

December 20, 2004

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Overview

This paper discusses the requisites for successful implementation of a peace agreement in the Middle East. The analysis presented is informed by our research on dispute resolution barriers at the Stanford Center on Conflict and Negotiation, by practical lessons we have learned through our “dialogue” work in Northern Ireland, and by our personal contact with Israelis and Palestinians across the political spectrums in their societies. The starting point for our analysis is the contention that no peace agreement, however “Pareto efficient” the outcomes it envisions may be, can be implemented successfully unless and until both parties can be confident that the other side has the intention and capacity to honor its commitments and to thwart the efforts of “spoilers” who would prefer to see the political and/or military struggle continue. It is only with this confidence that both detailed plans for a final settlement such as those stipulated in the Geneva Accord, and also less specific “roadmaps” calling for a journey of gradual reciprocal concessions toward a still unspecified final destination, can succeed. Without it, neither approach is likely to bear much fruit. Thus detailed agreements about the end-state to be achieved, whether negotiated by governments, NGOs, or private citizen groups, are apt to facilitate the peace-making effort only to the extent that they help to build confidence and dispel pessimism about the value of continued engagement and negotiation. Gradualist, step-by-step, approaches will similarly facilitate such an effort to the extent that they satisfy that same confidence-building criterion.

Confidence building of the sort we emphasize requires more than proposed exchanges of concessions that, if implemented, would better the lives of people in both societies. There must also be dialogue within and between the two societies in which difficult issues are dealt with in a forthright manner. The leadership and elites of the two parties must say not only to each other, but also to each other’s body politic, what they might have heretofore acknowledged only among themselves. In particular, each side’s words and deeds must serve to convince the other side that its vision of the future offers them an acceptable status, a tolerable everyday existence, and a real end to the conflict. Moreover, each side must feel that the end of the conflict will provide mutual security, an end to obvious *injustices* (even if two sides’ sense of full *justice* cannot be satisfied), and a shared commitment to pursue changes only through agreed upon legitimate political means. Less obvious but equally important, each side must also feel that the *other* side is satisfied that *its* most important needs will be addressed; otherwise the other side’s commitment to long-term compliance will be suspect.

We offer concrete suggestions about the types of dialogue in words and deeds that are likely to build and nourish peace constituencies in both societies, and also about the types of dialogues that are likely to increase animosity, intransigence, and reliance upon coercion rather than negotiation. Special attention is paid both to the implications of existing asymmetries in power and to conflicting narratives about the current stalemate, including past injustices and earlier failures to achieve an end to the conflict. The need for mutual acknowledgment of loss is also discussed, both the losses the other side has suffered in the past and the losses—if only the loss of maximalist hopes and dreams—that it will be forced to endure in any peace agreement. Finally, in the aftermath of the death of Yasser Arafat, we address the problem of identifying a “partner” on the other side with whom it is possible to make peace. Drawing lessons from other protracted conflicts, we suggest that search must ultimately be not for a partner who will make unprecedented compromises but for a partner *to whom* one’s side is willing to make such compromises.

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**BUILDING A PEACE CONSTITUENCY:
The Achievement and Implementation of a Peace Agreement in the Middle East**

Two plans for achieving peace in the Middle East through a “two-state solution,” the Geneva Accord (2003) and the Nusseibeh-Ayalon Agreement (2003), have been welcomed by many as antidotes to the pessimism, distrust, and cynical political manipulation that have followed the failure of the Oslo negotiations and their violent aftermath. These plans differ considerably in their complexity and philosophy, but they share a desire on the part of the proponents to specify from the outset the nature of the specific compromises that each side will ultimately be called upon to make. Many critics on both sides, however, have dismissed these exercises in non-governmental diplomacy as irrelevant, unworkable, unjust, or even treasonous (Regular, Verter, & Mualem, 2003). Some of these critics reject the broad goal of a two state solution, but many others, including leading figures in the present Israeli and Palestinian leadership who claim to accept that goal, have endorsed the far vaguer American “Road Map” (US Department of State, 2003). This prescription calls for a more gradualist or “staged” process that commits the parties to work only for a mutually acceptable two-state solution whose final parameters have not yet been specified.

The Geneva Accords, the Nusseibeh-Ayalon Agreement, and other similarly thoughtful non-governmental initiatives¹, however, reject this more gradualist approach and make a case for “starting at the end.” Our discussion begins with a consideration of this case, which ties the deeply disappointing outcomes of Oslo and Taba to the failure of those efforts to provide the parties with a clear destination and an assurance that the journey would not end short of this destination (Malley & Agha, 2002). While we applaud these efforts, we shall argue that, in some cases, it may be not only necessary but desirable to tolerate some ambiguity and uncertainty about the end state being sought, especially when the present, conflicting, aspirations of the parties seem unbridgeable.

We should note from the outset that the comments offered here reflect both the general conceptual approach of the Stanford Center on Conflict and Negotiation and the lessons we have learned from our dialogue and dispute resolution work in Northern Ireland, the Middle East, and elsewhere (Mnookin & Ross, 1995). Our main concern, both in much of that earlier work and in this chapter, is the problem of building and maintaining a “peace constituency” in the face of widespread distrust about long-term intentions—distrust further fueled by the efforts of would-be “spoilers” who remain committed to maximalist goals and actively seek to undermine any agreements that call for mutual compromise (Stedman, 1997). We shall argue that even when the main provisions of any possible peace agreement, as well as the mutual benefits these provisions entail, are obvious, such distrust—in addition to various other structural, strategic, and psychological barriers that our center has long studied—may thwart the achievement and implementation of this agreement (Arrow, Mnookin, Ross, Tversky, & Wilson, 1995).

Drawing lessons particularly from our work in Northern Ireland and our analysis of the ongoing attempt to implement the Good Friday Agreement, we identify some specific relational issues that must be dealt with if former adversaries are to reach accommodation and if political leaders are to accept the costs and risks of making concessions in the face of inevitable uncertainties about the social and political institutions that will emerge at the end of the process.² Our central contention is that for dialogue to bear fruit each party needs to hear the other side offer a vision of the future that would afford them a day-to-day existence they would find bearable. In the context of Palestinian-Israeli dialogue, this envisioned future must be one that provides, on the one hand, Israelis with a real, enduring security and the ability to pursue normal personal and community goals and, on the other hand, Palestinians with similar security and opportunities and an end to the daily injustices and humiliations they currently experience (Bland, 2003). Equally important, each side needs to believe that the *other* side also believes that the future it is

offered will satisfy those needs. Otherwise, neither side will, nor *should*, trust the other side to honor its commitments and to undertake the steps necessary to bring about that proposed future.

Since the launching of al-Aqsa Intifada, the “peace camps” in both Israeli and Palestinian societies have collapsed. The rebuilding and eventual expansion of these constituencies ultimately will require candid conversations in which the parties say to each other what they often say only among themselves—conversations in which past follies, missed opportunities, and failures of leadership are acknowledged and in which old dreams and dogmas are abandoned. A necessary first step toward this goal is that of counteracting the exaggeration of irreconcilable differences between the views of ordinary citizens in both societies. Grassroots efforts such as those by the bi-national organization One Voice (<http://www.silentnolonger.org/wps/portal>) that have used referenda and mass negotiation exercises to demonstrate the existence of common ground and mutually acceptable trade-offs of concessions have the potential to play a critical role in this regard. Still, words cannot substitute for deeds—especially deeds that entail compromises that both sides previously insisted they would not even consider, much less enact. Nevertheless, the words that accompany and explain those deeds can be as important as the deeds themselves. In this chapter, we will stress the need for parties to become more aware of the way their words are heard by their adversaries, more aware of the sentiments their adversaries may feel but not express, and more aware of the way in which important asymmetries in power, history, and culture influence the meaning they attach to each other’s words and deeds.

The Accomplishments, Limitations, Costs, and Lessons of the Oslo Strategy of Gradualism

In an important speech given at the 2002 Nobel Laureate presentations, Terje Roed-Larsen, the UN Special Coordinator for the Middle East Peace Process, defended both the principle provisions and the underlying strategy of the Oslo process (Roed-Larsen, 2002). He insisted that the only valid foundations for a settlement remained “land for peace,” an end to the occupation, mutual rejection of violence as a tactic, and assurance of mutual security and, furthermore, that the Oslo strategy of gradualism grounded in continuous political progress, bi-lateralism, and discretion had, in fact, been sound. Indeed, he noted that this strategy had produced a degree of accord about fundamental issues—the need for an independent Palestinian state, a possible division of Jerusalem, and compromises on the right of return for Palestinian refugees—that had previously seemed beyond the realm of possibility. Through the Oslo process, majorities in both societies came to accept, albeit in some cases begrudgingly, the need for mutual compromises of a sort that once had been deemed unthinkable.

According to Roed-Larsen, the Oslo process ended in failure not because further agreements proved impossible nor because previous ones were not fully honored and executed. Instead Oslo collapsed primarily because the parties came to believe that the process was no longer moving forward. The problem essentially was the *interpretation* that the parties placed on this breakdown. The perception of what *had* not been done became a belief about what *would* not be done. Israelis saw the Palestinians’ failure to live up to their security obligations as an indication that any “final” Oslo agreement would not, in fact, be final for Palestinians. They came to believe, with good reason, that the more militant elements in the Palestinian leadership, whose consent would be vital for long-term peace, regarded the Oslo provisions as a “hudna” or strategic, short-term compromise—a mere way station on the road to their ultimate goal, which remained the eventual destruction of the state of Israel.³ Palestinians placed a very different, but similarly bleak, interpretation on the lack of progress. They saw the continual construction of Israeli settlements and the renegeing on redeployment as proof that *interim* agreements would not lead to the creation of a viable, independent Palestinian state—based on the borders prior to the Israeli military successes of 1967 and on UN Security Council Resolutions 242 and 338—but would instead become *final* agreements that fell well short of this goal. They came to believe, with good reason, that if politically potent “hard-liners” in the Israeli leadership and body politic had their way, no socially, politically, and

economically viable Palestinian state would ever be achieved. In short, a process that had been designed to build trust and confidence instead served to fuel distrust, and cynicism (Elon, 2002).⁴

Without confidence in where the step-by-step negotiation process was headed, both sides inevitably felt that they were being asked to make concrete concessions today in return for possible but uncertain concessions from the other side in the future—a trade of prospective gains for immediate losses that the dictates of “prospect theory” (Kahneman & Tversky, 1979, 1984, 1995) suggest will be found distasteful by all concerned.⁵ Specifically, the Palestinians felt that they were being required to make concrete and painful concessions in curtailing violent hard-liners and taking other steps to ensure Israeli security in exchange for the uncertain prospect that Israel would ultimately allow the creation of a viable, contiguous Palestinian state. Conversely, the Israelis felt that they were being asked to cede authority, legitimacy, and territory to the Palestinian Authority immediately, with little certainty that their adversaries would be willing or able to control factions favoring violent action, much less abandon long held hopes and dreams of undoing not only the humiliating defeats of 1967 and 1973 but also *al Nakba*, the “catastrophe” of 1948. Viewing the past through the lens of their differing perceptions and interpretations, both sides insisted that they had already made more significant concessions than their adversaries and had received nothing of real value in return. Both sides felt it was now time—indeed, past time—for the other side to prove its sincerity about the future it sought and the future it envisioned for the other side.

Moreover, as the process stalled, both communities felt that they had been both betrayed by the other side and misled by their own leaders (Pundak, 2001; Sayigh, 2001). Such feelings were not unjustified. The Israeli body politic had been encouraged to believe, falsely, that the security achievable through interim arrangements could be treated as an end in itself; that is, achievable without making concessions about settlements and boundaries, the final status of Jerusalem, and the fate of Arab refugees—issues about which there was sharp disagreement within Israeli society. Conversely, Palestinians had been encouraged to believe, falsely, that their immediate aspirations regarding the regaining of territory and improvement of everyday life could be met without the renunciation of past goals that included the final and formal recognition that their long struggle to right what they considered past wrongs would end with much less than they had hoped. Beneath these false hopes was a great deal of painful cognitive dissonance (Festinger, 1957) that remained, and still remains, to be resolved. In any imaginable agreement, Palestinians would have to come to terms with the fact that (at best) they would be returning, after years of privation and sacrifice, to boundaries and a peace agreement that Israel readily would have agreed to before the war of 1967. Israelis would have to come to terms with the fact that their own sacrifices during two wars and their investments of capital and loss of life in the occupied territories had purchased them nothing of enduring value—that the territories would be handed over without any real assurance about the long-term security and character of their state. Many Israelis would also be giving up on Zionist dreams of inhabiting the entirety of the land of their forefathers.

With the gradualist principles upon which Oslo was built lying in ruin, those committed to the peace process faced a bleak situation. Reciprocal, incremental steps may have remained the only plausible way forward. But the absence of a clear vision of the ultimate destination with accompanying bottom-line commitments prevented either side from taking these steps. International guarantors might have filled this growing breach between the parties, but neither the United States nor any other third party willing and able to impose agreements and force mutual implementation stepped forward. As a result, bilateral negotiations between the Palestinians and Israelis became deadlocked, and neither side was willing to embark on a journey of reciprocal compromises in pursuit of an uncertain goal.

To confront this dilemma, Roed-Larsen urged a return to the foundations upon which peace in the Middle East must ultimately be built: (1) real and permanent security guarantees for Israel, (2) a viable Palestinian state that has real and permanent independence, and (3) the reconciliation of the aspirations that underlie these two outcomes. While Oslo had failed to achieve these goals, it had nevertheless

produced a remarkable international consensus. The consensus was not that these goals *could* be achieved, and certainly not that they could be achieved immediately. Rather, it was that no *other* formula could end the conflict—that anything offering either side less or demanding more would never be mutually acceptable. The obvious problem to be addressed was how to nail down and then implement such a trade of concessions. But the fact that the need for such a trade was obvious did not make it easy to accomplish. Three difficult steps would have to be accomplished. First, large majorities in both societies would have to be convinced that the other side could be trusted to live up to its commitments to move forward. Secondly, both sides would have to convince powerful factions within their societies to renounce aspirations that conflicted with those goals, or at least agree to pursue such aspirations only through the political processes specified in the agreement. Third, and perhaps the most crucial, both sides would also have to become convinced that the other side had the capacity and the will to prevent potential spoilers who were unwilling to become party to the agreement from successfully derailing it before the agreement could be fully implemented.

Roed-Larsen noted the need for a role of international community, although he did not spell out the details of this role. It was obvious that the international community, and above all the United States, would need to serve as guarantors and to some extent as financiers of the process at every stage. But neither the international community nor the United States could be expected to impose and enforce an agreement that was unacceptable to the leaderships of either society or to the majorities living in these societies. Ending the conflict would therefore require Palestinians and Israelis to reach understandings and agreements that decisive majorities in their societies were at least willing to live with. In addition, the leadership of both two sides would need to offer credible guarantees that dissenters in their respective societies would not be allowed to sabotage these agreements. Given all that had gone on before, this seemed a daunting, if not impossible, task.

The Strategy of “Starting at the End”

Roed-Larsen’s novel suggestion to overcome the dilemma of distrust and pessimism was to “start at the end.” This suggestion quickly came to enjoy considerable support among the international community and among Palestinian and Israeli elites seeking to end the violence. The fatal flaw in the Oslo process, it was argued, had been its failure to provide a detailed blueprint for a final settlement (Malley & Agha, 2002). The “open-ended” nature of the process had allowed the parties to sit down at the negotiating table in the face of positions and aspirations that posed seemingly unbridgeable chasms and to achieve movement toward agreement that would have been politically unthinkable at the outset. But this same open-endedness brought the process to a halt when each party felt that the other was either unable or unwilling to honor its commitments to move forward in the manner it had promised. Given this situation, both sides felt that any concessions they made without reciprocation would be incorporated into a new status quo from which future negotiation would now proceed. The best way to counteract such strategic behavior would therefore involve having the parties stipulate clearly, and commit themselves fully, to the end state being sought. Only if both parties knew in reasonable detail where they were going, and only if they had reason to believe that their adversary also sought this destination, would there be a real chance of getting there.

The ICG Plan

Several months after Roed-Larsen’s speech, the International Crisis Group (ICG) offered a detailed plan of the sort for which he had called (International Crisis Group, 2002a; 2002b; 2002c). The departure point for the plan was the Clinton proposals and the progress made at Taba (January 18-28, 2001), but it also stipulated the specific resolution of the most contentious issues. Most notably, it called for the establishment of a Palestinian state based on the borders of June 4, 1967 with an “equal value” exchange of land equivalent to about 4 percent of the total to accommodate Israeli settlers on the Palestinian side of

that border and to address security concerns. The plan also envisioned a Palestinian state that would be non-militarized and a division of Jerusalem with West Jerusalem and the Jewish neighborhood of East Jerusalem as the capital of Israel and the Arab communities of East Jerusalem as Palestine's capital with a special regime to govern the Old City. Haram al-Sharif (Temple Mount) would be under Palestinian sovereignty, with Ha Kotel (the Western Wall) falling under Israeli rule. The refugee issue would be resolved by offering the Palestinians a menu of choices regarding reparations and/or resettlement, thus taking into accounts both the Palestinians' sense of a terrible injustice while at the same time honoring Israelis' demographic concerns. A list of multi-lateral agreements concerning implementation as well as regional settlements with Syria and Lebanon would also accompany the plan. A U.S.-led multinational team would be charged with the responsibility of monitoring the implementation of the agreement. Most importantly, both parties would stipulate that the agreement marked the end of the conflict

This ICG plan, it is worth noting, emphasized the international dimension in ways that went beyond what Roed-Larsen has recommended. The authors of the plan argued that the only way to end violence and reach a final settlement was for key international players, headed by the United States, to take the lead in placing this clear and comprehensive blueprint on the table. In so doing, the intent would not be to impose this settlement on the parties, but rather to launch a diplomatic effort designed to create the necessary domestic support within the Israeli and Palestinian publics needed to bring this (or any similar plan) to fruition. The working assumption, again, was that both parties would agree to such a plan, rather than continue the struggle, if they could be made confident that the other side would also agree to it, and would take the necessary steps to implement it.

The Geneva Accord and the Nusseibeh-Ayalon Plan

More recently, two other plans adopting the Roed-Larsen framework—the comprehensive Geneva Accord (2003) and the simpler but no less noteworthy Nusseibeh-Ayalon Agreement (2003)—have been put forward by influential public figures representing non-governmental groups. The Accord is a highly detailed plan specifying a complicated series of land swaps, arrangements for sovereignty and for access to holy sites in Jerusalem, and a formula for limited repatriation of refugees. The Agreement is more a statement of principle that essentially requires the Palestinians to accept the finality of the results of the 1948 war and the Israelis to relinquish the territorial gains of 1967 (with compensation for refugees but no “rights of return”). With this starting point, the two sides could then proceed to discuss exchanges of territory to address the needs of both sides, based on a principle of equity and mutual consent.

These plans differ from each other and from the International Crisis Group Plan in some significant respects. Most notably, the details of the Accord seem to have been designed not only to address all issues but also to maximize the joint benefits and minimize the sacrifices required of each side. The Nusseibeh-Ayalon Agreement, by contrast, provides not efficiency of outcome but transparency of principle. Rather than attempting to minimize the subjective magnitude of the concessions that each side will be compelled to offer, it makes clear to both sides exactly what *they* are giving up, and more importantly what the *other side* is giving up, and thus the historic nature of the compromises being called for. The International Crisis Group Plan is intermediate between these two extremes in terms of the transparency of the sacrifices and compromises called for.

Notwithstanding these differences in conception, all three proposals are based upon the fundamental principle of “logrolling” that underlies all successful bargaining and negotiation (Fisher, 1991; Shell, 2000; Thompson, 2000; Bazerman & Neale, 1994). That is, each proposal calls for an exchange of concessions whereby each party gives up what it values less than its adversary in order to get what it values more than its adversary, with the result that both parties end up better off after the agreement than they were before it. These plans also serve an important function in the pursuit of a peaceful settlement by offering “existence proofs” that seekers of agreement on each side can find partners on the other side.

Predictably, each of these proposals has been dismissed by many hard-liners and critics as “pointless intellectual exercises” carried out by powerless intellectual dreamers, or even traitorous and dangerous meddlers, who have usurped the responsibilities of their respective governments. We will not attempt to provide more detailed examination and evaluations of these plans here. Instead, we will discuss briefly the more general issues they raise about “gradualist” vs. “start at the end” plans before turning our attention to the problems of implementation.

Obstacles posted by the current context

In our view, the barriers impeding progress toward an agreement in the Middle East may have less to do with the lack of a specified the end-state than the Roed-Larsen analysis suggests. The struggle between the two sides of the conflict involves deep existential passions. As accounts of terrorist attacks and military incursions fill the news media of both communities—and as more and more Israelis and Palestinians know victims or at least the family members of victims—they experience each day as a renewal of an enduring struggle for their personal and collective survival.

Israelis hear assurances from prominent Palestinian leaders about the desire for a viable two-state solution, but they also hear words and see actions that confirm their deeply rooted fears. They see a Palestinian Authority (PA) that seems palpably unwilling and/or unable to curb acts of terrorism against their fellow civilians—not only in the occupied territories but also in Tel Aviv, Haifa, Jerusalem, and elsewhere within the 1967 borders. They also hear (or read secondhand accounts) of incendiary speeches made by leaders in Arabic to zealous supporters—speeches that convince them that the Palestinians, or at least large segments of Palestinian society, seek ultimately to destroy their existence as a people and as a state. In response, most Israelis have become convinced that their security rests principally on their ability to sustain military domination and on guarantees of continuing American support in a hostile diplomatic climate. Such existential fears may seem irrational or insincere to their adversaries, and even to many outsiders, but sustained contact with Israelis in every stratum of society leaves the informed observer with little doubt that those fears are real and heartfelt. Indeed, they are perhaps inevitable especially on the part of people who were reared on tales of the horrors of the Holocaust and of the indifference of the international community to the fate of their parents and grandparents.

Palestinians similarly believe that they are engaged in a struggle in which their existence as an independent people hangs in the balance. Every day, their hopes for a normal life, free of humiliation and frustrating restrictions on their everyday movement and ability to earn a living, seem more and more remote (Bornstein, 2001). They see their ancestral lands shrink and the natural expansion of their communities blocked as settlements expand and barriers are built. They are frustrated and enraged as their haughty adversary unilaterally takes whatever measures it chooses (not only the building of walls that enclose their communities, but also punitive incursions and assassinations of those they deem enemies) to further its goals, without regard to the suffering that such measures impose on them. They know that they face an ever more technologically advanced, determined, and unconstrained military power that enjoys the seemingly unquestioning support of the United States, with all its vast might and arrogance, and they feel that the options confronting them become ever less attractive choices between “bad” and “worse.” They are shocked and alarmed as ordinary Israelis, many of whom call themselves supporters of peace, seem willing to justify harsh military reprisals, collective punishments, and security measures that make their everyday life unbearable. Furthermore, the whole world seems completely indifferent both to their present-day suffering and to the historic injustices that they have endured—not only those suffered at the hands of the Israelis and the triumphalist Americans, but also much earlier injustices suffered at the hand of the European powers that carved up their lands and stole their resources.

The sense of existential threat embodied in these worldviews is both a determinant and a product of the dysfunctional relationship that exists between the two parties. If any forward-looking proposals for

settlement of the larger conflict are to fare better than Oslo, it is this relationship that must be addressed through constructive dialogue within and between the two societies or, better still, through cooperative undertakings that improve the lives of ordinary people. The problem is not one of insistence on maximalist hopes by either side (One Voice, 2004). Most Israelis are eager for peace with the Palestinians, and relatively few continue to harbor dreams that such peace can be achieved in a country with borders dramatically expanded beyond those of 1967 (Tami Steinmetz Center for Peace Research, 2003). Their image of this peace may not be what most Palestinians want or envision, but it is nevertheless heartfelt and, we suspect, more positive than many Palestinians believe and fear (Arian, 2003). The vast majority of Palestinians similarly want peace, and few harbor illusions that they can reverse the events of 1948 (The Palestinian Center for Policy and Survey Research, 2003). They do not envision an end to Israel in the foreseeable future; their goal is an end to the occupation. They may want more territory returned than Israel will presently concede; but, for most, their expressed aspiration to live side by side with Israel is genuine. The future they envision and seek, we suspect, is similarly more positive than many Israelis think and fear.

One senses that Palestinians would be heartened to learn the real sentiments of the vast majority of Israelis and vice versa. If this is the case, as most surveys in the two societies suggest, reconciling the aspirations of the two peoples may no longer be the real problem. Indeed, the emergence in recent months of the aforementioned Geneva Accord and the Nusseibeh-Ayalon Agreement, both of which were produced by prominent Israelis and Palestinians and endorsed by impressive lists of well-known citizens in both societies, provides further evidence of the required “common ground.” The challenge that remains, therefore, is to identify and overcome the relational barriers that stand in the way of implementing a shared future that both sides would accept and ultimately embrace.

Relational barriers

The arguments for starting at the end are persuasive, but only up to a point. As we have argued, real progress can be made when Israelis and Palestinians are reasonably confident that the end result of the process, irrespective of the political arrangements that emerge, will leave them with “normal lives”—or at least that it holds a better prospect of doing so than the types of coercive unilateral actions currently being employed by their own sides. However, it may not be possible for formal agreements reached in advance between political leaders to stipulate many of the details that ordinary citizens would prefer to have clarified—even details they presently deem critical to the type of bearable future they seek.⁶ In fact, we think a good case can be made that insisting on such details in advance can block the journey to be undertaken, that such details can only be resolved only when the parties have developed a measure of trust such that those details will *not* be critical in determining their future well-being. From this perspective, the most serious obstacles to be overcome in the search for peace in the Middle East relate neither to the destination nor to the way stations on the journey but rather to the *relationship* between the parties who must make that journey together.

Political engagement between the two sides following Oslo succeeded in producing unprecedented consensus about the need for, and the broad outlines of, a Middle East peace agreement. Nevertheless, in the face of dashed hopes and failed expectations, the level of enmity and distrust between the two parties has never been greater. In Israel, the peace camp was devastated by Arafat’s failure to respond positively to the proposals put forward at Camp David (July, 2000) and Taba (January, 2001). The re-initiation of the *Intifada* soon thereafter struck a further blow, to which the Israeli electorate responded by moving in a decisively hawkish direction with the election of Ariel Sharon. Many Israeli supporters of the Oslo process simply lost confidence in the willingness and capacity of the current PLO leadership to make the type of concessions necessary to achieve peace. Many reluctantly concluded that greater separation between themselves and their Palestinian neighbors, rather than greater engagement and cooperation,

offered them and their children the best hope for a bearable future. A political majority in Israel gave Sharon the chance to prove that force could achieve what diplomacy had failed to accomplish.

Palestinian moderates, to say nothing of the masses suffering the greatest hardships and humiliations, similarly became discouraged about the peace process and distrustful of long-term Israeli goals. Feelings of hopelessness and abandonment grew, as did support for (or at least tolerance of factions in their society) favoring violent confrontation. The Sharon administration's pronouncements regarding the future of settlements far beyond the 1967 borders and the building of the security/separation barrier that divided Palestinians from Palestinians as much as it did Israelis from Palestinians, did nothing to curb this descent into despair. Moreover, the implicit threat to unilaterally impose semi-permanent borders if the peace process did not go forward quickly in a direction to the Sharon administration's liking further fueled resentment and pessimism about the prospects for a bearable resolution of outstanding issues.

Faced with this grim situation, political leaders on both sides who had formerly associated themselves with the search for agreement began to voice their frustrations.⁷ More and more, people became inured to the other side's suffering and angered by the other side's indifference (and indeed by the indifference of much of the rest of the world) to the innocent victims caught in the ongoing cycle of provocations, reprisals, and counter-reprisals. Today, even though the costs of continued confrontation are increasingly evident and neither side actually believes that it can bludgeon the other into submission, goodwill and optimism remain in very short supply. In the Israeli camp, the prospect of seeking to impose rather than negotiate terms looms ever larger. In the Palestinian camp, an increasingly widespread "nothing to lose" attitude, backed by increased support for religious and political fundamentalism of a sort that held little popularity a generation ago, makes the prospects for cooperation and conciliation seem even more dismal.

The problem of spoilers

To make matters worse, the energies and resources of many would-be "spoilers" are being employed in an effort to make the implementation of even the most modest steps called for by the U.S. Road Map—to say nothing of the more ambitious and visionary Geneva Accord or the Nusseibeh-Ayalon Agreement—much more difficult. These "spoilers" present an acute problem for any peace process, especially when they are too politically or militarily powerful to be suppressed. Success in reaching and implementing agreements depends on their acquiescence; yet they are precisely the factions that most actively oppose agreement and that have the most to lose through such implementation (Stedman, 1997, 2001; Stedman et al., 2002). Why, the realist might ask, should one expect elements in Hamas or Islamic Jihad or even Fatah, who oppose any terms of agreement likely to be acceptable to Israelis, acquiesce to meaningful truces or cease-fires—to say nothing about surrendering weapons and authority—when the *purpose* of such measures would be to strengthen the forces that seek to suppress them and thwart their goals? And why should one expect the most hawkish elements in the Israeli government, who oppose the terms of any two-state solution that has any chance of being acceptable to Palestinians, to exercise the restraint in responding to terrorist activities, when the purpose of such restraint would be to strengthen the hand of pro-agreement factions on the Palestinian side that seek this goal? The logic of the situation demands that the two sides take action to isolate and suppress their own spoilers, but it is precisely when the relationship between the two parties is at its nadir that such a move is likely to be resisted by sizable portions of each community.

What is needed to face the difficult problem of spoilers is exactly what is most lacking—confidence about the other side's ultimate motives and goals, and trust in the other side's willingness to adhere to its agreements. Confronted with critics who will make leaders pay a political cost for supporting the peace process and with opportunists who will use renewed confrontation to challenge their political credibility, this confidence and trust becomes all the more vital. At a minimum, political leaders who hope to retain power and influence must believe that their steps toward peace will be reciprocated. In short, the two

greatest barriers to implementation—(1) mutual distrust about each other’s willingness and ability to take agreed upon steps and (2) the difficulty of thwarting would-be spoilers—are closely linked. And overcoming both of these barriers requires enhanced trust and cooperation between the pro-agreement constituencies in the two societies.

Difficult Conversations and Relational Concerns: Some Lessons from Northern Ireland

We think it useful at this point to comment some on our experiences working to address the relations and other psychological barriers that have impeded the peace process in Northern Ireland. Like the Middle East, Northern Ireland has suffered a protracted period of violent conflict that left the two main communities feeling wounded and vulnerable. As in the Middle East, those most directly engaged in the conflict have responded to threat and loss by nurturing group and, in some cases, individual identities of a sort that have helped to sustain them through hope and disappointment and recurring cycles of violent action and retaliation. These identities in turn were linked to the particular visions of the “just” ending of the conflict or the “just peace” for which they had fought and made sacrifices. The potential for finding common ground or recognizing shared interests, especially in light of the changes that had occurred within the two societies and the larger European Community, was real enough. But the difficulties of reaching a final end to the conflict and creating the institutions necessary for a mutually advantageous future were exacerbated by the perpetuation of “win-loss” thinking. That is, each side’s notion of a just settlement and secure peace continued to be associated with the striving for victory over those on the other side whose hopes and dreams involved a very different settlement—one that would have posed a threat to the maintenance of their identity and to their conceptions of justice and their own dreams of a good life and a good community. Settling for less, or even settling for a different resolution than the one they and their group had long demanded, would demand a good deal of “dissonance” reduction.⁸

Whatever peace, or at least any *negotiated* peace, might mean in Northern Ireland, it became clear over the years that it could not realistically be achieved if total victory or “triumph” were the goal of either side (Darby, 2001; Darby & Mac Ginty, 2000). If nothing else, the expressed positions of, and increasingly close cooperation between, Great Britain and the Republic of Ireland guaranteed that agreement would entail painful compromises by both sides. As in the Middle East, the basic outlines of any type of final agreement that could end the conflict in Northern Ireland have been clear for many years. Indeed, many of the relevant terms specified in the historic Good Friday Agreement (GFA) or Belfast Agreement of April 1998 were present in the original Sunningdale Agreement of 1974. Since 1998, all efforts to amend or alter the fundamental principles of the GFA agreement have failed to gain traction or have been rejected outright by one or more of the key political parties. While many stakeholders, particularly in unionist circles, have come to question their initial support of the GFA, the Agreement has weathered all political storms and remains steadily, if not firmly, in place.⁹ Even as hard-line political parties on both sides have overtaken their more moderate counterparts, most knowledgeable observers concede that the choice facing the parties is ultimately either *this* agreement or *no* agreement—in much the same way as most knowledgeable Middle East observers agree on the main features of any agreement that could even potentially be acceptable to political majorities on both sides.¹⁰

Despite general agreement about the outlines of a settlement in Northern Ireland, and despite (or perhaps because of) the widespread recognition that a return to the armed struggle of the past is unthinkable, the implementation of the GFA has stalled repeatedly. The devolved Northern Ireland Assembly is currently in extended recess (replaced by British direct rule), and there is reason to doubt that it will emerge as an effective, functioning entity anytime in the near future. The point we would make regarding this stalemate relates directly to the main thesis of our chapter. The difficulties of implementing the GFA, we contend, do not arise from the specific structures or stipulations of the Agreement itself. Rather, they lie with the prospective relationships that are embodied in the Agreement. That is, the GFA would put people in each community into an extended relationship power sharing and

political equality with people from the other community whom they deeply distrust. Given the choice, sufficient proportions would prefer that these “other people” simply “go away,” leaving them free to pursue their own vision of a good society without the need to accommodate them. Moreover, they know that the other side would similarly prefer to maintain or create institutions in accord with their own aspirations, without any accommodation to the needs and wishes of their former adversaries. Hence the grounds for distrust arise from the fear that other side would impose its maximalist vision if it could and would certainly continue to strive to do so even if an agreement were reached. Obviously, this distrust is greatly reinforced by vivid memories of the violent deeds and uncompromising politics of the past.

Nevertheless, both communities recognize that complete disengagement is not an option. Each community needs the cooperation of the other community to establish the institutions and enact the provisions required to prevent sectarian violence and to permit the economic developments sought by both communities. In other words, as in the Middle East, while the *terms of settlement* that must be reached are more or less clear to all concerned, success in achieving the *relationships* that would be needed to make the parties embrace those terms remains a highly elusive goal.

The need to work on cross-community (and also intracommunity) relationships became particularly clear to us in our work with Community Dialogue (CD), a grassroots organization of community leaders across the divide that has sought to bring the polarized segments within Northern Ireland together for “constructive conversation.” In early CD dialogues, the questions posed were designed to encourage a candid exploration of concerns and willingness to compromise with the other side. Participants were simply asked: (1) What do you *want*? (2) What do you *really need* and why do you need it? (3) What could you *live with*, given that the needs and hopes of others may differ from yours? Over time, however, the focus of the dialogue shifted somewhat as the participants came to recognize that their individual and collective goals depended on the acquiescence and, to some extent, even on the active cooperation from people who had different or conflicting goals of their own. Whether they personally sought engagement and reconciliation or preferred minimal contact and separation, they could not achieve their goals on their own. Whether they liked it or not, a degree of interdependence, and thus relationship between communities, was unavoidable. Some minimal degree of cooperative engagement with the other side was necessary not just to enact the bureaucratic and state structure envisioned by the GFA but also to produce the kind of bearable, everyday life that the inter-community conflict (and for Catholics, the status quo before the outbreak of violent conflict in the late 1960s) had made impossible.

Recurrent themes in the dialogue process

As we listened to CD participants engage in wide-reaching and difficult discussion about the past, the present, and the future of the two communities in Northern Ireland, four recurrent and related themes emerged. The first and most basic theme was the need to develop and communicate a vision of a peaceful “shared future” that the other side could find bearable. The second theme involved the need for a meeting of minds about the “closed” versus “open” status of any agreement that might be reached—that is, the degree to which the two sides accepted the relevant provisions and arrangements as “final,” and the degree to which and the political processes by which those provisions could be amended. The third theme involved the importance of the mutual acknowledgement of loss, some form of recognition both of the costs that borne by the other side during the struggles of the past, and the losses to be borne through the compromises of peace. The fourth and final theme involved the issue of justice or “just entitlements,” that is, the need to deal with each side’s reluctance to purchase peace, or even to accept a clear advance over the status quo, if doing so meant that it would continue to suffer injustice (Bland, 2003, Bland, 2004).

In our discussion of the Middle East peace process so far, we have addressed the first of these themes. Most importantly, the parties face the challenge of communicating a vision of a possible future—

regardless of how much or how little engagement and contact it entails—that is likely to be acceptable to their *adversaries*, a future in which their adversaries can be assured of a secure, dignified, and reasonably hopeful everyday life.¹¹ Without this assurance, the prospect of reaching, or even progressing toward, agreement through proposals of specific trades of concessions and cooperative arrangements is extremely bleak. Indeed, if one party's vision of the future is unacceptable to the other party, engagement in the hopes of reaching agreement is apt to be not just useless but counter-productive, since greater clarity and frankness would serve to confirm rather than to allay the parties' fears and to highlight rather than to bridge the chasm between them. In fact, both sides must believe that the future they offer the other side will, in fact, serve that other side's minimal needs and aspirations. Otherwise, they will have reason to imagine that the other side's proposed concessions or counter-proposals are insincere, unlikely to be enacted, or, if enacted, less beneficial to one's own side than they had appeared to be.¹²

Our earlier discussion of the Middle East has also addressed the theme of *open vs. closed agreements*, which we linked to the relational barriers that stand in the way of implementing the type of two-state settlement that both sides seem willing to accept. This theme becomes particularly important whenever there are asymmetries in power of the sort that exist in the dealings between Israel and the Palestinian Authority. In particular, those in the currently stronger party want assurances that the weaker party will not renege on its agreements if and when that balance in power shifts. By contrast, those in the weaker party want assurances both that the stronger party will follow through on its commitment to implement terms that are to its disadvantageous and also some prospect of revisiting provisions in the agreement that they feel are unfair and that are being imposed coercively. These conflicting needs are often difficult to align and leave the parties little room to maneuver. The weaker party can accept the reality that, if an agreement is to be reached at all, the provisions of this agreement must be considered “closed” (or at least subject to revision only by the political processes stipulated at the time of agreement). Alternatively, both parties can agree to leave particular issues “open,” recognizing that a binding agreement on those issues cannot be achieved in the context of the present political situation. What is perilous, however, is a situation wherein one party's acceptance of the agreement is contingent on the assumption that the agreement be regarded as closed, while the other party's acceptance is contingent on the assumption that the agreement be regarded as open.¹³

The other two themes that emerged from our dialogue work in Northern Ireland have not yet been addressed in our discussion of the Middle East, but we will comment briefly on them here and then return to them at more length in the discussion to follow. The need for “mutual acknowledgment of loss,” as we noted earlier, refers to the need for both sides in any dialogue process to voice their understanding of the losses that the other side has suffered in the course of the struggle, and the additional losses (if only the loss of hopes and dreams) that the other side will be suffering under the proposed terms of settlement. This aspect of empathy and understanding is important to counteract the tendency for each side to feel that it is bearing the greater burden and making the greater compromises and is therefore entitled to special consideration in fulfilling agreed-upon commitments and concessions. The need for the dialogue process to address the issue of “just entitlements” arises from the inevitable differences that exist in the two side's views of the past and present and, thus, in their views of what a just settlement would entail. The dialogue process should at least encourage both parties to acknowledge that the other side's expressed views about the equities of the situation are authentic and heartfelt rather than strategic posturing. Such recognition again is necessary to diminish each side's feeling that it alone will be settling for something it deems less than just and that it alone is therefore entitled to special consideration when it come to fulfilling its commitments and concessions.

We trust that the parallels between Northern Ireland and the Middle East with regard to these themes are already obvious. One of these themes—that of open vs. closed agreements—pertains directly to the provisions of the agreement (although it also pertains to the understandings the parties have about each other's views about the status of those provisions). The other three themes deal more directly with

aspects of the relationship between the peace camps in the two societies and, to some extent, with the relationship between the societies as a whole. But each of the themes speaks to the pragmatics not only of *reaching* agreements but also of *implementing* those agreements and, thus, establishing a stable peace. In enumerating these themes, we are not suggesting that the relational issues in question must be solved before progress can be made in the peace process. On the contrary, in the Middle East, as in Northern Ireland and in many other conflicts across the globe, the parties are obliged to “live with” the continuing lack of resolution of those issues. Our contention here is that if the parties can understand these issues with a degree of empathy or at least sympathy for the other side, more understanding relationships will be fostered, and better agreements will be reached and implemented. The nature of the relationship between the two communities provides the context in which specific arrangements of an agreement will be implemented, and determines whether the actions of each side are interpreted and evaluated by the other in a positive and productive light.

Relational Concerns and the Strategy of Gradualism

Open vs. closed agreements and the problem of distrust

The Geneva Accord was an attempt to specify in the greatest detail possible a mutually acceptable vision of a shared, peaceful future—one that vast majorities on both sides would hopefully prefer to the present downward spiral of violence. As indicated earlier, we feel that this effort (as well as the ICG proposal and the less detailed Nusseibeh-Ayalon Agreement) played a useful role in counteracting the feelings of hopelessness and despair that had overtaken many who favored peace but saw no path to end the violent confrontation. Where these plans fall short is in addressing relational concerns of the sort we have outlined. In particular, moving from these “unofficial” and “hypothetical” plans to concerted political action that could provide the momentum for reaching and implementing a peace agreement between the relevant political entities depends upon the sentiments of the bodies politic. Large majorities must feel that signing such an agreement would, in fact, end the conflict, and this feeling, in turn, depends on the perception that a decisive majority of those on the other side sincerely embraces the envisioned end state, intends to live according to its dictates, and will not seek to subvert it if and when it becomes possible and advantageous to do so. Most importantly, political leaders, prominent elites, and ordinary people must also believe that the leadership on the other side will not only honor their commitments but also take the steps necessary to prevent “spoilers” from wrecking the agreement before it can bear fruit (Darby, 2001). The linkages between relational issues and concerns and the successful implementation of agreements thus merits more detailed consideration.

Regardless of how fully specified an agreement might be, the effort is not likely to bear fruit unless the parties can dispel each others’ fears concerning full and timely compliance. To do so, the parties must therefore attend not only to their own hopes and fears but also to the hopes and fears of the other side. Both sides must recognize that the other side needs to hear it embrace the future envisioned by the agreement, or at least to hear its leaders and other important spokespersons make explicit their willingness to honor the specific commitments entailed under that agreement. Hearing talk “on the other side of the table” that suggests the intention of something other than full compliance or the prospect of additional demands can be extremely damaging. However, it need not be so. Whether the content of these speeches is treated as the “real truth” or as merely a tactical political necessity depends upon the state of the existing relationship and trust that exists between the two leaderships. Having enforcement mechanisms in place to compel the two parties to proceed in tandem is of course desirable. At the very least there must be safeguards to guarantee that neither side will reap a strategic advantage by accepting the other side’s concessions but refusing to reciprocate fully in the agreed upon manner. Insistence on such mechanisms need not be regarded as a sign of distrust; rather it can be seen as a sign of mutual recognition of the need for compliance, and as such can serve as a source of enhanced trust and a better relationship. Past attempts to reach and implement Middle East peace agreements have failed in this

regard, and the putting forward of a more detailed vision of an end state preferable to the continuation of the bloody status quo will not substitute for the creation of trust.¹⁴

The issue of open versus closed agreement and the problem of trust are thus intimately linked. A closed agreement is possible and credible only when, beyond feeling satisfied with its provisions and thus willing to honor them indefinitely, both sides are convinced that the *other* side is also similarly satisfied and similarly willing to honor the relevant provisions indefinitely. To resolve or manage explosive conflict where the conditions for such a closed agreement are not at hand calls for a different strategy, one that requires the parties to pursue a pair of objectives that are, to some extent, in conflict. On the one hand, each party must seek an interim agreement that binds the other party to exercise constraint in ways that relieve the immediate crisis. On the other hand, each party wants to be left free to pursue its own aspirations—aspirations that are bound to be incompatible with the aspirations of the other side. In a sense, the parties must come to some understanding about what they need to settle in order to live with each other in some reasonably stable fashion for the present, without unduly limiting their potential to pursue a future that the other party presently would refuse to share. They agree to walk down a certain path together, knowing that a fork in the road lies ahead at which their paths will diverge. To accomplish this delicate balancing act, the parties essentially have “to agree to disagree” about the future, at least for the time being, with each assuming or at least hoping that future events will increase their political leverage more than that of their adversaries. Indeed, such an interim agreement may be possible precisely *because* the two sides have different expectations about how the future will unfold.

Again, the conflict in Northern Ireland can be seen as illustrative. Both sides have agreed to the “consent principle” whereby the constitutional status of Northern Ireland will change only if and when a majority of its people votes for this change in a referendum—an outcome about which the two sides have different hopes, if not different expectations. Unionists who support the Good Friday Agreement do so in large measure because they believe that, at least in the short- to mid-term, it secures the union with Great Britain. Nationalists who support the GFA, by contrast, do so in large measure because they feel that it will lead ultimately to the fulfillment of their goal for a united Ireland that is entirely or at least largely independent of British influence (Ruane & Todd, 1999).

The willingness of parties to make and honor a historical wager on an open agreement depends upon more than mere optimism about the way in which historical or political events will unfold. It also depends upon two articles of trust—trust that, if the other side “loses” the wager, it will nevertheless continue to honor the terms in question, and—perhaps more importantly—trust that, even if the other side “wins” the wager, our own day-to-day life will remain bearable. It is precisely these elements of trust that has eroded Unionist support for the Agreement through the transitional years of implementation. Nevertheless, two aspects of trust are prerequisites for agreement whether or not, as we note again, the details of the envisioned shared future has been carefully delineated or merely sketched in broad-brush terms. A willingness to work together in creating institutions that could guarantee that elusive, mutually acceptable, future would, of course, enhance such trust and optimism.

The history of the Middle East makes the danger of open agreements in the absence of the necessary trust abundantly clear. Such agreements in the past have not only postponed the most intractable features of a conflict to some future date, they have also exacerbated the difficulties faced by many whose personal security and economic well-being have continually deteriorated in the aftermath of those agreements. Needless to say, distrust and ill-will have multiplied rather than diminished (Rees, 2004).¹⁵ We remain sanguine nonetheless about the usefulness of open agreements, provided that the parties commit themselves to pursuing their longer-term objectives through political rather than coercive means. We believe that even a temporary end to hostilities provides an opportunity to build trust, especially if it is accompanied by ordinary civil cooperation and by the development of mutually beneficial economic ties. The familiarity and fraternization that result from such cooperative undertakings, along with a

history of small agreements made and commitments kept, can enhance the parties' optimism about reaching and keeping larger agreements. Exchanges of concessions are apt, in the short run, to leave both parties feeling that they are the ones making the greater concessions.¹⁶ But agreements that have been made and kept tend to endow important *interest groups* on both sides with benefits that they value and become unwilling to lose. Thus, while prospect theory cautions us about the difficulties of getting two sides in a conflict to agree on a trade of concession, the same theory suggests that, when such trades do occur, it creates a new "reference point" from which the prospect of future losses from undoing that trade are apt to loom larger than the prospect of future gains from that undoing.

The case for open agreements and the requirements for their success thus become clear. Such agreements and the type of gradual step-by-step process they envision are strategies of necessity rather than choice. They are adopted because the alternative is not a closed agreement with a well-defined end state that is mutually acceptable to all; the alternative is *no* agreement and thus the perpetuation of stalemate and costly struggle. For gradualism to be a viable strategy, however, some confidence is required that the relevant engagement and the resulting improvement in the relationship between parties will make seemingly intractable issues appear increasingly less crucial to people's everyday well-being, and thus more amenable to solution. The success of such a strategy also becomes more likely when concessions are timed and packaged so that neither side has an incentive to delay and wait for the other side to comply before complying itself. Ideally, both sides should have an incentive to comply as quickly as possible in order to hasten the compliance of the other and thereby establish a new status quo or "equilibrium" that each side regards as preferable to the previous one. Finally, and perhaps most critically, the strategy of gradualism must deliver on its promise to improve the everyday lives of the majority on both sides, or at least the lives of any individuals or groups who have the capacity to fatally undermine the agreement. In fact, it must improve these lives enough to offset the inevitable feelings that the concessions made were too great and that the injustices left unresolved are too painful to endure.

A critique of the "Road Map"

It is instructive, in this context to view the so-called Middle East Road Map sponsored by the United States and the three other member of the so-called "Quartet" (Russia, the European Union, and the United Nations). The Road Map prescribes a "performance-based" plan of reciprocal steps that, over the course of two years, would end in a "permanent two-state" resolution of the Israeli-Palestinian conflict.¹⁷ The proposal is said to be "goal driven" in that the three successive phases it identifies are not goals in and of themselves. Rather those stages are seen as *means* by which the ultimate goal of "an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbors" (thereby marking the end of the Israeli occupation begun in 1967 and constituting a "comprehensive" and final settlement) is to be achieved. In essence, the first stage calls for stabilizing the status quo regarding security and settlement activity. The second stage would produce the provisional outlines of a Palestinian state, and the last stage would complete the details of the envisioned final settlement. By designating the envisioned outcome as a two-state solution from the outset of the process—even if some of the most important features of the Palestinian state that is to emerge (including its boundaries) remain frustratingly vague—the Road Map planners hope to induce the parties to take incremental steps, settle outstanding issues of disagreement, and complete the three stages of the plan.

Unfortunately, consideration of the criteria for success noted in our analysis of gradualism offers little grounds for optimism regarding the Road Map.¹⁸ Nothing about its procedures or provisions promises to make the critical issues separating the Israelis and the Palestinians less important through improvement of the underlying relationship. Nor does the Road Map plan offer any compelling incentives that would discourage foot-dragging or demands that the other side fulfill its obligations before one's own side is obliged to do likewise. Finally, nothing in the plan gives one confidence that it will produce substantial short-term social, economic, and political improvements of the sort that would strengthen the hand of

supporters of the peace process and weaken the hand of those who oppose it. Unless the plan can improve underlying relationships between the principal parties and/or the everyday lot of the majority in both societies, the relevant peace constituencies will not be able to stand firm in the face of inevitable disappointments and reversals, and will lack the means or public support necessary to resist the concerted efforts of would-be spoilers. In short, a replay of the failed Oslo script seems all too likely.¹⁹

Dealing with feelings of loss

Creating and communicating views of a mutually acceptable shared future would constitute an important step in building a peace constituency, regardless whether the moves envisioned were an orderly march toward a fully specified end state or a series of step-by-step undertakings prior to full agreement. Those who support a peace process and want to build peace constituencies in the two societies capable of working toward common goals must recognize that any possible two-state solution will engender profound feelings of loss on the part of the former antagonists. Certainly, the agreement will fall short of the hopes, dreams, and aspirations of both sides and will demand compromises that leaders have promised not to make (and indeed come to power and remained in power precisely because they have made such promises.). Both sides will have to overcome feelings of dissonance (Festinger, 1957) not only about past sacrifices that have turned out to have been in vain, but also missed opportunities to achieve terms no better than the ones that they must accept. Both loss aversion (Kahneman and Tversky, 1995) and reactance (Brehm & Brehm, 1981; Ross, 1995)²⁰ are apt to leave many on both sides feeling that they are being asked to make greater compromises and accept greater losses than their adversaries. Indeed, such considerations suggest that it may sometimes be preferable for each side to take certain steps *unilaterally* rather than as part of an agreement²¹

The psychological processes we have noted above constitute barriers during the negotiation process and foster ambivalence and disappointment at the prospect of making difficult compromises. They also will add credibility to charges of betrayal levied by the enemies of the peace process at crucial junctures when that process is moving forward. In this regard we note a lesson from previous conflicts. As in the Middle East, the party that enjoys greater military power typically searches for, and bemoans its failure to find a “partner” on the other side—that is, a leader who both enjoys legitimacy and is willing to make peace by accepting the compromises that are being offered. We suggest that such a search is doomed to failure. The more appropriate search is for a partner to whom, in a sense, one is willing to lose. The more appropriate search is for a leader on the other side whose trustworthiness and capacity to enforce peaceful transition, and whose willingness to embrace a future that that is bearable and secure for all concerned, makes one willing to offer precisely the types of compromises one vowed never to make. Such a leader on the other side convinces one that those compromises are, in fact, both necessary for and compatible with a secure and bearable future.²²

Dialogue at the grassroots as well as the leadership level can play a constructive role in combating feelings of loss and betrayal. Instead of belittling such claims, or, even worse, gloating about them, the participants in such dialogue need to acknowledge the authenticity if not the full legitimacy of these feelings. Such recognition, in turn, can help to bridge the gap between the period in which compromises are made and the point at which ordinary citizens begin to reap the benefits of the relevant agreement.

The pursuit of justice and the ending of injustice

A final theme that our work in both Northern Ireland and the Middle East has brought to the fore is the pursuit of just entitlements. As our colleague Avishai Margalit poses the problem, participants in a conflict often feel that they are being asked to settle for “just peace” rather than “a *just* peace” (Margalit, 2003). Protracted, violent conflicts inevitably involve parties who are seeking more than a mere improvement of their present circumstances. They demand justice, in accord with their own divergent

views of past and present circumstances. That is, the parties yearn for a resolution of their conflict that somehow takes into account the relative legitimacy of their own claims and the relative authenticity of their own narratives versus those put forward by the other side, even in the face of power asymmetries that limit their capacity to achieve what they seek. Political leaders who ignore or even compromise such demands—who in a sense betray their past and/or important elements in their present constituency—place not only their positions of leadership but sometimes their lives at risk, as we of course have seen tragically in the Middle East.

The dilemma in question is more easily stated than resolved. On the one hand, the task of framing an agreement that satisfies the two side's conflicting views of what a just settlement would entail—as opposed to satisfying the more modest goal of mutual improvement over the status quo—is a daunting and sometimes impossible one. In that sense, any “justice” requirement presents a barrier to agreement. In our experience, even *discussing* those conflicting narratives (beyond the degree necessary for each side to appreciate the content of the other side's narratives and the sincerity with which they are offered) soon becomes a source of greater heat than light. On the other hand, parties who sign an agreement they deem unjust or inequitable because they face the threat of worsening conditions if they do not sign are bound to remain aggrieved. What is more, they are likely to treat the agreement as a temporary and expedient necessity—one that they feel free to abandon once they are no longer subject to coercive threats or once they have had redressed the power imbalance that had compelled them to sign the agreement in the first place. Indeed, to the extent that the party coercing its adversary into such an agreement recognizes this state of affairs, it will distrust the sincerity and reliability of the other side's compliance.

The question of what makes a party willing to abide by an agreement that it regards as unjust, or even one that seemed just at the time it was accepted but has resulted in an outcome its now deems as unjust, is one for psychologists and experienced negotiators and mediators alike to answer. Part of the answer, of course, is the extent to which the less-than-just outcome is nevertheless bearable and an advance over previous circumstances. But the answer also depends in part on whether the parties are satisfied about the fairness of the *process* and the *procedures* that produced the agreement (Tyler 1988; Tyler 1989; Tyler et al, 1997; Tyler & Smith 1998).²³ Cultural differences may also influence the degree to which, and the circumstances under which, parties feel obliged to honor or to rectify agreements when unforeseen consequences arise (Markus & Lin, 1999). Finally, parties are more apt to honor agreements they have come to regret when they have good reason to believe that the other side would do likewise if the situation were reversed.

The dialogue work we have done in Northern Ireland suggests that adversaries will respond negatively to a “framing” of the negotiation process that either emphasizes the need to satisfy both parties' notions of justice or that disregards justice concerns and focuses solely on making improvements over the status quo. Instead, we have found value in a “middle way”—one that involves framing the problem not as one of *achieving justice* or *ignoring justice*, but rather as that of *rectifying injustice*. In our experience, parties of good will who are reject each other's claims about overall entitlements and the requisites of a just settlement nevertheless find common ground when it comes to addressing each other's concerns about the unjustifiable suffering of obviously innocent parties.

The concept of a non-humiliating peace

Our experiences in Northern Ireland and in the Middle East have offered us one final insight that we feel receives inadequate attention in most of the discourse on bargaining and negotiation. Our discussions with leaders and laypeople bear witness to the fact that no party will endure indefinitely the feelings of humiliation that often follow in the aftermath of violent struggle and coerced agreements (Lindner, 2001a, 2001b). The concept of humiliation is difficult to define because it is so quintessentially a matter of subjective rather than objective determination. Some individuals and groups feel humiliated by

circumstances or events that others find quite tolerable or even natural. The best we can offer in the way of definition is that people experience humiliation (individually or collectively) when they feel they, or their group, have been treated in ways that degrade their humanity or offend their dignity, without their having any vehicle for prevention or redress. Critically, the feeling of humiliation is a consequence not simply of the experience of loss but rather that experience aggravated by a fundamental disempowerment in the absence of any mechanism for remedy. Thus, both the theme of loss and the theme of injustice are involved in humiliation. Those feelings of humiliation are exacerbated when the party that has imposed the loss-producing settlement denies the relevant injustice or refuses to rectify it and may be further exacerbated when third parties with the capacity to intervene fail to do so.²⁴ In the Middle East, both Israelis and Palestinians can point to a history of such humiliation—a fact that could be used to increase empathy and understanding between the parties, but one that also make each side feel entitled to attend to its own needs and ignore the needs of the other.

More specific to our present concerns is the notion of a humiliating versus a non-humiliating peace, a notion to which we were introduced by the philosopher, Avishai Margalit.²⁵ Margalit's conception of a non-humiliating peace stands in opposition to the two notions of peace implicit in our discussion of loss and just entitlements—that is, a *victor's* peace that has been imposed and accepted because non-acceptance would impose even greater losses on the losing party, and a *just* peace that would satisfy both parties' views of historical and contemporary entitlements. Many individuals on each side of the conflict continue to espouse maximalist demands; they insist on, or at least continue to hold out hope for, the peace that they would impose if they could. Against this vision, any negotiated peace—composed, as it always is, of agonizing compromises and concessions—will be as a bitter pill to swallow. As we noted earlier, it will be a peace that has conceded more and achieved less than one or both of the antagonists, and even many third parties, deem fair.

If such a peace is to be a *non-humiliating* peace, however, it will be one that acknowledges the reality and magnitude of the losses experienced by both sides and the degree to which deep aspirations on the part of both sides have been compromised. It will also be marked by a mutual attempt to decrease the cases of injustice that exist in the aftermath of the agreement. Both of these requirements, of course, entail a mutual recognition of each other's rights to the security and dignity and a mutual commitment to enhance the capacity of citizens and communities to improving their everyday lives. Almost certainly, they will also demand a measure of continuing engagement and dialogue of exactly the sort that has become so difficult in a climate where attempts at finding common ground, or even minimal expressions of sympathy for the other, are apt to be labeled as traitorous, and to compromise the personal safety of those undertaking the risks of engagement.

Overcoming Relational Barriers to Implementation

The two principal barriers to implementation suggested by our analysis are (1) distrust about the completion of the necessary reciprocal steps for fully reaching a final agreement that truly ends the conflict and (2) the threat posed by potential spoilers with both the incentive and the wherewithal to derail the peace process. In the broadest terms, what is required to overcome these barriers is a relationship between governments and/or pro-peace opinion leaders on both sides that makes possible, first, guaranteed compliance with commitments that each side has made and, secondly, ways of dealing with spoilers that precludes the need for tit-for-tat retaliation. To some extent, the requirement is a political one. Leaders are more likely to resist the clamor for cessation of the process and retaliation against malefactors when the political costs of doing so are relatively small and the political consensus for staying the course on the path to peace is strong. Selecting and supporting leaders who are both personally disposed and politically committed to take the relevant risks, of course, is helpful. However, in contemplating the current leadership of Israel and the impending emergence of a successor to Yasir Arafat, it is worth noting that many historically important agreements have been accomplished by leaders

who seized new opportunities in new circumstances even though doing so involved “betrayal” of important elements of their core constituencies and, in a sense, their own political pasts.²⁶

Regardless of whether one is seeking to enhance the position of potential pro-peace leaders or to change the sensibilities and calculations of leaders who have heretofore followed a different path, there are some concrete steps that ordinary citizens can take that go beyond ballot box choices, letters to the editor, and patient dialogue with friends, co-workers, and family members. There are also steps that pro-agreement leaders can take to reduce the political costs of embarking and continuing on the road to agreement and peace—not only their own costs but also those borne by the leaders on the other side. We conclude this chapter by enumerating five specific steps that we feel particularly relevant in the context of the specific relationship now existing between Israelis and Palestinians, with the hope that our colleagues both in the Middle East and closer to home will further refine and augment our list.

(1) Most obvious is the need for discussion and contact groups, not only between individual citizens on the two sides of the conflict who favor compromise over continuing struggle for “victory” but also between business or professional groups who share some common interests and responsibilities. Such “common-interest” groups might include physicians and other health care professionals, educators, social workers, town planners, importers and exporters, and also retired military officers who know the costs of combat and continued occupation and/or terrorism first hand. Participation in such groups—even the knowledge that such groups exist—helps to dispel the impression that the other side is monolithic and devoid of individuals with normal human feelings and normal concerns of family and community. These groups provide a positive story for national and international media. They also empower and give a platform to courageous “moderates” whose temperate words normally receive less media coverage than intemperate words and deeds of extremists. In short, they reassure people that there are in fact folks on the other side who share their hopes and aspirations for a less conflictual future.

It is in this regard that we most welcome the recent Geneva Accord and the Nusseibeh-Alayon Agreement, and applaud the work of bi-national efforts such as those undertaken by One Voice. While non-governmental agreements of this sort may not convince skeptics that successful implementation can occur, accounts of the content of such agreements and the process by which they were achieved provide a powerful rebuttal to those who deny the existence of partners to work with on the other side. They also provide a rallying point for the peace camp in each society, and they provide an object lesson to each side that moderates on the other side, no less than moderates on their own side, have the courage and conviction to risk charges of treason, ostracism, and even risks to life and limb.

(2) The problem of “spoilers” must be addressed openly and effectively. Consensus about the need for a peace agreement and about the advantages of a particular agreement over the violent status quo will not be sufficient to pave the way for successful implementation of such an agreement as long as parties hostile to the agreement can use violence to provoke retaliation from the other side. Indeed, building a constituency for implementation of an agreement will remain impossible so long as those opposing the agreement can use ostracism and/or the threat of violence to silence any moderates who would form the vanguard of that constituency. Two related social science concepts—pluralistic ignorance (Lippman, 1922) and false polarization (Robinson, Keltner, Ward, & Ross, 1995)—are relevant in this regard. If potential opinion leaders whose views are more favorable to the reaching and implementation of an agreement do not feel free to speak out, ordinary citizens and politicians alike are apt to underestimate the number of people who share those views and to overestimate the degree of polarization in the relevant bodies politic.

(3) Ordinary citizens and leaders alike who favor the peace process need to let people on the other side hear them acknowledge painful truths that all too often are voiced only within their own societies, including concessions about the legitimacy of particular claims made by the other side. Our own candid

discussions with members of the peace constituencies in the two societies have furnished us with some obvious examples of what each needs to hear from the other. Israelis want and need to hear Palestinians acknowledge the folly of their past military adventures and the numerous times they failed to pursue negotiation when the opportunity presented itself. They also yearn to hear Palestinians express honest outrage at the political corruption that their leaders practice or acquiesce to, in particular, the appropriation of funds intended for public betterment, and cronyism in awarding of contracts and monopolies. Such corruption helped to make the hoped for “peace dividend” following Oslo a frustrating fiction instead of an impetus to further agreements and more substantial dividends.²⁷

Palestinians similarly yearn to hear Israelis acknowledge past mistakes and injustices. They particularly want and need to hear Israelis express honest outrage at the continuing seizures of land, expansions of settlements, and the subsidy of settlers whose presence and disproportionate political influence is an obvious barrier to the types of territorial concessions that will have to be made. They also long to hear Israelis acknowledge and express remorse about the destruction of Arab villages in the 1948 War and the plight of innocent Palestinian refugees whose exodus was involuntary and who were prevented from returning to their homes. Even if, indeed especially because, Israeli leaders do not deem collective rights of return to be a politically or demographically feasible option, Palestinians also need to hear ordinary Israelis and their leaders speak out in favor of plans for meaningful restitution as a moral imperative, not just as a quid pro quo to be offered in return for Palestinian concessions.

Beyond such acknowledgements, the two sides need to become more aware of the rhetoric that makes potential partners in the peace process deaf to their subsequent arguments and proposals. When Zionist leaders spoke of a “land without people” accommodating “a people without land,” or when Golda Meier questioned whether one could legitimately refer to Palestinians as a people, the dehumanizing message to Palestinians was clear; and the inclination to reach accommodation with those who made such claims was diminished. When Israelis gloat that Palestinians have worsened their situation every time they have undertaken military initiatives or failed to respond to peace initiatives, they rub salt into the wounds of people who feel that they have continually faced unfair choices between “bad” and “worse.” When Palestinian leaders complain that no people has ever suffered such losses and indignities, or been faced with such indifference on the part of the great powers, Israeli Jews—mindful of their own history and the horrors of the Holocaust—are offended, incredulous, and disinclined to continue sympathetic listening. When Palestinians bemoan the current asymmetry in power, Israeli Jews, aware of the treatment afforded Jews in many Arab countries over the past few decades (and of Jordanian pre-1967 denials of Jewish access to holy sites in the Old City of Jerusalem), ponder what their fate would be if the current power balance were *reversed*. It would be healthier if the two peace constituencies confronted each other honestly about the outrage they feel in hearing such rhetoric, instead of suffering in silence while continuing to doubt each other’s sincerity and humanity. Certainly it would be desirable if both sides were better able to appreciate the effects on the other side of their *own* side’s rhetorical strategies and omissions and, better still, to appreciate the reasons for those effects.

(4) Political leaders need to abandon political tactics that play well at home but forestall the chances for peace. It is all too easy to point to compliance failures of the other side and use them to justify the non-compliance of one’s own side. Political constituencies (and third-party support) need to be built for leaders who dare to offer unprecedented acknowledgments and compromises and, in so doing, challenge the conventional wisdom of the skeptics on the other side. Such offers should be accompanied by challenges to the other side to reciprocate or to face the opprobrium of third parties who are promoting (as well as funding) the cause of peace. Another easy but non-productive political tactic that needs to be discouraged is the selective quoting of speeches or, more commonly, the practice of taking portions of speeches taken out of context in order to fuel skepticism. We often hear Israeli hawks note the discrepancy between the relatively conciliatory speeches that Palestinian leaders and spokespersons deliver in English, and the heated and uncompromising rhetoric of the speeches they deliver for domestic

consumption. The discrepancy may be real enough, and it does frustrate the efforts of those on both sides who seek to make and implement peace. But the insistence that words spoken to reassure potential critics on one's own side are more authentic than words spoken to the other side and to third parties is unreasonable and at odds with the lessons of history. As we noted earlier, the politics of the Irish and South African struggles, and many earlier struggles as well, are replete with examples of leaders for whom exactly the *opposite* proved to be true (Waldmeir, 1997; Maloney, 2002).

(5) Third parties, most notably the United States, but also the European Union, the United Nations, and the Arab states that would benefit from an end to the Middle East logjam, have obvious roles to play. To the extent that they have the power to do so, they should strive to prevent terrorist action, to discourage tit-for-tat retaliation, and to ensure the political rights of peace advocates whose positions offend their leaders. They can also help to guarantee that both sides will reciprocate concessions and meet deadlines as called for in any agreement and to assure the two societies that, in the aftermath of an implemented agreement, they will enjoy the same long-term security afforded other nations that respect the integrity of their neighbors. These parties also have a role to play in providing financial support that would make a peace dividend possible. But they also need to show more courage, even at the risk of offending diaspora communities and damaging trade or business interests. Neutrality and evenhandedness lie in the eyes of the beholder. But it is not unreasonable to hope that such parties will speak the truth about matters where the truth cannot be disputed, to reward risks taken for peace rather than actions undertaken to retain and enhance political power, and to facilitate brave dialogue instead of demagoguery.

SUMMARY OF MAIN POINTS AND CONTENTIONS

Prerequisites for Agreement and Settlement

1. No agreement, no matter how open or closed, or how complete or incomplete, can advance unless it is viewed both by the relevant political leaders and by the bodies politic as preferable to the continued downward spiral of the conflict.
2. Both ordinary citizens and elites who hold "veto power" must feel that the future envisioned by an agreement will ultimately offer them a secure and "non-humiliating" day-to-day existence. To trust that the other side will comply with any agreement, they must also feel that a similarly bearable existence will be enjoyed by the other side and that the other side knows this to be true.
3. Genuine settlement can occur only when the parties believe that the agreement they would be making would resolve all the remaining outstanding issues to the satisfaction not only of their own side but also to the satisfaction of the other side, and thus truly end the conflict.
4. Both sides must believe that the other side intends to live according to the dictates of the agreement and/or seek to change its terms only through the civil and political processes established and recognized in the agreement. They must be willing not to subvert the agreement even if changing circumstances should make it possible for them to do so, and they must believe that the other side shows the same willingness.

Requirements for the Success of "Gradualism"

1. The process of gradual steps forward must create trust and confidence between the parties. With such trust, issues that currently appear critical but intractable can come to seem less critical and therefore more tractable.

2. Whenever possible, the “packaging” and timing of mutual concessions should be such that each step leaves both sides better off than before. Ideally, each side should feel that its interests would better be served by implementing the steps it has promised to take and inviting reciprocation by the other side than by delaying implementation until it sees that the other side makes its promised concession first.
3. At a minimum, the strategy of gradualism must produce improvements in individual and communal daily life that can offset the perceived cost (and perhaps even the perceived injustice) of painful concessions that have been made and of those that will have to be made in the future.
4. It is often helpful to have third parties who can play critical roles as guarantors, financiers, facilitators, and honest brokers to the extent that the parties need help in meeting the above these implementation requirements.

Characteristics of a Non-humiliating Peace

1. A non-humiliating peace must at least address the injustices done to individuals and communities that are recognized by both sides.
2. A non-humiliating peace must do more than maximize gains and minimize losses. It must acknowledge the authenticity of losses that have already been suffered or that will be incurred by particular individuals and communities in the process of seeking mutual gains that outweigh such losses.

Strategies and Tactics for Overcoming Barriers to Implementation

1. Any successful implementation strategy must anticipate and devise procedures and processes to deal with the problem of spoilers who oppose and can undermine even those peace agreements that are favored by majorities on both sides. Both sides must become convinced that the other side has the will and the means to thwart spoilers, even if the political price of doing so is high.
2. Dialogue groups and professional or business groups that bring individuals favoring agreement into contact can play a vital role in building a peace constituency and dispelling each side’s worst fears about the other side.
3. Detailed accords and agreements between elites and/or large groups of citizens (such as the Nusseibeh-Ayalon Agreement and the Geneva Accord) can also play a constructive role in building optimism and momentum for peace—especially if they are well publicized not only in the Middle East but also in the United States, Europe, and throughout the Islamic world.
4. Personal security, including security that allows individuals in both societies to challenge the voices of extremists, is essential to build and give voice to any emerging peace constituency.
5. It is extremely helpful for each side to hear the *other* side acknowledge difficult truths about the costs and folly of unwise policies and practices undertaken by their own leadership. However, it is also important to understand that such symmetry may not be possible unless and until adequate security exists in both societies. In particular, it is important to recognize that public criticism of leaders is far more difficult in some cultural and political contexts than in others.
6. Political leaders must be discouraged from employing political tactics that serve their own immediate interests at the expense of the longer-term interests of their citizens. Each side must also resist

employing political rhetoric and political tactics that undermine the capacity of leaders and elites on the other side from pursuing engagement, cooperation, and peace.

7. Demands that the leaders on the other side prove that they are potential “partners” in search for peace can be misguided. While courage on the part of leaders seeking peace is important, such courage must be accompanied by political support and some record of success in bettering the circumstances of one’s constituency. Too often, the search for a reliable partner is the search for someone on the other side who will make unprecedented compromises without receiving such compromises in return. In a real sense, the task of the peace constituency is to find and increase the political leverage of the opposite kind of leader on the other side—that is, a leader to whom one is willing to make precisely the compromises that one had claimed one would never make.

END NOTES

¹ In 1991, the Stanford Center on Conflict and Negotiation, and the Foundation for Global Community co-hosted one of the first efforts by prominent Israelis and Palestinians to produce the essential provisions of a realistic Israeli/Palestinian peace settlement (Foundation for a Global Community, 1991). The relevant document of agreement has proven to be prescient of the plans discussed in this chapter.

² Stanford Center on Conflict and Negotiation and Community Dialogue, a grassroots dialogue effort in Northern Ireland, have been engaged in a four-year study exploring the relevance and role of citizen dialogue in the dynamics of social and political reconciliation (Lennon, 2004; Bland, 2000, 2002, 2003 2004).

³ The Arabic term *hudna*, which means means “truce” or “armistice” (<http://en.wikipedia.org/wiki/Hudna>), has a complex and contentious history. The term is famously applied to the Treaty of Hudaybiyyah in 628, wherein Muhammad and the Quraysh tribe of Mecca called a halt to hostilities and instituted a ten year cease-fire. After two years, during which he rearmed and regrouped his forces, Muhammad broke the treaty by launching an assault that conquered the city with little resistance (Peters, 2003, pp. 85-86). Thus, the term *hudna* carries the connotations of a strategically necessary lull in combat until the struggle toward ultimate victory can be resumed under more favorable conditions. (See Lewis, 2002, for a discussion of the history of relevant later events, including the Treaty of Carlowitz in 1699 that marked the first time that a defeated Ottoman force had to sign a treaty from a position of weakness, rather than dictating the relevant terms). Indeed, in a 1994 speech made at a South African mosque, Yasser Arafat explicitly compared the deals he had made in during Oslo to the 628 Treaty of Hudaybiyyah, characterizing the Oslo agreement a temporary tactical truce, and proceeding to call for a jihad to liberate all Palestine. Not surprisingly, this speech greatly undermined the efforts of those in the peace camp who heretofore had tried to convince more hawkish Israelis that Arafat was a serious political partner (Morris, 2001, 625; *HaArez*, May 23, 1994).

⁴ The Oslo formula, which included the creation of a quasi state-like entity, gave the Palestinian Liberation Organization (PLO) the power not only to negotiate on behalf of the Palestinian people but also to suppress political opposition and to regulate trade and commerce within the occupied territories. The result for many Palestinians, beyond disillusionment about future prospects for a viable Palestinian state, was a worsening of their everyday conditions. Free travel and trade across the green line became more difficult, and corruption and cronyism in the Palestinian Authority imposed further costs on ordinary Palestinians (Bornstein, 2001; Bouillon, 2004).

⁵ The key aspect of the theory relevant to present concerns is the assumption, now supported by a great deal of research, that decision makers weight prospective losses more heavily than prospective gains of equivalent objective magnitude and, as a result, take unwise risks to avoid losses (especially losses that are certain) and show a reluctance to make trades that entail a mixture of gains and losses. There are many important consequences that follow from this insight, especially when it concerns unwise or faulty assessment of risks. One important consequence is that parties will take unwise risks to avoid certain and immediate losses. At the same time the parties will prove unwilling to take risks—even risks with better prospects in terms of probable outcomes—in order to pursue gains. Another consequence is that parties in negotiation will unwisely turn down proposed changes or concessions that offer a mix of gains and losses, even when the promised gains are objectively greater than the losses. While there is nothing logically or politically suspect about weighting losses more heavily than gains, it is important that parties recognize that maintenance of the status quo is itself a choice that entails potential losses and risks.

⁶ An important insight derived from prospect theory has relevance here. People who would find the outcome of a settlement acceptable if it was fully implemented and already existed may nevertheless refuse to make the concessions contained in this

settlement in order to reach it. In particular, many Israelis and Palestinians who would benefit from, and find satisfaction in the compromises imposed by a return to the borders prior to the 1967 war for acceptance of the border established in 1948, with adjustments and land swaps agreed upon by both sides, would balk at making the concessions necessary to reach that settlement.

- ⁷ A case in point is the reputed (but some say inaccurately reported) “death-bed” recantation or confession of Faisal Husseini, a prominent Palestinian leader in the occupied territories and a long-time public advocate of the process and a two-state solution. Notwithstanding his earlier public pronouncements and friendship with many in the Israeli peace camp, he allegedly characterized the Oslo Process as a “Trojan horse”—suggesting that it or any other agreement was merely a temporary stop on the way to the liberation of all of Palestine, including the territories comprising the current state of Israel, or in other words that the ultimate goal for the Palestinian struggle remained the reversal of the catastrophe of 1948 (Rabinovitz, 2004). Although such seeming recantations, whether exercises in candor or expressions of exasperation, are bound to be upsetting to those who have worked with and trusted these individuals, they should not be given more significance than they merit. Many prominent Israelis, including some who have worked hard to forge agreements, similarly hold “maximalist” hopes, dreams, and even aspirations regarding the future that Palestinians would deem unbearable and, if openly voiced, would do harm to ongoing efforts at achieving agreements in the near term. Nevertheless, giving voice to such maximalist dreams and long-term aspirations has a cost that cannot be denied. Doing so breeds distrust and, equally important, it encourages those on the other side to regard their adversaries without sympathy or empathy, and hence to negotiate with only their own narrow interests in mind—in short, to cease striving for a peace that offers each side a place in the future that it will find bearable and thus one that each side can believe the other side will accept rather than try to undermine.
- ⁸ Dissonance Theory (Festinger, 1957) would suggest that the rationalizing the continuation of a struggle in the face of defeats and frustration would demand the adoption of beliefs to justify doing so (for example, “we shall triumph because our cause is just” or “history is on our side” or “we can’t break faith with the martyrs who have died for the cause” or even “there is no point making an agreement with them because they can’t be trusted.” Those beliefs, in turn, would pose an impediment to agreements even when circumstances made it rational to make those agreement (Mnookin & Ross, 1995) unless some new justification could be found (for example, “the terms offered now are better than those offered in the past” or “history will judge as us heroes for ending the suffering”) that reduced the relevant dissonance. However, dissonance reduction can also play a *constructive* role in the aftermath of conflict, as parties will be motivated to justify the concessions they made and to value the concessions they received.
- ⁹ In March 1999, Community Dialogue published an inventory of the just how much of the Good Friday Agreement had been actually been implemented. Issued in response to the widespread feeling that the Agreement had failed, the publication contended that only a small portion of the Agreement—albeit some of the most difficult and contentious parts of it—remained to be put into practice (Community Dialogue, 1999). The documentation of the degree of consensus that *had* been achieved on issues that previously had separated the parties and had seemed unbridgeable surprised almost everyone who read the report.
- ¹⁰ In the last election, the hard-line Democratic Unionist Party (DUP) replaced the more moderate Ulster Unionist Party (UUP) as the majority unionist party in Northern Ireland. Since taking office, however, the DUP’s rejectionist “No” platform has subtly shifted to refer not to the complete denunciation of the GFA but rather to insistence on its improvement through amendment and modification. Once in power, even the DUP was forced to confront the reality that its only choice was ultimately between the present (GFA) agreement and *no* agreement.
- ¹¹ In fact, it is a useful exercise for the participants in any dialogue between the conflicting groups to convince the other side that the future they envision would provide the other side with a more attractive place than that other side had assumed would be the case. Our colleagues at the Floersheimer Institute for Policy Studies and the International Peace and Cooperation Center in Jerusalem have pioneered a created way to use scenario analysis as an excellent way to make this abstract task more concrete and, equally important, more collaborative (http://www.fips.org.il/p_publications/scenarios_en.asp). For the role of scenario-building in the South African peace process, see *The Mont Fleur Scenarios* (Beery, Eidinow, & Murphy, 1992) and *Scenarios of Change* (Galer, 2004). Also see *The Art of the Long View* (Schwartz, 1996) and *Scanning the Future* (Blumenfeld, 1999).
- ¹² Relevant research on “reactive devaluation (Ross, 1995; Moaz, Katz, & Ross, 2003) suggests that even seemingly forthcoming proposals from the other side are apt to be devalued and rejected as inequitable, as trivial and token, or as even worse than the status quo, thereby heightening the cycle of mutual rejection and distrust.
- ¹³ Popular accounts of the aftermath of both Oslo and Taba highlight exactly this schism, and explain why managing such a schism demands that the parties resist the temptation not to proclaim the open or closed nature of the agreement to their respective bodies politic. The choice of treating what the other side says in English to the rest of the world vs what it says in

Hebrew or Arabic for domestic consumption as the indicator of the other side's "real intentions" is also relevant in this regard—a choice discussed further in the last section of this chapter.

- ¹⁴ If either side believes the other side would exploit future opportunities to "improve" the terms of agreement, the prospect that end-state approaches will succeed remains in doubt (or at best will depend on the stronger party's confidence that it will continue to possess means of coercion, and the weaker party's confidence that third-party guarantors will continue to protect their interests). In this regard, we note, with approval, that the ICG would put its proposal in the form of a referendum to the Palestinian and Israeli citizenry and thus provide at least one test of their willingness to commit themselves to the relevant terms. However, the degree to which, and the means by which, the majorities on the two sides and their leaders (to say nothing of more hawkish minorities) would accept such a referendum as *binding* upon them in the face of inevitable disappointments and reversals remains questionable. Even more questionable, of course, is the confidence that each side has about the *other* side's willingness to accept the agreement as binding, and the willingness of the other side's leaders to pay the political price of ignoring or, if necessary, even suppressing those who would seek to undermine that agreement. While the ICG's proposals have international third parties playing a major role, they do not suggest that those third parties should have the wherewithal to enforce provisions militarily in the event that one side chooses not to honor its promises (International Crisis Group, 2002a).
- ¹⁵ In this context, we emphasize again the importance of reducing corruption, cronyism, and other practices that rob the neediest of the "peace dividend" that would otherwise build momentum for the more difficult exchanges of concessions that will yet have to be made if a stable peace is to be achieved (Bouillin, 2004). The temptation to "look the other way" or even to encourage corruption as a means to win the agreement of self-interested factions and agents must be resisted by all concerned, says former ambassador Dennis Ross (2004, p. 783), especially by third parties who are providing aid.
- ¹⁶ Such feelings are apt to be a product both of reactive devaluation (Ross, 1995; Ross & Ward, 1994) and of the tendency for parties to respond negatively to a trade that involves an acceptance of losses (especially ones that are certain) for prospective gains (Kahneman & Tversky, 1995).
- ¹⁷ The Road Map (US Department of State, 2003) calls for proceeding in three stages or phases, as follows:
- Phase 1:** The plan demands that the Palestinian leadership launch a thorough and sustained crackdown on violence and terrorism and also begin building the foundation for a "practicing democracy based on tolerance and liberty." The somewhat vaguer requirement on Israel is "to do what is necessary for a democratic Palestinian state to be established." This requirement, as is later stipulated, requires that Israel must freeze all settlement activity (including natural growth) and withdraw from Palestinian areas recently occupied, thus returning to the status quo ante of September 28, 2000. Israel is also called upon to refrain from confiscating and demolishing Palestinian homes and property and help improve the humanitarian situation.
- Phase 2:** After the Palestinians have engaged in serious institutional reforms, drafted a constitution, and held elections, the parties are to undertake the creations of "an independent Palestinian state with provisional borders and attributes of sovereignty" that will act as a "way station to a permanent status settlement." The goals of this phase are effective and cooperative security arrangements, increased normalization of Palestinian life, and sustained institution-building.
- Phase 3:** When suitable progress has been achieved, the parties will consolidate the reforms and security arrangements undertaken in Phases 1 & 2 and will enter negotiations concerning permanent status arrangements.
- ¹⁸ Dennis Ross's somewhat skeptical assessment is that the Bush administration seemed to feel that the Road Map would be self-implementing (Ross, 2004, p. 795). Nevertheless, he characterizes the administration's efforts to shift the focal point of the peace process toward the need for reform and democratization within the Palestinian Authority as a positive move (p. 787). Our present analysis would certainly support that characterization.
- ¹⁹ In "Three Men in a Boat," Hussein Agha and Robert Malley (2003) call the Road Map simply "Oslo under a different name." They forecast that the same pitfalls that undermined the gradualism of Oslo will also prove the downfall of the Road Map, a forecast that thus far, unfortunately, has been borne out. They also note the striking similarity in the way that both Sharon and Arafat were then exploiting the opportunities that the Road Map offered them. "Neither," the authors claim, "is in any particular hurry." Both believed that time is on their side, with Sharon seeking to expand his territories and Arafat trusting that at the end of the day the Israelis would have to relent and deal with the Palestinians. The authors concluded: "*Neither man seems to fear the chaos and tumult of the present; each seems to believe he can endure it better than the other can. Power, they have learned, comes from surviving instability, not from seeking to end it. Both know that to project desperation is already to have lost the war. Both know that roadmap or no roadmap, the battle must go on, in a shape and with an intensity yet to be determined.*" Today, with Arafat's recent death, there is perhaps room for greater optimism because the two leaderships seem to have a greater sense of urgency, although neither has given evidence of any willingness to offer concessions more generous than those offered in the past.

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- ²⁰ The relevance of the reactance phenomenon is suggested in a recently published study by I. Maoz, M. Katz and L. Ross (2003). In the study Israeli Jews were asked to evaluate simplified versions of consecutive Israeli and Palestinian proposals made a week apart in the May of 1993 in the post-Oslo negotiations. However, the putative authorship of the proposals was manipulated such that half of the participants reading each proposal thought they were reading an “Israeli Proposal” and half thought they were reading a “Palestinian Proposal. The most dramatic result of the study was that the participants rated the actual proposal by their own side, when labeled as a Palestinian proposal, as less good for their side and better for the other side than they labeled the actual Palestinian proposal when it was attributed to their own side. Furthermore, Arab participants living in Israel (who saw only the Palestinian proposal) rated it as better for Israelis, and worse for Palestinians, than the Israelis rated it—regardless of its putative authorship.
- ²¹ The obvious examples are cases in which a particular step is advantageous to the side making it as well as its adversary. The problem is not that such steps will be unwelcome; rather it is that the side called upon to make them may feel that the other side is meddling in its affairs, that it is not getting reciprocal concessions of equal magnitude, or even that it is being called upon to surrender an important principle. Discussion of PLO and PA reform, withdrawal of Israeli settlers from Gaze, and perhaps even changes regarding the specifics of the Palestinian demands for a “right of return” are examples of issues in which their may be real advantages from having at least their initial phases conducted in intra-party rather than inter-party dialogue.
- ²² This argument, of course, is most famously relevant to the settlement of the liberation struggle in South Africa, and the relationship that ultimately was forged between Nelson Mandela and the South African government under the leadership of F. W. De Klerk, although a cautionary note is in order here since Mandela came much closer to achieving the longstanding goals of the movement he led than is likely to be the case for any Palestinian leader given the current state of the Middle East conflict. See Waldmeir (1997), Mandela (1995) Sisk (1995).
- ²³ Nevertheless, even processes that are initially judged as even-handed will be recast as unfair if the outcomes they produce consistently violate one or both of the parties’ entrenched senses of entitlement.
- ²⁴ Space does not permit us to delve into the issue of refugees and the right of return, but the relevance of humiliation in this context is profound (Benvenisti, 2001).
- ²⁵ We were introduced to this notion through a presentation that he made to SCCN’s Interdisciplinary Seminar on Conflict and Conflict Resolution (2003). In *The Decent Society* (1996), Margalit defines humiliation more broadly as rejection from the human commonwealth, that is, a denial of rights and considerations to which one owes all human beings regardless of the nature or degree of relationship in question.
- ²⁶ When the Irish Republican Army (IRA) first called a cease-fire in 1994, the leadership searched for a word to describe it that would not raise the hackles of the grassroots who feared a sell-out. They came up with the Irish word *sos*, which (like the Islamic notion of a *hudna* discussed earlier) means a pause, a cessation, an interval, or a rest. It became simply “*the suss*” in everyday parlance and paired nicely with the nuanced usage of the word *suspension*, which the IRA used repeatedly to describe the cease-fire. Whereas more peaceful or permanent language would have been fiercely resisted by the Army Council, this relatively ambiguous language gave Gerry Adams room to maneuver. It allowed the Army Council and IRA grassroots to hear a hard-line, militant message and the British government to hear amore peaceful and conciliatory one—although MI 5 repeatedly warned that Sinn Fèin leaders had very different internal and external faces, which in turn produced a great deal of skepticism about IRA intentions on the part of the British and the Irish government. In light of similar skepticism about “mixed messages” from the PLO it is worth noting that the message received by the British turned out to be more truthful than the one received by the IRA’s colleagues in the Army Council (Moloney, 2002, 429-454).
- ²⁷ For an excellent account of corruption in the Palestinian Authority and its devastating impact on the Palestinian society, see Matt Rees’s *Cain’s Field* (2004).

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