Third Party Monitoring in the Israeli-Palestinian Conflict

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The invasion of Palestinian-controlled areas of the West Bank by Israeli Defence Forces (IDF), so-called “Operation Defensive Shield” launched on Good Friday 2002, fundamentally altered the terms of debate about international intervention in the crisis. After eighteen months of widening and deepening conflict, it was a concrete turning point in which the routinely visible characteristics of the intifadah uprising were replaced by the physical manifestation of near full reoccupation. With some 1200 Palestinian and over 400 Israeli deaths by mid-April that year and the shattering of the Palestinian Authority’s (PA) security and governance capacities, proposals for third party action encompassed the full range of peace operations and state-building activities that have been deployed since the end of the Cold War, collectively and multilaterally through the United Nations (UN) or cooperatively and multinationally under a lead government. However, only the limited option of monitoring the parties’ fulfilment of obligations within one framework or another has ever been attempted.

The terms of third party monitoring in various initiatives for resolving the Israeli-Palestinian conflict have so far proved unworkable. Each American-

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led effort has foundered, in part, because of a preoccupation with short-term security interests at the cost of longer-term political objectives. A paralysing dynamic between Washington’s diplomats, the Palestinian leadership and the Israeli government has been repeated successively throughout the different types of monitoring conceived - political and security, security-only, security-plus and security-minus-political. Each has been characterised by minimalist incrementalism and followed by unprecedented deterioration in ground conditions. Unless sound operational principles are taken seriously within a more comprehensive approach, monitoring mechanisms will continue to be undermined by the absence of agreement between the sides before they can help to reach any kind of outcome.

**Elevated intervention**

Throughout the intifadah, a minimum level of intervention would have been required of a third party to stem the violence and foster a political outcome. As ground conditions have progressively worsened, however, the necessary threshold of international action has gradually risen. The single event of Operation Defensive Shield catapulted this threshold up to the higher end of the scale. It was Israel’s most massive military action in the territory since 1967. The amount of destruction had profound humanitarian consequences and effectively disembowelled the governing capability of the Palestinian Authority. All manner of international pressure, including explicit demands to withdraw from UN Security Council Resolution 1403 of 4 April 2002 as well as from US President George W. Bush, proved ineffective. By the time the operation was over, the notion of “withdrawal” no longer made sense as a new order had been created on the ground: armoured elements of the invading force remained deployed around cities, conducting security raids at will in urban areas thereafter; fences began to be erected around major population centres, including Ramallah and Nablus.

The post-invasion landscape continued until a suicide bombing in Jerusalem on 18 June 2002 led to a new Israeli policy of seizing PA land in response to each Palestinian attack. Within weeks, a full and complete reoccupation of Palestinian-controlled areas had taken place, with daily curfews imposed indefinitely on the inhabitants. The IDF had assessed that Israel could financially afford a military reoccupation, but it could not pay for the delivery of basic services to the population. Israel courted

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international agencies and organisations operating in the region to have them provide assistance, placing them in the uncomfortable position of either inaction in the face of worsening humanitarian conditions or stemming the crisis but at the same time facilitating the sustainability of Israeli occupation. The IDF was operating in what it considered “uncharted waters”, appreciating that its strategies might not create security, but also blinded with fury over the continuation of suicide bombings. In the absence of alternatives, inertia rooted in past policies and Israeli reliance on the military as a coping mechanism led to a plateau that was distant from a political solution to the crisis. The IDF has since been drawn into assuming civil functions over Palestinians and, having largely exhausted its offensive options, is just maintaining the status quo.

A degree of urgency now characterises the deteriorating situation on the ground. The two-state solution appears threatened by desperate economic, demographic and security conditions on both sides, as well as an erosion of mutual trust. The scale of settlement construction has fragmented the Palestinian territories and integrated the West Bank into Israel in an unprecedented manner. The Israeli separation wall is becoming a reality, and will result initially in some 70-100,000 Palestinians living between the barrier and the Green Line while the majority of settlers will be living outside the fortification. The cycle of violence has undermined reconstruction efforts, with $1 billion effectively frozen due to donor reluctance to rebuild infrastructure that is likely to be destroyed again. Even doubling the amount of aid will have a barely noticeable impact on socio-economic conditions. There is the spectre of further deterioration, a sense of hopelessness on both sides and no clear vehicle on the horizon for resolution of the conflict.²

Under these prevailing conditions, there has nevertheless been a degree of convergence between Israelis and Palestinians about third party intervention, if only in terms of headlines and labels rather than details. While Palestinians have constantly called for some form of international role, Israel has resisted “internationalisation” of the conflict, opposed any restrictions on IDF activity, feared a bias that an intervention might have against it, and mistrusted countries other than the US that might contribute to a mission. Yet, the Israeli government perceived the potential usefulness of a third party in an ad hoc, task-specific sense, when two thorny problems ending Operation

Defensive Shield were solved. Both the siege of PA President Yasser Arafat's compound and the standoff at the Church of the Nativity centred on an Israeli demand for arrest of certain Palestinians in each and a refusal on their part to surrender. Brokered with the participation of European Union (EU) representatives, an agreement was reached in which the Palestinians in question were placed in the custody of a few international monitors – deployed with extraordinary speed – who supervised their expulsion or their incarceration in a Jericho jail. Furthermore, Israeli public opinion also shifted on the whole question of third party intervention. One poll, conducted in April 2002 by the Tami Steinmetz Center for Peace Research at Tel Aviv University, found that 44 percent of the Israeli Jewish (and 78 percent of the Arab) public favoured international intervention.

Having entered the public debate, the question of international intervention is likely to stay, regardless of reservations about it.

**Minimalist incrementalism**

Despite the rising minimum threshold of intervention, members of the Quartet (the US, the EU, the UN and Russia) and international agencies have pursued a minimalist and incrementalist approach to de facto intervention, with personnel in civilian and security areas already numbering over 1000. Multiple actors and narrow considerations of a third party role have resulted in a convoluted set of relations and distorted proposals that can neither respond to realities on the ground nor effectively contribute to resolving the conflict.

In the wake of Operation Defensive Shield, the Bush administration began informal consultations with the parties on a holistic strategy and timetable for resolving the conflict in a matter of months, involving successive steps including a ceasefire and political measures such as a settlements freeze and ending with the creation of a Palestinian state. The Palestinian side developed a detailed plan for de-occupation and a sequential timetable with a political horizon for how this could be accomplished: two separate and parallel tracks to be completed within a year, one for all aspects of a permanent status agreement and one for transitional elements until the conclusion of a final settlement. A third party presence was envisioned for

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each step in the short and long terms. For its part, Israel presented the US President with its claim that Arafat had authorised a cash payment to the Al-Aqsa Martyrs Brigades, composed of Fatah activists, who had conducted suicide bombings.

On 24 June 2002, Bush delivered a much awaited policy speech in the Rose Garden of the White House. He called for “a new and different Palestinian leadership”, while also envisioning a two-state solution. International efforts in subsequent months were preoccupied with reform of the gutted Palestinian Authority, while support was being built elsewhere for a war on Iraq. Reform, though, was something that Palestinians themselves were yearning for. An International Task Force for Palestinian Reform, which integrated international diplomats stationed in the area, representatives of international organisations and agencies, and Palestinian officials developed a “100 Days” workplan and timetable. Seven subcommittees were established for: civil society; financial accountability; local government; market economy; elections; judicial reform and administrative reform. The subcommittees reported to a Quartet Committee on PA Reform, and thence to the Quartet Envoys and eventually the Quartet Principals. The process proceeded rapidly, though it proved unfeasible to replace Arafat or have him appoint a prime minister with full powers that would render his role as president symbolic – indeed, Arafat only acted on this in March 2003 on the eve of the Iraq war.

The Quartet’s reform bodies flanked an unwieldy international architecture that had emerged in a piecemeal manner, uncomfortably combining the range of organisations, agencies and national representatives operating in the areas of development, humanitarian assistance and Palestinian reform. This complex structure was in perpetual evolution. Donors shifted to bilateral assistance as coordination fell apart with the gradual delegitimation of the PA. Humanitarian assistance, which amounts to basic food delivery, was clumped together with the reform effort and development assistance - the latter, together with reconstruction, being somewhat on hold. Furthermore, preoccupation with Palestinian reforms and neglect of issues that cut across multiple sectors, permitted the humanitarian emergency to worsen. A fully integrated international architecture was needed and the existing structures could have been transformed if relevant governments, organisations and institutions had been willing.

Instead, there was more incrementalism. When the US formulated its Road Map for an end-of-conflict strategy in autumn 2002, the issue of monitoring arose. The US acknowledged the need for monitoring, but was reluctant to include the terms for it in the Road Map itself. The approach in
consultations amongst Quartet members and with the parties was to use what already existed on the ground as the basis for monitoring. The US accepted that the UN could begin doing this, but the danger was that the existing architecture, which was by no means ideal for humanitarian or development assistance, let alone implementing a political programme, could crystallise in that or a similar form, thereby ossifying and undermining the prospects for a new third party role better suited to the minimum level of intervention required. A Palestinian monitoring proposal for the Road Map similarly relied as much as possible on what already existed, integrated it however into a unitary monitoring structure. Ultimately, the mechanism design that gained currency amongst Quartet members was a committee embodying the status of the incrementalist architecture. It replicated conventional means of coordination, facilitating exchange of information amongst various international actors operating independently on the ground, with occasional confidential reporting up separate chains of command.5

The US was determined to deliver a finalised Road Map in December 2002, while it increasingly prepared for war in the Gulf. However, the prospect of new Israeli elections in January 2003 delayed the presentation – ultimately until after the conclusion of hostilities in Iraq. When the Road Map was finally made public on 30 April 2003, the Quartet monitoring mechanism agreed to by the US on 3 April which was supposed to be included, was not. Of fourteen reservations to the Road Map lodged by Israel, one demanded an American monitoring mechanism instead that would concentrate “upon the creation of another Palestinian entity” and on progress on reform.6 In response, the Bush administration established a US Coordination and Monitoring Mission, under the leadership of Ambassador John Wolf, thus excluding other Quartet members from participating in the implementation of their Road Map.

This policy seemed a repetition of the failed efforts in the year preceding Operation Defensive Shield, when direct and indirect talks between the sides brokered by the US focused exclusively on monitoring the ceasefire deal to be concluded. The inability to reach a meaningful agreement then, as conditions progressively worsened - with Israel demanding security first

5 In the end, since information would have gone into the mechanism, but no action could have come out, it would have fallen short of the basic needs of monitoring. A. Atallah, et al., “Planning Considerations for International Involvement in the Israeli-Palestinian Conflict: Part II”, Center for Strategic Leadership, US Army War College, May 2003, <www.carlisle.army.mil/usacsl/index.asp>.

and Palestinians requiring a political end-state – meant that the US approach to monitoring was always too little, too late. Each of the attempts below, from the outbreak of the intifadah to the present, has fallen short of the minimum level of intervention required or the basic contribution that a serious monitoring process could make.

**Political and security monitoring**

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

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

In the meantime, a minimal form of multinational monitoring had begun to develop. In April 2001, an Egyptian and Jordanian “Non-Paper” on ending the crisis called for a Political/Security Committee at the high official level to monitor implementation of the parties' actions. In May, Palestinians outlined a monitoring mechanism composed of representatives of the participants in the Sharm el-Sheikh summit (in addition to the parties, the governments of Egypt, Jordan and the United States, the UN and the EU, the Russian Federation and the members of the Fact-Finding Committee (including Turkey and Norway) in a two-tiered structure consisting of a Steering Committee as the highest authority of the mechanism on the ground, and three subordinate subcommittees for security, Settlements and economic and civil affairs.

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Security-only monitoring

Throughout the spring of 2001, violence between the two sides intensified and escalated, including Sharon's introduction of F-16s in the area for the first time since the 1967 war. Then on 1 June, a suicide-bombing at the Dolphinarium nightclub in Tel Aviv – the worst since the start of the intifadah – claimed 21 lives. Palestinians braced themselves for a severe retaliation, but the US convinced Sharon to act with restraint and a reprisal was averted. Instead, Central Intelligence Agency (CIA) Director George J. Tenet was dispatched by the new Republican administration, which had vowed non-engagement in the crisis in the wake of what it interpreted as an embarrassing failure of the previous president, Bill Clinton, to achieve a permanent settlement of the conflict. Both Sharon and Arafat were forced to publicly declare unilateral ceasefires, in name if nothing else. Tenet began aggressive negotiations with the two sides, in principle according to the Mitchell Report, however his operating assumption was to disconnect the security from the political recommendations. This marked the start of a US approach which, in keeping with Sharon's position, attempted to address security issues first and delay political concerns seemingly indefinitely. In effect, the demand was for a capitulation of the intifadah – a kind of Palestinian defeat and surrender – without any commensurate political horizon in return. It was inevitable that a ceasefire constructed on such terms was doomed.

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

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

Responsible to the ILMG-type forum would be a tiny group of ten to twelve American technical experts drawn from the State Department (probably the Counter-Terrorism Unit), the Pentagon and the CIA. The monitoring effort would be conducted through ad hoc visits to the area. Negotiations proceeded torturously on the conception and meaning of all parts of the monitoring model proposed. Although Israel rejected monitors altogether, a small, entirely US team was preferred to any other. The Palestinian security apparatus did not take the few experts very seriously, questioning the distinction between their purpose and the existing role of the CIA in security cooperation between the two sides. Nevertheless, Palestinian negotiators worked with the model, attempting to at least make the composition more multinational, and arguing for some kind of international contact group to which the effort would be responsible (something which would later evolve into the Quartet).

This round of talks and the Tenet ceasefire had effectively ended by the third week of August 2001. The US proposal proved inadequate; Israeli
intransigence with regards to monitoring persisted; Palestinian negotiators became preoccupied with parts of East Jerusalem and Abu Dis which had been taken in IDF operations, and violence intensified in a pattern in which principally Hamas, Islamic Jihad and Israel were setting the agenda in mutual attacks, to the exclusion of the PA. A draft Security Council resolution was formulated that called for the establishment of a monitoring mechanism to help implement the Mitchell Report; it was rejected by the US.

Security-plus monitoring

As the Bush administration’s “war on terror” increasingly placed Iraq in the cross-hairs in 2002, and as a high-profile Saudi Arabian initiative promised full recognition of the state of Israel by all Middle East governments in exchange for an end to the occupation of the West Bank and Gaza Strip, the US needed some diplomatic move to end a round of violence that had reached new heights by March. US Special Envoy General Anthony C. Zinni was dispatched for a third time, after his two previously failed attempts. He arrived on 14 March with the objectives of first securing US national interests, and second concluding a ceasefire, supervising a political process and remaining engaged until the creation of a Palestinian state. Though privately articulated, he did not publicly announce the second of these, which would have been a critical confidence-builder.11

The Office of the UN Special Co-ordinator for the Middle East Peace Process (UNSCO) warned Zinni at the outset not to focus on security alone or to be preoccupied only with a ceasefire.12 It was a strategy that had already failed for a year. Initially, Zinni concurred, but within days, his view seemed to have reversed. Reservedly, the Palestinian team demanded agreement on the Tenet Workplan in full, with a clear link to the Mitchell Report, and thereafter the tackling of political questions immediately following the conclusion of a ceasefire – still something short of requiring an established political timetable first. The Israeli position reconfigured the Tenet plan altogether, reducing Israeli obligations under it or rendering them ambiguous while increasing Palestinian security commitments. The US put forward two bridging proposals in succession which Palestinians interpreted to be mainly in line with the Israeli position. The dynamic was one in which Palestinian negotiators were fighting for the Tenet plan – something that had not been in their interest in the first place and indeed

11 General Zinni to Palestinian negotiators, Ramallah, 27 March 2002.
12 UNSCO to General Zinni, Jerusalem, mid-March 2002.
was a US initiative accepted by Sharon. As one Palestinian negotiator asked Zinni: “Mitchell came with a plan, Tenet came to implement Mitchell, then Zinni came to implement Tenet; which American official is going to come to implement Zinni?”

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

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

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

Security-minus-political monitoring

Despite robust intervention proposals after Operation Defensive Shield,

13 Palestinian negotiator to General Zinni, Ramallah, 27 March 2002.
when Wolf’s Coordination and Monitoring Mission began its work in June 2003, the limited advances achieved regarding the configuration of a monitoring exercise had been discarded. Whereas Zinni had begun to accept monitoring teams with a multinational composition, and inquired with some governments about their potential contribution, Wolf’s staff was exclusively American. While Zinni had increased the numbers of monitors to be deployed, Wolf returned to the size of the group envisioned during the Tenet talks. Throughout the summer and autumn of 2003, Wolf’s team numbered variously between six and twelve, including staff from the US Consulate in Jerusalem and the US Embassy in Tel Aviv. If there was progress on the ground, Wolf told the parties, then the number of monitors could be increased.

Consequently, there was the greatest gap ever between the scope of issues to be monitored and the means to do so. Only a dozen experts had been expected to monitor the Tenet ceasefire, but now a comparable handful of advisors was supposed to monitor the entire range of Road Map issues. Wolf grouped the terms of the Road Map into seven “baskets”: three for Israelis (outposts/settlements; prisoner release; and quality of life), three for Palestinians (security performance; anti-incitement; and institution-building and reform) and one shared (security cooperation). A matrix was created that tracked the actions of the parties, both of which Wolf felt had failed the test of political will. The benchmarks by which to judge progress, however, were never particularly detailed or adequately clear. By September, the entire process became sequenced, putting Palestinian security performance before anything else. In a backwards formula, the mission would be expanded and the number of monitors increased on condition that the Palestinian leadership confronted opposition factions, instead of the third party itself creating political momentum ensuring that both parties adhere to their obligations.

Another problem, particularly for such political issues as settlements, was that the operational centre of gravity for the mission remained in Washington, which meant that monitoring in the field translated more into “watching” than proactive implementation. Furthermore, the Wolf Mission remained organised in-theatre on a single diplomatic tier, comprising Wolf and his advisors. Expansion of the mission to another operational level was envisioned under Major-General David Zabecki, Wolf’s Security Advisor, who would form five teams based in Jerusalem out of ten to fifteen monitors to be recruited. Two teams would focus on the West Bank and a third on the Gaza Strip. A fourth rapid-reaction team would respond to unexpected events that occurred in the field. A fifth team would serve in a back-up capacity for the other teams. Without the requisite Palestinian action on
security, and with the fate of the Road Map dimming in October, the US was not engaged enough to expand the mission. At the same time, it did not publicly disengage and vacate the monitoring space it was unilaterally filling. Indeed, the staff was recalled to join Wolf, already in Washington, for “consultations” with a vague promise of returning if necessary.

**Conclusion**

Some government officials feel that Israelis and Palestinians are not ready for international intervention, and that they have to “bleed” more until a stalemate forces them to compromise. But it is likely that both sides have the capacity to “out-bleed” the tolerance of the international community and threaten its broader interests. It is not clear what the breaking point will be, whether a single catastrophic event, a regional widening of the conflict or an eventual agenda imperative, unavoidably, dictated by Washington. Some individuals on both sides believe that they need to be ready in the event of an opportunity for an effective degree of intervention.

The minimum level of intervention required by conditions on the ground is already high. The degree of fragmentation on the Palestinian side, the military and civilian nature of the Israeli presence, and the breadth of economic, social, institutional, geographic and humanitarian concerns demand a comprehensive approach. Monitoring the terms of a peace process could be one ingredient. However, international intervention to any degree cannot replace resolution of the conflict. If judiciously introduced it may at best function as a corridor towards the prevailing vision of a two-state solution.