

Putting an End to Biden's Ceasefire Sabotage

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In-depth Report: [PALESTINE](#)

Are Washington's Voting Rights on the UN Security Council at Risk? "...a party to a dispute shall abstain from voting."

The main obstacle to a ceasefire in Gaza is not Israel or Hamas. It's the United States. Here's what you need to know: The Security Council approved the Biden-authored ceasefire deal on June 10, 2024. (Three months ago) US diplomats assured the other members of the Security Council that Israel supported the agreement. That claim turned out to be false. Israel does not back the deal and refuses to implement its provisions. Even so, the so-called Biden Plan passed the Council in the form of Resolution 2735. Here's a summary of the agreement:

By resolution 2735 ... the 15-member organ noted that the implementation of this proposal would enable the following outcomes to spread over three phases, the first of **which would include an immediate, full and complete ceasefire** with the release of hostages; the return of the remains of some hostages who have been killed; the exchange of Palestinian prisoners; **withdrawal of Israeli forces from the populated areas in Gaza**; the return of Palestinian civilians to their homes; and the safe and effective **distribution of humanitarian assistance** at scale throughout Gaza. [Adopting Resolution 2735](#), United Nations

There's no ambiguity here, the Council's demands are clear. Both parties to the conflict are required to implement the provisions of the resolution that are "binding" under international law.

Hamas has agreed to comply with resolution 2735 while Israel has refused. In short, the United States and Hamas are on the same side of the ceasefire issue.

In order to confuse the public about Israel's refusal, the Biden administration has continued to oversee negotiations in Cairo and Doha (with Israel, Egypt, Qatar and the US) to create the impression that negotiations are ongoing. But they're not ongoing. This is a farce that is being used to conceal Israel's rejection of the UN-backed ceasefire. The US is an accomplice in that deception.

Presently, the public is convinced that if Israel and Hamas could hammer out a compromise on the Philedphi corridor, then a settlement would be possible. But this too is misleading because the ceasefire resolution has already been thoroughly debated and approved by the Council. Besides, the Philedphi corridor appears nowhere in the text of resolution 2735 which makes it a moot point. Russia's envoy to the UN Security Council summed it up like this last week:

the Israeli leadership, unfortunately, continues to regard the negotiations merely as a “smoke screen”, which helps to distract the attention of the international community from Israel’s military solution to the Palestinian issue. This is evidenced not only by West Jerusalem’s actions on the ground, but also by the recent remarks of Prime Minister Netanyahu, who stated that he would not stop the military action in the Strip. We still see no indication that Israel’s military cabinet has any intention to change this policy [Permanent Mission of the Russian Federation to the UN](#)

This is an accurate account of what is currently taking place. The US is assisting Israel in pulling the wool over the eyes of the public to escape accountability for the ongoing rampage and to make it appear as though they have a genuine interest in resolving the 10-month-long dispute. But there is no interest in resolving the dispute, in fact, Netanyahu has stated repeatedly that Israel will not stop the hostilities and will not withdraw Israeli troops from Gaza. There is no gray area here. It is a blunt refusal to comply with the UN mandate.

Naturally, members of the Security Council have responded to these developments with frustration and anger. They can see now that they were misled by the Biden administration which hoped to put pressure on Israel by pushing their deal through the UNSC. Now that the plan has blown up in their faces, the US is back to its old tricks of providing cover for Israel regardless of the offense. Here’s more from the Russian envoy Dmitri Polyanskiy:

Colleagues, how much longer are we going to remain idle, while American would-be mediators continue putting on a show and feeding us empty promises that their diplomatic efforts “on the ground” will bring speedy results? The reality is that **for 10 months now, Washington has basically held the entire Council hostage, threatening to use their veto** and preventing us from taking tough and unambiguous decisions either on the Palestinian issue and a ceasefire in Gaza, or on advancing the Middle East peace process as a whole...

If Resolution 2735 is not being implemented, let’s pass a new document, which would send an unequivocal message to the “spoilers” that they will definitely bear the consequences of what they are doing. And **let us provide our resolution with a toolbox that would help stop violence, regardless of the whims of any party to the conflict. It is also of critical importance that Washington finally ceases its multi-billion-dollar military assistance to Israel, which is being used to annihilate Palestinian civilians.** How many more victims are needed for the Council to act in line with its mandate and stop following blindly the lead of the United States and Israel? [Permanent Mission of the Russian Federation to the UN](#)

US 'held UNSC hostage for 10 months' threatening to use the veto and preventing Council from taking action on Palestine issue - Russian rep to UN [#Russia](#) [#UN](#) [#UNSC](#) [#Palestine](#) [#Gaza](#) [#Israel](#) [#Hamis](#) [#22agosto](#) [#22ago](#) [#news](#) [#video](#) [pic.twitter.com/5mZQcamfzu](#)

— Viory Video (@vioryvideo) [August 22, 2024](#)

Dmitri Polyanskiy addresses the UN Security Council

So, you can see that the temperature is rising at the Security Council and that many of the

members are at wit's-end with Washington's antics. Polyanskiy spoke for many of the members when he closed his statement with this blistering rebuke:

Everyone in this chamber is perfectly aware of the fact that it is the United States that bears the main responsibility for what is happening now in Gaza.

That sums it up perfectly.



ISTANBUL (AP) — A top Hamas political official told The Associated Press the Islamic militant group is willing to agree to a truce of five years or more with Israel and that it would lay down its weapons and convert into a political party if an independent Palestinian state is established along pre-1967 borders.

It's worth noting, that US diplomats that have participated in recent negotiations in Cairo and Doha have not even kept Security Council members up-to-date on the details of those meetings. It's a rogue operation headed by American officials who have no authority to modify the existing ceasefire agreement and who (shockingly) are conducting these gatherings without representatives from Hamas. The whole thing is a cynical fraud that bears a striking resemblance to Zelensky's Peace confab in Switzerland that excluded Russia. One fake peace conference begets another.

Dmitri Polyanskiy again—While initially we discussed the full withdrawal of Israeli troops from the enclave, Israel now insists on maintaining its presence in the Philadelphi and Netzarim corridors. **The Security Council gave its consent to completely different parameters of the agreements, which means that these demands are a direct violation of the provisions of the aforementioned Security Council resolution.** The American mediators, unfortunately, are openly playing along with their ally in its consistent violation of UNSC resolutions

This is how the Biden administration is helping Israel dodge its obligations under the terms of the current UNSC-backed ceasefire. Blinken is conducting a masterclass in deception.

(To the broader issue) Israel's 10-month-long bloodbath in Gaza has left many people wondering **why the world needs a Security Council if it cannot provide security for**

the people who are most in need?

It's a good question and one that **challenges the credibility of an institution that aspires to be “the guarantor of global security” but is incapable of taking action even when a genocide is unfolding right under its nose.**

Of course, the source of the problem is not hard to identify. It's the same permanent member that repeatedly vetoed ceasefire proposals one-after-another until it pushed through its own hybrid version that had no chance of being implemented. We're talking about the United States of Obstruction, the lone member of the Council that acts exclusively in the interest of its genocidal ally in Tel Aviv. The other members of the Council are faced with the daunting task of either removing the US from the Security Council altogether (so they can enforce their ceasefire resolution through sanctions, peacekeepers or other punitive measures) or finding a way to force the US to abstain from voting on issues related to the current conflict. But are either of these even possible?

Yes, they are, but they won't be achieved easily. Even so, the Council cannot simply ignore its special role in international relations because one member consistently abuses the system by preventing the UN doing its job of preserving peace and security around the world.

The rules for expelling a member of the Security Council make it almost impossible to do so. So, while Chapter 18 of United Nation's Charter says a member can be removed from UN Security Council if two thirds of the General Assembly vote against that member; the Security Council can prevent the matter from ever reaching the General Assembly. It's a Catch 22.

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council. [United Nations Charter, Chapter XVIII: Amendments](#)

Legal scholars have also argued that Article 6 of the UN Charter could be interpreted in a way that would allow a member to be removed, but, so far, it has not been used successfully in that regard.

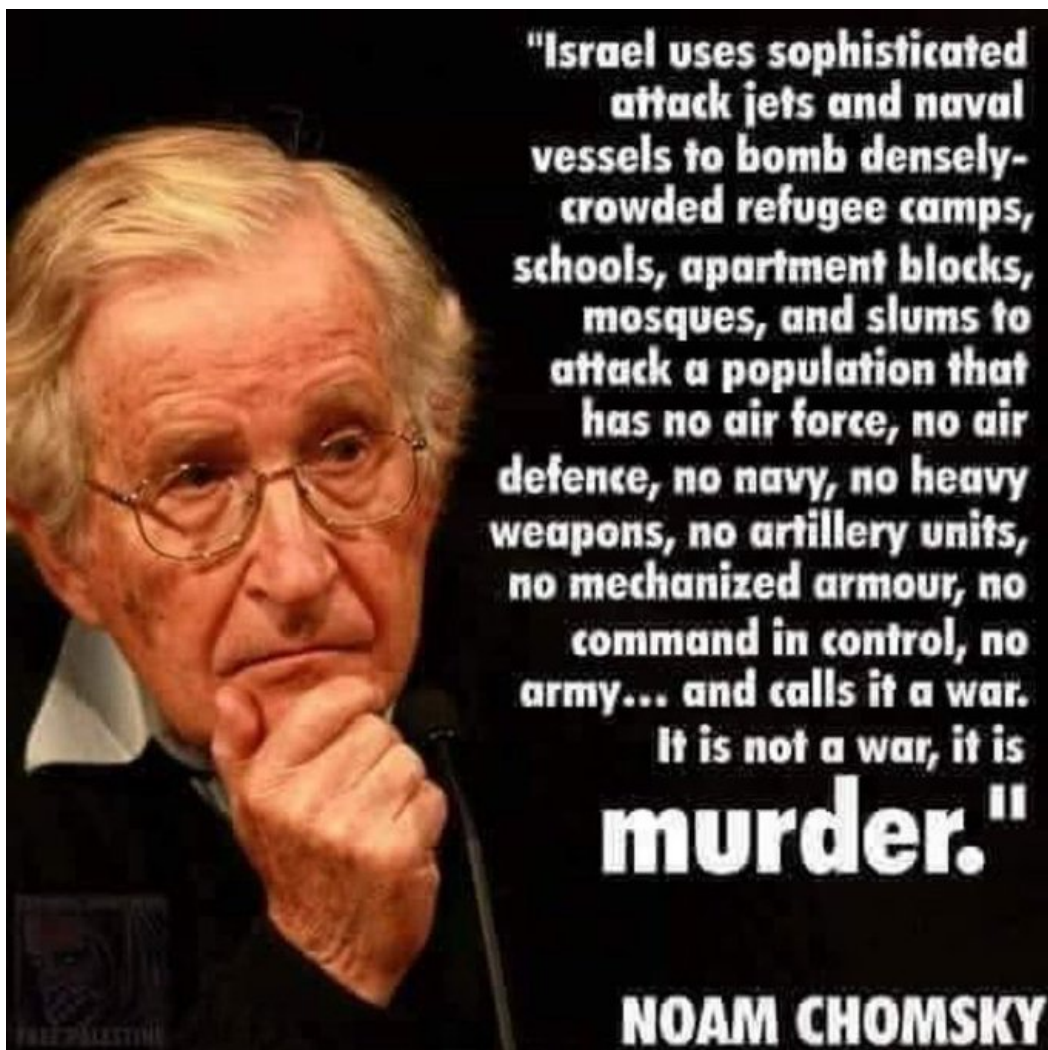
Article 6—A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

The only member of the UN to ever be successfully removed was Taiwan in 1971, which " was formally expelled from the United Nations by a vote of the General Assembly and replaced by the People's Republic of China (PRC), which had taken power in Beijing at the end of the country's civil war in 1949.

The ROC government had fled to the island of Taiwan with millions of refugees as the communists took power but continued to hold the seat of "China" at the UN and was a permanent member of the Security Council with veto power. Despite being exiled,

officials in Taipei had the support of the US thanks to fears in the West that communism might sweep through Asia....

The “Resolution on Admitting Peking,” also known as Resolution 2758, called for member states to “restore” the rights of the People’s Republic of China in Beijing as the “only lawful representatives of China to the United Nations.” After years of trying at the behest of Chinese ally Albania, the resolution finally passed in the General Assembly [Taiwan taps on United Nations’ door, 50 years after departure](#), *Aljazeera*



The removal of Taiwan is not at all comparable to the situation with the United States today. Besides, expulsion might not even be the preferred tool for dealing with the US problem. If the objective is simply to allow the Council the flexibility it needs to perform the tasks for which it was created, then the focus should be on ways to prevent US obstruction. **It is US obstructionism that prevents the Security Council from doing its job, enforcing its resolutions, putting an end to this senseless war, and bringing justice to the Palestinian people.** If that can be achieved while retaining Washington’s place on the Council, then that would be a desirable outcome. But is possible?

It is, according to board member of the UN Association-San Francisco chapter, Dan Becker.

Here's what he says:

In the United Nations Charter, the very sentence that establishes the Security Council's permanent-five veto power ends — surprisingly — in these nine words: “. . . a party to a dispute shall abstain from voting.”

Let's allow the phrase to sink in for a moment before acknowledging that there is indeed a host of conditions, requirements, litmus tests and hoops to jump through before the phrase can be invoked and applied to a resolution.

But at the same time, it's also crucial and a bit remarkable to remember that **the five permanent members (P5)** of the Security Council — Britain, China, France, Russia and the United States — **are not exempt. They must abstain as well.** So, there it is, this little-known mechanism hiding in plain sight in Article 27 (3)....

An abridged history, according to Security Council Report, an independent publication, explains the requirements needed to invoke this clause:

“Abstentions under Article 27 (3) are mandatory only if all of the following conditions apply: the decision falls under Chapter VI or Article 52 (3) of Chapter VIII; the issue is considered a dispute; a Council member is considered a party to the dispute; and the decision is not procedural in nature.”

...

Second is **the claim that the U.S. is a “party to the dispute” in Gaza. This is usually invoked because of the sheer mass of arms provided to Israel by Washington...** The issue is hotly debated. But some of **the many studies regarding this topic are quite exhaustive and keep the claim quite reasonable....**

it's not an academic exercise. Any ability to force a P5 member to abstain should be examined carefully. All eyes are on the U.S. right now, and the suspense is palpable. ... The principle behind this mechanism is clear to any school child. It appeals to our ultimate common sense. **If you're involved in a dispute, under certain situations you should be required to abstain from voting for resolutions about the dispute....**

It's not as if the clause hasn't been used in the past, most often in the early years of the U.N.

Further examination of the Security Council Report document above **clearly shows 12 times that the mandate has been successfully invoked, and 14 times where it was raised or considered but failed.** Nevertheless, at one time it was alive and kicking....

The power of digging into this issue has the potential to reap large rewards now and down the line. It could change the calculus in the Council.So let's dust off this phrase in Article 27(3): “. . . a party to a dispute shall abstain from voting,” carefully study its limits and restrictions, and then make a noise sooner rather than later. [Gaza & UN Veto Power](#), Dan Becker, *Consortium News*

Let us acknowledge that no “knight in shining armor” is going to sweep into Gaza and save the Palestinians from Israel's sadistic rampage. That's not going to happen. The only way this conflict can be brought to a close is if the international community aggressively pursues

a strategy in which Washington is sidelined while Israel is isolated, sanctioned and gradually coerced into compliance. UN Security Council Resolution 2735 has already been approved. Now it must be enforced.

Addendum: [Extraordinary testimony by human rights activist Yuli Novak to the UN Security Council](#)



Listen to the full speech of our executive director, Yuli Novak, yesterday at the UNSC.

"During this week, hundreds of thousands of Israelis have taken to the streets. They feel angry, desperate and betrayed by their government. They have understood, perhaps for the first time, ... pic.twitter.com/aMRf9rTOD9

— B'Tselem בתסילם ביצלם (@btselem) [September 5, 2024](#)

"Since Israel was founded, its guiding logic has been to promote Jewish supremacy over the entire territory under its control. Yuli Novak, executive Director of B'Tselem

It is an honor to address the Security Council today on the state of human rights in

Israel-Palestine.

During this week, hundreds of thousands of Israelis have taken to the streets. They feel angry, desperate and betrayed by their government. They have understood, perhaps for the first time, that the Israeli government does not want to return the hostages in a deal, but to continue the war indefinitely.

To understand the Israeli government's criminal conduct over the last 11 months, you have to understand the overall goal of this regime. Since Israel was founded, its guiding logic has been to promote Jewish supremacy over the entire territory under its control. The current government guidelines state: **The Jewish people have an exclusive and unquestionable right to all parts of the land of Israel.** In the criminal Hamas led attack on October 7, 1,200 Israelis were killed and 250 were taken hostages. Since that day all Israelis have been living in great fear. **Our government is cynically exploiting our collective trauma to violently advance its project of cementing Israeli control over the entire land. To do that, it is waging war on the entire Palestinian people** - committing war crimes almost daily".

In Gaza, this has taken the form of expulsion, starvation, killing and destruction on an unprecedented scale. This goes beyond revenge. Israel is using the opportunity to promote an ideological agenda making Gaza uninhabitable as this council has found repeatedly, a vast part of Gaza's homes and infrastructure has been completely destroyed by driving Palestinians out of entire areas and displacing millions. Israel is laying the groundwork for long-term control of Gaza. This could lead to the reestablishment of Israeli settlements there.

In the West Bank and East Jerusalem, the government is exploiting the situation to make irreversible changes. Since October, Israel has killed 640 Palestinians including at least 140 minors. Settlers are attacking Palestinians and carrying out pogroms in broad daylight with the support of the government. ...

Recently the military launched a huge operation aimed at damaging infrastructure that served hundreds of thousands of Palestinians in the West Bank. The international community did not stop Israel's policy of massive harm to civilians in Gaza. Now this cruel policy is spilling over to the West Bank. The war on Palestinians is also happening in prisons. Since October, Israel has arrested thousands of Palestinians and held them in inhumane conditions. Last month we published a report called "Welcome to Hell" which shows the shocking pattern of abuse that amounts to torture. **The government of Israel has used the war to turn Israeli prisons into a network of torture camps for Palestinians. This violence is possible because Israel has enjoyed impunity for decades.** As long as this impunity continues, the killing and destruction will continue and expand. and fear will continue to rule the land.

The international community has failed its duty to protect civilians. 4 UN Security Council resolutions on the Gaza conflict did not lead to a lasting ceasefire or free the hostages. The risk of regional escalation has grown. Diplomatic efforts did not stop the mass killing of civilians or end the humanitarian disaster in Gaza. **The Council must acknowledge this failure and take effective action to compel Israel and Hamas to immediately and permanently cease all hostilities.** But de-escalation is only the first step. It is time for the Council to address the opinion of the International Court of Justice on the illegality of Israel's entire occupation and settlement project. Every day that this Council

does not act on the call to end the occupation and apartheid, is another day you are abandoning us, the people of this land who are suffering and dying in tens of thousands needlessly under a cruel and unjust apartheid regime.

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