

THE PALESTINIAN RIGHT OF RETURN AND ISRAELIS RIGHT TO REMAIN A JEWISH STATE

Al-Quds, August 2000

Twelve years ago, on November 15, 1988 the PLO launched a unilateral peace initiative. As a demonstration of the authenticity and permanence of the Palestinian turn towards co-existence, it embedded that initiative within the Palestinian Declaration of Independence issued that day at the 19th meeting of the Palestinian National Council (PNC) in Algiers.

Prior to the Declaration of Independence, Palestinians rejected the notion of partition. They rejected the idea of two-states. This was the position in 1947, and it was restated inside the PLO covenant. But in 1988, after almost a year of the Intifada, inside the Declaration of Independence, the Palestinian people for the first time affirmed their acceptance of Resolution 181, the Partition Resolution of 1947. The Declaration of Independence speaks of Resolution 181 as a part of international law.

It was no accident that the Declaration of Independence took this turn. The Israeli Declaration of Independence issued in May of 1948 also referred to Resolution 181, and cited it as the basis in international law for the creation of the state of Israel. However, the Palestinian Declaration of Independence went further than the Israeli Declaration, and it is in this that the Palestinian peace initiative was most pronounced.

In the Palestinian Declaration of Independence, Resolution 181, which it characterized as a part of international law, is also cited not only as providing for the creation of an Arab state but also for “a Jewish state.” The Israeli Declaration of Independence only speaks of one of the states provided for by Resolution 181. The Palestinian Declaration speaks of both. Thus, unilaterally, inside the Palestinian Declaration, the Palestinian people linked the existence of their future state, under international law, to that of Israel.

It is hard to conceive how the Palestinian national movement could have done anything more fundamental to demonstrate that it was committed to co-existence and not to the destruction of the State of Israel. It was not easy for those representative in Algiers to take this step, and for this reason, the Declaration was an extremely somber moment, not one of pure joy. It was tinged with sadness. I was there in Algiers that night, and Palestinian leaders told me they knew what they were giving up. It was with great seriousness that they made, unilaterally, this great compromise with the Jewish people.

Moreover, to further demonstrate their good intentions and the seriousness of the peace initiative, the PNC made clear that it was not calling for a return to the border lines proposed in Resolution 181. Thus, the PNC also accepted Resolution 242. And ever since, the Palestinian position has been one of willingness to accept as boundaries between Israel and Palestine those that existed prior to the 1967 war.

What was extraordinary, and remains true today, is that the significance of the November 15, 1988 peace initiative was totally ignored by the Israeli government, and indeed, by the United States.

Today in the negotiations, Palestinians have called for Israel to accept “in principle” the Palestinian right of return. By demanding this “in principle” the Palestinian negotiators have made clear that they do not expect that three or four million Palestinians, mostly the descendants of the 1948 refugees, will actually return to the areas of their family homes within Israel. For most, the solution will be compensation and citizenship elsewhere, especially in the new state of Palestine.

But Israeli leaders, and indeed the Israeli people, fear any affirmation of a Palestinian right

of return even “in principle.” Some of this is tied to concerns over responsibility for compensation, but the deeper fear is that any recognition of such a right, even in principle, represents a negation of the legitimacy of Israelis remaining a Jewish state.

In this position, and in these fears, the Israeli leadership is continuing its failure to recognize the utmost seriousness with which the Palestinian issued their 1988 Declaration of Independence. This was not some negotiation tactic. This was the enactment of the foundational document of the Palestinian national movement, the recognition that international law provides for the existence of a Jewish state is a recognition that Palestinian built into the very birth certificate of their own state. Nothing could be more basic.

As we approach the implementation of the Palestinian Declaration of Independence, the Israeli and American leaders should go back and study what the Palestinian affirmed in 1988. In doing that they will find a basis for understanding that when Palestinians call on Israel to recognize a Right of Return “in principle” they are not calling for the destruction of Israel as a Jewish state, but rather they are demanding mutual moral recognition. Palestinians have already recognized that Israel has a right to be a Jewish state. They are demanding that Israel now give equal dignity to the Palestinian experience.