

Concept

Conundrum of Negotiations between Israel and the Palestinians

11.11.2004

Definition

The concept 'Conundrum of negotiations between Israel and the Palestinians' (herein after 'Conundrum of Negotiations') refers to the dynamics that characterize the negotiations on the [Outstanding Issues](#)¹ between Israel and the Palestinians. From an Israeli perspective, these dynamics will endanger the political status of the chief decision-maker and reduce the likelihood of reaching an agreement. This includes:

- Prolonging of negotiations;
- Expansion of the negotiations agenda;
- Escalation in Palestinian claims during the negotiations;
- Violence during the negotiations,
- Periods of increased terror leading up to central milestones in the political process

In general, these structural dynamics are derived from the interaction between the Israeli political system and the Palestinian one.

Background

Since 1992 there have been five Israeli Prime Ministers who conducted negotiations with the Palestinian leadership:

- Yitzhak Rabin and Shimon Peres (1992-96) negotiated the [declaration of principles](#) (9/93); the [Gaza-Jericho agreement](#) (5/94); agreements on the transfer of authorities (Summer 94) and the interim agreement (9/95);
- Benjamin Netanyahu (1996-99) negotiated the Hebron agreement (1/97) and the Wye River memorandum (10/98);
- Ehud Barak (1999-01) negotiated the Sharm-Al-Sheikh memorandum (9/99); the 2000 Camp David Summit (7/00); the 'Clinton Ideas' (12/00) and the Taba Talks;
- Ariel Sharon (2001-) negotiated the [Road Map](#) (4/03).

However, all five Israeli Prime Ministers suffered from a lack of political stability during the political process, which they lead. They faced a double challenge that included conducting negotiations while at the same time battling terror.²

¹ The Outstanding Issues include the refugee issue, permanent borders, the status of Jerusalem and the holy sites, as well as security arrangements.

² For further information regarding the conduct of Prime Ministers in light of the double challenge, see Rabinovich, Itamar, **Waging Peace – Israel and the Arabs 1948-2003**, (Or Yehuda: Dvir, 2004); On Rabin: pp. 44-45, 60-70, Peres: pp. 70-75; Netanyahu: pp. 70-107, 112-113; Barak: pp. 115-117, 130-145, Sharon: pp. 165-177, 190-195, 273-274.

Their tenures were characterized by the following dynamics:

- **Prolonging of negotiations** – beyond the carrying capacity of the chief decision-maker's coalition. For example, close to the period of elections or the breakup of the coalition;
- **Expansion of the negotiations agenda** – by the Palestinians, in adding issues to the agenda;
- **Escalation of Palestinian claims** – during the negotiations demands which were presented in earlier stages of the negotiations were added or escalated;
- **Violence during negotiations;**
- **Use of terror** – in periods leading up to crucial milestones in negotiations, towards the signing or ratification of an agreement, or in periods leading up to crucial milestones in its implementation.

The combination of these dynamics could have a destructive influence on the status of the Israeli chief decision-maker, and the capacity of the State of Israel to reach an agreement with the Palestinians.

Patterns shaping the Conundrum of Negotiations

The Reut Institute's analysis leads to the conclusion that these dynamics derive from three patterns which characterize the interaction between the Israeli political system and the Palestinian one: Leverage of Time in Negotiations – This concept deals with the question: To whom is time favor of?

In general, time works against the side subject to internal and external political pressures, and in favor of the side that is able to use the pressure to its advantage in order to accomplish achievements.³ Accordingly, in the realm of negotiations, the way each side understands the element of time, has crucial influence on decision-making during negotiations and on its results. On the Palestinian side, there are parties who argue that time is in their favor because of the increase in internal and external pressures on the State of Israel. The main driving forces of this argument are demographic trends, expansion of one-state idea, basic de-legitimization of Israel⁴ and the concept that violence leads the Palestinians to political achievements.⁵

These elements view the course of the Israeli-Palestinian negotiations (of 1991-01) as a one-sided journey, in which Israel made the majority of concessions.⁶ As a result, these parties do not have an incentive to stop violence or to reach an agreement with Israel.

The Mismatch of Tenures in Negotiations – the Israeli political system is characterized by short and unstable terms, compared to the Palestinian leadership.⁷ For the Israeli

³ Stuhlmacher Alice, "The Impact of Time Pressure and Information on Negotiation Process and Decisions", **Group Decision and Negotiation**, 9: pp. 471-491, 2000.

⁴ Sussman Gary, "The Challenge to the Two-State Solution", **Middle East Report**, <http://www.merip.org/mer/mer231/sussman.html>

⁵ 69% of the Palestinians believe that they have succeeded in achieving, through the 'second Intifada', national and political goals that they were unable to achieve in a Permanent Status Agreement (**Haaretz**, 7/6/04).

⁶ Rabinovich, **Ibid**, pp. 161-162.

Prime Minister, a substantial political step entails political crises which may bring to its collapse.

The Palestinian political culture – on the Palestinian side, decision-making is characterized by a need to reach relatively wide support, which requires reaching understandings with most factions of the Palestinian society, including the resistance movements. This process challenges historical decisions regarding Israel.⁸ A prominent example of the pattern's influence on the relationship is found in the war on violence and terror. Many Israelis are under the impression that the Palestinians are not committed to preventing terror attacks against Israel, carried out by opponents to the peace process. They further believe that Arafat does not consider Hamas and Islamic Jihad as dangerous adversaries whose infrastructure and ideology must be uprooted, but he rather considers them as legitimate and important political actors that should be satisfied rather than fought against.⁹

Conclusions

Therefore, as long as the aforementioned patterns continue to exist – leverage of time, mismatch of tenures and the Palestinian political culture in its current form – the Prime Minister of Israel, choosing to conduct negotiations with the Palestinians, is liable to face the danger of a political process, lasting until the exhaustion of his coalition's carrying capacity, based on a widening agenda, escalating Palestinian claims, in the midst of terror and violence during the course of and leading up to the peak of the political process.

In the Israeli perspective, understanding these conundrums prior to and at the moment of entrance into a political process vis-à-vis the Palestinians is essential to the success of negotiations. Hence, the conundrums of negotiations have wide significance for the conduct of the Israeli chief decision-maker (see: Core field of conduct of the Israeli leadership), *inter alia*, regarding the question whether to conduct negotiations with the Palestinians, or to choose an alternative strategy to negotiations, based on unilateral steps or steps coordinated with third parties, even if they are not stipulated by agreement or cooperation with the Palestinians.

End.

⁷ See former Prime Minister Barak's answer to a question on [Haaretz](#), (7/19/04).
Q: "Would you agree that the election system in Israel makes it difficult to make policy and carry it out?"

A: "I fully agree. And we see it in the fact that for almost 15 years now, **every government has served** between six months and three years, and the moment a leader begins to take a course that is highly important for the whole nation in the long run, he begins to count down his days in office as a result of the capacity of temporary coalition interest groups to topple him."

⁸ Ben Ami, Shlomo, **A Front Without a Rearguard**, (Tel Aviv, Miskal, 2004) pp. 386-409 (in Hebrew).

⁹ See Rabinovitch, **Ibid**, pp. 66-67.