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An Illegitimate Leadership Can Sign Away Rights

By: Zachariah Sammour · March, 2014

The latest round of US-driven negotiations has yet to engender a significant, organized response from Palestinians in the Diaspora. Whereas some Palestinian civil society actors and organizations within the Occupied Palestinian Territory have made their views known through various forms of popular activism, Palestinians in the Diaspora seem surprisingly disengaged.

This lack of organized public engagement is particularly troubling when one considers the risks that these talks present for the Palestinian people generally, and for those in the Diaspora in particular. Details have emerged in recent weeks as to the shape that U.S. Secretary of State John Kerry's "framework agreement" is likely to take, both in reports by Palestinian officials and in columns by U.S. analysts: Not only would there be a truncated Palestinian state with significant Israeli controls remaining in some fashion, but the Palestinian right of return would be eliminated entirely.

Given the gravity of the decisions that could be made on behalf of Palestinians – including an "end of claims" arising out of the conflict – one would expect a more forceful response in responding to these proposals. It is possible that many believe that the limited political legitimacy of the Palestine Liberation Organization/Palestinian Authority (PLO/PA) directly diminishes its capacity to make politically effective decisions on behalf of all Palestinians.

But political legitimacy and political effectivity should not be conflated. In international law, and in international politics more generally, there is no necessary link between legitimacy and effectivity, or more specifically between representation and political agency. One only has to look at the actions of Palestine's neighbors. The regimes in Saudi Arabia, Egypt, Jordan, and a host of other Arab countries are hardly able to claim to represent the peoples of those respective states any more than the PLO/PA can currently claim to represent the Palestinians. Nonetheless, they are universally recognized as having the authority to make binding decisions on behalf of their citizens.

The simple point is that decision-making power, at least in the external arena of international politics, does not depend in any way upon the representative credentials of the decision maker. If the PLO/PA was to come to a final settlement with Israel tomorrow, and, in doing so, purported to "end all claims" of the Palestinian people including the right of return, states and international bodies – even those like the International Court of Justice – could conceivably accept its decision as having been made on behalf of all Palestinians. That the decision would have been reached through an illegitimate exercise of political authority would not matter. And, without any mechanisms through which to assert otherwise, for all intents and purposes, the decision would be definitive.

It is clear that Palestinians are fast approaching a juncture at which decisions of extreme national importance may be taken. The possible grave implications of these decisions require an immediate and sustained response from all Palestinians, including those in the Diaspora who may stand to lose their historic claim of return to the homeland. While it is beyond the scope of this commentary to propose a concrete strategy for popular action, some initial steps could include:

- Organize locally and establish popular forums for Palestinians to discuss the likely terms of any agreement, their implications, and the extent to

which such an agreement would be palatable.

- Establish and strengthen alliances and networks of Palestinians across the globe that are unified around common goals and demands.
- Establish and communicate to the PA/PLO and international stakeholders the red lines and basic demands that must respected in any agreement signed in the name of the Palestinian people must respect.
- Identify strategies to increase public pressure on Palestinian negotiators to hold to those red lines and to pursue national goals and aspirations.
- Continue to build up Palestinian sources of power to promote their rights, including through support to boycotts, divestment, and sanctions against Israel until it upholds international law, education and media outreach about Palestinian rights, and alliances with other people's movements for human rights.

These are concrete and immediate steps that Palestinians may take to increase public pressure on the PLO/PA during the course of the negotiations. It is clear, however, that these actions cannot serve as a substitute for the far more difficult task of re-establishing a robust, popular, and effective national movement that can provide the Palestinians with a representative and accountable leadership. It is essential, therefore, that any popular mobilization that Palestinians organize contributes to re-establishing a truly national movement that is inclusive and serves to connect Palestinians all over the world.

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