



SECURITY COUNCIL REPORT

UPDATE REPORT



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Israel/Palestine

Expected Council Action

Council members are discussing a draft resolution circulated on 27 June by Libya which addresses the Israeli decision to expand its settlements in the Palestinian Territory. It seems that there will be a period of discussions in Informal Consultations. But it is possible that the co-sponsors will move to put the resolution to a vote. The Council has a past history of firm action against settlements but in recent years it has been silent. Indeed no resolution has been adopted by the Council on the Israel/Palestine question since resolution 1544 of 19 May 2004. (Our *Special Research Report* "The Middle East 1947-2007: Sixty Years of Security Council Engagement on the Israel/Palestine Question" of 17 December 2007 provides a detailed history of the Council's involvement in this issue.)

Key Recent Developments

In early June, Israel announced plans to build 1,300 new housing units in East Jerusalem. The Palestinian side fears that the settlement plans are part of a systematic policy to undermine the peace process. For its part Israel has described the new homes as the natural growth of existing communities which in its view should remain part of Israel under any final status agreement.

On 2 June, the Secretary-General voiced deep concern at the Israeli announcement and emphasised that Israel's continued construction in settlements in the occupied Palestinian territory was contrary to international law and to Israel's commitments under the Road Map for Middle East peace and the Annapolis process. He called on Israel to freeze all activity, including natural growth, and to dismantle outposts erected since March 2001.

During a visit to Israel on 15 June, US Secretary of State Condoleezza Rice said that Israel's announcement of new construction had a negative effect on current peace talks.

On 23 June, French President Nicolas Sarkozy, who was visiting Israel, stated that there can be no peace without stopping settlements. He encouraged Israel to support a proposal for the adoption of a law that would provide incentives for settlers to leave the West Bank in exchange

for compensation and relocation in Israel, and he called on Israel to ease restrictions on Palestinians' movement within the West Bank.

On 24 June, the Quartet (consisting of the EU, the UN, Russia and the US) met in Berlin and issued a statement urging the parties to refrain from any steps that undermine confidence or could prejudice the outcome of the current peace negotiations. In particular, it reiterated deep concern at the continuing Israeli settlement activity and called for a freeze.

On 19 June, an Egyptian-mediated six-month ceasefire between Hamas and Israel in Gaza took effect. Israel agreed to cease its blockade of the Gaza strip. However, on 25 June a Palestinian rocket attack on southern Israel took place. The al-Aqsa Martyrs Brigades (a group aligned with Fatah) claimed responsibility. Israel responded by again closing the borders, and at press time, the Gaza crossings remained closed, although some fuel supplies had been allowed to cross.

It seems that there has been some progress in indirect talks mediated by Egypt between Israel and Hamas for a prisoners' exchange which would involve the return of the Israeli soldier Gilad Shalit captured by Hamas in June 2006.

Developments in the Human Rights Council

During its 7th session from 3 to 28 March, the Human Rights Council adopted three resolutions relating to Palestine:

- A/HRC/7/L.1 (5 March 2008), originally sponsored by Pakistan and Palestine on behalf of the Organisation of the Islamic Conference (OIC) and the League of Arab States, condemned Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip and called for immediate cessation, expressed shock at Israeli bombardments of Palestinian homes, called for urgent international action to put an end to the grave violations committed by Israel and called for immediate protection of Palestinian people (Canada voted against).
- A/HRC/7/L.3 (18 March 2008), originally sponsored by Pakistan and Palestine on behalf of the OIC and the Group of Arab States, reaffirmed the inalienable right of the Palestinian people to self-determination and reaffirmed support for a two-state solution (adopted without a vote).
- A/HRC/7/L.4 (18 March 2008) on Israeli settlements, originally sponsored by Pakistan and Palestine on behalf of the OIC and the Group of Arab States, deplored Israel's announcement of the construction of new housing units in East Jerusalem as they undermine the peace process, expressed grave concern at Israeli settlement and related activities in violation of the Fourth Geneva Convention relative to the Protection of Civilians in Time of War, and at the restriction of freedom of movement of people and goods within the Occupied Palestinian Territory, demanded the dismantlement of settlements and measures to prevent acts of violence by Israeli settlers against Palestinian civilians and properties (Canada voted against).

The Issue of Israeli Settlements in the Council

The Council has taken firm positions against Israeli settlements in the West Bank in the past. Two landmark resolutions include:

- Resolution 242 (22 November 1967) affirmed that the establishment of a just and lasting peace in the Middle East should include the withdrawal of Israel from territories occupied during the June 1967 war (East Jerusalem, the West Bank, Gaza, the Sinai—which was returned to Egypt in 1979— and the Golan Heights); and
- Resolution 446 (22 March 1979) specifically addressed the issue of settlements and determined that the policy and practices of Israel in establishing settlements in the occupied territories have “no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.” It deplored Israel’s non-compliance and called on Israel not to transfer parts of its own civilian population into the occupied Arab territories.

The Draft Resolution

The genesis of the current draft resolution lies in an initiative commenced by Saudi Arabia in early June in discussions within the Arab Group. A draft was prepared on 11 June and subsequently a small team representing the Arab Group (composed of Saudi Arabia, Iraq and Mauritania plus Libya—and supported by Palestine) began canvassing all Council members in a series of bilateral meetings about the possibility of Council action on the settlements issue. The draft resolution was officially circulated to Council members on 27 June.

The draft:

- Reaffirms past Council decisions that Israeli settlements in the Palestinian territory including East Jerusalem are illegal and constitute a serious obstruction to the achievement of peace;
- Condemns the acceleration of Israeli settlement activities in the recent period;
- Demands that Israel immediately and completely cease all settlement construction, expansion and planning and that it dismantle the settlements built therein;
- Requests the Secretary-General to present a report on implementation of this resolution as soon as possible.

Council Dynamics

In the initial stage of bilateral discussions with Council members, it seems that the idea of the Council adopting a resolution on this issue at this time received wide support from a large majority of Council members. As to the text itself, it seems that most members see it as moderate and reasonable, although it remains to be seen whether some amendments will be forthcoming.

As to the positions of the major powers, on the substance of the issue it would seem the US, the EU, and the Russian position is clearly expressed in the Quartet statement. That statement is critical of the Israeli decision, and it has a lot in common with the draft resolution.

Nevertheless, the key question is whether the US will support the Council speaking on the subject. Although the US continues to be opposed to the settlements, in recent years, contrary

to its past policy, it has insisted that the Council is not the appropriate forum for decisions on Israeli-Palestinian issues. (US Deputy Permanent Representative Alejandro Wolff said on 25 June that the settlements issue is only one aspect of the several issues regarding the peace process. He said that the US was opposed to “selective” statements and suggested that the text should be “balanced”.)

UN Documents

Selected Resolutions

- S/RES/1544 (19 May 2004) called on Israel not to demolish homes in the Rafah refugee camp and expressed grave concern over the humanitarian situation in the Rafah area.
- S/RES/1515 (19 November 2003) stated the necessity for a two state solution and unanimously endorsed the Quartet’s Road Map.
- S/RES/1397 (12 March 2002) affirmed a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders.
- S/RES/904 (18 March 1994) called upon Israel, the occupying Power, to implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers against Palestinian civilians in the Occupied territories.
- S/RES/446 (22 March 1979) declared that settlements in occupied territories have no legal validity and the legal status of Jerusalem cannot be validly altered unilaterally.
- S/RES/242 (22 November 1967) called on all parties to end territorial claims, respect sovereignty, and for Israel to withdraw from occupied territories.

Selected Letters

- S/2008/396 (17 June 2008) was a letter from Cuba on behalf of the Non-aligned movement on the intensifying illegal Israeli settlement activities in the occupied territories.
- S/2003/529 (7 May 2003) was a letter from the Secretary-General transmitting the text of the road map for a two-state solution to the Israeli-Palestinian conflict.

Other

- A/HRC/7/L.1 (5 March 2008), A/HRC/7/L.3 (18 March 2008) and A/HRC/7/L.4 (18 March 2008) were Human Rights Council resolutions relating to Palestine.

Other Relevant Facts

	Number of Israeli Settlers
West Bank	About 282,000
East Jerusalem	About 184,000
Gaza	0 (Israel withdrew all settlements in 2005)
Golan Heights	About 18,000