

2016

Mediators Without Borders and the Efficacy of Community Mediation Centers in Israel and Palestine

Jenna Homeyer

Follow this and additional works at: <https://scholarship.law.missouri.edu/jdr>



Part of the [Dispute Resolution and Arbitration Commons](#), and the [International Law Commons](#)

Recommended Citation

Jenna Homeyer, *Mediators Without Borders and the Efficacy of Community Mediation Centers in Israel and Palestine*, 2016 J. Disp. Resol. (2016)

Available at: <https://scholarship.law.missouri.edu/jdr/vol2016/iss2/12>

This Comment is brought to you for free and open access by the Law Journals at University of Missouri School of Law Scholarship Repository. It has been accepted for inclusion in Journal of Dispute Resolution by an authorized editor of University of Missouri School of Law Scholarship Repository. For more information, please contact bassettcw@missouri.edu.

Mediators Without Borders and the Efficacy of Community Mediation Centers in Israel and Palestine

JENNA HOMEYER*

I. INTRODUCTION

Since Israel declared statehood in 1948,¹ Israelis and Palestinians have been geologically, politically, and culturally forced in opposite directions. The Israeli-Palestinian conflict has dominated the news for the last 40 years. The United States, United Nations, Egypt, and the European Union have all attempted to act as mediators between the Palestinian Authority and the Israeli government, but what about the people? Maybe the key to peace is not through foreign governments, but through directly establishing relationships between the people of Israel and Palestine.

After the second intifada,² Israel began constructing a separation wall, isolating Palestinians living in the West Bank from Israelis living on the other side.³ The millennial generation of Israelis' first contact with Palestinians will most likely be when they enroll in the Israel Defense Force ("IDF") and a Palestinian from the West Bank will most likely first encounter an Israeli while walking through a checkpoint. How can both sides reconcile when they cannot interact with each other outside of militarized and highly confrontational environments?

Centers like the Community Mediation Centres (CMCs), Mediators Beyond Borders, Wi'am, and The Parents Circle Families Forum help mediate, discuss race, and police violence. These centers establish processes to deal with these situations.

This Comment will discuss the history and context in which the mediation centers were formed. Then, each center will be discussed in turn, describing how they operate and what functions they could serve within the peace process between Israel and Palestine.

This Comment will also discuss whether using specific techniques from each center can help restore relations between the people of Israel and Palestine. "[C]ulture is not posited as the cause of conflict, instead, it is intertwined with conflict and

* B.A., Truman State University, 2012; J.D. Candidate, University of Missouri School of Law, 2017; Note and Comment Editor for the *Journal of Dispute Resolution*, 2016–2017. I am grateful to the *Journal of Dispute Resolution* for its guidance and support.

1. IAN J. BICKERTON & CARLA L. KLAUSNER, A HISTORY OF THE ARAB-ISRAELI CONFLICT 108 (7th ed. 2015).

2. "The term intifada properly translates as shaking off and in this literal sense the first two uprisings in 1987-1993 and 2000-2003 failed to achieve the goal of Palestinian autonomy or eventual independence." Damien McElroy, *Israel-Gaza Conflict: What is an intifada?*, TELEGRAPH (Nov. 6, 2014), <http://www.telegraph.co.uk/news/worldnews/middleeast/israel/10990699/Israel-Gaza-conflict-What-is-an-intifada.html>.

3. BICKERTON & KLAUSNER, *supra* note 1, at 388.

the processes of resolution.”⁴ What makes each center successful is that they embrace cultural differences. Instead of viewing cultural differences as an obstacle to peace they use cultural norms like *Sulha*, a traditional Arab way to resolve conflict, to invite peace.

Each of these processes maintains a person’s dignity through the resolution process, and helps each party see the opposing party as a person. Each mediation center serves different needs and functions; however, they all allow the parties to explore cultural constraints in a non-binding, controlled environment.

Imagine if there were more centers or programs that helped mediate differences at a personal, rather than national, level. Instead of focusing on government relations, the focus would switch to everyday relationships between Palestinians and Israelis. If both sides were given a forum to verbalize their frustrations in a safe and controlled environment, it would allow for real healing and understanding.

II. HISTORY AND BACKGROUND

It is imperative to understand the detailed history of the Israeli-Palestinian conflict to truly understand the emotions and motives that are brought to mediations. This section will outline major events that divided the people of Israel and Palestine in order to provide historical context.

A. 1940s-1950s

On May 14, 1948, Israel declared its independence,⁵ and the following day various Arab armies invaded Israel from Egypt, Lebanon, Iraq, and Syria.⁶ This war is referred to as the first Arab-Israel War or the Israeli War of Independence,⁷ which secured the state of Israel while displacing three-quarters of a million Palestinians.⁸

“[H]undreds of thousands of Palestinian Arabs fled from their homes, or were expelled during the Jewish War of Independence.”⁹ There are differing views as to whether Palestinian Arabs left their homes because Arab leadership instructed them to do so or whether they fled due to Israeli propaganda.¹⁰ Regardless, the war created a massive refugee problem.

In 1948, the founding of Israel as an independent Jewish state gave the Diaspora¹¹ a homeland. For Palestinians, this meant that they no longer had a homeland;

4. Mneesha Gellman & Mandi Vuinovich, *From Sulha to Salaam: Connecting local Knowledge with International Negotiations for Lasting Peace in Palestine/Israel*, 26 CONFLICT RESOL. Q. 127, 133 (2009) (quoting Kevin Avruch, & Peter W. Black, *Culture Question and Conflict Resolution*, 16 PEACE & CHANGE 22, 31 (1991)).

5. BICKERTON & KLAUSNER, *supra* note 1, at 108.

6. *Id.* at 108, 110.

7. *Id.* at 110.

8. *Id.* at 114.

9. *Id.*

10. *Id.*

11. “[T]he aggregate of Jews or Jewish communities scattered ‘in exile’ outside Palestine or present-day Israel.” *Diaspora Judaism*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/topic/Diaspora-Judaism> (last visited Oct. 19, 2016).

three-quarters of Palestine became part of Israel and the rest was absorbed by the Kingdom of the Transjordan.¹²

B. 1960s

June 1967 marked another turning point in this conflict. The Six Day War began when Israeli planes destroyed the majority of Egypt's Air Force and Israeli ground troops defeated the Egyptian Army.¹³ Israel gained the Gaza Strip and Sinai Peninsula.¹⁴ This changed the map of the Middle East.¹⁵ Israel now controlled the Sinai Peninsula, the Golan Heights, the West Bank, the Gaza Strip and East Jerusalem.¹⁶ Israel now had 1.3 million Palestinians under its control.¹⁷ The Israeli occupation of the West Bank and Gaza spurred Palestinian desire for self-determination, which still continues in the present day. For Israel, the Six Day War changed its world image: Israel was now a country of power and strength.¹⁸

The occupation of the West Bank during the Six Day War fueled Palestinian resentment toward Israel and created more refugees.¹⁹ The occupation of the West Bank also bonded Palestinians with a shared experience. Palestinian identity and nationalism grew after 1967.²⁰ The Palestinian Liberation Organization ("PLO") gained more support and elected Yasser Arafat as its leader in 1969.²¹ The PLO adopted a policy asserting that "armed struggle is the only way to liberate Palestine."²² The PLO launched many terrorist attacks against the Israeli state which caused much turmoil.

C. 1970s

Israel's new fame as a military superpower caused tensions in neighboring states. In 1973, Egypt and Syria attacked Israel on Yom Kippur, the Jewish day of atonement and the most holy day in Judaism. This caught Israel by surprise because Yom Kippur is a day of fasting and prayer. This attack was also in the middle of Ramadan, a holy month of fasting observed by Muslims.²³

The United States played a major role in the 1973 ceasefire. Secretary of State Henry Kissinger, helped coordinate an agreement between Egypt and Israel whereby both agreed to a cease fire and a return to the cease fire lines.²⁴ Kissinger used Shuttle Diplomacy to reach this agreement, a step-by-step process where Kissinger would meet with each party separately.²⁵ Using this method, Kissinger persuaded Egypt and Israel to sign a disengagement accord, where Israel withdrew

12. BICKERTON & KLAUSNER, *supra* note 1, at 121.

13. *Id.* at 167.

14. *Id.*

15. *Id.* at 168.

16. *Id.*

17. *Id.*

18. BICKERTON & KLAUSNER, *supra* note 1, at 169.

19. *Id.* at 178.

20. *Id.*

21. *Id.* at 179.

22. *Id.* at 209.

23. *Id.* at 194.

24. BICKERTON & KLAUSNER, *supra* note 1, at 204.

25. *Id.*

from the Western Bank of the Suez Canal and Egypt agreed to a major reduction of troops in the Suez Canal region.²⁶

With the help of military supplies from the United States, Israel was able to win the war and claim more territory in the Middle East.²⁷ A cease fire was reached 18 days after the initial attack.²⁸ Israel became more and more dependent on the United States because of this war. The war cost Israel about one-third of its yearly budget.²⁹

By 1978, the future of the West Bank and Gaza was unclear. There was a complete separation of language, religion, and culture. There was also much unrest in the West Bank and Gaza. When Israel acquired the West Bank and Gaza in the Six Day War Israel was then faced with a demographic time bomb. Israeli now governed more than one million Arabs.³⁰ Additionally, the Arab population's birthrate was higher than Israel's which would have eventually changed the Jewish character of Israel; if Israel denied Arabs voting rights it would compromised their democracy.³¹ This jeopardized Israel's image of being the "only democracy in the Middle East."³²

Israelis and Palestinians disagreed over the conditions of the occupation. Israel argued that while under their control the West Bank's economy prospered because the economy and labor force were incorporated into the economy of Israel.³³ Palestinians argued that Israel was denying voter rights while allowing settlements to be built in the West Bank and Gaza. A major source of the increasing tension was water.³⁴

Rivers and aquifers were two sources of water in the immediate vicinity.³⁵ Israel thought that they should control the water sources because they had more technology and management to secure and utilize new and old sources of water, such as pipelines.³⁶ The Arabs saw Israel's disproportionate water usage as theft.³⁷

D. 1980s

Another decade had gone by without peace. Violence and unrest grew in the West Bank during the 1980s. An entire generation of Palestinian youth had matured under Israeli occupation.³⁸ The future of the Palestinian state was unclear while Israel expanded its territory in the West Bank. These political factors led to what is

26. *Id.* at 204-05.

27. *Id.* at 195.

28. *Id.*

29. *Id.* at 196.

30. BICKERTON & KLAUSNER, *supra* note 1, at 215.

31. *Id.*

32. It is often contested whether Israel is a true democracy. See Yara Hawari, *Israel is supposedly the only democracy in the Middle East, yet 4.5 million Palestinians under its control can't vote*, THE INDEPENDENT (March 17, 2015), <http://www.independent.co.uk/voices/comment/israel-is-supposedly-the-only-democracy-in-the-middle-east-yet-45-million-palestinians-under-its-10113950.html>.

33. BICKERTON & KLAUSNER, *supra* note 1, at 216.

34. *Id.* at 217.

35. *Id.* Aquifers are "underground layers of porous rock or sediment that can store large quantities of water." *Id.*

36. *Id.* at 218.

37. *Id.*

38. BICKERTON & KLAUSNER, *supra* note 1, at 251.

now referred to as the first intifada, a political uprising of Palestinians against Israeli control.³⁹ The first intifada started out peacefully with protests and strikes.⁴⁰

Palestinian frustration manifested into violence on December 9, 1987, when an Israeli vehicle plowed into a line of oncoming cars in Gaza killing four Palestinians and wounding seven others.⁴¹ During the next year, Israelis killed more than 150 Palestinians and wounded more than 11,500.⁴² Schools were closed due to the violence, homes were demolished, and curfews were applied. Israel could not stop the resistance movement, even with all of the restrictions.⁴³

According to the International Red Cross figures, at the end of the first intifada, over 800 Palestinians had been killed by Israeli security forces, around 16,000 Palestinians were in prison, and over 300 Palestinian homes had been destroyed.⁴⁴ The intifada had cost 500 million dollars and the lives of 47 Israelis.⁴⁵ Meanwhile, the Israel government continued to encourage Israeli citizens to move to the occupied territories as a way to strengthen its claim in the West Bank.⁴⁶ Both sides put their children at risk. The Palestinian organizers of the intifada were reluctant to weaken the peaceful community-based character of the resistance, resulting in children and adolescents often taking part in major demonstrations.⁴⁷ This led to Palestinian children being shot and beaten by Israeli soldiers, most of whom were similar in age to the children they were beating.⁴⁸

E. 1990s

As the violence increased, the likelihood of either side forgetting the often justified resentment of the past wrong and the legitimate concerns of each side decreased as the violence increased.⁴⁹ The final straw in the first intifada was in May 1990.⁵⁰ A deranged former Israeli soldier killed seven Palestinians.⁵¹ The West Bank erupted in riots which led to another seven Palestinian deaths and over 600 wounded when Israel tried to subdue the riots.⁵² It took the IDF three days to restore order.⁵³

The riots brought worldwide attention to the Israeli-Palestinian conflict. World powers, like the United States and Egypt, were compelled to intervene and quell the

39. *Id.*

40. *First Intifada*, JERUSALEM MEDIA COMM'N CTR. (May 27, 2009), <http://www.jmcc.org/fastfactspag.aspx?tname=87>.

41. BICKERTON & KLAUSNER, *supra* note 1, at 251.

42. *Id.*

43. *Id.*

44. *Id.* at 266.

45. *Id.*

46. *Id.* at 267.

47. BICKERTON & KLAUSNER, *supra* note 1, at 267.

48. *Id.*

49. *Id.*

50. *Id.*

51. *Id.* at 268.

52. *Id.*

53. BICKERTON & KLAUSNER, *supra* note 1, at 268.

violence.⁵⁴ The United States persuaded Israel and Arab states to agree to an international conference to resolve the outstanding issues between the two, called the Madrid Conference.⁵⁵

The conference was the first time Israel had a face-to-face meeting with its Arab neighbors. The talks were meant to resolve the boundaries of Israel, the future of the occupied territories, and the future of Palestinians.⁵⁶ The conference did not achieve these goals because Israel was divided on how to handle the Palestinians. On one side, the Likud party⁵⁷ wanted to keep the land Israel gained during the Six Day War and control the West Bank.⁵⁸ On the other side of the spectrum, Israelis understood that Palestinians wanted self-determination and a Palestinian state.⁵⁹ The United States, in an effort to pressure Israel to engage in peace talks, withheld a \$10 billion loan unless Israel stopped building settlements in the West Bank.⁶⁰

As the United States put pressure on Israel, Israel held elections in 1992.⁶¹ The Shamir and Likud parties were defeated sending a clear message that Israel was ready for a new direction regarding the peace talks.⁶² Yitzhak Rabin emerged as the new Prime Minister.⁶³ Rabin freed more than 800 Palestinian political prisoners and halted most settlement production in the West Bank.⁶⁴ Rabin did this as a good will gesture to the Palestinians.⁶⁵ However, most Palestinians did not see this as a good will gesture, and dismissed Rabin's actions as mere puffery.⁶⁶ Violence still persisted in the region. In March 1992, there were a series of bloody stabbings against Israelis and 15 Israelis died.⁶⁷

In response, Minister Rabin sealed off the West Bank claiming it was for Israeli protection.⁶⁸ The travel restrictions prevented as many as 120,000 day laborers from going to their regular jobs in Israel.⁶⁹

As Israeli leadership underwent change in the early 1990s, so did Palestinian leadership. Because the PLO leader Yasser Arafat was exiled in Tunis and the PLO had financial trouble, Hamas⁷⁰ filled the leadership void.⁷¹ It was growing in pop-

54. *Id.*

55. *Id.* at 280, 283.

56. *Id.* at 283.

57. "The Likud Party ('The Consolidation,' in Hebrew) is a right wing political party in Israel founded by revolutionary leader Menachem Begin and was the first right-leaning party to lead the Israeli government." *History and Overview of the Likud Party*, JEWISH VIRTUAL LIBRARY, <http://www.jewishvirtual-library.org/jsources/Politics/LikudParty.html> (last visited Oct. 24, 2016).

58. See BICKERTON & KLAUSNER, *supra* note 1, at 283.

59. *Id.* at 283-84.

60. *Id.* at 284.

61. *See id.* at 285.

62. *Id.*

63. *See id.*

64. *See* BICKERTON & KLAUSNER, *supra* note 1, at 285.

65. *See id.*

66. *Id.*

67. *Id.* at 287.

68. *Id.*

69. *Id.*

70. Hamas is a Palestinian Sunni-Islamic fundamentalist organization that is viewed by the world as a terrorist organization. *See id.* at 510; Bryony Jones, *Q&A: What is Hamas?*, CNN (Nov. 24, 2012), <http://www.cnn.com/2012/11/16/world/meast/hamas-explainer/>.

71. *See* BICKERTON & KLAUSNER, *supra* note 1, at 288.

ularity “especially among younger, more volatile, and more radicalized Palestinians.”⁷² Hamas received more funding than the PLO because Hamas received support from Iran.⁷³ It is estimated that Hamas received 20-30 million dollars in funding from Iran in 1993.⁷⁴

Secret peace talks started to take place in Oslo, Norway between Israel and Palestine.⁷⁵ The public became aware of them in August 1993 when newspapers began to report that a series of at least 14 secret meetings took place.⁷⁶ These talks resulted in remarkable and significant breakthroughs in the Israel-Palestine conflict.⁷⁷ This agreement became known as the Oslo Accords.⁷⁸ The agreement resulted in mutual recognition and an interim peace settlement.⁷⁹ Arafat made a statement renouncing violence and pledging support for a repeal of clauses objectionable to Israel in the PLO charter.⁸⁰ On September 13, 1993, on the White House lawn, the Declaration of Principles on Interim Self-Government was signed by Israeli Foreign Minister Peres and PLO representative Mahmoud Abbas.⁸¹ President Clinton was quoted saying, “A peace of the brave is within our reach.”⁸²

The Declaration of Principles had a ten-month timetable leading up to elections of a Palestinian council to rule the West Bank and Gaza Strip.⁸³ The elected leaders would run the “territories for an interim period of five years, during which time Israel and the Palestinians would negotiate a permanent peace solution.”⁸⁴ This was called the principle of “early empowerment,” meaning that during the five year interim Palestine would be transferred from Israeli civil and military government control to Palestinian control over the areas of health, education, welfare, tourism, and taxation.⁸⁵ This agreement brought hope but a year later Palestinians and Israelis were still at a standstill regarding the long term solution and civilians were growing restless.⁸⁶

Although many thought the peace agreement had brought peace, some Israelis thought that the government had conceded too much to the Palestinians and responded with violence. On February 25, 1994, Jewish settlers went on rampages against Palestinians.⁸⁷ Mr. Baruch Goldstein, a Jewish settler from New York, walked into a Mosque in Hebron during morning prayers and shot and killed 20 worshippers.⁸⁸ This Mosque was a great importance to Jews, Christians, and Muslims.⁸⁹ It is called the Tomb of the Patriarchs and hosts Abraham, Sarah, and Jacob’s graves.⁹⁰

72. *Id.*

73. *See id.*

74. *Id.*

75. *Id.* at 289.

76. *Id.* at 292.

77. BICKERTON & KLAUSNER, *supra* note 1, at 292.

78. *Id.* at 293.

79. *Id.* at 293-94.

80. *Id.* at 294.

81. *Id.*

82. *Id.* at 294-95.

83. BICKERTON & KLAUSNER, *supra* note 1, at 298.

84. *Id.*

85. *Id.* at 298, 302.

86. *Id.* at 306.

87. *Id.*

88. *Id.*

89. Patricia Sellick, *The Old City of Hebron: Can It be Saved?*, 23 J. PALESTINE STUD. 69, 69 (1994).

90. *Id.*

In response to the massacre, Israeli Prime Minister Rabin denounced the attacks but then imposed a curfew that allowed armed Jewish settlers to travel freely while punishing the victims by preventing them from leaving their homes.⁹¹ These actions fueled Palestinian negotiators to change the terms of the Oslo Accords bringing the peace agreement back several steps. The Palestinian people responded with violence. Two months later Hamas carried out two suicide car and bus bombings killing 15 Israelis.⁹²

The peace talks trudged on in the face of violence. Between August and December 1994, education, social services, tourism, health, and taxations were all handed over to the Palestinian Authority.⁹³ Groups opposing the peace process continued to spread violence. Hamas bus bombings were becoming more regular and more deadly throughout Israel.⁹⁴ These suicide attacks caused Israelis to rethink the peace process because they were concerned with personal safety instead of border security.⁹⁵

In response to the attacks, Israel closed its borders once again to Palestinian migrant workers.⁹⁶ Arafat continued negotiations and demonstrated to the world that the PLO denounced terrorism, by arresting Islamic Jihad members and setting up a military court to punish them.⁹⁷ These good faith efforts made Israeli Prime Minister Rabin agree to sit down and continue negotiations with Palestine.⁹⁸

Great progress was being made. The Palestinians accepted that an Israeli military presence would remain in certain areas of the West Bank, Israel recognized Palestine's water rights, and an agreement was finally reached on September 24, 1995.⁹⁹ This was the second phase of the Oslo process.¹⁰⁰

Everything was looking hopeful when violence struck again halting the peace process on November 4, 1995, when Yigal Amir assassinated Israeli Prime Minister Rabin.¹⁰¹ Rabin had just given a speech at a huge peace rally in Tel Aviv.¹⁰² Over 100,000 Israelis had gathered to support the peace process.¹⁰³ Israeli and Palestinian leaderships were in crisis.

Gaza and the West Bank were in a severe economic crisis and the Palestinian Authority was not able to fix them. Many Palestinians relied on Hamas for financial support.¹⁰⁴ Hamas provided day care, gave food to the poor, and provided support to families of suicide bombers.¹⁰⁵ Israel assassinated a key leader in the Hamas party causing Palestinian outrage.¹⁰⁶ Arafat had to appease his people and had to publicly express condolences for the leaders' death, which caused backlash from

91. BICKERTON & KLAUSNER, *supra* note 1, at 306.

92. *Id.*

93. *Id.* at 310.

94. *Id.* at 311.

95. *Id.*

96. *Id.*

97. BICKERTON & KLAUSNER, *supra* note 1, at 311.

98. *Id.*

99. *Id.* at 312.

100. *Id.*

101. *Id.* at 316.

102. *Id.* at 317.

103. BICKERTON & KLAUSNER, *supra* note 1, at 317.

104. BICKERTON & KLAUSNER, *supra* note 1, at 320.

105. *Id.*

106. *Id.* at 321.

the Israelis and put tension on the peace talks.¹⁰⁷ The assignation bolstered Hamas support in the West Bank and Gaza causing concern for the Palestinian Authority. Hamas responded to the assassination with a deadly bus attack which killed 19 Israelis.¹⁰⁸ This caused Israel to seal the borders once again and postpone withdrawing from areas of the West Bank.¹⁰⁹

Savvy Israeli politician Benjamin Netanyahu was elected in May 1996, promising protection against suicide bombers and appealing to Zionists.¹¹⁰ Palestinian-Israeli relations were now uncertain with the new election.¹¹¹ The Palestinian Authority responded to the election by organizing a summit with Israel, Jordan and Egypt.¹¹² In August 1996, negotiators from both sides met face-to-face.¹¹³ Palestine aired grievances that Israel had not allowed a connection between Gaza and the West Bank, not released prisoners, and had not removed troops as promised from areas of the West Bank.¹¹⁴ Israel accused Palestine of not doing enough to stop terrorists and not negotiating in good faith.¹¹⁵

If the violence was not enough of a deterrent to peace, religion started playing a larger role in the conflict.¹¹⁶ Israel secretly excavated a tunnel under the Dome of the Rock and along the western perimeter of the Temple Mount.¹¹⁷ This created a new exit from the Temple Mount.¹¹⁸ Muslim clerics said that the tunnel compromised the Dome of the Rock, but¹¹⁹ the tunnel did not endanger the structure.¹²⁰ Many Muslims viewed this as Israel trying to take control of the Temple Mount.¹²¹ The tunnel represented fears that Israel was going to assert Jerusalem as its capital.¹²² The tunnel caused riots at the Temple Mount in which 14 Israelis and 58 Palestinians died.¹²³

Peace talks were now at a standstill. Israel faced a budget crisis which made its government focus its attention away from the peace process.¹²⁴ The growing unrest, riots, and suicide bombers tilted public favor against trying to make peace.¹²⁵

107. *Id.*

108. *Id.* at 322.

109. *Id.*

110. BICKERTON & KLAUSNER, *supra* note 1, at 330. The term Zionists refers to political support for the creation and development of a Jewish homeland in Israel. *Zionism*, MERRIAM-WEBSTER DICTIONARY, <http://www.merriam-webster.com/dictionary/Zionism> (last visited Sept. 20, 2016).

111. BICKERTON & KLAUSNER, *supra* note 1, at 331.

112. *Id.*

113. *Id.* at 332.

114. *Id.*

115. *Id.*

116. *Id.* at 332-33.

117. The Dome of the Rock is a shrine located on the Temple Mount in the Old City of Jerusalem. The Temple Mount is believed to be where the First and Second Jewish Temple was located. The Dome of the Rock is the oldest Islamic structure and the third holiest site in Islam. *The Temple Mount*, JEWISH VIRTUAL LIBRARY, http://www.jewishvirtuallibrary.org/jsource/Society_&_Culture/geo/Mount.html (last visited Oct. 24, 2016).

118. BICKERTON & KLAUSNER, *supra* note 1, at 332.

119. *Id.* at 332-33.

120. *Id.* at 333.

121. *See id.*

122. *Id.*

123. *Id.*

124. BICKERTON & KLAUSNER, *supra* note 1, at 342.

125. *Id.* at 341.

To renew the peace talks the Wye conference was held on October 15, 1998, which was mediated by the United States.¹²⁶ The talks started with mutual distrust, but Israel and Palestine still came to an agreement.¹²⁷ President Clinton met with Israeli Prime Minister Netanyahu and PLO leader Arafat at least six different times to pressure an agreement. The key to the agreement was President Clinton's invitation to King Hussein of Jordan. King Hussein was a third party who in the past had played a role in other peace negotiations. The presence of King Hussein helped both sides.

King Hussein had a larger interest than the United States because of his country's vicinity to Israel/Palestine. King Hussein also understood each sides' positions and interests. Israel's main interest was security and it would not give up any land without a promise of security.¹²⁸

The agreement involved an Israeli redeployment plan and a security cooperation plan.¹²⁹ The PLO would eliminate language calling for the destruction of Israel, the Palestinian Authority would imprison 30 murder suspects, confiscate illegal weapons, and 13 percent of the West Bank would be transferred to Palestinian control.¹³⁰ Both governments had to convince their people to accept the agreement.¹³¹ Israeli lawmakers called for a new election in December in response to the agreement.¹³² Prime Minister Netanyahu lost the election and Ehud Barak became the new Prime Minister.¹³³ With Netanyahu's rebuke, it seemed again that peace would not be reached.

Six years passed after the first secret discussions in Oslo when talks began again in September 1999.¹³⁴ The Palestinian Authority now demanded a Palestinian State in West Bank and Gaza with East Jerusalem and repatriations paid to Palestinian refugees.¹³⁵ Israel vowed that it would never relinquish Jerusalem.¹³⁶ An agreement was made about some aspects of the conflict. Israel freed prisoners and established a safe passage route for Palestinians travelling from Gaza to Hebron.¹³⁷ But the issue of land seemed to be at a standstill. Talks continued into April with no clear resolution.¹³⁸ Israel announced that it planned to build more settlements in the West Bank.¹³⁹ Talks continued into the summer months with no agreement made.¹⁴⁰

126. *Id.* at 344.

127. *Id.* at 345.

128. Zeev Schiff & Abbas Kelidar, *The Wye River Peace Agreement: Assessment and Implications*, THE WASHINGTON INSTITUTE (Nov. 2, 1998), <http://www.washingtoninstitute.org/policy-analysis/view/the-wye-river-peace-agreement-assessment-and-implications>.

129. BICKERTON & KLAUSNER, *supra* note 1, at 348.

130. *Id.*

131. *Id.*

132. *Id.* at 349.

133. *Id.* at 354.

134. *Id.* at 355.

135. BICKERTON & KLAUSNER, *supra* note 1, at 355.

136. *Id.*

137. *Id.* at 358.

138. *Id.* at 364.

139. *Id.*

140. *Id.* at 372.

The peace process completely collapsed in early September of the following year. The Palestinian people were angry and frustrated toward Israel and the Palestinian Authority.¹⁴¹ Palestinians saw themselves under continued Israeli control of their lives and saw their land being taken away by Israeli settlements.¹⁴² They felt anger toward the Palestinian Authority because they seemed to be under the control of the Israeli government and believed they were conceding too much during peace negotiations.¹⁴³

F. 2000s through Present Day

This anger boiled over when Ariel Sharon, former Israel Secretary of Defense and controversial political figure,¹⁴⁴ visited the Temple Mount accompanied by Israeli police.¹⁴⁵ Sharon made a speech on the Temple Mount in which he pledged that Israel would never give up the Mount.¹⁴⁶ This set off the Palestinians who saw this as a threat to third holiest site in Islam.¹⁴⁷ Riots erupted the next day and started a cycle of violence.¹⁴⁸ This is now known as the start of the second intifada and marks the complete breakdown of the peace process.¹⁴⁹ Over the following several weeks, 500 people were dead and more than 8,000 wounded.¹⁵⁰ Some acts of violence included the death of a 12-year-old boy who was caught in crossfire between Israeli troops and Palestinian demonstrators and an Israeli police officer being thrown out of a window.¹⁵¹

Israel instated strict economic sanctions, border closures, and checkpoints in response.¹⁵² In February 2001, the citizens of Israel reacted by electing Ariel Sharon as Prime Minister who promised a more militaristic approach to Palestine.¹⁵³ Palestine viewed the election as proof that Israel was no longer serious about a solution to peace.¹⁵⁴

Weeks after the election, Hamas carried out more terrorist attacks and suicide bombings.¹⁵⁵ Sharon vowed not to engage in peace talks until all of the violence stopped.¹⁵⁶ Sharon increased Israeli air and ground attacks and sent tanks into the West Bank destroying homes and farm land.¹⁵⁷

141. BICKERTON & KLAUSNER, *supra* note 1, at 372.

142. *Id.*

143. *Id.*

144. During the Lebanon war in 1982, an Israeli inquiry held Sharon, a former army general then serving as Israeli defense minister, indirectly responsible in 1983 for the massacre of hundreds of Palestinians at the Sabra and Shatila refugee camps in Lebanon. He was forced to resign. Alan Duke, *Ariel Sharon, former Israeli Prime Minister, dead at 85*, CNN (Jan. 11, 2014, 9:16 PM), <http://www.cnn.com/2014/01/11/world/meast/obit-ariel-sharon/>.

145. BICKERTON & KLAUSNER, *supra* note 1, at 372.

146. *Id.*

147. *Id.*

148. *Id.*

149. *Id.*

150. *Id.*

151. BICKERTON & KLAUSNER, *supra* note 1, at 373.

152. *Id.*

153. *Id.* at 376.

154. *Id.*

155. *Id.* at 380.

156. *Id.*

157. *Id.* at 381.

The time between 2001 and 2005 saw Israel and Palestine engaged in a horrible blood bath.¹⁵⁸ In August 2001, 15 people were killed and about 90 others were injured in a suicide attack on a busy restaurant in the heart of Jerusalem.¹⁵⁹ Hamas claimed credit for the attack.¹⁶⁰ Israel assassinated a PLO leader in a missile strike, and another suicide bomber blew up a bus killing 15 people and wounding more than 100.¹⁶¹

The violence continued in 2002. March 8, 2002 was the bloodiest day of the second intifada when 45 Palestinians were killed.¹⁶² In response, a suicide bomber blew himself up at a hotel killing 28 Israelis celebrating Passover.¹⁶³ The next day, Israel invaded the West Bank, and launched an assault on Arafat's headquarters in Ramallah.¹⁶⁴ Palestinians took refuge in the Church of the Nativity in Bethlehem.¹⁶⁵ In an effort to stop Palestinian violence, Israel started constructing a security barrier which is still in place today.¹⁶⁶ Israeli soldiers defiled churches in Bethlehem by breaking stain glass windows and defecating in worship areas.¹⁶⁷

In 2003, 78 people were killed by suicide bombings and over 100 were injured.¹⁶⁸ The violence started making international news and the E.U., U.N., Russia, and the United States launched the Roadmap Peace Plan.¹⁶⁹ The Roadmap Peace Plan was a phased program for ending conflict culminating in the creation of an independent Palestinian state, but neither side kept to its timetable.¹⁷⁰ Mahmoud Abbas agreed to become the first Palestinian Prime Minister but resigned within a year because of a personality conflict with Arafat.¹⁷¹

In June 2003, the Palestinian Authority made an agreement with Palestinian militants to halt attacks on Israelis in an effort to make peace.¹⁷² This agreement only lasted seven weeks.¹⁷³ Both governments worked together at the Geneva Accords, "an alternative peace-plan negotiated by prominent Israelis and Palestinians" but the violence had driven too big of a wedge between the civilians and both peoples rejected the peace agreement.¹⁷⁴

In 2004, Israel became more proactive against the violence.¹⁷⁵ Israel assassinated the spiritual leader of Hamas and Hamas's leader in airstrikes and launched a nine-day ground assault in Gaza after the killing of 13 Israeli soldiers.¹⁷⁶ This

158. BICKERTON & KLAUSNER, *supra* note 1, at 381.

159. *Id.* at 382.

160. *Id.*

161. *Al-Aqsa Intifada Timeline*, BBC NEWS, http://news.bbc.co.uk/2/hi/middle_east/3677206.stm (last updated Sept. 29, 2004).

162. *Id.*

163. *Id.*

164. *Id.*

165. *Id.*

166. *Id.*

167. *Church of Nativity a Mess, but Suffers Little Permanent Damage*, FOX NEWS (May 10, 2002), <http://www.foxnews.com/story/2002/05/10/church-nativity-mess-but-suffers-little-permanent-damage.html>.

168. *Al-Aqsa Intifada Timeline*, *supra* note 160.

169. *Id.*

170. *Id.*

171. *Id.*

172. *Id.*

173. *Id.*

174. *Al-Aqsa Intifada Timeline*, *supra* note 161; BICKERTON & KLAUSNER, *supra* note 1, at 399.

175. BICKERTON & KLAUSNER, *supra* note 1, at 400.

176. *Al-Aqsa Intifada Timeline*, *supra* note 161.

ground assault left 40 Palestinians dead.¹⁷⁷ Palestinian leader Arafat died and Mahmoud Abbas was elected leader of the Palestine Liberation Organization.¹⁷⁸

In 2005, Abbas used his election speech to call for peace between Israel and Palestine.¹⁷⁹ Abbas met with militants and had them agree to suspend their attacks on Israel.¹⁸⁰ In response, Israel approved a plan to free jailed Palestinians and withdraw from cities in the West Bank.¹⁸¹ A truce was struck between Abbas and Sharon in February 2005.¹⁸² Two days later Hamas started launching rockets into Israel.¹⁸³

The murder of 17-year-old Mohammad Abu Khdeir set off a wave of riots in the Summer of 2014.¹⁸⁴ Khdeir was abducted outside a mosque next to his home in the early hours of the morning, and then was burned alive by his abductors, three Israelis.¹⁸⁵ The kidnapping was in response to the disappearance of three Israeli teenagers who were later found dead in the occupied West Bank.¹⁸⁶ This has been followed by an outbreak of racist incitement on Israeli social media sites.¹⁸⁷

Violence is not limited to the occupied territories. In June 2015, the Church of the Multiplication at Tabgha was set on fire by Jewish extremists.¹⁸⁸ The church, which sits on the Sea of Galilee, commemorates Jesus's miraculous feeding of the 5000.¹⁸⁹ In addition to being set on fire, arsonists wrote on the walls in Hebrew, "the false gods will be eliminated."¹⁹⁰ Suicide bombings are still used as a tool of terror. Recently on April 18, 2016, there was another suicide bus bombing in Jerusalem.¹⁹¹

The history of this conflict is very deep and complex, dating back thousands of years. This brief history segment merely highlights difficult past experiences that hinder the peace process and hinder Israel and Palestinian friendships. The people in the mediation centers bring with them knowledge of this history of violence and hope.

III. MEDIATION IN THE LEVANT

Sulha is a traditional Arab way to resolve conflict and has existed for centuries.¹⁹² *Sulha* in Arabic means "peacemaking" or "settlement."¹⁹³ *Sulha*'s historical

177. *Id.*

178. *Id.*

179. *Id.*

180. *Id.*

181. *Id.*

182. *Al-Aqsa Intifada Timeline*, *supra* note 161.

183. *Id.*

184. Peter Beaumont, *Palestinian boy Mohammed Abu Khdeir was burned alive, says official*, THE GUARDIAN (July 5, 2014, 9:31 AM), <http://www.theguardian.com/world/2014/jul/05/palestinian-boy-mohammed-abu-khdeir-burned-alive>.

185. *Id.*

186. *Id.*

187. *Id.*

188. *Sea of Galilee church where 'Jesus fed 5,000,' torched in suspected hate attack*, TIMES OF ISRAEL (June 18, 2005), <http://www.timesofisrael.com/arson-suspected-in-fire-at-church-on-sea-of-galilee/>.

189. *Id.*

190. *Id.*

191. Nir Hasson, *Jerusalem Terror Attack Conjures Up Deja Vu of Second Intifada*, HAARETZ (Apr. 19, 2016), www.haaretz.com/israel-news/.premium-1.715154.

192. EDWARD FOLEY, RELIGION, DIVERSITY AND CONFLICT 128 (2011).

193. *Id.*

foundations are based in the religious writings of early Christians and Muslims in the Palestine/Israel region,¹⁹⁴ specifically, Christian scriptures dating from the first century A.D., and later pre-Islamic and Islamic-Arab literature.¹⁹⁵ *Sulha* was used as a conflict resolution two thousand years ago between warring desert tribes in the Middle East where two conflicting parties would agree to resolve an issue assisted by a mediator.¹⁹⁶

There are four main characteristics to .¹⁹⁷ The first is the formation of listening circles.¹⁹⁸ In the listening circle the participants, usually two parties, take turns telling the mediator and the other party their grievances.¹⁹⁹ No party is allowed to blame the whole problem on the other party, meaning that no party can say they are the only victim.²⁰⁰ The parties usually consist of many family members or people from the same village.²⁰¹

The second characteristic is that there is always a mediator who is a neutral third party who ensures that each side is respected and heard.²⁰² This person or persons is called *jaha*.²⁰³ The *jaha* are chosen for the moral authority and they are usually high ranking tribe members or leaders of the community.²⁰⁴ The role of the *jaha* is to petition the offended household on behalf of the aggressor and plead with the aggrieved family to seek reconciliation through *Sulha* in place of violent revenge.²⁰⁵ The *jaha* also function as an “anger absorber” between the parties.²⁰⁶ The size of the *jaha* depends on the severity of the case.²⁰⁷ The “persuasion power” of a larger group is sometimes necessary, particularly if a smaller *jaha* are not able to influence the direction of the negotiations.²⁰⁸

The third characteristic is to establish each participant’s self-esteem and dignity; usually this is done through a religious context.²⁰⁹ This is to reestablish a working relationship, not to decide who is right and who is wrong. The fourth characteristic is the symbolism the two parties sharing a meal or drinking of bitter coffee together.²¹⁰ When a working relationship is established, both parties drink bitter coffee or eat a meal together to symbolize their suffering and solidarity.²¹¹

During these steps the *jaha* share information with the involved parties and visits the members in the communities who were affected by the crime or disagreement. All of the information the *jaha* gathers is completely confidential.²¹²

194. Gellman & Vuinovich, *supra* note 4, at 131.

195. *Id.*

196. *Id.*

197. FOLEY, *supra* note 192, at 128-30.

198. *Id.* at 128.

199. *Id.*

200. *Id.* at 129.

201. *Id.* at 128.

202. *Id.* at 129.

203. Gellman & Vuinovich, *supra* note 4, at 136.

204. *Id.*

205. *Id.*

206. *Id.* at 137.

207. *Id.* at 136.

208. *Id.*

209. FOLEY, *supra* note 192, at 129.

210. Gellman & Vuinovich, *supra* note 4, at 138.

211. FOLEY, *supra* note 192, at 130.

212. Gellman & Vuinovich, *supra* note 4, at 138.

Behind the ritual of *Sulha* there are three main principles that guide the practice.²¹³ These principles are: restoration of honor and dignity, reconciliation that engages the wider community, and public demarcation of the end of violence.²¹⁴

The *Sulha* practice and process embodies “ideals of cooperation, negotiation, honor, and compromise” highlighting interpersonal conflict management strategies that influence the larger community through indigenous sociopolitical interaction.²¹⁵ *Sulha* focuses on the impact disputes have on the community. It stresses the link between the psychological and political dimensions of communal life through its recognition that “injuries between individuals and groups will fester and expand if not acknowledged, repaired, forgiven, and transcended.”²¹⁶

The ritual aspect of *Sulha* is very important as well. The ritual helps groups acknowledge, repair, forgive, and transcend conflict on both the psychological and political levels.²¹⁷ Furthermore, “[r]itual expression of conflict through *sulha* allows honor and face saving to pervade interactions and reach beyond political and religious demarcations.”²¹⁸

Just going through the motions helps, as Sharon Lang, a professor at the University of the Redland, observed during her study of *Sulha* practices.²¹⁹ “When participants go through the motions of *sulha* begrudgingly, the formal language and gestures of the ritual maintain the appearance of remorse or forgiveness and lessen the chance of either side provoking the other.”²²⁰ “Sincerity is irrelevant because by participating in the *sulha* the actors enmesh themselves in a web of social relations that will constrain them to observe the peace.”²²¹

Sulha views conflict differently; “[c]onflict is often seen as a negative obstacle that must be overcome, rather than a resource to be drawn on in conciliation.”²²² But as Avruch, Dean of the School for Conflict Analysis and Resolution at George Mason University and anthropologist Peter Black point out, “culture is not posited as the cause of conflict, instead it is intertwined with conflict and the process of resolution.”²²³ Conflict is not seen as a negative but as a tool to reach a better understanding.

Sulha also focuses on the future rather than the past; it “is concerned with restoration of the social web rather than changing power relationships or status quo.”²²⁴ The potential relationship is the focus of the mediation process, not the past relationship.²²⁵ Therefore, *Sulha* is perfect for restoring understanding to the conflict;

213. *Id.* at 130.

214. *Id.*

215. Sharon Lang, *Sulha Peacemaking and the Politics of Persuasion*, 31 J. PALESTINE STUD. 52, 53 (2002).

216. Laurie King-Irani, *The Power of Transformation and The Transformation of Power: Rituals of Forgiveness and Processes of Empowerment in Post-War Lebanon*, in TRADITIONAL “MEDICINE” 9 (William I. Zartman, ed., 1999).

217. Lang, *supra* note 215, at 53.

218. Gellman & Vuinovich, *supra* note 4, at 134.

219. Lang, *supra* note 215, at 64.

220. *Id.*

221. *Id.*

222. Gellman & Vuinovich, *supra* note 4, at 133 (quoting Kevin Avruch, & Peter W. Black, *The Culture Question and Conflict*, 16 PEACE & CHANGE 22, 31 (1991)).

223. Gellman & Vuinovich, *supra* note 4, at 133 (quoting Kevin Avruch, & Peter W. Black, *The Culture Question and Conflict*, 16 PEACE & CHANGE 22, 31 (1991)).

224. *Id.* at 139.

225. *Id.*

it incorporates individuals, community, and culture while restoring the basic human right of dignity.²²⁶

A. Comparison between Western ADR practices and *Sulha*

Western mediation is defined as “the attempt to settle a legal dispute through active participation of a third party (mediator) who works to find points of agreement and make those in conflict agree on a fair result.”²²⁷ *Sulha* differs from traditional United States mediation. In the West, mediators are neutral while during *Sulha* the *jaha* might have prior relationships with the parties.²²⁸ Also, in mediation there is no formal closing ceremony like in *Sulha*.²²⁹ Mediation focuses on the two parties, not the community as a whole.²³⁰ Mediation can be court ordered or voluntary, while *Sulha* is always voluntary.²³¹ Both in *Sulha* and mediation the mediator can come up with their own solutions, act as a go between, and try to start dialogue that will reach a resolution.²³²

Western style mediation and arbitration focus on direct disputants while in *Sulha* the focus is more on the community around the individuals.²³³ *Sulha* looks at the community and families as a whole instead of grievants individually.²³⁴ *Sulha* combines elements from Western meditation and arbitration while in the West both are viewed as different processes.²³⁵

Like arbitration, the final decision in *Sulha* is binding.²³⁶ While in arbitration the contract is what usually binds parties to arbitration,²³⁷ in *Sulha*, there are many motivating factors that induce participation, such as social pressure, religious motives, and atonement.²³⁸ This is unlike Western mediation where if the parties do not like the outcome they can go to court. Once parties have agreed to *Sulha* they cannot stop the process, while in Western mediation parties can stop mediation at any time.²³⁹

The process of *Sulha* differs from Western mediation in that there are no face-to-face meetings between the parties.²⁴⁰ Western meditation is a combination of face-to-face meetings and private caucuses.²⁴¹ *Sulha* is conducted only in private caucuses.²⁴² The private caucuses allow the *jaha* to reframe the narrative to be more conducive to reconciliation.²⁴³

226. *Id.* at 143.

227. *Mediation*, LEGAL DICTIONARY, <http://dictionary.law.com/Default.aspx?selected=1233#ixzz46seFeAzp> (last visited Oct. 26, 2016).

228. Doron Pely, *Where East Not Always Meets West: Comparing the Sulha Process to Western-Style Mediation and Arbitration*, 28 CONFLICT RESOL. Q. 427, 437 (2011).

229. *Id.* at 433.

230. *Id.* at 429.

231. *Id.*

232. *Id.* at 430.

233. *Id.* at 428.

234. Pely, *supra* note 228, at 428.

235. *Id.*

236. *Id.* at 433.

237. *Id.* at 432.

238. *Id.*

239. *Id.* at 429.

240. Pely, *supra* note 228, at 429.

241. *Id.*

242. *Id.* at 430.

243. *Id.*

The role of the mediator is different as well.²⁴⁴ In *Sulha* there could be one or up to 20 mediators in the dispute while in the West there is usually one.²⁴⁵ The *jaha* are evaluative during the mediation and can often get aggressive with each party.²⁴⁶ The *jaha* will use guilt to make parties come to an agreement by stating how the community will suffer if no agreement is made.²⁴⁷ These pressures are not used in Western style mediations.

B. *Sulha Practices in Modern Israel/Palestine*

Christian, Muslims, and Druze Arabs²⁴⁸ embrace *Sulha* to resolve disputes among individuals, families, groups, and villages.²⁴⁹ It is widely used to resolve disputes, however trivial or serious, between families and it has cultural moral authority to handle grave offenses such as murder.²⁵⁰

Sulha is practiced throughout the Middle East and in Israel/Palestine and is allowed by the Israeli government.²⁵¹ *Sulha* does not replace civil or criminal state law; rather, it is employed in conjunction with it.²⁵² Arab crime victims often choose to pursue justice through the state court system and *Sulha* simultaneously.²⁵³ Ultimately, the court issues the final binding outcome, but *Sulha* offers a culturally appropriate mechanism for long-term reconciliation.²⁵⁴ During a criminal trial, judges can consider the *Sulha* agreement between the parties.²⁵⁵ The agreement tends to favor the accused in the sentencing phase of the proceedings but not in the determination of guilt.²⁵⁶

C. *Mediation in Israel/Palestine Today*

Wi'am, The Parent's Family Circle Forum, and Mediators Without Borders all practice some form of mediation. Each center uses different mediation methods and have a different cliental, but all offer hope in mending the violence caused by the Israeli-Palestinian conflict. Now each mediation center will be discussed, including their methods, clients, and location.

244. *Id.*

245. *Id.*

246. Pely, *supra* note 228, at 430.

247. *Id.* at 430-31.

248. Eleventh-century Shiite offshoot that developed its own rituals and practices. Secretive and close-knit communities found in Lebanon, Syria, Jordan, and Israel. BICKERTON & KLAUSNER, *supra* note 1, at 510.

249. Lang, *supra* note 215, at 53.

250. *Id.*

251. *Id.* at 61.

252. Gellman & Vuinovich, *supra* note 4, at 131.

253. *Id.*

254. *Id.* at 132.

255. *Id.* at 135.

256. *Id.*

I. *Wi'am*

Wi'am, which in Arabic means "cordial relationships"²⁵⁷ is a Palestinian Conflict Resolution Center that began operating in March 1994.²⁵⁸ The Center's mission is to help resolve disputes within the Palestinian community by implementing Sulha and Western models of conflict resolution.²⁵⁹ Wi'am was founded to fill a void in the West Bank.²⁶⁰ With the creation of the state of Israel in 1948 and the subsequent implementation of martial law, many Palestinian communities reinstated tribal laws and customs to manage and reconcile conflict.²⁶¹

People living in the West Bank did not accept the authority of the Israeli military occupation, and there was no clear Palestinian authority outside Gaza and Jericho.²⁶² Furthermore, because many of the traditional village leaders were appointed by the Israelis during the occupation, their legitimacy was no longer fully accepted by the community.²⁶³ Wi'am filled this void for a place where people could go and resolve disputes.²⁶⁴ In present day, Wi'am operates throughout the West Bank, even though the area is under the Palestinian Authority.²⁶⁵ Wi'am explains on its website that even though there is a government there is still no clear means on resolving disputes within the Palestinian community.²⁶⁶

Wi'am has different programs to address the varying needs of its community. It offers programs for women that focus on their health, education, employment and legal rights.²⁶⁷ Wi'am conducts workshops for women on issues such as the democratic process, civil society development, reproductive health, communication, gender equality, non-violence, conflict mediation, human security, and domestic violence.²⁶⁸

Wi'am encourages a dialogue of cultures and religions in addition to a wide range of programs for international groups to meet with Palestinian.²⁶⁹ Too often visitors to the Holy Land return home without having learned anything from the natives of the land.²⁷⁰

The Sulha method is used to resolve many different types of suits, from divorce to murder.²⁷¹ Wi'am says that even severe conflicts such as assault, physical injury, or homicide should be resolved by Sulha.²⁷² Wi'am reasons that "[acts of violence] leave a 'stain' on the community. Once a wrong is committed, that conflict must

257. *At a Glance*, ALASLAH, <http://www.alaslah.org/at-a-glance/> (last visited Oct. 31, 2016).

258. *Id.*

259. *Id.*

260. *Id.*

261. Gellman & Vuinovich, *supra* note 4, at 131.

262. *At a Glance*, *supra* note 257.

263. *Id.*

264. *Id.*

265. *Id.*

266. *Id.*

267. *Women's Program*, ALASLAH, <http://www.alaslah.org/women/> (last visited Oct. 31, 2016).

268. *Id.*

269. *Educational and Cultural Tours*, ALASLAH, <http://www.alaslah.org/tours/> (last visited Oct. 31, 2016).

270. *Citizen Diplomacy*, ALASLAH (Sept. 10, 2010), <http://www.alaslah.org/citizen-diplomacy/>.

271. *Sulha*, ALASLAH, <http://www.alaslah.org/projects/sulha-mediation/> (last visited Oct. 31, 2016).

272. *See id.*

be resolved in order for the community to continue to thrive.”²⁷³ Sulha acts as a way to prevent acts of revenge and disastrous feuds.²⁷⁴

Between January 2016 and March 2016, Wi’am mediated 60 cases.²⁷⁵ Most of these disagreements came from “the West Bank in general and in Bethlehem, Beit Sahour, Beit Jala and in the nearby villages.”²⁷⁶ The cases were a variety of civil and domestic including: debt, inheritance, and traffic accident disputes as well as family and youth problems.²⁷⁷

Wi’am also began reaching out to the youth in the West Bank.²⁷⁸ The peer mediation program targeted 200 students from different schools in the West Bank area.²⁷⁹ The presentation taught conflict resolution and peer-mediation skills and then gave the students the opportunity to use their newly learned skills to mediate conflict among their peers and in the school.²⁸⁰

The program encouraged students to take leadership roles in their school communities and to contribute to a positive, non-violent atmosphere in these communities.²⁸¹ The teachers facilitated the peer mediation work of the students and supervised the mediation done in their classes by helping the students to establish peer mediation groups in each school ready to mediate peer problems.²⁸² The goal of this program was to reduce violence in schools, relieve teachers of constant disciplinary problems, and also create student leaders.²⁸³ The project is helping parents of children take an active role in dealing with school violence and helping schools to be a better environment for learning.²⁸⁴

The staff and volunteers at the Wi’am Center are available throughout the day and even late into the night to facilitate the resolution of all kinds of conflicts.²⁸⁵ Wi’am states that “[m]ediation is not an easy process; it requires patience, resilience, perseverance and down to earth attitudes.”²⁸⁶

2. *The Parents Circle Families Forum*

The Parents Circle Families Forum (PCFF) is an organization which offers services to Israelis and Palestinians.²⁸⁷ The PCFF is a dual Palestinian and Israeli organization of over 600 families, all of which have lost a close family member because of the Israel/Palestine conflict.²⁸⁸ Participants testify that the reconciliation

273. *Id.*

274. *Id.*

275. *January to March Newsletter 2016*, ALASLAH, <http://www.alaslah.org/wp-content/uploads/2016/04/January-To-March-Newsletter-2016-.pdf> (last visited Oct. 31, 2016).

276. *Id.*

277. *Id.*

278. *Id.*

279. *Id.*

280. *Id.*

281. *January to March Newsletter 2016*, *supra* note 275.

282. *Id.*

283. *Id.*

284. *Id.*

285. *Id.*

286. *Id.*

287. *The Parents Circle Families Forum – introduction*, THE PARENTS CIRCLE, http://www.theparentscircle.com/Content.aspx?ID=2#.Vq_7_1llmDk (last visited Oct. 31, 2016).

288. *Id.*

between individuals and nations is possible because of their encounters with each other and try to spread this message to both sides of the conflict.²⁸⁹

The PCFF was established in 1995 by Mr. Yitzhak Frankental and several be-reaved Israeli families.²⁹⁰ In 1998, the first meetings were held with a group of Palestinians families from Gaza who identified with the call to prevent further be-reavement through dialogue, tolerance, peace and reconciliation.²⁹¹

The PCFF established a reconciliation center in 2010.²⁹² The PCFF's purpose is "to raise awareness and involvement of the public on issues of reconciliation on a political level, and to provide the knowledge and tools for the implementation of reconciliation for the Israeli and Palestinian communities."²⁹³

The PCFF believes that the "reconciliation process is essential for future peace agreements. In order to break the cycles of terrible violence, recognition is needed."²⁹⁴

They also recognize the failure of the peace process. "The Reconciliation process has never been an integral part of political thinking on the subject of peace in the Israeli Palestinian conflict. However, from experience gained in the work of the forum, we are convinced that in the absence of a reconciliation process, the agreements signed will not establish lasting peace in the region."²⁹⁵

Their goal is to reach a large number of politicians on both sides, regardless of their political views and create support for leaders who favor the process of mutual reconciliation as a necessary part of a future peace agreement.²⁹⁶

The PCFF holds meetings that allow Palestinians and Israelis to meet and share their grievances. They meet in different parts of Israel and Palestine in an effort to reach out to many different people.²⁹⁷ Activities have included going to the Holocaust museum together, visiting a demolished home, and sharing meals.²⁹⁸

The testimonies from these meetings are pivotal.²⁹⁹ One woman, Bushra Omer Abu ayash, goes to the meetings even though people in her community objected to her participation.³⁰⁰ She states:

"There are people in my town who accuse me of selling my son's blood by going to meetings with Jews. I tell them that in so doing I am buying the blood of my remaining children. My objective is to protect them, and I believe that the best form of protection is peace."³⁰¹

289. *Id.*

290. *Id.*

291. *Id.*

292. *Id.*

293. *About*, THE PARENTS CIRCLE, <http://center.theparentscircle.org/Content.aspx?ID=10> (last visited Oct. 31, 2016).

294. *Id.*

295. *Id.*

296. *Id.*

297. *Id.*

298. *Id.*

299. *Bushra Omer Abu ayash*, THE PARENTS CIRCLE, <http://center.theparentscircle.org/Content.aspx?ID=134> (last visited Oct. 31, 2016).

300. *Id.*

301. *Id.*

Before starting the program Bushra had always equated “Jews” with “death.”³⁰² “I had always known that all Jews are bad; however, now I understood that some were bad and some were good, and that there are also those who seek peace and do what they can to obtain it.”³⁰³

Tamar (Tami) Cohen, a female Israeli who fought in the 1948 war, participated in the program.³⁰⁴ Before the program she rarely encountered Arabs.³⁰⁵ Cohen’s daughter was injured in a terror attack in London when working for the Israeli airline, El Al, and a friend of her daughter was killed while another friend sustained severe injuries in the same attack.³⁰⁶ Cohen participated in the grandmothers’ workshop.³⁰⁷ Sixteen elderly women sat down together and told their personal stories.³⁰⁸ Cohen said even though she had encountered Palestinians before, hearing their stories required “a very high concentration of pain, suffering and anger.”³⁰⁹

Most of the Israeli women were secular women and most of the Palestinian women were rural, religious, and all wore veils.³¹⁰ Despite their differences, friendship and empathy developed between the two groups. Cohen has no desire to avenge; instead, she says, “I am looking for the way which will lead to reconciliation between the two nations.”³¹¹

This reconciliation process helps each side see the humanity and understand the historical narrative of the other. Palestinians learn more about the Holocaust and the drive for a secure country where Jews will not be persecuted.³¹² Israelis learn about the separation wall and policies their government has implemented that makes life hard for Palestinians.³¹³

3. *Gishurim*

Gishurim is one of many community mediation centers in Israel.³¹⁴ It is funded by the Israeli government because the mediation centers contribute to the community development as a whole.³¹⁵ The purpose of the community mediation centers is to contribute to solving problems in the community and to encourage social processes that empower individuals to increase the involvement and ownership of conflict in their community.³¹⁶ Therefore, conflict resolution encourages community

302. *Id.*

303. *Id.*

304. *Tamar (Tami) Cohen*, THE PARENTS CIRCLE, <http://center.theparentscircle.org/Content.aspx?ID=145> (last visited Oct. 31, 2016).

305. *Id.*

306. *Id.*

307. *Id.*

308. *Id.*

309. *Id.*

310. *Tamar (Tami) Cohen*, *supra* note 304.

311. *Id.*

312. *About*, THE PARENTS CIRCLE, <http://center.theparentscircle.org/Content.aspx?ID=10> (last visited Oct. 31, 2016).

313. *Id.*

314. *Mediation Centers & Community Dialogue*, GISHURIM, http://www.gishurim.org/?page_id=104 (last visited Oct. 31, 2016).

315. *Id.*

316. *Id.*

involvement in the community, increasing community capacity to deal with emerging conflicts and improves relations within it.³¹⁷

The mediation centers in Israel differ from the ones in Palestine.³¹⁸ In Israel, the dispute resolution process is more mediation based.³¹⁹ There is a third party neutral, which does not decide the outcome but helps each party identify helpful solutions.³²⁰ Conflict resolution is very suitable for the treatment of community because the Israeli centers believe a solution is more often reached if the parties are given the tools to reconcile the conflict instead of given a binding decision by a third party.³²¹

The community mediation centers deal with a variety of disputes.³²² Examples include disputes between the school board and parents, immigrants who believe they are being discriminated against, and neighbors who fight over parking spaces.³²³ All of these people sought mediation because they had an interest in continuing a relationship with each other.³²⁴

4. Mediators Beyond Borders

The organization Mediators Beyond Borders (MBB) works to bring mediation and peace skills to communities around the globe so that they can, in turn, build a more peace “able” world.³²⁵ Mediators Beyond Borders have launched projects in Ecuador, Louisiana (after Hurricane Katrina), and Zimbabwe.³²⁶ Mediators Beyond Borders have partnerships with many different organizations in Israel and Palestine which will be discussed in turn.

Mediators Beyond Borders (MBB) established learning partnerships between community mediation and dialogue centers in Israel (Jerusalem, Rehovot, Haifa) and centers in the United States (New York, Minneapolis, Maryland).³²⁷ The partnerships have regular conference calls to share programs, policies, strategies, curriculums, etc.³²⁸ After getting to know one another’s work, the teams choose focus areas where they can help each other “up their games.”³²⁹ Then they use the new tools and strategies in their own communities.³³⁰

Mediators Beyond Borders also assisted with Neve Shalom Wahat Al Salam (NSWAS).³³¹ NSWAS is an intentional Israeli community of Palestinian/Israeli

317. *Id.*

318. *Id.*

319. *Id.*

320. GISHURIM, *supra* note 314.

321. *Id.*

322. *Id.*

323. Li-On, *Community Mediation: A Real Social Change*, ISRAEL BAR ASS’N, http://www.israel-bar.org.il/article_inner.asp?pgId=5675&catId=179 (last visited Oct. 31, 2016).

324. *Id.*

325. *Past Projects*, MEDIATORS BEYOND BORDERS, <http://mediatorsbeyondborders.org/what-we-do/projects/past-projects/> (last visited Oct. 31, 2016).

326. *Id.*

327. *Id.*

328. *Id.*

329. *Id.*

330. *Id.*

331. *Past Projects*, *supra* note 325.

and Jewish/Israeli families existing as a village between Tel-Aviv and Jerusalem since 1978, in a project called Mediation in a Multi-Cultural Context.³³²

In 2009, the Mediators Beyond Borders sent a team of three mediators to NSWAS to help with creating a multicultural mediation curriculum for Arab and Israeli mediators.³³³ The MBB team observed the group of 12 Palestinian and Jewish Israeli mediators in their three-day seminar proceedings and presented three workshops on Identity and Social Relations as approaches to multiculturalism and mediation: Leveraging Power Dynamics, Non-Violent Dialogue, and Experiencing History in the Body.³³⁴

The aim of the conference was to explore mediation between Israelis and Palestinians residing within Israel, which must face the multicultural character of Israeli society and the conflict. This curriculum will serve for training mediation instructors and will add another perspective to community mediation in multicultural societies in conflict.³³⁵

NSWAS believed that such a curriculum would add to a better understanding of resolving conflicts in societies that live in a reality of inequality.³³⁶ It will also help to deal with conflict management in the framework of Jewish - Arab and Israeli - Palestinian relations.³³⁷

IV. COMMENT

Sulha in an international setting could initiate dialogue but it would not resolve the grievances of Palestine and Israel. Instead, it would be able to offer a systematic process for recognizing the basic human right of dignity.³³⁸ Traditionally, Sulha is set up between victim and perpetrator. If done between Israelis and Palestinians each should take turns stepping into each role. Israelis and Palestinians often see each other as the victim, but Sulha would require them to relinquish that claim and see things through a different perspective. This could help lead to peace if each side was able to see themselves as the victim and the aggressor.

Sulha also focuses on the future instead of the past. This could help both sides. Instead of dwelling on the injustices endured they could focus on the future with hopes of better relationships to come. Understanding the Arab process of resolving conflict might be a better way to identify the kinds of needs and interests that need to be met to foster peace.

These centers give all people living in the Israel/Palestine territories a method to express grief and anger at the current political situation. Imagine if instead of funding peace talks with governmental heads, these organizations were funded instead. This would give the opportunity for Israeli and Palestinians to meet and engage in contrastive dialogue. Tension in the area continues to build. In June 2016, a 13-year-old girl was fatally stabbed by a Palestinian assailant in the West Bank

332. *Id.*

333. *Id.*

334. *Id.*

335. *Id.*

336. *Id.*

337. *Past Projects, supra* note 325.

338. *Id.*

settlement of Kiryat Arba.³³⁹ The murderer was from a nearby village. This violence is a manifest of people living side-by-side without interacting with the other. Mediation centers should be an important part of life in Israel/Palestine

V. CONCLUSION

Israel Palestine have a long history of grievances against each other. The methods used in the practice of *Sulha* could be a useful tool in the peace-process. Imagine if lay people could speak to one another in a safe environment. This could be a way to decrease violence. Instead of resorting to violence to be heard, Palestinians and Israelis could use mediation to vent their anger and hopefully come to know the other.

339. Chaim Levinson, *Hundreds Attend Funeral of 13-year-old Killed by Palestinian Stabber*, HAARETZ (June 30, 2016), <http://www.haaretz.com/israel-news/1.728190>.