



Are Attacks on U.N. Refugee Facilities in Gaza the United Nations' Fault?

By Daniel H. Levine

Executive Summary

Is Israel killing more Palestinian civilians than necessary, particularly when those civilians are under the protection of the United Nations or some other neutral body that is thought to offer them safe haven? This brief will focus on a stark example of this problem: whether four recent attacks on and near U.N. sites sheltering displaced Palestinians (mostly women and children) are morally justified in light of the fact that Hamas rockets have been found stored at other sites belonging to the same entity, the U.N. Relief and Works Agency for Palestine refugees in the Near East (UNWRA). It will assess arguments that the UNWRA acted in ways that make it morally responsible for the deaths of civilians under its care, and will argue that critics of UNRWA are asking it to do things that it has no reasonable way of doing, and for which critics are not offering reasonable solutions. This brief concludes that claiming that UNRWA supports terrorism is a convenient way for critics to downplay Israeli responsibility for attacks that harm civilians, by undermining the sense that UNRWA schools, shelters, and hospitals are really neutral humanitarian sites and so deserving of the deference those sites are granted under the laws and morality of war.

Introduction

On July 8, 2014, Israel launched “Operation Protective Edge” in Gaza, beginning with air strikes on Hamas targets and escalating to a ground operation. By August 3, 64 soldiers and 3 civilians

on the Israeli side had been killed, along with 1,717 Palestinians (OCHA 2014).¹ Israel's relatively low civilian death toll reflects the inaccuracy and low destructive yield of the rockets Hamas typically uses, good Israeli civil defense practices, and the "Iron Dome" rocket defense system.

The most immediate cause of the operation was an increase in rocket attacks on Israeli civilian areas coming from Gaza. *That* escalation was a Hamas response to aggressive Israeli operations in both Gaza and the West Bank after three Israeli teenagers were kidnapped and murdered. Of course, the conflict between Israel and Hamas goes back much further than this, and there is no uncontroversial way to answer the question "who started it?" I have my views on the matter, but since I cannot defend them here, I will leave them aside for this discussion.

Saying that one side or the other is to blame for starting the current violence, or the larger conflict, is a way to argue that one side has a valid moral justification for using force, while the other does not, and therefore that the United States and the rest of the international community should condemn the initiator and support the side that is only trying to defend itself. But there are equally important moral questions about how combatants use violence regardless of whether or not they have just cause to fight. Here, the vastly higher Palestinian death toll has raised questions about whether Israel is killing more Palestinian civilians than necessary, particularly when those civilians are under the protection of the United Nations or some other neutral body that is thought to offer them safe haven.

This brief will focus on a stark example of this problem: whether three recent attacks on and near U.N. sites sheltering displaced Palestinians (mostly women and children) are morally justified in light of the fact that Hamas rockets have been found stored at other sites belonging to the same entity, the U.N. Relief and Works Agency for Palestine refugees in the Near East (UNWRA). It will assess arguments that the UNWRA acted in ways that make it morally responsible for the deaths of civilians under its care, and consider whether it would be both realistic and morally preferable for it to operate differently.

I will argue that critics of UNRWA are asking it to do things that it has no reasonable way of doing, and for which critics are not offering reasonable solutions. At stake in this debate is not just the UNRWA's honor. The United Nations is the closest thing to a major impartial actor in the Israeli-Palestinian conflict, despite all of its imperfections (and it has many). I fear that attacking UNRWA, and claiming that its actions are malicious or incompetent, rather than the best response that could be expected in the situation, is a way of forcing analysis of the conflict into an "us vs. them" mold. If all the moral questions of the conflict must be filtered through the

¹ Breakdowns of the ratio of Palestinian combatants to civilians killed are contentious. According to the UN Office for Coordination of Humanitarian Affairs (OCHA) report, at least 68 percent (1,176) of the deaths by August 3 were of civilians.

question “which side does this serve?” we risk losing any sense of independent moral ground on which a reasonable and just approach might ultimately be found.

Rockets in UNRWA Schools

UNRWA was established in 1950 in the wake of the 1948 Arab-Israeli conflict and has since operated schools, summer camps, hospitals, and other humanitarian and development services in Gaza, the West Bank, Syria, Lebanon, and Jordan. It has also long been accused by both sides of the Israeli-Palestinian conflict of being biased toward the other (though heavier criticism tends to come from the Israeli side).

During Protective Edge, criticism of UNRWA has focused on the fact that the agency has found several weapons caches (believed to belong to Hamas) in its schools, and Israel has accused Hamas of making attacks from near UNRWA sites. UNRWA has condemned Israeli strikes on and near sites where it is sheltering internally displaced persons (IDPs), which has led some critics to claim that it is giving aid and comfort to a Hamas strategy of making Palestinians into human shields by operating near civilian populations, and as a result UNRWA is at best useless in the face of and at worst a cause of deaths of Palestinian civilians.

As I write this, there have been three instances in which UNRWA discovered rockets in schools that it administers in the Gaza strip: on July 17 (UNRWA 2014c), July 22 (UNRWA 2014a), and July 29 (Ben Zion 2014).² In all three incidents, the rockets were found during UNRWA inspections of schools that were vacant at the time. UNRWA’s statements condemn the placement of weapons in its schools without specifically naming any group – simply condemning the “group or groups responsible.” But it is generally believed that the weapons were placed there by members of Hamas.

There have also been several strikes on UNRWA schools that were sheltering IDPs, which are generally believed to have been launched by the Israeli Defense Force (IDF). Most recently, on August 3, ten people were killed at a UNRWA school in Rafah, the seventh strike on an UNRWA school, and the second in a week (Al Jazeera 2014; UNRWA 2014b).

The Israelis have responded to condemnation of strikes on UNRWA schools either by claiming that they were responding to active fire from combatants near the schools (see e.g., Al Jazeera 2014a), and/or by claiming that the explosions could actually have been caused by Hamas-fired rockets that fell short of their targets, rather than by Israeli artillery (see e.g., Beauchamp 2014).

² For some reason, the third incident has not been the subject of an official press release on the UNRWA website at the time of writing.

It is important to note that the Israelis have *not* officially justified any attack on an UNRWA school harboring IDPs on the grounds that weapons caches have been found in other schools. But the presence of rockets at UNRWA schools has been used to support the case that, even when IDF actions kill civilians, it is acting in a justified manner, and Hamas is morally responsible for the civilian deaths because it is illegally and immorally using Palestinian civilians as human shields (see e.g., Consulate General of Israel 2014, Schachtel 2014, Stephens 2014).

Some commentators have used the presence of rockets in UNRWA schools to argue that the U.N. has lost its moral authority, at least in the Israeli-Palestinian conflict, effectively placing itself on the side of Hamas and supporting terrorism (see, e.g., Greenfield 2014). There has been special criticism of the fact that, in at least one case, UNRWA turned over weapons that it discovered to Gaza police, who many believe simply handed the weapons back to Hamas (see, e.g., Rogin 2014).

What Should UNRWA Have Done?

While no one would argue that the current situation in Gaza is going well, before we are too critical of UNRWA (or the U.N. in general), we should ask what, exactly, we might expect UNRWA to have done differently.

If it is true that UNRWA staff sympathetic to Hamas actively collaborated in placing weapons in vacant UNRWA schools, that would be unequivocally wrong. Nothing I say here should be taken as contradicting that. But I have seen no real evidence of such collaboration by individual UNRWA staff, let alone a policy of such collaboration by the agency as a whole.

Especially in light of the attacks on schools currently housing IDPs, it is important to emphasize that all the weapons found so far during this conflict have been in vacant UNRWA schools, and were discovered during UNRWA inspections of those sites. A *National Review* commentator sarcastically asks if “[t]he U.N. would have us believe that the rockets are only stored at the school during summer break?” (Pollowitz n.d.). But, in fact, that seems like a highly likely scenario. The fact that weapons have so far only been found in vacant schools is good *prima facie* evidence that they are only or at least primarily being stored in vacant schools. UNRWA found them during routine inspections – which is precisely what inspections of vacant sites are for.

It is *possible* that for some reason UNRWA inspectors are able to find weapons in vacant schools but are oblivious to them in schools being used to shelter IDPs, despite the presence of much larger numbers of UNRWA staff, but it is very implausible. It is also *possible* that UNRWA is willing to call out caches it finds in vacant schools, but is unwilling to mention caches in schools

being used. But it seems much more likely that inspections are basically doing their job – revealing weapons when someone goes to check on them (as they would, for instance, before opening a school to IDPs) – and that Hamas is choosing to store weapons in vacant schools rather than in occupied buildings under much greater scrutiny.

If UNRWA is finding weapons about as well as could be expected, perhaps they should do better at preventing weapons being stored in their facilities in the first place. But their ability to do so is limited. UNRWA has publicly condemned the use of its facilities for weapons storage, making clear that they do not condone such activity. I have been unable to confirm this, because it is such an obvious measure, but let us give them the benefit of the doubt and assume that they secure vacant facilities in a reasonable manner – that is, they lock the doors and close the windows, like any school would when not in use. Beyond such measures, the problem is that UNRWA is staffed by nurses, teachers, and social workers, not by soldiers. They would not be capable of forcing Hamas not to place weapons in their facilities. If Hamas hopes for its weapons caches to remain undetected, posting UNRWA staff at vacant facilities simply to observe the sites might deter Hamas from placing weapons there. But, doing so would seem to be an unreasonable thing to ask of humanitarian workers not trained in security, and would potentially put them in harm's way if they tried to confront Hamas members who were trying to store weapons at a site.

In terms of the disposition of the weapons, it is also not clear how much better UNRWA could have done than it already has. Rather than turn the weapons over to local (possibly Hamas-affiliated) police, UNRWA could have kept them at their sites, under lock and key. But this raises many of the same problems as trying to secure the sites in the first place – UNRWA does not have that capacity. If UNRWA were to keep the weapons in their facilities, with a promise to sternly chastise any Hamas attempt to retrieve them, it is not at all clear that the agency's critics would be mollified. And keeping weapons at UNRWA facilities without the means to properly secure them would potentially put UNRWA staff at risk from Israeli attempts to destroy the weapons caches.

At least one commentator has suggested that UNRWA should have handed the weapons over to a “third party” (Rogin 2014). But to whom would this be? There is currently no third party in the Gaza strip with the capacity to either destroy or secure explosives, and transporting explosives out (or getting a third party in) would be dangerous and, again, well beyond UNRWA's capabilities – and, in the meanwhile, would put UNRWA back in the position of being expected to secure the weapons themselves.

UNRWA does not have a “native” explosive ordnance disposal capability. The U.N. more broadly does have one – the UN Mine Action Service (UNMAS). Secretary-General Ban Ki-Moon has recently called for UNMAS to immediately send teams to Gaza to assist UNRWA in

disposing of weapons it finds (Spokesman for the Secretary-General 2014). That is a welcome development, but we should recognize that getting ordnance-disposal teams to sites in the midst of a conflict, and disposing of weapons found there, are not trivial tasks. UNMAS teams are also not armed soldiers, and so they may be limited in their mobility – or need to rely in part on the same Gazan security forces to whom UNRWA is being criticized for giving the weapons.

One might ask what did the U.N. do about munitions before this in an area like Gaza, where explosives have long been a concern for humanitarian actors? The answer reveals why it is standard procedure for UNRWA to hand over weapons it finds to Gazan police. Since 2012, UNMAS has worked with the Gaza EOD (explosive ordnance disposal) Police in Gaza city to improve their skills and help them to clear unexploded ordnance from Gaza city (UNMAS n.d.). This has been a major U.N. initiative to secure and clear munitions in Gaza, and so it is unsurprising that UNRWA would hand over unexploded munitions to the security forces that the U.N. has been partnering with to handle unexploded munitions.

Some people might be inclined to criticize the U.N. for working with the Gaza police in the first place. But, again, it is not clear what other options the U.N. has. Since the Israeli withdrawal of its own military and police from Gaza in 2005, no other potential security partners for the U.N. have been there. If the argument is that the U.N. ought not to have partnered with anyone at all, this faces two problems. First, the U.N. cannot simply send a team anywhere it likes – for both legal and practical reasons, any U.N. operation in Gaza in recent years would have needed the consent (or at least the acquiescence) of both Israel and the *de facto* authority in Gaza. Second, disposing of ordnance typically requires securing it first, which means some police or military/paramilitary capacity. If the U.N. did not bring its own – which again, would be subject to consent from Israel and Hamas that would be unlikely to be forthcoming – it would need to partner with a local security force.

Send in the Blue Helmets?

Most of the limitations I've discussed above are tied up with the fact that the U.N. does not have any security force in Gaza that could directly confront either Hamas or Israel, and so UNRWA most typically finds itself cooperating with local authorities – even if the *de facto* local authority is Hamas – or getting out of the way. That is an appropriate stance for a humanitarian agency. But the U.N., as a whole, has more than just humanitarian capability. Some might ask: if the U.N. is truly so upset that UNRWA sites are being used by Hamas, why not stop them?

It is difficult to find a public, reputable source for such a call, since it so deeply mischaracterizes the way that the U.N. operates. But it is raised in many informal conversations, in my

experience, and it is implied by those who claim that UNRWA's acquiescence in cases like these means that it supports Hamas or opposes Israel.

The U.N. simply cannot send in a force of blue-helmeted peacekeepers wherever it wishes. I could see a plausible argument being made that what is needed in the Israeli-Palestinian conflict is a strong international peacekeeping force, under a U.N. mandate. But any such force would need to be approved by the Security Council, where nearly every veto-holding member (most obviously and especially the United States) has an interest in the conflict, meaning that no such force is likely to be authorized.

Even if a force were authorized, it is not clear how it would be structured. The situation in Gaza is currently one of open conflict, and not appropriate for peacekeepers with a limited mandate to use force. Consider how little the long-standing UNIFIL mission in Lebanon was able to do when Hizbollah and Israel engaged in direct and open conflict there in 2006. A U.N. force that could change the nature of the Israel-Gaza conflict would need to be what is typically called a "peace enforcement" mission, one where troops are mandated, equipped, and willing to use force to directly confront armed factions (rather than, as with peacekeepers, primarily defend themselves while dealing with small spoiler groups and de-escalating conflicts). The U.N. typically uses national militaries under U.N. aegis for such missions (such as the United States in Somalia, the U.K. in Sierra Leone, or France/EU in the Democratic Republic of Congo), rather than the multinational forces under direct U.N. command typical of peacekeeping missions. So, even if such a force were authorized, the U.N. would need to find a lead nation that was *both* militarily powerful enough to bring Hamas and the IDF to heel, *and* perceived as an impartial party by all the permanent Security Council members and the parties to the conflict. I can think of no obvious candidates.

Conclusion: Send Out UNRWA?

The other option would be for UNRWA to leave, since it cannot prevent its facilities from being used to store weapons. This would at least keep UNRWA's hands clean of even inadvertently aiding Hamas. But it would also mean removing the humanitarian assistance it provides to thousands of Palestinians in Gaza. I do not think it is reasonable to condemn UNRWA because the humanitarians are unwilling to walk away from human need.

I suspect that most criticisms of UNRWA are sincere reactions to an agency that some people see as incompetent or intentionally obstructionist. The U.N. and its agencies are often imagined (and

sometimes seem to imagine themselves) as bearers of all the power and moral authority of the “international community,” so frustration when their limitations show is common.³

But even if the frustration is sincere, the rhetorical upshot of attacks on UNRWA is to conceptually militarize the civilian population of Gaza. I have focused mostly on “pro-Israel” critiques of the agency, since those seem to be the louder voices against it at the moment. Claiming that UNRWA supports terrorism is a convenient way to downplay Israeli responsibility for attacks that harm civilians, by undermining the sense that UNRWA schools, shelters, and hospitals are really neutral humanitarian sites and so deserving of the deference those sites are granted under the laws and morality of war. If defenders of Israel’s actions in the current conflict are willing to say that these attacks are justified, despite the loss of civilian life, let them simply say it rather than trying to make it sound as if UNRWA had the power to avoid them if it really cared about civilians.

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³ For broader discussions of some of the limitations that the UN and UNRWA face in Israel and the Occupied Territories, see, e.g., Bellamy 2014 and Brynen 2011.

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