

Middle East

27. The situation in the Middle East

Overview

During the period under review, the Security Council held 21 meetings in connection with the item entitled “The situation in the Middle East”, including 6 private meetings with the troop-contributing countries,⁴⁸⁶ and adopted eight resolutions and six presidential statements. The Council addressed four primary topics in the meetings: (a) the United Nations Disengagement Observer Force (UNDOF);⁴⁸⁷ (b) the United Nations Interim Force in Lebanon (UNIFIL) and resolution 1701 (2006); (c) resolution 1559 (2004);⁴⁸⁸ and (d) the International Independent Investigation Commission⁴⁸⁹ and resolution 1595 (2005).

The Council renewed the mandate of UNDOF four times for periods of six months.⁴⁹⁰ Immediately following each decision, the Council issued a statement by the President in which it concurred, respectively, with the statement of the Secretary-General that “the situation in the Middle East is tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached”.⁴⁹¹ The Council also renewed the mandate of

UNIFIL twice for periods of one year,⁴⁹² and twice extended the mandate of the Commission⁴⁹³ prior to 1 March 2009, when the Special Tribunal for Lebanon became operational.

United Nations Interim Force in Lebanon and resolution 1701 (2006)

15 April 2008: presidential statement on the implementation of resolution 1701 (2006)

On 15 April 2008, the Council, in a statement by the President,⁴⁹⁴ called upon all concerned parties to intensify their efforts in implementing resolution 1701 (2006), which called for the immediate cessation by Hizbullah of all attacks and the immediate cessation by Israel of all offensive military operations.

27 August 2008 and 27 August 2009: extension of the mandate of UNIFIL

On 27 August 2008, following the decision to extend the mandate of UNIFIL until 31 August 2009, the representative of Israel expressed the view that UNIFIL faced challenges to its activities and mandate, such as the presence and massive redeployment of armed Hizbullah elements, their acquisition of capabilities north and south of the Litani River, and the continuous transfer of weapons from the Islamic Republic of Iran and the Syrian Arab Republic to Hizbullah. He emphasized that his country expected UNIFIL to exert its authority to take all necessary action where its forces were deployed, to ensure that its area of operations was not utilized for hostile activities of any kind and to resist attempts to prevent it from discharging its mandate.⁴⁹⁵

The representative of Lebanon opined that two years after its adoption, resolution 1701 (2006) had not been fully implemented. He referred, *inter alia*, to Israel’s repeated violations of Lebanese airspace and

⁴⁸⁶ In relation to UNDOF: 5918th meeting, held on 23 June 2008; 6035th meeting, held on 10 December 2008; 6146th meeting, held on 19 June 2009; and 6232nd meeting, held on 7 December 2009. In relation to UNIFIL: 5965th meeting, held on 25 August 2008; and 6181st meeting, held on 13 August 2009.

⁴⁸⁷ For more information, see part X, sect. I, in regard to the mandate of UNDOF.

⁴⁸⁸ In the resolution the Council declared its support for a free and fair electoral process in Lebanon’s presidential election, called upon all remaining foreign forces to withdraw from Lebanon, and called for the disbanding and disarmament of all Lebanese and non-Lebanese militias.

⁴⁸⁹ For more information, see part IX, sect. III, in regard to the Commission, and part IX, sect. IV, in regard to the Special Tribunal for Lebanon.

⁴⁹⁰ Resolutions 1821 (2008), 1848 (2008), 1875 (2009) and 1899 (2009).

⁴⁹¹ S/PRST/2008/25, S/PRST/2008/46, S/PRST/2009/18 and S/PRST/2009/34.

⁴⁹² Resolutions 1832 (2008) and 1884 (2009).

⁴⁹³ Resolutions 1815 (2008) and 1852 (2008).

⁴⁹⁴ S/PRST/2008/8.

⁴⁹⁵ S/PV.5967, pp. 2-3.

its refusal to hand over to the United Nations maps of cluster bombs that it had planted in Southern Lebanon, and emphasized that there could be no doubt about the identity of the party that must be held responsible for obstructing the full implementation of resolution 1701 (2006).⁴⁹⁶

On 27 August 2009, following the decision to extend the mandate of UNIFIL until 31 August 2010, the representative of Israel underscored recent serious incidents in Southern Lebanon, such as multiple explosions and the presence of Hizbullah individuals, as reported by the Secretary-General in his report recommending the renewal of the Mission's mandate (S/2009/407).⁴⁹⁷

The representative of Lebanon expressed the view that, three years after the adoption of resolution 1701 (2006), it had still not been fully implemented owing to Israeli actions, such as the continued breaches of the Blue Line and its repeated violations of Lebanese airspace, among others. Drawing upon comments by Israel's Minister of Defence, he pointed out that Israeli actions constituted not only a violation of resolution 1701 (2006) but ran counter to the fundamental principles of the Charter of the United Nations.⁴⁹⁸

Resolution 1559 (2004)

8 May 2008 to 7 May 2009: briefings by the Special Envoy

On 8 May 2008, in his briefing to the Council, the Special Envoy of the Secretary-General for the implementation of Security Council resolution 1559 (2004) reported that Lebanon had continued to experience a severe political crisis, centred in particular on the failure to elect a president, a position which had remained vacant since 24 December 2007 despite sustained efforts of the Lebanese, regional and international players. He noted that there had been no discussion among Lebanese political leaders about a political process leading to the disbanding and disarming of Lebanese and non-Lebanese militias, as called for in resolution 1559 (2004). He cited several incidents of violence in the country involving different

militias, and tensions between the Government and Hizbullah. In particular, he noted that the disclosure of a Hizbullah communications network covering much of the country and linked to the Syrian Arab Republic had given rise to growing fears that Hizbullah was building parallel institutional structures distinct from those of the State. Hizbullah had refused to shut down the network, claiming that it was part of its arsenal. Meanwhile, the violation of Lebanese sovereignty and airspace by Israeli aircraft and Israeli occupation of the northern Ghajar region continued. In other areas, relations between the Syrian Arab Republic and Lebanon had still not been normalized three years since the withdrawal of Syrian forces. Overall, the Special Envoy concluded that no tangible progress had been made towards the implementation of resolution 1559 (2004).⁴⁹⁹

On 22 May 2008, the Council, in a statement by the President,⁵⁰⁰ welcomed and strongly supported the agreement to elect a President of Lebanon reached in Doha on 21 May 2008 under the auspices of the League of Arab States.

On 30 October 2008 and 7 May 2009, in his briefings to the Council, the Special Envoy reported that major strides had been made over the preceding 12 months towards full implementation of resolution 1559 (2004). A general improvement of the situation in Lebanon, combined with reconciliation efforts in the region, had created a favourable environment for strengthening Lebanon's sovereignty, political independence and government control throughout the country. He noted that the election of the President had revived the constitutional political process in Lebanon, in particular by allowing the convening of Parliament, which had been paralysed for almost two years. He also reported positive progress in the establishment of diplomatic relations between Lebanon and the Syrian Arab Republic. In particular, he cited the summit meeting between President Bashar Al-Assad of the Syrian Arab Republic and President Michel Sleiman of Lebanon in August 2008 and subsequent steps towards establishment of full diplomatic relations, coupled with progress on the issue of demarcation of the border between the two countries, as major strides towards the full implementation of resolution 1559 (2004). Israeli violations of Lebanese sovereignty had continued and

⁴⁹⁶ Ibid., pp. 3-4.

⁴⁹⁷ S/PV.6183, pp. 2-3.

⁴⁹⁸ Ibid., pp. 3-4.

⁴⁹⁹ S/PV.5888, pp. 2-6.

⁵⁰⁰ S/PRST/2008/17.

other threats to the stability and sovereignty of Lebanon continued to exist, such as the lack of progress in the disbanding and disarming of militias. Occasional security incidents highlighted the proliferation of weapons and the continued presence of armed groups, including armed Hizbullah militia, in violation of resolution 1559 (2004). The Special Envoy asserted that the disbanding and disarming of such militias was a necessary element to the complete consolidation of Lebanon as a sovereign and democratic State.⁵⁰¹

Resolution 1595 (2005) and the International Independent Investigation Commission

8 April 2008 and 17 December 2008: investigation by the Commission

On 8 April 2008, in his briefing to the Council, the Commissioner of the International Independent Investigation Commission⁵⁰² reported that it now had evidence of the existence of a network of individuals involved in the assassination of former Prime Minister Rafiq Hariri. He also reported that the Commission had other evidence regarding the network, such as the fact that it existed before and after the assassination, and that the Commission's priority was to gather more evidence about its scope, the identity of all its participants, their links with others outside the network and their role in the attacks.⁵⁰³ The representative of Lebanon made a statement welcoming the work of the Commission and the results achieved to date.⁵⁰⁴ The representative of the Russian Federation requested

clarification of the Commission's position regarding our Lebanese individuals who had been incarcerated in connection with the incident.⁵⁰⁵ The Commissioner replied that the situation of those individuals resulted from a decision that was made by the Lebanese judicial authorities according to Lebanese criminal law, while declining to comment on details of his discussions on the matter with the Prosecutor General of Lebanon, citing the need to maintain confidentiality and the fact that the matter may soon be litigated before an international tribunal.⁵⁰⁶

On 17 December 2008, in his briefing to the Council, the Commissioner reported that progress had been made in the Hariri investigation, including the identification of new information linking additional individuals with the network that carried out the assassination. The Commissioner also outlined the transition of the Commission to the Special Tribunal for Lebanon scheduled for 1 March 2009, and recommended a two-month extension of the mandate of the Commission so that it could continue to carry out its tasks until the Special Tribunal commenced functioning. He clarified that after the Tribunal began functioning, he would continue the investigation in his future role as Prosecutor. The investigation would move to its international phase, in which the Prosecutor would take the lead from the Lebanese authorities. The actual trial would commence only after the investigation was completed. While acknowledging the difficulties faced by the Commission in its investigation, the Commissioner also strongly emphasized that the case could be solved.⁵⁰⁷ The representative of Lebanon made a statement thanking the Commissioner for his efforts and acknowledging the work of the Commission.⁵⁰⁸

⁵⁰¹ S/PV.6008, pp. 3-5 and S/PV.6120, pp. 2-6.

⁵⁰² By resolution 1595 (2005) the Council, *inter alia*, established the International Independent Investigation Commission to investigate the assassination of former Prime Minister Rafiq Hariri and other attacks.

⁵⁰³ S/PV.5863, pp. 3-4.

⁵⁰⁴ *Ibid.*, pp. 5-6.

⁵⁰⁵ *Ibid.*, pp. 4-5.

⁵⁰⁶ *Ibid.*, p. 6.

⁵⁰⁷ S/PV.6047, pp. 2-4.

⁵⁰⁸ *Ibid.*, pp. 4-5.

Meetings: the situation in the Middle East

| <i>Meeting and date</i> | <i>Sub-item</i> | <i>Other documents</i> | <i>Invitations</i> | <i>Speakers</i> | <i>Decision and vote (for-against-abstaining)</i> |
|--|---|---|-----------------------------------|-----------------|---|
| UNDOF | | | | | |
| 5926th 27 June 2008 | Report of the Secretary- General on UNDOF (S/2008/390) | Draft resolution (S/2008/415) | | | Resolution 1821 (2008) 15-0-0 S/PRST/2008/25 |
| 6039th 12 December 2008 | Report of the Secretary- General on UNDOF (S/2008/737) | Draft resolution (S/2008/771) | | | Resolution 1848 (2008) 15-0-0 S/PRST/2008/46 |
| 6148th 23 June 2009 | Report of the Secretary- General on UNDOF (S/2009/295) | Draft resolution (S/2009/320) | | | Resolution 1875 (2009) 15-0-0 S/PRST/2009/18 |
| 6241st 16 December 2009 | Report of the Secretary- General on UNDOF (S/2009/597) | Draft resolution (S/2009/651) | | | Resolution 1899 (2009) 15-0-0 S/PRST/2009/34 |
| UNIFIL and resolution 1701 (2006) | | | | | |
| 5867th 15 April 2008 | Report of the Secretary- General on the implementation of Security Council resolution 1701 (2006) (S/2008/135) | | Rule 37 Lebanon | | S/PRST/2008/8 |
| 5967th 27 August 2008 | Letter dated 21 August 2008 from the Secretary- General addressed to the President of the Security Council (S/2008/568) | Draft resolution submitted by 6 Member States ^a (S/2008/583) Report of the Secretary- General on the implementation of resolution 1701 (2006) (S/2008/425) | Rule 37 Israel, Lebanon | Israel, Lebanon | Resolution 1832 (2008) 15-0-0 |

Repertoire of the Practice of the Security Council, 2008-2009

| <i>Meeting and date</i> | <i>Sub-item</i> | <i>Other documents</i> | <i>Invitations</i> | <i>Speakers</i> | <i>Decision and vote (for-against-abstaining)</i> |
|---|---|---|--|---|---|
| 6183rd 27 August 2009 | Letter dated 6 August 2009 from the Secretary- General addressed to the President of the Security Council (S/2009/407) | Draft resolution submitted by 7 Member States ^b (S/2009/431) Report of the Secretary- General on resolution 1701 (2006) (S/2009/330) | Rule 37 Belgium, Israel, Italy, Lebanon, Spain | Israel, Lebanon | Resolution 1884 (2009) 15-0-0 |
| Resolution 1559 (2004) | | | | | |
| 5888th 8 May 2008 | | | Rule 37 Lebanon Rule 39 Special Envoy of the Secretary- General for the implementation of Security Council resolution 1559 (2004) | Special Envoy of the Secretary- General for the implementation of Security Council resolution 1559 (2004) | |
| 5896th 22 May 2008 | | | Rule 37 Lebanon | | S/PRST/2008/17 |
| 6008th 30 October 2008 | Eighth semi- annual report of the Secretary- General on the implementation of Security Council resolution 1559 (2004) (S/2008/654) | | Rule 37 Lebanon Rule 39 Special Envoy for the implementation of Security Council resolution 1559 (2004) | Special Envoy for the implementation of Security Council resolution 1559 (2004) | |

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

| <i>Meeting and date</i> | <i>Sub-item</i> | <i>Other documents</i> | <i>Invitations</i> | <i>Speakers</i> | <i>Decision and vote (for-against-abstaining)</i> |
|-------------------------------|---|--|--|---|---|
| 6120th 7 May 2009 | Ninth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004) (S/2009/218) | | Rule 37 Lebanon Rule 39 Special Envoy for the implementation of Security Council resolution 1559 (2004) | Special Envoy for the implementation of Security Council resolution 1559 (2004) | |
| Resolution 1595 (2005) | | | | | |
| 5863rd 8 April 2008 | Letter dated 28 March 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/10) | | Rule 37 Lebanon Rule 39 Commissioner of the International Independent Investigation Commission | 1 Council member (Russian Federation), all invitees ^c | |
| 5901st 2 June 2008 | Letter dated 16 May 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/334) | Draft resolution submitted by France (S/2008/349) Tenth report of the International Independent Investigation Commission (S/2008/210) | Rule 37 Lebanon | | Resolution 1815 (2008) 15-0-0 |
| 6047th 17 December 2008 | Letter dated 2 December 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/752) | Letter from the representative of Lebanon concerning the extension of the mandate of the Commission (S/2008/764) | Rule 37 Lebanon Rule 39 Commissioner of the International Independent Investigation Commission | All invitees | |

| <i>Meeting and date</i> | <i>Sub-item</i> | <i>Other documents</i> | <i>Invitations</i> | <i>Speakers</i> | <i>Decision and vote (for-against-abstaining)</i> |
|-------------------------------|--|---|--|-----------------|---|
| 6048th 17 December 2008 | Letter dated 2 December 2008 from the Secretary- General addressed to the President of the Security Council (S/2008/752) | Draft resolution submitted by France (S/2008/792) Letter from the representative of Lebanon concerning the extension of the mandate of the Commission (S/2008/764) | Rule 37 Lebanon Rule 39 Commissioner of the International Independent Investigation Commission | | Resolution 1852 (2008) 15-0-0 |

^a Belgium, Croatia, France, Italy, United Kingdom and United States.

^b Belgium, Croatia, France, Italy, Spain, United Kingdom and United States.

^c The Commissioner of the International Independent Investigation Commission made a second statement.

28. The situation in the Middle East, including the Palestinian question

Overview

During the period under review, the Security Council held 33 meetings in connection with the situation in the Middle East, including the Palestinian question, adopting two resolutions and one presidential statement. In 2008, discussions focused mainly on the deteriorating situation in the Gaza Strip. In December 2008 and January 2009, the Council held a series of meetings in response to a major Israeli military operation against Hamas in the Gaza Strip, which resulted in heavy civilian casualties, and adopted a resolution in response to the situation. For the most part, in 2009, the Council focused its efforts on responding to the ongoing situation in Gaza. The Council also continued to discuss developments in the West Bank and in Lebanon.

22 January 2008: briefing and discussion regarding the situation in the Gaza Strip

On 22 January 2008, in his briefing to the Council, the Under-Secretary-General for Political Affairs reported that the situation in the Gaza Strip had deteriorated since 15 January 2008, when the Israel Defense Forces entered Gaza and were engaged by Hamas militants in a heavy battle. In the fighting that followed, rockets and mortar attacks were launched at Israel by militants. As a result, 11 Israelis were injured,

and one Ecuadorian national was killed by a sniper attack. A total of 42 Palestinians were killed and 117 injured by the Israel Defense Forces in ground incursions and air strikes. The Under-Secretary-General stated that while the violence had de-escalated in the past few days, the situation remained extremely fragile. He also recalled that the Gaza crossings had remained largely closed since the Hamas takeover in June 2007, except for imports to meet minimal humanitarian needs.⁵⁰⁹

The Permanent Observer of Palestine condemned the military assaults by Israeli forces and the continuing siege of the Gaza Strip, emphasizing the severe humanitarian consequences, and called on the Council to take immediate measures to address the crisis.⁵¹⁰ The representative of Israel pointed out the continuous rocket attacks directed at Israel from Gaza, and citing its inherent right under Article 51 of the Charter to protect and defend its people, asserted that continuing to choose Hamas would only lead to continued suffering for both Israelis and Palestinians.⁵¹¹ The representative of the United States stated that Hamas was responsible for the current

⁵⁰⁹ S/PV.5824, pp. 3-4.

⁵¹⁰ Ibid., pp. 5-8.

⁵¹¹ Ibid., pp. 8-9.