

Affiliate , International Commission of Jurists - Geneva فرع لجنة الحقوقيين الدولية ، جنيف
تتمتع الحق بصفة استشارية لدى المجلس الاقتصادي والاجتماعي في الأمم المتحدة
NGO in Consultative Status with the Economic and Social Council of the United Nations



A L - H A Q

15 September 2011

Ref. no. 286/2011

**Al-Haq's Questions and Answers:
Palestine's UN Initiatives and the Representation of the Palestinian People's
Rights**

As part of the ongoing public debate about Palestine's United Nations (UN) initiatives, a number of concerns have been raised with regards to potential changes in the mechanism of representation of the Palestinian people at the international level, both inside and outside of the UN system. In particular, it has been pointed out that the new profile of the State of Palestine could affect future rights claims, including the rights of return, to reparations and self-determination of all the Palestinian people – the Diaspora, refugees, Palestinians with Israeli citizenship and the Palestinians in the occupied territory, namely the West Bank, including East Jerusalem, and Gaza Strip.

Although the details of the UN initiatives remain unknown, two main scenarios have been contemplated by public debate. Will the PLO be maintained in its present role and functions, while the State, which exists separately from the PLO, takes a seat at the UN? Or, will the PLO's role and functions be ceded to the State, which gains a seat at the UN, while the PLO ceases to function both inside the outside of the UN?

To answer these questions, this legal brief, based on a strict application of international law and contemporary legal practice, examines the following four issues: (I) the UN initiatives and mechanisms for the representation of the Palestinian people's rights (II) the representation of the Palestinian people's rights by the State of Palestine; (III) the status and role of the PLO; and (IV) the possible effects of the UN initiatives on the representation of the rights of the Palestinian people.

This brief supplements the analysis conducted in Al-Haq's ['Questions & Answers on Palestine's September Initiatives at the United Nations'](#) (published on 20 July 2011).

I. Mechanisms for the Palestinian people's representation and the UN initiatives

(1) What are the latest reported developments with regards to the Palestinian leadership's plans for the UN initiatives?

The Palestinian representatives have recently confirmed that the September initiatives at the UN will involve a simultaneous two-pronged strategy consisting of (i) the submission of an application for membership of the UN to the Secretary General (who will present it to the Security Council); and (ii) the adoption of a UN General Assembly (GA) resolution that reasserts the rights of the Palestinian people as affirmed in numerous UN resolutions, invites the recognition of the State of Palestine by individual States and its admission to international organisations, and supports Palestine's application for UN membership.

These processes are reportedly expected to be initiated on 20 September 2011.¹ However, the vote on the GA resolution is not expected to take place before October or even November 2011. Meanwhile, the application for UN membership will take considerably longer to materialise. The procedure is expected to be further hindered by the US veto at the Security Council (SC), which would trigger a debate between the SC and the GA, prolonging the admission process.² The Palestinian leadership could either re-submit the application on a later date, or wait for the GA to vote on the SC report on the reasons for their negative recommendation on the application for full membership.

(2) Do the UN initiatives consist of a formal change in representation mechanisms for the Palestinian people, inside or outside of the context of the UN?

The nature of the changes and their implications will depend greatly on the manner in which the Palestinian leadership undertakes the UN initiatives. Reports about the UN initiatives do not indicate that they will entail any formal changes in the representation mechanisms of the Palestinian people, such as an express dissolution of a representative body or transformation of one body into another.³

¹ See also, E. El-Shenawi, 'In 'historic initiative,' Palestinians set date for UN statehood bid for recognition' *Al Arabiya News*, 13 August 2011 <<http://www.alarabiya.net/articles/2011/08/13/162139.html>> accessed 20 August 2011; G. Shefler, 'Palestinians set date for statehood showdown at UN' *Jerusalem Post*, 13 August 2011 <<http://www.jpost.com/DiplomacyAndPolitics/Article.aspx?id=233625>> accessed 20 August 2011; and H. Sherwood, 'Palestinians to present statehood bid to UN general assembly' *The Guardian*, 14 August 2011, <<http://www.guardian.co.uk/world/2011/aug/14/palestinian-statehood-un-general-assembly>> accessed 20 August 2011.

² The GA is likely to send its recommendations to the SC on how to proceed with the application. There is no State that has been rejected UN membership before. It has taken as long as 10 years for Jordan, for instance, to get membership, but the end result was positive. Notably, whilst waiting for the approval of the application for membership, there are other paths within the UN system that can be pursued more readily. See, for further information, T.D. Grant, *Admission to the United Nations: Charter Article 4 and the Rise of International Organisation* (Martinus Nijhoff, Leiden, 2009).

³ 'PLO Status not Affected by State UN Recognition, says Executive Committee', *Wafa News*, 5 September 2011 <<http://english.wafa.ps/index.php?action=detail&id=17227>> accessed 12 September 2011.

The UN initiatives are reportedly concerned with the enhancement of the existing State of Palestine's status in the UN. In other words, the State, which already exists separately to the PLO, is looking to enter the UN system.⁴ As a result of the State taking a seat at the UN, the Palestinian representation at the UN would be upgraded to that of an 'Observer state' or Member State. If this were the case, the PLO, of its own right, would be able to continue to fully exercise its mandate outside the UN system, whilst also ensuring the representation of its claims on behalf of all the Palestinian people through the seat of the State at the UN. If the reports are wrong, however, and the UN initiatives are intended to bring the PLO's exercise of its mandate and functions to an end, an important danger flag needs to be raised.

(3) How does international law define representation? What different representational capacities exist? In which international *fora* is representation relevant?

There is no comprehensive set of legal rules on the representation of people's rights in international law – the law neither governs the legitimacy of a representative body nor the type of legal entity that can claim rights on behalf of a people. The right to self-determination, along with other human rights provisions, including civil and political rights as enshrined in the International Covenant on Civil and Political Rights (ICCPR), presupposes the ultimate right of the people to ensure that their institutions represent them effectively, regardless of the form of those institutions. Ultimately, as discussed below, the rights concerned are borne individually and collectively by the people, whom the law leaves to decide upon the form and content of their representative bodies.

The representational scope and capacities of a particular body vary depending on the purpose and institutional context in which it seeks to present claims – whether it is before an international tribunal or an international organisation. Although international law is not concerned with the legitimacy of the representation of a State's nationals by that State and its government – be it a democracy or a dictatorship – it differentiates between the legal personalities and representational capacities of different types of representative bodies, for instance a State versus a non-state actor like the PLO. As such, the legal personality of the representative body could procedurally limit the capacities of that representative body to make claims on behalf of certain persons and groups before certain international *fora*.⁵ For instance, in diplomatic relations and international tribunals, States can only represent their nationals.

Nonetheless, the limitations on the State's capacity to represent claims of non-nationals, due to the restrictions imposed on diplomatic relations between States,⁶ are only

⁴ The State's current existence is discussed in Al-Haq's Questions and Answers on the Palestinian Initiatives at the United Nations, July 2011, 2-4 <http://www.alhaq.org/pdfs/qa_July_2011.pdf>.

⁵ See, for further discussion, J Quigley, *Consular Law and Practice* (Oxford University Press, Oxford, 2008) 129.

⁶ See, I. Brownlie, *Principles of Public International Law* (7th edition, Oxford University Press, Oxford, 2008) 477-481, 399-403 and 303-305.

relevant to the representation of these claims before international tribunals and in bilateral relations with other States. Therefore, no limitations exist on the State's ability to bring forward human rights claims also on behalf of those who are not its nationals through its participation in the UN system, where the representation of claims is usually about collective rights and interests.

II. The status and representational capacities of the PLO

(1) What are the current status and representational capacities of the PLO?

The PLO was established in 1964 and the political will of the Palestinian people is its only source of legitimacy. This was clearly set out in the Palestinian Charter, reiterated in the Palestinian Declaration of Independence in 1988 and is recognised by the international community. The PLO's role as a national liberation movement acting as the sole legitimate representative of the Palestinian people has been recognised by the international community of States and the UN,⁷ where it was accorded a seat in 1974 as an 'Observer entity.'⁸ This role was enhanced over the years, granting the PLO rights and competences beyond those the UN usually affords an 'Observer entity.'⁹

Outside of the UN system, the PLO functions as a transnational public body having been generally recognised as the legitimate representative of the Palestinian people and granted with far-reaching representational capacities by many of the States in which it operates.¹⁰ As the undisputed representative of the Palestinian people both inside and outside the UN system, with the principal role of safekeeping the rights of the Palestinian people and their internationally recognised patrimony, the PLO has been granted functional rights by individual States and international organisations that fit its internationally recognised mandate.¹¹ Articles 5 and 26 of the PLO Charter define the PLO's representational competences broadly to encompass all Palestinians

⁷ This cardinal role was assigned to the PLO by the international community as a form of fulfillment of its own obligations towards the Palestinian people in the aftermath of Israel's war of secession in 1948. As such, the PLO was formally recognised and incorporated into the UN system as the sole legitimate universal representative of all the Palestinian people. See, for a discussion on the PLO's status, A. Kassim, 'The PLO's Claim to Status: A Juridical Analysis Under International Law', 9 *Denver Journal of International Law* 1 (1980) 26-31.

⁸ UNGA resolution 3210 (XXIX), 14 October 1974; UNGA resolution 3236 (XXIX), 22 November 1974, para. 4; and UNGA resolution 3375 (XXX), 10 November 1975.

⁹ For examples of rights granted to PLO by the international community, see J. Quigley, *The Statehood of Palestine: International Law in the Middle East Conflict* (Cambridge University Press, New York, 2010) 137-148. B. Simma, *The Charter of the United Nations: A Commentary* (2nd edition, Oxford University Press, Oxford, 2002) Vol. II, 177-194

¹⁰ International law does not prescribe a clear set of rules for the determination of the current status of the PLO outside of the UN system. The PLO has been treated as a 'government in exile' or a 'provisional government' for the State of Palestine. J. Quigley (n 9) 150-157.

¹¹ On arrangements the PLO has with States that allow for its provision of welfare services to Palestinian refugee communities under the jurisdiction of those states, see J. Quigley (n 9) 137-148.

everywhere.¹² Those articles, like the rest of the PLO Charter, will remain in force notwithstanding the results of the UN initiatives, as discussed below.

The PLO's mandate consists of bringing about the means for the exercise of the right to self-determination by all the Palestinian people, and its objectives include the establishment of a Palestinian State and the exercise of the rights of Palestinian refugees to return to their homes.¹³ Due to the Israeli occupation, the State of Palestine is currently unable to conduct its own external relations; therefore, the PLO is mandated by the State to function as the 'Government of Palestine' in the conduct of the State's international relations¹⁴ – a role that was also acknowledged by the GA.¹⁵

As such, the PLO has a double representational capacity, it is: (1) the representative of the State of Palestine in the conduct of the State's international relations, with a view to bring Israel's occupation to an end; and (2) the representative of all other claims on behalf of all the Palestinian people, such as the claims of Palestinian refugees whose homes are located in what is now internationally recognised as the territory of the State of Israel. Until all the Palestinian people are fully able to enjoy their rights, the PLO cannot be prevented from exercising its representational capacities to the extent necessary for it to perform its internationally recognised mandate.

(2) Does the emergence of the State of Palestine in the UN cause the PLO to dissolve or lose any of its competences?

Since the PLO's mandate is based on the people's will, with an internationally recognised role as the sole legitimate representative of the Palestinian people, it can only be dissolved in accordance with its own structures and the will of the Palestinian people. Hence, its dissolution cannot be brought about unintentionally. Neither can its dissolution result from an upgrade of the Palestinian representation at the UN. Even after such an upgrade, the PLO could continue to sit at the UN, as the representative of the State in the conduct of its international relations.

Moreover, obtaining UN membership for the State of Palestine, which will remain a State under occupation, does not in itself amount to an exercise of the right to self-

¹² Article 5 of the PLO Charter: "The Palestinians are those Arab nationals who, until 1947, normally resided in Palestine regardless of whether they were evicted from it or have stayed there. Anyone born, after that date, of a Palestinian father - whether inside Palestine or outside it - is also a Palestinian." Article 26 of the PLO Charter: "The Palestine Liberation Organization, representative of the Palestinian revolutionary forces, is responsible for the Palestinian Arab people's movement in its struggle - to retrieve its homeland, liberate and return to it and exercise the right to self-determination in it - in all military, political, and financial fields and also for whatever may be required by the Palestine case on the inter-Arab and international levels."

¹³ "The refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible"; UNGA resolution 194(III), adopted 11 December 1948, UN Doc A/RES/194 (III).

¹⁴ The PLO was declared as the 'Provisional Government' of the State of Palestine in 1988. See, 'Al-Haq's Questions and Answers on the Palestinian Initiatives at the United Nations' (n 4).

¹⁵ UNGA resolution 43/177, adopted 15 December 1988, U.N. Doc. A/43/49.

determination. The eventual unimpeded independence of the State of Palestine would facilitate the exercise of the right to self-determination only of a subset of the Palestinian people. Therefore, the emergence of the State on the international level does not annul or prejudice the other elements of the PLO's mandate, namely the pursuit of means for the exercise of the right to self-determination by all Palestinians, part and parcel of which is the Palestinian refugees' right to return to their homes that are now located within the internationally recognised territory of Israel.¹⁶

As a result of the admission of the State of Palestine to the UN, the State takes a seat in the UN whilst the officials of the PLO would continue to function as the State's representatives in its external relations. In addition, the PLO would also continue to act in its other capacities as the internationally recognised representative of all the Palestinian people in the exercise of their right to self-determination.¹⁷

III. Representation of rights by the State of Palestine

(1) What are the representational capacities of the State of Palestine?

A State is a sovereign entity that exercises its authority over its territory and its dependents, namely its nationals and those who have an effective link therewith.¹⁸ As such, its capacity to represent individuals, even those bearing its nationality, is limited in its actions by international rules concerning relations between States.¹⁹ These limits primarily concern the State's ability to represent certain claims on behalf of individuals

¹⁶ Although Israel's borders remain provisional, certain areas are clearly within Israel's territory and have been recognised as such through international practice.

¹⁷ The core content of the right to self-determination is the ability of a people to "determine their political status, and freely pursue their economic, social and cultural development." UNGA resolution 1514 (XV), 15 December 1960, The Declaration on the granting of independence to colonial countries and peoples, para. 2; Articles 1(2) and 55 of the UN Charter 1945. This right to a "free choice" has to be coupled with substantive entitlements, such as natural resources and territory, otherwise it is simply meaningless; C. Drew, 'The East Timor story: International Law on Trial', 12 *European Journal of International Law* 651. See also, J. Quigley, 'Self-determination in the Palestine context' in S. Akram et al. eds, (Routledge, London, 2011) 209 *et seq.*

¹⁸ The criteria for nationality under international law requires an effective link between the person and the State when the person does not formally bear the nationality of that State. I. Brownlie (n 6) 407-418.

¹⁹ See on the limitations on diplomatic protection, I. Brownlie (n 6) 383-387. Another set of considerations exists for those who have dual nationality, "a state may not offer diplomatic protection to one of its nationals against a State whose nationality such person also possesses." The use of the term 'against' refers to rights claims that concern the internal affairs of the defendant state. Article 4, *Convention on Certain Questions Relating to the Conflict of Nationality Law*, 13 April 1930, League of Nations, Treaty Series, vol. 179, p. 89, No. 4137, <http://www.unhcr.org/refworld/docid/3ae6b3b00.html> accessed 1 September 2011. At present, Palestinians with Israeli nationality can formally be represented by the PLO, although the PLO's current structures and substantive functions do not fulfill this dimension of its mandate. Ongoing reforms within the context of the PLO are intended to redress this situation and develop structures to allow for the PLO to maintain relations with parts of its constituency inside Israel.

before specific international *fora*, including their representation before international tribunals and in diplomatic relations.²⁰

Despite these limitations, under the international law doctrine of *erga omnes* obligations, a State can in effect make claims for the human rights of individuals who are not its nationals as its own interest. Every State has the right to invoke the responsibility of any other State for gross violations of human rights. Therefore, the State of Palestine could raise international claims with regards to serious human rights violations committed against any Palestinian, beyond nationality or citizenship.²¹ This is particularly relevant to the claims that a State can make against other States within the context of an international organisation such as the UN.

As a Member State or 'Observer State' within the UN system, the State of Palestine can be accorded the same substantive and procedural rights that the PLO has to call for action under the UN Charter, or by UN agencies and treaty bodies, on matters pertaining to the exercise of the rights to self-determination and reparations of all Palestinians. However, this would not include actions that assume the State's authority to negotiate and conclude binding agreements on behalf of Palestinians who are not its dependents. This internationally recognised authority (and responsibility) currently rests solely with the PLO, and considerable legal obstacles exist to the acquisition and exercise of such authority by any State, including the State of Palestine.

No State questions the authority of the PLO as a non-state actor and sole representative of the Palestinian people to conclude binding agreements on behalf of their nationals and dependents on matters relating to the implementation of their rights to self-determination and reparations.²² Importantly, in light of the above, Palestinian refugees from what is now the internationally recognised territory of Israel should not be considered nationals of the State of Palestine within the OPT, unless they expressly choose to obtain the nationality of the State.

²⁰ See further on the limitations on the jurisdiction and sovereignty of States in the international legal order, I. Brownlie (n 6) 292-294. A. Cassese, *International Law*, (2nd edition, Oxford University Press, Oxford, 2005) 53-54.

²¹ This is the case especially for violations of the right to self-determination; Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Rep 2004, paras. 88, 155. Article 48, ILC Draft Articles on State Responsibility 2001. J Quigley, *The Genocide Convention: An International Law Analysis (International and Comparative Criminal Justice)* (Ashgate, Aldershot, 2006) 253-260. See also, O. Schachter, *International Law in Theory and Practice* (Martinus Nijhoff, Dordrecht, 1991) 342-344.

²² There is no international legal rule that prevents a State from concluding binding agreements on behalf of individuals who are not its nationals, or permanently under its jurisdiction, provided that they are not nationals of, or under the permanent jurisdiction (dependents) of other States. The PLO's authority in this respect has been universally recognised as extending to the nationals and other dependents of other States.

(2) How do the representational capacities of the State of Palestine differ from those of the PLO?

The underlying difference between the PLO and the State of Palestine lies in their source of authority. The State is territorially confined in the exercise of its jurisdiction and sovereignty, being subject to the restrictions imposed by international law on diplomatic relations between States,²³ and therefore, it represents primarily its nationals and those Palestinians who decide to acquire its nationality. On the other hand, the PLO, a non-state actor in the form of a national liberation movement, has an internationally recognised representational capacity that is broader than that of the State. The PLO represents all Palestinians everywhere, whilst the State of Palestine represents its nationals including Palestinian refugees whose homes are located within its territory, consisting in the West Bank, including East Jerusalem, and the Gaza Strip.

Furthermore, the PLO has been granted rights by individual States, in the exercise of its unique internationally recognised mandate, to maintain direct representational ties with all the Palestinian people, and provide for the direct needs of the Palestinian people under the jurisdiction of another State, for instance, “through the establishment of several institutions in such realms as health, education and social services.”²⁴ On the other hand, through diplomatic channels, a State could, in some cases, conclude special arrangements with individual States to be entitled to provide for the needs of individuals within the territory of another State, including its own nationals. Consequently, the State of Palestine and the PLO are two separate and different bodies, each with its own international legal personality, despite their overlapping constituencies, which they represent in different capacities.

(3) Could the State of Palestine undertake the representational capacities of the PLO in the context of the UN?

The initiatives in the context of the UN do not bring about any *formal* modification in the role or position of the PLO vis-à-vis the Palestinian people or the international community. Although the State could not undertake all of the PLO's representational capacities, due to its different legal personality, the State is not limited in the types of claims that it is able to make within the specific context of the UN. Notably, the UN initiatives as such do not jeopardise the PLO's role as the State's representative, inasmuch as its officials have been appointed by the State of Palestine in 1988 to conduct the State's external relations and exercise the State's exclusive international rights, responsibilities and authorities. The PLO performs such diplomatic and consular functions on behalf of the State in addition to its own exclusive representational functions.

²³ See, for example, Articles 2, 4, 12 and 41 of the Vienna Convention on Diplomatic Relations 1961.

²⁴ Permanent Observer Mission of Palestine to the United Nations
<<http://www.un.int/wcm/content/site/palestine/pid/12003>> accessed 7 September 2011.

As a result, the representation of the PLO's constituency and mandate in the UN can be maintained through the State's seat, as either an 'Observer state' or a Member State. As noted above, within the UN system, the State of Palestine has the same capacity to initiate action under the UN Charter and within UN bodies, as the PLO does in its current 'Observer entity' status. By virtue of the doctrine of *erga omnes* obligations, rights claims by the State on behalf of Palestinians in the Diaspora cannot be rejected. However, the State can claim rights and act in other important capacities within the UN and bilaterally, for example by acceding to international mechanisms, including those of international criminal justice. These avenues will remain beyond the scope of the PLO's competences as a non-state actor. Rights claims by the State regarding Israel's continuous violations of international law, including peremptory norms (*jus cogens*), can be advanced more forcefully in the UN system by invoking the rights of States to respect sovereign rights.²⁵

IV. Possible effects on the representation of the Palestinian people's rights

(1) Will the UN initiatives have any implications, legal or political, on the *rights* of the Palestinian people?

The legal nature and inviolability of the rights of the Palestinian people are such that they cannot be compromised by the State. Neither are the UN initiatives in themselves an exercise of rights – they are only a way to obtain the means to exercise rights.²⁶

The claim that certain rights would be ceded as a result of a representational shift at the UN confuses the issue of representation by a certain type of body with the issue of the exercise of rights by a people. The relationship between, on the one hand, the people and their rights and, on the other, the people and their representatives should be understood and examined separately. Therefore, even if formal institutional adjustments were to be undertaken, which is reportedly not the case, these would not negate the people's rights.

(2) Would an upgrade in the Palestinian representation at the UN have an impact on the *effectiveness of the representation* of rights claims?

The UN initiatives in themselves will not result in any formal institutional adjustments that could redefine the substantive competences of the PLO.²⁷ With the upgrade of the

²⁵ The cardinal *erga omnes* character of states' obligations is based on the legal status of the norms being violated, including: the prohibition of acquisition of territory by force (illegal de jure annexation of East Jerusalem and the de facto annexation of large parts of the OPT); systematic violations of the fundamental guarantees of international humanitarian law including settlements; and denial of the right to self-determination.

²⁶ See for further discussion, ['Al-Haq's Questions and Answers on the Palestinian Initiatives at the United Nations'](#), 10.

²⁷ The status of an entity under international law is not determined by the status it is granted within an international organisation. See further on the relation between status at the UN and in international law in

Palestinian representation at the UN, the PLO could continue to function inside the UN through the seat of the State, whilst maintaining its current role and capacities outside of the UN system.

Instead, the State, which has its own legal existence, separate to that of the PLO, is entering the UN system under the status of either an 'Observer State' or Member State. The emergence of the State of Palestine within the UN system, as discussed above, cannot bring about an unintended dissolution of the PLO or result in any modification in its mandate, namely because the PLO cannot turn into the State. Rather, the PLO is the one that has brought the State into existence through the realisation of one of its objectives as a liberation movement.

(3) Why is it necessary to ensure that the PLO's capacities and function are kept intact, inside and outside of the UN system?

Despite the complementarity of their mandates, the State of Palestine and the PLO hold considerably different representational capacities. Although the shift in representation resulting from the UN initiatives is only relevant to the context of the UN system, the risk that some States would seek to forward their interests by claiming that the PLO has ceased to exist, due to the emergence of the State in the UN, has been highlighted as a cause for concern.

In light of this, it is of prime importance that these concerns be adequately redressed by ensuring the existence of the State of Palestine in parallel to the PLO, whilst emphasising the importance of the role and function of the PLO, in its assigned and acquired competences as a unique representative body of all the Palestinian people.

If the PLO is not maintained separately from the State, and is left to become the 'Government of the State' without preserving its other functions, it would inherit the limitations on the State's representational competences. Equally, the fact that the Palestinian leadership has yet to release detailed information about the manner in which the UN initiatives will be pursued, casts doubt over whether proper attention has been given to the need to preserve the current institutional structures of the PLO beside those of the State.

Additionally, an internal restructuring of the relationship between the PLO and the State of Palestine is required to ensure effective protection of rights by adequately defining the mandates of the State and the PLO respectively. Any upcoming internal reforms of the PLO must comply with the relevant international law standards and ensure the utmost protection of all the rights of the Palestinian people.²⁸ As importantly, the undertaking of

'Al-Haq's Questions and Answers on the Palestinian Initiatives at the United Nations', July 2011. See also, A Duxbury, *The Participation of States in International Organisations* (Cambridge University Press, 2011).

²⁸ These include the rights to participation and to elections as individual civil and political international human rights, which are also part and parcel of the internal facet of the people's right to self-determination. Articles 1 of ICCPR and ICESCR; A. Cassese, *Self-Determination of Peoples: A Legal Reappraisal*

reforms must involve all the Palestinian people, in order to ensure the people's enjoyment of their civil and political human rights to participation in public life and in elections.

* * * * *

(Cambridge University Press, Cambridge, 1995) 102-108. See also, H.J. Steiner, 'Political Participation as a Human Right', 1 *Harvard Human Rights Yearbook* 77 (1988). G.H. Fox, 'The Right to Political Participation in International Law', *Yale Journal of International Law* (1992).

Further Reading:

- Guy Goodwin-Gill, 'Legal opinion challenges PLO statehood bid', *Al-Jazeera*, 25 August 2011
<<http://english.aljazeera.net/indepth/opinion/2011/08/2011825222044579764.htm>>.
- Guy Goodwin-Gill, 'Palestinian statehood must come about by the democratic will of the people', *The Guardian*, 6 September 2011
<<http://www.guardian.co.uk/commentisfree/2011/sep/06/palestine-statehood-united-nations>>.
- Karma Nabulsi, 'The single demand that can unite the Palestinian people', *The Guardian*, 29 March 2011
<<http://www.guardian.co.uk/commentisfree/2011/mar/29/single-demand-unite-palestinian-people?INTCMP=SRCH>>.
- Mutaz Qafisheh, 'On Goodwin Gill's and Boyle's Opinions', *Ma'an News*, 28 August 2011 <<http://www.maannews.net/arb/ViewDetails.aspx?ID=416641>> (in Arabic); and 'The New Opinion of Professor Goodwin-Gill', *Ma'an News*, 8 September 2011 <<http://www.maannews.net/arb/ViewDetails.aspx?ID=418655>> (in Arabic).
- Francis A. Boyle, 'The Legal Opinion of Dr. Francis Boyle Regarding Palestinian Statehood', *Salem-News*, 28 August 2011 <<http://www.salem-news.com/articles/august282011/francis-boyle.php>>.
- Abdel Razzaq Tarkiti, 'Analysis: Implications of Palestinian statehood', *Ma'an News*, 28 August 2011 <<http://www.maannews.net/eng/ViewDetails.aspx?ID=416887>>.
- Samah Sabawi, 'September and beyond: who speaks in my name?', *Al-Shabaka*, September 2011 <<http://al-shabaka.org/september-and-beyond-who-speaks-my-name>>.
- Omar Barghouti, 'Virtual statehood or the Right of Return', *Al-Jazeera*, 14 September 2011
<<http://english.aljazeera.net/indepth/opinion/2011/09/201191394042383843.html>>.
- 'Curb Your Enthusiasm: Israel and Palestine after the UN', *International Crisis Group*, September 2011 <<http://www.crisisgroup.org/en/publication-type/media-releases/2011/mena/curb-your-enthusiasm-israel-and-palestine-after-the-un.aspx>>.
- Raja Khalidi, 'Going to the United Nations, Sanctions, and the Tick-Tock of the Palestinian Spring', *Jaddaliya*, 12 September 2011
<<http://www.jadaliyya.com/pages/index/2600/going-to-the-united-nations-sanctions-and-the-tick>>.