

## **Palestinian Representation at the Negotiating Table: Past Meets Present?**

By Kenneth W. Stein

Since 1939, there have been more than a half dozen Middle East conferences aimed at managing or resolving portions of the Arab-Israeli conflict. The early conferences were held to: establish regional borders (San Remo 1920); rubber stamp an external power's policy over Palestine (London 1939); end a military conflict not with treaties but with armistice agreements (Rhodes 1949); or resolve a comprehensive set of problems with Arabs sitting as one delegation (Lausanne 1949). Later conferences were convened so that the parties could: engage in political posturing prior to signing a predetermined military disengagement agreement (Geneva 1973); agree to disagree on Palestinian prerogatives and create a framework for Egyptian-Israeli peace (Camp David 1978); or focus on a political horizon before further talks (Madrid 1991). More recently, conferences have been called to: fix a dysfunctional political process and aim toward final status talks (Wye 1998); negotiate final status issues and broach an end to conflict, with virtually no pre-negotiations (Camp David 2000); or even curry favor with world powers (Geneva 1973, Camp David 1978, and Camp David 2000).

The Palestinian delegations, however, have consistently been beset with problems. Early on, Arab states seeking control of Palestinian land usurped the Palestinian privilege to speak for themselves. In some cases, foreign parties arbitrarily determined Palestinian representation. To make matters worse, Palestinians never participated in intensive pre-conference negotiations, which meant that they never helped craft the agendas of the conferences they attended. Finally, internal Palestinian fragmentation has dogged the Palestinians. Indeed, one question has consistently plagued the Palestinians: who is the legitimate, representative voice of the Palestinian people? On the eve of possible Middle East peace talks this fall, this question is as salient as ever.

### **The Struggle for Palestinian Recognition and Representation**

For ninety years, Palestinians have sought political recognition, and acceptance of their intention to establish a state. Their early efforts failed due to outside Arab meddling or

internal squabbling. For example, petitions from a fractured political body of Palestinian Arabs were received but largely ignored at the 1919 Paris Peace conference. Indeed, discussions about the Palestinians after World War I were dominated by the Hashemites (Jordanians), who had the closest ties of any Arab state to London. In 1922, when the League of Nations issued the Articles of the Palestine Mandate—the outline for how Palestine would be governed—no reference was made to Palestinians. There was no mention of Palestinian self-rule, or even the suggestion of a political entity to represent Palestinian interests. As for the Palestinians themselves, self-anointed Palestinian political organizations, Muslim-Christian Associations, and an Arab Executive of less than 100 Palestinian “notables” half-heartedly pressed the British for Palestinian self-determination, but appeared to be more concerned with their own political or social status at home than with giving a voice to the Arabs living in Palestine at the time.

For their part, the British overturned a 1922 Arab election for Mufti of Jerusalem, thereby establishing a precedent of external powers determining Palestinian leadership. Prior to World War II, while the Palestinians disagreed internally about which delegates to send to the 1939 London Conference, the British banned participation by those who had engaged in violence in Palestine against the British. Ultimately, along with Egyptian, Iraqi, and Saudi delegates, Palestinians attended the conference, but wielded little to no influence. Britain had pre-determined that the conference would reaffirm British presence in Palestine, truncate Zionist territorial and demographic growth, and promise a unitary state in ten years. Although the Palestinian delegation opposed both the transitional period to self-rule and the British-proposed constitution, their resistance was feeble. Perhaps the only Palestinian leader who might have rallied the Palestinians against the British decision was Jemal Hussein, who was detained in Rhodesia for insurrectionist activity in Iraq.

A half-century of Palestinian fragmentation and Arab state intervention or manipulation followed. When the Arab League was formed in 1945, Arab states believed that Palestinian rights could only be restored through Arab unity, thereby removing the need for Palestinian representation from the equation. In 1947, Arab states voted against the

creation of an Arab and Jewish state in Palestine. At the Lausanne Conference in 1949, attended by Palestinian refugees, the U.N. Conciliation Commission decided that all Arabs should sit as one delegation (despite Jordanian interest in negotiating directly with Israel), dooming Palestinian aims to fail. From 1949 to 1967 when Egypt and Jordan controlled the Gaza Strip and West Bank, neither state allowed for even a discussion of Palestinian self-determination in these territories. Finally, the Arab states created the Palestine Liberation Organization (PLO) in 1964, but as Jordan's King Hussein noted, the organization had, "no significant weight in matters pertaining to the Palestinian issue" until 1974, when it was appointed sole representative of the Palestinians.

Even after the rise of the PLO, Arab states continued to speak on behalf of the Palestinians. At the 1978 Camp David Summit, Sadat persuaded President Jimmy Carter that he could speak for the Palestinians. In 1985, during Syrian President Assad's open hostility to PLO leader Yasir Arafat's rule, the semi-official *Tishrin* newspaper asserted that, "from the viewpoint of history, geography, and struggle, Palestine is southern Syria and Palestine is the two banks of the River Jordan." Even three years after Jordan officially ceded control of the West Bank to the Palestinians in 1988, Palestinian leader Haydar Abdul-Shafi was forced to be part of a joint Palestinian-Jordanian delegation during the 1991 Madrid conference. Years after Israel recognized the PLO as a representative of the Palestinian people, Arafat finally spoke for the Palestinians without an Arab chaperone at the Wye Conference in 1998 and Camp David in 2000..

### **On The Eve of New Talks**

Now that the world has largely accepted the notion that the Palestinians should represent themselves at regional conferences, the Palestinians lack a single legitimate spokesman. They are ideologically divided, publicly fragmented, and suffering from civil strife. In June, Hamas wrested control of Gaza from the Palestinian Authority (PA). In the West Bank, PA President Mahmoud Abbas is being directly challenged by Hamas. Beneath this geographic power struggle lie core political differences: Abbas favors negotiating today with Israel for a two-state solution, with lingering dreams of someday controlling all of British mandated Palestine. Hamas, for its part, vehemently opposes participation in

any international conference or direct negotiations for the fact that peace talks are tantamount to recognition of Israel.

Hamas, it must be noted, has adopted the same position it took against Yasir Arafat's recognition of Israel prior to the signing of the 1993 Oslo Accords. In 1993, Hamas was but a small, extreme faction. Today, it is a powerful force. In 2006 it gained control of the Palestinian Legislative Council through free and fair elections. According to a July 2007 poll undertaken by the Norwegian FAFO Institute for Applied International Studies, only 37 percent of the Palestinians polled believe that the Palestinian Authority is the legitimate Palestinian government. By contrast, some 28 percent believe that the Hamas is legitimate leader of the Palestinians. The remaining 35 percent of those polled believed that neither government is legitimate.

This internecine conflict could not have come at a more inopportune time. The proposed international meeting on Middle East peace this fall offers the Palestinians an unprecedented opportunity. Never before in the history of Middle East conferences have virtually all non-Palestinian parties to the conflict, including Israel, agreed in advance on a common political horizon: the establishment of an independent and contiguous Palestinian state living alongside a majority Jewish state west of the Jordan River. This includes Arab states, which have traditionally imposed their will on the Palestinians, but are now essentially saying, "negotiate for yourselves." But without one Palestinian leader speaking for all Palestinians, how can this conference succeed?

### **Can Success Be Achieved?**

The organizers of the discussions this fall must consider whether the current Palestinian unrest creates stumbling blocks for progress. Given the current state of Palestinian affairs, can substantive negotiations take place? Can the desired outcomes be achieved?

Recent Hamas-PA agreements—the Cairo Accord, the Prisoner's Document, and the Mecca Accords—proved to be long in photo opportunities and spectacularly short in narrowing two profoundly different takes on negotiating for a two-state solution with Israel. Nothing in the present internal Palestinian debate suggests that the proposed conference would significantly change the angry disagreement between the two major Palestinian voices.

On the other hand, discussion surrounding the proposed meeting this fall has already generated intense debate on several major issues within the opposing Palestinian camps. If the proposed international gathering fails to materialize, or if it falls short of achieving the desired results, all is not lost. The rigorous debate among the Palestinians during this time of internal crisis may help the Palestinians find the unified voice that they lack, and perhaps lay some groundwork for the inevitable next round of negotiations.

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