

Transnistria, Moldova; South Ossetia and Abkhazia, Georgia; and Nagorny-Karabakh.<sup>4</sup>

The Chairman-in-Office urged the members of the Security Council, in particular those who were mediators in those conflicts or who had influence over the parties, to support the efforts of OSCE. Noting the difficulty for inter-State organizations to deal with non-State actors, even if in some cases they were the de facto authorities, he urged the Council to exert pressure in the context of OSCE mediation efforts to help resolve the above-mentioned long-standing conflicts.<sup>5</sup>

The Chairman-in-Office noted that OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, had been focusing on close and expanding cooperation with the United Nations, the

European Union, the North Atlantic Treaty Organization and other regional organizations with the aim of improving their ability to respond quickly and effectively in addressing major contemporary challenges.<sup>6</sup> In that context, the Chairman-in-Office assured the Council of the full support of OSCE for the principles and recommendations contained in resolution 1631 (2005), which were aimed at strengthening cooperation and consultation between the United Nations and regional organizations, while recognizing the primary responsibility of the Security Council for international peace and security.<sup>7</sup>

Most speakers expressed appreciation of the cooperation between OSCE and the United Nations and generally endorsed the priorities outlined by the Chairman-in-Office during the period under review.

<sup>4</sup> S/PV.4964, pp. 2-6; S/PV.5134, pp. 2-5; S/PV.5346, pp. 2-4; and S/PV.5751, pp. 2-4.

<sup>5</sup> S/PV.5134, p. 3.

<sup>6</sup> S/PV.4964, p. 2; and S/PV.5134, pp. 2-3.

<sup>7</sup> S/PV.5346, p. 4.

## Middle East

### 33. The situation in the Middle East

#### A. United Nations Disengagement Observer Force

##### **Decisions of 29 June 2004 to 14 December 2007: resolutions 1550 (2004), 1578 (2004), 1605 (2005), 1648 (2005), 1685 (2006), 1729 (2006), 1759 (2007) and 1788 (2007) and statements by the President**

At each of its 4998th, 5101st, 5205th, 5339th, 5456th, 5596th, 5698th and 5802nd meetings,<sup>1</sup> the Security Council adopted unanimously and without a

debate a resolution extending the mandate of the United Nations Disengagement Observation Force (UNDOF) for periods of six months on the basis of the reports of the Secretary-General.<sup>2</sup> In his reports, the Secretary-General observed that the situation in the Israeli-Syrian sector had remained generally quiet. He noted that, from 12 July to 14 August 2006, rockets originating from the area of operations of the United Nations Interim Force in Lebanon (UNIFIL) had hit close to UNDOF positions in the Shab'a area.<sup>3</sup> In general, UNDOF continued to perform its role as supervisor of the ceasefire between the Syrian and Israeli forces. Despite the calm, he noted that the situation in the Middle East was tense and was likely to remain so unless a comprehensive settlement could be reached.

In the resolutions adopted during this period, the Council called upon all parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973; renewed the mandate of UNDOF for successive

<sup>1</sup> Held on 29 June and 15 December 2004, 17 June and 21 December 2005, 13 June and 15 December 2006 and 20 June and 14 December 2007, respectively. During this period, in addition to those meetings, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Disengagement Observer Force, pursuant to annex II, sections A and B of resolution 1353 (2001). The meetings were held on 24 June 2004 (4996th), 10 December 2004 (5098th), 15 June 2005 (5200th), 16 December 2005 (5330th), 6 June 2006 (5452nd), 13 December 2006 (5587th), 12 June 2007 (5692nd) and 11 December 2007 (5797th).

<sup>2</sup> S/2004/499, S/2004/948, S/2005/379, S/2005/767, S/2006/333, S/2006/938, S/2007/331 and S/2007/698.

<sup>3</sup> See S/2006/938.

six-month periods, the last mandate ending on 30 June 2008; and requested that the Secretary-General submit a report on developments in the situation and the measures taken to implement the resolutions.<sup>4</sup>

Complementary statements by the President were also released, in which it was stated that, despite the current quiet in the Israeli-Syrian sector, the situation in the Middle East continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached.<sup>5</sup>

## **B. United Nations Interim Force in Lebanon and developments in the Israel-Lebanon sector**

### **Decisions of 30 January 2004 and 29 July 2004: resolutions 1525 (2004) and 1553 (2004)**

At its 4907th and 5012th meetings,<sup>6</sup> the Security Council adopted unanimously and without debate resolutions 1525 (2004) and 1553 (2004), respectively, extending the mandate of the United Nations Interim Force in Lebanon (UNIFIL) on the basis of the reports of the Secretary-General<sup>7</sup> and the requests of Lebanon.<sup>8</sup> In his reports, the Secretary-General observed that the situation in the UNIFIL area of operations during the period had been characterized by numerous armed encounters across the Blue Line, the majority of which were between Hizbullah and the Israel Defense Forces and some of which involved unknown or Palestinian actors. He noted that tensions were frequently high, and the situation was fragile. He

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<sup>4</sup> Resolutions 1550 (2004), 1578 (2004), 1605 (2005), 1648 (2005), 1685 (2006), 1729 (2006), 1759 (2007) and 1788 (2007).

<sup>5</sup> S/PRST/2004/23, S/PRST/2004/47, S/PRST/2005/24, S/PRST/2005/65, S/PRST/2006/26, S/PRST/2006/54, S/PRST/2007/20 and S/PRST/2007/48.

<sup>6</sup> Held on 30 January 2004 and 29 July 2004, respectively. During this period, in addition to those meetings, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Interim Force in Lebanon, pursuant to annex II, sections A and B of resolution 1353 (2001). The meetings were held on 23 January 2004 (4901st), 23 July 2004 (5008th), 24 January 2005 (5115th), 25 July 2005 (5233rd), 25 January 2006 (5355th), 25 July 2006 (5495th) and 16 August 2007 (5731st).

<sup>7</sup> S/2004/50 and S/204/572 and Add.1.

<sup>8</sup> S/2004/35 and S/2004/560.

also stated that the cycle of air violations by Israel, the firing of anti-aircraft rounds by Hizbullah, and air strikes by Israel against Hizbullah positions had added a serious new dimension to the conflict. The Secretary-General noted that the situation along the Blue Line was susceptible to volatile regional developments and underlined the need to achieve a comprehensive, just and lasting peace in the Middle East.

At those meetings, the President<sup>9</sup> drew the attention of the Council to documents submitted by Lebanon<sup>10</sup> and Israel,<sup>11</sup> reporting violations of the Blue Line.

By resolutions 1525 (2004) and 1553 (2007), the Council renewed the mandate of UNIFIL for two six-month periods, the second mandate expiring on 31 January 2005; and stressed the importance of the continuing efforts by the Government of Lebanon to ensure the return of its effective authority throughout the south, including the deployment of Lebanese armed forces. The Council also reiterated its call on the parties to continue to fulfil the commitments they had given to fully respect the withdrawal line identified by the United Nations, and to exercise utmost restraint and cooperate fully with the United Nations and UNIFIL. The Council requested that the Secretary-General continue his consultations with the Government of Lebanon and other parties directly concerned on the implementation of those resolutions.

### **Decision of 28 January 2005 (5117th meeting): resolution 1583 (2005)**

At its 5117th meeting, on 28 January 2005, the Council included in its agenda the report of the Secretary-General on UNIFIL dated 20 January 2005.<sup>12</sup> In his report, the Secretary-General observed that the UNIFIL area of operations had been relatively quiet but that serious incidents had occurred in the last weeks of the reporting period. On 9 January, a roadside bomb had hit an Israel Defense Force convoy, resulting in the death of one soldier and wounding three others. In the same incident, one United Nations observer and a French national had been killed and a Swedish national was injured. Retaliatory fire had ensued,

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<sup>9</sup> Chile and Romania, respectively.

<sup>10</sup> S/2004/6, S/2004/15, S/2004/54, S/2004/55, S/2004/574, S/2004/575 and S/2004/577.

<sup>11</sup> S/2004/61 and S/2004/465.

<sup>12</sup> S/2005/36.

claiming the life of one Hizbullah fighter and injuring another. The Secretary-General also noted that the Blue Line had enjoyed prolonged periods of relative quiet often followed by several episodes of hostilities. He stated that the resumption of military measures, for which Hizbullah took credit, and the disregard shown for the safety of the unarmed United Nations military observers, was troubling.

The President (Argentina) drew the attention of the Council to letters addressed to the Secretary-General by the Governments of Lebanon<sup>13</sup> and Israel,<sup>14</sup> reporting violations of the Blue Line. In another letter brought to the attention of the Council, the representative of Lebanon requested that the Council extend the mandate of UNIFIL for a further period of six months.<sup>15</sup>

The President then drew the attention of the Council to a draft resolution;<sup>16</sup> it was put to the vote and adopted unanimously as resolution 1583 (2005), by which, the Council, *inter alia*:

Decided to extend the mandate of UNIFIL until 31 July 2005;

Called upon the Government of Lebanon to fully extend and exercise its sole and effective authority throughout the south, including through the deployment of sufficient numbers of Lebanese armed and security forces, to ensure a calm environment throughout the area;

Called on the parties to ensure UNIFIL was accorded full freedom of movement throughout its area of operation;

Condemned all acts of violence, including the recent incidents across the Blue Line that had resulted in the killing and wounding of United Nations military observers;

Supported the continued efforts of UNIFIL to maintain the ceasefire along the withdrawal line through mobile patrols and observation from fixed positions and through close contacts with the parties;

Welcomed the continued contribution of UNIFIL to operational mine clearance, encouraged further assistance in mine action by the United Nations to the Government of Lebanon in support of both the continued development of its national mine action capacity and clearance of the remaining mine/unexploded ordnance threat in the south.

After the vote, statements were made by the representatives of Algeria, Argentina, Brazil, China,

France, Greece, Japan, Lebanon, the Russian Federation and the United States.

Most representatives condemned the violations of the Blue Line, whether by land or by air, and stressed that it was the responsibility of the parties to take the necessary measures to ensure respect for the Blue Line in its entirety and to prevent all violations. Several representatives maintained that Lebanon needed to re-establish its authority in the south, in particular by deploying its armed forces and disarming the militias. Many representatives stated that UNIFIL had contributed to the stability and security in the region, and that the persistence of violent incidents and violations along the length of the Blue Line underlined the importance of the presence on the ground of UNIFIL.

The representative of the United States further stated that the continually asserted position of the Government of Lebanon — that the Blue Line was not valid in the Shab'a farms area — was not compatible with Security Council resolutions and, in any case, was not an excuse for allowing Hizbullah to engage in violence along and across the Blue Line. She also noted that the failure of the Government of Lebanon to deploy its armed forces in sufficient numbers to ensure a calm environment throughout the area posed a grave threat to peace and security there.<sup>17</sup>

The representative of China stated that, even though the text was still not entirely satisfactory, the Chinese delegation, bearing in mind the overall situation, had voted in favour of the draft resolution.<sup>18</sup>

The representative of the Russian Federation noted that, throughout the history of United Nations peacekeeping forces, mandates had always been voted on unanimously, and he had not wanted to break that tradition. He stated that the resolution was not satisfactory to the Russian Federation as it was too politicized. It was geared not so much to enhancing the nature of the United Nations operation in southern Lebanon, but rather to bringing pressure to bear on Beirut and obliging it to endeavour to resolve questions that, for objective reasons and because of the overall situation in the Middle East, it simply could not resolve. He noted that the Russian Federation had introduced a number of amendments to try to make it

<sup>13</sup> S/2005/23, S/2005/24, S/2005/25 and S/2005/26.

<sup>14</sup> S/2005/14 and S/2005/40.

<sup>15</sup> S/2005/13.

<sup>16</sup> S/2005/53.

<sup>17</sup> S/PV.5117, pp. 2-3.

<sup>18</sup> *Ibid.*, p. 4.

more balanced when it was under consideration at the expert level, but those suggestions had not been accepted.<sup>19</sup>

The representative of Lebanon believed that it would have been desirable to draft a technical resolution to extend the mandate of UNIFIL without selectively highlighting passages from the report of the Secretary-General and without introducing any political elements into the resolution.<sup>20</sup>

**Decisions of 29 July 2005 and 31 January 2006:  
resolutions 1614 (2005) and 1655 (2006)**

At its 5241st and 5362nd meetings,<sup>21</sup> the Council adopted, unanimously and without debate, a resolution extending the mandate of UNIFIL on the basis of the reports of the Secretary-General<sup>22</sup> and the request of the Government of Lebanon.<sup>23</sup> In his reports, the Secretary-General observed that a series of exchanges had occurred between the Israel Defense Forces and Hizbullah. In an incident on 29 June 2005, one Israeli soldier was killed and four were wounded, and two Hizbullah fighters were killed. Israeli aircraft continued to violate Lebanese airspace, and a number of Lebanese ground violations were recorded by UNIFIL. He also noted that, on 6 and 9 June 2005, the army of Lebanon had vacated two of its three checkpoints in the UNIFIL area of operations, which the Government of Lebanon had stated was part of an overall redeployment of the army throughout the country. In another incident on 21 November 2005, four Hizbullah fighters were killed and one Israeli civilian had been injured. The retaliatory aerial bombing by the Israeli Air Force had lasted nine hours, during which time 800 artillery, tank and mortar rounds and rockets had been fired; 12 Israeli soldiers, one Israeli civilian, and an unidentified number of Hizbullah fighters had been injured.

At those meetings, the President<sup>24</sup> drew the attention of the Council to documents submitted by

Lebanon<sup>25</sup> and Israel,<sup>26</sup> which reported violations of the Blue Line.

By resolutions 1614 (2005) and 1655 (2006), the Council renewed the mandate of UNIFIL for successive six-month periods, the second mandate expiring on 31 July 2006. It condemned all acts of violence, including the incidents across the Blue Line that had resulted in deaths and injuries. The Council also supported the efforts of UNIFIL to maintain the ceasefire and requested that the Secretary-General continue to work with the Government of Lebanon to reinforce its authority in the south and to continue consultations with the parties concerned on the implementation of the resolutions.

**Decision of 27 July 2006 (5497th meeting):  
statement by the President**

By identical letters dated 12 July 2006 addressed to the Secretary-General and the President of the Security Council, the representative of Israel informed the Council that “Hizbullah terrorists” had unleashed a barrage of heavy artillery and rockets into Israel, causing a number of deaths.<sup>27</sup> The terrorists had also infiltrated Israel and kidnapped two Israeli soldiers, taking them into Lebanon. The representative stated that responsibility for this “belligerent act of war” lay with the Government of Lebanon, from whose territory the acts had been launched into Israel. The Government of Israel considered them to be “a clear declaration of war” and a violation of the Blue Line and Security Council resolutions 425 (1978), 1559 (2004) and 1680 (2006), and all other relevant resolutions. Therefore, Israel reserved the right to act in accordance with Article 51 of the Charter of the United Nations and exercise its right of self-defence. Israel would take the appropriate actions to secure the release of the kidnapped soldiers and bring an end to the shelling.

By a letter dated 13 July 2006 addressed to the President of the Security Council, the representative of Lebanon requested an urgent meeting of the Security

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<sup>19</sup> Ibid., p. 5.

<sup>20</sup> Ibid., p. 6.

<sup>21</sup> Held on 29 July 2005 and 31 January 2006, respectively.

<sup>22</sup> S/2005/460, submitted pursuant to resolution 1583 (2005); and S/2006/26, submitted pursuant to resolution 1614 (2005).

<sup>23</sup> S/2005/444 and S/2006/15.

<sup>24</sup> Greece and the United Republic of Tanzania, respectively.

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<sup>25</sup> S/2005/58, S/2005/105, S/2005/106, S/2005/168, S/2005/242, S/2005/304, S/2005/339, S/2005/369, S/2005/424, S/2005/435, S/2005/526, S/2005/568, S/2005/641, S/2005/715, S/2005/746, S/2005/747, S/2007/755, S/2005/836 and S/2006/5.

<sup>26</sup> S/2005/312, S/2005/352, S/2005/423, S/2005/546, S/2005/731 and S/2005/837.

<sup>27</sup> S/2006/515.

Council to consider the grave situation resulting from the latest acts of “aggression” by Israel in Lebanon.<sup>28</sup>

At its 5489th meeting, held on 14 July 2006, in response to the request of Lebanon, the Council included the letter dated 13 July 2006 in its agenda. In addition to all members of the Council, statements were made by the Under-Secretary-General for Peacekeeping Operations, the Under-Secretary-General for Political Affairs, and the representatives of Israel and Lebanon.

The President (France) drew the attention of the Council to the above-mentioned letter from the representative of Israel and two letters from the representative of Lebanon to the Secretary-General.<sup>29</sup> By the first letter, dated 13 July 2006, the representative of Lebanon informed the Secretary-General that the Lebanese Council of Ministers had held an emergency meeting on 12 July 2006, at which the Government had maintained that it was not aware of the events that had occurred on the international Lebanese border; that it was not responsible for the events nor did it endorse them; and that it condemned the “Israeli aggression”. In the second letter, also dated 13 July 2006, the Government of Lebanon informed the Secretary-General of the latest “Israeli aggressions” against Lebanon.

The Under-Secretary-General for Peacekeeping Operations briefed the Council on the situation in the Middle East. He stated that the crisis between Israel and Lebanon was the most serious since the withdrawal of Israeli forces from southern Lebanon in 2000. The crisis had started on 12 July 2006 when Hizbullah launched several rocket attacks from Lebanese territory across the Blue Line towards the Israel Defense Forces, killing three soldiers, wounding two, and capturing two. An exchange of fire between the Israel Defense Forces and Hizbullah ensued, spanning the length of the Blue Line. On the afternoon of 12 July, the Government of Lebanon had requested that UNIFIL broker a ceasefire. The Government of Israel had responded that a ceasefire would be contingent upon the return of the captured soldiers. As a result of the assaults and the fact that the Israel Defense Forces had warned that any person moving close to the Blue Line would be shot at, including United Nations personnel,

the ability of UNIFIL to monitor the area of operations was limited.<sup>30</sup>

The Under-Secretary-General for Political Affairs also briefed the Council, stating that parts of Lebanon were under blockade and heavy Israeli military action. He noted that the Secretary-General had condemned all actions which targeted civilians or which unduly endangered them owing to their disproportionate or indiscriminate character and called on all parties to adhere to their obligations under international law and international agreements and urged restraint to prevent the situation from spiralling even further out of control. He also informed the Council of the decision of the Secretary-General to send a mission to the Middle East to exercise good offices and help defuse the major crisis in the region.<sup>31</sup>

The representative of Lebanon stated that “widespread and barbaric aggression” by the Government of Israel was destroying the infrastructure of Lebanon and causing the deaths of innocent civilians. The forces of the Government of Israel had launched widespread military operations, deliberately bombing vital installations, destroying major bridges; fuel storage tanks at electrical power plants; the three runways at Beirut International Airport; and other civilian installations and residential buildings. He maintained that the Government of Israel held the Government of Lebanon responsible for the attack and the kidnapping of the two soldiers, even though the Government of Lebanon had issued a statement on 12 July 2006 declaring that it had not been aware of the incident and did not take responsibility or endorse it. He stated that the “Israeli aggression”<sup>32</sup> hampered the efforts made by Lebanon towards fostering democracy and undermined the sovereignty of Lebanon as it endeavoured to exercise its authority over its territory. He welcomed the initiative of the Secretary-General to dispatch a delegation to reduce tensions, re-establish stability, and call for the protection of civilians and civilian infrastructure. He stressed that the disregard by Israel of the calls made by the Government of Lebanon expressing its complete willingness to negotiate through the United Nations and other parties to resolve the recent developments, the consequences of those developments and the reasons that led to them was “incontrovertible evidence of the intention of the

<sup>28</sup> S/2006/517.

<sup>29</sup> S/2006/518 and S/2006/522.

<sup>30</sup> S/PV.5489, pp. 2-3.

<sup>31</sup> *Ibid.*, pp. 3-4.

<sup>32</sup> *Ibid.*, pp. 4-5.

Israelis to escalate the situation”. Finally, he called upon the Security Council to take a decision calling for an immediate ceasefire, the lifting of the air and sea blockade imposed against Lebanon and an end to “Israeli aggression”.

The representative of Israel stressed that the withdrawal of Israel from southern Lebanon, in accordance with resolution 425 (1978), an act acknowledged in the statement by the President of the Council of 18 June 2000,<sup>33</sup> had occurred so that a security zone could be constructed to prevent further terrorist attacks upon Israeli towns and villages. However, the Government of Lebanon had chosen to let its southern region “be occupied by terrorism, rather than disarm it”, and to relinquish control over its country rather than exercise its full sovereignty. As a result, Hizbullah terrorists, operating with impunity in southern Lebanon, had unleashed a sudden and unprovoked attack into Israeli territory, leaving Israel no choice but to react. The actions were in direct response to “an act of war from Lebanon” and although Israel held the Government of Lebanon responsible for the attacks, it was concentrating its response carefully, mainly on Hizbullah strongholds. He stressed the importance of the international community understanding that, while Hizbullah executed terrorism, it was “merely the finger on the blood-stained, long-reaching arms of Syria and Iran”. Finally, he called upon the Security Council and the international community to help the Lebanese people achieve the goal of a free, prosperous and democratic Lebanon.<sup>34</sup>

The representative of the Russian Federation stated that his delegation viewed the Israeli military action as a disproportionate and inappropriate use of force that threatened both the sovereignty and territorial integrity of Lebanon and peace and security throughout the region. He called for urgent steps to be taken to halt the military escalation and urged that Israel end its incursions into Lebanon, its destruction of civilian infrastructure on Lebanese territory, and its blockade. He also stressed that Hizbullah needed to refrain from actions against Israel, release the Israeli soldiers, halt its rocket attacks and respect the Blue Line. Also, he expected the Government of Lebanon to provide all possible assistance in resolving the issues. The Russian Federation supported the decision of the

Secretary-General to dispatch a special mission to the region and had taken active steps to achieve a ceasefire by sending its own special representative of the Minister for Foreign Affairs to the region.<sup>35</sup>

The representative of the United States stated that the incursion of Hizbullah across the Blue Line on 12 July was a deliberate and premeditated provocation intended to undermine regional stability. These provocations highlighted the urgent need for full and immediate compliance by the Syrian Arab Republic and Hizbullah with relevant Security Council resolutions, including 1559 (2004), 1583 (2005), 1655 (2006) and 1680 (2006). He made it clear that the Syrian Arab Republic and the Islamic Republic of Iran needed to be held to account for supporting regional terrorism and their role in the current crisis, as the Syrian Arab Republic provided safe haven to the militant wing of Hamas and provided material support to Hizbullah, while the Islamic Republic of Iran provided sponsorship and financial and other support to Hizbullah. He underlined the importance of the presidential statement of 18 June 2000 and the conclusion of the Secretary-General that, as from 16 June 2000, Israel had withdrawn all its forces from Lebanon, in accordance with Security Council resolution 425 (1978), and had met the requirements defined in the report of the Secretary-General of 22 May 2000.<sup>36</sup> As a result, he maintained that all militias in Lebanon, including Hizbullah, needed to disarm and disband immediately, and the Government of Lebanon needed to extend and exercise its control over all its territory.<sup>37</sup>

The representative of Qatar recognized that, while every State, including Lebanon, had the right to defend itself, the waging of a military campaign directly targeting civilians and hitting their infrastructure could in no way be consonant with that objective. He maintained that the “alleged right of Israel” to self-defence ended when the Security Council took the necessary measures to maintain international peace and security, and he called on the Council to take appropriate measures to end the “aggression”.<sup>38</sup>

The representative of China denounced the “armed aggression” by Israel and demanded that Israel

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<sup>33</sup> Ibid., pp. 4-5.

<sup>34</sup> S/PV.5489, pp. 5-7.

<sup>35</sup> Ibid., pp. 7-8.

<sup>36</sup> S/2000/460.

<sup>37</sup> S/PV.5489, p. 10.

<sup>38</sup> Ibid., pp. 10-11.

stop its current military actions, as well as lift the air, sea and land blockade against Lebanon. At the same time, China was against the practices of Hizbullah militias, and called on Hizbullah to release the abducted Israeli soldiers.<sup>39</sup>

The representative of the United Kingdom urged all countries with influence over Hizbullah, particularly the Syrian Arab Republic and the Islamic Republic of Iran, to “play their part”. He maintained that Israel had the right to act in self-defence, but it needed to exercise restraint, ensuring that its actions were proportionate and measured, conformed to international law, and avoided civilian death and suffering. He concluded that the crisis underlined the need for the full and sustainable implementation of resolution 1559 (2004).<sup>40</sup>

The representative of France stated that Hizbullah bore the responsibility for the outbreak of hostilities. He stated that the Government of Lebanon had dissociated itself from this provocation and should shoulder its responsibilities and abide by the commitments it had taken before the Council and in accordance with the Taif Agreement and Security Council resolutions. He noted that Israel had the right to defend its territory and its citizens when they were attacked but condemned the disproportionate nature of the response. He stressed that the Lebanese people must not be taken hostage and that the freedom of movement for the population, as well as for foreigners in Lebanon, had to be restored.<sup>41</sup>

Most representatives welcomed the decision of the Secretary-General to send a special envoy and called for an immediate cessation of hostilities. A number of representatives condemned the attack on Israel and the kidnapping of the two Israeli soldiers, but stressed that the Israeli response had been disproportionate and that Israel had to act in accordance with the provisions of international humanitarian law. Previous commitments, agreements and Council resolutions, in particular 1559 (2004), also needed to be respected and fully implemented.<sup>42</sup>

<sup>39</sup> Ibid., p. 11.

<sup>40</sup> Ibid., p. 12.

<sup>41</sup> Ibid., pp. 17-18.

<sup>42</sup> Ibid., pp. 8-9 (Ghana); p. 9 (Argentina); pp. 11-12 (Japan); p. 13 (Democratic Republic of the Congo); pp. 13-14 (United Republic of Tanzania); pp. 14-15 (Peru); p. 15 (Denmark); pp. 15-16 (Slovakia); and pp. 16-17 (Greece).

At its 5492nd meeting, on 20 July 2006, the Council heard a briefing by the Secretary-General on the conflict between Israel and Lebanon. He noted that over 300 Lebanese had been killed and more than 600 wounded and much of the infrastructure in Beirut and around the country had been destroyed. Lebanon remained under a blockade by sea and air by the Israeli military. He called for an urgent and immediate ceasefire to prevent further loss of life; allow full humanitarian access to those in need; and give diplomacy a chance to work out a practical package of actions that would provide a lasting solution to the current crisis. As a result of the continued fighting, UNIFIL had no freedom of movement and needed a window of time in which to bring stocks of food, water and fuel from Israel even for its own personnel. He noted that Israel had confirmed that its operation in Lebanon had wider, more far-reaching goals than the return of its captured soldiers and that the aim was to end the threat posed by Hizbullah by attacking their infrastructure and physical strength. However, the Government of Lebanon, which Israel wanted to extend its control throughout the country, had itself become a hostage and was less able than ever to deploy its forces in the areas necessary to control Hizbullah. He recommended several elements that needed to form the basis of any lasting ceasefire, including the return of the captured Israeli soldiers, an expanded peacekeeping force to help to stabilize the situation, the full implementation of resolutions 1559 (2004) and 1680 (2006), and the establishment of a mechanism, composed of key regional and international actors, to monitor and guarantee the implementation of a ceasefire agreement. Also, as the conditions for peacekeeping did not exist at that time, he called for the Security Council to decide what to do about UNIFIL, whose mandate would expire 31 July. He believed that the continuation of UNIFIL in its existing configuration and mandate would not be tenable.

At the 5497th meeting, on 27 July 2006, the representatives of Austria, Canada and Finland were invited to participate in the discussion. The President (France) then made a statement on behalf of the Council,<sup>43</sup> in summary, by which the Council, inter alia:

Stated that it was deeply shocked and distressed by the firing by the Israel Defense Forces on a United Nations observer post in southern Lebanon on 25 July 2006, which caused the death of four United Nations military observers;

<sup>43</sup> S/PRST/2006/34.

Called upon the Government of Israel to conduct a comprehensive inquiry into that incident, taking into account any relevant material from United Nations authorities, and to make the results public as soon as possible;

Stressed that Israel and all concerned parties must comply fully with their obligations under international humanitarian law related to the protection of United Nations and its associated personnel, and underlined the importance of ensuring that United Nations personnel were not the object of attack.

**Decision of 30 July 2006 (5499th meeting):  
statement by the President**

At the 5498th meeting, on 30 July 2006, statements were made by the representatives of Israel and Lebanon on the situation in the Middle East. The President (France) drew the attention of the Council to a letter dated 29 July 2006 from the Secretary-General to the President of the Council.<sup>44</sup> In his letter, the Secretary-General referred to the Israeli armed attacks on the Observer Group Lebanon of the United Nations Truce Supervision Organization, in which four United Nations military observers were killed on 25 July 2006. He expressed his concern about the safety and security of the United Nations personnel as well as Israeli and Lebanese civilians and reiterated his call for an immediate cessation of hostilities.

The Secretary-General addressed the Council, and stated that, during the night of 29 July 2006, the Israeli air force had bombed the village of Qana, which was no longer in the area of operations of UNIFIL. Therefore, no United Nations personnel had been present to help clear the rubble and give treatment to survivors. Preliminary reports indicated that 54 Lebanese were killed, 37 of them were children. He expressed his deep dismay that his earlier calls for the immediate cessation of hostilities were not heeded. While several hundred Lebanese citizens had been killed as well as over 50 Israelis, he stressed that both sides bore a heavy responsibility and that there was a strong *prima facie* evidence that both sides had committed breaches of international humanitarian law. He called on the Council to come together on the most urgent point: an immediate cessation of hostilities.<sup>45</sup>

The representative of Lebanon stated that Israel had committed war massacres which, regrettably, were yet to be addressed by resolutions of the Security Council. He noted that the Prime Minister of Lebanon,

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<sup>44</sup> S/2006/595.

<sup>45</sup> S/PV.5498, pp. 2-3.

on behalf of the Government of Lebanon, had set forth his understanding of the seven-point plan, beginning with an immediate and comprehensive ceasefire, as no solutions could be considered before it was achieved. His country was calling on the Council to bring an end to the firing immediately, and to undertake an effective and serious investigation of that “massacre” and of the other “massacres” that Israel had perpetrated over the previous three weeks.<sup>46</sup>

The representative of Israel acknowledged that women and children might have been killed in the tragic event, but stressed that they were victims of Hizbullah. He stressed that Israel had never targeted innocent people, and that women and children were hurt because they were being used as human shields by Hizbullah. He remarked that, if Lebanon had deployed its forces in the south or if the Security Council had enforced resolution 1559 (2004), the war would not have happened. He stressed that Hizbullah needed to be totally disarmed; otherwise, even if there was a ceasefire, it would “raise its ugly head again”. He concluded that “terror and Hizbullah must end” because until they did there would be hostilities and fire and “more innocents [would] pay the price”.<sup>47</sup>

In his second intervention, the representative of Lebanon stated that it had been clear from the beginning that Lebanon, not Hizbullah, was the target and denied the allegation that rockets had been fired from near the area that had been bombed.<sup>48</sup>

At the 5499th meeting,<sup>49</sup> on 30 July 2006, the President (France) made a statement on behalf of the Council,<sup>50</sup> by which the Council, *inter alia*:

Expressed its extreme shock and distress at the shelling by the Israel Defense Forces of a residential building in Qana, in southern Lebanon, which had caused the killing of dozens of civilians, mostly children, and injured many others; and sent its deepest condolences to the families of the victims and to the Lebanese people;

Strongly deplored the loss of innocent lives and the killing of civilians in the conflict and requested the Secretary-General to report to it within one week on the circumstances of the tragic incident; deplored any action against United Nations

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<sup>46</sup> *Ibid.*, pp. 3-5.

<sup>47</sup> *Ibid.*, pp. 5-6.

<sup>48</sup> *Ibid.*, pp. 6-7.

<sup>49</sup> The representatives of Israel and Lebanon were present at the meeting, pursuant to the decision taken at the 5498th meeting.

<sup>50</sup> S/PRST/2006/35.



personnel, and called for full respect for the safety and security of all United Nations personnel and premises;

Affirmed its determination to work without any further delay to adopt a resolution for a lasting settlement of the crisis, drawing on diplomatic efforts under way.

**Decision of 31 July 2006 (5501st meeting):  
resolution 1697 (2006)**

At the 5501st meeting, on 31 July 2006, the Council included in its agenda the report of the Secretary-General dated 21 July 2006 on UNIFIL.<sup>51</sup> In his report, the Secretary-General observed that the hostilities between Israel and Hizbullah had radically changed the context in which UNIFIL operated, making the environment not conducive to United Nations peacekeeping. Although the representative of Lebanon had requested that the mandate of UNIFIL be extended for a further period of six months,<sup>52</sup> the Secretary-General recommended that the Council extend the mandate of UNIFIL for a further period of one month as the status quo ante did not appear feasible.

The President (France) drew the attention of the Council to letters from Israel<sup>53</sup> and Lebanon,<sup>54</sup> concerning acts of aggression. The President further drew the attention of the Council to a draft resolution submitted by France;<sup>55</sup> it was then put to the vote and adopted unanimously and without debate as resolution 1697 (2006), by which the Council, inter alia:

Urged all concerned parties to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel;

Called on them to allow UNIFIL to resupply its positions, conduct search and rescue operations on behalf of its personnel and take any other measures it deemed necessary to ensure the safety of its personnel;

Decided to extend the mandate of UNIFIL until 31 August 2006.

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<sup>51</sup> S/2006/560, submitted pursuant to resolution 1655 (2006).

<sup>52</sup> S/2006/496.

<sup>53</sup> S/2006/515.

<sup>54</sup> S/2006/496, S/2006/518, S/2006/522, S/2006/531, S/2006/536, S/2006/537, S/2006/550, S/2006/565 and S/2006/575.

<sup>55</sup> S/2006/583.

**Decision of 11 August 2006 (5511th meeting):  
resolution 1701 (2006)**

At its 5503rd meeting, on 31 July 2006, the Council included in its agenda a letter dated 31 July 2006 addressed to the President of the Council by the representative of Lebanon,<sup>56</sup> in which Lebanon requested an urgent meeting to discuss the latest Israeli massacre in Qana and the continuous escalation of the conflict. At the meeting, statements were made by the representatives of Israel and Lebanon.

The representative of Lebanon reiterated the call of the Government of Lebanon for an immediate and comprehensive ceasefire, as well as a process of international investigation with regard to Qana, where a massacre had also occurred in 1996. He stated that the justification given by the Government of Israel that Hizbullah fighters were in the midst of the civilian population was a violation of international law, citing article 50 of Protocol I, of 1977, to the Geneva Conventions of 12 August 1949. He also quoted from a text approved by the Lebanese Council of Ministers, which called for an immediate ceasefire, the release of prisoners by Lebanon and Israel, a withdrawal of the Israeli army behind the Blue Line, a commitment from the Security Council to place the Shab'a farms and the Kafr Shuba hills under United Nations jurisdiction; for Israel to surrender maps of all remaining landmines in southern Lebanon; and for the United Nations international force to be enhanced in numbers, equipment and scope of operations.<sup>57</sup>

The representative of Israel agreed that there could not be a return to the status quo ante. He stated that Israel had no quarrel with Lebanon but with "the forces and the monstrosity" by which Lebanon had allowed itself to be taken hostage. He maintained that Lebanon had had several chances to exert its sovereignty, including one chance after Israel had left Lebanon completely, a fact that had been ratified by the Council. He reiterated that Israel only fought to protect itself against an act of war.<sup>58</sup>

The representative of Lebanon made second and third interventions, mentioning the conference in Rome, which had issued a statement referring to Security Council resolution 425 (1978). Implicit in that reference was the fact that resolution 425 (1978) had

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<sup>56</sup> S/2006/596.

<sup>57</sup> S/PV.5503, pp. 2-4.

<sup>58</sup> Ibid., p. 4.

not yet been fully implemented. He reiterated his statement that Lebanon needed the Shab'a farms area to be returned, the release of the Lebanese prisoners from Israeli prisons, and the maps of the landmines in southern Lebanon.<sup>59</sup>

In his second intervention, the representative of Israel stated that Lebanon should have asked the Syrians for the Shab'a farms area, not Israel, because it was the Government of the Syrian Arab Republic which claimed that area.<sup>60</sup>

At the 5508th meeting, on 8 August 2006, statements were made by the representatives of Israel, Lebanon and Qatar.<sup>61</sup>

The representative of Qatar stated that the draft resolution before the Council required that the Arab position as expressed in the seven-point plan adopted by the Council of Ministers of the League of Arab States on 7 August 2006 be carefully considered and taken into account. The Security Council should also take into account the sociopolitical structure of Lebanese society, as well as the interests, unity, stability and territorial integrity of Lebanon. Accordingly, he drew the attention of the Council to the repercussions of adopting a non-enforceable resolution, which would further complicate the situation on the ground and have grave ramifications for Lebanon, for other Arab countries and for all the countries of the region.<sup>62</sup>

The representative of Lebanon maintained that the draft resolution fell short of meeting many of the requests of Lebanon and also would not achieve the results that the international community hoped for. He noted that the draft resolution did not call for "an immediate ceasefire", but "a cessation of hostilities", and stressed that Lebanon needed great clarity on many issues. Also, with reference to the language in the draft resolution calling for cessation by Israel of all offensive operations, he maintained that Israel had never conceded that its actions in Lebanon had been anything but defensive, and, in this respect, the draft resolution left Lebanon vulnerable to the "whims" of

Israel. Calling for an immediate Israeli withdrawal, he reaffirmed that the Government of Lebanon was ready to deploy 15,000 troops in the south as the Israeli troops withdrew behind the Blue Line. The issue of the Shab'a farms also needed to be addressed and the proposal did not sufficiently reflect readiness by the international community to address that issue.<sup>63</sup>

The representative of Israel stated that the question was not whether the Council could adopt a resolution but whether the Council and the international community could adopt a course of action which would end the threat that Hizbullah and its sponsors posed to the peoples of Israel and Lebanon and to the region as a whole. He maintained that the Government of Israel would continue to do whatever was necessary to protect the lives of its citizens, and it had to be able to defend itself against an enemy that not only deliberately targeted civilians but also hid among them as well as in mosques and the United Nations compounds. He believed that a significant part of the military capacity and infrastructure of Hizbullah had been destroyed, allowing for the Government of Lebanon and the international community to begin anew and repair the omissions that had led to the crisis. To accomplish this, a robust and effective international force would be needed to ensure the dismantling and disarming of all terrorist groups and the implementation of resolution 1559 (2004) in all its parts. It also required enforceable and effective measures that would prevent the continued supply and rearmament of weapons and ammunition; and for the Government of Lebanon to meet the basic obligations placed by international law and by the Council on Lebanon to end the use of its territory as a base to threaten the territory of others. He stated that Israel was ready to cease hostilities and to withdraw its forces if these effective measures were taken.<sup>64</sup>

In their second interventions, the representatives of Qatar and Lebanon reiterated that resolutions needed to be adopted that took into account the reality of Lebanon or the international community would be faced with a civil war there. They also stressed that, in wanting to destroy the infrastructure of Hizbullah, Israel had in fact destroyed the infrastructure of Lebanon. There were two principles regarding civilians that needed to be adhered to, namely, the principle of distinction and

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<sup>59</sup> Ibid., p. 5 and pp. 5-6.

<sup>60</sup> Ibid., p. 5.

<sup>61</sup> The Minister for Foreign Affairs of the United Arab Emirates and the Secretary-General of the League of Arab States were invited to participate in the meeting but did not make statements.

<sup>62</sup> S/PV.5508, pp. 2-3.

<sup>63</sup> Ibid., pp. 3-4.

<sup>64</sup> Ibid., pp. 4-6.

the principle of proportionality, both of which Israel had systematically violated since 12 July 2006.<sup>65</sup>

At the 5511th meeting, on 11 August 2006, the President (Ghana) drew the attention of the Council to a number of letters from the representative of Lebanon, transmitting lists of attacks by Israel and calling for a ceasefire.<sup>66</sup> He also drew attention to several other documents.<sup>67</sup> The Council then heard a briefing by the Secretary-General and statements from most members of the Council as well as the representatives of Israel and Lebanon.<sup>68</sup>

The Secretary-General welcomed the draft resolution before the Council, which provided for a full and immediate cessation of hostilities. He believed that the draft resolution would make it possible to conclude a sustainable and lasting ceasefire agreement and begin the process of solving the political problems in the region. He expressed disappointment that the Council had not reached this point much earlier and that the inability of the Council to act sooner had badly shaken the faith of the world in the authority and integrity of the Council. He noted that since 12 July 2006, when Hizbullah launched an attack on Israel, more than 1,000 Lebanese had been killed and more than 3,600 wounded, and 41 Israeli civilians had been killed. The United Nations had also been a target of protest and violence, despite the Organization's humanitarian efforts, including those of UNIFIL, which had had to cope with a situation for which it was neither mandated nor equipped. The Secretary-General outlined the actions

that would be needed to make the draft resolution fully effective on the ground. First, humanitarian convoys and relief workers must be guaranteed safe passage and access to those in need; and, second, the international community needed to give the Government of Lebanon all possible support, so that it could make its sovereignty effective, pursuant to Council resolutions 425 (1978), 1559 (2004) and 1680 (2006). The Secretary-General emphasized that the Government of Lebanon needed to have a monopoly of the use of force on its own territory, which required a full and swift withdrawal of Israeli forces, and the strengthening of the mandate and the numbers of UNIFIL. He maintained that Lebanon deserved the full support of the United Nations in its efforts to "cast off the chains of external interference and domestic strife", and this required a national consensus among Lebanese and constructive cooperation by all relevant parties and actors at the regional level, including the Governments of the Syrian Arab Republic and the Islamic Republic of Iran.<sup>69</sup>

The majority of the speakers expressed strong support for the draft resolution and called for an immediate and complete ceasefire, which focused on protecting civilians; assistance for Lebanon in expanding its sovereign authority; a new and improved UNIFIL mandate with a greater scope of operations, better equipment, and larger numbers; the cooperation of every State, particularly the Syrian Arab Republic and the Islamic Republic of Iran, in respecting the sovereignty of Lebanon. Most speakers stressed that there could be no foreign forces, no weapons, and no authority in Lebanon other than those of the Government of Lebanon. They also called for the implementation of resolution 1680 (2006), which addressed the delineation of the border of Lebanon, including the Shab'a farms. A number of representatives stressed that the lack of a comprehensive settlement in the Middle East was a prime cause of the crisis and that it was essential to engage in a comprehensive consideration of all aspects of the Middle East situation.

The representative of the United States maintained that, since the conflict had begun, her country had sought an immediate end to the fighting, but had also insisted that a durable ceasefire had required a decisive change from the status quo that had produced the war. She maintained that, in addition to respecting the call in the draft resolution for a full cessation of hostilities,

<sup>65</sup> Ibid., p. 7 (Qatar); and pp. 7-8 (Lebanon).

<sup>66</sup> S/2006/571, S/2006/578, S/2006/599, S/2006/621, S/2006/625, S/2006/630 and S/2006/639.

<sup>67</sup> A letter dated 29 July 2006 from the Secretary-General, referring to the attacks in which four United Nations military observers were killed (S/2006/595); a letter dated 7 August 2006 from the Secretary-General, submitting information on the circumstances of the incident in Qana, in which a number of civilians were killed (S/2006/626); and a note by the Secretary-General dated 28 July 2006, transmitting a copy of the briefing delivered to Council members by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on the humanitarian situation in the Middle East (S/2006/593).

<sup>68</sup> The representative of the Congo did not make a statement. The Ministers for Foreign Affairs of Denmark, France, Greece and Qatar, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom and the Secretary of State of the United States represented their respective countries at this meeting.

<sup>69</sup> S/PV.5511, pp. 2-5.

all parties needed to take action to protect civilians. She urged the Governments of Lebanon and Israel to commit themselves to ending large-scale violence. Hizbullah faced a clear choice between war and peace, and the world needed to help ensure that that choice was the right one. She also noted, *inter alia*, that the international community would impose a binding embargo on all weapons heading into Lebanon without the consent of the Government and called on every State, especially the Islamic Republic of Iran and the Syrian Arab Republic, to respect the sovereignty of the Government of Lebanon and the will of the international community.<sup>70</sup>

The representative of France stressed that the settlement needed to respect a twofold imperative. It needed to allow the sovereignty of Lebanon to be restored throughout its territory and it needed to guarantee the right of Israel to security.<sup>71</sup>

The representative of Qatar reiterated that the Security Council should have adopted a resolution providing for an immediate ceasefire from the very beginning of the hostilities. Moreover, the draft resolution lacked balance and failed to take into consideration the interests, unity and stability and territorial integrity of Lebanon. It did not clearly address the “horrors of destruction” caused by the “Israeli aggression” against innocent civilians and the Lebanese infrastructure; and it did not clearly spell out the legal and humanitarian responsibility of Israel for that destruction or address in a balanced manner the question of the Lebanese prisoners in Israel. He welcomed the fact that the draft resolution was limited to augmenting UNIFIL and that its mandate would continue to be subject to the provisions of Chapter VI of the Charter. He also noted that he had been assured that any references to international forces in the draft resolution meant UNIFIL.<sup>72</sup>

The representative of the United Kingdom stressed that the Council had needed to adopt a resolution that looked beyond the short term and held out the prospect of a lasting solution, which meant agreeing upon a text that took sufficient account of the positions of both parties. While that had taken time and

effort, the United Kingdom believed that it had been the right thing to do.<sup>73</sup>

The representative of China condemned the excessive use of force and attacks on civilians, civilian facilities and United Nations personnel. He noted that his delegation had strongly advocated early Council action to achieve an immediate and comprehensive ceasefire, halt the current conflict, maintain peace and stability in the Middle East, and relieve the humanitarian disaster. He also expressed hope that the parties would implement the resolution and reach consensus on a comprehensive, lasting and fair framework for the political settlement of the conflict and restore local peace and stability as soon as possible.<sup>74</sup>

The representative of the Russian Federation maintained that it had taken an “unjustifiably long time” to draft the Council resolution. His country had done everything it could to accelerate the process, both in contact with the parties and around the negotiating table. That had guided his delegation when they had proposed a draft resolution the previous day, calling for a humanitarian ceasefire in Lebanon and for urgent diplomatic efforts to resolve the crisis. But as it had proved possible to produce an agreed text of a broader resolution on Lebanon, the Russian Federation had decided to support it. It reflected the key demand for an immediate cessation of hostilities and it took into account the legitimate demands of Lebanon and it included provisions to meet the security interests of Israel.<sup>75</sup>

The representatives of Greece, Argentina, Japan and the United Republic of Tanzania, maintained that they had called for an immediate ceasefire at the outbreak of hostilities and regretted that their calls were not heeded sooner and a resolution was not adopted quicker.<sup>76</sup>

The representative of Lebanon maintained that although Israel stated that the war was against Hizbullah, it was actually a strategy of terror inflicted on all Lebanese. He said that the direct cause of more than 1,100 deaths and the wanton destruction of the infrastructure and economy of Lebanon was the disproportionate and unjustifiable Israeli retaliation.

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<sup>70</sup> *Ibid.*, pp. 5-7.

<sup>71</sup> *Ibid.*, pp. 7-8.

<sup>72</sup> *Ibid.*, pp. 8-9.

<sup>73</sup> *Ibid.*, pp. 10-12.

<sup>74</sup> *Ibid.*, p. 13.

<sup>75</sup> *Ibid.*, pp. 14-15.

<sup>76</sup> *Ibid.*, pp. 9-10 (Greece); p. 15 (Argentina); pp. 15-16 (Japan); and pp. 16-17 (United Republic of Tanzania).

Commenting that his country was not confident in the Israeli distinction between what was “defensive” and what was “offensive”, he stressed that the end to military operations needed to be unqualified and the lifting of the blockade immediate upon the cessation of hostilities. He maintained that the pattern of invasions of Lebanon by Israel demonstrated the continuing threat facing Lebanon and the need for a political solution rooted in international law. For such a solution to move forward, it needed to address the root causes of the war, including the continued Israeli occupation of the Shab’a farms, as well as the struggle of Lebanon to regain full sovereignty over all its territory. He stressed that the international community had a moral and political obligation under the terms of the Charter and the accepted norms of international law to defend the sovereignty and territorial integrity of Lebanon, as well as to protect the Lebanese people under the relevant provisions of international humanitarian law, including the Geneva Conventions and the Protocols, thereto, which Israel had repeatedly and wilfully violated.<sup>77</sup>

The representative of Israel reiterated that the way to have avoided the crisis between Israel and Lebanon had been clear: implementation of the unconditional obligations set out in resolutions 1559 (2004) and 1680 (2006). That clear path forward had required the disarming and disbanding of Hizbullah and other militias, and the exercise by Lebanon of control and authority over all its territory. In the face of the failure to ensure that the obligations set out in those resolutions were implemented, Israel had no choice but to do what Lebanon had failed to do. As a result, Hizbullah’s lethal capabilities had been dealt a major blow — bases had been dismantled and “stockpiles of Iranian missiles” had been destroyed and southern Lebanon had been substantially cleared of “the infrastructure of terrorism”. He stressed that Israel had the right to continue its efforts to complete the task of rooting out the terrorists and removing the threat they presented to the Israeli and Lebanese people. However, Israel was ready to respond to the calls of the Council and to give another chance to the Government of Lebanon and the international community to create “a new reality on the ground”. He noted that the resolution would, *inter alia*, establish a binding arms embargo requiring all States to prevent the supply of arms and weapons to militias and terrorists in Lebanon; and set out arrangements to ensure that Lebanese armed

forces would deploy throughout Lebanese territory, including along the Blue Line. In conclusion, he stressed that Israel had “no greater wish than to live next to a peaceful and prosperous State of Lebanon, exercising its independence and sovereign responsibilities like any other State”.<sup>78</sup>

The President drew the attention of the Council to a draft resolution submitted by Denmark, France, Ghana, Greece, Slovakia, the United Kingdom and the United States;<sup>79</sup> it was then put to the vote and adopted unanimously as resolution 1701 (2006), by which the Council, determining that the situation in Lebanon constituted a threat to international peace and security, *inter alia*:

Called for a full cessation of hostilities based upon, in particular, the immediate cessation by Hizbullah of all attacks and the immediate cessation by Israel of all offensive military operations;

Upon full cessation of hostilities, called upon the Government of Lebanon and UNIFIL to deploy their forces together throughout the south and called upon the Government of Israel, as that deployment began, to withdraw all of its forces from southern Lebanon in parallel;

Called on the international community to take immediate steps to extend its financial and humanitarian assistance to the Lebanese people, including through facilitating the safe return of displaced persons and, under the authority of the Government of Lebanon;

Decided, in order to supplement and enhance the force in numbers, equipment, mandate and scope of operations, to authorize an increase in the force strength of UNIFIL to a maximum of 15,000 troops;

Called upon the Government of Lebanon to secure its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related materiel;

Decided to extend the mandate of UNIFIL until 31 August 2007.

**Decision of 12 December 2006 (5586th meeting):  
statement by the President**

At its 5586th meeting on, 12 December 2006, in which Lebanon was invited to participate, the Security Council included in its agenda a letter addressed to the President of the Council from the Secretary-General.<sup>80</sup> In his letter the Secretary-General

<sup>78</sup> *Ibid.*, pp. 20-22.

<sup>79</sup> S/2006/640.

<sup>80</sup> S/2006/933.

<sup>77</sup> *Ibid.*, p. 18-20.

reported that the UNIFIL area of operations had stabilized and the cessation of hostilities had been maintained. Still, air violations by Israeli jets had occurred, with the Government of Israel maintaining that they were not violations as they were a necessary security measure. The Secretary-General noted that those overflights violated Lebanese sovereignty, in contradiction to resolution 1701 (2006). Israel also had yet to provide UNIFIL with the detailed firing data on its use of cluster munitions that would help operators on the ground to mitigate the threat to innocent civilians. As Israel continued to withdraw its forces, UNIFIL had finished the first phase, which involved a rapid response deployment, reinforcing UNIFIL troops on the ground for the purpose of stabilizing the security situation and facilitating the withdrawal of the Israel Defense Forces from Lebanon and the concomitant deployment of the Lebanese Armed Forces throughout the south. The second, augmentation phase was currently under way. The Secretary-General also informed the Council that he was making the unconditional release of the captured Israeli soldiers and the issue of the Lebanese prisoners his top priority and expected respect for the provisions of resolution 1710 (2006). A permanent solution of the border issue remained contingent upon the delineation of the border between Lebanon and the Syrian Arab Republic, in fulfilment of resolutions 1559 (2004), 1680 (2006) and 1701 (2006).

The President (Qatar) made a statement on behalf of the Council,<sup>81</sup> by which the Council, *inter alia*:

Reiterated its full support for the legitimate and democratically elected Government of Lebanon, called for full respect for the democratic institutions of the country, in conformity with the constitution, and condemned any effort to destabilize Lebanon;

Called for the full implementation of resolution 1701 (2006) and urged all concerned parties to cooperate fully with the Security Council and the Secretary-General to achieve this goal;

Reiterated its full support to UNIFIL and looked forward to the completion of its deployment;

Expressed deepest concern at the presence in very high numbers of unexploded ordnance in southern Lebanon, including cluster munitions;

Reaffirmed the urgent need for the unconditional release of the abducted Israeli soldiers.

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<sup>81</sup> S/PRST/2006/52.

**Decision of 17 April 2007 (5664th meeting):  
statement by the President**

At its 5664th meeting, on 17 April 2007, in which the representative of Lebanon was invited to participate, the Council included in its agenda the report of the Secretary-General dated 14 March 2007 on the implementation of resolution 1701 (2006).<sup>82</sup> In his report, the Secretary-General welcomed the continued commitment by both the Government of Lebanon and the Government of Israel, as well as the commitment of the Syrian Arab Republic, to the implementation of resolution 1701 (2006). In Israel there was growing criticism that resolution 1701 (2006) had not addressed the issues of most concern to Israelis, namely the return of its captured soldiers and reported arms movements to and within Lebanon. The Secretary-General urged the Government of Israel to continue to work to implement all aspects of the resolution without selectivity and to continue to review its policy of flights over Lebanese airspace. The Prime Minister of Lebanon had expressed the frustration of his country with the continuing Israeli overflights, the rising civilian toll caused by Israeli cluster bombs and the slow progress on the issue of the Shab'a farms. The Secretary-General welcomed the support to UNIFIL and to resolution 1701 (2006) that had been expressed publicly by all Lebanese parties, but expressed concern that the persistent political crisis in the country was overshadowing the implementation of the resolution. He called on all Lebanese parties to recommit themselves to the principles of the seven-point plan. In reference to incidents along the Blue Line early in February, he stressed that both parties shared responsibility for avoiding provocative actions likely to cause tensions to escalate along the Blue Line. He maintained that the Shab'a farms area remained a key issue in the implementation of resolution 1710 (2006), and its resolution required the full cooperation of Lebanon, the Syrian Arab Republic and Israel.

The President (United Kingdom) then drew the attention of the Council to a letter dated 11 April 2007 from the representative of Israel, addressed to the Secretary-General,<sup>83</sup> which raised a number of issues with regard to the report of the Secretary-General dated 14 March 2007 on the implementation of resolution 1701 (2006).

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<sup>82</sup> S/2007/147, submitted in response to the statement by the President of 12 December 2006 (S/PRST/2006/52).

<sup>83</sup> S/2007/199.

The President made a statement on behalf of the Council,<sup>84</sup> by which the Council, *inter alia*:

Reiterated its full support for the legitimate and democratically elected Government of Lebanon;

Welcomed the completion of the second phase of the deployment of UNIFIL;

Urged the Governments of Israel and Lebanon to approve the temporary security arrangements for the northern part of the village of Ghajar and to further close liaison and coordination arrangements with UNIFIL;

Welcomed the measures taken by the Government of Lebanon to establish between the Blue Line and the Litani river an area free of any armed personnel;

Reiterated its deep concern at the continuing Israeli violations of Lebanese air space;

Expressed its serious concern at mounting information by Israel and another State of illegal movements of arms across the Lebanese-Syrian border in violation of resolution 1701 (2006);

Welcomed the Secretary-General's intention to evaluate the situation along the entire border;

Urged again all Member States to take all necessary measures to implement in full paragraph 15 of resolution 1701 (2006) to enforce the arms embargo;

Welcomed any request by the Government of Lebanon for assistance to enhance Lebanon's border security capacities;

Reiterated its call for disbanding and disarmament of all militias and armed groups in Lebanon;

Expressed deepest worry at the presence in very high numbers of unexploded ordnance in southern Lebanon;

Noted with profound concern that there has been no progress on the issue of the return of the two Israeli soldiers;

Encouraged efforts aimed at urgently settling the issue of the Lebanese prisoners detained in Israel;

Stressed the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East.

**Decision of 25 June 2007 (5704th meeting):  
statement by the President**

At the 5704th meeting, on 25 June 2007, in which the representatives of Colombia, Lebanon and Spain were invited to participate, the President (Belgium) made a statement on behalf of the Council,<sup>85</sup> by which the Council, *inter alia*:

Condemned in the strongest terms the terrorist attack on 24 June near the town of Khiyam in southern Lebanon, which targeted UNIFIL and killed six United Nations peacekeepers;

Extended its deepest condolences to the families of those victims;

Noted the condemnation of the attack by the Government of Lebanon and commended the determination and commitment of the Government of Lebanon to bring to justice the perpetrators of the attack;

Reaffirmed its full support to the Lebanese Government and army in their efforts to ensure security and stability throughout Lebanon;

Appealed to all parties concerned to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel;

Reaffirmed its full support to UNIFIL in carrying out its mandate to assist in the implementation of resolution 1701 (2006), and expressed its strong appreciation to Member States contributing troops.

**Decision of 3 August 2007 (5728th meeting):  
statement by the President**

At its 5728th meeting, on August 2007, in which the representatives of Israel and Lebanon were invited to participate, the Council included in its agenda a report of the Secretary-General dated 28 June 2007 on the implementation of resolution 1701 (2006).<sup>86</sup> In his report, the Secretary-General noted the rocket attack of 17 June 2007 from southern Lebanon against Israel, which constituted a serious breach of the cessation of hostilities. He welcomed the decision of the Government of Israel for its decision not to retaliate. He also noted the attack against UNIFIL on 24 June 2007, in which six UNIFIL personnel were killed and two others injured. He stated that he was disturbed by the persistent reports pointing to breaches of the arms embargo along the Lebanese-Syrian border and was concerned that the border was not sufficiently secure as Lebanese capabilities were lacking. He maintained that the border delineation remained a key issue in the implementation of resolution 1701 (2006).

The Council also included in its agenda a letter from the Secretary-General dated 26 June 2007, transmitting the report of the Lebanon Independent Border Assessment Team.<sup>87</sup> In the letter, the Secretary-General observed that the Team had concluded that the

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<sup>84</sup> S/ PRST/2007/12.

<sup>85</sup> S/PRST/2007/21.

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<sup>86</sup> S/2007/392.

<sup>87</sup> S/2007/382.

state of border security was insufficient to prevent smuggling, in particular the smuggling of arms, to any extent. The presence of armed Palestinian camps constituted a major obstacle, and the incomplete delineation of the border with the Syrian Arab Republic further hampered border control. A political agreement on the border issue was urgently needed. The Team made the following recommendations: to create a multi-agency mobile force focusing on arms smuggling with an intelligence and analysis component and international border security experts; to implement a dedicated border guard agency; to create standard operating procedures to establish full and absolute control over border crossing points; to establish training programmes; and to establish cooperation with Syrian counterparts, making border security management a joint effort to secure the border and prevent illegal cross-border activities.

The President (Congo) made a statement on behalf of the Council,<sup>88</sup> by which the Council, *inter alia*:

Reaffirmed its strong support for the sovereignty, territorial integrity, unity, and political independence of Lebanon and condemned any effort to destabilize Lebanon;

Reiterated its full support for the efforts carried out by the Lebanese Army to ensure security and stability throughout Lebanon and reaffirmed that there should be no weapons or authority in Lebanon other than that of the Lebanese State;

Reaffirmed its full support for UNIFIL, condemned all terrorist attacks against it, and called on all parties to abide by their obligation to respect the safety of United Nations personnel;

Expressed grave concern at persistent reports of breaches of the arms embargo along the border between Lebanon and the Syrian Arab Republic;

Reiterated its call for the disbanding and disarmament of all militias and armed groups in Lebanon;

Requested that the Secretary-General continue to develop proposals to implement the relevant provisions of the Taif Accords, and resolutions 1559 (2004), 1680 (2006), including disarmament;

Stressed the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions.

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<sup>88</sup> S/PRST/2007/29.

### **Decision of 24 August 2007 (5733rd meeting): resolution 1773 (2007)**

At its 5733rd meeting, on 24 August 2007, in which the representatives of Belgium, France, Ghana, Indonesia, Italy, Qatar, the Russian Federation, South Africa and the United States made statements,<sup>89</sup> the Council included in its agenda a letter dated 2 August 2007 from the Secretary-General addressed to the President, recommending the extension of the mandate of UNIFIL, which would expire on 31 August 2007, for a further interim period of 12 months.<sup>90</sup>

The President (Congo) drew the attention of the Council to a letter from the Secretary-General, transmitting a letter dated 25 June 2007 from the Prime Minister of Lebanon to the Secretary-General.<sup>91</sup> By that letter, the Government of Lebanon requested the extension of the mandate of UNIFIL for a further period of 12 months.

The representative of South Africa noted that his delegation would have preferred that the Council consider a draft resolution of a technical nature. There was no reason to have included in the draft resolution before the Council unrelated sensitive issues on which the Council commented in numerous resolutions and presidential statements. While he was not entirely satisfied with all of the elements of the draft resolution, he would vote in favour because he believed that UNIFIL had a positive role to play in bringing about long-term peace and security in Lebanon.<sup>92</sup>

A draft resolution submitted by Belgium, France, Italy, Peru, Slovakia, the United Kingdom and the United States<sup>93</sup> was then put to the vote and adopted unanimously as resolution 1773 (2007), by which the Council, determining that the situation in Lebanon constituted a threat to international peace and security, *inter alia*:

Decided to extend the mandate of UNIFIL until 31 August 2008;

Urged all parties to cooperate fully with the United Nations and UNIFIL and to abide scrupulously by their obligation to respect the safety of UNIFIL and other United

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<sup>89</sup> The representatives of Israel and Lebanon were invited to participate in the meeting but did not make statements.

<sup>90</sup> S/2007/470.

<sup>91</sup> S/2007/396.

<sup>92</sup> S/PV.5733, p. 2.

<sup>93</sup> S/2007/506.



Nations personnel, including by avoiding any course of action which endangered United Nations personnel and by ensuring that UNIFIL was accorded full freedom of movement within its area of operations;

Requested the Secretary-General to continue to report to the Council on the implementation of resolution 1701 (2006) every four months, or at any time as he deemed appropriate.

Speaking after the vote, many speakers conveyed their gratification at the unanimous adoption of resolution 1773 (2007). Most speakers stressed that UNIFIL had helped to establish a new strategic military and security environment in southern Lebanon. They commented that it was imperative that UNIFIL was able to rely on the cooperation of all parties in order to carry out its mandate, particularly with respect to the cessation of hostilities and for the Blue Line in its entirety.

The representative of Indonesia announced regret that the resolution did not address the matter of continued violation of the airspace of the Government of Lebanon.<sup>94</sup>

The representative of France noted that, despite improvements in the security situation in southern Lebanon, UNIFIL continued to operate in a difficult and unstable environment. Under those conditions, it was imperative that UNIFIL be able to rely on the cooperation of all parties in order to discharge its mandate. That required pursuing and strengthening the mechanism for cooperation in the field and the full implementation by the parties of the demands of the Council, in particular respect for the cessation of hostilities and for the Blue Line in its entirety and respect for the sovereignty and territorial integrity of Lebanon.<sup>95</sup>

The representative of the United States expressed his deep concern about the continued weapons transfers across the border between Lebanon and the Syrian Arab Republic, which was a violation of resolution 1701 (2006). He called on the Governments of the Syrian Arab Republic and the Islamic Republic of Iran to honour the obligations under the arms embargo established under resolution 1701 (2006).<sup>96</sup>

The representative of the Russian Federation opined that the resolution was a compromised text and

that other issues raised, in particular the question of the weapons smuggling, did not relate to the text that had just been adopted. He stated that his delegation could also continue the list of problems, including with regard to cluster bombs.<sup>97</sup>

### C. Security Council resolution 1559 (2004)

#### Decision of 2 September 2004 (5028th meeting): resolution 1559 (2004)

At the 5028th meeting, on 2 September 2004, the President (Spain) drew the attention of the Security Council to a draft resolution submitted by France, Germany, the United Kingdom and the United States<sup>98</sup> and to two sets of identical letters from the representative of Lebanon and from the representative of the Syrian Arab Republic, respectively, both addressed to the President and to the Secretary-General. The identical letters dated 30 August 2004 from the representative of Lebanon,<sup>99</sup> informed the Council that proceeding with the draft resolution under consideration would set a dangerous precedent. He said that the timing of the draft resolution interfered with the then forthcoming presidential elections and would adversely influence the electoral process, as the Security Council could be seen as a tool of intervention in the internal affairs of Lebanon; that the role of the Government of the Syrian Arab Republic in Lebanon had always been to support and strengthen the official security institutions of Lebanon; and that the presence of Syrian troops in Lebanon was linked to the Taif Agreement and other bilateral agreements between the Government of Lebanon and the Syrian Arab Republic, and that therefore no external entity was entitled to intervene in regard to its modalities or to impose changes.

The identical letters dated 1 September 2004 from the representative of the Syrian Arab Republic,<sup>100</sup> conveyed to the Council that the Syrian Arab Republic rejected in principle any discussion of the proposed draft resolution. He cited the following reasons: that the Government of Lebanon rejected the raising of the issue; that the discussion in the Security Council contradicted Article 2 (7) of the Charter, and that the

<sup>94</sup> S/PV.5733, p. 4.

<sup>95</sup> Ibid., pp. 2-3.

<sup>96</sup> Ibid., pp. 5-6.

<sup>97</sup> Ibid., p. 5.

<sup>98</sup> S/2004/707.

<sup>99</sup> S/2004/699.

<sup>100</sup> S/2004/706.

issues raised were not linked to any disputes and did not constitute a threat to international peace and security.

Statements were made by the representatives of Algeria, Angola, Benin, Chile, China, France, Lebanon,<sup>101</sup> Pakistan, the Philippines, the Russian Federation and the United States.

The representative of Lebanon, regarding the draft resolution, stated that although his delegation appreciated the interest shown by France, Germany, the United Kingdom and the United States, and their emphasis on Lebanon's sovereignty, territorial integrity and political independence, he recalled that it was the Lebanese people who had a stake in those matters. He stressed that the country that had attacked Lebanon, continued to occupy parts of its territory and threatened its political independence — Israel — had been forced to leave the western Bekaa and the south by the Lebanese national resistance. He stated that there were no militias in Lebanon and that the Lebanese national resistance had appeared following the Israeli occupation of Lebanese territory and would remain there as long as the Israelis occupied parts of Lebanon. The resistance forces existed alongside the Lebanese national forces, and the military authorities determined their presence and size according to Lebanon's needs. He asserted that the authority of the Government of Lebanon extended over all of Lebanese territory except the Israeli-occupied areas. He maintained that the draft resolution confused two matters. First, it confused the unique relations between Lebanon and the Syrian Arab Republic, which was friendly to the Government of Lebanon. The Syrian Arab Republic helped maintain security and stability within the borders of Lebanon. He stressed that Syrian troops had come to Lebanon in response to his country's legitimate request, and that their presence was guided by the Taif Agreement, which had the support of the Security Council. To say that the Syrian Arab Republic supported radical movements in Lebanon was therefore untrue. The second matter, relating to the presidential electoral process, was purely internal. He maintained that the legitimacy of the United Nations, the Charter, and the rules of procedure of the Security Council did not provide justification for the draft resolution, which constituted interference in the internal affairs of a State

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<sup>101</sup> At this meeting, Lebanon was represented by the Secretary-General of the Ministry of Foreign Affairs and Emigrants and Vice-President of the Lebanese delegation to the General Assembly.

Member of the Organization. Moreover, the draft resolution also discussed bilateral relations between two countries, neither of which had filed any complaint with regard to those relations. He therefore called for the withdrawal of the draft resolution.<sup>102</sup>

The draft resolution was put to the vote and was adopted by 9 votes to none, with 6 abstentions (Algeria, Brazil, China, Pakistan, Philippines, Russian Federation) as resolution 1559 (2004), by which the Council, *inter alia*:

Reaffirmed its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon;

Called upon all remaining foreign forces to withdraw from Lebanon;

Called for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Supported the extension of the control of the Government of Lebanon over all Lebanese territory;

Declared its full support for a free and fair electoral process in Lebanon's upcoming presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence;

Called upon all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of its resolutions;

Requested that the Secretary-General report to the Council within 30 days on the implementation by the parties of the resolution.

Speaking after the vote, the representative of the United States stated that the Government of Lebanon should be allowed to determine its own future and assume control of its own territory. He maintained that the people of Lebanon were not able to exercise their rights. He stated that the sponsors of the resolution had asked for a vote, because the situation was moving very quickly. The Government of the Syrian Arab Republic had "imposed its political will on Lebanon" and "compelled the Cabinet and the Lebanese National Assembly to amend its Constitution and abort the electoral process by extending the term of the current President by three years". He maintained that it was clear that the parliamentarians of Lebanon had been "pressured, and even threatened" by the Government of the Syrian Arab Republic and its agents. Expressing strong support for the extension of the control of the Government of Lebanon over all Lebanese territory,

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<sup>102</sup> S/PV.5028, pp. 2-3.

including southern Lebanon, he said that the continued presence of armed Hizbullah militia elements, as well as Syrian military and Iranian forces, hindered that goal.<sup>103</sup>

The representative of France maintained that the future of Lebanon was being seriously threatened by the interference of the Syrian Arab Republic in the political life of the country and, in particular, in the electoral process. He stated that France was deeply concerned that Lebanon might retreat from the objectives that had been constantly reaffirmed by the international community, which was why a decisive response by the Security Council seemed essential. He stressed that the electoral process needed to proceed without any foreign interference. He maintained that the Council was not committing an act of interference, but that, if the Council refrained from taking action, it would be sanctioning the inadmissible interference by a State in the internal affairs of another sovereign State.<sup>104</sup>

The representative of China stated that China had always been resolute in supporting the sovereignty, independence and territorial integrity of Lebanon. In the view of his delegation, the questions concerning presidential elections in Lebanon fell within the purview of the internal affairs of Lebanon. China also respected the wishes of the Government of Lebanon, which had clearly stated its objection to the consideration of those questions by the Council. It was on the basis of that position that China had abstained from voting on the draft resolution.<sup>105</sup>

The representative of Algeria stated that his delegation had abstained for five reasons. First, the situation in Lebanon did not appear to constitute a threat to international peace and security. Second, it was the Government of Israel that constituted a threat to international peace and security, and he wished that the Security Council would display the same firmness towards Israel as it showed with Lebanon. Third, the Council should not interfere with the internal affairs of States or in bilateral relations between States. Fourth, as a matter of principle, his delegation could not associate itself with a draft resolution that included "even implicit threats against fraternal countries". Lastly, he believed that only a comprehensive, just and lasting settlement based on respect for international law, the principle of land for peace and withdrawal of Israel from all

occupied Palestinian and Arab lands could bring about a just and final peace throughout the region.<sup>106</sup>

The representative of Pakistan stated that he had not supported the draft resolution as it was not consistent with the Security Council's functions and responsibilities and established no evidence of any urgent threat to peace. Moreover, there had been no complaint from the country whose sovereignty and integrity the resolution purported to uphold. He suggested that the resolution also addressed the wrong threat, and stated that his delegation construed the provisions of paragraph 2 as constituting a reference to those foreign forces which had entered Lebanon uninvited and by force. The resolution intervened in the internal affairs of Lebanon, which was unacceptable and contrary to Article 2 (7) of the Charter.<sup>107</sup> The representatives of Brazil and the Philippines also stated that they had abstained in the voting since the resolution could not be justified as part of the role given to the Security Council in the Charter, as it dealt with matters that were essentially within the domestic jurisdiction of Lebanon in violation of Article 2 (7), and the existence of a dispute likely to endanger international peace and security had not been properly characterized in the text.<sup>108</sup>

The representative of the Russian Federation stressed that, in relation to Lebanon, any misstep could possibly exacerbate the situation in the region and lead to the emergence of a new pocket of instability or the upsetting of the fragile political balance in Lebanon itself. He recalled that his delegation had submitted amendments for the consideration of the Council in order to put the draft resolution more in the context of an overall Middle East settlement and to prevent it from being one-sided and from concentrating solely on domestic Lebanese affairs. As those proposals were not adopted, the Russian Federation had abstained from voting.<sup>109</sup>

The representative of Chile also noted that the resolution showed a double standard in the Middle East conflict, as demonstrated by the "sad lack of political will" to deal with the occupation of Israel in the West

<sup>103</sup> Ibid., pp. 3-4.

<sup>104</sup> Ibid., p. 4.

<sup>105</sup> Ibid., p. 5.

<sup>106</sup> Ibid., pp. 5-6.

<sup>107</sup> Ibid., p. 6. For more information on the discussion at this meeting relating to Article 2 (7) of the Charter, see chap. XII, part I.

<sup>108</sup> Ibid., pp. 6-7 (Brazil); and pp. 7-8 (Philippines).

<sup>109</sup> Ibid., p. 6.

Bank, Gaza and the Golan and it was of concern that there was no mention of the peace plan for the Israeli-Palestinian conflict.<sup>110</sup> The representative of Angola had voted in favour but believed that the Security Council could have been better balanced and could have taken into account the very delicate geostrategic realities of the region.<sup>111</sup> The representative of Benin reiterated his delegation's support for the efforts to bring about a comprehensive political settlement in the Middle East through the withdrawal of all foreign forces present in the countries of the region.<sup>112</sup>

**Decision of 19 October 2004 (5058th meeting):  
statement by the President**

At the 5058th meeting, on 19 October 2004, the Council included in its agenda the report of the Secretary-General dated 1 October 2004.<sup>113</sup> In his report, the Secretary-General observed that the Syrian military and intelligence apparatus in Lebanon had not withdrawn as at 30 September 2004. He stated that the most significant remaining armed group was Hizbullah. The Government of Lebanon objected to the characterization of Hizbullah as a Lebanese militia and referred to it as a "national resistance group". Regarding the presidential election process, the Secretary-General informed the Council that the Chamber of Deputies had approved Constitutional Law 58, which extended the term of the President of Lebanon by three years. While the Government had informed the Secretary-General that the law had been adopted in accordance with Lebanese constitutional rules, it was widely contended in Lebanon, and it was "asserted by the co-sponsors of resolution 1559 (2004)" that the extension was the result of a direct intervention by the Government of the Syrian Arab Republic. Ten members of the Chamber of Deputies had tabled a motion in the Chamber to abrogate the law. The Secretary-General stated that he could not certify that the requirements of resolution 1559 (2004) had been met. However, he noted that the Government of Lebanon and the Government of the Syrian Arab Republic had assured him of their respect for the Council and that they would not contest the resolution.

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<sup>110</sup> Ibid., p. 7.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid., p. 8.

<sup>113</sup> S/2004/777, submitted pursuant to resolution 1559 (2004).

The President (United Kingdom) brought two documents to the attention of the Council.<sup>114</sup> The President then made a statement on behalf of the Council,<sup>115</sup> by which the Council, inter alia:

Welcomed the report of the Secretary-General of 1 October 2004 on the implementation of resolution 1559 (2004);

Reaffirmed its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders;

Noted with concern that the requirements set out in resolution 1559 (2004) had not been met, as reported by the Secretary-General;

Urged relevant parties to implement fully all provisions of that resolution, and welcomed the Secretary-General's readiness to assist the parties in that regard.

**Decision of 4 May 2005 (5175th meeting):  
statement by the President**

At its 5172nd meeting, on 29 April 2005, the Council included in its agenda the first semi-annual report of the Secretary-General, dated 26 April 2005, on the implementation of resolution 1559 (2004).<sup>116</sup> In his report, the Secretary-General observed that the requirements of resolution 1559 (2004) had not yet been met. He noted the commitment of the Government of the Syrian Arab Republic to withdraw all its troops, military assets and the intelligence apparatus from Lebanon by 30 April 2005, as stated in a letter dated 26 April 2005. He also informed the Council that an agreement had been reached on a technical United Nations verification mission that would be dispatched in order to verify the full Syrian withdrawal. He stressed that he assigned the withdrawal of foreign forces from Lebanon his highest priority. He also stated that he had been discussing with the Government of Lebanon the possibility of extending United Nations technical assistance at the request of the Government of Lebanon in order to

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<sup>114</sup> A letter dated 5 October 2004 from the representative of Lebanon to the Secretary-General (S/2004/794 and Corr.1), submitting observations on the report of the Secretary-General; and a note verbale dated 6 October 2004 from the Permanent Mission of the Syrian Arab Republic to the President of the Council (S/2004/796), submitting observations on the report of the Secretary-General.

<sup>115</sup> S/PRST/2004/36.

<sup>116</sup> S/2005/272, submitted pursuant to the statement by the President of 19 October 2004 (S/PRST/2004/36).

ensure that the elections could be conducted in a free and credible manner.

The Council heard a briefing by the Special Envoy of the Secretary-General.<sup>117</sup> He stated that 26 April 2005 represented a historic day for the Lebanese and Syrian people as it marked the visible withdrawal of Syrian forces from Lebanon and the reception of the formal notification from the Government of the Syrian Arab Republic that the Syrian Arab Republic had withdrawn all its troops, military assets and intelligence apparatus from Lebanon. A full Syrian withdrawal represented a significant and important action towards ending the foreign interference that had characterized Lebanese politics for decades. He maintained that the withdrawal of foreign forces was a precondition for the restoration of the full sovereignty, territorial integrity and political independence of Lebanon. Another precondition was the holding of free and credible parliamentary elections. He stressed that, to verify the full and complete withdrawal of Syrian forces, the Secretary-General had dispatched a United Nations verification mission. The Governments of Lebanon and the Syrian Arab Republic assured the United Nations that both Governments would assist the mission in its important task. He informed the Council that following the discussion with the Government of Lebanon the possibility of extending United Nations technical assistance to ensure free and credible parliamentary elections, United Nations electoral experts had been sent to assist the Government of Lebanon in its preparations. The Secretary-General also encouraged the idea that international electoral observers would be invited to monitor the elections.<sup>118</sup>

At its 5175th meeting, on 4 May 2005, the Council again included in its agenda the first semi-annual report of the Secretary-General on the implementation of resolution 1559 (2004). The President (Denmark) then made a statement on behalf of the Council,<sup>119</sup> by which the Council, *inter alia*:

Welcomed the first semi-annual report of the Secretary-General on the implementation of resolution 1559 (2004);

Acknowledged the letter dated 26 April 2005 from the Minister for Foreign Affairs of the Syrian Arab Republic to the

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<sup>117</sup> The Secretary-General participated in the meeting but did not make a statement.

<sup>118</sup> S/PV.5172, pp. 2-4.

<sup>119</sup> S/PRST/2005/17.

Secretary-General stating that the Syrian Arab Republic had completed the full withdrawal of its forces, military assets and the intelligence apparatus from Lebanon;

Called upon the Government of the Syrian Arab Republic and the Government of Lebanon to extend their full cooperation to the United Nations verification team;

Welcomed the decision of the Government of Lebanon to conduct elections beginning on 29 May 2005;

Encouraged the Secretary-General and the Government of Lebanon to reach arrangements for international assistance, including United Nations assistance, to ensure that such elections were conducted in a free and credible manner.

**Decision of 7 June 2005 (5197th meeting):  
statement by the President**

At the 5197th meeting, on 7 June 2005, the President (France) made a statement on behalf of the Council,<sup>120</sup> by which the Council, *inter alia*:

Condemned the terrorist bombing on 2 June 2005 in Beirut that killed a Lebanese journalist, and expressed its deepest sympathy and condolences to the family of the victim and to the people of Lebanon;

Welcomed the determination and commitment of the Government of Lebanon to bring to justice the perpetrators as that assassination constituted a pernicious effort to undermine security, stability, sovereignty, political independence and efforts aimed at preserving civil accord in the country;

Expressed concern about the destabilizing impact of political assassinations and other terrorist acts in Lebanon, and warned that the sponsors of recent terrorist acts should not be permitted to jeopardize the holding of parliamentary elections;

Reaffirmed its resolution 1559 (2004), and reiterated its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon;

Urged all States to cooperate fully in the fight against terrorism.

**Decision of 22 June 2005 (5212th meeting):  
statement by the President**

At the 5212th meeting, on 22 June 2005, the President (France) made a statement on behalf of the Council,<sup>121</sup> by which the Council, *inter alia*:

Commended the Government of Lebanon for the successful conduct of the elections and expressed its appreciation for the advice and technical support given to the Lebanese authorities by the United Nations Electoral Assistance

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<sup>120</sup> S/PRST/2005/22.

<sup>121</sup> S/PRST/2005/26.

Division and the international observers, notably from the European Union;

Looked forward to the formation of a new government in the near future, and stressed that the establishment of that government in accordance with the constitutional rules and without any foreign interference would be another sign of the political independence and sovereignty of Lebanon;

Strongly condemned the recent terrorist acts in Lebanon, in particular the heinous assassination of former leader of the Communist Party George Hawi, and called for their perpetrators to be brought to justice;

Called upon the international community to stand ready to examine possible requests from the newly elected Lebanese authorities for enhanced assistance and cooperation;

Reiterated its call for the full implementation of all requirements of resolution 1559 (2004) and urged all concerned parties to cooperate fully to achieve this goal; also called for the full implementation of resolution 1595 (2005);

Reaffirmed its strong support for the sovereignty, territorial integrity, unity and political independence of Lebanon within its internationally recognized borders and under the sole and exclusive authority of the Government of Lebanon.

**Decision of 12 December 2005 (5320th meeting):  
statement by the President**

At the 5320th meeting, on 12 December 2005, the representative of Lebanon was invited to participate in the discussion. The President (United Kingdom) then made a statement on behalf of the Council,<sup>122</sup> by which the Council, inter alia:

Condemned in the strongest terms the terrorist bombing on 12 December 2005 in the suburbs of Beirut that killed Lebanese member of Parliament, editor and journalist Gebrane Tueni, a patriot who was an outspoken symbol of freedom and the sovereignty and political independence of Lebanon, as well as three others; and expressed its deepest sympathy to the families of those killed and injured;

Reiterated its deepest concern about the destabilizing impact of political assassinations and other terrorist acts in Lebanon;

Reiterated also its warning that the sponsors of that and previous terrorist attacks against political leaders and leading members of civil society in Lebanon, whose obvious aim was to undermine Lebanon's security, stability, sovereignty, national unity, political independence and press freedom, would not be permitted to succeed and would finally be held accountable for their crimes;

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<sup>122</sup> S/PRST/2005/61.

Reaffirmed its resolution 1559 (2004), and reiterated once again its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon.

**Decision of 23 January 2006 (5352nd meeting):  
statement by the President**

At the 5352nd meeting, on 23 January 2006, the Special Envoy of the Secretary-General for the implementation of resolution 1559 (2004) was invited to participate in the discussion. The Council included in its agenda a letter dated 26 October 2005 from the Secretary-General to the President of the Council, transmitting his second semi-annual report on the implementation of resolution 1559 (2004).<sup>123</sup> In his report, the Secretary-General observed that the requirements of the withdrawal of Syrian troops and military assets had been met. He also noted that complications had arisen from the lack of a clearly agreed upon and demarcated border between Lebanon and the Syrian Arab Republic. There had also been difficulties related to the control of the borderline between Lebanon and the Syrian Arab Republic and the issue of the illegal transfer of arms and people towards armed groups in Lebanon. He noted that the next step in the process was for the Lebanese Armed Forces to provide continuous and effective security throughout the country at a time when the size of the army was being significantly reduced. The Secretary-General stated that he next planned to focus on working with the authorities of Lebanon on the complete exercise of governmental control and authority throughout all of Lebanon, unchallenged by the existence of independent and unsupervised Lebanese and non-Lebanese groups.

The President (United Republic of Tanzania) made a statement on behalf of the Council,<sup>124</sup> by which the Council, inter alia:

Noted that significant further progress had been made towards the implementation of resolution 1559 (2004) but also noted that other provisions of that resolution had yet to be implemented;

Commended the Government of Lebanon for the dialogue it initiated in October 2005 with representatives of militias and for taking measures against movements of arms and people into Lebanese territory;

Condemned the continued terrorist attacks in Lebanon;

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<sup>123</sup> S/2005/673, submitted pursuant to the statement by the President of 19 October 2004 (S/PRST/2004/36).

<sup>124</sup> S/PRST/2006/3.

Reiterated its call for the full implementation of all requirements of resolution 1559 (2004), and urged all concerned parties to cooperate fully with the Council and the Secretary-General to achieve that goal.

**Decision of 17 May 2006 (5440th meeting):  
resolution 1680 (2006)**

At the 5417th meeting,<sup>125</sup> on 21 April 2006, statements were made by the representatives of Lebanon and the Syrian Arab Republic.<sup>126</sup>

The representative of Lebanon thanked the Security Council for all the support it had provided in enhancing the sovereignty and prosperity of Lebanon. He stated that the national dialogue conference, initiated in March 2006, had already achieved significant progress. Consensus had been reached on important matters such as relations with the Syrian Arab Republic, the delimitation of all common borders between Lebanon and the Syrian Arab Republic, including the Shab'a farms area, the policy towards the Palestinians in Lebanon, and the international investigation and judicial process relating to the assassination of the former Prime Minister, Rafiq Hariri. There was already unanimous agreement that the relations between the Governments of Lebanon and the Syrian Arab Republic should be strong and positive based on mutual respect, parity and non-interference. A positive response by the Government of the Syrian Arab Republic with regard to the steps agreed by all the parties in the national dialogue — including the establishment of diplomatic relations and the delineation of the border between the two countries — would be an indication that the Government of the Syrian Arab Republic was beginning to accept the idea that good relations between it and an independent Lebanon were possible. He stated that the delineation of the border in the Shab'a farms area was important in that context, because it had major implications for the ability of the Government of Lebanon to “liberate” that area. The representative of Lebanon further noted that he would wait for the confirmation of the specific steps required by the United Nations to recognize Lebanese sovereignty over the territory of the Shab'a farms. He noted that, in addition to implementing decisions

already taken by the national dialogue conference, the other challenge was to reach agreement on two remaining issues. The first was the issue of the presidency of Lebanon. The majority in parliament considered the extension of the term of office of President Emile Lahoud to have been the result of interference and coercion by the Syrian Arab Republic. However, as the majority in parliament was not sufficient to constitutionally shorten the President's extended term, the issue had been referred to the national dialogue in the hope that consensus could be reached, although this had proved difficult so far. The other issues were Hizbullah's weapons and their role in the defence of Lebanon. He also expressed appreciation for the work of the International Independent Investigation Commission.<sup>127</sup>

The representative of the Syrian Arab Republic reaffirmed the special relationship between Lebanon and his country. He believed that there were no problems in regard to the demarcation of the border between the two countries, but the Government of the Syrian Arab Republic was willing to demarcate the border and had sent a letter on the issue to the Government of Lebanon. He stressed that the demarcation of the border in the Shab'a farms area could not occur until Israel withdrew from the area. He maintained that the Government of the Syrian Arab Republic had implemented the provisions of resolution 1559 (2004) pertaining to it when it withdrew all its troops and personnel from Lebanon on 26 April 2005. He rejected the idea proposed by other parties that the issues of the demarcation of the border and the exchange of ambassadors were part of resolution 1559 (2004), emphasizing that the matters of exchanging ambassadors and demarcating the border were sovereign matters for Lebanon and the Syrian Arab Republic and that the Council should not interfere in those matters, in accordance with Article 2 (7) of the Charter. He concluded by saying that some States had taken advantage of their membership in the Security Council to achieve certain objectives, which was contrary to the goal of peace and security in the region and would contribute to instability and tension.<sup>128</sup>

At the 5440th meeting, on 17 May 2006, at which statements were made by the representatives of

<sup>125</sup> At the 5418th meeting, held in private on 21 April 2006, Council members and the Prime Minister of Lebanon had an exchange of views.

<sup>126</sup> At this meeting, Lebanon was represented by the Prime Minister. The Secretary-General participated in the meeting but did not make a statement.

<sup>127</sup> S/PV.5417, pp. 2-5.

<sup>128</sup> *Ibid.*, pp. 5-6.

Argentina, China, Qatar and the Russian Federation,<sup>129</sup> the Council included in its agenda a letter dated 18 April 2006 from the Secretary-General addressed to the President of the Council, transmitting the third semi-annual report on the implementation of resolution 1559 (2004).<sup>130</sup> In his report, the Secretary-General observed that further significant progress had been made towards the implementation of all provisions of resolution 1559 (2004). The disbanding and disarmament of all Lebanese and non-Lebanese militias, the extension of the control of the Government of Lebanon over all Lebanese territory and the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon had yet to be achieved, however. He called for all parties to cooperate in implementing those provisions of resolution 1559 (2004). He called on the Government of the Syrian Arab Republic to accept the offer proposed by the Government of Lebanon, which would have both countries working together to establish embassies and delineate their mutual border.

The President (Congo) drew the attention of the Council to a letter from the representative of the Syrian Arab Republic.<sup>131</sup> The President then drew the attention of the Council to a draft resolution submitted by Denmark, France, Slovakia, the United Kingdom and the United States;<sup>132</sup> it was put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation), as resolution 1680 (2006), by which the Council, *inter alia*:

Reiterated its call for the full implementation of all requirements of resolution 1559 (2004);

Reiterated also its call upon all concerned States and parties to cooperate fully with the Government of Lebanon, the Security Council and the Secretary-General to achieve that goal;

Strongly encouraged the Government of the Syrian Arab Republic to respond positively to the request made by the

Government of Lebanon to delineate their common border and to establish full diplomatic relations and representation;

Commended the Government of Lebanon for taking measures against movements of arms into Lebanese territory, and called upon the Government of the Syrian Arab Republic to take similar measures;

Reiterated its support to the Secretary-General and his Special Envoy in their efforts and dedication to facilitate and assist in the implementation of all provisions of resolution 1559 (2004).

Speaking after the vote, the representative of the Russian Federation stated that he advocated the strengthening of stability in Lebanon and the normalization of the situation in the Syrian Arab Republic. He was convinced that the sovereignty, unity and territorial integrity of Lebanon could be strengthened exclusively through dialogue between Damascus and Beirut. He emphasized that resolution 1680 (2006) was “a departure from the aforementioned tasks”. The Russian delegation did not see any particular need at this stage for any further substantive reaction on the part of the Council on issues related to Syrian-Lebanese relations. He also stated that the Russian Federation had found it impossible to support the resolution after its proposed amendments to the resolution had not been taken into account.<sup>133</sup>

The representative of Argentina stated that the Government of Argentina did not believe it necessary to reinterpret the operative paragraphs of resolution 1559 (2004) or to keep saddling the parties with additional obligations. His delegation also believed that the language of the resolution needed to be interpreted in the light of the relevant provisions of international law on diplomatic affairs. The Vienna Convention on Diplomatic Relations was specific in its determination that diplomatic relations and mutual diplomatic representation had to be established through mutual consent of the States involved. His country did not believe that the Security Council should become involved in those matters, which were solely of a bilateral nature. Argentina believed that the paragraph on that subject did not establish a precedent that could be invoked in the future on this or other issues.<sup>134</sup>

The representative of China stated that the Government of China fully understood and supported the desire and demand of Lebanon to establish

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<sup>129</sup> The representative of Lebanon was invited to participate in the meeting but did not make a statement.

<sup>130</sup> S/2006/248.

<sup>131</sup> S/2006/259, dated 24 April 2006 and addressed to Secretary-General, in which it was stated that the report on the implementation of resolution 1559 (2004) had exceeded the mandate provided in that resolution and had focused on issues that fell within the domestic jurisdiction of both countries. It was also reaffirmed that all of the troops, military assets and security apparatus of the Syrian Arab Republic had been withdrawn from Lebanon on 26 April 2005.

<sup>132</sup> S/2006/298.

<sup>133</sup> S/PV.5440, pp. 2-3.

<sup>134</sup> *Ibid.*, p. 3.



diplomatic relations and to define its border with its neighbours and hoped that Lebanon and the Syrian Arab Republic would continue their bilateral dialogue. In that light, he had also hoped that the sponsors of the draft resolution would make corresponding changes so that a consensus could be achieved. As such changes had not been made, the Government of China had abstained from voting.<sup>135</sup>

The representative of Qatar expressed regret that the resolution did not mention any breaches by Israel of the Blue Line, as those were among the elements that were hampering the full implementation of resolution 1559 (2004).<sup>136</sup>

**Decision of 30 October 2006 (5559th meeting):  
statement by the President**

At the 5559th meeting, on 30 October 2006, in which the representative of Lebanon was invited to participate, the Council included in its agenda the fourth semi-annual report of the Secretary-General on the implementation of resolution 1559 (2004), dated 19 October 2006.<sup>137</sup> In his report, the Secretary-General noted that, in the six months since his previous report, Lebanon had witnessed a political standstill followed by a severe deterioration and prolonged instability, including the hostilities between Israel and Hizbullah, which had begun on 12 July.<sup>138</sup> Nonetheless, he observed that considerable progress had been achieved towards the implementation of resolution 1559 (2004). Free and fair legislative elections had been held, and progress had been made in reference to the extension of control by the Government of Lebanon over Lebanese territory. However, the disbanding and disarmament of all Lebanese and non-Lebanese militias had yet to be implemented in full. He stressed that this was a necessary element for Lebanon to consolidate its position as a sovereign and democratic State, and could only be achieved through an inclusive process that addressed the political and economic interests of all Lebanese and of those living in Lebanon. He also noted that the establishment of full diplomatic relations between Lebanon and the Syrian Arab Republic and

their delineation of the shared border, including the Shab'a farms area, through a bilateral agreement would constitute significant steps towards promoting peace and security in the region.

The President (Japan) made a statement on behalf of the Council,<sup>139</sup> by which the Council, *inter alia*:

Noted that important progress had been made towards the implementation of resolution 1559 (2004) but also noted with regret that some other provisions of that resolution had yet to be implemented;

Commended the Government of Lebanon for extending its authority throughout its territory; reiterated its call for the full implementation of resolution 1559 (2004) and urged all concerned parties to fully cooperate to achieve that goal;

Reaffirmed its support to the Secretary-General and his Special Envoy in their efforts and dedication, and looked forward to the further recommendations of the Secretary-General on the relevant outstanding issues.

**Decision of 11 June 2007 (5691st meeting):  
statement by the President**

At its 5691st meeting,<sup>140</sup> on 11 June 2007, the Council included in its agenda the fifth semi-annual report of the Secretary-General on the implementation of resolution 1559 (2004), dated 7 May 2007.<sup>141</sup> In his report, the Secretary-General observed that, while further progress had been made, resolution 1559 (2004) had yet to be achieved in full. He noted that the Government of Lebanon had continued to witness prolonged political uncertainty. The consultations among the political leaders in Lebanon to resolve their differences that had begun on 6 November 2006 had collapsed and the Shiite and other members of the Cabinet had resigned from the Government. He noted that the opposition, consisting of Amal, Hizbullah and the Free Patriotic Movement, as well as President Lahoud, had maintained that the Cabinet no longer enjoyed constitutional legitimacy. However, the Government had continued to meet and function, since it enjoyed the support of a parliamentary majority. In addition, the Government maintained that, since the Prime Minister had never formally accepted the resignations submitted to him, they were not valid. The enduring standoff had demonstrated that Lebanon was

<sup>135</sup> *Ibid.*, pp. 3-4.

<sup>136</sup> *Ibid.*, p. 4.

<sup>137</sup> S/2006/832.

<sup>138</sup> See S/2006/670 and S/2006/730 or section 33.B of the present chapter, relating to UNIFIL and resolution 1701 (2006).

<sup>139</sup> S/PRST/2006/43.

<sup>140</sup> The representative of Lebanon and the Special Envoy of the Secretary-General participated in the meeting but did not make statements.

<sup>141</sup> S/2007/262.

in need of a comprehensive and consensual political framework. He said that a resolution of the crisis would have to encompass discussion of an agreement on the issue of the Lebanese presidency. He also highlighted the need to address the allegations of illegal arms trafficking across the Syrian-Lebanese border, and reiterated the importance of the establishment of formal diplomatic relations between Lebanon and the Syrian Arab Republic.

The President (Belgium) made a statement on behalf of the Council,<sup>142</sup> by which the Council, inter alia:

Reiterated its full support for the legitimate and democratically elected Government of Lebanon, called for full respect for the democratic institutions of the country, in conformity with its Constitution, condemned any effort to destabilize Lebanon, and called upon all Lebanese political parties to show responsibility with a view to preventing, through dialogue, further deterioration of the situation in Lebanon;

Reaffirmed its strong support for the territorial integrity, sovereignty, unity and political independence of Lebanon; condemned the ongoing criminal and terrorist acts in Lebanon, including those perpetrated by Fatah al-Islam, and fully supported the efforts carried out by the Lebanese Government and army to ensure security and stability throughout Lebanon;

Underlined the need to protect and give assistance to the civilian population, notably the Palestinian refugees;

Reiterated that there should be no weapons in Lebanon without the consent of its Government; reiterated its deep concern at mounting information by Israel and other states of illegal movements of arms into Lebanon, and in particular across the Lebanese-Syrian border, and looked forward to the conclusions of the Lebanon Independent Border Assessment Team;

Reaffirmed its support to the Secretary-General and his Special Envoy in their efforts and dedication to facilitate and assist in the implementation of all provisions of resolutions 1559 (2004) and 1680 (2006) and looked forward to the next report of the Secretary-General on the implementation of resolution 1701 (2006) and to his further recommendations on the relevant outstanding issues.

**Decision of 11 December 2007 (5799th meeting):  
statement by the President**

At the 5799th meeting, on 11 December 2007, the President (Italy) made a statement on behalf of the Council,<sup>143</sup> by which the Council, inter alia:

Stressed its deep concern at the repeated postponements of the presidential election in Lebanon;

Emphasized that the ongoing political impasse did not serve the interest of the Lebanese people and might lead to further deterioration of the situation in Lebanon;

Reiterated its call for the holding, without delay, of a free and fair presidential election in conformity with Lebanese constitutional rules, without any foreign interference or influence, and with full respect for democratic institutions;

Emphasized the importance of Lebanese constitutional institutions, including the Government of Lebanon, as well as the importance of the unity of the Lebanese people, in particular on the basis of reconciliation and political dialogue;

Called upon all Lebanese political parties to continue to exercise restraint and to show responsibility with a view to preventing, through dialogue, further deterioration of the situation in Lebanon;

Commended the course adopted by the democratically elected Government of Lebanon and the Lebanese Armed Forces in carrying out their respective responsibilities in the period until the presidential election occurred;

Reiterated its call for the full implementation of all its resolutions on Lebanon.

**D. Security Council resolution 1595 (2005)**

**Decision of 15 February 2005 (5122nd meeting):  
statement by the President**

At the 5122nd meeting, on 15 February 2005, the President (Benin) made a statement on behalf of the Security Council,<sup>144</sup> by which the Council, inter alia:

Unequivocally condemned the terrorist bombing in Beirut on 14 February 2005 that killed former Prime Minister of Lebanon Rafiq Hariri and others, and caused serious injury to dozens of people, including former Minister Basil Fleihan;

Expressed its deepest sympathy and condolences to the people and Government of Lebanon and to the victims and their families;

Called upon the Government of Lebanon to bring to justice the perpetrators, organizers and sponsors of this heinous terrorist act; stated that it was gravely concerned by the murder of the former Prime Minister of Lebanon and its possible impact on ongoing efforts by the people of Lebanon to solidify Lebanon's democracy, and concerned by the potential for further destabilization of Lebanon;

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<sup>142</sup> S/PRST/2007/17.

<sup>143</sup> S/PRST/2007/46.

<sup>144</sup> S/PRST/2005/4.

Requested the Secretary-General to follow closely the situation in Lebanon and to report urgently on the circumstances, causes and consequences of the terrorist act.

**Decision of 7 April 2005 (5160th meeting):  
resolution 1595 (2005)**

By a letter dated 24 March 2005,<sup>145</sup> the Secretary-General submitted to the Council the report of the fact-finding mission to Lebanon inquiring into the causes, circumstances and consequences of the assassination of the former Prime Minister, Rafiq Hariri.

The report of the fact-finding mission detailed the incident of 14 February 2005, when an explosion in downtown Beirut killed 20 persons, among them the former Prime Minister, and the subsequent investigation. The report stressed that while the specific “causes” of the assassination of Mr. Hariri could not be reliably asserted until the perpetrators of the crime were brought to justice, it was clear that the assassination had taken place in a political and security context marked by acute polarization around the Syrian influence in Lebanon and the failure of the Lebanese State to provide adequate protection for its citizens. In detailing the political background of the incident, the report noted that the Prime Minister had resigned following the extension of the term of the President of Lebanon by three years. The report also noted that it was widely believed that Mr. Hariri had “lent active support” to resolution 1559 (2004). By the end of January 2005, there was a “formidable power bloc emerging in Lebanon”, bringing together the representatives of almost all political and religious communities with the noted exception of the Shiite groups Amal and Hizbullah. This power bloc had seemed confident of winning a clear majority in the upcoming elections and of “its ability to force the Syrian Arab Republic to implement its outstanding commitment under the Taif Agreement and/or Security Council resolution 1559 (2004)”. Prime Minister Hariri had stood as the perceived architect of this power bloc. The mission concluded that the Lebanese security services and the Syrian military intelligence bore the primary responsibility for the lack of security, protection and law and order in Lebanon. However, the Government of the Syrian Arab Republic bore the primary responsibility for the political tension that preceded the assassination of the former Prime Minister. The review

<sup>145</sup> S/2005/203, submitted pursuant to the statement by the President of 15 February 2005 (S/PRST/2005/4).

of the investigation indicated that there was a distinct lack of commitment on the part of the Lebanese authorities to investigate the crime effectively and that the investigation had not been conducted in accordance with acceptable international standards. The mission also concluded that the restoration of the integrity and credibility of the Lebanese security apparatus was of vital importance to the security and stability of the country. Lastly, it was the view of the mission that international and regional support would be necessary to safeguard the national unity of the Government of Lebanon and to shield its fragile polity from unwarranted pressure. As a result, in his letter, the Secretary-General endorsed the conclusion of the mission that an independent investigation commission was needed to uncover the truth.

At its 5160th meeting, on 7 April 2005, the Council included the above-mentioned letter in its agenda. The President (China) drew the attention of the Council to a letter addressed to the Secretary-General dated 29 March 2005 from the representative of Lebanon,<sup>146</sup> approving of the decision of the Security Council to establish an international commission of inquiry into the assassination of Prime Minister Hariri; a letter addressed to the Secretary-General and the President of the Security Council from the representative of the Syrian Arab Republic,<sup>147</sup> declaring that the results of the report “departed from objectivity”; and a letter from the representatives of Lebanon and the Syrian Arab Republic addressed to the President of the Security Council,<sup>148</sup> affirming the determination of both States to widen further the path of cooperation and coordination between them. The President also drew the attention of the Council to a draft resolution submitted by Denmark, France, Greece, Japan, the Philippines, Romania, the United Kingdom and the United States.<sup>149</sup> The draft resolution was put to the vote and adopted unanimously and without debate as resolution 1595 (2005), by which the Council, inter alia:

Decided to establish an international independent investigation commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, including to help to identify its perpetrators, sponsors and organizers and their accomplices;

<sup>146</sup> S/2005/208.

<sup>147</sup> S/2005/209.

<sup>148</sup> S/2005/219.

<sup>149</sup> S/2005/227.

Called upon the government of Lebanon to ensure that the findings and conclusions of the investigation by the Commission were taken into account fully;

Decided that the Commission should enjoy the full cooperation of the Lebanese authorities; have the authority to collect any additional information and evidence; enjoy freedom of movement throughout the Lebanese territory; and be provided with the facilities and staff necessary to perform its functions;

Requested the Secretary-General to consult urgently with the Government of Lebanon with a view to facilitating the establishment and operation of the Commission, and requested also that he report to the Council accordingly and notify it of the date on which the Commission began its full operations;

Also requested the Secretary-General to undertake without delay the steps, measures and arrangements necessary for the speedy establishment and full functioning of the Commission;

Directed the Commission to determine procedures for carrying out its investigation;

Requested the Commission to complete its work within three months, authorized the Secretary-General to extend the operation of the Commission for a further period not exceeding three months, and requested that he inform the Security Council accordingly;

Requested the Commission to report to the Council on the conclusions of its investigation and requested the Secretary-General to update the Council orally on the progress of the Commission every two months during the operations of the Commission or more frequently as needed.

**Decision of 31 October 2005 (5297th meeting):  
resolution 1636 (2005)**

At its 5292nd meeting, on 25 October 2005, the Council included in its agenda a letter dated 20 October 2005 from the Secretary-General, transmitting the first report of the International Independent Investigation Commission.<sup>150</sup> In its report the Commission noted that the terrorist attack of 14 February 2005 had been carried out by an extensive organization with considerable resources and that it had been planned over the course of several months. The Commission described a convergence of evidence which suggested that there was “both Lebanese and Syrian involvement” in this terrorist act. It noted that it was “a well-known fact” that the military intelligence of the Syrian Arab Republic had a pervasive presence in Lebanon at least until the withdrawal of the Syrian forces pursuant to resolution 1559 (2004), and that the former senior security officials of Lebanon had been their appointees.

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<sup>150</sup> S/2005/662.

“Given the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem”, the Commission stated that “it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge”. The Commission concluded that many leads pointed directly towards the involvement of Syrian security officials and it noted that several interviewees of the Syrian Arab Republic had tried to deliberately mislead the investigation by issuing false statements. The Commission concluded that the continuing investigation needed to be carried forward by the appropriate Lebanese judicial and security authorities. The explosion of 14 February needed to be assessed clearly against the sequence of explosions which preceded and followed it, since there could be links between some, if not all, of them.

The Council also included in its agenda a letter dated 14 October 2005 from the representative of Lebanon addressed to the Secretary-General, requesting an extension of the mandate of the Commission until December 2005.<sup>151</sup> The Council heard a briefing by the Commissioner and statements by the representatives of Lebanon and the Syrian Arab Republic.

In his briefing, the Commissioner reported that the Commission had become fully operational as from 16 June 2005. The Commissioner also enumerated various fact-finding missions, interviews, and raid and search operations which the Commission had conducted since its inception. He noted that the Commission had established close working links with the authorities of Lebanon and that arrangements had been made to facilitate the work and to give the Commission the backing it needed. However, he noted that the investigation could not be considered complete, and that it would be entirely normal for that type of case to take months or years to cover all aspects of the investigation with certitude and to prepare a case for prosecution.<sup>152</sup>

The representative of Lebanon welcomed the establishment of the Commission and its progress. He called for the extension of its mandate to 15 December 2005. He called on all parties concerned to cooperate with the Commission.<sup>153</sup>

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<sup>151</sup> S/2005/651.

<sup>152</sup> S/PV.5292, pp. 2-4.

<sup>153</sup> *Ibid.*, pp. 4-5.

The representative of the Syrian Arab Republic condemned the assassination and noted that “every paragraph of the report deserve[d] a comment to refute its content”. He stated that the report was clearly influenced by the political climate prevailing in Lebanon, and he rejected the report’s suggestion that “[g]iven the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge”. The representative explained that this charge “could be levelled against the security service of any country in the world on whose territory a terrorist crime or act has taken place”. The representative also rejected those conclusions of the report that pointed a finger at the Syrian Arab Republic, because they depended completely “on the credibility of the testimony of people with strongly declared antipathy to Syria”. He stated that some of the testimonies contradicted each other and that the report accused the Syrian Arab Republic before the investigation had been completed. The representative also rejected the accusation contained in the report that the Syrian Arab Republic had not sufficiently cooperated with the investigation and he enumerated several instances in which his country had cooperated with the Commission. He said that the investigation should have procured evidence before it accused any Member State, but affirmed that the Syrian Arab Republic would continue to cooperate with the investigation.<sup>154</sup>

At its 5297th meeting, on 31 October 2005, the Council again included in its agenda the letter dated 20 October 2005 from the Secretary-General.<sup>155</sup> The President (Romania) drew the attention of the Council to the above-mentioned letter dated 14 October 2005 from the representative of Lebanon, requesting an extension of the mandate of the Commission until December 2005.<sup>156</sup> A draft resolution, submitted by France, the United Kingdom and the United States,<sup>157</sup> was then put to the vote. It was adopted unanimously as resolution 1636 (2005), by which the Council, acting under Chapter VII of the Charter, inter alia:

Took note with extreme concern of the conclusion of the Commission that there was converging evidence pointing at the

involvement of both Lebanese and Syrian officials in this terrorist act;

Decided to establish a Committee of the Security Council consisting of all the members of the Council to undertake the tasks described in the annex to the resolution;

Welcomed the decision of the Secretary-General to extend the mandate of the Commission until 15 December 2005, as authorized by the Council in its resolution 1595 (2005), and decided that it would extend the mandate further if recommended by the Commission and requested by the Government of Lebanon;

Decided that the Syrian Arab Republic must detain those Syrian officials or individuals whom the Commission considered as suspected of involvement in the planning, sponsoring, organizing or perpetrating of the terrorist act, and make them fully available to the Commission; the Commission should have vis-à-vis the Syrian Arab Republic the same rights and authorities as mentioned in paragraph 3 of resolution 1595 (2005), and the Syrian Arab Republic must cooperate with the Commission fully and unconditionally on that basis; the Commission should have the authority to determine the location and modalities for interview of Syrian officials and individuals it deemed relevant to the inquiry;

Insisted that the Syrian Arab Republic not interfere in Lebanese domestic affairs, either directly or indirectly, refrain from any attempt aimed at destabilizing Lebanon, and respect scrupulously the sovereignty, territorial integrity, unity and political independence of that country.

After the vote, all members of the Council and the representatives of Lebanon and the Syrian Arab Republic made statements.<sup>158</sup> Most speakers expressed support for extending the mandate of the Commission for a period of six months and called for full cooperation with the Commission.

A number of speakers criticized the Syrian Arab Republic for not having cooperated in good faith with the Commission and called for full cooperation.<sup>159</sup> The representatives of France, the United Kingdom, the United States and Denmark emphasized the evidence

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<sup>154</sup> Ibid., pp. 6-8.

<sup>155</sup> S/2005/662.

<sup>156</sup> S/2005/651.

<sup>157</sup> S/2005/684.

<sup>158</sup> At this meeting, Algeria, Brazil, China, Denmark, France, Greece, Romania, the Russian Federation and the Syrian Arab Republic were represented by their respective Ministers for Foreign Affairs; the United Kingdom by the Secretary of State for Foreign and Commonwealth Affairs; the United States by the Secretary of State; the Philippines by the Secretary for Foreign Affairs; and Lebanon by the Acting Secretary-General of the Lebanese Ministry of Foreign Affairs and Emigrants.

<sup>159</sup> S/PV.5297, p. 3 (France); p. 4 (United Kingdom); pp. 4-5 (United States); p. 9 (Denmark); p. 10 (Philippines); p. 14 (United Republic of Tanzania); and pp. 14-15 (Romania).

which pointed to the involvement of Lebanese and Syrian officials in the terrorist attack against the former Prime Minister of Lebanon on 14 February 2005. They noted that it was difficult to envisage a scenario whereby a complex assassination plot could have been carried out without the knowledge of senior officials of the Syrian Arab Republic.<sup>160</sup> The representative of the United Kingdom stressed that, if the Syrian Arab Republic failed to cooperate fully, his delegation would consider further actions to ensure that the Council, through the Commission, could play its part in the determination of the Government of Lebanon to see justice done.<sup>161</sup> The representative of the United States made it clear that the failure to comply with the demands of the Commission would lead to “serious consequences” for the Syrian Arab Republic. She also maintained that the Syrian Arab Republic had isolated itself from the international community through “its false statements, its support for terrorism, its interference in the affairs of its neighbours and its destabilizing behaviour in the Middle East”. She said that the Government of the Syrian Arab Republic needed to make a strategic decision to fundamentally change its behaviour.<sup>162</sup>

Several speakers emphasized that the Commission’s report was not complete and that the Syrian Arab Republic should be given a presumption of innocence, and welcomed the stated willingness of the Syrian Arab Republic to cooperate with the Commission.<sup>163</sup> The representatives of Algeria, Brazil, China and the Russian Federation also stressed the fact that the resolution neither implied nor authorized the application of measures or sanctions against the Syrian Arab Republic in the absence of a collective decision by the Council.<sup>164</sup>

The representative of the Russian Federation recalled that the initial version of the draft resolution had provided for an unprecedented procedure that would have automatically imposed sanctions against suspects purely at the discretion of the Commission. He noted that this “very dangerous precedent had been

avoided”.<sup>165</sup> The representative of Algeria maintained that the Council had still given the Commission “excessive power in terms of the letter and spirit of resolution 1595 (2005)”, since the Commission had the ability to submit directly to the Council the names of suspects with a view to imposing sanctions on them or even of deciding on the venue and modalities for the interrogation of Syrian or other officials.<sup>166</sup>

The representative of Lebanon welcomed the progress of the Commission in uncovering the truth regarding the Hariri assassination and called on all concerned parties to cooperate seriously with the Commission so that justice could take its proper course.<sup>167</sup>

The representative of the Syrian Arab Republic criticized the report of the Commission on the basis that it proceeded from the presumption that the Syrian Arab Republic was guilty of committing the crime, rather than the presumption of innocence. Responding to the accusation that the Syrian Arab Republic had cooperated in form but not in substance, he asserted that while his Government had acted in good faith, the Commission had not, and there had been an intention to point “a finger of accusation” to pave the way for the resolution adopted under Chapter VII. He cited evidence of the cooperation of the Syrian Arab Republic with the Commission, such as the legislative decree No. 96 of 29 October 2005 which had created a special judicial commission to cooperate with the Commission, as well as the judicial authorities of Lebanon, in all matters pertaining to the investigation. He stated that the objective of the resolution was not to uncover the truth behind the assassination, but rather to target the Syrian Arab Republic and its positions vis-à-vis issues that affected the present and future of the region.<sup>168</sup>

**Decision of 15 December 2005 (5329th meeting):  
resolution 1644 (2005)**

At its 5323rd meeting, on 13 December 2005, the Council included in its agenda a letter dated 12 December 2005 from the Secretary-General addressed to the President of the Council, transmitting the second report of the International Independent

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<sup>160</sup> Ibid., p. 3 (France); p. 4 (United Kingdom); pp. 4-5 (United States); and pp. 8-9 (Denmark).

<sup>161</sup> Ibid., p. 4.

<sup>162</sup> Ibid., pp. 4-5.

<sup>163</sup> Ibid., p. 6 (Algeria); p. 7 (Brazil); p. 8 (China); p. 11 (Russian Federation); and p. 13 (Japan).

<sup>164</sup> Ibid., p. 6 (Algeria); p. 7 (Brazil); p. 8 (China); and p. 11 (Russian Federation).

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<sup>165</sup> Ibid., p. 11.

<sup>166</sup> Ibid., p. 6.

<sup>167</sup> Ibid., pp. 15-16.

<sup>168</sup> Ibid., pp. 16-19.

Investigation Commission.<sup>169</sup> In the report, the Commissioner observed, *inter alia*, that conclusions set out in the previous report remained valid and that the investigations during the reporting period had reinforced those conclusions. He maintained the view that there were a number of personal and political motives for the assassination of Mr. Hariri and recommended an extension of the Commission for a minimum period of six months.

The Commissioner and the representatives of Lebanon and the Syrian Arab Republic made statements to the Council. The Commissioner explained that the investigation had been conducted on two tracks, one Lebanese and one Syrian. He welcomed the degree of cooperation received by the Commission from Lebanese authorities but stressed that cooperation from the Syrian Arab Republic had been marked by conflicting signals.<sup>170</sup>

The representative of Lebanon welcomed the work of the Commission and requested an extension of its mandate. He also noted that international precedents had shown that the best way to judge those involved in serious crimes of this nature was to establish an international tribunal so that justice could be delivered through fair trials free of pressure and obstacles. Therefore, in accordance with paragraph 14 of resolution 1636 (2005), by which the Council expressed its readiness to consider any additional request for assistance from the Government of Lebanon, his delegation had asked the Council to establish an international tribunal, which could have its seat either in or outside Lebanon, and which would try all those who were involved in the crime. Noting that a Member of Parliament, Gebrane Tueni, had been killed in a terrorist attack on the previous day, he called attention to the fact that his Government had requested the Council to either extend the mandate of the Commission or establish another international investigation commission to help the authorities in the investigation of all other assassinations of political and media figures in Lebanon, starting with the attempted assassination of Marwan Hamadeh on 1 October 2004.<sup>171</sup>

The representative of the Syrian Arab Republic reiterated his condemnation of the series of bombings, which in his view were aimed at destabilizing Lebanon

and creating tensions between Lebanon and the Syrian Arab Republic, as part of a broader plan to destabilize the region. He reiterated that the Syrian Arab Republic would continue to cooperate with the Commission, although he complained that the Commission had violated the principle of confidentiality by leaking reports to the media. He also disagreed with the “imprecise statements” in the Commission’s report, specifically the ones which referred to the reluctance of the Syrian Arab Republic to fully cooperate with the Commission. He cited several examples of cooperation and reiterated that the conclusions of the report were suspect because they were based on the presumption of guilt and made prejudged accusations. He also called attention to several irregularities in the investigation, including witnesses who had subsequently changed their testimony.<sup>172</sup>

At its 5329th meeting, on 15 December 2005, at which the representatives of Algeria, China and the Russian Federation, and those of Lebanon and the Syrian Arab Republic, made statements, the Council again included in its agenda the letter dated 12 December 2005 from the Secretary-General, transmitting the second report of the Commission.<sup>173</sup> The President (United Kingdom) drew the attention of the Council to two letters, dated 5 December and 13 December 2005, addressed to the Secretary-General by the representative of Lebanon;<sup>174</sup> in the former letter Lebanon requested an extension of the mandate of the Commission for a further period of six months, and in the latter requested the Council to establish an international tribunal to try all those responsible for the assassination of Rafiq Hariri. A draft resolution submitted by France, the United Kingdom and the United States<sup>175</sup> was put to the vote; it was adopted unanimously as resolution 1644 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided, as recommended by the Commission and requested by the Government of Lebanon, to extend the mandate of the Commission, as set forth in resolutions 1595 (2005) and 1636 (2005), initially until 15 June 2006;

Requested the Commission to report to the Council on the progress of the inquiry every three months from the adoption of the resolution, including on the cooperation received from the

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<sup>169</sup> S/2005/775.

<sup>170</sup> S/PV.5323, pp. 2-3.

<sup>171</sup> *Ibid.*, pp. 3-4.

<sup>172</sup> *Ibid.*, pp. 4-6.

<sup>173</sup> S/2005/775.

<sup>174</sup> S/2005/762 and S/2005/783.

<sup>175</sup> S/2005/788.

Syrian authorities, or anytime before that date if the Commission deemed that such cooperation did not meet the requirements of the resolution and of resolutions 1595 (2005) and 1636 (2005);

Authorized the Commission, following the request of the Government of Lebanon, to extend its technical assistance, as appropriate, to the Lebanese authorities with regard to their investigations of the terrorist attacks perpetrated in Lebanon since 1 October 2004, and requested the Secretary-General, in consultation with the Commission and the Government of Lebanon, to present recommendations to expand the mandate of the Commission to include investigations of those other attacks;

Requested the Secretary-General to continue to provide the Commission with the support and resources necessary for the discharge of its duties.

Speaking after the vote, the representative of Algeria emphasized that the conclusions of the second report of the Commission were not final and that they needed to be corroborated, and consideration of the report needed to be free from any influence that could harm one party or another. Nonetheless, he explained that he had voted for an extension of the mandate because it was directly requested by the Government of Lebanon. He also noted that his delegation had obtained assurances that the Council would refrain from any premature or inappropriate action.<sup>176</sup> The representative of China stressed that the work of the Commission was not completed and that much remained to be done. He said that the main purpose of resolution 1644 (2005) was to extend the mandate of the Commission.<sup>177</sup> The representative of the Russian Federation stated that he had proposed an amendment to the draft resolution which made it more balanced in nature and that the Russian Federation would continue to oppose placing unwarranted pressure on Damascus, as well as interpretations with respect to the degree and nature of cooperation from the Syrian Arab Republic that were not in keeping with the conclusions of the Commission.<sup>178</sup>

The representative of Lebanon welcomed the unanimous adoption of the resolution.<sup>179</sup> The representative of the Syrian Arab Republic reiterated his position that certain States had unwarrantedly insisted that the Syrian Arab Republic had not cooperated with the Commission. The representative reaffirmed the commitment of the Syrian Arab

Republic to the Commission and stated that the Syrian Arab Republic had discharged its responsibilities in “a spirit of sincerity”.<sup>180</sup>

**Decision of 29 March 2006 (5401st meeting):  
resolution 1664 (2006)**

At its 5388th meeting, held on 16 March 2006, the Council included in its agenda a letter dated 14 March 2006 from the Secretary-General, transmitting the third report of the International Independent Investigation Commission.<sup>181</sup> In its report, the Commission observed, *inter alia*, that significant progress had been made during the reporting period regarding the circumstances of the attack and that a significant number of new lines of enquiry had been established. It also described the cooperation from the Government of Lebanon as excellent and specified the groundwork for improved cooperation with the Government of the Syrian Arab Republic.

The Council heard a briefing by the Commissioner and statements by the representatives of Lebanon and the Syrian Arab Republic. The Commissioner elaborated on the progress of the Commission and noted several systematic improvements in the investigation. He explained that a balance needed to be reached between the need to provide transparency and the need to protect confidentiality in the investigation, and he stressed that improved and timely cooperation from the Syrian Arab Republic was a critical factor for the Commission to continue its work successfully.<sup>182</sup>

The representative of Lebanon reiterated his appreciation for the work of the Commission and reaffirmed the commitment of Lebanon to establishing the truth about the assassination. He also noted that all Lebanese “agree to and demand the establishment of an international tribunal to try all those involved in that terrorist crime”.<sup>183</sup>

The representative of the Syrian Arab Republic reiterated his assurances that his country would continue to cooperate with the Commission, and that “the most dangerous thing” that the investigation was faced with was the fact that some parties had “encroached upon the investigation with a view to reaching preconceived,

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<sup>176</sup> S/PV.5329, pp. 2-3.

<sup>177</sup> *Ibid.*, p. 3.

<sup>178</sup> *Ibid.*

<sup>179</sup> *Ibid.*, p. 4.

<sup>180</sup> *Ibid.*

<sup>181</sup> S/2006/161, submitted pursuant to resolutions 1595 (2005), 1636 (2005) and 1644 (2005).

<sup>182</sup> S/PV.5388, pp. 2-4.

<sup>183</sup> *Ibid.*, pp. 4-5.



unsubstantiated evidence”. He also argued that it had become clear that a number of witnesses before the Commission had made false allegations in order to mislead the investigation and to lead it to conclusions based on “known political biases”. However, he expressed satisfaction with how the confidentiality of the investigation had been handled.<sup>184</sup>

At its 5401st meeting, on 29 March 2006, the Council included in its agenda the report of the Secretary-General dated 21 March 2006.<sup>185</sup> The President (Argentina) drew the attention of the Council to a draft resolution submitted by France, the United Kingdom and the United States;<sup>186</sup> it was then put to the vote and adopted unanimously as resolution 1664 (2006), by which the Council, *inter alia*:

Requested the Secretary-General to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice;

Acknowledged that the adoption of the legal basis of, and framework for, the tribunal, would not prejudice the gradual phasing-in of its various components and would not predetermine the timing of the commencement of its operations, which would depend on the progress of the investigation;

Requested the Secretary-General to update the Council on the progress of the negotiation as he deemed appropriate and to submit in a timely manner for the consideration of the Council a report on the implementation of the resolution, in particular on the draft agreement negotiated with the Government of Lebanon, including options for a funding mechanism appropriate to ensure the continued and effective functioning of the tribunal;

Decided to remain seized of the matter.

After the vote, the representative of Lebanon welcomed the resolution since it gave the Secretary-General a mandate to begin negotiations with Lebanon regarding the establishment of an international tribunal. He described the resolution as a clear indication of the international community’s strong commitment and determination to punish all those involved in the terrorist crime, and he noted that it would have a positive effect on deterring criminals and in promoting stability in Lebanon and the region.<sup>187</sup>

#### **Decision of 15 June 2006 (5461st meeting): resolution 1686 (2006)**

At its 5458th meeting, on 14 June 2006, the Council included in its agenda a letter dated 10 June 2006 from the Secretary-General addressed to the President of the Council, transmitting the fourth report of the International Independent Investigation Commission.<sup>188</sup> The President (Denmark) drew the attention of the Council to a letter dated 5 May 2006 from the representative of Lebanon addressed to the Secretary-General, requesting an extension of the mandate of the Commission until June 2007.<sup>189</sup> In its report, the Commission observed, *inter alia*, that considerable progress had been achieved regarding the crime scene and the former Prime Minister’s convoy. The Commission also stated that matters related to the explosion, the container/carrier and the means of delivery were largely understood and that final conclusions pending forensic analyses were anticipated soon. The Commission had made progress and consolidated its organizational structure and capacity, but it still faced some challenges such as linking all the cases together and securing adequate resources. The Commission welcomed the initiative of the Government of Lebanon to recommend the extension of its mandate for one year, and also thanked the Government of Lebanon for its continuous substantive and logistical support.

The Council heard a briefing by the Commissioner, as well as statements by the representatives of Lebanon and the Syrian Arab Republic. The Commissioner elaborated on the report and detailed the progress that had been made in the investigation of the assassination. Based on the available evidence, he explained that the Commission had reached the following conclusions: that one above-ground explosion happened on 14 February 2005 at precisely 12.55 p.m.; that a large improvised explosive device, placed in a Mitsubishi truck, had been detonated as the Hariri convoy passed by; and that the detonation of the device was most likely initiated by an individual within or immediately in front of the Mitsubishi. The magnitude of the explosion, and the amount of TNT used (a minimum of 1,200 kg of TNT equivalent), elevated the attack to an almost “guaranteed” level: the magnitude of the explosion was

<sup>184</sup> *Ibid.*, pp. 5-6.

<sup>185</sup> S/2006/176, submitted pursuant to paragraph 6 of resolution 1644 (2005).

<sup>186</sup> S/2006/186.

<sup>187</sup> S/PV.5401, p. 2.

<sup>188</sup> S/2006/375.

<sup>189</sup> S/2006/278.

designed to ensure the success of the operation even if the Hariri vehicle was not directly hit. The Commission had also adopted two working hypotheses: either that the attack was planned and executed in a compartmentalized manner, in which different people were responsible for the different stages of the attack (the planning, the reconnaissance, the acquisition of the Mitsubishi truck, etc.), or that the entire operation was planned and executed by a relatively small single team. The Commissioner also described the amount of assistance provided by the Syrian Arab Republic as “satisfactory”. He stated that the Syrian Arab Republic had responded to all of the Commission’s requests, and that it had done so in a timely manner. He described the Commission’s interactions with the authorities of Lebanon as excellent at all levels and stated that the modalities and circumstances of the attack were now largely understood.<sup>190</sup>

The representative of Lebanon reiterated the request of his Government to extend the mandate of the Commission for an additional year and welcomed the Council’s close interest in matters that affected Lebanon. He also noted the ongoing consultations with the United Nations Secretariat on drafting the basic statute of an international court.<sup>191</sup>

The representative of the Syrian Arab Republic welcomed the objectivity of the report and stressed that the cooperation of the Syrian Arab Republic with the Commission was based on its eagerness to uncover the truth about the assassination. He reiterated the assertion that the greatest threat to the investigation was the attempt by certain parties to exploit the findings of the Commission for purposes which were far removed from those for which the Commission was established. The Syrian Arab Republic welcomed the conclusion of the report that its cooperation with the Commission had been timely, comprehensive, and generally satisfactory. He also agreed with the importance of adequate time to complete the investigations and gather all the necessary solid evidence and proof before moving on to the next step.<sup>192</sup>

At its 5461st meeting, on 15 June 2006, the Council again included in its agenda the letter dated 10 June 2006 from the Secretary-General transmitting the fourth report of the Commission. The President

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<sup>190</sup> S/PV.5458, pp. 2-5.

<sup>191</sup> *Ibid.*, pp. 5-6.

<sup>192</sup> *Ibid.*, pp. 6-7.

(Denmark) again drew the attention of the Council to the letter dated 5 May 2006 from the representative of Lebanon addressed to the Secretary-General requesting an extension of the mandate of the Commission until mid-June 2007.<sup>193</sup> The President also drew the attention of the Council to a draft resolution;<sup>194</sup> it was put to the vote and adopted unanimously and without debate as resolution 1686 (2006), by which the Council, *inter alia*:

Decided to extend the mandate of the Commission until 15 June 2007;

Supported the intention of the Commission to extend further its technical assistance to the Lebanese authorities with regard to their investigations into the terrorist attacks perpetrated in Lebanon since 1 October 2004, and requested the Secretary-General to provide the Commission with the support and resources needed in that regard;

Requested the Commission to continue to report to the Council on the progress of the investigation on a quarterly basis, or at any other time as it deemed appropriate;

Decided to remain seized of the matter.

#### **Decision of 21 November 2006 (5569th meeting): statement by the President**

At its 5539th meeting, on 29 September 2006, the Council included in its agenda a letter dated 25 September 2006 from the Secretary-General transmitting the fifth report of the International Independent Investigation Commission.<sup>195</sup> In its report, the Commission observed, *inter alia*, that despite the fact that the reporting period had been marked by conflict in Lebanon,<sup>196</sup> during which the Commission’s international personnel had been required to temporarily leave Lebanon and relocate to Cyprus, it had made progress in its investigation. Forensic evidence collected at the scene of the crime enabled the Commission to corroborate previous findings that the person who detonated the improvised explosive device was in his early twenties and his dental records suggested that his origins were outside of Lebanon. The Commission once again welcomed the cooperation of the Governments of Lebanon and the Syrian Arab Republic in the investigation.

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<sup>193</sup> S/2006/278.

<sup>194</sup> S/2006/392.

<sup>195</sup> S/2006/760.

<sup>196</sup> For more information see section 33.B of the present chapter, relating to UNIFIL and resolution 1701 (2006).

The Council heard a briefing by the Commissioner and statements by the representatives of Lebanon and the Syrian Arab Republic.

In his briefing, the Commissioner explained that the investigation had progressed in three primary areas, namely, forensic investigation, communication analysis and the conduct of interviews. He also noted that the cooperation of Lebanon with the Commission was outstanding and that the cooperation of the Syrian Arab Republic with the Commission continued to be timely, efficient and generally satisfactory in the reporting period.<sup>197</sup>

The representative of Lebanon welcomed the progress of the investigation and explained that the Government of Lebanon, in cooperation with the Under-Secretary-General for Legal Affairs and his assistants, was working to set up a court of an international character, and she noted that the idea of such a court enjoyed “firm and wide unanimity in Lebanon”.<sup>198</sup>

The representative of the Syrian Arab Republic recapitulated the report’s conclusion that his Government had continued to cooperate with the Commission in an effective manner on all levels during the reporting period. He also reiterated the concern of the Syrian Arab Republic that the investigation was being used by some third parties for purposes other than those intended by the Commission, such as to apply pressure on his country. He enumerated many instances in which the Syrian Arab Republic had cooperated with the Commission, including, inter alia, the ad hoc judicial commission established to oversee cooperation and coordination with the Commission and the timely response to requests for interviews and documents.<sup>199</sup>

At the 5569th meeting, on 21 November 2006, in which the representative of Lebanon was invited to participate, the President (Peru) made a statement on behalf of the Council,<sup>200</sup> by which the Council, inter alia:

Unequivocally condemned the assassination in Beirut on 21 November 2006 of Minister for Industry Pierre Gemayel, a patriot who was a symbol of freedom and of the political independence of Lebanon;

Condemned any attempt to destabilize Lebanon through political assassination or other terrorist acts;

Called upon all parties in Lebanon and the region to show restraint and a sense of responsibility with a view to preventing any further deterioration of the situation in Lebanon;

Urged all States, in accordance with its resolutions 1373 (2001), 1566 (2004) and 1624 (2005), to cooperate fully in the fight against terrorism;

Welcomed the determination and commitment of the Government of Lebanon to bring to justice the perpetrators, organizers and sponsors of this and other assassinations and underlined its determination to support the Government of Lebanon in its efforts to that end.

**Decision of 27 March 2007 (5648th meeting):  
resolution 1748 (2007)**

At its 5597th meeting, on 18 December 2006, the Council included in its agenda a letter dated 12 December 2006 from the Secretary-General addressed to the President of the Security Council, transmitting the sixth report of the International Independent Investigation Commission.<sup>201</sup> In its report, the Commission observed, inter alia, that during the reporting period it had returned to Lebanon after have been temporarily relocated to Cyprus from 22 July to 13 October 2006 for security reasons, and that it had operated in a volatile political environment marked by the assassination on 21 November of Cabinet member Pierre Gemayel. During the reporting period, the Commission developed crime scene evidence, investigated potential perpetrators, and collected evidence related to the linkage and contextual aspects of the case. The Commission had also extended technical assistance to the authorities of Lebanon regarding the Gemayel case.

The Council heard a briefing by the Commissioner, following which statements were made by the representatives of Lebanon and the Syrian Arab Republic. The Commissioner elaborated on the report and noted that there had been large demonstrations following the assassination of Mr. Gemayel and that the complex political discourse surrounding the establishment of a special tribunal for Lebanon was ongoing. The Commissioner reiterated that the investigation into the Hariri case had remained focused on developing crime scene evidence and investigating potential perpetrators and their linkages to one another.

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<sup>201</sup> S/2006/962.

<sup>197</sup> S/PV.5539, pp. 2-4.

<sup>198</sup> Ibid., p. 4.

<sup>199</sup> Ibid., pp. 5-6.

<sup>200</sup> S/PRST/2006/46.

The Commissioner welcomed the cooperation received from the Government of Lebanon and noted that the Commission had started investigating the assassination of Mr. Gemayel and was considering possible links between that and other cases. The Commissioner also welcomed the cooperation received from the Syrian Arab Republic, which he described as timely, efficient and generally satisfactory. He noted that although most States that had been requested to cooperate with the Commission had responded positively, some States had provided late or incomplete responses which had impeded or slowed down the work of the Commission on several fronts. He trusted that the Commission would receive full and prompt cooperation from all States during the next period.<sup>202</sup>

The representative of Lebanon expressed full confidence in the work of the Commission and offered all necessary assistance to the investigation as it reached the important milestone of unmasking the perpetrators of the crimes and bringing them to justice before an international court. She noted that the draft statute of such a court had been drawn up.<sup>203</sup>

The representative of the Syrian Arab Republic emphasized the positive information contained in the report concerning the ongoing efforts by the Syrian Arab Republic to meet its commitments and cooperate with the Commission. He once again reiterated that the cooperation of his country stemmed from a desire to uncover the truth about the assassination and he warned of efforts on behalf of third parties to politicize conclusions that were entirely unrelated to the investigation. He also asked which 10 Member States had not fully complied with the requests of the Commission and called on them to cooperate fully with the Commission.<sup>204</sup>

At its 5642nd meeting, on 21 March 2007, the Council included in its agenda a letter dated 15 March 2007 from the Secretary-General transmitting the seventh report of the International Independent Investigation Commission.<sup>205</sup> The President (South Africa) drew the attention of the Council to a letter dated 20 March 2007 from the representative of Lebanon addressed to the Secretary-General, requesting an extension of the mandate of the Commission until

June 2008.<sup>206</sup> In its report, the Commission observed, *inter alia*, that it had remained focused on its primary objective in the investigation of the Hariri case, as well as providing technical assistance to the authorities of Lebanon in the investigation of 16 other cases, including the assassination of Pierre Gemayel. The Commission had made progress in collecting new evidence, in expanding the forms of evidence collected and in establishing that the motive behind the crime was related to Mr. Hariri's political activities. The Commissioner described the situation in Lebanon as unstable and welcomed the request of the Government of Lebanon to extend the Commission for a period of one year.

Statements were made by the Commissioner and the representative of Lebanon. The Commissioner elaborated on the report and emphasized the significant progress that had been made in several areas by further developing crime-scene leads, expanding the forms of evidence relating to the perpetrators and in building the linkage and context aspects of the case. The Commission had continued to provide support for the authorities of Lebanon regarding the Gemayel assassination by conducting interviews, analysing witness statements, performing forensic work, conducting communications analysis, reconstructing crime scene events and conducting ballistic analysis. The Commissioner also welcomed the productive cooperation of Lebanon and described the cooperation with the Syrian Arab Republic as generally satisfactory. He noted that, in its previous report, the Commission had reported that the responses to requests from 10 Member States were overdue, but those 10 requests had been followed up on and almost all outstanding matters had been resolved to the Commission's satisfaction.<sup>207</sup>

The representative of Lebanon recalled that in the two-year period since the assassination of Rafiq Hariri, political killings, assassinations, and terrorist attacks in Lebanon had continued, which had only strengthened the resolve of the people of Lebanon to find out the truth and ensure that justice was done. She welcomed the progress of the Commission and requested that the mandate of the Commission be extended for one year.<sup>208</sup>

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<sup>202</sup> S/PV.5597, pp. 2-4.

<sup>203</sup> *Ibid.*, pp. 4-5.

<sup>204</sup> *Ibid.*, pp. 5-6.

<sup>205</sup> S/2007/150.

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<sup>206</sup> S/2007/159.

<sup>207</sup> S/PV.5642, pp. 2-4.

<sup>208</sup> *Ibid.*, p. 5.

At its 5648th meeting, on 27 March 2007, the Council again included in its agenda the letter dated 15 March 2007 transmitting the seventh report of the Commission.<sup>209</sup> The President (South Africa) drew the attention of the Council to a letter dated 20 March 2007 from the representative of Lebanon addressed to the Secretary-General, requesting an extension of the mandate of the Commission until June 2008.<sup>210</sup> The President also drew the attention of the Council to a draft resolution;<sup>211</sup> it was put to the vote and adopted unanimously and without debate as resolution 1748 (2007), by which the Council, *inter alia*:

Decided to extend the mandate of the Commission until 15 June 2008, and declared its readiness to terminate the mandate earlier if the Commission reported that it had completed the implementation of its mandate;

Requested the Commission to continue to report to the Council on the progress of the investigation every four months, or at any other time as it deemed appropriate.

**Decision of 30 May 2007 (5685th meeting):  
resolution 1757 (2007)**

At the 5685th meeting, on 30 May 2007, the President (United States) drew the attention of the Council to two letters dated 15 May and 16 May 2007, respectively, addressed to the President of the Council by the Secretary-General,<sup>212</sup> and to a draft resolution submitted by Belgium, France, Italy, Slovakia, the United Kingdom and the United States.<sup>213</sup>

The former letter transmitted a letter dated 14 May 2007 from the Prime Minister of Lebanon stating that the impasse regarding the establishment of a tribunal in Lebanon had been caused by the refusal of the Speaker of Parliament to convene a session of parliament to formally ratify the statute of the Tribunal and the bilateral agreement with the United Nations even though a parliamentary majority had demonstrated support for the Tribunal. The Prime Minister said that for all practical purposes the domestic route to ratification had reached a dead end and that despite the stated support of the opposition for the establishment of a Tribunal, the opposition had declined to discuss any of their reservations on the agreed statute. He stressed that, therefore, the Government of Lebanon

was requesting, as a matter of urgency, the Security Council to put the Special Tribunal into effect. He noted that a binding decision regarding the Tribunal on the part of the Council would be consistent with the importance that the United Nations had attached to that matter from the outset, and that further delays in setting up the Tribunal would be detrimental to the stability of Lebanon and peace and security in the region.<sup>214</sup>

The latter letter transmitted a letter dated 15 May 2007 from the President of Lebanon that referred to the letter from the Prime Minister of Lebanon and expressed regret that he had resorted to falsifications and distortions of the facts in order to implicate the Security Council in action “alien to its objectives” and that the Prime Minister was endeavouring to secure “support for one Lebanese group over the other”. The President explained that, while he had been the first to ask for an international investigation, the Tribunal had not been approved in accordance with the provisions of the Constitution for approval of international treaties, including the provision that the President of the Republic had the sole authority to submit draft laws to Parliament. He added that the current Government had lost its legitimacy under the National Pact and the Constitution when a “significant sectarian bloc” had withdrawn from it. He stressed that the approval of the Tribunal directly by the Security Council would constitute “a transgression of the constitutional mechanism” and would result in “dire consequences for the stability and civil peace” of Lebanon.<sup>215</sup>

Most members of the Council and the representative of Lebanon made statements at the meeting.<sup>216</sup>

The representative of Qatar stated that, while his delegation supported the establishment of the Special Tribunal, the draft resolution before the Council entailed “legal encroachments”. He maintained that his delegation had been willing to consider the draft resolution but the insistence of the sponsors on submitting the draft resolution under Chapter VII of the Charter, despite the binding nature of all Council

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<sup>214</sup> S/2007/281, annex.

<sup>215</sup> S/2007/286, annex.

<sup>216</sup> The representatives of Ghana, Panama and the Congo did not make statements.

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<sup>209</sup> S/2007/150.

<sup>210</sup> S/2007/159.

<sup>211</sup> S/2007/171.

<sup>212</sup> S/2007/281 and S/2007/286.

<sup>213</sup> S/2007/315.

resolutions under Article 25,<sup>217</sup> went beyond the designated aim of endorsing the establishment of the Tribunal and could threaten stability in the country.<sup>218</sup>

The representative of Indonesia explained his decision to abstain on the grounds that although the draft resolution had been based on a request of the Government of Lebanon, the Council needed to take into consideration that there was no unified voice among the leaders of Lebanon. He also argued that the draft resolution as it stood would bypass the constitutional procedures and national processes of Lebanon and that pursuant to Article 2 (7) of the Charter, the Council had no legal grounds to take over an issue that was essentially domestic in nature.<sup>219</sup> He stressed that forceful interference in the national constitutional process would not serve the greater interests of the people of Lebanon.<sup>220</sup>

The representative of South Africa expressed hope that the Lebanese parties could use the period specified in the draft resolution to voluntarily come to an agreement on the establishment of a tribunal rather than have it imposed on them by the Council. However, he said that it was not appropriate for the Council to impose this decision on Lebanon, especially under Chapter VII of the Charter, because it would bypass the procedures required by the Constitution of Lebanon, and thus disregard the need to respect the sovereignty of Lebanon. He also noted that the Council should not be seen as taking sides in the internal politics of Lebanon and that a decision to impose the Tribunal without the consent of all the parties concerned would detrimentally affect the political stability of Lebanon. He also warned of the precedent that the draft resolution would set.<sup>221</sup>

The representative of China stressed that only if the Special Tribunal enjoyed universal support among all Lebanese factions could it genuinely play a role in contributing to the achievement of justice and the maintenance of peace and stability. He declared that the establishment of the Tribunal was, in essence, an internal affair of Lebanon. He was concerned with

invoking Chapter VII of the Charter because it overrode the legislative organs of Lebanon by arbitrarily deciding on the date of the entry into force of the draft resolution. He also warned that the draft resolution would create a precedent of Security Council interference in the domestic and legislative independence of a sovereign State.<sup>222</sup>

The representative of the Russian Federation described the draft resolution as legally dubious since the treaty between the two entities — Lebanon and the United Nations — by definition could not enter into force on the basis of a decision by only one party. He stated that the reference to Chapter VII of the Charter was unwarranted and that the draft resolution represented an encroachment upon the sovereignty of Lebanon. He noted that Chapter VII had been invoked only for the International Tribunals for the Former Yugoslavia and Rwanda, which dealt with crimes of genocide and war crimes, which were international crimes. The jurisdiction of the Special Tribunal for Lebanon would not cover such crimes as it was a mixed body with the participation of the Government that operated on the basis of applicable criminal procedures in Lebanon. Stressing that the views of all the people of Lebanon needed to be heard, he maintained that it would have been justifiable to also have a reference to the letter from the President of Lebanon, in addition to the one from the Prime Minister.<sup>223</sup>

The President (South Africa) then put the draft resolution to the vote; it was adopted by 10 votes to none with 5 abstentions (China, Indonesia, Qatar, Russian Federation, South Africa) as resolution 1757 (2007), by which the Council, *inter alia*:

Decided, acting under Chapter VII of the Charter of United Nations, that the provisions of the annexed document, including its attachment, on the establishment of a Special Tribunal for Lebanon should enter into force on 10 June 2007, unless the Government of Lebanon had provided notification under article 19 (1) of the annexed document before that date;

The location of the seat of the Tribunal should be determined in consultation with the Government of Lebanon and be subject to the conclusion of a headquarters agreement between the United Nations and the State that hosted the Tribunal;

Requested the Secretary-General, in coordination, when appropriate, with the Government of Lebanon, to take the steps and measures necessary to establish the Special Tribunal in a

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<sup>217</sup> For more information on Article 25 of the Charter, see chap. XII, part II.

<sup>218</sup> S/PV.5685, pp. 2-3.

<sup>219</sup> For more information on the discussion of this meeting relating to Article 2 (7) of the Charter, see chap. XII, part I.D.

<sup>220</sup> S/PV.5685, p. 3.

<sup>221</sup> *Ibid.*, pp. 3-4.

<sup>222</sup> *Ibid.*, pp. 4-5.

<sup>223</sup> *Ibid.*, p. 5.

timely manner and to report to the Council within 90 days and thereafter periodically on the implementation of the resolution.

Speaking after the vote, the representative of France welcomed the adoption of the resolution, which he noted was in response to a request of the Government of Lebanon and would enter into force on 10 June 2007, unless an internal solution to the impasse was found. He also explained that the resolution was an important decision for three reasons: for justice, peace, and the credibility of the Security Council. He maintained that the Council could take pride in not having resigned itself to the ongoing impasse.<sup>224</sup>

The representative of the United Kingdom described the resolution as a considered response by the Council, properly taken, to a request of the Government of Lebanon for action to overcome a continuing impasse in the internal procedures of Lebanon. He said that the resolution was adopted under Chapter VII of the Charter in order to make it binding and the use of Chapter VII carried no other connotation.<sup>225</sup>

The representative of Peru described the resolution as the only way to overcome the legislative impasse regarding the establishment of the Tribunal in Lebanon. He expressed a hope that the parties in Lebanon would find an internal solution before the resolution came into effect, and stressed that the resolution should not constitute a precedent beyond this particular case.<sup>226</sup>

The representative of the United States said that by the adoption of the resolution the Security Council demonstrated its commitment to justice, to ending impunity and to deterring future political assassinations. It would have been preferable for the parties in Lebanon to ratify the agreement on the Tribunal and the statute themselves, but all possible means had been tried to convince the Speaker of Parliament to fulfil his constitutional responsibility to convene parliament so that final action on the Tribunal could be taken, to no avail.<sup>227</sup>

The representatives of Belgium, Italy and Slovakia expressed their support for resolution 1757 (2007).<sup>228</sup>

The representative of Lebanon, welcoming the resolution, thanked both the States that voted for the resolution and those that had abstained, as everyone had reaffirmed the commitment to the importance of the principle of justice and to preventing the undermining of the freedom and sovereignty of Lebanon. He reiterated that every opportunity had been taken to adopt the Tribunal in accordance with the provisions of the Constitution of Lebanon, but Parliament had been unable to meet to discuss the establishment of the Tribunal, despite majority support. He stressed that the resolution did not reflect “the victory of one party over another”, but would help to strengthen the rule of law and bolster democracy and act as a deterrent to terrorist activities.<sup>229</sup>

**Decision of 13 June 2007 (5694th meeting):  
statement by the President**

At the 5694th meeting, on 13 June 2007, the President (Belgium) made a statement on behalf of the Council,<sup>230</sup> by which the Council, inter alia:

Unequivocally condemned the terrorist attack in Beirut on 13 June 2007 which killed at least nine people including Member of Parliament Walid Eido, and injured several others;

Condemned any attempt to destabilize Lebanon, including through political assassination or other terrorist acts;

Called upon all parties in Lebanon and the region to show restraint and a sense of responsibility with a view to preventing any further deterioration of the situation in Lebanon;

Urged all States, in accordance with its resolutions 1373 (2001), 1566 (2004) and 1624 (2005), to cooperate fully in the fight against terrorism;

Requested the Secretary-General to continue to follow closely and report regularly to the Council on the situation in Lebanon.

**Deliberations of 19 July 2007 (5719th meeting)**

At its 5719th meeting, on 19 July 2007, the Council included in its agenda a letter dated 12 July 2007 from the Secretary-General addressed to the President of the Council transmitting the eighth report of the International Independent Investigation Commission.<sup>231</sup> In its report, the Commission stated, inter alia, that it had completed a comprehensive review of all of its information, analysis and findings

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<sup>224</sup> Ibid., p. 6.

<sup>225</sup> Ibid., p. 6.

<sup>226</sup> Ibid.

<sup>227</sup> Ibid., p. 7.

<sup>228</sup> Ibid.

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<sup>229</sup> Ibid., pp. 8-9.

<sup>230</sup> S/PRST/2007/18.

<sup>231</sup> S/2007/424.

on all past and current investigations. In particular, the Commission had made some progress concerning the identity of the suicide bomber who detonated the improvised explosive device. The Commission also welcomed the cooperation of Lebanon and the Syrian Arab Republic with the investigation.

The Council heard a briefing by the Commissioner and a statement by the representative of Lebanon. The Commissioner elaborated on the report and confirmed the conclusions of the Commission regarding the type and quantity of the explosives used in the attack on Rafiq Hariri, the initiating system and the container used to carry the improvised explosive device, as well as the exact circumstances of the blast. He reported that the Mitsubishi Canter van used to carry the device had been stolen in Japan before being shipped to the United Arab Emirates and transported to northern Lebanon. The Commissioner also noted that the investigation had narrowed down the possible motives for the assassination by concentrating on political activities such as the adoption of resolution 1559 (2004), the events surrounding the extension of the term of office of President Emile Lahoud and the perceived outcomes of the 2005 parliamentary election. He also reported that the Commission was cooperating with the authorities of Lebanon regarding the assassination on 13 June 2007 of Member of Parliament Walid Eido and seven other people in central Beirut. He welcomed the cooperation of Lebanon and the Syrian Arab Republic with the investigation, in addition to several other States which provided support during the reporting period. He stated that a number of areas of the investigation had been resolved to the satisfaction of the Commission, and that a list of persons who may have been involved in some aspect of the crime had been drawn up. The Commissioner concluded by saying that that information would prove to be a useful starting point in the transition from the Commission to the Special Tribunal for Lebanon.<sup>232</sup>

The representative of Lebanon then commended the high professionalism of the Commission and welcomed the clear progress that it made with the investigation. He also thanked the Commission for providing assistance to the authorities of Lebanon on

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<sup>232</sup> S/PV.5719, pp. 2-4.

the terrorist crimes and assassinations which followed the assassination of Mr. Hariri.<sup>233</sup>

**Decision of 20 September 2007 (5747th meeting): statement by the President**

At the 5747th meeting, on 20 September 2007, the President (France) made a statement on behalf of the Council,<sup>234</sup> by which the Council, inter alia:

Strongly condemned the terrorist attack in Beirut on 19 September 2007, which killed at least seven persons, including Member of Parliament Antoine Ghanem;

Condemned all targeted assassinations of Lebanese leaders, including since October 2004, and demanded an immediate end of the use of intimidation and violence against the representatives of the Lebanese people and institutions;

Called for the holding of a free and fair presidential election;

Reiterated its full support to all ongoing efforts in Lebanon to combat terrorism, solidify democratic institutions through national dialogue, and continue to extend the authority of the Government of Lebanon throughout its territory.

**Deliberations of 5 December 2007 (5790th meeting)**

At its 5790th meeting, held on 5 December 2007, the Council included in its agenda a letter dated 28 November 2007 from the Secretary-General addressed to the President of the Security Council, transmitting the ninth report of the International Independent Investigation Commission.<sup>235</sup> In its report, the Commission stated, inter alia, that the pace and progress of its activities had been encouraging and had allowed it to reach a satisfactory understanding in a number of investigative areas. The ninth report confirmed many of the previous report's findings, and made a more detailed description of the suicide bomber's identity: one principal hypothesis specified a particular area from the Middle East from which the unidentified male is thought to have originated; the bomber was exposed to a specific type of lead, possibly through proximity to military ammunition, which suggested that he lived close to either a conflict area or an area where weapons were used on a regular basis. The Commission also described its assistance to the authorities of Lebanon on 18 other cases and how

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<sup>233</sup> Ibid., pp. 4-5.

<sup>234</sup> S/PRST/2007/34.

<sup>235</sup> S/2007/684.



the cases were linked together, and reported that the perpetrators of the crimes still had advanced and extensive operational capabilities available in Beirut.

The Council heard a briefing by the Commissioner and a statement by the representative of Lebanon. The Commissioner, elaborating on the report, noted that the Commission had been active in linking a growing list of cases such as the assassination on 19 September of Member of Parliament Antoine Ghanem, who was the sixth Member of Parliament killed in Lebanon since 2005. Regarding the linkages between the Hariri case and the 18 other cases, the Commissioner noted the existence of some potential commonalities between the nature of the attacks, the *modus operandi*, the profiles of the victims and possible motives. He explained that the Commission had also made progress in several key areas of the Hariri case, including the facts surrounding the two men who had bought the Mitsubishi van used in the attack; the geographical origin of the suicide bomber; how he might have entered into Lebanon; the facts regarding the container of the improvised explosive device and the trigger mechanism used; and information regarding the potential perpetrators of the crime. The Commissioner welcomed the cooperation of Lebanon and the Syrian Arab Republic and explained that the Commission was working towards ensuring a smooth transition to the Office of the Prosecutor of the Special Tribunal for Lebanon.<sup>236</sup>

The representative of Lebanon welcomed the progress of the Commission. In particular, he stressed that the most serious point was that the investigation had established that the perpetrators of the crime were still able to move rapidly in Beirut and still had wide-ranging and well-developed operational capabilities.<sup>237</sup>

**Decision of 12 December 2007 (5800th meeting):  
statement by the President**

At the 5800th meeting, on 12 December 2007, the President (Italy) made a statement on behalf of the Council,<sup>238</sup> by which the Council, *inter alia*:

Condemned in the strongest terms the terrorist attack in Baabda, Lebanon, on 12 December 2007 which killed Brigadier General Francois el-Hajj of the Lebanese Armed Forces and killed and injured several other persons;

Expressed its deepest sympathy and condolences to the families of the victims, to the Lebanese Armed Forces, and to the Government of Lebanon; expressed its strong condemnation of this attempt to destabilize Lebanese institutions, in this particular case the Lebanese Armed Forces;

Reiterated its condemnation of all targeted assassinations of Lebanese leaders, particularly since October 2004, and demanded an immediate end to the use of intimidation and violence against the representatives of the Lebanese people and institutions;

Stressed that it was of the highest importance that the perpetrators, organizers and sponsors of this heinous crime were brought to justice and expressed its determination to support the efforts and commitment of the Government of Lebanon to this end;

Recalled its support for the efforts of the Secretary-General for the establishment of the Special Tribunal for Lebanon in a timely manner, as a means to put an end to impunity in Lebanon and deter further assassinations in Lebanon;

Underlined that no attempt to destabilize Lebanon should prevent the holding, without delay, of a free and fair presidential election in conformity with Lebanese constitutional rules, without any foreign interference or influence, and with full respect for democratic institutions.

**E. Report of the Secretary-General on the  
Middle East**

**Decision of 12 December 2006 (5584th meeting):  
statement by the President**

At its 5584th meeting, on 12 December 2006, the Security Council included in its agenda the report of the Secretary-General on the Middle East.<sup>239</sup> In his report, the Secretary-General observed, *inter alia*, that the instability that prevailed in the Middle East had been the greatest regional challenge to international peace and security and that, in particular, the failure to achieve a just and comprehensive solution to the Arab-Israeli conflict had remained the major underlying source of frustration and instability in the region. He explained that the road map prepared by the Quartet<sup>240</sup> remained the only document of recent years accepted by the Palestinian and Israeli leaders alike, as well as by the Arab States and the Security Council. The Secretary-General implored the international community to find constructive responses to the challenge posed by the democratic choices of the peoples in the region and he advocated a stronger international presence on

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<sup>236</sup> S/PV.5790, pp. 2-5.

<sup>237</sup> *Ibid.*, pp. 5-7.

<sup>238</sup> S/PRST/2007/47.

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<sup>239</sup> S/2006/956.

<sup>240</sup> S/2003/529, annex.

the ground. He concluded by noting that, although the region and its concerns needed to be treated as a whole, progress on one track should not be held hostage to progress on another.

The Council heard a briefing from the Secretary-General, following which statements were made by all members of the Council, as well as by the representative of Israel and the Permanent Observer of Palestine.

The Secretary-General elaborated on his report by explaining that the situation in the Middle East was more dangerous than it had been for a very long time. He said that the mistrust between the Israelis and Palestinians had reached new heights, especially since settlement activity had continued in the West Bank as had rocket attacks from Gaza into southern Israel. He noted that the situation in Lebanon remained precarious owing to a variety of internal and external factors; that the Syrian Golan Heights remained under Israeli occupation; that Iraq continued to be mired in “unrelenting violence”; and that the nuclear activities of the Islamic Republic of Iran were generating new security concerns in the region. The Secretary-General noted that the ultimate aim of the peace efforts was to establish “two States, Israel and Palestine, within secure, recognized and negotiated boundaries based on those of 4 June 1967”. He concluded by stating that the “fundamental aspirations of both peoples [could] be reconciled” and that the road map, endorsed by the Council in resolution 1515 (2003), was still the reference point for any effort to re-energize a political effort.<sup>241</sup>

Most speakers made statements in favour of the peace proposal contained in the road map, which envisaged two States, Israel and Palestine, living side by side in peace within secure and internationally recognized borders. Most speakers also agreed that the solution to the problem in the Middle East had to be a comprehensive one which took into account the interests and concerns of all States in the region.

Several speakers supported a proposal for the establishment of an international peace conference, similar to the Madrid Conference of 1991, to further advance the peace process in the Middle East.<sup>242</sup>

<sup>241</sup> S/PV.5584, pp. 2-4.

<sup>242</sup> Ibid., pp. 11-12 (United Republic of Tanzania); pp. 12-13 (Russian Federation); pp. 17-18 (Argentina); pp. 19-20 (Congo); pp. 20-21 (France); and pp. 22-23 (Ghana).

Several speakers also expressed regret that the two sides had not solved the sensitive issue of the release of captured Israeli soldiers and the detention of Palestinians in Israel.<sup>243</sup> Several speakers welcomed the fact that a ceasefire had been established between Israel and the Palestinians in the Gaza Strip and stated that it should be extended to cover the West Bank.<sup>244</sup>

The Permanent Observer of Palestine enumerated the essential components for peace in the Middle East: the relevant Security Council resolutions, the Arab Peace Initiative, the road map and the principle of land for peace. He explained that the main problem had been the lack of political will on behalf of the international community to implement and enforce the relevant resolutions. He also stated that “the continuing occupation of Arab territories by Israel” was an explosive factor which had fuelled conflict and led to all types of violence, including terrorism, and he advocated the sending of an international force to the region to monitor the ceasefire between Israel and the Palestinians. He concluded by noting that the Palestinian question was at the heart of efforts to reach a just, lasting and comprehensive solution to the Arab-Israeli problem.<sup>245</sup>

The representative of Israel stated that the Israeli-Palestinian conflict was erroneously identified by some as the source of all instability in the region. He explained, on the contrary, that the Israeli-Palestinian conflict was actually the consequence — not the cause — of extremism and radicalism in the region. He welcomed the formula for peace prescribed by the road map, but stressed the difference between extremists and moderates in the region. In that context, he reiterated the international community’s three conditions for Hamas: to recognize Israel, renounce violence and abide by previous agreements. He also stressed that the international community needed to insist on the full

<sup>243</sup> Ibid., pp. 12-13 (Russian Federation); pp. 13-15 (Slovakia); pp. 17-18 (Argentina); pp. 20-21 (France); p. 21 (Denmark); and pp. 24-25 (Japan). The representatives of the United Kingdom (pp. 18-19) and the United States (pp. 15-16) called for the release of the abducted Israeli prisoners of war, but did not refer to the Palestinians detained in Israel.

<sup>244</sup> Ibid., pp. 12-13 (Russian Federation); pp. 13-15 (Slovakia); pp. 17-18 (Argentina); pp. 20-21 (France); p. 21 (Denmark); pp. 22-23 (Ghana); pp. 24-25 (Japan); and pp. 26-27 (Peru).

<sup>245</sup> Ibid., pp. 7-9.

implementation of resolutions 1559 (2004) and 1701 (2006), to ensure the end of Hizbullah's "State within a State". He concluded that, despite the disengagement from the Gaza Strip the previous year, which had demonstrated the commitment of Israel to the peace process, the reason for the current stalemate in peace negotiations had been "the lack of an appropriate partner on the other side to confront the seeds of extremism and embrace moderation".<sup>246</sup>

The representative of the Russian Federation regretted the fact that the situation in the Middle East had deteriorated and he said that this had had a very negative effect on international stability and security. He also said that the current situation in the region was "dangerously unbalanced — a trend that was unfortunately growing". He stated that the region required an integrated and multilateral approach to peace, and that unilateral steps, especially ones which included the use of force, were only aggravating the situation. He called for the formation of a new coalition Palestinian Government which supported the principles of the road map, and he asserted that the ultimate strategic goal of the peace process was the creation of "a sovereign, democratic, territorially contiguous Palestinian State, existing side by side with Israel in peace and security".<sup>247</sup>

The representative of the United States reaffirmed his country's commitment to the two-State solution in Palestine and he expressed disappointment with the "politicized and biased" resolutions that had been debated by the Security Council and General Assembly, which had not enabled any progress towards the two-State solution in accordance with the road map. He stressed that the role of the international community, including the Council, needed to be to help create an environment that would enable the parties to come together to resolve their differences. He outlined the numerous efforts that the United States had made to facilitate security sector reform in the Palestinian Authority and to improve access and movement between the Gaza Strip and the West Bank. He explained that the war launched by Hizbullah in July had highlighted the necessity of disarming the militias in Lebanon — which were used as a tool for external Powers to establish influence in the region — and he added that the United States supported the efforts of

the Government of Lebanon to reassert its sovereignty over all its territory.<sup>248</sup>

The representative of Argentina said that some Israeli practices had had an adverse effect on the prospect for peace in the area. They included the expansion of settlements, the construction of a separation barrier in the West Bank, extrajudicial executions, the excessive use of force, the arbitrary arrest of Palestinian officials and legislators and the stifling of the economy of the Gaza Strip. On the other hand, he stated that the inability or unwillingness of the Palestinians to maintain peace and order in Gaza, to prevent further rocket attacks against Israel, to release the Israeli soldier Gilad Shalit, to reform its institutions, to eradicate corruption and to combat violent extremism did not help to generate confidence in Israel regarding the need to negotiate with a Palestinian counterpart.<sup>249</sup>

The representative of the United Kingdom supported the Quartet's call for the establishment of a Palestinian Government which adhered to the three principles of renunciation of violence, recognition of Israel and acceptance of previous agreements. He expressed grave concern at the recent events in Beit Hanun during which numerous Palestinian civilians had been killed, as well as at the firing of Qassam rockets from Gaza into southern Israel. He also advised Israel to freeze all settlement activity.<sup>250</sup>

The representative of France also called for the establishment of a Palestinian Government which accepted the Quartet's principles, and encouraged Israel to halt its settlement activities and refrain from any unilateral action that would undermine the prospects for creating a politically, economically and geographically viable Palestinian State.<sup>251</sup>

The representative of China said that events in the Middle East were intertwined and affected each other and that no country could respond to them single-handedly. He welcomed the efforts of the Palestinian Authority to establish a government of national unity and the willingness of Israel to engage in peace talks. He noted that the failure to find a solution to the problems in the Middle East, "the oldest item on the Council's agenda and the Council's biggest headache",

<sup>246</sup> Ibid., pp. 9-11.

<sup>247</sup> Ibid., pp. 12-13.

<sup>248</sup> Ibid., pp. 15-16.

<sup>249</sup> Ibid., pp. 17-18.

<sup>250</sup> Ibid., pp. 18-19.

<sup>251</sup> Ibid., pp. 20-21.

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.