# The Misleading Interpretation of UN Security Council Resolution 242 (1967)

*Ruth Lapidoth*

*Israel's rights are being consistently negated through misleading interpretations of UN Security Council Resolution 242. The resolution does not request Israel to withdraw from all the territories captured in the 1967 Six-Day War and does not recognize that the Palestinian refugees have a right to return to Israel. The Security Council laid down several principles that should lead to a peaceful solution of the Arab-Israeli conflict. Among these principles are an Israeli withdrawal from territories occupied in 1967 to new secure and recognized boundaries, to be established by agreement, and the need for a just settlement of the refugee problem, without any reference to a right of return.*

## INTRODUCTION

Among the UN resolutions concerning the Middle East that are quite often mentioned and referred to is Security Council Resolution 242 (1967).[1] It has even been considered the building block of peace in the Middle East.[2] Unfortunately, however, it has often been misunderstood or misrepresented. This chapter will deal with two of these misleading interpretations. First, I will show that, contrary to certain opinions,[3] the resolution does *not* request Israel to withdraw from all the territories occupied in the 1967 Six-Day War. Second, I will show that, contrary to certain opinions, the resolution does not recognize that the Palestinian refugees have a right to return to Israel. It will be shown that the resolution recommends that the parties negotiate in good faith in order to reach an agreement based on certain principles, including an Israeli withdrawal to recognized and secure (i.e., agreed) borders, and a just settlement of the refugee problem reached by agreement. The resolution also mentions several other principles that will not be dealt with in this chapter.[4]

## TEXT OF THE RESOLUTION

Since not all readers of this chapter may remember the wording of the resolution, it is here reproduced:

> *The Security Council,*
>
> *Expressing* its continuing concern with the grave situation in the Middle East,
>
> *Emphasizing* the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,
>
> *Emphasizing further* that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,
>
> 1. *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 the following principles:
>    (i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;[5]
>    (ii) 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;
>
> 2. *Affirms further* the necessity
>    (a) For guaranteeing freedom of navigation through international waterways in the area;
>    (b) For achieving a just settlement of the refugee problem;
>    (c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;
>
> 3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;
>
> 4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.[6]

## THE LEGAL EFFECT OF THE RESOLUTION

Although it is also authorized to adopt binding decisions, in particular when dealing with "threats to the peace, breaches of the peace, and acts of aggression" (under Chapter VII of the Charter), it is well known that in most cases the Security Council adopts resolutions in the nature of recommendations. The effect of this particular resolution was discussed by the UN Secretary-General in a press conference given on March 19, 1992. Replying to a question, the Secretary-General said that "[a] resolution not based on Chapter VII is non-binding. For your information, Security Council Resolution 242 (1967) is not based on Chapter VII of the Charter." In a statement of clarification it was said that "the resolution is not enforceable since it was not adopted under Chapter VII."[7]

Thus it would seem that the resolution was a mere recommendation, especially since in the debate that preceded its adoption the delegates stressed that they were acting under Chapter VI of the Charter. They considered themselves to be dealing with the settlement of a dispute "the continuance of which is likely to endanger the maintenance of international peace and security."[8] There is no doubt that by referring to Chapter VI of the Charter, the speakers conveyed their intention that the resolution was recommendatory in nature.

The contents of the resolution also indicate that it was but a recommendation. The majority of its stipulations constitute a framework, a list of principles, to become operative only after detailed and specific measures would be agreed upon: "It states general principles and envisions 'agreement' on specifics; the parties must put flesh on these bare bones," commented Ambassador Arthur Goldberg, the U.S. Representative.[9] The resolution explicitly entrusted a "Special Representative" with the task of assisting the parties concerned to reach agreement and arrive at a settlement in keeping with its conciliatory spirit.

Had the intention been to impose a "binding decision," agreement between the parties would not have been one of its major preoccupations. In particular, the provision on the establishment of "secure and recognized boundaries" proves that the implementation of the resolution required a prior agreement between the parties. The establishment of secure and recognized boundaries requires a process in which the two states involved respectively on the two sides of the boundary, actually negotiate, come to terms, and agree upon the delimitation and demarcation of their common boundary. Anything less than that would not be in accordance with the requirements of the resolution. In addition, the use of the term "should" in the first paragraph ("which should include the application of both the following principles") underlines the recommendatory character of the resolution.

However, the question arises as to whether the extent of Resolution 242's legal effect was affected by later developments. In this context one must remember

that at a certain stage the parties to the conflict expressed their acceptance of the resolution.[10] This acceptance certainly enhanced its legal weight and constituted a commitment to negotiate in good faith. But because the contents of Resolution 242 were only guidelines for a settlement as described above, the acceptance of the document did not commit the parties to a specific outcome.

It has been claimed that Resolution 338 (1973), which was adopted after the October 1973 war, added a binding effect to Resolution 242 (1967).[11] Indeed, there is little doubt that Resolution 338 reinforced 242 in various respects. First, it emphasized that the latter must be implemented "in all of its parts," thus stressing that all of its provisions are of the same validity and effect. Also, while Resolution 242 spoke of an agreed settlement to be reached with the help of the UN Secretary-General's Special Representative, Resolution 338 expressly called for negotiations between the parties.[12] There is no express statement in Resolution 338 that it was intended to be of a binding nature, but rather it reinforced the call to negotiate in accordance with the general guidelines of Resolution 242.

## THE ISSUE OF WITHDRAWAL

Two provisions of the resolution are relevant to the issue of withdrawal. The first is in the preamble—the Security Council emphasized the "inadmissibility of the acquisition of territory by war." Does this mean that Israel's occupation of territories in 1967 was illegal? The answer is: no. There is a fundamental difference between occupation and acquisition of territory. The former does not entail any change in the territory's national status, although it does give the occupier certain powers as well as responsibilities and the right to stay in the territory until peace has been concluded. Mere military occupation of the land does not confer any legal title to sovereignty.

Due to the prohibition of the use of force under the UN Charter, the legality of military occupation has been the subject of differing opinions. It is generally recognized that occupation resulting from a lawful use of force (i.e., an act of self-defense) is legitimate. Thus, the 1970 UN General Assembly "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States,"[13] and its 1974 "Definition of Aggression" resolution,[14] upheld the legality of military occupation provided the force used to establish it was not in contravention of the UN Charter principles. In the words of Prof. Rosalyn Higgins, "[t]here is nothing in either the Charter or general international law which leads one to suppose that military occupation pending a peace treaty is illegal."[15]

The preamble of this Security Council resolution denounces "the acquisition of territory by war," but does not pronounce a verdict on the occupation under

the circumstances of 1967.[16] The distinction between the terms "acquisition" and "occupation" in terms of territory, is very significant in this context. "Acquisition" refers to gaining title, ownership, or sovereignty over the land or territory.

"Occupation," on the other hand, refers to provisional presence, or holding of the territory pending negotiations on peace or any other agreed-upon determination as to the status, ownership, or sovereignty of the territory. The Security Council did not, in this preambular provision, denounce "occupation" as such. It is revealing to compare the version finally adopted with the formula used in the draft submitted by India, Mali, and Nigeria: there, the relevant passage read that "[o]ccupation or acquisition of territory by military conquest is inadmissible under the Charter of the United Nations."[17] It is, therefore, of some significance that the version of the preamble finally adopted, while reiterating the injunction against the acquisition of territory, offers no comment on military occupation. Consequently, it cannot be argued that the Security Council regarded Israel's presence in these territories as illegal. As an act of self-defense,[18] this military occupation was and continues to be legitimate, until a peace settlement can be reached and permanent borders defined and agreed upon.[19]

Other interpretations of the passage—suggesting, for example, that it was intended to denounce any military occupation—contradict not only its wording but also the established rules of customary international law. Its form, its place in the preamble rather than in the body of the resolution,[20] and a comparison with the subsequent passages all clearly indicate its concern with the implementation of existing norms rather than an attempt to create new ones.

The second provision that is relevant to the issue of withdrawal is to be found in paragraph 1(i): peace should include the application of the principle of "withdrawal of Israel armed forces from territories occupied in the recent conflict." While the Arabs insist on complete Israeli withdrawal from all the territories occupied by Israel in 1967,[21] Israel is of the opinion that the call for withdrawal is applicable in conjunction with the call for the establishment of secure and recognized boundaries by agreement.[22]

The Arab states base their claim on a combination of the abovementioned provision in the preamble about "the inadmissibility of the acquisition of territory by war" and the French version of the sentence which calls for "withdrawal...," namely "*retrait des forces armées israéliennes des territoires occupés lors du récent conflit*." On the other hand, Israel's interpretation is based on the plain meaning of the English text of the withdrawal clause, which is identical with the wording presented by the British delegation. It is also supported by the rejection of proposals to add the words "all" and "the" before "territories."[23] Moreover, in interpreting the withdrawal clause, one must take into consideration the other provisions of the resolution, including the one mentioned above, on the establishment of "secure and recognized boundaries."

It seems that the resolution does not require total withdrawal for a number of reasons:

- As has already been discussed, the phrase in the preamble ("the inadmissibility of the acquisition of territory by war") merely reiterates the principle that military occupation, although lawful if it is the result of an act of self-defense, does not by itself justify annexation and acquisition of title to territory.
- The English version of the withdrawal clause requires only "withdrawal from territories," not from "all" territories, nor from "the" territories. This provision is clear and unambiguous. As Lord Caradon, the Representative of Great Britain, stated in the Security Council on November 22, 1967, "I am sure that it will be recognized by us all that it is only the resolution that will bind us, and we regard its wording as clear."[24] According to Prof. Eugene Rostow, who was at the time Undersecretary of State for Political Affairs in the U.S. Department of State: "For twenty-four years, the Arabs have pretended that the two Resolutions [242 and 338] are ambiguous... Nothing could be further from the truth."[25]
- The French version, which allegedly supports the request for full withdrawal, can perhaps prima facie be considered ambiguous, since the word "*des*" can be either the plural of "*de*" (*article indéfini*) or a contraction of "*de les*" (*article défini*). It seems, however, that the French translation is an idiomatic rendering of the original English text, and possibly the only acceptable rendering into French.[26] Moreover, even Ambassador Bernard, the Representative of France in the Security Council at the time, said that "*des territoires occupés*" indisputably corresponds to the expression "occupied territories."[27]
- If, however, the French version were ambiguous, it should be interpreted in conformity with the English text. Since the two versions are presumed to have the same meaning,[28] one clear and the other ambiguous, the latter should be interpreted in conformity with the former.[29]

Many varied opinions have been expressed on the question of what withdrawal the resolution envisaged. Some consider that the full withdrawal from Sinai in pursuance of the 1979 peace treaty between Egypt and Israel should serve as a precedent that requires full withdrawal from further regions. Others have reached the opposite conclusion—namely, that by carrying out the considerable withdrawal from Sinai (1981) and from the Gaza Strip (in 2005), Israel has already fulfilled any withdrawal requirement. Some have claimed that the lack of a requirement for full withdrawal under the resolution allows Israel to carry out only minor border rectifications, while others have coined the slogan "land for peace." None of these

attitudes can claim to represent the proper interpretation of Resolution 242. As mentioned, the resolution calls upon the parties to negotiate and reach agreement on withdrawal to agreed boundaries, without indicating the extent and the location of the recommended withdrawal.

## RESOLUTION 242 AND THE REFUGEE ISSUE

The problems concerning the refugees have been examined thoroughly in another chapter of this volume, and here I intend to discuss only the meaning of the relevant provision in Resolution 242.

In this resolution the Security Council affirmed the necessity "for achieving a just settlement of the refugee problem" (paragraph 2(b)).

From the legal point of view, the refugee problem raises three questions: (1) Who should be considered a Palestinian refugee? (2) Do the Palestinian refugees have a right to return to Israel?[30] And (3) Do they have a right to compensation? Here the discussion will focus mainly on the second question: does Resolution 242 recognize that the Palestinian refugees have a right to return to Israel?

According to the Arab point of view, the answer is yes; according to the Israeli opinion it is no. The Israeli interpretation is based on a plain reading of the text, which speaks of a just settlement, without indicating what that settlement should be. The Arab interpretation, however, claims that Resolution 242 has, by implication, endorsed General Assembly Resolution 194(III) of 1948[31] which, in their opinion, has recognized a right of return for the refugees.

This interpretation is erroneous. If there had been an intention to incorporate GA Resolution 194(III), it should have been said expressly. One cannot read into a resolution something which is not mentioned nor hinted at in it. Moreover, GA Resolution 194(III) does not confer a right of return. Like most General Assembly resolutions, it is a recommendation. It says that "The General Assembly...*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" (paragraph 11). This is a very careful recommendation using the word "should" (not shall), and subjecting the recommended return to several conditions.

It follows that the Security Council has not recognized any "right" of return in Resolution 242. Moreover, the relationship between GA Resolution 194(III) and SC Resolution 242 (1967) is not one of incorporation, but rather of substitution—the leading UN provision is now in the Security Council text. The quest for a "just settlement" seems to imply a negotiated and agreed solution.

Interestingly, Resolution 242 has not limited the "just settlement" provision to Palestinian refugees. It may also have envisaged the many Jewish refugees from

Arab countries who had to leave all their property behind. Most of them probably do not wish to return to their country of origin, but proper compensation may well be included in the "just settlement" of Resolution 242.

## CONCLUDING REMARKS

A careful examination of the wording of the relevant provisions of Resolution 242 (1967) has led to the conclusion that the interpretation favored by the Arab states is misleading. By this resolution the Security Council has laid down several principles that should lead to a peaceful solution of the Arab-Israeli conflict. Among these principles are an Israeli withdrawal from territories occupied in 1967 to new secure and recognized boundaries, to be established by agreement, and the need for a just settlement of the refugee problem, without any reference to a right of return. The solution may include a right to settle in the Palestinian state after its establishment, settlement and integration in other states (Arab and non-Arab), and perhaps the return of a small number to Israel if compelling humanitarian reasons are involved, such as family unification.[32]

Negotiations with Egypt and with Jordan on the basis of Resolution 242 (1967) have already led to two peace treaties (1979 with Egypt, 1994 with Jordan). Let us hope that soon more peace treaties will follow.

## NOTES

1. The author wishes to thank Dr. Ofra Friesel for her very helpful remarks.
   This article is partly based on a previous paper by the author ("Resolution 242 at Twenty-five") published in 26 *Israel Law Review* (*Is.L.R.*) 295 (1992). The following essay is published with the kind permission of the *Is.L.R.* The author has discussed the subject with a great number of experts, and the list is too long to be fully reproduced. Special thanks are due to Prof. Eugene V. Rostow, Ambassador Joseph Sisco, Prof. William V. O'Brien, Mr. Herbert Hansell, Dr. Shavit Matias, Brig. Gen. Ilan Shiff, Ambassador Dr. Robbie Sabel, Justice Elyakim Rubinstein, and Messrs. Daniel Taub, David Kornbluth, Benjamin Rubin, and Joseph Ben Aharon. Needless to say, the responsibility for the contents is the author's.
2. Adnan Abu Odeh, Nabil Elaraby, Meir Rosenne, Dennis Ross, Eugene Rostow, and Vernon Turner, *UN Security Council Resolution 242: The Building Block of Peacemaking* (Washington, DC: Washington Institute for Near East Policy, 1993).
3. E.g., John McHugo, "Resolution 242: A Reappraisal of the Right-Wing Israeli Interpretation of the Withdrawal Phrase with Reference to the Conflict between Israel and the Palestinians," 51 *International and Comparative Law Quarterly* (2002) 851–882, reprinted in

Victor Kattan, ed., *The Palestine Question in International Law* (London: British Institute of International and Comparative Law, 2008), 357–387.

4. See, e.g., Ruth Lapidoth, supra note 1, at 305–306, 311–316.
5. The French version reads: "*retrait des forces armées israéliennes des territoires occupés lors du récent conflit*."
6. SCOR, 22nd year, Resolutions and Decisions, 8–9. For the legislative history of the resolution, see Arthur Lall, *The UN and the Middle East Crisis*, 1967 (New York: Columbia University Press, 1968).
7. UN Press Release SG/SM/4718 of March 19, 1992, p. 11, and the clarification, DPI of March 20, 1992.
8. Lord Caradon, the Representative of Great Britain, SCOR, 22nd year, 1373rd meeting, November 9, 1967, p. 18, section 164; Ambassador A. Goldberg of the USA, ibid., 1377th meeting, November 15, 1967, p. 6, section 54; the Representative of Denmark, Mr. Borch, at the 1373rd meeting, November 9–10, 1967, p. 24, section 235; the Representative of Canada, Mr. Ignatieff, at the 1373rd meeting, p. 22, section 212, and at the 1377th meeting, p. 9, section 86; the Representative of Nigeria, Mr. Adebe, at the 1373rd meeting, November 9/10, 1967, p. 12, section 107. It is true that in 1971 the International Court of Justice decided that a resolution taken in accordance with Chapter VI can also be a binding decision (Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970), International Court of Justice, Reports 1971, p. 16, sections 113 and 114). But this was not the prevalent view in 1967, when the discussions on Resolution 242 took place in the Council. See John W. Halderman, *The United Nations and the Rule of Law* (Dobbs Ferry, NY: Oceana, 1967), 65–89. See also Julius Stone, *No Peace-No War in the Middle East* (Sydney: Maitland, 1969), 23–24; Jean Dehaussy, "La crise du Moyen-Orient et l'O.N.U.," 95 *Journal de droit international* (1968) 853–888; Shabtai Rosenne, "Directions for a Middle East Settlement: Some Underlying Legal Problems," 33 *Law and Contemporary Problems* (1968) 44–67, at 57; Yehuda Z. Blum, *Secure Boundaries and Middle East Peace in the Light of International Law and Practice* (Jerusalem: Hebrew University, 1971), 63–64, n. 127; Yoram Dinstein, "The Legal Issues of 'Para-War' and Peace in the Middle East," 44 *St. John's Law Review* (1970) 477; Amos Shapira, "The Security Council Resolution of November 1967: Its Legal Nature and Implications," 4 *Is.L.R.* (1969) 229–241; Philippe Manin, "Les efforts de l'Organisation des Nations Unies et des Grandes Puissances en vue d'un Règlement de la crise au Moyen-Orient," 15 *Annuaire Français de droit international* (1969) 154–182, at 158–159; Pierre-Marie Martin, *Le Conflit Israélo-arabe: recherches sur l'emploi de la force en droit international public positif* (Paris: Librairie générale de droit et de jurisprudence, 1973), 232–234.
9. Arthur J. Goldberg, "A Basic Mideast Document: Its Meaning Today," lecture presented at the Annual Meeting of the American Jewish Committee, May 15, 1969.
10. Sydney D. Bailey, *The Making of Resolution 242* (Dordrecht: Martinus Nijhoff, 1985), at 178–179.
11. Eugene V. Rostow, "The Illegality of the Arab Attack on Israel of October 6, 1973," 69 *American Journal of International Law* (Am.J.Int'l L) (1975) 272–289, at 275. Resolution 338 states:

    *The Security Council*

    1. Calls upon all parties to the present fighting to cease all firing and terminate all

military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;

2. Calls upon the parties concerned to start immediately after the cease-fire the implementation of Security Council Resolution 242 (1967) in all of its parts;
3. Decides that, immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

12. The author wishes to express her thanks to Ambassador J. Sisco for having drawn her attention to this fact.
13. General Assembly Resolution 2625 (XXV) of October 24, 1970.
14. General Assembly Resolution 3314 (XXIX) of December 14, 1974.
15. Rosalyn Higgins, "The Place of International Law in the Settlement of Disputes by the Security Council," 64 *Am. J. Int'l L.* (1970) 1–18, at 8.
16. See Stone, supra note 8, at 33; Rosenne, supra note 8, at 59; Martin, supra note 8, at 258–265; Higgins, supra note 8, at 7–8; Blum, supra note 8, at 80–91.
17. UN Doc. S/8227, of November 7, 1967.
18. See Julius Stone, *The Middle East under Cease-Fire* (Sydney: The Bridge, 1967), 6ff; Quincy Wright, "Legal Aspects of the Middle East Situation," 33 *Law and Contemporary Problems* (1968) 5–31, at 27; William V. O'Brien, "International Law and the Outbreak of War in the Middle East," 11 *Orbis* (1967) 692–723, at 722–723; Nathan Feinberg, *The Arab-Israel Conflict in International Law: A Critical Analysis of the Colloquium of Arab Jurists in Algiers* (Jerusalem: Magnes Press, 1970), 114–115; Stephen M. Schwebel, "What Weight to Conquest?," 64 *Am. J. Int'l L.* (1970) 344–347, at 346; Eugene V. Rostow, "Legal Aspects of the Search for Peace in the Middle East," *Proceedings of the American Society of International Law* (1970) 80; A. Cocatre-Zilgien, "L'Imbroglio Moyen-oriental et le droit," 73 *Revue générale de droit international public* (1969) 52–61, at 59; John Norton Moore, "The Arab-Israeli Conflict and the Obligation to Pursue Peaceful Settlement of International Disputes," 19 *Kansas Law Review* (1971) 403–440, at 425; S. M. Berman, "Recrudescence of the *Bellum justum et pium* Controversy and Israel's Conquest and Integration of Jerusalem," *Revue de droit international* (1968) 359–374, at 367ff; B. Doell, "Die Rechtslage des Golfes von Akaba" 14 Jahrbuch für Internationales Recht (1969) 225–259, at 258; Martin, supra note 8, at 153–173; Amos Shapira, "The Six-Day War and the Right of Self-Defence," 6 *Is.L.R.* (1971) 65–80; Allan Gerson, "Trustee-Occupant: The Legal Status of Israel's Presence in the West Bank," 14 *Harvard International Law Journal* (1973) 1–49, at 14–22; Thomas M. Franck, "Who Killed Article 2(4)," 64 *Am. J. Int'l L.* (1970) 809–837, at 821; Y. Dinstein, supra note 8, at 466 et seq.; Y. Dinstein, *War, Aggression and Self-Defence*, 4th ed. (Cambridge: Cambridge University Press, 2005), 192; Barry Feinstein, "Self-Defence and Israel in International Law: A Reappraisal," 11 *Is.L.R.* (1976) 516–562; Edward Miller, "Self-Defence, International Law and the Six Day War," 20 *Is.L.R.* (1985) 49–73. Cf., however, John L. Hargrove, "Abating the Middle East Crisis through the United Nations (and Vice Versa)," 19 *Kansas Law Review* (1971) 365–372, at 367; M. Charif Bassiouni, "The 'Middle East': The Misunderstood Conflict," 19 *Kansas Law Review* (1970) 373–402, at 395; John Quigley, quoted in Eugene V. Rostow, "The Perils of Positivism: A Response to Professor Quigley," 2 *Duke J. Comp. & Int'l L.* (1992) 229–246, at 229.

19. See, e.g., John N. Moore, "The Arab-Israeli Conflict and the Obligation to Pursue Peaceful Settlement of International Disputes," 19 *Kansas Law Review* (1970) 425; Schwebel, supra note 18, at 344; Rostow, supra note 18, at 276. It should be mentioned, however, that according to various authors, Israel's rights in part of the occupied territories exceed those of a military occupant because of the defectiveness of the title of the authorities who had been in control of those territories prior to the Israel occupation; the principle has been maintained mainly with respect to the West Bank (Judea and Samaria) and the Gaza Strip: see Schwebel, at 345–346; Stone, supra note 18, at 39–40; Elihu Lauterpacht, *Jerusalem and the Holy Places* (London: Anglo-Israel Association, 1968), 46ff; Cocatre-Zilgien, supra note 18, at 60; Yehuda Z. Blum, "The Missing Reversioner: Reflections on the Status of Judea and Samaria," 3 *Is.L.R.* (1968) 270–301; Martin, supra note 18, at 265–279.
20. Irrespective of the rules that apply to international treaties, it is well known that preambles to Security Council resolutions carry much less weight than the operative part.
21. See, e.g., replies by Jordan (March 23, 1969) and by Lebanon (April 21, 1969) to questions submitted by Ambassador Gunnar Jarring, in the Report by UN Secretary-General U. Thant, UN Doc. S/10070, of January 4, 1971. See also Talcott W. Seelye, "Meaning of '67 Israel Resolution Disputed," *New York Times*, April 1, 1988 (the writer was a U.S. ambassador to Tunisia and Syria).
22. Statement by Ambassador Abba Eban, UN GAOR, 23rd session, 1686th Plenary Meeting, October 8, 1968, pp. 9–13, at 9 (section 92), 11 (section 110).
23. See Lall, supra note 6, at 252–254.
24. SCOR, 22nd year, 1382nd meeting, November 22, 1967, p. 7, section 61. See also Cyrus R. Vance and Joseph J. Sisco, "Resolution 242, Crystal Clear," *New York Times,* March 20, 1988.
25. Rostow, "Perils of Positivism," supra note 18, at 241–242.
26. It seems there was no other way to translate that provision into French: "When the French text appeared, the British and American Governments raised the matter at once with the United Nations Secretariat, and with the French Government, to be told that the French language offered no other solution for the problem....[N]one of the people involved could think of a more accurate French translation." See Rostow, "Illegality of the Arab Attack," supra note 11, at 285. See also Shabtai Rosenne, "On Multi-lingual Interpretation," 6 *Is.L.R.* (1971) 360–365 at 363.
27. SCOR, 1382nd meeting, November 22, 1967, p. 12, section 111.
28. Vienna Convention on the Law of Treaties, 1969, Article 33.
29. Charles Rousseau, *Droit International Public*, vol. 1 (Paris: Pedone, 1970), at 289.
30. On the Arab point of view, see, e.g., John B. Quigley, "Displaced Palestinians and a Right of Return," 34 Harvard International Law Journal (1998) 171–229, reprinted in Victor Kattan, ed., *The Palestine Question in International Law* (London: British Institute of International and Comparative Law, 2008), 41–100. On the Israeli point of view, see, e.g., Yaffa Zilbershats and Nimra Goren-Amittai, *Return of Palestinian Refugees into Area of the State of Israel* (Ruth Gavison, ed.) (Jerusalem, 2010) (Hebrew).
31. GAOR, 3rd session, part I, 1948, Resolutions, pp. 21–24.
32. See, e.g., Ruth Lapidoth, "Are There Viable Solutions to the Palestinian Refugee Problem?," 39 *Justice* (Jerusalem) (2004) 17–18.