

Concepts and Terms

Resolutions 242 and 338

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Definition

The term UN Resolutions 242 and 338 refers to two resolutions approved by the UN Security Council. Resolution 242 was approved after the 1967 war (11/67) while Resolution 338 was approved during the 1973 war (10/73).

Background

UN Resolutions 242 and 338 call for the peaceful resolution of the Arab-Israeli conflict through territorial compromise. The acceptance of the Resolutions by Arab elements indicates their recognition of Israel.

The political process between Israel and the Arabs - including the 1978 Camp David Accords between Israel and Egypt (9/78), the Israel-Egypt Peace Treaty (3/79), the Madrid Conference (10/91), the Peace Treaty between Israel and Jordan (10/94), and the structure of the Israeli-Palestinian peace process since 9/93 - is founded on these Resolutions.

Content of Resolutions

The main articles of UN Security Council Resolution 242 (11/67) call for:

- Withdrawal of Israeli armed forces from territories occupied in the 1967 war.
- Termination of the state of belligerency.
- Mutual "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."
- Achieving a just settlement of the refugee problem.

Resolution 338 (10/73) reiterates the importance of Resolution 242, and calls upon the sides to begin negotiations with the aim of achieving a just and durable peace.

Interpretations

The interpretation of the resolutions is the object of political and legal controversy primarily regarding two points:

Extent of Israeli withdrawal – The first article of Resolution 242 is an object of controversy because of differences in wording between the English and the French versions of the text. The English version talks about Israeli withdrawal "from territories...", while the French version talks about Israeli withdrawal "from *the* territories" (*des* territories...). Thus, the addition of the word "the" in the French version implies that Israel is required to withdraw from *all* the occupied territories.

Solution to the refugee problem – UN Resolution 242 talks about a "just settlement" to the refugee problem without addressing the specific solution that appears in UN General Assembly resolution 194. Arab countries, as well as others, interpret Resolution 194 as the basis for the "right of return" of Palestinian refugees¹. Hence, they argue that Resolution 194 is the interpretation of a "just settlement" that appears in Resolution 242. However, because Resolution 242 does not specifically mention 194, Israel does not interpret it as harboring the "right of return" and therefore sees it as a possible basis for the solution to the refugee problem.

End.

¹ Article 11 of UN General Assembly Resolution 194 states: "the refugees wishing to return to their homes and live at peace with their neighbors 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 which, under principles of international law or in equity, should be made good by the Governments or authorities responsible"