

25 July

Roundtable with a presentation by Dr. Ziad Abu Amr, PLC Member (Gaza Constituency), and Professor of Political Science, Birzeit University

Topic: The Palestinian Legislative Council

Participants: PASSIA Staff; Dr. Riad Malki, Birzeit University; Kai Boeckmann, German Representative Office; Ali Kazak, PLO Ambassador to Australia; HE Richard Dalton, British Consul-General; Lori Kresse, US Consulate-General; Issa Kassissieh, Orient House; Adin Talbar, Danish Consulate; Gines L. Oliver, Spanish Cooperation; Hania Bitar, The Jerusalem Times; Anita Vitel-Io, Journalist; John Daniszewski, LA Times; Susan Ziadeh, US Consulate; Dr. Albert Aghazarian, PR Director, Birzeit University; Michael Kresse, US Consulate; Rami Nasrallah, Orient House; and Bea Onisti, Panorama Center.

Dr. Ziad Abu Amr's presentation at PASSIA was intended not only to allow participants to hear his observations, but also to give them the opportunity to ask questions, challenge his conclusions, and hear the reflections and relevant experiences of the broad range of people attending the meeting.

Dr. Abu Amr began by saying that the basic task he would like to undertake today is to contextualize the PLC in the hope of arriving at a better understanding of its workings. Understanding the background and circumstances within which the PLC evolved and now operates is essential in evaluating its successes and failures as well as possible future pitfalls and opportunities for improvements.

SUMMARY

Initially both the PNA and the Israelis had serious doubts about allowing elections for the PLC to even occur. This raises the question of why these two parties did not stop them from taking place. It seems the answer lies in the fact that they both saw the elections as being a way of supporting their aspirations in the peace process. However, this is not how the situation has turned out, and Arafat and the Israelis have thus begun to try to restrict the PLC's activities. Indeed, Israeli behavior towards the body has shown that Israel is not interested in a democratic Palestinian political entity - as it had often claimed to be in the past - now that it realizes that such a government may not follow the dictates of the Israeli government.

The January 1996 elections were a remarkable event. For some time before the elections, there had been social malaise among Palestinians as they became increasingly disenchanted with the PLO-Israeli agreements, the conditions of their daily lives, and the prospects for progress towards an equitable future peace. The elections were seen as a way out of the stagnant political situation and a move towards national independence. Additionally, the historic importance and novelty of the first-ever Palestinian elections aroused a great deal of popular enthusiasm. Palestinian society was mobilized more than at any time since the enthusiastic days of the Intifada. Unfortunately, with the novelty gone, and with the dashing of many people's hopes of the PLC rapidly solving

problems in Palestinian society, the next elections may not inspire the same enthusiasm. It seems that the initial wave of excitement about democracy has ebbed with the realization that power still lies in the hands of Israel and Arafat, and not the people. This is the backdrop against which the PLC arose. Let us look at some of the PLC's activities to see what lessons can be learned.

On the positive side, there are some encouraging signs from the first several months of the PLC's activities. The members have shown exceptional commitment and dedication to their task and have been working hard to create the foundations of a legislative body independent of Arafat. In other words, there is a realization among many members that there is a need to institutionalize the PLC so that it becomes a stable structure that will serve the interests of Palestinians in the long run. Besides the commitment of the members and their efforts towards the long-term success of the PLC, the other encouraging element has been the freedom and frankness of discussion that has occurred in our meetings. I have been pleasantly surprised that no subject has been taboo and there has been earnest and often heated debate about even the most politically sensitive topics. This spirit of feeling free to express what one really feels is unmatched in the Arab world.

However, many factors have aroused severe frustrations for us in the PLC. The most serious of these is the relationship between the PLC and the executive branch of the PNA. In our first few months, the PLC has passed over 60 resolutions, which have all sat idly waiting to be signed by Chairman Arafat. We are told that it is normal to have competition between the legislative and executive branches in a democracy, but it seems that the balance of power in our case leans much too heavily in the favor of Arafat and his executive committee. Indeed, the PLC has no real leverage, and any time it threatens the executive's way of thinking, the result is simply that PLC activities are suspended. Examples abound of issues that we want to address but cannot. For instance, there are many prisoners sitting in PNA jails who have not yet been formally accused. The PLC staunchly opposes this practice but is utterly unable to do anything about it. Another important example is the Council's request to bring a draft of the Basic Law for discussion. Again, Arafat has used his power to prevent this possibility in order to concentrate control over this important issue in his executive branch. Suspending the PLC's ability to function is Arafat's standard way of frustrating its efforts to challenge his power.

Foremost among the problems between the branches is Arafat himself. First, it is hard for him to move from his *modus operandi* of the days of the revolutionary struggle - when he concentrated all power in himself - to a style in which he delegates more responsibility - as one would hope for in a democratic political system: it is difficult for him to get used to the idea of letting power emanate from sources other than himself. Thus, when we try to criticize, hold accountable, or question one of his ministers, he interprets this as a personal attack and responds by shutting

down the activities of the Council for several days. Secondly, his personal charisma, qualifications and popular legitimacy give him a great deal of power and often enable him to intimidate PLC members into acceding to his wishes. Thirdly, the ambiguousness of the Palestinian political entity gives Arafat power. Because he is the head of the PLO, the PNC and the PNA, each of which has a different mandate, he can often refer to the most convenient one to justify whatever action he feels is appropriate. Finally, there are many members of the cabinet and throughout the PNA who are beholden to Arafat for their positions. They fear that if the PLC gains power it will threaten their own political power. They are thus a force that supports Arafat's efforts to stymie the PLC's goal of independent action.

The stranglehold of Arafat's executive branch over the legislative has, in turn, led to problems between the PLC and its constituency: because the legislative branch is largely impotent, members cannot respond to the demands of citizens, who then lose faith in the ability of their elected council and in the whole political system in general. Overall, member-constituency communication has been frequent and productive. The problem is that there are almost never new developments, rather continuations of established frustrations.

Another cause for frustration has been the lack of press coverage. Thus, while the PLC discusses important topics in a spirit of the frank exchange of ideas, the public is largely unaware that this is taking place. What is the practical benefit if more issues are discussed than in the Jordanian parliament if no one hears about it? The members of the press have all been co-opted by PNA money or cowed by its threats into refraining from printing material that challenges the official line.

Discussion:

Dr. Mahdi Abdul Hadi asked if there were any blocs or groupings forming in the PLC.

Dr. Abu Amr noted that voting occurs almost exclusively according to members' positions on issues as opposed to by groups with which members are affiliated. This is a positive point in that it eliminates the possibility of the dominance of a certain political majority over the voice of the opposition. The only possible grouping is that of several independent Islamists who walked out of a session as a group to protest Arafat's stalling on the issue of the Basic Law. He added that this was a healthy development in that it showed the Council is starting to learn and use parliamentary procedure.

Ali Kazak noted that *Dr. Abu Amr's* statements seemed to be a critique of the democratic system, since party loyalty in voting characterizes most democracies.

Dr. Abu Amr recognized that this is true in countries such as Australia but

pointed out that the specifics in the case of Palestine mean that party voting would probably just mean the tyranny of a majority directed by one individual.

Dr. Abdul Hadi asked about the PLC's policy towards Jerusalem.

Dr. Abu Amr responded that Jerusalem has only been discussed in reference to specific incidents, such as the effort of some Jews to pray in Al-Aqsa Mosque. An overall policy still has not been developed. This reality stems from the fact that Jerusalem is a complicated issue: while most members agree in theory on a policy towards Jerusalem, the PLC does not want to put itself in the position of adopting a law that commits it to a policy that is impractical in the current political situation.

He continued that Jerusalem and other "final status" issues are very important for Palestinians and this has caused a problem between the PLC and the people: namely, because the PLC is the only truly representative body for Palestinians, people have invested almost all their hopes and expectations in the Council. Unfortunately, as we have seen, the PLC is not very powerful and cannot fulfill people's aspirations.

Dr. Abu Amr stated that he tried to lower people's expectations during the election campaign because of Israel's and Arafat's power over the PLC, but citizens still look to the Council and are inevitably disappointed. Thus, the Council has issued statements, but the press blackout and political restrictions hamper its effectiveness.

Anita Vitello remarked that now that we know the limitations on the PLC, it would be helpful to hear what it can do.

Dr. Abu Amr answered that there is very little it can do. The PLC has passed supposedly binding resolutions and frequently issues statements, yet because of the press blackout these are usually heard by no one. Meanwhile, they basically never have any effect on those who should implement them because these people are controlled by Arafat. He noted that the PLC must make more strenuous efforts to wrest control from Arafat by using parliamentary procedure and other means to protest his heavy-handedness.

Lori Kresse responded that the talk that has occurred in the PLC has been important and should be disseminated to the public. She noted that publishing the proceedings of the Council would be good, constructive pressure on Arafat.

Dr. Abu Amr agreed this would be a good idea and that it is a possibility that the PLC must explore and develop. However, he emphasized that radio and television are the only really influential media because printed material is not that widely read. Even newspapers are considered more important for their social announcements than their use as a way of

spreading information about political developments.

Several people wondered about the Council's relations with the Knesset and other official Israeli government institutions. *Dr. Abu Amr* responded that it is important to establish these relations, but that there needs to be a coordinated PLC policy on this. Without this policy, each member may meet with Israelis according to the circumstances. This can then send mixed messages about what kinds of meetings and arrangements for interaction the Palestinians consider legitimate. He noted that the Political Committee has been designated to draft a policy on this matter.

Kai Boeckmann asked what the role of the Council would be in the negotiations.

Dr. Abu Amr replied that technically there is no role since the agreements are between the PLO and the state of Israel. However, as the only official popularly-elected Palestinian body, and as the representative of over two million Palestinians, the Council does have to lend its voice and assert itself to affecting the negotiations on final status issues.

Gines Oliver asked what the source for drafting the Basic Law would be.

Dr. Abu Amr said that it would come largely from Egyptian precedents due to the legal educational background of many of the Council members. There will also be a great deal of influence from Jordan because of the close ties in all areas between the two societies. Finally, there will be material taken from the West. He pointed out that all these main sources are from outside. He noted that the only internal source so far has been a draft which the Palestinian institution Birzeit University supplied, and added that this draft had been very encouraging and useful.