

OBSERVING THE OBSERVERS

*The Contribution of the Temporary International Presence in the City
of Hebron*

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For Nancy

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The views expressed in this thesis are my own, and none of the above contributors should be held responsible for them in any way. I am not a jurist.

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Abstract

This thesis is a case study of the Temporary International Presence in the City of Hebron (TIPH). TIPH is a non-UN, multilateral observer mission, first established in 1994, and continually operating since May 1996. Being the only city in the West Bank where Israeli civilians have settled in the very centre, Hebron has been ridden by unparalleled violence, and became the only city so far to host an international presence with an explicit, if somewhat unusual, peacekeeping mandate.

The focal question is whether and how TIPH has affected the security of the local Palestinian population. In a wider perspective, the aim is to contribute to the cumulative understanding of violent conflict, thereby strengthening the theoretical basis for third-party intervention in general - and unarmed observation in particular.

The first half of the thesis consists of a reformulation of the main question into several manageable hypotheses, whereas the second half is a condensation of the findings into one overall answer. Initially, the city of Hebron is introduced in its legal, religious, economic, demographic, and humanitarian aspects. A brief historical review of the TIPH missions is given, before the reader is provided with the tools of analysis and a description of the methods used. The main section is devoted to a description of TIPH in its institutional context, followed by a synthesis of the theoretical and empirical material in the analysis chapter.

Based on qualitative and quantitative data, I conclude that TIPH enhances the security of Palestinians in Hebron, particularly in times of crisis. TIPH has influenced the Israeli security forces, primarily the army, but it has not measurably affected the conduct of the settlers as a group. The pathways of influence have varied over time, as the breakdown of the official co-operative organs of the *Hebron regime* has led to compensatory reliance on indirect pressure through diplomatic channels.

Abbreviations

AHLC	Ad Hoc Liaison Committee of the Donors
AOR	Area of Responsibility
Art.	Article
Brig. Gen.	Brigadier General
C	Conciliation
CAS	TIPH Civilian Affairs Section
CPCP	[1954 Hague] Convention for the Protection of Cultural Property
CPT	Christian Peacemakers' Teams
CRD	[TIPH] Community Relations Division
D	Defiance
DCL	District Civil Liaison
DCO	District Co-ordination Office
DHOM	[TIPH] Deputy Head of Mission
DOP	Declaration of Principles
f	Following page
ff	Following pages
Fatah	Movement for the Liberation of Palestine
FGC	Fourth Geneva Convention
H-1	Section of Hebron under Palestinian security responsibility
H-2	Section of Hebron under Israeli security responsibility
Hamas	Islamic Resistance Movement
HDM	Hypothetical-Deductive Method
HOM	[TIPH] Head of Mission
HR	The Hague Regulations
HRC	Hebron Rehabilitation Committee
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IDF	Israel Defence Forces
ICA	Israeli Civil Administration
ICJ	International Commission of Jurists
IMFA	Israeli Ministry of Foreign Affairs
INSICJ	Israel National Section of the International Commission of Jurists
JHC	Joint Hebron Committee
LCG	Local Contact Group
LO	Liaison Officer
Maj. Gen.	Major General
MEW	Middle East Watch
MK	Member of Knesset (Israel's Parliament)
MOU	Memorandum of Understanding
MSC	Monitoring and Steering Committee
NGO	Non-Governmental Organisation
P	Punishment
PLO	Palestine Liberation Movement
PNA	Palestinian National Authority
PPF	Palestinian Police Force
PR	Periodic Report
R	Reward
RAID	[TIPH] Research, Analysis and Internal Information Division
Res.	Resolution
S	Suckers' treat
SOP	Standard Operational Procedures
T	Temptation
TIPH	Temporary International Presence in the City of Hebron
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	United Nations General Assembly
UNSCR	United Nations Security Council Resolution
WS	Weekly Summary

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Map of Hebron

CHAPTER I: INTRODUCTION

This thesis evaluates the impact of the *Temporary International Presence in the City of Hebron* (TIPH) upon the security of Palestinians in that city. TIPH is a multilateral peacekeeping mission, consisting of unarmed observers from six different countries. It was initially deployed in 1994, in response to a massacre of 29 Muslim worshippers in the Ibrahimi Mosque/Cave of Machpela, committed by an Israeli settler. The prime objective of the observers was to “*provide by their presence a feeling of security to the Palestinians of Hebron*” (TIPH Agreement, 1994, Art.3a). Accordingly, the focal question here is: Does TIPH affect the security situation in Hebron? And secondly: If so, in what way - and precisely by which mechanism(s) does it affect security?

Three hypotheses conjoin to make a natural starting point:

H₀: TIPH *has no impact* on the security of Palestinians in Hebron.

H₁: TIPH *strengthens* the security of Palestinians in Hebron

H₋₁: TIPH *weakens* the security of Palestinians in Hebron

Theoretical arguments may support either of these hypotheses. Fortunately, the hypotheses are testable, in the sense that a set of observable parameters may be construed in order to falsify either of them. In this thesis, I apply both qualitative and quantitative data for that purpose. The quantitative analysis is essentially a comparison of the number of Palestinian casualties in Hebron during months in which TIPH has been present with the number of casualties in preceding months, taking the contemporary development in four other Palestinian cities into account.

The TIPH case is interesting for a number of reasons:

1: The humanitarian argument:

The Palestinian-Israeli conflict is still not resolved, and the number of conflict-related deaths has risen dramatically since late September 2000 (B'tselem, 2002). Any attempt to ameliorate the suffering of people affected by violence is worthy of attention.

2: The fiscal argument:

All forms of organisation take resources that might have been otherwise allocated. Therefore all organisations should be held accountable for their achievement.

3: The learning argument:

TIPH is a novel form of peacekeeping, which has several advantages over traditional forms.¹ If it can be shown that TIPH has a positive effect, it may be used as a model for later peacekeeping operations.

4: The theory testing argument:

As will be argued in Chapter 3, TIPH is an extremely weak peacekeeping force, and might as such be taken as a critical case with relevance to several scholarly debates within the social sciences.

5: The theory elaboration argument:

The Israeli-Palestinian conflict is asymmetric. While the concepts of *International Politics theory* was moulded in a symmetric paradigm, treating states as the relevant- and more or less equal actors,² recent history has shown that most conflicts are intra-state, trans-national or fought between forces of vastly unequal strength (Smith,2000:1f). I hope that this work will contribute to a cross-fertilisation between peacekeeping- and asymmetric war studies.

Sources.

The thesis is based on both primary and secondary sources. From 21 February to 21 March 2002, I conducted a field trip to Hebron, with excursions to Jerusalem, Tel Aviv and Jericho. Unfortunately, the security situation in Hebron deteriorated, and in adherence to TIPH's guidelines, I left the city. I was later able to go back, but got only

¹ The fact that TIPH is an unarmed mission makes it easier to draw on a wide spectrum of expertise, compared to more narrowly military-oriented operations. Being unarmed, dangerous situations stemming from the maltreatment of firearms and misunderstandings related to armed posture are avoided. Armament implies administration, so disarmament saves money. Last, but not least, the Hebron regime was intended to facilitate frequent meetings attended by Israeli and Palestinian officials as well as TIPH officers. The "closeness" of this co-operation might create bonds between the parties in a way that traditional peacekeeping, with its emphasis on the separation of forces, could hardly achieve. For an introduction to TIPH, see chapter 2.

² The traditional metaphor is that of a billiard-table, where states are represented as balls. While it is clear that states are unequal in terms of power (the force with which one ball hits another), the focus remains unequivocally on states as the presumed relevant actors in International Relations. Graphically speaking, bananas and fishnets do not appear on the table.

six and a half days there. Still, I was able to follow a patrol on duty, and obtained 27 interviews with civilians of both “sides” (including press workers), and representatives of Israel, Norway, the Palestinian National Authority (PNA) and TIPH. The interviews were complemented by 10 interviews in Norway. The Norwegian Ministry of Foreign Affairs gave me access to TIPH Weekly Reports from 1994 and Periodical Reports from 1997-1999. Other qualitative material has been retrieved from mass media, the Internet and private sources. Data on the number of conflict-related deaths are courtesy of B’tselem – Israeli Centre for Human Rights in the Occupied Territories.

From the secondary literature I have used, two independent TIPH evaluation reports stand out: One was written in 1998 by Brynjar Lia at the Norwegian Defence Research Establishment. That report was larger in scope than this one, as its unit of analysis was the entire Peace Process from 1993-1998. Anyhow, a substantial part of the report was devoted to TIPH, and Lia’s work has been extremely valuable to me.

The second report was written by Anna Valve in 2000, as part of a Master’s degree at Lund University. Valve’s report combines a solid theoretical basis with a daring and committed fieldwork, as she walked around in the Israeli-controlled part of Hebron, under curfew, in order to talk to Palestinians.

Despite the existence of those two excellent reports on TIPH, I believe this one is warranted. First of all, it attempts a more detailed approach than Lia, as the field is more narrowly defined. Secondly, time has lapsed since the other two reports were written, adding information and allowing for a different kind of method. I apply statistical analysis, which requires a certain number of units in order to yield significant results. Since I believe city-months are useful units for this purpose, such an analysis requires that TIPH has been operative for some time. That is now possible. Thirdly, Valve’s dependent variable was “feeling of security”, literally corresponding to the wording of the TIPH mandate.³ My dependent variable will be “actual

³ Valve discusses a number of security concepts, and it is somewhat unclear if she chooses to focus on objective or subjective security. It seems fair to say that she does both, with an emphasis on the latter, as indicated by the following statement: “I argue that security should be understood as negative (the absence of threats) and subjective (threats have to be experienced

security”.⁴ The reason for this subjective-objective shift of focus is that whether one *is* secure, arguably is a more fundamental question than how one feels.⁵ Moreover, I shall argue that, despite the formulation, TIPH *was* intended to strengthen security *per se*.

Thesis structure.

In chapter 2, I give a brief historical account of the TIPH missions. Chapter 3 outlines the theoretical framework for the later discussion of TIPH as a tool of peacekeeping. Chapter 4 is a presentation- and defence of method. Chapter 5 lists data relevant to the effect of TIPH upon the security of local Palestinians. In Chapter 6 I finally assess various hypotheses on the precise functioning of TIPH in light of the findings.

Working manifesto

This thesis is based on metaphysical realist premises.⁶ It applies the Hypothetical-Deductive Method (HDM) concomitant with Aristotelian logic.⁷ The work may be

by individuals) and that threats have different meanings to people in different contexts” (Valve, 2000:15). Judging from her method, I would say that her empirical material is most relevant to threat *perceptions* of individual Palestinians, as opposed to threats objectively observed. The bulk of her data is obtained from civilian Palestinians, and focus on their subjective feelings. (Valve, 2000:3f,28ff). However, Valve also interviews representatives of the IDF, PPF, PNA and the Swedish representative office on the West Bank. Taken together, this amounts to a strategy for the evaluation of objective security as well. I interpret Valve to the effect that her concern has more to do with *the translation of objective security into subjective security*, and less to do with the question of whether TIPH provides objective security in the first place (Valve, 2000:28). Valve says that ”TIPH’s observing and reporting functions reduce the likelihood that Israeli soldiers physically abuse and humiliate Palestinians” (Valve, 2000:Abstract). But I can hardly see how she can reach that conclusion, not having compared the situation to what happened before TIPH arrived, nor to other cities where TIPH is not present. Neither does she claim to have observed Israeli security forces in a way that would enable her to statistically assert their alleged difference in conduct under TIPH observation as opposed to when TIPH is absent. In other words, the proposition above must be taken as a preliminary conclusion based on statements by interviewees – which are of course subjective. Often, the *feeling of security* will be an indicator, and therefore an operational definition of *actual security*. (Hellevik, 1997:165f) Thus one could measure the feeling of security *in order to* say something about actual security. But some people will feel insecure, even when there is little to fear. Also, it is speculative to assume that a feeling of security could *only* arise when a person is truly secure. The overlap of the concepts is therefore not total, as Valve pertinently points out (Valve, 2000:13).

⁴ For a brief discussion of the security concept of this thesis, see chapter 4.

⁵ Feeling safe in an insecure environment may indeed be fatal. Still, subjective security is interesting even in an objectivist perspective. I shall assess it as an *independent* variable. Because fascinatingly, feeling safe just might help create security!

⁶ Metaphysical realism presumes that objects exist in and of themselves, i.e.: independent of the cognitive apparatus of the subject. Unlike within Critical Theory, it is meaningful to seek “objective truth” (Malnes 1997).

⁷ HDM consists of a two-staged process with the aim of testing theories. Theories are propositions about how phenomena relate to each other. The first step is to ‘operationalise’ the theory, that is - identify hypothetical outcomes of particular situations (experiments or quasi-experiments) - given that the theory is true and complete. Such predictions are called “hypotheses”, and take the form “If theory A is true, then B will happen under such and such (controlled) circumstances.” This may be simplified to the syllogistic clause: “If A then B.” If Hypotheses shall be of any value, it is necessary that the outcomes they predict are unambiguous and explainable by reference to *only one of the theories under consideration*. The second stage is to compare actual outcomes (data) to the predicted ones, and to rule out theories that are incompatible with the result. When a theory accurately predicts an observed outcome, it is considered strengthened, but not verified in the strict sense of the word. That is because Aristotelian logic does not accept the following syllogism as logically valid:

$\frac{\text{If A, then B}}{\text{B}} \\ \text{A}$	On the other hand, this one is:	$\frac{\text{If A, then B}}{\text{Not B}} \\ \text{Not A}$
--	---------------------------------	--

defined as an embedded single-case study (Yin 2003:40), and as a top-down organisation analysis (Kjellberg & Reitan 1995).

Transcription

Those Arabic and Hebrew words that have already circulated in Western media will be written according to common, English, practice. Names of places correspond to the included map, except that I write “Abraham shrine” instead of the longer Arabic and Hebrew names.⁸ For other Arabic words, I shall use the transcription envisaged in Haywood | Nahmad (1990:3f), with the exception that I omit indication of emphasis. For Hebrew words that have not acquired a standard, English spelling, I shall use the letters in the “Uttale” column in Køhn (1990:16ff). Vowels will be simplified to the nearest Latin equivalent.⁹

Delimitation of study

The study is focused solely on what I consider to be *security relevant aspects* of the TIPH missions. However, as will become clear, I adopt an open-minded approach as to what may be security relevant. Not very intuitive topics, such as Community Relations projects, internal guidelines, professional and sexual composition- of TIPH, etc., are therefore given some reflection.

Methodological individualism

I take as an axiom, that whereas individuals exist in an *a priori* sense, collectives do not. Collectives come into existence through the assumption of a defining principle by a number of *individuals*. I thus conceive of acts by groups or institutions only as the sum of individual acts. This premise is reflected methodologically by a “triangulation” of the quantitative, aggregate, data with qualitative, individual, data, and by an effort to avoid formulations implying collective agency and responsibility. It is settlers,

Thus theories may be falsified, but not verified. In practice however, a theory will often linger on, perhaps in a modified version, even if it has failed a test. That is especially true if it fits into a larger *paradigm* of theories that are assumed to be reliable. Sometimes, a theory can be kept artificially alive by the simple fact that there is no other theory to fill the void.

⁸ The Arabic name is *al-Haram al-'Ibrahīmi*. The Hebrew name is *Ma'arat Ha-Machpeláh*. On the map, the Shrine is denoted as *Ibrahimi Mosque/Cave of Machpela*, and may be found by co-ordinates S/15.

⁹ Pátach and qámets will be written “a”. Tsegól and tseré will be written “e”. Qibbutts will be written “u”. Chólem will be written “o”. Schewa will be written “”. Long vowels will be indicated by a “”.

soldiers, observers, Palestinians who act, not *the* settlers, *the* soldiers, etc. I emphasise this partly out of concern that the thesis might, in effect, feed the cancer of anti-Semitism, partly to clarify my position on collective punishment. In so far as the norm of precision is violated in the thesis, the reader should consider it a compromise to the demands of style and space only.

Declaration of outlook

In a study of conflict, explication of premises of analysis would seem extra appropriate. This is my lay opinion on some of the most relevant issues:

I believe the presence in the West Bank of the Israel Defence Forces (IDF) constitutes an occupation. Reason: This view is affirmed several times by the UN General Assembly, the Security Council, the International Commission of Jurists and many independent experts of law.¹⁰ In fact, although Israeli official and public discourse is quite dubious as to the status of the West Bank,¹¹ rulings of the Israeli Supreme Court are based on the premise that this is an occupation (INSICJ 1981).

*I do not feel competent to conclude on the legality of the Israeli occupation on a *ius ad bellum* argument.* Reason: A convincing argument requires both intimate historical knowledge and exquisite legal competence.¹² Even prominent legal scholars refrain from concluding, and among those who hint at a conclusion, there are questionable empirical and legal premises. I therefore do not postulate that the occupation is a result

¹⁰ See for example, Falk and Weston (1992:130ff); NIHR (2001); ICJ (1977); Roberts (1992:25;32f); UNSCR 242 (22 Nov. 1967), UNGA res. 2443 (XXIII) (19 Dec. 1968); 2727 (XXV) (15 Dec 1970); 3005 (XXVII) (15 Dec 1972); 32/20 (25 Nov. 1977); 41/63 (3 Dec. 1986);

¹¹ Oral and written statements referring to the occupied territories are often formulated in a way that leaves the status of the territories unclear, or assert a Jewish claim to them. Common concepts are *Eretz Israel*, *Judea and Samaria*, *Administered territories*, *Autonomous areas* or simply *the territories*. Official maps in Israel do not indicate the borders of Israel as defined by UN General Assembly Resolution 181 or the *Green line* (i.e.: the Israeli-Jordanian Armistice line of 1949, defining the territory later known as the West Bank). Moreover, there have been many institutional reforms that would seem to further integration with Israel (See Shehadeh 1993).

¹² Initially, to be legal, the occupation would have to conform to the requirements of Art. 51 of the UN Charter (1945), which allows occupation only if authorised by the UN Security Council, or, as an act of self-defence - and in the latter case, only "until the Security Council has taken measures necessary to maintain international peace and security." I believe an analysis of the resumption of hostilities in 1967, for all its complexity, would be insufficient for concluding on the legality of the occupation. The analysis would, in my opinion, have to deal with issues dating back at least to the Hussein-Mac Mahon correspondence (1915-1916), and also take into account later developments, such as UN resolutions, peace proposals and agreements and unilateral changes in the status of the territories. Other general issues which would appear relevant include, the validity of the circumscription on the right to self-defence as contained in Article 51 in the light of customary international law; the relationship between state rights and private rights, and; the legal implications of arms developments.

of Israeli aggression, and *as such* illegal.¹³ However, the *practice* of occupation will be evaluated according to the norms and laws of *ius in bello*.

I believe the Fourth Geneva Convention (FGC 1949) is de jure applicable to the Israeli occupation of the West Bank. Reason: The FGC was ratified by both Israel and Jordan (the previous occupier of the West Bank) before the 1967 hostilities, in a situation analogous to a Rawlsian *original position*.¹⁴ The applicability is affirmed by the International Committee of the Red Cross (the body entrusted with the oversight of the FGC), and all the above-mentioned legal authorities except the Israel National Section of the International Commission of Jurists, and the Israeli Supreme Court.¹⁵

I believe the Israeli settlements in the West Bank are illegal. Reason: FGC 1949, Art. 49(6) reads:

“The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.”¹⁶

The settlements are *de facto* permanent changes in occupied territory, and conflict with the temporary state that occupation is defined as under international law, obstructing a reversion to peace.¹⁷ Moreover, the settlements are justified as “part of the IDF’s military set-up”¹⁸ and thus blur the distinction between combatants (uniformed) and

¹³ Giving Israel the benefit of the doubt may very well be undue in light of UNGA Res. 3236 (XXIX) (1974) endorsing *The Right to self-determination of the Palestinian People*, and UNGA Res. 32/20 (25 Nov. 1977) and 33/29 (7 Dec. 1978), referring to the Israeli military presence as an “illegal occupation.” Yet this formulation is sparsely used in Resolutions dealing with the Israeli occupation, and ‘respected publicists’ typically approach this issue cautiously. Not having read any firm, comprehensive and independent treatise on the subject, I shall assume the conservative position.

¹⁴ The *original position* is defined as a venue of rational (mutually disinterested) actors, who are deprived of any knowledge of their personal identity in the real world, and yet are to define the social order applicable once their *veil of ignorance* is lifted (Rawls 1999:102ff). When Israel and Jordan ratified the FGC (1949), their leaders did not know the future capabilities of their respective states, and ratification of the Convention would, as the large number of Contracting Parties indicates, represent the general rational choice of action under risk (Elster 1986). My contention is that neither state signed the FGC under the threat of force, in the meaning of the Vienna Convention on the Law of Treaties (1969, Art. 52), which would in effect render the FGC invalid, in so far as the principle of invalidity of such treaties is derivable from the UN Charter (1945).

¹⁵ On the eve of the Israeli occupation, the IDF Regional Commander issued a proclamation ordering military courts and court administrators to apply the FGC (1949). Later, the proclamation was amended and the order replaced (Qupty 1992:120)

¹⁶ See Pictet (1958:283) for the official ICRC commentary on the paragraph. For opinions by independent legal scholars, see ICJ (1977:27ff); Roberts (1992:65ff); von Glahn (1996:675f). For the Israeli point of view, see INSICJ (1981:49ff).

¹⁷ Machiavelli (1984:10) prescribes moving “own” civilians into occupied territory as the best out of only two possible ways of retaining such territory. See also Hague Regulations (HR 1907, Art. 55); ICJ (1977:27;30); Oppenheim (1992:699); Roberts (1992:26); von Glahn (1996:668); UN Charter (1945, Preamble and Arts. 2;51); UNGA Res/32/5 (28 October 1977).

¹⁸ Confer the Supreme Court ruling in the famous *Beit-El case* (*Ayyub et al. vs. Minister of Defence et al.* 1978): According to Justice Witkon: “... it cannot be doubted that the presence in occupied territory of settlements – even civilian ones – of citizens of the occupying power, contributes appreciably to security in that territory and makes it easier for the army to carry out its task...” According to Justice Landau: “... a civilian settlement such as Beit-El is intended to be integrated into the regional defence which is part of the IDF’s military set-up, and it is common knowledge that, in time of need, since the IDF

non-combatants (civilian), a fundamental precept of customary international law. Conversely, if one argues that the settlers are indeed civilians, the continuing extraction of resources for their benefit is forbidden by the FGC (1949, Art. 55).

Presuming that the occupation is legal per se, I believe the Israel Defence Force (IDF) is entitled to uphold a military presence in Hebron, proportionate to its obligations as an occupying force, and to take the necessary measures to protect its soldiers, subject to applicable law. Reason: Article 43 of the Hague Regulations (HR 1907) obligates the occupant to,

“take all the measures in his power to restore, and ensure, as far as possible, public order and safety (l’ordre et la vie publics), while respecting, unless absolutely prevented, the laws in force in the country.”

I believe that the civilian Israeli presence in Hebron constitutes an international delinquency, and the liability for upholding this illegal presence - thereby failing to enforce public order and safety - extends down to the private soldier. Reason: The principle that superior orders do not detract from the individual responsibility of soldiers to abide by the laws-of-war, was first formulated by Grotius (1583-1645), and was a basic principle of the Nüremberg trials (Falk and Weston 1992:147; Oppenheim 1961:316f; von Glahn 1996:29;701f).

I believe the High Contracting Parties to the Fourth Geneva Convention are delinquent in acquiescing- and in some cases abetting Israeli violations of the Convention. Reason: Article 1 of the FGC reads,

“The High Contracting Parties undertake to respect and ensure respect for the present Convention in all circumstances.”

The ICRC commentary states that,

“...in the event of a Power failing to fulfil its obligations, the other Contracting Parties ... should, endeavour to bring it back to an attitude of respect for the Convention ... The Contracting parties should not be content merely to apply its provisions themselves, but should do everything in their power to ensure that the humanitarian principles underlying the Conventions are applied universally” (Pictet 1958:16f).

is for the most part a reservists’ army, the inhabitants of a civilian settlement are under military command, even as individuals...”(quoted in INSICJ 1981:52f)

Chapter II: TIPH – a Brief Historical Account.

The City of Hebron

Hebron,¹⁹ situated 32 Km. south of Jerusalem, is the second largest city on the West Bank. It has a population of some 122.000 Palestinians and ca. 500 Jews - many of whom are immigrants from the USA.²⁰ The Jewish settlers occupy four enclaves in the central Old City.²¹ Additionally, some 7.000 Israelis live in the settlements of *Kiryat Arba* and *Giv'at Hakharsina*, bordering on the city to the east.

Manufacture, construction, and agriculture, has made Hebron a commercial centre of the West Bank. It comprises two universities, an agricultural school, a polytechnic, religious academies, four hospitals and two hotels. Civil society is rife with organisations. Hebron is characterised by high altitude, hilly terrain, proximity to the desert, and yet - sufficient rainfall in winter. The Old City converges on a valley stretching from the east to the west. Running along it, is the city's traditional economic artery, *Shuhada Street*, which ends in a level ground that used to serve as a wholesale vegetable market up until the 1994 massacre. The market adjoins the largest Jewish settlement in the city, called *Avraham Avinu*.

Hebron carries a particular symbolic significance. The Tomb of Abraham, considered ancestor of both Arabs and Jews, is located in the heart of the city.²² David, the illustrious King of Israel, and Prophet of Islam made Hebron his first capital. Later, Herod the Great built a shrine around Abraham's Tomb, serving consecutively as

¹⁹ Different interpretations of the name "Hebron" exist. According to a TIPH introductory booklet, the name is derived from the root "Bever" meaning "union". According to the Jewish Virtual Library (JVL), the name is derived from Hebrew "cháver", meaning "friend" – a reference to Abraham, whom God through the Prophet Isaiah honours as "my friend" (Isaiah 41:8). The Arabic name is "Madīnat Khalīl ar-Rahmān", meaning "city of the friend of the Merciful", often shortened "al-Khalīl", that is – with a sad twist of irony: "the dear friend".

²⁰ Both these figures are approximate. Øverkil (2004b [interview]) and Salam (a [Internet site]), both well-informed individuals, estimate the Palestinian population to be far higher, i.e.: 140 – 150,000 and 200,000 persons respectively. My estimate is based on 7 mutually independent Palestinian studies, compiled for the Palestinian Central Bureau of Statistics (1994), and is arrived at through a reckoning of the coefficients for population growth within each study, and subsequently taking their unweighted average. As for the settlers, their number is highly politicised, since it is relevant to the feasibility of evacuating/expelling them. According to Yesha (2003), the settler umbrella organisation, there were 520 Jewish settlers in Hebron in 1999. Palestinians often claim the number of settlers to be far lower, and emphasise, that many of them (ca. 140) are yeshiva students, i.e.: short-term residents (Abdel Hadi 1996).

²¹ The names of the settlements are: Beit Hadassah (Established 1979), Avraham Avinu (1981), Beit Romano (1983), Tel Rumeida (1984).

²² Also Abraham's heirs (according to the Jewish tradition) Isaac and Jacob are buried in the shrine, along with the Matriarchs Sarah, Rebekah and Leah. The shrine also includes a separate chamber containing a footprint of Adam, father of

synagogue, church and mosque. Both Talmudic and early Islamic tradition count Hebron among their four holiest cities (Catholic Encyclopedia). The Muslim population is widely considered more devout than what is average for Palestinians. In addition to the religious significance, several massacres and other symbolic injustices suffered by the city's various populations, constitute historical references for the discourses of nationalism.²³

Inter-religious coexistence remained largely peaceful and enriching up through the ages, but the Muslim dominance occasionally slipped over into robbery and killings of Jews.²⁴ In the late 19th Century, Hassidic immigrants from Poland founded a yeshiva in central Hebron. Mass ethnic violence was unleashed in 1929, as anti-Zionists from Jerusalem instigated a massacre of 67 (mainly non-Zionist) Hebronite Jews. The remaining Jews, many of whom had been sheltered by Muslim neighbours and friends, were forcibly evacuated by the British. After 1948, The West Bank was occupied and annexed by Jordan, coming under Israeli occupation as a result of the 1967 hostilities.

The Settlers

In 1968, followers of Rabbi Moshe Levinger celebrated Passover at a local hotel and announced their intent to stay in the city. Defying orders to leave, the settlers were permitted to occupy part of the IDF compound and one year later founded *Kiryat Arba*. In 1979, settler women and children moved into *Beit Hadassah*, a former Jewish clinic in central Hebron. Under heavy IDF protection, the settlers expanded, and

all mankind. Other sites of reverence to Jews include the tombs of Othniel Ben Kenaz (The first Judge of Israel), Avner Ben Ner (General of King Saul) and Ruth and Jesse (Grandmother and father of King David).

²³ The earliest recorded massacre took place during the Hebrew conquest of Canaan, ca. BC. 1200, in which the entire Canaanite population of the city was slaughtered (Joshua 10:36f (A somewhat less bloody account is given in Judges 1:1-20)). Judah Maccabee burnt the city, and according to some sources, expelled its Edomite/Idumean population (Jewish Encyclopedia). During the Jewish rebellion against Rome 65-70 AD, the city's Idumeans were first ruthlessly plundered by the *Sicarii* of Simon Bar-Giora and then massacred by the Roman forces under Cereali[u]s (Josefus 2002:330ff). After the *Bar-Kochba* revolt of 132-135 AD, the main slave market, symbolising the beginning of the Jewish Diaspora, was located just outside the city (Øverland 1900:2). Sources differ over the existence of a Jewish community in Hebron after this, but several sources claim that crusaders banished Jews from the city in 1100 (e.g. JVL; Hebron-org). The Egypt-based Mamluks proved less liberal than the early Arab Caliphs had been, and in 1266, Jews and Christians were barred from entering the Abraham shrine. The Jews, however, maintained the tradition of praying on the seventh step outside. In 1518, one year after the Ottoman conquest, a violent pogrom befell the city's Jews (Peters 1984:85). On the background of rumours of Jewish ritual murder in Damascus, in 1775, the Jewish community in Hebron was rocked by a "blood libel", and forced to pay a heavy fine for the son of a local Sheikh of whose murder they were collectively accused (JVL; Peters 1984:179). Then in 1834, Egyptian soldiers under Ibrahim Pasha who had entered the city to put down a local (Muslim) rebellion, also wrought a massacre on the city's Jews (JVL; Peters 1984:183). Finally, in 1929 a massacre of 67 Jews was instigated by Jerusalemites, claiming that the Dome of the Rock was being demolished in order to rebuild the Jewish Temple (Friedland and Hecht 1996:134).

²⁴ See previous footnote. For a more detailed historical account of suffering among Jews, see Peters (1984).

challenged the Muslim character of the Abraham Shrine through installations. The next year saw a steep rise in violence on both sides, after 6 yeshiva students were killed near Beit Hadassah (JVL; Peretz 1990:21). In 1983, masked men attacked the city's Islamic College, killing 3 students. The same year, the city's Mayor, Mustafa Natshe, was removed from office after filing a lawsuit against the settlers (Shehadeh 1993:85). The city was a hot spot during the first *Intifada* (1987-93).

The downtown settlements are illegal under international law, and initially also under Israeli law. As for the former, two principles are often said to be violated:

- The occupier shall not deport or transfer parts of its own civilian population into the territory it occupies (Fourth Geneva Convention (FGC 1949) Art. 49 (6)).
- The occupier may not impose permanent changes in occupied territory that are not for the benefit of the indigenous population (Confer The Hague Regulations (HR 1907) Arts. 43;46-49;55).

Five legal arguments are commonly advanced in defence of the settlements:

- The West Bank was never internationally recognised as Jordanian territory, and the Israeli presence in the West Bank constitutes a *sui generis*, not an ordinary occupation. The Fourth Geneva Convention (FGC 1949) is therefore not *de jure* applicable;
- The FGC was never incorporated into municipal Israeli law;
- The IDF is obliged to uphold *public life and safety* within the territories under occupation. This is a duty towards the Palestinian population. This task is greatly facilitated by civilian, Jewish/Israeli, settlements around the military installations. It is therefore in the interest of the Palestinian population that settlements are placed in the West Bank, in so far as they are not erected on private Palestinian land (INSICJ 1981);
- Article 49 (6) of the FGC must be read consummate to the first paragraph, and should be taken so as to prohibit only settlements that are intended to displace the indigenous population;
- The FGC prohibits transfers, but not voluntary settlement.

However, all these arguments have been dismissed by competent, and presumably independent, experts of international law.²⁵ The Israeli position, moreover, dissents with the UN General Assembly and the Security Council.²⁶

²⁵ The main argument, namely that the West Bank was not part of Jordan prior to the 1967 war, while Article 2, paragraph 2 of the FGC reads: "The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party..." is dismissed by Roberts (1992:47) as a "technical error", since it is the *first* paragraph that is relevant to the discussion. See also ICJ (1977:34) and Pictet (1958:21). The argument that the FGC is not incorporated into municipal Israeli law may or may not be valid in the internal Israeli debate, but it is irrelevant from the point of view of Israel's fellow signatories to the Convention (von Glahn 1996:40). That settlements should be in the interest of the local, Palestinian, population is challenged by Playfair (1992:215f), writing, "In the best of cases, an occupier, whose society, culture, and values may differ markedly from those of the occupied population, cannot satisfactorily stand in the shoes of the occupied population to determine what is in their best interests." The restrictive reading of Article 49 (6), implying that only settlements that are part of a scheme of ethnic cleansing are forbidden, is dismissed by ICJ (1977:35). See also Pictet (1958:283f). The voluntary settlement argument is defeated by Roberts (1992:67) writing: "...even if voluntary settlement of nationals on an individual basis were permissible under Article 49, the ambitious settlement programme of the 1980s, which was planned, encouraged, and financed at the governmental level, does not meet that description... The settlement programme is quite simply contrary to international law."

So how do the settlers justify their presence? According to Tysvær (2001:57), the discourse of Israeli settlers revolves around two rationales:

- The Jewish people has a God-given right to the West Bank, since it is part of Torahic *Eretz Israel*;
- In order to survive, Jews need a state of their own, and the state of Israel would not be defensible without the West Bank.

Settlers in Hebron emphasise the city's historical and religious import, see their presence as divinely willed, and argue that it is a moral duty to retrieve for the Jewish people properties that were lost after the 1929 massacre (Røislien 2002; Wilder 2002 [interview]). Palestinians maintain that records have been kept in order to restore the houses to their legitimate, Jewish, owners, but that the present settlers are impostors.²⁷

The grievances of Hebron's Palestinians with respect to the settlers may be subsumed under these categories:

- They occupy and/or destroy Palestinian houses;
- They indulge in violence and provocations in order to expel Palestinians;
- They are the reason for the heavy IDF presence, which further complicates life, partly by illegal orders;
- They are practically immune to Israeli law enforcement.

Meanwhile, the settlers hold that they only take over originally Jewish homes, and that Palestinians are intimidated not to sell (Wilder 2002 [Interview]).

The settlers are generally exempted from curfews, and various sources concur that this is the fact whether the preceding unrest was initiated by Palestinians or by Jews, and regardless of which side may feel itself entitled to revenge.²⁸

On 25 February 1994, during the coinciding holidays of *Purim* and *Ramadan*, Baruch Goldstein, an IDF reserves Captain and resident of Kiryat Arba, entered the Abraham

²⁶ See e.g.: UNGA Res. 3092A (XXVIII) (7 Dec. 1973); 3240B (XXIX) (29 Nov. 1974); 31/106A (1976); 32/5 (28 Oct. 1977); 35/122 (11 Dec. 1980); 38/79B (15 Dec. 1983); 39/95C (1984); 41/63B (3 Dec. 1986) and UNSCRs 446 (22 Mar. 1979); 465 (1 Mar. 1980); 471 (5 June 1980); 605 (22 Dec. 1987); 607 (5 Jan. 1988); 904 (18 Mar. 1994);

²⁷ According to Arnaout (1996), a delegation of Jews whose families had been living in Hebron prior to the 1929 massacre met with Mayor Natshe in 1996, expressing a wish to return to Hebron under Palestinian rule. Their spokesman stated that the present settlers, did not have ancestors in Hebron, and could not speak in their name.

²⁸ Confer B'Tselem (1995:8f; 2000:27; 2001a:10;2003h:26); HRW (2001:6f); Levy (2002); PRs V:12;18; VI:16; WS 9:1. See also Savir (1999:122) for the Israeli conceptualisation.

shrine and shot dead 29 Muslim worshippers. Some 170 persons were wounded (Phoenix Gazette, 25 February 1994). Goldstein was himself beaten to death. When IDF subsequently attempted to break up a crowd of blood-donors outside a hospital, clashes broke out (B'Tselem 1994b:5f). A curfew was imposed and before the end of March the Israeli security forces had killed 14 more Hebronites (B'Tselem database). This was compounded by closures of the Abraham Shrine, the vegetable market, and Shuhada Street, plus unprecedented strictness in the issuance of travel permits.

TIPH I

The Declaration of Principles (DOP), signed by Yitzhaq Rabin and Yasser Arafat²⁹ in Washington on 13 September 1993 contained provisions for a Palestinian Authority to be established in the West Bank and Gaza Strip. The DOP also endorsed the idea of an international presence in the territories during an *interim period*, to be concluded by a *Final Status Agreement*. However, neither the Palestinian Authority nor the International Presence had been installed before Goldstein's assault. When informed of the massacre, Arafat, based in Tunis, declared a suspension of talks until the settlers were removed from Hebron (Savir 1998:123). Meanwhile, the UN Security Council began drafting Resolution 904, condemning the massacre and calling for a Temporary International Presence to be established in the city. Rabin sent secret delegations to Tunis and Cairo, and aided by US pressure and Norwegian mediation a compromise was reached with the PLO. It included the following components:³⁰

- 1) No US veto of Security Council Resolution 904;
- 2) Resumption of the talks on a Palestinian Authority in the Gaza Strip and the city of Jericho;
- 3) Immediate establishment of a Palestinian Police Force in Gaza and Jericho;
- 4) Re-institution of Mustafa Natshe as Hebron's mayor;
- 5) Allowance of the settlers to stay in Hebron for the time being;
- 6) Establishment of a non-UN observer mission – *The Temporary International Presence in the City of Hebron* (TIPH).

TIPH was to consist of 160 mission members, and to last for three months. Denmark, Italy and Norway were asked to contribute, and Norway was given the co-ordinating role. On 31 March 1994 Amnon Lipkin-Shahak and Nabil Shaath³¹ signed the first

²⁹ At the time, Yitzhaq Rabin was Prime Minister of the State of Israel and Yasser Arafat was Chairman of the Palestine Liberation Organisation (PLO).

³⁰ Points 1 and 4 were informal understandings, while point 6 was implicit within the TIPH Agreement (1994).

³¹ At the time, Amnon Lipkin-Shahak was IDF Deputy Chief of Staff, while Nabil Shaath was a member of Fatah's Central Committee, and chief negotiator of the PLO.

TIPH Agreement, stating the basic objectives and freedoms of the mission. According to the Agreement, the observers were,

- to provide by their presence a feeling of security to the Palestinians of Hebron;
- to help promote stability and an appropriate environment conducive to the enhancement of the well-being of the Palestinians of Hebron and their economic development;
- to monitor the efforts to restore the safety of Palestinians and events affecting it and the return to normal life in the city of Hebron; and
- to provide reports as set out in paragraph A.5 below (TIPH I Agreement 1994, Art. 3)

Paragraph A.5 identified three committees to which TIPH were to report. The most instrumental of these was *the Joint Hebron Committee* (JHC), comprising local authorities of the two sides and a senior TIPH representative.

The TIPH Agreement was criticised by “rightist” Israelis for compromising on Israel’s sovereignty and by Palestinians for lacking clout. In the following weeks, another round of negotiations was undertaken with the aim of making the mandate operable. Key players in this phase were the three *Heads of Contingents*, Kjell Johansen of Norway, Pietro Pistolese of Italy and Thøger Berg Nielsen of Denmark. They faced Brig. Gen. Baruch Spiegel, Head of the IDF Liaisons’ unit in Tel Aviv, and Col. Meir Klifi, the Brigade Commander in Hebron. A *Memorandum of Understanding* (MOU) was arrived at, regulating the mission’s mode of operations, its internal composition and disposition of personnel. The MOU also secured diplomatic immunity for TIPH members.

The tenure of TIPH I, 8 May – 8 August 1994 may be described as one of gradual improvements for Hebron’s Palestinian citizens, nevertheless falling short of their expectations, and interrupted by two crises in which previous gains were lost:

8 May – 16 May: *Positive Changes*:

IDF responded to TIPH wishes, by, *inter alia*, reducing checkpoints, refraining from the use of tear-gas and by allowing the vegetable market to be partly reopened.

16 May – 13 June: *Crisis*:

Provoked by yeshiva students demonstrating outside a mosque just after Friday Prayers, Palestinians began throwing stones, and the yeshiva students opened fire. IDF intervention led to additional Palestinian injuries. The following night, two Israelis

were killed in the settlement of Beit Haggai, south of the city, prompting IDF to announce a military area and curfew in entire Hebron. The curfew was eased after Danish Minister of Foreign Affairs, Niels Helveg Petersen, blurted his misgivings to the press, but clashes continued, and new restrictions were imposed. Mayor Natshe publicly criticised TIPH of ineffectiveness, and IDF infringed on TIPH's freedom of movement, eventually breaking day-to-day liaisons with the mission.

13 June – 7 July: *Improvements:*

IDF re-established daily liaisons with TIPH and began reducing physical obstacles to traffic. Decreases were observed in stone-throwing, arrests, settler provocations, the use of live fire and injuries. IDF stated its intention to reopen the Abraham Mosque as soon as security measures were considered sufficient.

7 July – 23 July: *New Crisis:*

Gunmen attacked a settler family on a road near Hebron, and a 17 year-old girl, Sarit Prigal, was fatally wounded. The IDF responded by declaring the city a military zone and curfew was levied on Palestinian residents. Settlers stormed through the streets, smashing cars, spreading salt in vineyards, stoning- and occasionally firing on houses (Keinon 1994; Rodan 1995). The curfew was eased after TIPH petitioning, but the day after, a reportedly peaceful Palestinian demonstration was dissolved by IDF using tear gas. Clashes continued, and brief curfews were enforced. A TIPH car was torched, presumably by a Palestinian.

23 July – 8 August: *De-escalation:*

IDF closed the city to Palestinians from surrounding villages. Gradually the clashes waned. IDF refrained from the use of tear gas and firearms in clashes, and made fewer arrests (WS 12:1).

While the TIPH Agreement opened for a prolongation of the mandate if agreed, no real effort was made by the Palestinian side until after the expiration date, and the TIPH leadership did not launch their own initiative. In November 1994, the Abraham Shrine was reopened, albeit with separate days of worship for Muslims and Jews. During the following months of negotiations, Hebron remained a source of

controversy, the Palestinian side insisting on sovereignty, and the Israeli side denying it. Eventually, the *Interim Agreement*, signed 28 September 1995, gave each side responsibility for security in parts of the city, the Palestinian National Authority (PNA) controlling the Western 80%, with IDF remaining in the Eastern fringe and in a salient into the city centre. The zones were named *H-1* and *H-2* respectively. Apart from security responsibility, the city was to remain united.

TIPH II

The target date for IDF redeployment to positions outside H-1 was set to 28 March 1996. Redeployment was, however, disrupted by a series of events that had a detrimental effect on the peace process, eventually leading to early elections and replacement of Israel's Labour-dominated Government with a rightist coalition critical of the "Oslo process". The incumbent Prime Minister, Shimon Peres, postponed redeployment till after the elections, but invited a second TIPH mission signalling commitment to the Interim Agreement. In addition to the tasks of the first TIPH, TIPH II was to prepare for a new mission to be established upon redeployment (TIPH Agreement 1996, Art. 1;4). However, when Peres lost the elections on 29 May 1996, he left the decision on redeployment to his successor, Benyamin Netanyahu.

TIPH II began operating on 14 May 1996, initially with only 30 mission members, all of whom were Norwegian citizens. Its tenure was characterised by,

- "Soft" policies on the part of Israeli security forces, reflecting Government wishes to de-escalate;³²
- A predominance of non-violent strategies in Palestinian activism;
- An increase in settler activism, violent and non-violent.

During the second half of 1996, Hebron rose to the top of the agenda in Israeli-Palestinian talks, and under heavy international pressure, Netanyahu conceded to redeployment. In the *Protocol Concerning the Redeployment in Hebron*, signed 15

³² On the night of 25 September 1996, Israeli engineers blasted open an archaeological tunnel near the Temple Mount/al-Haram ash-Sharif. The move provoked massive Palestinian protest, since it unilaterally changed the delicate status quo of the area, and was interpreted as an attempt to undermine the Al-Aqsa Mosque (Shlaim 2001:576f). In three days of clashes throughout the Palestinian territories, 15 Israeli soldiers and 80 Palestinians lost their lives. In Hebron, however, none were killed, although 54 Palestinians were wounded on 26 September, a day of General Strike. In October, Druze Border Policemen, who spoke Arabic fluently, were deployed in the city, partly replacing IDF, and ordered to avoid antagonising or provoking postures (Zananiri 1996).

January 1997,³³ the terms of the Interim Agreement were repeated and slightly expanded, including reopening of the vegetable market and Shuhada Street (Hebron Protocol, Art. 7.b). The parties also committed themselves to the unity of Hebron, the free flow of people, goods and vehicles and to the preservation of Hebron's historic character (Hebron Protocol, Art. 9; 11.a).

TIPH III

On 21 January 1997, Eytan Bentsur and Saeb Erakat³⁴ signed the third TIPH Agreement. It provided for a new TIPH, consisting of 180 members from Denmark, Italy, Norway, Sweden, Switzerland and Turkey. Again, the largest contributor, Norway, was to co-ordinate the mission. The mandate was, essentially, a replica of the first TIPH with its dual formula for enhancing the feeling of security among Hebron's Palestinians, i.e.:

- Observation and reports;
- Economic development.

However, the new mandate was adapted to the firmer co-operative framework that had been envisaged in the Interim Agreement. Thus, a TIPH representative was to be stationed at the *District Co-ordination Office* (DCO), reports were to be sent to the *Monitoring and Steering Committee* (MSC), and the *Joint Hebron Committee* (JHC) was to consist of security officers of both sides.

The main topics on JHC's agenda during TIPH III have been,

Closures: Of the city, or of specific streets. Particularly Shuhada Street and the wholesale vegetable market have been frequently discussed.

Conduct of individual soldiers: Two scenarios frequently referred to in connection with misconduct are: *IDF observation posts on roofs of Palestinian homes* and *ID Checks*;

Construction/Rehabilitation: In addition to the material consequences of construction on security (tall houses make strategic positions), this issue is imbued with all the symbolism of *presence*.

Curfews: According to Palestinian representatives, curfews constitute collective punishment. TIPH has sometimes supported this view, while at other times merely presented it as the Palestinian view. IDF has argued that curfews are necessary security measures.

Violence: Committed by civilians of both sides, by Israeli security forces, and, according to IDF, by the Palestinian Police Forces (PPF).

Failures in law enforcement: TIPH has criticised IDF for connivance with settler violence, vandalism and threats. But TIPH has also criticised PPF when failing to intervene against Palestinian rioters (PR V:16).

³³ Although several sources concur that the Protocol was signed on 15 January 1997, it is dated 17 January.

³⁴ At the time, Saeb Erakat was Minister of Local Government to the Palestinian National Authority, while Eytan Bentsur was Director-General of the Israeli Ministry of Foreign Affairs (IMFA).

The tenure of TIPH III could roughly be summarised into five phases:

January 1997 - March 1997: *Calm*:

After the IDF redeployment, Hebron's citizens enjoyed a brief period of lull.

March 1997 – December 1998: *Unrest*:

In mid-March 1997, Netanyahu initiated a new settlement project south of Jerusalem (Har Homa/Jabal Abu Ghnaym). Clashes broke out in several Palestinian cities, including Hebron. Another wave of protests erupted in reaction to soldiers killing a Palestinian boy in Hebron on 1 April 1997. Contentions remained high over a reconstruction project in Shuhada Street, forcing the settlers of *Tel Rumeida* to pass through parts of H-1. Other triggers of unrest were, a caricature depicting the Prophet Muhammad as a pig, posted on the doors of Palestinian-owned houses; settler marches through Palestinian neighbourhoods; attacks by vigilantes of both sides, including the killing of a *Rabbi*, and; bombings by British and American forces of Iraq.

January 1999 – September 2000: *De-escalation*:

This period was characterised by fewer Palestinian protests, fewer injuries, and Israeli openings of roads, including Shuhada Street. Also the MSC began functioning. On the other hand, there were a few tough clashes, settler activism remained palpable, and detentions of Palestinians on checkpoints remained fairly common (PR VI:19; VII:14).

September 2000 – February 2003: *The Second (Al-Aqsa) Intifada*:

Major Palestinian protests broke out after a visit by MK Ariel Sharon³⁵ to the Temple Mount/Haram al-Sharif on 28 September 2000. The clashes, which must also be seen on the background of failed *Final Status*-negotiations at Camp David during July 2000, quickly spread to Hebron. Initially the *Intifada* was a mass mobilisation of the Palestinian populace using low-level violence against IDF positions. Over time it turned into a guerrilla war with a small number of fighters using lethal violence – even against settler children. IDF responded with a closure of Hebron and with a lingering curfew in H-2, only interrupted by brief and irregular recesses, allowing the citizens to

³⁵ Ariel Sharon is widely viewed as a war criminal among Palestinians. The most serious charges relate to his alleged involvement in the planning of massacres of Palestinian refugees in the camps of Sabra and Shatila, on

re-supply, but not to work. There have been numerous killings and injuries of Palestinian non-combatants, including children, who were for long periods disallowed from attending school. In December 2000, the telephones of most H-2 residents went silent and in February 2001, water supply was temporarily disrupted - reportedly only in Palestinian quarters (HRW 2001:55; Pacheco 2001:196). Settlers avenged attacks by bulldozing and burning random Palestinian houses, often protected by IDF and Police officers (B'tselem 2001b:6ff). IDF launched raids into H-1, which was also for shorter periods put under curfew. Israeli-Palestinian co-operative organs ceased to function, and in August 2001, Israeli officers accused TIPH of spying for *Fatah*. In February 2002, violence escalated. Palestinian militia launched several attacks against IDF positions, *inter alia* from around the TIPH Headquarters (author's observation). Israeli rifle-fire hit the TIPH HQ, which was also shaken by the impact of a grenade on a near-by building. A modern hospital in Northern Hebron was shelled. The severest blow to TIPH was dealt on 26 March, when Catherine Berruex and Türgüt Cengiz Töytünc were killed by an assailant wearing PPF uniform.³⁶ In April 2002, IDF briefly reoccupied H-1, and returned in June, blowing up the PPF HQ. The Israeli forces withdrew to an expanded H-2 in October, whereupon guerrillas launched a series of attacks in Hebron and against settlements in its vicinity. On 15 November, *al-Jihad* killed 12 Israeli soldiers and security guards, including the Hebron Brigade Commander, Dror Weinberg. IDF sealed and demolished houses associated with the attacks, uprooted olive groves, and evicted remaining Palestinians from the DCO (Aftenposten, 16 November 2002; Huggler 2002; Keller 2002).³⁷

16-17 September 1982. (Sharon was Minister of Defence during the Israeli invasion of Lebanon, and had to resign his portfolio as a result of the *Kahan Commission* inquiry).

³⁶ Töytünc was serving as TIPH Deputy Head of Operations and Berruex was serving as observer. Also observer Hüsseyin Özarlan was injured in the attack, which took place just north of Hebron while the mission members were off duty. (For more information, see Aftenposten, 27 March 2002; TIPH Press Release, 2 April 2002). On 21 September 2003, Safwān Awīwi was sentenced to two life-time imprisonments (and more) for participation in the killing by the Military Court in Ofer. Two other suspects, Yūsuf Basharā' and Dhiāb Shawīki had previously been killed. The three were allegedly al-Jihad affiliates. TIPH has followed the court hearings and has no opinion on the conviction (Indreberg 2004 [interview]).

³⁷ Demolishing of houses is permitted as a defensive act, but not as a retaliatory act (HR 1907, Arts. 25; 50; FGC 1949, Art 33;53). It seems clear that houses were demolished, not during the fighting, but afterwards (Aftenposten 16 November 2002; Keller 2002). Moreover, the association of the houses to the attacks, remains spurious. According to Keller (2002), homes were blown up "apparently without any inquiry as to whether or not their inhabitants had in any way been implicated..." When asked about whether the family of one of the houses demolished had anything to do with the attack, Noam Tibon, the Hebron Commander in charge, replied: "Yes and no... This is an ugly war. Sometimes both sides take steps... which are really tough" (Huggler 2002). Urquhardt (2002) gives a slightly different version: "Nobody is innocent here. If you saw the bodies lined up last night, you would know that this is an ugly war."

March 2003 – April 2004: *Uncertainty*:

As the Al-Aqsa intifada was coming under criticism from influential Palestinians, Arafat was pressured by the USA to delegate powers to a Prime Minister. In June 2003, the new Premier, Mahmoud Abbas, began working to unite factions in a cease-fire vis-à-vis Israel. However, three months later, Abbas resigned, partly due to Arafat's unwillingness to transfer powers over Palestinian security agencies, partly due to the Sharon government's continued policy of assassination of alleged Palestinian terrorists. Ahmad Qurei became the new Palestinian Premier, and the period of official high-level contact came to a halt.

Meanwhile, tensions in Hebron gradually fell. On 25 March 2003 IDF eased the curfew during daytime, and since then, curfew has been the exception rather than the rule (CPT [Internet site]). However, attacks on Israeli soldiers and settlers occurred, followed by sweeping IDF arrests inside H-1, and often, targeted operations in which several Palestinian militants were killed. On 21 June 2002, Abdullah Kawasme, the presumed West Bank leader of al-Qassam Brigades³⁸ and a central recruiter of suicide bombers was killed by Israeli forces (Newsweek 2003; Yahoo! News 22 June 2003).

In the autumn of 2003, TIPH expanded its humanitarian programs and began escorting teachers and pupils to school during curfew. While the IDF allowed this, HOM Kristensen reported a 60 percent rise in settler attacks on TIPH personnel during July-December 2003 (Regular 2004). In a controversial interview following his resignation, Kristensen was cited as,

“The activities of the settlers and the army in the H-2 area of Hebron is creating an irreversible situation. In a sense, cleansing is being carried out. In other words, if the situation continues for another few years, the result will be that no Palestinians will remain there. It is a miracle they have managed to remain there until now” (Regular 2004).

Since 5 February 2004, TIPH has been headed by Maj. Gen. Tryggve Tellefsen.

During its operations, TIPH has gone through major organisational restructuring, reducing its divisions from 5 to 3, and its size from ca. 140 to 68 mission members.

³⁸ The al-Qassam Brigades constitute the armed wing of Hamas.

Chapter III: The Rationale for Peacekeeping

This chapter reviews the concept of *peacekeeping* and its theoretical basis. The aim is to present theory relevant to the discussion on TIPH's effect, undertaken in chapter 6. Peacekeeping is defined, and the vocabulary that goes with it is introduced. Secondly, peacekeeping is reviewed in light of two meta theories of social science. Thirdly, the relevance of the theoretical paradigm to the functions of TIPH is laid out.

Definitions and Variations

Various definitions of peacekeeping exist, and the term has been applied to quite disparate missions.³⁹ Initially, peacekeeping would be associated with Chapter VI of the UN Charter, titled *Peaceful Resolution to Conflict*. Central is the clause,

The Security Council may, at any stage of a dispute... *recommend* appropriate procedures or methods of adjustment (UN Charter 1945, Art. 36 (my emphasis)).

However, non-UN actors have also undertaken missions that would generally be defined as peacekeeping. Moreover, basing a definition on criteria such as intent, size, and armament is problematic, as the former tends to be too inclusive, and the latter two, too exclusive. I here apply the following definition:

Peacekeepers are personnel deployed in a conflict situation, mandated to reduce its inherent violence, and meeting these criteria:

- *They are operating with the formal consent of the parties to the conflict;*
- *They are operating without enforcement powers;*
- *They are employed by (ideally) disinterested state or super-state actors.*

All these criteria are interpretable, and since the end of the Cold War, there has been substantive disagreement over the precise content of terms such as *consent* and *non-enforcement* (Stedman 1996). The diverse application of key concepts is compounded by various, partly overlapping, categorising schemes:

Dimensions: Missions mandated only to observe a demilitarised zone or a cease-fire, are termed *Unidimensional*. Missions that are in one way or another meant to contribute to the rehabilitation of post-conflict societies are termed *Multidimensional*.⁴⁰

³⁹ See Fetherston (1994:124ff) for a wide range of definitions.

⁴⁰ Common tasks of multidimensional missions are cantonment, disarmament, demobilisation and reintegration of soldiers (a so-called 'DDR-process'), election assistance and -monitoring, education, humanitarian aid, police functions, Human Rights' promotion, protection and repatriation of refugees, de-mining assistance, etc. (Stedman 1996:37;39).

Generations: Since recent mandates are generally more elaborate than older ones, *First Generation Missions* largely equal Unidimensional ones, and *Second Generation Missions* are Multidimensional.⁴¹

Degree of Enforcement: Peacekeeping is often juxtaposed to *Enforcement*. The former has its legal basis in Chapter VI of the UN Charter (1945), under which use of force has been restricted to self-defence. Enforcement is authorised under Chapter VII, which permits the use of force to create peace. Some analysts have argued that a *grey area* exists between these stereotypes, and argue that grey area operations should be recognised as a separate and useful kind of third party intervention, conceived of as *peace enforcement*, or *muscular peacekeeping* (Daniel 1996, see also Heiberg 1991).⁴²

Form of Third Party Involvement: Peacekeeping is often contrasted with *peacemaking* and *peacebuilding*. Of these, *peacemaking* has been demarcated as,

“the negotiation for agreements on disputes, whereas peacekeeping is the implementation of those agreements” (Goulding, cited in Fetherston 1994:130).

Peacebuilding has been defined as,

“rebuilding the institutions and infrastructures of nations torn by civil war and strife; building bonds of peaceful mutual benefit among nations formally at war” (Boutros-Ghali 1992:8, cited in Fetherston 1994:132).

Thus, *peacebuilding* refers to all facets of multidimensional peacekeeping that go beyond the traditional tasks of separating forces and observing cease-fires.

Size/function: Some commentators distinguish between *Force-level Missions* and *Observer Missions*, the former referring to inter-positioning of 3,000 to 20,000 peacekeepers between fighting forces, and the latter to smaller missions, often ca. 100 observers, and not above 1,000 (Fetherston 1994:12;240; Heiberg 1991:18).

Contributing States/national manuals: Stedman (1996) distinguishes between Nordic-, British-, American- and French peacekeeping.⁴³

⁴¹ Doyle et al. (1997:3) refer to a “third generation,” which has supposedly been used of enforcement missions.

⁴² Others use *Peace Enforcement* and *Enforcement* interchangeably (e.g.: Dobbie 1994; Stedman 1996).

⁴³ Stedman’s models are based on military manuals. The various actors differ in their view on equipment, understanding of consent, and the prescription of force. Nordic peacekeeping is most conservative, while the French doctrine is the most

It should be noted that unidimensional and multidimensional peacekeeping missions correspond to different concepts of peace, i.e.: *negative peace* and *positive peace*, respectively. Negative peace is conceived of as *the absence of war* (Fetherston 1994:93). Positive peace was defined by Galtung (1975:29) to mean, *a pattern of cooperation and integration between major human groups*. In this view, peace is something more than non-war, namely the generation and strengthening of positive images within a society, enhancing friendship, interdependence, tolerance, respect etc. According to Fetherston (1994:94),

“... positive peace represents not an end-point, but a set of structures which facilitate constructive resolution of conflict and positive human development. In this sense, positive peace is a process or a ‘means’ rather than an end” (Fetherston 1994:94).

Theoretical Foundations of Peacekeeping

Since the end of the Cold War, peacekeeping has risen to pre-eminence among means of conflict amelioration.⁴⁴ The popularity of this instrument would seem justified by Walter’s assertion that,

Almost every peace treaty that did successfully end civil wars over the last fifty years succeeded with the help of outside peacekeepers (Walter 1999:3).

Several commentators have noted the discrepancy between the popularity of peacekeeping as a tool, and its poverty in theoretical elaboration.⁴⁵ While that critique stands, there has always been implicit theory in the doctrine of peacekeeping. Already in 1956, Dag Hammarskjöld and Lester Pearson⁴⁶ formulated five principles of peacekeeping, indicative of a coherent and comprehensive analysis of the causes of war and the potential for peaceful intervention. The principles were,⁴⁷

- 1) **Consent:** The parties to the dispute must agree to the establishment of the peacekeeping mission.
- 2) **Non-use of force:** The peacekeepers shall not use force, except in strict self-defence.
- 3) **Neutrality:** Peacekeepers shall be drawn from non-aligned states, the more states the better, and the smaller states the better.
- 4) **Impartiality and Non-Intervention:** Peacekeepers shall not engage on any side in the conflict, and shall refrain from acts that may be seen by any party as taking sides.
- 5) **Secretary-General responsibility:** The UN Secretary-General shall have day-to-day control of Peacekeeping operations.

radical one, as it explicitly redefines the traditional dichotomy of Peacekeeping/Peace enforcement into a trichotomy, i.e.: *Peacekeeping*, *Peace restoration* and *Peace enforcement*. The latter two differ only in one respect: *Peace enforcement* is reserved for situations where *one party* is designated the aggressor, and must be defeated militarily (Stedman 1996, esp. 46ff).

⁴⁴ The UN fielded five more peacekeeping missions between 1989 and 1994 than it had done in its previous forty-three year history (Fetherston 1994:xvi). Also CSCE, ECOWAS, NATO, Britain, France and the USA have contributed peacekeeping missions since the early 1990’es.

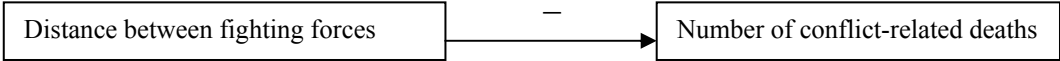
⁴⁵ See for example, Diehl et. al. (1998); Fetherston (1994:22;42f).

⁴⁶ Hammarskjöld was UN Secretary-General from 1953-1961. Pearson was a Canadian diplomat.

⁴⁷ Source: Fetherston (1994:13).

The principal mechanism of classic peacekeeping is *separation of forces*. Thus, the basic theory of peacekeeping could be construed as:

Figure 1: Principal Mechanism of First Generation Peacekeeping



The role of peacekeepers is to verify that separation of forces *does* take place, and that no party gains tactically from the other’s compliance. An absolute prerequisite for de-escalation, is the parties’ confidence in the peacekeepers’ abilities and attitudes in this regard. Peacekeepers can scarcely display positive attitudes towards one party without provoking suspicion from the other, hence the principle of *impartiality*.

Equally logically, one may derive from the principle of *neutrality* an understanding that perceived threats to super-power interests are likely to exacerbate conflicts.

The principle of *non-use of force* would seem to imply an understanding that violence begets violence. It is perhaps paradoxical then, that, peacekeepers have most often been armed. The logic would be that weapons have their utility short of actual usage, in the sense that a *display* of force may render the actual *use* of force unnecessary (Stedman 1996:42).

The principle of *Consent* demonstrates that genuine bi-partisan consent to a compromise involving peacekeepers is presumed possible. The implication is, that all warring parties may *favour* settlement to continued fighting and yet be unable to reach it – simply out of fear of being double-crossed. In other words, *all warring parties could be motivated merely by security concerns* - not predatory ones, which means that predation is not a necessary condition for war (Snyder and Jarvis 1999:19f).⁴⁸

⁴⁸ This line of thinking resonates well with what was later termed *the security dilemma*, i.e.: the choice of actors between arming themselves, thereby propelling others to arm, and; staying defenceless. While the notion that structural, not individual, factors, bedevil inter-actor relations is uncontroversial, it is more problematic to assume that peacekeeping would provide an answer to the security dilemma.

Finally, *Secretary-General supervision* could mean at least two things: Legitimacy to the peace process through world-wide sanction. And secondly, a boost to the claim of impartiality. Ergo, the status of the mission is expected to correlate positively with its chances of success.

With regard to the *soundness* of the theory so far reconstructed, these questions are among the foremost:

- Does peacekeeping without enforcement offer a credible solution to the security dilemma?
- Is it really so, that violence begets violence, or is it more correct to say that violence may at times be necessary to avert more violence? In other words, is the relationship between use of force and number of killings positively linear, or parabolic?
- Is it really so, that peacekeepers contribute something *of their own* to a settlement, given that the parties have already agreed to the settlement, and the peacekeepers have no mandate to enforce it?⁴⁹

As for questions relating to the *elaborateness* of the theory, these are critical:

- How does one define *success* of a peacekeeping mission? Is it enough to “freeze” the conflict, i.e.: preserve *status quo*, or should peacekeepers aim to solve the underlying causes of conflict, which would often mean changing the status quo? What if such attempts are likely to destabilise the precarious temporary balance?
- Precisely what does *impartiality* mean? What is the proper reaction to one-sided breaches of a settlement? Should reactions be clarified in advance in order to induce the parties to abide by the terms?

All these questions link up to one fundamental theme: the trade-off between justice and peace. Should brutal warlords be induced by power-sharing arrangements, or should they be isolated or fought by the international community? Should compromise be sought at the expense of international law? While ambiguity in these matters would seem conducive to the *establishment* of peacekeeping missions, it leaves the peacekeepers in the field without guidance when addressing specific, local, issues.

Within TIPH there has been tensions between *idealists* and *realists* as to the approach to Israeli settlements, considered illegal by the international community, but remaining under the security responsibility of Israel according to the Oslo Agreements.

Peacekeeping Theory in a Wider Perspective

Theories of violence generally incline towards one out of two philosophical schools (Morgenthau, 1993:3). The first, which I shall refer to as *Humanism*,⁵⁰ postulates that

⁴⁹ As we have seen, there is a correlation between the deployment of peacekeepers and the success of peace settlements (Walter 1999:3). The question is whether the link is causal or spurious? Critics of peacekeeping could argue that it is not the peacekeepers themselves that create peace, but that situations, in which the parties are already striving for peace are more likely to allow for peacekeepers. This argument is not foiled by the notion that settlements involving peacekeepers sometimes fail, since peacekeepers could also be accepted in situations where the parties do not have benign intents, albeit more rarely.

man is essentially a peaceful creature. In this perspective, violence is seen as pathological, and brutal acts are explained by inner or outer disturbances of the *subject*, typically adding up frustrating conditions, until the “glass overflows” (Dessler, 1994; Fetherston 1994:99f; Smelser, 1962:253). In other words, the individual is caused to be violent, rather than choosing it.

The other perspective was coined by Morgenthau (1993) as *political realism*. Realism is today widely associated with International Relations, but it was originally construed at the level of the individual (Hobbes 1904:81ff). Realism treats violence not as pathological - but logical. Man is conceived of as an egoistic and rational *actor*, characterised by ability to rank his *interests*, to choose, and to pursue his own happiness by all means. He is operating in an *anarchic* world of limited resources, where actors can trust no-one and must either seek power or perish. Thus, it is not violence that riddles realism, but peace, and explanations of it will typically focus on the *balance of power* (Morgenthau 1993:183ff). *Intentional*, not causal explanations are characteristic of this perspective. Man will do what he pleases unless deterred.

Thus, man as a *rational actor* would be pro-active, future-oriented, calculating, and communicating through his actions. Man as a *subject* would be, re-active, past-oriented, passionate, and not consciously sending messages through his acts.

The fundamental question of debate is how to confront violence? While counter-force may be a necessary short-term solution within both these perspectives, the long-term effects of such counter-force are viewed in radically different ways: According to the realist-rationalist perspective, countering is essential in order to “send a message” that one “will not give in to threats/force/terror”. If one fails to react forcefully, or worse, yields to threats, the other will be encouraged to pursue violence again. On the other hand, the humanist-emotionalist perspective holds that the only long-term solution to

⁵⁰ The *Humanist school* is sometimes referred to as *The Liberal school* or *Liberalism* (Morgenthau 1993). However, *Liberal* is a term of liberal application. For this reason, and because Liberalism is sometimes treated as an alternative to *Peace research*, while I am clearly including *Peace research* in the tradition to which I am referring, I prefer the term *Humanism*. (*Peace research* and *the Liberal school* share a conception of man as essentially noble, but with a capacity for destruction).

violence goes through defusing the rage of the opponent through concessions. Meeting force with counter-force will only intensify the other's feelings of injustice/loss.

Both the realist and the humanist perspective have been challenged on a wide range of normative and factual grounds. Realism has been criticised for:

- Difficulties in explaining apparently irrational *collective* behaviour;
- Difficulties in explaining apparently irrational *individual* behaviour;
- Wrongly assuming that actors are utility-maximising rather than satisficing;
- Difficulties in explaining the constitution of collectives in strictly rationalist terms;
- A tendency of creating the reality it purports to describe (i.e.: if people see themselves as operating within an anarchical self-help system, they will act as if they were, thereby creating one).

With regard to difficulties in explaining irrational collective behaviour, that challenge has been convincingly overcome by various writers. Before looking at some examples, it should be noted that, what the reader may associate with "collective irrationality" is perhaps the opposite of what theorists do. For example, looting mobs are popularly analysed in terms of mass psychosis. Meanwhile, theorists of the rationalist school would emphasise that looting in a gang is rational to the individual *and* the group.

Mancur Olson (1971) has shown that collective irrationality is in fact a direct result of individual *rationality* (!) The larger the group, the less likely its individuals are to contribute to the common good - if they are rational. After Olson, what needs to be explained of large groups is not collective irrationality, but collective rationality. **Game theorists** have construed a scenario called *the prisoners' dilemma* (see below), in which a collectively sub-optimal outcome is a direct result of individual rationality in just two actors. Sub-optimal outcomes may also come as a result of lacking information about other actors' preferences, although the preference structures themselves may be conducive to the common good (see below).

As for apparent *individual* irrationality, theorists have come a long way towards defusing that charge as well:

Roger Putnam (1988) and **George Tsebelis** (1990) have shown that apparently irrational choices could be made in one *game*, because they are intended to affect another game in which the actor is simultaneously engaged. **Saadia Touval** (2000) has argued that *multiple power asymmetries* involving actors that are not direct parties to a dispute may interfere with the negotiating power of the direct parties. Thus, a seemingly weak negotiating party may obtain leverage through a third party, over which it yields influence, and fare better than one might expect, if one took only the principal parties to the dispute into account.

Still, there are phenomena that resist categorisation as *rational* in the *broad* sense of the word (Elster 1983). Examples could be desecration, purposeless violence, suicide missions, anonymous gifts and care for one's legacy after death.

The phenomenon of satisficing actors has been integrated into international relations theory in terms of "bounded rationality," but has according to Keohane (1984:112) not

been convincingly addressed by realists. Much has been written on the constitution of collectives, but mainly by adherents to critical theory with an edge *against* realism.

The humanist perspective is an enormous conglomerate of approaches. Some principal concepts linked to the genesis of violence are, *fear, frustration, imitation, norms* and *honour/shame*. According to the former, violence is caused by fear in an instinctive, not calculated way, and comes about when physical factors rule out another instinct: escape (Mackal 1979:9f). Contributions focusing on *frustration*, see violence as a result of inability to satisfy basic needs or to better ones situation as much as expected – alternatively, as much as others (Burton 1990; Hernes and Knutsen 1992). The *imitation* thesis holds that subjects witnessing or suffering violence will come to adopt it themselves (Adorno et al. 1950; Mitchell 1989:25ff). Theorists focusing on *norms* argue that subjects will internalise the *hegemonic discourse* of their societies, and act largely in correspondence with them (Foucault 2001; Elster 1986:22ff). Finally, honour/shame theorists come close to Realism in the sense that they conceive of a competition for status (Bourdieu 1990; Horowitz 1985).⁵¹ But whereas realists find the root of conflict in *material* sources of pleasure, honour/shame theorists focus on the *social* sources of pleasure, such as recognition, respect and charismatic power.

The question of whether material or social conditions lie at the heart of conflict is consequential - because material capital is finite, whereas social capital is probably not (Fetherston 1994:101ff). Where the realist perspective regards conflicts as essentially zero-sum and objective, humanists tend to view them as variable-sum and subjective. Thus, end to conflict is differently understood – the realist approach typically proscribes a compromise *settlement*, often implying separation, while humanists

⁵¹ The reader might find competition irreconcilable with a causal framework, since competition would be directed towards some end state, implying intentionality. Bourdieu (1990:11) uses the parable of a tennis-player to illustrate the concept of *habitus*, essential to non-intentional utility maximisation. The tennis-player's movements and strikes would seem rational, but they are in fact quite automatic, based on a prior programming of the body, and not on a calculus of utility in each case. Readers familiar with Bourdieu's theoretical universe may place him as the synthesiser of historicism and voluntarism, rather than a proponent of the former. Others might balk at the use of Bourdieu to analyse violent, societal conflict, since he would mainly be concerned with *symbolic violence* at the individual level. One may also object to the placing of Horowitz in the *Humanist* perspective. Personally, I believe the two combine splendidly, and offer a distinct analytic framework of great interest.

typically advocate *resolution* through integration and changed perceptions (there is no conflict unless individuals see themselves as enemies) (Fetherston 1994:104ff).

These are some of the challenges to the humanist/causal perspective:

Predictability: While the level of violence within societies has been shown to correlate stochastically with socio-economic factors, tolerance with the level of education, etc., it has not been possible to establish determinative models of violence. It is simply hard to get by individual choice.

Apparently widespread rational behaviour: There are plentiful examples of actors that appear to have behaved rationally moderate under extreme stress and deprivation.

Moral dissolution: Ultimately, the humanist perspective implies that the individual is not responsible for his/her own acts. This attitude could be seen as a threat to human society (Walter 1999:2).

While the normative critique largely stands, Pierre Bourdieu (1990) has come a long way towards explaining ostensibly rational behaviour. After conceptualising a *habitus*, defined as *instinct + experience written into the body*, Bourdieu argues that actors may appear to respond rationally to new impulses/challenges, while they are in fact automatically implementing a program of response ingrained through prior experience.

Realising that conflicts are prone to have objective as well as subjective elements, some analysts have sought to combine the perspectives. Dessler (1994:104f) has categorised the causes of conflict by four:

Triggers: events or outcomes that cause one action to become the most favoured alternative in someone's feasible set.

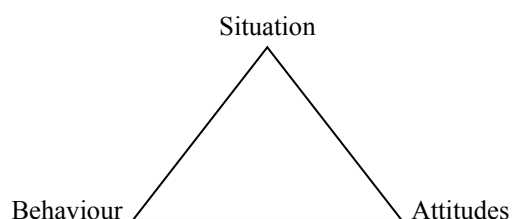
Targets: a social actor's objective, aim or goal.

Channels: Lines of political, social, economic or national cleavage.

Catalysts: Any factor that controls the rate or intensity and the duration of conflict, once initiated.

Not being explicit, Dessler would seem to place peacekeepers in the latter category.

Drawing on Galtung (1969), C.R. Mitchell (1989:18) has presented a three-dimensional model of conflict:

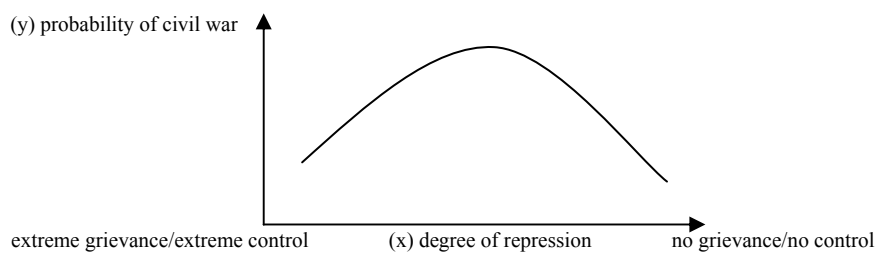


Somewhat simplified, the conflict *situation* corresponds to what realists see as objective/structural causes of conflict. But according to Mitchell, conflict is more than structure, and the social component is separated into attitudes and behaviour. The

model is instructive in showing that conflicts may develop from one point to another and that there is a potential for misinterpretation of the underlying causes in each case. Attempts at solving conflicts will fail, unless they are calibrated to the current nature of the conflict. According to Mitchell, material conflicts may be solved through compromise, but that is infeasible in so-called *value conflicts* (Mitchell 1989:35ff).

Based on a quantitative analysis of country-years in the period 1816-1992, Hegre et al. (2000), show the relationship between *repressiveness of regime and probability of civil war* to be a curvilinear one. Freedom and extreme repression both produce stability, whereas moderate grievances coupled with moderate opportunity is volatile.

Figure VI: Relationship between repression and probability of civil war, according to Hegre et al. (2000):



Surprisingly, actors appear utility-maximising under pressure – and satisficing at leisure. The first point contradicts humanism; the second contradicts realism.

The Role of Peacekeepers within the Realist Perspective

Initially, the realist perspective would seem to offer little room for peacekeeping. That is because realism assumes power to be the prime mechanism of interaction, and peacekeepers, by definition, do not project power. However, game theory, which, like realism presumes rational unitary actors, leaves a few niches for peacekeepers:

The prisoners' dilemma is commonly used as an introduction to game theory. The name of the game alludes a scenario where two suspects are held in separate cells. They have previously agreed on a cover story, and the police have only got enough evidence to give them a light sentence. However, the police offer the following choice:

- Incriminate your comrade, and serve an even lighter sentence, or;
- Do not inform us, and take all the blame if your comrade chooses to tell.

In this situation, there are four possible outcomes:

Table 1: Individual and Collective Payoffs in a Prisoner’s Dilemma Game

Outcomes:	Value of outcome to actor		Sum of values
	Prisoner A	Prisoner B	
Both stick to the story	3	3	6
Prisoner A tells on prisoner B	4	1	5
Prisoner B tells on prisoner A	1	4	5
Both tell on each other	2	2	4

From the collective point of view, it would be rational if both stuck to the story. However, each prisoner has a double incentive to “cheat”, because whatever the one does, the other would gain from telling. (If both tell on each other, no-one is the sucker). As a result, both prisoners give away evidence without which they could not have been sentenced so hard. The standard form of the game, given below, visualises the considerations of each actor. Arrows indicate the comparisons of values of hypothetical outcomes that the actors make, and point to the individually preferred outcome. As shown, mutual defection is the outcome to which arrows of both actors point. In Game Theory, such an outcome is denoted a *Nash-equilibrium*, and if there is only one, this is the predicted outcome of the game.

Table 2: Standard Matrix of the Prisoner’s Dilemma Game

Game 1: The Prisoners’ dilemma		Prisoner A	
		Co-operate (C)	Defect (D)
Prisoner B	Co-operate (C)	3 → 4	1
	Defect (D)	4 ↓ 1	2 ↓ 2

The prisoners’ dilemma, implies the following preference structure in actors:
 unilateral defection (D-C) > mutual co-operation (C-C) > non-co-operation (D-D) > unilateral co-operation (C-D)
 Since Game Theory in general does not postulate any prior agreement between the parties, I shall in the following generalise the categories of *Co-operation* and *Defection* somewhat: From here on,

C will stand for: *conciliatory strategy* (between the two actors of the game) and;
 D will stand for *defiant strategy*.

The preference structure of the *Prisoners’ dilemma* may be transferred to international relations. If applied to Hebron, it would mean that both actors (the Israelis and the Palestinians respectively) would be better off if they co-operated than if they fought, and yet, they both have a double incentive to “cheat”, i.e.: seek gains unilaterally. Notably, in a Prisoners’ dilemma, *knowledge about the other actor’s preference structure will not have a pacifying impact on one’s own choice of strategy*. If actor A knew, that actor B would co-operate, his incentive to cheat would only be greater.

There are other plausible preference structures, though. For example, actors may prefer mutual co-operation to unilateral defection/defiance, making:

Mutual conciliation > Unilateral defiance > Mutual defiance > Unilateral conciliation.

The typical situation would be one in which the benefits of co-operation were clearly greater than the cost of co-operation, yet contingent on concerted action. In such a case, the standard form of the game would be:

Table 3: Standard Matrix of the Assurance Game

Game 2: The assurance game		A	
		Conciliation (C)	Defiance (D)
B	Conciliation (C)	4 ← 3	1
	Defiance (D)	↑ 1	↓ 2
		3	2

This game, known as the *assurance game*, has two Nash-equilibria. In this scenario, what strategy to choose would seem crucially contingent on the strategy chosen by the other party: *mutual information about each other’s preference structures is essential to the outcome of the game*. If actor A believes that actor B will co-operate, it will be rational for himself to co-operate. But if A is convinced that B will not co-operate, neither will A.

A third conceivable preference structure could be:

Unilateral defiance > Mutual conciliation > Unilateral conciliation > Mutual defiance

This preference structure leads to the game known as *chicken*. The name alludes a test of will in which two cars drive towards each other in the middle of the road, and the winner is the one who dares to stay on course the longest.

Table 4: Standard Matrix of the Chicken Game

Game 3: The chicken game		Actor A	
		Conciliation (C)	Defiance (D)
Actor B	Conciliation (C)	3 → 4	2 ↑
	Defiance (D)	↓ 4	← 1

Chicken also has two *Nash-equilibria*, but not the same ones as the assurance game. What strategy to choose is again contingent on the strategy of the opposite player, but whereas conciliation was before the rational response to conciliation, it is now the rational response to defiance. *Information about the other actor's preference structure is therefore crucial to the outcome of the game, but the outcome of the game will predictably be victory to one party, not co-operation or mutual destruction.*

For now, the following corollaries could be made:

- *Peacekeepers could serve as information providers in assurance games, promoting compromise. Their task would be to provide the parties with information about each other's operations, in order to ensure them of their mutual commitment to the agreement and their non-predatory intent. This would remove the rationale for security-motivated pre-emptive strikes.*
- *Peacekeepers are not likely to be deployed in a prisoners' dilemma situation, and if they were, they would not be likely to stabilise the conflict, since neither of the parties would see it in their interest to keep the status quo - regardless of the other party's intentions.*

- *Peacekeepers are moderately likely to be deployed in chicken game situations, but their utility is highly questionable.*⁵² *If peacekeepers were to provide the parties with information of their mutual preference structures, that would counter-intentionally encourage brinkmanship.*

As noted above, theorists have pointed out that actors may choose sub-optimally in one game, in order to score in other games in which they are simultaneously engaged (Tsebelis 1990; Touval 2000). There are two basic parameters of game inter-relation: space and time.

Is it possible that the “shadow of the future” could make actors forego the immediate gain in for example *prisoners’ dilemmas*, in order to preserve a co-operative spirit in the opponent for later interactions?

Game theory allows for discounting future, potential, gains against immediate ones. It is common to operate with a discount factor, δ , which is usually treated as equally regarded by the parties, i.e.: both actors weigh immediate vs. future gains similarly. The discount factor is multiplied with the potential payoffs of later rounds, allowing for comparison between what could be gained now, and what could be gained later, if moderation is chosen now. Conventionally,

T stands for *temptation*, i.e.: the payoff of unilateral defection (D-C)
 R stands for *reward*, i.e.: the payoff of bilateral co-operation (C-C)
 P stands for *punishment*, i.e.: the payoff of bilateral defection (D-D)
 S stands for *sucker’s treat*, i.e.: the payoff of unilateral co-operation (C-D)

Thus, for two rounds, in which A defects in both, and in which B co-operates in the first, and retaliates for A’s defection by playing D in the second, the payoffs would (from the vantage point of immediately before round 1) be:

Table 5: Payoffs to Actors A and B over 2 Rounds in Which A Cheats in the First Round and B Retaliates

Actor	Round 1	Round 2
A	T	δP
B	S	δP

The discounted payoffs of infinite rounds can be calculated (Morrow 1994:265;316f).

It can, for instance, be shown that the payoff of infinite games of full co-operation would be $R + \delta R + \delta^2 R + \delta^3 R + \dots = R/(1 - \delta)$, if $0 < \delta < 1$.⁵³

⁵² Chicken games are characterised by crises that are quickly solved through the yield of one party. However, the preference structure indicates that submission does not equal death, which means that renewed rounds of contention are likely. Chicken games thus produce enduring, low-level conflicts. The time factor increases the likelihood of third party intervention.

Actors may use threats of various types of retaliation in order to discipline their opponents. Morrow (1994:264f) refers to the threat of all-time defection as the *grim trigger*, and the threat of punishing each round of defection with defection in the next round as *tit for tat*. Naturally, the *grim trigger* has the largest potential for deterrence, but, once initiated, there is no going back to a co-operative framework, unless at the expense of a severe credibility loss. Morrow (1994:265) shows that defection will be deterred by the *grim trigger* if,

$$\delta > (T - R) / (T - P)$$

and by *tit for tat* if,

$$\delta > (T - R) / (R - S)$$

It follows from this, that, the chances of co-operation increase if,

- **δ increases**, i.e.: if the value actors place on future payoffs increases;
- **T is reduced**, i.e.: if less can be achieved through unilateral defection/defiance;
- **R increases**, i.e.: if more can be gained through co-operation/conciliation;
- **P decreases**, i.e.: if the state of mutual defiance becomes harsher;
- **S decreases**, i.e.: if the cost of restoring co-operation becomes less bearable.

How does all this relate to peacekeeping? Mearsheimer (1995:11) argues that the extreme risks involved in international politics will force actors to adopt a myopic outlook, and place greater priority on the present rather than the future. (If gullible today, tomorrow may not come). It would seem consistent with his realist argument, to say that, unless peacekeepers could provide credible guarantees through real force, their ability to increase the discount factor of actors is doubtful.

With respect to T , i.e.: what could be achieved through defection, the response ability of peacekeepers would again seem crucial. But as long as peacekeepers are not to take active part in the fighting, and are not to strengthen the defence of the cheated party, their role would seem restricted to early warning. Indeed, peacekeepers might hesitate to provide such warning, for three reasons:

- They might fear to compromise their status as impartial;
- They might fear retaliation from the cheating, and possibly victorious, party;
- They might fear calling false alarm, perhaps triggering the conflict instead of averting it.

⁵³ For the formal mathematical proof, see Sydsæther (1987:524ff).

In a worst-case scenario, peacekeepers could even increase the T , by lulling one party to lower its guard.⁵⁴

Probably the most promising function of peacekeepers in the game theoretic model lies in the potential of raising the R , the so-called *peace dividend*. The crux is to increase the benefit that the parties would reap from co-operation relative to what they would gain from defiance - essentially through side-payments. There are, however, serious objections here as well:

- The parties would not be so much interested in absolute gains as in relative gains (Mearsheimer 1995:19ff);
- Increasing the benefit, for example through economic payoffs, might mean enhancing the parties' ability of getting weapons, raising cadres, etc..

The notion that peacekeepers should somehow contribute to a lowering of P , is anathema to humanism, but is consistent with the realist logic of deterrence. It implies that the peacekeepers would somehow increase the pain of a conflict stalemate, and thereby make it a less attractive option. This correlates well with Zartman's (1989) observation that some conflicts are *ripe for resolution*, in the sense that they have reached a *painful, mutual stalemate*. However a peacekeeping mission that actually made conflict *worse*, would face a serious legitimacy problem. Hence, the threat of lowering P would only be valuable *before* hostilities resumed, and this would undermine the credibility of the threat.

The potential for lowering S is scarcely significant, unless it could be applied selectively, and even then it is suspect. The reason is that S would be the payoff of the cheated actor first, and only later might it befall the defector. Since it is obvious that the defector would not rationally choose C (with the promise of an extremely low S) above D (which would guarantee P), a reversal to co-operation could only come about through a credible commitment by the cheated party to play C, or through substantial side-payments. Either way, the cheater would have benefited. The value of lowering S is again strictly *ex ante*, undermining the whole concept.

⁵⁴ That this is not a just a hypothetical dilemma, should be clear from the failure of UNPROFOR II to provide security in the so-called "safe areas" in Bosnia-Herzegovina, resulting in the July 1995 Srebrenica Massacre, in which "thousands of

It seems reasonable to conclude that, although the scenario of repeated games allows for modifying the deterministic and perverse conclusion of a one-stage *prisoners' dilemma* (namely that defiance always pays), the realistic potential for peaceful intervention is moderate. Although theoretically, some third party role could be envisaged in a *tit for tat* framework, the practical application has yet to be devised. In essence, this leaves us with *spatially* nested games. Can third parties peacefully make a difference through linking the focal game to other games in which the actors are simultaneously engaged?

From the most conservative, realist, point of view, the answer would be no - in so far as those third parties shunned the threat of military intervention. However, Mearsheimer (1995:20) makes a point of the fact that economic power is convertible to military power. If that is so, it is conceivable that an actor, although militarily superior, might concede to peacekeepers under third-party pressure short of military threats. It is also possible that actors would restrain field operations somewhat, so as not to endanger foreign peacekeepers. Thus, the watered-down realist perspective entails a certain *hostage-function* for peacekeepers.

The Role of Peacekeepers within the Humanist Perspective

As noted above, the humanist perspective focuses on the process through which subjects come to see each other as enemies (Wendt 1992). Humanists typically insist that peacekeepers must move beyond conflict control, and aspire at peace-building i.e.: the construction of *positive peace*, through changed perceptions (Fetherston 1994:148). The goal is micro- and macro-level integration of the former enemies.

According to Fetherston (1994:138),

“... peacekeepers are uniquely placed to begin processes of reconciliation and reconstruction as well as facilitate communication at all levels in the conflict-torn communities in which they operate”.

Primarily, peacekeepers might offer a channel of communication. Later, they could provide venues of discussion, monitor arrangements, mediate, perhaps arbitrate, and promote structures of decision-making that involve both sides while redefining the cleavages in a way that would make cross-communal alliances more likely.

Muslims” were killed (Burg and Shoup 2000:324).

Corresponding to the theoretical approaches mentioned earlier, at least these functions could be filled:

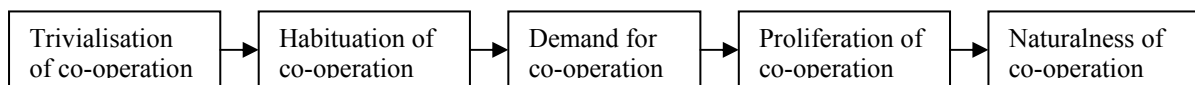
Fear could be reduced in a number of ways. Functions such as monitoring, cantonment and disarmament of fighters are possible tasks to peacekeepers, although infeasible to the parties themselves. At community level, peacekeepers could facilitate meetings, mitigating enemy stereotypes and promoting understanding and trust.

Frustration could be reduced through humanitarian work, through the economic input of the peacekeepers' presence, through the easing of livelihood associated with peace, etc. It should be noted, however, that frustration stemming from perceived injustice could be impossible to relieve, given the hybridity of order implied in compromise.

Imitation offers a real challenge to peacekeepers/builders. Obviously, erasing memories of violence from entire populations is a difficult and time-consuming task. Instead one might try to add memories of a benign nature, encourage good deeds across the former divide, and amplify positive examples through all kinds of communication.

Norms offer an even greater challenge. Norms are rooted in culture, and often sanctified through religion. Fighting norms would mean fighting convictions and habits, even identity. On the other hand, although norm-sets may attain predominance within societies, ethical monopolies are rare. Religious traditions often contain seemingly contradictory statements. When a conflict has reached the stage where peacekeeping is conceded to, there will be a palpable current of moderation on both sides. With knowledge, peacekeepers could strengthen the voices of moderation. The crux would be to work *with* the norms, not *against* them. Again, a *hostage-function* is conceivable to peacekeepers, since belligerents may have a normative reflex against pulling the trigger, if they risk hitting an "innocent" third party.

A theoretical school of integration, which draws on both the *imitation*- and the *norms* rationale, is *neo-functionalism*. The approach, which owes much to David Mitrany and Jean Monnet, has primarily been applied to the EEC/EC/EU.⁵⁵ According to *Neo-functionalism*, integration should start from *below*, i.e.: with harmonisation of *low-politics* issues so as to avoid nationalist opposition (Østerud 1996:388).⁵⁶ Co-operation will necessitate standardisation, which will *spill over* into related areas. Over time, co-operation will proliferate to encompass ever-new sectors, at last locking peoples in interdependency and a common frame of reference. The logic could be captured thus:



Neo-functionalism postulates an increasing momentum in the process, and especially in the early phases, where conscious decision-making is needed, there would seem to be a role for peacekeepers as facilitators.

Honour/shame theory presupposes the existence of accepted standards of behaviour/being, which function as a basis for informal hierarchies. Notably, what gives honour is not the same in all milieus, but there is an agreement within milieus - or *fields*,⁵⁷ which is the term used by Bourdieu – about what is honourable and not so. Peacekeepers could, theoretically, tap into the particular honour-distributive logic of *fields*, and manipulate key actors into peace-promoting behaviour. A few problems should be noted:

- The peacekeeper should preferably be in a position to designate honour “from above.” That position must first be conquered, and the peacekeeper must therefore engage in a game of social status, lacking what would seem the most important *capital* of the military *field*: destructive capability.
- “Rewards” and “punishments” may easily backfire. By lauding a leader of one side for positive acts towards peace, one might, counter-intentionally, undermine him/her within his/her own constituency.
- Any manipulation is problematic from an ethical point of view.

The Relevance of Perspective to the TIPH Mandate.

The two key functions of all TIPH missions have been to,

- Provide by their presence a feeling of security to the Palestinians of Hebron;
- Promote their stability, well-being and economic development (TIPH Agreement 1994, Art. 3.a;b).

⁵⁵ For an informative **sample** of statements by Mitrany (1946), see Morgenthau (1993:354).

⁵⁶ In so doing, it contrasts with Federalism, which focuses on integration “from above”, i.e.: through establishment of super-unit organisations.

⁵⁷ Bourdieu exemplifies fields such as *the literary field*, *the scientific field*, *the economic field*, etc. Although I have no reference to a specific *military field*, the existence of one would seem implicit.

It should be noted that these functions neatly fit the humanist perspective and conflict with the realist one. According to humanism, strengthening the Palestinian economy would promote peace through the alleviation of frustration. On the contrary, according to realism, it would *destabilise* the balance of power through increasing the mobilisation potential of Palestinians. Similarly, in so far as the observers would have any restraining effect upon the Israeli soldiers patrolling the city, humanism would foresee less frustration among the city's Palestinians, while realism would foresee more opportunism, ending at diametrically opposite predictions of the level of violence. An empirical evaluation of the violence level in Hebron with and without TIPH might therefore yield valuable insights to the realist-humanist debate as well as interrelated debates such as,

- Historicism vs. voluntarism;⁵⁸
- Political realism vs. liberal institutionalism;⁵⁹

Summary

This chapter has explored the potential underpinnings of peacekeeping according to various theoretical schools. The presentation has been systematised under two major conflicting paradigms: humanism and political realism. In effect, the crude question of how TIPH might function has been supplemented with a set of hypotheses for evaluation. A realist analysis would focus on,

- TIPH's potential for enhancing transparency;
- TIPH's potential for linking the Hebron game to other games in which Israel is engaged;
- TIPH's potential for raising the prospective benefit of mutual conciliation (R).

A humanist analysis would focus on TIPH's ability of reducing fear and frustration, promoting integration, erasing traumas, and exploiting- or changing norms.

⁵⁸ The debate concerns the existence of free will, voluntarists holding the position that men are fundamentally free to choose their acts, while historicists argue that material or social structures constrain the choices of subjects into virtual predetermination.

⁵⁹ The focal topic is whether or not institutions *in themselves*, are able to affect the choices of actors, or whether institutions work only as long as they serve the strong by legitimating their hegemony, and break down when there is a discrepancy between the norms of the organisation and the interests of the strong actor. Realists, of course, hold the sceptical position.

Chapter IV: Method

The methods employed in this thesis include,

- Direct observation;
- Interviews;
- Study of written material;
- Statistical analysis of aggregate data.

Direct Observation

I spent six and a half days in Hebron during March-April 2002. During this time, TIPH facilitated me with an office in their Headquarters, allowed me to share their meals and social activities, conduct interviews and to participate on one regular patrol. I visited H-2 unaccompanied four times, including the *Avraham Avinu* settlement.

Interviews

The interviews may be categorised according to methodology thus:

Table 6: Interviews Categorised According to Methodology.⁶⁰

Standardised	Structured	Semi-structured	Improvised	Total
0	14	12	11	37

The above categories are organised according to increasing capacity for information input, yet a decreasing guarantee of relevance. I believe the distribution of interviews reflects the phase of study I was in at the time, having defined variables of interest, but not being able to exclude the existence of additional, important, variables.⁶¹ The lack of standardised interviews was due, mainly, to factors beyond my control.⁶²

Table 7: Interviews Categorised According to Location and Status of Informer:

	Palestinian Civilian	Palestinian Authority	Pal. Militia	Israeli Civilian	Israeli Authority ⁶³	IDF	TIPH or ex-TIPH	Others
In Hebron	5	2	0	1	0	0	12	0
Else-where	1	1	0	1	1	2	6	5

⁶⁰ In a standardised interview, both questions and answering categories are pre-defined. Thus, the informer has to choose rather than formulate answers. Structured interviews have formulated questions, but there are no limitations on the answers acceptable. Semi-structured interviews have identified topics of interest, but not specific questions. In improvised interviews, there is no pre-conceived structure of the interview, and the questions come up as a result of the course of the conversation.

⁶¹ The choice of interview type would ideally correspond to the phase of research one is in. In an early, *exploratory*, phase, improvised interviews would seem to yield maximum output, as the researcher is still unable to draw a conceptual map of the topic that includes all crucial variables and leaves out the others. In an *explanatory* phase, it is necessary to filter out irrelevant data in order to avoid information overflow, and standardised interviews are preferable. Standardised interviews hinge on the ability of the researcher to create exhaustive categories of response.

⁶² A survey intended for TIPH personnel had been clarified with *Norsk Statsvitenskapelig Datatjeneste* – the Norwegian agency responsible for monitoring scientific data acquisition and -treatment. TIPH did not allow me to investigate the attitudes of its observers to the conflict, and I mistook that for a general ban on survey (Terms of Reference). Morten Arnesen, an expert on the region, advised me not to attempt a survey among Palestinians for security reasons.

⁶³ I have classified Amnon Lipkin-Shahak as “Israeli Authority”. Lipkin-Shahak was a civilian at the time of interview, and a military officer during the period covered by the interview. However, his relation to TIPH consisted primarily in negotiations at the political level, as he headed the second Ministry of Foreign Affairs delegation to Tunis (Savir 1999:129).

The conduct and attitudes of Israeli security personnel in Hebron are central to this thesis, and interviews with soldiers would seem critical. I have tried to compensate for the lack of such interviews, mainly through written sources.⁶⁴

Study of Written Material

The written sources of data include:

Table 8: Primary and Secondary Sources of Qualitative Data

Primary Sources ⁶⁵	Secondary Sources
<ul style="list-style-type: none"> - Israeli-Palestinian agreements - TIPH mandatory papers - TIPH letters - TIPH job descriptions - TIPH financial papers - TIPH internal papers - TIPH press releases - Internet sites⁶⁶ - Books by Eyal Ben-Ari, Israeli Anthropologist and officer in Hebron and Uri Savir, negotiator. - Newspaper reports 	<ul style="list-style-type: none"> - TIPH Weekly- and Periodical Reports - Scholarly reports on TIPH by Brynjar Lia and Anna Valve - Newspaper interviews - Reports by various Human Rights organisations - Internet sites

Of these, only the job descriptions and one scholarly report were provided by TIPH.

The TIPH reports, -letters, -financial papers and one excerpt of a Risk Assessment from January 1997, were provided by the Norwegian Ministry of Foreign Affairs. The remaining material was available from public or private sources.⁶⁷

- Limitations to the Qualitative Material

A number of factors complicated my acquisition of data:

- Formal restrictions on written material and on the use of observation and interview data;⁶⁸
- Curfew in H-2 and closures of other Palestinian areas;
- Negative or lacking answers to requests for interviews;
- Queuing of researchers at the Norwegian Ministry of Foreign Affairs;
- Escalation of violence, prompting TIPH to ask me to leave Hebron temporarily. I complied, thus shortening a stay that was planned to last for ca. 3 weeks.

⁶⁴ I had contacted the IDF Spokesperson before my arrival in Israel, requesting interviews with military personnel in Hebron. For a long time there appeared to be a chance for such a grant, and only on the last day of my trip, did I receive a negative answer. The main compensatory sources are Ben-Ari (1998) and the Internet site of Christian Peacemakers' Teams (CPT).

⁶⁵ Many of the sources are in fact *both* primary and secondary sources, depending on the issue of reference. For example, the TIPH Periodical Reports give a condensed version of events in Hebron. Since they are not incident reports, but rather *based on* incident reports, I have classified them as secondary sources. However, in so far as they refer to dealings of the JHC etc., they should be regarded as primary sources.

⁶⁶ Among the foremost are TIPH's Internet site, various settler sites, and the site of Christian Peacemakers Teams. For details, confer, *List of References*.

⁶⁷ For a full overview, confer the annexed *List of References*.

⁶⁸ The Ministry of Foreign Affairs granted insight into a select number of requested papers, only under certain conditions:

- No personal information may be transmitted;
- No copying of documents was allowed;
- The Ministry retained the right to review the thesis before its submission.

I was given strict Terms of Reference as to the use of any information obtained through participatory observation at the TIPH premises. (For a full overview, see Appendix II: *Terms of Reference*). Due to a restrictive reading of the mandate, stating that "TIPH reports are not for public use", I was barred from the daily briefings.

As for the interviews that *did* take place, these reservations should be noted:

Language: Most interviews were conducted in English, which is not my mother tongue of me, nor the one of my informants. 3 interviews were conducted in Palestinian Arabic, a dialect of which my comprehension is very limited. I got some ad-hoc translation assistance, but not by a professional interpreter.⁶⁹

Interviewer effect: The effects of environment upon informants is a focal topic of literature concerned with interview methodology. Particularly the attitudes projected by the interviewer have been shown to have considerable distorting potential (Mordal 1989:39;46;94). As a rule, I sought to establish in the informants a feeling of control and confidence. Only after some “warming-up” questions did we proceed to more controversial issues.⁷⁰ Several times, informants surprised me with their candidness.

Recording: I used pen and paper for recording. The positive side to this technique is that informants are supposedly more relaxed and direct, compared to electronically recorded interviews (Rubin & Rubin 1995:126). The danger is that data may get lost or distorted. Most cited informants have been given transcripts of their interviews.

Statistical Analysis of Aggregate Data

The statistical analysis is based on a numerical comparison of *conflict-related deaths* among Palestinians of four cities during the months of December 1987 through February 2002. Units of analysis are *city-months* of Hebron, Nablus, Ramallah/al-Birah and Khan Younis, totalling 684. The analysis is a multiple *Overt Least Squares*’ regression. It was performed using *SPSS 9.0 and 11.0*,⁷¹ with the aim of detecting any variation in the number of killings related to the presence of TIPH by statistically controlling for other conceivable variables. Control variables fall into 7 categories:

- Structural timely variations;
- Structural spatial variations;
- Political situation in Israel;
- Political situation in the Palestinian Territories;
- Number of days of cultural significance;
- Number of conflict-related deaths (Israelis in month(m) and Palestinians in month(m-1));
- Variables related to TIPH

⁶⁹ Many thanks to Nizār Khalīl Banāt for volunteering to help me with facilities and interpretation in 2 interviews.

⁷⁰ The Method is recommended by Rubin and Rubin (1995:128ff)

⁷¹ SPSS is a statistics computer program developed by *SPSS Inc.* in co-operation with *Microsoft Corporation.*

The Dependent Variable: Palestinian Conflict-Related Deaths

The value of this variable for every city-month is the number of Palestinians killed by Israelis within the month in question.

Validity

The TIPH Agreements (1994;1996;1997) all state the overarching aim of TIPH as to “*provide... a feeling of security to the Palestinians of Hebron.*” My switch from the *subjective feelings* of Palestinians to *objective, actual, security* might therefore call for some justification. I would argue,

- It is a more crucial question;
- Information from the negotiations over TIPH’s mandates show that the Palestinian negotiators were primarily concerned with actual security, and only secondarily with feelings of the same;
- The reason why “feelings” got into the mandate in the first place is probably that “provision of security” would seem to imply enforcement powers. Israel would not concede to any mandate that derogated responsibility for security from IDF in the sense that the alternative provider of security could physically challenge it.

The question remains, of course, if the number of conflict-related deaths is a valid operationalisation of *security*. While security is certainly a broader concept than not being killed, I would argue that,

- Any security concept excluding *security from being killed* is absurd ,
- From the measurement of killings one might deduce corollaries of injuries, economy, harassment etc., to a greater extent than one could do the other way around.⁷²
- Quantitative data of killings were accessible, and could be re-coded by me into *killings by month and city*, whereas data on injuries, curfews, attitudes of soldiers etc., were not available to my knowledge. This means I should have had to rely upon extensive assistance by others.

- Reliability

The data were compiled by *B’Tselem - the Israeli Centre for Human Rights in the Occupied Territories*. B’Tselem regularly publishes reports on Human Rights issues, and its soundness of credentials is a prerequisite for continued activities. The privately funded organisation combines a network of local Palestinian informants with the privileges of movement enjoyed by Israeli citizens. Killings counted by B’Tselem are considerably fewer than those counted by the *Palestine Liberation Army* (2002).

The data used were stored on three different servers. Two of these were only operable in Hebrew. Ronen Shnayderman of B’tselem aided me invaluablely, but I had to do

⁷² Killing is the ultimate form of violence. Accepting that premise, and postulating rationality, one could argue that, one who is willing to kill would also be willing to hit. On the other hand, saying that one who is willing to hit is also willing to kill, is a logically invalid deduction. If TIPH could be shown to reduce the most extreme form of violence, which is the least likely to be employed excessively, it would seem probable that it could also reduce more “unnecessary” forms of violence.

much of the work on one of these systems myself. Not being a Hebrew speaker, there is a definite possibility of personal error. However, I double-checked most of the data, and a systematic slant seems unlikely.⁷³

I have not attempted to trace the exact location of each killing. What killings are included in the analysis, is guided by B'Tselem's designation.⁷⁴ In four cases, I have ascertained that the killings took place within TIPH's area of operations (AOR). The principle of selection has been to err on the side of caution, and killings of doubtful location have as a rule been left out. In cases where the victim died only after a period of hospitalisation, I have coded the death according to the date of injury.⁷⁵

Variables of Time

The time variables were entered in order to separate the effect of TIPH from the effect of other structural and unspecified trends in time that might have had a bearing on the number of Palestinian deaths. The two variables were,

Month: numbering the months of December 1987 through February 2002 by increasing 1 per unit (i.e.: 1-171). The variable is construed to detect any linear relationship between itself and the number of Palestinian conflict-related deaths (i.e.: an overall positive or negative development).

Month²: numbering the first 85 months by decreasing numbers, and the last 85 by increasing ones ($(-85)^2 - 85^2$). This is a common way of establishing any parabolic (curvilinear) relationship between the independent and dependent variables (the aim is to find a mathematical expression of how perfectly the development resembles a "U" or an inverted "U").

Variables of Space

The variables of *City* include dummy variables of Nablus, Ramallah and Khan Younis. Value "1" is given to every city-month falling within the city in question and otherwise "0". Hebron is the reference category.

The rationale for entering variables of space is to avoid mistaking any overall difference in the level of violence between Hebron and other cities as an effect of TIPH. The analysis could have been done simply, by comparing months of Hebron to months of rest-Palestine. The differentiation preferred has some valuable implications:

⁷³ This is based on the fact that killings were detected in all the cities in question, so I have not missed out on one because of misspelling. Moreover, a separate command had to be entered in order to get regional, as opposed to local, data, and it seems unlikely that I have done that mistake.

⁷⁴ I have detected one small error made by B'Tselem with respect to location of killing, namely that of *Mahmud al-Madani* (19 February 2001), which is put in *Balata Refugee camp, Hebron/The West Bank*. Balata refugee camp is in Nablus. The example shows that there could be more mistakes that I have not been able to uncover.

⁷⁵ Such cases include, Taha Ribhi Abu Sneineh (7 Oct. 2001/12 Feb. 2002); Jihad Mahmud al-'A'lul (30 Sept./1 Oct. 2000)

- It doubles the number of units, enhancing the chances for statistically significant results;
- It allows for a more sophisticated analysis of the findings, since it is possible to see differences not only between Hebron and “non-Hebron”, but between Hebron and other cities with their peculiarities.

Initially, these cities were chosen because they share certain features with Hebron, notably a relative closeness to Israeli settlements. However, as the units of comparison are not cities but *city-months*, such resemblance is in fact slightly unfortunate.⁷⁶

- **Validity**

Just as in the case of time, it is not *space per se* that kills, but other factors manifest in space. By controlling for *city*, one is in reality controlling for *the totality* of structural factors that make one city a more dangerous place than another.⁷⁷ In order to discern between the actual causes of hazard, one has to add control variables of a more specific quality, or simply speculate on the basis of registered inter-city differences.

The cities of comparison chosen all comprise refugee camps, and these are included within the definition of cities. Surrounding suburbs/villages and settlements are as a rule left out. That choice could be challenged. The guiding principle has been one of contiguity of housing, but exceptions have been made for Nablus, where certain neighbourhoods counted as Nablus proper are non-contiguous with the rest of the city. Villages/suburbs posited as close or closer to the city centre have been included.⁷⁸

- **Reliability**

I cannot account for the exact definition of B'Tselem with regard to the cities under scrutiny, nor say for sure that it has been constant during the years in question. My definition of the city limits is derived from maps provided by FAFO.⁷⁹

⁷⁶ If the units of analysis had been *cities*, it would have been useful to choose cities that resemble Hebron in as many respects as possible except for the presence of observers. Such a design is known as *most similar systems design*, and the rationale for it is to single out the effect of the independent variable under scrutiny, by holding other variables constant (Collier 1993). Differences between the cities under such a design would have been problematic only in so far as a non-TIPH variable would suggest that Hebron were more peaceful than the other cities (Confer *Critical Case theory*, e.g.: Yin 2003:40f). That is because, then, it would have been impossible to discern the effect of TIPH from the effect of that other variable. Accordingly, it would have been a methodological problem that Nablus is known to be a centre for Palestinian militias, that the other cities have refugee camps, etc. But in this case, all that is irrelevant, since *city* is not a unit, but a variable, which means that one may estimate the average level of violence within each city, and take that into account when the effect of TIPH is estimated. In fact, provided the possibility of spatial control, the more *dissimilar* the cities had been, the more interesting the analysis. In this light, the choice of cities was a mistake, albeit a minor one. Anyhow, the cities are not all that similar.

⁷⁷ Such factors could be: Average income of citizens, Distribution of wealth (Gini coefficient), Average level of education, Population size, Population density, Average level of Religiosity, Religious and Communal composition of Populace, etc.. In so far as the Israeli military and civilian presence is stable, that could be counted among the structural variables.

⁷⁸ The included villages are: Beit Iba, Beit Wazan, Zawata, 'Azmut, Deir al Hatab and Salim.

⁷⁹ FAFO is the Research Facility of the Norwegian Labour Movement. The maps were made in 1997, on the request of the Palestinian Ministry of Planning and International Co-operation (MOPIC).

Israeli Politics

The type of Israeli government would seem a probable determinant of the number of Palestinian casualties. Thus, dummy variables of the *Rabin-*, *Peres-*, *Netanyahu-*, *Barak-* and *Sharon* governments are entered. The reference category is the *Shamir* Governments in the period December 1987- June 1992.⁸⁰ The variables are coded “1” from the month of inauguration, through the last month before a new shift in government, and otherwise “0”.

A separate dichotomous variable is intended to capture the influence of political uncertainty. It is coded “1” for periods when elections are announced, but not yet held, and “0” for periods when elections are not announced. The period March - June 1990 is coded 1, because of the parliamentary crisis then (Shlaim 2001:471f).

- **Validity**

It seems overzealous to differentiate between *government* and *governance*. One could of course argue that announced elections is not a valid operationalisation of political uncertainty, but that is probably also to stretch the point.

- **Reliability**

Periods of office were found on the Internet site of *Zarate Political Collections*.

Palestinian Politics

The existence and policies of a Palestinian National Authority would also appear to have a bearing on the risk to life of ordinary Palestinians. Two variables have been controlled for:

- The existence of a Palestinian Authority;
- The existence of a state of *Intifada*

The variables are dichotomous. The first is coded “1” for the months of July 1994 through February 2002, and “0” for preceding months. The second is coded “1” for December 1987 through August 1993, “0” for September 1993 through September 2000, and again “1” for October 2000 until February 2002.

⁸⁰ As regards the interregnum in spring 1990, see below. Initially, I entered a separate variable for “Likud in Government?” in order to separate between the influence of party politics and personal politics. However, for reasons of collinearity, SPSS would not accept such a variable.

- **Validity**

Any problems of validity related to the existence of a Palestinian National Authority, would seem to revolve around two questions:

- Is it possible that the PNA existed de facto before it was officially in place?
- Is it possible that the PNA did not exist de facto, despite its official existence?

Due to the staged establishment of the PNA, and the later circumscriptions of its capabilities, these questions are not merely academical. Since the variable is construed as an indicator of *Palestinian politics*, rather than *bilateral politics*, I have taken July 1994, the month of inauguration of PNA ministers rather than August, the month of transfer of powers, as the starting point.

With respect to the *Intifada* variable, it may be argued that the autumn of 1996 should be counted as such, since stone-throwing incidents and fire-fights took place on a substantial scale during that period.⁸¹ However, it may be countered that such an inclusion would blur the distinction between the dependent and the independent variables, as they would virtually measure the same phenomenon. By focusing on the *official state of Intifada* instead of the *de facto state of Intifada*, one is able to treat the policies of the PNA as conceptually distinct from the consequences of those same policies, and that is in fact a precondition for evaluating them. This argument also pertains to the Al-Aqsa *Intifada*, which started on 29 September 2000, but which was only officially sanctioned by Arafat in late October (ADL 2000).

- **Reliability**

I found the inauguration dates of PNA ministers on the Internet site of *Palestine-UN.org* and consider them unproblematic. Though the PLO leadership was taken by surprise at the outbreak of the first Intifada, liaisons intended to co-ordinate activities inside and outside the territories was established in a matter of weeks, and it seems natural to count December 1987 as the first month of Intifada, also in a policy sense (Peretz 1990:89). The Intifada was officially called off only on 25 September 1993, but the signing of the DOP on 13 September justifies coding this month as “peaceful.” The PNA endorsement of the Al-Aqsa Intifada was taken from the site of ADL (2000).

⁸¹ See footnote 29.

Days of Significance

The values on the variables of *Palestinian and Jewish days of significance* are construed as, *the number of days of significance to collective for every city-month in question*. Both religious holidays and days of remembrance linked to the national struggle are counted.

Among the Palestinian religious holidays, these are counted:⁸²

Muslim New Year (1 Muharram)

Mawlid un-Nabiyyi: Birth of the Prophet Muhammad (12 Rabīʿ ul-Awwal)

Laylatu l-Mihraj: Night of Muhammad's ascension to the Heavens (27 Rajab)

Shahrul-Ramadan: The month of fast (Including the special holiday, Laylatu l-Qadr)

ʿaydu l-Fitr: The day of breaking the fast (1 Shawwal)

Hajj: The celebration of Pilgrimage (8, 9 and 10 Dhu ul-Hijjah)

Yawm al-Jumʿa: The weekly holiday, i.e.: Every Friday

Among the national days of remembrance, these are counted:

Land day: Commemorating the confiscation of Arab-owned lands by Israel (30 March);

Yawm al-Nakba: Commemorating the Catastrophe of expulsion (14 May);

Liberation Day: Commemorating the Pan-Arab struggle for the liberation of Palestine (15 May).

Sabra and Shatila anniversary: The day commemorating the massacres of Palestinians in Sabra and Shatila refugee camps (16 September);⁸³

Palestine Day: The anniversary of UNGA resolution 181, partitioning Palestine (29 November);

Fatah day: The day of the founding of the Movement for the Liberation of Palestine (1 January).

Among the Jewish religious holidays, these are counted:

Rosh HaShanah, Tzom Gedaliah, Yom Kippur, Sukkot, Hosh'anah Rabah, Simchat Torah, Rosh Chodesh Chesvan (2 days), Chanukkah (8 days), Rosh Chodesh Tevet, Asarah B'Tevet, Rosh Chodesh Shvat, Tu B'Shevat, Rosh Chodesh Adar (2 days), Fast of Esther, Purim, Shushan Purim, Rosh Chodesh Nisan, Pessach (7 days), Rosh Chodesh Iyar (2 days), Pesach Sheini, Lag BaOmer, Rosh Chodesh Sivan, Shavout, Rosh Chodesh Tammuz (2 days), Fast of Shiva Asar B'Tammuz, Rosh Chodesh Av, Fast of Tisha B'Av, Rosh Chodesh Elul (2 days), and finally the weekly holiday, Shabbat (Saturday).⁸⁴

Among the days of National significance, these are counted:

- **Die Kristallnacht**: The night of the first large-scale pogrom in Nazi Germany (9 November);
- **Yom Hazikarion**: The night before the establishment of the State of Israel (4 Iyar);
- **Yom HaAtzmaut**: The day of establishment of the State of Israel (5 Iyar);
- **Yom Yerushalayim**: The day of recapturing Jerusalem (28 Iyar).

- Validity

The variables are supposed to reflect the cultural horizon of both sides, i.e.: the premises that are unconsciously accepted when defining *the self* and *the other*. It seems likely that individuals of the collectives in question are continually reintegrated

⁸² Ashura on 10 Muharram was skipped, because it is a Shiite holiday, while Palestinian Muslims are Sunni.

⁸³ The massacre took place during the night 16-17 September 1982, and are sometimes commemorated on the 17th rather than the 16th (Landsverk 1994:128) I have used 16 September consistently. This is only relevant to years in which the day fell, or could otherwise have fallen, on a Friday, i.e.: 1988, 1993, 1994 and 1999. (Cf. *Reliability* below).

⁸⁴ The following Jewish religious holidays are left out by the calendar, and subsequently by me: *Shmini Atzeret* (Not celebrated in Israel), *Sefirat HaOmer*, *Yom HaShoah*, *Tu B'Av*, *The Three Weeks* (7 Tammuz - 9 Av), *The Month of Av*

into their social position through repetition of rituals (Bourdieu 1990:127ff;1997:92ff). Thus, the quantity of time devoted to such rituals would seem a suitable indicator of *cultural centrality*. The approach may be criticised for equalling all days of significance. However, any differentiation between such days would also need justification, and is liable to the charge of subjectivity.

- **Reliability**

In cases where there was an overlap between the weekly holiday and an annual holiday, I have counted the day in question as *one*.

The Jewish days of significance were displayed as red calendar days on the Internet site of *Hebrewcalendar*. A slight problem was discrepancies in Israeli and *Diaspora* definitions of holidays. In such cases, I have taken the Israeli norm as standard.

Muslim religious holidays, which follow the lunar year, were found on the *Amaana* Internet site. I used an Internet calendar converter, in which I had to enter the exact *hijri* date in question, note the Gregorian date, and take holiday overlap into account (*Gregorian-Hijri Dates Converter*). The converter warned of the possibility of 1-day errors, but it should not be considered a big problem.⁸⁵

The Israeli-National holidays were obtained from the Internet site of *Orthodox Union*. The Palestinian National days of significance were obtained from Bishara (2001:142), Landsverk (1994:36;98;127) and Peretz (1990:40;67;145). There may be days of equal or greater significance that I have not noted.⁸⁶

Conflict-Related Deaths

The *control variables* of conflict-related deaths are of two kinds:

- **Israeli conflict-related deaths:** Indicating the number of Israelis killed within each city-month;
- **Palestinian conflict-related deaths:** Indicating the number of Palestinians killed in the *previous city-month*.

⁸⁵ First of all, it would only be a problem in so far as the date in question fell on the first or last day of a Gregorian month. Secondly, it should be recalled that the Calendar Converter covers history back to year 1 AD, and that minor lunar-solar displacements may be a problem in that perspective, but not in the short span of time in which I operate.

⁸⁶ During the first Intifada, 15 November (1988), the day of the Palestinian Declaration of Independence, attained a special observance (Peretz 1990:????). However, later, the day seems to have lost its importance. Not being able to say when that happened, I have left out the date altogether. Other days, such as the *Day of Wrath* (30 June 1999) were days of organised Palestinian activism. I did not include days that are not annually recurrent, though, partly because of the difficulties of selection, partly because this is intended as a cultural, rather than political, variable.

- **Validity**

Israelis widely conceive of violence committed by Jews against Palestinians as *revenge* (B'Tselem 2001:4). In so far as the variable of *Israeli conflict-related deaths* is meant to reflect the grief/rage of local settlers, it should be noted that,

- Killings of Israelis *outside* the cities in question are often lamented within them, and while there seems to be a certain correlation between the proximity of the killing to the city in question and the anger of settlers displayed within the city, the relationship is not deterministic (HRW 2001:56);
- Palestinians violence short of killings may evoke just as strong resentment.

Again, the choice of variable is a pragmatic one. Its strength is conceptual clarity and parsimony in retrieval.

The variable of *Palestinians killed in previous city-month* is entered in order to deal with the problem of *auto-correlation*, common in time-series studies (Skog 1998:237ff).⁸⁷ By controlling for the number of Palestinians killed in the previous city-month, I reduce the pitfall of overlooking long-term trends in the level of violence, which would result in undue conclusions about intra-month correlations.⁸⁸

- **Reliability**

The data on Israelis killed are courtesy of B'Tselem. Names are given in each case, and brief facts about the deaths are available on their latest system, which goes back to September 2000. Any remaining doubts as to the reliability of these data would seem to relate to my handling of them or to the hazy situation in the occupied territories. I believe the latter is a non-problem.⁸⁹

The TIPH Variables

In the main analysis, three variables related to TIPH have been entered:

- TIPH presence;
- Interaction variable between TIPH presence and Type of Israeli Government;
- Interaction variable between TIPH presence and the number of Israeli conflict-related deaths.

⁸⁷ *Auto-correlation* exists when it is possible to predict (estimate) the residual of one unit on the basis of the preceding unit. This is not a problem with sample data, since units are independently selected, but with time-series data, it is likely that long-term trends exist in the dependent variable. If this is also the case in the independent variable, there will be a correlation, which may easily be misinterpreted as a causal one. To avoid making false inferences, one has to control for auto-correlation.

⁸⁸ There are several methods for dealing with auto-correlation. Skog (1998:301ff) suggests re-coding the dependent variable so that it reflects the *rise/fall* in the number of killings rather than the actual *number* of killings. I adopt the method of Hegre et al. (2000), with the advantage of yielding more easily interpretable coefficients.

⁸⁹ Israelis do not just disappear without anybody noticing. Like in other developed countries, there are examples of people who vanish, generally resulting in a nation-wide frenzy, until the person is found - dead or alive.

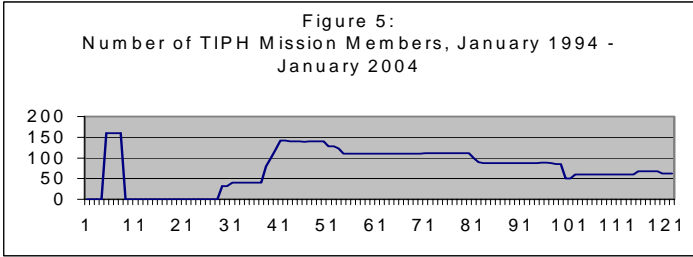
The first two variables are Dichotomies. *TIPH Presence* is coded “1” for city-months of Hebron in the periods of May 1994 through August 1994 and May 1996 through February 2002. For other city-months, the variable has been coded “0”. The interaction variable between *TIPH presence and Type of Israeli government* has been coded “1” for all city-months in which TIPH has been operative during an Israeli government comprising the “rightist” *Likud* party, and otherwise “0”.⁹⁰ The interaction variable between *TIPH presence and number of Israeli conflict-related deaths* has been coded “0” for all city-months in which there has been no Israelis killed, and/or no TIPH presence. For city-months in which TIPH has been present and there have been Israelis killed, the variable denotes the number of Israelis killed.⁹¹

- Validity

An obvious objection would be that TIPH has not been constant during the years of operation, but has varied in terms of number of mission members, number of actual observers, technical equipment, organisational structure, leadership, operational procedures, etc. The most important of these would seem number of mission members, so I added that as a separate control variable. In so far as the variables factored into the interaction variable are valid, the interaction variable must itself be regarded as valid.

- Reliability

Dates of TIPH arrivals and departures are available from many sources, and there is little reason to doubt these from a methodological point of view. More doubtful is the monthly number of mission members. I had to reconstruct this variable from scattered and partly inaccurate sources, and quite a bit of speculation has gone into the process. It would be tedious to go into detail, so the reader shall have to settle for this diagram:



⁹⁰ The city-months of Hebron given value “1” on the TIPH - Israeli Government interaction variable are, June 1996 through June 1999 and March 2001 through February 2002. The variable is coded “0” for all other city-months.

Objections to the Statistical Approach

One objection to the statistical approach might be that the reasons for killing differ from case to case, so how can one invoke structural variables with a pretence to causal explanation of such killings? The answer is that, although the rationale for killings would vary, it is still possible that structural factors could affect the cost-benefit calculus of actors when deciding on violence or the degree of violence - and that over time, these structural differences could be measured. All idiosyncratic factors would remain unexplained by the model, and that would be reflected in a small R^2 .

Another caveat could be, that, statistical analysis only reveals *correlations* between variables, not *causalities*, and that the causal direction may be the opposite of what is presumed. In this case, however, most variables are of a structural character. While it would seem probable that the type of government in Israel could have an effect upon the number of Palestinian conflict-related deaths, it would seem far-fetched to assume that the Israeli government from month to month would shift with the number of Palestinian casualties. I consider most of the variables unproblematic in this regard, but in the case of *number of Israeli conflict-related deaths*, and the interaction variable in which this is a component, there is a clear possibility of reversed causal order.

There is also a possibility of other factors *coinciding* with TIPH, affecting the level of violence, but for which statistical control is impossible under this research design. One such factor, could be the Christian Peacemakers' Teams (CPT), which has operated in Hebron since June 1995, and thus overlaps considerably with TIPH. There are two ways to go about this problem:

- One could redefine the unit of analysis, to include all peacekeeping/making organisations in Hebron;
- One could theorise why any measured effect should be attributed to TIPH rather than to CPT.

CPT is a much smaller organisation (ca. 5-10 persons). It has no official mandate, and fewer technical and logistical resources than TIPH. On the other hand, CPT is constantly present in the Old City, and engages soldiers in discussions. When CPT

⁹¹ The city-months of Hebron with Israeli casualties that fall within the time-span of the quantitative analysis include: October 1992 (1); December 1992 (1); May 1993 (1); November 1993 (1); December 1993 (2); February 1994 (1); July 1994 (1); March 1995 (2); August 1998 (1); October 1998 (1) December 1998 (1); March 2001 (1); July 2001 (3).

activists need back-up, they sometimes call TIPH. Although controlling for CPT presence is for methodological reasons considered close to meaningless, I have done it.

One control variable that would have been extremely interesting to include in the analysis, but which for practical reasons had to be left out is the *number of days of curfew by city-month*. Although it is hard to predict whether curfew increases or reduces the risk to life of Palestinians, it appears most relevant and would allow for a more solid assessment of the Israeli policies. Yet, even if I could reconstruct the *duration* of curfews in Hebron, it would be hard to find valid and reliable expressions for their extent in space, and even more so for the cities of comparison.

Finally, one might also question the technical preconditions for linear regression. I believe there is every reason to say that,

- The variables are on scale level;
- The presumed non-linear variable has been properly re-coded;
- I have operationalised in a way that minimises conceptual blur between the independent and dependent variables;
- I have dealt with the issue of auto-correlation in a conventional way.

Source Criticism.

It follows from the metaphysical realist understanding of science, that information may be more or less correct, and that the reliability of sources should be evaluated.

In the text, all data relayed falls within one of five categories:

- The source is criticised and its credibility questioned;
- The source is criticised, but a point is made of the fact that the information was given;⁹²
- The sentence containing the information begins with “According to...”, alerting the reader to the fact that the source is embedded, but without explicitly criticising it;
- The source is identified through a parenthesis at the end of the sentence;
- The source is not indicated at all.

The applied criteria for determining the level of source criticism are,

- *Closeness* of the source in space and time to the fact reported;
- *Plausible interest* of the source in a particular rendition of facts;
- *Number, Independence* and *Consistency* of sources;
- *Contentiousness* of the issue.⁹³

⁹² The method corresponds to Dahl (1997:33ff) who argues that a piece of information can be treated as either *narrative or artefact*. Even positively false material can be informative, if the context of its appearance is understood.

⁹³ I am indebted to my tutors, Brynjar Lia and Tore Nyhamar, for insisting on the importance of source criticism, thereby substantially strengthening the thesis.

Chapter V: The Hebron Regime: Indicators of Efficiency

This chapter offers the basic empirical data needed for assessing the efficiency of the Hebron regime. A theoretically guided analysis follows in Chapter 6. The presentation below will focus on three composite variables: *TIPH's Ability of Observation*, *Avenues of Influence* and *Tangible Changes in Israeli Conduct*.

Ability of Observation

The factors potentially inhibiting TIPH's ability of observation might be systematised into five broad categories:

- Mandatory restrictions on observation and reporting;
- Explicit, extra-mandatory restrictions;
- Self-imposed restrictions;
- *De facto* restrictions;
- Conceptual apparatus of observers.

Mandatory Restrictions on Observation and Reporting

- a) Area of Responsibility (AOR)

Map No.9, annexed to the Interim Agreement (1995) defines the City of Hebron, and hence, the TIPH AOR (TIPH Agreement 1997, Art. 1). TIPH has as a rule not reported on incidents outside this perimeter (PR VII:7). However, there have been borderline cases, and TIPH has argued that events taking place just outside AOR are relevant to the mandate if they are likely to affect the situation within the city (PRs II:9f; X:6-8). IDF has denied TIPH access to areas outside AOR and has refused to consider reports from such areas (PRs II:16; VI:8; X:8). Still, IDF has, on a few occasions, offered to discuss such issues in other settings than the JHC (PRs V:10; X:8).

- b) Number of Observers

The initial PLO demand for observers in Hebron seems to have been at ca. 1000 persons. During the Tunis and Cairo negotiations, Israel bargained the number of mission members down to 160, and in the subsequent MOU rounds, the number of actual *field observers*, excluding support personnel, staff etc., was set to 60, giving the mission a rather administration-heavy slant (MOU 1994, A.1.). The TIPH II Agreement provided for some "50-60 persons", but it was established at short notice, and was characterised by contracts of short duration and subsequent fluctuations in manning, eventually stabilising at ca. 40 persons. Under the TIPH II and TIPH III

Mandates, there was no explicit staff/observer ratio, but the latter Agreement (1997) included the clause,

“The number of on-duty observers at any given time and changes in the composition of the TIPH shall be with the consent of both sides” (TIPH Agreement 1997, Art. 2).

The TIPH III Agreement (1997) put the number of mission members to 180, but symptomatically, the MOU (1997) said “up to 180.” In practice, the number never exceeded 142 and has since gradually decreased. Another trend has been a certain softening of the categories “observer/non-observer”. All TIPH personnel partake in two introductory courses upon their arrival in Hebron, with the explicit aim of enabling them to report incidents whether or not they are actually assigned *as observers* (TIPH Legal Adviser 2002; Knutsen 2003a). After a period of clashes in 1998, TIPH stated that,

“Due to the curfew, the number of observers in the field had to be increased, and many members of divisions supporting the operation division were engaged in daily observation activities” (PR V:5).

Table 9: Number of mission members (On 15 November of each year, except 1994 and 1996)

	1994	1996	1997	1998	1999	2000	2001	2002	2003
Number of mission members	150	40	140	110	111	87	89	60	68

- **c) No Military or Police Functions**

A basic tenet of all TIPH Agreements is their regulation that *TIPH shall not have any military or police functions* (TIPH Agreements 1994, A.2; 1996, Art. 3; 1997, Art. 3). During the negotiations over the first MOU (1994), the Israelis insisted that TIPH should neither intervene in incidents nor investigate alleged incidents (Lia 1998). In other words, the observers should strictly report what they saw. The MOU eventually stated that, “Members of TIPH will not interfere in disputes involving violent action,” but it did not define “interfere” (MOU 1994, Art.7). TIPH evidently saw non-interference as *non-enforcement*, as observers did place themselves between IDF soldiers and stone-throwing Palestinians (Rodan 1995). IDF, conversely, believed the observers should stand aside (Rodan 1995). From 1996 on, the observers have avoided inter-positioning, believing that Israel would otherwise cancel the mission (Øverkil 2004b [Interview]). Yet, only in 1997 was the issue settled in the framework of the TIPH Agreement itself, i.e.: not in the MOU (TIPH Agreement 1997, Art.3).

There have also been discrepancies in the interpretation of “police functions” (MOU 1994, Art.7). TIPH has continued to interview complainants and witnesses, despite IDF reluctance to investigate so-called *alleged reports*.⁹⁴ One report justified the policy of taking testimonies thus:

“TIPH wants to stress that cases reported to TIPH are an important source of information since TIPH is not able to be present everywhere at all times. Furthermore, a feeling of security is dependent on the individual’s perception of the security situation and cannot be assessed by concentrating on incidents observed by TIPH only” (PR IV 1-2).

- **d) No Access to Information**

An apparent shortcoming of all the TIPH mandates was that neither obliged the parties to provide TIPH with information relevant to the fulfilment of its tasks. Such a clause is standard in UN peacekeeping and Civilian Policing mandates. During TIPH I, meetings took place between Palestinian and Israeli local authorities, without TIPH being invited, and only after some time was TIPH able to place a liaison officer at the Municipality (Johansen 2002a [Interview]; WS 10:1). Moreover, IDF soldiers in the field were ordered not to give any information away to the observers, a later consistent policy (Rodan 1995). According to Johansen (2002a [Interview]),

“The Israelis only gave us information that they somehow benefited from us having.”

Under the TIPH III Agreement (1997), TIPH was incorporated into the DCO. However, there was some local resistance to this arrangement, especially on the part of IDF, and it would soon become clear that the parties kept making decisions jointly – without informing TIPH (PR I:7;9). After lobbying, TIPH got a Liaison Officer stationed at the DCO, but access to information remained an issue (PRs I:9f;II:4;VI:8). At street level, observers were often denied information about the reasons for detentions and arrests (PRs V:9; VI:19f).⁹⁵ In July 1998, the Israeli representative in the JHC even refused to give information on arrests raised in that forum, saying,

“TIPH will generally not be informed about the reasons for the arrests but only about the behaviour of the IDF during arrests. Furthermore, TIPH will merely obtain requested information on selected cases” (PR IV:4).

By then, TIPH only considered 19% of the cases it reported to be answered in a satisfactory manner (PR IV:4). That figure would later improve, and despite resumed hostilities and a full stop in JHC meetings, in March 2002 a TIPH Liaison Officer

⁹⁴ Reports have in practice often been “partly observed”, implying that witness testimony has been collected to substantiate, correct and expand the observers’ understanding of the situation.

⁹⁵ Palestinians, themselves, often complained about not being told the reason for their detention (PR VII:14).

estimated the proportion of reports unanswered to be only ca.10% (TIPH LO 2002 [interview]). Yet, only 52% of the cases were answered within 3 months of request.

- **e) Mandatory Restrictions on Movement within the AOR**

According to the first Hebron Agreement (1994),

“TIPH will enjoy freedom of movement for the performance of its tasks... Such freedom of movement shall not be restricted, except for reasons of imperative military necessity, and then only as an exceptional measure” (TIPH Agreement 1994, Art. 7).

During the subsequent MOU negotiations Hebron Commander, Col. Klifi, challenged this provision (Johansen 2002a). First, he insisted that patrols should be stationary. That was unacceptable to Johansen, who succeeded in negotiating a compromise, whereby TIPH would have both stationary and mobile patrols. Then Military areas were declared off limits and detention centres were defined as military areas. At one point, Klifi indicated that he would declare the whole city centre a military area, effectively barring TIPH from the focal clash-points (Johansen 2002b [interview]). Johansen then threatened to cancel the mission. Klifi backed down, but patrols did not get access to private property, military camps and security installations (MOU 1994, B.3.). During the mission, IDF frequently declared limited military zones within the city.⁹⁶ The restrictions on access to private property and military areas and installations were kept in the later TIPH mandates, but the demand that some patrols be stationary was dropped. The military zones, as well as physical obstacles have later made access to officially open areas difficult (author’s observation 2002).

Explicit, Extra-Mandatory Restrictions on Observation

By “explicit, extra-mandatory” I mean restrictions, for which the provisions in the relevant agreements were doubtful, but which IDF has nevertheless insisted on. Some of these may not have been intended to inhibit TIPH.

- **a) Restrictions on Movement**

When the preparatory team of TIPH I arrived in Hebron in April 1994, they were escorted by IDF wherever they went. While that was a reassurance to some, others felt restrained and imperilled. After the *Yeshiva students’ incident* on 16 May 1994, TIPH

⁹⁶ See Weekly summaries (WS), Nos. 1:1; 3:1; 4:1; 5:1f; 8:1; 9:1; 10:2.

was politely but unequivocally asked to stay off the streets, on the grounds that IDF was unable to ensure the security of TIPH members (Johansen 2002b[Interview]).

In 1996, Israel began constructing a *Bypass road*, that cut through the northern part of the city, and which, according to TIPH, in practice reduced its AOR (PR V:10).

During TIPH III, the observers have consistently been denied access to the area around the Abraham Shrine, although it is clearly inside Hebron City, and therefore within TIPH's mandated AOR (Interim Agreement 1995, Map No.9; TIPH Agreement 1997, Art. 1; PRs I:8; II:15). TIPH has also been held up at Checkpoints.⁹⁷ Finally, TIPH was denied access to Shuhada Street and the settlement of Tel Rumeida, after one settler was stabbed to death in his home in 1998. TIPH accepted the move "under the circumstances", despite the special peril to Palestinians in such times (PR V:9).

In September 2001, IDF denied regular TIPH patrol cars access to H-2, on the grounds that they were too easy to emulate by Palestinian terrorists (Eltervåg 2002).⁹⁸

- **b) Restrictions on language**

On 30 December 1997, Eytan Bentsur, Director-General of the Israeli Ministry of Foreign Affairs (IMFA), gave Israel's consent to a renewal of the TIPH mandate.

However, he added that,

"Israel expects there to be a dialogue on the nature and role of the TIPH in order to prevent misunderstandings and ensure its effectiveness" (Dudkevitch 1997).

In diplomatic vernacular, this linking of mandate renewal to understated critique, would constitute a warning that TIPH should take care not to provoke Israel further.

Israel has later strongly reacted to references to the Universal Declaration of Human

⁹⁷ According to PR V: "...IDF reinforcement units denied TIPH access to places in the AOR or told TIPH patrols to leave an area where detentions took place. In some cases the IDF troops tried to obstruct the observation work of TIPH preventing its patrols from taking pictures or following a police patrol" (PR V:9). This was not a passing phenomenon, as shown by the following passage from PR VII: "On several occasions, Israeli security forces restricted the freedom of movement of TIPH. In the areas between the Cave of Machpelah/Ibrahimi Mosque, Bab Al Khan and Avraham Avinu settlement, TIPH patrols were repeatedly stopped by Israeli Security forces and prevented from moving freely, even on foot. These decisions were taken by local company/platoon commanders and not on the regional level. TIPH was several times forced to contact the IDF liaison to solve the matter. IDF later reassured TIPH that it would instruct all its soldiers to let TIPH pass freely, and that such incidents should not occur again" (PR VII:11).

⁹⁸ While the TIPH co-ordinator was sceptical of the Israeli reasons for barring TIPH cars, the Jerusalem Post on 14 November 2001, reported that three Fatah members had been arrested for planning and preparing a car-bomb attack, under the guise of TIPH insignia.

Rights (UDHR 1948). The central argument was that “one cannot be both a witness and a judge” (Eltervåg 2002 [Interview]).

Self-Imposed Restrictions on Observation: Standard Operational Procedures

I have not been given access to TIPH Standard Operational Procedures (SOP). Still, other sources shed some light on TIPH policies and priorities.

- **Avoid Areas of Live Fire**

As we have seen, during TIPH I, observers would place themselves between IDF soldiers and stone-throwing Palestinians. This practice was abandoned perhaps as early as 1994, or at least during TIPH II (Øverkil 2004 [interview]). According to an internal Risk Assessment of early January 1997,

“If live ammunition is being used for shooting, the observer should drive away from the area, put on a heavy-duty protective vest and helmet and then drive back to HQ by the safest route” (RAI 1997b, Art 7.2.2).

Direct observation in 2002 indicated that TIPH observers would still drive away from scenes of live fire, but not necessarily all the way back to Headquarters. Instead, a radio-based communications-system allows the Duty Officer to direct patrols to strategic positions, such as observation points in lofty terrain. Meanwhile, a bullet-proof car would approach the area in question, as far as roadblocks etc. permit.

- **Avoid Areas of Stone-throwing**

The 1997 Risk Assessment also said,

“Avoid driving in areas where there is known to be daily stone-throwing at TIPH vehicles and personnel” (RAI 1997b, Art 7.5.2).

TIPH has been targeted by both Israeli and Palestinian stone-throwers (Øverkil 2004 [Interview]). After two settler boys dropped a 3kg. stone on a TIPH car in August 2001, smashing the windshield and nearly injuring two female observers, HOM declared that TIPH could no longer patrol H-2 (Aftenposten, 27 August 2001). The patrolling was later resumed, but at a far less frequent rate (Wilder 2002 [Interview]).

- **Avoid driving at night**

TIPH has always prioritised daytime observation. Prior to the killing of two observers in March 2002, TIPH had one car regularly patrolling at night. Night patrols were

suspended for the rest of 2002, but resumed again in June 2003 (Knutsen 2003a [interview]; TIPH Newsletter 13 June 2003).

De Facto Restrictions on Observation.

- **Movement**

Roads in Hebron are narrow and dwindling, often allowing only one car to pass at a time. Concrete roadblocks and barbed-wire present further impediments.

- **Language Proficiency**

TIPH I included only 4 Arabic Speakers and 1 Hebrew speaker. Emphasis was put on expanding the number of language experts during TIPH II, and from then on, it has been the declared policy of TIPH to have at least one Arabic speaker per patrol (Ruggi 1996; Øverkil (2002 [Interview])).

- **Equipment**

a) *Cars*: TIPH seems to have been sufficiently equipped with cars throughout its operations. However, since 1994 onwards, cars have been vandalised and pelted with stones, forcing TIPH to reduce its presence in some areas. During TIPH III, a bullet-proof car was acquired in order to patrol trouble spots, and a second one was ordered in 2002 (Øverkil 2004[interview]). The regular patrol cars have shaded windshields, and according to one informant, could easily be mistaken for cars used by Israeli undercover units (Banāt 2002 [Interview]).⁹⁹

b) *Security equipment*: Helmets, flak-jackets and gas-masks have been standard equipment since 1994, although well into TIPH III, such equipment was considered a national responsibility - and varied in quality (Øverkil 2004b [Interview]). The use of such equipment during various levels of alert is guided by *Standard Operational Procedures*. TIPH personnel have never been armed, despite provisions in all TIPH Agreements for pistols (TIPH Agreements 1994 A.6.; 1996, Art. 7; 1997, Art. 8).

c) *Surveillance equipment*: Since 1994, each TIPH observer has been provided with binoculars and a camera. Notebooks have been used for the record. In addition, TIPH

has made increasing use of video, and today, video cameras are standard equipment on patrol (Øverkil 2004b [Interview]).

d) Communications equipment: All TIPH patrol cars have radio transceivers. In addition, all TIPH members have a personal mobile phone, which is in frequent use during patrolling (author's observation 2002).

e) Uniforms: TIPH observers have always been uniformed in a way that would distinguish them from both civilians and the various security forces. In 1994, the uniforms were white, inspiring the nickname "the pizza men." Since 1996 they have been grey and blue. The relevance to ability of observation is two-fold. On the one hand, it makes patrols visible at a distance, which might give violators time to stop their misconduct. On the other, those who want to draw the observers' attention to an incident could more easily find them.

- **IDF Attitudes**

Having *de facto* military hegemony in Hebron, IDF's consent is a *sine qua non* for TIPH observation activities. In fact, IDF's approach to TIPH has been quite complex, and seems to have depended on individual factors, political climate, specific incidents, etc. I believe four general observations to be correct:

- 1) Although there have been several aberrations, the general climate between IDF soldiers and TIPH patrols is respectful.
- 2) TIPH has never been viewed as an alternative source of stability, i.e.: the objective of IDF in negotiations has been to *limit* TIPH's capabilities, not to maximise them;
- 3) The temporal trend has been one of increasing scepticism towards TIPH's intentions, reflected in a lower priority on co-operation/co-ordination (See more below);
- 4) The displayed attitude has correlated positively with rank. TIPH has been more favourably viewed among those relatively distant from the day-to-day operational demands of the streets of Hebron.¹⁰⁰

According to TIPH reports, in 1998-99, there were four episodes of IDF gun-pointing at TIPH observers, some of which were trivialised by an official IDF representative.¹⁰¹

⁹⁹ The statement was given six days before the attack on a TIPH car on 26 March 2002, and was thus not intended as an apology for that attack.

¹⁰⁰ This being said, it is of course quite possible that negative attitudes of lower service-men has come as result of orders or attitudes emanating at higher level. Øverkil commented thus on the Brigade Commander's failure to meet in the JHC during the year 2002: "It was impossible to sustain co-operation. That was when I had to ask myself: Is this the Brigade Commander's own decision? Is he authorised to make decisions like this, or is it rather the policy of the State of Israel?" (Øverkil 2004a [interview]).

¹⁰¹ According to the representative, the soldiers used their telescope rifle sights as binoculars (PR VI:14). In one case, the IDF representative who gave this explanation was the Liaison Officer (PR VII:11). The other time, it is unclear precisely who gave it, as the term used in the TIPH report was simply "IDF" (PR VI:14). TIPH retorted that the distance between the

Meanwhile, a certain hostility/contempt seems to have been manifest in acts of symbolic degradation such as spitting, theft of TIPH flags and attaching a dog's skull to the flagstaff of a TIPH car (PR VII:11). An IDF representative in the JHC at this time was quoted as saying,

“TIPH as already stated previously is neither an organization nor in the position to know if a detention is justified or not, or the reason for it” (PR X:9).

On 9 August 2001, unnamed “senior security officers” from Hebron publicly accused TIPH of spying for Fatah, and the claims were supported by a former IDF Commander.¹⁰² Similar accusations later resurfaced, but were, according to the new HOM, never substantiated (Øverkil 2004b [interview]).

- **Settler Attitudes**

According to David Wilder (2002 [interview]), Spokesperson of the Jewish Community in Hebron, TIPH is biased and provocative, weakens the security of the settlers, and has no positive consequences. While in 1994 and 1996 settler protest mainly took the form of name-calling, by 1997 observers claimed to have been physically obstructed (PRs II:4;IV:3). One settler was involved in a gun-pointing incident in 1998 and the year after another was reported to have said: “one day I will kill you all”(PRs V:18; VII:10). Threats have later multiplied (Eltervåg 2002 [interview]). In connection with the near-fatal stone-throwing incident on 17 August 2001, HOM Karl-Henrik Sjørnsen said,

“...The Hebron settlers enjoy total immunity and may act without any fear of prosecution....They are calling us ‘Nazis’, ‘sons of Hitler’, ‘Gestapo’ and ‘SS’. They take every opportunity to offend us. So far, they have not used weapons, only sticks and stones - which may also be lethal. Some of us think they will soon use machine-guns” (Aftenposten, 27 August 2001).

- **Attitudes of Palestinian Civil Society**

I have not been given access to polls on Palestinian attitudes towards TIPH. Yet, secondary and private sources reveal some of the findings. These sources, corroborated by public statements since 1994 and private conversations in 2002, indicate the general mood as being, “good, but not good enough.” Misgivings seem to have been linked to at least five rationales:

soldiers and observers in question had been less than 30 metres, and that gun-pointing for the sake of a close-up was “totally unacceptable behaviour in any armed force, military or police” (PRs V:18; VI:14; VII:11).

¹⁰² Confer Aftenposten, 9 August 2001; Dudkevitch (2001); Wilder (2001).

- 1) The compromise, of which TIPH was a part, also ensured the continued presence of settlers;
- 2) The mandate is too weak to provide any “real” security for the Palestinians of Hebron;
- 3) TIPH has at times been unable to fulfil even its mandated tasks;
- 4) TIPH is insensitive to local values;
- 5) TIPH is an agent of the West, and knowingly or unknowingly serves Israel.

Already before the deployment of TIPH I, threats came in from an apparently Islamist source (Johansen 2002a [Interview]). Thus, the “Three Heads” consulted with leading Imams prior to deployment, and ensured that they were invited to the Municipality’s Welcoming Ceremony and other high-profile receptions. TIPH I was swiftly operative, and early events boosted the standing of the mission. Paradoxically, that led to more Palestinian threats - namely ones aimed at making observers patrol the nearby village of Halhul. Another cause of friction, was an incident in which an observer had accepted a flower from a local girl, leading to protest from prominent local women (Johansen 2002a [interview]). A wave of bomb-scares occurred in June 1994 and a TIPH car was torched in July. While Johansen (2002b [interview]) did not preclude that IDF, in addition to disarming the bombs, might also have planted them, the car was thought to have been set on fire by a Palestinian (WS 11:1). The waning of complaints filed towards the end of TIPH I, despite heavy clashes, might indicate a lowering of expectations among Palestinians (WS 11:1). According to Lia (1998:58f), polls showed that 20% of the locals thought TIPH reduced the number of clashes, whereas 23% felt it contributed to a feeling of security.

With respect to the low-scale TIPH II, there is evidence of disillusionment at TIPH’s abilities, and anger at perceived unseemly conduct (Hostens 2003:43; Prusher 1996; Ruggi 1996). It seems as if the shortage of observers not only limited TIPH’s ability to record incidents, but also the ability to process alleged reports. Moreover, a rise in settler activism, including violence in the presence of observers, might have undermined TIPH’s credibility as a deterrent. On the other hand, there is evidence of friendship between mission members and private Palestinians (Grønningsæter 1996).

During TIPH III, there has been pervasive stone-throwing against TIPH cars, and as we have seen, that has affected TIPH’s mode of operations. A poll conducted in the spring of 1998 showed that a majority did not believe TIPH had contributed to

reducing the number of incidents between Palestinians and Israelis (PR IV:2). Later that year, an imam twice accused TIPH of spying for Israel, and of behaving indecently (PR IV:2). The charges came to a halt after TIPH had a meeting with the religious establishment, but in 2001 they were repeated (Dagbladet 2002). Gun-pointing and shooting against TIPH personnel took place in 1998 and 2000, though the shooting remains unclear.¹⁰³ After a person dressed in Palestinian Police uniform shot to death two observers on 26 March 2002, TIPH's operations were briefly suspended, and 35 mission members were sent out of the city (TIPH Press Release, 6 April 2002).

All TIPH missions have had a separate section charged with community relations. Apart from fulfilling the humanitarian elements of the mandates, these sections have been viewed as important promoters of TIPH's image in the eyes of Palestinians. According to Hostens (2003:47), the community relations projects, "...have contributed enormously to acceptance of and respect for TIPH and its work..."

- Attitudes of Palestinian Local Authorities

The attitude of Hebron's Civil Authorities towards TIPH has reflected the public mood, perhaps with a slightly more positive nuance. The following quote by Mayor Natshe seems to capture a moderately positive, and decidedly polite, yet perhaps a somewhat disillusioned or passive approach:

"TIPH is better than nothing" (Natshe 2002).

The Municipality helped negotiate the rent of the TIPH premises in 1994, and bestowed crucial public sanction on the mission by officially receiving it. Yet, the Municipality did not establish any formal, day-to-day liaison with TIPH, and Johansen missed visions as to how Palestinians might benefit from the international presence. After the *Yeshiva Students' incident*, Natshe publicly criticised TIPH of ineffectiveness, while clearly seeing the potential for using Johansen as a messenger to the international community.¹⁰⁴ A certain conflict of interests was evident on the issue

¹⁰³ Both sides accused each other of the shooting, which occurred while a TIPH car was following the entourage of Mary Robinson, The UN Commissioner for Human Rights (Dudkevitch 2000).

¹⁰⁴ At the height of the crisis, both Arafat, Peres (who was then Minister of Foreign Affairs) and ex-US President Jimmy Carter, were convened in Oslo. Natshe asked Johansen to go there, and present the situation with a view to finding a solution. When Johansen declined, feeling that he would best serve the Palestinians of Hebron through his presence, the Municipality went over his head to the Norwegian ambassador to Israel, who subsequently ordered Johansen to go (Johansen 2002a).

of stone-throwing against IDF soldiers, as TIPH put pressure on the Municipality to control the rioters, and TIPH might have embarrassed the authorities when it discovered the dismal hospital facilities offered underprivileged pregnant women. TIPH was not invited when a Municipality delegation successfully petitioned IDF to release a number of detainees, and the local authorities did not campaign to have the TIPH mandate prolonged. At the farewell ceremony, Natshe's speech opened,

"We would like to express our great thanks to the TIPH team for the great role that they played, and for the great help that they have given to Hebron resident, although the goals of your mandate were to normalize the life in Hebron wasn't achieved" (Draft of speech attached to WS 13 (1994)).

Vice-Mayor Awni al-Zughayer later recalled,

"Maybe they [TIPH] had some psychological effect, but later we found out that nothing positive happened to us as a result of their presence... Of course, we told them that they soothed and calmed the situation... We didn't want to hurt their feelings" (Jerusalem Report, 15 May 1997).

While Natshe credited TIPH II, he also said that the IDF did not take its reports seriously. Moreover, TIPH was, it appears, not informed of demonstrations organised by the Municipality (Prusher 1996).

After 1997, the Hebron PPF commander replaced the Mayor in the JHC. At least until spring 1999, PPF had bi-weekly meetings with TIPH about the security of the mission, and has undertaken various measures to safe-guard observers from public threats (PR VII:12). On the other hand, the PPF has not consistently enforced a zone of immunity from paramilitary operations around the TIPH premises (author's observation, 2002).

There has been close co-operation between TIPH and the Municipal *Hebron Reconstruction Committee* (HRC), aimed at repopulating the Old City which, according to the Committee, had been drained by ca. 80% of its Palestinian residents in the period 1987-97 (B'Tselem 2003h:2; PR VI:29; Øverkil 2002 [interview]).

All in all, the Hebron local authorities have viewed TIPH's operations with favour, and have not actively limited TIPH's range of operations any more than TIPH has done itself. On the other hand, there have been certain frictions between Palestinian interests as understood by TIPH and as understood by the local authorities, in which cases the latter have been given priority.

- **Informants**

Largely as a result of shortages in manpower, a network of local contacts was established during TIPH II. At the same time, a separate *Research, Analysis and Internal Information* unit (RAID) was formed, its aim being to gather information from media with a potential bearing on the situation in Hebron. With the expansion of the mission in 1997, efforts to promote TIPH's public image went hand in hand with dissemination of instructions on how to contact TIPH.

An important variable with respect to intelligence gathering through individual contacts is the trust of informers in intentions and discretion of the receiver. As will become clear, TIPH does not pass on the identity of its sources. More problematic is perhaps the response to incoming information. In many cases, TIPH would refer the complainant to other instances, most prominently, the Israeli Police, and Palestinians with a grievance have often balked at the prospect of turning to them (PR V:19).

Internal Norms and Cognitive Apparatus of Observers

Obviously, to observe a Human Rights' violation, you would have to know what a Human Rights' violation is. Thus the cognitive apparatus of observers is essential to observation and report-writing. Since there is a two-way relationship between institutional norms and individual perspective, I shall treat the two issues combined. TIPH would not let me undertake a survey aimed at analysing the *Vorverständnis* of its members. However, the following factors should be noted:

- **a) National and Professional Differences**

All Turkish TIPH members are military officers, whereas nearly all Italians have been recruited from the Carabinieri. From the other participating states, there has been a mixture of professional backgrounds, but two main groups stand out: *Police officers* and *Language experts*. Of the latter group, many are also human rights activists. David Wilder, spokesperson of the settler community, made the following observation:

"If an IDF soldier stopped a Palestinian, a Scandinavian would see this as a breach of Human Rights, whereas the Italians/Turks would see this as a normal thing, what they have done many times themselves" (Wilder 2002).

Wilder might have an interest in downplaying IDF's use of force. Yet, one observer confirmed his impression of national cleavages within TIPH (2001 [Interview]).

- **b) Integrating mechanisms**

When arriving in Hebron, TIPH recruits go through an *introductory course*, in which the situation in Hebron is presented in its social and legal aspects. They also attend a report-writing seminary, aimed at enabling *all* mission members – not only observers – to write incident reports. During this course, the observers are taught to,

“...write what they see, not what they *think* they see. By that I mean, for instance, do not write ‘terrorist,’ but rather ‘armed and masked person wearing civilian clothes’” (Knutsen 2002).

The implication is, that *objectivity* is a) presumed possible and b) the norm.

All mission members share the same Standard Operational Procedures, although the relevance of each article may vary from position to position.

Since 1996, it has been the express policy of TIPH to combine language- and police/military competence when putting together observer teams.

Incident reports are reviewed by at least three instances before being presented to the IDF.¹⁰⁵ Observers whose reports are found inadequate are asked to rewrite, furthering an internalisation of TIPH’s norms of report-writing.

Two potentially conflicting norms of report-writing, are:

- Discretion (Do not disclose the identity of Palestinians witnesses, stone-throwers etc.);
- Reliability (Corroborate the observation as far as possible)

The dilemma is obvious in relation to photographic evidence of incidents, in the naming of witnesses, etc. Of course, lack of hard evidence would seem to lower the reliability of reports, and could at worst be taken as an excuse for IDF not to treat the report in earnest, or to offer an alternative version with as little evidence to support it. TIPH seems to have erred on the side of caution, i.e.: withheld identity information, while keeping record of it internally. Lately, TIPH has also acquired technical means of blurring video images (TIPH LO 2002 [Interview]; Indreberg 2004 [Interview])

¹⁰⁵ The instances are the Duty Officer, Deputy Head of Operations and the Report Assessing Group consisting of Head of Staff and Head of Operations (Knutsen 2002a; TIPH Job descriptions).

- **c) Institutional norms as evident in Periodic Reports and official statements**

TIPH promotes itself as neutral. *Neutrality* in TIPH parlance corresponds to *impartiality* as defined in Chapter 3. In response to bias charges, launched by Wilder (2000) in The Jerusalem Post, TIPH's spokesperson, Henrik Lunden retorted,

"...Wilder wrote that 'TIPH has no obligation to observe Arab instigation or violence against Hebron's Jewish citizens.' This allegation is not factual. TIPH [...] is a neutral observer presence charged with the task of monitoring how the two parties to the Oslo II agreement and to the Hebron Protocol abide by their common understandings in order to promote normalization of daily life for all of Hebron's citizens. The proof of TIPH's evenhanded reporting is its close coordination and good working relations with both the Palestinian Authority and the State of Israel" (Lunden 2001).

Since the overarching question here is to what extent TIPH's activities aimed at providing a feeling of security to the *Palestinians* of Hebron might have been hampered by institutional norms, I shall not discuss the validity of the claim to neutrality as such. But it should be noted that *neutrality* could be defined in relation to the mandate *or* to the parties,¹⁰⁶ and even in the latter case, it could mean either,

- Levelling the playing field between two unequal actors (consistent with *equity of outcome*);
- Relating to unequal actors in a similar way, i.e.: not changing the balance (consistent with *equity of opportunity*).¹⁰⁷

I shall argue that TIPH in certain ways has adopted the equity of opportunity definition, thereby cementing the pre-existing power structure in Hebron.

The TIPH Periodic Reports to which I have been given access scarcely reflect the premise that the Israeli presence in Hebron is an occupation.¹⁰⁸ In these reports, the laws-of-war are never invoked, and although there are allusions to principles of these laws, only such principles that also exist in other legal regimes are mentioned. There is not a single precise reference to any body of law. According to Indreberg (2004 [Interview]), however, Periodic Reports of 2003 have alluded or made reference to both the Hague Regulations (HR 1907) and the Fourth Geneva Convention (FGC 1949), as well as the Universal Declaration of Human Rights (UDHR 1948), which belongs to another legal regime.

¹⁰⁶ If the mandate were biased, a neutral application of it would be biased in effect. Since the TIPH mandate says nothing of the Jewish community in Hebron, and is explicitly intended to strengthen the feeling of security of Palestinians, as well as their economy, any bona fide application of it would seem to be biased in effect, i.e.: with regard to inter-party balance. See Daniel (1996:61) for a useful discussion of the concept of impartiality.

¹⁰⁷ Neutrality may of course also be defined in relation to a larger context, as it was done in Chapter 3.

¹⁰⁸ Derivatives of the word "occupation" appear only twice within the 7 available Periodic Reports (totalling 146 pages): "The TIPH cannot at present have a well-founded opinion on the right of entry into private homes by IDF as an occupying force..." (PR I:12); "In connection to these cases, TIPH also observed twice, the presence of children on rooftops occupied by IDF soldiers stationary at observation posts" (PR X:10).

Initially, there would seem to be at least four legal regimes by which critique could be measured out:

- **The Laws-of-War** (Hague Regulations, Geneva Conventions (and –Protocols) and Hague Convention for the Protection of Cultural Property (CPCP 1954)(with Protocol));¹⁰⁹
- **International Standards of Law-Enforcement** (Code of Conduct for Law-Enforcement Officials (1979) and Basic Principles for the Use of Force and Firearms by Law-enforcement Officials (1990);
- **The International Human Rights regime** (Universal Declaration of Human Rights, etc.);
- **The Laws of the Land**¹¹⁰

There are discrepancies among these regimes, particularly between, on the one hand, the laws-of-war, and on the other, standards of law-enforcement and Human Rights.

Whereas the former embody the logic of defence, hinging on friend-from-foe discrimination and preventive use of force, the latter two hinge on non-discrimination and minimum/reactive use of force. Given the near-universal consensus that the HR (1907) and FGC (1949) apply legally to the Israeli occupation, it is remarkable that TIPH has left such potent instruments unused for so long. Here are some hypotheses:

- TIPH has heeded the Israeli claim that the FGC does not apply to its occupation, and has avoided positioning on the issue out of fear of compromising its impartial (neutral) status;
- TIPH has seen that references to the FGC would either lead to condemnation of the settlements as such - or if applied eclectically, to logical inconsistency;
- TIPH has perceived the incompatibility of the laws-of-war and the Human Rights regime, and has considered the latter more relevant or useful;
- TIPH has feared that invoking the FGC would prompt Israel to cancel the mission;
- TIPH has been led by Police officers to whom the paradigm of law-enforcement comes more naturally than the paradigm of war;
- TIPH has interpreted the mandate restrictively, and only done what the mandate explicitly allows it to do, rather than all that the mandate does not *disallow*.

The MOU does not put express limits on the use of law, simply stating that,

“...TIPH will elaborate daily situation report[s] based on internationally recognized human rights standards.”

What TIPH *has* done in the period January 1997- January 2000, is to allude this clause of the MOU, refer to the Israeli-Palestinian Interim Agreement, the Hebron Protocol, and the TIPH Agreement. On one occasion, TIPH referred to “military standards and international law”, on another, to “fundamental principles of policing” and on a third

¹⁰⁹ The Hague Regulations (HR 1907) are accepted by Israel as customary international law (Roberts 1992:45). Israel has ratified the Geneva Conventions (1949), but not the Geneva Protocols (Roberts and Guelff 2000:358;495). However, parts of the latter, particularly those articles which pertain to *discrimination* between combatants and non-combatants, are considered customary international law, and are therefore binding on Israel (HRW 2001:19). Despite its ratification, Israel does not accept that the Fourth Geneva Convention (FGC 1949) is *de jure* applicable to its occupations. Israel has ratified The Hague Cultural Property Convention (1954) and acceded to its Protocol (Roberts and Guelff 2000:403).

¹¹⁰ According to von **Glahn (1996:)** there are three law systems within an occupied territory: a) Pre-existing national law (in this case Jordanian and British Mandatory law); b) Military orders of the Occupier; c) international law (i.e.: the Laws-of-War). This picture is complicated in this instance by Israel extending its legislature to state citizens outside the borders of

to unspecified Israeli Open Fire Regulations (PRs I:12; II:8; V:15). After 1999, there have also been references to the *Sharm el-Sheikh Memorandum*.

The only Periodic Report that *structured* its critique according to a set of norms (conceived of as Human Rights) was the first one.¹¹¹ All later available Periodic Reports have criticised instances that are problematic with regard to the laws-of-war as well as to Human Rights/Standards of Policing, but infested terms such as *war crimes*, *international delinquencies*, *violations* etc. have typically been avoided. Below I compare the utility of these regimes in the Hebron context:

Table 10: Comparison of the Laws-of-War with the Human Rights' Regime/Standards of Policing

	Utility of Regime	
	The Laws-of-War	The Human Rights regime/Standards of Policing
Use of armed force against stone-throwers?	Permissible in so far as the stone-throwers are <i>de facto</i> combatants. Proportionality remains an overriding principle. ¹¹²	Forbidden: everybody has the right to life. (Exception: as last resort in order to save lives).
Expropriation of property?	Forbidden. Requisition is permissible of movable goods, and perhaps immovables, but regulated	Everybody has a right to property, but this is generally not interpreted as prohibiting expropriation ¹¹³
Hindrance of education?	Forbidden	Forbidden
Equality of rights?	Civilians of the occupied territories are protected, while settlers are not. Regular combatants of both sides have equal privileges, while irregulars have very few rights.	All have equal rights, unless convicted of ordinary crime.
Hindrance of medical aid?	Forbidden, but searches of ambulances are permissible	Forbidden
Sweeping curfews?	Forbidden as collective punishment Permissible as proportionate defensive measure, but regulated	Forbidden. Everybody has the right to freedom of movement (Art. 13).
Use of public land and water resources by settlers?	Forbidden	Not forbidden
Destruction of private property?	Permissible as act of defence, Forbidden as act of retaliation	Forbidden (but may be circumvented through expropriation)
Shooting without warning?	Permissible, if target is lawful and shooter is regular combatant	Only as last resort, in order to save lives, and after warning shot
Armed under-cover operations?	Forbidden	Permissible, but regulated

Israel. In theory, Israeli convicts in the West Bank could be tried according to Israeli *or* Jordanian law, but in practice, Israeli law has been applied (Btselem 1994:8).

¹¹¹ The First Periodic Report, was structured deductively, i.e.: the chapters would be named, *Right to Life*, *Right to Equality*, etc. Later reports were structured *inductively*, i.e.: chapters would be called, *Intervention by Security Forces*, *Minor Clashes and Stonethrowing* etc. The former disposition clearly spelled out the norms that were considered violated, while the latter put emphasis on describing the incident, and less on holding it to a standard. Incidents were characterised, though, mainly by reference to the Interim Agreement, the Hebron Protocol, the TIPH Agreement, and the MOU, but also by unspecified *Human Rights Standards*. For example, PR II would say, "Such use of force, seen as a whole, may seem disproportionate to the threat posed by stone throwing children and youngsters. The Israeli security forces seem to lack the capability to give flexible response. Ultimately this is a question of fundamental principles of policing, which tie up with internationally recognised human rights standards" (PR II:8).

¹¹² Confer von Glahn (1996:671f)

¹¹³ Compare UDHR (1948, Art. 17) with von Glahn (1996:202).

What is immediately clear, is that TIPH's avoidance of the war paradigm, has made critique of settlement-related matters, except for lacking law-enforcement against violent settlers, more difficult. On the other hand, the law-enforcement paradigm might have strengthened TIPH's hand on the issue of crowd control methods. TIPH critique, raised within a Human Rights-framework has been dismissed in the JHC in terms of the war paradigm. It should be remembered in this context, that the Israeli Supreme Court has ruled that,

“The Universal Declaration of Human Rights is not intended for dealing with factual circumstances such as those before us, i.e. in a territory under military government which is being administered as such in the wake of a war, and so long as the situation of war continues.”¹¹⁴

A frequently alluded clause is, Article 1 of the TIPH Agreement, stating that, TIPH will assist in monitoring and reporting the efforts to maintain normal life in the City of Hebron

As *Normalisation* in practice has been the fundamental precept of TIPH reports, one might expect TIPH to have a clearly defined vision of what that would mean.

According to TIPH's Research Officer 1, Andreas Indreberg (2004 [Interview]), no such definition exists. While ambiguity on this point was probably essential to reaching an agreement in the first place, both sides have retained their own definition. Palestinians ultimately saw normality as a *change of the status quo ante*, i.e.: IDF redeployment outside the city, while the settlers must either go or accept Palestinian citizenship. Continued settler presence was seen as a strictly interim arrangement, only acceptable if counterbalanced by an international peacekeeping force.¹¹⁵ To the Israelis, meanwhile, normality meant a *reversal to the status quo ante*, i.e.: quiet and order while the Israeli civilian presence was upheld under IDF security guarantee – in the absence of a final status agreement - indefinitely. So, what could be read of TIPH's conceptualisation of *normality* from applied discourse? Here is a select sample:

For example, normality meant equality before the law (in a local context):

“TIPH considers a guaranteed equal treatment of and equal protection for Palestinian and Jewish inhabitants as an essential prerequisite for a development towards normalisation” (PR VII:4).

¹¹⁴ HC 629/82, *Mustafa et al. v. The Military Commander of the Judea and Samaria Region*, Piskei Din 37 [1]158, 161. Cited in Qudus (1992:123).

¹¹⁵ For evidence that the Palestinian conceptualisation of normality as agreed upon was consistent, see, Arsheed (1996); Erakat (2002 [interview]); Prusher (1996). Uri Savir (1999:132f) partly explains of how so many Palestinians could come to believe in this interpretation which had little solid basis in the written agreements.

As for construction/rehabilitation works, TIPH generally formulated its recommendations as if equal rights were the norm. In some cases TIPH advocated Palestinian projects while objecting to Israeli ones, in effect promoting a particularist concept of justice. But it was never said explicitly that Palestinians should have exclusive or greater rights in this regard.¹¹⁶

Moreover, *normality* meant a reduction of impediments to the free flow of people and goods, such as roadblocks, checkpoints, hostile crowds and strikes:

“A major obstacle to the normalisation of life in Hebron, the closure of several streets, still persisted”(PR VI:4f).

“Of paramount importance is the capability and determination to intervene and put an end to public disorder whenever it occurs. It is also very important that the PPF treat Israelis travelling in Area H1 correctly and with due respect” (PR II:18).

“On 8 October [1998] al Fatah proclaimed a general strike in solidarity with the population in H2 area. All shops, offices and schools were closed, and the PPF declared that it would not intervene in the clashes. TIPH considers this approach an impediment to normalisation of life in Hebron” (PR V:14).

Normality also meant a reduction in threats and violence, regardless of actor:

“TIPH considers the shootings [by Palestinians] as very serious incidents. They pose a threat to the security of all the inhabitants of H2 and are also reason for the severe security measures. As such they are an impediment for the normalisation of life in the city. Furthermore, settlers moving in the city with weapons, even if they are in possession of the necessary license, is considered by TIPH to seriously affect the Palestinians’ feeling of security” (PR VI:19).

“The continued expansion of the settlements as well as the provocative behaviour of some settlers on one hand, and the repeated daily stone throwing by Palestinians on the other, impede a normalisation of life in Hebron” (PR IV:11).

What I find striking about these examples is the symmetry they express. TIPH has argued as if inter-communal *equality* were the norm, not Palestinian exclusivity. None of the available Periodic Reports have stated that the settlements are illegal, much less that it is an individual obligation on Israeli soldiers to defy orders that run contrary to the laws-of-war. Instead,

“...Initiatives are needed in order to present the TIPH... as an agent of stability for both sides... It will be a challenge for TIPH, if the mission is extended, to embark upon a course of bridgebuilding – between TIPH and the Jewish community and above all between the two population groups – Jews and Palestinians” (PR I:14).

¹¹⁶ The following example shows that TIPH, even when promoting Palestinian projects and denouncing Israeli ones did not invoke international law, but merely Israeli-Palestinian agreements. According to two subsequent Periodic Reports signed by the same HOM: “The parties committed themselves in the ‘Protocol concerning the Redeployment in Hebron’ (paragraph 11) to preserve the historic character of the city ‘in a way which does not harm or change that character in any part of the city.’ The building expansions in Avraham Avinu and Beit Romano clearly appear to be in contradiction to these provisions” (PR VI:29). And conversely: “Finally, TIPH was closely involved in a good working relationship with the Hebron Rehabilitation Committee regarding the final work on the first and only children’s playground in the Old City” (PR VII:9). Note that exclusivity of Palestinian rights was not part of the argument, only preservation of “historic character”. That argument would of course seem to be undermined by the promotion of a playground – an anachronism in historic Hebron.

There were, as shown above in relation to construction, certain qualifications to this picture, and TIPH did not later endorse the settler presence in such unequivocal terms. On the other hand, neither has TIPH advocated the expulsion of the settlers (Indreberg 2004 [Interview]). To what extent has this *neutrality* been a deliberate policy, and to what extent has it been a result of the *habitus* of TIPH's leaders? According to PR VI, "...the reports do not elaborate on the historical background of the actual problems encountered in Hebron, and they do not go into political discussions" (PR VI:8).

While the statements on normality above might be interpreted as *tactical*, in the sense that they would run *as if* inter-communal equality were the norm, while the real agenda was Palestinian exclusivity, the latter quote seems to go to the core of the conceptual apparatus of its authors. By categorising the conflict over the West Bank as *political* - not *legal*, one has in fact adopted the Israeli frame of reference. Whether this was indeed a "Freudian slip" or a carefully chosen statement remains a question. What is clear is, that there have been multiple fora for policy discussions, and that considerations of mandate extension have entered into the formulation of policies.¹¹⁷

Indreberg (2004 [interview]), elaborated on the practical definition of *normality* thus:

"...My interpretation of it is as follows: If we go back to 1997, what was it they perceived as abnormal then? I think the clue may be found in the Hebron Protocol, Article 7, which is titled, 'Normalization of Life in the Old City.' Paragraph b, subsections 1 and 2, explicitly name the opening of the wholesale market and the Shuhada Street for vehicular traffic. Subsection 9 commits the parties to the free movement of people, goods and vehicles. Moreover, economic activity, avoidance of friction and clashes, etc. are endorsed within the agreement. A more concrete definition than that, we do not have. The application of the principle has been, to a great extent, common sense..."

As for the settlements, Indreberg (2004) [interview] said,

"The only thing we have to guide us, is how big the settlements were in 1997".

Although the TIPH mandate is exclusively concerned with the (feeling of) security of Palestinians, and although the settlers are not protected by the HR (1907) or the FGC (1949),¹¹⁸ TIPH has officially interpreted its mandate to include observation on behalf of the settler community, premised its argumentation on "equal rights" and interpreted normality as the situation prevailing immediately before the 1994 massacre, i.e.: a situation accrued as a result of irregular and illegal warfare. It is a serious question,

¹¹⁷ For example, conviction that TIPH inter-positioning would provoke Israel to cancel the mission was a major reason why TIPH avoided such a policy (Øverkil 2004b [Interview]).

¹¹⁸ See von Glahn (1992:348) for a discussion of the purposes of the Hague Regulations. Protected persons of the FGC (1949) are defined by Art. 4 as "those who, ... find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals."

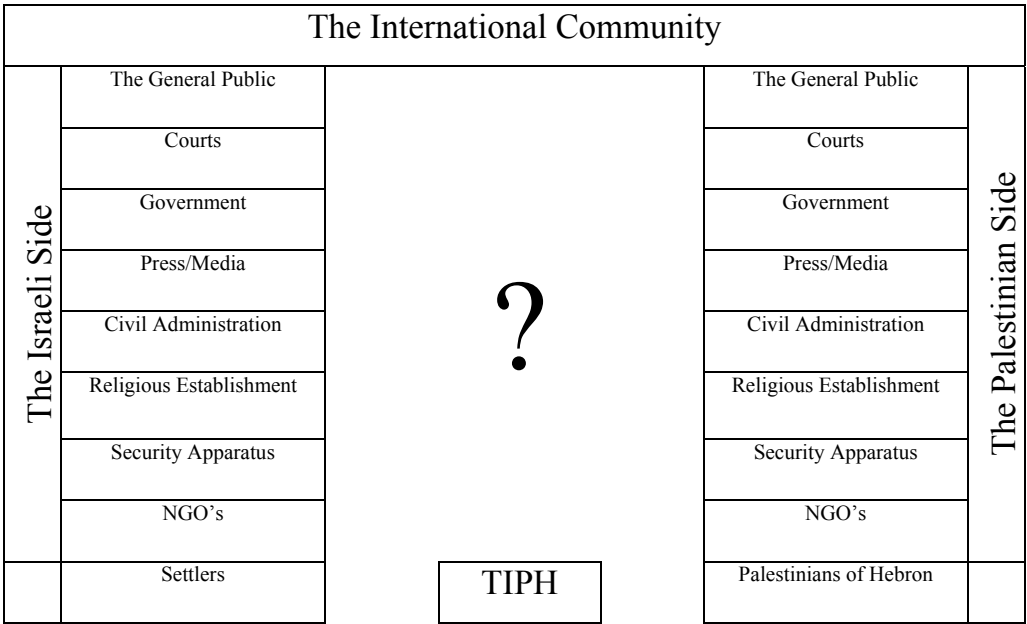
whether the Oslo agreements and the Hebron Protocol in particular conform with Articles 8 and 47 of the FGC (1949). On the other hand, equal rights in Hebron would mean a world of difference to the city’s Palestinians, and the pragmatic approach of TIPH, has been a prerequisite for its continued existence.

Avenues of Influence

While the gathering of information and formulation of reports are presumably essential to the impact of TIPH, so is the communication of these reports. Below, I shall focus on the *Mandated Structures of Communication* of the Hebron regime, and briefly look into the unofficial ones. First, a few general notes:

The primary goal of TIPH’s reporting activity, as understood by TIPH, has been to influence the behaviour of Israelis in Hebron - civilian and military. Theoretically, that could be achieved through direct contact, or by various paths of indirect contact, not the least through influencing Palestinians. Infinite pathways of influence may be drawn into the model below. I shall, however, concentrate on these:

- TIPH – settlers;
- TIPH – local IDF/Police – settlers;
- TIPH – local Palestinians – local IDF/Police – settlers;
- TIPH – PPF – local Palestinians – local IDF/Police – settlers;
- TIPH – Israeli authority – local IDF/Police – settlers;
- TIPH – Israeli media – Israeli authority – local IDF/Police – settlers;
- TIPH – diplomatic offices of participating countries – Israeli authority – local IDF/Police – settlers



Common to the TIPH mandates is their limiting of means of public pressure. In the section of the first MOU that dealt with reports, the highly significant parenthesis “(not for public use)” was unconventionally sneaked into the text. It has since remained, and TIPH has adopted a very strict interpretation.

Mandated Structures of Communication

On paper, the trend in the development of the *official fora* of the Hebron Regime, has been one of diminishing status and potential for multilateral leverage - but at the same time, of increasing local instrumentality. In practice, the trilateral fora have broken down, while TIPH has tried to compensate through local, bilateral, contact, and leverage through diplomatic channels.

TIPH I

The bodies to receive TIPH reports, according to the first TIPH mandate, were,

- ***The Joint Hebron Committee*** (JHC), consisting of the Mayor of Hebron and the Head of the Israeli Civil Administration (i.e.: the Governor), plus one additional unspecified representative from each side;
- ***The Joint Israeli-Palestinian Liaison Committee*** (JLC), a high-level bilateral body established pursuant to the DOP (1993) to deal with “issues requiring coordination, other issues of common interests and disputes” (DOP, Art. X);
- ***The Chair of the Ad Hoc Liaison Committee of the Donors*** (AHLC), a multilateral ad-hoc committee established to co-ordinate international economic aid to the embryonic Palestinian National Authority. Norway chaired the AHLC.¹¹⁹

The JHC was to receive reports on specific incidents, and was to meet with TIPH bi-weekly (TIPH Agreement 1994, A.5.). The JLC and AHLC were to receive reports periodically, and no meetings were stipulated with TIPH.¹²⁰ The structural weakness of this regime lay in at least two aspects: The multilateral component (AHLC) was not a likely deterrent vis-à-vis Israelis, since it was only funding the PNA. Secondly, the Israeli Governor was head of the Israeli *Civil* Administration (ICA), but not of the soldiers in the streets of Hebron. The latter were subordinate to his equal in rank, the Hebron Brigade Commander. In practice, the Deputy Brigade Commander would also meet in the JHC on special request (Johansen 2002a [interview]).

- ***TIPH II***

In 1996, the mandatory receivers of TIPH reports were:

¹¹⁹ In 1999, EU became co-chair of AHLC. By then, AHLC was no longer part of the Hebron regime.

¹²⁰ The mandate did not define the term “periodical”.

- *The Joint Hebron Committee* (JHC), similar in composition to TIPH I;
- *The Monitoring and Steering Committee* (MSC), a sub-committee to the JLC comprising the heads of each party from five joint special-task committees, established pursuant to the Interim Agreement (1995, Art. XXVI).

The immediately striking contrast to the TIPH I structure, was the elimination of the multilateral component, AHLC. Again, JHC was to review specific incident reports, and was to meet with TIPH every two weeks. Nothing was said specifically about MSC meetings, but its reports from TIPH were to be periodical. The substitution of JLC with MSC could be seen as a symbolic degradation, but on the other hand, at least on paper, the MSC was the potential “nerve-centre” of the Israeli-Palestinian co-operation, as it oversaw the work of the special-task committees directly, and was smaller and, it would appear, more operational than the JLC.¹²¹

- **TIPH III**

The mandatory bodies of the Hebron Regime after 1997 have been,

- *The Joint Hebron Committee* (JHC), but with changes in its composition. Now, the Palestinian side was to be represented by the Police Commander of the Hebron District, and the Palestinian Head of the Hebron District Civil Liaison Office (DCL), established pursuant to the Interim Agreement (1995, Art. I.6.). The Israeli side was to be represented by the IDF Brigade Commander and the Head of the Israeli delegation to the DCL, i.e.: the person hitherto titled “Governor.”
- *The Monitoring and Steering Committee* (MSC), similar to TIPH II;
- *A Sub-committee to the MSC* (sub-MSC), comprising one representative of each side to the MSC and unspecified TIPH representatives;
- *The Joint District Coordination Office (DCO)*, Established pursuant to the Interim Agreement (1995, Art. XII.3.).

Again, JHC was to receive Incident Reports, and MSC to receive Periodic reports. The frequency of JHC meetings was upgraded to once a week. Nothing was said of reports to the MSC Sub-Committee, but it was to convene...

“...in order to discuss matters of policy on a bi-weekly basis or on the request of the TIPH” (TIPH Agreement 1997, Art. 7).

The DCO was a separate, continually operative office, established to co-ordinate IDF and PPF operations. According to the TIPH Agreement,

“Representatives of the TIPH shall be situated at the District Coordination Office (“DCO”) in Har Manoah/Jabel Manoah and may also be present at the DCO sub-office in the city of Hebron, in order to coordinate TIPH activity with both sides” (TIPH Agreement 1997, Art. 7).

In practice, the Hebron Regime began to falter already in the spring of 1997. JHC meetings were postponed, and the parties decided that it was enough to meet bi-weekly

(PR I:9). Despite repeated calls by TIPH, neither the MSC nor the sub-MSC convened until February 1999, and though the subsequent meetings were referred to as “MSC-meetings”, they comprised only the sub-MSC (Indregard 2004 [interview]; PR VI:15f). TIPH would nevertheless keep faxing its Periodic Reports roughly four times a year. In 1999, the pace of the JHC was temporarily disrupted, and after May 2001, the meetings came to a complete halt. The same was the case of MSC/sub-MSC meetings after November 2001.¹²² As noted above, after some foot-dragging, TIPH was allowed to take part in the PPF/IDF co-ordination meetings and to have a Liaisons Officer stationed there permanently (PR I:9f; II:4). However, TIPH was not satisfied with the IDF information policy, and since the beginning of 1999, the permanent presence was supplanted by an “effective system of liaisons officers” (PRs I:9; II:4; VI:8). By September 2001, the DCO did no longer function as a co-ordinating centre, and Palestinian clerks were thrown out after the November al-Jihad attack (TIPH Observer 2001 [interview]; Keller 2002).

Perhaps the most crucial organ of the Hebron regime, is the Joint Hebron Committee (JHC). According to Øverkil (2002 [interview]),

“JHC is the main key for us to fulfil the mandate. That is the place for discussing reports. There is the possibility of response, further questions, and comments” (Øverkil 2002 [interview]).

For as long as it functioned, the JHC would meet interchangeably in the Headquarters of IDF, PPF and TIPH. TIPH would call and chair these meetings, and the agenda would be organised according to topics such as “behaviour of IDF on rooftops”, “freedom of movement” etc. (Øverkil 2002 [interview]). The physical arrangement would be one of tables put up in the shape of a horse’s shoe, the Israeli and Palestinian delegations facing each other, with TIPH placed at the high end (TIPH Internet site).

The physical arrangement would seem compatible with both an arbitration- and a mediation scenario, and there are indications that the role of TIPH has been somewhat

¹²¹ Confer Principal-Agent theory. Popularly, one might say that the MSC’s subordination to the JLC was analogous to an Executive’s subordination to a Legislature.

¹²² In mid-March 2002 Øverkil stated that he did not see the point in calling another MSC meeting before the JHC was operative (Øverkil 2002).

in flux. In some cases, HOM would conclude on the issues discussed, while in others, he would merely sum up the arguments of the two sides.¹²³ According to Øverkil,

I am usually strict with agenda and time at home, but it doesn't work that way here. As I see it, what matters is to recognise your function. TIPH are here as facilitators, and the important thing is to get the parties to talk to *each other*. When the discussion is going, I often sit back for a while and let them have their say. Sometimes, they start talking to each other in a language I don't understand. It is quite common that they are fluent in both Arabic and Hebrew. On such occasions, I would sit back and let them go on for a while, and then I would say, "If you think this is important to me, could you please fill me in?" (Øverkil 2002 [interview]).

TIPH has no mandatory links to the Israeli Police/Border Police, but representatives of these organisations were in time included in the Israeli delegation to the JHC – a temporary strengthening of the regime, since the Police, according to Israeli instructions, has primary responsibility for law-enforcement vis-à-vis settlers (Kessler 2002[interview]; Øverkil 2002[interview]).

Un-Mandated Structures of Communication

Given the complexity and sensitivity of the issue, I have shall make no pretence of presenting the full picture of TIPH's influence through extra-mandatory channels. However, there are indications that such avenues have been quite important. One general finding is that TIPH's ability to influence the IDF directly and elicit leverage through Israeli intermediaries in high positions has diminished. Thus, the reliance on international pressure has increased, but TIPH has run into problems there too.

- ***Influencing IDF through direct contact***

It would seem a general liability of trilateral venues, such as the JHC, that considerations of face-saving might deflect focus from the practical issues at hand.

According to Kjell Johansen, the Head of TIPH I,

"Most of what we were able to fix, we drew the attention to through informal, face-to-face meetings between myself and the Israeli officers. When you get close to them... that was when we were able to talk seriously" (Johansen 2002b [interview]).

While Johansen had had tough altercations with the Hebron Commander prior to deployment, he sensed a change in attitude once the mission was operative, and in the end the Commander was "almost friendly" (Johansen 2002a [interview]).

The most stable contact between TIPH and IDF during TIPH III has gone through the liaisons' offices of both sides. This connection has been almost daily, despite the

¹²³ See e.g.: WS 11:1; PRs I:13; IV:10; V:15; VI:5;17.

disintegration of the mandatory bodies (Øverkil 2002 [interview]). TIPH would often obtain intervention by the Israeli Liaisons' Officer in cases where observers were held back, and the communication has been characterised as anything from “business-like” to “friendly” (PR I:8;VII:10). Still, over time, the IDF has symbolically de-prioritised the link to TIPH. Whereas the IDF Liaison in 1994 had the rank of Captain, he was just a regular soldier by 2002 (Rodan 1995; TIPH LO 2002 [interview]).

On the senior and intermediate level, there have until early 2002 been regular meetings at the DCL concerning building-, working- and travel permits, as well as meetings between HOM and the Brigade Commander on current topics. However, only three meetings were held between TIPH and the Brigade Commander in 2002, and they were unproductive (Øverkil 2004a [interview]). Two meetings were held in 2003.

- ***Influencing IDF through high-level contact***

According to Johansen (2002a [interview]), the Head of the IDF Liaisons' branch, Brigadier General Baruch Spiegel, once intervened in operational matters in Hebron on his request.¹²⁴ Johansen described their relationship thus:

“After a while, we got a professional, if not jovial, then in any case a congenial co-operative relationship. I discovered that the Israelis in many ways are a bit like us Norwegians: Straight to the point, and not so much “courtesy”. In the end, Spiegel and I were nearly buddies, and I told him exactly what I felt about things – and got a straight message in return. I actually think he appreciated this kind of relationship” (Johansen 2002a [interview]).

Johansen met with Peres, then Minister of Foreign Affairs, and throughout TIPH III, there have been meetings between TIPH seniors, and prominent Israeli representatives of IDF and IMFA.¹²⁵ When unnamed “senior security officers” accused TIPH of handing military intelligence to Fatah in August 2001, HOM sought official backing by the Israeli Minister of Foreign Affairs and the Chief of General Staff. It appears he got their private assurances that they did not believe the accusations (Aftenposten, 27 August 2001). I do not know what communication took place in IDF fora after that, but as far as I know, neither these, nor the IDF Spokesperson publicly defended TIPH.

¹²⁴ See “The vegetable market” below.

¹²⁵ See e.g.: PR (X:5). As for the current situation, according to Indreberg (2004 [interview]), TIPH's Head of Staff (HST) is the person most regularly communicating with IMFA. Depending on the person, such contacts take place between once a week and once a month. The highest-level TIPH-IDF meeting in 2003, to Indreberg's knowledge, was between HOM and the IDF Commander of Judea and Samaria (Indreberg 2004 [interview]).

- **Influencing IDF through the Court System**

According to a Middle East Watch report issued in 1993, cover-ups of illegal acts committed by IDF soldiers involved all levels between rank-and-file co-ordination of cover stories to the Judge Advocate's failure to ensure good-faith investigations (MEW 1993:17ff). In that perspective, it would seem relevant to the security of Palestinians if TIPH were able to limit the space of manoeuvre for IDF violators and their sympathisers. According to TIPH's Legal Adviser, TIPH reports have not been used in courts (TIPH LA 2002 [interview]). Moreover,

- TIPH observers may not testify in court, due to their diplomatic status (Eltervåg 2002 [interview]);
- TIPH reports do have the quality needed for serving as court evidence (Knutson 2002 [interview]);
- While TIPH does not give its incident reports to others than the local IDF and PPF Commanders, there are no mandatory limitations as to how the parties may use such reports (Eltervåg 2002 interview).

- **Influencing IDF through Palestinians**

The Heads of TIPH I quickly came to view the conduct of Palestinians as the prime explanatory variable of IDF policies. The perceived causal direction is clear from statements like,

“Clashes...mainly... caused by stone throwing by young Palestinians with response from the IDF” (WS 4:3).

Accordingly, pressure was put on Mayor Natshe to stop the violent protests. A weekly summary signed by the Danish and Italian Deputy Heads of Mission put it thus,

“The returning ‘Friday clashes’ between young Palestinian Intefada boys and IDF seems to be well organized even with assistance ‘from some leaders’ from outside Hebron. TIPH will through the Liaison Office to PLO try to stop these Fridays stonethrowings and IDF will proceed with the opening of the city ... TIPH has the information that as long as these incidents are occurring on every Friday, there will be no further opening of the closures of the city of Hebron. TIPH has through the LO to the Palestinians explained the situation and asked the responsible authorities to bring their influence to bear, and stop these incidents and then hopefully the normalisation and lifting of roadblocks and obstacles will continue. TIPH can then proceed towards fulfilling it's mandate” (WS 10:3).

While Palestinian protests gradually waned towards the end of TIPH I, there are probable explanations to that trend, other than Municipal intervention - especially the fact that IDF closed the city to Palestinians from surrounding villages. IDF counter-rioting also grew less heavy-handed. The latter could be seen an *effect* of Palestinian pacification, but it *could* also be a *cause*.

TIPH I also, through its Civilian Affairs Section (CAS), undertook a mapping of needs in the Hebron Community, reported such needs to the Home Governments and launched limited projects such as football matches and psychological treatment for

children victimised by the Mosque massacre. It seems clear that the underlying rationale for CAS' activities was to reduce the "tension level", and thereby avert potential clashes - the ultimate aim being to induce IDF to reciprocate in terms of opening roadblocks etc.

At least during the years 1997-1999, TIPH continued to see local IDF policies as greatly influenced by Palestinian acts. As shown above, TIPH would explicitly argue that Palestinian shooting attacks were the *reason for the severe security measures*, i.e.: a semi-causal relationship between Palestinian *action* and IDF *response* (PR VI:19). The PPF was therefore urged to intervene against so-called *rioters*, and the *determination* of intervention was a major criterion in TIPH's appraisal (PRs I:15; V:16; VI:5;21). Senior-level meetings between TIPH and PPF have taken place bi-weekly. Occasional *démarches* have been sent to the PNA in response to TIPH reports, but these have probably focused on the security of TIPH, rather than denouncing resistance as such. However, in December 2002, the Norwegian Minister of Foreign Affairs strongly condemned an attack, at the time thought to have targeted settlers.

After 1997, TIPH expanded its Community Relations projects, focusing especially on underprivileged groups such as women, handicapped, children and poor. In addition to the projects where TIPH has played an active role, the mission has also funded a large number of independent local initiatives, mainly with one-time contributions. When IDF reinvaded H-1 in June 2002, TIPH supported Palestinian families under curfew with 4000 food deliveries (TIPH Press Release, 29 June 2002). It would seem that over time, the instrumental approach to such aid as a means to pacify the Palestinian population has diminished, being replaced with a more immediate perspective of abetting urgent needs.

- ***Influencing IDF through diplomatic channels***

TIPH I lobbied extensively through the local representation of the Participating countries, but Johansen was very apprehensive about calling for high-level action by the Foreign Ministries (Johansen 2002b). Only after TIPH was asked to stay off the

streets during the events following the *Yeshiva students' incident*,¹²⁶ did he recommend such intervention. The Danish Minister of Foreign Affairs subsequently told the press that he was contemplating an official protest (Immanuel and Pinkas 1994). Apparently that was pre-empted by IDF lifting the curfew.

During TIPH II, the Norwegian Minister of Foreign Affairs raised issues related to TIPH's mandated tasks during a visit to Israel - apparently with success (See below).

After the establishment of TIPH III, the need for co-ordination among the participating countries and guidance of TIPH became pressing. *A Local Contact Group* (LCG) was established in 1998, consisting generally of "number two" from each Embassy plus HOM and the Senior National Representatives (SNRs) of each participating country. LCG meetings are held roughly 4 times a year and often function as a preparatory meeting to the so-called *Capital Meetings* (Eltervåg 2002 [interview]). LCG also functions as an ad-hoc group linking HOM with IMFA. Capital Meetings are held twice a year, bringing together 2-4 senior representatives of the Foreign Ministries of the participating states (Eltervåg 2002; Øverkil 2002 [interviews]).¹²⁷

Parallel with the erosion of mandatory institutions, there has been an upsurge in TIPH's use of diplomatic instruments. According to Sevje (2001), by February 2001, no official protest had been launched from Norway as a result of TIPH reports. An odd year later, there had been several *démarches*, both concerted and unilateral ones (Bjørnsgaard 2002; Eltervåg 2002 [interviews]). By then, TIPH had a clear vision of its available instruments from Liaison level to Ministerial meeting (Øverkil 2002 [interview]). However, among the TIPH countries there have been different approaches to the follow-up of reported incidents. Some countries favour a meticulous, confrontational line, while others, including Norway, wish to calibrate responses with a view to political developments and foreseeable consequences (Bjørnsgaard 2002).

¹²⁶ See Chapter 2, page 14

¹²⁷ Capital Meetings are generally alternating between the participating states and the Middle East (Eltervåg 2002).

- ***Influencing IDF through Mass Media***

Though reports of TIPH I were not for public use, its Spokesperson, Bjarne Sørensen, was frequently quoted in Israeli press, on occasion complaining of IDF policies. The statements were generally given to journalists who by their own initiative contacted the mission, and it is therefore doubtful that this avenue of influence was proactively exploited by TIPH.

TIPH has scrupulously observed the discreteness of reports, and the Israeli media has, according to Øverkil (2002 [interview]) not been used as a channel of critique or inducement vis-à-vis IDF. Yet, whenever critique has been launched against the mission in mass media, TIPH has used similar channels to refute the charges. TIPH has since 2001 prioritised work to improve its public edge, and now regularly releases press briefs on its Internet site.

- ***Influencing the Settlers through Direct Contact***

Influencing the behaviour of settlers has been a main objective for TIPH, not surprising, considering the historical rationale for the mission. However, direct communication has not been a favoured strategy. The Heads of TIPH I did not initiate contact at all, but the settlers were eager to meet, and successfully obtained a low-level meeting through IDF lobbying (Johansen 2002a [interview]).

In 1997 TIPH attempted a more positive approach. Settler spokesmen would hold lectures about the Jewish history of Hebron, and would take observers for a guided tour through the Abraham Shrine (Wilder 2002 [interview]). By summer 1998, events had led to a freezing of relations, but TIPH nevertheless went along with an IDF normalisation initiative by meeting a delegation from Kiryat Arba (PR IV:3). Despite these petty ouvertures and some disarming statements, the preferred avenue of influence with regard to the settlers has not been inducement, but advocacy of IDF/Police strictness. HOM met with settler spokesmen in June 2002, but the meeting was not initiated by TIPH (TIPH Press Release, 16 June 2002).

- ***Influencing the Settlers through Intermediaries***

As noted above, efforts aimed at influencing settler conduct have with little variation gone through insisting on IDF/Police enforcement. The task has apparently been complicated by three factors:

- Genuine confusion among IDF soldiers and officers as to their powers vis-à-vis non-Palestinians;
- Various shortcomings of the Hebron Police force;
- Close links between the settlers and Israeli officers.

Several sources reveal that IDF soldiers do not believe it falls within their duty to *ensure public life and safety* as long as the offender is not a Palestinian.¹²⁸ This misconception, which at least at times has extended to the Brigade Commander,¹²⁹ is hard to explain in light of the written directives of the IDF.¹³⁰ TIPH was informed that soldiers and Border Policemen do have policing powers vis-à-vis settlers already in spring 1997 (PR I:12). Despite this, soldiers continued to believe that dealing with misbehaving settlers is a Police task (HRW 2001:53; PR II:13). The Hebron Police force is small, and according to the exiled Palestinian journalist, Kawther Salam (c [Internet site]), composed of a ragged lot, from which conscientious officers are prone to be excluded. Salam (d [Internet site]) relates that even two Police Commanders were replaced, after settler lobbying in collaboration with the IDF Brigade Commander.¹³¹ Palestinian complainants who turn to the Police, have often been referred to another Police station at the Givat Ha'avot settlement which is defined as part of Kiryat Arba, but physically is part of Hebron city.¹³² The notoriously long waiting time, the reputation of lackadaisical police-work, and fear of violence from the

¹²⁸ Confer B'Tselem (1994a:22ff); HR (1907, Art. 43); HRW (2001:53); PRs (I:12; II:13; IV:14). In practice, there seems to be three types of IDF response to disturbances by individuals or small groups that do not cause bodily injury: Palestinians will be detained or arrested, or if the person tries to flee or disobey orders, he/she might be beaten or shot (Caton 2002; Hamad 2002; PR V:11). (It should be remembered that merely walking outside during curfew is considered a disturbance); Foreigners will be detained, until the Police takes over; Israelis will either go unchecked, or the soldier will write a report about the incident, which might lead to Police investigation (B'Tselem 1994a:22ff). It appears that soldiers have also, occasionally, been ordered to evict squatting settlers. As for individual disturbances that cause bodily harm or threaten to do so, it seems that Palestinian threats have increasingly been eliminated under military rules of engagement, while the data material is too scant to say anything in general terms about Israeli immediate threats. Baruch Goldstein was not restrained, and the investigative *Shamgar Commission* revealed that many soldiers interpreted their open-fire regulations so as to preclude any fire against Jews (Gordon 1994). Noam Friedman, an Israeli soldier who opened fire on shopping Palestinians on 1 January 1997 was held down by a fellow soldier (Zananiri 1997).

¹²⁹ Brigade Commander Noam Tibon was cited in HRW (2001:53 (Original source: Shragai 2001)) to the effect that, "The law is toothless here. I have no means to remove the [settler] hooligans."

¹³⁰ According to Protocol No. 118:6, "As a rule, handling the investigation and trying Jewish settlers and demonstrators are the responsibility of the Israel Police Department; making arrests will be the responsibility of the IDF." Cited in B'Tselem (1994a:22). See also page 23, and; B'Tselem (2001b:19).

¹³¹ The Police Commanders in question were Ish Yamini and Efraim Ardit, and the Brigade Commander was Yigal Sharon.

¹³² Being defined as part of Kiryat Arba, the station is outside TIPH's AOR.

local settlers have been given as reasons by Palestinians for not going there (PRs IV:10; VI:26; Salam d [Internet site]).¹³³ As for IDF-settler links, liaison-level meetings are daily, and settler representatives meet with high-level IDF officers from once a week to once a month (Wilder 2002 [interview]). Some officers serving with IDF in Hebron are living in the West Bank when off reserves' duty (PR I:15; HRW 2001:31; Rodan 1995).

According to an IDF liaison officer living in Kiryat Arba, TIPH I proposed a comprehensive security plan for Hebron, including general disarmament of the settlers (Rodan 1995). That was not realised. In later TIPH Periodic Reports, the charge of selective law-enforcement is frequent. After establishing that IDF *had* police powers with regard to settlers, TIPH has many times urged IDF intervention in the absence of police, or in cases of urgency, and has proposed to expand the police force (PRs I:12; II:13 IV:10;14). Despite all the arguments to the contrary, Col. Tariq Zayd, the local PPF commander, in July 1997 credited TIPH with doing a "good job" and stated that, "The settlers have stopped their provocations, and we do not anticipate any more leaflets like the one that depicted the Prophet Mohammed as a pig" (Bushinsky 1997).

Tangible Results

After having assessed the capabilities and strategies of TIPH, it is now time to review its achievements. I shall focus narrowly on security, conceived of as security from Israeli threats, leaving intra-Palestinian threats and the general humanitarian aspects of the mission aside.

- *The Ability to Stay*

Considering that TIPH's mandated periods are of only 3 months' duration, its ability to stay in the field for more than 7 years must be seen as a success in itself. This has been possible despite 4 critical developments,

- The breakdown of the peace process;
- The election to Israeli premiership of Ariel Sharon, a staunch opponent of TIPH I;
- The killing of TIPH observers, eroding support for the mission in contributing countries;
- The inability to hinder a deterioration of the situation for Palestinians, eroding support for the mission in Hebron, and potentially, at home.

¹³³ In 1998, on TIPH's suggestion, a new gate was installed, which made it possible to enter the station without passing through the settlement. However, after the outbreak of the second Intifada Palestinians fear sniper fire outside the gate (Salam d [Internet site]).

On the contrary, TIPH has shown signs of becoming institutionalised. The mission's mandate is now routinely renewed by 6 months. According to Bjørnsgaard (2002 [interview]), the diplomatic costs of closing the mission have become so great that it is improbable that Israel will do so unilaterally.

- ***The Initial Negotiations***

IDF won several victories during the MOU negotiations in 1994, partly truncating the mandate as outlined in the TIPH Agreement. Yet, Johansen was able to hold some crucial ground: Mobile patrols were conceded to, and access to the Old City was secured. The episode showed that the IDF Commander would try to circumscribe the mission but would refrain from actions that could lead to its premature withdrawal. The knowledge that local IDF had “blinked first” was to be exploited.

- ***The Entry***

After some disagreement, the Heads of TIPH I concluded that the new observers could not be seen to be escorted by the ones they were supposed to observe. It was therefore agreed that IDF should leave the convoy at the city limit, and stay out of the picture for the day. When the Heads left City Hall after a reception ceremony, they discovered that some 1000 Palestinian onlookers were in uproar over an IDF transport truck that had just passed through the crowd in contravention of the previous understanding. Seeing another truck approaching, Johansen blocked its passage, and brusquely told an IDF Major to find another way, unless he would be “personally responsible for breaking an international agreement.” The Major complied (Johansen 2002b).

- ***Improvements During TIPH I***

Two days before the deployment of TIPH I, a partial curfew was lifted (Immanuel 1994a). IDF also dismantled a number of roadblocks in the following days (WS 1:1). After a period of clampdown, following the *Yeshiva students' incident*, IDF renewed its détente policies. The shift was marked, and came just after TIPH had sent a fax home containing the following contemplation:

“The vast difference between the promises from high-level IDF and the actions taking place by IDF in Hebron, rises the question if the local IDF command is under sufficient control from higher level” (TIPH 1 weekly summary 5:3).

In its seventh week of operations, TIPH listed the following improvements:

- 1) [Casualties] have decreased significantly
 - 2) Killed have been none
 - 3) Live rounds fired have decreased significantly
 - 4) Clashes have decreased to less than a handful
 - 5) Arrests have decreased
 - 6) Checkpoints and roadblocks have been reduced
 - 7) Separation walls have decreased
 - 8) Curfews and military closures have been imposed less than before and for shorter time periods
 - 9) Observed incidents of graver nature have steadily been going down
 - 10) Incidents involving settler-made activities in the city have decreased
 - 11) Incidents involving stone throwing Palestinians have decreased
- (WS 7:2)

While some of these points would seem overlapping, and there are other methodological reservations, the data shows, at least, that *the three Heads* found the mission's presence meaningful. After the killing of Sarit Prigal, there were new setbacks. But Johansen noted increasing expediency in the issuance of travel permits and a stop to IDF harassment of applicants waiting outside the Civil Administration building (Johansen 2002a [interview]). Upon the end of TIPH I, Sørensen said of the recent clashes that,

“Soldiers behave in a totally different way now. They just pull back for 30 minutes and then the problem is solved. They don't confront with force. The Palestinians get a little frustrated by this” (Immanuel 1994c).

As shown above, the Palestinian appraisal was more reserved. That must nevertheless be seen in light of preconceived expectations, which might have been exaggerated.

There were a number of factors other than TIPH's observation activities that might explain the changes in IDF conduct, but neither should one ignore the following facts:

- TIPH did have access to key decision-makers;
- TIPH did exert pressure on those decision-makers;
- Specific changes in IDF policies coincided with TIPH pressure on those particular issues.

- ***Opening of the Abraham Shrine***

During the course of TIPH I, the Heads put great emphasis on reopening the Abraham Shrine. IDF, on its part, went to lengths in order to reassure TIPH that the delay was due only to instalment of security measures. The shrine was opened three months after TIPH's departure, but it seems probable that TIPH's insistence on the issue could have geared up its effectuation.

- ***Facilitating Redeployment***

The Mandate of TIPH II explicitly linked the mission to the agreed-upon redeployment of IDF from H-1 (TIPH Agreement 1996, Art. 1;4). When redeployment dragged out,

the Norwegian Minister of Foreign Affairs threatened to withdraw TIPH, unless progress was made. Again, it is theoretically impossible to assert a causal link from this threat to the subsequent redeployment, but the possibility remains to be disproved.

- ***Disciplinary Action against Soldiers***

With regard to disciplinary action taken against soldiers as a result of TIPH reports, the data material is very scant. There are however some indications that it has occurred. As for TIPH II, The Jerusalem Times reported that,

“one soldier was given disciplinary action as a result of a report. Another report has resulted in an investigation of tire-puncturing by settlers” (Ruggi 1996).

This seems consistent with a report by the Christian Science Monitor saying,

“Mr Yttervik [TIPH spokesperson] says that they had one soldier removed from his post and one settler arrested” (Prusher 1996).

IDF has repeatedly informed TIPH that it has investigated, indicted and punished offenders.¹³⁴ TIPH’s response to such information has often been less than enthusiastic though, its reservations centring on issues such as lacking statistics, lacking impact on general soldier conduct, and lacking will to pursue soldiers after leaving Hebron (PRs II:11; IV:23; VII:11). But TIPH has also noted positive changes, and praised commanders for a genuine interest in the well-being of Hebron’s citizens and for specific steps to improve soldier attitudes (PR II:4;18; PR V:3). However, according to B’tselem, only one out of 49 cases of brutality by Israeli security personnel reported to them between September 2000 and January 2003 had led to conviction (Filkins 2003).

In 2003, 15 Border Policemen were indicted for one killing, threats, theft, obstruction of justice and lesser forms of violence. The Hebron Company was as a consequence disbanded (B’Tselem 2003h:17ff). TIPH’s involvement is unclear, but according to Amayreh (2003) it played “an important role in apprehending three Border Policemen”

- ***Changes in IDF Response to Riots***

While Sørensen’s contention that IDF’s response to riots had changed is susceptible to various kinds of critique,¹³⁵ qualitative data from TIPH III corroborates his general

¹³⁴ See PRs II:11; IV:8; V:3;12; VI:23.

¹³⁵ One should as a rule treat self-referring sources with caution, particularly when the assessment of the self is positive. Moreover, it could be noted, that the reference to IDF conduct is not supported by quantitative data; that Sørensen would

finding that IDF would adjust to TIPH reports. Two periods of curfew in the autumn of 1998 offer an illustrative example:

During the first curfew (21-31 August 1998), IDF was criticised for

- Brutality and humiliation in relation to breakers of the curfew (PR V:11);
- Withholding patients at checkpoints, resulting in the death of two Palestinian babies (PR V:12);
- Allowing the settlers to rampage, steal, and stone journalists (PR V:12).

On the other hand, IDF was commended for,

- Restraint in response to protesters on the borderline between H-1 and H-2 (PR V:12).

During the second curfew (1-12 October 1998), IDF was criticised for

- Clamping down on protesters on the H-1/H-2 borderline with disproportionate force (PR V:13; see also 15).

On the other hand IDF was commended for,

- Determined intervention vis-à-vis rampaging settlers (PR V:13; see also 15);
- Allowing patients to pass through checkpoints swiftly (PR V:13);
- Treating breakers of the curfew leniently (PR V:13f).

There are, as far as I can see, no other factor that can explain the total revision of tactics, applied in similar circumstances within a short span of time, as convincingly as learning from TIPH critique.¹³⁶

- **End to Gun-Pointing**

In 1998-1999, soldiers were reported to have pointed their guns at observers on four occasions (PR V:18; PR VI:14; PR VII:11). The malpractice was initially defended, on the grounds that the soldiers used their telescope sights as binoculars, but TIPH finally got its message through (PR VI:14). This had limited bearings on the situation of Palestinians, though, as soldiers would not stop pointing their guns at *them*.

- **Confiscation of ID Cards**

While the Palestinian charge of IDF soldiers confiscating or destroying ID Cards was frequent during TIPH I, and prevailed until late 1997, later Periodic Reports do not mention this as a problem (WS 6:2; PR II:12).

have a limited time-horizon, not really being able to say what the conduct was like before TIPH came to the city; and that, in any case, he was not himself an observer, but must be regarded as a secondary source.

¹³⁶ I find the possibility that this was written *in order* to demonstrate TIPH's effectiveness to be over-speculative. Due to the organisation of the material, I believe one would hardly detect the pattern above, unless one was consciously searching for signs of TIPH influence. Moreover, TIPH reports make no secret of its failed efforts. Finally, demonstrating efficiency might even prove counter-productive, since it could, theoretically, prompt Israel to shut TIPH down. Other indications that TIPH has influenced the conduct of soldiers may be found in, CPT 18 February 2002; PR II:10;18; TIPH LO (2002 [interview]); TIPH observer (2002 [interview]); Weizman (2000); Wilder (2000;2002[interview]); and by comparing WS 6:1 to WS 8:3)

- **Moderation in General Conduct**

Both in 1994 and during TIPH III, negative changes in the general conduct of soldiers was linked to the arrival of new troops (WS 9:1; PR V:16; PR VII:15). One way of explaining this pattern, is by presuming a gradual improvement in the conduct of each contingent during their service in Hebron. In this scenario, new recruits would upon their deployment reflect a general IDF culture, only to internalise the particularities of Hebron over time. Since the particularities of Hebron would largely suggest a higher conflict level than normal, TIPH stands out as one among very few moderating factors.¹³⁷ In 1997, the IDF commander informed TIPH that he had introduced a training program of cultural sensitivity (PR II:12). TIPH was later reassured that, “Soldiers are informed that bad behaviour is contrary to internal military conduct and ruins the good relationship with the Palestinians” (PR IV:8).

In the subsequent Periodical Report TIPH concluded that,

“TIPH has observed an improvement in the behaviour of the IDF soldiers at the observation posts, as no cases of unprofessional behaviour have been reported since May” (PR IV:9).

However, there are also several examples of non-improvement after promises, and some cases of retraction of promises (PR IV:4; PR V:8; PR IV:9~PR X:10).

- **Opening of the Shuhada Street**

Opening of the Shuhada Street had been perhaps *the prime* objective for the Palestinians of Hebron since its closure in February 1994. The settlers had strongly opposed any such move, because it would endanger the settlement of Beit Hadassah. In the Interim Agreement (1995), the Hebron Protocol (1997) and the Sharm el-Sheikh Memorandum (1999) Israel committed itself to reopening this road and despite partly violent protests, it was gradually opened to public transport in 1999. After September 2000, only pedestrians living in the street were allowed passage (B’Tselem 2003h:28).

- **The Vegetable Market**

Another major TIPH objective, has been the reopening of the wholesale Vegetable Market, which was closed during the unrest following Goldstein’s massacre. Settler opposition to this has focused on two arguments:

- 1) It would endanger the settlement of Avraham Avinu;
- 2) It would be placed on land that belonged to Jews prior to the 1929 massacre.

¹³⁷ TIPH was occasionally invited to present its mandate to soldiers and police officers (PR IV:4).

When TIPH I arrived in 1994, Israel signalled willingness to reopen the Market. When that failed to materialise, a huge demonstration was organised, leading to a nervous stand-off between seething Palestinians and armed soldiers. IDF prepared to use tear-gas in order to spread the crowd. In this situation, TIPH was able to obtain the intervention of Brig. Gen. Spiegel, (outside the chain of command), and instead of using force, IDF let half the Market remain open. It was a short-lived achievement, though, as it was closed down again in the wake of the *Yeshiva students' incident*,¹³⁸ and not reopened during TIPH I, despite intense lobbying (TIPH letter, 31 July 1994).

Market reopening was scheduled in the Interim Agreement, and it appears that some commercial activity was allowed there in 1996.¹³⁹ After that, despite similar provisions in the Hebron Protocol, the Market remained closed. It was discussed in numerous JHC meetings - the Israeli side demanding that a wall be built in front of the stalls, in order to protect Avraham Avinu (PR X:5). To Palestinians, the issue is still unsolved.

- **Eases to Curfews**

TIPH has many times petitioned commanders to ease curfews. During the almost permanent curfew of the Al-Aqsa Intifada, TIPH obtained amnesties for schoolchildren and teachers. According to HOM Jan Kristensen, TIPH was also instrumental in getting IDF to finally end the prolonged curfew (Amayreh 2003).

- **IDF Changes in Approach to Settlers**

According to a B'Tselem report of March 1994,

The Israeli government has been derelict in its duty to protect the life, person, and property of Palestinians from attacks by Israeli civilians in the Territories. The authorities have adopted an undeclared policy of absolution, compromise, and mitigation for Israeli civilians who harm the Palestinians... The Israeli authorities discriminate between Israelis and Palestinians in enforcing the law... (B'Tselem 1994a:82).

Discriminate law-enforcement has indeed been one of TIPH's most frequent complaints. These are some of the issues raised in available TIPH Reports:

- Allowance of Israeli civilians to wear arms, even apparent minors (WS 6:1; PR I:15; V:18; VI:18f;24);
- Allowance of settlers to steal and destroy Palestinian property (PR IV:9f; V:12;18);
- Allowance of violence against Palestinians (PR 1:12; II:13; V:18; VI:24f)
- Allowance of settlers to stay in military positions (PRs IV:9; V:18; X:6f;10);
- One-sided intervention in scuffles, no matter who started the fight (PRs IV:10;14; V:12;17f; VI:25;VII:19);
- One-sided law-enforcement against illegal construction (PR I:13; II:13f);
- Failure to evict Israelis from Palestinian-owned houses (PR IV:12f)

¹³⁸ See Chapter 2, page 14

¹³⁹ Confer Interim Agreement (1995, Annex I, Art VII (7)a); °Atawneh (1996); Fahel (1996); Zananiri (1996).

Armament

With respect to armament, TIPH has achieved little. TIPH did not succeed in having the settlers disarmed in 1994. In 1998, some settlers who *had* been disarmed after the Mosque massacre due to criminal records, had their weapons returned on the initiative of Maj. Gen. Moshe Ya'alon, then O.C. Central Command (Sockol 1998).

Violence and Harassment against Palestinians

When comparing the number of Palestinian deaths caused by settlers to those caused by Israeli security forces, there has been a significant reduction in the proportion of settler killings coinciding with the presence of TIPH.¹⁴⁰ The qualitative material does not show any similar overall trend in non-lethal violence, but there have clearly been periodical fluctuations. Sources indicate an increased risk of violence associated with,

- Fridays and Saturdays;
- Religious holidays and symbolic anniversaries;
- Attacks on Israelis;
- Political uncertainty, due to elections, diplomatic pressure, Palestinian deliberations on cease-fire, etc.

Most of these findings are statistically reviewed below.

In the available TIPH reports, there is a growing tendency of IDF intervention against settler harassment, but as far as TIPH observed, there was “little predictability”, and only Palestinians were arrested - even in incidents clearly fomented by settlers. (PRs IV:10;14; V:12;18; VI:25;VII:19).¹⁴¹ During 1998, IDF kept claiming increasing numbers of Israeli arrests, a claim supported by settler sources, but conflicting with others (Freeman 1998; Sockol 1998; PR VI:25). These arrests were rarely made on the spot, though, and it is unclear whether they were a) made by the IDF itself; and b) made on the basis of direct harassment of Palestinians.¹⁴² Alternative data indicate an opposite development, i.e.: towards softer tactics. For example, AP (1998) reported

¹⁴⁰ During the period of statistical review (December 1987-February 2002), altogether 151 Palestinians were killed by Israelis in Hebron. Of these, 38 were killed by settlers, and 113 by security forces. Only 1 Palestinian was killed by settlers during the period of review, *while TIPH was present*. In comparison, Israeli security forces killed 59 before and between the TIPH missions, and 54 while the observers were in the city. Even if we disregard all the victims of Goldstein's massacre (29), the change in ratio between settler- and security force killings is significant at .05 significance level (Chi square: 4.529 / df=1).

¹⁴¹ There are only two reported arrests of settlers within the available reports. One settler woman was arrested on 28 September 1998, while a man was arrested sometime between November 1999 and January 2000 (PRs V:12; X:9). However, one report stated that “TIPH is aware that the Israeli Police are monitoring the behaviour of a few notorious settlers very closely, investigating them and interrogating them, and even arresting them several times for short periods (PR V:18).

¹⁴² There is data suggesting that settlers had been organising militias, at least since 1997 (RAI 1997a). Such activity would offer another rationale for arrest.

that a new set of secret instructions were given to Israeli security forces not to use live bullets or steel coated rubber pellets against Jewish protesters.

Settler-Soldier intermingling

Concerning Israeli civilians in military observation posts and positions, TIPH in 1998 elicited a commitment from the IDF commander to have that stopped (PR IV:9).

Subsequently, TIPH observed an improvement, but IDF later reverted, defending the malpractice as “not of TIPH concern” (PR X:10). In March 2002, I made one observation of settler children playing inside an IDF armoured personnel carrier.

Destruction of Property, Illegal Construction and Squatting

With respect to destruction of Palestinian property, there is no clear trend. Settlers went on the rampage in 1994, 1998, 2001 and 2002. Throughout the period, there is evidence of confusion among Israeli soldiers as to their powers and responsibilities vis-à-vis the settlers (HRW 2001:53; PRs I:12; II:13; IV:14). On the other hand, there are indications that soldiers have been ordered to clean up after settlers. There are also instances, as exemplified above, of TIPH critique, shortly followed by praise of efficient intervention (WS 6:1~WS 8:3; PR V:15). As for leniency with respect to illegal construction, the charge was made repeatedly in TIPH Periodic Reports (PR II:13f; PR IV:11). It appears that the argument was pre-empted, not by enforcement, but by unilateral legalisation (and funding) of settler construction projects (PR V:18).

There are examples of police evicting settlers from Palestinian houses after TIPH had put pressure on the IDF (PR IV:12f). But there is no clear trend towards firmer policies in this regard. On the contrary, house occupations appear to have increased (B’Tselem 2003h). In some cases, settlers have returned after being evicted (PR IV:12f; V:20;).

Miscellaneous

Other examples of curtailment/law-enforcement against settlers include,

- Conviction of a young settler woman for posting a caricature of the Prophet Muhammad as a pig on the doors of Palestinian homes in 1997;
- Demolition of a shrine commemorating Baruch Goldstein in 1999 (PR X:3);
- Hindering a Purim celebration at Goldstein’s tomb in 2001 (HRW 2001:52);
- Legal proceedings against settler boys who vandalised a TIPH car, endangering its drivers in 2001;
- Eviction of settlers squatting on Palestinian-owned land after the November 2002 al-Jihad attack.

On 1 April 2001, a gas canister exploded inside a Palestinian house in H-2, injuring 6 Border Police officers. The IDF commander accused settlers of having rigged it, and ordered soldiers not to accept food or candy from them (HRW 2001:53).

Despite these examples of apparent influence, it seems clear that TIPH has not been able to improve the general situation of Palestinians in Hebron, or even to halt its deterioration. This is particularly true of those living in H-2. The curfews that used to be of up to 10 days' duration during 1997, were during the *al-Aqsa Intifada*,¹⁴³ practically constant, only lifted for short hours every few days, in order to let Palestinians buy the essential foods and medicine (Knutsen 2003b [e-mail]). For many, the inability to work resulted in dire debts. Meanwhile soldiers fired into civilian areas, hurting persons and properties. Such shooting often came in response to Palestinian fire, but sometimes it appeared unprovoked (HRW 2001:32;35;37). Recent reports of Human Rights organisations and testimonies by private Palestinians raise concerns about a culture of illegal violence among Israeli Border Police, as well as IDF and Police failure to intervene and investigate cases in which Palestinians are victims of settler violence (Banat 2002; B'tselem 2003a;b;c;d;e;h Hamad 2002; HRW 2001:50ff).

Statistics

An observation of TIPH efforts closely followed by a change in IDF policy does not necessarily mean that TIPH *caused* the change in policy. There could be other reasons. To limit the pitfalls of *spuriousness*, and *genuine coincidence*, it is useful to complement the qualitative approach with a statistical analysis at the aggregate level.

Below, I use quantitative data, to answer three questions:

- 1) Has there been a reduction in lethal violence against Palestinians coinciding with TIPH?
- 2) If there *has* been such a reduction, is it limited to Hebron, or is the trend paralleled in other cities?
- 3) Are there other plausible explanations to the variations in violence?

A multiple linear regression (OLS), taking Palestinian conflict-related deaths as the dependent variable, and city-months of Hebron, Nablus, Ramallah and Khan Younis from December 1987 through February 2002 as units, yielded the following results:¹⁴⁴

¹⁴³ The Intifada has lasted since late September 2000.

¹⁴⁴ For a closer explanation of the method and/or examination of the control variables, see Chapter 3.

The model's $R^2 = 0,205$. This means that the assessed variables account for more than 20% of the variance in killings during the city-months in question. The remaining 80% are unexplained by the model. That is not unexpected. As noted in Chapter 3, the model is based on structural variables, leaving all incident-specific circumstances out, and it is obvious that such factors are vital to the decision to fire a weapon, etc.

Table 11: Multivariate OLS Regression. Dependent Variable: Number of Palestinians Killed by Israelis.

Independent Variables		b ¹⁴⁵	β ¹⁴⁶	P ¹⁴⁷	
Constant		-,498		,489	
Time	Month (1-171)	,008969	,197	,358	
	Month ²	,0001762	,171	,052	
Space	Dummy: Nablus	-,03024	-,006	,914	
	Dummy: Ramallah/al-Birah	-,471	-,091	,094	
	Dummy: Khan Younis	-,305	-,059	,279	
Israeli politics ¹⁴⁸	Dummy: Rabin Government	,403	,076	,321	
	Dummy: Peres Government	,155	,014	,825	
	Dummy: Netanyahu Government	-,208	-,038	,778	
	Dummy: Barak Government	-,420	-,060	,707	
	Dummy: Sharon Government	,379	,043	,794	
	Dummy: Israeli Elections Announced	-,122	-,018	,714	
Palestinian politics	PNA in place	-,428	-,095	,306	
	Declared Intifada	,04912	,011	,889	
Cultural factors	Palestinian days of significance	,02186	,055	,124	
	Jewish days of significance	,004038	,005	,883	
Conflict killings	Number of Israelis killed within city-month	1,416	,240	,000	
	No. of Palestinians killed in <i>previous</i> month	,242	,230	,000	
Observer variables	TIPH presence	-,119	-,016	,919	
	Number of TIPH observers	,002484	-,037	,757	
	Interaction variables	TIPH * Likud in Government	,329	,038	,578
		TIPH * Israelis killed	-2,096	-,133	,001
	CPT presence	-,03642	-,005	,953	

Time: The Time variables indicate that the general trend of Palestinian Deaths throughout the period examined have initially fallen, and then risen again. Notably,

¹⁴⁵ Unstandardised Coefficient

¹⁴⁶ Standardised Coefficient

¹⁴⁷ Significance Indicator, showing the probability of the result under statistical independence. As long as $p < 0,1$ the result is significant at the 10% level.

this trend is not sufficiently explained through the other variables entered, as it remains significant at the 10% level despite statistical control.

Space: Not surprisingly, there are differences in the general level of violence against Palestinians in the cities examined. The findings reinforce the impression of Hebron as a particularly violent city, but only Ramallah/al-Birah is significantly safer.

Israeli Politics: The findings indicate that shifts in Israeli Governments *per se* scarcely affect the violence suffered by Palestinians. There are furthermore no systematic reductions/increases associated with election campaigns.

Palestinian Politics: In themselves, declarations of Intifada do not imperil Palestinians significantly.¹⁴⁹ There are indications that the security of Palestinians has improved as a result of the establishment of the PNA, but the finding is not statistically significant and the possibility of coincidence remains.

Days of significance: Perhaps surprisingly, Jewish holidays do not in themselves increase the danger to Palestinians. On the other hand, it is quite plausible, that the chance of being killed increases during months associated with Palestinian remembrance, although the finding is not statistically significant.¹⁵⁰

Israelis killed: The single strongest determinant of Palestinian conflict-related deaths is the coinciding killing of Israelis. However, the data do not say which killing took place first and which one is the “cause” of the other. On the other hand, there *is* evidence of a pattern of crises, i.e.: killings are responded to in kind whenever they occur, and come in waves, rather than lie at a steady level. The highly significant auto-correlation variable only reinforces this picture.

¹⁴⁸ Reference Category = Governments led by Yitzhaq Shamir (December 1987- June 1992).

¹⁴⁹ As will soon become clear, this is a truth with some important qualifications.

¹⁵⁰ The finding is almost significant at 10% significance level.

Observer variables: The fact that most of the observer variables are insignificant should not be taken as evidence that observers do not matter. On the contrary, the main finding is positive, namely that there is extremely good reason to believe that the presence of observers (whether they are from TIPH or from the CPT) reduce the danger to Palestinians in months of crisis, i.e.: months in which Israelis are killed.¹⁵¹ Apart from such crises, however, there is no discernible ameliorating effect.

- **Variations of the Analysis**

I repeated the analysis, but changed the dependent variable so as to count only the deaths of *civilian* Palestinians. The findings closely resembled those described above.

In a third and fourth analysis, I compared the effect of observers upon the number of *Palestinians killed by Israeli civilians* as opposed to *Palestinians killed by Israeli security forces*. It appeared that the ameliorating effect of observers in times of crisis was confined to the threat from security forces, i.e.: no significant effect was established in relation to killings committed by settlers. This was rather surprising, considering the above-mentioned structural change of conflict coinciding with the observer presence.¹⁵² With respect to deaths caused by Israeli civilians, all the cities of comparison were significantly safer than Hebron.¹⁵³ Moreover, *Number of Palestinian days of significance*, correlated positively with number of deaths caused by Israeli civilians, while *Declared intifada* and *Existence of a Palestinian Authority* significantly *reduced* the danger posed by settlers.¹⁵⁴ As for security force killings, *Declared intifada* significantly *increased* the threat to Palestinians. The structural shift, implying that settlers kill relatively fewer Palestinians, while soldiers kill relatively more, should not be attributed to TIPH, but to political factors.

¹⁵¹ The finding is statistically significant at 1% significance level.

¹⁵² See footnote 140, page 93.

¹⁵³ Nablus: $\beta=-,144$ / $p=,015$; Ramallah/al-Birah: $\beta=-,140$ / $p=,018$; Khan Younis: $\beta=-,137$ / $p=,020$.

¹⁵⁴ Palestinian days of significance: $\beta=,079/p=,041$; PNA in place: $\beta=-,288/p=,005$; Declared Intifada: $\beta=-,274/ p=,001$

Chapter VI: How Does TIPH Work?

Introduction

Although the situation of Hebron’s Palestinian population has fluctuated, and in many respects deteriorated during TIPH’s presence, there is, as shown in chapter 5, reason to believe that TIPH has served as a buffer, inhibiting an otherwise even more serious development. This is remarkable, given the weakness of the underlying theory and the mainly contradictory expectations of realism. In this chapter, I assess various hypothetical explanations of TIPH’s effect. For the sake of visualisation, I use a set of informal models corresponding to the theories of violence introduced in Chapter 3.

Table 12: Relevant Conceptualisations within the Realist and the Humanist Perspective

Perspective	Basic unit	Motivation for violence	Conflict	Peace	Means of averting violence	Conflict solution	Third party role
<i>Realism</i>	Proactive, rational <i>actors</i>	Interests, Security	Structural / Objective / Instrumental	Negative peace	Deterrence, Punishment	Compromise settlement / Separation	Enforcement (Peacekeeping)
<i>Humanism</i>	Reactive, emotional <i>subjects</i>	Fear, Anger, Frustration, Imitation, Norms	Processual / Subjective / Provoked	Positive peace	Appeasement, Accommodation	Resolution / Integration	Peacebuilding (Peacekeeping)

Assessing TIPH from a Realist Perspective

From a political realist point of view, these would be natural objections to TIPH:

- TIPH does not have an enforcement mandate;
- TIPH does not have weapons - the symbols of power that might possibly render enforcement superfluous;
- The separation of forces in Hebron is imperfect;
- The relevant “forces” in Hebron comprise irregulars/civilians on both sides, which means that central authority is at best informal, and the potential for disciplining rejectionists is limited.

The initial prediction of realism would be that TIPH should have no effect, and in so far as it did, the effect would be counter-intentional, i.e.: to encourage Palestinians to futile opposition, and, given the Israeli superior capabilities, disaster. Yet, there are a few potentially ameliorating functions reconcilable with realist logic:

- Information transmission (In so far as Hebron can be regarded as an Assurance game);
- Boosting of the *peace dividend*;
- Linking of the local game to games played by Israel at the international level.

- TIPH as a Window

The first conceivable function of TIPH within the realist perspective would be to convey enough reliable information between the parties to feel trusted, so that one

need not fear the fear of the other. Since enhancement of transparency would only have a pacifying effect in Assurance games, these questions arise:

- *Is Hebron an Assurance game? If temporarily, when?*
- *Did the parties expect TIPH to enhance transparency sufficiently to pre-empt the rationale for pre-emption?*

At first glance, it would seem possible to construe Hebron as an Assurance game. The fact that Israel allowed the PNA to take security responsibility in the major part of the city indicates that Israeli decision-makers prioritised the lighter administrative burden above the loss of direct control. In other words, co-operation was preferred to hegemony. This is consistent with the Oslo process as a whole, with Israeli withdrawal from H-1 after raids, and with the recurrent plans for Israeli withdrawal from Gaza, etc. Counter-arguments could be drawn from assertive statements by Israeli leaders, from the fact that redeployment only came about after intense international pressure, and that the burden of administration was only marginally relieved. It is harder to support assurance game preferences on the Palestinian side. There is little doubt that the PLO/PNA preferred unilateral control of the city, to shared control. But in a larger perspective, it seems plausible that the PLO/PNA would not stake the benefits of a continued peace process on full control in Hebron. It is furthermore possible to argue that the relevant decision-makers preferred a compromise with Israel to all-out victory, and that the disciplining capability of the PLO/PNA was sufficient to guide the policies of PPF locally. This would seem empirically supported by the fact that PPF intervened against rioters in Hebron. Also Mayor Natshe's assurances of rights for the city's Jews, as well as promises of quiet by Jibril Rajoub, the Commander of the Preventive Security Forces in the West Bank, could be taken as indicative. On the other hand, TIPH's appraisal of PPF was not always positive, and Palestinian co-operation was, it appears, hesitant for as long as it lasted (PR IV:6).

So what about TIPH's information transmission, or rather – *the parties' expectations* of the co-ordinating mechanisms of the Hebron regime?

In 1994, IDF used TIPH to assure the Palestinians of their intention to re-open the Abraham Mosque and to show that the pipeline system was not rigged to favour the settlements. Similarly, TIPH II was offered by the Peres government as a confidence

building measure (Lia 1998:62f). As for TIPH III, some early events must have had a corrosive effect on the climate of trust:

- The unabated construction projects in H-2;
- The initiation of the Har Homa construction project (March 1997);
- The controversy over the wall that was intended to protect Avraham Avinu from the Wholesale Market, and the subsequent non-opening of the Market (March 1997);
- The killings of four Palestinians (April 1997);
- The clashes, in which PPF did not decisively intervene, and in which many Palestinians were injured, including PPF officers, allegedly shot in the back by IDF soldiers, while attempting to hold back the protesters (March-July 1997);
- The standoff between IDF and PPF at the Tarkumiyah road, a contested spot (July 1997).

Despite this, TIPH did report of increasing co-operation between the security forces. TIPH was not, however, included in the day-to-day working relationship at the DCO, which suggests that the parties must have viewed themselves as better off without third-party meddling. In time that was partly rectified, and some TIPH reports give an impression of genuine concern among the Israeli JHC representatives for the well-being of the city's Palestinians, and of a forthcoming attitude on both sides at the liaison level. Still, the question remains, if the parties appreciated the robustness that only a third party might add to a co-operative arrangement between historical enemies. The parties seem, with some notable exceptions,¹⁵⁵ to have played with "hidden cards", and did not use TIPH actively to reassure each other, or to signal trust.¹⁵⁶ TIPH might have undermined its credibility as an information transmitter with statements such as, "TIPH cannot be present at all times", but it must be remembered that intelligence transmission was not a mandated task of TIPH. Eventually, TIPH was accused by individuals on both sides, of delivering intelligence to the adversary. Whether or not there was any truth in these claims, the episode shows that the accusers did not trust each other, and were therefore not attuned to the logic of transparency. Given the displayed attitudes, I believe it is fair to say that Hebron did not constitute an Assurance game after Summer 2000, and in so far as it did, TIPH did not reduce the prospects of offensive action to the degree that pre-emption lost its relevance.

¹⁵⁵ One example could be the co-ordination of settler transports to Tel Rumeida, passing through parts of H-1 during the reconstruction of Shuhada Street in 1997.

¹⁵⁶ For example, IDF denied TIPH access to places within AOR, and prevented photography (PR IV:4). Moreover, IDF did not give TIPH information on detainees that could have reassured relatives of their humane treatment (PR IV:4).

- **TIPH as Santa Claus**

To what extent did TIPH increase the lure of peace by offering decision-makers side-payments, contingent on conciliation?

The paradox is that, security for the Palestinians would initially have to be bought from the Israelis. However, TIPH invested almost exclusively in Palestinian companies through lease of cars, real estate, provisions, etc.¹⁵⁷ Thus TIPH did not have much to offer local Israeli decision-makers, except for honourable review.¹⁵⁸ (And in conflict, even praise has a tinge, when coming from a non-ally). Nevertheless, if TIPH could induce Palestinian decision-makers to pursue conciliation, that would be in Israel's interest, and in the personal interest of IDF officers in Hebron, since superiors would equal quiet with control.

As regards payments through honourable review, my personal impression of the available TIPH reports is that, in many cases, TIPH missed opportunities to credit Israeli officers for positive action.¹⁵⁹ By this, I do not mean that the reports were out of tune with reality. Moreover, unduly laudable reviews would clearly have provoked the Palestinians. Still, the question remains, if more could have been achieved through widening the gap between the stick and the carrot - by offering more carrots?

As for conciliation,¹⁶⁰ from the IDF point of view, the question was whether co-operation or unilateralism was the more efficient means of delivering quiet. TIPH did put its weight behind Israeli demands for Palestinian riot control, and during TIPH I there is evidence that IDF valued TIPH's contribution (Susser 1994). Also during TIPH II, there was little violent Palestinian activism, and although TIPH has probably represented an annoyance to local Commanders, it is possible that individuals on

¹⁵⁷ Eltervåg (2002), speaking of the preparations in 1994 stated, "Our basic philosophy was that everything which might be obtained locally, should indeed be bought locally – in Hebron or in the West Bank. The cars were leased in East-Jerusalem." The communications equipment, however, was bought in Israel (Johansen 2002a).

¹⁵⁸ This being said, it is not wholly unlikely that TIPH has functioned as a catalyst for Israeli business in Hebron. TIPH did facilitate meetings between the HRC and Israeli engineers and architects with the aim of engaging them in reconstructing the Old City (PR V:7;VI:12;VII:9). According to Salam (a [internet site]), the Israeli engineering company *Tahal* obtained a \$ 570,000+ drilling contract in Hebron in 1996. Amnon Lipkin-Shahak, the Israeli signatory to the first TIPH Agreement and IDF Chief of General Staff at the time of the closing of the contract, later became *Tahal's* chairman of the board.

¹⁵⁹ The 10th Periodical Report is a partial exception.

¹⁶⁰ Technically, Palestinian conciliation would not constitute a side-payment, but a genuine payoff of the game.

higher levels continued to believe in TIPH's influence throughout the period of de-escalation 1997-2000. After the eruption of the Al-Aqsa Intifada in late September 2000, IDF hardly viewed TIPH as capable of inducing Palestinian conciliation, and IDF has relied on unilateralism to the extent of blowing up the PPF Headquarters, sacking police stations, and releasing prisoners.¹⁶¹

The prospect of TIPH acquiring a position of patronage vis-à-vis rejectionist groups is problematic and would scarcely gain consensus among TIPH's internal and external veto-holders. It is nonetheless clear that TIPH has had contacts with both the settlers and Hamas (TIPH Evaluation Report 1994:6). If such contacts ever proceeded to the point of exhorting moderation is doubtful. My impression is, that TIPH's primary concern has been to present itself as something other than an enemy, thereby reducing the danger to its members.

All in all, TIPH has not been able to inflate the peace dividend of Israelis directly. The asymmetry of the conflict has nonetheless made payments to the Palestinian side acceptable, in so far as there has been a chance of indirect payoff for the Israelis. When such benefits ceased to materialise, TIPH lost its relevance as a tool in the eyes of Israeli decision-makers.

- **TIPH as a Hostage I**

Has TIPH been able to strengthen the security of Palestinians through identification, i.e.: by making Israeli excesses against Palestinians impossible without simultaneously hurting TIPH - thereby turning IDF conduct in Hebron into an issue of foreign policy?

A premise of the hostage function in a realist framework would be that Israel was at all concerned with its image in the TIPH-contributing countries. Thus, the widening of TIPH would seem a strengthening factor, while the disproportionate weight of distant, small countries, would seem an inhibiting factor. These are arguments in support of the hostage hypothesis:

¹⁶¹ The information that IDF has released prisoners was taken from the Internet site of the *Palestine Solidarity Campaign*, citing Mayor Natshe (PSC 31 January 2003). It should be treated cautiously.

- IDF released a curfew in 1994, just after the Danish Minister of Foreign Affairs had signalled disapproval, indicating sensitivity on the part of Israel to foreign protest;
- In 1994, one TIPH observer stated his intent of shielding protesters physically, and an IDF Liaison Officer reported in his diary difficulties of holding IDF fire in such situations (Immanuel 1994b; Rodan 1995);
- After repeated protests, and presumably high-level intervention, IDF soldiers ceased to point their weapons at observers;
- Other decisive acts taken at the political level in Israel may very plausibly be linked to diplomatic pressure.¹⁶²

Still, substantial evidence goes against the “diplomatic path/hostage model”:

- TIPH observers did not intentionally place themselves between IDF and Palestinian protesters after 1994;
- TIPH observers were, at least since January 1997, ordered to avoid areas of shooting and stone-throwing;
- IDF has returned fire against Palestinians operating near the TIPH HQ, and even hit the building;
- Palestinians may have operated under TIPH guise;
- Diplomatic protest has required time-consuming co-ordination, and there have been frictions over whether to follow up every incident meticulously, or whether to take general political developments into account;

If TIPH observers neither acted as hostages, nor were considered immune, any hostage function would seem infeasible. It appears that IDF has not compromised on the security of their forces during ongoing operations for the sake of TIPH, while on the other hand, the Israeli government has made structural adjustments as a result of TIPH petitioning through diplomatic channels.

- **TIPH as a Spotlight**

To what extent has TIPH been able to attract world-wide attention to the plight of Hebron’s Palestinians, thereby eliciting pressure on Israel?

Apart from 1994, TIPH has been cautious not to criticise authorities or agencies in public statements. Reports have been confidential. Yet, the mission has over years received a huge number of diplomats, journalists, politicians, etc., and has often given them a tour of the city (PR IV:3). It is highly probable that TIPH has drawn focus to the city that would otherwise not have been there. Although TIPH has been diplomatic in its references to Israeli policies, my impression is that most of what has been written about the city, at least if we exclude Israeli and American, articles, does not reflect well upon Israel. Just by catalysing interest, TIPH may indirectly have contributed to a discourse that is critical of Israel. Obviously, the critical attention of foreigners does not always amount to political pressure. To what extent the aroused dismay of visitors

¹⁶² Examples could be Redeployment in 1997; IDF withdrawals in 2001 and 2002; removal of settlers from land occupied in the wake of the November 2002 *al-Jihad* attack (See e.g.: .Aftenposten 26 November 1996; 19 December 2002) and, finally; modifications of- and ease to the curfew in 2003.

is translated into palpable action, is a question I shall have to leave unanswered. What is clear is that even the intense pressure put on the Rabin Government after the 1994 massacre was not enough to make Israel withdraw its settlers. Israel has since responded by accepting TIPH, by temporarily disarming some settlers, by redeploying, and by trying certain violators. However, these concessions were all possibly due, at least in part, to domestic politics. Today TIPH attracts very little attention.¹⁶³

The observers, when returning home, may influence public opinion. Some may rise to positions of power. According to Bjørnsgaard (2002 [interview]),

“After they are done with their service, the observers tend to be sceptical of Israeli government policies. They take this home to their valleys and villages and disseminate their experiences.”

On the other hand, there are factors limiting this effect:

- Settlers use information on what former observers have written or said about Hebron to substantiate their claim that TIPH is an Anti-Semitic organisation (Wilder 2000; 2002 [Interview]; 2004);
- When signing up for service, TIPH members pledge not to reveal information on incidents or persons that come to their attention, in their capacity as observers (TIPH Observer 2001; Indreberg 2004 [Interviews]).

Assessing TIPH from a Humanist Perspective

Does TIPH operate largely in the realm of *drives* - rather than that of *interests*? Below, *gut* explanations of TIPH's success are scrutinised. The models are organised into four groups, namely hypotheses of *fear*, *frustration/anger*, *imitation* and *norms*.

Models of Fear

Whereas fear in the realist perspective is generally taken as a prerequisite for peace,¹⁶⁴ the humanist perspective sees fear mainly as a destabilising factor. May TIPH's effect be attributable to its ability of reducing fear?

- TIPH as a Diversion

The *Diversion* model is meant to capture TIPH's possibly reassuring effect upon Israeli soldiers in the streets of Hebron. Does TIPH infuse a certain familiarity in an otherwise unnerving environment, thereby reducing the stress level and deflating what could otherwise have developed into incidents?

¹⁶³ According to Indreberg (2004 [e-mail]), HOM Kristensen, who led TIPH during 2003 had no contact with Israeli journalists during the last 9 months of his tenure. His contact with Palestinian journalists and journalists from the TIPH-contributing countries amounted to ca. 1 per month. From other countries, there were ca. 2 interviews per month.

¹⁶⁴ A balance of power can only be stable in so far as the actors fear each other. The exception is situations in which actors are non-predatory, for example, Assurance games.

Since I was not allowed to interview IDF soldiers, this hypothesis is very hard to assess. What is clear is that TIPH has often emphasised its presence *per se*, when asked about how it ameliorates the situation.¹⁶⁵ The soldiers I observed appeared contained, and one greeted the TIPH team. Another asked me if I wasn't afraid to be in Hebron - and declined to reply when I returned the question, after having answered in the affirmative. According to one TIPH member, conversations between soldiers and observers are rare - but amicable (TIPH Observer 2001 [interview]). The gun-pointing incidents in 1998-99 show that friendliness has not always prevailed, but it is perhaps too simple to assume that a cold TIPH-IDF climate would detract from the entertainment effect of observers upon soldiers.¹⁶⁶ In any case, the employment and disposition of women within TIPH may be relevant in this perspective.¹⁶⁷

- **TIPH as a Sugar Pill**

The *sugar pill* parable hinges on the notion of a *placebo effect of peacekeeping*: Does TIPH work simply *because* the Palestinians *think* it works? I.e.: Is the presence of observers misconstrued as a real protection, thereby reducing fear, stress and hostility - again resulting in fewer confrontations?¹⁶⁸

The Placebo hypothesis is fascinating, because it means that Palestinian security could be improved simply by manipulation of Palestinians, not Israelis. Contrary to conventional logic, *belief in security* is antecedent to *actual security*.¹⁶⁹ What says the empirical evidence?

Despite many references to appreciative Palestinians in TIPH reports, it is hard to build the case that TIPH's effectiveness was due to inflated Palestinian confidence.¹⁷⁰

¹⁶⁵ See for example Ruggi (1996:9); Valve (2000:25); TIPH LO (2002 [interview]).

¹⁶⁶ For example, the placing of a dog's skull on a TIPH flagstaff can hardly be counted as a good-spirited act, but its effect upon the acting soldier and his comrades may nevertheless have been one of enjoyment/exhilaration/relief.

¹⁶⁷ For an interesting gender-focused analysis of TIPH, see Hostens (2003).

¹⁶⁸ The visible symbolic victories of TIPH, such as Johansen's redirection of the IDF lorry, the openings of roadblocks etc., are clearly relevant in this perspective.

¹⁶⁹ This model corresponds to Elster's (1983) concept of *non-standard causation*. Security, like sleep, is a state that cannot be willed, and yet, a necessarily futile attempt to achieve it can make it come about - in a non-standard way (Elster 1983:43ff).

¹⁷⁰ According to Suzanne Ruggi, Journalist of The Jerusalem Times, "Spend five minutes chatting with Hebronites about TIPH in the marketplace and you will pick up the general feeling: 'TIPH do nothing,' or 'They are just tourists who eat Kanaffeh.'"(Ruggi 1996:9).

Even at the time of its inception, TIPH was derided by Palestinian commentators for being impotent. The scant polling material and conversations with Palestinians during my field trip, further suggest that TIPH has had a lasting credibility deficit, and the mission has even been accused of spying for Israel.¹⁷¹ On the other hand, Lia (1998) comments on the polls that,

The results of these polls were nonetheless better than one could predict. The polls covered all of Hebron while the TIPH mainly concentrated its operations in the Old City. Thus, only a minority of the Hebronite population – mainly the Old City residents could be expected to experience the benefits from the presence of the TIPH. Furthermore, the Palestinians had demanded the dismantling of the Jewish settlement after the massacre; when they got the unarmed TIPH, it was easily seen as a move designed to legitimate the Jewish enclaves in the City and preserving status quo. For this reason, many would arguably object to the TIPH presence, irrespective of its actual performance (Lia, 1998:59).

Even if we accept that the polls gave an accurate description of the (conscious) assessment of Palestinians, one could maintain that the psychological impact of TIPH might have been at a deeper-, subconscious level, or that, even reassuring a minority of the citizens might have had a pacifying effect. The former line of argument is consistent with the thesis that *the most perverse lie, is the one most likely to be believed*. Seeing such overtly powerless observers being accepted by the PLO, one might have *sensed* that the regime contained more than met the eye. When improvements began to show, TIPH was credited.

The second line of argument would imply that reassuring part of the populace would reduce the overall number of confrontations with the IDF in proportion to the quota reassured. This might be measured.

Between January and October 1997, the proportion of Hebronite civilians expressing faith in TIPH's ability to reduce incidents increased by 8.2%. The TIPH-reported number of clashes rose sharply in March, remained moderately high through July, and

¹⁷¹ In the autumn of 1998, TIPH summed up the findings of a poll thus: "Poll conducted among 500 Hebronites showed that: "There seems to be a lack of trust in TIPH's ability to provide a feeling of security to the Palestinians. A majority of the people questioned believes that TIPH has not contributed to reducing the number of incidents between the Palestinians and the Israelis. This is mainly due to the fact that many Hebronites consider TIPH's mandate as too weak and its means insufficient to meet their expectations" (PR IV:2). As for my conversations with Palestinians in Hebron in February and March 2002, their typical attitude towards TIPH would seem inconsistent. When asked about their opinion on TIPH, most would answer "good". When asked about whether TIPH was able to improve the situation for the Palestinians of Hebron, most would answer "no". When asked about whether TIPH might as well leave the city, most would answer "no".

fell gradually towards October. All in all, *clash intensity*¹⁷² decreased by ca. 98.4% between March and October 1997. The IDF redeployment and the enlargement of TIPH was agreed on in mid-January, and the bulk of the expanded contingent was in place one month later. The fact that TIPH's expansion preceded a steep rise in violence suggests that TIPH's credibility gain by October was due to its increased visibility, rather than its pacifying impact.¹⁷³ In other words, faith could be seen as unaffected by the number of incidents, and thus as the *independent* variable.¹⁷⁴

There are, however, other good reasons for questioning the placebo hypothesis. First of all, most clashes have involved only a limited number of stone-throwers, and data suggest persistent involvement by youth from *surrounding villages* in which the IDF presence is less heavy. Violence in locations of choice involving demographic segments is more amenable to rationalist explanations than to “emotionalist” ones.¹⁷⁵ Moreover, the quantitative data offered by B'tselem indicate that TIPH's main impact is traceable to situations in which Israelis have been killed. TIPH does not significantly reduce violence against Palestinians in day-to-day situations, but in situations of high tension, where retaliatory acts are likely. If the placebo hypothesis were true, we would expect the violence against Palestinians to follow a steadily falling slope over a long time-period, perhaps reverting to pre-TIPH levels once the “emperor lost his clothes”. The finding that TIPH's effect is incidental, not general, does therefore contradict the placebo hypothesis.

- **TIPH as a Peacebuilder**

Has TIPH strengthened the security of Hebronites by furthering trust, understanding and integration between local civilians, Muslim and Jewish?

¹⁷² Here defined as ‘number of people involved in clashes divided upon number of days of clashes – by month’. Source: PR VII. (The numbers are approximate, as they were read off a diagram, not a table. The copy of the report, provided by the Norwegian Ministry of Foreign Affairs, was somewhat dark).

¹⁷³ The polls show that support for TIPH was higher in those parts of the city where TIPH was most active (TIPH Internal Memo, 19 November 1997:2). This could be taken as reflecting TIPH's economic input or the socio-political composition of Hebron, rather than TIPH's peacekeeping contribution. However, the question read: “Do you believe that by their being in the city of Hebron, the TIPH observers have provided a sense of security to the Palestinian citizens?” (TIPH Internal Memo 14 October 1997).

¹⁷⁴ The counter-argument would be that, by October, respondents sensed de-escalation. With a limited memory, de-escalation, not escalation, was associated with TIPH. Moreover, one should not ignore the possibility of a spurious relationship. For example, TIPH could have changed its modus operandi in a way that increased its visibility and at the same time reduced its report output, irrespective of the actual development on the ground.

Valve (2000:27) refers to activities of TIPH's Community Relations Division as "peacebuilding". However, her examples are all projects that were aimed solely towards the Palestinian community. Building confidence in TIPH was one objective of these programs, but they were hardly meant as a bridge between the Palestinian and *Jewish* communities.¹⁷⁶ Thus, I would define them as humanitarian aid rather than peacebuilding.

Yet it is clear that TIPH *has* initiated some programs of genuine peacebuilding. In 1998, TIPH hosted a meeting between Israeli and Palestinian students, including lectures and debates on the situation in Hebron. TIPH also sponsored a "people-to-people" agricultural project, and a renovation project for the Old City involving Israeli architects and engineers (PRs V:7;VI:12;VII:9).¹⁷⁷ Significantly, though, these projects brought together local Palestinians with Israelis from *Israel proper* - not from Hebron.

The Hebron security regime, of which TIPH was a part, might itself fall under the definition of peacebuilding. The pro-argument for such a classification would be that, it institutionalised a co-operative structure aimed at reducing violence. The counter-argument would be that it contained no vision of further integration, making *peacekeeping* a more suitable label. TIPH did express a wish to present itself as an "agent of stability for both sides", and to "embark upon a course of *bridge-building...*"(PR I:14). In practice, this seems to have stranded on the opposition of the groups in question, but there has probably also been reluctance within TIPH and in the Capitals of the contributing countries, since it would mean condoning colonisation. All in all, TIPH's effect is not due to integration at the community level.

Models of Frustration/Anger:

Is TIPH's effect attributable to its ability of relieving frustration, defusing the anger that would otherwise have led Palestinians to affective violence?

¹⁷⁵ It seems far-fetched to assume that young men should be more scared than the average citizen, and that those living far from the IDF concentration should be more scared than those living close to it.

¹⁷⁶ Another objective was probably to create support, and hence, security, for the mission members.

¹⁷⁷ Palestinian Environmental Authorities initially objected to the agricultural project (PR IV:2).

Conventional psychological theory holds that pre-frustrated individuals, in any given situation are prone to aggress more intensely than non-frustrated ones (Mackal 1979:15). Thus, TIPH could theoretically operate at two levels, i.e.: either by averting incidents through lowering the general level of frustration, or through deflecting outbursts of momentary rage, once they occur.

- **TIPH as an Air-Conditioning Machine**

The function of “cooling the atmosphere” was focal to the designers of the first TIPH Agreement (1994), as expressed in Article 1:

In response to the unique situation created in Hebron in the aftermath of the massacre, a temporary international presence will be established ... The TIPH will assist in promoting stability and in monitoring and reporting the efforts to restore normal life in the city of Hebron, thus creating a feeling of security among Palestinians in the city...

Several TIPH I community projects were aimed at reducing stone-throwing (CAS 1994:3f). “Tension” has remained a standard concept in TIPH reports, and although less expressed, the rationale of soothing Palestinian grievances in order to forestall clashes has likely inspired the choice of projects throughout TIPH III. The principles appear to have been,

- Relieve needs, the most urgent ones first;
- Offer people fulfilment through non-violent activities, i.e.: leisure, sports, education, economic- or material improvements;
- Contribute to equality along the axes of gender, socio-economic status and health status (Confer PR II:16f).

All these principles lend themselves well to psychological theories of frustration/catharsis (Mackal 1979, Maslow 1970, Hernes and Knudsen 1992).

It is naturally hard to evaluate the peace-promoting impact of these projects in the absence of counterfactual history. Here are some sceptical remarks:

- TIPH is a small organisation, and Hebron has a large population.
- Most TIPH projects are short-term. The level of day-to-day frustration would arguably revert to normality after the project finished, unless lasting improvements were achieved;
- Even if lasting improvements *were* achieved, it is not normal to stay satisfied without further improvements over time, or at least, the promise of further improvement;
- In the Old City, the symbols of occupation are so pervasive, that one simply cannot get diverted;
- Even if equality would mean less frustration to the emancipated, it would mean more frustration to the deposed, and reactions are foreseeable, possibly making the situation worse than it was.¹⁷⁸

¹⁷⁸ This opens the prospect that Islamic-, corporate-, organisational- and private opposition to TIPH was not ideologically motivated, but were in part expressions of interest, defending the status quo of Intra-Palestinian power-structures.

On the other hand, TIPH has engaged a large number of Hebronites in peaceful, developmental, projects, and has achieved practical solutions to individual and collective problems, without which life would have been considerably more frustrating. I doubt however, that TIPH has lowered the aggregate adrenaline level of the Palestinians enough to significantly reduce the propensity for violent confrontation. Moreover, Palestinians have reportedly in many cases become victims of violence without behaving aggressively first.¹⁷⁹ Since such events are often *followed* by violent Palestinian protest, violence might be seen as a *cause* of Palestinian frustration, as much as a result.

- **TIPH as a Lightning Rod**

According to Buss (1966), violence should not be seen merely as a function of frustration. Subjects may be frustrated and angry, yet remain un-aggressive until exposed to painful stimulation or *cues of attack* (Mackal 1979:13ff). Might TIPH have diverted the aggression of Palestinians in specific confrontational situations, allowing them to work off their anger in a setting or manner that was less dangerous?

TIPH reports indicate two typical friction scenes:

- IDF checkpoints in and around the city;
- IDF observation posts erected on top of houses in which Palestinians are living.

TIPH has been particularly attentive to such scenes, and one car was designated to assist Palestinians with soldiers on their roofs (Valve 2000:25f). But the observers have not in general kept checkpoints and observation posts under constant surveillance. The data is not conclusive either on the tendency of IDF to conduct repeated, and according to TIPH, unnecessary, ID checks, or on the practice of ID confiscation/destruction. But the fact that these complaints do not appear in recent reports of Human Rights organisations might indicate an improvement.¹⁸⁰ These are functions of relief that TIPH has probably served:

- *Being seen*: Palestinians have in many cases known that their treatment was being observed;

¹⁷⁹ See for instance, Smilden (1996); B'Tselem (2003a;b;c;d;e;f;g:h:8); Caton (2002); Fabel (1996); Filkins (2003); Hamad (2002); HRW (2001:32;35;37); Norsk Folkehjelp (2000:12); PR; Prusher (1996); Zananiri (1997)

¹⁸⁰ It is of course possible that these topics are no longer on the agenda because the curfew limits traffic anyhow, or because graver matters have taken precedence.

- *Having a recourse*: Palestinians have known that they had an immediately accessible instance of redress, however imperfect;
- *Being taken away*: Observers have taken Palestinians from the trouble-spot for interviewing, thereby removing the cue of attack from sight;
- *Speaking freely*: Observers have interviewed Palestinians, perhaps working as a substitute for psychological counselling;
- *Being taken seriously*: Palestinians have been informed about the proceedings of their particular complaints.

On the other hand, several factors have worked to inhibit these functions:

- Formal and practical impediments to observation, such as number- and mobility of observers and restrictions of powers, notably the power to intervene;
- Dependency of Palestinians on ID cards, which in the case of checkpoints are in the hands of the controlling soldier, deterring the Palestinian from turning to the observers for assistance;
- IDF refusal to let observers talk to detainees (PR VI:14;19f);
- Prohibitions on transporting non-TIPH personnel in TIPH cars;
- Fear of consequence from talking to TIPH;
- IDF reluctance to deal with alleged reports, leading TIPH in many cases to suggest that complainants turn to Israeli authorities for redress.

It may be repeated that, anti-Palestinian violence in many cases did not arise in the context of ID-checks, and if it did, it did not always require aggressive attitude on the part of the Palestinian. Since September 2000, there has been very little Palestinian traffic in H-2. It seems that TIPH has had scant direct restraining effect upon Palestinian congregations intent on violent protest - the setting in which most injuries and killings have taken place.¹⁸¹ Settler violence remains a factor. Nevertheless, the food deliveries organised by TIPH might have averted mass disobedience of the curfew regulations, possibly preventing disaster. The “lightning rod” hypothesis remains moderately plausible.

Models of Imitation:

Imitation could take two forms:

- The willed following of positive role-models; or;
- The compulsive copying of examples whether they are perceived to be positive or not.

Has TIPH succeeded in shaping the conduct of Israeli and Palestinian role models, or to erase, or substitute, violent images from the retinas of subjects?

- **TIPH as an Eraser**

Evaluating the former mechanism hinges on a differentiation between role models and followers – a hazardous task. The general imitation hypothesis, suggesting that

¹⁸¹ TIPH did probably in the 1990'es elicit PPF anti-insurgency. That effect would be *indirect*, and in so far as the moderation of violence were due to PPF enforcement rather than to the pacifying impact of facing “fellow” Palestinians rather than IDF, we would be dealing with rational mechanisms rather than emotional ones.

subjects resort to violence because they have it fresh in mind, fits well with the finding that terrorist attacks often come in clusters.¹⁸² But in a local setting, concentrated violence might reflect conscious planning as well as spontaneous copying. Changes in IDF conduct may depend upon imitation/culture, but it could also reflect policy/orders.

These are some relevant points:

- TIPH did support psychological treatment for victims of the 1994 massacre and their families;
- TIPH has done much to relate to schoolchildren, and has presumably communicated the message that war is for adults, a view unequivocally expressed in periodic reports;
- Several reports indicate a positive trend in the behaviour of IDF during the course of each contingent, reverting to square one whenever new recruits arrived;

The cyclic pattern of IDF behaviour is not necessarily due to imitation, but is explainable in a realist vein by the need of each new contingent to signal strength, or to Palestinian *testing of the limits* after rotations. Although TIPH has related much to children, it has probably been up against formidable odds:

- To Palestinian boys, confronting the IDF has probably been the ultimate test of manhood. This means that the very pacification of role models detracts from their status *as* a role model;¹⁸³
- There are several indications that adults of both sides ensure that the memories of past injustices are passed on to younger generations and that some encourage, facilitate and even plan child activism;
- Hebron has its own *Ardoyne complex*, meaning that Palestinian children merely by moving about in the most natural way are considered a security threat by settlers. The children thus become pieces in the political game whether they seek to be that or not;
- TIPH has been viewed with suspicion by large segments on both sides, and mission members could hardly challenge the respective discourses of struggle without provoking sentiments.

Violence in Hebron, whether physical, symbolic, or normative, is so omnipresent that TIPH has scarcely been able to remove it from the hearts and minds of subjects.

Models of Norm Sensitivity:

Has TIPH been able to influence subjects through the invocation or manipulation of pre-internalised norms, or by infusing them with new norms?

- **TIPH as a Hostage II**

The hostage model in the humanist perspective would focus on the potentially pacifying effect of *norms* as opposed to the rational estimation of consequence operative within the realist perspective. From an empirical point of view, however,

¹⁸² See Lia and Skjølberg (2000:12); Weimann and Brosius (1988:491ff).

¹⁸³ Alternatively, if manhood is taken as a status that cannot be lost, “men” might discourage youth from violence without losing in terms of social capital, but the youth would know that they were listening precisely because the speaker had already passed the “test”, and the effect of the urge of non-violence would constitute a double-communication with the opposite effect of the intended one. See Gilmore (1990) on the constitution of masculinity.

many of the same indicators apply. As noted, IDF officers and influential Palestinians have accused TIPH of espionage, and soldiers, settlers and Palestinians alike have put observers in lethal danger. Palestinians have undermined TIPH's immunity.

Theoretically, these arguments do not disprove the hostage function. The presence of observers may well have elicited extra caution from the *majority* of weapon-bearers in Hebron. When I dismiss the hostage function operative through pre-existing norms, it is based on the following reasoning:

- TIPH has withdrawn from fire-fights, and has avoided inter-positioning in less violent clashes;
- A settler spokesperson has described TIPH as "Anti-Semitic." Some IDF officers, allegedly also a former Brigade commander, have accused TIPH of espionage. Such individuals should be expected to use relatively moderate language to voice the concerns of their 'constituencies'. These statements could therefore be taken as 'at least' representative of the general view of the collectives in question. Enemy imagery typically reduces the normative inhibitions of individuals;
- Live fire is used mainly in response to perceived danger. In such extreme situations, the presence of observers would scarcely influence the action of weapon-bearers.

- **TIPH as a Conscience**

To what extent has TIPH been able to appeal to the morality of IDF soldiers, thereby reducing the probability of life-threatening acts against Palestinians?

There is much evidence of soldier confusion about how to relate to Palestinians, some examples of assistance, and even some expressions of radical sympathy.¹⁸⁴ According to CPT (Internet site), several soldiers in Hebron claim to have considered conscientious objection. There would in other words be moral strings to play on for those concerned with security for Palestinians. On the other hand, stereotypes also appear quite commonly among soldiers and the stories of rather inspired humiliation, brutality, vandalism etc. go beyond what could be explained by necessity, prudence and fear.¹⁸⁵ What appears to check all private sympathies, antipathies and diverse moral characteristics, save in a few extreme cases, is these men's perception of orders. Although some effect of TIPH may quite plausibly be attributed to the observers' ability of sensitising soldiers directly, the key to TIPH's effect is probably to be found

¹⁸⁴ For examples, see B'Tselem 2003h:8; CPT 19 February 2002;

¹⁸⁵ Reported/alleged examples of 'inspired' misconduct may be found in CPT 6 October 2000; Derfner (1998); Hamad (2002 [interview]); Johansen (2002b [interview]); Polhamus (2002); PR V:17; VI:23; Salam (b [Internet Site]); Examples of stereotypes may be found in CPT 16 August 2000; Gish (2003).

at higher level, i.e.: in the ability of TIPH to influence decision-makers, coupled with the soldiers' respect or fear of those decision-makers.

- **TIPH as a Medal**

The *medal model* is meant to reflect the logic of honour distribution. Has TIPH been able to exploit a code of honour, existing among decision-makers in Hebron, in a way that has worked to limit the number of Palestinian casualties?

Since IDF is responsible for law-enforcement vis-a-vis Palestinians in H-2, the IDF code of honour would be of primary interest. What are the fundamental criteria by which Israeli officers and soldiers appraise themselves?

According to Ben-Ari (1998), the discourse of IDF soldiers in Hebron is based on one archetypal precept: the *combat schema*. The combat schema consists of a subject, placed on a battleground, and confronting an initially unknown set of enemies. The goal of the subject is to neutralise his environs, and fulfil whatever task he is ordered to carry out. In this setting, the mind *must* rule the body. It is required that the subject knows when and how to fire, but he must also know when *not* to fire, because excesses might reveal positions, drain supplies, and expose comrades to “friendly fire”.

Precisely because *the berserk state* is seen to *reduce* the efficiency of soldiers, it has not been encouraged or valued by the IDF (Ben-Ari 1998:85). Furthermore, the combat schema's imperatives of rationality, resoluteness and self-discipline carry over into the evaluation of soldiers in all sorts of activities, and particularly those that resemble combat, such as manoeuvres - and I hazard to add – clashes. Another crucial concept is *gibush*, literally *crystallization*, but in popular terminology connoting *group cohesion, mutual loyalties* (Ben-Ari 1998:97ff). It would seem then, that rationality, self-control and trustworthiness, particularly with respect to fellow soldiers, are principal criteria of esteem to IDF decision-makers in Hebron. The overall ideal is to *maximise the efficiency of the fighting machine*.

A natural corollary would be that TIPH critique and proposals that could credibly be cast in terms of *efficiency-, security- or well-being of soldiers* would carry more weight with IDF commanders than appeals to more intuitive arguments such as

morality, decorum, status quo, agreements, international law, etc. This is quite evident. What is perhaps not as evident to the outsider, is that, TIPH, by contributing to moderation/discipline among IDF soldiers could be seen as actually *furthering* their instrumental quality as combat troops. That this notion is no far-fetched construction, but rather, is quite intuitive to Israeli officers, should be clear from the fact that Ben-Ari is himself an officer, and his conclusions were based upon interviews with other officers, and participatory observation of his unit, stationed in Hebron for reserves duty during 8 years (Ben-Ari 1998:xi). In fact, fear that subverting civilians was eroding morale led Israeli officers to call for a larger ratio of Border Police in the occupied territories during the first Intifada (Peretz 1990:45).

To what extent and in what ways has TIPH tapped into the *habitus* of IDF officers? First of all, the “professional/unprofessional” dichotomy has been the prime dimension of appraisal, and in TIPH discourse, there has obviously been a strong correlation between “professionalism” and restraint. Two points could be made: From a military-realist point of view, it is by no means self-evident that restraint should be the norm, as the concept of “overwhelming force” has wide appeal in military circles. Thus, for cultural reasons, IDF officers may have been relatively receptive to the logic of restraint urged by TIPH. Secondly, the fact that TIPH has been led by police officers, not by military men, has meant that norms and standards of policing, not warfare, provided as their semi-instinctive basis of appraisal. Israel has long accepted that law-enforcement standards are applicable to unrest in the occupied territories, so the significance of the police background of TIPH seniors lies first and foremost in the conviction and naturalness with which they have been able to argue *as if* IDF were dealing with civilians – not unprivileged combatants. While the Police background of TIPH seniors has likely heightened their attentiveness to riot control methods, relative to what could be expected of military men, it has probably reduced their attentiveness to international law issues, i.e.: the illegality of the settler presence and its corollaries. Another facet of the police habitus is a certain predisposition towards “law and order” (TIPH Observer 2001 [interview]). My contention is that, characteristics of both IDF and TIPH seniors have ensured quite compatible outlooks, enhancing communication

and collegiality and making co-operation rather than confrontation the instinctive mode of interaction. TIPH was well calibrated, in the sense that the kind of issues it was likely to press, were exactly those that local IDF officers were empowered to respond to. Once a promise were given or an intention stated by an Israeli officer, TIPH could criticise non-fulfilment in terms of inefficiency (i.e.: incompetence), rather than unreliability (i.e.: ingenuity). This could be important if we assume that IDF in Hebron prides itself not so much about the purity of its arms as the efficiency of ditto – an assumption quite plausible in the light of Ben-Ari’s analysis and available data.¹⁸⁶

Conclusion

TIPH has worked four ways:

- By constantly evaluating soldiers and officers, who feel the cross-pressures between particularist and universalist ethics and are either uncertain about how their superiors would like them to behave, or know that they want them to behave moderately. Mechanisms: Fear of superiors and social pressure;
- By influencing Palestinian leaders to signal conciliation, thereby eliciting limited Israeli concessions. Mechanism: Revision of risk assessments;
- By affecting the cost-benefit calculus of Israeli politicians and commanders with respect to retaliation (What pays in Khan Younis does not pay to the same extent in Hebron). Mechanism: Revision of risk assessments;
- By creating bonds at the personal level, and subsequently, by playing on the wish of Israeli decision-makers to be reasonable, efficient, and trustworthy. Mechanism: Social pressure.

The relative importance of these mechanisms of influence has shifted considerably during TIPH’s time of operations. Access to the local IDF Commander is today all but shut, and the enforcement capabilities of PPF commanders, and hence, their credibility vis-à-vis IDF is heavily circumscribed. On the other hand, TIPH continues to observe soldiers and to appeal to politicians through diplomatic offices.

¹⁸⁶ An interesting episode in this respect is the testimony given by then IDF Chief of General Staff, Lt. Gen. Ehud Barak, to the Israeli Cabinet after the *yeshiva students’ incident* of 16 May 1994. Although the yeshiva students had violated an understanding with the IDF to the effect that Israelis should not move about in the city unescorted and had fired upon Palestinians in up to half an hour before the IDF intervened, Barak chose to present the facts as though there had been co-ordination of the walk and emphasised that IDF had caused most of the injuries (Immanuel and Keinon 1994; Makovsky 1994). It seems a plausible interpretation that it was more important to appear efficient than to appear proportionate. Another indication is the IDF policy shift, shortly following HOM’s fax to the TIPH co-ordinator in Oslo on 13 June 1994, questioning the subordination of local IDF to higher level. (This does not precondition that Israeli intelligence was tapping TIPH’s fax, since Johansen (2002a [interview]) raised the same argument with Spiegel directly).

Chapter VII: Where Do We Go from Here?

This thesis demonstrates the importance of method triangulation. While consistent with the Hypothetical-Deductive Method, the juxtaposition of *humanism* to *realism* could very easily have led to a misinterpretation of the quantitative data and a premature dismissal of the realist perspective. Only through the qualitative analysis did it become clear that the perspectives, which were presented as contradictory, are in fact complementary, and are both important for understanding the level and nature of violence in Hebron. Notably, among the explanations of TIPH's effect that were deemed plausible in Chapter 6 there are both essentially social and essentially physical-coercive models, and the central one includes elements of both.

These findings would seem most in tune with the realist perspective:

- Statements by key figures on both sides indicate that violence is chosen or not chosen with a view to the *future* rather than to the past, and thus, that past grievances are *pretexts* rather than *causes* of violence;¹⁸⁷
- Settlers, who are freer to act than Palestinians, appear to be over-represented among those violent;¹⁸⁸
- There is a positive correlation on both sides between level of violence and involvement of elements from outside the city, although city residents would appear to have greater grievances;
- Many offensive activities whether violent or non-violent seem to involve some degree of planning.¹⁸⁹

On the other hand,

- There are acts which are very hard to explain in rationalist terms, i.e.: the actor could not soundly have believed that his/her act would yield a net benefit to him/herself in this world;
- Øverkil (2004b [interview]), who has intimate knowledge of Hebron, is relatively independently placed, and has a police background, conceives of stone-throwing by young Palestinians in terms of “spontaneous local expressions,” and explains them in terms of grievances;
- The long curfew during the Al-Aqsa Intifada has been linked to increased *violence within Palestinian families* (Hübler 2002; Medmenneske 2003). Such violence would appear irrational, and there is little reason why persons who “lose it” at home, should not do so in front of Israelis, their perceived tormentors.¹⁹⁰
- Children and, at least on the Israeli side, women, appear to be over-represented among initiators of low-level violence and other forms of provocation (PR I:13f; II:7; V:21; VI:11;20;24; VII:8;15; X:8)

The prominence of children “on the frontlines” could be explained by relative immaturity/emotionality/irrationality. However, I suspect that children are active

¹⁸⁷ See e.g.: Zananiri (1996); Benn and Alon (2002);

¹⁸⁸ See e.g.: PR II:18

¹⁸⁹ For instance TIPH reported of “preparations for stone throwing” (PR II:7f).

¹⁹⁰ One finding which may be interpreted to fit with both perspectives, but which I believe is most compatible with the *humanist* one, is the apparent difference in effect between Jewish and Palestinian days of significance upon the number of Palestinians killed. If the Palestinians were truly rational, their own holidays would not render them any more or less violent than other days and there would be no need for extra IDF security measures. Thus, if there is indeed an increased risk to Palestinians on such days, that could only be explained by either arousal among Palestinians or by increased violence-proneness among Israelis. If the latter is the case, that may be explained by both perspectives. As noted, only killings by settlers increase significantly during months associated with Palestinian remembrance.

precisely because they are less likely to be subjected to harsh counter-measures. This is, of course, a realist conceptualisation in the sense that it is calculating, but it includes a crucial social element, namely the reluctance of the offended person and *de facto* authorities to punish - without which the calculation would come to naught.

In essence, there are different forms of violence. Some violent acts are calculated and could hardly be forestalled through appeasement - only postponed. Other acts are spontaneous, and while they may be averted in the short run by physical control, such control will likely prove counter-productive in the long run. Thus, the findings from Hebron fit quite well with the curvilinear model presented by Hegre et al. (2000).¹⁹¹ . Israel has during the period ruled Hebron quite successfully by both harsh and loose regimes, but when the tactics have been blurry or there has been double-communication between the military and political level, escalation has been the result. Palestinian conciliation has been possible under loose regimes only in so far as there has been a general feeling of moving towards a political solution.¹⁹² It seems a logical corollary that, contrary to what many Israelis believe, the Oslo process failed - not because it went too far too fast - but because it was too gradual/apprehensive.

The good news is two-fold:

- 1) The TIPH case shows that peacekeepers might be accepted in highly asymmetric conflicts;
- 2) Once installed, it is possible for a very weak peacekeeping mission to affect a very strong belligerent.

The establishment of TIPH might, and I believe should, be understood in terms of multiple power asymmetries (Touval 2000). But the success of TIPH, admittedly partial, has probably depended on social mechanisms. This leads us to one caveat: Although TIPH has to some extent worked, it is not guaranteed that a replica could function in another context. Moreover, it should be remembered that TIPH has not been able to change the strategic scenario radically. Hebron was, and remains, dominated by Israelis. It is even possible that TIPH has deflected some pressure from Israel on the issue of a larger peacekeeping force in the West Bank.

¹⁹¹ Confer Chapter 3, page 30.

¹⁹² Examples of loose regimes successfully forestalling Palestinian-initiated violence could be found in the summer and autumn of 1996 and from the beginning of 1999 until summer 2000.

Appendix 1: Legal References Relevant to Reported Israeli Practices

Below, these acronyms are frequently used:

- BPUFFLEO:** Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Not legally binding on Israel);
- CCLEO:** Code of Conduct for Law Enforcement Officials (Not legally binding on Israel);
- FGC:** Fourth Geneva Convention Relevant to the Protection of Civilian Persons in Time of War (De jure applicability denied by Israel, but insisted on by the international community. Israel has offered to apply the “humanitarian articles” unilaterally, without specifying which they are).
- HR:** 1907 Hague Regulations Respecting the Laws and Customs of War on Land (Legally binding on Israel);
- UDHR:** Universal Declaration of Human Rights (Applicability denied by Israel as to the occupied territories. Legal scholars and human rights activists maintain that Human Rights are indeed applicable, but the Israeli view is supported by reservations in other conventions of Human Rights).¹⁹³

Some Articles of the FGC are marked with an asterisk (*). Such articles are not among those mentioned in FGC (1949 Art. 6(3)) to be of continuing validity after one year has passed since the general cessation of hostilities. However, Israel has never invoked Art. 6(3) in order to justify any act conflicting with other privileges of the FGC. On the other hand Israeli officials have referred to the al-Aqsa Intifada as a “war.” Moreover, Art. 6(4) states: “Protected persons whose release, repatriation or re-establishment may take place after such dates [i.e.: one year after general cessation of hostilities] shall meanwhile continue to benefit by the present convention.”

Table 13: Legal References Relevant to Reported Israeli (Mal)practices in Hebron.

	Policing Paradigm	War Paradigm	TIPH reference	Source of reported practice	Criticised by TIPH within the available Periodic Reports?
The presence of Israeli civilian settlers in the occupied territories as such		FGC, Art. 49 (6);146(3)* (See also HR Arts. 23(h); 55 and FGC, Arts. 2(1);7;8;47)		Many sources, including author’s observation	No
Non-eviction, delayed eviction, or insufficient eviction, of settlers from occupied houses	CCLEO, Arts. 1;2; UDHR, Art. 17	HR, Arts. 43;46;47;52; FGC, Arts. 29;33;	PR IV:12f	B’Tselem; TIPH	Yes
Confiscation of private property	UDHR, Art. 17 ¹⁹⁴	HR, Arts. 23(g); 46;47;51;52; 53; FGC Art. 33;147*		B’Tselem	
Non-intervention in cases where settlers kill, injure or harass Palestinians or steal or destroy their property	CCLEO, Arts. 1; 2; UDHR, Arts. 3;7	HR, Arts. 23(g);28;43;47; 51; FGC, Arts. 27;29;32;33;	PR 1:12; II:13; IV:10; V:12;18; VI:25; VII:19	B’Tselem; TIPH	Yes
Extraction of natural resources for the benefit of Israeli settlers		HR Art. 47;52; FGC, Arts. 33; 55*		B’Tselem	No

¹⁹³ See for example Article (4)1 of the International Covenant on Civil and Political Rights (ICCPR 1966), Article 15(1) of the European Convention on Human Rights, and von Glahn (1957:98). All these sources are cited in INSICJ (1981:75).

¹⁹⁴ Expropriation of private property is normally seen as legitimate in an internal context (von Glahn 1996:202).

Exacerbating water shortages in various ways, apparently only for Palestinians		FGC, Art. 55*;56*		Pacheco; Salam; TIPH	
Destruction of property, in non-combat situations;		HR. Art. 23 (g); FGC Arts. 33;53;147*		B'Tselem; Keller; Urquhardt	
Barring of Palestinians from their houses in order to secure the settlements;	UDHR, Art. 17(2)	HR, Art. 46; FGC Art.33;147*	PRs I:13; II:13f; IV:10; VII:22; X:12	TIPH	Yes: "Differential treatment"
Banning on house reconstruction for the same reason;			PRs I:13; II:13f; IV:10; V:18; VII:22; X:12	TIPH	Yes: "unequal law-enforcement"
Placing of a Police Station responsible for complaints from Hebron in a settlement outside the city;		FGC Art. 27 (See also HR, Art. 43).	PR II:16; VII:18	Salam; TIPH	Yes
The placement of an internment area directly in front of a settlement		FGC, Art. 28*;34;49(5); 83*;88*		Author	No
Lengthy curfews and closures of streets and the whole city;	UDHR, Arts. 13;14;20;23	HR Art. 50; FGC Arts. 27 ¹⁹⁵ ;33;34; 52(2);78*	PR II:9; V:11ff; VI:4f;	Author; B'Tselem; HRW; TIPH	Yes:"Right to freedom of movement"
Non-provision for persons under prolonged curfew	UDHR, Art. 22;25	FGC, Art. 81*			Not as such, but stresses economic consequences
Unequal law enforcement/Preferential treatment of Jewish settlers	UDHR, Arts. 1;2;3;7	FGC Arts. 3(1);13*;27	PRs I:12; II:13; IV:10;14;25 V:12; VII:22 X:8 12	B'Tselem; HRW; TIPH;	Yes.
Improper and dangerous use of tear-gas and stun grenades			PR:VI:21; VII:12;14	Banat; B'Tselem; TIPH.	
Corporal punishments (beatings), lengthy detentions in the sun without water; Degrading and humiliating treatment	BPUFFLEO, Art. 15; CCLEO, Art. 2;5; UDHR, Arts. 3;5;9;11(1)	HR, Art. 23 (c); FGC, Art. 3(1)a;c);32;	PRs I:11; II:10f V:11;14; VI:22; VII:14; WS 11:2;	B'Tselem; CPT; Hamad; Johansen; TIPH;	Yes: "beating, kicking, slapping, harassment"
Other non-physical harassment by soldiers ¹⁹⁶	CCLEO, Art. 2; UDHR, Art. 5	FGC, Art.27	PRs I:13 II:3ff;10f; WS 11:1;	Derfner, Salam, TIPH,	Yes: "possibly harassing"
Confiscation of ID cards	UDHR, Art. 15 ¹⁹⁷		PR II:12	B'Tselem; TIPH;	Yes.
Mingling between soldiers and settlers in military positions, ¹⁹⁸		FGC Art. 28* ¹⁹⁹	PR IV:9; V:18; X:6f;10	Author; TIPH	unequal law-enforcement

¹⁹⁵ Confer Pictet (1958: 199ff;282f).

¹⁹⁶ Such harassment includes name-calling, threats, littering (including feces), shooting at water tanks, theft, deliberate slow working on checkpoints (in some cases leading to deaths).

¹⁹⁷ The text of the Article reads, "1. Everyone has the right to a nationality. 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality" (UDHR 1948, Art. 15).

¹⁹⁸ For example, TIPH recurrently reported seeing soldiers mingling with settlers (often children) on observation posts and checkpoints (PRs IV:9; V:18; X:6f;10). TIPH objected to this practice, out of concern that the practice provoked Palestinians,

Indiscriminate/Disproportionate use of force, endangering and sometimes killing civilians who did not participate in fighting;	BPUFFLEO, Art. 5;7;8;9; CCLEO, Art. 3; UDHR, Art.3	HR, Art. 23 (e)*; 25*;	PRs II:8;12;V:15; VI:21f; VII:12;14; X:6;	CPT; B'Tselem; HRW	Yes
Allowance of settlers, including presumed minors, to wear arms;			WS 6:1; PR I:15;	Johansen; TIPH	Yes
Hindrance of medical aid and fire rescue operations and firing at ambulances and a hospital; ²⁰⁰	BPUFFLEO, Art. 5(c); CCLEO, Art. 6; UDHR, Art. 25	HR, Art. 27; FGC Arts. 16-23*;56*	PRs I:13; II:4;9f V:11f;20; VI:27; Press Release 29 June 2002	CPT; TIPH;	Yes
Hindrance of education.	UDHR, Art. 26	FGC, Art. 50*	PR V:21; VII:15	CPT	Not explicitly
Seizure of schools in order to use them as military positions		HR, Art. 56; FGC, Art. 50*;	PR II:4; VII:15	B'Tselem; CPT	Not explicitly
Defence of illegal settlements;		FGC Arts. 28*; 29; 49 (6);			No
The use of armed, non-uniformed State agents; ²⁰¹		HR Art. 1; 23(b);	PRs II:14; VI:19	Tabari; Banāt; CPT; TIPH	No
Imprisonment of convicted persons outside the occupied territory		FGC, Arts. 49; 76			No
Assassinations	BPUFFLEO, Art. 9;10; UDHR, Art. 3	HR, Art 23(b); FGC, Art. 3(1)d);27;29;(68);71;75;		B'Tselem; CPT	No
Recruitment of collaborators, including threats		HR, Art. 44; FGC, Arts. 31;51		Lia; Salam	No
Alleged: Indecent exposure of women		FGC, Art. 27(2)	WS 10:1	CPT; Unnamed Palestinians	
Breaking-up of non-violent crowds in public places;	BPUFFLEO, Arts. 12;13;14; CCLEO, Art. 3;			TIPH	

as it reinforced the impression of unequal law enforcement. Nowhere in the reports does it figure as a war crime in terms of human shielding. Perhaps part of the reason for this omission can be found in the lack of positive law, forbidding the use of “own” civilians as human shields. However, it should not be difficult to base the argument on customary international law.

¹⁹⁹ The text of Art. 28 reads, “The presence of a protected person may not be used to render certain points or areas immune from military operations.” I believe that settlers are not protected persons, according to the convention (Confer Art. 4 and Pictet (1958:45f) However, Human Rights organisations and officials of various states condemn attacks upon settlers (en masse), on the argument that they are non-combatants (Confer e.g.: B'Tselem 2000:20f). If that is so, Art. 28 should logically apply (Compare Pictet’s commentary on Art 28 to the commentary on Art. 34, prohibiting the taking of hostages. While the commentary on Art. 34 refers strictly to indigenous civilians of the occupied territory, that is not clear with Art. 28).

²⁰⁰ The available reports do not claim that live fire was directed at ambulances, only rubber bullets (which may also be lethal - confer PR II:8). On the other hand, Ambulance personnel were commanded at gun-point. The FGC (1949 Art. 23) allows the occupant to search medical transports, in order to rule out that they are being used for military purposes. Accusations of Palestinian abuse of Ambulances abound. There have also been charges of Israeli abuse (Se e.g.: Tabari 1996). The shelling of the hospital took place during my stay in Hebron, and I have not read any TIPH report about it. However, TIPH observed the incident, counted 17 grenade hits on one side of the hospital, and marked the building with a large, illuminated, Red Crescent (Øverkil 2004b [interview]). Although the building was previously unmarked, and therefore not protected under the FGC (1949, Arts 18;19), it had been in place long enough to be known as a hospital to the Israeli forces that opened fire on it. These forces were, moreover, positioned deep within H-1, not far from the hospital, and in eye-view’s distance of the TIPH HQ. Judging from the militia activity around the TIPH HQ, it is likely that Palestinians were also conducting military operations near the hospital. The incident, I believe, could serve as case for an interesting legal analysis.

²⁰¹ No available TIPH report says explicitly that TIPH has observed under-cover agents, but there are references to “special police” and “Shabak”, i.e.: the Israeli General Security Service, whose officers are generally operating in plain clothes (CPT PRs II:14; VI:19; Tabari 1996).

	CCPR Art.; UDHR, Art. 20				
Use of force against stone-throwers	BPUFFLEO, Art. 4; CCLEO, Art. 3	FGC, Art. 3;5	PR II:8		Yes: “may seem disproportionate”
Disregard for religious practices, closing of mosques	UDHR, Art. 18	HR, Art. 46; FGC Art. 27;58*;	PR II:4;14f; VI:16; VII:15f	TIPH	Yes
Use of ambulances for military purposes		HR, Art. 23(f);		Tabari?	No
Failing to inform detainees of the charges against them. (...and also keeping this from TIPH).		FGC, Art. 71(2);	PR IV:4; VI:19f; VII:14		
Pal forced to place stones around suspicious plastic bag		FGC, Art. 27; 34;40(2);51(2)	WS 10:1	TIPH	No report to parties available

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