

Jurists for Palestine Forum – Season 3 – Panel Discussion (3)

From Gaza to the West Bank: The Expanding Genocide, the Eradication of Palestine Cause, and the Defiance of International Justice

What Is Happening, Where Does the International Community Stand, and What Protection Measures Are Needed?

This document presents a concise summary of five research articles examining key issues surrounding the Palestinian refugee crisis, the role of UNRWA, and the prospects for peace and stability in Gaza and Palestine. The articles explore the consequences of the Israeli UNRWA ban, the agency's financial sustainability, and the need for a shift in its operational approach. They also assess the future role of the UN in Palestine, advocate for the deployment of unarmed peacekeepers, and analyze the implications of multinational peacekeeping forces in the region.

This summary was prepared by: Assalah Mansour, Shireen Mikkawi and Tareq Ramahi

Reviewed by Nourhan Fahmy

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Summary:

- ❖ The first article we summarised was written by Jørgen Jensehaugen, Kjersti G. Berg, and Lex Takkenberg. It examines the consequences of Israel's ban on UNRWA, which will disrupt essential humanitarian services across Gaza, the West Bank, and East Jerusalem. It highlights the devastating impact on education, healthcare, and aid distribution, particularly in Gaza, where UNRWA supports millions of Palestinians. The ban will also facilitate Israelization efforts in East Jerusalem and strain the Palestinian Authority, which lacks the capacity to absorb UNRWA's services. The international humanitarian community faces a dilemma -either plan for alternatives and risk legitimizing the ban or refuse and exacerbate Palestinian suffering. The authors propose a two-track approach: ensuring aid continuity while mounting legal and diplomatic pressure against Israel's actions.
- ❖ The paper by Albanese and Takkenberg examines UNRWA's financial instability and its limited role in securing durable solutions for Palestinian refugees. It calls for a paradigm shift, advocating a rights-based approach that prioritises return, restitution, and compensation under international law. The authors propose leveraging the New York Declaration and Global Compact on Refugees to create a Comprehensive Response Framework (CRF-PR) under UN leadership. They also recommend restructuring UNRWA's mandate to focus on legal protection and durable solutions while shifting service provision to local authorities. The paper concludes that these reforms would strengthen refugee rights and ensure UNRWA's long-term sustainability.
- ❖ Eugene Chen's article examines potential UN roles in post-war Gaza, including peacekeeping, trusteeship, and interim administration. It highlights the challenges of implementing these options due to political opposition, security risks, and the need for Israeli and Palestinian consent. While a UN-administered mission could be more feasible than a formal trusteeship, any intervention must be tied to a broader political resolution. The article stresses that peace cannot be imposed solely through military or international governance mechanisms. Instead, diplomatic efforts must drive any sustainable solution.
- ❖ Mel Duncan's article argues that military peacekeeping is an ineffective and top-down approach to protecting civilians in conflict zones like Palestine. Unarmed Civilian

Protection (UCP) offers a proven alternative by working directly with local communities, deterring violence, and supporting grassroots peace efforts.

- ❖ Armed peacekeepers often lack local engagement and fail to provide lasting security, as seen in the DRC and South Sudan. With growing international pressure on Israel and diplomatic shifts, now is the time to prepare for a large-scale UCP deployment. If not, military interventions will once again dominate the response, sidelining more effective, community-driven solutions.
- ❖ Finally, Eric David and Ola Engdahl stipulates, in their paper, that the involvement of multinational peacekeeping forces further complicates the legal landscape. The classification of conflicts—whether international (IAC) or non-international (NIAC)—depends not only on the mandate of peacekeeping missions but also on the facts on the ground. This classification determines the applicability of international humanitarian law (IHL) and the legal responsibilities of the parties involved.
- ❖ Ultimately, the articles underscore the need for a rights-based approach to resolving the Palestinian issue, ensuring accountability under international law while safeguarding humanitarian assistance. Without concrete international action, the situation will continue to deteriorate, perpetuating the suffering of millions of Palestinians.

Summary of Article 1: Titled “The Consequences of the Israeli UNRWA Ban” by Jørgen Jensehaugen, Kjersti G. Berg, and Lex Takkenberg (2025)

The original language of the article is English.

You can read the article [here](#)

This policy brief examines the consequences of Israel's decision to implement two anti-UNRWA laws, effective from January 28, 2025. The **Law to Cease UNRWA Operations** and the **Law to Cease UNRWA Operations in the Territory of the State of Israel** will ban UNRWA (United Nations Relief and Works Agency for Palestine Refugees) across the Occupied Palestinian Territory (OPT), including the West Bank, Gaza, and East Jerusalem.

These laws mark the first-ever forced eviction of a UN agency by a UN member state. They will not only disrupt UNRWA's humanitarian operations but also violate international law, including the UN's privileges and immunities.

Key Impacts of the UNRWA Ban

1. Gaza: Humanitarian Collapse

- UNRWA serves as the backbone of humanitarian aid in Gaza, employing **13,000 staff** and operating **294 schools**, **22 health centers**, and **13 warehouses**.
- As of December 2024, **380,000 internally displaced persons (IDPs)** were sheltering in UNRWA schools. The agency was providing food assistance to **1.9 million people**, conducting **500,000 medical consultations monthly**, and offering psychosocial support to **730,000 displaced people**, including **500,000 children**.
- With the ban, **UNRWA-labelled imports** will be blocked by Israel's Coordination of Government Activities in the Territories (COGAT). This will cripple the distribution of aid, even though the ceasefire has allowed **600 trucks** of aid into Gaza daily.
- UNRWA's collapse will affect **women disproportionately**, as the agency employs a significant number of women and ensures gender-sensitive healthcare and education.

2. East Jerusalem: Forced Eviction and Israelization

- UNRWA will be **completely banned** in East Jerusalem, and Israel is expected to

confiscate its buildings and convert them into settlements.

- About **30,000 refugees**, including **3,000 children**, will be affected. **6 UNRWA schools** and **1 health clinic** will shut down.
- Palestinian children will be **transferred to Israeli schools**, where the curriculum will erase Palestinian identity. This aligns with the Jerusalem municipality's long-standing goal to "Israelize" education in the city.

3. West Bank: Educational Crisis

- UNRWA operates **96 schools** for **46,022 students** and **43 health clinics** serving **894,941 patient visits annually**.
- While Israel's plans for the West Bank are vague, the Palestinian Authority (PA) might be pushed to **take over UNRWA schools**. This would ironically maintain the same curriculum that critics often associate with UNRWA but without UNRWA's neutrality mechanisms.
- The **PA is not equipped** to manage an additional 100 schools due to financial instability and governance challenges.

4. Cross-Cutting Implications

- **Staff:** Israel will **deny visas** to UNRWA's international staff, leaving local staff without international oversight. UNRWA employees, already registered with Israeli authorities, will become **easy targets** for harassment or imprisonment.
- **Imports:** All **UNRWA-labelled goods** will be blocked at borders, further complicating aid distribution.
- **Gender Impact:** Women, both as employees and beneficiaries of UNRWA's gender-sensitive programs, will face **disproportionate hardship**.

5. The Catch-22 for Humanitarian Agencies

The UN Secretary-General has **instructed UN agencies not to engage in contingency planning**, as it would legitimize Israel's illegal laws. However, agencies like WFP and IOM face pressure from Washington to **prepare to take over UNRWA's operations**.

This creates a **humanitarian dilemma**:

- **If they act:** They risk legitimizing Israel's expulsion of a UN agency.

- **If they don't:** Palestinians will suffer without essential services.

Israel's strategy appears designed to **squeeze out UNRWA** while forcing other agencies to fill the gap, regardless of the humanitarian cost.

6. Consequences for Education and Health

- In Gaza, **88% of school buildings** have been damaged, including **one-third of UNRWA schools**. **650,000 children are out of school**, and **all universities are destroyed**, a situation described as "**scholasticide**."
- UNRWA previously provided **primary education for nearly 300,000 pupils** and **4.4 million outpatient consultations annually**. Without UNRWA, Gaza's **entire education and health system will collapse**, with no UN entity equipped to fill the void.
- In the West Bank, if UNRWA schools are transferred to the **PA**, existing distrust in the PA's governance and financial capacity makes this solution unlikely.

7. Conclusion: A Crisis Without Alternatives

The **timing of the UNRWA ban** coincides with a **cash flow crisis**, leaving the agency unable to pay staff salaries in early 2025.

The **principled stance** taken by the UN to **avoid contingency planning** is understandable but risks worsening Palestinian suffering. On the other hand, **accepting the ban** would undermine international law.

This paper proposes a **two-track approach**:

1. **Humanitarian Imperative:** Ensure aid continues, even if through other agencies.
2. **Rights-Based Approach:** Mount diplomatic pressure through the UN, ICJ, and international coalitions to challenge Israel's illegal policies.

While **Israel claims that dismantling UNRWA will end Palestinian refugee status**, the authors clarify that **Palestinians will fall under the 1951 Refugee Convention** and UNHCR's mandate, **technically enhancing their rights**.

The Summary of Article 2 Titled : “UNRWA and the Palestinian refugees: Protecting refugee rights while structurally addressing the agency’s financially unsustainable modus operandi” By Francesca P. Albanese and Lex Takkenberg (2023).

The original language of the article is English.

You can read the article [here](#)

This working paper by Francesca P. Albanese and Lex Takkenberg, published by the Refugee Studies Centre in February 2023, analyzes UNRWA's financially unsustainable operations and its role in protecting Palestinian refugee rights. It advocates for a paradigm shift, urging a rights-based approach and durable solutions under international law, while highlighting how frameworks like the New York Declaration and Global Compact on Refugees can support this transformation.

1. Origins of the Palestinian Refugee Issue

The paper traces the displacement of Palestinians to the 1947–1949 Nakba, when over 700,000 Palestinians were forcibly expelled during the creation of Israel. The authors emphasize that this expulsion, documented by Israeli “new historians” and archival evidence, constituted *ethnic cleansing*, amounting to crimes against humanity under international law.

The 1967 war led to further displacement from the West Bank, East Jerusalem, Gaza, and the Golan Heights, increasing the number of Palestinian refugees to over 7 million today.

UN General Assembly Resolution 194 (1948) affirmed Palestinian refugees' right to return, restitution, and compensation, a position further enshrined in Article 1D of the 1951 Refugee Convention. The UN established two bodies to address the issue:

- **United Nations Conciliation Commission for Palestine (UNCCP):** Created to achieve a political settlement, including refugee return and compensation. It ceased operations in 1964 after collecting detailed property records.
- **UNRWA (United Nations Relief and Works Agency):** Founded in 1949 to provide humanitarian aid and limited development programs. It assumed a more significant role after the UNCCP’s demise but never took on the mandate for durable solutions.

2. Current Challenges Facing UNRWA

UNRWA operates under constant financial strain, relying on voluntary contributions. This instability, worsened by the Trump administration's defunding in 2018, threatens its ability to deliver essential services.

The agency's current approach focuses on humanitarian relief, neglecting broader refugee rights. UNRWA's role is viewed as evidence of the unresolved refugee crisis, making any proposed changes controversial among refugees and host countries.

3. The Need for a Paradigm Shift

The authors propose a **fundamental shift** in how the international community addresses the Palestinian refugee issue, emphasizing three key elements:

1. **Multilateralism:** Moving away from the bilateral Oslo/Madrid frameworks and returning the refugee issue to the UN's multilateral arena, ensuring balanced power dynamics and inclusive negotiations.
2. **Rights-Based Approach:** Prioritizing refugees' rights, including return, restitution, and compensation, rather than succumbing to political constraints.
3. **Ending the "Politics of Suffering":** Challenging the belief that refugees must remain in substandard conditions to preserve their right to return. Dignified living conditions, the authors argue, empower refugees to advocate for their rights more effectively.

4. Leveraging the New York Declaration and the Global Compact on Refugees

The 2016 **New York Declaration on Refugees and Migrants (NYD)** and the 2018 **Global Compact on Refugees (GCR)** provide a framework for addressing refugee crises, including Palestinian refugees.

These frameworks promote:

- Prevention of conflict and addressing root causes of displacement
- Respect for international law and human rights
- A multi-stakeholder approach, including refugees themselves

The NYD and GCR explicitly reference UNRWA, making it clear that Palestinian refugees fall within their scope. This creates an opportunity for a **Comprehensive Response Framework for Palestinian Refugees (CRF-PR)**, under UN auspices, to address the issue holistically.

5. Implications for UNRWA

To implement this paradigm shift, the authors recommend the following steps:

1. **Developing a Comprehensive Response Framework (CRF-PR):**

- Led by Palestinians, including refugee communities and diaspora networks
- Addressing legal frameworks, root causes, and durable solutions (return, resettlement, local integration)
- Involving host countries, donors, and civil society

2. **Realigning UNRWA's Mandate:**

- Expanding from humanitarian aid to protection and durable solutions
- Using its refugee registration system to document historical claims, paving the way for future reparations
- Coordinating with UNHCR and host countries

3. **Reconsidering Service Delivery:**

- Shifting service provision to national and local service providers, such as public authorities for health, education, social services and child protection, aligning with the NYD and GCR
- Ensuring UNRWA focuses on rights protection and technical support to host authorities

While politically challenging, these reforms would strengthen refugee rights and improve UNRWA's sustainability.

6. Conclusion and Way Forward

This paper stresses that continuing the status quo is unsustainable. It advocates for developing a CRF-PR to uphold refugees' historical rights while advancing practical solutions. By adopting a rights-based approach and engaging stakeholders, UNRWA can better serve Palestinian refugees and break the current impasse.

The Summary of Article 3, Titled "Gaza: Assessing Options for the UN's Role for the Day After" By Eugene Chen Published by New York University Center on International Cooperation (2025).

The original language of the article is English.

You can read the article [here](#).

Eugene Chen's article examines potential United Nations (UN) involvement in Gaza and the West Bank following the current crisis, considering proposals such as a UN peacekeeping mission, a trusteeship system, and interim administration. While these options demonstrate an acknowledgment of UN mechanisms, each faces significant political and operational challenges.

The Need for a Political Foundation

The article underscores that while states often push for visible UN actions in crises, such efforts must support a broader political resolution rather than act as symbolic gestures. The effectiveness of UN interventions depends on aligning them with political solutions rather than deploying them as isolated responses to violence.

Challenges of a UN Peacekeeping Mission

The prospect of establishing a new UN peacekeeping operation in the occupied Palestinian territories is currently low due to several key factors:

1. **Lack of Consent:** Both Israel and Hamas oppose foreign military presence. Israeli confidence in the UN is at its lowest, and Hamas has explicitly rejected international forces on Palestinian land.
2. **Security Council Dynamics:** Without Israeli approval, the Security Council is unlikely to authorize a mission due to the risk of a US veto.
3. **Expansion of UNTSO's Mandate:** The idea of broadening the existing UN Truce Supervision Organization (UNTSO) faces similar consent-related obstacles, making implementation improbable.

4. **Risks of Deployment Without Political Settlement:** Even if a mission is approved, it may face security threats, as seen with the UN mission in Mali (MINUSMA), or become ineffective, as happened with the UN Supervision Mission in Syria (UNSMIS) in 2012, which had to withdraw within months due to escalating violence.

The article argues that peacekeeping should not be seen as an end in itself. Instead, any deployment should be linked to a political process, preventing a scenario where the UN presence merely freezes the conflict without addressing underlying grievances.

The UN Trusteeship Proposal: Historical and Political Barriers

The idea of placing Palestine under a UN trusteeship, while considered, faces serious obstacles:

1. **Historical Stigma:** The trusteeship system originated from the colonial-era League of Nations mandates. Given Palestine's struggle for self-determination, the idea of international administration may be widely rejected by Palestinians and the Palestinian Authority, especially since Palestine has already secured enhanced observer status at the UN.
2. **Requirement for Israeli Approval:** According to Article 77.1 of the UN Charter, trusteeships require the voluntary consent of the administering state. Given Israel's strong opposition to UN agencies like UNRWA, its approval of a trusteeship is unlikely. However, divisions within the Israeli government over Gaza's post-war administration could present an opening.
3. **Responsibility of an Administering Authority:** A trusteeship requires an entity—either a state or the UN itself—to assume governance and financial responsibility. Previous trusteeships have been managed by UN member states, but the cost of reconstructing Gaza alone is estimated at USD 40–50 billion, making the commitment daunting.

Interim UN Administration: A More Feasible Alternative?

An alternative to a formal trusteeship could be a temporary UN administration, as seen in past cases like Kosovo, East Timor, and Cambodia. These missions operated outside the formal trusteeship framework but provided governance, security, and administrative oversight during transitional periods.

Key examples include:

- **UNTAET in East Timor (1999–2002):** This mission exercised full executive, legislative, and judicial authority, leading East Timor to independence. It was supported by a military component with over 9,000 personnel and received funding from UN-assessed contributions and voluntary donations.
- **UNMIK in Kosovo (1999–2008):** Managed in coordination with NATO forces, this mission eventually transitioned power to Kosovo’s government and the EU’s Rule of Law Mission (EULEX).

These precedents suggest that a UN-administered mission in Gaza could be more practical than a trusteeship, but it would still require consent from key stakeholders, including Israel and Palestinian representatives, to be effective.

Conclusion: The Primacy of a Political Solution

The article stresses that sustainable peace cannot be imposed by force and that UN interventions should be politically viable. While discussions about post-war governance in Gaza are necessary, any proposed UN role must be built upon a credible diplomatic process.

The Security Council and General Assembly have both acknowledged that peace cannot be sustained through military means alone. Stopping violence and achieving a ceasefire is crucial, but it should serve as a step toward a broader political settlement, not an isolated goal. UN peacekeeping, trusteeship, or interim administration could play a role in stabilizing Gaza, but only if member states commit to diplomatic efforts that create the conditions for lasting peace.

Summary of Article 4 Titled: “Now is the time to send unarmed peacekeepers to Gaza and the rest of Palestine” By Mel Duncan, published by Waging Nonviolence (2025)

The original language of the article is English.

You can read the article [here](#).

The article challenges the default reliance on military peacekeeping in conflict zones, particularly in Palestine, and argues for **Unarmed Civilian Protection (UCP)** as a more effective and community-driven alternative. Unlike traditional armed peacekeeping forces, UCP has proven effective in multiple contexts, including the Philippines, South Sudan, and Sri Lanka, by directly engaging with local communities, deterring violence, and protecting civilians without the use of weapons.

The Effectiveness of UCP

- **Successful Precedents:** UCP organisations have **de-escalated tensions** in war zones, facilitated humanitarian aid, and provided protective accompaniment for vulnerable civilians.
- **Community-Centric Approach:** UCP personnel live among the communities they serve, building trust and ensuring more effective civilian protection.
- **Strategic Use in Palestine:** Given the ongoing conflict, unarmed international presence could protect civilians, accompany hostages, and support humanitarian efforts.

Challenges of Armed Peacekeeping

- Despite their role in preventing direct clashes, **UN peacekeepers are often ineffective** in long-term civilian protection.
- Armed peacekeepers are usually **not trained for community engagement**, do not speak local languages, and are unable to build meaningful connections with civil society.
- Historical examples, such as the UN’s withdrawal from the **Democratic Republic of the Congo** after 20 years of failure, highlight the limitations of military-based approaches.

The Urgency of Action

- **Rising international pressure** on Israel, including ICC arrest warrants and ICJ rulings, is creating an opportunity to advocate for alternative peacekeeping mechanisms.

- **Grassroots movements** (student protests, ceasefire advocacy, the Freedom Flotilla) are pushing for solutions beyond military intervention.
- If UCP organisations act proactively, they could present an alternative before international forces default to military deployments.

Conclusion

UCP offers a **scalable, effective, and locally integrated** alternative to armed peacekeeping. By mobilising an experienced international force, UCP organisations can contribute to civilian safety, humanitarian aid, and the long-term goal of peace in Palestine. The time to act is now, before traditional military interventions become the default response.

Summary of Article 5 Titled: “How Does the Involvement of a Multinational Peacekeeping Force Affect the Classification of a Situation?” By Eric David and Ola Engdahl (2013)

The article explores how the involvement of a **multinational peacekeeping force** affects the classification of a situation, particularly in determining whether it constitutes an **armed conflict** and, if so, whether it is **international** or **non-international** in nature. This classification is crucial as it determines the application of **International Humanitarian Law (IHL)** and the legal responsibilities of the parties involved. The debate is structured around two perspectives: **Eric David** argues that the **mandate** of the peacekeeping force is central to classification, while **Ola Engdahl** emphasises the **facts on the ground** and the **nature of the opposing forces**.

Eric David’s Key Arguments:

1. Role of the Mandate:

- The classification of a conflict depends on the **mandate** of the multinational peacekeeping force. If the force operates under a **non-coercive mandate** (e.g., traditional peacekeeping), it is not considered a party to the conflict, and its presence does not internationalise the conflict.
- If the force has a **coercive mandate** under **Chapter VII of the UN Charter** (e.g., peace enforcement), it may engage in hostilities, potentially transforming the situation into an **armed conflict**.

2. Non-Coercive Mandates:

- Most UN peacekeeping forces operate without a coercive mandate. Their role is to oversee ceasefires, restore the rule of law, and protect human rights.
- These forces are armed but only for **self-defence** or to fulfil their mandate. Their presence does not make them a party to the conflict, nor does it internationalise the conflict.

3. Coercive Mandates:

- When a multinational force is authorised to use force under Chapter VII, it may engage in hostilities, potentially creating an **international armed conflict (IAC)** if it clashes with state or non-state actors.

- For example, the **1994 Rwandan genocide** saw clashes between the UN peacekeeping force (UNAMIR) and Rwandan armed forces, briefly creating an IAC.
4. **Legal Implications:**
- The **UN Secretary-General's Bulletin** on IHL applies to UN forces in armed conflicts, requiring them to comply with IHL rules, even in self-defence situations.
 - However, the Bulletin does not automatically classify the presence of a peacekeeping force as an armed conflict. The **1994 UN Convention on the Safety of UN Personnel** also distinguishes between peacekeeping and enforcement actions, with the latter falling under IHL.
5. **Internationalisation of Conflicts:**
- David argues that conflicts between multinational peacekeeping forces and non-state armed groups should be classified as **IACs** because the parties are **foreign to each other** in legal, political, and geographical terms. The non-state status of one party does not negate the international character of the conflict.

Ola Engdahl's Rebuttal

1. **Facts on the Ground:**
- Engdahl challenges David's emphasis on the **mandate**, arguing that the classification of a conflict should be based on the **facts on the ground** rather than the mandate of the peacekeeping force.
 - He distinguishes between **jus ad bellum** (the legality of using force) and **jus in bello** (the laws governing conduct during armed conflict), emphasising that the existence of an armed conflict depends on the **actual conduct** of the parties.
2. **Blurred Lines Between Peacekeeping and Peace Enforcement:**
- Engdahl notes that the traditional distinction between **peacekeeping** (non-coercive) and **peace enforcement** (coercive under Chapter VII) has become blurred. Modern peacekeeping operations often include **robust mandates** that allow for the use of force beyond self-defence.

- Examples include the **ISAF mission in Afghanistan** and the **MONUSCO Intervention Brigade in the Democratic Republic of the Congo**, which were explicitly authorised to engage in hostilities.
3. **Legal Status of Peacekeeping Forces:**
- Engdahl argues that peacekeeping forces can become parties to an armed conflict if they engage in hostilities, regardless of their mandate. The **1994 Convention on the Safety of UN Personnel** excludes enforcement actions under Chapter VII from its scope, implying that such actions fall under IHL.
 - However, he emphasises that the **existence of an armed conflict** depends on the **facts on the ground**, such as the intensity of hostilities and the organisation of the parties involved.
4. **Multinational Character and Internationalisation:**
- Engdahl challenges the notion that the **multinational nature** of peacekeeping forces automatically internationalises a conflict. He argues that the classification of a conflict depends on the **identity of the parties** and their relationships.
 - For example, if a peacekeeping force engages in hostilities with a **non-state armed group**, the conflict remains **non-international** unless the group is under the control of a foreign state or the peacekeeping force itself becomes a party to the conflict.
5. **Humanitarian Considerations:**
- Engdahl stresses that the application of IHL should be based on **humanitarian principles** and the need to protect victims of armed conflict, rather than on political or legal distinctions.
 - He concludes that the classification of conflicts involving peacekeeping forces should be determined on a **case-by-case basis**, considering the **facts on the ground** and the **humanitarian impact** of the conflict.

Eric David's Rebuttal to Ola Engdahl

1. Mandate and IHL Application:

- David clarifies that he does not claim the **mandate** determines the existence of an armed conflict but uses it as a **methodological tool** to distinguish between scenarios. He argues that the mandate influences the **a priori application of IHL**.
2. **Role of the 1994 Convention:**
 - David agrees that IHL applies based on an **objective assessment of the facts**, but he maintains that the **mandate** can influence the application of IHL, as evidenced by the **1994 Convention on the Safety of UN Personnel**.
 3. **Fragmentation of IHL:**
 - David disagrees with Engdahl's suggestion that multiple conflicts can coexist in the same area. He argues that IHL should be applied as a **unified body of law** to avoid discrimination and legal complications.
 4. **International Nature of Conflicts with Non-State Actors:**
 - David strongly disagrees with Engdahl's assertion that conflicts between peacekeeping forces and non-state armed groups are necessarily **NIACs**. He argues that such conflicts should be classified as **IACs** due to the **foreignness of the parties**.
 5. **Humanitarian Principles:**
 - David emphasises that the classification of conflicts should align with the **humanitarian principles** of IHL, ensuring equal treatment of combatants and avoiding unjust discrimination.

Conclusion

The debate highlights the complexity of classifying conflicts involving multinational peacekeeping forces. While **Eric David** emphasises the **mandate** as a key factor in determining the application of IHL, **Ola Engdahl** focuses on the **facts on the ground** and the **nature of the opposing forces**. Both authors agree that the classification of conflicts should align with **humanitarian principles** and the need to protect victims of armed conflict. However, they differ on whether conflicts involving non-state actors should be classified as **IACs** or **NIACs**. Ultimately, a **case-by-case approach** is necessary to ensure that the legal framework aligns with the humanitarian goals of protecting victims and maintaining the integrity of peacekeeping missions.