

The Principles of Peacemaking

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When the Six-Day War broke out, the U.S. was deeply trapped in Vietnam. It was thrilling to watch Israel's triumph in those extraordinary days. I was then working on Vietnam in the Johnson White House; Americans looked on with awe and admiration, celebrating the creation of what seemed to be a new era of hope and opportunity. The significance of Resolution 242 was less clear, when it was unanimously approved by the UN Security Council five months later: yet it was soon to become the most important and celebrated Security Council resolution in the history of the UN. It remains so to this day, despite the fact that more than 1,500 other Security Council resolutions have been passed since. Following is a discussion of the content of Resolution 242 as it can be applied to peacemaking in four specific aspects: the need for a negotiated solution, the roles of the parties involved and their responsibilities, the need for diplomatic flexibility, and the U.S.-Israel relationship.

There is good reason that UN Security Council Resolution 242 is the best known resolution providing the basis for resolving the Arab-Israeli conflict. It has appeared in the preamble of almost every Arab-Israeli peace initiative: the 1979 Egyptian-Israeli Treaty of Peace, the 1991 Madrid Invitation, the Oslo Agreements, and the 1994 Jordanian-Israeli Treaty of Peace. What gave Resolution 242 its strength was the fact that it became the only agreed basis for reaching a political settlement.

Of course, it is well known that UN Security Council resolutions by themselves do not automatically lead to the resolution of long, difficult conflicts. What a UN Security Council resolution can accomplish is to set reasonable expectations for the parties engaged in disputes, such as the Arab-Israel conflict, and illustrate how the key players in the international community view the necessary steps to be taken in order to build a stable peace. In some other conflict zones repeated principles of peacemaking have been successful in helping to resolve diplomatic disputes, and these can be applied universally. The value of Resolution 242 emanates from the fact that these principles are implicit in a careful reading of its content.

Resolution 242 is so important because it was the first building block in what is called the "peace process." Of course, this very phrase has today become something of an oxymoron: there is no real peace process at this time. There are occasional contacts, high level trips by the U.S. and the Europeans, and meetings of the Quartet around the world, providing photo opportunities and handshakes that are virtually meaningless. In some ways this thing masquerading as a peace process may be worse than none at all because it can reduce the potential of real negotiations when they ultimately take place, and because its emptiness may give the idea of serious negotiations themselves a bad name.

One over-riding reason that the current process cannot be called a “peace process” is the simple fact that there is no one to negotiate with, since the Palestinian Authority is at war with itself. Israel’s most dangerous enemies, Hamas and Hizbullah, seek the destruction of the Jewish state. They are not party to any of the agreements, or any of the resolutions from Resolution 242 to the 1978 Camp David Accords and today’s events. Furthermore they are backed by the single most dangerous nation in the entire region, perhaps even in the world: Iran, led by the most famous anti-Semite since Adolf Hitler. Hamas and Hizbullah will not negotiate and their backers in other countries, Iran and Syria, will not force them to the table.

Under these circumstances it is tempting to conclude that Resolution 242 has become irrelevant. Yet Resolution 242 constitutes the starting point of common agreement, written in language which is short, simple, and easy to understand; every word of it is significant. Likewise, an analysis of the original meaning of the resolution, as opposed to its inadvertent or intentional misconstructions by certain people, is essential. This is especially necessary in light of the fact that numerous publications and media outlets have reiterated the misconception that the resolution calls for full withdrawal from all territories.

The Need for a Negotiated Solution

Clearly resolutions, peace agreements, and ceasefire agreements are meaningless without an enforcement mechanism. In cases of pure aggression, the UN Security Council has repeatedly adopted its most forceful resolutions under Chapter VII of the UN Charter, which call on a party to unilaterally desist in its activity. In 1990, Saddam Hussein invaded Kuwait in a bald case of international aggression. UN resolutions adopted subsequently under Chapter VII required him to pull back his forces to the pre-war lines. In 2008 the UN called on Iran to halt its uranium enrichment activities. Iranian compliance with the UN Security Council’s demand requires that it halt its illegal activity: Iran enforces the resolution by itself, there is no negotiation. Chapter VII was also invoked to justify the coalition efforts in Afghanistan after the attacks of September 11, 2001. It was famously not invoked in the case of the attack on Iraq, one of the difficulties facing the U.S. after President Bush proceeded without it. It is common practice and a widely held belief in the U.S. that Security Council approval is not necessary in order to take military action if it is in accordance with the U.S.’ own legal processes and in the national interest. The UN did not approve the 77-day bombing of Kosovo in 1999 which successfully liberated Kosovo from the Serbs (UNSCR 1244 in effect legitimated the war *after* it was over). Thus, although Chapter VII is an enormously valuable legitimizing tool for the use of force, it is not essential, at least for America.

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Forty years ago, the Soviet Union tried to brand Israel as the aggressor in the Six-Day War, but neither the Security Council nor the General Assembly accepted this allegation and so Chapter VII was not invoked in the case of Resolution 242. This is probably the most important element of the resolution: it suggests a *negotiated outcome* to the Arab-Israel conflict. The former Secretary General of the UN, Kofi Annan, made an extremely important comment about Resolution 242, very much in Israel's favor, when he said that it is not self-enforcing. The only part of Resolution 242 enacted by the UN Secretariat is the designation by the Secretary General of a Special Representative to the Middle East. Even here the purpose of this representative is not to enforce but to promote agreement and assist to achieve a peaceful, accepted settlement in accordance with the resolution.

Israel may have to withdraw from territories it captured in the Six-Day War, but only after it reaches an agreement with its neighbors about borders, security arrangements, and a termination of the state of belligerency between them. There is a mistaken notion that for Israel to comply with Resolution 242, it must withdraw from these territories unilaterally. Section 1.i is the famous phrase which calls for withdrawal of Israeli armed forces from territories occupied in the recent conflict. Yet section 2.ii, which does not receive enough attention, is also of great value for negotiations. It calls for:

Termination of all claims or states of belligerency and respect for and acknowledgement 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.

The meaning is very simple — it affirms that the fulfillment of charter principles *requires* the establishment of a just and lasting peace in the Middle East which should include the application of both of these principles.

Moving forward almost forty years, the Saudi peace proposal adopted at the Beirut Summit on March 28, 2002, often referred to as a conciliatory proposal by the Saudis, mentions Resolution 242, mistakenly claiming that it calls for withdrawal from all occupied territories — it uses the phrase “full withdrawal from all Arab territories.” More importantly, it sets up a sequence that is in direct contradiction to Resolution 242, demanding Israeli compliance with all demands before offering Israel anything, including normal relations. The press has often reported that Saudi Arabia offered recognition to Israel for the first time in its proposal. However, the word recognition is not used, but rather the term “normal relations” — there may be a difference in meaning. More significant, what this proposal really does is to lay out as a precondition for the negotiation the very thing being negotiated: this is a fundamental



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flaw. Although many, including the Bush administration, regard the Saudi proposal of 2002 as a very important breakthrough, this is clearly a mistake. Its fundamental flaw, along with the fact that the Saudis are not willing to participate in the negotiations themselves, clearly diminishes utility and hopes of success.

What Resolution 242 calls for is a negotiated solution which includes mutual recognition between the parties. One of the areas where diplomats rarely tread is exploring how to create the necessary environment in which bilateral peacemaking will work. In the Balkans, there was a common myth that the peoples of the area were victims of “ancient hatreds,” which made diplomacy appear hopeless. Yet hatred is frequently the product of deliberate incitement. This was true in Bosnia, as in Nazi Germany. To make a negotiated settlement possible, incitement to hatred must be tackled at an early stage of negotiations. It cannot be ignored or swept under the rug.

The Key Role of the Parties Themselves

One of the repeated negotiating strategies used by warring parties in a conflict is to get the U.S. or the EU to impose the terms of a peace settlement on their adversaries. Such a process is taking place currently regarding Kosovo, where the UN Special Envoy, former Finnish President Martti Ahtisaari, has presented a very intelligent plan for which he is requesting UN approval. The Russians, on the other hand, are threatening to veto the plan which would lead, inevitably, to a unilateral declaration of independence by Kosovo without UN approval.

The Western powers have vital interests in the Middle East which affect their positions on a resolution to the Arab-Israeli conflict. As has been said before, the U.S. and its European allies cannot want peace more than the parties in the region. If negotiators for one side believe that the U.S. will deliver the other side, then the chances of any dynamic of mutual compromise emerging is very unlikely. Indeed, the hardest concessions in negotiations have traditionally been made by the parties themselves. Recognizing this truth, President Lyndon Johnson stated on September 10, 1968, that “we are not the ones to say where other nations should draw lines between them that will assure each the greatest security.” Former Secretary of State Warren Christopher essentially also adopted this position when he wrote to Israel a letter of assurances on January 17, 1997, stating that:

The key element in our approach to peace, including the negotiation and implementation of agreements between Israel and its Arab partners, has always been recognition of Israel’s security requirements. Moreover, a hallmark of U.S. policy remains our commitment to

work cooperatively to seek to meet the security needs that Israel identifies.

Changing Circumstances: The Need for Diplomatic Flexibility

Anyone looking back at the history of U.S. declaratory statements about the territorial question in Resolution 242 will find the expression of varied positions. In 1969, Secretary of State William Rogers spoke about “insubstantial alterations” in the 1967 lines. This position was later overtaken by Secretary of State George Shultz’s statement in 1988 that “Israel will never negotiate from, or return to, the lines of partition or to the 1967 borders.” Secretary of State Warren Christopher wrote about Israel’s right to “defensible borders.” This position was repeated in a letter from President George W. Bush to Prime Minister Ariel Sharon in April 2004, presented to the House of Representatives on June 23, 2004. The next day the Senate passed a long resolution specifically referring to this letter, which included a statement strongly endorsing the principles articulated in the letter, and the strengthening of the security and well being of the State of Israel. It also expressed support of continued efforts, along with others in the international community, to build the capacity of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn posing a threat to the security of Israel. Although this is not law in the sense of a treaty, it was a unanimously supported act of resolution on the part of both Houses.

In recent years, one of the factors affecting the specifics of U.S. statements on borders has been the position of the Israeli government at the time. Given that the U.S. wants to work with the Israeli government in power, it may seem that U.S. policy changes on these essential questions. Moreover, the differing threats that Israel faces undoubtedly affect the assessments, from both Jerusalem and Washington, about what risks Israel can afford to take. For example in the 1990s, following the collapse of the Soviet Union and the resulting weakening of former Soviet client states, it seemed that the Middle East was becoming a more secure region. Today, there are new risk factors in the Middle East on the horizon; the 2003 war in Iraq eliminated the regime of Saddam Hussein, but created a new center of al-Qaeda Jihadism in Western Iraq that seeks to spread to Israel’s neighbors. In the meantime, Iranian adventurism has increased across the Middle East — and now Israel faces thousands of Hizbullah rockets from Lebanon.

This in turn points to the need for diplomatic flexibility in dealing with the issues outlined in Resolution 242. It is for that reason that the U.S. will probably be reluctant to take a detailed position about these territorial matters in the future, preferring instead to support whatever is agreed by



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the parties. Resolution 242 provides a toolbox of diplomatic instruments for reaching a permanent diplomatic settlement between Israel and its neighbors; it mandates the creation of “secure and recognized boundaries,” suggests the use of “demilitarized zones” and the establishment of a “just and lasting peace.” Essentially, Resolution 242 provides the flexibility for the negotiators to decide what proportion of each of these elements should be used to craft a stable political outcome.

The U.S.-Israel Relationship

A strong U.S.-Israel relationship is a pre-requisite for successful peacemaking. As Israel takes risks in establishing new boundaries, the U.S. is frequently called upon to offset them. This is more than a financial matter. Not all agreements are implemented smoothly or in good faith. Violations of agreements can be expected. For peacemaking to work, U.S. diplomatic activism is necessary not only to produce an agreement, but also to see through its ultimate realization on the ground.

Summary

Resolution 242 remains relevant to modern-day peacemaking and constitutes part of the guidelines, or tools, to be used in finding a solution to the Arab-Israeli conflict. The emphasis on a solution negotiated by the parties themselves, not forcibly imposed by external powers, is extremely important — only such a solution can provide a long-lasting, secure peace. There is, of course, a need for diplomatic flexibility, and for a close relationship between Israel and other countries, specifically the U.S., in any negotiations. Although at the negotiating table only Israel itself can decide what positions to take, international support, as expressed by the U.S. with relative consistency over the past 40 years, is central to guaranteeing Israel’s position in the negotiations, and any agreement will require internationally sanctioned enforcement mechanisms. On the basis of a correct interpretation of Resolution 242 (not the demand, as is to be found in the Arab League peace initiative, for Israel’s unilateral withdrawal from all territories), and the four principles discussed here, it is to be hoped that a lasting peace may eventually be possible.