

1701: A Worthless Security Council Resolution?

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Amos Gilad, the head of the Defense Ministry's political-security branch, testified before the Winograd Commission that the following conversation took place between him and Shalom Turgeman, the prime minister's political advisor, on August 11, two days before the UN Security Council adopted Resolution 1701:

He called me in the morning at 8 A.M.; Turgeman, the political advisor calls me and says: "This is a disaster." I say, "What happened?" And he says, "I can't tell you on the phone." I say: "Come on!" [But he says:] "No, I can't. Get over here now, to the prime minister's." OK, he tells me to go, so I go. On the way over, I was upset. I'd never heard him talk like that. So I said to myself, I'll call the minister, the defense minister. So I call the defense minister, and they tell me, "He's at the party offices." So I said: "Get him out of there." That too was abnormal; I never did anything like that. So they got him out. I said to him: "Mr. Defense Minister, I have a bad feeling. Something's gone terribly wrong. I don't know, but I've never heard Turgeman – or anyone else for that matter – talk like that." ...I'm on the phone with him, in a panic, driving to Jerusalem like a maniac. And he says to me: "What do you think is going on?" I said to him: "In my opinion, I think all the agreements have fallen through. And yesterday I warned you that the Americans have become way too nice. And I don't know how to explain this to you, but I think this is a disaster." He starts to get stressed and says to me: "OK, keep me informed." I said: "OK, first let me find out." I got to Jerusalem, heard the details, the blood drained from my face. I felt as if the sky had caved in on me.

Dr. Oded Eran, director of INSS

These grim words do not describe any disaster in the military arena, rather the mindset and sense in Israel regarding the adoption of UN Security Resolution 1701. It seems that this testimony reflects to a large extent the lack of preparedness and thought characteristic of the political dimension – as well as the military level – in everything connected with the Second Lebanon War.

Israel shares political borders with five different Arab entities, but there is no line about which there are as many UN Security Council resolutions as the Israel-Lebanon border. The presence of international forces on Israel's borders is not a new phenomenon; it has been a fact of life since 1948. However, only in the case of Lebanon is it the result not of the actions of neighboring governments that are entities with a clearly defined address and bearing political responsibility, rather the result of sub-state, non-governmental entities with their own agendas, which are not necessarily congruent with the agendas of the sovereign governments from whose territories they operate.

The presence of international forces on Syrian and Egyptian borders, for example, might create the illusion that these forces are responsible for the quiet along the border. I would like to clarify this point, because the quiet that prevails along these borders is not a function of the efficiency of the international troops, rather the conscious decisions by the governments of these states. In the case of Jordan, the quiet has been maintained for dozens of years along its border with Israel, with no international forces deployed there.

As it is known, there is a significant gap between Lebanon's ethnic composition and the makeup of its political system. This also generates the gap that exists between the legitimate government and its ability to control the entire country. However, since 1978 Israel has reverted consistently to the same demands, which are based on two fundamental points: one, the control and sovereignty of the Lebanese government; and two, the presence of an international force on the Blue Line (the international border). It may be that this demand stems from the fact that we have no alternatives. At the same time, we should ask ourselves, especially with regard to the future, if it is in fact in Israel's best interest to continue to insist on these points.

If we look carefully at the wording of UN Security Council Resolution 425, drafted in the wake of Operation Litani in 1978, and at Security

Council Resolution 1559,¹ both decisions are based on the same two ideas: the imposition of the Lebanese government's sovereignty over all of its territory and the presence of an international force with the mandate to help the Lebanese government impose its sovereignty on its territory.

This article does not deal with the level of military preparedness for the war in the summer of 2006, rather, the many questions marks regarding the political aspects. It is unclear why it was impossible to prepare the political ground, as this did not entail the mobilization of reserves and there was no issue of budget cuts or training affecting the military performance. It was possible to prepare the international political environment in advance, as it was clear that an armed confrontation with Hizbollah would occur sooner or later.

If we are to believe and accept the investigation undertaken by the daily *Haaretz* published on October 1, 2006, already on the second day after the outbreak of the war the Foreign Affairs Ministry was hard at work preparing the exit strategy, i.e., the political product that would allow Israel to announce that it had achieved its goals for which it went to war. On the basis of the newspaper's investigation, the goals that the Foreign Ministry were:

1. Giving the UN force a mandate to open fire
2. Demilitarizing the region between the Litani River and the Israel-Lebanon border
3. Dismantling Hizbollah, with a supervisory mechanism overseeing the dismantling
4. Creating a mechanism for political-military coordination between Israel and Lebanon
5. Assisting international reconstruction of Lebanon, though in proportion to progress in the dismantling of Hizbollah (i.e., making assistance conditional on the dismantling)
6. Effecting a UN weapons embargo on non-governmental militias in Lebanon.

The Foreign Ministry team that drew up this document also recommended that Israel undertake the diplomatic activity to achieve these goals through the help of two Security Council permanent members – the United States and France.

All of this would have been well and good had the Israeli government actually discussed this proposal, made a decision, and acted accordingly.

Admittedly, it was late, and these discussions and actions should have been undertaken much earlier without regard to the date that the war broke out in 2006; but even two days after the start of the war should have given ample time to achieve the goals set by the Foreign Ministry. Yet no fewer than ten days had passed before the minister of foreign affairs even had a chance to meet with the prime minister! She met with him for the first time on July 23, when she presented him with the outlined proposal.

In the meantime, the initiative was left to the Lebanese and the international players – and in fact, this is clearly spelled out in the Security Council resolution. On July 26, 2006, Lebanese prime minister Fouad Siniora appeared before representatives of 15 nations assembled in Rome and presented his plan – the “Seven Point Program.” The central point of the plan, of course, was restoring full sovereignty to the Lebanese government. He also expressed willingness to accept an international force, albeit not on the basis of Chapter 7 of the UN Charter – and this is a most important point, as this chapter is one of the sources that Security Council Resolution 1701 relies on. The Ta’if agreement of 1989, which concluded the civil war in Lebanon, is also based on similar understandings, and calls for the restoration of sovereignty and the dismantling of the militias.

If we study all the accounts in the Winograd Commission report, we will see that there was Israeli initiative and involvement in the process of the adoption of Resolution 1701. There were ongoing conversations with the White House and with France, as well as with various elements in the UN. Yet all contact was at very low levels, whereas the senior political echelons such as the minister of foreign affairs or the prime minister were involved, at least outwardly, in a way that can only be described as “very loose.”

Indeed, after a critical lapse of several days at the political level in Israel, several deliberations finally took place among those who really should have been dealing with the final product, the political product of the war. Some discussions were held on July 30 and on July 31. These discussions reveal that there were significant gaps in the definition of the final objectives. On August 9, two days before the adoption of Resolution 1701, the cabinet held a meeting and made the decision that spoke about continuing the efforts to arrive at a political settlement that would include:

1. Returning the kidnapped soldiers at once, with no preconditions
2. Immediately ending all hostilities from Lebanon against Israel, including the launching of rockets
3. Fully implementing Resolution 1559 (the resolution that as early as September 2, 2004 called for the dismantling of the militias)
4. Deploying an effective multinational force in southern Lebanon, together with the Lebanese army, along the Blue Line
5. Preventing the reconstruction of Hizbollah's capabilities, in particular through preventing the transfers of arms and materiel from Syria and Iran into Lebanon.

Let us compare the cabinet decision two to three days before the Security Council adopted Resolution 1701 with the resolution itself. I am not claiming that Resolution 1701 represents the ideal, but it seems worthwhile to compare the cabinet decision of two days prior to the adoption of the Security Council resolution.

1. The return of the soldiers appears in an initial operational paragraph. Ultimately the soldiers were not returned at once. When they were returned it was on the basis of terms negotiated with Hizbollah.
2. There was an immediate end to all hostilities directed from Lebanon at Israel, including the firing of missiles and rockets.
3. Full implementation of Resolution 1559 was a non-starter. As it is well known, to this very day Hizbollah refuses to dismantle – either to dismantle itself as an organization or to disarm itself – and the Lebanese government has shown no signs that it intends to undertake any move that would attain this goal.
4. Deployment of an effective multinational force: I cannot tell you what the person who formulated this sentence meant by the word “effective.” This question will stay with us for years to come: what is the significance of the force currently deployed in southern Lebanon and on the Lebanese coasts? Is the outcome of relative quiet that we witness a result of the effectiveness of this force or the result of a decision on the part of the Lebanese players, be it the Lebanese government, or Hizbollah, or others such as Iran, not to escalate matters in the Israeli-Lebanese sector?
5. Preventing the reconstruction of Hizbollah's capabilities: we know that this paragraph was never fulfilled. Resolution 1701 did not create the apparatus to prevent reconstruction and growth. The paragraph

dealing with weapons transfers from Syria to Hizbollah has also never been enforced. In practice, the transfers of arms and materiel from Syrian and Iran to Lebanon has increased since the war and continues to this day.

In other words, were it necessary to give a grade to Israel's political achievements, that grade would be "barely passing." The Winograd Commission report attempted to present the Security Council resolution in a more positive light, but many question marks remained even there, such as the fact that the final formulation of the resolution was adopted after negotiations that were held primarily between the United States and France and outside Israeli control. This question remains with us, especially with regard to similar future circumstances: are these the ideal players on whom Israel ought to rely, assuming that we cannot dictate the resolutions that seem optimal to us? France is certainly questionable in this regard. Yet the biggest question that will follow us is: were war to break out while the new American administration led by President Obama is in office, would this administration be willing to go the same distance with Israel as the Bush administration did with regard to Resolution 1701?

Moreover, even the sympathetic Bush administration failed, for example, to prevent the mention of Shab'a Farms. From the very beginning of the war, Israel was opposed to all kinds of deals that were offered by various international elements whereby Shab'a Farms would be handed over to Lebanon in order to strengthen Prime Minister Siniora and bring about more effective control by the Lebanese government over all of its sovereign territory. Israel refused; still, the fact of the matter is that Shab'a Farms is mentioned in Resolution 1701. This is not a huge diplomatic disaster, and the significance of the matter should not be exaggerated. However, during the negotiations with the Americans, the Israelis presented this issue as a critical one and therefore it is important to mention it.

Lastly, we must consider the implications for the future. It may be that the next comparison will be an artificial one; it is certainly hypothetical, as it has not yet happened. However, Lebanon and Palestine, i.e., the future Palestinian state established, are liable to be very similar in the not too distant future: deeply riven countries, governments that cannot impose their control over all of their territories, countries with stronger political

and military neighbors having their own agendas, and countries where anti-Israel activity can take place under one pretext or another because of some parcel of land or another. When Israel will want to protect itself from hostile elements operating out of their territories, it will face the same problems and dilemmas it faced in July-August 2006.

Because of this, it is necessary, politically speaking, to start preparing, planning, and formulating the resolution Israel will want adopted should it face the same situation vis-à-vis a country called Palestine. It is possible that in such a situation there will be identical problems, if not even more severe ones.

In the case of Lebanon, Israel focused on three demands: imposing the sovereignty of the Lebanese government on all areas of Lebanon and on its borders; dismantling the militias; and oversight of the process by an international force with authority to open fire by virtue of Chapter 7. According to the UN charter, action on the basis of Chapter 7 for the sake of international peace and security is obligatory. Therefore, the Lebanese government demanded that international activity in its territory will not be authorized by virtue of Chapter 7, and its demand was accepted. The Winograd Commission report notes that there is an interpretation that says that the new UNIFIL force deployed after the war in Lebanon is in fact operating on the basis the spirit of Chapter 7, but since this is not mentioned in Security Council Resolution 1701, such an interpretation is neither valid nor binding.

Israel demanded the deployment of this force similarly on the Israeli-Lebanese border. I do not want to take a stand on the question of whether this is consistent with Israel's best interests and draw an analogy between this force in Lebanon and some force that may in the future be deployed on the Israeli-Palestinian border. Here at the Institute for National Security Studies we ourselves are divided over this issue of whether Israel wants an effective international force with power, or whether Israel's interests are better served by a weak force. There are those who claim that an international presence of this sort is very problematic for Israel and has the potential for generating tensions between Israel and some of its international allies.

In any case, these are the questions that should be asked. We should seek to learn the lessons not only regarding the Lebanese issue and Resolution 1701, but also for the entire period that effectively began

with Resolution 425 in the wake of Operation Litani in 1978, because the philosophy that has consistently guided states is that it is better that there be a government, even a weak one such as the Lebanese government, to provide an address and be held responsible for what is carried out from its territory. With regard to this issue, perhaps we should ask what really is the desirable entity for us to address, and if it is in fact useful and desirable for the State of Israel that the addressees in Lebanon and a state of Palestine are convenient from a political point of view. I am not at all sure about the answer to this question, especially in light of the events that occurred in Lebanon from 2000 onwards that show strong similarities with both prongs of the Palestinian entity. Similarly, it is hard to say with certainty that it is in Israel's best interests that an international force deployed on its borders act by virtue of Chapter 7 or that Israel's best interests require the presence of a weak force that would leave the IDF with greater room for flexibility. These are the questions facing us today. It is far better to consider them now, especially in light of Israel's conduct regarding Resolution 1701.

Notes

- 1 Security Council Resolution 1559 was adopted in September 2004 in the wake of the struggle of Prime Minister Rafiq al-Hariri and his supporters against the Syrian presence in Lebanon. The resolution called for honoring Lebanon's sovereignty, for the withdrawal of foreign forces from Lebanon, and for the dismantling of the militias.