

## Congress and the Israeli Attack on Lebanon: A Critical Reading

By Stephen Zunes | July 22, 2006

On July 20, the U.S. House of Representatives, by an overwhelming 410-8 margin, voted to unconditionally endorse Israel's ongoing attacks on Lebanon and the Gaza Strip. The Senate passed a similar resolution defending the Israeli attack earlier in the week by a voice vote, but included a clause that "urges all sides to protect innocent civilian life and infrastructure." By contrast, the House version omits this section and even praises Israel for "minimizing civilian loss," despite overwhelming evidence to the contrary. The resolution also praises President George W. Bush for "fully supporting Israel," even though Bush has blocked diplomatic efforts for a cease-fire and has isolated the United States in the international community by supporting the Israeli attacks.

The resolution reveals a bipartisan consensus on the legitimacy of U.S. allies to run roughshod over international legal norms. The resolution even goes so far as to radically reinterpret the United Nations Charter by claiming that Israel's attacks on Lebanon's civilian infrastructure is an act of legitimate self-defense under Article 51 despite a broad consensus of international legal scholars to the contrary.

In short, both Democrats and Republicans are now on record that, in the name of "fighting terrorism," U.S. allies—and, by extension, the United States as well—can essentially ignore international law and inflict unlimited damage on the civilian infrastructure of a small and largely defenseless country, even a pro-Western democracy like Lebanon.

Below are the key provisions of the resolution followed by a critical annotation:

*Whereas in a completely unprovoked attack that occurred in undisputed Israeli territory on July 12, 2006, operatives of the terrorist group Hezbollah operating out of southern Lebanon killed three Israeli soldiers and took two others hostage;*

Though clearly an illegal and provocative act, Hezbollah's action was not "completely unprovoked."

Israel has held three Lebanese citizens for several years who were seized by Israeli forces from within Lebanon and Hezbollah had apparently hoped to work out some kind of swap, as both sides have successfully negotiated previously on several occasions. The seizure of the Israeli soldiers on the Lebanese border was also apparently done in retaliation for the ongoing Israeli assaults on civilian population centers in the Gaza Strip.

*Whereas Israel fully complied with United Nations Security Council Resolution 425 (1978) by completely withdrawing its forces from Lebanon, as certified by the United Nations Security Council and affirmed by United Nations Secretary-General Kofi Annan on June 16, 2000, when he said, 'Israel has withdrawn from [Lebanon] in full compliance with Security Council Resolution 425;'*

Israel's current re-conquest of Lebanese territory along its northern border places Israel once again in violation of UN Security Council resolution 425 and nine subsequent resolutions demanding the withdrawal of their forces from Lebanon. Furthermore, Israel never fully complied with UNSC 425: While UN Secretary General Annan indeed recognized in his June 2000 statement that Israel had fully removed its ground forces from Lebanese territory, he has also criticized the repeated Israeli violations of Lebanese air space well



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prior to the recent outbreak of fighting as “provocative” and “at variance” with Israel’s fulfillment of the resolution’s demands for a withdrawal of ground troops from Lebanon.

*Whereas despite the adoption of United Nations Security Council Resolution 1559, the Government of Lebanon has failed to disband and disarm Hezbollah, allowing Hezbollah instead to amass 13,000 rockets ... and has integrated Hezbollah into the Lebanese Government;*

First of all, UN Security Council resolution 1559 does not call for Hezbollah or any other Lebanese political party to be disbanded, only for their armed militias to be disbanded.

Second, the only extent to which Hezbollah has been “integrated ... into the Lebanese government” is in naming Hezbollah member Mohammed Fneish to the power and hydraulic resources ministry, one of 24 cabinet posts. Representatives of all Lebanese parties that receive more than a handful of seats in parliamentary elections traditionally get at least one seat in the cabinet.

Third, in a UN Security Council meeting this past January that considered a report on the implementation of resolution 1559, the United States and the other members approved a statement that “notes with concern the report’s suggestion that there have been movements of arms ... into Lebanese territory and, in this context, commends the Government of Lebanon for undertaking measures against such movements.” In other words, the Lebanese government has not “allowed” Hezbollah to amass new weaponry; the problem is that their small and weak security forces—now weakened further by Israeli attacks—have simply been unable to prevent it.

This clause in the Congressional resolution therefore appears to be designed to try to justify Israel’s decision to attack not just the Hezbollah militia, but Lebanon as a whole.

*Whereas Hezbollah’s strength derives significantly from the direct financial, military, and political support it receives from Syria and Iran ...*

Both Syrian and Iranian support for Hezbollah has declined significantly over the past dozen years, particularly since the withdrawal of Israeli occupation forces from southern Lebanon.

In reality, Hezbollah’s strength derives primarily from popular support within the Shiite Muslim minority in Lebanon which has suffered from heightened poverty and displacement as a result of the U.S.-backed Israeli occupation of southern Lebanon between 1978 and 2000, the U.S.-backed Israeli bombardment of the Shiite-populated areas of the country from the 1970s through the 1990s, and the U.S.-backed neoliberal economic policies of the Lebanese government that have decimated the traditional economy. As a result of the violence and misguided economic policies, hundreds of thousands of Shiites were forced to leave their rural villages in the south to the vast shantytowns on the southern outskirts of Beirut where many found support through a broad network of Hezbollah-sponsored social services. As a result of gratitude for such assistance and anger at Israel and the United States for their situation, many became backers of Hezbollah’s populist, albeit extremist, political organization. In the wake of the forced departure of the Palestine Liberation Organization and the destruction of the secular leftist Lebanese National Movement by successive interventions from Syria, Israel, and the United States during the 1980s, the radical Islamist Hezbollah rose to fill the vacuum. In other words, “Hezbollah’s strength” was very much an outgrowth of U.S. and Israeli policy. Indeed, the group did not even exist until a full four years after Israel began its occupation of southern Lebanon.

*Whereas Iranian Revolutionary Guards continue to operate in southern Lebanon, providing support to Hezbollah and reportedly controlling its operational activities;*

The vast majority of Iranian Revolution Guards returned to Iran years ago. While they played a critical role in the initial setup of Hezbollah’s armed militia in the early to mid-1980s following Israel’s invasion and occupation of southern Lebanon, their presence today is quite small and they are certainly not “controlling Hezbollah’s operational activities.” The number of

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active Hezbollah combatants declined significantly since the Israeli withdrawal from southern Lebanon in 2000 (until the call-up of reserves following the initial Israeli attacks) and the movement had long since shifted its primary focus to electoral politics and providing social services for the Shiite community. Furthermore, despite claims by the Bush administration and its supporters that Hezbollah is simply acting as a proxy for Iran, it seems highly unlikely that a populist political party would instruct its militia to provoke a devastating war simply to please a foreign backer.

*Whereas the House of Representatives has repeatedly called for full implementation of United Nations Security Council Resolution 1559;*

The House of Representatives never called for the full implementation of UN Security Council resolution 425 and nine subsequent resolutions calling for Israel's withdrawal from Lebanon during Israel's 22-year occupation of the southern part of that country. Nor has the House ever called for the full implementation of UN Security Council resolutions 446, 451, 465, and 472 calling on Israel to withdraw its illegal settlements from the occupied West Bank and Golan Heights or dozens of other UN Security Council resolutions currently being violated by Israel, Morocco, Turkey, Pakistan, or other U.S. allies. As in the Bush administration, there appears to be a strong bipartisan sense in Congress that UN Security Council resolutions should only apply to governments and movements the United States does not like.

*Whereas President George W. Bush stated on July 12, 2006, 'Hezbollah's terrorist operations threaten Lebanon's security and are an affront to the sovereignty of the Lebanese Government. Hezbollah's actions are not in the interest of the Lebanese people, whose welfare should not be held hostage to the interests of the Syrian and Iranian regimes,' and has repeatedly affirmed that Syria and Iran must be held to account for their shared responsibility in the recent attacks;*

As the pro-Western government of Lebanese Prime Minister Fuad Siniora has insisted and as recent events have confirmed, the major threat to Lebanon's security and the most serious affront to its sovereignty is clearly

the U.S.-backed Israeli government, not Hezbollah. And Hezbollah's political and military activities, like that of other Lebanese political parties, are based primarily upon what the movement's leadership—however wrongly and cynically—believe is in the best interest of advancing their political agenda and not that of the Syrian and Iranian governments (whose interests in Lebanon are often at variance with each other as well.) It is also disappointing that such an overwhelming majority of Democrats would be willing to cite President Bush as an authority on the situation in Lebanon following a series of demonstrably false claims he has made about that country and the current conflict.

*Resolved, That the House of Representatives ... condemns Hamas and Hezbollah for engaging in unprovoked and reprehensible armed attacks against Israel on undisputed Israeli territory, for taking hostages, for killing Israeli soldiers, and for continuing to indiscriminately target Israeli civilian populations with their rockets and missiles;*

Though such condemnation is appropriate, it is noteworthy that this resolution does not also condemn Israeli attacks against sovereign Lebanese territory and its targeting of civilian population centers, essentially backing the racist notion that Israeli territory and Israeli civilians are more important than that of Lebanese territory and civilians. It is also important to note that not a single Israeli civilian had been killed from Hezbollah attacks since well before Israel's withdrawal from Lebanon six years ago until Israel started killing Lebanese civilians when it launched its attacks on July 12.

*... further condemns Hamas and Hezbollah for cynically exploiting civilian populations as shields, locating their equipment and bases of operation, including their rockets and other armaments, amidst civilian populations, including in homes and mosques;*

This clause appears to be designed to blame the Lebanese, not the Israeli armed forces, for the deaths of innocent civilians. As Human Rights Watch has noted, "Deploying military forces within populated areas is a violation of international humanitarian law, but that does not release Israel from its obligations to take all

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feasible precautions to minimize harm to civilians and civilian property during military operations.” While it is not unusual for outgunned guerrilla movements with popular local support to have equipment in close proximity to civilian population, none of the offices of members of Congress who supported the bill which I have contacted has been able to cite any independently documented cases in the current conflict where Hezbollah has engaged in “exploiting civilian populations as shields.” (Two offices cited Israeli government claims to this effect, but the Israeli government has previously made similar claims that were later proved false.)

*... recognizes Israel's longstanding commitment to minimizing civilian loss and welcomes Israel's continued efforts to prevent civilian casualties;*

This runs directly counter to reports by international journalists, Human Rights Watch, Amnesty International, and the United Nations that indicate that Israel has not been committed to “minimizing civilian loss” or preventing civilian casualties. As of this writing, well over 300 Lebanese civilians have been killed, the vast majority being nowhere near Hezbollah military installations. UN High Commissioner for Human Rights Louise Arbour, a former Canadian Supreme Court Justice, declared that Israel’s “indiscriminate shelling of cities constitutes a foreseeable and unacceptable targeting of civilians. Similarly, the bombardment of sites with innocent civilians is unjustifiable.” (She also correctly criticized Hezbollah’s attacks into civilian areas in Israel.)

None of the Congressional offices I contacted was able to provide me with any data countering these reports. In supporting this resolution, 410 House members have gone on record challenging the credibility of these reputable human rights organizations and UN agencies, which have courageously defended the rights of victims or war and repression for decades. Supporters of this resolution have apparently demonstrated their willingness to misrepresent the truth in order to strengthen President Bush’s efforts to undermine international humanitarian law.

*... demands the Governments of Iran and Syria to direct Hamas and Hezbollah to immediately and unconditionally release Israeli soldiers which they hold captive;*

Regardless of whether Iran and Syria are willing to work for the release of Israeli soldiers, neither government has the power to “direct” Hamas and Hezbollah to do anything. The decision by Congress to overstate the leverage that Iran and Syria have over these movements—like similar exaggerations of Soviet and Cuban leverage over leftist revolutionaries in Central America during the 1980s—appears to be based less on reality and more on helping to promote the right-wing global agenda of a Republican administration.

*... affirms that all governments that have provided continued support to Hamas or Hezbollah share responsibility for the hostage-taking and attacks against Israel and, as such, should be held accountable for their actions [and] condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas in their armed attacks against Israelis and their other terrorist activities;*

This appears to provide the legal justification for future military action against Syria and Iran.

Ironically, however, the biggest supporters of Hamas have not been Syria or Iran but Saudi Arabia and other U.S.-backed monarchies in the Persian Gulf. Furthermore, the ruling parties of the U.S.-backed Iraqi government and their militias have long maintained close ties to Hezbollah. By only mentioning Syria and Iran, however, Congress is clearly not concerned about “all governments” that support these groups but only governments that the United States does not consider allies.

Furthermore, given that Israeli attacks have taken far more civilian lives than the Hezbollah and Hamas attacks, why should not the Bush administration also be condemned for its support of Israel’s armed attacks against Lebanese and Palestinians?

*... supports Israel's right to take appropriate action to defend itself, including to conduct operations both in Israel and in the territory of nations which pose a threat to it, which is in accordance with international law, including Article 51 of the United Nations Charter;*

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Article 33 requires all parties to “first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice,” which Israel has refused to do. Article 51 does allow countries the right to resist an armed attack but not to use a minor border incident as an excuse to launch a full-scale war against an entire country, particularly when the armed group that violated the border was a private militia and not the army of the country in question.

Article 51 also states that self-defense against such attacks is justified only “until the Security Council has taken measures necessary to maintain international peace and security,” which may explain why the Bush administration—with the near-unanimous support of Congress—has blocked the UN Security Council from imposing a cease fire or taking any other action. Such a radical reinterpretation of Article 51 allows the Bush administration and future U.S. administrations to justify massive military strikes against foreign countries in reaction to relatively minor incidents provoked by irregular forces within that country.

The International Red Cross, long recognized as the guardian of the Geneva Conventions on the conduct of war, has declared that Israel has been violating the principle of proportionality in the conventions as well as the prohibition against collective punishment. Similarly, UN High Commissioner for Human Rights Louise Arbour—who served as chief prosecutor in the international war crimes tribunals on Rwanda and the former Yugoslavia—has gone on record declaring that the armed forces of both Hezbollah and the Israeli government have been engaging in war crimes. None of the Congressional offices I contacted was willing to provide documentation that challenged these assessments.

*... commends the President of the United States for fully supporting Israel as it responds to these armed attacks by terrorist organizations and their state sponsors;*

President Bush is virtually alone among the United States’ Western allies and the international community as a whole in his unconditional support for Israel’s assault on Lebanon. Since President Bush’s most

significant role since the outbreak of the fighting has been to block diplomatic efforts by the United Nations, the European community, and others to arrange a cease-fire, this resolution is essentially an endorsement of indefinite war. It is disappointing that all but seven of the House’s 201 Democrats would once again give their unconditional support for President Bush regarding a Middle East policy based primarily on the use of force. In backing President Bush in this resolution, Congress has gone on record challenging the broad international consensus that, however reprehensible the actions of Hezbollah and Hamas may be, Israel’s actions are excessive and in violation of international legal norms.

*... urges the President of the United States to bring the full force of political, diplomatic, and economic sanctions available to the Government of the United States against the Governments of Syria and Iran;*

Given that the Bush administration and Congress already have implemented strict political, diplomatic, and economic sanctions against Syria and Iran, it is unclear what more could be done. Indeed, with such strict sanctions already in place, it is difficult for President Bush to exercise any additional leverage short of military action.

*... demands the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in the territory of Lebanon;*

Israel has been bombing Lebanese army and other government facilities and has destroyed virtually every bridge connecting the central part of the country (where most of the central government’s police and military apparatus is based) to Hezbollah strongholds in the south (where the Israeli soldiers are presumably being held). It is hard to understand, therefore, how the Lebanese government could do much at this point to find and free the Israeli soldiers. It is also noteworthy that the resolution says nothing about Lebanese citizens kidnapped by Israeli forces who are currently being held in Israel.

*... calls on the United Nations Security Council to condemn these unprovoked acts and to take action to ensure*

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*full and immediate implementation of United Nations Security Council 1559 (2004), which requires Hezbollah to be dismantled and the departure of all Syrian personnel and Iranian Revolutionary Guards from Lebanon;*

First of all, it is the United States that has *prevented* the UN Security Council from passing a resolution condemning the capture of the Israeli soldiers and the rocket attacks on Israel because of the threat to veto any resolution which is also critical of the Israeli attacks.

Second, UNSC resolution 1559 requires the “dismantling and disarming of all Lebanese and non-Lebanese militias,” which would certainly include Hezbollah’s militia, but not Hezbollah’s far more extensive political apparatus and social service networks. With the Lebanese government unable to force the dismantling and disarming of Hezbollah as long as its armed forces and its transportation infrastructure are under U.S.-backed Israeli attacks, it is hard to understand how the Security Council could “take action to ensure full and immediate implementation” of the resolution other than to authorize the use of force by other countries under Chapter VII of the UN Charter. But such use of force cannot legally be implemented in an internal security issue without the consent of the recognized government.

Third, the report to the UN Security Council on the implementation of UNSC 1559 in January of this year noted that Syria had complied with provisions for the withdrawal of its forces from Lebanon and did not note the ongoing presence of Iranian Revolutionary Guard. (There are reports of a small number of Iranian advisers still in the country, though it is unclear whether foreign military advisers constitute “foreign forces” under the resolution, particularly since a number of Western nations, including the United States, have sent military advisers to Lebanon since the Syrian withdrawal last year.)

In any case, after its forces entered Lebanon last week, Israel clearly violated UNSC resolution 1559. The resolution calls for the withdrawal of foreign forces from Lebanon. Congress, however apparently believes Israel is somehow exempt from this resolution.

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Published by Foreign Policy In Focus (FPiF), a joint project of the International Relations Center (IRC, online at [www.irc-online.org](http://www.irc-online.org)) and the Institute for Policy Studies (IPS, online at [www.ips-dc.org](http://www.ips-dc.org)). ©Creative Commons - some rights reserved.

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### Recommended citation:

Stephen Zunes, “Congress and the Israeli Attack on Lebanon: A Critical Reading” (Silver City, NM and Washington, DC: Foreign Policy In Focus, July 22, 2006).

### Web location:

<http://www.fpiif.org/fpiftext/3381>

### Production Information:

Writer: Stephen Zunes  
Editor: John Feffer, IRC  
Layout: Chellee Chase-Saiz, IRC

