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The Israeli-Palestinian Oslo Process: A Prenegotiation Perspective

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Abstract

In this paper, I explore the prenegotiation process between Israel and the Palestine Liberation Organization (PLO), which extended over eight months in 1993 and ended with the signing of the Declaration of Principles (DOP) in September of that year. During this period, the parties committed to recognize each other and conduct future negotiations with the aim of ending a century of conflict. The DOP was considered a significant breakthrough in Israeli-Palestinian relations. Scholars of Conflict Resolution typically view the discussions that led to the DOP as a positive example of how antagonists in ethno-national conflicts begin a course of constructive dialogue and conciliation. Applying prenegotiation theory, I question this assumption and argue that the prenegotiation process that took place between January and August 1993 leading the parties to commit to official negotiations and sign the DOP was in fact no more than a means of conflict management adjusting to contemporary circumstances. The research will uncover the factors that brought the leaders of both parties to consider negotiation and move towards accepting it as the best option at their disposal. I explore the functions that the prenegotiation performed and discuss how both parties failed to ensure that the necessary prenegotiation functions of the process were exhausted. Thus, my analysis indicates that the failure of the Oslo process, which began with the signing of the DOP, was inherent in the process's flawed basis.

Keywords: *conflict management, Declaration of Principles (DOP), Israeli-Palestinian relations, Palestine Liberation Organization (PLO), prenegotiation process*

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The Israeli-Palestinian Oslo Process: A Prenegotiation Perspective

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Abstract

In this paper, I explore the prenegotiation process between Israel and the Palestine Liberation Organization (PLO), which extended over eight months in 1993 and ended with the signing of the Declaration of Principles (DOP) in September of that year. During this period, the parties committed to recognize each other and conduct future negotiations with the aim of ending a century of conflict. The DOP was considered a significant breakthrough in Israeli-Palestinian relations. Scholars of Conflict Resolution typically view the discussions that led to the DOP as a positive example of how antagonists in ethno-national conflicts begin a course of constructive dialogue and conciliation. Applying prenegotiation theory, I question this assumption and argue that the prenegotiation process that took place between January and August 1993 leading the parties to commit to official negotiations and sign the DOP was in fact no more than a means of conflict management adjusting to contemporary circumstances. The research will uncover the factors that brought the leaders of both parties to consider negotiation and move towards accepting it as the best option at their disposal. I explore the functions that the prenegotiation performed and discuss how both parties failed to ensure that the necessary prenegotiation functions of the process were exhausted. Thus, my analysis indicates that the failure of the Oslo process, which began with the signing of the DOP, was inherent in the process's flawed basis.

Introduction

The basic premise of the “process school” in the conflict resolution (CR) field – that effective execution of the prenegotiation stage functions is critical for successful negotiations

(Zartman 2000)– highlights the importance of studying the prenegotiation process (which initially brings the parties to the negotiating table) in failed negotiations. Understanding the prenegotiation process can be particularly important because official negotiations between parties in ethno-national conflicts often reach a deadlock, and in retrospect, the parties' consent to sit together at the negotiating table cannot be considered more than a technical achievement. Nevertheless, and despite the vast literature that discusses the factors influencing parties' willingness to negotiate (Zartman 1985, 1989, 1996, 1999; Stein 1989; Tomlin 1989; Pruitt 1997, 2005a, 2005b, 2007), only a few scholars have studied the characteristics of prenegotiation in specific case studies (e.g., Stein 1989; Tomlin 1989). Moreover, even fewer attempts have been made to empirically study and assess the success of the prenegotiation process in bringing about strategic changes in the parties' beliefs and expectations of one another and of the negotiation process itself (Schiff 2008).

This study explores the prenegotiation process between Israel and the Palestine Liberation Organization (PLO), which extended over eight months in 1993 and ended with the signing of the Declaration of Principles (DOP) in September of that year. During this period, the parties committed to recognize each other and conduct future negotiations with the aim of terminating a century of conflict. For the first time in Israeli-Arab negotiations, the DOP noted the PLO as Israel's partner for negotiation over the future of the Palestinian people. Indeed, the DOP was considered a significant breakthrough in Israeli-Palestinian relations (Bercovitch 1997; Kelman 1997b; Pruitt 1997). Scholars of CR typically view the discussions that led to the DOP as a positive example of how parties to ethno-national conflicts begin a course of constructive dialogue and conciliation (Kelman 1997b; 1998). In the present research, I question this assumption by arguing that the prenegotiation process that took place between January and August 1993 and led to the signing of the DOP was no more than a means of conflict management adjusting to contemporary circumstances. I

illustrate this contention by investigating the unofficial process that ultimately led the parties to commit to official negotiations and sign the DOP. I examine this process first by uncovering the factors bringing both parties' leaders to consider negotiation and move towards accepting it as the best option at their disposal. I then explore the functions that the prenegotiation performed and discuss how both parties failed to ensure that the necessary prenegotiation functions of the process were exhausted. Thus, my analysis indicates that the failure of the Oslo process, which began with the signing of the DOP, was inherent in the process's flawed basis.

The basic premise of this study is that prenegotiation achievement in bringing the parties to the negotiation table does not necessarily reflect a strategic change in the parties' perceptions and their belief in the feasibility of a mutually acceptable settlement. At times, the parties' agreement to enter negotiation should be viewed as merely a technical accomplishment of the prenegotiation stage. Moreover, based on the assertion expressed in the literature that effective execution of the prenegotiation stage functions is critical for successful negotiations, I suggest that a systematic analysis of the factors that contribute to the parties' decision to initiate official negotiations – including their motives and the functions of the prenegotiation process – may help identify indications of a genuine strategic change in the parties' political attitudes at the conclusion of the prenegotiation process. Such analysis may shed light on whether by agreeing to negotiate, the parties in fact embarked on a new path leading to win-win conflict resolution, or whether their agreement was merely tactical.

Given the importance prenegotiation theory attaches to effective performance of the prenegotiation functions in affecting the ultimate success of negotiations, I argue that the prenegotiation stage should be considered the foundation of the entire negotiation process; thus, its proper construction is critical for the negotiation to end in agreement. Clearly,

however, even if the prenegotiation stage proceeds as planned, negotiations may still fail, due to inefficient management of the bargaining process or failure to implement the agreement.

Furthermore, I do not contend that negotiations should be avoided when elements in the prenegotiation are identified as presaging potential problems that may emerge at a later stage in the process. Rather, the aim of this study is to propose a mechanism of checks that may warn parties against adopting far-reaching concessions in a negotiation process that has a poor chance of success.

The article consists of three main sections. First, I present a review of the literature on pre-negotiations, followed by a brief description of the study's methodology. The next section discusses the case study of the Oslo Process' prenegotiation phase, providing a brief background and analysis of Oslo and specifically addressing the factors underlying the leaders' agreement to negotiate, the functions of the prenegotiation process, and the changes that occurred in the parties' perceptions of the conflict. Finally, I present the conclusions drawn from the findings to sharpen our understanding of the role of the prenegotiation process.

Theoretical Framework

The basic assertions of the "process school" approach to conflict resolution serve as the starting point of this study, specifically: (1) negotiation is a problem-solving process comprised of several stages and turning points; (2) the different stages of the negotiation process are inter-related; and (3) the goal of the first stage of the process – the prenegotiation stage – is to trigger the parties to change their perceptions concerning the potential of arriving at a satisfactory solution through negotiations (Bercovitch 1991; Druckman 1986; Druckman and Hopmann 1989; Rothman 1991; Saunders 1999; Stein 1989; Tomlin 1989; Zartman 1989, 1996; Zartman and Berman 1982).

Within the process approach, a sub-discipline focusing on prenegotiation developed, defining the stage as a complex process that begins with changes in at least one of the parties' perceptions of the situation. This change allows the parties to consider conflict resolution through negotiations as an alternative to unilateral action. The prenegotiation stage commences when the parties consider the negotiation option and signal to each other intentions to negotiate. The phase culminates with the parties' agreement to initiate official negotiations or, alternatively, with at least one party's abandonment of the negotiations option (Zartman 1989). At the conclusion of the prenegotiation, the parties should reach a "turning point of seriousness" (Zartman and Berman 1982, 87), when they come to perceive each other as serious about finding a negotiated solution and view their opponents as willing to make some compromises in order to achieve their interests.

Before further elaborating on the functions that prenegotiation performs in order to assist the parties in reaching the "turning point of seriousness," we must first consider a more initial attribute of establishing a negotiation process: the factors that trigger the parties to consider the negotiation. Process school scholars originally focused on the contextual conditions that prompt parties to consider and agree to negotiation (Zartman and Berman 1982; Zartman 1985, 1989, 1996, 1999; Stein 1989; Tomlin 1989). Researchers offer vast discussions of the factors that influence parties' willingness to negotiate (Zartman 1985, 1989, 1996, 1999; Stein 1989; Tomlin 1989; Pruitt 1997, 2005a, 2005b, 2007). Zartman's "ripeness theory" is one of the first and the most comprehensive efforts to deal with this issue by highlighting the connection between the contextual conditions of prenegotiation and the successful inauguration of negotiations (1985, 1996, 2000, 2001), and thus warrants elaboration. Ripeness theory outlines the necessary (albeit insufficient) conditions that lead parties to consider and choose negotiation over unilateral action (Zartman 1985, 2000, 2001). According to this theory, the timing is right for productive negotiations to begin when the

following three elements exist, in descending order of importance: first, the perception of a mutually hurting stalemate (MHS), “optimally associated with an impending, past, or recently avoided catastrophe” (Zartman 2000, 228); second, the perception of a “way out” (Zartman 2000, 228); and third, the presence of a valid spokesman for each side (Zartman 2000, 235). The first two elements are perceptual, while the third is structural. Both parties should demonstrate all three elements (but not necessarily to the same extent) in order for them to be ready for constructive negotiation. Beyond ripeness theory, other factors that may lead parties to consider negotiation as indicated by Stein (1989) include recent or anticipated crisis, a paired perception of threat and opportunity, the promise of prenegotiation to reduce some of the risks associated with negotiation and anticipated benefits from the process that might be realized even if it does not culminate in agreement (Stein 1989, 247).

Scholars of pre-negotiations claim that the prenegotiation stage is intended to change the beliefs and expectations of decision makers, thereby enabling them to consider options entailing negotiations and compromise. According to Zartman (1989) and Stein (1989), this essential change in beliefs and expectations must be the outcome of a successful prenegotiation stage, achieved through several functions during the prenegotiation process. Some functions involve substantial issues such as a joint exploration of risks and costs involved in agreement, a search for alternative resolution arrangements to be addressed by the parties during the negotiation, development of the understanding that negotiation concessions will be reciprocated by the other party, establishment of mechanisms that facilitate perceptual changes, and mobilization of domestic support for the settlement. Other functions, such as defining the agenda for negotiations or choosing representatives for the negotiation, are of a procedural nature.

Prenegotiation theory asserts that during the prenegotiation, the parties should clarify the risks embodied in cooperation. Exchange of information reduces uncertainty and

consequently diminishes the perceived risks of concessions made as part of the joint effort. According to this theory, prenegotiation also allows the parties to assess and come to terms with the costs of the agreement and various concessions, as well as the cost of the failure of the process. During prenegotiation, the parties must generate alternative definitions of the problem, while retaining several alternative agreements for them to address in the official negotiations. Moreover, the parties must develop an understanding that the negotiations will involve mutual concessions and contemplate their future situation after mutual concessions are made. The process should also allow each party to assess and establish domestic support for a settlement, and to invest efforts to mobilize support for the settlement among the opponent's public (Stein 1989; Zartman 1989).

Furthermore, the parties should use the prenegotiation period to establish mechanisms that facilitate the desired perceptual change from a perception of a zero-sum conflict to a win-win mentality. Such mechanisms may include a temporary suspension of hostilities in order to create a sense of security. The political psychology approach attributes special significance to prenegotiation actions designed to transform the adversarial relationship (Kelman 1997a), with emphasis on a strategy of "mutual responsiveness" (Kelman 1997a) to the concerns of the other party through mutual exploration of needs and fears. The key element in such strategies is mutual reassurance, which includes mutual recognition, mutual gestures, and actions that build mutual trust by addressing the parties' respective needs and concerns (Kelman 1997a). Finally, the agenda and the resolution boundary limits should be defined in the prenegotiation stage. This process reduces the negotiation process's uncertainty and risks. Ultimately, noting these issues, scholars emphasize that execution of prenegotiation functions is crucial for negotiation success, as Zartman contends: "Unless the uncertainties covered by these...functions of prenegotiation are reduced, negotiations...cannot begin and cannot come to a conclusion" (1996, 275).

Methodology

In this research, I employ an enhanced case study method for interpretive and analytical purposes (Druckman 2005, 167). The exploration of the factors underlying the decisions of Israel and the PLO to enter negotiations on September 13, 1993 through the lens of prenegotiation theory expands our understanding of the path leading to signing of the DOP. I address the changes in the leaders' preferences concerning an agreement in the prenegotiation period and the factors underlying such changes or the absence thereof. I review the strategic and internal factors that led each party to implement certain strategies in the prenegotiation stage and examine whether the parties' political commitment to official negotiations was merely a tactical change or constituted what Zartman and Berman (1982) would call a "turning point of seriousness" in their perceptions of each other and the negotiation process. Specifically, I explore the factors leading to Israeli Prime Minister Yitzhak Rabin's decision to abandon his former position and initiate direct negotiations with the PLO as the representative of the Palestinian people. Did Rabin's agreement to negotiate with the PLO as an official negotiating partner imply a change in his conceptualization of the conflict and the issues involved? Did the talks in Oslo lead to a change in Rabin's perception of his adversary, leading him to view PLO Chairman Yasser Arafat as a potential partner in the process who is worthy of some degree of trust? I also address the factors that led Yasser Arafat to agree to the DOP, whose provisions constituted a substantial departure from the principles he previously propounded.

Clearly, the process leading to the DOP's signing was characterized by some unique features. However, it shares the following common attributes with other ethno-national conflicts in which the peace process reached a deadlock and therefore can serve as an example of the application of those concepts (Druckman 2005, 167): the conflict is protracted and intractable, characterized by asymmetric power relations between a state (Israel) and a

non-state actor (the PLO) representing an ethnic group with national aspirations; and similar to other ethno-national conflicts, the issue of non-recognition played a major role in both parties' unwillingness to reach a settlement for many years. Based on these common features, this specific case can help us gain a better understanding of the dynamics taking place during such prenegotiations and their implications regarding strategic changes in the parties' perceptions and willingness to negotiate a "wise agreement" (Fisher, Ury, and Patton 1991) not only in future negotiations between the Israelis and the Palestinians, but also in similar ethno-national conflicts.

The research involved a qualitative content analysis of various sources, including speeches, declarations, written records of the events of figures who took part in the process, media and personal interviews, and media coverage of the events.

Case Study: Arriving at the Declaration of Principles (DOP)

Background

In Israel's 13th Knesset (Israeli Parliament) election campaign, Yitzhak Rabin pledged to change national priorities and reach an autonomy agreement with the Palestinians within six to nine months. His election platform also created Palestinian expectations that the Labor party's rise to power would lead to a change in the Israeli position on negotiations with the Palestinians and with the PLO. After Rabin's victory in the June 1992 elections, the PLO leadership called on the new government in Israel to begin direct discussions to promote the peace process, which had been caught in an impasse, but these calls went unanswered. Rabin believed that Israel should not negotiate with the PLO, but rather preferred to negotiate Palestinian autonomy with a delegation of the local leadership of the Territories, regardless of who their advisors might be. Despite the Israeli change of government and Israel's awareness of the window of opportunity for progress toward peace, the parties retained their

fundamental conflicting positions during the Washington talks held towards the end of 1992 and blamed the failure of these talks on each other (Shlaim 1994).

In early January 1993, a group of Israeli individuals including Yair Hirschfeld and Ron Pundak, headed by Yossi Beilin, then Deputy Foreign Minister, promoted a direct dialogue with PLO officials through secret, unofficial dialogue in Norway. They understood that direct talks with PLO leadership in Tunis were the only way to break through the impasse of the Washington talks (Beilin 1997). This unofficial channel was intended as a platform for joint explorations of how to overcome the problems in the Washington discussions. In the first months of the dialogue, Rabin only reluctantly agreed to the talks (Peres 1995) and prohibited Israeli participants from confirming that he supported the talks (Beilin 1997). During the eight months of dialogue, the parties formed a commitment to recognize each other and conduct future negotiations. The exchange of recognition letters between Arafat and Rabin on the September 9, 1993, facilitated the signing of the Declaration of Principles on September 13, 1993 (Ministry of Education and Culture 1993)

Analysis: Factors Underlying the Leaders' Agreement to Negotiate

Rabin's decision to conduct negotiations with the PLO as the representative of the Palestinians resulted from the elimination of other alternatives during the period between January 1993 and September 1993 against the backdrop of the failing Washington talks and growing perceptions of risk. After his election in June 1992, Rabin – a realist whose position was considered hawkish by his own Labor party – viewed the achievement of peace during his administration as a means to obtain the supreme national priority of security for the State of Israel (Inbar 1999). In this period, Rabin's perception of an acceptable agreement was comprised of five main conditions, as follows: signing an agreement with the local leadership of the Territories (and not with the PLO, which was perceived as an extremely adverse factor); reaching a settlement in two stages; opposing the establishment of an independent

Palestinian state, which Rabin viewed as a significant security threat; maintaining sovereignty over a united Jerusalem; and ruling out Israel's retreat to pre-June 1967 borders (Agid-Ben Yehuda and Auerbach 1991; Die Welt 1993; Inbar 1999; Israeli Ministry of Foreign Affairs 1992; Rabin 1995). Yet despite his reluctance to do so, five main factors drove Rabin to agree to negotiate with the PLO as the Palestinian representative:

A Sense of Impending Crisis or Catastrophe Caused by a Third Party

The perception of an existential threat from Iran was heightened in the summer of 1993, with the failure of both the talks with the Palestinians in Washington and the talks with Syria (Aluf 1993; Inbar 1999; Ross 2004).

A Dual Perception of Opportunity and Threat

The inability to break through the stalemate in the Washington talks following the Hamas activists' deportation from Gaza to Lebanon in December 1992 was a turning point for Rabin who, in contrast to his election promise of a "year of peace," was no longer certain of the ability of the Israeli delegation to Washington to reach an agreement with the Palestinians within the desired timeframe (Al-Hayat 1992; Beilin 1997; Die Welt 1993; Makovsky 1996; Shalev 1993; Time Magazine 1992). Nevertheless, at this point, Rabin viewed the Oslo talks as an opportunity to renew the deadlocked Washington talks, to which he attributed high priority (Beilin 1997; Peres 1995).

Perceptions of a Hurting Stalemate and Impending Catastrophe

Rabin's perceptions of a hurting stalemate and an impending catastrophe drove him to urgently seek a way out of the impasse in Washington. Rabin's perception of terror being an urgent issue reached a climax in March 1993, when the wave of murderous acts by Palestinians peaked and exacerbated the sense of personal danger perceived by Rabin and by the Israeli public (Israeli Ministry of Foreign Affairs 1993a, 1993b; Rabin 1995; Shalev

1993). Rabin's fear of an impending catastrophe was reinforced by the growing influence of the Hamas, an extremist organization, in the Territories.

Internal Ripeness

In the first months of his term in office, Rabin's "win-set" (Putnam 1993, 439) changed, as manifested in a government bill that permitted meetings between private citizens and PLO representatives, as well as in public opinion polls, which indicated the Israeli public's growing tolerance of the idea of direct negotiations with the PLO. Towards July 1993, Rabin's "win set" expanded significantly, when members of the Labor and Meretz parties demanded a revision of Israel's position on negotiations with the PLO in view of the impasse in the Washington talks. These changes found expression in Rabin's revised strategies toward the PLO in late July and early August 1993 because they matched Rabin's own threat perceptions (personal communication, Haber 2003). Failure of the tenth round of talks in Washington in July 1993 reinforced Rabin's steadfast belief that Arafat intended to prevent any progress in Washington in his absence (Israeli Ministry of Foreign Affairs 1993c; Peres 1995, 298). In view of the threat to Israel, as Rabin perceived it, and the impasse in the Washington talks, some breakthrough in the Palestinian or Syrian option appeared essential. The Syrian option, however, had failed (Lesch Mosely 1995, 111–128; Ross 2004, 109-111).

In mid-August 1993, yet another factor contributed to "internal ripeness" (Mitchell 1996, 12), as Rabin felt mounting pressure to achieve an agreement with the Palestinians as quickly as possible (Israeli Ministry of Foreign Affairs 1993c; Peres 1995, 298). His party was about to leave the coalition; as a result, any governmental decision on cardinal security issues, including an agreement with the PLO, would be more difficult to achieve (Beilin 1997, 133).

Devising a Way Out through Oslo

Rabin's decision to send Uri Savir, Director General of the Foreign Ministry, to Oslo in May 1993 was driven by the perceptions discussed above and by the success of the Oslo talks in generating a draft agreement (Peres 1995, 295). Yet Rabin maintained his low expectations of the Oslo option, and Savir's involvement simply formed part of Rabin's intent to explore the option of negotiations (Amit 2003, 40; Beilin 1997, 104, 109, 111; Peres 1995, 295). Rabin's agreement to pursue the Oslo talks by sending his confidante, Joel Zinger, in mid-June 1993, significantly contributed to Rabin's understanding that Oslo had become a serious option (Hirschfeld 2000, 127; Zinger 1998). Nevertheless, at that point, despite Zinger's progress, Rabin still clung to his hopes that an agreement between the Israeli and Palestinian delegations would be signed in Washington (Beilin 1997, 119-121).

Developed against the backdrop of the failure of the tenth round of talks in Washington and the crisis in the Oslo negotiations in late July, the secret talks conducted between mid-July and mid-August through Haim Ramon – one of the ministers closest to Rabin – and Ahmad Tibbi – Arafat's emissary and political advisor – significantly contributed to Rabin's conclusion that it was possible to make a deal with Arafat on behalf of the Palestinians (Ramon 2004). Rabin, who was suspicious of Peres and his confidants in Oslo, utilized this channel as a direct and profound means to explore Arafat's intentions in formulating the emerging agreement (Ramon 2004). Rabin would not commit to signing the document until he was convinced that the PLO was willing to make the necessary concessions in accordance with Israel's interests. Indeed, following the Ramon-Tibbi contacts, Rabin reached what Zartman and Berman (1982) coined the "turning point of seriousness."

In light of the perceived threats and the emerging understanding with Arafat through the Oslo and Ramon-Tibi channel, Rabin assessed that the consequences of failure to sign the

DOP were worse than those of reaching an agreement with the PLO. Referring to an agreement with the PLO, Rabin stated, "I must look at the general picture; we have no other alternative" (Tal 1993). Furthermore, Rabin assumed that a breakthrough with the Palestinians that involved no territorial concessions in the interim stage would lead to a resolution of the Israel-Arab conflict and a breakthrough with the Arab bloc headed by Syria (Barnea and Shifer 1993).

In conjunction with the changes that led Rabin to agree to direct talks with the PLO, a parallel process was taking place on the Palestinian side that led Arafat to decide upon engaging in negotiation during that period. Prior to the summer of 1993, Arafat's position represented both the PLO and the majority of the Palestinian population of the Territories. Starting in the summer of 1992, Arafat called on Rabin to enter into a "peace of the brave" (Ashrawi 1995, 184; Rosenblum, Nir, and Eldar 1993), based on UN Resolutions 242 and 338, which call for the exchange of land for peace; the right of return, self-determination and an independent Palestinian state, as part of a just solution to the Palestinian problem; acknowledgement of Jerusalem as the capital of the independent Palestinian state; a clear linkage between the interim agreements and the final stage, including the permanent settlement and establishment of an independent Palestinian state; elections for a legislative council with broad administrative and legislative authority and recognition of the PLO as the representative of the Palestinian nation in negotiations with Israel. Arafat was driven in the process by two main perceptions: a perceived threat due to failed policies and a perception of opportunity. The perceived threat emanated from failed policies resulting from several factors, namely:

Declining Eco-Political Status of the PLO

In 1992, the PLO was in a dire financial position (Heikal 1996, 428-431; Rubin 1994, 193). In the summer of 1993, the PLO's financial and political position took another turn for

the worse. The PLO sank into millions of dollars of debt, while internal protest rose within the organization regarding its difficult financial situation, the problematic economic situation in the Territories, and the Palestinian negotiating policy with the Israelis. In addition, Arafat's leadership was increasingly threatened by the Hamas, which had opposed Palestinian participation in the Madrid process from the beginning and now exploited the lack of progress in the Washington talks to reinforce its own position in the Territories (Gowers and Walker 1994, 500). Moreover, in late 1993, the organization risked losing its base in Tunis.

Threats to Personal Safety and Leadership Status

After approximately twenty months of negotiations, criticism from within the PLO increased, targeting Arafat's leadership per se (Foreign Broadcast Information Service-Near East and South Asia:FBIS-NES-93-153; FBIS-NES-93-166). Arafat's sense of urgency was also fed by his fear for his personal safety. In the early 1990s, Israel assassinated several PLO leaders who were close to Arafat. Unwelcomed in Arab countries and fearful for his life, Arafat lived as a fugitive (Aburish 1998, 232-233).

Failure of the Talks in Washington and Other Channels to the Rabin Government

Arafat's frustration grew with the lack of any significant change in the Israeli position in the Washington talks. Furthermore, all of Arafat's attempts to initiate unofficial channels with Israel under the auspices of Cairo or Europe proved to be ineffective (Abbas 1995, 92; Heikal 1996, 433).

Perception of Hurting Stalemate

The conditions in the Territories worsened as time passed. The Palestinians' situation appeared to be bleak (Abbas 1995, 95). Arafat's statements from that time onward clearly reflected disappointment, despair, and a sense of urgency. The perception of a hurting stalemate was highlighted by the failure of the tenth round of talks in Washington, in June 1993 (FBIS-NES-93-124; FBIS-NES-93-177).

Yet beyond these circumstances, Arafat also demonstrated that he *perceived an opportunity that emerged from the dialogue taking place during this period*. The Oslo channel proved itself to be different from all the other informal channels that Arafat had attempted to use to communicate with Rabin. Arafat's sense of opportunity increased as the Oslo talks progressed (Abbas 1995, 114). In late July 1993, the perception of opportunity became a major motive underlying Arafat's actions when two key issues were added to the agenda in the Oslo track: the establishment of the PLO leadership in the Gaza Strip (Peres 1995, 286-288; Savir 1998, 56; Zinger 1998) and Israel's recognition of the PLO as a partner in the negotiations, on the condition that the organization make certain concessions toward Israel and its position (Zinger 1998). Arafat's fierce desire to fortify his status and the PLO's control over the Palestinian territories when Israel withdrew from Gaza and Jericho was a major motivating factor in his signing the DOP (Savir 1998, 56). And as Mahmoud Abbas noted in his memoirs, it appears that Arafat considered the remaining details of the agreement to be of secondary importance (Abbas 1995, 202).

The Ramon-Tibbi exchange played a significant role in leading Arafat to sign the DOP. Through this channel, Arafat sought Rabin's personal confirmation of the ideas discussed in the Oslo talks (Abbas 1995, 156). Following this exchange, Arafat reached a "turning point of seriousness" (Zartman and Berman 1982), realizing that there was a way out of the stalemate.

Two other elements exacerbated Arafat's decision in early August 1993 to agree to the proposed formula. First, Arafat received a signal from Peres, indicating that Israel believed that the negotiations had been exhausted (FBIS-NES-93-169). Second, Arafat understood that if he failed to make a deal with Israel very quickly, he might be left behind while Jordan, Lebanon and Syria make progress toward understandings with Israel (Savir 1998, 72). Thus, Arafat consented to sign the DOP with Israel when his options were reduced

to a single course of action – agreement (Heikal 1996, 463). Under these circumstances, in early August, Arafat instructed the Washington delegation to show more flexibility in its positions by accepting the concept of “Gaza and Jericho first” and agreeing to postpone discussions on Jerusalem to the future negotiations on a permanent status agreement.

Ultimately, the perception of a hurting stalemate in the parties’ relationship was of secondary importance to Arafat’s agreement to the DOP, as analysis of statements by Arafat and the responses of the Palestinian members of the Washington delegation indicates (Ashrawi 1995, 259-260). In his public statements, Arafat tended to emphasize the distressful situation of the population in the Territories, but his statements in inner-circle discussions in the prenegotiation stage clearly reflected his concern over the organization's status and his own status as the leader of the Palestinian people (FBIS-NES-93-175; FBIS-NES-93-163). Furthermore, the criticism Territory representatives to the Washington talks hurled at Arafat and his actions reflected the problematic considerations that drove PLO leadership to sign the agreement. Ashrawi (1995, 260) has argued that by consenting to articles of the DOP in Oslo, PLO representatives disregarded the issues that were genuinely important for the population in the Territories, and instead responded to the inter-organizational political and economic pressure to which they were subject.

The Functions of the Pre-Negotiation Process

The following analysis indicates that the Oslo prenegotiation failed to perform its critical functions.

Risks Assessment and Exploration of the Costs of Negotiation

It appears that no real exploration of the risks and costs involved in agreement took place in the Oslo prenegotiation process. The Israeli side in the Oslo talks conducted no discussions or systematic analysis of future events (Barnea and Shifer 1993; Rahat and Bofman 1993) and ignored the cost implications of the agreement. On one hand, Rabin

insisted that any understanding with the Palestinians be based on a phased process comprising two independent stages. On the other hand, Rabin – who was eager to reach an interim settlement that would put an end to what he felt was the country’s deplorable situation – seemed to have repressed the implications of Palestinian compliance with the terms of the DOP, which would obligate Israel to discuss a permanent status agreement (Israeli Television 1995; Rabin 1995, 90, 97-98). Rabin was aware of the potential problems that could arise in the permanent status agreement negotiations; therefore, he decided to postpone discussions on these issues to the third year of the interim agreement, under the assumption that the disputes could be resolved with time (Rabin 1995, 90). Thus, the Israeli side preferred to blur the real implications of the issues that would be discussed as part of the permanent status agreement, and to present the prenegotiation agreement reached as if for Israel, all options remain open for the negotiation process to follow. Thus, for example, at the end of August, Rabin said that the DOP does not discuss a Palestinian State, but rather “it is about interim agreement for five years. Our opinion against a state is well known. Any attempt to connect the Interim agreement to the permanent Status agreement is nonsense” (Barnea 1993). And while presenting the DOP at the Knesset, Rabin also said, “All issues connected to the permanent solution will be left to the negotiations that will take place two years after the date that was determined in the agreement, while preserving the freedom of the Israeli government to determine its stand regarding the shape of the permanent status agreement. This means that the DOP leaves all options open for us in this realm” (Rabin 1995, 90).

In contrast to the Israelis, the Palestinians accepted the DOP as an interim agreement in the hope of reaching the final status negotiations. By defining both the agenda and the time-line of the permanent status negotiations, the Palestinians believed that the DOP firmly connected the interim agreement and the permanent settlement (FBIS-NES-93-169; FBIS-

NES-93-177; FBIS-NES-93-181). By the end of the prenegotiation, Arafat believed that the situation following the proposed agreement would be more favorable than the current one was, for both the Palestinians and himself. The agreement would allow Arafat to obtain what Israel is willing to concede in the present, without relinquishing the possible attainment of his goals, which remained unchanged, in the future (Ashrawi 1995, 259).

Exploring the Alternatives and Defining the Problem

The DOP prenegotiation process failed to produce a satisfactory joint redefinition of the problem. Saunders (1999, 100) notes that a joint definition of the problem is an essential condition for the success of negotiations. In his view, the manner in which policymakers define the problem to be discussed is the primary factor that affects how they deal with the problem. Although the parties to the Oslo process agreed regarding what would be discussed, their joint re-definition of the problems during the talks was minimal and failed to satisfy the parties' most important needs. The Oslo process indicates that while a joint re-definition of a problem may be essential for the initiation of formal negotiations, the extent to which the redefinition of the problem offers an adequate solution to both parties' needs significantly affects the success of the prenegotiation process in transforming the parties' orientation toward resolution.

At the onset and throughout the prenegotiation process, both parties maintained different definitions of the problem. For Arafat, the problem was two-fold: 1) Israel's non-recognition of the PLO as a partner to negotiations and as the sole representative of the Palestinian people. This problem was aggravated by the organization's declining financial and political status; 2) Israel's non-recognition of the Palestinians' right to self-determination and to an independent state. Nevertheless, as the perceptions of threats grew in early 1991, the organization directed its efforts to resolving the first problem and gaining recognition as a partner to negotiations. In contrast, Rabin defined the problem in terms of perceived threats

described above, with no reference to either the recognition of the PLO or the establishment of a Palestinian state. Yet in late June 1993, he reframed the problem. The change involved an issue on which Rabin had been previously uncompromising. Rabin understood that recognition of the PLO as the Palestinian representative and reinforcement of Arafat's status in the Territories were the most crucial points for Arafat (Heikal 1996, 471). Therefore, Israel offered its rapid evacuation of Gaza and Jericho and the establishment of the Palestinian Authority, and placed the issue of recognition on the agenda in exchange for some flexibility on the part of Arafat.

It appears that the parties managed to reach an agreement because they effectively appealed to one another's interests by focusing on the minimal common denominator of the problem while intentionally, given the circumstances, disregarding the substantial differences in their respective problem definitions, as well as their respective needs and perceptions of the preferred agreement. In Oslo, Arafat aimed to achieve the maximal tactical gain possible at the time and to implement the elements of the permanent settlement as soon as possible, while Rabin's desire in these talks was to reach an agreement on a phased settlement that would allow him to carefully implement each stage at a time. Rabin hoped that a gradual implementation would eventually lead to the parties' agreement on other elements of the permanent settlement. The perceptions of crisis that motivated the parties also led them, either consciously or unconsciously, to minimize their true differences (Heikal 1996, 473). Still, after signing the DOP, the establishment of an independent Palestinian state formed a significant part of the definition of the problem for Arafat (Ashrawi 1995, 259). Rabin, however, remained unwilling to accept the establishment of an independent Palestinian state. Instead, he supported the existence of a Palestinian entity – not an independent state – which covered only part of the territories that Israel held since 1967 (Kol Israel 1995a, 1995b). Indeed, the minimal joint re-definition of the problem – the definition

that the parties agreed on, which enabled them to sign the DOP – actually *preserved* the dispute regarding many issues, and later became among the key stumbling blocks in the negotiations that commenced after the DOP was signed. As Saunders notes: “...if negotiations do begin, those holding widely different definitions of the problem will use delaying tactics in the negotiation as another instrument for blocking movement” (1999, 64).

The Agenda

Another important function of prenegotiation is determining a joint agenda for negotiations. Although the parties had agreed on an agenda, the subsequent negotiations reached an impasse because of the specific manner in which the agenda was defined. Indeed, the DOP restricted the negotiations agenda on the interim agreement. Discussion of disputed issues was postponed, presumably to reduce the risks involved in the commitment to negotiate. However, the issues that were excluded from the negotiating table were pivotal to the main interests and needs of the parties. These include, for example, the deferral of discussions on the permanent status agreement, Jerusalem and the refugees. In fact, these issues formed the main obstacles to the resolution of the conflict, which both parties defined as the goal of the entire process. Moreover, due to the constructive ambiguity (Bell and Cavanaugh 1999, 1356) in several sections of the DOP, even issues that were in fact agreed upon for inclusion in the agenda were formulated in an ambiguous manner. This strategy was pursued, for example, in applying UN Resolutions 242 and 338 to the refugee issue, in discussing the control over the border passages between Gaza and Egypt and between Jericho and Jordan, and in covering the issue of transportation from the two different Autonomous Territories (Beilin 1997: 128-129; FBIS-NES-93-169; FBIS-NES-93-175; FBIS-NES-93-177; Peres 1995: 293-294, 311-313; Tal 1993). Thus, the constructive ambiguity enabled the parties a space for different interpretations of the articles in the DOP. At this point in the conflict, the Israeli side needed an interim agreement that could be portrayed to the Israeli

public as a minimal costs agreement that brings it many advantages, while Arafat needed an agreement that would allow him reclaim his own importance and full political control while presenting some achievement that would be considered a breakthrough on the road to a Palestinian state. However, the advantages this technique held for the parties in enabling them to conclude the agreement ultimately backfired as they consequently impeded the negotiations on the interim agreement (Heikal 1996, 471, 473). Thus, it appears that even when conflicting parties agree to an agenda, it is important to identify the factors underlying the agenda and how both parties interpret the issues placed on the table (as well as those that were excluded).

Establishing Mechanisms that Facilitate Perceptual Changes

Defaults are also evident in prenegotiation elements that might have served to facilitate changes in perception and created paths to reconciliation. Arafat refused, during the prenegotiation phase, to order the cessation of the *Intifada* violent uprising (an essential interest for Rabin) or to assume responsibility for the violent acts of Palestinians who were not PLO members (FBIS-NES-93-169). Israel considered his position on this issue to be an endorsement of continued violence against its citizens undertaken by the Hamas and the Islamic Jihad – two organizations that later strove to undermine the fragile trust that was built between the parties in Oslo.

Consolidating Internal Support for Negotiations

Arafat's acceptance of the DOP implied a departure from what he, the PLO, and the Palestinian representatives from the Territories had previously perceived as an acceptable agreement with Israel. The DOP included no agreement on the structure of the Palestinian legislative council or other issues such as Jerusalem, Israel's evacuation of the remainder of the Gaza Strip and the West Bank, and the right of return for 1967 refugees. Nevertheless, Arafat emphasized to his Palestinian and Arab audiences that the agreement did not represent

a significant change in the Palestinian position. After initializing the DOP, Arafat stressed that he viewed the “Gaza and Jericho first” settlement as the first step in implementing Resolutions 242 and 338, as part of his “take whatever you can” strategy; and that in the permanent status agreement, these resolutions would be fully realized and an independent Palestinian state would be established (Israeli Ministry of Foreign Affairs 1993b; Pinkas 1993; Shahaf 1993). Furthermore, the ambiguity inherent in several DOP clauses served Arafat’s interests effectively, as he himself noted: “The Israelis have the right to say whatever they want and we have the right to say whatever we want...” (FBIS-NES-93-154; FBIS-NES-93-170). In the short term, this strategy productively allowed Arafat and the PLO to mobilize public support for the DOP. In the long run, however, it was damaging to the peace process because the Palestinian public developed unrealistic expectations that exacerbated the parties’ distrust during the official negotiations.

Rabin, on his part, took no steps to influence public support for negotiations with the PLO until the communications between Ramon and Tibbi clarified that Arafat was ready to show flexibility on the issues included in the DOP. However, from mid-August onward, Rabin’s statements were directed to change the Israeli public image of the PLO by representing the organization as a moderate and pragmatic element in the Arab world and a potential negotiating partner (Pinkas 1993; Israeli Ministry of Foreign Affairs 1993c).

Exploring Reciprocity

Finally, indications exist that Israel engaged in an inadequate exploration of reciprocity. Rabin agreed to sign the DOP and recognize the PLO, while accepting as a given Arafat’s refusal to order the end of the *Intifada* or commit to a specific schedule for the amendment of certain articles of Palestinian National Covenant, as well as Arafat’s insistence on restricting the cessation of terror to the PLO. The contents of Rabin’s conversation with Beilin dated August 22, 1993, following the initialization of the DOP, point in this direction.

Rabin asked if the agreement contained reference to the PLO's renunciation of terror. When Beilin replied that it did not, Rabin said that it was inconceivable that Israel would sign an agreement with the PLO without the organization making a commitment to renounce terror (Barnea and Shifer 1993; Shahaf 1993). This raises the critical question: What made Rabin fail to confirm that Israel's demands on this issue – which he perceived as Israel's essential interest – would be met before signing the agreement?

Prenegotiation Outcomes: Lack of Significant Change in Perceptions and Expectations

The signing of the DOP and the mutual recognition represented the end of the prenegotiation. The DOP was meant to serve as a road map outlining the future negotiation that would bring about the final resolution of the conflict. The purpose of the Oslo prenegotiation process was to make the parties recognize that overlap might in fact be created in their respectively acceptable terms, where a zone of possible agreement can be found. Nevertheless, as described above, analysis of the prenegotiation functions indicates that the changes that Rabin and Arafat underwent regarding their respective acceptable terms of agreement and regarding each other were in fact rather minor.

By the end of the prenegotiation, the only change in Rabin's acceptable terms of agreement was his willingness to reach what he stressed to be "an understanding with Palestinian representatives from the Diaspora" (Barnea 1993). As indicated in the analysis, his agreement to accept the PLO as a negotiating partner at this stage reflected his evaluation that Israel was facing worse alternatives. Indeed, Rabin thought that the DOP better served the Israeli national interests than any alternative would. As Rabin put it: "I entered the process with a clear mind because the alternative is either to find a Palestinian partner with its limitations or, if the situation stayed as it is, the extremist elements would have gotten the upper hand and we wouldn't have any chance for political solution" (Kol Israel 1995a). Although his dislike of the PLO remained firm (Tal 1993), Rabin now described the PLO as a

pragmatic organization with which a resolution of the conflict could be negotiated (Israel Ministry of Foreign Affairs 1993d; Israeli Television 1995). Yet Rabin remained realistic; his trust in the PLO and his expectations of the organization as a productive negotiating partner were limited (Barnea and Shifer 1993; Pinkas 1993; Rabin 1995: 86-90; Shahaf 1993). As Rabin phrased it a month after signing the DOP: “[The PLO is] committed to renounce terrorism... but, at this phase, I don't expect them to demonstrate such heroism. We know with whom we are dealing...” (Israel Ministry of Foreign Affairs 1993d).

Moreover, aside from coming to view Arafat as a negotiating partner, Rabin clearly did not change his perception. Rabin took every opportunity to emphasize that although the DOP does include recognition of the PLO as a partner for talks and the evacuation of “Gaza and Jericho first,” it leaves the defence of the autonomy in Israel’s hands. Additionally, Rabin noted that the DOP does not call for settlements to be evacuated and affirmed his continuing refusal to negotiate on Jerusalem and the refugees (Shahaf 1993). He also asserted that the DOP is in fact only an interim agreement and that any attempt to draw a connection between the interim agreement and the final status agreement is a farce.

Arafat as well, apparently, did not experience any strategic changes in his terms of potential agreement through the process that led to the signing of the DOP. The terms he agreed to in endorsing the DOP and mutual recognition reflect no more than a brief diversion on route to an unwavering target. They were a means to create a breakthrough to reinforce his status as PLO leader and the status of his organization, as well as to break the impasse at the Washington negotiation. Despite the introduction of the DOP and the mutual recognition letters, the difficult issues in contention were postponed to future discussion in the framework of the permanent status negotiation. Indeed, on various occasions from August 1992 onward, Arafat emphasized to the Palestinian and Arab audiences that there was no substantive change in his approach. Thus, for example, after initialling the DOP, Arafat stressed that he

considered the “Gaza and Jericho first” agreement a start to the implementation of Security Council Decisions 242 and 338, while it is clear that the final status agreement’s outcome will be an independent Palestinian state with Jerusalem as its capital (FBIS-NES-93-169; FBIS-NES-93-177, FBIS-NES-93-181). In Arafat’s view, the DOP in fact served as implementation of the decision of the Palestinian National Council from 1974, which permitted the establishment of Palestinian Authority on every piece of land from which Israel will withdraw while the final goal remains constant: an independent Palestinian state (Bechor 1993; FBIS-NES-93-169; FBIS-NES-93-170). This was clearly not what Rabin had in mind when he signed the DOP.

Arafat continued to view the Israeli-Palestinian relationship as a zero-sum game (Heikal 1996, 473), with diplomacy being just one of several fronts on which the battle for independence was fought (Elmatzur 1993; FBIS-NES-93-156; FBIS-NES-93-175; FBIS-NES-93-177; FBIS-NES-93-181; Pipes and Stillman 1995). He kept presenting any agreement with Israel as a temporary cease-fire adopted only in view of the circumstances that prevented the enemy’s defeat, rather than based on a need to recognize the other party as a partner in negotiations for a peaceful resolution of the conflict (FBIS-NES-92-159; Pipes and Stillman 1995; Transcript of Speech 1994). Arafat persistently endorsed a military struggle that should continue until an independent Palestinian state is established on the entire Territories. All of the above indicate that from Arafat’s point of view, the DOP was no more than a temporary tactic to achieve specific goals, and not a means to resolve the conflict peacefully.

Conclusions

Application of prenegotiation theory to the process leading to the signing of the DOP points to several conclusions that warrant consideration. First, progress of the prenegotiation in this case was characterized by the gradual elimination of alternatives. Apparently, the same

factors that drove the parties to the negotiation table also hastened them to make decisions without insisting on an exploration of the important issues, and pushed them to define the problem in a way that enabled them to sign the DOP agreement but that would not be constructive in a final-stage negotiation. Thus, both parties failed to ensure that the functions of the process were exhausted.

The Israeli negotiators erred with the following mistakes: lack of in-depth exploration or examination of the Palestinian interests, disregard for the implications and costs of the agreement, employing constructive ambiguity and ignoring substantial disagreements, willingness to accept an agreement based on the lowest common denominator in the joint definition of the problem, restriction of the agenda and postponing discussions on disputed issues to the future, and, finally, conducting an incomplete exploration of mutuality in the process.

On the Palestinian side, the two elements relating to the prenegotiation stage whose absence was most glaring were adequate mutuality and development of a sound base of popular Palestinian support for a process that would lead to the resolution of the conflict. Furthermore, Arafat's strategic goals had not changed through the prenegotiation process. His agreement to a joint definition based on the lowest common denominator served his desire to reap the gains available at the moment while continuing to pursue his original goals.

I have demonstrated through this study that the factors which motivated Rabin to consider negotiation with the PLO influenced both the manner in which the process was conducted and the timing of Israel's agreement with the PLO. Ultimately, Rabin's perception and image of his opponent changed to some extent. However, the factors that drove Arafat to participate in the process prevented any change in Arafat's perception of his opponent or of the conflict. This context continued to cast a shadow on the parties' relationship and their subsequent discussions. The prenegotiation process is designed to serve as a transition period

that allows the parties to shift from adversarial to collaborative perceptions and behaviors. And in fact, Rabin became willing to accept his opponent as a partner to the future negotiations. Rabin's image of his opponent changed as well. Arafat, on the other hand, underwent a tactical change in his terms of agreement, while no substantial change took place in his perception of the conflict or the way to achieve his goals.

Analysis of the factors that brought the parties to the decision to accept the DOP shows that Zartman's ripeness theory – which underscores the conditions that may bring parties to the negotiating table by centring on the concept of mutually hurting stalemate in the parties' relations – is not able to explain all factors affecting this specific case. Clearly, both parties held a perception of a mutually hurting stalemate. However, these perceptions failed to create intentions to negotiate toward a result that would serve both their interests.

Apparently, the perceptions of threat and catastrophe that affected Arafat's conduct in the process – perceptions that were external to the parties' relationship – were reflected in the tactical changes in his perception and positions at the end of the prenegotiations. Rabin was similarly driven by a perceived impending threat that was external to Israeli-Palestinian relations – the threat of Iran. It was this perception of threat and hurting stalemate that led to the change in Rabin's positions during this period. Moreover, from Rabin's point of view, the internal ripeness element accelerated the process, determining its specific timing, as well as the identity of his negotiating partner.

The prenegotiation stage described herein was intended to constitute the beginning of a process of problem solving, in which the parties would jointly address the problem based on mutual recognition and empathy. In reality, however, the Oslo prenegotiation process – particularly from the Palestinian perspective – was no more than a means of conflict management and adjustment to contemporary circumstances.

In this study, I have identified factors that might predict future developments; specifically, problems that undermine the subsequent negotiation process. Quite likely, these problems might have become evident even during the course of the prenegotiation process, had the participating actors been aware of the factors, functions, and perceptions discussed in this study rather than led by the wishful thinking that over time, adherence to a faulty process would prove beneficial and outweigh the costs of any concessions.

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