



the  
book of  
palestine

wiliander  
frança  
salomão



*the  
book  
of  
pales  
time*



*the  
book of  
pales  
time*

*wiliander  
frança  
salômão*



Copyright © 2017, D'Plácido Editora.  
Copyright © 2017, Wiliander França Salomão.

**Chief Editor**  
*Plácido Arraes*

**Editorial Producer**  
*Tales Leon de Marco*

**Book Cover and Design**  
*Leticia Robini*  
(Photo by Ant Rozetsky, via Unsplash)

**Typesetting**  
*Bárbara Rodrigues da Silva*

**Editora D'Plácido**  
Av. Brasil, 1843, Savassi  
Belo Horizonte – MG  
Tel.: 31 3261 2801  
CEP 30140-007



WWW.EDITORADPLACIDO.COM.BR

All rights reserved.  
No part of this publication may be  
reproduced by any means without the  
prior authorization of D'Plácido Group.

Catálogo na Publicação (CIP)  
Cataloguing

SALOMÃO, Wiliander França.

The Book of Palestine -- Belo Horizonte, Brazil: Editora D'Plácido, 2017.

Bibliography.

ISBN: 978-85-8425-769-0

1. International Law. 2. Middle East Conflicts. 4. Palestine. I. Title.. III. History.

CDU347

CDD342

GRUPO  
D'PLÁCIDO



\*  
Rodapé



*This book is dedicated to my father, Wilman,  
and to my lebanese grandparents, Marta and Elias.*





*To the Palestinian people: peace is coming!*



## SPECIAL THANKS

I would like to thank my beloved arab brothers Adil, Tareq, Khamis, Redwane and Driss. God gave you all as my brothers and showed me how life is incredible because of this. Shookran for all your support and care. The distance can never put us apart. You are always with me!

Also, my special thanks go to all my dearest arabs friends from Algeria, Morocco, Egypt, Lybia and Tunisia, especially Karim Ettahri, Mohammed Sakr, Elassa, Mouna, Amin Abdullah, Emna Miladi, Engy, Mohammed Abdel, Mohammed Kelani, Jihane, Rana, Khou-loud Khloe, Lina, Ahmed Alaydi, Youcef, Star Jino, Salah, Fatima, my Unesco Delegates in Sousse, Abdullah Omar, Rabeb, Nawel, Farah, Ghaith, Idir, SouSsou, Sami, Toufik, Salem, Omar, Yazid, Ghada, the Ahmed's, Amir, Ben Amine, Benyahia, Chaima, Aziz Benamar, Emna Ben, Emna Gelacia, Munia El Harti Alonso, Eya and Mariem Essoukri. I also thank my Austrian and Germany friends; and to Tomaz and Toug! Shookran shookran for all the love, talks, our adventures in Tunisia, and for making me so special. Our friendship will last forever.

Thanks to all my students and alumni, the main reason for my sacred mission as a Professor. It is impossible to thank all the positive results of our partnership.

Finally, I thank God for providing me with the chance to continue my studies about the situation involving Palestine, as a humble project to look towards peace and understanding.



## A NOTE FROM THE AUTHOR

Once again, with great satisfaction, i wrote another book about the sad conflicts between Israelis and Palestinians.

This book is dedicated to peace, not war.

It is a work about the struggle of the Palestinian people to establish their State over the decades, even before the beginning of the First World War until the admission as an Observer State in the United Nations. For that matter, it will be discussed about the historical, political, religious connections to the land, the wars, refugees, peace agreements, PLO, and many others. This book continues my studies on Israel-Palestine Conflict, which i have already published three books: “The Israeli-Palestinian Conflict: the analysis of the historical fact under the International Law”; “The Israeli-Palestinian Conflict: Code of Treaties and Laws” and “Israel & Palestine: A Two-State Solution” by the D’Placido Publishing from Brazil.

The mentioned books are available in several places throughout the world, including Universities and also at the prestigious International Court of Justice library in The Hague.

New reflections was brought about self-determination of peoples as the main source in the approach on the solution in two States: Israel and Palestine, living side by side.

These new studies represent my intention to always bring knowledge concerning the facts about Palestine.

This book is available not only for Law professionals and students, but also for the general public so that everyone can have access to all those informations.

Let’s give peace a chance!

*The Hague, Netherlands, November, 2017.*

*Wiliander Salomão*

*Author*



## LIST OF ABBREVIATIONS

PCA – Permanent Court of Arbitration  
GAA – General Armistice Agreement  
IAF – Israeli Air Force  
ICC – International Criminal Court  
ICJ – International Court of Justice  
IDF – Israel Defense Forces  
OPEC – Organization of Petroleum Exporting Countries  
PCA – Permanent Court of Arbitration  
PFLP – Popular Front for the Liberation of Palestine  
PLO – Organization for the Liberation of Palestine  
PNA – Palestinian National Authority  
PLC – Palestinian Legislative Council  
PNC – Palestinian National Council  
UN – United Nations  
UNGA – United Nations General Assembly  
UNEF- United Nations Emergency Force  
UNOPTM – Office for the Palestinian Truce Monitoring  
UNRPR – United Nations Refugees Palestinian Relief  
UNRWA – United Nations Refugee Agency Watch  
UNSC – United Nations Security Council  
UNSCOP – United Nations Special Committee On Palestine

USA – United States of America

VCLT – Vienna Convention on the Law of Treaties

WW I – World War I

WW II – World War II



# SUMMARY

<b>INTRODUCTION</b>	<b>21</b>
<b>1. PALESTINIAN HISTORICAL AND RELIGIOUS CONNECTION TO THE LAND</b>	<b>25</b>
1.1. The land connection to the Arab-Palestinians	25
1.2. Historical Palestine under the Roman Rule: the birth of Palaestina	29
1.3. The city of Jerusalem: why it is so sacred?	31
<b>2. THE WORLD WAR I INFLUENCE OVER PALAESTINA</b>	<b>39</b>
2.1. The partnership between England with the Arab resistance: the Hussein-McMahon Agreement (1915)	39
2.2. The English-Arab partnership against the Ottomans	42
2.3. The British promises to the Arab and Zionist leaders – The (secret) Sykes-Picot Agreements	44
2.4. The Palestinian Nationalism	51
2.5. Sovereignty in Palaestina after the rule of the Ottoman Empire	54
2.6. The establishment of the Great Kingdom of Syria	57
<b>3. THE BRITISH MANDATE FOR THE HISTORICAL PALAESTINA</b>	<b>61</b>
3.1. Palaestina placed under the British Rule: a political strategy from the Supreme Council of the Allies	61

3.2. The British Mandate provisions on Palaestina.....	67
3.3. The execution of the Mandate.....	72
3.4. The Palestinians and the Mandate.....	74
3.5. The new status of Historical Palestinians inhabitants under the British rule.....	77
3.6. The procedures of the Treaty of Lausanne and the British Mandate on Palaestianian identity .....	79
3.7. The English administration over Jerusalem.....	84
3.8. The Arab Revolts during the British administration: the beggining of the Intifadas.....	90
3.9. The Partition Plan for Palaestina according to the Peel Commission and the Woodhead Commission.....	93
3.10. The White Paper policy: England supporting the Arabs.....	99
<b>4. THE UNITED NATIONS AND ITS POLICY TO PALAESTINA: WHAT COULD BE THE SOLUTION?</b> .....	<b>103</b>
4.1. The end of the British Mandate.....	103
4.2. A new Partition Plan: the start of the two-State Solution Policy.....	105
4.3. The Jewish State and the Arab State under Resolution 181.....	111
4.4. Jerusalem Question: a special regime according to the Resolution 181 .....	115
4.5. Jerusalem as a permanent international regime as a new UN project after the 1949 Armistice.....	118
4.5.1. The Palestinian Authority view over the Jerusalem Question.....	124
4.6. Analysis of the Partition Plan of the Historical Palestine.....	125
4.7. Why was the Partition Plan a measure from the United Nations?.....	128
<b>5. WAR AGAINST ISRAEL: ELEVEN DECADES OF CONFLICTS</b> .....	<b>133</b>
5.1. The first Arab-Israeli War (1948-1949).....	133
5.2. The aftermath of war: an Armistice Agreement between Israel and Arab States.....	137

5.3. The occupation of Jerusalem by Jordan and Israel Armies after the War .....	139
5.4. The battle for Suez (1956).....	142
5.5. The birth of Fatah and the Palestine Liberation Organization (PLO).....	143
5.6. The 1967 Six Day War .....	146
5.6.1. Background of a new war.....	146
5.7. The political and security consequences in Palestine after the Six Day War.....	154
5.8. Palestine under military territorial occupation .....	158
5.9. The Palestinians refugees.....	166
5.9.1. The Refugee Camps under the care of UNRWA .....	171
5.10. The Ramadan/Yom Kippur War: the last Arab-Israeli war (1973).....	173
5.11. The first Intifada against Israel (1987).....	177
5.12. The Declaration of Independence of the State of Palestine (1988).....	180

## **6. THE OSLO ACCORDS: THE START OF A PEACE PROJECT AS A NEW POLITICAL OUTCOME.....185**

6.1. The Madrid Conference and the (secret) Oslo Agreements (1993).....	185
6.2. The Oslo Accords: The recognition of the Palestinian-Israeli mutual rights of self determination.....	187
6.3. The production of new agreements after Oslo Accords.....	199
6.4. New measures for the Oslo Accords: the Camp David Summit (1998 – 2000).....	202
6.5. The Al-Aqsa Intifada: the second uprising against Israel (2000-2002).....	204
6.5.1. The collapse of Palestine during the Intifada: The failure of Oslo II, the construction of the dividing wall in Palestine and the siege of Yasser Arafat.....	207
6.5.2. The decisions of the International Court of Justice about the Israeli-Palestinian Conflict .....	209

6.5.2.1. International Court first decision over the conflicts.....	209
6.5.2.2. The Advisory Opinion on the wall in Palestine.....	211
6.6. The US policy for Israel and the Middle East: from President Wilson to Donald Trump.....	220
6.7. Bilateral relations between Brazil and Palestine.....	227
<b>7. THE ISRAELI SETTLEMENTS IN PALESTINE.....</b>	<b>233</b>
7.1. The firsts Jewish communities under the British Mandate.....	233
7.2. The analysis of the Israeli settlements under the International Law.....	234
7.3. The United Nations Resolutions and the Fourth Geneva Convention provisions to the Palestinian Occupied territory.....	241
<b>8. THE TWO-STATE FORMULA TO END THE CONFLICTS.....</b>	<b>249</b>
8.1. Which are the reasons about the division of Historic Palestine? .....	249
8.2. The Reports of the Peel Commission and the UNSCOP .....	249
8.3. The provisions of the Oslo Accords for a two-State Solution .....	257
8.4. The Arab Initiative and Roadmap: The Peace Agreements for a two-State solution.....	259
8.5. The Annapolis Conference.....	267
8.6. The political measures in Israel about the adoption of the two-State Formula.....	270
<b>9. THE SEARCH OF PALESTINE 194: ESTABLISHING A STATE .....</b>	<b>277</b>
9.1. The struggle to achieve the statehood status.....	277
9.2. The Palestinian quest for self-determination .....	278
9.3. Differences between the PLO and the Palestinian Authority.....	282

9.4. The status of Historical Palestine under the British Mandate.....	285
9.5. The new status of Palestine at the United Nations: a de jure State.....	289
9.5.1. The Palestine Case at UNESCO.....	290
9.5.2. The General Assembly Resolution 67/2012: fulfilling the two-State Formula.....	295
9.5.3. The Case of the Permanent Court of Arbitration.....	315
9.5.4. Palestine statehood according to the European Union.....	317
9.5.5. The support of the Arab States to the statehood condition of Palestine.....	320
9.6. The Palestinian government: General aspects of its political structure and crisis with Hamas.....	337
<b>CONCLUSION.....</b>	<b>351</b>
<b>CHRONOLOGICAL NOTE.....</b>	<b>363</b>
<b>BIBLIOGRAPHY.....</b>	<b>367</b>



## INTRODUCTION

It all started with two promises: a Jewish National Home and a Arab State in Palaestine by the British government during the World War I.

The focus of the current conflicts is related to the self-determination.

In the context of this history, for several decades, several peace agreements and several negotiations were formulated by the international society to put an end to the conflicts between Palestinians and Israelis. And why has not this happened yet? Why do conflicts exist?

It is important to set some considerations about the name “Palaestina”: in this book, the name “PALAESTINA” will be used to designate the territory that shelters both countries – Palestine and Israel. It is extremely necessary to make this distinction because it always causes misunderstandings when it is mentioned in several essays about the “Palestinian conflict”. No, the conflict is not only in Palestine, but in Israel as well. Using the ancient name “Palaestina”, will provide a better understanding for the current subject.

No other subject has engaged the attention of the international relations over the decades about the israeli-palestinian conflict. The question has been on the agenda of the United Nations since the beginning of the Organization and had produced an intensive debate to solve the problem.

The Israeli-Palestinian conflict is one of the longest.

The struggle to secure a right of ownership over the entire territory included in the right to self-determination is still a matter of no satisfactory outcome for both Israelis and Palestinians, taking into account certain rules of international law created after the end of World War I, the Ottoman Empire and by the United Nations.

The present book aims at analyzing the historical, political and legal connection of the Palestinian people that give them the right to live in the territory connected to the right of self determination of peoples, as well as the analysis of the two-State formula created both by the British Mandate in the 30's and the UN in 1947, to end these conflicts through a partition plan of the whole territory into two independent Nations.

This question is related to the referred rights, to establish in that land an independent State granted by the International Law.

The Arab people had already inhabited Palaestina prior to the times of Christ. In the fifth century, the Ottoman rule was hampered by the imposition of Turkish culture and customs, as well as by the atrocities committed when the resistance movements intensified.

Arab nationalism reached its climax in the early twentieth century, with the Syria-sponsored resistance movement aided by the British government, which during World War I succeeded in defeating the Ottomans by promising to establish an Arab State in that region and a new Caliphate.

At the same time, the Jewish people were suffering severe persecutions in the countries where they had already had settled since the diaspora, especially in Russia and Eastern Europe. They suffered a severe discrimination.

The British Mandate in Palaestina, whose administration replaced the Ottoman Empire after World War I, found it difficult to succeed in the beginning of the hostilities between Arabs and Jews in the 20's and 30's.

In order to find a viable solution to the problem, it was agreed by the Peel Commission that there would be a division of the Palestinian lands between the two peoples, with the creation of two sovereign States, which was accepted by the Zionists but refused by the Arabs that considered the Jewish people part of the western imperialism. Under International Law and under the Mandates system, England was solely responsible for resolving the issues in Palaestina during their administration on behalf of the League of Nations.

As the British government had proved unable of managing the Mandate after World War II, they restrained the existing conflicts by transferring that issue to the newly created United Nations.

In 1947, the United Nations General Assembly opened the special sessions for the debate on the division of Palaestina. The es-



establishment of the United Nations Special Commission on Palestine (UNSCOP) and the deliberation on two issues: the creation of two independent countries or the creation of a single one and the internationalization of Jerusalem in the same intention adopted by the Peel Commission in the 30's during the British Mandate.

Zionist leaders then asserted that partition would be invalid as the Treaty of San Remo would have recognized the Jewish right to inhabit the whole Middle East, especially after the secret terms of the Sykes-Picot Agreement, which would eventually lead to serious conflicts throughout the territory.

The question of the legitimate existence of this right of possession over Palaestianian lands for the realization of one or two national States has never found satisfactory understandings over the decades. The focus of the current conflicts in the region is related to the self-determination.

In order to find a satisfactory answer for this research, it is necessary to analyze several documents approved over the last decades to establish definitive points about the validity of this right to the possession of Palaestianian lands. It seeks to justify the legitimacy of this right by the rules created by the Allied Council of the World War I and the UNSCOP at the United Nations.

At the same time, it is necessary to observe the developments in the field of politics, law and even religion in defense of this right that originated the current conflicts and caused a permanent instability throughout the Middle East.

The core of the question raised is related to the Partition Plan that attempted to establish equal points on the right to self-determination for the construction of a government with no external interference, but without its effectiveness being satisfactorily seen on both sides, where Israel continues to fight for the preservation and recognition of its rights over the territory, while Palestinians try to defend the same rights.

It will be studied the all the modern history of Palestinian people on their struggle to have their State, since before the World War I untill the United Nations later resolutions.

Following this understanding, it will be studied the change of status of Palestine as an Observer State by the United Nations, representing a new reality in the whole panorama of conflicts that as a new political outcome.

In this context, the present book will analyze whether these historical rights of both peoples, in the context of self-determination, were granted by International Law, and whether the two-State solution would be the most appropriate alternative to end these conflicts.

We hope that these contributions will be able to built an knowledge able to produce an effective understanding of a unique situation since the end of World War I.

# PALESTINIAN HISTORICAL AND RELIGIOUS CONNECTION TO THE LAND

# 1

## 1.1. THE LAND CONNECTION TO THE ARAB-PALESTINIANS

The land called Palaestina in centuries ago had different names. Over the past centuries, the territory of Palaestina had other names. It was called “Canaan”, due to the presence of the Canaanite people, and later the “Kingdom of Judea and Samaria”. Palaestina, or the ancient word “Philistia”, was a name given by the Roman Empire after the defeat of the last Jewish Revolt in 135 A.D.

The Canaanites were one of the first people known to inhabit the territory, and built many cities such as Jericho, Jerusalem, Hebron and Jaffa. The Hebrews arrived between 1,400–1,200 BC and only got control of the territory as a nation and political force during the Kingdom of David.

The Historical Palestine/ Palaestina, is a territory with 27,000 kilometers in four main areas: an area in the Mediterranean, rich and fertile; an area formed by mountains where is located most of the Holy places of Christianity, Judaism and Islam; the area of the Jordan Valley rich in water resources; and the Palaestian desert area located in the South of the Sinai Desert.

The region's population is estimated at more than ten million people, including Israelis and Palestinians. In the last decades the local economic activity was limited to agriculture and grazing, but over the years a number of other activities have been developed as tourism, technology and industry.

The region suffered countless invasions and was dominated by various peoples of different cultures and customs. Jamal Salah (2002, p. 64) highlights the most significant raids in Palaestina:

- a. The Canaanites in 2500 B.C.;
- b. The Egyptians in 2300 B.C.;
- c. The Israelites led by Moses in 1240 B.C.;
- d. The Philistines in 1185 B.C.;
- e. Nebuchadnezzar, who invaded the Kingdom of Judea and forced its inhabitants into exile in 587 B.C.;
- f. Cyrus conquers Babylon and allow the return of the Hebrews in 538 B.C.;
- g. Alexander the Great invaded Mesopotamia and Egypt in 332 B.C.;
- h. The Roman Empire in 64 B.C.;
- i. The Arab-Islamic conquest in 636 A.D.;
- j. The Crusaders (Bizantines), in 1099 A.D.;
- k. Muslims led by Saladin in 1187 A.D.;
- l. Mamluks in 1291 A.D.;
- m. The Ottomans, in 1517 A.D.;
- n. England (United Kingdom), by the Mandate of the League of Nations in 1917.

The Arab people started to be formed in the Arabian Peninsula from IX Century BC. They were a nomadic people and lived in the old territories of Syria, Babylon, among others. By religious tradition, the Arabs descended from the son of Abraham with Hagar, Ishmael, where they began to inhabit the territory where today is Saudi Arabia. The ArabS, like the Jews, is a Semitic people.

One of the earliest references to the Arab people, and to the word “Arab”<sup>1</sup>, was made in the Kingdom of Assyria, Upper Mesopotamia, around 853 BC during the reign of Salmaneser III, where large communities lived there whose “Arab” term was thus used in reference to the people who lived around the kingdom. With the disappearance of the Assyrian realm, and its succession by other empires such as the Babylonian and the Persian, they continued to use the “Arabic” terminology, though that population was nevertheless united in its own identity, whether by religion, culture or language. The Greeks likewise adopted the “Arab” name to designate individuals living in the ancient Assyrian and Arabian region.

---

<sup>1</sup> In the mentioned inscription, the name portrayed was the “aribi”.

In the Bible, according to the Old Testament, there are several references to the Arabs, as in Joshua 15:52, Nehemiah 2:19, 6: 1, Isaiah 13:20, Jeremiah 3: 1, Chronicles 17:11, among others.

In this sense, several decades later, began to appear kingdoms and political structures of Arabs around many empires in the region of Levant.

The Arabs were unified in the monotheistic religion of the Islamic faith from the 6th Century by Mohammad and in helping with the formation of a new consciousness of identity.

A new feature of non-Jewish settlement in Palaestina, after the definitive diaspora, was possible mainly by a new and definitive event on the Roman world. Richard Brother (1925) points to this change that arose when the Roman Emperor Constantine made Christianity the official religion of the empire (putting an end to the cult of various gods to dedicate themselves to the God of Christians) and the land of Palaestina is influenced by this decision, be "Christianized" by the construction of various churches and shrines, where Jews were still banished. Jerusalem becomes the center of this new religion, by direct intervention of the Empress mother, Helena.

The achievement of Palaestina's political conquest by the Arabs united in the Islamic faith, began after the defeat of Christian hegemony, where the historical context of Arabs, a minority in the region since David, gained strength through the conquest by the followers of Mohammad.

The subjects involving the Arab question in its connection with Palaestina has some similarities with those of the Jews considering, mainly, to inhabit for centuries the same territory. In this way, the Arab connection began through the settlement of their communities from Upper Mesopotamia to Palaestina, which also began to coexist with the Hebrew tribes. However, after the Jewish diasporas, the number of Arab inhabitants increased through the Mamluk, Muslim and Ottoman rule.

The religious connections of Muslim Arabs is related to the Prophet Mohammad according to Ishaq ibn (1955), who was born in Arabia where Hagar settled with his son Ishmael, son of Abraham. After the revelation of the Angel Gabriel, it created its own government under the Islamic law causing resistance of the leaders of Medina and Mecca. A *jihad* was set off in 630 AD, which, to defend the new faith, conquered those territories and established the new religion over the population.

# **“DON’T LET THE OLIVE BRANCH FALL FROM MY HAND”.**

When Yasser Arafat first went to speak at the United Nations General Assembly, he said that he came “bearing an olive branch in one hand and a freedom fighter’s gun in the other”, and concluded: “don’t let the olive branch fall from my hand”.

During the last decades, the olive branch lived together with the gun, at the same time. Sometimes the olive branch fell on the ground, sometimes does not.

In many situations described in this book, and especially since Oslo Accords and the Resolution 67/2012, the palestinians are seeing that olive became a tree.

This book is dedicated to peace, not war.

There is one point that has to be acknowledged: in the Palestinian conflict there are no heroes or villains. For that sense, this book sought to demonstrate that these and other realities are part of the Palestinian-Israeli Conflict that originated during the British Mandate for territorial issues, based on historical and religious rights.

We analyzed a collection of facts that affected all parties in the adoption of an impartial position on the theme adopted. The history of the conflicts was softened when the Oslo Accords created an autonomous Palestinian government in the West Bank and Gaza Strip where the lives of millions of Palestinians became ruled by a self-government on the most different subjects as tourism, education, culture and others.

It will be studied the all the modern history of Palestinian people on their struggle to have their State, since before the World War I until the United Nations later resolutions.

For that matter, the two-State Solution was first considered during the British Mandate under the Peel Commission Report, stating that a single government in Palaestina would not be accepted by Arab and Jewish leaderships, so dividing the territory in two States would offer a chance for peace, according to self-determination.

The explanation is decisive since International Law recognized the right of existence by historical connections of Jews and Arabs with Palaestina, after concluding several international documents, since the correspondence between Hussein and McMahon in 1915 until the admission of Palestine as an Observer State to the United Nations in 2012.

There is no doubt that during the past years, the Arab World started to recognize the two-State Formula to end decades of conflicts.

The State of Palestine is alive!

In war there are no winners.

Peace is waiting.

