

The situation in the Middle East, including the Palestinian Question

Decision of 7 October 2000 (4205th meeting): resolution 1322 (2000)

By letters dated 2 October 2000 to the President of the Security Council, the representative of Iraq, in his capacity as Chairman of the Arab Group and on behalf of the members of the League of Arab States,¹ and the representative of Malaysia, in his capacity as Chairman of the Islamic Group and on behalf of the Non-Aligned Movement (NAM),² requested an urgent meeting of the Council to discuss the Israeli aggression against al-Haram al-Sharif in occupied Jerusalem and subsequent wave of Israeli attacks against Palestinian civilians in the occupied Palestinian territories, including Jerusalem. Similarly, in a letter of the same date, the representative of South Africa, in his capacity as Chair of the NAM Coordinating Bureau, also requested an urgent meeting of the Council to respond to the critical situation in occupied East Jerusalem, other parts of the occupied Palestinian territory and parts of Israel.³

By a letter dated 2 October 2000 to the President of the Council, the Permanent Observer of Palestine called for an immediate meeting of the Council to consider the Israeli aggression against al-Haram al-Sharif committed on 28 September 2000 and the continuing use of excessive lethal force against Palestinian civilians. He stated that this constituted a grave breach of the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and called for Council action in fulfillment of its primary responsibility for the maintenance of international peace and security.⁴

At its 4204th meeting, held on 3, 4 and 5 October 2000 in response to the requests contained in the above letters, the Council included the above letters in its agenda.⁵ During the meeting, the President (Namibia) drew the attention of the Council to a letter dated 29 September 2000 from the Permanent Observer of Palestine, in which was reported that the “provocative” visit to al-Haram al-Sharif, the third holiest site of Islam, by the leader of Israel’s Likud party,

¹ S/2000/928.

² S/2000/929 and S/2000/935, respectively.

³ S/2000/934.

⁴ S/2000/930.

⁵ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information, see chapter XI, part III, section B – Discussion relating to Article 41, case 8.

Ariel Sharon, had aggravated existing tensions, resulting in serious clashes between Palestinian civilians and Israeli security forces, and proving detrimental to the ongoing Middle East peace process. The letter asked the Council to condemn the acts of violence by the Israeli security forces and compel those forces to withdraw from al-Haram al-Sharif and from the rest of East Jerusalem as well as from other Palestinian cities.⁶

At the same meeting, statements were made by all Council members and Algeria, Bahrain, Cuba, Egypt, India, Indonesia, Iraq, Islamic Republic of Iran, Israel, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malta, Mauritania, Morocco, Nepal, Oman, Pakistan, Qatar, Saudi Arabia, South Africa, Spain, the Sudan, Syrian Arab Republic, Turkey, United Arab Emirates, Viet Nam, Yemen, as well as the Permanent Observer of Palestine, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and the Permanent Observers for the League of Arab States, the Organization of the Islamic Conference (OIC), and the Permanent Observer of the Organization of African Unity (OAU).

The representative of Palestine stated that the “provocative” visit of Ariel Sharon had led to massive protests by Palestinian civilians as well as by Arabs in Israel, which had been severely repressed by Israeli security forces, perhaps in order to force the Palestinian leadership to accept Israel’s demands regarding the peace process. He stressed that the Security Council had a very specific responsibility to put an immediate end to Israel’s brutal campaign and to the occupying Power’s violation of international law, including the Fourth Geneva Convention and relevant Security Council resolutions, as well as of the commitments undertaken in the peace accords.⁷

The representative of Israel commented that the escalation of hostilities had been initiated by the Palestinians through a series of earlier incidents. He added that during Ariel Sharon’s visit live fire emanated from the crowds and Israeli security only returned fire when absolutely necessary. Overall, he said that responsibility for the escalation of violence rested with the Palestinian Authority, as Palestinian security forces had violated agreements with Israel regarding the use of weapons.⁸

During the debate, speakers unanimously affirmed their support for the peace process, recognized that violence was weakening the process and called on the parties to exercise

⁶ S/2000/921.

⁷ S/PV.4204, pp. 3-4.

⁸ Ibid., pp. 5-6.

restraint. They expressed their hope that a meeting scheduled in the next few days between Palestinian Chairman Yasser Arafat and Israeli Prime Minister Ehud Barak in Paris and Sharm el-Sheikh would produce positive results.

Most speakers regretted the use of force against the Palestinians and reminded Israel of its obligation to respect the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. However, a large number of speakers openly denounced Israel's violation of international humanitarian law,⁹ and underscored that the use of force against the Palestinians had been excessive and disproportionate.¹⁰ A majority of speakers also considered Ariel Sharon's visit a provocation, undermining the peace process, and many condemned it.¹¹

Many speakers also called for the implementation of all Council resolutions on the Israeli/Palestinian conflict, in particular resolutions 242 (1967) and 338 (1973) regarding the withdrawal of Israeli occupation from all Arab Territory, and reaffirmed their support for the inalienable rights of the Palestinian people.¹²

Several speakers called for the establishment of an international commission or appropriate inquiry to establish facts of the events and determine responsibility.¹³ The

⁹ S/PV.4204, p. 7 (France); p. 10 (Malaysia); p. 15 (Tunisia); and p. 16 (Namibia). S/PV.4204 (Resumption 1), p. 5 (Pakistan); p. 6 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 8 (Kuwait); p. 9 (Qatar); p. 11 (Bahrain); p. 13 (Syrian Arab Republic); p. 15 (Islamic Republic of Iran); p.16 (Saudi Arabia); p. 17 (Cuba); p. 18 (Yemen); p. 19 (Iraq); p. 20 (Mauritania); and p. 22 (League of Arab States). S/PV.4204 (Resumption 2), p. 3 (Libyan Arab Jamahiriya); p. 4 (Sudan); p. 6 (Oman); p. 7 (United Arab Emirates); p. 10 (Lebanon); and p. 14 (Malta).

¹⁰ S/PV.4204, p. 7 (France); p. 8 (Bangladesh); p. 9 (the Netherlands); p. 10 (Malaysia); p. 11 (Russian Federation and Ukraine); p. 12 (Argentina); p. 13 (Jamaica); p. 14 (China); p. 15 (Canada and Tunisia); p. 16 (Namibia), and p. 19 (South Africa). S/PV.4204 (Resumption 1), p. 3 (Algeria); p. 5 (Pakistan); p. 6 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 8 (Kuwait); p. 10 (Bahrain); p. 11 (Syrian Arab Republic); p. 15 (Islamic Republic of Iran); p. 17 (Cuba); p. 21 (League of Arab States); and p. 22 (Turkey). S/PV.4204 (Resumption 2); p. 4 (Indonesia); p. 9 (Morocco); p. 11 (Nepal and Viet Nam), p. 12 (OAU); and p. 13 (Spain).

¹¹ S/PV.4204, p. 7 (France); p. 9 (the Netherlands); p. 10 (Malaysia); p. 11 (Russian Federation); p. 14 (China); p. 15 (Tunisia); p. 16 (Namibia); p. 17 (Egypt); and p. 19 (South Africa). S/PV.4204 (Resumption 1), p. 3 (Algeria); p. 4 (Pakistan); p. 5 (Jordan); p. 6 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 8 (Kuwait); p. 9 (Qatar); p. 10 (Bahrain); p. 11 (Syrian Arab Republic); p. 20 (Mauritania); p. 14 (Islamic Republic of Iran); p. 16 (Saudi Arabia); p. 17 (Cuba); p. 18 (Yemen); p. 19 (Iraq); and p. 21 (League of Arab States). S/PV.4204 (Resumption 2), p. 4 (Sudan and Indonesia); p. 6 (Oman and United Arab Emirates); p. 8 (OIC); p. 9 (Morocco); p. 10 (Lebanon); and p. 13 (Spain).

¹² In General Assembly resolution 3236 (XXIX) of 22 November 1974, the inalienable rights of the Palestinian people are defined as the right to self-determination without external interference; the right to national independence and sovereignty; the right of Palestinians to return to their homes and property from which they had been displaced and uprooted.

¹³ S/PV.4204, p. 8 (European Union); p. 8 (Bangladesh); p. 16 (Tunisia); and p. 16 (Mali). S/PV.4204 (Resumption 1), p. 8 (Kuwait); p. 10 (Qatar); p. 17 (Saudi Arabia); p. 20 (Mauritania); p. 21 (Permanent Observer of for the League of Arab States); and p. 22 (Turkey). S/PV.4204 (Resumption 2), p. 7 (United Arab Emirates); p. 11 (Nepal); p. 13 (Spain); and p. 14 (Malta).

representative of the United States said that his country would chair a meeting of Israeli and Palestinian security officials for the purpose of fact-finding as soon as conditions permitted.¹⁴ The representative of Egypt called on the Council to investigate the events that had occurred.¹⁵

A number of speakers expressed their views on how the Council should respond. A few of them specifically evoked the Council's responsibility to put an end to Israeli actions and protect Palestinian civilians.¹⁶ Others emphasized that the Council should create an atmosphere conducive to the restoration of the peace process.¹⁷ Some requested a series of specific measures, including that the Council guarantee the non-entry by Israeli forces into al-Haram al-Sharif and Palestinians' freedom to carry out religious practices in al-Haram al-Sharif; condemn Ariel Sharon's provocation and Israeli actions in the Palestinian territories; hold the Israeli government accountable and call for compensation to Palestinian civilians for their losses; call on Israel to respect international humanitarian law; put pressure on Israel to engage seriously in the peace process; force Israel to withdraw from all occupied territories; call for an international investigation; reaffirm that al-Quds is part of the Palestinian territories occupied in 1967, and adopt the draft resolution circulated by NAM.¹⁸

The representative of Kuwait made a specific reference to Israeli violations against Palestinian children, which were in contradiction with Council resolution 1261 (1999) on Children and Armed Conflict.¹⁹

The representatives of Iraq and Cuba stated that the Council was one-sided on this issue and therefore it was unable to fulfill its responsibility to maintain international peace and security.²⁰

Finally, the representative of Algeria complained that Council members during previously held consultations had discussed at length whether to meet in public and whether to

¹⁴ S/PV.4204, p. 7.

¹⁵ Ibid., p. 18.

¹⁶ S/PV.4204, p. 10 (Malaysia); p. 15 (Tunisia); and p. 18 (Egypt). S/PV.4204 (Resumption 1), p. 8 (Kuwait); p. 13 (Syrian Arab Republic); p. 15 (Islamic Republic of Iran); p. 16 (Saudi Arabia); p. 18 (Yemen); and p. 21 (Permanent Observer of the League of Arab States). S/PV.4204 (Resumption 2), p. 3 (Libyan Arab Jamahiriya); p. 4 (Sudan); and p. 10 (Lebanon).

¹⁷ S/PV.4204, p. 7 (United States); p. 11 (Russian Federation); p. 15 (Canada); and pp. 15-16 (Tunisia). S/PV.4204 (Resumption 2), p. 10 (Lebanon).

¹⁸ S/PV.4204, p. 18 (Egypt). S/PV.4204 (Resumption 1), pp. 8-9 (Kuwait); p. 10 (Qatar); and pp. 13-14 (Syrian Arab Republic). S/PV.4204 (Resumption 2), p. 4 (Sudan).

¹⁹ S/PV.4204 (Resumption 1), p. 8.

²⁰ Ibid., p. 17 (Cuba) and p. 19 (Iraq).

invite non-Council members to speak. He complained that there were attempts to restrict access to the Council despite the fact that any State had the right to speak in a Council debate.²¹

Toward the end of the debate, taking the floor a second time, the representative of Israel emphasized that his country was not solely responsible for the current situation. He also strongly refuted contentions that the visit of Ariel Sharon had been part of a plot by the Israeli government to assert sovereignty over Temple Mount. He said that Temple Mount was the foremost holy place in Judaism and that the visit had been in compliance with the principles of Israeli democracy.²²

The representative of Palestine contended that recent attempts to resume the peace process through meetings between the two sides in Paris and in Sharm el-Sheikh had not led anywhere in part because Israel had refused the creation of a commission of inquiry. He added that the exercise of Israeli democracy could not be used as an excuse on occupied land. He finally deplored that Israel had not accepted responsibility in the killing of innocent civilians and that, consequently, a commission of inquiry needed to be established to reveal the truth.²³

At its 4205th meeting, on 7 October 2000, a draft resolution submitted by Bangladesh, Jamaica, Malaysia, Mali, Namibia, Tunisia and Ukraine²⁴ was put to the vote and adopted by fourteen in favour and one abstention (the United States) as resolution 1322 (2000).²⁵ In summary, by this resolution, the Council:

Deplored the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and at other Holy Places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties;

Called upon Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the 4th Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 Aug. 1949;

Called for the immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceases, that new provocative actions are avoided, and that the situation returns to normality in a way which promotes the prospects for the Middle East peace process;

²¹ S/PV.4204 (Resumption 1), p. 3. For more information on meeting rules see chapter I, part I – Meetings (rules 1-5), and chapter III, part I – Basis of invitations to participate.

²² S/PV.4204 (Resumption 2) pp. 14-15.

²³ Ibid., pp. 16-17.

²⁴ S/2000/963.

²⁵ Resolution 1322 (2000).

Stressed the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events of the last few days with the aim of preventing their repetition, and welcomed any efforts in this regard; and called for the immediate resumption of negotiations within the Middle East Peace process on its agreed basis with the aim of achieving an early final settlement between the Israeli and Palestinian sides.

Decision of 18 December 2000 (4248th meeting): rejection of a draft resolution

By a letter dated 21 November 2000, the representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the Arab Group, stated that the continuing escalation by Israeli forces of their aggression against the Gaza strip constituted collective punishment against Palestinians and threatened the stability of the region, and therefore requested an urgent meeting of the Council to consider the protection of Palestinians.²⁶

At its 4231st meeting, held on 22 November 2000²⁷ in response to this request, the Council included the above-mentioned letter in its agenda.²⁸ Statements were made by all Council members as well as by the representatives of Cuba (in his national capacity and in his capacity as Acting Chairman of the Committee of the Exercise of the Inalienable Rights of the Palestinian People), Egypt, Israel, Jordan, Libyan Arab Jamahiriya (on behalf of the Arab Group), South Africa (on behalf of NAM) and the Permanent Observer of Palestine.

The President of the Council (the Netherlands) drew attention to a letter from the Permanent Observer of Palestine dated 20 November 2000 denouncing the massive Israeli bombardments of Gaza that began on 20 November 2000, emphasizing that Palestine had been calling on the Council since 25 October 2000 to end the Israeli campaign and protect Palestinians, and deploring that the Council had not acted since the adoption of resolution 1322 (2000).²⁹

In his statement, the representative of Palestine described the serious escalation of violence by Israel, stating that these actions were in contravention of the Fourth Geneva

²⁶ S/2000/1109.

²⁷ At its 4217th and 4218th meetings respectively, both held in private on 10 November 2000, the Council members had constructive discussions with the Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian Authority Yasser Arafat, and with the representative of Israel (S/PV.4217 and S/PV.4218).

²⁸ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter XII, part II, section A – Article 24, case 18.

²⁹ S/2000/1107.

Convention as well as previous Council resolutions. He denounced Israel for continuing the policy of settlements, thereby imposing a stalemate on the peace process. Israel had also tried to back out of the Sharm el-Sheikh agreement and had impeded the work of the fact-finding committee.³⁰ He then pleaded for the establishment of a United Nations observer force to provide international protection for Palestinian civilians under occupation, regardless of Israel's approval and said that Yasser Arafat had already met with the Council and requested a force of 2,000 observers. He then welcomed a Council agreement reached on 17 November 2000 to entrust the Secretary-General with conducting consultations on this issue.³¹

The representative of Israel described a series of terrorist bombings which had killed Israeli civilians. He deplored the fact that Yasser Arafat had refused the peace proposed to him at Camp David in July 2000 and raised doubts about Palestinians' willingness to maintain their commitment to restrain terrorist elements. He also said that the international community was biased as it never expressed outrage at Palestinian violations. Finally, he emphasized that there was no need for an international force and that in calling for it, the Palestinians were merely seeking to depart from the Oslo agreement bilateral track.³²

During the meeting, a number of speakers openly deplored the violence committed by both sides,³³ and most speakers urged the parties to end the current violence and return to peace negotiations. Some particularly emphasized the need for the parties to implement the agreement reached among them at the Sharm el-Sheikh summit.³⁴ While condemning the targeting of civilians on both sides, the representative of Egypt also said that the presence of Israeli settlers on Palestinian territory and the Israeli economic blockade imposed on the Palestinians were

³⁰ For more details about the Sharm el-Sheikh Summit, which gathered Israeli Prime Minister Ehud Barak and Palestinian Authority President Yasser Arafat on 17 October 2000, and subsequent agreement, see the 17 October 2000 letter from the United States addressed to the Secretary-General (S/2000/1001) transmitting the statement the United States President made on the conclusion of the Summit. The statement summarized three objectives the leaders had agreed on: both sides will issue public statements calling for an end to the violence and take concrete measures to immediately return to the situation which existed prior to the current crisis; the United States will develop with the Israelis and Palestinians in consultation with the UN a committee of fact-finding on the recent violent events; and that the United States will consult with the parties within the next 2 weeks about how to move forward. Also, on 20 October 2000, the Israeli Foreign Minister addressed a letter to the Secretary-General (S/2000/1007) regarding Israel's compliance with the understanding reached at Sharm el-Sheikh.

³¹ S/PV.4231, pp. 2-5.

³² Ibid., pp. 5-7.

³³ Ibid., p. 8 (United States); p. 9 (Russian Federation); p. 11 (Bangladesh); p. 12 (United Kingdom); p. 15 (Argentina and Ukraine); p. 17 (Canada and the Netherlands); p. 20 (South Africa on behalf of NAM); and p. 21 (Egypt).

³⁴ S/PV.4231, p. 7 (United States); p. 10 (France, on behalf of the European Union, and Mali); p. 12 (United Kingdom and Jamaica); p. 15 (Argentina) and p. 17 (Canada).

making the situation tenser and he called upon the Council to adopt a draft resolution to be introduced by NAM.³⁵

The deliberations also focused on following up on previous Council decisions, in particular implementation of resolution 1322 (2000), which was emphasized by a few speakers.³⁶ They also unanimously brought their support to the fact-finding committee mandated in resolution 1322 (2000) and presided over by United States Senator George Mitchell, and stressed the need for its speedy start. The representative of the Libyan Arab Jamahiriya stated that the conclusions reached by the committee should be submitted to the International Criminal Court.³⁷

Virtually all speakers supported the efforts of the Secretary-General to consult with the parties and explore the proposal to deploy a United Nations observer or protection force, in particular the four priority objectives that he had defined at the Council meeting on 17 November 2000. The representative of Namibia pointed out that the establishment of an observer force was in line with Council resolution 904 (1994).³⁸ However, several speakers stressed the need for the consent of both sides.³⁹ The representative of the United States added that the parties had to work out this issue on their own and then have the Council endorse it if necessary.⁴⁰ Finally, the representative of the Netherlands insisted that the activities of the Council must not be allowed to interfere with the work of the Secretary-General and of the fact-finding commission.⁴¹

At its 4248th meeting, on 18 December 2000,⁴² statements were made by all Council members as well as Israel and the Permanent Observer of Palestine. The President of the Council (Russian Federation) began by drawing attention to a letter from the Permanent Observer of Palestine dated 18 December 2000 requesting participation in the meeting.⁴³ He then said that the

³⁵ Ibid., pp. 21-22.

³⁶ Ibid., p. 12 (Jamaica); p. 13 (Tunisia); p. 15 (Ukraine); p. 20 (South Africa on behalf of NAM); and p. 23 (Cuba, in his capacity as Acting Chairman of the Committee of the Exercise of the Inalienable Rights of the Palestinian People).

³⁷ Ibid., p. 20.

³⁸ See resolution 904 (1994), para. 3. "Calls for measures to be taken to guarantee the safety and protection of the Palestinian civilians throughout the occupied territory, including, inter alia, a temporary international or foreign presence, which was provided for in the Declaration of Principles (S/26560), within the context of the ongoing peace process".

³⁹ S/PV.4231, p. 8 (United States); p. 12 (United Kingdom); p. 16 (Malaysia) and p. 17 (Canada).

⁴⁰ Ibid., p. 8.

⁴¹ Ibid., pp. 17-18.

⁴² At its 4233rd and 4234th meetings respectively, both held in private on 27 November 2000, the Council members had constructive discussions with the Ministerial Committee of the Organization of the Islamic Conference, and with the representative of Israel (S/PV.4233 and S/PV.4234).

⁴³ S/2000/1206.

Council had before it the text of a draft resolution submitted by Bangladesh, Jamaica, Malaysia, Mali, Namibia and Tunisia.⁴⁴

At the outset, the representative of Israel expressed satisfaction at the recent renewal of contacts between Israel and the Palestinians, and their upcoming meeting in Washington, D.C. He then called the draft resolution a blatant attempt to abuse the goodwill of the international community and obscure the strategic choice made by the Palestinians. He stressed this resolution would send a message to the Palestinians that there was no need to negotiate with Israel. He added that a protection force was unnecessary because the Palestinian Authority had the means to protect its civilians, and he strongly urged Council members not to support the draft.⁴⁵

The representative of Namibia, on behalf of the NAM, pointed to the urgent need to establish a protection force for Palestinians because of the continued violence. He believed that Council action was not subject to peace negotiations, and that a United Nations force would in fact be beneficial to the peace process. Finally, he said that the NAM caucus had had useful exchanges with France and the United Kingdom during negotiations on the draft.⁴⁶ Most of these points were echoed by the sponsors of the draft resolution with the representatives of China and the Ukraine also giving their support. The representative of the Ukraine, however, recognized that the deployment of such a force would be impossible without the cooperation of Israel.⁴⁷

Other members argued that the draft was ill-timed, in the light of the ongoing efforts of the Secretary-General to have both parties accept the force and of the resumption of bilateral negotiations.⁴⁸ The representative of the Netherlands, in particular, expressed disappointment that the Council was being forced to vote on this draft at that time.⁴⁹ The representative of the United Kingdom said that his country remained ready to engage on a proposal that could find consensus,⁵⁰ but the representative of the United States stressed that his country would have cast a veto if the draft had had a chance of passing.⁵¹

⁴⁴ S/2000/1171.

⁴⁵ S/PV.4248, pp. 2-4 .

⁴⁶ Ibid., p. 5.

⁴⁷ Ibid., pp. 6-7 (Malaysia); pp. 7-8 (China); p. 8 (Ukraine); p. 8 (Mali); and pp. 9-10 (Jamaica).

⁴⁸ S/PV.4248, p. 6 (France); p. 7 (the Netherlands); pp. 8-9 (Argentina); p. 10 (United Kingdom); pp. 10-11 (Canada); p. 11 (United States); and p. 11 (Russian Federation).

⁴⁹ Ibid., p. 7.

⁵⁰ Ibid., p. 10.

⁵¹ Ibid., p. 11.

The representative of Palestine deplored that the Council had been unable to protect Palestinian civilians. He pointed out that although the sponsors of the draft resolution had been flexible and agreed to make changes in the draft to gather a consensus, the position of Council members did not change. Therefore, he had asked the sponsors to submit the draft resolution to a vote regardless of the result of the voting, in order to show the Council its responsibilities. He added that Israel's approval should never be a precondition for the Council's assumption of its responsibilities.⁵²

The draft was put to the vote and received 8 votes in favour (Bangladesh, China, Jamaica, Malaysia, Mali, Namibia, Tunisia and Ukraine) and 7 abstentions (Argentina, Canada, France, the Netherlands, the Russian Federation, the United Kingdom and the United States), and was not adopted due to the failure to obtain the required number of votes. In it, the Council would have expressed its determination to establish a United Nations force of military and police observers in the occupied Palestinian territories, with the aim of contributing to implementation of the Sharm el-Sheikh agreement, the cessation of violence and enhancing security for Palestinian civilians; and requesting the Secretary-General to consult both sides on its modalities of deployment and report to the Council before 8 January 2001.

Decision of 27 March 2001 (4305th meeting): rejection of a draft resolution

By a letter dated 13 March 2001, the representative of the United Arab Emirates, on behalf of the Arab Group, requested a Security Council meeting to examine the situation in the occupied Palestinian territories following the escalation of Israel's repressive tactics against the Palestinians, and to consider the establishment of a United Nations protection force.⁵³

At its 4295th meeting,⁵⁴ held on 15 and on 19 March 2001 in response to the above request, the Council included the above letter in its agenda.⁵⁵ Statements were made by all

⁵² Ibid., pp. 12-13.

⁵³ S/2001/216.

⁵⁴ At its 4292nd and 4293rd meetings respectively, both held in private on 14 March 2001, Council members had constructive discussions with the Permanent Observer of Palestine following a request made on 14 March in a letter to the Council (S/2001/222) and with the Deputy Prime Minister and Minister of Foreign Affairs of Israel (S/PV.4292 and S/PV.4293).

Council members and by the representatives of Algeria, Bahrain, Cuba, Egypt, Indonesia, Iraq, Islamic Republic of Iran, Israel, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, New Zealand, Pakistan, Qatar, Saudi Arabia, South Africa (on behalf of NAM), Sudan, Syrian Arab Republic, Sweden (on behalf of the European Union), the United Arab Emirates, Yemen, the Permanent Observer of Palestine, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Permanent Observer of the Organization of the Islamic Conference, and the Deputy Permanent Observer of the League of Arab States.⁵⁶

The President of the Council (Ukraine) drew attention to two letters from the Permanent Observer of Palestine refuting Israel's allegations that the Palestinian Authority was violating commitments made in 1993 to renounce terrorism, denouncing the deteriorating situation, and calling for a Council meeting.⁵⁷ The President also drew attention to a letter from the representative of Malaysia on behalf of the Islamic Group at the United Nations urging the Council to set up a force to protect Palestinian civilians.⁵⁸

In his statement, the representative of Palestine deplored the increasing Israeli campaign against the Palestinians in violation of resolution 1322 (2000) including, *inter alia*, the excessive use of force; deliberate killings of civilians in violation of international humanitarian law; destruction of the Palestinian economy; restrictions in the movement of persons and goods; collective punishment; and the non-transfer of taxes collected for the Palestinian Authority. He also stressed that the confiscation of territory and the building of settlements had continued even after the start of the peace process. He insisted that the Council had a responsibility to stop violence and save the peace process. He mentioned that the latest round of peace talks at Taba between the two sides had achieved reasonable progress, and regretted that the new Israeli government was now reluctant to negotiate from the point reached then, and he expressed alarm at Israel's preference for the negotiation of interim arrangements, as opposed to focusing on a final settlement.⁵⁹

⁵⁵ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information, see chapter IV, part IV, section B - Voluntary abstention, non-participation or absence in relation to Article 27, paragraph 3, case 3.

⁵⁶ The representative of Belgium was also invited to participate but did not take the floor.

⁵⁷ The letters (S/2001/209 and S/2001/226) were dated 9 March and 12 March 2001, respectively.

⁵⁸ The letter (S/2001/231) was dated 14 March 2001.

⁵⁹ S/PV.4295, pp. 3-6.

The representative of Israel again rejected the proposal for a United Nations protection force, contending that the presence of United Nations observers would create an incentive for the Palestinians to continue the violence. He noted that his country's repressive policies were in response to terrorism and that only a concerted effort to control Palestinian violence would enable Israel to work again to improve the quality of their mutual coexistence. Finally, he emphasized that the Council should not intervene but should rather support the parties in their quest for peace.⁶⁰

A majority of speakers strongly rejected Israel's policies and called on Israel to immediately put an end to them.⁶¹ Almost all speakers demanded the end of the economic blockade against the Palestinian people, and a few specifically requested the international community to provide humanitarian and economic assistance to the Palestinians.⁶²

Speakers unanimously recognized that the renewed violence was jeopardizing the peace process and that its resumption was crucial although the representative of Algeria pointed out that the peace process appeared unlikely to resume any time soon.⁶³ Some specifically urged both parties to put an end to hostilities.⁶⁴ Other speakers encouraged the Secretary-General to continue supporting the peace process,⁶⁵ and emphasized that it was the role of the Council to think about proposals that would facilitate contacts between the parties, including confidence-building measures.⁶⁶

Most speakers called on the Council to reconsider the proposal to establish a protection force in the occupied territories which had been rejected by the Council in December 2000, and

⁶⁰ Ibid., pp. 6-9.

⁶¹ S/PV.4295, pp. 3-6 (Permanent Observer of Palestine); p. 10 (United Arab Emirates); and p. 11 (Tunisia). S/PV.4295 (Resumption 1), p. 3 (France); p. 10 (Mali); p. 17 (Egypt); p. 19 (Jordan); p. 20 (Yemen and Saudi Arabia); p. 23 (Malaysia); p. 24 (Bahrain); p. 25 (Algeria); pp. 27-28 (Libyan Arab Jamahiriya); p. 29 (Qatar); p. 32 (Sudan); p. 33 (South Africa); p. 34 (Kuwait); and p. 35 (Iraq). S/PV.4295 (Resumption 2); p. 4 (Syrian Arab Republic); p. 6 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 8 (Islamic Republic of Iran); p. 12 (Lebanon and the Permanent Observer of OIC); and p. 14 (Deputy Permanent Observer of the League of Arab States).

⁶² S/PV.4295 (Resumption 1), pp. 10-11 (Mali); p. 13 (Bangladesh); p. 14 (Jamaica); p. 26 (Japan); and p. 30 (Sweden). S/PV.4295 (Resumption 2), p. 7 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People).

⁶³ S/PV.4295 (Resumption 1), p. 25.

⁶⁴ S/PV.4295 (Resumption 1), p. 3 (France), p. 5 (China); p. 6 (United States and United Kingdom); p. 7 (Norway); p. 9 (Colombia); p. 12 (Singapore); p. 14 (Jamaica); p. 15 (Ukraine); p. 26 (Japan); p. 30 (Sweden on behalf of the European Union); and p. 33 (South Africa on behalf of NAM). S/PV.4295 (Resumption 2), p. 4 (New Zealand).

⁶⁵ S/PV.4295 (Resumption 1), p. 4 (France and China); p. 5 (United States); p. 7 (Norway); and p. 9 (Ireland).

⁶⁶ S/PV.4295 (Resumption 1), p. 4 (France); pp. 6-7 (United Kingdom); p. 7 (Norway); p. 8 (Ireland); p. 10 (Mali); and p. 11 (Mauritius).

for the adoption of a NAM draft resolution currently circulating.⁶⁷ They also argued that the death of Palestinians could have been prevented if a protection force had been established. The representative of Egypt stated in particular that Israel had escalated its brutal treatment of Palestinians since the new government took office, under the pretext of security threats. He mentioned a recent report of the Human Rights Commission on human rights violations in Palestinian territories⁶⁸ and urged the Council to consider the recommendations contained in it.⁶⁹ In the same vein, the representative of South Africa recalled a report issued in February 2001 from the United Nations Special Coordinator for the Middle East Peace Process which found that repressive measures against the Palestinians had had dramatic consequences for the economy and increased the level of poverty. Finally, three speakers stressed that Council resolutions on the protection of civilians in armed conflict needed to be implemented.⁷⁰

While almost all speakers were in favour of this proposal to establish a protection force in the occupied territories some reiterated the argument made in December that preliminary support from both Israel and the Palestinians was necessary.⁷¹ France in particular stated that this mechanism would be good to ease tensions, but could only be effective if it was part of a larger goal to reduce violence and resume negotiations.⁷² The representative of Singapore suggested that the Council could task the Secretary-General to consult with the parties to determine an implementation framework. He also suggested the Council dispatch a mission to the region in order to continue useful dialogue with the parties.⁷³

The representative of the United States insisted that the Council's role was to encourage the parties to end violence and restore confidence, especially since both sides said they wanted to resume dialogue. He stated that the establishment of a protection force was inopportune at that

⁶⁷ S/PV.4295, p. 10 (United Arab Emirates); and p. 11 (Tunisia). S/PV.4295 (Resumption 1) p. 8 (Ireland); p. 10 (Colombia and Mali); p. 11 (Mauritius); p. 12 (Singapore); p. 14 (Jamaica); p. 18 (Egypt); p. 19 (Jordan); p. 21 (Yemen); p. 22 (Saudi Arabia and Malaysia); p. 24 (Bahrain); p. 25 (Algeria); p. 28 (Libyan Arab Jamahiriya); p. 29 (Qatar); p. 32 (Sudan); p. 33 (South Africa); and p. 34 (Kuwait). S/PV.4295 (Resumption 2); p. 3 (Pakistan); p. 5 (Syrian Arab Republic); p. 7 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 9 (Islamic Republic of Iran and Cuba); p. 10 (Mauritania); p. 11 (Morocco); p. 12 (Lebanon); p. 13 (Permanent Observer of OIC); p. 14 (Deputy Permanent Observer of the League of Arab States); and p. 15 (Indonesia).

⁶⁸ The report (E/CN.4/2001/121) was dated 16 March 2001.

⁶⁹ S/PV.4295 (Resumption 1), p. 17.

⁷⁰ *Ibid.*, p. 12 (Singapore); p. 15 (Jamaica); and p. 24 (Bahrain).

⁷¹ *Ibid.*, p. 3 (Russian Federation); p. 4 (France and China); p. 5 (United States); p. 6 (United Kingdom); p. 7 (Norway); p. 16 (Ukraine); and p. 31 (Sweden on behalf of the European Union).

⁷² *Ibid.*, p. 4.

⁷³ S/PV.4295 (Resumption 1), p. 12.

time and asserted that his country would ensure that the Council did not adopt a resolution that lacked the support of both parties.⁷⁴

Finally, many speakers made a reference to the private Council meeting held the day before with the Israeli Minister for Foreign Affairs⁷⁵ and welcomed Israel's new engagement with the Council,⁷⁶ as well as Israel's promise to ease economic restrictions on Palestinians.⁷⁷

At the 4305th meeting, held on 27 March 2001, the President (Ukraine) drew attention to a draft resolution before the Council submitted by Bangladesh, Colombia, Jamaica, Mali, Mauritius, Singapore and Tunisia, in which the Council, *inter alia*, urged the resumption of negotiations within the Middle East peace process; expressed grave concern at Israeli settlement activities; called on the parties to end the closures of Palestinian territories and take additional confidence-building measures; requested the Secretary-General to consult with the parties on steps to implement the resolution; and expressed its readiness to set up an observer force to protect Palestinian civilians.⁷⁸ He also mentioned two letters from the representative of Israel detailing terrorist acts recently perpetrated by Palestinians and calling on the Chairman of the Palestinian Authority to restore security.⁷⁹ During the meeting, the representatives of Bangladesh, China, France, Ireland, Norway, the Russian Federation, Ukraine, the United Kingdom, and the United States made a statement, as well as the representative of Israel and the Permanent Observer of Palestine.

The draft resolution was put to the vote and received nine votes in favour (Bangladesh, China, Colombia, Jamaica, Mali, Mauritius, Russian Federation, Singapore, Tunisia) to one against (United States) with four abstentions (France, Ireland, Norway and United Kingdom) and failed to pass due to the negative vote of a permanent member. The representative of Ukraine did not participate in the voting.

During the meeting, some Member States reaffirmed their support for the draft resolution,⁸⁰ while others said they agreed with the idea of a protection force in the region but explained that they had to abstain because unanimity had not been achieved on the draft and the

⁷⁴ Ibid., pp. 5-6.

⁷⁵ S/PV.4293.

⁷⁶ S/PV.4295 (Resumption 1), p. 9 (Ireland); p. 12 (Singapore); p. 13 (Bangladesh); and p. 16 (Ukraine).

⁷⁷ Ibid., p. 8 (Ireland).

⁷⁸ S/2001/270.

⁷⁹ The letters (S/2001/278 and S/2001/280) were dated 26 and 27 March 2001, respectively.

⁸⁰ S/PV.4305, pp. 3-4 (Bangladesh); p. 5 (China); and p. 7 (Russian Federation).

timing of the vote was therefore not appropriate. They however emphasized their readiness to continue working on this issue.⁸¹

The representative of Bangladesh stated that during negotiations European Council members had presented their own draft resolution attempting to broaden the scope of the protection force in order to obtain more support. He added that although discussions on this draft were ongoing, a resolution had needed to be adopted before the Arab Summit taking place on 27-28 March 2001 so the Secretary-General could start consultations with the parties on this issue, hence the decision by the NAM to put its own draft to a vote.⁸²

The representative of the United States stressed that the draft should not have been put to a vote because there had been no consensus. He also said that his country opposed it because it was unbalanced and unworkable due to a lack of agreement between the parties.⁸³

While the representative of Israel reaffirmed his country's opposition to the establishment of a United Nations force in the region,⁸⁴ the representative of Palestine expressed disappointment at the Council's failure to end the "current tragedy".⁸⁵

Decision of 14 December 2001 (4438th meeting): rejection of a draft resolution

The Security Council held its 4357th meeting on 20 and 21 August 2001 in response to a letter dated 15 August 2001 from the representatives of Mali and Qatar on behalf of the Islamic Group requesting an urgent Council meeting to consider the deteriorating situation in the occupied Palestinian territories following Israel's occupation and destruction of Palestinian buildings and killing of Palestinian civilians. The letter was included in the agenda.⁸⁶

During the meeting all Council members spoke, as well as the representatives of Algeria, Bahrain, Belgium (on behalf of the European Union), Cuba, Cyprus, Djibouti, Egypt, India, Indonesia, Islamic Republic of Iran, Israel, Iraq, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Morocco, Namibia, Oman, Pakistan, Qatar, Saudi

⁸¹ Ibid., p. 6 (France); p. 7 (United Kingdom); p. 8 (Norway); and p. 9 (Ireland).

⁸² Ibid., pp. 3-4.

⁸³ Ibid., pp. 5-6.

⁸⁴ Ibid., p. 9.

⁸⁵ Ibid., p. 10.

⁸⁶ S/2001/797.

Arabia, South Africa (on behalf of NAM), Sudan (on behalf of the Arab Group), Turkey, Yemen, the Permanent Observer of Palestine, the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Deputy Permanent Observer of the League of Arab States, and the Deputy Permanent Observer of the Organization of the Islamic Conference.

The President of the Council (Colombia) first drew attention to four letters from the Permanent Observer of Palestine denouncing new crimes committed by Israel in violation of previous peace agreements between the two sides,⁸⁷ and calling on the Council to intervene and hold Israeli officials accountable for violations of international humanitarian law.⁸⁸ He also pointed out five letters from the representative of Israel drawing attention to Palestinian terrorist acts committed against Israelis; calling on the Council to condemn those; deploring that the Palestinian Authority had made no effort to respect the 1 June 2001 ceasefire and security plan proposed by the United States CIA director George Tenet; and explaining that Israel conducted pre-emptive strikes against terrorist targets that had led to the death of civilians because the targets were situated within civilian areas.⁸⁹ He further drew attention to two letters from the representative of Belgium transmitting European Union statements on the escalation of violence, urging the parties to quickly implement the recommendations of the 4 May 2001 Sharm el-Sheikh Fact Finding Committee report (the Mitchell report)⁹⁰ and exhorting the Palestinian Authority to intensify its efforts against terrorism.⁹¹

In his statement, the representative of Palestine regretted the Council's inability to act since the adoption of resolution 1322 (2000), despite having the issue of protection of civilians in

⁸⁷ See Declaration of Principles on Interim Self-Government Arrangements, "Oslo Accord" in S/26560 dated 11 October 1993.

⁸⁸ The letters (S/2001/754, S/2001/783, S/2001/785 and S/2001/798) were dated 31 July, 13 August, 14 August and 16 August 2001, respectively.

⁸⁹ The letters (S/2001/768, S/2001/770, S/2001/775, S/2001/780 and S/2001/787) were dated 6 August, 7 August, 8 August, 9 August and 13 August 2001, respectively.

⁹⁰ The Council in resolution 1322 (2000) supported the establishment of a mechanism for inquiry into the tragic events in the Palestinian territories that took place in September 2000. In its final report, the Commission recommended that both parties halt violence, rebuild confidence and resume negotiations. In particular, the Palestinian Authority was required to make clear efforts to take measures against terrorism, and the Israeli government was required, *inter alia*, to freeze all settlement activities; end closures and restrictions imposed on Palestinians; restore Palestinian Authorities tax revenues; and ensure that security forces refrain from the destruction of infrastructure and that lethal means are not used against Palestinians. Both parties were also required to resume security cooperation, and an international protection forced agreed by both parties is recommended.

⁹¹ The letters (S/2001/790 and S/2001/791) were dated 8 August and 10 August 2001, respectively.

armed conflict on its agenda.⁹² He also detailed Israeli “war crimes” including the closure of Palestinian institutions in Jerusalem in contravention with previous Council resolutions. He expressed the Palestinian Authority’s full support for the Mitchell recommendations, but said that Israel’s proposal to implement those in stages after a “cooling off” period was impractical. Finally, he expressed hope that this time the Council would succeed in stopping the bloodshed and even made some proposals to be included in a draft resolution currently before the Council.

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The representative of Israel underlined that his country had accepted the Mitchell report, but deplored that his country’s unilateral ceasefire had not been met with reciprocal gestures from the Palestinian Authority. He strongly condemned the recent suicide bombings that had killed multiple civilians and underscored Israel’s right to self-defence. He strongly rejected the draft resolution before the Council because of its imbalance in favour of the Palestinians. He also recalled that the Mitchell report recommended an incremental series of steps to be implemented through a face-to-face approach, and that therefore there was no need to establish a monitoring mechanism such as the one in the draft resolution.⁹⁴

During the debate, the Mitchell report received unanimous support as the only roadmap available. However, many expressed their concern at its lack of implementation, despite agreement by the parties. Most of the debate therefore focused on whether and how the Council could support implementation of the Mitchell recommendations. Many speakers endorsed the idea of a third-party monitoring mechanism accepted by both Parties, as was proposed in a Group of Eight statement adopted in Genoa on 21 July 2001.⁹⁵ However, only a few speakers expressly called for the adoption of the draft resolution being circulated.⁹⁶

⁹² S/PV.4357, pp. 3-6.

⁹³ Not issued as a document of the Council. During the meeting, the representative of Jamaica said that he was not aware of the existence of a draft resolution (S/PV.4357, p. 12). However, the representative of Malaysia said that in it, the Council, *inter alia*, called for the immediate cessation of all acts of violence, provocation and destruction; the return to the positions prior to September 2000; the implementation of the Mitchell report’s recommendations; the establishment of a monitoring mechanism to implement the recommendations; and for Israel to reverse all actions taken against Palestinian institutions (S/PV.4357 (Resumption 1), p. 23).

⁹⁴ S/PV.4357, pp. 6-10.

⁹⁵ S/PV.4357, p. 12 (Jamaica); p. 18 (France and Bangladesh); p. 21 (Tunisia); p. 23 (Mauritius); p. 24 (Ireland); p. 25 (Norway); and p. 26 (Ukraine). S/PV.4357 (Resumption 2), p. 8 (Djibouti); p. 9 (South Africa); p. 15 (Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 17 (Belgium); p. 19 (Japan); p. 23 (Malaysia); and p. 24 (Egypt). S/PV.4357 (Resumption 2), p. 2 (Indonesia); p. 3 (Turkey); p. 8 (Cyprus); and p. 13 (Mexico).

⁹⁶ S/PV.4357 (Resumption 1), p. 12 (Pakistan); and p. 23 (Malaysia). S/PV.4357 (Resumption 2), p. 7 (Namibia); and p. 12 (Cuba).

Other proposals included calls on the Council to renew its support for the peace process,⁹⁷ as well as for the Secretary-General to be more involved in bringing the parties together.⁹⁸ The representative of France acknowledged that the Council could not end the violence or seal peace between the parties, but emphasized that it could facilitate existing initiatives.⁹⁹ The representative of the Islamic Republic of Iran also proposed that the Council establish an international criminal tribunal to prosecute Israeli criminals.¹⁰⁰

A majority of speakers condemned or strongly deplored Israel's repressive measures against the Palestinians, considering them violations of international humanitarian law and of agreements signed between the two parties.¹⁰¹ They also expressed particular concern at the Israeli occupation of Palestinian public facilities, and this was echoed by the representatives of the United Kingdom and Ukraine.¹⁰² Many speakers also acknowledged that the deteriorating economic situation in the Palestinian territories provoked by Israeli blockades was actually making the situation worse.¹⁰³ Finally, a majority of these speakers reiterated the need to establish a protection force or to send observers to the region and called for immediate Council action to pressure Israel into ending its "policy of terror".¹⁰⁴ However, in response to several statements affirming the need for the Council to be united,¹⁰⁵ Bangladesh and the Deputy Permanent Observer of the League of Arab States emphasized that this argument should not be

⁹⁷ S/PV.4357, p. 11 (Jamaica); p. 15 (United Kingdom), and p. 27 (Colombia). S/PV.4357 (Resumption 1) p. 23 (Malaysia); and p. 24 (Egypt). S/PV.4357 (Resumption 2), p. 10 (Lebanon).

⁹⁸ S/PV.4357, p. 11 (Jamaica); p. 15 (China); p. 21 (Singapore); p. 23 (Mauritius); and p. 31 (Algeria). S/PV.4357 (Resumption 1), p. 7 (Namibia); and p. 11 (Deputy Permanent Observer of the League of Arab States).

⁹⁹ S/PV.4357, p. 17.

¹⁰⁰ S/PV.4357 (Resumption 1), p. 10.

¹⁰¹ S/PV.4357, p. 10 (Mali); p. 18 (Bangladesh); p. 20 (Tunisia); p. 24 (Ireland); p. 28 (Qatar); and p. 30 (Algeria). S/PV.4357 (Resumption 1), p. 3 (Sudan); p. 4 (Saudi Arabia); p. 7 (Djibouti); p. 8 (South Africa); p. 9 (Islamic Republic of Iran); p. 11 (Pakistan); p. 12 (Bahrain); p. 14 (Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 15 (Morocco); p. 18 (Yemen); p. 21 (Mauritania); p. 22 (Malaysia); p. 24 (Egypt); p. 25 (Iraq); p. 27 (Oman); and p. 28 (Libyan Arab Jamahiriya). S/PV.4357 (Resumption 2); p. 2 (Indonesia); p. 4 (Deputy Permanent Observer of the Organization of the Islamic Conference); p. 6 (Namibia); p. 9 (Lebanon); and p. 10 (Deputy Permanent Observer of the League of Arab States).

¹⁰² S/PV.4357, p. 16 and p. 26, respectively.

¹⁰³ S/PV.4357 p. 19 (Bangladesh); p. 22 (Mauritius); p. 26 (Ukraine). S/PV.4357 (Resumption 1), p. 7 (Djibouti); p. 19 (Japan); and p. 26 (Iraq).

¹⁰⁴ S/PV.4357, p. 11 (Mali); p. 12 (Jamaica); p. 20 (Tunisia); p. 28 (Qatar); and p. 31 (Algeria). S/PV.4357 (Resumption 1), p. 3 (Jordan); p. 4 (Sudan); p. 6 (Saudi Arabia); p. 10 (Islamic Republic of Iran); p. 12 (Pakistan); p. 13 (Bahrain); p. 16 (Morocco); p. 18 (Yemen); p. 20 (Kuwait); p. 21 (Mauritania); p. 23 (Malaysia); and p. 27 (Oman). S/PV.4357 (Resumption 2), p. 5 (Deputy Permanent Observer of the Organization of the Islamic Conference); p. 7 (Namibia); p. 10 (Lebanon); and p. 11 (Deputy Permanent Observer of the League of Arab States).

¹⁰⁵ S/PV.4357, p. 15 (China and United Kingdom); p. 17 (France); p. 21 (Singapore); p. 25 (Norway); p. 27 (Colombia). S/PV.4357 (Resumption 2) p. 7 (Namibia).

used to prevent Council action.¹⁰⁶ The representatives of Iraq and Cuba mentioned that the United States was responsible for the Council's inaction so far.¹⁰⁷

The representative of the United States questioned the appropriateness and effectiveness of Council intervention. He emphasized that condemning one side or imposing unworkable ideas would not change the reality on the ground. Stressing the necessity for the Palestinian Authority to stop tolerating terrorist acts, and for the Israeli government to alleviate pressure on the Palestinians, he supported the Mitchell recommendations and insisted on the need to work with both sides.¹⁰⁸

In a further intervention, the representative of Israel took note of the urgent appeal for dialogue between Israelis and Palestinians. He however added that implementation of the Mitchell recommendations could only begin if violence ceased and affirmed that it was up to the Palestinians to do away with terrorism. International machinery was therefore not needed. He expressed hope for a new beginning in view of an upcoming meeting between the Israeli Foreign Minister and the Palestinian Authority President.¹⁰⁹

The representative of Palestine rejected the logic that a calmer situation would lead to implementation of the Mitchell's report and underscored that it was more likely that implementing the recommendations would lead to calm. He also maintained that the announced Israeli-Palestinian meeting would probably not change the situation.¹¹⁰

At its 4438th meeting, on 14 December 2001,¹¹¹ the President (Mali) drew attention to a draft resolution submitted by Egypt and Tunisia, which demanded, *inter alia*, the immediate cessation of violence and the return to positions which existed prior to September 2000; condemning all acts of terror; calling on the two sides to implement the Mitchell report recommendations and to resume peace negotiations; and encouraging all concerned to establish a monitoring mechanism to help the parties implement those recommendations.¹¹²

¹⁰⁶ S/PV/4357, p. 19 and S/PV.4357 (Resumption 2), p. 11 respectively.

¹⁰⁷ S/PV.4357 (Resumption 1), p. 25 and S/PV/4357 (Resumption 2), p. 12 respectively.

¹⁰⁸ S/PV.4357, p. 13.

¹⁰⁹ S/PV.4357 (Resumption 2), pp. 13-15.

¹¹⁰ *Ibid.*, pp. 15-16.

¹¹¹ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information, see chapter XI, part I, section B - Discussion relating to Article 39, case 4.

¹¹² S/2001/1199.

All Council members in addition to the representatives of Belgium (on behalf of the European Union), Brazil, Canada, Cuba, Egypt, Islamic Republic of Iran, Israel, Malaysia, South Africa (on behalf of NAM), the Permanent Observer of Palestine and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People made a statement.

The representative of Palestine deplored a 12 December 2001 decision by Israel to sever all contacts with the Palestinian Authority, affirming that this meant the end of the negotiation process and could lead to plunge the region into war. He emphasized that the Palestinian Authority had condemned terrorist acts, but recalled that its ability to fight terrorism depended on the capacity of its security apparatus and on the end to Palestinian suffering. He however reaffirmed that violence committed within the Palestinian territories were not acts of terrorism but of resistance against the occupier. Finally, he referred to Israel's grave breaches of International Humanitarian law and deplored the Council's inability to act.¹¹³

The representative of Israel focused on the need to define terrorism by what one does as opposed to the goal one wants to achieve, and strongly deplored the failure and unwillingness of the Palestinian Authority to fight terrorism. He argued that this was the main obstacle to peace in the Middle East. He rejected the draft resolution because it was unbalanced, counterproductive and out of touch with reality.¹¹⁴

Speakers unanimously agreed that the only way forward was for the parties to return to the negotiating table and implement the Mitchell recommendations. However, differences of views emerged as to whether the Council should play an active role to stop the current violence and provide support to the parties by establishing a monitoring mechanism. All speakers supported the draft resolution except for the representatives of Israel, Norway, the United Kingdom and the United States. Egypt and Tunisia affirmed in particular that a Council resolution was necessary to pressure Israel into resuming peace negotiations.¹¹⁵

Another focus of the discussion was security. Speakers unanimously condemned terrorist acts targeting innocent civilians. However, many representatives also criticized Israel's aggressive policies against Palestinians that contributed to further radicalization.¹¹⁶ The

¹¹³ S/PV.4438, pp. 3-5.

¹¹⁴ Ibid., pp. 17-20.

¹¹⁵ S/PV.4438, pp. 6-8.

¹¹⁶ Ibid., p. 6 (Egypt); p. 7 (Tunisia); p. 10 (Ukraine); p. 15 (Bangladesh); p. 20 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 22 (Cuba); p. 23 (Malaysia); and p. 26 (Islamic Republic of Iran).

representative of the Russian Federation, in particular, stated that it was not in the interest of Israel to destroy the Palestinian Authority as it was the only legitimate interlocutor,¹¹⁷ which was echoed by several other speakers.¹¹⁸ Also, while some emphasized the urgent necessity for the Palestinian Authority to crack down on terrorist elements including Hamas and Islamic Jihad,¹¹⁹ others reaffirmed that Palestinians had a legitimate right to resist the occupier.¹²⁰ The majority of speakers called on both parties to stop the violence and exercise restraint.

The representative of the United States said that his country would reject the resolution because it failed to condemn Palestinian terrorist acts, and therefore was unbalanced. He also insisted that the focus should be on working with the parties on the ground to help them establish a ceasefire.¹²¹ Similar concerns were raised by the United Kingdom,¹²² while Norway evoked the lack of unanimity in the Council as the major obstacle to adopting the draft resolution.¹²³

The draft resolution was then put to the vote. It received twelve votes in favour to one against (the United States) with two abstentions (Norway and the United Kingdom), and was not adopted due to the negative vote of a permanent member.

Decision of 12 March 2002 (4489th meeting): resolution 1397 (2002)

By letters dated 20 February 2002, the Permanent Observer of Palestine and the representative of Yemen in his capacity as Chairman of the Arab Group, respectively, requested an urgent Security Council meeting to consider the dangerous situation in the Palestinian Territories following the intensification of Israeli military raids against Palestinian cities.¹²⁴

At its 4474th meeting, held on 21 February 2001 in response to the above request, the Council included the letters in its agenda. During the meeting, the Council heard a briefing from

¹¹⁷ Ibid., p. 13.

¹¹⁸ Ibid., p. 14 (Colombia), p. 16 (Norway); p. 23 (Malaysia); p. 27 (Belgium on behalf of the European Union); and p. 28 (France).

¹¹⁹ Ibid., p. 9 (United Kingdom); p. 10 (Ukraine); p. 11 (United States); p. 13 (Russian Federation); p. 15 (Norway); p. 24 (Canada); p. 27 (Belgium on behalf of the European Union); and p. 29 (Ireland).

¹²⁰ Ibid., p. 6 (Egypt); p. 22 (Cuba); and p. 27 (Islamic Republic of Iran).

¹²¹ Ibid., p. 11.

¹²² Ibid., p. 10.

¹²³ Ibid., p. 16.

¹²⁴ S/2002/182 and S/2002/184, respectively.

the Secretary-General on the situation, following which the President of the Council (Mexico) made a statement in his capacity as President of the Council. The representatives of Israel and Yemen and the Permanent Observer of Palestine were invited to participate but did not take the floor.

The President of the Council first drew attention to four letters from the representative of Israel detailing terrorist attacks and the launching of rockets against Israelis, and holding the Palestinian Authority accountable for failing to react.¹²⁵ He then referred to four letters from the Permanent Observer of Palestine complaining about Israel's illegal policies and war crimes against Palestinians including blockades, settlement activities, extrajudicial killings, indiscriminate use of force, the military invasion of Palestinian cities and provocative statements.¹²⁶

The Secretary-General, observing that the Israeli-Palestinian conflict risked sliding towards a full-fledged war, contended that moving beyond a discussion focused on how to implement the Tenet ceasefire and Mitchell plan was now necessary. He reaffirmed the need to tackle security alongside key political issues such as land and economic and social deprivation. He further stressed that the lack of mutual confidence between the two sides made a third party role essential, and indicated that he had asked his Special Coordinator for the Middle East Peace Process to intensify consultations with the parties, members of the Quartet,¹²⁷ and regional and international actors.¹²⁸

The President of the Council then stated that the Council supported the work and views of the Secretary-General. He announced that Council members had agreed to hold periodic consultations on the situation in the Middle East based on information provided by the Secretariat and that the Council would hold a public debate soon.¹²⁹

At the 4478th meeting, on 26 and 27 February 2002, the President (Mexico) recalled his statement that the Council would hold a debate on the basis of the Secretary-General's statement and propose new initiatives. All Council members spoke as well as the representatives of

¹²⁵ The letters (S/2002/155, S/2002/164, S/2002/174 and S/2002/185) were dated 8, 11, 19 and 20 February, respectively.

¹²⁶ The letters (S/2002/142, S/2002/146, S/2002/165 and S/2002/175) were dated 1, 5, 13 and 15 February 2002, respectively.

¹²⁷ Composed of the United States, the Russian Federation, the European Union and the United Nations.

¹²⁸ S/PV.4474, pp. 2-3.

¹²⁹ S/PV.4474, pp. 2-3.

Algeria, Argentina, Australia, Bangladesh, Brazil, Canada, Chile, Cuba, Egypt, India, Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Malaysia, Morocco, Pakistan, Saudi Arabia, South Africa, Spain, Sudan, Tunisia, Turkey, Ukraine, Yemen, the Permanent Observer of Palestine and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.¹³⁰

The representative of Palestine described the recent intensification of Israel's military campaign since September 2000, in particular the establishment of buffer zones around Palestinian cities and the building of a wall to separate East and West Jerusalem. He affirmed his support for the analysis of the situation made by the Secretary-General, recalled the need to implement the Madrid and Oslo peace agreements and urged the Council to react.¹³¹

The representative of Israel recalled that his country remained committed to a peaceful settlement based on face-to-face negotiations. He however deplored that his country's commitment to peace had been met by terrorism and urged the Council to exert pressure on the Palestinians to abandon terrorism.¹³²

During the debate there was unanimous agreement that both sides needed to stop violence and that a return to the peace process was urgent. Second, most speakers supported the Secretary-General and agreed that progress on the political, security and economic front had to take place immediately. Third, there was consensus that the parties needed international assistance to reach these goals, and that all relevant international actors, including the newly-established Middle East Quartet, as well as regional players had a role to play. In that context, a new proposal for a comprehensive peace between Israel and its Arab neighbors based on Council resolutions 242 (1967) and 338 (1973) and on the principle of land for peace, that had been introduced by Saudi Arabia's Crown Prince Abdullah was widely welcomed. Finally, speakers largely supported the idea of a two-State solution, with the Israeli State and a viable Palestinian State existing side by side in peace and security and within internationally recognized borders.

Most speakers also reaffirmed the need for both parties to implement the Mitchell recommendations and Tenet understandings and to take immediate action to end violence, and many deplored Israel's policy of isolating the Palestinian Authority's Chairman Yasser Arafat.

¹³⁰ Oman was also invited but did not take the floor.

¹³¹ S/PV.4478, pp. 3-4.

¹³² Ibid., pp. 20-22.

Almost all speakers called for some Council action in fulfillment of its responsibility in the maintenance of peace and security. The representative of Malaysia revived the idea of a United Nations mission to monitor the situation, ease tensions and maintain peace and security on the ground.¹³³ This was echoed by many other speakers who added that a mission should also be tasked to protect Palestinian civilians.¹³⁴ The representative of Mexico stated that the United Nations could also explore confidence-building mechanisms, as well as promote humanitarian activities.¹³⁵ However, the representative of the United States said that his country was committed to helping the parties move forward, but that Council action at this time would not be helpful.¹³⁶

At its 4488th meeting, on 12 March 2002, the Security Council heard a briefing by the Secretary-General.¹³⁷ He stated that the situation in the region was the worst in 10 years, and urged the Palestinians to stop all acts of terror as it was harming their cause by weakening international support. He called on Israel to end the illegal occupation, stop the bombing of civilian areas, the assassinations and the daily humiliation of Palestinians. He also welcomed the Saudi Arabia peace initiative.¹³⁸

At its 4489th meeting, on 12 March 2002, the Council voted on a draft resolution submitted by the United States¹³⁹ and adopted resolution 1397 (2002) by fourteen votes in favour with one abstention (Syrian Arab Republic). By this resolution, the Council affirmed the vision of a region where two States, Israel and Palestine, lived side by side within secure and recognized borders, stressed the need for all concerned to ensure the safety of civilians; and welcomed the diplomatic efforts by the United States, the Russian Federation, the European Union and the United Nations Special Coordinator to bring about peace in the Middle East. The Council also:

¹³³ S/PV.4478 (Resumption 1), p. 3.

¹³⁴ S/PV.4478, p. 6 (Mauritius); p. 28 (Algeria); and p. 35 (Morocco). S/PV.4478 (Resumption 1), p. 8 (Islamic Republic of Iran); p. 15 (Yemen); and p. 11 (Iraq).

¹³⁵ S/PV.4478 (Resumption 1), p. 20.

¹³⁶ S/PV.4478, pp. 11-12.

¹³⁷ The representative of Israel and the Permanent Observer of Palestine both participated in the meeting.

¹³⁸ S/PV.4488, p.2-3.

¹³⁹ S/2002/259.

Demanded the immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction;

Called upon the Israeli and Palestinian sides and their leaders to cooperate in the implementation of the Tenet work plan and Mitchell Report recommendations with the aim of resuming negotiations on a political settlement;

Expressed support for the efforts of the Secretary-General and others to assist the parties to halt the violence and to resume the peace process; and decided to remain seized of the matter.

The representative of the Syrian Arab Republic stated that the draft resolution was weak because it did not address the Israeli occupation, nor did it call for the resumption of the peace process based on previous Council resolutions. It also failed to call on Israel to implement the principle of land for peace, and to respect the Geneva Convention relative to the protection of civilians in time of war.¹⁴⁰

Decision of 30 March 2002 (4503rd meeting): resolution 1402 (2002)

At its 4503rd meeting, held on 29 and 30 March 2002 in response to the request contained in letters dated 29 March 2002 from the representative of Jordan in his capacity as Chairman of the Arab Group and from the representative of Qatar in his capacity as Chairman of the Islamic Summit Conference, to consider the dangerous situation in the occupied Palestinian territories.¹⁴¹ The Security Council included the letters in the agenda.

The President of the Council (Norway) first drew attention to a letter dated 29 March 2002 from the Permanent Observer of Palestine deploring the assault against the compound of Palestinian Authority President Yasser Arafat and military invasion of other Palestinian cities, and calling on the Council to take action.¹⁴² During the meeting, all Council members spoke in addition to the representatives of Algeria, Cuba, Djibouti, Egypt, India, Islamic Republic of Iran, Iraq, Israel, Jordan, Libyan Arab Jamahiriya, Morocco, Pakistan, Qatar, Saudi Arabia, Spain (on behalf of the European Union), Tunisia, Turkey, the Permanent Observer of Palestine and the Secretary-General.

¹⁴⁰ S/PV.4489, p. 2-3.

¹⁴¹ S/2002/331 and S/2002/329, respectively.

¹⁴² S/2002/330.

The Secretary-General first welcomed the endorsement on 28 March 2002 of Saudi Arabia Crown Prince Abdullah's peace initiative by all Arab leaders during the Arab League summit in Beirut. He also praised Council resolution 1397 (2002) as a significant resolution on the Middle East. He added that the parties could achieve the two-State vision through the implementation of the Mitchell recommendations and urged the Council to consider how to implement the resolution.¹⁴³

The representative of Palestine stated that the Palestinian Authority had condemned a recent terrorist action in Netanya and had acknowledged that terrorism did not serve the Palestinian cause. He pointed out that Yasser Arafat had declared his willingness to implement the Israeli-Palestinian ceasefire and Tenet security plan. He also called on the Council to demand that Israeli forces withdraw from Palestinian towns and referred to a text circulated to Council members from the Palestinian Observer mission to that end.¹⁴⁴

The representative of Israel replied that his country had taken clear steps to implement the Mitchell plan and had accepted a compromise proposal presented by the United States Special Envoy Anthony Zinni to implement the Tenet plan. He deplored the fact that the Palestinians were continuing to use terrorist tactics and expressed his country's intention to continue to uproot terrorist networks in the Palestinian territories.¹⁴⁵

Almost all Council members appealed for an immediate end of violence and reaffirmed the need to implement resolution 1397 (2002). They also supported efforts to bring about a resumption of negotiations by the United States Envoy, and called for a ceasefire and for the implementation of the Tenet and Mitchell plans. The representative of Spain said he remained convinced that a third party monitoring mechanism could help the parties and affirmed the European Union's readiness to participate.¹⁴⁶

Speakers unanimously affirmed their support for the Arab Peace initiative and reiterated that Palestinian President Arafat should not be harmed. The representative of the United States emphasized that terrorism had led to the current grave situation, but warned Israel to carefully consider the consequences of its military campaign.¹⁴⁷

¹⁴³ S/PV.4503, pp. 2-3.

¹⁴⁴ Ibid., pp. 3-5.

¹⁴⁵ Ibid., pp. 5-7.

¹⁴⁶ S/PV.4503, p. 25.

¹⁴⁷ Ibid., pp. 11-12.

The representative of the Syrian Arab Republic said Israel's actions were the main cause for the current turmoil, and he called on the Council to condemn them.¹⁴⁸ This was echoed by many other speakers who expressed their hope that the Council would call on Israel specifically to exercise restraint and to withdraw from all Palestinian Territory.¹⁴⁹

The Council then voted on a draft resolution submitted by Norway,¹⁵⁰ which received fourteen votes in favour (the Syrian Arab Republic did not participate in the voting) and was adopted as resolution 1402 (2002). By this resolution, the Council expressed concern at both recent suicide bombings in Israel and military attack against the headquarters of the President of the Palestinian Authority; reiterated its demand in resolution 1397 (2002) for an immediate cessation of all acts of violence, and:

Called upon both parties to move immediately to a meaningful ceasefire;

Called for the withdrawal of Israeli troops from Palestinian cities, including Ramallah; and called upon the parties to cooperate fully with Special Envoy Zinni, and others, to implement the Tenet security work plan as a first step towards implementation of the Mitchell Committee recommendations, with the aim of resuming negotiations on a political settlement.

Although the representative of Israel welcomed the reference to the Tenet and Mitchell plans, he maintained that the resolution asked his country to withdraw without also requesting the Palestinian Authority to eradicate terrorism.¹⁵¹ The representative of the Syrian Arab Republic explained that his country had not voted because the draft resolution did not take into consideration the 28 March 2002 Arab League summit outcome, and because his country had already abstained on resolution 1397 (2002).¹⁵²

Decision of 4 April 2002 (4506th meeting): resolution 1403 (2002)

¹⁴⁸ Ibid., pp. 17-18.

¹⁴⁹ Ibid., p. 20 (Algeria); p. 21 (Libyan Arab Jamahiriya and Egypt); p. 23 (Qatar and Djibouti); p. 26 (Jordan and Iraq); p. 27 (Islamic Republic of Iran); p. 29 (Tunisia); p. 31 (Morocco); and p. 33 (Cuba and Saudi Arabia).

¹⁵⁰ S/2002/333.

¹⁵¹ S/PV.4503, p. 35.

¹⁵² S/PV.4503, p. 36.

At its 4506th meeting,¹⁵³ held on 3 and 4 April 2002 following requests contained in letters dated 1 and 2 April 2002 by the representative of Tunisia on behalf of the Arab Group and by the representative of South Africa in his capacity as Chair of the NAM Coordinating Bureau, to respond to the critical situation in the occupied Palestinian territories,¹⁵⁴ the Security Council included the letters in the agenda.¹⁵⁵

All Council members spoke in addition to the representatives of Algeria, Argentina, Bahrain, Bangladesh, Bhutan, Brazil, Canada, Chile, Costa Rica, Cuba, Cyprus, Djibouti, Egypt, India, Iraq, Indonesia, the Islamic Republic of Iran, Israel, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, New Zealand, Oman, Pakistan, Qatar, Saudi Arabia, South Africa, Spain, Sudan, the United Republic of Tanzania, Tunisia, Turkey, Ukraine, the United Arab Emirates and Yemen, as well as the Secretary-General, the Permanent Observer of Palestine, and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The representative of Palestine strongly objected to the fact that Israel had rejected a ceasefire, continued to kill Palestinians, re-occupied certain Palestinian cities and had not lifted the siege of Palestinian President Arafat's headquarters. He referred to a draft resolution prepared by the Arab Group demanding immediate implementation of resolution 1402 (2002) and called on the Council to adopt it. He also said that an international third party presence to assist the two sides in implementing the resolution was desirable.¹⁵⁶

The representative of Israel responded that his country's concessions had been met with more Palestinian suicide bombings in Israel. He said that although his country had recognized the positive elements of resolutions 1397 (2002) and 1402 (2002) and of the Mitchell and Tenet plans, it had no choice but to exercise self-defense. He called for an immediate ceasefire and urged the Council to adopt a resolution calling on the Palestinians to cease bombings. He also

¹⁵³ At its 4504th and 4505th meetings, both held in private on 2 April 2002, Council members had constructive discussions with the representative of Israel and with the Permanent Observer of Palestine (S/PV.4504 and S/PV.4505, respectively).

¹⁵⁴ S/2002/336 and S/2002/342, respectively.

¹⁵⁵ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information, see chapter XI, part I, section B - Discussion relating to Article 39, case 4; chapter XI, part III, section B - Discussion relating to Article 41, case 8; and chapter XI, part IX, section B - Discussions relating to Article 51, case 6.

¹⁵⁶ S/PV.4506, pp. 3-5.

said that his country was assessing the United States demand that Israeli troops be withdrawn from Palestinian cities.¹⁵⁷

Most speakers unanimously called for implementation of resolutions 1397 (2002) and 1402 (2002); called for an immediate ceasefire; urged the withdrawal of Israeli troops from occupied territories as a prerequisite for peace and outlined the need to restore freedom of movement for President Arafat; and called for cooperation of the parties with the United States Special Envoy. Recent initiatives by the Quartet were also expressly supported by a few speakers.¹⁵⁸ The representative of the United States emphasized that his country had introduced resolution 1397 (2002) and was supportive of other resolutions, and that his country continued to work on their implementation with the parties.¹⁵⁹

In addition, several speakers specifically supported the establishment of a third party monitoring mechanism to monitor and guarantee implementation of agreements between the parties.¹⁶⁰ Many others revived the idea of dispatching an international observer or a peacekeeping force to supervise Israeli withdrawal, separate the parties and provide protection to civilians.¹⁶¹ The representative of South Africa suggested that the Council visit the region to obtain a first-hand impression of events on the ground,¹⁶² which was echoed by the representatives of Malaysia, Bangladesh and Cameroon.¹⁶³ Finally, the representative of Mexico went a step further by suggesting that once a ceasefire was in place and political dialogue had resumed, the Council consider, *inter alia*, the implementation of disarmament programmes and the collection of arms obtained by illicit groups; the verification of security arrangements; the adoption of confidence-building measures; the establishment and protection of violence-free

¹⁵⁷ S/PV.4506, pp. 5-6 and S/PV.4506 (Resumption 2), p. 2.

¹⁵⁸ S/PV.4506, p. 8 (Ukraine); p. 10 (Spain on behalf of the European Union); and p. 22 (United Arab Emirates). S/PV.4506 (Resumption 1), p. 7 (Bangladesh); p. 22 (Cyprus); p. 29 (Ireland and United Kingdom); p. 30 (Singapore); p. 33 (France); p. 38 (Mexico); and p. 40 (Russian Federation). S/PV.4506 (Resumption 2), p. 5 (Secretary-General).

¹⁵⁹ S/PV.4506 (Resumption 1), pp. 31-32.

¹⁶⁰ S/PV.4506, p. 8 (Ukraine); p. 10 (Spain); p. 17 (South Africa); and p. 25 (Brazil). S/PV.4506 (Resumption 1), p. 6 (Namibia); p. 7 (Bangladesh); p. 8 (Indonesia); p. 14 (Oman), p. 21 (New Zealand); and p. 22 (Cyprus). S/PV.4506 (Resumption 2), p. 6 (Secretary-General).

¹⁶¹ S/PV.4506, p. 7 (Tunisia); p. 10 (Spain); p. 13 (Yemen); p. 19 (Saudi Arabia); pp. 23-24 (Malaysia), and p. 25 (Brazil). S/PV.4506 (Resumption 1), p. 3 (Cuba and Jordan); p. 4 (Kuwait); p. 7 (Bangladesh); p. 8 (Indonesia); p. 9 (Morocco); p. 16 (Bahrain and Sudan); p. 20 (Qatar); p. 21 (New Zealand); p. 23 (Lebanon); p. 25 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 33 (France); p. 37 (Mauritius); and p. 39 (Guinea).

¹⁶² S/PV.4506, p. 16.

¹⁶³ S/PV.4506, p. 24 (Malaysia). S/PV.4506 (Resumption 1), p. 7 (Bangladesh); and p. 35 (Cameroon).

zones; and on-the-spot verification of implementation of provisions of international humanitarian law.¹⁶⁴

The Council then voted on a draft resolution,¹⁶⁵ which was unanimously adopted as resolution 1403 (2002). In summary, by this resolution, the Council:

Demanded the implementation of resolution 1402 (2002) without delay;

Welcomed the mission of the United States Secretary of State to the region, as well as efforts by others, in particular the special envoys from the United States, the Russian Federation and the European Union, and the United Nations Special Coordinator, to bring about a comprehensive, just and lasting peace to the Middle East; and requested the Secretary-General to follow the situation and keep the Council informed.

Decision of 10 April 2002 (4511th meeting): statement by the President

At its 4510th meeting,¹⁶⁶ held on 8 and 9 April 2002 following a request contained in a letter from the representative of Tunisia in his capacity as Chairman of the Arab Group to consider Israeli criminal actions in the refugee camps of Jenin and Nablus, the Security Council included the letter in the agenda.¹⁶⁷

During the meeting, all Council members made statements, in addition to the representatives of Algeria, Bahrain, Canada, Cuba, Ecuador, Egypt, India, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Jordan, Republic of Korea, Kuwait, the Libyan Arab Jamahiriya, Lebanon, Malaysia, Mauritania, Morocco, Nepal, Oman, Pakistan, the Philippines, Qatar, South Africa, Spain, Sudan, Tunisia, Turkey, United Arab Emirates, Yemen, and the Permanent Observer of Palestine.¹⁶⁸

While the representative of Palestine urged Israel to end its military operations and withdraw from recently reoccupied cities as had been requested by the United States, and called

¹⁶⁴ S/PV.4506 (Resumption 1), p. 38.

¹⁶⁵ S/2002/347.

¹⁶⁶ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter XI, part I, section B - Discussion relating to Article 39, case 4; chapter XI, part III, section B - Discussion relating to Article 41, case 8; and chapter XI, part IX, section B - Discussions relating to Article 51, case 6.

¹⁶⁷ At its 4508th and 4509th meetings, both held in private on 8 April 2002, the Council members had constructive discussions with the representative of Israel and with the Permanent Observer of Palestine (S/PV.4508 and S/PV.4509, respectively).

¹⁶⁸ Saudi Arabia was also present but did not make a statement.

again for an international presence on the ground, the representative of Israel responded that withdrawal would have to be accompanied by a Palestinian ceasefire and an end of terrorist tactics. They both mentioned the need to implement resolution 1402 (2002).¹⁶⁹

The representative of the United States stated that his country's envoy had held talks with the parties and focused on the need for an immediate ceasefire, Israeli withdrawal and implementation of the Tenet security plan.¹⁷⁰ Most speakers reaffirmed the need for Israel to withdraw, and reiterated that Israel's fight against terrorism did not entitle it to violate international law in the name of self-defense.

New concerns were raised regarding the deteriorating humanitarian situation in the Palestinian territories. The representatives of France and Singapore specifically complained that medical assistance was not reaching Palestinians due to Israeli restrictions.¹⁷¹ Other representatives focused on Israel's breaches of international humanitarian law and called on the Council to hold it accountable. The representative of Mauritius, in particular, urged Israel to comply with the Office of the High Commissioner for Human Rights to facilitate a fact-finding mission on human rights violations in the occupied Palestinian territories requested by a resolution¹⁷² of the Commission on Human Rights.¹⁷³

While the representatives of Palestine and Kuwait supported another Council resolution,¹⁷⁴ the representatives of the United States and of the United Kingdom said it was more important to focus on implementing existing ones.¹⁷⁵

At its 4511th meeting,¹⁷⁶ the President (Russian Federation) made a statement on behalf of the Council. In summary, by this statement, the Council:

Supported the Joint Statement (S/2002/369) issued in Madrid on 10 April 2002 by the Secretary-General, Minister of Foreign Affairs of the Russian Federation, Secretary of State of the United States, Minister for Foreign Affairs of Spain and High Representative for European Union Common Foreign and Security Policy;

¹⁶⁹ S/PV.4510, pp. 2-5.

¹⁷⁰ Ibid., p. 6.

¹⁷¹ Ibid., p. 13 and p. 17, respectively.

¹⁷² See Commission on Human Rights resolution 2002/1, 5 April 2002.

¹⁷³ S/PV.4510, p. 11.

¹⁷⁴ Ibid., p. 4, and p. 22, respectively.

¹⁷⁵ Ibid., p. 6 and p. 15, respectively.

¹⁷⁶ Both the representative of Israel and the Permanent Observer of Palestine participated in the meeting but did not make a statement.

Called upon the Government of Israel, the Palestinian Authority and all States in the region to cooperate with the efforts to achieve the goals set out in the Joint Statement and insisted on the immediate implementation of resolutions 1402 (2002) and 1403 (2002).¹⁷⁷

Decision of 19 April 2002 (4516th meeting): resolution 1405 (2002)

At its 4515th meeting,¹⁷⁸ held on 19 April 2002 following a request by the representative of Tunisia in his capacity as Chairman of the Arab Group contained in a letter dated 17 April 2002, to consider the lack of implementation of Council resolutions by Israel, and requesting the Security Council to take immediate measures, the Council included the letter in its agenda.

During the meeting, all Council members made a statement, in addition to the representatives of Algeria, Bangladesh, Brazil, Canada, Cuba, Egypt, India, Indonesia, Iraq, Islamic Republic of Iran, Israel, Japan, Jordan, Republic of Korea, Kuwait, Malaysia, Mauritania, Mongolia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, South Africa, Spain, the Sudan, Tunisia, the United Arab Emirates, as well as the Permanent Observer of Palestine.

The representative of Palestine referred to the continuing Israeli aggression and specifically to massacres of civilians in the Jenin Refugee camp. He added that restrictions on access to humanitarian aid in the camp constituted a clear violation of international humanitarian law. He called on the Council to adopt the draft resolution introduced by the Syrian Arab Republic and Tunisia.¹⁷⁹ He then mentioned that the Secretary-General had given a briefing on the same day in which he supported the creation by the Council of a multinational force composed of States to be dispatched to the Palestinian territories under Chapter VII of the United Nations Charter in order to end the violence, create conditions for the resumption of normal activities in the Palestinian territories, re-establish Palestinian Authority institutions and facilitate the resumption of negotiations on a political settlement. He supported this proposal over the one

¹⁷⁷ The joint statement was annexed to the presidential statement.

¹⁷⁸ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter X, part IV - Constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter; chapter XI, part I, section B - Discussion relating to Article 39, case 4; and chapter XI, part IX, section B - Discussions relating to Article 51, case 6.

¹⁷⁹ S/2002/363 dated 17 April 2002, which expressed concern at the humanitarian crisis among the Palestinian people; demanded freedom of movement for medical and humanitarian organizations; expressed shock at the massacre in the Jenin refugee camp; demanded the immediate implementation of resolution 1402 (2002) and the lifting of sieges; called for an international presence to provide better conditions on the ground; and requested the Secretary-General to investigate the events that took place in Jenin and report regularly to the Council.

for only sending in observers. Finally, he welcomed the idea of an international conference, on the conditions that the Quartet participated, that the conference also tackled the Syrian-Israeli track, and that it was based on a comprehensive political vision of peace.¹⁸⁰

The representative of Israel reiterated that his country was completing the withdrawal from Palestinian cities but maintained that the Palestinians had not yet implemented a ceasefire. He then said that what had happened in Jenin was not a “massacre” but a gun battle between Israeli soldiers and Palestinian terrorists with unfortunate civilian casualties. Finally, he reaffirmed that his country supported the idea of a third-party mechanism composed of American monitors but would only consider an international presence in the context of a comprehensive settlement.¹⁸¹

Most delegations supported elements of the draft resolution before the Council, including the demand for Israeli withdrawal, the need for Israel to respect the Geneva Conventions and the establishment of a fact-finding mission to investigate events in Jenin.

Almost all speakers also believed that a third party intervention was needed, and agreed that the only way to bring an end to the violence was to send a multinational force to the region as proposed by the Secretary-General. However, several representatives, including a majority of Council members, insisted that both parties would have to agree to its presence.¹⁸² Others simply stated that the proposal needed careful consideration.¹⁸³

The representative of the United States focused on the need to alleviate the humanitarian situation in Jenin and pressed Israel to allow humanitarian access. He however reiterated that further Council action was not the best way to meet this objective. He also said that the Secretary of State had obtained an Israeli commitment to wind down its military operations, and a Palestinian statement condemning recent terrorist attacks.¹⁸⁴

Taking the floor again, the representative of Palestine pressed for a Council resolution addressing the humanitarian situation and expressed a willingness to set aside the idea of an international presence for the moment and leave the issue to the Secretary-General. He said he

¹⁸⁰ S/PV.4515, pp. 2-5.

¹⁸¹ Ibid., pp.5-7.

¹⁸² S/PV.4515, p. 15 (Spain). S/PV.4515 (Resumption 1), p. 2 (Guinea); p. 3 (Bulgaria); p. 4 (Cameroon); p. 6 (France); p. 11 (Ireland and United Kingdom); p. 17 (Norway); and p. 19 (Russian Federation).

¹⁸³ S/PV.4515, p. 35 (Japan); and p. 38 (Republic of Korea). S/PV.4515 (Resumption 1), p. 2 (China); p. 8 (Mauritius); p. 9 (Colombia); p. 11 (United Kingdom); p. 14 (Singapore); and p. 17 (Norway).

¹⁸⁴ S/PV.4515 (Resumption 1), pp. 18-19.

was ready to work on a new draft resolution presented by the United Kingdom.¹⁸⁵ The representative of Israel for his part reiterated that his country deeply regretted the death of civilians but maintained that the primary responsibility for their deaths lied with the terrorists.¹⁸⁶

At its 4516th meeting, on 19 April 2002,¹⁸⁷ the President (Russian Federation) drew attention to a draft resolution submitted by the United States,¹⁸⁸ which was adopted unanimously without debate as resolution 1405 (2002). In summary, by this resolution, the Council:

Emphasized the urgency of access of medical and humanitarian organizations to the Palestinian civilian population; and welcomed the initiative of the Secretary-General to develop accurate information regarding the events in the Jenin refugee camp through a fact-finding team.

Decision of 18 July 2002 (4578th meeting): statement by the President

The Council held its 4525th¹⁸⁹ and 4525th¹⁹⁰ meetings on 3 May and 13 June 2002 following requests contained in letters dated 2 May 2002 by the representative of Sudan in his capacity as Chairman of the Arab Group and 11 June 2002 from the representative of Bahrain,¹⁹¹ to consider the situation in the occupied Palestinian territories.¹⁹² The letters were included in the agenda of each meeting.¹⁹³

All Council members took the floor, in addition to the representatives of Argentina, Brazil, Bahrain, Canada, Chile, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Kuwait, Lebanon, Malaysia, Morocco, Pakistan, Saudi Arabia, South Africa, Spain (on behalf of the European Union), Sudan, Tunisia, Turkey,

¹⁸⁵ Ibid., p. 21.

¹⁸⁶ Ibid.

¹⁸⁷ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter X, part IV - Constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter.

¹⁸⁸ S/2002/471.

¹⁸⁹ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter X, part IV - Constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter.

¹⁹⁰ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter XI, part I, section B - Discussion relating to Article 39, case 4.

¹⁹¹ S/2002/655.

¹⁹² S/2002/510.

¹⁹³ In addition, at its 4556th meeting held in private on 20 June, the Secretary-General and the members of the Council had a constructive discussion (S/PV.4556).

the United Arab Emirates, the Permanent Observer of Palestine, the Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

During these two meetings, the representative of Palestine strongly deplored that Israel had refused to accept the Jenin fact-finding team which had been set-up by the Secretary-General following resolution 1405 (2002). He said that the Secretary-General, in the absence of Israeli cooperation, had decided to disband the team.¹⁹⁴ He regretted that a draft resolution introduced by the Arab Group¹⁹⁵ aiming at imposing measures on Israel had been rejected by the United States. He referred to a new resolution from the General Assembly condemning Israel's refusal to cooperate with the fact-finding team and requesting the Secretary-General to report to the Assembly on the events in Jenin drawing upon available sources.¹⁹⁶ He also deplored the Israeli re-occupation of Ramallah and attack on President Arafat's headquarters, stating that Israel's goal was to go back to the situation that prevailed before the Oslo Accords.¹⁹⁷

The representative of Israel said his country had objected to the fact-finding mission because it did not have clear objectives. He strongly criticized the Palestinian Authority's failure to establish a ceasefire and Chairman Arafat's invitation to Hamas and Islamic Jihad, both terrorist groups, to join his Cabinet, and justified Israel's sieges by the fact that Palestinian terrorists had taken over the locations.¹⁹⁸

During the meetings, most speakers again deplored Israel's recent actions. Some even acknowledged that the Palestinian Authority could not be expected to combat terrorism while Israel was destroying the means necessary to implement these measures.¹⁹⁹ Speakers almost unanimously regretted Israel's refusal to cooperate with the fact-finding team and many, especially from the Arab Group, said that this contributed to diminishing the Council's credibility and called for the imposition of measures to force Israel to comply. Most

¹⁹⁴ A letter from the Secretary-General (S/2002/504), dated 1 May 2002, described his efforts to implement Council resolution 1405 (2002) and announced his intention to disband the team, deploring that the long shadow cast by recent events in Jenin would remain.

¹⁹⁵ S/2002/478 dated 1 May 2002, sponsored by the Syrian Arab Republic and Tunisia, demanded the immediate implementation of resolutions 1402 (2002) and 1403 (2002); demanded that Israel cooperate fully with the fact-finding team; and requested the Secretary-General to dispatch the team and keep the Council informed.

¹⁹⁶ General Assembly resolution 10/10 dated 14 May 2002.

¹⁹⁷ S/PV.4525, pp. 2-4 and S/PV.4552, pp. 3-5.

¹⁹⁸ S/PV.4525, pp. 4-7 and S/PV.4552, pp. 5-7.

¹⁹⁹ S/PV.4552, p. 9 (Norway). S/PV.4552 (Resumption 1), p. 2 (Ireland); p. 4 (South Africa); and p. 8 (Mauritius).

representatives from Arab and NAM countries, in addition to the representatives of Spain and France²⁰⁰ added that this may indicate a desire from Israel to cover up what really happened.

The representative of the United States stated that his country supported the Secretary-General's decision to disband the team (this was echoed by a majority of Council members), and regretted that the Council had been unable to adopt a draft resolution presented by his country expressing support for the Secretary-General. He added that there was no evidence of a massacre in Jenin and that in reality there had been movement towards implementation of Council resolutions by the parties. Finally, he reaffirmed the goals of the Quartet: restoring security; addressing urgent humanitarian needs; and promoting negotiations towards a settlement.²⁰¹

Finally, the discussions also centered on whether or not the Council should take further action to ensure implementation of previous resolutions. Many speakers said that the Council should not abdicate its moral responsibility to clarify what happened in Jenin and should still seek other ways to establish the facts.²⁰² At the second meeting, several speakers said they looked forward to receiving the Secretary-General's report on Jenin pursuant to the General Assembly resolution ES-10/10.²⁰³

At its 4578th meeting on 18 July 2002, the President of the Security Council (United Kingdom) made a statement on behalf of the Council. In summary, by this statement, the Council:

Supported the Joint Statement of the "Quartet", annexed to the statement, which was issued in New York on 16 July 2002 by the Secretary-General, the Minister of Foreign Affairs of the Russian Federation, the Secretary of State of the United States, the Minister of Foreign Affairs of Denmark, the High Representative for the European Union Common Foreign and Security Policy and the European Commissioner for External Affairs;

Called upon the Government of Israel, the Palestinian Authority and all States in the region to cooperate with the efforts to achieve the goals set out in the Joint Statement and 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, the Madrid terms of reference and the principle of land for peace.

²⁰⁰ S/PV.4525 (Resumption 1) p. 7 (Spain); and p. 34 (France).

²⁰¹ S/PV.4525 (Resumption 1), pp. 22-25; and S/PV.4552 (Resumption 1), p. 9.

²⁰² S/PV.4525, p. 7 (Sudan); and p. 9 (Tunisia). S/PV.4525 (Resumption 1), p. 3 (Jordan); pp. 4-5 (Malaysia); pp. 7-8 (South Africa); p. 11 (United Arab Emirates); p. 14 (Morocco); p. 19 (Lebanon); p. 20 (Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 24 (Guinea); p. 26 (Colombia); p. 31 (Syrian Arab Republic); p. 32 (Mexico); p. 33 (Norway); and p. 34 (France).

²⁰³ S/PV.4552, p. 3 (Palestine); p. 14 (Morocco). S/PV.4552 (Resumption 1), p. 18 (Singapore); p. 25 (Islamic Republic of Iran); p. 27 (Colombia); and p. 29 (Syrian Arab Republic).

Decision of 24 September 2002 (4614th meeting): resolution 1435 (2002)

The Council held its 4588th meeting on 24 July 2002²⁰⁴ following a request contained in a letter dated 23 July 2002 from the representative of Saudi Arabia in his capacity as Chairman of the Arab Group to consider the continued Israeli military aggression against Palestinians and immediately adopt measures to implement previous Council resolutions.²⁰⁵

All Council members took the floor, as well as the representatives of Bahrain, Chile, Cuba, Denmark, Egypt, India, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Kuwait, Malaysia, Pakistan, Saudi Arabia, South Africa, Sudan, Tunisia, Yemen, and the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States and the acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.²⁰⁶

The representative of Palestine complained that Israel had continued to escalate “war crimes”, citing in particular the bombing of an apartment building in Gaza City, which had killed 15 civilians and wounded more than 150 people, and which Israel had declared a “targeted killing”. He also objected to the continuing practice of collective punishment against Palestinians by Israel, in particular air strikes, the reoccupation of Palestinian cities, and severe restrictions on the movement of persons, all of which were creating a humanitarian crisis. He insisted that any talk about the restructuring of the Palestinian Authority in view of statehood was meaningless while Palestine was still under occupation. He also welcomed the international consensus on the two-State solution, reiterated the need for a comprehensive approach, and urged the Council to be more proactive.²⁰⁷

The representative of Israel reiterated that his country’s actions were part of an ongoing effort to fight terrorism. He stressed that the target of the attack mentioned by the representative of Palestine was one of the “most prolific and brutal terrorists in the history of the Middle East.”

²⁰⁴ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter XI, part I, section B - Discussion relating to Article 39, case 4; and chapter XI, part IX, section B - Discussions relating to Article 51, case 6.

²⁰⁵ S/2002/828.

²⁰⁶ Tunisia also participated in the meeting but did not make any statement.

²⁰⁷ S/PV.4588, pp. 3-5.

He expressed regret that Palestinian civilians had been killed, and stated that Israeli forces had not anticipated the extent of the collateral damage, and if they had the operation would not have been carried out. Nonetheless, he underscored that Palestinian terrorists continued, in contravention of international norms, to situate themselves among civilians in order to use them as human shields. He insisted that responsibility also lay with the Palestinian Authority for failing to curb terrorism and stated that Israel could not be expected to take any action that would increase the risk to Israeli civilians. He however assured the Council that an internal investigation was being conducted.²⁰⁸

Speakers almost unanimously condemned the Israeli attack, emphasizing that air attacks against populated areas were unacceptable. Most representatives from the Arab Group described the attack as a “war crime” and said that this was a proof that Israel was not interested in the peace process.²⁰⁹ Other speakers condemned Palestinian terrorism as well as Israel’s disproportionate use of force.²¹⁰

The representative of the United States, while calling on the need to address the action of Palestinian terrorist groups, expressed his country’s concern about Israeli actions that endangered civilians. He also expressed concern for the humanitarian situation and urged Israel to restore economic activity in the Palestinian areas. He finally stated that previous Council decisions already formed an adequate basis to achieve a negotiated solution and that at this point the focus should be on diplomatic efforts.²¹¹

Some speakers reiterated the need to tackle political, security and humanitarian issues in parallel, as affirmed by the Quartet.²¹² Another theme during the meeting was the civil and security reform of Palestinian institutions. Many speakers highlighted the need for international support through the International Task Force on Palestinian Reform and looked forward to the development of specific plans. They also insisted that Israel needed to take concrete steps to support the emergence of a viable Palestinian State including the easing of restrictions.²¹³

²⁰⁸ Ibid., pp. 5-7.

²⁰⁹ Ibid., p. 14 (Syrian Arab Republic); p. 21 (Egypt); p. 22 (Jordan); p. 25 (Islamic Republic of Iran); p. 26 (Permanent Observer of the League of Arab States); pp. 27-28 (Iraq); p. 29 (Sudan); p. 24 (Indonesia); and p. 35 (Yemen).

²¹⁰ Ibid., pp. 8-9 (France); p. 9 (Ireland); p. 10 (Norway); p. 11 (Russian Federation); p. 20 (United Kingdom); pp. 21-22 (Chile); and p. 24 (Denmark).

²¹¹ Ibid., pp. 16-17.

²¹² Ibid., pp. 9-10 (Ireland); p. 12 (Singapore); p. 17 (Mexico); and p. 24 (Denmark).

²¹³ S/PV.4588, pp. 10-11 (Norway); p. 11 (Russian Federation); p. 15 (Singapore); p. 16 (United States); p. 20 (United Kingdom); p. 24 (Denmark); and p. 29 (Japan).

However, the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People said that the three-year programme for the establishment of a Palestinian State introduced by the United States President on 24 June 2002 gave no clear steps toward that goal and placed requirements on the Palestinians while failing to demand that Israel end the occupation.²¹⁴

At its 4613th meeting, on 20 September 2002, the Security Council heard a briefing by the Special Coordinator for the Middle East Peace Process.

In his briefing, the Special Coordinator reported on the recent Quartet activities and on the mounting humanitarian crisis. He said that Quartet members intended to make it clear to Israel that freedom of movement for Palestinian people and goods needed to be insured, that it had to withdraw from areas occupied since September 2000, end targeted killings and freeze settlements activity. Without security improvements and humanitarian delivery, there could only be limited progress on institutional reform. Finally, the Quartet also agreed on a three-phased road map for achieving a two-State solution within three years, and on the establishment of a third-party mechanism to monitor progress.²¹⁵

At its 4614th meeting, held on 23 and 24 September 2002²¹⁶ following requests from the Permanent Observer of Palestine and from the representative of the Syrian Arab Republic contained in letters dated 20 September 2002²¹⁷ to consider the escalation of Israeli military aggression against Palestinians, the Council included both letters in the agenda.

During the meeting, all Council members spoke, in addition to Algeria, Bahrain, Bangladesh, Cuba, Cyprus, Denmark (on behalf of the European Union), Egypt, India, Indonesia, Iraq, the Islamic Republic of Iran, Israel, Jordan, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Nepal, Pakistan, Qatar, Saudi Arabia, South Africa, Sudan, Tunisia and Turkey, the Permanent Observer of Palestine, the Secretary-General, the Permanent

²¹⁴ *Ibid.*, p. 31.

²¹⁵ S/PV.4613.

²¹⁶ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter I, part I, section A - Special cases concerning the application of rules 1-5, case 1; and chapter XI, part I, section B - Discussion relating to Article 39, case 4.

²¹⁷ S/2002/1055 and S/2002/1056, respectively.

Observer of the League of Arab States, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Permanent Observer of the African Union.

The President of the Council (Bulgaria) first drew the attention to a letter dated 19 September 2002 from the representative of Israel referring to new terrorist attacks against Israeli civilians and calling on the international community to strongly condemn the Palestinian terror campaign.²¹⁸ He also drew attention to a letter from the Permanent Observer of Palestine dated 20 September 2002, protesting that Israel had reoccupied the compound of Palestinian President Yasser Arafat in Ramallah.²¹⁹

The Secretary-General strongly condemned the recent terrorist attacks and called on the Palestinians to bring an end to them. He also said that the Quartet had agreed that efforts to reform the Palestinian security apparatus should be done in the context of an overall plan that also addressed political, economic, institutional and humanitarian dimensions. However, he stressed the difficulty for the Palestinians to combat terrorism while their security infrastructures, institutions and basic services were being destroyed. He said that Israel needed to understand that there would be no lasting security without a political settlement, and that the Palestinians should know that there would be no settlement without lasting security for Israel.²²⁰

The representative of Palestine urged the Council to adopt a resolution demanding that Israel withdraw from President Arafat's headquarters and take action to end the humanitarian crisis. He added that the only way to end the tragedy was to pursue a comprehensive approach, which included a "genuine and effective" international presence on the ground that could be in the form of a sufficient group of official observers or in the establishment of a multinational force.²²¹

The representative of Israel responded that the Palestinian Authority should resolutely combat terrorism and establish itself as the only party with the authority to use force. He added that Council resolutions that failed to request the dismantling of terrorist organizations and condemn suicide bombings were not just unhelpful but also counterproductive.²²²

The representative of the United States affirmed that his country was intensively engaged to calm the situation. He condemned terrorist bombings but also acknowledged that the further

²¹⁸ S/2002/1049.

²¹⁹ S/2002/1052.

²²⁰ S/PV.4614, pp. 2-4.

²²¹ *Ibid.*, pp. 4-7.

²²² *Ibid.*, pp. 7-9.

destruction of Palestinian civilian and security infrastructures would not improve Israel's security situation.²²³

All Council members in addition to Denmark (on behalf of the European Union) condemned terrorist attacks, urged Israel to immediately withdraw from Yasser Arafat's compound and put an end to the blockade on Palestinians cities.²²⁴ They emphasized that the current security context undermined progress on Palestinian reform. They expressed their strong support for the Quartet and the road map, and most agreed with the Secretary-General's point that progress should be based on the parallel pursuit of humanitarian, security, and political tracks (in particular, a return to peace negotiations), as well as reciprocity. In particular, some Council members reaffirmed the need to establish a third-party mechanism to insure implementation by both parties.²²⁵ The representative of Mauritius stated that the first priority after the January 2003 Palestinian elections should be a declaration of statehood for the Palestinians, with provisional borders.²²⁶

Most non-Council members also supported the work of the Quartet, but focused their statements on condemning Israeli actions. The representative of Egypt, in particular, stated that Israel could not overcome the will of the Palestinians to resist occupation.²²⁷ A few of them reaffirmed the need to establish a civilian protection mechanism²²⁸ or a multilateral force.²²⁹

Speakers also unanimously expressed concern at the humanitarian situation as exposed in the report of the Personal Humanitarian Envoy of the Secretary-General Catherine Bertini, and some specifically called for the implementation of the recommendations contained in it, in particular that Israel facilitate immediate access by humanitarian agencies in the affected areas.²³⁰

²²³ S/PV.4614, p. 10.

²²⁴ S/PV.4614, pp. 9-23 and S/PV.4614 (Resumption 1), p. 9 (Denmark).

²²⁵ S/PV.4614, p. 12 (France); p. 16 (Mexico); and p. 21 (Singapore).

²²⁶ *Ibid.*, p. 17.

²²⁷ *Ibid.*, p. 23.

²²⁸ S/PV.4614 (Resumption 1), p. 8 (Malaysia); and p. 10 (Tunisia).

²²⁹ S/PV.4614, p. 24 (Egypt and Bangladesh). S/PV.4614 (Resumption 1), p. 6 (Islamic Republic of Iran); p. 8 (Malaysia); p. 19 (Algeria) and p. 27 (African Union).

²³⁰ S/PV.4614, p. 11 (Norway); p. 14 (Ireland); pp. 15-16 (Colombia); p. 17 (Mauritius); p. 22 (Singapore and Bulgaria). S/PV.4614 (Resumption 1), p. 14 (Pakistan); p. 16 (India); p. 20 (Indonesia) and p. 23 (Committee on the Exercise of the Inalienable Rights of the Palestinian People).

Finally, many speakers mentioned a draft resolution introduced by the Syrian Arab Republic²³¹ in which the Council would demand a complete cessation of violence and the withdrawal of Israel from the Palestinian cities.²³²

At the end of the meeting, on 24 September 2002, a draft resolution submitted by Bulgaria, France, Ireland, Norway and the United Kingdom²³³ was put to the vote and received fourteen votes in favour with one abstention (United States), and was adopted as resolution 1435 (2002). In summary, by this resolution, the Council:

Reiterated its demand for the complete cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction;

Demanded that Israel immediately cease measures in and around Ramallah including destruction of Palestinian civilian and security infrastructure;

Demanded also expeditious withdrawal of Israeli occupying forces from Palestinian cities towards the return to the positions held prior to September 2000;

Called on Palestinian Authority to meet its commitment to ensure that those responsible for terrorist acts are brought to justice by it; and called upon Israel and the Palestinian Authority to cooperate with the Quartet and recognized the importance of the initiative endorsed at the Arab League Beirut Summit.

Following the adoption, the representative of the United States stated that, contrary to the draft his country had previously introduced, this resolution had failed to explicitly condemn the terrorist groups and those who provided them with political cover, support and safe haven, which was why they had abstained.²³⁴

Decision of 20 December 2002 (4681st meeting): rejection of a draft resolution

At its 4645th and 4668th meetings, on 12 November and 16 December 2002, the Security Council heard briefings by the Under-Secretary-General for Political Affairs and by the Special Coordinator for the Middle East Peace Process, respectively.

²³¹ S/2002/1057.

²³² S/PV.4614, p. 19 (Syrian Arab Republic); p. 25 (South Africa). S/PV.4614 (Resumption 1), p. 4 (Bahrain); p. 8 (Malaysia); p. 11 (Tunisia); p. 20 (Qatar); p. 25 (Iraq); and p. 28 (Mauritania).

²³³ S/2002/1063.

²³⁴ S/PV.4614 (Resumption 2), p. 2.

The briefers told the Council that despite the formation of a new Palestinian Cabinet, Israeli-Palestinian violence was ongoing. Terrorist attacks were damaging to the Palestinian cause but, at the same time, Israel had to respect international humanitarian law in confronting terrorism. In particular, the killings of United Nations staff members by the Israeli Defense Forces were strongly deplored. The humanitarian situation continued to deepen as Israel had made little efforts to implement its commitments to improve the situation. The expansion of settlements and the erection of a new security wall were detrimental to a peaceful solution, and the absence of an electoral legislative framework would certainly hamper the scheduled Palestinian elections in January 2003. Finally, the gap between the deteriorating situation on the ground and the growing consensus about the two-State solution constituted a paradox which needed to be tackled. For that aim, a detailed plan on how to move forward prepared by the Quartet, was being expected.²³⁵

At its 4681st meeting, on 20 December 2002, the President of the Security Council (Colombia) drew attention to a draft resolution introduced by the Syrian Arab Republic, which condemned the killing of United Nations employees and destruction of a World Food Programme warehouse by the Israeli Defense Forces; demanded that Israel comply with the Geneva conventions and refrain from the excessive and disproportionate use of force; and requested the Secretary-General to inform the Council on any developments on that regard.²³⁶

During the meeting, the representatives of Bulgaria, France, Ireland, Israel, Norway, the Syrian Arab Republic, the United States, and the Permanent Observer of Palestine made statements.

The representative of the United States stated that because the draft did not urge action by all concerned to minimize threats to the United Nations, his country would veto it. He expressed regret that the sponsors of the resolution did not want to engage on the alternative proposal the United States had submitted.²³⁷

The representative of Bulgaria said his country would abstain because of a lack of unanimity. The representatives of Norway, France, and Ireland stated it would have been quite appropriate for the Council to adopt this resolution and remind Israel of the need to fully respect

²³⁵ S/PV.4645, pp. 2-6 and S/PV.4668, pp. 2-5.

²³⁶ S/2002/1385.

²³⁷ S/PV.4681, pp. 2-3.

international humanitarian law.²³⁸ The representatives of the Syrian Arab Republic and Palestine deplored that despite international consensus on the issue, protection given to Israel by one permanent Council member was allowing Israel to flout international humanitarian law.²³⁹

The representative of Israel expressed regret at the killing, and said that his country was engaged in a thorough investigation and that the findings may be made available to the relevant authorities.²⁴⁰

The draft resolution was put to a vote and received twelve votes in favour to one against (United States) with two abstentions (Bulgaria and Cameroon), but was not adopted due to the negative vote of a permanent member.

Deliberations of 16 January 2003 to 19 August 2003

At its 4685th, 4704th, 4722nd, 4741st, 4757th, 4773rd, 4788th and 4810th meetings, on 16 January, 13 February, 19 March, 16 April, 19 May, 13 June, 17 July and 19 August 2003 respectively, the Council heard briefings from the Under-Secretary-General for Political Affairs,²⁴¹ the Assistant Secretary-General for Political Affairs,²⁴² and the Special Coordinator for the Middle East Peace Process.²⁴³ No other statements were made during the meetings.²⁴⁴

The briefings mainly focused on implementation by the parties of the Quartet's three-phase road map for achieving a negotiated settlement of the Israeli-Palestinian conflict (road map). Under the road map's guiding principle of parallelism, progress was to be pursued on all issues at the same time and monitored on the basis of the parties' compliance with specific performance benchmarks. The first phase required the parties to implement a complete ceasefire, improve humanitarian conditions, promote Palestinian institution-building and halt all settlement construction. The road map was officially presented to the parties on 1 May 2003 but its broad lines had already been defined in December 2002.²⁴⁵

²³⁸ S/PV.4681, p. 3 (Bulgaria); p. 3 (Norway), p. 4 (Norway), pp.3-4 (Ireland).

²³⁹ Ibid., p. 6 (Syrian Arab Republic) pp. 4-5.

²⁴⁰ Ibid., pp. 5-6.

²⁴¹ S/PV.4685, S/PV.4704 and S/PV.4773,

²⁴² S/PV.4741 and S/PV.4810.

²⁴³ S/PV.4722, S/PV.4757 and S/PV.4788.

²⁴⁴ Aspects of the discussion in the 4722nd meeting have been covered in case studies in other chapters. For more information see chapter XI, part IX, section B - Discussions relating to Article 51, case 6.

²⁴⁵ The development of the road map was a lengthy process which began with the Quartet Principals' meeting in New York in September 2002, at the initiative of the Secretary-General, see S/PV.4722, p. 5.

The briefers reported that the level of violence initially continued with Palestinian terrorist attacks and Israel's disproportionate use of force against Palestinian cities until a ceasefire was finally announced on 30 June 2003 with the help of the Egyptian government. In July the security situation slightly improved, but violations of the ceasefire took place in August.

They however highlighted many remaining challenges and called on Israel, *inter alia*, to remove settlement outposts and freeze settlement activities; put an end to the construction of the security wall in the West Bank; stop demolishing Palestinian homes; release more Palestinian prisoners; and help strengthen the new Palestinian government by easing restrictions. They also urged the Palestinian Authority to intensify efforts to achieve full security control over its areas and deplored that all security forces were yet to be regrouped under the authority of the Interior Minister due to restrictions on mobility imposed by Israel. Travel restrictions, including on United Nations personnel, and periodic closures of Gaza's Rafah crossing had also led to the deteriorating humanitarian and socio-economic situation in the Palestinian territories.

Some positive developments were noted, including on the reform of the Palestinian Authority with the designation of Mahmoud Abbas as the first Palestinian Prime Minister. In addition, the parties both endorsed the road map during the Aqaba summit on 4 June 2003 organized at the initiative of the United States.²⁴⁶ The peace process was then revived and Israeli and Palestinians leaders started to meet on a regular basis. The Special Coordinator for the Middle East Peace Process also emphasized that a resumption of negotiations on both the Syrian and Lebanese tracks as early as January 2004 would help the Palestinian-Israeli track.²⁴⁷

Decision of 16 September 2003 (4828th meeting): rejection of a draft resolution

At its 4824th meeting, held on 15 September 2003 in response to a request contained in a letter dated 12 September 2003 from the representative of Sudan in his capacity as Chairman of the Arab Group to consider the continuing escalation against the Palestinian people, the Security Council included the letter in its agenda. The letter also contained a draft resolution reiterating the demand for the cessation of violence, demanding that Israel cease any threat to the safety of

²⁴⁶ S/PV.4773, p. 2.

²⁴⁷ S/PV.4788, p. 6.

the Palestinian Authority President, expressing full support for the efforts of the Quartet and calling for implementation of the road map by the two sides.²⁴⁸

During the meeting, all Council members took the floor as well as the representatives of Algeria, Argentina, Australia, Bahrain, Bangladesh, Brazil, Canada, Cuba, Egypt, India, Indonesia, Israel, Italy (on behalf of the European Union), Japan, Jordan, Malaysia (on behalf of NAM), Morocco, Nepal, Norway, Saudi Arabia, South Africa, the Sudan, Tunisia, Turkey and the United Arab Emirates, the Permanent Observer of Palestine, the Special Coordinator for the Middle East Peace Process, the Permanent Observer of the League of Arab States, and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.²⁴⁹

The Special Coordinator for the Middle East Peace Process first briefed the Council on the situation on the ground. He reported that the ceasefire had been broken with three suicide bomb attacks against Israelis killing 38 people and he called on the Palestinian Authority to bring the planners of these attacks to justice. While recognizing Israel's right to defend itself, he re-emphasized that Israel had to comply with international humanitarian law. Recent violence, coupled with lack of implementation of the road map, resulted in the stalling of the peace process.²⁵⁰

The representative of Palestine called on the Council to take immediate measures against Israel's decision to "remove Yasser Arafat" and to help revive the road map with the establishment of a monitoring mechanism and the sending of international troops in the region.²⁵¹ The representative of Israel reaffirmed that his country strongly believed that Yasser Arafat was an obstacle to peace because of his encouragement of terrorism.²⁵²

Council members unanimously deplored the renewed violence and a majority of them urged both parties to resume implementation of the road map. The Syrian Arab Republic, echoed by the majority of other speakers, condemned Israel's continued policy of aggression, called on Israel to withdraw from occupied territories and recommit to the road map, and asked the Council to compel Israel to put an end to violations of international law.²⁵³ The Israeli decision

²⁴⁸ S/2003/880.

²⁴⁹ The representative of Canada was also present during the meeting but did not participate.

²⁵⁰ S/PV.4824, pp. 3-7.

²⁵¹ *Ibid.*, pp. 7-9.

²⁵² *Ibid.*, pp. 9-12.

²⁵³ S/PV.4824, p. 15.

to expel President Arafat was also widely rejected. Many specifically called on Israel to revoke this decision.²⁵⁴

The representative of Spain focused his speech on the fragility of the mechanism contained in the road map to follow implementation, and the need for it to be interpreted according to the context. He added that the political perspective of the road map was ambiguous and needed to be supported by both parties. He said that the Secretary-General needed to revitalize the end goals of the road map so that both Israel's security and the viability of the future Palestinian State would be included.²⁵⁵ This was echoed by the representative of Australia, who stated that credible guarantees for the security of Israelis were key to success of the road map.²⁵⁶

Several speakers proposed specific solutions to the crisis, including organizing an international conference,²⁵⁷ establishing a monitoring mechanism,²⁵⁸ deploying an interposition force,²⁵⁹ or sending observers to the region.²⁶⁰ A few speakers expressly supported the draft resolution presented by the Arab Group,²⁶¹ and the representative of France said that his country was prepared to work on its basis.²⁶² The representative of Algeria called for the adoption of another draft presented by Angola on behalf of NAM.²⁶³

The representative of the United States said that the Council had to take a clear stand against terrorist groups and that his country would only support a resolution that condemned terrorist acts and called for the dismantling of terrorist infrastructure. He added that his country did not support either the elimination of Yasser Arafat or his forced exile.²⁶⁴

²⁵⁴ S/PV.4824, p. 13 (China); p. 17 (Mexico); p. 20 (Germany); p. 22 (Spain); p. 24 (Guinea). S/PV.4824 (Resumption 1), p. 9 (Bangladesh); and p. 21 (Nepal).

²⁵⁵ S/PV.4824, p. 23.

²⁵⁶ S/PV.4824 (Resumption 1), p. 13.

²⁵⁷ S/PV.4824, p. 19 (France).

²⁵⁸ S/PV.4824, p. 19 (France). S/PV.4824 (Resumption 1), p. 15 (South Africa); pp. 19-20 (Tunisia); and p. 21 (Norway).

²⁵⁹ S/PV.4824, p. 19 (France).

²⁶⁰ *Ibid.*, p. 22 (Spain).

²⁶¹ S/PV.4824, p. 24 (Guinea). S/PV.4824 (Resumption 1), p. 13 (Italy).

²⁶² S/PV.4824, p. 19.

²⁶³ S/PV.4824 (Resumption 1), p. 5.

²⁶⁴ S/PV.4824, p. 25.

At its 4828th meeting, on 16 September 2003,²⁶⁵ the Council again included the letter dated 12 September 2003 from the representative of the Sudan in its agenda. The President (the United Kingdom) drew attention to a draft resolution submitted by Pakistan, South Africa, Sudan and the Syrian Arab Republic, which, *inter alia*, reiterated the demand for the complete cessation of all acts of violence; demanded that Israel desist from any act of deportation and cease any threat to the safety of the Palestinian Authority President; expressed its support for the Quartet; called on increased efforts to implement the road map by the two sides; and underlined the importance of the next Quartet meeting in New York.²⁶⁶ The draft resolution was put to the vote and received 11 votes in favour and 1 against (United States) with three abstentions (Bulgaria, Germany and the United Kingdom). It was not adopted owing to the negative vote of a permanent member.

The representatives of Bulgaria, Chile, France, Germany, Israel, Pakistan, Spain, Syrian Arab Republic, the United Kingdom, the United States and the Permanent Observer of Palestine then made statements.

The representative of the United States maintained that the draft failed to incorporate a robust condemnation of terrorism and of specific terrorist groups, and a call for the dismantlement of infrastructures that support these groups.²⁶⁷ Likewise, the representative of the United Kingdom stated that the draft was not sufficiently balanced.²⁶⁸ The representative of Bulgaria said that the Council should have made more efforts to reach a consensus.²⁶⁹ Finally, the representative of Germany stated that despite the abstention his country's position remained that Israel's decision to expel Yasser Arafat was detrimental to the peace process.²⁷⁰

The remaining speakers expressed regret at the fact that the resolution had not obtained consensus and reaffirmed that the Israeli decision to expel Mr. Arafat was against the law and politically counter-productive.²⁷¹

²⁶⁵ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter III, part II, section A - The stage at which invited States are heard, case 8; and chapter VI, part I, section C - Practice in relation to Article 12 of the Charter, case 1.

²⁶⁶ S/2003/891, dated 16 September 2003.

²⁶⁷ S/PV.4828, p. 2.

²⁶⁸ *Ibid.*, pp. 6-7.

²⁶⁹ *Ibid.*, p. 5.

²⁷⁰ *Ibid.*, p. 3.

²⁷¹ *Ibid.*, p. 4 (France); p. 3 (Pakistan); p. 4 (Chile and Syrian Arab Republic); and p. 5 (Spain).

Decision of 14 October 2003 (4842nd meeting): rejection of a draft resolution

At its 4841st meeting,²⁷² held on 14 October 2003 in response to the request contained in a letter dated 9 October 2003 from the representative of the Syrian Arab Republic in his capacity as chairman of the Arab Group, to consider the illegal Israeli settlement activities and Israel's construction of an expansionist wall in the occupied Palestinian territories, the Security Council included the letter in its agenda. The letter also included a draft resolution, *inter alia*, reaffirming the two-State solution; reiterating the Council's opposition to settlement activities in the occupied Palestinian territories; deciding that the construction of the wall was illegal under international law and that it must be ceased and reversed; and requesting the Secretary-General to report on compliance with this resolution periodically with a first report to be submitted within one month.²⁷³

All Council members as well as the representatives of Argentina, Bahrain, Brazil, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Israel, Italy (on behalf of the European Union), Japan, Jordan, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Nepal, New Zealand, Norway, Qatar, Saudi Arabia, South Africa, the Sudan, Tunisia, Turkey, the United Arab Emirates and Yemen, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States, the Deputy Permanent Observer of the OIC, and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People took the floor.

The President of the Council (United States) first drew attention to two letters from the representatives of Malaysia and the Islamic Republic of Iran, dated 9 October 2003, conveying the support of the NAM and of the OIC to the Arab Group's request.²⁷⁴

The representative of Palestine stressed that indiscriminate killings of Palestinians and the construction of an expansionist wall in the occupied Palestinian territories including East Jerusalem constituted war crimes. He deplored the confiscation of Palestinian land for that aim and asserted that Israel's goal was to conquer more land.²⁷⁵ The representative of Israel replied that the wall was intended to non-violently prevent the passage of terrorists into Israel and that

²⁷² Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter XI, part IX, section B - Discussions relating to Article 51, case 6.

²⁷³ S/2003/973.

²⁷⁴ S/2003/974 and S/2003/977, respectively.

²⁷⁵ S/PV.4841, pp. 3-6.

this ultimately would lead to an atmosphere conducive to peaceful negotiations. He added that in the absence of Palestinian compliance with Council resolutions asking it to dismantle terrorist infrastructures, Israel had no other option. Finally, he pointed out that international humanitarian law allowed for territory to be requisitioned for security purposes and that compensation matching the property value was being provided.²⁷⁶

Most Council members reiterated their condemnation of terrorist acts but also expressed their deep concern for the construction of the wall. They recognized that it was illegal, had negative humanitarian consequences, was contrary to the road map and called into question the two-State solution. Some Council members called for resolute Council action.²⁷⁷ The Russian Federation specifically called for the adoption of a resolution that would approve the road map. The Russian Federation, France and China supported the convening of an international conference on the Middle East and the establishment of a monitoring mechanism to ensure implementation of the road map by the parties.²⁷⁸ The representative of Bulgaria however stated that condemning this specific aspect of the overall picture in the Middle East would not contribute to resuming the peace process.²⁷⁹ This was echoed by the representative of the United States who also noted that ending terrorism must be the priority and that any resolution would have to take into account the bigger picture. He added that his country understood Israel's security concerns but urged it to consider the consequences of building the wall so that it did not prejudice the outcome of a peace agreement.²⁸⁰

The representative of the Syrian Arab Republic reiterated that the construction of the wall was aimed at creating Palestinian enclaves and at consolidating Israel's annexation of vast areas of the West Bank and East Jerusalem. He called on the Council to condemn Israel and make it clear that these practices were contrary to international law. He expressed his fear that the absence of Council action would hurt the Council's credibility.²⁸¹ This was echoed by the majority of other speakers and non-Council members.

²⁷⁶ S/PV.4841, pp. 7-12.

²⁷⁷ *Ibid.*, p. 13 (Syrian Arab Republic); p. 16 (Mexico and Chile); p. 17 (Guinea); p. 19 (France); p. 21 (Angola); and p. 22 (Pakistan).

²⁷⁸ *Ibid.*, p. 15 (Russian Federation); p. 19 (France); and p. 20 (China).

²⁷⁹ *Ibid.*, p. 15.

²⁸⁰ *Ibid.*, pp. 23-24.

²⁸¹ *Ibid.*, pp. 12-13.

Some other speakers, while expressing concern for the construction of the wall, also reiterated the need for the Palestinian Authority to resolutely fight terrorism.²⁸²

The representative of Palestine, taking the floor again, rejected Israel's vision that Palestinian territories were not occupied but "disputed" and noted the failure to explain why the wall was being built deep inside Palestinian territory and not on the armistice line of 1949.²⁸³

At its 4842nd meeting, held on 14 October 2003, the Council again included the letter dated 9 October 2003 from the representative of the Syrian Arab Republic in its agenda. The President (United States) drew attention to a draft resolution submitted by Guinea, Malaysia, Pakistan and the Syrian Arab Republic, which decided that the construction of the wall was illegal and had to be reversed.²⁸⁴

The draft was first put to a vote and received ten votes in favour to one against (United States) with four abstentions (Bulgaria, Cameroon, Germany and the United Kingdom). The resolution failed to be adopted due to the negative vote of a permanent member.

Statements were then made by the representatives of the United States, Israel and the Permanent Observer of Palestine.

The representative of the United States stated that the draft was unbalanced and asserted that a Council resolution focused on the fence would not further peace in the region.²⁸⁵ While the representative of Palestine deplored that the Council had been unable to take a firm stand on the expansionist wall and said that it was urgent to find a way to redress this within the framework of the United Nations system, the representative of Israel contended that the draft resolution was biased as it failed to draw attention to Palestinian terrorism which was the very cause of Israeli defense measures.²⁸⁶

Decision of 19 November 2003 (4862nd meeting): resolution 1515 (2003)

²⁸² S/PV.4841, pp. 32-33 (Japan); p. 37 (Argentina); p. 40 (Turkey); p. 42 (Italy); p. 43 (Norway); p. 44 (New Zealand).

²⁸³ *Ibid.*, p. 49.

²⁸⁴ S/2003/980 dated 14 October 2003.

²⁸⁵ S/PV.4842, p. 2.

²⁸⁶ *Ibid.*, p. 3.

At its 4846th and 4861st meetings, on 21 October 2003 and 19 November 2003, respectively,²⁸⁷ the Security Council heard briefings by the Under-Secretary-General for Political Affairs.

The Under-Secretary-General noted that actions taken by both sides had the effect of deepening the sense of mistrust between them. As a result, violence continued and the peace process was stalled. He called on the parties to return to the negotiations with the help of the international community. He also reiterated his condemnation of terrorism and asked the Palestinian Authority, especially the newly appointed Prime Minister, to make more efforts to establish law and order. Likewise, he called on Israel to cease the use of disproportionate and indiscriminate force in civilian areas, to reverse its policy of settlement expansion, to implement a settlement freeze and halt the construction of the wall as requested in a General Assembly resolution adopted at the tenth emergency special session.²⁸⁸ Finally, he condemned the deterioration of the humanitarian situation due to severe restrictions on the movement of humanitarian goods and aid workers.²⁸⁹

At its 4862nd meeting, on 21 October 2003, the President (Angola) drew attention to a draft resolution submitted by Bulgaria, Chile, China, France, Germany, Guinea, Mexico, the Russian Federation, Spain and the United Kingdom,²⁹⁰ which was adopted unanimously and without debate as resolution 1515 (2003). In summary, by this resolution, the Council:

Endorsed the Quartet Performance-based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (S/2003/529);

Called on the parties to fulfill their obligations under the Roadmap in cooperation with the Quartet and to achieve the vision of two States living side by side in peace and security.

Deliberation of 12 December 2003 (4879th meeting)

At its 4879th meeting, on 12 December 2003, the Council heard a briefing by the Special Coordinator for the Middle East Peace Process.

²⁸⁷ Aspects of the discussion in the meeting have been covered in case studies in other chapters. For more information see chapter XI, part IX, section B - Discussions relating to Article 51, case 6.

²⁸⁸ General Assembly resolution 10/13 dated 21 October 2003.

²⁸⁹ S/PV.4846 pp. 2-5, and S/PV.4861, pp. 2-5.

²⁹⁰ S/2003/1100.

The Special Coordinator said that despite a lack of diplomatic progress there had been a relative calm on the ground. He welcomed the reaffirmation by both parties of their commitments toward the implementation of the road map, applauded civil society initiatives aimed at bringing Israelis and Palestinians together, and considered resolution 1515 (2003) an extremely positive step. He however cautioned against recent Israeli proposals to undertake a unilateral withdrawal of certain parts of the occupied Territories. He noted that while the Israeli withdrawal from southern Lebanon had been cited as a precedent, that withdrawal had not been carried out under Security Council supervision and with intense support from the United Nations Secretariat and in negotiation with both parties. On the other hand, a truly unilateral withdrawal would contain problematic elements, as it might be perceived by some that only terror and violence could create change, and that it was not necessary to arrive at a peaceful settlement through negotiations underpinned by international legitimacy. He reaffirmed the need for a step-by-step approach assisted by confidence-building measures and the need to address territory and terror as core issues. Finally, he referred to new proposals for providing financial assistance to the Palestinian Authority to compensate for economic losses and the dire humanitarian situation.²⁹¹

²⁹¹ S/PV.4879.