

MEDIATION IN THE ISRAEL-PALESTINE CONFLICT



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Jerusalem has been fought over for centuries by its inhabitants, as well as by various invaders. It is a sacred site to Judaism, Islam and Christianity. On May 14, 2018, the United States opened its new embassy in Jerusalem, recognising it as the capital of Israel.[1] This has led to further stalling of the long due peace process between the two rivals, Israel and Palestine. This article describes the conflict between the two states and analyses the role of US as a mediator in resolving the dispute.

The conflict

The conflict dates back to the early 20th century when the Jews fled persecution in Europe and established a homeland in what was then a Muslim majority area in the Ottoman Empire. Arabs considered this influx of Jews as a British colonial movement and hence, fought back.[2] In 1947, the United Nations (UN) decided to divide the land into two separate states. Since then, both the countries have constantly been at war. There are a plethora of narratives on either side that explains how their sufferings have been aggravated over the years because of the other state.[3]

In order to resolve the conflict, a number of peace talks have taken place, mediated by different states and organisations. Under the United States' guidance, and with the United Nations' and the European Union's support, the process has commissioned a variety of mediation methods including secret peace talks, international conferences, state building resolutions as well as UN resolutions. However, so far all five peace agreements have failed.[4]

The Israel-Palestine conflict centres around five major issues: the control over land and territory, the right of Palestinians to self-determination, Israel's illegal settlements, Palestinian refugees, and the status of Jerusalem.[5] For any future peace treaty to be successful, both the nations must agree on all these issues. However, there are certain factors which are responsible for the failure of all forms of mediation previously attempted between the two nations.

J. Michael Greig and Patrick M. Regan claim that a party in a dispute agrees to mediation when it perceives making peace as a better option than continued violence. Further, the party which is in a weaker position is more likely to request mediation.[6] In the present case, it can be said that Israel has been in a superior military position as compared to its Arab neighbourhood. Therefore, it leaves Palestine in a weaker position. Moreover, Greig and Regan state that when the probability of mediation is more in the times of high conflict costs, it is rarely initiated by the disputants. Instead, it is started by a third party,[7] which in this case is the United States. In other words, the present tension between Israel and Palestine cost both the nations heavily. However, even in this situation the two parties are unlikely to pursue mediation and a third party would initiate it because of its vested interests.

A cost-benefit approach of US towards Mediation

The Rational Choice Theory when applied in mediation would explain that a mediator's decision to enter a conflict management process is based on a calculated cost-benefit analysis. If the expected costs of undertaking the mediation exceed the expected gains, the potential mediator would choose not to intervene.[8] These costs can be anything, such as money or goodwill. The US has a good relationship with Israel. It has been the largest recipient of US foreign assistance since World War II, which amounts to \$142.3 billion.[9] However, the US has been supporting Israel not out of any moral concern but due to the fact that Israel has advanced its interests in the Middle East and beyond. Moreover, Israel has successfully prevented radical nationalist movement in Jordan and Lebanon. It has allowed the US to gain information from its intelligence service about military actions taking place in the Middle East. Most importantly, it has been helping the US in keeping a check on Iran and its military operations.[10] Therefore, the given facts suggest that the expected gains for the US are more than the expected costs and accordingly its approach is biased in favour of Israel.

Another factor encouraging a US intervention is ‘the promise of diplomacy’ wherein parties perceive diplomacy as a potential solution in previously successful or failed mediations. Beardsley has connected this factor to the presence of ‘audience costs’. Audience cost in international relations theory refers to the penalty a leader incurs from her/his constituency if they escalate a foreign policy crisis and are seen as backing down. This is to say that concessions may be costly for the leaders to make if their constituencies consider the rival party a bitter enemy. [11] Similarly, with regard to audience cost in the third-party state, politicians would be biased towards a particular party if the popular notion of their constituencies is against another party. Accordingly, Presidents of the US have adopted the approach of engaging in international mediation when they are in need of more domestic support, otherwise they would have to pay domestic costs in terms of losing elections for foreign policy failure.[12]

It is perhaps for the aforementioned reasons that President Donald Trump has been adamant on shifting the embassy and recognizing Jerusalem as the Israeli capital, i.e. in order to maintain his reputation with his constituents and staunch supporters of Israel. This approach, therefore, is essentially based on the idea of appraising the people of the US and to secure votes.

The past history of the states distorts all attempts of Mediation

Beyond the parties’ and mediator’s interest, positions, and needs, lies the broader narrative that frames their thoughts and aims. The way the past is interpreted, misinterpreted and manipulated has shaped the international negotiations for peace in such a manner that it has created difficulties for mediators to come to an amicable solution and they have failed to overcome the established impasses.[13]

There is no particular answer that explains the issue of refugees and the violence caused in 1948. For Palestine, it has been the seizure of their historic land and the failure of Israel to acknowledge its responsibility for the same. On the other hand, for Israel, it is the fear of having an Arab majority in a Jewish state if refugees continue to stay there. Due to this constant reference to the past narrative, it has been difficult for mediators to identify a Zone of Potential Agreement (ZOPA).[14] Similarly, the issue of settlement has raised further concerns in terms of political stability and security of the two nations and the identity-based conflict.

The main reason for this is the impasse caused due to the emotional weightage being given to past records by both the parties and the reliance put on their political past so as to attain present gain. In the same manner, all negotiations related to sovereignty over holy sites have been jeopardized by the incompatible historic claim. [15]

Thus, there exists a profound existential crisis between Israel and Palestine with each side having its own narrative that shows the 'us-them' dichotomy. For Israel, the creation of a separate Jewish state has been historic as it marked the return of Jews to their ancestral homeland after centuries of exile and persecution culminating in the Holocaust. On the other hand, the Palestinian narrative highlights dispossession and displacement. In fact, the decades of deadlock in mediations has furthered these stereotyped and homogenized narratives of the 'us-them' dichotomy. Even from a psychological perspective, reliance on the past is not surprising, for when past injustices are not addressed it is bound to carry on for generations.[16]

Conclusion

It becomes imperative for the US as one of the mediators to look at the dispute from a maximalist perspective and use these narratives so as to form a link that favours not only individuals within each group but also allows abridgement of the gap between the two. This would entail that the parties have trust in the mediation process, especially Palestine. Moreover, so long as the US favours Israel due to their historical relationship, there cannot be any positive development in the peace process. Finally, for both the parties, the idea should not be to do away with the 'us-them' dichotomy or to forget the past completely, but to look at the points of intersection between these varied narratives and consider the past in a way to look forward to an amicable solution.

ENDNOTES-

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- [16] *Id.*