

Appendix #4

The Reality of Adversarial Negotiations

TO: Honorable Colin Powell
Secretary of State

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When the Oslo accords were signed on the White House lawn in September, 1993, many believed that the road for mid-east peace had at last, been found. Indeed, enthusiasm was so high, that it resulted in the awarding of the Nobel Peace Prize to Yitzak Rabin and Shimon Peres of Israel and Yasser Arafat of the Palestine liberation Organization.

Basically, this agreement called for the Palestinians to renounce terrorism and accept the legitimacy of the Jewish state. To reciprocate, Israel was required to turn over land and this formula was supposed to move the parties from a climate of hostility to one of harmony. To enforce these provisions, Arafat's Palestinian Authority (P.A.) was allowed a 24,000 man police force which were given rifles and side-arms by the Israeli government.

Subsequently, while Israel was making territorial withdrawals, Chairman Arafat still maintained his commitment to "holy war", but only when he spoke to his followers in Arabic. Allowing the area he controlled to be used as a haven for those who attacked Israeli civilians, he glorified suicide bombers by calling them "martyrs."

Moreover, as the years passed, Arafat's "police force" would grow to 40,000 men armed with heavy weapons that were smuggled into the country. From all indications, he intended that Oslo was to be the first step in a multi-phased plan to eliminate the State of Israel. This message was unmistakably communicated on the Palestine Authorities' website, official maps, in student's textbooks, etc. which showed their country made up of the entire West Bank, Gaza Strip, Jerusalem and all of pre-1967 Israel.

This was the reality that served as a backdrop to Israel's national election in 1999. During his campaign against Benjamin Netanyahu, Ehud Barak vowed that if he became Prime Minister, he would withdraw the

nation's military forces from Southern Lebanon and try to make a final peace with Chairman Arafat and the Palestinians.

When Barak became Prime Minister his first order of business was to fulfill his promise. Israel, after 22 years pulled its troops from the security zone in Southern Lebanon without getting anything in return.

How was this unilateral concession seen by its adversaries?

First, Hafez al Assad, the Syrian dictator said, "It's the first Israeli military defeat since the creation of the state in 1948". Thereafter, when Barak said he would return virtually all of the Golan Heights held since 1967, his offer was rejected out of hand.

Then, all the terrorist groups from Hezbollah to Hamas came to believe that Israel's soft spot was that they placed too high a value on human life. Thus, it reinforced the strategy that the maiming and murdering of civilians was Israel's Achilles heel. In sum, handing over territory, a gesture of good will intended to elicit good will in return, was instead seen as a sign of weakness.

This brings us to July 2000, when "lame duck" President Bill Clinton summoned Ehud Barak and Yasser Arafat to Camp David. Having survived the Monica Lewinsky relationship and the ordeal of impeachment, Mr. Clinton wanted to leave office on a high note. Clearly, the resolution of this long running conflict might bring him a Nobel Peace Prize and re-establish his place in history.

What Bill Clinton brought to this negotiation was his considerable persuasive skills. He is one of the unique people who has the ability to communicate sincere concern and compassion in the time span of a handshake.

Casting himself as an “honest broker”, the President and his Secretary of State Madeline Albright, believed they had a special relationship with the P.A.’s chairman. After all, he had visited the White House more than any other “head of state” and in an unprecedented gesture, was entertained at the home of the Secretary. As for Mr. Barak, a military hero who had known the horrors of war, his past concessions indicated an eagerness to deal for a final peace. Moreover, they knew he was determined to avoid a clash with Israel’s closest ally, making sure he would not be blamed if negotiations failed.

Despite Mr. Clinton’s confidence that he could succeed where so many other’s had failed, the odds were stacked against him from the outset. His fundamental mistake was to assume that Arafat’s past-intransigence and indecisiveness was a psychological problem that could be overcome by creating an atmosphere of trust. And this attitude adjustment could be accomplished by unprecedented Israeli territorial concessions.

The reality, however, was this was a bitter adversarial negotiation where differing perceptions, motives, interests and constituencies had to be taken into account.

By way of explanation let me deal with some of these items:

1. The Time Was Not Ripe for a Summit

In order for negotiating to succeed, both sides must perceive that they are better off with an agreement than the status quo.

This was not the case with Arafat, who enjoyed his chosen role as the leader of the “victimized” Palestinians. This guise gave him access to western leaders, western financial support and western media. He had

become a celebrity in fashionable places in New York, London, Paris and Washington D.C.

What was needed to get him to negotiate in good faith, was a change in his cost-benefit calculus. By that I mean, the detriments of no agreement would have to outweigh the benefits of a stalemated status quo.

2. Making Unilateral Concessions

When trust does not exist, concessions that are not worked for and do not require reciprocation are not appreciated.

At the Camp David Summit, Ehud Barak made unexpected and unanticipated generous concessions. To Arab militants and apparently Yasser Arafat himself, this was seen as a sign of Israeli weakness and desperation. As a result, the P.A.'s chairman never bothered to even respond with a counter-offer.

3. Differing Timetables

In all negotiations, concessions and agreements occur in proximity to the deadline. Where timetables differ, the side with the tighter time constraints is disadvantaged.

President Clinton's need to make a deal before the November elections, or at least before he left office, was common knowledge. Barak also was facing Parliamentary elections in Israel. Of the three players, only Mr. Arafat was free from the pressure of time.

Having not prepared his constituencies for the possibility of a concluding peace agreement and under no time compulsion, the Chairman would have rejected whatever was offered. From his viewpoint, anything tendered or given was to be regarded as the starting point for the next round of negotiations.

4. Disparate Interests

Although negotiating often begins with positional bargaining, agreements are achieved by satisfying underlying concerns and interests.

Considering that militant Arabs view of State of Israel itself, irrespective of size, as a trespass on “holy” Muslim soil, any territorial concessions at this time would not be enough. So what Barak and Clinton believed was an exceptionally magnanimous first offer (94% of the pre-1967 land), only whetted Arafat’s appetite.

5. Dissimilar Perceptions

In geopolitical negotiations, courageous leaders like Anwar Sadat and Yitzhak Rabin, understood that it was sometimes necessary to compromise in order avoid needless bloodshed. Certainly, Ehud Barak has tried to carry on in that tradition.

Yasser Arafat, on the other hand, seems to take his cue from the “Arab street” and the more radical Islamic militants. Over the years he has been a corrupt and authoritarian ruler, manipulating violence to serve his political ends. Looking at his track record, it is evident that he has an 11th century sense of the value of a child’s life with a 21st century sense of public relations. Regrettably, the media plays right into his hands in this regard.

Although Arafat has been credited with putting the fate of Palestinians on the world agenda, let us not forget that he did this by terrorist skyjackings and murdering American civilians and diplomats. An enigmatic figure, he has always chosen the past with its religious wars over the future.

From all indications, he has now embarked upon a strategy that combines low-magnitude guerilla warfare, terrorism and international media coverage. It’s purpose, is to destroy Israel’s morale and sap it’s will.

Using Israel's hurried "Saigon-like" retreat from Lebanon as a model, his plan is obvious:

A: Use media-covered violence to bring international criticism of Israel.

B: Cause Israel to sustain military casualties in the West Bank and Gaza.

C. Keep Israel mobilized which will consume resources, affect its economy and impoverish its will and determination.

D. Encourage Hamas, Islamic Jihad and Hezbollah to extend terrorism to pre-1967 Israel (Tel Aviv, Haifa, West Jerusalem, Hadera, etc.)

E. Use Western European nations and our so-called Middle East allies to press the United States, who in turn, will pressure Israel to come back to the bargaining table – only this time in a state of weakness and despair.

All this is not to say that Israel's policies have always brought them closer to a permanent peace with their neighbors. For instance, since the Oslo accords they have continued to build or extend settlements on the West Bank. Citing military necessity; from all appearances, these activities are the result of domestic political considerations. But their existence in such numbers and in some places like Hebron; are an impediment to normalizing relationships and building trust. Primarily, they play into the hands of the militant factions who are oblivious to the loss of human life.

However, there's little doubt that by acquiescing to the second intifada, Arafat may have let loose forces that he will find difficult to control. More significantly, this military intifada has further radicalized the Palestinian populace, virtually destroyed the Israeli consensus for an agreement and will bring about the election of Ariel Sharon. Thus, as a new administration takes office in Washington, if the peace process is not dead, it's at least, comatose.

6. Constituency Support

Despite the human tendency to want certainty and remove ambiguity, where there has been long-existing hostility, interim agreements are the way to go.

During the Camp David Summit, two heretofore-taboo subjects were discussed in detail: the plight of the refugees and the status of Jerusalem. While some progress was apparently made on the first issue, Jerusalem was a stumbling block.

Actually, by linking this emotionally charged religious matter with the return of other territories, it expanded the negotiation to a Pan-Arab issue. Once this occurred, Arafat needed support and cover from the more moderate Islamic regimes (Egypt or Saudi Arabia). Indeed, when the summit broke-up, he visited these countries but no help was forthcoming.

This should have been expected, since in Egypt and Saudi Arabia all criticism of the rulers is deflected against Israel, which is portrayed in the vilest terms. Perhaps more surprising, is that Hosni Mubarak and the Saudi Royal Family also encourage their media and radicals to denounce the United States, as a way of diverting attention from their own stagnant economies and corrupt regimes.

Simply put, Saudi Arabia and Egypt, who receive considerable aid from us, have no great interest in resolving the Palestinian issue at this time. They need Israel as an enemy, in order to serve as a convenient scapegoat – an outlet for the frustrations of their people.

Having raised these issues, here's what the new Bush administration should be doing:

First, do not welcome or subsidize Arafat as the prior administration did, until he cracks down on Hezbollah, Islamic Jihad and Hamas. He must be

made to use his power to stop terrorism that operates from the territory he controls.

Second, Arafat must prepare his constituency for peace with Israel. This means educating Palestinians that Israel is here to stay.

Third, do more to persuade the western allies to stop funding Arafat in his luxurious lifestyle, until he negotiates in good faith.

Fourth, crack-down on charities within the United States who funnel the money they receive to the families of suicide bombers and international terrorists.

Fifth, put pressure on Saudi Arabia to stop funding Wahhabi Islamic schools which are petri dishes for transnational terrorists.

Sixth, use our close relationship with the new Israeli government to encourage them to adopt policies and take action that strengthens the “silent majority” of Palestinians who truly want to improve the life of their people.

Finally, it’s time to recognize that the world is a dangerous place. This is especially true in the Middle East, where the last few decades have witnessed the growth of Islamic militancy. During this time they have been picking off Americans overseas and killing our people (Riyad, Khobar Towers, African Embassies, USS Cole, etc.) with impunity.

Because we delivered pinprick retaliations or none at all, they see us as risk averse. In twenty years we have never done anything to bring to justice to those like, Imad Mughviyeh and Osama bin Laden who have been murdering American citizens. Before it’s too late, it’s time to put some muscle behind our diplomacy. Let us not forget that in the Arab world it’s power and a willingness to use it that commands respect.