

Back Channel Diplomacy:  
The Strategic Use of Multiple Channels of Negotiation  
in Middle East Peacemaking

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Peacemaking

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Jeff was an unreformed optimist and I could not convert him to a darker view of the conflict. Yet his optimism pulled me through the Spring of 1995 when the peace process began to unravel and Jeff left us. In that same Spring, another important mentor, Omar Rivabella, who had taught me so much about writing, justice and politics (*no dejés que vean tus calzoncillos*, he used to say) was also called away to a better place. Finally, in 1998 on my first trip to Palestine, Memee, my maternal grandmother passed away while I stood on her native soil.

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<sup>1</sup> Anthony Wanis-St. John, "The Negotiations between the Palestinians and Israel: Short-Term Breakthrough or Long-Term Failure?" (Program on Negotiation Working Paper Series 95-4, Program on Negotiation, Harvard Law School, 1995).

<sup>2</sup> Anthony Wanis-St. John, "An Assessment of Back Channel Diplomacy: Negotiations between the Palestinians and Israelis" (Program on Negotiation Paper Series, 00-7, Program on Negotiation, Harvard Law School, 2000).

Isabela and I discussed the fact that ‘doctores de filosofía’ never give shots or check your temperature. When I had delivered a complete draft she asked me “Now you have all the time to play?” ☺

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<sup>3</sup> Aharon Klieman, *Statecraft in the Dark: Israel's Practice of Quiet Diplomacy* (Jerusalem: Jaffee Center for Strategic Studies, 1988).

I thank my interviewees for taking the time to meet with me while they were in the middle of their ongoing peacemaking activities, official duties and private careers. It was exciting to touch upon one Palestinian-Israeli back channel in May 2000 while I was doing the interviews.

Yet, as this thesis explains, that back channel was not enough to stop the descent into violent conflict that commenced while my family and I were leaving the country in May 2000. We hope one day to return to a country in which a just peace reigns and past wounds can begin the slow process of healing.

## Memee

I went to find my ancestral home  
And knocked on wooden doors  
The jasmine blooms and midnight mists  
Desert sands and worn stone streets  
*Ahlein* they breathed with open arms and  
Brought me back to you  
Here and  
Far from here  
It lives and you live  
Within and without...  
In quiet channels and buzzing markets  
Among silent ruins and secret yearnings  
I return to you  
And return to you what was always yours

Claudia

Gracias a tí  
Mi estrella del crepúsculo  
Misión cumplida

*Para decirte lo tanto que te amo  
Necesitamos nuestra propia via secreta*

# Back Channel Diplomacy: The Strategic Use of Multiple Channels of Negotiation in Middle East Peacemaking

## ABSTRACT

*Anthony Wanis – St. John*

Back channel diplomacy (BCD) refers to official negotiations conducted in secret among the parties to a dispute or even between a party and a third party intervenor, which complement front channels, and are potentially at variance with declared policies. Aspects of secrecy in negotiation have been the subject of descriptive and prescriptive literature. Research specifically focused on the strategic interaction of multiple channels of international negotiation—front and back channels—did not exist.

In this study, the cases of Palestinian-Israeli peace negotiations from 1991 to 1998 are rigorously analyzed according to a theoretical framework designed to understand what BCD is, and how it works. This helps us understand why decisionmakers choose to use it. The framework looks at the treatment of the issues negotiated, the role of secrecy, the exclusion of subparties that results from secrecy, the role of third party intervenors, the proximity of decisionmakers to the negotiators, and the strategic interaction of multiple channels (front and back). The overarching condition is that of incrementalist peace negotiations, which proceed from early agreements on principles, to interim accords and finally to a permanent settlement.

Decisionmakers use BCD to mitigate a set of uncertainties that affect many negotiations, but which particularly salient for negotiations in violent international conflicts. The uncertainties regard the i) cost of entry into negotiations, ii) effect of spoilers in the peace process, iii) the lack of information on other parties' interests and preferences that is needed to make the decision to negotiate, and iv) impact of negotiation outcome on the decisionmakers.

In helping to manage these uncertainties, BCD is associated with the achievement of early breakthrough agreements where front channels fail. However, under the condition of the incrementalist peace process requiring progressively more difficult implementation, BCD's inherent qualities of secrecy and the consequent exclusion turn problematic. The ability of decisionmakers to conclude accords before spoilers can mobilize against them is progressively diminished, until BCD no longer helps the parties reach agreement, but becomes a substitute for good faith negotiation and ultimately, yields negative returns. The potential exists for renewal of violent conflict.

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CHAPTER 1  
INTRODUCTION

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It will be our wish and purpose that the processes of peace, when they are begun, shall be absolutely open and that they shall involve and permit henceforth no secret understandings of any kind. The day of conquest and aggrandizement is gone by; so is also the day of secret covenants... likely...to upset the peace of world.

-President Woodrow Wilson's Address to Congress on the "Fourteen Points"<sup>4</sup>

One wonders whether the success of conferences must not ultimately depend on *new forms* of what used to be called 'secret diplomacy'.

-Herbert Butterfield, "The New Diplomacy and Historical Diplomacy."<sup>5</sup>

### **Statement of the problem**

This study analyzes *back channel diplomacy* (BCD) in Middle East peacemaking efforts, particularly in the context of the Palestinian-Israeli peace process. Back channel diplomacy refers to *official* negotiations conducted in *secret* between the parties to a dispute or even between a party and a third party intervenor, which supplement, bypass, replace or alternate with potential or existing front channels and are *potentially at variance* with declared policies of the parties.

The 1993 Oslo Accords between Israel and the Palestine Liberation Organization (PLO) were the successful outcome of back channel negotiations.<sup>6</sup> These back channel

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<sup>4</sup> President Woodrow Wilson, "Address of the President of the United States Delivered at a Joint Session of the Two Houses of Congress, January 8, 1918," in Department of State, *Foreign Relations of the United States* (F.R.U.S.) 1918, Supplement 1, *The World War*, vol. 1, (Washington: United States Government Printing Office, 1933).

<sup>5</sup> Herbert Butterfield, "The New Diplomacy and Historical Diplomacy," in *Diplomatic Investigations*, eds. Herbert Butterfield and Martin Wight, (London: George Allen & Unwin Ltd, 1966), 181-192. Emphasis added.

<sup>6</sup> Declaration of Principles on Interim Self-Government Arrangements (Israel-PLO), September 13, 1993, Article V, reprinted in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record* rev. 2d ed. (Washington, DC: Institute for Palestine Studies, 1993).

negotiations proceeded in parallel with open negotiations conducted by official Israeli and Palestinian delegations in Washington DC, neither of whom knew about the Oslo channel.

The successful conclusion of the Oslo Accords leads to the prediction that BCD, when used in international conflicts, permits the parties to reach agreements while normal front channels fail. A simple policy prescription would follow from this: when front channels are impossible to open or are failing to produce an agreement, open a back channel.

During the Palestinian-Israeli negotiations that took place from 1991 to 1998, the highest level decisionmakers of each side followed this policy advice very consistently. Yet even as the parties concluded a long series of agreements during that time, peaceful relations became progressively less evident. A final, permanent status agreement proved impossible to negotiate by the conclusion of the five year interim period following the breakthrough Oslo Accords, despite this reliance on back channels. Indeed the period reviewed here came to an end with the future of the peace process very much in doubt. The peace process had failed to live up to the specifications of its design: it had resulted in the erosion of trust between the parties, rather than the progressive advancement toward the resolution of ever more complex issues. Furthermore, the peace process had failed to bring peace.

Why then, did the parties achieve difficult breakthroughs using BCD, but ultimately fail to reach their goals? To find the answers, I look to the characteristics of the diplomatic method itself.

BCD, a comprehensive practice of secret negotiation, depends on the exclusion of

numerous important subparties within each side. It helps the parties manage the interested third parties who seek to intervene diplomatically in the conflict. BCD lowers the price of entry into negotiations by obviating some of the need for preconditions. It brings control of the negotiation process closer to the decisionmakers. BCD negotiators enjoy greater autonomy to explore options that cannot be easily discussed in front of an audience.

Yet these same characteristics, which any political leader might find inherently attractive, exacerbated some of the very conditions that motivated leaders to choose BCD. This in turn led to an increased reliance on BCD, that has been accompanied by increasing difficulties in implementation of agreements. Ultimately, BCD contributed to the reversal of gains made in the peace process. BCD therefore exhibited a certain duality as a tool of statecraft, helping the parties sign accords which they found increasingly difficult to implement or enforce.

In the Middle East and elsewhere, negotiations in crisis management and peacemaking efforts are sometimes characterized by the use of secrecy. The existence of secret diplomacy is well-established, though it has been little studied. The debate on secret diplomacy is not complex. Scholarly writing to a great extent consists of commentary either for or against. Those in favor argue that it is a necessary tool of statecraft while those against point to the inconsistency between democratic governance and secrecy.

Much less attention has been paid to the reality that secret official negotiation efforts are used by decisionmakers in parallel with separate official negotiations that are not secret. This results in multiple, simultaneous channels of negotiation.

The simultaneous existence of front and back channels suggests the possibility that the decisionmakers make strategic choices about how to use different channels. I argue that this systematic use of both secret and open channels of negotiation is essentially a special type of negotiation. A study of this subject should transcend the classical debate on secrecy versus openness in diplomacy. Since secret negotiations are often used in parallel or in sequence with open or acknowledged negotiations, they merit research as a specific class of international negotiations.

## **Concepts of diplomacy and negotiation**

Conceptualizations or ‘images’ of diplomacy and negotiation are offered here because they reflect and shape the assumptions in negotiation research. We begin with a brief portrayal of diplomacy as it is embodied in contemporary international law—the way diplomacy is supposed to be and largely is practiced. Then we explore what I term the ‘single channel paradigm’ before proceeding to the development of more complex images of international negotiation that have emerged in the literature.

### ***International treaty law***

International diplomatic practice is the subject of a contemporary international treaty known as the 1961 Vienna Convention on Diplomatic Relations. This treaty is a guide for the conduct of diplomatic practice and states’ domestic laws as they affect international diplomacy. Upon accession to the treaty, states incorporate it into their domestic laws, thus making it the ‘law of the land’. Article 3 of the Vienna Convention partially lists the duties of a diplomatic mission which include representing the sending state, protecting its interests and negotiating with the government of the receiving state, among others. The Convention neither explicitly permits nor prohibits international negotiations along channels other than official diplomatic missions. Nor does the Convention specify norms for negotiations during violent conflict, except insofar as Article 45 permits diplomatic representation to be assigned to a third state when state-to-state relations are broken. While the Convention and its purposes are clear, they do not cover all contingencies.<sup>7</sup>

By and large, states adhere to the Convention since it reflects and codifies custom.

This compliance has not prevented states from resorting to other forms of diplomacy in circumstances such as armed conflict, including the use of unaccredited persons to conduct their negotiations. The Vienna Convention is silent on the many variations of diplomacy that exist in practice, including secret diplomacy. Diplomacy in the Palestinian-Israeli peace process conflict, since it took place largely in the absence of mutual state-to-state recognition, deviates more than it conforms to the Convention.

### ***The single channel paradigm***

International negotiations are often portrayed in theoretical literature as communications between individuals or delegations who unambiguously represent their state or non-state principal, and are empowered to speak for and seek to fulfill the interests of the party they represent. The principals are states or non-state actors depicted in monolithic terms. The literature has depicted such bargaining as proceeding through a single 'channel' or at a single negotiating table that brings the opposing negotiators from monolithic parties together to communicate and negotiate. This image of the single channel is not an accurate reflection of real international negotiation practice, which is characterized by multiple parties, pluralistic parties, and multiple channels of negotiation between them.

### ***Toward more complex definitions***

The move toward a more complex understanding of negotiation benefits from developments in schools of theory including negotiation analysis and complex interdependence theory. Chapter 2 is fully dedicated to the literature, and a brief examination of the context into which BCD fits is offered here: the evolution of theoretical portrayals of international negotiation.

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<sup>7</sup> Vienna Convention on Diplomatic Relations, 500 U.N.T.S. 95, done at Vienna, April 18, 1961, entered into force April 24, 1964. Reprinted in Louis Henkin, *International Law: Cases and Materials* (St. Paul:

Game theory, the foundation for negotiation analysis and interdependence, served mainly to specify (with mathematical rigor) large sets of possible game ‘moves’, but failed to prescribe implementable actions parties could take to improve individual and collective negotiation outcomes, being constrained by assumptions of rationality, utility maximization, and symmetric information among players. Negotiation analysis sees *the structural components of negotiation processes (parties, issues, positions, etc.) as variables* that parties can manipulate.<sup>8</sup> Complex interdependence theory critiques and refines the assumptions of neorealist political philosophy, with its focus on monolithic states and systemic causes for political outcomes. In their place, complex interdependence claims that *states are not monolithic parties* and that there is no true separation of domestic from international issues since they both affect each other.<sup>9</sup>

These developments enable recent international negotiation research to argue that many negotiations are in fact multiparty or multilateral negotiations whose outcome is influenced by a wide variety of factors and attributes, rather than bilateral contests between states whose outcome is determined by their relative power.<sup>10</sup> The existence of multiple parties to a negotiation affects both process and outcome and has been subject to study from numerous research perspectives.<sup>11</sup> There is now an emerging research

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West Publishing Company, 1994), Document Supplement.

<sup>8</sup> James K. Sebenius, "Negotiation Analysis," in *International Negotiation: Analysis, Approaches, Issues*, ed. Victor A. Kremenyuk, (San Francisco: Jossey-Bass Publishers, 1991).

<sup>9</sup> Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little Brown, 1977).

<sup>10</sup> In negotiation theory, Raiffa first sketched out the spectrum of negotiations that ranges from bilateral, ‘single issue’ to multilateral, ‘many issue’ negotiations. Howard Raiffa, *The Art and Science of Negotiation* (Cambridge, MA: Belknap Press of Harvard University Press, 1982).

<sup>11</sup> See for example, I. William Zartman, ed., *International Multilateral Negotiation: Approaches to the Management of Complexity* (San Francisco: Jossey-Bass, 1994).

emphasis on pluralistic parties, rather than monolithic ones.<sup>12</sup>

In political science, there is some evidence of moving beyond the debate between those who favor and those who condemn secret diplomacy.<sup>13</sup> The first publication to define and identify patterns of secret diplomacy as a strategic tool of foreign policy was Aharon Klieman.<sup>14</sup> More recently, Karin Aggestam wrote a monograph on the overlap of the Madrid and Oslo Channels using some of the concepts presented by Klieman earlier.<sup>15</sup>

The present work bridges the contributions of these streams of theory to present a more accurate reflection of international peace negotiations. Research on BCD advances theory by proposing that international negotiations are better understood as pluralistic parties using multiple channels of negotiation between them.<sup>16</sup> In practice some negotiations are conducted between pluralistic parties along several channels. We can roughly sketch out a typology of back channel diplomacy: Let us assume—only for the moment—that the highest decisionmakers on all sides know about all channels. One strategic decision they can make is to operate one or more of their negotiation channels

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<sup>12</sup> Howard Raiffa, with David Metcalfe, and John Richardson, *Collaborative Decision Making* (unpublished: forthcoming, 2001).

<sup>13</sup> For classical arguments in favor, see Henry Kissinger, *Years of Upheaval* (Boston: Little Brown, 1982); Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace* 5th rev. ed. (New York: Knopf, 1978); Butterfield, "The New Diplomacy and Historical Diplomacy," For arguments against, George Eller, *Secret Diplomacy* (London: S. Swift and Co. Ltd., 1912); Paul Samuel Reinsch, *Secret Diplomacy, How Far Can It Be Eliminated?* (New York: Harcourt Brace and Company, 1922); Wilson, "Address of the President of the United States Delivered at a Joint Session of the Two Houses of Congress, January 8, 1918,"

<sup>14</sup> Aharon Klieman, *Statecraft in the Dark: Israel's Practice of Quiet Diplomacy* (Jerusalem: Jaffee Center for Strategic Studies, 1988); Aharon Klieman, "The Use of Back Channels in Israeli Diplomacy" (paper presented at the Conference Back Channel Negotiations in the Arab-Israeli Conflict, Hebrew University of Jerusalem, May 4, 2000).

<sup>15</sup> Karin Aggestam, "Two Track Diplomacy: Negotiations between Israel and the PLO through Open and Secret Channels," *Davis Papers on Israel's Foreign Policy* 53 (1996).

<sup>16</sup> I am indebted to David Metcalfe for his remarks to me on the distinction between monolithic and pluralistic parties in negotiation analysis.

secretly. This means that knowledge of this channel may be kept away not only from external allies or other parties, but also the public or politically active segments of it, and other stakeholders within government, interested parties, and cabinet officers. In the ideal case, all negotiators in the front channels are kept in the dark about the back channel negotiations.

Most diplomatic negotiations (whether bilateral or multilateral) are conducted using a single, acknowledged channel. For the purposes of this study, these are referred to as formal negotiations, or *front channel* negotiations. Conventional front channel diplomacy (FCD) in international disputes includes direct bilateral negotiation, multilateral conferences, and open mediation by a third party such as an international organization, state, non-governmental organization (NGO), or other non-state actor. The key variable they share is the openness about the fact that there are negotiations taking place.

The existence of multiple channels of negotiation is a phenomenon that is rich in research possibilities because it invites comparison of the processes and outcomes of each channel, as well as the relationship between them.

### ***Terminology***

#### *Origins*

Back channel diplomacy in history evokes the image of an alternative physical *space* for the conduct of international negotiations. This image is rooted in the word ‘channel’. I briefly consider the term and its appropriateness.

The control and distribution of knowledge and information have concerned human societies for millennia. The use of secrecy—the categorization of knowledge as *secret*—is one the principal instruments with which this is accomplished. Deciding who

gets access to information and when they get it is part of the way we manage our private and public lives. In the public realm, in the management of national and international affairs, secrecy, in the guise of adjectives such as *compartmented*, *clandestine*, *privileged*, *eyes only*, *confidential*, is accepted as part of the process of government, even democratic government.<sup>17</sup> If at least for the sake of argument we accept that secrecy is a part of governing, the remaining question is of a practical nature: how do policymakers manage secret activities and information?

In practical terms, secrets of state are established and preserved by dramatically limiting the number of parties with access to them. BCD is a more elaborate effort than simple limits on the number of people with access to information. It involves the construction of separate structures which are themselves kept secret and within which secret information is contained. Channel comes from the Latin term *canalis*, associated with the diversion and conveyance of running waters.<sup>18</sup> BCD evokes the diversionary sense of the word ‘channel’; diverting the flow of water—or information and knowledge—away from those to whom they might otherwise go. Channels are not only means of directing communication. They also refer to transactional ‘spaces’ where information, money, goods, and actions are exchanged. Insofar as much negotiation research has its theoretical origins in economic behavior and game theory research, one could say that *back channels* are the *black markets* of formal diplomacy; a place where parties seek alternative arrangements while others are excluded from the transaction.

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<sup>17</sup> In the United States as in other countries, the balance between democratic control of national policy and secrecy in the planning and implementation of such policy is the object of a tug-of-war between institutions such as the newsmedia, lobbies, the Congress on one side and the Executive and its agencies, such as the NSC, CIA, NSA etc., on the other.

<sup>18</sup> I am grateful to Alan Henrikson for pointing out the riverine image evoked by the term ‘back channel’ and for suggesting the black market analogy.

‘Channel’ has both a functional and spatial sense that fit well with the image of BCD.<sup>19</sup>

*General definition*

*Back channel negotiation in international conflicts* refers to secret, official negotiations between the contending parties that take place in parallel with front channel negotiations or replace them. Back channel negotiations can therefore bypass or supplement existing front channel negotiations. The participants in the secret, back channel must have some measure of official empowerment from their respective authorities in order for this phenomenon to be distinguishable from non-official, people-to-people efforts at peacemaking. The latter are usually referred to as Track II Diplomacy which are compared and distinguished below.<sup>20</sup> The back channel may also be the forum in which solutions are explored that are at variance with the expressed policies of the parties. These elements of secrecy and official status, as well as the exploration of options or solutions at variance with declared policies are all integral and interdependent parts of the definition of back channel negotiation. Two additional properties: simultaneity and multiple negotiation channels, are present by definition when front and back channels are employed at the same time by the same parties.

*The relation to Track II diplomacy*

The fact that analysts occasionally conflate the concepts of Track II and back channel negotiation<sup>21</sup> underscores the need for more consistency of usage.

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<sup>19</sup> See entries, etymology and works cited for “Channel”, *The Compact Edition of the Oxford English Dictionary* 2 vols. (New York: Oxford University Press, 1971), 270-271.

<sup>20</sup> See Joseph Montville, "The Arrow and the Olive Branch: A Case for Track Two Diplomacy," in *Conflict Resolution: Track Two Diplomacy*, eds. John McDonald and Diane Bendahmane, (Washington, DC: Foreign Service Institute, Department of State, 1987); John W. McDonald, "Further Exploration of Track Two Diplomacy," in *Timing the De-Escalation of International Conflicts*, eds. Louis Kriesberg and Stuart J. Thorson, (Syracuse, N.Y.: Syracuse University Press, 1991); Harold H. Saunders, "We Need a Larger Theory of Negotiation: The Importance of Pre-Negotiation Phases," *Negotiation Journal* 1, no. 3 (1985).

<sup>21</sup> One negotiation scholar explicitly conflates the two general concepts when he wrote that a “special form of back channel negotiation is often referred to as track two diplomacy or citizen diplomacy,” P. Terrence

The impetus to develop a ‘practice’ of *unofficial* diplomacy often comes from people who were themselves diplomats and understand the institutional, legal, political and social-psychological constraints of *official* diplomacy as well as the formal authority it has.<sup>22</sup>

Montville describes Track II as “unofficial, informal interaction between members of adversarial groups or nations with the goals of developing strategies, influencing public opinions, and organizing human and material resources in ways that might help resolve the conflict.”<sup>23</sup> Track II activities are sometimes designed with high public exposure in mind. The degree of publicity tends to increase when the primary intended audience is the general public rather than only the elites who participate in the activity. Participants or facilitators rarely if ever actually claim that negotiation is taking place in Track II activities. The goal and impact of Track II diplomacy differ from those of official diplomacy as well. Rather than seeking to negotiate, sign and implement peace agreements, Track II participants seek to change the conflict dynamics of relations between elites and other groups within the contending parties.

Unofficial conflict resolution activities include the phenomena of people-to-people ‘prenegotiations’<sup>24</sup> which are meant to diminish overall tensions and even provide

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Hopmann, *The Negotiation Process and the Resolution of International Conflicts* (Columbia: University of South Carolina, 1996), 184. A case-specific instance of conceptual confusion is in Jacob Bercovitch, "Conflict Management and the Oslo Experience: Assessing the Success of Israeli-Palestinian Peacemaking," *International Negotiation* 2, no. 2 (1997), 117.

<sup>22</sup> Gennady I. Chufirin and Harold H. Saunders, "A Public Peace Process," *Negotiation Journal* 9, no. 2 (1993).

<sup>23</sup> Montville, "The Arrow and the Olive Branch: A Case for Track Two Diplomacy".

<sup>24</sup> Harold Saunders, "Possibilities and Change: Another Way to Consider Unofficial Third Party Intervention," *Negotiation Journal* 11, no. 3 (1995).

substantive inputs for official negotiations, and interactive problem-solving workshops,<sup>25</sup> in which parties to a conflict are brought together for the purpose of humanizing the relationship between the contending parties and exploring options for meeting joint needs. These are all characterized by the absence of official negotiating authority among participants. This very lack of 'power' is explicitly sought by those who advocate and practice Track II diplomacy.<sup>26</sup> Rather than relying on political power, practitioners of Track II diplomacy base their activities on the premise that barriers to conflict resolution can be conceptualized in terms of cognitive and social psychological phenomena<sup>27</sup> that affect party perceptions of self, adversary and the nature of the conflict itself. Practitioners explicitly believe that Track II 'processes' can be designed to diminish such barriers and thereby create a different atmosphere or context in which political and social problems are formally addressed by the official negotiators.<sup>28</sup>

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<sup>25</sup> Ronald J. Fisher, "Prenegotiation Problem Solving Discussions: Enhancing the Potential for Successful Negotiation," in *Getting to the Table: The Processes of International Prenegotiation*, ed. Janice Gross Stein, (Baltimore: Johns Hopkins University Press, 1989); Herbert C. Kelman, "Informal Mediation by the Scholar/Practitioner," in *Mediation in International Relations: Multiple Approaches to Conflict Management*, eds. Jacob Bercovitch and Jeffrey Z. Rubin, (New York: St. Martin's Press, 1992); Herbert C. Kelman, "Negotiation as Interactive Problem Solving," *International Negotiation* 1, no. 1 (1996).

<sup>26</sup> Stephen P. Cohen et al., "Evolving Intergroup Techniques for Conflict Resolution: An Israeli-Palestinian Pilot Workshop," *Journal of Social Issues* 33, no. 1 (1977); Herbert C. Kelman, "Contributions of an Unofficial Conflict Resolution Effort to the Israeli-Palestinian Breakthrough," *Negotiation Journal* 11, no. 1 (1995); Roger Fisher, *Facilitated Joint Brainstorming: A Powerful Method for Dealing with Conflict* (Cambridge, MA: Harvard Negotiation Project, 1996); Nadim N. Rouhana and Herbert C. Kelman, "Promoting Joint Thinking in International Conflicts: An Israeli-Palestinian Continuing Workshop," *Journal of Social Issues* 50, no. 1 (1994).

<sup>27</sup> Barriers include errors of attribution, biases in construal of the conflict, the construction of enemy images, cognitive dissonance and others. Herbert C. Kelman, "Social Psychological Dimensions of International Conflict," in *Peacemaking in International Conflict*, eds. I. William Zartman and J. L. Rasmussen, (Washington, DC: United States Institute of Peace, 1997); Janice Gross Stein, "Image, Identity and Conflict Resolution," in *Managing Global Chaos*, eds. Chester Crocker and Fen Osler Hampson, (Washington, DC: United States Institute of Peace, 1996).

<sup>28</sup> Diana V. Chigas, "Unofficial Interventions with Official Actors: Parallel Negotiation Training in Violent Intrastate Conflicts," *International Negotiation* 2, no. 3 (1997); Lawrence E. Susskind, Abram Chayes, and Janet Martinez, "Parallel Informal Negotiation: A New Kind of International Dialogue," *Negotiation Journal* 12, no. 1 (1996); Ronald J. Fisher, "The Potential Contribution of Training to Resolving International Conflict," *International Negotiation* 2, no. 3 (1997).

*Component terms*

*Negotiation* is “joint decisionmaking under conditions of conflict and uncertainty, in which divergent positions are combined into a single outcome. Each of two or more sides attempts to obtain what it wants through the exchange of information, typically in the form of offers and counteroffers.”<sup>29</sup> These offers reflect both the parties’ internal valuation and prioritization among the issues at stake as well as the respective differences of value and priority between the adversary parties. The adjustment of such offers to create and claim value for each side, and making commitments to an agreement are also essential parts of negotiation. The activities that follow commitment are not limited to implementation. There may be residual unresolved issues, details to work out from agreed principles, new disputes, or changed conditions or preferences, or perhaps new political realities that necessitate continued negotiation. This general description holds whether the context of the conflict is domestic or international.

A *negotiation process* is a series of negotiations or meetings at which negotiations take place, each of which is considered part of a larger overarching context, i.e., a peace process, a labor-management wage negotiation, a business acquisition, an alliance or a treaty convention, etc.

I use the term *channel* in this study to refer to a specific bilateral or multilateral encounter or series of encounters in which the parties are negotiating. Negotiations that occur in an open or at least acknowledgeable channel and are conducted by recognized agents for or officials of the parties usually need no further description. Here, I term them *front channel* or *formal* negotiations.

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<sup>29</sup> I. William Zartman and Jeffrey Z. Rubin, eds., *Power and Negotiation* (Ann Arbor: University of Michigan Press, 2000), 12.

The term *international* has traditionally been used to describe an activity that transcends state borders, or exists in the framework of relations between states recognized as such by other states or international organizations. International affairs ceased to be the exclusive domain of states and governments at least since the origins of modern international organizations over a century ago. Other actors are involved, ranging from individuals to non-governmental organizations, businesses, international organizations and military alliances. Nevertheless, the legal quality of state sovereignty has traditionally been invoked to maintain a wide range of activities and phenomena subject to a state's exclusive jurisdiction, particularly the organized use of force and the ability to enter into binding commitments with other states and international organizations.

While sovereignty continues to be the quintessential quality and part of the definition of statehood—as well as the aspiration of choice for secessionists and liberation movements based on religion, ethnicity or ideology—critical events of *global* importance often take place within the borders of states, or between states and non-governmental actors or simply have effects that transcend the originating state's borders. For these reasons, I use the term *international* in a broad sense, to include significant internal conflicts or conflicts that are neither purely interstate nor purely internal, as the Arab-Israeli conflict has repeatedly demonstrated itself to be. The Israeli-Palestinian problem in particular requires precisely this expansive use of the term.

## Research Methodology

The comparative study of the cases of Palestinian-Israeli front and back channel negotiations between 1991 and 1998 is modeled on the “heuristic case study” approach described by Harry Eckstein and refined by Alexander George. This approach was chosen in order to discern “important general problems and possible theoretical solutions”<sup>30</sup> in contrast with formal hypothesis-testing political science studies that specify a general law that should explain the outcome of a particular case, and then evaluate how well or poorly the case is explained and predicted by the general law. The heuristic approach, on the other hand, ultimately seeks to “formulate generalizable relations that were not previously apparent.”<sup>31</sup> It is ideal for building up knowledge about important subjects that have not been systematically studied and for which testable hypotheses do not yet exist, as is the case with BCD.

The analysis of the cases in Chapter 7 is explicitly comparative, using Alexander George’s method of structured, focused comparison, which borrows from the classical ‘method of difference’.<sup>32</sup> Case studies using this method begin with specific instances of a phenomenon, search for general patterns, and culminate in testable hypotheses about the phenomenon.

Elite interviewing was selected as the primary method of gathering critical case information because a researcher faces several obstacles in order to collect documentary evidence on phenomena whose existence is meant to be denied or which is deliberately

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<sup>30</sup> Harry Eckstein, “Case Study and Theory in Political Science,” in *Handbook of Political Science*, eds. Fred Greenstein and Nelson Polsby, (Reading, MA: Addison-Wesley, 1975), 104-107.

<sup>31</sup> Alexander George, “Case Studies and Theory Development: The Method of Structured, Focused Comparison,” in *Diplomacy: New Approaches in History, Theory and Policy*, ed. Paul Gordon Lauren, (New York: The Free Press, 1979), 51.

<sup>32</sup> *Ibid.*, 52.

avoided, destroyed or hidden. Indeed this ‘deniability’ is one of its compelling qualities. Policymakers place high value on deniable actions and statements, things they want to do for some reason but do not wish to be identified with at some point in time, particularly if they fail or if they involve controversial policy changes. This variant of international negotiation is not likely to be immediately reported in the media, nor will it appear in diplomatic bulletins, unless a party perceives that a leak serves its interests more than the negotiation itself.

Primary source case data was collected during the Spring of 2000 by interviewing Palestinian and Israeli negotiators and decisionmakers: the direct participants in the various negotiations stages, as well as using their public statements, analytical publications and autobiographical accounts, and other traditional primary sources. The reliance on participants is important in any topic involving secrecy since potential archival sources are either nonexistent or closed to the researcher. The interviews were completed in Washington, DC; Jerusalem; Ramallah; al-Bireh; and Tel Aviv.

## **Research questions**

The Oslo success, considered in isolation from the rest of the Palestinian-Israeli peace process, suggests that BCD helps parties reach agreements and break deadlocks. Taken as a whole however, the cases help explain why negotiations failed despite the reliance on BCD, numerous negotiations and signed agreements, as well as involvement of prominent third parties with leverage and resources. The task of this research then is to seek answers to the question: Why did the parties achieve breakthroughs using BCD, but ultimately fail to attain the state goals of the peace process?

It is important to understand how BCD functioned in the different channels of Palestinian-Israeli negotiation and what impact it had on the peace process during the seven years that are covered in the cases.

### ***Function: How does it work?***

Since research on international negotiation has not focused on BCD as a comprehensive phenomenon, I survey discrete areas of literature in Chapter 2 for their insights into the characteristic elements of BCD identified in the definition. The cases themselves provide empirical evidence of how BCD operates. From the perspective of the political decisionmaker as well as the negotiator, BCD is used to take advantage of one or more of its intrinsic benefits, which are described and analyzed in detail in the case chapters.

### ***Impact: What effect does BCD have on peace processes?***

Decisionmakers choose different methods of diplomacy according to their knowledge, interests and skills. In order to make better decisions regarding the use of BCD, the particular consequences of using it, both positive and negative, need to be made available to policymakers. The consequences of BCD in the case studies are traced and

analyzed.

Front channel Palestinian-Israeli negotiations have by and large either failed or resulted in deadlocks while back channel negotiations have succeeded in generating signable written agreements endorsed by the highest political authorities of each side. At Oslo, the back channel resulted in mutual acceptance of each side's leadership, a key obstacle in many peace negotiations. The constant re-negotiation of the implementation agreements suggests that back channels are effective but that newcomers to the negotiations seek to distinguish themselves from agreements already made in the dark by renegotiating certain aspects. The paradox is that BCD results in agreements that would not be attainable by normal diplomatic means, while at the same time bearing within it the seeds of its own undoing.

**Table 1.1: Research questions, purpose, inquiry**

RESEARCH QUESTION:  
 Why did the parties achieve breakthroughs using BCD, but ultimately fail to attain the stated goals of the peace process?



	<b>Knowledge needed</b>	<b>Sources</b>
1	What is back channel diplomacy?	Tentative but systematic definition based on empirical evidence is offered in Ch. 1, ¶ 1
2	How does it <i>operate</i> ? Why do decisionmakers choose to use it?	Theoretical literature and empirical evidence provide insight into the dynamics of secrecy and other variables in negotiation, and the benefits of BCD
3	What is the <i>impact</i> of using BCD in international conflicts?	Case studies show what the particular impact of BCD has been in the Palestinian-Israeli peace process

## **Negotiations between Israel and the Palestinians**

BCD is the standard negotiating procedure in Israeli-Palestinian diplomacy. Despite having overcome legal and logistical barriers to negotiating openly with each other, they continue to use BCD. The Palestinian-Israeli peace process is conducted along multiple channels, both secret and open. This approach is used for both interim arrangements and 'permanent status' issues.

The peace process essentially concerns the political status of the territory and Palestinian inhabitants of the West Bank (referring to an area lying to the west of the Jordan River) and the Gaza Strip (a Palestinian enclave on the Mediterranean coastal plain), and the conditions under which Israel will accept any change in their political status. Part of British-controlled Mandate Palestine was conquered and occupied by Zionist forces in 1948 and became the territorial foundation of the state of Israel. Upon the termination of the British Mandate in Palestine, the West Bank and Gaza came under Jordanian and Egyptian control, respectively, from 1949-1967. In the aftermath of the June 1967 War, the West Bank and Gaza were occupied by Israeli forces. Different Israeli political parties considered the occupied territories alternately as sources of bargaining leverage for eventual peace deals with neighboring states, or as new territory to be annexed and settled by Israelis. Actual Israeli policy since 1967 has been a mix of both of these policies.

### ***Multiple, parallel negotiation channels***

The Palestinian-Israeli peace process was officially launched at the Madrid Peace Conference of October 30, 1991. It marked the first time that official Palestinian and Israeli delegations openly met with the purpose of negotiating peace arrangements. These bilateral Israeli-Palestinian negotiations, though historic, did not produce any agreement. There was, however, a secret 'back channel' of negotiation between the PLO and Israel taking place in Norway, removed from the Madrid process and hidden from the official delegations ultimately resulted in the first Palestinian-Israeli peace agreement, the

Declaration of Principles on Interim Self-Government Arrangements (the “Oslo Accord”), initialed on September 9, 1993.

***Separation of interim and permanent status issues, 1991-1998***

The fundamental characteristic of the Israel-Palestinian peace process is its ‘incrementalism’. This refers to a process in which a time period for conducting negotiation is defined early. The initial accords are used to reach agreement on principles and frameworks. Later accords address issues that have a progressively greater impact on the situation on the ground, issues that require positive implementation actions. The incremental process postpones negotiations on the most complex and difficult issues until the end. Incrementalist peace processes (also called staged or sequentialist peace processes) are structured on the assumption that it will be easier to reach agreement on principles, frameworks and other issues that do not require any immediate change in the status quo. As agreement is reached successfully on issues of increasingly greater importance, the hope is that the parties will build enough trust in each other and the negotiation process to negotiate the most difficult issues that they had previously set aside, and conclude a comprehensive peace treaty.

The Palestinian-Israeli peace process explicitly is structured on a ‘declaration of principles’ in which the parties first pledged to reach agreement on interim issues related to the establishment of Palestinian self-government, and the territorial extent of self-government, which requires the withdrawal of Israeli military forces from Palestinian territory. This was to take place during an ‘interim period’ of five years. At the conclusion of the interim period, the negotiators hoped to have finished work at least on a new framework agreement setting out the principles according to which they would seek agreement on the so-called ‘permanent status’ issues. After this they hoped to transition into a stable bilateral and regional peace arrangement.

Since the Oslo breakthrough in September 1993, Israel and the PLO have conducted almost continuous negotiations that resulted in three major interim accords, and several other issue-specific agreements. The major issues of the interim period were the incremental withdrawal and redeployment of Israeli troops from the large Palestinian cities in the West Bank and Gaza, the dismantlement of the Israeli Civil Administration and transfer of administrative powers to the Palestinian National Authority (PNA), and joint Palestinian-Israeli security cooperation against terrorism.

Both front and back channels were used simultaneously throughout the post-Oslo period by each of the three Israeli governments that came to power since 1992, including the rightist (Likud party) government of Prime Minister Binyamin Netanyahu that lasted from 1996 to 1999.

Regarding the permanent status talks, both front and secret channels were used for negotiations. The five final status issues are

- Status of East Jerusalem
- Jewish settlements in the Occupied Territories
- Palestinian refugees and their right of return
- Final borders and political status of Palestine
- Israel's security concerns

By deferring these issues until the permanent status talks, incrementalism meant that both sides were no longer demanding satisfaction of their demands as a precondition for further talks. The outcome of the permanent status was clouded by considerable uncertainty. Rather, they accepted the fact that to reach any agreement, they had to refrain from discussing these issues.

Traditionally, the parties' respective positions on these issues have been clearly incompatible, especially when considered as a comprehensive set of inseparable demands. The issues are in fact, highly interrelated, making concessions on any one of them costly and bridging proposals difficult to formulate. The positions are presented here in table format (Table 1.2) and are considerably simplified policy statements. The format does not account for the breadth of debate among parties, factions and individuals within each side. Nor does it mention here the potential concessions that have been articulated by the sides at any time.

**Table 1.2: Final Status Issues, with some traditional Israeli and Palestinian policies**

	<b>Final Status Issue</b>	<b>Israel</b>	<b>Palestine</b>
1	<b>Jerusalem</b>	Unified halves (East and West) of Jerusalem comprise the eternal capital of Israel	Arab East Jerusalem is occupied territory since the June 1967 war. E. Jerusalem (including the Old City) is “al-Quds” the capital of Palestine. The city should not be divided; both states to have their capital within it
2	<b>Refugees</b>	Israel did not expel the refugees, and has no moral or legal responsibility for them. They cannot return to Israel, except small numbers for family reunification.	The refugee problem was caused by Israel; some were expelled from their homes by force. Refugees have a right of return to their lands and properties in Israel. They are also entitled to compensation
3	<b>Borders</b>	The borders of the West Bank and Gaza prior to June 1967 are not relevant. Offer Palestinians between 50 and 90% of the land for a future political entity that will not amount to a sovereign state, perhaps confederated with Jordan.	All of the Gaza Strip and the West Bank, including E. Jerusalem, are occupied territory and are the territorial basis for the state of Palestine and must be evacuated by the Israeli armed forces and civil administration. Confederation with Jordan is a possible option
4	<b>Settlements</b>	The vast bulk of the settlements, especially those constructed around East Jerusalem and along the Green Line (pre-June 1967 border between Israel and the West Bank) and the settlements in the Jordan Valley and elsewhere, to be incorporated into Israel	All settlements to be evacuated and the territory returned to prior owners, communities for private or public use.
5	<b>Security</b>	Jordan Valley is the Israeli ‘security border’. There can be no Palestinian army and no presence of any foreign troops in Israel or the territories west of the Jordan River.	Crossings between the West Bank and Jordan, and between Gaza and Egypt, must be controlled by the Palestinian state. Israeli troops must be withdrawn from all the occupied territories. Palestinians to maintain their own internal security forces. UN Peacekeeping troops sought to protect Palestinians

According to the interim arrangements, a permanent status agreement should have entered into force on May 4, 1999 at the conclusion of a five year interim period that started on May 4, 1994 when Israel began its first withdrawal from the Gaza Strip and Jericho in the West Bank. During the interim five year period (1994-1999), the parties hoped to build confidence in each other and the negotiation process, while simultaneously conducting the interim and final status negotiations on separate tracks.

May 4, 1999 came and went without any noticeable progress on final status issues having been made in front channels. Despite the absence of negotiated progress on the final status, PNA President Arafat backed away from making his promised unilateral declaration of Palestinian statehood. At that moment Israeli Prime Minister Binyamin Netanyahu was just two weeks away from a new electoral contest.

Former army chief of staff Ehud Barak and his Labor-led coalition handily defeated Netanyahu at the polls and set about on a re-energized program of negotiations with the Palestinians and Syria. Barak committed himself to an accelerated withdrawal of Israeli forces from Lebanon, with or without a bilateral agreement with Syria, which caused Palestinian negotiators some concern about Barak's negotiation priorities since they did not want to be sidelined by Israeli-Syrian talks. The end of the interim period arrived without the Israeli redeployments in the West Bank having been completed, and without any permanent status agreement. The Barak government at first sought to persuade the Palestinians to proceed directly to a final status arrangement and skip the rest of the interim redeployments. The Palestinians insisted on finishing the interim redeployments first.

### ***Overview of the cases***

The three cases of Palestinian-Israeli negotiation are briefly presented here. They represent an ideal real-world ‘laboratory’ of international negotiations because they share numerous variables that are thus controlled for, such as the parties involved, cultural factors, the overall conflict of which they are a part, the relatively short time frame in which they took place, the international political and economic context in which they took place, among others.

The numerous Palestinian-Israeli negotiations are grouped into three chapters for analytical clarity. First is the Madrid peace process. Its Israeli-Palestinian Track functioned from October 1991 to September 1993. The process began with a multilateral conference in Madrid, Spain which was followed up by direct talks between delegations from Israeli and Arab national delegations. The second case chapter concerns the Oslo Channel which operated in secret from January 1993 to September 1993. The third case chapter begins in September 1993 and covers all the negotiations that followed the Madrid process and the Oslo Channel.

#### ***Madrid peace process (October 1991-September 1993)***

This is the first historic instance of *official* negotiations between the Palestinians and the Israeli government. Israel sought to exclude the PLO from direct participation in these talks and instead conducted them with notable Palestinians living in the Occupied Territories. The talks were conducted in Rome, Italy and Washington, DC after an initial peace conference was opened in Madrid, Spain on October 30, 1991. The conference and its ensuing bilateral tracks were the product of intense shuttle diplomacy by US Secretary of State James Baker, III. The bilateral negotiations continued for two years until September 1993 without resulting in an agreement, at which point they were overtaken

by the revelations of a secret parallel negotiation channel in Oslo. The Madrid Conference and the ensuing Israeli-Palestinian bilateral negotiations are analyzed in Chapter 4.

*Oslo peace process (January 1993-September 1993)*

For a variety of reasons which will be explored in this study, a back channel was opened between Israel and the PLO during the last year of the Madrid process. The back channel negotiations took place in and around Oslo, Norway, with the facilitation of the Norwegian government. These negotiations were held from January 20, 1993 to September 1993 and were held with the knowledge of the highest political authorities on each side. At Oslo, the negotiators achieved a breakthrough. They drafted and initialed a Declaration of Principles and exchanged letters of mutual recognition, a plan for incremental Palestinian autonomy based on future negotiations and mutual pledges not to alter the status quo in the Palestinian territories during a five year interim period. The emergence and unfolding of the Oslo Channel are the subject of Chapter 5.

*The interim period (1993-1998)*

This case begins after the failure of the Madrid Process and the successful conclusion of the Oslo talks. All Palestinian-Israeli negotiations after September 1993 followed a pattern whose origins can be found embedded in the Camp David Accords of September 17, 1978: the separation of the negotiation agenda into two interdependent parts; interim and final status issues.<sup>33</sup> The *interim* issues are to be negotiated and implemented during a *transitional* period of five years in which the Israeli military government and armed forces are withdrawn from West Bank and Gaza territory while an elected Palestinian National Authority progressively assumes governmental functions. In

contrast, *final status* talks are to lead to a *permanent* settlement of the Palestinian-Israeli conflict based on United Nations Security Council Resolutions 242 (1967) and 338 (1973) and were to commence “not later than the beginning of the third year of the interim period.”<sup>34</sup>

This case covers the period 1993 to 1998 during which the major interim agreement was negotiated between Israel and the PLO. These accords were concerned with the details of implementing interim measures specified in the Oslo Accords. As a result of these negotiations, the PNA was formed and progressively acquired territorial jurisdiction in the West Bank and Gaza as the Israel Defense Force (IDF) redeployed.<sup>35</sup> Palestinians held elections on January 26, 1996 in which they chose PLO Chairman Yasir Arafat to be the President of the PNA while also electing members of a new lawmaking body, the Palestinian Legislative Commission (the PLC). This election was in one sense, a popular referendum on the peace process and a further rejection of armed conflict as the way toward attainment of Palestinian self-determination.

These negotiations survived numerous crises including incidents of terror by both Palestinian and Israeli rejectionists of the peace process. Besides the grim toll in civilian lives, on November 4, 1995 Israeli Prime Minister Yitzhak Rabin was assassinated by an Israeli law student for having negotiated the Oslo and Interim Accords. In light of the

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<sup>33</sup> See Camp David Accords, Framework for Peace in the Middle East (Egypt-Israel), and Framework for the Conclusion of a Peace Treaty Between Egypt and Israel (Egypt-Israel), September 17, 1978 reprinted in Institute for Palestine Studies, *The Palestinian-Israeli Peace Agreement: A Documentary Record*.

<sup>34</sup> See Declaration of Principles on Interim Self-Government Arrangements (Israel-PLO), September 13, 1993, Article V, reprinted in *Ibid*.

<sup>35</sup> The PNA is the Palestinian governmental structure composed of executive, legislative and judicial branches and as of December 2000 exercised limited sovereignty in the Palestinian territories from which the Israeli military government had withdrawn. The PLO did not cease to exist, but maintains a separate organizational identity from the PNA. The PLO is after all, an umbrella organization of numerous political

political uncertainty, social violence and negotiation stalemate which arose in the period 1993-1998, the parties deliberately set up parallel front and secret channels of negotiation. The multi-channel structure was essential to the conduct and conclusion of the interim accords.

Talks on the final status issues, those issues that were deliberately excluded from the interim stages of the Oslo Accord and its subsequent interim agreements, did not officially begin until the opening ceremony on May 5, 1996 (and did not resume until November 9, 1999). The 1996 opening session established “joint working groups on the final status issues, a steering committee for the negotiations, as well as a secret back channel where [both sides] hoped the real progress would be made.”<sup>36</sup> The impending Israeli elections prevented further work on this.

Prior to the official opening of final status talks, a secret back channel was created to draft a framework agreement for the final status. Heading the Israeli side was Yossi Beilin, Deputy Minister of Foreign Affairs, while the Palestinian side was supervised by Mahmoud Abbas (Abu Mazen), one of the highest PLO officials under Yasir Arafat. From September 1, 1994 to October 31, 1995, a small group of academics under Beilin’s and Abu Mazen’s supervision worked, mostly in Stockholm, to create a draft agreement that would be submitted to both sides’ leadership for approval and could serve as the starting point for the formal, front channel final status negotiations. Rabin was assassinated just four days after the draft framework agreement was completed and as a consequence Rabin never saw it. Rabin’s death cut short the progress achieved in this

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parties and factions. After September 1993, the PLO began transforming itself from a diaspora politico-military organization into a recognized political organization in the West Bank and Gaza.

<sup>36</sup> Uri Savir, *The Process: 1,100 Days That Changed the Middle East* (New York: Random House, 1998), 300.

channel. A series of HAMAS terror attacks weakened the caretaker government of Shimon Peres, who had replaced Rabin as Prime Minister upon the latter's death.

The Peres-led government was voted out of power in May 29, 1996. The 1996 Israeli elections were also seen as a popular referendum on the peace process negotiations insofar as the outcome reflected the strategy of both Palestinian and Israeli rejectionists who worked hard to delegitimize the peace process. The secular right wing Likud party formed a new government under Likud leader Binyamin Netanyahu and sought to redefine Israel's commitment to the signed accords and understandings. Netanyahu's government focused great attention on the construction, occupation and subsidization of Jewish settlements in the West Bank.

Despite its strident dismissal of the peace process begun by the rival political party, the Netanyahu government immediately established a dual channel negotiation structure similar to the one that its predecessors had used. PNA officials and Netanyahu's personal attorney opened a back channel so that Israel could renegotiate provisions of the Interim Agreement. One of the most difficult issues of the Netanyahu years was the withdrawal of Israeli military forces from Palestinian territories, who were supposed to be redeployed in three stages according to the Interim Agreement (the further redeployments, or FRDs). Netanyahu's government refused to implement them, alleging PNA noncompliance with other provisions of the Interim Agreement. This led to a complete breakdown of front channel negotiations. While most observers believed that the peace process was frozen, in reality detailed, secret negotiations were being conducted.

The PLO-Likud back channel negotiations reached the highest levels—secret

meetings between Abu Alaa and Netanyahu—and resolved enough outstanding issues in dispute for the parties to open a front channel negotiation at the Wye Plantation near Washington, DC, with the active mediation of President William Clinton. This summit negotiation process resulted in the Wye River Memorandum, which committed Netanyahu to the FRDs in exchange for Palestinian concessions on security issues, and set a timetable for the resumption of permanent status talks. In the wake of the Wye Memorandum, the Israeli government consequently suffered a political crisis and suspended its implementation of this Memorandum until new elections could be held. After calling for new elections, Prime Minister Netanyahu was unable to form a new government and the peace process came to a virtual standstill. The election resulted in Netanyahu's defeat by former Israel Defense Forces (IDF) chief of staff Ehud Barak. Barak had campaigned on a pledge to reinvigorate the peace process and set himself explicit deadlines in order to achieve his goals.

Front and back channels for both interim and final status negotiations of the interim period to 1998 are the subject of Chapter 6.

### **Outline of remaining chapters**

The remaining chapters are laid out as follows: Chapter 2 is the review of theoretical literature that provides a basis for understanding BCD; Chapter 3 reveals the earliest reported Israel-PLO secret negotiations, and serves as historic context for the case chapters. Chapter 4 concerns the Madrid Peace Conference of 1991 and the bilateral, front channel track of Palestinian-Israeli negotiations that emerged from it and was held in Washington, DC. Chapter 5 analyzes the evolution of the Oslo Back Channel that operated in parallel with the front channel Washington talks and achieved the first real breakthrough in the Palestinian-Israeli peace process. Chapter 6 is the analysis of the negotiations that continued after the Oslo Accords. We analyze these negotiations and the accompanying agreements, paying particular attention to the ongoing use of back channels to reach agreements. At the same time, we observe a progressive decline in the ability of the parties to implement the agreements reached. The role of third parties, subparties, secrecy and other variables is assessed to determine the long term, negative relationship between BCD and the implementation of agreements. Chapter 7 draws together all the Palestinian-Israeli negotiation channels from 1991-1998, and draws conclusions about the contribution of the analytical variables. Furthermore, Chapter 7 sets out the analytical conclusions concerning the benefits of consequences of BCD and outlines a typology of BCD.