

University of Padua: Students of the Faculty of Political Science Propose a Security Council Resolution Aimed at Deploying an International Human Security Interposition Force in the Gaza Strip

A group of twelve students* of the Master degree course in Institutions and Politics of Human Rights and Peace of the University of Padua, participated – as part of the activities related to the course in International Organisation of Human Rights and Peace – to a working group aimed at applying the specific knowledge acquired during the course to the recent and dramatic developments of the Israeli-Palestinian conflict.

Professor Antonio Papisca and Professor Marco Mascia, holders of the course, invited the students to draw up a Resolution of the UN Security Council to be enforceable in real terms to the present situation and characterised by a strong UN stance in order to reach a just and bearable solution to the conflict according to a human security approach.

The students met several times at the Human Rights Centre of the University of Padua and, after long and participating negotiations to discuss the critical points and aspects of the resulting document, presented Resolution 1867, which institutes UNIHFSF, an international interposition force composed by military, civilian and volunteer personnel to be deployed inside the Gaza Strip.

United Nations S/RES/1867 (2009) (simulated)

Security Council Distr.: General

18 February 2009

Resolution 1867 (2009)

Adopted by the Security Council at its 6077th meeting,
on 18 February 2009

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 242 (1967), 338 (1973), 446 (1979), 1397 (2002), 1515 (2003), 1950 (2008) and 1960 (2009) and the other relevant resolutions recently adopted on the situation in Gaza by UN bodies, in particular Human Rights Council resolution S-9/L.1/Rev.2 (2009) and General Assembly resolution ES-10/18 (2009),

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Expressing its utmost concern at the present situation in the region following the recent sequence of tragic events in the Gaza Strip which, besides further undermining the stability of the region, resulted in the killing of 1.314 Palestinians and the injuring of 5.300¹, especially civilians,

Stressing that the right to life constitutes the basis of all human rights,

Stressing further that every attack against civilian targets and infrastructures constitutes an unacceptable violation of both International Humanitarian Law and International Human Rights Law,

Emphasizing that International Human Rights Law and International Humanitarian Law are complementary and mutually reinforcing, and that the UN mission as authorized by paragraphs 9 and 10, must act in compliance with this interconnection,

Reaffirming that the International Human Rights Law must be applied at all times and in all circumstances as reiterated by the UN High Commissioner on Human Rights in her statement to the Ninth Special Session of the Human Rights Council on 9 January 2009,

Expressing also its concern for the fragility of the unilateral truce declared by Israel and entered into force on 19 January 2009,

Recognizing the need to open all borders of the Gaza Strip in order to facilitate the transit of humanitarian aid and food supplies, as requested by local international humanitarian NGOs and UN agencies, namely UNOCHA and UNRWA,

Reiterating that a process of reconciliation between Palestinian factions is indispensable to continue the peace process between Israelis and Palestinians and *welcoming* the recent proposal of displacing Fatah Palestinian Security Forces at the Rafah Crossing,

Welcoming also the constant efforts of Egypt in order to reach a declaration of permanent truce by Hamas and to facilitate the reconciliation between all Palestinian factions,

Reiterating its vision of a region where two democratic states, Israel and Palestine, live side by side in peace within secure and recognized borders and stressing that the Gaza Strip constitutes an integral part of the territory occupied by Israel in 1967 and will be a part of the Palestinian state,

Emphasizing the importance of the Agreement on Movement and Access, signed in November 2005 by the Government of Israel and the

¹ As reported in: United Nations Office for the Coordination of Humanitarian Affairs, *Field Update on Gaza from the Humanitarian Coordinator*, 19 January 2009; www.ochaopt.org.

Palestinian Authority, and of the Acceleration Benchmarks for Agreement on Movement and Access (2007) in order to promote peaceful economic development and to improve the humanitarian situation on the field in Gaza,

Noting the necessity of a human security approach to conflict resolution as recognized, among the others, in the World Summit Outcome adopted by the General Assembly in 2005 and in the Barcelona report of the Study Group on European Security (2004), *underlining* further the principle of the «responsibility to protect» lies primarily on the Security Council of the United Nations,

Recognizing that the security Israelis and Palestinians need is human security and can only be pursued through a multi-dimensional approach,

Taking due note of the Arab Peace Initiative (adopted by the Arab League in 2002, and revised in 2007), of the Road Map as proposed by the Quartet to the parties on 30 April 2003 and the Geneva Accord (2003) which, according to former Secretary-General Kofi Annan, is consistent and compatible with the Road Map,

Welcoming the creation of the Union for the Mediterranean in 2007 which could act as an institutional way of promoting peace between Israel and its Arab neighbours,

Acknowledging the eminent role already played by the European Union in the Mediterranean area regarding economic, political and military aspects of conflict management,

1. *Condemns* all violence and actions directed against civilians and all acts of terrorism in Gaza and in Israel and calls for a full cessation of hostilities based upon, in particular, the immediate cessation by Hamas for all attacks, and the immediate cessation by Israel for all offensive military operations;
2. *Calls on* the international community to take immediate steps to extend its financial and humanitarian assistance to the Gaza people and urges all Member States to support the international efforts to alleviate the humanitarian and economic situation in Gaza;
3. *Requests* the Member States to coordinate donations and contributions through the PEGASE mechanism set by the European Union in 2008, to channel assistance for governance, social development, economic and private sector development, and public infrastructure;

4. *Invites* the Secretary-General to support efforts to secure as soon as possible agreements from the Government of Israel and the Palestinian Authority to the principles and elements for a long-term solution and expresses its intention to be actively involved;

5. *Affirms* that all parties are responsible for ensuring that no action is taken contrary to this resolution that might adversely affect the search for a long-term solution, humanitarian access to civilian population, including safe passage for humanitarian convoys and *calls on* all parties to comply with this responsibility and to cooperate with the Security Council;

6. *Asks* Israel to re-open the crossing points and permit provision and distribution throughout Gaza of humanitarian assistance, including food and medical treatments;

7. *Invites* the European Union to restore the border monitoring mission EUBAM in Rafah implementing its mandate according to the following aspects:

- assist the PA to build capacity - training, equipment and technical assistance on border management and customs;
- evaluation and assessment of the PA's application of the procedures;
- the EUBAM, in any case of doubt about the compliance with the applicable rules and regulations of the border guard or customs' official, shall require the re-examination and re-assessment of any passenger, luggage, vehicle or consignment of goods;
- contribute to confidence building between the parties;
- contribute to building institutional capacity in the PA to ensure effective border control and surveillance as well as a professional customs operation;
- improve trans-national cooperation on border management;
- work in close cooperation with local police forces deployed at the crossing points;

8. *Invites*, in addition, the European Union to extend the mandate of EUBAM to all the other crossing points between the Gaza Strip and Israel, in order to secure the borders by preventing the entrance in Gaza of people and goods without consent;

Acting under Chapter VII of the UN Charter,

9. *Decides* to deploy an international Human Security Response Force under the authority of the UN, based on the following elements:

- the name of the mission will be UNIHFSF (United Nations International Human Security Force in Gaza);
- the political authority on the mission will be of the Security Council;
- the field of the mission will be limited to the area of the Gaza Strip;

– the mission will be composed by a maximum of 9.000 troops that will include: (i) a military component of men and women, according to the Resolution 1325 (2000) of the Security Council which underlines the importance of a female presence on the field; (ii) a civilian component of medical, paramedical and humanitarian aid personnel, electoral observers, human rights observers, engineers, criminal justice experts; (iii) a volunteer component of university students, representatives of local authorities and members of NGOs;

10. *Decides* that the mandate of this Force will be based on the following aspects:

- the protection of the experts involved in the Task Force and the Fact Finding Mission decided by the Human Rights Council with resolution S-9/L.1/Rev.2 (2009);
- the protection of United Nations personnel, facilities, installations and equipment and ensure the security of freedom of movement of United Nations personnel, humanitarian workers and, without prejudice to the responsibility of institutions of Israel and Palestine, protect civilians under imminent threat of any kind of violence;
- extend its assistance to help ensure humanitarian access to civilian population and the voluntary;
- monitor the cessation of hostilities;
- patrol the coast in order to prevent illegal traffics or any sort of attacks from there;
- support the Palestinian Institutions to reaffirm their authority throughout the territory and to resist the violence;
- the control of illegal traffic of arms through the borders and, above all, through the underground tunnels between Egypt and Gaza;

11. In order to ensure the better cooperation between the missions which operate on the field and avoid superimpositions or interferences between their mandates, *decides* to create a liaison Committee where EUBAM and UNIHSF representatives will coordinate together with the Palestinian Security Forces;

12. *Calls on* the Government of Egypt to contribute to the effective implementation of this resolution by controlling, on its part of the border, the underground tunnels used for the illegal transport of arms;

13. *Urges* Member States to consider making appropriate contributions to UNIHSF as authorized by paragraphs 9 and 10, to respond positively to requests for assistance from the Force and to take the necessary measures to prevent the sale or supply to any entity or individual of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment;

14. *Requests* the Secretary-General urgently to put in place measures to ensure UNHCF is able to carry out the functions envisaged in this resolution and expresses its strong appreciation to those Member States who will contribute to the mission in the future;

15. *Foretells* that the outcome of the mission will contribute creating favourable conditions for the process of peacebuilding in cooperation with the UN Peacebuilding Commission, the reconstruction of infrastructures, economic and social development and the establishment of education programs for the long period in the area of the Gaza Strip;

16. *Decides* to set up an Ombudsman mission who will guarantee a super partes control on the mission for the benefit of civilian population and will act as reference point for local population;

17. *Requests* the Secretary-General to report to the Council on the implementation of this resolution and subsequently on a regular basis;

18. *Asks* the UN High Commissioner for Human Rights to report to the Security Council about the outcomes of the Task Force and the Fact Finding Mission;

19. *Expresses* its intention to consider in a later resolution further enhancements to the mandate and other steps to contribute to the implementation of a permanent ceasefire and a long-term solution, for example extending the mission to the area of the West Bank if it will be considered successful;

20. *Encourages* the Quartet and its Special Representative to concentrate their efforts to help reconciliation between Israelis and Palestinians working in close collaboration with Israeli, Palestinian and joint local authority networks and civil society associations;

21. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions mentioned in the preamble of this resolution and encourages tangible steps towards intra-Palestinian reconciliation;

22. *Decides* to remain actively seized of the matter.

Università di Padova: gli studenti di Scienze Politiche propongono una Risoluzione del Consiglio di Sicurezza per l'invio di una forza d'interposizione internazionale di *human security* nella Striscia di Gaza

Un gruppo di dodici studentesse e studenti del Corso di laurea magistrale in Istituzioni e Politiche dei Diritti Umani e della Pace dell'Università di Padova ha partecipato, nel quadro delle attività del corso di «Organizzazione internazionale dei diritti umani e della pace», a un'esercitazione finalizzata ad applicare le conoscenze specifiche acquisite durante lo svolgimento del corso ai più recenti e drammatici sviluppi avvenuti nel contesto del conflitto israelo-palestinese.

Il Professor Antonio Papisca e il Professor Marco Mascia, titolari dell'insegnamento, hanno invitato gli studenti a redarre una Risoluzione del Consiglio di Sicurezza delle Nazioni Unite concretamente applicabile alla situazione attuale, caratterizzata da una presa di posizione decisa dell'ONU per giungere a una soluzione giusta e sostenibile del conflitto in corso secondo un approccio di sicurezza umana.

Durante l'intensa e partecipata fase di negoziazione che ha contraddistinto i primi incontri tra gli studenti presso il Centro Diritti Umani dell'Università di Padova, sono stati discussi i punti cruciali che hanno poi caratterizzato il risultato finale dell'esercitazione: la redazione della Risoluzione 1867, che istituisce UNIHSP, una forza internazionale di interposizione composta da personale militare, civile e volontario da dispiegarsi all'interno del territorio della Striscia di Gaza.

Gli obiettivi principali conseguiti dalla Risoluzione 1867, che gli studenti hanno redatto direttamente in lingua inglese, sono:

- garantire un cessate il fuoco permanente;
- allentare la morsa israeliana sulla Striscia di Gaza consentendo l'apertura permanente dei valichi e impedendo ulteriori bombardamenti da parte dell'Aviazione Israeliana (IAF);
- garantire a Israele un controllo rigoroso del traffico d'armi e di altre eventuali azioni illegali all'interno della Striscia di Gaza, in particolare al confine con l'Egitto e garantire il controllo dei passaggi di persone e merci;
- porre le condizioni per una ricostruzione delle infrastrutture a Gaza e per una riconciliazione tra le varie fazioni del popolo palestinese;
- sostenere gli sforzi di altri organismi delle Nazioni Unite e della società civile locale e internazionale che si sono parallelamente impegnati sulla questione;
- riprendere in modo sostenibile il processo di pace tra israeliani e palestinesi sulla base comune di tutte quelle iniziative genuinamente indirizzate a una soluzione giusta, permanente e sostenibile del conflitto israelo-palestinese.

Questi obiettivi devono essere raggiunti, secondo il dispositivo della Risoluzione, attraverso l'invio di una forza d'interposizione internazionale

di *human security* nella Striscia di Gaza (UNIHFSF – United Nation International Human Security Force in Gaza), sotto autorità del Consiglio di Sicurezza, composta da 9000 unità, uomini e donne, divisi tra personale militare, civile e volontario.

Il mandato di UNIHFSF si concentrerà su diversi aspetti tra cui:

- proteggere la missione di esperti indipendenti decisa precedentemente dal Consiglio diritti umani per valutare gli effetti sulle condizioni di vita e sul godimento dei diritti umani fondamentali causato da Operazione Piombo fuso;
- monitorare la fine delle ostilità e pattugliare il confine marino di Gaza;
- controllare il traffico di armi, in particolare attraverso il controllo dei tunnel sotterranei;
- garantire l'accesso agli aiuti umanitari per la popolazione palestinese;
- sostenere le istituzioni palestinesi per riaffermare la loro autorità sul territorio;
- proteggere il personale internazionale coinvolto e assicurarne la libertà di movimento.

Per quanto riguarda il controllo dei valichi, la Risoluzione invita l'Unione Europea a ripristinare la persistente missione di monitoraggio denominata EUBAM presso il valico di Rafah e di estenderla a tutti gli altri punti di passaggio tra la Striscia e Israele. Il mandato di EUBAM si concentra in particolare nel monitoraggio dei confini e sull'attività di formazione e addestramento della polizia di frontiera palestinese.

Per garantire il successo della missione e per evitare sovrapposizioni di mandati tra la missione di polizia dell'Unione Europea (EUBAM) e la forza d'interposizione delle Nazioni Unite (UNIHFSF) la Risoluzione 1867 istituisce un Comitato di Congiungimento (Liaison Committee) a cui parteciperanno, oltre ai responsabili delle due missioni internazionali, anche i rappresentanti delle forze di sicurezza palestinesi.

Infine, per consentire un punto di riferimento per la popolazione palestinese e un controllo *super partes* delle attività svolte, la missione sarà affiancata dall'istituzione di un Difensore civico (*mission ombudsman*).