

# Palestine Independence Day, 24 Years Ago, November 15, 1988

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*On November 15, 1988, the independent state of Palestine was proclaimed by the Palestine National Council (PNC), meeting in Algiers, by a vote of 253 to 46, as well as in front of Al-Aqsa Mosque in Jerusalem, the capital of the new state, after the close of prayers, in testament to the monumental importance of Al Aqsa Mosque to the Palestinian people. A remarkable opportunity for peace was created by the Palestinian Declaration of Independence because therein the PNC officially endorsed a two-state solution in order to resolve the basic conflict.*

This Palestinian Declaration of Independence explicitly accepted the UN General Assembly's Partition Resolution 181(II) of 1947, which called for the creation of a Jewish state and an Arab state in the former Mandate for Palestine, together with an international trusteeship for the City of Jerusalem. The significance of the PNC's acceptance of partition in the Palestinian Declaration of Independence itself cannot be overemphasized.

Prior thereto, from the perspective of the Palestinian people, the Partition Resolution had been deemed to be a criminal act that was perpetrated upon them by the United Nations. Today, the acceptance of the Partition Resolution in their actual Declaration of Independence signals a genuine desire by the Palestinian people to transcend the past century of bitter conflict with Jewish people in their midst in order to reach an historic accommodation with them on the basis of a two-state solution. The Declaration of Independence is the foundational document for the State of Palestine. It is determinative, definitive, and irreversible.

In this regard, it should be emphasized that Israel also officially accepted the UN Partition Resolution in its own Declaration of Independence and further, as a condition for its admission to membership in the United Nations Organization. The 1947 UN Partition Plan called for the Palestinian people to have a much larger section of historic Palestine for their state than do the 1967 boundaries contemplated by UN Security Council Resolutions

242 (1967) and 338 (1973). By comparison, today the Palestinian people would be prepared to accept the 1967 boundaries for the state of Palestine, which would consist essentially of the West Bank, Gaza Strip and East Jerusalem.

The PNC's solemn acceptance of Resolutions 242 and 338 represented a significant concession by the Palestinian people for the benefit of the Israeli people.

Moreover, as another express condition for its admission to the United Nations Organization, the government of Israel officially endorsed and agreed to carry out UN General Assembly Resolution 194(III) of 1948, which determined that Palestinian refugees have a right to

return to their homes, or that compensation should be paid to those who choose not to return.

Furthermore, that same article 13(2) of the 1948 Universal Declaration of Human rights which Soviet Jews relied upon to justify their emigration from the former Soviet Union provides that: "Everyone has the right...to return to his country." That absolute right of return clearly applies to Palestinian refugees living in their diaspora who want to return to their homes in Israel and Palestine. The state of Israel owes a prior legal obligation to resettle Palestinian refugees who want to return home before it undertakes further massive settlements of Jews and others from around the world. These and all other "final status" issues can and must be negotiated in good faith by Israel with the Provisional Government for the state of Palestine, which was also established on 15 November 1988.

In this regard, having served as Legal Advisor to the Palestinian Delegation to the Middle East Peace Negotiations from 1991 to 1993, and in a similar capacity to the Syrian Delegation to the Middle East Negotiations during their First Round held in Washington, D.C. during 1991, I can state unequivocally that if there had been good faith on the part of the governments of Israel and the United States back in 1991, there could have been negotiated a comprehensive Middle East peace settlement between Israel, on the one hand, and Palestine, Syria, Lebanon, and Jordan, respectively, on the other, no later than by the end of 1993.

Obviously, the governments of Israel and the United States were never seriously interested in obtaining a comprehensive and just Middle East peace settlement in the first place, going all the way back to the preparatory work for the Middle East Peace Negotiations by the Bush Sr. administration in the aftermath of its genocidal war against Iraq. Rather, Israel's perpetration and prolongation of its "low intensity" conflict against Palestine and the Palestinians as well as against Lebanon, the Lebanese, and Palestinian refugees living involuntarily in Lebanon, suit the economic and political interests of the interpenetrated security-military-industrial-complexes that really control the governments of the United States and Israel.

Nevertheless, a remarkable opportunity for peace was created by the 15 November 1988 Palestinian Declaration of Independence. What is needed now from the Israeli government and people as well as from the American government and people is the same Will for Peace that was demonstrated by the Palestinians twenty-five years ago.

The Israelis and the Americans must seize this historic moment for peace. Otherwise, I doubt very seriously that history will give any of us a second chance for obtaining peace with justice for all peoples and states in the Middle East.

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