



BRIEFING No. 7

SADAKA صدقة
The Ireland Palestine Alliance ♦ www.sadaka.ie

UN SECURITY COUNCIL RESOLUTIONS CONTRAVENED BY ISRAEL

By Dr. David Morrison

Israel is contravening over 30 UN Security Council resolutions [\[1\]](#), dating back to 1968, resolutions that require action by it and it alone [\[2\]](#). They are listed in the Appendix below. This doesn't include resolutions violated by Israel for a number of years that have subsequently been implemented, such as those dealing with Israel's 20-year military occupation of southern Lebanon.

In these resolutions, the Security Council demands action by Israel on, amongst other things:-

(1) Jewish settlements in the Occupied Palestinian Territories

Resolution 446, passed on 22 March 1979, demands that Israel cease building Jewish settlements in the territories it has occupied since 1967, including in East Jerusalem, and that it remove those already built. Paragraphs 1 & 3 state:

[The Security Council]

1. Determines that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

3. Calls once more upon Israel, as the occupying Power, to abide scrupulously by the 1949 Fourth Geneva Convention, to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories;"

The Fourth Geneva Convention bans the planting of settlers on territory under occupation. Article 49, paragraph 6, of the Convention states:

" The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. "

[\[3\]](#)

Israel's failure to comply with this resolution prompted further resolutions – 452 on 20 July 1979 and 465 on 1 March 1980 – demanding compliance.

(2) The annexation of East Jerusalem

Resolution 252, passed on 21 May 1968, demands that Israel reverse its annexation of East Jerusalem. Paragraphs 2 & 3 state:

[The Security Council]

2. Considers that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

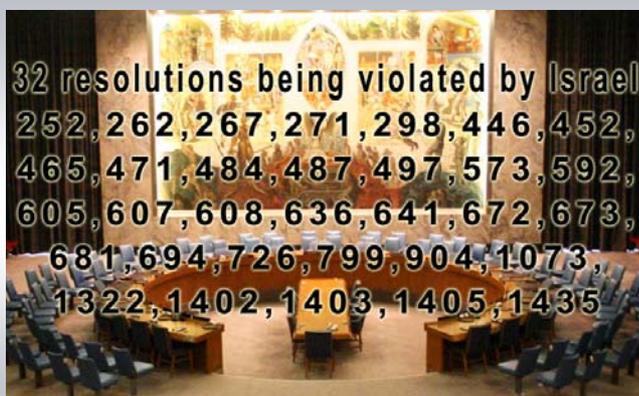
UN SECURITY COUNCIL RESOLUTIONS CONTRAVENED BY ISRAEL

3. Urgently calls upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;

Israel's failure to comply with this resolution prompted further resolutions – 267 on 3 July 1969, 271 on 15 September 1969, 298 on 25 September 1971, 476 on 30 June 1980, and 478 on 20 August 1980 – demanding the reversal of its annexation of East Jerusalem.

(3) The annexation of the Golan Heights

Resolution 497, passed on 17 December 1981, demands that Israel reverse its annexation of the Golan Heights, which were captured from Syria in June 1967. Paragraphs 1 & 2 state:



A list of 32 resolutions being violated by Israel, resolutions which require action by Israel and Israel alone.

[The Security Council]

1. Decides that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect;

2. Demands that Israel, the occupying Power, should rescind forthwith its decision; ”

(4) Nuclear facilities under IAEA safeguards

Resolution 487, passed on 19 June 1981, demands that Israel open its secret nuclear facilities to inspection by the International Atomic Energy Authority (IAEA). Paragraph 5 states:

[The Security Council]

5. Calls upon Israel urgently to place its nuclear facilities under IAEA safeguards ”.

By refusing to open its nuclear facilities to IAEA inspection, Israel is violating this resolution.

It is important to emphasise that these resolutions (and others in the Appendix below) place obligations on Israel, and Israel alone. It is therefore within Israel's power to fulfil those obligations of its own volition, without negotiation with the Palestinians or with any other state in the region. It doesn't need to negotiate with anybody before ceasing

UN SECURITY COUNCIL RESOLUTIONS CONTRAVENED BY ISRAEL

settlement building, or undoing the annexation of East Jerusalem or the Golan Heights, or opening its secret nuclear facilities to IAEA inspection.

Had Israel wished to do so, it could have implemented these resolutions at the time they were passed by the Security Council, or at any time since. Had Israel done so, the political landscape in Palestine would have been transformed.

Resolution 242

These resolutions are qualitatively different from the well-known resolution 242, the so-called “land for peace” resolution, which requires action by other states and by non-state actors, as well as Israel.

Resolution 242 was passed on 22 November 1967, a few months after Israel had acquired large swathes of territory (the West Bank and Gaza plus Sinai and the Golan Heights) by war, contrary to Article 2 of the UN Charter. One might have thought that the Security Council, as the guardian of the UN Charter, would have required Israel to withdraw unconditionally from the territory it had recently acquired by war, contrary to the UN Charter, as Iraq was required to do after it invaded Kuwait in August 1990.

But, although the preamble to resolution 242 emphasised “ the inadmissibility of the acquisition of territory by war ”, the operative part of the resolution didn ’ t demand any action by Israel at all. On the contrary, it allowed the “ withdrawal of Israel armed forces from territories occupied in the recent conflict ” to be conditional on the “ termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force ”.

Implicit in 242, therefore, is that Israeli withdrawal to the 1967 borders would be the subject of negotiations with neighbouring states and non-state actors. As such, 242 has provided the perfect excuse for Israeli prevarication about withdrawal from the territories it took over by force in 1967, contrary to the UN Charter, and has occupied by force ever since.

Israel’s defence

All of the resolutions concerning Israel passed by the Security Council are so-called Chapter VI resolutions and don ’ t specify measures to enforce compliance, that is, economic or military sanctions. By contrast, most resolutions concerning Iraq in the past and Iran today are Chapter VII resolutions and do contain economic sanctions.

The Security Council may apply economic sanctions under Article 41 of the UN Charter and may authorise the use of military force under Article 42. Both of these Articles are in Chapter VII of the Charter and hence resolutions containing one of these enforcement measures are referred to as Chapter VII resolutions.

The vast majority of the almost 2,000 resolutions passed by the Security Council since it came into existence in 1945 are Chapter VI resolutions, but it has never passed a Chapter VII resolution authorising economic or military sanctions against Israel.

Israel has occasionally been called upon to defend its failure to comply with Security Council resolutions. See, for example, the Israeli Ambassador to the Security Council, Yehuda Lancry, speaking to the Council on 17 October 2002 [\[4\]](#) and the Israeli Embassy in London in correspondence with me a few months later [\[5\]](#).

UN SECURITY COUNCIL RESOLUTIONS CONTRAVENED BY ISRAEL

As expressed in the latter, Israel's defence is that the resolutions are all Chapter VI resolutions (which is true) and therefore (a) are "non-binding recommendations" and (b) "can only be implemented through a process of negotiation, conciliation, or arbitration between the parties to a dispute". By contrast, according to Israel, Chapter VII resolutions are "binding on all UN members".

(b) is not true of the resolutions we are discussing here, since they require action by Israel and Israel alone.

As for (a), there is nothing in the UN Charter to justify the view that Chapter VI resolutions are merely "non-binding recommendations", whereas Chapter VII resolutions that are "binding on all UN members". On the contrary, Article 25 of the Charter says that:

"The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

The International Court of Justice took the view that this applied to both Chapter VI and Chapter VII resolutions. In an Advisory Opinion on 21 June 1971 (which arose from a request by the Security Council for an advisory opinion on the legal consequences for member states of the continued presence of South Africa in Namibia), it stated:

"It has been contended that Article 25 of the Charter applies only to enforcement measures adopted under Chapter VII of the Charter. It is not possible to find in the Charter any support for this view. Article 25 is not confined to decisions in regard to enforcement action but applies to 'the decisions of the Security Council' adopted in accordance with the Charter. Moreover, that Article is placed, not in Chapter VII, but immediately after Article 24 in that part of the Charter which deals with the functions and powers of the Security Council. If Article 25 had reference solely to decisions of the Security Council concerning enforcement action under Articles 41 and 42 of the Charter, that is to say, if it were only such decisions which had binding effect, then Article 25 would be superfluous, since this effect is secured by Articles 48 and 49 of the Charter." (Paragraph 113)

That leaves no room for doubt that, in the opinion of the International Court of Justice, Chapter VI and Chapter VII resolutions of the Security Council are equally binding on UN members.

Are Chapter VI resolutions non-binding?

So, according to Israel, Chapter VI resolutions are "non-binding recommendations" that don't have to be implemented. To be fair to Israel, it seems to take a different view of Chapter VI resolutions that demand action by states other than itself.

For example, Israel justified its military assault on Lebanon in the summer of 2006 in part because of Lebanon's failure to implement Security Council resolution 1559, passed on 2 September 2004, which "calls for the disbanding and disarmament of all Lebanese and non-Lebanese militias" [\[1\]](#). Here's the Israeli Ambassador to the UN, Dan Gillerman, on the subject, addressing the Security Council on 11 August 2006:

"The way to avoid the crisis between Israel and Lebanon has been clear: implementation of the unconditional obligations set out in resolutions 1559 (2004) and 1680 (2006) [my emphasis], which set out issues for resolution between Lebanon and Syria. The clear path forward required the disarming and disbanding of Hizbollah and other

UN SECURITY COUNCIL RESOLUTIONS CONTRAVENED BY ISRAEL

militias, and the exercise by Lebanon, like any sovereign State, of control and authority over all its territory. But the will to implement this way has been lacking, and over the past month the peoples of Israel and Lebanon have paid a heavy price for that inaction.

“ In the face of the failure to ensure that the obligations set out in those resolutions were implemented, Israel has had no choice but to do what Lebanon has failed to do. ” [\[6\]](#)

So, according to Dan Gillerman, resolutions 1559 and 1680 contain “ unconditional obligations ” which Lebanon failed to obey. Both 1559 and 1680 are Chapter VI resolutions.

If Israel applied the same principle to the Chapter VI resolutions requiring action by it and it alone, then

it would have removed all the Jewish settlements in the West Bank, including East Jerusalem,

it would have reversed its annexation of East Jerusalem and the Golan Heights, and it would have placed its secret nuclear facilities under IAEA inspection.

Had it done so, the political landscape in Palestine would have been transformed.

Appendix: List of UN Security Council resolutions contravened by Israel

There follows a list of 32 resolutions being violated by Israel, resolutions which require action by Israel and Israel alone. It is based on an article by Stephen Zunes, entitled *United Nations Security Council Resolutions Currently Being Violated by Countries Other than Iraq* [\[2\]](#). It does not include resolutions that were violated for a number of years but have now been implemented, such as those dealing with Israel ' s 20-year occupation of southern Lebanon.

252 (21 May 1968)

Urgently calls upon Israel to rescind measures that change the legal status of Jerusalem, including the expropriation of land and properties thereon.

262 (31 December 1968)

Calls upon Israel to pay compensation to Lebanon for the destruction of airliners at Beirut International Airport.

267 (3 July 1969)

Reiterates the demand that Israel rescind measures seeking to change the legal status of occupied East Jerusalem.

271 (15 September 1969)

Reiterates the demand that Israel rescind measures seeking to change the legal status of occupied East Jerusalem.

298 (25 September 1971)

Reiterates the demand that Israel rescind measures seeking to change the legal status of occupied East Jerusalem.

446 (22 March 1979)

Calls on Israel to cease, on an urgent basis, the establishment, construction, and planning of settlements in the territories, occupied since 1967, including Jerusalem.

UN SECURITY COUNCIL RESOLUTIONS CONTRAVENED BY ISRAEL

452 (20 July 1979)

Reiterates the demand that Israel cease, on an urgent basis, the establishment, construction, and planning of settlements in the territories, occupied since 1967, including Jerusalem.

465 (1 March 1980)

Reiterates the demand that Israel cease, on an urgent basis, the establishment, construction, and planning of settlements in the territories, occupied since 1967, including Jerusalem.

471 (5 June 1980)

Demands prosecution of those involved in assassination attempts of West Bank leaders and compensation for damages; reiterates demands to abide by Fourth Geneva Convention.

484 (19 December 1980)

Reiterates request that Israel abide by the Fourth Geneva Convention.

487 (19 June 1981)

Condemns Israel 's attack on Iraqi nuclear reactor and calls upon Israel to place its nuclear facilities under the safeguard of the UN 's International Atomic Energy Agency.

497 (17 December 1981)

Demands that Israel rescind its decision to annex the Golan Heights.

573 (4 October 1985)

Condemns the Israeli attack on the PLO in Tunisia and calls on Israel to pay compensation for human and material losses from its attack and to refrain from all such attacks or threats of attacks against other nations.

592 (8 December 1986)

Insists Israel abide by the Fourth Geneva Conventions in East Jerusalem and other occupied territories.

605 (22 December 1987)

Calls once more upon Israel, the occupying Power, to abide immediately and scrupulously by the Fourth Geneva Convention.

607 (5 January 1988)

Reiterates calls on Israel to abide by the Fourth Geneva Convention and to cease its practice of deportations from occupied territories.

608 (14 January 1988)

Reiterates the demand that Israel cease its deportations of Palestinians from the occupied territories.

636 (6 July 1989)

Reiterates the demand that Israel cease its deportations of Palestinians from the occupied territories.

UN SECURITY COUNCIL RESOLUTIONS CONTRAVENED BY ISRAEL

641 (30 August 1989)

Reiterates the demand that Israel cease its deportations of Palestinians from the occupied territories.

672 (12 October 1990)

Reiterates calls for Israel to abide by provisions of the Fourth Geneva Convention in the occupied territories.

673 (24 October 1990)

Insists that Israel come into compliance with resolution 672.

681 (20 December 1990)

Reiterates call on Israel to abide by Fourth Geneva Convention in the occupied territories.

694 (24 May 1991)

Reiterates that Israel "must refrain from deporting any Palestinian civilian from the occupied territories and ensure the safe and immediate return of all those deported".

726 (6 January 1992)

Reiterates calls on Israel to abide by the Fourth Geneva Convention and to cease its practice of deportations from occupied territories.

799 (18 December 1992)

Reaffirms applicability of Fourth Geneva Convention...to all Palestinian territories occupied by Israel since 1967, including Jerusalem, and affirms that deportation of civilians constitutes a contravention of its obligations under the Convention.

904 (18 March 1994)

Calls upon Israel, as the occupying power, to take and implement measures, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by settlers.

1073 (28 September 1996)

Calls on the safety and security of Palestinian civilians to be ensured.

1322 (7 October 2000)

Calls upon Israel to scrupulously abide by the Fourth Geneva Convention regarding the responsibilities of occupying power.

1402 (30 March 2002)

Calls for Israel to withdraw from Palestinian cities.

1403 (4 April 2002)

Demands that Israel go through with "the implementation of its resolution 1402, without delay".

1405 (19 April 2002)

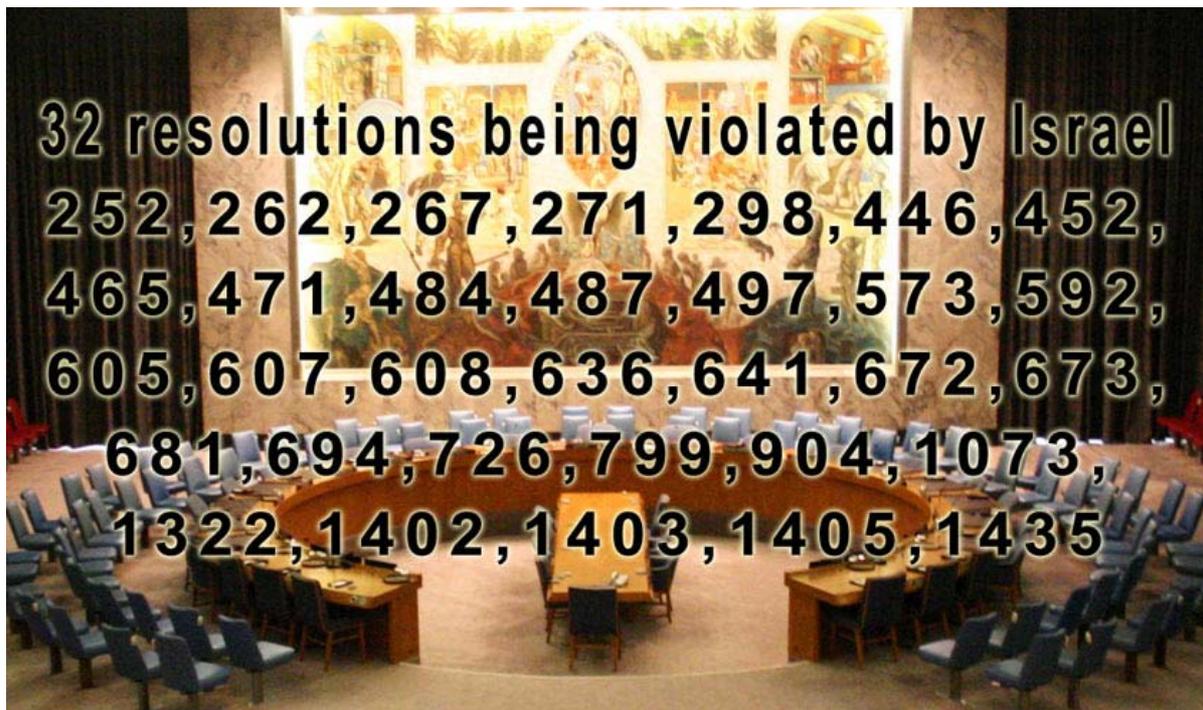
Calls for UN inspectors to investigate civilian deaths during an Israeli assault on the Jenin refugee camp.

UN SECURITY COUNCIL RESOLUTIONS CONTRAVENED BY ISRAEL

1435 (24 September 2002)

Calls on Israel to withdraw to positions of September 2000 and end its military activities in and around Ramallah, including the destruction of security and civilian infrastructure.

Note: Since 1972, the US has used its veto in the Security Council around 40 times to prevent the passing of resolutions critical of Israel [\[7\]](#).



References:

- [\[1\]](http://domino.un.org/UNISPAL.NSF/vCouncilRes) All UN Security Council resolutions on Palestine can be found at domino.un.org/UNISPAL.NSF/vCouncilRes
- [\[2\]](http://www.fpif.org/commentary/2002/0210unres.html) www.fpif.org/commentary/2002/0210unres.html
- [\[3\]](http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/6756482d86146898c125641e004aa3c5) www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/6756482d86146898c125641e004aa3c5
- [\[4\]](http://www.david-morrison.org.uk/scps/20021017.pdf) www.david-morrison.org.uk/scps/20021017.pdf
- [\[5\]](http://www.david-morrison.org.uk/palestine/israeli-embassy-corr.htm) www.david-morrison.org.uk/palestine/israeli-embassy-corr.htm
- [\[6\]](http://www.david-morrison.org.uk/scps/20060811.pdf) www.david-morrison.org.uk/scps/20060811.pdf
- [\[7\]](http://www.globalpolicy.org/security/membship/veto/vetosubj.htm) www.globalpolicy.org/security/membship/veto/vetosubj.htm

MARCH 2010