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Bridging the Gap: Proposals and Precedents for Third Party Involvement in the Israeli-Palestinian Conflict

Introduction

Over thirty-five years ago the United Nations Security Council adopted resolution 242, which stipulated the principle of 'land for peace' as a basis for a final settlement between Israel and the Arab states. This began a process that gradually led to international acceptance of a two-state solution to the conflict, where Israeli forces would withdraw from the West Bank and Gaza Strip and make way for Palestinian political independence. The 1988 Jordanian relinquishment of its claims over the West Bank was an important step on this road, as was the mutual recognition contained within the 1993 Declaration of Principles (Oslo I). The United States' public commitment to a Palestinian state two years ago and subsequent adoption of UN Security Council Resolution 1397 completed this journey. Today, for the first time, we have a situation where both sides are wedded to a two-state settlement, with broad international consensus behind this goal. Most of the territorial details were worked out at Taba in 2001, and even thorny final status issues like the future of Palestinian refugees and Jerusalem came close to resolution.¹

Despite this growing international acceptance, rapidly changing facts on the ground are making the two-state solution more and more difficult to implement. The continuing intensification of settlement programmes in the West Bank, the building of exclusive bypass roads to link settlements to Israel, the construction of a separation wall deep into Palestinian territory; these immovable changes to the character of the Occupied Palestinian Territories (OPTs) are threatening the creation of a viable Palestinian state and jeopardizing a peaceful partition of the land. This paper will begin from the notion that the time for securing a viable two-state solution is limited. Recent developments mean that failure to achieve a political settlement may result in more than just an end to the present round of negotiations. They could also lead to the end of the two-state vision itself.²

Now is the time for the international community to act and prevent such an outcome. The concerted effort of a third party can do a great deal to bolster existing peace initiatives and help guide the two sides to a lasting settlement. The recent fate of the Roadmap³, for example, could have been averted with the more active engagement of a third party. The Roadmap placed reciprocal

obligations on both sides, but there were no mechanisms for verifying if these obligations had been carried out, nor processes for helping the parties meet their commitments. As part of the Roadmap a ceasefire was brokered in June 2003, but it quickly fell apart in the absence of external support. Mechanisms could have been established to help resolve disputes peacefully, to pressurize the sides to meet their commitments, to improve the capacities and capabilities of the parties, and to monitor the condition of civilians.

This briefing paper will discuss past examples of these mechanisms in the Middle East, demonstrating how accumulated experiences in the region already provide useful tools for the international community in helping resolve this conflict. Five different roles for a third party in situations of conflict will be examined and examples of their application in the region will be provided. The relevance of these roles for use in the present context will then be discussed, and the political obstacles to their implementation considered.



Israel and the Occupied Territories
Source: United Nations/DPA

Regional Precedents of Third Party Intervention

1. A Protection/Observation Force for Civilians

One possible role for the international community in situations of conflict is to monitor the treatment of civilians and take measures to protect them. This can either take the form of a militarily empowered force intervening directly in the conflict to protect civilian victims (a Protection Force), or a less interventionist mission that monitors human rights abuses, observes changing facts on the ground, and reports on its findings (an Observation Force). The first type of force has no precedent in the region, whereas the second type has been proposed and implemented with varying degrees of success.

The first substantive effort at establishing an observation mission for civilians in the Occupied Palestinian Territories (OPT) occurred during the first Intifada. After 17 Palestinians were killed on al-Haram al-Sharif/Temple Mount in 1990, the UN Security Council adopted **Resolution 681**, which provided the Secretary-General with a mandate to “monitor and observe the situation regarding Palestinian civilians under Israeli occupation” and to “keep the Security Council regularly informed”. The Secretary-General called upon existing UN personnel in the region to carry out monitoring tasks, and their observations were compiled in a report to the Security Council submitted in April 1991.⁴ Although resolution 681 requested progress reports every four months, the April report was the first and only document presented to the Council. The beginning of the Madrid peace talks eclipsed the UN initiative, and the United States argued that further reports would interfere with the start of the political process.

The ‘681’ observation mission had several difficulties. First, it consisted of personnel drawn from the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) and was not a separate mission in its own right, with its own clear mandate and capabilities. Second, Israel never supported or consented to the observation mission, and it objected to UNRWA being used for a purpose not explicitly stated in its original mandate. Finally, no follow-up mechanism was established or even recommended, so the reports could not lead to any concrete action to protect the human rights of civilians in the OPT.

The next observation force established for civilians in the Occupied Territories was the **Temporary International Presence in Hebron (TIPH)**. This was set up following another atrocity, the killing of Palestinians at the Hebron Ibrahimi mosque in 1994 by Israeli settler Baruch Goldstein. After the massacre the UN Security Council adopted Resolution 904, which called for “a temporary international or foreign presence” to “guarantee the safety and protection of Palestinian civilians”. A non-UN international force of observers was then established, staffed by personnel from six European nations. Consent

was granted by both the Israeli and Palestinian authorities, and an agreement was signed in 1997.⁵ The mission’s mandate was to observe and report on the human rights situation in the city of Hebron, and it was given guarantees of freedom of movement to pursue this task.

Regional Precedents of Third Party Intervention

- **UN Truce Supervision Organisation (UNTSO)** 1948-
- **First UN Emergency Force (UNEF I)** Sinai 1956-1967
- **Second UN Emergency Force (UNEF II)** Sinai 1973-79
- **UN Disengagement Observer Force (UNDOF)** Golan Heights 1974-
- **UN Interim Force in Lebanon (UNIFIL)** Lebanon 1978-
- **Multinational Force and Observers (MFO)** Sinai 1982-
- **UN Observer Group Beirut (OGB) in accordance with Security Council Resolution 516**, Beirut 1982
- **Multinational Force in Beirut (MNF)** Beirut 1982-84
- **United Nations monitoring mechanism in accordance with Security Council Resolution 681** OPT 1990-91
- **Temporary International Presence in Hebron (TIPH)** Hebron, West Bank 1994, 1996-
- **Israel-Lebanon Monitoring Group (ILMG)** 1996 –

TIPH had several advantages over the mission established by Resolution 681. By securing consent from the Israeli and Palestinian authorities it was able to maintain an official status and improve its access, gaining greater provisions for independence and allowances for the self-defence of its members. However, TIPH was rendered ineffectual due to several constraints placed upon it. First, its personnel were forbidden to intervene in order to protect civilians, and they were restricted to observing and reporting the human rights violations taking place in front of them. Second, the reports that TIPH compiled could not be made public, and their distribution was limited to the six European governments that contributed to TIPH, plus the Israeli and Palestinian authorities. This meant that the findings of TIPH could not be used to exert public pressure on the authorities to improve conditions for Palestinian civilians.

The value of a clearly identifiable international observation force like TIPH resides in giving confidence to populations and acting as a deterrent against greater human rights violations. This is also very important in building up trust. Although TIPH cannot directly intervene to prevent human rights violations, interviews with their staff revealed a belief that a TIPH presence in Hebron may have reduced the scale of the 2002 Israeli military incursion into the city during Operation Defensive Shield. In order to maximize this deterrent effect, however, the reports of any

observation force need to be made public so that greater pressure can be brought to bear on the relevant authorities. To be truly effective, the scope of such a force cannot be limited to one city but should be extended to monitoring all urban areas with large civilian populations.

2. A Disputes Settlement Mechanism

A second possible role for international involvement in conflict situations is the provision of a mechanism to settle disputes between the two parties. A disputes settlement mechanism is particularly relevant in maintaining ceasefire agreements, because it can allow grievances to be solved peacefully and prevent an escalation of violence. External support is necessary in order to facilitate such a mechanism, and it remains an important tool for the international community in maintaining the cessation of violence and building up trust.

The main precedent for this type of involvement in the region is the **Israel-Lebanon Monitoring Group (ILMG)**. This was established after Israel's Operation Grapes of Wrath, which killed over 100 Lebanese civilians in 1996. With US support the two main protagonists, Israel and Hizballah, reached an understanding in which they agreed to a ceasefire and the establishment of a mechanism to monitor this ceasefire.⁶ The ILMG operated by allowing any of the involved parties to submit a complaint in the event of a ceasefire violation. This complaint was then disseminated to the whole group, and if necessary an investigative team was dispatched to verify responsibility for the ceasefire violation. There was no mechanism to punish the party responsible for the violation. Rather, the ILMG publicly blamed the relevant party, calling attention to violations and holding the parties accountable for their actions.

The main role of the ILMG was to diffuse tensions. By allowing the sides involved to air their grievances and score political points without using violence, the ILMG prevented escalations along the Israel-Lebanon border. The key to the ILMG's success was that its aims were not ambitious. It was never intended to be a permanent solution to the problem, nor be a substitute for a comprehensive peace agreement. It was simply designed to support a ceasefire, and in this it was largely successful.⁷

In the Israeli-Palestinian context the maintenance of ceasefire arrangements is essential because the cessation of violence is stipulated by Israel as a prerequisite for resuming negotiations. However, the disputes settlement mechanism as practiced in the ILMG is not entirely relevant, since it was not designed to maintain a ceasefire or resolve disputes *per se*, but merely prevent escalations. It was also negotiated with a single clearly identifiable militia (Hizballah) through governmental channels

(Lebanon and Syria). Nevertheless, the ILMG experience demonstrates how the creative engagement of a third party could support a ceasefire between Israel and the Palestinians, creating the conditions under which negotiations could commence and continue.

3. A Verification and Implementation Mission

A third role for the international community in conflict situations is to give the parties support in fulfilling their signed agreements and to verify that specific commitments have been carried out. Any peace process depends on the successful implementation of agreements reached, but frequently the two sides need help and pressure in order to fulfill their obligations.

The most substantive precedent of a verification and implementation mission in the Middle East is the **Multinational Force and Observers (MFO)**, which began its mission at the start of 1982. Positioned in the Sinai Peninsula after a peace treaty was signed between Egypt and Israel, the MFO is a militarily empowered observation force with a mandate to verify and supervise the implementation of the peace treaty provisions. Originally envisioned as a United Nations force, the MFO was eventually established as a US-led multinational force due to lack of Security Council consensus. The particular duties the MFO carries out are: supervising and verifying Israeli withdrawal from the Sinai, guaranteeing the limitation of forces in the area, and ensuring freedom of navigation for Israeli shipping from Egyptian interference in the straits of Tiran.⁸ These tasks are stipulated in the Treaty of Peace, and the force was established with the consent of all parties.

The mission of the MFO has been remarkably successful, in a large part due to the commitment of both sides to making the peace treaty work. The importance of international presence in the Sinai has been in verifying to both Israel and Egypt that the terms of their peace are being observed and in investigating and reporting on any violations. The MFO differs from traditional peacekeeping missions in that it is not designed to act as a buffer between belligerents, but rather to work closely with the two sides and support a permanent peace that they worked at and agreed upon.

The use of verification and implementation missions in other contexts, however, is not restricted to the period after a full peace treaty has been signed. An international presence can also be used in order to build confidence as part of a phased process towards a final settlement. This was largely the purpose of John Wolf's mission to Israel and the Palestinian Territories in 2003, which was designed to guide and monitor the implementation of the Roadmap initiative and work with the two sides to help

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them meet their obligations. This mission was short-lived, however, because the Roadmap rapidly unraveled and the number of observers in Wolf's mission was too small in order to adequately monitor who was responsible for the deterioration.

4. A Transition State Model

A fourth role for the international community in situations of conflict is a far more substantial one. Rather than placing obligations on the two sides to carry out, a transition state model involves a far more interventionist policy of coming in and doing all the substantive groundwork for peace. Relevant examples would be the United Nations missions in East Timor or Kosovo, which took over administrative and security control from the existing sovereign powers (Indonesia and Yugoslavia respectively). Trusteeship responsibilities also include building up state institutions and holding elections.

This type of operation has never been attempted in the Middle East environment, although there have been recent proposals to do so.⁹ The process would work through a third party, who would provide transitional administrative and security control over the OPT and lead the Territories to sovereign independence. International forces would guarantee Israel's security concerns: preventing suicide bombings and training Palestinian security forces. Simultaneously, these forces would guarantee Palestinian self-determination: overseeing the Israeli withdrawal and helping establish Palestinian institutions.

Some commentators have proposed that international forces be used to take over from the Israeli army whilst negotiations are continuing, as a way of building up trust. Such an approach is dangerous, however, because if negotiations falter the transition from Israeli rule could end up being long and drawn out: Palestinians would continue living under occupation, and the goal of political independence would remain distant. Far better would be for Israel and the Palestinians to sign a final status agreement *before* the introduction of an international transitional authority, so a clear mandate and timeline could be drawn up for the international 'trusteeship'. The lessons of Oslo must be heeded. If a final agreement is reached comprehensively first, implementation can be secured in a way that is not dependent on the actions of either side.

5. A Traditional Peacekeeping Model

A fifth type of international involvement in conflict situations is the introduction of a traditional peacekeeping force. This is the most common and the most established form of international involvement, which is designed to serve as a buffer between two hostile sovereign states by patrolling borders and maintaining demilitarized zones. It is usually a UN blue-helmeted force, sent in after a ceasefire has been brokered in order to preserve that ceasefire and create the conditions for a lasting peace settlement.

Traditionally, UN peacekeeping forces are based on the three operational principles of *consent*, *impartiality*, and the *non-use of force*. Firstly, the force is only to be sent in with the agreement of both sides, and it can only remain in place whilst this consent continues. Second, the force should be made up of contributing countries that are impartial with respect to the belligerents. Finally, it should have a mandate to use force only in self-defence, and may not intervene directly in any dispute.



Finnish members of UNEF II installing a checkpoint in Sinai (1973)
Source: United Nations/DPI

Traditional peacekeeping has a long precedent in the Middle East region, where UN forces have frequently been deployed along Israel's borders with its neighbouring Arab states. The United Nations Emergency Force (UNEF) in Sinai was the first ever peacekeeping mission, set up in 1956 after the Suez War. This mission demonstrated the constraints of UN peacekeeping because the forces had to be withdrawn in 1967 following Egypt's termination of its consent to their presence. A more successful mission was established on Israel's border with Syria after the 1973 war. Known as the United Nations Disengagement Observer Force (UNDOF), this still exists in the Golan Heights because the political will remains on both sides to keep it there.

The value of such peacekeeping forces lies in preserving the status quo and keeping the opposing militaries of two states separated. So long as both sides desire for a freeze in military activity a peacekeeping force helps them achieve it, but as soon as it serves the interests of a party to initiate military action a peacekeeping force can simply be bypassed and ignored. For this reason the relevance of traditional peacekeeping for the Israeli-Palestinian conflict resides in its role in patrolling borders *after* a final settlement has been implemented.

The Temporal Dimension of a Third Party Presence

This brings us to the temporal dimension of international involvement. Each one of these five roles for the international community is relevant at a different stage in the conflict. A protection or observation force is most relevant whilst the conflict is continuing, to protect civilians and help build up trust. A disputes settlement mechanism is most relevant once a ceasefire has been brokered, in order to maintain the cessation of violence and allow negotiations to commence and continue. A traditional peacekeeping force, on the other hand, plays its role after the final peace settlement and Israeli withdrawal has been completed.

When used together, these tools provide an important way in which a third party can guide the process towards a final settlement and the establishment of a Palestinian state. The following chart illustrates this temporal dimension of an international presence:

Stage of Conflict	Role for a Third Party Presence
Conflict stage	A Protection/Observation Force: Monitoring human rights violations and protecting civilians to help build up trust.
Ceasefire stage	A Disputes Settlement Mechanism: Resolving disputes and diffusing tensions to maintain a ceasefire.
Partial agreement	A Verification and Implementation Mission: verifying Israeli withdrawal and the dismantling of settlements.
Full Settlement	The Transition State Model: Overseeing the establishment of Palestinian institutions and training security forces.
Post-conflict stage	Traditional Peacekeeping: Patrolling and monitoring the borders of the Palestinian state

Obstacles to Implementation: Political Will and the Third Party Presence

The issue of applicability to the Israeli-Palestinian conflict is one thing in theory, but quite another in practice. The main obstacle to implementing the policies outlined above is the lack of political will at the governmental level. On the part of the Israeli authorities there is almost complete resistance to any kind of 'internationalisation' of the conflict. At the United Nations Security Council, US

objections and deadlock has prevented anything substantive being passed for over a year and a half now. On the part of the Palestinians there is broad support for the idea of an international presence in the OPT, but some are concerned that such a force would effectively freeze the situation on the ground, replacing Israeli forces with international ones and further delaying real political independence.

It is generally agreed that implementing an international force requires securing consent from both parties to the conflict. In order to get this support any kind of international involvement would need to respond to the fears of both sides: Palestinian fears of a third party presence effectively freezing the situation on the ground, and Israeli fears that a third party presence would do nothing to curb Palestinian attacks.

In addition, the success of a third party presence would require the active engagement of the United States. It is extremely unlikely that Israel would consent to an international presence unless it was led by the US, and the US is likely to veto any diplomatic effort to establish a presence under any other auspices. To illustrate this, several recent initiatives brought before the UN Security Council to provide monitoring forces for Palestinian civilians have been vetoed. In 2001, for example, the non-aligned states sponsored a resolution that would lead to "an appropriate mechanism to protect Palestinian civilians, including... a United Nations observer force". This resolution was vetoed by the United States.¹⁰

Because of such political constraints it is generally assumed that any international presence in the Middle East will be a US-led effort. When proposing a third party mechanism for the conflict in April 2002 Secretary-General Kofi Annan clarified: "I must stress that I do not contemplate a United Nations force, but rather a multinational force formed by a coalition of the willing".¹¹ Although the UN clearly has the institutional capabilities to implement any of the models outlined above, it is very unlikely that it will be mandated to do so by the Security Council.

Finally, it is necessary to emphasise that some types of international involvement are more politically possible than others. The idea of an implementation and verification mission is most likely to be implemented, especially after the Roadmap's call for the "establishment of a formal monitoring mechanism" as part of its phased peace plan. Of the models outlined above perhaps the *least* easy to implement is a protection or monitoring force. The legal case certainly exists for such a force in the OPT¹², but the Israeli government is extremely unlikely to consent to it, and the US remains opposed. Whilst such political constraints continue, the task of monitoring and protecting civilian welfare will continue to fall on civil society initiatives like the World Council of Churches' Ecumenical Accompaniment Programme.¹³

A Negotiated Model: The Geneva Accord

Due to the political constraints just discussed, it is often suggested that implementing any kind of third party presence is close to impossible. In particular, there seems to be little chance of securing consent from both parties, or achieving agreement on a blueprint for international involvement. This perception is challenged by the recent drafting of the Geneva Accord.¹⁴ Although not a government agreement or an official document, the Geneva Accord demonstrates that prominent Israeli and Palestinian opposition figures can agree to a blueprint for peace, and approve substantial international involvement in order to bring this peace about.

The international presence envisioned in the Geneva Accord encompasses four of the five possible roles outlined above. First, the Accord involves the establishment of an Implementation and Verification Group (IVG), which is meant to oversee and verify the progress of the whole peace settlement. Second, a disputes settlement mechanism would be set up as a subsidiary body of the IVG, to fulfill the important role of maintaining a ceasefire and preventing an escalation of violence. Finally, a Multinational Force (MF) would fulfill two more roles: that of a transition state mission and a traditional peace keeping operation. During the implementation of the Accord the MF would help build up Palestinian institutions and security forces, and after the Israeli withdrawal it would revert to more traditional roles of patrolling borders and monitoring international border crossings (see chart on opposite page).

The only international role that is lacking from the Accord is a monitoring or protection force for civilians. As explained in the previous section, this is politically the most problematic of the five roles (which could explain its omission), but as previously emphasized, such a role could be fulfilled by civil society on the ground.

In addition to the main roles already discussed, the Geneva Accord also provides interesting details as to how certain aspects of an international presence can operate. A 'senior political-level contact group' is proposed, which will be charged with overseeing the performance of the third party presence, providing international guidance and legitimacy to the process. At the head of the contact group will be a 'special representative', who will be the public face of the international presence and will explain its changing role clearly and visibly, liaising with all interested parties.

Leaving aside the territorial details contained in the Accord, the third party intervention envisaged in this document is detailed and achievable, demonstrating how international forces can be used creatively to solve many of the outstanding problems of the Israeli-Palestinian conflict.

Conclusion

This briefing paper has provided an overview of the methods that a third party can employ in helping bring about peace between Israel and the Palestinians. It has concentrated on five possible roles for the international community, from a protection or observation force to a traditional peacekeeping mission. Each of these roles, it was clarified, are relevant at a different stage in the progression from conflict to peace. When used together, these tools provide an important way in which a third party can guide the political process towards a final peace settlement in the Middle East.

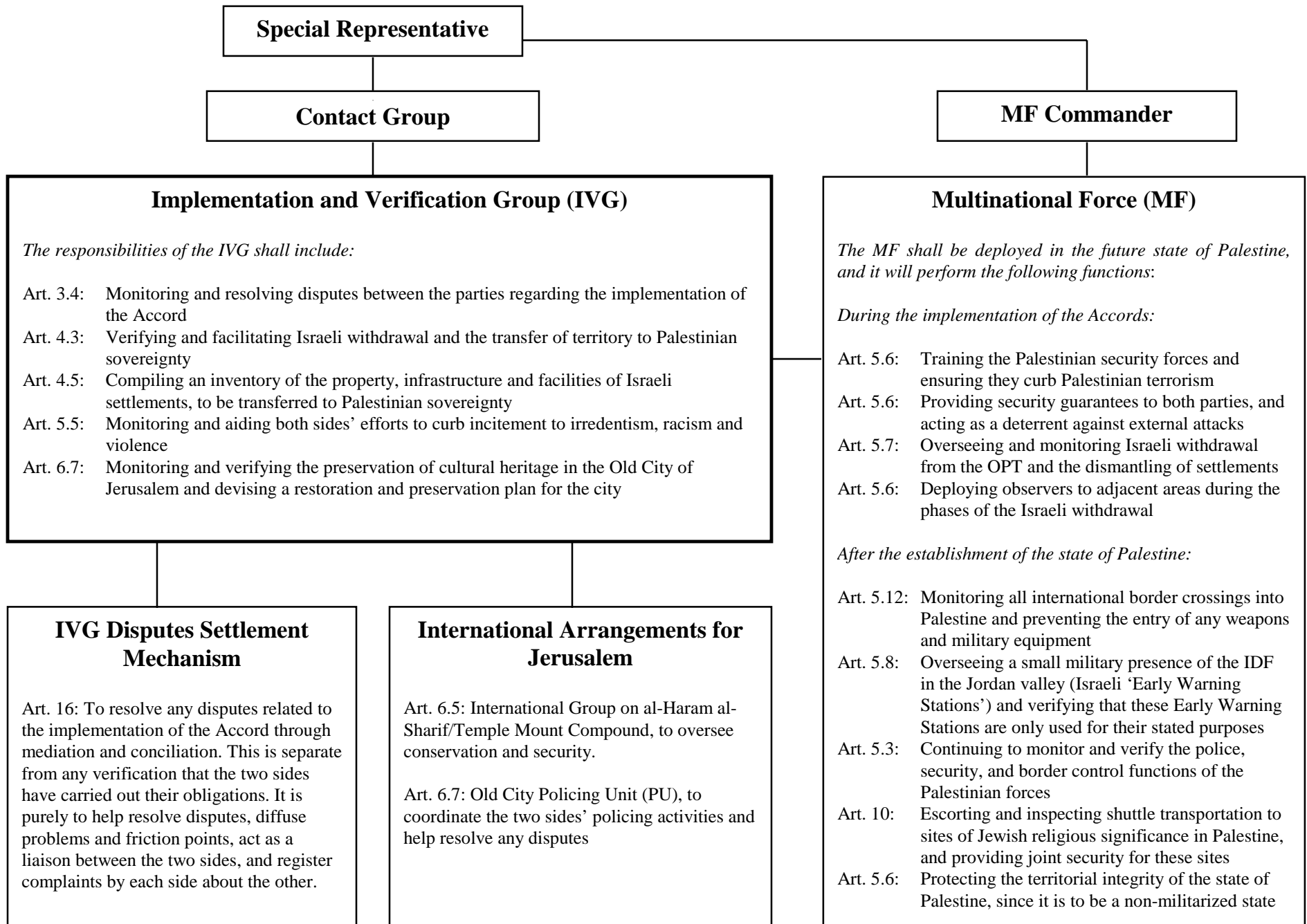
Although a number of political constraints are preventing such policies from being implemented at the moment, the Geneva Accord can be seen as an example of a comprehensive third party mechanism that was agreed by both sides. The Accord demonstrates how Israelis and Palestinians are both willing and able to endorse international involvement as a way of achieving a two-state settlement, but in the absence of official support the Accord can do little to stop the rapidly changing developments in the Occupied Palestinian Territory. As settlements expand, bypass roads continue to be built, and the construction of the separation wall accelerates, the viability of a Palestinian state based in the West Bank and Gaza is seriously under threat.

At this time it is important to reaffirm the consensus that has emerged over the past thirty years in favour of a two-state solution. It is important to emphasise that a two-state vision can fulfill the goals and concerns of both sides. Palestinian concerns for political independence will only be achieved when reasonable Israeli concerns for security are met. Moreover, Israel will only really achieve its security once it ends its occupation of the West Bank and Gaza Strip and allows the Palestinian inhabitants of the Territories their independence. There is a limited window of opportunity in which these two desires can be simultaneously implemented. Given such a timeframe, successful implementation will increasingly require the active engagement of a third party.

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The Quaker United Nations Office (QUNO), located in Geneva and New York, represents Quakers through Friends World Committee for Consultation (FWCC), an international non-governmental organisation with consultative status at the UN. QUNO works to promote the peace and justice concerns of the Religious Society of Friends (Quakers) from around the world at the United Nations and other global institutions. It is supported by the American Friends Service Committee, Britain Yearly Meeting, and the worldwide community of Friends.

A Negotiated Model for International Involvement: The Geneva Accord



Further Reading:

¹ The Moratinos report of the Taba negotiations is available at www.bitterlemons.org/docs/moratinos.html

² For more on an alternative to the two-state settlement see Avraham Burg, "The End of Zionism?" (<http://www.guardian.co.uk/comment/>); Dr. Ghada Karmi, "A Secular Democratic State in Historic Palestine: An Idea Whose Time Has Come?" (<http://www.caabu.org/press/articles/secular-state.html>); Ari Shavit "Cry, the beloved two state solution" (www.haaretz.com); and Tony Judt, "Israel: The alternative" (<http://www.nybooks.com/articles/16671>). For more details on physical changes in the OPT, the UN Office for the Coordination of Humanitarian Affairs (OCHA) www.reliefweb.int/hic-opt/

³ The Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict is available in full at www.un.org/news/dh/mideast/roadmap122002.pdf

⁴ The April 1991 report pursuant to Resolution 681 (S/22472), is available at <http://domino.un.org/UNISPAL.NSF?OpenDatabase>

⁵ The Agreement on a Temporary International Presence in the City of Hebron is available at www.tiph.org/Documents/Agreement.asp

⁶ The text of this Ceasefire Understanding can be found at www.accessv.com/~yehuda/israelleb1996.htm

⁷ Adam Frey's article "The Israel-Lebanon Monitoring Group: An Operational Overview" provides more detailed information on the ILMG. Available at www.washingtoninstitute.org/junior/note3.htm

⁸ The Israel-Egypt Treaty of Peace, Annex 1, is available at www.mfo.org/files/Treaty.pdf

⁹ Martin Indyk's article: 'A Trusteeship for Palestine?' (*Foreign Affairs*, June 2003) provides a detailed proposal of the trusteeship approach.

¹⁰ For details of the vetoed draft resolutions on international monitoring see UN Press Release SC/7040, available at www.un.org/News/Press/. A similar draft resolution was also put to a vote and defeated at the end of 2000 (see Press Release SC/6976).

¹¹ Kofi Annan's entire statement on an international force in the OPT can be read at www.escwa.org.lb/information/press/articles/18apr02.html

¹² For a legal case for international protection for civilians in the OPT, see al-Haq's policy paper: "International Protection: Perceptions and Possibilities", at www.alhaq.org/publications/

¹³ For more details on the World Council of Churches' Ecumenical Accompaniment Programme see www.eappi.org/

¹⁴ The full text of the Geneva Accord, can be found at http://www.heskem.org.il/Heskem_en.asp