



Oslo +20: Reassessing the role of confidence building measures



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ABSTRACT

Confidence building measures (CBMs) have long been employed as a tool for both conflict reduction and resolution. What started as a Cold War phenomena, CBMs have routinely been employed to deal with a myriad of conflicts in a variety of locations. In the Middle East, CBMs have been integral parts of both formal treaties and disarmament agreements between Israel and the Arab states. The 20th anniversary of the Oslo Accords provides a good opportunity to reassess the role of CBMs in the Oslo process. During the initial stages of negotiations between the Israelis and Palestinians, much emphasis was placed on the role and importance of CBMs. These CBMs were unsuccessful, however, because there was neither a strong foundation for negotiations, nor a real commitment on the part of the leaderships of both parties to implement and support the measures.

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1. Oslo +20: reassessing the role of confidence building measures

The 1993 Declaration of Principles (DOP) between Israel and the Palestinians brought a tangible feeling of optimism and hope that an end was in sight to the longstanding conflict between the two parties. It appears that much of this hope has been misplaced. While it is instructive to understand why this process has not led to any permanent agreement between the parties, it is also important for future conflict resolution (CR) activities.

The secret negotiations between the Israelis and Palestinians, which culminated with the DOP, were designed to resolve their longstanding conflict by moving forward in incremental steps, each building upon previous progress. The framers of this process believed that confidence

building measures (CBMs) could be implemented to help the parties move from conflict to coexistence. These CBMs have proven to be ineffective: the parties do not seem to be any closer to resolving the conflict today than when the Oslo process began.

This paper seeks to examine why CBMs have been unsuccessful vis-à-vis resolution of the conflict between the Israelis and Palestinians. Specifically, it will be argued that the CBMs have failed due to two primary causes: the lack of a strong foundation for negotiations and the lack of a real commitment on the part of the leadership of both parties to implement and support the measures. This paper will progress in three stages. The first includes an overview of CR and CBMs. Next, the specific process of CR undertaken by the Israelis and Palestinians is discussed. The final stage is an analysis of the impact of CBMs on the Israeli–Palestinian peace process.

One caveat must be noted at this point. The CR process between the Israelis and Palestinians is quite involved and complex, and a full discussion of the entire process, including a full history and all its facets, would fill

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volumes. Instead, this paper focuses on one key element: the role of CBMs. It does not seek to provide an exhaustive analysis of the entire peace process between Israel and the Palestinians, nor a holistic review of any of the agreements reached between them. Rather, it looks at the role – both positive and negative – played by one core component in the process. Furthermore, it must be stressed that there are multiple explanations for the underlying conflict between Israel and the Palestinians – including the role of religion. While it is important to understand the roots of a conflict for fruitful CR, this is not the purpose of this paper. This paper seeks to explore the use of one particular tool of CR, as opposed to being a holistic analysis of the entire Israeli–Palestinian conflict.

2. Moving from conflict to resolution

The shift from conflict to resolution is never easy, and various tools and strategies have been developed to help actors in this transition. While a full discussion of the CR process is well beyond the scope of this paper, it is helpful to understand the basics, especially as they relate to the process undertaken by the Israelis and the Palestinians.

2.1. Ripeness, readiness, and conflict resolution

One of the most difficult parts of any CR process is trying to decide when the process should begin. Zartman (1987, p. 196) argues that conflict situations must reach “a situation characterized by a mutually hurting stalemate (MHS), optimally reinforced by an impending or narrowly avoided catastrophe to produce a deadlock and a deadline, plus the presence of valid spokesmen for the parties and the perception of each party that a way out is present.” Zartman (1985, p. 9) also notes that a conflict is “ripe” when “unilateral solutions...are blocked and bilateral solutions...are conceivable.” However, Zartman (1987, p. 196) cautions that “ripe moments are perceptual events” and are neither sufficient nor necessary conditions for the initiation of negotiations but serve as a likely condition for negotiations to begin. Haass (1990, p. 27) voices a similar position, noting that that ripeness is directly related to “a shared perception of the desirability of the accord.” Once the parties view their conflict in this light, they can move toward finding a negotiated settlement and solution to the conflict.

There are some challenges to this idea of ripeness. One perspective views conflicts as being ready to move toward negotiations as opposed to being ripe for negotiations. According to readiness theory, an actor will engage in a CR process if “it is (a) motivated to achieve de-escalation and (b) optimistic about finding a mutually acceptable agreement that will be binding on the other party” (Pruitt, 1997, p. 239). Kleiboer (1994, p. 115) asserts that what is important is the willingness of the parties involved to engage in the CR process. Willingness is viewed as a component of ripeness, but this perspective argues that the willingness to resolve the conflict must come first – and is an essential requirement for CR. To a certain extent the differences between being ready or willing to engage in the CR process are merely semantic. What is important is that the

actors are prepared to engage in the CR process before any meaningful engagement can be undertaken.

It is important to stress that a conflict ripe for CR, or the parties being willing and ready to engage in a CR process, is not the same as engaging in negotiations or actually resolving the conflict. Zartman (1997, p. 198) cautions that “even a strong case of ripeness does not guarantee – i.e. explain – an outcome to the process that it makes initially possible.” Instead, ripeness and readiness are merely indicators that the parties may now be ready to engage in meaningful negotiations with the goal of solving or reducing the conflict. In this respect, the tools of CR, such as CBMs, are utilized within the negotiation process that begins once the parties are ready to engage in negotiations.

2.2. Conflict resolution in practice: the negotiation process

Once the parties agree to sit down and engage in CR, they embark upon a difficult journey where success is not a guaranteed outcome. In fact, it is important to always remember that CR is a dynamic process that is usually carried out in stages. Leaders and negotiators learn from past successes and failures, and integrate these experiences into the negotiation process. Since negotiations are a matter of give and take, a key element to any successful negotiation process is the knowledge that the other side is trustworthy and will stand by commitments made at the negotiating table. A core component of any CR process is therefore the development of a sense of trust between the various parties, and it is here that past experiences play a crucial role. Once the parties learn to trust each other, they should be willing to invest more in the process, facilitating more progress and eventually full resolution of the conflict.

2.2.1. Stage I: getting to the table with prenegotiations

Once a conflict is ripe for resolution, with the parties willing and ready to engage in the CR process, the parties move to the negotiation stage. The negotiation process is never an easy one, especially if the sides have been engaged in a protracted conflict. One way to ease into the formal negotiation process is with prenegotiations. These preliminaries are often facilitated by informal contacts between the sides (Dupont & Faure, 2002, p. 42) designed to allow the exchange of information and ideas about the format for future negotiations and what issues are on the table (Lieberfeld, 1999, p. 6).

The importance of prenegotiations should not be underestimated. Prenegotiations help the parties decide if it is worth it to engage in formal negotiations. Since these prenegotiations take place in secret, failures need not be publicized. Successful prenegotiations lay a firm foundation for meaningful negotiations and can create agreement on “basic principles embodying the spirit of the process” which should help both parties feel that their needs and concerns will be adequately accounted for (Kelman, 1992, p. 26).

2.2.2. Stage II: laying out the rules of the game

The next stage involves maturation of the negotiations. By utilizing successive rounds of talks, the sides move

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