

The 1996 “Grapes of Wrath” Ceasefire Agreement and the Israel-Lebanon Monitoring Group: A Model of Successful Negotiations in Conflict Management

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From 1985 to 2000, Israel maintained a military presence in a so-called “security zone” in South Lebanon, where it supported the South Lebanese Army (SLA). Hizbollah fighters not only engaged Israeli and SLA forces in that zone, but also occasionally fired rockets into Israeli territory, causing civilian casualties and destruction. In 1993 and 1996, Israel conducted a massive offensive against Lebanon, leaving damage and destruction in its aftermath. The United States mediated ceasefire arrangements between Israel and Hizbollah (through the Lebanese and Syrian governments). As opposed to the 1993 ceasefire agreement, the 1996 agreement following Israel’s Operation Grapes of Wrath was mutually accepted and provided for a mechanism to monitor its implementation (the Israel-Lebanon Monitoring Group, co-chaired by the US and France, with the participation of Israel, Syria, and Lebanon). It functioned until February 2000, shortly before Israel completely withdrew its forces from South Lebanon. Two decades later, this instrument remains a model of successful negotiation for conflict management, both with respect to the process that led to the agreement and monitoring of the ceasefire. Its success in reducing civilian casualties on both sides during its four-year implementation has caused some to advocate the use of a similar model for other purposes (an Israeli-Lebanese peace agreement, a conflict prevention mechanism, or Israeli-Palestinian peace negotiations).

Historical Background

The origins of the conflict between Israel and Lebanon go back to the creation of the Jewish state in 1948, though after their 1949 Armistice Agreement, relative stability between both countries prevailed, including during the 1967 and 1973 wars in which Lebanon was hardly involved. Nevertheless, Lebanon was increasingly drawn into tensions with Israel when its territory was used as a base by Palestinian militants fighting Israel during the Lebanese civil war (until 1982) and later by Hizbollah, supported by Syria and Iran, conducting a proxy war against Israel. In response, Israel launched several operations aimed at stopping attacks on its northern territory.

In 1978, Operation Litani led the United Nations (UN) Security Council to establish Resolution 425 (UNSCR 425), calling for the withdrawal of Israeli forces and deployment of the United Nations Interim Force in Lebanon (UNIFIL); Israel handed over its outposts to its ally, the Free Lebanon Army (FLA), that later became the South Lebanon Army (SLA). In 1982, Operation Peace for the Galilee ended with the evacuation of PLO forces from Lebanon mediated by the United States and France. Israel maintained residual forces in a “security zone” in southern Lebanon along with the SLA.

In 1993, Operation Accountability included aerial strikes against Hizbollah bases, which had replaced the Palestinians, as well as shelling villages in South Lebanon, Tyre, and Sidon to force the Lebanese government to pressure the guerrilla movement¹ and send a strong signal to its Syrian sponsor.² Hizbollah, in retaliation, fired a number of indiscriminate Katyusha rockets into northern Israel. As it did in 1981, the U.S. government stepped in and negotiated a ceasefire through Bill Clinton’s Secretary of State Warren Christopher, who spent a whole week calling the leaders of Israel, Syria, and Lebanon and making indirect contacts with Iran.³ The resulting July 1993 agreement boiled down to applying the “red lines” already spelled out by Hizbollah and de facto accepted by Israel: Hizbollah pledged to stop firing rockets at northern Israel while Israel agreed to refrain from attacking civilian targets in Lebanon. This arrangement was oral and based on each party’s commitment to the arrangement. All the parties believed that the agreement would be honored because of American involvement. But the ceasefire arrangement was far from being respected by both sides, though most of the time they insisted that they were following their “red lines.”

Regular exchanges of fire lasted until April 1996, when Israel decided to launch a new operation named Grapes of Wrath.

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In the context of the 1996 campaign for general elections, Prime Minister Shimon Peres was hoping to obtain a full ceasefire, which would serve to protect Israeli forces in South Lebanon in exchange for a commitment to negotiate a complete withdrawal from Lebanon after a trial period of nine months.⁴ Consequently, he decided to send a request that Damascus impose restraint upon Hizbollah, conveyed through the Lebanese government.⁵ From April 11 to 26, 1996, Operation Grapes of Wrath took the form of a massive air and artillery attack on alleged Hizbollah military infrastructure as well as civilian infrastructure such as power stations. The Israeli Defense Forces (IDF), through the SLA radio, sent warnings to the civilian population in South Lebanon to evacuate their towns and villages, causing the displacement of some 400,000 Lebanese civilians.⁶ Some 30,000 people in northern Israel were also forced to seek shelter.⁷

A dramatic turning point in the offensive occurred on April 18, 1996, when Israeli artillery shells landed on a UN military compound in Qana, near Tyre, killing 106 civilian refugees and injuring another 116.⁸ Whereas for the UN it was unlikely that the shelling resulted from a procedural or technical error,⁹ Israel stressed that Hizbollah was to be blamed for having fired at an Israeli outpost from the vicinity of a populated area.¹⁰ UNSCR 1052 of April 18, 1996¹¹ called for an immediate cessation of hostilities. Once again, U.S. President Bill Clinton sent his Secretary of State Warren Christopher to the region to mediate a ceasefire. In a weeklong negotiation marathon, Christopher visited Damascus, held intensive meetings in Jerusalem as well as telephone consultations with Egyptian and Saudi leaders, and went to Beirut when an agreement was practically finalized.¹² During the U.S. mediation efforts, other countries also dispatched envoys to the region: French President Jacques Chirac, a personal friend of Lebanese Prime Minister Rafik Hariri, sent his Foreign Minister Hervé de Charette. The Foreign Ministers of Russia, Italy, Spain, and Ireland also travelled to the Middle East.¹³ Israel expressed some discontent regarding those attempts

and insisted that the U.S. remain the principal mediator.¹⁴ Christopher also made it clear that the U.S. should take the lead.¹⁵

There were serious differences between the French and U.S. ceasefire proposals despite their common goal (protecting civilians) and provision for a standing monitoring mechanism. The French based their plan on UNSCR 425, though it was not intended to substitute the peace negotiations. For its part, the U.S. proposal was closer to Israel's requests.¹⁶ Due to the strong international pressure on Israel after the Qana massacre, the U.S. could not impose Israel's desired goals (full ceasefire in exchange for a pledge to negotiate withdrawal) and the parties settled on a "package" that was close to the French proposal. The Ceasefire Agreement was made public simultaneously on April 26, 1996 in Jerusalem¹⁷ and in Beirut. Hizbollah Secretary General Hassan Nasrallah announced that his organization would consider itself bound by it.¹⁸

Contrary to the 1993 agreement, this was a written text with straightforward commitments. Formally, it recorded what both Israel and Lebanon would ensure: "armed groups in Lebanon" would not carry out attacks against Israel; Israel and SLA forces would not fire any kind of weapon at civilians or civilian targets in Lebanon; civilians will never be the target of any attack, and civilian populated areas and industrial and electrical installations will never be used as launching grounds for attacks; nothing precluded any party from exercising the right for self-defense but "without violating this Agreement." An Israel-Lebanon Monitoring Group (ILMG) composed of the U.S., France, Israel, Lebanon, and Syria would monitor the implementation of the agreement by addressing complaints in case of alleged violations.

The Agreement was not intended as "a substitute for a permanent solution" but only as an instrument "to bring the current crisis to an end."¹⁹ However, the U.S. did propose the resumption of negotiations between the parties "with the objective of reaching comprehensive peace" and understood that those negotiations should be "conducted in a climate of stability and tranquility."²⁰ This stressed the difference between a temporary ceasefire and a full-fledged peace process. This agreement was confirmed by Syria's Foreign Ministry, which stated that the agreement would "stop the cruel assault against the lives of the civilians without abandoning the legitimate right of the Lebanese resistance to confront the Israeli occupation."²¹

The parties then negotiated the ILMG rules of procedure. Diplomatic talks held in Washington were interrupted by the general elections in Israel in May 1996. The negotiations led to the adoption of a Protocol on the Working Rules for the ILMG on July 12, 1996.²² The operation of the ILMG was considered by the Clinton administration as "a useful indicator that both the new [Israeli] government and the Syrians and Lebanese were interested in finding ways to defuse tensions and... showing that they could do business."²³

For nearly four years, from July 1996 to February 2000, the ILMG met regularly at UNIFIL headquarters at Naqura to address complaints of alleged violations of the Agreement from either Lebanon or Israel or both, and issued public statements often pointing in practice to the responsibility of Israel (or the SLA) or Hizbollah (as represented by Lebanon). In total, the Group issued 103 press statements after having examined 607 complaints (298 from Israel and 309 from Lebanon).²⁴ Although most complaints related to actual incidents, there may have been a secret competition between Israel and Lebanon in order to maintain some balance in the number of complaints submitted.²⁵ In regards to the functioning of the ILMG, the following points are worth mentioning:

- a. For the purpose of decision making, a consensual approach was eventually preferred to a voting system.²⁶ Press statements containing indirect admission of guilt or responsibility by one or the other party would carry more weight than unilateral accusations rejected by the other side. After hearing evidence from the complaining party and a response from the accused, and possibly conducting its own on-site verification mission,²⁷ the Group drafted a factual, confidential, internal report registering the various positions. It included results from verification visits, and the agreements or disagreements about the findings. Such reports were detailed, including locations of incidents, types of weapons used, resulting damage to people or property, and mentioned by name the accused forces (IDF, SLA, or Hizbollah) or even commanders, combatants, victims, or witnesses.²⁸ Then the parties negotiated a public press statement, usually also prepared by the chair. Obviously, this exercise was often time consuming, since the accused party generally attempted to deflect the blame for the charges. If there was unanimity in identifying the non-complying party, the report would mention it; if not, the report would

contain a factual description of the group's discussions and possibly the outcome of the verification visit.

- b. The chair and co-chair positions were rotated between the U.S. and France for periods of five months. Both were supposed to "work together closely in a spirit of full coordination and cooperation."²⁹ Despite some initial competition,³⁰ this coordination worked well.³¹ Both delegations were active in drafting the internal and public reports. However, the expected roles were sometimes reversed:³² although viewed as Israel's ally and protector, a U.S. chair would occasionally exert pressure on the Israeli delegation to admit its responsibility, while the French, considered as defenders of the Lebanese, often convinced the latter to accept blame for Hizbollah's behavior.³³ An Israeli delegate even admitted in private that the French chairs were more impartial because the Americans over-compensated for a perceived bias in favor of Israel.³⁴
- c. The Monitoring Group appeared as a model of civil-military cooperation. Officially, it consisted of "delegates headed by military representatives." In practice, the chair and co-chair were always diplomats, with military advisors in their delegations, while the Israeli, Lebanese, and Syrian delegations were headed by high-ranking military officers alongside hosted civilian advisors.³⁵ This mixture of cultures and backgrounds as well as networks and communication channels contributed to a professional, non-polemical approach to the discussions. The military expertise was useful in examining and possibly rebutting the submitted evidence,³⁶ while the diplomatic skills were put to a test in the arduous negotiations on the public statements. The role of the military in the implementation of the 1996 Agreement was the most important, and an actual change of tactics and modus operandi of the IDF resulted from the restraint imposed by the agreement.³⁷ Even when military commanders complained in Israel about those constraints, the Israeli political leaders always ruled in favor of strict compliance with the Agreement.³⁸
- d. The Monitoring Group also offered a framework for discreet communication between Israel and Syria. Officially, during meetings the Arab participants did not speak directly to the Israelis but through the chair; the Lebanese wanted to avoid the impression of cooperating with the enemy.³⁹ However, on several occasions, the chair left Israeli and Syrian delegates alone in

a room ostensibly in order to negotiate a public statement but in fact to discuss other issues such as an exchange of prisoners,⁴⁰ a ceasefire to recover bodies of Israeli soldiers⁴¹ or in exchange for the transfer of a town to Lebanese control.⁴² Despite public denials, personal amicable ties and mutual trust were even forged between Israel and Arab delegates who met on a regular basis.⁴³ The fact that Israel and Syria used this back channel to avoid escalation of tensions that could have led to an all-out war between them, was all the more crucial given that U.S. mediation efforts to resume peace negotiations were unsuccessful during the whole duration of the ILMG. An Israeli delegate went as far as claiming that Syrian and Israeli representatives occasionally used complaints to the ILMG as pretexts for meeting each other.⁴⁴

- e. The functioning of the ILMG was also affected by domestic political developments. Albeit intended to spare civilians, military operations were causing the IDF and SLA increasing losses, and this was occasionally used in the political debate, especially during electoral campaigns. Some Israeli politicians advocated a negotiated Israeli withdrawal from Lebanon, which seemed logical after UNSCR 425 had been formally accepted by the Netanyahu government on April 1, 1998.⁴⁵ In the run-up to the 1999 early general elections, Labor candidate Ehud Barak promised that he would unilaterally withdraw Israeli forces from Lebanon if negotiations with Syria failed. During the last weeks of the Netanyahu government, Israel announced that it was no longer bound by the 1996 Agreement and would cease its participation in the ILMG.⁴⁶ However, soon after Ehud Barak assumed his position as Prime Minister on July 6, 1999, Israeli delegates resumed their participation in the Monitoring Group (only interrupted from June 24 to July 13, 1999).⁴⁷ On February 11, 2000, when the ILMG met to examine an Israeli complaint regarding a Hizbollah attack from a civilian area, the Israeli delegation interpreted this incident as evidence of ill will by Syria, and left Naqura as a sign of protest, marking the last meeting of the Monitoring Group.⁴⁸ Eventually, with the actual Israeli withdrawal from South Lebanon completed on May 25, 2000, the ILMG had lost its main *raison d'être*.

Lessons Learned from the Israel-Lebanon Monitoring Group

Assessing the effectiveness of the 1996 Agreement requires reference both to the facts regarding their main purpose – protecting civilians from a continuing armed conflict – and the public appraisal in Israel and Lebanon about achievement of this goal. A precise count of actual civilian victims is difficult because Lebanese statistics do not distinguish between “real” civilians and “resistance” combatants.⁴⁹ Nevertheless, a study did compare casualties between 1996 and the first eight months of 1997: the number of Katyusha attacks had dropped from 25 to 8; Israeli civilian casualties from 34 to 4; Israeli military fatalities from 26 to 17; Lebanese civilian casualties from 640 to 123; and Hizbollah casualties from 50 to 45.⁵⁰ From 1985 to 2000, the 4,000 rockets launched by Hizbollah onto northern Israel killed nine Israeli civilians.⁵¹ After the 1996 Agreement had entered into force, statements on both sides admitted⁵² that as a result, the number of civilian casualties had been considerably reduced.⁵³ Even the leader of Hizbollah recognized that “despite our annoyance with the continuing Israeli violations, the Agreement did curb the attacks on civilians.”⁵⁴

The success of the 1996 Agreement explains why it was considered a model for fulfilling similar missions in other contexts. In 2001, negotiators from the Palestinian Authority examined the experience of the ILMG in light of the Mitchell Report (containing recommendations on the Israeli-Palestinian peace process): while taking a skeptical view of its relevance to the Palestinian track, they recognized the value of a multilateral monitoring structure.⁵⁵ In 2002, in view of the fragility of the situation along the Lebanese border, the International Crisis Group (ICG) recommended that both Israel and Hizbollah respect the “spirit of the April 1996 Agreement” by refraining from attacking civilians and that “regular talks” be held between U.S., European Union, UN, Russian, Syrian, and Lebanese representatives.⁵⁶

During the 2006 Lebanon war, which caused some 1,300 civilian deaths in Lebanon⁵⁷ and killed 165 Israelis,⁵⁸ Israel asked the US to establish a new ILMG to “coordinate” a ceasefire with a “UNIFIL-Plus force” and “prevent a vacuum in South Lebanon.”⁵⁹ The 4,000 Katyusha rockets launched by Hizbollah during the war onto Israel killed 40 Israeli civilians.⁶⁰ Most probably, had the 1996 Agreement survived Israel’s withdrawal, civilian

casualties would have been avoided, and the ILMG could have served as a basis for a future peace agreement between Israel and Lebanon, especially for the monitoring of possible border incidents.⁶¹ In 2010, Daniel Kurtzer, former U.S. Ambassador to Israel and Egypt, proposed a plan to prevent a new war between Israel and Lebanon that included the option of "resurrecting in some form" the ILMG to "restore credibility to the effort to implement" UNSCR 1701 (calling for a total cessation of hostilities in Lebanon and the future disarmament of Hizbollah).⁶² According to an Israeli commentator, a de facto framework similar to the ILMG was used "for meetings of IDF and Northern Command officers with senior Lebanese and UNIFIL officers."⁶³

Of course, in the 2006 Lebanon war, the general context had dramatically changed compared to 1996: after the withdrawal of Syrian troops from Lebanon in 2005, Bashar al-Assad's influence on Hizbollah was reduced,⁶⁴ Hizbollah had acquired sophisticated weaponry mainly from Iran,⁶⁵ which made this war look more like an Israel-Iran proxy confrontation;⁶⁶ because Hizbollah had two cabinet ministers in the Lebanese government, Israel considered the latter responsible for the abduction of Israeli soldiers that triggered the offensive; Israel also believed that should it suffer the consequences of war, the Lebanese population would turn its back against Hizbollah;⁶⁷ finally, Israel enjoyed unconditional support on the part of the U.S. Bush administration, which stressed Israel's right to self-defense and left it to the UN to painfully conduct a month-long ceasefire negotiation.

A former advisor to the Israeli ILMG delegation also advocated a "resurrection of the monitoring group and the establishment of a parallel Israeli-Palestinian body." For him, such a renewed ILMG could be tasked to monitor the disarmament of Hizbollah by the Lebanese Army and "create a constructive new channel of communication among Israel, Lebanon, Syria and the Palestinian Authority." The Israeli-Palestinian monitoring group, with the possible inclusion of Egypt and Jordan, could immediately convene in the event of any spike in Israeli-Palestinian violence.⁶⁸

In 2007, the idea of European civilian border assistance mission to help Lebanon ensure security along its border with Israel was considered. But voices from the region suggested rather to "revamp" the ILMG to "provide verification measures for the projected downsizing of" UNIFIL.⁶⁹ This new institution would "report and reprimand any violations of Resolution 1701

from all involved parties.” This “new EU-led group could act as a means of diplomatic dialogue, and, most imperative for Lebanon’s sovereignty, could be a verification mechanism to condemn Israel’s overflight violations and Syrian trans-border transgressions.”⁷⁰

Obviously, in the current context of the Syrian civil war, it is difficult to imagine any relevance for resurrecting a mechanism similar to the ILMG before some stabilization and de-escalation of armed violence occurs among the warring parties. However, in a future scenario of reconstruction and the interim phase towards a regional peace settlement, this idea should be kept alive.

Conclusions and Recommendations

The success incurred by the 1996 Agreement and the ILMG, which makes them appear as a possible model to solve similar problems, can suggest the following recommendations:

a. *In most cases, multilateral approaches are more effective than unilateralism.*

The history of the Middle East, in particular the relations between Israel and the Palestinians or Hizbollah, abounds in cases when unilateral moves by either actor led to a worse situation than the status quo, while most attempts of multilateral solutions were successful and sustainable.⁷¹ With the 1993 and 1996 agreements, the U.S. mediation based on UN resolutions established a situation of relative calm with fewer casualties. In both cases, the limited ceasefire collapsed due to Hizbollah actions, followed by unilateral military actions by Israel instead of joint action with external actors. Similar situations occurred when Israel expelled some 400 Palestinians to Lebanon in 1992,⁷² withdrew from South Lebanon in 2000 without an agreement with Lebanon and Syria, unilaterally pulled out from the Gaza Strip in 2005, or conducted its offensive on Lebanon in 2006. In contrast, two multilateral peacekeeping operations resulting from negotiated multilateral arrangements, the UN Disengagement Force (UNDOF) on the Golan Heights deployed in 1974 and the Multinational Force of Observers (MFO) established in the Sinai in 1981, still contribute to maintaining relative calm in these regions of strategic importance for Israel.

- b. *In some cases, preference should be given to realistic, short-term goals over ambitious peace plans.* Often in the Middle East "the avoidance of war is a far more achievable goal" than getting the parties to make peace.⁷³ The success of the 1996 arrangement was mainly due to its well-delineated, rather short-term and limited ambition: protecting civilians from the military conflict waged between the parties. This restricted purpose was clearly separated from the political aim of resuming peace negotiations between Israel and Syria, mentioned in the Agreement as a U.S. "proposal." The U.S. mediation efforts failed not because the belligerents found it more convenient to continue the fighting while keeping it under control, but rather due to the lack of readiness by both sides to make the necessary concessions for achieving full peace. Nonetheless, the parties had an interest in keeping the 1996 mechanism alive for avoiding escalation into a direct military confrontation, a more costly alternative, and keeping a communication back channel open. Of course, in today's context of the civil war in Syria, that consideration seems quite irrelevant. However, in a different situation, one could imagine that a system of conflict management between two enemies not yet ready to negotiate full cessation of hostilities could serve their common interest to spare civilians and avoid escalation of tensions. This would probably require, like the 1996 agreement, a powerful mediator enjoying trust from the belligerents.
- c. *Mediation has a better chance of success if it seeks balanced results.* The search for mutual obligations was critical to the success of the 1996 ceasefire negotiations. Perhaps as a result of a regional culture of revenge for harm suffered, the fighting between Hizbollah and Israel was characterized by a cycle of violent acts and responses. Of course, the conflict was also marked by asymmetry that made it difficult to put the belligerents on the same footing. Israel, as a State Party to the 1949 Geneva Conventions⁷⁴ and equipped with sophisticated weapon systems, was bound by the obligations of international humanitarian law applicable in armed conflict (IHL), in particular not to target civilians and to take additional precautions as an occupying power. Hizbollah, a non-state actor, claimed that it was only carrying out acts of resistance against occupation and was not bound by IHL. This is why it was so important

for the U.S. mediator to seek the adherence of states, Syria and Lebanon, held responsible for the acts of Hizbollah. But the U.S. and French mediators were also aware of the constant need for consensus that required mutual concessions and sometimes face-saving devices (such as a public apology for an unintentional casualty or the procedural fiction that the belligerents did not talk to each other but only through the chair).⁷⁵ This explains why most of the public statements were so carefully crafted, often reaffirming the rules for the benefit of all. This was perceived as superior to a zero-sum game approach consisting in scoring points but losing human lives. In any similar situation, mediators should strive to find the proper balance between designating a belligerent responsible for a clear breach of a ceasefire or IHL and consensus language reaffirming commitments to abide by the agreements.

- d. *Timing is critical in most crisis negotiations.* In 1993 and 1996, the U.S. mediator initiated negotiations without delay with all parties in the absence of direct communications between them. In both cases, it took a week to achieve an agreement and de-escalate the military confrontation, which by most standards is a rather short time. The 1996 negotiations were facilitated by the previous ones and their unwritten outcome. Time was of the essence in 1996 because of the electoral campaign in Israel, and the domestic uproar about casualties and constraints on the population in northern Israel. The sense of urgency was also part of the monitoring system: when complaints of alleged violations were submitted, the Chair was supposed to call for a meeting “immediately.” In many cases, the meetings were convened within 24 or 48 hours. Outside meetings, the Chair also served as an intermediary for emergency communication between the parties, as for instance in the December 1999 unintentional Israeli shelling of a Lebanese school.⁷⁶ In a similar conflict situation, rapid communication and intervention of mediators can be critical in preventing escalation of tensions and saving civilian lives. In contrast, in the 2006 Lebanon war, for 18 days, the U.S. did not support any ceasefire.⁷⁷ The irony was that just like in 1996, the abstention which resulted in hundreds of casualties was reversed after new bloodshed in Qana due to indiscriminate Israeli shelling.⁷⁸

- e. *When third-party mediators are involved in negotiations, they must agree to work intensively with all the parties, and focus on achieving the desired result.* In 1996, contrary to 1993, the U.S. mediator travelled to the region and conducted full-time shuttle diplomacy for one week between the parties. He also held active telephone consultations with other leaders who could exert influence. The French Foreign Minister also spent 13 days shuttling between Beirut, Damascus, and Jerusalem, an unprecedented duration for a French politician also active on the domestic scene.⁷⁹ Despite disadvantages of competition, insufficient coordination, and irritation of some parties, it seemed that only personal involvement and perseverance of high-level political figures (backed by strong national interests and competent teams of advisors) can deliver successful agreements.
- f. *Leaders involved in negotiations on an agreement to stop violence should also assume the responsibility of implementation of the accord through a verification mechanism.* Especially in contexts of total lack of trust between the parties, respect for any agreement cannot be assumed and left to their good faith. This is why the ILMG was so successful: it involved powerful third-party mediators backed by the UN and capable of leveraging respect for the agreement, and it gave the parties a chance to hold the responsible party accountable for violations. Thus, the mechanism enjoyed both credibility and ownership of the parties, and its operation contributed to strengthening confidence in compliance with the agreement.
- g. *The choice of mediators and negotiators, both on national and professional criteria, can be decisive.* In 1996, on the U.S. side, Warren Christopher benefited from his own experience of the 1993 negotiations and the personal knowledge of most of his interlocutors. He also relied on a team of competent experts in Middle East affairs, such as Dennis Ross, Special Middle East Coordinator at the State Department,⁸⁰ or Martin Indyk, the U.S. Ambassador to Israel.⁸¹ Among U.S. delegates to the ILMG, a few American diplomats were later rewarded for their work: David N. Greenlee, Chairman of the ILMG in 1996-1997, then Ambassador to Bolivia and Paraguay; Joseph G. Sullivan, his successor in 1997-1998, then Ambassador to Angola and Zimbabwe; Theodor Feifer, deputy head of the U.S. delegation in 1996-1997, then Adviser to the Special Middle

East Coordinator. On the Israeli side, the most prominent negotiator was Dore Gold, a close advisor to Benjamin Netanyahu,⁸² although not directly involved in the negotiations, Itamar Rabinovich, the Israeli Ambassador to the UN and delegate to the Israel-Syria peace talks, also played an influential role.⁸³ Another key Israeli expert was Uri Lubrani, the Ministry of Defense Coordinator on Lebanese Affairs for decades, considered as the Israeli official with the strongest connection to the Syrians and the Lebanese.⁸⁴ The Israeli delegation to the ILMG was headed by Brigadier General David Tzur, Chief Israeli Liaison Officer to Foreign Forces, who had an impressive record in the Israeli security establishment and was later elected to the Knesset. The Syrian Ambassador to the U.S., Walid Muallem, involved in the negotiations on the ILMG rules, later became Deputy Foreign Minister and then Foreign Minister in 2005.⁸⁵ The Lebanese delegate, Colonel Maher Toufeili, and his Syrian counterpart, General Adnan Balloul, deputy chief of Military Intelligence in Lebanon,⁸⁶ were more “traditional” military officers with limited initiative but they proved to be effective communication channels. On the French side, the two successive Chairmen of the ILMG, Jean-Michel Gaussot and Laurent Rapin, also had some experience in Middle East affairs: both from their tenures at the Permanent Mission of France to the UN and the latter as Desk Officer for Egypt and the Levant. Both of them also relied on a solid team of experts, starting with the Director for North Africa and the Middle East, Denis Bauchard, a tough negotiator.⁸⁷ In a similar context, it is important to select the individuals involved in the talks carefully, preferably for their experience and knowledge of the issues but also their skills in actual negotiation, legal argumentation, and imaginative solutions, as well as ability to withstand psychological pressure.

- h. *Negotiations involving both military and diplomatic/political actors are effective when the division of tasks between them is clear.* Indeed, the military generally accepts the authority of the political level, and the civilians are willing to rely on the expertise of the military on defense, equipment, and situation on the ground. Communication seems more straightforward among the military, including from opposing sides, due to the commonality of culture, shared sense of duty, and discipline within the chain of command. This was demonstrated repeatedly within the

negotiations of the ILMG. Often, the military delegates from opposing sides accepted the technical evidence related to alleged violations while their diplomatic advisors continued to argue on the merits of the case.⁸⁸ In a similar context, it is important to ensure that a clear division of tasks is maintained and that each group trusts the expertise of the other.

- i. *Confidentiality is critical during the whole negotiation process.* This mitigates media pressure, posturing, and damaging leakages. But possible recourse to publicity, not of debates but of results, may play a useful role in achieving positive outcomes. This dual approach explained the success of the 1996 Agreement. The discussions conducted within the ILMG remained confidential: the Chair and Co-Chair were careful to collect written statements but not to leak them to the media, and to abstain from publicly mentioning national positions. The delegates themselves generally followed this rule, perhaps out of fear of backfire. Even several years after the fact, most testimonies in Adir Waldman’s book remained anonymous.⁸⁹ This assurance that only agreed language would be made public, even if it included admission of responsibility by one or the other party, contributed to the building of confidence at least in the credibility of the mechanism. It did not stop each party from politically exploiting critical language towards the “enemy” or highlighting its own conduct as legitimate. But it had the merit of restricting the conflict to the level of propaganda or ideological warfare, always safer in the short term for both military and civilian lives.

Notes

- 1 Human Rights Watch, “Civilian Pawns: Laws of War Violations and the Use of Weapons on the Israel-Lebanon Border,” May 1996, p. 2.
- 2 Adir Waldman, “Clashing Behavior, Converging Interests: A Legal Convention Regulating a Military Conflict,” *Yale Journal of International Law* 27, no. 2 (2002): 249.
- 3 David Hoffman, “Israel Halts Bombardment of Lebanon,” *Washington Post*, August 1, 1993.
- 4 Zvi Barel, “Katyushas Have a Course of their Own,” *Haaretz*, February 16, 2000, cited in Adir Waldman, *Arbitrating Armed Conflict – Decisions of the Israel-Lebanon Monitoring Group* (Huntington: JP Juris, 2003), p. 23.

- 5 Itamar Rabinovich, *The Brink of Peace* (Princeton, N.J.: Princeton University Press, 1998), p. 231.
- 6 Human Rights Watch, "Civilian Pawns," p. 9.
- 7 Amnesty International, "Unlawful Killings during Operation 'Grapes of Wrath,'" July 23, 1996, p. 3.
- 8 United Nations Security Council, Letter from the Secretary-General to the President of the Security Council, Document S/1996/337 of May 7, 1996.
- 9 Ibid.
- 10 Israeli Ministry of Foreign Affairs, "Response to the UN Secretary-General's Report on the Kana Incident," July 1996.
- 11 United Nations, Security Council, Resolution 1052 (1996), April 18, 1996.
- 12 Waldman, *Arbitrating Armed Conflict*, p. 25.
- 13 Ibid., p. 23.
- 14 Israeli Ministry of Foreign Affairs, "Press Stakeout with PM Peres and Secretary of State Christopher," op. cit.
- 15 Ibid.
- 16 Hala Jaber, *Hezbollah: Born with a Vengeance* (New York: Columbia University Press, 1997), p. 195.
- 17 Israeli Ministry of Foreign Affairs, "Israel-Lebanon Ceasefire Understanding," April 26, 1996.
- 18 Alan Sipress, "Hezbollah, Israel Agree to Cease-fire. The Two Sides Said They Would Halt Attacks on Civilians. They Also Won't Launch Armed Operations from Populated Areas," *The Enquirer*, April 27, 1996.
- 19 Israeli Ministry of Foreign Affairs, "Israel-Lebanon Ceasefire Understanding."
- 20 Ibid.
- 21 Alan Sipress, "Hezbollah, Israel Agree to Cease-fire."
- 22 Full text, made public in 1998, available in Waldman, *Arbitrating Armed Conflict*, pp. 129-31.
- 23 "Accord Sets Up Five-Nation Monitoring Group for Lebanon Cease-Fire," *Reuters*, July 13, 1996.
- 24 Waldman, "Clashing Behavior, Converging Interests," p. 280.
- 25 Ibid., p. 276.
- 26 Waldman, *Arbitrating Armed Conflict*, pp. 33-34.
- 27 Article 1 B and C of the Working Rules amounted to requiring consensus for carrying out verification missions; the latter would be conducted jointly by the U.S., France, and Israel in the case of attacks on Israeli territory, and by the U.S., France, Lebanon, and Syria (if Syria so wished) in case of alleged violations on Lebanese territory.

- 28 For an example of such internal reports, see Waldman, *Arbitrating Armed Conflict*, pp. 135-40.
- 29 Ibid., p. 130.
- 30 Ibid., p. 108.
- 31 Author's interview with anonymous French diplomat, Tel Aviv, July 1998.
- 32 Ibid.
- 33 Khalil Fleihan, "Rapin Hits Out at Israeli Occupation," *Daily Star*, September 25, 1998.
- 34 Waldman, *Arbitrating Armed Conflict*, p. 47.
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