



WORKING GROUP C
SECURITY AND CITIZENSHIP

Violence Limitations in Low Intensity Conflicts in the Middle East

YAACOV BAR-SIMAN-TOV . Hebrew University of Jerusalem

In contrast to a conventional war in which the rival sides succeed to establish some limitations and "rules of game" to manage their violent conflict, the rival sides in a low intensity conflict fail to do so. Such conflicts (state-non state conflict or civil conflict), because of their unique characteristics are generally not amenable to joint or even to external management and control. Therefore, in these violent conflicts, in the absence of violence limitations, and a clear distinction between front and a rear, and between combatants and non-combatants, most of the victims are civilians. This situation characterizes the Israeli-Palestinian violent conflict (since September 2000), the Israeli-Hezbollah 2006 war, and the civil war in Iraq.

This paper aims to study (1) the idea of joint conflict management, (2) to explore the factors that prevent the sides from developing war and violence limitations and, (3) to examine some ideas how to develop some limitations by formal and informal unilateral, joint and external management strategies in order to minimize the victimization of civilians in this kind of violent conflict.

Joint Conflict Management

Joint conflict management occurs when the two sides are willing to cooperate in order to prevent, control, or end violence. This development may be the result of overt and explicit dialogue which eventuates in an agreement, or of covert dialogue which brings about implicit understandings. The research knowledge about joint management of violence focuses mainly on conflicts between state actors, regional conflicts, conflicts between powers, and conflicts between powers and small states. Little research has been done about joint management involving state actors and non-state actors, still less in a situation in which the non-state actor is non-unitary and includes a large number of sub-actors.

The research literature on limited conventional wars is rich with theoretical and empirical knowledge about joint conflict management between states over the issue of limiting war and about the sides' ability to develop mutually agreed rules for jointly managing the war. The rules for joint conflict management are intended to reduce the violence, diminish the number of casualties (combatants and non-combatants), differentiate between various targets of attack (military and civilian), enable a distinction to be drawn between front and rear, and between combatants and noncombatants, limit the use of certain violent means, and make possible political initiatives to terminate the violence and resolve the conflict peacefully.

Low-Intensity Conflicts-The Problem of Violence Limitation

A conflict between state actors and non-state actors – Israel and the Palestinians, Israel and Hezbollah, Russia and Chechnya – is also known as a low-intensity conflicts or asymmetric warfare. Such conflicts differ from conventional warfare largely because they are generally not amenable to joint management – either to prevent them or to control them – owing to their singular characteristics:

1. Conflicts that tend to be zero-sum – In which the non-state side, which generally foments the conflict, seeks to realize all its national, political, and territorial goals at the "total expense" of the state actor (ending colonial rule, ending military occupation, expelling the state actor).
2. Asymmetric conflict – In which there is no symmetry in any sphere: goals, balance of power, available means and the ability to utilize them, ability to inflict damage, readiness to absorb losses, willingness to engage in a lengthy struggle, or in balance of values and combat morality (given each side's feeling of a just and unjust war).
3. A conflict that is intended to terminate an "intolerable" situation or a "painful impasse" for the non-state side.
4. A protracted conflict in which no unequivocal military decision is possible.
5. Violence that is less than a conventional war and is characterized by guerrilla warfare, terrorism, and sporadic violence perpetrated by irregulars in the face of belligerent reactions and initiatives by the regular forces.
6. Use of collective means of punishment (primarily economic, restrictions on movement, curfew, and closure) by the state actor.
7. Absence of a clear distinction between front and rear and between combatants and non-combatants.
8. Psychological warfare and media utilization.
9. Lack of clear timing for terminating and resolving the conflict.

Such elements generally impede efforts to prevent violence, unless the sides are able to agree on a peaceful settlement that puts an end to the conflict, usually because of the state actor's readiness to withdraw from the arena of conflict. Similarly, the existence of these elements makes it impossible to achieve control of the violence by setting rules for its joint management.

It is the pronounced disparity between the political goals of the sides in a conflict of this kind that impedes joint conflict management and violence control. The non-state side generally harbors offensive political goals aimed at radically altering the territorial, military, and political status quo. The state actor, which is generally the side that reacts, seeks defensive political goals in the form of preserving the status quo. Seemingly, the disparity between the desire to change a certain situation totally and the desire to preserve the situation, or between the aspiration for a total victory and the aspiration to

prevent a total loss, rules out the possibility of a mutual limitation on political goals in a conflict of this kind, in contrast to a limited conventional war. At the same time, whereas the non-state actor is hampered by military constraints (military weakness) in seeking to translate its political goals into broad operational military goals, the state actor is hampered in this aim by political constraints (internal and external). The asymmetric character of a conflict of this kind, combined with the constraints affecting both sides, render it difficult for either to achieve a rapid and clear-cut military victory or, alternatively, to resolve the conflict peacefully to their mutual satisfaction. Consequently, a conflict of this kind tends to drag on inconclusively.

The asymmetry of a low-intensity conflict – in terms of both goals and the means available to each side – also makes it difficult to limit the use of means. The non-state actor's broad goals prompt extensive use of military means, a desire that is undercut by limited military capabilities. At the same time, the non-state side tries to utilize its available means to the utmost and without limit. The true test of a limitation on the use of military means is usually one-sided, reflecting the degree to which the state actor – the stronger side, which possesses a large range of means, and of higher quality – is willing to limit their use. The state actor's readiness to impose such self-limitations, whether from self-restraint or due to external or internal constraints, will in large measure determine the possibility of limiting the violence in this type of conflict. In addition to the use of military means, the strong side can in certain cases resort to additional measures in order to bring pressure to bear on the non-state side; for example, by punishing its civilian population, either by means of economic sanctions or by a physical economic siege (closure and encirclement) which impedes or prevents the population's free movement. Of course, whether or not limitations are placed on the use of these means has large implications for the conflict's management, especially with regard to its relative escalation or moderation.

The Israeli-Palestinian Conflict

During their four-year violent confrontation (2000-2004), Israel and the Palestinians expanded the use of the means available to them and each side exploited the advantages inherent in their use. The Palestinians expanded the use of suicide bombing attacks in the knowledge that such acts of violence produce particularly "effective" results and that Israel would have a hard time coping with them. Israel, for its part, expanded the assassinations of military and political leaders, made occasional use of attack helicopters and warplanes, imposed limitations on movement, and subjected the Palestinian population to encirclements and sieges. Each side viewed the other's use of such means as escalatory and as breaking the rules of violence management. In some cases escalation of the use of available means is a response to the other side's behavior or seeks to bring about more meaningful achievements in the war. Their use might be limited by self-restraint or because of external constraints – as in the case of Israel – or, in the Palestinian case, because the Israeli security forces have become more skilled at thwarting terrorist attacks. In the absence of political expectancy, the sides will find it difficult to control the violence, let alone end it. If one side or both sides alike refuse to reach a political agreement and instead seek a military decision to the conflict, they will also find it difficult to reach an agreement on effective control of the violence, as such an agreement by its nature conflicts with the possibility of achieving a decisive military conclusion and a clear political victory.

The Need for Violence Limitations

While the sides in a low-intensity conflicts fail most of the time to control the violence, the need for violence limitations in these conflicts is urgent required. This study proposes to distinguish between major potential sources of violence limitations in a low-intensity conflict: "restraints and "constraints." **Restraints** refer to limitations the actors prefer to observe in order to keep the violence limited and that are adopted as a result of self-interest (non-consensual limitations) or mutual interest of some kind (consensual limitations). **Constraints** refer to all limitations imposed on the sides, sometimes against their will by external actors.

Self-interest limitations, motivated by a desire to keep the violence limited. may be coupled with the following considerations: (1) a fear of possible reprisal by the rival side or by other actors who are allied with him; (2) a fear of escalation of the conflict; (3) a desire to maintain domestic and external legitimacy to its cause in the conflict; (4) shortage of capabilities; (4) a desire to signal to the opponent an interest in keeping the conflict limited and to encourage it to behave likewise.

Consensual limitations may emerge as a result of a jointly perceived interest to formulate set of formal or informal limitations via direct or indirect communication (tacit bargaining) on their actions in specific respects, such for example: sanctuary areas (no violence in specific areas). The establishment of limitations is dictated by their mutual fear of escalation and of extension of the violence beyond what is aimed and desired by both sides. The success and the maintenance of the limitations depends on whether both sides share the same understanding of it and remain willing to refrain from actions likely to be judged as infractions of the unwritten rules.

This study suggests that external political constraints rather than restraints may sometimes be the most effective for limiting low-intensity conflicts. While restrains may develop because of unilateral or by joint preferences, constraints may enforce limitations regardless of the sides' preference. The external political constraints may be the best source for limitations, especially in situations of power asymmetry. Indeed, external management of low-intensity conflicts tends to develop when the sides are not capable or not interested in cooperating to control the violence, or when they are interested in external management. Such management can take place in the form of an agreement between the sides, if they are interested in having an external entity assist in guaranteeing that the agreement is upheld. External management can thus be invited by both sides or by one side, or it can be imposed, contrary to the will of one side, if actors in the international arena are unwilling to accept the continuation of unlimited violent confrontation. Such actors can be great powers, regional actors, or international organizations, which are appalled by the high price in human life being exacted from the sides or by the possibility that the violent conflict will spread and engulf external actors, ultimately threatening regional and international stability.