# Israel and Palestine – Experiences of mediation and mediators in the Middle East

*Mona Juul*[1]

Forty-five years after the tragic death of the noble and renowned mediator Count Folke Bernadotte – and 15 years ago, almost to the day – my good friend Jan Egeland, the late Foreign Minister Johan Jørgen Holst, my husband Terje Roed-Larsen (who later became one of Bernadotte's successors as UN mediator) and I were present on the South Lawn of the White House witnessing the spectacular signing ceremony between Yasser Arafat and Yitzak Rabin and the then President of the US, Bill Clinton. Under the blazing sun on the White House lawn, one of the many thoughts that went through my head that day was how much I admired the Israeli and Palestinian negotiators and their leaders for taking the risk for peace – and as we all know, Rabin had to pay the ultimate price for it just two years later.

By commemorating Bernadotte today we are also reminded of how risky, but how noble, mediation is as a human endeavour. I am deeply honoured to have been asked to speak about my experience here today in commemorating Folke Bernadotte, who started the first comprehensive international attempt at mediation in the Middle East.

Just a few weeks before 13 September 1993, Johan Jørgen Holst, Shimon Peres, his two assistants Avi Gil and Joel Singer, my husband and I had flown secretly to a military base in California to inform the US Secretary of State Warren Christopher that the Palestinians and the Israelis, facilitated by the Norwegians, had secretly reached an agreement, the so-called Declaration of Principles (DOP) which later came to be called the Oslo agreement: the first agreed roadmap to a possible peace in the Middle East. In the admiral's office in Point Mague we achieved American endorsement of the agreement, that a few days earlier had been secretly signed at the Government Guest House in Oslo (maybe I should not say this here, but it was signed on the very

1 Speech at the seminar on 'Mediation and Mediators' held on occasion of the 60th anniversary of the assassination of Count Folke Bernadotte on 17 September 2008 at the Uppsala Castle.

same table that the then Norwegian PM Michelsen signed the secession of Norway from Sweden).

I have been asked to make some reflections on how to mediate, how you get into a mediating position, which initiatives one should take, and at what time, and how you should end the mediation task. I will to do this against the backdrop of the Oslo experience.

First and foremost, every mediation springs from a different historical context. You have to do your homework to understand the domestic situation of the two conflicting parties. Of equal importance is to understand the role of regional and other international players. There has to be a keen understanding of the many actors, of what is driving them, what their alliances are, and what kind of carrots and sticks, incentives and disincentives, can move their positions.

Sometimes we have to realise that a conflict is not 'ripe' for a solution. This is a sad fact, and often hard to accept. The Israeli-Arab conflict had for a very long time been deadlocked until the Madrid peace conference in 1991.

Madrid was an important event and a decisive learning experience. Madrid started a process of bilateral talks between a joint Palestinian/Jordanian delegation and an Israeli delegation, under US auspices in Washington. At the same time, multiple working groups were established on regional issues with broad international participation. However, Madrid being an important opening event for talks, failed as a process. The reasons being many, let me mention a few.

One was that the PLO was not at the table. We Norwegians fairly soon drew the conclusion from participating in the multilateral process that the PLO was controlling every detail of the actions of the Palestinian delegation by remote control from Arafat's headquarters. Secondly, Yasser Arafat, in exile in Tunis, would not sign a deal without recognition of the PLO as the sole, legitimate representative of the Palestinian people. In addition, the way the talks were organised was flawed. The bilateral talks had huge delegations, living in separate hotels in Washington, with up to as many as 160 in each delegation, meeting for formal negotiating sessions and then moving straight to separate press conferences. The negotiators were predominately talking to their own constituencies through the media in order to solidify their home base, rather than looking for painful compromises with their counterparts.

Increasingly, both Israeli and Palestinian negotiators came to realise that this approach was leading nowhere, and on the Israeli side they gradually realised that continuing to exclude the PLO would make them unable to reach an agreement.

To cut a long story short, we were in a position to offer a radically different approach to the parties, containing the following main features:

1. Direct negotiations between the PLO and Israel.
2. Secret negotiations outside the glare of the media and without the representation and the interests of key regional and international players.
3. Insisting on very small delegations staying at the same premises with the same personalities over a prolonged period of time.
4. Underscoring the importance of a first phase of pre-negotiations, where the goal was not to reach an agreement on anything, but to establish the necessary thrust between the key negotiators and to move forward based on a belief that some sort of a compromise deal would be possible.
5. On that basis, insistence on moving on to a second phase of negotiations for a substantive and detailed peace agreement.
6. And last, for the Norwegians as the third party not to be brokers in the traditional sense, but rather facilitators and go-betweens. We wanted the parties to develop full ownership of what came out of the talks, not feeling that it had been imposed on them from the outside.

Reflecting on when to take initiatives, let me bring you back to the dramatic and defining changes in the international stage at the time: Arafat's support for Saddam Hussein in the first Gulf War had led to an immediate halt in transfers of essential resources to the PLO and a drastic shortfall of remittances from hundreds of thousands of Palestinian workers in the Gulf. A similarly important chain of events was unfolding in Eastern Europe, where regime after regime was cracking and crumbling, implying that the traditionally strong support for the Palestinians from the Eastern European block of countries was evaporating. At the same time the PLO was increasingly being isolated by some key Western players, and there was growing internal opposition to Arafat and the 'Tunisians' from the home front in Gaza and the West Bank. All this was putting pressure on Arafat and his leadership to find a way out.

The Israelis were equally under strong pressure to find a way out and seek compromise, even with the arch enemy, the PLO. In particular Prime Minister Rabin and Foreign Minister Peres were discomforted by observing opinion polls in Europe and elsewhere showing that the traditional strong support for Israel was falling away massively as a result of brutal acts by heavily armed Israeli soldiers clashing with unarmed youngsters in the Gaza Strip and the West Bank: the first intifada. The political strains were also hitting the Israeli economy. Rabin and Peres, like Arafat and his colleagues, were desperately looking for a way to change the status quo.

In other words, the historical context was ripe for initiatives that could move realities. It was in this context that we moved into the arena with an alternative to the Washington approach.

After much to and fro the parties started secret negotiations in Norway in early 1993. Because of a request from the parties of deniability, the practical arrangements were organised on behalf of the Foreign Ministry by the private research foundation Fafo. Our goal was to go through a pre-negotiations phase, with the belief that the parties would then prefer to go back to the Washington talks. Much to our surprise, however, we were informed by both parties that they would prefer the Norwegian design all the way to a deal.

To sum up so far: in this case the parties realised that they were participating in a process that could not succeed, and were looking for alternatives. The Norwegian design was the most attractive to them at that stage. This is how we were propelled into the negotiations arena. Our modest and minimalist approach and initiative – defining ourselves as facilitators rather than brokers presenting substantive proposals – were to their liking.

On timing: changing international circumstances were redefining the parties' interests and objectives. Again, the time was ripe.

I have also been asked to reflect on strategies of mediation, for instance of how you break a deadlock. Let me first of all say that I believe that there is no grand theory of mediation and negotiations. Rather, I look upon the issue as having a tool-box with as varied a set of tools as possible, and equally important, the skills to utilise them. Sometimes you need a screwdriver, sometimes a drill, sometimes a hammer – and sometimes an axe should be available. I think the tools we used in Oslo were meticulously adapted to the analysis of what was needed in that particular environment. In different

historical contexts they would not work. If we have a quick look at the Middle East peace process since then, it is easy to see that different tools have indeed been employed, under sharply different circumstances than the times of Oslo.

We have for instance the Quartet's Roadmap for Peace, which was not at all negotiated with the parties, but unilaterally authored by Russia, the EU, the US and the UN Secretary-General, and presented to the parties as a fait accompli with the message that nothing could be changed. The Americans in 2000, at the end of Clinton's presidency and supported by Prime Minister Barak, also applied a radically different toolset than Oslo: instead of Oslo's gradual approach, Barak went to Camp David with the aim of reaching a comprehensive deal; end of conflict with all its neighbours in one go. Such an approach, admirable as it is, and was, is also often very risky, because if it fails it creates a crisis of unfulfilled expectations – in this case it led to the second intifada. If I may say so, I also think the current Annapolis process, starting off with a big conference and then moving on to negotiations, will always run the risk of unmet expectations.

So, how to break a deadlock? A deadlock can have many causes. One kind is simply created by rising emotions among the negotiators. A second kind can arise from different sets of rational interests due to unpredictable changing political circumstances. And a third is related to conflicting ideological frameworks and symbols of politics.

Let me comment on the first one, based on the Oslo experience. I think it is inevitable that during difficult and intense negotiations the personal rivalries and jealousies among negotiators – within and between delegations – can cause crises that are not necessarily rooted in the substantive matters at hand. In situations like this the personality of the mediator is of paramount importance. You have to have patience in abundance, the ability to charm and sometimes to bully the participants. To break for a meal at the right time, to go for a walk in the woods to cool tempers, to make them laugh at themselves, to crack a joke and break the ice at intense moments, but also to slam your fist on the table and scream at them. These are all parts of the 'toolbox'.

We made good use of all of this during the intensive negotiations in Oslo over six months. As the Palestinian chief negotiator Abu Ala once told me: 'I negotiate with my skin, my eyes, my ears, my nose, my whole body.' And I can attest that he is a grand master at it. A great negotiator has to be a great actor, and I think it helps a lot

for the mediator too. Many emotional crises in negotiations are constructed deliberately – to extract a better price. This is what you have to have a keen eye for, and a good training ground for me was in the souks of Cairo where I served as a diplomat.

Finally, I have been asked to comment on whether there is a special Scandinavian way of mediation. Undoubtedly there are certain common features among the Scandinavian countries that can prove helpful in a mediator role. We are relatively small, comparatively wealthy, we are do-gooders in the world, and we have a reputation for modesty, empathy and, in most of the world, very little vested interest. This makes Scandinavians more easily accepted than most in the international community (despite memberships of the EU, NATO and other regional organisations). In addition we share values and approaches to conflicts, but beyond that, I think it is going too far to say that there is a specific Scandinavian or Norwegian model of mediation, because as I said at the beginning, every situation is unique and requires different tools.

It is, however, meaningful – and with this I will conclude – to talk about the Oslo model of negotiations with the features described above – secret instead of open, private instead of public – in the sense that FAFO as an NGO was organising the talks, and starting with a pre-negotiation phase instead of going straight to real negotiations, and with all key players among the parties involved, *in casu* the PLO.

However, as emphasised in my earlier remarks, it would be fundamentally wrong to say that the Oslo model could be universally applied. Quite the contrary, the mediator is not well armed with one model. She or he is best prepared with a well-filled toolbox with a vide variety of tools, and the best possible skills to choose among them – and with the craft to utilise them.