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Who Will Keep the Peace?
The Role of Peacekeeping in
a Future Israeli-Palestinian
Peace Accord

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PERSPECTIVES

Executive Summary

- The conventional wisdom is that the success of a future peace agreement between Israel and an envisaged Palestinian state would require the support of an international peacekeeping mission.

- This study reviews the history and relative success and failure of peacekeeping missions in the region, as well as the salient factors that contribute to the prospects for success or failure.

- In certain situations, there would appear to be a clear preference for a UN-mandated peacekeeping mission, while other situations would seem better suited to non-UN-mandated multinational peacekeeping operations, and still other situations would appear best suited to bilateral peacekeeping without any foreign participation.

- Bilateral peacekeeping has shown itself to be effective along the Israeli-Jordanian border, and bilateral security cooperation with multinational oversight has succeeded along the Israeli-Egyptian border.

- Given the inherent limitations of peacekeeping in confronting spoilers, it may well be that primarily bilateral security arrangements, rather than an international peacekeeping mission, presents the best course.

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I.   INTRODUCTION

The establishment of a peacekeeping force is widely accepted to be an essential part of any future Israeli-Palestinian peace. The final-status settlement proposed by the Clinton administration specified "security arrangements that would be built around an international presence."[1] In discussing the issue of security, American diplomat Dennis Ross, who was one of the American negotiators of the 1995 Interim Agreement on the West Bank and the Gaza Strip and the 1997 Protocol Concerning the Redeployment in Hebron, and who served as President Clinton's Middle East coordinator, has written: "The key lies in an international presence that can only be withdrawn by the agreement of both sides."[2]

Among the most prominent nongovernmental initiatives recommending the inclusion of peacekeeping forces are the "Geneva Accord"[3] and the Bipartisan Statement on U.S. Middle East Peacemaking, entitled "A Last Chance for a Two-State Israel-Palestine Agreement," drafted and signed by ten former senior U.S. government officials and presented to the administration of U.S. President Barack Obama (the "Bipartisan Statement").[4]

Although the need for a peacekeeping force appears to enjoy broad support, it should be noted that the "Road Map"[5] proposed by the United States, the European Union, Russia, and the United Nations (together "the Quartet") in 2003 does not suggest the inclusion of peacekeeping forces, although it does envisage a monitoring mechanism for its interim phases. Similarly, the 2002 "Arab Peace Initiative"[6] does not include any mention of peacekeeping forces. Tellingly, however, former U.S. National Security Advisers Brent Scowcroft and Zbigniew Brzezinski, both of whom were among the authors of the Bipartisan Statement, have pointed out the need for supplementing the initiative with a multinational peacekeeping force.[7]

It is against this background that the authors set out to examine, from an Israeli perspective, the feasibility of establishing a form of multinational peacekeeping force as part of a future Israeli-Palestinian peace accord.

II. Assessing the Success and Failure of Peacekeeping Missions in Israel and Along Its Borders

A) What Is "Peacekeeping"?

Before addressing the subject of peacekeeping and its place in a future Arab-Israeli peace accord, it is worth defining what is meant by the term "peacekeeping."

Peacekeeping is one of the stated objectives of the United Nations. Article 1 of the United Nations Charter declares among the United Nations' purposes:

> To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.[8]

The peacekeeping system foreseen in the UN Charter has not been realized. Instead, another system has been created: UN peacekeeping operations, defined as the use of military personnel in situations of international armed conflict on the basis of the consent of all parties concerned and without resort to armed force.

This would appear to define peacekeeping in broad terms that include negotiation and adjudication as well as active, coercive intervention. However, as Prof. Erik Suy has explained:

> The peacekeeping system foreseen in the UN Charter has not been realized. Instead, another concept or system has been created and developed through the practice of the organization: the UN peacekeeping operations, which can be defined as actions involving the use of military personnel in situations of international armed conflict on the basis of the consent of all parties concerned and without resort to armed force except for self-defense. The main difference from the originally planned system is that these operations cannot be considered as enforcement actions.[9]

The distinction between peacekeeping and peace enforcement has also been made by the International Court of Justice.[10] The fundamental view that peacekeeping is based on consent and that peacekeepers may employ force only in self-defense was reiterated in August 2000 in the Report of the Panel on United Nations Peace Operations (the "Brahimi Report"),[11] which recommended that "consent of the local parties, impartiality and the use of force only in self-defense should remain the bedrock principles of peacekeeping."[12] This view was adopted among the "Basic Principles" of the United Nations Peacekeeping Operations: Principles and Guidelines (the "Capstone Doctrine").[13] Thus, while peacekeeping forces often employ military personnel, and although, since the deployment of the United Nations Truce Supervision Organization (UNTSO) in Sinai in 1957, peacekeeping troops have been armed, it should be borne in mind that they are supplied only with defensive weapons to be used solely for their own protection.[14]

In addition to UN peacekeeping operations, peacekeeping is also carried out by multinational forces acting with the consent of the parties outside of the UN framework. For example, the Multinational Force in Sinai (MFO) was established in 1982 to supervise Israel's withdrawal from the Sinai Peninsula.

Thus, when speaking of peacekeeping, we are concerned with military or other personnel engaged in:[15]

1. Observation: Supervising compliance with the terms of an agreement between the parties to a conflict, e.g., in the Arab-Israeli context, the United Nations Truce Supervision Organization (UNTSO), established in 1948; the United Nations Disengagement Observer Force (UNDOF), established in 1974; the Multinational Force in Sinai (MFO), established in 1982; the Multinational Force in Lebanon (MNF), established in 1982; and the Temporary International Presence in Hebron (TIPH I), a civilian observer force established in 1994 and reinstated in 1996 (TIPH II).

2. Interposition: Acting as a separation between the parties to a conflict, as in the case of the United Nations Emergency Force (UNEF), established in 1957; and UNEF II, established in 1973.

A third type of force, often grouped under the rubric of peacekeeping but not falling within the strict definition of observation and interposition, is that of military personnel engaged in maintaining internal law and order within a state, e.g., the United Nations Interim Force for Southern Lebanon (UNIFIL), established in 1978; and the Multinational Force in Lebanon (MNF), established in September 1982, following the withdrawal of the PLO from Beirut and the assassination of Lebanese President Bashir Gemayel.

With this basic understanding of the nature and role of peacekeeping forces, we now examine and evaluate the performance of the various missions deployed in the context of the Arab-Israeli conflict.

B) Tools for Assessing Success or Failure of a Peacekeeping Mission

In many cases, the determination of the overall success or failure of a peacekeeping operation seems obvious – the most extreme indication, of course, being the outbreak of war or hostilities despite the presence of an active peacekeeping operation. However, a more structured approach than mere intuition is preferable in analyzing the success, failure, or partial success or failure of such an operation. As American diplomat and scholar Prof. Dennis Jett[16] notes, there is disagreement among the various experts in defining the factors by which to evaluate a peacekeeping mission. Jett cites four criteria, proposed by Canadian Prof. Duane Bratt in his book *Assessing the Success of UN Peacekeeping Operations,*[17] for assessing the success or failure of a peacekeeping mission: "completion of the mandate, facilitation of conflict resolution, containment of the conflict and limitation of casualties."[18] This seems to expand on the proposal of University of Illinois Prof. Paul Diehl[19] that peacekeeping operations be evaluated in accordance with their performance on two criteria: the limitation of armed conflict and conflict resolution.

Criteria for assessing the success or failure of a peacekeeping mission include: completion of the mandate, facilitation of conflict resolution, containment of the conflict, and limitation of casualties.

C) United Nations Peacekeeping Missions Deployed in the Arab-Israeli Conflict

1. United Nations Truce Supervision Organization (UNTSO)

UNTSO was established by Security Council Resolution 50 on May 29, 1948 to assist the UN Mediator and Truce Commission to supervise the truce between Israel and the Arab forces that invaded it following Israel's declaration of independence. However, the truce lasted only four weeks and fighting again erupted. An indefinite ceasefire was ordered by Resolution 54 on July 15, 1948, and a second group of UNTSO military observers was deployed with each of the Arab armies, with each Israeli armed group, in Jerusalem, along the coast, and in the various ports and airports within the area of the truce. In 1949, following the signing of the four General Armistice Agreements between Israel and Egypt, Israel and Jordan, Israel and Lebanon, and Israel and Syria, UNTSO's mandate was extended to supervise these agreements.[20]

Currently, the mandate of UNTSO is "to monitor ceasefires, supervise armistice agreements, prevent isolated incidents from escalating and assist other United Nations peacekeeping operations in the region."[21]

Since the commencement of its operation in 1948, UNTSO has maintained a presence in the Middle East, including being attached to the various additional peacekeeping forces that have been deployed over time, such as the United Nations Disengagement Observer Force (UNDOF) (discussed below) and the United Nations Interim Force in Lebanon (UNIFIL) (discussed below).[22] Currently, the force consists of 151 military observers supported by 97 international civilian personnel and 130 local civilian staff. It has its headquarters in Jerusalem. The international personnel of UNTSO are drawn from Argentina, Australia, Austria, Belgium, Canada, Chile, China, Denmark, Estonia, Finland, France, Ireland, Italy, Nepal, the Netherlands, New Zealand, Norway, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, and the United States.[23]

Overall, UNTSO has succeeded in its declared purposes of monitoring ceasefires, supervising armistice agreements, and assisting other UN peacekeeping operations in the region.[24] However, UNTSO has been less successful in carrying out its mission of preventing isolated incidents from escalating. The clashes between Egyptian outposts and Israeli patrols along the Sinai border in the early 1950s and the incursions into Israel by Egyptian-trained *fedayeen*[25] during that period are among the examples that demonstrate this lack of success. The ensuing Sinai Campaign in October 1956 further emphasized the inability of UNTSO to prevent war. Indeed, due to UNTSO's ineffectiveness, following the Suez Crisis (the "Sinai Campaign"), Israel declared its unwillingness to cooperate further with UNTSO.[26] This set the stage for the establishment of the United Nations Emergency Force (UNEF). In addition to the shortcomings of UNTSO on the Egyptian-Israeli front, it should also be noted that, as the former President of the International Court of Justice Rosalyn Higgins observed, "the operation of the Mixed Armistice Commission machinery had, in the case of the Jordan-Israel and Syria-Israel Agreements, become very unsatisfactory."[27]

2. United Nations Emergency Force I (UNEF I)

In an effort to secure an end to the Suez Crisis, the then Canadian Minister of External Affairs Lester B. Pearson proposed a plan that led to the establishment of the United Nations Emergency Force (UNEF). Deployed on November 15, 1956, UNEF can be said to be the first real "peacekeeping" force, as that term is conceptualized today. Among the main features that characterized this new UN force were:

1. Leadership – the force was directed by the Secretary General of the UN, Dag Hammarskjöld, and fell under the field command of a neutral officer appointed by the head of the UN executive;

2. Composition – country contributors to the force were not from any major powers;

3. Neutrality – it was intended that the force be neutral as to both its purpose and its actions; and

4. Positioning – the force was intended to be positioned between the parties to the conflict, acting as a sort of physical barrier between the warring parties.[28]

The mandate of UNEF I was to "secure and supervise the cessation of hostilities, including the withdrawal of the armed forces of France, Israel and the United Kingdom from Egyptian territory and, after the withdrawal, to serve as a buffer between the Egyptian and Israeli forces and to provide impartial supervision of the ceasefire."[29] To enforce this mandate, the force consisted of between 6,073 military personnel supported by international and local civilian staff, at its maximum, and 3,378 military personnel supported by international and local civilian staff at the time of its withdrawal in May 1967. The force was headquartered in Gaza and its international troops were drawn from Brazil, Canada, Colombia, Denmark, Finland, India, Indonesia, Norway, Sweden, and Yugoslavia.[30]

UNEF I did succeeded in securing and supervising the cessation of hostilities and the withdrawal of the various armed forces as set out in its mandate. Unfortunately, the inherent conditions of its mandate made it impossible for UNEF I to keep the peace.

As Prof. N.D. White wrote: "Despite proposals that UNEF I should guarantee passage through the Suez Canal and the Gulf of Aqaba, UNEF's mandate and functions were to derive from the General Assembly's resolutions which basically called for four things: a cease fire, the cessation of hostilities, abstention from military raids and incursions, and scrupulous observance of the armistice agreements."[31] Additionally, in accordance with the guiding principles presented by the Secretary General to the UN General Assembly, UNEF I was deployed entirely on Egyptian territory with the consent of the Egyptian government.[32] As a result, UNEF had no power to guarantee free passage through the Suez Canal or the Gulf of Aqaba, and as a guest on Egyptian territory, UNEF had no choice but to withdraw when Egypt ordered it to leave in May 1967.

While some have questioned whether the UN Secretary General had no choice but to order UNEF's withdrawal,[33] White has pointed out that had UNEF remained, its continued presence would have been hostile and its function would have become one of peace enforcement rather than of peacekeeping.[34] Regardless of the historical merits of the debate, the Capstone Doctrine now states: "In the absence of such consent [of the main parties], a United Nations peacekeeping operation risks becoming a party to the conflict; and being drawn towards enforcement action, and away from its intrinsic role of keeping the peace."[35]

In assessing the shortcomings of UNEF I, it is worth recalling Suy's definition of peacekeeping as "actions involving the use of military personnel in situations of international armed conflict *on the basis of the consent of all parties concerned* and without resort to armed force except for self-defense"[36] and noting White's observation that "Egypt's consent to UNEF I is illustrative of the basis of all observer and peacekeeping functions. It also demonstrates their weakness."[37]

3. UNEF II

UNEF II was established on October 25, 1973, and was tasked with supervising the implementation of the ceasefire between Egyptian and Israeli forces following the Yom Kippur War.[38] Further, UNEF II was charged with using best efforts to prevent a

recurrence of the fighting and to cooperate with the International Committee of the Red Cross in the latter's humanitarian missions in the area.[39] UNEF II enjoyed the support and cooperation of UNTSO.[40]

While UNEF II's mandate remained unchanged throughout its deployment, its activities evolved and were adapted in accordance with the changing role dictated by the peace negotiations between Egypt and Israel that ultimately led to the Israel-Egypt Peace Treaty, signed on March 26, 1979.[41] The signing of this treaty heralded the end of UNEF II's mission, and it remained in the region until July 24, 1979.[42]

Clearly, UNEF II was successful in carrying out its mandated mission.[43] While the presence of UNEF II was not the direct cause of the peace agreement, it may reasonably be said that its presence contributed to a calmer environment in which the Egyptian-Israeli negotiations could be pursued.[44] Although the success of UNEF II is clear, ultimately, the key to its success would appear to have been the commitment of the parties in conflict to cooperate with the peacekeeping forces and their mutual desire to reach an accord.

4. United Nations Disengagement Observer Force (UNDOF)

In May 1974, following the 1973 Yom Kippur War, a disengagement agreement was signed between Syria and Israel. Among its provisions, the agreement stipulated an area of separation between Israel and Syria, and the establishment of UNDOF to monitor the implementation of the agreement's provisions.[45] UNDOF's mandate is fairly limited, and empowers it to "maintain the ceasefire between Israel and Syria, to supervise the disengagement of Israeli and Syrian forces, and to supervise the areas of separation and limitation, as provided in the Agreement on Disengagement."[46] This mandate has been continuously extended, and UNDOF continues to maintain an area of separation between Israel and Syria. No military forces other than those of UNDOF are permitted in the area of separation.[47]

Currently, UNDOF's activities include clearing minefields and/or marking the existence of minefields and assisting the movement and services of the International Committee of the Red Cross in the area.[48] UNDOF's current troop strength is 10,439 troops who are assisted by 76 UNTSO military observers from UNTSO's Golan Group and supported by 39 international civilian personnel and 150 local civilian staff. Its international troops are drawn from Austria, Canada, Croatia, India, Japan, the Philippines, and Poland.

The Syrian-Israeli border has been relatively quiet since the end of hostilities in 1973, and UNDOF has successfully carried out its limited monitoring role. However, the underlying conflict between Syria and Israel has not been resolved. Indeed, in 1984, Houghton and Trinka noted that "the underlying causes for the earlier Syrian-Israeli hostilities have not been resolved and the situation remains a potentially dangerous one."[49] The situation remains tense as a result of Syria's continued provision of sanctuary to Palestinian terrorist groups operating against Israel, and its support of Hamas and Hizbullah.[50] While the presence of UNDOF may contribute to maintaining quiet along the Israeli-

Syrian frontier, other factors contributing to that quiet are Syria's ability to act against Israel by means of third parties like Hamas and Hizbullah.[51] Also not to be discounted is Syria's desire to improve its relations with the United States, which continues to impose sanctions on Syria pursuant to the provisions of the Syrian Accountability and Lebanese Sovereignty Restoration Act.[52]

UNDOF was established to monitor the disengagement agreement between Syria and Israel following the 1973 Yom Kippur War. While the border has been relatively quiet, the situation remains tense as a result of Syria's continued provision of sanctuary to Palestinian terrorist groups operating against Israel, and its support of Hamas and Hizbullah.

5. United Nations Interim Force for Southern Lebanon (UNIFIL)

UNIFIL I

During the 1970s, violent clashes between Palestinian terrorist groups, various Lebanese militias, and Israeli forces constantly erupted along the Lebanese border.[53] These were intensified by the influx of Palestinian militants who fled Jordan following Black September in 1970.[54] In view of its mandate as an observer force, UNTSO forces stationed in southern Lebanon were not in a position to provide an effective response to the increasing violence. Following an attack on an Israeli tourist bus carried out by Palestinian terrorists who crossed into Israel from Lebanon, the Israeli army responded with Operation Litani,[55] aimed at ridding southern Lebanon of the terrorist bases that had been established there.[56]

Following the Israeli incursion, the Lebanese government submitted a strong protest to the Security Council, stating that it had had no involvement with the Palestinian attack. In response, the Security Council adopted Resolutions 425 and 426 calling for the immediate cessation by Israel of its military activity in Lebanon, for the withdrawal of Israeli forces from Lebanese territory, and for the establishment of a United Nations Interim Force in Southern Lebanon (UNIFIL I).[57] The mandate of UNIFIL I was to "confirm Israeli withdrawal from southern Lebanon; restore international peace and security; and assist the Lebanese Government in restoring its effective authority in the area."[58] Thus, UNIFIL can be said to have been mandated with a dual role, one of peacekeeping, and a second of maintaining internal law and order in Lebanon.

UNIFIL was not successful in carrying out its mandate, as is clear from its own description of the situation leading up to Israel's Operation Peace for Galilee in June 1982. According to UNIFIL, Israel invaded Lebanon "after intense exchange of fire in Southern Lebanon and across the Israel-Lebanon border."[59]

Following the Israeli withdrawal from southern Lebanon in 2000, UNIFIL returned to its role in accordance with its original mandate. During this period, as UNIFIL notes, "periods of quiet along the Blue Line [the Israeli-Lebanese border] were often followed by episodes of hostilities, with one of the incidents across the Line resulting in the killing and wounding of United Nations military observers. Tensions between the parties did not at any point appreciably diminish."[60] This would appear to be something of an understatement in view of the effective takeover of southern Lebanon by Hizbullah following Israel's withdrawal,[61] and the attacks across Israel's border that ensued.[62] UNIFIL's ineffectiveness in carrying out its mandate was further evidenced by the massive buildup of Hizbullah infrastructure and forces in southern Lebanon that were revealed in the course of the 2006 Second Lebanon War.

UNIFIL II

In response to the Second Lebanon War, the Security Council adopted Resolution 1701 on August 11, 2006.[63] Article 8 of Resolution 1701 called for the following actions:

- Full cessation of hostilities;
- Deployment by both the Lebanese government and UNIFIL throughout southern Lebanon; and
- Support by Israel and Lebanon of a permanent ceasefire and long-term solution to be based, *inter alia*, on security arrangements aimed at maintaining southern Lebanon free of military activities and weaponry (other than those of the Lebanese government and UNIFIL) and at the cessation of the sale and supply of arms to Lebanon, except as authorized by the Lebanese government.[64]

To attain these goals, in Article 11 of the Resolution, the Security Council extended UNIFIL's force "in numbers, equipment, mandate and scope of operations" such that the force was increased to a maximum of 15,000 troops. UNIFIL's original mandate was extended to provide, *inter alia*, for the following:

- Monitoring of the cessation of hostilities;
- Accompaniment and support of the Lebanese army in its deployment throughout southern Lebanon; and
- Assistance in ensuring humanitarian access to civilian populations and the return of displaced persons.[65]

Further, UNIFIL II is authorized by Article 12 of the resolution to:

> take all necessary action in areas of deployment…to ensure that its area of operations is not utilized for hostile activities of any kind, to resist attempts by

forceful means to prevent it from discharging its duties…and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel [and] humanitarian workers and…to protect civilians under imminent threat of physical violence.[66]

Although the Israeli border with Lebanon has remained relatively calm, it would appear that Hizbullah activities and military buildup, including stockpiling of arms and weaponry, have continued, and UNIFIL, even with its expanded troop base and broadened mandate, has proved inadequate to preventing such activities.[67] As for UNIFIL's contribution to the relative calm along Israel's northern border since the end of hostilities in August 2006, former Israeli diplomat and Director of the Institute for National Security Studies Oded Eran explains:

In reality, this restraint comes from the policy decision of Hizballah's leaders to focus on the domestic agenda and solidify its political position in Lebanon. Hizballah has also been deterred militarily by the calculation that Israel would respond overwhelmingly to any provocation, striking the Shiite organization and/or its two major patrons, Syria and Iran. Hizballah has benefitted tremendously… fully recovering from the 2006 war and improving its political and military position in Lebanon. Under the lull provided by the ceasefire, the organization has managed to avoid paying a price for triggering the 2006 war and has reasserted itself even more forcefully in Lebanese politics.[68]

Discoveries of arms caches in the area under UNIFIL control appear to indicate that Hizbullah has resumed its activities despite UNIFIL's increased presence. Additionally, reports that Hizbullah has installed long-range missile emplacements to the north of the area under UNIFIL control raise questions as to the usefulness of peacekeepers to maintain a buffer zone.

Continued rocket fire at Israel from southern Lebanon[69] casts further doubt on the effectiveness of UNIFIL, while discoveries of arms caches in the area under UNIFIL control[70] appear to indicate that Hizbullah has resumed its activities despite UNIFIL's increased presence. Additionally, reports that Hizbullah has installed long-range missile emplacements to the north of the area under UNIFIL control[71] raise questions as to the usefulness of an "interposition" of peacekeepers to maintain a buffer zone. Hizbullah's behavior sheds light on the problems faced by a peacekeeping force when its mission purpose does not enjoy the support of one or more of the parties to the conflict, or the full cooperation of the host state that it is meant to aid in restoring and maintaining order.

D) Non-United Nations Peacekeeping Missions

1. Multinational Force and Observers in the Sinai (MFO)

The Multinational Force and Observers in the Sinai (MFO) was set up under the terms of a Protocol to the Peace Treaty between Israel and Egypt (the "Peace Treaty").[72] Annex I of the Peace Treaty called for the establishment of a UN observer force in the Sinai, but, as the date for Israeli withdrawal from the Sinai (April 25, 1982) drew closer, the establishment of such a force was cast into doubt by the prospect of a Soviet veto in the Security Council.[73] Indeed, on May 18, 1981, the President of the Security Council advised the Egyptians that there was insufficient support in the council to establish the required UN observer force. This paved the way for the formation of the MFO, an extra-UN observer and peacekeeping force, established in a Protocol to the Treaty signed on August 3, 1981 (the "Protocol").[74]

The MFO did not enjoy the support of the entire international community. "The Soviet Union and most of the Arab states refused to cooperate because of the MFO's association with the Camp David Accords....Even the United Kingdom, France, Italy and the Netherlands refused to participate until it was agreed that their participation did not imply any change in their position vis-à-vis the Arab-Israeli issue."[75] The United States, however, played a vital role in the negotiations for, and establishment of, the force, and has continued to provide the force with support, both political and financial, throughout its existence.[76] Indeed, the support of the United States has been one of the key factors in making the establishment and continued operation of the MFO possible.[77]

Of significance, however, is the direct involvement of the parties to the conflict in the establishment of the force, and their continuing involvement in the MFO's operations.[78] The Director General of the MFO, who must be American, is appointed by both parties on the recommendation of the United States, while the MFO force commander is appointed by the Director General subject to the approval of Israel and Egypt. Further, Israeli and Egyptian liaison officers meet at least monthly with the MFO force commander, primarily regarding operational matters.[79]

It is also important to note that the direct expenses of the MFO are funded in equal parts by the United States, Israel, and Egypt. Contributions to the MFO are also made by Germany, Japan, the Netherlands, Norway, Spain, and Switzerland.[80] The participating nations (other than the United States) do not contribute funds to the MFO and are reimbursed for extraordinary costs related to their military units.[81]

The MFO would appear to be carrying out its mandate successfully. Unlike the other peacekeeping missions examined, the MFO was established in the terms of a peace treaty, and in their mutual relations, the parties to that treaty have shown themselves to be committed to its success. The mutual cooperation between the parties in the formation and continued operations of the MFO would also seem to constitute a factor in the continuing success of the mission. Additionally, it should be borne in mind that the MFO operates in a desert. The Sinai Peninsula provides a natural buffer between Israel and Egypt, and it is very sparsely populated.

Twenty-eight years of peacekeeping virtually without incident might raise the question of whether the MFO actually fulfills a real need, or whether its continued presence merely reflects the absence of a concrete exit strategy. More ominously, in August 2005 an MFO vehicle carrying members of the Canadian contingent was damaged and the soldiers injured by an IED attack, and in April 2006 an MFO vehicle was attacked by a suicide bomber.[82] These incidents, although isolated, raise the issue of peacekeepers becoming the target of third-party "spoilers" and invite the question of diminishing returns.

2. Temporary International Presence in Hebron (TIPH)

TIPH I

In 1994, there were several violent altercations in Hebron, including the shooting attack by Baruch Goldstein in the Cave of the Patriarchs, in which twenty-nine Palestinians were killed.[83] Following this incident, the UN Security Council passed Resolution 904, which called for an international presence in the city of Hebron in order to "guarantee the safety and protection of the Palestinians."[84] On March 31, 1994, Israeli and Palestinian representatives signed an agreement that established the Temporary International Presence in Hebron (TIPH I),[85] a civilian observer mission. TIPH I commenced operations on May 8, 1994, comprised of support staff and observers from Italy, Denmark, and Norway.[86] The mandate of TIPH I was:

1. To promote by their presence a feeling of security to the Palestinians of Hebron;

2. To help promote stability and an appropriate environment conducive to the enhancement of well-being of the Palestinians of Hebron and their economic development;

3. To monitor the efforts to restore the safety of the Palestinians and the events affecting it and the return to normal life in the city of Hebron; and

4. To provide reports.[87]

The mandate of TIPH I came to an end after just three months, due to the inability of the Israeli government and the Palestinian leadership to reach agreement on the extension of the mandate.[88]

TIPH II

On May 12, 1996, an interim TIPH mission was established pursuant to the Interim Agreement on the West Bank and the Gaza Strip (the "Interim Agreement" or "Oslo II"),[89] signed at Taba on September 28, 1995, which called for the reestablishment of a Temporary International Presence in Hebron. This interim TIPH mission was composed entirely of Norwegian members and was replaced on January 30, 1997, by TIPH II in accordance with both the Protocol Concerning the Redeployment in Hebron,[90] signed on January 17, 1997, and the Agreement on Temporary International Presence in Hebron, signed on January 23, 1997 (the "TIPH II Agreement"), between Israel and the Palestinians.[91]

The TIPH II Agreement stipulates the following general conduct and aims of the TIPH II mission:

1. It is to be stationed and operate in the city of Hebron,[92] where it is granted freedom of movement;[93]

2. It is to create a feeling of security among the Palestinians living in Hebron;[94]

3. In all its activities, it will relate to the city of Hebron as one city;[95]

4. Its organizational structure, operational guidelines, logistics, support, privileges and immunities shall be with the agreement of the two sides;[96] and

5. Its personnel shall have no military or police functions and they will not interfere in disputes, incidents or the activities of Israeli security forces or the Palestinian Police.[97] The TIPH personnel wear distinctive uniforms, and do not carry weapons.[98]

Building on the uniqueness of TIPH I, the mandate of TIPH II includes goals that are not typical of traditional peacekeeping. TIPH II might be more accurately described in terms of the integrated force referred to in the UN Report on Peacekeeping Operations, comprising peacekeeping as well as socioeconomic aims. TIPH II is mandated:

1. To promote by their presence a feeling of security to the Palestinians of Hebron;

2. To help promote stability and an appropriate environment conducive to the enhancement of the well-being of the Palestinians of Hebron and their economic development;

3. To observe the enhancement of peace and prosperity among Palestinians;

4.   To assist in the promotion and execution of projects initiated by the donor countries;

5.   To encourage economic development and growth in Hebron.[99]

As TIPH II was created by agreement between the parties themselves, its conduct is fully subject to the consent and direction of the parties. TIPH II is required to report any incidents and/or issues occurring in Hebron to a joint committee comprising Palestinian and Israeli representatives.[100] TIPH II produces several types of reports submitted variously to committees comprising Palestinian, Israeli, and TIPH II representation, or to the governments of the participating countries. The joint committee is mandated to meet weekly or at the request of a committee member.[101] Further, TIPH II is mandated to coordinate its activities and policy with a Monitoring and Steering Committee that was intended to be established in terms of the Interim Agreement.[102] While the committee has not yet been established, such reports are submitted to senior government representatives of the two parties.[103]

The finances of TIPH II are borne by the participating countries.[104]

It should be noted when assessing the overall success of TIPH II that the mission was mandated ultimately to "promote" the feeling of security and stability of the Palestinian residents of Hebron, through the presence of the mission. It was not mandated to become directly involved in the political or social interactions between the Israeli and Palestinian residents of Hebron or enforce peaceful relations between them, nor is its role to act as a buffer between Israeli and Palestinian security forces. As such, the operations of TIPH II are limited to reporting incidents and issues to the parties, thus promoting a feeling of representation.

Overall, it may be said that TIPH II has met with a significant measure of success in carrying out its mandate. A majority of the city's residents are aware of TIPH's presence,[105] are of the opinion that reporting an incident to TIPH will improve the situation, and feel optimistic about the future.[106] However, a majority of the residents of Hebron also report feeling less secure.[107] In fairness, this increased sense of insecurity may not be an indicator solely of TIPH's effectiveness, but may also reflect larger external political issues.

However, it should be borne in mind that TIPH II is a unique mission, and that its civil confidence-building mandate is significantly different from the type of mandate envisaged for peacekeeping forces intended to fulfill a security role in a proposed Israeli-Palestinian peace accord.

3. Multinational Force in Lebanon (MNF)

In August 1982, the United States brokered an agreement to end the fighting and evacuate PLO and Syrian forces from Beirut, then under siege by Israeli troops in the course of Operation Peace for Galilee (the "First Lebanon War"). The agreement provided for the deployment of a Multinational Force ("MNF I") in Lebanon to oversee the evacuation of the PLO and Syrian forces. The MNF, composed of troops from the United States, France, and Italy, began its deployment on August 21, 1982, and withdrew on August 30, following the evacuation of the PLO.

On September 14, 1982, Lebanese President Bashir Gemayel was assassinated. This was followed, two days later, by the massacre of Palestinian civilians in the Sabra and Shatila refugee camps by members of the Lebanese Phalangist militia. In the wake of these events, U.S. President Ronald Reagan decided to deploy a new Multinational Force (USMNF) to help the Lebanese government restore and maintain stability. During the course of 1983, the USMNF and U.S. missions in Lebanon were the targets of terrorist attacks. On April 18, 1983, the U.S. embassy in West Beirut was bombed. On October 23, 1983, suicide bombers attacked the U.S. Marine and French paratrooper barracks in Beirut, killing 241 American and 58 French servicemen. Additionally, from August 1983 onward, American forces found themselves increasingly involved in fighting against Lebanese militias. Under mounting congressional pressure, the president ordered the withdrawal of USMNF, which completed its withdrawal on February 26, 1984.[108]

III. UN-Mandated Versus Non-UN-Mandated Missions: Factors for Success and Failure

As we have seen from the above survey, UN peacekeeping missions have met with varying degrees of success and failure. The following sections will examine the various factors that may contribute to or detract from the effectiveness of a peacekeeping mission.

A. The Mandate

The mandate of UN peacekeeping missions is the result of political compromise among the many UN member states in the course of the process of authorizing a peacekeeping mission. The process of compromise may yield a mandate too vague and too broadly phrased to serve as an effective guide for action. The same process may also yield a mandate that is too limited in scope. As William Orbach succinctly notes:

> The United Nations is not an independent entity, but an international arena in miniature where most international conflicts and disputes are reenacted. It is a microcosm of the larger international reality. In this institution all international conflicts – military, economic, and political – are reflected in and, to a certain extent, transferred to the political plane. The United Nations is *not* an actor on the international stage, but a microcosm of that stage.[109]

This point was made even more emphatically in the recommendations of the Brahimi Report. In the section entitled "Clear, Credible and Achievable Mandates," the report states:

> As a political body, the Security Council focuses on consensus-building, even though it can take decisions with less than unanimity. But the compromises required to build consensus can be made at the expense of specificity, and the resulting ambiguity can have serious consequences in the field if the mandate is then subject to varying interpretation by different elements of a peace operation, or if local actors perceive a less than complete Council commitment to peace implementation that offers encouragement to spoilers. Ambiguity may also paper over differences that emerge later, under pressure of a crisis, to prevent urgent Council action. While it acknowledges the utility of political compromise in many cases, the Panel comes down in this case on the side of clarity, especially for operations that will deploy into dangerous circumstances. Rather than send an operation into danger with unclear instructions, the Panel urges that the Council refrain from mandating such a mission.[110]

For example, the mandates of UNIFIL I and II – calling, *inter alia*, for the mission to restore international peace and security, as well as the effective authority of the Lebanese government – set out aims so broad and intangible as to be impractical. On the other hand, a mandate calling for a mission to act solely as a buffer,[111] or to supervise the withdrawal of a force and the cessation of hostilities, as per the mandates of UNEF I and II and UNDOF, may not give the mission sufficient latitude for an effective response to hostilities or a breach of the ceasefire. Of course, whenever it becomes necessary to extend the mission's mandate, the time-consuming political process of compromise begins anew.

As opposed to UN peacekeeping missions, the process of drafting the mandates of multinational peacekeeping operations may be less susceptible to the shortcomings inherent in the UN drafting process. Where the mandate is drafted primarily by the parties, it is more likely that it will more accurately address their concerns, and may be expected to provide mechanisms that the parties themselves deem necessary and adequate for the effective achievement of the peacekeeping goals they have established.

The mandates of the MFO and TIPH II may serve as examples of the conflict-specific focus that may be achieved when a peacekeeping force is established primarily in accordance with guidelines established by the parties to the conflict. Thus, for example, the MFO mandate was drafted in the context of a peace treaty between two previously warring states. The peacekeeping functions of the MFO are therefore security-focused and are intended to reinforce the peace treaty. The TIPH II mandate was drafted to address civil unrest in the volatile social context of Hebron. In that context, the role of the mission as an address for reporting grievances and its socioeconomic objectives are of particular significance, as is reflected in the mandate.

Moreover, because the mandate of a non-UN peacekeeping mission is a product of negotiations between the parties, and is meant to address their specific concerns should it become necessary to change the mandate in order for it to be effective, such amendment can be decided upon by the parties to the conflict, and while they will require the consent of the contributing states, the process should be far more efficient than the parallel UN process.

B. Political Support

Any peacekeeping mission will necessarily be subject to shifting political winds. Changes in political alignments and commitments are not exclusive to the diplomatic process of the United Nations. They can arise among and within the states contributing forces or support to a multinational force, and they can affect the conduct of the mission and its staying power. An example of this is the withdrawal of USMNF, described in section II.D.3 *supra*, or the withdrawal of the Polish contingent from UNIFIL in 2009.[112] Another example is the extraction of Belgian troops from the United Nations Assistance Mission for Rwanda following the deaths of ten Belgian troops and continued threats against Belgian nationals.[113] The collapse in 2010 of the Netherlands coalition

government due to disagreements on extending the deployment of Dutch forces in Afghanistan is also an instructive example.[114]

In the case of UN peacekeeping missions, an additional element that must be borne in mind is the possibility of a veto, either because of a threat to the direct interests or ambitions of a permanent member of the Security Council or in deference to its political alliances.[115]

C. Bias or Perception of Bias

One of the basic principles in a UN mission is neutrality or impartiality.[116] Indeed, impartiality was one of the originally envisaged underpinnings of a UN peacekeeping mission as first conceived by Dag Hammarskjöld, the UN Secretary General under whom such missions were most broadly developed.[117] A peacekeeping mission that is perceived as biased by one of the parties to a conflict may face insurmountable difficulties in carrying out its mandate. A suspicious party may refrain from fully cooperating with the mission, viewing its cooperation as futile or even potentially harmful to its own interests.

While the problems arising from actual bias and perceived bias may be different, ultimately either can result in the failure of the mission. Indeed, arguably, a perception of bias may be more difficult to address as the bias may not be demonstrable, and there may be no concrete steps that might serve to change the perception.

Perceptions and accusations of bias have been particularly prominent in regard to UNIFIL, which has, at various times, been accused of bias by Israel, Lebanon, and Hizbullah. In addition to evidence of actual bias in its conduct toward the parties, or perceptions of bias that may arise from ineffectiveness in carrying out its mission from the perspective of one of the parties, UN peacekeeping missions are also susceptible to being perceived as operating in accordance with the political agendas of the contributing countries or biases of the United Nations itself.

Some of the pitfalls arising from distrust and perceptions of bias may be avoided in the case of multinational peacekeeping forces where the contributing powers are agreed upon by the parties to the conflict. Of course, it is not impossible that a multinational force could be the subject of accusations of bias. In a highly politicized climate, and specifically in the context of politically sensitive issues that form the background to any peacekeeping force, bias and subjectivity are typically of concern. However, the active involvement of the parties to the conflict in the establishment, selection, and continued operation of the force can contribute to attenuating distrust and perceptions of bias. Where the peacekeeping force operates in concert with the parties toward attaining mutually desired goals, the underlying suspicions that feed perceptions of bias may be further reduced. Moreover, joint control and structured mechanisms for addressing grievances may also prove effective in responding to the parties' concerns.

D. Rules of Engagement

Dag Hammarskjöld envisaged a UN peacekeeping force as a conciliation force that does not engage in combat activities.[118] In keeping with this vision, the rules of engagement of UN peacekeeping forces have been very circumscribed. The fundamental rule is that the peacekeeping soldier is only permitted to use force in self-defense.[119] Unfortunately, the term "self-defense" is ambiguous. Individual self-defense is always permitted to UN peacekeepers.[120] After all, as has been noted, no country would contribute its troops to a UN mission should they not be permitted to defend themselves if attacked.[121] However, problems arise when self-defense requires actions that go beyond the limits of personal defense, extending to the defense of the mission or actions intended to facilitate the accomplishment of the mission's mandate. Limiting the resort to the use of force to a strict definition of self-defense may render the mission unviable. Where, for example, the peacekeeping mission faces militias or guerrilla groups actively seeking to undermine peacekeeping activities, such as in the case of Hizbullah in Lebanon, a peacekeeping force empowered to use force only when attacked will be hard pressed to fulfill its peacekeeping mandate. The Capstone Doctrine notes:

UN peacekeeping forces are only permitted to use force in self-defense. However, where the peacekeeping mission faces militias or guerrilla groups actively seeking to undermine peacekeeping activities, such as Hizbullah in Lebanon, such a force will be hard pressed to fulfill its peacekeeping mandate.

> The environments into which United Nations peacekeeping operations are deployed are often characterized by the presence of militias, criminal gangs, and other spoilers who may actively seek to undermine the peace process or pose a threat to the civilian population. In such situations, the Security Council has given United Nations peacekeeping operations "robust" mandates authorizing them to "use all necessary force" to deter forceful attempts to disrupt the political process, protect civilians under imminent threat of physical attack, and/or assist the national authorities in maintaining law and order.[122]

While this broad concept of "robust" self-defense seeks to address a real problem in defining the appropriate limits of self-defense and the need to expand the meaning of the term so that its limitations do not thwart the peacekeeping mission, it is inherently problematic.

While refraining from using force may make a peacekeeping operation ineffective, fuel perceptions of bias, and even cause the parties to the conflict to view the mission as a hindrance, the resort to force is itself not without dangers. As the doctrine recognizes,

"The use of force by a United Nations peacekeeping operation always has political implications and can often give rise to unforeseen circumstances."[123] Moreover, a decision to use force must be mindful of "the effect that such action will have on national and local consent for the mission."[124]

A multinational force faces similar problems in regard to defining its rules of engagement. However, as a force working in concert with the parties to the conflict toward achieving mutually desired goals, the danger of a loss of confidence and consent may be reduced. The cooperative basis for its operations may also make it possible to better adapt the rules of engagement to the specific conditions under which it operates, and more specifically define what is permitted in given circumstances. This could lead to greater effectiveness for the mission as well as greater confidence in its ability to carry out its operational tasks.

While seeking to address real problems impacting the effectiveness of peacekeeping operations, the concept of "robust" self-defense raises two additional, interrelated problems in regard to any peacekeeping operation: exposure to increased casualties and erosion of political support. The active use of force unavoidably increases the exposure of peacekeepers to danger. It may also cause third-party spoilers to view the peacekeepers not merely as a hindrance but as a hostile force and a legitimate target. The willingness and motivation of peacekeepers to expose themselves to the dangers of combat cannot be assumed. The loss of life attendant on such actions, whether to the forces themselves or from the collateral risks to the local populace, may also make continued participation in the mission unpopular in the contributing states, and lead to a demand for the withdrawal of the peacekeepers.

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E. Command and Control

In general, the UN command structure is largely decentralized, with operational authority vested in individual force and police commanders in the field.[125] These commanders are answerable to a civilian Special Representative of the Secretary General (SRSG)[126] who provides strategic decision-making for mandate implementation.[127]

The Under Secretary General for Peacekeeping Operations has overall responsibility while the United Nations Headquarters in New York (UNHQ) provides overall strategic guidance.[128] In less complex missions, this decentralized command and control structure of UN operations is feasible. However, when faced with more intricate, robust missions, the UN command and control model becomes problematic, as there is a "growing gap between increasingly ambitious mandates and limited military capacities"[129] such that "[t]he UN model thus seems to combine the worse of two worlds: too much military decentralization and too much political control over the conduct of military operations."[130] Most prominent among the issues faced in more complex missions are:

1. Force commanders and SRSGs face increased challenges to their authority and command over the peacekeeping troops as the levels of danger and threat to the peacekeepers increase.[131] In such situations, national chains of command of the individual contributing member states tend to become more prominent, competing with the established command structure.[132] Further, as danger levels increase, tensions may increase between the civilian command structure at UNHQ and the commanders in the field.[133] The political consensus informing the interpretation and implementation of the mandate at UNHQ might conflict fundamentally with that of the force commanders in the field, and in particular with the increased national military interests of each contributing member state.

2. The distance between UNHQ, where overall strategy is planned, and the theater of operations, where operative decisions are taken, may become problematic. In the Command and Control Arrangements Report, the authors refer to the difficulty involved in "striking the right balance between creating a sense of ownership in the mission and maintaining UN control... [a] delicate...but essential task."[134] In this regard, the authors note that "[t]oo much decentralization can make such control difficult."[135] Of course, strategic high-level control at UN level is subject to the broader political considerations that may not be relevant or significant for the operational decisions taken in light of the realities on the ground. This is particularly acute in the context of "missions [that] concern regional or great powers...as in...the Middle East."[136] Further problematic issues in this context arise where "[d]ifferent members of the Security Council may have different expectations with the mission, and they may try to influence it directly, through their nationals in the mission. It may then put the Secretariat in a delicate situation if a high-risk operation encouraged by a Member State goes wrong, or if it is seen as contradicting the interpretation of the mandate made by other Member States."[137]

3. At times, national units have informally and quietly, without the knowledge of UNHQ, informed the force commander as to the limits of their engagement (instead of making this clear in official caveats inserted into their initial memoranda of understanding arranged with UNHQ). This leads to even greater disparity between UNHQ and its operational forces and reduces the overall effectiveness of the force.[138]

4. It is not uncommon that the selection of the SRSG is political. The selection of force commanders has at times also been politicized.[139]

These command and control issues can negatively affect peacekeeping missions, particularly those that call for robust action and a multidimensional approach. The tension between the overall strategic vision, largely politically guided, and the military needs dictated by realities on the ground can be extreme.

The less complex command structure of a force operating in concert with the parties to the conflict may mitigate these problematic aspects of the UN-mandated mission. Moreover, because the overall strategic aims and the specific operational activities are aimed at achieving the same goals, the interaction between the two levels is likely to be less strained. Nevertheless, the involvement of several parties – even under a unified command – cannot entirely avoid all of the political and practical problems that may arise when the peacekeeping force must achieve consent from a number of actors. Even when all the actors aspire to a common goal, they do not necessarily share the same military or political culture, and are not free of political interests and pressures.

F. Financing

The "Building on Brahimi" report notes that the total costs of UN peacekeeping missions have steadily increased, with the budget for UN peacekeeping reaching $8 billion in 2008-2009, marking a 10 percent increase over the 2007-2008 period and a fivefold increase in just under a decade.[140] Further, the largest funders of the UN peacekeeping missions are also typically the main contributors to other international military or regional groupings, such as NATO or the European Union.[141] With their funding commitments split, and with UN peacekeeping becoming increasingly complex and increasingly expensive, maintaining the required level of commitment to funding UN peacekeeping missions cannot be taken for granted. The global financial crisis will certainly be a complicating factor. It is also important to realize that funding can be exploited as a means for exerting political control over the scope and operations of a mission.

The budget for UN peacekeeping reaching $8 billion in 2008-2009. With UN peacekeeping becoming increasingly complex and expensive, maintaining the required level of commitment to funding UN peacekeeping missions cannot be taken for granted.

The funding models of non-UN-mandated forces present certain advantages, even if they are not problem-free. A non-UN-mandated force, established by an agreement between the parties, should be funded primarily by the parties themselves, as in the cases of both TIPH (I and II) and the MFO. Where possible, this financial model can yield a number of advantageous consequences in terms of the parties' commitment to the success of the mission. Of course, as Diehl points out, the risk of financial "blackmail" of a mission remains possible in the multinational force context, including the possibility that a party could withhold financial commitments so as to leverage control over the conduct of a mission.[142] Moreover, while maintaining a civilian observer force such as TIPH may be relatively affordable, equipping and maintaining a robust military peacekeeping operation may be beyond the independent resources of the parties, and may require some third-party funding either directly or through earmarked foreign aid to the parties. Another model, employed in part in funding the MFO, is one in which some states provide funds exclusively for maintaining the force, while other states provide personnel.

G. Troop Composition

A UN peacekeeping force is composed of troops from various and sometimes numerous countries. A single peacekeeping mission can comprise troops from as many as thirty different countries (as in the case of UNIFIL II). This can foster a variety of problems. On one end of the scale are more "technical" problems – such as language and cultural differences that may lead to serious breakdowns in communications. Differences in military training and approach can also hamper the smooth operation of the mission. Among the more complex issues that may arise are those deriving from the possible bias of troops from certain national contingents. The willingness of host countries to cooperate with troops from hostile nations can also lead to problems of cooperation. For example, both Poland and Iran contributed troops to UNDOF, but neither maintained diplomatic relations with Israel at the time. This complicated Israeli cooperation with UNDOF's freedom of movement.[143] Another factor that cannot be overlooked is that of differing military cultures and the possibility that contingents from different participating countries may be bound by different rules of engagement and even conflicting legal approaches, either deriving from their domestic law or arising from treaty obligations.

Some of these problems can be mitigated by limiting the number of participating states and by adopting appropriate vetting procedures. Such steps are inherently better suited to a multinational force option than to a UN force. The MFO and TIPH II would appear to provide successful models in this regard.

Nevertheless, the UN model enjoys an advantage in its ability to turn to a broader base. For example, the domestic law of some countries prohibits the contribution of troops to non-UN-mandated missions.[144] Additionally, some countries may perceive a UN mandate as granting greater legitimacy to the mission, a factor that may be of importance in its internal political debate. Further, it has been argued that national domestic concerns could make a country more inclined to withdraw its forces deployed under a national flag than those deployed under the UN flag.[145]

H. Involvement/Commitment of the Parties

Consent of the parties is regarded as a basic principle of UN peacekeeping.[146] The greater the involvement of the parties, and the greater their commitment to the peacekeeping mission and to the eventual resolution of the underlying conflict, the more likely that the peacekeeping mission will succeed. While it is hoped that a UN peacekeeping force set up and operating in the context of a peace agreement will enjoy the full support of the parties, unequivocal support cannot be assumed or assured. The drafters of the Capstone Doctrine were aware of this issue:

> The absence of trust between the parties in a post-conflict environment can, at times, make consent uncertain and unreliable. Consent, particularly if given grudgingly under international pressure, may be withdrawn in a variety of ways when a party is not fully committed to the peace process. For instance…[by] restrict[ing] the operation's freedom of action, resulting in a de facto withdrawal of consent....The fact that the main parties have given their consent to the deployment of a United Nations peacekeeping operation does not necessarily imply or guarantee that there will also be consent at the local level, particularly if the main parties are internally divided or have weak command and control systems. Universality of consent becomes even less probable in volatile settings, characterized by the presence of armed groups not under the control of any of the parties, or by the presence of other spoilers....A peacekeeping operation must have the political and analytical skills, the operational resources, and the will to manage situations where there is an absence or breakdown of local consent. In some cases this may require, as a last resort, the use of force.[147]

Arguably, in circumstances like those described above, a multinational force created by the agreement of the parties will enjoy a distinct advantage. Ownership of the process is likely to produce better results than submission of the process to a body in which the political considerations and national interests of other states play a significant role. As Jett observes, "An agreement that has been facilitated rather than mediated, inherently has a better chance for success because the parties have greater responsibility for the agreement's shape."[148] But attaining the level of cooperation required for the establishment of an effective multinational presence may not be practical in the absence of basic trust between the parties to the conflict. A significant presence of "spoilers" may also argue in favor of a UN-mandated operation where such a mission might enjoy greater legitimacy in the eyes of those parties.

I. Spoilers

The problem of spoilers is addressed in the Capstone Doctrine.[149] It is counted among the factors likely to affect peacekeeping operations in the next three to seven years, as described in the 2009 NYU Report:

First, spoilers: as the Brahimi Report established, even where there is broad support for a political process, splinter groups, rogue actors or individuals may use violence to undermine the process, and missions must be able to respond to them. The spoiler problem is greater when (i) there are several parties to the conflict; (ii) spoilers include groups motivated by factors outside the immediate conflict, such as international terrorist networks; or (iii) spoilers include factions of a recognized government.[150]

Even where there is broad support for a political process, splinter groups, rogue actors or individuals may use violence to undermine the process. The presence of such spoilers is likely to affect peacekeeping operations.

The presence of spoilers cannot be discounted in the contexts of both the UN-mandated peacekeeping force and the non-UN-mandated multinational force. By definition, spoilers are external to the process and antagonistic to it.

The moral or symbolic value of a UN-mandated peacekeeping force as "an international force representing the world community's desire for peace"[151] may well be a factor in its favor, as proposed elsewhere in this article. However, it would be a mistake to overemphasize the deterrent factor of "international legitimacy." Non-state spoilers act outside of the norms of international humanitarian law. Reciprocity is not relevant to their conduct and they have nothing to gain from adherence to the rules. The idea that "[a]ny protagonist choosing to renew hostilities will bear the costs of international disapproval and perhaps sanctions"[152] is an empty threat in regard to armed militias, terrorists, and other spoilers that have no presence at the United Nations, that are, by their nature, already the subjects of international disapproval, and for which the threat of sanctions is irrelevant.

J. Regional Players

The significant role of regional players in the success of a peacekeeping mission is referred to in the UN Report. Specifically, the UN Report notes that "[t]he attitude of neighboring states can be as important a factor in determining the viability of a peace process, as the commitment of the local parties, some of whom may even be acting as proxies for neighboring states."[153]

Again, as is the case with spoilers, the presence of destructive regional players, in particular where they act through local agents, such as local militias or terror networks, is problematic for both UN-mandated and non-UN-mandated peacekeeping missions. Here, too, the threat of sanctions may be of little relevance when neighboring states maintain deniability by acting through proxies.

IV. The Israeli Calculation: Risk Versus Benefit

Peacekeeping operations have been a common element in the context of the ongoing conflict between Israel and its neighbors. Although no peacekeeping provisions were established under the Treaty of Peace between Israel and Jordan,[154] or as part of the Declaration of Principles on Interim Self-Government Arrangements (DOP)[155] or the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip,[156] the establishment of a peacekeeping force is widely assumed to be integral to any future Israeli-Palestinian peace accord.

The two basic models for peacekeeping are the UN-mandated peacekeeping force and the non-UN multinational force. As we have seen, both of these models have been tried in the context of the Arab-Israeli conflict with varying degrees of success. The question to be addressed now is whether the adoption of one of those models would make a constructive contribution to the peaceful relations between Israel and a future Palestinian state.

The success of a peacekeeping mission is directly proportional to the level of mutual trust, commitment, and cooperation of the parties to the conflict: the stronger those elements, the greater the success.

As we note in our review, peacekeeping missions are particularly successful in fulfilling their mandate in regard to conflicts that have already been resolved. The success of a peacekeeping mission is directly proportional to the level of mutual trust, commitment, and cooperation of the parties to the conflict: the stronger those elements, the greater the success. The NYU Report states this in another way: "credible political process and credible military presence should reinforce one another. Ideally, they are inversely related: the more credible the political process, the less the need for a military presence."[157] Parties to a conflict or to a process intended to resolve a conflict should not imagine that a peacekeeping mission can be a substitute for any of those elements. Just as a peacekeeping mission will reinforce the positive, it has the potential to highlight and even exacerbate the negative. It may even become a source of friction or a target, and thus contribute to further deterioration.

A. Best-Case Scenario

In the situation envisaged by those who propose a peacekeeping force as part of the resolution of the Israeli-Palestinian conflict, the force is intended to be an element of the final status. It is proposed neither as a facilitator for conflict resolution, nor as a buffer between the parties that will enable them to negotiate in a less contentious atmosphere. This would seem to provide a strong basis for the success of a peacekeeping operation.

In a best-case scenario, following the resolution of a conflict by parties committed to peaceful coexistence, the example of the MFO reinforces the positive view. Indeed, in such an ideal situation, each of the peacekeeping options offers certain advantages.

Because mutual trust, commitment to maintaining peace, and cooperation directly affect the success of peacekeeping, there would seem to be an inherent advantage to missions that are created by the parties and that are answerable to them. Such missions are an expression of cooperation and ongoing commitment and may serve to enhance mutual trust. They also avoid some of the political pitfalls discussed above. From an Israeli perspective, this type of multinational force may also be preferable inasmuch as Israel tends not to view the United Nations as a particularly hospitable forum. Moreover, the possibility that the force might receive its marching orders in accordance with the political consensus of the UN member states might be seen by Israel as a cause for worry. However, to the extent that the Palestinians might view the United Nations as a supportive forum and an ally, the Palestinians might prefer the UN option. This option might also be deemed preferable for the Palestinians for the perception of "international legitimacy" that may be important both from a domestic and pan-Arab political perspective. While the former consideration would directly conflict with the Israeli interest, the latter might be seen to serve it.

Ultimately, in a best-case scenario, the decreasing need for peacekeeping means that the most important function of the operation is its physical and ultimately symbolic presence. The bottom-line question that Israel has to consider is what type of force would best serve this largely emblematic role, while bearing in mind such factors as the proximity of the frontier to Israeli population centers and the perception of the force by the Israeli public.

Of course, a third possibility in such an atmosphere of commitment and cooperation is the adoption of security arrangements like those set out in the Israeli-Jordanian Peace Treaty. In that framework, the parties agreed upon security relations based on "mutual trust, advancement of joint interests and co-operation,"[158] and upon a consultation and liaison mechanism for addressing questions of implementation without the involvement of third parties. That arrangement appears to have met with significant success.

B. Worst-Case Scenarios

As the Brahimi Report duly notes, "the Secretariat must not apply best-case planning assumptions to situations where the local actors have historically exhibited worst-case behaviour."[159] This need to consider worst-case scenarios is also noted in the Capstone Doctrine, which observes that "[p]lanning based solely on short-term engagement and best case scenarios has rarely proven to be a successful basis for the deployment of a United Nations peacekeeping mission and should be avoided."[160] This trenchant observation must be borne in mind when considering the appropriate approach to peacekeeping in the context of an Israeli-Palestinian accord.

While the future cannot accurately be predicted, past and present reality can serve as the basis for suggesting certain elements of possible worst-case scenarios. Among these elements are the following possible factors: (1) the government of the Palestinian state may not be committed wholeheartedly to peaceful relations, or may deem an overt or overly zealous commitment to peace to be an obstacle to its internal political interests; (2) Hamas or other opponents of the peace agreement may violently oppose the Palestinian government; (3) Hamas or other opponents of the peace agreement may continue to try to operate against Israel; (4) Israeli settlement blocs or enclaves may remain within the territory of the Palestinian state and may be targeted by spoilers; (5) Israeli opponents of the peace agreement may attempt to reassert their presence in evacuated areas; (6) Israeli opponents of the peace agreement may attempt violent opposition to the Palestinian state. Each of these possible scenarios must be considered in weighing the appropriate security arrangements to be made as part of a peace accord.

In a situation in which the Palestinian side is not wholly committed to maintaining peaceful relations, the possibility of establishing an entente like that of the Israeli-Jordanian Peace Treaty is precluded. Such a situation would also not produce the level of coordination and cooperation needed for establishing a multinational force. The remaining option is that of a UN-mandated peacekeeping mission operating in a situation that is not conducive to its success. The extent of its failure to realize its mission will largely be dictated by the nature of the Palestinians' lack of commitment and the intensity of spoiler activity.

The scenario in which commitment to peaceful relations is accompanied by a desire to avoid any overt expression of cooperation with the former enemy or with the peacekeeping operation also argues strongly in favor of a peacekeeping operation rather than a regime of security cooperation between the parties. While, on its face, such a situation would seem to favor a UN-mandated mission, the experience of the MFO and TIPH may support the view that the actual level of cooperation demanded of the parties should not be to such a degree that it would appear as overt cooperation or "collaboration."

The possible presence of spoilers acting against the Palestinian government from within the territory of the Palestinian state raises additional considerations. First, the need to act against internal spoilers raises a question as to how the government wishes

to be perceived domestically. If the government wishes to be seen as acting forcefully against its opponents, then it might prefer the presence of a multinational force acting together with its own security forces, with full cooperation, intelligence sharing, and joint leadership. Such a force might also be deemed preferable by Israel due to the high level of cooperation and because the exclusion of the United Nations might be seen as advantageous where the spoilers may be supported or encouraged by UN member states that may try to influence or thwart the mission.

If a UN-mandated mission were considered in such circumstances, it would have to be "robust." Such a peacekeeping force, operated independently by a UN command, might, at least to some degree, free the Palestinian government from any appearance of "collaboration" in the fight against other Palestinian groups. Such a noncommittal position might not be seen favorably by Israel, and the presence of a UN force might not allay Israeli security concerns, both because – as stated above – the spoilers may be supported by or acting on behalf of member states, and because it would mean that an element of Israel's security would be dependent on a type of peacekeeping operation that has not proved successful in the past.

Additionally, in this regard, it is worth noting a warning from the Brahimi Report: "Willingness of Member States to contribute troops to a credible operation of this sort also implies a willingness to accept the risk of casualties on behalf of the mandate. Reluctance to accept that risk has grown since the difficult missions of the mid-1990s, partly because Member States are not clear about how to define their national interests in taking such risks, and partly because they may be unclear about the risks themselves."[161] Experience shows that the possibility that peacekeepers may become targets, and that their involvement in robust peacekeeping may lead to casualties, creates another major obstacle.

It is unlikely that Israel would agree to relinquish its right to self-defense or entrust the protection of its citizens to a foreign agent. The presence of some kind of multinational force might also be viewed as a possible hindrance and obstruction to effective Israeli action.

A situation that envisages spoilers acting against Israel is one that directly addresses Israel's own domestic security policy. It is unlikely that Israel would agree to relinquish its right to self-defense, entrust the protection of its citizens to a foreign agent, or in any way compromise its sovereignty. The presence of some kind of multinational force, acting in concert with Israel and intended to prevent infiltration across Israel's frontier, might constitute a positive element in such a situation, but it might also be viewed as a

possible hindrance and obstruction to effective Israeli action. However, the possibility that the mandate of such a force might also permit it to act against spoilers within the Palestinian territory might be seen as an advantage. Such a mandate, if effective, could avoid the problematic scenario of Israeli forces violating Palestinian sovereignty in pursuing terrorist threats. Ideally, however, it would seem preferable that Israel and the Palestinian state act together in this area, in a manner similar to the Israeli-Jordanian model, inasmuch as the presence of a foreign force operating independently on Israel's behalf within the Palestinian state might be domestically unpalatable to the Palestinian side and might exacerbate the situation. Here, too, the possibility that the peacekeepers might themselves become targets cannot be ruled out, and the inevitable casualties incurred in such peacekeeping can undermine such missions.

The last three scenarios envisage various Israeli elements that might affect the Israeli approach to incorporating a peacekeeping force as part of a peace accord. While each scenario presents its own problems, they share the common element that in each case Israeli nationals would be confronted by foreign troops. In the case of Israeli enclaves, the situation would be one of entirely submitting the safety and security of Israeli communities to foreign control. This might be ameliorated, from the perspective of the Israeli residents, by the posting of Israeli troops within the communities. But such an option would mean a permanent Israeli military presence within the Palestinian state, and could form an ongoing source of friction. In any case, the idea of placing the security of Israelis directly in the hands of UN or multinational peacekeepers would, in all likelihood, not be acceptable in Israeli domestic politics.

In the case of Israelis attempting to reassert an Israeli or Jewish presence, for example, in evacuated settlements, or sites such as Joseph's Tomb, experience has shown that confrontations intended to remove such "demonstrators" may become violent. This potential for deadly confrontation becomes almost inevitable considering the possibility of Israelis taking violent action against the Palestinian state. From the point of view of Israeli domestic politics, any such situation would preferably be handled by Israeli security personnel. Perhaps such a unique arrangement can be made in the framework of a peacekeeping mandate. It is also possible that proper relations between Israel and a future Palestinian state, including mutual respect for sovereignty, would best treat such events as matters of internal security that should not form part of any peacekeeping mandate, and should only be addressed in the framework of mutual security cooperation, and in the framework of foreign relations.

Indeed, it is worth noting that Article XVII of the Interim Agreement, addressing the issue of jurisdiction, states: "issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis." It would appear that the parties envisaged some kind of jurisdictional arrangement that would not involve foreign actors. At present, Israelis who enter areas under complete control of the Palestinian Authority are dealt with by the Palestinian security authorities, often in cooperation with Israeli authorities. An example occurred in February 2010 in the ancient synagogue in Jericho where, at Israel's request, the Palestinian police at the scene permitted Israeli border policemen to forcibly remove and arrest Israeli demonstrators.[162]

V. CONCLUSIONS

The conventional wisdom is that the success of a future peace agreement between Israel and an envisaged Palestinian state would require the support of an international peacekeeping mission. This study has reviewed the history and relative success and failure of peacekeeping missions in the region. It has also examined the salient factors that appear to contribute to the prospects for success or failure of a peacekeeping mission. On that basis, the authors have considered the advantages and disadvantages of the various peacekeeping options in light of a panoply of factors that may come into play in worst-case scenarios.

As the authors have noted, there would not appear to be a definitive answer as to which peacekeeping model is best, in general or from an Israeli perspective. In certain situations, there would appear to be a clear preference for a UN-mandated peacekeeping mission, while other situations would seem better suited to non-UN-mandated multinational peacekeeping operations, and still other situations would appear best suited to bilateral peacekeeping without any foreign participation. Of course, the picture becomes more complex where more than one factor comes into play. Real worst-case scenarios must take into account the possibility that all potential negative factors may have to be confronted, and it is such complexity that policymakers will have to face.

While the assumption in various peace proposals to date has been that a peacekeeping force is an essential element, it would appear to the authors that this assumption is incorrect. While peacekeeping missions have proved successful in certain situations, they have failed in others. At the same time, it should be borne in mind that bilateral peacekeeping has shown itself to be effective along the Israeli-Jordanian border, and bilateral security cooperation with multinational oversight has succeeded along the Israeli-Egyptian border. Given the inherent limitations of peacekeeping in confronting spoilers, and the history of peacekeeping efforts to contend with spoilers in the region, it may well be that the common wisdom is mistaken, and that primarily bilateral security arrangements present the best course. That would seem to have been the course envisaged by the parties to the conflict in their negotiations and agreements up until now. The authors would suggest that it is one that should not be abandoned.

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The authors wish to express their appreciation to Sarah Fruchter and Sarah Groner for their contributions to this project.

Notes

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2   *Id*., 802.

3   The Geneva Accord was launched on December 1, 2003. The Accord sets out a Draft Permanent Status
        Agreement, a "Model Israeli-Palestinian Peace Agreement." As part of the proposed peace accord to
        be signed between a future Palestinian state and the State of Israel, the Geneva Accord envisages
        the establishment of a multinational force which would form an "integral part of the Implementation
        and Verification Group." The stated purpose of the multinational force under the terms of the draft
        peace agreement is "to provide security guarantees to the Parties, act as a deterrent, and oversee the
        implementation of the relevant provisions of this Agreement." The full text of the Geneva Accord is available
        at http://www.geneva-accord.org/ (last visited Feb. 15, 2010).

4   U.S./Middle East Project, "A Last Chance for a Two-State Israel-Palestine Agreement," http://www.usmep.us/
        bipartisan_recommendations/A_Last_Chance_for_a_Two-State_Israel-Palestine_Agreement.pdf (last visited
        May 13, 2010). Among its various recommendations and vision for a future peace between Israel and a future
        Palestinian state, the Bipartisan Statement envisages the establishment of a multinational force: "a coalition
        peacekeeping structure under UN mandate featuring American leadership of a NATO force supplemented
        by Jordanians, Egyptians and Israelis."

5   The full text of the Road Map is available at http://news.bbc.co.uk/2/hi/middle_east/2989783.stm (last visited
        Feb. 11, 2010).

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7   Brent Scowcroft and Zbigniew Brzezinski, "Middle East Priorities for Jan. 21," *Washington Post*, Nov. 21, 2008,
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        operations/ (last visited Feb. 15, 2010).

12   "Report of the Panel on United Nations Peace Operations," Part II, E:48.

13   United Nations Peacekeeping Operations: Principles and Guidelines, pp. 15, 17ff., 34, and *passim*, http://pbpu.
        unlb.org/pbps/Library/Capstone_Doctrine_ENG.pdf (last visited Feb. 15, 2010).

14   Suy, *supra* note 9.

15   See Derek W. Bowett, "International Military Force," 2 *Encyclopedia of Public International Law* 1267 ff. (1995).

16   Dennis C. Jett, *Why Peacekeeping Fails*, 19 (1999).

17   Duane Bratt, "Assessing the Success of UN Peacekeeping Operations," 3 *International Peacekeeping* 64 (1996),
        in Jett, *id*. at 19.

18   Jett *supra* note 16 at 19.

19   Paul F. Diehl, *International Peacekeeping*, 34 (1993).

20   M. Struger, "The UNTSO Story," *UN Chronicle*, 35(3) 43, Sept. 1998.

21   UNTSO, *UNTSO Mandate*, http://untso.unmissions.org/Default.aspx?tabid=1201 (last visited Feb. 14, 2010).

22   *Id*.; see also R. Satloff and R. Stroumsa, "A UN 'Protection' Force For Palestinians: Background and Implications,"
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25   Palestinian terrorist militias.

26   *Id*., 259-260.

27   *Id*., 260. UNTSO is the UN observer force of the Mixed Armistice Commissions established under the General
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28   Diehl, *supra* note at 29. On the establishment of UNEF, see http://www.un.org/en/peacekeeping/missions/
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30   Completed Peacekeeping Operations, First United Nations Emergency Force – Facts and Figures, http://
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31   N.D. White, *The United Nations and the Maintenance of International Peace and Security*, 193 (Manchester
        University, 1990); and see Higgins, *supra* n. 261.

32   http://www.un.org/en/peacekeeping/missions/past/unef1backgr2.html.

33   See Higgins, *supra* n. 262 ff; N.D. White, *supra* n. 193.

34   N.D. White, *supra* n. 193 ff.

35   United Nations Peacekeeping Operations: Principles and Guidelines, *supra* note 13, p. 32.

36   Suy, text *supra* note 9 (emphasis added).

37   N.D. White, *supra* n. 193.

38   http://www.un.org/en/peacekeeping/missions/past/unef2mandate.html (last visited Feb. 14, 2010).

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74   *Id.* at 40-41.
75   *Id.* at 44.
76   *Id.*
77   *Id.*
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92   Art. 1 TIPH II Agreement.

93   Art. 9 TIPH II Agreement.

94   Art. 1 TIPH II Agreement.

95   *Id.*

96   *Id.*

97   Art. 3 TIPH II Agreement.

98   Under Art. 8 of the TIPH II Agreement, TIPH personnel may carry pistols for self-defense. However, weapons are not mentioned in the Memorandum of Understanding on the Establishment of a Temporary International Presence in Hebron signed by the participating countries, and in practice, TIPH personnel are unarmed. Text of the Memorandum of Understanding available at http://www.tiph.org/en/About_TIPH/TIPH_Memorandum_of_Understanding/.

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100   Art. 7 TIPH II Agreement.

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118   *Id.*
119   *Id.* at 131
120   *Id.*
121   *Id.*
122   Capstone Doctrine, at 34.
123   *Id.* at 35
124   *Loc. cit.*
125   Bruce Jones, Richard Gowan, and Jake Sherman, "Building on Brahimi: Peacekeeping in an Era of Strategic Uncertainty," NYU Center on International Cooperation, April 2009, at 41, http://www.peacekeepingbestpractices.unlb.org/pbps/Library/CIC%20New%20Horizon%20Think%20Piece.pdf; Jean-Marie Guéhenno and Jake Sherman, "Command and Control Arrangements in United Nations Peacekeeping Operations," International Forum for the Challenges of Peace Operations, Nov. 9, 2009, http://www.cic.nyu.edu/Lead%20Page%20PDF/Background%20Paper_Command%20and%20Control%20Arrangements%20in%20UN%20Peacekeeping%20Operations_9%20November%202008.pdf ("Command and Control Arrangements Report") at para. 16.
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129   *Id.* at para. 4.
130   *Id.* at para. 5.
131   *Id.*
132   *Id.*
133   *Id.*
134   *Id.* at para. 19.
135   *Id.* at para. 19.
136   *Id.* at para. 21.
137   *Id.*
138   *Id.* at para. 19.
139   *Id.* at para. 30.
140   "Building on Brahimi," *supra* note 125.
141   *Id.*
142   Diehl, *supra* note 19 at 135.
143   Houghton and Trinka, *supra* note 49 at 9. This problem was most recently addressed in regard to the prospect that command of UNIFIL's naval force may be taken over by Indonesia, a country that does not maintain diplomatic relations with Israel. See Yaakov Katz, "Israel Concerned about UNIFIL Takeover," *Jerusalem Post*, April 28, 2010 (last visited May 1, 2010).
144   *Id.*
145   Diehl, *supra* note 19 at 139.
146   UN Report at 31.
147   *Id.* at 32-33.
148   Jett, *supra* note 16 at 53.
149   E.g., text at n. 148 *supra.*
150   "Building on Brahimi," *supra* note 125, at 17.
151   Diehl, *supra* note 19 at 35.
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153   UN Report at 50.
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The Jerusalem Center for Public Affairs is a leading independent research institute specializing in public diplomacy and foreign policy. Founded in 1976, the Center has produced hundreds of studies and initiatives by leading experts on a wide range of strategic topics. Dr. Dore Gold, Israel's former ambassador to the UN, has headed the Jerusalem Center since 2000.

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Institute for Contemporary Affairs (ICA) – A diplomacy program, founded in 2002 jointly with the Wechsler Family Foundation, that presents Israel's case on current issues through high-level briefings by government and military leaders to the foreign diplomatic corps and foreign press, as well as production and dissemination of information materials.

Global Law Forum – A ground-breaking program that undertakes studies and advances policy initiatives to protect Israel's legal rights in its conflict with the Palestinians, the Arab world, and radical Islam. (www.globallawforum.org)

Anti-Semitism After the Holocaust – Initiated and directed by Dr. Manfred Gerstenfeld, this program includes conferences, seminars, and publications discussing restitution, the academic boycott, Holocaust denial, and anti-Semitism in the Arab world, European countries, and the post-Soviet states. (www.jewishaffairs.org)

Jerusalem in International Diplomacy – Dr. Dore Gold analyzes the legal and historic rights of Israel in Jerusalem and exposes the dangers of compromise that will unleash a new *jihadist* momentum in his book *The Fight for Jerusalem: Radical Islam, the West, and the Future of the Holy City* (Regnery, 2007). Justus Reid Weiner looks at *Illegal Construction in Jerusalem: A Variation on an Alarming Global Phenomenon* (2003). Researcher Nadav Shragai assesses the imminent security threats to Israel's capital resulting from its potential division, and offers alternative strategies for managing Jerusalem's demographic challenge in his monograph *The Dangers of Dividing Jerusalem* (2008).

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