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THIRD PARTY INTERVENTION IN THE ISRAELI-PALESTINIAN CONFLICT

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The invasion by Israeli Defence Forces (IDF) of Palestinian-controlled areas of the West Bank, so-called "Operation Defensive Shield" launched on Good Friday 2002, altered fundamentally the terms of debate about international intervention in the crisis. After eighteen months of widening and deepening conflict, it was a concrete turning point in which the routinely visible characteristics of the *intifadah* uprising were replaced by the physical manifestation of near full reoccupation. With some 1200 Palestinian and over 400 Israeli deaths by mid-April, and the shattering of the Palestinian Authority's (PA) security and governance capacities, proposals for third party action encompassed the full range of peace operations and state-building activities that have been deployed since the end of the Cold War, collectively and multilaterally through the United Nations (UN) or cooperatively and multinationally under a lead government. But what can and cannot work?

The minimum level of intervention required is elevated with each stage of deterioration in ground conditions. Both sides have converged somewhat on the idea of a third party. Governments and international organizations and agencies have so far pursued a minimalist form of incrementalism that has produced a complicated set of disparate structures with little functional capacity. By contrast, negotiations for a permanent settlement agreement had envisioned a much better comprehensive approach necessitating an integrated architecture for implementation in the long term. In the short term, however, a limited and symbolic international presence in the form of traditional observers, which had been tried in Hebron with unpopular results, could not have satisfied calls for protection. For a year, Israeli security concerns and Palestinian political interests under US mismanagement paralysed the development of monitoring mechanisms. Though critical as one part of an intervention, monitoring by itself is insufficient.

Amongst force options, static conventional peacekeepers can deliver little more in this environment than unarmed observers. The UN proposed a full-scale enforcement action by a coalition of the willing, and this may be ultimately needed to provide top cover for a comprehensive mission. However, between these extremes, military or gendarmerie units with a limited force capability performing constabulary functions can accomplish the bulk of activity.

The current debate about a multinational "trusteeship" over the area quickly overshadowed the broader range of third party options. It is an extreme proposition that contrasts with the preceding trench warfare over mild forms of monitoring and is fraught with difficulties that

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[*] The views expressed in this article are the author's own, and do not represent a current official position of the PLO or of donor governments.

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its proponents have not yet acknowledged. It can be done, but will require considerably more planning and preparation than earlier experiments in transitional administration if it is not to backfire here. International governance will fulfil the requirements of a comprehensive and integrated approach, but its attractiveness to some may dangerously replace tackling the hard political questions at the core of resolving the conflict. Indeed, any intervention to be effective will need to be deployed within the context of a geopolitical process leading to a permanent settlement between Israelis and Palestinians.

Elevated Intervention

Throughout the *intifadah*, a minimum level of intervention has been required if a third party was ever to stem the violence and foster a political outcome. As ground conditions progressively worsened, the necessary threshold of international action gradually rose. The single event of Operation Defensive Shield, however, catapulted this minimum threshold up to the higher end of the scale. It was Israel's most massive military action in the territory since 1967. The amount of destruction had profound humanitarian consequences and effectively disemboweled the governing capacity of the Palestinian Authority.[1] All manner of international pressure, including an explicit demand to withdraw in UN Security Council Resolution 1403 of 4 April, as well as by US President George W. Bush, proved ineffective. By the time the operation was over, the notion of "withdrawal" no longer made sense as a new order on the ground had been created. Armoured elements of the invading force remained deployed around cities, conducting security raids at will in urban areas thereafter. Fences began to be erected around major population centres, including Ramallah and Nablus.

The post-invasion landscape continued until a suicide bombing in Jerusalem on 18 June 2002 led to a new Israeli policy of seizing PA land in response to each Palestinian attack. Within weeks, a full and complete reoccupation of Palestinian-controlled areas had taken place, with daily curfews imposed indefinitely on the inhabitants. The IDF had assessed that Israel could financially afford a military reoccupation, but it could not pay for the delivery of basic services to the population. Israel courted international agencies and organizations operating in the region, with the intention of having them provide assistance. This placed those bodies in the uncomfortable position of either inaction in the face of worsening humanitarian conditions, or stemming the crisis and facilitating the sustainability of Israeli occupation. The IDF was operating in what it considered "uncharted waters", appreciating that its strategies may not create security, but also blinded with fury over the continuation of suicide bombings. In the absence of alternatives, inertia rooted in past policies and Israeli reliance on the military as a coping mechanism led to a plateau in terms of the facts on the ground that was distant from politically resolving the crisis. The IDF has since been drawn into assuming civil functions over Palestinians and, having largely exhausted its offensive options, is just maintaining the status quo.

A degree of urgency now characterizes the deteriorating situation on the ground. The two-state solution appears threatened by desperate economic, demographic and security

[1] USAID, "Assessment of the Humanitarian Situation in the West Bank and Gaza Strip", June 2002.

conditions on both sides, as well as an erosion of mutual trust. The scale of settlement construction has fragmented the Palestinian territories and integrated the West Bank into Israel in an unprecedented manner. The Israeli security fence is becoming a fact on the ground, and will likely result in some 70-100,000 Palestinians living between the fence and the Green Line while the majority of settlers will be living east of the fortification. The cycle of violence has undermined reconstruction efforts, with $ 1 billion effectively frozen due to donor reluctance to rebuild infrastructure that is likely to be destroyed again. Even doubling the amount of aid will have a barely noticeable impact on socioeconomic conditions; the problem is a political one and the international community cannot spend its way out of the crisis. There is the specter of worse deterioration, a sense of hopelessness on both sides and no clear vehicle on the horizon for resolution of the conflict.[2]

Under these prevailing conditions, there has been nevertheless a degree of convergence between Israelis and Palestinians about third party intervention, if only in terms of headlines and labels rather than agreement on details. While Palestinians have perpetually called for some form of international role, Israel has resisted "internationalisation" of the conflict, opposed any restrictions on IDF activity, feared a predisposed bias an intervention might have against it, and mistrusted countries other than the US that might contribute to a mission. However, the Israeli Government perceived a potential usefulness of a third party in an ad hoc, task-specific sense, with the resolution of two thorny difficulties in ending Operation Defensive Shield. Both the siege of Arafat's compound and the standoff at the Church of the Nativity centred around an Israeli demand for arrest of certain Palestinians in each and a refusal on their part to surrender. Brokered with the participation of European Union (EU) representatives, an agreement was reached in which the named Palestinians were placed in the custody of a handful of international monitors, deployed with extraordinary speed, who supervised their expulsion or their incarceration in a Jericho jail. Furthermore, Israeli public opinion shifted on the whole question of a third party. One poll, conducted by the Tami Steinmetz Center for Peace Research at Tel Aviv University on 23-35 April, found that 44% of the Israeli Jewish (and 78% of the Arab) public favoured international intervention.[3] Having entered public debate, the question of international intervention is likely to stay, despite reservations about it.[4]

Minimalist Incrementalism

Despite the rising minimum threshold of intervention required, Quartet members—the US, the EU, the UN and Russia—and international agencies have pursued a minimalist and incrementalist approach to *de facto* intervention, already numbering over 1000 personnel in

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[2] Jarat Chopra and Jim McCallum, with Amjad Atallah and Gidi Grinstein, "Planning Considerations for International Involvement in the Israeli-Palestinian Conflict", Center for Strategic Leadership, US Army War College, February 2003, www.carlisle.army.mil/usacsl/Publications/PCII.pdf.

[3] Ephraim Ya'ar and Tamar Hermann, *Peace Index*, April 2002, on-line: www.tau.ac.il/Peace_Index/2002/English/p_april_02_e.html; and David Newman, "Yes to international intervention", *Jerusalem Post*, 1 May 2002, p. **x**.

[4] Shlomo Brom, "International Forces in an Israeli-Palestinian Agreement", *Strategic Assessment*, Vol. 5, No. 4, February 2003, www.tau.ac.il/jcss/sa/v5n4Bro.html.

civilian and security areas. Multiple actors and narrow considerations of a third party role have resulted in a convoluted set of relations and distorted proposals that can neither respond to realities on the ground nor effectively underwrite the current "roadmap" for resolving the conflict.

In the wake of Operation Defensive Shield, the Bush Administration began informal consultations with the parties on a holistic strategy and unrealistic timetable for resolving the conflict in a matter of months, encompassing every successive step, including a ceasefire and political measures, such as a settlements freeze, and ending with the creation of a Palestinian state—all in anticipation of a major policy speech by the President. The Palestinian side developed a detailed vision for de-occupation and a sequential timetable with a political horizon for how this could be accomplished. There would be two separate and parallel tracks to be completed within a year, one for all aspects of a permanent status agreement and one for transitional elements until the conclusion of a final settlement. A third party presence was envisioned for each step in the short and long terms. For its part, Israel presented its claim to the President that Arafat had authorized a cash payment to the Al-Aqsa Martyrs Brigades, composed of Arafat's Fatah activists and which had conducted suicide bombings. By further discrediting any Palestinian partner for peace, Sharon could inhibit such a comprehensive political and security-based strategy by the US.

On 24 June, Bush delivered his much awaited speech in the Rose Garden of the White House. He called for "a new and different Palestinian leadership", while also envisioning a two-state solution. International efforts in subsequent months were preoccupied with reform of the gutted Palestinian Authority, focusing attention within the crisis instead of on it, while support was being built elsewhere for a war on Iraq. Although, reform was also something that Palestinians themselves were yearning for. An International Task Force for Palestinian Reform, which integrated international diplomats stationed in the area, representatives of international organizations and agencies and Palestinian officials, developed a "100 Days" workplan and timetable. Seven subcommittees were established for: civil society; financial accountability; local government; market economy; elections; judicial reform; and administrative reform. The subcommittees reported to a Quartet Committee on PA Reform, and thence to the Quartet Envoys and eventually the Quartet Principals. The process proceeded rapidly, though it proved unfeasible to replace Arafat, or have him appoint a Prime Minister with full powers that would render his role as President symbolic—something that Arafat only acted on in March 2003 on the brink of an Iraq war.

The Quartet chain of command for the reform process sat next to an unwieldy international architecture that had emerged on the ground in a piecemeal manner, uncomfortably combining the range of organizations, agencies and national representatives operating on the ground in the areas of development, humanitarian assistance and Palestinian reform. An Ad Hoc Liaison Committee (AHLC) was the senior coordinating body and had existed since the Oslo process. Chaired by Norway, it met in Oslo every few months and was composed of senior representatives on the ground and heads of offices, including from the World Bank and the Office of the UN Special Co-ordinator for the Middle East Peace Process (UNSCO). It addressed such issues as the rate of disbursement of pledges. A Joint Liaison Committee (JLC) established below it was composed of UNSCO, the World Bank, the EU, the International Monetary Fund, Japan and the US, and included some of the same individuals as the AHLC. The JLC served as the principal communication link between the

myriad actors. A JLC Committee on PA Reform was established pursuant to the reform process with the same composition as the JLC, and some of these individuals also participated in the Quartet reform committees.

A Local Aid Coordination Committee (LACC) also reported directly to the AHLC and was chaired by Norway, the World Bank and UNSCO. It was responsible for shepherding aid groups on a task-specific basis, and included embassy and agency representatives. Following Operation Defensive Shield, the LACC became the centre of gravity for the humanitarian effort and conducting damage assessments, and it established a Humanitarian Information Center and a Humanitarian Task Force.[5]

This complex structure has been in perpetual evolution. Donors shifted to bilateral assistance the more coordination fell apart with the gradual delegitimation of the PA over the preceding months. Humanitarian assistance, which has amounted to basic food delivery, got clumped with the reform effort and development assistance, which was with reconstruction somewhat on hold. Furthermore, preoccupation with Palestinian reforms, which was not accounting for issues that cut across multiple sectors, permitted the humanitarian emergency to worsen. A fully integrated international architecture has been needed and the existing structures could be transformed if relevant governments, organizations and institutions are willing. One of the critical issues then to consider will be how to integrate all of this with a robust third party intervention that might eventually be mandated.

Instead, more incrementalism has been the result. When the US introduced in autumn 2002 its "roadmap" for an end of conflict strategy, the issue of monitoring of its terms arose. The US acknowledged the need for it, but was reluctant to include the terms of monitoring in the language of the roadmap itself. The operating approach in consultations amongst Quartet members and with the parties was to use as much as possible of what exists on the ground as the basis of monitoring. The US accepted that the UN could begin doing this, but the danger is that the existing architecture, which is by no means ideal for humanitarian or development assistance, let alone implementing a political programme, may crystallize in its current or a similar form, thereafter ossify and undermine the prospects of a new third party role better suited to the minimum level of intervention required. A Palestinian monitoring proposal for the roadmap similarly relied as much as possible on what exists, but also integrated it in the form of a unitary monitoring structure. Ultimately, the mechanism design that gained currency amongst Quartet members was a committee that embodied the current status of the incrementalist architecture. It replicated conventional means of coordination, facilitating exchange of information amongst various international actors operating independently on the ground, with occasional confidential reporting up separate chains of command. Information may go into the mechanism, but it is not

5 These two bodies were variously composed of: UNSCO, the World Bank, the UN Office for the Co-ordination of Humanitarian Affairs, the UN Relief and Works Agency, the World Food Programme, the UN Development Programme, the UN International Children's Emergency Fund, the World Health Organization, the International Committee of the Red Cross and the Palestinian Red Crescent.

configured for any action to come out of it, and consequently it will fall short of the basic needs of monitoring.[6]

The US had been determined to deliver a finalized roadmap in December 2002, as it increasingly prepared for war in the Gulf, but the prospect of new Israeli elections in January 2003 delayed presentation of it, ultimately until after the conclusion of hostilities in Iraq. As violence continues now in the West Bank and Gaza Strip within the context of the roadmap, its monitoring mechanism is yet to be tested. Alternatively, the roadmap itself may become irrelevant and lead to yet another kind of effort in the future.

Comprehensive Requirements

The existing incrementalist approach fundamentally contradicts the ideals of a permanent status agreement, in which a considerably more comprehensive third party role had been envisioned. Regardless of failed talks at Camp David in July[7] and Taba in December 2000, the likely contours of a permanent settlement are well known to both sides.[8] Remarkably, it was only for the first time at Camp David that Palestinian and Israeli negotiators acknowledged the need for a third party to guarantee the terms they hoped to eventually reach. There was no explicit definition of what kind of intervention they were alluding to, its scope of activity or composition. The "Clinton Parameters" presented at Taba referred to an international force, which could only be withdrawn by mutual consent, which would be gradually introduced into the area as Israel withdrew over 36 months, and which would have authority over a small remaining IDF presence in fixed locations in the Jordan River Valley. The international mission would also monitor the implementation of an agreement, including the final arrangements for Jerusalem, guarantee border security and provide a deterrence capacity. A separate refugee commission was to address compensation, resettlement and rehabilitation short of a full "right of return".

At Camp David, two negotiators had a fleeting but telling exchange. One Palestinian referred to the US-led Multinational Force and Observers separating Israeli and Egyptian armies in a series of demilitarised zones in the Sinai desert. With comparable brevity an Israeli dismissed this interposition model on the grounds that the West Bank and Gaza Strip were a different operational theatre, and something more pervasive, encompassing a social and political environment, would be required than a clearly defined buffer between military forces. The point was essentially correct, though whether it was made substantively or intended to avoid consideration of detail is not clear.

Nevertheless, this peripheral digression reflected a distinction between an international trigger mechanism that might be needed in the Jordan River Valley in the long-term, and

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[6] Amjad Atallah, *et al.*, "Planning Considerations for International Involvement in the Israeli-Palestinian Conflict: Part II", Center for Strategic Leadership, US Army War College, May 2003, www.carlisle.army.mil/usacsl/index.asp.

[7] Hussein Agha and Robert Malley, "Camp David: The Tragedy of Errors", *The New York Review of Books*, 9 August 2001, pp. **xx-xx**; and "Camp David Proposal of July, 2000", Negotiations Affairs Department, Palestine Liberation Organization, www.nad-pol.org.

[8] International Crisis Group, "Middle East Endgame II: How a Comprehensive Isreali-Palestinian Settlement Would Look", *ICG Middle East Report No. 3*, 16 July 2002, www.crisisweb.org.

the variety of tasks that would have to be conducted under the agreement beforehand in the remainder of a Palestinian state as Israel withdrew, on their common borders and in the complex relations that the two would have, strategically, socially and economically. In particular, an international role was envisioned in the monitoring and verification of: compliance with the timetables for Israeli withdrawal; respect for each state's territorial integrity; limitations of personnel and arms imposed on the Palestinian armed forces; adherence to regulations governing Israeli access to and use of any military locations the IDF was permitted to maintain in Palestinian territory, including early warning stations in the West Bank and an armed presence in the Jordan River Valley; and prevention of cross-border infiltration. In addition, assistance was needed to maintain order, resolve disputes and ensure respect for human rights as the IDF departed; as well as to help provide for Palestinian defence from, and deterrence to, external threats in lieu of a functioning Palestinian army, on which an agreement would likely place considerable constraints.

There were significantly different understandings between negotiators regarding the types and strengths of Israeli armed forces to be placed in the Jordan River Valley, the duration of their stay and their nature and purpose. Palestinians anticipated a few symbolic outposts, mixed with international personnel, for a relatively short period of a few years. Israelis had planned for large-scale mechanized units to remain for at least a decade. Their aim would be, in the event of a threat from the East, to control a possibly hostile Palestinian population for 48 hours—the time it would take for a main force to deploy from inside Israel.[9]

To both minimize or exclude altogether an Israeli force along the Jordanian border, and render unnecessary Israeli early warning stations in the West Bank, a security arrangement will be needed that delivers a convincing international deterrent. A limited number of international personnel, configured as traditional-style military observers, or exceptionally as peacekeeping battalions, may constitute a nominal thin line. But their effectiveness will rely on the particular composition of nations participating in the operation, and the direct link between their activities and a regional apparatus that is guaranteed by powerful governments. The functions of the mission cannot be limited to reporting of mounting threats; it will need to serve as a "trip-wire" for predetermined action to prevent breaches of the peace. Such a configuration could eventually be institutionalised as a formal regional security organization.

In the order of conceptual complexity, the one-dimensional design of an interposition presence in the Jordan River Valley is more straightforward than the multifunctional operation that would need to deploy amidst the pervasive geography of the West Bank and Gaza Strip. Palestinian thinking about the possible architecture of a third party guarantor for a permanent status agreement began in autumn 2000. At the time, the governance and security capacities of the Palestinian Authority were at their peak. Consequently, PA officials directly conducted political, administrative, and economic state-building activities, with the assistance of donor governments and international organizations, and in the context of cooperation with Israel under the Oslo Interim Agreements. The planning assumptions for a third party role, therefore, were relatively restrictive.

[9] See further Shlomo Brom, "Is the Jordan River Valley Truly a Security Zone for Israel?", *Strategic Assessment*, Vol. 3, No. 4, January 2001, www.tau.ac.il/jcss/sa/v3n4p6.html.

An international monitoring and implementation mission would not discharge by itself in any way the terms of an agreement, but would independently guarantee in every way their fulfilment by the parties acting jointly or individually as necessary. It would do so through a detailed mechanism on the ground—with a Joint Monitoring Commission, sector-specific Joint Committees, and specialized, cross-cutting Task Committees—that embodied the political will behind the conclusion of an agreement in the regular interpretation and implementation of commitments made by the parties. By exercising a degree of political authority, the mission would translate a diplomatic settlement into practical terms and provide a means of bridging any lacunae in the conditions accepted, resolving disputes between the sides and addressing failures to fulfil obligations. In this manner, the usual gap between the mandating powers—including the consent of the parties by their respective leaders—and field activities could be narrowed, tightening mission organization and minimizing the opportunity for manipulation or navigation around necessary provisions. Indeed, it is the structural gaps, both vertically and horizontally, that endanger achievement of benchmarks in a timetable. Therefore, a genuine political centre of gravity would serve to integrate the parties in joint implementation and its authority would be capable of propelling the process forward.[10]

Given the specifics of the Israeli-Palestinian conflict, this kind of a joint formula, to a lesser or greater extent depending upon the degree of intervention, is applicable across the range of preferred third party options.

Flawed Symbolism

In between the extremes of gradual incrementalism and the comprehensive requirements of a permanent status agreement, an essentially symbolic presence has been attempted in Hebron and called for in the form of international observers at the outbreak of the *intifadah*. The incompatibility between popular expectations of dynamic action and the inherent limitations of these static options indicate that the minimum level of intervention needed was much higher from the outset.

The degree of structural integration required in a comprehensive approach is distinguishable from the Temporary International Presence in Hebron (TIPH). It was first established on 8 May 1994 to assist in promoting stability and restoring normal life, following the massacre on 25 February of 29 Palestinian worshipers at the al-Haram al-Ibrahimi Mosque/Tomb of the Patriarchs during Friday dawn prayers by Baruch Goldstein, a Jewish settler from New York. Pursuant to the Agreement on Temporary International Presence in the City of Hebron of 21 January 1997, the multinational civilian TIPH became fundamentally a situation and human rights reporting mechanism without any physical means to follow-up on action regarding the information it gathers—much like the current monitoring mechanism for the roadmap.

[10] On the civilian and military conceptions of this kind of joint monitoring, respectively, see: Jarat Chopra, *Peace-Maintenance: The Evolution of International Political Authority* (London: Routledge, 1999), pp. 13-15 and 178-180; and US Joint Warfighting Center, *Joint Task Force Commander's Handbook for Peace Operations* (Fort Monroe, VA: JWC, 1997), pp. (IV)21-(IV)31.

In principle, TIPH's structure appears sound. The TIPH is represented at the local level in the Hebron District Coordination Office, through which Palestinian Police Forces and the IDF conducted their security cooperation. A Joint Hebron Committee comprises the Israeli Military Commander and the Palestinian Police Commander of the Hebron district, the Israeli and Palestinian heads of the Hebron District Civil Liaison Office, and the TIPH Head of Mission. It receives TIPH situation and specific incident reports and is supposed to address in its bi-weekly meetings any issue that the District Coordination Office has not been able to resolve. At the international level, a Monitoring and Steering Committee that meets every three months is the highest venue for discussing matters of policy.

However, the political centre of gravity of the TIPH is in the six national capitals of the individual nations participating in the mission, despite the coordinating role played by Norway. Weekly reports of the TIPH, that are not made public, are submitted to each of the foreign ministries which may or may not have responded to their contents as part of a much broader political process. By contrast, the joint monitoring model above by definition would relocate the political center of gravity on the ground and have at its disposal a capacity to respond immediately both independently and through the parties. It is also essential for the parties themselves to take advantage of the international mechanism. Although the TIPH reports are confidential, they are provided to the senior Israeli and Palestinian representatives in the Monitoring and Steering Committee, who could have publicized relevant information. On the Palestinian side, however, a critical mistake was to treat the deployment of TIPH as a political victory and an end-state, rather than a beginning point and something to be harnessed regardless of the limitations of its mandate. It would be a cardinal error to behave the same way with any future international presence.[11]

When violence broke out, though, the drive for "internationalisation" in part overshadowed what could and could not have worked. Mounting frustration amongst Palestinians about the slow pace of progress during the Oslo process exploded in the second "Al-Aqsa *Intifadah*", sparked by Sharon's provocative visit with over 1000 Israeli police officers to the mosque at the Haram al-Sharif/Temple Mount on 28 September 2000.[12] Shifting from a third-party architecture for a permanent status agreement, attention internationally and amongst Palestinians focused on options for immediate deployment in the short-term. A popular rallying-cry amongst Palestinians demanded a "protection force" of "observers". This embodied two flawed assumptions. First, "protection" was understood to mean that international observers would permit the confrontational expression of the *intifadah*, including rock-throwing, but prevent a disproportionate Israeli military response. In reality, any international intervention would have removed the opportunity for confrontation—unless it meant non-violent freedom of assembly—and in effect pacify the *intifadah*, which Palestinians would not have welcomed, unless it was linked to a political horizon and a new order in negotiations.

[11] For further analysis of the TIPH, see Lynn Welchman, "Consensual Intervention: A Case Study on the TIPH", in Centre for International Human Rights Enforcement, *International Human Rights Enforcement: The Case of the Occupied Palestinian Territories in the Transitional Period* (Jerusalem: CIHRE, 1996), pp. 279-314.

[12] See further the *Report of the Sharm el-Sheikh Fact-Finding Committee*, April 30 2001, pp. 4-12.

Second, observers by any standard of definition might report on incidents, but they have no independent capacity to intervene on the ground in even minimal form, including halting an individual case of physical assault. An observer mission with a protection mandate was a profoundly dysfunctional formula, especially if its only purpose was to achieve a political victory through its creation. Prejudices against the ineffectiveness of the TIPH were legion, and precisely not what was desired. Yet observers, even if they might have provided an impartial accounting of incidents, would have been nothing more, leading quickly to their dismissal in the streets with possibly counterproductive consequences. Israel for its part eschewed any form of international presence, determined to retain maximum freedom of action in pursuit of its security imperatives and deeply suspicious of external intentions. Although by February 2001, out-going Labour Foreign Minister, Shlomo Ben-Ami, was publicly calling for international intervention given the failure of bilateral negotiations.

On 31 October 2000, the Palestinian Observer representative at the UN, Nasser Al-Kidwa, circulated a working paper regarding a "Protection Force for Palestinian civilians" (UNPOF). Its mandate would be to contribute in providing safety and security for Palestinian civilians under Israeli occupation, and in ensuring freedom of movement of Palestinian persons and goods, as well as freedom of worship. The mission would be composed of 2000 mobile military observers equipped with individual arms and means of communication. It would not only perform a monitoring function, but would also respond to locations of tension and instability where the occupying Power threatened the safety and security of Palestinian civilians. The proposal failed to receive the requisite votes at the Security Council on 18 December and was vetoed by the US on 27 March 2001. Had such an UNPOF been deployed, though, it would have suffered a worse fate than the TIPH, with high expectations in the midst of violence being met with impotence.

In the meantime, the UN Secretary-General had been considering such a deployment since mid-November. Although a formal mission concept was never tabled at the Security Council, the UN through its Truce Supervision Organization in Jerusalem developed a detailed contingency plan, dated 29 December 2000, for implementing an unarmed military observer mission in the West Bank and Gaza Strip called "Observer Group Territories" (OGT). Unlike the Palestinian conception, the OGT would be limited to observing, monitoring, investigating, verifying and reporting on violations of a cease-fire to be in place prior to deployment. Relying on the consent of both sides and on liaison with them, mobile units would have freedom of movement to patrol friction points, though there would be no defined lines of separation between Israelis and Palestinians. An opportunity did not arise ultimately for the UN to present the plan to the parties.

Paralysed Monitoring

For the year preceding Operation Defensive Shield, direct or indirect talks between the sides in initiatives brokered by the US focused exclusively on the limited activity of monitoring of any ceasefire deal to be concluded. The inability to reach a meaningful agreement as conditions progressively worsened—with Israel demanding security first and Palestinians requiring a political end-state—meant that monitoring by itself quickly became too little, too late and would always fall short of the minimum level of intervention

required. However, monitoring activities would inevitably need to be a key part of a broader intervention deployed. For instance, a third party role in a freeze on or withdrawal of settlements is fundamentally a monitoring activity, with the Israeli Government and military responsible for actual implementation.

Political and Security Monitoring

Following the conclusion of the Middle East Peace Summit at Sharm el-Sheikh, Egypt, on 17 October 2000, President Bill Clinton established and dispatched a Fact Finding Committee under the leadership of US Senator George J. Mitchell. The Committee was tasked with determining how and why the *intifadah* broke out and to make recommendations on ending the violence. It issued its final report on 30 April 2001, and in outlining a number of mutual obligations on the part of both sides, the Committee fundamentally linked Israeli security and Palestinian political interests.

The issue of an international intervention proved to be one of the most controversial issues addressed by the Committee, one that internally divided the technical team at the forefront of the fact-finding effort. The final report only referred to the controversy, noted that the Palestinians had been in favour while Israel was adamantly opposed, and stated that such a mission required the support of both.[13] Inevitably, in order to fulfil the mutual obligations outlined in the Committee's recommendations, a third party element was still needed to verify compliance.

A minimal form of multinational monitoring began to develop. In April, an Egyptian and Jordanian "Non-Paper" on ending the crisis called for a Political/Security Committee at the high officials' level to monitor implementation of the parties' actions. Palestinians articulated in May the outlines of a Monitoring Mechanism, composed of the participants of the Sharm el-Sheikh Summit (in addition to the parties, the Governments of Egypt, Jordan and the United States, the UN and the EU), the Russian Federation and the members of the Fact-Finding Committee (including Turkey and Norway). A two-tiered structure included a Steering Committee as the highest authority of the Mechanism on the ground, and three subordinate Subcommittees for security, settlements and economic and civil affairs.

Security-Only Monitoring

Throughout the spring of 2001, violence between the two sides intensified and escalated, including Sharon's introduction of F-16s in the area for the first time since the 1967 war. Then on 1 June, a suicide-bombing at the Dolphinarium nightclub in Tel Aviv claimed 21 lives, the worst since the start of the *intifadah*. Palestinians braced for a severe retaliation, but the US convinced Sharon to act with restraint and a reprisal was averted. Instead, CIA Director George J. Tenet was dispatched by a new Republican administration, which had vowed non-engagement in the crisis in the wake of what it interpreted as an embarrassing failure of the previous President. Both Sharon and Arafat were forced to publicly declare unilateral ceasefires, in name if nothing else. Tenet began hard-line negotiations with the two sides, in principle pursuant to the Mitchell report. However, his operating assumption

[13] *Report*, p. 24.

was to disconnect the security from the political recommendations, marking the start of a US approach, in keeping with Sharon's position, that attempted to address security issues first, separately from political concerns, delaying them seemingly indefinitely. Despite acknowledgement of the Mitchell report, efforts over the following year were increasingly distanced from its content. In effect, the demand was for a capitulation of the *intifadah* without a commensurate political horizon, something that resembled a Palestinian defeat and surrender. It was inevitable that a ceasefire constructed on such terms was doomed.

Nevertheless, pursuant to the Palestinian-Israeli Security Implementation Plan, or "Tenet Workplan", of 11 June 2001, both sides accepted third party monitoring and supervision of implementation of their obligations. The Palestinian position was based on the Monitoring Mechanism developed for the Mitchell report, with a political steering committee and a security subcommittee initially, to which it was hoped would be added the settlements and economic and civil affairs subcommittees as the process moved into a subsequent "confidence-building" phase. The US instead was relying on a senior-level security committee chaired by the CIA and composed of the security chiefs from both sides. The issue of monitors began to be debated guardedly in the Israeli press.[14] On 19 July 2001, a G-8 meeting of Foreign Ministers in Rome issued a statement on the Middle East, which ended with: "We believe that in these circumstances third-party monitoring accepted by both parties would serve their interests in implementing the Mitchell Report." The G-8 leaders meeting in Genoa endorsed on 22 July the position of their foreign ministers. Israel rejected the idea of monitors on the grounds that they were not needed and because the Palestinians had not respected the ceasefire.

Still, US representatives began for the first time extensive negotiations with both sides for a monitoring mechanism, based on the Israel-Lebanon Monitoring Group (ILMG) with which those representatives had been personally familiar. The ILMG had been established in April 1996, following Israel's "Grapes of Wrath" operation in Lebanon. The US and France sponsored a ceasefire between Israel, Lebanon and Syria on the basis of an "Understanding", which was neither a signed agreement nor a verbal exchange of assurances. The aim of the ILMG was the protection of civilians, something that the parties had already accepted, but it did not address the political roots of the conflict, as the Mitchell report had attempted. The ILMG was a single-tier forum to address violations, composed of the three sides and the US and France as rotating chairs. The US and French delegations were based in Cyprus and meetings were convened as required in Lebanon.[15] The model was wholly unsuited to monitoring the Mitchell report, let alone the reality now surrounding the breakdown of the Tenet "ceasefire". Though it corresponded to the US-favoured senior-level security committee as a center of gravity, with high-level Palestinian and Israeli teams.

Responsible to the ILMG-type forum would be a tiny group of 10-12 American technical experts drawn from the State Department (probably the Counter-Terrorism Unit), the Pentagon and the CIA. The monitoring effort would be conducted through ad hoc visits to

[14] Saul Singer, "Why Israel Rejects 'Observers'", *Jerusalem Letter/Viewpoints*, No. 459, 1 August 2001, www.jcpa.org/jl/vp459.htm.

[15] Adam Frey, "The Israel-Lebanon Monitoring Group: An Operational Review", *Research Note 3*, September 1997, www.washingtoninstitute.org/junior/note3.htm.

the area. Negotiations proceeded torturously on the conception and meaning of all parts of the monitoring model proposed. Despite Israel's rejection of monitors altogether, a small, entirely US team was preferred to any other. The Palestinian security apparatus did not take the few experts very seriously, questioning the distinction between them and the CIA's existing role in security cooperation between the two sides. Nevertheless, Palestinian negotiators worked with the model, attempting to at least make the composition more multinational, and arguing for some kind of international contact group to which the effort would be responsible (something which would later evolve into the Quartet).

This round of talks and the Tenet ceasefire had effectively ended by the third week of August. The US proposal had been a poor one; Israeli intransigence with regards to monitoring persisted; Palestinian negotiators became preoccupied with parts of East Jerusalem and Abu Dis that had been taken in IDF operations; and violence intensified in a pattern in which principally Hamas, Islamic Jihad and Israel were setting the agenda in mutual attacks, to the exclusion of the PA. A draft Security Council resolution was formulated that called—this time not for observers with a protection mandate—but for the establishment of a monitoring mechanism to help implement the Mitchell report. The US rejected the resolution.

Security Plus Monitoring

As the Bush Administration's "war on terror" increasingly placed Iraq in the cross-hairs in 2002, and as a high-profile Saudi Arabian initiative promised full recognition of the State of Israel by all Middle East governments in exchange for ending the occupation of the West Bank and Gaza Strip, the US needed some diplomatic movement on a round of violence that had reached new heights by March. US Special Envoy General Anthony C. Zinni was dispatched a third time, after two previously failed efforts. He arrived on 14 March with the objectives of first securing US national interests, and second to conclude a ceasefire, supervise a political process and remain engaged until the creation of a Palestinian state. Though privately articulated, he did not publicly announce the second of these, which would have been a critical confidence-builder.

UNSCO warned Zinni at the outset not to focus on security alone, with preoccupation on a ceasefire. It was a strategy that had failed for a year, obviously. Initially, Zinni concurred. Within days, his view seemed to have reversed. Reservedly, the Palestinian team demanded the Tenet Workplan in full, with a clear link to the Mitchell Report, and thereafter political questions to follow immediately on conclusion of a ceasefire—still something short of requiring an established political timetable first. The Israeli position reconfigured the Tenet Plan altogether, reducing their obligations or rendering them ambiguous while increasing Palestinian security commitments. The US put forward two bridging proposals in succession, which Palestinians interpreted to be mainly in line with the Israeli position. The dynamic was one in which Palestinian negotiators were fighting for the Tenet Plan, something that had not been in their interest in the first place, that had been accepted by Sharon and that had been a US initiative. As one Palestinian negotiator asked Zinni: Mitchell came with a plan, Tenet came to implement Mitchell, then Zinni came to implement Tenet; which American official is going to come to implement Zinni?

There was already skepticism on the streets about the terms under which Palestinians might be forced to accept a ceasefire, with expectations of a short shelf-life for it. Before a Zinni plan could be concluded, on the night of 27 March the worst ever suicide bombing marked the start of Passover with 29 deaths at a hotel in Netanya. The next day talks effectively ended and the situation quickly deteriorated, while the Arab League Summit in Beirut adopted unanimously the Saudi initiative—on the eve of Operation Defensive Shield.

Despite the inability to reach agreement, the parameters of a potential monitoring mechanism had evolved. The Palestinian side devised a concept for an International Monitoring and Verification Mission to implement fully the "Tenet Workplan", the Mitchell recommendations and any other interim measures accepted in the past or workplans that may be agreed in the future. An International Steering Group (composed of the Quartet and other interested states) would oversee a Senior Trilateral Political Committee (composed of senior representatives of the US and the two sides) and three joint subcommittees with monitoring teams for security, settlements and economic and civil affairs.

In contrast to the earlier US model, Zinni had been considering a two-tiered structure, with four technical teams responsible to a Trilateral Security Committee. A Security team would focus on Palestinian arrests, prisons and weapons collections. A Geographical team, concerned with redeployments, would have a mobile capacity to respond to information provided to the Committee. An Incitement team was not intended to be particularly operational, but would constitute a forum for complaints to be aired and for Zinni to address. A final, undefined "Other" team would be created for any of the remaining Mitchell recommendations agreed to, including a settlements freeze. However, this essentially political team would still report to a Trilateral *Security* Committee. The numbers of monitors would be greater than proposed in the past, and their composition could also have been more multinational. It was also believed that Israel by then might have accepted as many as 60 monitors.

While such design questions were overtaken by events, their details are no less germane to any reconsideration of a mechanism based on an equation combining security and political elements.

Force Options

If observation and monitoring fell short of minimum intervention requirements as the *intifadah* progressed, so would have static and defensively-armed military peacekeeping contingents. They would have been as dysfunctional as observers if given a protection mandate—as had been dramatically illustrated by the UN Protection Force in the former Yugoslavia, whose inability to 'protect' was quickly resented locally and deplored internationally. At the opposite end of a spectrum of options to unarmed observers and lightly armed peacekeepers is a high-intensity military enforcement operation properly authorized under Chapter VII of the UN Charter, acting against the will of the parties if necessary. Such a mission was not conceived as in any way possible before Operation Defensive Shield, but its dramatic effects placed enforcement on the table.

Prominent individuals had already made arguments for a full-scale intervention, including even NATO.[16] Then in May 2002, the UN Secretary-General circulated to Security Council members an option for a large multinational force (MNF) of willing member states acting under Chapter VII. It was conceived as a "stabilization plus" force along the lines of the Stabilization Force in Bosnia. The military MNF would assist the parties in maintaining a declared ceasefire; restore Palestinian security capacity, including the police and the judicial sector (ensuring consistency with international human rights standards); and create secure conditions for the resumption of negotiations and the delivery of humanitarian and development assistance by the UN and other international civilian agencies. A single-lead nation would retain command and control, in a clear structure, over the entire operation. The UN considered a number of candidates, though a reluctant US would be the only one acceptable to Israel. The Secretary-General intended the proposal to at least stimulate more imaginative and expansive international thinking about third party intervention.

A middle ground between the extremes of peacekeeping and enforcement best characterized the security requirements of the *intifadah*. After the end of the Cold War, so-called "second generation" multinational forces had aimed to use limited force in the accomplishment of mandated objectives.[17] By combining this doctrinal development with the experience of Multinational Specialized Units (MSU) established in the Balkans, something of a model could be discerned that was in fact proposed to the Mitchell Committee and which would still be relevant for any intervention now. The MSU were first established in Bosnia in 1998 to fill a "security gap" between the large-scale US-led military units of the Stabilization Force, which acted only when significant conflict broke out, and the regular civilian functions of investigation, search, seizure and arrest of UN and local police forces. Incidents of wider civil unrest in a deeply politicised environment, including riots and clashes, fell somewhere in-between. Consequently, the MSU were gendarmerie-type units with constabulary functions, or police contingents with military status, built around the Italian Carbinieri. The MSU were subsequently established in Kosovo and played a similar role with regards to the Kosovo Force and civilian police of the UN Interim Administration Mission.[18]

Such mobile units deployed throughout the West Bank and Gaza Strip could have defused incidents at a variety of friction points. They would not have been situated at fixed locations, reinforcing lines separating Palestinian and Israeli-controlled areas, but they would have been capable of rapidly responding to any threatening event throughout the operational area. Defusion of incidents would not necessarily mean relying on armed force; rather the MSU type of approach would rely on a mixture of a credible presence and dynamic engagement with the population, the parties and other factions through a robust system of continuous liaison in advance of, during and following incidents to help deescalate or prevent them from turning violent. Such a mission could not alter the nature

[16] Thomas L. Friedman, "The Hard Truth", *New York Times*, 3 April 2002, p. A19; Zbigniew Brzezinski, "Moral Duty, National Interest", *New York Times*, 7 April 2002, p **x**; and see International Crisis Group, "A Time to Lead: The International Community and the Israeli-Palestinian Conflict", *ICG Middle East Report No. 1*, 10 April 2002, www.crisisweb.org.

[17] John Mackinlay and Jarat Chopra, *A Draft Concept of Second Generation Multinational Operations 1993* (Providence, RI: Thomas J. Watson Jr. Institute for International Studies, Brown University, 1993), pp. 31-34.

[18] "MSU Techniques, Tactics and Procedures", unpublished doctrine, 5 August 1999.

of the environment—that would be the result of agreement between the parties. However, it could have altered the experience of daily life of the local population while negotiations proceeded.

Achieving this necessitates strong overall political direction, in the context of a comprehensive approach to the conflict, and mature, experienced personnel capable of significant responsibility and exercising delegated powers. In addition to the Italian Carbinieri, the British Army is well acquainted with this kind of mission, and the Australian SAS and Federal Police, as well as their New Zealand counterparts have shown they have such a capability. Of Scandinavian units, the Norwegian military has managed to adapt from a traditional peacekeeping role to the complex requirements of internal conflicts. It is unlikely that the UN, which is still configured best to perform observation or peacekeeping tasks, could deliver the kind of mission required. A single nation-led coalition might be the likely alternative, though authorized by a Security Council resolution.[19]

Debated "Trusteeship"

The dislocating and fragmenting consequences of Operation Defensive Shield triggered an active debate about international "trusteeship" over the West Bank and Gaza Strip. The idea gained more traction more quickly than any other intervention option in Israeli quarters,[20] amongst some Palestinians and in certain European capitals. However, other than broad comparisons with the UN transitional administrations in Kosovo and East Timor, the concept has not been well-defined, the term "trusteeship" has been used out of its historical context and both sides have opposite interpretations of its objectives. For Israelis it must be a means of replacing the Palestinian Authority once and for all and defeating militant groups at all costs. For Palestinians it must rebuild the Palestinian Authority and restore its governing capacity. Neither side has acknowledged the degree of executive, legislative and judicial powers that such a mission would necessarily exercise. They also differ fundamentally on the geographic scope of deployment, whether only over Palestinian-controlled areas or the entire West Bank and Gaza Strip.

It is also not clear whether Israel would accept withdrawal first, or if an international "trusteeship" would be layered on top of an IDF occupation. Would it be a means of internationally legitimizing and implementing an Israeli unilateral separation, in which all aspects of Israeli and Palestinian life were severed in unconnected infrastructures? Or rather, is the notion to get a US-led effort to fight terrorism in the area as part of the global war on terror?[21] The aim of any meaningful transitional administration must be to make itself obsolete as quickly as possible, by ensuring that a functioning local authority with full capacities for governance can assume full control. The experiments to date have not been successful in this regard. Too much power has been concentrated in the hands of the

[19] On the principles of building effective coalitions, see the ABCA's *Coalition Operations Handbook*, 1 November 2001, www.abca.hqda.pentagon.mil.

[20] See for instance David Newman and Joel Peters, "Kosovo as the West Bank, Macedonia as Israel", *Ha'aretz*, 30 October 2002, p. **x**.

[21] Martin Indyk, "A Trusteeship for Palestine?", *Foreign Affairs*, Vol. 82, No. 3, May/June 2003, pp. 51-66.

Transitional Administrator, who has the function of a colonial governor. Transitional separation of powers fostering democratic principles has not yet been achieved, and the ability to effectively involve the local population in such temporary rules and build the necessary capacity for self-government has been abysmal,[22] leading in turn to renewed violence.[23]

Yet, the destruction of the PA exposes Palestinians to external control. Without the necessary safeguards built into the doctrine of transitional administration, the prospect is a precarious one for Palestinians. In such an eventuality, the best-case scenario will be to ensure that the outside footprint is a light one. This has to be done by Palestinians themselves, as they reconstruct their own authority in their own image as difficult as this currently may be. If this can be accomplished, with bilateral and multilateral assistance, then it will offer the best chances for independence in a real sense, and reduce the possibility of another—international—occupation. The trajectory of events may not afford such a luxury to Palestinians. Therefore, in any scenario other than Israeli annexation of the West Bank and Gaza Strip, international planners will have to come to terms, as an operating assumption, with the restoration of a Palestinian governing apparatus in a state-building exercise.[24]

Conclusion

Some government officials perceive that Israelis and Palestinians are not ready for international intervention, and that they have to "bleed" more until a stalemate forces them to compromise. But it is likely that both sides have the capacity to out-"bleed" the tolerance of the international community and threaten its broader interests. It is not clear what the breaking point will be, whether a single catastrophic event or an eventual agenda imperative, unavoidably, of Washington. Some on each side believe that they need to be ready in the event of an opportunity for an effective degree of intervention, resulting now in considerably increased engagement on the issue.

The minimum level of intervention required by conditions on the ground is already at a high threshold. The degree of fragmentation on the Palestinian side, the military and civilian nature of the Israeli presence, and the breadth of economic, social, institutional, geographic and humanitarian concerns dictate the need for a comprehensive approach. International forces may be able to create a secure environment, but they will have to be subordinated to a political authority responsible for a Palestinian state-building effort in the context of permanent status negotiations conducted along a fixed timetable with a clear horizon. Monitoring the terms of a peace process will be one ingredient. Constabulary functions should ensure a positive difference in the daily lives of the population in the area

[22] Jarat Chopra, "Building State Failure in East Timor", *Development and Change*, Vol. 33, No. 5, November 2002, pp. 979-1000; and Jarat Chopra and Tanja Hohe, "Participatory Intervention", *Global Governance*, Vol. 10, 2004 (forthcoming).

[23] Jill Jolliffe, "Police Open Fire as Riots and Arson Grip Timor", *The Age*, 5 December 2002, p. **x**.

[24] Jarat Chopra and Amjad Atallah, "Issues of 'Trusteeship' in the West Bank and Gaza Strip", unpublished paper presented to the UK Foreign and Commonwealth Office Seminar on "Nation-Building: Peacekeeping and Transitional Administrations", 19 December 2002.

of deployment if the effort is to be accepted and supported. The package may be wrapped up as a “trusteeship”, but there are permutations of the concept to be articulated and selected. Altogether, international intervention cannot replace resolution of the conflict, but if judiciously introduced it may function as a corridor towards the prevailing vision of a two-state solution.