

UN Resolution 242 and US Foreign Policy towards the Israeli Palestinian Issue.

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This paper will look at two instances when the Obama Administration was accused of changing US policy towards Israel and its settlement building. One instance of this occurred in December of 2016 when the US abstained from a vote in the Security Council which allowed a resolution condemning Israel's settlement building in the Palestinian territories to pass in the UN. Another instance occurred back in 2011 when Obama called on Israel to initiate peace negotiations with Palestine and have the 1967 border act as a starting point for negotiations. These two instances will be compared with past statements from other U.S. Presidents to see if these two decisions followed a historical precedent. The paper will show that President Obama's decisions were not a shift in U.S. policy, but instead followed a pattern of policy spanning from 1967 during the Johnson Administration and continued through to the Obama Administration. This policy is that the 1967 borders, or U.N. Resolution 242, has always been the base for U.S. policy regarding the peace process between Israel and Palestine. This project is unique because it will show where the policy has varied throughout different administrations while also indicating how the different administrations have continued to hold Resolution 242 as the core policy of the United States Government.

One of the biggest controversies between the Israeli government and the Obama Administration occurred near the end of Obama's presidency on December 23, 2016 when the UN Security Council approved Resolution 2334 due to the US abstaining to vote. It condemned the construction of Israel's settlements in the Palestinian Territories and East Jerusalem, deeming them illegal under international law and a major obstacle to the Two State Solution. This abstention was highly uncommon because in February 2011, the Obama administration cast its first veto in the Security Council to block a similar resolution denouncing Israel's settlement policy as an illegal obstacle to peace efforts in the Middle East, so the abstention was the first

time that the Obama administration stepped aside and allowed the Security Council to censure Israel (Lynch, Gramer and Tamkin 2016). The Israeli government heavily criticized Obama for this change in his voting with Danny Danon, Israel's UN ambassador, saying, "It was to be expected that Israel's greatest ally would act in accordance with the values that we share and that they would have vetoed this disgraceful resolution. I have no doubt that the new US administration and the incoming UN Secretary General will usher in a new era in terms of the UN's relationship with Israel" (Lynch, Gramer and Tamkin 2016). Although the abstention was a major change in the US' voting pattern in the UN regarding Israel, the abstention does correlate with President Obama's views of the 1967 borders in relation to the peace process; this is explained by Sarah Power, the US ambassador to the UN who stated, "Israeli settlement activity in territories occupied in 1967 undermine Israel's security, harm the viability of a negotiated two-state outcome, and erode prospects for peace and security" (Lynch, Gramer and Tamkin 2016). She went on to explain that this decision followed the historical precedence with past US presidents, saying, "The United States has been sending the message that the settlements must stop – privately and publicly – for nearly five decades, through the administrations of Presidents Lyndon B. Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, George H.W. Bush, Bill Clinton, George W. Bush, and now Barack Obama" (The Times of Israel 2016).

Another time when President Obama was accused of not continuing traditional US policy with Israel was on May 19, 2011. President Obama gave a speech at the American Israel Public Affairs Committee Policy Conference. During his speech, President Obama made many remarks regarding the cooperation and alliance between the United States and Israel in military and economic endeavors. During his speech however, he surprised the crowd with one of his remarks concerning the continuing peace process between Israel and Palestine by saying,

The dream of a Jewish and democratic state cannot be fulfilled with permanent occupation...The United States believes that negotiations should result in two states, with permanent Palestinian borders with Israel, Jordan, and Egypt, and permanent Israeli borders with Palestine. The borders of Israel and Palestine should be based on the 1967 lines with mutually agreed swaps, so that secure and recognized borders are established for both states. The Palestinian people must have the right to govern themselves, and reach their potential, in a sovereign and contiguous state (The Wall Street Journal 2011).

Obama's call for Israel to begin peace negotiations with Palestine starting at the 1967 borders was met with criticism by many Americans and Israelis, such as Israel's prime minister Benjamin Netanyahu, arguing that the president had shifted US policy to favor the Palestinians over the Israelis. One such example of criticism came from Senator Mark Kirk, a Republican senator from Illinois, who stated, "The President's new decision to alter U.S. policy regarding the Israeli-Palestinian peace process concerns me. Palestinian calls for '1967 borders' should be outweighed by Israel's need for secure borders to ensure the survival of a critical U.S. ally" (Rubin 2011). For all the criticism brought against President Obama, the question that needs to be asked is: "Was calling for the 1967 borders as the starting point for peace negotiations between Palestine and Israel really a shift in US foreign policy or did it reflect a traditional stance in US foreign policy?" The answer is that the 1967 border has always been at the heart of US policy for peace negotiation for the Arab-Israeli crisis. Obama stated that,

There was nothing particularly original in my proposal; this basic framework for negotiations has long been the basis for discussions among the parties, including previous U.S. administrations...the broad outlines...have been the template for discussions between the United States, Israel, and the Palestinians since at least the Clinton administration (The Wall Street Journal 2011).

The 1967 borders refers to the borders between Israel and Palestine before the 1967 War, or Six Days War, which was fought between Israel and its Arab neighbors. As the war drew to a close, Israel had won a full victory over the opposing Arab nations by capturing large amounts of new territory, including the West Bank, the Gaza Strip, and East Jerusalem, which Israel

occupied after the war. In response to this, the UN issued resolution 242 to be a guide to the Israeli-Palestinian peace settlements to resolve the conflict regarding Israel's newly occupied territories with large Arab populations. It called for two concessions from Israel these were, first, "Withdrawal of Israeli armed forces from territories occupied in the recent conflict" (United Nations 1967) and second, "[The] termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force" (United Nations 1967). The goal of the resolution was to help restore the territorial integrity for both Palestine and other Arab States and to be the guide for peace negotiations between Israel and the Arabs, or in this context the Palestinians. The interpretation of this document between Israelis and Palestinians has been very controversial. Palestinians claim that the resolution is crystal clear in calling for Israel to leave the West Bank, Gaza Strip, and East Jerusalem to pre-1967 borders and give the Palestinian refugees the right return to their homeland in order for the Palestinian state to finally be established. Israelis instead argue that the call for the withdrawal of Israeli troops from occupied territories does not include the word "all" or "the" and can be interpreted as land for peace. This idea comes from the wording from resolution 242 which states "Withdrawal of Israeli forces" (giving up land), and "Termination of all claims or states of belligerency". Because the resolution makes these stipulations simultaneously, it is argued that these can be applied together by Israel by exchanging land for peace. These two opposing interpretations have been at the heart of the controversy and U.S. foreign policy, although always based on Resolution 242, has always floated between these two extremes through the presidential administrations.

**Johnson Administration:**

Lyndon B. Johnson was president during the 1967 war. Being the first President when Israel started its Settlement building in the occupied territories, he helped to set a precedent regarding the acceptance of Resolution 242 as the based for US policy for the peace process. One of the major lasting effects from Johnson is basing the interpretation of Resolution 242 with the “land for peace” ideology stating,

We are not the ones to say where other nations should draw lines between them that will assure each the greatest security. It is clear, however, that a return to the situation of 4 June 1967 will not bring peace. There must be secure and there must be recognized borders. Some such lines must be agreed to by the neighbours involved (Boudrealt, Naughton and Salaam 1993, 66).

Another precedent set by Johnson, which would be followed by every proceeding president, was leaving the status of Jerusalem up to negotiations, he said, “No one wishes to see the Holy City again divided by barbed wire and by machine guns... (Boudrealt, Naughton and Salaam, *U.S Official Statements: The Status of Jerusalem*, 29) he also stated that, “the status of Jerusalem must not be decided unilaterally but in consultation with all concerned and in recognition of the historic interest of three great religions in the holy places...” (*The Status of Jerusalem*, 26). The other precedent he set for negotiations with Jerusalem the city not being a part of the occupied territory. He stated, “Resolution 242 in no way refers to Jerusalem and this omission was deliberate. I wanted to make clear that Jerusalem was a discrete matter, not linked to the West Bank” (*The Status of Jerusalem*, 24). Although not followed by all subsequent presidents, Johnson’s views towards the peace process formed the foundation on which every proceeding president would base policy. His two most lasting policies were first, basing Resolution 242 on land for peace, and second, keeping Jerusalem as a unified city and not a part of the West Bank occupied territory.

## **Nixon Administration**

Nixon took office just two years after the 1967 war. His administration saw the continuation of Israel's expansions into the occupied territories through settlement building. His presidency faced the challenge of trying to appease on the US's closest allies in the Middle East while simultaneously not alienating potential Arab allies. President Nixon also based the framework for peace negotiations on Resolution 242 stating,

America's objective in the Middle East is still to help move the Arab-Israeli dispute from confrontation to negotiation and then toward conditions of peace as envisioned in UN Security Council Resolution 242. But the solution cannot be imposed by the outside powers on unwilling governments...A solution can last only if the parties commit themselves to it directly...the issues must be finally resolved by a negotiated settlement rather than by the weight or threat of force (*UN Resolution 242*, 43).

In regards to Jerusalem, Nixon was the first president to refer to East Jerusalem as a part of the occupied territories. When he first took office in 1969, Israel had been demolishing buildings and moving out Palestinians from East Jerusalem. Nixon took a hard stance against this as reported from the US representative in the UN saying, "The United States considers that the part of Jerusalem that came under the control of Israel in the June War, like other areas occupied by Israel, is occupied territory and hence subject to the provisions of international law governing the rights and obligations of an occupying power" (*The Status of Jerusalem*, 32).

However, with all the criticisms brought against Israel's settlements in East Jerusalem, the Nixon administration also took a light hands approach by deeming the need to resolve the issue through negotiation. After Israel announced plans for housing projects in Jerusalem in 1971, George H. W. Bush, then ambassador to the UN, stated the views of Nixon regarding the following, "The ultimate status of Jerusalem should be determined through negotiation...we cannot accept unilateral actions by any party to decide the final status..." (*The Status of Jerusalem* 38). Overall, the Nixon administration also held Resolution 242 as the frame work for peace negotiations within Israel and Palestine. In regards to Jerusalem, the administration was

one of a few to call East Jerusalem occupied territory by Israel. However, the call for the issue of Jerusalem to be resolved through Arab-Israeli negotiations and for rejecting outside forces to put restrictions on the peace negotiations gave Israel an advantage and overall, Israel used this advantage to slowly encroach more onto Palestinian lands.

### **Ford Administration**

President Gerald Ford mainly continued the policies of his predecessor in regards to Resolution 242 by stating, “The Middle East policy is aimed at following the UN Resolutions 242...almost a unanimous vote in the United Nations a few years ago...It means that we have to have a permanent peace, we have to have readjustments in territory, we have to have the disavowal of military action...We have to follow the guidelines...” (Boudrealt, Naughton and Salaam 1993, 24).

President Ford continued keeping Resolution 242 the central policy for Arab-Israeli peace negotiations while also maintaining the idea of territorial adjustments for peace negotiations (land for peace). Ford also called the resettling of Israeli populations illegal, even in East Jerusalem, but did not set a limitation for Israel with the 67 borders. He continued the tradition of suggesting that the problem needed to be resolved through negotiations, as shown when he said,

Substantial resettlement of the Israeli civilian population in occupied territories, including East Jerusalem, is illegal under the Convention and cannot be considered to have prejudged the outcome of future negotiations between the parties on the location of the borders of States of the Middle East...the presence of these settlements is seen by my Government as an obstacle to the success of the negotiations for a just and final peace between Israel and its neighbours... (*The Status Of Jerusalem*, 43).

### **Carter Administration:**

One of President Carter’s goals as president was to bring a peace settlement to the Israeli-Palestinian conflict through negotiations based on resolution 242. Carter defined resolution 242



as the withdrawal of all Israeli forces from the Gaza Strip and West Bank and the dismantling of all Israeli settlements. This was evident early in his presidency when meeting with Israeli PM Begin where he informed him that in order to fulfill the terms of resolution 242, Israel would have to withdraw on from the occupied territories. He also explained that the territories would be an obstacle to the peace process. However, only a week after the meeting, PM Begin and his cabinet had approved three new settlements (Neff, *Settlements in U.S. Policy*, 4). After this experience, Carter became the first president to add to the interpretation of Resolution 242 by stating that, “the role of our government, our position has always been that the settlements in occupied territory are illegal and are an obstacle to peace” (*Israeli Settlements* 27).

In Carter’s interpretation of resolution 242 involving the Status of East Jerusalem, his position was not as straightforward as his views towards the Settlements in the occupied territories. During a UN Security Council Vote on March 1, 1980, the US voted yes on Resolution 465, which called for the dismantling of settlements in the occupied Arab territories and included the mentioning East Jerusalem and to cease the construction of further settlements. However, Carter later came out and explained that the US position on East Jerusalem remained the same in regards to its final status being resolved through negotiations. Regarding the vote yes, he stated,

I want to make it clear that the vote of the United states in the Security council...does not represent a change in our position regarding the Israeli settlements in occupied areas nor regarding the status of Jerusalem....we strongly believe that Jerusalem should be undivided with free access to the holy places for all faiths, and that its status should be determined in negotiations for a comprehensive peace settlement (*The Status of Jerusalem*, 47).

This seems to be a strange reversal with President Carter’s opinions against the UN resolution may seem out of character. However in his article *Settlements in US Policy*, Donald Neff explains that Carter was forced to pull away from the US’s vote because Israel supporters

were critical of the vote and said it should have been an abstaining vote (9). Jimmy Carter held Resolution 242 as the base for negotiations for peace, but left the Jerusalem problem open for negotiations to try and save face for the upcoming presidential elections.

### **Ronald Reagan**

With Reagan's election, Carter's policy regarding the illegality of the Israeli Settlements ended. Instead, Reagan marked a shift back in US policy towards Israel in which the US turned its attention again towards negotiations for peace and not having a set policy towards the Settlements. Reagan's support for Resolution 242 was based on the idea of "land for peace" exchanges. With this land for peace idea, Reagan also used Resolution 242 as a starting base for Israeli-Palestinian peace negotiations but with the emphasis of land for peace, He said,

We base our approach squarely on the principle that the Arab-Israeli conflict should be resolved through negotiation involving an exchange of territory for peace. This exchange is enshrined in the U.N. Security council Resolution 242...It is the United States' position that, in return for peace, the withdrawal provision of Resolution 242 applies to all fronts, including the West Bank and Gaza. When the border is negotiated...our view on the extent to which Israel should be asked to give up territory will be heavily affected by the extent of true peace and normalization, and the security arrangements offered in return...(UN Resolution 242, 132).

A second area in which Reagan greatly affected US foreign policy regarding Israeli settlements was expressed in an interview with the *New York Times* when he said, "I disagreed when, the previous [Carter] Administration referred to them [Settlements] as illegal, they're not illegal. Not under the U.N resolution that leaves the West Bank open to all people -- Arab and Israeli alike, Christian alike. I do think perhaps now with this rush to do it...is ill advised...if we're going to...arrive at peace (1981).

Interpreting Resolution 242 as based on the land for peace interpretation, combined with the declaration that U.S. policy did not view Israeli Settlements as illegal, gave Israel a major advantage to the negotiation process. Before this, Israel was expected to play an active role in

order to get the peace negotiations started. With the shift to land for peace however, whatever lack of progress made in peace negotiations could be summed up to security issues by Israel. This also gave Israel an advantage in building more Settlements through the West Bank, Gaza and East Jerusalem because now they could trade land for peace with the Palestinians because the US no longer required or expected them to return 100% of the pre-1967 borders in future negotiations. Basing future negotiations on the land for peace policy where Israel would not have to return 100% of the occupied territories and seeing the Settlements as a hindrance (but not as illegal) are two legacies from the Reagan administration that carry on in current US expectations involving the peace negotiations.

### **Bush Administration**

As President, George H. W. Bush followed Reagan's interpretation of Resolution 242's base on land for peace, having stated, "A comprehensive peace must be grounded in [UN resolution] 242...and the principle of territory for peace. This principle must be elaborated to provide for Israel's security and recognition and at the same time for legitimate Palestinian political rights" (*UN Resolution 242*, 94). However, he worked to take action against Israel's spreading Settlements to house all the immigrating Soviet Jews coming in from Russia. In regards to this he said, "We do not believe there should be new settlements in the West Bank or in East Jerusalem..." (*Israeli Settlements*, 35). Although Bush fought against the expanding Israeli settlements, by even managing to freeze some aid money to Israel because of its continuous construction of settlements, he did little to fight against those already built. Even with President Bush's criticism about expanding new settlements, because he failed in setting policy for dismantling already existing settlements for future negotiations, his efforts to halt settlement building were near impossible with the advantaged situation Israel had gained with President

Reagan's strong emphasis for the land for peace policy.

### **President Clinton.**

President Clinton was one of the most actively involved presidents with the Israeli-Palestinian land conflict. The high point during his administration came in 1993 during the Oslo Accords in which the Palestinian Liberation Organization (PLO) was recognized as the governing entity for the Palestinian people and established some economic cooperation between Israel and Palestine while also setting self-governance for the Gaza Strip and Jericho. However, it put off negotiations on major issues, like Israeli Settlements and Jerusalem for a later date. The Oslo accords were a watershed for Arab-Israeli conflict, however, its success would be marred by President Clinton's interpretations of Resolution 242 and the advantages it gave to Israel.

President Clinton was one of the most Israel friendly presidents. In his article *The Clinton Administration and Resolution 242*, Donald Neff shows four major changes made during Clinton's administration that greatly favored Israel. First, the Clinton Administration openly allowed the use of U.S. funds to Israel to finance the growth of Jewish settlements in Arab East Jerusalem and the other occupied territories for settlements for the immigrating "Soviet Jews" after the fall of the USSR. Second, it acquiesced in Israel's contention that Israeli rule over Arab Jerusalem is non-negotiable, third, it effectively endorsed Israel's right to deport Palestinians. Fourth, it seemed to accept Israel's contention that the Arab territories captured by Israel in 1967 were "disputed" rather than "occupied (2). By turning the term occupied territory to disputed territory, the Camp David Accords, where President Clinton met with the leaders of Israel and Palestine to determine a final negotiation, were doomed to fail before they began with Israel holding the advantage in the negotiations. Having failed in securing peace near the end of his term in office, President Clinton set up the Clinton Parameters as a continuation from Resolution

242. This included A Palestinian state with 94–96% of the West Bank and would allow Israel to annex settlements in blocks where 80% of the population were settlers. For East Jerusalem, he designated the Arab areas, such as Al-Aqsa and the Muslim and Christian Quarters, would belong to Palestinians and Jewish area, such as the Western Wall and the Jewish and Armenian Quarter, would go to the Israelis. Also the “right of return” for Palestinian refugees would only be permitted in the Palestinian state. Later Clinton also clarified that the Gaza Strip would also be included for the Palestinian State. This plan was proposed by both the Israeli and Palestinian government, but with reservations.

### **George W. Bush Administration**

President George W. Bush followed the tradition of presidents supporting resolution 242 and opposing Israeli Settlement expansion throughout the region. In a Rose Garden Address in 2002, he stated, “Israeli settlement activity in occupied territories must stop, and the occupation must end through the withdrawal to secure and recognized boundaries, consistent with United Nations Resolution 242...” (Churches for Middle East Peace 2015).

The opposition towards Israeli settlements however, follows the previous administration’s Clinton Parameters. Withdrawal of Israeli troops is called for through “secure and recognized borders” which is the idea of land for peace. Even with the opposition to the settlements, backing the withdrawal on land for peace once again gave the advantage to Israel which could argue lack of security for prolonging negotiations and continued settlement building. Especially after the 9/11 terrorist attacks, a lack of peace with Arab/Muslim countries was an easy argument to make. With only criticism coming from the US over settlements, Israel held the cards in negotiations. The Clinton parameters also affected Bush’s administration by not defining all of the West Bank, Gaza and East Jerusalem as occupied territory, but instead leaving

open to negotiations. This example was shown when Bush stated, “Israel should not undertake any activity that contravenes its roadmap obligations, or prejudices the final status with regard to Gaza, the West Bank, and Jerusalem” (Churches for Middle East Peace 2015).

In conclusion, we can easily see that President Obama’s call for Israeli-Palestinian negotiations to begin at the 1967 borders is in no way a new policy neither is it the US turning against Israel. That statement was based on the idea on UN Resolution 242 which has been supported continuously since the Johnson Administration. It is also based on the ideology of land for peace which started as a US policy in the Johnson administration and reemerged strongly during the Reagan Administration. Obama openly admits that this is based on the Clinton Parameters which allows Israel to annex land with settlements for a 5% land swap with Palestine. Overall, especially since the Reagan-Clinton eras, the US has had the same basic policy towards the Israeli-Palestinian peace process. Even though there have been variations in times, such as Carter’s call for all of the West Bank and Gaza Strip to be considered Palestinian lands, the US has always held Resolution 242’s call for negotiations to start with the pre-1967 border as its corner stone policy towards the peace process. This was also reflected with the US’ decision to abstain from the vote in the UN and allow the condemnation against Israel settlements to pass. Ambassador Power explained, “Israeli settlement activity in territories occupied in 1967 undermines Israel’s security, harms the viability of a negotiated two-state outcome, and erodes prospects for peace and stability in the region” (Times of Israel 2015). For Resolution 242 to be successful, Palestine will need territorial integrity within its territories to negotiate for peace or else the land loss due to Israeli settlement building will not allow for enough feasible land for a functional Palestinian state in a two state solution. Because of the US’ long tradition of using Resolution 242 as the standard for peace negotiations, the 2016 Abstention and Obama’s 2011

call for negotiations for peace to begin at the 1967 borders were in fact in accordance with past administrations of US presidents and followed the tradition of the US' efforts for the Israeli-Palestinian Peace Process.

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