The Hebron Protocol and the politics of settler colonialism
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1. Introduction

In November 2022 I studied Arabic in Hebron (Al-Khalil in Arabic) in the West Bank in Palestine. Besides studying Arabic at a language school, I wanted to better understand the situation in Hebron, a city in the by Israel occupied Palestinian territories. Hebron is unique because it has religious importance both for Muslims as well as for Jews. The city is divided in two parts: one under Palestinian and one under Israeli control. During my stay I visited several times the old city where the split is very visible and tangible. On a number of occasions, I crossed to the Israeli controlled part of the town inter alia to visit the Al-Ibrahimi mosque. On November 19th, 2022, I was present in the old city of Hebron as Jewish settlers commemorated the life of Sarah. Sarah, the wife of Abraham, is seen as the arch mother of the Jewish people. Her tomb is in Hebron. Every year thousands of believers visit Hebron and march through parts of the old city. Among them were in 2022 dozens of rioters throwing stones at Palestinian houses and vandalizing cars and other Palestinian possessions as well as shouting 'death to the Arabs'. Palestinians rushed to the area to defend properties and fight back. The Israeli army tried to disperse the Palestinian crowd by shooting in the air.[1]

Puzzled by the situation in Hebron and the scenes observed, I decided to study the background of the division of the town of Hebron, its justification and its consequences.

I will use the name Hebron since it is the internationally used name for the city as well as for the Protocol which is the core issue of this study.

1.1. The problem, its relevance and a research question

In January 1997 Israel and the Palestinian Liberation Organisation (PLO) approved a protocol regarding the redeployment of Israeli military in Hebron in the West Bank. The protocol was part of the interim peace agreement and a step in a process aimed at ending Israeli occupation of the West Bank and Gaza. Due to the presence in Hebron of Jewish settlements and Jewish religious sites, the two parties agreed to split the city in a Palestinian administered and controlled part and a smaller part that remained under Israeli military control. The intention of the protocol agreed upon by Israel and the Palestinian authorities was to ensure the protection of the Jewish settlements in Hebron and access for the Jews to Jewish religious sites as well as to normalize life in the city as a whole. However, the reality was different. Hebron became a divided city for an indefinite period of time in the context of a continued Israeli occupation of the West Bank. It is also a city in which the rights of the Palestinians in the Israeli controlled part of the town are severely and continuously violated.

After the coming to power of the Likud party which governed Israel throughout most of the period from 1996-today, the Israeli authorities increasingly facilitated Jewish settlement in the West Bank, including in and around Hebron. I argue that colonisation by settlement of the West Bank was the aim of settlers and Israeli policies of the last decades. The division of Hebron for an indefinite period of time is part of this process of settler colonialism. As I will argue, the provisions of the Hebron Protocol were instrumental in this regard.

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[1] Some 30.000 Israeli Jews visited that weekend Hebron. See: Ziv, 2022; Haaretz, 2022.

This study addresses the manners in which Israeli policies and settlers breached the intention of the Hebron Protocol. The research covers the period starting with the protocol of 1997 and ending in 2022 at the beginning of the sixth term of Netanyahu as prime minister (Wall Street Journal, 2022). Netanyahu was previously prime minister from 1996-1999 and from 2009-2021. In 2022 Netanyahu once again became prime minister of a government that also included religious extremist right wing parties.

This research analyses how an operational peace protocol between Israel and the Palestinian authority -meant to normalize the life of the citizens in Hebron- had an adverse outcome: a permanent division of the city along religious and ethnic-nationalist lines. The latter was due to actions of settlers supported by the Israeli government, partly in response to Palestinian violence. In this way a further obstacle was created on the way to a two-state solution as outcome of a peace agreement between Israel and Palestine.

This research also critically engages with the thinking about the nature of settler colonialism; is Israel's occupation of Palestinian territories a form of settler colonialism; are settlers the drivers of Israeli colonialism, its implementors or both; how Israeli settlers movement, political parties and the state relate to each other; and is the urban divide of Hebron a result of settler colonialism?

My study takes into account the observations and analysis of scholars and others who studied either the Hebron Protocol or the socio-political situation in the divided city. Weiner as well as Andoni discuss the Hebron Protocol in the context of the peace negotiations between Israel and the Palestinians (Andoni, 1997; Weiner, 1997). The protocol itself is an operational implementation protocol meant as an interim step in a peace process. However, is it -as both authors question- a step towards a solution of the Israeli-Palestinian conflict? Several authors indicate that the way Israeli's control their part of the city of Hebron had negative consequences for the Palestinians living in that area. Lecoquierre focused on the material and social effects leading to 'urbicide' or the killing of the city as well as the resistance to this trend (Lecoquierre, 2009). Lecoquierre as well as De Cesari analysed how Palestinians use heritage in Hebron to resist Israeli occupation and settler colonialism as well as to express Palestinian identity (Lecoquierre, 2009; De Cesari, 2019). However, as Hammami shows, Jews use heritage for political purposes as well. They use their heritage to legitimate Israeli (continuous) presence and control over Hebron (Hammami, 2020).

These studies do not explain the gap between the intentions of the Hebron Protocol and the reality of the divided city of Hebron as the intentional outcome of Israeli settler colonialism. Nevertheless, I will argue that the protocol facilitated the Jewish settler aims at isolating the Israeli controlled part of the city of Hebron and integrating it with support of the Israeli authorities in other areas under full Israeli military control.

My research question is:

In what way the Israeli authorities -making use of the provisions of the Hebron Protocol- gave support to the settlers in their efforts to strengthen and enlarge their presence in Hebron.

The following section discusses theoretical concepts which I use in my analysis of the settler's intentions and the Israeli governments' policies regarding the West Bank and its Palestinian population. The methodology I use for my research is explained in section 1.3. In

order to answer the research question, I will closely exam the content of the Protocol and its implementation and relate these to political and security developments. These issues will be discussed in the chapters 2 to 4. Section 1.4 provides an outline of these chapters.

1.2. Theoretical concepts

I discern three concepts and related academic discussions which have linkages with the theme of my research: the concept of 'divided cities,' the concept of 'settler colonialism' and the notion of 'state society relations.'

Divided cities

The first notion is 'divided cities.' There are two main strands of disciplines studying urban divisions. The first strand focusses on processes of growing inequalities and segregation of social groups. These processes are often seen as effects of neo-liberalism and globalisation. The second group studies ethno-national divisions resulting from conflicts between communities in contested cities and often in a context of state contestation (Véron,2021:1). Religion can be a component in conflicts, resulting in a divided city. For instance, the presence of 'holy sites' in cities can, while not always the case, be a source of contention between communities (Dumper, 2019: 3). Thus, one can speak of religious and ethno-national conflicts and cities divided along such lines (Anderson, James, 2019: 22). The situation of Hebron also fits in this category considered by both Muslims, Jews and Christians as a 'holy city'; a city with strong religious association (Dumper, 2019: 8).

These conflicts can take the form of a process of physical partition. Such a process, as Calame and Charlesworth analysed among five divided cities, had a common denominator: 'a long, incremental, and avoidable process of physical partition' (Calame and Charlesworth, 2009: 35). The physical partition of a city is accompanied by a process of securitization and militarisation. Lecoquierre analysed the militarisation of the old city of Hebron; a process of *urbicide*. The organization of the city was modified 'according to the political objectives of separation and containment' (Lecoquierre, 2009:330). However, even if a city is divided as a consequence of a conflict, this situation can be still contested and altered by the involved parties. The latter situations can be triggered by actions of people provoking a crisis and leading to the altering of status quo arrangements concerning certain areas and affecting the position of people living there (Dumper, 2019:16).

Settler colonialism

The second notion is about colonialism and its different forms, The question related is whether Israel is a colonial state and engages in settler colonialism.

Colonialism, as a general concept, means 'the political and economic domination of a territory and its inhabitants by other people from another territory' (Hayes, accessed 21 January 2024). In the literature on colonialism a distinction is made between franchise and settler colonialism, although as Englert indicates in practice this distinction is 'difficult to square with reality' (Englert, 2022: 15). Franchise colonialism is considered as an extractive system in which resources of the colonized country are transferred to the colonizing country. The metropole, the colonizing country, is mainly interested in the natural and human resources of the periphery. A settler colonial regime aims to 'permanently transfer citizens from the

metropole to the colony.' The colony becomes a permanent home for settlers (Englert, 2022: 5; Hayes, accessed 21 January 2024).This has been for instance the case in Algeria, South Africa, Kenya and in Rhodesia, the current Zimbabwe (Englert, 2022: 18). Mamdani, in his analysis of the Israel-Palestine question, makes a clear distinction between immigrants and settlers:

> "Immigrants are unarmed; settlers come armed with both weapons and a nationalist agenda. Immigrants come in search of a homeland, not a state; for settlers, there can be no homeland without a state. For the immigrant, the homeland can be shared; for the settler, the state must be a nation-state, a preserve of the nation in which all the others are at most tolerated guests' (Mamdani, 2020: 253).

Thus, the difference is that immigrants, unlike settlers, do not come with the intention to impose themselves on the indigenous populations and their political system.

Patrick Wolfe discerns two aspects of settler colonialism. The first one is the goal of eliminating the Native of Indigenous territoriality. The second one is the establishment of a new society in the latter place (Wolfe, 2016: 244). Wolfe was of the opinion that settler colonialism is inherently eliminatory but not invariably genocidal. Moreover, 'the invasion is a structure and not an event.' The latter implies as O'Brien indicates that settler colonialism – such as in the case of the United States and Australia- was an ongoing process of destroying the indigenous society. However, it is, -like in the case of Algeria, South Africa and Palestine- a process that might be contested by the continuous resistance of the local population. Thus, a distinction should be made by the aspirations of the colonizer and the actual success in achieving its goals (Englert, 2022: 17). This 'implies the continuance and survival of Indigenous sovereignty' (O'Brien, 2017: 249- 251). In the context of this study, I define the politics of settler colonialism as the policies and actions of colonizers invading and occupying an area with the intention of expropriating, chasing and/or eliminating the Native population and replacing them by settlers. In this process, as indicated by Englert, the settlers are the vanguard of colonial rule and expansion. They are the symbol of continuous presence of the colonizer in the indigenous land (Englert, 2023: 6).

Settler colonialism, Zionism and Israel

The Israeli case is on the one hand special because Britian as a colonial power allowed, facilitated, and protected during most of its mandate[2] the Zionist project of creating through settlement a national home for Jews in Palestine, an area overwhelmingly populated by Arabs (Khalidi, 2020: 24-26). In this way Britain participated in settler colonialism.

The question whether or not Israel itself is a 'settler-colonial' state, is the subject of an academic and political debate. Differences in opinion on Zionism are central in this debate. Zionism emerged during the last decade of the 19th century, mainly in Eastern and Central Europe. Zionism as an ideology and movement is much more than only a political project. It

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[2] The dislocation of the local Palestinian population as a consequence of immigration and land transfers caused large scale Palestinian protests and revolts end 1920ˢ as well as during the 1930ˢ. These revolts as well as geo-political considerations, led to a re-evaluation of British Palestine policies. The 'White Paper' of 1939 stated that it was not the British intention that Palestine should become a Jewish state. It also indicated that Jewish immigration was to be limited as well as land transfers to Jews. The international Jewish community widely condemned this British policy change. See: Cleveland and Bunton, 2016, 244-246.

has also socio-economic and cultural dimensions. Zionism is complex and multifaceted. However, in its basic form Zionism aimed to 'restore to the Jews a political body they could claim as their own' (Chowers, 2012: 7 and 246). Most Zionists were of the opinion that the location of this project had to be in Eretz Israel ('the Promised Land'/Palestine). Thus, Zionism can be defined as 'the movement of re-establishing a Jewish homeland on territory from which they had been exiled by Roman act in 70 AD' (Anderson, Betty, 2016: 195). Two political ideologies and practices, namely nationalism and colonialism, are central in contemporary debates on Zionism. There are different visions about which one of these ideologies was most decisive in shaping Zionism (Chowers, 2012: 11).

The proponents of Zionism argue 'that Zionism was a legitimate reaction to antisemitism and the exclusion of Jews from European nation-states.' In this view Zionism tried to solve an existential crisis of the Jewish people by seeking elsewhere a homeland (Chowers, 2012:13). The main argument of scholars and others who disagree with the view of Israel as a colonial or settler colonial state is that the Land of Israel, the biblical Israel, has been the homeland for Jewish people for thousands of years. This land is integral part of the Jewish religion and culture. Jews return to their homeland and establish themselves in this land. This is neither colonialism nor settler-colonialism (Dowty 2022; American Jewish Committee, 2024; Shah, 2024:3). Those scholars and others who sympathise with the aims of the Zionist movement refer to its nationalist goals but also stress its strong liberal principles. They underline the good intentions of the Zionists which were answered by the Palestinians with rejections and violence. These scholars also refer to the acceptance of Jewish leaders of the principle of partition of the land since 1937 and their approval of the partition plan of the United Nations of 1947. The latter plan was rejected by the Palestinians and others (Chowers, 2012: 12-13).

However, critics of Zionism refer to its colonial and imperialist elements such as 'its economic exploitation of the native Arab population, its fixation on land acquisition through dubious methods, its attempts to accumulate weapons and organize itself military, and its perception of itself as the messenger of progress and high culture in a backward environment.' They also point to 'the partial expulsion of the Palestinian population by Israeli forces in 1948, the reluctance of Israeli leadership to accept responsibility for the fate of these refugees, and the lukewarm reactions of Israel to various Arab peace initiatives' (Chowers, 2012: 11-12). As Bishara argues the origins and the fuller dimensions of the Palestinian cause reside in the *Nakba*. This Arabic term meaning catastrophe or calamity refers to the humanitarian consequences of the establishment of a Jewish state in Palestine. Palestine refers here to the area between the Mediterranean Sea and the Jordan River; thus, where Israel and Palestinian territories are today (Encyclopaedia Britannica, Palestine, consulted 15 November 2023). Many of the Palestinians who at that time accounted for most of the population in historic Palestine were during the war in 1948 systematically expelled from their homeland (Bishara 2022: 15). More than 750.000 Palestinians fled their houses and land and became refugees. Today, more than 75 years since the Nakba, there are around 5.9 million Palestinian refugees entitled to assistance from the United Nations Relief and Works Agency (UNRWA, consulted 7 May 2024). Moreover, the Palestinians were left stateless, including those living in the West Bank and Gaza (Thomas, 2023)

Zionism as a political movement reflects the above-mentioned complexity. It exhibits both anticolonial and colonial aspirations (Thomas, 2023). Chowers in his analysis of the political

philosophy of Zionism, indicates that this Zionist 'movement conceived of politics mostly in terms of given ends to be achieved through correct planning and of things to be created and produced.' He argues that this purposeful approach of the movement 'either did not sufficiently contemplate the means required for its achievement (Herzl[3]) or were willing to use dubious ones if necessary (Ben-Gurion[4]) (Chowers, 2012: 246-247).

Zionism as a political movement has different streams and 'does not preclude someone from being critical of the policies of the Israeli government' (Thomas, 2023). In modern Zionists politics a tension developed between socialist / humanist policies, pragmatic considerations about the use of force to foster Zionist interests as well as the uncompromising Israelis who consider themselves the masters of Eretz Israel and who do not recognize the competing Arab national claim (Braiterman,2012: 624). These competing ideological streams in Zionism developed different visions about the attainment of a society or state for the Jewish people. The first historical divisions affecting the Zionist movement were mostly about forms of Jewish secularism either focusing on the political or cultural dimension of Jewish identity and Zionist activism. After World War I schisms developed between left wing, socialist Zionism and a nationalist stream of especially right-wing revisionists. Religious motivations played no systematic role in mainstream Zionist politics and culture until the 1967 war and the Israeli occupation of the West Bank and Gaza. Braiterman, indicates nowadays

> 'the main fissures shaping discourse about Zionism fall around security and demographics, the occupation and evacuation of territories, and the formal legal constitution of ethnic and religious identity in a multicultural society' (Braiterman, 2012: 610).

While the secular Jews played a key role in the establishment of the state of Israel, religious Zionism has chosen after 1967 'the settlement project to be its flagship enterprise, which would fulfil its destiny and prove its moral superiority'. According to Harari religious Zionism has increasingly radicalized and gets also growing support from the Haredi[5] younger generation. It has not only taken a leadership role in the settlement project but also in the coalition government of the Likud-party with extremist right-wing parties and its staunch support for Jewish settlements in the West Bank (Harari, 2023). See chapter 4.

Whether or not nationalist or colonial phenomenon are the dominant characteristic of Zionism, it can be argued -as I will do in this study- that the state of Israel acts as a colonizing state, regarding its settlements outside of the 1967 borders. Many scholars and political analysts, as discussed below, share this opinion because the state of Israel actively supported the establishment of settlements since its occupation of the West Bank and Gaza in 1967.

Veracini for example is of the opinion 'that the current circumstances of Israel/ Palestine are determined by colonial conditions and a settler colonial system of institutional and personal relationships' (Veracini, 2006:1) Van Veen also argues that Israel is a colonising state. Its

> 'overarching strategic objective was to limit the Israeli nation to Jews as much as possible while expanding the Israeli State when feasible. This makes Israel a late

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[3] Theodor Herzl (1860-1904) founder of the political form of Zionism and first president of World Zionist Organisation.
[4] David Ben-Gurion (1886-1973), Zionist leader and first Prime Minister of Israel.
[5] For more information about the Haredim (Charedim) or Ultra-Orthodox Jews, see:
https://www.myjewishlearning.com/article/haredim-charedim/

follower of European nationalist-colonial practices in which native populations were incorporated into the *State* on a limited basis and largely excluded from the *nation-state'* (Veen, 2023:5-6).

Other authors, while agreeing that Israel is a settler colonial state, indicate that the Israeli settler colonialism has some unique characteristics. Bishara refers to the distinct ideological character of Jewish and Israeli settler colonialism (Bishara, 2022: 28). It is motivated, as above mentioned, by Zionism. Wolfe considers the ideology of return as a specificity of the Jewish settler colonialism. As Wolfe indicates :

> 'Among settler-colonial discourses, Zionism is distinguished by its claim to be returning to a land that is already owned rather than to be surpassing a prior, albeit inferior, Native mode of occupancy. The concept of return ('to Zion') is inseparable from that of origin, which in turn implies continuity' (Wolfe, 2016:243).

This ideological aspect is among other things materialized through 'heritage,' proofs of prior Jewish presence. As Hammami indicates the presence of these proofs, often archaeological sites, is used as legitimation by settlers to claim rights over the territory and for their presence (Hammami, 2020: 15-16).

State society relations

Since I reflect on Israeli settler colonialism, it is of importance to look into the relationship between state and society and more specifically between the state and the settlers. The relationship between social movements on the one hand and political parties and the state on the other hand is complex. This relationship is influenced by the political system of individual countries as well as the role of political parties in it. Reference is made in this regard to political sociology and the thinking about the relationship between state power and social groups (Bilton and others, 1996:271-326). The politics of settler colonialism refers to this relationship.

Social movements are mostly seen as part of the noninstitutionalized polity as far as politics are involved. While these social movements are often considered as 'challengers' of the institutionalized political system, it is also argued that the boundaries between the institutionalized and un-institutionalized politics are often blurred. Social movements can influence states and parties and states and parties can have influence on social movements. (Goldstone, 2010: 2 and 12).

In the Israeli context political parties play a key role in representing and pushing settlers' interests. Israel has a history of influential settler movements with connections to political parties and the state. This Jewish settler movement is well organized and a political force in Israel.

Within the settler movement, there are different political and /or religious orientations. The Israeli settler colonialism which developed in the West Bank since the 1967 Israeli occupation of this area has a specific, namely messianic character. These settler groups form a religious social movement that views 'the struggle to keep the West Bank under Jewish sovereignty as pertinent to the process of redemption: leaders prioritized occupying the land above all other values, including the state's authority or even the Jewish principle of the sanctity of life'

(Mendelsohn, 2016: 51; The New Yorker, 2023)). The subsequent Likud governments allowed for security, legal, infrastructural and direct financial support to the Messianic settler movement in its endeavour to create and strengthen settlements and thus Israeli civilian presence in the West Bank.

The aims and actions of settlers do not necessary align all the time with the goals of the colonizing power. As Englert indicates, referring to Rhodesia (nowadays Zimbabwe) and South Africa, 'settlers develop their own, autonomous, accumulation and Indigenous land, resources and labour' (Englert, 2022: 6). Settlers, can trigger conflicts and counter-actions by the Native or indigenous population, draw in support of the colonizing authorities and in this way enforcing a new situation detrimental to the indigenous population. The coming of these settlers in the case of Hebron created tensions with the local population including the death of some settlers. These tensions led to decisions of the Israeli authorities to declare parts of the Israeli controlled area of the city of Hebron as a closed military zone after subsequent incidents as well as to officially allow the creation of settlements in the area: Kiryat Arba, Beit Hadasah, Beit Romano, Abraham Avinu, Beit Ha Shalom and Tell Rumeida (Hammami, 2020: 21 and 25). Dumper makes a similar observation about Hebron where the creation of crisis by settlers formed part of a 'very clear pattern of incremental erosion of Palestinian Muslim control over the Al-Ibrahimi mosque and adjacent areas in Hebron' (Dumper, 2019: 16).

> 'By provoking a crisis, people flash points draw in police or military intervention which may result in a permanent presence of checkpoints, surveillance and restrictions on access. In this way, the status quo arrangements concerning a particular site are altered and the rights and management responsibilities of the community controlling that site are affected' (Dumper, 2019: 16).

1.3. Methodology

The research approach or methodology is qualitative in nature. As Lichtman indicates:' The purpose of QR [qualitative research, RS] is to explore, describe, understand, or explain a phenomenon. It is about the what, how, and why of something.' The process of conducting this research is based on moving back and forth between collecting data and analysing data. The approach is inductive (Lichtman, 2017: chapter 2, p.3, 8 and 21); in other words, I move from specific observations to examples of larger trends. For example, OCHA collected data from various sources about settler-related incidents in Hebron targeting Palestinians as well as about incidents against settlers. The information of the incidents is filtered by OCHA by perpetrator as well as by 'results' such as casualty and property damage. Based on this and other information I will interpret the data and make some more general comments about the patterns of violence during the research period and about the measures taken by the Israeli authorities in reaction. Moreover, I will reflect about these larger trends and their meaning in relation to the theoretical concepts: 'divided cities,' 'settler colonialism' and 'state society relations.'

Answering the research question will be done through:

   a. Close reading of the Protocol itself and situate the Protocol in the context of the at that time Israeli-Palestinian peace negotiations. I will also collect and analyse factual

information about the implementation of the Protocol and relate these data to relevant developments and incidents.

b. Discussing the information as well as its analysis, making use of the theoretical concepts.

c. Commenting my key argument that the protocol facilitated the Jewish settler aims at isolating the Israeli controlled part of the city of Hebron and integrating it with support of the Israeli authorities in other areas under full Israeli military control.

Sources

I will use primary sources such as the Hebron protocol and related agreements as well as government notifications. Other primary sources are witness and victim declarations quoted by human rights organisations, the United Nations as well as by journalists and documentary producers. Secondary sources consulted in this study are mostly of an academic nature and provide contextual information and analysis. These sources include reports of think tanks. In the annex, a bibliography of sources is provided.

1.4. Outline

In chapter two I will start with examining the specific reasons for an operational protocol for Hebron. I will locate the Protocol in the context of the wider Oslo peace process. In a next step, I will examine the reasons for the delay in signing and implementing the Protocol. I will show that security and political developments were responsible for the delay. Furthermore, I will examine the goal and the content of the protocol and show that the provisions of the Protocol were mainly meant to ensure protection of the settlers and to make the Palestinian Authority responsible for ensuring it. The Protocol and related documents were not about facilitating the daily life of Palestinians, the overwhelming majority of citizens in Hebron. The main sources of information are provisions in the Interim Agreement between Israel and the Palestinian authorities, the text of the Protocol itself and the connected Note for the Record of US special representative Ross as well as the Letter of Secretary of State Christopher to Netanyahu. I will make use of several articles of legal and political analysts situating the Protocol in the wider peace process. Based on the analyses a link will be made with the theoretical concepts.

The third chapter will be dedicated to how the protocol was implemented and which events effected the implementation such as settler violence and the Palestinian uprising or *Intifada* (literally 'shaking off' in Arabic) and contributed to the physical division of Hebron. I will start with the situation in Hebron under Israeli occupation prior to the signing of the Protocol. A second part of the chapter will deal with the steps taken by both parties to implement the Protocol, the cooperation between them as well as the role of the Temporary International Presence in Hebron (TIPH). A core issue is the division of the city, its character and the consequences for the citizens of Hebron including the violence between settlers and the Palestinians and human rights violations. As argued in discussing the concept 'divided city,' the division is not static. Political developments within and between authorities as well as developments on the ground, such as actions of citizens, settlers, the military and armed groups can have effect on the division of the city both in geographical terms but also on the way the divide is enforced. It is a structural and ongoing process. It is also a contested process and situation because the indigenous population and their representatives try to

counter the conquest of the land as well as being subordinated. Reports of the UN as well as of human rights organisations describe and analyse how the life of the Palestinians in the Israeli controlled part of the city of Hebron became increasingly restricted during the time period of this study. Finally, I will give attention to the kinds of violations that were reported by various sources since the implementation of the Protocol. I will look at the perpetrators and victims as well as the complicated legal framework. The main sources of information will be Israeli and Palestinian human rights organisations, International Human Rights Organisations as well as reports of the UN and think tanks like the Carnegie endowment and the Middle East Institute. Moreover, I will look into public statements of Israeli and Palestinian authorities regarding the situation in Hebron. Based on the information and analysis I will argue that the Israeli authorities followed a separation policy which served the territorial aspirations of Jewish settlers as well as Israel's political authorities.

In the fourth chapter, I will discuss the character and the intentions of the settler movement, the support it receives from Israeli political parties, the military and the government. I will focus on the settlers in and around Hebron. They established settlements since 1968. Who are these settlers, what motivates them, what are their aims and what kind of strategies do they follow in pursuing their aims? I will also look into the kind of support they get from Israeli authorities and its policies, political parties as well as from interest groups abroad. The main sources of information and analysis about the settler movement and its relations with political parties are academic, from the media as well as from settler organisations-like Gush Emunim and the Jewish Community of Hebron- and sympathisers. Information about Israeli government support, including military, can be found in Israeli government publications, academic and think tank publications as well as in reports from Israeli, Palestinian and international human rights organisations on settlers. I will look into statements of the Likud government, its political leaders giving evidence of this support as well as policy instruments showing evidence of support to Jewish settlements, notably those in and around Hebron. UN and human rights reports as well as other sources like documentaries provide evidence of protection of settlers while the latter participated in violent actions against in many cases peaceful Palestinians.

I will pay attention to the linkages between the Israeli state, political parties and the settler movement and refer to the influence of the radical settler movement with its Greater land of Israel ideology on political developments in Israel as well as on the creation of settlements. Subsequent Israeli governments, especially Likud-dominated ones led by Prime Minister Netanyahu, legitimized the establishment of settlements in the occupied territories. The government included such settlements in programs for infrastructural development and other forms of support. The Israeli military protected and supported Jewish settlers. Based on the information and the analysis of trends in it I will show that the settlers were protected by and received substantial support from the Israeli government. Many settlers in the West Bank adhere to a messianic and activist form of Zionism. The settlers are instrumental in achieving the aims of Israel's policies under Netanyahu, namely making de facto a two-state political solution impossible by slowly but steadily annexing occupied Palestinian territory. Thus, the Israeli occupation of the Palestinian territories can be characterized as settler colonialism and that this is also evidenced by the situation in Hebron.

The fifth chapter is a concluding chapter. I summarize the main conclusions regarding the implementation of the Hebron Protocol, the relations between the Jewish settlers in and around Hebron, political parties and the Israeli government and reflect on the implications for the initial goal of the Hebron Protocol as part of the interim peace arrangements between Israel and the Palestinian authorities. Finally, I discuss and connect these linkages and implications with the theoretical concepts as well as make some concluding remarks regarding the correctness of my assumption.

The annex contains the bibliography.

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2. The Hebron Protocol

In this chapter, I will first give some contextual information about the situation since 1967 in the West Bank, before focussing on Hebron. Secondly, before analysing the Hebron Protocol, the broader context will be discussed of the Israeli-Palestinian peace negotiations as well as the political and other developments affecting these negotiations. In a next step, I will analyse the character and the provisions of the Protocol itself. Finally, I will make some concluding remarks and link these to the theoretical concepts which have been discussed in chapter 1.

2.1. The West Bank; occupied Palestinian territory since 1967

Arab leaders threatening the existence of Israel, their support to Palestinian resistance and especially the moving of Egyptian troops into the Sinai Peninsula gave Israel a pretext for this attack. In a pre-emptive strike in June 1967, Israel defeated Egypt, Syria and Jordan. Israel occupied the Sinai-desert, Gaza, the West Bank and the Golan Heights (Cleveland and Bunton,2016: 320-321; Khalidi, 2020: 98). On the 22nd of November 1967, the United Nations (UN) Security Council unanimously called in resolution 242 for the withdrawal of Israel from the occupied territories and an end of the state of war between the countries involved (Anderson, Betty, 2016: 333).

In the immediate aftermath of this war several Palestinian armed resistance organisations became more active under the umbrella of the in 1964 founded Palestinian Liberation Organization (PLO). The PLO was led by Yasir Arafat who was the head of Fatah. The initial aim of the armed resistance was to recover the whole of Palestine. During the 1970th's the PLO acquired characteristics of a government in exile and tried among else by means of diplomacy to be accepted as the legitimate representative of the Palestinian people (Cleveland and Bunton,2016: 320-322,341-343; Khalidi 2020: 98, 116-117). The UN General Assembly recognized in November 1974 the Palestinian people's right to self-determination (Anderson, Betty, 2016: 335).

In the 1980-s, Israeli society and politics became increasingly polarised. Labour and Likud, the main political parties, held distinct positions with regard to the future of the occupied West Bank and Gaza. The Labour party favoured a territorial compromise with the Palestinians. However, the Likud dominated governments considered these areas as part of the Biblical Israel and were in favour of incorporating these areas into the Jewish state. Under these governments the number of Israeli settlements in the West Bank increased substantially. Moreover, the Israeli government confiscated plots of Arab land and used frequently administrative measures to oppress Palestinian opposition. The latter measures allowed for arresting Palestinians without a warrant and holding them in detention up to six months without being charged. The discontent of the Palestinian population about the continued occupation and repression led in 1987 to a general uprising, the first Intifada (the Arabic word for 'a shaking off'), which lasted nearly five years (Cleveland and Bunton, 2016: 451- 453).

Settlements on the West Bank and East Jerusalem

The West Bank, known in Arabic as *Al-Ḏaffah al-Gharbiyyah* and in Hebrew as *Ha-Gadah Ha-Maʿaravit,* made part of the former British-mandated (1920–47) territory of Palestine west

of the Jordan River and was controlled by Jordan[6] until the Israeli occupation of this territory in 1967. The territory, excluding East Jerusalem, is also known within Israel by its biblical names, Judaea, and Samaria. The most important Palestinian municipalities of the West Bank are Jenin, Nablus, Ramallah, Bethlehem (Bayt Laḥm), Hebron (Al-Khalil) and Jericho (Arīḥā) (Encyclopaedia Brittanica, West Bank, consulted 15 November 2023).

Soon after the June 1967 Six Day War, Israel started to build the first settlements in the newly conquered areas, including on the West Bank. Settlements are in this paper defined as communities of Israeli Jews that moved into the West Bank since the 1967 war (Washington Institute: consulted 23 February 2024). The first one was Kefr Etzion, near Hebron, and was built on the site of a former Jewish settlement abandoned during the 1948 war. Israel's settlement policy accelerated after a Likud government led by Menachem Begin came to power in 1977. In contrast to the previous government, the Likud government aimed at building settlements close to Palestinian towns and in the heart of the West Bank, which it considered as the biblical Land of Israel. In this way the Israeli government tied the West Bank closer to Israel. Moreover, the government built urban settlements close to the east side of the 1967 border as well as Jewish suburbs of Jerusalem on the West Bank. These settlements are a major source of contention in Israeli- Palestinian relations. They are also a major burden on the economy of Israel (Rivlin, 2011: 143-144).

The Washington Institute's 'settlement and solutions project' provides information on settlement construction in the West Bank. In the context of this study, the following take-aways are of importance:

- Most of Israeli settlers in the West Bank (some 77%, 84% if one includes East Jerusalem) live inside (west) of the security barrier[7], in approximately 10 percent of the West Bank land. Thus, close to the pre-1967 border.
- There are some 130 settlements inside the barrier.
- Outside the barriers the religious-nationalist settlers dominate (Washington Institute: consulted 23 February 2024).

Across the whole of the West Bank there are about 250 Israeli settlements with municipal boundaries covering approximately ten percent of the total surface. These settlements which have spread throughout the West bank are illegal under international humanitarian law. They affect Palestinian areas almost everywhere (OCHA: July 2023).

The estimated Palestinian Population of the West Bank was 3.19 million in July 2022 (Palestinian Central Bureau of Statistics, 2022). According to figures of the Israeli Central Bureau of Statistics the population of Jewish settlements in the West Bank and Gaza grew from almost zero to nearly 300.000 in 2011. This expansion was made possible by large scale public spending (Rivlin, 2011: 146-147). Beginning 2024 the Jewish population of the West

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[6] In the 1960th there had been frequent clashes along the Jordanian-Israeli border. Palestinian guerrilla's supported by Syria conducted raids from the Jordanian territory into Israel. Subsequently, Israel retaliated by force against targets in Jordan (Cleveland and Bunton,2016: 320; Khalidi, 2020: 98).
[7] Washington Institute, consulted 23 February 2024. The West Bank Security Barrier was a project conceived and initiated in 2002 by the Israeli government, during the height of the "second intifada. It aimed to prevent Palestinian armed infiltration from the West Bank . The planned length of the barrier was 710 km, and to date, about 540 km (76 percent) has been completed. Israel defined the route -- in some areas it follows the Green Line; in some areas it runs east of the Green Line; and in some areas it runs west of the Green Line.

Bank had increased to 517.407 or 7,2% of Israel's Jewish population. Since 2019 the Jewish population in the West Bank had increased with 15%, In East Jerusalem currently live 340.000 Jewish residents. These Jewish inhabitants plus the Jewish inhabitants of the West Bank constitute over 10% of the total Jewish population (Jerusalem Post, February 2024).

In absolute numbers, the figure of settlers living outside the security barrier rose from some 70.000 in 2009 to almost 112.000 end of 2020 (Washington Institute: consulted 23 February 2024). Ultra-Orthodox Jews increasingly dominated the composition of the Jewish population of the West Bank. While in 2008, there were some 80.000 ultra-orthodox living in the West Bank, this number increased substantially. The two main settlements on the West Bank with an exclusive ultra-Orthodox population, Beitar Ilit and Modi'in Ilit, rose from respectively almost 23.000 and 24.300 inhabitants end of 2014 (Rivlin, 2011: 147-148) to 64.383 and 80.064 end of December 2020 (Washington Institute: consulted 23 February 2024).

2.2. The Oslo agreements

Several international and internal Israeli and Palestinian developments contributed to a political breakthrough making possible direct peace negotiations between Palestinian and Israeli delegations: the effects of the Palestinian intifada on Israeli society, the dominance of US-power and the election in 1992 in Israel of a labour government led by Yitzhak Rabin (Cleveland and Bunton, 2016: 477). On September 13th, 1993, Israel and the Palestinian Liberation Organisation (PLO) signed a declaration of principles (DOP) on Interim Self-Government Arrangements. These arrangements are commonly referred to as the Oslo Accords. Both parties agreed that a Palestinian Authority (PA) would be established. The PA would assume governing responsibilities in the West Bank and Gaza. It was also decided that permanent status talks would be held on issues such as borders, refugees, and the status of Jerusalem (US Department of State, consulted 14 January 2024). The Taba (or Oslo II) agreement of September 1995 between Israel and the PA divided the West Bank into separate areas under Israeli control, Palestinian control, and Israeli military responsibility with Palestinian civil administration. The Oslo II agreement sought to implement the Oslo I agreement. It defined the security, electoral, public administration, and economic arrangements during the interim period of five years (UN, 1995; US Department of State, 14 January 2024). Based on the Oslo-agreements the West-Bank has been administratively divided in three areas (see map 1): an area controlled by the PA (Area A), an area jointly controlled by the PA and Israel (Area B) and an area controlled by Israel (Area C). The PA obtained some limited powers and responsibilities in the Areas A and B (Jewish virtual library: 1995). The operational protocol for the city of Hebron, which was part of annex I to the Oslo II agreement was only signed in January 1997 (UN, 15 January 1997).
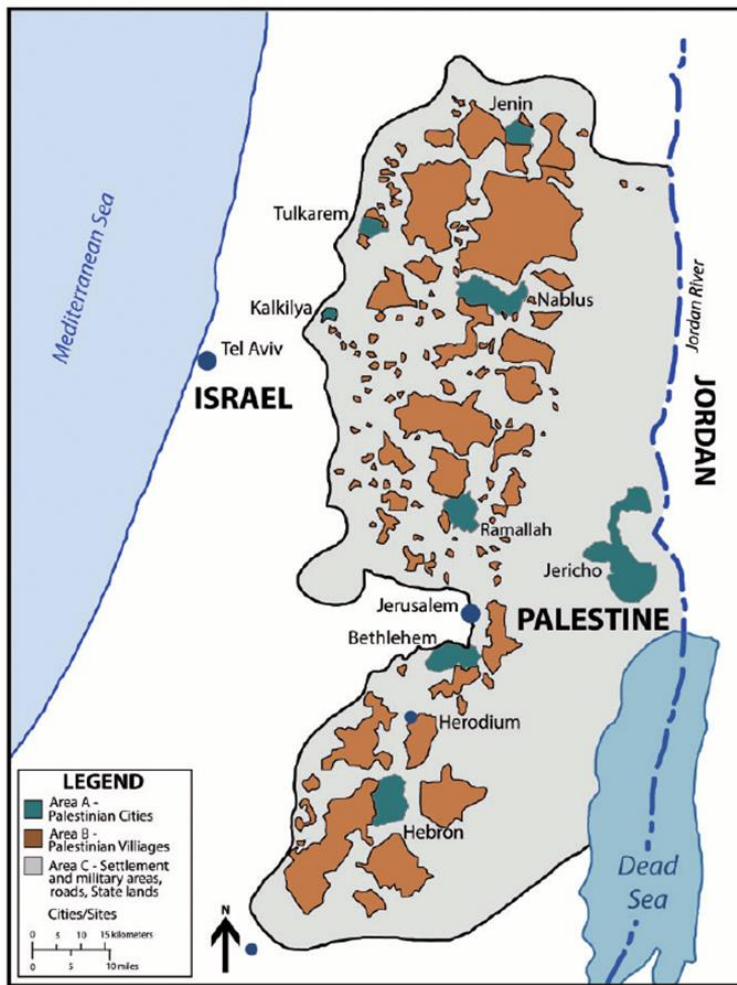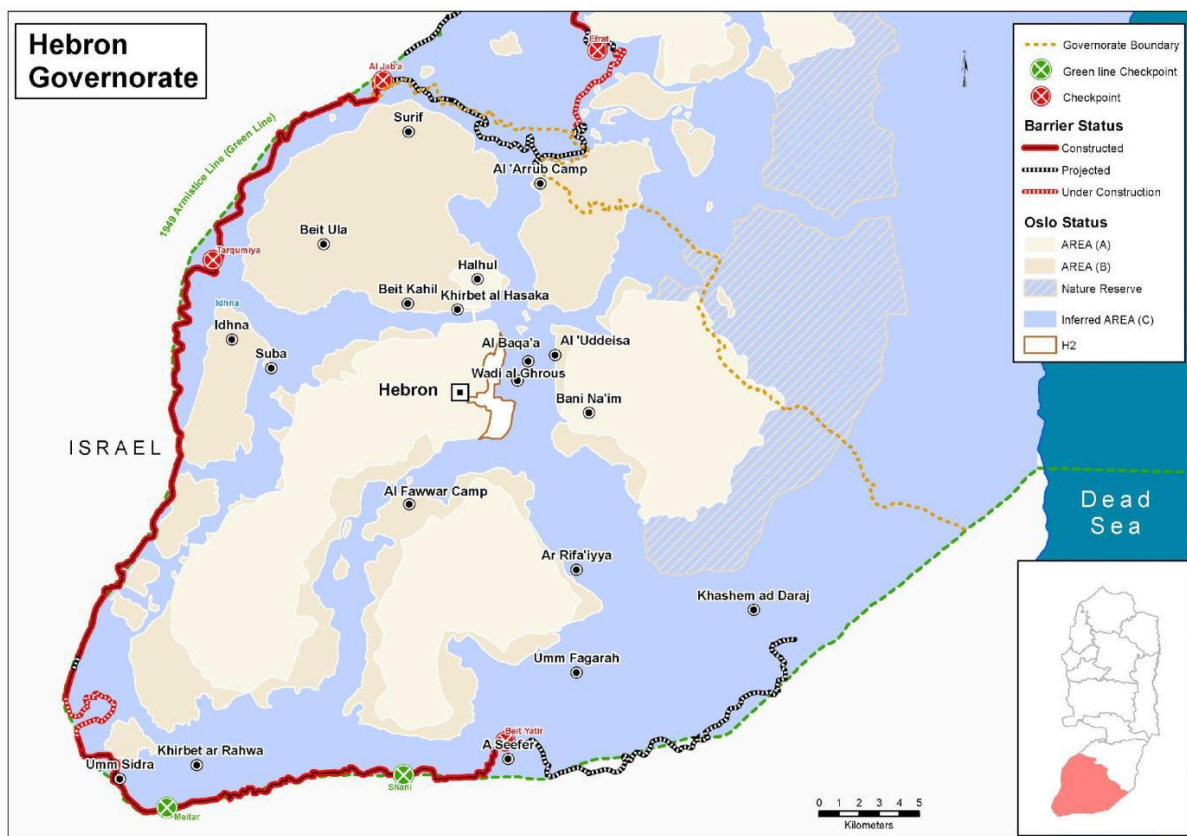
Map 1. Source UNSCO 2016

2.3. Hebron: city of Arabs and Jews

The city of Hebron is situated in the governorate of Hebron. The governorate of Hebron is the largest governorate in the West Bank in terms of area. Approximately 23 % of the West Bank population is living in that area. The Hebron governorate has a predominantly urban population, with approximately 622,200 people (85.35% of total) living in urban areas, 87,844 (12.04%) in rural areas and 19,129 (2.6%) in Arroub and Fawwar Palestinian refugee camps (UNSCO, 2016: 3). The below map of the Hebron governorate shows the division of the governorate based on the Interim agreement in territories under Israeli control (area C), joint Palestinian and Israeli control (area B) and Palestinian control (area A). The city of Hebron is surrounded by areas under Israeli control and joint Israeli-Palestinian control.

Map 2. Source: UNSCO, 2016

Hebron has some 200.000 inhabitants of which one third are Palestinian refugees[8] (UNSCO, 2016: 5) and is part of the governorate of Hebron (B'tselem, 2019). Since the 1967 occupation of the West Bank several hundred settlers as well as students moved into the city of Hebron in a number of buildings in the vicinity of the Tombs of the Patriarchs / Al-Ibrahim mosque. Several Jewish settlements have been established in the neighbourhood of Hebron. The largest settler community next to Hebron is Kiryat Arba with more than 8.000 inhabitants (Washington Institute: consulted 23 February 2024).

The city is considered holy both by Jews as well as Muslims. It contains a cave which is assumed to be the burial place of the biblical figures of Abraham and his wife Sarah as well as the burial place of Isaac and Jacob and their wives. The Al-Ibrahim mosque was built over 650 years ago on top of the cave and the surrounding compound. Hebron was also the initial capital of the Jewish king David. Muslims see Abraham as the arch father of the Arab clan of Ishmael. (Encyclopaedia Britannica: Hebron, consulted 14 November 2023; Weiner, 1997:374-377). Muslim Arabs live for more than 1300 years continuously in Hebron. A small community of Jews has also been almost continuously present in the old city. The two communities lived in the past mostly peacefully together. However, the immigration of Jews to Palestine since end of the 19th century became a source of tension between Arabs and Jews. These tensions grew during the British mandate (1923-1948) due to British policies favouring Jewish immigration and the establishment of a Jewish homeland in Palestine (Cleveland and

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[8] There are two Palestinian refugee camps near Hebron: Fawwar and Aroub. Both were created in 1949. In Fawwar live refugees originating from villages in the Gaza strip. For more information: https://www.unrwa.org/where-we-work/west-bank.

Bunton, 2016:231-234,240-242). During the February 1929 violent disturbances, Arab rioters attacked the Jewish community in Hebron resulting in a massacre of the Jewish community. This massacre led to the evacuation of the remaining Jewish inhabitants; a situation which became definite after the 1936 uprising of Arab inhabitants of the West Bank (Cleveland and Bunton, 2016: 242; WJC, 2023).

In 1936 the Palestinian population uprose with a six-month general strike pressuring the British Mandate authorities to end Jewish immigration and ban the selling of land to Jews as well as to establish an independent national government. This developed into an armed revolt which lasted until 1939. It took the British military four years to violently extinguished the revolt (Anderson, Betty, 2016:279-280; Khalidi, 2020: 42-47).

When Israel occupied the West Bank, the establishment of first Jewish settlements in Hebron and elsewhere soon followed (Cleveland and Bunton, 2016: 346). Some of these settlers moved into the heart of the old town and took residence on land and in buildings that were previously owned by Jews. They also re-established a *yeshiva*, an academy for the study of the Talmud and other religious texts. Violent incidents took place in and around Hebron such as the killing of six Jewish students of the yeshiva in 1980 by Palestinian extremists and the murder by a Jewish religious extremist in 1994 in the Al-Ibrahim mosque of 29 Muslim worshippers and wounding many others. Consequentially, the area became increasingly militarized (Lecoquierre, 2009: 320; Weiner, 1997: 377).

2.4. The political context of the Hebron Protocol

As indicated in section 2.2, a broader political process -strongly influenced by local and international developments- made possible the DOP, the Interim Agreement as well as the February 17th, 1997, Hebron Protocol. However, the process of Israeli-Palestinian peace negotiations and its results, were also object of fierce opposition at both sides. Militants of both sides resorted to violence expressing opposition to the Oslo-agreements. Palestinians committed suicide attacks directed at Israeli citizens in major Israeli cities. Jewish extremists attacked and killed Palestinians, such as in the case of the above-mentioned massacre in 1994 in Hebron. A Jewish extremist killed in November 1995 Prime Minister Rabin (Cleveland and Bunton, 1996: 457 and 484).

Prior to the May 1996 national election won by the Likud party it was the Israeli Labour party led coalition government of Simon Peres that participated in most of the peace negotiations, including about the Hebron Protocol. However, after the May 1996 elections the Likud party led collation government of by Benyamin Netanyahu wanted to renegotiate key provisions of the Hebron Protocol related to the conditions for further steps towards arriving at 'a permanent status'. Two documents are of major importance for the future of the peace process: the Note for the Record prepared by the US Special Middle East Coordinator Dennis Ross and a Letter from the at that time US Secretary of State Warren Christopher to Netanyahu (Weiner, 1997:382).

The Note for the Record refers to a meeting between Netanyahu and PLO-leader Arafat on January 15th, 1997, thus two days prior to the signing of the Hebron Protocol, in presence of Ross. During that meeting '[t]he two leaders agreed that the Oslo peace process must move

forward... [and they] reaffirmed their commitment to implement the Interim Agreement on the basis of reciprocity.' The Note also summarized the Palestinian and Israeli responsibilities. The Palestinian responsibilities included the revision of the Palestinian National Covenant since it denied the existence of Israel, the fighting of terrorism and the transfer of suspects to Israel. The Israeli responsibilities included inter alia further redeployment of the Israeli Defence Forces (IDF) and the release of political prisoners (Weiner, 1997: 384-394). The Warren Christopher's Letter to Netanyahu, handed over and published on January 17th ,1997, is of importance because it endorsed, as part of the Hebron Protocol, 'Israel's right to specify what were its military locations'(Weiner, !997: 402; Letter Christopher Warren, 1997). Christopher also stressed the US position that the Palestinian Authority's major responsibility in effectively ensuring public order and internal security in the West Bank and Gaza 'will be a critical foundation for completing implementation of the Interim Agreement, as well as the peace process as a whole'(Letter Christopher Warren, 19977)).

The signing of the Hebron Protocol was controversial both in Israel as well as in Palestine. The Netanyahu cabinet was divided about the signing of the Protocol; eleven members voted in favour and seven members against. The Israeli parliament, the Knesset, approved the Protocol by a lopsided majority due to the positive votes of Labour and opposition parties. At the Palestinian side no comparable legislative approval took place about the agreement between the Palestinian authority and Israel (Weiner, 1997: 379-380). The Palestinian media initially expressed hope that a Palestinian state would emerge. The reality was that the Hebron Protocol gave Palestinians limited autonomy over a part of the city. Just like elsewhere in the West Bank the Palestinians obtained autonomy over some enclaves but no sovereignty over the whole area (Said, 1997).

The peace process came to a virtual standstill following Netanyahu's controversial decision in May 1997 to go ahead with the development of Har Homa, a new neighbourhood in East Jerusalem. In reaction, Arafat ordered mass demonstrations in the West Bank and Gaza and released the head of the military wing of Hamas and other security prisoners (Weiner, 1997: 388-400)

The US administration under President Clinton gave a renewed impetus to implement the Interim Agreement of September 1995 and subsequent agreements. The so-called Wye River memorandum mentioned specific obligations of the Israeli and the Palestinian sides to be implemented in a parallel phased manner in accordance with an agreed timeline. Israel was expected to hand over 13 percent of the West Bank. Both sides agreed to take all measures in order to prevent acts of terror, crime and hostilities against the other side, individuals falling under the other side's authority and their property. Moreover, the Palestinian side had to take actions aimed at outlawing and combatting terrorist organisations, prohibiting illegal weapons and preventing incitement. Bi-weekly Palestinian-Israeli committees were to be created as well as trilateral committees including the US to further cooperation in the domain of security as well as to monitor specific issues. Moreover, it was agreed to enhance economic cooperation and to resume permanent status talks (The Wye River memorandum, 1998).

In subsequent Israeli government notes of January, February and April 1999 about the status of implementation of The Wye River memorandum it indicated that most of the Palestinian obligations, notably in the domain of security, had yet to be implemented. Israel argued that

while it was willing to discuss all outstanding issues on the basis of reciprocity, the Palestinian side had since February 1999 chosen to freeze almost every area of cooperation with Israel. It accused the Palestinians of political obstruction out of fear that the Likud-led government would be re-elected (Ministry of Foreign Affairs of Israel, Israeli and Palestinian Obligations under the Wye River memorandum, publishing dates January 1st, February 1st, March 15th and April 25th, 1999). A critical issue of disagreement with the Palestinian side was, as indicated by the Israeli authorities, if obligations had to be undertaken and completed simultaneously or sequentially. Israel was of the latter opinion, as argued in its public note of March 15th, 1999, on the implementation of The Wye River Memorandum:

> 'The logic behind the Wye Time Line is understandable. It seeks to deal with the fact that while Israel's obligations are all irreversible (transferring territory, releasing prisoners, RS), the Palestinian side's obligations are almost all questions of policy which can, and are, only too easily turned on and of (fighting terrorism, preventing incitement, security cooperation, RS).'

Israel and the PA attempted in Camp David (US) as well as in Taba (Egypt) to reach a final agreement on the West Bank and Gaza, after Ehud Barak from the Labor party had won the May 1999 elections. Israeli and Palestinian negotiators discussed final status issues, including sovereignty over East Jerusalem, the future of Jewish settlements and the right of return of Palestinian refugees. The parties reached no agreement. Especially troublesome was the deadlock over East Jerusalem. The Palestinians demanded sovereignty in East Jerusalem. Barak's offer to the PA of partial sovereignty in certain sections of the city was neither acceptable for the Palestinians nor for right wing parties in Israel. In February 2001 new Israeli elections took place after Barak had resigned from office. Ariel Sharon from the Likud-party easily won these elections. The prospect of a Palestinian state in the near future vanished with the lack of progress of the peace process in a context of an increasingly oppressive Israeli occupation of the West Bank and Gaza as well as a violent Palestinian uprising (the second Intifada) against the Israeli oppression (Cleveland and Bunton, 2016: 485-490; US Department of State, consulted 14 January 2024; Tateyama, 2023:159-160).

2.5. The Hebron Protocol and its content

The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip from September 1995 formulates in Annex I, article VII 'Guidelines for Hebron". Point 1.b of article VII indicates that the redeployment of Israeli forces will be completed within six months after signing of the agreement. While the Annex mentioned security responsibilities of both parties including coordination mechanisms, it expressed under point 12 that 'Hebron will continue to be one city, and the division of security responsibility will not divide the city'(Annex 1, article VII).

However, the decision making on the redeployment of the IDF in Hebron took time because of the presence and safety of the Jewish settlers and the protection of Jewish sites (Weiner, 1997: 377). Hebron is the only city in the West Bank with presence of settlements. This was agreed under the special temporary arrangements under the Oslo accords (UNSCO, 2016: 3-4).

The negotiations between Israel and the Palestinian authority led to a protocol with provisions regarding the redeployment in Hebron called 'Security Arrangements Regarding Redeployment in Hebron.' This protocol is hereafter mentioned as 'the Hebron Protocol' or 'Protocol 'and was finally approved by the two sides, Israel, and the PLO, in January 1997 (Journal of Palestinian Studies, 1997: 132).

The term redeployment, as explained by the Israeli ministry of Foreign Affairs, differs from "withdrawal":

> 'Unlike "withdrawal", which required the removal of the majority of forces from the areas in question, "redeployment" relates only to the location of the forces; it places no restriction on the number of forces and military equipment or the possibility of introducing further forces and equipment if necessary' (Ministry of Foreign Affairs, Israel, 19 January 1997).

Based on the agreement and Protocol the city has been split, as shown in map 3, into two areas. (Journal of Palestinian Studies, 1997: 132, 136; UN: 21 January 1997). The Palestinian Authority (PA) oversees 80% of Hebron in area H1. Area H2 is controlled by Israel. This part accounts for approximately 20% of the city's land. In this area Israel retains all power and responsibilities for internal security and public order. Given the special security situation in the city there would also be Joint Mobile Units and a Joint Coordination Centre. The Protocol inter alia also mentions security arrangements for Jewish Holy Sites as well as the normalization of life in the Old City (Journal of Palestinian Studies, 1997: 133-134; UN 15 January 1997, article 4, 6 and 7) and a US-proposal for revitalising the former economic centre of the old city, the Shuhada street (UN 15 January 1997; Weiner, 1997: 383).
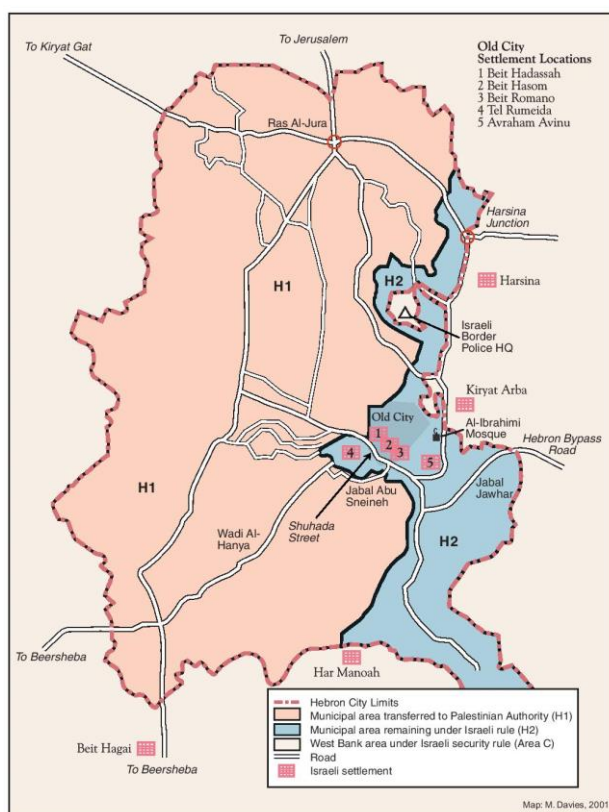
Map 3. Source: Passia, Hebron Protocol, 15 January 1997, consulted 24 April 2024.

The Protocol starts with a reference to the Interim agreement of 1995 and in particular of Article VII of Annex 1 to the Interim Agreement.

The terms agreed upon included:

- IDF would be redeployed from most of the city within ten days. It was no withdrawal, only a partial redeployment of Israeli military forces in the city of Hebron. An exception is made 'for places and roads where arrangements are necessary for the security and protection of Israelis and their movements'(Journal of Palestinian Studies, 1997: 132, 136; UN: 21 January 1997; UN 15 January 1997, article 1)).
- The Protocol formulates the security arrangements for the city of Hebron and the transfer of security and administrative responsibilities to the PA. The below shown detailed map is as annex included in the Protocol. The map indicates the redeployment of the IDF to H2 as well as the boundaries between the Palestinian and Israeli controlled parts of the city, respectively H1 and H2, the numerous checkpoints, police stations, routes of joint patrols and various other features (Weiner, 1997: 381; UN 15 January 1997, article 2.a.and b.). H1 is the Palestinian controlled part of the city of Hebron; H2 is the Israeli controlled part of the city.
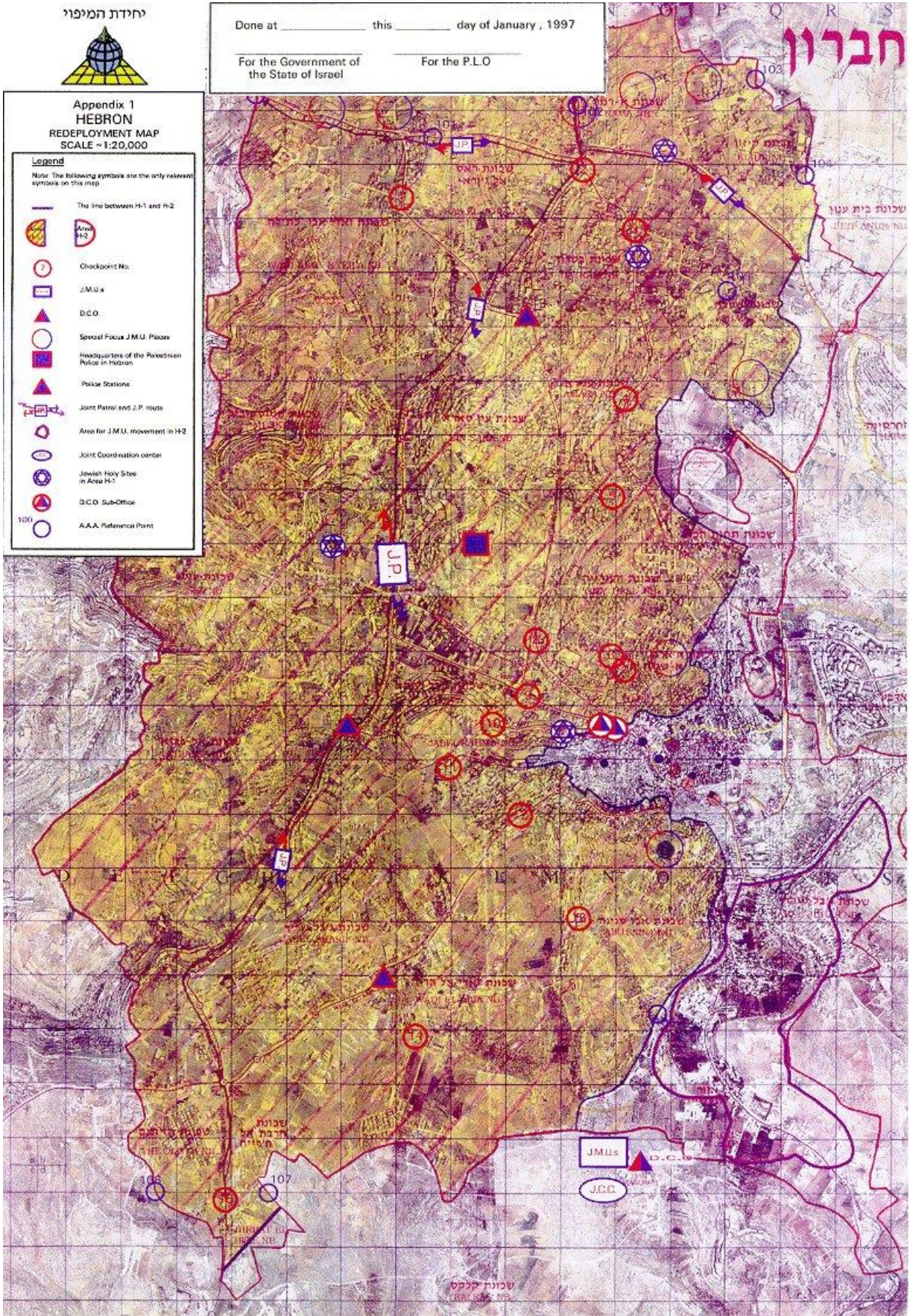
Map 4. Source UN 15 January 1997. Annex to the Hebron Protocol.

- The Palestinian police are assigned public order responsibilities like in other West Bank cities as agreed in earlier interim agreements. In addition, the Palestinian police sets up checkpoints in H1. The purpose was to form a buffer zone next to H2 'to enable the Palestinian police exercising their responsibilities under the Interim Agreement, to prevent entry of armed persons and demonstrators or other people threatening security and public order into the above-mentioned area'. The Palestinian police stations and -posts in H1 are allowed to have in total up to 400 police with specified weapons (Weiner, 1997: 382; UN 15 January 1997, article 3.b and 5).

- As indicated under point 2 a 2:
  > 'Israel will retain all powers and responsibilities for internal security and public order in Area H-2. In addition, Israel will continue to carry the responsibility for overall security of Israelis' (UN 15 January 1997).

- Joint Mobile Units and Joint Patrols were created to assist the checkpoints in maintain security along the division line as well as on major roads. The work is coordinated by Joint coordination centres, headed by senior officers from both sides (Weiner,1997: 382; UN 15 January 1997, article 4).

- Article 7 of the Protocol state that the aim is normalization of life in the Old Hebron. The article explicitly refers to the commitment of both sides 'to take all steps and measures necessary for the normalization of life in Hebron, including:
  - The wholesale market - Hasbahe - will be opened as a retail market in which goods will be sold directly to consumers from within the existing shops.
  - The movement of vehicles on the Shuhada Road will be gradually returned, within 4 months, to the same situation which existed prior to February 1994' (UN 15 January 1997, article 7).

- Like in Annex 1, Article VII, the Hebron Protocol under article 9 expresses that:
  > 'Both sides reiterate their commitment to the unity of the City of Hebron, and their understanding that the division of security responsibility will not divide the city. In this context, and without derogating from the security powers and responsibilities of either side, both sides share the mutual goal that movement of people, goods and vehicles within and in and out of the city will be smooth and normal, without obstacles or barriers' (UN 15 January 1997, article 9).

- Certain civil powers and responsibilities were handed over to the Palestinian Authority for all residents in Hebron except for Israeli's living in H2 (UN 15 January 1997, article 10).

- The Protocol also indicates that there will be a Temporary International Presence in Hebron, TIPH (UN 15 January 1997, article 17).

Other articles deal with infrastructure, municipal services, location of offices of the Palestinian Council and the Holy sites. Regarding the Holy sites no explicit mentioning was made in the Protocol of the Tomb of the Patriarchs/ Al-Ibrahim mosque. However, the Interim Agreement, indicates in Annex 1 under Article VII, point 9:

'a. Since the two sides are unable to reach agreement regarding the Tomb of the Patriarchs / Al Haram Al Ibrahimi, they have agreed to keep the present situation as is' (UN, 1995)

2.6. Temporary International Presence in Hebron (TIPH)

The Hebron Protocol, in its article 17 stipulated the creation of an international presence with duties to be identified by the PLO and Israel. The TIPH was established with participation of Denmark, Italy, Norway, Sweden, Switzerland, and Türkiye. During more than twenty years the TIPH monitored and reported on the human rights situation in Hebron. The focus was on the old city and on the Tel Rumeida area (Shobaki: 2019; Palestinian Studies, 1997: 132, 136).

Prior to the TIPH there had already been an international observer's mission. This mission sent by Italy and Norway was established soon after the murder on 25 February 1994 of 29 Palestinians by Baruch Goldstein, a Jewish settler, while they were praying in the Al-Ibrahim mosque in Hebron. The UN Security Council condemned the crime and called for the protection of Hebron's residents. This international mission lasted only three months (Shobaki: 2019). Goldstein belonged to radical religious Zionists that promote the thought that salvation can only take place if Jewish control the biblical Land of Israel, which includes the West Bank. The peace process and the creation of a Palestinian state on the West Bank are in the view of these radicals obstacles in reaching this goal (Tateyama, 2023: 154-155). In the fourth chapter, I will discuss more in depth the settler movement, its background and character as well as its connections with Israeli political parties and the state.

The TIPH was a civilian mission, financed by the participating states, with a mandate renewed every three months pending approval from Israel and the Palestinian authorities. . It was not authorized to intervene in incidents or disputes. Observers from the participating states patrolled daily and all year around in the whole of Hebron. TIPH observed and reported-on breaches of the agreements between Israel and the PLO. It reported on violations of international humanitarian law and international human rights law. The findings of the TIPH were presented to the Israeli government, the Palestinian authorities as well as the contributing states (Royal Norwegian embassy: consulted 1 August 2023). Tateyama underlined the unique presence of the TIPH. TIPH had no military or police functions; it was solely civilian, and it operated based on the Oslo-agreements in a context of very unequal power relations. On the one hand there was the occupier, the state of Israel. On the other hand, there was the PA representing the Palestinians (Tateyama, 2023: 152-153). The role of the TIPH as well as other monitoring organizations in Hebron will be discussed more in detail in the third chapter.

2.7. Some observations

The Hebron Protocol was in several ways special. First of all, it made Hebron a divided city. While the Protocol intended to achieve normalization of the life of Hebron's citizens, its

provisions indicate in the opposite direction, namely continued Israeli military control over a part of the city. Thus, a physical split of the city was agreed between Israel and the Palestinian Authority.

Under the Hebron Protocol the Israeli government agreed the redeployment of their army. It agreed to hand over the control of 80% of the territory of the city of Hebron to the Palestinian Authority. The Protocol, as part of the interim agreement, also implied that the Palestinian Authority accepted that Israel remained in control of 20% of Hebron, including the old town where the Tomb of the Patriarchs / Al-Ibrahim mosque is situated. Secondly, the Palestinian Authority under the Protocol not only accepted the Jewish settlements already present in the city of Hebron but also that a substantial number of Palestinian Hebronites would continue to live under Israeli military rule.

Thirdly, the Palestinians accepted responsibility to guarantee the safety of the settlers as well as Jewish visitors of religious sites. And fourthly, the parties agreed that Israel remained responsible for the overall security of Israelis in Hebron. The latter implied that it could take all measures it deemed necessary to protect its citizens in Hebron. Thus, the Hebron Protocol arranged the securitization of the division of the city as is reflected in the arrangements about the location of checkpoints, joint patrols and joint coordination mechanisms. The Protocol is about redeployment of the Israeli military and not about withdrawal. Thus, it allowed for a continued militarization.

Finally, with reference to the Interim Agreement, both sides also accepted for the time being that the site of the Tomb of the Patriarchs/ Al-Ibrahim mosque would remain to be divided in a Muslim and Jewish part with arrangements allowing access to the tomb for both religious communities at different moments. Based on the provisions of the Protocol, one can conclude that the normalization of the life of the Palestinians in the whole of the city depends on the assessment by the Israeli military authorities whether its security and that of the settlers is sufficiently guaranteed. Thus, the freedoms and rights of 200.000 Palestinians are subordinated to the interests of the Israeli military and the few hundred Jewish settlers. This is the subject of the third chapter.

Israel is since 1967 not only an occupying force; Israeli governmental policies and activities had also settler-colonial characteristics. Settlers followed the occupying IDF. The rapid growth of the number of settlements as well as settlers indicates that this development had the support of the subsequent Israeli governments. The settlers with active support of the Israeli government colonized the West Bank. The settlers supported by the Israeli government imposed themselves on the local Palestinian population and are taking over their lands. In fact, the Israeli governments implement policies of settler colonialism. These policies, the motives of the settlers as well as their relations with the Israeli government are discussed more in depth in the fourth chapter.

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3. Implementing the Hebron Protocol

This chapter starts with the life of Palestinians in Hebron under Israeli occupation prior to the signing of the Hebron Protocol. The second section deals with the security cooperation between Israel and the PA. This cooperation was a cornerstone of the Oslo agreements,

including in the related Hebron Protocol. In the third section, I will focus on the political and the security circumstances under which the Hebron Protocol was implemented. The fourth section analyses the human rights violations in Hebron. I will reflect on the concept of violence and relate the violations to the above-mentioned circumstances. Finally, I will make some concluding remarks on the implementation of the Protocol making use of the theoretical concepts 'divided city' and 'settler colonialism.'

3.1. Hebron under Israeli occupation prior to the Hebron Protocol.

Following the 1967 war, Israel immediately established a military administration over the West Bank and Gaza. In April 1968, a group of Jewish settlers occupied a hotel in Hebron and refused to leave it. After a few weeks the settlers, with the support of some politicians, could establish a first settlement – Kiryat Arba- on the outskirts of Hebron on land seized by the Israeli military. Since April 1979 Jewish settlers from Kiryat Arba took control over several buildings in the old city of Hebron. Some of these buildings were owned by Jews who lived in the city prior to the establishment of the state of Israel. These buildings were turned into four other settlements in the early 1980's with support of the Israeli authorities and its military (NRC, 2013: 13; OCHA, April 2019: 2). In total, there are five settlements in Hebron city. The largest one is Givat Ha'avot, which is administratively part of the Jewish settlement of Kiryat Arba (OCHA, April 2019: 2).

The establishment of Jewish settlements led from the start to a cycle of violent attacks and retaliation between Jewish settlers and local Palestinian residents. This resulted in a large number of casualties on both sides. Preventive measures from the Israeli authorities meant to protect the settlers isolated the city centre gradually from the rest of the city (OCHA, 2019:2.)

On 25 February 1994 Baruch Goldstein, a Jewish extremist, opened fire on Muslim worshippers in the Al-Ibrahim mosque. He killed 29 worshippers and injured more than 100 hundred others before the survivors killed him. This massacre led to violent protests and riots of Palestinians during the next days. At least 21 Palestinians were killed by the IDF during these events (NRC, 2013: 13).

However, instead of evacuating the settlers from Hebron, the then Israeli Prime Minister Rabin imposed severe restrictions on the movements of Palestinians in Hebron. These measures resulted in a policy that de facto separated Jewish settlers and Palestinians. The Israeli military imposed the closure of hundreds of Palestinian shops. The Ibrahim mosque / Cave of the Patriarchs became divided into two separate sections with different entrances for Jews and Muslims (NRC, 2013: 14; OCHA, 2019: 2). Even before the outbreak of the second Intifada in September 2000 there 'were reports of hundreds of instances of settlers committing offenses in Hebron against Palestinians, TIPH [Temporary International Presence in Hebron] observers, foreigners, the IDF, the Israel Police Force, and Civil Administration personnel'(B'tselem, 2003: 10).

3.2. The Oslo-agreements and security cooperation

Security cooperation between Israel and the PA is based on two aspects, The first is civilian cooperation such as the granting of permits to Palestinians to enter Israel for work or medical treatment. The second deals with intelligence and operational coordination (i24 news, 2023; MEMO, 2015: 7). The latter means

'that Israel notifies the Palestinian security forces of certain suspects that are preparing for a terror attack," explained Israeli Maj. Gen.(res.) Nitzan Alon. "Sometimes, the Palestinians will engage directly and arrest them, but often they'll say they can't do it, and then Israel coordinates the entry of IDF and intel forces to arrest the suspects. In these instances, Palestinian security forces will clear the way for the Israeli forces to avoid any clashes between the sides'(i24 news, 2023).

From the start of the Oslo-agreements security cooperation by the Palestinians with Israel faced difficulties. Israeli complained that the Palestinians did not deliver on their promises regarding security cooperation (see chapter 2). Arafat seemed reluctant to challenge the Islamic opposition, notably HAMAS, out of fear for an armed conflict. The PA occasionally arrested and sentenced Palestinians accused of terrorism. However, it refused to transfer them for trial to Israel. Moreover, it was risky for individual Palestinians to provide information to Israel as well as for Palestinian officials to collaborate with Israel on security matters. Political opponents rejecting cooperation with Israel might consider them as traitors and consider them a target for attacks. Moreover, this cooperation is regarded by many Palestinians as collaboration with the occupier (Weiner, 1997: 387-389; Zilber, 2021).

On several occasions the PA leadership announced that security cooperation with Israel was stalled. However, on the West Bank security cooperation never completely halted. In fact, the security cooperation remained strong until the second Intifada (2000-2005).

The second Intifada

On September 28th, 2000, the second or Al-Aqsa Intifada began. It continued until late 2005 (Encyclopaedia Britannica, Intifada, 5 March 2024). On that day Likud-opposition leader Ariel Sharon made a provocative visit to the Al-Aqsa mosque in Jerusalem. During subsequent clashes with Israeli security forces five Palestinians died and many others got wounded. This incident led to an armed uprising in the occupied territories. Israel reoccupied areas under Palestinian governance and started building a separation wall (Intifada, accessed 19 February 2024). The frequent Palestinian suicide attacks targeting Israeli citizens within and outside of the 1967 borders, led to Israeli security measures imposed on the Palestinian population such as curfews and a system of closures. The peace process collapsed with the start of the second Intifada (Shearer, 2004: 1-2).

OCHA noted that in the first half of 2001 negotiations between Israel and the Palestinians about conditions for resumption of political dialogue reached an impasse. It noted that the atmosphere both in Israel and in the Palestinian territories was full of feelings of grief and revenge. Since the start of the second Intifada until beginning August 2001 more than 600 hundred Palestinians had died with over 15.000 wounded, mainly ordinary citizens. At the Israeli side more than 130 Israeli's had died, most of them civilians. The movement of Palestinian goods and persons within the Palestinian territory had become extremely complicated due to the many Israeli road blocks. This also affected the access by Palestinians to basic services such as education and health. The crisis severely affected the Palestinian economy. It led to a sharp increase in unemployment and loss of income. This situation aggravated since Israel collected the bulk of Palestinian tax and tariff revenues. During the crisis Israel reduced and even stopped the transfer of these revenues. In Hebron, like in Jenin, fierce fighting took place between Israeli and Palestinian forces. Palestinian residents in the

H2 part of Hebron were confronted with an almost 24 hours curfew, blocking them in their homes (OCHA, August 2001; OCHA September 2001). During the second intifada around 1.000 Israelis and 3.000-5.000 Palestinians died. The conflict included widespread confrontations across in the West Bank and Gaza as well as attacks by Palestinian militant organisations against Israelis in Israel and the Palestinian territories as well as Israeli military operations against these Palestinian organisations (ECF, 2009: consulted 3 April 2024).

Security cooperation since the second Intifada

As indicated, during the second Intifada the cooperation broke down. However, this cooperation was revived under Arafat's successor Mahmoud Abbas, even though the latter often threatened to end the cooperation (MEMO, 2015: 4 and 9). One form of security cooperation by the security forces of the PA with the Israeli forces is returning Israeli civilians and sometimes soldiers who enter PA-controlled areas in the West Bank. Although no recent figures of this kind of cooperation are available, this happened in hundreds of cases. In 2016 about 300 cases and in 2017 more than 500. The late 2015 eruption of ad hoc stabbing and car ramming by Palestinians against Israeli's stopped due to a combination of Israeli security measures and PA-assistance, These violent incidents focussed largely on Jerusalem but also occurred in some other places in the West Bank such as Hebron. (Zilber, 2021; the Guardian, 2016).

While the security cooperation remained, so did Israel's occupation and harsh repression. This situation contributed among other issues such as corruption to PA's unpopularity among many Palestinians (MEMO, 2015: 8). Moreover, Palestinians living in the B and C area, the H 2 area in Hebron as well as several isolated areas in East Jerusalem suffer from lack of security and law enforcement. They complain about elevated levels of criminality and the presence of criminals, armed gangs and others using these places as safe havens. This situation results in less investment in these areas as well as Palestinians leaving these areas, in a context of Jewish settler violence and tense Israeli-Palestinian relations. It also reduces Palestinian confidence in the PA and its institutions as well as public confidence in Israeli-Palestinian security cooperation (PSR, Executive summary, 2017).

An important reason for the above situation is that under the Oslo-provisions the PA cannot deploy police in these areas without Israeli permission and cooperation. Israel is officially responsible for enforcing law and order in area C as well as in H2. Israel's only focus is on fighting armed resistance and political violence. Moreover, the PA's police enforcement capacity is weak with regard to workforce, vehicles and arms. This also affects the implementation of Palestinian court orders, especially in areas where the Palestinian police has no access to (PSR, Executive summary, 2017).

3.2 The Hebron protocol and events effecting its implementation.

In the previous chapter, I discussed the provisions of the Hebron protocol. I noted that while the stated intention of the Protocol was to normalize the life and movements of the citizens of Hebron, the provisions themselves aimed at protecting the Jewish settlers in the city of Hebron and their access to religious sites. The protocol was the implementation of the security cooperation for the city of Hebron. In fact, the Hebron Protocol, as critics like Edward Said argued, 'simply provided a Palestinian seal of approval' to the continued presence of settlers

in a part of Hebron (NRC, 2013: 16; Said, 1997). And thus, the de facto division of the city of Hebron became also a de jure division. Moreover, if Israel judged that the PA was not able or willing to protect Jewish interests in Hebron, it would take whatever action it considered necessary. As indicated in the previous chapter, article 2 a. 2 of the Protocol Israel retained not only all powers and responsibilities for internal security and public order in Area H-2 but also would continue to carry the responsibility for overall security of Israelis in Hebron.

Between 1.500 to 2.000 Israeli soldiers protect these settlers and students from a Yeshiva school for the study of the Torah. The soldiers are based in and around these settlements. The settlers themselves are heavily armed (MERIP, 2016; Mapping the apartheid, consulted 22 March 2024). The Protocol only mentions the redeployment of Israeli military, not the number and kind of armament of the soldiers. In contrast to this as mentioned in the second chapter, the Protocol stipulates that the Palestinians are allowed to have a police force with a maximum of 400 persons as well as specified weapons (UN 15 January 1997, article 3.b and 5).

More specific for Hebron, there have not been many details about the content and level of security cooperation between the Israeli military and Palestinian security forces. During the reporting period of this study there have many violent confrontations between Palestinians on the one hand and settlers and Israeli military on the other hand. Notwithstanding these confrontations, there are clear indications that Israeli and Palestinian security officers also in Hebron coordinate activities, 'and that they were especially careful about settlers' (The New York Times, 2008).

Hebron and the second Intifada

As indicated in the second chapter, the signing of the Hebron Protocol in January 1997 took place in a context of increased distrust between Israel and the PA. There was growing evidence 'that a violent uprising resumed alongside the deadlocked Israeli-Palestinian peace talks' (Washington.com, 1997), The killing in April 1997 in Hebron of an Arab youth by a Jewish seminary student using a semi-automatic weapon, provided by the army for his defence, led to a street battle with Israeli troops. Two more Palestinians got killed by the IDF despite strong efforts at crowd control by the Palestinian police (Washington Post, 8 April 1997).

During the second Intifada the violence increased substantially in Hebron between the Israeli military and the settlers on the one hand and Palestinians on the other hand. Eleven settlers in Hebron and Kiryat Arba were killed by Palestinians during the Intifada until August 2003. Other violence by Palestinians included the shooting and wounding of settlers and throwing of petrol bombs and stones at them. Violent acts by settlers against Palestinians also increased in this period. Much of this settler violence was in reaction to Palestinian attacks on settlers. The IDF did mostly nothing to protect the Palestinians and took no measures against settlers breaking the law (B'tselem, 2003: 5-6). As a consequence of the rise in attacks and casualties on both sides, the Israeli authorities separated in a more systematic manner settlements and surrounding areas from the rest of the city (OCHA, 2019: 2) Army operations, an almost total curfew and other restrictions on the movement of Palestinians as well as pressure on settlers to reduce the violence contributed to a decrease by the end of 2001 in the number and magnitude of offenses. The Israeli military authorities ordered the closure of shops and

businesses. This situation led to the departure of many Palestinians living in area H2, especially from the Casbah, old town. This area is also nearby the Jewish settlements in Hebron where some five hundred settlers live. According to B'tselem 'there is a connection between the proximity that Palestinians in the Casbah live to houses of settlers and the number of Palestinians who have left the area' (B'tselem, 2003:6-8). The IDF stated in a written reaction to a B'tselem report that it considered Hebron well before the outbreak of the Intifada in 2000 'a hub for terrorist activity against Israeli civilians and the IDF'. Since the IDF was responsible for law enforcement amongst the Israeli and Palestinian population it had to take action to protect its citizens including by drastic measures such as curfews, closure of shops and markets as well as house demolitions for security reasons (B'tselem, 2003:30, 37-40).

In April 2002, the IDF re-entered the H-1 area during its Operation Defensive Shield. This situation lasted for about one year. The military forces re-occupied inter alia the Bab a-Zawiyye area which is nearby the Israeli controlled are of Hebron. The Zawiyye area had become the new economic centre of Hebron due to the restrictions on movements of Palestinians in the H2 area (B'tselem, 2003: 5-6; OCHA, April 2019: 2).

Continued violent confrontations

OCHA provides since beginning 2008 a statistical overview of the number of the Palestinian and Israeli fatalities and injured as a consequence of violent confrontations. Based on these statistics the following figures are available for the period 2008-2022.

Fatalities and injured between 1 January 2008 and 31 December 2022 in the West Bank

	Fatalities	Injured
Palestinians (civilian*)	818 (166)	80.830 (9.533)
Israelis (civilian and military)	143 (25)	6.142 (267)

Between ( )= Hebron Governorate.

* Whoever is neither a member of security forces (including police) nor fulfils a combat function within an armed group is considered a civilian[9].

Source: OCHA Data on casualties consulted 16 March 2024.

Most of the Palestinian fatalities in Hebron city occurred during 2015 and 2016, namely 82 out of 166 persons in the Hebron governorate. Other places with a high number of Palestinian fatalities were Beit Ummar (19 persons) and Al Árub City (12 persons). The overwhelming majority of these Palestinian civilian fatalities in the Hebron governorate in the period 2008-2022 were men (114) and boys (40). Most death among Palestinian civilities were caused by live ammunition (156 persons), other (7 persons), tear gas (2 persons) and rubber bullets (1 person) (OCHA consulted 16 March 2024).

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[9] 'The classification of a casualty as "civilian" does not carry any implication regarding the legality of his or her killing or injury. The determination about the affiliation of Palestinians killed during hostilities in Gaza was done by the Office of the High Commissioner of Human Rights, in its capacity as Protection Cluster coordinator' (OCHA data on casualties, consulted 16 March 2024).

- **Settler violence**

Since 2021 the UN noted an ongoing and upward trend of acts of violence or harassment conducted by settlers. This generated fear among Palestinians accessing their lands. This settler-related violence is part of many occupation-related practices such as demolition of houses, search and arrests operations and restrictions of movements. Palestinians feel pressured to leave their areas. These forced transfers happened, not only of individuals but also of communities (OCHA: 2023; HRW: 2023).

3.3. Violations of humanitarian and human rights law in the H2 area

The United Nations noted regarding the situation in and around the by Israel controlled H 2 part of Hebron that:

> 'Currently, there are over 100 physical obstacles, including 18 permanently-staffed checkpoints and 14 partial checkpoints that separate the settlement area from the rest of the city. Several streets within this area are designated for the exclusive use of settlers, and are access restricted for Palestinian traffic and, in some streets, Palestinian pedestrians are banned' ((OCHA, 2017: 1).

The Israeli NGO B'tselem mentions in a 2019 report that 'the system of travel restrictions includes 22 checkpoints and 64 physical barriers of several types, which keep Palestinians away from the major streets and the vicinity of settler homes'(B'tselem, 2019).
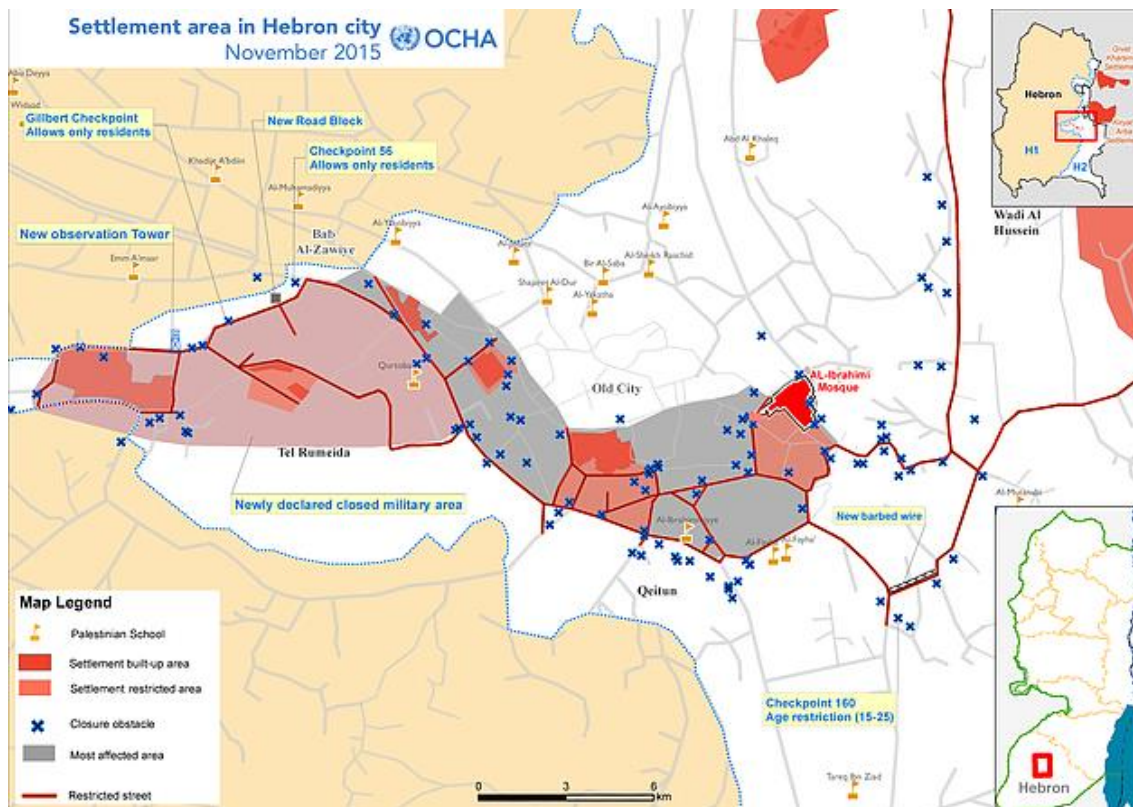
Map 5. Source: OCHA, December 2015
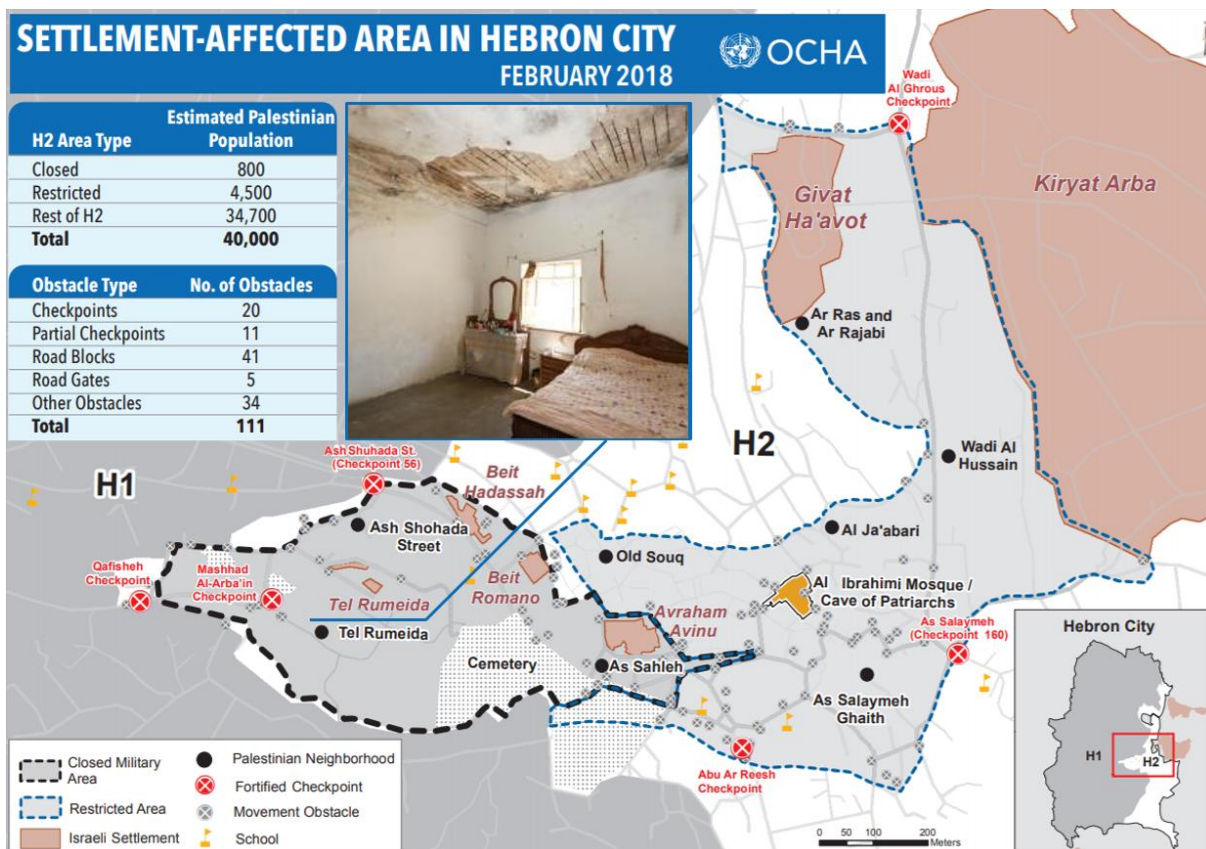
Map 6.Source: OCHA, January 2019.

The Israeli military substantially increased, as shown in the maps 5 and 6, the restricted area of H2 since 2015. In practice this meant that the movement of Palestinians in the H2 area was even more restricted. The above-mentioned map of February 2018 clearly shows this enlargement compared to the map of November 2015. However, the movement of Jewish settlers was facilitated between settlements in the H2 area and towards the Israeli controlled C part of the West Bank.

OCHA's estimations on the number of Palestinians living in the H2 area fluctuate considerably. In its April 2019 report, OCHA gave the following estimation of a total of 33.749 Palestinians living in the H2 area end December 2018 (OCHA, 2019: 4). In the above map of February 2018, a total estimated figure of 40.000 Palestinians is provided. In B'tselem's 2019 report a figure of 34.000 Palestinians living in the H2 area is mentioned of which some 7.000 are living in the closed or restricted area.(B'tselem, 2019:8)

H 2 area type	Estimated Palestinian population
Closed	1.022
Restricted	6.025
Rest of H2	26.702
Total	33.749

Source: OCHA 2019.

According to B'tselem the settlers live in H2,

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'within a smaller area spanning 800 dunams (1 dunam=1000 square meters), which includes the immediate vicinity of the settlers houses and the streets they use. Currently, about 700 settlers live in this area, some 400 permanently and another 300 or so are students of the Shavei Hevron yeshiva[10]. This area is home to about 7,000 Palestinians, about 1,000 of whom live in a narrow strip that runs from the Tomb of the Patriarchs through a-Shuhada Street to Tel Rumeida, where most of the settlers' homes are concentrated (B'tselem, 2019:8).

When discussing violations, I make a distinctions between the use of physical violence and violence of a more structural nature. Both are forms of violence but the perception of it can be different. The latter form of violence can include the former but not necessarily. It is usually more comprehensive. Structural forms of violence mostly have a discriminatory character, including collective punishments. The latter for instance can be the closure of whole areas for a prolonged period as punishment for individual acts of violence or the punishment of whole families through the demolishment of their houses for alleged involvement in violent acts by one family member. While physical and structural forms of violence often overlap, they are not interchangeable. Structural violence is violence 'transcending visual, physical and instantaneous boundaries.' While direct violence is an event, structural violence is a process. The latter violence has often a socio-political and economic character and reflects an uneven distribution of power between groups in society. Both forms of violence have the ability to harm. In the case of direct violence, it can be linked to specific persons as actors; in the case of structural violence, while intended, the agent of violence is not clear (Brockhill, 2021: 455-456). However, the structural violence can be linked to policies and practices legitimized and /or implemented by organisations, such as the state apparatus. Moreover, a distinction has to be made by the perpetrators of violence. Both Palestinians as well as the Israeli military and settlers participated in physical violence. The Israeli authorities by imposing discriminatory measures on Palestinians performed structural violence.

UN organisations, the TIPH, international and local -both Israeli as well as Palestinian human rights organisations frequently reported the humanitarian and human rights situation in the West Bank, including in Hebron. Since the subject of this study is the Hebron Protocol, I will focus on Hebron city, with an emphasis on the restricted area of its H 2 part. However, the developments in Hebron city should not be seen in isolation from developments in the surrounding C areas of the Hebron governorate. As B'tselem noted:

Yet, even if Israel's policy in Hebron is extreme, it is also manifest in small communities in Area C of the West Bank where Israel's goal is similar: 'emptying the area of Palestinians thanks to unbearable living conditions created by the authorities and establishing Israeli control by expanding settlements and taking over farm land' (B'tselem, 2019). According to the Israeli Institute for National Security Studies (INSS), the policy of the current Israeli government is no other than establishing control over the whole of area C. It also aims at significantly increasing the Israeli settlements in this area. The overall aim is to annex the area (INSS, 2023: 1, 4-5).

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[10] This religious teaching institute was established during the years 1980-1982 'with the aim of returning the voice of Torah to the city of Hebron'. For more information, see: https://shaveihevron.com/en/

The following general observations can be made regarding the development of the humanitarian and human rights situation in Hebron city.

Today, some 33.000 Palestinians live in the H2 area of Hebron city(OCHA, 2019: 2). The six to seven thousand Palestinians living in the restricted part of part of the Israeli controlled H 2 area are confronted by access restrictions imposed by the Israeli authorities. In this area are the Jewish settlements of Hebron situated. The Israeli authorities justify these measures as protection for the settlers. However, these settlements are illegal under international law. In order to protect these settlers, thousands of Palestinians are confronted with serious problems in getting access to basic services such as schooling, health, water and sanitation. Moreover, the Palestinians are victim of systematic harassment by Israeli settlers and occasionally the Israeli army. This situation contributed to the departure of thousands of Palestinians out of the H2 area. The PA as well as NGO's succeeded with supportive measures to re-populate parts of H2 that were abandoned in the past (OCHA, November 2013). However, rehabilitating houses in the old city did not change the discriminatory context in which the Palestinians live and the harassment by settlers. Nevertheless, the repopulation of these areas seems to have stopped the expansion of settlements in the old city of Hebron (De Cesari, 2019: 110-111).

The UN described and analysed the humanitarian impact of the settlements in several reports. In a report of end 2018 OCHA summarized the following key facts for the H2 area of Hebron:

> 'Since October 2015, 75 per cent of homes in the closed and restricted areas of H2 have been searched by Israeli forces, and 69 per cent of families in these areas affected by settler violence, according to a 2018 household survey.

> Almost a third of the housing units (1,079 out of 3,369) in Hebron's Old City, which includes the settlement area, are abandoned, according to a 2015 survey.

> 512 Palestinian businesses located in these areas have been closed by military order, and more than 1,000 others have shut down due to restricted access for customers and suppliers' (OCHA, December 2018)

Local and international human rights observers mention the following human rights violations. A structural violation are the restrictions on the freedom of movement of Palestinians in Hebron. These are a key concern for the UN.

> 'Freedom of Movement, while a right in itself, is also a prerequisite for the enjoyment of a broad range of other rights. In Hebron restrictions on freedom of movement restrict a broad range of economic, social and cultural, as well as civil and political rights' (UNSCO, 2016: 12).

The right to freedom of movement is guaranteed by Article 12 of the International Covenant on Civil and Political Rights.(Amnesty International, 2016). The UN refers, in its strategy for Hebron, on the rights to Education, Health, Adequate Standard of Living, Adequate Housing, Life, Liberty and Security of Person, and Children's Right to Protection (UNSCO, 2016:12). These rights are affected by the lack of freedom of movement.

Since October 2015, in a context of increased violence in the Palestinian territories and Israel, the Israeli authorities increased its arbitrary and discriminatory restrictions on the movements of Palestinians in and around Hebron. This affected especially the tens of thousands

Palestinians living or working in the Old City of Hebron. The Israeli authorities declared parts of H 2 a 'closed military zone' (Amnesty International, 25 February 2016). In the closed area, only Palestinians registered as residents are allowed to enter. In the restricted areas pedestrian access is controlled by a checkpoint and vehicular access is blocked. Many of the Palestinian houses in this area are located next to the settlements (Amnesty International, 25 February 2016; OCHA, 2019: 3).It is the H2 area in which its Palestinian inhabitants face most restrictions imposed by the Israeli authorities and its consequences. The Palestinian respondents raised the following concerns: access restrictions; the impact of Israeli military operations and settler violence; social isolation, security related measures hindering access to education and health services; shelter, water and sanitation issues as well as income and food insecurity. All these humanitarian and human rights related issues are connected to or affected by the restrictions on the movement of Palestinians into, within and from the H2 area. A consequence is that Palestinians feel pressured to leave the H 2 area (OCHA, 2019: 5-16). The forcefully transfer of thousands of Palestinian residents violates international law (OCHA, 23 January 2019; B'tselem: 2019).

B'tselem describes the consequences of the restrictions as follows:

> 'Every simple action involves crossing a checkpoint, sometimes several of them; every such crossing involves a lengthy, degrading inspection, with the soldiers deciding whom to check, at what pace, and whom to allow through. Occasionally, the military closes one of the checkpoints, arbitrarily and without warning. This forces residents to use longer bypass routes, which often are not suited for older adults or people with disabilities. The limited movement options and having to walk long distances, sometimes along rough, steep dirt roads, has cut residents off from family and friends, and economic activity has shrunk to several grocery stores and traditional workshops'(B'tselem, 2019)

These measures are discriminatory because they are not applied to Israeli settlers and those visiting them in the settlements in and around the closed military zone. These measures amount to collective punishment of Palestinians (Amnesty International, 25 February 2016).

3.4   Monitoring

International and local non-governmental human rights organisations monitored the human rights situation in Hebron and especially in the Israeli controlled part of the city,

As indicated, the Hebron Protocol, in its article 17 stipulated the creation of a Temporary International Presence in Hebron (TIPH) with duties to be identified by the PLO and Israel. The TIPH was established with participation of Denmark, Italy, Norway, Sweden, Switzerland, and Türkiye. During more than twenty years the TIPH monitored and reported on the human rights situation in Hebron (Shobaki: 2019; Palestinian Studies, 1997: 132, 136). The mandate of the TIPH had to be renewed every six months by Israel and the PA. In January 2019, the Israeli authorities announced that the mandate of TIPH would not be renewed. (INSS, 2019; OCHA, 2019:8). The newspaper *The Times of Israel* gave the following explanatory comment:

> 'While TIPH has long been loathed by local settlers, the group has remained due to Israel's willingness to maintain favourable relations with the participatory countries.

But over the past year, pressure by settler leaders and right-wing lawmakers to end the observers' mandate increased significantly' (The Times of Israel, 2019)

TIPH documented incidents that took place in Hebron. It reported to Israel and the PA as well as to the participating states in the TIPH. It was authorized by Israel and the PA and could at any time access any part of the city on foot and by vehicle (OCHA, 2019:8).

In a confidential report to mark its twentieth anniversary, A source, kept anonymous by the Israeli newspaper Haaretz, shared information from the report. TIPH cites numerous violations of international law by Israel. The report 'warns that the city is more divided than ever due to the actions of the Israeli government and Israeli settlers' and Israel is clearly in 'sever and regular breach' of the right to non-discrimination due to lack of freedom of movement. TIPH considers Israeli settlement in Hebron as a violation of international law. Palestinians living in the Israeli controlled part of the city have to confront radical Israeli settlers. The latter are supported by the Israeli government and by Jewish foundations abroad (Haaretz, 2018).

The Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI), temporarily stopped its protective presence in H2 due to settler pressure (OCHA, 2019:8; Euro-Med Monitor for Human Rights, 2019). In 2022, the ecumenical accompaniers documented 230 human rights violations. The following, in descending order of frequency, were the most important violations: harassment, access to land/ livelihood, arrest/ detention, access to education, incursion and injuries (EAPPI, 2023).

3.5. Concluding remarks

Even before signing of the Hebron Protocol, Hebron had been a divided city during the occupation by Israel. The Protocol, meant to normalize the movement of people and goods in the city, allowed for a conditional and partial withdrawal of Israeli military from Hebron. It was a redeployment as indicated in the title of the Protocol. De facto it officialised the division of the city in an Israeli and a Palestinian controlled part and made the PA partner in protecting the Jewish settlers.

The Protocol also officialised the presence of Jewish settlements in the Israeli controlled part of the city. Since the peace process between the PA and Israel is stalled, Israel remains an occupying force and the settlements remain illegal under international law.

Palestinians are the overwhelming majority of citizens in the by Israel controlled H 2 part of the city of Hebron. In contrast to the stated intentions of the Protocol, there has not been any normalization of the movement of persons and goods between the Israeli and Palestinian controlled parts of the city. The Israeli authorities securitized and militarised the H2 part of the city. The watchtowers, checkpoints and other obstacles closing off the H2 area from the rest of the city, are clearly manifestations of the divided character of the city. The humanitarian and human rights of especially the Palestinians living in the H2 area are severely violated due to all kinds of restrictions imposed on them.

These restrictions have a permanent character and are enforced by the Israeli military, solely protecting the interests of Jewish settlers. The Palestinian inhabitants of the area are not only confronted with physical violence by the military and the settlers, but also by forms of

structural violence. The Palestinians, the natives of the area, are reduced to rightless persons, tolerated at most and under constant pressure by the settlers and the Israeli military to give up the area. The state of Israel is occupying Palestinian territory by making use of settlers and by providing them security and other forms of support. The Israeli government is facilitating the movement and the life of Jewish settlers by enlarging the restricted area of Hebron for Palestinians. It also connects the H2 part of the city with other parts of Palestine under its control instead of seeking ways to facilitate the movement of Palestinians between the Palestinian and Israeli controlled areas of the city. The support of the Israeli government to the settlers and their aims is part of an annexation policy. Israel is more than an occupying force. Israel is not only present in the West Bank with its military but also actively supports the colonisation of the West Bank as part of a Greater Israel by hundreds of thousands settlers. These are characteristics of settler colonialism. In the next chapter I will discuss who these settlers are, what they aim at and what kind of political and practical support they get from Israeli political parties, the state of Israel and other actors.

4. The politics of settler colonialism

This chapter regards the relationship between the state and the settlers. The focus will be on the settlers in the West Bank in general, and more specific in and around Hebron. In the first section I will discuss political Zionism and differences in views about Israels control over the West Bank. The second section deals with the relationship between the settler movement, political parties and the Israeli state. This relationship expresses the political weight of the settler movement. The legal status of the settlements in the West Bank is the subject of the third section. The fourth section analyses the main kinds and sources of support for the settlers. In the concluding remarks, I will reflect on state society relations in the context of Israeli settler colonialism.

4.1. Political Zionism and the West Bank

The issue of settlements is at the core of the politics of Zionism and settlers play a significant role in shaping the political fabric of Israel (MERIP, 1980). Zionism can be defined as :

> 'a nationalist movement that advocates for a homeland for the Jewish people in the Biblical Land of Israel. It is the organisation of ideas that actively sought and achieved the existence of the Israeli state in 1948…It's a movement that encompasses a broad spectrum of political beliefs with common objectives at its centre' (Thomas, 2023) .

Within Zionism there are different currents. A main division can be made between the Zionist left and right. After the June 1967, this division revolved around the issue whether or not Israel should withdraw from the occupied territories. In essence the leftist position is a willingness to find a territorial compromise with the Arab world (Pappé, 2015: 351). Among those Zionist who want to keep control over the West Bank and East Jerusalem, there is a minimalist as well as a maximalist current (MERIP, 1980). This distinction is also related to the question how Zionism should react to the Palestinian strive for self-determination (Thomas, 2023). The minimalists primarily want to be present in border areas for security reasons and have allowed settlements in these areas. The maximalists call for a 'Greater Israel based on the maximum extent of the ancient Hebrew kingdoms'(MERIP, 1980).

During the first decade after 1967, the at that time Labour-led governments aimed at strengthening Israel's security by allowing civilian settlement in certain strategic areas in the West Bank. These settlements – mostly not located in densely populated areas- would function as a first line of defence in case of a security crisis (Israeli Policy Forum, consulted 12 April 2024).

However, over time with the rise in power of the Zionist right starting with the Likud-governments of 1977-1984 a maximalist thought became the main driver for the establishment of settlements on the West Bank. Security was still a corner stone of the settlement policy: 'Israel expanded the areas open for Jewish settlement to include a strip adjacent to the Green Line[11] (Western Samaria and Judea) in order to encircle the West Bank's Palestinian population' (Israeli Policy Forum, consulted 23 April 2024). During this period, the number of settlements in the West Bank increased significantly. The aim of the government was to prevent the establishment of a Palestinian state. The kind of settlements differed also from the previous Labor-led government period.

> 'Whereas the Labor-era Jordan Valley settlements were largely agricultural communities inhabited by secular Labor Zionists, most residents of settlements built in the late 70's and early 80's were adherents of Religious Zionism, driven by a messianic ideology to settle in the land of Israel' (Israel Policy Forum, consulted 23 April 2024).

During the Israeli Labor-Likud national unity governments from 1984 to 1990 the pace of establishment of new settlements slowed down and halted during the government of Labor prime minister Yitzhak Rabin (Israel Policy Forum, consulted 23 April 2024). As indicated in Chapter 2, Israel and the PLO entered in a peace process which resulted in interim agreements in 1993-1995 and the establishment of the Palestinian authority as an autonomous government body in the West Bank and Gaza. The West Bank and Gaza were divided in areas under Palestinian administrative control and /or Israeli military control. However, the contending parties did not reach a final agreement in a context of growing Israeli oppression in the occupied territories and a violent Palestinian uprising. With the coming to power of Likud-led governments from 1996 onwards, the perspective of a two-state peace solution diminished.

Moreover, the argument of the Zionist right wing that Israel has historical rights on the West Bank (Judea and Samaria) gained political strength. This is not limited to the religious right of the Zionist political spectrum. It cuts through party lines as well as the religious/orthodox-secular division of the Israeli society. It was a labour government that inter alia facilitated the construction of Kiryat Arba near Hebron (MERIP, 1980; Israel National News, 2021). This view within political Zionism, consists both of nationalist as well as religion dominated parties. It considers Palestinian self-determination anywhere west of the Jordan river as a direct threat to the state of Israel (Thomas, 2023). During the last decennia, a messianic religious ideology dominated the maximalist thought (Israeli Policy Forum, consulted 12 April 2024).

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[11] The Green Line refers to the demarcation line that separated Israeli, Jordanian, Syrian and Egyptian forces at the end of the 1948 war. It is also the line separating Israel from the territories it occupied during the 1967 war. https://jstreet.org/the-green-line/.

Jewish settlers in the West Bank are motivated by varied reasons. Some of them are primarily religiously motivated. Others have settled in the occupied territories because of the relatively lower cost of living. They are also attracted by financial incentives offered by the Israeli government. One-third of settlers are orthodox Jews (the Haredim), one-third are secular, and the remaining third are religious Zionists (Aljazeera, 2023; Israeli Policy Forum, consulted 12 April 2024). About half of the recognized settlements were built for religious reasons; the establishment of the others was primarily motivated by providing a high quality of life to its settlers (Israeli Policy Forum, consulted 12 April 2024).

Religion motivated settlement

As indicated in the second chapter, Israel started soon after the 1967 war to build the first settlements in the newly conquered areas, including on the West Bank. The Gush Emunim ('Block of the Faithful') movement was among the Jewish settlers on the West Bank very influential. This movement of religious Zionists was formally established in 1974. While it only existed for a brief period until the 1980s, 'it gave birth to a large number of settlement, political, and ideological organizations which continue to implement the basic ideology laid out by the movements founders' (Newman, 2005: 192). These settlers favoured not only the continued occupation of areas conquered by Israel in 1967 but also their ultimate inclusion under the sovereignty of the state of Israel. They rejected any form of territorial withdrawal from these regions. (Newman, 2005:193-194). A distinctive element of the Gush Emunim ideology is 'their intention not merely to colonize the occupied territories through building in areas where the Palestinian population is thinnest, but to confront and supplant the Palestinians' (MERIP, 1980).

Within religious Zionism, there is a strong current of messianism. Messianism in its passive form, i.e. praying and awaiting redemption by the messiah, has been a central foundation of traditional Judaism. For a long time, this messianism remained a passive waiting for heavenly redemption as is still the interpretation in Haredi circles. Zionism introduced an activist element in the idea of national redemption, varying in religious weight and interpretation. The ideas of Rabbi Tzvi Yehuda Kook (1891-1982) were of major importance in the establishment of the religious settler movement. In Kooks vision redemption is a generations lengthy process that will come in three stages 'first the restoration of Jewish sovereignty over the Land of Israel, then a war against Amalek[12], and only after those two stages, the rebuilding of the Temple' (Hoch, 1994: 92; Mercazharav, consulted 23 April 2024)).

Kook's disciples created the Merkaz Harav school from where they spread his active messianism; the meaning of which is to actively bring on the messiah through, among else, settlements. The disciples played a leading role in settlement initiatives in the West Bank and the establishment of the Gush Emunim movement (Don-Yehiya, 2014: 248). These messianic activist settlers do not perceive themselves as colonists and it is not only about the past:
> 'but about fulfilling a divine commandment to resettle the land that God promised to Abraham, Isaac and Jacob. And they believe that doing so is part of a process that is fulfilling biblical prophecy and ushering in a messianic age. Those beliefs represent a

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[12] In the Hebrew Bible, the Amalekites were described as the enemy nation of the Israelites. When asked Rabbi Yeshuva Kook mentioned: 'And what does it mean to blot out Amalek and [who is] Amalek amongst the nations of the world- it's still not clear'(Hoch, 1994: 103).

major challenge to the prospects for a two- state solution, as the idea of a covenant made with God is effectively non-negotiable, whereas political objectives or positions can often be adjusted in return for other benefits' (The Christian Science Monitor, 2012).

Many members of this 'community interpreted the (1967, RS) war and its results as a heavenly call from above to do whatever possible to keep all the occupied territories under Israel's sovereignty' (Don-Yehiya, 2014: 240). This messianic religious Zionism also objected decisions and measures taken by the Israeli government to return territories to Arab rule which culminated in the murder of Prime Minister Rabin by a messianic extremist. In fact, members of this messianic movement challenge the legitimacy of all policies of the Israeli state which are not in line with their religious views (Inbari,2012: 15). In this way, religious Zionism introduced an activist element to the idea of national redemption (Don-Yehiya, 2014:241). These religious groups were especially keen to establish settlements on the West Bank: '….their willingness and sometimes even desire to confront the Palestinians next to whom they were living deepened the already painful conflict still further…'(Rivlin, 2011: 146).

4.2.   Political weight of the settler colonist movement

Israeli society is characterised by a steady increase in religiosity and a growing rightward shift over the last two decades. The principal driver of this trend is, according to the International Crisis Group (IGC):

> 'a longstanding ethno-nationalist, expansionist project – one that elements of the Zionist centre and left have either been a part of or failed to challenge. This project has lately attracted young Israelis from religious and/or low socio-economic backgrounds, many of whom have witnessed Palestinian violence, and identify with Jewish pride, especially after years of indoctrination by religious parties that controlled the education ministry' (IGC, 2022:4)

This trend is reflected in the political success of ultra-orthodox parties, such as Shas and United Torah Judaism as well as religious Zionist parties. The growth of ultra-orthodox parties is also explained by demographic factors. The ultra-orthodox (Haredim) tend to have larger families and often vote based on their identity. Another factor is that Israelis are affected by the continued violence of Palestinian against them, who themselves are victims of discrimination and /or military oppression as in the case of the West Bank (IGC, 2022: 4-5)

From the start of his first presidency in 1996, Prime Minister Netanyahu stated his aim that settlers are to stay for ever and provided incentives to expand settlements (The New York Times, 2015; CNN, 1996). It was not so much that the number of registered settlements grew compared to his predecessors, but their size and location differ. Settlements like Eli and Ofra are spread all over the West Bank. This growth and spreading of settlements made a peace agreement with the Palestinians based on a two-state solution increasingly difficult. Netanyahu also used settlement construction as a retaliation tool against Palestinian uprisings thus perpetuating the cycle of violence (The New York Times, 2015).

Prime Minister Netanyahu's right-wing coalition governments increasingly leaned on the support of settlement promoters. He actively promoted settlement construction in the West Bank. He said for instance during an election campaign in 2017 - while laying a foundation stone for a new neighbourhood in Beitar Illit, the largest settlement in the West Bank populated by ultra-orthodox Jews- that: 'We are working energetically for settlement in every part of the land'(France 24, 2017).

Politicians known for their support to settlements in the occupied territories held and currently hold key positions in Netanyahu-led governments. These ministerial positions are not only occupied by politicians of Netanyahu's Likud party, but increasingly by extreme nationalist religious politicians. The position of Minister of Defence is crucial for final decision taking on any settlement construction in the West Bank. Moshe Ya'alon, a former army chief and Minister of Defence from 2013-2016 in Netanyahu's government, was in favour of settlement expansion. Jewish Home (HaBayit HaYehudi in Hebrew[13]), another pro-settlement political party in the Netanyahu led coalition government of 2013, controlled among others the housing ministry and the powerful parliamentary finance committee. Such positions are key for decision taking on additional government benefits and funds to settlers (MIFTAH, 2013; Haaretz, 2013).

On December 29th, 2022, a new Israeli coalition government led by prime minister Netanyahu and leader of the Likud-party took office. The Religious Zionist Party (RZP) led by Bezalel Smotrich and Itamar Ben-Gvir of Otzma Yehudit (Jewish Power), a far-right religious Zionist party, obtained influential positions in this coalition (Makovsky, 2023). Both share religious and security ideology focussing on maintaining Jewish control over the biblical land of Israel (The Times of Israel: 2022; Kurtzer-Ellenbogen, 2023; Makovsky, 2023). Ben-Gvir, the current minister of national security, lives in Kiryat Arba near Hebron (Jewish Telegraphic Agency, 2023). He is a 'follower of the late extremist Meir Kahane, whose Kach party was disqualified from the Knesset in 1988 for incitement to racism and then outlawed as a terror group in 1994 (IGC, 2022:4).

4.3. The legal status of the settlements in the West Bank

The presence of settlements in the occupied territories is a major source of contention not only with the Palestinians but also with the international community (France 24, 2021). The continued construction by Israel of settlements in the occupied territories is a major reason for which the peace talks with the Palestinians remain stalled (CBS, 2012).

Officially, Israel has not annexed the West Bank and it regards these settlements not to be under its sovereignty. Civil and criminal legal issues of Israeli citizens in the West Bank are dealt with under emergency regulations (Israeli Policy Forum, consulted 12 April 2024).

All the Israeli settlements in the occupied territories are considered illegal under international law. However, Israel makes a distinction between government recognized ones and so-called 'wildcat outposts'(France 24, 2021). For a settlement to be legal, the following criteria are applied by the government: they must be built on state land, possess building permits from the Israeli authorities, and be established by a government resolution. Outposts are settlements that do not meet those criteria. They are illegal under Israeli law and include outposts built on

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[13] For more information see: https://www.jewishvirtuallibrary.org/the-jewish-home-political-party.

privately held Palestinian land. The outposts mostly do not have access to government provided services. The settlers in these outposts- most of them hard-line religious nationalists- pressure for the recognition of their settlements because they are of the opinion that the area belongs to the Jewish people as part of a divine decree. Recognition of the settlement would also give access to government provided services. Under Netanyahu-led governments some of these outposts have received retrospective authorisation (Israeli Policy Forum, consulted 12 April 2024; CBS, 2012; France 24, 2021).

4.4. Governmental and non-governmental support to the settlements

According to the Israeli Bureau of Statistics there were in 1997 shortly after the beginning of Netanyahu's first term as Prime Minister 146,900 settlers living in the West Bank. End of 2021 this number had increased to 465, 400 in settlements and more than 20,000 in outposts (Peace Now, Data, consulted 5 April 2024; Israeli Policy Forum, consulted 12 April 2024). While in the period 1992 through 2020 a mere seven new settlements were established by Israel, Israeli governments allowed the creation of over one hundred illegal outposts (Israeli Policy Forum, consulted 12 April 2024).

According to the Israeli NGO Peace Now there were beginning 2024 146 settlements (East Jerusalem excluded) and 144 outposts. These outposts were mainly established under the governments of Netanyahu (Peace Now, consulted 5 April 2024). Since the Interim Agreement of 1995, area C has become the home of settlers and their number more than tripled since that date. As indicated previously, area C is under full Israeli military control (Yesh Din, 2022: 10). This rapid population growth can also be seen in the case of the local council of Kiryat Arba near Hebron. Its population grew from 2.867 in 1983 to 7.499 persons in 2021 (City Population, consulted 10 April 2024).

Subsequent Israeli governments provided substantial support to the settlements in the West Bank. Besides government support, the settlement movement received substantial support from private sources, including foreign ones. This support besides the above-mentioned political support, could take different forms such as providing security, access to basic services as well as access to financial support such as housing subsidies. I will provide a brief description of the kinds and sources of support and give examples for the city and the governorate of Hebron.

Provision of security

The protection of the growing number of settlers on the West Bank as well as the prevention of violence between the settlers and the Palestinian population required military presence in and around the settlements as well as around major Palestinian population centres. Sometimes these settlements are near or even in Palestinian urban centres (Rivlin, 2011: 148) as is the case for Hebron. Separating and controlling is a military strategy that facilitates the movements of the settler population while controls and restricts the movements of the Palestinians (Lecoquierre, 2009:321). Hebron is the town where the Israeli army used for the first-time facial recognition technology for surveillance of Palestinians (Rosen, 2024).

The army avoids confrontations with settlers even if the latter invade Palestinians properties and try to chase its owners[14]. This inter alia happens in the Southern Hebron Hills. Moreover, the army can decide to declare an area a closed military zone to keep Palestinians and their supporters away from parts of the West Bank (Noy, 2021). Palestinians and activists claim that when they filed a complaint on settler violence in the South Hebron hills with the Israeli police, they end up themselves accused of violence (Awad, 2021).

Territorial fragmentation

During the second Intifada (see section 3.2) the Israeli government significantly reduced the ability of Palestinians to move inside the West Bank. It used a combination of checkpoints, physical objects and a permit system that cut the West Bank in three distinct areas in addition to East Jerusalem. Inside these areas, like in the case of the H2 part of Hebron, further enclaves were created using checkpoints and roadblocks. This effectively reduced the freedom of movement of Palestinians and isolated Palestinian communities from each other. It also affected the de development of the Palestinian economy and its private sector (UN, 2006). The Israeli authorities also created a separation barrier partly on the territory of the West Bank with Israel capturing the majority of the settlements. It also established a network of Jewish-only roads connecting the settlements with each other and with the main urban centres in Israel. According to the Israeli government these measures and restrictions were needed for security reasons (Human Rights Watch, 2005; UN, 2006). The Israeli NGO B'tselem noted in 2017:

> 'Israel completely prohibits Palestinians from using about 40 kilometers of these roads – including almost eight kilo meters of Route 443 and almost seven kilometers within the city of Hebron, near the settlements established there. Another 20 kilometers of these roads are partially off limits to Palestinians'(B'tselem, 2017).

Israel controls Palestinian travel inside the West Bank. A few major checkpoints check points split the West Bank in three (see map 7). The traffic moving between the north and south are controlled by these checkpoints. Iron gates are installed at the entrances to most of the West Bank villages. In this way the IDF can swiftly isolate these places (B'tselem, 2017; NRC, 2022). Under Israeli law, Israeli citizens are for security reasons not allowed to enter Area A in the West Bank, the territories under full Palestinian authority security and administrative control (Honestreporting, 2019). Until today, this system of securitization and fragmentation of the Palestinian territory remains in place.

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[14] See for instance the many videos on the B'tselem video channel about the conduct of the Israeli army in case of settler violence against Palestinians: https://www.btselem.org/video-channel/settler_violence.
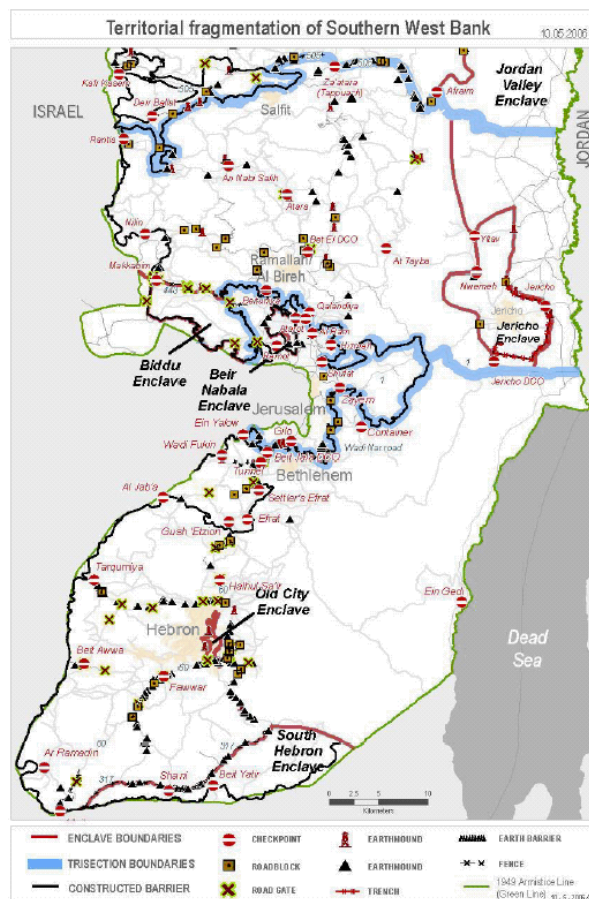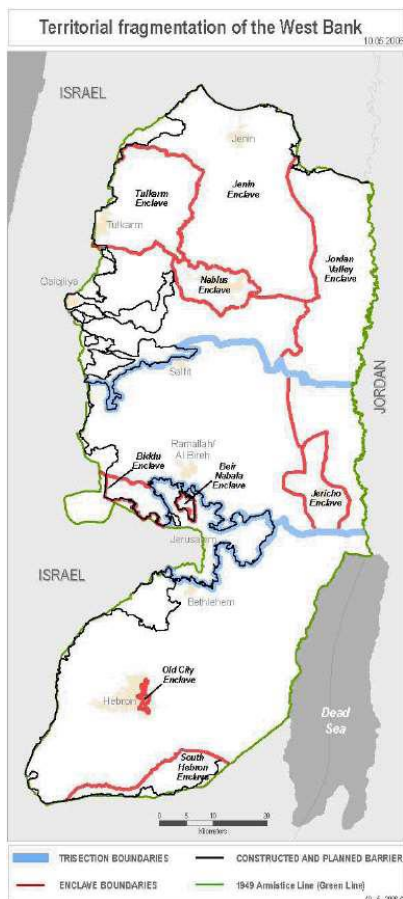
Map 7 and 8. Source: UN, 2006

South Hebron became since October 2000 progressively an enclave with clusters of isolated Palestinian communities (see map 8). The IDF sealed off the southern part of the Hebron governorate through a combination of physical obstacles and movement restrictions. A long, high concrete barrier blocks the access of Palestinians living south of road 317 to Hebron city. These restrictions prevented access of Palestinians living in the southern Hebron communities to health, education and markets available further north (UN, 2006). In July 2007, the Israeli High Court ruled in favour of Palestinian communities and human rights organisations and ordered the military to dismantle the barrier. This was accomplished in August 2007 (B'tselem, 2013). In the Israeli controlled part of the town of Hebron in total 6.7 kilometers of roads are forbidden for Palestinian vehicles (B'tselem, 2017).

Confiscation of land

UNCOI indicated in 2022 that Israel has:

> 'declared approximately 18 per cent of the West Bank closed military zones, including in area C. Over half of Area C (1.765 million dunams[15]) has been officially designated closed military zones. Israeli settlers have cultivated over (14,000 dunams of land in closed military areas, some of which is private Palestinian land'(UNGA A/77/328, 2022: 11).

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[15] 1 dunam = 1,000 m2

In addition, Israel has taken control of all water resources in the West Bank and uses much of it for its own purposes ((UNGA A/77/328, 2022: 12).

The Israeli authorities use different methods in the West Bank of confiscating land, namely: declare land as state land; confiscate land for public needs; starting a procedure to register land in the name of the state; seize lands for military purposes and provide the state by order the power to manage and occupy properties of people who fled the West Bank in 1967. If Israel declares land as state land it is no longer considered as privately owned by Palestinians and they are no longer allowed to make use of it (Peace Now, 2009; Peace Now, 2014: consulted 5 April 2024).

However, in a few cases the Israeli Supreme Court ruled that a settlement was built on land privately owned by Palestinians and ordered the demolition of the constructions. This happened for example in the case of the Amona settlement in 2014. Yet, at the same time the Netanyahu government gave green light for the extension of existing settlements. This can be seen as a balancing act between legal and political demands. The latter refers to alleviating possible criticism from settlers, including nationalists in his coalition government. The Israeli government has also to keep an eye on how the US, as its main supporter, might act (RFI, 2017; Hochberg, 2017).

As part of a policy to segregate Palestinians from Israeli's, the Israeli army used in Hebron for the first-time military orders to establish segregated roads. Such roads, based on similar practices, have afterwards been established elsewhere in the West Bank (Rosen, 2024)

Legalisation of outposts

A substantial number of illegally established outposts obtained government approval (The New York Times, 2015). The Independent International Commission of inquiry of the UN (UNCOI) indicated in 2022 that:

> 'To date the Government of Israel has retroactively authorized 23 outposts by bringing them within the jurisdiction of nearby settlements or granting them independent settlement status'(UNGA A/77/328, 2022: 9).

Sometimes the Supreme Court of Israel authorizes the establishment of outposts on private Palestinian land if it has been established in 'good faith'(UNGA A/77/328, 2022: 9). In such cases the Israeli state invokes this exception via article 5 of Military order 59 concerning State property (Judea & Samaria, 1967). This exception implies that the Israeli state claims it did not know that the land was held in private hands, and thus that it acted in good faith in transferring the land in question. The Israeli state made reference to this article in cases where land previously had been allocated to the settlement division of the World Zionist Organization (WZO). This division allocates properties to Israeli settlers and oversees the registration of these properties (Adalah, 2019: 2-5). For more information on the WZO, see page 49.

In 2014 settler families moved in a contested home in the Old City of Hebron after a legal battle about the ownership of the building. The Israeli defence minister Moshe Ya'alon approved this action after the Israeli supreme court rejected the Palestinian claim that the property had been bought with forged document (The Times of Israel, 2014).

Permission for construction

Under the Netanyahu governments there was since 2009 a steady increase of the number of government issued permissions for building new housing blocks as part of existing settlements. In reality these are sometimes new settlements in the vicinity of old ones (The New York Times, 2015). The good political relations between the Netanyahu-government and the US administration under President Trump, was reflected in the rapid increase in construction in settlements in the West Bank (France 24, 2017; Peace Now, 2018).

For example, in June 2018 the Israeli authorities allowed for the construction of a new industrial zone north of Kiryat Arba, next to Hebron. The area was in 1982 declared 'state land' by Israel. In 1988, the Israeli Higher Planning Committee gave approval for the creation of this industrial zone located 800 meters north of the fence of the Kiryat Arba settlement but inside a Palestinian residential area. The fact that settlers were permitted to start construction activities meant that the Israeli Minister of Defence had given his approval (Peace Now, 2018).

The issuance of construction permissions in Area C is highly discriminatory towards Palestinians. Most of the Palestinian requests for such a permission are rejected with the argument that the specific area has not been assigned for construction. This even happens if the land is undisputably owned by the Palestinian applicant (OCHA, 2021). The Israeli Civil Administration in the West Bank, which falls under the Ministry of Defence, acknowledges that there is extreme discrimination in building permits and law enforcement between Palestinians and settlers. The Head of the Infrastructure Branch, lieutenant Colonel Adam Avidan, indicated:

> ' The Civil Administration grants authorization for planning to the local/regional council or the landowner. Subsequently, construction plans are submitted for approval. Settlers receive building permits from the local/regional council. Palestinians receive permits from the planning authorities of the Civil Administration. In the past years, there have been an average of between 5,000 to 10,000 housing units (combined) built for settlers. Regarding Palestinian construction, only a few hundred units per year, mostly individual buildings or facilities. In both cases, when there is no outline plan and no building permit, the construction is considered illegal. 95% of Palestinian building applications are rejected, for planning and policy reasons. In the Israeli-settler sector, the term "building refusal" is not used. In practice regarding, 60-70% of the submitted and discussed plans are approved' (Peace Now, 2023).

There is also discrimination against the Palestinians regarding law enforcement in case of illegal construction in Area C:

> 'Between 2022 and the first half of 2023, a total of 770 Palestinian buildings were demolished in Area C. During the same period, only 88 buildings were demolished in the settlements, and in practice, most of them were illegal outposts of hilltop youth that were demolished by the army and rebuilt again'(Peace Now, 2023).

Access to basic services

The UNCOI concluded in its 2022 report:

> 'Israel has spent billions of dollars on the construction of settlements and of
> infrastructure to support them, including roads, water and sewerage systems,
> communications and power systems, security systems, and educational and health care
> facilities (UNGA A/77/328, 2022: 8-9).

Israel delivers in the settlements recognized under Israeli law similar services as it provides to its citizens within the internationally agreed border (France 24, 2021). Settlements registered by the Israeli government are or form part of local or regional councils and have their civil registration offices providing all kinds of documentation. These settlements are also included in the Israeli public transport and Israeli telephone network. Kiryat Arba adjacent to Hebron has a local council and the settlements in the Southern Hebron hills are part of the regional council situated in the settlement of Otniel (Netzah, consulted 6 April 2024).

The UNCOI also indicated that Israel provides outposts – even though considered as illegal under Israeli law- with basic services as well as allows taking lands for agricultural purposes (UNGA A/77/328, 2022: 8-9).

Access to financial support

A variety of state sources from the government of Israel as well as from non-state actors provide funding for settlements and outposts. Under Netanyahu's governments massive support is given to West Bank settlement. The Israeli thinktank *Macro The Center for Political Economics* (MACRO) concluded in 2015 that government spending is much higher in the West Bank than in other parts. Israeli government support to the settlements can be divided into two parts. The first is public support through the defence, municipalities' and development budgets. The second part is support to individuals, households and firms (MACRO, 2015: 4). It inter alia assessed that

> 'the extra government annual expenditure going directly to West Bank settlements is
> NIS 1.099 billion per year, which comes to New Israeli Shekel (NIS)[16] 3,090 per
> settler or NIS 13,689 per West Bank household. East of the barrier settlements enjoy a
> significantly larger extra expenditure with an amount of NIS 5,288 per person,
> compared to 2,439 West of the barrier. (MACRO, 2015: 5)

Financial instruments under the National Priority Areas (NPA) are also open for settlements in the West Bank (B'tselem, 2002: 73-82; Times of Israel, 2017; MACRO, 2015: 5). These settlements are designated as NPA's under the criterion of 'level of security threat.' Moreover, ministers can allocate additional budgetary grants and benefits to NPA's (Adalah, 2010:8) Settlements are included on lists of the Israeli government for communities inside Israel and the West Bank that qualify for a housing subsidy. These subsidies are 'meant to encourage positive migration to these communities (CBS, 2012). The Israeli Policy Forum also concluded that The Israeli government provides significant financial aid to the local authorities and residents of the settlements:

> 'In 2014, the average per capita aid from the Israeli government to local authorities
> in the Judea and Samaria region was NIS 3,762, compared to NIS 2,282 within

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[16] On average in 2015: I USD= 3.9 NIS (https://www.exchange-rates.org/exchange-rate-history/usd-ils-2015) / On average in 2017: I USD= 3.6 NIS (https://www.exchange-rates.org/exchange-rate-history/usd-ils-2017)

Israel. Local authorities east of the security barrier received NIS 5,950 per capita on average.

In 2017, settlers received on average NIS 1,922 in grants and tax benefits, NIS 1,416 more than the national average' (Israeli Policy Forum, consulted 12 April 2024).

Non-state sources of settlement funding include private donors and funds raised through Israeli and non-Israeli non-profit groups. The World Zionist Organisation (WZO) inter alia raises funds and strengthens relations with Jewish communities all over the world. The Settlement Division of the World Zionist Organization plays a key role in supporting the establishment and development of settlements and outposts (UNGA A/77/328, 2022: 10; WZO, consulted 12 April 2024).

'The main purpose of the Settlement Division is to strengthen the periphery of the State of Israel by establishing rural settlements with everything needed for their success. To accomplish this, the division works to develop regional elements that will serve the localities and assist in the creation of settlement areas with a solid socio-economic base' (WZO, consulted 12 April 2024).

Settlers also generate their own funding through private channels such as the US based 'Hebron fund' whose activists indicate being pro-Israel supporters 'promoting a strong Jewish presence in the holy city of Hebron'(The Hebron Fund, consulted 12 April 2024). US-based nonprofit organizations, such as the Central Fund for Isarel, support Israeli settler organizations by means of tax-deductible donations (Kane, 2021:2). These private US-funding to Israeli settlements on the West Bank amounts to hundreds of millions of US dollars (Haaretz, 2015; Kane, 2021:3).

Foreign aid to the government of Israel is also an important source of income from which settlements and settlers also profit. The Israeli government is the largest recipient of US foreign aid. Israel received since its founding in total about 300 billion US dollar (adjusted for inflation) of economic and especially military aid. There were until recently[17] no limitations or constraints on the use of US weapons other than that they should be used in self-defence and that Israel should observe international law (Council on Foreign Relations, 2024).

Independent commissions of the UN reported during the time of Netanyahu's governments about 'settlements and related policies, practices and plans that affect Palestinian human rights.' They came to the conclusion that the government of Israel deliberately pursues a settlement policy that undermines the position and the rights of the local Palestinian population. For instance, the following conclusions from the 2013 *Report of the independent international factfinding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout*

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[17] The US delayed end of 2023 a shipment of assault rifles to Israel out of fear that these would go to settlers on the West Bank, See Wall Street Journal: U.S. Blocks Shipment of Rifles to Israel Over Concerns of West Bank Settler Violence - WSJ

the Occupied Palestinian Territory, including East Jerusalem refer to Israeli government support to the settlers:

> '…that the State of Israel has had full control of the settlements in the Occupied Palestinian Territory since 1967 and continues to promote and sustain them through infrastructure and security measures' (UNGA A/HRC/22/63, 2013 , par. 100).

> 'The establishment of the settlements in the West Bank, including East Jerusalem […], is a mesh of construction and infrastructure leading to a creeping annexation that prevents the establishment of a contiguous and viable Palestinian state' (UNGA A/HRC/22/63, 2013, par. 101).

> 'The settlements are established for the exclusive benefit of Israeli Jews and are being maintained and developed through a system of total segregation between the settlers and the rest of the population living in the Occupied Palestinian Territory. This system of segregation is supported and facilitated by a strict military and law enforcement control to the detriment of the rights of the Palestinian population' (UNGA A/HRC/22/63, 2013, par. 103).

> 'The mission noted that the identities of settlers who are responsible for violence and intimidation are known to the Israeli authorities, yet these acts continue with impunity' (UNGA A/HRC/22/63, 2013, par. 107).

4.5. Concluding remarks

Political Zionism is the main ideology of most of Israeli parties. Within political Zionism extreme nationalist and religious parties have become more influential in the subsequent governments led by Prime Minister Netanyahu. These parties reflect interests of settlers and their organisations. They want for security and /or religious reasons to remain in control of the West Bank and reject Palestinian self-determination. These pro-settler politicians gained access to key positions in Israeli governments and used these positions to protect and foster settler interests. Different policies and measures have been developed and are applied by the state of Israel to achieve these goals.

As indicated in the first chapter, a settler colonial regime aims at permanently transferring people to the colonized area. These people come as settlers, not merely as immigrants. The colonial power uses its military power to protect the settlers and might arm them as a kind of vanguard of its presence in the colonized area. The local or native population of the colonized area is oppressed and subject to a process of expropriation, heavy discrimination and even being replacement by the settlers. All of these characteristics apply to the manner Israel is controlling the West Bank. The Israeli government actively promoted the colonisation by settlers of the West Bank. It provided protection and incentives such as financial support, and provision of basic services. The government confiscated and fragmented Palestinian lands, it regulated illegal settlers outposts, and it connected settlements with the major Israeli urban centres. At the same time, it heavily discriminated the local Palestinian population and oppressed any opposition against the occupation by the Israeli army and the Jewish settlers. The argument by messianic religious settlers and their political supporters that they do not colonize the West Bank because they re-establish themselves in 'God-given' land is

ideological. As shown above, these settlers supported by the state of Israel are in a process of colonizing the West Bank. Thus, the state of Israel engages in acts of settler colonialism with distinct ideological characteristics.

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5. Summary and conclusions

This study about the Hebron Protocol is based on the assumption that the Hebron protocol was instrumental for the Israeli authorities in providing support to the efforts of settlers to strengthen and enlarge their presence in Hebron. The research question is in what way the provisions of the Hebron Protocol were of use in this regard. In order to answer this question, I discussed some theoretical concepts namely 'divided city,' 'settler colonialism' and 'state-society relation.' These helped interpreting and analysing the content of the Hebron Protocol, its implementation as well as its implications for the local Palestinian population.

In the second chapter I situated the Hebron Protocol in the broader context of the peace negotiations between Israel and the Palestinians. I argued that due to political and security reasons the signing and implementation of the Protocol was delayed. Close reading of the Protocol revealed that the Protocol in essence is about protecting settlers in Hebron. I also argued that the Protocol officialised the continued Israeli control over a part of the city of Hebron and its inhabitants. The Israeli military were redeployed in the city but retained the right to operate in the whole of the city in case the security of Israeli's was endangered. The Protocol also officialised the presence of settlers in the city of Hebron. The Hebron Protocol made the city officially a divided city.

The third chapter looked into the way the Protocol was implemented. Palestinian protests against the continued occupation as well as violence between settlers and Palestinians provided a pretext for the Israeli authorities to restrict even more the movements of Palestinians in the Hebron area. The political impasse between Israel and the PA and the violent incidents contributed to further securitization and militarization of the part of the city of Hebron that remained under Israeli control. This is reflected in the watch towers, the checkpoints and the large numbers of physical objects closing off the H2 part from the rest of the city. It is also reflected in the draconic and discriminatory measures imposed on the Palestinians living in the Israeli controlled part of the city. These measures and the settler violence make their lives almost unbearable. It was the end of the Palestinian economy in this part of the city, the once economic heart of Hebron. The Palestinians feel pushed out of this part of the city.

The fourth chapter was about the Jewish settlers, their interests as well as the kind of support they receive. I argued that they have strong political backing from political parties represented in the Netanyahu governments. These parties are for security and / or ideological reasons in favour of keeping control over the West Bank. They promote policies and measures protecting the interests of settlers. The separation policy practised by the Israeli authorities in Hebron is part of a wider Israeli government policy aimed at securitizing the West Bank. Facilitating the presence of Jewish settlements in the West Bank as vanguard posts is part of this policy. Extremist Jewish nationalist-religious political parties combine the issue of securitization through settlement of the West Bank with their ideology of restoring Jewish ownership of the Biblical Land of Israel. They reject the rights of the local Palestinian population on the West Bank. Prime Minister Netanyahu led coalition governments promote policies in favour of supporting settlements in the West Bank. These policies have been effective since the number of settlers in the West Bank tripled during Netanyahu's governments. The settlers profit from various kinds of government and private sector support. At the same time, Palestinian living

in areas near by settlements are under growing pressure to leave due to all kinds of measures discriminating against them as well as settler violence. A creeping fragmentation and annexation of the occupied West Bank is taking place affecting the lives of the local Palestinian population.

The Israeli occupation of the West Bank has developed into acts of settlement colonialism under influence of Zionist pro-settler political parties. The Israeli government policies deliberately fostered the presence of Jewish settlers on Palestinian territory, including in the Israeli controlled part of the divided city of Hebron. Moreover, the Israeli government severely discriminated against the indigenous Palestinian population. It tolerated and even supported attempts by settlers to chase the natives. It is an ongoing process that is contested by the local Palestinian population.

Israeli governments heavily invest and subsize in the presence of Israeli settlers in the West Bank. The settler movement has acquired growing political strength by the participation of its representatives and supporters in subsequent Israeli governments. The close links between the settler movement and nationalist-religious political parties in the Israeli government underpin the Israeli form of settler colonialism. This Israeli settler colonialism is ideologically legitimized by Zionist colonial aspirations and in its most uncompromising form by its messianic strand.

Annex

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