was put to the vote and adopted unanimously as resolution 1276 (1999), which reads:

The Security Council,

Having considered the report of the Secretary-General of 15 November 1999 on the United Nations Disengagement Observer Force,

Decides:

(*a*) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;

(*b*) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 2000;

(*c*) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, in connection with the resolution adopted, the President made the following statement on behalf of the Council:[93]

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 10: "Despite the present quiet in the Israeli-Syrian sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

[93] S/PRST/1999/33.

31. The situation in the occupied Arab territories

Deliberations of 15 April 1996 (3652nd meeting)

By a letter dated 10 April 1996 addressed to the President of the Security Council, the representative of the United Arab Emirates requested the Council to meet to consider the serious situation in the Occupied Palestinian Territory, including Jerusalem.[1]

At its 3652nd meeting, held on 15 April 1996 in response to that request, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of the Council, invited the representatives of Algeria, Colombia, Cuba, the Islamic Republic of Iran, Israel, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Pakistan, Saudi Arabia, Senegal, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yemen, and the Permanent Observer of Palestine, at their request, to participate in the discussion without the right to vote. The President also invited the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Permanent Observer of the Organization of the Islamic Conference under rule 39 of its provisional rules of procedure.

The President then drew the attention of the Council to a letter dated 2 April 1996 from the Permanent Observer of Palestine addressed to the Secretary-General.[2] In his letter, the representative informed the Council that Israel had been taking very harsh measures against the Palestinian people in the occupied Palestinian territory, including Jerusalem. The measures included the demolition of homes, the confiscation of land and expansion of settlements and severe restrictions on the movement of persons and good within the Palestinian territory, as well as into and out of the territory.

The representative of Palestine stated that the Palestinian people in the occupied Palestinian territory, including Jerusalem, had been enduring a very difficult time due to a set of policies adopted by Israel in several fields. Speaking on the first field, he elaborated on the points in the above letter. He stressed that it was clear that the policy represented "a siege of the Palestinian territory and the strangulation of the Palestinian people and their economy". In addition, the measures had been taken by Israel unilaterally, without consultation with the Palestinian side, and they were illegally imposed by military means. The second field involved a set of Israeli measures with multiple aspects, which began with the resumption by the occupying Power of the practice of demolishing Palestinian homes and its threats to revert to deportation, and included political assassinations and

[1] S/1996/257.

[2] S/1996/235.

the continued confiscation of Palestinian land. The third field concerned the non-compliance of Israel with some relevant provisions of the agreements reached between the Israeli and Palestinian sides, including the failure of Israel to implement the redeployment of its forces from the city of Hebron. He condemned all the policies and measures on the basis that some of them violated the provisions of the Fourth Geneva Convention as well as agreements reached between the Government of Israel and the Palestine Liberation Organization, and constituted a violation of the spirit of peace. He stated that his delegation had hoped that the Council would express an official position concerning the issue discussed; nevertheless, the convening of the official meeting today was a clear indication of the serious concern of the international community with regard to the existing situation and the negative impact it had on the peace process.[3]

The representative of Israel stated that during February and March, terrorists from the West Bank and Gaza had perpetrated four separate suicide bombings within Israel and, as a direct result, the Government of Israel had imposed a closure of Israel to residents of the West Bank and the Gaza Strip. He noted that the rationale behind the closure was to restore a sense of security to the Israeli people by preventing armed terrorists from infiltrating Israel. He stressed that the closure was not a form of collective punishment against the Palestinian population but was a measure enacted solely to ensure security. Stating that Israel was aware of the toll that the closure had taken on the residents of the West Bank and Gaza, he explained that the Government of Israel had undertaken measures to gradually ease the closure. He noted that following the elections in the Palestinian Authority, it was the belief of Israel that it was the responsibility of the Authority to root out terrorists. He also noted that the terrorists were supported by several foreign Governments. Finally, he maintained that Israel would continue to work towards enhancing the peace process and towards implementing the agreement which had been reached with the Palestinians.[4]

The representative of China maintained that the national interests of the Palestinian people needed to be respected and safeguarded, and expressed the hope that the Government of Israel, on the basis of the overall interests of peace in the Middle East, would lift the closure as soon as possible. Noting that terrorism was a threat to international peace and security, he stated that in opposing terrorist acts as in dealing with other international problems, it was necessary to observe the norms of international relations and international law and not to violate the sovereignty, security or fundamental interests of other countries.[5]

The representative of the United States expressed regret that the discussion of closure of the West Bank and the Gaza Strip by Israel was taking place, as such a discussion could not help the peace process. He stated that the Council needed to be focusing their efforts on seeking ways to combat those who would destroy the peace process and prevent Arabs and Israelis from achieving further progress. He stressed that the United States regretted the economic hardship and suffering of Palestinians caused by the recent Hamas terrorist attacks and the measures Israel had taken to deal with the threat, and called on the international community to do all it could to alleviate those economic hardships. He maintained that the sole objective of the Council needed to be to aid and support efforts to restore momentum to the process of implementation of the agreements.[6]

The representative of the Russian Federation expressed alarm at the situation which prevailed in the autonomous Palestinian territory as a result of actions by the Israeli authorities. He stated that the dangerous turn of events threatened the further development of the peace process. He noted that experience indicated that the problems in the way of a peace settlement could not be resolved through unilateral actions which affected the most sensitive aspects of the Arab-Israeli conflict. He also stressed that the Russian Federation condemned acts of terrorism perpetrated in Israel by extremist groups.[7]

The representative of France stated that his country understood the anguish of the Israeli authorities and their firm determination to ensure the safety of the population and to reassure it after the trauma of recent months. However, it was essential that the scope and duration of the measures taken did not

[3] S/PV.3652, pp. 2-6.
[4] Ibid., pp. 6-7.
[5] Ibid., p. 11.
[6] Ibid., pp. 11-12.
[7] Ibid., pp. 12-13.

penalize the Palestinians to such an extent that their confidence in rapprochement and peace might be shattered for some time to come. He also noted that some of the measures imposed by the Government of Israel disregarded the spirit and at times the letter of the Interim Agreement of 28 September 1995. The representative reiterated the conviction of France that a just and lasting peace guaranteeing the security of Israel and the sovereignty of Lebanon needed to involve the implementation of resolution 425 (1978) and that in the interim all acts of violence and retaliation needed to cease.[8]

The representative of the United Kingdom stated his country's agreement with the representative of Israel that the origin of the current setback to the situation in the West Bank and Gaza lay in the attacks carried out by Hamas terrorists in Jerusalem. He noted that the United Kingdom had always recognized and supported the right to and need for security of Israel, which had been recognized by the Council in resolution 242 (1967). While Israel had the right to protect itself, he maintained that security and economic stability in Gaza and the West Bank were two sides of the same coin. He welcomed the measures which the Government of Israel had taken, and expressed hope that those could be further amplified, particularly in respect of permitting workers to enter Israel and of easing the export and transit of goods.[9]

The representative of Italy, on behalf of the European Union and associated countries[10] stated that in condemning the terrorist acts in Israel, the European Union acknowledged the need to assure the safety of the Israeli population and to prevent further terrorist acts. The European Union also recognized the hardship imposed on the Palestinian population as a result of the closure by Israel, for security reasons, of all land and sea borders with Gaza and the West Bank. The closure of the borders, which needed to be completely ended, was threatening the interdependent work of the reconstruction assistance and causing suffering through lack of food supplies to the Palestinian population. The European Union called on Israel to allow humanitarian assistance and materials for the internationally financed reconstruction programmes to go through and to cease the imposition of collective punishment.[11]

The representative of Lebanon reiterated that Israeli forces had been engaging in collective punishment against Palestinian inhabitants inside the occupied Palestinian territories and were also continuing to blockade the entire Lebanese coast and to bombard coastal roads. He stressed that such policies were in flagrant violation of human rights, international law and the Charter of the United Nations.[12]

The Permanent Observer of the Organization of the Islamic Conference (OIC) stated that, while OIC wanted to continue to encourage and support the peace process, that could not be accomplished without a visible change of attitudes and practices. OIC wanted to see the implementation of United Nations resolutions, particularly resolutions 242 (1967), 338 (1973) and 425 (1978), and the withdrawal of Israel from all the Palestinian and Arab territories, including Al-Quds al-Sharif, the occupied Lebanese territories and the occupied Syrian Golan, and an immediate halt to the Israeli military actions in Lebanon.[13]

A number of speakers made statements which, while condemning terrorism, stated that the Israeli measures constituted a collective punishment. They called on the Council to bring pressure to bear on the Government of Israel and on the Israelis to immediately end the measures and to abide by the commitments it had made. Several speakers noted that the measures violated the Fourth Geneva Convention and the agreements between Israel and the Palestinians.[14] A number of speakers also called on Israel to cease its military actions in Lebanon.[15] In

[8] Ibid., p. 13.

[9] Ibid., pp. 14-15.

[10] Ibid., pp. 16-17 (Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia).

[11] Ibid., p. 16.

[12] Ibid., pp. 22-23.

[13] S/PV.3652 (Resumption 1), pp. 4-6.

[14] S/PV.3652, pp. 7-9 (Egypt); pp. 9-10 (Botswana); pp. 15-16 (Honduras); pp. 17-18 (Indonesia); and pp. 21-22 (Kuwait); S/PV.3652 (Resumption 1): pp. 2-3 (Malaysia); p. 3 (Syrian Arab Republic); pp. 3-4 (Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); pp. 6-7 (Saudi Arabia); p. 7 (Turkey); pp. 7-8 (Jordan); pp. 9-10 (Libyan Arab Jamahiriya); pp. 10-11 (Tunisia); pp. 12-13 (Colombia); pp. 13-14 (Cuba); pp. 14-16 (Pakistan); p. 16 (Algeria); pp. 16-17 (Yemen); and pp. 19-20 (Senegal).

[15] S/PV.3652, pp. 19-20.

addition, the United Arab Emirates asked the Council to call on the Government of Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons in a way that was in consonance with the peace process.

Other speakers expressed grave concern at the situation and, while condemning terrorism, stressed that the socio-economic problems resulting from the Israeli measures needed to be resolved as soon as possible. They called on both parties to implement the international commitments they had entered into.[16]

Decision of 28 September 1996 (3698th meeting): resolution 1073 (1996)

By a letter dated 26 September 1996 addressed to the President of the Security Council,[17] the representative of Saudi Arabia, in his capacity as Chairman of the Arab Group, conveyed the position of the Group with regard to the action taken by the Government of Israel in opening an entrance to the tunnel extending under the Western Wall of the Al-Aqsa Mosque in occupied East Jerusalem; and to the shooting by Israeli Army forces of civilian Palestinian demonstrations protesting against that action, resulting in hundreds of dead and wounded. The Arab Group strongly condemned the Israeli action as a flagrant violation of the Fourth Geneva Convention and of the relevant Security Council resolutions and as being incompatible with the agreements concluded by the Palestine Liberation Organization and the Government of Israel. He requested the Council to meet its responsibilities with regard to the maintenance of peace and security by convening an immediate meeting and taking the necessary measures, including the closing of the tunnel, to address the situation and put an end to the Israeli violations.

By a letter dated 26 September 1996 addressed to the President of the Council,[18] the representative of Egypt supported that request and called for the immediate convening of the Council.

At its 3698th meeting, held on 27 and 28 September 1996 in response to the requests contained in the above-mentioned letters, the Security Council included the letters in its agenda. Following the adoption of the agenda, the President (Guinea-Bissau), with the consent of the Council, invited the representatives of Algeria, Canada, Djibouti, Ireland, Israel, Japan, Kuwait, Lebanon, Malaysia, Morocco, Norway, Pakistan, Senegal, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The President also invited the Head of the Observer Delegation of Palestine to participate in the debate in accordance with the provisional rules of procedure and with previous practice in that regard.

The President then drew the attention of the Council to the following documents: letters dated 23, 24, 25 and 26 September 1996 from the Permanent Observer of Palestine addressed to the Secretary-General;[19] a letter dated 26 September 1996 from the representative of Israel addressed to the Secretary-General;[20] and a letter dated 26 September 1996 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General.[21]

The representative of Palestine stated that for the previous three days, the Palestinian people in the occupied Palestinian territories had been assaulted by the Israeli army and police forces. He suggested that it seemed that the developments had been planned in advance with the aim of undermining the achievements of the political process. Following the declaration of its political programmes, the Government of Israel had taken many provocative actions, including the resumption of settlement activities and the building of thousands of housing units, and had confiscated more Palestinian land. It had also closed down a number of educational and cultural institutions, and had isolated the city of Jerusalem from other Palestinian territories and restricted housing development in Arab neighbourhoods. He stated that the political programme of the Government of Israel was based on a number of negative positions, including no return to

[16] Ibid., pp. 10-11 (Republic of Korea); pp. 13-14 (Germany); pp. 16-17 (Poland); p. 17 (Guinea-Bissau); pp. 18-19 (Chile); and pp. 23-24 (Norway); S/PV.3652 (Resumption 1): pp. 17-18 (Morocco).

[17] S/1996/790.

[18] S/1996/792.

[19] Letters regarding the deteriorating situation in the occupied Palestinian territories (S/1996/772, S/1996/779, S/1996/786 and S/1996/791).

[20] Letter offering an explanation for the restoration of the Western Wall tunnel, which neither traversed nor affected the Al-Aqsa Mosque (S/1996/793).

[21] Letter expressing concern over the escalation of violence (S/1996/795).

the 4 June 1967 border; no withdrawal from the Syrian Golan; no discussion of Jerusalem; and no establishment of an independent Palestinian State. As a result of that political programme, as soon as Israel had announced the opening of the tunnel in Jerusalem, the spark of conflagration had been touched off. He also reiterated and emphasized the commitment of the Palestinian Authority to the underpinning of the peace process, which called for the withdrawal of Israel from all occupied territories, including Jerusalem, under the resolution adopted by the Council and in keeping with the principle that rejected the acquisition by force of the territories of others.[22]

The representative of Israel stated that, while the official reason for convening the meeting of the Security Council was the opening of the Western Wall tunnel, that was merely a pretence. The Western Wall tunnel was a 2,500-year-old tunnel which, in ancient times, had been used as a water system. He emphasized that the tunnel held no political or religious significance whatsoever and that it did not run beneath the Temple Mount, nor did it in any way affect the Al-Aqsa Mosque or its foundations. The sole intention in opening the exit of the tunnel was to provide greater comfort and safety to the many local visitors, tourists and pilgrims who came to the Holy City to marvel at its wonders. He also noted that the supreme Muslim religious authority in Jerusalem, the Waqf, had been informed in advance of the intention to open the tunnel to tourists and visitors. He stressed that the President of the Palestinian Authority needed to exert the authority vested in him to exercise his restraining influence and issue clear and unequivocal instructions to his forces, which were subject to his authority, and to the residents of the autonomous areas to refrain from violence lest there be any further deterioration. Regarding the closure of the autonomous areas, he noted that Israel had taken steps to ease the closure and also to assist and ease the economic hardship in the autonomous areas. He reiterated that the place for resolving differences was the negotiating table, and, for that, order, stability and security needed to be restored.[23]

The representative of Egypt stated that his delegation condemned the changes made by Israel in Jerusalem, as well as its incitation action and the challenges it had issued. He underscored that the matter went beyond the recent events, as what his country saw was Israel moving away from the basic points that had been agreed. He reiterated the decision of the Cairo summit that the peace option was a strategic Arab option, which would require a serious commitment by Israel. He argued that Arab countries would not accept a threat to peace or a threat to the legitimate national rights of the Palestinians. He stressed that the Council needed to assume its obligations and responsibilities in maintaining peace and security, and send a strong message to the Government of Israel that policies of violence against civilians, of provoking religious sentiment, of relinquishing contractual obligations and of political prevarication would not lead to a positive outcome.[24]

The representative of the United Kingdom stated that urgent action was needed to deal both with the immediate problem and with the underlying deterioration in the peace process. He suggested that what was required was, first, a moratorium on the opening up of the tunnel to tourism; second, a meeting between the two leaders at which agreement could be reached on immediate steps to cease the fighting; third, the earliest possible engagement to bring about the implementation of outstanding issues under the Interim Agreement; and fourth, an agreement to an international commission to work out ways of dealing with the sensitive questions that arose in Jerusalem on archaeological matters.[25]

The representative of France noted that his country had been warning the Israeli authorities about growing frustrations in the Palestinian territories, and had insisted on the urgency of concrete measures that would allow for an improvement in the daily lives of the Palestinians. He commented that the opening of a tunnel was less serious than many of the measures taken, which had directly affected the lives of Palestinians, but the latest step, taken in a highly symbolic place, showed, if not deliberate provocation, then at least a serious psychological error. He stated that France was concerned that an important provision of the agreements concluded between the Palestinian Authority and the Government of Israel had been

[22] S/PV.3698, pp. 2-5.
[23] Ibid., pp. 6-7.
[24] Ibid., pp. 8-9.
[25] Ibid., pp. 9-10.

deliberately violated, and noted the fact that the Israeli Army had entered parts of Zone A, which was under Palestinian control, contrary to the letter and spirit of the Taba Agreement.[26]

The representative of the Russian Federation stated that it would appear that the situation was a direct result not only of reckless activity in respect of the delicate issue of religious sentiment, but also of the fact that over the past four months the peace process in the Middle East had come to a virtual standstill and that Israel had even begun to draw back from agreements it had entered into. He strongly urged all the interested parties to show maximum restraint and to avoid action that might lead to a further deterioration of the situation.[27]

The representative of the United States stressed that the focus needed to be on how to stop the violence, in order to restore the peace process. He stated that the first objective was to restore calm, and that the second objective was to accelerate the negotiating process, which was the way to resolve key outstanding issues for implementation of the Interim Agreement. He stressed that tangible results needed to be seen, and that to be effective, both sides needed to reach out to each other as real partners. Noting that the United States was working intensively with both sides, he stated that the Council needed to focus on how to help, how to restore calm, how to encourage the peace process and how to make and consolidate real gains.[28]

A number of speakers called on both parties to do everything possible to calm the situation and resume dialogue in the framework of respect for existing agreements and for the beliefs of the populations concerned.[29] Other speakers condemned the opening of the tunnel and called on Israel to close the tunnel and return it to its initial state before the crisis. Those speakers further called for the cessation of all acts detrimental to the safety and well-being of the Palestinian people, and for negotiations to resume on the basis of previous agreements.[30]

During the course of the debate, the meeting was suspended at 1:04 p.m. and resumed at 5 p.m. It was then suspended at 9:40 p.m. on 27 September 1996 and resumed at 9:35 p.m., on 28 September 1996. Following the second resumption, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.[31] The draft resolution was put to the vote and adopted by 14 votes to none, with one abstention (United States), as resolution 1073 (1996),[32] which reads:

The Security Council,

Having considered the letter dated 26 September 1996 from the representative of Saudi Arabia, on behalf of the States members of the Group of Arab States, which referred to the action by the Government of Israel to open an entrance to a tunnel in the vicinity of Al Aqsa Mosque and its consequent results,

Expressing its deep concern about the tragic events in Jerusalem and the areas of Nablus, Ramallah, Bethlehem and the Gaza Strip, which resulted in a high number of deaths and injuries among the Palestinian civilians, and concerned also about the clashes between the Israeli army and the Palestinian police and the casualties on both sides,

Recalling its resolutions on Jerusalem and other relevant Security Council resolutions,

Having discussed the situation at its formal meeting on 27 September 1996, with the participation of Ministers for Foreign Affairs of a number of countries,

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[26] Ibid., pp. 10-11.

[27] Ibid., pp. 11-12.

[28] S/PV.3698 (Resumption 1) and Corr.1, p. 4.

[29] Ibid., pp. 13-14 (Chile); pp. 14-15 (Germany); and p. 15 (Poland); S/PV.3698 (Resumption 1): pp. 2-3 (Italy); pp. 3-4 (China); pp. 4-5 (Republic of Korea); pp. 5-6 (Botswana); pp. 6-7 (Guinea-Bissau); pp. 10-11 (Senegal); pp. 13-14 (Canada); pp. 23-24 (Argentina); pp. 25-26 (Turkey); p. 26 (Norway); pp. 26-27 (Japan); pp. 28-29 (Ireland); pp. 37-38 (India); p. 38 (Costa Rica); and pp. 38-39 (Brazil).

[30] S/PV.3698, pp. 12-13 (Indonesia) and pp. 15-16 (Honduras); S/PV.3698 (Resumption 1): pp. 7-8 (Algeria); pp. 8-9 (Kuwait); pp. 9-10 (Malaysia); pp. 11-13 (Tunisia); p. 14 (Yemen); pp. 15-16 (Jordan); pp. 16-17 (Syrian Arab Republic); pp. 17-18 (Morocco); pp. 18-19 (Libyan Arab Jamahiriya); p. 20 (Sudan); p. 21 (Oman); pp. 21-22 (Bahrain); pp. 22-23 (Islamic Republic of Iran); p. 24 (United Arab Emirates); p. 24 (Mauritania); pp. 27-28 (Pakistan); pp. 29-30 (Saudi Arabia); p. 31 (Djibouti); pp. 32-33 (Lebanon); pp. 33-34 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); pp. 34-35 (Organization of the Islamic Conference); and pp. 36-37 (Cuba).

[31] S/1996/803.

[32] For the vote, see S/PV.3698 (Resumption 2), p. 2.

Concerned about the difficulties facing the Middle East peace process and the deterioration of the situation, including its impact on the living conditions of the Palestinian people, and urging the parties to fulfil their obligations, including the agreements already reached,

Concerned about developments at the Holy Places of Jerusalem,

1. *Calls* for the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation and which have negative implications for the Middle East peace process;

2. *Calls* for the safety and protection of Palestinian civilians to be ensured;

3. *Calls* for the immediate resumption of negotiations within the Middle East peace process on its agreed basis and the timely implementation of the agreements reached;

4. *Decides* to follow closely the situation and to remain seized of the matter.

Decision of 7 March 1997 (3747th meeting): rejection of a draft resolution

At the 3745th meeting of the Security Council, held on 5 March 1997 at the request of Egypt under rule 2 of the provisional rules of procedure, the President (Poland), with the consent of the Council, invited the representatives of Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Brazil, Canada, Colombia, Cuba, Indonesia, the Islamic Republic of Iran, Israel, Jordan, Kuwait, Lebanon, Malaysia, Malta, Morocco, the Netherlands, Norway, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President also invited the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Permanent Observer of the Organization of the Islamic Conference to participate, under rule 39 of the provisional rules of procedure.

The President then drew the attention of the Council to the following documents regarding, inter alia, the plans for a new settlement in East Jerusalem: letters dated 21 and 25 February 1997, respectively, from the Permanent Observer of Palestine addressed to the President;[33] a letter dated 27 February 1997 from the Permanent Observer of Palestine addressed to the President;[34] a letter dated 28 February 1997 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the President;[35] a letter dated 3 March 1997 from the representative of Qatar addressed to the President;[36] a letter dated 3 March 1997 from the representative of Israel addressed to the Secretary-General;[37] a letter dated 28 February 1997 from the representative of the Netherlands addressed to the Secretary-General;[38] and identical letters dated 3 March 1997 from the representative of Indonesia addressed to the Secretary-General and to the President of the Security Council.[39]

The representative of Palestine informed the Council that the Government of Israel had decided to build a new settlement in the area of Jabal Abu Ghneim in the occupied Palestinian territories. That area was situated within the territory that Israel had annexed and considered part of the extended municipal boundaries of the city of Jerusalem. He maintained that the decision was illegal and in blatant violation of international humanitarian law and the relevant Council resolutions. Moreover, the decision would isolate areas of Arab Jerusalem from the southern part of the West Bank in pursuit of a long-standing Israeli plan to build settlements around those Arab neighbourhoods and completely isolate them from the rest of the West Bank, thus creating new facts on the ground. He stated that that Israeli measure followed a series of others regarding Jerusalem that constituted a clear policy aimed at the “Judaization” of the city of Jerusalem and at changing its legal status and its demographic composition. All of those actions represented flagrant violations of several Council resolutions on the question of Jerusalem. He stressed that the relevant resolutions, including resolutions 252 (1968), 271 (1969), 478 (1980) and 672 (1990), clearly affirmed that any actions or measures taken by Israel to alter the legal status and the demographic composition

[33] S/1997/149 and S/1997/157.

[34] S/1997/165.

[35] S/1997/172.

[36] S/1997/175.

[37] S/1997/177.

[38] Letter transmitting the text of the statement by the Presidency on behalf of the European Union on the decision of the Government of Israel to approve construction plans for Har Homa/Jabal Abu Ghneim (S/1997/181).

[39] S/1997/182.

of the city were null and void and had no legal validity. The international community had categorically rejected the positions of Israel on Jerusalem and had always affirmed that East Jerusalem was part of the territories occupied since 1967. Furthermore, it had never recognized Israeli sovereignty over West Jerusalem. He called on Israel to cease construction on the settlement in Jabal Abu Ghneim and cease all settlement activities and confiscation of land, as well as any action that would change the facts on the ground. He also called on the Council to take the necessary action by adopting a clear resolution in order to guarantee respect for its relevant resolutions and for international law and to save the peace process.[40]

The representative of Israel noted that Jerusalem had been the capital of the State of Israel since its rebirth in 1948 and the seat of Jewish Government since King David established it as the centre of Jewish national life some 3,000 years ago. He stated that Jerusalem, like any other modern city, had specific needs, such as development and modernization, and that municipal services needed to be extended to all its citizens. On 26 February 1997, the Government of Israel had unanimously approved construction in Har Homa and in 10 predominantly Arab neighbourhoods throughout Jerusalem. The project was an essential part of a comprehensive municipal plan to construct new housing units for the city's Jewish and Arab residents in a ratio comparable to that of the Jewish and Arab populations of the city. The purpose of the project was to alleviate the shortage of housing for both Jewish and Arab residents of Jerusalem. He noted that it was regrettable that some speakers had failed to differentiate between the issue of Jerusalem and its neighbourhoods and the issue of settlements in the West Bank and the Gaza Strip, and reiterated that both of those issues were to be negotiated separately within the context of the permanent status negotiations. He expressed regret that the Council saw fit to discuss issues of contention between Israel and the Palestinians, as the very appeal by the Palestine Liberation Organization (PLO) to the Council was inconsistent with its explicit agreement to settle all issues under dispute through negotiations. He noted that in agreeing that the issue of Jerusalem was to be part of the permanent status negotiations, the parties had recognized Jerusalem as a separate issue which did not constitute a part of the agreed arrangement for redeployment and transfer of authorities in the West Bank and the Gaza Strip. He stressed that the status of the city remained unchanged so long as no decision to the contrary was taken in the permanent status negotiations. Therefore, the approval of building plans within Jerusalem, or the implementation of any construction work did not constitute a change in the status of Jerusalem, nor did it create a situation which could adversely affect or influence the permanent status negotiations. In any event, the existing agreements did not accord the Palestinians any standing with regard to any actions taken in Jerusalem, and Israel was under no obligation to coordinate such actions or consult with them.[41]

Several speakers stressed that the building of new settlements in East Jerusalem posed a danger to the peace process and was a violation of international law and the agreements with the Palestinian Authority. East Jerusalem was part of the territories occupied in 1967, which meant that it was governed by the Hague Rules of 1907 and the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which made it necessary for the occupying Power not to undertake any change in the lands. Many speakers noted that the Council had adopted several resolutions calling on Israel to respect its obligations as an occupying Power, including 252 (1968), 271 (1969), 476 (1980) and 672 (1990). Resolution 478 (1980) also specifically stated that all legislative and administrative measures which altered, or purported to alter, the character and status of Jerusalem were null and void. Several speakers stressed that the decision also ran counter to the letter and the spirit of the Declaration of Principles on the Interim Self-Government Arrangements as well as the Interim Agreement on the West Bank and the Gaza Strip, among others. They called on the Government of Israel to cancel its decision to build settlements at Jabal Abu Ghneim and to adopt measures to accelerate the peace process as a whole.[42]

[40] S/PV.3745, pp. 2-5.

[41] Ibid., pp. 5-7.

[42] Ibid., pp. 7-8 (Egypt); p. 12 (Sweden); pp. 12-13 (Republic of Korea); pp. 13-14 (Chile); pp. 17-18 (Guinea-Bissau); pp. 19-20 (Poland); pp. 20-21 (Norway); pp. 21-22 (Lebanon); pp. 23-24 (Yemen); and pp. 24-25 (Senegal); S/PV.3745 (Resumption 1): pp. 2-3 (Algeria); pp. 3-4 (United Arab Emirates); pp. 4-5

Other speakers expressed concern about any threats to the ongoing negotiations and urged the parties to exercise restraint and to continue to negotiate on all outstanding issues, including the permanent status of Jerusalem.[43]

The representative of France expressed the view that the decision by the Government of Israel to authorize the establishment of a new settlement at Jabal Abu Ghneim was not a step in the right direction and ran counter to international law and to guarantees that had been given. The parties had agreed to negotiate the status of Jerusalem in the context of the peace process, and negotiations could not accommodate unilateral decisions or decisions which prejudged the outcome of the discussions or altered the status quo. Until the parties came to an agreement, East Jerusalem remained subject to the principles set out in resolution 242 (1967).[44]

The representative of the United Kingdom reiterated his delegation's position on settlements, which was that all Israeli settlements in occupied territory were illegal under Article 49 of the Fourth Geneva Convention, including those in East Jerusalem, and that settlement activity damaged the peace process. He suggested that if the Government of Israel showed signs that it was willing to change its hard-line stance, the United Kingdom would be willing to consider a delay to any reaction by the Council.[45]

The representative of China stated that the move was bound to place serious obstacles in the way of the Palestinian-Israeli peace process and urged Israel to call off its plan to build the settlements. He stated that the question of Jerusalem needed to be settled by the parties concerned through negotiations on the basis of the relevant United Nations resolutions.[46]

The representative of the Russian Federation stated that the steps taken by Israel ran counter to the Palestinian-Israeli agreement and that such unilateral actions, designed to change the demographic composition of East Jerusalem in favour of the Israeli population, perpetuated the policy of fait accompli with respect to Jerusalem and obviated a negotiated search for compromise on the problem of Jerusalem. He expressed hope that the Government of Israel would ponder all the consequences of the decision and reconsider it.[47]

The representative of the United States stated that the announced decision of the Government of Israel on the proposed Har Homa settlement in East Jerusalem did not accord with the progress the parties had achieved to date. The United States was concerned by the decision announced by the Government of Israel. He underscored that his Government knew the sensitivity of the issue of Jerusalem, and that it was precisely because mutual confidence was needed to deal with the permanent status questions that his country would have preferred the decision not have been taken. He stressed that all parties needed to do everything possible to foster a supportive environment for permanent status negotiations, and be especially sensitive to any actual or implied interference in those negotiations. He stressed that such interference could only provoke mistrust and harden the positions of both sides, and that the Council had a special responsibility in that regard.[48]

At its 3747th meeting, held on 7 March 1997 in accordance with the understanding reached in its prior consultations and in accordance with the decisions taken at the 3745th meeting, the President (Poland) invited the representative of Israel and the Permanent Observer of Palestine, and the representatives of Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Brazil, Canada, Colombia, Cuba, Indonesia, the Islamic Republic of Iran, Jordan, Kuwait, Lebanon,

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(Tunisia); pp. 5-6 (Kuwait); pp. 6-7 (Indonesia); pp. 7-10 (Syrian Arab Republic); pp. 10-11 (Saudi Arabia); pp. 11-12 (Jordan); p. 13 (Bangladesh); pp. 13-14 (Islamic Republic of Iran); pp. 14-16 (Afghanistan); pp. 16-17 (Malaysia); pp. 17-18 (Bahrain); pp. 18-19 (Pakistan); pp. 19-20 (Netherlands on behalf of the European Union and associated countries: Bulgaria, Cyprus, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia); pp. 20-21 (Oman); and pp. 21-22 (Canada); S/PV.3745 (Resumption 2): pp. 2-3 (Morocco); pp. 3-4 (Cuba); p. 4 (Sudan); pp. 4-6 (Qatar); p. 6 (Argentina); pp. 7-8 (Organization of the Islamic Conference); pp. 8-9 (Colombia); pp. 9-10 (Philippines); and p. 10 (Malta).

[43] S/PV.3745, pp. 15-16 (Japan); p. 16 (Kenya); pp. 16-17 (Costa Rica); and p. 21 (Turkey); and S/PV.3745 (Resumption 2): pp. 6-7 (Brazil).

[44] S/PV.3745, pp. 8-9.

[45] Ibid., pp. 9-10.

[46] Ibid., p. 11.

[47] Ibid., pp. 11-12.

[48] Ibid., p. 19.

Malaysia, Malta, Morocco, the Netherlands, Norway, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Portugal, Sweden and the United Kingdom.[49]

The representative of Costa Rica stated that his delegation had lent its support to the draft text submitted by the countries of the European Union, on the understanding that the text's contents would accurately reflect what had been expressed in the formal debate. His delegation had felt that in that regard there had been no inconsistencies between the European text and what had been stated by the members of the Council, and that the substance of the consensus could be expressed accurately and with a single voice by the Council. The important point would have been to preserve the unity of that message in the content of the text, whether it was a resolution or a presidential statement. He stated that unfortunately the negotiation process had taken a different path and that the necessary consensus had not been reached. However, faced with a "de facto situation" that they truly did not want and that in their opinion was not the ideal one, the Government of Costa Rica had decided to vote with the majority in support of the draft resolution.[50]

The representative of Egypt stated that the draft resolution faithfully reflected the sentiments of grave concern over the expansion of Israeli settlement activity and the recent decision by the Government of Israel on Jabal Abu Ghneim, expressed by many delegations in the previous Council meetings. Second, the feelings conveyed were overwhelmingly opposed to the Israeli position and underlined the fundamental international principle of the inadmissibility of the acquisition of land by force and reiterated the position that the settlement activity was in contravention of the legal commitments entered into by Israel with the Palestinian Authority.[51]

At the same meeting, the draft resolution was put to the vote. Under the preambular part of the draft resolution, the Council would, inter alia, have confirmed that all legislative and administrative measures and actions taken by Israel which purported to alter the status of Jerusalem, including expropriation of land and properties thereon, were invalid and could not change its status. Under the operative part of the resolution, the Council would have called on Israel to refrain from acts that altered the facts on the ground, and to abide by the Fourth Geneva Convention; and would have called on both parties to continue negotiations. The resolution received 14 votes in favour and 1 against (United States) and was not adopted, owing to the negative vote of a permanent member of the Council.[52]

The representative of the United States stated that the decision of the Government of Israel ran counter to the progress and achievement of the parties to date, and that the United States did not believe that such activity was helpful to the peace process and wished the decision had not been made. He stressed that the Israeli action undermined the trust and confidence so badly needed in creating the appropriate environment for successful negotiations. Achieving a just, lasting and comprehensive peace in the Middle East would require an honest negotiating process, one in which the parties did nothing to pre-empt, prejudge or predetermine talks over any of the issues the parties themselves had decided would be addressed in permanent status negotiations. Unfortunately, the draft resolution would not have helped that process. He noted that the United States had never believed, despite the useful role the Council could play and had played in working for Middle East peace, that it was an appropriate forum for debating the issues under negotiation between the parties. Furthermore, the draft resolution made sweeping statements concerning the legal status of Israeli settlements, which the parties themselves had agreed was to be treated as a permanent-status issue in the talks that were about to resume. He suggested that the Council needed to reiterate its support for the achievements of the partners to date and respect their commitment to working together towards their common goal without the interference of outside parties. As the resolution would not move them

[49] S/1997/199.

[50] S/PV.3747, pp. 2-3.

[51] Ibid., p. 3.

[52] For the vote, see S/PV.3747, p. 4.

towards that goal, the United States had been obliged to vote against it.[53]

The representative of Palestine maintained that the central importance of Jerusalem and the grave danger posed by the Israeli decision required the Palestinians and Arabs to insist that the Council adopt a clear draft resolution on the question. However, despite the moderation and flexible timing of the text and his delegation's response to and accommodation of certain requirements, the Council had been unable to assume its responsibilities for the maintenance of international peace and security or to adopt the draft resolution. He expressed the belief that this would complicate the peace process and would not help advance it. He also expressed the belief that the Council remained responsible for international peace and security, including in the Middle East region, and that the United Nations would have an ongoing responsibility regarding the question of Palestine until it was resolved in all its aspects.[54]

The representative of Israel expressed the hope that, as the Council had decided not to take any action regarding the decision of the Government of Israel to begin construction in Har Homa and in 10 predominantly Arab neighbourhoods throughout Jerusalem, the sponsors of the draft resolution would recognize that the Council was not the appropriate forum for discussions of outstanding issues between Israel and the Palestinians. He reiterated that the adoption of unbalanced positions by outside parties could only damage the process.[55]

Decision of 21 March 1997 (3756th meeting): rejection of a draft resolution

By a letter dated 19 March 1997 addressed to the President of the Security Council,[56] the representative of Qatar, in his capacity as Chairman of the Arab Group for the month of March 1997 and on behalf of the members of the League of Arab States, requested that an immediate meeting of the Council be convened to consider the commencement by Israel, "the occupying Power", of the construction of a new settlement in the Jabal Abu Ghneim area to the south of occupied East Jerusalem as well as Israeli settlement activities in general in the rest of the occupied territories.

At its 3756th meeting, held on 21 March 1997 in response to that request, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representatives of Israel and Qatar, at their request, to participate in the discussion without the right to vote. The President also invited the Permanent Observer of Palestine to participate in the current debate in accordance with the rules of procedure and with previous practice in that regard. The President then drew the attention of the Council to a draft resolution submitted by Egypt and Qatar.[57] The President also drew the attention of the Council to a letter dated 18 March 1997 from the Permanent Observer of Palestine addressed to the Secretary-General.[58]

The representative of Egypt stated that the draft resolution prepared by all the Arab States and sponsored by Egypt and Qatar called on Israel to cease using settlements as an instrument for imposing a fait accompli, which had been rejected in both form and substance. The decision to begin building settlements needed to be overturned because it ran counter to the norms of international law and to the obligations as an occupying Power, in accordance with the Fourth Geneva Convention, as well as to relevant United Nations resolutions. He stated that the silence of the Council and its failure to take up its duties would send an erroneous message likely to encourage the current Government of Israel to continue to violate international law and to disdain its contractual obligations.[59]

The representative of Costa Rica reaffirmed all the reasons that had led Costa Rica to vote, on 7 March, in favour of the previous draft resolution on the subject of the building of settlements in East Jerusalem. He reiterated that the decision by the Government of Israel ran counter to international law and did serious damage to the desire for peace and faithful compliance with the Oslo agreements. However, Costa Rica had insistently maintained that

[53] S/PV.3747, pp. 4-5.
[54] Ibid., pp. 5-6.
[55] Ibid., p. 6.
[56] S/1997/235.
[57] S/1997/241.
[58] Letter informing the Secretary-General that Israel had begun work on the construction of a new settlement in the Jabal Abu Ghneim area to the south of East Jerusalem (S/1997/233).
[59] S/PV.3756, pp. 2-3.

there needed to be unity in the Council, whether it was expressed as a resolution or as a presidential statement, in order for the message to reach the Middle East clearly and unequivocally. Unfortunately, for the second time, the Council found itself lacking the necessary conditions of unity. As a result, he informed the Council that he had received instructions from his Government to abstain in the voting on the draft resolution.[60]

The representative of the United States noted that, while his Government shared the concerns expressed in the Council and the General Assembly about the decision of the Government of Israel to begin construction at the site, his delegation disagreed on the best method of addressing the situation and favoured moving beyond the current controversy in a way that would support the Middle East peace process. The United States did not believe that the Council or the General Assembly should be in the business of inserting themselves into issues that the negotiating partners had decided would be addressed in their permanent status talks, as such interference could only harden the positions of both sides and make their work even more difficult.[61]

A number of speakers expressed their concern at the situation and calling on the Government of Israel to cease the settlement activities. They also condemned terrorism and the bombing attack that had occurred that day.[62]

At the same meeting, the draft resolution was put to the vote. By the draft resolution, the Council would, inter alia, have demanded that Israel immediately cease construction of the Jabal Abu Ghneim settlement in East Jerusalem, as well as all other Israeli settlement activities in the occupied territories. The draft resolution received 13 votes in favour and 1 against (United States), with 1 abstention (Costa Rica) and was not adopted, owing to the negative vote of a permanent member of the Council.[63]

Speaking after the vote, the Permanent Observer of Palestine stated that it was difficult to accept that the veto had been cast to protect the peace process. It was also difficult to accept that the bilateral negotiations were the only solution, at a time when one of the two parties was imposing new facts on the ground. The reality was that the veto had been cast to shield Israel from the will of the international community and to exempt Israel from the provisions of international law and of the Charter of the United Nations. Using the veto as a matter of "principle", regardless of the text of the draft resolution submitted, seemed to elevate to an official position the suspension of the functions and powers of the Council with regard to Israel and the situation in the Middle East. He expressed the belief that the use of the veto had seriously violated the provisions of the Charter and was definitely not in the interests of the Council and its credibility, or in the interests of the peace process and its continuity. The existence of bilateral agreements between the parties on the nature of the interim stage, as well as the postponement of negotiations on important second-stage issues, did not negate the provisions of international law or those of resolutions of the Council.[64]

The representative of Israel noted that on a day when three Israeli women had been murdered by Palestinian terrorists and many more wounded, 13 members of the Security Council had "raised their hands in support of a one-sided draft resolution which single[d] out Israel". He maintained that the Palestinians had been engaged in a concerted effort to bring international pressure to bear against Israel and to avoid addressing the outstanding issues through a mechanism established as part of the current peace process. However, the Palestinian attempts to politicize those issues and to generate international pressure could only damage the trust between the parties, be counterproductive and raise doubts over Palestinian readiness to negotiate in good faith. He stressed that the Palestinians had also committed violations of the agreements, but that whenever such violations had occurred, Israel had raised the issue directly with the Palestinians. He noted that the Palestinians had undertaken to complete the process of revising the Palestinian charter, to fight terrorism, to prevent violence and to conduct Palestinian Council activities in areas of Palestinian jurisdiction, although not in Jerusalem. However, the Palestinian side had failed to demonstrate its intention or will to comply with any of

[60] Ibid., pp. 3-4.

[61] Ibid., pp. 5-6.

[62] Ibid., p. 4 (Japan); pp. 4-5 (China); p. 6 (France); pp. 6-7 (Russian Federation); p. 7 (Portugal); and p. 7 (Sweden).

[63] For the vote, see S/PV.3756, p. 6.

[64] S/PV.3756, pp. 7-9.

its commitments. He reiterated that the permanent status negotiations would resume that month and he expressed hope that the Palestinians would not "rush to the United Nations if obstacles arose".[65]

The representative of Egypt again intervened to emphasize that he could not accept the statement that bringing to the Council a matter relating to the maintenance of international peace and security in the Middle East would be a blatant misuse of the Council.[66]

Decision of 13 July 1998 (3904th meeting): statement by the President

By a letter dated 23 June 1998 addressed to the President of the Security Council,[67] the representative of the Sudan referred to the decision of the Government of Israel to expand the boundaries of the municipality of Jerusalem and to create "a municipal umbrella" that would include a number of Jewish settlements on the West Bank, which was in the context of annexing more occupied Palestinian territory and ensuring a greater Jewish majority in the demographic composition of occupied Jerusalem. He requested the convening of an urgent formal meeting of the Council to consider the matter and take the necessary concrete measures to oblige Israel to rescind the above-mentioned decision and to prevent it from continuing its repeated violations of resolutions of the Council and international law.

At its 3900th meeting, held on 30 June 1998 in response to that request, the Council included the letter in its agenda. Following the adoption of the agenda, the President (Portugal), with the consent of the Council, invited the representatives of Algeria, Bangladesh, Colombia, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Norway, Oman, Peru, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President then invited the Permanent Observer of Palestine to participate in the debate in accordance with the rules of procedure and previous practice in that regard. He also invited the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Permanent Observer for the League of Arab States and the Permanent Observer for the Organization of the Islamic Conference under rule 39 of the provisional rules of procedure.

At the same meeting, the President drew the attention of the Council to letters dated 8, 15, 18 and 22 June 1998, respectively, from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General, regarding, inter alia, the plan of the Prime Minister of Israel to expand the border of Jerusalem and extend the municipal authority over some Jewish settlements in the West Bank.[68] The President also drew the attention of the Council to a letter dated 26 June from the representative of the Sudan addressed to the President of the Council.[69]

The Permanent Observer of Palestine stated that the Israeli plan would expand the municipal boundaries of the city and establish an "umbrella authority" to include a number of illegal settlements in the West Bank, which represented a concrete step towards the illegal annexation of more occupied Palestinian lands to the already illegally expanded Jerusalem municipality, in order to maintain a specific demographic composition with the aim of furthering the process of the "Judaization" of the city. He reiterated that the plan constituted a flagrant violation of international law, the Fourth Geneva Convention, several resolutions of the Council, and those of the tenth emergency special session of the General Assembly. He expressed hope that the Council would have the sufficient will to undertake the necessary measures to guarantee the rescinding of the plan and to prevent Israel from undertaking any further illegal actions in Jerusalem and the rest of the occupied territories, beginning with the adoption of the draft resolution sponsored by the Arab Group in that regard. It was ridiculous to claim that the Palestinian Authority complaining to the Council violated the existing agreements. He also stressed that the claim that the consideration by the Council of the Israeli violations

[65] Ibid., pp. 9-10.

[66] Ibid., p. 10.

[67] S/1998/558.

[68] S/1998/481, S/1998/511, S/1998/535 and S/1998/557.

[69] Letter transmitting a statement issued 25 June 1998 by the Council of the League of Arab States concerning the decision of the Government of Israel to expand the municipal borders of Jerusalem (S/1998/579).

would harm the peace process was unreasonable and unacceptable.[70]

The representative of Israel recalled that fifty years ago when the Jewish quarter of the Old City of Jerusalem had surrendered, its Jewish inhabitants had been expelled and that free access of the Jewish people to their holy places, particularly the Western Wall, had been denied. Yet during all those years, from 1948 until 1967, the Council had not met once to consider the denial of Israeli rights or Jewish rights in Jerusalem. He also noted that the Jewish majority in Jerusalem was not a present-day demographic development, but had already been restored by the middle of the nineteenth century, in 1864, when Jerusalem was under the rule of the Ottoman Empire. He stressed that besides safeguarding the access of all faiths to the holy sites, Israel had carefully sought to ensure the development of Jerusalem for all its peoples and that preserving Jerusalem required planning. He underlined that the actions of Israel to preserve and protect Jerusalem were fully in accordance with the Interim Agreement between Israel and the Palestine Liberation Organization, which provided that Jerusalem remained under exclusive Israeli jurisdiction while remaining an issue for permanent status negotiations. It was for that reason that the Palestinian Authority undertook in the 1997 Note for the Record to close all of its offices in Jerusalem. He also argued that, if a decision was taken to shift the municipal boundary of Jerusalem, the Government of Israel had stated that it would strictly apply to areas westward of Jerusalem that were within the pre-1967 lines. He noted that a similar adjustment of the western municipal border of Jerusalem occurred in May 1993 without being the subject of a debate at the United Nations. He stressed that this was an internal Israeli matter on the municipal-administrative level rather than on the international level, as the "umbrella municipality" was nothing more than a coordination mechanism between Jerusalem and surrounding communities and did not entail a shift in municipal boundaries or the extension of municipal authority over any Israeli settlements. Finally, he reiterated that Israel had a long list of Palestinian Authority violations in the West Bank and around Jerusalem, but that Israel brought its complaints directly to the negotiating table and not to the United Nations.[71]

The representative of the United States expressed regret at the announcement by the Government of Israel that it intended to create an "umbrella municipality" and to broaden the jurisdiction and planning boundaries of Jerusalem. The United States viewed the decision of Israel as unhelpful at the delicate stage of negotiations. He reiterated that all parties needed to refrain from any unilateral action which could prejudge the outcome of the permanent status negotiations. In that connection, he welcomed the statement by the Government of Israel that there would be no change in the political status of Jerusalem pending the outcome of the permanent status negotiations. He reiterated that the Council could not and should not interject itself into issues that the parties themselves had decided would be dealt with in face-to-face negotiations, but the Council could continue to offer the parties its unqualified support and encouragement.[72]

The representative of the United Kingdom spoke on behalf of the European Union and associated and aligned countries.[73] He stated that the European Union was concerned at the endorsement by the Government of Israel of plans to extend the municipal authority of Jerusalem in a way which would alter the demographic balance in the Jerusalem area and tended to pre-empt the final status of occupied land. That concern had been heightened by statements, attributed by the media to senior Israeli spokesmen, that the new arrangements were "a basic change in Jerusalem's status". The European Union reaffirmed the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, including Jerusalem, and to the other Arab territories occupied by Israel since 1967. The Government of Israel, by initiating, encouraging and endorsing settlement activity in the occupied territories, was in violation of that Convention. The European Union believed that the final status of Jerusalem needed to be determined in final status talks.[74]

[70] S/PV.3900, pp. 2-5.

[71] Ibid., pp. 5-7.

[72] Ibid., pp. 11-12.

[73] Ibid., p. 12 (Czech Republic, Hungary, Lithuania, Poland, and Slovakia; and Cyprus, Iceland and Liechtenstein).

[74] Ibid., p. 12.

The representative of France stated that inasmuch as the new structure would include West Bank settlements close to Jerusalem, it would clearly alter the status quo, which would run counter to the spirit and letter of the agreements signed between the parties, be a breach of the Fourth Geneva Convention and disregard the decisions of the Council. He therefore appealed to the Israeli authorities to renounce that approach.[75]

Several speakers stressed that the final, permanent status of Jerusalem needed to be determined and agreed in the manner established by the parties to the peace process, and appealed for compliance with the substance of the agreements and for the parties to fulfil all their obligations without reservations and conditions.[76]

Other speakers criticized the recent endorsement by the Government of Israel of plans to extend the municipal authority of Jerusalem in a way that would alter the status quo of the city and prejudge the outcome of the final status negotiations. They maintained that the decision constituted a violation of numerous resolutions of the Council and General Assembly and contravened the terms of reference of the peace process and the spirit of the Oslo accords. They expressed concern that the move would negatively affect the peace process, and called on Israel to reconsider the decision and to honour its commitments under the Geneva Convention and under the bilateral agreements it had signed.[77]

At its 3904th meeting, held on 13 July 1998, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representative of Israel and the Permanent Observer of Palestine to participate in the discussion without the right to vote, in accordance with the decisions taken at the 3900th meeting. The President then made the following statement on behalf of the Council:[78]

> The Security Council has considered the letters dated 18 and 22 June 1998, as well as the letters dated 8, 9 and 15 June 1998, from the Permanent Observer of Palestine to the United Nations, and the letter dated 23 June 1998 from the Permanent Representative of the Sudan to the United Nations on behalf of the States members of the League of Arab States relating to the issue of Jerusalem.
>
> The Council recognizes the importance and sensitivity of the issue of Jerusalem to all parties and expresses its support for the decision of the Palestine Liberation Organization and the Government of Israel, in accordance with the Declaration of Principles of 13 September 1993, that the permanent status negotiations shall cover the issue of Jerusalem. The Council therefore calls upon the parties to avoid actions which might prejudice the outcome of these negotiations.
>
> In the context of its previous relevant resolutions, the Council considers the decision by the Government of Israel on 21 June 1998 to take steps to broaden the jurisdiction and planning boundaries of Jerusalem a serious and damaging development. The Council therefore calls upon the Government of Israel not to proceed with that decision and also not to take any other steps which would prejudice the outcome of the permanent status negotiations. Further, the Council calls upon Israel to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949.
>
> The Council supports the efforts of the United States aimed at breaking the stalemate in the peace process, calls upon the parties to respond positively to these efforts, notes that the Palestinian side has already given agreement in principle to the proposals of the United States of America, and expresses the hope that the permanent status negotiations can resume and progress can be made towards the achievement of a just, lasting and comprehensive peace based on Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.
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> The Council will keep Israeli actions under review.

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[75] Ibid., pp. 15-16.

[76] Ibid., pp. 9-10 (Costa Rica); pp. 10-11 (Brazil); p. 11 (China); pp. 12-13 (Japan); and p. 14 (Gambia).

[77] Ibid., pp. 14-15 (Kenya); pp. 16-17 (Slovenia); pp. 17-18 (Sweden); p. 18 (Portugal); pp. 18-19 (Sudan); pp. 20-21 (United Arab Emirates); pp. 21-22 (Algeria); pp. 23-24 (Morocco); p. 24 (Norway); pp. 24-25 (Qatar); and pp. 25-26 (Egypt); S/PV.3900 (Resumption): pp. 2-3 (Syrian Arab Republic); pp. 4-5 (Yemen); pp. 5-6 (Lebanon); pp. 7-8 (Senegal); pp. 9-10 (Jordan); pp. 10-11 (Tunisia); pp. 11-12 (Bangladesh); pp. 12-13 (Saudi Arabia); p. 14 (Iraq); pp. 15-16 (Kuwait): pp. 16-17 (Oman); pp. 17-18 (Mauritania); pp. 18-19 (Indonesia); pp. 18-19 (Malaysia); pp. 20-21 (Islamic Republic of Iran); p. 21 (Colombia); pp. 22-23 (Cuba); pp. 23-24 (League of Arab States); pp. 24-25 (Organization of the Islamic Conference); and pp. 25-26 (Peru).

[78] S/PRST/1998/21.