

It doesn't say what it says; it says what we want it to say...by Daniel Peters

by Stephen Elliott-Buckley - Thursday, August 31, 2006

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Israeli Prime Minister Ehud Olmert says that the blockade against Lebanon will only be lifted when the terms of the ceasefire resolution (UNSCR 1701) are fully implemented.

Say what?

Paragraph 6 calls for the reopening of Lebanese airports and harbours, so removal of the blockade is *part* of the resolution. Therefore Olmert is implying (inadvertently, I'm sure) that the blockade must be lifted before the blockade can be lifted.

Similarly, Olmert says that Israeli troops will pull out only after the resolution is fully implemented. Same problem: Israeli withdrawal is part of the resolution (paragraph 2), so he is saying they can't leave until after they have left.

Perhaps he means to say that all the *other* parts of the resolution must be in place to his satisfaction before he will give the order to comply with paragraphs 2 or 6. So Israel must be satisfied *first* that there has been a full implementation of all the bits of the resolution that it likes, and only *then* will Israel consider itself obliged to fulfill its part of the resolution. Is that the idea?

That isn't what UNSCR 1701 says. And for good reason: If everyone used that kind of logic, no stable ceasefire resolution would ever take hold, anywhere. In a realistic ceasefire agreement, both sides need to take some risks.

Olmert's justification for maintaining the blockade against Lebanon is that the resolution is a package deal (a "fixed buffet" in his words); you can't just pick one item and leave the rest. Okay ... but where is the rest of the argument? How does it follow that Israeli compliance must be the dessert of this buffet?

The resolution, as worded, tries to be balanced with respect to timing. For example, paragraph 2 calls for the Israeli troops to pull out "in parallel" to the Lebanese and UNIFIL deployment into southern Lebanon. The resolution does not allow Israel to wait until an unspecified "reasonable number" of troops (in the words of Israeli Defence Minister Amir Peretz) are in place before starting to pull out. Olmert and Peretz seem to have missed the phrase "in parallel".

The resolution does not specify a minimum number of troops for UNIFIL. Paragraph 11 says that the Security Council "decides ... to authorize an increase in the force strength of UNIFIL to a maximum of 15000 troops". If UNIFIL is never boosted to a size that Olmert and Peretz would consider "reasonable", it would not follow that this paragraph has not been obeyed. But in the twisted Israeli reading of the resolution, it appears that Israel is magically given the right to decide unilaterally on a required minimum force level for UNIFIL.

The Israelis have also indicated that they will not lift the blockade until they are satisfied that the troops deployed along the Syrian border are capable of stopping new weapons shipments to Hezbollah. (Source: Associated Press.) Presumably, this Israeli demand is a reference to paragraph 14 of the resolution, which calls upon Lebanon to secure its borders (in order to block arms shipments that do not have the consent of the Lebanese government). This is a welcome retreat from Israel's earlier position, in which they demanded that the UNIFIL forces must accompany the Lebanese forces along the Syrian border. Indeed, it may be that this Israeli demand is nothing more than a reiteration of the "reasonable number" demand, with a hint of what that number might be.

Then again, maybe not. The key question is: What proof of capability is Israel demanding? For example: Must the Lebanese forces demonstrate, over some unspecified "reasonable" period of time and beyond "reasonable" doubt, some unspecified "reasonable" level of success in the prevention of arms smuggling? If so, we're going well beyond what the resolution calls for. If that is what they mean, then Israel is essentially declaring that it will not comply with UNSCR 1701 until it gains other concessions.

The twisting continues. Israel is treating the unconditional release of the two soldiers captured in the Hezbollah raid of 12 July as if it were one of the demands of the resolution. (Source: BBC.) If it were so, a reference to those soldiers would appear clearly in one of the numbered paragraphs. But in fact, the reference in question appears in the preamble. It is worth quoting this part in full: "...emphasising the need for an end of violence, but at the same time emphasising the need to address urgently the causes that have given rise to the current crisis, including by the unconditional release of the Israeli soldiers,...".

Notice the word *including* (not *especially*). The context demands an equal emphasis on other "causes that have given rise to this conflict". So what would happen if we started treating this clause of the preamble as if it were one of the items for which the Security Council officially "calls" in this resolution? What chance would we have of getting any kind of international consensus in even identifying, let alone urgently addressing, those causes? I'm more likely to be struck by lightning.

It's perfectly clear, to me, that the Palestinian people have a host of legitimate grievances that must be included among the causes of this conflict. Shall we tie these causes together with the present ceasefire resolution? For example, shall we interpret UNSCR 1701 as if it includes an official call for Israel to cease immediately its present campaign of tormenting the people of Gaza? Or for Israel to release the tens of thousands of Palestinian civilians that are presently held indefinitely and without charge? Or for Israel immediately to pull its troops out of the West Bank, and henceforth to allow the Palestinian nation to function as an independent state, with control over its own resources?

On the other side of the coin: Shall we interpret the resolution as if it includes an official call for Cpl Shalit to be released by whoever is holding him? Or for Lebanon and Syria and Hamas and others to recognize Israel? Or for Arab nations, from Morocco to Iraq, to compensate the hundreds of thousands of Jews that they expelled in a perverted retaliation for the Israeli expulsion of Palestinians?

To all these questions, the answer is obviously no. The Security Council would have made Palestinian-Israeli issues explicit if they had intended this resolution to cover them. We cannot consistently consider the preamble-statement about "causes that have given rise to the current crisis" to be one of the terms of the resolution. In particular, we cannot treat the release of the two soldiers held by Hezbollah as one of the terms of the resolution.

Argue, if you wish, that the resolution ought to have been worded differently. That's another topic, for another time. Here, I argue only that Olmert and company have badly twisted the content of UNSCR 1701, even while pretending to respect it.

They have twisted the resolution by exaggerating the content of the favourable clauses, including by extracting a parenthetical comment from the preamble and treating it as one of the official demands. And they have twisted it by insisting on waiting for those favourable clauses to be fulfilled, to their own satisfaction, before they will comply with their own obligations. Taken together, these tricks appear to add up to a deliberate ploy to make the ceasefire unworkable. I hope I'm wrong.