

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

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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 1992b; Kelman 1995a; Kelman 1995b; Kelman 1996; 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











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**

<i>Advantages</i>	<i>Disadvantages</i>
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 identified 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











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 issue of 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





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.





















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