

Palestine Independence Day

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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. Right now the goal of obtaining peace with justice for all peoples in the Middle East can be achieved on the basis of a two-state solution for the Palestinian people and the Jewish people, respectively.

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 eighteen 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.

Starting in 1987, Professor Francis A. Boyle served as Legal Advisor to the Palestine Liberation Organization on the 15 November 1988 Palestinian Declaration of Independence and their ensuing Palestinian Peace Initiative. The story is told in his book "Palestine, Palestinians, and International Law" (Clarity Press: 2003).

Organisation de Libération de la Palestine

CONSEIL NATIONAL PALESTINIEN 18 SESSION EXTRAORDINAIRE

Session de L'INTIFADA Alger du 12 au 18 novembre 1988

PALESTINIAN DECLARATION OF INDEPENDENCE

In the name of God, the Compassionate, the Merciful Palestine, the land of the three monotheistic faiths, is where the Palestinian Arab people was born, on which it grew, developed and excelled. The Palestinian people was never separated from or diminished in

its integral bonds with Palestine.

Thus the Palestinian Arab people ensured for itself an everlasting union between itself, its land and its history. . Resolute throughout that history, the Palestinian Arab people forged its national identity, rising even to unimagined levels in its defense as invasion, the design of others, and the appeal special to Palestine's ancient and luminous place on that eminence where powers and civilizations are joined All this intervened thereby to deprive the people of its political independence. Yet the undying connection between Palestine and its people secured for the land its character, and for the people its national genius. Nourished by an unfolding series of civilizations and cultures, inspired by a heritage rich in variety and kind, the Palestinian Arab people added to its statute by consolidating a union between itself and its patrimonial land.

The call went out from temple, church, and mosque to praise the Creator; to celebrate compassion and peace was indeed the message of Palestine. And in generation after generation, the Palestinian Arab people gave of itself unsparingly in the valiant battle for liberation and homeland. For what has been the unbroken chain of our people's rebellions but the heroic embodiment of our will for national independence? And so the people were sustained in the struggle to stay and to prevail. When in the course of modern times a new order of values was declared with norms and values fair for all, it was the Palestinian Arab people that had been excluded from the destiny of all other peoples by a hostile array of local and foreign powers. Yet again had unaided justice been revealed as insufficient to drive the world's history along its preferred course. And it was the Palestinian people, already wounded in its body, that was submitted to yet another type of occupation over which floated the falsehood that "Palestine was a land without people". This notion was foisted upon some in the world, whereas in Article 22 of the Covenant of the League of Nations (1919) and in the Treaty of Lausanne (1923), the community of nations had recognized that all the Arab territories, including Palestine, of the formerly Ottoman provinces were to have granted to them their freedom as provisionally independent nations. Despite the historical injustice inflicted on the Palestinian Arab people resulting in their dispersion and depriving them of their right to self-determination following upon UN General Assembly Resolution 181 (1947), which partitioned Palestine into two states, one Arab, one Jewish, yet it is this Resolution that still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty and national independence.

By stages, the occupation of Palestine and parts of other Arab territories by Israeli forces, the willed dispossession and expulsion from their ancestral homes of the majority of Palestine's civilian inhabitants, was achieved by organized terror; those Palestinians who remained, as a vestige subjugated in its homeland, were persecuted and forced to endure the destruction of their national life. Thus were principles of international legitimacy violated. Thus were the Charter of the United Nations and its Resolutions disfigured, for they had recognized the Palestinian Arab people's national rights, including the Right of Return, the Right to Independence, the Right to Sovereignty over territory and homeland.

In Palestine and on its perimeters, in exile distant and near, the Palestinian Arab people never faltered and never abandoned its conviction in its rights of Return and Independence. Occupation, massacres and dispersion achieved no gain in the unabated Palestinian consciousness of self and political identity, as Palestinians went forward with their destiny, undeterred and unbowed. And from out of long years of trial in ever mounting struggle, the Palestinian political identity emerged further consolidated and confirmed. And the collective

Palestinian national will forged itself in a political embodiment, the Palestine Liberation Organization, its sole, legitimate representative, recognized by the world community as a whole, as well as by related regional and international institutions.

Standing on the very rock of conviction in the Palestinian people's inalienable rights, and on the ground of Arab national consensus, and of international legitimacy, the PLO led the campaigns of its great people, molded into unity and powerful resolve, one and indivisible in the triumphs, even as it suffered massacres and confinement within and without its home. And so Palestinian resistance was clarified and raised into the forefront of Arab and world awareness, as the struggle of the Palestinian Arab people achieved unique prominence among the world's liberation movements in the modern era.

The massive national Uprising, the Intifada, now intensifying in cumulative scope and power on occupied Palestinian territories, as well as the unflinching resistance of the refugee camps outside the homeland, have elevated consciousness of the Palestinian truth and right into still higher realms of comprehension and actuality. Now at last the curtain has been dropped around a whole epoch of prevarication and negation.

The Intifada has set siege to the mind of official Israel, which has for too long relied exclusively upon myth and terror to deny Palestinian existence altogether. Because of the Intifada and its revolutionary irreversible impulse, the history of Palestine has therefore arrived at a decisive juncture.

Whereas the Palestinian people reaffirms most definitely its inalienable rights in the land of its patrimony: Now by virtue of natural right, and the exercise of those rights historical and legal and the sacrifices of successive generations who gave of themselves in defense of the freedom and independence of their homeland; In pursuance of Resolutions adopted by the Arab Summit Conference and relying on the authority bestowed by international legitimacy as embodied in the Resolutions of the United Nations Organization since 1947; And in exercise by the Palestinian Arab people of its rights to self-determination, political independence, and sovereignty over its territory: The Palestine National Council, in the name of God, and in the name of the Palestinian Arab people, hereby proclaims the establishment of the State of Palestine on our Palestinian territory with its capital Jerusalem (Al-Quds Ash Sharif).

The State of Palestine is the state of Palestinians wherever they may be. The state is for them to enjoy in it their collective national and cultural identity, theirs to pursue in it a complete equality of rights. In it will be safeguarded their political and religious convictions and their human dignity by means of a parliamentary democratic system of governance, itself based on freedom of expression and the freedom to form parties. The rights of minorities will duly be respected by the majority, as minorities must abide by decisions of the majority. Governance will be based on principles of social justice, equality and nondiscrimination in public rights men or women, on grounds of race, religion, color or sex under the aegis of a constitution which ensures the role of law and on independent judiciary. Thus shall these principles allow no departure from Palestine's age-old spiritual and civilizational heritage of tolerance and religious co-existence. The State of Palestine is an Arab state, an integral and indivisible part of the Arab nation, at one with that nation in heritage and civilization, with it also in its aspiration for liberation, progress, democracy and unity. The State of Palestine affirms its obligation to abide by the Charter of the League of Arab States, whereby the coordination of the Arab states with each other shall be strengthened. It calls upon Arab compatriots to consolidate and enhance the emergence in

reality of our State, to mobilize potential, and to intensify efforts whose goal is to end Israeli occupation.

The State of Palestine proclaims its commitment to the principles and purposes of the United Nations, and to the Universal Declaration of Human Rights. It proclaims its commitment as well to the principles and policies of the Non-Aligned Movement. It further announces itself to be a peace-loving state, in adherence to the principles of peaceful co-existence. It will join with all states and peoples in order to assure a permanent peace based upon justice and the respect of rights so that humanity's potential for well-being may be assured, an earnest competition for excellence be maintained, and in which confidence in the future will eliminate fear for those who are just and for whom justice is the only recourse. In the context of its struggle for peace in the land of love and peace, the State of Palestine calls upon the United Nations to bear special responsibility for the Palestinian Arab people and its homeland. It calls upon all peace- and freedom-loving peoples and states to assist it in the attainment of its objectives, to provide it with security, to alleviate the tragedy of its people, and to help to terminate Israel's occupation of the Palestinian territories.

The State of Palestine herewith declares that it believes in the settlement of regional and international disputes by peaceful means, in accordance with the UN Charter and resolutions. Without prejudice to its natural right to defend its territorial integrity and independence, it therefore rejects the threat or use of force, violence and terrorism against its territorial integrity, or political independence, as it also rejects their use against the territorial integrity of other states.

Therefore, on this day unlike all others, November 15, 1988, as we stand at the threshold of a new dawn, in all honor and modesty we humbly bow to the sacred spirits of our fallen ones, Palestinian and Arab, by the purity of whose sacrifice for the homeland our sky has been illuminated and our land given life. Our hearts are lifted up and irradiated by the light emanating from the much blessed Intifada, from those who have endured and have fought the fight of the camps, of dispersion, of exile, from those who have borne the standard of freedom, our children, our aged, our youth, our prisoners, detainees and wounded, all those whose ties to our sacred soil are confirmed in camp, village and town.

We render special tribute to that brave Palestinian woman, guardian of sustenance and life, keeper of our people's perennial flame. To the souls of our sainted martyrs, to the whole of our Palestinian Arab people, to all free and honorable peoples everywhere, we pledge that our struggle shall be continued until the occupation ends, and the foundation of our sovereignty and independence shall be fortified accordingly. Therefore, we call upon our great people to rally to the banner of Palestine, to cherish and defend it, so that it may forever be the symbol of our freedom and dignity in that homeland, which is a homeland for the free, now and always.

In the name of God, the Compassionate, the Merciful. "Say: 'O God, Master of the Kingdom, Thou givest the Kingdom to whom Thou wilt, and seizest the Kingdom from whom Thou wilt. Thou exaltest whom Thou wilt, and Thou abasest whom Thou wilt; in Thy hand is the good; Thou art powerful over everything."

Sadaga Allahu Al-Azim

Statehood Declaration is Part of PLO's Carefully Researched Plan Sada Alwatan,

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