

President Bush's two-state solution is not what the UN had in mind 60 years ago

BADIL Commentary

On 29 November 1947 the United Nations General Assembly recommended in Resolution 181 that Mandate Palestine be divided into two states, one Arab and the other Jewish. In the preceding months UN members expressed misgivings about partition. Some believed the recommendation ran counter to the principle of self-determination elaborated by US President Wilson at the end of WWI. Efforts to obtain legal counsel from the International Court of Justice failed to obtain the necessary majority of votes in the Assembly. Others warned that partition of the country into Jewish and Arab states could set off a wave of forced displacement along ethnic, religious and national lines.

Sixty years later, as the UN Secretary-General noted in his statement on this year's International Day of Solidarity with the People Palestinian People, Palestinians are still denied their inalienable right to self-determination. Sixty years later, an estimated three-quarters of the Palestinian people are either refugees or internally displaced persons. Half have been displaced outside their historic homeland. They are still denied the right to return to their homeland and the right to repossess the homes, lands and properties that were taken from them to build the Jewish state well beyond the UN partition plan and eventually beyond the 1949 armistice lines.

Israeli officials believe that the return of Palestinian refugees would be inconsistent with the two state solution. In Annapolis, Maryland earlier this week, Israeli Prime Minister Ehud Olmert emphasized that through negotiations an effort would be made to "assist" the refugees "in finding a proper framework for their future, in the Palestinian state that will be established in the territories agreed upon between us." US President Bush reaffirmed that the "United States will keep its commitment to the security of Israel as a Jewish state and homeland for the Jewish people" whereas the settlement of the conflict would establish "Palestine as the Palestinian homeland."

This vision of a two state solution, that is to say, partition of Mandate Palestine based on the principle of ethnic, religious and national separation, is not what the UN had in mind 60 years ago. Resolution 181 called upon each state to draft a constitution that guaranteed equal and non-discriminatory rights. It also called upon each state to issue a declaration that would prohibit expropriation of land except for public purposes, and entitle residents of each state to citizenship. These parallel declarations would be the fundamental laws of each state. The UN underlined the fact that no law, regulation or official action should conflict or interfere with or prevail over these declarations.

In contrast, Israel does not have a constitution nor has it enshrined in domestic law the fundamental principles of equality and non-discrimination. These principles are upheld insofar as they do not conflict with Israel's definition as a Jewish state. Israel has expropriated homes, properties and lands belonging to Palestinian refugees and more than two-thirds of the lands belonging to its Palestinian citizens to build and develop the Jewish state. More than three-quarters of the Palestinian population that resided in areas that became the state of Israel in 1948 were forcibly displaced and denied the right to return and the right to citizenship.

Equality and non-discrimination are the foundation of any comprehensive and lasting solution to the Israeli-Palestinian conflict. The International Day of Solidarity for the Palestinian People should be a day in which all parties reaffirm their commitment to these principles. Civil society has taken up this challenge with its call for a solution based on the elimination of discrimination faced by Palestinian citizens of Israel, an end to 40 years of Israeli military occupation and the voluntary return Palestinian refugees to their homes, lands and properties.

See, the International Coordinating Committee on Palestine (ICNP) call to action for the Nakba-60 Campaign: "60 Years since the UN Palestine Partition Plan, 30th UN Day Affirming the Inalienable Rights of the Palestinian People."

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