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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the World Union for Progressive Judaism (WUPJ), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Despite repeated assurances to amend it, the Palestinian National Charter remains unchanged – calling for Israel's elimination by any military means**

Fatah's Sixth General Conference (2009) leaves its PLO Charter unchanged since 1968

At Fatah / Palestine Liberation Organization (PLO)'s Sixth General Conference (13 August 2009) held in Bethlehem, Palestinian Authority President Mahmoud 'Abbas announced the ratification of the movement's amended political plan.¹

The political plan that was ratified at the 2009 conference refers to Fatah's internal Charter: "The goals, principles, and methods, as they are written in chapter one of the Charter, are the basic point of departure for our movement, and are part of the ideological and political identity of our people. They are also the identity of the movement and its fundamental charter, since they were the basis for the beginning of the Palestinian revolution of our time and for liberation from the imperialist and racist yoke..."²

Fatah central committee member 'Azzam Al-Ahmad declared – after the Conference on 13 August 2009 – that the movement's Charter remains as it was, without any changes.³

As described by Hebrew University of Jerusalem Professor Yehoshafat Harkabi forty years ago⁴, the main principles of the PLO's Charter are:

- In the Palestinian state only Jews who lived in Palestine before 1917 will be recognized as citizens (Article 6):
- Only the Palestinian Arabs possess the right of self determination, and the entire country belongs to them (Articles 3 and 21).
- Any solution that does not involve total liberation of the country is rejected. This aim cannot be achieved politically; it can only be accomplished militarily (Articles 9 & 21)
- Warfare against Israel is legal, whereas Israel's self defence is illegal (Article 18).

Some key articles from the unchanged National Charter / Covenant of the PLO / Fatah

Article 1: Palestine is the homeland of the Arab Palestinian people; it is an indivisible part of the Arab homeland, and the Palestinian people are an integral part of the Arab nation.

** Text prepared by David G. Littman, historian and WUPJ representative to the UN Office in Geneva.

¹ www.fatehconf.ps of 13 August 2009; see MEMRI: Inquiry & Analysis Series, N° 541, 16 August 2009: <http://www.memritv.org/report/en/print3570.htm> and

² Ibid., www.fatehconf.ps, 13 August, 2009.

³ Al-Ayyam (Palestinian Authority), 20 August 2009. In an interview aired on Al-Jazeera after the conference, on 17 August 2009, Fatah Central Committee member Jibril Rajoub said: "The Fatah Convention made a unanimous decision to adhere to the notions, methods, and original principles, which were approved by the Fatah movement on 1 January 1965." See MEMRI-TV Clip: <http://www.memritv.org/clip/en/2209.htm>.

⁴ The English translation from the Arabic is taken from Leila S. Kadi (ed.), Basic Political Documents of the armed Palestinian Resistance Movement, PLO Organization Research Centre, Beirut, December 1969, pp. 137-141 and may be consulted in the pioneer study by Yehoshafat Harkabi – in his *Palestinians and Israel* (Keter Publishing House, Jerusalem, 1974 (French ed. *Palestine et Israël*, Ed. de l'Avenir, Genève, 1972).

Article 2: Palestine, with the boundaries it had during the British mandate, is an indivisible territorial unit. [This is unclear, as the original 1921 British Mandate included the East Bank of the Jordan river, almost 78% of the total area, which became the Kingdom of Jordan.⁵

Article 3: The Palestinian Arab people possess the legal right to their homeland and have the right to determine their destiny after achieving the liberation of their country in accordance with their wishes and entirely of their own accord and will.

Article 6: The Jews who had normally resided in Palestine until the beginning of the Zionist invasion [1917] will be considered Palestinians.

Article 9: Armed struggle is the only way to liberate Palestine. [Thus it is the overall strategy, not merely a tactical phase]. The Palestinian Arab people assert their absolute determination and resolution to continue their armed struggle and to work for an armed popular revolution for the liberation of their country and their return to it. They also assert their right to normal life in Palestine and to exercise their right to self-determination and sovereignty over it.

Article 18: The liberation of Palestine, from an international point of view, is a defensive action necessitated by the demands of self-defence. Accordingly, the Palestinian people desirous as they are of the friendship of all peoples, look to freedom-loving, justice-loving and peace-loving states for support in order to restore their legitimate rights in Palestine, to re-establish peace and security in the country, and to enable its people to exercise national sovereignty and freedom.

Article 19: The partition of Palestine in 1947 [UN General Assembly Resolution 181 (II) of 29 November 1947] and the establishment of the state of Israel are entirely illegal, regardless of the passage of time, because they were contrary to the will of the people and to their national right in their homeland, and inconsistent with the principles embodied in the Charter of the United Nations, particularly the right to self-determination.

Article 21: The Arab Palestinian people, expressing themselves by the armed Palestinian revolution, reject all solutions which are substitutes for the total liberation of Palestine and reject all proposals aimed at the liquidation of the Palestinian problem, or its internationalization.

All promises since 1989 to ‘amend’ the Palestinian National Charter have led nowhere

Many assertions have since been made to imply that the Charter was no longer applicable – firstly in 1989 by Arafat’s use of a French expression: *c’est caduc* (it’s null and void); again in August 1993 on the insistence of Israel’s Prime Minister Yitzhak Rabin; and in the 9 September 1993 letters of mutual recognition. The Palestinian National Council met in Gaza on 24 April 1996 and by a vote of 504 in favour, 54 against and 14 abstentions, it was decided to amend the Charter; this was ‘confirmed’ many times but with no effect.⁶

⁵ Our written statement [A/HRC/13/NGO/138] contains facts relating to the 1st British Partition Plan of 1922, by which nearly 78% of the 1921 League of Nations designated area of ‘Palestine’ [an area of @ 120,000 km²] became the Hashemite Emirate of Trans-Jordan, renamed The Hashemite Kingdom of Jordan in 1946. Then came the 1947 UN Partition Plan, whose aim, under General Assembly Resolution 181 (II), was to divide the area west of the river Jordan into “independent Arab and Jewish States”, covering the remaining 22 percent of the original Mandate area, with Jerusalem as a corpus separatum, administered directly by the United Nations. This ‘Partition Plan’ was categorically refused by all Arab League countries, five of which, led by Egypt, invaded Israel and were defeated. This act of international illegitimacy was confirmed at the 1967 Arab League Khartoum Conference.

⁶ The PLO / Fatah's Charter, posted on the website www.fatehmedia.ps, affiliated with Fatah which

President Clinton declared to the Palestinian National Council in Gaza (14 December 1998)

“I thank you for your rejection—fully, finally and forever—of the passages in the Palestinian Charter calling for the destruction of Israel. For they were the ideological underpinnings of a struggle renounced at Oslo. By revoking them once and for all, you have sent, I say again, a powerful message not to the government, but to the people of Israel. You will touch people on the street there. You will reach their hearts there.

Like President Clinton, Israel and the Likud party now formally agreed that the objectionable clauses of the charter had been abrogated – in official statements and statements by then Prime Minister Netanyahu, Foreign Minister Sharon, Defense Minister Mordechai and Trade and Industry Minister Sharansky. The official Israeli objections to the Charter disappeared thereafter from lists of Palestinian violations of agreements and the international legal controversy ended.

Despite President Clinton's optimism, the events of 1998 did not entirely resolve the controversy over the Charter. A June 1999 report by the Palestinian Authority's Ministry of Information on the status of the Charter made no mention of the 1998 events and leading Palestinians continue to state that the Charter has not yet been amended.”⁷

This was confirmed after the August 2009 Sixth General Conference by Fatah central committee member 'Azzam Al-Ahmad, when he declared (as mentioned above, cf. note 3) that “the movement's charter remains as it was, without any changes.” He recently resigned.

This clear confirmation would explain why the Palestinian Authority refuses to recognise the ‘term’ and the historic reality of a “*Jewish State of Israel*” – in less than 20% of the ancestral homeland of the Jewish people (cf. note 5), thereby refusing Israel's international legitimacy.

The World Union for Progressive Judaism appeals to the 16th session of the Human Rights Council (under its agenda item 7: ‘Human rights situation in Palestine and other occupied Arab territories’) to set up a Special Committee to examine this intractable situation, which indicates the basic reasons why the 1968 Palestinian National Charter / Covenant – calling for the destruction of Israel and the massive exodus of 99% of all Jews from about 17% of their ancestral homeland (the State of Israel today) has still not been amended – despite official promises to that effect since the 1990s. ⁸ The committee could also examine the “genocidal Hamas Charter” of 18 August 1988 to which we have referred since February 1989 at the Commission, in vain. With these two Palestinian Charters remaining valid, peace negotiations and a two state solution will remain illusions.

describes itself as the movement's mouthpiece, as well as on the websites www.alkofianews.maktoobblog.com and www.palvoice.com

⁷ http://en.wikipedia.org/wiki/Palestinian_National_Covenant

⁸ By a Jordanian law of 1954, no Jew can become a citizen of the Kingdom of Jordan.