

## ***Peace-keeping in Lebanon – UNIFIL: How and until when will the “interim” continue?***

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This text is the abbreviated version of a detailed study submitted to the Beirut office of the German Foundation Friedrich Ebert (Friedrich Ebert Stiftung) in December 2009. The analysis is based on a visit to South-Lebanon in mid-October 2009, a series of interviews, and the author’s earlier research in the region, wishes to highlight the role of UNIFIL II in maintaining stability in Lebanon. After the war of 34 days between the Shiite Lebanese party cum militia Hizbullah and Israel in summer 2006 on Lebanese territory, the international community launched a major effort to stabilize the situation in the area. UNIFIL II was created on the basis on UN-Security Council resolution 1701 (2006). The resolution authorized 15.000 troops, supported by international and local staff. The current strength comprises 12,341 military personnel, supported by some 335 international civilian and 664 local civilian staff. UNIFIL is also supported by around 50 UNTSO military observers of the Observer Group Lebanon. Among the major objectives of UNIFIL rank its assistance to the Lebanese authorities in re-establishing their sovereignty.

The United Nations being an inter-governmental organization dependent on the will of its 192 member states can facilitate this endeavour, but a large part of responsibility lies with the Lebanese government. The key-notion of “ownership” means that certain tasks currently in the hands of the UN-troops will have to be gradually transferred to the Lebanese government and its security forces. The build-up of the Lebanese Armed Forces (LAF), able to act as a real force of deterrence and present on the entire territory, is essential.

In the past years, the LAF has certainly turned into an institution beyond confessional strife which the Lebanese trust. That was certainly true in the events of May 2007 when the LAF had to conduct a difficult operation against Islamists in a Palestinian refugee camp in Tripoli. The army paid a high toll. Both military decision-takers and the population would like to see the LAF much trained and equipped. UNIFIL assists the LAF in that sense. The emergence of a Lebanese marine force is tightly linked to the activities of the Maritime Task Force (MTF), which the German contingent assures. Various governments, in particular the US and within the EU, should allow transfer of high-tech weaponry to Lebanon. Israel and Hizbullah seem to converge in their efforts to keep the LAF weak,

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since both reject such supply. In the absence of a well respected and solid LAF, they can continue to assert their spheres of influence, as is the case with Hizbullah, or systematically violate Lebanese sovereignty as Israel does. The issue of Hizbullah's paramilitary structures causes splits in the Lebanese government of national unity of November 2009. The cabinet's declaration states the right of "Lebanon, its government, its people, its army and its resistance" to liberate all Lebanese territory. Hizbullah is commonly referred to as the resistance in Lebanon. Hizbullah argues its arms are necessary to protect the country against any future aggression by Israel.

The unpredictable strategy of Israel – such as its possible desire to apply the lessons drawn from the war in summer 2006 in a new military campaign – contributes dangerously to the volatility in Lebanon. The psychological war by Israel on the role of the Shiite party cum militia Hizbullah is already in full swing. Both sides accuse each other of preparing a new round of clashes. The option of another proxy-war between Iran and Saudi Arabia on Lebanese soil constitutes another risk. The war of 34 days of summer 2006 was called such a proxy-war by many analysts. The financial crisis in the Gulf and the war in Yemen could fuel such a scenario; both are partly linked to the antagonism between Tehran and Riyadh.

The generous support of the international community should not be taken for granted. Many more conflicts are looming in and beyond the region. Afghanistan is the big headache for many contributing governments for they have to find the fresh troops requested by NATO. Financial constraints for the main contributors due to the global economic crisis might reduce the international commitment to the current operation in Lebanon. However, the costs for a peace-keeping are much lower than those for humanitarian relief and reconstruction. The main contributors to UNIFIL II are important UN and NATO members, such as France, Italy and Germany. China, another permanent member of the UN-SC, is present with 1.000 troops. This spectre of troops is part of a larger security guarantee for Lebanon. Their participation should, therefore, remain essential.

### **The long and volatile chronology of UNIFIL**

Lebanon started to host the UN Interim Force in Lebanon (UNIFIL) in March 1978 subsequent to an Israeli invasion.<sup>2</sup> These 2000 UNIFIL troops dispatched – for an initially limited, but never defined time-period – into the frontier space between Lebanon, Syria and Israel could not prevent wars and hostilities which followed, notably because of incursions of PLO-fighters into Israel and Israeli acts of retaliation. But UNIFIL used its best efforts to limit the conflict, contribute to stability in the region and protect the population of the area from the worst effects of violence. The mission was regularly extended for a six-month period.

The then-UNIFIL mandate was large and vague. A major part of it, the departure of Israeli Defense Forces (IDF) was finally realized in May 2000. Israel withdrew from occupied South-Lebanon in accordance with UN-SC resolution 425 (1978). The so-called

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<sup>2</sup> Operation Litani in spring 1978 and Peace for Galilee in summer 1982 were two large scale invasions by Israel into Lebanon which started the occupation of large parts of Lebanese territory until the withdrawal of the Israeli army in May 2000.

security belt in South Lebanon established by the Israeli occupation had become a zone of insecurity for Israeli soldiers because of the guerilla war the Lebanese-Shiite party and militia Hizbullah conducted against the IDF. Given the armed liberation of South Lebanon Hizbullah gained in military and political power both inside Lebanon and beyond. The frontier-region was now effectively controlled by Hizbullah while the state's authorities could not exercise jurisdiction in the South.

In summer 2006 a completely new *rapport des forces* between Hizbullah and Israel determined a major armed conflict in the region. That asymmetrical war was not to be won by Israel. Its airborne bombing and destruction of the infrastructure led to a Pyrrhus victory of Hizbullah. Their guerrilla war tactics had imposed a defeat on the conventional Israeli army. But the civilian population of Lebanon paid the main toll.<sup>3</sup>

The UN-Security Council (UN-SC) passed resolution 1701 on 11<sup>th</sup> August, 2006 thereby established a new cease-fire and the mandate for an enlarged PKO. UNIFIL II emerged with 15.000 troops from 28 contributing states. As of mid-September the first contingents had arrived, one of the swiftest transfer of troops for a PKO ever completed. The earlier UNIFIL mandate and the new one are intertwined. Additional resolutions of the UN-SC do complement them. Now into their fourth year, the UN-forces do, inter alia, assist the Lebanese Armed Forces (LAF) in re-establishing the state's control in the frontier-region, their achievements are visible. Checkpoints once controlled by Hizbullah have been dismantled; Lebanese soldiers are stationed at the posts.

Reconstruction results are admirable. Mine-clearance and amazing efforts by the local population in agriculture and manufacturing have improved the quality of life in the *glacis* of South-Lebanon, which over decades served as a theatre for military adventures of all sorts. The role of the state has been contested by many actors: stretching from the "PLO state within the state" of the 1970s, to the South-Lebanese Army, a Christian militia organized by Israel, to the current issue of Hizbullah's prerogatives as national resistance movement. One of the crucial pending problems remains of course the situation of and within the large Palestinian refugee camps, such as Ayn Al Helwe. Jihadist movements, sponsored by extremist Sunni sources, caused a war against the Lebanese army in a Palestinian refugee camp in the north in May 2007. Similar risks exist in the south, though it seems that the Shiite Hizbullah establishes a military and political counter-weight to such radical Sunni influence.<sup>4</sup>

A small incident might trigger a larger conflict at any time. A *casus belli* can always be found if one of the parties to the conflict is seeking a new outbreak of hostilities. Can the UN-troops pre-empt that? Which actors do have leverage on the main parties to the conflict? How can the potential risk of war by accident be reduced? Though diplomats and

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<sup>3</sup> According to UN-statistics this rather brief war of 34 days claimed the highest toll of victims among children ever observed: one third of the 1.187 killed and 5.092 injured Lebanese were under 18 years old. On the Israeli side, from 12 July until 14 August, 43 Israeli civilians and 117 IDF soldiers were killed. 33 Israelis were wounded seriously and 68 moderately. For further figures see: Report of the Secretary-General on the implementation of the UN-SC resolution 1791 (2006), 12 Sept. 2006. S/2006/730

<sup>4</sup> See e.g. incident of Sept.5<sup>th</sup>, 2009: *Haaretz* of Sept.17<sup>th</sup>, 2009: (...) IDF officer also said that the five incidents of rocket fire into Israel from southern Lebanon were carried out by Al-Qaida inspired Palestinian groups based in a refugee camp where Hizbullah holds no sway.

military observers try to display optimism, tension is tangible. Observers in Beirut fear an Israeli attack in spring 2010, in order to take revenge for the defeat of 2006. Rockets launched from Lebanon continue to hit Israel on an irregular level. These attacks, according to UN-sources and confirmed by the Israeli intelligence, mostly stem from radical Palestinian groups, while Hizbullah respects the cease-fire of 11 August 2006. Israel conscious of that compliance, reacts by rather limited artillery fire without targeting Hizbullah posts. For its part, Israel continues to systematically violate Lebanese air-space. It is accused of espionage in South-Lebanon, as recent discoveries of respective devices in Sidon have illustrated. The issue of arms' smuggling into Lebanon dominates the Israeli list of complaints about violations of UN-SC resolution 1701. Again, a *casus belli* can be easily established in particular when it comes to the issue of arms' cargo.<sup>5</sup>

### Interpretation of the UNIFIL mandate

The ultimate power of interpretation lies with the UN-Security Council which governs the terms of operation of the mandate. The rules of engagement serve as reference. Furthermore, the troop contributing states do their interpretation on pertinent issues. When questions arise inside the UNIFIL offices in Lebanon, the political officers will turn to the Legal Office of the UN-Secretariat in New York and require advice. Such was the case, for instance, with regard to the term "hostile activity" as coined in UN-SC resolution 1701 (2006). Paragraph 12 states that the UN-SC "(...) *authorizes* UNIFIL to take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind (...)". Controversy arose whether "hostile acts" or also "hostile intent" were meant. Apparently, the mandate could have become tighter if the debate had continued for much longer. Israel wanted a list of titles and categories defining all sorts of hostile acts, Lebanon had a different, but not less detailed approach. A pragmatic view prevailed, all parties concerned decided to do the interpretation on a case by case approach.<sup>6</sup> The final determination of a "hostile act" remains with UNIFIL. The tripartite meetings of UNIFIL-Israel-LAF ease the tension, but mutual confidence remains low. It should be stressed, that Hizbullah is not a party to the UN-SC resolution 1701 (2006), but the LAF does pass on information that UNIFIL wishes to reach Hizbullah.

On certain occasions, common sense of the people can definitely contribute to the diffusion of tension. In August 2009, several cows moved from the other side of the Israeli technical fence into UNIFIL controlled area close to Kfar Chouba in Lebanon. It may be assumed that the cows did not open the gates by themselves, but received a helping hand from Israeli farmers. The destination of the cows was a water-hole used by Lebanese shepherds for their sheep. Angered by that intrusion the Lebanese were looking for an

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<sup>5</sup> The case of the *Francorp* entered by the Israeli marine on 3 Nov. has been received with doubts. See the Swiss daily *NZZ*, 26 Nov. 2009. Apparently the sealed boxes of Iranian origin still carried the inscription "Ministry of Sepah", though it has been renamed into Ministry of Defence 15 years ago according to the démenti advanced by Tehran.

<sup>6</sup> Background conversation with members of UNIFIL in Tyr in mid-October 2009.

adequate reply. They dispatched their dogs guarding the sheep towards the cows and chased them back to Israel. The Indian battalion of UNIFIL then enlarged its post in order to supervise that very waterhole. Having visited the area and learnt about that incident which could have ultimately provoked a major clash between “Zionist cows and terrorist sheep” around the same water hole, it becomes clear how fragile the situation is and that often time might not suffice to start a legal interpretation. The clever reaction of the farmers and the efficiency of the shepherd dogs helped to handle an otherwise delicate incident.<sup>7</sup>

All acts of Israeli violation of the Lebanese airspace might also be considered as some sort of interpretation of the UNIFIL mandate, namely disregard for the role of the LAF in asserting Lebanese sovereignty. Once the LAF react efficiently by anti-aircraft fire, the rules of interpretation might be re-established. All implementation of the UNIFIL mandate has to be read not only via the legal textbook, the well known rules of teleological interpretation, namely pursuing the larger purpose of the mission. It is essential to bear in mind the reality on the ground, or better the many realities and their perceptions. UNIFIL acts as diligent witness via its widespread presence in the frontier area. Its highly precious work of keeping detailed record of every single incident is essential. This data and the debates at the tripartite meetings of UNIFIL, the LAF and the IDF are indispensable factors for assessment.

“Il n’y a que le provisoire qui dure – only the provisory persists”, this quote attributed to the French statesman Charles de Gaulle, does well illustrate the situation of UNIFIL. Against all odds the mission did start well in September 2006 and has gone into its fourth year without major setbacks. On the contrary, the sovereignty of Lebanon has been gradually restored. The withdrawal of the Syrian forces being one important factor. Many skeptical voices expected it to run into a similarly difficult situation as UNPROFOR (UN Protection Force) did between 1993 and 1995 in Bosnia-Herzegovina. The wide scope of the mandate of UNIFIL has evolved successfully. These accomplishments are due to:

- 1) The interest of all parties, i.e. the Governments of Lebanon and Israel as well as the Lebanese militia and political party Hizbullah, to observe UN-SC resolution 1701 (2006).
- 2) The expertise of the entire staff, civilian and military, involved.
- 3) The pragmatic interpretation of the pertinent UN-SC resolutions.
- 4) The determination by the international community, in particular, the troop-contributing States, which encompass important EU-Member States and Permanent Members of the UN-SC, to implement UN-SC res. 1701 (2006).

Still the period of implementation is “ad interim”. The stability of Lebanon is closely linked to the overall regional situation. The destiny of the Palestinian refugee population in Lebanon remains in limbo and creates a series of uncertainties for Lebanon, notably the issue of their future citizenship and permanent residence. Israel would have to declare her state-territory and thereby finalize the borders with Lebanon and Syria. The territorial status of the Sheba’a farms has to be solved in function of the delimitation of the borders. This protracted conflict with its long list of wars, refugee waves and cease-fires is first of all a

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<sup>7</sup> Background conversation with EU military attachés in mid-October 2009.

conflict about territory. This can only be solved via a territorial solution which will have to be complemented by security guarantees.

The remark by Prince Clemens Metternich on Lebanon dating from 1830 is still valid: "Le Liban – ce petit pays si important." (Lebanon – such a small country and so important) The perception of being important, however, should not be overstrained. The cooperation between UNIFIL and the Lebanese authorities should enable the transformation of today's division of labour partly assured by UNIFIL. The Lebanese government will have to assume the comprehensive task of assuring the territorial integrity of the state and build up a credible army.