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**When Does Third Party Mediation Work?**  
**Evaluating the Role of Third Party Mediator**  
**Bias, Empathy, and Fairness**

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# **When Does Third Party Mediation Work? Evaluating the Role of Third Party Mediator Bias, Empathy, and Fairness**

## **1. Introduction**

What inhibits two people from making an agreement? There has been extensive academic work on psychological factors playing into mediation and bargaining, but not as much on how mediator bias might trigger psychological reactions that hinder (or facilitate) agreement. This paper seeks try to figure out what both rationalist and psychological arguments are missing in order to expand on them and reconcile these two different, yet not incompatible, views on bargaining.

On August 13th, 2020, former US President Donald J. Trump announced that he had successfully helped negotiate the Abraham Accords, an agreement establishing normalization of relations between Israel and the UAE. Within two months, Bahrain and Sudan respectively signed normalization agreements with the Jewish state as well. Despite these important normalization agreements between Israel and several Arab states and his claim that there was finally “going to be peace in the Middle East”, though, the President was unable to make any significant progress in advancing peace between the Israelis and the Palestinians.<sup>1</sup>

The reason for the lack of recent US progress in the Israeli-Palestinian peace process can be explained by several foreign policy actions - or, in hindsight, mistakes - committed by the Trump administration. Credibility of the US as an impartial mediator was tarnished, thereby causing a decline in both the Palestinians’ trust in the US as a mediator and their support of a two state solution. US bias towards Israel not only prevented the Trump administration from achieving any significant progress in terms of peace between Israelis and Palestinians, but also

actually harmed the peace process by contributing to a decline in Palestinian support for a two-state solution. Is this always the case, though, or can a biased mediator be successful in negotiating to peace processes? How does mediator bias influence the success of peace negotiations? Is mediator bias beneficial, neutral, or harmful to peace processes? And, last but not least, are there other elements that might contribute to mediation success (or failure)?

This research project seeks to provide a synthesis and critique of existing literature on how mediator bias, display of empathy, and fairness can influence the success of third party mediators in peace processes, as well as to cover some theoretical areas that scholars have failed to address. In order to answer these questions, I will start with a thorough literature review analyzing and critiquing rationalist explanations on the role of third party mediators in peace negotiations, the effect of mediator bias on such negotiations, and last but not least psychological explanations for bargaining failure. I will then introduce my argument and hypothesis, and I will then proceed with the analysis of three qualitative case studies from US mediation of the Arab-Israeli conflict to determine how mediator bias affects peace negotiations: President Carter's mediation of the Camp David Accords between Israel and Egypt in 1978, Norway's mediation of the Oslo Peace Process in 1993, and President Trump's attempt to mediate Israeli-Palestinian peace and to promote the Peace to Prosperity Plan for Israeli-Palestinian peace in 2019. The goal of this research project is to contribute to other relevant voices on the role of bias in third party mediation of conflict by shining some light on one of the reasons why, despite constant presence of mediator bias, different outcomes in negotiation can be observed - that is to say, the importance of pairing mediator bias with empathy and trust building, in order to be able to exert

some leverage on the side one is biased towards while at the same time avoiding the alienation of the opposing side.

My argument is that the outcome of mediation depends on the presence of two variables: mediator bias and empathy and fairness. In particular, I argue that successful mediation requires both mediator bias and mediator's ability to display empathy and fairness. This is because mediator bias is necessary for convincing the side one is biased towards to get along with the proposed agreement, while at the same time empathy and fairness are required for convincing the side one is biased against (or simply the opposing side) to get on board with the negotiation in the first place. Three further arguments stem from this point: that mediation will fail when mediator bias is present but the mediator fails to display empathy and fairness; that regardless of display of empathy and fairness, mediation will lead to unsatisfactory results in the absence of mediator bias; and lastly, that mediation will succeed when both mediator bias and mediator's ability to display empathy and fairness are present.

## **2. Literature Review**

### Literature Review

The following section is a literature review of relevant academic works on third party involvement in mediation is structured as follows. First, I define the terms "mediation" and "bias" in order to remove any ambiguity on what those expressions might mean in the context that I analyze. Then, I consider rationalist perspectives on the way in which third party mediators can be successful at negotiating peace in civil conflicts. Then, I provide a thorough review on rationalist scholars' views on the way in which third party mediator *bias* can influence the outcome of mediation, and divide their works in three categories: Pro Bias, Ambivalent, and

Against Bias Views. Lastly, I analyze psychological explanations for bargaining failure, with a focus on works considering the role of empathy and fairness in negotiation. I conclude my literature review with a critique on both rationalists and psychological explanations, and I explain how these different perspectives should not be seen as opposing but rather complementing: a successful mediator will be able to utilize his or her moderate bias to exploit the advantages it provides, as argued by rationalist scholars, without at the same time jeopardizing the chances of agreement and breaking the other side's trust in his willingness to broker a honest deal.

### Defining "Mediation" and "Bias"

A fundamental step for assessing how mediator bias affects the outcome of negotiation is defining what we mean by "mediation" and "bias".

Mediation can be defined as non-coercive intervention by third party in a dispute between two or more parties for the purpose of settling the dispute.<sup>2</sup> Beber identifies three main ways in which mediators normally attempt to facilitate peace processes: they can have a procedural role and deal strictly with the logistical aspect of arranging negotiation sessions; they can have an informational role and ease communication and acquisition of information between the parts involved; or they can have an active bargaining role and recommend concessions, moderate demands, and propose solutions.<sup>3</sup> DeRouen and Bercovitch refer to these three types of mediation strategies with the terms "procedural-formulative", "communication-facilitation", and directive.<sup>4</sup>

The definition of bias can be a little more tricky. Savun defines bias as "having preferences about how two disputants distribute the contested resources" and assumes that states

are biased towards states with similar outlooks, share similar preferences and characteristics, such as similar views on specific policy areas.<sup>5</sup> Overall, according to Savun, a mediator can be considered as biased if his preferences are aligned with one side of the conflict.<sup>6</sup> Savun introduces an important distinction between “absolute” and “relative” bias, that is to say a measure of bias that takes into account a mediator’s relationship with both disputants in the conflict. Savun measures absolute bias based on three dimensions which he identifies as “direct behavioral demonstration” of leaders choices: alliance ties, economic relationship, and conflict history. Presence of alliances and trade ties are associated with positive bias, while conflict history is associated with negative bias.<sup>7</sup> Relative bias is then calculated through comparing the mediator’s absolute bias towards one side versus its absolute bias towards the other side, and therefore provides a more accurate way of understanding whether mediators’ preferences align with one side or the other based on the specific mediation context considered.<sup>8</sup> For the sake of this research project, I will adopt Savun’s concept of relative bias as a preference for one side of the conflict which is influenced by shared ideological preferences and values and alliance ties, and which is calculated through consideration of mediator bias towards both sides of the conflict.

#### Rationalist explanations for third party mediation success

Rationalist literature has widely analyzed how uncertainty, audience costs, and domestic political concerns shape conflicting parts’ response to third party mediation. Theory on successful civil war and inter-state war peace settlements agrees on the key role of third party mediators in negotiating peace between the conflicting parts. Third party security guarantees can achieve and ensure durable peace by reducing conflicting states uncertainty about the adversary’s

intentions<sup>9</sup> and by raising the costs of noncompliance with internationally negotiated peace treaties by creating international audience costs.<sup>10</sup>

Walter argues that third party guarantees solve the credible commitment issue of civil war resolution. According to the author, civil war peace negotiations fail not because of item indivisibility or inability to reach an agreement on the object of content, but rather because of implementation issues: the parties involved cannot credibly commit or enforce treaties due to high opportunities to exploitation caused by short term uncertainty from demobilization, disengagement, and disarmament and long term uncertainty from handing over concessions to the other party.<sup>11</sup> Third party guarantees, along with power sharing pacts, can help solve this issue: the third party can actively enforce peace with troops and thereby erase the short-term uncertainty and exploitation opportunity that stems from demobilization. Similarly, Fortna argues that third party guarantees make peace more durable by raising the cost of attacks, reducing uncertainty, and controlling for accidents and involuntary defection.<sup>12</sup> Third parties can raise the cost of noncompliance to agreements and therefore contribute to maintaining peace because international diplomatic costs are a form of audience costs.<sup>13</sup> Once a state is committed to peace, it will be bounded not as much by international law, but by its desire to maintain their reputation for compliance: in addition to giving the other side a pretext for retaliation, breaking ceasefire agreements would result in "international opprobrium" and a potential halt to economic and military aid.<sup>14</sup>

Fortna writes how, in order to guarantee durable peace, third parties need to enforce *explicit* security guarantees. While involvement of outside state as mediators implies an implicit interest in peace, implicit guarantees are not enough to maintain peace because they do not create

a long term commitment and rational costs. What is necessary to enforce lasting peace are explicit third party guarantees, which create audience costs and international consequences for not upholding a ceasefire or peace agreement.<sup>15</sup> Fortna also mentions how monitoring mechanisms can also help reducing uncertainty, but only when the third party is neutral: if the observer is not impartial, one state's attempts to be seen as the victim, i.e. by claiming the other side attacked first, are not credible.<sup>16</sup>

### Rationalist Explanations on Third Party Bias and Mediation Outcome

Rationalist scholarship has analyzed the issue of mediator bias through the lens of bargaining logics, in particular informational and credible commitment problem. Some scholars, like Kydd and Savun, have argued that bias can help mediation: biased third party mediators can succeed in restraining the side they are leaning towards by providing credible information about the opponent's resolve.<sup>17</sup> Others have a more ambivalent view: Favretto, for instance, argued that different degrees of mediator bias can influence the outcome of negotiations in different way, and that third party mediators are successful when they are either highly biased or completely unbiased.<sup>18</sup> Lastly, some scholars have argued for unbiased mediator, claiming that despite their hesitancy to self-select into mediation unbiased mediators are actually more efficient in peace processes<sup>19</sup> or that, while biased mediators can be effective in information-provision, unbiased mediators are preferable as they generally outperform biased ones.<sup>20</sup>

### Pro Bias Views

Kydd and Savun analyze the role that a mediator's bias play in influencing the outcome of international conflicts' mediation through a bargaining theory of war lens. The authors consider mediation failure as a bargaining failure due to incomplete information on the other

side's resolve and military capabilities and argue that, when it comes to information provision focused mediation, biased mediators are more successful than unbiased ones because they can effectively and credibly convey private information to the side they're biased towards.

Kydd examines mediator's motivations and incentives to tell the truth. He argues that mediators' claims about one side's resolve won't have any credibility both when the mediator is biased towards that side and when the mediator is unbiased: if a mediator is biased towards A, B won't believe their claims because the mediator will have an incentive to say that A has high resolve whether or not that is true and will therefore not be credible; similarly, if a mediator is completely unbiased and has no preferred side in the conflict, he will try to convince each side that the opponent is highly resolved whether or not that is true, and will therefore not be credible as well.<sup>21</sup> However, Kydd finds that biased mediators can succeed in restraining the side they are biased towards, in that they will be trusted as credible given their partaking in that side's interests. Thus, he concludes that mediator bias can help the success of peace negotiations by providing reliable information and solving the incomplete information issue.

Savun's piece echoes Kydd's findings and adopts the same bargaining failure lens to analyze the outcome of peace negotiations, but utilizes a solid quantitative study to back up his argument. Savun utilizes Bercovitch's International Conflict Management Dataset to evaluate 67 mediation episodes involving information provision strategies, and finds that mediator bias is actually a positive element in mediation focused on information provision in that data shows how, when mediator bias increases, mediation success increases as well.<sup>22</sup>

### Ambivalent Views

Favretto's work provides an ambivalent view on the effect of mediator bias on successful negotiation of peace agreements. The author focuses on major power mediation of conflict, and defines bias as "a major power's close alignment of bargaining preferences with one of the crisis actors".<sup>23</sup> According to Favretto, mediator biases can act as cheap signals or indices, that is to say "observable indicators that carry inherent evidence that the signals states project are correct", and allow the mediator to reveal private information on resolve.<sup>24</sup>

Favretto analyzes how high, low, and no bias towards one side affects major great power mediation, and argues how peace settlement is more likely when a highly biased or unbiased great power is mediating: in presence of strong bias, the conflicting parties will believe that the mediator will enforce the agreement with military means, while the absence of bias (or rather, just bias towards peace) will encourage the mediator to avoid threatening military coercion and seek agreements that both parts will find acceptable. On the other hand, when a less biased great power is mediating, negotiations tend to fail because parties will doubt the mediator's commitment to enforce the agreement with force.<sup>25</sup> The author utilizes evidence from U.S. and British interventions in the Balkans to provide empirical support for her argument, and successfully demonstrates how, when the mediator is a major power, the way in which mediator bias can influence the outcome of peace negotiations hinges on the degree of bias that the mediator is showing and on whether the mediator is either willing to enforce military coercion or to propose a fair and acceptable agreement for both parts.

#### Against Bias Views

Beber's work utilizes qualitative evidence to argue that biased mediation is ineffective and highlights an important element that can prevent empirical observation of unbiased

mediation effectiveness, that is to say the selection issue. The author examines how bias affects the effectiveness of third party mediators with an active communication screening and bargaining role and argues that bias diminishes mediator credibility and effectiveness.<sup>26</sup>

Unbiased mediators are most effective at facilitating peace, he writes, because they can provide credible private, conflict-relevant information. The conflicting parts know that the mediator does not have any interest at stake and is therefore not recommending a particular resolution designed for the benefit of its protégée (or its own).<sup>27</sup> Beber then explains how the reason why this phenomenon is not commonly observed is that there is a selection effect that skews empirically observed data of biased versus unbiased mediation effectiveness: while unbiased mediators are relatively more likely to successfully negotiate settlements, they are unlikely to select into mediation because they have fewer incentives to get involved in disputes.<sup>28</sup>

Rauchhaus's work constitutes another work in support for the "against-bias" view. The author utilizes a quantitative analysis to counter Kydd's argument that only biased mediators can be effective as peacemakers in that only biased mediators can provide credible private information, and finds that while biased mediators can be effective, impartial (that is: unbiased) mediators generally perform better.<sup>29</sup>

Rauchhaus utilizes a formal model built off Kydd's study, and finds strong quantitative support for his model in the SHERFACS data set on conflict management in 688 post-WWII disputes. For mediation to be effective, the model outlines that four conditions must hold true: the third party mediator must (1) possess information about the resolve of one party, player D, and (2) truthfully relay this information; and the other party, player C, must (3) receive the information and believe it to be truthfully relayed and (4) change his behavior based on this

information.<sup>30</sup> The third party is thus incentivized to tell the truth in order to reduce the probability of war. In order to sustain an equilibrium in which the third party mediator keeps telling the truth, the mediator must be paying a repetitional cost when lying. Rauchhaus conclude that, because this cost is smaller when the mediator is unbiased, unbiased mediators are preferable to biased ones.<sup>31</sup> Furthermore, although the author acknowledges that Kydd's argument on the effectiveness of biased mediator is not per se incorrect, he also shows that unbiased mediators are generally outperforming biased ones and should thus be preferred.

### Critique

As the section above has shown, current rationalist literature on mediator bias is divided and disorganized, and fails to understand bias in a coherent way across all types of mediation. Overall, the emerging picture from rationalist explanations on the role mediator bias plays in mediation is a confusing canvas, which can perhaps be summarized as "it depends on the context": sometimes bias seem to be helpful, others it's deemed as detrimental. This position is unsatisfactory, as it fails to address when and why mediator bias becomes detrimental to a peace process.

In addition to this, current rationalist scholarship has failed to address the role of bias in directive mediation. Kydd and Savun's pieces provide a thorough examination of the role of mediator bias in information provision focused mediation, yet they fail to explain the role of mediator bias in disputes in which the mediator is not just a messenger of the other side's resolve or military capabilities but is actively proposing solutions and utilizing its own leverage to extract concessions. Savun's claim that mediation success increases along with mediator bias only applies when the mediator is trying to restrain the side that he is biased towards and is

utilizing an information provision focused strategy, and is not helpful when it comes to understanding how bias influences the success of other types of mediation, as for instance directive mediation.

Another point of critique for academic literature on mediator bias is that empirical evidence has proven that arguments on both unbiased and biased mediators are unsatisfying. Norwegian mediation of the Israeli-Palestinian conflict during the Oslo peace process suggests that unbiased mediators are not necessarily more successful. In addition to this, while a moderate degree of bias could help communication facilitation types of mediation, its effect on directive mediation seems to be vastly different: when they don't resort to military coercion as suggested by Favretto, highly biased mediators are just as incapable of successfully securing peace as unbiased ones, if not even responsible for a worsening in the conflict. The Trump administration's mediation of the Israeli-Palestinian conflict, for instance, shows that the more the US has shown unilateral support of Israel, the more the peace process has been going astray and Palestinian support for a two-state solution has declined.

What most literature on mediator bias seems to be missing is that, while in bargaining theory rational choices are always the expected course of action, in real life bargaining situations human psychology plays a fundamental role too. Credible information and commitment problems surely matter, but lack of empathy, fairness, and good faith constitute other reasons why bargaining might break down. Analyzing psychological motives can therefore help us understand how strong bias can not only inhibit but also degrade relationship and, in the context of mediation, decrease mutual trust between negotiating parties and thus the chances of agreement.

### Psychological Explanations for Mediation Outcome: Fairness and Empathy

There is a growing literature on the psychological logics of mediation and bargaining. Nowak, Page, and Sigmund's analysis of the Ultimatum Game, for instance, provides some insight on how rational game theoretic solutions do not match observations from human studies, and show how, in the context of bargaining, fairness and reputation often matter more than rational cost and benefit calculations.<sup>32</sup>

The Ultimatum Game is a two-step game involving two players who need to agree on how to split some money. Player 1, the proposer, makes an offer to player 2, the responder. Player 2 can accept the offer, in which case the money is split accordingly, or reject the offer, in which case neither of them gets anything.<sup>33</sup> After player 2's move, the game is over. As the authors point out, the rationalist expectation for the responder would be to always accept the proposed offer - after all, little money is better than no money at all. However, the observed reaction in the majority of human studies was that about half of the responders rejected offers below 30%, which they identified as a fair threshold. This suggests that, in bargaining situations, rationalist logics are not the only mechanisms dominating players' decision making: the idea that an offer is fair and in good faith seems to play a fundamental role in influencing responders' willingness to accept proposals.<sup>34</sup>

Nowak et al. consider a version of the Ultimatum Game in which the proposer can obtain information about which deals the receiver previously accepted. This element encourages players to think more carefully about their bargaining reputation: a reputation for accepting low offers will encourage the proposer to continue offering small sums of money, while on the other hand a reputation for accepting only honest deals will likely lead him to propose a more fair division of

the money. The authors thus conclude that, despite the rational expectation of utility-maximizing decision making, rejecting low offers and only accepting fair deals can actually encourage the evolution of fairness in bargaining.<sup>35</sup>

Other relevant works on the importance of psychological elements in bargaining outcomes is Holmes and Yarhi-Milo's analysis on the role of empathy in diplomatic contexts and negotiations.<sup>36</sup> The authors argue that empathy, defined as the ability to understand others' cognitive and affective states, is required for successful mediation of long-standing hostilities: empathy is a precondition for trust building, and is thus fundamental for overcoming the security dilemma through communicating intentions. The authors thus argue how the key to mediation success (or failure) is to be found in mediators' ability to develop relational empathy between the opposing sides.<sup>37</sup>

Holmes and Yarhi-Milo utilize two instances of US mediation of the Arab-Israeli Conflict, the Camp David Summits in 1978 and 2000, in order to support their argument on the importance of relational empathy for mediation success. Their research shows how Camp David 1's success was due to the Carter administration's understanding of each party's perspective and ability to build relational empathy between the Israeli PM Menachem Begin and the Egyptian President Anwar Sadat, while on the other hand one of the main elements that lead to Camp David 2's failure was the Clinton administration's inability to not only understand and empathize with both Israeli and Palestinian officials, but most of all to bring their respective stances on key issues at stake to the table and find a potential space of agreement between them<sup>38</sup>.

Lastly, Arad and Carnevale seeks to understand how different types of bias affect partisans vs nonpartisans judgments of mediator trustworthiness and fairness of his or her

proposals, and in order to do they analyze partisan vs nonpartisan subjects responses in the context of the Israeli-Palestinian conflict.<sup>39</sup> The authors consider two different types of bias on judgments about mediator trustworthiness. They distinguish between *source characteristics* and *content characteristics* bias, which respectively refer to bias pertaining to expectations from the mediator's closer ties with one side (source characteristics) and bias pertaining to mediator behavior, i.e. bias showing in the proposed agreements (content characteristics).<sup>40</sup> They find that content characteristic bias has greater impact than source characteristic bias, and that mediators gained in acceptability when they made even handed proposals despite being biased towards one side, a phenomenon referred to as "fairness pays effect."<sup>41</sup>

Another important element considered by Arad and Carnevale is the "cushioning effect" - that is to say, mediators' ability to extract concessions and convince the side that they are biased towards to accept deals that they'd normally consider unpalatable and reject. As the authors report, partisans - that is to say, the party that the mediator is biased towards - will view unfavorable deals as fair if they had been proposed by a mediator positively biased towards them.<sup>42</sup> Mediator bias can thus be an asset for the mediator, which is able to persuade the side they're biased towards to agree to terms they'd normally refuse thanks to the "cushioning" that their close relationship provides.

### Critique

The above presented research provides some fundamental insights on the psychological factors that can play into behind bargaining failure or success and, most of all, the importance of a mediator's ability to empathize with the involved parties, encourage empathy between them when it's lacking, and convey its good faith and desire to reach an agreement that is deemed as

fair and just by both parts. However, with the exception of Arad and Carnevale, these authors fail to highlight the way in which mediator bias can actually play a significant role in the success of peace negotiations.

Novak et al.'s study on the ultimatum game and Holmes and Yarhi-Milo's works point out the importance of proposing fair agreements and that the ability to build relational empathy is a fundamental quality for a mediator to possess. What these authors' works are missing, though, is that empathy and fairness alone are not sufficient for mediation success, and that bias is ultimately necessary. At the beginning of the Oslo Peace Process in the 90s, Norway was thought to be a solid choice for successful mediation of the Israeli-Palestinian conflict because of its weak power status and its lack of stakes in the conflict.<sup>43</sup> Yet, being impartial ultimately meant that the Norwegians had no strong leverage with either party, and were thus unable to appeal to the actors and extract significant concession from them.<sup>44</sup>

Furthermore, Holmes and Yarhi-Milo's case study of Carter's mediation at Camp David does not take into account how, while Carter's display of empathy was surely crucial for the success of the Camp David Accords in that it allowed the US to bring Egyptian side to the negotiating table, as Spiegel reports the ultimate reason that convinced Begin to sign the agreements was Carter's use of U.S. aid to Israel as both stick and carrot. Carter used the threat of a complete halt to all aid unless the accords were signed, and the promise of increasing it if the Israeli Prime Minister agreed to signing them, thereby suggesting that the special relationship between the U.S. and the Jewish State allowed the U.S. President to twist arms and seal the deal.<sup>45</sup>

Arad and Carnevale's piece, on the other hand, considers mediator bias and the way in which it relates to fairness and willingness accept deals, but does not highlight sufficiently the role of empathy and trust building in such process and considers them mainly in the light of the mediator's reputation, i.e. the way in which proposing a deal deemed to be more fair can increase the parties' favorable judgement on the mediator and accept him more benevolently. Instead, psychological explanations for successful peace negotiation and bargaining are definitely key elements to consider when trying to understand the role of third party mediator bias in the outcome of peace negotiations, and do not simply contribute to the mediator's reputation. Last but not least, a major point that psychological analysis of empathy and fairness in mediation do not seem to highlight enough is that a fair agreement is not necessarily an equal or unbiased agreement - rather, it's an acceptable bargain. Thus, when it comes to assessing fairness, we cannot completely disregard the importance of rational calculations altogether.

### **3. Argument**

Rationalist literature has overall agreed on the fact that a moderate degree of bias can actually be beneficial to information provision focused mediation, as biased third party actors are able to provide credible information to the party they're siding with, thus advancing peace more easily than unbiased mediators. This literature has failed to consider the way in which empathy and building trust with both sides are fundamental for directive mediation success.

The degree to which mediator bias and the need for fairness in negotiated agreements matter hinges on the role that the mediator plays. If the mediator is focusing on information provision and procedural facilitation of the negotiation process, mediator bias is not going to interfere as much with mediation success (and, actually, could prove to be useful for it).

However, when the mediator is playing a directive role and outright proposing peace plans, mediator bias can be greatly detrimental to peace processes if it is not matched by the ability to empathize and build trust with both sides. Mediator bias can hurt the outcome of peace negotiations because it can alienate the other side of the conflict, create mistrust towards the mediator's good faith, and ultimately lead to the breakdown of negotiations. A mediator must thus be both biased and able to empathize and communicate his desire to reach an agreement that takes into account both parties' preferences in order to prevent his preference for one side from leading mediation attempts astray.

I argue that both mediator bias and mediator's ability to display empathy and fairness are necessary for full success of mediation. This is because mediator bias is necessary for convincing the side one is biased towards to get along with the proposed agreement, but at the same time empathy and fairness are required for convincing the side one is biased against (or simply the opposing side) to get on board with the negotiation in the first place. The table below summarizes the expected outcomes of mediation based on the presence of the two variables "bias", short for mediator bias, and "Empathy and Fairness", short for mediator display of empathy and fairness, and the case studies that I will utilize to support each part of my argument.

<b>Bias</b>	<b>Empathy and Fairness</b>	<b>Outcome of Mediation</b>	<b>Case</b>
No	Yes	Mixed	Norway mediation of Oslo Peace Process
Yes	Yes	Success	Carter mediation of the Camp David Accords
Yes	No	Failure	Trump mediation of Israeli-Palestinian conflict

As the table illustrates, we will expect to observe mediation success when both mediator bias and mediator display of empathy and fairness are present. This leads us to the following three hypothesis:

*Hypothesis n.1: mediation will fail when mediator bias is present but mediator's display of empathy and fairness is absent.*

In the presence of mediator bias but absence of display of empathy and fairness, mediation still will fail because the mediator will alienate the side they're not biased towards and will not be trusted as a fair mediator. President Trump's attempts to mediate the Israeli-Palestinian conflict and the rejection of his Peace to Prosperity plan, as well as the decline of support for a two state solution, will be used as another case study and example of how biased mediators will not be successful at getting each part to sign an agreement and achieving lasting peace if they cannot build trust with both sides. Furthermore, this case study also illustrates that a mediator's inability to build trust and show empathy for both sides, combined with a display of strong bias, not only leads to negotiation failure but can also cause severe damage to a peace process.

*Hypothesis n.2: regardless of display of empathy and fairness, when mediator bias is absent mediation will lead to unsatisfactory or mixed results.*

In the absence of mediator bias and presence of display of empathy and fairness, mediation will lead to unsatisfactory results because, despite being able to gain both sides' trust, the mediating third party will be unable to exert any type of leverage over the sides involved in the conflict. Norway's mediation of the Israeli-Palestinian conflict in the Oslo peace process will be used as a case study and example for how a mediator, despite being known for its fairness and even handedness, will ultimately not be able to extract significant concessions without having the

leverage that bias towards one side can provide. Thus, while empathy and fairness can provide some advantages in mediation, they can only lead to limited success.

*Hypothesis n.3: mediation will succeed when both mediator bias and mediator's ability to display empathy and fairness are present.*

In the presence of both mediator bias and of display of empathy and fairness, mediation will succeed because the mediator will be able to convince the side they're biased towards through concessions and the one they're biased against of their reliability and good faith. I will use President Carter's mediation of the Arab-Israeli conflict at Camp David in 1978 as a case study for this hypothesis, in that it exemplifies how a biased third party mediator needs both bias and display of empathy and fairness in order to successfully mediate peace between two countries.

#### **4. Empirical Analysis**

In order to test my hypothesis, I will conduct a qualitative case study and analyze three mediation attempts: President Carter's mediation at Camp David in 1978, Norway's mediation of the Oslo Peace Process in the 1990s, and President Trump's efforts to promote an agreement with the "Peace to Prosperity Plan". The three case studies will be presented in chronological order.

It must be acknowledged that these negotiation attempts present several important differences. For instance, one could argue that negotiating an agreement between Israel and Egypt might be less challenging than attempting to mediate peace between the Israelis and the Palestinians and find a solution to issues such as the return of Palestinian refugees, Israeli settlements, and the division of Jerusalem. However, the sad reality of the situation is that no third party mediator has, as of writing of this paper, ever been able to negotiate peace between Israelis and Palestinians. Thus, it would impossible to conduct a perfect experiment including

mediation attempts of the the Israeli-Palestinian conflict which include a successful outcome. These cases were thus chosen as they provide an example of biased and unbiased third party mediation, two of which involved the same main mediator, which had very distinct results. In particular, these cases were chosen based on the following three criteria.

First, the US can be defined as biased towards Israel on the basis of what scholars have referred to as a “special relationship” between the US and Israel - that is to say, the strong American-Israeli bond based on sharing of strategic interests, common ideological values, and Judeo-Christian tradition and reinforced by the Israel Lobby.<sup>46</sup> Therefore, both President Carter and President Trump can be identified as biased mediators because of the existence of this strong tie between the United States and the Jewish State. On the other hand, despite having a good relationship with Israel, Norway did not have the same type of attachment to the Jewish state that the U.S. had as a result of the “special relationship”, and furthermore Norway entertained good official relations with the Palestinians as well. <sup>47</sup> For this reason, Norway will be considered as a neutral or unbiased mediator.

Second, these three cases all constitute examples of direct mediation. Both President Carter and President Trump engaged in direct mediation, as each President’ role was not limited to procedural or communication facilitation, but actually included drafting peace proposals and playing an active role into shaping the content of negotiations. Furthermore, although in the beginning of the Oslo Peace Process Norway acted more as a facilitator rather than as an actual mediator, as the talks proceeded the difficulty of getting the parties to agree and compromise on their respective demands, as well as the new Norwegian Foreign Minister’s decision to pursue a more hands-on approach, soon turned Norway’s role from facilitator to active mediator.<sup>48</sup>

**How to recognize empathy and fairness:**

As mentioned earlier in the paper, Holmes and Yarhi Milo define empathy as the ability to understand others' cognitive and affective states.<sup>49</sup> In the context of mediation, a mediator can thus be said to display empathy when he or she actively engages with all parties involved and listens to their respective demands as a way of trying to understand their point of view in order to draft a better peace proposal. If the mediator then also strives to promote an agreement that constitute a fair compromise between each side's positions, the mediator is displaying high fairness as well.

When it comes to negotiated agreements, an example of mediator's display of fairness can be the promotion of an agreement which takes into serious consideration both sides' demands security concerns. In this context, an agreement can be deemed fair when it satisfies three conditions: first, it must provides tangible gains for one side's security; second, this gain cannot be easily reversed by the other side once the mediator leaves; and third, there are no lopsided gains for either side, as if there were, the first two conditions could easily disappear.

**How to define success:**

Success is a relative measure when it comes to the Arab-Israeli conflict, given how no mediator was completely successful in mediating peace between the Israelis and the Palestinians. Some US Presidents managed to achieve bilateral peace agreements between Israel and neighboring Arab countries (i.e., President Carter and the Camp David Accords of 1978) or agreements that significantly improved relations between Israelis and Palestinians (i.e. President Clinton and the Gaza-Jericho agreement of 1994), while others failed to achieve any progress, either because were disinterested in spearheading the peace process and only willing to facilitate talks from afar

(i.e. President George W. Bush) or because of several diplomatic mistakes and inability to build trust with the Palestinian side without alienating Israel (i.e. President Obama), resulting in no peace agreement and a stagnant peace process.<sup>50</sup> De Rouen Jr., Bercovitch, and Pospieszna identify six possible outcomes of mediation: further negotiations, political agreement, conflict resolution, no difference, no positive results, or worsening of affairs.<sup>51</sup> I have grouped together their six potential outcomes of mediation in three possible options: success, mixed, and failure.

I will consider an instance of mediation successful if it achieved partial conflict resolution. Under this definition, for example, the Israel-Egypt Disengagement treaty and the Sinai Interim Agreement negotiated by Henry Kissinger in 1974 and 1975, the Camp David accords negotiated by the Carter administration in 1978, and the the Israel-Jordan peace treaty negotiated by President Clinton in 1994 can be considered as examples of mediation success because, even if they did not achieve a comprehensive and full resolution of the Arab-Israeli conflict because did not solve the Palestinian question, they nevertheless achieved ease between Israel and another Arab country.

I will consider mediation as having a mixed outcome if it resulted in further negotiations, political agreement, or increased trust, but failed to achieve even partial conflict resolution or settlement of major issues at stake in the dispute. Based on this definition, the Oslo Peace Process will be considered as an example of mediation with mixed outcome in that, while the Process was surely a breakthrough it met several implementation issues and, overall, failed to achieve a final status agreement between Israelis and Palestinians.

Lastly, I will consider an instance of mediation a failure if it made no difference, had no positive results, or resulted in a worsening of the peace process. Based on this definition,

President Trump's attempt to mediate the conflict fits several criteria of failure, in that it actually not only failed to achieve agreement between Israelis and Palestinians and had no positive results, but also contributed to straining the relationship between the parts and the prospects of peace even further.

### **Case study n.1: President Carter mediation of the Arab Israeli Conflict and the Camp David Accords of 1978**

In September 1978, President Jimmy Carter invited the Egyptian President Anwar Sadat, the Israeli Prime Minister Menachem Begin, and their respective delegates to the Presidential country retreat of Camp David, in Maryland, for a 13-day long summit. The Camp David Accords of 1978, or "Camp David I", are considered to be one of the few successful episodes of US mediation of the Arab Israeli conflict in that the summit ended with a successful series of agreements between Israel and Egypt and, eventually, led to the signing of an Egyptian-Israeli peace treaty in 1979.<sup>52</sup> Israeli PM Begin agreed to remove all the Israeli settlements from the Sinai, as well as to turn over to Egypt the oil fields and Israeli air bases (to be used for civil purposes). In exchange for this, the Egyptian President Sadat agreed, in essence, to a separate peace with Israel, regardless of the Palestinians or the Arabs.

#### **Presence of Bias and Empathy**

Carter's mediation at Camp David was characterized by both U.S. bias towards Israel and display of empathy and fairness towards Egypt.

Before the Camp David summit actually began, President Carter was able to gain Egypt's trust in the U.S. as a fair mediator thanks to public statements and political action outlining his commitment to finding a solution that considered both sides of the dispute and his willingness to

work with the Arab world despite Israeli opposition: Carter showed signs of empathy with the Palestinian cause through public remarks, as for instance when he endorsed a Palestinian homeland in March and May 1977,<sup>53</sup> and was not afraid to challenge the U.S. Israel Lobby, as his decision to announce a “take it or leave it” triple arms sale package to Israel, Saudi Arabia, and Egypt testifies.<sup>54</sup> At the same time, though, the President was able to still retain strong leverage on Israel by displaying unwavering US support for the Jewish state, going as far as stating how he would “rather commit political suicide than hurt Israel”.<sup>55</sup> Overall, despite being characterized by U.S. bias towards Israel, Carter’s mediation attempt started off in a positive light thanks to his pre-summit and pre-proposed agreement displays of empathy and trust building efforts.

### **The Camp David Summit**

The Camp David summit was quite unconventional: Carter, Sadat, and Begin didn’t meet for the first two days, and the Egyptian and Israeli team worked independently on drafting their respective demands and proposals with no direct communication, not even via telephone - everything was being mediated by the US team. During the first session of the negotiations, Sadat presented Egypt’s demands - a hard-line proposal which, among other conditions, included full Israeli withdrawal to pre-1967 lines, a novel division of Jerusalem, Palestinian right of return and self-determination, as well as that Egypt would not normalize relations with Israel. Begin was enraged: he rejected this plan point by point, and seemed on the verge of breaking up the summit. President Carter maintained his calm, though, as Sadat himself had communicated to him in secret that this plan was not a list of non-negotiable demands but actually more of a political move meant to protect his reputation with the Arab world.<sup>56</sup>

In the months preceding the meeting, the Administration had been working on the draft of an agreement dealing with Israeli withdrawals from the Sinai, the Palestinians, and authority over the West Bank.<sup>57</sup> The document had been designed to understand and find a space of mutual agreement between both sides's preferences, and was thus presented to both sides and then edited multiple times based on their feedbacks and responses to it. The Israeli team received the draft on Sunday morning and rejected most of the draft, including Israeli withdrawal from the Sinai settlements, giving up Sinai airfields, or freezing settlements in the West Bank. The following day, by 10 AM, the U.S. team received the draft back with Israeli comments and demands on it; then, after editing the document, the draft was submitted to the Egyptian team. Sadat's response was threatening to leave the conference unless the Israeli position changed, as withdrawal from the Sinai was at the core of Egypt's demands. The very same day, President Carter met with Sadat and realized that there was only one way to break through the impasse in negotiations, that is to say separating the Sinai and the Palestinian issues into two separate frameworks. The Camp David Accords thus ended up resulting in two separate agreements to be implemented under U.N. supervision, "A Framework for Peace in the Middle East", which called for negotiations between Israel, Egypt, Jordan, and Palestinian representatives in order to settle the status of the West Bank and Gaza Strip (albeit ignoring the issues of Jerusalem and the Golan Heights), and "A Framework for the Conclusion of a Peace Treaty Between Egypt and Israel", which called for Israeli withdrawal from the Sinai over the span of three years and reinstated Egyptian control over the territory.<sup>58</sup> The framework on the Sinai, in particular, showed how Carter listened to both sides involved and then proposed a fair and balanced agreement which took into consideration each part's respective security demands, was not easily reversible thanks to the gradual Israeli

withdrawal and reinstated Egyptian control over the area (as well as international supervision), and was not lopsided.

The Camp David accords and Carter's role as a mediator highlight the importance of having a third party mediator that, despite a clear partisanship and closer relationship with one side, is able to build trust with the other side and still actively trying to push for a fair agreement that meets both parties' demands. President Carter actively tried to engage with both sides, even despite the mutual hostility that Sadat's incendiary proposal sparked on the very first meeting between the three leaders, and despite several obstacles - as, for instance, the difficulty of finding mutual agreement on Israeli withdrawal from the Sinai -, he successfully managed to get Begin and Sadat to sign onto the two frameworks that were produced during the meeting. While heavy preparation of the American team on the subject matter before the meeting certainly played a key role, there were other essential elements that allowed Carter to succeed at Camp David: his ability to build Egypt's trust into the US as a mediator, despite US bias towards Israel, through public statements of solidarity with the Palestinian cause; his active involvement of both parties into the drafting of the agreement and the way he went back and forth between leaders, seeking to understand their position on their matter building a connection between their opposing view, as Holmes and Yarhi-Milo point out;<sup>59</sup> and, last but not least, his ability to twist arm and utilize US bias towards Israel as leverage, in that as Bickerton reports Begin agreed to signing onto the accords only when Carter first threatened to cut all US aid to Israel off and then promising to increase it on the condition that Begin signed the agreements.<sup>60</sup> Thus, President Carter's mediation of Camp David is an example of how, when the mediator is able to show empathy and

build trust with the side they're not biased towards, mediator bias not only does not preclude the success directive mediation, but can actually help the mediator achieve it.

### **Case Study n.2: Norway's Mediation of the Oslo Peace Process**

The Oslo Peace Process refers to was a series of meetings, negotiations, and mediation attempts between Israeli and Palestinian officials which started in 1993 with secret talks in the Norwegian capital, Oslo, and ended in 2000 with President Clinton's failure to mediate an agreement at Camp David and the spark of the Al-Aqsa or Second Intifada.

Oslo began as a response and back-channel to the unsuccessful bilateral talks hosted by the U.S. in Washington in 1992, which included Palestinians from the West Bank and Gaza but left out the Palestine Liberation Organization (PLO), which had been officially recognized representative of the Palestinian people since the 70s.<sup>61</sup>

Although the process launched at Oslo lead to the signing of several agreements and memoranda between the Israelis and Palestinians, as for instance the Declaration of Principles, the Gaza-Jericho Agreement, and the Wye River Memorandum, the failure of full implementation of such agreements and the way in which they did not address nor achieve a solution to key final status issues such as the right of return of Palestinian refugees, Palestinian statehood, or the division of the city of Jerusalem ended up fueling resentment and mistrust in international mediation of the conflict.<sup>62</sup> I will focus on the role of Norwegian mediators in achieving the signing of the Declaration of Principles in 1994.

#### **Absence of Bias, Presence of Empathy**

Norway's mediation at Camp David was characterized by the absence of strong bias towards Israel and by a display of empathy and fairness.

Norway's display of empathy and fairness was fundamental for establishing the so-called "Oslo Spirit". The Norwegians managed in fact to foster a relaxed and reassuring environment for the talks to take place, both through the promise of secrecy and through their reassuring and encouragement of both parts, two elements without which the Oslo process would have likely been completely unsuccessful.<sup>63</sup>

On the other hand, though, Norway's impartiality and fairness contributed to Norway's inability to lessen the asymmetry of power between the two bargaining parts. Israel was the stronger party and had thus very little motivation to give concessions, while the PLO was much weaker and thus willing to compromise and make concessions in order to advance their cause. Thus, Norway's impartiality ultimately meant that Norway was unable thoroughly twist arms and extract significant concessions from Israel. While a biased mediator like the U.S. would have been able to utilize military aid or the promise of security assistance to Israel to extract more demands from it, just as Carter did at Camp David, as Waage writes, the Norwegians had "neither carrots nor sticks to use in relations to Israel".<sup>64</sup>

### **Norway's Mediation of the Oslo Peace Process**

When the Oslo talks began in January 1993, the Norwegians had no intention to actively mediate between the two parts, but rather focused on merely facilitating interaction between Israelis and Palestinians in a safe space. Their goal was not pushing their version of a peace agreement, but rather fostering the right conditions for spontaneous compromise and agreement between them to develop - that is to say, fostering the right conditions for relational empathy. As Waage reports, their initial contribution was thus procedural: they booked flights, arranged hotels

and meetings, payed everything for both Israelis and Palestinians, and most of all ensured the secrecy of the talks.<sup>65</sup>

As the talks and the drafting of the Declaration of Principles continued, with new versions of the document being sent back and forth between Israeli and PLO officials, Norway soon realized that each part would have just kept re-editing and refusing the other side's demands unless a third party mediator stepped in. In April 1993, the newly elected Norwegian foreign minister Johan Holst started to sit down in meetings and even take part in negotiations, showing an active Norwegian involvement in the talks, and thereby marking Norway's transition from facilitator to actual third party mediator.<sup>66</sup>

Norwegian mediation of the Oslo Peace Process was eventually able to successfully secure the signing of significant agreements between Israel and the PLO, including the signing of the Declaration of Principles in 1993 and the Taba agreement in 1995. The first product of Norwegian mediation during the Oslo Peace Process was the Oslo Declaration of Principles (DOP), also known as Oslo I. The DOP, which was signed in September 1993 on the White House Lawn, was a negotiating framework which merged Israeli and Palestinian demands and addressed Israeli withdrawal from Gaza, the establishment of the Palestinian authority, and a plan for international assistance for the Gaza Strip and the West Bank. The DOP, thus, displayed serious consideration of both Israeli and Palestinian security concerns and could be identified as fair: it sought to meet both parties' demands, it included international assistance to Palestine (which made the DOP harder to reverse), and was not lopsided. Yet, Norway ultimately failed to extract significant concessions from Israel and lessen the asymmetry of power between Israelis and Palestinians and address final status issues.<sup>67</sup> And, while it must be acknowledged that other

factors surely played a role in Norway's inability to settle final status issues, such as for instance the complexity of those issues in the first place, the fact that Norway had no leverage over Israel surely played a fundamental stake in it. Overall, the role of Norway as a mediator cannot be defined as successful, because while Norway's facilitation role and the "Oslo spirit" were surely fundamental for creating the environment that allowed the secret talks between Israelis and Palestinians, as a mediator Norway failed to achieve a final status resolution of the most pressing issues in the conflict and, instead, delegated them to future negotiations.<sup>68</sup>

### **Case Study n.3: President Trump's Mediation of the Israeli-Palestinian Conflict**

Several decisions by President Trump encouraged the Palestinians to believe that strong bias towards Israel prevented the U.S. from being fair mediator of the peace process: the POTUS' decisions to move the US embassy in Israel from Tel Aviv to Jerusalem, recognize the Golan Heights as Israeli territory, and stop US aid to the Palestinians; his proposed Peace to Prosperity plan, which ignored Palestinian demands and gave Israel a green light to annex about 30% of Palestinian territory and rights over East Jerusalem; and last but not least, his mediation of normalization accords between Israel and several MENA countries (UAE, Bahrain, Sudan, and Morocco), which was seen by the Palestinians as both an unilateral move that betrayed the Arab Peace Initiative and as a way for the US to circumvent the Palestinian statehood as central for peace in the Middle East.

#### **Presence of Bias, absence of Empathy**

In December 2017, President Trump announced his decision to recognize Jerusalem as Israel's capital - an action which, in his own words, did nothing but "acknowledge the obvious", as for decades US presidents had met Israeli leaders in Jerusalem and, according to the US Jerusalem

Embassy Act of 1995, Jerusalem has been the capital of the Jewish state since 1950.<sup>6970</sup> The Palestinians' reaction was an immediate rejection of any prospect of U.S. mediation of the conflict: as Sachs reports, the Palestinian Authority "denounced the U.S., abandoned the quarter-century of negotiations under the Oslo Agreement, and asserted that the Palestinians would never allow the United States to play the role of peace mediator again".<sup>71</sup> This action, which alone jeopardized over 25 years of negotiating efforts, was followed by more display of U.S. bias towards Israel and no signs of empathy towards the Palestinian cause.

Two other elements that contributed to growing Palestinian mistrust in the U.S. as a mediator were President Trump's decision to cut U.S. aid to the Palestinians and his decision to recognize Israeli sovereignty over the Golan Heights. In August 2018, President Trump announced that the U.S. would cut over \$200 million of aid to the West Bank and Gaza, mainly citing concerns about Hamas' terrorist activities.<sup>72</sup> Palestinian officials responded by labeling this decision, a clear sign of absence of U.S. empathy towards the Palestinian cause, as "weaponizing humanitarian aid as political blackmail".<sup>73</sup> Less than a year later, in March 2019, President Trump signed a Proclamation which recognized the Golan Heights as part of Israel.<sup>74</sup> The Golan Heights, a strategic and politically significant territory located in South West Syria, were seized by the State of Israel in 1967 and then officially annexed 1981.<sup>75</sup> Israeli annexation has met international condemnation. U.S. recognition of the territory as under Israel's sovereignty was significant in that not only it went against international consideration of the Heights as occupied territory, but also showed yet again the Trump administration's strong bias towards Israel and contributed to even further worsening of the relationship between Palestine and the U.S.

### **The Peace to Prosperity Plan and the Abraham Accords**

The Trump administration efforts to mediate Israeli-Palestinian peace mainly consisted in the proposal of a plan called *Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People*, also referred to by the former POTUS as the “Deal of the Century” or, throughout the document, shortened as “Vision”.<sup>76</sup>

The Vision was presented as a security-focused plan, and claimed provide “both self-determination and significant economic opportunity for Palestinians” so long as they “embrace peace and recognize Israel as the Jewish state, reset terrorism in all its forms, allow special arrangements that address Israel’s and the region’s vital security needs”.<sup>77</sup> A critical examination of the Vision, though, reveals how the sole security that the plan sought to provide and was interested in protecting was Israel’s security. In fact, after having affirmed that “withdrawing from territory captured in a defensive war is a historical rarity”, the Trump-proposed peace plan granted Israel the right over the territories captured in the Six Day War of 1967, hence providing for Israeli annexation of about 30% of historic Palestine in the West Bank.<sup>78</sup> This concession was a highly controversial point for the Israeli and Arab world, given how the majority of peace proposals and tentative solutions to the Israeli-Palestinian conflict had utilized the principle of “land for peace” as outlined by the unanimously approved UNSC Resolution 242 of November 1967 - that is to say, Israeli withdrawal to its pre-1967 borders in exchange for peace. In addition to this, the Vision conferred Israel sovereignty over all of the city of Jerusalem, including East Jerusalem’s Arab neighborhoods, based on both religious and political reasons, as well as rejected the idea of right of return for Palestinian refugees.<sup>79</sup> Overall, the plan was met with strong criticism by the Arab world and, as expected, was interpreted by the Palestinians as yet

another proof that the United States was not intentioned to take into serious consideration Palestinian demands and mediate a fair agreement, but rather sought to unilaterally provide a solution that only addressed Israel's interests. Trump's *Peace to Prosperity* Plan was in fact negotiated without consultation with Palestinian officials, and even its public announcement in January 2020 took place during a joint US-Israel event at the White House with no Palestinian representation invited.<sup>80</sup> The plan was seen as unsatisfactory for Palestinian security and lopsided, and unsurprisingly Palestinian President Mahmoud Abbas dismissed it as a "conspiracy", defending Palestinian rights over the city of Jerusalem and their historic land.<sup>81</sup>

Last but not least, another element that further diminished President Trump's image as a trustworthy mediator in the Palestinians' eyes was his mediation of the Abraham accords, agreements certifying normalization of relations between Israel and several Arab countries (UAE, Bahrain, Sudan, Morocco, Oman). This achievement by President Trump, although significant for improving Israeli-Arab economic relations in the region, was met with criticism and backlash for two fundamental reasons: first, the President labeled the accords as "peace agreements" despite no actual conflict had been going on between Israel and the signatories of the Accords; second, the President failed to tie these Accords to the Palestinian issue as the Arab Peace Initiative called for, and these agreements were thus seen as yet another way for the U.S. to bypass and ignore the Palestinian cause for Israel's (economic) gain.<sup>82</sup>

As political statements from Palestinian leadership, policy reports, and Palestinian public opinion polls show, these actions actively contributed to convincing the Palestinians that they couldn't rely on the US as a trustworthy mediator of the peace process, furthering

disenchantment towards a two state solution, and even increasing Palestinian public opinion support for armed struggle as a more effective solution for achieving a Palestinian state.

Palestinian public opinion polls from September 2020 show how support for the two-state solution went from 45% three months prior to 39%, while opposition to a two-state solution stands at 58%. When asked about Trump's "Deal of the Century", 92% said they opposed it and 5% said they supported it. A majority of 71% was opposed to a resumption of dialogue with the Trump Administration, and only 21% expected a positive change in case of a Biden victory.<sup>83</sup> Although more recent polls from early December 2020 show a majority of 59% respondents supporting the resumption of Palestinian dialogue with the US under the Biden administration, support and opposition for a two-state solution have pretty much stayed the same, standing respectively at 40% and 59%.<sup>84</sup>

While President Carter did not let this special relationship reflect into the content of the agreements proposed and, on the other hand, strived to overall reach a comprehensive and fair agreement between the two parties, President Trump's actions suggested that the US was indeed attempting to mediate the conflict in a way that mainly sought to satisfy Israel's bargaining preferences. Therefore, despite the fact that both Presidents were biased towards the same side and both utilized the same mediation strategy, the result of their mediation attempts was vastly different: while President Carter managed to successfully negotiate an accord between Israel and Egypt, President Trump's Peace to Prosperity plan was vehemently rejected by the Palestinians and not only ended up never being implemented, but also contributed to growing hostility towards the prospect of US mediation of the conflict and towards a two-state solution. This is to

be attributed not to the presence of US bias towards Israel alone, but to the lack of display of empathy and fairness by President Trump.

To sum up, Trump's actions announcement of the *Vision* showed strong bias towards Israel and actively diminished Palestinian's trust in the US as a fair mediator; his proposed peace plan showed no serious consideration or provision for Palestinian security and statehood, and mainly focused exclusively on Israeli security; and, last but not least, his attempt to mediate economic and normalization deals between Israel and neighboring Arab states was yet another element that diminished Palestinian trust as it was interpreted as a way of "going behind their back" and ignoring the Palestinian issue as central for the stability of the Middle East. Overall, Trump's attempts to secure peace between the Israelis and the Palestinians constitute an example of mediation that failed because the mediator was too strongly biased towards one side and did not match this bias with showing empathy and attempting to negotiate a fair agreement, but rather sought to present an agreement which was overwhelmingly in the interest of the party that the mediator was siding with.

## **5. Conclusion**

Despite the instinctive belief that bias might hurt a peace process, bias is not per se a disadvantage in peace negotiations. As the above presented comparison between Norway's mediation of the Oslo Peace Process, President Carter's mediation of peace between Israel and Egypt and the Camp David accords, and President Trumps' attempt to negotiate Israeli-Palestinian peace with the *Peace to Prosperity* Plan shows, a mediator needs to be biased towards one side of the conflict, in order to twist arms and utilize this bias as negotiating

leverage, and to be able to empathize with the side they don't share a preference for, in order to ensure that such side trusts their good intentions.

The lessons learned from past mediation successes and failures highlight important implications and suggestions for U.S. foreign policy moving forward and, in particular for the Biden administration's approach to the Israeli-Palestinian conflict over the next three years, especially in light of the recent outburst of violence between Israel and Hamas in May 2021.<sup>85</sup> In order to mend the current decline of Palestinian trust in the U.S. as fair mediator, the Biden administration already restarted aid to Palestinians.<sup>86</sup> Following U.S. actions should include publicly rejecting *Peace to Prosperity*, which the Biden administration has not yet mentioned as part of his foreign policy for the region, and perhaps reviving the peace process by bringing in multiple negotiators.

An interesting point for further research could be investigating the effect that the degree and length of bias shown can have on a peace process. Showing too much bias towards one side, even when matching it with empathy, might actually not only lead to the break down of a specific negotiation summit, but also tarnish the reputation of the mediator altogether, suggesting that there is a "fairness threshold" - that is to say, a limit to how much bias a third party mediator can show without compromising the peace process. While the scope and the length of this paper did not allow for exploring and trying to assess where this fairness threshold lies and how to determine it, further research on mediator bias and empathy in peace negotiations could focus on this point in order to provide further insights on the way in which mediator bias can influence the outcome of negotiations.

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<sup>1</sup>Jeffrey Goldberg, "Iran and the Palestinians Lose Out in the Abraham Accords", *The Atlantic*, September 16, 2020. <https://www.theatlantic.com/ideas/archive/2020/09/winners-losers/616364/>

<sup>2</sup>Bernd Beber. "International Mediation, Selection Effects, and the Question of Bias." *Conflict Management and Peace Science* 29, no. 4 (2012). <http://www.jstor.org/stable/26275350>. 397-424

<sup>3</sup>Ibidem.

<sup>4</sup>Bercovitch, Jacob, and Karl Derouen. "Mediation in Internationalized Ethnic Conflicts: Assessing the Determinants of a Successful Process." *Armed Forces & Society* 30, no. 2 (January 2004): 147–70. <https://doi.org/10.1177/0095327X0403000202>.

<sup>5</sup>Burcu Savun, "Information, Bias, and Mediation Success." *International Studies Quarterly* 52, no. 1 (2008): 25-47. <http://www.jstor.org/stable/29734223> 32-33.

<sup>6</sup> Ibidem, 30-31.

<sup>7</sup>Ibidem. 30-37

<sup>8</sup> Ibidem, 30-37

<sup>9</sup> Barbara Walter, *Committing to Peace: The Successful Settlement of Civil Wars*, (Princeton: Princeton University Press, 2002).

<sup>10</sup>Virginia Page Fortna. *Peace Time: Cease-Fire Agreements and the Durability of Peace*. (Princeton: Princeton University Press, 2004).

<sup>11</sup>Walter, *Committing to Peace*, 20-21.

<sup>12</sup>Fortna. *Peace Time*: 21-22

<sup>13</sup>Ibidem, 27.

<sup>14</sup>Ibidem, 21-22.

<sup>15</sup>Fortna goes even further and writes how, as US and USSR involvement in the Middle East during the Cold War showed, this type of involvement could actually encourage a lower perception of risks associated with limited war, and is thus not only not beneficial but actually detrimental to durability of peace. Ibidem, 185-188.

<sup>16</sup>Ibidem, 185-188

<sup>17</sup>Andrew Kydd, "Which Side Are You On? Bias, Credibility, and Mediation." *American Journal of Political Science* 47, no. 4 (2003): 597-611. <https://www.jstor.org/stable/3186121>  
Savun, "Information, Bias, and Mediation Success".

<sup>18</sup>Katja Favretto. "Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias". *The American Political Science Review* 103, no. 2 (2009): 248-63. <https://www.jstor.org/stable/27798500>

<sup>19</sup>Beber. "International Mediation, Selection Effects, and the Question of Bias."

<sup>20</sup>Robert W. Rauchhaus, "Asymmetric Information, Mediation, and Conflict Management." *World Politics* 58, no. 2 (2006): 207-41. <http://www.jstor.org/stable/40060132>

<sup>21</sup>Andrew Kydd, "Which Side Are You On? Bias, Credibility, and Mediation." *American Journal of Political Science* 47, no. 4 (2003): 597-611. doi:10.2307/3186121

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<sup>22</sup>Savun, 39-44

<sup>23</sup>Favretto, 250

<sup>24</sup>Ibidem. 250.

<sup>25</sup>Ibidem, 254-259

<sup>26</sup>That is to say, mediators that “shape the informational environment by actively making proposals and drafting settlements”. Beber, "International Mediation, Selection Effects, and the Question of Bias.”, 402.

<sup>27</sup>Ibidem, 404.

<sup>28</sup>Ibidem 403-409, 419

<sup>29</sup>Rauchhaus, "Asymmetric Information, Mediation, and Conflict Management.”, 210-211

<sup>30</sup>Ibidem, 219

<sup>31</sup>Robert Powell, “Bargaining Theory and International Conflict”, *Annual Review of Political Science* 5:1. 2002. <https://www.annualreviews.org/doi/abs/10.1146/annurev.polisci.5.092601.141138>  
Rauchhaus, "Asymmetric Information, Mediation, and Conflict Management.”, 207-241

<sup>32</sup>Martin A. Nowak, Karen M. Page, and Karl Sigmund. “Fairness Versus Reason in the Ultimatum Game”. *Science*. Vol. 289, Issue 5485 (2000), pp. 1773-1775. DOI: 10.1126/science.289.5485.1773

<sup>33</sup>APA Dictionary of Psychology. “Ultimatum Game”. Accessed June 10, 2021. <https://dictionary.apa.org/ultimatum-game>

<sup>34</sup>Nowak et al. “Fairness Versus Reason in the Ultimatum Game”. 1773-1774

<sup>35</sup>Ibidem. 1774

<sup>36</sup>Marcus Holmes, and Keren Yarhi-Milo, “The Psychological Logic of Peace Summits: How Empathy Shapes Outcomes of Diplomatic Negotiations”, *International Studies Quarterly*, Volume 61, Issue 1, March 2017, Pages 1-16, <https://doi.org/10.1093/isq/sqw034>

<sup>37</sup>Ibidem, 4-5

<sup>38</sup>Ibidem, 5-13

<sup>39</sup>The authors identify partisans as “individuals who have a position and are ego involved” in the issue at stake, while nonpartisans are neutral individuals who do not favor either side of the conflict; partisans will be expected to use self-interest as a standard for assessing the fairness and trustworthiness of mediators, while nonpartisans will hold evenhandedness and neutrality as more important standards for judging the fairness and trustworthiness of the mediator and their proposals.

Sharon Arad and Peter J. Carnevale. "Partisanship Effects in Judgments of Fairness and Trust in Third Parties in the Palestinian-Israeli Conflict." *The Journal of Conflict Resolution* 38, no. 3 (1994): 423-51. Accessed April 20, 2021. <http://www.jstor.org/stable/174363>

<sup>40</sup>Ibidem, 425

<sup>41</sup>Ibidem, 425-430

<sup>42</sup>Ibidem, 430-431.

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<sup>43</sup>Hilde Henriksen Waage, "Norway's Role in the Middle East Peace Talks: Between a Strong State and a Weak Belligerent." *Journal of Palestine Studies* 34, no. 4 (2005): 6-24. Accessed March 23, 2021. doi:10.1525/jps.2005.34.4.6

<sup>44</sup>Ibidem. 9

<sup>45</sup>Steven L. Spiegel. *The Other Arab-Israeli Conflict: Making America's Middle East Policy from Truman to Reagan*. (Chicago: The University of Chicago Press, 1985), 326.

<sup>46</sup>Saltzman, Ilai Z. "Not So "Special Relationship"? US-Israel Relations During Barack Obama's Presidency." *Israel Studies* 22, no. 1 (2017): 50-75. doi:10.2979/israelstudies.22.1.03.

<sup>47</sup>Hilde Henriksen Waage. "The 'Minnow' and the 'Whale': Norway and the United States in the Peace Process in the Middle East." *British Journal of Middle Eastern Studies* 34, no. 2 (2007): 157-76. <http://www.jstor.org/stable/20455504>.

<sup>48</sup>Hilde Henriksen Waage. "Norway's Role in the Middle East Peace Talks: Between a Strong State and a Weak Belligerent." *Journal of Palestine Studies* 34, no. 4 (2005): 6-24. <https://www.jstor.org/stable/10.1525/jps.2005.34.4.6>

<sup>49</sup> Holmes and Yarhi-Milo, "The Psychological Logic of Peace Summits", 2017.

<sup>50</sup>Daniel Kurtzer et al. *The Peace Puzzle: America's Quest for Arab-Israeli Peace, 1989-2011*, (Ithaca: Cornell University Press, 2013)

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<sup>56</sup>Ibidem. 354

<sup>57</sup>Ibidem, 353-361.

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