

MAKING PEACE AMONG ARABS AND ISRAELIS

*Lessons from
Fifty Years of
Negotiating Experience*

Kenneth W. Stein *and*
Samuel W. Lewis

with
Sheryl J. Brown

October 1991



UNITED STATES INSTITUTE OF PEACE
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The views expressed in this book are those of the participants alone. They do not necessarily reflect views of the United States Institute of Peace.

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Contents

Highlights	v
Preface	ix
Participants	xi
Chronology	xv
Maps	xxi
I Introduction	1
II Third-Party Mediation of the Conflict: Historical Highlights	3
From Palestine to Israel, 1917–1948	3
Era of Multiple Mediators, 1948–1970	4
Transition from Multilateral to Bilateral Mediation, 1970–1973	7
Era of Unilateralism: The United States as Primary Mediator, 1973–1991	8
III Necessary Elements for Successful Mediation	12
The Mediator’s Role	12
Timing	14
Principles or Process	15
Presidential Engagement	16
Good Intelligence	17
IV Setting the Scene for Negotiations	18
Openings	18
Venue	19
Agenda and Approach	19
Lining Up Outside Support	20
V Negotiating	22
Rhythm and Pace	22
Guidelines	22
<i>Adhering to Familiar Principles</i>	

<i>The Tyranny of Phrases</i>	
<i>Listening for Signals</i>	
The Mediator's Proposals	24
Drafting a Document	24
<i>Constructive Ambiguity</i>	
<i>Yesterday's Rejected Ideas, Tomorrow's Accepted Plan</i>	
Negotiating Pitfalls	26
<i>Private American Assurances</i>	
<i>Confidentiality, Leaks, and Media Relations</i>	
<i>Avoiding Public Rejection</i>	
Keeping the Ball in Play	28
VI Reaching Agreements: The End Game	30
VII Special Problems in Mediating Among Arabs and Israelis	32
Consulting with Congress	32
Clarifying the U.S. Position	32
Providing U.S. Interpretations	33
Washington's "Need for Agreement"	33
The Snare of Linkage	34
The Settlements Imbroglia	34
Becoming Embroiled in Israel's Domestic Politics	35
VIII Lessons from Previous International Conferences: A Reprise	37
Notes	41
Appendixes	
1. United Nations Security Council Resolution 242	42
2. United Nations Security Council Resolution 338	43
Maps	
1. Israel and the Suez, 1947, 1949, and 1967	xxi
2. Israeli-Egyptian Separation-of-Forces Agreement, Jan. 1974	xxii
3. Israeli-Egyptian Separation-of-Forces Agreement, Sept. 1975	xxiii
4. Israeli-Syrian Separation-of-Forces Agreement, May 1974	xxiv
5. Egyptian-Israeli Peace Treaty, March 1979	xxv

Highlights

General Propositions

- **Success in Arab-Israeli negotiations has come only at moments when the status quo was more painful or more risky than potential compromise, at least to one side. A real or anticipated crisis has usually provided the essential catalyst for the parties to come together. Timing in launching an initiative can be decisive.**
- **Direct talks between Arabs and Israelis are important symbols of acceptance and normality and are well worth pursuing. But because of the wide historical and psychological gap between the parties, direct talks have not produced agreement unless a vigorous, creative, persistent third-party mediator was involved.**
- **All comprehensive approaches to mediating this conflict have ultimately failed. Starting in the direction of a comprehensive settlement, however, has sometimes provoked serious bilateral negotiating. Success has come only in bilateral negotiation, and then only with a very active third-party mediator.**
- **Since 1967, the United States has been that essential third party, the only mediator able to provide credible incentives, assurances, and guarantees—the necessary complementary elements outside the parameters of the negotiating agenda.**
- **Successful mediation requires tedious, prolonged prenegotiation to**
 - **narrow the agenda, removing insoluble issues from the negotiating table, at least temporarily, thereby reducing the political risks for the parties taking part (when the agenda has not been narrowed in advance, negotiations have invariably failed);**

- **narrow the list of active participants** to those parties most driven to achieve some agreement; and
- **identify informally the general outlines of an eventual agreement**, should formal negotiations succeed (both sides must believe that they can produce an acceptable agreement; if they do not, entering into formal negotiations may pose unacceptable political risks).

Mediation Guidelines

- **Involve the U.S. president directly.** Only when the president is active and only when his personal involvement is obvious do the parties take a U.S. mediation effort seriously. Only the secretary of state or a high-level presidential emissary can be an effective surrogate for the president—and only then if the president's hand remains clearly visible on the throttle.
- **Concentrate on private meetings** with top Middle East leaders. Each of these regimes is highly personalized and foreign ministers do not make the final decisions, although they and senior aides can do important ground-work in exploring possible compromises.
- **Choose a venue for negotiations that is conducive to unpressured, informal discussions** among participants when they are not in formal negotiating sessions. The setting should be sufficiently isolated to prevent unfettered media access to the negotiators.
- **Try to base the mediating process on already accepted negotiating guidelines**—for example, Security Council resolutions 242 and 338 and the Camp David agreement. Avoid creating broad new frameworks with untested or unfamiliar elements or terminology.
- **Talk out concepts with top leaders** until the shape of possible areas of agreement emerges. Tentative understandings may, nevertheless, evaporate. Verbal compromises made to bridge intrinsically irreconcilable positions are inherently fragile and subject to much renegotiation when committed to writing.
- **Understand that no party will give up a hard-core principle**, especially in advance of a real "end game." It may, however, agree to negotiate about how that "right" or principle might be exercised or applied.
- **Consult privately with top leaders of all parties** before introducing any significant new U.S. proposal. Public surprises will produce rejection and defiance, not flexibility.
- **Avoid public rejection of U.S. ideas or proposals;** such a rejection could

preclude reintroducing any of these ideas in a different context. Yesterday's rejected idea can be, and often has been, part of tomorrow's accepted plan.

- **Try to maintain maximum confidentiality** while possible compromises are in play. If leaders want the mediator to succeed, they will protect the confidentiality of sensitive details, at least temporarily. Fewer premature leaks will occur if fewer key people are privy to the details.
- **Avoid offering American interpretations** for positions taken by other parties. (The only reliable interpretations are those of the parties themselves.) And above all, avoid giving private U.S. assurances to either side about anticipated outcomes.
- **Refrain from characterizing any proposal as a formal "U.S. plan."** It will immediately become a political target on which to vent frustrations or be used as an excuse for putting off difficult choices.
- **Keep in mind that leverage or "pressure" is of little or no value until the negotiating process is well advanced** and parties can "smell" agreement. Only when they fear losing a good deal that is within reach can a careful use of pressure facilitate the "end game." Pressure tactics are of no use, and are likely to be self-defeating, in the prenegotiation phase.
- **Persevere, once a serious mediation effort has been launched.** Tenacity and persistence are crucial to success. So is continuity; don't pause long between mediation rounds because small openings will freeze over and unpredictable upheavals in the region will divert leaders' attention. Between top-level mediating missions, keep the ball in play through a trusted deputy negotiator.
- **Keep Congress well informed about the progress of negotiations.** Executive branch consultations with key members of Congress should take place before, during, and after watersheds in negotiations. These consultations can test the boundaries of congressional support and minimize congressional interference in the administration's diplomatic strategy.

Dealing with Particular Parties

- **Refrain from relying on any Arab leader to "deliver" another's support** for a process or a position. Too often, such assurances cannot be carried out. However, general endorsements of a U.S. negotiating initiative by major Arab governments not directly involved can be very helpful.
- **Do not become involved in internal Israeli politics** regardless of how tempting the prospect might appear. Deal straightforwardly with the government in office and focus on the prime minister as the ultimate source of decision making.

- **Only when a negotiation is actually in progress and an attractive peace agreement seems possible is there any realistic hope that Israel will slow down or halt further Jewish settlement of the occupied territories.**
- **The Soviet Union's primary interest is to be perceived as playing a diplomatic role commensurate with its superpower status. This may be even truer today, when actual Soviet influence in the region is at an all-time low.**
- **Soviet or West European leaders can only marginally influence the negotiating positions of either Arabs or Israelis. But they can substantially complicate matters if they are not included in consultations throughout the negotiation process.**

Future Middle East Peace Conferences

- **History suggests that the United States will continue to play multiple roles in any conference: as catalyst, confidant, choreographer, and certifier for each party, regardless of the number of other mediators or sponsors involved.**
- **An international conference would doubtless be less a convening of a single large meeting than a framework for prolonged, multiple negotiating arenas, stretching out over several years. Its outcome would not be a single comprehensive settlement, but a succession of discrete, largely bilateral agreements carried out through time.**

Preface

Every U.S. administration since 1948 has devised its own approach for coping with or trying to settle the Arab-Israeli conflict. Yet lessons from the history of U.S.-Arab-Israeli negotiations have rarely if ever been extracted and systematically applied to on-going negotiations. In an effort to draw on this rich resource of experience, the United States Institute of Peace convened a study group of American experts to identify those diplomatic techniques that have worked or not worked in Arab-Israeli diplomacy. Former U.S. ambassadors to Middle Eastern capitals, assistant secretaries of state, special envoys for Middle East negotiations, members of the National Security Council staff, a congressional committee aide, plus several scholars and current officials from the Department of State comprised this study group. Their combined experience represents more than 300 years of diplomatic activity.

Under the cochairmanship of Ambassador Samuel W. Lewis, the president of the United States Institute of Peace, and Kenneth W. Stein, associate professor of Middle Eastern history and political science at Emory University and director of Middle Eastern Programs at the Carter Center, the study group met between April and June 1991 for three one-day sessions in Washington, D.C. In an atmosphere of uncommon candor, participants reviewed the lengthy history of Arab-Israeli negotiations, concentrating especially on the period since the 1967 war. They searched for similarities, differences, and varying results from the techniques used by American diplomats who had personally taken part in Arab-Israeli negotiations. From these comparisons, they drew critical lessons for the present generation of Arab-Israeli peacemakers.

The group's objective was to be neither all-encompassing nor exhaustive, but rather to be generally accurate and timely in summarizing the lessons gleaned from past negotiating experiences—lessons particularly relevant for the current U.S. initiative to revive Arab-Israeli negotiations in the wake of the 1991 Gulf War and to organize a Middle East peace conference. This report summarizes those lessons, detailing why various approaches and techniques have succeeded or failed.

Its focus is not on issues of substance nor is its intention to propose a blueprint for a negotiated outcome to the Arab-Israeli conflict. Its subject is diplomatic process—the means most likely to bring Arabs and Israelis together to negotiate and reach agreements.

A brief private summary report was sent to key administration officials in May 1991. Portions of the study group's conclusions were also presented by Ambassador Lewis in testimony before the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations of the United States Senate on May 22, 1991.

The Institute of Peace is publishing this report of the group's findings in order to bring it before a wider readership in Congress, the executive branch, the scholarly community, and the general public. The authors have attempted to reflect faithfully the group's discussions and conclusions. It should be clearly understood, however, that responsibility for the text is solely that of the authors. The report does not necessarily represent the views of any individual participant, nor those of the United States Institute of Peace, which sponsored the project as one component of its newly established Special Middle East Program in Peacemaking and Conflict Resolution.

We would like to thank especially Sheryl Brown of the Research and Studies Program at the Institute for her outstanding assistance in preparing the manuscript.

Samuel W. Lewis and Kenneth W. Stein
Washington, D.C., and Atlanta, Ga.
October 1991

Participants

Samuel W. Lewis (cochairman) was U.S. ambassador to Israel from May 1977 to June 1985 and a prominent actor in all Arab-Israeli negotiations during those years, including the 1978 Camp David conference that led to peace between Israel and Egypt. He played a leading role in U.S. mediation of the Israel-Lebanon agreement in 1983 and was assistant secretary of state for international organizations from 1975 to 1977.

Kenneth W. Stein (cochairman) is director of Middle Eastern Programs at the Carter Center of Emory University and associate professor of Middle Eastern history and political science at Emory University. Among his other publications, he wrote *The Land Question in Palestine, 1917-1939* (1985) and coauthored, with former president Jimmy Carter, *The Blood of Abraham: Insights into the Middle East* (1985).

Alfred Leroy Atherton, Jr., was U.S. ambassador-at-large for Middle East negotiations in 1978-79, assistant secretary of state for Near Eastern and South Asian affairs from 1966 to 1979, and U.S. ambassador to Egypt from 1979 to 1983. Throughout the period from 1967 to 1979, he was involved continuously and prominently in policy deliberations and negotiations on Arab-Israeli issues.

M. Graeme Bannerman is a scholar in modern Middle Eastern affairs and a former member of the Bureau of Intelligence and Research and of the Policy Planning Staff at the Department of State. He has also served as staff director for the Senate Foreign Relations Committee.

Chester A. Crocker was assistant secretary of state for African affairs from 1981 to 1989, during which period he served as the U.S. negotiator and mediator of the Angola-Namibia settlement of December 22, 1988.

Morris Draper, as deputy assistant secretary of state for Near Eastern and South Asian affairs from 1978 to 1983, was centrally involved with the Arab-Israeli

conflict from Camp David preparations to the ill-fated agreement between Israel and Lebanon in 1983, which he helped negotiate as special Middle East emissary and deputy to Ambassador Philip Habib. As consul general in Jerusalem from 1986 to 1988, he developed relations with key Palestinians and analyzed and forecast trends leading to the *intifadah*.

Charles Hill was deputy director of the Department of State's Office of Israel and Arab-Israeli Affairs in 1978-79; political counselor for the U.S. embassy in Tel Aviv from 1979 to 1981; director of Israel and Arab-Israeli affairs, 1981-82; deputy assistant secretary of state and principal State Department officer working with Ambassador Habib in Lebanon; and executive assistant to Secretary of State George Shultz, with particular responsibilities for the Arab-Israeli mediation process.

Hume Horan is a career diplomat and an Arabist who has served in U.S. embassies in Baghdad, Iraq, from 1960 to 1962; Beirut, Lebanon, from 1963 to 1964; Baida, Libya, from 1964 to 1966; Amman, Jordan, from 1970 to 1972; and Jidda, Saudi Arabia, from 1972 to 1977. He was U.S. ambassador to Saudi Arabia from 1987 to 1988.

Martin Indyk is executive director of the Washington Institute for Near East Policy, a historian, and author of several works on the Arab-Israeli conflict and peace process from 1967 to the present. He is currently working on a study of U.S. policy toward the PLO, with a particular focus on the origins and course of the U.S.-PLO dialogue.

William A. Kirby has served as deputy assistant secretary of state for Near Eastern and South Asian affairs and as a member of the Policy Planning Staff. He was principally responsible for analyzing U.S. policy options and developing alternative approaches to the Arab-Israeli conflict. He participated in most of the direct and indirect negotiation efforts undertaken between Israel and its Arab neighbors between 1974 and 1989.

David A. Korn was office director for Israel and Arab-Israeli affairs in the Department of State from 1978 to 1981 and office director for Northern Arab affairs from 1972 to 1975. He participated in the Camp David, West Bank/Gaza, and Sinai Multinational Force negotiations. He has also served as U.S. ambassador to Togo, as permanent chargé d'affaires in Ethiopia, on the Policy Planning Staff in the Department of State, and as chief of the Political Section in Israel from 1967 to 1971. On the subject of Arab-Israeli conflict, he has written *The Forgotten War: Israel, Egypt and the Powers, 1967-1970* (forthcoming).

Alan Kreczko is deputy legal adviser at the Department of State, responsible for all legal matters associated with conducting U.S. foreign policy in the Near East and South Asia. He participated in all Arab-Israeli negotiations from 1983 to

1987 as assistant legal adviser for Near Eastern and South Asian affairs, including discussions with the Soviets about joint sponsorship of an international peace conference.

Daniel C. Kurtzer is deputy assistant secretary of state for Near Eastern and South Asian affairs, responsible for U.S. bilateral relations with Israel and Egypt and Palestinian affairs. He was formerly a member of the Policy Planning Staff (1987-89), speechwriter for and adviser to the secretary of state, and the assistant secretary for Near Eastern affairs on issues relating to the Middle East peace process.

Sol M. Linowitz was the personal representative of President Jimmy Carter for Middle East negotiations from 1979 to 1981.

Aaron David Miller is a member of the Policy Planning Staff in the Department of State, where he currently helps formulate U.S. policy on the Middle East and the Arab-Israeli peace process. He is the author of three books on the Middle East.

Richard W. Murphy was assistant secretary of state for Near Eastern and South Asian affairs from 1983 to 1989. He served as U.S. ambassador to Syria from 1974 to 1978 and to Saudi Arabia from 1981 to 1983. He has written on Arab-Israeli affairs and on Afghanistan.

William B. Quandt was a National Security Council staff member from 1972 to 1974 and again from 1977 to 1979, with special responsibility for the Middle East. As an NSC staff member, he participated in the Camp David negotiations between Egypt and Israel that led to the March 1979 peace treaty. From 1987 to 1988, he was president of the Middle East Studies Association. He is the author of *Camp David: Peacemaking and Politics* (1986).

Peter W. Rodman was director of the Policy Planning Staff from 1984 to 1986, where he advised and supported Secretary of State Shultz on major strategy and policy issues, particularly on U.S.-Soviet relations and the Middle East. He was a member of the National Security Council staff in the Nixon and Ford administrations and from 1972 to 1977 participated in all of Secretary of State Henry Kissinger's negotiations and missions as his personal assistant, including the Middle East shuttles in 1974 and 1975.

Eugene V. Rostow was undersecretary of state in the Johnson administration from late 1966 to early 1967. He was appointed chairman of the Interdepartmental Control Group, which dealt with U.S. policy toward the Middle East during the Six Day War. The control group prepared proposals of policy and action for the secretaries of state and defense and for the president and implemented them as directed by the president. He was centrally involved in the adoption of UN Security Council Resolution 242.

Harold Saunders was deputy assistant secretary of state in 1974-75 and assistant secretary of state for Near Eastern and South Asian affairs from 1978 to 1981. During the years 1973 to 1975, he accompanied Secretary of State Kissinger in his shuttles between Middle Eastern capitals to negotiate Arab-Israeli disengagement after the 1970 war. In 1978-79, he helped draft the Camp David Accords and the Egyptian-Israeli peace treaty. As a member of the National Security Council staff from 1961 to 1974, he helped make White House policy toward all Arab-Israeli mediation and peace initiatives.

Harvey Sicherman was special assistant to Secretary of State Alexander M. Haig, Jr., in 1981, consultant to Secretary of State Shultz in 1988, and a member of the Policy Planning Staff under Secretary of State James A. Baker III.

Joseph J. Sisco served as undersecretary of state for political affairs in the Ford administration. He was also principal adviser and negotiator on Middle Eastern issues when the 1970 Egyptian-Israeli cease-fire was negotiated and assistant secretary for Near Eastern and South Asian affairs in the Nixon administration. He advised on and participated in the development and negotiation of UN Security Council resolutions 242 and 338 and conducted the Soviet-American negotiations in 1969 that led to the Rogers Plan.

Janice Gross Stein is a noted historian and author of numerous important works on the Arab-Israeli conflict and efforts toward mediating and resolving the conflict, among them *Rational Decision Making: Israel's Security Choices, 1967* (1980) and *When Does Deterrence Succeed and How Do We Know?* (1990).

Chronology

1915–18

Britain and France make contradictory promises to Arabs.

1917

Britain issues Balfour Declaration—Britain "views with favor" establishment of a Jewish national home in Palestine.

1922

British mandate over Palestine established by League of Nations.

1929 and 1936–39

Major anti-Jewish Arab riots occur in Palestine.

1937

Peel Commission report.

1939

London Conference; British "White Paper."

1939–45

World War II; Holocaust in Europe—millions of Jews killed.

1945–46

Formation of Arab League; London Conference fails to reconcile Arab and Jewish claims; European Jewish survivors seek to enter Palestine.

1947

Britain hands over responsibility for Palestine problem to United Nations.
29 November UN General Assembly adopts partition plan; Arabs reject it and riots erupt in Palestine; British begin withdrawing.

1948

14 May Israeli Declaration of Independence proclaimed.

1948–49

Invasion by several Arab armies leads to Israel's War of Independence; UN mediation efforts made by Count Bernadotte.

1949

Armistice agreements signed with Egypt, Jordan, Lebanon, and Syria (UN mediation by Ralph Bunche on Rhodes); Israel admitted to UN; failure of Lausanne Peace Conference.

1955

U.S. mediation effort by Robert Anderson.

1956–57

President Nasser of Egypt nationalizes Suez Canal; Suez Crisis—Britain, France, and Israel invade Egypt; Israel occupies Sinai, then is forced to withdraw under U.S. and UN pressure; UN peacekeeping force deployed on Israel-Egypt boundary.

1964

Creation of Palestine Liberation Organization (PLO) by summit meeting of Arab states.

1967

Syrian-Israeli clashes begin; Nasser deploys forces in Sinai and demands withdrawal of UN force, closes Straits of Tiran to Israeli shipping.

5–10 June Six Day War—involving Israel, Egypt, Syria, and Jordan; Israel occupies Sinai, East Jerusalem, West Bank, Gaza, and Golan.

August–September Arab summit in Khartoum calls for no negotiation, no recognition of Israel, no peace.

22 November UN Security Council adopts Resolution 242.

1967–69

UN mediation by Ambassador Gunnar Jarring.

1968

Mediation mission by U.S. ambassador to UN, George Ball; War of Attrition between Egypt and Israel begins.

1969

9 December Peace plan proposed by U.S. Secretary of State William Rogers.

1970

U.S.-mediated cease-fire ends War of Attrition; death of Nasser, who is succeeded by Anwar Sadat.

1970 (cont.)

19 June Second Rogers initiative.

1970–71

"Black September" in Jordan; PLO driven out after heavy fighting with Jordanian army; Syrian forces invade Jordan, then withdraw under U.S. and Israeli threats.

1973

6 October Egypt and Syria launch surprise attack on Israel—"Yom Kippur War" (initially Jordan does not take part).

22 October UN Security Council adopts Resolution 338.

24 October War ends with Israel occupying more Egyptian and Syrian territory.

December Two-day Middle East Peace Conference held in Geneva, hosted by United States and Soviet Union under UN auspices.

1974–75

U.S. shuttle mediation by Secretary of State Henry Kissinger; two successive partial withdrawal/disengagement agreements signed by Israel and Egypt (January 1974 and September 1975); one partial withdrawal/disengagement agreement signed by Israel and Syria (May 1974); UN peacekeeping force deployed in Sinai and on Golan Heights.

1975

Lebanese civil war begins.

1976

Unwritten "red line" understandings concerning Lebanon mediated by Kissinger between Syria and Israel; Syrian forces intervene openly in Lebanon.

1977

January–November President Jimmy Carter attempts to reconvene 1973 conference in Geneva for comprehensive peace negotiations.

20 June Menachem Begin becomes prime minister of Israel.

19–21 November Sadat visits Jerusalem.

25–26 December Sadat and Begin meet in Ismailia.

1978

March Israel invades south Lebanon (Operation Litani) in response to PLO terrorist incursion.

June Israeli forces withdraw under U.S. and UN pressure; UN peacekeeping force deployed in Lebanon; Israel retains control over narrow "buffer zone" through a Lebanese Christian militia.

18–19 July Israeli, Egyptian, and U.S. delegations meet at Leeds Castle, England.

1978 (cont.)

4–17 September Camp David conference—Carter hosts Sadat and Begin; Camp David Accords signed.

October–November Negotiations held in Washington, D.C., for formal peace treaty (continued subsequently with U.S. shuttle mediation).

1979

26 March Israeli-Egyptian peace treaty signed in Washington, D.C.

1979–82

Unsuccessful negotiations involving Israel, Egypt, and United States to establish autonomy for Palestinians in West Bank and Gaza.

1981

March–June U.S. mediator Philip Habib attempts to defuse Israeli-Syrian confrontation over Syrian SAM missiles in Lebanon; clashes between Israel and PLO elements in Lebanon.

July Habib mediates PLO-Israeli cease-fire agreement.

6 October Sadat assassinated, succeeded by Husni Mubarak.

14 December De facto annexation of Golan Heights by Israel.

1982

April Israel completes withdrawal of forces and civilians from Sinai.

5 June Israel attacks PLO and Syrian forces in Lebanon.

June–August Lebanon War; PLO military forced to evacuate Beirut; Habib mediates withdrawal agreement; U.S., French, and Italian forces deployed in Beirut to facilitate PLO evacuation.

1 September President Ronald Reagan announces U.S. initiative to settle Arab-Israeli conflict, based on earlier Camp David Accords and UN Resolution 242.

16 September Lebanese President Bachir Gemayel assassinated, succeeded by Amin Gemayel; Israeli forces occupy West Beirut; Christian Phalange militia massacre civilian Palestinians near Beirut.

1983

18 April U.S. embassy in Beirut destroyed by terrorist bomb.

17 May Israel-Lebanon peace and withdrawal agreement signed, mediated by U.S. Secretary of State George Shultz and Ambassador Habib.

August Begin resigns as Israeli prime minister, succeeded by Yitzhak Shamir.

October U.S. Marine headquarters in Beirut destroyed by terrorist bomb.

1984

21 February U.S. forces in Beirut withdraw from Lebanon.

5 March Lebanon abrogates Lebanese-Israeli agreement under pressure from Syria.

September Shimon Peres becomes prime minister of Israel in a national unity coalition with Shamir's Likud party.

1985

June Israel completes withdrawal from most of Lebanon, retaining effective control over 12-mile wide "buffer zone" north of border.

September Peres launches peace initiative centered on Jordan that includes proposal for international conference; United States encourages Israeli, Egyptian, and Jordanian diplomatic efforts; Shamir and Likud party oppose idea of an international conference.

1986

February King Hussein of Jordan breaks off effort to coordinate strategy with PLO leader Yasir Arafat.

July Peres meets publicly with King Hassan of Morocco.

September Shamir replaces Peres as prime minister of Israel.

1987

April Peres (as foreign minister) meets King Hussein privately in London and they agree on international peace conference; Shultz supports Peres' effort, but Shamir repudiates it.

9 December Palestinian uprising erupts in Gaza, spreads to West Bank, and continues for next four years.

1988

February–April Shultz launches shuttle mediation effort to revive peace process, but fails to obtain support from several parties.

July King Hussein surrenders Jordan's claim to the West Bank, cutting legal and administrative ties.

13–14 December Palestine National Council accepts original UN partition plan (UN General Assembly Resolution 181), Israel's right to exist, and UN Security Council resolutions 242 and 338 and renounces terrorism; United States immediately opens formal dialogue with PLO.

1989

May Shamir announces Israeli peace proposal involving elections in the West Bank and Gaza; President George Bush and Secretary of State James Baker begin efforts to mediate renewal of peace process.

October Lebanese parliament members meet in Taif, Saudi Arabia, and agree on new political accord to end the Lebanese civil war.

December Syria reestablishes relations with Egypt, broken off after Camp David conference in 1978; Baker proposes plan for launching Israeli-Palestinian negotiations.

1990

March Israeli national unity coalition government falls when Shamir rejects Baker's proposals.

June United States suspends its dialogue with PLO in wake of a terrorist attack on Israel.

1990 (cont.)

July Shamir forms new government without Labor Party—the new government is composed of Likud and several right-wing and religious parties.

2 August Iraq invades and occupies Kuwait.

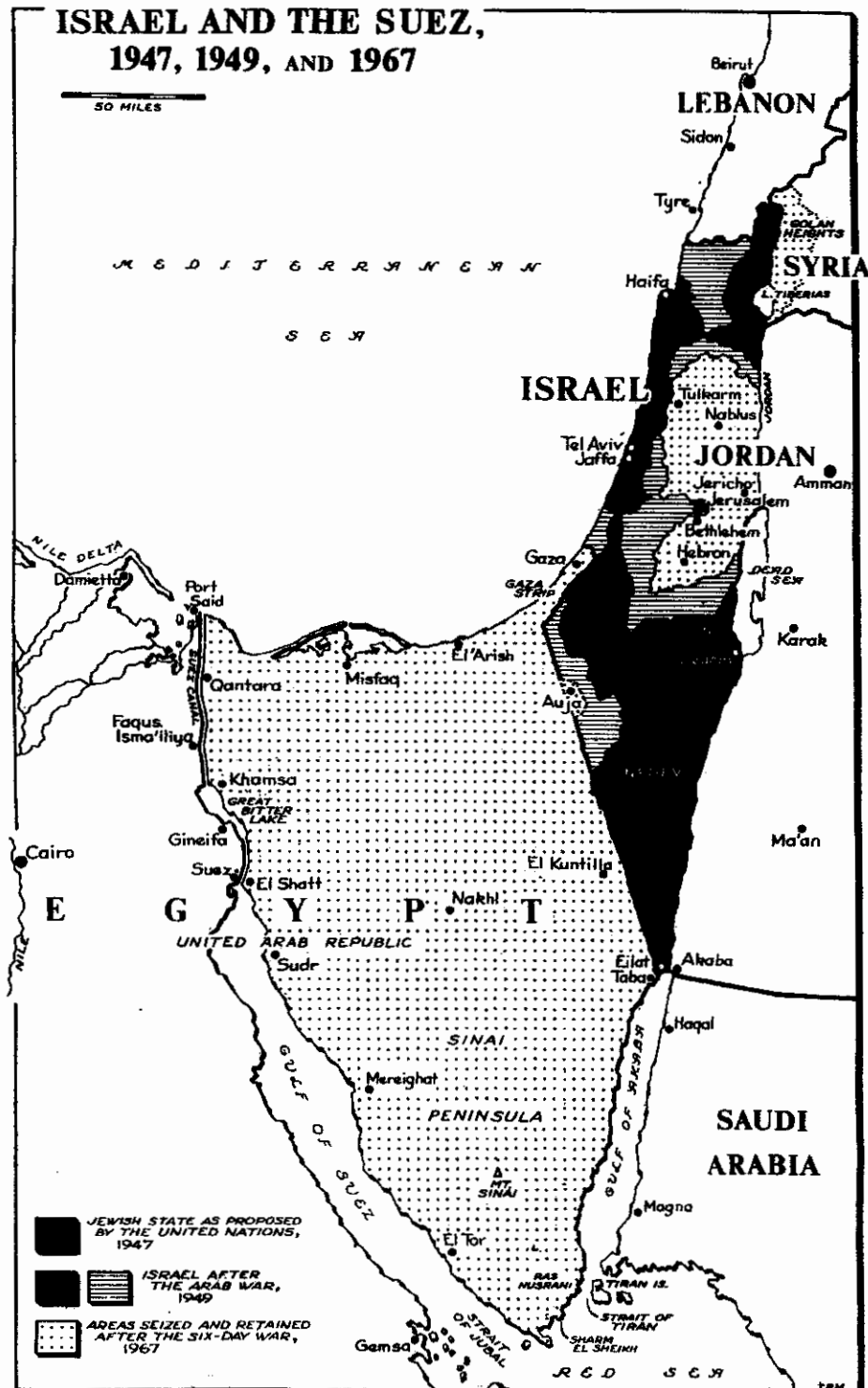
1991

January–February U.S.-led coalition forces liberate Kuwait, destroy large numbers of Iraqi troops, and enforce UN-adopted sanctions on Baghdad.

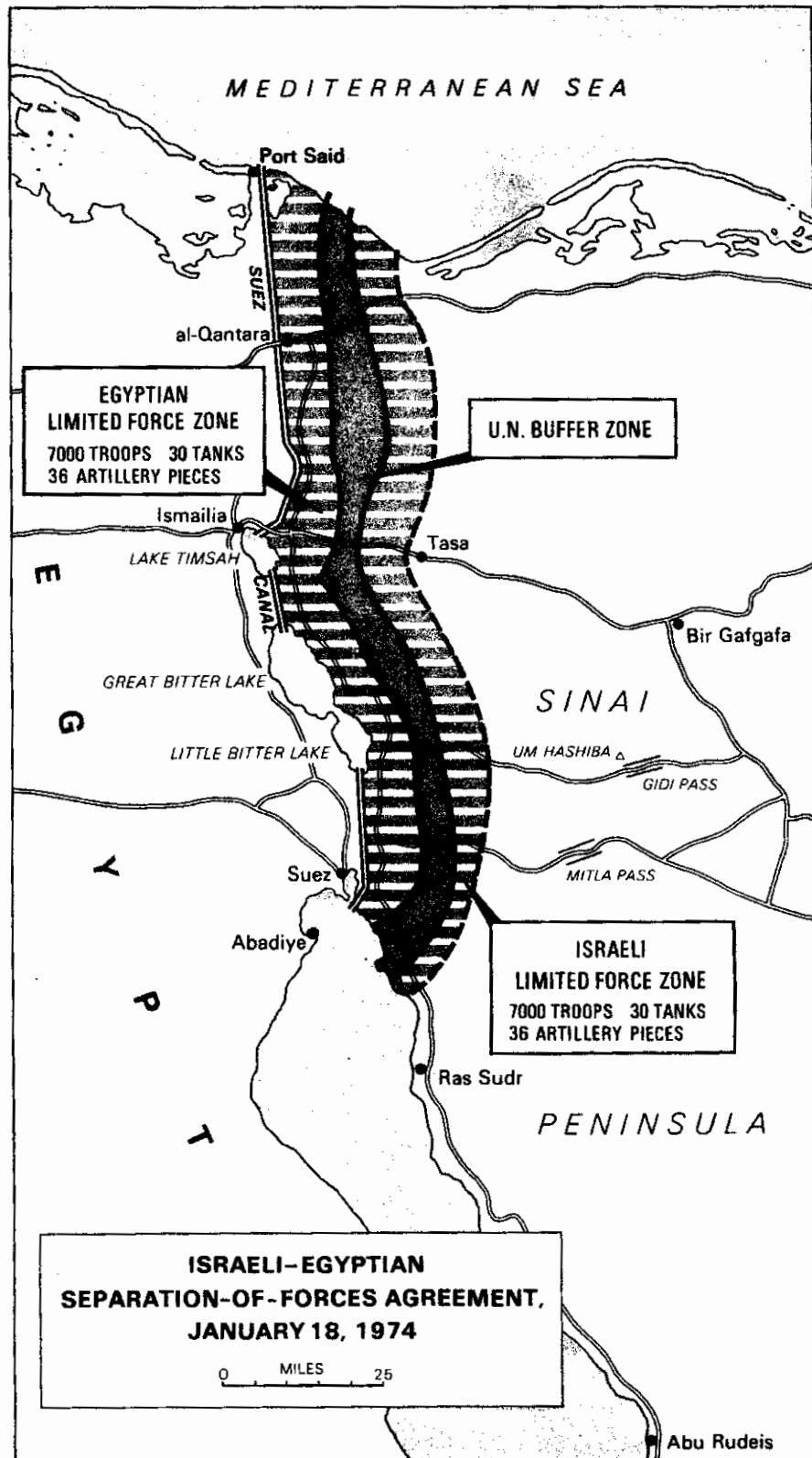
March President Bush announces major new U.S. Middle East peace initiative.

April–October Baker makes eight shuttle mediation missions to the region to work out arrangements for a Middle East peace conference.

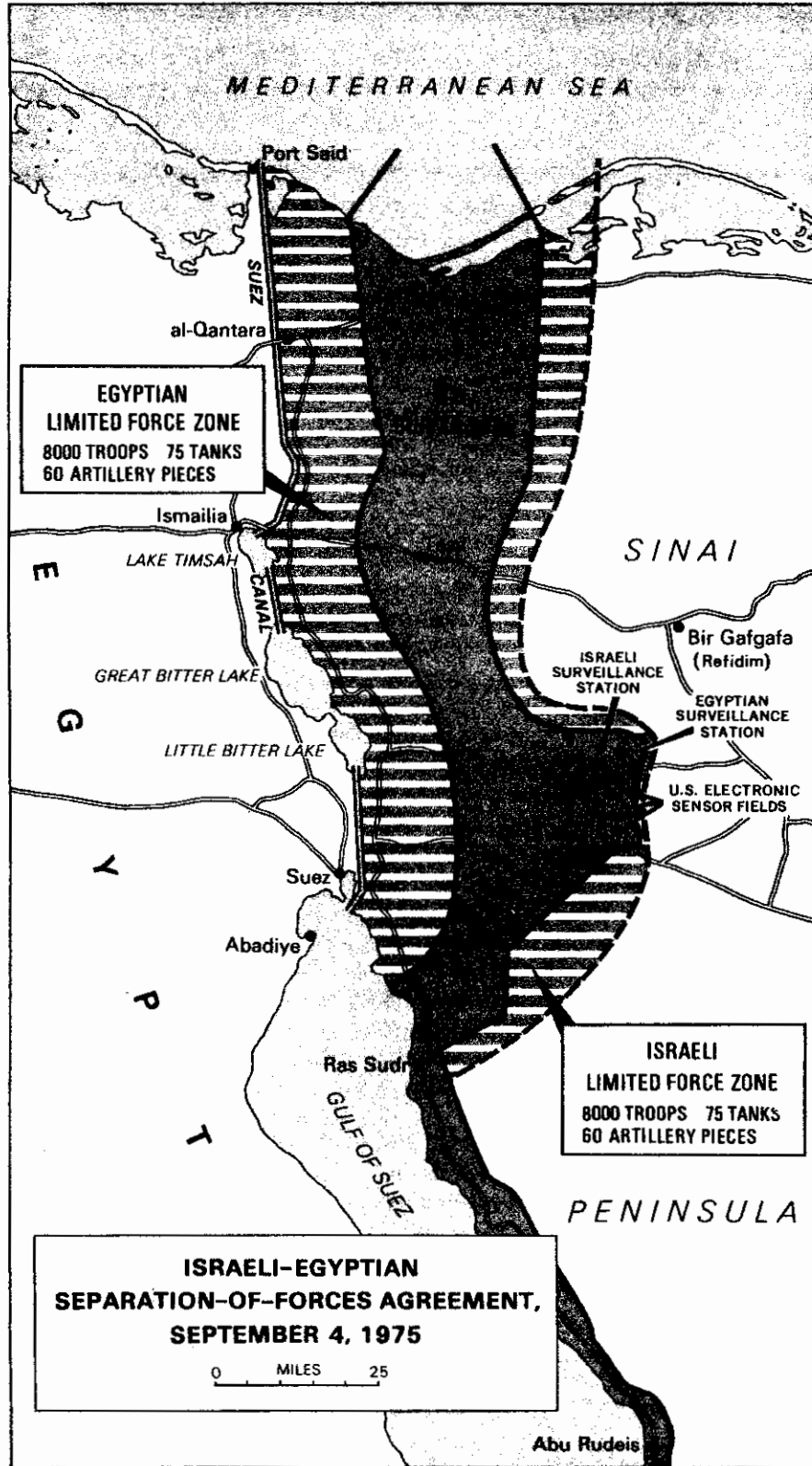
18 October Soviet Union reestablishes diplomatic relations with Israel, broken off in 1967; Presidents Bush and Gorbachev invite Israel, Syria, Jordan, Lebanon, Egypt, and other Arab states to a two-day conference in Madrid, Spain, on October 30, to be followed immediately by direct, bilateral negotiations between Israel and Syria, Israel and a Jordanian/Palestinian delegation, and Israel and Lebanon, and by a broader working group to deal with regional issues.



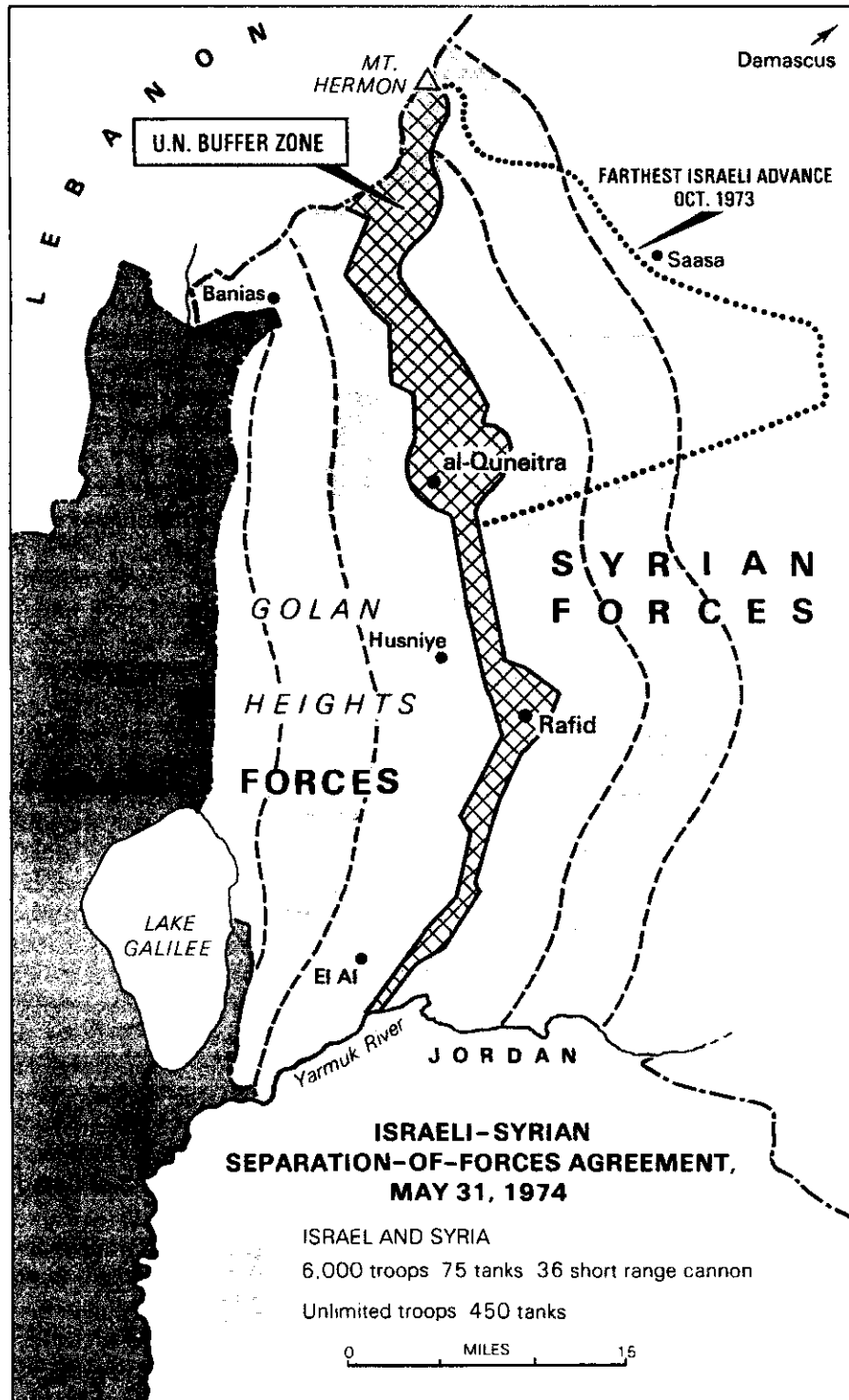
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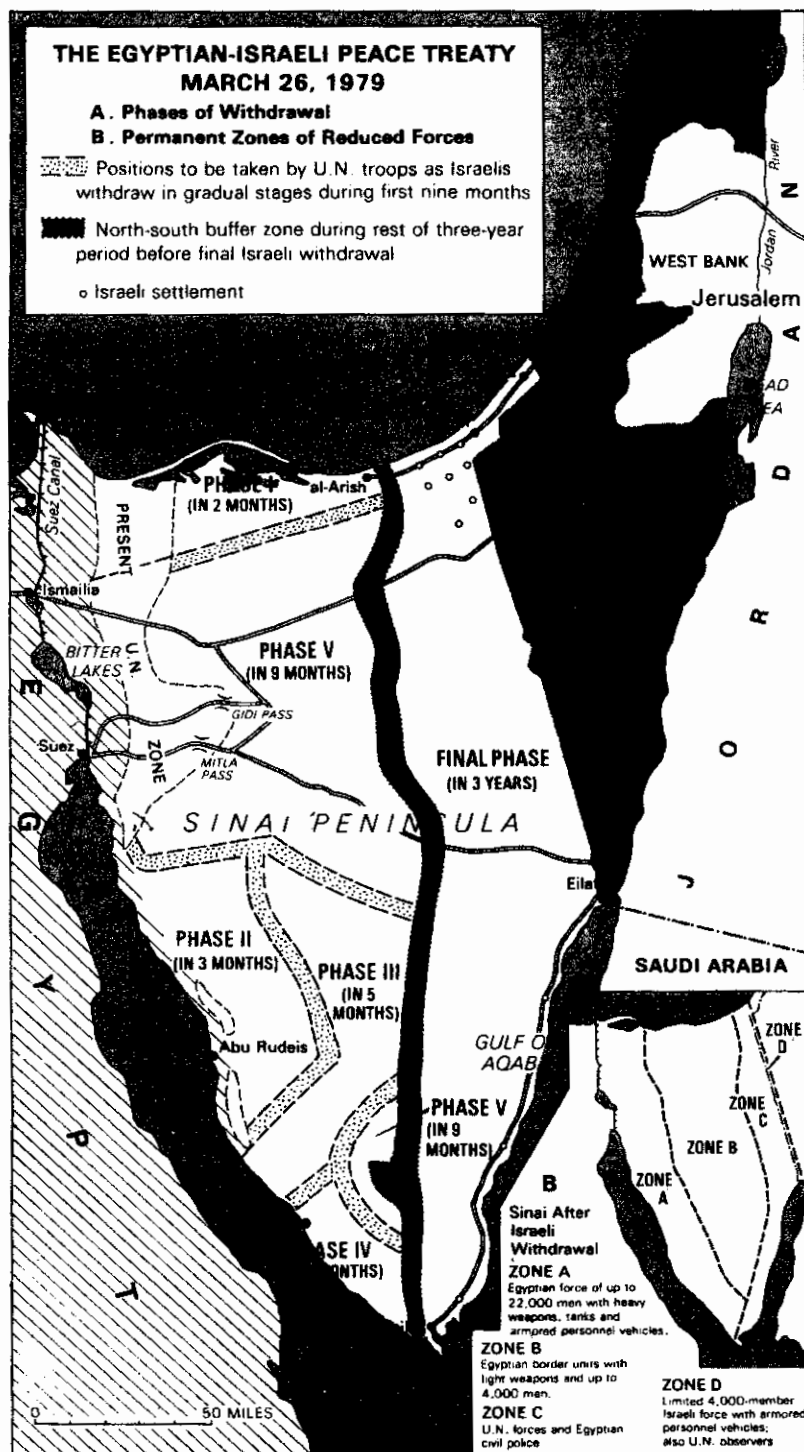
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I

Introduction

Since World War II, every U.S. administration has had to deal with the Arab-Israeli conflict in the Middle East. Over the years, the U.S. role has expanded greatly, starting with President Truman's support of the UN plan to partition Palestine in 1947; through President Eisenhower's virtual ultimata to Britain, France, and Israel during the 1956 Suez crisis; to Secretary of State Kissinger's shuttle diplomacy in 1974 among Israel, Egypt, and Syria; to President Carter's personal mediation leading to the historic peace treaty in 1979 between Israel and Egypt; to the Bush administration's current energetic efforts to convene a peace conference that will include all the parties to the conflict. Despite repeated diplomatic disappointments, six Arab-Israeli wars, uprisings against military occupation, terrorism, and episodes of military retaliation in the region, U.S. diplomacy continues to reflect Washington's belief that Israel and its Arab adversaries can be brought into a "peace process" that will eventually lead to an overall settlement. Especially since the 1967 war, with the exception of a few brief periods of *laissez-faire*, American administrations have patiently and persistently attempted to reconcile these historically antagonistic parties and to create the diplomatic framework for greater regional stability and lasting peace.

Each administration's response to and handling of the conflict has reflected the president's foreign policy aspirations and his distinct style. Even the most reluctant president has eventually had to become involved because of the highly strategic character of the region and its role in the U.S.-Soviet struggle for preeminent influence, and because Arab-Israeli issues have become inextricably linked to U.S. domestic concerns. Today, trying to resolve the conflict is as much a domestic desideratum as it is an important foreign policy objective. Helping to bring peace to the Middle East has become an American mission.

Secretary of State Baker's eight arduous trips to the Middle East since the end of the Gulf War demonstrate President Bush's determination to "jump-start" the long-stalled Arab-Israeli negotiations. Despite deep misgivings about entrusting their destiny to any outside party—no matter how friendly—Israelis will trust only an American president, if anyone, to be the central choreographer for a negotiated settlement. And, despite their resentment about Israel's special relationship with the United States, Arabs too, by and large, seek American mediation. Indeed, all the regional parties expect Washington to advance negotiations by backing their positions. They all recognize that, since 1950,

successful Arab-Israeli negotiations have occurred only when the United States has acted as the mediating third party.

Nevertheless, memories of past injustices color Arab and Israeli thinking about the future and deep mutual suspicions shape their decision making. Each party fears the future because each fears that a negotiated compromise may leave it with less security or less land than it deems essential or, worse, less than it has or less than it rightfully deserves. Placing yourself in the hands of a powerful mediator who may coax you into an uncharted diplomatic labyrinth requires strong nerves. And to succeed, the mediator must be both skillful and sensitive to the lessons of earlier mediators' efforts.

What follows initially is the broad background of how the United States gradually took over the primary mediating mission from the United Nations and of key benchmarks in the diplomatic history of the region since 1948. This historical chapter is intended for the general reader who is less familiar than the scholar or specialist with the complex story of warfare and negotiations that stretches over the last seventy-five years of the Arab-Jewish relationship in Palestine. It is a broad outline, not a detailed chronology.

Subsequent chapters describe the most pertinent lessons learned from the history of mediation efforts, drawn largely from the personal experiences of American diplomats who were centrally involved. These chapters are intended for the diplomatic practitioner, the Middle East specialist, and the student of negotiation theory, as well as for broader audiences. Most deal with those procedures necessary to initiate, sustain, and conclude negotiations between Arabs and Israelis. Although all mediation of the Arab-Israeli conflict is particularly difficult because procedural questions tend to become substantive disputes, the suggestions made in each section and subsection are procedural in nature and are not meant to prescribe any preferred negotiating outcomes.

The final section deals with special issues that will affect the convening of and prospects for a Middle East peace conference. Although such a forum may well provide the setting for the next U.S. diplomatic effort to mediate this conflict, its framework is still vague. Nonetheless, there have been efforts in the past to convene Middle East peace conferences. Surely that past has something to teach that can be relevant for the future.

II

Third-Party Mediation of the Conflict: Historical Highlights

From Palestine to Israel, 1917–1948

A legacy of mediation and arbitration predates America's efforts to help resolve the Arab-Israeli conflict. Ever since the Balfour Declaration in 1917, throughout the period of the British-governed Mandate of Palestine from 1920 to 1948, British colonial administrators sought to reconcile rival Jewish and Arab claims to Palestine and the political privileges associated with those claims. They did so by sponsoring direct and indirect negotiations and conference diplomacy, as well as by a form of arbitration—the administrator's authority to pass laws and to settle disagreements as they arose.

The 1917 Balfour Declaration had laid the groundwork for mediating grievances according to a recognized, separate obligation to each population in the territory: a "dual obligation." The declaration put Great Britain in the position of favoring the establishment of a "National Home" in Palestine for the Jewish people while also protecting the civil and religious rights of existing non-Jewish communities. The dual obligation concept gradually spawned a process in which the central arbitrator or mediator was Great Britain, which conceived its role as that of a neutral third party who adjudicated the extent of the obligation due the plaintiff. During the mandate, British officials issued policy statements and introduced laws

with the intention of maintaining a political equilibrium between Palestine's two populations. Each population group, however, interpreted the outcome of each decision as meaning that one side had preserved its prerogatives while the other had lost ground. In other words, the British presumed that by granting each side just enough political legitimacy to remain "sufficiently equal," they could preserve a "dynamic stability" in the mandate. In fact, however, the result was a virtual seesaw of political advantage between Jews and Arabs. In no case did the British sense of dual obligation serve adequately to promote genuine political pluralism in Palestine.

Throughout the mandatory period, Arab and Jewish leaders sought to persuade the arbitrator of their side's legitimacy as the rightful heir to Palestine. In their separate efforts to gain political dominance in the mandate, both routinely complained to and petitioned the British as the final authority. Sir Ronald Storrs, the Jerusalem district commissioner, remarked in the early 1920s that "two hours of Arab grievances drive me into the Synagogue, while after an intensive course of Zionist propaganda, I am prepared to embrace Islam."¹ Writing to his son Christopher, Sir John Chancellor, the British high commissioner in Palestine from 1928 to 1931, noted that "there is a tendency here to

regard the Government as a sort of umpire and scorer, trying to hold the balance between the two races, noting when one scores off the other, and regarding it as only fair that the next point in the game should be scored by the race that lost the preceding one."²

Burgeoning immigration of Jewish refugees from Europe in the 1930s and increased Jewish land purchases tilted the balance of political power in the territory increasingly in their favor. Their expanded numbers, coupled with the leadership of experienced Zionist activists from Europe, gave the Jews added leverage. The Arab Palestinians, never as politically well organized as their Jewish counterparts, increasingly turned to violence.

Major Arab revolts erupted in 1929 and between 1936 and 1939. A British investigatory commission headed by Lord Peel warned in 1937 that Jews and Arabs living in Palestine would never assimilate into a single community. The commission recommended partitioning Palestine to permit establishment of a Jewish state, while continuing the mandate over Jerusalem and annexing the remainder of Palestine to Transjordan. The commission's report was not acted upon. Instead, the British government issued the 1939 White Paper, a policy statement that repudiated the Balfour Declaration and the recommendations of the Peel Commission. The White Paper restricted Jewish immigration and land purchases while promising the creation, in ten years, of an independent Palestinian state in which Jews and Arabs were to share responsibility and authority. In the wartime years that followed, British attention moved from the Middle East to Europe and its own survival. Nonetheless, Great Britain retained its control over Egypt, Palestine, and Transjordan as well as its influence elsewhere in the region.

World War II affected the Middle East in many ways, not the least of which was to set the stage for Britain's gradual and reluctant withdrawal from the region. The end of the

war also lifted the primary restraint holding back an all-out contest for power in Palestine. During the war, Britain had encouraged the Arab states to form an organization to assist its war effort in North Africa and had established the central headquarters in Cairo. Thus Egypt became the *de facto* leader of the Arab League and the principal voice for Arab interests. With a veritable river of Jewish refugees desperately seeking admission to Palestine from the concentration camps and displaced persons centers of Europe, and a newly consolidated Arab League, headed by Britain's principal strategic asset in the region, Egypt, the clash in Palestine between rival claimants for British favor became unmanageable for the vastly weakened British empire. In frustration and bitter resignation, Great Britain consigned the issue of Palestine's political future to the UN to solve in early 1947.

On November 29, 1947, the UN General Assembly voted to partition Palestine into separate Arab and Jewish states, with a special international regime to be established for Jerusalem. President Harry Truman's staunch support for the partition plan in the UN and the immediate American diplomatic recognition of Israel only minutes after it declared its independence in May 1948 were critical factors in the birth of the new Jewish state. The British mantle of responsibility for finding a workable solution for Palestine was effectively shed. To whom had it passed, however—the UN or the United States—long remained ambiguous. Since about 1970, the United States has increasingly assumed the principal mediator's role, without, of course, having an arbitrator's authority.

Era of Multiple Mediators, 1948–1970

Despite UN approval of the partition, Arab states refused to recognize Israel. As soon as Israel declared its independence on May 14, 1948, all the nearby Arab states invaded, launching a prolonged struggle that was only halted by a

UN-sponsored truce in late 1949. That war's legacy included very heavy casualties and property damage, plus three important results that have weighed upon the subsequent history of the conflict. First, more than a half million Arab Palestinians fled to safety behind the Arab army lines. Most have remained as displaced persons in squalid refugee camps, generation after generation. Second, Israel, in defeating the invading armies, advanced well beyond the 1947 partition borders, adding at least 30 percent to its territory as allocated under the UN partition plan. Third, not only did the Arab states refuse to accept the new state of Israel but they would not permit any independent Palestinian state to come into being in those portions of Palestine that remained under Arab control: the West Bank, East Jerusalem, and Gaza. These three results vastly complicated later efforts to achieve peace.

Since 1948, the UN has been involved in the Arab-Israeli conflict on several different levels: adopting Security Council and General Assembly resolutions; deploying UN military observers and peacekeeping contingents to monitor cease-fire lines; and attempting to mediate among the antagonists, usually through the UN secretary general or his personal representatives. The first two types of UN involvement have been important throughout the period since 1948. UN resolutions have established internationally endorsed parameters for the mediation efforts of individual nations or groups of nations. Peacekeeping contingents and observer groups have helped to inhibit the renewed outbreak of hostilities. Direct UN mediation has been more sporadic, reinforced and frequently interspersed with unilateral initiatives by the United States or various European nations. In general, although U.S. diplomacy was frequently active, until 1970 the search for a political solution to the conflict was conducted by multiple international actors. Success, unfortunately, has been both elusive and ephemeral.

In May 1948, Count Folke Bernadotte of Sweden was the first mediator given the task of devising a political settlement after British authority in Palestine lapsed. He received his mandate from the General Assembly, although his actual selection fell to the five permanent members of the Security Council. Bernadotte's service as UN mediator was brief; he was assassinated by a Jewish underground group in September 1948. He had become immersed in efforts to maintain a cease-fire between Israel and the invading Arab armies. He had also produced two comprehensive proposals for an overall settlement; both were rejected. His diplomatic style greatly antagonized both Israeli and U.S. officials, and his political skills and judgment were manifestly inadequate for such a thorny assignment. Bernadotte's legacy was an unhappy harbinger of future failures.

Another early UN-sponsored mediation effort was carried out by the Palestine Conciliation Commission, established by the General Assembly in December 1948 and composed of representatives of the United States, France, and Turkey. Its mandate was "to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them." Despite nearly three years of often intensive effort, which included convening unsuccessful conferences in Lausanne in 1949 and Paris in 1951, the result was complete failure.

Meanwhile, however, UN Undersecretary Ralph Bunche, an American who had served as Bernadotte's deputy mediator and then assumed his role, had been charged by the UN Security Council to work out permanent armistice agreements between Israel and the Arab parties to the war: Egypt, Lebanon, Syria, and Iraq. In sequential negotiation efforts on the island of Rhodes, Bunche successfully mediated agreements in 1949 between Israel and each Arab belligerent (except Iraq), although much of the Jordan-Israel negotiation took place directly between the two sides elsewhere. Al-

though the Arab delegations initially refused to meet with Israelis face-to-face, Bunche eventually persuaded them to meet bilaterally in his presence. But the real negotiations went on in corridors or in separate hotel rooms, with Bunche moving back and forth between delegations. This negotiation process has been dubbed the "Rhodes model" or "proximity talks," and has been employed often in later years by U.S. mediators to help overcome continuing resistance by Arab governments to engaging in direct give-and-take with Israelis. As successful as he was on Rhodes, Bunche was charged only with achieving armistice agreements. His terms of reference did not include finding a political solution, settling territorial claims, or solving the refugee problem. The Arabs would only acknowledge cease-fire lines; they would not acknowledge international borders for Israel. The peace negotiations that were supposed to follow never took place. For many years, Bunche's success in reaching armistice agreements appeared to be the final step instead of the first step in a process of true reconciliation between Arabs and Israelis.

The growing cold war between the United States and the Soviet Union soon began to affect the Middle East landscape in ways that greatly diminished chances for successful peace negotiations. The cold war had an enormous effect on the United Nations. U.S.-Soviet cooperation in the Security Council became nearly unimaginable; unblinking Soviet support for the Arab position on contested issues became automatic, while the United States supported Israel (but with much less regularity) in the all-too-frequent occasions when border clashes, guerrilla incursions, and other events engaged the UN's attention. UN mediators rarely enjoyed strong, unanimous backing from the major powers.

Moreover, cold war imperatives impelled U.S. efforts to try to line up an anti-Soviet coalition in the region against Soviet threats. However, the key Arab country, Egypt, turned instead to the Soviet Union for weapons and to the new

"nonaligned" movement for political allies. That move in turn reinforced Israel's determination to head off Egyptian President Gamal Abdel Nasser's pan-Arab aspirations to regional hegemony before he became too strong.

Anticipating a crisis between Egypt and Israel, President Eisenhower sent special envoy Robert Anderson to Cairo in late 1955 to offer funding for the Aswan High Dam project, among other inducements, if Egypt would come to the table with Israel and work out a peace settlement. Each side agreed to talk to Anderson because each expected some kind of benefit from the United States. The Egyptians wanted U.S.-backed funding for the dam, and the Israelis wanted a big arms shipment from the United States to balance Egypt's new Soviet arsenal. But neither Egypt nor Israel seemed interested in putting off a war that in hindsight seems to have been inevitable. Throughout their talks with Anderson, Nasser received Soviet arms and the Israelis monitored and tracked each shipment.

War came in October 1956, triggered by British and French fury over Nasser's sudden decision to nationalize the Suez Canal. A secret understanding between Israel and the two European powers led to parallel military ventures intended to occupy the canal area and to lead to Nasser's overthrow. Despite increasing American disillusionment with Nasser, Eisenhower's greater fury at London, Paris, and Jerusalem produced a short-lived renewal of U.S. and Soviet cooperation in the UN Security Council against America's allies—leading to their humiliating withdrawal from their military adventure and, later, to Israel's complete withdrawal from Sinai, which its forces had rapidly conquered.

In the wake of Israel's withdrawal, a UN peacekeeping force was deployed along the Sinai border between Israel and Egypt. Its presence helped keep that border almost totally quiet until May 1967, when Nasser suddenly demanded its withdrawal. Egypt then sealed off the Straits of Tiran, the southern entrance to the Gulf of Acaba and Israel's only practical maritime ac-

cess to Asia and to oil from the Persian Gulf. Those actions triggered an escalating threat of war that finally exploded on June 5 when Israel launched a preemptive strike on the Egyptian air force. Egypt's allies—Syria, Jordan, and Iraq—all joined the fray. Syria shelled the Jordan River Valley and launched incursions into Israel. Jordan attacked West Jerusalem, despite repeated Israeli messages to King Hussein that Jordan had nothing to fear if it remained aloof from the war. The Six Day War ended in an overwhelming Israeli victory. Israel captured the Sinai and the Gaza Strip from Egypt, the Golan Heights from Syria, and the West Bank and East Jerusalem from Jordan.

Not until after the 1967 war did the United States lead a concerted, persistent effort to bring about an overall negotiated settlement between Arabs and Israelis. American diplomacy took the lead, in cooperation with Great Britain, in pushing for adoption of UN Security Council Resolution 242, which established the terms according to which Arab and Israeli governments were to negotiate. Accepted unanimously by the Security Council on November 22, 1967, this carefully balanced and, in part, necessarily ambiguous resolution called for Israeli "withdrawal from territory occupied in the recent conflict," "termination of all states of belligerency, . . . respect for . . . political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats of acts of force," "a just solution to the refugee problem," "freedom of navigation through international waterways," and "the appointment of a UN mediator to help carry out its principles." It was intended to provide the basis on which to construct a "just and lasting peace" in the region.

Despite, or perhaps because of, its balance and studied ambiguities, Resolution 242 contains the only comprehensive principles for Arab-Israeli peace ever adopted by the UN Security Council. It has been the basis for all subsequent negotiating efforts. For example, Reso-

lution 242 provided the political framework for the 1978 Egyptian-Israeli Camp David Accords, for the 1979 Egyptian-Israeli peace treaty, and for all U.S. efforts in the late 1980s and early 1990s to restart Arab-Israeli negotiations. Notably, however, Palestinians have generally regarded it as gravely deficient because it makes no reference to their national aspirations, referring to Palestinians only as a "refugee problem."

Under this resolution, the UN was again given a central role in mediating a settlement. Former Swedish Ambassador to the USSR Gunnar Jarring was selected as special representative of the secretary general for this purpose. Once Resolution 242 had been passed and Jarring had been named, U.S. policy was to work energetically behind the scenes with the USSR, Great Britain, and France to promote the negotiating process and Jarring's efforts. In effect, U.S. diplomacy supplied much of the dynamism to advance formal UN-led mediation.

This approach produced no success. Instead, a prolonged and increasingly destructive War of Attrition developed between Egypt and Israel that escalated during 1969–70 to a dangerous level until finally halted in August 1970 by a U.S.-mediated cease-fire agreement.

Transition from Multilateral to Bilateral Mediation, 1970–1973

In the absence of active negotiations, war erupted again in October 1973, when Egypt and Syria launched massive surprise attacks in Sinai and the Golan Heights. Although initially driven back, Israel eventually defeated both forces. This bloody war ended only after strong diplomatic pressure from the United States, the Soviet Union, and the UN Security Council produced a cease-fire, with Israel now occupying even more Syrian and Egyptian territory. Passage of UN Resolution 338 in the wake of the October War reinforced Resolution 242 and required for the first time that negotiations be conducted "between the parties concerned un-

nificantly by two factors: the state of U.S. relations with the Soviet Union and the degree of direct presidential involvement.

U.S. mediation efforts have almost always been complicated by U.S.-Soviet relations. The Anderson mission before the 1956 war failed in part because Egypt was arming while the talks were taking place and Israel, watching as Soviet weapons flowed into Egypt, was chiefly concerned with obtaining U.S. weapons to maintain the military balance. Neither nation was primarily interested in peace talks at that point.

In late 1969, after meticulous preparation, Secretary of State Rogers promoted parallel outlines for a comprehensive Egyptian-Israeli agreement and a Jordanian-Israeli agreement. The plan for Egypt was developed in extensive consultations with the Soviets, who were expected to persuade President Nasser to give it serious consideration. Unfortunately, Moscow would not or could not persuade its client, Egypt, to do so. The Rogers Plan eventually failed because the Americans had underestimated Moscow's reluctance to press Nasser very far as well as Israel's determination to resist American persuasion.

The extent of active presidential involvement in U.S. diplomatic initiatives has made a decisive difference in their ultimate success or failure. President Nixon left Secretary Rogers and his aides to pursue the Rogers Plan in 1969 without significant White House support, which seriously prejudiced its prospects. By contrast, Nixon's and Ford's backing for Kissinger's shuttle diplomacy in 1974-75 was wholehearted and effective. Between President Carter's inauguration in 1977 and Anwar Sadat's trip to Jerusalem on November 19, 1977, Carter personally directed an ultimately abortive effort to set the stage for comprehensive Arab-Israeli negotiations at a renewed Geneva conference. He then persisted with intensive personal leadership and direct involvement in all subsequent phases of the U.S. mediation effort, culminating in the Camp David conference in September 1978 and

his mission to Cairo and Jerusalem in March 1979 to nail down final agreement on the Israel-Egypt peace treaty. Diminished presidential involvement in the U.S.-mediated "autonomy negotiations" over the West Bank and Gaza that followed was one important factor in their ultimate failure.

From the end of the 1967 war until the signing of the peace treaty in 1979, U.S. mediation initiatives focused primarily on Egypt, with Jordan and Syria accorded much less attention. During the sixteen months leading up to the signing of the peace treaty on March 26, 1979, American negotiators directly participated in Egyptian-Israeli talks in Cairo; in Jerusalem; at Leeds Castle in England; at Camp David in Maryland; in Washington, D.C.; and in President Carter's presidential shuttle to Egypt and Israel in early March 1979. In between these meetings, Egyptian and Israeli officials met separately with American mediators in the Middle East, in Europe, and in Washington.

The Egypt-Israel peace treaty remains the greatest success in any mediation to date. It is therefore natural that many of the lessons outlined in later chapters about elements that help produce success derive from the Egypt-Israel negotiating experience. The critical Israeli priority was to negotiate a peace with Egypt that would eliminate its military weight from any future Arab-Israeli confrontation and would also set a precedent for Israel's full acceptance by other Arab states. Washington also focused on the Egyptian-Israeli axis after 1973 because of some of those same considerations, reinforced by its determination to wean Egypt away from dependence on the Soviet Union. Moreover, President Sadat's Egypt seemed ready for peace by 1977; Syria seemed less so. And Jordan's weakness seemed to preclude it from getting out in front of its much more powerful Arab neighbors.

As described earlier, Secretary of State Kissinger had laboriously mediated a military disengagement accord by shuttling between Israel

and Syria in the wake of the 1973 war, but subsequent American efforts to solicit active Syrian participation in Arab-Israeli negotiations have foundered. Syria sharply opposed Sadat's decision to negotiate directly with Israel and then took its revenge by pressing for Egypt's isolation from inter-Arab affairs in the 1980s. Although American emissaries sporadically visited Damascus during the late 1970s and 1980s, few lessons can be culled from American mediation of Syrian-Israeli differences. Kissinger's single success with Syria contrasts strikingly with the many successful Egyptian-Israeli negotiations between 1974 and 1990. Presidents Carter and Bush did meet with President Assad in Geneva in May 1977 and November 1990, respectively. During most of the interim period, however, Syria routinely vilified U.S. foreign policy in general and the U.S. approach to the Arab-Israeli conflict in particular. Syria was attacked by Israel during the 1982 Lebanon War, and Syrian and U.S. forces came to blows briefly in Lebanon in 1983. Meanwhile, Syrian support of terrorist groups tarnished U.S.-Syrian relations throughout the 1980s. After the 1991 Gulf War, the Bush administration persuaded Assad to reenter the negotiating arena in direct talks with Israel under the umbrella of a peace conference. Nonetheless, Syria in the post-Gulf War period remains an unpredictable variable in the American scenario for a Middle East peace process.

Some lessons do flow from the earlier Syrian-Israeli experience as well as from America's frustratingly unsuccessful efforts to launch Israeli-Jordanian or Israeli-Palestinian negotiations during the mid- and late 1980s. Compared to the 1970s, American involvement in Arab-Israeli negotiations in the 1980s was noticeably less productive. Its one clear achievement—the 1983 Lebanese-Israeli agreement, a product of intensive mediation by Ambassador Habib and Secretary of State Shultz—was effectively torpedoed by Syrian hostility. The Reagan administration invested considerable diplomatic effort in ensuring that

the central provisions of the 1979 peace treaty were carried out successfully. It did not, however, exhibit elsewhere the same level of presidential commitment to Arab-Israeli peacemaking that had characterized President Nixon's deputization of Secretary Kissinger or President Carter's personal direction of his diplomacy. Even the Reagan Plan of September 1982, a comprehensive outline for a peacemaking process, was ill timed and was not persistently followed up with any visible presidential involvement.

Moreover, while the 1970s had witnessed President Sadat's and Prime Minister Begin's strong leadership culminate in bold historic moves toward peace, the 1980s saw other political leaders in the region, more constrained by their domestic constituencies and increasingly subject to constraints imposed by the PLO's leadership of the Palestinian national movement, equivocate and refrain from tackling the harder issues still before them: how to resolve the future of the West Bank, Gaza, and the Golan Heights. Other major events in the region also obstructed efforts to make progress on Arab-Israeli negotiations in the 1980s: the Lebanese civil war, the Iranian revolution, consolidation of the Likud party's political dominance in Israel, Israel's invasion of Lebanon in 1982, the Iran-Iraq war, and the fluctuating PLO-Jordanian relationship.

Beginning in the last half of the 1980s, however, American diplomats once again resumed Arab-Israeli mediation efforts in earnest. Events in the region had pulled American attention back toward Arab-Israeli issues: the Palestinian uprising beginning in December 1987, the establishment and later suspension of the U.S.-PLO dialogue from December 1988 to June 1990, the Israeli proposal in May 1989 for Palestinian elections, the dramatically weakened role of the Soviet Union in the region, and the enhanced stature and prestige of the United States after the Gulf War.

Secretary Shultz had twice come close to success in arranging Israeli-Palestinian or Israeli-Jordanian-Palestinian negotiations, but

ultimately he had failed. By October 1991, after more than two and a half years in office, President Bush and Secretary Baker were also deeply immersed in mediating the Arab-Israeli conflict, striving to bring all the contending parties to a peace conference, this time in close cooperation with the Soviet Union and with the UN and

many other nations as invited observers. The wheel had turned full circle since such U.S.-Soviet cooperation was last attempted in 1967-69. On the surface, the era of solo U.S. mediation in the Arab-Israeli dispute appeared ended. In reality, however, the centrality of the U.S. role remained undiminished.

III

Necessary Elements for Successful Mediation

The Mediator's Role

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

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

Although direct talks between parties symbolize mutual recognition, parity, and legitimacy, they do not ensure progress in the ne-

gotiations. Private, unpublicized face-to-face talks between Israeli and Arab officials have on occasion created a climate of better understanding, indicated areas of possible compromise, and even developed mutual trust between the participants. But more typically, direct Arab-Israeli talks without the presence of a mediator have been short and ineffective. A striking example was the disappointing outcome of Prime Minister Begin's bilateral meeting with President Sadat at Ismailia a few weeks after Sadat's historic trip to Jerusalem in 1977, a meeting that produced a significant setback. Even so, Israeli leaders have consistently pressed for direct negotiations. Arab leaders, by contrast, have consistently tried to avoid direct negotiations as too politically costly if the meetings did not remain secret. They risk personal and national isolation from their fellow Arabs for recognizing Israel and its claims "directly." Therefore, Arab leaders have usually preferred indirect talks through the United Nations, the United States, or others as less politically dangerous.

Missed opportunities for talks between Arabs and Israelis have resulted from either or both sides not wanting to risk—or being unable to risk—political, economic, and communal isolation or domestic political upheaval. A mediator provides the political cover necessary

for a leader who wants an understanding but who must defer to domestic politics or, for Arabs, to inter-Arab political constraints. Israeli cabinet members also have often relied on U.S. mediators to put forward certain difficult positions so that the blame for accepting an unpopular compromise can be put on American "pressure," not on their own government.

The history of mediating Arab-Israeli disputes provides a number of lessons about the mediator's role.

First, in this conflict, mediators must be prepared to take significant risks, including that of failure. A lot of brinkmanship is involved in successful mediation. Mediators must be cautious but not nerveless. They must be ready to go beyond what the parties say the mediator's role should be. Even though Israel in particular will often remind the mediators that they are not participants and that their role is merely to bring the conflicting parties together, in fact both sides expect the mediators to play active roles, especially when an impasse develops.

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

Jarring's lack of success may also have reflected the inherent ambivalence of his position at that time as UN mediator. In contrast, Bunche's success in the 1949 armistice negotiations in part reflected U.S. confidence and support for the UN mediation effort and for Bunche personally. It is clear that if the great powers do not actively back the UN mediator's mission, that mediator will achieve little. This is particularly true if the

parties to the conflict sense any American hesitancy toward the mission. Moreover, as with any UN activity, the degree to which the UN alone can implement and sustain an agreement provides an outer limit for the direct leverage a UN mediator has available to bring parties to agreement. That leverage is likely to be sufficient only with a relatively few small nations. It is wholly inadequate among the Arab-Israeli antagonists. Therefore, it is unrealistic to expect a UN mediator in the Arab-Israel conflict to go much beyond providing "good offices" on the part of the UN secretary general.

Second, mediators should facilitate, not dominate, the negotiating process. Mediators should not put forward proposals without having consulted carefully with both parties in advance. Jarring violated this rule, as have others. As issues arise throughout the negotiating process, mediators should remain approachable and responsive to each side's concerns.

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

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

American representatives on the Palestine Conciliation Commission in 1949 believed that they could have an Arab and Israeli peace treaty signed and the Palestinian refugee problem solved within *two months*. Similarly, in 1983–84, Special Middle East Envoy Donald Rumsfeld initially believed that he could quickly arrive at a solution. Such optimism is invariably unrealistic.

Fifth, mediators should understand and accommodate particular negotiating styles of different leaders. President Assad may take nine hours of tête-à-tête to make a very few points. A strategist and a tactician, he enjoys hearing new ideas and relishes debating the issues. Prime Minister Shamir tends to listen rather than talk and dislikes theoretical argument. Mediators should try to elicit responses from him in private, with his advisers not present. They should also prepare to remain patiently attentive through prolonged periods of silence.

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

Sixth, a mediator must demonstrate a knowledgeable grasp of the history behind the issues. History weighs much more heavily on Arab and Israeli leaders than on Americans. Memories of past injustices, wars, and betrayals crowd and shape today's decisions. All parties fear being pulled by outside forces into

a risky negotiating process whose end could be national disaster. Naturally, Middle Eastern leaders have a comprehensive grasp of their history that American mediators lack. They can also draw on better official records of earlier periods and can rely upon more continuity among the officials and diplomats dealing with the issues. Yet if Israeli or Arab leaders are to acquire any real confidence in a third-party mediator, the mediator will have to demonstrate real understanding not only of the issues but also of those historical connections, underlying fears, and basic principles that shape the behavior of both sides.

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

Timing

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

Timing in launching negotiations is often decisive. The October 1973 war, Sadat's 1977 visit to Jerusalem, Israel's 1982 invasion and expulsion of the PLO from Lebanon, the outbreak of the 1987 *intifadah*, and the 1991 Gulf War all seemed to provide promising open-

ings for American initiatives. Washington used each of those opportunities to position itself in a central role in the negotiations, to prescribe or circumscribe Moscow's role in a future negotiating process, and to apply pressure on both Arab and Israeli leaders to try diplomacy one more time. In fact, however, only some of these situations were truly "ripe." For example, the comprehensive policy initiated by President Reagan on September 1, 1982, was intended to turn regional attention away from Israel's invasion of Lebanon and back to relaunching peace negotiations over the West Bank and Gaza. It misfired, in large part because of bad timing: neither Israel nor Syria would consider a broader agenda while the outcome of the Israeli gamble in Lebanon remained unclear.

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

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

In 1988, Secretary of State Shultz tried unsuccessfully to exploit the situation produced by the *intifadah* in the West Bank and Gaza by bringing Israelis and Palestinians together to negotiate the transitional arrangements originally foreseen

in the Camp David Accords, with the addition of a tighter time frame. Most recently, the regional repercussions of the Gulf War, combined with a much weakened Moscow anxious to cooperate with Washington's approach, spurred President Bush and Secretary of State Baker to pursue energetically their goal of convening a broad-based Middle East peace conference.

Predicting the next major status quo shift is perhaps a futile exercise. Leadership changes in all the regional protagonists during this decade are, however, highly probable, and such changes might loosen some uncompromising negotiating positions anchored to historical ideologies. They might also harden them. For example, Arafat's replacement would not necessarily rescind the PLO Charter, nor would Shamir's successor necessarily embrace withdrawal to the 1967 lines. Nonetheless, changes in leadership can offer outside mediators new opportunities. Whether or not Washington is already actively engaged in the region at such moments, U.S. diplomats should be prepared. In this complex negotiating environment, diplomatic timing is crucial.

Principles or Process

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

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

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

Presidential Engagement

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

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

who enjoys the president's visible backing will suffice.

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

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

Good Intelligence

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

American intelligence was indispensable to the success of Kissinger's shuttle diplomacy during the mid-1970s. Intelligence collection and dissemination during that critical period were effectively geared to the needs of diplomacy. No other period during the history of U.S. mediation has evidenced such superior intelligence targeting and analysis. It enabled Kissinger to avoid what would have been unsustainable agreements. During Carter's pursuit of an Egyptian-Israeli agreement, intelligence products were also very useful, especially in preparation for the Camp David conference and during subsequent negotiations over the peace treaty. But "faulty" intelligence assessments too often characterized the 1980s. For example, during Ambassador Habib's mediation missions in Lebanon, U.S. intelligence assessments were at times so misleading that Habib's team had

to stop relying on them to any significant degree. Understandings based on inaccurate intelligence can quickly fall apart, leading to charges of bad faith.

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

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

IV

Setting the Scene for Negotiations

Openings

A new peace initiative is typically announced in a speech or public statement by the U.S. president, the secretary of state, or one of the regional heads of state. Some major regional event almost always precipitates such a statement. President Johnson set the framework for all subsequent Arab-Israeli mediation efforts in a speech just eight days after the Six Day War, marking the opening day of the UN General Assembly in 1967. In it, he advanced the five principles that eventually provided the substance of UN Resolution 242.

President Nasser signaled that he wanted to renew diplomatic ties with the United States in a speech in May 1970. He invited the United States to take a new political initiative with regard to Sinai, scarcely three months after President Nixon had sent an emissary inviting Nasser to resume direct relations with the United States.

President Reagan's plan for resolving the Middle East conflict was unveiled in a speech delivered September 1, 1982, shortly after the first phase of the Lebanon War ended. As soon as PLO forces had withdrawn from Beirut, Reagan outlined the framework for an American initiative to renew negotiations to resolve the broader Arab-Israeli conflict, especially the future of the West Bank and Gaza.

Three months after the outbreak of the Pal-

estinian *intifadah* in December 1987, Secretary Shultz launched a negotiating initiative in a public statement of the "understandings" of the positions of the various parties. These understandings stemmed from his talks with regional leaders during several trips to the Middle East to test his ideas for convening Israeli-Palestinian talks about the West Bank and Gaza.

Bringing the parties together for the first time after a negotiating hiatus usually requires preliminary talks between the president or secretary of state and heads of Middle East governments. If a major initiative is announced in a speech without adequate prior consultation, the speech can backfire and doom the initiative prematurely. This was one reason the Reagan Plan was stillborn. Exploratory meetings, whether held privately or in conjunction with a public event like a UN General Assembly session, offer leaders an opportunity to size up one another's intentions without making any commitments. This preliminary phase is essential when new leaders come to power either in Washington or in the region. A good example was the November 1990 meeting between President Bush and President Assad of Syria in Geneva, a necessary prelude to Secretary Baker's several subsequent visits to the region to try to prepare a Middle East peace conference.

The next phase, prenegotiation talks, allows the parties to explore in more detail the mediator's approach and to help shape it. These discussions are especially important for the parties in deciding whether or not to risk entering into a more formal negotiating process, indirectly or face-to-face. The most effective prenegotiation talks have been those in which U.S. secretaries of state or special presidential envoys flew back and forth between parties, preparing the ground. Kissinger, Vance, Shultz, and Baker have all employed shuttle diplomacy for prenegotiation ground laying. Such efforts contributed decisively to Kissinger's success in achieving three disengagement agreements and to Carter's mediation of the Camp David agreements and the Israel-Egypt peace treaty.

In both initial phases, it is important for U.S. participants to explore at length the views and approaches of each party. They need to exhibit an ability to listen, with sincerity and with an understanding of the difficult choices the regional parties may have to make. The mediator must then judge whether conditions are sufficiently promising to warrant pressing ahead.

Venue

Conducting negotiations by shuttle diplomacy allows a mediator to take advantage of a one-on-one, protected negotiating environment. This kind of "venue-hopping" is particularly conducive to dealing with leaders of states who cannot or will not spend protracted periods away from their capitals in a neutral conference setting. Carter's achievement in bringing Sadat and Begin to Camp David for thirteen days and nights would be extremely hard to replicate.

When intensive, prolonged negotiations are appropriate, mediators should propose a venue that will facilitate and encourage unpressured, informal, frank discussions outside the formal negotiating sessions. Restricting access to the "outside"—the media and home political constituencies—can help. At Rhodes in 1949; at

Leeds Castle, England, in July 1978; and at Camp David in September 1978, an isolated venue encouraged staff members as well as principal participants to deal with one another informally and gave them opportunities to understand one another personally as well as professionally. At the Leeds Castle meeting of U.S., Israeli, and Egyptian foreign ministers, the Israelis first heard Usamah al-Baz, the presidential adviser to President Sadat, express a sympathetic understanding for their security concerns.

Several days are likely to be needed for some participants to feel at ease and to begin to develop some mutual confidence in dealing with one another. U.S. participants can help to stimulate these informal relationships. Taking the lead at Leeds Castle, Americans established mixed seating arrangements at meals that intermingled Egyptians and Israelis. Each side's negotiating staff can also establish professional networks in these meetings that may become the sole means of communication subsequently if discussions break down.

The location also affects how the media will cover the discussions—an important factor in eliciting and maintaining participant candor during the talks. The greater the distance maintained between participants and journalists, the less likely that individual participants will be tempted to disclose information prematurely, which can reduce flexibility among the negotiators.

The Washington area is a particularly good venue when the talks between heads of state or between chief negotiators are at their most sensitive stage. The president can act informally and personally by advocating compromises, inspiring negotiators to persevere, and helping to break deadlocks. On the other hand, media pressures in Washington are especially intense.

Agenda and Approach

Achieving an agreed agenda for negotiations is an early and demanding test of an American mediator's skill. Americans view the agenda

as a device to get negotiations started. Arabs and Israelis view it as the first battleground.

Finding neutral language for explosive agenda issues has often taken weeks of prenegotiation, invariably culminating in the vaguest formulation possible. For example, any suggestion that the word "Jerusalem" might appear on the agenda will ensure Israeli refusal to take part. Israelis are likely to press for constricting the agenda while Arabs will try to enlarge it. For a formal negotiating conference, the most workable agenda may be purely procedural—that is, one that lists who speaks and when, and leaves unsaid what topics they will address.

Historically, all efforts to negotiate comprehensive, simultaneous solutions to this conflict have failed. Comprehensive approaches have produced nervous skepticism among all the parties, especially Israel. Seeking a comprehensive negotiation has, however, led to productive bilateral negotiations, as was the case between Egypt and Israel. One important stimulus for Sadat's trip to Jerusalem in 1977 was his growing concern that Carter's persistent effort to reconvene the multilateral Geneva conference would allow Syria to block Egypt's achieving its own major goal: regaining the Sinai from Israel. Throughout the subsequent sixteen months leading to his signing the peace treaty, Sadat paid only secondary attention to the concerns of other Arab states or the Palestinians. Although he insisted on addressing those issues in the Camp David Accords to try to protect his political position in the Arab world, his priority remained Egypt's specific dispute with Israel.

The Syrian approach in any future negotiation is likely to reflect a similar priority for Syrian state interests, even though Assad has denounced the "Camp David approach" and called for simultaneous progress on all issues. In the one recent case directly involving Syria, Kissinger's 1974 shuttle to mediate a disengagement-withdrawal agreement with Israel, the narrow agenda clearly facilitated his success.

U.S. experience in attempting to launch mediation efforts demonstrates that what is absolutely unacceptable to either side should be left off the agenda. Because of its inherent sensitivity, an issue like the future of Jerusalem must either be omitted from the agenda or handled vaguely. Removing insoluble ideological or emotional issues from the agenda reduces the political risks for participants in coming to the table. No side will give up a hard-core principle. The Israeli Likud party insists on the right of Jews to live in all the occupied territories. Palestinians insist on the right to establish their state in historic Palestine. Assad insists on the unequivocal return of all the Golan Heights to Syrian sovereign control. The objective for the mediator is not to force any party to sacrifice its aspirations, but to persuade each side to agree to *postpone* or to *suspend* the immediate exercise of that right. Stating in advance the precise political outcome to be sought in negotiations is a prescription for failure. Pushing unresolvable, if critical, issues to the side of the table leaves the parties' hopes open but does not preclude successful negotiation on other issues.

The record suggests clearly that if the agenda is not narrowed beforehand, mediation will fail. The broader, more complex the agenda, the greater the risk of reaching an impasse.

Moreover, the greater the number of parties negotiating about a segment of the conflict, the less the chance of success. The mediators should therefore try to limit active participants to those parties having the greatest interest in reaching an agreement. Peripheral Arab participants in negotiations over the West Bank and Gaza, for example, are likely to make agreement unattainable.

Lining Up Outside Support

Prospects for success can be enhanced or diminished by the extent to which the negotiating initiative enjoys international support and encouragement.

Public endorsement of U.S. mediation efforts by influential Arab states like Saudi Arabia, Morocco, Algeria, and Egypt can help reduce the political risks for weaker parties like Jordan or Lebanon of entering negotiations sponsored by Israel's friend and ally, the United States. Syrian support, or at least acquiescence, is nearly essential. Only Egypt—large, powerful, and politically self-confident—has successfully defied the harsh disapproval of Arab leaders to negotiate and sign agreements with Israel.

U.S. mediators need general endorsements by key Arab states for the negotiating process—not its details—coupled, if possible, with their public affirmations of a readiness to reach a genuine peace with Israel if the negotiations succeed. Clearly, external Arab reserve toward the process poses problems for those Arab states that want or need peace with Israel. Moreover, Israel is made doubly skeptical that concessions on its part will lead to genuine peace when the negotiations are not supported by all the key Arab states.

Even with such endorsements, mediators cannot assume that one Arab leader can persuade another to enter negotiations. History is full of examples to the contrary: Sadat's assuring Carter that King Hussein would accept the Camp David Accords (which he did not); King Hussein's inability in the mid-1980s to elicit from Arafat and the PLO acceptance of UN Resolution 242; Saudi Arabia's inability or unwillingness in 1977 and again in 1985 to persuade Arafat and the PLO to endorse Resolution 242.

Nor is there any significant evidence to suggest that powers outside the region can influence the substantive positions advanced by the ne-

gotiating parties. The other major outside power actively engaged during the last thirty-five years is, of course, the Soviet Union. Not only has the Soviet Union been unable to "deliver its clients" but Moscow often obstructed Washington's diplomatic initiatives. In the post-Cold War era, however, Moscow can contribute to the negotiating process by providing political cover for Arab leaders. Nevertheless, Soviet leverage with Arab leaders is shrinking rapidly as its capacity to project political, economic, and military power recedes.

International endorsement is needed from the UN and from other important non-Arab nations as well. Indeed, the refusal of the UN to endorse the 1979 Peace Treaty stemmed not only from a Soviet veto threat but also from the lack of any real support from European or other nations for what had been stigmatized as an "Egyptian betrayal" of Arab and Palestinian interest. The United States mediated alone and successfully between Israel and Egypt, but that pattern likely cannot be repeated with Syria, Lebanon, Jordan, or the Palestinians. Complex inter-Arab rivalries and the relative weakness of those parties militates against it.

European community leaders have launched sporadic diplomatic initiatives of their own in the past, with little success. Now, however, UN and European support for U.S.-led mediation efforts is easier to obtain because the international arena is no longer so politically polarized. Moreover, if international negotiations do eventually succeed, European and Japanese financial commitments will be essential for a peace settlement, as will economic support from Saudi Arabia and the wealthy Gulf Arab states.

V

Negotiating

Rhythm and Pace

Once a negotiation begins, the mediator's role includes keeping it moving forward. Frustrating delays are inevitable, yet insisting on maintaining a prearranged schedule is unrealistic. No negotiator wants to work under the ticking of a clock. Adjournments must occur at frequent intervals to permit political consultations within governments and to allow leaders to gather popular support for their approach to critical issues in the negotiations.

Often, however, the mediator must push the pace. If progress lags, those opposed to negotiations will redouble their efforts to sabotage the process. Then, when the negotiating pace intensifies, expectations for success will increase disproportionately, as will the danger of not fulfilling inflated hopes. The frequency of the mediator's trips to the region and his tenacity in pressing the parties to stay at the table will be widely interpreted as evidence of U.S. seriousness in pursuing an agreement.

Guidelines

Adhering to Familiar Principles

To carry the process forward, the mediator should try to build on existing, generally accepted guidelines such as UN Resolution 242 and the Camp David Accords. Adhering to

previously negotiated principles and documents reduces suspicion and anxiety. Mediators will find it easier to build on concepts that have already weathered public scrutiny. An administration's attempt to reformulate basic outlines for an Arab-Israeli settlement will inevitably delay or fatally undermine its efforts.

Even so, mediators will find it hard to hold the parties to previous interpretations of agreed-upon principles. Twenty-four years have elapsed since Resolution 242 was adopted and eventually accepted, grudgingly, by a Labor party-dominated Israeli cabinet. Likud leaders who are now in power bitterly opposed that decision. Moreover, the Palestinian movement and the PLO were far weaker in 1967 than today. Therefore, although Resolution 242 has been the basis for every negotiation and agreement since 1967, much effort will be required during future negotiations to achieve agreement on how 242 pertains to current circumstances.

As mediator, the United States should restate regularly the established outlines for a settlement, taking care to do so with precision. For example, Resolution 242 does not call for an "exchange of territory for peace," but rather it emphasizes the "inadmissibility of the acquisition of territory by war" and calls for the "withdrawal of Israeli armed forces from terri-

territories occupied in the recent conflict" (emphasis supplied). Contrary to the way this language is often quoted, the omission of any article before "territories" was deliberate. Israeli withdrawal from *all* territories is not required. Nonetheless, most commentators now refer to the notion of an exchange of territory for peace as the critical component of Resolution 242. Similarly, for years some have claimed that Resolution 338 called for an international conference when, in fact, it only mandated negotiations "under appropriate auspices."

The Tyranny of Phrases

Words and phrases associated with this conflict acquire a life of their own. When American diplomats in the region seem to break new ground publicly on such issues as Palestinian representation, the meaning of Resolution 242, or procedures for an international conference, Arab and Israeli officials immediately seek explanations from authoritative U.S. officials. A prompt, mid-level, official clarification given in the region may head off a lengthy debate.

Statements from the White House or the Department of State assume enormous significance to both Israelis and Arabs. Middle Easterners exhibit a persistent tendency to assume that every statement made in Washington is carefully considered, calibrated, and calculated to send a specific signal. Political leaders, experts, and journalists in the Middle East scrutinize every word and nuance flowing from Washington, official or unofficial. They often construe a slight change of terminology or syntax in restating a familiar U.S. position as a "major shift" in American policy. They also assume that reportage by newspapers like the *New York Times* or the *Washington Post* is quasi-official. Politicians are also inclined to look for highly Byzantine explanations for American statements, whether official or not. When told that every word coming out of Washington is hardly important or even premeditated, they remain remarkably unpersuaded. Unof-

ficial, spontaneous remarks made by Washington policymakers can thus turn into political land mines. Mediators cannot escape this tyranny of phrases, but if they keep it in mind the explosions can be reduced.

Listening for Signals

Arab and Israeli leaders sometimes make speeches, give interviews, or float ideas through trusted journalists that indicate unexpected shifts in their thinking (as of course do U.S. leaders). Listening for signals of possible changes in political attitudes can help redirect the mediator's approach. Such hints warrant sensitive and serious exploration through private diplomatic channels; more often than not, they are public barometers of private thinking. Missing this kind of signal can be costly to all sides.

A well-known example occurred between Egypt and Israel in 1970-71. Late in 1970, Moshe Dayan, then defense minister in Golda Meir's cabinet, made a speech calling for Israel to take the plunge of resuming the Jarring talks, long dormant. The second hint appeared in an article in the *New York Times* in early 1971, floating the concept of an interim agreement under which Israel would draw its forces back from close proximity to the Suez Canal. The thinking behind the article was attributed to Moshe Dayan. Recognizing either or both of these hints as shifts in Israeli thinking, Sadat launched a vaguely worded peace initiative in a speech on February 4, 1971. Hearing Sadat's speech, Nixon administration officials sensed that Sadat was responding to what he thought was a signal from Israel and dispatched emissaries to probe both sides. Unfortunately, Golda Meir was totally skeptical and the moment passed. Nor did the United States pursue it with much vigor.

More recent examples of what might possibly turn out to be such significant hints from Prime Minister Shamir include a statement that he was ready to apply "full autonomy" to the West Bank. On April 23, 1991, in an interview with *Le Monde*, he said, "I am offering [the

Palestinians] self-government. In other words, for five years they will have all the prerogatives of a state, aside from an army and foreign policy. After five years, when we have learned to live side by side in peace, we will negotiate definitive agreements." Being attentive to such hints about possible future negotiating positions is an important part of the mediator's task.

The Mediator's Proposals

Mediation is not an exact science. No prescribed formula can suggest when to begin to draw together a possible consensus from elements of opposing positions to submit to the participants. The mediator should watch carefully to identify a change in attitude that is more than merely a nuance, then informally probe the other party's reaction. Only if there is enough possible overlap should the mediator formulate a "bridging proposal," and the timing can be crucial. Premature introduction of a promising idea can doom it.

The mediator must maintain credibility with all sides as an objective (if not entirely disinterested) party committed above all else to reaching an agreement acceptable to all. To retain that credibility, the mediator should not "spring" important new proposals or procedures on the parties, however reasonable the proposals may seem. Either side may reject an otherwise acceptable proposal because of the way it is presented. Part of Jordan's rejection of the Camp David Accords stemmed from King Hussein's perception that he had been humiliatingly left out of the process and then expected to sign on after the fact. Begin's vehement denunciation of the Reagan Plan in 1982 was strongly colored by the fact that the United States had consulted extensively in advance with King Hussein while keeping Israel in the dark.

To avoid this pitfall, the mediator should consult privately at the highest possible level with all parties about ideas for any major pro-

posal before circulating them officially. The mediator should not automatically allow anyone to veto an idea in advance; however, the proposal can obviously be shaped further in light of the informal soundings.

Drafting a Document

Deciding when to put on paper compromise ideas that might be regarded as "U.S. positions" presents a delicate timing problem. Once committed to paper and rejected, good ideas are harder to resurrect. Moreover, presenting any comprehensive U.S. proposal is highly risky and should be done only as a last resort. Unless it has been preceded by extensive prenegotiation and is found likely to be generally acceptable, a U.S. plan can easily become the excuse for one or more parties to halt the negotiations. Public presentation of the Rogers Plan in 1969 was a case in point.

Eventually, however, U.S. mediators should begin drafting a document that reflects extensive but separate exploratory talks with both sides. In those talks the mediator will have tested a number of ideas with both sides. Or, alternatively, as was tried initially at Camp David, each side can be asked to present its own written proposal for an agreement. Once the parties see clearly the gulf between their formal positions, they may be quicker to ask the United States to formulate a bridging document.

As the mediation process goes forward, the mediator can develop certain proposals in consultation with one side, then present them to the other side as his own suggestions that he has reason to believe might be acceptable to the first party. This technique is more likely to produce results than simply transmitting one side's proposals to the other. Neither Arabs nor Israelis find it politically easy to accept positions directly from the other. Each has found it easier to "make concessions" to the U.S. mediator than to its adversary.

Both Kissinger and Habib extensively explored ideas orally with both sides before starting to draft. At Rhodes in 1948, UN mediator Bunche also consulted in depth with the parties; from those consultations he was able to shape his judgments and propose compromises. He sought to remain reasonable, fair, self-effacing, and open-minded. After he drafted the Egyptian-Israeli armistice agreement in January 1949, he admitted to both sides that "it was by no means a finished product; that [he had] no particular jealous regard for phraseology; that the draft fell below the minimum demands of each delegation; and that, while positions on both sides were sacrificed, no vital interests on either side were seriously jeopardized."³

Only a written document assumes concrete reality for the negotiators. Participating actively in its evolution helps to lead a negotiator to advocate its approval. In drafting documents with Begin, Habib used the Israeli prime minister's penchant for precision of language. At one point during his 1981 shuttle to arrange an Israel-PLO cease-fire in Lebanon, Habib drafted an intentionally imprecise document that reflected Begin's basic principles but also stimulated his inclination to perfect the text. By correcting the draft in Habib's presence, Begin developed a proprietary role in the document's creation and substance.

Prior to Camp David, revised notions of Begin's autonomy proposal were outlined in the nine points that Ambassador Alfred Atherton relayed between Egypt and Israel. This preliminary work established a basis on which the first outline of the Camp David Accords could be drafted by the U.S. delegation shortly after the July 1978 Leeds Castle talks, well before the meetings at Camp David actually took place. At Camp David, President Carter's central involvement in the work of drafting the Accords endowed them with a special authority for both Israel and Egypt.

Constructive Ambiguity

When nations want badly enough to reach agreement but encounter an insurmountable difference, they may accept compromise language that is ambiguous, each side intending to interpret it differently in order to overcome significant domestic and international hurdles. For example, one party may have to interpret the language with creative flexibility in order to sell it to its own domestic constituency. Negotiators must think ahead in drafting a document to choose language that will withstand such political pressures, and the mediator needs to be sympathetic to this requirement.

In the Arab-Israeli conflict, words are emotionally charged by the long, tragic history. Both sides are acutely conscious of the connotations of the terms they use. The U.S. mediator should be equally versed in this lexicon. For example, "repatriation" for the Palestinian is an inalienable right; for Israelis it implies the future destruction of the Jewish state. "Autonomy" for Israelis means a reasonable degree of self-government in the West Bank and Gaza compatible with Israel's security; for Palestinians it means no independent state of their own, no Israeli troop withdrawal, no rights beyond municipal services such as garbage collection. For Prime Minister Shamir, head of Israel's Likud party, the term "international conference" connotes, among other things, a bad idea that was resurrected by Shimon Peres and the Israeli Labor party.

At Camp David, finding paths through this verbal thicket required endless creativity, frequent use of a thesaurus, and preparation of dozens of drafts by the U.S. mediating team. The semantic challenges will be equally great in any future negotiations.

Yesterday's Rejected Ideas, Tomorrow's Accepted Plan

When something has been rejected by all parties, mediators should reflect on a general axiom of Arab-Israeli negotiations: Yesterday's rejected or ignored proposal, document, or proce-

ture may become tomorrow's accepted agreement, newly adopted position, or process. In the history of this conflict, rejected ideas have often appeared again under different circumstances as the elements of an acceptable compromise. The practice of recycling ideas began during the mandate and has continued to the present.

High Commissioner Sir John Chancellor's suggestions in 1930 to curtail development of the Jewish National Home were applied in the 1939 British White Paper. The proposed partition of Palestine in 1937 was accepted as policy in 1947. UN mediator Gunnar Jarring's February 1971 memorandum provided the essential foundation of the Egyptian-Israeli peace treaty of March 1979. President Sadat's suggestion on February 4, 1971, that there be a limited withdrawal of forces from the Suez Canal was the central component of the 1974 Egyptian-Israeli disengagement agreement. Israel accepted the second Sinai disengagement agreement in September 1975, six months after it had rejected essentially the same offer. Secretary Shultz's procedural approach for restarting negotiations over the West Bank and Gaza was not accepted in 1988. Yet much of his approach was adopted and vigorously pursued by Secretary Baker in mid-1991 in attempting to arrange a peace conference. In December 1988, Yasir Arafat accepted the partition plan for Palestine rejected by Palestinians and Arab states in November 1947. Syrian President Assad refused to attend an Arab-Israeli peace conference in December 1973, as did Prime Minister Shamir in 1990; but, by autumn of 1991, both men had endorsed the concept of a peace conference, albeit with a significantly modified format.

Finally, although negotiations cannot be deemed successful unless they achieve an agreement, unsuccessful talks do not necessarily fail entirely. A nonsuccess can lay the groundwork for later efforts. During negotiations much informal discussion may go on among delegation members and issues and interpretations may be clarified, all of which may help nego-

tiators at some later stage. For example, the failed Egypt-Israeli-U.S. autonomy negotiations between 1979 and 1982 stimulated an enormous amount of staff work by all three governments. That staff effort produced much-needed insight into the complexities involved in creating autonomous Palestinian self-rule for the West Bank and Gaza. This topic will be a central agenda item in the Middle East peace conference in late 1991 and for the direct bilateral negotiations to follow, if the conference convenes.

Negotiating Pitfalls

Private American Assurances

Neither Arabs nor Israelis feel confident about entering into negotiations under U.S. auspices without obtaining certain prior assurances. In the Israeli case, these assurances invariably focus on things Israel will not be forced to accept (e.g., a Palestinian state, sitting down with the PLO, being confronted with any U.S. proposal not coordinated in advance with Israel, discussing Jerusalem, etc.). Israel will also seek explicit, written reaffirmation of all the many letters and memoranda of understanding and assurance provided by previous U.S. administrations.

The Arab parties have sought U.S. assurances about the guiding principles for the negotiations (exchanging territory for peace) and about the eventual outcome of the negotiating process (e.g., self-determination and an independent state for the Palestinians; full withdrawal from the West Bank, East Jerusalem, and Gaza for the Jordanians; full withdrawal from the Golan Heights for Syria; and full withdrawal from Sinai for Egypt).

Since little having to do with this conflict remains secret for long, both sides usually know soon what the other is demanding of the United States. Both also tend to see U.S. assurances, if obtained, as a "zero-sum game"; that is, anything obtained by one side damages the other. Inevitably, the U.S. effort to reassure one side, either about procedure or about substantive outcomes, only

further complicates the mediation effort. Should circumstances later require the U.S. mediator to alter his approach, allegations of bad faith are inevitable.

One example will suffice: To persuade King Hussein in 1967 to support Resolution 242 in the Security Council and to obtain the support of the other Arab leaders, the Johnson administration reportedly gave Hussein certain oral assurances that Jordan would regain nearly all, if not all, of the Israeli-occupied West Bank within a short time. That reported assurance has plagued U.S. efforts to draw Jordan into concrete negotiations with Israel ever since.

The record amply demonstrates that the United States should avoid providing such private assurances whenever possible. When nothing can move forward without them, they should be in writing, kept general, communicated to both sides, and based on past, public U.S. positions. If the conflict is truly ripe for serious negotiations, the parties will accept the minimum rather than insisting on the maximum of their demands. Their self-interest and their confidence in U.S. reliability as an intermediary are ultimately their best assurance that the U.S.-led mediation warrants their participation.

Confidentiality, Leaks, and Media Relations

Both Israeli and Arab negotiators have often found it difficult to maintain confidentiality while negotiations are in progress, despite frequent exhortations by U.S. mediators that premature revelations about negotiating details can obstruct progress toward agreement. Past experience suggests that many confidential exchanges will appear in the press, often in a distorted form. The U.S. government is also hardly leakproof.

Because every delegation member will be sought out by aggressive journalists, U.S. mediators should avoid discussing highly sensitive issues with large Arab or Israeli delegations. Discussion of sensitive subjects should be restricted to private sessions with delega-

tion heads, foreign ministers, and heads of government.

Mediators themselves are also vulnerable to the media. They need not feel obliged to face the press every time they meet with an Arab or Israeli leader, much less to reveal the substance of personal discussions or communications between leaders. The details of the negotiations should be kept as confidential as possible until the results are ready for public scrutiny and debate.

Leaks are more likely to come from government officials or politicians than from the negotiators themselves, however. The open political systems in Israel, Egypt, Lebanon, and among the PLO-led Palestinians occasion the main offences in this area; Syria and Jordan are by the nature of their regimes much less subject to unauthorized leaks, but hardly free of calculated efforts at disinformation.

Speaking before large groups of Israeli cabinet ministers has invariably produced leaks within a few hours. Such leaks are a product of Israel's competitive multiparty political system. They may also be a way for the government to test a controversial position with the public before becoming committed to it. A delegation of several Palestinians is equally likely to produce leaks after meeting U.S. officials.

Nevertheless, it is not advisable to avoid journalists totally. Periodic briefings on the general course of negotiations are advisable—and not only with American media. Media relationships will be important at times for remedial purposes, making sure a fiction does not become an accepted truth. Accidental or deliberate media distortions are plentiful at every step in the negotiations. If left uncorrected, these errors can generate strong political and popular pressures on both Arab and Israeli governments that can jeopardize prospects for success. A mediator who employs regular, factual briefings can achieve a significant measure of damage limitation. Moreover, if a foreign leader makes an erroneous or incomplete statement about

the U.S. position, the mediator must have immediate access to the media to correct the record. The sooner the correction is made, the less likely that the episode will disrupt the negotiating process.

Avoiding Public Rejection

Once a proposal for solving some thorny issue has been publicly rejected by one of the parties, it becomes nearly impossible to resurrect it. For this reason, the U.S. mediator should put aside any idea that encountered a highly negative reaction during private consultations. If an idea does not become the focus of public debate, the mediator may be able to reintroduce it later in the negotiations. The United States will not help the mediation effort by putting forward publicly any idea or proposal that is certain to be rejected.

For the same reason, profound differences between the parties should not be highlighted by the agenda's wording. They will surface in any event. Nor should some possible compromise receive premature attention. Allowing a constructive idea to be rejected before the negotiating situation is ripe can abort its usefulness.

Keeping the Ball in Play

When direct negotiations are interrupted or stopped, the mediator bears a major responsibility for seeing that the overall process somehow continues. A lengthy gap between negotiating sessions or other mediation activity makes it highly likely that the sides will slip back into old positions. Small but promising openings freeze over. Moreover, external events in the region, such as a terrorist raid or retaliatory strike, can so inflame public attitudes that leaders must harden their negotiating positions or suspend the talks. The Middle East is especially prone to such sudden explosions.

Whatever the reason for the interruption, mediators should try to establish some continuing mechanism for keeping communication

going among the parties. Working groups composed of lower-level officials may be able to meet periodically even if the chief negotiators cannot. This model was employed successfully during several phases of the Israeli-Egyptian negotiations. If no such mechanism is acceptable, mediators should resort to some form of near-continuous shuttle diplomacy to keep channels of communication open.

The U.S. secretary of state obviously cannot spend months at a time in the Middle East. He must employ trusted emissaries to carry out many mediation functions during his absences. He has several options: A special presidential envoy can be deputized for him and the president, devoting full time to the mediation. He can use senior State Department officials to represent him: a senior deputy, an ambassador-at-large, or an assistant secretary of state. He can also call on any combination of former officials (presidents, secretaries of state, ambassadors, and/or assistant secretaries of state for Near Eastern and South Asian Affairs).

The record provides many examples of using one or more of nearly all of these options. A representative example occurred during the pre-Camp David period. After Sadat went to Jerusalem, the U.S. administration knew that it must somehow keep Sadat's initiative alive, but Secretary of State Vance could not spend all his time shuttling between Washington and the Middle East. President Carter designated Assistant Secretary Atherton as ambassador-at-large for Middle East negotiations. Atherton's assignment was to keep the mediation alive and moving forward between Vance's own trips to the region and Carter's direct but episodic involvement. He did so by shuttling between Jerusalem, Cairo, and Washington, meeting with the principal foreign leaders and keeping them engaged. Atherton's role helped sustain the mediation process and also generated media attention for Carter's continuing active commitment to pushing the process, even though he and Vance were temporarily busy elsewhere.

Newspapers covered the development of the peace process daily.

When deadlocks in negotiation loom, holding formal negotiating sessions may do more harm than good. At such times it may be better to maintain momentum through informal exchanges rather than risk a total breakdown. Unsuccessful efforts of the Palestine Conciliation Commission and the Jarring mission, for example, confirmed the Arab view that they could go to meetings and just "sit on their hands," thus blocking the commission's or mediator's progress. All procedural arrangements for a mediation should be considered from the standpoint of how they may either advance or hinder the negotiating process.

Whatever mechanism is employed to protect the mediation effort from prolonged interruption, any hiatus will produce some U.S. review of the state of the diplomatic enterprise. If there is an obvious public deadlock, then

periods of internal review or "reassessment" will seem menacing to the parties, especially to Israel. This occurred in March 1975 after the failure of Kissinger's initial shuttle effort to obtain a second Egypt-Israel withdrawal agreement. In that case, the pause produced some rethinking in Jerusalem that facilitated agreement later in the summer.

But these reassessment periods have nearly always been rather brief, leading not to major changes in U.S. *policy*, but rather to a different *process* or diplomatic tactic. Fundamental U.S. interests in achieving Middle East peace and in ensuring Israel's security have remained unaffected by such periods of reassessment, although some time has usually elapsed before the U.S. administration reengaged fully in its mediator's role. As suggested above, lengthy delays can unfortunately produce external events that greatly complicate the task of restarting the negotiations.

VI

Reaching Agreements: The End Game

Over the forty-three years of Israel's existence, from 1948 to 1991, only a handful of Arab-Israeli negotiations have led to agreements. In each case, the final stages proved excruciatingly difficult. Even an insignificant dispute over the legal guidelines for binding arbitration of the Egyptian-Israeli claim to a tiny strip of beach in North Sinai called Taba dragged on for years. Agreement came only after intensive shuttling by Secretary Shultz's legal advisor, Abraham Sofer, and a good deal of brinkmanship. The principles to govern the Egypt-Israel peace treaty were all agreed upon at Camp David in September 1978. Yet, even after six months of detailed negotiations had produced agreement on all but two or three now-forgotten details, President Carter still had to make a personal trip to Cairo and Jerusalem to close the bargain. Even then, he first had to threaten to leave Jerusalem for home after three exhausting days of debate with Israel's cabinet. Kissinger's thirty-three days of shuttling between Damascus and Jerusalem in 1974 epitomized the exertions needed to overcome Israeli and Syrian tenacity in clinging to every inch of ground. Camp David itself almost foundered on the final afternoon when Carter's restatement of well-known American views on Jerusalem in a side letter to Begin and Sadat suddenly struck a

raw Israeli nerve. No agreement has ever been concluded without high drama.

Negotiation theorists have remarked on the fact that governments often tend to draw back at the last minute from the brink of agreements, suddenly filled with doubts that they may have conceded too much. Arab-Israeli negotiations graphically illustrate this principle.

By now, the various "end game" techniques employed by U.S. mediators have become almost predictable. Side letters to both parties from the U.S. president; "memoranda of understanding" about how the United States will interpret certain ambiguous clauses; commitments to extend economic or military aid in the wake of the agreement; promises to pursue a more comprehensive settlement of unresolved issues in future negotiations; and private assurances about future diplomatic and political support in the United Nations—the list of devices seems endless. They have become by now an indispensable adjunct to the texts of the agreements. The pattern demonstrates that the U.S. role is much more than that of a simple mediator. In fact, the unspoken goal of both Arabs and Israelis is to lock in the United States more tightly as a *de facto* guarantor of the settlement and as a firmer ally for both competing parties. Presidents invariably begin their me-

diation efforts determined to avoid making such undesirable extra commitments. They seldom, if ever, succeed.

Israeli and Arab leaders will finally sign if and when they become persuaded that they have more to lose if agreement slips away. They then demand a panoply of extra "side" ben-

efits to help justify to their domestic constituencies the concessions they have made. Only a major power, in fact only the United States, can now meet this need, which helps to explain why the United States remains uniquely acceptable as the essential third-party mediator for the Arab-Israeli conflict.

VII

Special Problems in Mediating Among Arabs and Israelis

Consulting with Congress

The U.S. relationship with Israel has many unique elements. One is the attention it attracts in Congress. No other foreign policy issue draws the attention of so many senators and representatives who seek to influence the way an administration deals with a favored country. Moreover, the level of direct knowledge about this conflict on Capital Hill is extraordinarily high. No president can realistically expect to conduct an Arab-Israeli mediation effort without undergoing constant scrutiny, second-guessing, and frequent extra-diplomatic intervention from congressional committees and individual members. To be successful an administration must work continuously to consult, inform, and persuade key congressional elements to support the president's strategy. Otherwise, Congress is likely to interfere with his diplomacy.

Executive branch consultation with Congress should take place before, during, and after watersheds in negotiations. The secretary of state must carry the major burden of clarifying to Congress the administration's policy direction and strategy in order to give the administration an opportunity to test the boundaries of congressional support and obtain bipartisan backing. The secretary should also solicit the views of key congressional leaders and of as many other members and influential staff as possible, not merely

briefing them on the president's approach. Time-consuming as this process may be, it is essential. Failure to consult adequately will give rise to unwanted congressional initiatives that can hamstring the president's diplomatic flexibility. For example, a congressional action formalized into law and expanded Kissinger's limited 1975 commitment to Israel that the United States would not negotiate with the PLO. This law sharply constricted later U.S. efforts to open a dialogue with the PLO in order to engage its support for a negotiating process.

In the past, congressional opinion has generally backed the president's approach if Congress was thoroughly and frequently briefed. The administration need not go into its detailed negotiating tactics. It must, however, try persistently to make Congress a willing partner in its overall strategy.

Clarifying the U.S. Position

Throughout any Arab-Israeli negotiation, each side constantly seeks to persuade the U.S. mediator to support its positions on the issues and then to "sell" those positions to the adversary. One tactic often employed is to give to a favored journalist a distorted version of some statement made by the mediator in private, a

version that exaggerates the extent of U.S. concurrence with that party's position or argument.

Moreover, neither side wants to be perceived as wholly opposing the United States. Consequently, maximum caution is called for when one side states publicly that its views coincide with Washington's or that their views are "compatible" or "similar." Even stating that "there is full understanding between Washington and our government" may mean nothing of the kind; rather, it may be largely an attempt to shake the adversary's confidence and to reassure one's own public. To protect the mediator's credibility with both sides, distorted versions of U.S. views should be clarified quickly and publicly.

Except in instances of this sort, U.S. mediators should try wherever possible to avoid discussing the key substantive issues in public. Each side will press hard to elicit a public U.S. position on such sensitive questions as the meaning of self-determination, future arrangements for the permanent status of Jerusalem, how much withdrawal is required by Resolution 242, or how the United States defines PLO membership. Rather than trying to clarify U.S. positions on these matters, U.S. mediators are well advised to concentrate on seeking acceptable compromises between the positions of the protagonists. Introducing "U.S. ideas" as possible compromise formulations will be much more productive than trying to sell "U.S. positions."

When some clarification of a U.S. position or interpretation becomes unavoidable, the mediator should keep as close as possible to previous policy statements. Any departure from the way the U.S. position previously has been framed may divert the parties from the search for compromise to an effort to persuade the United States to change *its* position.

Providing U.S. Interpretations

Equally dangerous can be acceding to one party's request for an authoritative U.S. interpretation of some prior agreement. A dramatic

example occurred in the autumn of 1978. Offended and highly suspicious at having been left out of the Camp David conference, King Hussein of Jordan insisted on receiving from Washington authoritative written answers to a long series of questions about the meaning of various provisions in the Camp David Accords, followed by the official "U.S. position" on those issues. When President Carter provided such a document to him, conveying its substance also to Prime Minister Begin in Jerusalem, the result greatly complicated subsequent U.S. mediation efforts. Begin was deeply angered. Israel rejected any notion that the United States had been empowered to issue "authoritative interpretations" of the meaning of sensitive phrases in the Accords that were the result of compromises laboriously reached between Israel and Egypt. To make matters worse, Hussein remained unsatisfied by the U.S. answers and refused to join the subsequent negotiations!

International agreements sometimes make explicit provision for an authoritative interpretation to be provided by a third party in case of a later disagreement. Where such a provision does not appear, it is dangerous for an outsider to try to provide it.

Ultimately, only the parties to an agreement can reliably interpret their own intent. Even when the United States is an active mediator-participant, it is highly unlikely that the United States can impose an American interpretation of the text on the other governments involved.

Washington's "Need for Agreement"

Once embarked on a major negotiating initiative, a U.S. administration must devote much presidential attention to it.

The secretary of state or his representative shuttles frequently from capital to capital; journalists seek daily "temperature readings" from the White House on prospects for success or failure; political expectations rise; and the president's prestige becomes increasingly in-

involved in the outcome. Sooner or later, the adversarial parties begin to believe that reaching agreement is more important to Washington than to themselves.

When this occurs, the United States may be pressed for special commitments of aid or for political guarantees. In effect, Washington's eagerness to bring the two sides together can make the United States vulnerable to exaggerated demands from either side. Alternatively, U.S. mediators may press so hard to avoid failure that they complicate the chances of achieving success later, when the parties themselves feel more need to compromise.

The lesson is clear: A successful mediator does not give either side the impression that agreement is more important to him than to the parties directly in conflict.

The Snare of Linkage

In the Arab-Israeli conflict, everything is somehow connected to everything else. Progress in negotiation will suddenly halt because one party insists that some large extraneous issue must be surmounted before it continues negotiating. For example, Habib's efforts to launch Lebanese-Israeli negotiations in late 1982 were thwarted for several months when the Israeli cabinet suddenly insisted that Lebanese negotiators had to come to Jerusalem rather than to some other site in Israel. Terrorist acts or a successful guerrilla incursion across Israel's border can so inflame Israeli public opinion as to force the government to suspend negotiations, at least temporarily. An Israeli retaliatory raid on PLO strongholds in Lebanon may produce a corresponding result. This linkage of unforeseen events is largely outside the mediator's control, but it greatly hampers the mission, nonetheless.

Another form of linkage is for one side to impose preconditions before it will act: A party will not do X unless it is first guaranteed that it will not have to do Y. After the 1991 Gulf War, Israel stated that it would not enter ne-

gotiations under the aegis of UN Resolution 242 unless it were acknowledged that each party could adhere to its own interpretation. Until recently, the PLO and key Arab governments insisted that negotiations could not take place unless the PLO was represented on an equal footing with other delegations. Typically, Israel and its Arab adversaries insist on their readiness to negotiate without preconditions, even while posing numerous linked requirements that each party insists must be satisfied.

Connecting progress on Arab-Israeli negotiations with some other Middle Eastern issue is a common form of linkage. Saddam Hussein pushed the idea of linking Israeli withdrawal from occupied territories to any Iraqi withdrawal from Kuwait. In September 1982, President Reagan unfortunately stated that Arab-Israeli negotiations could not progress until the problems in Lebanon were settled. Because neither Israel nor Syria was enthusiastic about entering a broad Arab-Israeli negotiation, Reagan's inadvertent linkage provided them both with additional incentives to prolong their confrontation in Lebanon. In 1985, the Reagan administration itself linked support for a Jordanian arms package to Jordan's making a public statement of nonbelligerency toward Israel. Then, unfortunately, the initiative was aborted when the administration could not persuade Congress to approve the arms deal.

History is filled with episodes of linkage imposed by one or more of the parties. Because U.S. mediators must devote much effort to circumventing such obstacles, the United States should not compound the problem by introducing additional linkages into the negotiating arena or by endorsing linkage demands made by any of the parties.

The Settlements Imbroglia

Israel's determination to populate parts of the West Bank and Gaza with Jewish settlers has complicated every U.S. mediator's effort

since the West Bank came unexpectedly under Israeli occupation after the 1967 war. Driven by a powerful mixture of motives—security, historical associations, and religious faith—first Labor and then Likud governments have resisted all urgent and substantial international pressure to halt this process. Since Likud came into office in 1977, noisy arguments with American administrations over Israeli settlement policies have become frequent, embittering episodes in U.S.-Israeli relations; 1991 was no exception.

For the U.S. mediator, settlement disputes pose special complexities. When the mediator is seeking to coax one or more Arab parties into negotiations, he will invariably hear that it is useless to negotiate with Israel so long as it proceeds to “take away Arab land”; that a “settlements freeze” is needed as a sign of Israeli good faith. Yet, with one brief exception, no American administration has been able to achieve such a freeze. Likud-led governments in Israel all argue that this issue can only be addressed in a negotiation and that a prior settlements freeze would be an “unacceptable precondition.” Of course, they also insist that it is unthinkable that Jews can live anywhere in the world except in the West Bank, the historical heartland of ancient Israel. Driven both by personal ideological conviction and by strong political pressures within their party, both Begin and Shamir have insisted that settlements are beside the point anyway; if Arab leaders are finally ready to live in peace with Israel, settlements will not dissuade them.

Arabs, meanwhile, view the failure of successive U.S. administrations to stop Israel’s settlement drive as symbolic. To negotiate with Israel from their position of perennial military inferiority is futile unless the United States and the international community effectively support their claim. Palestinian and other Arab leaders, especially King Hussein, therefore have despaired of entering negotiations over the territories when they see an accelerating settlements drive unchecked by the United States.

This is why presidents Ford, Carter, Reagan, and Bush, with varying degrees of conviction, zeal, and success, have all tried to slow down or reverse Israel’s settlement drive. Only Carter enjoyed some meager success. Two or three times, when the mediation process was promising, Begin tacitly held up some settlements without any official acknowledgment of what he was doing. Then Begin formally agreed to a temporary settlements freeze during the final hours of the Camp David conference in order to clinch the agreement with Sadat. It lasted only three months and ended in more bitter arguments. But a precedent, of sorts, was established.

Another negative precedent from the Camp David period hamstringing any U.S. mediator who might seek agreement to reduce or even eliminate existing West Bank settlements. The Israeli cabinet and Knesset finally agreed to evacuate all Israeli civilians living in Sinai in order to ensure the peace with Egypt. The execution of that decision—forcible removal of thousands of screaming, struggling Jewish settlers by the Israel Defence Forces, all displayed fully on Israeli television—so seared the Israeli public that any repetition is politically unthinkable for Israel’s leaders.

The lessons for U.S. mediators about the settlement problem are not encouraging. One, however, seems clear: Only when a negotiation is actually under way and an attractive peace agreement seems possible can anyone realistically hope that Israel will halt or even significantly slow down the process of settling the occupied territories.

Becoming Embroiled in Israel’s Domestic Politics

Israeli cabinets are unwieldy alliances that encompass several political parties as well as feuding leaders within the major parties. Cabinet decisions about Israel’s tactics during a negotiation often come only after bitter intraparty and interparty debates. Frequently, the merits

of the issues are obscured in political arguments that may largely reflect personal rivalries among prominent party leaders.

American administrations that seek to persuade Israel to espouse a particular compromise will be tempted to try to reinforce the hand of those cabinet members or that political party that seems more sympathetic to U.S. arguments. Moreover, time and time again, certain Israeli politicians have actively courted such U.S. support.

Israeli public opinion about a political party or leader can be significantly affected by how successful that leader seems to be in working with the United States. Frustration in trying to persuade a stubborn Israeli prime minister can therefore lead an American president to toy with the idea of accelerating political change in Israel, in the hope of seeing a more flexible or cooperative cabinet take office.

U.S. administrations should, however, put such ideas aside and focus their attention on the prime minister and the party in power. Keeping the Israeli opposition accurately informed about U.S. mediation strategy is legitimate and desirable. Working with the foreign minister and other key cabinet members on issues appropriate to their responsibilities is also desirable. But the United States should deal straightfor-

wardly with the government in office, avoiding at all costs the appearance of trying to play one leader off against another. That tactic is almost certainly bound to backfire. The primary focus for U.S. mediation must be the Israeli prime minister.

The years 1991 and 1992 will witness sharpening struggles among Likud leaders for the eventual succession to Shamir's party leadership. A national election will be held no later than November 1992.

Historical parallels occurred during the negotiations on Rhodes in 1949 and the pre-negotiations before the December 1973 Geneva conference. Both times the highly charged atmosphere surrounding Israeli elections complicated the negotiating process. U.S. mediation efforts are particularly vulnerable to Israeli political crosscurrents in such a pre-election period. Israeli opponents of the peace process will surely seize on any hint of U.S. intervention in Israel's political melee to mobilize opposition against the U.S. mediation effort and blunt its prospects. At the same time, Arab parties will likely regard any Israeli decision to hold early elections as a deliberate effort to obstruct the negotiations. The overall result will be to slow down, though not necessarily to halt, the process until the electoral season in Israel is over.

VIII

Lessons from Previous International Conferences: A Reprise

Since the end of the Gulf War, the Bush administration has worked diligently to convene a Middle East peace conference intended to evolve immediately into direct and bilateral Arab-Israeli negotiations. By mid-October 1991, U.S. diplomacy seemed close to success but was still struggling with a few thorny procedural issues, notably how Palestinians would be represented at the conference table and the exact nature of prior assurances to all parties.⁴

Some lessons about the special characteristics of conference diplomacy derive from the main conferences launched after a war or a prolonged period of communal violence between Israel and its Arab neighbors. The 1939 London conference, the 1949 Rhodes mediation and Lausanne conference, and the 1973 Geneva conference occurred immediately following communal or state-to-state conflict. They were successful either in maintaining the political status quo (as after the 1939 conference) or in separating military forces (as in 1973).

Conferences like the Lausanne conference that sought agreement on fundamental political issues have been much more difficult to arrange or have faltered because of the sensitivity of the negotiating agenda. In 1946-47 in London, Great Britain tried to impose its solution for Palestine's political future by proposing through a conference format either limited

provincial Jewish autonomy or the establishment of a unitary Arab-Jewish state. Zionists refused to take part in such a conference because the agenda did not focus on the creation of an independent Jewish state. In 1977, during the first year of the Carter administration, and again from 1985 to 1991, U.S. proposals to convene an international conference were conceived as a way to provide a "diplomatic umbrella" under which direct bilateral negotiations could then take place.

Historically, Arab-Israeli conferences since 1948 have often foundered on the procedural issue of who is to represent the Palestinians. This contentious issue was prominent in the London conferences in 1939 and in 1946-47, prior to the 1973 Geneva conference, and in all efforts to convene a conference since 1985. The procedural dispute over Palestinian representation has masked the underlying substantive issue: Will the Palestinians' uncompromising demand for self-determination and the establishment of an independent Palestinian state including East Jerusalem be implicitly accepted in advance as the conference goal?

All previous international conferences have involved some UN presence, and all were convened on the basis of some UN resolution. Each time, Arabs and Israelis had different interpretations of the meaning of the UN resolu-

tions. At the December 1973 Geneva conference, the UN role and its authority were tightly circumscribed, while the U.S. secretary of state dominated both procedure and substance. For example, U.S. mediation produced the first bilateral Egyptian-Israeli military disengagement agreement, which was essentially negotiated before the Geneva conference convened but was signed under conference auspices in January 1974 after the conference adjourned.

In 1949, although Israeli leaders feared that the UN might impose an unwanted political solution on them at the Rhodes meetings, they also worried that world opinion would be aligned against the new Jewish state if it were seen as responsible for preventing agreement. Because no Arab states would go beyond military armistice agreements, the Rhodes negotiations ultimately did not force Israel to resolve its dilemma.

No previous Arab-Israeli conference has produced lasting political agreements, unless the 1978 Camp David negotiations are viewed as a special type of international conference. Efforts to employ conference diplomacy have failed for several reasons. The failed Lausanne conference established the pattern.

- First, in the immediate aftermath of the 1948–49 war a widespread belief prevailed at the UN that a comprehensive settlement for the whole complex set of sensitive Palestine-related issues could be found quickly. However, no adequate negotiating structure could be agreed upon to address the many complicated and often interrelated agenda items. Border delineation; Jerusalem's future status; and repatriation or compensation, or both, for Palestinian refugees were each intricate issues requiring separate, creative solutions. The effort to negotiate all of these issues at once as part of an overall "package" proved futile.
- Second, rather than encouraging the Arab states to act in accord with their individual interests, the UN approach in 1949 at the

Lausanne conference was to solicit a unified Arab position on all the issues. This approach effectively precluded success. Although Egypt and Jordan were interested in trying to reach political understandings with Israel, they were often locked into uncompromising positions dictated by Syria and other Arab states.

- Third, the agenda for the Lausanne conference was altered during the course of the proceedings. The conference's terms of reference were expanded, further complicating any resolution to issues that were already too intertwined.
- Fourth, issues were not discussed face-to-face at Lausanne because the Arab states refused to participate in direct negotiations with Israel. This refusal contributed to the establishment of a labyrinthine committee structure that blocked direct Arab-Israeli negotiations.

Convened after the October 1973 war, the two-day Geneva conference failed to deal with broad political issues because, as in the Rhodes negotiations in 1949, concern focused on terminating hostilities, cease-fire issues, troop disengagement problems, and the exchange of war prisoners. Moreover, in Lausanne in 1949 and in Geneva in 1973, no Arab party was prepared to address Israel's fundamental political priority: sovereign recognition. In December 1973 the UN secretary general invited participants to the Geneva conference "for the beginning of negotiations between the concerned parties under appropriate supervision for the sake of establishing a just and permanent peace in the Middle East." Although the opening remarks of the foreign ministers at the Geneva conference made reference to a political goal for the conference, none was achieved. In fact, when the Egyptian delegate to the military committee signed the disengagement agreement in January 1974, he stated that the "task of the military committee [of the conference] does not reflect any political commitment from either side, and achiev-

ing disengagement of forces does not constitute any bilateral accord but it is a commitment between the two parties under the United Nations."

When a state believes it may lose some or all of its sovereign decision-making right by accepting a conference framework for negotiations, that state is likely to seek agreements outside of the framework. Conferences have therefore served as a cover for confirming previously agreed bilateral understandings, or as an umbrella for newly emerging bilateral arrangements. When the Carter administration tried to reconvene the Geneva conference in 1977 to negotiate a comprehensive Arab-Israeli peace, Egyptian President Sadat eventually broke ranks. He anticipated that Egypt might be forced within a joint-Arab delegation to accept unwanted Syrian meddling in Egyptian decision making. This fear helped to prompt Sadat's historic trip to Jerusalem in November 1977.

Lessons from previous attempts to use conference diplomacy only reinforce the importance of the U.S. role, regardless of who formally sponsors the conference. Before, during, or after the conference convenes, all sides have sought to obtain Washington's endorsement of their respective views about both procedure and substance. In the prenegotiating phase, there is usually much greater communication between the parties and the United States than between the parties themselves. Moreover, the United States has often tended to support wholeheartedly any procedure on which the parties can agree, whether within a conference framework or outside of it.

Where parallel bilateral talks have been explored, maintaining a balance of attention to

each negotiating arena has proved difficult. For example, Washington's overriding interest in making more progress in the Israeli-Egyptian theater thwarted possible Jordanian-Israeli negotiations in 1974 over the West Bank. Progress in one bilateral setting will be affected by progress or lack of it in another, yet they must not become completely interdependent. The U.S. mediator must devote continual attention to keeping some balance among negotiating arenas, and keeping several negotiations going simultaneously is the greatest challenge in conference diplomacy. For example, at Lausanne in 1949, when multilateral issues such as regional economic development were addressed, the diplomatic effort quickly aborted because of inadequate parallel progress on bilateral political issues.

In any Middle East peace conference, past diplomatic efforts to resolve the conflict will weigh upon all the participants. History suggests that the United States will have to play multiple roles as catalyst, confidant, choreographer, and certifier for each party, regardless of the number of other mediators or sponsors involved in the conference. If the conference succeeds, no single, comprehensive document is likely to encompass the outcome. Success will come in discrete, largely bilateral agreements, probably sequential rather than simultaneous. Ultimately, a Middle East peace conference must be less a convening of a large meeting than a framework for prolonged, multiple negotiating arenas. In each separate arena the U.S. role will be demanding and crucial. Most of all, it will require a continuing commitment of diplomatic resources and presidential attention that will stretch over several years.

Notes

1. Sir Ronald Storrs, *Orientations* (Definitive Edition), London, 1943, p. 340.
2. Sir John Chancellor to his son Christopher, September 1, 1929, Box 16/3, Chancellor Papers, Rhodes House, Oxford, England.
3. Ralph Bunche to Walter Eytan, member of the Israeli delegation at Rhodes, January 31, 1949, in State of Israel, *Documents on the Foreign Policy of Israel*, vol. 3, pp. 96–99.
4. The remarks in this final section are preliminary conclusions culled from a current research project, "Historical Precedents and Contemporary Applications of International Middle East Peace Conferences," which is being supported by the United States Institute of Peace. The rights to republish or reproduce all or segments of this section in any written or oral fashion reside exclusively with Kenneth W. Stein and require his written consent.

Appendix 1

United Nations Security Council Resolution 242

22 November 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. *Affirms* that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. *Affirms further* the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist with efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. *Requests* the Secretary General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

*Adopted unanimously at the
1382nd meeting*

Appendix 2

United Nations Security Council Resolution 338

22 October 1973

The Security Council,

1. *Calls upon* all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the position they now occupy;

2. *Calls upon* the parties concerned to start immediately after the cease-fire the implemen-

tation of Security Council resolution 242 (1967) in all of its parts;

3. *Decides that*, immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

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