

## **BADIL Occasional Bulletin No. 02**

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### **International Protection Forces - Overview and Relevance for Palestinians**

*This Bulletin aims to provide a brief overview of issues related to Palestinian Refugee Rights*

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Protection of the basic rights of individuals as delineated by international human rights law, humanitarian law, and refugee law is a primary responsibility of the United Nations and its individual member states as defined under Article 1(1) of the UN Charter. [See Bulletin No. 1] Among the variety of mechanisms employed to effectuate implementation of international law and protection of the rights defined therein, is the deployment of international (peacekeeping/making) forces. The first field operation by the UN, the UN Truce Supervision Organization (UNTSO) was established in May 1948 by the UN Security Council (Resolution 50, 29 May 1948) to supervise the truce in the first Arab-Israeli war. Since then, 53 UN peacekeeping missions have been deployed around the world, 40 of which were established in the last 12 years.

The mandate for international UN forces is covered by Chapter 6 (Pacific Settlement of Disputes) and Chapter 7 (Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression) of the 1945 Charter of the United Nations. These Chapters provide, respectively, for both traditional methods of resolving disputes peacefully, such as mediation and fact-finding, and more forceful action, such as embargoes and military intervention. Military personnel and structure remain the backbone of UN protection forces but increasingly they also include civilian police officers, electoral experts and observers, deminers, human rights monitors, and specialists in civil affairs and communications all working closely with field staff of other UN agencies and offices, including the UN High Commissioner for Refugees, and the UN High Commissioner for Human Rights, a.o..

There are at least four different types of international protection forces authorized under UN auspices to ensure international peace and security and respect for the rights of individuals as delineated by international law. These include:

- (a) *Military observer missions* composed of relatively small numbers of unarmed officers, charged with such tasks as monitoring cease-fires, verifying troop withdrawals, or patrolling borders or demilitarized zones (e.g., UNDOF in the Israeli-Syrian sector);
- (b) *Peacekeeping forces composed of national contingents of troops*, deployed to carry out tasks similar to those of military observers and, often, to act as a buffer between hostile parties (e.g., MONUC in the Democratic Republic of the Congo);
- (c) *Complex operations composed of military, civilian police and other civilian personnel* mandated to help create political institutions and broaden their base, working alongside governments, non-governmental organizations and local citizens' groups to provide emergency relief, demobilize former fighters and reintegrate them into society, clear mines, organize and conduct elections and promote sustainable development practices (e.g., UNMIBH in Bosnia & Herzegovina), and;
- (d) *Multinational forces* composed of UN member states and authorized by the UN Security Council to take joint military action (e.g., KFOR in Kosovo)

Deployment of international protection forces is generally governed by the principles of consent, impartiality, and non-use of force, with the exception of international forces deployed under Chapter 7. Recommendations on how the operation is to be launched and carried out, selection of the Force Commander (with the exception of multinational forces [(d) above] as well as requests from member states for troops, supplies, equipment, civilian police and other

personnel, and progress reports are made by the Secretary General. The Department of Peacekeeping Operations (DPKO) is responsible for day to day executive direction, management and logistical support. The DPKO notes several prerequisites for success, including: a genuine desire among parties to solve differences peacefully, a clear mandate, a strong political support by international community, and provision of resources necessary to achieve the operations objectives.

### **Relevance of International Protection Forces for Palestinians**

The Palestinian people have overlapping but inter-related protection needs, both as people living under Israeli military occupation and as refugees. On a day-to-day basis, an international force is required to ensure the physical safety of Palestinians. This includes protection from Israeli military attacks on civilian areas, protection from ongoing daily attacks by armed Israeli settlers, often accompanied by the Israeli military, and facilitation of humanitarian access for assistance agencies like UNRWA and the Red Crescent. Palestinians also require protection to facilitate and ensure the implementation of solutions based on international law and relevant UN resolutions (e.g., GA Resolution 181, GA Resolution 194, SC Resolution 242), including monitoring and enforcement of any future agreements related to the withdrawal of Israeli military forces from the 1967 occupied territories and durable solutions for Palestinian refugees and displaced persons.

International forces have been deployed in Palestine/Israel twice since the first Arab-Israeli war. In all cases, however, the mandate of these forces has been limited to monitoring and reporting to the relevant UN organs [(a) above], despite recommendations by the UN Commission for Human Rights in the 1980s for Chapter VII intervention (CHR Resolution 1984/1, a.o.). The UN Truce Supervision Organization (UNTSO) set up in 1948 continues to maintain units in the Syrian-Israeli sector, Lebanese-Israeli sector, and the Egyptian-Israeli sector to assist existing UN forces but has little relevance today for Palestinians.

In 1994, following the massacre of Palestinians by Israeli settler Baruch Goldstein in the Ibrahimi mosque in Hebron, the UN Security Council (Resolution 904, 18 March 1994), called for the creation of an international or foreign presence, as provided for in Annex II (d) of the 1993 Declaration of Principles ("Oslo accords") based on the consent of the parties, to guarantee the safety and protection of Palestinian civilians throughout the occupied territories. A special international observer mission, the Temporary International Presence in Hebron - TIPH, was therein established to monitor the situation in Hebron, report to Israel and the Palestinian Authority, and file its confidential reports with the United Nations.

A third type of limited protection force was established during the first intifada, under the auspices of the UN Relief and Works Agency (UNRWA). Based on recommendations of the UN Secretary General who was requested by the Security Council (Resolution 605, 22 December 1987) to prepare a report on measures for ensuring the safety and protection of Palestinian civilians in the occupied territories, the Refugee Affairs Officers (RAO) program, was created to provide general protection assistance, including intervention with Israeli authorities, to help individuals resist violations of their rights as well as a kind of protection through publicity of Israeli violations. The RAO program was suspended in Gaza in May 1994 and officially discontinued in April 1996 following the partial redeployment of Israeli troops in the occupied West Bank.

### **Recommendations**

Given the gross, systematic, and persistent violation of Palestinian rights by the Israeli government, military, and settlers, as documented by various local and international human rights organizations as well as UN organs, an international protection force deployed under the auspices of the UN is urgently required. The continued lack of international protection, based on Israel's opposition to a UN protection force, runs the risk that any international engagement may come too late, as it has in other parts of the world during the 1990s, to prevent the current humanitarian crisis from becoming a humanitarian disaster. Addressing both the need for, and dilemma of intervention to enforce international and human rights law,

UN Secretary-General Kofi Annan stated in his recent Millennium report that, "[n]ational sovereignty must not be used as a shield for those who wantonly violate the rights and lives of their fellow human beings." UN intervention should not be confused with partisanship, despite claims by the governments of Israel and the United States. "Where one party to a peace agreement clearly and incontrovertibly is violating its terms," notes a recent comprehensive review of UN peace operations, "continued equal treatment of all parties by the UN can in the best case result in ineffectiveness and in the worst may amount to complicity with evil. No failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor." (*Report of the Panel on United Nations Peace Operations*)

Monitoring and reporting of Israeli violations has failed to provide adequate protection of the Palestinian people, including refugees. Any international protection force must therefore be equipped with a clear mandate that provides for a credible deterrent, both in terms of authorization to use force and in terms of adequate resources, to stop Israeli military and settler attacks on Palestinian civilians. Secondly, the international force must have a strong international law component, to monitor, report, and rectify violations of international humanitarian, human rights, and refugee law, working closely with other relevant UN organs: including, the Office of the UN High Commission for Human Rights, whose role should be expanded beyond the technical cooperation agreement that currently exists with the Palestinian Authority; UNRWA; and, the Office of the UN High Commissioner for Refugees. Finally, an international protection force should have a mandate to facilitate and assist in the implementation of any future agreements provided that they are consistent with international law and relevant UN resolutions. What is required therefore is a complex international protection operation [(c) above] with UN Charter, Chapter VII authorization and equipped with staff from throughout the UN system: including political analysis, military operations, human rights, development, humanitarian assistance, refugees and displaced persons, public information, logistics, finance and recruitment.

Based on resolutions of the UN General Assembly and Security Council, and the Special Summit of the Arab League (Cairo, 21-22 October 2000), the Palestinian delegation to the United Nations and Arab states have launched an initiative for the deployment of an international protection force for the Palestinian people in the 1967 occupied territories. This initiative remains in doubt, however, as long as the United States and some European states maintain their unconditional support for Israel, support which violates their own obligations under the UN Charter and international law. A concerted and sustained effort by the PLO, the Palestinian Authority, the Arab League and Arab states, and governments supportive of Palestinian rights is required in order to: change the current unfavorable balance of forces in international organs; ensure that any international protection force is fully empowered to intervene to provide protection; and, guarantee that any future negotiations are consistent with international law and relevant UN resolutions.

**Palestinian, Arab, and international non-governmental organizations and the solidarity movement can encourage and facilitate such concerted effort by:**

1. *Launching a special lobby effort* aimed at making UN organs and mechanisms accessible to especially vulnerable sectors of the Palestinian people (refugees, internally displaced persons, and the Palestinian community in occupied eastern Jerusalem and inside Israel) who have remained excluded from the international protection system. Specifically, this should include a call for the deployment of a complex international protection force in the occupied territories with Chapter VII authorization. Secondly, there should be an immediate re-activation of the UNRWA Refugee Affairs Officer (RAO) Program to monitor, report, and assist Palestinians in resisting violations of their rights by Israel. RAO reports should be publicly accessible and receive the widest possible distribution. Thirdly, immediate consultations should be held between UNRWA, UNHCR, ICRC and other UN agencies to examine the lack of protection for Palestinian refugees (for more details see Bulletin No. 1) and make recommendations for the implementation of a protection regime mandated to provide day-to-day protection and search for a durable solution, as afforded to all other refugees.

2. *Lobbying governments, policy makers, and their policy advisors* to take a clear stand in favor of Palestinian rights, as defined by international law and UN resolutions, including support for a complex international protection force in the occupied territories. Individuals and organizations should examine the voting record in the UN and policy statements of their governments and question votes and statements that are not consistent with those rights defined by international law.