Fragmentation, Back Channels, and Hurting Stalemates in the Oslo Accords

While the war between Israel and Palestine has been costing lives from both sides for half a century, the two sides have engaged in useful negotiations very few times. Arguably one of the most successful times has been the Oslo negotiations, during which the two engaged in secret, back-channel negotiations. Since 1993, a plethora of explanations have been given on various aspects of those negotiations, including answering questions such as why then, why that way and what factors paved the way for the negotiations. Nevertheless, little emphasis has been placed on how the fragmentation of the administration and the various factions in Palestine assisted in the concept of "ripeness."

Fragmentation of factions in a conflict has been widely used to explain civil wars. However, it could also be used to understand the interstate, besides the intrastate, conflicts and how the ripe moment to proceed to negotiations has arrived. Fragmentation can assist the pre- negotiation stage in determining who the right actors for the negotiating process are by separating extremist from moderates. Explanations on fragmentation can also be applied in the Palestinian-Israeli conflict and the Oslo back-channel negotiation.

The present report argues that fragmentation within the Palestinian administration, especially around the Palestinian Liberation Organization (PLO), assisted in ripening the conflict as the PLO separated from the extremists. It thus became an actor the Israeli administration could work with. By fragmenting and engaging in secret negotiations, they were better able to control extremist spoilers during the negotiation process, specifically Hamas. Firstly, fragmentation will be analyzed in relation to critical factors of the negotiation process. Secondly, an overview of the conflict during the time surrounding the Oslo negotiations will be given and the application of the theory will be examined as it pertains to Palestine and Israel.

Theoretical Framework

Fragmentation

In literature, fragmentation has primarily been analyzed in cases involving civil wars. Cunningham defines fragmented internal conflicts as situations "when there are multiple internal rebel groups fighting the state" (2006, p. 2). Various causes have been set forth for fragmentation including particular interests, local political competition, lack of internal control and socioeconogeographical differences (Bakke, Cunningham, & Seymour, 2012, p. 269). However, the above only constitute mere sources of division rather than complete fragmentation. In their research, Seymour, Bakke and Cunningham (2015) found that the competitive dynamics between the state and ethnopolitical groups and within those groups determines the extent to which the divisions will lead to fragmentation. The primary factors in understanding the aforementioned are power distribution, the number of organizations and the degree of institutionalization (Cunningham, 2006; Cunningham, Bakke and Seymour, 2012; Bakke et al., 2012). The former refers to the distribution of power within the factions. Particularly, asymmetrical relationships, in which one group can maintain the most power, tend be more cohesive, whereas when power is split amongst many factions equally, fragmentation will increase (Bakke et al., 2012). Furthermore, Cunningham et al. indicate that the higher the number of factions, the more violence will occur and vice versa (2012, p. 80). The final factor, institutionalization, refers to the

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extent to which central institutions are in control. The more institutionalization, the more centralized the organizations will be and vice versa. This occurs because the centralized control that stems from highly institutionalized systems assists in the coordination of various factions (Bakke et al., 2012).

Two substantial factors of fragmentation in relation to conflicts are accommodation and repression. The latter refers to when the state engages in violent tactics to create "polarizing debates between so-called moderates and hardliners within movements, to weaken existing organizations and creating opportunities for new ones to mobilize" (Seymour, Bakke and Cunningham, 2015). When employing repression, states are able to further alienate the subgroups and decrease institutionalization (Pearlman and Cunningham, 2012, p. 7). By separating hard liners and moderates, the state can thus recognize the actors it can work with. To further alienate them and engage in negotiations, states employ accommodation, i.e. providing limited concessions to some opposition groups. As a result, the latter group reduces its demands and further alienates itself from the more violent and extreme factions (Cunningham, 2006, p. 7). Finally, Pearlman and Cunningham argue that by increasing fragmentation within the opposition, "the state can strategically co-opt rebel commanders, an effective path toward ending the war" (2012, p. 10) as it is capable to build a workable relationship for negotiations.

The importance of fragmenting between the hardliners and the moderates is clearly seen in the work of Pruitt (2006) on terrorist groups. The author argues that there are four dimensions in which a group can belong to based representativeness and ideology. Depending on where they belong in the chart (more ideological and less representative, vice versa, etc.), the success of a negotiation with them will alter. He further argues that the most successful groups tend to be the less ideological ethno-nationalist terrorist, including the PLO, while the least successful tend to be the less representative and more ideological groups (Pruitt, 2006, p. 373). The most successful strategy for dealing with the former would be negotiation, as it often produces settlements (Pruitt, 2006, p. 380), while for the latter would be isolation to force them into a ceasefire (Pruitt, 2006, p. 376). By fragmenting the groups, the different factions become easily recognizable and are able to fit in the diagram[1]. Consequently, the appropriate methods can be employed for resolving the conflict.

Ripeness

Nevertheless, understanding the above is merely a part in understanding how to achieve a negotiation. According to Zartman, ripeness occurs when the two parties are ready to move from "conflict to resolution through negotiation" (2008, p. 232). To achieve the ripe moment, the two parties must perceive that there is a mutually hurting stalemate (MHS) and a way out of that. The former refers to the point where the conflict no longer moves forward and is simply hurting both, while the latter refers to "a sense that a negotiated solution […] is possible" (Zartman, 2008, p. 233). However, a mutually enticing opportunity (MEO) must exist for the two parties to actually move to the negotiation, as a feeling of "now or never" arises. It must also be noted that the MHS must be perceived by both groups for the initiation of the negotiations (Zartman, 2008). The MHS, way out and MEO are critical in achieving a ripe moment to proceed from conflict to negotiation and thus to resolution. In case of fragmentation, an MHS would be the point of violence in which both the external and internal powers are hurting while the MEO would be the point where the less ideological groups are still maintaining somewhat more power compared to the more ideological groups.

Back Channel Negotiations

Besides engaging in Track I negotiations, the actors can also engage in Track II negotiations, also known as back channel negotiations (BCNs). BCNs refer to "official negotiations conducted in secret between parties to a dispute, in parallel with 'front channel' of negotiation" (Wanis-St.John, 2006, p. 120). According to Wanis-St. John, (2006), parties engage in BCNs as they reduce the costs of negotiation entry, specifically perceptions of risk and giving up, they allow for exploration of underlying interests and finally they reduce the risks of a failed outcome. One of the vital benefits of BCNs is the reduction of the effects of spoilers (Wanis-St. John, 2006), that is actors who are vehemently against the negotiations and are willing to dispute them (Steadman, 1997, p. 5). Steadman (1997) argues that spoilers are divided in total, who use force and deprive resources regardless of the demands, limited, who have specific demands that can be met, and finally greedy spoilers, who continue increasing their demands after each concession. By engaging in BCNs, the two sides can isolate the total spoilers, as suggested by Pruitt.

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The relationship between BCNs, spoilers, fragmentation and Pruitt's scale is strong. The fragmentation separates the hardliners and the moderates into more and less ideological. As an MHS develops within and between the two sides, the opposing party is able to negotiate with the more moderates. The MEO can be perceived when the extremist groups are slowly rising to power. In order to reduce the effect of the extremists, who act as total spoilers, the two sides engage in BCNs to maximize the positive outcomes. This was the case between Israel, PLO and the various factions in Palestine towards the end of the first Intifada.

The Palestinian-Israeli Back-Channel Negotiations in Oslo

Overview

In mid- to late- 1980s, tired of the situation, the Palestinian people engaged in peaceful demonstrations against the annexation of part of the West Bank and Gaza by Zionists. The demonstration led to the first Intifada that lasted about 5 years. Pearlman specifically notes how cohesive the Palestinians were at the beginning, by emphasizing how closely the different factions were working (2011, p. 104). However, as the years passed, the demonstration was reaching a stalemate and the groups started to fragment. PLO started slowly acquiring more power and moved towards forming diplomatic relations with Israel instead of emphasizing violence (Pearlman, 2011, p. 117). As a result, during the early '90s, bilateral negotiations began in Madrid and Washington, DC, while a back channel was established in Oslo, as the DC channel was reaching a stalemate. In 1993, Israel and Palestine formally recognized each other and a year later, signed a peace treaty and began negotiations on the application of the treaty. The agreements received backfire from multiple groups, yet it was the first time in decades that the two states had been able to engage in somewhat of a successful negotiation.

Connecting the Case with the Theory

Understanding how the two sides went from fighting in the Intifada to creating secret negotiations entails a variety of aspects that need to be fully comprehended. As aforementioned, one of the factors that allowed the two states to reach the ripe moment and proceed to negotiations was the fragmentation that occurred within the Palestinian institutions. A variety of factors led to the fragmentation. Firstly, Yaser Arafat began distributing funds within groups based on his discretion, creating thus a loyal group of followers (Pearlman, 2006, p. 117). Pearlman describes his move as "divide-and-rule" as the organizations soon started to breakdown in factions based on his will (2006, p. 117). Secondly, Israel used repression in order to further disintegrate the organizations, by incarcerating many leaders of UNLU, the leftist party of Palestine. As a result, the party lost its cohesiveness and more factions with diverging opinions began to arise (Pearlman, 2006, p. 117). Furthermore, Hamas was becoming increasingly violent and ideological, and many of the factions within PLO were against the radicalization. Ironically, PFLP, in attempt to reintegrate Hamas within PLO, alienated itself from the main factions and lost its validity (Leopardi, 2017). Other factors of the fragmentation included the Palestinians' divergent socioeconomic differences and exasperation with the futile Intifada. Finally, PLO seemed to be taking advantage of the power vacuum that was created by the fragmentation. It was clear that Arafat was working towards become the working actor the Israelis could negotiate with, further evident from his move towards diplomatic channels.

The fragmentation above allowed PLO to separate itself from the more radicalized factions and move to the center. The leaders began advocating for a two-state solution (Dowty, 2006, p. 17) while Peres even believed that "without the PLO there could be no settlement" (Shlaim, 2005, p. 243). Support arriving from the opposite camp indicates that the shift in Arafat's policy emerging from the fragmentation, while simultaneously increasing it, indicates Arafat's shift to a working actor. Furthermore, the turn towards diplomatic gains allowed Arafat to move in the less ideological box provided by Pruitt. By becoming more dynamic, PLO was able to attract more Palestinians and create a stronger base while offering a more balanced solution for Palestinians. The emergence of a center party allowed for the separation between the moderates and the extremist. In addition, distinguishing who the extremists were, allowed both Israelis and Palestinians to isolate them in order to reach a ripe moment. Finally, as negotiations in Washington were reaching an MHS, by making strategic choice of not informing anyone about secret talks, remaining committed to the negotiations and allowing for the continuation of the war, PLO managed to keep the negotiations safe from total spoilers.

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This was the case with Hamas and jihadist groups. Besides assisting PLO to emerge as the working actor, the rise of Hamas led to the initial marginalization both of itself and of PFLP (Leopardi, 2017). Isolating Hamas from the BCNs proved critical as the Islamic extremists turned out to act as total spoilers and openly positioned the group as the direct opponent of the peace process (Pearlman, 2015, p. 118). The group emphasized violence and demanded the end of Israel. This was further evident as Hamas engaged in almost extreme vigilantism. When one Israeli settler opened fire in a mosque, five suicide bombings by Hamas followed, indicating the extreme violence Hamas was willing to engage in rather than discussions (Kristiansen, 1999, p. 24). Had PLO and Israel not engaged in BCN, Hamas could have proven detrimental for the end of the negotiations. Furthermore, this situation also worked as an MEO. The rise of Islamic extremism could have "slam the window of opportunity shut" (Dowty, 2006, p. 16). This attitude indicates that if Hamas was allowed to gain more power, there would be a point of no return for the two sides.

The fragmentation between the Palestinian parties had both positive and negative consequences. On the positive side, through repression, the Israelis were able to "defeat" the Palestinian left side, decentralize the power, increase the amount of faction and reduce the degree of institutionalization. Simultaneously, the stalemate of the Intifada had angered the people, who soon began having diverging opinions. Nevertheless, PLO was able to emerge and fill the power vacuum by providing a more balanced and less ideological option to the Palestinians and by increasing its appeal. As Pruitt argued, PLO moved to the more negotiable side of the spectrum and became an actor the Israelis could work with. The fragmentation also highlighted the extremism of religious groups like Hamas and allowed for a constructive isolation of the group from the negotiations. The stalemate that occurred towards the end of the Intifada and the MEO of the still small Hamas provided a way-out for Israel and PLO to cooperate and engage in negotiations. However, the negative consequences of the fragmentation were the rise of Hamas due to the secretive attitudes of Arafat and the deep division of the people. It is possible that had they been able to isolate Hamas more effectively, the application of the treaty of the BCN could have proved more successful.

Conclusion

Concluding, during the Intifada, the Palestinian administration began to break down due to repression from the Israelis, the stalemate of the war and the division between the ideologies. As a result, PLO emerged as the more moderate option both Palestinians and Israelis could rely on. This gave PLO an edge and allowed it to become the actor Israel was willing to work with. The MHS that occurred in Washington in combination with rising total spoilers, such as Hamas, and the benefits of a BCN created an opportunity for the two sides to engage in fruitful negotiations in Oslo. In general, even though the fragmentation in Palestine was not the sole reason for the BCNs, it provided a clear opportunity for the two sides to negotiate. It prepared the ground for the need of de-escalation and allowed for the separation of diverging sides. Even though literature has shown that fragmentation is not necessarily a positive attribute in civil wars, in the specific conflict, it functioned positively for the aforementioned of reasons and could be applied in future conflicts.

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Table 1

	Less Ideological	More Ideological
More Representative	IRA PLO ANC Tamil Tigers	Al Qaeda Ku Klux Klan
Less Representative	???	Baader-Meinhoff Gang Red Brigades Gush Emunem Aum Shinrikyo

Note: Retrieved from Pruitt, D. G. (2006). Negotiation with terrorists. *International Negotiation*, *11*(2), p. 372

[1] See Table 1