



## MY VOLUNTEER ASSIGNMENT IN

# Ramallah

BY MICHAEL BLECHMAN

*How one lawyer tried to make a difference in the sometimes hopeless-seeming Middle East.*

**I**t was a hot July morning in 2012, and I was driving through the West Bank outside of Ramallah—a landscape of boxy concrete houses, dusty fields, and occasional cypress and olive trees—on my way to Tel Aviv, Israel, with a Palestinian lawyer named Mazen Qupty.

I'd been sent to Ramallah by the International Senior Lawyers Project [islp.org/], an extraordinary organization that sends senior lawyer volunteers on public service assignments around the world. My assignment was to help establish the Jerusalem Arbitration Center, a joint project of Israeli and Palestinian business groups to provide a neutral forum for resolving commercial disputes.

### SEEING THE WALL FROM BOTH SIDES

Our journey required us to pass through the “barrier fence” separating the West Bank from Israel—actually

a concrete wall in this section—and the traffic began to back up more than a mile from the checkpoint. I'd seen the barrier many times before from the Israeli side, but approaching it from the Palestinian side was an entirely different experience.

From Israel, it looked like a line of clean, light-grey slabs winding gracefully across the hills and desert—like one of Christo's installations. From the Palestinian side, the barrier was covered with graffiti, political statements that fill every available space as you approach a checkpoint.

Curiously, your mindset also changes from one side of the wall to the other. On the Israeli side, the wall is reassuring—it protects “us” from the terrorists on the other side. From the Palestinian side, the barrier, and the searches and questioning by the guards that go with it, seem an annoying inconvenience—especially when you're trying to get to a meeting during rush hour. As with many things in this part of the world, what you see and feel depends to a large extent on which side you happen to be standing.

After the checkpoint, we drove for another hour to the law office in downtown Tel Aviv where we'd be meeting.

Once there, the atmosphere was friendly and collegial. Qupty, who'd been a guest lecturer at Harvard and represented some of the leading Christian institutions in Jerusalem, was obviously known and respected by the Jewish lawyers on the other side of the table. One difficulty for me, although clearly not for Qupty, was the language. Although the documents being negotiated were all in English, the back and forth was often in Hebrew, which Qupty spoke fluently but for which I frequently needed translation.

#### HOW I GOT HERE

So how did an American Jewish lawyer like me wind up on the Palestinian side of the table negotiating with Israelis? The JAC, sponsored by the International Chamber of Commerce in Paris, was to be a joint venture between two ICC affiliates, ICC-Israel and ICC-Palestine.

ICC-Israel was represented by the large Tel Aviv law firm where we were meeting. ICC-Palestine was represented by Qupty. My role, as explained to me by ISLP, was to assist Qupty and accompany him at the talks. The Israelis welcomed my participation—they thought some additional arbitration expertise on the other side of the table would be helpful—and so did Qupty.

The potential importance of the JAC was immense. The project had been nominated for a Nobel Peace Prize, and ICC-Israel produced a video, showing white doves flying out of outstretched hands, that depicted the JAC as a major step toward peace. The Palestinians appreciated the usefulness of the center for Arab businesspeople but were concerned about a political backlash against anything that suggested “normalizing” the relationship with Israel while the occupation continued.

To me, it seemed like a miracle that Israeli and Palestinian business leaders were coming together to create a joint institution in the private sector even though the “peace process” remained stymied in the political sphere.

#### AT WORK IN RAMALLAH

ICC-Palestine put me up in Ramallah at the Mövenpick Hotel. Inside, it was like a modern, international hotel anywhere, although the occasional Saudi or Emirati in flowing robes and the bodyguards in dark suits waiting by the Mercedes's at the front door suggested a Middle Eastern locale.

Outside, however, I was clearly someplace new and different. Like a handful of other towns, Ramallah was one of the “Area A” zones established by the Oslo Accords—which means it was under the military as well as civil control of the Palestinian Authority. The only uniforms I saw

were those of the Palestinian police and security forces guarding Yasser Arafat's tomb, Palestinian Authority Government buildings, and the President's Residence.

The Mövenpick had conference rooms where I could meet with Qupty, and sometimes other representatives of ICC-Palestine, to discuss legal issues and prepare for the negotiations. One important legal problem was to find a way to make arbitration awards handed down by the JAC readily enforceable in Israeli and Palestinian courts.

There's a treaty—the New York Convention—that provides for such enforcement of international arbitration awards. But since Israel doesn't recognize the West Bank as a separate state, we needed to negotiate a solution that would be accepted by Israeli as well as Palestinian courts to allow JAC awards to be enforced as though they were international while avoiding the quagmire of a political debate on Palestinian statehood.

Two other Americans joined me at the Mövenpick: Catherine Rogers, a professor from Pennsylvania State Law School, and Yousuf Aftab, a Pakistani-Canadian lawyer practicing in New York.


Rogers made a particularly valuable contribution with respect to another thorny legal issue facing the JAC. The “seat” of an arbitration, which is normally where the hearings take place, generally determines which country's arbitration law governs and whose courts have jurisdiction over such matters as challenges to individual arbitrators as well as the validity of an award. Here, the actual hearing rooms were to be in East Jerusalem, which Israel considers to be part of its capital, but that the Palestinian Authority claims as its own future capital.

Rogers, along with another internationally recognized arbitration expert whom she introduced by phone, presented the idea of making Paris the “virtual seat” of JAC arbitrations, even though the physical hearings would be in Jerusalem—a solution that was ultimately adopted.

#### MEETING YOUNG PALESTINIANS

Rogers and Aftab also had another assignment. “Capacity building” involved training lawyers from the Palestinian Authority Justice Department in arbitration so they could participate in the JAC and facilitate the enforcement of its arbitration awards in Palestinian courts. I joined the faculty of one of their seminars, along with two Israeli women. Together, we taught the Palestinian officials—avid and attentive in their dark suits—the basics of arbitration and advocacy.

The evening after the first seminar, a young woman named Yara Asad—who was the secretary-general of ICC-Palestine and basically organized everything we



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did—took the American and Israeli participants to a restaurant that had a bar and music and tables in a tree-shaded garden. The crowd looked like what you might expect in a high-end New York bar: Young men in jeans and sport shirts, women in short skirts—no *habibs* or *burkas* in sight.

A number of young people came by to say hello. One young man had just spent six months in Italy learning how to make cheese and was trying to set up a cheese production using local dairy products. Another was working on a tech startup with a young Israeli partner. They seemed like cosmopolitan young people, strikingly similar to their peers in Israel.

We asked what kind of future they envisioned for Palestine. Interestingly, no one saw any hope for a so-called two-state solution. That was in part because they didn’t believe the Israelis would agree to a Palestinian state under any circumstances but also because they thought the Palestinian Authority was hopelessly corrupt and incapable of governing.

Several of these young people said they’d love to see what they called a one-state solution and spoke longingly of being able to go to the beaches on the Israeli coast. However, as a practical matter, they saw that as an impossible dream as well.

#### **A VISIT IN JERUSALEM**

During my stay in Ramallah, I met only a few members of the board of ICC-Palestine. They were a select group. The chairman was a billionaire real estate developer who’d created a whole new city north of Ramallah that

had been featured on the American TV show “60 Minutes.” Each of the other board members was similarly a leading figure in a different sector of the Palestinian economy. In my mind, I called them the princes of Palestine.

One evening, we were invited to visit a board member in the Old City of Jerusalem. His home consisted of a number of ancient town houses that had been joined together and refurbished with large windows overlooking an inner courtyard, terraces, and roof gardens. The interior was furnished with a mixture of modern furniture and Arab antiques.

On the tables and mantles, there were pictures of our host with Arafat and other luminaries of “the Struggle.” Much of the art work depicted Arab suffering in the aftermath of the *Nakba*, an Arabic term for catastrophe, an event that Jewish Israelis celebrate as their Independence Day. Interestingly, while our host was obviously passionate about the Palestinian cause, he also seemed committed to the pragmatic cooperation with the Israeli business community that the JAC represented.

#### **A RARE POINT OF LIGHT**

Six years have now passed since my assignment in Ramallah. On a number of occasions, Arab terrorists have stabbed and run their cars into Jews in Jerusalem, and Jewish terrorists have killed Arab children and burned Arab houses.

The prospect of a peace agreement between Israel and the Palestinians seems more remote than ever. At the same time, while you don’t see many videos of doves flying up from outstretched hands, the JAC is open for business, and cases are being arbitrated there. It thus remains a rare point of light in an otherwise dismal firmament.

To me, it makes a difference, and I’ll always be grateful to ISLP for giving me the chance to participate in its creation.

If you’re looking for volunteer opportunities, ISLP offers many possibilities. On another occasion, they sent me to the Republic of Georgia on a USAID-funded project to investigate and report on alternative dispute resolution in that country. On their web page, you’ll find many inspiring projects, particularly in the area of protecting human rights and the rule of law. I recommend volunteering for one. You may find it the experience of a lifetime. ■

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