Fresh Thinking for Old Problems

Comparing Conflicts to Advance Israeli-Palestinian Peace

Dr. Dahlia Scheindlin

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מחשבות חדשות על בעיות ישנות:

קידום שלום ישראלי-פלסטיני דרך השוואות בין סכסוכים

ד"ר דליה שיינדלין

About the Author

Dr. Dahlia Scheindlin is a Policy Fellow at Mitvim - The Israeli Institute for Regional Foreign Policies. She is a public opinion expert and an international political and strategic consultant who has advised electoral campaigns, national leaders, and civil society in over a dozen countries, including post-communist and post-conflict societies, in addition to five national campaigns in Israel. Dr. Scheindlin has worked in Serbia, Albania, Kosovo, Romania, Bulgaria, Hungary, Austria, Greece, Cyprus, Ukraine, Italy and the US, among other places. In Israel, she conducts extensive public opinion research and policy analysis on the Israeli-Palestinian conflict, domestic and foreign affairs, human and civil rights for dozens of civil society organizations. Dr. Scheindlin holds a PhD in political science from Tel Aviv University, where she wrote about Nagorno-Karabakh, Kosovo, and Northern Cyprus. She has taught as an adjunct lecturer at Tel Aviv University, Ben Gurion University and Jezreel Valley College; she is a founder and regular columnist at +972 Magazine and she co-hosts The Tel Aviv Review podcast, on TLV1 radio.

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Foreword

The Arab-Israeli Conflict, and more specifically its Palestinian dimension, stands out as the world's most protracted and probably most difficult conflict. It dates back to the first decade of the 20th century.

Numerous efforts to resolve it failed. The Madrid peace process launched in 1991 produced some significant results and has not been fully scrapped, but the Israeli-Palestinian peace process (also known as the Oslo Process) is stalemated.

Scholars and practitioners have tried to explain this state of affairs, some more persuasively than others. Dr. Dahlia Scheindlin has made a very significant contribution to this body of scholarship by choosing a comparative approach.

The Armenian-Azerbaijani dispute over Nagorno-Karabakh is quite similar to the Israeli-Palestinian conflict and it does lead to occasional outbursts of violence, but as a global issue it is quite obscure. The Turkish part of Cyprus is reminiscent of the West Bank, but the world seems to have accepted the status quo in Cyprus. In Kosovo, the use of American air power forced the Serbs to accept a situation they resent; the conflict could still re-erupt, but for the time being the status quo holds.

Why are these cases different from the Israeli-Palestinian conflict? The comparison and the insights Dr. Scheindlin offers are illuminating. We can only hope that leaders and policy makers will take advantage of her analysis.

Prof. Itamar Rabinovich

Israel's former Ambassador to the United States and former Chief Negotiator with Syria; currently Professor Emeritus of Middle Eastern History at Tel Aviv University, and President of the Israel Institute (Washington and Jerusalem)

Introduction

The Israeli-Palestinian conflict resolution process is paralyzed. It is costing lives and generates violence on a daily basis. Yet many policymakers, pundits and citizens in Israel believe it no longer needs to be resolved, while many Palestinians are mired in total, even suicidal, despair.

Others remain committed to a political resolution rather than an endless horizon of conflict and violence. But they have few answers for breaking down obstacles that are growing worse as time goes by. New ideas are badly needed; few are forthcoming.

In this bleak political landscape, the Mitvim Institute embarked on an effort to learn from the experience of other societies in conflict or facing related challenges. We believed that the experience of attempts to resolve conflicts in other places may serve as a source of policy options, lessons to be learned, or test cases in other regions, for assessing local developments and options in Israel-Palestine.

There are many aspects of conflicts that can be compared – or contrasted – to glean insight, including diplomacy, negotiations, political frameworks for resolution, core conflict issues, third parties, civil society and activism, social/public dynamics, and perhaps more. For this policy-learning project, we focused on other ethno-nationalist, territorial, sovereignty-related conflicts to look at broadly comparable cases. The methodology drew on both media and academic research as sources, my personal experience and research expertise in these regions, and interviews with people from these regions to explain the situation from their perspective, in their own words. The challenge was to identify useful areas of comparisons, not just to locate interesting coincidences but to extract concrete ideas, inject new thinking into policymaking or civil society activities on the Israeli-Palestinian conflict, and support conflict resolution in this region and elsewhere.

The following booklet contains an opening chapter laying out the logic for studying other conflicts to understand our own, and how such comparisons can benefit policy thinking as well as peacemaking. The next three chapters address three case studies in depth: Cyprus, Nagorno-Karabakh (Armenia/Azerbaijan), and Kosovo/Serbia. Each chapter provides a brief historic summary of the conflict, then itemizes various themes for comparison, while seeking overall relevant conclusions and insights. The concluding chapter provides a brief summary of the cases, then reviews the "cross-cutting" insights gleaned from each case regarding the main topics of inquiry about conflicts in general. The chapters and the conclusion occasionally reference comparable situations in other conflicts as well, to diversify the thinking and demonstrate the value of the comparative approach.

While the primary focus of the project has been deeper understanding of the subject matter and concrete policy learning, there is also a secondary mission: to highlight the inherent value in breaking out of isolationist thinking, recalling the commonalities of human societies and perhaps forging solidarity with all those seeking genuine, and creative, ways of advancing peace.

Acknowledgments

Chapter 1

The Curse of Stagnation and
the Need for Conflict Comparison

In the face of diplomatic failure and relentless violence between Israel and the Palestinians, calls for "outside the box" thinking and fresh ideas are heard regularly on all sides of the political spectrum.

It is rare for these calls to be followed by actual fresh ideas. Both the Israeli government and the opposition essentially agree that the Israeli-Palestinian conflict must be managed, not resolved. In 2016, the head of the opposition at the time, Isaac Herzog stated that the two state solution is preferable but not realistic at present; Prime Minister Benjamin Netanyahu stated rhetorical support for a two state solution in 2009, but since then has taken significant action that pushes it further away – deepening Israel's presence in the West Bank, and belaboring negotiations that have borne no fruit. There has been hardly any shift of paradigms for the negotiation process, no change of thinking regarding key conflict resolution actors, or potential political solutions over the last 20 years; as a result, the entire enterprise of seeking a resolution has faltered.

Worse, there have hardly been any political leaders demonstrating true commitment to advancing a final status resolution. Israeli leaders have embraced interminable negotiations or conflict management, alongside de facto expansion of military and settlement occupation in the West Bank. Palestinian leaders have demonstrated mainly incompetence and internal division. Managing the conflict generates new waves of violence from both Gaza and the West Bank, the Palestinians remain stateless, the West Bank under direct military occupation and Gaza under indirect Israeli control.[1] These developments in themselves make resolution even harder to achieve.

Both the Israeli and Palestinian political leadership and publics display less inclination than ever to advance a bilateral resolution process. Both are convinced that the other side is not serious about achieving two states, or unable to deliver.

The need for innovative thinking is clear, and in fact, some efforts exist. New Israeli proposals tend to focus on final status approaches: Right wing figures in the Israeli government increasingly advocate various forms of annexation in the West Bank, without addressing Palestinian national claims or rights.[2] Israeli President Reuven Rivlin has considered a vision of a confederated two-state solution, but in 2017 this appears politically remote.[3] Opposition leader Isaac Herzog proposed a conflict-management plan for an indefinite period of time until a two-state solution until two-state solution becomes feasible, though the window for two states is rapidly closing.

But these ideas either describe broad approaches with little significant detail or process for getting

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1   As per the finding of the UN Commission of Inquiry on Protective Edge: Human Rights Council, "Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1," *United Nations*, 24 June 2015 (III, A, article 27), p. 8.

2   Jonathan Lis, "Israeli Bill to Annex Jerusalem-area Settlement Will Include Controversial E1 Area," *Haaretz*, 19 January, 2017.

3   Tamar Pileggi and Raphael Ahren, "Rivlin proposes Israeli-Palestinian 'confederation'," *Times of Israel*, 3 December 2017.

there; or else they are highly piecemeal, such as the bill to annex a single settlement. They neglect the need to advance conditions conducive to meaningful negotiations, boosting the chances of success, addressing existing and new solutions to core conflict elements, with details and plans. The new ideas that a process of learning from other conflicts may generate are not limited to a far-off final status political framework. They aim realistically to help address urgent current problems and set the stage for conflict resolution no matter which political solution is under consideration, while considering in original ways how well those specific solutions answer current problems.

Outside thinking. It should be clear that no two situations are identical, but many are comparable. And where they differ, contrasts too may offer constructive policy lessons, insights or ideas. A conflict need not be the same in all aspects, in order to identify specific elements that are relevant.

Thus, comparing experiences from elsewhere can help at the macro-level of constitutional frameworks for a peace agreement, or contribute learning to the process of getting there – negotiations and diplomacy. It can help to address very specific policy issues, or understand broad social dynamics.

Potentially fruitful include: ethno-nationalist conflicts with a religious dimension; disputes over land, territory, settlement and sovereignty; military occupation; emerging, disputed statehood and state-building; protracted conflict lasting decades and the accompanying psychological, emotional and symbolic dynamics; the involvement of diaspora communities and refugees, and international intervention in both military and negotiation capacities; the search for breakthroughs in processes of conflict resolution, frameworks for political solutions, their success or failure and how the latter is assessed.

The approach of comparing lessons, pitfalls, policies, successes and opportunities from other conflicts stands to bring a number of benefits.

First, as noted earlier, outside ideas can prompt new approaches, and perhaps break through the frozen mentality at home.

Second, the need for regional expertise can help bring in new experts in addition to the veteran – possibly jaded – policy figures. This can bring new thinking and fresh eyes from people who may contribute to the search for a solution, but otherwise would not be involved. This can diversify the personalities and take negotiations or activism beyond the "usual suspects" while giving a role to people who may wish to contribute but had no relevant framework.

Third, this constructive approach stands to blunt the increasingly fraught relationship between the international community and local actors. In Israel, EU guidelines for member states to refrain from funding Israeli projects in the West Bank and to label settlement products has generated tension. The troubled relations in the past between the Israeli government and the previous US administration under President Obama, as well as a growing boycott movement, have been lumped together in Israeli minds as distrust of Western outsiders. Although the Trump Administration looks different from Israeli eyes, it has generated mostly uncertainty. In the meantime, there has been somewhat of a shutting down effect in Israel based on these perceptions of hostile Western attitudes. The latter has brought about a backlash of dangerous, repressive domestic policies under the banner

of limiting foreign influence. They have not prompted any change of policy regarding the conflict. Yet positive modes of international interaction, incentives such as security packages, normalization proposals and trade relations, have failed so far to advance the process in any meaningful way.

The Palestinian Authority, despairing of the bilateral process, has embraced an international strategy of demanding recognition for an increasingly non-viable Palestinian state, and cathartic condemnations of Israel in international forums. While failing to change the reality of Palestinian life, this Palestinian interaction with the international community exacerbates the hostility Israel perceives from abroad.

In this environment, drawing on experience from other conflicts gives a less confrontational and more constructive role to international actors, which is less threatening to local leaders. Instead of diplomatic communities seeking only means to pressure or push the parties to change, they can provide knowledge and ideas through comparisons from elsewhere.

Fourth, comparing policies and lessons from other conflicts may help mitigate, or even transcend the toxic politicization of policy thinking within Israeli and Palestinian circles. Indeed, it is natural for anyone who lives under the dark shadow of a conflict to belong to one camp or another, and opinions of habit can easily be a filter for understanding all new developments. In Israel and Palestine too, any analysis or initiatives are immediately branded as "right" or "left" based on local norms, rather than on their merits.

Delving deeply into another region where an individual has less personal stake and greater personal distance can be less threatening to one's previously held opinions. Looking at those other areas through a comparative lens can provide a less sensitive and more objective filter to assess the current situation and policy, or policy ideas being considered. The lens becomes a professional, rather than a political-ideological tool. The only overriding and openly acknowledged ideology of this endeavor is the attempt to de-escalate violence, and advance long-term stability and peace on the assumption that political and material satisfaction are the key conditions for reaching those goals. Insights from such a learning process can serve both parties in the conflict, as well as international actors committed to advancing conflict resolution.

With a more objective tool in hand, such comparisons will be used to help assess or vet possible policy directions. This filter can be applied to the current discourse, developments or policy of either side in the region. And of course an even more ambitious goal is to generate new ideas for resolution.

Existing research. Conflict comparison is not new in academia, or in civil society. Scholars of comparative politics, conflict studies and international relations regularly use this methodology. Israel and the Israeli-Palestinian conflict are commonly compared to South Africa or Northern Ireland. There have been studies looking at overall similarities and differences[4] between the Israeli

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4   Leila Farsakh, "Independence, Cantons or Bantustans: Whither the Palestinian State," Middle East Journal 59(2), Spring 2005, pp. 230-245; Mordechai Tamarkin, "South Africa and Israel/Palestine: Asymmetric Conflicts and Asymmetric Balances of Power," in Meir Litvak and Bruce Maddy-Weitzman (Eds.), *Nationalism, Identity and Politics: Israel and the Middle East*, (Tel Aviv: The Moshe Dayan Center for Middle Eastern and African Studies, 2014).

occupation of the West Bank and Gaza and the apartheid regime that collapsed[5] in the early 1990s; comparisons of civil society and the peace/conflict resolution[6]; processes in all three areas (Israel, Northern Ireland and South Africa), psychology of the conflicts in Israel and Ireland;[7] peacebuilding and conflict transformation[8] in all three[9], transitional justice,[10] dealing with the past (for example, comparing Northern Ireland and South Africa[11]) and so on.

The region has been compared to other conflicts on the issues of settlements,[12] refugee compensation and property reparation and treatment of minorities.[13] The Van Leer Institute has conducted a comparison of policies on political prisoners (not yet publicly available). Further, civil society actors have initiated meetings and learning about other conflicts, drawing on the Israeli-Palestinian experience. The London-based Conciliation Resources brought experts from the Israeli-Palestinian conflict, Iraq and the Balkans, to inform a civil society workshop on the Armenia-Azerbaijan conflict.[14] The Global Women's History Project[15] has brought Palestinian and Israeli women and Ireland/Northern Ireland (among other conflicts) together to learn from each other's experiences. A Belgrade-based research institute brings groups from the former Yugoslavia to Israel/Palestine[16] to learn about means of dealing with the past and "memory activism." One of the few to work at the level of elites is the Northern Ireland-based Forward Thinking initiative bringing senior Palestinian and Israeli policymakers to learn from the Northern Ireland conflict resolution process.[17]

These efforts within academia and civil society are important. But their efforts often fail to reach leaders, policymakers, civil servants, diplomats or negotiators. Academic comparisons are not necessarily conducted with policymaking as their goal, and more often provide theoretical conclusions rather than policy recommendations. This is appropriate for academic pursuits, but

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5   Daryl Glaser, "Zionism and Apartheid: A Moral Comparison," *Ethnic and Racial Studies* Volume 26(3), May 2003, pp. 403-421.

6   Gregory M. Maney, Ibtisam Ibrahim, Gareth I. Higgins, Hanna Herzog, "The Past's Promise: Lessons from Peace Processes in Northern Ireland and the Middle East," *Journal of Peace Research* 43(2), March 2006, pp. 181-200.

7   Julia B. Levine, "The Role of Culture in the Representation of Conflict in Dreams: A Comparison of Bedouin, Irish and Israeli Children," *Journal of Cross-Cultural Psychology* 22(4), December 1991, pp. 472-490.

8   Colin Knox and Padraic Quirk (Eds.), *Peacebuilding in Northern Ireland, Israel & South Africa: Transition, Transformation & Reconciliation*, (Houndmills, Basingstroke, Hampshire and London: Macmillan Press Ltd., 2000).

9   Guy Ben Porat, *The Failure of The Middle East Peace Process?: A Comparative Analysis of Peace Implementation in Israel/Palestine, Northern Ireland and South Africa*, (Jerusalem: Van Leer Institute and Palgrave Macmillan, 2008).

10   Aeyal M. Gross, "The Constitution, Reconciliation and Transitional Justice: Lessons from South Africa and Israel," *Stanford Journal of International Law* 47, 2004, pp. 47-63.

11   Elizabeth Crooke, "Dealing with the Past: Museums and Heritage in Northern Ireland and Cape Town, South Africa," *International Journal of Heritage Studies* 11(2), 2005, pp. 131-142.

12   Oded Haklai and Neophytos Loizides, *Settlers in Contested Lands: Territorial Disputes and Ethnic Conflicts*, (Stanford, California: Stanford University Press, 2015).

13   Sammy Smooha, "Control of Minorities in Israel and Northern Ireland," *Comparative Studies in Society and History* 22(2), April 1980, pp. 256-280.

14   The publication based on this workshop is: "Negotiating Access and Security: Scenarios for corridors and movement in Lachin and Beyond," *Conciliation Resources*, January 2016.

15   Elise G. Young, "The Geopolitics of Race: Women from Palestine, Israel, Northern Ireland and the Republic of Ireland Meet," *Journal of International Women's Studies* 2(3), June 2001, pp. 11-29.

16   Marija Ristic, "Can Serbs Learn from Israelis and Palestinians?," *Balkan Insight*, 20 February 2001.

17   A description of the Forward Thinking initiative can be found here: http://www.forward-thinking.org/index.php?cat=15&paged=6

valuable ideas for policymaking can be lost or buried along the way; approaches that stand to benefit decision-making, and possibly people's lives, in real time.

Finally, the comparisons with Northern Ireland and South African in particular have been well-explored. There are other areas that are equally relevant, but which have not yet been tapped for such learning. There is another limitation to the comparisons with Northern Ireland and South Africa: both have reached a form of resolution that is far beyond the current situation of the Israeli-Palestinian conflict. Unfortunately, Israelis and Palestinians must admit that they have more in common with societies facing protracted ethno-nationalist violence, or those who have attempted long-term negotiation and mediation processes that have so far failed to reach resolution.

Moreover, although highly fragile, the transitions occurred roughly two decades ago. The geo-political environment that affects national leaders has changed significantly.

Does it work? In policy circles, learning from the experiences of other conflicts happens frequently, if mostly in informal and unsystematic ways. But it is useful.

Comparisons can be made on very specific or technical policy issues, or large-scale frameworks. In the late 2000s, European Commission officials dealing with the Balkans drew inspiration from the Northern Ireland peace process; specifically, the role of economic development in promoting peace, various aspects of the process itself, and the success in moving armed groups from terrorism to negotiations – lessons that British and Northern Irish officials thought to be relevant for a range of conflicts.[18] These represent comparative policy learning about the process.

There can be comparative understanding of the broad political frameworks for conflict resolution. Models of governance, power-sharing and political frameworks can be analyzed if not directly copied, to glean relevant lessons or perhaps warnings. One can look at Canada, Belgium, Bosnia, Lebanon, or Cyprus in its earliest years, to consider the fate of ethno-national power sharing arrangements, or draw on former states of Czechoslovakia, Yugoslavia and the disintegration of the Soviet Union to consider separation paradigms.

In Cyprus in 2004, UN negotiator Alvaro de Soto was seeking to develop the details of a constitutional framework for the island; he worked with a comparative constitutional law expert to draw appropriate elements from other multi-ethnic societies such as Belgium and Switzerland.[19] The resulting plan represented the biggest diplomatic breakthrough in Cyprus since the division of the island in 1974, although it was voted down following separate simultaneous referendums, which was rejected by a majority of the Greek Cypriots (GCs). In his negotiations in both Western Sahara and Cyprus, de Soto called upon the knowledge of a group of academics specializing in political models for handling population diversity, from confederations, federations, autonomy and rights-based regimes. When a legal team began the process of writing the first constitution for a democracy South Africa in the early 1990s, they studied other constitutions closely – not adopting them precisely, but learning them in order to consider the right framework for South Africa.[20]

18   James Hughes, "EU conflict management policy: comparing the security-development model in the 'sui generis' cases of Northern Ireland and Kosovo," *Conference Paper for European Consortium for Political Research*, Potsdam, Germany, 2009, p. 4.

19   Author conversation with Alvaro de Soto, February 2016.

20   Author interview with Albie Sachs, "Putting South Africa Together Again," *The Tel Aviv Review Podcast*, TLV1 Radio, August 2017.

Such learning works not only for processes and overall political frameworks, but for highly specific policies as well. In El Salvador negotiations in the early 1990s, de Soto drew on the use of an independent foreign legal expert to distinguish between political prisoners and common criminals in Namibia.[21] The truth commission that was eventually created, composed solely of foreign personalities accepted by both parties, became a key factor in the negotiations. That process ended a dozen-year long civil war that cost 75,000 deaths.[22] In 2014, a civil society group brought together Armenians and Azerbaijanis mired in the conflict over Karabakh to focus specifically on the problem of movement and access in tension with security needs, bringing in experts from the Israeli-Palestinian conflict, Iraq and the Balkan wars. Policymakers in Serbia have drawn on experience from Cyprus to address sensitive issues of institutional cooperation despite formal non-recognition of breakaway regions, and constructive relations among sub-national political figures rather than formal political relations.[23]

Another valuable area of comparison involves mediators themselves, who often hold comparative knowledge from their experience. Both Northern Irish negotiators and South Africans have been involved in mediating conflicts in Iraq and Sri Lanka, based on their experiences at home. George Mitchell is said to have studied the El Salvador negotiation process, among others.[24] An American diplomat who helped negotiate the Dayton Accords had previously helped negotiate an agreement to halt North Korea's nuclear program, most likely bringing skills of process and negotiation rather than comparative political problems.[25] Richard Holbrooke himself is said to have studied other peace conferences, including the successful 1978 Camp David negotiation between Israel and Egypt, to learn best practices for negotiation processes even when the issues are very different.[26]

Using the research in practice. Through the course of this project, we have aimed to bring the work to the attention of political figures and policymakers who are invested in reducing violence, achieving peace, and increasing stability in the region.

In a reality of diplomatic stalemate, we also acknowledge that the current Israeli government does not necessarily prioritize the issue of conflict resolution with the Palestinians. In addition to the policymaking level, we have engaged international experts, civil society, diplomats, negotiators and other relevant parties to generate deeper understanding, new ideas, and hopefully better policy recommendations. We have and will continue to advance them in the media and through other publications, to contribute to public discourse. Where possible, we seek to provide relevant insights to interested parties from other conflicts as well. To the extent that both sides of a comparison can benefit, and perhaps advance mutual conflict resolution support, we will continue to aim for this as well.

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21   Author conversation with Alvaro de Soto, February 2016.

22   Jeffrey Pugh, "The Structure of Negotiation: Lessons from El Salvador for Contemporary Conflict Resolution," *Negotiation Journal* 25(1), January 2009, p. 83.

23   Author conversation with James Ker-Lindsay, expert on Cyprus and former Yugoslavia, February 2016.

24   As recalled by de Soto in conversations with Mitchell. Author conversation with Alvaro de Soto, February 2016.

25   Derek Chollet, *The Road to the Dayton Accords: A Study of American Statecraft*, (New York and Houndsmills, Basingstoke, Hampshire, England: Palgrave Macmillan, 2005).

26   Ibid, 148.

Further, many actively oppose the comparative approach. Comparisons to places such as South Africa under apartheid are politically sensitive and unflattering and can be rejected by pointing out that no two situations are exactly alike, or that the results will be theoretically interesting, but not useful.

Yet the goal has been to draw directly on experience of people from within policy institutions, combining it with academic learning that can be translated into policy implications. It is certainly true that some comparisons are sensitive, and some mirrors may be painful. But the approach offers an objective measure that is currently lacking. The question is whether the pain of seeing one's own problems reflected in someone else's situation is more painful than the ongoing violent conflict itself. The discomfort of studying these things will still be less than the tragedy of living with conflict – and the approach may help one day to move beyond it.

Chapter 2

Lessons from Cyprus:
Can Negotiations Still Work?

Like Israel and the Palestinians, Cyprus has lived with a protracted, unresolved conflict for roughly five decades. The two conflicts share ethno-nationalist and territorial dimensions; tension between a sovereign state and a sub-state entity, and a hostile military presence; decades of failed negotiations, with both sides showing only tepid commitment to the intended political framework for resolution (two states in Israel-Palestine, or a federated state in the Cyprus negotiations); and high involvement of the international community. This chapter focuses on comparison between the efforts at conflict resolution in both cases, considering the role of civil society, the public, the political leadership, and negotiation processes.

Cyprus is often on the minds of Israelis who view it as a successful example of conflict management, but the analysis here challenges that interpretation; it turns out that there are significant political costs of non-resolution.

Another common comparison is the mutual failure of negotiations. Some believe that the diplomatic process is doomed. Yet the Cyprus conflict shows that despite long-term diplomatic stagnation, negotiations can be meaningfully revived through bold leadership; at the same time, political will among leaders is not a sufficient formula for negotiations to succeed in making peace, and the consequences of their failure can be high.

Additional points of comparison in this chapter include the observation common to both societies, that potential benefits and positive incentives for peace, such as economic gain, are not always sufficient to push the parties to reconcile. In some cases, disincentives may also be needed. Another is the role of the public as support or spoiler for peace, especially when a referendum is at stake. Finally, the two regions share certain core conflict issues and they can borrow or learn from policy options that have emerged regarding them. Two areas where they stand to gain from such learning are refugees, and models of governance.

Background to the Cyprus Conflict

Source: Wikipedia

Divisions between Greek and Turkish Cypriots over identity, culture, religion, language and nation, territory and historical rights form the basis of a conflict over sovereignty and governance in a divided society. When Cyprus became independent in 1960, its constitution established a consociational government representing both groups, but the arrangement fell apart in 1963.[27] The next eleven years brought early forms of population separation and rising tension; in 1974, an attempted coup by Greek mainland nationalists against the GC government led to two Turkish military invasions and the ethnic and territorial division of the island. The Turkish army remains in the north to the present, controlling about one-third of the island. The Turkish Cypriot (TC) leadership declared independence in the north in 1983, and this entity is formally recognized only by Turkey.[28]

Greece, Turkey, the United Nations (UN) and the European Union (EU) are key actors in the conflict and efforts at resolution. Since 1968, bilateral negotiations have been held to determine the mode of governance and power-sharing, and since 1974, over reunification of the island; other core issues since 1974 include property compensation for those displaced in 1974, refugee claims and missing persons, security and the role of guarantor powers, the fate of specific towns in the north that were traditionally Greek, economic relations between the two communities and EU relations. Governance has been envisioned mostly through the framework of a "bi-zonal, bi-communal federation" – a unitary state comprised of two federated states with significant autonomy.[29] Conflict dynamics among the people of Cyprus include ethnic fears, lack of trust, and demographic concerns.[30]

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27   Kenan Atakol, "Turkish and Greek Cypriots in Conflict," in Judy Carter, George Irani, and Vamik D. Volkan (Eds.), *Regional and Ethnic Conflicts: Perspectives from the Front Lines*, (London and New York: Routledge, 2009).

28   For more on the background of the conflict, see James Ker-Lindsay, *The Cyprus Problem: What Everyone Needs to Know*, (New York: Oxford University Press, 2011); Yiannis Papadakis, Nicos Peristianis, and Gisela Welz (Eds.), *Divided Cyprus: Modernity, History and an Island in Conflict*, (Bloomington: Indiana University Press, 2006); Christopher Hitchens, *Hostage to History: Cyprus from the Ottomans to Kissinger, Second Edition*, (New York: Noonday Press, 1997).

29   Ioannis N. Grigoriadis, "Could the Cyprus Issue Be Solved in 2016?," Konrad Adenauer Stiftung, 8 March 2016.

30   The question of demographics population refers mainly to the north, since GC refugees have longed to return, while TC refugees from the south have not significantly adopted the narrative or policy goal of return.

In 2004, a UN-sponsored reunification plan (the Annan Plan) was negotiated with the leaders of both sides; but neither of the local leaders actually approved it. Nevertheless, the plan was put to a referendum; ultimately it was rejected by a large majority of Greek Cypriots (GCs), while a majority of Turkish Cypriots (TCs) voted in favor. Both sides would have needed to support it for the plan to be implemented; thus the process failed. Still, the recognized Republic of Cyprus (RoC) acceded to the EU that same year, in 2004.[31] Negotiations have been held intermittently but unfruitfully since that time. They were renewed with more energy in 2015 following the victory of pro-peace leaders on both sides of the conflict, which led to high anticipation but halting progress.[32] However, by mid-2017, the two-year negotiation process culminated once again in failure which some observers viewed as a last chance. In the future, political and international developments may now significantly change the contours of the conflict, and possibilities for resolution.

Comparison: Parallels and Contrasts

The comparison to the Israeli-Palestinian conflict is organized around themes related to civil society, the public, the elites, negotiations and related processes. This is not exhaustive; there are numerous additional elements that could also be compared, such as the role of the international community, or the problem of so-called "settlers." The aspects shown here were selected for their potential to yield practical insights for the Israeli-Palestinian conflict, with a focus on negotiations and supporting elements. Each topic can be expanded greatly in its own right.

Civil society – home front, the other side, and spoilers. Peace-oriented civil society actors in Cyprus and in Israel/Palestine both seek to change negative social dynamics, support negotiations, and foster bi-lateral reconciliation. In both regions, these groups have been accused of normalizing, straying or betraying their people, or airing dirty laundry abroad instead of speaking to their societies. In 2004, TC civil society rallied large numbers within their community in support of the Annan Plan. Some perceive GC civil society as less supportive, and point to other social organizations such as sports and religious communities in the south that encourage a nationalist agenda. This in turn is considered discouraging to the TC side. Similarly, Israelis often complain that Palestinian civil society is concerned more with criticizing Israel than with fostering peace, while downplaying their own spoilers such as nationalist sports clubs or religious figures. Thus in both locations, there is a perception (and accusation) that one side shows more grassroots support for peace than the other; while other social institutions can act as spoilers. Cooperation across lines (Israelis and Palestinians, or TCs and GCs) can often lead to accusations of disloyalty, which challenges the legitimacy of pro-peace actors in their own communities.

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31   Helena Smith, "Greek Cypriot Voters Set to Derail UN Plan for Islands Reunification: President and Church Stand Accused Ahead of Today's Referendum," *The Guardian*, 24 April 2004.

32   "Chronology of Events: Cyprus," *Security Council Report*.

Committed leadership – capitalize quickly. In Israel and Palestine today, there is a common trope that the outlines of a political solution are well known, but there is a lack of political will. The vision and will of the leaders is surely a prominent factor in diplomatic progress – some might argue that it is the decisive factor. Israel and Egypt signed a deal following the political commitment of Menachem Begin and Anwar Sadat; Yassir Arafat and Yitzhak Rabin (eventually) devoted themselves to the Oslo accords.[33] Conversely, unwilling leaders are a sure route to failure: In 2004, certain key Cypriot leaders openly opposed the agreement, contributing to its defeat in the GC referendum.[34] By contrast, in 2016 both the GC and TC leaders – Nicos Anastasiades and Mustafa Akıncı, respectively – have been committed to conciliation in the past; this commitment featured prominently in their political personalities, and both were elected with this aspect of their program widely known by voters.

As leaders, they were able to rapidly revive resolution efforts in 2015.[35] But good will has not been sufficient to withstand political developments that since negotiations began again: in May 2016, parliamentary elections in the RoC weakened Anastasiades' party. The attempted coup in Turkey in July 2016 was destabilizing and created uncertainty about Turkey's role, which probably contributed to a slowdown of the Cyprus process, as well as the Turkish referendum in April 2017.[36] Presidential elections in the south in 2018 might also have been a constraint on Anastasiades' desire to take major political risks. It is hard to pinpoint the blame for the final failure of negotiations on any one of these; but they certainly placed burdens and constraints on the process. Political will is a resource that should be capitalized upon before events overtake intentions.

Leverage economic incentives, acknowledge obstacles. Peace agreements are presumed to be economically beneficial. It seems that the economic benefits to living in a peaceful, stable political environment should provide an incentive for societies to end longstanding conflicts. In Cyprus, the economic crash of 2013 may have raised the need for a "peace dividend,"[37] for example by opening up Turkish markets for RoC. TCs have an even greater ongoing incentive to improve their economic position, since they live under economic sanctions by most of the world, except for Turkey. Peace through reunification with RoC, an EU member, would make EU markets accessible; this would also increase their independence from Turkey.[38]

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33 Political will is not a foolproof formula, as seen in the failure of Ehud Barak and Yasser Arafat, who were unable to reach a deal at Camp David in 2000, although historians will continue to debate the extent of actual political will among the two.

34 The President of RoC, Tassos Papadopoulous, was famously opposed; while the longtime leader Rauf Denktaş also opposed the agreement on the Turkish Cypriot side. His position was balanced, and ultimately overshadowed by the new Prime Minister Mehmet Ali Talat and other social forces.

35 Nikos Anastasiades, the Greek Cypriot President since 2013, was the only party leader to endorse the Annan Plan, an unpopular position in 2004. Mustafa Akıncı, President of TRNC since April 2015, is well-known for his cooperative approach to the Greek Cypriot community during his years as mayor of Nicosia, between 1976-1990. Neofytos Loizides, "Transformations of the Greek-Cypriot and Turkish-Cypriot Right: Right Wing Peace-makers?" in Nicos Trimikliniotis and Umut Bozkurt (Eds.), *Beyond a Divided Cyprus: A State and Society in Transformation*, (New York: Palgrave Macmillan, 2012), p. 189.

36 Regarding the May 2016 elections, author conversation with Umut Bozkurt, Assistant Professor Department of Political Science and International Relations, Eastern Mediterranean University. 27 June 2016.

37 Author conversation with Neophytos Loizides, Reader in International Conflict Analysis, University of Kent. 20 May 2016.

38 Tony Barber, "Cyprus: Crossing the Divide," The Financial Times, 25 January 2015. Alexander Apostolides and Mustafa Besim, "The Cyprus Peace Dividend Revisited: A productivity and sectoral approach," *Peace Research Institute Oslo (PRIO), Cyprus Centre*, 2014.

Explorations of natural gas fields in the eastern Mediterranean also hold major economic potential; an agreement in Cyprus with Turkey's blessing would facilitate the exploitation of this resource to the benefit of all sides.[39] But in Cyprus, the potential benefits appear to have provided only a limited incentive. Some believe GCs would sustain more costs, while the TC side stands to gain more (starting from a weaker economic position) – lowering urgency for RoC. When RoC entered the EU in 2004, the apparently healthy economy created little immediate financial incentive for a resolution.[40] Similarly, in Israel-Palestine, promises of large economic dividends have not been compelling for Israelis, who have access to global markets and regularly ignore the costs of occupation. There are also economic benefits to the status quo that tend to be ignored.[41]

Incentives/disincentives. The chances of success or failure of negotiations are valuable for determining whether to hold them (in light of the dangers above). To determine these chances, negotiators must assess what incentives or disincentives exist for the process to succeed. For example, in 2004, RoC knew that much-desired EU accession was already secured with or without reunification. Thus rejecting the agreement had no significant consequences for GC, who felt free to take a maximalist approach, holding out for a "better deal." Similarly, Israel at present has little significant positive incentive to make concessions – like RoC, there are simply few consequences for avoiding them.[42] Palestinians, however, have had more incentive to compromise given their dire circumstances (just as the disadvantaged TCs supported the Annan Plan); yet they too have been on the rejectionist side at times. This may reflect underestimation of the cost, or overestimation of the potential to improve their positions, by holding out. If positive incentives for peace are not available or not sufficient, it could be that the costs of non-recognition must be stronger – such as political or economic costs – to push sides towards needed concessions.

Negotiations – **assess danger.** Failed negotiations in Cyprus have deepened stagnation and distrust. Failed Israeli-Palestinian negotiations have sometimes had worse consequences, prompting severe escalations. This was the case after Camp David 2000 (followed by the second Intifada), and the 2014 negotiations led by US Secretary of State John Kerry, whose failure preceded a wave of violence and another war in the summer of 2014.[43] Negotiations may be only a trigger but they underscore dangers. There is also a political cost, as barren negotiations can alter political

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39   With Turkey and Israel improving their relations in part for the same reason, it is also not a given that non-resolution in Cyprus will hinder exploitation, processing and transfer of natural gas. Turkey may seek to bypass RoC and hence the urgency for an agreement declines. However, this very possibility could also be an incentive for RoC to avoid such a situation, by working towards an agreement that would ensure it is not left out.

40   See for example Fiona Mullen, Öslem Öguz and Praxoula Antoniadou Kyriacou, "The Day After: Commercial Opportunities following a solution to the Cyprus problem," Peace Research Institute Oslo (PRIO), Cyprus Centre, 2008. On the economic benefits of a solution, and for an opposing view, see: George Georgiou, "Cyprus: Economic Consequences of Reunification," *Mediterranean Quarterly* 20(3), Summer 2009, pp. 51-62. Both were written prior to the 2013 economic crash in RoC.

41   Shlomo Svirsky, "Nes Gadol Lo Haya Po: The economic policy of the second Netanyahu government, 2009-2012," *Adva Center*, November 2013, p. 23. (Hebrew)

42   For an in-depth exploration of the low costs of status quo, see Nathan Thrall, "Israel-Palestine: The Real Reason there's no Peace," The Guardian, 16 May 2017.

43   One could also include the failed negotiations between Ehud Olmert and Mahmoud Abbas that preceded the first of three wars between Israel and Gaza. It is a stretch to presume negotiations were a clear cause, but the case can be made that another negotiation failure for Fatah emboldened Hamas to provoke both sides with escalation.

possibilities. The failure of the most recent process in Cyprus could finally mean the end of one paradigm for resolution (a federated state), and may open the way for an evolving two-state reality in the next phase.[44] The specter of outright annexation of the north by Turkey is a worst-case scenario for RoC and undesirable for TCs as well.

In Israel and Palestine, similarly, the decades-long failure of negotiations based on the two-state paradigm may have allowed such extensive changes on the ground that the traditional two-state model may not be feasible. Both Israelis and Palestinians view the alternatives, a unitary state that is either non-democratic or a democratic, bi-national state, as very poor options for both sides. Negotiations are still the best possible route to conflict resolution. But the dangers in the case of failure should also be assessed in order to determine whether they are desirable at any given time. Analyzing incentives and disincentives as observed above can help with this assessment.

Referendum – never take the public for granted. A central factor in the GC "no" vote in 2004 was the negative attitudes of the leadership towards the agreement, covered intensively in the media.[45] Domestic and international advocates of the agreement did not appreciate the growing force of the "no" camp until it was too late for a serious campaign in favor. In the north, the large-scale activism generated by pro-peace groups, and the support of the Turkish Republic of Northern Cyprus (TRNC) Prime Minister combined to help achieve strong majority support.

The referendum experience is important in Israel, where existing legislation requires a vote in the event of ceding sovereign territory, and there are serious lessons to be learned from Cyprus. The first is that the public cannot be presumed to support an agreement based on the abstract notion of peace; arguments must be made and their vote must be earned. This point was reinforced in late 2016, with the failure of a peace referendum in Colombia.[46] A second lesson – this time from the Israel-Palestine experience – is that even without a referendum, the perception of public opposition can constrain leaders. During the 2000 Camp David negotiations, for example, some believe that Arafat's failure to prime the Palestinian public led to an environment of opposition. This looped back to constrain Arafat from agreeing to needed concessions.[47] It seems that if the leadership either undermines or even fails to make a strong enough case, voters are likely to take their cue. However, a referendum campaign can draw on the infrastructure that is commonly laid in long-term conflicts by pro-peace civil society groups – as was the case in Northern Ireland.[48]

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44   Herbert Faustmann alluded to this in conversation – for Cyprus this is considered a more extreme solution indicating full separation of the island, and for RoC, full loss over the north. James Ker Lindsay has also cited the remote possibility that Turkey advances annexation of the north. Author conversations with Herbert Faustmann, Associate Professor for History and Political Science at the University of Nicosia, 24 May 2016; James Ker Lindsay, Senior Research Fellow, London School of Economics, 28 January 2016.

45   For a full analysis on the role of the media, see Yiouli Taki and Erol Kaymak, "The Annan Plan 2004: A Study of the Information Environment & An Outline of International Referendum Standards," Politics, 2005; and "The Cyprus Stalemate: What Next?," *International Crisis Group*, Europe Report No.171, 8 March 2006, p. 5.

46   After a devastating, 50-year conflict, the government reached a peace agreement with the FARC rebels, but a referendum held to ratify the agreement was rejected by the Colombian public. The agreement was later amended and adopted by the Colombian government, without an additional referendum. See: Dahlia Scheindlin, "Colombia's Omen for Israel: When the People Don't Give Peace a Chance," Haaretz, 7 October 2016; Sibylla Brodzinsky, "Colombian government and Farc reach new peace deal," *The Guardian*, 13 November 2016.

47   Jacob Shamir and Khalil Shikaki, *Palestinian and Israeli Public Opinion: The Public Imperative and the Second Intifada*, (Bloomington and Indianapolis: Indiana University Press, 2010), p. 59.

48   Richard A. Couto, "The Third Sector and Civil Society: The Case of the 'YES' Campaign in Northern Ireland," *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 12(3), September 2001, pp. 221-238.

Conflict management? No status quo. During decades of apparent political stagnation, the GC political position with relation to conflict resolution has essentially eroded over time. Although as a recognized state it appears to be the stronger party, with international recognition and EU membership, still each subsequent negotiation in Cyprus has involved greater compromise on the structure of governance away from a unitary state.[49] The TRNC, on the other hand, becomes entrenched over time, along with de facto separation. Turkish migrants, (or settlers), have changed the demographic, political and social reality in the north. Turkey's presence and influence in society, politics and the economy, have grown – especially in recent years, precisely what the GC side fears. Yet on the geo-political level, Turkey is an ever-more essential ally to the West given the current chaos in the Middle East – Western powers have little leverage to convince Turkey to moderate its stance on Cyprus. And Turkey was probably partly responsible for the TC insistence on leaving some Turkish troops on the island after an agreement – one of the aspects that brought down the final negotiations in 2017.

It turns out that the "status quo" in Cyprus is changing beneath the surface, and in various ways working against the side that appears to be the stronger party (RoC). The current Israeli government has conducted de facto conflict management rather than resolution, and Cyprus is sometimes cited as a positive model. Yet the "status quo" in Israel-Palestine is far more violent than Cyprus, making this a contrast rather than comparable model. But in addition, like Cyprus, Israel too faces demographic changes in the population living between the Jordan river to the Mediterranean, in ways that most Israelis believe to be unfavorable. In addition, the international environment is increasingly difficult for Israel, which has seen its political image erode drastically in most Western countries. The material consequences have so far been mild, but there is fear that they will get worse. Israel should learn from Cyprus that what appears to be a conflict equilibrium may harbor dangers beneath the surface that threaten the putatively stronger party.

Overlapping core issues – refugees and property; governance and power-sharing. The fate of refugees who were displaced at the start of the conflict, and the means of governing two people on a single small territory, are among the most sensitive core issues in both conflicts.

Refugees and property are linked to symbolic meaning, demography, identity and historic justice as well as hard security concerns. One reason the GC side voted down the Annan Plan was dissatisfaction with proposals on this issue, echoing the tenacity of Palestinian demands for satisfactory solutions on the issue.[50] In both conflicts, a range of solutions have been proposed over the years, but the sensitivities and willingness to sacrifice even an agreement over this cannot be underestimated.

On governance, comparisons appear to be increasingly valuable. In Israel-Palestine, negotiations have traditionally been geared towards two states, but this would involve extensive cooperation on issues such as resource and environmental management, security and shared economic needs. Jerusalem will inevitably remain highly linked even if divided. The mechanisms in Cyprus for managing divided Nicosia, or those proposed under the presumed federated structure of Cyprus, may be useful even

49   James Ker-Lindsay, "A History of Cyprus Peace Proposals," in Hubert Faustmann and Andrekos Varnava (Eds.), *Reunifying Cyprus: The Annan Plan and Beyond*, (London: I. B. Tauris, 2009), p. 16.

50   Alexis Heraclides, "The Cyprus Problem: An Open and Shut Case? Probing the Greek-Cypriot Rejection of the Annan Plan," *The Cyprus Review* 16(2), 2004, p. 37.

in a two-state model. Moreover, as the two-state solution loses feasibility in Israel-Palestine, there is increasing interest in confederation and other cooperative models. Here, the various Cypriot plans and specific solutions such as cross-community voting arrangements, may be instructive.[51]

Lessons and Recommendations

Israel often views Cyprus as evidence that conflict management may be preferable to a peace agreement that divides and angers both sides of the conflict. A closer look at Cyprus shows why this is a poor interpretation.

The first overwhelming difference is the level of violence. The low incidence of conflict-related violence in Cyprus since 1974 is in fact a cause for the stability of the region, despite non-resolution; not a result. There is no evidence that the daily violence and actual loss of life in Israel and Palestine will diminish if an agreement is never found – most likely it will continue and accelerate.

But the political consequences of non-resolution are also deceptive. Looking at Cyprus from afar (and for some, apparently, even from within), the negative consequences cited above are not evidence. But in Cyprus, decades of non-resolution are slowly advancing permanent division of the island. The failure of the last round could put the TRNC closer than ever to either international recognition, or accelerated – even if informal – Turkish dominance. These scenarios would be a disaster from RoC's perspective; while greater de facto Turkish control is undesirable for TCs as well.

Similarly, Israel and Palestinians must acknowledge that even when violence is low, the political status quo is eroding. Israel stands to lose the option of being both a Jewish and democratic state; for Palestinians, each new decade has brought dwindling political offerings, and steadily worsening conditions in daily life. Conflict management is actually conflict deterioration and should be rejected as a policy goal.

Despite longtime diplomatic stagnation, Cyprus shows that a frozen political environment can be rapidly unblocked when both leaders are politically committed to advancing resolution. However, matching pro-agreement leadership does not guarantee success, and various other aspects are needed to strengthen the chances for resolution:

First, third parties and international actors need to assess realistic incentives. In Cyprus, as in Israel and Palestine, positive incentives or peace dividends have simply not been sufficient. If negotiations re-start in Israel and Palestine based only on hypothetical benefits of peace, with no concrete cost of failure, they are unlikely to succeed – with the accompanying dangers described in this paper. If guaranteed EU accession for RoC meant there was no cost for rejection of the agreement in 2004, perhaps membership in desired clubs should be conditioned on progress. Loss of membership can also be a relevant cost. Inclusion of loss in such clubs is relevant for Israel and the Palestinians alike. It avoids the invasiveness of economic sanctions or other forms of intervention – but sends a substantive signal.

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51   Alvaro de Soto, UN Negotiator for the Annan Plan, worked with experts on constitutional frameworks for power-sharing to reach the proposal for Cyprus in 2004 (Author conversation, 17 February 2016). This is a reminder that there is cumulative and comparative knowledge available about different constitutional models for consideration also in Israel-Palestinian (or other conflicts).

Second, the Cyprus negotiations that collapsed in the summer of 2017 highlight the dangers of negotiations that take too long. Since the talks began in 2015, most regional developments observed in this paper placed burdens on the process or removed incentives for resolution. When the leadership constellation is right, negotiations should set an ambitious timeline, and add modest, interim, or symbolic goals to the process. Even small achievements can generate momentum and progress for the final agreement, and can generate good will needed to sustain energy during the slower, more sensitive parts of negotiations.

Third, public support matters. If there is ever a referendum in Israel, Cyprus in 2004 (and Colombia in 2016) showed how inadequate public support leads to a profound and historic lost opportunity. Israel too may hold a referendum; Palestinians probably will not. But even without a vote, leaders are empowered or constrained in negotiations by public attitudes, and cannot afford to neglect them. Cyprus showed that last-minute appeals to the public are too late.

Civil society actors can strengthen the debate and discourse about the broad contours of an agreement long before negotiations, even when the diplomatic horizon looks barren. This can include pro-peace NGOs but the latter will always face social suspicion. Social institutions or figures with fewer "left-wing" connotations should be mobilized as well, and civil society should make sure to work internally, not only bi-laterally. Perhaps most importantly, elected leaders or their proxies should actively discuss, debate (even disagree) and thus legitimize the basic concepts of a future agreement publicly, prior to negotiations. If leaders do not, this may signal that they are not meaningfully committed to resolution.

Finally, Cyprus and Israel share significant conflict issues, but there are two key issues for useful comparison. The problem of refugees, property and compensation is a burning emotional wound laden with historic and symbolic significance for RoC, just as for Palestinians. Cyprus shows that some are apparently willing to sacrifice all potential peace dividends for the perception of justice. In Cyprus, negotiations generally acknowledge the historical experience of displacement, along with the need for compensation or restoration. This is an alternative to the broad rejectionism in Israeli discourse regarding the Palestinian refugee issue. The range of policies for implementation do not differ as much as this overall outlook – and the overall approach sets a tone of either cooperation or confrontation.

There are also relevant comparisons between models for governance between the two regions, even if the overall frameworks (two states, versus a federated state) differ at present. Both conflicts involve two entities on a bounded geographic region. Even the two-state separation envisioned for Israel and Palestine will require extensive cooperation and joint agencies that can draw on Cypriot models. Further, if the two-state solution evolves towards shared sovereignty models, and Cyprus has moved towards more separation-oriented models of federation – policies such as such as cross-community residency without citizenship, or voting mechanisms – may be increasingly transferrable and relevant.

Ultimately, negotiations are a trying and uncertain path, but still represent an essential route to resolution.

Chapter 3

Lessons from Nagorno-Karabakh:
Does Unresolved Conflict Destroy Democracy?

Azerbaijan and Armenia exited the Soviet Union in the early 1990s, putatively for a future of democracy. Twenty years later, both are on the opposite path. Over two decades of unresolved, highly militarized, ethno-nationalist territorial conflict over Nagorno-Karabakh (NK, or "Karabakh") have come to dominate aspects of society in both states. Whether active or dormant, the constant threat of military escalation and solid resistance to political resolution places a significant burden on democratic political development in both places.

With its combination of competing ancient narratives and modern injury, the NK conflict shares with Israel and Palestine the emergence of old and modern national identities, founding trauma and repeated violence to exacerbate collective memory. On the political level, the central element shared by both Israel-Palestine and NK is that one side, in word or deed, is ultimately unwilling to accept self-determination of the other. Meanwhile the side demanding self-determination is categorically unwilling to give up on it. In each of the two conflicts, the geopolitical status of the land under dispute is unstable, eroding the political status-quo – Israel expands settlements, and Armenians deepen their grip over occupied regions of Azerbaijan. Social echo-chambers on both sides of each conflict commonly reinforce hardline positions.

The democratic character of the entities in these two conflicts appears less comparable at first glance. Azerbaijan and Armenia are former Soviet republics, struggling with transition; Israel has had a culture of democracy since its founding. But a close look at each region shows that protracted conflicts are increasingly incompatible with democratic norms, even when such norms appear strong on the surface – and the historic foundation of democracy may not be as strong as it appears.

What is the link, or the influence of unresolved conflict and internal political/social life within each side of the conflicts? This question guides the analysis to follow.

Background to the Nagorno-Karabakh conflict

Source: School of Russian and Asian Studies

NK is a small territory of just under 150,000 people that lies within the internationally recognized sovereign borders of modern Azerbaijan.[52] Armenians have been a majority there since before the 20th century, with a significant Azeri minority until the 1990s.

In a series of complex negotiations in the early 1920s, Josef Stalin gave Karabakh to Azerbaijan rather than Armenia, with the unique status of an "autonomous oblast" within the Azeri republic.[53] Armenians view Stalin's decision as an intolerable historic mistake, and throughout the 20th century have advocated, sometimes violently, for unification with Armenia. NK holds extraordinary emotional force as a spiritual, religious and mythical center of Armenian national identity.

In the late 1980s, rising nationalism in the region led to massive Armenian demonstrations in both Yerevan and NK for unification, as the Soviet Union began to unravel. Violence broke out against both sides, resulting in early ethnic flight (Azeris fled Armenia and vice versa). Chaos rose, Karabakh's Armenian community declared independence unilaterally, and full-fledged war broke out from 1991 to 1994. About 25,000 people were killed and over one million became refugees, three-quarters of them Azeris. With Russian military equipment,[54] Armenian forces won de facto control over Karabakh and captured seven adjacent territories, which are widely considered to be occupied.[55] To this day, no country recognizes NK's self-declared independence.

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52 National Statistical Service of the Nagorno-Karabakh Republic, *Statistical Yearbook of Nagorno-Karabakh Republic 2008-2014*.

53 Svante E. Cornell, "The Nagorno-Karabakh Conflict, Report No. 46," *Department of East European Studies, Uppsala University,* 1999, p. 10.

54 The role of Russia has been disputed and Russia did not openly acknowledge it as policy. Evidence seems to point to arms sales to both sides. For Armenian forces the military equipment was considered a substantial factor in the eventual Armenian control. See Thomas Goltz, "Letter from Eurasia: The Hidden Russian Hand," Foreign Policy 92, Autumn 1993, pp. 92-116, and Michael P. Croissant, *The Armenia-Azerbaijan Conflict: Causes and Implications*, (Westport, CT: Praeger Publishers, 1998), p. 80.

55 From the Azerbaijani perspective, the entire de facto autonomy of Karabakh is viewed as an Armenian occupation, since Azerbaijan does not distinguish NK authorities from Armenia's regime. Rather, Azerbaijan views the entire situation as a state-to-state irredentist conflict. However, the international community mainly views the seven additional territories as "occupied" – leaving the situation in the historic territory of Karabakh rather undefined.

Following the truce in 1994 there have been regular escalations along the "Line of Contact" between Karabakh and Azerbaijan. In April 2016, the most severe such violence broke out; it appears that Azerbaijan mounted a planned incursion, rather than spontaneous outbreak; up to 200 people were killed on both sides.[56] Both bilateral negotiations and longtime international mediation led by the Minsk Group, in the framework of the Organization of Security and Cooperation in Europe (OSCE) have failed.[57] Azerbaijan refuses any compromise of its sovereignty in NK (despite de facto control of Armenians there), while Armenians demand independence at the least – while some long ultimately for unification with Armenia. Like Israel-Palestine, Karabakh has fallen into a political stasis, or "conflict management," rather than resolution, while violence threatens, mostly around the "Line of Contact" regions.[58] Moreover, the conflict dominates the political life of both Armenia and Azerbaijan – both of which are suffering from varying levels of political and institutional dysfunction, in many ways related to the conflict.

Themes for Comparison

Although both regions involve an ethno-national/religious conflict, as well as land and sovereignty disputes, there are many differences. The Caucasus conflict is being fought between two sovereign states; and the history of the contested land differs from the occupied Palestinian territories, which were never part of sovereign Israel. But this section focuses on comparable points, specifically the obstacles to resolution, and the effects of non-resolution. The obstacles include disagreements over core conflict issues, and the complex role of international actors. The effects of non-resolution include ongoing armament, mission creep regarding Armenian entrenchment in the additional occupied areas, and nearly single-minded orientation of each society towards winning the conflict which I argue contributes to a major deficit, or erosion, of democracy.

Core conflict issues: self-determination, refugees, occupied territory. The status of Karabakh is the most fundamental and intractable problem: Azerbaijan completely rejects full secession from its sovereign territory, viewing it as a step towards Armenian irredentism. The argument thus differs from Israel's reasoning for ongoing occupation of the West Bank and Gaza, but the obstacle to resolution is common to both.[59] Azerbaijan's position has been to offer wide autonomy to NK within the framework of Azerbaijani sovereignty.[60] Similarly, right-wing Israeli politicians advocate explicitly against Palestinian statehood, speaking instead of localized autonomy and municipal-level self-

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56   "Nagorno-Karabakh: New Opening, or More Peril?," *International Crisis Group*, Report No. 239, 4 July 2016, pp. 2-6.

57   The Minsk Group was established in 1994 by the then-CSCE, responding to the war in NK from 1991-1994. The group is co-chaired by France, Russia and the US; its permanent members include Belarus, Germany, Italy, Sweden, Finland, and Turkey, as well as Armenia and Azerbaijan. See: "Who We Are," *Minsk Group/OSCE website*.

58   Thomas de Waal, "Nagorno-Karabakh: Crimea's doppelganger," Open Democracy, 13 June 2014. Since the widespread ethnic flight of both groups in the 1990s, there is less direct friction or violence in Karabakh or in Azerbaijan (though some Armenians remain in Azerbaijan). The sporadic escalations are mostly around the "border" areas – geographic, if not political boundaries.

59   Since the Madrid negotiations in 1991, Israel nominally accepts the principle of Palestinian self-determination, but broadly insists that security needs preclude independence.

60   For a very detailed review and analysis of the various formulations, see Ali Abasov and Haroutiun Khachatrian, "The Karabakh Conflict: Variants of settlement – Concepts and reality," (Third edition revised and updated) *Friedrich-Ebert-Stiftung South-Caucasus Co-ordination Office*, 2006.

governance. Azerbaijan's position has not led to any progress in negotiations; it is also worth noting that for years, Serbia used almost identical wording as Azerbaijan for its [Serbia's] vision regarding Kosovo. The latter did not prevent Kosovo's widely-recognized independence today.

Another key issue is the problem of over three-quarters of a million Azeri refugees and internally displaced persons (IDPs), who fled Karabakh and Armenia during the war. The basic plans for resolution generally include the principle of return for the displaced Azeris.[61] The notion of return for Palestinian refugees from 1948 is of course a particularly thorny obstacle in the Israeli-Palestinian conflict; in both cases the tension between international law, and the intra-communal desire for ethnic-majority societies makes such return into a conceptual threat (for Armenians in NK, and for Israeli Jews).

A third overriding issue is the status of the seven occupied territories adjacent to the region of Karabakh, captured and held by Armenian forces since the war. The general assumption among outside observers (and obviously for Azerbaijan) is that these regions must be returned to Azerbaijani sovereignty. UN Security Council resolutions were declared even during the war, through to recent principles proposed in 2015 by Russian Foreign Minister Lavrov.[62] Yet Armenian historicization and increasing entrenchment in these regions makes future return increasingly complicated.[63]

The observations related to these overlapping core issues can be summed up: offering autonomy short of self-determination for Armenians in Karabakh has not advanced resolution, and failed in the case of Kosovo. Refugees are understood to have the right of return, in a way that can be negotiated. And territories that international actors understand to be occupied are expected to be returned.

In the Israeli-Palestinian context, the observation is that partial-birth autonomy for Palestinians is unlikely to work, as it did not work for Kosovo and so far not for NK. The principle of refugee return must be incorporated, even if not fully implemented, or negotiated to reach other solutions rather than full implementation; it cannot be dismissed. There are precedents in past rounds of Israeli-Palestinian negotiations for finding a range of solutions, even including some symbolic number of returnees; but Israel's hardline environment appears heading towards a rejectionist direction. Further, the international community will never drop the expectation that areas under military occupation will either be returned to sovereign control, or given full civil rights and governance.

These elements are the heart of the NK conflict; they are not exhaustive, but presumably if an agreement were reached over these, drafts proposals for resolving numerous other aspects could be agreed.[64]

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61   International Crisis Group, *ibid*, p. 6. Note that over one million people in total were displaced during the war, including Armenians, but the vast majority were Azeris.

62   *Ibid*, p. 8. The Lavrov principles have not been made completely public, but are rumored to encourage concessions and return of some of the occupied regions in order to boost the peace process, according to the International Crisis Group authors.

63   Laurence Broers, "Nagorno-Karabakh's Summer of Violence," *World Politics Review* 12, August 2014, p. 7.

64   Other core issues include NK isolation due to Azerbaijan's restrictions on travel and entry; mechanisms to prevent escalation, regional stability and security, for example.

Diplomacy, negotiation, international mediation = unsuccessful. The international community has invested extensive energy in an exhaustive series of mediations; led by the Minsk Group under the auspices of the OSCE. UN Security Council resolutions have passed but remained at the declarative level (four such resolutions demand the return of the occupied territories), yet there have been few consequences of non-implementation. But the basic parameters have been laid out, loosely and informally named for various initiatives: the Madrid principles (2007), the Kazan plan (2011), and most recently the Lavrov plan (2015).[65] They tend to be variants on the themes observed earlier: a measure of autonomy or "interim" status for Karabakh – pushing off decisions about independence; return of the occupied territories (i.e., withdrawal of Armenian forces) and refugee/ IDP relief and possibly international guarantees or a peacekeeping mission. In other words, the basic outline is "known" – as often heard in Israel and Palestine with relation to the two-state solution, where the Clinton parameters (2000), the Quartet Road Map (2003), and the Geneva Initiative (2003) have also led many to presume that the solution is basically "known", if the sides would only find their way through the process. But there appears to be insufficient incentives or political will of political leaders on either side to get there, bolstered by zero-sum public attitudes (observed below).

Further, international intervention in Karabakh has played contradicting roles: on the one hand, the meta-state bodies support and call for peace. At the same time, external actors have contributed significantly to the military brinkmanship through arms sales (in the case of Russia, a single actor has done both).[66]

It is hard to avoid comparing the international contradictions to US policy in Israel and Palestine. The US advocates peace and a two-state solution. Yet at the same time, it provides massive ongoing military aid to Israel that helps the latter to maintain the political status quo. Like Russia's military supply to Karabakh (in that case, to both sides) alongside its negotiation efforts, the inherent contradiction appears unlikely to advance peace, nor generate a clear and consistent policy approach.

Concerning the (lack of) political will of the parties to resolution, Israelis and Palestinians – at least the leadership, but many people as well – both seem to believe they have time on their side. Israel has expanded and deepened its control over land under military occupation, historicizing and infusing settlements with deep religious meaning, apparently on the presumption that it will be ever-harder to force concessions with such deep and entrenched presence in these lands. Palestinians have often expressed the sense that as their population grows, Israel will fall under ever-greater pressure to end military rule and move to a one-person, one-vote system, like South Africa. In both cases, these broad conceptions have contributed to a sense of low urgency helped

65   These are not so much formal plans as sets of principles, based on discussions held in previous years and building on one another, with larger or smaller innovations in each. See for example "The Madrid Principles: Full Text," *Armenian Research Center*, Madrid, 2007; Anna Hess Sargsyan, "Nagorno-Karabakh: Obstacles to a Negotiated Settlement," *CSS Analysis in Security Policy* 131, April 2013; Thomas de Waal, "Peace for Our Time in Nagorno Karabakh," *Moscow Times*, 24 June 2011; and for the Lavrov plan, discussed more seriously following the flare-up in 2016: Thomas de Waal, "Prisoners of the Caucasus: Resolving the Karabakh Security Dilemma," *Carnegie Europe*, 16 June 2016.

66   Eduard Abrahamyan, "Armenia's New Ballistic Missiles Will Shake Up the Neighborhood," *National Interest,* 12 October 2016.

to perpetuate conflict for decades, though the shape of a solution exists, and has even won putative agreement.

Culture of rejectionism. All conflicts involve negative views of the enemy. But in the Caucasus, typical conflict attitudes appear almost universally embraced; each side displays strict rejectionism of the other, with little variation. Dissenting, self-critical or conciliatory attitudes are rare.

Armenians view the Azerbaijanis as a "young nation" with no significant national claim to Karabakh other than a historic mistake.[67] The Armenian narrative commonly associates Azerbaijan with Turks, linking them with the 1915 genocide and interpreting modern Azerbaijani violence during the 1980s and 1990s as an extension of this history. Self-criticism, sympathetic understandings of the enemy and most recently, talk of territorial concessions, are almost totally rejected.[68] Diaspora politics, specifically among the well-organized Armenians, are hardline, largely monolithic and often contribute to the nationalist narrative at home.

Azerbaijan views the Armenians as occupiers violating international law and destroying their sovereign integrity; citing Armenian acts of violence before and during the war as proof of terrorism. Stirrings of dissent or conciliatory attitudes are met with harsh reactions. In 2013, an Azerbaijani novelist of national acclaim was excoriated for a book that looked self-critically at the conflict. He was stripped of his prizes, family members lost their jobs; politicians made derogatory and even violent threats.[69] Alex Grigorievs, who worked for the US National Democracy Institute in the South Caucasus, said that anti-Armenian sentiment and attitudes of revenge have replaced communism as a government ideology of Azerbaijan.[70]

The Armenian approach mirrors Israelis, whose collective historic trauma is a filter for viewing current injuries as an existential threat. Like the Azerbaijanis, Palestinians view Israeli occupation as an overriding factor of life. This can lead to reductionist approaches, focusing on Israel as the source of all that ails their society, and the target of all hostility. All sides seek evidence, and interpret developments, in ways that prove their worst images of the others.

However, by contrast to the Caucasus, both Israeli and Palestinian society show significant diversity of political communities. In politics, there are hard-liners and moderates, advocates of military force versus diplomacy; correspondingly, society on both sides has hawks, doves, extremists, moderates, and independent-minded thinkers, with lively debates among each camp through a range of media outlets and civil society activities both in the region and abroad.

Thus, while neither side has excelled at conflict resolution, it appears that Israelis and Palestinians have a more fertile environment for cooperation and creative thinking: people who wish to do so can self-identify and find each other through numerous existing frameworks; there are many ways to take action in favor of peace, or de-escalation. Sometimes citizen action contributes to

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67   Author interview with David Babayan, Deputy Foreign Ministry of NK, December 2012.

68   On closed attitudes regarding territorial concessions, author conversation with Anna Hess Sargsyan, senior program officer with the Mediation Support Team at the Center for Security Studies, Zürich, 18 August 2016.

69   Damien McGuinness, "Azeri writer Akram Aylisli hounded for 'pro-Armenian' book," BBC News Tbilisi, 15 February 2013.

70   Author conversation with Alex Grigorievs, 26 August 2016.

policy change or legitimizes policy options – such as the Israeli civil society group Four Mothers, which helped pressure the Israeli government to end the occupation of Lebanon; or the Geneva initiative, which popularized the "two-state parameters," throughout the worst years of the Second Intifada; through to the recent Israeli and Palestinian initiatives advocating a confederation model for the region.[71]

Azerbaijanis and Armenians may benefit from realizing that Israelis and Palestinians have a social and political space to advocate conciliatory attitudes, concessions needed for an eventual peace, and new strategies for breaking the status quo.[72] These could empower any future political leadership in favor of change. However, the condition for such diversity of views is a measure of free discourse that is largely lacking in the Caucasus; and may be increasingly threatened in both Palestine and Israel.

Militarization, escalation, and "mission creep". Both sides are deeply engaged in a cycle of violence. The war in NK ended in 1994 with a ceasefire, and each actor committed to eventually winning. Following the war, oil resources off the Caspian Sea gave Azerbaijan an inflated sense of economic strength, which the leadership has used to pour money into armament; it is not yet clear what the fall in oil prices will mean.[73] Russia has and continues to sell arms to both sides.[74] Similarly, Israel has famously invested tremendous social and economic capital in its military. The military industry is integral to Israel's economy, and arms sales rise following each major escalation (including to Azerbaijan).[75]

The militarization, and social capital and finances invested in it, not only contribute to a mindset prepared for escalation; they also place a burden on democratic development, which is explored in the next section of this paper.

Both conflicts have seen recent escalation (2014 for Israel-Palestinians; 2016 in NK). Further, as I have argued elsewhere, no conflict is truly frozen, and no status quo is static.[76] Armenian authorities are working consistently to incrementally settle and historicize the occupied regions, what Laurence Broers calls "mission creep" – clearly overlapping, in the Israeli-Palestinian conflict, with settlement expansion or "creeping annexation" in Area C of the West Bank.[77] In both cases, this form of escalation involves deep nationalist and/or religious investment in the lands meant for concessions. The common observation is almost banal: as long as both sides prioritize the military

71   See the "Two States, One Homeland" project for more on the confederation initiative.

72   Israeli and Palestinians do not have identical conditions to undertake such activities. Many Palestinians have adopted (or are constrained by) "anti-normalization" attitudes or face social opprobrium for cooperation and dialogue; they also face a more restrictive political and media environment from both Palestinian authorities and the ongoing constraints of Israeli military, compared to Israelis. However, the diversity of approaches among Palestinians finds expression despite this, and abroad as well; although this is not a systematic measure, both Israeli and Palestinian societies appear to express more diversity of public attitudes than Azerbaijanis and Armenians.

73   Youri Smakouz, "Azerbaijan: Falling Economy, Rising Karabakh War Risk," *EurasiaNet Commentary*, 15 May 2015.

74   Abrahamyan, *ibid.*

75   For a good account of this point, including data on arms sales, see "The Lab" documentary film by Yotam Feldman, 2013.

76   Dahlia Scheindlin, "Lessons from Cyprus for Israel-Palestine: Can Negotiations Still Work?" *Mitvim - The Israeli Institute for Regional Foreign Policies*, September 2016.

77   Broers, *ibid.*

aspect of the conflict so exclusively, more and more elements of society and the economy become dependent on the military component: from political and financial priorities, to social capital and cohesion. And as long as each side invests emotionally in owning the very land meant to advance peace, there can be no question that they are not planning on concessions; and the opposing side of the conflict is justified in perceiving such moves as anti-peace.

The impact on democracy. Azerbaijan is becoming the archetype of post-communist authoritarian societies. In 2016 Freedom House has bluntly rated it "not free," noting severe deterioration in 2015.[78] Surveys in Azerbaijan from 2011-2013 showed that a majority of the public agreed that democracy was the best form of government;[79] at present Azerbaijan no longer allows the organization to conduct surveys.[80] Azerbaijan's long-running President, Ilham Aliyev, won an international 'prize' for the most corrupt politician of 2013.[81] Journalists and human rights activists and opposition figures are commonly jailed – sometimes on charges of "spying for Armenia." The situation in Armenia is only marginally better. Freedom House rates it as only "partly free."[82] In fact, corruption and government incompetence is generating waves of dissatisfaction there too. The current president, Serzh Sargsyan, has nurtured an increasingly authoritarian political culture since his election in 2008, including a disputed re-election in 2015.[83]

To what extent is this situation the result of the conflict? A decade ago, it was becoming clear that the nascent democratic direction of Azerbaijan following the break from the Soviet Union, were falling prey to the conflict. Executive power was consolidated; politicians were competing over hardline positions for how to approach the conflict. "The Karabakh issue was...exploited by the authorities to justify harsh measures repressing protest at the conduct of the elections. The regime consistently invoked the need for social stability, claiming that Azerbaijan's defeat in the war had been due to domestic turmoil."[84]

A decade later, these processes have only deepened. The conflict dominates public consciousness: Azerbaijanis say "unresolved territorial disputes" is the top problem, in all the years it was tested (2008-2013), far ahead of unemployment or poverty.[85] "Anti-Armenian sentiment at present justifies their non-democratic regime - [the government] says, 'we have a war, our territory is under threat,'" says Grigorievs. Falling oil prices in the last two years have led to severe economic consequences. In response, "Instead of developing other industries, they're spending on the military, and fomenting conflict," he said, referring to the April 2016 escalation. The conflict therefore appears to prop up non-democratic governance; while corrupt, ineffective governance believes the conflict can prop up its rule.

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78   "Freedom in the World: Azerbaijan," *Freedom House*, 2016.

79   Caucasus Barometer: Time series data, 2011-2013, *Caucasus Research Resource Center*.

80   Author conversation with Koba Turmanidze of the Caucasus Research Resource Center which conducts the Caucasus Barometer, 30 August 2016.

81   Robert Coalson, "Azerbaijani President Aliyev Named Corruption's 'Person of the Year'," *Radio Free Europe*, 2 January 2013.

82   Freedom on the World: Armenia, *ibid*.

83   Elen Aghekyan and Ani Karapetyan, "Armed Standoff in Armenia: Why It Happened and What It Could Mean," *Freedom House*, 2 August 2016.

84   Rasim Musabayov, "The Karabakh Conflict and Democratization in Azerbaijan," *Accord 17, Conciliation Resources*, p. 63.

85   Caucasus Barometer: Time series data, 2008-2013, *Caucasus Resource Research Center*.

In Armenia, president Sargsyan has sought to balance his incompetence at home by nurturing relations with Russia. Escalations in Karabakh – including Armenian provocations, according to Samuel Ramani – have been exploited to seek Russian support: "The economic aid and coercive capabilities the Armenian regime has received from Russia depend in part on Armenia facing credible security threats. Creating an atmosphere of perpetual crisis in the South Caucasus therefore plays right into Sargsyan's hands."[86] Yet in the summer of 2016 thousands of people rallying around ultra-nationalist Armenian political opposition took to the streets. "The narrative used to be: 'The government is weak but at least the army is strong against Azerbaijani attacks,'" said an expert on the conflict.[87] Then the war in April sparked rumors that territories may have slipped from Armenian control, cracking this narrative and prompting open discontent. Yet there is little reason to believe that opposition to the current Armenian government indicates a desire for more conciliatory leadership: by most accounts, the public in both Azerbaijan and Armenia are angry with their governments for not going further in the April 2016 confrontation; the atmosphere in Armenia is heavily against territorial concessions at present.

In one analysis, the conflict has been viewed as hampering democratic development in both societies, through excessive power consolidation in the hands of individual leaders; excessive militarization; and perpetuation of ethnic politics rather than civic principles.[88] Caspersen (like others) notes that the war happened in the context of budding democratic leanings, but shows how both sides have seen "reversals" following the war through similar process cited: consolidation of power, relegating reforms to secondary importance due to the urgency of unresolved territorial conflict, and outbidding among political competition.[89]

Is this reciprocal relationship between protracted conflict and poor, declining or non-existent democracy at all comparable to Israel and Palestine? At first glance, it is not obvious. Both Azerbaijan and Armenia began life as Soviet republics, with little meaningful culture of democracy, almost immediately suspended for the sake of war. Israel was established from the start with a Western social-democratic character and a vibrant, rambunctious political life.

The Palestinian nation was born into violent foreign dominance.[90] The Palestinians have experienced phases of progress towards democracy and its people may yearn for such a system, but lacking de facto or de jure independence, democracy has become more remote. The 2007 Hamas takeover in Gaza has effectively ended democratic norms there. In recent years Fatah, the party with putatively greater democratic inclinations, has become increasingly authoritarian in the West Bank, jailing and intimidating journalists and political critics, and deferring elections of any kind for a decade

86   Samuel Ramani, "Democracy Derailed: How Armenia Has Become the Post-Soviet Region's Model Dictatorship," *Huffington Post*, 18 December 2015.

87   Ana Hess Sargsyan interview, August 2016.

88   Tigran Mkrtchyan, "Democratization and the Conflict in Nagorno-Karabakh," *Turkish Policy Quarterly* 3, Fall 2007, pp. 79-92.

89   Nina Caspersen, "Regimes and peace processes: Democratic (non)development in Armenia and Azerbaijan and its impact on the Nagorno-Karabakh conflict," *Communist and Post-Communist Studies* 45(1-2), March 2012, pp. 131-139.

90   This is not to take a position on when the Palestinian people forged a national identity in modern political terms; it is clear that the political goal of national independence happened in the 20th century, under the shifting rule of empires or occupiers.

and counting.[91] Corruption is rampant. The ongoing decimation of Palestinian society through Israeli occupation and barely-functional, highly circumscribed Palestinian governance is unlikely to cultivate democratic norms that would surely contribute to conflict resolution.

Israel too has a darker side to its democratic history, bound tightly to its life in conflict. Israel too was established following the withdrawal of a colonial power, and after independence, immediately went to war; Israel too implemented a state of emergency, elements of which actually formally continue to the present; after the first war in 1948 it placed its largest minority of citizens under a martial law and military governance for 20 years. About six months after this regime ended, the 1967 war and subsequent military rule over Palestinians in the West Bank and Gaza began. After three generations of Israelis have served in a non-democratic military occupation, Israel is now increasingly, if very incrementally, compromising democratic norms even within its sovereign territory. A spate of legislation from roughly 2009 onwards has been tailored almost exclusively to suppress political expression related to the conflict, or to target the perceived enemy.[92] These measures have been accompanied by nationalist and often racist rhetoric from the political elite on conflict related themes – which in turn rallies the public to sacrifice democratic norms to strengthen the Jewish nationalist position.

Lessons and Recommendations

The similarity of core issues is first of all a reminder that neither conflict is totally unique. The overriding problem of status and sovereignty between Azerbaijan and the Armenians of Karabakh has proved intractable so far through notions of "partial autonomy" and this is unlikely to bring about an end to the conflict or claims of Palestinians too, despite the desire of certain Israeli leaders to dismiss the notion of full independence. In both cases, certain parties have expressed openness to the idea of a confederation, a looser notion of separation that maintains some association of the entities, which could help to satisfy the sovereign power; but the idea has not received widespread attention from policymakers in either place.[93] One option is to continue exploring how this might work in practice.

In both areas, the international community has sought to de-escalate and has invested in advancing peace. But despite multi-country participation in the Minsk Group, the issue tends to fall off the international radar. Lack of consequences for failure to abide by UN resolutions, alongside

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91   Occasional agreements and plans to hold elections over the years since 2006 have invariably been postponed indefinitely. The most recent includes preparations for municipal elections in late 2016, which like most other attempts, fell victim to the political split between Hamas and Fatah and were, yet again, postponed.

92   Such legislation includes the anti-boycott law, the law targeting those who mark the Nakba (destruction of Palestinian society in 1948 and the start of the Palestinian refugee problem), a law to intimidate left-wing and human rights NGOs, a standing law against family reunification for Arab citizens in Israel, and related developments. See for example "Overview of Anti-Democratic Legislation in the 20th Knesset," Association for Civil Rights in Israel, August 2016 (and previous reports). See also "Challenges to Democracy and Social Cohesion: Summary of an Israeli-American-German Trialogue," *Mitvim - The Israeli Institute for Regional Foreign Policies, Middle East Institute, and Friedrich-Ebert-Stiftung*, April 2016.

93   Cornell notes that Armenian Karabakhi voices have raised this possibility in the mid-2000s, while new civil society initiatives in Israel and Palestine have also brought this option into public discourse recently. Svante E. Cornell, *Small Nations and Great Powers: A Study of Ethno-Political Conflict in the Caucasus*, (London and New York: Routledge Curzon, 2001), p. 109.

individual state interventions that help perpetuate the conflict, creates an ongoing contradiction to the goal of de-escalation. Since the actions of individual states are interest-based and unlikely to change, the meta-state bodies of the international community apparently need to develop better mechanisms for implementing the policies of that community. In the Israeli-Palestinian context, this relates for example to UN resolutions on the Israeli-Palestinian conflict (such as 194 and 242), which have conceptual importance but have never been implemented or more recently, UN Security Council resolution 2334 condemning Israeli settlements. If not actually implemented in a meaningful say, such resolutions seem destined to eventually erode the legitimacy and authority of that body.

The next observation pertains to the highly polarized public attitudes and discourse within the conflicting parties. Most Azerbaijanis and Armenians are deeply locked into nationalist narratives and opposition to concessions, let alone conciliation, appears almost impenetrable. While Israel and Palestine have not reached peace, diversity of opinion and social discourse have led to healthy shifts of policy over the years: both sides have at least rhetorically accepted the two-state solution, rather than insisting on total negation of the presence of the other. The lesson for the Caucasus is that a culture of critical discourse is necessary; if this proves impossible in less democratic societies, then diaspora groups should allow for greater dissenting discourse.

A culture of critical discourse depends on cultivating a democratic culture. Yet political evolution in all parties to both conflicts revolves heavily around militarization and armament. Economic life in Azerbaijan and Israel at least, is intertwined with such conflict-oriented industries. This contributes to periodic military escalation. It would clearly advance long-term social and political life by cultivating economic life that is not so deeply tied to the military industry.[94]

Finally, the democratic culture is heavily stunted or deteriorating in the Caucasus, and it is increasingly threatened in Israel – possibly waning altogether in Palestine. Decades of heavy militarization and leverage of the conflict to either distract or obfuscate government failures, as well as an overriding security-based national narrative are factors that are conducive to ongoing military escalations. They are not conducive to democratic norms. The population maintains a siege mentality and justifies governments that perpetuate siege policies. Even a society with a strong democratic tradition such as Israel must learn that it is not immune to the dangers of protracted conflict for democratic culture.

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94   Israel's economy is largely driven by high-tech, rather than the military. But notably, much of Israel's high-tech success emerged from the military intelligence units tasked with advancing technology to help maintain surveillance and control over Palestinian society. Further, Israel's military exports currently total billions of dollars per year and form a major portion of Israel's trade. See Yuval Azulai, "Israel's Defense Exports up 14% in 2016," *Globes*, 29 March 2017.

Chapter 4

Lessons from Serbia and Kosovo:
All Process, No Peace?

How did one of the world's toughest conflicts reach a diplomatic breakthrough after 14 years of political stalemate? And after the optimistic moment of progress, why did the process then stagnate?

In 1999, NATO led the largest international military intervention in Europe since World War II, to stop Serbia's actions in Kosovo. The war ended, but did not settle Kosovo's political status, leading to a long and tense political standoff. After negotiations in the mid-2000s failed, Kosovo declared independence in 2008, a move vehemently opposed by Serbia.

Then in 2013, the two sides signed a set of principles intended to advance future normalization of relations in the future. It contained two core principles: neither side would block the other's path to EU accession, and the small Serb minority living in Kosovo could preserve some autonomy through a municipal association, while simultaneously Serbs in Kosovo would be more integrated into Kosovo's governing structures. Many thought the agreement represented Serbia's incremental, implicit recognition of Kosovo's independence.[95]

The agreement was viewed as a historic step. The international community was cautious but unmistakably optimistic.[96] Thus the first inquiry relates to this hopeful leap towards conflict resolution. What contributing factors – incentives, pressure, international or domestic dynamics – may be relevant for Israelis and Palestinians?

The second inquiry addresses the agreement. What are the core ideas for a workable arrangement between the two entities struggling with contested separation? How were Kosovo's claims to total sovereignty reconciled with Serbia's historic insistence that Kosovo remains part of Serbian sovereignty? Here the political and constitutional arrangements will be reviewed to consider applicable ideas for eventual Israeli-Palestinian final-status arrangements.

The third question may be the thorniest: Nearly four years after the flurry of optimism, in 2017, the dialogues have been beset by major problems of both interpretation and implementation. Relations between the two regions have stagnated or soured. Is the process failing? This situation will be compared to experiences in Israeli-Palestinian negotiations, to consider how such processes could improve in the future.

The analysis shows that agreements, maybe and especially interim agreements, require greater clarity of the core principles for resolving the conflict, and commitment to those political goals by both parties. The lack of agreement on the final status vision, sensitive as this may be, hampers future negotiation and exposes the societies to ongoing de facto attempts to change the situation on the ground.

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95   Marko Prelec, "The Kosovo Agreement: Why Less is More," *International Crisis Group*, 7 May 2013.

96   Even the International Crisis Group, normally deadpan, wrote an uncharacteristically emotional description. The agreement was "an earthquake in Balkan politics: the ground lurched, familiar landmarks toppled, the aftershocks are still rumbling [...]," see Prelec, *ibid*.

Other insights touch on the need to include parties directly affected by the conflict in the resolution process; the possibility that hawkish leaders are sometimes more likely to advance peace; and the need to protect minorities while minimizing ambiguity of sovereignty over any given area.

Background to the conflict between Serbia and Kosovo

Source: BBC News

Throughout the 20th century, Kosovo was a province of Serbia, and the latter was the largest constituent republic in the federation of Yugoslavia. The majority of Kosovo's population is Albanian and it shares a border with Albania; Serbs are a minority, yet Kosovo holds deep historic, national and religious importance for Serbian society. In the late 1980s, Serbian leader Slobodan Milosevic used this historical symbolism of Kosovo to inflame nationalist sentiment throughout Yugoslavia, driving separatism and eventually war – ending in the dissolution of the Yugoslavian federation. Kosovar Albanians meanwhile had historically longed for unification with Albania and as Yugoslavia crumbled, stepped up demands for secession. Instead, in 1989 Milosevic abrogated Kosovo's autonomy and in 1991 he declared martial law, ejecting ethnic Albanians from the public sector. Kosovo Albanians declared independence, but lacking any de facto control, this was ignored by Belgrade and the rest of the world. Still, it signaled the start of a nascent state-building project. Kosovar Albanians, with help from their diaspora, began to organize parallel state structures as a form of civil resistance, as well as survival.[97]

In 1995, the Dayton accords brokered between Serb, Bosnian and Croatian leaders, led by American negotiators in Ohio, ended the war in Bosnia. But the accords did not address the status of Kosovo. Many Kosovar Albanians concluded that civil resistance had failed and violence escalated as guerilla attacks provoked heavy Serbian responses. Massive numbers of Albanians began to flee violence and atrocities; negotiation attempts and ultimatums against Serbia failed, until in 1999, a US-led NATO force staged a massive military intervention. After a 78-day air war against Serbia, Milosevic surrendered. The war ended Serbia's grip over Kosovo, but still provided no clear political status for the region: it could hardly remain under Serbian rule; but the international community could not actually support secessionism. Serbs who remained felt threatened; in 2004

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97   Much has been written about this phase in Kosovo's development; the most comprehensive guide is Howard Clark, *Civil Resistance in Kosovo*, (London and Sterling, VA: Pluto Press, 2000). For an excellent narrative explanation of the loss of faith in civil resistance and turn to violence, see Stacy Sullivan, *Be Not Afraid, for You Have Sons in America*, (New York: St. Martin's Press, 2004).

riots against Serbs swept Kosovo.[98] The number of Serbs dwindled from about 10 percent before the war to roughly 5-7 percent today.[99] Kosovo was administered by UN agencies, led by the UN Interim Administration Mission in Kosovo (UNMIK) that was established in 1999 following the war; the agency was responsible for nurturing self-governing institutions, based on a single, open-ended UN resolution, 1244.[100] In essence, this was statebuilding without an acknowledged end goal of statehood.

Serbia insisted that Kosovo would always be part of its sovereign territory. Kosovo's majority Albanian community sought nothing less than full independence. Negotiations in the mid-2000s failed, and in 2008, Kosovo declared its independence again. This time, given the war that ended Serbian control and the de facto autonomy of Kosovo, as well as the failure of negotiations to reach an agreement on Kosovo's status, recognition was forthcoming: over 100 countries have recognized Kosovo (to date), including 22 out of 28 EU members; Serbia devoted itself to preventing recognition, which became central to its foreign policy.[101] But in 2011, negotiations began again, leading to the Brussels agreement in 2013. Most of the 15 items in the agreement addressed the status of the Serb minority in Kosovo, allowing an association of Serb municipalities with autonomy over local affairs, but integration of certain civic institutions into Kosovo's structures.[102]

However, the "dialogue" has faltered since the Brussels agreement, and faces a steep loss of credibility in Kosovo. Meetings and contact between officials continue but are limited and highly circumscribed; there have been incidents, mutual accusations of obstructionism or bad faith, and tension, causing anxiety in the region. It is not clear where it will lead, and what are the costs of failure.

Themes for Comparison

Serbia and Kosovo and the Israeli-Palestinian conflict are both asymmetrical conflicts between two national groups distinguished by religion, language, culture and ethnicity. One party is a sovereign state and the other is struggling to become independent and recognized as a state, on territory the first sovereign state claims to own. Both have historic grievances of one side oppressing the other, and major violence has been committed on both sides in recent or living memory (this situation continues in the present, in Israel and Palestine) – adding to historic injury that lives on in collective memory. Each has zero-sum attitudes towards their claims.

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98   According to the OSCE, eight Kosovar Serbs were killed, and 11 Albanians; 900 were injured and roughly 50,000 people participated in riots throughout Kosovo. "Four Years Later: Follow up of March 2004 Riots Cases before the Kosovo Criminal Justice System," *OSCE/UNMIK*, July 2008.

99   For population breakdown prior to the war, see Helge Brunborg, "Report on the size and ethnic composition of the population of Kosovo," prepared for International Criminal Tribunal for the Former Yugoslavia (ICTY), 14 August 2002; current estimates are unreliable but based on absolute numbers, Serbs in Kosovo represent between 5 and 8 percent of the population. For a full discussion see Marko Prelec and Naim Rashiti, "Serb Integration in Kosovo after Brussels Agreement," *Balkans Policy Research Group*, 19 March 2015.

100 UNSC Resolution 1244, *United Nations*, 10 June 1999. Also see: UNMIK Website.

101   For a detailed description of these efforts, see James Ker Lindsay, *The Foreign Policy of Counter-Secession: Preventing the Recognition of Contested States*, (Oxford: Oxford University Press, 2012), Chapter 4.

102 The full text of the agreement can be seen in "Text of Leaked Copy of Serbia-Kosovo Agreement," *Radio Free Europe/Radio Liberty,* 20 April 2013.

In both places, there are highly emotional and symbolic questions of ownership and access to old or ancient holy sites at stake – in each conflict, one side (or both sides) believes that its opponent is holding its holiest land, the cradle of its culture. In both conflicts, the parties claim to strive for ethnic-territorial separation, but in both, there are pockets of one community embedded in the other – there are Serbs in Kosovo, Jewish-Israeli settlers in Palestinian territories, Albanians living as citizens in Serbia and Palestinians/Arab citizens of Israel. These realities preclude total ethnic division. In both, the politically weaker side (Palestinians and Kosovar Albanians) feel greater urgency to reach an agreement, as their lives are deeply affected by their subordinate political status. The recognized, sovereign parties (Israel and Serbia), are less motivated to make concessions, and have demonstrated de facto willingness to live with the status quo.

There are also several differences that are important for this analysis. Historic grievances aside, the phases of the modern political conflicts are different. Serbia's hostile military rule over Kosovo lasted mainly from 1991 to 1999. By contrast, Israel's military occupation of the Palestinians has been going on for 50 years. Yugoslavia had a different geopolitical etiology as a federation of six constituent states, who all eventually seceded in the wake of the Communist collapse. Yugoslavia played a specific role in Cold War power dynamics, and Serbia continues to hold an important position between Russia and the West. Israel has (mostly) been squarely pro-Western and a steadfast American ally. Finally, the international role in Kosovo was a massive military intervention followed by nearly two decades of institutional peacekeeping and statebuilding, as well as negotiations. In Israel and Palestine there have been innumerable escalations, attacks, uprisings, and actual wars. Yet the international community has never intervened militarily – at least openly.[103] Like in Kosovo, the international community has contributed to institution-building for Palestinians, but mostly indirectly through financing; and of course there have been extensive attempts at international support for negotiations.

The following section will focus on the factors leading to negotiations and the diplomatic breakthrough, the nature of the 2013 agreement, and the reasons why this process has become deeply endangered. These sections focus specifically on elements that are identified as relevant for comparison, then consider their applicable lessons for the Israeli-Palestinian conflict, with concluding insights at the end.

Breakthrough: Mutual incentives, right leadership. From 1999 through 2011, the political situation faced uneasy stagnation, with no resolution in sight. International negotiations in the mid-2000s led by Finnish negotiator Martti Ahtisaari, as a UN special envoy, failed – possibly because Serbia rejected the explicit understanding that the end-point of negotiations would be independence for Kosovo.[104] But the negotiations that began again in 2011 were based on a new and far more powerful incentive than conflict resolution alone: EU accession.

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103 However, it is important to note that international arms sales on a grand scale from the US to Israel are another form of military intervention.

104 Dejan Guzina and Branka Marijan, "A Fine Balance: the EU and the Process of Normalizing Serbia-Kosovo Relations," CIGI Papers No. 23, *The Centre for International Governance Innovation*, January 2014, p. 6; Prelec and Rashiti, ibid, p. 11.

Since the early days of its independence quest, Kosovo had longed to be part of Europe.[105] Serbia too had come to see EU accession as the lifeline to reform and economic recovery, among leaders and people alike.[106] But the reason the EU was such a positive incentive was also partially the result of negative developments: both entities faced harsh economic conditions at home, and believed that Europe was the answer.

For Serbia, at least two other factors contributed to the shift from total rejection of Kosovo's independence to the 2013 agreement.

The sharpest stick: military intervention. The war in 1999 changed the political situation between Kosovo and Serbia on the ground. Following Serbia's defeat, many Serbians had come to acknowledge that Kosovo was de facto lost. While the war did not dampen the emotional attachment to Kosovo as a symbol in Serbian mythological identity, concerns about quality of life at home took center stage and the battle for a lost prize appeared increasingly futile. By 2006, data shows that just 18 percent of Serbs cited Kosovo's status as their highest priority, while about 75 percent chose economic themes.[107] By the start of the next decade, those who cited Kosovo as their highest priority were in the single digits, with the country focused almost entirely on domestic problems.[108]

The right makes peace? As observed, in the 2000s, leaders from the "democratic" (pro-Western) camp – the equivalent of left-wing – were concerned about criticism from both voters and parties in the "nationalist" (right wing) camp, in their considerations about concessions needed to resolve the situation in Kosovo.[109] But in 2012 a nationalist government took over in Serbia. Both the Prime Minister and the head of the largest party had served in Milosevic's government; they could hardly be accused of being soft. These leaders faced both the negative developments and incentives mentioned above, and brought an additional factor of political credibility within the national narrative. It was this government that advanced the dialogues to the point of signing the agreements of 2013.

Thus for Kosovo the incentives to reach an agreement involve primarily the longing for final resolution of its political status, in order to continue with statebuilding and international integration, including their aspirations to join the EU.

For Serbia, the stronger party in the conflict, the factors included massive external intervention (negative pressure) contributing to the grudging public acceptance of the loss; the powerful positive incentive of potential EU accession (driven by economic hardship); and hardline leaders with the credibility for concession.

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105 See for example Denisa Kostovicova, *Kosovo: The politics of identity and space*, (Oxon, UK: Routledge, 2005).

106 Based on author's extensive public opinion research, including qualitative, and political analysis of Serbia from late 2006 onward. See also public data such as: "Survey of Serbian Public Opinion," *International Republican Institute*, December 2015, slide 4 (the time series shows strong support up to 2015).

107 "Kosovo Future Status Process Knowledge-Attitudes-Practices (KAP) Survey – Key Findings Briefing," *Strategic Marketing* (Research company), 18 July 2006 (unpublished).

108 Author's research.

109 These labels are not entirely discrete – as the Democratic Opposition in Serbia that took over the country after the fall of Milosevic contained nationalist parties within its coalition, one of which held the premiership for much of the 2000s; while power is shared between the Prime Minister and the President.

Comparing these to Israel and the Palestinians, the idea of the right-wing being more successful at peacemaking is not new. There is a logic to this dynamic, which presumes that the moderate camp will generally support progress towards conflict resolution; but a right-wing leader can elicit support in its camp that the doves cannot. The alternative of a dovish leader making bold strides towards peace may be more intuitive – but faces severe challenges from the hawkish camp in that case that may eventually undermine the agreements. This can be a takeaway from the Israeli experience of the Oslo accords, led by Yitzhak Rabin but "buried" by both rejectionist and violent opposition during his term, and by his right-wing successor.[110]

By contrast, one agreement led by the right – Israel's peace with Egypt – has been steadfast since its signing. The treaty with Jordan (led by Rabin) has been stable too, but this was hardly controversial. We might then conclude that when there is a deep social division between right and left, leadership is more likely to succeed from the right.

The question of external intervention to goad concessions, either through pressure or incentives, is highly fraught. Incentives such as joining international institutions comparable to the EU have proven insufficient to shift Israeli policy – probably due to Israel's relative economic success, or because it enjoys membership in international clubs unrelated to conflict resolution.[111]

Negative intervention (or "pressure" in the local context) against Israel has been mostly declarative (such as UN resolutions including the most recent UN Security Council resolution 2334), or very mild steps towards economic measures (such as EU guidelines against funding Israeli projects in the West Bank, or product labeling); these are met with outrage and accusations that the Western countries are "singling out" Israel for punishment. The Balkan experience is a reminder of the weakness of "singling out" argument: in other countries, the UN, EU and the US do not just threaten but actually enact sanctions and even military action. That action was not only severe, but forced an entirely new political reality onto Serbia (and was therefore highly controversial), in which Kosovo was in reality lost.

However, are there means of creating a new political reality around Palestine that are not punitive to Israel, but positive in terms of treating Palestine as a full, recognized state? Whether through expanded trade relations or full-fledged diplomatic recognition, visa relaxation and symbolic representation of Palestine as a sovereign state or even a UN member – perhaps there are means of advancing a different political reality to Israelis. If these advance the sense that Palestine is already "lost", perhaps the occupation will come to see increasingly futile. At present, there is no such activity, and internally, Israel is advancing an annexationist agenda at an accelerated pace – through creeping annexation policies on West Bank land in recent years, particularly in Area C,[112] a massive push for new settlement homes in 2017, and most recently, through incipient

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110   It can be argued that Rabin was not a left-winger, but he was viewed in that role, at that time, by the Israeli public. It can also be argued that not only right-wing successors but also Ehud Barak helped to "bury" Oslo, but Netanyahu was the first to reverse course most significantly and Barak was only in power for 18 months.

111   For example, Israel acceded to the OECD in 2010, and the EU is among Israel's top trade partners. Thus, international integration does not represent a missing piece, as an incentive.

112   "49 Years of Control Without Rights," *Association for Civil Rights in Israel,* 1 June 2016.

legislation attempts to formalize Israel's sovereignty there, albeit piecemeal.[113] For those who support annexation, it can appear that 50 years of occupation have actually paid off.

The agreement: Normalization framework ambiguous on core conflict issues. If the first main incentive for the 2011 negotiations process was the potential for both sides to advance towards the EU, the second major aspect involved the future of the Serb minority in Kosovo.[114] The issue of their minority status received extensive treatment but was ultimately still ambiguous; the final political status was also left essentially unspecified, at least explicitly. Further, the final political status of Kosovo as a sovereign state, or something else, has been left open in the 2013 principles. These two are explained below.

Ambiguity on minority status. This aspect is particularly relevant due to the overlapping situation of the Israeli minority in the West Bank, including, like the Serbs, some who are spread out beyond the specific territories with a concentrated Jewish population.[115] Like Israeli Jews, the Serbs in Kosovo prior to 2013 lived completely on Serbia's "grid" – many are public servants paid by Serbian institutions. These were known as "parallel institutions," and for Kosovo, Serbia's direct involvement did not allow for full sovereignty.

In 2013, Serbia seemed to acknowledge that the Serbs living there would be integrated into the governing structures of Kosovo. Kosovo in return agreed that its Serb minority would have a significant measure of autonomy. The agreement accomplished these by determining that the Serb-majority municipalities would form an "Association," a concept which took up 12 of the 15 items of the agreement. Analysts viewed (or hoped) it was intended to "ease Serbia out," of Kosovo (Prelec and Rashiti 2015 used this terminology), and the International Crisis Group read the agreement as showing that "the Serbian government has given up on keeping northern Kosovo in its system and has ceded its authority to Pristina."[116]

There is no direct parallel proposal for integrating minorities in the Israeli-Palestinian conflict. The Western powers that midwifed the birth of Kosovo insisted that the latter become a multi-ethnic society. Israel and the Palestinians are not envisioned as European nations, and the ethos of multi-cultural societies is not part of rhetoric and policy for either side. Further, the relevant minorities in the Middle East have different goals from one another: Arabs in Israel have generally sought total political integration into Israeli institutions; settlers in the West Bank deny the very existence of a Palestinian political entity, want no role in it, but demand Israeli dominance instead (in this they are close to Serbia's original attitude towards Kosovo).

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113   See for example the "Annexation bill," designed to extend Israeli sovereignty to the West Bank settlement of Ma'aleh Adumim.

114   Besa Shahini made the point that these two factors were the most vital incentives; Besa Shahini, civil society researcher and writer, author conversation, 31 January 2017.

115   According to the most thorough estimates accounting for variations in data, roughly 43 percent of Serbs in Kosovo live in the north (Serb-majority areas) – Prelec and Rashiti, ibid; parallel data are not readily available in Israel and depend on how "blocs" are defined, but it is commonly assumed that roughly 80,000-110,000 live east of the barrier – meaning that approximately three-quarters of Israeli settlers live in "blocs" west of the barrier. See for example Mara Rudman and Brian Katulis, "A Practical Plan on the Israeli Palestinian Front," *Center for American Progress*, 21 December 2016, and "A Look at Israeli Settlers, By the Numbers," *AP/Times of Israel*, 18 August 2013 (based on data from the Central Bureau of Statistics and Settlement Watch).

116   Prelec, *ibid.*

Whether Israelis and Palestinians ought to consider a stronger focus on minority integration in peace agreements raises an interesting question. It could be relevant in a situation where settlers would remain inside a future sovereign Palestinian state as citizens or permanent residents of that state. Perhaps such a value could weaken the occasional talk of a "Jew-free" Palestinian state. A focus on minority integration could also lead the parties to address the Arab citizens of Israel – not in the direction of autonomy, which the latter do not seek, but perhaps in terms of historic recognition or more extensive collective cultural rights.

Destructive ambiguity on sovereignty. International observers generally viewed the Brussels agreement as the start of a path towards Serbia accepting – if not recognizing – Kosovo's independence. This is closely linked to the political framework offered to Kosovo-Serbs: Kosovar Albanians live in fear that greater levels of Serb autonomy are biting into their future sovereignty through political mechanisms. The more elaborate Serb political structures, the more they undermine the authority of Kosovo's central government. This is an interesting parallel to the problem of land erosion in the West Bank, and the Palestinian argument that land settlement leads to ever-more elaborate physical support systems that undermine the physical, geographical and infrastructural integrity of the future Palestinian state.[117] The next section shows how these two assumptions proved to be inter-related, and not what they first appeared to be.

Progress, interrupted: Why negotiations faltered. The early optimism of the 2013 breakthrough dissipated in the following years, through to the time of this writing in 2017. While the process shows some ups and downs, there are significant difficulties on both sides. The Serbian government fears political challenges from the further right and seems to prefer stagnation of the process to ensure indifference at home. However, in Kosovo, attitudes have gone deeply sour. In 2006, 78 percent of Kosovar Albanians supported the direction of Martti Ahtisaari's negotiations – as noted, his plan would eventually imply independence for Kosovo.[118] At present, polls show that political discontent is very high; just over half view the Brussels agreement with Serbia as important, 75 percent support opposition protests,[119] and half think the dialogues are failing to achieve their goal.[120] In late 2016 and early 2017, Kosovars spoke of several "provocations" by Serbia and tensions appeared to escalate precipitously.[121] It is hard to find anyone in civil society who supports the process, though some civil society actors originally did; and the process itself seems to have foundered at present. What led to this situation?

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117   This is not to suggest a historic, moral or legal parallel between Kosovar Serbs and Israeli settlers. The former lived as citizens of the province when the sovereign federation of Yugoslavia dissembled. Israeli settlers moved to the West Bank with the political (religious-ideological) mission of disenfranchising Palestinians, either through their own ideology or with their government's incentives. But there is a useful parallel when comparing the results in the present: a minority from the politically dominant group living inside the group seeking independence, and blocking that process. Thus the search for solutions becomes a valuable, even necessary comparison.

118   "Kosovo: No Good Alternatives to the Ahtisaari Plan," *International Crisis Group*, Europe Report No. 182, 14 May 2007.

119   Atdhe Hetemi, Iris Duri, and Kaltrina Kusari, "Public Pulse XI," *UNDP and USAID*, May 2016.

120   Die Morina and Maja Zivanovic, "Kosovo-Serbia Talks fail to Defuse Tensions," *Balkan Insight*, 2 February 2017.

121   Government advisers cited three developments: The train from Serbia emblazoned with the slogan "Kosovo is Serbia," stopped at the Kosovar border by authorities; the arrest of former Kosovar Prime Minister Ramush Haradinaj in France for suspected war crimes and possible indictment, and the construction of a wall dividing the Serbian side of Mitrovica in the north – symbolizing partition aspirations. Author conversation with Arjeta Rexhaj and Gizmi Raci, political advisors to Edita Tahiri, Minister Responsible for Dialogue (Kosovo), 30 January 2017.

Lack of agreement on final status. In 2011, Kosovo and Serbia started with zero-sum perspectives on the final political outcome of the talks – independence or something less, respectively. A third option of partition of Kosovo hung in the air, like a specter or a beacon, respectively. Over the years, Serbs have developed the notion that partition of Kosovo and annexation of Serb-majority areas in the north to Serbia represents a fair compensation for their own partition – the loss of their beloved province. For Kosovar Albanians, the idea generates visceral rejection, contention and anxiety. Kosovo opposition parties who rejected the dialogue accuse it primarily of being a road to partition; at present, even some who once supported the dialogue now fear that Serbia's actual intention has been to gain a subversive permanent foothold in the north, to undermine Kosovo's sovereign powers and advance de facto partition: As a former government advisor said: "Dialogue has become a symbol of Serbia's return to Kosovo [...] Their goals have not changed. It's not to re-annex, but to control as much as they can. If they could, they would return in a heartbeat. This government's official policy is the partition of Kosovo."[122]

Lack of solution to the core issue. Ultimately, the political Pandora's box of the Serb Association was underestimated in 2013. At present, uncertainty of its meaning appears to have become a profound threat to the ongoing success of the entire diplomatic process. Kosovo has accused Serbia of extending and deepening Belgrade's control, by keeping autonomous Serb institutions on its payroll and fostering a new Serb political party with even closer links to Belgrade. Kosovar Albanians are so disturbed by this situation that the Constitutional Court ruled the Association a violation of the entity's constitutional principles. The most critical voices believe that Kosovo is more partitioned now than in the past and that this was Belgrade's intention from the start. Some believe that Belgrade's designs go far beyond Kosovo, which they view as just a precedent for a future partition of Bosnia that would prise away the autonomous Republika Srpska and lead eventually to re-constitution of a larger Serb state.[123]

Since there is no parallel Israeli-Palestinian agreement to compare at present, the basic problems outlined in this section apply to the general course of 25 years' worth of negotiation between the latter. In all that time, the notion of establishing an independent sovereign Palestinian state has been less than explicit, although deeply implied. Still the lack of open commitment to this vision in Israel is probably linked to ongoing ambiguity (it may not be possible to distinguish cause and effect). Palestinians, too, are divided between the two state vision and the old-style maximalist view of conquering historic Palestine from the river to the sea. Beyond this big vision problem, core issues such as settlements face similarly (and famously) ambiguous treatment: Israel states its support for a two state solution in the West Bank, yet nurtures settlement growth and expands its army and infrastructure in ways that make two states unlikely. The meaning and potential lessons of these parallels will be discussed below.

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122 This sentiment emerged in nearly all interviews.

123 This aspect has been mentioned in various conversations with Kosovar Albanians, but off-record and on condition of anonymity due to the sensitivity of the source of their suspicions.

Lessons and Recommendations

Avoid the pitfalls of constructive ambiguity. The obfuscation of political goals regarding both final political status and the status of the Serb minority can be termed "constructive ambiguity." It is a quality that has characterized other hopeful peace agreements or negotiations, from Cyprus to the Oslo accords. The benefits can be clear: in Kosovo and Serbia, leaving the larger political goals undefined in 2011 may have enabled both parties to face their societies and justify the de facto concessions they appeared to be making. But constructive ambiguity may be a fair-weathered friend, capable of undermining rather than helping negotiation processes.[124]

Reconsidering the Oslo process in this light can be insightful. In 1993 the Declaration of Principles created an autonomous Palestinian entity but refrained from defining its final status as a state and pushed off negotiations on final status until a later time. While the two state paradigm remains the main negotiation goal, over two decades later, this paradigm is now openly rejected by large portions of Israel's governing coalition and Palestinians justifiably doubt that Israel ever intends to reach such a solution. Palestinian attitudes too have soured over the idea of a state, given how badly the territory has been eroded. While negotiations are defunct, the two state option becomes even more distant.

In both cases, there was a wealth of detail for implementation policy, but intentional murkiness of the overall political meaning. And in both cases, constructive ambiguity led to destructive stagnation. The conclusion is that in some cases, the core principles for final political status should be agreed and stated clearly, either at the start or even prior to negotiations; while leaving the technical implementation aspects to the "later" negotiation process. Without such agreement, the sensitive process of negotiations, rife with symbolic concessions and injury, has no guaranteed justification and is more likely to generate opposition at home. Further, at least in Israel and Palestine, there has long been a fairly clear vision of what those principles should be in the event of a traditional two state solution (if this is still relevant, notwithstanding the concerns above).[125] Thus they are available and do not need to be re-invented.

Clearly define minority status. Kosovo's experience regarding the question of the Serb minority is instructive for the Israeli-Palestinian conflict as well. There are obviously different guiding principles between the two cases: in Kosovo, the international community insists on a multi-ethnic character for society, which it will probably never demand for Israel or Palestine (who are not after all expected to one day join the EU). However, the takeaway from Kosovo is that ambiguity of autonomy regarding minority status is deeply unhealthy and contributes to escalations of tensions, possible failure of the agreements, and the looming threat of violence is never far behind.

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124 Cyprus too has leaned on "constructive ambiguity," which was a defining characteristic of the 2004 Annan Plan. Ultimately, the Greek and Turkish sides could not agree on the bi-zonal, bi-communal federation due to conflicting visions of whether the island would be more divided or more united. One TC academic said in an interview that ultimately, it appeared the GC side had never truly accepted the formulation, and this lies, directly or indirectly, at the root of countless failures.

125 Since the Camp David negotiations in July 2000, the core principles for a two state solution have been essentially known, and reinforced with just subtle adjustments through various mechanisms including later official negotiations, civil society activism such as the Geneva Initiative, and most recently, the Kerry parameters laid out in a speech just prior to his departure as Secretary of State.

This should not lead to a conclusion that there are no workable formulas for collective minority rights, on either side of a conflict (otherwise many conflicts may never be resolved). But it may imply that solutions involving grey zones of sovereignty or divisions of executive powers over the lives of citizens within a newly-created entity are likely to undermine achieving or implementing a final agreement and should be avoided. Instead workable solutions should favor clarity of sovereignty definitions for minorities – be it collective rights under a sovereign and unitary state, or full-out partition. The clarity and transparency of this status is as important as the actual nature of sovereignty agreements.

Another controversial angle in Israel and Palestine is the opinion some have voiced that Kosovo Serbs should be represented at the negotiations, which they currently are not, for two reasons: first, it is their fate that is at stake, and second, since they represent potential spoilers, giving them ownership over the process could boost their commitment.

This is a critique sometimes heard in the Karabakh negotiations as well, in which Karabakh Armenians are not represented – only Armenians and Azerbaijanis from their respective recognized states. The parallel proposal would probably sound radical in the Israeli context, and may very well be a non-starter for Palestinian negotiators. Nonetheless, at present settlers and their leaders are almost uniformly an obstacle, and so far nothing has eroded their rejectionism. Palestinian-Israelis, too, are stakeholders whose lives will be directly affected, or similarly, Palestinians living in refugee camps both in Palestine and in the neighboring countries. They too could be brought in – not least because surveys show that they are the most supportive community in the entire region for a two state solution (and more supportive of all other solutions). Such a move would need to be done carefully, as there must be a limit to the number of parties who can possibly be represented, and a limit to their influence and veto power.[126] But a properly circumscribed role could open up possibilities for success rather than undermining from the outside.

Equality of actors. One of the major complaints of Kosovars at this point is that the process is a dialogue of unequals: a recognized sovereign state and a non-state entity, lacking needed recognition (from individual states) and membership in international clubs. Some feel that full recognition of Kosovo must happen at present, not as a final prize for negotiations (recognition by the international community, as even Kosovars realize that recognition of Serbia would be too much to expect). Thus two states can negotiate as equals, and every setback does not sour Kosovars on the entire process, in fear that they might never reach statehood they urgently need. It is notable that as this paper was being written, Israel's head of the opposition MK Isaac Herzog proposed a peace plan – unlikely to gain significant momentum – which proposed recognizing a Palestinian state with provisional borders prior to negotiations.[127] It could be that this type of recognition also provides a clear reward for participating and fulfilling obligations, generating greater incentive to support negotiations to reach a full agreement.

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126 Thus, it might be argued based on this that other interest groups such as the Palestinian diaspora or Jewish diaspora be brought into the process. This would be unwieldy and unfeasible, and is not clearly justified. Palestinian refugees still living in refugee camps outside the region (i.e., not already represented by the Palestinian leadership) could arguably be another such constituency to be directly represented at negotiations.

127 Isaac Herzog, "Isaac Herzog Details his 10 Point Plan for Israeli-Palestinian Peace," *Haaretz*, 23 February 2017.

Acknowledge the cost of status quo. As we saw in the Cyprus chapter, but also in the Israeli-Palestinian Oslo process, a lengthy negotiation and implementation process holds dangers[128] – a point that may be worth applying to the Balkans. In Kosovo, mounting frustration flowing from the political ambiguity grows over time as long as the ambiguity is unresolved and appears to justify their fears (of partition). While Kosovar Albanians are not living under the same sort of suffocating military regime as Palestinians, interviewees describe status issue as an underlying issue dragging down their development at multiple levels. Unresolved, it will make EU integration impossible. This holds back economic development. It generates deep unrest and becomes the basis for internal political competition, instead of parties competing for successfully serving citizens' economic and social needs, or fighting corruption.

Many earlier supporters of the dialogue in Kosovo have now turned against it.[129] Some have floated consequences should their deep fear come true: In Albania in 2015, the Prime Minister once spoke of "inevitable" reunification – generating anger from Serbia,[130] and in early 2017, an Albanian party leader stated openly that if the negotiations lead to partition of Kosovo, the remaining portion should reunite with Albania.[131] Such a development would change the map of the Balkans once again and stoke Serbian angst of a "greater Albania" – the kind of nationalist fears that contributed to the wars of the 1990s from the start. Further, Serbia appears to have an interest in the simmering status quo, as Israel does at home – Israel's preference for the status quo has been long noted by analysis, and appears to reflect the belief that conflict management avoids painful compromise, in addition to the view that time will favor Israel's advantages on the ground;[132] both should recall that political sovereignty and military strength is not a guarantee against undesired developments due to a festering, unresolved conflict.

De facto political change. Regarding negotiations and the factors that may induce them – one aspect observed here was Serbia's gradual, grudging realization that Kosovo was already gone. Advancing a policy to help advance Palestine's independence and drive home the reality that the West Bank and Gaza will never belong to Israel can be a step in that direction, and it need not be a direct negative intervention. Normalizing trade and foreign relations with Palestine and increasingly welcoming it into international clubs are examples of a changed political reality that do not actually harm Israel (save perhaps for its pride). However, looking at the other side, international punitive measures against Serbia or other countries when their policies are deemed wrong is a grim reminder that the international community could hit harder and far more painfully if it were to decide to.

In conclusion, the Serbia-Kosovo case provides at least as many warnings as lessons. However, there is still a dialogue process, unlike the present situation in Israel and Palestine. Despite all the

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128   Dahlia Scheindlin, "What Went Wrong? Learning from the Mistakes of Oslo," *+972 Magazine*, 31 July 2013.

129   Several interviewees in Kosovo expressed having made this transition.

130   Gordana Andric, Una Hajdari. "Serbian PM vows to stop Albanians uniting," *Balkan Insight*, 7 April 2017.

131   "Without the North, Kosovo Joints Albania," *Albanian Daily News*, 26 January 2017.

132   For a more detailed exploration of Israel's preference for the status quo from a comparative perspective, see Dahlia Scheindlin, "Lessons from Cyprus for Israel-Palestine: Can Negotiations Still Work?," *Mitvim - The Israeli Institute for Regional Foreign Policies*, September 2016.

hurdles and fears, the violence of the 1990s has not recurred and both places are more peaceful now than in the past. This is largely because Kosovo has advanced towards its political goals, even if they are still far from being completely fulfilled. Israel has generally insisted that only force can keep Palestinian violence in check. But genuine political progress towards Palestinian self-government and eventually statehood, not only in name, may be the alternative not yet tried.

Conclusion

Lessons for Israel and Palestine
from Conflict Comparisons

When Mitvim embarked on this project in 2016, the goal was to examine cases outside the Israeli Palestinian conflict, to locate new ideas on several specific major topics.

First, we sought insights into the process of diplomatic negotiations towards peace; looking for ideas or warning lessons about what has worked to advance negotiations and how societies ratify diplomatic agreements or at least refrain from sabotaging them. Through comparisons we examined how to predict and avoid pitfalls in implementation of those agreements.

A second major area of exploration was the political and constitutional frameworks for resolving conflicts with similar elements: ethno-nationalist, religious and territorial conflicts, protracted and asymmetrical, like the Israeli Palestinian conflict. We considered models tried in other cases in order to reopen the range of solutions and develop tools for assessing current and new possible solutions.

Third, the comparison was intended to consider specific policy ideas for addressing core conflict issues, beyond overall political, constitutional, territorial or sovereignty status.

This final chapter summarizes the overall information and learning around those three aspects, that emerged from the detailed study of three conflicts examined in-depth: Cyprus, Nagorno-Karabakh, and Serbia-Kosovo. It also draws on relevant insights from others, including Colombia and Northern Ireland, although these were not the direct focus of this research.

We chose those cases on the basis of extensive prior field and academic research in those regions, which had yielded intriguing similarities, or comparable contrasts to the Israeli-Palestinian conflict. The working assumption was that those parallels were not just interesting, but held potential for constructive policy ideas, lessons, insights and recommendations both for policy directions to consider, and those to avoid.[133]

To summarize the findings, this conclusion first reviews the main insights from each specific case. Without re-opening the entire analysis, the following review distills an overall finding from each case with clear policy implications for Israel and the Palestinians.

In the next section, the relevant observations are considered thematically, based on the larger questions we hoped to advance: How to improve processes of negotiation? When are leaders able to advance peace and how do they navigate public supporters and spoilers in the process? What are different constitutional frameworks invoked for conflict resolution in related cases? How to address or understand specific similar core issues of each conflict? What are the lessons to be learned, and what are the warnings and pitfalls to be avoided on these topics? This section draws on the three in-depth research papers as well as other more limited comparisons collected and analyzed through the project.

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133 Dahlia Scheindlin, "The Curse of Stagnation and the Need for Conflict Comparison: Seeking a Breakthrough towards Israeli-Palestinian Conflict-Resolution," *Mitvim - The Israeli Institute for Regional Foreign Policies,* May 2016.

Case Study Comparisons

Cyprus: Non-resolution/status-quo bad for all. The Cyprus conflict recalls Israel and Palestine in its longevity, as both involve a military occupation and remain unresolved for roughly 50 years. Since the research paper on Cyprus was published in September 2016, negotiations have failed yet again, later in the fall of 2016 and in mid-2017.[134] It is tempting to compare and conclude that conflicts can be managed fruitfully in perpetuity. But the study found that protracted non-resolution has eroded the political ambitions of both sides: lowering chances of reunification – the goal of the Greek side – and allowing the increasing encroachment of Turkey, against the wishes of both sides. Therefore, unlimited conflict management is not in either side's interest. Some Israelis or Palestinians believe resolution can be indefinitely postponed, but the comparison is a reminder that both demographics and land control shift steadily over time, eroding the positions of both sides. Further, the contrast between Cyprus' low level of violence compared to Israel-Palestine, and the fact that in Palestine citizens are directly controlled by an active military regime (by contrast to Northern Cyprus) make resolution more urgent, and conflict management even less suitable, for Israel-Palestine than for Cyprus.

For these reasons, as difficult as negotiations are, and their success rare, they remain the preferred course of action. However, the paper found caveats to negotiations: Incentives for peace such as likely economic benefits, have not been sufficient to induce the Cypriots to make the necessary compromises for an agreement. This corroborates with a similar experience in Israel and Palestine and leads to the question of when negative incentives, or pressure tactics are more effective.

The Cyprus experience also provide warnings of the dangers of negotiation failure. After the 2004 process and failed referendum, there were no meaningful negotiations for over a decade; political realities become entrenched and resolution ever-more elusive as a result. In the Middle East, the dangers of failed negotiation include violence, and therefore even if preferred, negotiations may not always be the appropriate approach. Next, the referendum in Cyprus exposed the mistake of alienation of the public from peacemaking. It is wrong to presume that enthusiasm for peace alone wins a vote; painful concessions that are not explained or argued well can undermine public support. Similarly, if the leaders promoting the agreement are not sufficiently popular, a vote on the agreement can fail – as seen in the Colombia referendum in late 2016 on a peace agreement with the FARC which was struck down by voters. And concessions on the most emotional issues such as return and property (for Greek-Cypriots, as for Palestinians) are a reminder that the need for historic justice can take down an agreement, if the voters have yet not come to accept this need.

However, on two overlapping core issues, Cyprus provides possibilities: the constitutional framework of a federation includes elements of joint authorities and border regimes that can be valuable for new thinking in Israel and Palestine. And property restitution solutions, including the very acknowledgment of historic loss and displacement through war, can be examined in greater depth for solutions that may yet be adaptable to refugee claims in the Israeli-Palestinian context.[135]

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134   Arthur Beesley, "Cyprus reunification talks hit a roadblock," *Financial Times*, 22 November 2016.

135   For the comparative research on Cyprus, see Dahlia Scheindlin, "Lessons from Cyprus for Israel-Palestine: Can Negotiations Still Work?," *Mitvim - The Israeli Institute for Regional Foreign Policies*, September 2016.

Nagorno-Karabakh: The dangers of conflict for democracy. This conflict in the Caucasus shares several features with the Israeli-Palestinian conflict, but the most urgent one is the tendency of both regions to erupt with deadly violence. In 2016, the year in which this research was conducted, Nagorno-Karabakh saw its greatest escalation since the ceasefire of 1994; less than a year later, a former American diplomat assessed the likelihood of renewed violence as high and there have been military incidents in 2017 as well.[136] Israel and the Palestinians wage regular wars and experience ongoing lethal violence in between them. In both cases, stabilization is urgent and the diplomatic process is moribund. This inverse relationship between high violence and low negotiation prospects raises questions: are phases of non-violence needed to embark on negotiations, and does violence effectively destroy diplomacy? Are there political leaders who are sufficiently committed to resolving the conflict; or might they actually have an interest in escalation?

Nagorno-Karabakh and Israel also share significant core conflict issues: the political status of the land and sovereignty claims; the question of how to treat refugees displaced during the wars; and the return of occupied areas. The Karabakh negotiations have met a dead end largely due to Azerbaijan's insistence that the region never attain sovereignty, only various forms of autonomy, and the corresponding refusal of Karabakh Armenians to accept Azerbaijani sovereignty. Azerbaijan's "all but sovereignty" approach did not help Serbia retain control over Kosovo (as seen below) and it seems unlikely to work here.[137] Recent calls in Israel for a "state-minus" for the Palestinians echo the concept, but the comparisons show that "partial birth" formulations are unlikely to succeed. However, Israel contrasts with Kosovo and Karabakh in that it retains de facto controls the disputed area.[138] On the refugee question, like in Cyprus, Karabakh resolution plans assume some form of acknowledgement, and in this case, return for Azeri refugees displaced during the war.

The Caucasus comparison also brings to light the fraught relationship between protracted conflict and democracy. In both Armenia and Azerbaijan, the conflict is linked to hardline nationalism, political stagnation and corruption, and authoritarian behavior (manifest in different ways and different levels in each state). At a first look, the former communist societies of Armenia and Azerbaijan may not appear comparable to Israel's strong democratic culture. However, Israel too emerged from a non-democratic system (colonial rule), and has built non-democratic institutions and norms from its inception, primarily linked to the conflict – such as the military government that ruled Arab citizens under martial law from 1949 to 1966, and the military regime governing Palestinians in various forms and degrees since 1967, six months following the end of military rule inside the Green Line. Over decades, undemocratic elements are encroaching (again) on Israeli

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136 Carey Cavanaugh, "Renewed Conflict Over Nagorno-Karabakh," Contingency Planning Memorandum No. 30, *Council on Foreign Relations,* 21 February 2017; see also incidents in May 2017: News Agencies, "Nagorno-Karabakh: Azerbaijan hits Armenia defence unit," *Al Jazeera,* 17 May 2017.

137 There are cases of sub-sovereignty arrangements, such as Quebec and Northern Ireland, but in those cases the arrangements reflected the acceptability of an alternate scenario to both sides – when no such scenario is available, simply retaining the demand for control appears unlikely to quell ongoing conflict.

138 Azerbaijan does not have de facto control over Karabakh; while Serbia has significant power and influence in the northern part of Kosovo where a majority of the population is Serbian, and, some claim, through the Kosovo Serb representatives in Kosovo's legislature. But it has no actual control or presence over the rest of the region.

political culture inside the Green Line.[139] In Palestinian society, democratic progress of the Oslo years has been severely curtailed by the leadership split, ongoing occupation, and the unrelenting need for heavy security control implemented by both Israeli and Palestinian authorities – all linked to the conflict. Democratic erosion may not be a hard rule, but it is certainly a likely trajectory in situations of protracted conflict – for both sides of an asymmetrical conflict.[140] This comparative insight is a warning: while Israel often questions whether it can be both Jewish and democratic, the broader question for both sides is whether the conflict and democracy can coexist in any sustainable way.[141]

Serbia and Kosovo: Negotiation breakthrough and stagnation. The last unresolved conflict of the former Yugoslavia shares with Israel and Palestine the Albanians' unwavering nationalist demand for independence of Kosovo, on territory where ancient and modern history ties Serbs viscerally to the land. Minorities of each group still live in the territory of the other national group. The Balkan and Middle East conflicts differ in that Kosovo was once Serb sovereign territory that has been effectively lost, while the West Bank and Gaza were never incorporated into sovereign Israel, and the people there have no dispute with other countries that once controlled them, Jordan and Egypt, respectively. But in both places, the people seeking statehood have provoked violence, rallied the international community to their cause, and endured years of non-statehood, while the sovereign state has gone to extensive political and military lengths to prevent the establishment of such a state, including long phases of military rule. These competing forces have taken different forms at different times among the two conflicts, with the end result of a lengthy political stalemate.

The diplomatic breakthrough of 2013 between Serbia and Kosovo gave hope to the region, the EU, and to protracted conflicts everywhere seeking good news. Our analysis shows that it came about due to a confluence of factors: Powerful incentives offered by the international community, rooted in "push" factors, primarily domestic economic difficulties, and the pressures of international isolation (primarily but not exclusively for Kosovo); a government and leaders in Serbia who had credibility among hardliners based on their past, and who enjoyed a strong mandate in the present. However, there was also the legacy of an aggressive international military intervention in 1999, which drastically altered political facts on the ground in ways Serbia was ultimately unable to turn back. These offer both insight and warnings for Israel and Palestine. The capacity of hardline

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139 A central (but not the only) example of the threats to democratic values in Israel, is the presence of bills and legislation that contradict democratic norms. The threat they pose for Israeli democracy is documented and analyzed by civil society groups such as the Israel Democracy Institute (IDI), and the Association for Civil Rights in Israel (ACRI), such as the entry "Anti-Democratic Initiatives," by ACRI), or the following debate among IDI researchers: "Is Israel's democracy in danger? The controversial proposed legislation of the ruling right-wing coalition," *Freidrich-Ebert-Stiftung*, 5 January 2012.

140 There is significant evidence that some unrecognized states – which are essentially unresolved conflicts – manage some measure of democratization. Nagorno-Karabakh itself has experienced democratic development since the war, see for example Nina Caspersen, "Democracy, nationalism and (lack of) sovereignty: the complex dynamics of democratisation in unrecognised states," *Nations and Nationalism* 17(2), April 2011, pp. 337-356. However, there are fewer systematic studies of the stronger and weaker parties in an asymmetrical conflict, and the claim here is not that such erosion is inevitable – rather that it is one likely development based on systems and practices involved in conflict maintenance.

141 For the comparative research on Nagorno-Karabakh, see Dahlia Scheindlin, "Lessons from Nagorno-Karabakh from Israel-Palestine: Does Unresolved Conflict Destroy Democracy?," *Mitvim - The Israeli Institute for Regional Foreign Policies*, December 2016.

leaders with strong political legitimacy to advance peace should highlight the responsibility of Israel's current leadership to do the same. The search for incentives for Israel and Palestine have been unsuccessful to date, but it remains a valuable pursuit. And the Balkan experience shows that the alternative of international pressure tactics can take far worse forms than the rhetorical criticism that characterizes pressure on Israel and the Palestinians today.

The "Brussels agreement" of 2013 focused primarily on protecting the Serb minority that remained within Kosovo, and stipulated that each side would refrain from blocking the other side's progress towards EU accession. Yet the question of Kosovo's final status was not addressed explicitly. The analysis found that while avoiding the sensitive issue with "constructive ambiguity" certainly facilitated the progress, in the absence of a horizon for clarifying these ultimate goals, the ambiguity has begun to turn destructive. Both sides are leveraging the areas open to interpretation for their diverging visions, provoking the other in the process and undermining negotiations, perhaps mortally. For Israel and the Palestinians, and other conflicts, this points to the limitations or dangers of constructive ambiguity regarding final status goals – particularly with regards to territorial sovereignty determination – and prompts further questions: perhaps ambiguity should be employed only under specific circumstances, or for limited phases. Other insights emerged from comparing the negotiations breakthrough and stagnation: regarding the advisability of including parties who are directly affected by the conflict as more active participants in its resolution – such as Kosovo Serbs or even Israeli settlers – primarily in order to lessen the resistance of potential spoilers.[142] Further, minority protection is crucial to conflict resolution; but the lines of sovereignty over a given territory should be clear – this too should avoid ambiguity.[143]

Thematic Insights: Lessons Learned

This section considers the themes and insights that cut across the specific cases. These are structured around the three main questions of the research mentioned earlier: negotiations and peace processes; overall political frameworks for resolution, and core conflict issues. The responses here draw on the various cases to consider common conclusions. The insights below are not intended as hard rules, nor can they be expected to apply in every case; rather they provide patterns and outcomes for consideration, including potential applications of the lessons derived from the study.

Process and negotiations. Under the question of how negotiations can best succeed, the main topics that emerged revolved around the identity of ideal leaders for negotiations, which parties are involved in the process, when negotiations are constructive or damaging, the role of the public, and international involvement.

Doves, hawks and peace. Negotiations sometimes advance significantly with two dovish leaders on each side of the conflict (Cyprus) – but this does not necessarily bring a breakthrough. Serbia

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142   See a thorough analysis of how and when to include groups that pose obstacles to peace process, but have limited demands, in Stephen John Stedman's typology, "Spoiler Problems in Peace Processes," in Paul C. Stern and Daniel Druckman (Eds.), *International Conflict Resolution After the Cold War* (Washington D.C.: National Academies Press, 2000), pp. 178-224).

143   For the comparative research on Kosovo-Serbia, see Dahlia Scheindlin, "Lessons from Serbia and Kosovo for Israel and Palestine: All Process, No Peace?," *Mitvim - The Israeli Institute for Regional Foreign Policies*, March 2017.

and Kosovo saw clearer progress on negotiations when a set of principles was agreed by two hardline leaders with strong nationalist credentials (Aleksandar Vucic in Serbia and Hashem Thaci in Kosovo). Karabakh has had the least movement of all; although there are existing plans for a diplomatic resolution, there has never been significant or official agreement on them. Thus, of the two regions that have seen progress, the more significant advances in negotiation were made by hardline leaders together, who possessed the credibility to bring other hardliners to accept deals that were likely in any case to attain support from the dovish portions of the public.

Representation of parties and spoilers. In Nagorno-Karabakh, there is an ongoing question about whether Karabakh Armenians should be represented in negotiations; to date, they have not been invited to participate. This is an increasingly prominent issue in advancing the Serbia-Kosovo dialogues, which have come to focus almost entirely on the situation of the Kosovo Serbs, and may ultimately fall over their status as well. Yet this party is not represented at the negotiations. A related point is that each conflict contains spoilers, whose opposition needs to be contained. These comparisons raise the question of when they ought to be included in negotiations – either because their lives are directly affected by the results, or because their opposition could prevent an agreement altogether.

Lower violence and meaningful negotiations. The two conflicts analyzed here that have seen the most significant and more recent diplomatic breakthroughs were Cyprus and the one between Serbia and Kosovo. Both societies have experienced low levels of conflict-related violence since the actual wars (the Turkish army invasion 1974 in Cyprus; the NATO intervention in Kosovo in 1999, and then the riots there of 2004). In 2004, Cyprus negotiations led to a potential agreement, which was then rejected in a referendum by one side. In Kosovo, the 2013 Brussels agreements were a major step forward although the actual progress has been halting and dissatisfactory. Still the causal relationship between these two should be considered: either phases of non-violence can foster the right environment for negotiations, a step – even if far from foolproof – towards resolution. Alternately, negotiations may help to keep the level of violence low, when people place hopes in a political process rather than joining in violence to change the political situation. But there are dangers of failure as well: Israel and Palestine can be a warning that when expectations are high, the disappointment can be violent and destabilizing. The second Intifada, which broke out following the failure of the Camp David negotiations in 2000 is a tragic example.

Public matters. The peace agreement in Colombia in 2016 was a notable example of successful diplomacy to resolve a severe 50-year conflict. While it was not a specific case study for this project, the developments yielded valuable insight: like GCs in 2004, a much-anticipated vote in Colombia saw voters reject the agreement. To the shock of outsiders, voters apparently placed a higher priority on bringing the perpetrators to justice than reaching peace at all costs. The unpopularity of the president who led the case for the agreement contributed to its downfall – highlighting again that leaders who enjoy broad support have a greater responsibility to leverage their position, since weaker leaders may fail. As in Cyprus, the case for concessions must be made to the public in a committed and organized way – peace alone will not be sufficient to "swallow frogs," as per the phrase for concessions in Colombia. The longer the case is made, the more those

arguments can sink in; which calls into question the wisdom of keeping negotiation content secret. Yet the two experiences also raise the question of whether voters should always cast ballots for peace at all. Perhaps, especially when the process is fair, democratic elections are sufficient and referenda are not required.

International intervention. Three different forms can be distinguished: diplomacy, military intervention, and sanctions. In the cases where there has been a diplomatic breakthrough, it has been midwifed by international actors – this was true in Northern Ireland and in Bosnia, and it was true in Serbia and Kosovo (the EU sponsored the negotiations). Other than acting as hosts and guarantors however, formal international actors did not play a specific role in the Colombia negotiations – which was the only region to reach an actual agreement in 2016. Yet exhaustive international negotiation or mediation efforts have been undertaken in Cyprus, Israel-Palestine, and Nagorno-Karabakh – places that have seen negotiations breakthroughs (the Annan Plan, and Oslo for the first two), but no full peace agreements. It is a mixed result. International direct military intervention such as in Kosovo, or indirect, through arms sales (US/Middle East, or Russia in the Caucasus) also clearly changes political realities. Sanctions are another tool the UN or individual countries have imposed as a form of intervention. The UN imposed sanctions on the former Yugoslavia but they did not prevent war. It is worth noting that meta-state bodies such as the UN have so far registered few successes at brokering peace (although the EU facilitated the Serbia-Kosovo agreement). The Annan Plan was perhaps the closest, but it was never agreed upon by the local leaders. The UN has mostly been active in a declaratory way; while resolutions have not commonly changed the policy of parties to a conflict, they are often used by the sides as backing for their claims or as a guiding principle.

Overall conflict resolution frameworks. Comparing the final status constitutional frameworks for resolution yielded questions about the effectiveness of "constructive ambiguity" regarding final status, the viability of less-than-state status, the implications of unclear levels of sovereignty, and the viability of military occupations.

The limitations of "constructive ambiguity" for reaching final status. Often, the deepest divide among conflicting parties is the question of final status of two conflicting sides of a conflict; or the constitutional framework for their future, whether together or apart. Once resolved, technical solutions for implementation can often be found – the comparison shows – and they may already be in place. In Karabakh, the principles of a solution have been proposed by different sides of the key international players. The Israeli-Palestinian "two state solution" has had clear parameters since 2000, with only limited adjustments. Kosovo's trajectory is rarely spoken but appears clearly known: separation into a small but sovereign state, with a multi-ethnic society, protection and representation for the Serb minority. However, the refusal to agree openly on final status has held back processes such as in Nagorno-Karabakh and Kosovo; and perhaps implicitly in Cyprus and Israel-Palestine, where leaders claim to accept the end goals, but scuttle them in practice. The analysis in these papers finds that too much constructive ambiguity – primarily on determining these final status goals – contributes to negotiation stagnation and failure, and all the accompanying dangers.

Clear lines of sovereignty. As distinct from the process in which final status needs to be determined, acknowledged openly and agreed, this addresses the related question of sovereignty determination in final status accords designed to end ethno-nationalist conflicts. Each of the cases is slightly different: Serbia offered Kosovo a notion of "all but sovereignty," promising broad autonomy, but the option failed and Kosovo is closer to a recognized state at present, despite Serbia's protests (backed by Russia). In Karabakh, it appears that Azerbaijan will only be able to re-take the region by sheer force, in what would be a heavily armed war threatening the whole region. Still the sovereignty claims are zero-sum, and it remains unclear whether a partial-sovereignty solution can stabilize the region or not. Meanwhile, if Cyprus remains unsolved with unclear determination of sovereignty in the north, it is likely that Turkish encroachment will continue – the worst possible scenario for the Greek side.

The Kosovo arrangement determined in Brussels in 2013 provided a cautionary lesson for other regions with a territorial dispute. When ownership of a territory is unclear, such as the Serb-majority area in the north of Kosovo, this can create a breach of sovereign integrity – a hole through which governance is undermined and the opportunities for escalation grow. This is linked to the need for clear final status arrangements above, but relates specifically to the question of sovereignty over territory. Once again, despite the problematic comparison of their historic presence, Kosovo Serbs are in a similar situation to Israeli Jewish settlers who wish to remain in their homes under any situation. Settlers in Israel may not be forced to move; but it appears that a sustainable peace agreement is one in which territory belongs clearly to one side or the other, while minorities are protected.[144]

In sum, Israel has successfully avoided Palestinian statehood for five decades, but there has been no peace or even absence of violence during those decades. Drawing on these examples, an agreement that entrenches limited local autonomy for Palestinians, as some Israeli leaders have advocated, or provides a "state-minus" concept, seems unlikely to advance stability or lay to rest ongoing Palestinian national claims.[145]

Military occupations should end. The final status proposals for Nagorno-Karabakh all begin with Armenian forces withdrawing from the occupied areas of Azerbaijan surrounding Nagorno-Karabakh. Serbia's military regime ruling Kosovo from 1991 was routed by a devastating NATO air war. Even Northern Cyprus, where the Turkish army has resided since 1974, is effectively governed by civilian rule, which in turn has led to increasingly state-like behavior. Regardless of final political status, military rule does not appear feasible in perpetuity; Israel will ultimately have to choose between Israeli civilian rule over Palestinians, or Palestinian self-governance.

Core issues. The conflicts examined here had several overlapping core issues. These can be mined to learn the range of policy options for resolution. Such core issues include: self-determination/ independence/sovereignty, return of territories, refugees and property.

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144 This is not to imply comparative protections for the two minorities cited here, due to contrasting historic circumstances as well as current political differences.

145 "Netanyahu says Palestinians can have a 'state minus'," *Times of Israel*, 22 January 2017.

Self-determination. This is a common point of dispute in the specific cases addressed here, chosen partly for their comparable nature. What stands out about each of the cases is their longevity – despite bitter fighting, and protracted unresolved conflict, none of the sides have surrendered its right or claim to self-determination. This contradicts the right-wing argument in the Israeli-Palestinian context, that Palestinian national identity is either not genuine, or can be expected to dissipate over time. There is no evidence of this in any of the comparable cases.

Return of territories. The reality is that the parameters of solutions are not uniform on this issue. Nagorno-Karabakh is expected to return additional occupied territories to Azerbaijan, but not the region of Nagorno-Karabakh itself. Israel is expected to withdraw its army and allow the Palestinians to become sovereign (not formally a return, since the Palestinians were not sovereign in the past). Kosovo does not expect to return anything to Serbia, but Serbia has interpreted the agreement as an expectation of ownership of the north. Turkey is expected to "return" Cyprus to the control of a unified island by removing most of its army. But none of these have come to fruition. The main observation is that solutions appear to be determined less by a hard rule about returning territory based on law or history, and more by the question of whether national identity groups must be territorially separated or whether they can live together in some form. The other central observation is that it has proved almost impossible for outside actors to cause an intransigent party to release its hold over territory other than through negative action (such as the military intervention in Kosovo, which broke Serbia's control on the ground). However, in the same case, positive incentives –the promise of EU accession – proved useful for implicit political concessions on territory in the same case.

Refugees/property. One valuable observation is simply that Israel and the Palestinians are not unique in terms of the Palestinian demand for recognition and some form of redress for the refugee problem. Other conflicts have generated refugees or displaced people, as well as lost property and a sense of historic injustice. Refugee claims become an enduring factor in both of the relevant cases here: Cyprus has not forgotten about this issue since 1963 or 1974. Azerbaijanis who fled over 20 years ago also expect to return. In Kosovo, Albanian refugees returned en masse almost immediately after the war. Thus the demand of Palestinian refugees for recognition and return need not be viewed in terms of a desire to destroy Israel, but rather as consistent with international conflict norms and human expectations. The next observation is that in some cases, there is little expectation of full return. In Cyprus, the solutions assume some combination of restitution, compensation and possibly return. This should help to demystify the fears of addressing the problem in Israel-Palestinian negotiations; it also highlights that at the very least, acknowledgment of the history and experience of refugees is generally included in peace agreements, but not necessarily full physical return where time and circumstances have made this impossible.

Conclusion: Perceived and Actual Benefits of Comparison

Beyond advancing policy ideas, one of the overarching goals of this study has been to erode perceptions of uniqueness in Israeli-Palestinian thinking, to reduce isolation and defensiveness, while learning lessons and solutions from other societies. However, the intention was not to affirm a biased presumption that conflict comparison is inherently useful. There was also the possibility that the cases would be too different to compare, or the lessons so specific to each that they would be of little value for the Israeli-Palestinian situation.[146]

However, the substantial list of comparable elements found in each of the cases ultimately did confirm the value of the exercise. Rather than finding cases too different or specific, the opposite situation emerged: detailed research into each conflict turned up such a wide range of potentially useful points of comparison, that narrowing the topics coherently became an important analytic challenge. Therefore, the list of comparable aspects shown here is far from exhaustive, and there are numerous policy sub-topics to be explored further.

Further, the directions of such inquiry go beyond the examining of hard policy. There is rich potential in exploring comparisons between narratives, conflict perceptions, national and group identity issues, sacred, religious, and emotional themes that are often no less important for unraveling the Gordian knot of unresolved conflicts. We hope these become topics of future research within the framework of this project.

Further, the comparisons have allowed a somewhat more objective assessment of conflict dynamics through a close observation of what has transpired elsewhere. However, an honest assessment is also necessary: the study of contemporaneous conflicts, just like the study of history, can be guided by biases as well. The researcher can select and interpret developments in ways that are convenient, or advance a desired finding. We have tried to acknowledge but limit the bias to searching for insights that advance peace, while providing an honest assessment on all other aspects. But studying conflicts in which the researcher has no clear personal investment offers a promising additional means to advance more objective study.

The importance of the task remains clear. In an article addressing how Colombia's negotiators reached their summit of an agreement, the high commissioner for peace said his task was greatly aided by "wide reading and lessons" from peace processes elsewhere, from El Salvador and Northern Ireland to South Africa.[147] This project sought to collect, organize and ultimately disseminate such lessons – in the service of peace.

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146 The author's previous academic and professional research into the case studies had already yielded numerous potentially comparable themes. This was the basis for undertaking the project – an educated conjecture that a more systematic analysis would add to existing comparable insights.

147 John Paul Rathbone, Andres Schipani "Insights into negotiation from Colombia's peace talks with Farc," *Financial Times*, 4 May 2015.

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Anna Hess Sargsyan

Besa Shahini

Koba Turmanidze

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148 Numerous other interviews were conducted for background but not directly cited. The author wishes to thank all unnamed interviewees as well.

Fresh Thinking for Old Problems:
Comparing Conflicts to Advance Israeli-Palestinian Peace

Dr. Dahlia Scheindlin

The Israeli-Palestinian conflict is often considered uniquely intractable – but other long-standing conflicts face similar situations. While no two cases are identical, none are completely unique. Dr. Scheindlin's in-depth research into conflicts in the Balkans, Azerbaijan/Armenia, and Cyprus, juxtaposed with deep knowledge of the Israeli-Palestinian conflict, yields a wide range of comparable insights and valuable contrasts. This study reveals an abundance of areas for comparison, including diplomacy, negotiations, political frameworks for resolution, core conflict issues, third parties, civil society and peace activism, and public dynamics. Detailed examinations of the three cases – Cyprus, Nagorno-Karabakh (Armenia/Azerbaijan), and Kosovo/Serbia – are valuable on their own; they also yield broad themes, including the impact of conflict on democracy, the potential and pitfalls of negotiations, and the conditions that lead peace processes to breakthrough or breakdown. Most of all, the study shows the value of comparative thinking, especially when progress from within has stopped; it shows that no conflict should be considered singular in its suffering, no enemy worse than all others, and no problems uniquely unresolvable.

"Dr. Dahlia Scheindlin has made a very significant contribution to this body of scholarship by choosing a comparative approach […] The comparison and the insights Dr. Scheindlin offers are illuminating. We can only hope that leaders and policy makers will take advantage of her analysis."
Prof. Itamar Rabinovich

FOR ADDITIONAL INFORMATION