

The Olive Branch from Palestine

THE PALESTINIAN DECLARATION OF INDEPENDENCE
AND THE PATH OUT OF THE CURRENT IMPASSE

Jerome M. Segal

With a Foreword by Noam Chomsky



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The Olive Branch from Palestine

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*In appreciation
of
Mahmoud Darwish*

*Exchange between the author and Mahmoud
Darwish, Palestinian national poet and drafter of the
Palestinian Declaration of Independence a few days
after the Declaration, in the lobby of the Tunis Hilton
Hotel*

SEGAL (STANDING): "Mahmoud, tell me . . . who actually
wrote the Declaration?"

DARWISH (SITTING ON A BENCH, SMILING, MAKING FUN OF ME):
"Why Jerome! I thought you did."

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FOREWORD

Noam Chomsky

Palestinians face grim times. Of that there is no doubt. That is true even apart from the legacy of the Trump administration, which, regrettably, seems likely to have set its stamp on policy for the near future at least. Trump and associates seemed to take particular pleasure in kicking the weak and vulnerable in the face while abjectly serving power. Palestinians were an obvious choice. Boiled down to its essence, the Trump administration's message to the Palestinians was: *You've lost, get over it.*

But the roots of the Palestinian plight are far deeper. One might even say that it is to Trump's credit to have brought forth clearly, with his trademark vulgarity, what has been the essence of US policy for many years: refusal to recognize the Palestinians as equal bearers of rights.

Thanks in no small part to US support for Israeli crimes over many years, two million Palestinians now barely survive in Gaza. The territory will soon be literally unlivable according to international monitors, after years of brutal siege, regular destructive assault, and a carefully administered "diet" by the Israeli occupiers designed to keep the population barely alive but no more than that. There has been one "lifeline for Palestinians": the meager support from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Trump's reaction to the impending catastrophe was to terminate US funding for UNRWA. His reason?

Palestinians show “no appreciation or respect” for him as he offers them an “ultimate deal” that ends all hopes for minimal rights, while handing “Jerusalem”—actually vastly expanded Greater Jerusalem—over to Israel. As a special gesture of contempt, he even proceeded to cut funding for Palestinian hospitals in East Jerusalem.

In the miserable Shatila refugee camp in Beirut, still reeking of the Israeli-coordinated slaughter that culminated its murderous 1982 invasion, children play in the mud in dark alleys where they will spend the rest of their lives, retiring to the small rooms where the family still treasures their one sacred possession: the key to the home in Galilee from which they were expelled in the Nakba. I have seen many scenes of misery and terror but few evoking such pathos as these little children. They had one ray of light, the UNRWA-funded school in the slum, now extinguished, courtesy of the Leader of the Free World.

In the West Bank, Israel pursues the systematic policy initiated shortly after the 1967 war of creating a Greater Israel that will take over everything of value and effectively incorporate it into Israel with vast settlement and infrastructure projects, a form of de facto and probably later de jure annexation. All illegal, as determined by every relevant international authority, but laws are for the weak. As in neocolonies generally, Palestinian elites will be able to enjoy Western standards in Ramallah, with “90 per cent of the population of the West Bank living in 165 separate ‘islands,’ ostensibly under the control of the [Palestinian Authority]” but actual Israeli control, as reported by Nathan Thrall, senior analyst with the International Crisis Group.

The Syrian Golan Heights, illegally annexed by Israel in violation of Security Council orders, has long been forgotten, along with its former inhabitants.

These policies have been pursued systematically by all governments, including those of “moderate doves,” such as former president Shimon Peres, one of the architects of settlement deep in the West Bank. Could it have been otherwise? Can it still be? These are the questions posed in Jerome Segal’s carefully argued and highly informative study, centered on an original strategy that he had devised, a strategy implemented by the Palestinian leadership but only partially, so that its feasibility remains untested. I have followed these matters closely for a long time, but Segal’s

account contains a good deal that was new to me, notably the background for the Palestinian Declaration of Independence that is the centerpiece of Segal's strategy and the longer-term plans that the Declaration was to initiate.

The first step, which was not followed by the full strategic concept, was the issuance in November 1988 of the Declaration of Palestinian Independence, modeled on Israel's Declaration of independence. The Declaration, authored by the Palestinian national poet Mahmoud Darwish, called for a Palestinian state that would live in peace with Israel. It conformed closely enough to what was by then an overwhelming international consensus, excluding Israel and the United States, the two leaders of the "rejectionist camp," if we are to use the phrase honestly.

That was to be the first step of Segal's strategy. In his words: "It is the core thesis of this book that at the time of the Declaration, the Palestinians had started down the path of a potentially successful strategy for achieving independence: a path of unilateral peacemaking. By this I mean an effort to move strongly toward both statehood and end-of-conflict, without reliance upon negotiated agreements with Israel."

Clearly the strategy faced serious obstacles. The first problem was to engage the Palestinian leadership, the PLO, which had been driven to Tunis by Israel's invasion of Lebanon in 1982. That goal was achieved only in part: the Declaration was issued, but the Tunis leadership soon returned to negotiated agreement with Israel, a strategy that proved to be an utter failure. A second task was to persuade the US government, which of course has over-whelming influence, to take the initiative seriously. But as Segal points out, the Declaration was "hardly noticed" in Washington. An oblique reference by then Secretary of State John Kerry in the last days of the Obama administration was "the first time any US official had called attention to the 1988 Declaration as a basis for peace in the entire twenty-eight years since the Declaration had been issued."

The final task was to persuade Israel to pay attention to the Declaration. While Israel made no official acknowledgment of the clear call for peaceful settlement, it did respond indirectly. In May 1989 the Israeli coalition government (Likud-Labor) issued its plan for the occupied territories. The "Basic Premises" of the Israeli plan were (1) that there can be no "additional Palestinian state" between Israel and Jordan—which is a

Palestinian state by Israeli fiat, whatever deluded Palestinians and Jordanians may believe; (2) that “Israel will not conduct negotiations with the PLO”; and (3) that the “the status of Judea, Samaria [the West Bank] and Gaza” will be settled “in accordance with the basic guidelines of the Government” of Israel. The plan called for “free and democratic elections” under Israeli military occupation with the PLO excluded and much of the internal Palestinian leadership in Israeli prison camps.

There could hardly have been a more firm and explicit rejection of the unmentioned Declaration.

The United States quickly endorsed the Israeli stand in the December 1989 Baker Plan, which called for Israel to engage in “dialogue” with Egypt and acceptable Palestinians, keeping to the Israeli Plan of May 1989. Secretary of State James Baker announced that Washington is considering no other initiative.

The rapid and decisive US and Israeli rejection of the Palestinian call for peaceful diplomatic settlement broke little new ground. The basic terms of the international consensus had reached the UN Security Council in January 1976 in a resolution backed by the three “confrontation states”—Egypt, Syria, Jordan—calling for a political settlement on the internationally recognized border (the “Green Line”) with “appropriate arrangements . . . to guarantee . . . the sovereignty, territorial integrity and political independence of all states in the area and their right to live in peace within secure and recognized boundaries,” including Israel and a new Palestinian state in the West Bank and Gaza Strip. Israel reacted with fury, refusing to attend the UN session. Its UN ambassador (later president) Chaim Herzog, considered a dove, went so far as to declare that the resolution was “prepared” by the PLO. The United States vetoed the resolution—effectively vetoing it from history. That has remained the pattern in subsequent years.

Meanwhile US policy kept close to Henry Kissinger’s diplomatic framework, which, as he explained, was designed “to ensure that the Europeans and Japanese did not get involved in the diplomacy concerning the Middle East,” to “isolate the Palestinians” so that they would not be a factor in the outcome, and “to break up the Arab united front,” thus allowing Israel “to deal separately with each of its neighbors.”

The collapse of the Soviet Union and the 1990 Gulf War left the United States in a position of overwhelming power in the region. As President Bush

put it accurately, if crudely: “What We Say Goes.” The United States then organized negotiations in Madrid, cosponsored with the collapsing USSR. The PLO was excluded, but internal Palestinians participated, led by the respected nationalist Haidar Abdel-Shafi. The negotiations foundered because Abdel-Shafi refused to accept continued expansion of Israel’s illegal settlements in the occupied territories.

Meanwhile Arafat was pursuing his secret negotiations in Norway. These led to the 1993 Rabin-Arafat Oslo Accord, which imposed no constraint on further Israeli settlements, and, as Abdel-Shafi and others recognized, sacrificed elementary Palestinian rights: the final stage of settlement designated by the Declaration of Principles carefully mentioned only UN Security Council Resolutions 242 and 338, which refer to Palestinians only as refugees.

Prime Minister Rabin rapidly expanded settlements and dismissed any Palestinian claim to national rights. After Rabin’s assassination, Shimon Peres became prime minister. In his last press conference before leaving office in 1996, he declared that there would be no Palestinian state.

Peres was succeeded by Binyamin Netanyahu, whose administration was the first to agree that there might be a Palestinian state. David bar-Illan, Netanyahu’s director of communications and policy planning, explained that some areas would be left to Palestinians, and if they wanted to call them “a state,” Israel would not object—or they could call them “fried chicken.”

In subsequent years there were some steps that might possibly have led to a political settlement. The closest, it seemed, was the Taba negotiations in January 2001. In their last press conference the negotiators reported that they were approaching an agreement. However, Prime Minister Ehud Barak had not authorized the Israeli participants to negotiate any terms, and he called off the meetings. So matters continue with little change to the present, with steady expansion of the West Bank occupation and strangulation of Gaza along with periodic murderous assaults.

Are there still possibilities for carrying Segal’s strategy forward? Perhaps. In his own words:

No one knows what the future holds, but my firm belief is that in time the conflict will come to a close, or at the very least, a peace treaty proclaiming the end of the conflict will be agreed to by Israel and the Palestinians. A Palestinian state will come into being, and over time Palestinians themselves will discover and rediscover the 1988 Declaration. The Declaration will remain a

part of Palestinian political identity, and the proposal that Darwish offered his people for re-perception of who they are—to see Palestine as “the land of the three monotheistic faiths” and to see peace as “the message of Palestine that came forth from Temple, Church and Mosque” and to see themselves as “nourished by an unfolding series of civilizations”—all this will be there, a challenge to be taken up by future generations, and potentially, to emerge as “The Palestinian Way,” a distinctively Palestinian way of responding to the claim that we are in the midst of a “war of civilizations,” a Palestinian way of rejecting the claim that the Israeli-Palestinian conflict is the epicenter of a conflict between Judeo-Christian civilization and Islam, and instead, that says, as Darwish did, “I claim this whole inheritance.”

The likely alternative is the Greater Israel project that is taking shape before our eyes.

PREFACE

I've been actively engaged with the Israeli-Palestinian conflict since 1982, some forty years, most of my adult life. Why the conflict endures defies full understanding. In the long effort to achieve peace there are episodes that are truly baffling, none more so than the remarkable generosity of spirit and openness to peace displayed in the Palestinian Declaration of Independence of 1988 and the utter absence of appropriate response or even recognition.

This circle of indifference or unawareness has concentric rings. At the center, most unfortunately, one finds the Israeli public and the Israeli leadership, but the circle extends widely, encompassing not just the worldwide Jewish community and the American government, but most surprisingly the academic and policy professionals who study and analyze the conflict on a daily basis.

This is no small thing, as it has affected how we understand the Palestinians, from the emergence of the PLO as a partner in peacemaking in 1988 to the present day. This understanding is part of what we may term "the narrative of the peace process." And it takes its most damaging form in "no-partnerism"—the dogma that there is not, and has never been, a Palestinian partner for peace. Indeed, it is the hold that this dogma has on much of the Israeli public, that best explains why, since 2009 when Prime Minister Olmert resigned from office, it is ironically the Palestinians who have had no Israeli partner for peace.

This is the second book I have written about a Palestinian declaration of independence. The first was *Creating the Palestinian State: A Strategy for Peace*, which I wrote during the summer of 1988, but that was before the actual Declaration. This is the first book to be written about the actual

Declaration and its aftermath. It is intended both as a historical account and as an extended commentary about the conflict and the problems and strategies of achieving resolution. And finally, a proposed strategy for exiting from the current impasse.

• • •

This book comes thirty-four years after the Declaration, and because so much time has passed, many of the key players have died, in particular Mahmoud Darwish and Yasser Arafat, the two who were most important. Their input would have been invaluable.

By professional training, I am a philosopher and policy analyst, not a historian. I undertook this project, at least in part, because I was involved in the events of the time, discussed the idea of a declaration with both Arafat and Darwish, and have long thought the Declaration they proclaimed to have been the central turning point in the history of the conflict, and central to any proper understanding of the peace process.

In presenting the story of the Declaration, I drew on three unique sources:

- A series of interviews with Palestinian figures who participated in or were close to the process of drafting the Declaration.
- A trove of declassified US cables I obtained (pursuant to a Freedom of Information request) covering the period of the Declaration and the subsequent Palestinian effort to gain international recognition for the newly declared state.
- My own papers and memories covering both the events of the time and subsequent developments.

Because much of this material is not readably available, I plan to provide a *Reader on the Declaration* (to be published separately and electronically). I hope that this book coupled with the forthcoming *Reader* will provoke the fuller exploration and analysis that the subject deserves. In particular, there is a need for a thorough reappraisal of the role of unilateralism in the Israeli-Palestinian conflict and in conflict resolution in general.

What stands out is the paradox that the period from November 15, 1988 (the date of the Declaration) to December 14, 1988 (the date on which Arafat satisfied the American conditions for direct dialogue) represents **thirty days of unilateral Palestinian action during which more progress was made toward ending the conflict than in the thirty-four years of on-again/off-again negotiations that occurred subsequently.** It was an astonishing “Golden month” of change, one unrivaled in the history of efforts to end the conflict, and never fully understood, appreciated, or fulfilled.

Finally, let me say a word about my own role and its place within this book. The book is not a memoir; though, where relevant, I have discussed my own role. In the period leading up to and immediately following the Declaration:

- I was the person who first put the idea of a Palestinian Declaration of Independence into Palestinian public discourse. I may not have been the first person to think of it, though at the time, I believed I was. But clearly, I was the first person to publish a call for such a declaration, and the first to set it within a full unilateral strategy. This I did in far more detail and abundance, at the time and subsequently, than anyone else. My first such essay appeared in Arabic in the leading Palestinian paper *Al-Quds* when the Intifada was four months old. It was followed by similar pieces in the *Washington Post*, the *International Herald Tribune*, and many other papers, journals, interviews, and speeches. These writings gave birth to a spirited discourse, over the next several months, about the declaration idea, especially among the West Bank Palestinians.
- In all of these efforts, what I put forward was never merely the idea of a Declaration of Independence. Rather, I proposed, in considerable detail, a unilateral strategy for the Palestinians. This, however, was always a strategy for ending the conflict through the two-state solution. Specifically, it was a strategy that *started* with a Declaration of Independence but went on to lay out how, without negotiations (which I feared would be unproductive), the Palestinians could get Israel to withdraw from the territories, leaving in place a Palestinian state at peace with Israel. These strategy ideas were at the time the fullest

alternative put forward to the dominant PLO strategy: pursuit of an international conference/negotiations. They were developed at length in *Creating the Palestinian State: A Strategy for Peace*, the manuscript of which I gave to Arafat in the summer of 1988 and discussed with top PLO officials, including Darwish. This dichotomy between a unilateral strategy and an international conference/negotiations strategy is central to the discussion in the later chapters of the book.

- In my back-channel contacts with the PLO in the summer of 1988, as well as at other times, a primary concern was whether any PLO peace initiative would actually be heard by the Israelis. While I anticipated that “getting through to the Israelis” would not be easy, I never anticipated the total indifference/blindness that ensued. This problem, most unfortunately, was never overcome. I tried, and had some initial success, in getting the PLO to agree to deal with the terrorism issue prior to the Declaration. This I believed would open a space within which the peace initiative might be heard. In the end, the PLO, which was more concerned with the US government than with affecting the Israeli public, took a different course.

Along the way, seized with this question of how a Palestinian peace initiative could be heard, I crossed lines that few others did, such as providing Arafat with “samples” of the kind of op-eds and public statements he could make that would help transform how he was understood by Israelis and the American Jewish community. These efforts may be of interest to those concerned with the practice (or malpractice, some might say) of conflict resolution.

And finally, over the years, perhaps more than anyone else, I have continued to identify, and to suggest to the Palestinian public and leadership, strategy ideas that would build upon the Declaration in ways far more powerful than what is often today referred to as “Palestinian unilateralism” or “internationalization.” Current-day unilateralism lacks a vital strategic element: a balancing peace initiative. This, of course, was not lacking in 1988. The unilateral Declaration itself contained the most powerful peace initiative in the history of the conflict.

It is my view that the Palestinian leadership made a fundamental mistake in the five years separating the 1988 Declaration and the 1993 Oslo Accords. They should have established a government of the State of Palestine, a peace-government that would have replaced the PLO. Instead, rather than pressing forward with a strategy of unilateral peacemaking that “imposed” the two-state solution to the conflict, they were seduced by finally being accepted—first by the United States and then by Israel—as legitimate interlocutors. Thus they abandoned unilateralism in favor of negotiations, with the PLO finally recognized, by Israel and the United States, as speaking on behalf of the Palestinian people. In doing so, they entered a tunnel, one that today is over a quarter-century long, with no end in sight.

This tunnel was the Oslo Peace Process. It has no future. We need a post-Oslo process. In the final chapter of this book, I urge a Palestinian return to unilateral peacemaking, with the Palestinians taking the lead in establishing UNSCOP-2, a UN commission through which the Palestinians would advance, in full detail, without any ambiguity, the end-of-conflict, end-of-claims agreement that they are prepared to sign. I argue that in order that such agreement have credibility as a way to truly end the conflict, it must do what never occurred in the decades of negotiations. It must put forward a powerful way of dealing with the refugee issue, a solution that on the one hand is meaningful to the refugees themselves, and on the other hand, is one that Israelis can live with. If done, I believe this will bring Hamas with it, and possibly Iran. I offer new ideas as to how this might be done.

ACKNOWLEDGMENTS

This book began some time ago and brings together two projects that were originally distinct. First, a study of the Declaration of Independence and its aftermath. This includes an exploration of Palestinian strategy and why unilateral peacemaking wasn't more vigorously pursued. It also includes a study of US efforts to thwart the Palestinian effort to gain recognition of their proclaimed state. The second project was quite different. It was an effort to develop a strategy for escaping from the breakdown of the peace process and achieving the two-state solution. Most importantly this was an effort to develop a viable solution to the refugee issue, without which the conflict will not be resolved.

Different people assisted with one or the other project, and in some cases, both. I am sure that I have neglected to mention friends and colleagues to whom I am indebted, and I ask their forgiveness in advance. With regard to the larger study of the Declaration, my appreciation to Tal Becker, Oliver Ramsbotham, William Quandt, Gershon Baskin, Norbert Hornstein. With the village-swap idea, the core of the refugee proposal, I started work on this in 2010 and was assisted by my friend and colleague Ofer Zalzburg, who at the time was the Israel representative of the Jewish Peace Lobby. For a substantial time the proposal was limited to the land-swap dimension, and I received important feedback and assistance from a good number of people. I'm much appreciative to Rob Malley, for the interest he showed in the village-swap idea, for his encouragement, and for his assistance in arranging briefings I was able to offer in the State Department.

Early on I received very positive feedback from an Israeli negotiator, who said that village-swaps “was one of the few ideas that could make a difference,” and then urged that I not publish it, as the idea would be most powerful if it first emerged in public view from the negotiations.

Perhaps of most value, and certainly most important in keeping me at this, were the responses from refugees I met with—in particular, those from the Balata refugee camp in Nablus. Most striking was their willingness to entertain the idea of a Refugee Peace Initiative grounded in the village-swap approach.

I’m very appreciative of the opportunity I was given to present the land-swap idea to Bill Burns, Marwan Muasher, Shimon Peres, Nabil Shaath, Tal Becker, Saeb Erekat, Frank Lowenstein, and others, and for their varied comments.

Special thanks to the Government of Norway and to Ambassador Geir Peterson, in particular, for funding that enabled a series of Track-2 meetings in London that I led. These meetings focused on the key 1948 issues (refugees and Jewish state); and to the other participants—Yaakov Amidror, Dan Meridor, Hussein Agha, Ahmad Khalidi, and Leonard Grob—for their comments and insights.

Over time the scope of the refugee proposal expanded to include all of the 418 depopulated villages. This only person who participated in most of this, and with whom I have exchanged ideas on the full proposal, has been my friend and colleague Leonard Grob. Thank you, my friend Michael Neuschatz, for our many conversations. Thank you, Sharon Lang, Mary Liepold, and Susan Shulman, for your help along the way. And, of course, thank you, Max, for your input and thank you, Naomi, for your wise counsel and for putting up with my eccentric work habits.

Thank you all, thank you, thank you.

Introduction

In the Israeli-Palestinian context the term “unilateral” has been used to characterize steps taken, by one side or the other, to achieve its goals without negotiating with the other side. Thus Ariel Sharon’s decision to pull Israeli forces and Israeli settlers out of Gaza has been termed “unilateral separation” and by some, critiqued, precisely because it was not done in coordination with the Palestinians. Similarly, Palestinian efforts to gain recognition of the State of Palestine by the United Nations have been denounced as “Palestinian unilateralism,” attempts to win key objectives without making the concessions that would be necessary at the negotiations table. To many, it seems obvious—negotiations are the only path to peace, and unilateralism is counterproductive.

This assessment, however, misses a crucial distinction: the difference between “unilateralism” and what might be termed “unilateral peacemaking.” Unilateral peacemaking is not one-sided. Rather, while undertaken by one side, it is balanced, matching unilateral assertiveness with unilateral concessions. Indeed, in some contexts, when successful negotiations are not likely, or even impossible, unilateral peacemaking can be the sharp sword that cuts the Gordian knot. It is, indeed, exceedingly rare. In truth, other than the Palestinian effort in 1988, I’m not aware that it had any precedent in international affairs.

The Palestinian Declaration of Independence of 1988, coming at a time when no Israeli leader would even meet with the PLO, might best be termed “radical unilateral peacemaking” because it engaged the very fundamentals of what was widely viewed as an intractable conflict. Unfortunately, the

Declaration (both as a document and as an action) has never been properly grasped. When properly seen, the Declaration and the other events of “the golden month” between November 15 and December 14, 1988, change how the history of the conflict is understood.

This book is an effort to clarify both the Declaration and the strategy of unilateral peacemaking that the Palestinians explored. It comes at a time when few believe that successful negotiations are possible. In part, this judgment about the chances for negotiations-success is itself grounded in our understanding of the history of efforts to resolve the conflict. And here, perhaps some small progress is occurring.

• • •

In recent years former Israeli Prime Minister Netanyahu maintained that the Palestinian refusal to recognize Israel as a *Jewish* state (as opposed to just recognizing Israel) is the fundamental reason that the conflict continues. This has been repeated so many times that while initially fanciful, it has come to take on its own reality, and it does correspond to some deep longing among many Israelis.

In the last days of the Obama administration, Secretary of State John Kerry delivered a major address that concluded with a novel formula for dealing with the Jewish state issue in future Israeli-Palestinian negotiations. Secretary Kerry proposed that it be agreed that a central goal of the negotiations would be to

fulfill the vision of UN General Assembly Resolution 181 of two states for two peoples, one Jewish and one Arab, with mutual recognition and full equal rights for all their respective citizens.¹

At the time, not a great deal of attention was given to Kerry’s formulation. No commentators appear to have noticed that this formulation was importantly different from previous approaches and may indeed have opened the door to resolving this thorny issue. Kerry’s reference to the United Nations Partition Resolution of 1947 (UNGA 181) and its call for a Jewish state appeared little more than a rhetorical adornment in the Secretary’s speech.

What the commentators overlooked, however, was something Kerry called attention to twice. First, before offering his formula, he noted that “both Israel and the PLO referenced Resolution 181 in their respective declarations of independence.” Then a few paragraphs later he reiterated this, saying: “And Resolution 181 is incorporated into the foundational documents of both the Israelis and Palestinians.”

He said all this as though it was well known to those concerned with the conflict, as if he was just reminding everyone of basics. In fact, however, this reference to the Palestinian Declaration of Independence was **the first time any US official had called attention to the 1988 Declaration as a basis for peace in the entire twenty-eight years since the Declaration had been issued**. One might say that in this speech the United States discovered the Palestinian Declaration of Independence, discovered the Palestinian olive branch, discovered that even three decades after it had been issued, it has a major contribution to make.

Part of this book is forward-looking, proposing a new kind of peace process and a solution to the refugee issue, but most of the book is historical in nature. The intent, however, is not merely to fill in an important but misunderstood chapter of the history of the conflict. Rather, it is to challenge the dominant narrative. This much employed term “narrative” is typically used to refer to the differing ways that the Israelis and Palestinians understand the history of the conflict, most importantly how they understand what happened in 1948.

But there is also a second narrative, one of considerable importance for policymakers and policy shapers seeking to promote an end to the conflict, and this is “the narrative of the peace process.” In that narrative the peace process begins with the Oslo Accord of 1993, or perhaps the Madrid Conference of 1991. And typically it is presented as a story of Israeli offers, even of “generous offers” and of Palestinian “no’s.” Sometimes it is presented as a story of a conflict not yet “ripe” for resolution, or perhaps of leaders lacking the political strength or personal courage to make hard compromises. What is not told is a very different story, one that begins in 1988, one that begins with a Palestinian peace offer, one that begins with Palestinian unilateralism, with unilateral peacemaking, with the Palestinian Declaration of Independence—the olive branch from Palestine.

ONE

The Unilateral Surprise

It was August of 1988. The West Bank and the Gaza Strip, under Israeli occupation since 1967, were in the midst of an unprecedented mass rebellion. It was called the Intifada, the “throwing off,” and it was now in its ninth month. The PLO leadership was based in Tunisia, over a thousand miles away, having been driven from Lebanon six years earlier by Israeli forces.

For the previous twenty years, Yasser Arafat had dominated the Palestinian national movement. Yet even now, his most basic objectives were unclear. To most Israelis, Arafat and the PLO were terrorists, committed to the destruction of Israel and unrestrained by moral norms. Their ideology was clearly stated in their Covenant—Israel had no right to exist. They even denied that there was a Jewish people, or that today’s Jews had a historical connection to the land between the Jordan River and the Mediterranean Sea.

Their aspirations notwithstanding, the Palestinians had long been on the losing end. For decades prior to the establishment of Israel, the Palestinians had feared, opposed, and then fought against the establishment of a Jewish state in Palestine. In 1947 they lost that struggle on the international diplomatic level when the United Nations General Assembly called for the division of Palestine into two states, one Arab and one Jewish. And in 1948, despite assistance from five Arab states following the Israeli Declaration of

Independence, they lost their struggle in a full military conflict. Not only did they fail to prevent the Jewish state from coming into being, they failed to prevent it from expanding. When the fighting came to a halt in 1949, Israel controlled not only all of the land designated for the Jewish state in the UN Partition Resolution but also much of the land that the United Nations had intended for the Palestinian state. Further, most of the Palestinian population from the areas under Israeli control, having fled or been driven from their homes, were now living as refugees in neighboring Arab countries, prevented from returning by Israeli forces.

Following this failure in 1948 to prevent the establishment of the Jewish state, the Palestinians did not give up. Seamlessly, their goal shifted from preventing the Jewish state to destroying it. If only the full weight of the Arab states could be brought to bear, this did not seem an unrealistic objective. This appraisal of Israeli vulnerability was widespread until the 1967 war. It was shared by many Israelis as well, and in June of 1967, when Israel launched preemptive strikes against Egypt and Syria, among the Israeli public most felt they were fighting for their existence. In the Arab world such was the disbelief in Israeli military capabilities that the initial war reports in the Arab media maintained it was the United States, not Israel, that had destroyed the Egyptian and Syrian air forces in the opening hours of a sweeping conflict that lasted all of six days.

When the 1967 war began, Israel tried to convince the Jordanians, who controlled the West Bank and East Jerusalem, to stay neutral, but Jordan joined the Arab side. When the fighting ceased, Israeli forces had extended their control to all of mandatory Palestine, all of the area that was to have been divided into two states, one Arab and one Jewish. Further, it now occupied parts of Syria and vast swaths of Egypt, all the way to the Suez Canal.

Add to this history of Palestinian and Arab military and diplomatic defeats, the solidarity between the United States and Israel that emerged after 1967, the development of Israeli nuclear weapons, and Anwar Sadat's diplomacy, which resulted in a stable peace treaty between Israel and Egypt, Israel's most powerful neighbor, and it was clear to all who could see: The Palestinians had lost again and again and yet again. The question they faced was, what to do about it?

The Intifada of 1988, the political mobilization of the Palestinian

population that had lived under Israeli occupation since 1967, gave the Palestinian people an unprecedented degree of agency. While none should pretend that they controlled their own fate, yet unlike at any previous point in their history, they had achieved the power to significantly shape the course of events. The Palestinian people became increasingly aware of this in the early months of 1988, as world attention focused on their revolt. Months went on; they had gained much support worldwide, but their leadership, the PLO in Tunis, which had not planned the Intifada, had yet to find a way to capitalize on the uprising.

Then in November of 1988, the PLO, acting in the name of the Palestinian people, and given credibility by the continued mass uprising, did what many other peoples had done before them. Affirming the right of the Palestinian people to self-determination and political independence, they proclaimed the establishment of their own state:

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).

This was something new in the hundred-year history of the conflict: a Palestinian state, proclaimed and run by the PLO; a state that would come into existence not through negotiations, and not through any peace agreement. This was a unilaterally proclaimed state, one emerging from a massive insurrection against Israeli forces. What could such a state mean for Israel and for the future of this hundred-year-old conflict?

In 1988 there were few Israelis who believed in a two-state solution to the Israeli-Palestinian conflict, few who believed that the conflict could be resolved if only a Palestinian state were to come into being. Shimon Peres did not believe it. Yitzhak Rabin did not believe it. Indeed, it was not even the aim of the Israeli peace movement. And certainly, almost no one believed that peace could be achieved through the establishment of a **self-declared PLO state**.

Rather, it was widely held that such an eventuality (a PLO-controlled state), if it ever came to pass, would represent a new and significant danger to Israel, most likely a terrorist base whose continued purpose would be the fulfillment of the PLO Covenant's determination to destroy Israel. And unlike the hostile Arab states, such as Syria and Iraq, or the previously

hostile Egyptian state, this new entity would be right at the gates, claiming sovereignty over Jerusalem and strategically poised in the hill country, only ten miles from Tel Aviv, overlooking Ben Gurion Airport and the coastline. This hostile state entity, it appeared to many, was what the PLO was seeking to create when the Declaration of Independence was proclaimed. It was seen the way the emergence of a Hamas-controlled Palestinian state in the West Bank is seen by many today.

THE FIRST SURPRISE: THE LEGITIMACY OF PARTITION

With declarations of independence, there is generally some identified entity that “hereby proclaims” the existence, or the establishment, of the new state. And this was the case with the Palestinian Declaration. After several paragraphs reciting the history of the Palestinian people and affirming their rights, the Declaration gets to its primary business:

Now by virtue of natural, historical and legal rights, 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 Arab Summit Conferences 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).

At first glance this statement contains no surprises. It cites history, sacrifices, institutions, and rights in support of the proclamation of statehood. This is the standard stuff of declarations. But if we look a bit more closely, we do find something remarkable. In citing the basis that gives legitimacy to this bold act of proclaiming and establishing a new state, the Declaration says:

and relying on the authority bestowed by international legitimacy as embodied in the Resolutions of the United Nations Organization since 1947.

For those who knew something of the history of the conflict, this reference to the resolutions of the United Nations since 1947 should have been

startling. Does this not include the Partition Resolution of 1947, the very resolution that provided for the creation of Israel, a resolution that the Israelis themselves cited when in May 1948 they issued their own Declaration of Independence proclaiming the existence of a new state called Israel? Are the Palestinians citing as the basis for the legitimacy of their own state a United Nations resolution that provided equal legitimacy for the creation of Israel?

Were this to be the case, the PLO would be abandoning the very cause that had animated the Palestinian struggle for decades. They would be moving from trying to destroy Israel to acknowledging the legitimacy of its existence. Even if one believed that the Palestinians had no other choice if they wanted a state of their own, it would be astonishing that this acknowledgment of Israel's legitimacy was not a final concession squeezed from the PLO after long and arduous negotiations, negotiations in which, in exchange for their recognition of Israel, the Palestinians attained Israeli recognition of their state, a withdrawal from the West Bank and Gaza, a capital in Jerusalem, and some redress for the Palestinian refugees.

But this was without any negotiations at all. Here the most fundamental reversal, on the most fundamental issue, seems to be occurring unilaterally. The PLO, the terrorist foe, seems to be conceding the legitimacy of Israel without any offsetting concessions from Israel.

Had anyone predicted this in advance, they would have been met by a chorus of dismissals. *Impossible! Without precedent! Not the way the world works! Naive!* Yet in November 1988 this is exactly what happened. The PLO did not merely and unilaterally proclaim their state, a state that could have been devoted to destroying Israel. They did something very different. They unilaterally proclaimed a state on the basis of the very United Nations resolution whose passage, forty-one years before, marked their most fundamental defeat in the world of nations.

Some may take issue with this interpretation; some may say the phrasing in question—"relying on the authority bestowed by international legitimacy as embodied in the Resolutions of the United Nations Organization since 1947"—is far too vague for such conclusions. After all, does "since 1947" include what was enacted by the United Nations *in* 1947 or just what was enacted *after* 1947? Furthermore, it might be said that the Palestinians

were not acknowledging the legitimacy of Israel, as the text excerpted does not make any reference to the other state, the Jewish state.

And if all the Palestinians had to say on the matter was the paragraph cited, perhaps I would be guilty of reading too much into their words. But the Palestinian Declaration did say more, much more, making it quite explicit that the PLO, in their Declaration of Independence, unilaterally acknowledged the legitimacy in international law of the creation of Israel.

If we scroll back through the Declaration some five paragraphs, we are in a section where they detail their understanding of Palestinian history. The adoption by the United Nations of the Partition Resolution in 1947 was the pivotal defeat in that history, and it had to be addressed. Here is what they said:

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.

Here the Partition Resolution (UNGA Resolution 181) is explicitly addressed. Two different attitudes toward the partition of Palestine are present: the first being that partition was an act of historic injustice to the Palestinian people; the second being that the Partition Resolution is part of “international legitimacy.” It might seem that the Declaration is thus embedded in a contradiction. How can the partition of Palestine into two states be both unjust and legitimate? What is at work here is the basic distinction between morality and lawfulness, the distinction between having a legal right to do something versus having a moral right. In their declaration the Palestinians do not abandon their most fundamental perspective on questions of justice, that the land was theirs, and that it was wrong to divide it, taking much of it from the Palestinians. Yet at the same time, they acknowledge that this division of Palestine was done under international legitimacy; that from a legal point of view, though not a moral point of view, Israel had a right to come into being.¹

The Declaration tells us that the Partition Resolution “still” retains its power to confer legitimacy. The use of the word “still” is telling: the Partition Resolution once conferred legitimacy on Israel, and “still” retains

the power to confer legitimacy, which it now provides to the proclaimed state of Palestine. For the Palestinians, to speak of the Partition Resolution as part of “international legitimacy” directly reversed the PLO Covenant enacted in the 1960s. The Covenant stated: **“The Partition of Palestine in 1947 and the establishment of the state of Israel are entirely illegal, regardless of the passage of time.”** Not only illegal in 1947, but illegal forever. Yet now, in 1988, this assertion of the illegality of the Partition is abandoned. Partition, enacted in 1947, now is accepted as part of international legitimacy and is now invoked by the Palestinians in support of their own right to a state.

Just as the Israelis did not ask the Palestinians for permission to declare their state in 1948, so in 1988 the Palestinians did not ask Israelis for permission to declare the Palestinian state. However, just as the Israelis cited the UN Partition Resolution as a basis in international law for their proclamation, so too did the Palestinians cite the same instrument. And in doing so, citing its legitimacy, they noted that it called for two states, something not mentioned in the Israeli Declaration of Independence.

THE SECOND SURPRISE: LEGITIMACY OF THE *JEWISH* STATE

In citing the Partition Resolution as a basis in international law for the State of Palestine, the Palestinians deliberately chose to link the international legitimacy of their state to that of Israel. There was no necessity to do this, no necessity to invoke the Partition Resolution at all. Palestinian independence could have rested on the Palestinian right of self-determination alone. But not only did they invoke the Partition Resolution, and not only did they choose to note that it provided for “two states,” they took the completely unexpected step of noting that the Partition Resolution provided for two states, “one Arab and one Jewish.” **Israel, it tells us, was created as a Jewish state, pursuant to international legitimacy.**²

In acknowledging the international legitimacy of Israel *as a Jewish state*, the Declaration reversed the most fundamental elements of the long-held Palestinian perspective. To appreciate this, we must understand the internal logic of the Covenant. The Covenant stated: “The Palestinian people believe in the principles of justice, freedom, sovereignty, self-determination, human

dignity, and **in the right of all peoples to exercise them.**" Taken in isolation, this affirmation that *all peoples* have a right of self-determination could have served as the moral underpinning for the partition of Palestine, for the idea of two states for two peoples, for the creation of Israel as the place where the Jewish people exercises its right of self-determination, alongside a Palestinian state where the Palestinian people would exercise its own right of self-determination.

Of course, this was not the position of the Covenant; it viewed Partition, not as the expression of a universal principle of self-determination, but in conflict with that principle. But how did the Covenant escape what seems an obvious contradiction? How, if it affirms self-determination for all peoples, can it manage to deny it to the Jews? The answer is simple: **it denied that there is a Jewish people.** This indeed is the central premise of the Covenant:

Judaism, being a religion, is not an independent nationality. Nor do Jews constitute a single nation with an identity of its own; they are citizen of the states to which they belong.³

Thus, in the Covenant, the Palestinians maintained they were not being faced with a people trying to exercise its own right to self-determination. They were facing individuals who were united in a *movement*, but not a true people. This bedrock denial of Jewish peoplehood, which is central to the Covenant, is not present in the Declaration. And without this denial the Palestinian affirmation that all peoples have a right to self-determination can lead to only one conclusion: that the Jewish people also have a right to self-determination. While this is not explicit, I see this as the spirit of the Declaration. This reading is reinforced by Arafat's speech to the UN General Assembly a few weeks later. In that speech, which focuses on the recently proclaimed Declaration of Independence, Arafat said:

Our people does not want a right which is not its own or which has not been vested in it by international legitimacy and international law. It does not seek its freedom at the expense of anyone else's freedom, nor does it want a destiny which negates the destiny of another people. Our people refuses to be better or worse than any other people. Our people want to be the equal of all other peoples, with the same rights and obligations.⁴

In the context of a Declaration that accepted the international legitimacy of the creation of "two states, one Arab and one Jewish," and which

proclaimed the state of the Palestinian people, Arafat's meaning is clear. When he says the Palestinian people want only rights equal to those of all other peoples, he is asking that the Palestinians be recognized as having a right to statehood equal to that of the Jewish people.

THE THIRD SURPRISE: THE EMBRACING SPIRIT OF THE DECLARATION

The gap between the Declaration and the Covenant is broader still. It contains not only a shift in doctrine, but a total change in spirit, a transformation in how the Jewish presence in Palestine is to be understood. The Covenant not only maintained that there was no Jewish people (just individuals who were Jewish by religion), it also maintained that Jews had no historical or religious link to Palestine: "Claims of historical or religious ties of Jews with Palestine are incompatible with the facts of history . . ."

In diametric opposition, the Palestinian Declaration of Independence opens with the sentence: "***Palestine, the land of the three monotheistic faiths, is where the Palestinian Arab people was born, on which it grew, developed and excelled.***"

This choice of opening phrase—"Palestine, the land of the three monotheistic faiths"—is itself a remarkable opening for what will be a declaration of independence by the Palestinians. At the outset, Palestine is given its identity not in terms of Islam but in relation to all three of the Abrahamic religions. This is a bold affirmation: Palestine—the land of the three. We are being told, this three-faith history is the real essence of Palestine. This is Palestine conceived in its abundance, in connection not just with Islam and Christianity but with Judaism as well, and by extension, in connection with the ancient people of that religion. This breaks with all conventional discourse. Fulsome embrace is not the way Israelis speak of Palestine, nor the way that most Palestinians speak of it.⁵

From this opening the Declaration builds, going on to say:

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 stature by consolidating a union between itself and its patrimonial land.

Thus the Declaration, while asserting a special place for the Palestinian Arabs, pays tribute to the other “civilizations and cultures” that had a prior presence in Palestine. Without explicitly mentioning the ancient Israelites, the Declaration says of these earlier civilizations that they “nourished” the Palestinian Arab people and that a “heritage rich in variety and kind” had “inspired” the Palestinian Arabs.

We are presented here with the image of a pluralistic historical flourishing, one in which earlier peoples of the land contribute to the spiritual growth of later peoples, one in which each people is able to flourish because it was inspired by the prior richness imparted by those who came earlier. While at this point there is no explicit mention of *Jewish* civilization or of the ancient Israelites, the inclusion is evident. Rather than viewing the Jewish presence in Palestine as some recent imperialist invasion, one reduced to “settler colonialism,” not only are we instructed in the prior Jewish presence but that presence is honored and embraced as one of the elements that contributed to the creation of the Palestinian Arab people. This is more than a nod to the civilizations that preceded the Palestinian Arabs. It is a recognition of the way in which those earlier civilizations functioned in the development and enrichment of Palestinian Arab civilization.

Strikingly, the Declaration uses the words “nourished” and “inspired” when speaking of the impact of previous civilizations on the Palestinians. This is more than an assertion of value or respect. It is an account of a process whereby those who come later are brought to vitality by those who came before. To speak in terms of nourishment is to speak of that which gives health; to speak of inspiration is to speak of creative enrichment. This is a tribute to earlier civilizations as a source of spiritual energy for the present, as the basis for Palestinian flourishing. This is the polar opposite of the “war of civilizations” mode of conceptualizing human affairs.

And yet there is more, now specifically linked to Judaism. The next sentence reads: ***“The call went out from Temple, Church and Mosque that to praise the Creator, to celebrate compassion and peace was indeed the message of Palestine.”*** “Temple, Church and Mosque”: the phrase represents the three monotheistic religions referred to in the opening words of the Declaration. They are placed in the order of their historical presence in Palestine—first Judaism, then Christianity, and then

Islam. The term “Temple” has particular significance. It can be used as a synonym for “synagogue,” thus referring to the local houses of worship and study that have been present in Jewish communities throughout the world for the last two thousand years, or it can refer to “The Temple” of the Bible.

In the Bible, and thus in both the Jewish and Christian tradition, there were two ancient temples. The first dates back to the time of King David and Solomon. Located in Jerusalem, this temple is believed to have stood for more than four hundred years and to have been destroyed by the Babylonians when they conquered Jerusalem in 587 BCE. Following the destruction of the First Temple, much of the population was taken into exile in Babylon. After the conquest of Babylon, Cyrus the Great, the Persian emperor, allowed the Israelites to return to Jerusalem and rebuild the temple. This Second Temple, completed around 516 BCE, stood almost six hundred years, until it was destroyed by the Romans in 70 CE, when they finally suppressed the Jewish revolt against Roman imperialist rule.

After the destruction of the Second Temple, the temple was never rebuilt. In the seventh century, when Islamic forces conquered Palestine, the Temple Mount (known to Muslims as al-Haram al-Sharif), a man-made plateau on which the ancient Jewish temples once stood, became a site of Muslim worship, the home of the al-Aqsa Mosque and the Dome of the Rock. In the heated controversy over possession of the Temple Mount/al-Haram al-Sharif, there have been points at which Palestinians have denied the prior presence of the ancient Jewish temples. This “Temple denial” finds no place within the Declaration.⁶ Rather, we are told that there is a “message of Palestine,” one that praises the Creator and celebrates compassion and peace, and that this message of Palestine is the common message of the three faiths—a message that went out from “Temple, Church, and Mosque.” Thus the Declaration seeks to affirm and unite the projects of Islam, Christianity, and Judaism as works of peace.

This postulation—that peace is the message of the three Abrahamic religions—sits at the core of the Declaration. **Indeed, the Declaration itself was the Palestinians’ message of peace, a unilateral reformulation of Palestinian nationalism as now dedicated to achieving peace through the creation of a Palestinian state that**

would fulfill the Partition Resolution's call for two states, "one Arab and one Jewish."

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In calling attention to the generosity of spirit that one finds in the Declaration, I do not mean to suggest that the document, in its entirety, is sweetness and light. It remains a document of Palestinian nationalism and is part of the Palestinian struggle. And although it broke new ground in its basic framing of the conflict, in how it portrayed the Jewish presence in Palestine and the legitimacy of a Jewish state, it was, as might be expected, unrelenting in characterizing what the Palestinians experienced during their long struggle. Thus, in discussing the 1948 war and the Nakba, the Declaration states that **"the willed dispossession and expulsion from their ancestral homes of the majority of Palestine's civilian inhabitants, was achieved by organized terror."** And furthermore, that **"those Palestinians who remained, as a vestige subjugated in its homeland, were persecuted and forced to endure the destruction of their national life."**

In this, the pain of the Palestinian experience is set within an un-nuanced narrative of their suffering and victimization; it is, however, just this pain and sense of acute injustice that makes the groundbreaking reformulation of Palestinian nationalism found in the Declaration so remarkable.

TWO

The Evolution of the Palestine Liberation Organization Prior to the Declaration

If Yasser Arafat and his Palestine Liberation Organization (PLO) comrades, up until the moment of the Declaration, were no more than a band of terrorists determined to destroy Israel and drive its Jewish inhabitants into the sea, the Declaration is inexplicable. To understand what happened in November 1988, the Declaration must be placed within the larger context of the slow political evolution of the PLO.

A VERY BRIEF REVIEW OF THE HISTORY

The 1948 war closed with armistice agreements between Israel and the Arab states. At most this represented a short hiatus in the ongoing violence. In 1959, when he was thirty, Arafat founded Fatah, which became the dominant Palestinian resistance organization. The PLO, an umbrella organization intended to include all of the Palestinian groups struggling against Israel, was established in 1964 by the Arab states, in part to have a mechanism of control over the Palestinian organizations. But after Israel's stunning victory in the 1967 war, the Palestinians gained full control over the PLO, with Arafat, at age forty, becoming chairman in 1969. Both Fatah

and the PLO were committed to reversing the result of the 1948 war—the establishment of a Jewish state in Palestine. Up until 1948 the Palestinian cause centered around preventing such a state from coming into being, and after 1948 the cause centered around destroying it.

The evolution of the PLO from an organization committed to reversing the defeat of 1948–49 (i.e., the effort to destroy Israel and drive out the Jewish population) to one committed to living at peace with Israel within a separate Palestinian state was gradual and marked by twists and turns. Yet viewed over the long term, this evolution is clearly visible.¹

1967: THE PLO'S HARDLINE REJECTION OF RESOLUTION 242

In 1967, following the Six-Day War, the United Nations Security Council adopted Resolution 242. This Resolution, supported by both the United States and the Soviet Union, emphasized “the inadmissibility of the acquisition of territory by war” and went on to identify two principles on which peace in the Middle East should be based:

- Withdrawal of Israeli armed forces from territories occupied in the recent conflict;
- Termination of all claims or states of belligerency and respect for and acknowledgement 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

The day after the Resolution was passed, the PLO issued a statement rejecting it and itemizing the reasons for rejection. Among these, the PLO identified as “the most important . . . that the Security Council ignores the existence of the Palestinian people and their right to self-determination.”³

But there was also another reason offered in that 1967 statement:

The resolution more than once refers to Israel's right to exist and to establish permanent, recognized frontiers. It also refers to Israel's safety and security and to her being freed from threats, and in general to the termination of the state of belligerency with her. All . . . fundamentally and gravely inconsistent with the Arab character of Palestine, the essence of the Palestine cause and the right of the Palestinians to their homeland.⁴

This rejection of Israel's right to exist was the core PLO doctrine. As stated, it violated “the essence of the Palestinian cause.” This perspective was fully

reflected in the PLO Covenant, which spoke of the duty to “repulse the Zionist, Imperialist invasion from the great Arab homeland and to purge the Zionist presence from Palestine.”⁵ As noted, the Covenant, referring to the events of twenty years before, stated that **“the partitioning of Palestine in 1947 and the establishment of Israel is fundamentally null and void, whatever time has elapsed.”**

Thus, within the framework of the Covenant there was nothing to negotiate. The Covenant ruled out any possibility of reaching a peace settlement with Israel. Moreover, the very idea of negotiating with Israel appeared to imply recognition of its existence and a willingness to come to terms with it. Article 9 stated that “armed struggle is the only way to liberate Palestine and is therefore a strategy and not tactics.”⁶ And if this was not clear enough, Article 21 stated: “The Palestinian Arab people, in expressing itself through the armed revolution, rejects every solution that is a substitute for a complete liberation of Palestine, and rejects all plans that aim at the settlement of the Palestine issue or its internationalization.”⁷

The PLO did not nullify these elements of the Covenant until after the Oslo Accords, in the 1990s. Instead, as their orientation evolved, increasingly the PLO simply chose to ignore the Covenant. This was a deliberate organizational style, one that allowed those promoting change a degree of ambiguity, which offered some protection against internal criticism within a dangerous environment. Yet it was an organizational style that did serious damage to the Palestinian cause and played into the hands of Israeli and American-Jewish hardliners who continued to point to the Covenant as proof that the PLO hadn’t changed.

PLO OPPOSITION TO A PALESTINIAN STATE

The character of the PLO’s early period emerges in the following statement by Arafat in 1970:

The American-Israeli scheme is at present trying to establish a Palestinian state linked with Israel.

This is the insidious theme they are harping on: you have had enough fighting, enough battles . . .

This is the most dangerous proposal that could be made. In the name of the Palestinian revolution, I hereby declare that we shall oppose the establishment of this state to the last

member of the Palestinian people, for if ever such a state is established it will spell the end of the whole Palestinian cause.⁸

The eighth Palestine National Council (PNC), held in 1971, confirmed the Palestinian rejection of a Palestinian state in the West Bank and Gaza. In explaining this rejection, Abu Iyad, a top leader of Fatah, explained that “to accept the state would mean accepting the defeat of the 20 previous years and hence the existence of Israel.”⁹ Abu Iyad was not inaccurate in his assessment of the meaning of accepting a West Bank/Gaza state. And whenever the complexities of Middle East diplomacy cause one to glaze over, it is useful to remember this basic point: **The PLO was born a rejectionist organization; to make peace with Israel, even in exchange for a Palestinian state, is to have failed in its original objective.**

The changes in the PLO over the years did not emerge from some gradual loss of conviction in the validity of their cause. They emerged from a recognition that the core objective, the elimination of the Jewish state, simply could not be attained.

1973: A SOFTENING OF THE PLO STANCE

The strong rejection of the idea of a West Bank/Gaza state that would be part of a settlement with Israel was not an abstract point. It reflected the fact that even in 1967, this idea was being taken seriously in some Palestinian circles. Indeed, immediately after the 1967 war, fifty West Bank leaders actually approached the Israelis with this idea, but they did not find a receptive audience. And in the spring of 1973, months before the October war, President Bourguiba of Tunisia put forward the idea of returning to the two-state proposal of the 1947 partition plan. This idea was affirmed by the Egyptian government.

Anwar Sadat’s audacity in launching the 1973 war, and the success of an Arab army in both surprising and driving back the Israelis, had a powerful psychological impact throughout the Arab world. For the Palestinian leadership it seems to have facilitated a shift from the grandiose objectives that emerged from the total defeat of 1967 to a realization that some sort of minimally adequate settlement might be possible and acceptable. Thus, in

the midst of the 1973 war, Yasser Arafat sent a secret message to Henry Kissinger expressing the PLO's willingness to participate in peace negotiations. In his memoirs Kissinger writes of a message he received from Arafat on October 10, 1973. The message, he says:

suggested that the Arabs, having crossed the prewar lines by their own efforts, had regained enough "face" to undertake real negotiations, even if they eventually would lose the battle, as Arafat seemed to predict. According to Arafat, the PLO was willing to participate in these talks though it reserved the right to settle its old score with Jordan.¹⁰

Assuming that Kissinger's memoirs are accurate, this may be the first point at which the PLO crossed the line and rejected that part of the Covenant that declared that armed struggle was the only way to liberate Palestine. And, of course, since opening negotiations with Israel implied a willingness to conclude negotiations, there was an implicit possibility of making peace with Israel, in total contradiction of the Covenant.

INTERNAL STRUGGLE OVER FUNDAMENTALS

After the 1973 war the internal debate within the PLO on whether to participate in negotiations with Israel expanded enormously. It resulted in a deep distrust of Arafat on the part of the factions that came to be labeled as rejectionists. This included the Popular Front for the Liberation of Palestine (PFLP), led by George Habash. The struggle between Habash and Arafat is very revealing about what was happening inside the PLO and how it related to Palestinian statehood.

Stating his *opposition* to an independent Palestinian state on the West Bank and Gaza, even one that does not result from a peace with Israel, PFLP leader Habash stated precisely what many today view as an argument *in favor* of such a state. He argued that a Palestinian state that begins in the West Bank will not become the basis for "liberating" all of Palestine:

Have we realized that this state will be squeezed between Israel on the one side and the reactionary Jordanian regime on the other? Have we realized that this state would be the result of an Arab and international gift? This solution will be the "final solution" to the Middle East problem.¹¹

In short, Habash and the rejectionists were merely holding firmly to the basic PLO position articulated in 1968. That with no change in their views, they felt compelled to form themselves into a “Rejection Front” demonstrates that there had been a change in mainstream attitudes, however slow and contradictory.

Habash knew that he was losing ground within the center of the PLO, and in September 1974 the PFLP withdrew from the Executive Committee of the PLO. The PFLP statement announcing this decision reads:

1. After the October war an international and Arab situation came into existence which was favorable to a so-called political settlement of the Arab Israeli conflict It was perfectly clear what results this settlement was likely to lead to The price Israel would be paid for withdrawing from all Arab territory would be . . . steps toward the consolidation of the legality of her existence

The Palestinian revolution should have revealed the truth about the Geneva conference and the consequences it would lead to

The Front has made every effort to ensure (the) rejection of the Geneva conference But the leadership of the Organization (Arafat) has persistently evaded defining any attitude on the pretext that they have not been officially invited to attend the Geneva conference

7. The leadership of the Liberation Organization has denied that any secret contacts have been made with America, the enemy of peoples. But we have established that such secret contacts have been made, without the knowledge of the masses

Our withdrawal from the Executive Committee is now unavoidable.¹²

Habash is very clear and convincing. The PLO was changing in fundamental ways, but was not being open and direct in doing so, neither to its own members nor to the world.

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Between the 1973 war and the Camp David talks in 1978, the first of a number of meetings between Israelis and PLO members took place. Initially they were not officially sanctioned by the PLO. They were known to Arafat, but he had no authorization from the PNC or the Executive Committee to enable them. In later years the PNC was to affirm the value of such meetings.

A series of such meetings spanned the period from July 1976 to May 1977. The Israeli representation, while not speaking for the government, did contain figures of some prestige, including former general Matti Peled;

Aryeh Eliav, the former secretary-general of the Labor Party and a member of the Knesset; Meir Pail, a member of the Knesset; and Uri Avnery, a respected Israeli journalist. Palestinian representatives included Issam Sartawi, who was close to Arafat, and Sabri Jiryis, a leading Palestinian intellectual.

While this slow evolution was occurring within the PLO, another development took place, which was to control the United States' and Israeli governmental responses to such changes and possibilities. In September 1975 a memorandum of agreement was signed by Secretary of State Kissinger and Yigal Alon, the deputy prime minister of Israel, with the prospect of a Geneva peace conference in mind. The first point stated that "the Geneva Peace Conference will be reconvened at a time coordinated between the United States and Israel." The second point went on to address US policy toward the PLO:

The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338.¹³

Read within the context of the times, the fact that the Israelis sought this as a formal commitment from the United States suggests several things:

1. An awareness of the currents of change within the PLO.
2. A concern that the United States might respond to these by recognizing the PLO.
3. A desire to block this possibility by committing the United States to preconditions for negotiations with the PLO, preconditions that were totally unlikely to be met by the PLO in advance of negotiations.

Thus, rather than responding favorably to change within the PLO and trying to further this evolution by drawing the PLO to the negotiating table, the Israelis adopted a policy of trying to prevent the PLO from gaining a seat at the table. And in an act of abdication, Kissinger agreed to handcuff American foreign policy to a rigid stance of refusing to recognize or negotiate with the PLO. Subsequently, the renunciation of terrorism was

added as a third condition that the PLO would have to meet before the United States would engage with the organization. US diplomats thereby deprived themselves of contact with the PLO for the next thirteen years, a policy that slowed the transformation process. At the time of the 1988 Declaration, finding a way to address these US conditions was a central PLO objective, one that was finally achieved in December of 1988, a month after the Declaration.

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Of note during this period were meetings between Yasser Arafat and Landrum Bolling, the former President of Earlham College. Bolling's notes from his meetings with Arafat, were provided to William Quandt on the National Security Council, who provided them to National Security Advisor Brzezinski, and a summary went to President Carter.¹⁴

In their September 1977 meetings, Bolling and Arafat discussed the possibility of PLO acceptance of Security Council Resolution 242. It was clear that Arafat was hoping to find a way to do this and to enter negotiations. The key issue turned on what commitments Arafat would need from the United States in order to do this, and what commitments the United States was prepared to make. Bolling made known that he was in contact with the United States at very high levels, and that while the United States was prepared to enter serious dialogue with the PLO once 242 was accepted, the United States would not commit to supporting Palestinian statehood, or to PLO representation in a Geneva peace conference.

According to Bolling's notes, Arafat raised fundamental questions about US policy and asked with respect to the US refusal to deal with the PLO: "Tell me: Why does the United States Government now feel so strongly that it is bound by a side agreement with the Israelis, a kind of almost secret footnote to the Sinai II Agreement concerning Egypt and Israel, which Henry Kissinger signed with Israel, promising not to have contacts with the legal representatives of the Palestinians until we meet certain conditions?" Arafat then asked, with a reference to the UN Partition Resolution: "Why does the United States not take seriously its previous public UN

commitment to support an Arab state as well as a Jewish state in Palestine?"¹⁵

According to Bolling's notes, as his discussion with Arafat progressed, Arafat explained the disappointment the PLO experienced from various overtures it had undertaken. Speaking of his appearance at the United Nations, he said, "I went to the United Nations and made my speech. And I avoided demanding a unified, democratic secular state of Palestine in place of Israel, as had been our objective. I referred to that as a dream and said everybody had a right to dream about what the ideal would be. But I went on to plead: please accept our right to create a Palestinian state on a portion of our Palestinian patrimony. And what was the world's response? What did the press report about me? They ignored all the positive things I said and accused me of preaching the destruction of Israel and the creation of the unified state."

Arafat stated his willingness to accept Resolution 242 provided the Palestinians were promised a state of their own. In explaining why he could not simply accept 242 without a quid pro quo, Arafat said, "If I lose my ability and my credibility to maintain close links with my fighters, what future will there be for me and my movement? I will not allow this leadership to be alienated from the Palestinian people. That is my problem."

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Sadat's 1977 visit to Jerusalem resulted in a major upsurge of discord within the PLO. The rejectionists claimed that Arafat's willingness to consider a Geneva conference had paved the way for Sadat's visit; it was even charged that Arafat had agreed in advance to Sadat's initiative. In March 1978, still several months prior to Camp David, the Israelis invaded southern Lebanon. And during that year key PLO moderates, including Said Hammami, were assassinated by the Abu Nidal group operating out of Iraq.

The Camp David Accords were signed in the fall of 1978. They provided Israel a separate peace treaty with Egypt, with no provision for a Palestinian state. They did call for a five-year autonomy period for the West Bank and Gaza, and for permanent status negotiations—a proposal strikingly similar to the Oslo framework agreed to by the PLO fifteen years

later. Throughout the Arab world the perception was that Sadat had betrayed the Palestinians. Within the territories widespread demonstrations of protest erupted against the accords.

THE 1982 ISRAELI INVASION OF LEBANON—THE PLO RETREATS TO TUNIS

Four years later, in June 1982, the Israeli ambassador to Britain was severely injured in an assassination attempt. Arafat denied that the PLO was responsible, and it is believed that the attack was carried out by the Abu Nidal faction based in Iraq, which had previously assassinated PLO moderates and would, years later, assassinate PLO leader Abu Iyad. Israel, under the leadership of Prime Minister Menachem Begin and Defense Minister Ariel Sharon, was unremittingly hostile to the PLO and, looking for a pretext for invading Lebanon, hoped to destroy the organization. The assassination attempt served this purpose. Faced in a Cabinet meeting with the question of whether the PLO was responsible, Prime Minister Begin said: “They are all PLO.”¹⁶ And the Israeli chief of staff, prior to the meeting, having been told that it was probably the Abu Nidal gang that committed the assassination, said: “Abu Nidal, Abu Shmidal, We have to strike at the PLO!”¹⁷

Within days of the Israeli invasion, Israeli forces reached Beirut. A large segment of the Israeli population opposed the invasion; in particular, there was strong opposition to proceeding beyond the forty kilometers originally announced as the limit to the Israeli advance. To many Israelis the invasion was the first “optional war.” While the fighting continued, there were protests joined by as many as fifty thousand participants. Relative to the size of the current US population, this would be analogous to four million people today.

Israel’s stated objective was to push the PLO forces back from proximity to the border. But for Prime Minister Begin and Defense Minister Sharon, the objectives were more expansive. They sought to force the PLO to leave Lebanon altogether, and this objective was linked, in their thinking, to their larger objective, which was to undermine the PLO presence in the West Bank, thus increasing the feasibility of their primary ideological objective: permanent Israeli control of Judea and Samaria. In recent years it has

emerged that Sharon's plan may have been to force the PLO back to Jordan in the belief that they would succeed in overthrowing King Hussein and then in establishing a Palestinian state in Jordan, given that the population was over 50 percent Palestinian.¹⁸

For the Israelis, storming the PLO bastions remained an option throughout July and into August. As preparation for a possible assault, as well as to maintain pressure on Arafat to evacuate, they maintained their attack on the besieged areas of the city. The Americans repeatedly pressed for a halt to the attacks, achieved their suspension, only to discover a few days later that they were resumed. As tensions mounted, and as the Reagan administration finally got Arafat to accept specific terms for his departure from Lebanon, distrust of Sharon rose so high within the Israeli Cabinet that they deprived him of the authority to activate the air force, an unprecedented restriction on the authority of the defense minister.¹⁹

Finally, on August 21 the sea evacuation of the PLO began. A dispute between the Americans and the Israelis developed as to whether the PLO would be able to take some of their jeeps with them. Two American warships had been dispatched to Beirut to accompany the Greek ship that was to carry the Palestinians. Their orders were to "break out of the harbor by force if necessary, and if the IDF fired on them, to fire right back."²⁰ The ship sailed without incident, and that was how the PLO came to Tunis. Shortly afterward, essentially under Israeli eyes, Lebanese Phalangist forces carried out the horrific massacres of Palestinian refugees in the Sabra and Shatila refugee camps.

The strategy of armed struggle, identified in the Covenant as the only way of liberating Palestine, was always something of a myth. The Israeli invasion, which eliminated the PLO military presence in southern Lebanon, made continued belief in this myth of destroying Israel all but impossible. One key result of the Lebanese war was that for the first time since 1967, PLO forces were no longer present in any area bordering Israel. Tunis is fourteen hundred miles from Jerusalem.

On September 1, 1982, the day of the completion of the PLO evacuation from Beirut, President Ronald Reagan announced a plan for Middle East peace. From a Palestinian point of view the positive elements of the Reagan plan were that it:

- Spoke of “the legitimate rights of the Palestinians”;
- Stated that “the United States will not support the use of any additional land for the purpose of settlements” during a proposed transition period;
- Suggested an immediate settlement freeze;
- Opposed Israeli sovereignty or permanent control over the West Bank and Gaza; and
- Stated that the withdrawal provisions of UN Resolution 242 applied to all occupied regions, including the West Bank and Gaza.

The negative elements of the plan from a Palestinian point of view were that it:

- Did not explicitly affirm a Palestinian right to self-determination;
- Stated that “the United States will not support” the establishment of an independent Palestinian state and instead proposed “self-government by the Palestinians of the West Bank and Gaza in association with Jordan”; and
- Did not break any new ground with respect to recognition of the PLO.

While the Israeli rejection of the Reagan Plan was fast in coming, the PLO initially adopted a cautious response. PLO leaders spoke well of certain aspects of it. A few days after President Reagan’s speech, the Arab League met in Fez, Morocco. This was to be a crucial decision point. The resolutions they adopted speak of the:

Arab countries’ determination to continue to work by all means for the establishment of peace based on justice in the Middle East and using the plan of President Habib Bourguiba, which is based on international legitimacy, as the foundation for solving the Palestinian question and the plan of His Majesty King Fahd ibn’Abdul al-’Aziz.”²¹

The reference to Tunisian President Bourguiba’s plan as the foundation for solving the Palestinian question is remarkable since Bourguiba’s plan called for accepting the two-state solution as proposed in the Partition Resolution of 1947. As we have seen, this approach ultimately made its way into the Declaration of Independence.

The Fez Resolution enumerated eight principles, one of which spoke of guarantees of “peace for all states in the region,” essentially quoting Resolution 242. Shortly after the Fez summit Arafat began a period of intensive activity in conjunction with King Hussein. The objective was to see if it was possible to take advantage of the positive aspects of the Reagan plan and to develop a joint position facilitating participation in negotiations. Since a critical issue was the refusal of either the United States or Israel to accept the PLO as a negotiating partner, much attention centered around ways of constructing a joint Jordanian-Palestinian delegation that would be acceptable to all parties. What is important to remember is that this is over ten years before the Oslo Accords, and **at this early date (1982) we see Arafat quite clearly seeking to find an acceptable pathway through which he can enter into negotiations.**

Amid considerable tension, Arafat and King Hussein continued in their effort to establish a joint delegation that would represent the Palestinians in negotiations. These efforts bore fruit two years later when on February 11, 1985, they signed an agreement that committed the PLO and Jordan to work together “towards the achievement of a peaceful and just settlement of the Middle East crisis.”²² This was a clear commitment to try to bring about negotiations. The fifth principle read:

And on this basis, peace negotiations will be conducted under the auspices of an international conference in which the five permanent members of the Security Council and all the parties to the conflict will participate, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, within a joint (Jordanian-Palestinian) delegation.²³

With this principle the PLO committed itself to participating in negotiations with Israel. The signing of this accord should have settled any doubts about whether there had been a vast transformation of the PLO since the days of the Covenant. Moreover, the accord was not merely a statement of principles governing an approach to peace negotiations. It was a specific framework within which the PLO and Jordan were to act jointly in an attempt to bring those negotiations about.

Major sustained efforts were made over the next year. Joint Jordanian-Palestinian delegations visited Arab and European capitals to gain support for this approach. But the critical effort involved winning US acceptance. There were two key points of US opposition. First, the Reagan

administration was opposed to an international conference, preferring instead direct talks mediated by the United States along the lines of Camp David. And second, in line with a firm Israeli position, the United States remained opposed to PLO participation in negotiations. Ultimately the United States agreed to an international conference that would serve as an umbrella for direct talks. On the issue of PLO participation the United States finally responded to Hussein's entreaties by stating:

When it is clearly on the public record that the PLO has accepted Resolutions 242 and 338, is prepared to negotiate peace with Israel, and has renounced terrorism, the United States accepts the fact that an invitation will be issued to the PLO to attend an international conference.²⁴

The key issue was whether the PLO would accept 242 and 338. Hussein indicated in his February 19, 1986, speech that he believed he had a commitment from the PLO that they would do so. The PLO maintained that their commitment was tied not to an invitation to the conference but to gaining a US commitment to the principle of Palestinian self-determination. This issue of whether the PLO would accept Resolution 242 without adding a reference to a Palestinian right to self-determination would, for years, bedevil efforts to commence negotiations. As we will see, the Declaration of Independence provided the way to surmount this recurring obstacle.

In response to the US statement on conditional willingness to see the PLO invited to the international conference, the PLO transmitted, through Hussein, three alternative proposals, which could be viewed as conditional acceptance of 242 and 338. The United States found all of these formulations inadequate. It cited two reasons: (1) that each of them links "acceptance" of 242 and 338 to other United Nations resolutions, and (2) that the PLO was prepared to agree to all three formulations only if the United States would "pledge to affirm the right of self-determination of the Palestinian people."²⁵ Following this episode, Hussein announced that he was unable to coordinate politically with the PLO.

Eight months later, in December 1987, the Intifada erupted in the West Bank and Gaza, catching the PLO by surprise. Then, in November 1988 at the nineteenth PNC, the Declaration of Independence was issued—a decisive juncture to be sure, yet **one that came after more than a decade in which Arafat sought to bring the PLO into negotiations.**

One may ask, if the PLO was undergoing such marked evolution, starting only shortly after it was founded, why was this not generally perceived? There are multiple reasons, but foremost among these is a single issue: **terrorism**. Above all else, Palestinian terrorism made it impossible to perceive anything else about the PLO; in the eyes of Israelis, of Americans, of policymakers, the PLO was simply reduced to this single identity: a terrorist organization.

CONTINUED PERCEPTION OF THE PLO AS A TERRORIST ORGANIZATION

There are multiple definitions of the term “terrorism,” as well as a good deal of thoughtless discussion, such as “one man’s terrorist is another man’s liberation fighter.” Basically the term “terrorism” refers to **the means** employed in a violent struggle, not the ends. For most purposes it can be thought of as the deliberate targeting of civilians in a violent campaign to achieve political objectives. Over the years, even as the PLO’s objectives moderated, it continued to employ and to be associated with terrorism, and because acts of terrorism are so dramatic and so extreme, it is all but impossible to mentally associate them with moderate objectives.

Without going into the specifics of any of these incidents, and without dealing with whether they were all acts of terrorism or the extent to which Arafat was responsible, here are some of the most dramatic incidents from the period:

February 21, 1970: Swiss International Airlines flight 330, bound for Tel Aviv, is bombed in midflight by PFLP, a PLO member group. Forty-seven people are killed.

May 8, 1970: PLO operatives attack an Israeli school bus with bazooka fire, killing nine pupils and three teachers.

September 6, 1970: Airplanes from TWA (Trans World Airlines), Pan Am (Pan American), and BOAC (a British state-owned airline) are hijacked by the PLO.

May 1972: PFLP dispatches members of the Japanese Red Army to attack Lod Airport in Tel Aviv, killing twenty-seven people.

September 5, 1972: Known as the Munich Massacre, on this date eleven Israeli athletes are murdered at the Munich Olympics by a group calling itself Black September, said to be an arm of Fatah.

March 1, 1973: Palestinians take over the Saudi embassy in Khartoum. The next day, two Americans, including Cleo Noel, US ambassador to Sudan, and a Belgian were shot and killed. James J. Welsh, an analyst for the National Security Agency from 1969 through 1974, charged Arafat with direct complicity in these murders.

April 11, 1974: Eleven people are killed by Palestinians who attack an apartment building in Kiryat Shmona.

May 15, 1974: PLO operatives infiltrating from Lebanon hold children hostage in Ma'alot school. Twenty-six people, twenty-one of them children, are killed.

March 1978: Known as the Coastal Road Massacre, on this date Fatah terrorists take over a bus on the Haifa-Tel Aviv highway and kill twenty-one Israelis.

October 7, 1985: The Italian cruise ship *Achille Lauro* is hijacked by PLF, a member organization of the PLO. Leon Klinghoffer, an elderly man who uses a wheelchair, is shot and thrown overboard.

These were dramatic, high-profile, horrific incidents, and they came to totally dominate the image of the PLO. In 1988 the PLO was moving toward a major peace initiative, but with all this history firmly embedded in the minds of the public and policymakers alike, one might wonder: Could they even be heard? In particular, would a PLO peace initiative be heard in Israel? Here one should bear in mind the psychological connection for Jews between anti-Israeli terrorism and the Holocaust.

While in principle terrorism can be used as a means to limited political objectives, because it deliberately aims at civilian targets, it treats as legitimate the intentional killing and targeting of people who are recognized as innocent. The Israelis killed may be old or just born. Their politics may be of the left or the right. They are targets simply because they are Israeli Jews. It is inevitable that this connects in the minds of Israelis, and Jews worldwide, with efforts to exterminate the Jewish people for being Jews.

More than any other factor, the Palestinian indulgence in terrorism undermined the potential credibility, and thus effectiveness, of their moves toward peace.

THREE

1988

LEADING UP TO THE DECLARATION

There is no decisive point from which to date the gradual PLO shift away from the objectives of the founding Covenant of 1964. However, by the fall of 1988 the PLO was clearly focused on attaining a new international status, on coming in from the cold, and on achieving international acceptability as a legitimate representative of the Palestinian people.^{[1](#)}

THE INTIFADA

The PLO's decision to issue a declaration of independence was made nine months into the Intifada in the West Bank and Gaza. Without the Intifada there would not have been the Declaration of Independence. Around the world the Intifada received intense media coverage showing confrontations between armed Israeli troops and stone-throwing Palestinian teenagers. For many in the general public around the world, this was their first real awareness of Palestinian resistance to the Israeli occupation of the West Bank and Gaza, which had begun following the 1967 war. While the Intifada was unique in many ways, and was certainly the longest and most widespread revolt against the Israeli occupation, there had been substantial resistance, on again and off again, to continued Israeli rule over the

territories. This itself is substantiated by the fact that prior to the outbreak of the Intifada, some four thousand Palestinians were being held in Israeli prisons for acts linked to the occupation.

In *The West Bank Story*, Rafik Halabi writes:

I have seen it again and again . . . thousands of young people take to the streets to demonstrate against the endless occupation. Fired up by nationalist slogans, they unfurl the flag of Palestine and march down the boulevards of Ramallah roaring, "My land, my land, my land! For you, my love, my heart. Palestine you are the soil of self-sacrifice." I have seen women and children in the Amari refugee camp turn tires into flaming barricades. I have seen girls building roadblocks out of stones, as other girls, masking their faces with kaffiyehs, have rained rocks on Israeli soldiers.²

And in scenes almost identical to those seen on TV during the Intifada, Halabi describes "how soldiers charge the crowd and make their arrests, with the aid of tear gas and clubs." How "others scour the streets in half-tracks and jeeps, hauling in anyone who gets in their way. Shuttered shops are marked for special squads of welders, who force open the locks."³ What may surprise readers who witnessed such scenes on TV in 1988, is that these passages were written in 1981, seven years *before* the Intifada. Palestinian resistance to the occupation did not start with the Intifada, but it did not grab world attention until the uprising that began in December 1987.

Because the Israelis had successfully put down mass efforts in previous periods, they did not initially assess the Intifada as something new. Defense Minister Yitzhak Rabin confidently responded to it with a display of force. Under his direction a policy of "breaking their bones" was adopted and detentions were expanded.⁴ Yet despite a strong Israeli response, this time the Palestinian crowds grew larger. Many approaches were tried in an effort to bring events under control. Deportations were carried out, but this produced outrage and served as a rallying point that united Palestinian factions. In the belief that Tunis was playing a key leadership role, Israeli commandos slipped into Tunisia and assassinated PLO leader Abu Jihad. This too prompted a greater outpouring of popular resistance. Every step Israel took seemed to bring more people into the fray. Widespread curfews were imposed, but crowds grew in the streets after dark. As a form of collective punishment, Israel closed down the universities, but this too

backfired as tens of thousands of students returned to their homes and villages, expanding the numbers in the streets. Nothing seemed to work.

Building on previous revolts, quickly becoming media savvy, and having been exposed to tactical ideas from nonviolent movements in other parts of the world, the Palestinian confrontations soon evolved into something not previously experienced: a highly creative, nimble revolt that engaged the entire society, crossing lines of age, gender, and class. The PLO in Tunis had not instigated the Intifada, and although they did not initially grasp what was occurring, communication and some coordination between a newly formed underground leadership and the PLO in Tunis rapidly developed. Proposed directives from the underground command were faxed to Tunis through intermediaries in Cyprus, and they came back with changes, but these were limited in scope and not always followed.⁵

The Intifada was not a nonviolent movement, but to a very large degree it succeeded in exercising control over the extent to which violent tactics were employed. Stone throwing was ever present, and there were some Molotov cocktails, but for the most part a rule of “no guns” was enforced. Statistics from the Israeli human rights organization B’Tselem show that from the outbreak of the Intifada on December 9, 1987, through the end of 1988, 10 Israelis were killed in the occupied territories. During the same period, 311 Palestinians were killed by Israeli security forces.⁶ Clearly, most of the lethal activity was coming from the Israeli side.

The underground command communicated to the Palestinian public through leaflets, distributing hundreds of thousands of copies within a few hours. The first of these leaflets was issued in early January 1988, roughly a month after the revolt had erupted following an apparent accident in Gaza in which several Palestinians had died when an Israeli truck plowed into a line of cars. This first leaflet issued a call for a general strike in a few days’ time. It read:

All sectors of our heroic people, wherever they may be, are to observe scrupulously the call for a comprehensive general strike from January 11, 1988 until Wednesday evening January 13, 1988. The strike will embrace all spheres of public and private commerce, as well as the workers and public transportation sectors. The general strike must be strictly observed. The slogan of the strike will be: Down with the occupation, long live free Arab Palestine.⁷

The leaflet, in calling for a commercial strike, was explicit about violations: “We will punish traitorous merchants quickly.”⁸ Probably on the basis of previous experience, it specifically addressed the owners of bus companies and promised “revolutionary punishments” for violations. Doctors and pharmacists were given an exemption, and “the popular committees”—a support feature of the Intifada that had already emerged—were instructed to “proffer whatever help and aid they can to our people and their various sectors, and especially to the needy families among them.”⁹

The leaflet was signed simply “The Palestinian Forces,” but the text said that it was issued in obedience to the call of the PLO, our “sole legitimate representative” to continue with the uprising. What is clear from the wording of this first leaflet is that from the start, those issuing the leaflet saw themselves as in charge. They were asserting, with announced punishments, an authority over the entire population. They were functioning as rule-givers, the most basic characteristic of governments.

Days later a second leaflet appeared, calling for the same general strike. It was signed by the Unified National Command for the Escalation of the Uprising in the Occupied Territories. A week later a third leaflet appeared, this one signed jointly by the Unified National Command (UNC) and the PLO. It called for another general strike, and now added a further step, “a collective abstention” from paying the VAT (the core tax levied by the Israeli government), and called for a boycott of Israeli merchandise (especially chocolates, milk, and cigarettes) and for a labor strike in Israeli industries. The leaflet also called for a fuller mobilization of the resources of the society: owners of warehouses, pharmacies, and the drug industry were called upon to make donations to the medical committees so they could provide free treatment; all people of means were asked to make donations to provide food for the refugee camps; academics and professionals were urged to join the popular committees and to “do literary writing, compose poems, songs and slogans.”¹⁰

The leaflets were generated by the Unified National Command, which was itself composed of representatives from the various factions that made up the PLO (e.g., Fatah, DFLP, PFLP, Communist Party). At the same time, another set of leaflets was put forward by Hamas. The two sets differed markedly in tone and conception. Those from the UNC were constrained in

their delineation of the objectives of the Intifada. For example, they called for:

- Israeli withdrawal from Palestinian and Arab lands occupied since 1967, including East Jerusalem,
- Annulling all annexation measures and removing the settlements that have been established on the occupied lands.
- Placing the occupied Palestinian lands under UN supervision . . . for a few months.¹¹

Further, some of the UNC leaflets were explicit in making clear that part of their intended audience was the Israeli public. Thus one said that the Intifada was to stress “to the Israeli street that our blessed uprising did not aspire to shed the blood of Palestinians or Jews but was a revolution against the . . . occupation.”¹² Then, attuned to the importance of Israeli elections, the leaf-let called on “Israeli voters to vote for peace forces that support our people’s right to self-determination and to establish an independent state on our national soil.”¹³ By contrast, the Hamas leaflets were distinctly anti-Semitic, speaking of “the Jews—brothers of the apes, assassins of the prophets, blood-suckers, war mongers.”¹⁴ And they were clear in their maximalist objectives: “No to the Zionist existence! . . . No to concessions, [not] a grain of dust from the soil of Palestine.”¹⁵

While the Intifada was uniquely creative in its tactics, and largely moderate in its objectives, there was a void when it came to strategy. How was the Intifada to lead to the independent state (on the 1967 lands) to which Palestinians aspired? In the leaflets, again and again, one formula is repeated:

We welcome [the initiative] to convene an international conference, to be vested with full powers, while emphasizing that the PLO’s right [to participate] is equal to that of the other parties to the conflict.¹⁶

And again in subsequent messages:

Our splendid Command [the PLO], whose intensive political activity is resulting in the most superb achievements . . . with a view to the convening of an international conference possessing full powers and Palestinian representation in an independent delegation.¹⁷

Even within a few months, and certainly by the summer of the first year, the Intifada had been enormously successful in winning support. Its ability

to exercise control over its own use of violence, coupled with its broad participation, gained the Palestinians considerable international attention and support. This also resulted in limiting Israel's ability to use force to suppress it. As the revolt continued, it became increasingly clear to the Israelis that they had no military solution.

Yet for all that was achieved, the Palestinians lacked a coherent political strategy. To most outside observers, the dominant idea—that there would be an international conference that would force Israel to withdraw from the territories, including East Jerusalem—appeared distinctly unrealistic, as it assumed sustained and powerful American pressure on Israel. While the Palestinians had articulated an independent state as their political objective, other than this “international conference” formula, there was no vision as to how this was to be attained. This was about to change, and a key player was King Hussein of Jordan.

KING HUSSEIN'S RENUNCIATION

Had the Palestinians and the Arab world accepted the Partition Resolution of November 1947, a Palestinian state would have emerged in the following year. Viewing partition as fundamentally unjust, the two-state option was rejected outright, and the 1948 Arab-Israeli war followed six months later. When the fighting stopped in 1949 and armistice lines were drawn, Israel, whose statehood had been proclaimed in May of 1948, was left in control of not only all the territory that had been allocated for the Jewish state but also significant portions of the land that was to have been the Arab state. In addition, Israel ended the war in control of the western part of Jerusalem, which was to have been an international zone. The eastern part of the city, including all of the ancient walled city, was under the control of Jordanian forces, as was the remainder of the territory that would have been part of the Arab state, with the exception of the Gaza Strip, which was under the control of Egyptian forces. The area under Jordanian control came to be called “the West Bank,” indicating its location in relation to the Jordan River.

In 1950 Jordan formally annexed the West Bank and East Jerusalem, and granted all residents automatic Jordanian citizenship. No Arab country

recognized the annexation. It was only recognized by Britain, which itself did not recognize the annexation of East Jerusalem. Nonetheless, Jordan continued to rule the West Bank until the 1967 war, during which Israeli forces conquered all of the territory up to the Jordan River. Despite the Israeli victory, Jordan continued to view the Palestinians living under Israeli occupation as Jordanian citizens, and they retained their Jordanian passports. Beyond that, even under Israeli rule, Jordan remained engaged with the West Bank Palestinians. It paid the salaries and pensions of civil servants, and initiated capital development programs.

Following the 1967 war, Palestinians led by Yasser Arafat took over control of the PLO, which had been created in 1964 under Egyptian auspices. As we have seen, initially, the PLO was not committed to the creation of a Palestinian state, but as that became the focal point of Palestinian aspirations, there was a growing contradiction between Jordanian claims of sovereignty over the West Bank and Palestinian objectives. Moreover, there was continued tension between the Jordanian regime and the various Palestinian groups that operated out of Jordan. The tension was over more than who represented the Palestinians. The PLO had become a major armed presence within Jordan, and began acting as a state within a state. That, coupled with the huge population of Palestinian refugees living in Jordan, possibly a majority of the total population, created a threat. Fearing for his own power, King Hussein launched a series of attacks on PLO forces in 1970-71, in what came to be known as Black September, and drove the PLO out of Jordan. This was no small incident; thousands of Palestinians died in the fighting. In the subsequent years, relations between the PLO and Jordan continued to be marked by tension and acute suspicion. Then came the Intifada.

In late July of 1988, almost eight months into the Intifada, King Hussein stunned the world with a series of measures transforming Jordan's relationship with the West Bank and the Palestinians. On July 28 his government announced that it was terminating a \$1.3 billion development program in the West Bank. Then, on July 31, King Hussein gave a speech in which he announced the severance of all legal and administrative ties with the West Bank, a territory the regime had viewed as part of Jordan since the 1950 annexation. In explaining this move, Hussein maintained that it was taken out of respect for "the wish of the PLO, the sole legitimate

representative of the Palestinian people to secede from us as an independent Palestinian state.”¹⁸ Hussein was careful to not challenge the right of the Palestinians to do so, as he formally supported their right to self-determination. Rather, he maintained that:

Lately, it has transpired that there is a general Palestinian and Arab orientation which believes in the need to highlight the Palestinian identity in full . . . and there is general conviction that maintaining the legal and administrative links with the West Bank . . . contradicts this orientation.¹⁹

Given this view, Hussein maintained, it was his duty to sever the links. He explained that this concerned only “occupied Palestine and its people,” that it did not relate in any way to “the Jordanian citizens of Palestinian origin in the Hashemite Kingdom of Jordan.” He underscored his point saying, “Jordan is not Palestine.”

Throughout the speech there was a tone of exasperation. Hussein had had enough of criticism from the Palestinians and the Arab states. He seemed to be saying, “If they think they can do better on their own, let them try!” Hussein’s decision to sever all ties to the West Bank not only caught Israel and Washington by surprise, it surprised the PLO as well. Three days later, at a previously planned meeting in Baghdad, the PLO Central Committee issued a statement saying that the Jordanian disengagement had been done without any consultation or prior knowledge by the PLO. The Central Committee affirmed the PLO’s commitment to “shouldering its responsibilities” as the sole legitimate representative of the Palestinian people. It asserted that the PLO would fill the void left by Hussein’s decision, but it made no mention of a declaration of independence.²⁰

The Central Committee may have been concerned about its ability to control events within the Palestinian community. The communique stressed the importance of the PLO taking full leadership, saying that “at this important phase of the Palestinian cause . . . statements not be made outside . . . the framework of the leadership and the PLO Executive Chairman.” If this was directed at the Palestinians in the territories, the concern was prescient. Two days later, news broke worldwide that the Israeli secret service had found evidence of **plans by the underground**

command to issue a declaration of independence from inside the occupied territories.

THE HUSSEINI DOCUMENT

The first report that the Palestinians were thinking about declaring independence appeared in the *Los Angeles Times* on August 5. It was written by reporter Dan Fisher, who cited as his source an individual “close to” the underground leaders of the Palestinian uprising, “who in the past has had extraordinary knowledge about the group’s inner deliberations.” As described by this source, the underground leadership was preparing to issue a declaration of independence “to assert a Palestinian claim to the land effectively renounced” the previous weekend “by King Hussein.”

The intended declaration was to be “at least an implicit acceptance of Israel’s right to exist.” Fisher wrote: “If implemented . . . the declaration would mark a bold effort by the Palestinians to take the political offensive for the first time since the intifada, or uprising, began last December.” The article also noted that on the Israeli side, following King Hussein’s disengagement announcement, there were key figures, Ariel Sharon being one, who were calling for Israel to quickly assert its sovereignty over much if not all of the occupied territories. However, the piece noted that Prime Minister Shamir had rejected such calls, maintaining that Israel was restrained from doing so by the Camp David agreement reached with Egypt.

The article went on to say that the Palestinian plan was to have the declaration come from the territories, either from the “Unified Leadership” or from other West Bank personalities supported by the underground command, and to have it occur *in advance* of a planned meeting on September 9 of the Palestinian National Council of the PLO. The source was quoted as saying the idea was to transform the territories, within a month, into “an occupied Palestinian state and not an occupied land.” Fisher wrote that a senior PLO figure had announced a somewhat different plan, that in September the National Council would consider the creation of a Palestinian government in exile.

While the reported declaration of independence would be made in the territories, the plan was to have the government of the newly declared state

include both Palestinians living in the territories and PLO figures on the outside. The identity of those inside would be kept secret to prevent their arrest by Israel. The source explained that the idea was for the PLO to unequivocally adopt the two-state solution, but that it was better to have the underground leadership in the territories do it first. Fisher quoted the source as saying: "Nobody is talking about Jaffa. Everybody is talking about two states."

It should be mentioned that in this long report there was **no mention of the existence of any written document** that laid out these ideas. Everything was presented as the ideas and plans of the underground leadership, and there was no mention of any connection to the arrest of Faisal Hussein, which had occurred on July 31, the very same day as King Hussein's speech.

A DOCUMENT REVEALED

Press attention to the Palestinian plans continued to build. The next day, August 6, a lead story on Israeli television reported that the plan in question was actually spelled out in a document, and that it had been seized a few days before, in the offices of Faisal Hussein, following his arrest on July 31. Israeli television stated that it had a copy of the plan. Hussein was widely seen as the most prominent figure in the West Bank.

A day later, the text of the "independence document" was published in Hebrew in *Yediot Aharonot*, Israel's largest daily paper. Stories about the plan were now a sensation and occupied the front page in all of the Arab and Israeli papers, and Prime Minister Shamir described it as a "crazy dream that will never be fulfilled." At first there was a question of how the Israeli press obtained a copy of the document, but then Israeli television reported that the document actually had been leaked by the Israeli security service, the Shin Bet. This surprising information set off a new round of reports that Defense Minister Rabin had angrily condemned the leak in a Cabinet meeting, saying it damaged Israel and gave the idea more prominence than it deserved.²¹

It turned out that the leak had been personally authorized by Prime Minister Shamir, who defended the leak without admitting his own role.

Speaking on Israeli television, he said: “It’s good that we should know who is standing behind the stone throwers and the Molotov cocktail throwers.” It’s not clear to whom Shamir was referring, probably the PLO. Some interpreted it as intended to discredit Faisal Husseini, as there was widespread condemnation internationally over his arrest, which came only a few days after Husseini had called for a historic compromise between Israelis and Palestinians. Demonstrations in support of Husseini were being planned by the Israeli left.

Up to this point, there had still been no identification of the author of the document. This soon changed, and the first specific name to surface was my own. First there was a report in the Hebrew daily *Maariv*, which linked the document to a piece I had published in *The Washington Post* three months earlier, in May. Then, according to reports in *The Jerusalem Post*, Husseini’s colleagues, who judged the leak was an effort to harm Husseini, characterized the document saying it “was simply an elaboration of a published article by an American-Jewish professor, Dr. Jerome Segal . . . at the University of Maryland.”²² In some ways this characterization of the document as “an elaboration” of my ideas was accurate, but there were important differences.

A few days later, Professor Sari Nusseibeh, who it later emerged had himself been the actual—or at least the primary—drafter of the Husseini Document, sought to put things in context. In an interview to the Palestinian paper *Al-Fajr*, he said that early in the Intifada various scenarios were discussed.²³ Nusseibeh wrote that “one scenario that was particularly prominent in the discussions was that of a gradual escalation in civilian rebellion leading finally to the point of a declaration of independence.” He continued:

The discussion was later enhanced by visiting scholar Jerome Segal, who published his ideas in the local press. The publication made it possible to hand around and discuss a legitimate text. Various short commentaries were also handed around and discussed. When it finally seemed that we were coming closer to the point of total rebellion (disobedience) an indigenous text became necessary. I assume that this is how the text in question evolved.²⁴

Nusseibeh’s account is strikingly similar to a fuller account provided at the time by Palestinian journalist Daoud Kuttab, who played a role in leaking the original story to *The Los Angeles Times*.²⁵ Kuttab is more

specific about the time sequence, writing: “It is now known that two weeks before King Hussein’s statement on the West Bank, leading Palestinians were discussing a draft declaration of independence.”²⁶ The people who saw the document “were mostly activists from the mainstream Fatah movement inside the occupied territories, the Fatah leadership outside being kept informed.” According to Kuttab,

The draft proposal was to be announced one week before the meeting of the PNC, to give time to assess foreign reaction. It was not decided how the declaration was to be made. Prominent Palestinians, including religious leaders, might announce it in Jerusalem, or it might come from Palestinians in Israeli gaols, or it might be included in one of the leaflets from the Unified Command. Finally, prominent Palestinians in the US and Europe might try to come to Jerusalem to make the announcement there, calculating that their American or European citizenship would make them immune from arrest by the Israelis. It was agreed that not only would such a declaration give encouragement to the intifada, but that it would increase pressure on Israel to accept the idea of an international conference.²⁷

Kuttab says that the effort of the West Bankers was halted by the discovery of the plan. “But this plan never materialized. The arrest of Faisal Hussein after the Israelis had secured a copy of the draft declaration, since much of its impact depended on surprise, apparently put an end to discussions.” But he explained that “Palestinian activists” (likely including Kuttab himself) told the foreign press that the underground leadership was working on the proposal for a declaration of independence.²⁸

Kuttab’s account is in line with a 1995 interview, in which Faisal Hussein said that just shortly before his July 31 arrest, Sari Nusseibeh gave him the document to review. Hussein explained:

Sari came to my house and gave it to me to review, but before I could read it or respond, the Israelis arrested me and seized it. I did not learn what was in it until I was in jail, and was surprised to hear about a paper, named after me, while I was watching television.²⁹

During the summer of 1988, when the Hussein Document became known, Sari Nusseibeh’s role was kept secret, and since I was the only person publicly identified as author of the declaration idea, I became the focal point for an enormous amount of press attention.³⁰ I thus appeared countless times in the media to articulate my own ideas about a Palestinian declaration of independence, which in some respects differed importantly from what was articulated in the Hussein Document.

To better understand Palestinian unilateralism, it is useful to compare the Hussein Document with what I had advocated three months earlier. To my knowledge, these two documents were the only written proposals that were the subject of Palestinian public discourse about a declaration of independence.³¹ My essay "From Uprising to Independent State" was published in *Al-Quds*, the leading Palestinian paper, in Arabic, on April 27, 1988. The Intifada had been going on for about four months, and although it had given tremendous worldwide attention to the Palestinian effort to throw off Israeli rule, there was uncertainty as to its political objectives and larger strategy. In particular, there was no clear Palestinian strategy for how to go from stone throwing to achieving an independent state.

This absence of any clear *strategy* was foremost in my mind, and while I raised it in numerous conversations with Palestinians in the territories, no good answer was forthcoming.³² Some just said that such matters were up to the PLO. Others said that the uprising would engage American interests and the United States would force Israel to withdraw. Others made vague reference to an international conference that would give rise to negotiations in which Israeli withdrawal would be achieved.³³ There was zero mention of a declaration of independence, and certainly no discussion about what a newly declared state might then do to bring an end to the occupation.

My objective in seeking to publish the strategy proposal in *Al-Quds* was to reach as large an audience as possible, both within the territories, in Tunis and elsewhere. In particular, I hoped that it would be read by Hussein, who at that point was in jail, and whom I had never met; *Al-Quds* was the only paper available to Palestinian prisoners. When I returned to Washington, I was able to ensure that the independence strategy received a worldwide audience, including the PLO leadership in Tunis. First, a shorter version of the *Al-Quds* article was published by the *Washington Post* (May 22). This in turn was reprinted in the *International Herald Tribune*, the *Jordan Times*, the *Manchester Guardian*, and other papers. In June the piece ran in the English-language edition of the Palestinian paper *Al-Fajr*, and a similar version appeared in *Middle East International* and in the Palestinian magazine, *The Return*. In addition, Voice of America did a story about it.

The plan I put forward continued to gain attention and began to be a topic of discussion not just among Palestinians but in Washington policy circles as well. Two days after it appeared in the *Washington Post*, Congressman Nick Joe Rahall inserted it in the *Congressional Record*, saying he believed his colleagues and the American people ought to consider it. In June, William Quandt, who had been an adviser to President Carter, hosted an event at the Brookings Institution at which I presented and discussed the proposal. The event was covered in the local Jewish press, and among those reported in attendance was Dennis Ross, then a White House adviser.

In July the *Baltimore Jewish Times* did a long interview with me about the plan, and then solicited comments from Martin Indyk, at the time, director of the Washington Institute for Near East Policy, later to become US Ambassador to Israel and Assistant Secretary of State for the Near East. Indyk was quoted in the article as saying, "It's a nice dream But it's no surprise that the PLO hasn't taken his advice. They've debated the notion of a PLO government in exile for two decades If such a declaration would be so beneficial, why haven't they done so already? The reason is that they don't want to live in peace alongside a Jewish state."³⁴ All this occurred prior to the discovery of the Hussein Document and prior to King Hussein's disengagement speech.

The following is the English-language text of my essay in *Al-Quds*, originally published in Arabic on April 27, 1988.

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FROM UPRISING TO INDEPENDENT STATE—HOW TO DO IT

The uprising in the occupied territories is the most important event in the last twenty years of Palestinian history. The most fundamental meaning of the uprising consists in the transformation it is bringing to virtually the entire Palestinian population of the territories. For the first time they have fully entered history as agents of their own destiny.

The successes of the uprising have been significant. These include the mobilization and unification of the population, the attainment of considerable worldwide sympathy, the widening of divisions within the

Jewish community both in Israel and in the United States, the re-activization of American diplomacy, and the achievement of limited European economic measures against Israel.

Yet for all that, it is not obvious that the uprising has moved the Palestinian people any closer to attaining an independent state. It appears that Prime Minister Shamir has successfully blocked American efforts to initiate an international conference, and public opinion polls suggest that, if anything, the Israeli public has moved a bit to the right.

Moreover, the uprising contains tremendous dangers for the people in the occupied territories. There are a variety of scenarios, ranging from settler provocation, to frustration, to simple rage which may result in the breakdown of the internal discipline which has kept matters to largely non-lethal stone throwing. Were this to change, it is likely that the Israeli response would result in vastly more Palestinian deaths and injuries. And if matters moved towards full scale armed conflict, the stage would be set for mass population transfers and the concentration of civilian populations in special camps.

Were such events to occur, it would mean tragedy not only for the Palestinians but for Israel and for Judaism itself. Inside Israel there are those that say that if no settlement is reached soon, there will be another war with the Arab countries, yet there are no Israeli leaders acting decisively for the self-interest of their own country. Inside the United States, the American Jewish community is unable to find a strong moral voice, and within the Palestinian world there seems to be a shortage of ideas as to how to move from the present situation to statehood.

It is time to rethink some of the basic premises. Up to now, Palestinians have placed tremendous import on an international conference, negotiations, and PLO representation at such negotiations. Not much is heard about what happens if such negotiations begin and then deadlock. Perhaps it is believed that the price of failure would be so great that once started, it would necessitate a comprehensive solution. Yet this is wishful thinking. It is perfectly likely that negotiations will simply be unable to generate a solution acceptable to both Israelis and Palestinians, and it is also likely that the superpowers will lack the will to impose a solution.

If we probe a bit deeper, we see that the present strategy for attaining an independent Palestinian state embodies a model which needs to be challenged. That model is that statehood emerges from negotiations and agreements. In short, it assumes that no Palestinian state can come into existence unless there is prior Israeli approval.

Yet consider how Israel itself came into existence. Following the United Nations Partition Resolution of 1947, the Israelis simply declared the existence of the state of Israel. Indeed, they made that declaration contrary to the urging of the US Department of State. They did not get Arab or Palestinian advance approval. They did not negotiate with the Palestinians. They proceeded unilaterally, and gradually secured international recognition, admission to the United Nations, and effective control of territory.

There are important analogies and dis-analogies here for the Palestinians. Today's military and political realities totally preclude achieving statehood through force of arms. But on the other hand, today's political, moral, economic and psychological realities offer new alternatives within the same basic concept: The Palestinians do not need advance Israeli approval to bring a state into existence, and there is no reason why they should cede such power to Israel. Indeed, to do so is inconsistent with the underlying spirit of the uprising.

An alternative strategy is possible. One which will overnight transform the political agenda, and place the two-state solution in center stage as the only peace option. Here is how the Palestinians might proceed.

1. The PLO issues a Declaration of Independence and Statehood, announcing the existence of the State of Palestine in the West Bank and Gaza. Simultaneously the Declaration of Independence and Statehood is announced throughout the occupied territories.
2. The PLO proclaims, as its final act, its transformation into the Provisional Government of the state of Palestine. The Palestine National Council (PNC) is transformed into the legislative body of the Provisional Government. All government positions are declared provisional pending the possibility of free election by the Palestinian

people.

3. The new government issues Law One (or a constitution) which proclaims:
 - The State of Palestine declares itself at peace with the state of Israel.
 - The State of Palestine (like Costa Rica) will by its constitution, not maintain an army.
4. The new government offers Israel the exchange of Ambassadors and mutual recognition.
5. Law Two is issued, forbidding all acts of terrorism and announcing penalties for any violations.
6. Worldwide Recognition:
 - A worldwide diplomatic offensive is declared seeking:
 - a. Recognition of the new state
 - b. Admission to the United Nations
7. Boundaries
 - The provisional Government calls for direct negotiations to set boundaries with Israel and to establish a permanent Israel-Palestine peace treaty.
8. Israeli Withdrawal
 - Withdrawal becomes the central demand, internationally and within the territories. All the energy presently expended on peripheral matters is now concentrated on this single demand. Whereas, previously Israel was occupying a territory, it is now occupying a foreign country which has declared that it is at peace.
 - To promote withdrawal and to eliminate any excuses for a continued military presence, the Provisional Government announces a ban on all lethally violent attacks on Israeli soldiers. No violence is allowed against settlers except in clear self-defense.

- The Palestinian people are called to enter into only symbolic activity directed against Israeli soldiers in the territories. Stone throwing is permitted, but only insofar as it is undertaken symbolically (i.e., with no lethal intent). Use of gasoline bombs is forbidden.
- If diplomatic efforts fail to secure either negotiations or withdrawal, an intensified campaign of international economic pressure is undertaken.

9. Building the Fabric of Statehood

- In some parts of the territories, the soldiers will be totally ignored; treated as if invisible.
- The real focus of energies will be on building the inner sinews of national life and statehood:
 - a. Secret local elections are held.
 - b. Economic self-reliance is advanced.
 - c. Schools are re-opened or classes held in secret.
 - d. Social services are expanded on a village level.
 - e. A national anthem is proclaimed. The anthem should emphasize peace.

10. Currency

- With the assistance of the Arab states the Provisional Government should issue a new Palestinian currency.
- To ensure its use and value even during the period of occupation, its conversion into dollars should be guaranteed. Within the territories a small gold coin should be introduced. The inherent value of the coin will ensure that it will be taken seriously even by Israelis. Every time a transaction is paid using this coin, Palestinian statehood will be affirmed.

11. Passports

- The new government, to symbolize the end to statelessness, should promptly issue passports. These should be made available to any Palestinian in the world who desires one.
- An announcement should be made that the State of Palestine will

allow dual citizenship. Palestinians who are citizens of other states should be encouraged to apply for and travel on Palestinian passports.

12. Democracy

- The Provisional Government and the new Constitution should proclaim that Palestine shall be a democracy with an independent judiciary and a Bill of Rights to protect individual liberties.
- The United Nations will be asked to supervise the first possible national elections.

The underlying concept behind the strategy is that the existence of a nation state is just as much a matter of the accepted identities, allegiances, and practices of a population as it is a matter of the control of territory. It is possible to start first with the de jure aspects of statehood and move gradually to de facto territorial control.

The great merit of this approach is that the two-state solution, which continues to be viewed as a “non-starter” in Israel and the United States, will simply start itself. In doing so, it will follow the spirit of the uprising: that the Palestinian People on the ground will decide their own destiny.

Politically and psychologically this approach will liberate us all from many of the artificial issues which have served as impediments to bringing peace and justice to the region. Specifically, we will rid ourselves of the baggage of words and obstacles:

- Resolution 242
- International Conference
- PLO Covenant
- Terrorism
- Joint delegations
- Superpower peace plans

There is no way to predict how long it will take to secure full Israeli

withdrawal. No doubt it will take several years. However, it should be realized that to function as a state, even full Israeli withdrawal is not 100% necessary. If Israeli non-interference is achieved, it would be possible to rapidly carry out the tasks of political and economic development necessary for statehood.

Let us consider a variety of possible objections that may be made to the strategy:

- “If the Palestinians move in this direction the Israelis will counter by annexing the territories.”

There is not much to fear from this possibility. It will have no more meaning than did the prior annexation by Jordan. The Israelis will fail to receive any international recognition from such a move; it will not be treated seriously by anyone living within the territories, and as the uprising has demonstrated, the Israeli government has already lost effective control of the territory.

- “You will never be able to get the Israelis to withdraw.”

Never is a long time. Israeli withdrawal will be a matter of the costs and benefits it perceives relative to other options. At bottom a two state solution will be achieved because it does serve Israel’s national interest. It is the only basis for stable peace. Once peace is declared unilaterally by the State of Palestine, this will become ever more obvious. Deprived of any excuses for continued occupation, the international, political, and economic costs of occupation will continue to mount for Israel.

- “Only armed struggle will force Israeli withdrawal.”

This is doubly wrong. Armed struggle is not necessary so long as other forms of struggle are utilized. And secondly, armed struggle runs the great risk that it will result in just the opposite. It may open the door to the transfer or concentration of populations; it will clearly unite American Jews in support of any Israeli government policy; and it will

mean tremendous suffering for a population which has suffered more than enough. To those that are not convinced, let me merely say "give peace a chance." There is plenty of time to die.

- "The Israelis will prevent the implementation of the strategy through provocations and brutal repression designed to create a war situation within which transfer and annexation can occur."

This, I agree, is a danger. It must be faced and countered by all peace forces. For the Palestinian mass population it means ever-increased discipline. And it also means that there is a need for creative tactics which can cushion the damage caused by isolated incidents. Thus any linkages with Israeli peace groups should be expanded. The Israeli public should be challenged to come and talk one-on-one to Palestinians. Palestinian youth should challenge their Israeli counterparts to debate the issues.

For Israeli and American peace forces, combating this danger means finding ways of getting the Israeli army to moderate its behavior and to exercise control over the settlers. The United States government can be helpful in this regard. A major effort should be made to educate Americans, in particular American Jews, to both the reality of the present brutality and to the seriousness of the Palestinian willingness to live at peace with Israel.

- "If this strategy is tried and fails it will be a devastating blow to the Palestinian cause."

Quite the contrary. First of all, the strategy is designed to utilize and expand the tactics of the uprising. Stone throwing will continue: economic and social self-reliance will deepen: international pressure will grow. What the strategy does is to place these tactics within an overall context leading towards an independent state. By doing so it will help prevent the onset of frustration and despair which will be inevitable when present tactics produce no further gains. Secondly, the strategy will further the transformation of Palestinian consciousness and pride which the uprising has begun. People will no longer see

themselves as struggling to bring about negotiations to settle the fate of an occupied territory. Instead, they will be a people with a country, simply struggling to force Israeli withdrawal. What is required is daring to bring one's country into existence.

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"If it seems odd that a Jew should offer his thoughts on how Palestinians can be a successful in their struggle, let me only add that the struggle for an independent Palestinian state is also the struggle for a humane and safe Israel, and that there can be no Judaism without a commitment to Justice."



As can be seen from the essay, this went well beyond issuing a Declaration of Independence. The primary question was about strategy, about how to go from the Intifada to independence. The Declaration was *a first step*, to be followed by a peace strategy. Peace was the only road to independence. The jumping-off point was to call into question the existing PLO strategy of seeking admission to an international conference and then taking part in negotiations. A key question raised about that strategy, which thirty-four years later still retains its currency, was, "What if negotiations deadlock?" What was proposed was a strategy for both creating the Palestinian state and bringing about Israeli withdrawal that did not depend upon negotiations or an unrealistic international diktat.

COMPARISON OF THE HUSSEINI DOCUMENT AND SEGAL'S PROPOSAL

During the several months between the publication of the *Al-Quds* piece in April and the emergence of the Hussein Document in August, I continued to develop the strategy that I had laid out. By the time the Hussein Document appeared, I had completed the text of a book-length manuscript that was later published as *Creating the Palestinian State: A Strategy for Peace*.³⁵ A copy of this manuscript was sent to Palestinian leaders in the territories, and at the end of August, I discussed it with PLO leaders in Tunis (including Darwish) and handed Arafat a copy when I met with him on that visit. The

overall strategy in the book, though greatly elaborated, remained the same as that in the original essay.

A few points should be emphasized:

1. The strategy is an attempt to solve a problem: How do the Palestinians end the occupation and attain an independent state? It rejects the then dominant Palestinian idea that this can be attained through the convening of an international conference by the United States and the Soviet Union. It rejects both the belief that the United States will force Israel to withdraw from the territories and the belief that the Palestinians can successfully negotiate Israeli acceptance of an independent Palestinian state. Instead, it calls for a unilateral peace strategy, arguing that only through a clear commitment to peace can Palestinian independence be attained.
2. The proposed strategy starts with a “declaration of independence and statehood” being issued by the PLO. This is a double declaration, announcing not only independence from Israel, but the existence of the Palestinian state as well. This should be seen in contrast to the establishment of a government in exile, which for the Palestinians would mean only the designation of the future government of a future state. Instead, the perspective is that the Intifada has been a process of state creation that now will reach its peak in the formal proclamation of the state, and the establishment of a provisional government that can act on its behalf. This proclamation of the state and the establishment of a provisional government is seen as **the final act of the PLO**. From that point on, it is the State of Palestine that represents the Palestinians. This is intended to create a new beginning that circumvents all of the difficulties of that period in 1988 associated with attaining legitimacy for the PLO (e.g., its covenant, US law that restricts contact with the PLO, the PLO’s involvement with terrorism).
3. The strategy is intended to bring about an Israeli government decision to withdraw from the territories. It does this by building support for withdrawal both within Israel and from the outside. At the very outset the new state goes beyond offering state-to-state negotiations leading to peace; it declares itself at peace with Israel. It is not only the state that

is to be imposed, but peace itself. Right at the outset it seeks to exchange ambassadors with Israel. The new state immediately passes a law forbidding acts of terrorism. Not waiting for Israel to demand it in negotiations, it immediately announces its commitment to demilitarization.

While the new state will offer to negotiate with Israel on a state-to-state basis, the strategy does not depend on Israel agreeing to those negotiations, and it is expected that Israel will reject negotiations, at least for some time. And it takes, as a real possibility, that negotiations will deadlock, if and when they occur. However, the State of Palestine will be the only possible negotiating partner for Israel.

4. At the same time, the strategy calls for deepening the process of state creation, as now the provisional government emerges as a ruling authority in the lives of the Palestinians. This is supported through the use of multiple symbols of sovereignty, such as passports, stamps, and currency. But most fundamentally state creation is furthered through a system of law, with constant pressure on Israel to allow UN-observed elections to the legislature and executive of the new state.

There is much that the Hussein Document has in common with the above:

- It too is about a new strategy.
- It calls for starting with a declaration of independence, which will “herald” the establishment of the sovereign Palestinian state. Doing so will shift international focus from the question of PLO recognition of Israel to Israeli recognition of the new state. It will be led by an interim government pending elections.
- The Intifada will continue but will be strengthened by the upgraded status of its institutions as part of the new state. The new state will assert itself through regulations which will have to be obeyed. It will issue certain documents to citizens (e.g., identity cards).
- The new state will establish itself from the beginning as wishing to live peacefully alongside Israel. As a result, it will deepen divisions inside Israel between those willing to live peacefully with a Palestinian state and those seeking to hold onto the territories permanently.

- As in my proposal, Palestinian statehood will be imposed upon Israel. The Hussein Document said that “the declaration for the creation of a Palestinian state means forcing an accomplished fact on Israel, the Arab countries, and the world community, which will have no way out of dealing with this reality created by the uprising.” In my essay I wrote: “Whereas, previously Israel was occupying a territory, it is now occupying a foreign country which has declared that it is at peace.”

That the overlap is very substantial is not surprising, as my essay was discussed and well known to those who developed the Hussein Document. Three big differences, however, stand out.

1. The Hussein Document proposed that the Declaration of Independence be made in Jerusalem, a week before the meeting of the Palestinian National Council, and further maintained that the national committees in the territories, which would become a vehicle of the new state, would be “subordinate to the Unified National Command,” and it proposed a legislature that would be composed of people from the territories. Thus the Hussein Document envisioned substantial power in the hands of those within the territories, while the Interim government would still be led by Arafat, and key ministries headed by top PLO figures. By contrast, I did not fully address the distribution of power between those inside and those in Tunis, a key issue for the Hussein Document.
2. That said, unlike my proposal, **the Hussein Document did not propose that the PLO go out of existence.** Rather, it seems to envision that even with an interim government, the PLO would continue to exist. On one reading the PLO would retain ultimate authority, although this is not fully clear. This is a fundamental difference with bearing on the entire strategy.
3. Most important, as a strategy for attaining an end to the occupation, **the Hussein Document continued to focus on the mythic international conference,** saying that:

This programme aims at moving from the phase of clashes with stones on the battlefield to the stage of political initiative through a diplomatic mechanism initiated by the Palestinian side, which will provide the blessed “uprising” with renewed momentum toward an

international conference.

Furthermore, the Hussein Document placed considerable emphasis on negotiations with Israel, even though **statehood per se would not be a subject of negotiations**. It speaks of a willingness to appoint a delegation “from within” and “from outside” that would conduct final status negotiations with Israel, and it identifies the central issues that would be considered in those negotiations (i.e., borders, links between Gaza and the West Bank, Jewish settlements, water, refugees). With this emphasis on negotiations, **there is a deemphasis on the role of a unilateral peace initiative; in particular, it is not seen as central to the process whereby Israel might be brought to end the occupation without negotiations**.

The Hussein Document did make clear that “the nature of the new state will confirm that it is not aggressive, and that the Palestinian people do not desire the annihilation of the state of Israel. Rather, they wish to live peacefully as its neighbour.” How this would be accomplished was neither emphasized nor spelled out. Unlike my proposal there is no mention of a law prohibiting terrorism, or of a constitution that commits to demilitarization of the Palestinian state, or of an immediate announcement that the State of Palestine is at peace with the State of Israel.

In these differences we can find the roots of an ambiguity with respect to the strategic role of the Declaration. Over the years this grew wider. The key strategic questions are about process: What process will ultimately lead to Israel’s withdrawal from the West Bank and Gaza? What is the role of the Declaration within that process?

My perspective was that no outside body, whether the United States or an international conference, was going to force Israeli withdrawal if Israel was dug-in in opposition. The Declaration was conceived as the first step of a process through which Israel would be brought to withdraw. This might involve negotiations, but negotiations were not the focal point, and might not be necessary. Rather, the Palestinians, through the Declaration and multiple further unilateral steps, would be the central player in creating the broad context within which Israel would decide to withdraw. Key elements of this were the creation and worldwide recognition of a Palestinian state, and the emergence of de facto peace between Palestine and Israel. With

continued nonviolent challenges to Israel's presence on the ground inside the territories, and with growing international pressure, as Israel lost any rationale for continued occupation, changes would occur inside Israel. Not only would the left expand, but for Israelis as a whole, the cost-benefit equation of continued occupation would change. Perhaps this would lead to a change in government, perhaps not. But in time it would lead to a change in governmental policy.

The Hussein Document likewise called for establishing the fact of the existence of the State of Palestine. And it did not ignore the importance of how Israelis perceived Palestinian intentions, but that was not the focus. Rather, it was committed to both negotiations and to the convening of an international conference. Exactly how this was supposed to bring about the end of the occupation was not addressed. It did not offer answers to the key weaknesses in the longstanding PLO attachment to the international conference idea—what happens if no international conference is prepared, or even able, to force Israeli withdrawal? Nor was there any answer to what happens if there are negotiations, even with PLO at the table, and the negotiations deadlock. The Hussein Document, only to a limited extent, was about how the Palestinians could create the broader context that would bring Israeli to choose to withdraw. And as events played out, this was never the focus of PLO strategy.

EMERGING US POLICY AND AMERICAN RESPONSE

For all the initial assertiveness of the role of the underground leadership in declaring independence and in the future government that can be found in the Hussein Document, it must be remembered that the Document was just a plan that was circulating. Faisal Hussein had not even read it at the time. As events would unfold, it was the PLO in Tunis that would both draft the Declaration and issue the Declaration. And it was the PLO that would determine the place of the Declaration within the larger Palestinian strategy.

For the Tunis-based PLO, there was at this time no audience more important than the US government. Its strategy for attaining independence envisioned a major American role in bringing about an end to the

occupation, and how the United States might respond to the Declaration or more generally to a Palestinian peace initiative was of critical importance to the PLO. And because of the importance accorded to the US government, the PLO placed considerable importance on the attitudes of the American public and of the Jewish-American community in particular.

One sign that there might be openness toward a Palestinian declaration of independence within the Washington policy community was the remarkable lead editorial that appeared on August 9 in the *Washington Post*. It opened thusly:

King Hussein's decision to sever Jordan's ties to the West Bank continues to ricochet around the Middle East. Its most conspicuous immediate effect has been to give new life to the idea that the Palestinians should simply declare their independence, rather than wait to receive a negotiated version at Israeli or international hands. Israel itself reached nationhood that way A draft "declaration of independence" is said to have been seized in an Israeli raid on a Palestinian institute in East Jerusalem. One form of such a declaration was explored in . . . this newspaper . . . by Jerome Segal of the University of Maryland.³⁶

The editorial goes on to speak with cautious enthusiasm about a Declaration, saying it can "short-circuit the whole laborious international process that has brought the Palestinians nothing but grief (and publicity) to this time, to take a single step that will define the Palestinian community and give it a political focus as nothing else has so far."

At the same time, it makes clear that to declare independence will force the PLO to become clear on its basic goals, saying, "It is also the most formidable political assignment the PLO has ever faced. Setting up a provisional government and declaring independence and statehood would compel the PLO to make the choice it has always shrunk from making: whether it aspires to coexist with Israel or destroy Israel." The editorial goes on to dismiss the out-of-hand rejection of the declaration idea coming from the Israeli government, and says that if the PLO clearly opts for coexistence with Israel, then American cooperation should be forthcoming: "The Israeli government, currently led by annexationists, described the notion of a Palestinian declaration of independence as 'a crazy dream that will never be fulfilled.' It's what many people used to say about the Zionist idea of a Jewish state, but talk like that is bound to be common in Jerusalem as long as the PLO equivocates on the legitimacy of Israel. A changing PLO,

however, can fairly expect American help in making new connections with both Jordan and Israel.”³⁷

This was not an op-ed piece by an off-beat op-ed writer. This was the *Washington Post* itself, speaking in its own voice, in its lead editorial, just days after the discovery of the Hussein Document. It was read by the entire Washington policy community. It was read in Tunis by the PLO, and it was read in Jerusalem by the Israeli government. Here the fundamental question is raised: If the PLO declares independence, will it finally “make the choice it has always shrunk from making: whether it aspires to coexist with Israel or destroy Israel.” **Would it be explicit about PLO willingness to coexist with Israel?**

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How was the US government reacting to these fast-moving events? Insight can be gained by examining a reporting cable, “Palestinian Peace Offensive in Unchartered Waters,” sent to Washington on August 18 by Phillip Wilcox, US Consul General in Jerusalem.³⁸ The focus of the cable is the declaration of independence idea, but Wilcox situates this within a larger initiative coming from the PLO. He sees this initiative as having been launched by an op-ed piece in the *New York Times* (in June) by top Arafat aide Bassem Abu Sharif, which Wilcox characterizes as having offered Israel “peace through mutual recognition.”

Wilcox also calls attention to an interview just three days before by Abu Iyad, the PLO security chief and second-in-command, in which Abu Iyad spoke of the need for mutual recognition and a Palestinian provisional government based on a political program “wholly different from the PLO’s National Covenant.” Wilcox quotes Abu Iyad as saying: “My solution is a Palestinian State, a discussion to establish the borders of that state, and the mutual recognition of Israel and Palestine.” Peace according to his approach would start with Palestinian statehood.

Wilcox reported that the concept of “a declaration of independence and a government in exile” will be discussed at the PNC, which was at that point expected to be held in September. He saw the idea of a declaration as “audacious” but said: “As now defined it is probably fatally flawed by taking

Resolution 181 and the 1947 UN Partition line rather than 242 and the 1949 boundaries as the baseline for negotiations.” Wilcox reports that “if adopted in this form, it would strengthen the Israeli right, and weaken Israeli doves, and it would not command wide international support.” He added: “Even Jerome Segal, who will visit Israel next week, has told the press that using the 1947 Partition as a baseline was a tactical error that would undermine the Palestinian position.” The Hussein Document had called for a state “within the partition plan of 1948 [sic].” My proposal assumed the boundary would be the June 4, 1967 lines. In my book and in discussions in Tunis, I advocated reference to the Partition Resolution but as a source of legitimacy, not geography.

Interestingly, reporting on conversations with Sari Nusseibeh, Wilcox noted that “Nusseibeh acknowledged to us that whatever the theory, Palestinians in the territories would play no role in such a government, since the intifada has not yet produced the alternative administration it aspires to.” Wilcox added that “if such a government were established, local Palestinians who associated themselves with it would face a heightened threat of deportation or detention.” Further, Wilcox reported that conservative West Bank politicians were deeply skeptical about the entire concept of unilateral action—and that Bethlehem mayor Elias Frej told the Americans he was sending Arafat a message urging him to “appear before the UN Security Council, accept all the American conditions, and propose a new UNSC peace resolution that Vernon Walters will not veto.”³⁹

As Wilcox saw it:

The US and most western governments have always approached the Palestinian issue as a matter whose outcome cannot be ordained unilaterally in advance by Palestinians or Israel, but decided by all parties through negotiations. To endorse a Palestinian state, even if the concept was presented in a benign and constructive way, which the current concept is not, before the Palestinians reach agreement with Israel, would be a radical leap for the US and other western governments. It would probably also violate our Camp David treaty undertakings.⁴⁰

The thrust of Wilcox’s cable was that the declaration may not happen and that it would probably be best if the idea were abandoned. The very day that this message was arriving in Washington from Wilcox, Washington was calling Wilcox’s attention to a different point of view. On August 16, I had met with Richard Murphy, Assistant Secretary of State, and on August 18

the day of the Wilcox cable, the State Department sent a cable to Wilcox and the US Ambassador to Israel in which they summarized that meeting.^{[41](#)}

Their summary of the analysis I presented is as follows:

- A Palestinian Declaration of Independence is “inevitable, quite possibly as soon as the September PNC.”
- “If the Palestinians declare a new state without at the same time placing constraints on Palestinian actions such as terrorism, the effect with the Israeli mainstream will be sharply negative. A strident and uncompromising independence announcement would play into the hands of the Israeli right-wing and encourage an Israeli counter-strategy of annexation.”
- “The US is in a position to have an important impact on how the PNC approaches the question of a declaration of independence. We should try to shape the outcome of the PNC by making clear the US is prepared to react positively to constructive moves by the Palestinians.”
- “In addition, the US can shape a constructive Israeli response to the PNC by highlighting the positive elements of any PNC action. For example, even if the PNC’s Declaration of Independence is based on the 1947 partition contained in General Assembly Resolution 181, this could be characterized as positive as demonstrating the failure of rejectionism, recognizing Israel, limiting the territorial aspirations of the Palestinians, and as a negotiating position more constructive than any put forward by the Palestinians in the past.” ^{[42](#)}

Murphy’s cable ended saying that he communicated to Segal “that US positions on dialogue with the PLO have not changed and that the organization knows what it needs to do to elicit a positive US response.” I was surprised that Murphy’s response to what I was saying about how the United States might affect the Declaration centered on the US conditions. Little did I realize that in the months ahead the issue of the US conditions would become the focal point of attention, for both policy makers and the press, to such an extraordinary extent that it would totally eclipse the Declaration itself.

Two days later Wilcox, possibly spurred by Murphy's cable, amplified his views, this time in a letter to Murphy. Unlike his cable, which did not contain recommendations with respect to US policy, the new letter offered Wilcox's view of how the United States should proceed.⁴³ Wilcox's general perspective was that "the PLO is wrestling with reality for the first time in years." He viewed them as being pushed in this direction by the West Bank Palestinians.⁴⁴ Thus he believed it possible that at the next meeting of the PNC there could be an initiative that "leads to peace negotiations and recognition of Israel." Wilcox urged American policy steps to influence the process prior to the upcoming Israeli elections.

With respect to what he referred to as "the Declaration of Independence/Exile-Provisional government notion," Wilcox stated that it has "some steam behind it." But he viewed it as more problematic than useful and urged that the United States do what it can "to discourage it." Wilcox cited two main problems:

- Israel would react negatively to a Declaration, and this might cancel the otherwise positive impact of the PLO's addressing US conditions such as acceptance of UN Resolution 242.
- The Israelis would have extreme difficulty negotiating with a Palestinian/PLO state, as they are still a ways from even negotiating with the PLO.
- Wilcox pointed out that the United States would doubtless veto Palestine's admission to the UN, and he believed that the European states as well would not recognize such a state. He wrote: "Our object should be to find ways to persuade the PLO to follow the conventional path and accept 242, 338 and Israel in a way that would demand Israel's attention *and influence opinion before the [Israeli] election.*" Wilcox did acknowledge that "it is remotely possible that a declaration/exile state initiative could be designed in such a dramatic and compelling way that it would sweep away all current assumptions and lay the ground for a fresh start." He added: "But I doubt it."

The fact that Wilcox even raised the possibility that the Palestinian Declaration could be so "dramatic and compelling" that it would "lay the

ground for a new start,” distinguishes him from other US officials. Thus, when the actual Declaration, contrary to all expectations, unilaterally acknowledged the legitimacy of the partition of Palestine into two states, one Arab and one Jewish, this went unremarked, and essentially unseen.

In comparing Wilcox’s message to Murphy with my own, what stands out first is that we both agreed that a Palestinian Declaration of Independence could push Israel to the right. Second, we both agreed that the United States should try to affect what the Palestinians were going to do. Where we differed is that Wilcox (a) took it as a given that the United States would oppose a Palestinian declaration and (b) took it as possible that the United States could get the PLO to abandon that possible course of action. I maintained (a) that it was inevitable that the Palestinians would declare independence, but (b) the United States could act in ways that would encourage a major peace initiative and that (c) the United States could affect the way Israel responded—in particular, how Israel responded in the event that the Declaration was based on the 1947 Partition Resolution. He and I were both concerned about this possibility, although I had advocated it if it were done with the geographical demand limited to the pre-1967 border, not the proposed boundaries laid out in the partition plan.

Wilcox’s letter was sent on August 20. The next day, the *New York Times* published my op-ed piece, “A Just Declaration—Palestinian Statehood.” The piece opened:

It is inevitable that there will be a unilateral Palestinian declaration of independence and statehood covering the disputed territories. What remains to be seen is whether the proclamation of a Palestinian state leads to peace in the Middle East or catastrophe for both Israelis and Palestinians. Either way, Washington and the American Jewish community will bear a significant part of the responsibility.⁴⁵

The argument was much the same as that presented to Secretary Murphy a few days earlier, except now it was directed not only at the US government but also the American Jewish community. The piece was explicit with respect to one important point about the potential positive steps the PLO could take:

It can dissolve the PLO, transform it into a provisional government with a new constitution and thus relegate the PLO covenant to history.

This element—one, unfortunately, not included in the Hussein Document—was intended for the ears of the PLO as much as for the American audience. The article ended with the following plea:

What is needed is for the American Jewish community and the United States Government to say that we are not opposed to a Palestinian state in principle, and that if the proclamation of statehood goes forward with a clear and unambiguous commitment to live at peace with Israel, we will recognize it and urge our Israeli friends to meet it halfway at the negotiations table.⁴⁶

The key issue was whether third parties (e.g., the United States, the American Jewish community) would make commitments that would induce the PLO to undertake a far-reaching peace initiative. This was much on my mind when the next day I flew to Israel for a series of meetings and with plans to go from there to Tunis, where former Senator George McGovern and I were scheduled to meet jointly with Arafat.

IN ISRAEL

The discovery of the Hussein Document and the identification in the press of my writings as the primary inspiration behind the document resulted in substantial media interest even before I left the United States. However, I was totally unprepared for what awaited when I arrived in Israel. For a variety of reasons I was besieged with interview requests from virtually every media outlet that covered the Middle East, from anywhere in the world. First, I was the only person publicly identified with the declaration idea; and second, it intrigued the press that an American Jewish academic was giving strategy ideas to the Palestinians and was in contact with the PLO in Tunis. This went on for a week, for the entire time I was in Israel. Press interviews included ABC News, CBS News, Voice of America, *All Things Considered*, *La Cite*, the *Toronto Star*, *Le Monde*, *The Guardian*, *L'Unita*, and *Trouw*, as well as French television, Italian television, the BBC, Israeli Armed Forces Radio, and Canadian radio.

The Israeli press was particularly interested. Articles and interviews, sometimes more than one and quite lengthy, appeared in *Haaretz*, the *Jerusalem Post*, *Maariv*, *Al Hamishmar*, and *Hadoshot*. *Yediot Aharonot*, Israel's largest circulation paper, ran three stories and made "The Man

Behind the Declaration of Independence” the cover story of its weekend magazine, devoting three pages with color photos to the interview.

Newsweek magazine devoted a page to an interview, and then, going over the top, the *New York Times* ran a profile piece titled “Jewish Father for Palestinian State?”⁴⁷

The attention I received was excessive, and I believe it produced some resentment among key West Bank figures. Moreover, some of the reporting was inaccurate, such as a *New York Times* story that said I wrote much of the Husseini Document. The press attention was valuable nonetheless as it did, however, serve as an opportunity to detail the independence idea as part of a larger strategy for ending the conflict. After a week I left for Tunis, to meet up with McGovern, for our joint meeting with Arafat

FOCUSING ON TERRORISM

My primary objective was that the Declaration of Independence be part of a larger peace strategy. One element was that the PLO should go out of existence once the State of Palestine was proclaimed. But would the PLO do this? I was unsure, but if not, then it was all the more important to focus on how the PLO would present itself. It had a long history of being ineffective because its messages were never clear and straightforward. Of particular importance was the non-Palestinian audience: Israelis, American Jews, the US and European governments.

The United States was committed to the three conditions that the PLO had to meet before the United States would enter into any dialogue with it. The PLO had to accept UN Security Council 242, it had to recognize Israel’s right to exist, and it had to renounce terrorism. PLO reluctance to meet the US conditions could be understood with respect to 242 and “Israel’s right to exist,” but not with respect to terrorism. On 242 they had a powerful point: the UN resolution never addresses the rights of the Palestinians. To the extent that Palestinians are referred to at all, it is only in terms of the need to address “the refugee question.” It did not even say “Palestinian refugee question.” While there was no mention at all of Palestinian national rights, and certainly not of a Palestinian state, the resolution called for a peace based on the right of all states “to live in peace and security.” This would

provide Israel with its most fundamental objective, but it was totally one-sided. The Palestinians were insisting on recognition of their right to self-determination, or more specifically to a state of their own. As for the American demand that just to be allowed to talk to the United States they must recognize Israel's right to exist, they argued that this was their most important card, one that should be played at the end of negotiations, in exchange for Israeli acceptance of a Palestinian state.

Whether one fully accepted these arguments or not, they were within the realm of reasonable disagreement. That the PLO saw things this way was no reason not to engage with them, no reason not to listen, explore, or negotiate. The issue of terrorism was different. This was the difference between what Israelis sometimes referred to as "the legitimate enemy" and "the illegitimate enemy." And it was not just the United States that refused to engage with the PLO. For most Israelis, terrorism eclipsed everything else. The PLO simply could not be heard so long as it was seen as a terrorist organization.

When I first met Arafat in May of 1987, seven months prior to the Intifada, I raised the terrorism issue. I told him that this was the first thing we encountered when we tried to engage members of Congress and their staff in a discussion of the two-state solution. I gave him a detailed written critique of a PLO effort to deal with the issue, the so-called Cairo Declaration on Terrorism issued by the PLO in 1985. This PLO document sought to divorce the PLO from terrorism, but it was a self-contradictory text that manifested astonishing ineptitude in the attempt to do so.⁴⁸ My paper on the Cairo Declaration laid out the inconsistencies, but it didn't prompt any clarification from the PLO.

Also in the 1987 meeting we specifically raised the issue of the continued presence of Abu Abbas of the Palestinian Liberation Front (PLF) on the PLO Executive Committee. Abu Abbas (not to be confused with President Mahmoud Abbas, known as Abu Mazen, who years later would succeed Arafat as PLO chairman) was the head of the PLF faction, and was generally believed to be behind the 1985 attack on the *Achille Lauro* and the murder of Leon Klinghoffer. Arafat explained to us that this was the result of internal PLO problems, but that within six months Abu Abbas would be

removed from the Council. Six months later, after no action had been taken, I wrote to Arafat, reminding him of this commitment. No action was taken.

In the spring of 1988, shortly after my *Al-Quds* article had been published, I continued to pursue the terrorism issue, publishing a lengthy article on the issue in the Arabic version of the Palestinian paper *Al-Fajr*. In this essay I detailed my exchange with Arafat and my analysis of the inadequacies of the Cairo Declaration. I tried to explain to my Palestinian audience why the terrorism issue had assumed the importance it had, how it was linked to memories of the Holocaust. The piece concluded with two blunt statements:

objectively the terrorist is the enemy of the Palestinian people. Whatever his subjective intentions are, he undermines and harms the cause. And I think at this point he is one of its most serious enemies. There has to be some recognition of this objective reality and a response to it by responsible people who care about where this cause is going.

And secondly, it must be faced that a leadership that cannot enforce a policy against terrorism, or at least totally divorce itself from acts of terrorism, will not lead the Palestinian people to self-determination. It simply will not happen.⁴⁹

In the *Al-Quds* piece I had identified the enactment and enforcement of a law forbidding terrorism as one of the first and most important steps for a new government of the State of Palestine to take. Now, contemplating the problem of getting Israelis to receive the Declaration of Independence with an open mind, I was convinced that the stage had to be set in advance, and that the way to do that would be for the PLO to make a clean break with terrorism in a clear policy statement that would precede the Declaration itself. To help motivate their movement in that direction, I wanted to assure them that Israelis (and thus American Jews and the US government) would sit up and take notice were the PLO to explicitly disavow terrorism. Then, if the Declaration were issued a week later, coupled with a broad peace initiative, they would be most likely to be heard and in the right way.

Moving along these lines, I drafted a statement on terrorism that I thought they would be able to make and that would have the desired effect. The core idea was that the PLO would maintain a right to resist occupation, but it would clearly state that any such right was limited as to the means employed in its behalf. Thus it would say:

The PLO disavows any deliberate attacks directed against ordinary civilians, including any

efforts to take such civilians as hostages.

The Palestine Liberation Organization shall take those steps that are necessary to ensure that this policy is understood by its forces and will punish violations to this policy. This rejection of terrorism is a matter of principle and is applicable to all geographic areas, including Israel;

Similarly, we denounce all acts of individual and state terrorism, regardless of the individuals and the states involved.⁵⁰

My idea was to show this statement to specific Israelis and to see if it was possible to secure a commitment of a positive and visible response were the PLO to make this statement. Then, armed with those commitments, I would present the text to the Palestinian leadership.

To that end, I focused primarily on three figures. The first was Abba Eban, a former foreign minister, a dove, and possibly the most respected Israeli figure in the eyes of American Jews. The second was Ehud Yaari, the lead commentator on Israeli television. The third was Moshe Amirav, a former member of the Likud who had become a strong advocate of the two-state solution and was planning to run for mayor of Jerusalem. All three meetings, in which I was accompanied by my friend Gershon Baskin, went well.⁵¹ Eban said that were the PLO to make such a statement, it would produce a major impact on Israeli opinion, and to that end, he offered to respond by convening a special meeting of the Knesset Committee on Foreign Relations of which he was the chair. Similarly, Ehud Yaari was positive, saying that he would bring an Israeli television crew to Tunis to cover the issuing of the statement. And Amirav offered that in the event of such a statement, he would lead a group of Israelis to meet with the PLO in Tunis, even though such meetings were illegal. He mentioned several prominent Israelis that he believed would join him in this, and that he would approach.

I also showed the proposed PLO statement to Phillip Wilcox, US consul general, and told Wilcox of my plan to link up with George McGovern in Tunis, where we would jointly present the statement to Arafat. Wilcox thought the statement was "terrific." We agreed that he would send a copy to Assistant Secretary Murphy in Washington and let Murphy know that I would soon be meeting with Arafat.

IN TUNIS

A few days later I flew to France, changed planes, and flew to Tunis. Shortly after I arrived at my hotel, I had a call from McGovern. There had been a crisis in his family and he had been unable to leave; so I was on my own. I received a second call, one that really surprised me. The caller identified himself as Ed Hull and said that he was an American diplomat, stationed at the American Embassy in Tunisia. He asked me if I would come out to his home to meet with him. I wasn't sure what this was about but thought that if I paid that visit, it would be known to the PLO. Who knows what they would make of it? How might it affect their perception of who I was? I couldn't imagine how Hull knew I was in Tunis. Later I realized that he must have seen whatever Wilcox sent to Murphy. We arranged to meet at my hotel room the next day. Hull was interested in my plans and in hearing from me at the end of my trip to learn how discussions had gone.

My first meeting took place on August 27, with Jawid Al Ghussain, Bishop Elias Khoury, and Mahmoud Darwish, all moderate members of the Executive Committee, none of them the real heavyweights. Al Ghussain was chairman of the Palestine National Fund, Khoury was an Anglican bishop from Ramallah who was living in Jordan, and Darwish was widely revered as the Palestinian national poet. At the time I was unaware of his importance, seeing him as a Palestinian poet who was, for some reason, on the Executive Committee. I have no notes from that meeting, but the one thing I recall was that they confirmed that the PLO was definitely going ahead with a Declaration of Independence. The issue was not whether they would do so, but how. I had lots of ideas about how to use the Declaration as part of a larger peace strategy, and these we discussed. Quite possibly by that point Darwish had already become the drafter of the Declaration, but if so, I had no inkling that this was the case.

Subsequently I met with Khaled al-Hassan, one of the founders of Fatah, a former member of the PLO Executive Committee, and a key Arafat adviser. In reference to the US conditions for opening a dialogue with the PLO, he took issue with the US demand that the PLO recognize Israel's "right to exist," referring to it as "ideology." At first I didn't understand what he meant, but then it became clear that rather than seeing it as an affirmation that Israel, like any other state, had a right to live in peace and security, al-Hassan saw it as a reference to the struggle of the early half of the century, the struggle of the Zionists to bring a Jewish state into

existence in Palestine, and the counterstruggle of the Palestinians to block such a state from coming into existence. For him, to affirm Israel's right to exist was to say that the Zionists were right and the Palestinians were wrong. For me, this underscored a fundamental fact: the requirement that the PLO recognize Israel's right to exist had been US policy since 1975 and was now enshrined in law, yet it was deeply ambiguous, and no one knew what it meant!

In reflecting on this later, I came to see that there were two sources of ambiguity. The first was with respect to rights. Was the right to exist to be understood as a moral right or as a legal right under international law? The second had to do with the term "exist." Were we talking about the right of an existing state to continue to exist, to live in peace and security? Or were we talking about the right of a state to have come into existence, about the Zionist project that was fulfilled in 1948? Taken together, this resulted in four different interpretations of "right to exist." As it turned out, this issue figured significantly in the Declaration of Independence.

In the conversation with al-Hassan, I spelled out aspects of the unilateral strategy that could flow from the Declaration. In response to my suggestion that the PLO would go out of existence, taking the PLO Covenant with it, Hassan responded with respect to the Covenant that "one shouldn't open doors out of which fire will come." He argued against pressing the issue of the Covenant, saying that it should be allowed a quiet death. He didn't react to my proposal that, once established, the Provisional Government of the State of Palestine should replace the PLO, but it was clear that this was not what they were intending.

As for a statement on terrorism, al-Hassan emphasized that they needed at the same time to affirm their own right to resist occupation. He also bristled at the one-sidedness of discussions of the terrorism issue, mentioning Deir Yassin, the Palestinian village that suffered a massacre at Israeli hands during the 1948 war. At one point he said that if someone does something to you, you can do the same to them. I objected with reference to international law and the notion of war crimes, and he accepted this. However, al-Hassan maintained that in a statement disavowing terrorism they would need some specific condemnation of Israeli actions.

ARAFAT

I met with Arafat the next day. He was joined by four others: Jawid Al Ghussain, Khalid al-Hassan, Hani Hassan (Khalid's younger brother and an important adviser to Arafat in his own right), and Jamal Sourani, Executive Committee Secretary and head of the legal department. There was a lot to cover. At the outset Arafat said that he was following my comments on Israeli radio and in the Israeli press very carefully. I was a bit stunned to hear this, and I told him that I had been expanding my ideas on a possible Palestinian strategy, and that I had a book that would soon be published. I gave him a copy of the manuscript. He immediately called over an assistant and passed him the copy, directing him to take it to his office.

My basic message was that although there was no possibility of reaching a negotiated agreement with the existing Israeli government, a Declaration of Independence would give rise to a struggle between the left and the right within Israel over the newly declared Palestinian state and how Israel should respond to it. I concluded that a major Palestinian peace initiative was necessary and should be thought of as a national defense strategy for the new state.⁵² I argued that we were at a point where it was possible to transform how the Palestinian cause was seen both in Israel and in the United States, and that the key was for Palestinians to speak from the heart about ending the conflict and to bring Jews to see that peace was truly possible. In support of my point about the openness that existed, I showed Arafat a political statement that had been placed in papers in the United States by the International Center for Peace in the Middle East, an organization associated with Abba Eban. It had been signed by a number of prominent American Jews and affirmed a Palestinian right to self-determination.

I also showed Arafat the August 9, 1988, editorial from the *Washington Post* that voiced conditional support for a Declaration of Independence depending on whether it was part of a genuine peace initiative. I presented my idea that a statement on terrorism should precede the Declaration. I showed him the paragraph on terrorism that I had drafted and emphasized that this should be a formal statement from the Executive Committee. In support of this I detailed for Arafat the conditional commitments of a positive response I had received from Abba Eban and Moshe Amirav and of

the willingness of Israeli TV to come to Tunis to cover such a statement. I also told him that Phillip Wilcox had responded positively to the proposed statement. I thought that all this would convince him of the value of dealing with terrorism in advance of the Declaration.

To my great disappointment, Arafat was not swept away by my analysis and by the commitments I had received. I didn't understand why this hadn't made more of an impact. He had some reservations about the terrorism statement and said he would study it. Somewhat unnerved by his lack of enthusiasm for my plan that they address the terrorism issue prior to the Declaration, I told him about my conversation with Assistant Secretary Murphy. This brought an immediate change in his attention. "Who spoke with Murphy?" Arafat injected as I was speaking, as if waking up. "I did," I explained. I related to him that when I had said to Murphy that with the ending of the Reagan administration there was a real opportunity to reset the US-PLO relationship, Deputy Secretary Bill Kirby had asked, "Do you mean before the elections or after?" I suggested that this showed that they were open to such a development, but nothing could happen before the US elections. Arafat was clearly interested.

We went on to discuss several other matters, including a request from Amirav that Arafat direct Jerusalem-based Palestinians to vote in the upcoming municipal elections. More than two hundred thousand Palestinians who did not hold Israeli citizenship lived in East Jerusalem and were eligible to vote locally. However, they have long boycotted the municipal elections believing that voting would be seen as acceptance of Israel's claim to sovereignty over the city. Israelis such as Amirav have pointed out ways Palestinians could make clear that they rejected Israel's claim, and that with Palestinian votes Jerusalem could have a local government committed to a shared city that would be the capital of both states. Arafat seemed to accept this, but in the end the PLO took no steps to induce Palestinians to vote in the elections.

From my point of view, the meeting with Arafat had not gone well. While I had sought to win his agreement to issue the proposed statement on terrorism, I had no commitment beyond that it would be studied, and no commitment that if acceptable, it would be issued prior to the Declaration.

ABU IYAD

Before leaving Tunis, I had one more meeting of importance, this with Abu Iyad (Salah Khalif). Abu Iyad, one of the founders of Fatah, was the head of the PLO intelligence service, second in importance to Arafat. In our conversation he made clear that a major break with the past was planned. They were working to have this emerge from a unified PLO but were uncertain as to whether George Habash's PFLP was on board. If necessary they would act solely on the strength of Fatah. We talked about the importance of a statement on terrorism. Abu Iyad asked: "What if the Abu Nidal faction did something?"⁵³ I responded that a clear statement of principle was necessary and then forceful condemnation of any acts by factions not under their control.

I gave Abu Iyad the text of a statement on terrorism, with minor modifications from what I had shown Arafat. He had no problems with it. I then gave him a second statement, one that I urged be included within the Declaration of Independence. It read:

We affirm the United Nations Partition Resolution as a source of international legitimacy for the State of Palestine and accordingly we stand prepared to co-exist in permanent peace with the State of Israel and all other states in the region.

Abu Iyad said that he concurred with the statements and that he would speak with Arafat about both. I was surprised when he said to me, "We would like you to be our contact person with the American Jewish community." I had no ties to the established organizations, so on one level it seemed a totally illogical request. Yet, as a result of the recent press attention, I was relatively well known, and I remained one of a tiny handful of American Jews who had actually met the PLO leadership. And I had called their attention to the ICPME statement and had argued for the importance of affecting the American Jewish community. Without accepting any formal role as a point of contact, I said I would do what I could. I told Abu Iyad that when I returned to the United States I would be seeking a further meeting with the State Department, in particular with respect to the proposed terrorism statement. I asked if there was any message for Secretary Shultz that he would like me to relay. He said that he would get back to me.

Before I left Tunis, I was contacted by a man named Razick, an aide to Abu Iyad who had been in the meeting. He dictated a message from Abu Iyad to Secretary Shultz:

The Palestinian people and the leadership of the PLO have the interest in peace and have the desire and willingness to take their responsibilities in this course.

The leadership is prepared to take particular steps and has the courage to do that and the confidence in their people.

But without a definite and positive American position towards the Palestinian people and their representatives it will be hard for the leadership to declare specific positions on the principal issues, like recognition of Israel and renunciation of armed struggle. The clear and unambiguous American position towards the Palestinian legitimate rights, statehood and self-determination is needed.

Razick also informed me that Arafat had approved the wording of the terrorism statement. I wrote a follow-up letter to Abu Iyad with the following specific questions on the terrorism statement:

- Was it accepted word for word?
- Will Arafat be able to get Executive Committee approval without changes that will weaken it?
- Does Arafat agree that it should be issued a week prior to the Declaration?
- Does Arafat accept that it should be reissued as Law #1 by the Provisional Government?

GENEVA

It was now August 30, 1988, and I left for Geneva, where I was scheduled to speak to a meeting of nongovernmental organizations concerned with Palestine being held under UN auspices. On arriving, I faxed a memo to Arafat on the possible timing of the Declaration and the announcement of a provisional government, bearing in mind the upcoming Israeli and American elections. I suggested that it would be advantageous to hold off on action until after those elections in November. It ended with some final thoughts:

- Make your audience the Jewish people, not a handful of Israeli politicians.
- Do not expect negotiations within a year.

- Think in terms of political transformation. It will be the Israeli government after the next one that will make peace.
- Forget legalism and debaters' points. Speak to the heart and have confidence that over time, the Jewish people will respond.

Finally I suggested that in addition to the Declaration and the new political program the PNC would adopt, he formulate "a third and historically unprecedented document, 'A Message to the Jewish People.'" I attached a sample text to convey what I had in mind.

In Geneva, I reflected on the Tunis visit. Although Abu Iyad had reported that Arafat had approved the language of the terrorism statement, I remained unsure as to the extent and nature of whatever commitment I had received. In particular I was uneasy that there wasn't any word-by-word modification of the statement. This suggested that while there was support for the idea, they had not fully engaged the specifics. There was, however, one more opportunity to focus them on the specifics of the proposed statement. Khalid al-Hassan had also come to Geneva and was staying nearby. I called and we arranged to meet in his hotel room.

Together, and with some input from John Whitbeck, an international lawyer whom al-Hassan had invited to join us, we carefully went over the statement. A number of changes were made, not all of them for the better, but the statement remained a clear statement that the PLO would not engage in terrorism. Left intact was the guidance that the statement was **"to be issued by the Executive Committee one week prior to the declaration so as to prepare the ground for a favorable reception, and to be reformulated and issued as Law 1 of the Provisional Government."** The Policy on Terrorism read:

The Palestine Liberation Organization hereby affirms that terrorism of any sort is incompatible with the moral values of the Palestinian people. The right to resist occupation, which we hereby re-affirm, operates within the confines of international law, and thus excludes terrorism; accordingly, the Palestine Liberation Organization disavows attacks by any individuals, groups or states directed against ordinary civilians.

The Palestine Liberation Organization reaffirms that it will take all steps that are necessary to ensure that this policy is understood by its forces. This rejection of terrorism is a matter of principle and is applicable to all geographic areas.

The Palestine Liberation Organization expresses the hope that henceforth Israel will be guided by the same principles.

I sent a fax with the new wording to Arafat, telling him that Khaled al-Hassan had agreed, word for word, on this revised wording. I asked for confirmation that it was acceptable to him and said that if it was acceptable, I would then show it to the State Department.

I faxed letters to Peres's adviser, Nimrod Novick, and to Abba Eban and Moshe Amirav, reporting that I had made considerable progress toward obtaining a renunciation of terrorism by the PLO and emphasized that PLO movement on this and other issues would be furthered by the degree to which the PLO believed positive Israeli responses would be forthcoming. Of note, on September 25, Shimon Peres publicly announced that he would negotiate with any Palestinian who recognized Israel's right to exist and renounced terrorism "regardless of their biography."⁵⁴

When I returned to the United States, I made contact with a number of important figures in the American Jewish community, in particular with Rita Hauser, a prominent lawyer in New York, and with Al Vorspan, vice president of the Union of American Hebrew Congregations, which represented Reform Judaism in the United States. From those conversations it was clear that Hauser and others were prepared to engage more deeply, and I sent Hauser and Vorspan a memo containing language I thought the PLO could accept that would meet the US conditions. The idea was to work out language that could be supported by key elements in the Jewish community and build on that to gain acceptance from the Reagan administration.

MEETING WITH DEPUTY ASSISTANT SECRETARY KIRBY (AND MY RESIGNATION)

Ten days went by, and I had not heard any response from Arafat. I decided to not wait any longer and to seek another meeting with Secretary Murphy. It turned out that he was out of the country, and so on September 14, I met with his deputy, Bill Kirby. I summarized the results of my trip for Kirby, telling him about the contingent responses to a PLO statement on terrorism that I had received from Eban, Amirav, and Israeli TV, and that I was moderately confident that the PLO would issue both a declaration of independence and a new political program.

I presented three documents to Kirby. The first was the statement on terrorism that I had worked out with Khaled al-Hassan and had sent to Arafat. Kirby read over the statement and raised no objection. The second was a letter that I had written to Secretary Shultz telling him that I was in contact with the PLO about the three US conditions and that I was unsure as to what the US government would find acceptable. The letter contained formulations with respect to Resolution 242 and Israel's right to exist, in addition to the terrorism issue. I asked the Secretary if he could confirm that these statements would be adequate were the PLO to make them. Kirby responded by saying that State would not comment on language that had not yet been suggested by the PLO. Finally, I gave Kirby a letter to Shultz that contained the message from Abu Iyad. Kirby commented that because it was so important he would accept it and give it to Shultz's aide, Charles Hill. However, Kirby noted that it was possible that he could lose his job over this because some might maintain that this was entering into a dialogue with the PLO prior to their having met the US conditions.⁵⁵

As the meeting concluded, Kirby asked me if I needed an escort to show me out of the building. I was completely jolted by this, especially coming after his comments on the prohibition on dialogue with the PLO. It made something totally clear to me that I had been blind to: the people I was dealing with in the State Department had no idea whatsoever that I worked for the US Agency for International Development (USAID) as Senior Adviser for Agency Planning, that I came to work three days a week in the State Department building.⁵⁶ I told Kirby that I could find my own way out, and I went downstairs to my office.

How, I wondered, was this possible? I had been in all the major newspapers and on radio and TV. Certainly my colleagues in USAID knew that the same person who worked with them also was involved in meetings with the PLO and with the Declaration of Independence. And in my USAID role, I was not unknown to people in the State Department. Each year, for several Middle Eastern countries we had interagency reviews of country development programs in which State Department officials participated, and I was often outspoken in those meetings. True enough, in my press appearances and publications, I was careful to identify myself only in terms of my University of Maryland appointment, but I had assumed that people

knew I also worked at USAID, and that all was fine, so long as this was kept in the background.

But now it was suddenly clear not only that Kirby and others might be endangered or at least embarrassed if my government employment become public, but more fundamentally that this would totally confuse both the PLO leadership and possibly the Israeli government—and certainly the two publics. After all, USAID was still tainted with its connection to the CIA from the Vietnam era, a period during which CIA officers often used a paper USAID affiliation as cover. And how believable could it be that a US government employee in a foreign service agency could meet with the PLO leadership, could report on those meetings to top US officials (in May 1987 after the first meeting with Arafat, we met with John Whitehead, Deputy Secretary of State, and with Robert Oakley of the National Security Council), could propose and catalyze Palestinian opinion in favor of a unilateral Declaration of Independence, be the subject of news stories in the *New York Times* and the *Washington Post*, and yet despite all this, the State Department not know that this person was a government employee?

Indeed, I myself would have doubted that someone could do all this as a private individual and that the government itself could be totally in the dark that he was an employee. But in fact, it was now clear that that had been the case. As my mind turned, I imagined what conspiracy-minded reporters (or newspaper readers) would make of all this. In the extreme I could even imagine stories suggesting that the CIA was behind the idea of a Palestinian Declaration of Independence. What would Arafat make of this? What would Abu Iyad imagine? Potentially I had introduced a confusion that could be around for a long time, with powerful and unpredictable consequences.

There seemed no alternative. I sat down at my desk and typed out a letter of resignation, effective immediately. I went down the hall to the personnel office and turned it in. Then I went home. Amazingly, and fortunately, this story never came out. I'm telling it now for the first time, thirty-four years later.

PLO DEVELOPMENTS AND SHULTZ'S SPEECH

During this period various public statements by PLO and American leaders continued to make news. On September 12, according to the *Los Angeles Times*, Abu Iyad had said that the PLO was willing to recognize Israel if Israel simultaneously recognized the PLO and a Palestinian right to self-determination. The next day, speaking before members of the European Parliament, Arafat said that the PLO was willing to participate in an international conference based on UNSC Resolution 242 and recognition of “the legitimate rights of the Palestinian people.” Again, conditionality on Palestinian rights.

On September 16, Secretary Shultz made a major speech in Washington, one that was carefully scrutinized by the PLO leadership. I read the text through the lens of the message I had conveyed to Shultz from Abu Iyad. Abu Iyad had said that Fatah was determined to move ahead with fundamental changes. If it could, Fatah would bring along the other factions, but it would not be held back by the demands of unity. Abu Iyad was clear that it would take important steps even if the United States did not reciprocate. However, he stressed that what Fatah could do, how far it could go, would be strongly affected by whether the United States would affirm Palestinian rights, in particular their right to self-determination, their right to have a state of their own.

Shultz’s speech certainly did not provide the Palestinians with what they were seeking from the United States. Quite to the contrary:

- Shultz stated his opposition to Palestinian statehood, saying: “Peace cannot be achieved through the creation of an independent Palestinian State.”
- He declined to affirm a Palestinian right to self-determination, saying: “The United States cannot accept ‘self-determination’ when it is a code word for an independent Palestinian state or for unilateral determination of the outcome of negotiations.”
- He made clear his opposition to a declaration of independence, saying: “The status of the West Bank and Gaza cannot be determined by unilateral acts of either side. A declaration of independent Palestinian statehood or government-in-exile would be such a unilateral act.”

At the same time, Shultz's speech did take a step toward the Palestinians, as Abu Iyad had requested. It indicated that Resolutions 242 and 338, although a basis for resolving the conflict were not fully sufficient. He said: "In addition to these the legitimate rights of the Palestinian people—including political rights—must also be addressed." The speech indicated that the United States was not opposed to the use of an international conference for the launching of direct negotiations, during which there would be "Palestinian participation" in every stage. A careful reading of Shultz's speech showed that whenever he voiced opposition to Palestinian statehood, he spoke of an *independent* Palestinian state. Could this emphasis on independence mean the United States would support some other kind of statehood? In mid-October the *Washington Post* reported that Hani Hassan, a senior Fatah official, had stated that the PLO was willing to join Jordan in a political confederation in order to satisfy American and Israeli demands.⁵⁷ On October 22, Arafat and King Hussein agreed in principle to a Jordanian-PLO confederation.⁵⁸

It was with these events in the background, and with the Intifada continuing, that Israelis and Americans went to the polls in early November. In Israel, Prime Minister Shamir's Likud party, by a narrow margin, won a plurality in the Knesset. In December, Shamir formed a coalition government in which Shimon Peres was finance minister. In the American presidential contest, in early November, Vice President George Bush had a strong victory over Governor Michael Dukakis.

During this period I had no response from Arafat with respect to the questions I had posed after being told by Abu Iyad that he had accepted the statement on terrorism I had drafted. As the date for the Palestine National Council approached, it became clear that I had failed in my effort to convince the PLO to issue a statement renouncing terrorism prior to the Declaration. This was quite unfortunate. Had the terrorism issue been put to rest prior to the Declaration, with Abba Eban, Moshe Amirav, and Israeli TV all responding as they had agreed, the Declaration would have been received much more positively. I believe that this effort failed primarily because for the PLO the necessary renunciation of terrorism was one of the three American conditions; the three formed in their mind a package of requirements that they were seeking to meet in order to attain some form of

recognition from the United States. And PLO action on the conditions was held up by the US refusal to recognize a Palestinian right to self-determination. As we shall see, it turned out that the Declaration was the key to overcoming the self-determination issue.

In all this, my primary focus was on obtaining a powerful PLO statement on terrorism that would precede the Declaration of Independence and lay the basis for a powerful reaction among the Israeli public. I was uncertain that the PLO would meet the US conditions on Resolution 242 or Israel's right to exist, but I viewed achieving satisfaction of the United States' demand on wording as secondary, especially as I was focused on promoting the success of a unilateral process, rather than working toward negotiations. Thus, although I was communicating with the State Department and trying to elicit a more positive attitude toward the forthcoming Declaration of Independence, I was not sharply focused on achieving some precise verbal formula that would work for the two sides.

Indeed, from my perspective, ideally, the proclaimed State of Palestine would replace the PLO, and the whole issue of US conditions for dealing with the PLO would no longer be relevant. While it remained possible that, even if not initially, the Provisional Government of the State would replace the PLO, I had no expectation of early US recognition of the State of Palestine. As for Israeli recognition, this would occur only through the continued Intifada and a sustained and genuine peace initiative, one that helped bring a new government in Israel.

On the terrorism issue, ultimately, the PLO did act. In Arafat's press conference of December 14, 1988, a month after the Declaration, the PLO "renounced" terrorism and addressed the other conditions. Shultz said that the United States was satisfied. This, however, was too little too late to achieve the impact on Israel that I had sought. The entire exercise had the character of tooth pulling. The Declaration, by then, was yesterday's news. The entire focus of world attention had shifted from the Declaration to the question of US-PLO relations and whether or not the PLO would say the words acceptable to the United States.

Why didn't the PLO act on terrorism prior to the Palestine National Council? The answer, I believe, is that for them, opening relations with the United States was the clear priority. The terrorism statement was subsumed within the larger set of conditions that they would have to make, and they

probably saw little advantage in breaking it off as a separate piece. This PLO prioritization on the US government, rather than on the Israeli audience proved to be a fundamental feature of its strategic orientation, one that unfortunately continues to this day.

More generally, the PLO had not really shifted its international conference strategy. Acceptance by the United States was, in their thinking, tied to their participation in an international conference and to the PLO becoming a formal participant in negotiations. They would continue to move along these lines, ultimately, five years later, signing the Oslo Accords. The Declaration of Independence was a powerful unilateral act, and to some extent the beginning of an alternative strategic thread, but the PLO never achieved the transformation of strategic approach that unilateralism offered. The PLO's focus on the US conditions and on opening the US dialogue was an expression of their retention of their prior strategic orientation, one that focused more on the US government than on the Israeli people. Unfortunately this contributed to an outcome that was far more dismal than I had feared: **the Declaration, one of the most remarkable documents in the history of the conflict, was hardly noticed, and to Israelis, largely unknown, as it remains today.**

FOUR

How the Declaration Was Drafted

In preparing this book, I conducted a series of interviews with Palestinians who were close to or directly involved in the drafting process. Unfortunately, Arafat and the principal drafter, Mahmoud Darwish, had already died. These interviews were conducted twenty-four and twenty-five years after the events in question. Memories were not always sharp. Hopefully in future years historians will discover documentary evidence that provides a more definitive account. If not, these interviews with the participants may be the best we have.

Many questions remain about the actual process that produced the Declaration. Most of the interviewees place the origins of the process with the PLO Executive Committee toward the end of August, but one account starts the process about a month before. As related to me by Anis Al-Qasem, the chairman of the Palestine National Council Legal Committee at the time, the decision to issue a declaration was made immediately after King Hussein's July 31, 1988, announcement severing Jordan's ties to the West Bank.¹ At the time of the announcement, the PLO Central Committee was meeting in Baghdad. King Hussein's action had taken them by surprise. There had been no prior consultation.

JMS: How did the declaration idea emerge?

AQ: The whole issue arose from one move by King Hussein, when he decided to sever relations with the West Bank. This was the triggering factor. We were at that time, at that very moment, holding a meeting of the Central Committee of the PLO in Baghdad. The Central Council. We created a Central Council of one hundred members. So that we can consider, in case of emergency, when the plenary of the PLO cannot be held. I was personally the chairman of the Legal Committee of the PLO—that is, the PNC, rather. We established back in 1984 at the meeting of the PNC in Amman Jordan, we established a number of permanent committees of the PNC. For example, a Legal Committee, a permanent Legal Committee a permanent Political Committee, a permanent Social Committee, a permanent Refugees Committee, and so on. So that these committees will replace the normal committees that work during the sessions of the PNC. The committees for the PNC during the sessions are not permanent, so we decided to create permanent committees. I was the chairman of the Legal Committee. Now, before that, when the PLO was created back in 1964 in Jerusalem, I was the chairman of the committee in charge of the national declaration and the bylaws of the PLO.

JMS: Okay, you were the chairman of the committee that dealt with the bylaws?

AQ: That drafted the national declaration, the national covenant—you know we have the national covenant and we have also the bylaws of the PLO. That was in 1964 in Jerusalem. Now, when we created the Central Council, we made chairmen of the various permanent committees ipso facto members of the Council. So in that capacity, as chairman of the Legal Committee, I was present at the meeting in Baghdad. At that meeting, Chairman Arafat read to us the letters from King Hussein addressed to him, in which King Hussein severed the relations with the West Bank. Now, immediately after he finished reading that letter, I intervened and said we cannot leave a legal vacuum now, and we as the people of Palestine, in the exercise of our right for self-determination which is now a right for the people themselves, we should [must? —jms] declare the independence of

Palestine.

JMS: That you should declare independence?

AQ: So that nobody, I had in my mind, Israel, will attempt to annex the West Bank under the presumption that there is a vacant sovereignty in Palestine. That proposal was immediately agreed to by all parties.

JMS: And what was the form that that agreement took? Was there a vote?

AQ: It was unanimously accepted.

JMS: But it wasn't a vote? Just a sense of the meeting? Everyone said, good?

AQ: Because everyone—Jerome, at that moment we were not thinking of votes or anything of this sort—we were thinking of the future of the country.

JMS: Right, but this, this is a group . . .

AQ: Everyone present was in agreement.

JMS: How many people were present?

AQ: The Central Committee consists of one hundred members. It represents all parties, independent chairmen of committees, representatives of various factions at the time, they were all there.

JMS: So were people from George Habash and [Nayif] Hawatma's factions also there?

AQ: Yes, yes

JMS: Were they there personally?

AQ: I don't recall, we're talking 1988, but they were represented.

JMS: So this was not a Fatah decision.

AQ: This was a consensus immediate decision because we were afraid of what I explained to you and also at that moment you will recall the first Intifada was already in progress. And the first Intifada established almost self-rule independently of the occupation authorities. They did not go to the courts under the occupation authorities; they accepted nothing from them; they were self-supporting; they were in revolt against the occupation, and therefore it could be said that they were in control of the territory.

In other interviews, no one started at this point, but I find Al-Qasem's account convincing. For the PLO leaders outside the territories, King Hussein's severing connections with the West Bank was a bolt of lightning. That said, others closely involved in the process explained the origins of the Declaration in terms of a quite different motivation. Yasser Abed Rabbo was one of the founders of the Democratic Front for the Liberation of Palestine (DFLP), which was headed by Nayif Hawatma. Abed Rabbo was the organization's deputy secretary general and was close to Arafat and part of the group that worked with Darwish on the Declaration.² He offers this account:

JMS: I'd like to start with the idea of a unilateral declaration. Why was it decided to offer a Declaration of Independence?

YAR: Well, at that time we were out to recognize the resolutions of the Security Council, mainly 242.

JMS: Yes.

YAR: Which means that we were out to recognize the international legitimacy, and the solution of the Palestinian problem within the '67 borders. And that was very difficult for us, because, in fact, 242 did not explicitly mention the rights of the Palestinian people. So the idea came, at that time, from some people, mainly Arafat, the secretary general of the Communist Party at that time, Bashir Barghouti, and myself and others, that we had to make a combination between the recognition of 242, which means we recognize Israel within the borders of '67, but in exchange for recognizing also our rights. And that's why the idea of the unilateral Declaration of Independence came and we wanted the two, the two steps to be taken at the same time, our recognition of 242 and the Declaration of Independence. This was a kind of a message to the Israelis and to the whole world, that recognition of 242 is conditional, that we are also being recognized as a Palestinian entity, as the PLO representing the Palestinian people and as a people who deserve the right of independence. And, this was, from our point of view, an implementation of the 242. As we had consulted with so many Arab leaders, and international friends, mainly European, and the idea was

welcome, that as long as we accept 242, nobody will question why we will insist at the same time that our rights should be recognized as well. And that was the motive behind this step.

What is particularly interesting about Abed Rabbo's account is that as part of Arafat's inner circle, he reports that the Declaration idea from the start was linked to their effort to find a way to accept UN Security Council Resolution 242, which was one of the US conditions for the legitimization of the PLO as a partner in any negotiations. Al-Qasem's call for a declaration of independence, however, seems to have emerged from a very different perspective, one not seeking a peace initiative or a reversal of the perspective of the Covenant.

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On Al-Qasem's account, following King Hussein's announcement, it was the consensus of the Central Committee meeting that work should start immediately on preparation of a declaration of independence. Development of this draft was the responsibility of the legal committee, with Al-Qasem as chair.

No date was specified for the completion of the draft, but it was to be done as soon as possible. Al-Qasem prepared a draft that was considered by the legal committee and was the subject of several meetings with the PLO Executive Committee. After each meeting Al-Qasem made modifications. In the process there were those who sought to introduce specific policy stances on current issues, but Al-Qasem rebuffed these efforts, maintaining that such decisions were to be made by a government and would change with time, and thus not appropriate matters for a declaration of independence. At its core the document affirmed the right of the Palestinian people to self-determination. It was on the basis of this right that independence would be declared. During drafting discussions some had suggested that the declaration should invoke the Partition Resolution of 1947, but Al-Qasem, who had been among the drafters of the 1964 Covenant, reports that he resisted this, maintaining that the Partition

Resolution had been imposed upon them, and that their declaration must refer to all of historic Palestine.

This aspect of Al-Qasem's draft is of considerable importance. Here is what he said:

AQ: There were no disagreements on issues. Not at all. It was a declaration of independence of the state of Palestine, and all of them, those present, were Palestinian nationalists. They were concerned about the future of their country, there were no negotiations with Israel, there was a liberation movement, there was an Intifada going on in the country, and therefore all thoughts were directed towards the whole of Palestine

JMS: And what you were saying about the legal aspects of it . . . what did you mean by "the legal aspects of it"?

AQ: I meant that it was a declaration of the right of self-determination of the Palestinian people, regarding their country, and therefore no reference to Israel in the declaration of independence . . . our right to declare the independence of our country in the exercise of the right of self-determination. Some people came to me, trying to infuse a reference to the partition resolution—I refused any reference to it.

JMS: I see . . . why?

AQ: Why?

JMS: Yes.

AQ: Because we did not agree to the partition of our country. The partition was imposed on us, we did not accept it, and therefore in our declaration of independence, we cannot declare ourselves just to be one part of our country, to be independent.

JMS: Okay. So it was not going to be based on the partition resolution. Who was it who wanted, who suggested it be based on the partition resolution?

AQ: [laughing, stammering] No, I, I, I'm sorry, it is past history and it was not accepted. And that was not, by the way, that was not at the meeting. Jerome, are you with me?

JMS: Yes, yes.

AQ: That was not at the meeting. That was somebody came to me personally.

After about a month, Al-Qasem delivered his proposed declaration to Arafat. According to Al-Qasem, Arafat, upon considering the draft, told Al-Qasem that this wasn't what he was looking for, that he wanted something more poetic, a document that was more expressive and free of legal jargon. With Al-Qasem's agreement, Arafat passed the document to Mahmoud Darwish, and Al-Qasem said he had no further involvement in the drafting, only hearing the actual Declaration for the first time when it was proclaimed several months later in Algeria.³

Yasser Abed Rabbo gives a somewhat different account, referring, probably in error, to Al-Qasem's draft as a "constitution":

YAR: And some, a committee of lawyers, came with that very complicated formula of a Palestinian constitution.

JMS: I see.

YAR: When, when they presented it to our meeting, immediately Arafat understood that it is very complicated, and it does not include the message he wanted to send to the international community, and to the Israelis. Because the idea, the basic idea, of a two-state, was not clear there. You are writing the constitution of your own state.

So Arafat immediately dismissed the idea, and he suggested that somebody should write a kind of a declaration of independence. This idea was cooked before, you know, the dismissal and the declaration of independence in private consultations. And when the name of Mahmoud Darwish was mentioned, everybody welcomed it because they thought that Mahmoud Darwish would do something which is historical, and will do something which is convincing to our public, to our people, something which could in its language and in its content, be more impressive, be more effective.

JMS: And he was a member of the Executive Committee at that time, was he not?

YAR: That's right, that's right. Mahmoud Darwish was a member, and he

was involved politically in all the consultations.

Without Al-Qasem's draft in hand, it is impossible to say whether any of its text made its way into Darwish's draft. The most fundamental issue was the legal basis for the Declaration, which was entirely different from what Al-Qasem had proposed. The actual Declaration was explicitly grounded in the 1947 Partition Resolution. The differences between what Darwish wrote and what Al-Qasem had offered were far more than a matter of poetics. One suspects that Darwish started from scratch, and that this was what Arafat wanted.

What is particularly important about Al-Qasem's account is that it allows us to understand how fully the final Declaration was guided by the specific intentions of Arafat and the other PLO leaders. It was no small matter whether the Partition Resolution was to be invoked as the basis in international law for the Declaration. To do so would link Palestine's legitimacy to that of Israel. It would specifically reverse the stance of the PLO Covenant, redefining the Palestinian cause. Here's the important point:

Arafat and the PLO Executive Committee in basing the Declaration on the Partition Resolution did not do so lightly or in the absence of any alternative. They had a fully developed draft with an alternative legal basis from Al-Qasem, and they chose not to use it.

Consider again the passage in the Declaration that invokes the Partition Resolution:

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.

We learn from Abed Rabbo that this was the subject of scrutiny by George Habash, and that, according to Abed Rabbo, it was Darwish's balancing of matters of pride, justice, and legality that made it possible to win Habash's agreement:

JMS: Who was involved in the decision in the PLO; who were the key

players?

YAR: Well, at that time there were so many key players, mainly the leaders of Fatah, Abu Iyad was a key player, Abu Mazin was also a key player, myself as well, Mahmoud Darwish, other members of the Executive Committee of the PLO, the secretary general of the Communist Party, and it is well known that the Communist Party was always a moderate party when it came to the resolution of the conflict. And also the secretary general of the DFLP, Nayif Hawatma, and there were very long and very difficult negotiations with George Habash.

JMS: Yes.

YAR: And he had so many reservations, but at the end he yielded and accepted the formula, the last formula, which was presented by Mahmoud Darwish, because this formula was very eloquent, in fact, in its language, and it combined between the stress from the injustice practiced against the Palestinian people in the past, and our vision for the future. So that we accepted, the partition plan, and we accepted the idea of the two-state solution, and because of the wording, because of the language, and because of the combination between the stress on the pride of the people, and the hopes for the future, we were able to convince Habash to accept the formula then.

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By all accounts, the Declaration that was issued in November, with much consultation, was actually drafted entirely by Mahmoud Darwish. Yasser Arafat and others were closely involved, and they offered comments on earlier drafts, but the actual wording of the Declaration was done by Darwish. The fullest account emerged in my interview with Ahmed Abdul Rahman, former Fatah spokesman, who was at the time a top aide to Arafat:

JMS: Mahmoud Darwish—what was his role in the Declaration?

AAR: He wrote it, completely.

JMS: He was a member of the Executive Committee?

AAR: At that time, yes. We all, all of us, around Mahmoud. But the wording is Mahmoud, the last wording.

JMS: Did anyone else work with Darwish on the Declaration?

AAR: Of course.

JMS: Who and how?

AAR: Yasser Abed Rabbo, Walid Khalidi, Catton, from London. Many, many—you know, the way of Arafat to work for a statement like that, he bring the world. All people ask him, what do you want to say? Peace. You write us something? Send it to Mahmoud.

JMS: Oh I see, so they sent things—

AAR: To Mahmoud.

JMS: He got information, from other people.

AAR: Many.

JMS: But then he produced a draft, or then he circulated a draft to people?

AAR: Arafat?

JMS: No, Darwish.

AAR: No, the last one, no.

JMS: When Darwish finished his draft—

AAR: This is finished. You know Mahmoud, he is, you can say, the master. When he read it, no one say there is more ideas. No one.

JMS: I see. Did he present it to the Executive Committee, or just give it to Arafat?

AAR: Of course. Of course, many, many time. He read it.

JMS: He read it out loud?

AAR: He read it by his voice, to the Executive Committee.

JMS: Were you there? Were you in the room?

AAR: I was there, of course.

JMS: Hearing him read it?

AAR: I was there as an aide for Arafat, not a member. With Mahmoud, you can say, we all of us accept what Mahmoud saying. We accept,

you know. Therefore, and Mahmoud took notes. Took notes from what we saying, all the time. And the draft with him—if he changed something, he did not take my words, he take the idea and have his words.

JMS: Oh, is that right? I see. So did he then come back with something different, did he make changes?

AAR: Many.

JMS: Oh, he did make many changes, as a result of this process, he would read it—

AAR: He said, this is the first draft, the second draft, the third draft, like that. But all the time, the draft is in his hands.

JMS: Oh I see, in his hands. I see. And then at some point, who decided that it was final, who decided enough already, this is good enough?

AAR: Arafat.

JMS: At some point Arafat just—

AAR: Arafat. Arafat, you know, read it more than one hundred time.

JMS: No! Really?

AAR: Yes, yes.

JMS: The Declaration?

AAR: Yes more than one hundred times, ah yes.

JMS: Wow. And all the time was he making changes?

AAR: Arafat? No. Read it—

JMS: Out loud, you mean?

AAR: No, no, just to himself, read it like that.

JMS: Just to himself, I see. Like that.

AAR: To keep, the sensitivity of Mahmoud. It is not easy for anybody to correct Mahmoud. It is not easy, you know. We should be careful. So if Arafat have ideas, he said it indirectly. Right.

JMS: [laughter] It sounds like Mahmoud had you all scared.

AAR: Yeah, yeah. No one can say that I have more ideas about Palestine, more good sentences or words than Mahmoud. It's impossible. You know Mahmoud's my friend, as well, for a long, long time.

JMS: Yes, yes, I see. That's very interesting. So when he read it, it was to the Executive Committee and to a small group of aides like yourself who were present.

AAR: All the time, yes, all the time I was there. And the last thing, it was one copy, one copy with Arafat. So no one know, *yanni*, no one distribute it before Arafat say it in the PNC.

JMS: I see. So it wasn't—What about Habash and Hawatma? Did they just hear it for the first time in the PNC?

AAR: No, they accept it. They were in Tunis. They know it. They know it well before the PNC meeting. Because at that time, if you remember, Habash was living in Tunis, and Nayif Hawatma was in Tunis, and they are angry of Syria at that time, if you remember, they are angry because Syria support the people who are against the PLO. So they read it before, and they accept it.

This is not totally clear, but it seems that Habash and Hawatma were engaged throughout the process, but that except for Arafat, the very final wording was not shared. Second to Darwish, it was Arafat himself who was most directly involved. On one account he played a role in shortening the Declaration, especially the beginning sections. Yasser Abed Rabbo reports there was a written text that Darwish gave to Arafat, which Arafat marked up with a red pen or pencil. His changes were all in the form of deletions intended to shorten the text. According to Abed Rabbo, they were "not matters of substance." We must take this judgment with some caution, as there is considerable subjectivity as to what is or is not a matter of substance. According to Abed Rabbo, these deletions resulted in a text that was perhaps 20 percent shorter than what was proposed.

According to another version of the drafting process, all Arafat did was to make one change, which was to shift the call for equality of men and women to a call for equality between women and men. However, I find Abed Rabbo's account of Arafat's edits credible, especially since he blames himself for having lost that marked up text, a document he said he knew was precious. On the other hand, if Abed Rabbo lost it, perhaps it never made its way to Darwish. When we examine the text more carefully, we will find reason to believe that this was the case.

What is clear, however, from various accounts, was that Darwish, as the preeminent Palestinian poet of his time, was viewed with tremendous respect, perhaps even awe, by the PLO leaders, and that they were very careful in suggesting alternatives to his wording choices. Thus, perhaps with some shortening by Arafat, and some minor grammatical changes by Arafat (changes which Abed Rabbo says led to two grammatical mistakes appearing in the final Arabic form of the Declaration), we have a text that actually was written, not by a committee, but by one person, Mahmoud Darwish. Darwish, however, did not write in a vacuum, and the text he produced was the outcome of an extended collective process. Darwish, it should be emphasized, was not “brought in” to do the drafting, he was a member of the PLO Executive Committee at the time.

Although no decision to issue a Declaration was made prior to King Hussein’s announcement, the idea was certainly in the air since the spring. (My articles in *Al-Quds*, the *Washington Post*, and the *International Herald Tribune* were published in April and May 1988). These must certainly have been read in Tunis; indeed, the *International Herald Tribune* was available at newsstands throughout the city.

The exact timing of the decision to issue a declaration is of some interest, for if we accept Al-Qasem’s account, then the decision was made prior to the news about the Hussein Document, and thus contrary to some accounts, the Hussein Document may not have played a role in the decision. In late August, Arafat did tell me that they had been carefully following radio reports coming out of Israel of my relationship to the Hussein Document and the Declaration idea; so they certainly were well aware of the Hussein Document. Of course, it is possible that a decision to start drafting a declaration was made in the PLO Central Committee meeting in Baghdad, but that this was not a firm decision to issue one. In any event, to outside observers the question of whether or not they would issue a declaration appeared to be open during the month of August and clearly Tunis, being fully aware of the Hussein Document, was aware of the increasing tendency of the Intifada leadership to act independently.

When I reached Tunis at the end of August 1988, I went with the intention of trying to convince them to issue a Declaration, but when I arrived, I found that a decision to do so had already been made. Possibly by this time the committee that worked with Darwish had already been formed.

The core of this appears to have been from the PLO Executive Committee, but others were also part of the discussions. Probably it was an ad hoc committee, and it does not appear that formal minutes were kept, so it is not clear exactly who was in attendance at what point. However, it seems that at least the following individuals were part of the discussions: Arafat, Darwish, Mahmoud Abbas, Yasser Abed Rabbo, Ahmed Abdul-Rachman (the Fatah spokesperson), Hakam Balawi (the PLO representative to Tunisia), and perhaps Abu Iyad.

When Arafat rejected Al-Qasem's document, he was focused on a future process involving both the United States and Israel. He wanted something that would address the relations between the Palestinians and the Israelis—a message to the world about Palestinian interest in finding a solution to the conflict. Because the Palestinians would not be developing a constitution at this point, it was decided that the Declaration would include a good deal of content as to the form of government and political rights that would be recognized in the Palestinian state. Thus the Declaration would do triple duty, declaring independence, opening a peace initiative, and detailing some of the aspects of a constitution—for instance, affirming that there would be an independent judiciary in the State of Palestine.

It is likely that in its first meetings, the committee focused on what should be in the Declaration and on the kind of document that was sought. This discussion likely dealt with issues such as its stance on UNGA Resolution 181, the bases in law and morality for making such a declaration, possibly its relationship to the Israeli Declaration of Independence, the elements of a constitution that would be included in it, the rights that would be respected in the State of Palestine, and so forth.

At some point, early on, it was decided to turn the actual drafting over to Darwish. Once this idea surfaced, there was full agreement that he would be the one doing the drafting. Was it Arafat who suggested that Darwish do the drafting? Perhaps. Abed Rabbo's account suggests that this was Arafat's desire, but exactly how this was handled, we do not know, but there was no opposition, and no other candidate.

Once that assignment was made, Darwish then undertook his own process, one that involved wide consultation with other intellectuals about what should be in the Declaration. We know nothing about which ideas were put forward or by whom. What we do know is that he reviewed

declarations from many countries and that he consulted others. How widely he consulted, and who was asked for their views, the forms of this consultation—this is not fully known. Specific individuals whose names have surfaced include Edward Said and Ibrahim Abu-Lughod, who were leading Palestinian intellectuals living in the United States and close friends of Darwish; his friend Imad Shakour, who was an adviser for Israeli affairs to Arafat; and Henry Catton, a respected lawyer who was engaged with Israeli/Palestinian issues. Possibly he also discussed it with Walid Khalidi, a noted Palestinian historian. Interestingly, none of the people I interviewed mentioned or seemed aware of any consultation with Palestinians in the West Bank or Gaza. It is a near certainty, however, that Darwish had a copy of the Husseini Document.⁴ This, it should be remembered, was not a draft declaration but a plan for issuing one.

We might reasonably set September 1, 1988, as the date Darwish began his drafting process. This cannot be off by more than a week or two. Given that the Declaration was issued on November 15, 1988, we might figure the October 15–30 period as the point at which Darwish finalized his written draft. On this reasoning, we are talking about a period of six to eight weeks, during which Darwish undertook several different tasks:

- Study of other declarations of independence
- Consultation with friends and colleagues
- Preparation of earlier drafts
- Oral presentation of successive drafts to the committee
- Revision of each successive draft in response to committee reactions
- Presentation of his final draft to Arafat

We do not know how many times Darwish met with the committee to present a new draft, nor how many drafts he went through, nor how different the earlier drafts were from the final drafts, nor what elements of the final draft appeared at the earliest point, nor who offered what comments in each of the committee sessions. No one that I interviewed remembered such specifics.

It seems quite unlikely that the committee would meet more frequently than once a week or even every ten days. Darwish at one point said that it

was in Paris that he drafted the Declaration. Exactly how we are to understand this is unclear. Did he mean his first draft or his final draft? Or perhaps all of them? What we can assume is that for the six- to eight-week period over which he worked, he was not continuously in Tunis, and thus there could not have been too many meetings with the committee. If we give Darwish a total period of eight weeks for his work, from beginning to end, and we assume it took three weeks to prepare his first draft and that successive drafts were presented at two-week intervals, then we have the following *hypothetical* calendar:

Late August: A committee is formed and discussions begin about the nature of the declaration.

September 1: Darwish is given drafting responsibility. Undertakes review of other declarations and consultations with his circle of friends and colleagues.

September 21: Darwish presents first draft to the committee.

October 7: Darwish presents second draft.

October 21: Darwish presents third draft.

November 1: Darwish presents his proposed final draft. Possibly makes further changes and then gives a written final draft to Arafat. Perhaps Edward Said starts English translation at this point.

November 7: Arafat shortens draft on his copy. Possibly this goes back to Darwish, who may have just accepted such changes, or may have resisted them. This is unclear but a clean draft of the final text is achieved.

November 15: The Declaration is read at PNC meeting by Arafat, proclaiming the State of Palestine.

This hypothetical calendar may not be fully correct—for instance, it is unclear as to whether anyone other than Arafat saw the very final draft. Nonetheless, this timeline does help us to see that the process moved quickly, and that the committee could not have considered more than a handful of drafts, perhaps three or four.

I was told that Darwish did not circulate written texts to the committee. Rather, he would read his draft to the committee, and a discussion would follow. Perhaps he would read to the end, but more likely, it would be section by section. We do not know. However, there would be discussion, and Darwish would take notes. About the committee discussions, from my interviews it appears that:

1. The decision to base the Declaration on the Partition Resolution was explicit and widely supported. It was recognized that this would parallel the Israeli Declaration.
2. The decision to explicitly say that Resolution 181 provided for both “a Jewish state and an Arab state” was not controversial. It was viewed as a factual statement about the nature of the Partition resolution. It was not viewed as it might be today in relationship to the claims of refugees, or the rights of Israel’s Arab citizens.
3. The actual wording regarding Resolution 181 was done cautiously. While the Declaration did speak of 181 as continuing to provide the basis for a Palestinian state, intentionally they neither claimed the 181 boundaries nor did they invoke 181’s position on Jerusalem (a separate zone under international control). Moreover, in the political resolutions approved at the same meeting of the PNC, they accepted UNSC Resolution 242 and its land for peace framework. But the land referred to in Resolution 242 is only that which Israel occupied in the 1967 war, not the broader area allocated for the Palestinian state in Resolution 181.

When the final draft was turned over to Arafat, Darwish must have been in considerable uncertainty as to what would happen to his text. As noted, Abed Rabbo has reported that something like 20 percent was deleted. Was this edited version then shown to Darwish? Probably. Given Darwish’s stature and role, it seems to me that Arafat would not make such extensive cuts without giving Darwish an opportunity to react, but we cannot be sure. Was the material Arafat had deleted ultimately reinserted? We do not know. But this remains a possibility. Alternatively, given that Abed Rabbo blames himself for having lost Arafat’s marked-up version, then it would seem that

this never actually went to Darwish, and that it was the uncut version that was actually proclaimed at the PNC.

Edward Said, a leading Palestinian intellectual who was both a friend of Darwish and himself a member of the Palestine National Council, was enlisted, no doubt by Darwish, to provide the English translation of the Declaration. Said reports that he and Darwish were together in Algiers when the Declaration was issued, and that “Darwish and I were worried that our texts were being mutilated by politicians.”^{5,6,7} This supports the view that Arafat’s cuts were never made, for if they had been, then Darwish might have felt that a mutilation had already taken place.⁸

FIVE

Darwish

The Palestinian Declaration of Independence was proclaimed by the PLO in the name of the Palestinian people. As such, it is a foundational document of Palestinian nationalism and cannot be thought of as the literary product of the individual or individuals most actively engaged in the drafting process. That said, there are aspects—important aspects—of the Declaration that bear the very specific imprint of Mahmoud Darwish. One might say such a thing of any declaration and its principal drafter, say, of Thomas Jefferson and the American Declaration of Independence. Yet with Darwish and the Palestinian Declaration, I believe the imprint is greater, for instance, in the startling relationship between the Israeli Declaration of Independence and the Palestinian Declaration—a topic explored in a later chapter. We cannot fully grasp the Declaration without a better understanding of Darwish, with his specific personal history and unique personality.

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We have this from a 2002 interview with Darwish:

DARWISH: So I always insist that I write lyrical poetry, but with an aspect of the epic because there is a sense of voyage, a human voyage between cultures and peoples . . .

Q: You are referring, I assume, to the voyage of the Palestinian people.

DARWISH: Yes, I speak about the voyage of the people in my society. It's an extremely plural society. All cultures, all civilizations in history have come to Palestine, and I believe I have the right to this whole inheritance.¹

Not only does Darwish see Palestine as enriched by its prior civilizations, he claims a "right to this whole inheritance," by which I understand him to be saying, "It is me, I am all of it." It is this sentiment that we find in the opening paragraphs of the Declaration declaring Palestine the land of the three monotheistic faiths, which says of the Palestinians that they were "nourished by an unfolding series of civilizations and cultures."

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Darwish was born on March 13, 1941. The family lived in the village of al-Birwa, not far from Acre, in present-day Israel. By Palestinian standards it was a large village, with a population of about fifteen hundred, 10 percent of whom were Christians. His family was Muslim, his father a farmer with a small plot of land. The villagers of al-Birwa cultivated wheat, barley, corn, sesame, and watermelons. There were extensive olive orchards and three olive presses. According to Darwish, his family was "very petite bourgeois, middle class." When he was six, and perhaps too young to be politically aware, the United Nations was debating the future of Palestine, ultimately passing the Partition Resolution in November 1947. Within weeks violence between Arabs and Jews had begun, and events were set in motion that would occupy his attention for the rest of his life.

Sometime in 1948, possibly shortly after the Israeli Declaration of Independence in May and the outbreak of war with the Arab states, Darwish's family made the decision to flee to the safety of Lebanon. They left at night, under a full moon, moving through nearby forests. They left everything behind, anticipating that they would return shortly. They did not see themselves as refugees, and they were not impoverished. Quite the contrary:

We were tourists then. My grandfather carried a big bag of money, and it was like a picnic in Lebanon. He took us to the apple orchard so that we could pick choice fruit from the trees. And every week he took us to Beirut, which was the first city I ever saw after Acre. It wasn't a flight, it was like a picnic. We were waiting for the Arab armies to defeat the conquerors in a few weeks, and we would then go back to al-Birwa. We didn't live in a refugee camp. . . . Grandfather was a good reader and read the newspapers which assured us of a quick return.

When grandfather realized that our presence in Lebanon was not going to be just a vacation or a picnic and that the war had ended with our loss of everything, when he realized that the fruits in the orchards he had planted, now being eaten by the Jews . . . he became aware that our departure had been a mistake. He saw that his absence from the land was now exile, and set about replacing hope in [Arab] armies with his need to regain his belonging to the land through his actual presence on it.

The shock created by defeat due to dependence on weapons carried by others, with justice as one's sole weapon, ushered in the awareness of "stealing back" into the occupied land—no matter the consequence or the price—to establish your presence and leave the insults behind. Under threat of death we stole back over rocky terrain. . . . After two nights of an exhausting crawl on rough ground we all met up in a village. There we were now, back in Palestine. We didn't know that we were going to be exchanging refugee status in Lebanon for refugee status at home. And we didn't know that our physical presence in the homeland constituted an absence in the eyes of the law the conquerors quickly implemented. They called us "present-absentees" so that we would have no right to anything. At the same time we found out that thousands of these returnees were shoved into trucks as soon as they were arrested and immediately dumped on the border like damaged merchandise. We knew that hundreds of others were shot dead so that others would stop thinking of returning.²

When the Darwish family returned, their village no longer existed. During the war it had been the scene of fighting, some of it involving Arab soldiers as well as villagers who had not left. The village itself was destroyed after it fell under Israeli control. In January 1949 a kibbutz was established on the former site of al-Birwa.

For Darwish, the searing personal experience of the Nakba is central. The question of why the refugees left seems to haunt him. That he viewed it as a fundamental mistake is clear, but it is also the source of an accusation, a persistent question:

My father said they didn't fully grasp what was happening. It was going to be a quick battle with guaranteed results, they had imagined. The departure from the villages was a way of saving the body from death, with no corresponding awareness of what leaving the land meant. The idea of the homeland, it seems, did not need intellectual effort, mobilization of the community or planning. The home, the orchard and the plow were not weapons. And the call to stay put—it seems—was not part of the battle because the forces to put it into effect had not been organized, and the consequences of not doing so had not been foreseen.³

Darwish continues:

The prevailing impression—or ruse if you wish—was that the exit would be temporary, for a few days only. So why should children, women and old people die for nothing if the departure was going to be temporary, with victory and return guaranteed? The Israelis used the exit as an excuse to claim we had no attachment to our homeland and were therefore not worthy of one if we could so easily leave it behind. But they deceive only themselves if they believe their own claims, for they supplemented the prevailing rumor that the exit was only temporary with guns and daggers that gave the Arabs a strong incentive to leave. They gave them the following option: Either death or departure for a few days.⁴

When it comes to the Israelis, at least during the 1948 conflict, Darwish is unsparing:

Emptying Palestine of its Arab inhabitants was not an emergency measure imposed by circumstances, but part of an ongoing Zionist strategy from before the establishment of the state. . . . They carried out this strategy violently with their weapons and justified it on religious grounds from the example of Joshua son of Nun, and the text, “The Day of the Lord, is a day of terror.” And they justified it on secular grounds from their own practices. It was Menachem Begin who said, “If it wasn’t for Deir Yassin, there would be no State of Israel.” They proclaimed the aim of the Deir Yassin Massacre from loudspeakers on cars that went around blaring out, “Leave or suffer the fate of Deir Yassin.” And in all the villages they occupied afterwards they gathered the inhabitants in the main square and made them stand in the sun for several hours. Then they chose the handsomest young men and shot them dead in front of the other villagers in order to force them to leave, and to purge their repressed historical resentment.⁵

Many Western readers will find this account shocking. To gain a sense of who Darwish is, it is necessary to consider whether there is any truth to what he is saying. The account, the charges made, are so grave that some may think him a grotesque propagandist, a liar, a historic libelist, a man deserving of no respect. However, in rejecting this, it is not necessary to show that Darwish was balanced or comprehensive in his moral assessments. He was himself an internal refugee, a child become man from a family that lost its home and its village and entered a limbo-land where he was defined as an “absentee” but acknowledged as physically present, formally a citizen, but without the full rights of citizenship.

There are questions that Darwish, as a Palestinian, does not ask, such as, “What would have happened to the Jews if the Arabs had won the 1948 war?” There are questions and elevated ideals that he does not hold up for his people. For instance, he does not ask, “Why were we not prepared to share the land with this ancient people that not only had some valid attachment to it, but had suffered so much because of their own lack of rights throughout the world?” Darwish should not be seen as the

embodiment of all possible virtue. He is not an impartial universal humanist possessed of equal compassion for the other. He is a Palestinian refugee, and he identifies with his people and their suffering.

But is he basically an honest man? Or is he a voice that uses language and his talents, without any restraints or norms, as a means unbound by the restraint of truthfulness?

Let me say something here about Deir Yassin and the claims Darwish makes about the open murder of Palestinians in order to terrorize villagers to flee. Even decades after these events, there is still continued debate over exactly what happened in 1948, but for our purposes it is not necessary to reach definitive conclusions about the events themselves. It suffices to ask whether or not Darwish's understanding of events is within the ballpark of honest efforts to understand that reality.

Here we might consider how such matters are treated within academic discourse in the United States. It is well-established fact that a massacre of some magnitude did occur at Deir Yassin. The exact specifics remain under dispute, but that some terrible war crime was committed is only challenged by the most hardline apologists. For academic historians this is not in doubt. Consider the writings of Mark Tessler of the University of Michigan in his nine-hundred-page textbook, *A History of the Israeli-Palestinian Conflict*:

Deir Yassin was a Palestinian village about five miles west of Jerusalem, and on April 9, 1948, forces of the Irgun and Stern Group entered the village and massacred 254 defenseless civilians, including about 100 women and children. Many of the bodies were then mutilated and thrown into a well.⁶

Although these numbers are in dispute and more recent calculations have been lower and while it may not be the case that there was no shooting from the village, there is no doubt that once Jewish forces gained control of the town, there was an atrocity of considerable magnitude. Tessler reports that "the Haganah, and the Chief Rabbinate and Ben Gurion himself sent King Abdullah a telegram expressing apologies and regret" as soon as the episode became known. Moreover, there is no doubt that word of what happened at Deir Yassin, even exaggerated accounts, quickly spread through the now terrified Palestinian community.

Tessler quotes Begin as saying that when Jewish forces made their way through Haifa, "the Arabs began to flee in panic, shouting 'Deir Yassin.'"

The occurrence of this phenomenon, that reports of what happened at Deir Yassin played a significant role in accelerating the flight of Palestinians, is well established.

So there was a massacre, and there was widespread panic, but what of Darwish's more radical claim that far from being an isolated incident, massacres were standard practice, his claim that "in *all* the villages they occupied afterwards they gathered the inhabitants in the main square and made them stand in the sun for several hours. Then they chose the handsomest young men and shot them dead in front of the other villagers in order to force them to leave, and to purge their repressed historical resentment." There were 418 villages depopulated by the events of the war, and subsequently almost all were bulldozed by the Israelis. Clearly, it is beyond belief, and beyond anything historians have concluded, that atrocities of the sort Darwish describes happened as he says ("In **all** the villages they occupied"). At best, this is a very substantial exaggeration. But does the allegation have any basis in fact?

Tessler tells us: "There was a massacre of Arab soldiers and their women by mainstream Jewish forces in Jerusalem at the end of April, following a successful Hagana attack on the Katamon quarter of the city."⁷ And he reports on interviews that were conducted with refugees in Lebanon, from twenty-five different communities. In three of the accounts there were allegations of such conduct. He quotes an account from the village of Ain al-Zeitoun saying that the Israelis selected "thirty-seven teen-aged boys at random, ordering the rest of the villagers to move into the storage rooms of the mosque. . . . I do not know what happened to our young men. We have been away from Ein al-Zeitun now for almost twenty-five years and I still don't know what happened to them."⁸

We can't be sure what happened here. Assuming the worst, that these boys were rounded up and killed, then this sample suggests that there may have been terrible atrocities in as many as 10 percent of the villages, an extraordinarily high percentage. Tessler quotes the Israeli historian Tom Segev on this. "Reports of atrocities committed by Israeli soldiers preoccupied the government in several of its sessions. . . . Ben Gurion who for several months had been receiving reports of atrocities, including acts of 'slaughter' and rape, declared . . . 'I am shocked by the reports that have

reached my ears.’”⁹ In one session the minister of agriculture, Aharon Cizling, is quoted as saying:

But now Jews too have behaved like Nazis, and my entire being is shaken. . . . Obviously we have to conceal these actions from the public, and I agree that we should not even reveal that we are investigating them. But they must be investigated.¹⁰

One can pursue this endlessly, but this perhaps is enough to conclude that Darwish, while not a historian, and while subject to both exaggeration and to the one-sided focus of a partisan, is giving an account of what transpired, which is not made up out of whole cloth. If the idea that such terrible things did occur, even on a much smaller scale, is hard for many to believe, it is because we have too long lived with a sanitized version of what actually occurred in 1948. It was an ugly war.

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In *Journal of an Ordinary Grief*, Darwish continues his personal account, explaining how his grandfather, whom he loved more than his father, “died waiting.” His grandfather, who was classified as a “present-absentee,” spent his days at the office of the military governor waiting for a permit that would allow him to travel to Acre, just so that he might be able to see his land from a window on the bus. Darwish tells us that in order to be connected to his land, his grandfather purchased, presumably for resale, from a Jewish merchant the seasonal crop of watermelons now grown on the land that he once owned. Darwish summarizes his grandfather’s experience: “He preferred living in hardship than selling his land, which became the foundation of his dignity but was no longer the source of livelihood as it had been.”¹¹

The commitment to the land, and to retention of dignity, in Darwish’s eyes, cost his father his life. He tells us that his grandfather transmitted this understanding of the land to his father, who labored in a stone quarry from five in the morning to five in the evening. Friends urged his father to sell his land so that his life would be easier, but his father always refused, saying, “I won’t sell, even if I die in that quarry.” For Darwish, all this was part of his formation, part of what became a life of political struggle. He compares his

generation with that of his father: “For them the land meant the specifics of earth, orchards and ownership that protected their dignity and livelihood. But for my generation, it means—in addition to these—a field of struggle and a future. . . . Belonging to the land and the homeland brings no result unless it means becoming part of the forces joined in the struggle.”¹²

It is important to be clear about the central injustice that animates Darwish. Throughout his work the emphasis is constantly on the Nakba, not the establishment of the State of Israel in and of itself. That is not to say that he thought it was right to establish a Jewish state in Palestine. He did not. He says that he is an anti-Zionist. His focus is on what, from a Palestinian perspective, may be termed “the greater injustice.” It is not the creation, in part of Palestine, of a Jewish state per se, that is at the heart of his outrage. Rather, he is seized by the multiple injustices that befell the refugees. For instance, he writes: “He who left for Lebanon and returned within a year or two is not a citizen, but he who came from Warsaw after two thousand years does have rights and a homeland.”¹³

Darwish grew up in Israel, under Israeli rule, under Israeli control of permissible discourse. He is seized by this Israeli discourse, with what the Israelis say in their arguments and justifications, and with the need to respond to them. The Israeli mind was a central focus:

Jewish memory is one of the basic components of the claim to a right in Palestine. Yet it is incapable of admitting that others also possess the sense of memory. Israelis refuse to live side by side with Arab memory.¹⁴

He continues:

When you find yourself canceling me out of my being, and when I insist on keeping it, the relationship between you and me becomes one of conflict. Not because I object to your being, or to the possibility of a shared existence, but because I object to the negation of my being that arises from the way you carry on with yours.¹⁵

Journal of an Ordinary Grief was published in 1973, when Darwish was thirty-two. One of the topics he takes up most passionately is the massacre at Kafir Qasim, which occurred seventeen years earlier, when Darwish was fifteen. It was October 1956, and Israel was preparing, along with Britain and France, to seize the Suez Canal. Anticipating possible military conflict

with Jordan, it imposed a curfew on select Palestinian villages along the green line. The orders given were to shoot to kill any violators on sight. One of these villages was Kafir Qasim. As the curfew approached, it was clear that there were villagers who were out in the field earlier in the day and who were unaware of the approaching curfew. Despite this recognition that enforcement of the order would mean shooting down innocent civilians, the orders were carried out by Israeli border guards. In all some forty-five villagers were killed, including teenagers and women. An investigation led to a trial and the conviction of one of the officers in charge. He was sentenced to fifteen years in prison, a term that was adjusted downward. In the end the officer served only one year.

Darwish writes: "The crimes that Israel commits against the Arab civilians, of which the Kafir Qasem massacre was a staggering example, do not stem from the 'bad' application of the 'excellent' Zionist heritage, but rather from the excellent application of the dreadful Zionist heritage."¹⁶ He continues: "It is not feelings of guilt that drive them to the eradication of memory, but hatred, sadism, and a need to prove they exist."¹⁷ The nature and force of Israeli-Jewish claims was a lived experience for Darwish, who sees himself and the Israeli-Arab's experience as shaped by what the Israelis will allow them to learn of themselves. He addresses his fellow Israeli-Arabs:

Sometimes you used to ask:

"What is the relationship between the conquerors and these stones, this water and these trees?"

You did not remember that their political and emotional discourse is attached to these in an astonishing manner, touching on details and things you cannot see. This is not your fault, since from your youth they have restricted where you could live, and their writings became the only tool available to you for learning about your homeland. Is that not a strange paradox? Vanity of vanities; all is vanity.¹⁸

Darwish experiences the struggle over the homeland as much deeper than a mere political or military struggle:

Later you remember that one aspect of your resistance is the emotional competition over the love of the land, and not merely over mental claims to it. They have married the claim to sentiment. How? Can the conqueror be in love to such an extent?

He describes how unsettling this realization of Israeli-Jewish attachment is:

The French and the Americans did not write love poems for the forests of Vietnam; they died there, but without love. You dread the thought, and fear that drawing such an example might be used as evidence against you, but Algeria saves you. So you calm down and feel assured about the efficacy of waiting.¹⁹

At the end of this passage Darwish is talking about being restored to confidence in the ultimate Palestinian victory by the expulsion of the French from Algeria, but there is more here than just a matter of regaining confidence in the success of the struggle. When he speaks of fear that the example of Zionist attachment “might be used as evidence against you,” one wonders where such evidence-weighting is to occur. What court is he referring to? It would seem that dread is part of a struggle that occurs inside his own mind, and that he has taken a critical stance to his own psyche, speaking of it as a territory that is not wholly his own as it has been shaped by the occupier. Thus the occupied territory is not just the land but exists within each individual Palestinian, in his or her most inner self.

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In 1964, when Darwish was twenty-three, on the stage of a movie house in Nazareth he read what became his most famous poem, “Identity Card.” In translation it reads:

IDENTITY CARD

Write it down! I’m an Arab
My card number is 50000
My children number eight
And after this summer, a ninth on his way.
Does this make you rage?
I am an Arab.
With my quarry comrades I labor hard
My children number eight
I tug their bread, their clothes
And their notebooks
From within the rock
I don’t beg at your door

I don't cower on your threshold
So does this make you rage?
Write it down!
I am an Arab.
I am a name with no honorific.
Patient in a land
Where everything lives in bursting rage
My roots were planted before time was born
Before history began
Before the cypress and the olive trees
Before grass sprouted
My father is from the plough clan
Not from the noble class
My grandfather was a peasant farmer
Had no pedigree
Taught me the pride of the sun
Before teaching me to read
A shack to guard groves is my home,
Made of branches and reeds
Are you pleased with my status?
I am a name with no honorific.
Write it down!
I am an Arab.
Hair color: charcoal
Eye color: brown
Attributes:
A cord around the quffiyeh on my head
My hand as hard as rock
That scratches if you touch it
My address:
I am from a forgotten abandoned village
Its streets nameless
All its men in the fields and quarries
Does this make you rage?
Write it down!
I am an Arab.

You have stolen my ancestors' groves
And the land we cultivated
I and all my children
Leaving nothing for us and all my grandchildren
Except these rocks
Will your government take them
Like people say?
Therefore,
Write down on the top of the first page:
I do not hate people
And I do not steal from anyone
But if I starve
I will eat my oppressor's flesh
Beware, beware of my starving
And my rage.²⁰

The poem created a sensation. Within days it was being read, not just throughout the country but widely within the Arab world. It established Darwish's public identity as a "resistance poet." This identity stayed with Darwish throughout his life, an identity he came to be uncomfortable with and that he found in conflict with the way in which he experienced himself, both as a poet and as a human being.

Ibrahim Muhami's excellent introduction to Darwish's book *Memory for Forgetfulness—August, Beirut 1982* calls attention to Darwish's dismay at "the simplistic label of resistance poet . . . a reductive identity that he struggled against for years." Darwish wrote:

I don't know why my poetry has to be killed on the altar of misunderstanding or the fallacy of ready made intent. I am not solely a citizen of Palestine, though I am proud of this affiliation and am ready to sacrifice my life in defending the radiance of the Palestinian fact, but I also want to take up the history of my people and their struggle from an aesthetic angle that differs from the prevalent and repeatable meanings readily available from an unmediated political reading.²¹

During his twenties, at some point in the 1960s, Darwish joined the Israeli Communist Party, and subsequently he became the editor of one of their publications, *Al-Jadeed*. It was also at this time that he forged a strong

friendship with Emile Habiby, the Israeli-Arab writer perhaps best known for his work *The Pessoptimist*. Habiby, who was some twenty years older than Darwish, was himself one of the founders of the Israeli Communist Party and several times served as a member of the Knesset. Darwish retained his Communist affiliation through this period and when he left Israel permanently in 1970, it was to study in Moscow.

Darwish's membership in the Communist Party is significant. All Communist parties took their lead from the Soviet Union, and the Soviet Union had in 1947 voted for the Partition Resolution. And when Israel declared independence in 1948, the Soviet Union was the second country to recognize the Jewish state. The Palestine Communist Party (as it was called until the creation of Israel) cut across the ethnic divide; both Jews and Arab were members. As expected, the creation of Israel, the 1948 war, and the continued Israeli-Palestinian conflict produced ongoing strains within the Party. Yet although the Palestinian members were not Zionists, and did not seek the goal of the establishment of a Jewish state in Palestine, they did support the Partition Resolution as the only viable way to end the conflict. This was true of the Party as a whole, including Habiby.

In an interview Darwish said of his decision to join the Communist party that "it wasn't an ideological choice. The Communist Party was the only party that defended the rights of the Arabs and called for coexistence between Arabs and Jews."²² It seems that Darwish shared the Party's position on Israel's existence; in the same interview he said that "from the beginning I believed the two-state solution was the only solution, because I knew the situation in Israel."²³ Thus, when in 1988, in the Declaration of Independence, the PLO accepted the Partition Resolution, reversing the stance of the PLO Covenant, for Darwish, unlike many others in the PLO, this was *not* the reversal of a lifelong rejection of Israel's existence but rather the adoption by the PLO of a stance that Darwish had long held.

At an early age, Darwish got into trouble with the Israeli authorities for his poetry. He relates that while still in grade school he wrote a poem about Israeli Independence Day and found himself being warned about such activities by the Israeli military governor. During the 1960s he was detained five times by Israeli authorities and was not allowed to leave Haifa. Quite possibly his decision to take up life outside of Israel was affected by the

1967 war. Speaking of how the 1967 war, with its massive defeat of the Arab states, affected Israeli-Arabs, Darwish wrote:

Those days made them acutely aware of the fact of occupation, whatever preliminary acceptance they might have felt. . . . The reunion of the Israeli Arabs with their other half in the Occupied Territories after the defeat of 1967 deepened their consciousness that they too were under occupation despite the fact that they held Israeli identity cards and spoke Hebrew and were able to adjust to an Israeli lifestyle. . . . They also realized that the ebb and flow in the manner of giving expression to the condition of waiting that characterized their life in Israel did not signify any confusion in the knowledge of their identity.²⁴

In 1969, two years after the end of the war, solid in his Palestinian identity, Darwish left Israel to study in the Soviet Union. It was not a visit. He knew he would not be allowed to return. After a year in the Soviet Union, disillusioned with Communism, he left and traveled to Cairo, where he stayed for two years. For Darwish this was one of the most important periods of his life. He was thrilled to be living in an Arab country, and as a celebrated Palestinian “resistance poet,” he quickly gained access to the circles of the most distinguished Arab writers of his day. In 1973 he moved from Cairo to Beirut, where he lived for the next ten years, leaving only after the 1982 Israeli invasion that ousted the PLO from Lebanon. Shortly after arriving in Beirut, he joined the PLO and began working for the Palestine Research Center and helped edit their journal, *Palestine Affairs*. Not long afterward he became the director of the Center and editor of the journal.

Darwish was deeply troubled by the involvement of the Palestinians in the Lebanese civil war and by the role of the PLO in Lebanon:

We made a mistake in Beirut when we established a para-state within a state.

I was ashamed in front of the Lebanese at the checkpoints made by Palestinians on Lebanese land, asking the Lebanese about their ID cards. Of course those actions had explanations and justifications. But I always felt ashamed. I would ask myself many questions regarding those matters.²⁵

With Begin as prime minister and Ariel Sharon as defense minister, Israel in 1982 invaded Lebanon. With the intention of destroying the PLO, in relatively short order, Israeli forces made their way north to Beirut, surrounding and bombarding the city. Ultimately, with the mediation of the

United States, the PLO fighters were allowed to leave for Tunis, where they reestablished their headquarters, some fourteen hundred miles from Israel.

In 1986, Darwish wrote *Memory for Forgetfulness—August, Beirut 1982*, which gives an autobiographical account of the Israeli siege. In some of its most poignant passages, Darwish recounts that during all this, going through his mind while surrounded by Israeli tanks, were memories of a love affair with an Israeli woman, some fifteen years earlier:

“Take me to Australia,” she said. And I realized the time had come for us to get away from discord and war. “Take me to Australia,” because I couldn’t reach Jerusalem. I had come out of the June War of 1967 with a determination that left me no peace . . .

But why am I remembering her in this hell, and at this hour of the afternoon? And in this air raid shelter of a bar?

He goes deeper into his memory:

“It’s five in the morning my dear.”

“And does the Arab get sleepy?” she asked playfully. “As for me, I don’t want to sleep.”

I said, “Yes the Arab does get sleepy, and tries to sleep.”

She said, “Go ahead. I’ll guard your sleep. . . .”

I asked, “Do the police know the address of this house?”

She answered, “I don’t think so. But the military police do. Do you hate Jews?”

I said, “I love you now.”

She said, “That is not a clear answer.”

I said, “And the question itself wasn’t clear. As if I was to ask, ‘Do you love Arabs?’”

She said, “That is not a question.”

I asked, “And why is your question a question?”

She said, “Because we have a complex. We have more need of answers than you do?”

I said, “Are you crazy?”

She said, “A little. But you haven’t told me if you love Jews or hate them?”

I said, “ I don’t know, and I don’t want to know. But I do know that I like the plays of Euripides and Shakespeare. I like fried fish, boiled potatoes, the music of Mozart, and the city of Haifa. I like grapes, intelligent conversation, autumn, and Picasso’s blue period. And I like wine and the ambiguity of mature poetry. As for Jews, they are not a question of love or hate.”

She said, “Are you crazy.”

I said, “A little.”²⁶

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For Darwish the complexities and ironies of this Palestinian-Israeli/Jewish conflict abound, and they went beyond the personal contradiction of love relationships between enemies. There remained for him something utterly

maddening about having the Israelis, the Jews, as his enemy. He relates that the Israeli invasion of Lebanon gave rise to antiwar demonstrations by Israelis in Tel Aviv. This was particularly acute after the massacre of Palestinians in the refugee camps of Sabra and Shatila. Darwish writes:

I didn't rejoice over the demonstrations in Tel Aviv which continue to rob us of all our roles. From them the killer and the victim, from them the pain and the cry; the sword, and the rose; the victory, and the defeat. . . . The victor was afraid to lose his identity as victim. No one else had the right to realize this achievement—to become the victim—because the reversal of roles would upset a scale of justice made of sand . . .

Is there anything more cruel than this absence: that you should not be the one to celebrate your victory or the one to lament your defeat. That you should stay off stage and not make an entrance except as a subject for others to take up and interpret.²⁷

When the PLO fighters evacuated Beirut to take up residence in Tunisia, Darwish remained behind. He didn't expect that the Israelis would enter Beirut.

But one morning when I was living in Al-Hamra, I walked out to buy bread and saw a huge Israeli tank . . . then I found myself alone wandering the streets and seeing nothing but tanks and Israeli soldiers and masked men. I had hard days. I didn't know where to sleep.

I would sleep outside my home in a restaurant. I would call the neighbors to ask them if the Israelis were looking for me. If they said "Yes, they came" I would realize that they wouldn't be coming back again so I would go home, take a shower, rest and then go back to the restaurant. Until the major disaster, the massacres at Sabra and Shatilla, that is. Then I realized that staying in Lebanon was absurd and reckless.²⁸

Darwish made his way to Syria and from there to Tunis and then to Paris. In the ensuing years he spent most of his time in Paris. He loved the city and believed that it was there that he wrote his best poetry.

I cherish the poetry that I wrote in Paris during the eighties and beyond. There, I had the opportunity to reflect and look at the homeland and the world and things from a distance—the distance of light. When you see from a distance, you see better, and see the scene entirely. Furthermore, Paris aesthetically inspires poetry and creativity—where everything is beautiful.²⁹

It was during this time, in 1987, that he became a member of the PLO Executive Committee. And a year later, he undertook the drafting of the Declaration of Independence. Interestingly, he says that it was in Paris that he wrote the Declaration of Independence.³⁰

Five years separated the Declaration (November 1988) and the signing of the Oslo Agreement (September 1993) on the White House lawn. While I

have not found any writings of Darwish in which he discusses the Declaration at length, he did write about the White House signing ceremony, which he did not attend:

You were glued to the TV. . . . The grass is green, the weather is ideal for a picnic, and the master of the world is handsome. The two sworn enemies approach and shake hands: one reluctantly the other with cheerful confidence. The carefully selected audience applauds a juncture in history on the lawn of the White House. But the language you hear brings your heart back to its senses: No, this is not my language. Where is the eloquence of the victim recalling his long suffering in the face of the misery of the moment when enemy looks enemy in the eye and shakes his hand insistently? Where are the voices of those murdered, old and recent, demanding an apology, not only from the murderer but from history as well? Where will meaning go when opposites meet? Where is the scream in the surgical procedure when the past is severed from the present in the adventurous march toward an uncertain tomorrow? And where is my language?

. . . For what can a poet do before history's bulldozer but guard the spring and trees, visible and invisible, by the old roads? And protect language from receding from metaphorical precision and from being emptied of the voices of victims calling for their share of tomorrow's memory on that land over which a struggle is being waged. A struggle for what lies beyond the power of weapons: the power of words.³¹

This captures well his sense of himself, his role in relation to the history and politics of the day, and as a poet. Darwish is not a disinterested third party who labels the conflict "a tragedy" between two equal claimants. His reference point is his own people and in particular those who have suffered in and from the Nakba.

In his reaction to the Oslo signing ceremony, Darwish has identified with that part of himself that is a poet, and not with another part, the pragmatic member of the peace camp of the PLO, one who had long believed in the two-state solution. And it is in this vein that he speaks about his decision to resign from the Executive Committee. He wrote:

My role on the Executive Committee was as a symbol. I was there to provide a moderating influence on the tension and to help reconcile differences. I have never been a man of politics. I am a poet with a particular perspective on reality.³²

In 2001, in the midst of the horrendous Second Intifada, he offered this account of his position on the Oslo Accords:

I couldn't vote against it, but I couldn't vote for it either. I thought it wouldn't lead to real peace. It was too ambiguous. There was no clear link between the interim period and the final status, and there was no clear commitment to withdraw from the occupied territories. And the

word “occupation,” I felt Oslo would pave the way for escalation. I hoped I was wrong. And now I’m very sad I was correct.³³

Shortly after the White House signing, Arafat and much of the PLO leadership left Tunis to take up residence in Gaza. Darwish was not among those who went back. At a leave-taking ceremony in Tunis, he finds himself crying. Remembering those days, he asks himself why he cried:

Was it because you were not with them, or was it because you were the one who formulated the declaration of the wished-for state while knowing that this state was nothing more than a literary text? And you felt that the gate through which the returnees were stepping led to neither independence nor a state?³⁴

These words, characterizing the declared-state as “nothing more than a literary text” were written in 2006, some *eighteen* years after the Declaration, at a point at which there was little optimism that the Palestinian state would come into being (the translation was published in 2011). They report, however, on his sentiments at an earlier time—1994, five years after the Declaration. Though even in 1994 he was not optimistic about the Oslo process, by 2006 a far deeper pessimism had taken hold.

In 1995, feeling that it was his “national and moral duty” to not remain in exile, Darwish left Paris to resettle in Ramallah and Amman. He spent equal amounts of time in both cities, finding Amman a quiet town where he was more able to write, and from which he wrote abundantly over the next decade. In an interview in 2002 he was asked: “You returned to Palestine six years ago, after a quarter century in exile. You said upon returning, ‘I returned and I did not return.’ What did you mean?” Darwish answered:

. . . it is impossible to return. Nobody crosses the same river twice. If I return, I will not find my childhood. There is no return, because history goes on. Return is just a visit to a place of memory, or to the memory of the place.³⁵

He was asked, “Do you still regard yourself in exile?” to which he replied, “Exile is part of my inner being.” It was in this same interview that speaking of “the voyage” of the Palestinian people, he said, “All cultures, all civilizations in history have come to Palestine, and I believe I have the right to this whole inheritance.”³⁶

In 2008, Darwish traveled again, this time to Houston, for heart surgery that proved unsuccessful. He died on August 9, 2008, twenty years after he drafted the Declaration. I had hoped to renew our acquaintance and interview him for this book, but I had moved slowly, and to my great and lasting regret, it was too late. Our last exchange was in Tunis, days after the Declaration. I had asked him who actually drafted it, and laughing, teasing me, he said, "Why Jerome! I thought you did."

I wish I had known him better.

SIX

Two Declarations

ISRAELI AND PALESTINIAN SIDE BY SIDE

The American Declaration of Independence set a model for all future declarations. It reads:

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States. . . .

Since 1776, there have been hundreds of declarations of independence, and they typically have employed a similar form. The Israeli Declaration, at its key moment, says:

Accordingly we, members of the people's council, representatives of the Jewish community of Eretz-Israel and of the Zionist movement, are here assembled on the day of the termination of the British mandate over Eretz-Israel and, by virtue of our natural and historic right and on the strength of the resolution of the United Nations General Assembly, hereby declare the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel.

Closer examination of this paragraph of assertion tells us several things:

1. Who is making the proclamation (the People's Council, Representative of

- the Jewish Community of Eretz-Israel and of the Zionist Movement);
2. The moral and legal basis for the Declaration (by virtue of our natural and historical right and on the strength of the resolution of the United Nations General Assembly);
 3. The entity being brought into existence by the proclamation (hereby declare the establishment of a Jewish State in Eretz-Israel); and
 4. The name of the new entity (to be known as the State of Israel).

Similarly, in its declaratory paragraphs, the Palestinian Declaration reads:

Now by virtue of natural, historical and legal rights, 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 Arab Summit Conferences 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).

As with the Israeli Declaration, we are told who is speaking (the Palestine National Council, in the name of God, and in the name of the Palestinian Arab people); the moral and legal basis for the declaration (by virtue of natural, historical, and legal rights, by virtue of sacrifice, by virtue of resolutions of the Arab Summit Conferences and by the United Nations General Assembly, and in exercise of its rights to self-determination, political independence, and sovereignty over its territory). This is followed by a proclamation (hereby proclaims) establishing an entity (the State of Palestine), its capital (Jerusalem), and, finally, its name (the State of Palestine).

Declarations of independence never start with these pronouncements. Rather, following the American model, they start with history and with moral and legal claims, all of which come together to provide both an explanation and a justification for the bold action of breaking away from existing authority and proclaiming the new state. This combination of historical, moral, and legal claiming is often referred to as a narrative.

When it appears inside a declaration of independence, it takes on the status of an official narrative.

The Israeli-Palestinian conflict is a national conflict between two peoples with conflicting claims to the same small piece of land. It is a conflict in which each side has contested the legitimacy of the other. And much of what forms the narrative of one side is denied by the other. Back in 1948, or even in 1967, if there had been a Palestinian Declaration of Independence, it would have denied the legitimacy of the claims and justifications found in the Israeli Declaration. And in 1948 and 1967, being opposed to the two-state solution, such a declaration would have claimed, for the Palestinians, sovereignty over all of the land. In fact, however, in 1948 we only had one declaration, the Israeli Declaration. And because the Israeli Declaration took the 1947 Partition Resolution as part of its legitimizing basis, the Israeli Declaration proclaimed the establishment of a Jewish state “in Eretz-Israel,” not in *all* of Eretz-Israel.

Forty years later, in 1988, when the Palestinians decided to issue a declaration, the most fundamental question was whether their declaration would proclaim a Palestinian state that claimed sovereignty over all of Palestine or over only a part of Palestine, and if a part, which part. The 1988 Palestinian Declaration proclaimed a state “on our land” not on *all* of our land, and it invoked as part of the legitimization of that action the very same Partition Resolution invoked in the Israeli Declaration. And even in doing this, it never claimed sovereignty over all of the land allotted to the Palestinian state in the Partition Resolution.¹ Thus, in proclaiming the State of Palestine, the Palestinian Declaration undertook an action which was not in conflict with that undertaken by the Zionist movement in 1948. Rather, it was deliberately consistent. With respect to territory the two declarations could stand side-by-side.

But what of the two narratives that appear in the two declarations? What would be their relationship? Would the Palestinian one deny what was claimed in the Zionist narrative? Would it relate to it at all? Or would the Palestinian Declaration proceed in complete isolation from the Israeli Declaration? Certainly these were possibilities, but it turns out that the declaration Darwish drafted not only parallels the Israeli Declaration in broad strokes, but *follows its structure, paragraph by paragraph*. This is

something that can be ascertained only if you put the two Declarations side by side. Despite having read the Declaration many times during the decades, and having even cited, in the manuscript for *Creating the Palestinian State*, a passage from the Israeli Declaration that a Palestinian declaration could parallel, I was unaware of what Darwish had actually done until I sat down to write this book.² I doubt that the PLO leadership was fully aware either, although Yasser Abed Rabbo, at least in general terms, knew this to be the case.

As to Darwish's motivation in deciding on a paragraph-by-paragraph parallel to the Israeli Declaration, I suspect that it amused him, that it was his little secret, a personal joke, his way of tweaking the Israelis and imposing upon them something of a dialogue at a time when Israel refused any contact with the PLO.

But it was more than this. Once one sees the paragraph-by-paragraph parallel structure of the two declarations, it is hard not to read the Palestinian Declaration as saying, again and again, "You said that, but we say this!" The question, however, is what would the Palestinians say. Would they, point by point, dispute every claim the Israelis made? Would they issue an official narrative that cemented the conflict between the two peoples by sharpening the clash between the two narratives?

The answer is clearly "no." In the main, while the Palestinian Declaration offers only its side, it is typically not an effort to rebut the Israeli narrative. Rather, it is as if it were saying in supplementation: "You said that about the Jewish people, and here is what we have to say about the Palestinian people!" Not always, of course. At times it is also: "So you claim, but here is the truth." Yet, primarily, it says: "Here's the other half of the story." Thus the national narrative Darwish placed in the Declaration was not an effort to cancel the Israeli narrative. It was an offer to Israelis to "live side by side with Arab memory."

THE OPENING WORD

Naming is powerful, and the Israeli Declaration opens with a particular name for the land: Eretz-Israel (the Land of Israel). It is a biblical term and has no precise boundaries but is generally understood to include not just

mandatory Palestine but also regions on the eastern side of the Jordan River, which were, according to the Bible, settled by two of the tribes descended from Jacob. To speak of the Land of Israel is to speak of Jacob; the first occurrence of the word "Israel" in the Bible is as Jacob's new name after he wrestles with an angel.

Thus, to start with the words "Eretz-Israel" is to start with the Bible and with God's covenant with the Israelites whereby, in Jewish and perhaps Christian eyes, Jewish title to the land was established. And if many of the Zionists were themselves atheists (and there is no direct mention of God in the Israeli Declaration), to speak of Eretz-Israel is at least to recall the ancient possession of the land by the Jewish people.

The Palestinian Declaration directly responded to this Israeli opening. The Palestinians offered as their first word "Palestine," their name for the land. Forty years earlier, in 1948, the term "Palestine" was a neutral term, and the English-language Jerusalem daily of the Jewish community, which ran on May 15, 1948, the headline "Jewish State is Proclaimed," was itself called the *Palestinian Post*, only later changing its name to the *Jerusalem Post*. But by 1988 the term "Palestine" was distinctly associated with the Palestinians. And thus the Palestinian Declaration opens with its countername: not Eretz-Israel, but Palestine.

FIRST PARAGRAPHS

Having opened with "Eretz-Israel," the Israeli Declaration, in its first sentence, tells us that this is where the Jewish people were born. And then it goes on to other matters of particular importance.

Israeli Declaration (1) ERETZ-ISRAEL [the Land of Israel] was the birth-place of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

Some have taken issue with these claims.³ It has been argued that the Jewish people, or at least the Israelites, came into being in Egypt, that when Jacob and his family went to Egypt to reconnect with Joseph and to escape famine in Canaan, they were merely an extended family, but four hundred years later Moses led from Egypt a people numbering hundreds of

thousands. Others might maintain that the Jewish spiritual and religious identity was formed at Sinai when God gave the people their laws. And others have maintained that the Hebrew Bible was never given to the world. It was the literature of the Jewish people and was written, preserved, and ultimately canonized not for “the world” but for the people themselves. But all this is beside the point. Declarations are neither historical treatises, nor are they propaganda. Typically they are loosely assembled justifications, intended for many ears— if one kind of justification doesn’t move you, here is another.

The Palestinian Declaration, in its first sentence, took a surprising turn. It could have simply counterposed to the Israeli assertion that “Eretz-Israel is the birthplace of the Jewish people,” a Palestinian assertion: “Palestine . . . is where the Palestinian Arab people was born.” If it had done that and nothing more, it would not have denied what the Israeli Declaration affirmed; it would have supplemented it with the other half of the story. But instead it is inclusive.

Palestinian Declaration (1) 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.

In referring to Palestine as “the land of the three monotheistic faiths,” the Palestinian Declaration not only affirms what the Israeli Declaration says about Judaism having been born in Palestine, it says, essentially: “Yes, indeed, and not only does Judaism come from here, but Christianity and Islam as well.” Rather than denial of the Jewish past in Palestine, the Palestinian Declaration takes pride in it. This is Darwish at his best.

In its first paragraph the Israeli Declaration also tells the listener that statehood for the Jewish people is not a new thing. Referring to ancient times, the Israeli Declaration says that it was here that the people **first attained state-hood**. This is a powerful point within an implicit justification of the establishment of the Jewish state. It says that modern Jewish statehood is really a reestablishment and that to view the Zionists as colonialists is sheer ignorance of history. In the Palestinian Declaration the turn to history makes a different point: “The Palestinian people was never

separated from or diminished in its integral bonds with Palestine.” We are told of “the everlasting union between the people and the land,” implicitly saying, “you were here and then not-here, ours was an unbroken union between the people and the land.” These differing emphases reflect the differing situations of the two national movements at the time of their respective declarations. The Israelis in 1948 were about to attain genuine statehood, while in 1988 the Palestinians were struggling to deal with dispossession and occupation.

EXTERNAL CONQUEST AND COMMITMENT

Perhaps in anticipation of a Palestinian claim that over the centuries of absence, the Jewish people lost their claim to the land, in its second paragraph the Israeli Declaration preemptively maintains a continued commitment of the people to the land following their forcible exile. Moreover, it claims that not only did the Jewish people never stop focusing on their return, but they never stopped praying for reaching “political freedom” within it—this last claim being open to question.

Israeli Declaration (2) After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

In its second paragraph the Palestinian Declaration does not dispute the Israeli claim. Similarly it cites the loss of political independence suffered by the Palestinian people at the hands of outside powers that invaded that land, also emphasizing that the connection between the people and the land remained undying.

Palestinian Declaration (2) 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 the 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.

While the Israeli Declaration speaks of the Jewish people’s having “never ceased to pray and hope for return,” the Palestinian Declaration refers to

“the undying connection between Palestine and its people.” In this, both Declarations implicitly affirm the importance of a continuous relationship between the people and the land.

CONTINUED EFFORTS TO RETURN, SUCCESSES, AND THE ABRAHAMIC THEME

In their third paragraphs the two Declarations partially overlap thematically. The Israeli Declaration tells us that “in every successive generation” Jews strove to reestablish themselves in their ancient homeland. It then jumps to modern times, speaking of a return of masses and the accomplishments of these “pioneers” including reviving Hebrew, building villages, and making the deserts bloom. These pioneers are said to have brought the blessings of prosperity to all of the inhabitants of the land.

Israeli Declaration (3) Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, *ma’pilim* [(Hebrew)—immigrants coming to Eretz-Israel in defiance of restrictive legislation] and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community, controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country’s inhabitants, and aspiring towards independent nationhood.

The Palestinian Declaration stresses the continued commitment of generation after generation of the “unbroken chain of our people’s rebelling” seeking national independence.

Unlike the Israeli Declaration, the Palestinian Declaration again takes pride in how the people were enriched by the diverse civilizations they encountered. It says they were “nourished by an unfolding series of civilizations and cultures.” The Palestinian Declaration specifically returns to its Abrahamic theme, speaking of a single message from “Temple, Church, and Mosque that to praise the Creator, to celebrate compassion and peace” was *the* “message of Palestine.” In this appreciation and assertion of pride in having been enriched by other civilizations, the Palestinian Declaration has a broad universalism not found in the Israeli Declaration.

Palestinian Declaration (3) 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 stature by consolidating a union between itself and its patrimonial Land. The call went out from Temple,

Church, and Mosque that 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 was sustained in the struggle to stay and to prevail.

Both declarations tell us about the will of their people in response to outside forces and obstacles. The Palestinian Declaration makes reference to "our people's rebellions" and "the struggle to stay and to prevail." The Israeli Declaration speaks of "pioneers" and "defenders" and then broadens the scope of its contribution to non-Jews, "bringing the blessings of progress to all the country's inhabitants."

THE MODERN ERA

In its fourth paragraph the Israeli Declaration becomes more specific about the modern Zionist movement, mentioning the first Zionist congress (1897) and its emphasis on the right of the Jewish people to national rebirth in its own country:

Israeli Declaration (4) In the year 5657 (1897), at the summons of the spiritual father of the Jewish State, Theodore Herzl, the First Zionist Congress convened and proclaimed the right of the Jewish people to national rebirth in its own country.

In its paragraph 4, maintaining the parallelism, the Palestinian Declaration follows this move to modern times, making the point that in the modern era there emerged new values that were marked by fairness to all, yet because of hostile foreign powers, the Palestinian Arab people were excluded from this turn toward justice for all peoples.

Palestinian Declaration (4) 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.

Here the Declaration underscores its basic stance: that in seeking statehood for the Palestinian people, it is seeking what was the "destiny of ***all other peoples,***" and thus presumably the Jewish people. This theme of wanting

for themselves no more and no less than that attained by other peoples was contained in Arafat's Geneva speech, a month later, when he said that the Palestinian people do "not want a destiny which negates the destiny of another people." And "our people want to be the equal of all other peoples, with the same rights and obligations."

Most likely the speech was also written by Darwish.

INTERNATIONAL INSTRUMENTS CITED IN SUPPORT

In its fifth paragraph the Israeli Declaration cites international declarations in behalf of its cause, specifically the Balfour Declaration, noting that it was reaffirmed in the Mandate of the League of Nations for Palestine:

Israeli Declaration (5) This right was recognized in the Balfour Declaration of November, 1917, and re-affirmed in the Mandate of the League of Nations which, in particular, gave international sanction to the historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its National Home.

As noted, declarations are not historical treatises, and thus with some abandon the Israeli Declaration here maintains that "the right of the Jewish people to national rebirth in its own country" was recognized in the Balfour Declaration and reaffirmed in the Mandate. This, of course, is to read into the Balfour Declaration a right that is not specifically mentioned therein, it having only said, "His Majesty's government view with favour the establishment in Palestine of a national home for the Jewish people."

With the Israeli Declaration having made mention of the Zionist movement (paragraph 4) the Palestinian Declaration, as one might by now expect, also has something to say about Zionism. In paragraph 5 it refers to it as "another type of occupation." It says that "over it floated the falsehood that Palestine was a land without people."⁴ This is the first point in the Palestinian Declaration where it directly challenges the Israelis, both in characterizing Zionism as a form of "occupation" and in saying that it rested on falsehoods:

Palestinian Declaration (5) And it was the Palestinian people, already wounded in its body, that was submitted to yet another type of occupation over which floated that 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.

In this fifth paragraph the Palestinian Declaration also parallels the Israeli Declaration by citing international agreements whose provisions, on some interpretations, were to have provided for independence for Palestine, specifically the Covenant of the League of Nations and the Treaty of Lausanne.

NATIONAL CATASTROPHE DETAILED: HOLOCAUST AND NAKBA

The Israeli Declaration uses its sixth, seventh, and eighth paragraphs to further detail its narrative, telling of the Holocaust and saying it was another demonstration of the urgent need to reestablish the Jewish state in Eretz-Israel. Once again it makes the point that Jewish statehood was being reestablished.

Israeli Declaration (6) The catastrophe which recently befell the Jewish people—the massacre of millions of Jews in Europe—was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish State, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the comity of nations.

Israeli Declaration (7) Survivors of the Nazi holocaust in Europe, as well as Jews from other parts of the world, continued to migrate to Eretz-Israel, undaunted by difficulties, restrictions and dangers, and never ceased to assert their right to a life of dignity, freedom and honest toil in their national homeland.

In the eighth paragraph attention is called to Jewish contributions to the war against the Nazis, and it is affirmed that through their sacrifice the Jewish people's rights were enhanced:

Israeli Declaration (8) In the Second World War, the Jewish community of this country contributed its full share to the struggle of the freedom- and peace-loving nations against the forces of Nazi wickedness and, by the blood of its soldiers and its war effort, gained the right to be reckoned among the peoples who founded the United Nations.

In the Palestinian Declaration paragraph 6 (to which I will return) speaks about the Partition Resolution. In paragraphs 7, 8, 9, and 10 it presents its narrative of the history of events from 1948 to the present (1988). In

paragraph 7 the Palestinian Declaration speaks of the Palestinian exodus and an “expulsion” achieved through “organized terror” by Israeli forces and then speaks of the subjugation of those who remained. In paragraph 8 it too speaks of its people’s rights as “natural rights,” saying that these had been recognized by the UN Charter and resolutions but then ignored.

Paragraph 9 emphasized the continued commitment of the people. As did the Israeli Declaration, it presents the people as unbowed. It then, as did the Israeli Declaration, speaks of their national organization. For the Israelis this was originally the Zionist Congress; for the Palestinians it is the PLO. Paragraph 10 carries the story forward to the then-current Intifada, and what it terms a decisive moment. These four paragraphs constitute a significant portion of the Declaration, and it is important to note that they are not about the long history leading up to partition; rather, they are about the Nakba, described as “the willed dispossession and expulsion from their ancestral homes of the majority of Palestine’s civilian inhabitants.” This is the raw nerve of Palestinian experience and the critique of Israel is unstinting. Israel is said to have engaged in “organized terror” and “massacre.”

Palestinian Declaration (7) 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.

Palestinian Declaration (8) 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.

Palestinian Declaration (9) 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 the long years of trial in ever-mounting struggle, the Palestinian political identity emerged further consolidated and confirmed. And the collective Palestinian national will forged for itself 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 in unity and powerful resolve, one and indivisible in its 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.

Palestinian Declaration (10) 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 awareness 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.

THE PARTITION RESOLUTION

The ninth paragraph of the Israeli Declaration cites the UN resolution that called for the partition of Palestine. Interestingly, in doing so, the Israeli Declaration uses the phrase "the UN Resolution of the 29th of November, 1947." It doesn't refer to it as the Partition Resolution, nor does it mention that it also called for the creation of an Arab state in Palestine. Paragraph 9 says that the UN recognition of "the right of Jewish people to establish their state is irrevocable." The resolution did not mention this right, and it is questionable as to whether in calling for partition and the creation of a Jewish State, the UN actually recognized "a right" of the Jewish people to their state; to most observers, partition appeared as a necessary pragmatic step. The Declaration's emphatic statement that this action of the UN was "irrevocable" likely reflects diplomatic efforts in early 1948 to do exactly that, to revoke the Partition Resolution.

Israeli Declaration (9) On the 29th November 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in Eretz-Israel; the General Assembly required the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution. This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable.

Israeli Declaration (10) This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State.

For the Israelis the narrative related in their Declaration concludes. They have reached the core; in the next passage, paragraph 11, they will proclaim the Jewish state.

In the Palestinian Declaration there is at this point a somewhat different order in which topics are taken up. For the Palestinians the presentation of

the narrative extends forty years further, to 1988; thus the UN Partition Resolution (1947) is taken up in the middle of its historical account, not at the end of it. In the sixth paragraph, where the Palestinian Declaration takes up UNGA Resolution 181, it says that it “still provides” international legitimacy for the right of the Palestinian Arab people to sovereignty. In doing so, it explicitly mentions that the resolution provided for two states, one Arab and one Jewish.

Palestinian Declaration (6) 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.

Whereas the Israeli Declaration only mentions that the Partition Resolution called for a Jewish state, the Palestinian Declaration, while proclaiming the Arab state, is explicit in noting that the Resolution called for a Jewish state as well. Both Declarations, for different reasons, view the partition resolution as enduring. One speaks of its being “irrevocable,” the other says that it “still provides” conditions of international legitimacy.

The text makes reference to “the historic injustice” but is not clear as to how this is to be understood. It is important to be clear about the central injustice that animates Darwish. Throughout his work the emphasis is constantly on the Nakba, not the establishment of the state of Israel in and of itself. That is not to say that he thought it was right to establish a Jewish state in Palestine. He did not. He says that he is an anti-Zionist. His focus is on what, from a Palestinian perspective, may be termed “the greater injustice.” It is not the creation, in part of Palestine, of a Jewish state per se, that is at the heart of his outrage. Rather, he is seized by the multiple injustices that befell the Palestinians as they were made refugees and thereafter.

DECLARING THE STATE

Both declarations, having used ten paragraphs to lay out their history and the moral and legal case for a sovereign entity, now reach the key point, the point at which the state is actually proclaimed. The Israel Declaration

proclaims: “We, members of the people’s council . . . hereby declare the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel.” In parallel fashion the Palestinian Declaration proclaims: “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).” Here it should be noted that both declarations declare or proclaim **the establishment of the state**. In neither case do they speak of a prior political entity that is now proclaimed to be independent. In this they differ from the American Declaration of Independence, which spoke of the preexisting colonies and went on to “declare, That these United Colonies are, and of Right ought to be Free and Independent States.” In other words, in the American Declaration the preexisting colonies are declared to be independent states (no longer colonies of Great Britain); whereas in the Israeli and Palestinian Declarations the political entity is something newly established rather than something prior that is transformed in status.

PROVISIONAL GOVERNMENT

Interestingly, perhaps tellingly, the Israeli Declaration then follows the proclamation of the establishment of the state with a paragraph that is not matched in the Palestinian Declaration, one that establishes a provisional government:

Israeli Declaration (12) WE DECLARE that, with effect from the moment of the termination of the Mandate being tonight, the eve of Sabbath, the 6th Iyar, 5708 (15th May, 1948), until the establishment of the elected, regular authorities of the State in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October 1948, the People’s Council shall act as a Provisional Council of State, and its executive organ, the People’s Administration, shall be the Provisional Government of the Jewish State, to be called “Israel.”

Although it is not addressed inside the Declaration, the Palestinians did not ignore this question of governance. This was addressed by the PNC in a separate resolution (discussed further in chapter 9). In part, this difference may reflect a radical difference in orientation and circumstances. For the Israelis the People’s Council (the institution doing the proclaiming) was present, on the land, ready to assume its role as the Provisional Government

of Israel. For the Palestinians the Palestine National Council (PNC) was issuing its proclamation from Algeria, some eighteen hundred miles from the land it would claim as its sovereign territory. This would give rise to difficult issues. Could there really be a functioning government at such distances? And if not, was the PLO in Tunis prepared to allow leaders in the West Bank and Gaza to emerge as the leaders of the new state? And most fundamentally, how serious was the PLO leadership about actually creating a functioning, governing state through the process of Intifada, Declaration, and government creation?

This one, quite important, difference with respect to a provisional government aside, the parallelism between the two declarations is continued all the way to the end. Both declarations, once the state has been proclaimed, go on to define the nature of the state, both stressing that the new state will be one in which all citizens receive equal rights. This is then followed by statements in which both states affirm their commitment to the principles of the United Nations. In both declarations this is followed by an appeal to the United Nations for its support in facing the challenges ahead. Then the Israeli Declaration makes an “offer of peace and good neighborliness” to the states and peoples of the region. And similarly the Palestinian Declaration declares its commitment to the settlement of disputes “by peaceful means.”

Moving toward their conclusions, the declarations turn again to their respective people. The Israeli Declaration, in paragraph 18, appeals to the Jewish people throughout the Diaspora to rally to the causes of immigration, upbuilding, and struggle for the redemption of Israel. And the Palestinian Declaration uses paragraph 18 to honor those who have struggled, and then in paragraph 19, similarly calls “upon our great people” to rally to the banner of Palestine.

The Israeli Declaration ends with a statement of trust in the “Rock of Israel”:

Israeli Declaration (19) Placing our trust in the “Rock of Israel,” we affix our signatures to this proclamation at this session of the Provisional Council of State, on the soil of the homeland, in the city of Tel-Aviv, on this Sabbath eve, the 5th day of Iyar, 5708 (14th May, 1948).

And the Palestinian Declaration ends with a verse from the Koran:

Palestinian Declaration (20) 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 seizes the Kingdom from whom Thou wilt, Thou exalted whom Thou wilt, and Thou abasest whom Thou wilt; in Thy hand is the good; Thou are powerful over everything."

With these words the two declarations close. The parallelism was carefully constructed by Darwish.⁵ As suggested, it is not hard to imagine Darwish, the poet, amused by this feat. It is a bit like the challenge of having to set a poem within the structural constraints of a sonnet. There is, however, something else. The decision to construct the Palestinian Declaration parallel to the Israeli one, and to have it repeat the subject areas, but now from a Palestinian point of view, is meant, in its way, to open a dialogue between Israelis and Palestinians. This dialogue, in Darwish's hands, in the main is not confrontational. It is largely possible to set the two declarations side by side and to embrace them both. Implicitly this seems to be Darwish's message: Here is the other half of the partition of Palestine; here is the Palestinian state; its existence does not contradict that of the Jewish state; the two states, like the two declarations, can exist side by side.

In this, the Palestinian Declaration reflected Darwish's perspective on the potential coexistence of Jewish and Palestinian memory, cited earlier:

Jewish memory is one of the basic components of the claim to a right in Palestine. Yet it is incapable of admitting that others also possess the sense of memory. Israelis refuse to live side by side with Arab memory.⁶

When you find yourself canceling me out of my being, and when I insist on keeping it, the relationship between you and me becomes one of conflict. Not because I object to your being, or to the possibility of a shared existence, but because I object to the negation of my being that arises from the way you carry on with yours.⁷

In its content the Palestinian Declaration is generous, offering a basis for peace rooted both in a view of the international legitimacy of the Partition Resolution and in a unique perspective on Palestinian identity and history. This was no small thing, and all this was done unilaterally while the PLO was in Tunis, viewed by the Israelis only as terrorists with whom it was not permissible even to speak. Unfortunately, not only was the generous spirit of the Declaration not reciprocated, it was not even noticed. Not then, and not even today.

SEVEN

Reactions to the Declaration and Meeting the US Conditions

The nineteenth session of the Palestine National Council (PNC) convened on November 12, 1988. It would meet over a four-day period, issuing the Declaration of Independence in the early morning hours of November 15. This Council meeting would have two products. As with all PNC meetings, it would enact a series of resolutions covering a wide range of issues. Uniquely, at this PNC, it would issue a Declaration of Independence. As we will see, however, there was far more press attention given to the resolutions of the nineteenth PNC than to the Declaration.

PRESS ANTICIPATION

On November 12, before any news had emerged from the meetings, the *New York Times* ran an editorial titled “Next Move: Still up to the PLO.” The first two paragraphs read:

The Palestine Liberation Organization failed to grasp the moment and advance a realistic peace proposal before Israel’s elections. Today, as the governing Palestine National Council meets in Algiers, its leaders seem destined to miss yet another opening.

Despite the right-wing tilt in the Israeli vote, the politics of cabinet-making remains fluid. The PLO can influence that process—and the attitude of President-elect George Bush. But

indications are that Yasir Arafat and company will simply proclaim Palestinian independence, and thus confirm their irresponsibility.¹

What is clear from these lines is that the forthcoming Declaration of Independence was viewed as a sideshow. The real ballgame, in the eyes of the *New York Times*, was whether the PLO would act “responsibly” and affect the makeup of the next Israeli government and the attitude of President-elect Bush. “Given the legitimate Israeli fears of survival,” the editorial continued, “it is up to the Palestinians to make the first move, as Sadat did.” Expectations, at least at the *New York Times*, were low, that there would be no peace initiative, and that “Arafat and company will simply proclaim Palestinian independence.”

That same day, the PNC meeting began in Algiers. Earlier that year Israeli commandos, landing on the Tunisian coast, had assassinated PLO leader Abu Jihad, thus there may have been some concern that the meeting itself would be a target. With hundreds, perhaps thousands, of journalists present, this was of course highly unlikely; yet antiaircraft batteries ringed the conference center, and warships were visible offshore (among the attendees, some said these warships were Russian). Arafat, in his opening address to the Council, echoed the appraisal of the *New York Times* that perhaps the most important audience for these events was indeed President-elect Bush. “I am asking President Bush for a new policy in the Middle East,” Arafat said, “to declare a policy not based on a bias to Israel, but one that is based on right and justice.”²

The question of any change in the US stance toward the PLO immediately raised the issue of the three US conditions, and the next day the *New York Times* published a background piece that discussed the nature and origin of the US conditions. This focus on the “conditions” was enhanced by reports that long-standing divisions within the PLO over whether to accept UN Security Council Resolution 242 had continued into the PNC itself. There was speculation that George Habash’s Popular Front for the Liberation of Palestine (PFLP) would walk out. The search for a way to deal with 242 had long engaged Arafat’s attention. The problem for the PLO in 1988, as opposed to 1967, was that 242 never addresses Palestinian claims, except in its call for a just solution to the refugee problem. However, Resolution 242 squarely endorses the Israeli objective of acceptance of the right of every

“state in the region” to live in peace. Two months prior to the Declaration, speaking of Resolution 242 in a speech to the socialist members of the European Parliament, Arafat announced that:

acceptance of one of the two following options as the basis for convening the international conference under UN auspices and with participation of the Security Council’s permanent members and all the parties to the conflict in the region including the PLO and Israel:

- All UN resolutions relevant to the conflict including Security Council resolutions 242 and 338.
- Resolutions 242 and 338 along with the legitimate rights of the Palestinian people, foremost among which is their right to self-determination.³

This, however, was not acceptable to the Reagan administration. Three days later Secretary of State Shultz reaffirmed US opposition to an independent Palestinian state and said that “the United States cannot accept ‘self-determination’ when it is a code word for an independent Palestinian state.” The United States wanted a straightforward acceptance of 242, without any reference to Palestinian self-determination or other UN resolutions.

PRESS REACTION

There were those in the PLO who had hoped that such straightforward acceptance of 242 would come out of the PNC in Algiers, but this was not to be. The PNC resolution dealing with 242 and 338 called for an “international peace conference [to] be convened on the basis of United Nations Security Council resolution 242 and 338 *and the attainment of the legitimate national rights of the Palestinian people, foremost among which is the right to self-determination.*”

Much commentary followed. Some thought the resolution was a major step. Others denied it. The editorials in the *New York Times* continued to be negative, saying that the PLO political resolutions “amounted to the same old fudge that Yasir Arafat offered up for years—no explicit recognition of the Jewish State of Israel and no outright rejection of violence. The only new and mildly positive element is that the PLO’s National Council has now endorsed the chairman’s ambiguous language rather than the earlier die-hard line.”⁴ The *Times* also critiqued the PLO statement on terrorism, saying that it was an “old Arafat hedge” and that “Palestinian extremists

retain a license to kill.” One editorial concluded: “The Algiers meeting, regrettably, becomes another wasted opportunity in a frustrating quest for peace.”⁵

Two days later, former *New York Times* executive editor A. M. Rosenthal, now a columnist for the newspaper, offered his own analysis of the PNC meeting, under the title “The Cynics of Algiers.” Rosenthal maintained: “The PLO made it clear that it still embraces the UN resolutions condemning Israel, including the international piece of anti-Semitism that equates Zionism with racism. It did not even consider renouncing or even changing the PLO charter that calls for war to the death against Israel.”⁶ He concluded: “The Algiers meeting was not ‘moderation.’ It was a cynical continuation of the Arab rejectionism of Israel that has brought 40 years of struggle to the Middle East.”⁷

The news stories in the *New York Times* were more positive than the editorials and op-ed pieces. An article by John Kifner called attention to the distance the Palestinians had traveled from the PLO Charter, saying of the Charter that it “rejected any recognition of Israel’s right to exist” and thus, he argued, “last night’s acceptance of United Nations Resolution 242, long held by the United States as a condition for a PLO role in Middle East peace talks, marks a significant change in the PLO position.”⁸ And reporter Youssef Ibrahim devoted considerable space in his piece to Palestinians’ understanding of the PNC. He wrote: “Palestinians said the declaration of independence is to be the start of a peace campaign.” Ibrahim quoted PLO spokesman Ahmed Abdul-Rahman as saying, “We are entering the peace process with this program.”⁹

Like the *New York Times*, the *Washington Post* also provided extensive coverage of the PNC. Between November 13 and November 18 there were no fewer than ten news articles. Perhaps even more than the *Times*, the *Post*’s coverage again and again came back to the question of whether the PLO statements would be judged adequate by the United States to open the door for PLO dialogue with the United States and participation in any peace process. It is not surprising that there were wide differences in how to interpret what the PLO had done at the PNC, especially if one views the events, as almost all commentators did, through the lens of the three US conditions. What the coverage by the major US news outlets had in common

was one thing: very little attention was paid to the Declaration. The fact that a declaration of independence had been issued was duly noted. **But almost no attention at all was given to the text itself. Not one major US paper printed the text or any key excerpts.**¹⁰ This failure by the US media to give the Declaration proper attention was an inexcusable blindness. Palestinian acceptance of the international legitimacy of the 1947 Partition Resolution was a historic shift. The question of whether the PLO had satisfied the ill-advised US conditions for dialogue was a transient matter.

Remarkably, when the issue of whether the PLO had reversed the perspectives of the PLO Covenant was discussed, the focus was on the new position on 242 as found in the political resolutions of the PNC, rather than on how the Declaration had **explicitly reversed the fundamental of fundamentals: the PLO Covenant position on the Partition Resolution (UNGA 181).**¹¹ And by way of contrast to its indifference to the Declaration, the *New York Times* did publish extensive excerpts from the political resolutions.¹²

A few exceptions to this general lack of interest in or total ignorance of the Declaration can be found. One was Anthony Lewis, who wrote an opinion piece carried by the *New York Times* saying that “the Palestine National Council meeting in Algiers last week could be the beginning of a new phase—a diplomatic-political phase—in the Middle East conflict.” Lewis pointed out that “the declaration of independence relied on the 1947 UN resolution partitioning Palestine. That was a big change since the Palestine Covenant explicitly rejected the partition resolution and the Jewish state it created.”¹³ The piece called for a US policy that encourages further movement by the PLO by saying explicitly that the United States is “ready for serious talk with the PLO if it unambiguously accepts Israel as a permanent reality and rejects terrorism.”¹⁴

Despite this and one or two other exceptions, the Declaration was like a book that failed to get reviews, neither good ones nor bad ones. It was largely undiscussed, both when it occurred and in all the years thereafter. Both among the general public, and astonishingly in much of the expert community, the Declaration was, and remains, unfamiliar territory.

ISRAELI REACTION

The response of the Israeli government to the events in Algiers was brief and dismissive. Responding to reports that the PNC had endorsed UN Resolution 242, Foreign Ministry spokesman Alon Liel said: "If they say we recognize 242 by itself, then this is a change. But if they say we recognize 242 along with the rest of the UN Resolutions or in exchange for self-determination for Palestinians then this is not new."¹⁵ Prime Minister Shamir characterized the Declaration of Independence as "a fiction" and said that "Israel will reject any attempts to create a new situation in the region."¹⁶ And the Foreign Ministry, headed by Shimon Peres, put out a statement accusing the PNC of "ambiguity and double talk . . . employed to obscure its advocacy of violence."¹⁷

The Declaration itself was simply ignored. The remarkable text of the Declaration, with its generous opening paragraphs about Judaism and the contribution of prior civilizations, did not appear in any Israeli paper. Most Israelis, including multiple prime ministers past and present as well as their top advisers, remain unaware that the Declaration not only accepted the international legitimacy of the Partition Resolution but **explicitly characterized** this (now legitimate) resolution as having called for "two states, one Arab and one Jewish."¹⁸

US REACTIONS AND ANALYSES

The United States reaction was initially cautious. On November 16 the *Washington Post* reported that "the White House yesterday rejected the Palestine Liberation Organization's proclamation of an independent state on Israeli-occupied lands, but said it offers some 'positive elements' towards peace in the Middle East."¹⁹ The *Post* quoted President-elect Bush saying "the jury is still out" on whether the Palestinians had taken a major step toward resolving the conflict. By the next day, the administration's position had somewhat hardened. The focus shifted to whether the PLO had met the American conditions, and the conclusion was that it had not. State Department spokesman Charles E. Redman said that there were "encouraging" signs" but stated that "measured against the positions the

PLO must adopt in order for the United States to engage in dialogue with it, the results of the PNC session fall short of meeting those requirements.”²⁰

As was the case with the reactions of both the press and the Israeli government, there was little evidence that the US government had paid much attention to the text of the Declaration, or if it had, that it viewed the Declaration as significant. While the Secretary of State and the White House seem to have quickly reached their conclusions about the PNC, US government analysts, both in the region and in Washington, in a limited manner, continued to mull over both the Declaration and the PNC resolutions. On November 15 a cable from the embassy in Algiers called attention to the key passage in the Declaration, saying:

As expected, Arafat cited UNGA Resolution 181 of 1947 “which partitioned Palestine into two states—an Arab state and a Jewish state.” “This resolution,” Arafat continued, “still provides conditions for the international legitimacy guaranteeing the right of the Palestinian Arab people to sovereignty and independence.”²¹

This cable shows an awareness that the Declaration actually referred to the Partition Resolution as providing for a Jewish state. There was, however, no discussion of the importance of this, or of the fact that the Palestinians had linked their international legitimacy to Israel’s. Oddly, the sentence citing this quote begins with the words “As expected.” This is rather strange, as the most that could have possibly been “expected” was the reference to Resolution 181. The Declaration’s characterization of 181 as providing for two states— one Arab and one Jewish—was totally unexpected, as were the other peace overtures in the Declaration. This strange response, one that ranged from simply not noticing historical shifts to dismissing them as nothing much, is not easy to understand. It seems to reflect a kind of cognitive blindness that does not allow the mind to take in what runs counter to expectations.

One instance in which the internal State Department analyses were more positive than the public statements of administration officials was a cable prepared by the Bureau of Intelligence and Research. In a section marked “Independence Declaration Takes the High Road,” the cable said:

The Palestinian Independence document, compared with earlier PNC declarations, is notable for its lack of inflammatory anti-Israeli rhetoric. The Declaration stops short of explicitly recognizing Israel’s right to exist—a card PLO hard-liners believe should not be played without

a quid pro quo from Israel—but it clearly is based on a two-state solution. The Declaration proclaims Palestine is “committed to the principles of peaceful coexistence” and takes its legitimacy from UNGA Resolution 181, which it notes “partitioned Palestine into two states—an Arab state and a Jewish state.”²²

This partial appreciation of the Declaration as “free of anti-Israeli rhetoric” stands out as showing at least some attention, even if not serious analysis, was being paid to the Declaration, if only in certain nooks and crannies of the State Department. Speaking of the PNC resolutions as a whole, the cable said that they represented “a striking effort to reach out to the international community, and specifically to the United States.”²³ Unfortunately, this analysis was not widely shared in the administration.

Remarkable Statement from West Bank Leaders

One of the most interesting and unknown documents from this period came from West Bank leaders. It surfaced, I believe for the first time, as a result of the Freedom of Information request I made to the State Department in researching this book. The document was contained in a report from the US Consulate in Jerusalem titled “Palestinians in Occupied Territories Hopeful and Enthusiastic About PNC Results.” The document stated that West Bank political leaders “believe their efforts to push the PNC towards more decisive and realistic action have been rewarded.” It reported that “they now foresee an intensive Palestinian political effort to engage the US and Israel, although the US is their immediate target.”²⁴

The cable called attention to a November 21 “petition” to the United States signed by twenty-two leading figures. This is the only mention of this petition that I am aware of, and my impression is that it has never been made public. The petition was addressed to Philip Wilcox, US consul general, and opened with this simple request:

We would like you to convey to your Government our wish that your country recognize our newly proclaimed Palestinian State.²⁵

The cable went on to interpret, for the US government, the nature of the Palestinian Declaration:

A careful reading of the Independence Proclamation, as well as the Policy Statement endorsed

by the PNC's 19th session in Algiers on that date, proves, beyond a shadow of a doubt, our people's genuine desire to pursue a just and lasting peace.

In this context we would like to draw your attention to the fact that the Proclamation itself is predicated on the UN Partition Resolution 181 of 1947. This shows indisputably that our call for an independent state for ourselves is integrally linked with our acceptance of a Jewish state in Palestine. In terms of the legal basis from which our proclamation derives its legitimacy, there is an explicit parity between our rights and those of the Jewish people to set up a state in Palestine.

The cable concluded: "We have never seen such a clear expression of acceptance of Israel in a formal statement from Palestinian leaders here."²⁶

Two aspects from the petition should be noted. First, implicitly, a distinction is being drawn between matters of legality and matters of justice (morality). In reference to parity of rights of the two peoples, the document prefaces its words, saying: "In terms of the *legal* basis from which our proclamation derives its legitimacy." This echoes the same distinction that we find within the Declaration itself. In both cases, we do not find, nor should we expect to find, a rejection of the most basic element of the Palestinian narrative: that the creation of a Jewish state in Palestine involved a great injustice to the Palestinians. Rather, despite this moral injustice, there is the separate issue of legality, of international legitimacy. The second aspect of note in the petition is that it makes explicit reference to the "rights . . . of the *Jewish people* to set up a state in Palestine." This clear reference to the Jews as a people, and as a people with rights (e.g., self-determination) goes beyond even the Declaration.

The petition was signed by twenty-two notables. The list included such intellectuals as Sari Nusseibeh and elected officials as Elias Freij and Mustafa Natsheh. It included newspaper publisher Hanna Siniora. Most interestingly, the petition was signed by Saeb Erekat, who years later became the chief negotiator in the talks between Israel and the PLO.

TOWARD US-PLO DIALOGUE

In the month following the PNC, events moved swiftly. Both the PLO and the Reagan administration wanted to find a way of bringing the PLO in from the cold, specifically a way in which the PLO could satisfy the three American

conditions and then enter into a dialogue with the United States, one that hopefully would lead to Israeli-Palestinian negotiations to end the conflict.

Over the years Arafat had had very limited contact with prominent figures in the American Jewish community. In December, under the auspices of Sten Andersson, Swedish Foreign Minister, a meeting was arranged to occur in Stockholm. Arafat would head the PLO delegation. Participants on the American side were Stanley Sheinbaum, Rita Hauser, Abraham Udovitch, Menachem Rosensaft, and Drora Kass.²⁷ Foreign Minister Andersson had good personal relations with Secretary Shultz. What was most important in Stockholm was not the high-profile meeting with the Jewish leaders, but rather the indirect communication between Arafat and Shultz mediated by Andersson, to which the Jewish leaders were not privy.²⁸

Several days prior to the meetings, Andersson had asked Shultz if there was something of importance that he would like him to convey to Arafat. Shultz responded, for the first time putting in writing what the United States would accept as satisfying the US conditions. Shultz wanted to see an official statement by the Executive Committee of the PLO that would make the following assertions:

1. That it is prepared to negotiate with Israel a comprehensive peace settlement of the Arab-Israeli conflict on the basis of United Nations resolutions 242 and 338.
2. That it undertakes to live in peace with Israel and its other neighbors and to respect their right to exist in peace within secure and internationally recognized borders, as will the democratic Palestinian state which it seeks to establish in the West Bank and the Gaza Strip.
3. That it condemns individual, group and state terrorism in all its forms and will not resort to it.²⁹

Of particular interest, this language from the United States, but intended for the PLO to satisfy the US conditions, allows the PLO to make reference to a Palestinian state. Although this wording, passed to the PLO by Andersson came after the Declaration, it spoke only of the state the PLO “seeks to establish” and has the PLO saying that this future state will also

make this commitment “to live at peace with Israel and other neighbors and respect their right to exist.” The language makes no mention of the rights of the Palestinian state or of the Palestinian people.

Shultz had specifically told Andersson: “We will not engage in any effort to make this the start of a negotiation over language; in other words we will not accept counter-drafts.”³⁰ But, of course, there was a counter-draft. The Palestinian side made certain changes that were then given to Andersson and communicated to Shultz. One of these changes was an insert that said that the Executive Committee in making this statement was “assuming the role of the Provisional Government of the State of Palestine.” This phrase remained in the text that Arafat signed and was transmitted to Shultz. There was no US response message.

How are we to understand this? In part, it suggests a seriousness on behalf of PLO leadership to move ahead with the newly proclaimed state. They were introducing into their negotiations with the United States a matter that they knew would make the task ahead more difficult. Indeed, the implication of saying that the Executive Committee was acting as the Provisional Government was that not only was the United States indirectly in dialogue with the PLO Executive Committee, it was in indirect dialogue with the State of Palestine, despite the fact that Shultz had maintained US opposition to the Declaration and an unwillingness to recognize the state. More important, with the addition that the Executive Committee was acting as the Provisional Government, the commitment to negotiate with Israel (on the basis of 242 and 338) would seem to be a commitment that the State of Palestine would negotiate with Israel, rather than the PLO per se.

The interaction is hard to fully understand. The United States said that it would not negotiate language, but the PLO made (and Andersson transmitted to Shultz) language modified by the Palestinians. The United States didn’t respond, but the PLO came away thinking that the United States had accepted the language, and that all that remained was for this to be issued as a formal statement of the PLO Executive Committee. But what was the US thinking if, as the PLO understood it, the United States agreed to accept as satisfying the US conditions a statement in which the Executive Committee pronounced that it was acting as the Provisional Government of the State of Palestine?

One possibility is that the process was so chaotic that it resulted in a fundamental misunderstanding. The PLO saw itself as reaching an agreement with the United States on wording, but it is highly doubtful that the United States believed it was making any agreement with the PLO. After all, there was no common text held by both parties. The back and forth was conducted through Andersson, over a phone/fax line. Moreover, this was not an agreement to which both sides put their signature; it was a US statement to Andersson about what it would find acceptable. Only Arafat signed it, after having made his modification.

Another alternative is that the United States, at this point in time, simply didn't take seriously the proviso that the Executive Committee was acting as the Provisional Government. They might have reasoned that the key matter was that the PLO meet the conditions. If the PLO Executive Committee needed to characterize itself as the Provisional Government of some nonexistent state, then let them do so. This interpretation makes some sense given the way things turned out. When the United States did finally accept a statement by Arafat as satisfying the conditions (more on this below), it was a statement replete with references to the newly declared State of Palestine.

For a short period it seems the PLO had thought the United States would not relentlessly oppose international recognition of the State of Palestine. Once the US-PLO dialogue began, Yasser Abed-Rabbo, who headed the PLO delegation in the dialogue, was quoted in the press as saying that the talks were "based on the Stockholm deal under which America **agreed** to a dialogue with the PLO Executive Committee as a representative of the Provisional Government of the State of Palestine."³¹ And Bassam Abu Sharif, an adviser to Arafat who was with him during the Stockholm meetings, has written that the Palestinians were surprised in Stockholm, when the United States in an exchange of faxes dealing with the three conditions, did not object to the Palestinians saying that the PLO Executive Committee would be acting as the temporary government of the State of Palestine.³²

It is, of course, hard to accept that the PLO really believed that when the United States appeared to accept its modification of Shultz's language, it was in effect recognizing the State of Palestine, or even that the United

States was abandoning its long-standing opposition to a Palestinian State. Indeed, Shultz's cover letter to Andersson explicitly stated that "nothing here may be taken to imply an acceptance or recognition by the United States of an independent Palestinian state."³³ Possibly the PLO misinterpreted the US silence on their "modification" as having more meaning than it did. Likely the US nonresponse to the PLO insert was only an expression of an attitude of "they can call themselves whatever they want." But if so, this still leaves the question: Why was the absence of a US objection so significant?

The answer, I believe, is that this gave Arafat the solution to an otherwise intractable problem. He had been keenly aware of the US demand that their acceptance of 242 as a basis for negotiations not be qualified by the additional reference to the Palestinian right to self-determination. Shultz had himself made clear in his September talk at the Washington Institute that he would not accept Palestinian self-determination, as he viewed it as a code word for a Palestinian state. The problem Arafat faced was that the PNC resolutions had not given unqualified acceptance of 242 and that the opposition to doing so was intense. How then could he meet the US conditions? The solution was to say that the PLO in accepting Resolution 242 was already speaking as the State of Palestine. Accordingly, they were no longer seeking agreement to their right to self-determination **because they had already exercised that right, and without asking the Israelis or the Americans for permission to do so.** This, of course, is the very heart of the unilateralism of the Declaration of Independence; it exercises self-determination rather than requests recognition or implementation of a right to self-determination.³⁴

Although Arafat put his signature to the modified version of Shultz's wording, he did not issue any public statement announcing his signing. Ostensibly the reason for this was that he would need approval of the PLO Executive Committee to do so. The public statement that came out of the Stockholm meeting was different. It was a joint statement from the PLO and the American Jewish delegation, and it contained the problematic reference to Palestinian self-determination. Predictably, it was dismissed by the State Department, although acceptable to the Jewish leaders. Arafat was now prepared to meet the American conditions in a way he believed the United

States would accept. The Declaration of Independence had offered a way to do so, but Arafat wanted to do it on a bigger stage—a UN General Assembly session he was planning to address.

GENEVA

The next step in this strange saga was Arafat's speech to the UN General Assembly in Geneva. The regular session of the General Assembly was already under way in New York, when in late November, following the historic steps taken at the PNC, the State Department inexplicably refused to provide Arafat with a visa to enter the United States to address the General Assembly. This made little sense given the transformation that had already occurred and the anticipation that Arafat would go further at the General Assembly; it also appeared to many to violate US obligations as the host country for UN headquarters.

In response, in a remarkable move, with only the United States and Israel in opposition, the UN General Assembly voted to reconvene in Geneva so as to be able to hear Arafat's speech. It is hard to believe, but the whole world, the United States included, then went to Geneva to hear Arafat. The speech, when it came, was long and somewhat meandering. Twice Arafat called attention to the Declaration, saying it spoke of UN Resolution 181 and that it provided for the "establishment of two states in Palestine, one Palestinian Arab and one Jewish." He referred to the proclamation of independence as a decision that is "irreversible," and said: "Our state, God willing, shall have its provisional government at the earliest possible opportunity." Arafat continued: "The PNC has mandated the PLO Executive Committee to assume the functions of the said government in the interim."

In the speech, Arafat twice made reference to UN Resolutions 242 and 338. First, reporting on the PNC resolutions, he included, as did the PNC, mention of the Palestinian people's right to self-determination as a further basis for negotiations at the proposed international conference. But at the end of the speech Arafat stated: "In my capacity as chairman of the PLO Executive Committee, **presently assuming the functions of the provisional government of the State of Palestine**, I therefore present

the following Palestinian peace initiative.” He identified three elements, the third of which was:

The PLO will seek a comprehensive settlement among the parties concerned in the Arab-Israeli conflict, **including the State of Palestine**, Israel and other neighbors, within the framework of the international conference for peace in the Middle East on the basis of resolutions 242 and 338 and so as to guarantee equality and the balance of interests, especially our people’s rights, in freedom, national independence and respect the right to exist in peace and security for all.

Here, for the first time, in an official public statement, Arafat affirmed Resolutions 242 and 338 as the basis for a peace settlement without reference to Palestinian self-determination. What made this possible was the reference to the State of Palestine as one of the parties in the conflict and as an attendee at the proposed international conference. Now, for the first time, Arafat could say “including the State of Palestine” when speaking of the parties of the conflict and of the states in the region.

Although this seems in line with what was agreed in Stockholm, the United States rejected Arafat’s statements as fulfillment of the US conditions. It was unclear why. Andersson, the Swedish foreign minister, again engaged in a back-and-forth with the United States. The next day Arafat held a press conference, and he once again took a shot at satisfying the American demands. Here is how he addressed each condition:

Let me highlight my views before you. Our desire for peace is a strategy and not an interim tactic. We are bent to peace come what may. Our statehood provides salvation to the Palestinians and peace to both Palestinians and Israelis. Self-determination means survival for the Palestinians. And our survival does not destroy the survival of the Israelis as their rulers claim.

On the **recognition of UN Resolutions 242 and 338**, Arafat said:

Yesterday (Tuesday) in my speech I made a reference to the United Nations Resolution 181 (on the partition of Palestine) as the basis for Palestinian independence. I also made a reference to our acceptance of Resolutions 242 and 338 as the basis for negotiations with Israel within the framework of an international conference. These three resolutions were endorsed at our Palestinian National Council session in Algiers.

Here Arafat actually does not assert anything about Resolutions 242 and 338; rather he reminds his listeners that the day before he made reference to their acceptance of 242 and 338 as a basis for negotiations. The

implication might be, if you want to learn more, check on what we said yesterday. He also says of UNGA Resolution 181 (Partition) that this too was endorsed at the PNC, but this occurred only within the Declaration.

On the **recognition of Israel's right to exist**, Arafat said:

In my speech also yesterday (Tuesday) it was clear that we mean our people's right to freedom and national independence according to Resolution 181 and the right of all parties concerned in the Middle East conflict to exist in peace and security and as I have mentioned including the State of Palestine and Israel and other neighbours according to the Resolutions 242 and 338.

Here, as the day before, Arafat doesn't provide a straightforward "we recognize Israel's right to exist," nor does he offer a straightforward acceptance of Resolutions 242 and 338. Rather, he speaks of the right of all parties, including the *State of Palestine*, to exist in peace and security according to 242 and 338. As in Stockholm, Arafat tries to square the circle by invoking the newly declared state. Unlike the suggested US language at Stockholm that sought to have the commitment to Israel's right come both from the PLO and the future-state, this language spoke of the right to exist in peace of both Israel and the State of Palestine. Thus, acting as the leader of the Provisional Government of the State, Arafat affirmed Resolution 242 as providing for the right to exist in peace and security of both Israel and the State of Palestine.

On the **renunciation of terrorism**, Arafat said:

As for terrorism, I renounced it yesterday (Tuesday) in no uncertain terms and yet I repeat for the record that we totally and absolutely renounce all forms of terrorism, including individual, group and state terrorism. Between Geneva and Algiers we have made our position crystal clear.

Here, unlike his speech in which he announced the PLO's rejection of terrorism, he used (in English) the term "renounce."³⁵

To many reporters who heard the press conference, it did not seem that Arafat had said anything new. But to their surprise, within hours there were statements both from President Reagan and the State Department: The US conditions had been met. Within days the US-PLO dialogue began. To my knowledge, not one commentator, in the entire world, mentioned that actually it had been the State of Palestine that had accepted the American conditions.

EIGHT

The Struggle with the United States over Recognition of the New State

On November 15 the new state was proclaimed, and the process of international recognition began immediately. When Arafat completed the proclamation of statehood, the first to speak was the host country, Algeria, which promptly announced that Algeria recognized the State of Palestine. Before the day was out, Palestine had received recognition from twelve states: Algeria, Bahrain, Iraq, Kuwait, Libya, Malaysia, Mauritania, Morocco, Somalia, Tunisia, Turkey, and Yemen. By the end of the next day, the list had grown to twenty-six states. And by November 23 more than fifty states had provided recognition. The first to recognize were typically Arab or Islamic countries, but as each day passed the group widened, including within the first few days China, the Soviet Union, and India.

On November 23, with fifty states having already acted, the State Department sent out a cable addressed to US missions within the “Non-aligned Movement Collective.” The cable, titled “US Reaction to Recognition of the PLO’s Unilateral Declaration of Statehood,” requested that the US missions, in those recipient countries that had not yet recognized Palestine, “make representation ASAP.” The cable detailed talking points to

be used by American diplomats in articulating the US position.¹ Two kinds of considerations were cited, political and legal. The political position was:

- Peace is only possible through negotiations.
- In keeping with that approach, the USG has consistently opposed efforts either by Israel or by Arabs to resolve unilaterally the final status of the West Bank and Gaza.
- A declaration of independent political statehood is such a unilateral act.
- For that reason the US cannot support the Declaration of Independence of an independent Palestinian State made in Algiers and hopes that other states will share our position.²

Nothing was offered by way of support for the key claim that peace is only possible through negotiations. Nor was there any attention to the possibility that negotiations were more likely to be successful if they were conducted between two states. Furthermore, no effort was made to undercut the claim that the unilateral Declaration of Independence could actually advance the date on which serious negotiations might begin, or that potentially, if the State of Palestine replaced the PLO, successful negotiations might be more likely. In short, **the cable did not appear to have been the product of a serious inquiry into whether the unilateral assertion of statehood could make negotiations-success more likely.** Indeed, it is doubtful that a serious exploration of this possibility has ever been undertaken by the US government. Nothing of that sort emerged from my freedom of information request. And in the public discourse of the period, I am not aware of any challenge that was ever raised to the US approach.

With respect to the legal dimension the cable argued:

- An entity may qualify as a state only if it has a defined territory and a permanent population, a government that controls that territory and population, and the capacity to engage in formal relations with other such entities.
- A state cannot exist where it is not represented by a government which can claim effective control of territory or population—the PNC did not constitute a government for the new “state.”
- Even were it do so, such a government clearly could not claim effective control of any territory or population, however well defined.³

The first of these points, that an entity may qualify as a state only if it has a defined territory, is ambiguous. If it means that the purported state must itself sharply define its borders, then it goes too far. Many states, including Israel, do not have sharply defined borders. The green line, a boundary demarcation that separates the West Bank from Israel proper, is not viewed

by Israel as an international boundary. Rather, it was an armistice line that allowed for the end of the fighting in 1949. Alternatively, if the insistence on “a defined territory” is taken to mean that there must be some specific territory over which the state claims sovereignty, then of course this did apply to Palestine, as it clearly had laid a claim for the West Bank and Gaza.

The real issues were the other legal points:

- Was Palestine represented by a government?
- Did this government maintain effective control of any territory or population?

Here the situation was rather gray. With respect to the existence of a government, there were two entities engaged in a degree of governing. First was the Unified Command, which for twelve months had been issuing directives to the population, asserting itself as a governing authority. Second, there was the PLO Executive Committee, which the PNC had authorized to act as the Provisional Government of the State of Palestine. In fact, it was only a week or so after the date of this cable that Arafat, at the Stockholm meeting in his indirect negotiations with the United States, would assert that the Executive Committee was acting in just this capacity.

Now one could maintain that neither the Unified Command nor the PLO Executive Committee was a real government, but what this turns on is not whether it had a bureaucracy with offices and buildings. Indeed, the PLO was quite extensive in some aspects, with foreign missions around the world. Rather, the issue was the final point in the US cable: Did these governing structures exercise effective control over either a population or a territory?

With respect to territory, the Palestinian case was clearly weak. Israeli forces could come and go anywhere they wished to within the West Bank and Gaza. At best one could say that there was an ongoing struggle for control of the territory. Israeli control was being contested. It was hard to assess control, and the situation at nighttime was different than during the day. Perhaps the best analogy is a state that had been invaded during a war, a state that has lost full control of its territory but has not given up the fight. So long as it struggles on and exercises control over the population, it continues to exist. But that is about whether a previously existing state is still in existence, not whether a new one has come into existence.

The most fundamental issue was not effective control over territory but over the population. How is this to be best understood? Clearly, as a result of the Intifada, Israel had lost control of the Palestinian population. And clearly, to some extent, the population responded to the directives of the Unified Command. Yet it was equally clear that the extent to which this was true, in November 1988, was quite different than what we normally understand as the operational governance of a state. Here there are two dimensions: (1) the degree to which the governing entity is **obeyed** when it issues a directive, a law, or regulation; and (2) the **breadth** of its efforts to govern.

With respect to obedience of the population, a case could be made that the Palestinian population to a considerable extent did adhere to the directives of the Unified Command, although it was more likely that a strike day would be respected than would a directive to quit employment in Israeli enterprises or administrative authorities. Still, in certain dimensions what the Unified Command had accomplished was impressive.

This, however, was only part of the story. In complex societies governments do vastly more than proclaim strike days and call on the population to disobey foreign authorities. Governments are in the business of setting the rules and regulations that detail the legal frameworks that operate in all manner of interactions between people and between business entities. There is the whole structure of criminal, civil, and commercial law, both its enactment and its enforcement. And of course there is the matter of collection of taxes and the provision of governmental services, be it building roads, running schools, providing water supplies, protecting the environment, promoting public health, or policing dark neighborhoods. Governments issue and control currency, they oversee economic activity, they control foreign trade and run postal systems. Of course, not all of these functions are necessary for a state to exist, and not all states are welfare states. The Intifada had extended its reach into some of these dimensions, but of course it was quite limited compared to what we find in any existing state, even a state with minimal government.

In the struggle over recognition, from a strictly legal perspective all of these points were relevant. But in reality they were not critical to whether recognition was attained. What was going on was an independence struggle, and state building was an essential aspect of this struggle. The

decision over whether to extend recognition to Palestine was a political decision—a decision to support and identify with and to **further** the Palestinian struggle or a decision to hold back. This US effort to persuade nonaligned nations to not recognize the State of Palestine did not meet with overwhelming success. By the end of 1989 some ninety countries had recognized Palestine. This total, however, did not contain any of the United States' Western allies. In particular, none of the European democracies recognized Palestine at that time.

ADMISSION TO UN AGENCIES

Within a few weeks, the US effort to prevent individual states from recognizing Palestine widened to preventing admission of Palestine to international organizations. It is in this arena that a fierce battle ensued over the next year and a half. In early December a memo was prepared for Secretary Shultz by the State Department's Bureau on International Organization Affairs. It opened thusly:

The PLO is likely to seek to enhance the international status of its self-proclaimed state in the UN. This could be accomplished either by seeking full-fledged membership or through changing its observer status from that of an organization to that of a non-member state. We believe that the PLO is unlikely to follow the former course because it recognizes that the US can block any such effort.⁴

The memo explained that while UN membership was decided by the General Assembly, it could only act if there was a recommendation coming from the UN Security Council and that the United States could block such a recommendation because of its veto power. However, it noted, the Security Council does not play a role in conferring observer status to nonmember states.

At this point the United States was looking ahead. The memo explained:

The PLO has not revealed how/when it intends to proceed. We would want to make various political and legal arguments against such a change in observer status and attempt certain procedural maneuvers to sidetrack such efforts.⁵

But it was clear that if it came to a vote on observer status as a nonmember state, the United States would not prevail. From the memo:

Ultimately, however, the issue would be decided by a majority vote of the General Assembly, where the PLO would certainly have the votes.⁶

There was no mention in the memo of any strategy or threats the United States might utilize to block granting observer status to the State of Palestine. In particular, there was no mention of any threat to cut off funding for the United Nations.

The United States did not have long to wait for the expected PLO assertiveness at the UN. In mid-January the UN Security Council was debating a Libyan resolution in response to an incident in which the United States had shot down two Libyan planes. The debate was marked by a striking break in standard Security Council procedures. This was detailed a few days later in a State Department cable to US missions abroad:

The Security Council agreed this week to invite the PLO (under its new UN designation "Palestine") to speak during the debate over the Libyan incident on the basis of a direct request by the PLO Observer Mission to the Council President. We opposed this request because it was inconsistent with long-established Council practice that observers do not have the right to speak in the Council on their own request, but rather must have a member state make the request on the observer's behalf. In a statement before the Security Council, the UN Legal Counsel supported the US position. Nonetheless the request was approved by a vote of 11-1.

The effect of this was to extend the PLO Observer Mission the same rights to participate in UNSC proceedings that are normally reserved for member states.⁷

The cable instructed US missions to meet with their host countries and to convey to them American concerns. It identified specific points to be made in such meetings, including that having allowed this privilege to "Palestine"

creates a dangerous precedent in terms of expected efforts by the PLO to enhance incrementally the legitimacy of the self-declared Palestinian state within the UN system. The PLO will now likely be encouraged to make similar attempts in other UN forums to have the Observer Mission of "Palestine" treated on the same basis as a member state.⁸

and

This is detrimental to the peace process. If the PLO concludes it can, over time, achieve broad international recognition of a Palestinian state without having to enter bilateral negotiations with Israel or otherwise demonstrate willingness to engage in the peace process, it will only harden positions and make those negotiations more difficult to launch.⁹

This second concern mirrors the talking points previously issued for use in arguing with foreign officials over whether their state should recognize Palestine. Once again, the US position is that to the extent that the State of Palestine is granted legitimacy, it will be more difficult to launch negotiations. Exactly how this will create difficulties is not explained. Presumably they are saying that Israel would be less likely to begin negotiations to the extent that the Palestinians have a quasi-recognized state.

A case could be made that if Israel were faced with having to negotiate with the State of Palestine, it would refuse on the grounds that just entering the negotiations would mean acceptance of a Palestinian state, something they were strongly opposed to. However, it could be argued that Israel (at that time) was equally opposed to negotiating with the PLO, and that to the extent that the State of Palestine replaced the PLO, this would be a new beginning, relatively unencumbered by the PLO's past and the still contentious PLO Covenant. As it turned out, Israel did not enter into negotiations with the PLO until five years later.

Five years is a long time. Would it have taken longer to bring about negotiations between Israel and Palestine, a state grounded in the Declaration of Independence with its acceptance of the Partition Resolution, had the United States supported such state-to-state negotiations? Might not the replacement of the PLO by the State of Palestine, as Israel's potential negotiating partner, have moved Israel to accept the two-state solution far more quickly, even if it continued to disagree on specific borders? This was certainly possible.

Furthermore, as noted previously, even if one accepts the US claim, it remains only a claim about the difficulty of *launching* such negotiations. It says nothing about how having the negotiations on a state-to-state basis would affect the prospects of successfully completing those negotiations. It is probably safe to say that at that point (in 1989) there was little awareness of the extent to which the asymmetry in the negotiations would be a major factor that would continue to undermine the prospects for success.

Another State Department cable, this one detailing a meeting between Assistant Secretary Murphy and Abdel El Reedy, Egyptian ambassador to the United States, illustrates the concern and priority the United States was giving the matter. This cable relates that:

Murphy expressed concern about PLO moves to enhance its diplomatic status. Its success in New York the previous day in addressing the Security Council without an invitation by a member state, for example, gave the PLO a status superior to Switzerland, the Vatican, and others. This is absurd. As we look ahead to the need to keep our channels to the PLO open, Murphy continued, we may find that our efforts are complicated by the creation of PLO embassies. Eventual US-PLO contacts in Cairo, for example, might be complicated by the creation of a PLO embassy in Cairo. El Reedy agreed.¹⁰

With the larger prize of full membership in the United Nations off the table, as explained in the memo to Secretary Shultz, no dimension of diplomatic skirmishing was too small to engage PLO interests and US concern. A cable in early February from the US Mission to the UN in Geneva provides a good example. It related an incident in which the UN circulated to all missions in Geneva a letter that it had received from the PLO and that had been circulated at the PLO's request. The letter complained of Israeli actions "in the occupied Arab territories, including Palestine," and requested that the letter be circulated as an official UN document "under item 4 of the Human Rights Commission." The key issue was that the PLO letter was on stationery headed:

STATE OF PALESTINE

PERMANENT MISSION OF PALESTINE TO THE UNITED NATIONS-GENEVA

The US Mission challenged UN officials on whether it was correct for the UN to circulate the PLO letter on such stationery. In doing so, the United States cited a precedent in which Turkey had requested circulation of a letter from "The Foreign Ministry (Turkish) of Cyprus," but that this had been avoided by transferring the content to UN stationery.¹¹

A few weeks later the State Department cabled US missions fine-grain guidance on how to deal with PLO efforts to upgrade its status. It mentioned possible situations in the International Atomic Energy Agency, the World Health Organization, the International Labor Organization, and the International Telecommunications Union. Viewing even the most minor issues as deserving serious attention, the cable raised the issue of how the US representatives should respond to efforts to change the designation on the PLO's nameplate at UN forums. It noted that although the UN General Assembly had voted to change the designation from "PLO" to "Palestine," it

was the US position that this was not binding on UN agencies and that each agency would need to make its own decision. US representatives were instructed to oppose such action and were told: "It is important that the US remain firmly on the record on this issue to avoid any misperception that our policy is 'softening' on acceptance of 'Palestine' as an entity."¹² This determination remained a hallmark of US policy throughout the years that followed.

The first major test of the PLO's ability to secure admission of the State of Palestine to UN agencies emerged early in April 1989, when Yasser Arafat, who had now been named by the PLO Central Committee as president of the State of Palestine, applied to the World Health Organization for admission of Palestine as a full member state. Arafat's letter, which was on State of Palestine stationery, was circulated to the member states. Because admission to WHO was determined by a majority vote of the existing members, it looked likely that Palestine would be admitted, but that was before the United States applied financial pressure.

On April 13 thirty-eight senators sent a letter to Secretary of State James Baker "warning that if any UN agency recognizes the 'state of Palestine' the Senators would 'seriously consider a range of punitive action, including with-holding of US financial participation from those agencies.'"¹³ On May 2, Secretary Baker took this further, announcing: "I will recommend to the President that the United States make no further contributions, voluntary or assessed, to any international organization which makes any change in the PLO's present status as an observer organization."¹⁴ The *Washington Post* reported that WHO officials said that if the United States were to cut off funding, this would "virtually destroy the organization."¹⁵

At the same time the United States was pressing the PLO directly in the dialogue in Tunisia. At the end of April, the State Department sent a cable to the US mission in Tunisia urging them to meet promptly with the PLO, as there was "particular urgency" that they convey that:

The PLO campaign to seek membership for the "State of Palestine" in WHO and other UN agencies is most unhelpful. This is an extremely sensitive issue and if the campaign continues, it will have an adverse effect on our ability to work together and therefore on the peace process.¹⁶

Three days later, the mission in Tunis reported back to State that they had made little headway with the PLO representative, Hakam Balawi, who had responded that seeking admission of Palestine was “a more positive goal than Israel’s expulsion.”¹⁷ A direct appeal to Balawi from the Director-General of WHO was similarly unsuccessful. The PLO representative responded: “It is the Palestinian state’s right to become a member of all international organizations and no one has the right to oppose its application.”¹⁸

The PLO was not backing down, but it faced a tougher fight than it had anticipated. When applying for membership in the WHO, the PLO was confident that it had the votes to win an up-and-down vote, which would set a precedent for other UN agencies. But the US threat to cut off funding had a powerful effect. First the United States was able to delay action while it built support. Then, rather than a vote on membership, the United States was able to get a vote on a one-year delay in dealing with the PLO request. Rather than a roll-call vote, the United States was able to get a secret ballot, which it won by 83 to 47. John Bolton, recently appointed Assistant Secretary of State for International Organization Affairs, was exuberant and credited Secretary Baker’s threat to cut off funding as “the catalyst which turned around what looked like a certain victory for the PLO into defeat.”¹⁹

A week later the US House of Representatives, almost unanimously (396-6) voted to bar US payment to the United Nations or to any specialized UN agency that gives the PLO the same standing as a member state. There was no one who argued that the United Nations had in 1947 authorized each side of the conflict, without negotiations, to declare its own state, that such was how Israel came into existence, and that now that the Palestinians had accepted the international legitimacy of Israel’s creation under the Partition Resolution, they were equally entitled to proclaim a state of their own, one that would negotiate final boundaries and other issues with Israel.

STATE OF PALESTINE ACCESSION TO THE GENEVA CONVENTIONS

In addition to the WHO, the PLO was pursuing membership of the State of Palestine in a number of other UN agencies. In all of these cases a vote of some sort would be required for membership, and this would give the

United States an opportunity to try to defeat or postpone the PLO effort. Within this context there emerged, for the PLO, a different course of action that would promote the legitimacy of the State of Palestine without offering an opportunity for US parliamentary maneuvers: the State of Palestine's accession to the Geneva Conventions.

The Geneva Conventions consist of four international treaties that deal with how people are to be treated during times of war. They deal with issues such as prisoners, the sick and wounded, and the protection of civilians. They spell out a variety of unlawful practices such as taking hostages, wanton destruction of property, and transfer of populations. Switzerland plays a special role in relation to the Conventions as "the depository state." In this role it performs a series of administrative tasks, such as conserving the originals of the treaties and the instruments of ratification by the various states. Among these duties it receives communications from states that are parties to the Conventions, examines them, and officially notifies the other state parties.

Early in May 1989 the US embassy in Bern, Switzerland, sent Washington a copy of an article that had just appeared in a Geneva newspaper. The article commented on an upcoming dilemma for Switzerland: The PLO would like to become, as the State of Palestine, a signatory of the Geneva Conventions. As the depository state, if Switzerland receives from any state a formal notice of accession to the Conventions, it is obligated to circulate that document to the other states. The question Switzerland would face would be whether Palestine was a state; if so, circulation would be required.

This would be the decisive question since the Conventions did not provide a mechanism to block an accession. Rather, once an accession was received, it would go into effect automatically. The dilemma for Switzerland was that while its own position was that the declared State of Palestine was not a state, as the depository state, Switzerland was supposed to be neutral and the State of Palestine had already been recognized by scores of states.

A few days later the US embassy in Bern informed Washington that the Swiss government had decided that if it "received an instrument of accession from an entity recognized by more than 70 parties as a state, it would be obliged to circulate that communication."²⁰ The cable said that the Swiss department of foreign affairs was considering how best to get the

PLO to postpone any such submission. The cable pointed out that the “Geneva Conventions made no provision for approval of accession of a new party by an assembly or periodic meeting as existed in the case of the UN system organizations. For this reason, once the PLO formally transmitted its communication to the GOS, ‘the problem exists’ in a way which could not be resolved (as hopefully was happening in the WHO) by deferring action on it.”²¹

On May 19, in a cable prepared by legal experts in the State Department, Washington responded to the US embassy in Bern. Citing precedents in which the United States did not accept the instrument of accession of the Turkish Federated State of Cyprus to the convention of the World Meteorological Organization, it was argued that Switzerland “does have the discretion to reject a Palestinian submission . . . because of the patent failure of the asserted Palestinian entity to fulfill the requirements of statehood under international law.”²² In the event that the Swiss did feel compelled to circulate the PLO accession, US representatives were to convey to the Swiss that there was no need to do so immediately, nor in a manner that might lend any legitimacy to the claim to statehood.

In the meantime, in Tunis, US ambassador Pelletreau met with PLO representative Balawi to explore both the WHO and the Geneva Conventions issues. Balawi’s response on WHO was particularly interesting:

Balawi responded that when it had become clear the PLO would lose the actual vote, several insiders, including himself and ExCom member Abu Mazen, had urged Arafat to withdraw the request before a vote could be taken. Arafat had disagreed, pointing out that many countries had committed themselves to support the PLO and as a matter of honor the PLO should carry through whatever the final result. If the vote went against the PLO, it would thank its supporters in a dignified fashion and put the defeat behind it.²³

With regard to the Geneva Conventions, Balawi agreed to bring the issue to Arafat and to see if an agreement could be reached.

US efforts to slow down the process met with some success. In early June the Swiss returned the PLO notification noting certain technical defects. But despite US efforts, the PLO refiled two weeks later. Subsequently the Swiss told the PLO that because of summer holidays it was unlikely that anything would occur before September. The United States continued to tell the Swiss that they did not have to circulate the PLO document, and

preparations were made for a high-level visit to Switzerland by the State Department's top legal adviser, Abraham Sofaer. In the meantime the issue got further complicated by the PLO effort to have the Palestine Red Crescent Society admitted to the International Red Cross, which itself had not admitted the Israeli Red Shield of David Society. A decision was made by the State Department to remind the Swiss "that Congress will follow this issue closely and that a Swiss decision to circulate could eventually have consequences for US support for the ICRC [International Committee of the Red Cross] and possibly even bilateral relations."²⁴

On July 21, Sofaer flew to Switzerland and met with Swiss representatives and suggested to them a way in which they could circulate the document they had received from the PLO, yet not contribute to any legitimization of the State of Palestine. Sofaer maintained that the key issue was not the circulation of the document, but whether the depository state has "received" the document. Sofaer maintained that "receipt" of the document was a technical term rather than a term in ordinary English. He argued that the Swiss should make clear to the PLO that the document had not been "formally received." What he sought was that the Swiss would circulate the notification it had been given by the PLO, without either receiving or rejecting it. "The result of such an approach, Sofaer said, was to put the PLO in the same position vis-a-vis the Geneva Conventions that it was in vis-a-vis UNESCO and WHO."²⁵

In September the Swiss moved along the lines sought by the United States, although they did not employ Sofaer's use of the concept of formal "receipt." Rather, they circulated to all the parties to the Geneva Conventions a copy of the document of accession by Palestine, accompanied by a "Note of Information" that stated:

Due to the uncertainty within the international community as to the existence²⁶ or the non-existence of a State of Palestine and as long as the issue has not been settled in an appropriate framework, the Swiss Government, in its capacity as depository of the Geneva Conventions and their additional Protocols, is not in a position to decide whether this communication can be considered as an instrument of accession in the sense of the relevant provisions of the Conventions and their additional Protocols.²⁷

Thus the question of recognition or admission of the State of Palestine was tightly linked to the question of existence. Was the State of Palestine a

state? Did the state of Palestine exist? This question was taken with considerable seriousness, and when the PLO transmitted the State of Palestine application for membership in UNESCO, it was accompanied by a lengthy “Explanatory Note” which argued that Palestine met the internationally recognized criteria of being a state. In response, Israel submitted its own explanatory note arguing that Palestine was not a state. To this, the Palestinians responded with a further addendum in support of their position.

NONMEMBER STATE AT THE UNITED NATIONS?

As 1989 drew to a close, the PLO decided to press for a change in its status at the United Nations from that of an observer organization to recognition of the State of Palestine as a nonmember observer state. This could be decided by the General Assembly and thus was not subject to veto by the United States.²⁸ In November the PLO developed two alternative resolutions that could secure UN recognition of Palestine as a state. Both resolutions contained preambles that recognized that the PLO Executive Committee “has the powers and responsibilities of the Provisional Government of the State of Palestine.”²⁹ The stronger of the two resolutions said that the General Assembly decides to grant observer status to the State of Palestine. The weaker resolution said that the General Assembly “decides that the designation of Palestine, shall be construed, within the United Nations, as the State of Palestine.” Either way, the United States took this with the utmost seriousness. The State Department announced that “a cutoff of funding would be the inevitable result of any action by the United Nations or its agencies to enhance the PLO’s status as an observer organization.”³⁰

In response to the American threat to cut off funding for the United Nations, efforts were made, especially by some of the European nations, to reach a compromise. The Arab states attempted to avoid conflict with the United States by only introducing the weaker of the two resolutions, a move that some said amounted only to a change in the nameplate of the observer mission. This, however, did not produce the desired effect. Noting recently passed congressional legislation, Thomas Pickering, US Ambassador to the

United Nations, said US cuts would follow any text that even implied recognition of a Palestinian state. Furthermore, he stated that US-PLO contacts would be jeopardized. The United States closed the door firmly. "We're clearly not interested in exploring all the alternatives, but in finding a way of ending this silly idea of declaring a state here in the United Nations," Pickering said.³¹ At the same time, the administration had received letters from key members of Congress taking the same stance.

Within days, the Arab states backed off from the conflict and agreed not to press for a vote in the General Assembly on even the weaker resolution. Once again, PLO efforts had been beaten back. This ended efforts within the General Assembly, but the PLO had not given up altogether. In April 1990 they formally requested full membership in the World Health Organization, a step that according to newly enacted US law would have resulted in a US cutoff of funding to WHO. In May, by consensus, WHO voted to defer indefinitely the application of the State of Palestine for full membership. The US strategy had worked. By threatening to cut off US funding, and as a result of vigorous diplomacy, the United States had blocked the effort to have the State of Palestine admitted or recognized by the various UN agencies or by the United Nations itself.

The entire episode is interesting in several respects. First, it is remarkable, even astonishing, how much energy and determination the United States displayed, and how much harm to the United Nations the United States was prepared to inflict to prevent even the slightest symbolic step. Even if it is not surprising that the United States would oppose Palestinian efforts, it is hard to understand, either in terms of US interests or the US desire to promote an end to the conflict, the extent to which the United States was committed to holding the line. It is as though the United States had developed an obsession rather than a rational policy.

Second, it appears that the United States adopted this position without any serious analysis or consideration of alternatives. The first cable directing US missions worldwide to urge host governments to not recognize the State of Palestine was sent out only eight days after the Declaration. There was no public discourse of the wisdom of the policy, and only five members of the House of Representatives voted against legislation to cut off aid to the United Nations and UN agencies if they admitted the State of

Palestine. Third, the episode shows that the PLO was prepared to endanger its newly established relations with the United States in pursuit of recognition of Palestinian statehood. This bears on a discussion taken up in chapter 9, concerning whether the Declaration of Independence was an isolated unilateral act, or part of a larger unilateral strategy to which the PLO was committed.

Most important, what we see in this episode (and in the effort to block recognition of the State of Palestine that has endured up to the present) is not merely that the United States did not support recognition of the State of Palestine, but that the United States played a vigorous role of thwarting the Palestinian unilateral peacemaking strategy. What was accomplished was done by the United States, virtually single-handed. The Shamir government had little influence on the recognition decisions of other governments or of international organization. But the United States took it upon itself, not merely to decline to recognize Palestine, but to block the unilateral strategy at every opportunity. And in this it did succeed in significantly preventing the strategy from moving forward.

Consider how different the history of the conflict might have been if the United States had taken a different approach. For instance, after the Declaration, and after the December statements by Arafat affirming the right of all states in the region, including Israel and the State of Palestine to live in peace and security, what if the United States had said to the PLO:

Look, we appreciate what you are attempting. We recognize that with the Shamir government there is no possibility of fruitful negotiations. We deeply respect your decision to affirm the 1947 Partition Resolution as a source of international legitimacy, and your explicit mention that it called for "two states, one Jewish and one Arab."

In principle, the United States is not opposed to recognizing the State of Palestine, just as in 1948 we recognized the State of Israel. There are certain steps that you should take before US recognition would be possible. First, you must do more than proclaim a state. You must at least begin to establish a government and begin governing your people. The Hussein Document detailed plans for a legislature composed of public figures from the occupied territories. This should be pursued. Furthermore, it spoke of a government in which key PLO leaders would occupy central positions, even though outside the territories. This too seems a good idea; unify a governing body between those inside and those outside.

Also, once the State of Palestine has a governing body, it is time to reconsider the role of the PLO. Up until now you have claimed to be "the sole legitimate representative of the Palestinian people." But that no longer makes sense, once there is a Palestinian State. Moreover, we know you aspire to state-to-state negotiations, which we agree may have its advantages. Thus consider dissolving the PLO. This would represent the greatest break with the past. It would eliminate the PLO Covenant as an issue and would allow a full separation from the legacy of

terrorism.

Furthermore, it is essential, as you have stated in your Declaration, that the State of Palestine be a democracy. Thus at the earliest possible date you should pursue elections. The United States is prepared to call on Israel to not use force to prevent such elections, including inside East Jerusalem.

And finally, we would like to see you go further in your efforts to make peace with Israel. You could name an ambassador to Israel. You could call on the Arab states to normalize relations with Israel if it withdraws from the territories. And you could put forward your ideas for the terms of an end-of-conflict treaty, and call for state-to-state negotiations. Move in these directions and US recognition of the State of Palestine will become a very real possibility.

Unfortunately the United States did not engage the PLO along such lines. The United States had it within its power to steer the strategy of unilateral peacemaking in ways that would have powerfully moved the conflict toward resolution. Instead, it threw all of its energy and prestige into bringing about its failure. And in doing this, it is doubtful that it even understood what it was doing, or why. [32](#)

NINE

PLO Strategy and the Declaration

In September 1993, a bit less than five years after the State of Palestine was proclaimed at the Palestine National Council (PNC) meeting in Algeria, Yasser Arafat shook hands with Yitzhak Rabin on the White House lawn, and the negotiations process detailed in the Oslo Accords was inaugurated. To most observers, the transition was almost unbelievable. The PLO had only recently been viewed, both in Israel and the United States, as a terrorist organization irrevocably committed to Israel's destruction. Now, it had managed not only to escape its isolation in distant Tunis, but it had reemerged in Washington as the guest of an American president. Even more startling, it was now formally recognized by the Israeli government as its partner in the effort to negotiate an end to the conflict.

WAS THERE A UNILATERAL STRATEGY?

But what of the State of Palestine? The Oslo Agreement made no mention of the Palestinian state, nor did it mention even the goal of the two-state solution. In September 1993 there remained little trace of the unilateralism of 1988; yet because of Arafat's remarkable transformation from isolated terrorist to White House guest and peace partner, the Oslo Agreement and Arafat's subsequent return to Gaza, rather than being viewed as a defeat for

the Palestinians, were widely seen as a triumph of PLO diplomacy. All of this raises a fundamental question about what really happened in 1988:

If the declared state could disappear so quickly, was the Declaration ever more than an isolated unilateral *act* intended only to facilitate the PLO's emergence as Israel's negotiating partner, or was it part of a unilateral peace strategy, one that sought to bring a Palestinian state into being without Israeli consent, and which would, in effect, confront Israel with the two-state solution as a *fait accompli*?

The question I raise is not about the PLO's ultimate goals but about its strategy for achieving them. In November 1988 the Palestinians did something decisive either way. They formalized their slow evolution of the aim of the Palestinian national movement—from seeking Israel's destruction to a radically different goal: seeking to have their own state alongside of it. The question is about how they intended to get there. Indeed, this question—how to reach the two-state solution—remains one that is dominant today and is the subject of the final chapter of this book.

The historical question is: In 1993, or earlier, did they turn away from a unilateral strategy that they had really been pursuing and instead embrace a negotiations strategy, or had they never really embraced a unilateral strategy in the first place? In considering this, we need to be clear about how a Palestinian unilateral strategy would have differed from a negotiations strategy.

On a negotiations strategy the creation of a Palestinian state occurs by mutual agreement and as the outcome of negotiations. Typically it is conceived as the crowning achievement of successful negotiations. With it comes the actual end of the occupation, the assumption of sovereign power by a recognized Palestinian entity in accord with a timetable agreed to in the negotiations. This is how many have understood the Oslo negotiations, even though Oslo did not specifically define a Palestinian state as a goal.

The unilateral option sought to reverse the order of events: a Palestinian state would be unilaterally declared, then brought more fully into existence, and slowly its reality would be imposed upon (or accepted) by Israel. Within a broader peace strategy its creation would at some point lead to negotiations, which would be on a state-to-state basis and which would resolve the remaining outstanding issues, such as refugees and security arrangements. On this unilateral orientation the strategic focal point was to

present the Israelis with a fait accompli: A Palestinian state that had already come into being, one that was committed to peace with Israel, and whose existence and commitment to peace gave rise to continued pressure on Israel, internally and externally, to end the occupation of another country: Palestine.

In this it is central to recognize that we are not talking about a PLO strategy to simply bring a Palestinian state into existence unilaterally; rather, the concept was always a strategy to bring about peace between the two states. The PLO understood that without peace between the two states being the goal, there could be no viable strategy to unilaterally bring Palestine into existence, primarily because it simply could not be done. Absent a peace initiative, no one could or did articulate a unilateral path to statehood. Thus coexistence between the Arab and Jew state was baked into the Declaration of Independence.

Unilateral movement toward statehood was at the core of the Hussein Document, which stated that the Palestinian people would be “setting up their state on their national land, instead of persistently demanding that other parties—especially the international conference, and the United States—establish such a state.” Though not laid out in the Hussein Document, for this to be successful, there were three components that required continued Palestinian follow-through after the Declaration:

1. More fully bringing the state into being, both on the ground and internationally.
2. Ensuring that this emerging state was seen by the Israelis as committed to peace.
3. Generating continued pressure (both internal and external) on the Israeli political system to end the occupation of the State of Palestine.

HOW WELL DID THE PLO DO?

Element 1: Being Seen by Israel as Committed to Peace

In and of itself, the emergence of a Palestinian state does not imply a Palestinian commitment to the two-state solution. Certainly not to Israelis. To most Israelis, a Palestinian state represented Palestinian empowerment, and thus potentially the emergence of a *threat* to Israel. Even today Prime

Minister Bennett maintains that a Palestinian state would be “a terror state.” If the unilateral creation of a Palestinian state was to lead to an end to the occupation, this perception of the significance of Palestinian statehood would have to be reversed. The Israelis would have to be convinced that the declaration of the new state offered a genuine opportunity to end the conflict.

The extent to which an emerging state was seen as either a threat or a solution was (and remains) a major determinant of the extent to which Israel either seeks to thwart state-emergence or gradually comes to accept it. Either way, how the Israelis perceived the declared state would be a central factor, perhaps *the* central factor, in the success or failure of the strategy. One could be sure that Israel would not withdraw from the territories in favor of a Palestinian state if it believed that this was just the first stage in a continuing effort to destroy Israel, a widely held view, especially in 1988.

The Declaration crystallized the long-term transformation of the PLO toward acceptance of coexistence with Israel. The text of the Declaration, acknowledging the international legitimacy of the creation of a Jewish state, was itself an essential part of a broader Palestinian peace initiative. Not only did it open the way to the PLO’s acceptance of the three US conditions, it contributed to a new Palestinian discourse, such as found in the closing words of Arafat’s December 14, 1988, press conference in Geneva: “Finally, I declare before you and ask you to kindly quote me on that. We want peace. We want peace. We are committed to peace. We want to live in our Palestinian state and let live.”

Nothing, it would seem, could be more clear. And however much we may subject the PLO to criticism for its mistakes over the years, we must never lose track of how extraordinary it was for the PLO, without receiving anything in exchange from Israel, to **unilaterally** cede what has been the central issue of the conflict: its recognition of Israel’s right to exist in peace and security. Yet the problem of affecting Israeli perceptions was enormous. Key Palestinian statements or messages did not always reach Israeli ears, or if they did, they were dismissed as either inadequate or insincere.

The Declaration itself never made it into Israeli consciousness. It was largely unread by the Israeli public. To the best of my knowledge, the English text of the Declaration has never been published in any English-

language Israeli newspaper, and to this day I do not believe the Declaration has ever been translated into Hebrew. My experience with Israeli officials over the years, even officials with responsibility for intelligence matters, is that they are largely unfamiliar with the Declaration, other than knowing that the Palestinians issued one. The actual text of the Declaration was (and largely remains) unread, unknown, and certainly unappreciated within Israel.¹

The PLO, if it was even aware of this, made no concerted effort to rectify the situation. No ads appeared in Israeli papers. No media strategy was implemented. No op-eds flooded the Israeli press. Then, and in the decades that followed, how they were seen by the Israeli public has not been a central PLO priority. That said, the responsibility for Israelis not attending to the Declaration lies overwhelmingly with the Israelis themselves.

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Regarding the project of being heard by Israelis, of still greater importance than words and symbols were PLO actions, in particular those bearing on terrorism. As part of its 1988 commitments, the PLO renounced terrorism, and while Fatah did not carry out terrorist acts in the immediate post-Declaration period, the PLO failed to rigorously enforce the new stance on all factions of the organization. Thus, when a faction under Abu Abbas launched a terrorist operation on Tel Aviv beaches, this should have been treated as a breach of Palestinian law. Violence coming from nonstate actors should have been treated as a direct challenge to the monopoly on the use of force, which is asserted by all states. Even if the new state lacked the ability to control all Palestinian factions, there should have been no question that doing so was a central priority. A visible policy of zero tolerance was required. Abul Abbas should have been expelled from the PLO and tried in absentia.² Unfortunately the PLO leadership never grasped just how detrimental terrorism was to the credibility of their peace initiative.

Of great importance in affecting Israeli perceptions of Palestinian intent was the Intifada itself. Ideally the Declaration should have been followed with an announced switch to full nonviolence. Although this did not happen,

a degree of discipline was maintained. Fatalities on both sides can be seen in Table 1.

TABLE 1. Fatalities during the First Intifada

Year	Palestinians killed by Israeli Security Forces	Israeli civilians in occupied territories killed by Palestinians	Israeli civilians inside Israel killed by Palestinians	Total Israeli civilians killed
1988	289	6	2	8
1989	285	3	17	20
1990	125	4	13	17
1991	91	7	7	14
1992	134	11	8	19
1993*	124	16	6	22
Total 1988–1993	948	47	53	100

SOURCE: Compiled from “Fatalities in the First Intifada,” B’Tselem, https://www.btselem.org/statistics/first_intifada_tables.

*Up to signing of the Oslo Agreement in September 1993.

In the first year there were almost no Israeli civilians killed either within the territories or within Israel itself. There was massive stone throwing, but this was not lethal violence. There were also Molotov cocktails thrown, but these were clearly ineffective. In 1989 there is a substantial increase as civilian deaths jump from two to seventeen. However, of these seventeen deaths, sixteen were in one incident in which an attacker grabbed the steering wheel of a bus and forced it into a ravine. Subtracting this one event, only one civilian death occurred inside Israel. To put this in perspective, Israeli government figures identify the average annual number of terrorist-caused deaths inside Israel from 1967 up until the beginning of the Intifada as twenty-seven a year. While sources disagree on specific numbers, it seems safe to say that deaths from terrorism did not go up significantly during the Intifada, and they may well have declined.

Certainly compared to later periods such as 1994, when there were forty-seven civilian deaths inside Israel, or the horrific years of the Second

Intifada, when annual civilian deaths among Israelis were in the hundreds and suicide bombers were detonating themselves on a regular basis, the discipline of the First Intifada, which declined after the first two years, was still significantly maintained thereafter. Moreover, maintaining limited violence must not have been easy; the total deaths of Israeli civilians during the period (100) was far fewer than Palestinian deaths from Israeli forces (948).

Although the Palestinians gained support worldwide because of the extent to which violence against Israelis was limited, they would have been far more successful with a fully nonviolent movement, but this was never attained, not even in the first year. Nonetheless, I think it fair to say that the continuing violence of the First Intifada was not a central reason why the seriousness of Palestinian willingness to make a lasting peace was not heard by most Israelis.

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Although it is true that the PLO did not do enough to make their commitment to peace known and believable to the average Israeli, it remains that they did a great deal. There was a breakthrough peace initiative. Unilaterally they redefined Palestinian nationalism; they defied the PLO Covenant; with no quid pro quo from Israel, they conceded the core issue of the conflict: Israel's existence. While this was not fully appreciated by Israelis, these steps did suffice, over time, to bring a majority of Israelis to a willingness to test the possibility of peace in negotiations with the PLO. Five years later the PLO was an accepted partner, even if the Israeli leaders still opposed the idea of Palestinian statehood. If this acceptance was the PLO objective, then they succeeded.

However, on a unilateral strategy the objective would not be a seat for the PLO at the negotiating table, but rather convincing Israelis that a Palestinian state was the way to peace, and that to attain it, Israel must allow the state to emerge and to recognize it, prior to negotiations. **To achieve this far more demanding objective—allowing a Palestinian state to emerge rather than merely being will to sit with the PLO—much, much more was required and it was not forthcoming.**

In my *Al-Quds* essay and, more thoroughly, in my book *Creating the Palestinian State*, I identified steps to solidify among Israelis a recognition that Palestinian statehood would bring lasting peace. Here I draw heavily on those writings, both because I believe the analysis has stood the test of time and because it is important to see that this is not just a matter of hindsight.³ The manuscript of *Creating the Palestinian State* was given to Arafat in August 1988, and when it was published in December, it was read by some in leadership positions, and certainly the *Al-Quds* essay and the shorter version in the *Washington Post* were widely read.

To bring the Israelis to see that the new state was truly committed to peace, I proposed:

1. The PLO should go out of existence.

Not only would this convey a new beginning more powerfully than any other step, it would commit the Palestinians to the unilateral strategy. There would be no one else for Israel to negotiate with other than the State of Palestine.

2. The new state should unilaterally proclaim peace and unilaterally demilitarize.

The unilateral concessions already made by the PLO, such as accepting Resolution 242 and Israel's right to exist, should not be the end of the process. If Israeli withdrawal in favor of a Palestinian state was the objective, then peace and demilitarization must come up-front, rather than follow from a negotiated agreement. Thus,

the new government should immediately issue a proclamation declaring itself at peace with the State of Israel. Then it should announce that the State of Palestine will not maintain an army. These two elements, a unilateral declaration of peace and a self-imposed demilitarization . . . are essential parts, not only of the process of winning worldwide support and eventual withdrawal, but also as critical components of the structure that will be needed over the long run to preserve peace in the region."⁴

3. The new state should send an ambassador to Israel.

Therefore,

one of the first acts of the new government should be to name its Ambassador to Israel. Once named, an effort should be made to present credentials to the Israeli government and to open an embassy inside Israel . . . the new ambassador should board a plane and fly to Israel, traveling on a new Palestinian passport.

Sending its Ambassador to Israel will be an enormously dramatic act. In some ways it will be even more dramatic than Sadat's visit to Jerusalem, because there will be a great question mark as to how the Israelis will respond. . . . Will they refuse to let the Ambassador leave the plane? Will they arrest him?

The accumulation of such problems will, bit by bit, be the material out of which the seriousness of the Palestinian Declaration of Statehood will be constituted.⁵

4. The new state should call on hostile states to recognize Israel.

Thus,

the Provisional Government should even go so far as to call on states that do not now have relations with Israel to name an [single] ambassador to [both] Israel and Palestine. In particular, the more hostile Arab states should be asked to do so. Thus Israel would be offered something very attractive: by accepting an ambassador to Palestine, it would gain recognition of itself from an Arab country.⁶

Fourteen years after the Declaration, in 2002, in the context of the Second Intifada and in the hope of restarting peace negotiations, the League of Arab States put forward the Arab Peace Initiative. Essentially it was an offer to Israel of normal relations with the Arab states *should Israel negotiate a peace agreement with the PLO.*⁷ Thus it was an incentive from the Arab states, intended to advance *a negotiations strategy*. The above proposal, from 1988, for each Arab state to name a joint ambassador to Israel and Palestine, was essentially a call for an Arab Peace Initiative, but one promoting *a unilateral strategy back in 1988-89 rather than a negotiations strategy as in 2002.*

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The PLO did not take any of these bold steps. What made them especially demanding is that they were to be made up-front, as further unilateral moves, rather than being held as potential concessions within a negotiations

process. From the point of view of a negotiations strategy, such ideas would seem foolish moves that give away one's best cards without attaining equally important concessions. As unilateral steps, they made sense only if the PLO was seeking to do *more* than unilaterally proclaim the State of Palestine and affirm its acceptance of the two-state solution. For these additional unilateral peace moves to make sense, the PLO had to not see them as cards to be held for negotiations but rather as part of how the proclaimed State of Palestine could really come into existence without negotiations. Thus the PLO's conception of the overall strategy was crucial.

One might dismiss the bold moves identified above as totally unrealistic, indeed as mere fantasy, except for one big, unavoidable, fact that puts these proposed unilateral concessions in context: **The PLO had already made a much bigger unilateral concession.** The PLO had already decided to give away its main card. It had conceded the core issue of the conflict without getting *anything* from Israel in return. It had accepted the right of the Jewish state to exist. **In short, the unilateral Rubicon had been crossed. In comparison, these proposed follow-up measures were modest steps that would have only reinforced what had already been done.**⁸

Element 2: Increasing Pressure on Israel to End the Occupation

The second element of a unilateral strategy for achieving a two-state peace is that the Israeli political system must experience increasing pressure to end the occupation, both from internal Israeli forces as well as external ones. Making peace credible was a necessary condition but not sufficient.

The concept of an empowered international conference was a crutch that allowed Palestinian leaders to avoid the difficulties of developing a follow-up unilateral strategy that would bring about an end to the occupation. The international conference myth was of an empowered conference—that is, something like the Versailles Conference in 1919 that imposed solutions on the parties. In this case it was imagined that the United States and other powers would impose an acceptable two-state solution on Israel. If this fantasy is abandoned, the real problem emerges: How do you get Israel to decide that it is in its interest to reach acceptable terms with the Palestinians? Part of what was required has just been considered:

convincing the Israeli public that real peace with the State of Palestine was possible. This was a very difficult task, one requiring consistency and continued effort. In 1989 even if major efforts to affect the Israeli public had been undertaken, it would not have been enough. Although many Israelis might have been brought to a willingness to accept a peace-affirming State of Palestine, this would not have changed the policy of the Shamir government, given its commitment to the Greater Israel ideology. As I noted at the time:

Because Israeli willingness to negotiate with the leadership of the State of Palestine would be so far-reaching in its implications, it is very unlikely that any Israeli government would, in the near future, agree to negotiate. . . . Since both Peres and Shamir are adamant in their opposition to a Palestinian state, we can expect that they will refuse to negotiate with it. And there is no present Israeli leader who is waiting in the wings. Moreover, at present the Israeli public is at one in its rejection of any Palestinian state. So the opening of the kind of negotiations we are talking about will have to await broad changes in Israeli society.⁹

Outside pressure was needed to supplement a willingness to withdraw that could be developed among the Israeli public. With the newly declared state committed to peace, the Palestinians were in a particularly strong position for building greater international support. After all, if the Palestinians were only seeking peace between two states, what justification was there for Israel to continue to occupy the territories?

As noted, a massive and sustained *nonviolent campaign* with goals acceptable to the international community would have been most effective. Most powerfully, they could have started to create a democratic Palestine by holding elections for those who would govern the new state. It is unclear whether Israel would have acted forcefully to block State of Palestine elections. Shamir might have tried, but if so, whether he succeeded or failed to block voting, it would have been an international spectacle had such elections been attempted.

If elections had been successfully carried out, an *elected* government of the State of Palestine would have had legitimacy, and with it, real authority. And if Israel prevented such elections, the impact would have been enormous. One can imagine scenes of thousands of Palestinians in East Jerusalem lining up at post offices to cast their votes in the face of Israeli military opposition. It is hard to overemphasize the impact this would have

had inside the United States. Preventing people from democratically electing the leadership of the newly proclaimed state, one calling for peace, would have cut deeply against American values and sympathies. Given that the State of Palestine came into being with a recognition of Israel's right to exist, the use of force to block its emergence as a popular democracy committed to peace would have simply been morally incomprehensible to the American public.

This effort could have been sustained until it triumphed. If the Palestinians were, at first, forcefully prevented from voting, they could have tried to vote again and again. No Israeli government could have prevailed in such a contest. Ultimately efforts to block Palestinian democracy would have aroused the conscience of the American people, the European democracies, as well as a majority within Israel.¹⁰ Along these lines, elections should have been undertaken shortly after the November 1988 declaration—certainly within ninety days, which would have been February 15, 1988. Instead, weeks turned into months and soon a year had gone by, then a year and a half with no real progress in creating a functioning democracy. Opportunities were lost and events took over.

In May 1990, eighteen months after the Declaration, there was a terrible incident near Tel Aviv, at Rishon Le Zion, where a lone Israeli gunman killed seven Palestinian laborers who were waiting for a bus. Hoping to keep the Palestinian response largely nonviolent, forty-five Palestinian leaders launched a hunger strike. One of the strikers' demands was that the United Nations send observers to the territories to help protect the Palestinians. US Secretary of State Baker indicated the United States was open to discussing this at the United Nations. Potentially this would have been a major development. But then, several days into the hunger strike, a bomb went off in Jerusalem killing one Israeli and wounding nine more. Then two days later, Abu Abbas, of *Achille Lauro* infamy and still formally a member of the PLO Executive Committee, led his raid on a Tel Aviv beach. The United States cut off its dialogue with the PLO and vetoed a Security Council resolution that would have sent observers to the territories.

Opportunities slipped away. And ten weeks later, in August 1990, twenty months after the Declaration, everything changed: Saddam Hussein invaded Kuwait and all attention shifted to the Gulf and the coming war. Arafat lent

his support to Hussein, and when in January 1991, Iraqi Scud missiles flew toward Tel Aviv, Palestinians were widely reported to be cheering from their rooftops. By then, the broad worldwide support for the Palestinian uprising that began in December 1987 had been undone. Whatever chance the Palestinians had to bring massive internal and external pressure on Israel to end the occupation had dissipated.

Element 3: Bringing the State More Fully into Being, Both on the Ground and Diplomatically

This is the third element required in a unilateral strategy for imposing the two-state solution. The PLO was very committed to gaining recognition of the State of Palestine internationally, but far more important was whether after issuing the Declaration of Independence the state would emerge on the ground. Most fundamentally, the Intifada was about state creation, and this was so even before the Palestinians were self-aware of the meaning of their revolt. It is not only that the Intifada gave birth to an explicit call for a declaration of independence. More fundamentally, the proclamation of the existence of the State of Palestine, the central assertion within the declaration document, is conceptually sustainable only within the context of the Intifada. In its essence the Intifada was about governing authority, about “throwing off” the governing authority of the Israeli occupying forces, and about the emergence and acceptance by the population of a new source of governing authority. This double process of throwing off and embracing, of transferring governing authority, is a process of state creation.

There are two aspects to this: (1) the elimination of Israeli governing authority in the West Bank and Gaza; and (2) the establishment and functioning of an alternative governing authority that asserts sovereignty. With respect to eliminating Israeli governing authority, the Intifada had largely succeeded by the time of the Declaration. The entire population had been mobilized in a comprehensive rejection of Israeli authority. This is not to say that Israel had no power or presence in the territories, but rather that it could only exercise power through the direct application of the threat of violence—that is, at the point of a gun.

Power at the point of a gun is not governing authority. Governing authority requires the acceptance or acquiescence of a population to an

entity's *rule-making* authority. This is not to say that a population need view such authority as legitimate but rather that it obeys rules as rules, as general orders, and as laws laid down by the government entity. This *generalized obedience* the Israelis had lost. Obedience only in response to a pointed gun is the kind of obedience attained by a criminal. Even oppressive states gain obedience to rules as rules.

The Intifada undermined Israel's governing authority, but did it replace it with a new Palestinian authority that claimed sovereignty? Over the months of the Intifada, the Unified National Command clearly exercised some degree of governing authority—for instance, in announcing strike days or hours of commerce, or in demanding the resignation of Palestinians that worked for the Israeli administrative agencies. Yet in both its range of functions, and in its actual control over the population and the territory, the Unified Command fell short of being the government of a state, nor did it ever assert that it was.

THE PROMISE OF A PROVISIONAL GOVERNMENT

While in 1948 the Israeli Declaration of Independence set up a provisional government, this was not included in the 1988 Palestinian Declaration. Nonetheless, the stage was set for going to the next level of governance. A cable sent from the US embassy in Algiers on the day the Declaration was announced reported on a press conference Arafat held at which he informed reporters about decisions that the PNC had made with respect to establishing a provisional government of the State of Palestine.¹¹ At the time the embassy didn't have a copy of the relevant PNC resolution, relying only on Arafat's remarks. Subsequently the PLO transmitted to the United Nations a copy of the PNC resolution, which stated that a provisional government will be formed as soon as possible by the Executive Committee of the PLO and presented to the PLO Central Council for ratification. Most interestingly it stated: "The provisional Government shall be composed of Palestinian leaders, notable and skilled human resources **within the occupied homeland and outside**, on the basis of political pluralism and in such a manner as to embody national unity."¹² This was in line with what had been proposed in the Husseini Document four months earlier.

The embassy cable from Algiers maintained that Arafat in his press conference said that the programs and decisions of the Provisional Government must be approved by the PLO Central Council. This would in effect make the government of the State of Palestine a division of the PLO and would seem inconsistent with the project of state-creation. However, the text of the PNC resolution deposited with the United Nations does not contain this provision, saying only: "The Provisional Government shall draw up its programme on the basis of the instrument of independence, the political programme of the Palestine Liberation Organization and the resolutions of the national councils."¹³

This fundamental issue goes to the heart of the matter. Was the State of Palestine to be a new entity that, while proclaimed and initially formed by the PLO, would be independent of it? If it was to be independent, then the inclusion of West Bank Palestinians in key roles would represent a significant power shift. Moreover, if the Provisional Government was independent of the PLO, this would mean that the PLO itself would become of less importance. It would continue to exist, but it would be in a diminishing role. Anticipating that the Provisional Government would not be created immediately, the PNC resolution went on to entrust "the Executive Committee of the Palestine Liberation Organization with the powers and responsibilities of the Provisional Government until such time as the Government is declared."¹⁴ This is not fully clear, but it seems that three stages were envisioned: (1) the Executive Committee exercises the powers of the Provisional Government, (2) the Provisional Government is formed and functions, until (3) elections that establish a permanent government.

This issue remained open. Six weeks later, Yasser Abed-Rabbo, a member of the Executive Committee, told the press that "within two months there will be a provisional government for the state of Palestine."¹⁵ However, it was also reported that another member of the Executive Committee, Mohammed Milhem, characterized Abed-Rabbo's timetable as his "personal opinion," while yet another senior Palestinian leader said the government would be named by February 13, 1989. Regardless of the timetable, it is important to understand that even without a provisional government, the fact that the Executive Committee had interim governmental powers until a

provisional government was formed meant that **the State of Palestine did, from the very outset, have the capability of action.**

Yet the state did not begin to function. **The powers of action of the PLO Executive Committee as the Provisional Government were largely unexercised.** It is not just that no government structure emerged to bridge and unify those inside and those outside; no governing structure emerged either on the inside or the outside. True, Arafat was named president of the State of Palestine and Kadoumi was named foreign minister. And yes, the PLO Executive Committee was authorized to act as a provisional government until one could be formed, but there was neither institutional development nor a surge in governmental functioning that following the Declaration. Though nothing stopped it from doing so, the Executive Committee, in the absence of a provisional government, didn't start to function as such. The one exception seems to have been in December 1988, in meeting the three US conditions, in his Geneva speech to the UN General Assembly, Arafat stated: "In my capacity as chairman of the PLO Executive Committee, presently assuming the functions of the Provisional Government of the State of Palestine, I therefore present the following Palestinian peace initiative."

This first action by the new governmental structure should have been the opening of a new chapter. Alas, it was not. **Indeed, I believe it to have been the only action of the Provisional Government!**

DESPAIR IN THE COMMUNIQUES

In this regard it is informative to review the communiqués of the Unified National Command both before and after the Declaration. They reveal an awareness of the importance of establishing a government and also a growing despair as time slips by and nothing happens. Starting in May 1988, six months before the Declaration, we find the emergence of the idea that the Intifada is creating a new government. Thus Leaflet 16 of May 13, 1988, states:

*For the popular committees are the government of the people and the uprising, a substitute for the collapsing occupation mechanisms, and a political tool for introducing civil disobedience and making it succeed.*¹⁶

And on May 28, Leaflet 18 reads:

You are building the apparatus of the people's self-government through the popular committees with their various tasks.

The popular committees were decentralized units organized along functional lines intended to assist in the provision of services and local governance. They were vehicles through which Palestinians of all ages and backgrounds could (and did) play a role in supporting the revolt.

And Leaflet 23 of August 5, 1988, says:

You have traversed an impressive path . . . toward building the cells of the people's future national government represented by the popular and national committees.

Leaflet 25 of September 5, coming after the Husseini Document, has the first mention of a declaration; it calls for the establishment of more popular committees "on the road to the proclamation of independence." Leaflet 28 of October 30 is labeled "The Independence Proclamation," and it specifies that November 15 will be Independence Day, saying: "All our people will take to the street to celebrate the publication of the Palestinian Declaration of Independence . . . Independence Day will be peace day."¹⁷

The Declaration was indeed issued on November 15. The first leaflet that emerged after the event was #29, dated November 20. It bore the heading "The Joy of the Independent Palestinian State Proclamation." It told Palestinians: "You are the joy of the Independent State, and the state is your joy." Mostly it was celebratory and didn't address the issue of moving more thoroughly toward a functioning Palestinian government. The following leaflet, this on December 6, 1988, three weeks after the Declaration, is much more explicit about state building. It called for "strengthening the rule of the people over the soil of Palestine, as a mainstay of our independent state, and **as effective steps towards the concrete sovereignty of our Palestinian state.** To achieve this, we must devote all our strength to forming more popular committees, expanding their activity, activating strike committees and units."¹⁸

Then another six months goes by. In June 1989, Leaflet 41 called for uniting the diverse and localized popular committees into a structure that might resemble a government. It is not clear who is to do this uniting, nor

what has happened to Tunis and the PLO Executive Committee in this proposed project of state building:

Diligent action to be taken to unite the popular committees into united committees in all the cities, villages, and neighborhoods, to entrench them, to stiffen their backbone, and to expand their ranks, so they will form the basis for the rule of the people in the independent State of Palestine. This should be regarded as a basic mission which cannot be ignored.¹⁹

What is most striking here, however, is **that this call comes a full seven months after the Declaration.** The message to the people, once again, is that popular committees need to be expanded and unified to form the basis of popular rule in the State of Palestine. It says that doing this “should be regarded as a basic mission which cannot be ignored.” Coming when it did, this tells us that **the basic mission of state creation was indeed being ignored, ignored by the PLO Executive Committee that had been empowered to act as the Provisional Government. Seven wasted months.**

Given that the Declaration had been undertaken by the Tunis-based leadership, and that the PLO Executive Committee was charged with being the acting provisional government, it is quite telling that seven months later, through leaflets from the underground command, the “basic mission” of state building continues to be directed at the Palestinian public. In the absence of a provisional government that might have organized a coherent national structure, this June 1989 leaflet has the ring of an almost desperate exhortation to the population to do what needed to be done. It is almost as if an appeal is being made to the people to establish a provisional government in view of the failure of the PLO to do so. In any event, it was to no avail.

State building was not happening on either of two possible levels. It was not happening on the level of the PLO, which needed to set up and activate a provisional government, and had assumed the authority to do so through its Executive Committee. And, although it was being called for, it was not happening on the level of the Intifada, which in the absence of PLO leadership from above needed to evolve, from the ground up, its structure of popular committees into functioning elements of government. Still greater clarity about the unmet need for institutional development is articulated in Leaflet 50, which appeared in April 1990, *seventeen months after the Declaration:*

Our basic goal in the field and the guideline of our confrontation continues to be the boycott on the apparatus of the occupation, in the realm of the administration, the economy, taxation. At the same time, **we must act to develop and organize the Palestinian national government, in the knowledge that the revolt and the building are two sides of the same coin**, and in the knowledge that we cannot attain our objective, which takes the form of civil disobedience, as long as we do not act diligently to **develop our alternative government**.²⁰

This utter failure, over the preceding seventeen months, to develop “our alternative government” stands out because it contrasts so sharply with the intensive effort made by the PLO leadership, during this vital period, to gain admission of the State of Palestine to multiple organizations of the United Nations. What makes this failure to create a government on the ground so striking is that bringing the state more thoroughly into existence on the ground was the natural complement to gaining fuller recognition of the state in the international arena. **A central argument being advanced by the United States against recognition was that there was no state because of the absence of effective governance on the ground. The PLO should have been vigorously encouraging and facilitating the emergence of governing structures, as doing so, strongly supported its diplomatic quest for recognition of the state. Yet it did not.**

THE MISSED OPPORTUNITY

At the time of the Declaration there was a functioning underground command operating within the territories that had won the free allegiance of the people. What was needed was to integrate this internal structure with the PLO’s external structure and then to enhance the extent to which it governed. If this proved too difficult to establish, then surely a provisional parliament could have been established, functioning *outside* the territories. It might have exercised limited veto power or some other governmental role in relation to the underground command. Such a structure could have been put in place within the weeks immediately following the Declaration, and once in place, it could have begun to govern, to whatever extent was possible. Indeed, the PLO Executive Committee had already been empowered to act in the name of the state. To this a preliminary legislative body could have been added.

A key opportunity for governance existed with respect to civil procedures that governed the everyday life of Palestinians, both as individuals and as organizations and business entities. We had already seen the beginnings of this during the Intifada when the underground command decreed the days and times during which shops would be closed. This would have been a reasonable starting point. The parliament, even if physically outside the territory, could have established normal working hours. It could have legislated some minimum wage and regulations about child labor. This could have spread from field to field, covering education, health, traffic regulation, contracts, marriage, divorce, and press freedoms. It might have been possible to even establish some form of judiciary that would have convened outside the territories, but whose rulings would be binding within them. In short, there was an ocean of possibilities, and in 1988 there was great creativity among the populace. Yet it did not happen.

Along with the failure to establish a governing structure, the PLO also failed to move vigorously on the *symbolic* level. There were no new passports issued. Postage stamps that could have functioned internally and among some countries were not issued. Of importance, there was no effort made to issue a currency. This would not have been difficult, and I had suggested as much in my *Al-Quds* essay. What it required was the use of a coin that would be minted outside the territories but smuggled into it. The coins would have an inherent value in virtue of their metallic content, perhaps silver or a tiny bit of gold. This would ensure that they would not be discarded. If soldiers confiscated them, a portion surely would have found its way back into circulation. Its value could have been pegged in value to the Israeli shekel or the American dollar.

To give reality to this currency, the State of Palestine operating outside the territories could have participated in formalizing currency exchanges with each of the hundred or so countries that provided recognition. With the coins having inherent worth, and with the continuation of economic activity between the territories and Israel, Palestinian currency would have even made its way into Israeli commercial activity, probably with some minor exchange rate adjustment to induce acceptance. Suppose the Palestinian coin contained a dollar's worth of gold, and Israeli shopkeepers selling something for ten dollars were offered eleven of the coins—so long as there was a profit to be made by using the Palestinian currency, it would be very

difficult to prevent its spread, and every purchase or payment would have underscored the emerging reality of a Palestinian state, every coin proudly stamped "State of Palestine."

Such opportunities to give reality to the proclaimed state were not undertaken.

WHY WAS THERE NO GOVERNMENT OF THE STATE OF PALESTINE?

As noted, when Israel declared independence, it immediately established a provisional government. Only through the existence of some such body could the state be said to act, and thus to exist. The PNC expressed a clear intent to establish a provisional government and it gave the Executive Committee the ability to act in the name of the state, so the question persists: Why didn't a government of some sort emerge? In explaining this, one can cite a variety of reasons. None of them are fully convincing.

Reason 1: Israeli Pressure to Prevent the Establishment of a Government

Israel was determined to thwart the emergence of a Palestinian state. On the eve of the Declaration it clamped down on the territories to prevent celebrations, and arrests were intensified. One commentary (by Zev Schiff and Ehud Ya'ari) maintains:

By the autumn of 1988 there was no one left in the field capable of implementing what had been envisioned in the Hussein document, so as to give the declaration of statehood some tangible content. The Unified National Command was paralyzed. Immediately after the PNC meeting in Algiers, a new set of members was appointed to man it, but they were a different breed from their predecessors.²¹

This judgment that "there was no one left in the field capable of implementing what had been envisioned in the Hussein document" is unsubstantiated. Not all the key figures had disappeared. The people involved in writing the Hussein Document (e.g., Sari Nusseibeh) were still in place, and in any event, after dislocations in popular movements, new leaders can emerge.

Another commentator (Mary King) says something similar about the decimation of the Command, but with a totally different date: "No one

subscribing to a strategy of nonviolent resistance would survive on the Command past March 1990.”²² The difference in dates is important. March 1990 is almost a year and a half after the Declaration. The key opportunity to use the Declaration to bring the state into being on the ground began the day after it was issued: November 16, 1988. The failure to act in the year after the Declaration is the great mystery. If those subscribing to a nonviolent strategy remained part of the Command for a year and a half, the mystery deepens.

Israeli pressure, though relevant, falls short of being an explanation. As noted, there were many avenues open to the local population had they chosen to push ahead with state-creation. Israeli opposition was a problem, but not one that could not have been overcome, especially if there had been encouragement and support from the PLO in Tunis and probably even without it. Moreover, the state could have begun to rule, even if its governing structure was outside the territories.

Reason 2: The Competition for Power between Those Living in the West Bank/Gaza and Those in Tunis

The Intifada was not planned by the PLO; it was an eruption of the people themselves. Its basic form—the rejection of Israeli governing authority and the creation of alternative structures—was implicitly a project of state building. With the PLO leadership more than a thousand miles away, the Intifada automatically involved power shifts. The Hussein Document sought to push this further, proposing new structures that would challenge the monopolization of formal decision-making power held by the PLO leadership in Tunis. The presence of these elements suggests a true seriousness in establishing the state, even while under occupation. Let us again take note of these elements:

- The Declaration was to be issued first within the territories, and then a week later the Palestine National Council (PNC) “will discuss it and approve all of its detail.”
- While not stated explicitly in the Hussein Document, if it was to be issued first in the territories, then it might well have been *drafted* within the

territories.

- The governing structure proposed for the new state was to include a “general legislative body *in the occupied territories*,” while the top executive leadership of the state would be led by Arafat and other leaders on the outside.
- The Hussein Document provided the names of 152 individuals from the West Bank and Gaza who would make up this legislature. When the time came, they were to be named by the Unified National Command.
- This legislature was then to create an “administrative board” that would “temporarily carry the affairs of the interim government inside the occupied territories.”
- The interim government (“on behalf of the PLO”) was then to proclaim its readiness to appoint a delegation (from both inside and outside) to negotiate with Israel.

Taken together, this involved a real shift in the center of gravity.

As the Hussein Document said:

The announcement of the Declaration of Independence, as outlined above, does not necessarily mean the creation of an interim Palestinian government-in-exile, as has been suggested by Arab leaders in the past. Instead, it will mean the birth of the Palestinian state in the homeland. In order to reach this objective, the Unified National Leadership of the Uprising, in Jerusalem, the capital of Palestine, will take the responsibility of carrying out this objective. Our people will thus hold the reins of the initiative . . .

This is quite bold: “The Unified National Leadership of the Uprising . . . will take the responsibility” and “Our people will thus hold the reins.” Certainly, Arafat and the others in distant Tunisia would not agree to all of this. It is not clear that it was ever put to them. Indeed, we do not even know how Hussein would have responded to this challenge to Tunis, as he was arrested before he had time to study the document. And, of course, events did not unfold this way.

What needs to be remembered is that this process, as laid out in the Hussein Document, did not anticipate King Hussein’s formal disengagement from the West Bank. Rather, the Declaration was to have come as a surprise, as a bold, enormous surprise from the Intifada and its Command. And then, a week later, by prearrangement, all this would be

endorsed in Tunis. But King Hussein's speech, as noted by Anis Qasem, coming in the midst of the PLO Central Committee meeting in Iraq, catapulted the PLO into the Declaration mode. But this would be a declaration drafted in Tunis, delivered by Arafat, and proclaimed not by the Unified Command but by the PLO at its PNC meeting, proclaimed in Algeria, not Jerusalem.

If King Hussein had not disengaged, had not acted in a way that raised calls in Israel for annexation, and raised Palestinian concerns about "vacant sovereignty," there still would have been a Declaration of Independence, but likely it would have been a mix of what actually happened and what was proposed in the Husseini Document. But once the Declaration was made, after it was drafted by Darwish and proclaimed through Arafat at the PNC in November, it was clearly a PLO initiative and product. If what was proposed in the Husseini Document constituted a threat or challenge to PLO authority in early August 1988, surely that was no longer the case in late November. The PLO in Tunis had taken charge of the Declaration and the government-building function.

At that time, in late 1988 and early 1989, was concern about sharing power with those inside the territories the reason no government was formed? Certainly those in Tunis could not have been comfortable with all that was proposed months earlier; yet it is unclear how much importance to give to this factor. Some commentators place great import on the need to share authority with the "insiders," yet it seems that this, at least to some extent, was accepted by the Tunis leadership.²³ The PNC resolution that authorized a provisional government specified that it would include those inside and out, and it is hard to see how it could have been otherwise. While this question of power sharing between those in Tunis and those in the territories would have been a central issue in designing a governing structure, in itself, it cannot explain the failure to establish one, and certainly not the absence of a major effort to do so. For instance, had the concern over the locus of power been the key stumbling block, Tunis could have countered what was proposed in the Husseini Document by proposing a governmental structure in which formal veto power would be held by those on the outside, or perhaps by proposing a second legislative chamber that would remain outside. If the intent to establish a government had been

a top priority, the PLO would have wrestled with these matters. It did not. The real question is: Why was the establishment of a government not a top priority?

Reason 3: The Challenge to the PLO Posed by the State of Palestine

The PLO was recognized by the Arab League in 1974 as “the sole legitimate representative of the Palestinian people,” a status repeatedly proclaimed by the PLO.²⁴ Yet if there is a Palestinian state, then surely it is the legitimate representative of its citizens. More fundamentally, if a Palestinian state truly emerged, what role would remain for the PLO? In my writings, starting with the *Al-Quds* essay, I urged that the PLO go out of existence when the State of Palestine was declared. I viewed this as the most straightforward way to signify a new beginning and to ensure that there was no way of dealing with the Palestinians other than through the State of Palestine. But the mere fact of Palestinian statehood, though it would require a change in the role and status of the PLO, did not require that it go out of existence. And indeed, the Husseini Document did not suggest that the PLO cease to exist, although it did say that the PLO’s worldwide representatives abroad would be viewed as the new state’s legations.

Without doubt the emergence of a Palestinian government would raise complex issues with respect to the nature and authority of the PLO: Who would represent refugees in the Diaspora? What would happen to PLO funds? And without doubt there would be those with distinct interests in maintaining the PLO to as full an extent as possible. The problem of resolving these issues could take time and could explain a delay in establishing a government, but it too, in and of itself, should not have been a fundamental impediment. And in the short term a solution has already been put in place: The PLO Executive Committee was empowered to act in the name of the state.

So why was no government established? It would not have been hard to put something in place and to begin functioning on some level. This would have built on the momentum of the Intifada and the Declaration. And it would have greatly reinforced the diplomatic campaign for international recognition. Why didn’t it happen?

THE BASIC REASON NO GOVERNMENT WAS FORMED

The failure to establish a provisional government, in my judgment, is best explained by one essential fact: **The PLO leadership didn't think they had to do so.** This had two dimensions. First, and perhaps most important, I don't believe those in Tunis ever fully grasped what a state is and thus what the Intifada was. That is, they didn't fully understand that the Intifada wasn't just a rebellion against the occupation, it was a process, undertaken by an entire population, of transferring governmental authority away from Israel and toward something new. In short, it was state-creation. My sense is that in Tunis, the idea of a state was largely understood not as the relationship between a population and acknowledged rule-givers, but in terms of central leaders, government departments, diplomats, international recognition, and so forth. The idea that the state could come into being while the Israeli army was still in the territories was something that I don't believe they really grasped, or certainly didn't grasp as well as did those who were part of the Intifada.

Interestingly, in the interviews that I did with people who were involved in or close to the process of drafting the Declaration, no one suggested that the Declaration was done as part of a strategy of bringing the state into existence, or as part of a longer-term strategy of forcing Israel to withdraw from an existing and peaceful state. Interviewees mentioned a fear of "vacant sovereignty," or responding to the desires of the people, or the Declaration as a tactic for getting PNC support for acceptance of Resolution 242 (a condition of US relations with the PLO). Because of how it was written, specifically what it said about the Partition Resolution and its direct mention of a Jewish state, those closest to the drafting viewed it as part of the peace initiative, but **it does not seem that even this role as a peace initiative was ever fully set within a clear strategy for unilaterally pushing Israel out of the territories.**

THE CONTINUED COMMITMENT TO THE STRATEGY OF NEGOTIATIONS AND INTERNATIONAL CONFERENCE

Second, the PLO never believed they *needed* a state on the ground because **they remained wedded to ending the occupation through an**

empowered international conference and negotiations.²⁵ The exact relationship between the conference and the negotiations was never clearly spelled out. The PLO was not seeking an international conference that would merely launch bilateral negotiations. It was to be “fully empowered.” But the exact powers of such a conference were vague. And to have made them clear would have also made clear how unrealistic were such expectations.

Following the Declaration, world attention focused on potential negotiations and on bringing Israel and the PLO together at the negotiating table. And this was what the PLO wanted. It was exactly what the PLO had been working toward for years. In chapter 2 on the evolution of the PLO, I called attention to Arafat’s communication with Kissinger in 1973, seeking participation in an international conference, and to George Habash’s denunciation of what he saw as Arafat’s dishonesty about contacts with the Americans and efforts to gain an invitation to an international conference. Arafat had been wedded to this vague and ultimately implausible strategy for close to two decades. And within weeks of the Declaration, with Arafat in Geneva, the PLO achieved one of its key goals toward this end: By satisfying the United States with respect to the three conditions, the PLO succeeded in finally opening an official US-PLO dialogue.

In his book *Once Upon a Country*, Sari Nusseibeh dealt with these issues briefly. His account is often unclear with respect to dates, but writing about the period leading up to the November declaration he says of the PLO in Tunis:

By way of my Paris contact, I knew just how alluring the Hussein Document was for the PLO. Now with Abu Jihad gone, what the men in Tunis liked best, unfortunately, was the declaration itself; they were less enthusiastic about the other component, the creation of a provisional government in the West Bank and Gaza.²⁶

But if Tunis was not committed to creating a state on the ground, what about the Intifada leadership itself?

WHAT HAPPENED TO INTIFADA STATE BUILDING?

Once the events in Algiers and Geneva had occurred, it seems that the energy, the assertiveness, of the Unified National Command to hold the reins of the process of state-creation evaporated. Indeed, it may be that the discovery of the Hussein Document triggered this loss of resolve. Daoud Kuttab, who was among those behind the Hussein Document, wrote: "But this plan never materialized. The arrest of Faisal Hussein after the Israelis had secured a copy of the draft declaration, since much of its impact depended on surprise, apparently put an end to discussions." If this is accurate, it is not quite clear why it had to be so.

Here we must separate how they intended the *Declaration to emerge* from how *subsequent state-creation* was to unfold. The intended process for issuing the Declaration was that it would surprise the Israelis; it would be proclaimed first in the territories and be endorsed in Tunis. Yet it was not the discovery of the document that derailed this plan to first proclaim it in the territories, to have it emerge from the Intifada rather than from Tunis. Even if it would no longer be a surprise to the Israeli government, it still could have gone forward from inside the territories.

It was King Hussein's disengagement that made the real difference. It was this that pushed the PLO into action and made the Declaration largely a Tunis action. But that was just the Declaration. After the Declaration had been issued, the state-building imperative was not primarily the international recognition so ardently pursued by the PLO, but rather the imperative was to establish a provisional government on the ground. And if Arafat didn't grasp this, it still was understood by those that put out, over the next year and a half, leaflets, almost pathetically calling for more popular committees and for their transformation into a provisional government.

Nusseibeh relates that independently of Tunis, he initially pursued the ideas for moving to a provisional government based in the territories. He describes a meeting in his home at which Palestinian journalist Radwan Abu Ayyash, at Nusseibeh's request, presented a paper on how the self-rule committees could be made into "the structural foundation of a provisional government." This he tells us "never got off the ground" because the Declaration effort was taken over by Arafat. Why shifting the Declaration effort from the West Bank to Tunis had this effect is left unexplained. But for reasons not fully clear, the West Bank leaders engaged in the

Declaration effort conceded the field to those in Tunis. Rather than challenging PLO inaction in establishing a government, rather than launching their own process for doing so, such as the election campaign described above, they seem to have run out of steam.

ALTERNATIVE CONCEPTIONS OF A PROVISIONAL GOVERNMENT

One factor that may help to explain why the Provisional Government was not established may be found in considering how such a body was being envisaged. When I discussed a provisional government in *Creating the Palestinian State*, I argued:

How adequately the Palestinian state, under Israeli occupation, will be able to carry out its governing functions depends on what one takes those functions to be. If one is a libertarian the answer will be different than if one is a believer in a planned economy or a totalitarian system. Against the benchmark of a minimal state, it is possible for the Palestinian state to do quite well. What it must accomplish are three things:

1. The erosion of Israeli rule,
2. The introduction of a functioning criminal justice system,
3. The establishment of some procedures for adjudicating civil disputes.²⁷

I argued that many Third World states had made the mistake of not sufficiently utilizing either the private or the voluntary sector to carry out multiple functions assigned to government, and furthermore, that local government can be widely utilized, and some services might be carried out by foreign donors. In short, a vast central government is not required.

A very different conception of the governmental structure to be created was envisaged by Nusseibeh, who wrote:

Entire departments can be set up, in health, foreign affairs, agriculture, trade, finance, education, justice, religion, information and social welfare. A pyramid administrative structure, establishing links from popular committees to villages right up to the Executive Committee of the PLO (in its capacity as a Cabinet) can be established.²⁸

Indeed, we are told that subsequently, between the 1991 Madrid Conference and the 1993 Oslo Accord, Nusseibeh, “with Arafat’s support . . . organized two-hundred experts, organized into thirty-nine teams, to aid the Palestinian transition to self-government.”²⁹

Quite possibly the vastness of this conception of state building was at work when Nusseibeh unsuccessfully tried to get Faisal Husseini to take on the state-building project. This occurred immediately after Husseini was released from prison (January 29, 1989) **some ten weeks after the Declaration:**

When Faisal finally came out of jail, I felt a deep sense of relief. Hours after his arrival in Jerusalem, I had a closed meeting with him in one of Jerusalem's hotels. "We need to lay down the preparatory blocks for our provisional government," I told him. "I believe this should be your main mission."

Whatever I said wasn't very convincing. "I'm a bulldozer not a builder," he said. . . . "Those who follow me can build."³⁰

What is important here is not how they envisioned the ideal role of the state, but rather **a failure to recognize that some functioning government of the state was essential to the strategy of unilaterally bringing Palestine into being.** From the perspective of making the proclaimed state real, the difference between a minimal state and one with a comprehensive governmental structure was unimportant, except that the former was much more doable. It wasn't necessary that Husseini be "a builder"—what was needed was a minimal government that made laws and saw them enforced.

If this is correct, it is most unfortunate that this was not seen, for it was those on the ground, those who provided energy and direction to the Intifada, who best understood the importance of moving to the next stage in state-creation: actual governance.

• • •

If the inner logic of the Intifada was the assertion of self-determination—a process of depriving the Israelis of governing authority and replacing them with a new structure of governance and statehood—then the PLO's orientation toward negotiations was essentially at odds with the Intifada. **The logic of the Intifada was to bring the state into being without Israeli consent. By contrast, the logic of negotiations was to bring it into being through agreement reached in negotiations.** There was a fundamental conflict between these two approaches, and the primary

commitment of the PLO remained a commitment to the model of international conference, PLO participation, and **negotiations**. As it was, negotiations were years away. And when negotiations did ensue, the PLO formally abandoned unilateral state building. By then the Intifada was long over.

I have said that King Hussein's disengagement from the West Bank was critical to how events evolved. This pushed the PLO into action, into their decision to issue a Declaration of Independence, and essentially to make the Declaration/unilateral state-creation effort a Tunis-based project. But what would have happened, or could have happened, had King Hussein's disengagement statement not been made? It was at this exact moment that the Hussein Document was being circulated within leadership circles in the West Bank. One possibility is that events would have gone ahead as envisioned in the Hussein Document. The central difference, one that would have made an enormous difference, is that the Declaration of Independence would have been issued from the territories. It would have been seen as coming from the Intifada, and only a week later, would have been endorsed by the PLO. The implications of this are enormous:

- First, it would have been the people themselves, not the PLO, that was declaring independence. Thus the State of Palestine would have been seen as the crystallization of the Intifada.
- As a continuation of the Intifada, it would have accelerated the process of state building. The Unified Command, in conjunction with the PLO, would have advanced in its project of governance.
- If the emerging state was seen as separate from the PLO, it is quite likely that the new state would have received recognition from many of the European democracies. It is quite possible that Israel and the United States would have been the only countries withholding recognition.
- Coming from the Intifada and not the PLO, the Declaration would not have been enmeshed in the business of whether the PLO met the three US conditions for the opening of US-PLO relations. Thus the Declaration would have stood on its own feet. The Declaration, rather than the three conditions, would have been the story that the world focused on.
- The actual content of the Declaration might have been different. Likely it

would have been written by West Bankers, rather than Darwish. Yet even if so, it would have unmistakably contained a peace initiative, a clear willingness of the State of Palestine to live at peace with Israel.

- Thus seen, and emerging from the Intifada, the Palestinian pursuit of independence would have won expanding support both within Israel and within the United States. If the Declaration had been accompanied by fuller nonviolence and by powerful tactics, such as immediate elections, this would in time have forced an end to the occupation.

At least, this is my judgment. It did not happen, and history took a rather different course.

ABANDONING UNILATERALISM

As time went by, in the absence of any sustained effort to more fully bring the State of Palestine into existence, the Declaration and the state it proclaimed continued to fade into the past. When the Oslo Accords were signed in 1993, almost five years had elapsed since the Declaration, and the proclaimed State of Palestine was no longer evident.

The Accords provided for mutual recognition, but this was **not mutual recognition between two states, as had been envisioned in 1988**. It was recognition between the State of Israel and the PLO. Not only was there now no characterization of the Executive Committee of the PLO as the Provisional Government of the State of Palestine, or of Yasser Arafat as the president of the State of Palestine, **the Accords did not even identify Palestinian statehood as the long-term objective of the permanent status negotiations**, which themselves were postponed for three years. Furthermore, in the exchanged letters of recognition between Israel and the PLO, signed in September 1993, Arafat wrote: "The PLO . . . declares that all outstanding issues relating to permanent status will be resolved through negotiations." Thus, in September 1993, unilateralism was explicitly disavowed.

This was further entrenched in September 1995, when Israel and the PLO signed the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, the so-called Oslo II Agreement, which established the

Palestinian Authority as the Palestinian governing entity within the West Bank and Gaza. The agreement made crystal clear that the Palestine Authority was *not* the government of a Palestinian state. In laying out the powers and responsibilities of the Palestinian Authority, Article IX of the Oslo II Agreement stated that the Palestinian Authority will “not have powers and responsibilities in the realm of foreign relations.” As one of the defining characteristics of a state is that through its government it has the capacity to enter into relations with other states, this prohibition clarified, should there be any doubt, that the Palestinian Authority is not the government of a sovereign state. Furthermore, Article 31, section 7 stated: “Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.” This can be seen as a pledge to not pursue a unilateral strategy.

Coming almost *seven* years after the Declaration, the Oslo II Agreement can be seen as the formal termination of the unilateral statehood effort that had begun in November 1988. This effort was not to be seriously resumed until the fall of 2011, after some eighteen years of nonproductive Israel-PLO negotiations, and then only in a limited manner. In chapter 11, I argue for a new kind of Palestinian unilateral peacemaking in light of the death of the Oslo Peace Process, not a return to the specifics of what was initiated in 1988, yet a return to Palestinian agency and creativity, and one that does not depend upon Israeli willingness to negotiate an end to the conflict.

DID THE PLO APPROACH MAKE SENSE IN 1988?

Looking back at the lost decades since the 1988 Declaration, I am convinced that the Palestinian pursuit of independence would have been better served if they had vigorously pursued a unilateral peace strategy of the sort outlined above, if they had eliminated the PLO in favor of the Palestinian state, had created a government with a major role played by people from the West Bank and Gaza, and had fully embraced nonviolence, and undertaken major efforts to demonstrate to the Israeli public that they were serious about living in peace alongside Israel. Had a unilateral peace strategy been maintained, in time—perhaps even by the time of the Oslo

Accords (five years later)—the State of Palestine may have been accepted as a *fait accompli*, its peaceful intentions accepted. International pressure would have mounted, Israeli forces might have pulled out of much of the West Bank and Gaza, and state-to-state negotiations, at that stage, may have even brought a full end to the conflict.

This is a definite possibility. Would it have happened? We will never know for sure, but it is not unreasonable to maintain that with the Intifada, and with the unilateral Declaration of Independence and the peace initiative it embodied, the Palestinians were well launched on a winning strategy that, had it been embraced and sustained, would have long ago brought them independence. To carry this out, they did not need the PLO and probably would have done better had there been no PLO. But the PLO was there and could not be sidestepped. The people identified with the PLO and every effort by the United States or the Israeli government to supplant the PLO produced the very opposite reaction among the population. This was not fatal to unilateralism. In principle, the PLO could have led the unilateral strategy, but it did not. Unfortunately, perhaps without even understanding what it was doing, the PLO sidetracked the Intifada and the independence strategy it embodied, and the self-determination it displayed.

How unfortunate this was, for both Israelis and Palestinians, is clearer in retrospect than it was at the time. In 1988, with the Israeli right wing in power (e.g., Prime Minister Shamir), there was no possibility that the PLO would be accepted as a negotiations partner, nor that the negotiations would result in Palestinian statehood. This changed dramatically in a few years, giving some credibility to the PLO approach, even if the empowered international conference never materialized. There was of course the Madrid Conference in 1991, hosted by the United States and the Soviet Union, but this was not within a million miles of the empowered international conference that had lived in Arafat's mind and PLO thinking for decades.

Under the administration of President George H. W. Bush (January 1989–January 1993) there was a determined American push for negotiations and a willingness to explore approaches that would have allowed the Palestinians to be represented by figures close to the PLO. And in July of 1992, when Rabin replaced Shamir as prime minister, it became conceivable that negotiations would result in Palestinian statehood. And although Rabin

never explicitly endorsed the two-state idea, his decision to bring Arafat and the PLO to the fore as Israel's partner in the peace process can be seen as tacit acceptance that at the end of the day, a Palestinian state would emerge.

Events had been moving slowly in that direction even before Rabin was elected. The Madrid conference occurred in the fall of 1991, three years after the Declaration. Although it was not the "fully empowered" international conference that the PLO imagined might impose a solution, it did represent movement toward serious negotiations. Ironically the West Bank leaders most closely identified with a unilateral strategy (e.g., Sari Nusseibeh) became part of the negotiating team (or its support staff) that represented the Palestinians at Madrid, where no trace of the Declaration or the Hussein Document was evident.

Two years later, in 1993, five years after the Declaration, the Oslo Accords were signed, secretly negotiated between Israel and the PLO. The PLO leadership subsequently returned to Palestine and was now fully committed to bilateral negotiations. It was a slow process, but it seemed to be moving forward. If Rabin had not been assassinated in 1995, those negotiations might have long ago resulted in Palestinian independence. We will never know for sure, but it may well be that the Palestinians had two opportunities for independence. The first, 1988-1990, was Intifada-based and led to the Declaration. Between the Declaration and the Iraqi invasion of Kuwait there were almost two years. This was the time when the Palestinians might have leapt forward with state building and unilateral peacemaking. This did not happen. But with the momentum of the Intifada wasted, and the Iraq war over, Rabin came to power. It was 1992, almost four years after the Declaration. Oslo was signed on the White House lawn in September 1993, almost five years after the Declaration, and now with formal negotiations begun, a second path for independence opened.^{[31](#)}

Some believe that Rabin's assassination was decisive in closing the door to successful negotiations. My own view is that this was not the case. There were real post-Rabin possibilities when Prime Ministers Barak and Olmert were in charge. And if there remained opportunities for statehood through negotiations, the extended period that followed the assassination (twenty-

seven years at this writing) also offered a variety of opportunities to move to early statehood and to return to a unilateral strategy.

TEN

Early Statehood and Opportunities to Return to the Declaration

When it first emerged, the unilateral approach resonated with Palestinians for three reasons. First, it was in accord with the claim to a right to self-determination, and with the fact that Israel itself did not seek Palestinian permission to come into being. Second, it was understood that the Palestinians would be in a stronger position at the negotiations table if they went into negotiations with the State of Palestine already established, rather than this having to be achieved through the negotiations. And third, the Palestinians were on the verge of conceding the heart of the conflict: Palestinian acceptance of the existence of Israel. This had long been demanded of the PLO, but the demand was one-sided. With a Declaration of Independence, it would appropriately be balanced by the Palestinians achieving statehood, also outside and prior to negotiations.

THE ADVANTAGES OF EARLY STATEHOOD

The unilateral strategy, if successful, would have imposed a Palestinian state on Israel prior to negotiations. But this was only one of several ways of getting to *early statehood*—that is, statehood at the outset of negotiations,

rather than at the end of successful negotiations. Over the years, with fuller experience of the problems of negotiating an agreement, and with the rise of Hamas and other groups outside the PLO that opposed the two-state solution, the case for early statehood became stronger.

- From an Israeli point of view, early statehood offers the possibility of testing Palestinian willingness and capability to carry out commitments prior to fully withdrawing all forces.
- Early statehood allows Palestinian security forces to act as agents of their state rather than as “police of the occupation.”
- Statehood allows for the disarming of multiple nonstate actors, not because of the will or ascendancy of a particular faction but as an application of the standing state monopoly of control of weapons and use of force.
- State-to-state negotiation could serve to temper Israeli demands at the negotiations, demands that can be humiliating on their face and only emerge because of the asymmetry of status (e.g., Ehud Barak’s suggestion of a nine-to-one ratio to govern the exchange of territory; Israel’s effort to secure Palestinian agreement to a right to enter a Palestinian state, at will, to preempt potential action by terrorist groups).
- In the context of an existing Palestinian state, certain issues such as refugees are more susceptible to resolution (e.g., in addition to other options, all refugees would have opportunity to be citizens of the State of Palestine).
- Early statehood offers the opportunity to negotiate constructive agreements that require two states (e.g., a partial land swap that deflates the issue of settlements prior to setting permanent borders).

The attractiveness of achieving Palestinian statehood prior to permanent status negotiations appears to have been finally recognized by the US government in 2003, when it promoted, through the Quartet (the United States, the United Nations, Russia, and the European Union) the Roadmap for Middle East Peace. In the Roadmap, to which both Israel and the PLO agreed, the permanent status negotiations were left for Phase 3, which itself was preceded by a Phase 2 offering the “option” of a Palestinian state

with provisional borders and attributes of sovereignty. This state would come into existence *before* final status negotiations. It would be recognized by the international community and be admitted to the United Nations *prior* to negotiation of a permanent agreement. Such negotiation would be on a state-to-state basis.

The unilateral strategy that the PLO dabbled with at one point or another, was (and remains) one particular way of achieving statehood prior to final status negotiations. The Roadmap was another. Interestingly, the Roadmap itself did not specify that the Palestinian state with provisional borders must itself emerge from negotiations with Israel. Israel, in its comments on the Roadmap, made note of this, but the Bush administration did not modify the Roadmap. It only committed to seriously considering the Israeli perspective in the implementation phase. Thus, at least in theory, according to the Roadmap, a recognized Palestinian state could emerge without Israeli agreement.

What is particularly revealing about the limitations of US thinking on how to resolve the conflict is that while it put forward the Roadmap, a mode of internationally sanctioned movement to early Palestinian statehood, when the Palestinians sought or seek US support for unilateral Palestinian efforts to gain US recognition of early statehood, the United States vehemently opposes it. And one must say, paradoxically, while the Palestinians undertook their effort to attain early statehood, they showed remarkably little interest in the opening offered by Phase 2 of the Roadmap.

SUBSEQUENT OPPORTUNITIES FOR RETURNING TO THE DECLARATION AND UNILATERALISM

In the two decades that followed the Declaration, there were opportunities for the PLO to have again built upon the Declaration to bring a Palestinian state into existence. At some points this might have been done in conjunction with Israel; at other points by again acting unilaterally. Such opportunities occurred in 1995, in 1999, in 2005, and in 2011.

What distinguishes all of these moments from the situation in 1988–89 is that in the period immediately following the Declaration, there was no effective Palestinian government on the ground. The absence of a government was central to the American argument that Palestine was not a

state. But after Oslo, with the emergence of the Palestinian Authority, a full-fledged governing structure came into being, one that employed tens of thousands of civil servants engaged in every social sector and that maintained its own police and security services. Thus, once the Palestinian Authority came into being, governing institutions that could serve as a state were in place. Essentially they needed to be formally taken over, nationalized, by the State of Palestine.

1995

In 1995 the term of the Rabin government was coming to a close, and final status negotiations had not yet begun. During the period that Rabin had been in office, settlements expansion had continued, and there was a real possibility that the Likud, with its hostility to the Oslo process and to Palestinian statehood in particular, would return to power. No progress toward resolving the permanent status issues (e.g., Jerusalem, security, settlements, borders, refugees) had been achieved, and if Likud won the elections, it would in effect turn to Labor and say “Thank you very much for putting nothing irreversible in place, and also for increasing the number of settlers in the West Bank.” Then the Likud would resume its prior policies, pushing West Bank settlement even further.

Although there was an obvious need to put something permanent in place while Rabin was still in office, there was no possibility of successful permanent status negotiations in the short time before elections. One option was to build on the Declaration of Independence and to gain Israeli acceptance of a Palestinian state that would immediately come into being, one that would initially exercise sovereignty over Gaza *and* exercise administrative authority over the Palestinian population and some of the land in the West Bank, pending permanent negotiations between Israel and the State of Palestine over the key issues of borders, Jerusalem, and refugees.

On this approach the PLO and the Palestinian Authority would each go out of existence, and the State of Palestine would as it were “nationalize” the governmental structures of the Palestinian Authority. In 1995 the opportunity was not to do this unilaterally, but with the agreement of the

Israeli government. In the summer of 1995, I presented a proposal along these lines to Israeli Foreign Minister Peres. It consisted of twenty points.

A PROPOSAL FOR A PALESTINIAN STATE NOW: TWENTY DIMENSIONS

1. Current negotiations progress leading to redeployment and elections.
2. Through negotiations and prior to the next Israeli election, a Palestinian State is established.
3. Israel recognizes this State of Palestine and accepts its de jure and de facto sovereignty over Gaza and Jericho.
4. The State of Palestine asserts its claim to sovereignty over East Jerusalem and the West Bank.
5. Israel announces that it does not at this point recognize Palestinian sovereignty beyond Gaza and Jericho, but that it is prepared to negotiate, in final status negotiations, the issue of the permanent borders of the Palestinian State.
6. Israel recognizes a Palestinian right to self-determination, but states that like all rights it is not absolute and needs to be adjudicated in reference to Israel's right to peace and security. It defines the negotiations as an attempt to satisfy these two rights.
7. Henceforth the negotiations will be inter-state negotiations between the two states.
8. It is agreed that during the remainder of the five-year interim period, the State of Palestine will, in accord with treaty arrangements, exercise administrative control over West Bank territory. Thus the Palestine National Authority (PNA) is either dissolved or absorbed into the state.
9. Thus the State of Palestine comes to the West Bank. Within the bounds of whatever treaty on administration during the interim period is reached, the state delivers the mail, employs the police, appoints the judiciary, determines the laws, creates and regulates the currency, and so on.
10. As a sovereign state, the State of Palestine determines its own political and economic institutions.
11. As a sovereign state, the State of Palestine sets its own criteria for citizenship, extending it to all Palestinians in Gaza, the West Bank, and Jerusalem, and if it wishes, to Palestinians in the Diaspora.
12. As a sovereign state, it determines criteria for voting in Palestinian elections and holding office.
13. In the first treaty between Palestine and Israel, the parties agree on either a freeze or a process governing growth of settlements, until a permanent status agreement on settlements is reached. This first treaty is "countersigned" by the United States. The United States accepts the role of monitor of treaty compliance.
14. Israel further agrees to use reverse subsidies to encourage settler migration out of at least part of the West Bank.
15. The United States recognizes the Palestinian State and supports its application for admission to the United Nations and other international bodies.
16. Israel agrees to the establishment of a high-speed rail linkage connecting Gaza and the

West Bank.

17. Israel agrees that all of Gaza is sovereign Palestinian territory but leases existing settlement areas for a fixed period of time.
18. As a sovereign state, Palestine controls its border with Egypt and the Mediterranean.
19. As a sovereign state, Palestine determines its own immigration policy into Gaza and Jericho.
20. The PLO goes out of existence, taking the Covenant issue with it. Palestinian nationalism crosses into the ethos of the world of states with leadership's responsibility to protect the national interest. The state asserts its monopoly over use or threat of violence and the establishment of foreign policy.

The proposal can be viewed as one particular set of ideas within a larger genre of "Gaza-first" approaches. In various forms these have emerged over the years, and they have been options that Israel has been drawn toward, and at the same time, resolutely rejected by Palestinians. For Israelis, relinquishing Gaza is a far easier step than relinquishing the West Bank.

- Unlike the West Bank, Gaza does not carry major historical and religious attachment for Israelis (and for Jews in general). It was not the site of the ancient kingdom or the home of the biblical patriarchs. In particular, there is nothing about Gaza remotely analogous to Jerusalem for Israelis.
- From a security point of view, relinquishing Gaza is vastly less significant to Israel. It is distant from key cities and does not constitute a natural protective barrier in the way that is offered by the Jordan Valley.

For Israelis, Gaza can be viewed as a testing ground, a way of seeing how things go, how the relationship with a Palestinian entity evolves. For Palestinians, the key concern about Gaza-first initiatives is that they are seen as dangerous pitfalls, often as traps designed to deprive them of the West Bank. Thus, if the Palestinians were to agree to a Palestinian state in Gaza, they would find that their statelessness had ended. All Palestinians, everywhere, could become citizens of Palestine. It would be said that the Palestinians had achieved self-determination, and the dispute over the West Bank would be reconceived as a border dispute between two states, rather than a question of occupation. Yet for Palestinians, Gaza-first options cannot, or at least should not, be summarily dismissed. Because of greater Israeli willingness to relinquish Gaza, the trade-off always was between actually attaining, in the short term, control or even sovereignty over part of

the post-1967 territory as opposed to continuing in a longer (and possibly interminable) process seeking a comprehensive settlement.

The Oslo process itself had a Gaza-first dimension built into it. The Declaration of Principles (the agreement signed on the White House lawn in September 1993), while it specified that the West Bank and the Gaza Strip form a single territorial unit, whose “integrity” was to be preserved, also specified an initial withdrawal of Israeli forces and transfer of authority over “the Gaza Strip and the Jericho area.” And indeed this is what happened. In May 1994, seven months later, Israel and the PLO signed the Agreement on the Gaza Strip and the Jericho Area, after which Palestinian police arrived in the areas and Palestinian self-rule began. Arafat then returned to Gaza from Tunis in July 1994. Only subsequently (September 1995) was the Oslo II Accord signed, and it was this agreement that set up the various levels of authority that the Palestinians would have in different regions of the West Bank and provided for further troop withdrawals.

The proposal that I put forward in 1995 contained a number of elements designed to make clear that what was envisioned would not be a Palestinian state confined to the Gaza Strip. Rather, while the state would initially exercise sovereignty only in the Gaza Strip, it would be the State of Palestine, not the Palestinian Authority, that would be present as the administrative authority throughout the West Bank. Moreover, it would exercise sovereignty over Jericho (within the West Bank) as well. And as a sovereign state it would take control over matters of immigration, citizenship, political institutions, and so forth. Further provisions were added to help ensure that this would not become a prelude to permanent Israeli control over the West Bank. Either there would be a freeze on settlements or an agreement limiting expansion, and this would be “countersigned” by the United States. Furthermore, Israel would begin using “reverse subsidies” to encourage settler migration out of the West Bank.

To be clear, Peres did not agree to these provisions. Nor did he disagree. He said he was not about to negotiate such matters with me. Rather, he asked that I present it to Arafat. If Arafat undertook to negotiate, there was nothing that confined him to my proposals; he could seek yet stronger assurances that this would not result in the Palestinians being trapped in a Gaza-only state. But Arafat was not interested in the slightest. Despite our

previously warm relations, the mere fact that I had come with such a proposal transformed the relationship. I was treated rudely and abruptly. When I entered his office, he declined to look up, continuing to work on some papers in front of him. I stood in what seemed interminable silence, until finally he raised his head and said: "Welcome."

Still standing, I presented my ideas, but summarily Arafat characterized the proposal as Peres's plan to bring back Jordanian control in the West Bank. To no avail, and somewhat stunned by his response, I struggled to get him to see it differently. In the end Arafat merely agreed to give it further study. I informed Peres of what had transpired, and that was that.

A detailed roundtable discussion of this proposal was subsequently held in Washington, convened by former senator George McGovern, and the text was published in the *Journal of Arab-American Affairs*. My own judgment is that had the Palestinians reached agreement with the Israelis in 1995, with the Palestinian Authority being replaced by the State of Palestine, and with the State of Palestine at the outset having sovereignty over Gaza and Jericho and administrative authority over most of the West Bank, and with a settlement freeze and the State of Palestine being Israel's counterpart in state-to-state negotiations about full withdrawal, Jerusalem, and refugees, an end to the conflict would likely have been found long before now. But PLO fears of being stuck in a Gazan mini-state could not be overcome.¹

This was a very big missed opportunity. Moreover, it is one that the Israelis (as I recommended at the time) should have continued to probe with Arafat. Subsequently Yair Hirshfeld, one of the key Oslo negotiators who worked closely with Israeli policymakers (e.g., Yossi Beilin) during this period, in his book on track-two diplomacy (1978-2014), in a remarkable act of self-criticism lamented that the Israelis should have pursued the plan I proposed.²

2005

Back in 1995, in the roundtable discussion of the Gaza-Jericho Statehood Proposal, I argued:

Let me suggest a different way of thinking about my proposal. Suppose we ask the questions, "What will the process look like whereby Palestinians attain sovereignty over Gaza, the West

Bank and parts of East Jerusalem? Will it be gradual and incremental, or will it be possible for the Palestinians to negotiate a great leap to sovereignty?"

Up to this point the entire negotiation process has been one of incremental steps. This has not necessarily been wise, and it certainly has not been what the Palestinians have desired. But it has not been up to the Palestinians. Ultimately Israel limits the pace, and, for a variety of reasons, it has wanted to proceed very gradually.

I doubt this will change. In the end, Palestinians may not have a choice over whether or not their state will go through a period of "sovereignty over Gaza first." It may well be that just as autonomy came with the Gaza-first framework, when the Israelis are ultimately ready to start talking about sovereignty for the Palestinians, they are going to insist on a testing period in which Palestinian sovereignty comes to Gaza first. So the choice for Palestinians about having sovereignty over Gaza before sovereignty over the West Bank may not be an option. The real choice may be sooner versus later, and a very powerful argument can be made for sooner.³

That was in 1995. Years later, with Israel's unilateral withdrawal from Gaza, something of this sort came to pass—unfortunately it was quite far from what I had envisioned.

In February 2001, following the unsuccessful negotiations at Camp David (in July 2000) and subsequently at Taba (in January 2001), Ariel Sharon defeated Barak and became prime minister. The Second Intifada, which had begun in the fall of 2000, deepened in intensity. Starting in 2003, Sharon, who maintained that there was no Palestinian partner for peace, a thesis articulated previously by Barak, began to speak of a possible unilateral Israeli withdrawal from Gaza. The proposal was highly controversial within Sharon's Likud Party.

In November 2004, Yasser Arafat died, and subsequently Sharon formed a unity government with Shimon Peres's Labor Party. The disengagement proposal, which also included four small West Bank settlements, was adopted by the Knesset in February 2005. The disengagement began during the summer and was completed in September 2005. Contrary to the views held by some in the military, Sharon decided that the disengagement would include the removal of Israeli military along the Egyptian-Gaza border, the so-called Philadelphi Corridor, which runs the length of the Gaza-Egypt border, thus providing Gaza, and any Gaza-state that might emerge, with a border with Egypt.

The disengagement was not worked out as a transfer of responsibility to the Palestinian Authority or to the State of Palestine. Rather, it was presented and carried out as a unilateral Israeli action undertaken in the absence of negotiations and as an opportunity for Israel to seize the

diplomatic initiative. Although it was viewed with suspicion by the PLO as part of an Israeli plan to strengthen its hold on the West Bank, the withdrawal was greeted with celebrations by the Palestinian public and hailed by Hamas as having been brought about by their military actions.

The Israeli withdrawal created an unprecedented situation. Prior to the creation of the Palestinian Authority, the Palestinians lacked any functioning governmental authority within the territories. Under Oslo, the Palestinians had agreed to not take any unilateral step that would change the status of the occupied territories. But now, it was the Israelis who were unilaterally withdrawing, and for the first time, should they decide to do so, with the Israelis gone, the Palestinians would be able to assert not just de jure sovereignty over all of the occupied territory, but to exercise de facto sovereignty as well, over Gaza.

In short, the door was open for the State of Palestine to really come into being, replacing both the PLO and the Palestinian Authority, and for it to seek bilateral negotiations on a state-to-state basis. In July 2005, with the Israeli withdrawal pending, I went to Gaza to meet up with Nabil Shaath, then foreign minister. Shaath was intrigued by my ideas, got on the phone with President Abbas, who had replaced Arafat after his death. It was arranged that I would meet with Abbas, who was also in Gaza, the next day.

The ideas I presented were received with considerable interest, and included the argument that by bringing the state into being as soon as Israel withdraws, the forthcoming parliamentary election of the Palestinian Authority would be transformed into the first legislative elections of the State of Palestine. So conceived, the elections, rather than being a vote on who liberated Gaza, an accomplishment that Hamas would be quick to claim, would be a referendum on the nature of the new Palestinian State.

In the history of the conflict this was a unique moment. The Israelis were unilaterally leaving part of Palestine. Governing institutions were in place. The State of Palestine would have not been a fiction. It would have had a border with Egypt and a coastline. So long as it was committed to peace, there would have been no embargo. Yes, there was always the risk that the very existence of the State, with initial sovereignty only over Gaza, would have made it more difficult to gain full Israeli withdrawal from the West Bank, but the Palestinians were not without resources to pursue a full

withdrawal in the West Bank, either through negotiations or a nonviolent popular campaign.

The proposal was laid out in a memo I gave to Foreign Minister Shaath and President Abbas. One section, dealing with Palestinian fears that Gaza-first would become Gaza-last, is of particular interest in retrospect:

While the Gaza-first option has always been a fearful one for Palestinians, Israel has already taken the decisive step by its unilateral disengagement. **A Palestinian claim of sovereignty does not initiate Gaza-first; it is already here.** The real question is how events play out. Most importantly, whether disengagement from Gaza discredits the entire idea of Palestinian statehood by leading to an increase in violence and terrorism. In this regard, the move to a claim of sovereignty is vital because it enhances the move to unitary authority among Palestinians. This in turn will revitalize a fuller peace process, and hasten withdrawal from the West Bank.

- Statehood in Gaza, through a unilateral Palestinian assertion of sovereignty, creates the beginning of the two-state solution prior to real negotiations. Thus, the framework for future negotiations is the completion of this process. With a Palestinian state already existing in Gaza, there is considerable logic, in terms of Israeli interests, in having a friendly state on its border rather than one with an open conflict.
- With statehood already in Gaza, and with the State administering regions of the West Bank, the future step to the State exercising sovereignty within the West Bank becomes a relatively limited incremental step, more easily accepted by Israelis, once things have moved this far.
- Finally, the free-standing importance of the Jerusalem issue ensures that the world will not lose interest in the conflict, and that Israel will not be able to impose a final agreement so long as the Jerusalem question is unresolved.⁴

It was arranged that I would give a presentation to the Negotiations Support Unit (a group of lawyers who advised the PLO) and some of President Abbas's staff. There were many questions—the most important concerned whether the proposal would contribute to a full end to the occupation. I argued in that meeting that this depended considerably on what assurances could be obtained from the United States and Israel, that this was the central issue that needed to be explored by the Palestinian leadership. The interaction with the NSU was heated and contentious. In the end the PLO did not pursue this option of proclaiming State of Palestine sovereignty over Gaza.

No explicit decision was made, just inaction. The Palestinian Authority was not replaced by the State of Palestine, and in the January 2006 Palestinian Authority elections, Hamas won the parliamentary contest. In 2007 continued rivalry between Hamas and Fatah erupted into armed

conflict and led to Hamas's takeover of the Gaza Strip—a turn of events that has proved deeply damaging to both Palestinian independence and resolution of the conflict. As was predictable, Israel took its experience with a Hamas-controlled Gaza Strip as a warning of what it would face if it withdrew from the West Bank. Had the State of Palestine, through unilateral action, replaced the Palestinian Authority in 2005, and attained de facto sovereignty over Gaza, would the subsequent and unfortunate history have been avoided? Would an end to the occupation in the West Bank been achieved as well? We will never know for sure, but that is my belief.

The violent split between Hamas and Fatah, as well as the new PLO leadership under Mahmoud Abbas, contributed to Israeli interest in renewing its negotiations with the PLO, and they were resumed in June 2007 and followed by a formal peace conference in Annapolis, Maryland, in November 2007, with Israel represented by Ehud Olmert, who had become prime minister following Ariel Sharon's stroke. These negotiations were serious and intensive. They ended when Olmert, facing indictment, announced plans to resign. In the February 2009 Israeli elections, Benjamin Netanyahu returned to power as prime minister.

2011-

In 2009 the Obama administration made a concerted effort to renew direct negotiations between Israel and the PLO. Netanyahu gave an important speech at Bar Ilan University in which he stated his conditional acceptance of the idea of a Palestinian state. The issue of settlement construction was the primary obstacle to maintaining a negotiations process. When a partial settlement freeze was not renewed, the negotiations, which had not been productive in any event, were broken off.

As had been the pattern since 1988, PLO interest in finding a unilateral path toward statehood fluctuated, depending on the prospects of a negotiated agreement. In 2011, with negotiations having ended, the PLO returned to its international recognition campaign that had not been vigorously pursued for twenty years, since 1991. In September 2011 it submitted to the UN Secretary General a formal application for the admission of Palestine to the United Nations as a full member state. As

discussed earlier, this had been contemplated in 1999 but abandoned when the United States threatened to cut funding for the UN.

In the 2011 letter of application PLO Chairman Abbas signed not only as chairman of the PLO but also as president of the State of Palestine. Abbas articulated that he was seeking admission for the state that had been proclaimed in the Declaration of Independence of 1988. The issue was referred to the UN Security Council, whose recommendation was required before the General Assembly could vote on admission of a new member state. Given US opposition, it was clear that a Security Council recommendation would not be forthcoming. The matter was not brought to a vote.

In the fall of 2012 the PLO turned its attention to the General Assembly, which in November passed a resolution granting Palestine the status of a **nonmember observer state**. Thus, even though Palestine had not been granted admission to the United Nations, it had attained UN recognition as a state. The irony was that at this time, because of the Fatah-Hamas split and Hamas's control of the Gaza Strip, the PLO was no longer in control of any Palestinian territory over which it could be said to be exercising de facto sovereignty. This, however, made little difference to the vote, which was 138 in favor, 9 against, with 41 abstentions. Germany, the Netherlands, and the UK abstained, with the other European states voting in favor.

During this period Palestine was admitted to UNESCO, after which the United States cut off funding, citing the 1990 law. An effort at WHO membership was also made, but a decision was postponed. And in April 2014 the state of Palestine submitted instruments of accession to fifteen treaties, including the Geneva Conventions, which had been the subject of intensive US-Swiss interaction back in 1989. This time around, following UN recognition of Palestine as a state, the Swiss promptly accepted Palestine as a signatory.

The PLO's admission/recognition campaign was popular among the Palestinian public, but dismissed by Hamas and other critics as an empty gesture. Indeed, it was hard to discern here any strategy that would lead to an end of the occupation. One possible next step that received considerable attention was Palestinian action at the International Criminal Court (ICC), where it was possible that Israeli officials would be charged with war crimes. This, however, appears to be less a strategy for achieving Israeli

withdrawal from the West Bank than a threat intended to motivate the Israelis to be more forthcoming in negotiations. In 2021, after many years of consideration, the ICC determined that it did have the authority to investigate Israeli actions in the West Bank and Gaza, even though Israel was not a signatory to the treaty establishing the Court. The decision was grounded on a determination that Palestine was a state, Palestine having joined in late 2014.

In 2013, under the leadership of Secretary of State John Kerry, the United States again made a major effort to bring the conflict to a close through negotiations. These efforts were suspended in the spring of 2014, but while they were in process, the Palestinians did not press ahead at the United Nations or related organizations. When the negotiations collapsed, the PLO vigorously pursued efforts to gain further acceptance of the State of Palestine. In the summer/fall of 2014 two significant gains were achieved. Sweden recognized the State of Palestine, the first European state to do so, and then in a nonbinding vote, the British Parliament voted overwhelmingly in favor of British recognition. This renewed effort to attain diplomatic recognition of Palestine, however, did not signify that the PLO had lost interest in negotiations, and in 2015, in the run-up to the Israeli elections in which Netanyahu was facing a serious challenge from Isaac Herzog, head of the Labor Party, Abbas and Herzog worked out a secret agreement on negotiations parameters that would guide negotiations if Herzog won the elections.

THE UNITED STATES DISCOVERS THE DECLARATION: JOHN KERRY AND THE JEWISH STATE ISSUE

Between 1975 and 1988, US government officials, first by policy and then by law, were restricted from engaging with the PLO until it “recognized Israel’s right to exist.” As was discussed in chapter 7, on December 14, 1988, in Geneva, Yasser Arafat held a press conference in which he elaborated on a speech he gave the day before to the UN General Assembly. His remarks, to the satisfaction of the Reagan administration, were taken as PLO compliance with the required “right to exist” condition for opening a US-PLO dialogue. PLO recognition of Israel’s right to exist was again provided in the 1993 Oslo signing. In recent years a new demand, an Israeli

demand, has emerged: that the PLO must recognize Israel's right to exist as a Jewish state, or alternatively, that it recognize Israel as the nation-state of the Jewish people.

In his time as prime minister, Benjamin Netanyahu presented this issue as a litmus test of Palestinian intentions and characterized Palestinian refusal to accord such recognition as proof that Israel has no real partner for peace. Although some Israelis have dismissed this extra "as a Jewish state" demand as unnecessary, and even as a cynical ploy to thwart a peace agreement, it has taken on considerable importance. Among Israelis, in good part because of the absence of familiarity with the Declaration, there has been almost no recognition of the fact that the PLO addressed the Jewish state issue back in 1988 when the Palestinian Declaration of Independence replaced the Covenant as the foundational document of Palestinian nationalism. The key passage in the Declaration reads:

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.**

As previously discussed, whereas the Covenant said that the 1947 Partition [Resolution] was "entirely illegal, regardless of the passage of time," the 1988 Declaration stated: "Yet it is this Resolution that *still* provides the conditions of international legitimacy."

Not only did the Palestinian Declaration cite the Partition Resolution as a source of international legitimacy for the creation of a Palestinian state, it specifically noted that the resolution provided for "two states, one Arab, one Jewish." Furthermore, just as the Israeli Declaration spoke of the Partition Resolution as irrevocable, the Palestinian Declaration said that the resolution provided international legitimacy, "regardless of the passage of time."

Despite the fact that the Declaration acknowledged the international legitimacy of Israel's establishment as a Jewish state, when faced with demands for recognition of Israel as a Jewish state, Palestinians rather than pointing out what has been in place since 1988, have responded by firmly rejecting the demand. In doing so, some Palestinians have maintained that if

Palestinians were to acknowledge the legitimacy of Israel's creation as a Jewish state, they would thereby be rejecting the Palestinian narrative, in essence conceding that the Palestinians were wrong to oppose that act of creation. But in the Declaration itself the Palestinians found a way to avoid any such misinterpretation of their position.

The text of the Declaration made clear that in recognizing the Partition Resolution as legitimate, the PLO was not saying that Partition was just; the very paragraph in the Declaration that acknowledges the legitimacy of partition begins with the phrase "Despite the historical injustice." Essentially the Declaration distinguished between matters of legality ("international legitimacy") and matters of justice. When it speaks of the international legitimacy of a Jewish state, it is not affirming the justness of the Zionist project, nor saying that Israel has a moral right to exist. Rather, it is acknowledging that, in international law, Israel has a legal right to exist, even as a Jewish state. Whether this extends to a moral right is not explicitly addressed, but no observer of what happened in 1988, or of Palestinians more generally, can doubt that Palestinians have never come to believe, nor have they affirmed, the justness of Israel's establishment in Palestine. Moreover, even Israelis demanding Palestinian recognition of Israel's right to exist as a Jewish state have never said they are calling on Palestinians to affirm Israel's moral right to exist as a Jewish state—to do so, even if they wished it, would be so patently absurd that it would discredit their call for Jewish state recognition as an obvious ploy, intended to impeded a peace agreement.

In 2016, twenty-eight years after it was proclaimed, the United States finally came to perceive the peacemaking dimensions of the Palestinian Declaration. While the United States did not come to grips with its mistaken opposition to the Palestinian unilateral peacemaking effort that began in 1988, the United States did call attention to the possibility that the Declaration and its position on the Partition Resolution may offer a way to deal with the Jewish state issue in future negotiations.

In December 2016, with only weeks left to the Obama administration, Secretary Kerry laid out six principles to "provide a possible basis for serious negotiations" intended to end the Israeli-Palestinian conflict. Speaking of the United Nations Partition Resolution of 1947, he pointed out that "both Israel and the PLO referenced Resolution 181 in their respective

declarations of independence.” Then a few paragraphs later he reiterated this: “And Resolution 181 is incorporated into the foundational documents of both the Israelis and Palestinians.” Then, as a way of dealing with the Jewish state issue, Kerry suggested that as a basis for negotiations the parties accept the principle that the negotiated agreement should:

Fulfill the vision of UN General Assembly Resolution 181 of two states for two peoples, one Jewish and one Arab, with mutual recognition and full equal rights for all their respective citizens.

It is not exactly clear what is being proposed. The “principle” formulated here is intended as a basis for negotiations, but what exactly would successful negotiation of the Jewish state issue mean? Possibly Kerry was only proposing that in a final peace agreement both sides would simply affirm that this principle has been fulfilled. For the Palestinians this should prove doable. The statement that the vision of the Partition Resolution has been fulfilled does not affirm the moral legitimacy of the creation of a Jewish state in Palestine; rather, it asserts a fact (with respect to Israel) that is hard to disagree with. Israel proclaimed itself a Jewish state in 1948 and has been a Jewish state since its creation. Thus, that part of the “vision” of the Partition Resolution has long been fulfilled. Second, although Palestinian negotiators might have problems accepting this formulation going into negotiations out of concern that it might undercut them in negotiations on refugees, it should be acceptable as part of a comprehensive package that includes a solution to the refugees issue acceptable to Palestinians. Finally, by including the proviso of “equal rights for all its citizens” (Kerry’s wording) within the vision of the Jewish state, the rights of the Palestinian citizens of Israel are affirmed.

Another alternative would be for the Palestinians, in a peace agreement, to simply note that their new state remains based on the 1988 Declaration of Independence, and then go on to simply quote it:

UN General Assembly Resolution 181 (1947), which partitioned Palestine into two states, one Arab, one Jewish, . . . still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty.

Thus, drawing on the Declaration, the Jewish state issue can be addressed by Palestinians. This would be a contribution to successful

negotiations, perhaps prompting some Israeli movement on other issues. Moreover, the fact that it can be addressed offers some limited reason for a further attempt at negotiations. It also offers something quite powerful: an opportunity to move toward US recognition of a Palestinian state outside negotiations.

US RECOGNITION OF PALESTINE OUTSIDE NEGOTIATIONS

As the Obama administration was coming to a close in the fall 2016, with the expectation that Hilary Clinton would be the next president, a question emerged. Might Obama act boldly as Reagan had, once the elections were over. In 1988, in mid-December, after George H. W. Bush had been elected, the Reagan administration recognized the PLO as a legitimate representative of the Palestinian people. As discussed in chapter 7, the Reagan administration engaged with the PLO in an effort to find ways it could meet the long-standing conditions for official contact with the United States. Thus, when President Bush took office in January, he found the long-thorny issue of contact with the PLO already resolved. Might it be possible, after Hilary Clinton was elected, for the Obama administration to resolve the issue of US recognition of the State of Palestine, perhaps by linking it to Palestinian recognition of Israel as a Jewish state?

As speculative ideas on this were being cooked up, Americans went to vote. All was changed when Donald Trump emerged victorious. The Obama administration would take no bold moves in its final days, lest they provoke a highly damaging counterreaction from the new president once he took office. In the opening months of the Trump administration, it appeared that he would follow his predecessors and seek ways to close the negotiations gap between Israel and the PLO. Over time the administration dropped any pretense of playing the honest broker. The Trump administration in 2020 put forward a proposal for resolving the conflict that was far to the right of any proposal that any Israeli government had advanced in the prior eighteen years of negotiations on final status. Rather than trying to bridge the gap, they opted to widen it. As a result, the Palestinians broke off all contact with the United States. Earlier in the Trump administration it was still possible to believe that Trump was interested in finding solutions that

both Israel and the Palestinian could accept. Even after Trump in 2017 broke with long-standing US policy and recognized Jerusalem as the capital of Israel, the State Department was quick to explain that this “did not indicate any final status for Jerusalem” and that “the final status, including borders, would be left to the two parties to negotiate and decide.”⁵

Responding to this apparent State Department interest in keeping negotiations a possibility, I published in *Al-Quds* the following piece, which built on ideas I had discussed with officials in the Obama administration.

• • •

WITH HELP FROM THE UN SECURITY COUNCIL TRUMP CAN STILL MAKE LEMONADE
FROM JERUSALEM LEMONS

Jerome M. Segal

As impossible as it may seem, there remains a way that President Trump can turn the Jerusalem-recognition affair around and actually emerge as a statesman, unorthodox for sure, but perhaps onto something that others have missed. The key here is for the Administration to build on a widely ignored sentence in the President’s Jerusalem recognition statement. In leading up to recognition the President said that the step he was taking “marks the beginning of **a new approach** to conflict between Israel and the Palestinians.”

If we pull back from **the specific substance** of the President’s Jerusalem statement, and ask what it represents by way of “**a new approach,**” it appears to represent a judgment that in the absence of negotiations, there may be **constructive steps that third parties can take that will increase the likelihood of successful negotiations,** if and when they resume.

Regardless of whether or not the step the US took will have this effect, which seems highly unlikely, the question that emerges is whether there are **other issues** that might be usefully addressed by third parties, outside the context of negotiations.

One big possibility exists, and it would be a win-win for both Israel and the Palestinians. Further, it is eminently doable. **There exists a way to make substantial progress on two big issues: Palestinian**

recognition of Israel as a Jewish State, and international recognition of the State of Palestine. This latter would both nail down the two-state solution as the only option, and could, in time, be the key to **a transfer of power in Gaza, from Hamas, not to Fatah, but to the State of Palestine.**

The key to achieving this is **the pending application of Palestine for full membership in the United Nations**, an application that will only be acted on by the General Assembly, if it is given a favorable recommendation from the Security Council. In the past, the United States worked very hard to prevent such recommendation. Why might it be different this time?

The key to all this is something Secretary of State John Kerry noted in his final speech on the conflict. Kerry called attention to a little known fact, that **the 1947 Partition Resolution that called for the partition of Palestine into two states, one Arab and one Jewish, is cited not only in the Israeli Declaration of Independence by also in the Palestinian Declaration of 1988.** Specifically, the Palestinian Declaration reads:

Despite the historical **injustice** inflicted on the Palestinian Arab people following upon . . . U.N. 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.

Thus the Palestinians, while still holding true to the central element of their narrative, that the establishment of Israel was unjust, reversed the PLO Covenant position on “international legitimacy” and now linked the international legitimacy of Palestine to that of the Jewish state. Yes, **the words “Jewish State” actually appear in the Palestinian declaration!**

Thus, in the face of an expected application for membership of Palestine in the United Nations, **the Trump administration could advance a UN Security Council Resolution that says: “If the State of Palestine, in an application for membership to the United Nations, acknowledges the international legitimacy of Israel’s existence as a Jewish State, then the Council will recommend to the General Assembly, favorable action on that**

application.”

The situation has parallels to that faced by **President Reagan in December 1988**. US policy prohibited contact with the PLO until they accepted Israel's right to exist and recognized UNSC Res. 242. The PLO was prepared to do so, but always with wording that affirmed **the right of self-determination** of the Palestinian people. This was a **deal killer for the US**. A way around this was achieved in virtue of the same 1988 Declaration cited above. The PLO recognized the right to exist in peace and security of all states in the region, **including Israel and Palestine (proclaimed four weeks earlier by the Declaration)**. Having exercised self-determination, it was able to drop reference to the right of self-determination

Interestingly, when President Reagan accepted this bold PLO wording and opened the US/PLO dialogue **no objections** were raised to the PLO language invoking the State of Palestine.

Thus, in response to the US/UNSC condition cited above, the US/UNSC could accept a PLO statement that makes the following four points:

1. The State seeking admission (Palestine) **is the state** proclaimed in 1988 through the Palestinian Declaration of Independence.
2. The Palestinian Declaration of Independence notes that the Partition Resolution of 1947 (UNGA Res. 181) called for the division of Palestine into two states, **one Arab and one Jewish**. It further notes that UNGA Res. 181, required that both states be **democracies with equal rights for all citizens**.
3. The Declaration also affirmed the **continuing** international legitimacy of the Partition Resolution.
4. Accordingly the PLO acknowledges the continuing international **legitimacy of Israel as a Jewish state, consistent with the norms of democracy and equal rights** of all citizens.

Given that **Prime Minister Netanyahu** has, more than anyone else in the world, emphasized that the key to ending the conflict is Palestinian recognition of Israel as a Jewish state, it is untenable that

he could dismiss such **transformative movement**; yet for President Abbas, satisfying these conditions, though not without political difficulty, in truth represents simply re-affirming the, largely unknown, positive legacy of Yasser Arafat who proclaimed the Declaration and of Palestinian national poet, Mahmoud Darwish, who penned it.

Moreover, the idea of recognized **Palestinian statehood prior** to permanent status negotiations, was legitimized in the 2003 **Bush Administration Road Map for Middle East Peace**, accepted by the government of **Prime Minister Ariel Sharon**.

President Trump's "new approach" offers a way for the Trump Administration to reconcile with the United Nations, to address the issue viewed by the Israeli government as most essential, and at the same time to move future negotiations to a more balanced state-to-state framework, while at the same time laying the basis for Hamas to gradually transfer de facto sovereignty in Gaza to the State of Palestine.

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It had been my hope that the PLO leadership would embrace this proposal and would approach the Trump administration along these lines. I was encouraged in this idea by what I interpreted as interest when I discussed the idea with staff of the National Security Council. Alas, it was not to be; overtime it had become increasingly difficult to engage PLO leaders in any bold initiatives. The Trump administration over the next two years evolved into something that we had never previously seen. Rather than merely functioning as an advocate of the Israeli government, which might have been expected, it became the proponent of far-right elements of the Israeli spectrum. With supporters of the settler movement occupying top positions in the Trump administration, they produced a plan calling for Israeli annexation of a third of the West Bank. The Palestinians broke off all contact.

With the election of Joe Biden as president, with a right-wing Israeli prime minister in place, even if there was no possibility of successful negotiations, one might have expected high-level US engagement and

perhaps an interest in exploring ways other than negotiations to move closer toward resolution of the conflict. Instead what emerged was something not seen in the near half-century since Jimmy Carter: an American president with very little interest in the conflict. Thus the impasse that emerged when Ehud Olmert was replaced by Benjamin Netanyahu as Israel's prime minister has continued to deepen. As time goes by, if we do not soon escape this impasse, the chance for peace, which dramatically opened in 1988 when the PLO accepted the legitimacy of the Partition Resolution, will finally be closed. In the next and final chapter, I lay out ideas for how, through a return to Palestinian peacemaking, a path from this impasse can be found.

ELEVEN

The Path Out of the Current Impasse

PALESTINIAN PEACEMAKING

Why is there no peace? This is the giant question. Superficially, there is no peace because a necessary element has proved elusive: a signed peace agreement. More fundamentally, there is no signed peace agreement, and no serious movement toward one, because in the perception of the Israeli (Jewish) public, there is no point in making the effort, because there is no partner on the other side.

WHY IS THERE NO PEACE?

Given this widespread perception, Israelis do not believe they are losing a chance for peace when they elect tough-talking, right-wing governments that are not seriously committed to the two-state solution. And for the Israeli public, any left-wing party that were, today, to speak hopefully about peace with the Palestinians would be viewed as hopelessly naive. Thus, ironically, the Israeli public's perception that there is no Palestinian partner for peace results in the opposite reality: The Palestinians have not had an Israeli government that is a partner for peace since Prime Minister Olmert resigned in 2009. This has now become the stable reality. Despite the

absence of meaningful negotiations with the Palestinians, the issue of peace or even negotiations doesn't even emerge for Israelis in election after election.

If there is to be a fundamental transformation, it will only occur if there is a change in the Israeli "no partner on the other side" perception. The no-partner claim has two parts to it, both of which must be understood and kept distinct. The first claim of "no-partnerism" is that there is no Palestinian leader who, when push comes to shove, will actually **sign** an end-of-conflict/end-of-claims agreement with Israel, on terms that could ever be acceptable to the Israeli public.

Most Israelis are not familiar with the ins and outs of the various efforts at negotiations. And few could spell out what the negotiations gap was when the Taba talks ended, or when the talks with Olmert ended. Similarly, most have little or no awareness of the secret agreement reached between Palestinian President Abbas and Labor Party leader Isaac Herzog that was to guide negotiations in the event that Herzog replaced Netanyahu as prime minister in the 2015 elections. Rather, without great understanding, most Israelis simply subscribe to one or another broad narrative of the peace process, and the dominant narrative is that Israeli leaders and American officials, over the past several decades, repeatedly made "generous" offers to the PLO, at Camp David, at Taba, under Olmert, and then through Secretary Kerry, and time and again, the Palestinians refused to say "yes." Insofar as explanations are offered for this, one is apt to hear that "they don't have leaders that have made the transition to peace," or "they will never give up the right of return," or "they are taught hatred in their textbooks," or "Islam forbids them to accept a Jewish state on land once under Muslim rule"—or a host of other claims that fit the overall narrative of the years of the failed "peace process."

It is one of the goals of this book, in laying out the Palestinian "yes" of 1988, to challenge this view of both the Palestinian people and the PLO leadership, including Arafat. But once the no-partner narrative has taken hold, such efforts to correct the historical record are unlikely to be widely effective. For the no-partner dogma to lose its dominant hold, it has to be falsified by new and powerful events.

The second sense of the no-partner perspective is quite different, more fundamental, and much more difficult to address. Essentially, it is not about

whether Israeli's negotiating partner, the PLO, will ever sign a peace agreement Israelis could accept. Rather, it is about whether such an agreement, once signed, would actually deliver the real peace it promised. For Israelis, the distinction between a peace agreement and real peace is fundamental. In 1995, at the height of optimism over the Oslo Accords, when Prime Minister Rabin was still alive, only a third of Israeli Jews believed that a signed peace agreement would actually bring lasting peace.¹ There are multiple reasons Israelis can offer in support of such skepticism:

- That the intensity of the Palestinian sense of injustice over the establishment of Israel and the dispossession of the refugees is so great, that lasting peace is not possible, even if a peace agreement is signed.
- That the PLO was only willing to recognize Israel's right to exist because it had no military option for pursuing its real aspiration, and that if circumstances ever change the military equation, Palestinian moderation would disappear.
- That the PLO, whose leaders might sign a peace agreement, does not speak for the Palestinian people as a whole. In particular, the PLO does not include Hamas, which remains deeply committed to Israel's destruction and won the Palestinian legislative elections when they were last held, in 2006.
- That in order to reach an agreement with any Israeli government, PLO leaders would in effect have to abandon the right of return. This would be viewed by most Palestinians as an intolerable betrayal and would serve to delegitimize those who signed the agreement.
- That Hamas, which in 2007 demonstrated its ability to take control from the PLO by force, either through force or through elections, will come to control a Palestinian state. This latter possibility has become more plausible, with Hamas's gain in public support following the eleven-day Israel-Gaza conflict in the spring of 2021.

Thus conceived, this dimension of the no-partner thesis does not claim the PLO won't ever sign a peace agreement, but rather is a judgment that there is insufficient reason to make attaining an Israeli-PLO peace agreement a

major goal of Israeli policy, because even if attained, it is so unlikely to lead to lasting peace, will produce internal strife, and may make things worse. Potentially this judgment can be changed. A powerful Palestinian unilateral peacemaking strategy needs to challenge no-partnerism in both its forms.

A New Direction for Palestinian Strategy

To address the claim that no Palestinian leader will ever sign a peace agreement, the Palestinians need to do what they have never done, and what in the context of a negotiations strategy might seem foolish; it is to do what they might have done right after the Declaration was proclaimed in 1988: to put on the table, or otherwise accept, in full detail, with no ambiguity, the final status peace treaty that they are prepared to sign, one that is not an opening position, but rather one that would be acceptable to a majority of Israelis.

Broadly speaking, I am arguing that the Palestinians should stop thinking in terms of some possible successful negotiations in the future, and instead return to unilateral peacemaking, the broad strategic approach that they started with the 1988 Declaration but then abandoned for Oslo-style negotiations. It is not that peace with Israel can be made without any negotiations, but rather that the kind of peace proposal that is needed to break the current impasse will never emerge from a negotiations process. Rather, the Palestinians have to say “yes” to such an agreement outside of negotiations, in order to bring into existence an Israeli partner.

In 1988, when the PLO acknowledged the legitimacy of the Partition Resolution and when in dealing with the United States it recognized Israel’s right to exist, the Palestinians took much more demanding steps than what I am now proposing. They not only made concessions that were powerful and unilateral, they played their best cards without even being at the negotiating table. At the time, these unilateral concessions seemed vindicated. As a result, within a few years, and with supportive American policy, the right-wing Shamir government was replaced by the Rabin government, and the Oslo process began. But that process is played out, and it is most unlikely that even if renewed, that it can be successful.

Today what is needed from the Palestinians is not more concessions, but clarity. They need to specify, in full detail, the terms of the viable

compromise agreement that they are prepared to accept as the basis for ending the conflict. In particular, with respect to refugees, the Palestinians need to present a new solution that, rather than embodying further compromises from previous negotiating positions, addresses the needs of the refugees far more powerfully than was done in the years of negotiations, yet does so in a way that Israel can live with. This is no small challenge, and many may believe that no such solution exists. Later in this chapter I offer a proposal that I believe will work for both peoples.

In addition to a meaningful peace agreement that the PLO is prepared to sign, the Palestinians need to show that if Israel signs such an agreement, it will be making peace with the Palestinian people as a whole, in particular, that Hamas will respect the terms of such an agreement. Finally, a major Palestinian effort should be made to connect, in Israeli eyes, peace with the Palestinians to Israel's larger security concerns. In particular to show the linkage between making peace with the Palestinians and significantly moderating Israel's conflict with Iran.

Another way of putting this challenge is to reflect on Israel's peace with Egypt. Following Egyptian gains in the 1973 war, peace with Egypt seemed impossible. The transformative moment that made it possible for Israelis to believe that they had an Arab partner for peace was Sadat's coming to Jerusalem in 1977 to speak of peace to the Knesset. A peace agreement was signed a year and a half later. The Palestinian acceptance of the Partition Resolution inside the founding document of their new state in 1988 might have been such a moment, had the unilateral strategy been maintained. Part of that strategy was the continuation of the Intifada, making it more thoroughly nonviolent. But a sustained peace initiative was necessary, and it is that missing dimension that is the present focus.

Today there is no single event that could be analogous to the Sadat moment, but there can be a series of events and processes that equally disrupt the static Israeli assumptions about peace with the Palestinians. Three components are needed:

1. Palestinian acceptance of a ready-to-sign peace proposal that powerfully resolves the refugee issue, but in a way Israelis can accept.
2. Hamas's acceptance of that peace proposal.

3. A basis for believing that Iran will accept whatever is acceptable to the Palestinians, especially the refugees.

Few believe this is possible. I think it can be done.

GETTING TO TWO STATES

1. HAMAS

It will be recalled that in the 1970s, as Arafat gradually led the PLO toward a willingness to accept a Palestinian state that would live alongside Israel, George Habash, sticking to the liberation-of-all-of-Palestine ideology of the PLO covenant, withdrew from the PLO Executive Committee and formed what was termed “the Rejectionist Front.” Years later, in 1988, when the Declaration was declared, the PFLP and Habash were ultimately brought on board.²

A useful way of thinking about Hamas is simply to view it as the Palestinian address for those Palestinians who rejected the Palestinian Declaration in November 1988 and the subsequent recognition of Israel’s right to exist a month later. As was the case with the PLO, our perception of Hamas is totally dominated by the tactics that they have used, specifically a willingness to engage in terrorism. If for a moment we were to put aside the issue of terrorism, and simply consider their unwillingness to accept, as a permanent reality, the existence of a Jewish state on land that they perceive as their own, their position is not particularly shocking. Almost all Palestinians believe that all of historic Palestine is rightfully theirs. The turn towards coexistence came not because they were convinced of the validity of Jewish claims alongside their own, but because of successive defeats in the effort to prevent the emergence of the Jewish state or to destroy it once it emerged.

The strategic problem Hamas faces is the same one that Arafat came to terms with in the 1970s and 1980s. There was no way to get from here to there. Simply put: Hamas has no strategy for liberating Palestine. It has its commitment to doing so, and a continuing willingness to engage in armed struggle (whether terrorist in character or not) to do so, and a willingness to incur upon themselves and the Palestinian people enormous costs in order to continue armed struggle. The question, then, is whether these

committed “rejectionists” can ever be brought to abide by an end-of-conflict agreement with Israel.

Are there any circumstances in which Hamas would see itself as bound by the terms of a peace agreement to which it is ideologically opposed? The closest that Hamas has come to answering this question in a way that would support an Israeli decision to accept the risks of a negotiated end to the occupation occurred in 2006. In May of that year, six weeks after Hamas won the parliamentary elections of the Palestinian Authority, a document was signed by leaders of five Palestinian factions (Fatah, Hamas, Islamic Jihad, PFLP, and DFLP) who were being held in Israeli prisons. Referred to as “The Prisoners’ Document,” this National Conciliation Document sought to achieve Palestinian unity, affirming core principles, affirming the centrality of the PLO, and proposing reforms that would bring into the PLO the various factions that were outside its broad umbrella (e.g., Hamas).

Most interestingly, in paragraph 7 the document affirmed the authority of “the PLO and the President of the PNA” to conduct negotiations with Israel but specified that “any final agreement must be presented to the new PNC [Palestine National Council] for ratification or to hold a general referendum wherever it is possible.” The PNC is the PLO parliament and the ultimate authority for the organization. Subsequently, a month later, Hamas and Fatah agreed on a slightly revised document, with almost no change to this paragraph. The revised version read: “Any agreement must be presented to the new PNC for ratification or a general referendum to be held in the homeland and the Diaspora.” The new specification (“and the Diaspora”), which Hamas wanted, emphasized the importance of approval by the refugees, worldwide.

Hamas’s agreement to a process of ratification of a treaty negotiated by the PLO came in the context of the imposition on the newly elected Hamas government of Quartet conditions for foreign assistance. One of those conditions was acceptance by Hamas of all previously negotiated PLO-Israel agreements. From Hamas’s point of view, as a Palestinian faction outside the PLO, the PLO did not have the authority to bind the Palestinian people, and there was no reason why Hamas should be bound by its prior agreements. However, in “The Prisoners’ Document,” rather than dealing with past agreements, Hamas took a future-oriented stance. It affirmed the authority of the PLO to negotiate and agreed to a process whereby it would

be bound by a negotiated future agreement even if it opposed it on substance. It was one of the greatest policy errors of the Quartet, and primarily of the United States, that the significance of what Hamas had accepted was not appreciated.³

Subsequently, Hamas leaders have reaffirmed the ratification-by-referendum framework as one that would be binding on the organization. Thus in 2010, Ismail Haniyeh, the current leader of Hamas, who in 2006 became prime minister of the Palestinian Authority, at a press conference stated: “Hamas will accept the results (of a referendum) regardless of whether it differs with its ideology and principles,” provided that it included all Palestinians in the West Bank, Gaza, and the diaspora.⁴ And in March 2014, the *Times of Israel*, in an article titled “Hamas Would Accept Peace with Israel, West Bank Leader Says” reported that Sheik Hassan Yousef, a senior Hamas leader stated: “It is our right to oppose an agreement that [Palestinian Authority president] Mahmoud Abbas brings, like you have your own opposition, but I stress here: We will accept the results of a national referendum and the decision of the majority.”⁵

Potentially a national referendum that includes all the refugees provides a path to Hamas’s acceptance of a peace agreement with Israel. However, it is hard to see how such a referendum could be successful, if the negotiated agreement fails to seriously deal with the refugees and their deep sense of the injustice over what they have suffered. If there were a referendum, it can be expected that Hamas would vigorously campaign against approval. But if the refugees are solidly in support of an agreement, once ratified, it is hard to see how Hamas could refuse to be bound by it and retain significant popular support. Of the 1.9 million Palestinians in Gaza, 1.3 million are refugees.

There is, of course, no certainty, but deep resolution of the refugee issue, combined with positions on Jerusalem and territory similar to what Prime Ministers Barak and Olmert had accepted, offers a basis for a cautious expectation that Hamas would fulfill its commitment to adhere to a ratified treaty. The likelihood of this increases if the treaty is not only affirmed in a referendum but also strongly supported in such referendum.

Strengthening Hamas’s Commitment to Abide by a Palestinian Referendum

The Hamas agreement with Fatah was within a far-reaching national unity proposal reached in 2006. This needs to be brought into the present, and it needs to be put on a firmer ideological basis. The way to do this is to elevate the matter to one of fundamental principle, specifically to link it to the right of the Palestinian people to self-determination—that is, to make clear that a commitment to the right of the Palestinian people self-determination entails respecting the results of a referendum of the Palestinian people because such a referendum is the most fundamental way in which their self-determination is expressed.

This connection between the right of self-determination and respecting the results of a Palestinian referendum should be elevated to the status of an international norm that all state and nonstate actors must abide. A United Nations resolution on this can be taken up by either the UN Security Council or the UN General Assembly or by both. Here is what it might say:

SECURITY COUNCIL RESOLUTION ON PALESTINIAN REFERENDUM

The Security Council,

1. Affirming the right of the Palestinian people to self-determination;
2. Determines that any peace agreement between Israel and the Palestinians that is affirmed by a referendum of the Palestinian people is to be deemed an expression of the self-determination of the Palestinian people;
3. Establishes as a norm in international law and conduct that any such ratified peace agreement must thus be respected by all state and nonstate actors.

The resolution does not call on any party to take any immediate steps. It is a statement of principle that would establish for state and nonstate actors a norm to govern behavior in the event that the Palestinian people affirmed a peace agreement.

From conversations at the United Nations, I am convinced that there would be no significant opposition to such a resolution. Within the Security Council there are several members that might put it forward. There is no need for this to be an American initiative. What we need from the United States is captured in a familiar Marine Corps bumper sticker: “lead, follow or get out of the way.” On this, it is just “follow” (that is, vote yes) or “just get out of the way” (don’t veto) that is needed. I have no doubt that the United States would do one or the other. All that is needed is for a member of the Security Council to put it forward. This could be brought about by

either a quiet request from the United States to a close ally or by a direct request from the PLO to a friendly Security Council member. It is important, but very doable, essentially low-hanging fruit. Once the resolution is passed Hamas should be asked to again reaffirm its commitment to abide by a referendum-ratified peace agreed. With this norm now derived from the right of the Palestinian people to self-determination, Hamas will do so.

Were this to occur, it would not eliminate Israeli skepticism. But what it would do, inside Israel, is open a possibility that perhaps a peace can be made that Hamas would accept. Once the automatic assumption that Hamas would never abide by a peace agreement is discarded, a very different discourse will replace it, a serious consideration of how a Hamas-led Palestinian state would act, were it to come about. In that discourse, standard factors in predicting state behavior, such as national interest, deterrence, and the ability to retain domestic and international support, will come to the fore. This shift will represent the end of the no-partner mantra, replacing it with a vital question: What kind of peace agreement is most likely to prove durable, regardless of who governs Palestine?

2. IRAN: THE LINK BETWEEN THE TWO CONFLICTS

Everything about the Israeli-Palestinian conflict is astonishing. And at this time of marginalization of the conflict, the enduring absence of attention to the connection between Israeli-Palestinian peace and the Israeli-Iranian conflict is bewildering. For instance, in the 2020 internal Israeli debate about whether it would be wise for Israel to unilaterally annex West Bank territories, every possible angle of the implications of this possible step was discussed by experts. Of note, a prestigious Israeli group, Commanders for Israel's Security—made up of three hundred former high-ranking Israeli military and security officials, top generals, chiefs of staff, and heads of the security services—made very detailed and cogent analyses and criticism of the proposal from the point of Israel's national security. And one of the dimensions discussed is how annexation might adversely affect the growing cooperation between Israel and the Arab states in their common opposition to growing Iranian influence in the region. So the impact on Israel's struggle with Iran was discussed. But never did they consider that if annexation, as they believed it would, enormously set back any chance of

resolving the Israeli-Palestinian conflict, that it would thereby set back the one thing that could truly enhance Israeli national security: cooling down the always smoldering Iran-Israel conflict.

I believe this is not just an isolated intellectual failure, nor merely a failure of imagination. There seems to be rigid limits to the range of thought of the entire Israeli security and intelligence community. Whether this emerges from a concern over looking naive or another reason, we find the same strange phenomenon in US policy. For the Biden administration, as it should be, the relationship with Iran is a top foreign policy priority. The United States is committed to preventing Iran from developing nuclear weapons, and it believes that this can be accomplished diplomatically. At the same time, the United States has for years been under pressure from the Israeli government to launch a military strike on Iran. And this remains a possibility if diplomacy fails. Such an attack could plunge the United States into another opened Middle East conflict of enormous cost and unpredictable outcomes. For instance, once such a conflict starts, Iran might make an all-out effort to actually develop nuclear weapons rather than attaining the near-nuclear status that seems to have been its long-standing objective. We invaded Iraq on the flimsiest of evidence that they possessed weapons of mass destruction. What do we do when the evidence of an actual rush to the bomb is clear-cut? And how do we prevent Israel, at some point, from launching its own attack on Iran, in the belief that it could draw the United States into the conflict?

Yet while Iran is a focal point of US policy, a clear case where major US national security interests are engaged, how can it be that the US government today does not prioritize attaining a just peace between Israel and the Palestinians? It is not merely that the administration judges achieving a peace agreement unlikely; the United States does not see that the achievement of such a just peace as a vital US national security goal. This assessment of US national security interests only makes sense if real peace between Israel and the Palestinians would make little difference in reducing hostility between Iran and Israel. This is a pivotal issue, but where is the national security analysis upon which this conclusion is reached? I would suggest that it doesn't exist, that no serious thought has gone into the question of whether the two conflicts are linked—in particular, whether Israeli-Palestinian peace would dramatically alter Iranian-Israeli hostility.

One explanation of the failure to see the connection between the two conflicts is that Israeli-Palestinian peace has been conflated with a signed peace agreement between the PLO and an Israeli government. **The question “Would Israel’s relationship with Iran be altered by the PLO signing a peace agreement?” is quite different from “Would Israel’s relationship with Iran be altered by a genuine end to the Israeli-Palestinian conflict, one enabled by a peace agreement that powerfully addressed the refugee issue, and thus was strongly supported in a Palestinian referendum that included the refugees?”** If we are talking only of a PLO-signed agreement, without a validating ratification procedure, then Hamas would not accept it as binding. And Iran would be withering in its critique if the agreement clearly sold out the refugees, as Israel has proposed, if not in those words (e.g., Olmert’s proposal). Such an agreement would not impact Iran’s support for nonstate Palestinian actors seeking to thwart such agreement. Indeed, it could even intensify it.

But once it is clear that we are not talking about a signed PLO agreement per se, but talking about resolving the conflict, the truth of the matter is straightforward: **Deep resolution of the Israeli-Palestinian conflict will significantly reduce hostility between Israel and Iran.** This conclusion does not depend on whether Iranian policymakers, in their heart of hearts, are deeply concerned about the well-being of the Palestinian people. It is grounded in Iranian national interests. Iran pays a very significant price because of its position as the primary state challenging the legitimacy of the Jewish state, and devotes significant resources in support of this role. This stance, whatever its inherent motivation, serves two key goals of the Iranian regime: (1) that of internal legitimization among its own people, and (2) external legitimization in Iran’s competition for the allegiance of the publics within the Arab states.

Were Israel to reach a peace treaty with the Palestinians that is acceptable to the refugees, both of these purposes will no longer be significantly advanced by continued hostility toward Israel. The refugees will have done what they alone can do, they will have legitimized peace with Israel in the eyes of the publics that are most important to Iran, its own people and the Arab publics in the surrounding states. Iran would have little to gain by standing against a peace that the Palestinian people have chosen.

Given the costs it incurs from its anti-Israel policy, it would be a costly and deeply irrational decision.

There is a counterperspective according to which Iranian foreign policy is driven by a theological ideology and that independent of the costs and benefits of active hostility to Israel, and independent of the Palestinian issue, the Iranian regime has an implacable theological rejection of the existence of a Jewish state in Palestine, viewing it as “an insult to Islam” that never can be accepted. This ideology, it is claimed, will always be driving the policy of the Islamic regime.

There are, however, many reasons to doubt the accuracy of this perspective.

- Yes, there is a “Palestine is an Islamic *waqf* [Holy Possession] that cannot ever be relinquished” thesis, but this is not an established tenet of Islam. It has at times been voiced by Iranian leaders, and it can also be found in Article 11 of the Hamas Covenant: “The land of Palestine is an Islamic Waqf consecrated for future Moslem generations until Judgment Day. No one can renounce it or any part, or abandon it or any part of it.” But this view has very little currency in the Islamic world, as witnessed by Israel’s peace with Islamic Egypt and Jordan, its recent normalization agreements with four other Arab states, the Arab Peace Initiative (API), and the API’s endorsement by the Organization of Islamic Cooperation, and the Oslo Accords themselves. In short, if the Islamic Waqf thesis is a strong determinant of Iranian policy, it would be unique among the fifty-seven Islamic countries of the world.
- Iran itself has at times taken a highly pragmatic relationship with Israel in the forty-three years of the Islamic Republic. During the Iran-Iraq war Israel was a main source of Iranian weapons parts, and the two countries shared intelligence and operational aspects of Israel’s 1982 attack on the Osirak nuclear reactor in Iraq, an attack that Iran itself had attempted and failed.
- Iranian rhetoric against Israel was from the outset intense, but it did not translate into active policy until 1993. A key policy error of the United States that some analysts believe was critical to this turn was the failure of the Bush administration to include Iran in the Madrid peace conference

at which dialogue between Israel the countries of the region was inaugurated.⁶

- Iran has never denounced the Arab Peace Initiative, which provides for normal relations with Israel, and Iran has hosted meetings of the IOC in which the API was endorsed, and at times has voted as part of the unanimous endorsement.
- Although there is no shortage of “Israel-off-the-map” rhetoric, multiple Iranian leaders—President Khatami, President Rouhani, Foreign Minister Zarif, President Rafsanjani, and even President Ahmadinejad, at times—have also made statements along the lines of “what is acceptable to the Palestinians will be acceptable to us.”⁷

The link between the two conflicts is real whether recognized or not. From the point of view of breaking out from the present impasse, what is important is getting an appreciable number of Israelis to see that this link exists. There are two main ways this could be achieved. First, through actions by the Iranian government. And second, independent of such actions by Iran, through steps the Palestinians might take to highlight the connection.

Iranian Actions?

In the history of the conflict, there were initiatives by the Arab states that underscored that Arab-Israeli relations would be transformed by a peace with the Palestinians. The most explicit and far-reaching of such initiatives was the Arab Peace Initiative of 2002 in which all the Arab states put a peace offer to Israel on the table. The API identified a set of conditions, primarily bearing on the Palestinians, such that if Israel met these conditions, all of the Arab states would consider the Arab-Israeli conflict ended and would normalize relations with Israel.⁸

To achieve this normalization, the central conditions that Israel would have to meet were:

- Complete withdrawal from the occupied Arab territories, including the Syrian Golan Heights, to the June 4, 1967, line and the territories still occupied in southern Lebanon.
- Attain a just solution to the problem of Palestinian refugees to be agreed upon in accordance

with the UN General Assembly Resolution No. 194.

- Accept the establishment of an independent and sovereign Palestinian state on the Palestinian territories occupied since June 4, 1967, in the West Bank and Gaza Strip with East Jerusalem as its capital.

The quid pro quo was then explicitly stated:

In return the Arab states will do the following: (a) Consider the Arab-Israeli conflict over, sign a peace agreement with Israel, and achieve peace for all states in the region; (b) Establish normal relations with Israel within the framework of this comprehensive peace.

The Arab Peace Initiative had little impact. It came late in the day. Once Egypt made peace with Israel in 1979, the existential threat to Israel from the Arab states disappeared. For Israelis the threat from Iran is today very real, quite unlike the threat from the Arab states in 2002. Iran is in a position to do for the Palestinians what the Arab states were unable to do with the API: end a true existential threat. Iran could, if it so chose, similarly identify conditions bearing on resolution of the Israeli-Palestinian conflict that would result in a reset of relations with Israel. Far more powerfully than the Arab Peace Initiative, a conditional offer of a new relationship coming from Iran would link peace with the Palestinians to the most fundamental Israeli national security concern.

Iran and the Arab Peace Initiative

The Organization of Islamic Cooperation (OIC) has fifty-seven member states, most of them with Muslim majorities, including all of the Arab states and also Iran. The OIC has repeatedly endorsed the Arab Peace Initiative. This first occurred at the OIC's Extraordinary Summit Conference of 2005. At the time, Iran abstained on the vote. But on some occasions it has joined the consensus endorsement. Indeed, some knowledgeable observers believe that Iran has already embraced the Arab Peace Initiative. Thus Akiva Eldar, a highly respected Israeli commentator, in an article titled "Israel Ignores Iran's Support of Arab Peace Initiative," noted that Iranian president Hassan Rouhani signed the communique of the December 2017 OIC summit in Istanbul.⁹ Eldar quotes the document's affirmation of a two-state solution "consistent with . . . the Arab Peace Initiative."

This signing was not widely reported, and one basic reason is that Iran has never explicitly said that it supports the API, and certainly not that it is joining the API—that is, offering Israel the opportunity of normal relations with Iran if it makes a just peace with the Palestinians. Rather, Iran has maintained an ambiguous relationship to the API, never clearly affirming its support, yet never denouncing the initiative. In conversations with Iranian officials, I've been told of Iranian "reservations." Most fundamentally, the key divide is that the Arab Peace Initiative is grounded in the two-state solution, and Iran has not accepted this. Indeed, it is not hard to find statements from Iranian leaders that are not only totally incompatible with the two-state solution, but incompatible with the continued existence of a Jewish state.

Would Iran Accept the Result of a Palestinian Referendum?

While Iran does not support the two-state solution, and will not join the Arab Peace Initiative, the Iranian government, it turns out, supports a popular referendum as the way to resolve the question of Palestine. In that sense one could say that Iran is committed to a *process* for resolving the conflict, but unlike the API, it is not committed to *any specific outcome*. But this would be misleading. In 2019 Iran submitted to the UN Security Council an Iranian document "A Plan for Holding a National Referendum in the Territory of Palestine." However, the referendum proposed by Iran is nothing like the referendum referred to in "The Prisoners' Document," or the subsequent Fatah-Hamas agreement. Whereas "The Prisoners' Document" offered a process whereby the PLO might negotiate an agreement with Israel, and whereby this agreement would become binding on all Palestinians, if it was ratified in a referendum of the Palestinian people, the Iranians rather bizarrely proposed a referendum not of the Palestinian people, but a referendum of what they called "the people of Palestine."

This group ("the people of Palestine") would include both Palestinians and Israelis, but whereas all Palestinians would be included, only those Israelis descended from Jews living in Palestine prior to the Balfour Declaration of 1917 could participate. Thus almost all Israelis would be excluded. This strange grouping, through a referendum on various options,

would decide how the Palestine issue was to be resolved. Of course, from the point of view of resolving the Israeli-Palestinian conflict, this is ludicrous. The best one can make of this is that it is an Iranian account of what should have happened to decide the fate of Palestine, back in 1917, before the British Balfour Declaration.

The interesting question is “Might the Iranians move from this irrelevant concept of referendum to also supporting the kind of referendum that Hamas has agreed would count as ratification of a PLO negotiated agreement?” If the Resolution on Self-Determination and Referendum were approved by the UN Security Council, would Iran agree to provide no support to entities seeking to subvert a hypothetical agreement? Or if it cannot be advanced in the Security Council, and is introduced into the General Assembly, where Iran would have to vote, one way or the other, would it vote in favor of establishing this norm of international conduct?

In discussions with Iranian diplomats at the United Nations, I showed them the draft resolution presented above, explaining the connection between the right of self-determination of the Palestinian people and respect for the results of a Palestinian referendum on a peace agreement with Israel. I was told that Iran could vote in favor of such a resolution, possibly even cosponsor it. That is, Iran could affirm the norm that all states and nonstate actors must accept any peace agreement so ratified. But such decisions are not made by midlevel diplomats at the Iranian mission to the United Nations; they are made in Tehran. Moreover, this was under the presidency of Rouhani and under Foreign Minister Zarif. How Iran would vote under its new president, Ebrahim Raisi, is an unknown. It is also an Iranian decision that the Palestinians can influence.

How the Palestinians Can Affect Iranian Policy

The Arab Peace Initiative offered Israel normalization with the Arab states conditional on reaching a two-state agreement with the Palestinians. The normalization agreements reached during the Trump administration removed that conditionality. This appeared to delink the Palestinian issue from the region dimensions, at least in the minds of Israelis, both those in government and among the general public.

The central regional issue for Israel is Iran, and establishing an awareness of how this is linked to the Palestinian issue should be made a central goal of Palestinian policy. The proposed "Resolution of Self-Determination and Referendum" offers Palestinians a way to do this. Given that the focus of the resolution is a referendum of the Palestinian people, this is a perfect element of focus for any emerging pan-Palestinian civil society movement. Palestinians, worldwide, should take this up. The concrete goal might be to persuade Iran to be the lead sponsor of the resolution in the General Assembly, and if this is not possible, then at least to gain an Iranian vote for it, without any crippling reservations. Iran would be called upon to put its weight behind the principle of Palestinian self-determination through referendum.

Over the years Iran, in its support for the Palestinian cause, has regularly emphasized the centrality of the refugees, urged support for their rights, and organized conferences to show this support. Were Iran to formally, and credibly, pledge that it would view a referendum-ratified peace agreement as having legitimacy, and were this affirmation made in response to an appeal from the refugees, the entire cost-benefit equation of a peace agreement with the Palestinians might be transformed for many Israelis. In short, potentially the Palestinians, and the refugees in particular, by their ability to affect Iran themselves have unique power to devise, promote, and perhaps achieve an adequate resolution of the refugee issue.

Even if Iran declined to offer an explicit reset of relations with Israel, contingent on deep resolution of the refugee issue, it would serve the refugees well to call on Iran to do so, for two reasons. First, it would underscore that the refugees' willingness to end the conflict was genuine. And second, if done in a high-profile way, it would force examination of the connection between Israeli-Palestinian peace and the Israeli-Iranian conflict.

Contrary to those who see any move by Iran along these lines as farfetched, I would go further. Not only will a peace agreement that the refugees endorse change the costs and benefits to Iran of a continuation of its highly conflictual relationship with Israel, even today the costs of Iran's conflict with Israel vastly outstrips any benefits that Iran gets from it. The problem is that for Iran there is no mode of exit that does not bring with it the additional costs of being seen as capitulating, as having been forced by

Israel and the United States to abandon a central pillar of the regime's *raison d'être*. Iran needs a mode of exit from the conflict. An Iranian offer of a conditional transformation, done as a way of empowering the Palestinians after they have been marginalized by the Arab states, and coming upon the request of the refugees, provides the path to that exit.

Clearly Iran is not thinking along these lines, although I discussed these issues at length with Foreign Minister Zarif in a 2019 meeting. But the Palestinians, perhaps the PLO but certainly Palestinian civil society actors, have the ability to force this onto the Iranian agenda, in the name of support for the right of the Palestinian people to self-determination. If there is a pending General Assembly vote on the "Resolution on Palestinian Self-Determination and Referendum," imagine if there was just one Palestinian demonstration, anywhere in the world, calling on Iran to vote yes.

Of course, it should not be thought that a single vote by Iran on such a resolution would transform Israeli thinking. A minimum condition is that Iran give a credible commitment to abide by a referendum-ratified peace agreement. Thus, the commitment needs to be made without disabling reservations, and it needs to be reaffirmed without ambiguity. Even then, Israel will remain skeptical. As with a Hamas commitment to abide by a referendum, a similar commitment by Iran can, however, open a space within Israeli discourse. As with Hamas, reflection can turn to a consideration of how Iran's national interest, and regime interests, would be affected by alternative policies towards Israel, if there were deep resolution of the conflict. In such an Israeli discourse, it is not necessary to convince everyone. If just twenty-five percent of Israelis saw that deep resolution of the conflict with the Palestinians could open the door to a reset with Iran, the political consequences would be transformative.

3. NEEDED: A POST-OSLO PEACE PROCESS

The central characteristics of the Oslo process were threefold:

- It involved direct negotiations between the PLO and the government of Israel.
- All issues of the conflict were to be resolved by such negotiations.

- The end-of-conflict agreement it aspired to was conceived as emerging bottom up from those negotiations.

After nearly three decades, especially with the lack of interest from the Biden administration, the need for a different peace process is apparent. The alternative post-Oslo process should differ from Oslo in two key ways:

- It would center on the two peoples rather than the two dysfunctional organizations (the PLO and the government of Israel).
- It would look to an international body, not Israel and PLO negotiators, to develop the end-of-conflict plan that the two peoples would agree to.

A proposal along these lines, “Going Directly to the Israelis and Palestinians,” was developed in 2012 and appeared in the *New York Times* under that title. I was the lead author, joined by three highly prestigious coauthors: Shlomo ben-Ami, former Israeli foreign minister; Javier Solana, former high representative for common foreign and security policy of the European Union; and Thomas C. Schelling, Nobel Prize winner.¹⁰

We referred to our proposal as UNSCOP-2, because in some ways its central mechanism resembled the original UNSCOP, the United National Special Committee on Palestine, which was created in the Spring of 1947 and developed the proposal that was the basis for the historic UN Partition Plan. This, as we discussed earlier, was the basis for both the Israeli (1948) and Palestinian (1988) Declarations of Independence. In modified form, here is how, today, a post-Oslo Peace Process can be initiated. As the US government will not take the lead on this, it falls to the Palestinians to do so.

To the Palestinians:

1. Go to the United Nations General Assembly, the most important international body in which the Palestinian cause has strong support. Avoid the Security Council because the United States will likely block the proposal.
2. Ask the General Assembly to convene a Special Session of the General Assembly on the Question of Palestine. This has happened before, most

notably in 1947 when UNSCOP was established.

3. When that Special Session is convened, propose that there be established a United Nations Special Commission on Palestine (UNSCOP-2) and that this commission be instructed to develop a fully detailed proposal for ending the conflict and to report back to the General Assembly in six months.

4. The commission should be given the following terms of reference for the UN Peace Plan:

The UN Peace Plan should be:

- Broadly consistent with the Arab Peace Initiative.
- Acceptable to a majority of the Palestinian people and to a majority of the citizens of Israel.
- Grounded in consultation with the refugees on “creative solutions to the plight of the refugees while respecting Israel’s demographic concerns”—a phrasing employed by Arafat.^{[11](#)}

5. Expect that the new Israeli government will heap scorn on this commission and refuse to participate. Israel will, of course, cite the bias of the United Nations and perhaps try to raise fears of “an imposed solution” - but the fundamental problem for the Israeli government is that the plan is aimed at a two-state solution, something Prime Minister Bennett, strongly opposes.

Recognize that an Israeli boycott is not necessarily a bad thing. In 1947 the original UNSCOP commission was also boycotted by one side. That commission came to the region to study options. It consulted widely and held hearings. And it traveled to meet with refugees living in European camps (Jewish refugees after the Holocaust). The Zionist movement took it very seriously, and courted it assiduously, but the Palestinians made the mistake of boycotting the commission, and thus the ultimate proposal it made was more pro-Israeli than it would have otherwise been. Today, if Israel boycotts the process, this will give the Palestinians greater influence over the substance of the UN Plan that the commission will develop. In particular, it will open the door to an acceptable proposal on the refugee issue.

6. Once the UNSCOP-2 plan is developed, it will be reported back to the

United Nations, as occurred in 1947. Here is where the new process will be different. In 1947 the General Assembly, with minor modifications, took the UNSCOP report and formulated it as the Partition Resolution (UNGA Resolution 181). It passed as a “take it, or leave it” solution. Today a different approach is needed. The General Assembly should call on Israel and the PLO to enter negotiations for three months, based on the UNSCOP proposal. The object of the negotiations would be to see if the two sides could agree on improvements to the text, with the understanding that any agreed text would be put to a referendum on both sides. Neither the Israeli government nor the PLO would have to endorse the plan, just commit to putting it to a referendum.

Again, it is near-guaranteed that the Israeli government would refuse to participate in those negotiations. Assuming this boycott, the PLO should take the UNSCOP proposal, possibly make some limited changes if it seemed absolutely necessary, and then put it to a referendum that included not just Gaza, the West Bank, and East Jerusalem, but also the refugees worldwide.

7. If Israel prevents voting on the UN peace proposal in East Jerusalem, this should be attempted day after day, nonstop and nonviolently. It is doubtful that Israel would actually try to prevent such a referendum on a peace agreement, as the television images of soldiers preventing a peace referendum would be crushing to Israeli credibility in the United States.
8. In advance of the referendum, the General Assembly should call on Hamas to renew its commitment, made in response to “The Prisoners’ Document” of 2006, and repeated subsequently, that Hamas would accept a peace agreement that was approved in a Palestinian referendum that included the refugees in the Diaspora. It is likely that Hamas will again make this commitment, which would give added power to the referendum.
9. Assuming that the Palestinian public approves the peace plan, the PLO should sign it and then submit it to the UN Secretary General. The General Assembly would then call on Israel to either accept the plan or similarly put it to a referendum of the citizens of Israel. If this stage is achieved, one cannot predict how even a right-wing Israeli government will respond. Quite possibly, fearing that it would be approved by the

Israeli public, it might refuse the UN call for a referendum. If this happened, it would open a major struggle inside Israel. For the Israeli public this would be seen as the first real chance to end the conflict. It will be seen as the first clear and comprehensive Palestinian “yes” in over a century of struggle. Ideally, Iran would join Hamas is announcing that it would respect the agreement if Israel signs. Essentially this sequence of events will place the two-state solution and ending the conflict at the heart of Israeli politics and the stability of its government. It will be decision time for the people of Israel.

Although it is impossible to know exactly how this will play out, it is clear that it will be transformative, strengthening worldwide the perception that the Palestinians are prepared for the compromises necessary for peace. This will increase support for whatever comes next, including international efforts to press Israel to accept the peace plan. As a New UN Partition Agreement, a “New Resolution 181,” the ratified peace plan will remain in place, an international demand upon any future Israeli government.

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The three elements of strategy just discussed (gaining Hamas acceptance of the legitimacy of a peace agreement, linking Israeli-Palestinian peace to a reset in the Israeli-Iran relationship, and establishing a post-Oslo Peace Process) all turn on the claim that there can be a peace agreement that powerfully addresses the refugee issue, and thus wins a Palestinian referendum, and at the same time is acceptable to a majority of the citizens of Israel. Given that the current orientation of the Israeli government and much of the Israeli public is to not allow the return of any of the seven million refugees, without explaining how to square this circle, these ideas remain a house of cards. How then is this to be done?

4. A NEW APPROACH TO THE REFUGEE ISSUE

Background

In discussing the refugee issue, the most important distinction to bear in mind is the difference between the right of return and actual return. UN General Assembly Resolution 194 is the primary basis in international legitimacy for the right of return of the Palestinian refugees. Resolution 194 in its key passage stated:

The refugees wishing to return to their homes and live at peace with their neighbors 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.

In speaking of those “wishing to return,” the resolution embraced the idea of refugee choice. It did not explicitly use the concept of “rights,” but this has been widely understood to mean that refugees have a right to choose whether to return or not to return.

Of importance, the resolution spoke of a “return to their homes.” For most of the refugees this means a return to their homes in the hundreds of small villages that dotted Palestine before the 1948 war. In almost all cases, not only do those homes no longer exist, the villages themselves no longer exist. As a result of the war, whether because of fear and flight or because of outright expulsion, some 418 villages were depopulated. Subsequently, almost all of these 418 villages were bulldozed by Israel. Thus, for most refugees a “return to their homes” must be interpreted as meaning a “return to the places where their homes once stood.” An analysis of the 418 villages shows that only 71 of them were fully built over by Israel.¹² For the most part the village areas, often very small, are today open areas with scattered rubble, often in areas designated as national parks and forests.

If the seven million refugees were allowed to choose whether to return, how many might be expected to actually make that choice? How many would actually choose to live in Israel, a Jewish state, rather than to stay where they are, or move to the State of Palestine, or go to other countries such as the United States or to those in Europe, or elsewhere? No one really knows the answer to that question, and if the refugees were ever given such a choice, much would depend on the specifics involved. The only study of this question of which I am aware was undertaken by Khalil Shikaki in 2002.¹³ While his specific numbers cannot, in any sense, be viewed as definitive, they are quite interesting.

Refugees living in Jordan, Lebanon, the West Bank, and Gaza were polled with respect to various alternative places of permanent residence. Of those living in Jordan, 5 percent said they would choose to return and live in Israel. This choice was made by 23 percent of those in Lebanon, and 13 percent of those in Gaza and the West Bank. If we assume that those in Syria would choose similarly to those in Lebanon, and that those in the rest of the world would choose as did those in Jordan, and then multiply by the current number of refugees in each area, we find that out of seven million refugees, some 682,000 would choose to actually return to Israel. Roughly speaking, the 2002 study suggests that around 10 percent of the seven million, some seven hundred thousand refugees might actually choose to return to live in Israel if all were given the choice, and if compensation plus alternative choices were available.

This is very important and suggests that in presenting any peace proposal to Israel, some specific number of those who might actually return should be used, rather than any reference to the “right of return,” which for Israelis conjures up the image of seven million refugees flowing into Israel. Palestinian discourse is strongly committed to recognition of Palestinian rights, but the emphasis should not be on attaining a verbalization from Israelis but on an agreement that makes it possible for large numbers to exercise a right of choice.

The Refugee Issue in Negotiations since 1993

The 1993 Oslo Accord identified the key issues of the conflict that were to be addressed in the permanent status negotiations: Jerusalem, refugees, borders, settlements, and security arrangements. In the nearly three decades since the White House signing ceremony, there was serious engagement with these issues in only two periods: (1) the negotiations when Ehud Barak was prime minister, most importantly the Taba negotiations in January 2001 that followed the Camp David talks in 2000; and (2) the negotiations between December 2006 and mid-September 2008, when Ehud Olmert was prime minister.

In the course of those negotiations, the gap between the positions of the PLO and the Israeli government narrowed considerably on all permanent status issues, except refugees. On refugees, while the gap was narrowed at

Taba, it significantly widened in the Olmert negotiations. At the Camp David negotiations in the summer of 2000, the refugee issue received only limited attention. Israel, unsurprisingly, rejected the idea of a right of return, even in principle, and was prepared to allow the return of only an unspecified but small number of returnees, and these only on humanitarian grounds. The Clinton parameters, put forward in December 2000 during the last days of the Clinton presidency, identified “five possible final homes for the refugees,” but with respect to the most contentious issue—admission to Israel—Clinton adopted the Israeli position that this would be determined solely by Israel.

The negotiations at Taba began a few weeks later. The United States was not present, and the negotiators took a different tack on refugees. Discussions centered on three subissues: (1) the actual return of refugees, (2) compensation for the refugees, and (3) a narrative statement that might satisfy the Palestinian insistence that Israel take responsibility for the refugee problem. On compensation, the idea of an international fund was accepted, but no specific numbers were agreed to. As to a joint narrative, an effort was made, but no agreement could be reached. The most that Israel would agree to was an Israeli expression of regret for the suffering that the refugees underwent, but no acceptance of responsibility for that suffering.

With respect to the actual return of refugees, rather than insisting that this would be left to Israel, as Clinton had proposed, the Taba negotiators sought agreement on a specific number. Regardless of their affirmation of “the right of return” of the refugees, the Palestinian negotiators never sought nor expected Israeli agreement to the *actual return* of any substantial part of the six million to seven million refugees.

Accounts of the specifics at the Taba negotiations differ somewhat. The report prepared by EU representative Miguel Ángel Moratinos states that there was an Israeli “non-paper” that proposed that twenty-five thousand Palestinian refugees would return over the first three years of a fifteen-year period, with four additional tranches. There was no commitment to an additional twenty-five thousand for each of the four remaining three-year segments, but if such were the case, the total would have reached 125,000, about 2 percent of the refugees. This was considerably below what the Palestinians would have accepted. In private conversations Palestinian

negotiators have said that four hundred thousand (6.7 percent) would have been “in the ballpark.”¹⁴

In the Olmert-Abbas negotiations the Israeli position shrank to approximately 0 percent. Abandoning the much larger, even if vaguely defined, Israeli proposal at Taba, Olmert proposed that a total of five thousand refugees return, and he subsequently said that he had been prepared to go to ten thousand (one-sixth of 1 percent). There were reports that the Palestinian negotiators had countered with a proposal that 150,000 would return, some thirty times the number Olmert offered.¹⁵ Other accounts say that the Palestinians proposed one hundred thousand.¹⁶ Despite these reported sharp declines in the Palestinian negotiators’ requirements from the Taba level, the Israeli willingness to accept refugees had declined more sharply, and subsequently Israeli negotiators such as Tzipi Livni asserted that Israel would not accept any returning refugees. This decline in the Israeli stance to zero returnees was subsequently reflected in the 2014 US effort, led by Secretary of State Kerry, to spell out parameters for permanent status negotiations. Kerry’s proposal spoke of four possible destinations for the refugees: (1) the State of Palestine, (2) their current countries of residence, (3) other countries around that world, and (4) in special humanitarian cases, admission into Israel, which “will be decided upon by Israel, without obligation, at its sole discretion.”¹⁷

Nothing along these lines will work, not for a peace agreement and certainly not for attaining a lasting peace. On this most fundamental issue, negotiations not only failed, but going from Taba in 2001 to Olmert in 2008, they moved further from resolution. Arafat, to his credit, put the matter correctly in a 2002 op-ed that ran in the *New York Times*, titled “The Palestinian Vision of Peace.”¹⁸ He wrote: “There are those who claim that I am not a partner in peace. In response, I say Israel’s peace partner is, and always has been, the Palestinian people.” Addressing the refugee issue, Arafat said:

We understand Israel’s demographic concerns and understand that the right of return of Palestinian refugees, a right guaranteed under international law and United Nations Resolution 194, must be implemented in a way that takes into account such concerns. However, just as we Palestinians must be realistic with respect to Israel’s demographic desires, Israelis too must be realistic in understanding that there can be no solution to the Israeli-Palestinian conflict if the legitimate rights of these innocent civilians continue to be ignored.¹⁹

Arafat correctly identified the relationship between the refugee issue and the durability of peace agreements, saying: "Left unresolved, the refugee issue has the potential to undermine any permanent peace agreement between Palestinians and Israelis." Israelis who maintain there is no Palestinian partner also recognize this link. But unlike those who conclude "no Palestinian partner" because they see no solution to the refugee issue, Arafat believed the problem could be solved. He called for "creative solutions to the plight of the refugees while respecting Israel's demographic concerns." It is this reference to "creative solutions" that are sensitive to "Israel's demographic concerns" that I have proposed as terms of reference for the UNSCOP-2 commission.

What Arafat did not see is that negotiations were not capable of generating such solutions, and that the negotiations process only widened the gap. Moreover, Arafat himself never put forward those creative solutions. Today it falls to the Palestinians to do just that, identify those "creative solutions" that both they and most Israelis can accept, and to do so outside negotiations. This is a key reason for going to an UNSCOP-2 process that can embody such ideas, especially if boycotted by Israel.

Tellingly, Arafat published his "Vision of Peace" article in an American paper rather than an Israeli one. His focus on the United States and the American audience, rather than the Israeli audience, is reminiscent of a matter discussed earlier in this book, the problem of having the Palestinian Declaration heard by the Israelis, and Arafat's lack of interest in the proposal that the PLO address the terrorism issue, in ways the Israelis would hear, prior to issuing the Declaration. It raises a question about the extent to which he ever fully grasped that just as Israel's partner is the Palestinian people, the Palestinians' real partner, if they are to have one, is neither the United States nor the Israeli government, but the Israeli people. **At its core, the strategic turn the Palestinians must make is to recenter their efforts on the Israeli public.** To the Palestinians, this comes easily enough when what is proposed are steps to "raise the cost of the occupation," but distinctly less so when the objective is convincing Israelis of the possibility of a real and lasting peace.

A Village-Based Approach to the Refugee Issue

The village-based approach has two components. The first is to connect the refugee issue to the question of land swaps. Back in 1992, after Prime Minister Shamir was replaced as prime minister by Yitzhak Rabin, Shamir, in a candid moment, said that his intention was to draw out negotiations for ten years during which time a half-million Israelis would settle in the West Bank, preventing a Palestinian state. This “creating facts on the ground” strategy was undercut by the idea of land swaps, which emerged in the peace negotiations. In virtue of the swaps, 70 percent to 80 percent of the settlers would not impede a peace agreement, as they would not have to return to Israel because the settlements close to the Green Line could be retained by Israel, swapped for land inside Israel that would come under Palestinian sovereignty. The exact specifications of these swapped areas remains to be resolved in any future negotiations. Palestinian negotiators have sought to keep the swapped areas as small as possible and to avoid long fingers of Israeli sovereignty intruding into the West Bank.

On the village-based approach, land swaps would take on a second purpose: transferring to Palestinian sovereignty as many of the 418 villages as might be possible. In addition to the swapped areas being equal in size, they would also be equal in degree of intrusiveness. If there are Israeli “fingers” going into Palestine to include more settlements, there would be Palestinian “fingers” going into Israel, in order to include more villages. With swaps at roughly 4 percent of the occupied territory, depending on the extent of agreed **mutual intrusiveness**, it should be possible for twenty-five to seventy-five villages to come under Palestinian sovereignty. Each of the villages, on average, had in 1948 a population of roughly nine hundred people, and today is viewed as the area of their homes by about nine thousand refugees. In a few years this will reach ten thousand, and for simplicity I will use this number. If we assume that fifty villages are contained in the swapped land, then five hundred thousand refugees will have the option to choose to return to their homes, which will now be inside Palestine, with the future of those village areas determined by the refugees and the State of Palestine. **This alone dwarfs anything considered in two decades of negotiations and peace plans.**

The second part of the village-based approach is that for all of the villages that remain inside Israel—let’s assume this is 368 villages (418 minus 50)—the refugees from each village would form a village-committee that would

have qualified ownership or managerial authority to determine what happens to their village in the future. With respect to the 71 villages that have been built over, this would be quite limited, perhaps only the installation of a historical plaque on which a village narrative would be written by the refugees and be placed at the site. But for the remaining 297 villages (the homes of 2.97 million refugees), substantial ownership rights of each village area would be given to its village-committee. Being within Israel, these villages would remain under Israeli sovereignty. Within an overall cap, of perhaps 100,000 refugees allowed to return to those villages as Palestinian citizens with permanent residence in Israel, the village-committees would decide what would happen in their village. Likely they would have virtual rather than face-to-face meetings.

Perhaps there would be 100 villages in which roughly 150 homes (enough for 1,000 refugees per village) would be built, with the remaining villages having guest houses for short-term refugee visits. Or perhaps it would be decided to divide the 100,000 permanent residence slots evenly among the 297 villages, thus building homes in each village for the return of 337 refugees, about 60 to 65 homes in each village. Many ideas would emerge, and each committee would make decisions about various degrees of restoration and commemoration depending on the desires of the refugee committee from that village and negotiations with Israel.

Specifics could include excavating the ruins of the village, restoring cemeteries and mosques, beautification, establishing a guesthouse for refugee visits or a historical center and so forth. It may even turn out that most refugees and most village-committees will have a preference that new homes not be built in the village areas, but rather that the villages be excavated and preserved as bearing permanent historical witness to the tragedy of the Nakba. This might be termed "the narrative preference" in which it emerges that when given actual control of the village sites, refugees, seeing that return to the agrarian world of 1947 is possible only in the imagination, prefer that villages be a visible narrative of the Nakba, rather than new housing developments. But one way or the other, all of the 4.18 million refugees connected to the 418 villages, swapped and unswapped, would have the opportunity to reengage in various ways and make decisions with respect to their home villages. Of these, five hundred

thousand would be engaged with villages transferred to Palestine, and 3.68 million with the villages that remain in Israel.

Beyond the villages, and the one hundred thousand returning to them, I would suggest that a Palestinian peace proposal call for an additional two hundred thousand actual opportunities to return. This would bring the total number who could return to three hundred thousand. It could be agreed that all of those returning would hold citizenship in Palestine and would live as permanent residents inside Israel. Thus there would be no impact on Israeli elections. Moreover, this total number of three hundred thousand Palestinian refugees returning as permanent residents would be offset by a decline in the number of Palestinian permanent residents currently living in Israel. These are the Palestinians living in East Jerusalem, areas that in the peace proposal (as in the Clinton parameters and agreed to by Israel at Taba and in the Olmert negotiations) would become part of Palestine. This current population is also around three hundred thousand, so the proposal would result in zero net growth of Palestinian permanent residents inside Israel.

The proposed actual return of three hundred thousand refugees is a number that, if Shikaki's data is relevant, may be sufficient to satisfy the choice of whether to return to ten times that number, to three million refugees. When this is added to the five hundred thousand who would have the option of returning to their homes in the fifty swapped villages, this comes to **3.5 million with a fulfilled choice** of whether to return, roughly 50 percent of the worldwide refugee population. While not the 100 percent choice sought by Palestinians, this is an astonishing number for anyone familiar with the history of the peace process.

To summarize what this approach offers:

- Five hundred thousand refugees would have full right of return to the fifty villages swapped to Palestine.
- One hundred thousand refugees would be allowed to return to their villages inside Israel.
- Two hundred thousand refugees would be allowed to return to other areas in Israel.
- If the 10 percent choosing-to-return ratio is assumed, this would mean

three million refugees would have a fulfilled choice of returning to Israel, and 3.5 million with fulfilled choice overall.

- 4.18 million refugees would have qualified ownership rights over their villages (368 of which remaining in Israel).

In total, the proposal offers vastly more than anything ever remotely broached in the negotiations, yet poses no demographic threat to Israel.

Compensation

The compensation issue is enormously complex. It has been an element of every negotiation over the refugee issue, and meaningful levels of compensation for the refugees, especially for those not returning, is a critical part of any solution to the refugee issue. The higher the level of compensation for those not returning, the lower the percentage choosing to actually return. Palestinians have claimed compensation for multiple harms, but the most straightforward claim is simply to be compensated for their privately owned land that was taken from them, either directly for those expelled or indirectly from others who were simply not allowed to return once the 1948 war ended. The amount of land taken from the Palestinians was vast, essentially almost all of the agricultural land inside the 1949 armistice line.

The issue cannot be addressed here, but I would offer a simple suggestion: Israel should provide to refugees compensation equal to 1 percent of Israeli's present GDP, annually, over a period of one hundred years, adjusted upwards for inflation. The starting point, 1 percent of current GDP, is not an extensive burden, and if it brings peace, it will be more than offset in savings on military expenditures. Israel's current GDP is roughly \$400 billion, thus 1 percent is around \$4 billion. This figure is also roughly what the United States provides in aid to Israel each year. Distributed to 1 million to 1.5 million refugee families, this would be about \$3,000 a year, enough to make a very substantial impact for most refugees. The proposed one-hundred-year time frame provides the kind of permanence to a family that land ownership once did and is supportive of "a century of peace." In total, over the course of one hundred years of annual compensation payments, \$400 billion (in real terms) would be paid out. Yet

with Israeli economic growth, this \$4 billion a year, even adjusted upwards for inflation, will be an ever smaller portion of Israeli national income; by year seventy-five, it would be around one-eighth of 1 percent of GDP.

The other elements of the UN peace proposal would likely be along the lines explored in the Taba negotiations, the Olmert round, and the secret parameters agreed to by Palestinian President Abbas and Labor Party leader Isaac Herzog, prior to the 2015 Israeli elections. (Herzog was recently sworn in as Israel's largely ceremonial president). Essentially:

- Adjusted by land swaps, the territory of the State of Palestine would be equal to that which Israel occupied as a result of the 1967 war.
- There would be a Palestinian capital in East Jerusalem.
- Israel would not have exclusive sovereignty over the historic walled city of inner Jerusalem, and the Temple Mount/Haram al Sharif would be jointly administered and also not under exclusive Israeli sovereignty.
- The Palestinian state would be nonmilitarized, with special provisions to ensure Israeli security.
- And, as Kerry suggested, the negotiations would fulfill the Partition Resolution's vision of two states, one Arab and one Jewish, with equal rights for all its citizens.

Additionally, to further strengthen the appeal of this proposal for the Israelis, the Palestinians could offer permanent residence inside the State of Palestine to those Israeli settlers living outside the settlements that would be included in the land swaps. Overall, there are roughly 450,000 settlers living in the West Bank, and if 70 percent were encompassed within land swaps, then 135,000 remain, around 30,000 families. Some would choose to move back to Israel, some would choose to relocate to settlements covered by the land swaps, and an option of permanent residence, under Palestinian sovereignty, could be offered to the remainder, perhaps no more than 5,000 families, thus avoiding the forced evacuations that characterized Israel's withdrawal from Gaza.

Over the years there has been substantial polling of both Israelis and Palestinians with respect to a peace agreement along these lines (minus the refugee proposal, which is new). At times majority support was found on

both sides, and if not, then at least solid minority support. On the Palestinian side the greatest issue was that little was offered on the refugee issue. The addition of the refugee proposal just detailed will significantly increase Palestinian support. If the overall proposal is presented to the Israeli public **after** having been approved in a Palestinian referendum and after Hamas has been brought on board in virtue of the referendum, and after a link to relations with Iran has been made visible, it will find majority support among Israeli citizens. Coupled with international support, especially from the American people, this proposal will bring forth an Israeli partner, a future Israeli government that also says "yes."

Conclusion

THE SIGNIFICANCE OF THE DECLARATION

It is now over a quarter of a century since the Declaration was proclaimed, a length of time that allows us to look back and reflect on its larger significance. We have seen that the Declaration did *not* signify a fundamental shift in Palestinian strategic thinking; the PLO remained committed to its effort to represent the Palestinian people in a negotiations process that would lead to independence. The embrace of a full unilateral strategy, one that deemphasized negotiations, was the road-not-taken. Looking back at all that has happened since the heady days of November 1988, this choice was unfortunate. Nonetheless, this is the history that occurred, and the significance of the Declaration ultimately lies in its relationship to what did happen, and to what contribution it might make in the future.

In chapter 11, I discussed the Declaration's continuing relevance going forward—in particular, because of how it offers a way to deal with the Jewish state issue. Let me focus here on the Declaration's significance in relation to the history of the conflict thus far, ending with some thoughts on its role in the transformation of the Palestinian narrative. The Declaration was the heart of the Palestinian peace initiative undertaken in 1988. It was an initiative that bore fruit and continues to remind us that it is possible to end the conflict. From a historical perspective the Declaration played a central role in two ways of considerable significance: (1) as the vehicle through which the goals of Palestinian nationalism were transformed, and

(2) as the key that allowed the PLO, as the agent of the Palestinian people, to move from international pariah to legitimate partner in the quest for peace.

THE AIMS OF PALESTINIAN NATIONALISM

A distinct sense of Palestinian nationalism emerged in the twentieth century, largely through the process of struggle against the Zionist movement. Up until the great defeat in 1948, the central goal of Palestinian nationalism was to prevent the establishment of a Jewish state in Palestine. On the international diplomatic level, the 1947 Partition Resolution, which called for two states, one Arab and one Jewish, was a stinging defeat, but it was widely believed that the actual emergence of a Jewish state could be prevented through force of arms. The struggle began immediately after the Partition Resolution was passed, and in May of 1948, with the British evacuation and the proclamation of the Israeli Declaration of Independence announcing the new state, the Arab states declared war. When the fighting stopped in 1949, Israel was an established fact, and it controlled considerably more territory than had been allotted in the Partition Resolution.

With Israel as an established fact, the goal of Palestinian nationalism was to reverse the defeat of 1948. This had two aspects: (1) the return of the several hundred thousands of refugees to their homes in what was now Israel, and (2) more fundamentally, the destruction of the Jewish state. In the 1960s the PLO became the umbrella organization for the several groups engaged in this struggle, and these twin goals are evident in the PLO Covenant. What one does not find in the Covenant is the identification of a Palestinian state as a central objective.

With a political movement the distinction between its operational goals (the long-term objectives that it is seeking to bring about through its strategic choices) and the nonoperational wishes of its members is central. Even today, it is no doubt true that if there were a magic button that Palestinians could press that would result in the disappearance of Israel and the exit from the Middle East of its seven million Jews, and if such could happen without any significant price, without major harm to their own

people, overwhelmingly, Palestinians would push such a button. To say this is not to deny the reality of the transformation that occurred when the previously operational goal of liberating all of Palestine came to be seen as thoroughly unrealistic and no longer served to guide decision-making.

For Palestinians the decisive event was the 1967 war, when in six days Israel destroyed the armed forces of the major Arab states it confronted, and went on to occupy vast tracts of land under the previous control or sovereignty of the Arab states. The emergence of a radically new objective—a Palestinian state that would not replace Israel but would live alongside it—was a slow process, one that began two decades prior to the Declaration. But it was the Declaration that most explicitly expressed, formalized, and crystallized this transformation. It is with the Declaration that a zero-sum conflict between Palestinian nationalism and Israeli nationalism was transformed into a conflict that can be resolved.

THE STATUS OF THE PLO

There can be no doubt that between November 1988 and September 1993, when Arafat and Rabin shook hands on the White House lawn, the international standing of the PLO underwent the most radical transformation. The PLO had gone from being the illegitimate enemy (the terrorist enemy) to becoming a partner for peace. In terms of both Israeli and American policy, the PLO went from being a forbidden organization with which no contact was permissible to being an acceptable and necessary negotiations partner.

The significance of this goes far deeper than the status on one particular organization. The PLO was the formal agent of the Palestinian people, and it was through the PLO that Palestinians had, or aspired to have, any role in shaping their destiny. It was through the emergence of the PLO as a legitimate international player that the Palestinian people, who had attained agency through the First Intifada, gained formal status on the international stage, and ultimately, in their struggle with Israel, the state that had dominated their lives since its inception.

The key event in this transformation was the decision by the Reagan administration to open contact with the PLO, following its judgment that the

PLO had met the three US conditions for doing so: (1) a renunciation of terrorism, (2) recognition of Israel's right to exist, and (3) acceptance of UN Security Council Resolution 242. Between November 15, 1998, the date of the Declaration, and December 14, 1988, the date when the United States affirmed that the conditions had been met, there were a multitude of PLO statements. This included the Declaration itself, the political resolutions of the Palestine National Council that accompanied the Declaration, Arafat's statement following the Stockholm meeting with distinguished Jewish Americans, Arafat's speech at the United Nations General Assembly in Geneva, and finally Arafat's press conference the day after his UNGA speech. It was only his remarks at the press conference that were seen by the United States as representing PLO satisfaction of the three conditions.

In this process the Declaration had a special role. Each of the other documents and statements of that key period represent occasions in which the Palestinians made important concessions as they inched their way toward the final, acceptable affirmation. These concessions were not met with Israeli concessions nor for that matter American concessions. The PLO had hoped to attain American support for a Palestinian right to self-determination, but the United States refused. Yet bit by bit, on all three issues, the PLO made unilateral concessions, in each case meeting US demands more clearly than it had previously done.

One or two years before the Declaration, few viewed it possible that the PLO would unilaterally offer all that it ultimately did. What made it possible to do so was that the *unilateral concessions were not experienced by the Palestinians themselves as humiliating*. Although they were not balanced by matching Israeli concessions, **they were balanced by the unilateral Palestinian assertiveness of the Declaration itself**. In making the Declaration of Independence the Palestinians were saying, "We don't need your permission to bring our state into being, we have a right to national self-determination and we are acting on it." In this the Declaration was rooted in the state-building process of the Intifada itself. It was this that culminated in the Declaration, and it was this that freed the PLO to meet the US conditions.

This link between the Declaration and the satisfaction of the US conditions is made more evident by examining the exact wording that Arafat

used in that key press conference when he recognized Israel's right to exist. Speaking of his speech, the previous day he stated:

We mean our people's right to freedom and national independence according to Resolution 181 and the right of all parties concerned in the Middle East conflict to exist in peace and security and as I have mentioned, including **the state of Palestine** and Israel and other neighbors according to the Resolutions 242 and 338.¹

This allowed Arafat to drop the PLO's prior insistence on recognition of the Palestinian right to self-determination.² While Arafat continued to resist saying straight out that Israel had a right to exist, after the Declaration he could speak of the right to exist in peace and security of "the State of Palestine and Israel." Both in terms of political psychology and in terms of ideology, it was the Declaration that facilitated the steps that allowed the PLO to come in from the cold. This process moved slowly, and it wasn't until five years later that on the eve of the Oslo signing, Israel and the PLO exchanged letters of recognition:

September 9, 1993

Yitzhak Rabin
Prime Minister of Israel
Mr. Prime Minister,

The signing of the Declaration of Principles marks a new era. . . . I would like to confirm the following PLO commitments: The PLO recognizes the right of the State of Israel to exist in peace and security. The PLO accepts United Nations Security Council Resolutions 242 and 338. The PLO commits itself . . . to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues relating to permanent status will be resolved through negotiations . . . the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators . . . the PLO affirms that those articles of the Palestinian Covenant which deny Israel's right to exist, and the provisions of the Covenant which are inconsistent with the commitments of this letter are now inoperative and no longer valid. Consequently, the PLO undertakes to submit to the Palestinian National Council for formal approval the necessary changes in regard to the Palestinian Covenant.

Sincerely,
Yasser Arafat
Chairman: The Palestine Liberation Organization

• • •

September 9, 1993

Yasser Arafat

Chairman: The Palestine Liberation Organization

Mr. Chairman,

In response to your letter of September 9, 1993, I wish to confirm to you that, in light of the PLO commitments included in your letter, the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people and commence negotiations with the PLO within the Middle East peace process.

Yitzhak Rabin
Prime Minister of Israel

What we see in this exchange of letters is the following:

1. As in December 1988, the PLO in 1993 again recognized Israel's right to live in peace and security.
2. This time there is no mention of the State of Palestine.
3. Now there is a straightforward Israeli quid pro quo—in exchange for PLO recognition of Israel's right to exist in peace and security, Israel recognizes *the PLO* as the representative of the Palestinian people and accepts it as its negotiating partner.
4. The PLO declares that all outstanding issues pertaining to permanent status will be resolved through negotiations. This last is an abandonment of unilateralism.

With the PLO now formally elevated to the status of a legitimate negotiations partner, ten months later Arafat returned to Gaza after decades of exile. From that point on the Palestinian leadership was within its homeland and among its people. The Declaration was the pivot that made this possible.

THE DECLARATION AS TRANSFORMATIONAL NARRATIVE

It is often maintained that Israelis and Palestinians maintain alternative narratives of the conflict. In saying this, the term “narrative” is used to refer to more than an account of the history, although there are certainly disputes over fundamental matters of fact—for instance, the extent to which in 1948

the refugees were expelled by Israeli forces. Essentially the narrative is the core story of the conflict that makes clear its moral dimensions. The central historical facts are those that clarify matters of justice.

Thus one narrative might begin in ancient times with an account of an earlier Jewish state that succumbed to Roman imperialism and then waged and lost a determined and heroic struggle against that empire, a struggle that resulted in eighteen centuries of dispersion. It might relate how in modern times, a movement of return developed and was sanctioned by the international authorities of the day. An alternative narrative might begin the story at a very different point, or perhaps with a focus on a different people, one living in their ancestral homeland until colonial powers, who had no right to determine events in Palestine, provided sanction for a Zionist-settler movement that sought to wrest the land away from its rightful owners. And it might recount the heroic struggle of those whose land and world was threatened to resist the injustice being imposed upon them.

In writing the Declaration, Mahmoud Darwish laid out a narrative that was not dominant among Palestinians. It was a story of Palestine that included, embraced, and identified with the ancient Jewish presence and the Jewish contribution to human thought and development: "*Palestine, the land of the three monotheistic religions.*"

It was a story in which Palestinians were "nourished by an unfolding series of civilizations," and a story in which peace was the common message of temple, church, and mosque. And it was a story in which, although it was an injustice to the Palestinians, Israel came into being as a Jewish state pursuant to international legitimacy. In short, it was a narrative that supported the aspiration of ending the conflict with two states, side by side, in peace.

Darwish was the national poet of the Palestinian people, and in writing for the Palestinian people, he sought to impart a definition of the Palestinian experience. In doing so, he did not seek merely to express how that experience, at that time, was understood by the millions of Palestinians, but rather to articulate how it *should* be understood. Where these conflicted, he leaned toward the latter. When Arafat read the Declaration at the Algiers conference, when the PLO thereby proclaimed the Declaration, Darwish's account thereby became the official narrative of the Palestinian national movement. To say this, however, is not to maintain that the Declaration

transformed the way the conflict was understood by the average Palestinian. While the Declaration is celebrated in Palestinian schools, it is not used as entree into a reconceptualization of the history of Palestine.

It is possible that much would have been different if the Israeli response to the Declaration had been radically different. If the Israelis had appreciated the distance traveled in the Declaration and had responded in kind, it is quite possible that peace and Palestinian statehood might have been achieved within a few years. Under such circumstances the new narrative laid out in the Declaration might have been internalized by the Palestinian people. But this did not happen.

The conception of Palestine as having been “nourished by a succession of civilizations,” with clear pride in the ancient presence of the Jewish people to this day, does not express the dominant Palestinian self-understanding. To say this is not to detract from the remarkable step the PLO took in unilaterally making this proclamation in 1988; rather, it shows the PLO in a light rarely seen. In 1988 it was well ahead of its people, seeking to lead, in ways that have yet to come to full realization. The Declaration was and remains a remarkable document, a unilateral effort that provides a basis for resolving the conflict. The great tragedy was that it was not heard by the Israelis. By and large it came and went, unappreciated, unread, and largely unnoticed. Most important, it was not reciprocated.

• • •

No one knows what the future holds, but my firm belief is that in time the conflict will come to a close, or at the very least, a peace treaty proclaiming the end of the conflict will be agreed to by Israel and the Palestinians. A Palestinian state will come into being, and over time Palestinians themselves will discover and rediscover the 1988 Declaration.

The Declaration will remain a part of Palestinian political identity, and the proposal that Darwish offered his people for re-perception of who they are—to see Palestine as “the land of the three monotheistic faiths” and to see peace as “the message of Palestine that came forth from Temple, Church and Mosque” and to see themselves as “nourished by an unfolding series of civilizations”—all this will be there. It is a challenge to be taken up by future

generations, and potentially, to emerge as “The Palestinian Way”—a distinctively Palestinian way of responding to the claim that we are in the midst of a “war of civilizations,” a Palestinian way of rejecting the claim that the Israeli-Palestinian conflict is the epicenter of a conflict between Judeo-Christian civilization and Islam, and instead, that says, as Darwish did, “I claim this whole inheritance.”

APPENDIX

State of Palestine Declaration of Independence

November 15, 1988

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. 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 the 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 stature by consolidating a union between itself and its patrimonial Land. The call went out from Temple, Church, and Mosque that 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 was 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 that 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 U.N. 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.

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 the long years of trial in ever-mounting struggle, the Palestinian political identity emerged further consolidated and confirmed. And the collective Palestinian national will forged for itself 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 in.

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 awareness 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.

Now by virtue of natural, historical and legal rights, 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 Arab Summit Conferences 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 non-discrimination in public rights of men or women, on grounds of race, religion, color or sex, and the aegis of a constitution which ensures the rule of law and an independent judiciary. Thus shall these principles allow no departure from Palestine's age-old spiritual and civilizational heritage of tolerance and religious coexistence.

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 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 may 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 it 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 U.N. 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 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 for freedom, our children, our aged, our youth, our prisoners, detainees and wounded, all those 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, the whole of our Palestinian Arab people that our struggle shall be continued until the occupation ends, and the foundation of our sovereignty and independence.

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 seizes the Kingdom from whom Thou wilt,

Thou exalted whom Thou wilt, and Thou
abasest whom Thou wilt; in Thy hand
is the good; Thou are powerful over everything.

NOTES

INTRODUCTION

1. John Kerry, "Remarks on Middle East Peace," December 28, 2016, US Department of State, <https://2009-2017.state.gov/secretary/remarks/2016/12/266119.htm>.

CHAPTER 1. THE UNILATERAL SURPRISE

1. In the text “*Despite the historical injustice inflicted on the Palestinian Arab people resulting in their dispersion and depriving them of their right to self-determination,*” I am interpreting “historical injustice” as referring to the partition of Palestine. My argument that the Declaration offers a transformed view of partition is even stronger if the “historical injustice” phrase is seen as referring not to the partition per se, but only to the subsequent displacement and expulsion of the refugees. It is possible to read it this way, as the Partition Resolution did not deprive the Palestinians “of their right to self-determination”; rather, it provided for this right but only in part of the land.

2. Some Israeli governments, most notably the government of Prime Minister Netanyahu, have criticized the Oslo process as not having gone deep enough. It has been maintained that in 1993, when in the exchange of letters between Prime Minister Rabin and PLO Chairman Arafat, the Palestinians affirmed Israel’s right to exist, Israel should have insisted on recognition of its right to exist *as a Jewish state*, or on recognition of Israel as a Jewish state, or as the state of the Jewish people, or as the expression of the right of the Jewish people to self-determination. In particular, Prime Minister Netanyahu maintained that it is the refusal of the Palestinians to recognize Israel as a Jewish state that is at the heart of the continuing conflict. Yet, here in the Declaration, five years prior to the signing of the Oslo Accords, the Palestinians acknowledged that Israel was created as a Jewish State in accord with international legitimacy. Moreover, this Palestinian acknowledgment was made freely, without having been demanded by the United States or Israel at the time.

3. To some this may seem shocking. Indeed, it might seem today to be a form of anti-Semitism, a denial of the most fundamental fact of Jewish peoplehood. It should, however, be recognized that within Judaism, especially during the late nineteenth and early twentieth century, there was considerable debate as to whether Jews should consider themselves a distinct people, or merely as people with a distinct religion. The Palestinian response to Zionism was developed during this earlier period, and the PLO perspective on Judaism was one that was within the ballpark of early twentieth-century Jewish discourse, although it had little support in the Jewish world by the time of the Holocaust.

The rejection of Jewish peoplehood at one point was a central tenet of Reform Judaism. Thus, under the leadership of Rabbi Isaac Mayer Wise, who became the first president of the Central Conference of American Rabbis, the Reform rabbis in 1885 adopted the Pittsburgh Platform as a statement of their beliefs. Here they stated:

We consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state.

Ironically, this position was articulated at just the time in which events in Europe, pogroms in Russia and the Dreyfus Affair in France, were giving rise to modern Zionism. Events in the twentieth century, including the massive influx of Eastern European Jews into the United States, would result in a reversal of this position within Reform Judaism. This crystallized in 1937, when the Central Conference of American Rabbis adopted a statement of principles known as The Columbus Platform that reversed the prior stance on Jewish peoplehood, saying:

Judaism is the historic religious experience of the Jewish people.

[and]

In the rehabilitation of Palestine, the land hallowed by memories and hopes, we behold the promise of renewed life for many of our brethren. We affirm the obligation of all Jewry to aid in its upbuilding as a Jewish homeland . . .

If we read the earlier Pittsburgh statement carefully, we see that even it does not deny the historical presence of the Jewish nation; rather, it says: "We no longer consider ourselves a nation." How should we understand this? Is it best viewed as a description of the situation of world Jewry, that somehow they have lost the criteria in virtue of which some group of individuals is a people or nation? Or perhaps it is best conceived as a statement of identity by the reform rabbis, in effect saying, "Going forth, we will no longer experience ourselves as a nation." Either way, within a few decades, few Jews considered that being Jewish could be reduced to just having a different set of religious beliefs from other Americans, or other Spaniards or Canadians.

4. Yehuda Lukacs, ed., *The Israeli-Palestinian Conflict: A Documentary Record* (Cambridge: Cambridge University Press, 1992), 426.

5. The Hamas Charter was issued at exactly the same time as the Declaration. It is a free-flowing anti-Semitic rant, in spirit, the polar opposite of the Declaration:

Their plan is embodied in the "Protocols of the Elders of Zion' . . ."

They were behind the French Revolution, the Communist Revolution, and most of the revolutions we heard and hear about. . . . With their money they were able to control imperialist countries and instigate them to colonize many countries in order to enable them to exploit their resources and spread corruption there.

They were behind World War I. . . . They obtained the Balfour Declaration, formed the League of Nations through which they could rule the world. They were behind World War II, through which they made huge financial gains. . . .

Although the Hamas Charter has not been formally revoked, it does seem to have been superseded by subsequent documents that do not contain this overt anti-Semitism.

6. In the Camp David negotiations there was intense disagreement about who should have sovereignty over the Temple Mount. In the course of this disagreement Yasser Arafat astonished Bill Clinton when he denied that there ever was a Jewish Temple on the Temple Mount. Arafat maintained that the Temple was near Nablus on Mount Gezerim, and he claimed that he had seen the ruins. It appears that Arafat was referring to the ruins of a Samaritan Temple that had been built after the Babylonian exile. The Samaritans were, at that point, a Jewish sect that believed the original temple was not in Jerusalem, but on Mount Gezerim. Without this background, which was unknown to Clinton, Arafat's posture seemed even more bizarre. These events took place twelve years after the Declaration and were experienced as a denial of the historical place of the Jewish people in Palestine, reflecting the politicization of historical understanding, long an unfortunate feature of the conflict.

CHAPTER 2. THE EVOLUTION OF THE PALESTINE LIBERATION ORGANIZATION PRIOR TO THE DECLARATION

1. In this summary I draw heavily from Alain Gresh, *The PLO: The Struggle Within* (London: Zed Books, 1985).
2. Yehuda Lukacs, ed., *Documents on the Israeli-Palestinian Conflict* (Cambridge: Cambridge University Press, 1984), 1.
3. Lukacs, *Documents on the Israeli-Palestinian Conflict*, 139.
4. Lukacs, *Documents on the Israeli-Palestinian Conflict*, 138.
5. Lukacs, *Documents on the Israeli-Palestinian Conflict*, 141.
6. Lukacs, *Documents on the Israeli-Palestinian Conflict*, 140.
7. Lukacs, *Documents on the Israeli-Palestinian Conflict*, 142.
8. As quoted in Gresh, *The PLO*, 105.
9. As quoted in Gresh, *The PLO*, 106.
10. Henry Kissinger, *Years of Upheaval* (Boston: Little, Brown and Company, 1982), 503.
11. As quoted by Gresh, *The PLO*, 148.
12. Lukacs, *Documents on the Israeli-Palestinian Conflict*, 163-65.
13. Lukacs, *Documents on the Israeli-Palestinian Conflict*, 23.
14. Foreign Relations of the United States 1977-1980, Volume 8, Arab-Israeli Dispute, January 1977-August 1978, 103. September 19, 1977, Memorandum from William Quandt of the National Security Council Staff to the President's Assistant for National Security Affairs (Brzezinski).
15. These quotes are from Bolling's account of what Arafat said, not direct quotes of Arafat. They appear in the September 19, 1977, Memorandum from Quandt to Brzezinski.
16. Ze'ev Schiff and Ehud Ya'ari, *Israel's Lebanon War* (New York: Simon and Schuster, 1984), 98.
17. Schiff and Ya'ari, *Israel's Lebanon War*, 98.
18. "Barak: Goal of First Lebanon War Was to Turn Jordan to Palestinian State," Jerusalem Post, May 3, 2020.
19. Schiff and Ya'ari, *Israel's Lebanon War*, 227.
20. Schiff and Ya'ari, *Israel's Lebanon War*, 228.
21. Lukacs, *Documents on the Israeli Palestine Conflict*, 237.
22. Ron Young, *Missed Opportunities for Peace* (Philadelphia: American Friends Service Committee, 1987), 142.
23. Young, *Missed Opportunities for Peace*.
24. As quoted in King Hussein's Address on Middle East Peace, reprinted in the *Journal of Palestine Studies* 15, no. 4, issue 60 (Summer 1986): 228.
25. Exchange of letters between Congressman Lee Hamilton and Secretary George Shultz as reprinted in the *Journal of Palestine Studies* 16, no. 1, issue 61 (Autumn 1986): 234.

CHAPTER 3. 1988

1. In May of 1987, in one of the first contacts between American Jews and the PLO, I was part of a three-person delegation that met with Arafat and other PLO leaders in Tunis. PLO interest in coming in from the cold was abundantly clear. Upon our return we met with top officials in the State Department and the White House to convey this assessment. The other members of our delegation were Hilda Silverman and Mary Appleman. When we reached Tunis, we were joined by Sara Roy.

2. Rafik Halabi, *The West Bank Story* (Orlando: Harcourt Brace Jovanovich, 1985), 105. Originally published in German, in 1981.

3. Halabi, *West Bank Story*, 105.

4. "Colonel Says Rabin Ordered Breaking of Palestinians' Bones," *Los Angeles Times*, June 22, 1990.

5. Details of how the Intifada functioned can be found in Don Peretz's *Intifada* (Boulder: Westview Press, 1990) and in Mary King's *A Quiet Revolution* (New York: Nation Books, 2007).

6. During that initial period there was an absence of terrorist attacks inside Israel as well, with two Israeli deaths in the first thirteen months ("Fatalities in the First Intifada," www.btselem.org/statistics/first_intifada_tables, accessed November 1, 2021).

7. Leaflet 1 as quoted in Saul Mishal and Reuben Aharoni, *Speaking Stones—Communiqués from the Intifada Underground* (Syracuse, NY: Syracuse University Press, 1994), 53.

8. From Leaflet 1, quoted in Mishal and Aharoni, *Speaking Stones*, 54.

9. From Leaflet 1, quoted in Mishal and Aharoni, *Speaking Stones*, 54.

10. From Leaflet 3, quoted in Mishal and Aharoni, *Speaking Stones*, 62.

11. Leaflet 26, quoted in Mishal and Aharoni, *Speaking Stones*, 133.

12. Leaflet 28, quoted in Mishal and Aharoni, *Speaking Stones*, 141.

13. Leaflet 28, quoted in Mishal and Aharoni, *Speaking Stones*, 142.

14. Mishal and Aharoni, *Speaking Stones*, 201.

15. Mishal and Aharoni, *Speaking Stones*, 206.

16. Leaflet 10, Mishal and Aharoni, *Speaking Stones*, 68.

17. Mishal and Aharoni, *Speaking Stones*, 84.

18. King Hussein, "Speech on the West Bank," Amman, July 31, 1988, in *Journal of Palestine Studies* 69 (Autumn 1988): 279-83.

19. King Hussein, "Speech on the West Bank," 281.

20. PLO Central Committee Statement, Baghdad, August 3, 1988, in *Journal of Palestine Studies* 69 (Autumn 1988): 282-85.

21. Dan Fisher, "Israeli Debate Flares over Issue of Palestinian State," *Los Angeles Times*, August 8, 1988.

22. Joel Greenberg, "Anatomy of a Leak," *Jerusalem Post*, August 1988.

23. It is unlikely that there was any serious exploration of the idea at that early stage. Nusseibeh says, of my *Al-Quds* piece: "The publication made it possible to hand around and discuss a legitimate text. Various short commentaries were also handed around and discussed." Although I am not sure what Nusseibeh means by the phrase "legitimate text," a defining aspect of the Intifada was the issuance by the leadership of its own underground texts. There was no reliance on standard outlets such as newspapers and magazines. It seems clear then that my essay was the first developed thinking on a declaration to be circulated, and that it was followed by other circulated "commentaries" on my essay.

24. Interview published in the English weekly *Al-Fajr* on August 14, 1988. Reprinted in Sari Nusseibeh, *Palestine: A State is Born* (The Hague: Palestine Information Office, 1990). Nineteen

years later, perhaps with memory dulled by the passage of time, Nusseibeh gave a totally different account in his autobiography, *Once Upon a Country*. In his book Nusseibeh refers to the Hussein Document as a draft declaration of independence, saying: "I wrote a declaration of independence." But the Hussein Document was not a draft declaration; it was a plan for the issuing of such a declaration. Nusseibeh further gives the impression that the Hussein Document sprung full blown from his head. In this 2007 account there is no suggestion that the plan was strongly influenced by ideas that had appeared in my April article in *Al-Quds*. Indeed, Nusseibeh makes no mention of my earlier article at all, nor of the Palestinian commentaries on it that he mentioned in his *Al-Fajr* interview in 1988. His timeline is also inconsistent. At one point Nusseibeh suggests that he wrote it in April when Abu Jihad was assassinated. At another point he says he wrote it just weeks before he gave it to Faisal Hussein at the end of July.

In comments submitted to the University of California Press as part of the pre-publication review of this manuscript, Hanna Siniora wrote: "I firmly believe that Jerome's advocacy led Dr. Nusseibeh to author his version of a Palestinian State, that he relayed to Faisal Hussein, that later led to his arrest." Siniora was in 1988 the editor of the Palestinian daily *Al-Fajr*. He was very much in the thick of the Intifada. It is believed that some of the staff of the paper were part of the underground command, and Siniora was close to Nusseibeh. Subsequently he became a member of the Palestine National Council (PNC) of the PLO. Siniora's remarks were unsolicited, but much appreciated as there have always been some tensions, and perhaps resentment, about my role in all this, and the inordinate publicity given to it because of my being a Jewish American.

[25.](#) Daoud Kuttab, "Plans for an Independent Palestine," *Middle East International*, August 26, 1988. Kuttab wrote:

The idea that Palestinians in the occupied territories should issue a declaration of independence was first discussed in January as the *intifada* was gaining international support. At the time the idea was thought to be premature, but discussion of it has continued on and off since then, stimulated particularly by an article by an American-Jewish professor, Jerome Segal, published in the widely circulated Arabic daily *Al-Quds* and in *MEI* no. 330. Segal proposed that the Palestinians should unilaterally declare independence in the West Bank and Gaza, at the same time recognizing Israel within the pre-'67 borders. It was only someone like Segal who could get such an article into a Palestinian newspaper without being accused by the Israelis of incitement.

My essay in *Al-Quds* was published on April 27, 1988, and it was only in mid-July that the Hussein Document was circulated, and then only to a small group of insiders. Kuttab's statement that "it was only someone like Segal who could get such an article into a Palestinian newspaper without being accused by the Israelis of incitement" may be correct, at least with respect to Palestinian newspapers. At that point, Palestinian newspapers had to submit all intended copy to an Israeli censor, and I myself was surprised that they allowed publication of my article unchanged. Quite possibly, had the author been a Palestinian rather than an American Jewish academic, there might have been a different reaction. However, it should not be thought that the Palestinian press was the only outlet for ideas on how Palestinians might proceed. Had there been any detailed Palestinian exploration of the declaration idea, Palestinian think pieces would have been circulated underground. It seems clear that my article sparked the process that led to the Hussein Document. And though I had had extensive conversations with Kuttab in early April, the idea of a declaration never came up. When I wrote my article, I was actually staying in Kuttab's brother Jonathan's apartment, which Daoud had graciously made available to me, as Jonathan was in the United States at the time.

[26.](#) Kuttab, "Plans for an Independent Palestine," 3.

[27.](#) Kuttab, "Plans for an Independent Palestine."

[28.](#) Kuttab, "Plans for an Independent Palestine."

[29.](#) Hussein as quoted in Mary King, *Quiet Revolution*, 196. A *New York Times* article stated that I had directly shared my ideas with Hussein. This was inaccurate. Most of the time he had been in jail and I had not met him. One of my reasons for publishing in *Al-Quds* was that this was the one paper that jailed Palestinians were allowed to read, and I had hoped it would be read by Hussein.

[30.](#) This press attention reached its crest with the publication in the *New York Times* of a profile piece titled "Jewish Father for Palestinian State," by Robert Pears, August 24, 1988.

[31.](#) Note should be made of Francis Boyle, *Palestine, Palestinians and International Law* (Atlanta, GA: Clarity Press, 2003). Prior to the Intifada, based on the Namibia precedent, Boyle reports that in 1987, in a speech at a UN-sponsored gathering, he urged the PLO to issue a declaration of independence, and in March of 1988 he provided to the PLO a legal memo on the subject. Immediately after King Hussein's July 31 speech, he reports that the PLO got in touch with him seeking legal advice. It seems his ideas were known to only to a small circle of midlevel PLO figures, and there is no evidence that his memo played a role in the emergence or substance of the Declaration, either in Tunis or the West Bank. Anis Qasem, head of the PNC Legal Committee, in an interview for this book, claimed to never have seen anything from Boyle on the topic. To me this seemed odd, and while it does not seem to have made any impact in Tunis and was unknown to the Intifada, I'm convinced a memo from Boyle was sent to Tunis in March, as he reports. Boyle says of the time between his sending his memo and King Hussein's speech (the key period in which the Declaration idea took hold and the Hussein Document emerged) that during those months he heard nothing back from the PLO, and further, mysteriously, says, "I waited in silence."

[32.](#) Including from Daoud, with whom I had substantial contact at this time.

[33.](#) In early April 1988 there was an international linguistic conference in Jerusalem that focused on the work of Noam Chomsky. Following one of the daily sessions, Palestinian intellectuals had arranged a discussion of the uprising with their international counterparts. I attended that session with my friend Professor Norbert Hornstein from the University of Maryland, who had come for the conference. Later, as we walked back to his hotel, we discussed the strategy issue, and suddenly I had what can only be described as "a eureka moment." Ideas came pouring out as I articulated a multi-point plan for attaining independence that would start with a declaration of independence. To my friend I appeared a bit mad, and the next day, when I asked him what he thought, he suggested I keep these ideas to myself. But a few days later, I went to the offices of *Al Quds* and asked to meet with an editor. I was shown into the office of Saeb Erekat, later to become the chief Palestinian negotiator, who at that time had an editorial role at the paper. I inquired if they were open to publishing an article I had in mind. I explained my background as a Jewish-American peace activist.

I had been involved with the conflict since 1982, when I was one of a small group of Jewish activists in the United States who had begun speaking out in opposition to Israel's invasion of Lebanon. In May 1987, I was part of a Jewish-American delegation that traveled to Tunis to meet with Arafat to open a dialogue with the PLO leadership. And by April 1988, I had published a number of prominent articles on the conflict, including a piece in the *New York Times* titled, "Why Israel Needs Arafat."

Hearing this, Erekat said they would be happy to publish a piece from me, and a few days later I returned to *Al Quds* and submitted an article laying out a strategy idea that *started* with a declaration of independence. I was told that it would have to be submitted to the Israeli military censor. To my surprise, a week later, permission was granted to publish it without changes.

By way of background: In 1975, I served as an aide to Congressman Donald M. Fraser during his tenure as part of the US Delegation to the United Nations, during the 30th session of the General Assembly, the session that witnessed the notorious "Zionism is a form of racism" resolution. I then worked for the Congressman for the next four years, and subsequently worked for the US Agency for International Development, in the policy bureau, first as Coordinator for the Near East, and then as

Senior Advisor for Agency Planning. In 1982, I cut back on my government work and was part time at USAID and part-time at the Institute for Philosophy and Public Policy at University of Maryland. Because US officials were prohibited from contact with the PLO, in all of my writings and in all my contact with PLO figures I identified myself only in terms of my academic position. Everything that I did, I did only as a private citizen. My second job, with my office in the State Department building, never became publicly associated with my writings on the Declaration, and was not known to the Palestinian leadership.

[34.](#) James Besser, "Can Jerry Segal Bring Peace to the Middle East?" *Baltimore Jewish Times*, August 5, 1988. This article from the local Jewish press in Washington didn't appear in print until the week of August 5, just as the declaration idea was taking off.

[35.](#) Jerome Segal, *Creating the Palestinian State: A Strategy for Peace* (Chicago: Lawrence Hill Books, 1989). In 1989 the book was translated into Arabic and published in Jerusalem by the Palestinian research center, PASSIA.

[36.](#) "Middle East Ricochet," lead editorial, *Washington Post*, August 9, 1988.

[37.](#) "Middle East Ricochet," lead editorial, *Washington Post*, August 9, 1988.

[38.](#) US Consul General Phillip Wilcox, "Palestinian Peace Offensive in Uncharted Waters," Department of State cable Jerusalem 92775, August 18, 1988.

[39.](#) Vernon Walters was the US Ambassador to the United Nations at the time.

[40.](#) Wilcox, "Palestinian Peace Offensive in Uncharted Waters."

[41.](#) "Jerome Segal comments on Palestine," State Department cable, 269933, August 18, 1988.

[42.](#) In my meeting with Murphy there was one interchange of importance that was not included in Murphy's cable. I had made the point that with President Reagan's term coming to an end, and with the changes that were occurring among the Palestinians, the United States had a real opportunity to reset relations with the PLO. In response, Deputy Secretary William Kirby asked, "Do you mean before or after the US elections?" I was struck by the question, as I took it to mean that they were aware of the possibility and had concluded that after the US elections there would be a window of possibility.

[43.](#) Official letter from US Consul General Wilcox to Assistant Secretary of State Murphy, August 20, 1988.

[44.](#) As shown in the previous chapter, the PLO had been wrestling with reality for years. The West Bank leaders helped push the PLO forward, but in a direction that Arafat had already been going.

[45.](#) Jerome Segal, "A Just Declaration—Palestinian Statehood" (op-ed), *New York Times*, August 21, 1988.

[46.](#) Segal, "A Just Declaration—Palestinian Statehood."

[47.](#) "The Man Behind the Declaration of Independence," *Yediot Aharonot*, August 26, 1988; and Robert Pears, "Jewish Father for Palestinian State?" *New York Times*, August 24, 1988. The extent of this media focus, and perhaps this designation in the *New York Times* may have generated resentment on the part of some of the Palestinian leadership in the West Bank. Husseini, whom I had not even met at that point, was always rather distant, and I never developed a good relationship with Nusseibeh.

[48.](#) In the Cairo Declaration the PLO in one paragraph denounces terrorism and in another paragraph affirms the right to use all means in pursuit of their goals. Earlier that year, I published in *Al-Fajr* a lengthy critique of the PLO position on terrorism, the first time something of this sort had been published in an Arabic paper. An English-language version also ran [*Al-Fajr*, April 1988]. Also, my piece "Terrorism: The PLO's Albatross" ran in the *Los Angeles Times* on May 23, 1988.

[49.](#) Jerome Segal, "The PLO Must Address the Terrorism Issue," *Al-Fajr*, April 1988. The address was delivered to the convention of the Arab-American Anti-Discrimination Committee on March 11, 1988. Reprinted in English and Arabic versions of *Al-Fajr* in April 1988.

[50.](#) Personal papers of the author.

[51.](#) Gershon Baskin was enormously helpful in arranging this visit to Israel and ensuring its success. He participated in many of my meetings and spoke independently about the Declaration idea, accepting requests that were too numerous for me to fulfill.

[52.](#) I later elaborated this idea that a sustained peace initiative should be thought of as a national security strategy for the new state. See Jerome Segal, "A Foreign Policy for the State of Palestine," *Journal of Palestine Studies* 18, no. 2, issue 70 (Winter 1989): 16-28.

[53.](#) In 1991, Abu Iyad was killed in an assassination believed to have been carried out by the Abu Nidal faction.

[54.](#) *New York Times*, September 26, 1988.

[55.](#) A number of years earlier, Andrew Young had been forced out of his position as US Ambassador to the United Nations for contact with PLO officials at the UN.

[56.](#) In a bizarre coincidence, Kirby and I had the same office but on different floors. I was on the second floor, and I seem to remember that he was on the third, but perhaps it was the sixth.

[57.](#) Palestinian chronology as reported in *Journal of Palestine Studies* (Winter 1989): 241.

[58.](#) *Los Angeles Times*, October 24, 1988, Palestinian chronology as reported in *Journal of Palestine Studies* (Winter 1989): 243.

CHAPTER 4. HOW THE DECLARATION WAS DRAFTED

1. I conducted the Anis Al-Qasem phone interview on March 24, 2012.
2. I conducted the Yasser Abed Rabbo phone interview on October 27, 2008.
3. To my knowledge, no copy of Al-Qasem's draft exists today. At the time of my interview with Al-Qasem, upon which the above account is based, he no longer retained a copy. His account seems credible, and while other interviewees did not mention any effort to draft a declaration prior to Darwish's effort, I was told that PLO lawyers had made an effort to prepare a constitution and that a draft had been given to Arafat, but that it was not what he had wanted. Most likely this characterization of what the lawyers produced as a draft constitution is a misremembering, and what was involved was Al-Qasem's more legalistic declaration.
4. Neither the Husseini Document nor my own writings offered very much by way of specific wording for the actual text. In my book I did quote at length from the Israeli Declaration of Independence, and I suggested an analogous Palestinian declaration, and there was the wording I gave to Abu Iyad about the Partition Resolution. It is likely that Darwish read my manuscript, but I don't know for sure. He was in Tunis, working on the Declaration when I gave my manuscript to Arafat, and I met with him prior to the Arafat meeting.
5. From the *London Review of Books* on December 8, 1988, as quoted in *Al-Ahram*: "In Memoriam: Edward Said and Mahmoud Darwish," September 25, 2008. In the same article, Said also wrote: "Darwish wrote the Declaration which I helped re-draft and translate into English." Just what he meant by "helped re-draft" is not clear. No doubt Darwish showed or read him earlier drafts and received suggestions, but whether Said had more of a role than this is not known. Personally, I doubt that Darwish ever relinquished his pen.
6. By all accounts, the most that Arafat did was a significant shortening. Perhaps someday Arafat's marked-up version will be found. The fact that the Declaration so precisely mirrors the Israeli Declaration of Independence suggests that Arafat could not have cut 20 percent from Darwish's final draft.
7. From Said's account, it is clear that his English-language translation of the Declaration was completed prior to the actual proclamation in Algeria. And given his close association with Darwish and the fact that they were at the PNC together, it is very likely that Darwish read and perhaps commented on Said's translation while still in draft. Following the PNC, perhaps through a lack of coordination between the PLO in Tunis and their representative in New York, an Arabic copy of the Declaration was given to the UN Secretariat, which proceeded to translate it into the multiple official languages of the UN. This resulted in the oddity of there being two English-language versions, one by Said and the other, a rather garbled version, by a UN translator. From time to time, this UN version shows up. Throughout, I have made use only of Edward Said's translation, which is viewed by the PLO as the official translation, was distributed at the PNC in Algiers, and appeared at the time in the *Journal of Palestine Studies* (Winter 1989) and is identified as "the official translation of the Declaration of Independence as carried by Wafa from Algiers 17 November 1988." It appears today on the website of the Delegation of Palestine to the United Nations. Said in one essay says at in Algiers, Arafat asked him to do the English translation. This may be correct, but I'm fairly sure that Said had done so prior to the Algiers conference.
8. One matter in need of clarification is Sari Nusseibeh's role in the drafting of the Declaration. There is some confusion on this, in part, because in his book *Once Upon a Country* (New York: Farrar, Straus and Giroux, 2007), in a chapter titled "A Declaration of Independence," Nusseibeh, detailing his response to the assassination of Abu Jihad in April of 1988, writes: "I wasn't conscious of this at the time, but the experience of standing at Monticello years earlier had left a residual impression. I

wrote a declaration of independence.” It is not clear what he is here referring to. For sure, he does not mean that he wrote the Palestinian Declaration of Independence that was proclaimed in November; later in his book he explicitly notes that it was written by Darwish. But did Nusseibeh in April 1988 write an earlier declaration? One inspired by Thomas Jefferson? If so, it has not surfaced. Moreover, in the very next paragraph he writes: “What came out that evening . . . came to be known as the Hussein Document.” But the Hussein Document, most clearly, was not a draft declaration. It was a plan to issue one and focused primarily on the governmental structures to follow it. Moreover, the timing makes no sense, as the Hussein Document was written months later, just a couple of weeks before Hussein was rearrested at the end of July. Unfortunately Nusseibeh’s book is so casual with respect to dates and processes that it cannot be relied upon for a detailed historical inquiry.

The confusion was further compounded by Mary Elizabeth King’s very detailed account of the Intifada, *A Quiet Revolution* (New York, Nation Books, 2007). She discusses the Declaration very briefly, but in talking about the accomplishments of the Intifada, she has this remarkable sentence: “The Palestinian declaration of independence—recognizable as the Hussein Document and with Sari Nusseibeh’s voice—had been issued after less than a year, just prior to the nineteenth PNC.” This shows an unfortunate lack of familiarity with the Declaration, which clearly is not recognizable as the Hussein Document, as well as her strange detection of Nusseibeh’s voice where it is not present. In my own interviews with those involved in the drafting, Nusseibeh was never mentioned—not just with respect to the drafting, but even as among those consulted by Darwish. I requested but was unable to interview Nusseibeh for this book.

CHAPTER 5. DARWISH

1. Interview conducted by Adam Shatz, "A Love Story Between an Arab Poet and His Land: Interview with Mahmoud Darwish," *Journal of Palestine Studies* 31, no. 3, issue 123 (Spring 2002): 69.
2. Mahmoud Darwish, *Journal of an Ordinary Grief* (New York: Archipelago Books, 2010), 12.
3. Darwish, *Journal of an Ordinary Grief*, 17.
4. Darwish, *Journal of an Ordinary Grief*, 18.
5. Darwish, *Journal of an Ordinary Grief*, 18.
6. Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington: Indiana University Press, 1994), 291.
7. Tessler, *History of the Israeli-Palestinian Conflict*, 293.
8. Tessler, *History of the Israeli-Palestinian Conflict*, 294.
9. Tom Segev quoted in Tessler, *History of the Israeli-Palestinian Conflict*, 298.
10. The Aharon Cizling quote is contained in Tom Segev, *The First Israelis* (1949; New York: Free Press, 1986) and reprinted in Tessler, *History of the Israeli-Palestinian Conflict*, 298.
11. Darwish, *Journal of an Ordinary Grief*, 20.
12. Darwish, *Journal of an Ordinary Grief*, 22.
13. Darwish, *Journal of an Ordinary Grief*, 19.
14. Darwish, *Journal of an Ordinary Grief*, 33.
15. Darwish, *Journal of an Ordinary Grief*, 36.
16. Darwish, *Journal of an Ordinary Grief*, 93.
17. Darwish, *Journal of an Ordinary Grief*, 94.
18. Darwish, *Journal of an Ordinary Grief*, 100.
19. Darwish, *Journal of an Ordinary Grief*, 100.
20. Mahmoud Darwish, "Identity Card," 1964, translated from Arabic by Salman Masalha and Vivian Eden, in Vivian Eden, "The Mahmoud Darwish Poem That Enraged Lieberman and Regev," *Haaretz*, July 21, 2016.
21. From an interview first published in *Al Karmel*, no. 47 (1993): 140, reprinted on page xxvii of Ibrahim Muhami's introduction to Darwish's *Memory for Forgetfulness—August, Beirut 1982* (Berkeley: University of California Press, 1995).
22. From an interview with Adam Shatz, "A Love Story Between an Arab Poet and His Land," *Journal of Palestine Studies* 31, no. 3 (Spring 2002): 72.
23. Interview with Shatz, "Love Story Between an Arab Poet and His Land," 76.
24. Darwish, *Journal of an Ordinary Grief*, 172.
25. From "Marwan Darwish—Biography," Marwan Darwish Foundation, <http://www.darwishfoundation.org/english.php>.
26. Darwish, *Memory for Forgetfulness*, 121–25.
27. Darwish, *Memory for Forgetfulness*, 109–10.
28. "Marwan Darwish—Biography."
29. "Marwan Darwish—Biography."
30. "Marwan Darwish—Biography."
31. Mahmoud Darwish, *In the Presence of Absence*, translated by Sinan Antoon (New York: Archipelago Books, 2011), 125–26. The original Arabic version was published in 2006.
32. *Al Quds al Arabia*, quoted on page xiv in the introduction by Ibrahim Muhawi to Darwish, *Memory for Forgetfulness*.
33. Interview with Shatz, "Love Story Between an Arab Poet and His Land," 76.

- [34.](#) Darwish, *In the Presence of Absence*, 125.
- [35.](#) Interview with Shatz, "Love Story Between an Arab Poet and His Land," 77.
- [36.](#) Interview with Shatz, "Love Story Between an Arab Poet and His Land," 69.

CHAPTER 6. TWO DECLARATIONS

1. When the PLO accepted UNSC Resolution 242, this was taken to mean that it had limited Palestine's claims to sovereignty to only the West Bank, Gaza, and East Jerusalem.

2. Jerome Segal, *Creating the Palestinian State: A Strategy for Peace* (Chicago: Lawrence Hill, 1989), 57-58.

3. In this regard see Jay Harris, "The Israeli Declaration of Independence," *Journal of Textual Reasoning* 7 (1998).

4. Likely the intention was to say "a land without a people" rather than "a land without people."

5. Indeed, so much is this the case that it raises questions that bear on my earlier account of the drafting, for how could there be such structural similarity, right down to the number of paragraphs, if a full 20 percent of Darwish's final draft was edited out by Arafat? Surely such extensive deletions would have undone the symmetry. This supports the idea that after Arafat's editing, the text must have come back to Darwish, that his was the final hand, or alternatively that Arafat's deletions were of a much more limited nature.

6. Darwish, *Journal of an Ordinary Grief* (New York: Archipelago Books, 2010), 33.

7. Darwish, *Journal of an Ordinary Grief*, 36.

CHAPTER 7. REACTIONS TO THE DECLARATION AND MEETING THE US CONDITIONS

1. "Next Move: Still up to the PLO," *New York Times*, November 12, 1988.
2. As reported in Roberto Fabricio, "Arafat Praised Palestine PLO Leader, Urges Bush to Shift Policy," *Sun Sentinel*, November 13, 1988. Interestingly, in this opening speech Arafat "said that the PLO is about to declare a Palestinian state because the Intifada's leadership has requested it." Likely this was a reference to the Hussein Document and subsequent messages coming to Tunis.
3. Address of Yasser Arafat to the European Parliament, Strasbourg, September 13, 1988, in *The Israeli-Palestinian Conflict: A Documentary Record, 1967-1990*, edited by Yehuda Lukas (Cambridge, UK: Cambridge University Press, 1992), 408.
4. "The PLO: Less Than Meets the Eye," *New York Times*, November 16, 1988.
5. "The PLO: Less Than Meets the Eye."
6. A. M. Rosenthal, "The Cynics of Algiers," *New York Times*, November 18, 1988.
7. Rosenthal, "Cynics of Algiers."
8. John Kifner, "The PLO and Israel: An End to Two Decades of Rejection?" *New York Times*, November 18, 1988.
9. Youssef Ibrahim, "PLO Proclaims Palestine to Be an Independent State; Hints at Recognition of Israel," *New York Times*, November 15, 1988.
10. By way of contrast, the British paper *The Guardian* published a partial text of the Declaration on November 17, 1988.
11. One news story in the *Washington Post*, "Arafat Holds Back Explicit Statement on Recognition of Israel," (November 16, 1988), by Nora Boustany and Patrick Tyler, diverged from this pattern. It quoted from one of the attendees that the Declaration "reversed 41 years of history" by declaring independence under the authority of UN Resolution 181. This attendee was quoted as pointing out that the Declaration of Independence "explicitly noted" that Resolution 181 "provided for the creation of a Jewish state." This article is one of the only ones to mention of this key element of the Declaration that I have found in a review of the press coverage. And who was the attendee interviewed? Alas, it was myself, "an American academic at the University of Maryland." However, the *Post* incorrectly stated that "last May [Segal] drafted a model Palestinian declaration of independence." A news story by Barbara Slavin, writing in the *St. Petersburg Times*, another exception, quotes this part of the Declaration.
12. "Excerpts from Political Statement," *New York Times*, November 17, 1988.
13. Anthony Lewis, "The First Steps," *New York Times*, November 20, 1988.
14. Lewis, "First Steps."
15. Alon Liel as quoted in Glenn Frankel, "Israelis Say Nothing New in Latest PLO Initiative," *Washington Post*, November 14, 1988.
16. Shamir as quoted in Frankel, "Israelis Say Nothing New in Latest PLO Initiative."
17. Statement of the Foreign Ministry as quoted in Glenn Frankel, "West Bank Residents Celebrate Peacefully; Israeli Leaders Condemn PLO," *Washington Post*, November 16, 1988.
18. This seems to be slowly changing, however. Over the years I myself have published a few articles in the Israeli press calling attention to this aspect of the Declaration.
19. Bill McAllister, "Administration Rejects Palestinian Declaration," *Washington Post*, November 16, 1988.
20. David Ottaway, "US Says PLO's Moves Don't Go Far Enough," *Washington Post*, November 17, 1988.
21. Declassified State Department cable, Algiers 06158, November 15, 1988.
22. Declassified State Department cable (prepared by the Bureau of Intelligence and Research),

State 378498, November 22, 1988.

[23.](#) Declassified State Department cable, State 378498, November 22, 1988.

[24.](#) Document contained in report "Palestinians in Occupied Territories Hopeful and Enthusiastic About PNC Results," Declassified State Department cable, State 381478, November 24, 1988.

[25.](#) Petition document, November 21, 1988 (released by State Department in response to my FOIA request).

[26.](#) Declassified State Department cable, State 381478, November 24, 1988.

[27.](#) Initially Hauser had requested my assistance in setting up a meeting with the PLO leadership. A few days after having made that request, without explanation, she called to cut off contact with me, curtly saying that if I said anything about our prior contact, she would deny it. Then she hung up. I never made sense of it.

[28.](#) Here I am relying heavily on the excellent account provided by William Quandt, *Peace Process* (Berkeley: University of California Press, 1993).

[29.](#) Shultz's text is contained in Quandt's book, *Peace Process*, showing Arafat's handwritten changes, and then a final version with Arafat's signature affixed. It was never signed by any US official. There was also a fourth condition on violence which was subsequently dropped.

[30.](#) See Quandt's appendix in *Peace Process*.

[31.](#) Yasser Abed-Rabbo as quoted in "PLO Says US Effectively Recognized Palestinian State," Reuters 1226 (undated copy from 1989, included in papers provided in response to my FOIA request).

[32.](#) Bassam Abu Sharif, *Arafat and the Dream of Palestine: An Insider's Account* (New York: Palgrave MacMillan, 2009), 184.

[33.](#) Schultz letter to Anderrson as quoted in Quandt, *Peace Process*.

[34.](#) I made this point in my *Al-Quds* essay.

[35.](#) Interestingly, although this may be language that the United States required, and was the way the US condition had been formulated under US law, this term "renounce" was not contained in Shultz's Stockholm formulations.

CHAPTER 8. THE STRUGGLE WITH THE UNITED STATES OVER RECOGNITION OF THE NEW STATE

1. Presumably a similar cable was sent to US missions in the capitals of our Western allies, but none was provided in response to my FOIA request.
2. "US Reaction to Recognition of the PLO's Unilateral Declaration of Statehood," November 23, 1988, Declassified State Department cable, State 380788.
3. "US Reaction to Recognition of the PLO's Unilateral Declaration of Statehood." For a fuller exploration of this issue, see Jerome M. Segal, "Does the State of Palestine Exist?" *Journal of Palestine Studies* 19, no. 1, issue 73 (Fall 1989).
4. "The PLO and Procedures for Admission of New Members into the UN," memo to the Secretary [Shultz] from Assistant Secretary of State for International Organizations [Richard S. Williamson], December 2, 1988, 8835298, Declassified State Department cable, obtained in my FOIA request.
5. "PLO and Procedures for Admission of New Members into the UN."
6. "PLO and Procedures for Admission of New Members into the UN."
7. "PLO Request to Speak during the Libyan Debate," January 14, 1989, State 013012, Declassified State Department cable, obtained in my FOIA request.
8. "PLO Request to Speak during the Libyan Debate."
9. "PLO Request to Speak during the Libyan Debate."
10. "El Reedy-Murphy Meeting," January 13, 1989, State 011103, Declassified State Department cable.
11. "PLO Attempts to Upgrade 'Palestine' Observer Status," February 1, 1989, Geneva 00870, Declassified State Department cable.
12. "Undated Guidance to US Delegations on PLO Participation in International Conferences," March 21, 1989, State 086579, Declassified State Department cable.
13. As reported in David Ottaway and John Goshko, "US Moves to Limit PLO's UN Links," *Washington Post*, April 14, 1989, p. 22.
14. Baker as quoted in David Ottaway, "US Warns UN Units about PLO; Funds to Be Cut if Agencies Admit Palestinian Group," *Washington Post*, May 2, 1989, p. A1.
15. Ottaway, "US Warns UN Units About PLO."
16. "Informal Meeting With Balawi," April 29, 1989, State 134615, Declassified State Department cable.
17. "Informal Meeting With Balawi—May 1," May 1, 1989, Tunis 04143, Declassified State Department cable.
18. Norman Kempster, "UN Unit Asks PLO To Drop Application," *Los Angeles Times*, May 3, 1989, p. A9.
19. Jonathan Randal, "PLO Defeated in Bid to Join World Health Organization," *Washington Post*, May 13, 1989, p. A1.
20. "'State of Palestine' Adherence to Geneva Conventions," May 8, 1989, Bern 03001, Declassified State Department cable.
21. "'State of Palestine' Adherence to Geneva Conventions," May 8, 1989, Bern 03001.
22. "State of Palestine Adherence to Geneva Conventions," May 19, 1989, State 159138, Declassified State Department cable. The cable contained the State Department's legal analysis to this effect; however, these sections were redacted out when State responded to my FOIA request.
23. "'State of Palestine' Adherence to Geneva Conventions and Membership in UN Agencies," May 22, 1989, Tunis 04885, Declassified State Department cable.
24. "PLO Accession to Geneva Conventions: State of Play in the Department," July 11, 1989, State

Department Memo.

[25.](#) "PLO and the Geneva Conventions—Legal Advisor Sofaer's Meetings in Switzerland," July 27, 1989, State Department cable 238457.

[26.](#) Cf. *Palestinian Yearbook of International Law* (1989): 293-316.

[27.](#) *Palestinian Yearbook of International Law* (1989): 318.

[28.](#) In 2012 the PLO, over US objections, won a vote in the General Assembly that conveyed this status to the State of Palestine.

[29.](#) As reported in Paul Lewis, "US Threatens to Halt UN Payments," *New York Times*, November 28, 1989.

[30.](#) Lewis, "US Threatens to Halt UN Payments."

[31.](#) Pickering as quoted in Ethan Schwartz, "Arabs to Defy US on Palestine State at UN," *Washington Post*, November 29, 1989.

[32.](#) As an example of this lack of US governmental reflection on Palestinian unilateral peacemaking, consider Dennis Ross's exhaustive account of US policy over the decades *The Missing Peace*. It not only contains no account of this aspect of policy, it doesn't even discuss the Palestinian Declaration of Independence at all, except for three sentences about "the Algiers declaration."

CHAPTER 9. PLO STRATEGY AND THE DECLARATION

1. Secretary Kerry's speech of December 28, 2016, at the close of the Obama Administration, may have provoked some new interest within the experts community. "Remarks on Middle East Peace," <https://2009-2017.state.gov/secretary/remarks/2016/12/266119.htm>.

2. Not to be confused with Mahmoud Abbas (Abu Mazen), who became chairman of the PLO and president of the Palestine Authority (and the State of Palestine) after Arafat's death.

3. The *Al-Quds* essay appeared in April 1988; the *Washington Post* version in May 1988. The manuscript for *Creating the Palestinian State* was transmitted to West Bank activists and hand-delivered to Arafat in the summer of 1988. The book itself was published in English in December 1988, and an Arabic translation was published by PASSIA (in Jerusalem) in September 1989. At the same time, there were other essays published in *Al-Quds* and articles in the *Journal of Palestine Studies*, *Middle East Policy*, *Middle East International*, and a PASSIA roundtable. In short, a small corpus through which such ideas were introduced.

4. Segal, *Creating the Palestinian State*, 67.

5. Segal, *Creating the Palestinian State*, 80-82.

6. Segal, *Creating the Palestinian State*, 82.

7. It also required withdrawals from Lebanon and the Golan Heights.

8. It should be noted that none of these proposals found their way into the Hussein Document, which, though a call for unilaterally imposing statehood, *lacked a strategy for achieving it*.

9. Segal, *Creating the Palestinian State*, 86.

10. While the Intifada was marked by tactical creativity, the Hussein Document missed the mark by proposing that elections to form the new Palestinian government would be held "following the Israeli withdrawal" rather than seeing that defiant elections could be a powerful tool to force Israel out. Regrettably, I too did not recognize the opportunity and instead spoke of secret elections.

11. Declassified State Department cable, Algiers 06158, November 15, 1988.

12. Document A/43/928 of the United Nations General Assembly, December 9, 1988 (my emphasis).

13. Document A/43/928 of the United Nations General Assembly, December 9, 1988.

14. Document A/43/928 of the United Nations General Assembly, December 9, 1988.

15. Yasser Abed-Rabbo as quoted in John Rice, "Official Says Provisional Government to Be Announced Soon," Associated Press, December 28, 1988.

16. As quoted in Mishal and Aharoni, *Speaking Stones*, 95 (my emphasis).

17. Quoted in Mishal and Aharoni, *Speaking Stones*, 144.

18. Quoted in Mishal and Aharoni, *Speaking Stones*, 155 (my emphasis).

19. Quoted in Mishal and Aharoni, *Speaking Stones*, 166.

20. Quoted in Mishal and Aharoni, *Speaking Stones*, 182 (my emphasis).

21. Zev Schiff and Ehud Ya'ari, *Intifada* (New York: Simon and Schuster, 1989), 292.

22. King, *Quiet Revolution*, 287.

23. King, *Quiet Revolution*.

24. The actual language of the Arab League resolution was not quite this sweeping, specifying this status for the PLO "in any Palestinian territory that is liberated."

25. Indeed, some of those inside the territories who were most involved with the Declaration idea, at times, saw the Declaration made in Algeria as essentially a tactical maneuver within the international conference/negotiations strategy. Thus, Sari Nusseibeh wrote: "The momentous decisions of the PNC's 19th session, including, foremost, the Declaration of Independence must be regarded as *an attempt to strengthen the negotiating position of the Palestinian people in the*

forthcoming peace conference" (my emphasis). Sari Nusseibeh, "Time for Palestinian Offensives," *Middle East International*, December 2, 1988, as reprinted in Nusseibeh, *Palestine: A State Is Born*, 33.

[26.](#) Sari Nusseibeh, *Once Upon a Country* (New York: Farrar, Straus, and Giroux, 2007), 295.

[27.](#) As previously noted, the manuscript was transmitted to Tunis and the West Bank in the summer of 1988. The book appeared in English in December 1988 and was published in Arabic by PASSIA (Jerusalem) in September 1989. Segal, *Creating the Palestinian State*, 109.

[28.](#) Sari Nusseibeh, "Midwife at the Birth of a State," *The Guardian*, December 9, 1989, as reprinted in Nusseibeh, *Palestine: A State is Born*, 41.

[29.](#) King, *Quiet Revolution*, 300.

[30.](#) Nusseibeh, *Once Upon a Country*, 295–96.

[31.](#) A key question remains, however. If the PLO was never really committed to a unilateral strategy, if its orientation had always been toward negotiations, then why did they give away their best card in advance? Why did they cede the core of the conflict prior to negotiations, rather than viewing recognition of Israel as the outcome that Israel would get from negotiations, as was the case in the Israeli-Egyptian negotiations and subsequently the Israeli-Jordanian negotiations. Why recognize Israel's right to exist up front?

The immediate reason was that this was what was demanded by the United States. In order for the PLO to be accepted by the United States, it had to meet the three conditions in advance. Even so, one must wonder how all this made sense to the Palestinian leadership. In part, I believe the answer is that they really did believe that the United States was key. They really did believe in the empowered international conference at which the United States would force Israel to make the key concessions that the Palestinians required, not just withdrawal from the territories but also fundamental concessions on Jerusalem and refugees.

CHAPTER 10. EARLY STATEHOOD AND OPPORTUNITIES TO RETURN TO THE DECLARATION

1. Yair Hirshfeld discussed this in *Track-Two Diplomacy: Toward and Israeli-Palestinian Solution 1978-2014* (Baltimore, MD: Johns Hopkins University Press, 2014) and expressed regret that he and other Israelis committed to Oslo did not support this proposal. Possibly, had they engaged the Palestinians, a way could have been found to overcome Arafat's suspicions.

2. In *Track-Two Diplomacy*, Hirshfeld writes: "When Segal submitted his concepts to Peres and Arafat in May 1995, we ignored him. Embarrassingly, we had arrogantly considered his work 'not serious' and thus did not follow up. In hindsight, I am convinced that we made a big mistake in not following his approach and trying to convince Peres and Rabin to pursue it" (167).

3. Jerome Segal, "Roundtable Discussion of an Interim Proposal: A Palestinian State with Sovereignty Over Gaza/Jericho and Administrative Authority over the West Bank," *Middle East Policy* (September 1995).

4. Jerome Segal memo to Foreign Minister Shaath and President Abbas, "Asserting Palestinian Sovereignty in Gaza: An Option," August 24, 2005, in author's personal papers.

5. Carol Morello, "U.S. Embassy's Move to Jerusalem Should Take at Least Two Years, Tillerson Says," *Washington Post*, December 8, 2017.

CHAPTER 11. THE PATH OUT OF THE CURRENT IMPASSE

1. This was explored in my book, Jerome Segal, Nadar Sa'id, Shlomit Levy, and Elihu Katz, *Negotiating Jerusalem* (New York: SUNY Press, 2000).

2. At the time of the Declaration, in Algiers, I had a conversation with Habash in which I urged him to make a statement of willingness in principle to make peace with Israel. I said that it would be more powerful in impact than what Arafat might say. His view was that Israel would never make the necessary concessions, but that such a world was what he wanted for his grandchildren.

3. Elliott Abrams, former assistant secretary of state, was a key player in the Bush administration at the time. His very informative book about the workings of the administration, *Tested by Zion: The Bush Administration and the Israeli-Palestinian Conflict* (New York: Cambridge University Press, 2013), does not even mention the ratification by referendum agreement reached by Fatah and Hamas.

4. " Hamas Would Honor Referendum on Peace with Israel," Reuters, December 1, 2010.

5. Reported by Avi Issacharoff, " Hamas Would Accept Peace with Israel, West Bank Leader Says," *Times of Israel*, March 25, 2014. There have also been Hamas statements that are far less definitive and have been seen as a rejection of this commitment. Thus in 2012, in an interview with *The Forward*, the deputy director of Hamas's Political Bureau, Mousa Abu Marzook, said that even if ratified by a majority of Palestinians, Hamas would view a peace treaty with Israel as a *hudna*, not an end-of-conflict agreement. *The Forward* used the headline " Hamas Wouldn't Honor a Peace Treaty, Top Leader Says" by Larry Cohler-Esses (April 19, 2012). It is interesting, however, that a *hudna* implies a cessation of violence, one that can both be long term and renewable. Marzook also stated: "It's very difficult to say after 10 years what will be on both sides. Maybe my answer right now [about recognizing Israel] is completely different to my answer after 10 years."

6. See Trita Parsi's analysis in *Treacherous Alliance: The Secret Dealings of Israel, Iran and the U.S.* (New Haven, CT: Yale University Press, 2007), 151-56.

7. See, in this regard, Trita Parsi, *Treacherous Alliance: The Secret Dealings of Israel, Iran, and the U.S.* (New Haven: Yale University Press, 2007).

8. The API called for "complete withdrawal from the occupied Arab territories, including the Syrian Golan Heights, to the 4 June 1967 line and the territories still occupied in southern Lebanon."

9. Akiva Eldar, "Israel Ignores Iran's Support of Arab Peace Initiative," *Al-Monitor*, January 2, 2018.

10. Jerome Segal, Shlomo ben-Ami, Javier Solana, and Thomas C. Schelling, "Going Directly to the Israelis and Palestinians," *New York Times* (global edition), May 30, 2012.

11. These quotes are from the terms used by Arafat in his article discussed later in the chapter. Yasir Arafat, "The Palestinian Vision of Peace," *New York Times*, February 3, 2020.

12. For data on the villages, see Noga Kadman's *Erased from Space and Consciousness: Israel and the Depopulated Villages of 1948* (Bloomington: Indiana University Press, 2015).

13. Khalili Shikaki, "Refugees' Preferences and Behavior in a Palestinian-Israeli Permanent Refugee Agreement," Palestinian Center for Policy and Survey Research, January-June 2003, <https://www.pcpsr.org/en/node/493>.

14. Personal communication to the author, in 2015, from a Palestinian negotiator deeply involved with the refugee issue in the Taba negotiations.

15. Ali Abunimah, "Palestine Papers Whistleblower Revealed and Saeb Erekat Responds," *The Electronic Intifada*, May 14, 2011, <https://electronicintifada.net/blogs/ali-abunimah/palestine-papers-whistleblower-revealed-and-saeb-erekat-responds>.

16. Ethan Bronner, "Documents Open a Door on Mideast Peace Talks," *New York Times*, January

24, 2011.

[17.](#) Amir Tibon, "Exclusive: Obama's Detailed Plans for Mideast Peace Revealed—and How Everything Fell Apart," *Haaretz*, June 8, 2017.

[18.](#) Yasir Arafat, "The Palestinian Vision of Peace," *New York Times*, February 3, 2002.

[19.](#) Arafat, "Palestinian Vision of Peace."

CONCLUSION

[1.](#) Arafat's press conference, Geneva, December 14, 1988. The speech referred to was to the UN General Assembly, Geneva, December 13, 1988.

[2.](#) In my manuscript for *Creating the Palestinian State*, which I gave to Arafat in August, I wrote: "The new state will be in a position to accept Resolution 242 unambiguously without any further mention of other UN Resolutions. . . once the State of Palestine is proclaimed, the situation is quite different. Resolution 242 calls for protecting the rights of all states in the region. As one of the states in the region, the new State of Palestine should be able proudly to claim its right to live at peace within secure and recognized boundaries, as proclaimed by 242."

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