

United Nations Resolutions and Peace Initiatives

1947-1966: Partition and Early Resolutions

United Nations General Assembly Resolution 181, approved on November 29, 1947, called for the partition of the British-ruled Palestine Mandate into a Jewish state and an Arab state. The resolution was accepted by the Jews in Palestine but rejected by the Arabs in Palestine and the Arab states.

On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which declared in Article 17 (2) “No one shall be deprived of his property.” The next day the same body adopted General Assembly Resolution 194. It provided for the protection of and free access to the Holy Places (including Nazareth), called for “special and separate treatment” for the Jerusalem area, and, in Article 11, “Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property”

A year later both Israel and the United States became High Contracting Parties to the Fourth Geneva Convention providing for the protection of civilians in time of war and providing in Article 49 that “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

The International Covenant on Economic, Social, and Cultural Rights, adopted in December 1966 and entered into force in January 1976, declared in Article 1, “All peoples have the right of self-determination.”

1967-1979: ‘Inadmissibility of the acquisition of territory by war’

After the 1967 War the Security Council adopted Resolution 242 on November 22, which emphasized “the inadmissibility of the acquisition of territory by war” (reaffirmed by SC Resolution 267 in 1969 which also “censures in the strongest terms all measures taken to change the status of the city of Jerusalem”); stipulated that establishment of a just and lasting peace should include “withdrawal of Israeli armed forces from territories occupied in the recent conflict”; and called for a “just settlement of the refugee problem.”

Again after the Yom Kippur War of 1973 the Security Council adopted Resolution 338 calling for the immediate implementation of Resolution 242 and the start of negotiations aimed at establishing a just and durable peace. And yet again in 2002 in Resolution 1397 the Security Council reaffirmed Resolutions 242 and 338.

A year later the General Assembly adopted Resolution 3236. Reaffirming the inalienable rights of the Palestinian people to self-determination “without external interference” and their right to national independence and sovereignty, it also reaffirms the right of Palestinians “to return to their homes and property from which they have been displaced and uprooted.”

1980-1990: Settlements Declared Illegal

In 1980 the Security Council once more affirmed in Resolution 465 that the Fourth Geneva Convention relating to protection of civilians in time of war applies to the Arab territories occupied by Israel since 1967, including Jerusalem, and “*strongly depl*ores the continuation and persistence of Israel in pursuing measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, and calls upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements, and in particular to cease, on an urgent basis, the establishment, construction, and planning of settlements in the Arab territories occupied since 1967, including Jerusalem.

Three years after the outbreak of the first *Intifada* the Security Council on December 20, 1990, in Resolution 681 expressed grave concern at the dangerous deterioration of the situation in the Palestinian territories occupied by Israel since 1967, including Jerusalem, and at the violence and rising tension in Israel. It further deplored the decision by the Government of Israel, the occupying Power, to resume the deportation of Palestinian civilians in the occupied territories and urged the Government of Israel to accept the *de jure* applicability of the Fourth Geneva Convention of 1949 to all the territories occupied by Israel since 1967 and to abide scrupulously by its provisions.

US Vetoes 29 of 98 Resolutions Critical of Israel

Paul Findley in his *Deliberate Deceptions: Facing the Facts about the US-Israeli Relationship*, Second Edition (Washington, DC: American Educational Trust, 1995) lists 69 UN Security Council resolutions from 1948 to 1992 that were critical of Israel. While the United States either joined or acquiesced in these 69 resolutions, from 1972 to 1990 it was the sole negative vote in vetoing 29 others.

1991-2009: Peace Proposals

After the first Gulf War representatives of Israel and the Palestinian Authority met in 1991 in Madrid to begin a series of negotiations. High level officials subsequently met in highly secret sessions in Oslo that produced a landmark Declaration of Principles that outlined steps that were to be taken over a period of years. This was followed by the famous handshake between Prime Minister Yitzhak Rabin and Chairman Yassir Arafat on the White House lawn on September 13, 1993.

Oslo Declaration of Principles: This 1993 Declaration of Principles provided that the Government of the State of Israel and the Palestinian Delegation “recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting, and comprehensive peace settlement and historic reconciliation through the agreed political process.” The aim of the negotiations to follow was, among other things, “to establish a Palestinian Interim Self-Government Authority, [an] elected Council (the ‘Council’), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338.”

The Declaration called for a transition period not to exceed five years that would begin with Israeli withdrawal from Gaza and the area around Jericho. Permanent status negotiations were to begin as soon as possible, but not later than the beginning of the third year of the interim period and “these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.” No mention was made of a Palestinian state nor of Israeli settlements in the Occupied Territories.

In the ensuing years both parties breached the Oslo agreements; Prime Minister Rabin was assassinated in 1995; and a series of fruitless discussions in 1995, 1998, and 1999 led to the Camp David summit in 2000 between Prime Minister Ehud Barak and Chairman Arafat under the auspices of President Clinton. Unable to reach an agreement, the parties did agree on principles for future negotiations: to end decades of conflict, to base negotiations on UN Resolutions 242 and 338, and to avoid unilateral actions and resolve differences by good faith negotiations.

Taba: Substantial progress was made in understanding each other’s issues on January 27, 2001, at Taba, and participants agreed that mutual trust was established. But before the core issues of refugees, security, borders, and Jerusalem could be resolved, both Barak and Clinton were out of office.

Arab Peace Initiative: An summit meeting of Arab leaders in Beirut in 2002 unanimously put forth a peace initiative initially proposed by then-Crown Prince, now King, Abdullah of Saudi Arabia. It called for complete withdrawal of Israeli forces from the occupied territories, including the Golan Heights, to the pre-1967 borders, a “just solution” to the problem of Palestinian refugees in accordance with UN General Assembly Resolution 194, and Israeli acceptance of an independent and sovereign Palestinian state in the West Bank and Gaza with its capital in East Jerusalem. In return the Arab states would sign a peace agreement with Israel and establish normal relations.

Only 10 of the 22 leaders invited to the Beirut summit attended (missing were Mubarak of Egypt, Jordan’s King Abdullah, and Yassir Arafat who was prevented by Israel from attending), but in 2007 22 members of the Arab League (missing only Libya) meeting in Riyadh reaffirmed the initiative.

The Road Map: The Road Map, proposed by an international “quartet” (US, European Union, Russia, and the UN) and outlined by President George W. Bush in a speech June 18, 2002, called, in three phases, for an end to terror and violence, dismantling of settlement outposts erected since March 2001, and a freeze on all settlement activity; Palestinian institution building and multilateral engagement on several enumerated issues, including provisional borders; and a permanent status agreement that ends to the Israel-Palestine conflict by 2005, ends the occupation, resolves refugee issues, and negotiates a shared Jerusalem. Nothing happened.

Geneva Accord: The 2003 Geneva Accord, or Draft Permanent Status Agreement, was a detailed unofficial proposal negotiated by former government officials of Israel (Yossi Beilin) and the Palestinian Authority (Yasser Abed Rabbo). It proposed two states with both capitals in Jerusalem, mutual recognition, full diplomatic relations, relocation of settlers, withdrawal of Israeli armed forces from Palestine, and a multinational force to provide security. It was immediately rejected by Israel.

2007 Annapolis Initiative: President Bush and Secretary of State Condoleezza Rice launched a November effort to conclude a peace agreement by the end of his term in January 2009. It did not succeed.

Mitchell Appointment in 2009: President Barack Obama appoints George Mitchell special envoy to Israel and Palestine.