

Jimmy Carter, Lord Caradon, the Palestine Mandate, and U.N. Resolution 242 (Part I)

by Hugh Fitzgerald

The glad news is that Jimmy Carter is again bringing peace to the Middle East, by saving Israel from itself, as he has tried so many times before, and without a moment to lose. He wants to make sure that the American government, while still under Obama, joins 137 other countries in recognizing a country called "Palestine." It's the "solution" of "two states, living side by side in peace," about which we have heard so much over decades. Carter's plan is sure to satisfy the "Palestinians" because, according to Carter, he's gotten nothing but "positive feedback" from them. As for those pesky Israelis, the ones who keep building those awful "settlements" on "occupied Palestinian land," they'll just have to be satisfied with those "borders" they had prior to the Six-Day War, the ones that worked so well before.

Here's Jimmy:

ATLANTA – We do not yet know the policy of the next administration toward Israel and Palestine, but we do know the policy of this administration. It has been President Obama's aim to support a negotiated end to the conflict based on two states, living side by side in peace.

That prospect is now in grave doubt. I am convinced that the United States can still shape the future of the Israeli-Palestinian conflict before a change in presidents, but time is very short. The simple but vital step this administration must take before its term expires on Jan. 20 is to grant American diplomatic recognition to the state of Palestine, as 137 countries [have already done](#), and help it achieve full

United Nations membership.

Back in 1978, during my administration, Israel's prime minister, Menachem Begin, and Egypt's president, Anwar Sadat, signed the Camp David Accords. That agreement was based on the United Nations Security Council Resolution 242, which was passed in the aftermath of the 1967 war. The [key words](#) of that resolution were **"the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in the Middle East in which every state in the area can live in security,"** and the **"withdrawal of Israel armed forces from territories occupied in the recent conflict."**

The agreement was ratified overwhelmingly by the Parliaments of Egypt and Israel. And those two foundational concepts have been the basis for the policy of the United States government and the international community ever since.

This was why, in 2009, at the beginning of his first administration, Mr. Obama reaffirmed the crucial elements of the Camp David agreement and Resolution 242 by [calling for](#) a complete freeze on the building of settlements, constructed illegally by Israel on Palestinian territory. Later, in 2011, the president [made clear](#) that "the borders of Israel and Palestine should be based on the 1967 lines," and added, negotiations should result in two states, with permanent Palestinian borders with Israel, Jordan and Egypt, and permanent Israeli borders with Palestine."

Today, however, 38 years after Camp David, the commitment to peace is in danger of abrogation. Israel is building more and more settlements, displacing Palestinians and entrenching its occupation of Palestinian lands. Over 4.5 million Palestinians live in these occupied territories[if we count Gaza, which is no longer "occupied" by Israel], but are not citizens of Israel. Most live largely under Israeli military rule, and do not vote in Israel's national elections.

Meanwhile, about 600,000 Israeli settlers [Israelis] in Palestine [Judea and Samaria] enjoy the benefits of Israeli citizenship and laws. This process is hastening a one-state reality that could destroy Israeli democracy and will result in intensifying international condemnation of Israel.

The Carter Center has continued to support a two-state solution by hosting discussions this month with Israeli and Palestinian representatives, searching for an avenue toward peace. Based on the positive feedback from those talks, I am certain that United States recognition of a Palestinian state would make it easier for other countries that have not recognized Palestine to do so, and would clear the way for a Security Council resolution on the future of the Israeli-Palestinian conflict.

The Security Council should pass a resolution laying out the parameters for resolving the conflict. It should reaffirm the illegality of all Israeli settlements beyond the 1967 borders, while leaving open the possibility that the parties could negotiate modifications. Security guarantees for both Israel and Palestine are imperative, and the resolution must acknowledge the right of both the states of Israel and Palestine to live in peace and security. Further measures should include the demilitarization of the Palestinian state, and a possible peacekeeping force under the auspices of the United Nations....

That is the piece by Jimmy Carter that appeared in the [New York Times on November 28](#). It disturbs for many reasons: the indifference to Israel's security needs, the disregard for the relevant history, the inattention to Israel's legal, moral, and historic claims, especially those based on the Mandate for Palestine and the "secure and defensible borders" provision of U.N. Resolution 242, and the ignorance Carter shows about Islam, and of what explains the unappeasable Muslim hostility to the Jewish state, no matter how tiny that state may become.

Let's start with Carter's attempt to describe what U.N. Resolution 242 says. He claims that the [key words](#) of that resolution were **"the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in the Middle East in which every state in the area can live in security,"** and the **"withdrawal of Israel armed forces from territories occupied in the recent conflict."**

These are **not** the key words of Resolution 242. In fact, the first phrase he quotes, about the "inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in the Middle East in which every state in the area can live in security" is not even to be found in the Resolution proper, but appears in the non-binding preamble to it, a statement of principle only. And what's more, Carter wants you to think that the "inadmissibility of the acquisition of territory by war" refers to Israel, and its winning, by force of arms in the Six-Day War, of the Sinai, Gaza, and the territory we have fallen into the habit of calling the "West Bank," the name given to it after 1949 by the Jordanian Arabs, who were determined to efface, as too obviously Jewish, the place-names Judea and Samaria, though they had been in use in the Western world for 2000 years.

But it is Jordan, and not Israel, to which that phrase "inadmissibility of acquisition of territory by war" properly applies. It is Jordan that had no legal claim, but only the claim of a military occupier, since hostilities ended in 1949, to the "West Bank." But Israel's claim to the same territory (the West Bank, or Judea and Samaria, if we want to respect and resurrect the most venerable of toponyms) is based on the Mandate for Palestine; that legal and historic claim survived the 1948 war and the Jordanian occupation that lasted from 1948 right up to the war of June 1967. Though Israel's claim remained unchanged, after the Six-Day War one thing did change: that claim could at last be satisfied. In other words, while the Six-Day War *created the conditions* that allowed

Israel to now enforce its legal claim under the Mandate for Palestine, it is that Mandate, and not the 1967 military victory, that is the original basis of Israel's claim as of right and not of sufferance. And that claim is further buttressed by the requirement, in Resolution 242, for establishing "secure and defensible borders."

In 1922, the British, as Mandatory authority, had unilaterally declared that all of the territory east of the Jordan River that had previously been allocated to the Mandate for Palestine, constituting fully 77% of its original land area, would no longer be open to Jewish immigration. This was done for reasons of big-power *Realpolitik*. The British wanted to have territory to offer to the Hashemite Emir Abdullah, the older brother of Feisal, whom the British installed on the throne of Iraq. They were worried that if Abdullah were not given some territory to rule, he would likely make a move on Syria, and thereby complicate matters for the British in their relations with France, the Mandatory for both Syria and Lebanon. So they chose to lop off from the Mandate for Palestine all of the territory east of the Jordan and present it to Abdullah, as what became the Emirate of Transjordan. That meant that the territory allocated to the future Jewish state was thereby reduced to 23% of what had originally been envisioned.

And while the Mandate for Palestine was intended for the establishment of the Jewish National Home, at the same time the Arabs were provided with *four* mandates by the League of Nations. These included Lebanon and Syria, with France as Mandatory, and Iraq and Jordan (its actual status being somewhat more complicated) with Great Britain as Mandatory. Jimmy Carter doesn't want anyone to remember what the Mandate for Palestine was all about, much less take a look at its precise terms. He doesn't want you to know that the 1948-49 war did not extinguish Israel's claim to all the territory between the Jordan River and the Mediterranean (with a

southern border from Rafah to the Gulf of Aqaba, and a northern border that was roughly a straight line from the Mediterranean to Metulla, and then northward up to the Golan Heights.)

Carter certainly doesn't want the world to remember how well-provided the Arabs were with mandates, and even endowed with territory taken from the proposed Jewish National Home. Nor does he think worth mentioning the fact that the total land area of the 22 members of the Arab League is 13,000,000 million square kilometers, or roughly 600 times Israel's land area of 22,000 square kilometers. That might put things in perspective, and equity is not Carter's strong suit. He wrongly calls the armistice lines of 1949 the "borders" of Israel. And Carter simply accepts as a given the existence of a "Palestinian people" who have apparently existed forever, instead of understanding that they came into being as a deliberate construct, created for political reasons, so that the Arab and Muslim war on Israel could be presented, more acceptably, as a simple matter of "two tiny peoples, each struggling for its homeland."

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