

**Report commissioned by the “Commission to Study the Organisation of Peace”,
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Tolerance, peace and democracy in Iraq

What role for the international community?

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Foreword

In the eve of the general elections of March 2010, and of the complete withdrawal of the multinational forces – that should take place in 2011 – it is important to think what should be the role of the international community regarding this country.

After two devastating wars, a brutal dictatorial regime; subjected first to a punitive international sanctions system, then to an international armed intervention and a civil war; Iraq came through a set of tremendous changes, some of them very negative, others giving hope for the future.

What should the international community do? Consider Iraq a country like any other with no need for a special status and attention, or, on the contrary, a country that deserves a very special awareness from the international community? And if so, what intervention should we aim at?

Our report discusses this issue in the light of the situation and prospects of Iraqi minorities – which is the most important symptom of the state of tolerance, peace and

democracy in this country – of the recent historical developments in Lebanon and Gaza and the necessary new venues for the international community intervention.

It considers the three most important and recent updates of the situation in Iraq: the Iraq report version of September the 16th 2009 of the UK Border Agency; the UNHCR country guidelines of April 2009 and the 2010 UNHCR Country operations profile – Iraq. It will also include my extensive work dealing with the issue in several European Parliament reports and resolutions as well as in my books and papers on Iraq.

A section on the experience of UNIFIL in Lebanon authored by Mr. Kamal Batal and another on the situation in Gaza authored by Ms. Jamila Abu Shanab are integral part of this report. Supporting reports on Iraqi history and minorities by Mr. Nezar Jaff are also taken into consideration.

A mission report to an Iraqi refugee reception centre in München and a fact finding mission on the so-called green line separating Kurdistan from the rest of Iraq are important components of the overall report.

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Section I From cradle of civilisation to prey of barbarity

As Iraqis never cease to remember, in Ancient times Mesopotamia was indisputably one of the cradles of civilization. Through its Sumerian, Acadian, Babylonian and Assyrian epochs, Mesopotamia drove the progress of mankind towards new challenges and beyond new frontiers.

The best known of its leaders, King Nazir Hammurabi, ruler of Babylon in 1795 – 1750 BC, left us his famous Hammurabi code (now in display in the Louvre in Paris) perhaps the earliest more comprehensive code of laws yet produced by humanity; composed of 282 laws tackling all aspects of life and organizing them concisely in a set of everyone’s social rights and duties.

Nabuchodenezor, ruler of Babylon from 605 up to 563 BC, became not less known for his crushing military victories over Egypt and elsewhere in the region. However distant, the deeds of Hammurabi and Nebuchadnezzar still shine as the most heroic symbols of Iraqi national identity, and were used by all Iraqi leaders, namely by Saddam Hussein.

The long period of Persian rule over Iraq was terminated with the Arab conquest, and the Umayyad Caliphate is therefore still remembered as a symbol of present Arab independence. However, in this period Iraq witnessed the beginning of the most important sectarian schism that reached to our day, whose main symbol was the killing of Al-Hussein Bin Ali in Karbala (the 10th of Muharam in 61 of Muslim calendar), by the troops of Caliph Yazeed Bin Muaweya.

On the other hand, according to established Iraqi historians of the time the repression of the Umayyad Caliphate over the Shiite community of Southern Iraq was intense and it caused more than a hundred thousand casualties and mass mutilations among the population.

According to sociologist Ali Al-Wardi (1913 – 1995 AD) repression was so brutal that it led to a phenomenon of disguising convictions and political opinions to a point where it became a generalised schizophrenic attitude.

Under the Abbasid Caliphate, Baghdad became the capital and Iraq lived through a relative period of stability and development that ended with the Mongol invasion.

The Mongol invasion marks another important myth (the Sunni equivalent of the Ashura) for the attitude of Al-Alqamy, minister of the last Abbasid Caliph, who was accused of conspiring with the Mongol invaders for the take-over of Baghdad. This is a disputed historical event, which nonetheless led to present parallels with the US-led invasion of Iraq.

The Ottoman period (1532 – 1918 AD) is viewed in a negative way by most of the Iraqi Arab nationalists. During this period Iraq was often the playground of rivalries between a Sunni Ottoman Empire and a Shiite Persia, namely under its Safavid domination, that espoused Shiite doctrine as a sort of Imperial religion.

The foundation of modern Iraq did not, however, end the long-lasting main schism of the country but, on the contrary, introduced new factors of conflict.

The Iraqi monarchy was viewed as dominated by Sunni, and its fall, in 1958, did not change the situation fundamentally. In particular, after the emergence of Saddam Hussein as the strong man in the country under the Baath party the internal tensions never ceased to increase, in the context of an ever more brutal dictatorship.

The emergence of the Islamic Republic of Iran aggravated substantially the situation, as the new theocratic authorities aimed at making religion its main instrument of power, either internally or externally.

The new Islamic Republic, aiming at establishing a global Caliphate, regarded the take-over of Iraq as its main external priority, side by side with the organisation of foreign Shiite communities under its leadership. Soon after the take-over of Tehran by the new rulers they started instigating instability, including terrorist attacks, targeting the Iraqi leadership.

The Baath regime response was an ever harsher and indiscriminate repression, among others against Shiite leaders presumed to be in good relations with the Iranian theocracy.

The war led to a radicalisation of positions, with a sizable part of the Iraqi Shiite leadership – and most notably, the Al-Hakim Clan – fleeing to Iran and becoming the Iranian front-line in the war against Iraq.

Iranian revolutionary guards would organise their Iraqi proxies –side by side with their allies among the Lebanese Shiite – under the so-called 9th Badr Corps, one of the earliest examples of a modern religious fanatic terrorist force.

These terrorist forces became quite active in the whole of the Gulf region and in particular inside Iraq. In 2003 they became the most important branch of the “hidden invasion of Iraq” (Casaca, 2008, “The Hidden Invasion of Iraq”, Acacia Publishing) and as such the source of most of the problems faced by the country after the invasion.

However, it is convenient to bear in mind that during the Gulf war the bulk of the Iraqi Army was made of Shiite conscripts and that Iraq would never have succeeded if the majority of the Shiite population did not feel more loyal to their country than to a foreign power claiming to represent their own religion.

The view of the Iraqi Shiite population as a monolith under the leadership of the partisans of the Iranian Islamic Republic seems therefore to be a grave error of perspective.

In spite of a history full of massacres and conflicts, the truth is that the populations on the territory which is Iraq in our days managed to reach the XXth century – and even the XXIst century – with a remarkable degree of cultural, ethnic and religious diversity compared with most of the countries around the World.

Just to quote the most obvious example to the author of these lines, Portugal reached the XXth century with an almost homogeneous population, in complete contrast to Iraq.

This is a reality that proves in historical terms how relatively tolerant the powers were that managed Iraq in the past in relation to the ones that managed most of the European countries, where the Inquisition was the most famous tool of genocide.

So, it would be unfair to say that modern Iraq has a special problem with human diversity in comparison with other areas or countries. On the contrary, it is more accurate to observe that it inherited an especially rich diverse human reality and, unfortunately, it has not been able to cope well with this diversity in modern times.

“The Simele massacre (in Assyrian, Premta d-Simele) was the first of many massacres committed by the Iraqi authorities during the systematic targeting of Assyrian Christians of Northern Iraq in August of 1933.” (http://www.bookrage.com/wiki/Simele_massacre).

The most striking feature of this massacre was the fact that it directly inspired Rafal Lemkin in his lecture to the Legal Council of the League of Nations conference on International Law in Madrid titled as “The Crime of barbarity as a crime against international law”. (http://www.bookrage.com/wiki/Raphael_Lemkin).

This lecture is widely recognised as the precursor of the concept of Genocide, which was to become the central piece of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948. (<http://www.hrweb.org/legal/genocide.html>)

The Simele massacre targeted an Assyrian population that was trying to regain Iraqi soil from Syria – where it was not welcome – and that to some extent had escaped from Iranian and Turkish territory in the end of the First World War and resettled in newly created Iraq.

The genocide of Christian Armenian, Assyrian-Chaldean and Greek populations at the end of the first World War and immediately afterwards would actually become the first well-known “modern” genocide in the history of mankind and is in direct connection with the 1933 genocide committed in Iraq against Assyrians (theme of a famous book by Lieutenant Colonel R. S. Stafford, the British Administrative Inspector for the Province, “The tragedy of Assyrians”). (For a global assessment, see for instance, <http://www.aina.org/martyr.html> or http://en.wikipedia.org/wiki/Assyrian_Genocide).

Box: On the Christian genocide

Here it is useful to bear in mind some distinctive features of this Genocide that we consider in the present context:

- (1) A genocide that goes unpunished, invites for its repetition;
- (2) An internal identification element with a foreign power in a war makes it more likely for genocide to take place. The help of the Christian populations under Turkish rule to the Allied forces during the First World War was seen as an element of collective treason and sufficient reason to justify the genocide;
- (3) The forced move of a population from its original area to a new one already settled increases the likelihood of future genocide;
- (4) The British forces that ultimately invited Christian populations to rebel against Turks were unwilling to make any effort to defend the populations who were being persecuted exactly because they believed the promises made to them;
- (5) The Christian enclave that was thought to be promised to the Assyrian populations in the Nineveh plains failed to materialise, and it is open to debate whether this would have constituted the best option.

The creation of a state for the Jews – Israel – was actually the same kind of promise and project envisaged elsewhere in the region by other minorities. The fate of the Christian population of Assyrians may be an obvious example of how necessary this state solution proved to be.

The creation of Israel had some well-known drawbacks since the elements of the regional majority became a minority within this new state (the Palestinians from the territories occupied after the wars against Israel) and a large part of them had to leave their homeland.

Furthermore, Jews in Arab states were generally persecuted as a sort of revenge against the creation of Israel, the case of Iraq being one of the most tragic ones, giving rise to a massive exodus of Jews from these countries.

The problem has not been solved and it is ongoing, but we regard it necessary, to tackle this problem properly, and to consider all the sides of the argument, one of which is certainly the persecution of Jews out of Iraq.

Box - The Jewish heritage in Kirkuk citadel

During my stay in Kirkuk in the beginning of 2009, I had the opportunity to visit the old citadel of the city with a police patrol – composed of eight armed men of Arab, Kurdish and Turcoman language – serving as improvised tourist guides.

The citadel of Kirkuk had once been home for Iraqis of various ethnic and religious upbringings, namely Jews, who were most likely the biggest group.

The decay of the citadel started with the persecution of Jews in 1948. The Iraqi authorities later decided to empty it of all its inhabitants and to demolish the most visible Synagogue, breaking all existing stones.

I was absolutely impressed by the care and attention that the police force was spontaneously giving to the preservation of the remains of the Synagogue and the clear conscience of the soldiers that persecuting and destroying a cultural heritage was wrong.

They took out of the rubble the only surviving stone in a single piece and they protected it. This behaviour of the police in Kirkuk convinced me - more than anything else - that Iraq has a future and there is a generation of Iraqis ready to live together in a multicultural environment, respecting other human beings of different cultures.

The end of the Ottoman Empire gave a new impetus to the nationalist movement in the Near East, in the same way as the end of the Austrian and the transformation of the Russian Empire from the Tsars to the Soviets led to an era of new nationalisms in Central and Eastern Europe.

Most of the promises – in most cases expectations would perhaps be a better description – bear no fruit and, besides the Christian Nineveh or the Jewish State (that became true later, and as we know, by force, acknowledged by the UN afterwards, not as a fulfilment of a promise from the colonial power) the Arab and the Kurdish states failed to materialise.

Arab nationalism has never come to terms with Israel as a reality and showed other signs of lack of tolerance to other realities. The creation of Kuwait –that actually is a colonial creation as artificial as so many others – was also not accepted and gave rise to its disastrous invasion.

Most of Iraqis still consider Kuwait as the fruit of a colonial plot to get hold of some of their oil, and have difficulties to accept that, as much as their perspective might be correct, history itself made of Kuwait a distinct reality that has to be accepted as Iraq or as any other state.

More worrying than this, Arab extreme nationalism became an instrument of ethnic discrimination where all ethnic or religious groups perceived to be non-Arab were targeted.

The paranoia of Baath extremism attained perhaps its paroxysm with the Arabs from the Marshes. As we know from Thessinger, if we can speak of Arabs in the anthropologic sense of the word, it is to describe the Bedouins and the people from the Marshes. As Bedouins are mostly urbanised in Iraq, we can reasonably contend in an anthropological sense that one of the groups of people that deserved to be called strictly Arab in Iraq were the Arabs from the Marshes.

However, Saddam Hussein decided to create a new concept that outstripped Arabs from the Marshes of their Arabic nature. He destroyed their habitat by diverting the water creating the marshes and treated them as harshly as he did others he considered to be non-Arabs.

It is only fair to take into consideration that no Iraqi assuming himself as a member of a specific minority was spared from persecution. Turcoman people from Kirkuk, for instance, were as ethnically cleansed from the city as Kurdish or any other person perceived to be a non-Arab.

It may be argued, however, that “double minorities”, that is, those who failed the tests to be considered both Arab and Muslim (and naturally, the best Muslim would not be a Shiite) were treated even more harshly than the others.

Whereas Sunni Kurds were ethnically cleansed and sent to solid majority Arab provinces like Anbar, Shiite Kurds were outstripped of their Iraqi nationality and forced to migrate to Iran, where they often realised that the treatment of the theocratic regime for dissenters was by no means gentler than Saddam's. The present Minister for Transport in the Kurdish Regional Government, a Kurdish Shiite, for instance, is a witness to that.

Yazidis, or Kurdish people of Yazidi religion, are even in a most distressful situation, as they are not Muslims and religious fanatics call them Devil worshipers.

In the North of Iraq, Shabaks, along with the related minorities of [Zengana](#) and [Hawrami](#) – all of them also with a complex relation to the local majorities – Kaka'I,

mostly in Baghdad, the Centre and the North, and Mandeans, mostly in Baghdad and the South, were also among the mostly persecuted by religious fanaticism after 2003.

A specific mentioning has to be made about Christian communities. As Iraq, like most of the Arab countries, had a wide Christian population when it suffered the Arab invasion (seen as liberation from the Sassanid sectarian rule), we can argue that Christianity was the religious reference for most of the Iraqi population. There are Christians assuming this fact, either considering themselves Chaldeans, Assyrians, Syriac, Assyrian-Chaldean, (Armenians normally identify themselves this way) or simply Christians as a distinct entity from Arabs.

However, there are those who simply assumed themselves as Arab Christians. Michel Aflaq, one of the Syrian founders of the Baath Party – the Syrian branch and the Iraqi branch later split and became irreconcilable enemies, as we know – was the most famous of these Arab Christians.

To a certain extent, we can even consider the Baath party – at its roots – as a secular attempt to challenge the fanatic sort of religious nationalism, that – as we could see after 2003 in Iraq – became a no-less murderous and devastating phenomenon.

These Arab Christians were accepted in the Baath establishment and as we know with Tarik Azziz, they became even an important part of it. This transformed all Christians into a favourite target of the religious fanatics that took care of Iraq after 2003.

Kurdish nationalism clashed with Arab nationalism, as it clashed with the Turkish or the Iranian nationalism. Kurdish Iraqis can hardly be treated as a minority – as long as we consider them as a homogeneous group and we consider Arabs according to their religious affiliations – since its demographic dimension makes of it one of the three big Iraqi groups.

The ethnic-cleansing of Kurdish populations, the destruction of over four thousand villages and the Anfal campaign constituted the most obvious example of genocide promoted in Iraq, one of the contemporary biggest crimes against humanity.

As it often happens in international conflicts, the national oppositions to the Iranian and Iraqi dictatorships became involved in the international conflict. Apart from the SCIRI/SIIC/Badr Brigades that became a formal part of the Iranian Revolutionary Guards, part of the Kurdish resistance aligned operationally with Iran during the Gulf war, made more justifiable in the Iraqi ruler's perspective to act ruthlessly against it.

After the defeat of Iraq in the second Gulf War, Iran took advantage of the allied intervention and manoeuvred the popular uprising against the regime to its own benefit, anticipating what it did successfully in 2003.

Iran took also advantage of the internal rivalries between competing Iraqi Kurdish factions and tried to make a hold-up on the whole of Iraqi Kurdistan in 1996.

Immediately after the invasion, the existence of an Iraqi Kurdistan – that was independent in practical terms - was a very important factor for Kurdistan as well as for Iraq and for the whole of the region. It allowed this region to escape the horrors of the ethnic, religious and elite cleansing which eventually swept the rest of the country. It made of Kurdistan an example of how a new Iraq could be, and it annoyed most of Iraq's neighbours showing an example of relative democracy and respect for minorities.

The “double-invasion” of Iraq in 2003 led to the destruction of the Iraqi state and its replacement by militia and terrorist gangs. If some of the self-protection forces established at this time were essential mechanisms of defence that allowed some ethnic or religious groups to escape cleansing, the vast majority successfully infiltrated the new Government structures, vandalised infra-structures, imposed armed terror on the civilians and promoted ethnic-cleansing in the name of “de-baathification”.

The mystery of the invasion of Iraq

The rationale and the chain of events that led to the 2003 invasion of Iraq remain hard to understand.

The US led invasion was standing on fantasies like the link of Saddam Hussein’s regime to international terrorism and in particular to AQ or the weapons of mass destruction. Inquiries on how and why the allied forces relied on erroneous information never identified who really produced these forged facts and which were their interests in producing these false facts. No proper inquiry has ever been made on the reasons for the obvious shortcomings of the operational planning of the invasion.

The allied forces came from Kuwait to Baghdad leaving in between the most heavily densely inhabited area of Iraq without proper occupation. Either the military planners were incompetent or they knew that armed groups would come from Iran, as they did, to occupy this territory.

The US leadership rejected CIA recommendations for sponsoring an internal take-over of power of dissident forces, with the argument that they had failed before. Notwithstanding, these recommendations were the most reasonable path for the removal of the regime. In Portugal, for instance, there were countless failed military putsches before the successful one of 1974.

By dissolving the Iraqi State and the Iraqi Army in particular, by passively watching the looting and the chaos, by allowing thugs and all sort of armed gangs to take over the country, the occupation led inevitably to a humanitarian disaster, to widespread resistance and to its complete discredit in front of the Iraqi population.

Even then, when the tribal structures were the only ones surviving in the prevailing chaos and religious fanatic rule, the Allied forces did their best to ignore them, repeating the arguments of the Iranian lobby that correctly understood the tribal structures as the main obstacle to their take-over of the country.

Oil has been perceived as the only logic concern existing behind the Allied intervention. Indeed, oil was argued in a variety of ways as a reason for the military operation, not least, because its revenues would be able to pay for the costs of the invasion.

As we know, this did not happen, and the tremendous cost of the invasion has far exceeded whatever might have been taken out of the Iraqi oilfields. As for the future, the US and other allied powers should naturally be interested in having an Iraq not strategically aligned with either Iran or Saudi Arabia, so as to make cartel policies more difficult. The invasion, however, made it possible for the three biggest known oil reserves of the world to come under the same strategic interests.

We can envisage the interest of oil companies – different from the interest of their states – to take hold of Iraqi oil. Indeed, an intelligent and well-informed Iraqi commented to

me that the only relevant thing on the 160 pages Baker-Hamilton report was the proposal for a unique oil company for the whole of Iraq, made in two single lines of the report.

These two lines of a one hundred sixty-page-text, coming out of the blue in a report supposedly concerned with the US military presence in Iraq, were awkward indeed. But if this was the strategy of whatever Texan oil lobby, it is difficult to understand why it failed, and Iraqi oil is now in the hands of as many different oil companies as it could be. This lobby would have been strong enough to cause a military invasion, but not strong enough to impose, under US military occupation, a single oil company in Iraq, and this is puzzling indeed.

The argument of Iraqi co-operation with terrorism, or AQ-I in particular, was not true, as Iraq was one of the main targets of terrorist activities, already before the invasion. The argument of the production of weapons of mass destruction can only be understood by a catastrophic mix of lack of information; manipulation by third parties and or irrational need to show armed strength.

It is my conviction that it is not possible to see a single coherent, rational strategy commanding the invasion, but a complex set of forces and circumstances that changed over time.

However, it is clear that the misinformation campaign led by the Iranian intelligence was crucial for this invasion to take place as I argued in my book.

One of the most ruthless and barbaric of the terrorist groups acting in Iraq is “Al-Qaeda in Iraq”, others being part of the Iraqi political establishment, like the Badr Organisation (part of the Iranian Revolutionary Guards), or the Al Mahdi militia and were directly masterminded by Iran. All of them materialised a general genocide in Iraq, which is yet to be properly investigated and acted upon.

All of these groups infiltrated successfully the structures of the Iraqi state to a varying degree to the point where it became often impossible to distinguish ones from the others. A structure like the Kadhemyah National Police detention facility – where Saddam Hussein was executed under sectarian screams from the audience – is reported to have been used to extra-judicially summarily execute by hanging hundreds of prisoners without any proper public record. (Report by the Independent quoted by both UNHCR April 2009 and by the UK border agency, point 15.08, p.102).

The Islamic Revolution in Iran is the closest precedent of the post-invasion events in Iraq. The Iraqi version, however, was much more violent and intolerant than its predecessor.

It is impossible to understand the scale of the massacres that took place after 2003 without considering the repeated persecutions and genocides witnessed within the country during the XXth century, but it is also impossible to understand them without taking into consideration its promotion and organisation by foreign powers, in particular, the Islamic Republic.

The contemporary genocide in Iraq led to a yet undetermined number of casualties and injured people as well as to the internal or external exile of a number of people estimated to be between four and five million.

UNHCR is here the most authoritative source, and we only have to go through the repeated reports of the organisation to understand the brutal scale of the humanitarian disaster – unparalleled in our time – and the lack of proper attention given either by the Iraqi authorities or by the international community.

According to the most recent UNHCR report on Iraq <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486426> “There are an estimated 4.2 million uprooted people in Iraq – more than in any other country in the World”.

This outstanding report should act as a catalyser for the international community to look with proper attention to what is the most shocking humanitarian crisis of our time, as this is the direct consequence of a Western ill-planned operation in Iraq.

UNHCR – which is the international institution responsible – and some neighbouring countries, like Syria, Jordan and Egypt made efforts to minimise this drama, but on the whole, the international response to the crisis has been very disappointing.

Regardless of what one might think of the Syrian regime, the truth is that it was the country that allowed more Iraqi refugees within its borders and it was the last to close its borders to them. With the single exception of Iranian and Palestinian refugees that were denied any help (Iranian refugees, even the ethnic Arabs, were systematically returned to Iran, breaking a practice existing before 2003) Syria received refugees from several ethnic or religious sides of the Iraqi spectrum.

This massive exodus of Iraqis is directly linked with the widespread persecution. This persecution could have been caused by a large number of motives, belonging to an ethnic or religious minority being the most common:

“The UNHCR guidelines of April 2009 stated that: (...)

“Since 2003, members of religious and ethnic minorities have become regular victims of discrimination, harassment and serious human rights violations, with incidents, ranging from intimidation and threats to the destruction of property, kidnapping, rape, forced conversion and murder. As a result of sustained attacks on minority groups, their numbers have dwindled significantly since the fall of the former regime in 2003. According to UNAMI HRO, members of minority groups continue to be attacked with “total impunity” and the US Commission on International Religious Freedom said that Iraq’s leaders were tolerating attacks on religious minorities. Criminal groups have also singled out members of certain religious minorities given their particularly vulnerable status and/or their perceived wealth...”

It is also important to consider that the persecution opened new fronts. Whereas Iraq had been a relatively tolerant Arab country regarding gender issues and it was not particularly intolerant towards sexual orientations, the new Iraq curtailed existing rights of women and allowed the persecution and murder of those thought to have behaved out of their perceived strict moral code.

Regarding Women, and according to the UK Border Agency Report:

“In a statement on 25 November 2008, the United Nations Special Rapporteur on Violence against Women declared that “Iraqi women have eroded in all areas of life” (point 25.03, p.153)

“The USSD report further noted that Basra police reported that 40 women were murdered in 2007 for not covering their heads and conforming to a conservative Muslim style of dress” (point 25.14, p.156)

Regarding sexual orientation issues, still according to the same report:

“The death squads of the Badr organisation and the Mahdi army are targeting gays and lesbians, according to UN reports, in a systematic campaign of sexual cleansing. They proudly boast of their success, claiming they have already exterminated all “perverts and sodomites” in many of the major cities” (point 23.06, p.148, quoting the Guardian, on 25 September 2008)”.

Otherwise, the systematic targeting of the Iraqi intelligentsia and professional classes can only be understood as a form of decapitating the country of its elites and therefore to destroy its capacity to affirm itself as an independent country.

Another persecuted group was the one of foreign refugees, namely Palestinian and Iranian ones, both of them targeted by well-organised armed gangs. As most of these refugees came into Iraq during Saddam Hussein’s rule, they were also labelled “Baathist”, which is the most common accusation justifying harassment and persecution.

Palestinians have been systematically wiped-out of Iraq, namely from Baghdad, where most of them used to live.

The Iranian refugees in the South, Arabs from the Marshes and other Ahwazi of Arab ethnic origin, were also driven out by a merciless campaign of assassinations.

In the North, the Iranian refugees are mostly Kurdish and, as such, they have not been persecuted, although they have been pressed to stop any opposition to Iran. Some of them, namely those organised in an armed resistance group, like PEJAK, found shelter in the border mountains in a co-existence relation with PKK Kurdish rebels from Turkey.

The Iranian armed forces have been destroying systematically all existing Iraqi Kurdish villages within forty kilometres of its border with the Erbil province in Kurdistan, and thousands of Kurdish Iraqi had to flee this area.

The only significant remaining group of exiled refugees in Iraq has been the one constituted by PMOI militants that was protected by the US forces up to 2008 in camp Ashraf, as the US recognised them as protected under Geneva conventions.

Camp Ashraf and the members of the group have been targeted by terrorist attacks in such a way that they were able to organise a museum of terrorism documenting the terrorist attacks they were victims of, before and after 2003, most likely committed by the same groups using the same techniques.

Terrorist attacks targeted everyone that dared to visit Ashraf camp or to establish any sort of relation with the Iranian opposition members, and this was the case in the surrounding province of Diyala as well as in Baghdad and other areas of Iraq.

Iraqi authorities and the Iranian refugees from camp Ashraf

In 2009, the US handed the security of camp Ashraf over to the Iraqi authorities. This was the most important test for the tolerance and humanity of the new Iraqi authorities, and the least that can be said is that this test gave strong reasons for concern to the international community.

In the end of July the World was shocked to see alive broadcasted by the Web, a brutal massacre of unarmed people in Ashraf by an Iraqi military squad under the direct supervision of the Iraqi Prime Minister's Office.

Armoured vehicles trying to overrun people running and brutal beatings, where around a dozen people were murdered and hundreds were injured, were broadcasted all over the world.

Actually, some of the responsible people in Iraq have been very clear in stating that they want to turn life unbearable in Ashraf, and the Iraqi authorities even nominated a committee that aims at extinguishing Ashraf, with a terminology that resembles the one used by the Nazis regarding Jews and gypsies.

As I have been in close contact with so many displaced and refugee Iraqis, I have recognised here the very same violence and barbarity used by political thugs and terrorist gangs elsewhere to terrorise entire sectors of the Iraqi population into exile.

I wonder how is it possible that someone who runs under the banner of the creation of Iraq as a "State of Law" can promote such actions.

It is only fair to say, however, that events showed that there are some important elements of a "State of Law" in Iraq, and the recent events in Ashraf are also important to understand this.

In the wake of the attack against Ashraf residents, the Iraqi police forces imprisoned 36 residents. However, the Iraqi judicial system, first through the local judge in Al-Khalis and afterwards through the national prosecutor in the Ministry of Justice in Baghdad opposed this political abuse and ordered the authorities to release them. Although the police authorities resisted judicial orders for some time, they ultimately decided to obey, and to release the prisoners.

This is a remarkable sign of the independence of the Iraqi judicial authorities and gives hopes to all of those who really aim at a "State of Law" for Iraq.

Of course, I do not think it was a coincidence that only some weeks after this courageous decision of the Iraqi judicial authorities, the Ministry of Justice in Baghdad suffered an enormous bomb attack, which once again showed how threatened all those are who seek justice and fairness in this country.

After this incident, the Iraqi authorities announced their plans to re-open in the Southern desert close to the border with Saudi Arabia one of the most sinister prisons of the former regime, used for political prisoners, to jail these PMOI residents. However, due to the increased international pressure, they did not implement the plan, which was shelved for the time being.

The persecution of Iranian refugees in Ashraf is part of the same drama that has been developing in Iraq in the recent past, and the outcome of this crisis will symbolise more than anything else what we can expect for the future of Iraq.

Section II A thorny road out of Chaos

When the Coalition Provisional Authority came to the end of its mandate and the power was handled to an Iraqi secular Prime-Minister, Ayad Allawi, the situation was already

out of control and it became impossible for him in the few months he was in power to stop the disastrous path the country was experiencing.

In 2007, however, four distinct factors contributed to a clear reversal of the situation.

Iraqis were exhausted by terrorism and violence, it was now clear to all of them that terrorist organisations were not fighting for them, but were fighting against both Iraq and the US on behalf of foreign powers.

Although most Iraqis did not like the US and had several serious reasons for complaint, the US was certainly their best ally to face their much more dangerous enemies. Therefore, the momentum that existed in the beginning of the invasion for an alliance between tribal leaders and the Allied forces returned again.

Secondly, General Petraeus assumed the command of the US forces in Iraq. A cultivated, knowledgeable, courageous and intelligent man, he devised a new strategy of alliance with Iraqis – including several who had been in the insurgency - to combat the terrorist groups.

Thirdly, Prime-Minister Maliki started to consolidate his power and act more independently from his Iranian sponsors, confronting militia, acting in a less sectarian form and even promoting a coalition that promised to fight for a “State of Law” in Iraq, which is in our view the most crucial political question for the country. Otherwise, he tended to recreate the old bad ways of Arab nationalism, namely by concentrating power, despising minorities – refugees in particular – and fomenting the old ingrained mistrust on Kurdish political autonomy.

Fourthly, we have the reinforced role of UNAMI. Namely, contrarily to what happened in previous elections, UNAMI directed the procedures that led to the regional elections at the beginning of 2009, elections that, in spite of their drawbacks, were the first reasonably free and fair elections in the country.

Although the situation in Iraq has improved steadily after 2007, it is far from being stabilised, and it is doubtful if it consolidates as a state of law, as promised by its present authorities. An Iraq developing into an even more intolerant version of the Iranian theocracy is a clear possibility.

Some quotations of the UK Border Agency report which we are using to base this report can explain why:

“The UNHCR Guidelines of April 2009 also recorded that where Baghdad has once been an ethnically mixed city it was now a mix of “rival ethnic and religious enclaves whose residents rarely intersected outside their gated communities”. (Point 8.26, p.43)

This is happening everywhere in Iraq with the exception of the areas under Kurdish control.

“The USDoD [US Department of Defence] report, March 2009, stated that:

“It is currently assessed that most violent activity within the Baghdad Security Districts is conducted by either AQI or Shi’a militia elements. AAH [Asai’b Al-Haq] and KH [Ketaib Hezbollah], among other insurgent and militant groups, continue to maintain cells in Baghdad but have had a difficult time conducting operations. The difficult operating environment has caused many operatives to stay in Iran or discontinue activities in Baghdad. However, neither of these groups has given up on Baghdad, and both continue attempts to re-establish networks despite recent arrests. These and other

insurgent and militant groups continue low-level operations, and caches continue to be discovered.” (8.25, p. 42)

The precarious balance between national Iraqi structures supported by the US and the Iranian sponsored structures infiltrated in Iraq under the religious cover-up of Shiite religion (erroneously perceived by the invading planners as a different ethnic group) is present everywhere, even in the Iraqi secret services:

“The CSIS report, published on 20 April 2009, stated that “Iraq’s national-level intelligence apparatus remains divided between a CIA-supported “official” agency (the Iraqi National Intelligence Service or INIS) and a Shi’ite-run agency (under the auspices of the Minister of State for National Security (MSNSA), Shirwan al-Waely)...” (Point 10.52, page 72).

As General Petraeus recently highlighted in an interview to the Time magazine of January the 25th the so-called “Accountability and Justice Commission” responsible for removing circa 500 candidates from the Iraqi elections is instrumentalised by the Quods force of the IRGC (Iranian Revolutionary Guards Corps).

He also clarified in this interview that a majority of the 500 blacklisted candidates were of a Shiite confession; therefore it makes no sense to see this action as a result of inter-confessional rivalries, but rather, as it often happens in Iraq, as a blunt interference of the Islamic Republic in Iraq using the religious cover-up.

In these circumstances it is legitimate to conclude that what appears to be a stabilisation of the situation might only be a temporary truce. Mass ethnic cleansing has already produced the expected results and the relative peace depends on the maintenance of multiple heavily guarded walls or barriers dividing ethnic and religious groups; most of the armed gangs might be sleepers waiting for more favourable conditions to resume operations.

Section III From the green line to the green ray

According to article 140 of the Iraqi Constitution, the allocation to a specific province or region of the so-called disputed territories, that include the province of Kirkuk as well as other districts situated around the green-line (the old divide between the territory controlled by Saddam Hussein and the ones controlled by the Kurdish forces) should be decided on the basis of the will of its inhabitants and ultimately, if needed, by mediation of the United Nations.

This has been viewed as an explosive and destabilising issue lying ahead of Iraq’s future.

Kurdish authorities are very strict on the question of the democratic consultation of the population. The President of the Kurdish Parliament, Mr. Kamal Al-Kirkuki, told me in a very formal way on the 12th December, that the disrespect of the popular will as forecasted by the Iraqi Constitution could provoke an open armed conflict.

The pressure being exerted against such a popular consultation has been enormous. All the Iraqi big neighbours (Jordan and Kuwait being the exceptions); the Iraqi Prime Minister – here joined by the main so-called Arab parties – some very vocal organisations claiming to speak in the name of Christian, Turcoman or Yazidi minorities; most of the influential international opinion makers on Iraq such as the International Crisis Group, Human Rights Watch and the Economist, and last but not least, terrorist groups actions heavily targeting those who want this consultation to take

place, have been adamantly stating or displaying their strong opposition on what they perceive as a plot to make a “big Kurdistan” independent of Iraq.

On my present fact finding mission to the region, and as I had been in Kirkuk a short time before, I decided to concentrate my attention on Sinjar – an important Yazidi area – and Bakhdida (in Arabic Al Hamdaniya, in Turkish Qara Qosh, now used as the name of the main town, the district using the other two names indistinctly) which is an important Christian area.

We consulted some community leaders and Kurdish authorities, consultation with other Iraqi authorities unfortunately pending on an unanswered Visa request. I asked for and got support to conduct the mission from the Kurdish authorities by them providing military police escorts.

Sinjar lies at the North-western edge of Iraq, bordered by Tal-Afar to the East, Al Ba’aj to the South and Syria to the Northwest. The district became sadly famous for being the target of the world’s deadliest terrorist attack after September eleventh attack on the US.

Although Sinjar has a solid Yazidi majority we can find significant presences of all the major ethnic and other religious groups of Iraq (Arabs, Kurds, Turcoman, Assyrian-Chaldeans, Shiite and Sunni Muslims and Christians).

In Sinjar I met circa thirty opinion leaders in a gathering organised by the Mayor and the President of the District Council where religious and lay leaders, women and men from all existing ethnic and religious groups were present.

The opinions on both the most contentious issues, the existence of village self-defence forces supported financially and organisationally by the Kurdish regional authorities and the popular consultation on the attachment of Sinjar to Kurdistan or to Nineveh province was solidly and unanimously positive.

Furthermore, some of our interlocutors expressed support for the consultation to take place before the US withdrawal. The UN capacity to undertake the consultation process and to guarantee security was widely viewed with scepticism.

Local people from Khataniya – the town targeted by the terrorist blast that killed five hundred people – explained to me that although in practical terms the village reported to Sinjar, it is formally part of Al Ba’aj district, which shows how intricate the political mapping of the region is. Furthermore, I realised that Tal-Afar would become a sort of Nineveh Island in Kurdish territory in the likely scenario where the majority Arab district of Tal-Afar would vote for belonging to Nineveh while Sinjar would vote for belonging to the Kurdistan region.

On the question of the referendum, I later conducted a random inquiry on locations and interviewees I chose in the main street of the town, in the bazaar, and in the local hospital, where circa twenty people were addressed.

With the exception of two persons – both Sunni Arabs coming from a village in Ba’aj, the neighbouring Arab majority district – the respondents were absolutely clear on their demand for a rapid popular referendum.

Regarding the district of Bakhdida / Al Hamdaniya, we conducted several meetings with representatives of the two most important towns: Qara Qosh and Bartella, which are overwhelmingly Christian, although surrounded by villages that are mostly Shabak or otherwise Muslim Sunni or Shiite. We also had an extended meeting with the Catholic Bishop of Erbil.

The need for self-defence forces protecting these two towns was self-evident for all our interviewees, and no one questioned them. There was a unanimous appreciation of the Kurdish Regional Government support to these forces.

Concerning the question of the referendum, positions were more divided. The vast majority of our Christian interviewees stressed the need to preserve the identity of the Christian population and its refusal to dilute it in a Kurdish region, therefore asking for a separate autonomous Christian entity to be constituted. However, they were not able to explain how such a desideratum could be attained when both towns visited, for instance, were surrounded by a myriad of villages with no Christian population whatsoever. Some of our Christian interviewees did not disagree with this position on principle, but found it unrealistic.

The Bishop of Erbil stressed that we should not mix the cultural identity question of the Christian community with the political question of the rules overseeing freedom of religion and freedom to express cultural identity. He stressed that the Kurdish Constitution gives equal status to all religions, contrarily to the Iraqi Constitution, and regarded this as the most important factor to be considered for an opinion of the Catholic Church.

Besides, I had the opportunity to meet Kurdish political and business leaders in Erbil and Suleymania and two large delegations of the Provincial Councils of Anbar and Diyala provinces when visiting Kurdistan, the latter presided by the Governor himself.

I was very positively impressed by the good relations between the Kurdish authorities and the political representatives of these two Iraqi provinces. Furthermore, I was very encouraged to observe that all the regional authorities concerned agreed that creating jobs, giving priority to agriculture and social and economic infra-structures have top priority, in order to combat terrorism and violence.

My main conclusions on this matter are:

1. It is essential to promote a massive job-creation strategy aiming at the well-being and the security of the Iraqi people;
2. It is necessary to keep the existing self-defence forces in Christian, Turcoman or Yazidi villages in order to protect the lives of these ethnic or religious minorities. As UNHCR April 2009 report on Iraqi refugees states, it is quite likely that the subsistence of terrorist groups and major violence in the province of Nineveh, contrarily to the diminution of the violence registered in the provinces of Anbar, Salahidin and Diyala, has to do with the non-existence of self-defence forces in Arab villages;
3. The democratic and constitutional right of the Iraqi people in the disputed territories to decide on the territorial organisation of their towns cannot be put into question. The policy of appeasement towards authoritarian neighbouring regimes or terrorist strategies will not only betray the democratic aspirations of the Iraqi people but risk to destabilise the whole region;
4. The United Nations are ultimately responsible for the implementation of article 140. In the context of its mandate and considering the US withdrawal, it is fundamental for the UN to dispose of blue helmets to insure security on the green line as well as of displaced people and refugees in certain other areas of the country;

Section IV München, Max-Pröbstlstrasse, 12

Nearly all the Iraqis I have been in contact with since 2004 had to leave their homes. The exceptions are Kurdish Iraqi and a few political leaders with special security provisions.

As I actively campaigned for solidarity with Iraqi refugees, I got in touch with several others I did not meet in Iraq. As it is fundamental to have a living picture of their reality to understand the drama we are witnessing, I decided to include a personal interview in the present report.

Although some of them politely declined to make their stories public – even being out of Iraq they still fear that some relatives or friends in Iraq might suffer from the consequences of what they say – some others accepted to participate, among them, Ms. Hayfa Ahmed.

I had never before seen Ms. Hayfa Ahmed, but like many other Iraqi refugees, she got into contact with me through someone I met in Iraq and, as I did with everyone else I came across, I helped her as I could. As she is now in a refugee camp in München, it was easier to get in touch with her and this is one of the reasons why we decided to interview her. I spent four hours there, on December the 8th 2009.

We were received by Ms. Sabine Hodek from the Caritas Sozialdienst für Flüchtlinge, an NGO that provides help for the refugees in the camp. The camp is made of old military barracks in a München suburb, Engelschalk.

Ms. Sabine Hodek explained that the camp was under the responsibility of the Bavarian regional authorities and Caritas were trying to do their best to help the refugees. She stressed that there was a lack of capacity to answer the needs of the refugees in terms of organisation and quick answer as well as housing, health and education.

As we got there a lot of residents addressed us and asked us to lobby the authorities on their behalf. The difficulties facing all those who are seeking refugee statute is a common concern, namely because nearly all of them have still relatives seeking asylum somewhere in the Middle East.

The main wish of the residents expressed to us is to find housing. We were presented to Mr. Darwich, a war veteran seriously disabled, who had to wait for two months to receive a bed adapted to his condition. Mr. Darwich was a Mandeian, belonging to a highly persecuted Iraqi minority, which made it impossible for him to remain in Baghdad.

Several Iraqis wanted to tell us their stories of suffering, persecution, torture, kidnapping and assassination of relatives, stories that we heard many times before from many other people in several parts of Iraq (Casaca, 2008).

They fully justify the creation of an international judiciary authority to investigate and persecute genocide and other crimes against humanity in the post-2003 Iraq.

Most of the residents in the refugee camp were Christians, but we could find members of other minorities as well as Sunni Muslim Arabs.

Ms. Hayfa Ahmed was born in 1957 and is a mother of four children. She is separated from her husband who has been living in Qatar since 2000 and who remained responsible for the three elder children, Ms. Ahmed living with her younger daughter.

She was a civil servant in the Iraqi government, where she was working in a financial control department up to 1985 when she left office to take care of her children. When

she wanted to resume her work as a civil servant in 1991 she was not accepted, according to her because of her non-affiliation with the Baath party.

Since then being a jobless divorced mother has made her life quite difficult. She viewed the opportunities created by the fall of Saddam Hussein's regime in a very positive way, and she became involved in a women's rights association and in politics. She was a candidate (not elected) for the December 2005 elections.

In the context of her women's association activities she visited the Iranian refugee camp of PMOI in Ashraf, as this organisation gives a strong priority to a gender equal rights agenda. She and her association worked with the Iraqi National Tribes Association for a conference in Hotel Babylon in Baghdad on the women in the Iraqi Constitution, a conference she would have been chairing. However, the Ministry of the Interior forbade and stopped it using military force.

Ms. Ahmed thinks that the government and the militia were working together to persecute those who were politically active on topics that contend frontally with the religious fanatic agenda of the pro-Iranian factions, such as gender issues, and in particular, those who somehow supported the Iranian opposition.

Ms. Ahmed thinks that Iranian agents – through militia or infiltrated in the Iraqi official structures – tried to assassinate systematically all those who came in contact with the Iranian opposition in Ashraf. This is an opinion corroborated by many other Iraqis I met.

After her visits to Ashraf and in particular after the forbidden conference, she received several anonymous threats to her life, which became very terrifying after the episode of the bombing of the Samarra Shiite shrine in early 2006.

As she is a first degree cousin of Mr. Tarik Al Hashemi, Vice-President of Iraq, she followed the successive assassination of most of his brothers and other relatives with particular concern. If a Vice-President of the country was helpless to stop the assassination of his brothers and sisters, how could a lonely woman guarantee the survival of her teenage daughter?

Ms. Ahmed, together with her daughter, first abandoned her house and became an internal fugitive in Baghdad, hiding in houses of friends or relatives. She decided to run away from Iraq when the sister of Vice-President Tariq Al-Hashemi, Maysun Al-Hashemi, herself a member of the Iraqi Parliament, was murdered.

She first escaped to Syria, but when she was told that US authorities would never give asylum to refugees in Damascus, she managed to enter Jordan, where she applied for refugee statute to the UNHCR.

As she remained stranded in Jordan, she tried her chances in Qatar, where one of her cousins, the only surviving brother of Vice-President Tarik Al-Hashemi, lived as a refugee. Qatar authorities however did not accept her, and gave her a month to leave the country or she would be expelled to Iraq. The prospect of being forcefully sent to Iraq terrorised Ms. Ahmed. UNHCR would not help her either, since she left Jordan without informing them or without their authorisation. Ms. Ahmed asked my help.

A Qatar human-rights organisation got in contact with Ms. Ahmed. It bought them return tickets to Jordan, assisted them financially and managed to convince the Jordanian authorities to accept them back and the UNHCR to resume efforts for finding an asylum for Ms. Ahmed and her daughter.

UNHCR developed continued efforts to find asylum for Ms. Ahmed, as it does for every asylum seeker. However, it took a couple of years for IMO (International Migration Organisation) to find a country willing to accept Ms. Ahmed and her daughter.

Ms. Ahmed received me with flowers and a big smile in her provisional facility. When I asked her about returning to Baghdad, she answered she would gladly return in the very moment when she would think her daughter and herself were safe.

On the following day, back to my stay in Erbil: I was received by a fifteen-member-delegation of the Anbar Provincial Council in Erbil [for security reasons it is normal for meetings with officials from neighbouring provinces to take place in Erbil the capital-city of Iraqi Kurdistan], asking me to help attracting investors to their province. In the end, I asked them if they thought it would be wise to advise Iraqi refugees to return to their province in particular and Iraq in general.

A long embarrassed silence followed, but in the end, a gentleman looking like a senior member, looked me in the eyes and said in English: “Please, advise these Iraqis to stay a little longer, as it is not yet safe for them to come back.” My Iraqi interlocutors knew they were ruining the chances of convincing me of the wisdom of attracting outside investors to Anbar, but the respect for human life spoke louder.

This distinguished gentleman in the Provincial Council of Anbar stroke me as the image I retain of Iraq, a land made of honest, proud and forward looking people.

Section V UNIFIL in Lebanon by Kamal Batal

UNIFIL

Compiled, edited and amended by Kamal el Batal

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Background

In the early 1970s, tension along the Israel-Lebanon border increased, especially after the relocation of Palestinian armed elements from Jordan to Lebanon. Palestinian commando operations against Israel and Israeli reprisals against Palestinian bases in Lebanon intensified. On 11 March 1978, a commando attack in Israel resulted in many dead and wounded among the Israeli population; the Palestine Liberation Organization (PLO) claimed responsibility for that raid. In response, Israeli forces invaded Lebanon on the night of 14/15 March and, in a few days, occupied the entire southern part of the country except for the city of Tire and its surrounding area.

On 15 March 1978, the Lebanese Government submitted a strong protest to the Security Council against the Israeli invasion, stating surprisingly that it had no connection with the Palestinian commando operation. On 19 March, the Council adopted resolutions 425 (1978) and 426 (1978), in which it called upon Israel immediately to cease its military action and withdraw its forces from all Lebanese territory. It also decided on the immediate establishment of the United Nations Interim Force in Lebanon (UNIFIL). The first UNIFIL troops arrived in the area on 23 March 1978.

Resolution 425 (1978) established two requirements. First, the Security Council called for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries. Second, the Security Council called upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory.

The Security Council also decided, in the light of the request of the Government of Lebanon, to establish immediately a United Nations interim force for southern Lebanon. This interim force was created for three broadly defined purposes:

- 1- Confirming the withdrawal of Israeli forces;
- 2- Restoring international peace and security;
- 3- Assisting the Government of Lebanon in ensuring the return of its effective authority in the area

In resolution 426 (1978), the Security Council approved the report of the Secretary-General on the implementation of resolution 425 (1978). That report contained, *inter alia*, guidelines for the operations of UNIFIL.

In June 1982, after intense exchange of fire in southern Lebanon and across the Israel-Lebanon border, Israel invaded Lebanon again, reaching and surrounding Beirut. For three years, UNIFIL remained behind the Israeli lines, with its role limited to providing protection and humanitarian assistance to the local population to the extent possible. In 1985, Israel carried out a partial withdrawal, but it retained control of an area in southern Lebanon manned by the Israel Defence Forces (IDF) and by Lebanese *de facto* forces (DFF), the so-called "South Lebanon Army" (SLA). The SLA was composed of regular Lebanese Army troops who were left behind enemy lines during the Israeli invasion. The SLA members were continuously receiving their salaries from the Lebanese Ministry of Defence despite the fact that the Lebanese puppet government to Syria was calling them collaborators with the enemy. Hostilities continued between Israeli and auxiliary forces on the one hand, and Lebanese groups who proclaimed their resistance against the Israeli occupation on the other.

Over the years, the Security Council maintained its commitment to Lebanon's territorial integrity, sovereignty and independence, while the Secretary-General continued his

efforts to persuade Israel to leave the occupied zone. Israel maintained that the zone was a temporary arrangement governed by its security concerns. Lebanon demanded that Israel withdraw, viewing the occupation as illegal and contrary to United Nations resolutions.

Although UNIFIL was prevented from fulfilling its mandate, the Force used its best efforts to limit the conflict, contribute to stability in the region and protect the population of the area from the worst effects of the violence. Despite the impasse, the Security Council has repeatedly extended the mandate of UNIFIL at the request of the Government of Lebanon and on the recommendation of the Secretary-General.

A tragic event happened in UNIFIL's area of deployment in April 1996 when more than 120 Lebanese civilians were killed by Israeli fire and an estimated 500 were wounded. Most of these casualties occurred on 18 April as a result of the shelling of a UN compound at Qana. Four UN soldiers were also wounded and there was extensive damage. This incident was the subject of an investigation by the Secretary-General's Military Adviser, whose report was conveyed to the Security Council on 7 May 1996.

Israeli Withdrawal

On 17 April 2000, the Secretary-General received formal notification from the Government of Israel that it would withdraw its forces from Lebanon by July 2000 "in full accordance with Security Council resolutions 425 (1978) and 426 (1978)". He was further informed that in so doing the Government of Israel intended "to cooperate fully with the United Nations". The Secretary-General informed the Security Council of this notification on the same day, stating that he had initiated preparations to enable the United Nations to carry out its responsibilities under those resolutions. On 20 April, the Council endorsed the Secretary-General's decision to initiate those preparations.

As a first step, the Secretary-General sent his Special Envoy, Terje Roed-Larsen (Norway), together with the Force Commander of UNIFIL and a team of experts, to meet with the Governments of Israel and Lebanon and concerned Member States in the region, including Egypt, Jordan and the Syrian Arab Republic. The delegation also met with the PLO and the League of Arab States. During the mission, United Nations cartographic, legal and military experts examined the technical issues that would need to be addressed in the context of the implementation of resolution 425 (1978). Parallel to that mission, which took place between 26 April and 9 May 2000, the Secretary-General consulted with interested Member States, including those contributing troops to UNIFIL.

Starting on 16 May, much sooner than anticipated, IDF/DFP began to vacate its positions, amid exchange of fire. Beginning on 21 May, large crowds of Lebanese, accompanied by armed elements, entered villages in the Israeli-controlled area, and IDF/DFP vacated their position in great haste. At the same time, a large number of the de facto forces, together with their families, crossed into Israel. Others surrendered to the Lebanese authorities. Within a few days, those forces had completely disbanded. On 25 May, the Government of Israel notified the Secretary-General that Israel had redeployed its forces in compliance with Security Council resolutions 425 (1978) and 426 (1978).

The requirements and tasks related to the implementation of those resolutions in the new circumstances were outlined in the Secretary-General's report of 22 May and endorsed by the Security Council on 23 May.

Withdrawal Confirmed

From 24 May to 7 June, the Special Envoy travelled to Israel, Lebanon and the Syrian Arab Republic to follow up on the implementation of the Secretary-General's 22 May report. The United Nations cartographer and his team, assisted by UNIFIL, worked on the ground to identify a line to be adopted for the practical purposes of confirming the Israeli withdrawal. While this was not a formal border demarcation, the aim was to identify a line on the ground conforming to the internationally recognized boundaries of Lebanon, based on the best available cartographic and other documentary evidence.

The work was completed on 7 June. A map showing the withdrawal line was formally transmitted by the Force Commander of UNIFIL to his Lebanese and Israeli counterparts. Notwithstanding their reservations about the line, the Governments of Israel and Lebanon confirmed that identifying this line was solely the responsibility of the United Nations and that they would respect the line as identified. On 8 June, UNIFIL teams commenced the work of verifying the Israeli withdrawal behind the line.

On 16 June, the Secretary-General reported to the Security Council that Israel had withdrawn its forces from Lebanon in accordance with resolution 425 (1978) and met the requirements defined in his report of 22 May 2000 -- namely, Israel had completed the withdrawal in conformity with the line identified by the United Nations, DFF/SLA had been dismantled, and all detainees held at Al-Khiam prison had been freed. The Secretary-General said that the Government of Lebanon had moved quickly to re-establish its effective authority in the area through the deployment of its security forces, and had informed the United Nations that it would send a composite force composed of army and internal security personnel to be based in Marjayoun. It also stated that it would consider deploying its armed forces throughout southern Lebanon following confirmation of Israel's withdrawal by the Secretary-General.

The Secretary-General noted that the deployment of the armed forces was an essential element of the return of the effective authority of the Government in the area. This deployment should be conducted in coordination with UNIFIL's redeployment in its area of operations.

On 18 June, the Security Council welcomed the Secretary-General's report and endorsed the work done by the United Nations. The Council, inter alia, called on all parties concerned to cooperate with the United Nations and to exercise the utmost restraint. It also noted that the United Nations could not assume law and order functions that were properly the responsibility of the Lebanese Government. The Council welcomed the Government's first steps in that regard, and called on it to proceed with the deployment of its armed forces into the Lebanese territory vacated by Israel as soon as possible, with the assistance of UNIFIL.

Violations of the Line Reported

Following the verification of the Israeli withdrawal, UNIFIL found a number of violations, where the Israeli technical fence crossed the withdrawal line and the Israel Defence Forces used patrol tracks that also crossed the line. This halted the deployment of UNIFIL and the Lebanese troops to the vacated areas. The Security Council has been kept informed of those violations. The Government of Lebanon has stated that it would consent to the deployment of UNIFIL to the vacated areas only after the Israeli violations had been corrected. It would then also deploy additional troops and internal security forces to the area.

From 17 to 23 June, the Secretary-General visited the region, where he met with several leaders, including leaders of Israel and Lebanon. The main topic of their discussion was the implementation of Security Council resolution 425 (1978). The Special Envoy followed up on those discussions in meetings with the Israeli and Lebanese authorities from 6 to 14 July.

The Government of Israel committed itself to the removal of all Israeli violations of the withdrawal line by the end of July 2000.

Further Developments

The situation in the area of UNIFIL operation remained generally calm. The Lebanese army, gendarmerie, and police established checkpoints in the vacated area, controlling movement and maintaining law and order. The Lebanese army retrieved heavy weapons abandoned by IDF/DFF. UNIFIL patrolled the area and, together with the Lebanese authorities, provided humanitarian assistance by supplying water, medical treatment and food to needy families. UNIFIL also assisted former members of the de facto forces and their families who decided to return from Israel to Lebanon.

The Force monitored the line of withdrawal on a daily basis, by means of ground and air patrols. It examined possible violations from both sides of the line, as many of the areas could only be accessed from the Israeli side, owing to the presence of mines and unexploded ordnance on the Lebanese side. The Force's liaison arrangements provided a constant link with the Chief of Operations of the Israel Defence Forces and the Director of Lebanese General Security, as well as with the normal chain of command on each side. Any violations of the withdrawal line were immediately brought to the attention of the side concerned.

In his report, submitted to the Security Council on 20 July 2000, the Secretary-General stated that southern Lebanon had seen dramatic change. The Israeli forces had left, their local Lebanese auxiliary had been disbanded, and after more than two decades the guns had fallen silent. He warned, however, that while there had been enormous improvement, the situation in the Israel-Lebanon sector fell well short of peace, and the potential for serious incidents still existed. Therefore, both sides should maintain effective liaison with UNIFIL and take prompt action to rectify any violations or incidents brought to their attention.

In a letter addressed to the Secretary-General on 11 July, the Permanent Representative of Lebanon conveyed his Government's request that the Security Council extend the mandate of UNIFIL for a further interim period of six months that is until 31 January 2001. In his 20 July report, the Secretary-General recommended that the Council accede to this request, on the understanding that the Force would be enabled to deploy and function fully throughout its area of operation, and that the Lebanese authorities would strengthen their own presence in the area by deploying additional troops and internal security forces. The UNIFIL deployment must be closely coordinated with that of the Lebanese forces.

There was a "good chance", the Secretary-General said, to achieve in the coming months the objectives of Security Council resolution 425 (1978) and for UNIFIL to complete the tasks originally assigned to it. He said he would report to the Security Council by the end of October on the latest developments.

The Secretary-General also called for increased foreign aid to Lebanon, noting that the reintegration of the southern area would impose a heavy burden on Lebanon and that the clearance of landmines and unexploded ordnance would be a "vast task" requiring

international assistance. "I should like to encourage Member States to cooperate with the Government of Lebanon and the United Nations agencies and programs in support of the reconstruction and development of the area, not only for its own sake but as an important contribution to stability in this potentially still volatile part of the world."

On 24 July, further to his report of 20 July, the Secretary-General informed the Security Council that the Israeli authorities had removed all violations of the line of withdrawal. On the same day, in a meeting with the Secretary-General's Special Envoy, Lebanese President Emile Lahoud and Prime Minister Selim el-Hoss gave their consent to the full deployment of UNIFIL. The Force's deployment was scheduled to take place on 26 July and was to be immediately followed by the deployment to the formerly Israeli-controlled area of the composite Lebanese unit, comprising army and internal security personnel.

On 27 July, the Security Council decided to extend the mandate of UNIFIL until 31 January 2001. Unanimously adopting resolution 1310 (2000), the Council called on the Government of Lebanon to ensure the return of its effective authority and presence in the south, and, in particular, to proceed with a significant deployment of the Lebanese armed forces as soon as possible.

It also reaffirmed that the expected redeployment of UNIFIL should be conducted in coordination with the Government of Lebanon and the Lebanese armed forces, and re-emphasized its terms of reference and general guidelines as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978).

Welcoming the statement of the Secretary-General that as of 24 July the Government of Israel had removed all violations of the withdrawal line, the Council called on the parties to respect that line, to exercise utmost restraint and to cooperate fully with the United Nations and with UNIFIL.

Reiterating its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries, the Council stressed the importance of, and the need to achieve a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions.

Augmentation of UNIFIL

In the report of 22 May, the Secretary-General described the additional means required by UNIFIL to carry out its tasks under resolutions 425 (1978) and 426 (1978) following the Israeli withdrawal. He stated that UNIFIL would require phased reinforcement to carry out its responsibilities in the light of the security situation in southern Lebanon, as well as taking into account the additional territory that it would have to cover following the Israeli withdrawal. The total troop strength for carrying out the tasks related to confirming the withdrawal would increase from the previous level of 4,513 to approximately 5,600. Once the Israeli withdrawal was confirmed, the May report said, UNIFIL would have to be reinforced bringing its strength to a total of eight battalions plus appropriate support units, or approximately 7,935 peacekeepers.

In his further report, submitted to the Security Council on 20 July, the Secretary-General said that the first phase of the reinforcement of UNIFIL was under way. In June, the mine-clearance capacity of UNIFIL was reinforced with two units from Sweden and Ukraine. In addition, an engineer battalion of 600 all ranks from Ukraine was scheduled to arrive in UNIFIL by the end of July. The units from Finland, Ghana, Ireland and Nepal had been reinforced; and Fiji and India had also undertaken to reinforce their units.

At the same time, the Secretary-General informed the Council that the United Nations had yet to receive commitments for the additional two infantry battalions that would meet the requirements, namely a high degree of self-sufficiency and the capability to deploy to the mission area using national assets. In the absence of these reinforcements, the Force Commander of UNIFIL had devised a deployment plan using existing resources and reinforcements to cover the area vacated by the Israel Defence Forces, through a combination of mobile patrols, patrol bases and temporary observation posts.

Optional Extension

Situation in the Area, July-October 2000

From the end of July until early October 2000 the situation in the UNIFIL area of operations was generally calm, except for numerous minor violations of the line of withdrawal, the so-called Blue Line. A serious incident occurred on 7 October. In the context of the tension in the Occupied Territories and Israel, about 500 Palestinians and supporters approached the line south of Marwahin to demonstrate against Israel. As the crowd attempted to cross the Israeli border fence, Israeli troops opened fire, killing three and injuring some 20. Since then, the Lebanese authorities have prevented further demonstrations by Palestinians on the line. Later the same day, in a serious breach of the ceasefire, Hezbollah launched an attack across the Blue Line about 3 kilometres south of Shaba and took three Israeli soldiers prisoner. On 20 October, three Palestinians crossed the Blue Line east of Kafr Shuba and tried to break through the Israeli technical fence, which runs some distance behind the line. The Israeli forces responded with heavy fire. One of the three was killed; the others managed to get away.

On 9 August the Lebanese Government deployed a Joint Security Force of 1,000 all ranks, which was drawn from the Internal Security Forces and the Lebanese army. The Force established its headquarters in Marjayoun and Bint Jubayl and began intensive patrolling, with occasional roadblocks. Lebanese security services established a strong presence in Naqoura, and the Lebanese police resumed operations in key villages. The Lebanese army deployed in mid-September in the Jezzine area, which the de facto forces had vacated in January.

Lebanese administrators, police, security and army personnel function throughout the area, and their presence and activities continued to grow. They began re-establishing local administration in the villages and have made progress in re-integrating the communications, infrastructure, health and welfare systems with the rest of the country. In late August the former Israeli-controlled area participated, for the first time since 1972, in a parliamentary election.

However, near the Blue Line the authorities have, in effect, left control to Hezbollah. Its members worked in civilian attire and were normally unarmed. They monitored the Blue Line, maintained public order and, in some villages, provided social, medical and education services.

The Government of Lebanon took the position that, so long as there was no comprehensive peace with Israel, the army would not act as a border guard for Israel and would not be deployed to the border.

UNIFIL monitored the area through ground and air patrols and a network of observation posts. It acted to correct violations by raising them with the side concerned, and used its best efforts, through continuous, close liaison with both sides, to prevent friction and limit incidents. However, UNIFIL has not been able to persuade the Lebanese authorities to assume their full responsibilities along the Blue Line.

At the end of July and in early August UNIFIL redeployed southwards and up to the Blue Line. The redeployment proceeded smoothly, with the Lebanese authorities assisting in securing land and premises for new positions. At the same time, in order to free the capacity needed for the move south, UNIFIL vacated an area in the rear and handed it over to the Lebanese authorities.

The clearance of mines and unexploded ordnance was an important concern, especially in connection with the redeployment. UNIFIL also assisted in humanitarian demining activities and set up an information management system for mine action. In Tire, Lebanon, a regional mine action cell was established with the help of the United Nations Mine Action Service, which cooperated closely with the Lebanese national demining office.

Reporting in October 2000 "tangible progress" in Lebanon's efforts to restore services to the territory vacated by Israel, the Secretary-General stressed the need for the Lebanese Government to take effective control of the whole area and assume full responsibilities there, including putting an end to continuing provocations on the Blue Line. Pointing to a clear sequence of steps spelled out in the underlying 1978 Security Council resolution 425 on Lebanon, he noted that after the restoration of the effective authority by Lebanon, both the Lebanese and Israeli Governments are to be fully responsible, in accordance with their international obligations, for preventing any hostile acts from their respective territory against that of their neighbour. "I believe that the time has come to establish the state of affairs envisaged in the resolution," the Secretary-General wrote in reference to resolution 425. Underscoring the need for the Government of Lebanon to assert its authority over the entire area from which Israel had withdrawn, the Secretary-General warned that otherwise "there is a danger that Lebanon may once again be an arena, albeit not necessarily the only one, of conflict between others."

Security Council members met to discuss the situation in South Lebanon on 14 November. In a Presidential statement to the press issued on the same day, the Council called for an end to the "dangerous violations that have continued" along the Blue Line. It agreed with the conclusions of the Secretary-General that although there had been "tangible progress" in implementing resolution 425, "it was required that the Government of Lebanon take effective control of the whole area vacated by Israel last spring and assume its full international responsibilities".

UNIFIL Strength Reduced

The Secretary-General further reported to the Security Council on 22 January 2001. In the report he gave an overview of the situation in the mission's area of operations, made suggestions for reconfiguring the Force and recommended further extending its mandate for a period of six months.

According to the report, the situation in UNIFIL's area of operation remained generally stable, although there were numerous minor violations of the Blue Line. Such violations were largely the result of Israeli construction work on a technical fence along the line, of crossings by Lebanese shepherds and sometimes crossings by vehicles in places where the Israeli fence was some distance from the line. There were, however, occasional incidents at certain sensitive locations and five serious breaches of the line.

The overall security situation in UNIFIL's area of operation remained good, and had further improved since October, the report stated. Residents who were away during the Israeli occupation continued to return. In addition, former members of the former de facto forces and their families (about 1,600 in all) returned to Lebanon.

Speaking of the reconfiguration of the United Nations presence in south Lebanon, the Secretary-General stated that of the three parts of its mandate, UNIFIL had essentially completed two. It confirmed the withdrawal of Israeli forces and assisted, to the extent it could, the Lebanese authorities as they returned to the area vacated by Israel. UNIFIL continued to function in close cooperation with those authorities and no longer

exercised any control over the area of operation. The Lebanese Government, however, still did not deploy its personnel down to the Blue Line.

UNIFIL focused on the remaining part of its mandate: the restoration of international peace and security, the report continued. Pending a comprehensive peace, UNIFIL sought at least to maintain the ceasefire along the Blue Line, through patrols and observation from fixed positions and close contact with the parties, with a view to correcting violations and preventing the escalation of incidents. The Secretary-General believed that the need for the United Nations to perform such functions would continue to exist in the foreseeable future.

These functions, the Secretary-General wrote, were those of an observer mission. However, in view of the conditions in the region, he stated that he would be reluctant to entrust the task to unarmed observers alone, and would instead recommend a combination of armed infantry and unarmed observers. He suggested two infantry battalions, a group of UNTSO observers and support.

In view of the tense situation in the region, a prudent approach is appropriate, the Secretary-General stated. Should the Security Council opt for the suggested configuration, it might consider proceeding in stages. A possible first stage might be to return UNIFIL to the strength it had before the augmentation last year, that is, to about 4,500 all ranks.

He then noted that Lebanon requested that the Council extend the mandate of UNIFIL for a further period of six months. In the light of the conditions prevailing in the area, the Secretary-General supported the extension and recommended that the Council extend UNIFIL's mandate until 31 July 2001.

On 30 January 2001, the Security Council, by its resolution 1337 (2001), decided to extend UNIFIL for a further period of six months. It also decided to return the authorized military strength of the Force UNIFIL to its previous operational level (4,500 all ranks) by 31 July 2001. The Council endorsed the general approach for reconfiguration of UNIFIL, and requested the Secretary-General to submit to the Council a detailed report by 30 April 2001 on UNIFIL reconfiguration plans and on the tasks that could be carried out by UNTSO.

By other terms of the resolution, the Council called on the Government of Lebanon to ensure the return of its effective authority and presence in the south, and in particular to increase the rate of the deployment of its armed forces. It encouraged the Government of Lebanon to ensure a calm environment throughout the south, including through the control of all checkpoints. The Council condemned all acts of violence, expressed concern about the serious breaches and violations of the withdrawal line and urged the parties to put an end to them, and urged respect for the safety of UNIFIL personnel. The Council also reiterated its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries.

Reconfiguration of UNIFIL

As requested, on 30 April, the Secretary-General submitted recommendations to the Security Council for reconfiguration of UNIFIL. In the report to the Council, he noted that pending a comprehensive peace, the Force would concentrate on maintaining the ceasefire along the Blue Line, including through close contact with the parties aimed at correcting violations and preventing any escalation. In view of the conditions in the region, the Secretary-General recommended that UNIFIL function with a combination of armed infantry and unarmed observers.

As of 31 March, the Force was comprised of over 5,700 troops. The reconfiguration envisaged in the report called for deploying most troops in protected positions close to the Blue Line, while leaving UNIFIL headquarters in Naqoura covered by a separate guard. The demining unit would also be maintained. Through a gradual reduction, the Force would eventually comprise 2,000 all ranks, including troops from France, Ghana, India, Italy, Poland and Ukraine. The reconfiguration would be achieved in the course of normal troop rotations.

The Secretary-General proposed that the Force maintain strength of about 3,600 until January 2002. He added that "unless there is any drastic change in the region," the reconfiguration could be completed by the end of July 2002.

Situation in the Area, January 2001-January 2002

The Secretary-General further reported to the Security Council on 20 July 2001. According to the report, the situation during the period from January to July 2001 had been generally stable, with the exception of ongoing tensions and breaches of the Blue Line connected with the dispute over the Shab'a Farms area. There continued to be numerous minor ground violations, those from the Israeli side largely attributable to the construction of a fence along the line. Those from the Lebanese side amounted to crossings by shepherds and occasional vehicles.

Regarding air violations, the report stated that Israeli aircraft violated the line on an almost daily basis, penetrating deep into Lebanese airspace. The report further described several incidents, including demonstrations on the Lebanese side, exchanges of fire between Israeli soldiers and Hezbollah, and destruction of a Syrian army radar position in the Bekaa Valley.

Also according to the report, the Government of Lebanon continued to maintain the position that, as long as there is no comprehensive peace with Israel, the Lebanese armed forces would not be deployed along the Blue Line. Areas along the Blue Line were monitored by Hezbollah through a network of mobile and fixed positions. Sometimes, Hezbollah acted as surrogate for the civil administration by extending social, medical and educational services to the local population. On several occasions, Hezbollah personnel restricted the freedom of movement of UNIFIL and interfered with its redeployment.

The focus of UNIFIL operations remained on the Blue Line and the adjacent area, where UNIFIL sought to maintain the ceasefire through patrols, observation from fixed positions and close contact with the parties. The mission continued to assist the civilian population in the form of medical care, water projects, equipment or services for schools and orphanages and supplies of social services to the needy. Clearance of mines and unexploded ordnance in southern Lebanon gained additional momentum.

The document further reported a controversy that arose between the Israeli authorities and the United Nations over a UNIFIL videotape, filmed on 8 October 2000, of vehicles that may have been used by Hezbollah in the abduction of three Israeli Defence Force soldiers on 7 October 2000. Israel and Lebanon were offered the opportunity to view the tape, with the identities of non-United Nations personnel obscured, on United Nations premises. An investigation was initiated into the internal handling of the matter.

Regarding the reconfiguration and redeployment of UNIFIL, the report stated that as of 1 August 2001 the Force would return to a strength of around 4,500 and would be composed of troops from Fiji, Finland, France, Ghana, India, Ireland, Italy, Nepal, Poland and Ukraine. The departure of the Irish and Finnish contingents in the autumn

would bring the strength of the Force to about 3,600. The UNIFIL was assisted in its tasks by 51 military observers of the United Nations Truce Supervision Organization (UNTSO).

The Secretary-General concluded that as the incidents in the area had the potential to threaten the stability of the region, it was of paramount importance that all parties concerned respect the Blue Line, cease all violations thereof and desist from any action that could serve to destabilize the situation. The Lebanese Government should take more steps to ensure the return of effective Lebanese authority throughout the south, including the deployment of its army. A more energetic and concerted effort to restore basic services to the population, and the full return of the local administration should be integral to this process.

In the light of conditions prevailing in the area, the Secretary-General recommended that the Security Council extend the mandate of UNIFIL until 31 January 2002. On 31 July, the Council extended the mandate of the Force as recommended, while calling for a continued reconfiguration of the Force in response to prevailing conditions.

In its resolution 1365 (2001), the Council requested the Secretary-General to continue taking the necessary measures to implement the reconfiguration and redeployment of the Force "in the light of developments on the ground and in consultation with the Government of Lebanon and the troop-contributing countries."

The Council called on the parties to respect fully the withdrawal line, to exercise utmost restraint and to cooperate fully with the United Nations. Condemning all acts of violence, the Council expressed great concern about the serious breaches and the air, sea and land violations of the withdrawal line, and urged the parties to put an end to them and to respect the safety of the UNIFIL personnel. The parties were also called on to ensure that UNIFIL was accorded full freedom of movement throughout its area of operation.

Looking to the broader quest for an end to the violence in the region, the text stressed the need to achieve a comprehensive, just and lasting peace in the Middle East, based on all of the Council's relevant resolutions.

By other provisions, the Council called on the Lebanese Government to ensure the return of its effective authority throughout the south, including through the deployment of the country's armed forces there. The Government was also encouraged to ensure a calm environment in the area.

Concerning the problem of landmines the Council welcomed UNIFIL's efforts to cope with the problem and encouraged the UN to provide Lebanon with further assistance in mine action. The Council also stressed "the necessity to provide the Government of Lebanon and UNIFIL with any additional maps and records on the location of mines."

In his further report on UNIFIL dated 16 January 2002, the Secretary-General said that the UNIFIL area of operation had continued to be generally calm, with low incident and tension levels recorded since his July 2001 report. The focus of UNIFIL operations remained on the Blue Line and the adjacent area, with UNIFIL working with the parties to avert or correct violations and to defuse tensions.

According to the report of the Secretary-General, serious breaches of the ceasefire in the Shab'a farms area remained a cause of concern. On 3 October, Hezbollah fired 18 missiles and 33 mortar rounds at two positions of the Israeli Defence Forces (IDF) on the line south-east of Kafr Shuba. On 22 October, Hezbollah fired 10 missiles and 61

mortar rounds at five IDF positions in the same vicinity. In both instances the IDF responded with heavy artillery and mortar fire to the Lebanese side of the line in the same vicinity, in the latter case also dropping two air-to-ground missiles. There were no casualties from either incident.

Of equal concern, stated the Secretary-General, were Israeli air violations of the Blue Line, which continued on an almost daily basis, penetrating deep into Lebanese airspace. These incursions were not justified and caused great concern to the civilian population, particularly low-altitude flights that break the sound barrier over populated areas. The air violations were ongoing, although negotiations with the Israeli authorities, calling on them to cease the over flights and to fully respect the Blue Line, had been made repeatedly by the United Nations, including by the Secretary-General, and a number of interested governments.

The Secretary-General once again stressed the critical need for all parties concerned to respect the Blue Line, as repeatedly called for by the Council, to cease all violations, and to refrain from action that could serve to destabilize the situation.

The Government of Lebanon continued to take additional steps to restore its effective authority throughout the south, but this was limited to strengthening the presence of security forces and supporting the local administration, and did not include additional deployment of the Lebanese army. The Government continued to let Hezbollah operate close to the Blue Line. The Secretary-General also drew attention to the fact that, on several occasions, Hezbollah personnel interfered with the freedom of movement of UNIFIL. Although freedom of movement was re-established after UNIFIL brought specific restrictions to the attention of the Lebanese authorities, the restrictions are recurrent.

The Secretary-General again urged the Lebanese Government to take more steps to extend its authority to all of southern Lebanon, as called for by the Council, stressing that it should make a more concerted effort to take full responsibility for the provision of basic services to the population and for the deployment of the army.

Addressing the reconfiguration of UNIFIL, which had now assumed the functions of an observer mission, the Secretary-General recommended that the Force be stabilized at a strength of close to 2,000 (all ranks) by the end of 2002. A reconfigured Force would continue to contribute to stability in southern Lebanon by monitoring and observing along the Blue Line.

The Secretary-General stated that progress had also been achieved in discussions between the United Nations and Israel on issues connected to the UNIFIL videotapes of events related to the abduction by Hezbollah of three Israeli soldiers on 7 October 2000 (see above).

The Secretary-General recommended that the Security Council extend UNIFIL's mandate until 31 July 2002. On 28 January 2002, the Council extended the mandate of the Force by a further six months, condemning all acts of violence and expressing great concern about the serious violations of the withdrawal line separating Lebanese and Israeli forces.

Through the unanimous adoption of resolution 1391 (2002), the Council urged the parties to put an end to those violations and respect the safety of UNIFIL personnel. It supported the continued efforts of the Force to maintain the ceasefire along the withdrawal line and to correct violations, resolve incidents and prevent their escalation.

In a related provision, the Council requested the Secretary-General to take the necessary measures to implement the reconfiguration of UNIFIL as outlined in his report and in accordance with the letter of the Council President of 18 May 2001, in the light of developments on the ground and in consultation with the Government of Lebanon and the troop-contributing countries.

The Council again called on the Lebanese Government to continue to take steps to ensure the return of its effective authority throughout the south, including the deployment of Lebanese armed forces. It encouraged the Government to ensure a calm environment in the south.

Situation in the Area, January 2002- January 2003

In his report on the Force dated 12 July 2002, the Secretary-General said that tensions increased in that mission's area of operation over the past six months (from 17 January to 12 July 2002), with an outbreak of violent incidents across the Blue Line during the first two weeks of April surpassing any activity since the Israeli withdrawal from Lebanon in May 2000. Those events coincided with the substantial escalation of tension in Israel and the occupied Palestinian territory. Militant activities were carried out by Hezbollah, as well as Palestinian and unidentified elements both inside and outside the Shab'a farms area. Also, throughout most of the reporting period, unjustified Israeli incursions into sovereign Lebanese airspace continued on an almost daily basis, often penetrating deep into Lebanon. Those events have underscored the fragility of the situation and demonstrated how easily tensions could escalate.

The report further stated that the United Nations Special Coordinator for the Middle East Peace Process, Terje Roed-Larsen, and the Secretary-General's Personal Representative for southern Lebanon, Staffan de Mistura, engaged in concerted diplomatic activity to de-escalate the violence, the report further stated. The UNIFIL increased its patrols, and its Commander intervened personally with the parties on the ground to contain incidents. Key members of the international community were also active in urging the parties to exercise restraint.

Violations of the Blue Line, whether they entail a physical crossing of the line or skirting it, could not be justified, the Secretary-General stated. The Government of Lebanon, however, continued to maintain the position that, as long as there was no comprehensive peace with Israel, the Lebanese armed forces would not be deployed along the Blue Line. In that vacuum, Hezbollah maintained its visible presence near the line through its network of mobile and fixed positions, also continuing to extend social, medical and educational services to the local population in areas near the Blue Line.

The Secretary-General also remained concerned about the restriction of movement on UNIFIL personnel, who must be able to carry out their mandate. In the most serious incident, on 4 April, about 15 Hezbollah personnel forced an Observer Group Lebanon patrol south-west of Kafr Shuba to stop at gunpoint and assaulted the observers with rifle butts, injuring three, and one seriously.

The Secretary-General informed the Council that planning for the reconfiguration of UNIFIL proceeded during the period under review. The next phase of the reduction and redeployment was commencing at the time of writing of the report, with the repatriation and non-replacement of about 135 Ukrainian troops. Owing to operational exigencies, the first planned reduction of the Fijian contingent scheduled for June was postponed till August. That technical adjustment to the schedule did not, however, otherwise affect the

timetable set forth in the Secretary-General's previous report (S/2002/55). The Force would be stabilized at a strength of 2,000 by the end of 2002.

In the light of conditions prevailing in the area, the Secretary-General recommended to the Security Council to extend the mandate of UNIFIL until 31 January 2003.

On 30 July 2002, the Council, stressing the need to achieve a comprehensive, just and lasting peace in the Middle East based on all its relevant resolutions, decided to extend the mandate of the Force until 31 January 2003.

By its unanimous adoption of resolution 1428 (2002), the Council condemned all acts of violence. Expressing great concern over the serious breaches, as well as the air, sea and land violations of the withdrawal line, the Council urged the parties to put an end to those violations and abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel.

In a related provision, the Council called on the parties to ensure UNIFIL is accorded full freedom of movement in the discharge of its mandate throughout its area of operation. Council members expressed support for the continued efforts of UNIFIL to maintain the ceasefire along the withdrawal line and to resolve incidents and prevent escalations.

The Council encouraged the Government of Lebanon to ensure a calm environment throughout the south, and commended the steps it had taken to ensure the return of its effective authority throughout that region, including the deployment of Lebanese armed forces, and called on it to continue those measures.

In his further report on UNIFIL dated 14 January 2003, the Secretary-General said that the UNIFIL area of operation had been calm for the most part, with a substantial reduction in the number of incidents relative to the last report. Tension, however, continued to prevail. This tension was demonstrated most visibly by the unresolved Hasbani River matter, as well as the provocative cycle of Israeli air violations and Hezbollah anti-aircraft fire. The Shab'a farms area also remained a significant source of concern.

Each violation of the Blue Line and any provocation emanating from either side risked escalation of tensions and descent into confrontation, stated the report. The Secretary-General once again emphasized the need for all parties concerned to fully respect the withdrawal line identified by the United Nations, to cease all violations of the Line and to refrain from any action that could serve to destabilize the situation on the ground.

The implementation of the Secretary-General's recommendations to the Council for reconfiguration of UNIFIL was completed at the end of 2002, the report continued. At that stage, no further reduction to the current Force level of 2,000 was envisaged. The Secretary-General recommended that the Security Council extend the Mission's mandate until 31 July 2003.

By unanimously adopting resolution 1461 (2003), the Council extended UNIFIL's mandate accordingly. It also condemned all acts of violence, expressed great concern about the serious breaches and the air, sea and land violations of the withdrawal line, and urged the parties to put an end to those violations, and to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel.

In addition, the Council reiterated its call on the parties to continue to fulfil the commitments they have given to respect fully the withdrawal line identified by the United Nations. It also supported the continued efforts of UNIFIL to maintain the

ceasefire along the withdrawal line through mobile patrols and observation from fixed positions and through close contacts with the parties to correct violations, resolve incidents and prevent their escalation.

The Council also commended the Lebanese Government for taking steps to ensure the return of its effective authority throughout the south, including the deployment of Lebanese armed forces. It called on the Government to continue these measures and to do its utmost to ensure a calm environment throughout the south.

Situation in the Area, January - July 2003

In his report on UNIFIL dated 23 July 2003 and covering the period since 15 January, the Secretary-General observed that "almost six months have passed since the last violent exchange across the Blue Line, the longest period of relative calm since Israel withdrew from Lebanon more than three years ago after 22 years of occupation." An additional indicator of stabilization in southern Lebanon has been the success of demining efforts.

"Nevertheless, tension between Israel and Lebanon remains high and the relative calm along the Blue Line is an uneasy one," he noted. The most significant sources of tensions were the persistent Israeli violations of Lebanese airspace and the Hezbollah anti-aircraft fire directed towards Israeli villages.

Stressing the need for both parties to refrain from any action that could destabilize the situation on the ground, the Secretary-General warned: "Both the air incursions and the fire violations carry substantial potential for escalation."

The Secretary-General noted that the Lebanese Government had demonstrated its capacity to increase its authority throughout southern Lebanon, particularly through the activities of the Joint Security Forces and the Lebanese Army. He added that, consistent with Security Council resolution 425 (1978), Lebanon should continue to deploy its armed forces to extend its control over the south.

The Secretary-General, who recommended a six-month extension of the UNIFIL mandate, said the Mission would continue to contribute to the restoration of peace and security through observing, monitoring and reporting on developments in its area of operation, liaising with the parties to maintain calm.

The Security Council, by adopting its resolution 1496 (2003) of 31 July, extended the mandate of the UNIFIL until 31 January 2004. The Council urged the parties to end the serious breaches and the air, sea and land violations of the withdrawal line and to abide by their obligation to respect the safety of UNIFIL and other United Nations personnel.

Welcoming the steps taken by the Lebanese Government to ensure the return of its effective authority throughout the south of the country, the Council called on it to continue to extend those measures and to do its utmost to ensure a calm environment throughout the south.

Applauding the progress in demining efforts, the Council stressed the need to provide the Lebanese Government and UNIFIL with any additional maps and records on the location of mines.

Further, the Council stressed the importance of, and the need to achieve a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions, including resolution 242 (1967) and 338 (1973), and looked forward to the early fulfilment of UNIFIL's mandate.

Situation in the Area, July 2003 - January 2004

In his report dated 20 January 2004 and covering the period since 24 July 2003, the Secretary-General said that the relative calm that had prevailed in the first half of the year gave way to renewed exchanges of fire in the Shab'a farms area. Air strikes and shooting incidents across the Blue Line resulted in the deaths of three Israelis, two soldiers and a civilian, and three Lebanese civilians. The persistent Israeli violations of Lebanese airspace and several instances of Hezbollah anti-aircraft fire directed towards Israeli villages contributed significantly to the tension.

Landmines, he said, remained a matter of serious concern. However, collaboration between the United Nations and various partners continued to yield impressive results in southern Lebanon. A further half million square meters of previously contaminated land was returned to productive usage and a further 20,000 landmines were located and destroyed, bringing the total area of land cleared to approximately 4.8 million square meters.

Progress also continued in the areas of assistance to the civilian population and the integration of the formerly occupied zone with the rest of the country, including infrastructure, health and welfare systems, as well as postal services and communications.

The Security Council, in its resolution 1525 (2004) of 30 January 2004 extended the mandate of UNIFIL until 31 July 2004.

Situation in the Area, January - July 2004

In his report dated 21 July 2004 and covering the period since 21 January, the Secretary-General described the situation in south Lebanon as being "replete with contradictions". While both Israel and Lebanon proclaimed their aspirations to avoid destabilization of the area, only one month passed without confrontation.

He appealed to all sides to rein in their forces. "I cannot stress enough the need for the parties to abide by their obligations under the relevant Security Council resolutions, to respect the withdrawal line in its entirety and to exercise the utmost restraint."

The Secretary-General also voiced deep concern that "Israel persists in its provocative and unjustified air violations of sovereign Lebanese territory. Hezbollah's retaliatory firing of anti-aircraft rounds across the Blue Line "is a violation that poses a direct threat to human life", he added. The Secretary-General warned that considerable risk remained that hostile acts would escalate and lead the parties into conflict and recommended extending UNIFIL for an additional six months.

On the positive side, the report noted that the whole of southern Lebanon -- including all villages in the formerly Israeli-occupied zone down to the Blue Line -- successfully took part in municipal elections. Hailing this development as "a clear assertion of the exercise of authority by the Government of Lebanon", the Secretary-General urged the country's authorities to "ensure the return of its effective authority throughout the south, including the deployment of Lebanese armed forces, and to do its utmost to ensure calm".

The Security Council, in its resolution 1553 (2004) of 29 July 2004, extended the mandate of UNIFIL until 31 January 2005 and reiterated its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries. Condemning all acts of violence, the Council also expressed great concern about the sea, land and continuing air violations of the

withdrawal line. It urged the parties to end those violations, to refrain from any act or provocation that could further escalate tension and to abide scrupulously by the obligation to respect the safety of UNIFIL and other United Nations personnel.

Situation in the Area, July 2004 – January 2005

Reporting to the Security Council on 20 January 2005, the Secretary-General said that, over the period from July 2004 through January 2005, the Blue Line had enjoyed a prolonged period of relative quiet. The Secretary-General had hoped that this situation would present an opportunity for achieving progress towards the objective of bringing international peace and security to southern Lebanon. But, as had been demonstrated more than once over the past four years, and again in January 2005, significant periods of quiet along the Blue Line were often followed by episodes of hostilities. Furthermore, the Secretary-General continued, while violent incidents were considerably fewer than during the previous reporting period, tensions between the parties did not at any point appreciably diminish. Hostile rhetoric remained the norm, and stability continued to be threatened, most dramatically by the incidents of 9 and 17 January, but also by rogue acts and, for the first time, air incursions from both sides.

The resumption of military measures, for which Hezbollah took credit, asserting its claimed prerogative to resist Israeli occupation of Lebanese territory by force, was disturbing, the Secretary-General said in the report. The United Nations had made abundantly clear that no violations of the Blue Line were acceptable. The continually asserted position of the Government of Lebanon that the Blue Line was not valid in the Shab'a farms area was not compatible with Security Council resolutions. The Council has recognized the Blue Line as valid for purposes of confirming Israel's withdrawal pursuant to resolution 425 (1978). The Government of Lebanon should heed the Council's repeated calls for the parties to respect the Blue Line in its entirety.

The Secretary-General stated further that the air violations also remained a matter of significant concern. As long as Israel carries on with its policy of overflying Lebanon whenever it sees fit to do so, it risks provoking retaliatory acts from the Lebanese side. In addition, the periodic sonic booms generated over population centres only generate animosity in the local populace. While the lack of instances of anti-aircraft fire across the line during the reporting period must be noted and welcomed, Hezbollah's launch of a drone into Israel was a regrettable development, an activity sure to raise tensions and to increase the prospects for military confrontation. The Secretary-General wished to remind all parties of the consistent position of the United Nations that there should be no air violations, a position that applied on both sides of the Blue Line.

The Secretary-General said that the rocket-firing incidents perpetrated by individuals allegedly affiliated with Palestinian militant factions demonstrated the volatility of the sector. Importantly, none of the incidents resulted in a military escalation and for this the parties and UNIFIL deserved credit. Nevertheless, this type of incidents presented a great risk to stability in the area. The Lebanese Government continued to exercise the capacity it had demonstrated thus far to exert its security authority through various activities of the Joint Security Force, including prompt responses to specific incidents. More needs to be done, however, to meet the Security Council's call for extended measures to ensure the return of effective governmental authority throughout the south, including through the deployment of additional Lebanese armed forces. Once again, the Secretary-General urged the Government to do its utmost to ensure calm and to exert full control over the use of force across its entire territory.

Concluding the report, the Secretary-General said that the situation along the Blue Line continued to be susceptible to volatile regional developments, underscoring the need to achieve a comprehensive, just and lasting peace in the Middle East, based on all the relevant resolutions of the Security Council. In the light of conditions prevailing in the area, the Secretary-General recommended that the Council extend the mandate of UNIFIL until 31 July 2005.

Gravely concerned at persistent tension and violence along the Blue Line between Lebanon and Israel, the Security Council, by its resolution 1583 (2005) of 28 January, condemned all acts of violence, including recent incidents across that Line that resulted in the killing and wounding of United Nations military observers, and extended the mandate of UNIFIL until 31 July 2005.

The Council supported UNIFIL's continued efforts to maintain the ceasefire along the withdrawal line, but expressed its intention to review the Force's mandate and structures at the end of the mandate period, for which it requested the Secretary-General to make recommendations, taking into account the situation on the ground, the activities actually performed by the Force in its area of operation and its contribution towards the remaining task of restoring international peace and security.

Situation in the Area, January—July 2005

The Secretary-General submitted his further report on 20 July 2005 covering developments since January 2005 and also containing recommendations on UNIFIL's mandate and structures based on an assessment mission by the Department of Peacekeeping Operations (DPKO) to Lebanon from 8 to 10 May.

A fragile quiet prevailed in the UNIFIL area of operation during most of the period under review, although the situation was often marked by tension, the report said. Violations of the Blue Line continued, most often in the form of recurring air violations by Israeli jets, helicopters and drones, as well as ground violations from the Lebanese side, primarily by Lebanese shepherds. Hostilities in the area escalated in May with armed exchanges between Hezbollah and the IDF with rocket firing by unidentified armed elements. The situation deteriorated significantly on 29 June, when Hezbollah and the IDF engaged in a heavy exchange of fire in the Shab'a farms area, resulting in the death of one IDF soldier and the wounding of four others and the death of two Hezbollah fighters.

The hostilities that occurred in May and the grave incident on 29 June demonstrated, once more, that the situation remained volatile, with the potential for a deterioration of conditions, the Secretary-General stated. Both Israel and Lebanon regularly declare their desire to avoid confrontation and destabilization of the area. Economic development of the south was inextricably linked to peace and security, the report continued. The Secretary-General called on the Government, international donors, United Nations agencies and non-governmental organizations to increase their efforts towards the economic rehabilitation and development of southern Lebanon.

The report went on to say that since the assassination of former Prime Minister Rafic Hariri on 14 February, Lebanon had undergone a period of increased political instability, manifested by large-scale demonstrations in the capital, the resignation of the Government, several bomb attacks in various areas of Beirut, the assassinations of journalist Samir Kassir and politician George Hawi, and most recently, the attack on the envoy of Defence Minister Elias Murr. The withdrawal of Syrian forces from Lebanon by the end of April made possible the holding of free and fair parliamentary elections

over a four-week period in May and June. Lebanese armed forces now had to show that they could maintain effective security throughout the country, at a time when the size of the Lebanese Army was being reduced significantly.

Turning to the assessment carried out by DPKO, the Secretary-General concurred with its view that in the existing political and security situation in southern Lebanon, a combination of armed infantry and unarmed observers remained necessary for UNIFIL to carry out its mandated tasks. The current level of forces was required to maintain the critical positions in the areas of operation that monitored the Blue Line and its approaches and to provide appropriate protection for the personnel and assets of both UNIFIL and the Observer Group Lebanon. Without exception, Lebanese authorities and diplomats confirmed that, in the currently prevailing uncertain political and security conditions, UNIFIL continued to play a crucial role in implementing its mandate in accordance with Council resolution 425 (1978).

The Secretary-General concluded that the situation in Lebanon and the wider region did not support a change in the UNIFIL mandate or another reconfiguration of the Force at this stage and recommended that the Security Council extend its mandate until 31 January 2006 with no changes to the Force's strength and composition.

By unanimously adopting resolution 1614 (2005), the Council extended the mandate of UNIFIL accordingly and called upon the Government of Lebanon to fully extend its "sole and effective" authority throughout the south, including through the deployment of sufficient numbers of armed and security forces and to exert "control and monopoly over the use of force" on its entire territory. In that connection, the Council welcomed the Secretary-General's intention to discuss with the Lebanese Government the next steps in preparing for an expansion of its authority in the south.

The Council took note of the Secretary-General's opinion that the situation did not support a change in UNIFIL's mandate or another reconfiguration of the Force at the current stage. However, the Council expressed its intention to keep the mandate and structures of UNIFIL under regular review.

Situation in the Area, July 2005—January 2006

Further Secretary-General's report on UNIFIL was dated 18 January 2006, in which he recommended to extend the Force's mandate for a further six months, until 31 July 2006.

Describing the political and security environment as still fragile, the Secretary-General pointed particularly to the November 2005 Hezbollah attack, which had led to a heavy exchange of fire with IDF. He also warned that the rocket firing incidents by unidentified armed elements of August and December had significant potential for military escalation. Persistent Israeli air incursions into Lebanese airspace also disrupted the fragile calm.

"The serious breaches of the ceasefire underlined yet again the urgent need for the Government of Lebanon to act and extend its full authority throughout the south down to the Blue Line", the Secretary-General said. He was encouraged by Lebanon's commitment to hold perpetrators of the attacks responsible to avoid their recurrence, and he welcomed new steps for coordination between the Government and UNIFIL, however, he stressed that "more needs to be done".

The Secretary-General welcomed the Lebanese Government's decision to co-locate the Army Liaison Office with UNIFIL headquarters in Naqoura, to appoint liaison officers

with the UNIFIL field battalions and to work closer with the Force in the field. He was pleased to note the appointment of the new Government Coordinator with UNIFIL. Planning for the deployment of additional forces in the south should start without delay, he said.

In that regard, he encouraged the Lebanese Government to take up the Force Commander's proposal to establish a joint planning cell composed of members of the Lebanese Armed Forces and UNIFIL. The activities and presence of the Joint Security Force could also be enhanced on the ground, even within the limits of its authorized strength of 1,000 troops. Additionally, closer coordination between UNIFIL and the Joint Security Force patrols in the south would contribute to enhancing the role and activities of the Lebanese Armed Forces in the area. The implications of an increased presence of the Lebanese Armed Forces in the south for UNIFIL structure and force strength would be regularly assessed.

By its resolution 1655 of 31 January 2006, the Security Council extended the mandate of UNIFIL until 31 July 2006 and called again on the Government of Lebanon to fully extend and exercise its sole and effective authority throughout the south. By that resolution, the Council condemned all acts of violence, including the serious incidents across the Blue Line initiated from the Lebanese side that had resulted in deaths and injuries on both sides.

The Council expressed great concern about the serious breaches and the sea, land and air violations of the withdrawal line. It urged the parties to put an end to those violations, to refrain from any act of provocation that could further escalate the tension and to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel, including by avoiding any course of action which endangered United Nations staff.

Also by the resolution, the Council welcomed the Government's recent establishment of a Lebanese Armed Forces liaison office at UNIFIL headquarters, and acknowledged the firm intention of the Lebanese Government to preserve security and, to that end, to reinforce the presence of its Armed Forces in the southern region and to coordinate their activities with UNIFIL.

Nevertheless, the Council urged the Government to do more to assert its authority in the south, to exert control and monopoly over the use of force and to maintain law and order on its entire territory. It also urged the Government to prevent attacks from Lebanon across the Blue Line, including through deploying additional numbers of Lebanese Armed Forces and Internal Security Forces and taking up UNIFIL's proposals to enhance coordination and to establish a Joint Planning Cell.

The Council expressed its intention to keep UNIFIL's mandate and structures under regular review, taking into account the prevailing situation on the ground, the activities actually performed by the Force in its area of operation, its contribution towards the remaining task of restoring international peace and security, the views of the Lebanese Government and the measures it had taken to fully extend its authority in the South, as well as the implications those measures might have, in order to adjust the force to its mission.

New Crisis Erupts

New hostilities on the Israeli-Lebanese border started on 12 July 2006 when Hezbollah launched several rockets from Lebanese territory across the Blue Line towards IDF positions near the coast and in the area of the Israeli town of Zarit. In parallel, Hezbollah fighters crossed the Blue Line into Israel, attacked an Israeli patrol and captured two Israeli soldiers, killed three others and wounded two more. The captured soldiers were taken into Lebanon.

Subsequent to the attack on the patrol, a heavy exchange of fire ensued across the Blue Line between Hezbollah and the IDF. While the exchange of fire stretched over the entire length of the Line, it was heaviest in the areas west of Bint Jubayl and in the Shabaa farms area. Hezbollah targeted IDF positions and Israeli towns south of the Blue Line. Israel retaliated by ground, air and sea attacks. In addition to air strikes on Hezbollah positions, the IDF targeted numerous roads and bridges in southern Lebanon, within and outside the UNIFIL area of operations

In his July report on UNIFIL, covering the period from 21 January through 18 July 2006, the Secretary-General noted that situation in the UNIFIL area of operation remained tense and volatile, although it was generally quiet during most of the reporting period. But, the start of the new hostilities on 12 July had “radically changed the context” in which the mission operated. “In the current environment, circumstances conducive to United Nations do not exist”, he said, adding that the Force was restricted from carrying out even basic activities, such as the ability to resupply its positions and to conduct search and rescue operations on behalf of its personnel. With UNIFIL’s mandate expiring on 31 July, the Secretary-General recommended that the Security Council extend it only for one month pending consideration of other options for future arrangements in South Lebanon.

The Council agreed with the Secretary-General’s recommendation and, by its resolution 1697 of 31 July, extended UNIFIL’s mandate until 31 August 2006. The Council also expressed the deepest concern at the escalation of hostilities in Lebanon and Israel since 12 July, urged all concerned parties to avoid any action that might endanger UN personnel, and called on them to allow the Force to resupply its positions, conduct search and rescue operations on behalf of its personnel and undertake any other measures that it deemed necessary to ensure the safety of its personnel.

Security Council Calls for End of Hostilities; UNIFIL's Strength Increased, Mandate Expanded

As conflict between Israel and Hezbollah erupted in southern Lebanon, the Secretary-General maintained regular contact with the Prime Ministers of Lebanon and of Israel, as well as other relevant actors and concerned parties. He also dispatched a number of high-level missions to the region.

In the mean time, UNIFIL continued to occupy all of its positions and played an active and constructive role under its mandate. Despite being severely impeded by ongoing violence, UNIFIL peacekeepers conducted military observations, assisted in humanitarian efforts and provided medical assistance, all at great risk. The intense fighting in July and August injured 16 United Nations staff, and tragically caused the death of five.

On 11 August 2006, the Security Council, following intense negotiations, passed resolution 1701 calling for a full cessation of hostilities in the month-long war based

upon, in particular, “the immediate cessation by Hezbollah of all attacks and the immediate cessation by Israel of all offensive military operations” in Lebanon.

Aware of its responsibilities to help secure a permanent ceasefire and a long-term solution to the conflict, the Security Council created a buffer zone free of “any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL” between the United Nations-drawn Blue Line in southern Lebanon and the Litani river, and called for both Israel and Lebanon to support a permanent ceasefire and comprehensive solution to the crisis.

The adoption of this resolution capped a week of intense debates on the French and United States-negotiated text, which had been introduced on 5 August but met with stiff resistance from Arab leaders who said it disregarded key Lebanese concerns in favour of Israel. It sparked an urgent visit to New York by senior Arab League officials who pleaded Lebanon's case in a closed-door meeting with the UN Secretary-General and presented to the Council an Arab-backed deal which, included the Lebanese Government's demand for a broad ceasefire and, among other things, called for a prisoner exchange between Israel and Hezbollah.

In an address ahead of the Council's action, the Secretary-General said he was greatly relieved that the resolution provided for a full and immediate cessation of all hostilities. “It is absolutely vital that the fighting now stop”, he said, adding: “Provided it does, I believe this resolution will make it possible to conclude a sustainable and lasting ceasefire agreement in the days ahead. And I hope that this could be the beginning of a process to solve the underlying political problems in the region through peaceful means.”

The Secretary-General said he was profoundly disappointed that the Council had not reached this point much earlier, and that he was convinced that his disappointment and sense of frustration were shared by hundreds of millions of people around the world. For weeks now, he had been calling repeatedly for an immediate cessation of hostilities, for the sake of the civilian population on both sides. “All members of this Council must be aware that this inability to act sooner has badly shaken the world's faith in its authority and integrity”, the Secretary-General said, adding that “War is not politics by other means”, but “represents a catastrophic failure of political skill and imagination.”

The new resolution emphasized the need for an end of violence, but at the same time emphasized the need to urgently address the causes that had given rise to the crisis, including the unconditional release of the abducted Israeli soldiers. “Mindful of the sensitivity of the issue of prisoners”, the text also encouraged the efforts aimed at urgently settling the issue of the Lebanese prisoners detained in Israel.

It also called for Israel and Lebanon to support a long-term solution based on, among others, full respect for the Blue Line by both parties; full implementation of the relevant provisions of the Taif Accords; no foreign forces in Lebanon without the consent of its Government; no sales or supply of arms and related materiel to Lebanon except as authorized by its Government; and provision to the United Nations of all remaining maps of landmines in Lebanon in Israel's possession.

Welcoming the 7 August decision of the Lebanese Government to deploy 15,000 armed troops in Southern Lebanon, the Council extended the mandate of UNIFIL through the end of August 2007, and increased its troop strength (about 2,000 troops as of August 2006) to a maximum of 15,000. In addition to carrying out its original mandate under Council resolutions 425 and 426 (1978), UNIFIL would, among other things, monitor

the cessation of hostilities; accompany and support the Lebanese armed forces as they deploy throughout the South; and extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons (see Mandate section for more details).

The text emphasized the importance of the Government of Lebanon extending its control over all Lebanese territory in accordance with the provisions of Council resolutions 1559 (2004) and 1680 (2006), and called upon that Government to secure its borders and other entry points to prevent the entry, without its consent, of arms or related materiel. It further decided that all States shall take the necessary measures to prevent, “by their nationals or from their territories or using their flag vessels or aircraft” the sale or supply of arms and related materiel of all types, to any entity or individual in Lebanon.

Cessation of hostilities holds

Given the importance of implementing Security Council resolution 1701, the Secretary-General visited the region himself. He attended the extraordinary ministerial level meeting of the European Union in Brussels on 25 August, and travelled to Lebanon, Israel, the Occupied Palestinian Territory, Jordan, the Syrian Arab Republic, the Islamic Republic of Iran, Qatar, Saudi Arabia, Egypt, Turkey and Spain in subsequent days, meeting Heads of State, Heads of Government, Foreign Ministers and other senior officials. In addition, the Secretary-Generals kept in close contact by telephone with those senior officials and the representatives of other concerned parties and relevant actors throughout his mission. Reporting to the Security Council, the Secretary-General said that he discerned broad support for the implementation of resolution 1701 and was encouraged by the general commitment to restoring security and stability across the Middle East. He noted that his efforts appeared to have contributed to securing the commitments of several troop-contributing countries to help stabilize the situation as part of UNIFIL, and to lifting the full aerial and sea blockade Israel had imposed on Lebanon.

In the course of 30 days since the adoption of resolution 1701, the Secretary-General reported twice to the Council on its implementation—on 18 August and on 12 September. In the latter report, the Secretary-General said that Israel and Hezbollah had “largely complied” with the cessation of hostilities agreement. He pointed out that while there had been violations of the agreement, these had not been “of an offensive and hostile character,” apart from one severe incident when Israeli forces carried out a raid in eastern Lebanon on 19 August.

The Secretary-General said that the “tragic 34-day conflict has thrown the region back into the instability that prevailed for decades”. Stressing that security, stability and comprehensive peace remained the overarching goals, he said “a start has been made” while cautioning that “many other steps are required.”

The report noted that since the cessation of hostilities, the United Nations and other agencies had assisted Lebanon’s Government with needs assessments and other urgent tasks, while the humanitarian response has moved through early recovery efforts and short-term intervention to providing assistance to the estimated one million Lebanese who were displaced.

The Secretary-General also pointed to “significant progress” regarding the gradual withdrawal of the IDF and deployment of Lebanese troops, with UNIFIL playing the coordinating role between the two sides.

At the same time, he reiterated that while “short-term measures” were being put in place to ensure that the cessation of hostilities was converted into a permanent ceasefire, a sustainable long-term solution required regional issues to be taken into account. “In order to prevent a resurgence of violence and bloodshed, the underlying causes of conflict in the region must be addressed. Other crises cannot be ignored, especially in the occupied Palestinian territory, as they are all interlinked. Until the international community insists on a just, lasting and comprehensive peace in the Middle East, any one of these conflicts has the potential to erupt and engulf the entire region”, the Secretary-General said.

Outcome of the war

According to the 12 September 2006 Secretary-General’s report, as of 31 August 2006, official Lebanese figures showed that 1,187 people had died and 4,092 had been injured in Lebanon as a result of the conflict. Many of these victims were children. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated that one million Lebanese were displaced between 12 July and 14 August, with some 735,000 seeking shelter within Lebanon and 230,000 outside. The cessation of hostilities on 14 August triggered a massive and speedy return of internally displaced persons and refugees back to their areas of origin. According to UNHCR, within days of the ceasefire some 90 per cent of those displaced in Lebanon during the hostilities — around 900,000 or one quarter of the population — returned to their homes or were staying nearby. At the end of August, it was estimated that between 100,000 and 150,000 people remained internally displaced.

In Lebanon, OCHA estimated that the conflict caused physical damage amounting to \$3.6 billion, including the destruction of 80 bridges, 600 km of roads; 900 factories, markets, farms and other commercial buildings; 31 airports, ports, water- and sewage-treatment plants, dams and electrical plants; and 25 fuel stations. Unemployment is currently as high as 75 per cent in some parts of the country. An estimated 15,000 homes were destroyed.

On the Israeli side, from 12 July until 14 August, 43 Israeli civilians and 117 IDF soldiers were killed. In addition to large numbers of people treated for shock and anxiety, 33 Israelis were wounded seriously and 68 moderately. During that time, 3,970 rockets landed in Israel, 901 of them in urban areas; 300,000 residents were displaced and more than a million were forced to live for some of the time in shelters, according to official Israeli figures.

Since the cessation of hostilities went into effect, the nature of the humanitarian response in Lebanon has seen a rapid transition to early recovery activities and short-term intervention to provide assistance to the large numbers of returnees. The revised United Nations flash appeal, launched in Stockholm on 31 August, put the emphasis on the clearance of mines and unexploded ordinance, emergency health and education needs, and water and sanitation, with the vast part of project implementation to take place in the coming six weeks.

Expanded UNIFIL deployed

The first elements of the expanded force were deployed with record-breaking speed for any peacekeeping operation of such complexity, with battalions from France, Italy and Spain arriving to the area of operation by 15 September, and joining the contingents already in place from Ghana and India.

The swift and effective deployment of the expanded UNIFIL and the activities that the Force undertakes since then on a daily basis have been critical in preventing a recurrence of hostilities across the Blue Line and has helped to establish a new strategic military and security environment in southern Lebanon.

The Mandate

Originally, UNIFIL was created by the Security Council in 1978 to confirm Israeli withdrawal from Lebanon, restore international peace and security and assist the Lebanese Government in restoring its effective authority in the area. Following the July/August 2006 crisis, the Council enhanced the Force and decided that in addition to the original mandate, it would, among other things, monitor the cessation of hostilities; accompany and support the Lebanese armed forces as they deploy throughout the south of Lebanon; and extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons.

Missions:

UNIFIL Mandate

According to Security Council resolutions 425 (1978) and 426 (1978) of 19 March 1978, UNIFIL was established to:

- Confirm the withdrawal of Israeli forces from southern Lebanon.
- Restore international peace and security.
- Assist the Government of Lebanon in ensuring the return of its effective authority in the area.

According to Security Council resolution 1701 (2006) of 11 August 2006, UNIFIL, in addition to carrying out its mandate under resolutions 425 and 426, shall:

- Monitor the cessation of hostilities.
- Accompany and support the Lebanese armed forces as they deploy throughout the South, including along the Blue Line, as Israel withdraws its armed forces from Lebanon.
- Coordinate its activities referred to in the preceding paragraph (above) with the Government of Lebanon and the Government of Israel.
- Extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons.
- Assist the Lebanese armed forces in taking steps towards the establishment between the Blue Line and the Litani River of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL deployed in this area.
- Assist the Government of Lebanon, at its request, in securing its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related materiel.

By this resolution, the Council also authorized UNIFIL to take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its

area of operations is not utilized for hostile activities of any kind; to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council; and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence.

Points of Concern

My main conclusions as a keen observer of the UNIFIL presence in Lebanon are the following:

- 1- When the UNIFIL mandate was extended under UNSCR 1701 the world did not take into consideration the level of control Hezbollah has over the Lebanese government. This control is either direct by having party members placed in key positions, or indirect by exercising sufficient influence because of threat of arms in the possession of Hezbollah.
- 2- There is no transparency mechanism in the UNIFIL operation. This mechanism is very important to implement in order to minimize corruption and control by Hezbollah on UNIFIL. Important procurement contracts being awarded to shady companies with no implementation control mechanism is a key point of concern. Transparency is in special need on the UNIFIL recruitment office, in particular to ensure that Hezbollah is not in a position to influence all recruitment decisions.
- 3- The UNIFIL is not providing the Lebanese government with training. This is very important as the Lebanese government cannot develop good governance on its own. UNIFIL should have a clear good governance training duty in its mandate especially that it is entrusted to “assist the Government of Lebanon in ensuring the return of its effective authority”.
- 4- The UNIFIL should also monitor the spread of harmful propaganda not just the spread and use of weapons. Today the war of ideas is much more important than the war of weapons.
- 5- Hezbollah has stated repeatedly that it holds UNIFIL as a hostage for its international negotiations. This is a very dangerous situation as the UNIFIL constantly finds itself in a situation to negotiate its security with Hezbollah.

Section VI. La situation à Gaza par Jamila Abu Shanab

Introduction

Depuis les accords d'Oslo, les territoires palestiniens ont connu des changements successifs qui, dans leur intégralité, ont entraîné à la dégradation de la situation humanitaire des civils notamment dans la bande de Gaza, dont la population est soumise à une punition collective caractérisée par le blocus et la fermeture des points de passage.

Etapes clés depuis les accords d'Oslo jusqu'aux élections parlementaires de l'an 2006 :

13 septembre 1993 : signature des accords d'Oslo et naissance de l'Autorité palestinienne dans la bande de Gaza et en une partie du territoire de la Cisjordanie, la même année a vu la fin de la première Intifada.

1994 : les pourparlers de Taba se déroulent sans progrès significatif, dans la même année a été signé le Protocole de Paris, qui définit le mouvement d'importation et d'exportation à destination et en provenance des territoires palestiniens.

La même année, Yasser Arafat et Shimon Pérez se partagent le Prix Nobel de la Paix.

1995 : Assassinat en de Yitzhak Rabin, un événement considéré comme un indicateur du rejet de la paix par la majorité israélienne.

1996 : Yasser Arafat a été élu président de l'Autorité palestinienne dans la bande de Gaza et la Cisjordanie ce qui a donné un espoir à l'amélioration de la situation et à un progrès au niveau du processus de la paix.

La même année, les premières élections législatives sont organisées dans les territoires de l'Autorité palestinienne. Le Hamas a boycotté la candidature et le vote de ces élections, considérées par lui comme l'un des sécrétions des accords d'Oslo qu'il faut rejeter catégoriquement.

2000 : Reprise des pourparlers de Taba, avec l'échec des pourparlers de Camp David en dépit de la pleine implication du Président Clinton.

2001 : Continuation des pourparlers de Taba sans résultats réels.

Les malheureux événements du 11 septembre ont amené un changement dans la politique américaine, par conséquent, le conflit israélo-arabe n'est plus une priorité de l'agenda américaine.

2002 : L'initiative de la terre contre la paix est lancée au sommet arabe de Beyrouth, elle est aussitôt rejetée par Israël, et suivie par la visite du Premier ministre Ariel Sharon à l'esplanade des mosquées, étincelle qui déclenche la deuxième Intifada.

Israël a renforcé ses mesures de sécurité en multipliant le nombre des barrages et en découpant la bande de Gaza et la Cisjordanie en plus de la fermeture des points des passages pour des périodes variables.

La même année, la construction du mur est lancée sur une partie importante des terrains de la Cisjordanie ruinant ainsi le projet de création d'un Etat palestinien sur les territoires de 1967.

2003 : Conventions de Genève entre des représentants d'institutions palestiniennes et israéliennes sur les questions toujours suspendues, y compris les frontières, Jérusalem et les réfugiés. Ces conventions ont été rejetées par la droite israélienne et l'opposition palestinienne.

11 novembre 2004 : décès du Président Yasser Arafat et la même année, Mahmoud Abbas est nommé Premier ministre.

9 janvier, élections présidentielles de 2005 aux quelles ont participé les partis de l'OLP et que les partis islamiques ont boycotté (Hamass et le Djihad islamique).

En Septembre 2005, l'armée israélienne a évacué les colonies de la Bande de Gaza par une opération de désengagement unilatérale qui a fini par détruire les maisons des colons et par le retrait de l'armée vers les frontières de Gaza.

La même année est signée la convention sur les passages frontaliers entre l'Autorité palestinienne et Israël grâce à laquelle le passage de Rafah était ouvert à la circulation des passagers sous la supervision des observateurs de l'Union européenne qui contrôlaient les passeports et soulever des rapports aux autorités concernées.

2006 : deuxièmes élections législatives aux quelles a participé le Hamass remportant une victoire claire.

Question sur les facteurs de la puissance populaire et militaire du Hamass, du déclin de la popularité du Fatah et de la fragilité des services de sécurité

La victoire écrasante du Mouvement de résistance islamique Hamass a surpris même ses propres leaders. Elle est survenue comme résultat inévitable de l'évolution de la situation et des accumulations allant de la signature des accords intérimaires de paix avec la partie israélienne jusqu'à la veille des deuxièmes élections parlementaires, période où Israël a refusé de répondre aux échéances de la paix sous divers prétextes, il a même méthodiquement poussé le peuple palestinien à rejeter les solutions politiques en continuant les offensives militaires et la réoccupation des zones à partir desquelles il s'est déjà retiré en Cisjordanie, et à travers la spirale d'assassinats des leaders de l'opposition, le bombardement des zones frontalières au quotidien, le découpage de la Cisjordanie, la fermeture des passages et le contrôle du mouvement d'exportation et d'importation et l'empêchement des travailleurs d'atteindre leur travail à l'intérieur d'Israël, ce qui a conduit des dizaines de milliers d'entre eux au chômage et a mis la moitié du peuple palestinien aux bords de la pauvreté.

Ces pratiques ont également mis l'Autorité dans une situation embarrassante vis-à-vis de la population palestinienne.

Israël a délibérément détruit l'infrastructure économique palestinienne par le rasage des terrains, la destruction des puits des eaux d'irrigation et par l'interdiction aux agriculteurs d'atteindre leurs terrains alors que l'économie palestinienne était et est toujours démunie des facteurs de son indépendance et dépend toujours de l'aide internationale.

Ceci a coïncidé avec la manifestation de tous les aspects de la corruption financière et administrative qui s'est répandue dans certaines institutions de l'Autorité et a été la cause de la faiblesse et la perte de sa crédibilité face au citoyen ce qui s'est reflété dans le sentiment de frustration exprimée face à l'Autorité, dont le mouvement Fatah est sa

colonne vertébrale, ceci s'est aussi reflété sur la popularité du mouvement car les aspects soudains de l'enrichissement de certains dirigeants politiques et sécuritaires du Fatah au pouvoir ont provoqué un flot de critiques alors que l'institution législative n'était pas en mesure de remettre les responsables en cause.

En parallèle le Hamas s'activait au niveau populaire et multipliait ses associations de bienfaisance qui se sont alors répandues dans tous les quartiers populaires et donc il s'est rapproché de citoyens et leur a fourni une aide matérielle en nature, en particulier que ses moyens financiers étaient assez conséquents et qu'il n'y avait aucun contrôle de l'Autorité sur les sources des financements des partis.

Des grandes manifestations du Hamas ont appelé à la réforme de l'Autorité et à l'exclusion des corrompus en adoptant le slogan de la restitution du droit palestinien par la résistance.

Le Hamas a adopté un discours médiatique touchant directement les sentiments des citoyens, qui souffraient de la pauvreté, du siège et de la frustration, il a réussi à recruter un grand nombre dans les rangs de son aile militaire, les Brigades Qassam, certains de ces nouveaux venants appartenaient aux services de sécurité.

Elle a aussi gagné la sympathie de la majorité de la population qui en avait atteint ses limites avec la pratique de l'Autorité.

Le Hamas a renforcé son aile militaire avec des armes équivalentes et parfois qui dépassaient les armes des services de l'Autorité et a augmenté la capacité de combat de ses éléments, alors qu'il possédait des centres d'entraînement militaire dans la bande de Gaza.

Les services de sécurité de l'Autorité se sont affaiblis, par conséquent des centaines de ses membres se sont joints aux Brigades des Martyrs d'Al Aqsa et d'Abu Rish du Fatah.

Une partie des armes de l'Autorité est alors devenue en possession des mains des grandes familles, qui les ont utilisées dans des crimes commis et répandus dans la société.

Les partis d'opposition comme le Front Populaire (FPLP) ou le Front démocratique (FDLP) ne pouvaient pas faire face à l'expansion populaire du Hamas et n'ont donc pas pu devenir une alternative réelle à l'Autorité, ce qui a fait du Hamas un acteur sans concurrent.

Le premier et le seul bénéficiaire de l'absence d'autres alternatives et de l'état de frustration qui dominait, le parti qui a donc adopté le slogan du changement et de la réforme dans sa campagne électorale, et que l'électeur a considéré comme représentant de ses espoirs et aspirations fut alors le Hamas.

La victoire du Hamas aux élections législatives de 2006 l'a mis face aux échéances de la communauté internationale, qui a exigé la reconnaissance de l'État d'Israël et de renoncer à la violence, et aux revendications politiques, économiques et sociales et des citoyens palestiniens.

La question qui est donc posée face à cette série de variables est portée sur la disparition de la communauté internationale vis-à-vis de ces événements et de l'absence du parrainage internationale de l'Autorité palestinienne, considéré comme le résultat des efforts internationaux

La communauté internationale qui a longtemps applaudi la signature des Accords d'Oslo et qui a financé fortement l'Autorité palestinienne pour garantir sa réussite était la cause directe de son échec en échouant à plusieurs reprises :

1 - Ne pas déployer d'observateurs internationaux pour suivre l'application sur le terrain du processus de paix par les palestiniens et les israéliens.

2 - Ne pas assurer une protection administrative et financière à travers le suivi du fonctionnement des institutions de l'Autorité aux niveaux administratif et financier et même au niveau sécuritaire et la formation des équipes techniques, car la plupart des administrateurs n'avaient pas une expérience suffisante dans le domaine.

3 - Les pays donateurs ne suivaient pas l'utilisation des fonds alloués à l'Autorité. Ils se contentaient de recevoir des rapports qui manquaient de crédibilité.

4 - Bien que la communauté internationale était informée sur la situation dégradée de l'Autorité, les États-Unis ont insisté à faire les élections sans aucun soutien politique qui puisse rétablir la confiance des citoyens vis-à-vis de l'Autorité. Avec cette procédure, les États-Unis et leurs alliés croyaient qu'on pouvait contenir le Hamas et l'introduire dans le système d'Oslo.

5 - Avec la victoire du Hamas, la communauté internationale a imposé ses conditions que rejetait le Hamas, l'autorité est en faillite suite la suspension de l'aide internationale qui était conditionnée par la reconnaissance, par le gouvernement de Ismaïl Haniyeh, d'Israël et de renoncer à la violence.

6 - La situation humanitaire s'est détériorée et la communauté internationale a demeuré indifférente, par conséquent le taux de chômage a atteint 65 %, et près de 70 % des familles vivent en dessous du seuil de pauvreté.

Les droits civils sont confisqués et les rapports des institutions des droits de l'homme ne sont pas écoutés par la communauté internationale qui s'est déchargée de toutes ses responsabilités.

Avec la discorde politique croissante et l'échec à former un gouvernement d'unité nationale, le Hamas a opté pour la résolution militaire.

La crise interne palestinienne est entrée dans une nouvelle phase ouverte à toutes les répercussions, de sa part la communauté internationale n'a réagi avec l'évolution des faits que dans son aspect humanitaire par l'intermédiaire des Nations unies, "l'UNRWA", et quelques autres institutions.

Israël a renforcé son blocus de la bande de Gaza, et ne permettait que le passage de certains produits alimentaires de base ... Et même les pays arabes ont retiré leurs bureaux de représentations de la bande de Gaza. La communication avec le monde extérieur passe alors par le Caire et les pays européens.

Tous les efforts de réconciliation menés par l'Égypte ont échoué, les observateurs pensent que même la signature de la réconciliation ne serait pas plus que de l'encre sur papier.

Histoires vraies du cœur de Gaza

Sumaya Abu Ayada, chercheur sur le terrain : Notre vie s'est transformée en enfer, tout le monde nous a laissé tomber en même temps, nous éprouvons la faim, nous

tombons malades et nous mourrons sans que quelqu'un ne s'y intéresse. Il n'y a pas de médicaments dans les hôpitaux et la plupart des produits alimentaires sur le marché arrivent en contrebande par les tunnels, dont certains ont expiré, l'eau potable est contaminée.

Ramzi Rabah leader au sein du Front Démocratique de Libération de la Palestine :

La Bande de Gaza a besoin de toutes les formes de présence internationale à travers les observateurs ou les institutions humanitaires à finalités sociale et juridique, parce que les violations sont innombrables, elles atteignent les civils toutes les secondes, par exemple 30 % des femmes enceintes dans la bande de Gaza souffrent d'anémie, 40 % des enfants âgés entre un et onze ans souffrent de l'anémie en plus des maladies mentales résultant de la répression, l'oppression et la sensation d'oppression. A noter que l'UNRWA a annoncé la réduction des services de santé et d'éducation en raison de son déficit budgétaire, qui est estimée à environ 140 millions d'USD, sachant que huit sur dix habitants de la Bande bénéficient des services de l'Agence de l'UNRWA, dans les domaines d'éducation, de nourriture et même d'emploi.

Jamil Sarhan, activiste des droits de l'homme :

La situation dans la bande de Gaza est tragique. Avec le blocus qu'il impose, Israël viole tous les droits de l'homme des Palestiniens, 10 % des maisons de la Bande de Gaza sont détruites par Israël au cours de la dernière guerre sur la bande de Gaza, en raison du blocus et de l'interdiction de l'entrée des matériaux de construction, nous ne sommes pas en mesure de reconstruire les maisons et les institutions détruites. Par le biais des institutions des droits de l'homme, nous transmettons des rapports hebdomadaires et mensuels et annuels à toutes les autorités et les organisations internationales, mais nous ne ressentons pas une pression sérieuse sur Israël par la communauté internationale, et ne voyons pas une 'attention réservée aux souffrance des civils.

Echec de la démocratie palestinienne :

Bien que les élections législatives de 2006 fussent purement démocratiques, et ceci par le témoignage même du monde entier et des rapports des observateurs internationaux qui les ont supervisées, la validité de ces élections a aussitôt expiré. La suppression militaire menée par le Hamas à Gaza a fait la preuve du remplacement de la langue du dialogue par celle de l'arme et du bâton. Par conséquent, une situation de forte bipolarisation s'est installée entre le Fatah et le Hamas

Des rapports édités par certaines organisations des droits de l'homme ont signalé la mort de prisonniers politiques sous l'effet de la torture dans les prisons du Hamas à Gaza et celles de l'Autorité palestinienne à Ramallah. Les partisans des deux factions sont désormais devenus des cibles de vengeances réciproque.

Même des organisations internationales telle la Croix-Rouge ne sont autorisées à visiter les prisons ou à s'informer sur la situation des prisonniers politiques. Plusieurs activistes ont été harcelés et ne sont plus autorisés à mener des enquêtes impartiales ou à atteindre les sources d'information.

Le rendement médiatique a baissé en raison de la censure imposée sur l'image et la parole et à cause des menaces aux quelles sont exposés les journalistes, directement ou indirectement.

Sur la scène politique, le désaccord chronique entre le Fatah et le Hamas a causé intentionnellement ou par inadvertance l'exclusion des autres partis. Bien que les médias du Hamas indiquent des rencontres entre les dirigeants du Hamas et ceux des autres factions comme le Front Populaire, le Front Démocratique, le Front Arabe ou le Parti Populaire, cependant, ces réunions sont superficielles car le Hamas monopolise les décisions sur la base que celui qui possède l'arme et l'argent possède la décision, sachant qu'il ya des factions qui concordent avec le Hamas, pour la raison que leurs dirigeants sont installés à Damas : le Front populaire-commandement général, le Jihad Islamique, Al Saiqa, et Palestine-Intifada (un parti qui s'est détaché du Fatah en 1983), notant que ces partis n'ont pas une présence physique dans la bande de Gaza à l'exception du Mouvement du Jihad Islamique.

Et bien que la division et la course au pouvoir sont deux raisons principales de la marginalisation des forces démocratiques et des partis de la gauche, la communauté internationale n'a, de sa part, pas aidé ces partis modérés qui pourraient constituer une troisième partie capable de créer un état d'équilibre. Même les membres du Parlement Européen, lors de leurs visites à la bande de Gaza, ne rencontrent pas les autres partis et ne communiquent pas avec eux pour avoir une image différente qui pourrait être plus proche de la réalité.

Faits et chiffres contenus dans les rapports des institutions des droits de l'homme

1. A la fin de l'année 2009, le taux du chômage dans la bande de Gaza a dépassé 68%.
2. Plus de 76% des familles vivent en dessous du seuil de pauvreté, 78 % de ces familles ont des enfants et 70% des familles nombreuses dans la bande de Gaza (9 membres) vivent avec un revenu de moins de 250 \$ par mois.
3. 82% des enfants considèrent que Gaza est un endroit dangereux.
4. 66% des enfants dans la bande montrent des symptômes d'anxiété et de problèmes psychologiques.
5. En 2009 et après la guerre israélienne contre la bande de Gaza, 47 cas de malformation congénitale ont été enregistrés chez les nouveau-nés.
6. 10% des habitants de Gaza souffrent du manque total de l'électricité.
7. 9% des résidents n'ont pas accès à l'eau propre (utilisable), ce qui a amené une augmentation des maladies causées par la pollution des eaux.
8. 65% du stock des médicaments essentiels du stock médical central à Gaza a été épuisé.
- 9 – 1203 personnes ont été tuées pendant la guerre israélienne contre Gaza (2008-2009) dont 410 enfants.

La situation humanitaire tragique dans la bande de Gaza, exige un effort international et local qui surmonte les divergences politiques, et prend en compte les lois et les coutumes applicables dans le domaine des droits de l'homme.

Recommandations visant à apaiser la crise humanitaire

- 1 - Déployer des chercheurs internationaux sur le terrain pour travailler avec les équipes locales et identifier les priorités.
- 2 - Déployer des observateurs internationaux pour surveiller toutes les formes de violation des droits de l'homme dans la bande de Gaza.
- 3 - Déployer des forces de l'ONU dans les zones frontalières avec la bande de Gaza.
- 4 - Mettre au point un mécanisme international qui assure toutes les formes de soutien humanitaire aux résidents de la Bande de Gaza.
- 5 - Prendre compte des rapports publiés par les organisations des droits de l'homme dans la bande de Gaza.
- 6 - Assurer une protection internationale aux établissements d'enseignement.
- 7 - Fournir les produits médicaux et aider à améliorer le travail dans les hôpitaux.
- 8 - Garantir la liberté de circulation des citoyens et plus particulièrement le voyage à travers le poste frontalier de Rafah entre l'Égypte et la bande de Gaza.
- 9 - Sous le règne du différend politique, il faut renforcer le travail et l'action des institutions de la société civile.

Conclusion

A Gaza, considérée comme zone de conflit, et quelle que soient les raisons, la situation humanitaire est tragique et nécessite une intervention responsable de la communauté internationale qui a retiré sa présence et sa présentation suite au contrôle de la Bande par le Hamas : ce sont les civils qui en paient cher le prix.

Section VII Executive summary and conclusions

1. **A future for Iraqi uprooted people**
2. **Building a State of Law**
3. **A strategy for employment and growth**
4. **Lessons from Lebanon and Gaza**
5. **A Green Ray over Iraq**

1. A future for Iraqi uprooted people

There is no mystery on the reason why Iraq is the country with the most uprooted people in the World (UNHCR data): Iraqi population cleansing is already the biggest in the history of mankind in the XXIst century!

Iraq will be remembered by another sad characteristic: it is the first example of a “total cleansing”. Whereas in history we have witnessed the targeting of groups of people according to their ethnic/religious perceived differentiation, in Iraq we can say that

virtually every ethnic/religious group became a target, as long as it would find itself as a different part in a specific environment.

Persecution, however, did not only target religious or ethnic groups, it targeted those who could distinguish themselves through position, profession or knowledge, those being foreign political refugees, those whose actions, outfit or political thinking would not be conform with the moral code of modern religious fanaticism. All those were targets.

Neither child, nor woman, neither sick nor defenceless; no one was spared!

In the name of “de-Baathification” horrendous crimes that match those committed by the deposed and executed dictator were committed, and they simply cannot remain unspoken of.

For once, these crimes did not come out of the blue, they were not simply the product of any local, tribal, national or religious paranoia; they were made possible by a misguided invasion driven by the West.

And for all those who honestly thought that Iraq was being liberated – and I am a witness that indeed, to a large extent it was shortly and partially liberated – it is simply impossible to remain indifferent in front of the disaster, to turn the back to people who should deserve our highest admiration.

To bring up-rooted people of Iraq back to where they belong is not simply a matter of housing or financial incentives; it is a matter of bringing justice and accountability to a country where crime remained unpunished for too long a time.

To respect Iraqi up-rooted people is a duty for us all, and it is a gesture of decency from all those who – in good-faith – thought the dismissal of Saddam Hussein was opening a new era of opportunities and understanding.

As this report highlights repeatedly, the situation of Iraqi up-rooted people will be the distinct factor that allows us to evaluate the future of Iraq, since there will be no peace, no democracy or reconciliation without justice.

Bringing to justice – either before an Iraqi judicial system or before an international court – all those who committed crimes against humanity and provoked the biggest human cleansing of the century is a fundamental requirement for peace and democracy in this country and elsewhere.

2. Building a State of Law

This report highlights the remarkable improvement of the situation in Iraq through the past two years as well as the outstanding role of General David Petraeus in these positive developments.

However, it also highlights that these developments will remain fragile as long as real reconciliation based on justice does not take place: “The UNHCR Guidelines of April 2009 also recorded that where Baghdad has once been an ethnically mixed city it was now a mix of “rival ethnic and religious enclaves whose residents rarely intersected outside their gated communities”. (Point 8.26, p.43 UK Border Agency Report).

Apart from the very obvious invasion, there was a hidden invasion of Iraq disastrous for the future of this country. If there is a clear deadline for the withdrawal of the Allied Forces, this is unfortunately not the case for the Iranian Revolutionary Guards and their close agents that have heavily infiltrated Iraqi State structures.

Apart from the terrorist and militia gangs directed and controlled to different extents by Teheran or on its behalf by their allies, and apart from those organisations in the Iraqi present establishment that were created, organised, financed and controlled by Iran – such as the Badr organisation – the hard core of Iranian Revolutionary Guards, the Quods Force, remains in control of such important bodies as the so-called “Accountability and Justice Commission” as it was recently highlighted by General Petraeus (Time magazine, 25th of January 2010).

This Commission, which succeeded the so-called “de-Baathification committee”, forbid 500 candidates to run in the Iraqi elections using the old rhetoric of “de-baathification”. In so doing, it was clearly trying to apply the Iranian procedure where only aligned candidates are admitted.

The establishment of a “state of law in Iraq” will need an “Iraqisation” of the state, ensuring that no foreign agents are in control, and it will need to secure equality of all in front of the law, that is, a non-sectarian policy which is clearly still far from being implemented.

The most definite test for the Iraqi authorities will be the way they treat camp Ashraf residents – the only significant remaining group of foreign refugees that has not been subject of “total-cleansing”

3. A strategy for employment and growth

As much as the progressive ruin of the economic and social fabric of Iraq were the most depressive features in my past travels in Iraq, last December I was mostly impressed by the absolute priority politicians as well as business people gave to the rebuilding, growth and employment. The most important factor for an “economic surge” to take place is there: it is the strong will of economic, political and social actors.

News regarding oil development and the engagement of companies from nearly every corner of the World were also very positive and helped creating an encouraging atmosphere that was, however, significantly undermined by the military take-over of an oil-well in the border region by the Iranian forces.

This Iranian military intervention acted as a warning of the unresolved things lying ahead of Iraq and substantially cooled down optimism, as did the highly sophisticated bomb attacks in Baghdad, which could only be organised through a strong coordination from outside and infiltration in the Iraqi defence structures.

For all these reasons the main priority remains to invest in agriculture, construction and in the provision of public and private services badly needed by the population. All these activities bear a high employment generation potential.

To create stable and peaceful employment is the number one priority for Iraq not least because this is the only consistent way to create alternatives to the generation of violence.

To this aim commitment of the international community is essential, especially when we are about to witness a massive withdrawal of foreign troops from Iraq.

4. Lessons from Lebanon and Gaza

The main lesson we can draw from the international community's attitudes both in Gaza and in Lebanon is that it is crucial to ensure democracy.

Democracy is more than a ballot and the possibility of casting your vote according to your wishes, although this is obviously the backbone of any democratic system. If there is not a state of law, if there is not the respect for others, we will not have democracy but demagoguery and soon after that tyranny, as Aristotle so brilliantly explained thousands of years ago.

The unilateral withdrawal of Israel from Gaza, the organisation of elections with the participation of fully armed political movements rightly classified as terrorist by the international community, and the absence of any UN presence that could prevent the very likely scenario of the promise of democracy being transformed into tyranny were obvious errors whose consequences are being paid for by the Palestinian citizens of Gaza.

In Lebanon, the creation of UNIFIL was certainly positive and helped to prevent a catastrophic resurgence of civil war in this country. However, the international community did not have the decisiveness to properly implement its resolutions and to disarm Hezbollah as foreseen in UNSC resolution 1559 of 2004.

This already caused the outbreak of war in 2006, and it is very likely to happen again. Hezbollah has stronger and more organised armed forces than Lebanon as a country. It actually keeps the whole of the political establishment in its country and the international community under blackmail.

The parallels between Iraq and Lebanon could not be more striking. In both countries there are large Shiite communities and in both countries the Iranian leadership founded political movements with strong terrorist military wings based on the manipulation of religious sentiments, Lebanese Hezbollah and the Superior Council for the Islamic Revolution in Iraq.

We know from public testimonies of Ahwazi [Ahwaz, Khuzestan or Arabistan is the name of the South-western Iranian province with an original Arab population] refugees, that the terrorist training camps of both the Lebanese and Iraqi organisations were next to each other and they received military training and ideological indoctrination from the same Iranian revolutionary guards.

So, if we are to succeed in Iraq and avoid the drama of Gaza or the situation in Lebanon, and especially take into consideration the withdrawal of US troops, the international community has to ensure a stronger presence in Iraq and must insist on the fulfilment of conditions for the implementation of a "State of Law".

5. A Green Ray over Iraq

In the last couple of years, most of the international public opinion has been conveying the message that the future of the so-called disputed territories, that is, those territories

confronting the old green-line separating the areas under Kurdish and Iraqi control, is the most important issue in Iraq.

We do not share this point of view, namely because we think that the four previous points will be more crucial than the so-called future of the disputed territories. In a democratic Iraq – which means, a successful Iraq in responding to these four challenges – the decision of the disputed territories on what province and or region they want to be will have to be taken on the basis of the Iraqi Constitution and democratic opinion of the concerned citizens.

This has so far been the position of the Kurdish regional authorities and, after our mission, after consulting freely with people from various ethnic or religious origins in several places in the disputed territories as well as after considering several international organisation's reports, we do not see any valid reason to question it.

If there are countries in the region that feel threatened by the possibility of seeing examples of regional autonomy and democratic rule in Iraqi Kurdistan, perhaps the international community should better invite these countries to reconsider their attitudes rather than Iraq to reconsider its constitution and the principle of democratic sovereignty.

Kurdistan regional authorities' human rights credentials are certainly not perfect, but we simply have to consider the fact that there is no movement of people wanting to escape from Kurdistan whereas millions of Iraqis fled the rest of Iraq, into Kurdistan whenever they could, to understand how devious it is not to acknowledge the differences between Kurdistan and the rest of Iraq.

On my trip within the disputed territories – Kirkuk, Sinjar and Al Hamdaniya – I found a complete consensus on the need for self-defence forces, and my inquiry in Sinjar also proved there was an overall consensus for a referendum. It is hard to understand how an organisation that did not even visit these places argues for the contrary only on the basis of “realpolitik” arguments.

In view of the findings of our report, it seems clear that the withdrawal of the US forces from Kirkuk and the vicinity of the Green line turns a reinforced UN presence into a matter of urgency.

Notwithstanding it is the view of our research-team that tremendously difficult mapping questions remain to be answered for a new “green-line” to be established, and that a consensus and a common agreed set of principles are the best tools to build a better Iraq and a better Iraqi Kurdistan.

We therefore appeal to the Kurdish regional leadership as well as to the whole of the Iraqi democratic political leadership to look differently at the disputed territories. Instead of seeing the future in new divisive strict lines on Iraqi soil, it might be useful to remember the famous Julius Verne romance on the green ray, the last ray of the Sunset, and to bear in mind that the Sun is the symbol of Kurdistan, and the Sun sets to the West, that is, in the direction of the green line, where the disputed territories are situated.

Only a green ray of hope, of understanding, mutual respect, solidarity, which means joining the rich diversity and cultural heritage of the Iraqi peoples, can ultimately sort out the difficult challenges facing Iraq.

Annex Accounts

The authors of this report worked on a strictly voluntary basis. The accounts here presented are still provisional.