab-Israeli War. The most significant breakthrough, aside from the fact that the Israeli government and the PLO had been officially speaking at all, was that parties agreed to lay aside their state of war against each other and negotiate the issues remaining to be resolved between them in the future. The Declaration of Principles inaugurated what was supposed to be a five-year interim period in which Israeli troops and military government would be progressively withdrawn from the West Bank and Gaza. At the same time, official economic and security cooperation were to begin while the Palestinians elected a Palestinian National Authority to take on civil and police powers and foreign relations duties on behalf of the inhabitants of the West Bank and Gaza. One of the main tasks during the interim period was for the PLO to complete its conversion from a governmentin-exile to a standing government with a territorial, legal and popular basis while Israel withdrew.

The more contentious issues of Jerusalem's status, the right of return of Palestinian refugees, the fate of Israeli settlements in the West Bank and Gaza, and the final political status of the Palestinian territories were all to be deferred until the interim period ended.

The back channel negotiations took place in Oslo, Norway under the auspices of the late Foreign Minister of Norway Johan Jorgen Holst, Deputy Foreign Minister Jan Egeland, social scientist Terje Larson and his wife Mona Juul, a Norwegian Foreign ministry official connected to Holst (the Oslo Process) (Abbas 1995; Ashrawi 1995; Corbin 1994; Egeland 1994; Enderlin 1997; Makovsky 1996; Perry 1994; Savir 1998). They were conducted even while official Israeli and Palestinian delegations were engaged in negotiations over Palestinian self-determination pursuant to the Madrid Peace Conference that had been convened on October 30, 1991 under the primary sponsorship of the US (the Madrid Process). However, in those "official" negotiations, success stubbornly eluded the parties and Israel's prime minister at the time, Yitzhak Shamir, later admitted that he planned to draw out the Madrid negotiations as long as possible while he expanded settlements on the West Bank. Israel's exclusion of the PLO from the Madrid Process necessitated negotiations with Palestinian private citizens and civic leaders from the West Bank whose capacity to strike a deal was limited by their nonofficial status within the PLO.

The initial contacts in Oslo had the situation reversed. In an informal setting, Israel was initially represented not by any government official, but by two university professors; Professors Yair Hirschfeld and Ron Pundak, while the PLO initially sent four officials: its Economic Advisor, Ahmed Suleyman Qurai (known as Abu Alaa), Hassan Asfour and Maher al-Kurd. Asfour simultaneously served on the PLO's negotiations committee, maintaining all the documentation and developments involved in the Madrid negotiations (Abbas 1995). The overlapping of the Oslo and Madrid Peace Processes gave rise to unprecedented opportunities for the

parties. It has also proven to be a perilous joint venture.

Some scholarly works have attempted to explain the genesis and development of the Oslo peace process. Few analysts, if any, have noticed the inadequacy of current conflict resolution theories to address the dynamics of back channel diplomacy. It is necessary to go beyond the existing schools of conflict resolution research that either focus on indicators of success in international negotiation/mediation or explore contextual factors such as the international political events, the tactical issueof timing of intervention, psychosocial factors inherent in bargaining etc. Recent scholarly work has examined Oslo as if it were just another page in the history of conflict management efforts, and therefore have attempted to fit it uncomfortably into existing frameworks of analysis. However, Oslo's distinctiveness merits special examination where existing theory fails to describe, explain, predict, or even ask relevant questions.

The Opportunities Created by the Overlapping Peace Processes

The PLO and Israel, via the back channel, were clearly able to overcome the impasse reached in their conflict. The secrecy permitted the abandonment of the rhetoric and positional tactics being employed in the front channel negotiations while also enabling the growth of interpersonal trust between the negotiators. The Oslo talks were characterized by frank pursuit of issues and solutions, commitment to outcomes and finally, freedom from the constraints of political patrons and media scrutiny. It therefore was overlooked by national populations and political opposition groups and parties as well as foreign governments. Numerous positive elements were all present in the back channel dynamic, as will be illustrated below. The overlap provided intriguing opportunities for the PLO and Israel to probe each other's intentions and draw each other toward a negotiated settlement (Abbas 1995; Perry 1994).

A Separate Peace

One such opportunity came about when it appeared that Israel would conclude an agreement with Syria before obtaining one with the Palestinians (Perry 1994; Shlaim 1994a; Shlaim 1994b). This provided one compelling motive for PLO Chairman Yasir Arafat to authorize Abu Alaa to make contact with Prof.Yair Hirschfeld. The Madrid Process contemplated separate peace accords between Israel and each, any or all of the other parties: Syria, Lebanon, the Palestinian delegation and Jordan. A certain amount of leverage would have been removed from the PLO's grasp should one of the other countries have come to terms with Israel first, since a root cause of their respective conflicts with Israel was the Palestinian question. This would appear to further reduce the importance of Palestinian grievances and might adversely affect any Israeli incentive for disengagement from the West Bank and Gaza. Separate peace also implied that Palestinians believed that the Israeli leadership would have a difficult time sustaining two simultaneous peace accords in which the return of territory was involved.

The tension produced by the prospect of a separate peace with Syria worked on the Israelis as well as the Palestinians (Shlaim 1994a; Shlaim 1994b). Externally, Israel postured that a deal with Syria was imminent just prior to the start of the Oslo talks, in order to exert some pressure on the PLO. Arafat could not be sure that Syria did not have its own back channel and was taking no chances. Internally, Israel contemplated that a deal with Syria, if it came first, might entail a complete Israeli withdrawal from the Golan Heights and total

...............

dismantling of Israeli settlements there—Prime Minister Yitzhak Rabin knew the high price he would pay politically for such a deal.

Prime Minister Rabin sought a politically cheaper peace deal (partial withdrawal, no dismantling of settlements, no link to other Arab parties) which might be extracted from the Palestinians (Shlaim 1994a). Rabin, in his speech to the Knesset of August 30, 1993, made a revealing defense of his approach to the peace process which amply illustrates the separate peace approach:

I am telling you, at this stage and in the future a partial withdrawal in Gaza is better than the evacuation of the Golan Heights—it is not like the peace treaty with Egypt which was linked to the autonomy agreement. This agreement is not linked to Syria, Lebanon or Jordan and allows us maneuvering room with them—" (Dajani 1994).

This dynamic was again at work in December 1999 and January 2000 as Syria and Israel recommenced direct negotiations after a 45-month lull in competition with the Israeli-Palestinian final status talks.

Taking Advantage of Secrecy, Informality and Simultaneous Channels

Once the initial contacts were made in Oslo, Yair Hirschfeld and Abu Alaa began to work on detailed proposals for establishing economic cooperation for the eventuality of a self-governing Palestinian entity alongside Israel, one of the least contentious issues available to be negotiated, and they did so in a manner that has been described as "brainstorming." At first they worked without lawyers, in an atmosphere of growing mutual trust fostered by discreet Norwegian facilitation. Abu Alaa had continued gradually to intersperse the more contentious issues among the advances on economic agreement (Abbas 1995; Perry 1994). This provided both Israeli Foreign Minister Shimon Peres and PLO Chairman Yasir Arafat with opportunities to engage in an interesting game of mutual entrapment (Brockner et al. 1982; Rubin, Pruitt, and Kim 1994). Mutual entrapment refers here to the tactics each party employed to insure that the other party would commit itself and its negotiation resources increasingly to the Oslo channel.

Toward the conclusion of the second Oslo meeting, Abu Alaa brought up the issue of autonomy for the Gaza Strip and at least part of the West Bank. Professor Hirschfeld claimed that he had to get further authority from the Israeli government in order to address this. Pleas of limitations on one's authority as a negotiator are commonly employed to delay a negotiation and limit one's ability to make concessions, but in this case, a different dynamic was at work. Abu Alaa's demand was precisely the position that Foreign Minister Peres had previously planted before the Egyptian Foreign Minister Amr Mousa: that the Egyptians discreetly suggest to the PLO that it "demand" Gaza and some part of the West Bank, permitting the PLO to feel that the proposal had come from its side and that it had extracted a concession from the Israelis that the official delegation in Washington was unable to get. Egypt too, was a back channel for the Israelis and the Palestinians.

Flexibility versus Symbolic Posturing

The positional bargaining demands of the official delegations in Washington had been opposed diametrically on the issues of territorial sovereignty and jurisdiction for the proposed Palestinian interim self-government authority. The Palestinians wanted, as a minimum, full autonomy over all Palestinian territories seized in the 1967 war, based upon U.N. Security Council Resolution 242, leading to an independent state. The Israeli delegation did not concede that all the territory, or even any territory, was then on the table. The official Israeli delegation, whose composition did not change with the change of political administration in Israel, saw Resolution 242 as applicable only to the outcome of negotiations on final status and was instructed not to foreclose any of its options for the final status talks to be held five years after an agreement was igned, including the option of outright annexation by Israel. Neither delegation could or would back away from its respective positions, highly charged with symbolic significance concerning religious and historic claims to land.

In Oslo, however, progress was being made. As soon as Abu Alaa proposed autonomy for Gaza and part of the West Bank, Shimon Peres was able instantly to verify, via his counterparts in Cairo that Yasir Arafat was actively involved in the process. This confirmed serious PLO commitment for the Oslo channel since any Egyptian-Palestinian contact would be through Yasir Arafat himself. Shimon Peres claims that he was further able to get the two parties to approach the Oslo negotiations with a sort of mutually held approach; the Gaza-plus path toward limited autonomy. Shimon Peres' comments on his tactic are of interest to negotiators:

To solve the problem I went to Egypt. I convinced [the Egyptian government] to persuade the Palestinians to demand Gaza, and I intimated there was something else. I already went for the idea of Gaza thirteen years ago. For some time I showed coolness. That's how you have to conduct negotiations. What you propose to the other side—the moment you suggest it—it is nothing. If the other side demands it, it considers it an achievement (Perry 1994).

The Palestinians had their own reasons for wanting a Gaza-plus concession from Israel. The West Bank and Gaza are not connected geographically but both compose the area of Palestinian statehood aspirations. The establishment of PLO governmental authority in both the West Bank and Gaza would set the precedent for their future jurisdictional unity. Also taking advantage of the overlapping processes, Yasir Arafat instructed the official delegation to take an even harder line approach; they were explicitly to demand the resolution of the de facto annexation of East Jerusalem as a condition to progress in other areas (a condition he knew to be completely unpalatable to Israel) so as to encourage Israel to focus serious negotiation effort in Oslo. These techniques were initially successful; the parties tacitly agreed to proceed along the secret Oslo back channel and negotiated a very limited Palestinian autonomy based on the Gaza-plus concept, which led to open negotiations for further autonomy and Israeli military withdrawal. Setbacks were to follow soon after.

The Risks Involved in the Oslo Back Channel

While back channel methods helped move the peace process forward, there were risks involved. These fell into four of the generic categories described above, and included the dangers of exclusion, factionalism and alienation, the creation of confusion, and the sacrificing of certain interests.

Exclusion

The Gaza-plus concept also made its way into the eleventh and last surviving round of the Madrid Process.

...............

The official Palestinian delegation, which in fact had been taking instructions from the PLO leadership in Tunis, at first refused to submit the PLO's Draft Statement of Principles embodying the Gaza-plus approach, in protest for not being consulted on this strategic change and also because they objected to the substance. It was perceived to mean, in essence, that the PLO had relinquished the little that remained of its self-determination and statehood claims. When the Gaza-plus approach became publicly known, over 100 prominent Palestinian figures endorsed and published an ad in Jordan expressing their outrage at what they saw as a betrayal of their interests. They directed their anger at Yasir Arafat for "servile acceptance of the Israeli-US request to exclude holy Jerusalem from the territories subject to self-government." They criticized a US draft agreement being considered for negotiation as a reversal of the application of the principle of "land for peace" espoused in the peace process, since it excluded mention of relevant international law that could prevent Israel from arguing that the territories are "disputed" and not "occupied."

Factionalism and Alienation

Proceeding along two tracks may lead to factionalism if constituencies split along the differing negotiating positions of the front and back channels. Once the Madrid Process had reached its dead end and the Oslo Process was revealed to the world in August 1993, both Palestinian and Israeli front channel delegations expressed shock, and in some cases, indignation and outrage. The Palestinian delegation was staffed with non-Tunis PLO figures who are prominent intellectuals and professionals from the West Bank and Gaza. These were the very leaders the PLO would need to marshal support for its peace plan on the ground in the West Bank and Gaza. Some distanced themselves from the PLO while others expressed outright opposition. Resignations were tendered by Israeli and Palestinian alike and the eleventh round in the official talks was virtually stillborn.

The Palestinians felt that their nearly two years of historic negotiations had been a deception, while the PLO had been busy conceding too much in Oslo ('Abd al-Shafi 1993; Ashrawi 1995). Violent confrontations between Palestinian police and civilians occurred as the PNA began to administer Gaza and Jericho. Other armed factions in the West Bank and Gaza, and in the refugee groups have declared to varying degrees their explicit opposition to the peace process as it has been conducted, negotiations, cooperation, and finally, to the PNA itself, a dangerous development in what many Palestinians hoped would be the first steps toward a sovereign state of Palestine alongside Israel.

In terms of Israeli alienation with the accord and the way it was achieved, one must first note that there has always been an ideological divide among the chief Israeli political parties, that is reflected in their positions on the Palestinian issue. Therefore, they have tended to exclude each other from their respective negotiations, rather than pursuing peace as a strategy based on national consensus. The Labor government faced a vote of confidence in the Israeli Knesset, and the opposition attempted to derail both the administration and invalidate the terms of the Oslo Accords. Numerous political parties that form Israeli coalition governments correctly perceived that they were excluded from the negotiations, and thus the Oslo process, in a sense, created its own political opposition. Of course, it is not entirely clear that any deal would have been possible had they been included.

There was also another important constituency to consider: the religious parties and settler groups who have been encouraged to establish communities on Palestinian lands by successive governments. The settlements' fate has not been determined in the Agreements but has been deferred for the ongoing final status negotiations. Yet the settlers' positions on their future have certainly been established. They have declared an inflexible, non-negotiable and deeply ideological posture. They have declared that they will not be removed at any cost, even if that cost is the shedding of Israeli blood by fellow Israelis. Continued house construction, new settlements and violence between settlers and Palestinian civilians from 1993 to 2000 confirm that the settlers are increasingly disposed to confront the Israeli government and Palestinian civilians in order to prevent the Palestinians from establishing control over the entire West Bank and Gaza.

The interim negotiations that took place between 1994 and 1999 were plagued by delays and accusations of bad faith by both sides. Serious setbacks occurred when the armed wing of a Palestinian religious group called Hamas attempted to derail the peace process by committing several suicide bombings in which numerous Israeli civilians were killed. Hamas rejects the current peace process and demands full Israeli withdrawal from Arab land as a starting point for negotiations. Israeli reprisal measures, assassinations of Palestinian radicals, and closures of both the West Bank and Gaza worsened the atmosphere. Israeli acts of terror included the 1995 assassination of Prime Minister Rabin while at a peace rally, and the February 1994 massacre of Muslim worshippers in Hebron by Baruch Goldstein, a settler connected to Kach, an extremist organization that advocates the expulsion of all Palestinians.

The setbacks in the peace process led on the Israeli side, to the 1996 electoral victory for Likud, the main right-wing party, whose candidate Benyamin Netanyahu was elected on an anti-peace process platform. Netanyahu found political realities different once in the prime minister's office, and was obliged to nominally advance the peace process, however unwillingly. An accord brokered personally by President Clinton in October 1998 followed up on energetic back channel negotiations between Netanyahu's attorney Mr. Isaac Molho and Abu Alaa. Nevertheless, implementation of the accord, known as the Wye Memorandum, was suspended by Israel soon after being signed, because Netanyahu feared the political consequences of implementation. Netanyahu's government failed to win a vote of confidence and early elections were called.

Prime Minister Ehud Barak, elected in 1999, included right wing and settler groups in his government. This political alliance is evidence that Barak's strategy is to incorporate rather than isolate these potential spoilers in any peace deal with the Palestinians. While that may make any final peace deal more viable (because such groups would have to support a peace deal in order to maintain privileges and advantages obtained by being in government), it implies that Barak may prefer to consolidate the major settlements and annex them to Israel, rather than return that land to Palestinians. In any case, he has expressed this position in general terms to the press. He symbolically ordered the removal of several new and unauthorized settlements late in 1999 even though the pace of settlement construction may have accelerated under his government. Nevertheless, Israel's coalition governments tend to be unstable and Barak's cabinet fell apart over the final status negotiations and the unsuccessful Camp David Summit in summer 2000.

................

The Element of Confusion

Another risk is that the manipulations of multiple channels of negotiation may have been misinterpreted by their intended targets, their partners in the negotiations. The skeptical Rabin, it is reported, at first deduced that since the official Palestinian delegation's hard-line views had originated with the PLO, then the PLO's own negotiating position would be far more exigent. He believed the official delegation to be moderates, compared to the PLO as radicals, and thus suspected a negotiating trap to lure the Israeli government to a more contentious negotiating forum (Perry 1994). Had such perceptions prevailed, the entire Oslo process could have collapsed early on.

The Sacrificing of Interests

Both the Israelis and Palestinians have shared interests in keeping the peace process alive and in advancing negotiated outcomes to their dispute, insofar as societies and individuals prefer peace to violent conflict. The dynamics of the peace process have been such that front and back channel negotiations have been constantly used in parallel, despite the openness of the relationship and the mutual interdependency of the parties. The back channel method however, may have adversely affected the underlying interests of the parties, for the reasons outlined above. Mutual recognition, political stability, reduction of tension and violence, good relations with other neighboring states, political and social stability, economic development are some of the underlying interests that have driven the Israelis and Palestinians to the negotiating table. But have they made moves that jeopardize these interests?

Ideally, the recognition embodied in the Declaration of Principles would have been a "mutual acknowledgment of each other's nationhood—an acknowledgment that is based on principle, that is phrased in some way that the other side finds meaningful, that goes beyond the half-hearted and ambiguous statements made heretofore, but that does so without threatening the vital interests of the party offering the acknowledgment" (Kelman 1992a). However, the mutual letters of recognition actually exchanged by the parties amounted to a blunt continuation of asymmetry. Arafat recognized the State of Israel and its right "to exist in peace and security," while Rabin conveyed no reciprocal recognition of Palestinian rights, only recognizing the PLO as the designated negotiating partner. Israel's security concerns are widely known and acknowledged, even by their Palestinian negotiating counterparts. But little acknowledgment of Palestinian security needs has been forthcoming (Khalidi 1995), despite the high numbers of Palestinians killed, imprisoned or exiled and houses demolished by Israeli security forces.

Israeli interests in the peace process include peaceful relations with Israel's Arab neighbor states, access to open diplomatic relations with the Arab world, territorial and personal security for its citizens, political stability, and the strengthening of national unity. Critics on the left and right in Israeli politics argue (for opposite reasons) that these interests are being compromised by the dragged out and secret negotiations between successive Israeli governments and the PNA.

For the Palestinians too the peace process has been a mixed bag. Aside from the withdrawal of Israeli troops and the civil administration which are themselves enormous advances, they have seen only slow improvement in their daily lives, with some things having become more difficult since 1994, including travel to

.................

Jerusalem, and between the West Bank and Gaza.

During the secret and open negotiations leading to the May 4, 1994 "Agreement on the Gaza Strip and the Jericho Area," (the Gaza and Jericho Agreement) the parties made arrangements concerning PLO legal jurisdiction, land and water use as well as the PLO's arrival and the establishment of a Palestinian government. According to some analyses, this document potentially facilitates the annexation to Israel of the settlements in the West Bank and Gaza. Similarly, the agreements on water rights preserve the current consumption pattern and distribution arrangements of this resource. Although seeming to cede control of water systems to the Palestinians, the Agreement stipulates that an Israeli company that pumps water from the West Bank and Gaza for use by the Israeli military and the settlements (estimated by the UN to be about 80-85% of the total drawn from the West Bank and Gaza) will be treated as a commercial relationship by the PNA. The accord stipulates that "laws and military orders in effect prior to the signing of this Agreement shall remain in force." This is interpreted by some Palestinians as an attempt to perpetuate Israeli military rule via the PNA (Shehadeh 1994) and Israeli negotiators were aware that this perception would arise (Savir 1998).

Yasser Abed Rabbo, in May 2000, withdrew as the chief negotiator on the final status issues after complaining openly that secret back channel negotiations were being used by Israel to extract concessions otherwise unattainable in the open negotiations. His announcement followed the Israeli press revelations that a new back channel had been opened in the middle of May when two Israeli cabinet ministers and two top Palestinian officials were sent to Stockholm to accelerate the final status talks.

The initial Oslo negotiations resulted in a peace agreement, but critics fear that Israeli security and Palestinian security and self-determination may have been compromised by the outcomes. As time passes, questions about how the negotiations were conducted will continue to be relevant to the concrete outcomes of the process. The possible tradeoff involved in back channel negotiations poses a dilemma: Do back channel negotiation moves result in written agreements that alienate constituencies? Are the drawbacks of back channel diplomacy only temporary obstacles that can be overcome by wise agreements and strategic considerations, or will they ultimately lead to the unravelling of peace processes? These questions are highly relevant for future peace making research and practice.

The Risks of Building Confidence by Incrementalism

In essence this peace process is incrementalist in structure: After recognizing each other's legitimacy, both sides have taken small steps that—while not comprehensively resolving the conflict by themselves—are supposed to gradually build confidence on all sides so that the parties will gain some trust in each others' intentions. That built-up trust should facilitate resolution of the most contentious issues by strengthening each parties' willingness to bargain in good faith and make reciprocal concessions.

The wisdom of this approach is now seriously being questioned by actors in both parties, who now realize that there are enormous difficulties with deferment of the important issues. The central problem is that difficulties, failures (or even the perception of failure) to carry out the small initial steps in the confidence-building stage make the complex issues even harder to negotiate once negotiators conclude that, since their

................

adversary cannot be trusted on issues of relatively minor importance, they cannot be trusted at all for the major issues. The entire incrementalist structure rests on the assumption that momentum will build. It can therefore be held hostage by domestic political opponents and especially violent parties on either side who seek to stop early progress.

As one observer notes, the peace process calls for the immediate, phased retreat of the Israeli army from Palestinian territory, but defers the issue of Israeli settlements until the final status negotiations. Delays in the withdrawal of the army are, however, directly attributable to the continued presence of the settlements and such delays are constantly jeopardizing the fragile coexistence that has thus far been achieved (Kelman 1995b). Critics attribute such contradictions to the negotiation process itself, among the attributes of which is the secret style of negotiation, removed from realities on the ground (Asrawi 1995).

After the initial euphoria wore off, ordinary Palestinians and Israelis have asked themselves whether or not they were better off after the signing of the Oslo Accords in 1993. The parties' respective internal cohesion shows signs of stress. It would not be impossible to argue that, in their historic effort to secure a peace agreement by secret negotiations, long-lasting peace may have once again eluded Israelis and Palestinians. The construction of peaceful relations between the Israelis and Palestinians depends in part upon the successful establishment of trusting relationships between the principal adversaries and the establishment of a broad consensus among the public on each side that peaceful resolution of differences is desirable and attainable. It also depends on agreeing on what peace would "look" like. The risk of eroding that fragile trust and destroying a peace consensus must be seriously considered by negotiators for each side. Frank examination of the method by which the initial agreements were obtained will address the weaknesses inherent in the peace process and bolster its strengths, particularly because the Middle East peace process will not be finalized with any one document, but rather will be a long-term commitment and endeavor, and because secrecy has been resorted to consistently in Middle East peace making (Heikal 1996).

OPTIMAL USES OF BACK CHANNELS?

Given the continued practice of this method, we should also explore the optimal uses of back channel diplomacy: Under what circumstances and in which contexts could this method provide optimal utility for the parties? Under what circumstances and contexts would it be less likely to lead to optimal outcomes? What are the long-term consequences and implications for employing such a negotiation tool?

Back channel negotiation can be a useful instrument for diplomacy when there is a conflict with potential or actual violence, front channel negotiations have either not been started or have reached an impasse, but there still remains a zone of potential agreement in which the parties could exchange proposals and bargain. The following must also be considered when deciding to use the back channel approach.

The media exercises a significant role in shaping public and official opinions and decisions. If domestic and international opinions (public or official) tend to constrain the negotiating creativity of the parties, a back channel may be helpful in circumventing such constraints.

Parties to international negotiations are not monolithic, even if the parties are governments or insurgent groups. Each adversary using the back channel must represent the broadest possible range of its constituencies and principals so that all or most feel adequately represented once a deal is made public. Alternately, there should be a plan to incrementally include as many outliers as possible so as to facilitate their "buy-in" of any future agreement. Peace diplomacy often involves a process of educating both the public and officials. This educational process is not automatic and needs planning. It is not an "on-off" mechanism—either present or not present. It should progress in degrees, especially when secret channels are involved.

There should be adequate bases for effective communication between the adversaries in other channels, so that signals and strategies are not misinterpreted. Alternately, effective third parties can supplement the process by clarifying the communication of the adversaries as required.

Negotiators must be qualified to properly represent and assert the interests of their party, and need to balance the need for effective assertion of interests with the enhanced interpersonal empathy that can result from a negotiation process removed from public scrutiny and official protocol.

Strong mechanisms for commitment are needed that will bind the parties to the best possible agreements and processes, and lead progressively to a more open and inclusive diplomatic practice. Again, appropriate third parties and dispute resolution mechanisms, as well as international organizations and NGOs can facilitate adherence to commitments. Joint declarations of mutual support can also help parties reduce the political costs of compliance with agreements.

Each side needs political leaders who will "sell" the benefits of the negotiation process to constituents as the best of all possible alternatives. Such leaders must be able to persuade the willing and control the excesses of those unwilling to accept negotiated peace.

There are actual situations in international affairs in which the back channel approach might be seen at least as a useful tool for moving parties away from stalemate and silence. Examples might include the long-standing conflict between Greece and Turkey and their respective Cypriot communities over Cyprus; the recent disputes between Georgia and its Abkhazian and South Ossetian minorities in the Caucasus (the latter two groups have resorted to violence in order to press self-determination claims predating the dissolution of the Soviet Union); and the conflict between Armenia and Azerbaijan over the Nagorno-Karabakh region, an Armenian enclave located within the territory of Azerbaijan, which had the potential to involve a wider circle of belligerents, including Russia and Turkey, each on behalf of Armenia and Azerbaijan, respectively.

The above conditions may serve as a starting point for further inquiry and analysis concerning the potential utility of back channel negotiations as they become more prevalent in future negotiating processes and as diplomacy faces ever greater and unique challenges in a changing global political environment. Monitoring such dynamics while in the process of a back channel negotiation could point to areas of concern for the parties. Monitoring the utility of the back channel (as it becomes known) is essential to a deeper understanding of its potential advantages and defects as a tool of conflict management. It is not enough to simply

conclude strategic agreements in secrecy or behind the cover of front channel negotiations; electorates, constituencies, subparties and outlier groups will otherwise attempt to exercise a veto over suboptimal peace arrangements that need more than just high-ranking signatures in order to come to life.

ACKNOWLEDGMENTS

The preliminary research for this article arose from a PON Working Paper 95-4 entitled "The Negotiations Between the Palestinians and Israel: Short-term Breakthrough or Long-term Failure?" (March 1995). The author wishes to dedicate this article to the late Prof. Jeffrey Z. Rubin, who proposed that it be written, and who read the very first draft. Thanks also to Eileen Babbitt, Bill Breslin, Alan Henrikson and Brian Mandell, who read early drafts in 1995.

REFERENCES

'Abd al-Shafi, Haydar. 1993. Interview with Haydar 'Abd al-Shafi. Journal of Palestine Studies XXIII (1).

Abbas, Mahmoud. 1995. Through secret channels. Reading: Garnet Publishing.

Allison, Graham. 1987. Memorandum to Tower Commission, the Cuban Missile Crisis: Lessons possibly relevant to your task. California: Ronald Reagan Library.

Ashrawi, Hanan. 1995. This side of peace: A personal account. New York: Simon & Schuster.

Brockner, Joel, Jeffrey Z. Rubin, Judy Fine, Thomas P. Hamilton, Barbara Thomas, and Beth Turetsky. 1982. Factors affecting entrapment in escalating conflicts: the importance of timing. *Journal of Research in Personality* 16.

Corbin, Jane. 1994. Gaza first: The secret Norway channel to peace between Israel and the PLO. London: Bloomsbury.

Craig, Gordon A., and Alexander L. George. 1995. Force and statecraft: diplomatic problems of our time. 3d. ed. New York: Oxford University Press.

Dajani, B. 1994. The September 1993 Israeli-PLO documents: a textual analysis. *Journal of Palestine Studies* XXIII (3).

Dobrynin, Anatoly. 1995. In confidence: Moscow's ambassador to America's six Cold War presidents (1962-1986). New York: Random House

Egeland, Jan. 1994. Norway's Middle East peace channel: an insider's view. Security Dialogue 25 (3).

Eller, George. 1912. Secret diplomacy. London: S. Swift and Co. Ltd.

Enderlin, Charles. 1997. Paix ou guerres: Les secrets des negociations israelo-arabes (1917-1997). Paris: Stock.

Fromkin, David. 1989. A peace to end all peace: Creating the modern Middle East, 1914-1922. New York: H. Holt.

Heikal, Mohamed Hasanayn. 1996. Secret channels: The inside story of Arab-Israeli peace negotiations. London: HarperCollins.

Hofstede, Geert. 1997. Cultures and organizations: software of the mind. New York: McGraw-Hill.

Hopmann, P. Terrence. 1996. The negotiation process and the resolution of international conflicts. Columbia: University of South Carolina.

Kagan, Donald. 1995. On the origins of war and the preservation of peace. New York: Doubleday.

Kelman, Herbert C. 1992a. Acknowledging the other's nationhood: How to create a momentum for the Israeli-Palestinian negotiations. *Journal of Palestine Studies* XXII (1):18-38.

Kelman, Herbert C. 1992b. Informal mediation by the scholar/practitioner. In Bercovitch and J. Z. Rubin (Eds.) *Mediation in international relations: Multiple approaches to conflict management.* New York: St. Martin's Press.

Kelman, Herbert C. 1995a. Contributions of an unofficial conflict resolution effort to the Israeli-Palestinian breakthrough. *Negotiation Journal* 11 (1).

Kelman, Herbert C. 1995b. Guest lecture. Paper read at Seminar on International Mediation, March 8, 1995, at The Fletcher School of Law and Diplomacy.

Kelman, Herbert C. 1996. Negotiation as interactive problem solving. *International Negotiation* 1 (1).

Kelman, Herbert C. 1997. Social psychological dimensions of international conflict. In I. W. Zartman and J. L. Rasmussen. *Peacemaking in international conflict*. Washington, DC: United States Institute of Peace.

Khalidi, Ahmad S. 1995. Security in a final Middle East settlement: some components of Palestinian national security. *International Affairs* 71(1). Kissinger, Henry. 1979. White House years. Boston: Little Brown.

Kissinger, Henry. 1982. Years of upheaval. Boston: Little Brown.

Maalouf, Amin. 1987. The crusades through Arab eyes. New York: Schocken Books.

Makovsky, David. 1996. Making peace with the PLO: The Rabin government's road to the Oslo accord. Boulder,

Colo.: Westview Press.

McDonald, John W. 1991. Further exploration of track two diplomacy. In L. Kriesberg and S. J. Thorson (Eds.) *Timing The de-escalation of international conflicts*. Syracuse, N.Y.: Syracuse University Press.

Perry, Mark. 1994. A fire in Zion: The Israeli-Palestinian search for peace. New York: Morrow.

Quandt, William B. 1993. Peace process: American diplomacy and the Arab-Israeli conflict since 1967. Washington: Brookings Institution.

Rouhana, Nadim N., and Herbert C. Kelman. 1994. Promoting joint thinking in international conflicts: an Israeli-Palestinian continuing workshop. *Journal of Social Issues* 50 (1):157-178.

Rubin, Jeffrey Z., Dean G. Pruitt, and Sung Hee Kim. 1994. Social conflict: escalation, stalemate, and settlement. 2nd ed. New York: McGraw-Hill.

Savir, Uri. 1998. The process: 1,100 days that changed the Middle East. New York: Random House.

Shehadeh, Raja. 1994. Questions of jurisdiction: a legal analysis of the Gaza-Jericho agreement. *Journal of Palestine Studies* XXIII (4).

Shlaim, Avi. 1994a. The Oslo Accord. Journal of Palestine Studies XXIII (3).

Shlaim, Avi. 1994b. Prelude to the Accord: Likud, Labor and the Palestinians. *Journal of Palestine Studies* XXIII (2).

Smith, Gerard. 1985. Doubletalk: The story of SALT I. New York: University Press of America.

Sparks, Allister. 1994. The secret revolution. The New Yorker, April 11.

Stein, Janice Gross. 1989. Prenegotiation in the Arab-Israeli conflict: The paradoxes of success and failure. In In J. G. Stein (ed.) *Getting to the table: the processes of international prenegotiation*. Baltimore: Johns Hopkins University Press.

Stein, Janice Gross. 1996. Image, identity and conflict resolution. In C. Crocker and F. O. Hampson. (eds.) *Managing global chaos.* Washington, DC: United States Institute of Peace.

Tower Commission. 1987. Report of the Special Review Board (Tower Commission Report). New York: New York Times Books.

RECENT PON WORKING PAPERS: A SELECTION

1999 Violent Human Nature? Telling a New Story
A PON Symposium
William L. Ury, Frans de Waal, and Brian Ferguson

Report on Findings from the Pilot Study Examining the Role of a Two-Day Seminar on Interest-Based Bargaining in the Negotiation Practices of Participants Nils Fonstad

Rethinking Economic Rationality

Mark Young

Using Simulations to Teach Negotiation:
Pedagogical Theory and Practice
Lawrence E. Susskind and Jason Corburn

2000 Consensus Building for Family Foundations

Lawrence E. Susskind and Janet Martinez

Negotiation Pedagogy: A Research Survey of Four Disciplines Program on Negotiation at Harvard Law School

On Teaching Negotiation

Bruce Patton (revision of the 1985 classic)

Negotiation Residuals: The Impact of Affective Satisfaction on Long-Term Relationship Quality
Daniel L. Shapiro

Effects of Power Asymmetries and Gender on Negotiation Outcomes
Rebecca J. Wolfe

Negotiation Pedagogy: A Research Survey of Four Disciplines
prepared by PON faculty and affiliates for Hewlet Conference 2000:
Focus on Negotiation Pedagogy

Toward a Deconstruction of Colonial Discourse in the United States Trade Law: Critical Interrogation of the Representation of Self and Other in the Legal Text Chang In Shin

An Assessment of Back Channel Diplomacy: Negotiations Between the Palestinians and Israelis

Anthony Wanis St. John