



ANALYSIS on UNIFIL II

Three years after

UNIFIL: How and until when will the “interim” continue?

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Introduction

Though the UN-Charter does not foresee Peace-keeping Operations (PKO), these missions have gained an enormous role in the UN-agenda over the past 65 years. Such engagements have largely contributed to stabilizing regions with protracted conflicts. It was in the Middle East that PKO were first introduced in 1948 with UNTSO (UN Truce Supervision Organization) after the first Arab-Israeli war, respectively via UNEF (UN Emergency Force) after the Suez crisis in 1956. Their number and mandates for securing armistices and cease-fires in the region have grown ever since, stretching from the Arab-Israeli conflict to Iraq.

Lebanon started to host the UN Interim Force in Lebanon (UNIFIL) in March 1978 subsequent to an Israeli invasion.¹ 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 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.²

The UN-Security Council (UN-SC) passed resolution 1701 on 11th August, 2006 thereby established a new cease-fire and the mandate for an enlarged PKO. UNIFIL II emerged with

¹ 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.

² 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

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.³

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 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.⁴

³See e.g. incident of Sept.5th, 2009: Haaretz of Sept.17th, 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.

⁴The 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 dementi advanced by Tehran.

1) A legal assessment: How to read the mandates of 1978 and 2006 and how does the practical implementation function?

UNIFIL is the perfect example of what we call today multi-dimensional peace-keeping. While the classical concept of PKO was primarily about separating inimical forces, today's PKO are part of a larger effort to assist countries emerging from conflict in their transition to full sovereignty. UN-SC resolution 1701 foresees the PKO to play a crucial role in critical peace-building activities, such as mine-action and support the State to regain control over its territory. When it comes to disarmament, demobilization and reintegration of combatants, the role of the military branch of Hizbullah which is part of the National Unity Government formed on November 2nd, 2009 remains a highly contested point within the government.⁵ Whether its militias should render their arms and be integrated into the LAF is under debate. UN-SC 1559 (2004) deals with the issue of Lebanese and non-Lebanese militias on its territory. With the completion of the withdrawal of Syrian forces in April 2005 a major step in the restoration of the monopoly of force of the Lebanese government was achieved, at least *de iure*. The sovereignty of Lebanon, however, has not been fully restored. The space between the so-called Blue Line and the Litani River is still a frontier-space of territorial conflict. The presence of armed forces other than the LAF and the incursions by the IDF infringe upon Lebanese sovereignty. These points will be discussed in the next sections.

Our first approach is a legal one, namely the issue of the reference documents and their interpretation. UNIFIL's mission is based on three resolutions and other related documents, notably the rules of engagement. According to UN-SC resolutions 425 (1978) and 426 (1978) of 19 March 1978, UNIFIL was established to:

- Confirm the withdrawal of Israeli forces from southern Lebanon.
- Restore international peace and security.
- Assist the Government of Lebanon in ensuring the return of its effective authority in the area.

According to UN-SC resolution of 11 August 2006, UNIFIL, in addition to carrying out its mandate under resolutions 425 and 426, shall:

- Monitor the cessation of hostilities.
- Accompany and support the Lebanese armed forces as they deploy throughout the South, including along the Blue Line, as Israel withdraws its armed forces from Lebanon.
- Coordinate its activities referred to in the preceding paragraph (above) with the Government of Lebanon and the Government of Israel.

⁵ http://pbpu.unlb.org/pbps/Library/Capstone_Doctrine_ENG.pdf p.16

- Extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons.
- Assist the Lebanese armed forces in taking steps towards the establishment between the Blue Line and the Litani River of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL deployed in this area.
- Assist the Government of Lebanon, at its request, in securing its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related materiel.

By this resolution, the Council also authorized 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; to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council; and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence.⁶

Since the withdrawal of Israel in May 2000 in compliance with UN-SC resolutions 425 and 426 (1978) large parts of those resolutions have been fulfilled. However, the question of the Shebaa farms in the triangle between Lebanon, Syria and Israel awaits its solution. The area of 22 km² is claimed by Lebanon, notably by Hizbullah but also others political actors, as integral part of Lebanon, while Israel asserts that it was part of Syrian territory, when Israel conquered the Golan Heights in 1967. According to Israel, its ultimate status should be finalized in direct peace negotiations between Israel and Syria.⁷ At its origin is apparently confusion about the demarcation of the border between the mandates, though the demarcation procedures had well advanced in 1923. UN-cartographers do their part to solve the issue.

A certain dynamic in the legal and also cartographic stalemate could arise with the possible withdrawal of Israel from the northern part of the village of Ghajar in that region. According to leaks from Israel, its “withdrawal would be “total,” handing administrative control over to United Nations troops. The step aims at decreasing the international criticism targeting Israel, after the European Union’s patience has expired concerning the issue of settlements,” the newspaper Al-Akhbar quoted a UN-official as saying.⁸ Israel took over Ghajar in 1967 when it annexed the Syrian Golan Heights. Its soldiers withdrew when it pulled out of south Lebanon in 2000, but reoccupied the northern part of the village in July 2006. UNIFIL, in a

⁶ See homepage of UNIFIL: <http://www.un.org/en/peacekeeping/missions/unifil/background.html>

⁷ See: www.mfa.gov.il; The Legal Status of the Shebaa Farms, Communication of 2 April, 2002

⁸ www.dailystar.com 27 November 2009

statement released on 23 November, reiterated its stance that continued Israeli occupation of northern Ghajar is a violation of Security Council Resolution 1701.

Demarcation of the border

An essential part of the interpretation of the mandate concerns territorial aspects, namely the tracing of a border. The reference for the demarcation operation is the so-called Blue Line. This line is based on the deployment of the IDF prior to March 14, 1978, when Israel launched its first large-scale invasion. That line converges in major parts with the 1949 armistice line which in turn is the same as the Mandate line of 1923. The Mandatory powers Britain and France demarcated the border between their respective Mandates, Palestine and Lebanon. In 1923, 38 boundary markers were placed along the 49 mile boundary and a detailed text description was published.⁹ It might be stated that actually the first defined and traced border Israel disposed of was the one with Lebanon, even though the two countries never negotiated such a border. Lebanon and Israel succeeded as independent states in 1943, respectively in 1948 on the territory of the mandates Lebanon and Palestine. On the basis of the Vienna Convention on the Succession of States in respect of Treaties, a new state will succeed into earlier border treaties.¹⁰ This principle is based on the doctrine of *uti possidetis*, which confirms that territory and other property remain with its possessor at the end of a conflict, unless provided for by treaty. In 1964 the Organization of African Unity passed a resolution stating that the principle of stability of borders – the key principle of *uti possidetis* – would be applied throughout Africa. The principle was furthermore affirmed by the International Court of Justice in the 1986 Case Burkina-Faso vs. Mali.

The First Arab-Israeli War of 1948 ended in a series of armistice agreements mediated by the UN on the island of Rhodes. The armistice line between Israel and Lebanon was traced along the earlier international border between the French and British Mandates of Lebanon and Palestine. Given the absence Israel's definition of its territory and thereby the extension of its jurisdiction, the existence of this borderline should not be underestimated. However, Israel has notoriously violated that boundary and the hostilities with the PLO and later Hizbullah created a frontier space where actually a clear border had initially existed. On the notions of frontier and border, see the next section.

The 2000 Blue Line differs in about a half dozen stretches from the 1949 line, though never by more than 475 meters. When Israel withdrew in May 2000, the Lebanese government did not want to participate in the border demarcation. The UN then conducted its own survey. The UN cartographer and his team, assisted by UNIFIL, worked on the ground to identify a line to

⁹ Agreement between His Majesty's Government and the French Government respecting the Boundary Line between Syria and Palestine from the Mediterranean to El Hámme, Treaty Series No. 13 (1923), Cmd. 1910. Also Louis, 1969, p. 90.

¹⁰ The Convention was promulgated in 1978 in the aftermath of the decolonization process, it went into force in 1996. Article 11 lit a states that a succession of states does not as such affect a boundary established by a treaty.

be adopted for the practical purposes of confirming Israeli withdrawal. While it was agreed that this would not be a formal border demarcation, the aim was to identify a line on the ground on the available cartographic and other documentary evidence. On June 7, 2000 the completed map showing the withdrawal line was formally transmitted by the Force Commander of UNIFIL to his Lebanese and Israeli counterparts. Notwithstanding their reservations about the line, the Governments of Israel and Lebanon confirmed that identifying this line was solely the responsibility of the UN and that they would respect the line as identified. The next day, UNIFIL started the verification work whether the Israeli withdrawal had been accomplished behind the line. On June 16, 2000 the UN-Secretary-General reported to the UN-SC that Israel had withdrawn in conformity with the line identified by the UN.¹¹ However, the issue is still pending, as reflected by UN-SC resolution 1701 (2006). The technical fence established by Israel is constantly a bit on the move, which does not at all facilitate the work of UNIFIL.

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.¹² 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 adequate reply. They dispatched

¹¹ S/2000/590

¹² Background conversation with members of UNIFIL in Tyr in mid-october 2009

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.¹³

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.**

¹³ Background conversation with EU military attachés in mid-October 2009.

2) The many military dimensions: The frontier region of South-Lebanon and its various military actors

South-Lebanon is the perfect example of what we call a frontier region, marked by invasions and ongoing military struggle for spheres of influence. Once a cohesive region, known as Galilee, South-Lebanon is today a glaxis of different spheres of influence.¹⁴ With the emergence of the PLO's "state within the state" in the late 1960s and the rise of Israeli retaliation operations, the region turned into a military buffer-zone. The autochthonous population, mostly Shiite and Christian Maronites, was massively displaced. Those who remained actually welcomed the Israeli invasion of June 1982, considering it as liberation from the PLO occupation. Israel, in the aftermath, completely mishandled Lebanon and quickly turned into an occupying force opposed by Shiite resistance groups. One important reason why South-Lebanon has been transformed into such a frontier area was the vacuum, social and political, caused by decades of neglect by the central authorities. Beirut consistently disregarded the rather poor southern region. Social welfare networks like those created by Hizbullah since the 1980s stepped in where the state was absent. The security vacuum which UNIFIL has been trying to fill, however, remains until today and poses a major problem, first and foremost for the local population.

The English language distinguishes between frontier, which amounts to a space, and border/boundary which signifies a line. While the latter is the result of mutual recognition between two sovereign states, the frontier space reflects an ongoing struggle for control by different parties.¹⁵ Various countries and regions in Central and South-Eastern Europe carry the frontier character in their names, e.g. Ukraine and the Krajina in the Croatian-Serbian frontier region. The Slavic root "krajina" means frontier. And the many shifts of maps and borders in that part of world, which do continue until today, demonstrate the complexity of minorities and territorial claims.

The Middle East is another tragic example of continuous border conflicts. The border lines drawn by the European Powers on the remnants of the Ottoman Empire were partly motivated by military facts on the ground after 1918.¹⁶ The border to be drawn between the British and French mandates of Iraq, Jordan and Syria was decided along the lines of the oil-agreement reached in San Remo in April 1920. That line followed in large parts a pipeline which

¹⁴ A lot of literature has been published on South-Lebanon, one study to be recommended is: Jacques Seugin, *Le Liban-Sud; Espace périphérique, espace convoité*. Paris 1989

¹⁵ Referring to a category of civil law, one might associate border with property and the frontier with possession. Property is based on a legal title, while possession requires physical presence.

¹⁶ While France controlled large parts of the Levant before the outbreak of World War I, aspiring to a large *Asie Française*, the British army actually advanced on the ground in 1917 thanks to its Arab allies. The initial plan of the Sykes-Picot Agreement, a secret diplomatic correspondence finalized in 1915, would have resulted in a map very much different from what was later decided by the Allies. For more details see Karin Kneissl, *Die Gewaltspirale, (The cycle of violence)* Salzburg 2007.

transported “British” oil from Northern Mesopotamia (today’s Kurdish Iraq) to the port of Haifa in British controlled Palestine. One might even state that Iraq was territorially constituted on the basis of its resource-wealth. With the declaration of the State of Israel in May 1948, partly on the basis of the UN-partition plan of Palestine, the territorial complexity in the Middle East increased.¹⁷ Borders disappeared, frontiers emerged. A series of armistice and cease-fire lines followed. Israel proved to act as the frontier-state par excellence. Like other settler nations, the United States in 19th century, the German orders in medieval times confronting the Slaves in the Baltic and today’s Poland, had done before, once again the combination of agricultural settlement and military outposts were meant to push the frontier to “where the grass is greener”...

The German-Israeli scholar Dan Diner analyzed the frontier-character of Israel and thereby also explains the ongoing of territorial non-finality of the Jewish state.¹⁸ Israel has so far refrained from defining her territory, advancing the argument of the ongoing state of war. Various states are at war with their neighbours, however, that has not impeded them from publishing an official map. Furthermore, peace treaties exist between Israel and Egypt (1979) as well as Jordan (1995). The reasons why Israel will not define her state territory go beyond the absence of peace with some of her neighbours. The national-religious parties long for a vast Erez Israel that would also include parts of South-Lebanon.¹⁹ Secular politicians, in contrast, prefer a smaller State of Israel within the Armistice Lines of 1949 and wish to end the occupation of territories acquired in 1967.²⁰ While Israel has traditionally advanced its security needs in order to justify occupation, the major threat for the cohesion of the Jewish state will most probably stem from within: the problematic demographic development. The Jewish population will eventually be marginalized by the Arab population because of decrease in Jewish immigration and lower fertility rate by Jewish Israelis. Today the Arab Israeli population already constitutes 20% of Israel within the 1969 Armistice Lines. Including the West bank and Gaza the Jewish population would ultimately turn into a minority. Former Prime Minister Ariel Sharon had finally understood that security threat to the entire concept of Zionism and, therefore, took his lonely decision of a unilateral withdrawal from the Gaza strip in summer 2005.²¹ Strategic depth can turn into a demographic boomerang as Israel has been experiencing ever since the six-day-war of 1967.

¹⁷ Karin Kneissl, *Der Grenzbegriff der Konfliktparteien im Nahen Osten*, Dissertation an der Universität Wien, Rechtsfakultät, Sept.1991. Doctoral dissertation by Karin Kneissl, *The notion of borders in the Middle East Conflict*, Vienna, Faculty of Law. Sept. 1991

¹⁸ Dan Diner, *Israel in Palästina - Über Tausch und Gewalt im Vorderen Orient*. Königsstein 1980.

¹⁹ Lebanon remains an object of interest from an Israeli perspective because of its water resources, the river Litani and several springs.

²⁰ For more details on the dichotomy between State of Israel and Erez Israel, see Tom Segev, *1967 – Israel, the War and the Year that changed the Middle East*, New York 2007

²¹ See the interesting speech of Ariel Sharon on August 15th, 2005 in which he argues for the need to withdraw: “Gaza cannot be held onto forever. Over one million Palestinians live there, and they double their numbers with

The absence of territorial definition also concerns the political agenda of Hizbullah which apparently wishes to turn into a more Lebanese political party by abandoning its wider Islamic vocation and the political goal of turning Lebanon into an Islamic Republic along the lines of Iran. Debates on the real agenda of Hizbullah have been conducted since the 1990s when the party decided to participate in the parliamentary elections and thereby implicitly accepted the rules of confessionalism, namely the partition of power on the basis of the *Pacte National* of 1945, though its leadership favouring majority vote had initially opposed that system of quotas which affect all areas of public life. Whether Hizbullah will now turn into a real Lebanese party, as some claim reading in the new manifest of 1 December 2009, or continue to pursue a wider agenda, such as liberating Palestine and assisting Iran in asserting leadership aspirations within the Umma Islamiya, the wider Muslim community, remains to be seen. The debate, in any case, is not new.²²

Coming back to the mandate of UNIFIL it can be stated that the risk of fragmentation of South-Lebanon persists because of those conflicting territorial aspirations of ideological movements which dream of fulfilling a larger mission, mobilized by Messianic or other motivations.

The ambiguous role of Hizbullah

UN-SC resolution 1559 (2004) is the reference document regarding the existence and activities of Lebanese and non-Lebanese militias which continue to pose a threat to the stability of the country. They challenge the need for the Lebanese government and the LAF to exercise the monopoly on the use of force throughout Lebanon. The main objective of the resolution 1559 (2004) is to strengthen the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Lebanese government throughout Lebanon, consistent with the Taif Agreement of 1989, to which all the political parties in Lebanon are committed.

The role of Hizbullah's arms causes frictions within the new Lebanese government of national unity under Prime Minister Saad Hariri which took its oath on 7 November 2009.²³ It

every generation. They live in incredibly cramped refugee camps, in poverty and squalor, in hotbeds of ever-increasing hatred, with no hope whatsoever on the horizon" In <http://www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2005/PM+Sharon+addresses+the+nation+15-Aug-2005.htm>

²² See Karin Kneissl, *Hizbollah: Libanesische Widerstandsbewegung, Islamische Terrorgruppe oder bloss eine politische Partei?*, Schriftenreihe der Landesverteidigungsakademie Wien 2/2002. (Hizbullah – Lebanese Resistance Movement, an Islamic Terrorgroup or merely a Political Party), published by the National Defence College Vienna, 2002.

²³ The 30 member government comprises 30 ministers, among them two Hizbullah ministers. The largest number of ministerial portfolios was allocated to the Patriotic Movement of General Aoun, ally of Hizbullah. For list see: www.lebweb.com

finalized its ministerial declaration after difficult negotiations on 26 November 2009 with another compromise granting the state monopoly over matters which relate to the country's political course while also highlighting Lebanon's right to liberate its occupied territories "by means of its army, resistance and people." The statement was finalized after March 14²⁴ Christian ministers pushed for two additions regarding the monopoly of the state's authority over all matters relating to the country's political policy and to schedule discussions on a defense strategy during national dialogue sessions.

"The government underscores the monopoly of the state's authority over all matters relating to the country's political policy in a way that preserves Lebanon, its unity and sovereignty," Article two of the statement said. And article six continues with a reference to the wider notion of resistance: "Based on the Cabinet's responsibility to preserve Lebanon's sovereignty, its independence, unity and the safety of its land, the government underscores Lebanon's right through its people, army and resistance to liberate or regain [authority] of Shebaa Farms, Kfarshouba hills and the occupied part of Ghajar village and defend the country against any aggression." Even though the statement makes reference to UN-SC resolutions such as 1701 (2006), it does not mention the earlier UN-SC 1559 (2004) which deals in detail with the elimination of all militias in Lebanon. While those who oppose Hizbullah's arms argue for the need of the monopoly of force within the control of the state, Hizbullah and her allies, the so-called March 7 coalition, point out the weakness of the LAF to protect Lebanon from Israeli attacks. No doubt, Hizbullah disposes of a communication and intelligence network that the LAF misses. As an underground Hizbullah defines itself as resistance *par excellence* and trains combatants in guerrilla warfare. The LAF soldiers are trained according to the manual of a conventional army. This different approach can certainly make a difference, as Israel experienced in summer 2006. The stalemate on the role of Hizbullah, the definition of resistance, continues.

The issue of Hizbullah's prerogative to a militia arsenal remains an issue of dispute, both on the internal and regional level. The government of fragile national unity could disintegrate because of that clause. Kataeb official and Social Affairs Minister Salim Sayegh said that reservations by his party and other Christian cabinet members were not a rejection to Lebanon's right to resist but rather an objection to restricting resistance to Hizbullah as a parallel force to the Lebanese Army and state institutions. The Kataeb party has announced that it will not apply the above mentioned article six of the ministerial declaration.²⁵ On the regional level, Hizbullah's participation in the government stirred up reactions within Israel. Threats were expressed in the sense, that the Lebanese government will be responsible for all possible hostile acts by Hizbullah. However, it is not for the first time that Hizbullah has ministerial portfolios. The ultimate decision is with Secretary-General Hassan Nasrallah.

²⁴ Since spring 2005 two main movements have emerged under the title of March 14, comprising Sunni, Christian and other groups which opposed the then still existing Syrian occupation, and the so-called March 7 current which comprises the coalition of Hizbullah and the Christian Patriotic Movement of General Aoun. The March 14 coalition won the parliamentary elections in June 2009.

²⁵ See TV interviews on Dec. 1st and 3rd, 2009 Future TV

Nasrallah has been heading Hizbullah since 1992 when his predecessor, Abbas Moussaoui, was killed in an Israeli helicopter raid. It is possible that he decides to block the government by boycotting cabinet meetings as has been the case in 2005 and 2006. In spite of all optimism displayed by other members of the cabinet, the grains for discord on the role of Hizbullah could eventually risk to spoil the efforts of national unity.

On 1 December, 2009 Hizbullah published its new manifest, the second since 1985. In the first manifesto, it posited itself straight out as a proponent of an Islamic republic, whereas this document strikes a balance between the party's ties to Lebanon and its ties to Iran, according to certain analysts.²⁶ Others assert that the long-term goal of Hizbullah, namely to acquire power and impose an Islamic state, has not changed.²⁷

Who controls Hizbullah?

Hizbullah has developed tactics of a guerrilla since 1982, by uniting various self-appointed grass-root movements which in the beginning obtained a rather infamous reputation as hijackers and kidnapers. By introducing suicidal attacks into contemporary conflicts, Hizbullah also initiated a war of attrition against Israel. The constant loss of soldiers because of guerrilla attacks in the so-called security belt strained the Israeli public opinion. This new form of national resistance though logistically and financially supported by Iran was much more about liberation of occupied Lebanon than exporting the Islamic revolution. Israel could cope better with the *fedayin* operations of the PLO than with the new much more complex enemy ready to sacrifice his life for the sake of martyrdom, whether religiously or politically motivated. Public pressure on the Israeli government rose and it resulted in the withdrawal of the IDF in late May 2000. That achievement earned it high respect in the public opinion and admiration for its Secretary General Hassan Nasrallah from large parts of the Arab world.

Being strongly dependent on Iranian logistics and financial supply in the formative years, it had gained its own resources via the *zakat* donations of Shiites in particular in the Lebanese Diaspora. Furthermore, Hizbullah has created its own businesses which make it gain funds. Hizbullah suffered a financial and political blow recently when an investment advisor who was caught up in an embezzlement scandal caused the organization immense financial losses in early 2009.²⁸ Some experts even see Hizbullah lose the support of Iran, given the urgent Iranian economic priorities the political establishment has.²⁹ However, it remains a constant feature of Iranian foreign-policy to keep a finger in the Eastern Mediterranean and to support or even supervise its Shiite community in Lebanon. Even if the influx of means from Iran

²⁶ Paul Salem, Carnegie Middle East Center. Interview with AFP, quoted in www.dailystar.com.lb 2 Dec. 2009

²⁷ See L'Orient le Jour, 2,3, and 4 December 2009. So the Lebanese Forces and Kataeb.

²⁸ That Ponzi scheme reminded some Lebanese of the Madoff scandal in the US, since in both cases funds for religious charity, in the one case Shiite in the other Jewish, were abused.

²⁹ Meeting Dr. Victor al Kik, editor of the Iranian-Arab Affairs Quarterly, Beirut Oct. 21, 2009.

might decrease because of a loss of support by the power-brokers in Tehran, it would still remain a client.

Iran might have even obtained more institutional control since the assassination of Imad Mughnieh, head of Hizbullah intelligence, in February 2008, according to Israeli sources. They claim that Iranian Revolutionary Guards have stepped in the vacuum caused by the loss of Mughnieh, since Nasrallah runs the larger political scheme and is not involved with military details.³⁰ It is difficult to assess to which extent Hizbullah acts as quasi-autonomous entity and pursues a Lebanese agenda or whether it is essentially dependent on a life-line from Tehran. In the aftermath of the war of 2006, the swift reconstruction, compensation of war victims and rebuilding of the military arsenal of Hizbullah was financed to a very large part by Iran. In 2006, the second year of President Mahmud Ahmadinejad the Islamic Republic was in full swing of a populist foreign policy, made possible by unexpected high oil and gas revenues. However, in parallel one has to remember that Hizbullah is not a mere prolongation of Iran. It is a well rooted Lebanese party cum militia with a highly efficient network of schools, clinics, collective farms and paramilitary training camps as well as its own intelligence apparatus. Thanks to Hizbullah organization and structure exist today in the South and in the southern suburbs of Beirut, where internally displaced Shiites fleeing the South had settled during the war. Hizbullah cannot be uprooted and transferred out of Lebanon as had been the case with the PLO which was considered as an intruder by the vast majority of the Lebanese.

One cultural aspect in the alliance between Iran and Hizbullah should not be underestimated. From the perspective of Persians, who see themselves as descendants of a superior Aryan civilization, Arabs are uncivilized and not to be taken serious. Hizbullah will, therefore, remain a tool for Tehran as long as it is considered useful. Hizbullah politicians and the many activists on all levels who sacrifice a lot to the social advancement of their community should, therefore, have a particular interest in becoming a truly Lebanese party and gaining thereby independence from outside control. Mentality between Levantine Lebanese, eager to do business and enjoy life, and Persian Iranians, much more serious and perceiving themselves a part of an old Empire, is fairly different.³¹ To accommodate to new realities is much more a talent of the Lebanese than that of the Iranians. In contrast to most of their neighbors, both Iran and Lebanon can look back to a long history of continuous urbanization and collective identity.

³⁰ www.haaretz.com September 25, 2009

³¹ The reader may forgive me all generalization, but there is a grain of truth in stereotypes....

3) A political approach: Lebanon has survived all stages of Lebanization – to the surprise of many

Though the term of *Lebanization* has been used in political sciences since the 1970ies in order to describe the implosion of state structures as they happened in the 1990s, interestingly enough Lebanon still exists on the map and as a sovereign member state of the UN. Federations such as Yugoslavia and the Soviet Union disappeared, while Lebanon in spite of all Balkanization respectively *Lebanization* happening on its territory has survived all secessionist threats of centrifugal forces.³² In the midst of inner Christian, inner Shiite and inner Palestinian conflicts during the 1980s the country was certainly at the brink, but it did recover from many of those friction lines fostered by reckless leaders and guarded by privatized armies. Despite the permanent chaos and the absence of the state in supplying security and basic services, Lebanon continued. Families brought up children, businesses were opened. Students graduated from high-level universities, newspapers appeared daily and embassies managed to represent the state abroad. Having reflected a lot about that enigma of Lebanon which still amazes many, the author can only come up with the explanation: the Lebanese know how to survive in dignity and elegance.³³

Lebanon is not only the battlefield of outside forces as described by the eminent writer Ghassan Tuani.³⁴ Since the 1970s, political protagonists in Beirut have been inviting their immediate neighbours, Syria and Israel, as well as other governments, such as those of Iran and Iraq, to intervene. With the help of those doubtful allies Lebanese politicians, respectively warlords, have traditionally advanced their own spheres of power to the detriment of the state.

Lebanon did not break apart; today it is a functioning state and not a failed state like many experts predicted in the 1980s. The institutions of Lebanon have not ceased to exist, though the country was often in complete disarray, particularly in 1989 and 1990, when inter-Christian fighting resulted in a fully fledged civil war. However, fragmentation of the social fabric of the country cannot be denied. Reconciliation efforts do make a change, but distrust between the main religious factions unfortunately continues. Apart from the inner-Christian split, a rising gap between Shiite and Sunni groups has marked the political development. The LAF has successfully contributed to calm several aspects of that tension.

The events of May 7th, 2008 when Hizbullah militia-men in reaction to decisions by the government to close the party's private communications and fibre-optic network connecting its HQ in Southern Beirut with its nodes in other parts of the country swiftly occupied large parts of

³² Both notions are interchangeable to a certain extent, as analyzed by Georges Corm, *De la balkanisation à la libanisation: l'histoire d'une modernité inaccomplie*, Paris 1989.

³³ A much more scientific explanation based on detailed empirical research can be found in the publications of Theodor Hanf: *Co-existence in War-time Lebanon: Death of a State and Birth of a Nation*. London 1992

Theodor Hanf and Nawaf Salam (ed): *Lebanon in Limbo: Postwar Society and State in an uncertain regional environment*. Baden-Baden 2003

³⁴ Ghassan Tuani, *Une guerre pour les autres*. Paris 1985

Western Beirut, thereby demonstrating superiority. Clashes between Shiite fighters and Sunni militia-men close to the Hariri family caused deep concern about a larger conflict. However, Hizbullah after having demonstrated its superior military strength quickly withdrew from the “conquered” districts of the capital. LAF was criticized because it stood by and did not intervene. Then-Commander of the LAF and today’s President General Michel Sleiman responded to critics that those events represented “a real civil war that no national army in the world can confront. Major states encountered such wars and (their) armies could not contain the fight.”³⁵ The fact that the LAF moved in, established check-points and thereby contributed to restore calm should not be underestimated. For its part, the LAF had managed to preserve cohesion and neutrality.

Comparing the events of summer 2007 during which LAF successfully fought a radical Sunni Group “Fatah al Islam” in the Palestinian refugee camp of Nahr el Bared close to Tripoli and those of May 2008 it can be seen, that the LAF was much more ready to fight a non-state actor constituted of foreigners than a Lebanese non-state actor. The events of May 2008 can be considered an alarming reminder that little had been achieved since the summer of 2006 at the national level to develop the LAF into a force that could impose its will on Hizbullah. However, Hizbullah does not believe the LAF has the capacity to confront Israel; still has refrained from embarrassing the LAF’s deployment in the South. LAF-Hizbullah relations are ambiguous. They share intelligence on the security situation, cooperate on a case by case approach. But in parallel, overlapping of military deployment by the two forces can cause troubles, as was the case in the shooting down of a LAF helicopter in September 2008. Given the trilateral cooperation between UNIFIL, LAF and Israel more tension could be avoided.

The Israeli reading of the role of UNIFIL is linked to its initial war goals of summer 2006, it says: “Israel will not view this task as complete until its abducted soldiers are returned, the arms embargo is effectively applied, Hizbullah is disarmed, and the Lebanese government extends its full sovereignty in southern Lebanon.” However, Israel does recognize the overall improvement of the situation by stating: “The situation in southern Lebanon is significantly different from that on the eve of the Second Lebanon War. Today, 10,000 soldiers of the Lebanese army are deployed in the area, assisted by over 13,000 UNIFIL soldiers. Hizbullah operatives can no longer move about fully armed as they did openly until July of last year.” The request to disarm the militia is, therefore, consistently repeated: “(...) however, this is not enough, as long as Hizbullah continues to arm itself and poses a threat to Israel, the Lebanese army and the international forces. The international community must work to dismantle Hizbullah in order to allow Lebanon to exist as a sovereign state which effectively exerts its authority throughout its territory. Lebanon, too, must enforce the arms embargo on Hizbullah.”³⁶

³⁵ CSIS report on the Lebanese Armed Forces, February 2009. p.20 see http://www.csis.org/media/isis/pubs/090210_lafsecurity.pdf

³⁶<http://www.mfa.gov.il/MFA/About+the+Ministry/MFA+Spokesman/2007/Renewal+of+the+UNIFIL+mandate+26-Aug-2007.htm>

4) Criticized by Israel and Hizbullah: UNIFIL caught in between

Though Israel owes its creation to a large extent to the UN, its political leadership has been suspicious of that International Organisation right from its early beginnings. On the basis of the findings of UNSCOP, the UN Special Commission on Palestine, a partition plan was submitted to the UN General Assembly. The legal foundation for the Jewish State is enshrined in UN-GA resolution 181 of 29 November, 1947. The first Israeli Prime Minister David Ben-Gurion was already very reluctant to cooperate with the UN. The idea to have UN-troops stationed on Israeli territory was never acceptable neither for the leadership nor for the public opinion. The same holds true until today for the Palestinian occupied territories where Israel does not want to see international troops serve. Ben-Gurion liked to speak of the UN as the “United Nothing”. The deep scorn by Israel for UNIFIL, in particular, could be well observed during the invasion of 1982. UNIFIL had to remain behind the Israeli lines until Israel’s partial withdrawal in 1985; its function reduced to humanitarian assistance to the civilian population.

Statements by Israel about UNIFIL’s “collaboration with terrorists” have been made systematically. In summer 2005 Israel was lobbying in various capitals to the mission in southern Lebanon reduced in size because of that. These efforts were of no avail, both the US and France rejected the Israeli allegations.³⁷ In summer 2006 UNIFIL was consistently criticized by Israeli politicians who bashed the UN in their statements as did then-Prime Minister Ehud Olmert.³⁸

The long-term UNIFIL spokesman Timur Goksel responded in summer 2006 by the following clear statement: “UNIFIL came here in 1978. We were, because at that time there was no Hizbullah here, accused of being sympathetic to Palestinians. A peacekeeping force does not come here with pre-set enemies. There is no enemy [inaudible] in a peacekeeping force. UNIFIL is a peacekeeping force. It's not an Israeli combat force or an anti-terror force, as they would like it to be. As long as we don't serve their direct interests, they are going to denigrate it as much as they can.”³⁹

But UNIFIL also falls out of favor of Hizbullah at various instances when it investigates in cases of smuggling and goes behind suspicious persons in cooperation with the Lebanese Armed Forces. The harshest criticism was voiced during the drafting of UN-SC resolution 1701, which in its first version was considered insufficient with regard to Lebanese agenda items. The amended version was accepted by the Lebanese government and got the backing of the Arab League.

Despite its difficult stance UNIFIL is highly appreciated by both the Lebanese government and the Lebanese population. It keeps equidistance to its counterparts, the Lebanese and the Israeli government.

³⁷ See article in Haaretz of 11 September 2005, “Israel accuses UN of collaborating with Hizbullah”, retrieved on Nov.22, 2009: <http://www.haaretz.com/hasen/objects/pages/PrintArticleEn.jhtml?itemNo=623427>

³⁸ Interview on Timesonline, http://www.timesonline.co.uk/tol/news/world/middle_east/article698343.ece

³⁹ Timor Goksel in a radio interview with Democracy Now on July 26, 2006 in response to the allegation by an Israeli diplomat that UNIFIL is sympathetic to Hizbullah: http://www.democracynow.org/2006/7/26/kofi_annan_says_israels_fatal_attack

5) The risks: Will Israel take revenge for 2006? Will Hizbullah be able to control radicals?

The verbal war between Israel and Hizbullah has never ceased, respectively it has gained fresh dynamics over the past months. Israeli Defense Minister Ehud Barak stated in mid-August 2009 that all new attacks from Lebanon would be met with harsh reaction from Israel. Barak made his comments at a meeting with regional leaders in the north, where he stressed that he holds the Lebanese government responsible for any conflict along the border with Lebanon.⁴⁰ Similar and even stronger statements have been made by Israeli officials subsequent to the formation of the Lebanese government and the ministerial declaration stressing Hizbullah's right to its own arsenal. In return, Hizbullah's Executive Council Chief Sayyed Hashem Safiyyeddine warned Barak "that he will discover that the 2006 war on Lebanon was nothing but a bit of fun if the Israeli occupation army made the stupid mistake of attacking Lebanon again."⁴¹

In the light of an increased in psychological warfare, UNIFIL becomes even more important. The vast presence of approximately 15.000 troops which contribute to easing all fresh tension does protect both sides from their own propaganda, as mentioned earlier. This factor and its detailed recording of all incidents help to handle the complicated file of UNIFIL in a fairly technical manner. UNIFIL observers do not demonstrate optimism just for the sake of it, but they do very well assume the role of neutral witness and mediator.

Observing the training of Hizbullah fighters one can be reminded of the early days of Israeli nation-building. The IDF was created by underground armies, primarily Haganah and Palmach, which had been active as guerrilla armies. Both Shiite Hizbullah fighters of the 1990s and Jewish kibbutzim fighters of 1948 and the 1950s share their time between agricultural activity, ideological and military training. Actually the IDF in its very beginning was a perfect example of a small army with enormous motivation that employed guerrilla tactics; otherwise it would have not been able to enlarge the fragmented territorial units allocated according to the Partition Plan of 1947.

Israel was in the early beginning of nation and institution-building, when it integrated its various military branches headed by very young commanders such as Yitzhak Rabin, who at 17 already was responsible for an underground unit. The later Prime Minister actually would remain a soldier throughout his entire life.⁴² The successful IDF of 1967 was an army that had been largely organized along the lines of the lessons drawn both its own resistance war against the British and those of the German army during World War II, namely the role of

⁴⁰ Haaretz 10 August 2009

⁴¹ www.almanar.com.lb, 10 August 2009

⁴² A pragmatic military assessment, not an idealistic political conviction maybe was at the origin of his courageous decision to shake hands with PLO-chairman Yasser Arafat in September 1993

blitzkrieg. Israel suffered its first major military setback in October 1973, taken by surprise by the well coordinated attack by Egypt and Syria. The IDF had focussed too much on strategic depth and suffered from overstretch with its forces deployed along the Bar Lev line at the Suez channel. Military campaigns into Lebanon were not crowned with success.

Apart from the political miscalculation of Hizbullah, numerous other mistakes were committed. The confusion within the cabinet of Prime-Minister Ehud Olmert and the missing communication between the civil and the military level contributed to the quagmire. One of the main military reasons for the debacle of the IDF in summer 2006 in Lebanon was the complete reliance on aviation. The then chief-of-staff Dan Halutz, an airforce pilot, was forced to quit because he was made responsible for the defeat. The IDF has examined carefully all the errors committed and wishes to take revenge for the “unfinished business of 2006” if it may be put so bluntly. However, for that purpose the IDF would have to abandon not only the earlier priorities of the air force, but also the capacities of its artillery. They would need small squads of highly trained pioneers who can quickly move in the terrain with its small roads and steep mountains.

The often repeated Israeli perspective reads as follows: “It is clear that elements in the Lebanese army have purposely ignored the rebuilding of Hizbullah's infrastructure. Israel considers the Lebanese government responsible for any incident that occurs in its territory and expects it to take the necessary measures to prevent Hizbullah's rearmament in southern Lebanon.”⁴³ During autumn 2009, observers in the Middle East seem to oscillate between confidence in a calm South-Lebanon and concern. Optimism seems to be based on the fact that the LAF have progressively replaced Hizbullah checkpoints. With the LAF presence the State is again visible. Current surveys show that the population of South-Lebanon increasingly sees the LAF on its own or in cooperation with UNIFIL as the custodian of their security while Hizbollah quietly moves into the third rank. The IDF believes that Hizbullah is not interested in sparking another round of fighting against Israel, concluding that should Hizbullah carry out a revenge attack over Mughniyeh's assassination, for which it blames Israel, it will only be done against an Israeli target abroad so as to try to prevent an Israeli retaliation.⁴⁴ Reconstruction achievements and ongoing projects, in particular in tourism, reflect strong belief that there will be no second round for the “unfinished business of the war of summer 2006.”⁴⁵

And still worries about the possible outbreak of new hostilities are based on various developments both in Israel and South-Lebanon. In his 11th report on the implementation of the UN-SC resolution 1701 (2006), of Nov. 2nd, 2009, the UN-Secretary General speaks of

⁴³ http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Terrorism+from+Lebanon-+Hizbullah/Hizbullah_arms_depot_southern_Lebanon_14-Oct-2009; retrieved on 26 Nov. 2009

⁴⁴ Haaretz, 17.9.2009: Top IDF officer: Iran has taken over Hizbullah; retrieved on Nov. 20th, 2009

⁴⁵ Travelling through the region close to the Sheba'a farms, one can observe the construction of new roads, hotels and resorts. Interviews with officials among troop-contributing states have also confirmed this outlook.

“the continuing fragility of the situation and its potential to deteriorate”. Discovery of Israeli espionage devices in Sidon in mid-October 2009 confirm Lebanese mistrust.⁴⁶ While Israel maintains that it will continue its over flights, i.e. violations of the Lebanese air space, since it considers the enforcement of the arms embargo deficient, the regular report by the UN-Secretary General come to a different conclusion. In his report of Nov. 10th, the UN-Secretary General states in paragraph 29:

“(…)To date, UNIFIL has neither been provided with, nor found, evidence of the smuggling of arms into its area of operations. The investigation into the Khirbat Silim incident did not find evidence suggesting that the arms and munitions had been smuggled into the UNIFIL area of operations since the adoption of resolution 1701 (2006). On the basis of remnants located at the site by UNIDIL and the Lebanese Armed Forces, it was ascertained that the arms and munitions dated mainly from the late 1970s to the early 1990s, and had originated from various countries. With regard to the rocket attack of 11 September, UNIFIL is not in a position to determine from the available evidence whether the rockets were smuggled into or already present in the area of operations.”

“UNIFIL is the permanent witness and it definitely contributes to de-escalation, because it keeps records of all incidents,” clarifies a Western diplomat the essential role of UNIFIL.⁴⁷ Furthermore, the UN troops help to “protect both Israel and Hizbullah from their own propaganda”, is certainly an essential point in favor of the UNIFIL mission. Both sides tend to emit verbal attacks against the other, warn the other about a final blow etc. UNIFIL’s presence de-escalates the situation since it observes the facts on the ground and keeps up the flow of information between the LAF, IDF and Hizbullah, though the latter is not a party to UN-SC resolution 1701 (2006).

⁴⁶ In spring 2009, Lebanon arrested close to 20 alleged members of six espionage cells suspected of transmitting intelligence information to Israel. The two-month crackdown was apparently aided by American training and equipment.

⁴⁷ Background interview on October 21st, 2009 in Beirut.

Recommendations:

The following ideas shall not be considered as theoretical pieces of advice coming from the distant observer sitting in Austria, who ignores the realities of the field. These remarks are simply the reflections by somebody who has been following the developments in Lebanon for a major part of her life and who cares a lot about that country which has shaped her education. Having worked in multilateral negotiations the writer is also aware of the constraints of diplomacy. A golden reference might be found in the phrase by the British diplomat Harold Nicolson: "The worst kind of diplomatists is missionaries, fanatics and lawyers; the best kind are the reasonable and humane sceptics. Thus it is not religion which has been the main formative influence in diplomatic theory; it is common sense."⁴⁸ It is to be hoped that common sense will prevail in turbulent times which lie ahead for this conflict ridden region.

A. Maintaining credibility of UNIFIL mission:

It is fundamental that UNIFIL's credibility is not put at risk. When UNIFIL I had to simply stand by and observe the invasion of the IDF in June 1982, its mission was deeply compromised. The current composition of its troops and the much more robust mandate could pre-empt such a scenario. However, the risks of an Israeli invasion into Lebanon remain high.

If troops were withdrawn in order not to let 15.000 foreign soldiers be caught between the lines of fire, it would be detrimental to the mission. This would amount to a similar setback for the international community in Lebanon as it took place in November 1983 when in the aftermath of the suicide bombings of barracks of the then Multi-National Forces composed of troops from US, France, UK and Italy. Their immediate departure in reaction to those attacks put Lebanon into complete disarray and largely contributed to Hizbullah's rise. Such a move is not to be excluded if the blue helmets were paralyzed or even withdrawn in case of the outbreak of major hostilities

Another less dramatic but still terrible scenario would be a major Israeli attack against civilians as was the case in Qana in April, 1996 which happened in UNIFIL's area of deployment. More than 120 Lebanese civilians were killed by Israeli fire and an estimated 500 were wounded. There were also victims among peace-keepers.

B. Increase the controls of arms smuggling and make Israel respect those controls:

Israel's allegations about arms' smuggling into Lebanon remain top on the list of complaints and catch the headlines such as the Israeli seizure of the vessel Francop on 3 November, described above. Israel consistently violates international law by entering ships beyond its territorial jurisdiction. The most recent case of the ship Francop on 3 November 2009 raised numerous questions. While Israel pretended that the cargo revealed arms which were exposed in absence of the crew, Iran and Syria rejected the accusation of being exporters of those

⁴⁸ Sir Harold Nicolson, *Diplomacy*. London 1939.

weapons intended for Hizbullah, the Iranians pointed out that the boxes allegedly belonging to the “Ministry of Sepah” (Ministry of Iranian Armed Forces) could not have come from Iran, since that very Ministry ceased to exist 15 years ago, when it was named “Ministry of Defence”.⁴⁹

Examining the records of seizures of arms by the MTF one remains under the impression that UNIFIL does take its mandate very serious, for hundreds of seizures, controls and investigations are recorded. The Maritime Task Force which can present an impressive record of investigations in controlling vessels in the Lebanese territorial waters also pursues a second objective, namely the building of a Lebanese marine.

C. Continuous tracing of the Lebanese-Israeli border:

The demarcation of the border pursuant to the existing cartographic work of the UN has to be accomplished in due time. A final border would deprive Israel of its constant moving of her technical fence and pre-empt border-crossing by Hizbullah militia members, as was the case on 10 July 2006, when Israel reacted with a fully fledged war. Solving the issue of the Shebaa farms is an integral part of the cumbersome effort. The resumption of Israeli-Syrian negotiation would facilitate a new dynamic in that stalemate.

D. Strengthen the Lebanese Armed Forces: to a point that the military status of Hizbullah will become illogical.

Subsequent to the withdrawal of Syrian troops from Lebanon on April 26, 2005 LAF had to redefine its role. In spite of various challenges, in particular the war of summer 2006 and the events of May 2008 when the LAF were pushed to the sidelines, the LAF has proven that it is one of the few Lebanese institutions trusted by a substantial cross-section of Lebanese society. However, its force development over the period 2005-2008 does not reflect its increasingly important institutional role in Lebanese and regional security.

Solid financial support, training and improved professional perspectives are needed for the capacity and morale of the LAF. The Washington based think-tank CSIS has correctly stated in its report on LAF that the army should not be used to fight Hizbullah, since 30 percent of the officers corps is Shi'a and given that the LAF is a reflection of Lebanese society, it cannot be ordered to act militarily against one or another part of the community. The report recommends clearly: The U.S. needs to recognize that building up the LAF as a deterrent against Lebanon's neighbours undermines Hizbullah's logic regarding its weapons arsenal.⁵⁰

⁴⁹ see: <http://www.themajlis.org/tag/sepah> reprinted in numerous European dailies, so the Swiss NZZ, 25 Nov.2009

⁵⁰ http://www.csis.org/media/csis/pubs/090210_lafsecurity.pdf

Accordingly, the U.S. should focus on helping the LAF to lay the foundation for Hizbullah disarmament in the mid-to-long term rather than all-out confrontation in the short term. Actually, the U.S. policy towards the LAF is unclear. Promises and certain contributions to the LAF were made. But the material delivered looks more like a Danaan gift since they cause more troubles than benefits: Jeeps and Armed Personnel carriers are old and so petrol consuming that the daily expenses cause strains on the army budget. The United States has provided \$1 billion in aid since 2006, including \$410 million in security assistance to the Lebanese military and police. But U.S. officials have said they would review aid to Lebanon depending on the results of the June 7 election, which could oust the U.S.-backed government.

Israel has expressed reservations about American aid to the Lebanese army and security services, saying those organizations will ultimately be unable to contend with Hizbullah and that any aid is liable to serve Hizbullah's interest.

Transfer of high-tech material such as helicopters is often boycotted by the Israeli Lobby in Washington. Interestingly enough, Israel could never pre-empt the sale of planes equipped with Airborne Warning and Control Systems, the so-called AWACS planes, to Saudi Arabia, but was quite successful in its attempts to torpedo too close military cooperation between the US and Lebanon. Tanks transferred to the LAF from the US-Army date from 1945 as their acronyms reflect: M-45.

The Lebanese government must move swiftly to provide the military with the budget of apx, one billion USD it requires for essential force development. This might be done by setting national expenditure on defense at 4 to 5 percent of GDP.

E. Integrate Hizbullah units into the LAF

Various aspects of the state of the Lebanese Armed Forces have been highlighted. From Hizbullah's perspective, the LAF amount more to a sort of gendarmerie than to a force of deterrence which the militia claims to be.

Though the militia and the party have certainly contributed to the establishment of some sort of organization in South-Lebanon they should be ready to integrate their units into the LAF at a certain stage. Such a process would be technically and politically delicate given the fragile quota system of multi-ethnic Lebanon and the demographic realities, according to which already a third of the troops are Shiite, while main commanding posts are held by representatives of the Maronite community. Nevertheless, if there is sufficient political will, the technical aspects could be handled in a responsible way like it was possible in similar cases (see e.g. the establishing of multi-ethnic forces in Bosnia-Herzegovina). According to the UN-SG Hizbullah maintains a substantial paramilitary capacity and infrastructure separate from the State, in violation of Security Council resolution 1559 (2004): 2. This arsenal is a direct challenge to the sovereignty of the Lebanese State. I therefore renew my call on

Hizbullah to comply immediately with all relevant Security Council resolutions and the Taif Agreement, in the best interest of all Lebanese.“⁵¹

For the time being, according to Western diplomats in Beirut, there are few carrots and sticks for Hizbullah to disarm and integrate into the regular army. Such a move would have to be done in tandem with the larger peace-process.

F. LAF should have access to Palestinian refugee camps

Lebanon has been hosting Palestinian refugees since the first Arab-Israeli war in 1948. It became the major political and military battle-ground for the “Palestinian cause” as pushed by Arab regimes with the forced departure of the PLO from Jordan in 1970. Already on the basis of the Cairo agreement of 1969 Palestinians enjoyed enormous rights in order promote and strengthen their military capacities.

G. How to handle a possible reduction of troops

There are various indications that major troop contributors might have to reduce their troops. This should not come as a surprise given other troops’ request and growing budget constraints. Also a smaller UNIFIL should be able to fulfil its mandate if supported by the other parties, Israel and Lebanon. Important contributors like Italy, Germany and France should keep major commitments since their contingents play an important role in assisting the LAF turn into a credible army of defence.

⁵¹ For more details see 10th Report by the UN-SG on implementation of UN-SC resolution 1559 (2204), 21 Oct. 2009 http://www.un.org/ga/search/view_doc.asp?symbol=S/2009/542

Conclusion: UNIFIL has helped to profoundly stabilize Lebanon and to create trust by the population in the Lebanese army

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

The “interim” period for the stationing of UN-troops in Lebanon will, therefore, continue to last. For the troop contributing states this might prove a burden to be justified in its budget planning and parliamentary debates in times of austerity measures in the light of a worsening economic crisis. No doubt, this task is even more complex for the mission in Afghanistan. Nevertheless, all parties to the conflict should take into account that the international community might not uphold the number of troops and assistance as it is the case today. The concept of “ownership”, namely the progressive involvement of the Lebanese in running their state, protecting its borders and asserting its sovereignty, should result in the gradual reduction of UN-troops. The LAF will have to gain authority, military weight and turn into a real army capable of defending the Lebanese territory. One of the many dimensions of UNIFIL is to assist the LAF in achieving that. The Maritime Task Force has laid the basis for the nucleus of a Lebanese marine. The continuous cooperation between highly qualified

UNIFIL troops and the LAF contributes to training and transfer of expertise. This is not a one-way- exercise, since serving in UNIFIL does prepare troops for more dangerous missions, respectively being stationed in Lebanon is also sort of reward for those troops who have served in Afghanistan or Congo for instance.

There are definitely more dimensions to UNIFIL than a first reading of its mandate and history might suggest. It constitutes a certain success story after decades of marginalization. The troop surge applied in 2006, the participation of large contingents by permanent members of the UNSC, such as France and China, or important NATO states such as Italy and Germany and the diligent work on the ground in cooperation with the LAF and Israel have resulted in a stabilization of the Lebanese-Israeli border region. Many other factors are far beyond the influence of UNIFIL. They cause the limbo situation, since the future of the Palestinian issue or the developments in the growing antagonism between Israel and Iran cannot be predicted. All these developments do have a tremendous impact on Lebanon. The country is a microcosm of the Middle East. Developments, transformation of alliances and new actors, do often emerge first in Lebanon before they spread to other areas. In return, Lebanon also is affected by all other dramas in the Middle East because of its multi-ethnic pattern, its open society and the political freedoms existent in the small state. It is such a small country and still so important as Metternich had rightly assessed in 1830.

Executive Summary

This analysis, 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. In the light of the formation of a new government after protracted negotiations, this article will furthermore try to present the remaining stumbling blocks to the full recovery of the state's monopoly of force within the entire territory of 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, 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 recently sworn in Lebanese government of national unity. 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 Hezbollah 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 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.