

Rethinking Palestinian Statehood after the War on Gaza:

Self-determination Beyond Partition

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Introduction:

The question of Palestine, wrote Edward Said in 1979, “is the contest between affirmation and denial....a struggle between a presence and an interpretation.”(Said, 1979:8). Israel’s genocidal war on the Palestinians over the past three years could not have made this statement more clearly, and excruciatingly, evident. Launched in response to Hamas’ attacks on Israeli towns on October 7th, 2023, Israel’s war on Gaza has inflicted another Nakba, or catastrophe, on the Palestinian people, one whose level of destruction and violence has outpaced the Nakba of 1948, when two third of the Palestinians were expelled from their land with the creation of the state of Israel. The Nakba of Gaza, as Israel’s agricultural minister declared it on November 11, 2023, has killed so over 72,000 Palestinians, of which 17,000 are children, injured over 180,000 people, destroyed 90% of Gaza housing stock and civilian infrastructure, turning the 365 sqkm land into an unrecognizable heap of debris.

The Palestinian quest for an independent state has been at the center of the Palestinian struggle to *affirm* their existence as a national group and counter Zionist *denial* of their right to self-determination. In 1971 the Palestine Liberation Organization (PLO) declared the creation of a single democratic state in historic Palestine inclusive of Christians, Jews, and Muslims to be its

goal and the only just solution to the Israeli-Palestinian conflict. In 1988 it issued the Palestinian Declaration of Independence, which implied that the PLO accepted the two-state solution, just as its chairman, Yasser Arafat, officially recognized Israel. These developments paved the way to the Oslo peace process in 1993 and the creation of the Palestinian authority. The internationally endorsed Road Map to Peace in 2003 sponsored by the US and EU called for the creation of a Palestinian state as the means to end the conflict. By 2026, the state of Palestine was recognized by 157 states and admitted to the UN as a non-member state.

Israel's genocidal war on the Palestinian people since 2023 seems to have buried for good the project of Palestinian political independence and tipped this contest between affirmation and denial towards the annihilation of the Palestinian people. Since the signing of the Trump peace plan in October 2025, Israel has expanded, not retreated, its control up to 70% of the Gaza Strip, and continues to restrict the entry of aid and reconstruction material. The Palestinian authority, which is internationally recognized, was not consulted in Trump's peace plan which instead allowed Israel to continue ethnically cleanse Palestinians in the West Bank, expand illegal settlements and protect settlers' violence that killed so far 1120 Palestinians in the WB. Although more western European states have come forth to recognize the state of Palestine, including Spain, Ireland and most importantly the UK and France - two UN security council members-, nothing is being done to stop Israeli violation of the ceasefire in Gaza or force it to end its occupation, which was again declared illegal by the ICJ ruling in July 2024. Instead, Israel has been able to expand, with impunity, its attacks to Lebanon, Syria, Yemen, Qatar, and Iran. The question of Palestine marginalized as the geopolitical configuration of the region is changing in ways we have not seen since 1948 or 1918.

My contention in this presentation is that this contest between affirmation and denial is not over but has entered a new phase. Israel's latest war, the longest since its creation has brought the conflict to major infliction point, one that brings us back to the 1948 moment and not the 1967 moment as the Oslo peace agreements tried to do. This moment does not change the national settler colonial character of the struggle, but which does require of us to transcend the two-station solution. It is a moment that allows us, as Said asked of us 47 years ago, to "think of Palestine as having the function of both a place to be returned to and an entirely new place, a vision partially of a restored past and a novel future, perhaps even a historical disaster transformed into a hope for a different future." (Said: 125).

In fact, the Israeli-Palestinian struggle has reached a major historical juncture that demands of us to redefine the relationship between self-determination and statehood away from the talos of the nation-state. The war has made it clear that there are 7 million Palestinians and 7 million Israelis Jews living under Israel's sovereign control and that only way to end the bloodshed is to reject the partition-paradigm that the Oslo peace process enshrined. The only alternative that is democratic state that protects the rights of all those living on the land.

I think the past three years made evident three key facts that push us in the direction of this state, and which need to be taken seriously in any attempt to imagine a novel future that ensures freedom, security and peace to Israelis and Palestinians.

First, they have shown that Palestinians will continue to resist their oppression, just like every oppressed people before them did, be it in Algeria, South Africa, or Ukraine. Hamas' attacks on

October 7th were perhaps the most audacious and calamitous to date but they came on the heel of a history of Palestinian resistance against their expulsion and negation since 1917, when the Balfour Declaration was issued by colonial Great Britain promising the Zionist movement a Jewish home in Palestine. Within just twenty years of the calamity of the first Nakba in 1948, the peasants-turned-refugees became revolutionary and affirmed their right to self-determination. They reclaimed their right of return to their land with their armed resistance and taking over the leadership of the PLO in 1968. Within just seven years of the 1967 six-day war, another major Israeli military and territorial victory, the UNGA invited the PLO, deemed then a terrorist organization by Israel and the USA, to become a non-voting member like the Vatican and issued UNRes 3236 which acknowledged the Palestinian right to self-determination and its legitimate struggle against “Zionist colonialism” (original quote). Israel fought this international affirmation by launching another war on the Palestinians in Lebanon in 1982, forcing the PLO to be expelled to Tunis, but within just five years, the Palestinians in the Gaza Strip and the West Bank revolted against Israeli occupation with their first Intifada. By 1993, just eleven years after the massacre of Sabra and Shatila and the horrendous 1982 war on Lebanon, Israel recognized the PLO and signed with it the Oslo peace agreements.

I am saying this not to insinuate that a new peace deal is around the corner, but to suggest that any viable resolution moving forward would need to grasp the tenacity and legitimacy of the Palestinian resistance. Second, it is important to accept that the Palestinian state project has completed its historical role and we need to build on it, rather than remain stuck with it. As I have argued in my book, the Palestinian state asserted their political rights in an international context that conferred on nation-states the responsibilities to protect its people. It was the only

means to counter UNSC resolution 242 that talked about peace between states and did not mention the Palestinians by name. This resolution, passed after the 1967 six-day war and which became the basis for every Middle East peace settlement, enshrined the principle of land for peace and simply called a humanitarian solution to the refugee question, without any mention of UN resolutions 181 or 194. The Palestinian's claim to statehood, first asserted in 1971 and again in 1988, affirmed Palestinian "rights to have rights", as Hannah Arendt long explained was the rationale for any claim to statehood.

The PLO has sought to territorialize the state it has created in exile with the signing of the Oslo peace agreement signed in 1993. This agreement provided the first official Israeli recognition of the existence of the Palestinian people as a political, rather than humanitarian, entity. This was a major recognition given Zionism's negation of the Palestinians. However, it came at a high price, since the Oslo peace process did not end Israeli occupation. Rather, Israel turned its recognition of Palestinian political existence into a means to fragment the Palestinian people and dissolve their political struggle.

This became evident in the way the Oslo agreement institutionalized an apartheid structure of domination; one that segmented the West Bank and Gaza Strip into areas A, B and C, maintained Israel's power over Palestinian movement and land through a labyrinth of over 100 checkpoints, a 703 km separation wall, 500km of Israeli bypass roads Palestinians are not allowed to use, and the expansion of settlements in which 750,000 settlers today reside. ¹The institutionalization of Israel apartheid reality has been made possible by a Zionist ideology of territorial expansion and

¹ For data on settlements, check www.btselem.org

demographic separation that the Oslo agreements sanctioned. It has evolved in response to Palestinian resistance and in tandem with Israeli rejection of any Palestinian sovereignty. It has been sustained by the international community which accepted the priority of Israeli security over Palestinian rights and refused to hold Israel accountable to international law.

The Palestinian struggle for statehood was thus emptied of any liberatory potential. It was not in vain, however, for it fulfilled an important historical role; it served as the tool for affirming Palestinian legitimate political rights. It proved to be insufficient because it remained confined within a partition paradigm that did not stop, let alone undo, Israeli settler colonialism. It failed because international community which accepted the priority of Israeli security over Palestinian rights and refused to hold Israel accountable to international law.

The events of October 7th shook the viability of the apartheid structure of domination Israel and revealed its costs to both Israelis and Palestinians. Just as importantly, the war that followed While Israel seems determined to annihilate the Palestinians this time, and the Trump peace plan is seeking to lock back the Palestinians into a humanitarian problem he and his cronies can make profit of, what is clear is the war brought us back to the 1948 and not the 1967 moment. This is a moment that recentered the question of refugees which the Oslo peace process sought to transcend.

And therein lies the third factor that we need to bear in mind in rethinking statehood moving forward: the centrality of refugees and the impossibility of partition. It is important to remember that Israel's creation in 1948 was justified by western powers in the name of its role in

providing a safe haven to the Jewish refugees of Europe after the Holocaust. It led to the first and longest refugee crisis in the Middle East in post 1945 world order. Palestinian revolutionaries who put Palestine back on the map in 1970s were themselves refugees, as were those who led the October 7th attacks and those still persevering in the Gaza Strip. Israel's attack on UNRWA and its destruction of refugee camps in the Gaza and West Bank are all meant to annihilate the refugee question once and for all. Its ability to succeed is still questionable, though. The foundational question of the refugees, of who has right to the land and how these rights are going to be exercised is again with us but at new historical juncture. This is a juncture in which Palestinian political rights are no longer denied by western states or Israel as was the case in 1948 or 1967, nor Israel's right to exist is questioned by the Palestinians or by Arab countries many of whom signed normalization agreement with the Jewish State.

So how do we move from here? How can “a historical disaster be transformed into a hope for a different future?” as Said put it. How are we to think of Palestine as “both a place to be return to and an entirely new place” (Said: 125) in which all those living on the land, Palestinians and Israelis, are free and equal.

First, we need to transcend the ethnic nation-state. This is a challenge not only in Israel and Palestine but also in Europe. The nation-state as Hannah Arendt explained carries with it the seeds of fascism since it rejects its non-nationals, as was evident in Nazi Germany, and most recently in Myanmar. Zionism is no different. Herzl, as much as Ben Gurion or Jabotinsky, (founding fathers of Zionism) were clear that a Jewish state could not be created without imperial support and the expulsion of the indigenous Palestinians. Israel's nationality law of

2018 - which affirmed the right to self-determination in the land between the river to the sea only to the Jewish people-, is perhaps the latest example of the nation-state's exclusionary essence. Netanyahu's definition of the Palestinians as Amalek, on 28th October 2023, people who must be annihilated shows the extent to which a nationalist state carries with it a genocidal logic that is catastrophic not only to the Palestinians but also to Israelis.

Second, we need to rearticulate the relationship between the nation and the state. This means the *juridical*, rather than the ethnic, character of the state needs to be upheld by establishing a constitution or a bill of right that enshrines the equality of citizens irrespective of their ethnicity.

Third, we need to de-territorialize the concept of self-determination and nationhood. People's right to self-determination, to rule themselves by themselves, does not mean they need to have sole control over the land. We already have two national groups in the land between the river and the sea, Palestinians and Israelis, people with a sense of political identity and a right to govern themselves by themselves. These two nations can share the same land with equality.

Israeli society is profoundly traumatized by the events of October 7th and is struggling to define what kind of state it wants to live in moving forward: a right-wing fascist state that is undermining democratic institutions or a bi-national one that accepts the reality of Palestinian existence. On the Palestinian side, a new Palestinians generation is emerging that rejects the PA vacuous state and is committed to the unity of the Palestinian rights. Can we thus build on the international recognition of the state of Israel and state of Palestine by calling for the

establishment of a federal or confederal state that protects the equality of all citizens, the Palestinian right of return, and Jewish attachment to the promise land? If so, what kind constitution and agreement would be proposed and implemented that would ensure equality in the face of the massive economic disparity between Israelis and Palestinians, the power of the Israeli army, and the hatred and pain of the past three years in particular?

I suspect calls for a confederate state will become louder over the next few years. Such proposed seek to square the circle, i.e. to build on the international recognition of the two-state solution while weaning Israel of its supremacy by enshrining the principle of freedom of movement, historical reconciliation and accommodating Palestinian and Israeli collective rights. Others will seek a more ambitious program that seeks to decolonize Zionism and the land. Neither proposals would work without international intervention that holds Israel accountable to international law and ends its impunity.

As a Palestinian, I believe that a democratic state for all of the people living in the river and the sea today is the only way to a just and viable solution moving forward. Claiming such a state would build on what has been achieved after seventy-eight year of struggle and is the only the ethical and political solution to ending Israeli apartheid. A federal democratic state guarantees equal political rights to all those living on the land. It offers the means to recognize that Jewish and Palestinians right to self-determination entitle them to self-government and collective rights. It defines sovereignty as lying with the people, not one requiring clear territorial demarcation. Its definition of the state is less nationalist and more integrative in the sense that it considers the State a juridical, not national, order that is deliberately constituted. Its responsibilities are to

protect the rights of all citizens, irrespective of their ethnicity or race. It is premised on an understanding of politics as entailing cooperation rather than separation between people.

The major challenge for the implementation of such a state lies devising a legal strategy to counter the international consensus on the two-state solution, enshrined since 1947. Such a challenge is not unsurmountable, for there are numerous examples viable federal states. The UNSCOP Minority report in 1947 recommended a federal state as did many early Zionists such as Martin Buber and Judas Magnus. The main hurdle would be to explain to Israelis that admitting its settler colonial essence, does not mean they are denied collective or individual political rights. It simply means that these rights cannot be superior to the rights of others. This is no easy task, as it requires that Israelis give up Zionism, redefine their national identity and live as equals to the Palestinians. This is particularly difficult in times of existential fears. It is unavoidable if Israelis and Palestinians want to remain on the land and avoid further wars and destruction.

Thank you.