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Barriers to Peace in the Israeli- Palestinian Conflict

Editor: Yaacov Bar-Siman-Tov

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© Konrad-Adenauer-Stiftung Israel
6 Lloyd George St.
Jerusalem 91082
<http://www.kas.de/israel>
E-mail: office@kasisrael.org

© 2010, The Jerusalem Institute for Israel Studies
The Hay Elyachar House
20 Radak St., 92186 Jerusalem
<http://www.jiis.org.il>
E-mail: machon@jiis.org.il

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Foreword

One of the main tasks of the Konrad-Adenauer-Stiftung in Israel is to set up a framework for dialog between Israel and its neighbors as a basis for peaceful co-existence in the region. Also because of the historical background, Germany is committed to the safety of Israel as a Jewish State within secured borders and in peace with its neighbors.

The peace process since the Oslo negotiations of 1993 had raised great hopes that an agreement would be achieved in a foreseeable future. This process, however, failed. Later approaches, unilateral steps like the withdrawal from Gaza or the Annapolis round of talks did not bring a peaceful solution any closer either. Today the question is less: “What is the solution to this complicated conflict?” - The conflict is old enough to have produced a series of theoretical solutions. This problem has been discussed enough over the decades; a variety of solutions including all the technicalities have been developed. Today the question is rather: „What prevents the actors from taking the necessary steps leading to a solution? Why is the negotiation process not going ahead, or why a new negotiation process is not getting into motion?”

It seems as if today’s situation is leading back to before the Oslo-process, with the principle of negotiation and the ability to compromise being radically questioned. Among the important obstacles one finds broken trust and mutual fear. The systems of values, cultural and religious backgrounds as well as the national narratives are becoming markedly different, preventing each side from reaching out to the other.

The geopolitical situation has changed since the Oslo negotiations, when one believed that one could primarily handle and resolve the conflict as a local conflict. Today regional and international actors play an increasing role, making the process even more complex. How to overcome these obstacles and still make progress towards peace and reconciliation?

With this publication, which is part of KAS funded research projects, the Konrad-Adenauer-Stiftung aims at fertilizing the dialog. KAS does not want to impose any particular political opinions or approaches. The contributions in this

book therefore do not necessarily reflect the view of the Konrad-Adenauer-Stiftung. The KAS offers not only a platform for dialogue between the conflict parties but also for the intra-Israel dialogue. This is essential not only as a prerequisite to support the necessary political steps but also to ensure the sustainability of a peace settlement.

Dr. Lars Hänsel

Director of the Konrad-Adenauer-Stiftung in Israel

Introduction: Barriers to Conflict Resolution

Yaacov Bar-Siman-Tov

The causes that led to the breakdown of the Oslo Peace Process and the violent deterioration of the Israeli-Palestinian conflict that began in September, 2000 have been extensively discussed in accounts written by the architects of the Oslo peace process and thoroughly analyzed in numerous academic studies. Some ascribed the failure of the peace talks to the nature of the Israeli-Palestinian conflict as an intractable, ungovernable and unsolvable conflict; others blamed the unwillingness of the parties to make the concessions necessary for reaching a settlement; still others blamed the mismanagement of the negotiations, the ill-conceived focus on an interim agreement rather than on a permanent agreement, the failure to address Israeli and Palestinian national narratives and ideas of justice and fairness, the failure of Israeli and Palestinian leaders to forge a coherent and lucid peace strategy or to garner public support for the peace process, and even the ineffective American arbitration.

Between the January, 2001 Taba Summit and the year 2008, the Israeli-Palestinian peace process was effectively caught in a deadlock, despite the numerous proposals that were put forward during that time, which included the Arab Peace Initiative, the Bush Initiative, the Road Map, the Nusseibeh-Ayalon Initiative, the Geneva Initiative, the Saudi peace plan and the Annapolis Peace Conference. While many of these peace plans exhibited varying degrees of success in addressing some of the barriers that led to the breakdown of the talks, none of them fully grasped the extent of the barriers impeding the Israeli-Palestinian peace process. Furthermore, these peace plans did not explore practicable strategies for neutralizing the barriers to the peaceful resolution of the conflict. After the Annapolis Peace Conference, the talks were split into two tracks: Ehud Olmert and Mahmoud Abbas on the one hand, and Tzipi Livni and Ahmed Qurei on the other. The difficulty in renewing the process since then only illustrates the difficulty of settling the conflict. Not only do most of the barriers that prevented its resolution in the past still exist, but they have even been exacerbated since

the beginning of the process in Oslo following the failure of the peace talks and the ensuing violence. Both the Hamas take-over of the Gaza strip and the rise to power of right-wing parties in Israel are evidence that forces on both sides have emerged that cast doubt on or even plainly reject a negotiated settlement of the conflict and prefer continuing the conflict to managing it, whether intentionally or by perceived necessity.

This book calls attention to the pressing need for a thorough discussion of the barriers to the peaceful resolution of the Israeli-Palestinian conflict. This discussion must be directed toward the identification and characterization of the existing barriers as well as toward an examination of the possibilities and means (if any) for addressing and overcoming those barriers. In the absence of such a debate, it is questionable whether it would be at all feasible for the various peace plans to advance toward resolution, and the circumstances would most likely leave the rival parties empty-handed once again and on track to return to a cycle of violence. A comprehensive examination of these barriers to peace can also help assess the prospects for the success of the proposed resolutions (e.g., an interim agreement, a partial peace agreement that would not pretend to end the conflict, a comprehensive peace agreement that would end the conflict but would not bring about reconciliation).

This book outlines the barriers to conflict resolution and typifies them as concrete or non-concrete factors that can prevent or undermine an agreement.¹ These barriers are a result of the nature of the Israeli-Palestinian conflict, its characteristics and history, as well as relations between the parties. Barriers to the resolution of the conflict are the product of the contradictory interests of the parties on fundamental issues, as, for example, territory and borders. However, there are also barriers that arise from differences and contradictions between identities, values, beliefs, historical narratives, collective memories, and the myths and ethos of the parties regarding the origins and development of the conflict, the ways of managing it, as well as the feasibility of its resolution.

These barriers can be strategic, structural or psychological. Strategic barriers relate to security risks involved in making peace in cases where the parties are

¹ For a comprehensive discussion of barriers to conflict resolution see: Kenneth Arrow et.al. (eds.), *Barriers to Conflict Resolution* (New York: Norton, 1995).

required to make concrete concessions (territorial, for instance). Strategic barriers may also relate to the efforts of the parties to maximize their achievements at the negotiation table and to drive a hard bargain at the expense of the other side by employing harsh strategies and tactics, while ignoring the need to build and maintain peace in both the immediate and long-term future.

Structural barriers are shaped by the internal political structures of the negotiating parties. Structural barriers create institutional and bureaucratic constraints that undermine the legitimacy of the peace process and its conditions, costs and benefits. Political institutions and agents, like political elites, parties and interest groups – and also organizations such as the military and other security agencies – may object to the peace process for political, ideological and security reasons. Such players may reject those peace processes that they perceive as a threat to national and security interests. Moreover, there may be groups that violently resist any peace process that contradicts their views. Structural barriers to peace tend to become particularly powerful whenever conditions lead to confrontations between state and non-state actors or between several players that vie for different forms of government and are influenced by vastly different arguments for the legitimacy of the peace process.

Psychological barriers are cognitive, emotional or motivational barriers that are centered around national narratives and collective memories and which hinder any changes in belief systems and attitudes towards the other side or towards the conflict. These psychological barriers affect ways in which information is perceived and interpreted and add to the distrust of the other side and of the peace process. Such barriers are responsible for over-confidence that can impair the ability to direct the course of events. They promote exaggerated expectations for the success of realizing goals, as for example, when they cause the negotiating parties to believe that time works on their behalf and against their rivals. Such barriers promote the importance of absolute values – justice, fairness and equality – and undermine willingness to make concessions, to compromise or to take risks. They undercut the need to set priorities and they warp perceptions of what is to be gained or lost. (One example of this is the tendency to frame peaceful resolution of the conflict in terms of losses rather than gains). These psychological barriers obstruct the ability of each side to assess the actions and intentions of the other side correctly. They also create bias mechanisms that affect the interpretation of each side's goals and strategies and further cause each of the negotiating sides to

underestimate the commitment of the other side to resolving the conflict and to making concessions. All of these barriers are interrelated and influence each other to the degree that it is, sometimes, difficult to separate them from one another.

This book presents ground-breaking, original research; it presents the efforts of Israeli researchers, who use a broad range of theoretical and empirical methods from a large number of disciplines to re-examine the barriers to the resolution of the Israeli-Palestinian conflict. This volume focuses on the unique characteristics of the Israeli-Palestinian conflict that give rise to the unique barriers – structural, strategic, political, psychological, historical, cultural and religious – that prevent or hinder its resolution. The barriers to peace described in this volume are set in the deeper strata of the conflict – national identity, values, belief systems, historical narratives, and collective memory – and they underscore the fundamental differences between the two sides with regard to their understanding of both the conflict, in terms of its characteristics and components, and of the possibilities for its resolution. Although the barriers discussed in this volume have been addressed before in academic publications, they have never before been assembled so as to provide a comprehensive picture that reflects the complexity of the challenge that the Israeli-Palestinian conflict presents. The novelty of the present research volume can be found in its endeavor to suggest ways for overcoming the barriers to the resolution of the Israeli-Palestinian conflict with a view to promoting a settlement.

This volume is composed of three main sections. The first section, consisting of four chapters, is dedicated to a discussion of psychological and sociological barriers to peace. The second section, which consists of five chapters, is concerned with barriers to peace that are rooted in Israeli and Palestinian narratives, values, culture, religion and perception of time. The third section, composed of three chapters, discusses substantive, strategic, political and legal barriers to peace. Admittedly, this division is somewhat artificial. Since the distinctions between the different types of barriers to peace are somewhat woolly and undefined in both subject matter and content, the barriers are often quite similar and not infrequently overlap and are clearly connected with one another. For example, psychological barriers can be said to be shaped by the nature of the conflict. A protracted and intractable conflict creates socio-psychological bias mechanisms, frames the narratives and collective memories of both sides, and magnifies the cultural-religious-ideological differences between them to such a degree that these factors

can actually become *barriers* to the resolution of the conflict. Furthermore, neither the proposed distinctions between barriers nor their order of appearance are in any way intended to indicate that some barriers are more "important" or "severe" than others. In fact, only a comprehensive account that includes all the barriers to peace can provide an accurate and overarching picture of the obstacles impeding the resolution of protracted and intractable conflicts, such as the Israeli-Palestinian conflict.

The first chapter, "Socio-Psychological Barriers to Resolving the Israeli-Palestinian Conflict: An Analysis of Jewish Israeli Society", by Eran Halperin, Neta Oren and Daniel Bar-Tal, posits that one of the main reasons why substantive disagreements in the Israeli-Palestinian conflict have not yet been resolved and are unlikely to be easily resolved in the future is the existence of socio-psychological barriers that prevent the conflict from being resolved through peaceful means. These barriers reflect a range of cognitive, emotional and motivational processes which, together with the psychological repertoire that is found on both sides of the conflict, lead to twisted, biased, and selective methods of processing information and everything else that relates to the conflict. These methods prevent new information from being processed that could contribute to the advancement of peaceful means of resolving the conflict. The analysis in this chapter is focused on the Jewish-Israeli side of the conflict. While the researchers claim that similar barriers exist on the Palestinian side as well, they contend that their decision to focus on the Israeli-Jewish perspective is based on their more intimate familiarity with this society and claim further that Israel, given its control of the territories, wields the resources and ability to enforce a resolution for the conflict.

The first part of this chapter lays out the general conceptual framework of the socio-psychological barriers to the peaceful resolution of the conflict. These barriers include beliefs that support the conflict – both ideological and social beliefs constructed around the ethos upholding the conflict – as well as collective memories. These socio-psychological barriers further include circumstantial beliefs that are formed in a particular context and are influenced by circumstances (thus, for example, distrust of the other side's political leader could be the result of that leader's political weakness and could change in response to changes in his political power). Finally, negative emotions, such as fear or hatred, are also included among socio-psychological barriers to peace. The second part of this chapter is dedicated to an analysis of the central issues of the Israeli-Palestinian

conflict as they are manifested in the negotiations: territory and borders, the character of the Palestinian state, the issues surrounding Jerusalem, settlements and the Palestinian refugees from 1948 and 1967. This analysis also addresses opinions found among the general Israeli public vis-à-vis these issues. The third section of the chapter lists the main socio-psychological barriers that impede the advancement of Israeli society toward possibilities for peaceful resolution of the conflict. These barriers include beliefs and ideologies that support the conflict; beliefs regarding Israeli-Palestinian goals in the conflict; negative portrayals of Arabs; Israeli society's belief in its own victimization; Israel's positive self-image as a virtuous and moral military power; decline in the centrality and importance of ideas of peace in Israel; circumstantial beliefs that support the conflict, including distrust of the desire or ability of the Palestinian leadership to reach a peace agreement; the belief that time works for the benefit of Israel, as well as various emotional barriers such as fear and hatred.

The researchers' conclusions pointed to the centrality of socio-psychological barriers within Jewish-Israeli society and to the important role these barriers play in preventing the resolution of the conflict. The primary influence of such socio-psychological barriers is in selective processing of information about the conflict and in blocking out new ideas about peace and the prospects of peace.

In the second chapter, "Barriers to Resolving the Conflict with Israel: The Palestinian Perspective", Yohanan Tzoref focuses on the main barriers to peace that influence decision-making and deliberation processes on the Palestinian side, particularly among the political leadership. Although these barriers to peace resemble those that Egypt and Jordan also faced when preparing to sign peace agreements with Israel, they are much more deeply entrenched and difficult to uproot in the intra-Palestinian context. This is due to the uniqueness of the Palestinian situation and the fact that the Palestinians are a non-state actor which has yet to experience independence. Tzoref distinguishes between a number of different types of barriers. Structural barriers include intra-Palestinian divisions and inter-organizational rivalry, particularly between the PLO and Hamas, as well as the involvement of other Arab states in the Palestinian conflict. Territorial and geographic barriers stem from the difficulty of accepting a compromise along the lines of the 1967 borders because of Palestinian narratives of the Palestinian right to the land, despondency at the prospect of achieving a two state solution, and the Palestinian Diaspora scattered throughout many regions and countries

and mired by problems and alienation created by the status of the Palestinians as refugees. Identity barriers stem from tensions surrounding the desire to preserve national identity in the absence of a state, fear of losing the old national identity when the state is established, and apprehension towards the possibility that the so-called "holy" armed resistance against Israeli Occupation will cease to be considered a central pillar of Palestinian identity. Psychological, religious and cultural barriers take a number of forms, including the demand for the correction of a historic injustice, namely the establishment of the State of Israel and the birth of the Palestinian refugee problem; defeatist and victimizing psychological complexes; and a culture of denial and repression. Political barriers are the result of a weakened trust in politicians, deficient political mechanisms for managing disputes and political discord, and a culture of rhetoric constructed around hackneyed clichés that constrain both the Palestinian political leadership and the general public. Despite the sheer magnitude and intensity of these barriers to peace on the Palestinian side, Tzoref points to Israel in her treatment of the Palestinians as a force for neutralizing these barriers and for paving the road to peace. He enjoins Israel to improve its treatment of the Palestinian people and to increase its concern for Palestinian needs and rights.

In the third chapter, "Conceptual-Cognitive Barriers to Peace in the Israeli-Palestinian Conflict", Ifaz Maoz discusses conceptual bias mechanisms and the ways in which they influence political opinions on both sides of the conflict. The chapter is divided into three parts. The first part of the chapter discusses the conceptual bias mechanisms that characterize the Israeli-Palestinian conflict. These conceptual bias mechanisms are responsible for irrationality, distortions of reality and ultimately, the persistence and escalation of the conflict. They include negative perceptions of the rival side and its behavior, intergroup biases and reactive devaluation biases. The second part of the chapter focuses on an empirical analysis of these bias mechanisms and their contribution to the collapse of the Oslo peace process. This section deals with the intractable character of mutually negative images, reactive devaluation bias, failed Israeli-Palestinian military and security cooperation, the persistence and escalation of negative perceptions and distrust, the assimilation bias (also known as the "confirmation bias"), the paradox of group identity, as well as other cognitive biases. The concluding third part of the chapter proposes ways to neutralize cognitive biases in order to promote a settlement, whether by introducing an arbiter, incorporating

women in the peace process, or promoting face-to-face meetings, open dialogue, joint activities and peace education.

In the fourth chapter, "Fear as a Barrier to and an Incentive for the Resolution of the Israeli-Palestinian Conflict", Nimrod Rosler depicts fear as a factor that generally fuels intractable, prolonged conflicts by functioning as a psychological barrier to peaceful conflict resolution, but which occasionally, under some circumstances, can also function as an incentive that actually *promotes* conflict resolution. Fear arises in situations of conflict as a result of threat or danger on the individual or societal level. Its basic role is to help individuals and society as a whole survive and adapt to the conflict on the physical and collective levels. Thus fear can act as a barrier to peace by effectively causing people to hold fast to positions and behaviors that sustain the conflict because of their distrust of the other side and because of their unwillingness to take the risks that are necessary for its resolution. On the other hand, fear of the risks that the prolongation or escalation of the conflict can also promote diplomatic initiatives aimed at resolution. In their ability to frame fear either as a barrier to peace or as an incentive for resolving the conflict, political leaders have demonstrated their tremendous power to influence, at different stages of the conflict, public opinion in either direction.

The fourth chapter is divided into two main sections: a theoretical section and an empirical section. The theoretical section provides several definitions of the concept of "fear", surveys a number of theories about the subject, and discusses its psychological, social, and political implications. The theoretical section also analyzes the circumstances that cause fear either to function as a barrier to conflict resolution or, alternatively, to act as an incentive for resolving the conflict. The empirical section of the chapter presents Israeli policymakers' political uses of the concept of "fear" and the consequences of this type of politics on Jewish-Israeli society in Israel, particularly after the collapse of the Oslo Accords and in the wake of the ensuing violence. The present circumstances, which are marked by increased mistrust, heightened instability, and greater security threats, further accentuate the role that fear plays as a barrier to peace. However, alongside its negative effects, fear is also an incentive that can promote Track II diplomacy (e.g., the Geneva Initiative and the Nusseibeh-Ayalon Initiative) and can help to prove diplomacy a more effective method of dealing with security threats and fear. While former Israeli Prime Minister Ariel Sharon, believing there to

be no Palestinian peace partner and scornful of the prospects of resolving the Israeli-Palestinian conflict peacefully, dismissed the Geneva and Nusseibeh-Ayalon initiatives as irrelevant, these diplomatic initiatives did compel him to implement his unilateral disengagement plan as a means of stabilizing the security situation.

In the fifth chapter, "National Narratives and the Resolution of Identity Conflicts", Yehudith Auerbach argues that the barriers to the peaceful resolution of the Israeli-Palestinian conflict are first and foremost a result of the nature of the conflict as an identity conflict rooted in conflicting national narratives and meta-narratives, which can not be bridged at this stage. The chapter is broken up into a theoretical section and an empirical section. The theoretical section draws distinctions between different types of international conflicts, between identity and material conflicts, and between meta-narratives and national narratives that determine the nature of the conflict as an identity-based conflict. Whereas meta-narratives include the ethos of a people and its conceptual and ideological frameworks, national narratives are concerned with self-determination, ancestral connection and right to the land (especially if there is a territorial dispute), and relations with the rival nation. By providing a conceptual framework for ideas of national exceptionalism, national cohesion and national endurance, meta-narratives and national narratives function as key sources behind the formation of national identity. Unfortunately, the very same narratives have also proven to be the most pronounced barriers to peaceful resolution of conflicts, and while meta-narratives are considered impossible to alter or overturn, and are often regarded as holy and treated as protected values, national narratives are malleable enough to be reconstructed as necessary in order to allow for the resolution of conflicts. Still, national narratives need to be reworked and reconstructed to a large degree, and such serious conceptual and emotional changes are often difficult for societies with a long history of intractable conflict. The empirical section of the chapter is an in-depth analysis of Israeli and Palestinian meta-narratives and national narratives, as reflected in their founding documents and declarations, including the Israeli Declaration of Independence, the Palestinian National Charter and the "Future Vision of the Palestinian Arabs in Israel" published by the High Follow-Up Committee of the Arab citizens of Israel. Auerbach's study leads to the inescapable conclusion that the gaps between the narratives are staggering and impossible to bridge at present. Nevertheless, both sides must demonstrate their

willingness to rework their national narratives together as it is highly unlikely that without such a reworking it will be possible to reach peaceful resolution of the conflict.

In the sixth chapter, "Barriers to Peace: Protected Values in the Israeli-Palestinian Conflict", Shiri Landman contends that protected values are key barriers to a peaceful resolution of the conflict. Protected values are distinct, fundamental values which are perceived by a particular social group as sacred values that are not open to compromise and cannot be replaced or abandoned. They hold a taboo status and their violation is likened to the violation of society's ethical and moral principles. The widespread objection found on both sides of the Israeli-Palestinian conflict to any form of compromise over the core issues at the heart of the conflict – permanent borders, settlements, Jerusalem and Palestinian refugees – should be understood as resistance to the violation of protected values. Both the Israeli and Palestinian sides relate to these issues, and particularly to the questions of the future of the Temple Mount and the Historic Basin in the Old City of Jerusalem and of the Palestinian Right of Return, as protected values that are not open to discussion, negotiation or compromise. The power of protected values is based in national narratives and meta-narratives of the conflicting nations.

This chapter is comprised of three parts: the first section is primarily theoretical. It introduces the term "protected value" and describes the psychological response mechanisms to proposed compromises over protected values. The primarily empirical second part of the chapter explores the connection between protected values and core issues in the Israeli-Palestinian conflict. It focuses on Israeli and Palestinian regard for core issues as protected values as exhibited in public opinion polls and analyses of positions expressed on each side. Both societies are currently dominated by an extremely deep-seated discourse constructed around ideas of "ethical objection" that will undoubtedly necessitate wide-scale public support in order to change. The third section of the chapter suggests several strategies that may help weaken moral objections to proposed compromises over core issues of the Israeli-Palestinian conflict by drawing distinctions between different propositions for compromise over protected values.

In the seventh chapter, "Justice and Fairness as Barriers to the Resolution of the Israeli-Palestinian Conflict", Yaacov Bar-Siman-Tov posits that the Palestinian demand for achieving a "just peace" as a precondition for peaceful resolution of

the conflict has the power to undermine any chances of reaching a settlement and should thus be considered a barrier to peace. The Palestinian demand for a "just peace", as defined by Palestinian statesmen and scholars, has focused primarily on the injustices inflicted on the Palestinians by Israel in the 1947-8 War – e.g., the mass deportations that created the Palestinian refugee problem. Thus, they argue, unless Israel accepts responsibility for the deportation of the Palestinian people from their land and agrees to a "just solution" to the refugee problem, as defined by the Palestinians, there will be no settlement to the Israeli-Palestinian conflict. The Palestinians demand that the Palestinian refugees be allowed to return to their homes in Palestine (i.e., in pre-1967 Israeli territory) although they are, in principle, willing to negotiate over the number of refugees that will be allowed to return. The Palestinians are unwilling, however, to accept responsibility for the outbreak of the 1947-8 War or for its outcomes, one of which was the birth of the Palestinian refugee problem. Israel refuses and has historically refused to accept these Palestinian preconditions to a settlement; it refuses both to assume responsibility for the creation of the Palestinian refugee problem and to allow the Palestinians to resettle within Israel's borders in accordance with the Palestinian "Right of Return". However, Israel has agreed to allow a limited number of refugees to settle in Israel, not because of the Right of Return but for humanitarian considerations, primarily family reunification.

This chapter is broken up into a theoretical section and an empirical section. The theoretical section discusses the concept of "Justice" and its relation to peace, either as a necessary condition for or as a potential barrier to reconciliation, as conceptualized through different paradigms. The empirical discussion analyzes the narratives of both sides of the conflict. Bar-Siman-Tov examines the Palestinian demand for a "just peace" according to its official formulation in negotiations from the Oslo Accords of 1993, through the Taba Peace Conference of 2001, and into the Track II diplomatic initiatives (*viz.*, the Geneva Initiative and the Nusseibeh-Ayalon Initiative). The Palestinian demand for a "just peace" is then reduced to its components: transitional justice, distributional justice and corrective justice. The chapter concludes that the Palestinian claim for a "just peace" was in fact a barrier to peace in formal negotiations, but did not present a barrier to peace in the Track II diplomatic initiatives.

The conflicting historical narratives of both sides regarding the historical injustices committed and the ways to rectify them present the Israeli-Palestinian

conflict as a classic study case of the link between justice and peace. The link between the two issues of justice and peace is incredibly important, cannot be overlooked, and demands the attention of both sides. Given the intractable and unbridgeable divide that separates the two sides on the issue of justice and peace, it should not be addressed until later stages of reconciliation and should be avoided during the stages of forging a settlement of the conflict.

In the eighth chapter, "Cultural Barriers in the Israeli-Palestinian Conflict", Ilai Alon examines the ways in which cultural differences between Israel and the Palestinians present barriers to negotiating a settlement and asks whether and how these cultural barriers can be overcome. A "cultural barrier" is defined as an impediment or hindrance to the process of conflict resolution that is caused by cultural misunderstandings, inconsiderateness or insufficient familiarity with the culture of the opposing party. While Alon's research in no way suggests that cultural barriers are wholly responsible for the failure of the peace process, it does underscore the important role that cultural differences play in international conflict resolution and why they deserve rigorous attention from the academic and diplomatic communities. Alon's conclusions are based on several lines of reasoning: (1) the cultural frame of reference of each individual shapes his or her perceptions and conduct during negotiations; (2) cultural framework and environment denote vague and woolly institutions that are difficult to study; (3) the grave consequences that might follow a failure to address in full, or even adequately, the cultural aspect of the negotiations, regardless of whether such failure is intentional or unintentional. The most difficult issue associated with cultural gaps is, it seems, connected to perceptions of the trustworthiness of the opposing party in the face of divergent conceptions of fundamental issues such as the nature of peace and upholding agreements and commitments. This chapter incorporates a theoretical and empirical discussion. The theoretical discussion presents a typology of cultural barriers, which include barriers arising from the conflict between self-identity vs. the other, collectivism vs. individualism, power and value gaps, and different perceptions of uncertainty and time. The empirical section examines particular cultural differences between Israel and the Palestinians, with a focus on Islamic culture in the Arabic-speaking world.

In the ninth chapter, "Religion as a Barrier to Reconciliation in the Israeli-Palestinian Conflict," Yitzhak Reiter examines the role of religion as a universal barrier in ethnic conflicts worldwide, and within the Israeli-Palestinian conflict

in particular. The religion barrier exists in a situation where religious values and symbols prevent any possibility of negotiation and compromise as a means for settling a territorial dispute. In the chapter, Reiter contends that religion presents a barrier to conflict resolution when some or all of the following conditions exist in both societies: (1) the values of the religious belief system enshrine war and continued control of holy sites and holy territories, while denouncing any possibility of negotiation or compromise over these values; (2) religious values dominate the general public discourse among even the secular or loosely observant parts of society in such a way that religious symbols and values become an integral part of their identity so that they are not open to compromise; (3) religious parties that espouse religious values and actively use their influence to disseminate religious values wield decisive political power (whether in itself, or because it is in the position to tip the scales in a deeply divided political system or because it has the ability to convert large political alliances into political blocs); (4) radical activities are perpetrated by individuals or movements motivated by a nationalist-religious ideology that can undermine successful diplomatic negotiations by carrying out political assassinations or large-scale terrorist attacks (5) radical elements recruit zealous "warriors" from outside the society or contested territory.

Following the theoretical discussion of these five conditions, the article examines whether these conditions are fulfilled on either side of the Israeli-Palestinian conflict. Here, the article shows that the importance of religious values and the influence of religious players is more pronounced in Palestinian society than in Israeli society, because Palestinian society is less secularized and because of the power Hamas wields through its paramilitary organization with a wide base of popular support. The important role that these conditions play in the Israeli-Palestinian conflict demonstrates the great degree to which religion functions as a substantive barrier to resolving the conflict.

In the tenth chapter, "The Time Factor as a Barrier to the Resolution of the Israeli-Palestinian Conflict", Dan Zakay and Dida Fleisig examine ways of relating to and conceptualizing time and its impact on processes of deliberation and negotiation. Their research analyzes the degree to which such factors influence prospects of resolving conflicts through dialogue between representatives of cultures that differ from one another. The chapter is broken up into several subsections: the first section is a general introduction to the concept of time and

its connection to culture and individual personality. The second section is a survey of the reflection of time in conflicts and negotiation processes as well as a discussion of the following topics: the negotiators' treatment of time, perceived urgency of time frame, timetable pressures, time as a source of power, tactical uses of time, the use of timetables and deadlines for delimiting negotiations, the impact of time on building trust relations between the sides, and the implications of a time gap between negotiations and the defined time for implementing an agreement. The third section presents the concept of time in the Islamic-Arab and Jewish-Israeli cultures. The fourth section analyzes the consequences that follow from the different ways of conceptualizing time in relation to the Israeli-Palestinian conflict in both the Israeli and Palestinian cultures. The conclusion of the study leaves little room for optimism concerning the prospects of resolving the conflict. The gap between the concept and conception of time on both sides is considerable, to the point of being unbridgeable.

In the eleventh chapter, "Strategic Decisions Made in the Israeli-Palestinian Peace Process as Barriers to Resolving the Conflict", Ephraim Lavie and Henri Fishman argue that the Israeli-Palestinian conflict can be resolved through negotiations, provided certain strategic barriers impeding or preventing its advancement are overcome. The strategic barriers responsible for the failure of the Oslo process were located in discrepancies between the opposing parties' perceptions of what strategic decisions were needed at different stages of the negotiations. Whereas Israel understood the negotiations to be centered around the outcomes of the 1967 War, for the Palestinians, the negotiations were about the outcomes of the 1947-8 War. The discrepancy between the two approaches was of critical importance, since the Palestinian view included the Palestinian Right of Return in the framework of the negotiations for a solution to the Palestinian refugee problem and implied that without such a solution, the conflict could not be settled. It became clear after the fact that neither side was prepared to make historic strategic decisions that would entail substantive concessions on the issues of borders, refugees or Jerusalem, but instead treated the process as a tactical maneuver rather than a strategic endgame. Furthermore, the negotiations were severely mismanaged, primarily in three areas: (1) the decision to advance incrementally, stage-by-stage, moving from lighter to heavier disputes and from an interim agreement to a permanent agreement; (2) the assumption that trust relations would develop between the interlocutors during the process itself; (3)

the ambiguity surrounding the real meaning of the process, i.e., the nature of the permanent agreement to be reached. To this one might add both sides' violations of the Oslo Accords and the lack of public support for the Accords as major factors that affected the failure.

In this chapter, Lavie and Fishman suggest three ways of improving the peace process: (1) the strategic decisions of the parties must be truly substantive decisions that provide a clearly-defined framework for negotiating a settlement; (2) the interlocutors need to agree on a negotiation strategy that will be in accordance with the substantive decision for negotiating a settlement; (3) the interlocutors need to agree on an authority that can oversee the process and to commit to proceed with the necessary strategic concessions that will be required of them.

In the twelfth chapter – "The Geopolitical Environment as a Barrier to the Resolution of the Israeli-Palestinian Conflict" – Kobi Michael analyzes the complexity of Israel's geopolitical environment and examines the process through which this environment becomes a serious barrier whenever Israeli leaders begin to hesitate about whether to take chances to resolve the conflict. The decision to concentrate on the geopolitical barrier is not intended to imply that it is the primary or the only barrier preventing the resolution of the conflict. Nevertheless, it is undoubtedly an important and pivotal barrier which will, most likely, prevent any progress on the road to peace unless Israel finds a way to meet the challenge. The discussion of the geopolitical environment as a barrier to a peaceful resolution of the conflict includes the physical factors of the conflict's setting and the conceptual factors that are connected to the perceived threats that result from the conflict's violent history and the general mistrust that dominates the relations between the two nations. The characteristics of the conflict and its geopolitical setting have affected the way Israel's security establishment perceives strategic threats and has caused Israel to amplify threats and, as a result, to increase its demands for safety factors (such as territory, early warning, and air space security measures) and security guarantees. Whereas security threats hinder the Israeli government from agreeing to concessions that require security risks as part of an agreement, safety factors and security guarantees may be used to help prepare for potential threats.

In the thirteenth chapter, "The Place of International Law in a Future Settlement of the Peace Process: Barrier or Catalyst?", Robbie Sabel examines

the importance of international law for negotiating a settlement of the Israeli-Palestinian conflict. Pointing to the negotiating parties' manipulation of international law (particularly the Palestinian side) as a means for justifying their narrative and for making demands through negotiations, Sabel shows that international law can present a hindrance and a barrier to a resolution. The chapter includes an in-depth examination of specific dilemmas in international law that arise during negotiations, such as self-determination, Israeli settlements, the Palestinian demand for a Right of Return and a settlement of the Jerusalem issue. The chapter also discusses the role of legal precedent for negotiated settlements, referring legal disputes to a third party to decide, and employing peace keeping forces as part of a settlement. A resolution of the Israeli-Palestinian conflict needs to be anchored in a formal agreement, that is subject to international law. The agreement should use legal terminology and its legal force, implementation and interpretation should be subject to the guidelines of international law.

Overcoming Barriers to Resolving the Israeli-Palestinian Conflict

Yaacov Bar-Siman-Tov

This book presents a detailed study of the various barriers to settling the Israeli-Palestinian conflict, barriers which in their range and complexity have singled out this conflict as a protracted and ongoing conflict. In addition to pointing out substantive, and tangible barriers, this study highlights psychological, religious and cultural barriers that greatly intensify and exacerbate the difficulties in reaching a settlement. These psychological, religious and cultural barriers have framed the core issues of the conflict – Jerusalem, refugees, settlements and borders – not simply as strongly disputed *interests*, but as protected, sacred *values*, rooted in religious belief and historical meta-narratives and not open to compromise.

The force and magnitude of the barriers discussed in this book – in particular their portrayal as protected values – inevitably leads to the conclusion that the likelihood of ending the conflict through a settlement is exceedingly low at present. In the absence of conditions that would be effectively conducive both to overcoming these barriers and to reframing the discussion as a dialogue over interests, which are open to compromise, rather than protected values, it is doubtful that it will be at all possible to resolve the conflict. With such a towering mass of barriers standing in the way of peace, any attempt to settle the conflict at this stage is not only doomed to fail, but is also liable to actually increase despondency at the prospect of achieving peace and to bring about renewed violence between the parties. Political leaders who are committed to true peace need to consider these barriers and chart out new and creative ways to address them.

Under the present circumstances, it seems to be easier to describe or explain the barriers to peace than to answer the question of how can they be overcome. The basic assumption underpinning this study firmly maintains that there is a need to consider ways of addressing and overcoming the barriers on the road to peace – despite their seemingly insurmountable magnitude – in order to encourage resolving the conflict. The researchers in this study present various proposals

of coping and overcoming these barriers. In this chapter, I present the various proposals in brief, many of which share similar or overlapping points, and then proceed to discuss possibilities for resolving the conflict.

One important method suggested in this book of addressing these barriers (Halperin, Oren and Bar-Tal) is to avoid passivity and not to give up hope for reaching a settlement. This method urges both sides involved in the conflict to develop continuously new and creative ideas in order to offset dominant beliefs and perceptions. These novel ideas, which can be termed "catalyzing beliefs," should counteract the firmly-established belief that the conflict is unavoidable and impossible to resolve. Ending the conflict peacefully should be seen as an important value and defined as a national interest regardless of how naïve or unrealistic such a goal appears to a society experiencing a protracted and unrelenting conflict. In the words of Halperin, Oren and Bar-Tal: "The catalyzing belief, which has the ability to provide the impetus and motivation for open-mindedness, flexibility and compromise is founded on the recognition that there is a discrepancy between the future that is desired and the future as it is unraveling and the situation as it is perceived."

The need to reconsider presently-held beliefs and give consideration to alternative modes of thinking is based on the assumption that, in its present state, the conflict will lead to a more negative future and will harm the basic goals and needs of both sides involved in the conflict, and furthermore, that time does not necessarily work for the benefit of either side. This approach is fundamentally rational; it requires both sides to conduct a realistic cost-benefit analysis of the persistence of the situation or of its further deterioration and to employ a hard-headed, disillusioned approach in examining the risks involved in avoiding a settlement. In the final analysis, the costs of prolonging the conflict are likely to be greater than the necessary costs of a compromise for peace, and such a realization should trigger and promote the peace process. Moreover: continuation or further deterioration of the present situation may jeopardize what both sides view as protected values. Such catalyzing beliefs could be nurtured among both sides.

Resolving the Israeli-Palestinian conflict and establishing a Palestinian state alongside Israel are the undeniable interests of every one in Israel who supports the continued existence of Israel as the nation state of the Jewish people. Otherwise, in the absence of a two-state solution, Israel risks becoming a bi-national state,

losing its character as the state of the Jewish people or even becoming an apartheid state – which would contradict its democratic character. The danger of not reaching a settlement presents to Israel's Jewish identity and moral stature and the fear of Israel's de-legitimization around the world should provide the motivation to achieve peace and reach an agreement with the Palestinians. Given these possibilities, it seems that the fear of not reaching an agreement could exceed the fear of the agreement itself (Rosler).

Reaching an Israeli-Palestinian agreement should be defined by both sides as a national interest of primary importance. The Palestinians, who wish to put an end to the occupation and to their people's ongoing suffering and to realize their national aspirations for an independent state, should be equally receptive to adopting such a view. Even if such a process encounters extreme difficulties at its onset and wins over the support of only a small minority because of the memory of Oslo's failure – determination, resolve and active involvement will eventually disseminate the catalyzing belief among the general public. Commitment to an immediate, workable, and peaceful solution as well as preparedness to reach a historic reconciliation between the two peoples in the future will be found on both sides only when a strategic decision is made that galvanizes public support on both sides (Lavie and Fishman). Unless a joint and concentrated effort is made on both sides to increase the legitimacy for the peace process and the peace agreement among the wider public, which will necessarily entail disputed compromises, it is doubtful that the conflict can be resolved.

Such an approach, as noted above, is fundamentally rational, but it also requires each of the sides to cope with its own narratives and protected values. The gap between the narratives of both parties is expansive and unbridgeable at this point, and yet, despite the near impossibility of bridging the gap at the meta-narrative level, there are still aspects that could be reworked to bring the parties closer. An effort could be made to develop a common frame of reference in order to facilitate dialogue over the many different national narratives surrounding both sides' national aspirations for separate, independent political frameworks by cultivating a willingness to recognize and study the contradictions between those narratives. Such a reconciliatory process could be immediately instituted and depends only on the initiative of political and civil society leaders on both sides as well as on the external involvement of a third party. However, even if the two sides are not yet ripe to begin such a process, they could still agree to acknowledge

the fact that they have contradictory narratives which are unbridgeable at present and to postpone working out their differences until the reconciliation stage in order to avoid a situation in which the fundamental differences enshrined in the narratives become, in themselves, barriers to the resolution of the conflict (Auerbach).

Research has shown that, to a large degree, both sides are captives of their own historical narratives and are being victimized by a past that prevents them from reaching any compromise. Although these historical narratives form part of the national identity of each side and should be preserved as part of their national heritage, they should not bind the parties to the past and deprive them of a better future. Moreover, by meshing with religious faiths, the historical narratives of the two nations have effectively labeled compromise a taboo and a religious offence. It is important to emphasize that agreeing to concessions for the sake of peace is not by definition a religious or moral transgression nor is it a betrayal of one's historical narratives and protected values. Quite the contrary: unwillingness to compromise for peace is truly immoral, and future casualties will not forgive the bloodshed of another war (Reiter).

Negotiating protected values poses an equally difficult task that depends on both sides adopting reciprocal strategies that will allow them to carry out extremely difficult and tragic exchanges necessitating mutual concessions. It seems that both sides are not yet prepared to agree to any reciprocal concessions over protected values, but it is important that they are made aware of the possibility of carrying out an extremely difficult exchange whereby one protected value is conceded in order to protect another. In other words, compromise should be framed as a value and moral dilemma. For instance, a territorial compromise could be framed as a means for preserving the Jewish character of the State of Israel. Similarly, a compromise over the Right of Return could be framed as a means for establishing a Palestinian state. While within Israel concessions are increasingly being perceived as posing moral dilemmas in light of the need to preserve the character of Israel as a Jewish and democratic state, this view has not yet won over wide support on the Palestinian side. Another way of coping with the barriers that such protected values pose to reconciliation is to break the taboo surrounding protected values and to demystify them; that is, to redefine the issues as interests rather than protected values. In this way, the mythological discourse might be replaced by a rational discourse that will facilitate negotiations and

the willingness to compromise. Such a process will further make it possible to redefine the controversial issues in terms taken from the world of bargaining and negotiations. Such strategies will depend on mutual agreement and on securing the legitimization of changes that will be dramatic and drastic and are likely to face strong ideological and political opposition that may thwart their progress. Although it is highly doubtful that this alternative strategy will be able to gain wide support since the parties are not yet ripe for it at present, both sides should nevertheless be exposed to it so that they can consider it as a long-term possibility (Landman).

The theoretical arguments presented in this book regarding a formula for reconciling justice and peace may prove helpful in attempting to overcome the problem of justice in the Israeli-Palestinian conflict. Even if the parties should agree to include justice as one of the issues on the negotiating table, it would still be doubtful whether they are prepared to develop a shared frame of justice, let alone work out their differences on the matter. Linking justice to peace in an immutable bond presents yet another barrier to peace which is potentially severely damaging to the prospect of peace as long as it is upheld. In fact, failure to achieve peace is itself a crime against and an injustice to future victims. The goal, therefore, should be to achieve a reasonable compromise between justice and peace. One such possible compromise could be to separate the Palestinian claims for transitional justice from their claims for corrective or compensating justice. A moderate Palestinian demand for transitional justice, such as a demand that Israel acknowledges the suffering of the Palestinian people (but not assume responsibility) – along the lines of the "Clinton Parameters" – could serve as a compromise solution answering the Palestinian claim for transitional justice. Alternately, both sides might agree to accept shared responsibility for the injustices each side inflicted on the other during the conflict, apologize and forgive one another.

Regarding claims for corrective and compensating justice, the two-state solution and the establishment of a Palestinian state alongside Israel should be accepted as an Israeli compromise and settle the claim for corrective and compensating justice. Similarly, the Israeli and American proposals to settle the refugees, *inter alia*, in the territories Israel will exchange with the Palestinians could serve as another compromise that would implement the Palestinian Right of Return. The establishment of a Palestinian state will not only put an end to the

Israeli occupation and the current plight of the Palestinians, but will also enable the implementation of the Palestinian Right of Return within the territories of the Palestinian state. The Palestinian claim to exercise their Right of Return to Israeli territory is utterly contradictory to the goal of establishing a Palestinian state. The establishment of a Palestinian state is a rational, moral and reasonable solution for the refugee problem and one can not advocate simultaneously both the establishment of a Palestinian state and the return of the Palestinian refugees to the State of Israel, thereby jeopardizing Israel's status as the state of the Jewish people. Palestinian insistence that their Right of Return be exercised within Israel will not only prevent the achievement of a peace agreement and the establishment of a Palestinian state, but will also cause more suffering to the refugees and residents of the West Bank and Gaza and increase their feeling that they are being wronged and have fallen victim to grave injustices.

If the two sides are unable to agree on the issue of justice but both wish to reach a peace agreement on the basis of a two-state solution, then it will be better to delay dealing with the issue of justice to a later stage of reconciliation. This will allow both sides to reaffirm the importance of the question of justice within the framework of a peace agreement and to agree that the peace between them will remain incomplete and unstable until they finalize that question. Postponing the debate over the question of justice to the reconciliation stage will make it easier for the parties to overcome the barrier that the question places before them and enable them to examine the question after the conflict between them is settled and mutual trust has been established. At that point, the parties will be more ready to address this extremely thorny, value-based issue (Bar-Siman-Tov).

The starting point for a peace agreement suggested in this book is based on the outcomes of the 1967 War and not that of the War of 1947-1948. The guiding principle should therefore be the formula of land for peace.. The starting point of the negotiations should be defined as the agreement of both parties on the final goal of the negotiations – a two-state solution based on peaceful and secure coexistence. All of the issues are to be put on the negotiation table, but the finalization of negotiations will be based on the principle that "nothing is agreed until everything is agreed." Consideration should be given to prioritizing negotiating an agreement on the "core" issues, following the principle that negotiations should begin with the most difficult issues and gradually move toward simpler ones. The timetable for conducting and completing the negotiations should be pre-defined

and agreed upon in advance (Lavie and Fishman, Tzoref). Additionally, civil society interactions, meetings and dialogue should be maintained throughout, despite the difficulties and intermittent feeling that they are ineffective for changing the situation. These meetings are important, nevertheless, because they support dialogue between the sides and they help create legitimacy for settling the conflict (Maoz). Renewal of the negotiations will demand that both sides mutually acknowledge their cultural and religious differences and attempt to adapt themselves to these differences, not in a patronizing or self-debasing manner, but on the basis of mutual respect and a true sense of equality. These suggestions will help create a relaxed and comfortable atmosphere that will better allow the negotiating parties to both interpret and convey statements and gestures more accurately (Alon, Zakai and Fleisig, Reiter).

Given the gaps between the positions of the parties and the lack of trust between them, there is room to argue convincingly that the Israeli-Palestinian conflict cannot be settled without the involvement of a third party. Both parties depend on resolved, active and particularly effective American mediation to help them overcome the barriers and reach the stage where they are prepared to enter negotiations, and manage the progress, achievement and implementation stages. American mediation must do its best not only to make proposals for bridging the parties' positions, but must also help the parties break away from emotional weights that bind them to national narratives and protected values in order to help them put together difficult deals similar to those presented in this book. The type of mediation here described is unlike anything else the Israelis or Palestinians have ever experienced before; it requires a level of familiarity with the facts of a historian and the sensitivity of a psychologist. It requires a resolute, accurate and unflinching diagnosis of the main problems in the conflict and of the domestic difficulties each side faces at home, as well as helping to mitigate security threats and provide security guarantees and compensation for the critical compromises on protected values, while stressing the great importance of settling the conflict. American mediation should be fair, resort to "carrots rather than sticks" and help the leaders on both sides to increase and broaden legitimacy and support for paying the price of peace. American mediation should help the parties frame peace as a mutual gain rather than a loss and make it completely clear that the two-state solution is the *only* way out of the conflict. In addition, international intervention will be required in order to implement and uphold the

agreement reached through these negotiations. International intervention should include peace-keeping forces and massive economic aid for both parties, mainly for solving the refugee problem on both sides (Michael, Sabel).

Due to inter-Palestinian divisions and the lessons drawn from the failure of the Camp David Summit of July, 2000, there will be a need to garner the support of the Arab League members, or at least that of Egypt, Jordan and Saudi Arabia, for the peace process and agreement, in order to secure legitimacy for the agreement and to make it easier for the Palestinian Authority to justify it, particularly vis-à-vis its potential rejection by Hamas and other Palestinian organizations as well as some Arab states. Wider Arab support will be of help to Israel as well and will facilitate normalization with other Arab countries.

Given the divisions among the Palestinians and their separation into two disparate Palestinian entities – one in the West Bank and one in the Gaza Strip – it is questionable whether the Gaza Strip can be included in an agreement at this stage. Given these conditions, possible political agreements that do not include the Gaza Strip should be considered. Should the split among the Palestinians or failure to reach an agreed solution on the Jerusalem and refugee problems prevent a permanent agreement, it will be necessary to propose partial, interim arrangements that will enable the establishment of a Palestinian state and provide international guarantees for the completion of the process.

The scholars who participated in writing this book are very aware of the difficulties, costs and tribulations involved in peacemaking, which the present analysis of the barriers to peace can attest. We believe that our duty as researchers is to clear the way for peace by informing politicians and the general public of the barriers to settling the conflict along with the options available for reaching a settlement. In this context we are reminded of the late Israeli Prime Ministers, Menachem Begin and Yitzhak Rabin's statements that the pangs of war are greater than the pangs of peace, and that the road to peace is preferable to the road to war.