

The Draft UN Middle East Ceasefire Resolution, Jurist,
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JURIST Guest Columnist [Anthony D'Amato](#) of Northwestern University School of Law explores the terms of the draft UN Security Council Middle East ceasefire resolution, but doubts that peace can be achieved without negotiations involving the key interested parties - not just Israel and Lebanon, but also Hezbollah, Syria and Iran...

France and the United States have agreed on the [text of a draft resolution](#) to be presented to the Security Council of the United Nations. If the Security Council adopts the resolution, its language indicates that the Council will be acting under its Chapter 7 powers, which does not require any country's consent. Israel, however, contends that multilateral peacekeeping forces require the consent of the parties to the conflict. This has been true historically only because there has not been a Chapter 7 multilateral force up to now.

Here is a brief analysis of the key provisions of the draft resolution:

Ceasefire

The draft resolution calls for a "full cessation of hostilities." Hezbollah must cease all attacks. Israel must cease "all offensive military operations."

If this were the only provision in the resolution, it would probably be acceptable to Hezbollah but not to Israel. For Hezbollah could use the ceasefire to replenish and upgrade rockets imported from Iran and Syria, and to build new rocket launchers and repair those damaged by the Israeli bombing campaign.

To make the draft resolution palatable to Israel, it adds additional provisions, though they are tucked under the heading of "a long-term solution." But the resolution itself does not distinguish between short term and long term. Hence under the kind of loose interpretation of Security Council resolutions pioneered by the Bush Administration, these "long-term" provisions might be implemented as soon as the ink on the resolution is dry.

The two provisions in the resolution that are of most help to Israel are:

Removal of Hezbollah from Southern Lebanon

The area between Lebanon's southern boundary and the Litani river, which is now being attacked by Israeli air and ground forces, is the closest in proximity to various Israeli towns and cities which have been under constant attack by Hezbollah's rockets. If Security Council forces intervene to finish Israeli's task of clearing the area, then Israel's oft-stated goal of driving Hezbollah out of this sensitive area could be accomplished. My guess is that Hezbollah is resigned to this result anyway: it should make no difference to Hezbollah whether the troops used against it are Israeli's or foreign.

But in the weeks of the conflict that began on July 13th, Hezbollah has proven its staying power to its supporters Iran and Syria. It's quite possible that new rocket shipments to Hezbollah will have a longer range and greater explosive power than the shorter-range types like the Katyushas that Hezbollah has primarily used up to now. Indeed, Iran has just admitted that it has supplied Hezbollah with some Zelzal-2 rockets which can reach as far as Tel Aviv and Jerusalem. Hence Hezbollah may not need the southern Lebanon "staging area" to continue its rocket attacks against Israel.

Embargo

The draft resolution provides for the "establishment of an international embargo on the sale or supply of arms and related material to Lebanon except as authorized by its government." This is perhaps the "kicker" in the resolution that might make it acceptable to Israel.

Yet the kicker might be too strong, leading Hezbollah to reject the ceasefire. In that case, Israel could hardly accept the ceasefire unilaterally, allowing Hezbollah to continue firing rockets at Israeli cities and towns. For its part, Hezbollah cannot afford a cut-off of its rocket imports from Iran and Syria. Hence Hezbollah's strategic considerations may turn on its intelligence estimate of whether the international blockade might be circumvented.

An international blockade would be extraordinarily expensive for the international community to establish and maintain. Lebanon's long seacoast on the Mediterranean with its dozen good ports would be hard for the Security Council's forces to monitor and police. Even satellite reconnaissance might not be able to detect submarines with cargoes of rockets that could enter Lebanese ports at night. On Lebanon's eastern side, its long Lebanese-Syrian border is permeable. Even if the highway from Damascus is blocked, a Ho Chi Min Trail might be constructed for nighttime transport of rockets and munitions from Syria into Lebanon.

Sovereignty for Lebanon

Throughout the draft resolution, references are made to the territorial integrity, political independence, and sovereignty of Lebanon. The authority of the Lebanese army will be co-extensive with that of the multilateral force.

Yet this provision may backfire. Although the Lebanese government has traditionally been hostile to Hezbollah, the latter is an elected minority party within the government. More importantly, popular support of Hezbollah has skyrocketed since the fighting began. The Lebanese people have become increasingly vocal in their condemnation of Israeli air attacks that have demolished homes, hospitals, ambulances, schools, and even whole neighborhoods. There is a small possibility that by the time the Security Council begins to actively implement any resolution on the Middle East Crisis, the government of Lebanon will have come into the de facto if not de jure control of Hezbollah itself.

The resolution simply assumes that this will not happen. As we have seen from its quotation above, the embargo provision is subject to an exception for imports authorized by the government of Lebanon. That exception would swallow the rule if Hezbollah attains decisive political power within Lebanon.

Parties in Interest

Every nation has a stake in the cessation of armed hostilities. But the real parties in interest in the Middle East crisis are Iran, Syria, Hezbollah, Lebanon, and Israel. Without the presence of the first three of these sitting around a table, the chances of a negotiated peace are low. The United Nations must pass some kind of ceasefire resolution; not to do so would be unthinkable. Yet the resolution as currently drafted does not have an aura of success.

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