"DON´T LET THE OLIVE BRANCH FALL FROM MY HAND".

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In many situations described in this book, and especially since Oslo Accord 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 conflicts 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 Accord 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. We will study the all the modern history of Palestinian people on their struggle to have their State, based on historical and religious rights.

The focus of the current conflicts in the region is related to the self-determination of Palestinian people, in the context of (two) sovereign States. England was solely responsible for resolving the issues of Palestine during their administration on behalf of the League of Nations. As the British government had proved capable of managing the Mandate after World War I, 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 session for the debate on the division of Palestine. The 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. For the Arab world, there is no Jewish sovereignty in Palestine, referring to the territory where the State of Israel is "Occupied Palestine".

The focus of the current conflicts in the region is related to the self-determination. It will be studied the all the modern history of Palestinian people on their struggle to have their State. In this context, the present book will analyse whether their historical rights of Palestinian people, in the context of self-determination, granted by International Law, and whether the two-State solution would be the most appropriate to end these conflicts.
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This book is dedicated to my father, Wilman, and to my Lebanese grandparents, Marta and Elias.
To the Palestinian people: peace is coming!
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, Morrocco, Egypt, Lybia and Tunisia, especially Karim Ettahri, Mohammed Sakr, Elassa, Mouna, Amin Abdullah, Emna Miladi, Engy, Mohammed Abdel, Mohammed Kelani, Jihane, Rana, Khouloud 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 Toung! 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.
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!

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
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CONCLUSION

CHRONOLOGICAL NOTE

BIBLIOGRAPHY
It all started with two promises: a Jewish National Home and an Arab State in Palestine 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 “Palestina”: 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 as 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-
tablishment 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 Palestinian 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 Palestinian 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 build an knowledge able to produce an effective understanding of a unique situation since the end of World War I.
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 “Kingdon 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 was 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 Palaestinian 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 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”1, 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.

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1 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.
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It will be studied the all the modern history of Palestinian people on their struggle to have their State, ruled by a self-government on the most different subjects as tourism, education, culture and others. 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.

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