

had had a negative impact on the role and authority of the Council.<sup>252</sup>

The President (Qatar) then made a statement on behalf of the Council,<sup>253</sup> by which the Council, *inter alia*:

Expressed its deep concern over the situation in the Middle East, with its serious ramifications for peace and security, and underlined the need to intensify efforts to achieve a just, lasting and comprehensive peace in the region;

Stressed that there could be no military solution to the problems of the region and that negotiation was the only viable

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<sup>252</sup> *Ibid.*, pp. 25-26.

<sup>253</sup> S/PRST/2006/51.

way to bring peace and prosperity to peoples throughout the Middle East;

Expressed grave concern over the deteriorating humanitarian situation and called for the provision of emergency assistance to the Palestinian people through the Temporary International Mechanism, international organizations and other official channels;

Reiterated its call for the Palestinian Authority Government to accept the three Quartet principles; reaffirmed the vital role of the Quartet and looked forward to its continued active engagement;

Reiterated the importance of, and the need to achieve a just, comprehensive and lasting peace in the Middle East, based on all its relevant resolutions, including resolutions 242 (1967), 338 (1973) and 1515 (2003), the Madrid terms of reference and the principle of land for peace.

## 34. The situation in the Middle East, including the Palestinian question

### **Deliberations of 16 January, 18 February and 18 March 2004 (4895th, 4912th and 4927th meetings)**

From January to March 2004, the Council heard monthly briefings from the Under-Secretary-General for Political Affairs, the Special Coordinator for the Middle East Peace Process and the Assistant Secretary-General for Political Affairs on the situation in the Middle East, including the Palestinian question.<sup>1</sup> No other statements were made at the meetings.

In the briefings, it was reported that there had been little progress in the peace process as Israel had not fulfilled its commitment to remove all settlement outposts. In addition, Israel continued to build a wall around the West Bank and undertake extrajudicial killing of Palestinians, while the Palestinian Authority had failed to reinforce security. It was noted that violence continued, causing great harm to the Palestinian economy and leading to the deterioration of the humanitarian situation. Moreover, donor fatigue combined with Israeli obstruction to the delivery of humanitarian assistance had driven the Palestinian Authority to near bankruptcy.

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<sup>1</sup> For more information on the discussion at the 4895th meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

The speakers noted however, that the possibility of peace remained opened. In particular, they welcomed the decision by the Prime Minister of Israel, Ariel Sharon, to disengage from Gaza as a confidence-building act and as a window of opportunity for the resumption of the peace process, although they emphasized that the withdrawal should occur within the context of the implementation of the performance-based road map to peace in the Middle East,<sup>2</sup> in cooperation with the Palestinian Authority and with assistance from the international community. They also called on the international community to remain involved in the peace process and urged the Quartet<sup>3</sup> to re-engage with the parties and to revitalize itself.

### **Decision of 25 March 2004 (4934th meeting): rejection of a draft resolution**

By a letter dated 23 March 2004 addressed to the President of the Security Council,<sup>4</sup> the representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the Group of Arab States, requested an urgent meeting of the Council to consider the extrajudicial killing of Hamas leader Sheikh Ahmed Yassin in Gaza city and the escalation of Israeli

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<sup>2</sup> S/2003/529, annex.

<sup>3</sup> Composed of the United States, the Russian Federation, the European Union and the United Nations.

<sup>4</sup> S/2004/233.

military attacks against Palestinians, and to take measures in this regard. In response to that request, the Council held its 4929th meeting on 23 March 2004 and included the letter in its agenda.<sup>1</sup>

All Council members took the floor in addition to the representatives of Bahrain, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Ireland (on behalf of the European Union), Israel, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Qatar, Saudi Arabia, South Africa, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States, and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.<sup>5</sup>

The President (France) first drew the attention of the Council to a letter from the Permanent Observer of Palestine dated 22 March 2004 condemning the killing of Sheikh Yassin.<sup>6</sup>

The representative of Palestine expressed appreciation for the wide international condemnation of the crime, but deplored the fact that the Council had failed to take an urgent position in a presidential statement and hoped that it could adopt a draft resolution submitted by the Arab Group. He claimed that Israel's "counter-terrorism policies" were in fact breeding terrorism and were designed to shy away from implementing its road map obligations, such as putting an end to the occupation and accepting an independent Palestinian State. He criticized Israel's announced plans to disengage from Gaza as a unilateral action and called for the destruction of the illegal Israeli expansionist wall in the occupied Palestinian territory.<sup>7</sup>

The representative of Israel expressed regret at the fact that the Council never condemned or even convened to consider terrorist attacks conducted by Palestinian militants even though they killed hundreds of innocent Israeli civilians. He claimed that Sheikh Yassin was a murderer who had orchestrated many bombings and had called for the intensification of the armed struggle against Israelis and Jews everywhere. He stated that the Israeli operation constituted an

important stride forward in Israel's fight against terrorism.<sup>8</sup>

Almost all speakers condemned the extrajudicial assassination of Sheikh Yassin, and expressed their concern that this could further deteriorate the situation. In particular, the representative of Spain held that "events such as those of yesterday de-legitimize the fight against terrorism in terms of the law"<sup>9</sup> and the representative of France insisted that it could prove counter-productive as the political level.<sup>10</sup> Most speakers also condemned terrorist acts and all other acts of violence and called for the implementation of the road map.

While recognizing that the killing of Sheikh Yassin had set back efforts to resume progress towards peace, the representative of the United States contended that Sheikh Yassin was the leader of a terrorist organization that proudly took credit for attacks against civilians and that he was opposed to the existence of Israel. The Council should therefore not support initiatives that ignored this reality.<sup>11</sup>

Most speakers also deplored Israel's policy of occupation and other illegal practices. The representative of Tunisia for his part called for the deployment of an interposition force in the Palestinian territories to protect Palestinians.<sup>12</sup>

At its 4934th meeting, on 25 March 2004, the Council met to consider a draft resolution submitted by Algeria and the Libyan Arab Jamahiriya, by which the Council, *inter alia*, would condemn the killing of Sheikh Yassin; call for a complete cessation of extrajudicial executions; condemn acts of terrorism, provocation, incitement and destruction and call on all sides to cease those; call for the cessation of all illegal measures and for the respect for international humanitarian law; and call on both parties to fulfil their road map obligations.<sup>13</sup> The draft resolution was put to a vote and was not adopted owing to pass due to the negative vote of the United States. Germany, Romania and the United Kingdom abstained.

<sup>8</sup> *Ibid.*, pp. 5-7.

<sup>9</sup> *Ibid.*, p. 12.

<sup>10</sup> *Ibid.*, p. 14.

<sup>11</sup> *Ibid.*, p. 13.

<sup>12</sup> *Ibid.*, p. 21.

<sup>13</sup> S/2004/240.

<sup>5</sup> The Secretary-General was present but did not make a statement.

<sup>6</sup> S/2004/231.

<sup>7</sup> S/PV.4929, pp. 3-4.

The representatives of Algeria, Brazil, Chile, France, Germany, Israel, Romania, the Russian Federation, Spain, the United Kingdom and the United States and the Permanent Observer of Palestine made statements.

The representative of the United States said that his country could not support the draft because it was one-sided and unbalanced as it failed to address terrorist atrocities committed by Hamas, and that it would not further the goals of peace and security in the region.<sup>14</sup> The representative of Germany contended that the draft resolution did not address terrorism in an appropriate manner and was not in line with the declaration of the European Union. Similar concerns were expressed by the representatives of Romania and the United Kingdom,<sup>15</sup> but the representative of Spain held that, on the contrary, the draft was in line with the position taken by the European Union.<sup>16</sup>

The representatives of Algeria, the Russian Federation and Chile, on the other hand, regretted that the Council was unable to respond to the development of events in the Palestinian territories resulting from the killing of Sheikh Ahmed Yassin.<sup>17</sup> The representative of Palestine also regretted the Council's failure to assume its responsibilities in the maintenance of international peace and security, and emphasized that the draft contained a very clear condemnation of all terrorist attacks. He called on the United States to adopt more neutral, objective and fair positions to enable it to assume its natural role as the sponsor of the peace process.<sup>18</sup>

The representative of Israel, for his part, said that if the international community was serious about advancing the peace process for both Israelis and Palestinians, it needed to stop pretending that the defensive response to terrorism was worse than terrorism itself.<sup>19</sup>

#### **Deliberations of 19 April 2004 (4945th meeting)**

At its 4945th meeting, on 19 April 2004, the Council met in response to a request from the

representative of Yemen, contained in a letter dated 19 April 2004 addressed to the President of the Council, to consider Israel's grave violations of international humanitarian law, in particular the extrajudicial execution in Gaza of Abdel Al-Rantisi, a Hamas political leader.<sup>20</sup>

All Council members made statements, in addition to the representatives of Bahrain, Cuba, Egypt, India, Indonesia, Ireland (on behalf of the European Union), the Islamic Republic of Iran, Israel, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Norway, Saudi Arabia, South Africa, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States, and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The President (Germany) first drew the attention of the Council to a letter dated 19 April 2004 from the Permanent Observer of Palestine noting that the recent failure of the Council to condemn the killing of Sheikh Yassin had emboldened Israel to continue carrying out illegal actions.<sup>21</sup>

The representative of Palestine deplored the fact that the Council had so far failed to protect the Palestinian civilian population. He strongly disapproved of Israel's attempt to impose a unilateral disengagement from Gaza as it fell short of any real withdrawal since Israel would keep controlling international borders, airspace and water. He called on the Council to adopt a new resolution to ensure compliance with its own resolutions and adherence to international law.<sup>22</sup>

The representative of Israel affirmed that in the absence of implementation by the Palestinian Authority of its obligation to dismantle terrorist infrastructures, his Government had decided to fight terrorism. He specified that Al-Rantisi was a terrorist leader and that it had been impossible to arrest him because of the lack of cooperation from the Palestinian Authority. Finally, he lauded his country's plan to evacuate settlements and military installations in the Gaza Strip and parts of

<sup>14</sup> S/PV.4934, p. 2.

<sup>15</sup> *Ibid.*, p. 4.

<sup>16</sup> *Ibid.*, p. 5.

<sup>17</sup> *Ibid.*, p. 3 (Algeria, Russian Federation); and p. 5 (Chile).

<sup>18</sup> *Ibid.*, pp. 7-8.

<sup>19</sup> *Ibid.*, pp. 6-8.

<sup>20</sup> S/2004/303.

<sup>21</sup> S/2004/304.

<sup>22</sup> S/PV.4945, pp. 3-5.

the West Bank as an opportunity to restart the road map towards a two-State solution.<sup>23</sup>

Speakers unanimously condemned the assassination of Abdel Al-Rantisi as contrary to international law and damaging the prospects for peace. They also reaffirmed the need for the parties to re-engage in negotiations on the basis of the road map.

While many Council members welcomed the Israeli initiative to disengage from Gaza as long as it had the support of the international community and that it happened in the context of the implementation of the road map,<sup>24</sup> a few speakers expressed wariness. In particular, the representative of the Philippines asserted that the withdrawal plan was not a product of negotiation between the parties on the ground. The representative of Chile contended that the ultimate meaning of the withdrawal was not sufficiently clear, particularly its connection with the road map, while the representative of Lebanon asserted that Israel's withdrawal from Gaza would literally kill peace efforts.<sup>25</sup>

Almost all non-members focused on Israeli violations of international law and reaffirmed their strong opposition to Israel's illegal occupation. They called on the Council to reassert its authority and shoulder its responsibility under the Charter of the United Nations by adopting a resolution by which it would condemn the extrajudicial killings by Israel. The representative of Yemen suggested a referral to the International Criminal Court, while the representative of the United Arab Emirates called on the Council to oblige Israel to dismantle settlements and fully withdraw from all Palestinian territories occupied since 1967.<sup>26</sup>

**Decision of 19 May 2004 (4972nd meeting):  
resolution 1544 (2004)**

At its 4951st meeting, on 23 April 2004, the Council met to hear a briefing by the Special Coordinator for the Middle East Peace Process and

Personal Representative of the Secretary-General. No other speakers took the floor.

The Special Coordinator focused his briefing on the peace efforts. He first welcomed Israel's announcement of withdrawal from Gaza as a positive step that could lead to the revival of the peace process, but insisted that it needed to be full and complete, and that robust and reliable security and administrative arrangements would be necessary, perhaps in the form of a temporary and internationally supervised security arrangement, to respond to Israel's potential security concerns after the withdrawal. In addition, he pointed out that the Gaza withdrawal needed to be accompanied by the implementation of other Palestinian and Israeli obligations under the road map, such as fighting terrorism and freezing Israeli settlement activities, which both parties had so far failed to meet. Finally, while recognizing that the Council had taken ownership of the Middle East peace process, he encouraged it to become more vigorously involved.<sup>27</sup>

At its 4972nd meeting, on 19 May 2004, the Council met in response to a request contained in a letter dated 17 May 2004 addressed to the President of the Council by the representative of Yemen in his capacity as Chairman of the Group of Arab States and on behalf of the members of the League of Arab States, to consider Israeli breaches of international law, in particular the widespread demolition of Palestinian homes in the Rafah area.<sup>28</sup> The Council included the letter in its agenda.

At the meeting, the representatives of Algeria, China, France, Israel, Pakistan, Romania, the Russian Federation, Spain and the United States, and the Permanent Observer of Palestine made statements.<sup>29</sup>

The President (Pakistan) drew attention to a letter dated 17 May 2004 from the Permanent Observer of Palestine describing Israeli raids in the Rafah refugee camp and the destruction of dozens of homes, which constituted an illegal collective punishment.<sup>30</sup> He then drew the attention of the Council to a draft resolution submitted by Algeria and Yemen.<sup>31</sup> It was immediately

<sup>23</sup> Ibid., pp. 5-7.

<sup>24</sup> Ibid., p. 10 (Russian Federation, Spain); p. 11 (United States, United Kingdom); p. 13 (Romania); p. 14 (France); p. 16 (Egypt); p. 19 (Ireland); and p. 32 (Norway).

<sup>25</sup> Ibid., p. 12 (Philippines); pp. 12-13 (Chile); and p. 27 (Lebanon).

<sup>26</sup> Ibid., p. 20 and p. 22, respectively.

<sup>27</sup> S/PV.4951.

<sup>28</sup> S/2004/393.

<sup>29</sup> The Secretary-General attended the meeting but did not make a statement.

<sup>30</sup> S/2004/394.

<sup>31</sup> S/2004/400.

put to the vote and was adopted by 14 votes, with 1 abstention (United States) as resolution 1544 (2004), by which the Council, *inter alia*:

Called upon Israel to respect its obligations under international humanitarian law, and insisted, in particular, on its obligation not to undertake the demolition of homes contrary to that law;

Expressed grave concern regarding the humanitarian situation of Palestinians made homeless in the Rafah area, and called for the provision of emergency assistance to them;

Called for the cessation of violence and for respect of and adherence to legal obligations, including those under international humanitarian law;

Called upon both parties to immediately implement their obligations under the road map; and decided to remain seized of the matter.

Speaking after the vote, the representatives of Algeria and Pakistan welcomed the fact that the Council had finally succeeded in sending a strong signal to Israel that it could not continue with impunity to flout the Council's authority and the norms of international law.<sup>32</sup> The representatives of France and Spain explained that it was essential to react to the deterioration of the situation in Gaza and to call for the parties to exercise restraint. They cited the European Union's condemnation of Israel's demolition of Palestinian houses in Rafah as disproportionate and contrary to international law, in spite of Israel's right to self-defence.<sup>33</sup> The representative of Romania expressed satisfaction that the resolution reminded the parties of their obligation to prevent the escalation of violence.<sup>34</sup> The representative of Spain, echoed by the representative of China, deplored Israel's actions as jeopardizing the entire peace process.<sup>35</sup> At the same time, some speakers noted that efforts by the Palestinian Authority to deal with terrorist groups had so far been insufficient.<sup>36</sup>

The representative of the United States justified his country's abstention on the grounds that the resolution failed to refer to the fact that the Palestinian Authority had not taken serious action to address the threat of weapons smuggling or put an end to terrorist acts. However, he also admitted that Israel's operations

in Gaza had not contributed to enhancing Israel's security.<sup>37</sup>

Finally, some speakers mentioned that their authorities were conducting diplomatic efforts to calm the situation and underlined the importance of renewed cooperation between the parties on security issues, and urged for an immediate ceasefire.<sup>38</sup>

The representative of Palestine welcomed resolution 1544 (2004) and expressed the hope that the Council would follow up on its implementation. Characterizing Israel's actions as State terrorism, war crimes, collective punishment and systematic human rights violations, he argued that the international community had to act firmly and collectively to uphold international law.<sup>39</sup>

The representative of Israel challenged the information concerning events in Rafah reported by the Palestinians and expressed disappointment that some members of the international community had been misled. He characterized resolution 1544 (2004) as one-sided and argued that the failure by the Council to also condemn actions by the Palestinians only emboldened terrorism.<sup>40</sup>

**Deliberations of 21 May, 23 June, 13 July,  
11 August and 17 September 2004 (4974th,  
4995th, 5002nd, 5019th and 5039th meetings)**

From May to September 2004, the Council received monthly briefings by the Under-Secretary-General for Political Affairs and the Special Coordinator for the Middle East Peace Process on the situation in the Middle East.<sup>41</sup> No other statements were made during the briefings.

At the meetings, the speakers deplored the failure of both sides to implement their core commitments under the road map. In particular, they noted, the deterioration of the security situation with continuing Israeli strikes including incidents against United Nations personnel and the extrajudicial killings of

<sup>32</sup> S/PV.4972, pp. 2-3 (Algeria); and pp. 5-6 (Pakistan).

<sup>33</sup> *Ibid.*, p. 4 (France); and p. 5 (Spain).

<sup>34</sup> *Ibid.*, p. 5.

<sup>35</sup> *Ibid.*, p. 4 (China); and p. 5 (Spain).

<sup>36</sup> *Ibid.*, p. 3 (United States); p. 4 (France); and p. 5 (Romania).

<sup>37</sup> *Ibid.*, p. 3.

<sup>38</sup> *Ibid.*, p. 3 (United States); p. 4 (Russian Federation); and p. 5 (Romania, Spain).

<sup>39</sup> *Ibid.*, pp. 6-9.

<sup>40</sup> *Ibid.*, pp. 9-13.

<sup>41</sup> For more information on the discussion at the 5002nd and 5039th meetings, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

Palestinians, and the resumption of Palestinian suicide bombings and launching of Qassam rockets into Israeli civilian areas; the continuing Israeli practice of Palestinian house demolition, imposition of curfews, road blocks and the closure of the Rafah crossing between the Gaza Strip and Egypt; the continuing expansion of Israeli settlements in Gaza and the West Bank; the increasing pace of construction of the Israeli barrier sealing off areas in and around Jerusalem, despite the advisory opinion of the International Court of Justice on 9 July 2004 determining that the barrier was in contradiction with international law; the stalling of peace negotiations; and the failure of the Palestinian Authority to improve the rule of law and act against terrorism, although some progress was made in reforming public administration and in planning local elections. In addition, the economic situation in the Palestinian territories continued to deteriorate, 47 per cent of the Palestinian population living in poverty.

It was emphasized that these developments had a negative impact on peace, and that full implementation of the road map was crucial as only a political settlement would stop the bloodshed.

Israel's plan to unilaterally withdraw from Gaza was also addressed by the speakers. They reported that the Middle East Quartet had supported the initiative as a unique opportunity to revive the peace process as long as it respected four fundamental requirements which were set out in a statement by the Quartet on 4 May 2004, namely: it must be full and complete; it must lead to an end of the occupation of the Gaza Strip and be accompanied by similar steps in the West Bank; it must take place within the framework of the road map and the two-State vision; and it must be fully coordinated with the Palestinian Authority and the Quartet. However, the speakers noted that if Israel pulled out of Gaza and then decided to seal off all crossings while the Palestinian Authority failed to maintain law and order, it could lead to a humanitarian disaster in Gaza. The involvement of the international community would therefore be crucial to an effective handover, and Council guidance and supervision could help the parties carry out their defined tasks.<sup>42</sup>

<sup>42</sup> S/PV.4979; S/PV.4995; S/PV.5002; S/PV.5019; and S/PV.5039.

**Decision of 5 October 2004 (5051st meeting):  
rejection of a draft resolution**

At its 5049th meeting, on 4 October 2004, in response to a request contained in a letter dated 4 October 2004 from the representative of Tunisia, in his capacity as Chairman of the Group of Arab States and on behalf of the members of the League of Arab States, the Council met to consider "the Israeli aggression in northern Gaza".<sup>43</sup>

At the outset of the meeting, the President (United Kingdom) first drew the attention of the Council to three letters from the Permanent Observer of Palestine denouncing Israeli attacks against civilians in Gaza as war crimes and calling for Israel to be held accountable.<sup>44</sup> The President of the Council also drew attention to a letter from the representative of Israel referring to another Palestinian suicide bombing in Jerusalem and calling on the international community to request the Palestinian Authority to dismantle terrorist organizations.<sup>45</sup>

All Council members made statements, in addition to the representatives of Cuba, Egypt, the Islamic Republic of Iran, Israel, Japan, Jordan, Malaysia, the Netherlands (on behalf of the European Union), South Africa, the Syrian Arab Republic, Tunisia and Turkey, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States and the Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The representative of Palestine detailed recent Israeli aggressions that caused widespread destruction, as well as extrajudicial killings, the targeting of civilians and the continuation of the illegal construction of the separation wall. Noting that Israel's justification was response to the launching of rockets from Gaza, he said that the Palestinian Authority had repeatedly demanded that Palestinian groups stop this practice. He expressed his hope that the Council would become more engaged in the political process and called on Israel to halt military operations and withdraw from the northern Gaza Strip. Lastly, he

<sup>43</sup> S/2004/779.

<sup>44</sup> S/2004/729, S/2004/761 and S/2004/776, dated 14, 27 and 30 September 2004, respectively.

<sup>45</sup> S/2004/757, dated 24 September 2004.

urged the Council to vote on a draft resolution recently submitted.<sup>46</sup>

The representative of Israel for his part denounced the fact that terrorist groups in Palestine were operating with complete freedom and immunity in violation of the road map and that, as a result, the Israeli forces had to take action in self-defence.<sup>47</sup>

The majority of the speakers rejected the violence from both sides and called on the parties to exercise restraint. The representative of Malaysia specifically requested the international community to assist the Palestinian Authority in strengthening its security apparatus.<sup>48</sup> Other speakers condemned or expressed alarm at Israel's actions,<sup>49</sup> some characterized those acts as war crimes,<sup>50</sup> and called on the Council to prevail upon Israel to renounce its policy of occupation, settlement-building, killing and destruction and to compel it to return to the negotiating table.<sup>51</sup> Some speakers also supported a draft resolution introduced by the Arab Group which called upon Israel to, inter alia, put an end to its military operations; withdraw from northern Gaza; respect international humanitarian law; stop obstructing humanitarian assistance to civilians; and respect the inviolability of United Nations facilities.<sup>52</sup> The representatives of China, the Islamic Republic of Iran and the League of Arab States called on the Council to fulfil its responsibilities to protect civilians.<sup>53</sup> The representative of the United States, however, stressed

that the draft resolution was not the road map to peace but rather a "road to nowhere".<sup>54</sup>

Most speakers also reaffirmed their support for the road map and stressed the need for the parties to renew their commitments to its implementation. The representative of Malaysia reiterated his country's position that the Council should approve the deployment of an international peacekeeping force or an international monitoring mechanism to oversee the implementation.<sup>55</sup>

Finally, a number of speakers expressed their views regarding Israel's plan to withdraw from Gaza. The representative of Chile emphasized that it had to take place within the framework of Council resolutions and the road map.<sup>56</sup> This was echoed by the representative of Jordan, who also stressed that the current plan to convert the Gaza Strip into a besieged province was contrary to the goal of ending the occupation.<sup>57</sup> The representative of Egypt contended that the current context was not conducive to a successful or secure withdrawal from Gaza.<sup>58</sup> The representative of the Syrian Arab Republic opined that the withdrawal plan constituted a violation of international law as it provided a pretext for Israel to kill more Palestinians.<sup>59</sup> The representative of Angola expressed the view that the current situation was inconsistent with the proclaimed Israeli intentions to withdraw from Gaza as well as with the proclaimed Palestinian intention to cooperate with Israel for such a withdrawal. He added that it was also inconsistent with international encouragements to make the Israeli withdrawal from Gaza a first step towards the end of the occupation of the Palestinian territories.<sup>60</sup> The representative of France concurred that the recent violence had imperilled the hope of peace brought by the prospects of a withdrawal from Gaza.<sup>61</sup>

The Council held its 5051st meeting on 5 October 2004 to consider a draft resolution submitted by Algeria, Pakistan and Tunisia, by which the Council, inter alia, would condemn the broad military incursion and attacks by the Israeli occupying forces in the

<sup>46</sup> S/PV.5049, pp. 3-4.

<sup>47</sup> *Ibid.*, pp. 5-7.

<sup>48</sup> *Ibid.*, p. 20.

<sup>49</sup> *Ibid.*, p. 8 (Algeria); p. 14 (Pakistan); p. 17 (Tunisia); p. 18 (Jordan); p. 19 (Islamic Republic of Iran); p. 20 (Malaysia, Egypt); p. 22 (League of Arab States); and p. 25 (Syrian Arab Republic).

<sup>50</sup> *Ibid.*, p. 8 (Algeria); p. 14 (Pakistan); p. 17 (Tunisia); p. 19 (Islamic Republic of Iran); and p. 25 (Syrian Arab Republic).

<sup>51</sup> *Ibid.*, p. 8 (Algeria, Spain); p. 15 (Pakistan); p. 17 (Tunisia); p. 18 (Jordan); p. 19 (Islamic Republic of Iran); p. 20 (Malaysia, Egypt); p. 22 (South Africa, League of Arab States); p. 23 (Cuba); p. 24 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); and p. 25 (Syrian Arab Republic).

<sup>52</sup> *Ibid.*, p. 8 (Algeria); p. 11 (Brazil); p. 14 (Angola); p. 15 (China); p. 17 (Tunisia); and p. 23 (Cuba).

<sup>53</sup> *Ibid.*, p. 15 (China); p. 19 (Islamic Republic of Iran); and p. 22 (League of Arab States).

<sup>54</sup> *Ibid.*, p. 16 (United States).

<sup>55</sup> *Ibid.*, p. 20.

<sup>56</sup> *Ibid.*, p. 11.

<sup>57</sup> *Ibid.*, p. 18.

<sup>58</sup> *Ibid.*, p. 21.

<sup>59</sup> *Ibid.*, p. 25.

<sup>60</sup> *Ibid.*, p. 14.

<sup>61</sup> *Ibid.*, p. 16.

northern Gaza strip; demand the immediate cessation of all military operations and the withdrawal of Israeli occupation forces in this area; reiterate its call for the cessation of violence and for adherence to legal obligations; call on Israel to ensure access and safety of United Nations personnel and all humanitarian workers to provide assistance to the civilian population; and call on both parties to implement their obligations under the road map while closely cooperating with the Quartet.<sup>62</sup> The letter dated 4 October 2004 from the representative of Tunisia to the Council<sup>63</sup> was included in the agenda.

Statements were made by the representatives of Algeria, Brazil, Chile, China, France, Germany, Israel, Pakistan, the Philippines, Romania, the Russian Federation, Spain, the United Kingdom and the United States and the Permanent Observer of Palestine.<sup>64</sup>

The draft resolution was put to a vote and received 11 votes in favour and 1 against (United States), with 3 abstentions (Germany, Romania, United Kingdom), and was not adopted owing to the negative vote of a permanent member.

The representative of the United States explained that because the draft resolution was lopsided and unbalanced as it had omitted that the terrorists hide among Palestinian civilians, provoking their deaths, his country had decided to vote against it. He then emphasized that both sides needed to renounce violence, recommit themselves to the road map, and move quickly to establish a Palestinian State.<sup>65</sup>

On the other hand, the representative of Algeria feared that the Council's failure to take on its responsibilities could reinforce the sentiment of impunity among Israeli leaders.<sup>66</sup> The representative of Pakistan hoped that those who did not support the draft resolution would use their bilateral influence to persuade Israel to cease its military operations in Gaza.<sup>67</sup> The representative of France also regretted that the Council had not reacted rapidly.<sup>68</sup> This was echoed

by the representatives of Spain and China.<sup>69</sup> While recognizing that the draft should have been more balanced, the representative of the Russian Federation explained that his country voted in favour because the objective was to stop the violence.<sup>70</sup> The representative of Brazil supported the call for a ceasefire made by the Secretary-General on 3 October 2004 and hoped that peace talks would resume.<sup>71</sup>

A few speakers who had abstained in the voting stated that they could not support the text because it did not fairly describe the facts and responsibilities on both sides.<sup>72</sup>

In closing, the representative of Palestine emphasized that Palestinian terrorist groups were acting against the will of the Palestinian Authority while Israel's war crimes were condoned by the Israeli Government. He also pointed out that the American veto had always provided a cover for the occupying Power.<sup>73</sup> The representative of Israel responded that the draft resolution was definitely unbalanced and would have contributed to embolden terrorists who acted with total impunity within the occupied territories.<sup>74</sup>

#### **Deliberations of 22 October, 15 November and 16 December 2004 (5060th, 5077th and 5102nd meetings)**

From October to December 2004, the Council heard monthly briefings by the Under-Secretary-General for Political Affairs and the Special Coordinator for the Middle East Peace Process. No other statements were made.

In October and November, the Council was informed about continued violence and the absence of implementation by both sides of their commitments under the road map. In particular, it was noted that Israel continued to resort to force, extrajudicial killings, frequent military operations and incursions, house demolitions, closures, restrictions on movement, the expansion of settlements, and the construction of the barrier, and temporarily reoccupied areas under

<sup>62</sup> S/2004/783.

<sup>63</sup> S/2004/779.

<sup>64</sup> The Secretary-General was present at the meeting but did not make a statement.

<sup>65</sup> S/PV.5051, pp. 2-3.

<sup>66</sup> *Ibid.*, p. 3.

<sup>67</sup> *Ibid.*, p. 4.

<sup>68</sup> *Ibid.*, p. 4.

<sup>69</sup> *Ibid.*, p. 6.

<sup>70</sup> *Ibid.*, p. 5.

<sup>71</sup> *Ibid.*, p. 4.

<sup>72</sup> *Ibid.*, p. 5 (Romania); and p. 6 (Germany, United Kingdom).

<sup>73</sup> *Ibid.*, p. 7.

<sup>74</sup> *Ibid.*, p. 8.



Palestinian self-rule. The President of the Palestinian Authority, Yasser Arafat, remained confined to his compound, and this had convinced Palestinians that Israel did not really want peace. In addition, the United Nations agencies were severely affected in their operations by Israeli restrictions on movement and the Palestinian economy remained in tatters. However, Palestinians continued to resort to indiscriminate violence, as the Palestinian Authority failed to stop them. Internal Palestinian unrest also led to a number of incidents indicating that militants were increasingly bold in challenging the Palestinian Authority. These were factors that also led Israelis to believe that the Palestinians were not willing to share peaceful coexistence.

Following the death of President Yasser Arafat on 11 November 2004, the Palestinian Authority made great efforts to ensure that Palestinian elections scheduled for 9 January 2005 would be conducted in a free and fair manner, and the Palestine Liberation Organization pledged to end the "armed struggle". Positive developments were noted such as the resumption of security cooperation between the two sides and the approval by the Israeli parliament in November of the Israeli Government's initiative to withdraw from Gaza and parts of the West Bank. Overall, the emergence of optimism on both sides led to a sharp decline in violence in December.

During the briefings, the fact that the peace process had been in reverse since 2000 was deplored, although public opinion polls showing lasting support for the resumption of the peace process and Israeli support for the establishment of a Palestinian State proved that the underlying Oslo principles remained valid, namely, the principle of land for peace based on Council resolutions 242 (1967) and 338 (1973); the end of occupation; rejection of violence and terrorism; the need for security for both parties; a fair and agreed-upon solution to the plight of refugees; and Israel's legitimate right to self-defence and to exist in security. The need for the international community to introduce the principle of end goals was stressed, which the parties would have to define more clearly and negotiate among themselves, as the lack of an end goal had been the main criticism of the Oslo process. The international community needed to outline the end of the road for the parties while providing guarantees that agreements reached would be firm and final. It was also reaffirmed that only a two-State solution could

offer a viable way out of the conflict, and the hope was expressed that the Israeli planned withdrawal, which could be seen as a programmatic continuation of the Oslo process, would lead to the end of occupation.<sup>75</sup>

**Decision of 13 January 2005 (5111th meeting):  
statement by the President**

At its 5111th meeting, on 13 January 2005, the Council received its monthly briefing on the situation in the Middle East, including the Palestinian question, by the Under-Secretary-General for Political Affairs.

The Under-Secretary-General stated that there seemed to be an opportunity to begin the long-delayed implementation of the road map and move towards the settlement of the Israeli-Palestinian conflict. He welcomed the recent free, fair and peaceful elections in Palestine which had led to the election of Mahmoud Abbas as the new representative of the Palestinian people, and announced that elections to the Palestinian Legislative Council would be held on 17 July 2005. He also noted that a new coalition government was now in place in Israel, and reiterated that the withdrawal from Gaza should be implemented as part of the road map and in coordination with the new Palestinian leadership. The Under-Secretary-General also informed the Council of a marked increase in Palestinian attacks against Israelis despite the public call of President Abbas to end rocket attacks and his long-standing position of advocating an end to the armed uprising. He stated that Israeli forces also continued to undertake military incursions into Gaza. The Under-Secretary-General called on both parties to exercise restraint and to take steps towards fulfilling their road map obligations.<sup>76</sup>

The President (Argentina) then made a statement on behalf of the Council,<sup>77</sup> by which the Council, *inter alia*:

Welcomed the Palestinian presidential election held on 9 January 2005;

Commended the credible and fair character of the vote and congratulated the Palestinian people who had demonstrated their commitment to democracy by participating in the election under challenging conditions;

Congratulated the newly elected President of the Palestinian Authority on his election;

<sup>75</sup> See S/PV.5060, S/PV.5077 and S/PV.5102.

<sup>76</sup> S/PV.5111, pp. 3-6.

<sup>77</sup> S/PRST/2005/2.

Looked forward to the convening of the Palestinian legislative elections in the near future, and affirmed its support for the Palestinian people in their democratic process;

Supported the Palestinian Authority and its efforts to strengthen institutions, and underlined the importance of international assistance to the Palestinian people;

Stressed the need for the full implementation of the Quartet road map, as endorsed by the Council in its resolution 1515 (2003), for the creation of an independent, viable, democratic and sovereign State of Palestine living side by side with Israel in peace and security;

Called upon Israelis and Palestinians to relaunch a genuine political process.

**Decision of 16 February 2005 (5126th meeting): statement by the President**

At the 5126th meeting, on 16 February 2005, the President (Argentina) made a statement on behalf of the Council,<sup>78</sup> by which the Council, inter alia:

Welcomed the summit held in Sharm el-Sheikh, Egypt, on 8 February 2005, and the resumption of direct talks between the Prime Minister of Israel and the President of the Palestinian Authority;

Underlined the understandings reached by the Government of Israel and the Palestinian Authority, in particular that all Palestinians would stop all acts of violence against all Israelis everywhere and that Israel would cease all its military activities against all Palestinians everywhere;

Recognized those understandings as primary steps towards restoring confidence between the two parties and as a significant opportunity to enhance a new spirit of cooperation and to promote an atmosphere conducive to the establishment of peace and coexistence in the region;

Welcomed the initiative of the United Kingdom in convening an international meeting in London on 1 March 2005 to support Palestinian efforts to prepare the ground for a viable Palestinian State, and welcomed the meeting of the Quartet at the ministerial level which was to convene on the margins of the London meeting;

Looked forward to further engagement by the Quartet with the two parties to ensure continued progress in the peace process and the full implementation of the road map and relevant Council resolutions towards the creation of an independent, viable, democratic and sovereign State of Palestine living side by side with Israel in peace and security.

<sup>78</sup> S/PRST/2005/6.

**Decision of 9 March 2005 (5136th meeting): statement by the President**

The Council held its 5128th meeting on 22 February 2005 to hear its monthly briefing by the Under-Secretary-General for Political Affairs.

The Under-Secretary-General welcomed positive developments in the region following the Sharm el-Sheikh summit meeting on 8 January 2005 of the President of the Palestinian Authority, Mahmoud Abbas, and the Prime Minister of Israel, Ariel Sharon, where the two leaders reaffirmed their commitment to the road map and agreed that Palestinians would stop all acts of violence against Israelis and that Israel would cease its military activity against Palestinians. Positive follow-up actions included, from the Israeli side, the release of 500 Palestinian prisoners, the announcement of withdrawal from five West Bank cities and surrounding areas, the decision to halt punitive house demolitions, the reopening of three crossing points into Gaza and the issuance of permits for Palestinians to work in Israel. On the Palestinian side, the Under-Secretary-General welcomed the determination of President Abbas to prevent future attacks and the agreement by Hamas and Islamic Jihad to a temporary ceasefire. He however noted that violence had continued and that the imposition of closures still negatively affected humanitarian operations. In addition, Israel continued to build the barrier in the West Bank. Finally, he announced that the meeting in London, on 1 March 2005, composed of the Quartet, the Group of Eight, key donors and the Palestinian Authority would be an opportunity for the international community to provide funds for short-term assistance.<sup>79</sup>

At the 5136th meeting, on 9 March 2005, the President (Brazil) made a statement on behalf of the Council,<sup>80</sup> by which the Council, inter alia:

Welcomed the conclusions of the London meeting on supporting the Palestinian Authority held on 1 March 2005;

Hoped that the London meeting would be part of the longer-term process on international support to the Palestinian people and a contribution to helping both sides to implement the road map;

Stressed the crucial importance of security, good governance and development of the Palestinian economy, and stressed the key role of the international community in assisting

<sup>79</sup> See S/PV.5128.

<sup>80</sup> S/PRST/2005/12.

the Palestinian Authority in taking forward its comprehensive plan presented at the London meeting;

Supported the joint statement of the Quartet issued following the meeting of the Quartet held on the margins of the London meeting, and looked forward to the Quartet's active engagement over the forthcoming period;

Reiterated its call for full respect by the Government of Israel and the Palestinian Authority of understandings reached at the Sharm el-Sheikh summit on 8 February 2005, in particular that all Palestinians would stop all acts of violence against all Israelis everywhere and that Israel would cease all its military activities against all Palestinians everywhere;

Reiterated its call upon both Israel and the Palestinian Authority to ensure continued progress in the peace process towards full implementation of the road map in direct contact with the Quartet; stressed the need for concerted and sustained action by the Palestinian Authority to fulfil its security-related commitments and welcomed President Abbas's commitment to exert every effort towards that end; also stressed the need for Israel to implement its road map commitments;

Reiterated its demand for immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction; and reiterated its commitment to the vision of two States, Israel and Palestine, living side by side in peace and security.

**Deliberations of 24 March, 21 April, 18 May and 17 June 2005 (5149th, 5166th, 5181st and 5206th meetings)**

From 24 March to 17 June 2005, the Council heard monthly briefings on the situation in the Middle East, including the Palestinian question, by the Under-Secretary-General for Political Affairs. No other statements were made.

The briefings focused mainly on implementation by the parties of the road map and of their Sharm el-Sheikh commitments, in particular Israel's preparation for its disengagement from Gaza and the Palestinian Authority's reforms of the security services. They also provided reports on Quartet meetings, which concentrated in particular on how best to help the parties maintain the momentum.

Over the reporting period, the parties held meetings to coordinate the economic and civilian aspects of the implementation of Israel's initiative to withdraw from Gaza and parts of the West Bank. They were strongly supported by the international community, the Secretary-General and the Quartet in particular, as security for Israel and economic development for the Palestinians went hand in hand. However, it was noted

that progress had been slow on implementation of the Sharm el-Sheikh understandings.

The Palestinian Authority continued efforts to institute comprehensive security reform, but was confronted with strong internal protests. A positive development in this context was Israel's approval of the deployment of armed Palestinian police in all West Bank cities in order to strengthen the Palestinian Authority ahead of the transfer of further areas to Palestinian security control.

However, towards the end of the reporting period, it became evident that increased violence and a low level of mutual trust continued to work against progress. Militants on both sides remained strong and exerted negative political influence. In particular, the Under-Secretary-General expressed concern that some Palestinian militias might not feel bound to their ceasefire pledge, and called on the Palestinian Authority to make more efforts to impose authority, with the help and cooperation of Israel.

Other preoccupying developments were the continuation of the construction by Israel of the defence barrier and settlement activity in contravention of Israel's road map commitments. The fact that Hamas won a substantial share of the vote in the second round of the municipal elections on 5 May 2005 was also perceived by the Under-Secretary-General as increasing popular frustration with the Palestinian Authority.<sup>81</sup>

**Deliberations of 21 July 2005 (5230th meeting)**

By a letter dated 19 July 2005 addressed to the President of the Security Council, the representative of Kuwait, in his capacity as Chairman of the Group of Arab States and on behalf of the members of the League of Arab States, requested an immediate meeting of the Council to consider Israel's accelerated settlement activities in the occupied Palestinian territories.<sup>82</sup>

At its 5230th meeting, held on 21 July 2005 in response to that request,<sup>83</sup> the Council included the above-mentioned letter in its agenda. All Council members made statements, as did the representatives of

<sup>81</sup> See S/PV.5149, S/PV.5166, S/PV.5181 and S/PV.5206.

<sup>82</sup> S/2005/469.

<sup>83</sup> For more information on the discussion at this meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Israel, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Pakistan, Saudi Arabia, South Africa, the Sudan, the Syrian Arab Republic, Tunisia and Yemen, the Special Coordinator for the Middle East Peace Process, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and the Chargé d'affaires a.i. of the Permanent Observer Mission of the Organization of the Islamic Conference (OIC).

The Special Coordinator for the Middle East Peace Process briefed the Council on the situation. He said that the forthcoming Israeli withdrawal from Gaza and parts of the West Bank was overshadowing other issues although it was considered to be an opportunity to re-energize the road map, and was broadly supported by the international community. While preparations continued at a rapid pace, there was considerable evidence that Israeli settlement activities and the construction of the defence barrier were still ongoing. He held that the driving force behind the Israeli Government's decision to remove settlers from Gaza was Israel's own interest, but that it still constituted a gain for the Palestinian side. He also described a gradual erosion of the quasi-ceasefire that had prevailed since the Sharm el-Sheikh summit despite the commitment of President Abbas to working towards "one authority, one gun", and pressed Israel to do more to support the Palestinian Authority on that front. Particularly disturbing were recent confrontations between Hamas and the Palestinian Authority as well as the continuation of attacks against Israel.<sup>84</sup>

The representative of Palestine deplored the fact that, while the international community was directing its efforts towards the success of Israel's withdrawal, Israel was in fact accelerating its expansionist plan, speeding up settlement activities and the building of the wall to further isolate the occupied section of Jerusalem from the West Bank, thus imposing an illegitimate fait accompli. She also deplored the fact that the international community had been reluctant to exert pressure on Israel and hoped that the Council would take immediate measures.<sup>85</sup>

<sup>84</sup> S/PV.5230, pp. 3-8.

<sup>85</sup> Ibid., pp. 8-9.

The representative of Israel described incessant Palestinian terrorist activities and Qassam rocket attacks resulting in the murder of innocent Israeli civilians. He added that preventing terror coming from Palestinian areas was the responsibility of the Palestinian Authority. Although Israel had transferred control of Palestinian cities to armed Palestinian security forces so that they could combat terror, the Palestinian Authority had failed and as a result Israel was forced to take defensive measures. He contended that, nevertheless, Israel was taking a courageous action to reinvigorate the peace process by planning to withdraw from the Gaza Strip and from four settlements in the West Bank.<sup>86</sup>

Deliberations focused primarily on Israel's disengagement plan and on its recent decision to extend Israeli settlements in the West Bank and to step up the construction of the defence wall in a new area around Jerusalem. Almost all speakers denounced the settlements and the construction of the wall as unlawful, recalling the advisory opinion of the International Court of Justice contending that the wall was against international law and should be dismantled.<sup>87</sup> Speakers also affirmed that the wall and the settlements were contrary to the road map, as they jeopardized the peace process because they adversely affected the final status of negotiations. In particular, most speakers recognized that the new route for the wall would cut through two densely populated Palestinian neighbourhoods thereby cutting off Palestinian residents of East Jerusalem from the rest of the city. Several speakers explicitly emphasized that they would not recognize any non-negotiated modifications of the borders established before 1967.<sup>88</sup> In particular, the representative of Algeria said that settlements were aimed at isolating the Palestinians and at imposing another fait accompli to impede the establishment of an independent and viable Palestinian State.<sup>89</sup> The representative of the Syrian Arab Republic wondered why the Israeli Government decided to establish more settlements if its action against the settlers in Gaza was genuine.<sup>90</sup> Many

<sup>86</sup> Ibid., pp. 9-11.

<sup>87</sup> The General Assembly, by resolution ES-10/15 of 20 July 2004, demanded that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion of the International Court of Justice. Most speakers referred to that resolution.

<sup>88</sup> S/PV.5230, p. 15 (France); p. 20 (Denmark); and p. 24 (United Kingdom, on behalf of the European Union).

<sup>89</sup> Ibid., p. 13.

<sup>90</sup> S/PV.5230 (Resumption 1), p. 10.

speakers openly called on the Council to take immediate action to compel Israel to put an end to the construction of the wall and to the creation of new settlements.<sup>91</sup>

Almost all speakers viewed Israel's planned withdrawal — if done successfully and consistently with the road map — as an initial stage towards achieving a fair, lasting and comprehensive peace in the Middle East, except for the representative of the Libyan Arab Jamahiriya, who expressed the view that Israel's unilateral disengagement from the Gaza Strip was “merely a manoeuvre to divert the international community's attention from its plans to annex more land and complete the separation wall”.<sup>92</sup> The vast majority of speakers however insisted that Israel's withdrawal from the Gaza Strip needed to be genuine and complete and that both parties needed to cooperate towards its implementation. The representative of the United States emphasized that the international community needed to focus its efforts on working towards the successful implementation of the withdrawal plan as it held the potential to reinvigorate the road map.<sup>93</sup>

Speakers also unanimously expressed some concern about the ongoing violence. However, while some of them called on both sides to exercise restraint and to prevent the ceasefire from falling apart,<sup>94</sup> others focused their statement on Israel's responsibility for the current violence.<sup>95</sup> The representatives of the United States and the United Republic of Tanzania, for

their part, insisted on Palestinian terrorist attacks and stressed the need for the Palestinian Authority to reign in terrorist elements.<sup>96</sup>

Finally, the representative of France evoked the possibility of holding an international conference at an appropriate time to assist the parties in carrying out their road map obligations,<sup>97</sup> and the representative of Pakistan expressed his hope that the Council would actively promote dialogue between Israelis and Palestinians.<sup>98</sup>

#### **Decision of 23 September 2005 (5270th meeting): statement by the President**

At its 5250th and 5270th meetings, on 24 August and 23 September 2005 respectively, the Council heard briefings by the Under-Secretary-General for Political Affairs and the Special Coordinator for the Middle East Peace Process on the situation in the Middle East. No other speakers took the floor.

The briefings concerned the Israeli disengagement from Gaza and four settlements in the West Bank, which was completed by 20 September despite some incidents. The briefers welcomed the fact that coordination between the two sides contributed to a relatively smooth withdrawal. They also focused on remaining challenges to implement the road map, and noted that, although the renewed commitment to the ceasefire by Palestinian armed groups had led to a decrease in violence, Hamas leaders had stated their intention to continue resistance in the West Bank, and small arms smuggling into the Gaza Strip had been discovered. In addition, Israeli settlement activity in the West Bank and the construction of the Israeli defence and severe limitations on Palestinian movement were still ongoing. The speakers noted that without the re-establishment of free movement inside the West Bank, a viable Palestinian economy was impossible. Furthermore, the speakers indicated that, while Israeli leaders demanded an end to violence as a precondition to addressing Palestinian concerns, Palestinian leaders were finding it difficult to restrain Palestinian extremism without a visible prospect that their legitimate goals would be met in the near future. The speakers therefore called on the parties to take

<sup>91</sup> S/PV.5230, p. 13 (Algeria); S/PV.5230 (Resumption 1), p. 3 (Kuwait); p. 5 (Egypt); p. 9 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 11 (Syrian Arab Republic); p. 12 (Malaysia); p. 14 (Lebanon); p. 15 (Indonesia); p. 16 (Saudi Arabia); p. 17 (Islamic Republic of Iran); p. 20 (Pakistan); p. 22 (Libyan Arab Jamahiriya); and p. 24 (Organization of the Islamic Conference).

<sup>92</sup> S/PV.5230 (Resumption 1), p. 22.

<sup>93</sup> S/PV.5230, p. 22.

<sup>94</sup> S/PV.5230, p. 14 (Russian Federation); p. 15 (France); p. 16 (Brazil); p. 18 (China, Japan); p. 20 (Denmark, Romania); p. 21 (Argentina); p. 23 (United Kingdom, on behalf of the European Union); p. 24 (Benin); p. 25 (Philippines); and p. 26 (Greece); S/PV.5230 (Resumption 1), p. 9 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 11 (Malaysia); p. 13 (India); p. 18 (Norway); p. 20 (Cuba, Pakistan); and p. 22 (Morocco).

<sup>95</sup> S/PV.5230, p. 13 (Algeria); S/PV.5230 (Resumption 1), p. 3 (Kuwait); p. 5 (Yemen); p. 7 (Tunisia); p. 10 (Syrian Arab Republic); p. 15 (Indonesia, Saudi Arabia); p. 17 (Islamic Republic of Iran); and p. 18 (Sudan).

<sup>96</sup> S/PV.5230, p. 15 (United Republic of Tanzania); and p. 22 (United States).

<sup>97</sup> S/PV.5230, p. 15.

<sup>98</sup> S/PV.5230 (Resumption 1), p. 21.

advantage of the momentum gathered by the disengagement and discharge in parallel their respective obligations with regard to the road map. Finally, they announced that Palestinian legislative elections would be held as planned in January 2006.<sup>99</sup>

At the end of the 5270th meeting, the President (Japan) made a statement on behalf of the Council,<sup>100</sup> by which the Council, *inter alia*:

Supported the statement issued in New York on 20 September 2005 by the Quartet, annexed to the statement;

Urged the Government of Israel and the Palestinian Authority to cooperate, along with other parties concerned, with the efforts to achieve the goals set out in the Quartet statement; and called for renewed action in parallel by the Government of Israel and the Palestinian Authority on their obligations in accordance with the road map, to ensure continued progress towards the creation of an independent, sovereign, democratic and viable State of Palestine living side by side with Israel in peace and security.

**Decision of 30 November 2005 (5713th meeting): statement by the President**

At its 5287th and 5312th meetings, on 20 October and 30 November 2005,<sup>101</sup> the Council heard briefings by the Under-Secretary-General for Political Affairs on the situation in the Middle East.

The Under-Secretary-General welcomed the Agreement on Movement and Access between the Palestinian Authority and the Israeli Government reached on 15 November 2005, after several months of negotiations. The parties agreed that, *inter alia*, the Rafah crossing between Egypt and Gaza would be reopened, placed under Palestinian control and supervised by a European Union border assessment mission; all crossings between Gaza and Israel would operate continuously and the European Union would monitor Customs agreements; bus and truck convoys would resume; the Government of Israel would reduce movement restrictions in the West Bank; the construction of the Gaza seaport would resume; and discussions on the Gaza airport would continue. On the same day, the Rafah crossing was opened.

<sup>99</sup> See S/PV.5250 and S/PV.5270.

<sup>100</sup> S/PRST/2005/44.

<sup>101</sup> For more information on the discussion at the 5312th meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

On the other hand, a number of challenges remained. In particular, construction of the defence barrier continued and Israeli checkpoints and settlements still dominated the landscape in the West Bank. The Under-Secretary-General cautioned that the economic and social situation in Gaza and the West Bank was still dire and that the rule of law remained weak in the areas under Palestinian control, as heavy armed clashes in Gaza between the Palestinian police and Hamas militants had occurred. The Under-Secretary-General also stressed that the Palestinian Authority had to implement proper restructuring of its security services and take action against individuals involved in violence, while Israel had to cease from complicating efforts that would achieve a two-State solution.

At the 5313th meeting, on 30 November 2005, the President (Russian Federation) made a statement on behalf of the Council,<sup>102</sup> by which the Council, *inter alia*:

Welcomed the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing reached between the Government of Israel and the Palestinian Authority on 15 November 2005;

Called upon the parties to take immediate action to implement the terms of both agreements according to the timelines established therein;

Called for renewed action in parallel by the Government of Israel and the Palestinian Authority on their obligations in accordance with the road map, to ensure continued progress towards the creation of a viable, democratic, sovereign, and contiguous Palestine living side by side with Israel in peace and security.

**Decision of 3 February 2006 (5365th meeting): statement by the President**

At its 5337th and 5361st meetings, held on 20 December 2005 and 31 January 2006, respectively, the Council heard briefings by the Under-Secretary-General for Political Affairs and the Assistant Secretary-General for Political Affairs.

The briefers first highlighted the adoption of a revised donor structure at a London conference of donors, which would strengthen the role of the Palestinian Authority in aid management. They also expressed concern about the security situation, in particular the continuation of Palestinian terrorist

<sup>102</sup> S/PRST/2005/57.

bombings, Israeli extrajudicial killings and deteriorating Palestinian internal security. In addition, there had been no change on the issue of Israeli settlement activities and the construction of the Israeli defence barrier. Finally, the briefers reported that on 4 January 2006, the Prime Minister of Israel, Ariel Sharon, had suffered a stroke and that Ehud Olmert had become Acting Prime Minister.

A major development was the Palestinian Legislative Council elections held on 25 January 2006, during which Hamas won a majority of seats. The Quartet then met in London on 30 January and expressed the view that all members of a future Palestinian government must be committed to non-violence, recognition of Israel and acceptance of previous agreements and obligations including the road map, and that any donor assistance would be subject to the Palestinian government's commitment to these principles. Lastly, the briefers deplored that the road map's target date for a final settlement of the Israeli-Palestinian conflict would not be met, but that it remained the general framework for peace in the Middle East.<sup>103</sup>

At the 5365th meeting, on 3 February 2006, the President (United States) made a statement on behalf of the Council,<sup>104</sup> by which the Council, *inter alia*:

Congratulated the Palestinian people on an electoral process that was free, fair, and secure; and commended all the parties for the preparation and conduct of the elections, particularly the Central Elections Commission and the Palestinian Authority security forces, for their professionalism;

Expressed its expectation that a new government would remain committed to realizing the aspirations of the Palestinian people for peace and statehood; and welcomed President Abbas's affirmation that the Palestinian Authority remained committed to the road map, previous agreements and obligations between the parties, and a negotiated two-State solution to the Israeli-Palestinian conflict;

Reaffirmed its continuing interest in the fiscal stability of the caretaker government, and noted that major donors had indicated that they would review future assistance to a new Palestinian Authority government against the commitment of that government to the principles of non-violence, recognition of Israel, and acceptance of previous agreements and obligations, including the road map;

Reminded both parties of their obligation under the road map and on existing agreements, including on movement and

access; and called upon both parties to avoid unilateral actions which prejudice final status issues.

### **Deliberations of 28 February and 30 March 2006 (5381st and 5404th meetings)**

At its 5381st and 5404th meetings, held on 28 February and 30 March 2006, respectively, the Council heard briefings by the Special Coordinator for the Middle East Peace Process and the Assistant Secretary-General for Political Affairs on the most recent developments in the region. No other statements were made at those meetings.

The briefers reported that a new government in the occupied Palestinian territory had been formed, following the recent elections. This government was led by Hamas, "a terrorist organization" that was still committed to the destruction of Israel. Subsequently, Israel halted the transfer of Customs and value added tax payments to the Palestinian Authority, although the President of the Palestinian Authority Mahmoud Abbas, had asked Hamas to align its political programme to that of the Palestinian presidency. The briefers also reported on Israeli elections which saw the success of the new Kadima party.

Negative developments during the reporting period included, *inter alia*, a recent increase in violence, in particular rocket attacks against Israel and Israeli military escalation in Nablus, Gaza and Jericho;<sup>105</sup> the proliferation of physical obstacles to Palestinian movement within the West Bank; and the closing of the Karni crossing to Gaza, deepening the humanitarian crisis in Gaza. They finally stressed that the Palestinian government should reassess its position on the Quartet's principles and added that the interest for negotiation expressed by both the Prime Minister of Israel and the Palestinian President should be seriously explored.<sup>106</sup>

At the 5404th meeting, on 30 March 2006,<sup>107</sup> all Council members made statements, as did the representatives of Austria (on behalf of the European Union), Israel, Lebanon, Malaysia (on behalf of the

<sup>105</sup> During an Israeli military raid in the West Bank town of Jericho, Israel kidnapped six Palestinian detainees (see S/PV.5404, p. 8).

<sup>106</sup> See S/PV.5381 and S/PV.5404.

<sup>107</sup> For more information on the discussion at this meeting, see chap. III, part I, sect. D, case 2, with regard to requests for invitations denied or not acted upon.

<sup>103</sup> See S/PV.5337 and S/PV.5361.

<sup>104</sup> S/PRST/2006/6.

Movement of Non-Aligned Countries), the Syrian Arab Republic, the United Arab Emirates and Yemen (on behalf of OIC), the Permanent Observer of Palestine and the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The representative of Palestine noted that Israel had intensified unilateral attempts to define its borders and called on the international community to reject those actions, particularly the E-1 plan, which would isolate East Jerusalem from the West Bank. He added that since the occupied Palestinian territory including East Jerusalem constituted one single territorial entity, it should still be subject to the Fourth Geneva Convention despite Israeli withdrawal from Gaza. He reiterated the commitment made by President Abbas to abide by all obligations and agreements signed by the Palestine Liberation Organization including to a peaceful solution to the conflict. Finally, with respect to the economic situation in the Palestinian territories, he held that the Palestinian people should not be punished for exercising their democratic right to vote, and that Israel should release the Palestinian tax payments and abide by the Agreement on Movement and Access.<sup>108</sup>

The representative of Israel affirmed that the Palestinians had elected a terrorist organization. He called on the international community to continue its fight against terrorism, and explained that the recent closing of the Karni crossing had been necessary because of terrorist threats. He also emphasized that, following a statement by Hamas contemplating the release of a number of terrorists from the Jericho prison, Israel had had no choice but to intervene. Finally, he drew attention to the constant threat to Israel by an “axis of terrorism” consisting of an alliance between the Islamic Republic of Iran, the Syrian Arab Republic and Palestinian terrorist organizations.<sup>109</sup>

Deliberations focused on the international community’s response to the election of Hamas in Palestine, in particular whether the international community should continue to provide financial assistance to the Palestinian Authority even though Hamas had been recognized as a terrorist organization by many countries. Many speakers stressed that the international community was expecting the new Hamas-led Government to adhere to the Quartet principles as they were criteria that would be applied to any financial

assistance to the Palestinian government.<sup>110</sup> Many others speakers emphasized that it would be unfair to punish the Palestinian people for their democratic choice and that international aid needed to be maintained.<sup>111</sup> The representative of Denmark said that modalities for the provision of international assistance needed to be explored,<sup>112</sup> and the representative of the Russian Federation proposed to focus on joint efforts to establish a mechanism that would ensure reliable monitoring of donor assistance.<sup>113</sup> The representatives of the United States and the United Kingdom, for their part, stressed that their countries remained committed to ensuring the continuing delivery of humanitarian aid, but that the international community needed to be entirely sure that funding was not being used in support of terrorism.<sup>114</sup>

Virtually all speakers expressed their support for the road map and emphasized the need for the parties to resume negotiations as soon as possible. The representative of Malaysia, echoed by the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, called on the Council to prevail upon Israel and Palestine to achieve their long-term goal of a just, lasting and comprehensive final settlement.<sup>115</sup>

Finally, the majority of speakers called on Israel to refrain from any unilateral measures in violation of the road map, in particular extrajudicial killings, the construction of the defence wall and the expansion of settlements. Some speakers even called on the Security

<sup>110</sup> Ibid., p. 13 (Greece); p. 14 (Peru); p. 15 (United States); p. 16 (United Republic of Tanzania); p. 17 (Russian Federation); p. 20 (Denmark); p. 22 (Slovakia); p. 23 (Japan); p. 24 (Ghana); p. 25 (France); p. 26 (United Kingdom); p. 27 (Argentina); and p. 29 (Austria).

<sup>111</sup> Ibid., p. 11 (Lebanon); p. 13 (Syrian Arab Republic); p. 16 (United Republic of Tanzania); p. 18 (Russian Federation); p. 19 (Qatar); p. 20 (Denmark); p. 21 (China); p. 22 (Slovakia); p. 23 (Japan); p. 24 (Ghana); p. 25 (France); p. 26 (United Kingdom); p. 27 (Argentina); p. 30 (Austria); and p. 31 (Yemen).

<sup>112</sup> Ibid., p. 20.

<sup>113</sup> Ibid., p. 18.

<sup>114</sup> Ibid., p. 25 and p. 26, respectively.

<sup>115</sup> Ibid., p. 33 (Malaysia); and p. 34 (Committee on the Exercise of the Inalienable Rights of the Palestinian People).

<sup>108</sup> S/PV.5404, pp. 5-9.

<sup>109</sup> Ibid., pp. 9-11.



Council to exert pressure on Israel.<sup>116</sup> Several speakers, however, also denounced Palestinian terrorism.<sup>117</sup>

#### **Deliberations of 17 April 2006 (5411th meeting)**

By letters dated 10, 11 and 12 April 2006 addressed to the President of the Security Council, the representatives of Bahrain (in his capacity as Chairman of the Group of Arab States and on behalf of the League of Arab States), Yemen (on behalf of OIC), and Malaysia (in his capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries), respectively, requested a Council meeting to consider the recent developments in the occupied Palestinian territory.<sup>118</sup> At its 5411th meeting, held on 17 April 2006 in response to those requests,<sup>119</sup> the Council included the above-mentioned letters in its agenda.

All Council members made statements, in addition to the representatives of Algeria, Austria, Bahrain, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Israel, Malaysia, Pakistan, Saudi Arabia, the Syrian Arab Republic, Turkey, Venezuela (Bolivarian Republic of) and Yemen, the Permanent Observer of Palestine, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Permanent Observer of the League of Arab States.

The representative of Palestine regretted that the Council had been unable to adopt a presidential statement on the violence in the region the week before.<sup>120</sup> He then deplored the fact that Israel had

continued and intensified its military campaign against the Palestinian people in violation of international law, over the past month. He detailed the latest cases of aggression including the firing of missiles by Israel into the compound of the President of the Palestinian Authority, Mahmoud Abbas. He refuted Israel's argument that those actions were simply in response to violence coming from Palestine; instead they were aimed at inflicting maximum pain on civilians. Finally, he reminded the Council that President Abbas had been condemning terrorist attacks and he called on the Council to act firmly to stop Israel.<sup>121</sup>

The representative of Israel for his part focused on the danger that Palestinian terrorism constituted for Israel and reiterated that his country would not compromise the safety of its citizens. He urged the Council to take action to prevent the next murder.<sup>122</sup>

The representative of the United States strongly regretted that Hamas, although part of the Palestinian government, had applauded the recent suicide bombing in Tel Aviv and cited a statement of 30 March 2006 by the Quartet expressing concern that the Palestinian government had not yet committed itself to the Quartet principles. He added that the United Nations had to remain even-handed as unbalanced decisions undermined the credibility of the Organization and its ability to be an honest broker. He also signalled his country's intention to administer humanitarian assistance to the Palestinians through non-Palestinian Authority actors.<sup>123</sup>

A large number of speakers expressed concern about the humanitarian situation in the Palestinian territories, and repeated their call on Israel to stop the freeze on Palestinian Customs and tax funds. The representative of the Russian Federation noted that the provision of humanitarian aid to the Palestinian authority should continue free from political preferences,<sup>124</sup> and the representative of Pakistan specifically urged the United Nations and its agencies to increase their assistance.<sup>125</sup> The representatives of France and Austria (on behalf of the European Union),

<sup>116</sup> *Ibid.*, p. 11 (Lebanon); p. 13 (Syrian Arab Republic); p. 19 (Qatar); p. 28 (United Arab Emirates); and p. 31 (Yemen).

<sup>117</sup> *Ibid.*, p. 23 (Ghana); p. 24 (France); p. 26 (United Kingdom); p. 27 (Argentina); p. 30 (Austria); and p. 32 (Malaysia).

<sup>118</sup> S/2006/227, S/2006/239 and S/2006/240, respectively.

<sup>119</sup> For more information on the discussion at this meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice; and chap. XII, part I, sect. B, case 4, with regard to Article 2, paragraph 4, of the Charter.

<sup>120</sup> Many speakers also deplored the failed attempt by the Council to adopt a presidential statement: see S/PV.5411, p. 9 (Argentina); p. 10 (France); p. 15 (Congo); p. 20 (China); p. 25 (Algeria); p. 27 (Egypt); p. 29 (Syrian Arab Republic); p. 32 (Islamic Republic of Iran); p. 34 (Cuba); p. 36 (Venezuela, Bolivarian

Republic of); p. 37 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); and p. 38 (League of Arab States).

<sup>121</sup> S/PV.5411, pp. 3-5.

<sup>122</sup> *Ibid.*, pp. 5-7.

<sup>123</sup> *Ibid.*, pp. 7-8.

<sup>124</sup> *Ibid.*, p. 11.

<sup>125</sup> *Ibid.*, p. 28.

however, said that European humanitarian aid to the Palestinians would continue, but that direct budgetary assistance to the Palestinian Authority had been temporarily suspended until alternative channels were defined. This policy would be regularly reviewed in view of the Palestinian government's attitude towards the Quartet principles.<sup>126</sup> The representatives of Denmark and the United Kingdom underlined the need to ensure that funding would not be directed to terrorist purposes.<sup>127</sup>

Most speakers condemned the terrorist bombing in Tel Aviv<sup>128</sup> and called on both parties to exercise restraint. While the majority of Council members also appealed to the parties to refrain from actions that could prejudice the outcome of final status negotiations, the majority of non-members called on the Council to pressure Israel to immediately stop its military escalation, the extrajudicial killings, settlement activity and the construction of the separation wall, those measures being contrary to international law. Most speakers also called on the Council and the Quartet to play a supportive role in assisting the parties to resume peace negotiations.

**Deliberations of 24 April, 24 May and 21 June 2006 (5419th, 5443rd and 5472nd meetings)**

At its 5419th, 5443rd and 5472nd meetings, held on 24 April, 24 May and 21 June 2006, respectively,<sup>129</sup> the Council heard briefings by the Special Coordinator for the Middle East Peace Process and the Under-Secretary-General for Political Affairs on the most recent developments in the region.

The briefers reported on a number of worrying developments. First, the new Palestinian government had failed to commit itself to the Quartet principles. As a result, key donors had withdrawn their direct support to the Palestinian Authority, and the Authority, facing a

deep financial crisis, was unable to pay the salaries of civil servants and security forces or to provide basic services to the population. The fact that Israel continued to withhold tax clearance revenues that it collected on behalf of the Palestinian Authority further aggravated the situation. Another result was the designation by Israel of the Palestinian government as a "terrorist entity" and its refusal to interact with it. Second, Israeli closures continued. The Agreement on Movement and Access was not respected by Israel except for the opening of the Rafah crossing into Gaza. In addition, settlement activity and the construction of the Israeli barrier had accelerated. Third, the humanitarian situation in the Palestinian territories was still preoccupying. Meeting the basic needs of the Palestinians was identified as a major challenge and international donors expressed their desire to provide assistance to the people. As a result, on 17 June 2006 a temporary international mechanism developed by the European Union to facilitate direct needs-based assistance to the Palestinian people, circumventing the Palestinian Authority, was endorsed by the Quartet. Fourth, violence was still ongoing. The briefers reported on Palestinian terrorist bombings, for which Israel held the Palestinian Authority accountable despite President Abbas's repeated condemnations. Overall, prospects for achieving a two-State solution through the implementation of the road map were at their lowest point.

**Decision of 13 July 2006 (5488th meeting):  
rejection of a draft resolution**

By letters dated 29 June 2006 addressed to the President of the Security Council, the representatives of Algeria (in his capacity as Chairman of the Group of Arab States and on behalf of the League of Arab States) and Qatar requested an immediate Council meeting to consider the situation in the occupied Palestinian territory including East Jerusalem, including Israeli practices affecting Palestinian civilians.<sup>130</sup> At its 5481st meeting, held on 30 June 2006 in response to those requests, the Council included the above-mentioned letters in its agenda.

All Council members made statements, as did the representatives of Algeria, Austria (on behalf of the European Union), Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Israel, Jordan, Lebanon, the Libyan

<sup>126</sup> Ibid., p. 10 (France); and p. 24 (Austria).

<sup>127</sup> Ibid., p. 15 (Denmark); and p. 16 (United Kingdom).

<sup>128</sup> Those who did not expressly condemn the terrorist attack were the representatives of Algeria, Bahrain, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Qatar, Saudi Arabia, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Yemen (on behalf of OIC).

<sup>129</sup> For more information on the discussion at the 5472nd meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

<sup>130</sup> S/2006/458 and S/2006/462, respectively.

Arab Jamahiriya, Malaysia (on behalf of the Movement of Non-Aligned Countries), Morocco, Norway, Pakistan, Saudi Arabia, South Africa, the Syrian Arab Republic, Yemen and Zimbabwe (on behalf of the Group of African States), the Assistant Secretary-General for Political Affairs and the Permanent Observer of Palestine.<sup>131</sup>

The President (Denmark) first drew the attention of the Council to two letters from the representative of Israel reporting on the infiltration by Hamas of Israeli territory on 25 June 2006 that led to the killing of two Israeli soldiers and the kidnapping of Corporal Gilad Shalit, as well as the continuing firing of Qassam rockets from the Gaza Strip into Israel. Israel deplored the fact that Gaza had turned into a terror base since the Israeli disengagement, and specified that Israel would take all necessary actions to release Corporal Shalit.<sup>132</sup>

She also drew attention to a letter from the representative of the Syrian Arab Republic denouncing a flight of Israeli military aircraft over the Syrian coast on 28 June 2006 as constituting a violation of international law and an unjustified provocation against the Syrian Arab Republic,<sup>133</sup> and to two letters from the Permanent Observer of Palestine informing the Council of the launching by Israel on 28 June 2006 of a major air and ground military assault on the Gaza Strip, the raiding of several cities in the occupied Palestinian territory and the kidnapping of at least 64 Palestinians, and calling for the Israeli perpetrators of those war crimes to be brought to justice.<sup>134</sup>

The Assistant Secretary-General for Political Affairs reported on the incursion by the Israel Defense Forces into Gaza, the airstrikes, the arrest of Palestinian Authority officials and of suspected militants, and the indiscriminate firing of rockets from Gaza. She insisted that the Palestinian Authority needed to act to stop the rocket attacks but also stressed that Palestinian civilians should not pay the price of militants' actions. She added that international efforts to secure the release of Corporal Shalit had been undertaken by Egypt, France

and Jordan and that nothing justified the holding of hostages.<sup>135</sup>

The representative of Palestine held that the Israeli operation had been premeditated before the capture of Corporal Shalit as the scope of the attack necessitated preparation. He said that President Abbas was working hard to secure the release of the soldier. He said that it was the Council's duty to condemn Israeli aggression, call for the immediate cessation of hostilities and compliance with international law, call for the withdrawal of Israeli forces and the release of Palestinian Authority officials, and exert pressure on the parties to resume the peace process.<sup>136</sup>

The representative of Israel deplored the fact that Gaza had become a terror base actively supported by the elected Hamas government, and that terrorist attacks continued to be launched despite Israeli restraint in reaction to Qassam rocket attacks.<sup>137</sup>

A majority of speakers expressed concern about the current situation and asked both parties to exercise restraint. However, almost all non-members, in addition to the representative of Algeria, denounced Israeli attacks against Palestinians and the recent violation of the airspace of the Syrian Arab Republic. They called on the Council to compel Israel to cease immediately.<sup>138</sup> All those speakers, and a few others, stated that the Israeli aggression was disproportionate and constituted unnecessary collective punishment of the Palestinian people.<sup>139</sup> Some even contended that the Israeli invasion was premeditated and that the kidnapping of Corporal Shalit had only been a pretext.<sup>140</sup> The representatives of Algeria, the Islamic Republic of Iran, Egypt and the Libyan Arab Jamahiriya expressed their hope that the

<sup>131</sup> The representative of India and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People were also invited to participate but did not make statements.

<sup>132</sup> S/2006/436 and S/2006/463, dated 26 and 29 June 2006, respectively.

<sup>133</sup> S/2006/459, dated 29 June 2006.

<sup>134</sup> S/2006/443 and S/2006/460, dated 28 and 29 June 2006, respectively.

<sup>135</sup> S/PV.5481, pp. 3-4.

<sup>136</sup> *Ibid.*, pp. 4-7.

<sup>137</sup> *Ibid.*, pp. 7-9.

<sup>138</sup> *Ibid.*, p. 19 (Algeria); p. 21 (Islamic Republic of Iran); p. 22 (Egypt); p. 25 (Yemen); p. 26 (Syrian Arab Republic); p. 27 (Cuba); p. 28 (Libyan Arab Jamahiriya); p. 29 (Indonesia); p. 30 (South Africa, Pakistan); p. 32 (Morocco, Zimbabwe); and p. 33 (Saudi Arabia).

<sup>139</sup> *Ibid.*, p. 9 (Qatar); p. 11 (Congo); p. 15 (United Republic of Tanzania); p. 18 (Argentina); p. 23 (Malaysia); p. 24 (Jordan); and p. 31 (Lebanon, Norway).

<sup>140</sup> *Ibid.*, p. 11 (Congo); p. 19 (Algeria); p. 20 (Islamic Republic of Iran); p. 25 (Yemen); p. 26 (Syrian Arab Republic); p. 27 (Cuba); and p. 28 (Libyan Arab Jamahiriya).

Council would provide international protection to the Palestinian people.<sup>141</sup>

While many speakers called on the Palestinian Authority to make all efforts necessary to obtain the release of Corporal Shalit,<sup>142</sup> others specifically called for the release of the Palestinian Authority officials detained by Israel.<sup>143</sup> The representatives of Malaysia, Indonesia and Norway appealed for both to be released.<sup>144</sup>

The representative of the United States asked the Council to avoid taking any steps that would exacerbate tensions. He also said that a prerequisite for ending the conflict would be for the Syrian Arab Republic and the Islamic Republic of Iran to end their role as State sponsors of terror and unequivocally condemn the actions of Hamas.<sup>145</sup>

At its 5488th meeting, held on 13 July 2006 in response to the requests contained in two letters dated 29 June 2006 addressed to the President of the Council by the representatives of Algeria and Qatar, the Council included the letters in its agenda.<sup>146</sup>

At the meeting, the representatives of Denmark, Israel, Peru, Qatar, Slovakia and the United States and the Permanent Observer of Palestine made statements.

The President (France) first drew attention to a draft resolution submitted by Qatar,<sup>147</sup> by which the Council, *inter alia*, would condemn all acts of violence, terror and destruction; call for the release of the abducted Israeli soldier and of all detained Palestinian officials and other illegally detained Palestinian civilians; call upon Israel to halt its military operations and its disproportionate use of force and to withdraw to

its original position outside the Gaza Strip; call upon the Palestinian Authority to take immediate action to bring an end to violence, including the firing of rockets on Israeli territory; urge all concerned parties to abide by their obligations and refrain from violence against the civilian population; call on the international community to provide emergency assistance to the Palestinian people and on Israel to restore the continuous supply of fuel to Gaza; call on both parties to create the necessary conditions for restarting the peace process; and request the Secretary-General to report back to the Security Council on the implementation of the resolution in a timely manner.

The draft resolution was put to the vote and received 10 votes in favour (Argentina, China, Congo, France, Ghana, Greece, Japan, Qatar, Russian Federation, United Republic of Tanzania) to 1 against (United States), with 4 abstentions (Denmark, Peru, Slovakia, United Kingdom) and was not adopted owing to the negative vote of a permanent member.

Explaining his country's vote, the representative of the United States stated that there had been new developments, referring to the major escalation by Hizbullah in southern Lebanon and the subsequent announcement by the Secretary-General that he would send a team to the region. He then contended that the draft resolution was unbalanced as it did not acknowledge that Israeli military actions were in response to rocket attacks and to the abduction of the Israeli soldier. Finally, he asserted that Hamas and Hizbullah were supported by the Islamic Republic of Iran and by the Syrian Arab Republic, and called upon the Syrian Arab Republic to arrest the Hamas leader Khalid Mishal who resided in Damascus.<sup>148</sup>

The representative of Peru, echoed by the representative of Denmark, regretted that the draft resolution did not take into account the fact that Hizbullah had also kidnapped two Israeli soldiers and launched rockets at Israel, provoking a response from the Israel Defense Forces in Lebanon. The representative of Denmark added that the draft had not included a more thorough recognition of complexities on the ground, and this view was shared by the representative of the United Kingdom, who held that the text was not balanced.<sup>149</sup> The representative of

<sup>141</sup> *Ibid.*, pp. 19, 21, 22 and 28, respectively.

<sup>142</sup> *Ibid.*, p. 11 (United States); p. 12 (Russian Federation); p. 13 (Slovakia, United Kingdom); p. 14 (Japan); p. 15 (United Republic of Tanzania, Ghana); p. 16 (Greece); p. 17 (China, Argentina); p. 18 (Peru); p. 19 (Denmark); p. 22 (Egypt, Austria); p. 23 (Malaysia); p. 29 (Indonesia); and p. 31 (Norway).

<sup>143</sup> *Ibid.*, p. 10 (France); p. 11 (Congo); p. 15 (United Republic of Tanzania); p. 18 (Argentina); p. 20 (Algeria); p. 22 (Egypt); p. 23 (Malaysia); p. 25 (Yemen); p. 28 (Libyan Arab Jamahiriya); p. 29 (Indonesia); p. 30 (South Africa); p. 31 (Norway); and p. 32 (Morocco).

<sup>144</sup> *Ibid.*, pp. 24, 29 and 31, respectively.

<sup>145</sup> *Ibid.*, p. 11.

<sup>146</sup> S/2006/458 and S/2006/462, dated 29 June 2006.

<sup>147</sup> S/2006/508.

<sup>148</sup> S/PV.5488, p. 3.

<sup>149</sup> *Ibid.*, p. 3 (Peru); p. 4 (Denmark); and p. 5 (United Kingdom).

Slovakia for his part expressed disappointment that condemnation of terrorism was not sufficiently reflected.<sup>150</sup>

The representatives of Qatar and Palestine expressed their disappointment at the Council's continued inability to act while Palestinian civilians were being killed by Israelis. They added that this was hurting the credibility of the Council and that it would contribute to exacerbating the situation.<sup>151</sup>

Finally, the representative of Israel denounced the Syrian Arab Republic and the Islamic Republic of Iran as part of "an axis of terror" and added that those two countries constituted a threat to Israel, to the region and to the entire free world. He also emphasized that his country was doing what it could to balance its duty to protect its citizens with the wish to minimize the negative impact on the civilian population.<sup>152</sup>

#### **Deliberations of 21 July 2006 (5493rd meeting)**

At its 5493rd meeting, on 21 July 2006, the Council heard a briefing by the Special Adviser to the Secretary-General on his recent mission to the Middle East, and a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on the humanitarian situation in the region.

Following the briefings, all Council members made statements, as did the representatives of Algeria, Australia, Brazil, Canada, Chile, Cuba, Djibouti, Egypt, Finland (on behalf of the European Union), Guatemala, India, Indonesia, the Islamic Republic of Iran, Israel, Jordan, Lebanon, Malaysia (on behalf of the Movement of Non-Aligned Countries), Mexico, Morocco, New Zealand, Norway, Pakistan, Saudi Arabia, South Africa, the Sudan, Switzerland, the Syrian Arab Republic, Turkey, the United Arab Emirates, Venezuela (Bolivarian Republic of) and Viet Nam, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The President (France) first drew the attention of the Council to four letters from the representative of Israel denouncing the infiltration of Israel by Hamas on

25 June 2006, via an underground tunnel, and the killing of two Israeli soldiers and the kidnapping of a third. The letters justified Israel's actions in the Palestinian territories as necessary to free the kidnapped soldier, and deplored the continuing firing of Qassam rockets into Israel.<sup>153</sup> In another letter, the representative of Israel protested against an infiltration by Hizbullah into Israeli territory on 12 July 2006 and the kidnapping of two Israeli soldiers, holding the Governments of the Syrian Arab Republic and the Islamic Republic of Iran responsible as well as the Government of Lebanon for its inaction, and contended that Israel reserved itself the right to act in self-defence under Article 51 of the Charter of the United Nations.<sup>154</sup>

The President also drew attention to letters from the Permanent Observer of Palestine denouncing a major air and ground military assault on the Gaza Strip by Israel launched on 28 June 2006, collectively punishing the Palestinian civilian population for the capture of the Israeli soldier on 25 June 2006 despite calls from the Palestinian leadership to find a diplomatic solution. In the letters, the representative of Palestine also called on the Council to condemn Israel's war crimes, bring a halt to the military invasion and urge Israel to release Palestinian officials detained since the incident.<sup>155</sup> One of the letters contained the text of the Palestinian national conciliation document on the development and reactivation of the Palestine Liberation Organization and a comprehensive Palestinian national dialogue.<sup>156</sup>

Reference was also made to a letter from the representative of the Syrian Arab Republic denouncing a flight of Israeli military aircraft over the Syrian coast on 28 June 2006 as constituting a violation of international law and an unjustified provocation, and to three letters from the representative of the Islamic Republic of Iran denouncing Israel's military campaign against the Palestinians.<sup>157</sup>

<sup>150</sup> Ibid., pp. 3-5.

<sup>151</sup> Ibid., pp. 5-7.

<sup>152</sup> Ibid., pp. 7-8.

<sup>153</sup> S/2006/436, S/2006/463, S/2006/485 and S/2006/502, dated 26 and 29 June and 5 and 10 July, respectively.

<sup>154</sup> S/2006/515, dated 12 July 2006.

<sup>155</sup> S/2006/443, S/2006/460, S/2006/479, S/2006/489, S/2006/501, S/2006/519, S/2006/538 and S/2006/554, dated 28 and 29 June and 3, 7, 10, 13, 18 and 20 July 2006, respectively.

<sup>156</sup> S/2006/499, dated 10 July 2006.

<sup>157</sup> S/2006/459, S/2006/475, S/2006/546 and S/2006/549, dated 29 and 30 June, 11 and 19 July 2006, respectively.

In other letters brought to the attention of Council members, the representative of Malaysia transmitted statements by the Movement of Non-Aligned Countries condemning Israel's military assault against Palestinian civilians and its violation of Syrian airspace, expressing concern at the humanitarian situation in Gaza and in Lebanon, and calling on the Council to establish a comprehensive ceasefire in Lebanon.<sup>158</sup>

A statement by the European Union reminding the parties of their responsibility to protect civilian lives was also submitted to the Council in a letter from the representative of Finland.<sup>159</sup>

Finally, the President of the Council drew attention to eight letters from the representative of Lebanon in which the Government of Lebanon rejected responsibility for the events of 12 July 2006 on the Blue Line (its border with Israel), strongly condemned the Israeli aggressions and expressed its willingness to negotiate through the United Nations.<sup>160</sup>

The Special Adviser to the Secretary-General provided an overview of the recent developments. In particular, he said that efforts to ensure the release of the Israeli soldier had thus far been unsuccessful and Israel's military operation had continued, killing many Palestinians and leading to a dramatic humanitarian situation as access into and out of Gaza was severely restricted. As regards his mission to the region regarding the conflict in Lebanon, he reported that the Prime Minister of Lebanon had insisted on the need for an immediate ceasefire but also affirmed that he was not in a position to negotiate a ceasefire as he had no involvement in the Hizbullah attacks. The Special Adviser also reported that the Prime Minister of Israel had stressed that Hizbullah, which was financed, armed and supported by its proxies the Syrian Arab Republic and the Islamic Republic of Iran, was fully responsible for initiating the conflict, and that military operations would continue until Hizbullah was weakened. Only afterwards would Israel welcome a political framework that ensured no return to the status quo ante. The Special Adviser finally said that it was urgent to secure a cessation of hostilities and develop a political

framework that would pave the way for a full and durable ceasefire. On that front, while the Government of Lebanon insisted that any step to defuse the crisis would require a Lebanese consensus, the Government of Israel was adamant that the prisoners be returned first. Finally, he said that the President of the Palestinian Authority had stressed the need to delink the crisis in Gaza from the one in Lebanon.<sup>161</sup>

The Under-Secretary-General for Humanitarian Affairs reported that the humanitarian crisis in Lebanon continued to worsen with many civilian deaths, widespread destruction of public infrastructure and overwhelmed hospitals. He detailed the work of United Nations humanitarian agencies to respond to the crisis and requested the acceptance and guarantee by Israel of humanitarian corridors into and out of Lebanon. A humanitarian flash appeal would also address the most pressing humanitarian concerns for a period of three months.<sup>162</sup>

The representative of Palestine first regretted the inaction of the Council regarding the situation in Gaza, which led to an increasing death toll. He called on the Council to condemn the Israeli actions, and to ensure an immediate cessation of hostilities, the withdrawal of Israeli forces, and the release of all Palestinian officials held by Israel.<sup>163</sup>

The representative of Israel again asserted that the State of Israel had been attacked without any provocation by Hamas in Gaza and by Hizbullah in Lebanon, both terrorist organizations. He deplored the difficulty for the Israeli forces to distinguish Hizbullah militants from civilians, but expressed his Government's awareness of the humanitarian situation in Lebanon and announced that it had agreed to establish humanitarian corridors. Finally, he insisted that the international community needed to address terrorism in Lebanon and its sponsors before a cessation of hostilities could be contemplated.<sup>164</sup>

The representative of Lebanon underlined that Lebanon was the victim of an aggression of a brutality that had gone beyond all previous similar acts. He appreciated the Secretary-General's support to Lebanon, called for an immediate ceasefire, and appealed to the international community to intervene immediately. He

<sup>158</sup> S/2006/491 and S/2006/548, dated 7 and 19 July 2006, respectively.

<sup>159</sup> S/2006/511, dated 12 July 2006.

<sup>160</sup> S/2006/518, S/2006/522, S/2006/528, S/2006/529, S/2006/531, S/2006/536, S/2006/537 and S/2006/550, dated 13, 14, 17, 18 and 19 July 2006.

<sup>161</sup> S/PV.5493, pp. 3-6.

<sup>162</sup> *Ibid.*, pp. 6-7.

<sup>163</sup> *Ibid.*, pp. 8-10.

<sup>164</sup> *Ibid.*, pp. 10-12.

also held Israel responsible for the humanitarian and economic catastrophe in Lebanon and hoped Israel would be forced to provide compensation.<sup>165</sup>

Most Council members called for immediate Council action, arguing that the Council's legitimacy would be undermined if it remained silent. In particular, the representative of Qatar deplored Israel's excessive use of military force against Lebanon under the pretext of self-defence, and called on the Council to adopt a resolution forthwith. He stressed the need for an immediate ceasefire, for the lifting of the Israeli blockade of Lebanon, for emergency humanitarian assistance and for full support to the Government of Lebanon and its institutions.<sup>166</sup> Several Council members condemned Hizbullah's attacks and recognized Israel's right to self-defence but also criticized Israel for reacting with excessive force.<sup>167</sup>

The representative of the United Kingdom emphasized the need to create the necessary conditions for a lasting and effective ceasefire and expressed concern about the role of the Syrian Arab Republic and the Islamic Republic of Iran, calling on them to stop supporting Hizbullah and interfering in Lebanon.<sup>168</sup> Several other Council members noted that a comprehensive and lasting solution to the underlying problems was necessary for creating the conditions for a lasting ceasefire. In this regard, implementation of resolution 1559 (2004) was crucial and the return to the status quo ante was impossible.<sup>169</sup> In particular, the representative of France stressed that it was "highly unlikely" that Hizbullah would be eliminated by force, adding that a strong Lebanese government would be essential.<sup>170</sup>

The representative of the United States for his part insisted that lasting solutions to bring permanent peace in the Middle East were critical, in particular tackling terrorism and its sponsors in Tehran and Damascus. He said that if the Council was simply adopting stopgap measures without really addressing the violence it would be a "disservice" as Hizbullah would probably not

honour the ceasefire. Finally, he indicated that his country was studying ideas to secure implementation of resolution 1559 (2004), including the deployment of an international stabilization force and how it would be empowered to deal with arms shipments to Hizbullah.<sup>171</sup>

During the debate, almost all non-members called for some Council action to respond to the crisis. Some speakers condemned all forms of violence including abductions and attacks against civilians.<sup>172</sup> In particular, the representative of Switzerland reminded the parties to the conflict that international humanitarian law prohibited attacks on civilians and on civilian property,<sup>173</sup> and the representative of Guatemala said that the parties had a responsibility to protect civilians.<sup>174</sup> While several speakers condemned the attacks conducted by Hizbullah and called for the release of all abducted soldiers,<sup>175</sup> others focused specifically on Israel's military actions against the Lebanese and the Palestinian people and held that Israel's occupation of Arab land remained the root of the problem.<sup>176</sup> Some speakers referred to Israel's actions as "State terrorism"<sup>177</sup> and called on the Council to specifically pressure Israel to put an end to the aggression and to hold it accountable.<sup>178</sup> Many others recognized Israel's right to self-defence but called on it to exercise restraint.<sup>179</sup> Some of those

<sup>165</sup> *Ibid.*, pp. 12-14.

<sup>166</sup> *Ibid.*, pp. 14-15.

<sup>167</sup> *Ibid.*, p. 20 (China); S/PV.5493 (Resumption 1), p. 2 (Russian Federation); p. 3 (Greece); p. 6 (United Kingdom); p. 9 (Argentina); and p. 11 (France).

<sup>168</sup> S/PV.5493 (Resumption 1), p. 6.

<sup>169</sup> S/PV.5493, p. 17 (Japan); S/PV.5493 (Resumption 1), p. 7 (Denmark); p. 9 (Argentina); and p. 11 (France).

<sup>170</sup> S/PV.5493 (Resumption 1), p. 11.

<sup>171</sup> S/PV.5493, pp. 16-17.

<sup>172</sup> S/PV.5493 (Resumption 1), p. 17 (Malaysia); p. 18 (Switzerland); p. 24 (Jordan); p. 33 (New Zealand); p. 34 (India); p. 40 (Guatemala); and p. 45 (Viet Nam).

<sup>173</sup> *Ibid.*, p. 18.

<sup>174</sup> *Ibid.*, p. 40.

<sup>175</sup> *Ibid.*, p. 16 (Finland); p. 19 (Brazil); p. 27 (Australia); p. 32 (Djibouti); p. 33 (New Zealand); p. 34 (India); p. 35 (Chile); p. 40 (Guatemala); and p. 45 (Mexico).

<sup>176</sup> S/PV.5493 (Resumption 1), p. 14 (Syrian Arab Republic); p. 20 (Saudi Arabia); p. 21 (Algeria); p. 22 (Egypt); p. 24 (Jordan); p. 25 (Indonesia); p. 26 (League of Arab States); p. 29 (Morocco); p. 30 (Islamic Republic of Iran); p. 36 (Venezuela, Bolivarian Republic of); p. 38 (Sudan); p. 42 (Committee on the Exercise of the Inalienable Rights of the Palestinian People, United Arab Emirates); and p. 44 (South Africa, Pakistan).

<sup>177</sup> *Ibid.*, p. 15 (Syrian Arab Republic); p. 21 (Algeria); p. 30 (Islamic Republic of Iran); and p. 38 (Sudan).

<sup>178</sup> *Ibid.*, p. 14 (Syrian Arab Republic); p. 21 (Algeria); and p. 43 (United Arab Emirates).

<sup>179</sup> *Ibid.*, p. 16 (Finland); p. 18 (Switzerland); p. 23 (Norway); p. 28 (Turkey); p. 32 (Djibouti); p. 39 (Canada); p. 41 (Guatemala); and p. 42 (United Arab Emirates).

speakers deplored Israel's reaction as disproportionate and amounting to collective punishment.<sup>180</sup>

The representatives of the United Kingdom, Australia, New Zealand and Canada specifically called on the Syrian Arab Republic and the Islamic Republic of Iran, or on "States with influence" to stop interfering into the internal affairs of Lebanon and providing help to Hizbullah.<sup>181</sup> The representatives of the Syrian Arab Republic and the Islamic Republic of Iran both denied these accusations.<sup>182</sup>

Regarding the humanitarian situation many speakers expressed concern and called for humanitarian assistance, including the establishment of humanitarian corridors as requested by the Under-Secretary-General, as well as the lifting of the Israeli blockade on Lebanon.<sup>183</sup>

Finally, regarding possible solutions to the current crisis, speakers almost unanimously called for an immediate ceasefire. However, many concurred that a return to diplomacy was essential as only a political process, including the resumption of the Middle East peace process, could bring lasting peace to the region.<sup>184</sup> The representative of Egypt, in particular, insisted that negotiations on a permanent settlement of the crisis first required a firm decision by the Council for an immediate and comprehensive ceasefire on both the Lebanese and Palestinian fronts.<sup>185</sup> A few speakers supported the idea of a reinforced international security and monitoring presence in Lebanon. The representative of Switzerland proposed that this presence be given the mandate to guarantee the ceasefire, secure the Israeli-Lebanese border, facilitate a negotiated settlement of

territorial disputes, and temporarily take control of the Shab'a farms area.<sup>186</sup> The representative of Canada urged that it be accompanied by a political framework with the aim of creating conditions for stability. Lastly, many speakers stressed that the Lebanese State needed to reinforce its sovereignty and that resolution 1559 (2004) had to be implemented in full, in particular the disarmament of irregular forces operating in Lebanon.<sup>187</sup>

#### Deliberations of 22 August 2006 (5515th meeting)

At its 5515th meeting, on 22 August 2006, the Council heard a briefing on the situation in the region by the Under-Secretary-General for Political Affairs, followed by a debate in which all Council members made statements, as did the representatives of Algeria, Brazil, Canada, Finland (on behalf of the European Union), the Islamic Republic of Iran, Israel, Lebanon, Norway, Pakistan, the Sudan and the Syrian Arab Republic.

The Under-Secretary-General said that the vision of a two-State solution had slipped further away during the past year, in particular because of increasing violence and the creation of facts on the ground that would prejudice final status issues. In addition, while President Abbas had respected his platform for peace, the Hamas-led Palestinian Authority had not fully committed itself to the basic principles of the peace process. As for Israel, the Government had failed to implement its Quartet road map obligations. He expressed concern about the Palestinian economic situation and referred to Israeli closures and restrictions on movement as the largest obstacle to economic growth. He stressed that the root cause of the region's problems was the absence of a comprehensive solution and added that the recent tragedy in Lebanon should be converted into an opportunity to resolve the region's long-standing problems.<sup>188</sup>

The representative of Palestine regretted that the 15-year-old peace process had not fulfilled its goals. He asserted that the situation had clearly deteriorated for the Palestinian people. He welcomed the intention of the Arab Foreign Ministers to seek a high-level Security Council meeting on the Palestinian question

<sup>180</sup> Ibid., p. 18 (Switzerland); p. 23 (Norway); p. 32 (Djibouti); p. 41 (Guatemala); and p. 42 (United Arab Emirates).

<sup>181</sup> S/PV.5493, p. 6 (United Kingdom); S/PV.5493 (Resumption 1), p. 27 (Australia); p. 33 (New Zealand); and p. 39 (Canada).

<sup>182</sup> S/PV.5493 (Resumption 1), pp. 15 and 31, respectively.

<sup>183</sup> Ibid., p. 16 (Finland); p. 19 (Brazil); p. 21 (Algeria); p. 23 (Egypt, Norway); p. 26 (Indonesia, League of Arab States); p. 29 (Morocco); p. 39 (Sudan); p. 40 (Guatemala); p. 43 (United Arab Emirates); p. 44 (Pakistan); and p. 45 (Viet Nam, Mexico).

<sup>184</sup> Ibid., p. 16 (Finland); p. 19 (Brazil); p. 23 (Egypt, Norway); p. 25 (Jordan); p. 26 (Indonesia, League of Arab States); p. 30 (Morocco); p. 35 (Chile, India); p. 40 (Guatemala); p. 43 (United Arab Emirates); and p. 45 (Viet Nam).

<sup>185</sup> Ibid., p. 23.

<sup>186</sup> Ibid., p. 18.

<sup>187</sup> Ibid., p. 16 (Finland); p. 27 (Australia); p. 39 (Canada); p. 43 (United Arab Emirates); and p. 46 (Mexico).

<sup>188</sup> S/PV.5515, pp. 2-5.



with a view to moving towards the implementation of relevant Council resolutions.<sup>189</sup>

The representative of Israel declared that his country had been conscious of the humanitarian situation in Gaza but that it would be wrong to divert the Council's attention from the implementation of resolution 1701 (2006), as the resolution was the last opportunity for Lebanon to prevent Hizbullah from acting as "a State within a State".<sup>190</sup>

The representative of Lebanon, for her part, deplored the fact that since the adoption of resolution 1701 (2006) Israel had continued its aggression, including air violations. She called on the Council to expedite the expansion and deployment of the United Nations Interim Force in Lebanon (UNIFIL) and to ensure Israeli compliance with its decisions.<sup>191</sup>

Most speakers agreed that the continued suffering of the Palestinians should not be overshadowed by the recent conflict in Lebanon. Several speakers reaffirmed that the Palestinian problem had been the core of all crises in the region, adding that unless it was resolved other problems would remain.<sup>192</sup> However, the key issue for the representative of the United States was that Hamas had rejected peace by not abiding by the Quartet principles.<sup>193</sup> By contrast, the representatives of the Islamic Republic of Iran, Pakistan and the Syrian Arab Republic stressed that the central problem was the Israeli occupation of Arab lands.<sup>194</sup>

A number of speakers welcomed the fact that the cessation of hostilities between Israel and Hizbullah had been generally maintained,<sup>195</sup> but many others voiced concern at the fragility of the situation on the ground, owing in part to an Israeli raid into the Bekaa valley, Lebanon, on 19 August 2006.<sup>196</sup> Because an

illegal arms shipment had been the target during that operation, some said that it had underlined the importance of the full implementation of resolution 1701 (2006), in particular the arms embargo on Lebanon.<sup>197</sup> The representative of the United States insisted that resolution 1701 (2006) guaranteed Israel's right to self-defence and added that the arms embargo must be upheld by the Syrian Arab Republic and the Islamic Republic of Iran.<sup>198</sup>

Several speakers urged both Hizbullah and Israel to refrain from any action that might complicate the situation.<sup>199</sup> The representative of the Russian Federation observed that joint actions by the international community were needed to de-escalate tensions.<sup>200</sup> In addition, many delegations urged Israel to immediately lift its air and sea blockade on Lebanon, the representative of Qatar urging the Council to specifically make this request.<sup>201</sup> The representative of Brazil expressed the hope that donors would step up their support for Lebanon at the conference to be held on 31 August 2006 in Stockholm.<sup>202</sup>

#### Deliberations of 21 September 2006 (5530th meeting)

By a letter dated 30 August 2006 to the President of the Security Council,<sup>203</sup> the Permanent Observer of the League of Arab States transmitted two decisions adopted by the Council of the League of Arab States at a ministerial meeting in Cairo on 20 August 2006 calling on the Security Council to exert pressure on Israel for the immediate lifting of the air, land and sea

<sup>189</sup> Ibid., pp. 22-24.

<sup>190</sup> Ibid., pp. 24-27.

<sup>191</sup> Ibid., pp. 27-29.

<sup>192</sup> Ibid., p. 6 (Russian Federation); p. 9 (China); p. 19 (Qatar); and p. 22 (Palestine).

<sup>193</sup> Ibid., p. 8.

<sup>194</sup> Ibid., pp. 32, 37 and 39, respectively.

<sup>195</sup> Ibid., p. 5 (Argentina); p. 7 (Russian Federation); p. 8 (China); p. 9 (United Kingdom); p. 11 (Denmark); p. 12 (France); p. 13 (Japan); p. 15 (United Republic of Tanzania); p. 16 (Peru); p. 17 (Slovakia); p. 27 (Norway); p. 29 (Finland); and p. 33 (Canada).

<sup>196</sup> S/PV.5515, p. 5 (Argentina); p. 11 (Denmark); p. 12 (France); p. 13 (Japan); p. 15 (United Republic of Tanzania); p. 16 (Peru); p. 17 (Slovakia); p. 19 (Qatar,

Congo); p. 21 (Ghana); p. 27 (Lebanon); p. 29 (Finland); p. 31 (Islamic Republic of Iran); p. 32 (Brazil); p. 33 (Canada); p. 34 (Sudan); p. 35 (Algeria); and p. 36 (Pakistan).

<sup>197</sup> Ibid., p. 5 (Argentina); pp. 7-8 (United States); p. 11 (Denmark); p. 12 (France); p. 15 (United Republic of Tanzania); p. 21 (Ghana); p. 26 (Israel); and p. 33 (Canada).

<sup>198</sup> Ibid., pp. 7-8.

<sup>199</sup> Ibid., p. 9 (China); p. 10 (United Kingdom, Denmark); p. 12 (France); p. 13 (Japan); and p. 17 (Slovakia).

<sup>200</sup> Ibid., p. 7.

<sup>201</sup> Ibid., p. 6 (Argentina); p. 9 (China); p. 10 (United Kingdom); p. 12 (France); p. 16 (United Republic of Tanzania); p. 19 (Qatar); p. 21 (Ghana); p. 28 (Lebanon); p. 29 (Finland); p. 31 (Islamic Republic of Iran); and p. 36 (Pakistan).

<sup>202</sup> Ibid., p. 33.

<sup>203</sup> S/2006/700.

blockage imposed on Lebanon, and supporting the “seven-point plan” to end the conflict in Lebanon presented by the Government of Lebanon on 26 July 2006.<sup>204</sup> The League of Arab States also requested a Council meeting at the ministerial level to consider the settlement of the Arab-Israeli conflict on all tracks.

At its 5530th meeting, held on 21 September 2006 in response to that request, the Council included the above-mentioned letters in its agenda. Statements were made by the Foreign Ministers of all Council members and the United States Secretary of State, in addition to the Foreign Minister of Bahrain (on behalf of the League of Arab States), the Foreign Minister of Finland (on behalf of the European Union), the President of the Palestinian Authority, the representative of Israel and the Secretary-General.

The Secretary-General affirmed that recent events in the region proved that the problems were all interconnected and that it was dangerous to leave the Arab-Israeli conflict unresolved. He welcomed the vital role played by the Council in the search for peace with the adoption of resolution 1701 (2006) and stressed that the problem of Israel and Palestine was at the heart of the conflict. He emphasized that large majorities of Israelis and Palestinians desired peace and understood that there was no military solution to the conflict. He called on the Quartet and the Council to work together to put in place a credible political process based on dialogue, parallel implementation of obligations and clarity as to the end goals.<sup>205</sup>

The representative of Bahrain stressed that the Arab-Israeli conflict was exhausting the resources of the region and creating instability. In order to revive the peace process, the Arab League proposed that the Council agree to, *inter alia*, initiate negotiations between the parties based on agreed terms of reference, with a set time frame and under its auspices; request the Secretary-General to prepare a report on appropriate mechanisms for resuming direct negotiations, including options for format, guarantees, time limits, parameters and the role of the Security Council and other third parties, and submit that report

to the Council; and reconvene at the ministerial level in order to consider further measures.<sup>206</sup>

Highlighting his country’s commitment to peace, the representative of Israel said that the Israeli-Palestinian conflict was the consequence, not the cause, of an ideology of intolerance that had plagued the region and had now taken control of the Palestinian Authority through Hamas. He stressed that any progress should begin with the release of Israeli hostages and the end of terrorist attacks.<sup>207</sup>

Speakers unanimously affirmed the need to reinvigorate the Middle East peace process, reiterated their support to the Quartet’s efforts towards the two-State vision and welcomed the outcome of the Quartet meeting of 20 September 2006, which had identified measures to build confidence between the parties. The representatives of France and the Russian Federation specifically called for the convening of an international conference on the Middle East, which could be held in the context of the initiative of the League of Arab States and pave the way for a new regional framework for collective security and economic integration.<sup>208</sup> Many speakers also welcomed the anticipated formation of a Palestinian Government of National Unity and advocated for providing President Abbas with vigorous support.<sup>209</sup> The United States Secretary of State reaffirmed that the Palestinian Authority had to commit itself to the Quartet principles: renouncing terror, recognizing Israel’s right to exist and accepting previous peace agreements.<sup>210</sup>

Most speakers also voiced their concern at the dire humanitarian situation in the Palestinian territory, particularly in Gaza, urged the immediate re-establishment of international aid and called on the Israeli authorities to transfer the withheld Palestinian tax and Customs revenues. The United States Secretary of State noted that her government had increased its direct assistance to \$468 million and had agreed to expand the Temporary International Mechanism to

<sup>204</sup> The “seven-point plan” was transmitted to the Council by the representative of Lebanon in a letter dated 11 August 2006 (S/2006/639).

<sup>205</sup> S/PV.5530, pp. 2-3.

<sup>206</sup> *Ibid.*, pp. 3-5.

<sup>207</sup> *Ibid.*, pp. 5-6.

<sup>208</sup> *Ibid.*, pp. 12 and 16, respectively.

<sup>209</sup> *Ibid.*, p. 3 (Secretary-General); p. 7 (Qatar); p. 8 (Denmark); p. 9 (Ghana); p. 10 (Peru); p. 12 (France); p. 13 (United Kingdom); p. 14 (Slovakia); p. 15 (Argentina); p. 16 (Russian Federation); p. 17 (United Republic of Tanzania); p. 20 (Japan); p. 21 (Greece); and p. 22 (Finland).

<sup>210</sup> *Ibid.*, p. 18.

ensure that the Palestinian people received that assistance.<sup>211</sup> While the representatives of Slovakia and Finland called for the opening of the Rafah and Karni border crossings,<sup>212</sup> the representative of China encouraged Israel to lift its blockade against Palestine, dismantle the separation wall and facilitate the supply of humanitarian assistance to Palestine.<sup>213</sup>

On the Lebanese track, most delegations called for the full implementation of resolution 1701 (2006), in particular the deployment of the reinforced UNIFIL, the need for the Government of Lebanon to extend its sovereign authority throughout the country, and the release of the abducted Israeli soldiers. The representative of the Russian Federation also observed that the Syrian track needed to be brought back to life. He said that his recent contacts with the Syrian leadership had given him the impression that Damascus was interested in establishing peace.<sup>214</sup>

At the close of the meeting, President Abbas stated that the Palestinian Authority was fully committed to peace through negotiations, international legitimacy, the road map and to living with its neighbours in peace and security.<sup>215</sup>

#### **Deliberations of 19 October 2006 (5552nd meeting)**

At its 5552nd meeting, on 19 October 2006,<sup>216</sup> the Council heard a briefing by the Special Coordinator for the Middle East Peace Process. Following the briefing, all Council members made statements, as did the representatives of Bahrain (on behalf of the League of Arab States), Cuba (on behalf of the Movement of Non-Aligned Countries), Finland (on behalf of the European Union), Israel, the Islamic Republic of Iran and the Syrian Arab Republic and the Permanent Observer of Palestine.

The Special Coordinator first stated that at the heart of the conflict in the Middle East was the problem of Israel and Palestine. He deplored the

<sup>211</sup> *Ibid.*, p. 18.

<sup>212</sup> *Ibid.*, pp. 14 and 22, respectively.

<sup>213</sup> *Ibid.*, p. 11.

<sup>214</sup> *Ibid.*, p. 16.

<sup>215</sup> *Ibid.*, p. 23.

<sup>216</sup> For more information on the discussion at this meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

intensification of Israeli military operations in Gaza leading to many deaths and regretted that neither the violence nor the diplomatic efforts, led by Egypt, had led to the release of the captured Israeli soldiers and the cessation of rocket attacks against Israel. He noted that Israeli intelligence claimed that weapons had recently been smuggled into Gaza through tunnels. He then reported on the political crisis within the Palestinian Authority and the failure of the President and the Prime Minister to implement an agreement to form a national unity government. He warned that Palestinian society was teetering between national unity and civil conflict as tensions between Palestinian Authority security forces and Hamas militants led to armed clashes. The Special Coordinator welcomed the European Commission's renewal and expansion of the Temporary International Mechanism and encouraged the implementation of the Agreement on Movement and Access, which would allow the Palestinian economy to recover. Finally, the Special Coordinator noted that although the Prime Minister of Israel, Ehud Olmert, expressed an interest in holding direct talks with Lebanon, the Prime Minister of Lebanon, Fouad Siniora, had refused. Similarly, although the President of the Syrian Arab Republic had expressed his desire to negotiate with Israel to secure the return of the Golan Heights, the Prime Minister of Israel held that the Golan Heights would remain within Israel. He reaffirmed that peace between Israel and Palestine, the Syrian Arab Republic and Lebanon were part of the United Nations goal of comprehensive peace in the region and warned against a compartmentalized approach.<sup>217</sup>

All speakers expressed concern about the violence and concurred that the peace process should be revived on the basis of previously agreed principles, including a two-State solution, the land-for-peace formula, the road map and relevant Security Council resolutions. Several speakers expressed support for the Palestinian President's efforts to form a government of national unity in order to restore law and order and improve the political climate,<sup>218</sup> but the representative of the United Kingdom specifically blamed Hamas for the failure to establish that government, and reaffirmed

<sup>217</sup> S/PV.5552, pp. 2-5.

<sup>218</sup> *Ibid.*, p. 8 (Denmark); p. 9 (Congo); p. 10 (United States); p. 11 (Peru); p. 12 (France); p. 17 (Slovakia, Greece); p. 18 (Argentina); p. 19 (Japan); and p. 26 (Finland).

that President Abbas was the main partner for peace.<sup>219</sup> A few speakers urged the Palestinian leadership to bring an end to violence and terrorist activities, including the firing of rockets into Israeli territory,<sup>220</sup> while others called on Israel to end disproportionate military operations and its violations of international humanitarian law.<sup>221</sup> To alleviate the economic crisis in the Palestinian territory, the representative of the United Kingdom, echoed by others, urged the international community to continue using the Temporary International Mechanism to channel financial assistance to Palestinians.<sup>222</sup>

Regarding the situation in Lebanon, while welcoming the progress made so far, most speakers reiterated that resolution 1701 (2006) must be fully implemented and that the two Israeli soldiers needed to be released immediately. The representatives of the United Kingdom, Slovakia and the United States urged the Syrian Arab Republic and the Islamic Republic of Iran to comply with the arms embargo regime,<sup>223</sup> while the representative of Denmark stated that the Syrian Arab Republic “must constructively play along”.<sup>224</sup> Several speakers expressed concern about the continued existence of armed groups in Lebanon, threatening the State monopoly on the legitimate use of force, and urged for their disarmament.<sup>225</sup> There were also concerns about violations of Lebanese airspace by the Israel Defense Forces.<sup>226</sup>

The representative of Palestine called on the Council to put an end to Israeli violence and protect civilians. He also affirmed that the Palestinians had chosen peace and called on Israel to make the same choice.<sup>227</sup>

While noting that the situation along the northern border had begun to stabilize, the representative of Israel for his part expressed concern about the smuggling of arms across the border between Lebanon and the Syrian Arab Republic. He also reiterated that his country would not enter into dialogue with Hamas before the latter had recognized the Quartet principles.<sup>228</sup>

The representative of the Syrian Arab Republic denied allegations that weapons were being smuggled across its border with Lebanon and reiterated its commitment to the implementation of resolution 1701 (2006). He also stressed that without the restoration of the occupied Golan Heights to his country Israel would never enjoy peace.<sup>229</sup>

#### **Decision of 11 November 2006 (5564th meeting): rejection of a draft resolution**

By letters dated 6, 7 and 8 November 2006 addressed to the President of the Security Council, the representative of Qatar, in his capacity as Chairman of the Group of Arab States and on behalf of the members of the League of Arab States, the representative of Azerbaijan on behalf of the Organization of the Islamic Conference, and the representative of Cuba, on behalf of the Movement of Non-Aligned Countries, respectively, requested an urgent Council meeting to consider the situation in the Middle East, including the Palestinian question.<sup>230</sup>

At its 5564th meeting, held on 9 November 2006 in response to those requests, the Council included the above-mentioned letters in its agenda. The Assistant Secretary-General for Political Affairs briefed the Council on the situation in the region, following which statements were made by all Council members and the representatives of Algeria, Azerbaijan (on behalf of OIC), Brazil, Cuba (on behalf the Movement of Non-Aligned Countries), Egypt, Finland (on behalf of the European Union), Indonesia, the Islamic Republic of Iran, Israel, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Pakistan, Saudi Arabia, South Africa, Spain, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen, the Permanent Observer of Palestine, the Chairman of the Committee on the

<sup>219</sup> Ibid., p. 7.

<sup>220</sup> Ibid., p. 4 (Special Coordinator for the Middle East Peace Process); p. 12 (France); p. 16 (Slovakia); p. 24 (Israel); and p. 26 (Finland).

<sup>221</sup> Ibid., p. 12 (France); p. 18 (Argentina); p. 21 (Palestine); p. 27 (Cuba); p. 29 (Syrian Arab Republic); and p. 31 (Islamic Republic of Iran).

<sup>222</sup> Ibid., p. 7 (United Kingdom); p. 12 (France); p. 17 (Slovakia); and p. 27 (Finland).

<sup>223</sup> Ibid., p. 7 (United Kingdom); p. 10 (United States); and p. 16 (Slovakia).

<sup>224</sup> Ibid., p. 8.

<sup>225</sup> Ibid., p. 11 (Peru); p. 16 (Slovakia); p. 19 (Argentina); and p. 20 (Japan).

<sup>226</sup> Ibid., p. 9 (Congo); p. 13 (Russian Federation); p. 19 (Argentina); and p. 26 (Bahrain).

<sup>227</sup> Ibid., pp. 20-23.

<sup>228</sup> Ibid., pp. 23-25.

<sup>229</sup> Ibid., pp. 29-31.

<sup>230</sup> S/2006/868, S/2006/869 and S/2006/871, respectively.

Exercise of the Inalienable Rights of the Palestinian People and the Permanent Observer of the League of Arab States.

The Assistant Secretary-General reported on an incident that occurred on 8 November 2006 during which Israeli forces shelled an area in Beit Hanoun, killing many Palestinian civilians. This occurred following a weeklong Israeli military operation in northern Gaza aimed at preventing the launching of rockets into Israel. She said that the Secretary-General had expressed shock about the incident. While the United Nations condemned the Palestinian rocket fire, it also reminded both sides of their obligation under international humanitarian law regarding the protection of civilians.<sup>231</sup>

The representative of Palestine condemned Israeli “State terrorism” and “war crimes”, which had killed Palestinian civilians. He deplored the fact that the international community, particularly the Council, had failed to protect them, adding that the failure had created a culture of impunity in Israel. He called for a prompt investigation into the Beit Hanoun tragedy, as well as a mutual ceasefire monitored by a United Nations observer force and for the withdrawal of Israeli forces to the positions held prior to 28 June 2006.<sup>232</sup>

While regretting the civilian deaths, the representative of Israel maintained that the “accidental killing” in Beit Hanoun would have never happened had the Palestinians stopped firing rockets into Israel. He noted that his country, unsuccessfully, had alerted the Council of the rising threat in Gaza and had given moderate Palestinians enough time to take action. He said that the Palestinian Authority should be held accountable for what happened on its territory, and urged the moderate Palestinian leadership to take control. Turning to Lebanon, the representative stressed that despite recent positive developments in the south, lasting peace could only be achieved by fully implementing resolution 1701 (2006). He continued to express concern for the smuggling of arms across the border between Lebanon and the Syrian Arab Republic.<sup>233</sup>

Most speakers expressed deep concern at the recent escalation of violence in the Gaza Strip, in

<sup>231</sup> S/PV.5564, pp. 3-4.

<sup>232</sup> *Ibid.*, pp. 4-6.

<sup>233</sup> *Ibid.*, pp. 6-8.

particular the incident in Beit Hanoun. Some speakers pointed out that the incident was even more worrisome as it occurred following the withdrawal announcement by Israel. On the other hand, the representative of the United States recalled attacks on Israel, adding that it was the responsibility of the Hamas-led Government to prevent terrorist attacks against Israel from the Palestinian territories. Many speakers also called for a cessation of Palestinian rocket attacks.<sup>234</sup> The representative of Saudi Arabia urged Israel to resume negotiations in a context of simultaneous parallel commitments from the Palestinian side to stop the launching of rockets and the cessation of all Israeli military operations.<sup>235</sup>

Most speakers stressed that recent Israeli military operations in Gaza were disproportionate and constituted grave violations of international humanitarian law.<sup>236</sup> In particular, the representative of the United Kingdom noted that it was difficult to understand what the action in Beit Hanoun had meant to achieve or how it could be justified.<sup>237</sup>

While many speakers welcomed the announcement by Israel that an investigation into the incident in Beit Hanoun would be conducted,<sup>238</sup> others called for an

<sup>234</sup> *Ibid.*, p. 10 (Ghana); p. 11 (France); p. 12 (Slovakia); p. 13 (United Republic of Tanzania, United States); p. 15 (Denmark); p. 16 (United Kingdom); p. 17 (Russian Federation); p. 18 (China, Argentina); p. 19 (Japan); p. 22 (Finland); S/PV.5564 (Resumption 1), p. 4 (Pakistan); p. 8 (Norway); p. 10 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 16 (Indonesia); p. 20 (Brazil, South Africa); and p. 21 (Israel).

<sup>235</sup> S/PV.5564, p. 24.

<sup>236</sup> *Ibid.*, p. 9 (Qatar); p. 11 (France); p. 12 (United Republic of Tanzania); p. 14 (Congo); p. 15 (Greece, Denmark); p. 17 (Russian Federation); p. 18 (Argentina); p. 20 (Peru); p. 21 (Cuba); p. 22 (Finland); p. 25 (Saudi Arabia); S/PV.5564 (Resumption 1), p. 2 (Azerbaijan); p. 3 (Pakistan); p. 5 (Sudan); p. 6 (Morocco); p. 8 (Norway); p. 9 (Algeria); p. 10 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 11 (United Arab Emirates); p. 12 (League of Arab States); p. 13 (Kuwait); p. 15 (Islamic Republic of Iran); p. 16 (Indonesia); p. 17 (Syrian Arab Republic); p. 19 (Libyan Arab Jamahiriya); and p. 20 (Brazil).

<sup>237</sup> S/PV.5564, p. 16.

<sup>238</sup> *Ibid.*, p. 4 (Assistant Secretary-General); p. 11 (Ghana); p. 13 (United Republic of Tanzania, United States); p. 15 (Greece, Denmark); p. 16 (United Kingdom); p. 18 (China); p. 19 (Japan); and p. 24 (Egypt).

independent investigation.<sup>239</sup> In particular, the representative of France expressed his wish to see the Secretary-General set out the parameters for an independent inquiry.<sup>240</sup> The Permanent Observer of the League of Arab States supported this call and hoped that the fact-finding commission would report back to the Council.<sup>241</sup> Many speakers urged the Council to dispatch an international observer mission, a monitoring mechanism or even a civilian protection force to the Palestinian territories.<sup>242</sup> The representative of Malaysia also proposed that the Council establish an interposing international protection mechanism.<sup>243</sup>

Several speakers stressed the importance of confidence-building measures to facilitate the resumption of the peace process.<sup>244</sup> In that regard, most Council members called for the immediate and unconditional release of the kidnapped Israeli soldier, while most non-members urged Israel to release members of the Palestinian Cabinet and legislature, detained in Israel.

The representative of Qatar, in his capacity as Chairman of the Group of Arab States, called on the Council to assume its responsibilities for the maintenance of international peace and security. He urged the Secretary-General to prepare a report, to be submitted to the Council, on Israel's ongoing aggression in the occupied Palestinian territories, and called for an immediate ceasefire and the dispatch of an international observer force. He asked the Council to revive the stagnant Middle East peace process on all tracks. He called for full guarantees and incentives for all parties to implement previous peace agreements and

for the removal of obstacles to a lasting and comprehensive peace. He noted that a draft resolution prepared by the Arab Group in this regard was before the Council.<sup>245</sup> A number of speakers expressed their support for that draft resolution.

The Council held its 5565th meeting on 11 November 2006<sup>246</sup> to consider a draft resolution submitted by Qatar,<sup>247</sup> by which the Council, *inter alia*, would call upon Israel to cease its military operations and to withdraw its forces from within the Gaza Strip to positions held prior to 28 June 2006; call for an immediate halt of all acts of violence between the Israeli and Palestinian sides; request the Secretary-General to establish a fact-finding mission on the attack in Beit Hanoun within 30 days; call upon Israel to abide by its obligations under the Fourth Geneva Convention and on the Palestinian Authority to bring an end to violence, including the firing of rockets into Israeli territory; call for the provision of emergency humanitarian assistance to Palestinian people; call upon the international community to stabilize the situation, including through the establishment of an international mechanism for protection of civilians; call upon the parties to take immediate steps including confidence-building measures, with the objective of resuming peace negotiations; and request the Secretary-General to report back to the Council on the implementation of the resolution in a timely manner.

At the meeting, the representatives of the Congo, Denmark, Japan, Qatar, Slovakia, the United Kingdom and the United States and the Permanent Observer of Palestine made statements.

The draft resolution was put to the vote and was not adopted, owing to the negative vote of the representative of the United States. The representatives of Denmark, Japan, Slovakia and the United Kingdom abstained.

The representative of the United States held that the draft resolution was unbalanced, biased against Israel and politically motivated. He deplored the fact that there was no reference to terrorism in it nor a condemnation of Hamas, and added that there was no need for the establishment of a fact-finding mission or

<sup>239</sup> *Ibid.*, p. 9 (Qatar); p. 11 (France); p. 13 (United Republic of Tanzania); p. 14 (Congo); p. 18 (Argentina); p. 26 (Lebanon); S/PV.5564 (Resumption 1), p. 3 (Pakistan); p. 11 (United Arab Emirates); p. 12 (League of Arab States); and p. 20 (Brazil).

<sup>240</sup> S/PV.5564, p. 11.

<sup>241</sup> S/PV.5564 (Resumption 1), p. 12.

<sup>242</sup> S/PV.5564, p. 9 (Qatar); p. 11 (France); p. 21 (Cuba); p. 23 (Yemen), p. 24 (Egypt), p. 26 (Lebanon); p. 27 (Malaysia); S/PV.5564 (Resumption 1), p. 3 (Azerbaijan); p. 4 (Tunisia); p. 6 (Morocco); p. 12 (United Arab Emirates); p. 13 (Kuwait); p. 19 (Libyan Arab Jamahiriya); and p. 21 (South Africa).

<sup>243</sup> S/PV.5564, p. 27.

<sup>244</sup> *Ibid.*, p. 12 (Slovakia); p. 14 (Congo); p. 22 (Cuba); p. 27 (Malaysia); S/PV.5564 (Resumption 1), p. 2 (Azerbaijan); p. 4 (Pakistan); p. 6 (Morocco); and p. 20 (Brazil).

<sup>245</sup> S/PV.5564, p. 9.

<sup>246</sup> The letters from the representatives of Qatar, Azerbaijan and Cuba (S/2006/868, S/2006/869 and S/2006/871, respectively), were included in the agenda.

<sup>247</sup> S/2006/878.

an international civilian protection mechanism.<sup>248</sup> The representative of the United Kingdom called on Israel to avoid harming civilians, and on the Palestinian leadership to bring an end to terrorist activities; she further called on the Syrian Arab Republic to use its influence constructively on Syrian-based Hamas leaders. She added that the text was not sufficiently balanced and that it did not reflect the complexity of the situation.<sup>249</sup> The same reasons were advanced by the representatives of Denmark, Japan and Slovakia for abstaining.<sup>250</sup> The representatives of the Congo, Qatar and Palestine expressed their disappointment at the failure to adopt the draft resolution.<sup>251</sup>

#### **Deliberations of 21 November 2006 (5568th meeting)**

At its 5568th meeting, on 21 November 2006,<sup>252</sup> the Council heard a briefing by the Under-Secretary-General for Political Affairs on the latest developments in the region. Following the briefing, all Council members made statements, as did the representatives of Cuba (on behalf of the Movement of Non-Aligned Countries), Finland (on behalf of the European Union), the Islamic Republic of Iran and Israel and the Permanent Observer of Palestine.

The Under-Secretary-General reported that, during a month of mounting violence, confrontations between the Israeli forces and Palestinian militants had led to casualties on both sides. He expressed scepticism that an agreement on a national unity government in Palestine would be reached, despite continued efforts to that end by the President of the Palestinian Authority. He added that the economic and humanitarian situation in the Gaza Strip remained dire since Israeli authorities had not fully implemented the Agreement on Movement and Access. He insisted that a return to the political track was essential, adding that the intervention of a third party might help push the parties to move beyond the current impasse. Regarding the broader peace process in the Middle East, he was of

the view that the Syrian Arab Republic could play a “critical” role in a number of areas.<sup>253</sup>

The representative of Palestine deplored the fact that the Council had, once again, let Palestinians down by failing to adopt the Qatar-sponsored draft resolution on 11 November 2006, and accused Israel of carrying out war crimes with a permanent member’s diplomatic protection. He reaffirmed that his government remained committed to a diplomatic solution to the crisis, and welcomed the recent initiative by France, Italy and Spain to revive the deadlocked peace process. Lastly, he reiterated his call for an immediate mutual ceasefire.<sup>254</sup>

The representative of Israel said that the situation on the ground could be changed “overnight” should the following happen: first, that the Syrian Arab Republic and the Islamic Republic of Iran stopped supporting terrorism; that Hamas accepted the Quartet principles; that Palestinian militias ceased attacking Israeli targets; and that the three kidnapped Israeli soldiers were freed.<sup>255</sup>

Most speakers expressed concern at the worsening situation in the occupied Palestinian territory and urged all parties concerned to take action towards a just, lasting and negotiated solution by reinvigorating the peace process based on the two-State solution, relevant Council resolutions and the road map. A majority of speakers urged Israel to stop using disproportionate force against Palestinian civilians, and urged Palestinians to make more efforts to halt rocket firing against Israel.

Some speakers expressed disappointment at the Council’s failure to adopt the Qatar-sponsored draft resolution.<sup>256</sup> The representative of China urged the Council to reflect on how it could better fulfil its responsibility.<sup>257</sup> The representative of Cuba observed that interested States had to resort to the General Assembly following the Council’s inaction, and adopted a similar resolution<sup>258</sup> on 17 November 2006 at an emergency special session.<sup>259</sup> While welcoming that resolution, the representative of Qatar pointed out

<sup>248</sup> S/PV.5565, pp. 2-3.

<sup>249</sup> *Ibid.*, p. 3.

<sup>250</sup> *Ibid.*, pp. 3-4, p. 4 and pp. 4-5, respectively.

<sup>251</sup> *Ibid.*, p. 5.

<sup>252</sup> For more information on the discussion at this meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

<sup>253</sup> S/PV.5568, p. 2-5.

<sup>254</sup> *Ibid.*, pp. 6-8.

<sup>255</sup> *Ibid.*, pp. 8-9.

<sup>256</sup> *Ibid.*, p. 6 (Palestine); p. 15 (China, Qatar); and p. 26 (Cuba).

<sup>257</sup> *Ibid.*, p. 15.

<sup>258</sup> Resolution ES-10/16.

<sup>259</sup> S/PV.5568, p. 26.

that it was not the adequate forum to address the problem, since the primary responsibility for maintaining world peace and security was in the hands of the Council.<sup>260</sup> The representative of the United States held that it was yet another biased resolution that ignored the reality of the situation and did nothing to make progress towards peace in the region. She urged Member States to reject those “diplomatic theatrics” as “hastily-called meetings” and “polemical resolutions” were no substitute for the parties’ determination to take the needed steps towards peace.<sup>261</sup>

Some speakers stressed that every possibility to involve regional stakeholders in the various peace processes under way in the region should be encouraged, and the Syrian Arab Republic was invited to become part of the solution.<sup>262</sup> The representative of the United States, however, expressed alarm at indications that the Syrian Arab Republic was working with Hizbullah and other Lebanese allies to destabilize the Government of Lebanon, and that it was not abiding by the arms embargo.<sup>263</sup>

The representative of Qatar indicated that his delegation would convene a ministerial-level Council meeting the following month to break the impasse of the Middle East peace process. He called on Member States, particularly Council members, to actively participate in the envisaged meeting.<sup>264</sup>

#### **Deliberations of 25 January 2007 (5624th meeting)**

At its 5624th meeting, on 25 January 2007, the Council heard a briefing by the Under-Secretary-General for Political Affairs on the situation in the region. There were no additional statements.

The Under-Secretary-General said that the Secretary-General had presented his final report on the situation in the Middle East to the Council in December 2006.<sup>265</sup> He noted that there had been

positive developments, including a renewed sense of international urgency to find a political way ahead, in particular initiatives to revitalize the Quartet, visits to the region by Quartet members and calls by the Syrian Arab Republic to resume negotiations with Israel. The Prime Minister of Israel, Ehud Olmert, and the President of the Palestinian Authority, Mahmoud Abbas, had met in Jerusalem on 23 December 2006 and agreed to resume the work of the quadripartite security committee comparing Israel, the Palestinian Authority, Egypt and the United States. In addition, the ceasefire of November 2006 had held and Israel had agreed to upgrade crossings between the Gaza Strip and Israel and transfer the held Palestinian revenues.

However, he noted that dialogue between the two parties was complicated because of the political situations in Israel and Palestine. He reported on acute factional tensions in the occupied Palestinian territories and on the difficulties of the Israeli coalition government in forging a clear agenda, owing to political scandals. Since the Palestinian legislative elections had brought the Hamas-led Palestinian Authority Government to power, donor programmes had been reassessed, but international aid to the Palestinians had actually increased as it was bypassing the Palestinian Government.<sup>266</sup>

#### **Deliberations of 13 February 2007 (5629th meeting)**

At its 5629th meeting, on 13 February 2007, the Council heard a briefing by the Special Coordinator for the Middle East Peace Process on the situation in the region. In addition to Council members, the representatives of Argentina, Azerbaijan (on behalf of OIC), Bangladesh, Cuba (on behalf of the Movement of Non-Aligned Countries), Germany (on behalf of the European Union), the Islamic Republic of Iran, Israel, Japan, Jordan, Kuwait (on behalf of the Group of Arab States), Lebanon, Malaysia, Morocco, Norway, Pakistan, Senegal, the Syrian Arab Republic, Turkey and Venezuela (Bolivarian Republic of), the Permanent Observer of Palestine and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People made statements.

included discussion of the Palestinian question. The Council also issued a presidential statement (S/PRST/2006/51). That meeting is covered in chapter VIII, section 33.E.

<sup>266</sup> S/PV.5624.

<sup>260</sup> Ibid., pp. 15-16.

<sup>261</sup> Ibid., p. 21.

<sup>262</sup> Ibid., p. 11 (Congo); p. 12 (Ghana); p. 14 (Japan); p. 20 (Denmark); and pp. 23-24 (Russian Federation).

<sup>263</sup> Ibid., p. 22.

<sup>264</sup> Ibid., p. 16.

<sup>265</sup> The Council held its 5584th meeting on 12 December 2006, on the item entitled “The situation in the Middle East”, to consider that report (S/2006/956), which



The Special Coordinator reported that under the auspices of King Abdullah of Saudi Arabia, an agreement had recently been reached in Mecca to form a Palestinian national unity government, and expressed the hope that it would lead to the formation of a government that donors could support. However, he acknowledged that many challenges remained, including the cessation of Palestinian internal clashes and Israeli-Palestinian violence. He also expressed deep concern at continued tensions over Israel's constructions and excavations in the Old City of Jerusalem, at the severe fiscal crisis of the Palestinian Authority, and at the lack of implementation of the Agreement on Movement and Access. He warned that without greater access, trade would continue to drop and the reliance on aid would continue to increase. On Lebanon, the Special Coordinator said that as the "domestic political impasse" continued, two buses had been bombed in the north-east of Beirut that morning. As for the recent incident between the Israel Defense Forces and the Lebanese Armed Forces, he stated that both sides had violated resolution 1701 (2006) and thus urged all parties to respect the resolution fully and use the tripartite mechanism to address concerns.<sup>267</sup>

Speakers generally emphasized the need for a comprehensive, just and lasting solution to the crisis in the Middle East, with the Palestinian question at its heart, and stressed that such a settlement could be achieved only through peaceful dialogue and negotiation, based on relevant Council resolutions, the Quartet road map, the land for peace principle, the Madrid agreement and the Arab Peace Initiative. They further underlined that the ultimate goal remained the two-State vision. To that end, both Israelis and Palestinians needed to refrain from taking unilateral actions.

The representative of the United States noted that his Government was supportive of the upcoming discussions and that it would continue to assist the parties on issues such as security, movement and access.<sup>268</sup>

Most delegations welcomed the recent agreement between the two main Palestinian factions, Fatah and Hamas, which had been reached in Mecca and aimed to

form a National Unity Government within weeks.<sup>269</sup> They called for the prompt formation of such a new government on the basis of a platform reflecting the Quartet principles.<sup>270</sup> Others also urged the lifting of the financial blockade against the Palestinian Authority as a way to encourage those efforts.<sup>271</sup>

Regarding Israel's recent excavation and construction in Jerusalem, a large number of delegations were gravely concerned that this would damage the Al-Aqsa Mosque, the third holiest shrine of Islam, and that it would threaten the overall peace process.<sup>272</sup> Several speakers accused Israel of intending to change the legal status and demographic composition of Jerusalem, and called on the Council to take action.<sup>273</sup>

Turning to Lebanon, most delegations condemned the bombings of the two public buses and underlined that the perpetrators must be held accountable. The representatives of the United States and the United Kingdom urged the establishment of a tribunal of international character to bring terrorists to justice.<sup>274</sup> Meanwhile, most speakers were satisfied that the Blue Line had been largely respected by both sides since the

<sup>269</sup> Ibid., p. 7 (Qatar); p. 10 (Russian Federation); p. 11 (Indonesia); p. 14 (Congo); p. 16 (Panama); p. 17 (United States, China); p. 19 (France); p. 20 (United Kingdom); p. 21 (Belgium); p. 22 (Slovakia); p. 31 (Kuwait); p. 33 (Germany); S/PV.5629 (Resumption 1), p. 8 (Malaysia); p. 9 (Norway); p. 12 (Morocco); p. 14 (Pakistan, Bangladesh); p. 15 (Senegal); p. 16 (Jordan); and p. 17 (Committee on the Exercise of the Inalienable Rights of the Palestinian People).

<sup>270</sup> S/PV.5629, p. 10 (Ghana); p. 12 (Italy); p. 17 (United States); p. 20 (United Kingdom); p.21 (Belgium); p. 22 (Slovakia); p. 33 (Germany); S/PV.5629 (Resumption 1), p. 4 (Turkey); and p. 9 (Norway).

<sup>271</sup> S/PV.5629, p. 8 (South Africa); p. 14 (Congo); p. 16 (Panama); p. 24 (Palestine); and S/PV.5629 (Resumption 1), pp. 17-18 (Senegal).

<sup>272</sup> S/PV.5629, p. 6 (Qatar); p. 8 (South Africa); p. 11 (Indonesia); p. 14 (Congo); p. 16 (Panama); p. 18 (China); p. 24 (Palestine); p. 28 (Lebanon); pp. 29-30 (Syrian Arab Republic); p. 32 (Kuwait); S/PV.5629 (Resumption 1), p. 2 (Cuba); p. 4 (Azerbaijan); p. 5 (Turkey); p. 7 (Malaysia); p. 8 (Islamic Republic of Iran); p. 13 (Morocco, Pakistan); p. 15 (Bangladesh, Senegal); p. 16 (Jordan); and p. 17 (Committee on the Exercise of the Inalienable Rights of the Palestinian People).

<sup>273</sup> S/PV.5629, p. 6 (Qatar); p. 32 (Kuwait); S/PV.5926 (Resumption 1), p. 2 (Cuba); p. 4 (Azerbaijan); and p. 8 (Islamic Republic of Iran).

<sup>274</sup> S/PV.5629, pp. 17 and 20, respectively.

<sup>267</sup> S/PV.5629, pp. 2-6.

<sup>268</sup> Ibid., pp. 16-17.

adoption of resolution 1701 (2006), but expressed deep concern about the recent firing incident between the Lebanese and Israeli forces. Although the representative of Israel insisted that his country was focusing on illicit arms trafficking,<sup>275</sup> the representative of Lebanon strongly protested against Israel's refusal to resort to coordination and liaison channels to resolve issues around the Blue Line.<sup>276</sup>

The representative of Palestine noted that the Mecca agreement endorsed the cessation of internal strife among Palestinians. He also added that Palestinian leaders had pledged to eliminate the Israeli occupation and regain the national rights of the Palestinian people. Key issues, such as occupied East Jerusalem, Palestinian refugees, Palestinian prisoners, and the illegal construction by Israel of its wall and settlements would be given top priority. He insisted that the international community had an obligation to ensure that no unilateral measures would be taken by Israel that might endanger the prospect of peace.<sup>277</sup>

The representative of Israel for his part deplored the fact that the firing of rockets into Israeli territory and the smuggling of weapons into Gaza continued. He expressed scepticism regarding the Mecca agreement as Hamas was not ready to recognize Israel's right to exist, nor did the agreement condemn violence and terrorism. He insisted that the construction at the Temple Mount was for the benefit and safety of visitors to the area and, in any case, Israel was acting within its jurisdiction. Finally, he asserted that Hizbullah in Lebanon was rearming through arms trafficking across the Syrian-Lebanese border, and noted that the Lebanese army had intercepted a truckload of arms on its way to Hizbullah. He reiterated that the international community should urge the Islamic Republic of Iran and the Syrian Arab Republic to stop meddling in the region.<sup>278</sup>

#### **Deliberations of 14 March 2007 (5638th meeting)**

At its 5638th meeting, on 14 March 2007, the Council heard a briefing by the Under-Secretary-General for Political Affairs on the situation in the Middle East. No other statements were made.

<sup>275</sup> S/PV.5629 (Resumption 1), p. 26.

<sup>276</sup> S/PV.5629, p. 28.

<sup>277</sup> *Ibid.*, pp. 23-25.

<sup>278</sup> *Ibid.*, pp. 25-27.

The Under-Secretary-General summarized positive and negative developments within the past month. He noted that the ceasefire agreed between Hamas and Fatah in Mecca had so far held and the new Government was expected to be finalized soon. He underlined the need for the new Government to work to prevent the smuggling of weapons and attacks against Israel, and to impose internal law and order. Other positive developments included recent meetings between the President of the Palestinian Authority and the Prime Minister of Israel (although there was no progress towards dialogue between Israel and the Syrian Arab Republic), as well as signs of increased engagement by Arab countries. Challenges to peace, however, remained. In particular, he expressed concern about continued tension and violence, as a result of internal fighting and Israeli military operations. In Lebanon, he deplored increasing security threats but expressed cautious optimism regarding the political impasse.<sup>279</sup>

#### **Deliberations of 25 April 2007 (5667th meeting)**

At its 5667th meeting, on 25 April 2007,<sup>280</sup> the Council, presided over by the Minister of State of the United Kingdom, heard a briefing by the Under-Secretary-General for Political Affairs on the situation in the region. All Council members made statements, as did the representatives of Israel, Lebanon and the Syrian Arab Republic and the Permanent Observer of Palestine.

While highlighting positive developments in the Middle East peace process, including the swearing-in of the Palestinian national unity Government on 17 March 2007, another meeting between President Abbas and Prime Minister Olmert, and the reactivation of the 2002 Arab Peace Initiative at the recent Arab League Summit in Riyadh, the Under-Secretary-General stressed that the lack of substantial improvement of the security situation could threaten this momentum. Rocket firing continued to increase and Israel continued to express concern at alleged weapons smuggling between Egypt and Gaza. On

<sup>279</sup> S/PV.5638.

<sup>280</sup> For more information on the discussion at this meeting, see chap. III, part I, sect. D, case 5, with regard to requests for invitations denied or not acted upon; and chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

Lebanon, he said that despite intensive efforts to ease the political situation, there had not been any breakthroughs on the formation of a national unity Government and on the establishment of a special tribunal.<sup>281</sup>

Most speakers welcomed recent initiatives to promote peace in the Middle East, in particular the greater involvement of regional players, and hoped that the resumed dialogue would lead to reviving the peace process. While speakers stressed the need to assure the Palestinians of a political horizon, the representative of the United States added that Arab States should also clarify a political horizon for Israel. He held that the parties were not ready for final status negotiations, but should discuss ways to ensure Israel's security and the sustainability of a Palestinian State.<sup>282</sup> The representatives of France and the Russian Federation repeated their calls for an international conference, which could provide the necessary guarantees to allow the parties to engage in final status negotiations.<sup>283</sup>

A majority of speakers expressed serious concern about the humanitarian situation in the Palestinian territories. The representative of South Africa encouraged the international community to reflect on the crippling sanctions freezing Palestinian funding, as they had not been authorized by the Security Council or the General Assembly and they were undermining the new Government's ability to function properly.<sup>284</sup>

Several delegations expressed concern about the recent breach of the ceasefire in Gaza,<sup>285</sup> which the representatives of the United States and the United Kingdom blamed on Hamas.<sup>286</sup> Most delegations called on the Palestinians to end rocket firings into Israel and to release the kidnapped Israeli soldier. At the same time, concerns were expressed at Israeli military incursions into the Gaza Strip,<sup>287</sup> and some speakers called for the urgent release by Israel of its Palestinian prisoners,<sup>288</sup> for the reopening of crossings into

Gaza,<sup>289</sup> and for an end to Israeli settlement activities and the construction of the separation wall.<sup>290</sup>

The representative of Palestine maintained that, despite efforts to resume direct negotiations, Israel continued to carry out illegal policies and practices aimed at sustaining its occupation. At the same time, acknowledging that there was still a window of opportunity, he stressed that the national unity Government had mandated President Abbas to negotiate a final peace settlement with Israel.<sup>291</sup>

The representative of Israel for his part held that Palestinians had turned Gaza into an incubator of extremism and a "launch pad" to fire rockets into Israel. He said that Israel had always reserved the right to defend itself and its people and would continue to do so.<sup>292</sup>

On Lebanon, most Council members expressed concern about the ongoing internal dispute. The representatives of China and Italy warned however that too much pressure by the international community might not be conducive to reaching a political agreement.<sup>293</sup> The representative of Lebanon looked forward to a permanent ceasefire that would guarantee Lebanon's stability and security.<sup>294</sup> The representative of the United States, supported by a few others,<sup>295</sup> expressed concern at reports of continued arms shipment to Hizbullah and called on all States to enforce the arms embargo.<sup>296</sup> Several delegations reiterated their support for the dispatch of an independent assessment mission to monitor the Lebanese-Syrian border,<sup>297</sup> and the representative of Italy called on the Syrian Arab Republic to engage on that issue.<sup>298</sup>

<sup>281</sup> S/PV.5667, pp. 2-5.

<sup>282</sup> *Ibid.*, p. 6.

<sup>283</sup> *Ibid.*, pp. 9 and 20, respectively.

<sup>284</sup> *Ibid.*, p. 9.

<sup>285</sup> *Ibid.*, p. 6 (United States); p. 10 (South Africa); p. 22 (United Kingdom); and p. 28 (Israel).

<sup>286</sup> *Ibid.*, pp. 6 and 22, respectively.

<sup>287</sup> *Ibid.*, p. 7 (Congo); p. 8 (France); p. 10 (South Africa); p. 17 (Panama); p. 21 (Indonesia); and p. 31 (Syrian Arab Republic).

<sup>288</sup> *Ibid.*, p. 7 (Congo); p. 10 (South Africa); and p. 24 (Palestine).

<sup>289</sup> *Ibid.*, p. 7 (Congo); p. 12 (Slovakia); p. 18 (Italy); p. 22 (United Kingdom); and p. 25 (Palestine).

<sup>290</sup> *Ibid.*, p. 7 (Congo); p. 8 (France); p. 10 (South Africa); p. 13 (Peru); p. 15 (Belgium, China); p. 17 (Panama); p. 21 (Russian Federation); p. 23 (Palestine); and p. 29 (Lebanon).

<sup>291</sup> *Ibid.*, pp. 23-27.

<sup>292</sup> *Ibid.*, pp. 27-29.

<sup>293</sup> *Ibid.*, pp. 15 and 18, respectively.

<sup>294</sup> *Ibid.*, p. 30.

<sup>295</sup> *Ibid.*, p. 14 (Peru); and p. 19 (Italy).

<sup>296</sup> *Ibid.*, p. 6.

<sup>297</sup> S/PV.5667, p. 7 (United States); p. 13 (Peru); p. 18 (Italy); and p. 22 (United Kingdom).

<sup>298</sup> S/PV.5667, p. 18.

**Deliberations of 24 May, 20 June and 25 July  
2007 (5683rd, 5701st and 5723rd meetings)**

At its 5683rd, 5701st and 5723rd meetings, held on 24 May, 20 June and 25 July 2007, respectively, the Council heard briefings by the Under-Secretary-General for Political Affairs and the Special Coordinator for the Middle East Peace Process on the evolving situation in the region. No other statements were made at those meetings.

Over the three-month period, a number of important developments were noted. First, there was a violent insurrection by Hamas against Palestinian Authority security forces in June, which led to the seizure of the political authority in Gaza by Hamas, the replacement of the Palestinian unity government by a caretaker government led by Prime Minister Salam Fayyad, and the declaration of a state of emergency by President Abbas. Internal fighting led to movements of population including Fatah militants seeking to escape the violence, although all were denied entry into Egypt, and to clashes in the West Bank. However, there was tremendous diplomatic momentum on the part of the international community, including the Quartet, to reaffirm support for President Abbas and for the legitimate Palestinian institutions and to engage with the caretaker government, including through direct financial assistance by the donor community.

Secondly, violence between Israelis and Palestinians continued. While recognizing Israel's right to self-defence, the Secretary-General had called on Israel to ensure that its actions did not target civilians.

Thirdly, after a pause of several weeks in the Israeli-Palestinian dialogue, a bilateral meeting between the Israeli Prime Minister and the Palestinian Authority President was finally held on 16 July 2007. While efforts to promote the Arab Peace Initiative continued, the United States in July announced its intention to call for an international meeting with the participation of all regional players. The desire of the Syrian Arab Republic to take part in negotiations leading to peace with Israel was welcomed.

Fourthly, there had been no progress regarding the freeze of Israeli settlement constructions and the dismantlement of outposts, the construction of the separation wall was still ongoing and Israel's commitments to ease movement and access in the West Bank remained unmet. As a result, the humanitarian situation in Gaza continued to deteriorate.

Finally, major political challenges included the restoration of the unity of the Palestinian Authority and the prevention of the de facto division between Gaza and the West Bank (although there were no immediate prospects for reconciliation between Hamas and Fatah), and the need to further advance the political process between Israelis and Palestinians.

Regarding Lebanon, on 20 May 2007 heavy fighting erupted between the Lebanese Armed Forces and Fatah al-Islam gunmen in Tripoli near the Nahr al-Bared Palestinian refugee camp and continued during the whole period. The Government of Lebanon reaffirmed that only security forces should be allowed to carry weapons and remained determined to confront the militia. The overall security situation in Lebanon also continued to deteriorate with terrorist explosions, violations of the cessation of hostilities in the south and regular Israeli overflights.<sup>299</sup>

**Deliberations of 29 August 2007  
(5736th meeting)**

At its 5736th meeting, on 29 August 2007,<sup>300</sup> the Council received a briefing by the Special Coordinator for the Middle East Peace Process. In addition to all Council members, statements were made by the representatives of Algeria, Bangladesh, Brazil, Cuba (on behalf of the Movement of Non-Aligned Countries), Indonesia, the Islamic Republic of Iran, Israel, Japan, Jordan, Lebanon, Malaysia, Norway, Pakistan (on behalf of OIC), Portugal (on behalf of the European Union), the Syrian Arab Republic, Viet Nam and Yemen (on behalf of the Arab Group) and the Permanent Observer of Palestine.

The Special Coordinator expressed cautious optimism. He reported that a substantive dialogue between the President of the Palestinian Authority and the Prime Minister of Israel was developing and that nascent Palestinian security reform efforts had created expectations. However, while cooperation between Israel and the Palestinian Authority had started, closures on the West Bank remained and Israeli-Palestinian violence continued. He also expressed deep concern about the political, institutional and

<sup>299</sup> See S/PV.5683, S/PV.5701 and S/PV/5723.

<sup>300</sup> For more information on the discussion at this meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

socioeconomic consequences of the split between Gaza and the West Bank. Although Hamas had called for dialogue, it continued to assert its military authority over the Gaza Strip. Reports of weapons smuggling from Egypt to Gaza was also a matter of concern. Finally, he deplored the shortage of essential commodities due to the closure of the main commercial crossing of Karni. Finally, in Lebanon, there was still a political deadlock, and confrontation between the Lebanese Forces and Fatah al-Islam continued, but the situation in the south had been relatively calm.<sup>301</sup>

The representative of the United States reiterated his country's call for a conference to promote the two-State solution. He added that his country intended to provide substantial support for strengthening the Palestinian Authority's security sector.<sup>302</sup> Most delegations welcomed the upsurge in diplomatic initiatives to reinvigorate the peace process, and expressed their support for the Middle East conference scheduled later in the year. The representative of Jordan stressed the need for a workplan and a timetable in order to launch the political process with clearly defined directions and outcomes,<sup>303</sup> and the representative of Palestine suggested that the conference be held under United Nations auspices.<sup>304</sup> Several speakers also reiterated their support for the two-State solution and the Arab Peace Initiative, and many gave their support to President Abbas and Prime Minister Fayyad.<sup>305</sup>

Most speakers expressed strong concern about the deteriorating socioeconomic situation in the Palestinian territories, especially the Gaza Strip, where the economy was on the brink of collapse. Some delegations welcomed Israel's return of tax revenues to the Palestinian Authority as well as the release of a number of Palestinian prisoners,<sup>306</sup> while others underlined that the lack of implementation of the Agreement on Movement and Access substantially contributed to the economic downfall in Gaza and called for its speedy

implementation.<sup>307</sup> The representative of Brazil expressed her belief in "qualitative change in the life of the Palestinian people as a condition for sustainability of the political process".<sup>308</sup>

Some speakers deplored the de facto split between Gaza and the West Bank. The representative of the Congo cautioned that this development could jeopardize the two-State solution,<sup>309</sup> while the representative of the Russian Federation suggested that peace with Israel would require Palestinian unity.<sup>310</sup> The representative of Panama disagreed with any policy that would exacerbate the division of the Palestinian Authority, and this point was shared by the representatives of Qatar and Pakistan.<sup>311</sup> For his part, the representative of the Islamic Republic of Iran and others held that Hamas could not be completely excluded from the Palestinian political scene.<sup>312</sup>

The representative of Palestine focused on continued Israeli aggressions against his people in violation of international humanitarian law, and stressed the need to push forward any diplomatic initiative aimed at the creation of a Palestinian State.<sup>313</sup>

The representative of Israel argued that recent positive developments in the diplomatic arena, including openings between his Government and the Palestinian Authority, occurred against the backdrop of the continuing danger posed by Hamas and Hizbullah, backed by their "evil patrons" the Syrian Arab Republic and the Islamic Republic of Iran. He deplored the smuggling of weapons by Hamas into Gaza but said that, nevertheless, his country was responding to humanitarian needs in Gaza.<sup>314</sup>

On Lebanon, the representative of Israel cautioned that the situation remained precarious and unsettling, adding that the transfer of arms from the Islamic Republic of Iran and the Syrian Arab Republic to Hizbullah continued in blatant violation of the arms embargo. In addition, he called on the Council to

<sup>301</sup> S/PV.5736, pp. 2-6.

<sup>302</sup> *Ibid.*, p. 7.

<sup>303</sup> S/PV.5736 (Resumption 1), p. 4.

<sup>304</sup> S/PV.5736, p. 25.

<sup>305</sup> S/PV.5736, p. 6 (United States); p. 13 (Slovakia); p. 15 (France); p. 17 (Italy); p. 20 (United Kingdom); and p. 34 (Portugal); S/PV.5736 (Resumption 1), p. 2 (Norway); p. 4 (Jordan); p. 5 (Cuba); and p. 11 (Japan).

<sup>306</sup> S/PV.5736, p. 10 (China); p. 13 (Slovakia); p. 34 (Portugal); S/PV.5736 (Resumption 1), p. 2 (Norway); p. 6 (Brazil); p. 9 (Bangladesh); and p. 10 (Pakistan).

<sup>307</sup> S/PV.5736, p. 12 (Ghana); p. 24 (Palestine); p. 34 (Portugal); S/PV.5736 (Resumption 1), p. 2 (Norway); p. 6 (Brazil); and p. 11 (Japan).

<sup>308</sup> S/PV.5736 (Resumption 1), p. 7.

<sup>309</sup> S/PV.5736, p. 22.

<sup>310</sup> *Ibid.*, p. 19.

<sup>311</sup> S/PV.5736, pp. 10 and 18; and S/PV.5736 (Resumption 1), p. 10, respectively.

<sup>312</sup> S/PV.5736, p. 15.

<sup>313</sup> *Ibid.*, pp. 23-25.

<sup>314</sup> *Ibid.*, pp. 25-27.

increase efforts to ensure the release of the two Israeli soldiers kidnapped in July 2006.<sup>315</sup> While the representative of Lebanon pointed out that there had been no movement with regard to the issue of Lebanese prisoners detained in Israel, the representative of Israel argued that those two issues could not be compared, as many of the Lebanese detainees were “murderous terrorists”.<sup>316</sup> Finally, most speakers expressed concern about the political situation in Lebanon, and stressed the need to resume national dialogue prior to the upcoming presidential elections.

**Deliberations of 20 September, 24 October,  
30 November and 21 December 2007 (5746th,  
5767th, 5788th and 5815th meetings)**

From September to December 2007, the Council continued to receive monthly briefings by the Under-Secretary-General for Political Affairs on developments in the region. No other statements were made at meetings held during that period.

The Under-Secretary-General generally reported on a dichotomy between progress on the diplomatic front and continued violence and deterioration of the humanitarian situation in the Palestinian territories. A major development was the Annapolis conference on the Middle East peace process, held on 27 November 2007 organized by the United States and bringing together regional and international players (Israel, the Palestinian Authority, the Secretary-General, the Quartet, the permanent members of the Security Council, the Group of Eight, representatives of the League of Arab States, as well as other donors and supporters), at the end of which the Prime Minister of Israel and the President of the Palestinian Authority issued a joint understanding. In it, they committed themselves to an intensive negotiating process with a view to concluding a peace agreement before the end of 2008 resolving all outstanding and core issues without exception. To that end, they agreed to form a joint steering committee to oversee the negotiations, and to meet on a biweekly basis. They also committed themselves to immediately implement their respective obligations under the road map and to form an American, Palestinian and Israeli mechanism, led by the United States, to follow up on implementation. This was hailed as the most significant breakthrough in the peace process in years. Bilateral negotiations

commenced as scheduled on 12 December 2007. In addition, because economic recovery and the creation of a secure environment would be key to gaining popular confidence in the renewed process, the Annapolis conference was followed by an international donor conference in Paris on 17 December 2007, where \$7.4 billion were pledged in assistance to the Palestinian Authority.

Other positive developments during the reporting period included the completion by the Palestinian Authority of the 2008-2010 Palestinian reform and development plan, and the deployment of Palestinian security forces to impose law and order in Nablus, in accordance with its road map obligations. In addition, active Arab diplomacy in the lead-up to the Annapolis conference led to an agreement to intensify cooperation to stop smuggling into the Gaza Strip.

However, the Under-Secretary-General also reported on continued violence between Israelis and Palestinians (with ongoing Palestinian militant rocket fire coming from Gaza and Israeli air strikes), and the intensification of factional fighting. He said that Hamas adopted increasingly repressive measures to solidify its control over Gaza. As a result, heavy clashes with other clans occurred and there were reports of mounting human rights abuses by paramilitary forces. Hamas also denounced the Annapolis conference as it said it opposed negotiations with Israel in the absence of Palestinian consensus.

In addition, the humanitarian situation in Gaza was still a source of acute concern as the main crossings for commercial goods (Karni) and for passengers (Rafah) remained closed. As a result, the flow of import and exports stopped. The Under-Secretary-General denounced collective punishment of Palestinians. There had also been no progress on the implementation by Israel of some of its road map obligations, including a freeze on settlements.

Referring to a positive development in Lebanon, the Under-Secretary-General noted that on 2 September 2007, after 15 weeks of fighting in and around the Nahr al-Bared refugee camp, the Lebanese Armed Forces declared victory over the militant group Fatah al-Islam. The situation in southern Lebanon remained calm although Israeli overflights continuously violated the Lebanese airspace — flights which, according to Israel, were aimed at countering breaches of the arms embargo. Political tensions in Lebanon remained high surrounding

<sup>315</sup> Ibid., p. 27.

<sup>316</sup> S/PV.5736, p. 29; and S/PV.5736 (Resumption 1), p. 16, respectively.

the presidential elections. Although the term of the current president expired without elections being conducted on time because of political fighting, at the end of December there seemed to be an agreement on the candidature of General Michel Suleiman. Disagreement between Lebanese factions remained,

though, on whether the formation of the Government should occur before or after the elections. The Under-Secretary-General called for an open and genuine dialogue among the parties.<sup>317</sup>

<sup>317</sup> See S/PV.5746, S/PV.5767, S/PV.5788 and S/PV.5815.

## 35. Items relating to Iraq

### A. The situation between Iraq and Kuwait

#### **Decision of 24 March 2004 (4930th meeting): statement by the President**

At its 4914th meeting,<sup>1</sup> on 24 February 2004, the Security Council heard briefings by the representatives of the United Kingdom and the United States<sup>2</sup> regarding the situation in Iraq, following which all Council members made statements.

The representative of the United States highlighted the ongoing work by the Governing Council of Iraq to put in place a transitional administrative law defining basic tenets for the future transitional Government of Iraq, as well as fundamental protections for civil, religious and political liberties for every Iraqi, applicable during the time of transition to full democracy and until a permanent constitution came into force. He noted the different and significant challenges, in particular the continued climate of insecurity throughout the country, and the need for humanitarian and economic assistance to Iraq. Echoing the statement of the President of the United States that the United Nations had a vital role to play in Iraq, both before and after the transition of authority to the Iraqis in July, he welcomed the active engagement of the United Nations there, noting that much remained to be done before 30 June. He informed the Council that Saddam Hussein was in custody, and was to undergo trial for crimes committed against the Iraqi people and humanity.

On security, he said that former regime loyalists, foreign fighters and terrorists continued to attack

police stations, religious gatherings, schools, infrastructure, Coalition partners, non-governmental organizations and the United Nations. Although information from Saddam Hussein after he was captured on 13 December 2003 in Tikrit had enabled the Coalition forces to disrupt insurgent activities, attacks against multinational force troops as well as Iraqi civilians had increased in the past two months. Nevertheless, the determination of the Iraqi people to assume primary responsibility for their own security remained undeterred. Thus, the number of Iraqis in the Civil Defence Corps, armed forces, border police and immigration and Customs services continued to grow significantly.

He noted that while Iraqis themselves were on the forefront in stabilizing Iraq, troops deployed from 35 countries participating in the multinational force were already supporting the Iraqi people, and other countries had taken political decisions as to deploying forces on the ground in Iraq.

The representative noted that the Coalition Provisional Authority continued to support a process of consultations and elections to enable Iraqis to elect representatives reflecting the make-up and character of their communities.

He welcomed the report of the United Nations fact-finding team, and noted that the mechanism for governing Iraq between the transfer of sovereignty, scheduled for 30 June 2004, and the national elections remained to be worked out. In its report, dated 23 February 2004,<sup>3</sup> the United Nations fact-finding team had concluded that free and fair elections were not feasible prior to 30 June 2004, and that at least eight months were needed to prepare for elections after a legal and institutional framework had been established. The team had concluded that elections could be held by the end of 2004, or shortly thereafter.

<sup>3</sup> S/2004/140.

<sup>1</sup> At its 4897th meeting, held in private on 19 January 2004, the Council members had a constructive exchange of views with the Chairman of the Governing Council of Iraq.

<sup>2</sup> On behalf of the Coalition Provisional Authority in accordance with resolution 1483 (2003).