

## THE MEANING OF THE PNC IN ALGIERS

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There are two perspectives from which to view what happened at the nineteenth meeting of the Palestine National Council (PNC), held in Algiers in November 1988. The meeting can be viewed from the broad historical perspective of Palestinian nationalism, and it can be viewed from the short-term political perspective of what was needed for an immediate breakthrough toward peace negotiations between Israelis and Palestinians.

These two perspectives coincide with the two very different documents that emerged from the meetings—the Palestinian Declaration of Independence and the political resolutions of the nineteenth PNC. I will argue:

- From the historical perspective, the meetings were revolutionary, giving a new definition to Palestinian nationalism.
- From the political perspective, the meetings were positive but somewhat disappointing, given the high expectations that some people had.
- The compromises on the political level were what made the breakthroughs possible on the historical level.
- The historical breakthroughs set the stage for further advances on the political level in the near future.

### HISTORICAL DIMENSION

On November 15, 1988, at roughly 1:45 in the morning, the State of Palestine was proclaimed. The two-state solution, that bit of common sense endorsed by the non-Arab world in 1947, was not only being affirmed; it was being enacted.

From the Palestinian point of view, there is now a Palestinian state, and before too long most of the nations of the world will share that perspective. If there is to be peace in the Middle East, this peace will have to be made between the two states. Any other option implies the destruction of one state or the other.

What the Palestinians did in Algiers was to extend to the diplomatic level exactly what they had been doing for the eleven months of the intifada. The intifada is the process of Palestinian empowerment; it is the exercise of their self-determination, whether Israeli authorities like it or not. Specifically, the intifada is the process through which the Palestinian state was created. What occurred in Algiers was the formalization of that process.

This point can best be understood if we reflect on the struggle over who sets commercial regulations—the war of the shops. Time and again Israeli soldiers have dipped locks and forced stores to be reopened, and time and again the Palestinians have obeyed the regulations set by the underground command. Essentially, they have told the Israelis: “You do not govern the territories. We have transferred the role of governance to new authorities.” To do this is essentially to create a new state.

November 15, 1988 will be remembered in history for a second event in addition to the creation of the State of Palestine. It is the date on which the Palestinian people reversed a position that they had held for one hundred years. In Algiers the Palestinian people, in essence, redefined

the cause of Palestinian nationalism. In the post-independence world, a Palestinian triumph does not require the destruction of the Jewish state.

The vehicle for this change is the Palestinian Declaration of Independence. In formal terms this document is different from the political resolutions. The political resolutions are the decisions of the nineteenth PNC. As such, they are the current, but transitory, articulation of the PLO's stand on a series of key issues. They replace somewhat similar resolutions passed by the eighteenth PNC in 1987. And they themselves will be modified either by a twentieth PNC or by policies articulated by the government of the State of Palestine when it is formed.

The Declaration of Independence, on the other hand, is the first fundamental document to be adopted by the Palestinian nationalist movement since the Palestinian Covenant. Unlike the Covenant, however, it cannot be amended. A declaration of independence is forever.

In the middle of the Declaration there is the proclamation itself: "The Palestine National Council, in the name of God, and in the name of the Palestine Arab people, hereby proclaims the establishment of the State of Palestine...." This is the first and last mention of the Palestine National Council in the Declaration. From this point on, the Declaration reads: "The State of Palestine declares," "The State of Palestine affairs," "The State of Palestine proclaims." Thus the Declaration is the transitional vehicle through which an authoritative agent of the Palestinian national cause has been brought into being: the State of Palestine.

The exact relationship between the PLO and the State of Palestine remains to be defined. Full authority for the state will not be achieved until Israeli troops withdraw. But the stage has been set for a new era. The Declaration of Independence stands in relation to the State of Palestine as the Covenant stands in relation to the PLO.

The Covenant, which has not been amended since 1968 and which has been eroded and contradicted by successive PNC political resolutions, represented one definition of Palestinian nationalism. It was grounded in the claim that there was no Jewish right to a state in Palestine. It was dedicated to the liberation of the whole of Palestine. And it proclaimed that armed struggle was the only way to liberate Palestine.

The PNC neither amended nor discarded the covenant. It chose to deal with it by sweeping it under the carpet, by creating a state based on the Declaration of Independence. The Declaration makes no mention whatsoever of the Covenant. It represents a new beginning. The Declaration makes no mention of liberating the whole of Palestine. And it makes no mention of armed struggle.

Those people who doubt the change that the PLO has undergone ought to dust off the Covenant and place it side by side with the Declaration. And they should read it not merely for substance, but for voice and attitude as well.

The Declaration has some strong substantive points that should be noted. These points are not airtight. They were not the result of negotiations. They were not scrutinized and made rigorous by the kind of give and take that can occur only at the negotiating table. Rather, they are a broad effort to communicate intentions and attitude.

#### ON THE PARTITION RESOLUTION (181)

In 1947 the Arab nations walked out of the UN General Assembly when the partition resolution was passed. The PLO Covenant explicitly states that the partition resolution is null and void. In Algiers this position was reversed. 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 and national independence.

The paragraph falls short of explicitly stating that under international law Israel has a right to exist. But it is a historical reversal of the Palestinian position on Resolution 181 (which was also cited in the Israeli Declaration of Independence).

There are two things of special significance in this paragraph. First, the Declaration notes that Resolution 181 provided for a Jewish state. It is surprising that it would specifically call attention to the fact that 181 not only provided for Israel's existence, but its existence as a Jewish state. This point is immediately followed by the statement that the resolution "still provides" a basis in international legitimacy (international law) for the Palestinian state that was never created. To make this point is to say that the resolution was and remains international law.

Thus while the Palestinians do not explicitly draw the conclusion that Israel has a right to exist as a Jewish state under international law, they support, in their declaration, the two premises from which such a conclusion can be drawn: (1) Resolution 181 was and is valid international law; and (2) Resolution 181 provides for a Jewish state.

In short, the Palestinians have set the stage for the State of Palestine to offer an exchange of ambassadors with Israel, something that was unthinkable under the terms of the Covenant.

## ON PEACE, ARMED STRUGGLE, AND TERRORISM

As noted above, the Declaration says nothing about armed struggle. In fact, it goes out of its way to extend the olive branch with both hands. The Declaration reads: "The State of Palestine...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..." The idea of "peaceful co-existence" steers the new state toward adopting a peace treaty with Israel. Similarly, the phrase "permanent peace" is the antithesis of the so-called doctrine of stages, which viewed any settlement with Israel as merely a stepping-stone from which to continue the struggle.

The Declaration has this to say on violence and terrorism:

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

## *On Boundaries*

The Declaration does not define the borders of the State of Palestine. In this sense it is similar to the Israeli Declaration of Independence. When the Palestinian Declaration affirms the partition resolution, it says that it "still provides those conditions of international legitimacy that ensure the

right of the Palestinian Arab people to sovereignty and national independence.” The Declaration is deliberately silent as to whether the partition resolution still provides the right to the territory that the Palestinian people were offered in 1947. Thus, it is consistent with public statements by Abu Iyad, the second most powerful member of Fatah (behind Arafat), to the effect that the Palestinians would settle for a state defined by the pre-1967 borders (that is, the West Bank and Gaza).

This position is reinforced by the PNC resolution on 242, which, despite its inadequacies, commits the PLO to negotiations based on peace in exchange for Israeli withdrawal from territories gained in the 1967 war (as opposed to those gained in the 1948 war).

Finally, for the lawyers, there is one other pregnant phrase. The new state calls upon the United Nations to “help it terminate Israel’s occupation of the Palestinian territories.” Scholars of Resolution 242 may remember all the ink that has been spilled over whether 242 requires Israel to withdraw from “territories occupied” in 1967 or from “the territories” occupied in 1967—the difference being between some or all. Given this history, it is quite remarkable that the Palestinian Declaration should refer to ending Israel’s occupation of “the” Palestinian territories—the implication being that the West Bank and Gaza are “the” Palestinian territories.” And of course, the sentence does use the I-word, referring to “Israel’s” occupation of Palestinian territory rather than to the occupation by the “Zionist entity”—a phrase that does not appear at any point. Thus, in spirit and substance, the State of Palestine rests upon a new definition of the Palestinian national cause.

## THE POLITICAL PERSPECTIVE

Following the Israeli elections, we are in a uniquely dangerous situation in the Middle East. Prime Minister Shamir has no intention whatsoever of exchanging land for peace. He is dedicated to the destruction of the State of Palestine—an entity that he will neither recognize nor concede has a right to exist. His “peace program” essentially is to crush the intifada. The odds are very high that we will soon see an escalation of Israeli violence, and that at some point Palestinian discipline will break down. The rule against using guns and knives on Israeli settlers and soldiers will give way to a new sentiment: “If I am going to die, I will take some of them with me.”

Once Palestinian teenagers take this turn, there will be a spiral of violence that will not be controllable. As Israeli deaths start to mount, the stage will be set for internal transfer and mass expulsion. This process will involve massacre and ultimately renewed warfare between Israel and the Arab states.

The political dimension of the PNC can be defined in terms of the actions needed in the short run to help prevent events from flowing in this direction. In order to stop this flow we must achieve a breakthrough in U.S.-PLO relations, leading to the convening of an international conference and thus to the involvement of all parties in the transforming process of face-to-face negotiations.

The U.S. government knows that it must move in this direction. Nevertheless, it considers itself stuck with its various “preconditions” for dealing with the PLO. The entire strategy of preconditions has been a major error in U.S. policy. Henry Kissinger led us into this quagmire on the urging of the Israelis, whose objective was to keep the PLO, and thus the Palestinians, out of the negotiation process. Instead they relied on the Jordanian option.

Today the Jordanian option is dead. Peace requires a Palestinian option. To understand the

foolishness of the very notion of preconditions, we might try to apply the idea to any other conflict. Consider the Iran-Iraq war. Is it even imaginable that any sane person would have said that before the U.S. should attempt to mediate a cease-fire, the Iraqis had to renounce the use of chemical weapons or admit that they started the conflict? With a million dead, and further horror on the horizon, the imperative was a cease-fire and a process leading toward some form of resolution. Only those with their heads in the sand fail to understand that the stakes in the Israeli-Palestinian conflict are equally high.

## THE PNC

Alas, our political leadership is simply irresponsible. The State Department should admit that the policy of preconditions was an error and open a dialogue with the PLO. State Department spokesmen say that they are bound by the commitment to Israel (though technically this extends only to negotiations and recognition, not to dialogue and contact), but the basic issue is domestic politics. The State Department simply is not prepared to engage in an all-out fight with the organized Jewish community and its supporters in Congress.

Thus, the U.S. sticks to its conditions, and it is up to the PLO to overcome the inadequacies of leadership in Washington and Jerusalem by meeting the American conditions. It is this fact that constitutes the political dimension of the PNC meeting.

Over the last several months I have been engaged in moderately intensive efforts to try to find acceptable formulas to deal with each of the conditions, and I have met top PLO officials on several occasions.

Inside the PLO I focused on the Fatah faction meeting with Arafat and other leaders. On each of the three conditions—242 and 338, Israel's right to exist, and the renunciation of terrorism—I found reason to believe that Fatah was prepared to take truly decisive steps. The PNC, however, is not Fatah. And in the end, what the PNC did with respect to each of the conditions was not as powerful as it might have done. In each area the PNC made progress, and if time were abundant we could be quite optimistic. Unfortunately, however, time is running out.

## ON 242 AND 338

During the PNC meeting, three positions were articulated with respect to 242 and 338. The first was held by George Habash, who objected to any positive reference to 242. Habash wanted an international conference based on "international legitimacy."

The second position was that of Nayef Hawatmeh of the Democratic Front for the Liberation of Palestine. He wanted a conference based on "all United Nations resolutions including 242 and 338." His position was that since many of these resolutions are positive from the perspective of the PLO, the PNC should draw on the strength of these resolutions. From the Jewish point of view, the mere existence of the "Zionism is racism" resolution has always made this position unacceptable.

The third position, which was Arafat's, called for a conference based on 242, 338, and the legitimate rights of the Palestinian people, the first of which is the right to self-determination. The U.S. has already come very close to Arafat's position. We recognize that 242 and 338 are not a sufficient basis since they do not address Palestinian rights. We have offered the phrase "legitimate

rights of the Palestinian people,” and recently Secretary of State Shultz spoke of the “political rights” of the Palestinians.

The U.S. refuses to accept “self-determination” on the grounds that it is a code word for a Palestinian state, and support for a Palestinian state would prejudice the outcome of the negotiations. Given that the Palestinians have spoken of a confederation with Jordan, and that some Israelis (Moshe Amirav, for example) are talking of a three-way confederation of Jordan, Israel, and Palestine, this reasoning is not compelling. Further, we could simply say that we accept self-determination in principle and that the challenge of the negotiations is to see if a way can be found to implement it in ways consistent with Israel’s security. We would not be prejudging the outcome, merely stating the challenge.

Alas, our State Department.

In the end, the PNC threw in the kitchen sink. The final PNC resolution on 242 and 338 affirmed the two UN resolutions by name as part of the basis for the international conference, but the PNC also insisted that the basis include self-determination and “the UN resolutions relevant to the Palestinian question.” This last phrase is of course different from “all UN resolutions” and does permit the U.S. to say that the PNC resolution excludes “Zionism is racism,” but politically it is dead meat.

#### ISRAEL’S RIGHT TO EXIST

Prior to the PNC, some top Fatah leaders were prepared to accept a simple statement affirming Resolution 181 and saying that it provides a basis in international law for the existence of both the State of Israel and the State of Palestine. The closest the PNC came to adopting this position was in the section of the Declaration of Independence discussed above.

#### ON TERRORISM

Here, too, Fatah leaders were prepared to accept something better than what emerged. Specifically, they were prepared to say that they opposed all attacks on ordinary civilians and that this opposition applied to all geographical regions. Again, unfortunately, the PNC did not adopt this position.

The PNC dealt with terrorism in two places. First, in the Declaration of Independence, where there is a relatively clear rejection of terrorism but no effort to make clear that a specific category of acts (attacks on civilians, for example) is ruled out. And second, the PNC dealt with terrorism in a political resolution that does say that the PNC “reject[s] terrorism in all its forms” but then goes on to reaffirm the Cairo Declaration, which is unfortunately ambiguous.

The most positive interpretation of the PNC’s overall position is that the PNC implicitly recognized Israel’s right to exist (in the Declaration) that it accepted 242 and 338 as part of the basis for negotiations and that in the Declaration it explicitly rejected terrorism.

Palestinians in the PLO and in the new country of Palestine accurately argue that “if the United States government wanted to take all this as a ‘yes’ to the American conditions it could do so.” They are wrong, however to conclude—as some of them have—that the United States’ failure to take yes for an answer proves that nothing that they do will ever prove acceptable.

Arafat may himself be disappointed with the political resolutions, though this is the first

time that the PNC has ever *affirmed* 242 and 338. At the eighteenth PNC, the PLO said that it continued to reject 242 on the grounds that it was an insufficient basis for a peace settlement. The acceptance of 242 and 338 is not exactly an earth-shattering transformation. The PLO was right to say that 242 is an insufficient basis (at the eighteenth PNC) and they were right to say that it is appropriately part of the basis (at the nineteenth PNC). Indeed, the same point was being made in two different ways. The real problem was the way that the PNC characterized the other components of a basis for a settlement.

If all this sounds like idiocy, it is no accident. But, to be fair to the PLO, we must remember who is the source of the idiocy. The laurels go to Dr. Kissinger.

The PLO long ago bowed to the fact that the U.S. writes the rules. For some time the PLO has tried to play the 242 game, to find a way of adding something to 242 that would prove acceptable both to Washington and to the various factions under the PLO umbrella. It is a fool's game-on all sides-and, despite heroic efforts by PLO lawyers as well as Arafat's talents as a politician, Arafat had to be content to get the PNC simply to affirm 242 and 338.

In the end, Arafat had to keep his eye on the ball. What was critical to him was to legitimize the Declaration of Independence, and this he did by being willing to compromise sufficiently to keep the more militant factions (the DFLP and the PFLP) at the PNC. Now that they have participated, all significant Palestinian groups (with the exception of the Islamic fundamentalists) have committed themselves to a new institutional reality. They have a state, and they will soon have a government. Now even the hard-liners must be loyal opponents.

And indeed, this is the role that they have accepted. George Habash participated in the vote and lost, but he stated that the PFLP would remain in the PLO, in the PNC, and in the Executive Committee. The fact that he did so reflects some possible moderation even among the extremists; more important, it reflects the power of statehood. Once the State of Palestine is created, no Palestinian political group can afford to be on the outside. Given the fact that there is some reality to the claims of democratic rule under the PLO umbrella, it is likely that power will continue to flow toward the more moderate majority.

Furthermore, we must be careful when we make a pat dichotomy between moderate and radical Palestinians in the first place. It may well be that the difference between an Arafat who is willing to be explicit about living in peace with Israel and a Habash who refuses to give a direct answer to such questions lies more in how they experience the questions than in the substance of their opinions.

Consider the following exchange, which occurred at Habash's press conference following the PNC:

**Segal:** Dr. Habash, as you know, inside of Israel today there are many who claim that when the Palestinian leadership talks of peace, it is a trick. And you are cited as a Palestinian leader who under no circumstances would be willing to be faithful to a permanent treaty of peace with Israel.

If the State of Israel were to offer you a Palestinian , state consisting of the West Bank and Gaza, with Jerusalem the capital of both states, and a practical resolution of the right to return with the actual physical return of some Palestinians and monetary compensation for the others would you be prepared to be faithful to a permanent treaty of peace with Israel?

**Habash:** I have a deep feeling of responsibility. I am now over sixty and I have children. And I know what life means and what it is to have children. And I well know that now in Palestine there are more than three million Jews and there are about two million

Palestinians as well as another two to three million Palestinians outside Palestine.

I say, come let us sit at the international peace conference so that we can discuss the subject of our children and your children from all aspects. I believe it is my full right to say my point of view on what solution will be good for future generations of Palestinians and for the Jews. I believe very very truly that we should think very seriously about the formation of a democratic state in which all can live in real peace and real brotherhood.

Following this exchange I pressed Habash for an answer, but he retorted that I have no right to ask such a question until the Israelis have recognized that the Palestinian people have a right to self-determination.

The Israeli leadership, insofar as it is represented by Peres and Shamir, feels content to stand back, arms folded and pronounce its judgments on the shortcomings of PLO statements. Shamir sticks to his unique interpretation of 242 as having been satisfied when Israel withdrew from the Sinai, and therefore his stance on the PLO is predictable. A moderate PLO is his nightmare since it will weaken his grip on the West Bank.

But Peres's similar stance on the PLO is pure politics. Just as in the campaign, he takes everyone to his left for granted and plays for votes from the center. Such games would amount to little more than commonplace political maneuvering if the costs were not so high. Unfortunately, by retarding U.S. moves toward the PLO and by slowing down the pace of the PLO's moderation process, Peres plays Russian roulette with Israel's future.

In the end, American Jews must finally decide to think and speak for themselves. It is absurd to look to Israel's leadership for guidance, and it is equally absurd to allow AIPAC or the Conference of Presidents to present themselves as the spokespeople for the Jewish community. American policy is our responsibility.

We must do more than place ads in the New York Times; we must do more than attend protests and demonstrations. We must create an alternative organized Jewish lobby in Washington and around the country. It is a disgrace that we have waited so long.