

THE HISTORIC COMPROMISE: THE PALESTINIAN DECLARATION OF INDEPENDENCE AND THE TWENTY-YEAR STRUGGLE FOR A TWO-STATE SOLUTION

The 15th of November 2008 marks the twentieth anniversary of the Palestinian Declaration of Independence. The Declaration was made at the 19th Session of the Palestine National Council (PNC), the highest Palestinian legislative authority, and provided the first official Palestinian endorsement of a two-state solution to the Israeli-Palestinian conflict.

Twenty years later, Palestinians are still waiting for Israel to respond in kind to this historic compromise by ending its 41-year old occupation of Palestinian territory and supporting the establishment of an independent, viable, sovereign Palestinian state living side-by-side with Israel in peace and security.

FREQUENTLY ASKED QUESTIONS:

1. What is the Palestinian Declaration of Independence?

The Declaration of Independence was made by the Palestine National Council (PNC) of the Palestine Liberation Organization (PLO) at their 19th session on 15 November 1988 in Algiers, Algeria. It was drafted with the support of two intellectual luminaries of the Palestinian people: the late poet, Mahmoud Darwish (1941 - 2008), wrote the original text in Arabic, while the late academic, Edward Said (1935 - 2003), was involved in the English translation. Both were members of the PNC at the time.

2. What is the Declaration's significance for the two-state solution?

The Declaration contains an overt acceptance that "*the United Nations General Assembly Resolution 181, of 1947, which partitioned Palestine into two states [...] provides the legal basis for the right of the Palestinian Arab people to national sovereignty and independence.*" The PLO's recognition of Resolution 181, along with their acknowledgment (in the same session of the PNC) of UN Security Council Resolutions 242 and 338 as the basis for negotiating a settlement of the Israeli-Palestinian conflict, signaled the Palestinians' formal acceptance of a two-state solution.

3. Why do Palestinians consider their acceptance of a two-state solution to be a historic compromise?

Prior to the Declaration of Independence, the PLO had pursued the goal of establishing a single, secular democratic state across all of Palestine, stretching from the

Mediterranean Sea to the Jordan River. The Palestinians' acceptance of a two-state solution represents a historic compromise because it involves relinquishing their claim to sovereignty over 78 per cent of their historic homeland. A two-state solution would see the realization of the Palestinian state on only 22 per cent of mandate Palestine – the West Bank including East Jerusalem, and the Gaza Strip, all of which have been occupied by Israel since 1967.

To appreciate the depth of this compromise, it is necessary to consider the historical background. In the violence that preceded Israel's establishment in 1948, and the war that followed it, Palestinian losses were significant. By 1949, at least 726,000 Palestinian Christians and Muslims – the majority of the Arab population of mandate Palestine – had fled or been forced out of what became Israel. In the same period, over 400 Palestinian villages were destroyed or depopulated by Zionist forces. The nascent state of Israel subsequently took measures to bar the return of the displaced Palestinians and confiscated their homes and lands. Palestinians refer to these losses as their *Nakba* – or “Catastrophe”. By the end of the war, Israel controlled 78 per cent of the territory of historic Palestine.

By compromising their right to self-determination through the establishment of an independent, viable and sovereign Palestinian state on only the 22 per cent of their homeland that Israel occupied in 1967, Palestinians offered Israel the opportunity to reach a genuine, lasting and peaceful solution to their decades-old conflict. This is their historic compromise.

4. Why didn't Palestinians accept UN Resolutions 181, 242 and 338 before 15 November 1988?

Resolution 181 called for the partition of Palestine into separate Jewish and Arab states against the wishes of the majority of its population – the Arab population of Muslim and Christian Palestinians. At the time of the Resolution in 1947, UN estimates indicated that the population of Palestinian Arabs was approximately 1.3 million, while the Jewish population amounted to approximately 608,000 – less than a third of the total population of 1,936,000.¹

Moreover, according to Resolution 181, the land of Palestine was to be partitioned between the Arab and Jewish states in a grossly inequitable fashion. Even after decades of the Zionist movement's colonization of Palestinian land, by the end of 1947, the amount of land held by Zionists and their agencies amounted to only 1,734,000 dunams (approximately 6,936,000 acres). The total area of land in mandate Palestine was 26,323,000 dunams (approximately 105,292,000 acres). Zionist landholding thus

¹ United Nations Special Committee on Palestine, *Report to the General Assembly, Vol. I*. UN Doc. A/364, 3 (1947), available at: <http://domino.un.org/UNISPAL.NSF/181c4bf00c44e5fd85256cef0073c426/07175de9fa2de563852568d3006e10f3!OpenDocument>, last viewed November 2, 2008. Note that the Arab population includes the estimated “settled Arab population” of 1,203,000 plus an additional estimated Bedouin population of 90,000, thereby amounting to 129,3000 or 67% of the total population.

amounted to 6.59 per cent of historic Palestine,² yet Resolution 181 called for Palestinians to relinquish approximately 55 per cent of their ancestral land to a new Jewish State.

In the event, even this 55 per cent of territory was inadequate to satisfy Israeli designs. Following the Zionist victory in the War for Palestine, over 78 per cent of mandatory Palestine came under the control of the newly-declared state of Israel. This control was extended yet further in the 1967 War, during which Israel occupied the remaining 22 per cent of historic Palestine: the West Bank, including East Jerusalem, and the Gaza Strip, along with other Arab lands.

Resolution 242, which was issued in the aftermath of the 1967 War, was also problematic for Palestinians. It contains express terms emphasizing “*the inadmissibility of the acquisition of territory by war;*” demanding the “[w]ithdrawal of Israel Armed forces from territories occupied in the recent conflict;” and affirming the necessity “[f]or achieving a just settlement of the refugee problem.” However, it was initially rejected by Palestinians on the grounds that it addressed their predicament as that of a refugee population, rather than that of a displaced and colonized nation. At the 12th session of the PNC in June 1974, the Palestinians made clear that their rejection of the Resolution was based on its implied reduction of the question of Palestine to a refugee problem.³

Resolution 338, which was issued during the 1973 conflict, was similarly silent on Palestinian national rights, restricting itself to calling for an end to hostilities and the implementation of Resolution 242.

5. Why have the Palestinians failed to attain statehood, twenty years after their Declaration of Independence?

In the twenty years since the Declaration was published, Palestinians have campaigned vigorously for an end to Israeli occupation and the attainment of a two-state solution to the conflict. In 1991, three years after their Declaration of Independence, Palestinians entered negotiations with Israel in Madrid within the framework of the land-for-peace formula. Beginning with the Oslo Accords in September 1993, the PLO has signed numerous agreements with the State of Israel in hopes of ending the occupation and resolving the conflict. The Palestinians signed these agreements in good faith, with the expectation that the peace process would free them from the yoke of Israel’s military occupation and lead to the establishment of an independent, viable and sovereign Palestinian state with East Jerusalem as its capital, the 1967 boundaries as its borders and a just settlement for refugees.

However, in the twenty-year period since the Palestinian Declaration of Independence, Israel has further entrenched its control over the occupied Palestinian territory (oPt). While Palestinians were trying to build their independent state, Israel continued building its illegal settlements in the heart of Palestinian territory.

² Edward Said, *The Question of Palestine*, Vintage Books (1979), p.98

³ Mahmoud Abbas, *Through Secret Channels*, Garnet Publishing (1995), p.19

The figures tell the story. In 1989, there were an estimated 190,800 Israeli settlers living in the oPt. Now, twenty years after the Declaration of Independence, the population of Israeli settlers is rapidly approaching half a million despite stern international condemnation. Meanwhile, the construction of settlement-related infrastructure, such as the network of settler by-pass roads and tunnels, the Jerusalem Light Rail and the Wall that snakes in and out of the West Bank, serve both to strengthen links between Israel and its illegal settlements in the oPt and to disrupt or destroy the ability of Palestinians to travel between their communities or to reach their schools, hospitals and arable lands.

By populating the West Bank, including East Jerusalem with illegal Israeli settlers, and by intensifying its construction of settlements and settlement-infrastructure, Israel continues to undermine the prospect of a viable Palestinian state emerging as its neighbor.

6. Why does the Palestinian refugee question remain unresolved sixty years after the *Nakba* and twenty years after the Declaration of Independence?

Unfortunately, sixty years after the *Nakba*, Israel continues to deny responsibility for the creation and perpetuation of the Palestinian refugee problem. Israel also rejects the refugee rights enshrined in international law, including the right of return; the right to restitution for properties lost; and the right to compensation for material and non-material damage suffered.

Following the Palestinian Declaration of Independence, the PLO sought to redress the plight of the refugees as part of a comprehensive and definitive settlement to the conflict with Israel in accordance with international law, including UN General Assembly Resolution 194. To that end, the PLO has repeatedly offered Israel the opportunity of reaching an agreement on the refugee question that is compatible with international law and acknowledges the legitimate concerns of all parties.

7. Do recent negotiations suggest that Palestinian statehood is in sight?

The US-sponsored Annapolis Conference, held on 27 November 2007, renewed hopes among Palestinians that a two-state settlement to the conflict was still salvageable. At Annapolis, Israel and the PLO reaffirmed their respective commitments under Phase I of the Road Map⁴ and dedicated themselves simultaneously to reaching a just and comprehensive agreement by the end of 2008. A year on, however, Israel has failed to implement *any* of its obligations with respect to freezing settlement activity; ending attacks against Palestinians and their property; lifting internal closures; and reopening Palestinian institutions in Jerusalem, among other commitments.⁵

⁴ The Road Map to a Permanent Two State Solution to the Israeli-Palestinian Conflict was issued by the Quartet on 30 April 2003.

⁵ For further details see: NSU, *Summary of Road Map Violations*, 2008, available at: <http://www.nad-plo.org/news-updates/IsraeliRoadMapViolations-FINAL.pdf>, last viewed November 1, 2008.

In fact, since the Conference was held, *every* indicator of settlement activity demonstrates that Israel is accelerating its settlement project. For example, in the nine months between November 2007 and September 2008, Israel issued tenders for the construction of 2,210 new housing units in settlements in the West Bank, including East Jerusalem. In the *eleven* months prior to Annapolis, tenders were issued for 137 housing units in settlements, meaning such tenders have increased more than 16 times since the Annapolis Conference.⁶

Today, over 45 per cent of the occupied West Bank is under the control of Israeli settlements and closed Israeli military zones. If the Wall is completed as planned, its route through the occupied West Bank, when combined with the restrictions on Palestinian access to the Jordan Valley and the settlement-controlled areas on the East of the Wall, would leave Palestinians with only 54.5 per cent of the West Bank – approximately 12 per cent of historic Palestine. Needless to say, this territory, even combined with the disconnected Gaza Strip, would not fulfill the minimum requirements for an independent, viable and sovereign state. Time is of the essence. If the two-state solution is to be saved, and Palestinian ambitions for independence and freedom are to be realized finally, Israel's obstructionist policies in the oPt must be halted and reversed.

⁶ Ibid.