



Palestinian Public Opinion Since the Peace Process

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Important Dates

9 December 1987	Palestinian Intifada
30 October 1991	The Madrid Conference
13 September 1993	Declaration of Principles
25 February 1994	29 Palestinians were killed in the Hebron Massacre committed by Israeli settler Baruch Goldstein
5 May 1994	Agreement on Interim Self-Rule (Gaza-Jericho)
10 May 1994	First Palestinian police force enters the Gaza Strip
5 June 1994	Gaza- Jericho agreement
1 July 1994	Arafat returns for the first time to Palestine 25 July 1994 Jordanian - Israeli Peace Agreement
28 September 1995	Israeli - Palestinian Interim Agreement on the West Bank and the Gaza Strip
26 October 1995	Assassination of Dr. Fathi Shikaki, Secretary General of the Islamic Jihad
4 November 1995	Assassination of Itzhak Rabin
3 January 1996	Assassination of Yahya Ayyash, alias the "engineer"
20 January 1996	Palestinian elections
25 February 1996	Two suicide bombings in Jerusalem and Ashqelon killing 25 people
3 March 1996	A suicide bomb in Jerusalem leaving 20 people dead
4 March 1996	A suicide bomb in Tel Aviv killing 12 people
25 April 1996	Labor party votes to annul the clause in its program that excludes the possibility of a Palestinian state
29 May 1996	Israeli elections. The Labor Party was ousted and a right-wing Israeli government was elected
15 January 1997	Protocol Concerning the Redeployment in Hebron

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Introduction and Acknowledgment

The 1992 Oslo Agreement, was a milestone in the history of the Palestinian people. On the one hand, it allowed the Palestinian people, for the first time, to start on a political road which could lead them to establish an independent Palestinian state. At the same time, they started from the zero point efforts to build an infrastructure of a national authority which could, and is hoped, to lead the Palestinian people toward the establishment of a real state in the political, social and economic spheres.

Among the first steps, was launching of the first Palestinian presidential and legislative elections. These were considered as the beginning of a democratic process which would lead to develop the Palestinian political infrastructure so that it will become a modern political system governed by the principles of justice and the rule of law.

The political road was not easy. The agreements signed with the Israeli authorities were obstructed. In addition, efforts to build our institutions and guarantee separation of authorities through the principle of the rule of law, faced various obstacles because of internal factors and because the political process itself has not been completed yet.

In spite of these strong impediments, it does not seem that the Palestinian people, in general, have lost their faith in the current political process even though the criticisms and frustrations are growing all the time. The views of the Palestinian people in this process, its scope and results have changed since the start of the process and until today. Every stage was influenced by a group of factors and events.

Since the beginning of this process, public opinion polls were conducted on major issues dealing with the peace process, internal building of society and move toward democratic formation. Some of the main polls were conducted by the Jerusalem Media and Communication Center (JMCC). What distinguished these polls was not only their follow-up on developments, but also the quality and precision of the questions asked and the skills of those conducting them.

The Arab Thought Forum closely followed up these polls. It felt that there were important elements these polls could offer in relation to its Democracy,

Understanding and Development Program, particularly when these polls were consolidated and analyzed in a historical context taking into consideration the time period since the start of the political process and the following four years.

When this idea was discussed by the Arab Thought Forum and JMCC, both sides felt strongly about doing this kind of research and analysis in order to understand the development of the Palestinian society through a reading of public opinion trends and an evaluation of factors that would influence them.

It was therefore fortunate that one of the main people working in the public opinion polls project, Mr. Jamil Rabah, had the time to conduct this study. There is no doubt that his experience in this field and his follow-up of the ongoing political developments gave this study great vitality and realism.

The Arab Thought Forum and JMCC feel they should commend the distinguished effort by Mr. Rabah for preparing this study.

We cannot forget also the special efforts of members of both organizations, particularly Mr. Albert Aghazarian who thankfully reviewed the draft study and made linguistic and substantive comments, as well as Mr. Ziad Abdallah and Mr. Muhammad Omar Yousef for their logistic and linguistic contributions. We would also like to thank Ms. Manal Warrad from JMCC, for her role in conducting the opinion polls, and Ms. Zeina Gheith who assisted in typing the research document to bring it out in this form.

Finally, the Arab Thought Forum feels it has to give special thanks to USAID which made it possible through its generous contribution to the Democracy, Understanding and Development Program, to materialize this study.

The Arab Thought Forum and JMCC feel that with this joint effort, they are offering a distinguished work in which they seek to qualitatively contribute to the efforts to study the democratization process in Palestine.

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Background

Since 1948 various attempts have been made to solve the Palestinian problem. In the beginning, the Arabs tried to sponsor the cause, with futile results. After 1967, the Palestinians tried to take the issue into their own hands, particularly after the Rabat Conference of 1974 when the Arab countries declared the Palestine Liberation Organization (PLO) as the sole legitimate representative of the Palestinian people. In the late 1980s, the PLO was forced out of Lebanon and the leadership moved to Tunis. Being far from its homeland, the PLO became politically weak and less influential. When the Intifada broke out in December 1987, the PLO was revived and its political paralysis was salvaged. As Hussam Mohammad argues:

It was the Intifada that would ultimately succeed in changing the political picture of the Palestinian conflict with Israel and would make other changes possible. For instance, in July 1988, Jordan made the decision to formally relinquish its claim to the West Bank. This decision strengthened the PLO's relationship with its people there and made it the uncontested representative of the Palestinians. This new legitimacy enabled the PLO to act independently and ultimately influence Israel's attitudes towards it. Moreover, the Intifada increased the popular appeal of the Islamic fundamentalists in the occupied territories. By contrast, the PLO appeared to Israeli and Western eyes as more moderate, certainly less extreme¹.

The Palestinians in the West Bank and the Gaza Strip succeeded in embarrassing the Israelis, and bringing international as well as domestic pressures to bear on the government as well as forcing the PLO to adopt a strategy other than the option of armed struggle which yielded negative results in the formation of a Palestinian state². The Palestinian Intifada, therefore, was a clear expression of the Palestinian desire to end the occupation. This popular uprising, which began in December 1987 and lasted for six years, placed the Palestinian problem squarely on the international agenda again, this time, however, with greater international sympathy. The Israelis themselves began to question the morality of their occupation of the West Bank and Gaza and the wisdom of maintaining

1 Mohammad, Hassan. "PLO strategy: from total liberation to coexistence". *Palestine-Israel Journal of Politics, Economics, and Culture*. Vol. IV, # 2. 1997. PP. 82-89.

2 Sayegh, Yezid. "Armed struggle and state formation". *Journal of Palestine Studies*. Vol. XXVI, # 4. Summer 1997. PP. 17-32.

the wisdom of maintaining their military and ideological hold on the areas occupied in 1967.

The Israeli public came to realize that the only way to end the Arab-Israeli conflict was to engage in peace talks with the Palestinians. This understanding emerged primarily from a large sector of the Israeli public who established the Peace Now movement in the early 1980s. This movement had been engaged in back door diplomacy with various Palestinians throughout the years of the Intifada. Israelis and Palestinians, from grassroots organizations to formal and quasi-formal bodies, met regularly to discuss key political issues. These meetings brought the two sides closer together and reduced the gap between them considerably. The Palestinians started to speak about a Palestinian state in the West Bank and the Gaza Strip, with East Jerusalem as its capital, abandoning the customary rhetoric of a secular Palestinian state in historic Palestine, and also began to focus on a "peace strategy", instead of armed struggle. Many Israelis, even within the Labor Party, began contemplating the idea of a Palestinian state and negotiations with the PLO. When the Gulf War broke out, Israelis and Palestinians were equally confronted with harsh realities: Palestinians realized that the Arab world is not as united as it appeared and the military option was no longer feasible, particularly after the demise of the strongest Arab army, the Iraqi army. As for the Israelis, they came to realize that the stand-off in the Arab-Israeli conflict would bring them neither lasting peace nor a lessening of their global and regional isolation. As Hanan Bar-On, a former Israeli ambassador, said:

The collapse of the Soviet Union, the dramatic developments in Europe and the Gulf War affected the Middle East more profoundly than any event in the region since Israel's independence in 1948. It was primarily those changed international circumstances which enabled the parties in the region to take realistic steps that opened the way for the present peace process. I do not believe that one can try to understand the situation evolving in the area without taking this context into account.³

The climate was suitable for peace, and peace seemed to be the only available, and viable, option. In addition, the international community was also supportive of the peace option, particularly with the collapse of the bi-polar system and the emergence of the United States as the sole superpower following the downfall of the Soviet Union in late 1980s.

3 "Europe and the future of the middle east - An agenda for peace". Korber-Stiftung. *Minutes of Meeting*. #106. 1996.P.9.

On 6 March 1996 then-US President George Bush and his secretary of state James Baker announced their four-point initiative to resolve the Middle East conflict: implementation of United Nations Resolutions 242 and 338; the formula of "land for peace"; recognition of the legitimate rights of the Palestinian people; and the guarantee of peace and security for Israel. Most countries in the region welcomed the initiative, seeing it as a serious effort to resolve the long-standing Arab-Israeli conflict. Even Israel, then under a Likud government, accepted the American initiative and its theme of "negotiation, recognition, reconciliation".

The US initiative, supported by the European Union, Russia and most countries of the world, culminated in the Madrid Conference, held in October 1991. The Madrid formula envisaged a two-track method of negotiations: a bilateral track and a multilateral track. On the bilateral track, the conflicting parties were primarily involved in negotiations, while the multilateral track saw the participation of many nations, including those from outside the region. Whereas the bilateral track was obviously intended to place the parties face-to-face in order to discuss the various aspects of the Arab-Israeli conflict, the multilateral track was designed to build confidence between the parties by addressing five major issues: refugees; economic development; arms control and regional security; water, and the environment.

The bilateral track was informally suspended soon after it began. This may be attributed to the fact that some parties, namely Jordan and the PLO, negotiated independently with Israel, leading to the Declaration of Principles signed on 13 September 1993 between the PLO and the government of Israel, and the Jordanian-Israeli Peace Agreement of 25 July 1994.

Negotiations in the multilateral track were paralyzed in 1995 because Arab governments, including the Palestinians and Jordanians, felt that the Israelis were getting disproportionately more from the process: normalization with various Arab countries; less criticism from the world community; and a stronger economy; while the core issues, particularly the resolution of the Palestinian problem, were deteriorating due to Israeli policies on settlements, Jerusalem, etc.

All the shortcomings inherent to the Oslo formula notwithstanding, the Palestinians felt that -at least on paper- they had achieved three important gains. First, Israel recognized the Palestinian people; second, Israel recognized the PLO as the sole legitimate representative of the Palestinian people; and,

third, Israel accepted the territorial contiguity of the West Bank and the Gaza Strip.⁴

Besides Israeli recognition of the PLO and the territorial contiguity of the West Bank and Gaza Strip, and despite the shortcomings of the Oslo formula, other major political developments materialized. Arafat and thousands of exiled Palestinian returned home in mid-1994, immediately after the signing of Gaza-Jericho Agreement in Cairo in 5 May 1994. This agreement provided Arafat with only very limited authority in the Gaza Strip and in parts of Jericho area, but it was regarded as a step towards the realization of Palestinian national rights. However, this optimistic view was soon shattered. As Alain Gresh, the editor-in-chief of *Le Monde Diplomatique* notes:

When [the Washington] negotiations grounded to a halt, back channel negotiations between Israel and the PLO led to the Oslo Accord, a document deeply marked by the crushing balance of power in Israel's favor as well as by oversights on the part of the Palestinian leaders. Thus, while the PLO recognized Israel, Israel did not recognize the Palestinian right to statehood. Even more serious was the exclusion of all UN resolutions on Palestine, including UN General Assembly Resolution 181 of 29 November 1947 on which the two-state solution is based.⁵

The Cairo Agreement constituted a turning point in Israeli- Palestinian relations. It provided Israel with security responsibilities outside the settlement areas, an issue which was not addressed in the DOP. It compartmentalized the Interim Period into phases, something that had not been envisaged in the DOP. Finally, it enabled Israel to keep under its authority certain enclaves within the areas that, according to the DOP, should have witnessed a total Israeli withdrawal⁶.

Thus, after the Interim Agreement was signed on 28 September 1995, the Palestinian Authority, on entering the major cities of the West Bank, was confronted with serious obstacles stemming from their approval of the new conditions stipulated in the Cairo Agreement, the most serious of which was the concession regarding further Israeli security powers beyond the settlement

4 Shikaki, Khalil. "The future of the peace process and Palestinian strategies", *Journal of Palestine Studies*. Vol. XXV, # 1, Autumn 1996. PP. 82-88.

5 Gresh, Alain. "The legacy of desert storm". *Journal of Palestine Studies*. Vol. XXVI, # 4. Summer 1997. PP. 70-77.

6 Annex II, DOP, Protocol on Withdrawal of Israeli forces from the Gaza Strip and Jericho Area.

areas. According to article X11(1) ["Israel shall continue to carry the responsibility ... for overall security of Israelis and settlements, for the purpose of safeguarding their internal security and public order, and will have all the powers to take the steps necessary to meet this responsibility".] Thus under the pretext of Israeli security considerations, extensive and serious Israeli actions were carried out before and after the Interim Agreement under the Rabin government. Many homes were demolished, thousands of trees were uprooted, and hundreds of Palestinians were imprisoned. As Afif Safieh⁷, the PLO's representative to the UK and the Vatican said:

Today, there is a tendency to view the Labour-led era with nostalgia. In a way, this is simply the prolongation of the undeserved praise and positive media coverage Labour usually got, whether right or wrong. History will record that, when Netanyahu assumed power, the Palestinian side already had 34 legitimate grievances on agreed upon issues that were left unimplemented during the interim period: freedom of movement for people and products, the management of the passages towards Jordan and Egypt, and through them to our Arab hinterland, the free passage, the corridor linking the Gaza Strip to the West Bank, the port, the airport, the freeze on settlement activity. The Israeli authorities also committed offensive acts immediately after redeployment: they failed to withdraw from Hebron; they carried out the assassination of Islamic Jihad secretary-general Fathi Shikaki in Malta on 16 October 1995, and that of Hamas leader Yahya Ayyash in Gaza on 3 January 1996.

Equally significant was the way Israeli prime minister Rabin dealt with his Palestinian counterparts. His attitude towards the Palestinians was very inflexible as he tried to squeeze as much concessions from them, thus undermining their position in relation with the Palestinian people. As Burhan Dajani argues:

Even under Labor, the Israeli side was neither unaware of Palestinians goals nor short of ways to thwart them. Israel, too, has its plans and calculations. As is clear from the negotiations with Syria, even Israel's "peace party" had a boundless imagination and inexhaustible resources in inventing new issues, topics, obstacles, and difficulties

7 Safieh, Afif. "Children of a Lesser God?". *Palestinian General Delegation to the UK*. 1997. P. 41.

*designed to deflect attention from the core issue. This, of course, has the benefit of wearing down the opposing side so as to maximize gains and concessions.*⁸

At the same time, Rabin failed to accelerate progress on the ground. No where was this as evident as his reluctance to free Palestinian prisoners or to withdraw from Hebron. The reluctance of Rabin to speed up the process and his uncompromising attitude towards the Palestinian leadership have proven to be terribly harmful. They assisted the right and weakened the peace camps on both sides. As an Israeli diplomat once said, "Rabin wanted to fly slow and low not realizing that flying faster and at a higher attitude is much safer".

The assassination of Rabin on 4 November 1995, and the assassinations of both Shikaki and Ayyash came only weeks before the scheduled Palestinian elections and several months before the Israeli general elections. These developments contributed to the Hamas suicide bombings on 25 February and 3 and 4 March 1996 and the subsequent election sweep by the right-wing and stridently anti-Oslo Israeli Likud Party, led by Binyamin Netanyahu, on 29 May 1996.

In the following chapters, these developments and their impact on the peace process and the Oslo agreement will be analyzed, as will their influence on Palestinian public opinion, with particular emphasis on the period following the takeover of the Likud government. Both the Netanyahu government measures as well as the practices of the Palestinian Authority will be examined, in an attempt to show how and why public perceptions of political developments have shifted.

In this attempt, focus will be placed on two primary aspects: The peace process and the Palestinian Authority (PA). The first part, the peace process, will tackle the opinion of the Palestinian public towards such issues as the peace process, the Oslo Accord, the level of Palestinians optimism about their future, and their attitudes towards their political leadership and the various Palestinian factions and groups.

In the second part, focus will be placed more on the Palestinian Authority itself: President Arafat, the Executive Authority, and the Palestinian Legislative Council in order to examine how these bodies are received by the Palestinian public with regard to democratic development and other aspects relevant to state-building and the building of a civic society.

8 Dajani, Burhan. "An alternative to Oslo". *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. PP. 5-19.

The above feelings and tendencies will be shown as a result of a series of of polls conducted by the JMCC since 1993. Accordingly, determining who the supporters and opponents of peace are, and the dynamics of Palestinian public opinion regarding the above stated issues will be discussed. Moreover, the views of various leaders of popular opinion, Council members, and scholars on both sides of the spectrum will be assessed and analyzed, in addition to various economic indicators gathered by various institutions.

Methodology:

JMCC's polls generally sample Palestinians over 18 years old, living in the West Bank, including Jerusalem, and the Gaza Strip. Respondents are selected from a sampling frame adopted by the JMCC in consultation with sampling experts.

All population concentrations in the West Bank and the Gaza Strip are considered for selection. The number of these concentrations is 450. They include cities, towns, refugee camps, and villages. All of them are located either in zone A or zone B* with the exception of East Jerusalem whose status is to be negotiated during the permanent status talks expected to commence in 1999.

The sampling frame is primarily based on the various constituencies of the areas occupied by Israeli in 1967. Each constituency is assigned a number of interviews on the basis of its population size. All the major cities and refugee camps are selected, while villages and small refugee camps are randomly selected from each constituency. The major cities and refugee camps are divided into neighborhoods. These neighborhoods are also randomly selected.

Interviewers then proceed to a pre-determined point, from which they are instructed to locate households. Once households are identified, the respondents are selected using the Kish method. This method takes into consideration all household members, without gender bias, nor age discrimination. If a respondent was not at home, an appointment was made to visit him/her again at another time.

* According to the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington on the 18 September 1995, Zone A consists of major Palestinian cities while zone B consists mainly of villages and some refugee camps that are located outside the major cities. In zone A, the Palestinian Authority has almost all powers ranging from civil affairs as well as the jurisdiction over public order. In zone B, the Palestinian Authority's jurisdiction is limited to civil powers: education, health, etc., while the Israeli military occupation forces continue to be in charge.

Interviewers are well-trained college graduates. They are briefed regularly. In each constituency there is a supervisor who explains the questionnaire prior to every survey. After each survey is conducted, the data is gathered and immediately sent to Jerusalem for coding and data-entry. After data is entered, 10% of the questionnaires are checked to ensure the accuracy of coding and data entry.

Chapter One

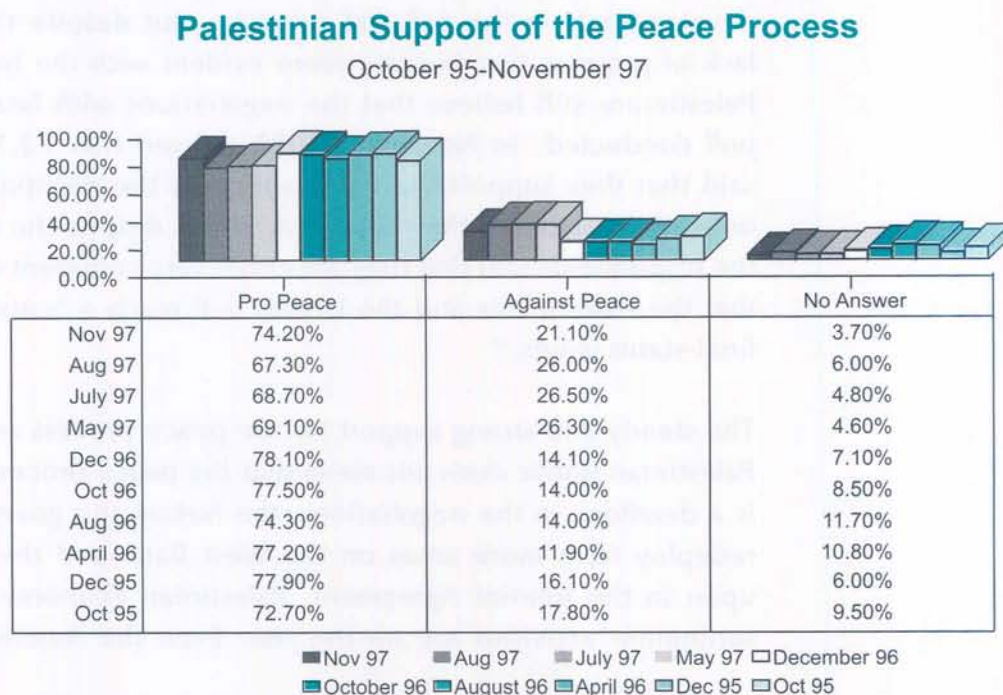
Support for the peace process

1. The Peace Process and the Palestinian Public

Despite the explicit frustration with the developments in the political situation, support for the peace process remained very strong among the Palestinian public. As stated previously, the peace process began at a time when both the Palestinian and Israeli public realized that there was no other way to resolve the Arab-Israeli conflict but through peace negotiations. As figure 1 shows below, support for the peace process among the Palestinian public has been firm and strong, even in the last two years where the peace process has been upset by major political developments and increasing distrust among the leaders on both sides.

Initially, this support was facilitated by the Intifada and the narrowing of the gap between the conflicting parties due to the efforts of various peace camps

Figure 1



Source: JMCC, Jerusalem, Nov 1997

on both sides, and the realization that neither side can ultimately live in peace without addressing the concerns of the other side, especially after the Gulf War and the collapse of the Soviet Union. It is for these reasons that Palestinian youth who threw stones at Israeli soldiers during the years of the Intifada were the same who handed the soldiers olive branches when the light of peace was observed at the end of the tunnel.

Thus, since the DOP was signed, there was no doubt about the magnitude of support for the option of peace amongst Palestinian public opinion. This sentiment was evident when Palestinian public opinion was first examined by the Jerusalem Media and Communication Center (JMCC) ten days after the signing of the Declaration of Principles (DOP) on 13 September 1993. Of the 1505 Palestinians interviewed in the West Bank and the Gaza Strip, 68.6% said that they support the agreement, whereas only 27.8% opposed it, while 3.6% refused to answer the question. In the same poll, 72.9% of the respondents said that they support the continuation of negotiations with the Israelis.

The positive attitude of the Palestinians towards negotiations with the Israelis was markedly different just two months prior to the signing of the DOP. In a poll conducted on 2 August 1993⁹, 55.9% of the people interviewed said that they oppose the continuation of the negotiations with the Israelis. Why then is this fast shift of attitude? Clearly, the attitude among the Palestinians has for long been very sensitive to the progress in the negotiations and the developments in the political situation. But despite this sensitivity, and the lack of progress that became more evident with the Netanyahu government, Palestinians still believe that the negotiations with Israel should continue. A poll conducted in November 1997 showed that 72.7% of the respondents said that they support the continuation of the negotiations with Israel while only 22.1% said that they oppose it. This is despite the fact that only 48.2% of the respondents said that they are either very confident or somewhat confident that the Palestinians and the Israelis will reach a "satisfactory agreement" on final-status issues.¹⁰

The steady and strong support for the peace process among all sectors of the Palestinian public does not mean that the peace process is progressing. There is a deadlock in the negotiations, the Netanyahu government is declining to redeploy from more areas on the West Bank and the Gaza Strip as agreed upon in the Interim Agreement, Palestinian economy is disintegrating, and settlement activities are on the rise. Even the American sponsors of those

9 JMCC poll # 2, August 1993.

10 JMCC poll # 23, November 1997.

negotiations do not hide their fears concerning the direction and current stagnation in the Middle East Peace Process.

Why is the peace process still strong among the Palestinian public at a time when their economy is deteriorating, the political situation is getting worse, and when their national authority is sometimes perceived as being inept, corrupt, and authoritarian? Various indications could lead us to answer to this question. First, the Palestinians think that there is no other alternative to the option of peace, not least military struggle. Second, there is a lack of a viable opposition which has left Fateh virtually alone. Third, there has been actual, albeit minimal, progress in the political situation. Fourth, the Palestinian public seems to believe that the Israeli government measures are antagonistic to the peace process, and the problem is not in the peace process nor in the Israeli public, but rather in the Netanyahu government.

2. The Palestinian Leadership and the Peace Process

In spite of its popular support, the PLO has made numerous strategic mistakes in its thirty-five year history. While at certain instances it allowed itself to be influenced by various Arab regimes -e.g. Syria, Iraq, Egypt-, at other times it incorrectly interfered in the affairs of other Arab countries -e.g. Jordan, Lebanon-. This situation brought about major shortcomings in the objectives of the Palestinian liberation movement. Thus instead of focusing primarily on Palestinian national rights, various factions in the PLO opted to enhance their own standing at the expense of the Palestinian national goals.

The results of these mistakes have been very heavy and burdensome on the Palestinian people, most of whom were not even involved in the shaping of their own destiny. Regardless of who is to be blamed for these mistakes, the Palestinian people have been further exposed to misery and violence. One undeniable fact is that the cause of this misery has been the loss of land and the dispersion of millions of Palestinians into neighboring countries. According to many scholars, most Palestinians felt that the strategy adopted by their leadership, namely armed struggle, had proven to be disastrous and brought further hardship on them, essentially because it failed to focus on institutional building. This view was also shared by many experts who had first hand experience with the Palestinian revolution. As Yezid Sayegh argues:

Armed struggle for the liberation of Palestine has been a rallying cry of the Palestinian national movement since its

emergence in the 1960s, but its results have never been more than marginal. Instead, military groups have served a primarily political function, offering Palestinians in the Diaspora organizational structures for political expression and state building. However, the nature of the PLO as an exile entity attempting to unite a disparate Diaspora has necessarily resulted in an authoritarian leadership wary of the administrative, civilian, and social organizations needed to form a state. Ultimately, the political patterns that developed during the armed struggle impede as much as did the realization of an independent Palestinian state¹¹.

Thus, despite their criticism of it, when the Madrid conference was held, the Palestinian public saw an alternative to the strategy that their leaders had adopted fruitlessly. As Ahmad Khalidi argues:

What the support of Arafat represents more than anything is the fact that the Palestinians overwhelmingly, still see cause for hope for a better future in the ongoing peace process and little cause for hope in any alternative route or avenue of struggle¹².

Thus when the Intifada broke out in December 1987, the Palestinian people, without prejudice to their leadership outside, felt that the struggle they had adopted immediately after was more productive than that of their leadership outside. Moreover, the weakness of the PLO, after it sided with Iraq during the Gulf crisis, further enhanced the Palestinians from the inside and strengthened the young activists who emerged strong in the Intifada, and who became part of the Palestinian leadership.

The paralysis of many PLO factions during the Gulf crisis and the weakening of their political and financial leverage, coupled with the increasing strength of the inside leadership, were the primary reasons for why the PLO, particularly Fateh, decided to join the Madrid conference.

While Fateh joined in, many traditional political factions, especially those on the left, decided not to participate. Only a splinter group of the Democratic Front for the Liberation of Palestine, Fida, opted for participation in the process,

11 Sayegh, Yezid. "Armed Struggle and State Formation". *Journal of Palestine Studies*. Vol. XXVI, # 4 (Summer 1997), pp.17-32.

12 Khalidi, Ahmad. *Journal of Palestine Studies*. Vol. XXV, #. 4. Summer 1996. PP. 20-28.

so did the Palestinian People's Party (PPP), whose leadership and members came mainly from the inside, and other minor PLO organizations whose support was virtually negligible.

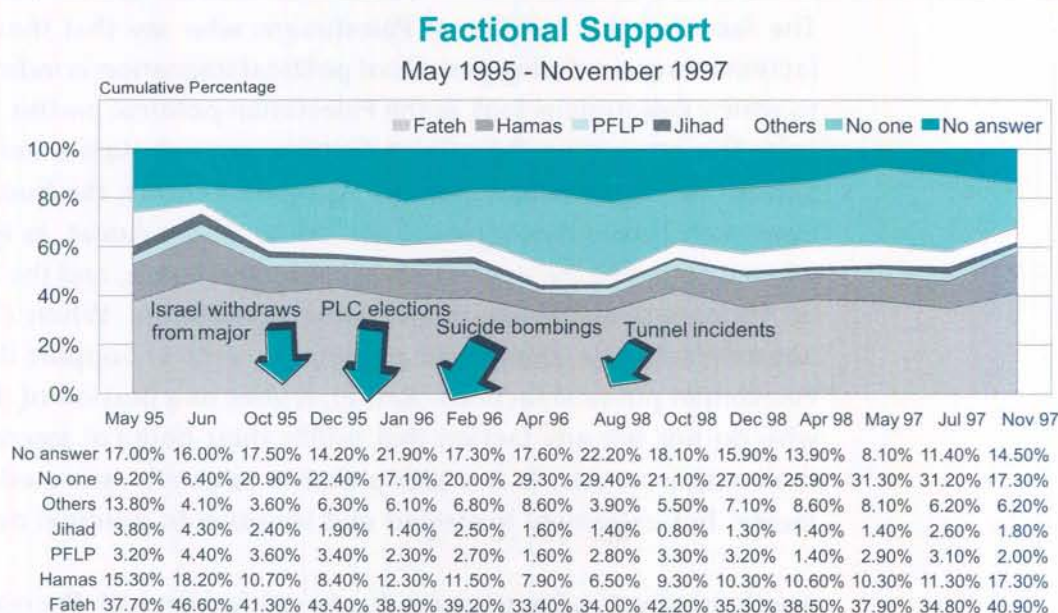
3. The Lack of a Viable Palestinian Opposition

The refusal of the major political factions who were traditionally perceived as being the Palestinian opposition (mainly the Popular Front for the Liberation of Palestine - PFLP) further weakened their position among the Palestinian people and in the decision making process of the PLO. Their isolation, lack of funds, as well as their inability to find a viable strategy to combat the peace process, which was very strong in the beginning, left Fateh alone in charge of running the peace process, while, at the same time opening the window of opportunity for Hamas to become the new opposition.

Hamas gained relative support during the Intifada when it managed to organize a complex structure that was not only political, but also social and economic. Its strong organizational structure and the virtual absence of another faction in opposition to the peace process, left Hamas as the main organization in strong opposition to Fateh, despite the long history of such organizations as the PFLP and the DFLP.

Even though it was alone, Hamas was confronted with major challenges. First, its suicide bombings did not generate strong appeal among the Palestinian public

Figure 2



Source: JMCC, Jerusalem, December 1997

and, second, it was fiercely hit by the Israelis and restrained by the Palestinian Authority. Nonetheless, similar to the rest of the Palestinian organizations, even Hamas was incapable of providing the Palestinian public with a new alternative. The alternative they provided has, in the public eye, led to further misgivings for the Palestinian people: closure, and economic and security restrictions by the Israelis.

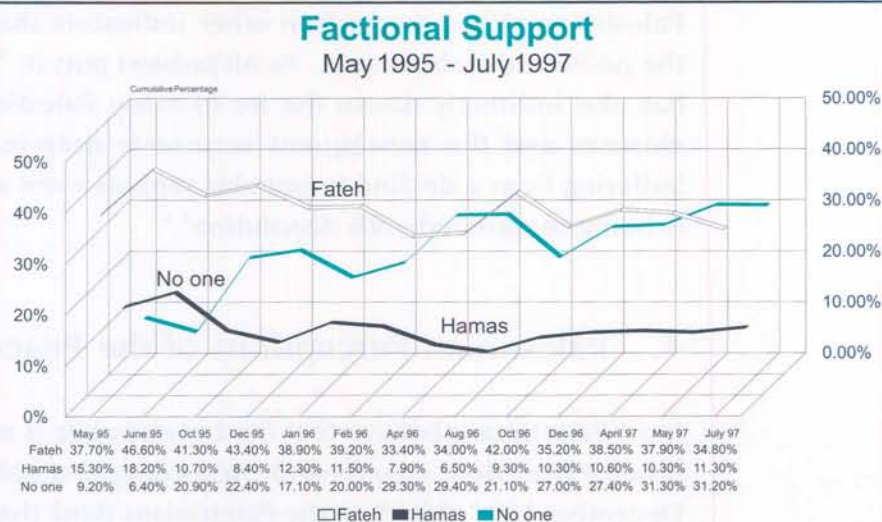
Thus, the lack of a viable Palestinian opposition significantly contributed to the support for the peace process. Since the beginning of the process support for the Palestinian factions did not increase at times when Palestinians were faced with difficult times. On the contrary, most Palestinian factions, particularly those under the umbrella of the PLO, have been perceived by the public with a degree of apathy. The only faction which was sensitive to political developments was Fateh, as shown in figure 2 above. Changes in the level of support for Fateh were reflected primarily in those who stated that "we do not trust any faction", rather than on the other Palestinian factions.

Ironically, during "good times", even the opposition factions received more support, as evidenced during the period of Israeli redeployment from major cities, the elections of the PLC, and the tunnel incidents of September 1996 when Palestinian police clashed with Israeli military forces in the aftermath of the Israeli opening of a tunnel in old Jerusalem. While during "bad times", such as in the aftermath of the suicide bombings and the election of the Netanyahu government, support for Fateh went down, so did the support for the main Palestinian opposition, Hamas, as shown above.

The fact that the number of Palestinians who say that they do not trust any faction increases during periods of political stagnation is indicative of the extent to which Palestinians look at the Palestinian political parties. This points to one fact. The opposition Palestinian factions are not viable, and neither are their approaches to the peace process. As Figure 3 shows, the frustration Palestinians have with Fateh, the organization led by Yasser Arafat, is equally manifested when it comes to the opposition, particularly Hamas, and the increasing number of "independents" leads to the same conclusion: When Fateh is perceived negatively by the Palestinian public, the shift of support does not go to the Palestinian political factions. Rather, it goes to a portion of Palestinian society who do not see any faction that fulfills their political aspirations nor satisfies their requirements. It is a group that is relatively more educated, politically aware, but extremely frustrated and sensitive to political developments.

Another indicator that explains the dissatisfaction with the opposition is evident in the level of support for the suicide operations. In a poll conducted in

Figure 3

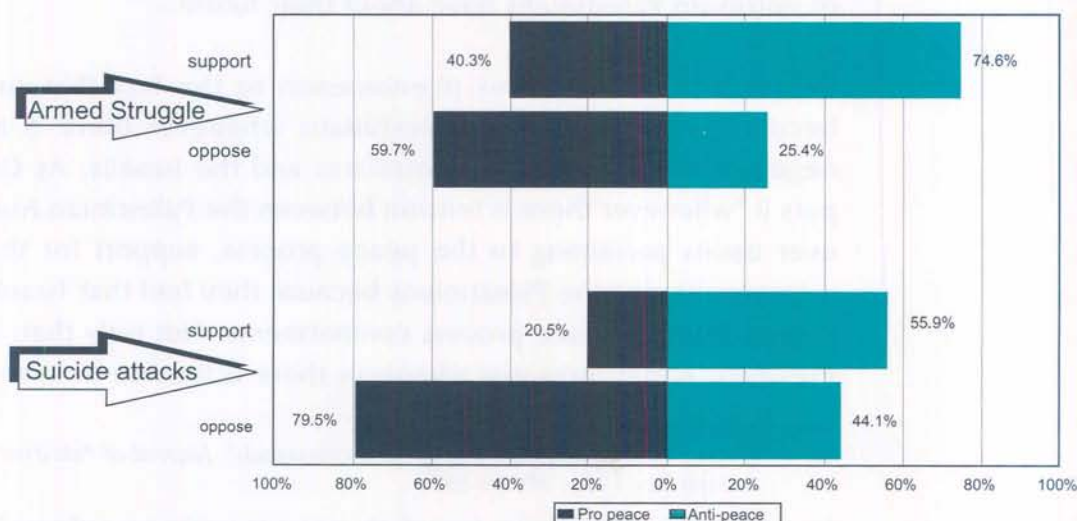


Source: JMCC, Jerusalem, July 1997

November 1997, it was discovered, as figure 4 shows below, that the peace supporters are strongly against suicidal attacks, although 40.3% of them support armed struggle which they feel as legitimate while Israel is occupying the land. As for anti-peace supporters, the level of support for suicidal attacks is much higher. Whereas approximately 80% of pro-peace Palestinians oppose suicidal attacks, almost 56% of anti-peace Palestinians approve of such operations, which is 28% of the entire sample. This being the case, it is apparent that the

Figure 4

Comparison Between the Attitudes of Pro-Peace and Anti-Peace Supporters on Armed Struggle and Suicide Bombings



Source: JMCC poll # 23, November 1997

strategy adopted by the major opposition factions is not appealing to the Palestinian public even when other indicators show great dissatisfaction with the political developments. As Ali Jarbawi puts it: "[Hamas's] hard-line position has also indirectly drawn the ire of many Palestinians resentful of the Israeli closures and the consequent economic deterioration, especially in Gaza. Suffering from a decline in popular support even as its social services network is being threatened with dissolution".¹³

4. Palestinian Perceptions of the Peace Process and Israel

Most Palestinians believe that the Israeli public is more supportive of the peace process than their government. According to a poll conducted by the JMCC in December 1997, 50.6% of the Palestinians think that the Israeli public is genuine about peace while a mere 8.8% who said that the Israeli government is genuine about reaching peace with the Palestinians. Moreover, 65.3% said that the relations between the Palestinian and Israeli people should be strengthened.

Support for the peace process was equally strong among the Israeli public. While on average, 73.9% of the Palestinian public said they support the peace process, among the Israeli public the average is 76.5% as indicated in figure 5*.

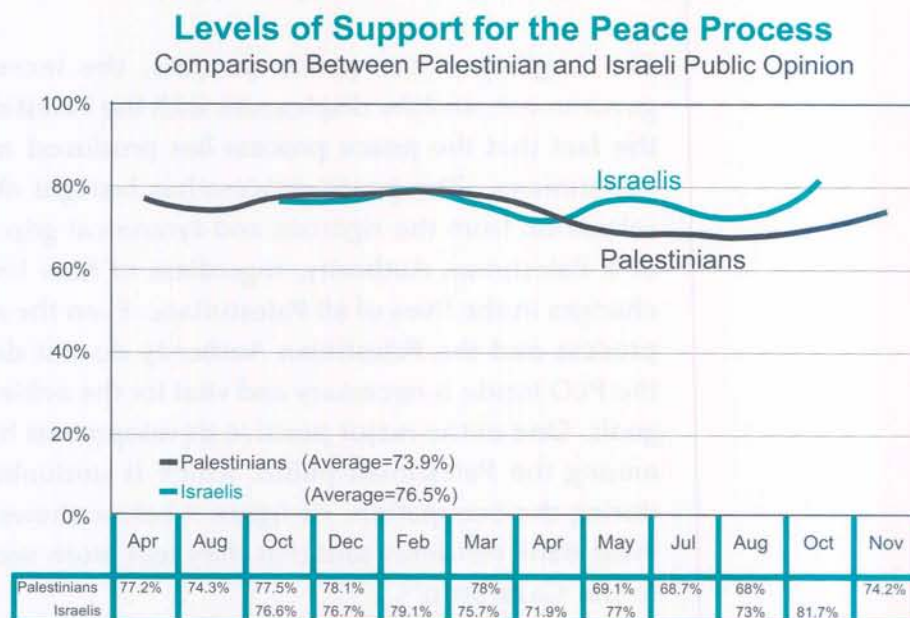
If the positive attitude of the Palestinian public about the Israeli public indicates anything, it is to that the Palestinians still hold hope for the future, even when they are disappointed and frustrated with the progress in the political situation. This feeling of hope further explains why the Palestinian public are positive about the process. As will be discussed below, this is also reflected in the level of optimism Palestinians have about their future..

Others also attribute this phenomenon to the fact that support for peace becomes stronger among Palestinians whenever there is a conflict in the negotiations between the Palestinians and the Israelis. As Ghassan Al-Khatib puts it "whenever there is tension between the Palestinian Authority and Israel over issues pertaining to the peace process, support for the peace process increases among the Palestinians because they feel that Israel is attempting to escape from its peace process commitments. Not only that, even support for President Arafat increases whenever there is tension between the Palestinian

13 Jibrawi, Ali. "Palestinian politics at a crossroads", *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. PP. 29-39.

* Attitudes of Palestinians towards the peace process were gathered by the JMCC, while Israeli attitudes were gathered by the Tami Steinmetz Center for Peace Research, Tel Aviv University.

Figure 5



Authority and Israel"¹⁴. As indicated in figure 6, this support has increased recently despite the deadlock in the negotiations.

Figure 6

Comparison of Support for the Peace Process between the West Bank and Gaza Strip

March 97 - Nov 97



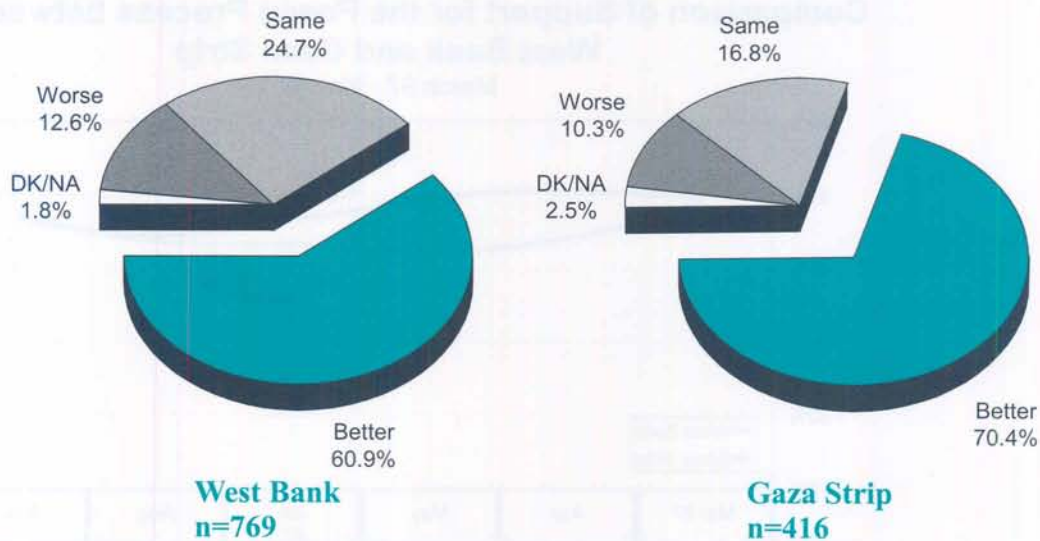
14 Khatib, Ghassan. Interview at JMCC. December 6 1997.

5. Political Developments

The fragility of the peace process, the increasing distrust in the Israeli government, and the displeasure with the Palestinian Authority does not negate the fact that the peace process has produced major positive changes for the Palestinians. The peace process has brought about some changes and some relaxation from the rigorous and tyrannical grip of occupation. The presence of a Palestinian Authority, regardless of how limited it is, has made positive changes in the lives of all Palestinians. Even the most vocal critics of the peace process and the Palestinian Authority do not deny that the very presence of the PLO inside is necessary and vital for the achievement of Palestinian national goals. One of the major positive developments has been the feeling of security among the Palestinian public which is undoubtedly much better now than during the occupation. As figure 7 below shows, 60.9% of Palestinians in the West Bank residents said that they feel more secure now, while 70.4% said so in the Gaza Strip¹⁵.

Figure 7

Palestinian Sense of Personal Security Since the Peace Process December 1997



15 JMCC poll, December 1997.

The increased feeling of security, and the relative relaxation in their lives has meant that there are less curfews, a lower number of imprisonment, less friction with the Israeli army, and less injuries. Moreover, since the PA took control of all civil aspects, more schools were built and more people were recruited to the health system. The number of hospital beds increased and the health services under the Palestinian Authority developed remarkably.

These positive developments, which were more noticeable in the Gaza Strip enhances the notion that political progress has had positive effect on the level of support for the option of peace even when occupation did not disappear. Thus, support for peace was an expression of the repulsion of occupation. This was evident in the Gaza Strip. As figure 6 shows, generally, the Gaza Strip showed more support for the Peace Process than the West Bank. This is perhaps because the peace process has released them, albeit marginally, from occupation. It is no wonder then, that with the increasing tension between the Palestinians and the Israelis over redeployment and settlements in the recent months, the attitude of the West Bank and Gaza Strip Palestinians is becoming more similar regarding the support for the peace process as indicated in figure 6.

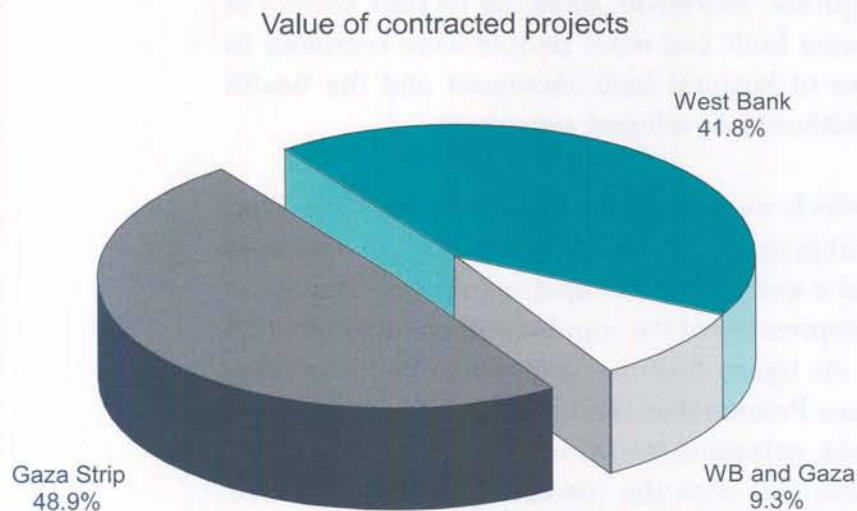
Various reasons could provide an explanation for this. First, the Palestinian Authority in the Gaza Strip is more coherent and institutionalized; second, settlements and settlement activity are less obvious; third, Israeli military forces are less evident; fourth, the areas in the Gaza Strip remain more geographically contiguous and the relaxation from occupation is felt more than in the West Bank; and fifth, development aid is targeted more to the Gaza Strip than to the West Bank. Even though the population of the Gaza Strip is approximately 37% of the total population of the West Bank and the Gaza Strip, the Palestinian Economic Council for Development and Reconstruction (PECDAR) has spent an amount of US\$ 105,612, 148 in the Gaza Strip, while spending a mere US\$ 90,175,338 in the much larger and more populated West Bank. As shown in figure 8 below, PECDAR's projects in the West Bank amount to only 42%¹⁶.

The West Bank on the other hand was, and still is, plagued by settlements and settlement activity, Israeli policies are more obvious, and Jerusalem, being the heart of the West Bank, is isolated from other Palestinian areas of the West Bank. This has led the West Bank to be geographically less coherent, cantonized, and susceptible to Israeli closures and isolation. In actuality, the West Bank is composed of a group of enclaves which can fall under the mercy of the Israeli military forces at any time.

16 PECDAR INFO. *Palestinian Economic Council for Development and Reconstruction*. Vol. 1, # 14. December 1997. P. 7.

Figure 8

PECDAR's Projects in the West Bank and the Gaza Strip



According to Khalil Shikaki "[support for the peace process...does not necessarily mean optimism concerning the desired outcomes of Palestinian statehood or a lasting peace"¹⁷. In the next pages, an examination of the level of optimism among the Palestinian public is pertinent in order to show that support for the process does not necessarily mean that the situation is stable, and also to explain the reasons that contribute to the general feeling that the peace process is becoming more and more fruitless.

5. Optimism as an indicator

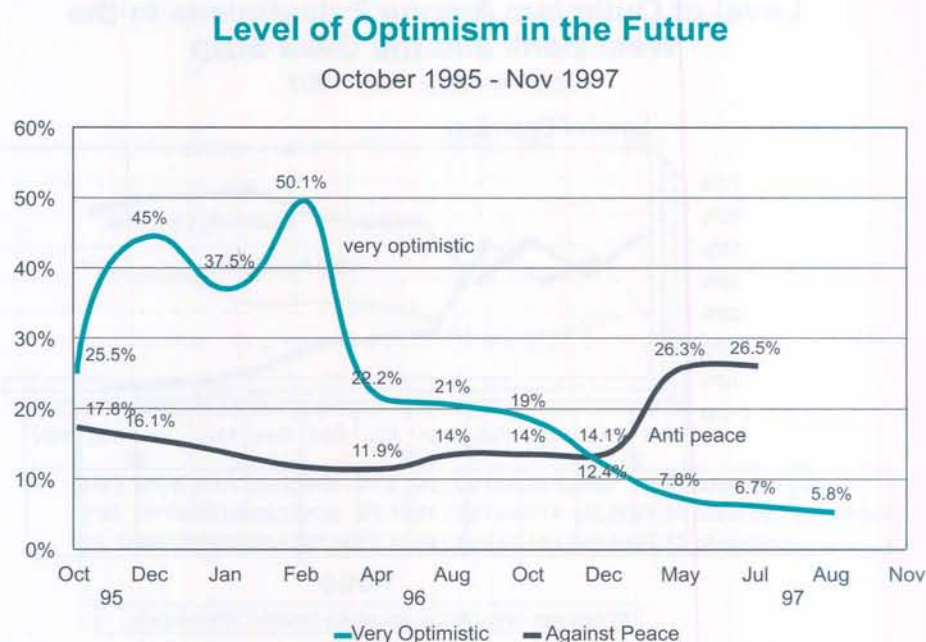
Questions on the level of optimism and pessimism have long been used by social scientists in describing the general mood of the public regarding their lives and their expectations. They are valuable in detecting trends that may otherwise be difficult to ascertain. As Figure 9 shows, the increasing level of pessimism is highly correlated with increasing opposition to the peace process.

The JMCC has been asking the Palestinian public about how optimistic they are about the Palestinian future in general and results from the past two years, have signaled noteworthy fluctuations, particularly negative ones. In the next pages, the level of optimism will be examined in order to show what the situation actually appears to be regarding the Palestinian-Israeli peace process,

¹⁷ Shikaki, Khalil. "The peace process, national reconstruction, and the transition to democracy in Palestine". *Journal of Palestine Studies*. Vol. XXV, # 2. Winter 1996. PP. 5-20, p. 7.

how Palestinians think, and what the causes of their frustration and dissatisfaction despite their general support for the process as will be discussed later.

Figure 9



The period of the establishment of the Palestinian Authority in the Gaza Strip and the Jericho area was characterized by uncertainty concerning whether Israel will withdraw from areas other than Jericho and the Gaza Strip. The Palestinian Authority was not well established and Israeli measures were still very sensitive to the new developments. Jurisdictions were not clear to either side and the situation appeared to be very fragile. Following the signing of the Interim Agreement in October 1995, the political map changed dramatically, the PA became more institutionalized, and the jurisdiction of each side became much clearer. It was during this period that the number of people who stated that they were very optimistic reached one of the highest levels ever. Since then, the number of Palestinians who say that they are cautiously optimistic and very pessimistic has increased, while the percentage of those who are very optimistic has declined gradually, as indicated in figure 10.

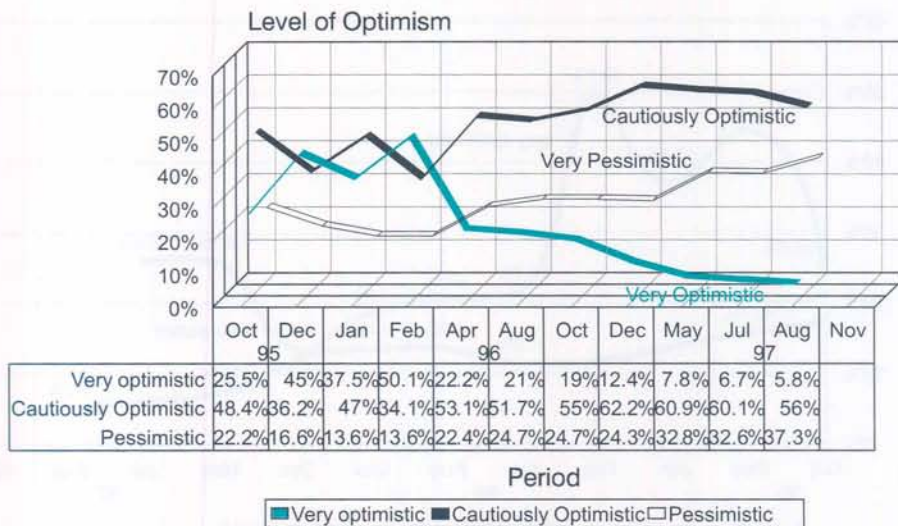
Various reasons exist which explain this trend. The period in which Palestinians stated that they were more optimistic and least pessimistic was between December 1995 and February 1996. A number of major events took place during this period: the signing on 28 September 1995 of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, the subsequent Israeli

redeployment from the West Bank, and the holding of the first Palestinian elections for the Palestinian Legislative Council and the President of the Palestinian Authority.

Figure 10

Level of Optimism Among Palestinians in the West Bank and the Gaza Strip

October 1995 - Nov 1997



Data compiled from Polls conducted by the JMCC between October 1995 and November 1997.

Prior to Israeli redeployment from the major cities of the West Bank and the Gaza Strip, the level of Palestinian optimism was relatively low and reached 25.5% in October 1995. A major shift occurred however in the level of optimism after the redeployment (45% in December 1995). This level dropped slightly, perhaps due to the assassination of Hamas leader Yahya Ayyash in January 1996, but then increased to an even higher level than that in December after the General Palestinian elections, and reached the highest level since the peace process started. Soon after, the level dropped from 50.1% in February 1996 to 22.2% in April 1996, and has been in decline ever since.

The initial decline and drop in the level of optimism can be explained by two major developments. These are the suicide bombings of Hamas and Islamic Jihad and the success of the Likud party in the Israeli general elections¹⁸. These two events have influenced the peace process drastically, particularly with the imposition of new conditions by the new Israeli government which rendered the Oslo track futile, to say the least. These conditions were specified in the

18 Shikaki, Khalil. "The future of the peace process and Palestinian strategies", *Journal of Palestine Studies*. Vol. XXV, # 1. Autumn 1996. PP. 82-88.

Likud agenda, even prior to their elections. As Shlomo Gazit states "The Likud will negotiate an agreement based on the annexation to Israel of [the West Bank and Gaza]. And...to grant a permanent but limited autonomy to the local Palestinian population and residents in the West Bank and in the Gaza Strip"¹⁹. This new government had major ramifications on the peace process. These ramifications were manifested both with regard to Israeli measures and practices (settlements, closure, Jerusalem) and with regard to the limitations they introduced on the Palestinian Authority and President Arafat, particularly regarding Israeli security concerns.

Conclusion

Support for the peace process is strong, and it seems that nothing will deteriorate the feeling of most Palestinians that the peace process is the only viable solution to their problems and their salvation to independence. Whether Israeli violations intensify or Palestinian mismanagement of funds persists, nothing indicates that the support for the peace process will dwindle. What is certain, however, is that the support for the mechanism of peace (Oslo formula) will be effected due to the lack of progress. In the following chapter, an analysis of the attitude of the Palestinian public towards the Oslo track will be helpful in identifying the fears of the Palestinian public, and the consequences of those fears and anxieties on both the peace process and the Palestinian leadership.

19 Gazit, Shlomo. "Israeli political understanding of the DOP". Challenges Facing Palestinian Society in the Interim Period. JMCC, December 1994, pp. 33-39.

Chapter Two

Support for the Oslo Track

The following joke, circulated in the West Bank, explains how complex and bizarre the situation is on the ground. The joke asks: "Why are the Palestinians so optimistic about the final stages of the peace negotiations?" Answer: "Because by the time the negotiations are complete, they are going to speak very good English-they've already learned how to say A, B, C, H1 and H2!"²⁰.

1. Attitudes towards the Oslo Track

From the beginning, many Palestinians expressed skepticism about the outcome and success of the Oslo track. They thought Oslo to be vague and lacking in fulfilling the minimum of Palestinian national aspirations. However, as is said in Arabic: "the drowning man clutches to a straw". This was precisely what had happened to the PLO.

The PLO accepted Oslo because it hoped to gain something after a series of drawbacks had diminished its standing as the legitimate representative of the Palestinian people particularly after the Gulf War. As Burhan Dajani argues²¹:

The plight of the PLO in the wake of the second Gulf War and the organization's tendency to confuse its own plight with that of the Palestinian people in general; the impact upon the PLO of its support for the losing side in terms of financial punishment by the Gulf states, the hate campaigns, and the expulsion from those states of hundreds of thousands of its people; its dire financial straits; the collapse of the Soviet Union; and its desire for the international recognition that had eluded it despite the concessions it had made over the years-all this is well known. So are the PLO's calculations in accepting the Oslo deal: its hope of gaining a respite from the pressures, its belief that it would be able to use the time

20 Muhaisen, Muna. "The ABC's of Oslo". *Palestine Report*. September 19 1997. P. 6.

21 Dajani, Burhan. . "An alternative to Oslo", *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. P. 19.

gained to improve its situation so as to be in a better situation at the time of the final status talks. In short, the PLO hoped to build on Oslo, not realizing that the very design of Oslo prevented this.

In the short term, Oslo did achieve certain gains for the Palestinians: recognition of the PLO, the return of more than twenty thousand Palestinians to their homeland, including the leadership, from Tunis and elsewhere; the Gaza Jericho Agreement, which also brought some Palestinian control in those areas. Then, in September 28, 1995, the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip was signed. This agreement further enhanced the supporters of the Oslo track particularly after the Palestinian Authority took over the major cities and after the Palestinians were allowed, for the first time in their history, to choose their own elected representatives and President.

The short-term success of Oslo, however, would not last long. Whereas the plight of the PLO and the Palestinian leadership was eased as a result of Oslo, the suffering of the Palestinian people persisted and was even further aggravated. If this indicates anything it is the fact that the PLO's acceptance of the Oslo accord was, at least, short-sighted, and its negotiations performance was neither good nor was it well-planned. As Dajani also comments²²:

Crucial to Israel's success in the interim stage was the Palestinian failure to insist upon a prior agenda for negotiations, thus allowing Israel alone to determine their nature, scope, direction, and content. Indeed, it was the agenda issue that set the Oslo negotiators apart from the Palestinian delegation in the Washington negotiations, which had snagged precisely because of that delegation's insistence on an agenda. It was as a result of the impasse that the PLO decided to go to Oslo, abandoning the attempt to define an agenda and engaging instead in direct negotiations of an arbitrary and ad hoc nature.

Why is Oslo bad and was there an alternative to it? As preceded, the Palestinians have abandoned the option of the "armed struggle" and opted for a peaceful solution. This was clearly manifested by the resolution of the 18th session of the Palestinian National Council, held in Algiers in 1988, and later in the various polls that were conducted in the occupied territories since 1993 which

22 Ibid. PP. 5-6.

indicated the level of support for the peace option by the Palestinian public. Palestinian support for the Oslo track was also evident and clear in the beginning. Clearly, most Palestinians did not read it nor would they understand it because of its vagueness and its susceptibility to wide interpretations. Both the DOP and the Interim Agreement were drafted by the Israelis. The Palestinians only carried cosmetic changes to them. As Ghassan Khatib argues²³:

Most of the negotiators neither had a good command of the English language, nor any legal training on a level that could counter their Israeli counterparts. They were a group of people who were previously and for the most part engaged in revolutionary work, with little, if any understanding of negotiations techniques. They had no ceiling to negotiate from, nor did they present working papers to the Israelis, and above all, they had no vision of the outcome of the negotiations.

The failure of the PLO to realize where the negotiations will lead to was further exasperated by two major events: the Hamas suicide bombings and the election of a Likud Government to power in Israel. The first cycle of Hamas violence which started immediately after the elections of the Palestinian Legislative Council in January of 1996, resulted from various reasons: belief in historic Palestine, revenge for the murder by Israel of Hamas and Jihad activists just before the elections, the delay of redeployment from Hebron by the Labor government, settlement expansion, imprisonment, expulsion to Lebanon, in addition to an attempt to ruin the peace talks. As Alain Gresh, the editor in Chief of *Le Monde Diplomatique* notes:

... the signing of the Oslo Accord by Yitzhak Rabin and Yasir Arafat in Washington on 13 September 1993 gave grounds for optimism. The text was loose, imprecise, and open to interpretation, but there were justifiable hopes that it could create a new momentum based on recognition of the Palestinians' right to a state and of Israel's right to peace and security. Nothing of the sort occurred-violence has continued, Palestinian living standards have declined, movement for Palestinians within the West Bank has become increasingly difficult and between the West Bank and Gaza virtually impossible, and Israeli settlements continue to grow. Israel's insistence on beginning a new settlement of Har Homa in

23 Khatib, Ghassan. Interview at JMCC, December 18 1997.

*East Jerusalem in March 1997 appears to have brought the peace process in any meaningful sense to a halt*²⁴.

The success of the Likud coalition in the Israeli elections led to a situation where the winners were the antagonists of peace on both sides. Netanyahu himself has always been an opponent of the Oslo track.

The Interim Agreement signed in Washington in September 1995 primarily constitutes the Oslo track. When it was signed, the Israeli partner that signed the agreement with the PLO was the Labor Government and Prime Minister Rabin. Even prior to his assassination in November 1995 and before the suicide attacks were carried out in early 1996, the Likud party and its candidate for the post of prime minister, Benyamin Netanyahu, did not only show a lack of support for the agreement, but were quite vocal about their opposition to it. This being the case, when Netanyahu came to power in April 1996, his position of Oslo was different than that of his predecessor, as was his interpretation of the Agreement. Being as it may, the Likud Government immediately embarked on policies that seemed to be in violation of the Oslo track. They renegotiated the Hebron Protocol, intensified their settlement activities especially around Jerusalem, further isolated the areas of the West Bank from one another as well as from the Gaza Strip, and exerted increased pressures on the Palestinian Authority for more concessions by way of the Israeli closure policy. In order to ease the closure, the Palestinians were expected to accept new formulas. An example in point is the new Hebron Agreement, which was different from that expected to be concluded had the Labor Party succeeded in the elections. Thus, the failure of the Palestinian side to stay firm on its position clearly undermined the support of the Palestinian public to this agreement and led to harsh criticism of it by influential Palestinians such as Professor Edward Said of Columbia University. According to Professor Said, the agreement was not only damaging to the Palestinians, but became even more so due to the Palestinian mismanagement of the negotiations with the Israeli side. He even goes as far as saying that Arafat, by approving Oslo has, "sold out to the Israelis"²⁵.

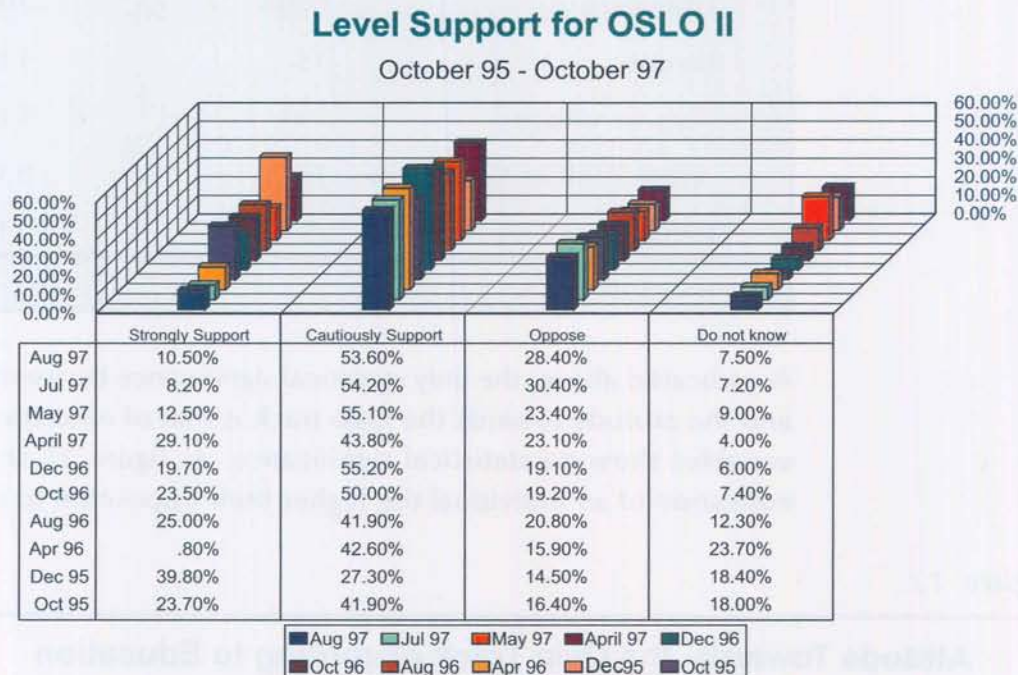
As preceded, support for the peace process among Palestinians has been steady and strong despite the major setbacks that occurred in the past four years and the current deadlock in the process, support for the Oslo formula has been dwindling. Similar to the level of optimism and factionalism discussed in the previous chapter, the Oslo track indicator revealed negative trends: less

24 Gresh, Alain. "The legacy of desert storm", *Journal of Palestine Studies*. Vol. XXVI, # 4. Summer 1997, PP. 70-77.

25 Said, Edward. "Peace and its discontents", *Vintage Books*, 1995.

Palestinians are supporting the Oslo track, and opposition to it as the mechanism of peace is steadily growing as shown in figure 11.

Figure 11



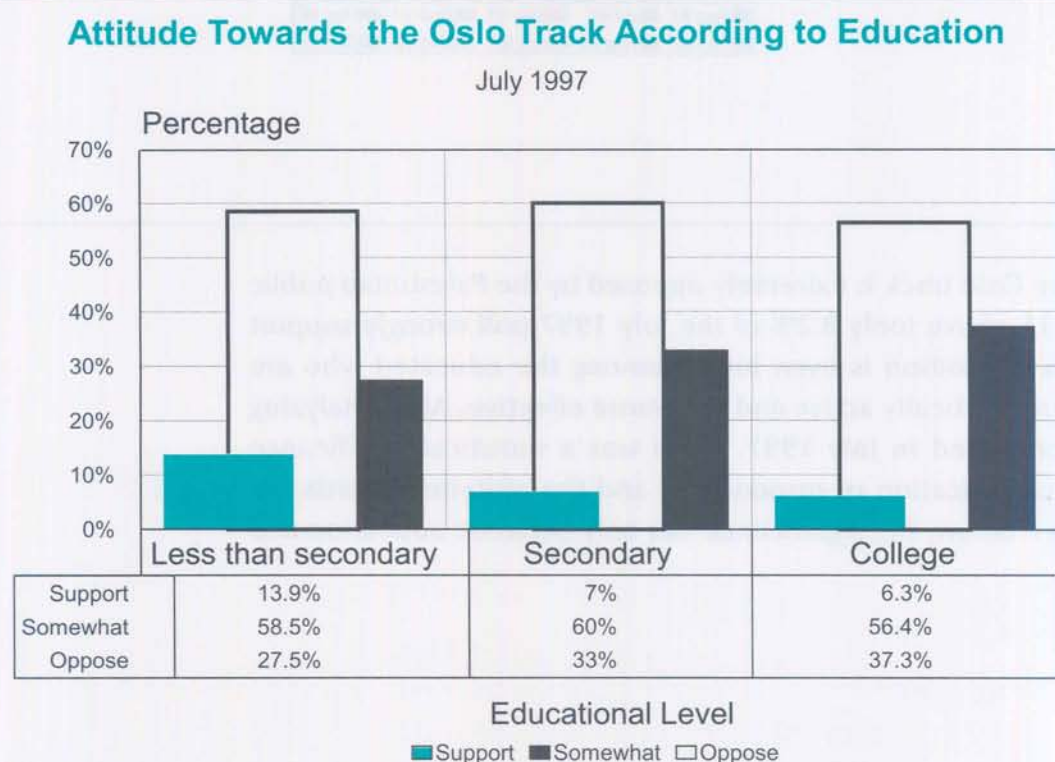
Thus, even when the Oslo track is extremely opposed by the Palestinian public as shown in figure 11 above (only 8.2% of the July 1997 poll strongly support the Oslo track) this opposition is even higher among the educated who are presumed to be more politically active and thus more effective. After analyzing JMCC poll #21, conducted in July 1997, there was a statistical significance between the level of education of respondents and the attitude towards the Oslo track. As shown below, the significance lies only between education and the Oslo track.

Table1: Chi² values of major variables crossed with attitude towards the Oslo track.

Indicator	significance	Chi2 value	df
Education	.0004	28.2	8
Income	.15	11.85	8
City or village	.011	13.03	4
West Bank or Gaza Strip	.19	6.07	4
Refugee or non-refugee	.05	1.38	2
n=1197			

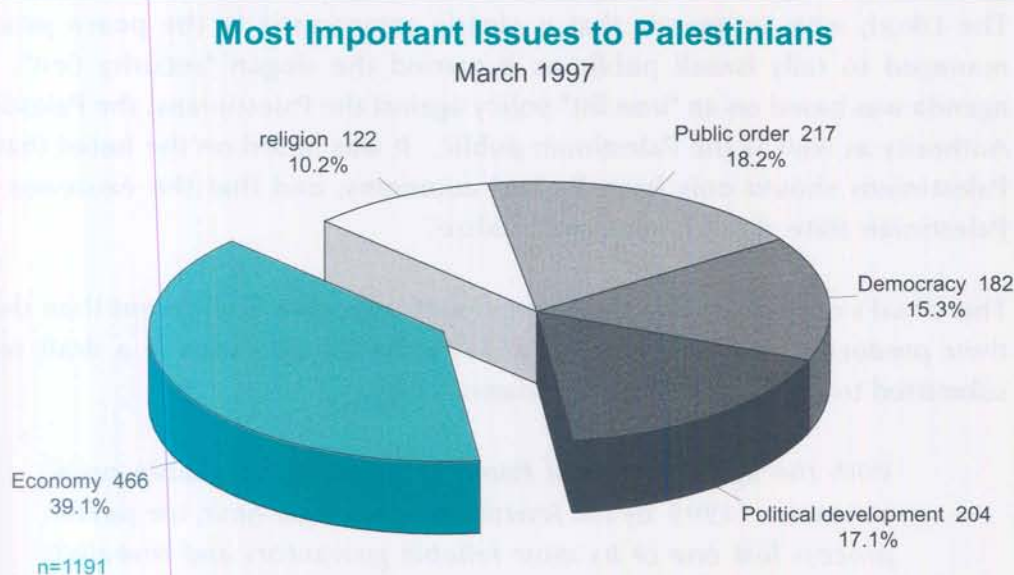
As indicated above, the only statistical significance between the above variables and the attitude towards the Oslo track is that of education ($p=.0004$). Other variables show no statistical significance. As figure 12 shows, the higher the education of an individual the higher their opposition to the Oslo agreement.

Figure 12



While the Palestinian public support the peace process for its positive developments and the lack of any other alternative, they oppose the Oslo formula for the hardships that resulted from it and from the inherent weaknesses of its protocols. These were manifested by the actual Israeli measures such as closure and increasing settlement activities, and by the ensuing pressures on the PA and its failure to build Palestinian institutions. However, the most important problem Palestinians currently face is the extent to which they are economically suffering as a result of Oslo. As shown in figure 13, Palestinians believe that the economic situation is their main concern, followed by the political situation, then democratization and human rights, public order, and family religion²⁶. Thus according to a poll conducted by the JMCC in November 1997, 68.3% of the Palestinians interviewed said that the peace process between the Israelis and the Palestinians has had either negative or very negative effects on the Palestinian economy.

Figure 13



In addition, most Palestinians feel that the economic situation under the Palestinian Authority is regarded as very bad. As figure 14 shows, this feeling covers cities, villages, rich and poor, educated and un-educated, men and women, etc.

Many analysts attribute this to three main reasons. First Israeli measures, particularly with regard to closures. Second, the Interim Agreement, particularly, The Paris Protocol, which defines the economic relations of the PA and Israel. Third, the mismanagement of the PA's economic and financial performance.

26 Unpublished JMCC poll, March 1997.

Figure 14

Public Perception of the Economic Situation Under the Palestinian Authority



Public Perception of the Economic Situation Under the Palestinian Authority



2. Israeli Practices

The Likud, with an agenda that is clearly antagonistic to the peace process, managed to rally Israeli public as it carried the slogan "security first". This agenda was based on an "iron fist" policy against the Palestinians: the Palestinian Authority as well as the Palestinian public. It was based on the belief that the Palestinians should only have limited autonomy, and that the existence of a Palestinian state should never materialize.

The Likud's outlook on the Oslo agreements was clearly different than that of their predecessors, the Labor Party. As Pedro Moray states in a draft report submitted to the Nato Parliamentarians:

*With the assassination of Prime Minister Yitzhak Rabin on 4 November 1995 by the Jewish extremist Yigal Amir, the peace process lost one of its most reliable guarantors and revealed the existence in Israel of a fanatical and determined fringe opposed to any form of arrangement with the Palestinians*²⁷.

The long term closures, increasing settlement activity, land confiscation, the isolation of Jerusalem, and the refusal to comply with the further redeployment phases agreed upon in Oslo II, have had numerous effects on the Palestinian public and the Palestinian Authority. The closure increased the economic hardship of the Palestinians and settlement activity, particularly in Jerusalem, and left the Palestinians with a feeling of distrust against Israeli intentions.

27 Moya, Pedro. "Four years after Oslo: Is there still a middle east peace process?". Draft report of the NATO Parliamentarians' Mediterranean special group. August 1997.P.7.

In a press conference held by UN Special Coordinator (UNSCO) Chinmaya Gharekhan in October 8, 1997, he estimated that the total losses of the Palestinian economy as a result of Israeli closures of the Palestinian areas amounted to approximately US\$ 230 million, which is more than twice the amount disbursed by donor countries to the West Bank and the Gaza Strip in 1997. The closure, according to the report of the Special Coordinator, has had negative impact on the economy as it offset the moderate development in other economic indicators in the first six months of 1997. In 1996, however, the situation was even worse, as the unemployment rate reached a 24% high, "the highest annual rate in recent history". In addition the report states "direct income losses to workers and export business owners were an estimated US\$ 113.5 million"²⁸. As Adel Zagha, et al. argue:

*The...systematic policy of closures has become a fact of life for Palestinians. Since the inception of the peace process, the Palestinian economy has suffered increasing losses due to closure: in 1993, six percent of potential working and trading days were lost due to closure. This increased to 22 percent in 1994, 26 percent in 1995, 29 percent in 1996, and has reached almost 22 percent in just the first eight months of 1997. The standard of living for the population as a whole has fallen by 40 percent since the beginning of the Oslo process. Unemployment levels in refugee camps are estimated at around 70 percent. Meanwhile, the labor force increases by eight percent every year and with such a youthful population (over 60 percent under the age of 21), the numbers of young unemployed people with few future prospects is growing rapidly.*²⁹

The Paris Protocol was also detrimental for the development of the Palestinian economy. As Maher Al-Masri, the PA's Minister of Economy and Trade argues that the Palestinian economy is, to the most part, restricted by the Paris Protocol (same as the economic annex in the Interim Agreement, with slight modifications) which was signed in 1994. He argues that "this protocol has impeded the Palestinians' ability to trade with the rest of the world...[It] states... that the Palestinians are not allowed to import goods from any country that does not have diplomatic ties with Israel"³⁰. As for trade, a report by the United

28 Figures of UNSCO's report appeared in *Palestine Report*. Vol. 3, # 19. October 17 1997.P.4.

29 Zagha, Adel, et al., *Mortgaging self-reliance: Foreign aid and development in Palestine* (Phase II Report), JMCC, November 1997.P. 8.

30 Masri, Maher. Proceedings of a seminar held in Bethlehem between 18-19 May 1997 entitled "The Oslo Accord: Results and developments". *Arab Thought Forum and the Applied Research Institute*. Jerusalem, November 1997. P. 19.

Nations Conference on Trade and Development (UNCTAD) states that "[w]hereas trade with Israel in 1981 amounted for 85% of total Palestinian imports and exports, that proportion now stands at around 90%. While in 1981 a total of \$111, or 28 per cent of exports were destined for Jordanian and other Arab and international markets, by 1996 these markets absorbed \$31, or only 12 per cent, of Palestinian exports. Thus, from a position of small trade surplus (\$33 million) with markets other than Israel in 1981, the Palestinian economy today has a \$144 million trade deficit with the rest of the world, and a \$1,315 million deficit with Israel.³¹

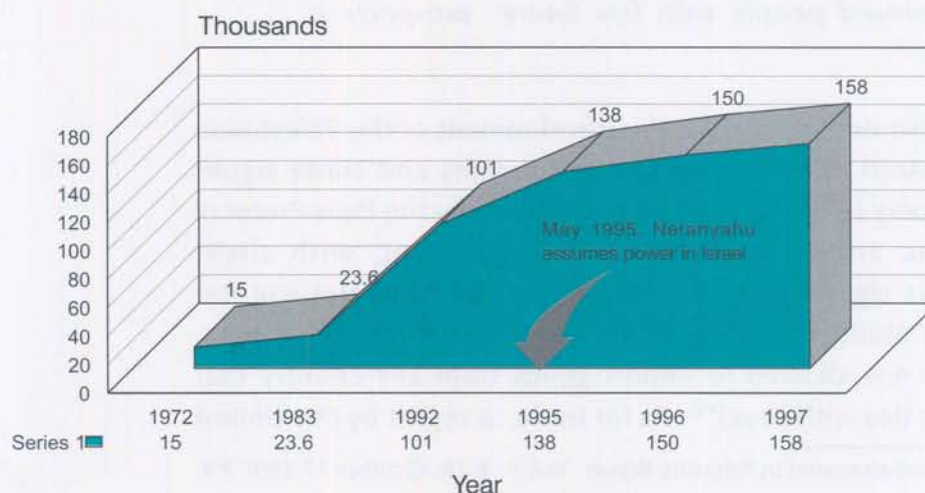
According to a report published by the Palestine Economic Policy Research Institute³² (MAS) in July 1997, 36.3% of Gaza Strip Palestinians live below the poverty line -estimated at US\$ 650 per year-, compared to 10.5% in the West Bank. Ironically, the report states that the deterioration in the actual standards of living has been more acute in the West Bank than in the Gaza Strip. Whereas the Gaza Strip GDP dropped by 8.4% between 1993 and 1995, the loss in the Gaza Strip amounted to 19.7%.

In addition to the economic restrictions imposed on the Palestinians, Netanyahu's settlement policy, particularly in Jerusalem, has clearly been indicative of the manner by which the Likud government has interpreted the Peace process. As figure 15 shows, since the Likud took over the government in Israel, the number of Israeli settlers increased dramatically, as did the number

Figure 15

Israeli Settlement Population Growth

1972 - 1997



PASSIA, 1997, p. 215

31 Report on UNCTAD's assistance to the Palestinian people, 24 July 1997. P. 8.

32 Economic Monitoring Unit, *Palestine Economic Policy Research Institute (MAS)*, Ramallah, July 1997.

of land confiscation in Jerusalem and elsewhere. No where was the Palestinian frustration so evident as in September 1996 when the Likud-run Jerusalem municipality started building a tunnel in the old city of Jerusalem. This incident led to severe clashes between the Israeli military and the Palestinian public and police forces, and a large number of casualties were suffered on both sides.

Immediately after the incidents, a poll was conducted on whether the Palestinians approved the interference of the Palestinian police in the clashes. Of the 1199 surveyed, 77.2% said that the confrontations were beneficial to the Palestinian cause, and 90.2% said that the intervention of the Palestinian security forces was correct³³. In the same poll, the performance of Arafat as perceived by the Palestinian public increased from 56.5% in August 1996 to 68.4% in October 1996. Similarly, support for the Oslo track went up as well from 66.9% in August to 73.5% in October.

While the clashes signified severe disagreements between the Israelis and the Palestinians, the increase in support for Oslo clearly indicates the level of support Palestinians have for the peace process, even with the increasing Israeli violations of the terms of the agreement. Moreover, the support the PA and President Arafat harvested during this period points to the fact that the Palestinian people will rally around their leadership once the leadership confronts those violations and extreme measures.

3. The Palestinian Authority

The impact of the Israeli measures on the Palestinian economy was equally severe on the Palestinian Authority as it is used as a means to pressure Arafat, and also to further Israel's interests, both politically and economically. As Peretz Kidron argues:

Whenever the PA proves disobedient, Israel needs no more than a crack of the whip -restricting the number of labor permits- to bring the Authority to heel. Just as Israel is a market for cheap Palestinian labor, the Palestinian areas are a captive market for cheap products of Israeli industry. This two-way traffic would meet basic Palestinian needs, in return for handsome profits for Israeli employers and industries³⁴.

33 JMCC Public Opinion Poll # 17, November 1996.

34 Kirdon, Peretz. "Closure: the shape of things to come", *Middle East Report*. # 561. 24 October 1997. PP. 16-17.

Israeli pressures on the PA were not saved by the performance of the PA itself. Bad performance by the PA has made things worse and further increased people's distrust in Oslo. As Dr. Haydar Abd Al-Shafi said in an interview with the Journal of Palestine Studies:

.....despite my disappointment with the Oslo agreement, I personally was hoping that the performance of the PA would compensate for many of Oslo's weaknesses and negative aspects. At least I hoped it would be better than how it has turned out so far. The situation is very bad, and the Palestinians are caught between the negative aspects of Oslo and the performance of the PA".³⁵

Reports of corruption, government-run monopolies, lack of planning, and over-employment in the public sector have further contributed to a worsening economy and a discouragement of investment. In a country that has more director generals than the government of the People's Republic of China³⁶, the PA has had severe problems in the way it has been running the economy. The PLC and many Palestinians NGOs have been very critical of the PA's mismanagement of public funds, donor money, monopolies, etc. As Rex Brynan argues:

The administrative confusion generated by weak Palestinian institutionalization inhibited the PA's ability to formulate and implement economic policy and severely slowed the delivery of assistance. In almost all cases, aid agencies had to demonstrate, and hence required from the PA, a fairly demanding level of transparency in the disbursement of assistance. Indeed, the PA found itself subject to audit, with a portion of its expenditures reviewed by the accounting firm of Touche-Ross Saba and its revenue-collection process overseen by the International Monetary Fund (IMF). In the absence of solid project proposals and sufficient procedural guarantees, funds were simply not released: Many harried aid officials were reluctant to undertake what they saw as Palestinian responsibilities. Moreover, faced with unclear lines of economic authority, donors frequently pursued the path of least resistance, arranging whatever projects seemed most

35 Haydar Abd Al-Shafi. "Moving beyond Oslo", *Journal of Palestine Studies*. Vol. XXV, # 1, Autumn 1995. P. 76-85.

36 Nolen, Stephanie. "Arafat to decree broad reform in PA". *Palestine Report*. October 24 1997. Vol. 3, #20, 1997. P. 1.

amenable- further complicating economic planning³⁷.

The grave economic situation coupled with the deterioration in the political situation led the PLC to investigate the economic activities of the Executive Authority. As stated in a report submitted by the Economic Committee of the Legislative Council concerning the economy, the Palestinian Authority is also to be blamed for part of the hardship the Palestinian are currently facing:

The Paris Economic Agreement between the PA and Israel gave the parties right to lower the price of gasoline to 15 percent of its price in Israel, in acknowledgment of the wide gap between per capita income in Israel and per capita income in Palestine. However, the current situation is the opposite: the price of gasoline in Palestine is higher than in Israel; this is true for other types of fuel as well which are important inputs for [certain] agricultural and industrial products. This has led to a weakening in local producers' ability to compete with neighboring countries.

The report added:

Due to failure to develop and ratify laws governing the financial and economic role of ministries and concerned parties, certain people with influence were provided the opportunity to monopolize {certain sectors} and obtain special privileges. Also, the economic strategy as presented by the PA in its ministerial leaflet has not been translated into reality, but has remained a creation for the media. Despite the formulation of a governmental framework which includes an economic policy plan, PA economy strategy remained marginal and passive. Also, the absence of any overall supervision of the economy gave certain ministers the opportunity to call their own personal shots, according to his own understanding, and only sometimes according to the requirements of the situation. The result is that each minister neglected the plan he was supposed to be working with from 1996 to the present³⁸.

37 Brynen, Rex. "Buying peace? A critical assessment of international aid to the West Bank and Gaza", *Journal of Palestine Studies*. Spring 1996. PP. 79-92, p. 84.

38 Report of the economic committee of the legislative council concerning the overall economic situation, June 20 1997, appeared in *Palestine Report*, Vol. 3, # 21 October 31 1997. PP. 4-5.

Israeli pressures on the Palestinian Authority and the lack of a well-defined legal structure for the Palestinian Authority increased frustrations, and consequently distrust of the Oslo formula. The pressure exerted by the PA to contain Hamas and the other opposition factions produced a situation whereby the Palestinian Authority was seen by the Palestinian public, in general, and the Palestinian NGO community, in particular, as an authority that, on the one hand, suppresses human rights, and on the other, is being a puppet to Netanyahu. As Dr. George Giacaman, the director of the Palestinian human rights organization Muwaten, states: one of the factors acting as obstacles to democracy in Palestine is "[t]he constraint that the Oslo Process and Israel place on internal political life"³⁹. This view was further elaborated by Dr. Cheryl Rubenberg of the University of Florida who argues that "Israel sees PA President Yasser Arafat as an "acceptable 'surrogate' ... a truly democratic Palestinian movement would be less likely to accept Israel's agenda. Thus, Israel would perceive it as a threat and any measures Israel took to suppress the emerging democracy would not be opposed by the US"⁴⁰.

Conclusion

Certainly, the peace process is the only viable solution to the Arab Israeli conflict. Support for it is strong among both the Israeli and Palestinian publics. What is not certain, however, is whether the Oslo formula is the only game in town. The turbulence that befell the peace process leads to a simple question What should be done to end the current impasse in the negotiations? While it is clear that the Netanyahu government has shown great intransigence in the process, it is nonetheless, widely accepted, that the actions of the Likud government were greatly assisted by the ambiguity that surrounds the Interim Agreement. No where was this as evident as in the security conditions stipulated in the agreement. These conditions have contributed significantly to the Palestinians lack of trust, not only in the process, but also in the Palestinian Authority, and its efforts towards state building. In the next two chapters, the role of the Oslo formula will be examined with regard to its impact on Palestinian institutional building, state formation, and whether it hinders any chances of democratic development within the Palestinian Authority.

39 Giacaman: *Palestine Report*. Vol. 3, #23. November 14.

40 Quoted in *Palestine Report*. Vol. 3 #23. November 14.

Chapter Three

The Palestinian Legislative Council and the Palestinian Authority

The Palestinian experience with legislatures is not a new one but is rooted in the history of the Palestinian resistance movement. Ever since the PLO was established in 1964, a legislative body, the Palestinian National Council (PNC), and an executive committee which acted as the cabinet for the PLO were also firmly incorporated. Both were appointed bodies and were structured according to the various affiliations and movements that constitute the PLO*. The PNC, has around 669 members representing Palestinians all around the world. They are delegates from women's organizations, student unions, Palestinian communities world-wide, as well as all Palestinian trade unions and political and military factions. Since the election of the PLC, all its members also became members of the PNC. It is the PNC that elects the Chairman of the PLO who appoints any new members. Until now, the PNC is regarded as the terms of reference for the Palestinian people, particularly after the Rabat Conference of 1972 which declared the PLO as the "sole legitimate representative of the Palestinian people".

The election of the Palestinian Legislative Council (the Oslo agreements refer to it as the "Council") in January 1996 marked a transformation of the Palestinian political system. As Ali Jarbawi argues, this transformation shifted the "center of Palestinian political life from the "outside" to the "inside"-that is, from abroad to Palestine itself." The Palestinian institutions generated by the peace process, notably the Palestinian Authority (PA) and the Palestinian Council, are both "inside". These institutions, Jarbawi argues, "...will gradually occupy a preeminent place in the Palestinian political arena, while the Palestine Liberation Organization (PLO) and the Palestine National Council (PNC), primarily Diaspora organizations, will lose their effectiveness in the practical, though not necessarily, in the theoretical sense"⁴¹.

* For a detailed description of the various factions and movements comprising the PLO, see the "PASSIA Diary" of 1998, published by the Palestinian Academic Society for the Study of International Affairs, Jerusalem.

41 Jarbawi, Ali. "Palestinian politics at a crossroads", *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. PP. 29-39.

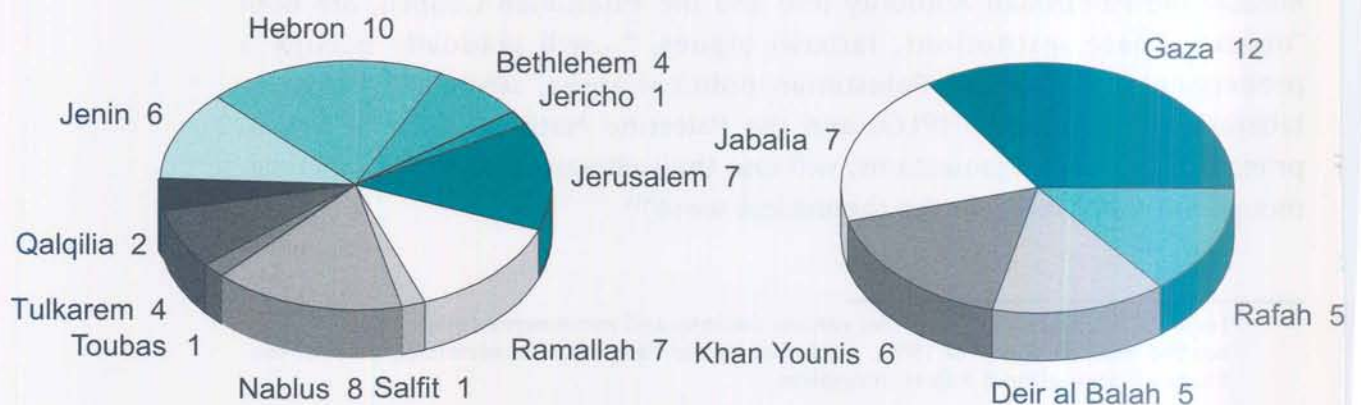
To what extent has this been the case? Did this shift, as Jarbawi argues, lead to the legitimization by the international community of the "inside" at the expense of the "outside", thus strengthening the institutions that resulted from the Oslo accords? Can one say that the PLC is taking away the role of the PNC? Is it correct to distinguish between the "inside" and the "outside" at a time when approximately 30 members of the 88-member PLC are from the "outside"? Or is it, perhaps, that the transformation of the Palestinian political system was rather a consequence of the rapid political developments that shifted the power structure not from the "outside" to the "inside", but rather from the "outside" to only one institution of the "inside", namely the "Executive Authority", and not to the PLC, the other "inside" institution?

To answer the above questions, it is important to define the Palestinian Authority. What are its jurisdictions? And to what extent, if any, does it effect the role which the PNC, or the PLC, are expected to play? But before that, a brief description of the composition of the Council and its jurisdiction, as outlined by the Oslo agreements, will prove to be useful.

The seats of the PLC were allocated prior to the elections to 16 constituencies: 11 in the West Bank, including Jerusalem, and 5 in the Gaza Strip. Of the 88 seats, 44 were designated for the West Bank. 7 for Jerusalem, and 37 for the Gaza Strip, as indicated in Figure 16 below.

Figure 16

Distribution of Seats in the West Bank and the Gaza Strip



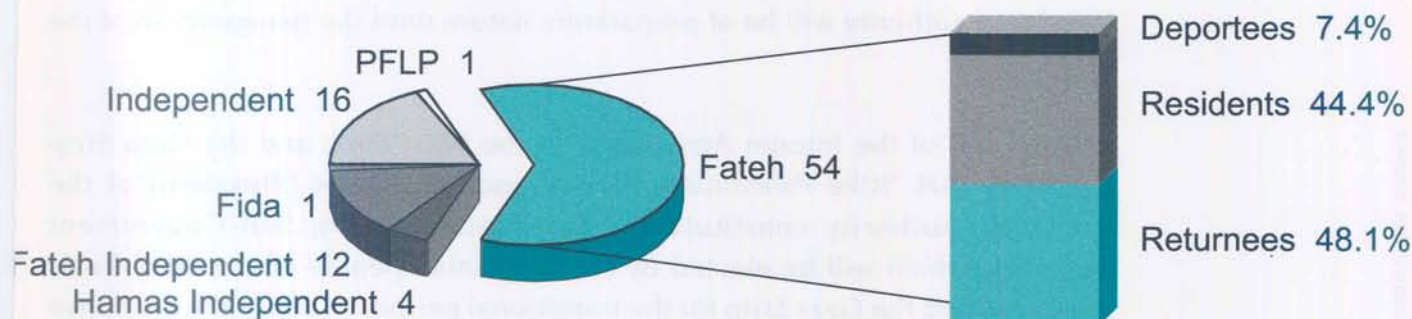
Five seats were also designated for Christians and one seat was designated for the Samaritans in the Nablus constituency. Seats for every constituency were assigned on the basis of population, even though the Gaza constituencies had a higher share.

The elections brought about a diverse Council, albeit dominated by Fateh. It is a diverse body with regard to profession, educational background, and residence. Five women were elected, and a significant number of those elected were from refugee camps and a notable number of Palestinians from outside as well.

Most of the PLC members are affiliated with Fateh, the strongest Palestinian faction which is also headed by Yaser Arafat, and the majority of whom are Palestinians who returned back after the peace process began, as shown in figure 17. It is important to note here that the affiliation, as described below in figure 17, stands for the actual affiliation of the members and not as they were designated in the official records of the Central Election Commission, the agency which was entrusted with the administration of the elections. Many Fateh activists were prevented from running in the election and ran independently instead. Few of them succeeded and they currently constitute one of the major blocs which is very vocal in opposition to the Executive Authority.

Figure 17

Composition of the Palestinian Legislative Council



Source: JMCC, *The Palestinian Legislative Council*, 1996

From the elected members, 27 members are officials from within the PLO and 15 are officials in the Palestinian Authority. Only 22 members are not related to the PLO⁴². Those who are affiliated with the PLO range from members of Fateh's Central Committee to special advisors to Chairman Arafat, while those affiliated with the PA are mainly cabinet ministers. All are members of the PNC. Many of the members have had a long history in the resistance movement. Some were imprisoned for many years by the Israelis, and many others were involved in the military struggle against occupation, whether from the inside or outside.

This combination and the inter-linkages between the PLO, the PA, the PLC, and the Executive Committee makes it difficult, therefore, to treat the PLC in isolation, and consequently, deepens the ambiguity about the PA and its jurisdiction. As Ahmad Khalidi notes "...the relationship between the PLO, the PNC, and the elected Council [is] a relationship that is still clouded with uncertainty and constitutional complexity"⁴³. The lack of separation of powers also furthers this complexity.

According to Article I of the DOP, "[t]he aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the "Council") for the Palestinian People in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338." Furthermore, Article VI(1) stipulates that "[u]pon the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and the Jericho area, a transfer of authority from the Israeli military governments and its Civil Administration to the authorized Palestinians for this task...will commence. This transfer of authority will be of preparatory nature until the inauguration of the Council".

Article III(1) of the Interim Agreement on the West Bank and the Gaza Strip stipulates that "[t]he Palestinian Council and the Ra'ees [President] of the Executive Authority constitute the Palestinian Interim Self-Government Authority, which will be elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip for the transitional period...". As for the executive authority, Article V (1) of the Interim Agreement stipulates that "[t]he Council will have a committee that will exercise the executive authority...". This

42 JMCC & Friedrich Ebert Stiftung. *The Palestinian Council*. 1996, Annex VI, figure 4.

43 Khalidi, Ahmad. *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. PP. 20-28, p.29.

executive authority, as stipulated in Article V (2), "...shall be bestowed with the executive authority of the Council and will exercise it on behalf of the Council".

The Council, therefore, was envisaged to be the principle organ during the interim agreement. Although the 'President' of the PA is bestowed with relatively considerable powers, the Council is expected to exercise the main responsibilities. Its jurisdiction, as stated in Article XVII (2)

"...encompasses all matters that fall within its territorial, functional, and personal jurisdiction". Obviously, this jurisdiction is considerably limited by the Interim Agreement, particularly on issues left for the permanent status negotiations: Jerusalem, borders, settlements, refugees, and foreign relations.

While the PLC could be interpreted as the PA in the terminology of the Oslo agreements, the PA in reality is the institution of the President and the Executive Authority. It is Fateh minus the Fateh members who were either prevented from running in the elections, or have no public position in the executive authority, or in ministries, or security apparatuses.

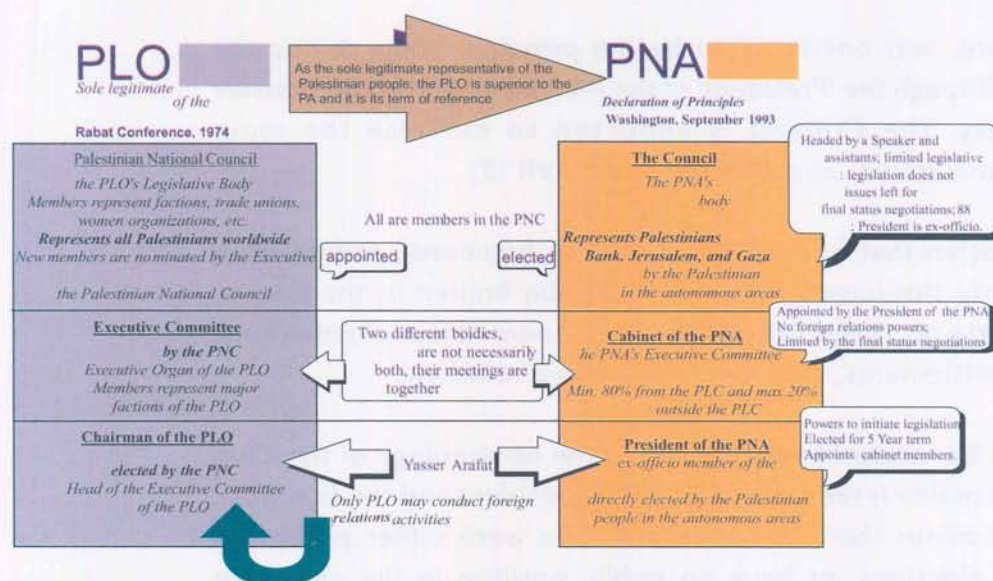
...the rise of the PA and marginalization of the PLO relates to the growth of the civil service, mainly funded by donor countries, has given rise to a new privileged class and new political loyalties. This has led to a split within Fateh between the haves and the have-nots, with political power shifting gradually from Fateh to this new bureaucratic elite, which will progressively replace it as the ruling political party⁴⁴.

Regardless of the ambiguities surrounding the PA or the PLC, and despite the constitutional complexities stemming from the inter-mixing of the PLO and the PA institutions, the PLC is part of the Palestinian Authority but only to the extent that a large number of its members are either members of the Executive Authority or linked to it or to the PLO, or to the leadership of Fateh. Thus while legally and, to a certain extent practically part and parcel of the Palestinian Authority, the PLC should be distinguished in that the majority of its members are not related to the Executive Authority or to any other body in the decision making establishment.

44 Jarbawi, Ali. "Palestinian politics at a crossroads", *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. PP. 29-39, p. 35.

Figure 18

Structure of Palestinian Political Institutions



Source: Jamil Rabah

Evidently then, the leadership of the Palestinians, notably Arafat, were fearful of allowing Israel to determine the course of Palestinian politics. Arafat, unwilling to marginalize the PLO or its Executive Committee in favor of a body established, and thus limited by any agreement with Israel, opted for a strategy where by the decision-making mechanism of the Palestinian Authority is a combination of the Executive Committee of the PLO and the cabinet of the PA. As Burhan Dajani⁴⁵ argues:

The concentration of the self-rule authority as the exclusive Palestinian negotiator, which could only come about through Israel's own legislation, would confirm, with Palestinian assent, Israeli law as supreme in all the territories, as has been de facto the case since 1967. Moreover, if the Palestinians agree to the self-rule authority as the negotiator, everything that the PLO, as the sole legitimate representative of the Palestinian people, could ask with regard to a host of issues-including the refugees, now numbering in the millions, displaced by

45 Dajani, Burhan, "An alternative to Oslo", *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. PP. 5-19, p. 14.

Israel- could be disqualified by virtue of the fact that the self-rule authority represents only the Palestinians of the occupied territories".

This seemingly rational approach of Arafat did not prevent criticism to his policies, particularly with relation to the Council. The decision-making body remained to be both the Executive Committee and the Arafat-appointed cabinet, while the PLC was ignored and disregarded. In spite of promises by Arafat to introduce administrative and structural reforms as demanded by the PLC, to-date, nothing has been implemented. The only change that was introduced in the aftermath of the elections was the appointment of a few non-Fateh members to the cabinet in order not to stigmatize the decision making body as a body controlled solely by Fateh.

Critics of Arafat argue that two years after the election, bills like the Encouragement of Investment Law, the Civil Service Law, the NGO Law, etc., were ratified by the Council, awaiting the signature of Arafat but to no avail. Even after the passing of the Fourth Reading of the Basic Law in the Council, the West Bank and the Gaza Strip remains to be under no law, and, consequently, the legal basis of the PA continued to be clouded with vagueness and uncertainties, and the work of the PLC remains contingent on Arafat's own calculation. As Rafat al-Najjar⁴⁶, a council member from Gaza argues: "[a]fter the elections, we thought that the Legislative Council would go towards building a democratic society and making laws for the civil society. But we have passed seventy-five resolutions and we feel that the authority does not cooperate-the President does not care about the Council. The Legislative Council passes resolutions on problems like torture, prisoners, laws-but the PA does not carry out most of these [resolutions]. The problem is the Legislative Council has no power. It is the same as the PLO, where the president decides everything and controls everything".

The current predicament surrounding the PLC's relationship with the Executive Authority may be interpreted in two ways: The first interpretation is that Arafat does not want to succumb to pressures from anyone, including the PLC. The second interpretation is related to the political risks involved in allowing the PLC to be immersed in decision making, thus threatening the very existence of the PLO and, consequently, the rights of all the Palestinians world-wide. This being the case, it is widely accepted that the center of the Palestinian politics is the Executive Authority, and its head, Yaser Arafat.

46 Interview conducted on 27 July 1997. Quoted in *Human Rights Watch*. September 1997. Vol.9, # 10 (E). P36.

As preceded, the DOP stipulated that the Cabinet is in actuality a committee of the Council. The Interim Agreement, changed this understanding and fixed at least 80% of the members of the cabinet from within the PLC and only 20% could be from outside the Council. To many, those 20% of the composition of the Executive Authority were demanded by Arafat during the negotiations which led to the Interim Agreement in order to inject the Executive Authority with members that are either from Fateh, or from other factions of the PLO. This inclusion enabled Arafat, first, to have in the Cabinet people who would otherwise not make it into the PLC (example leaders of some factions supportive of the Oslo track), second, to include other non-Fateh members, thus, giving the Executive Authority a more pluralistic face, and third, to include the PLO's Executive Committee. In this respect, Arafat would be able to provide more legitimacy to all the decision made by the Executive Authority, and also reduce the powers of the Executive Committee, thus relying less on a body established by the Agreement with Israel, and consequently limited by it.

The conflicting nature of the Executive Authority has had its negative aspects. First, it has weakened the PLC by theoretically placing the weight of the PLO in the decision-making mechanism. Second, the marginalization of the PLC, the only democratically elected, but severally limited body, rendered the PLC weak, if not ineffective. Third, the Executive Authority was depicted as authoritarian by various Palestinian academics, NGOs, and Council members themselves, thus undermining its image in various international forums..

The inter-linkages between the Chairman of the PLO, its Executive Committee, the PLC, and its own "Executive Committee" made the decision-making process within the Palestinian Authority confusing to the Palestinian public who criticize the PLC for being ineffective and whose performance is regarded by it with mediocrity. The Council itself is seen by the public as part of the Palestinian Authority, something the majority of the PLC members distance themselves from.

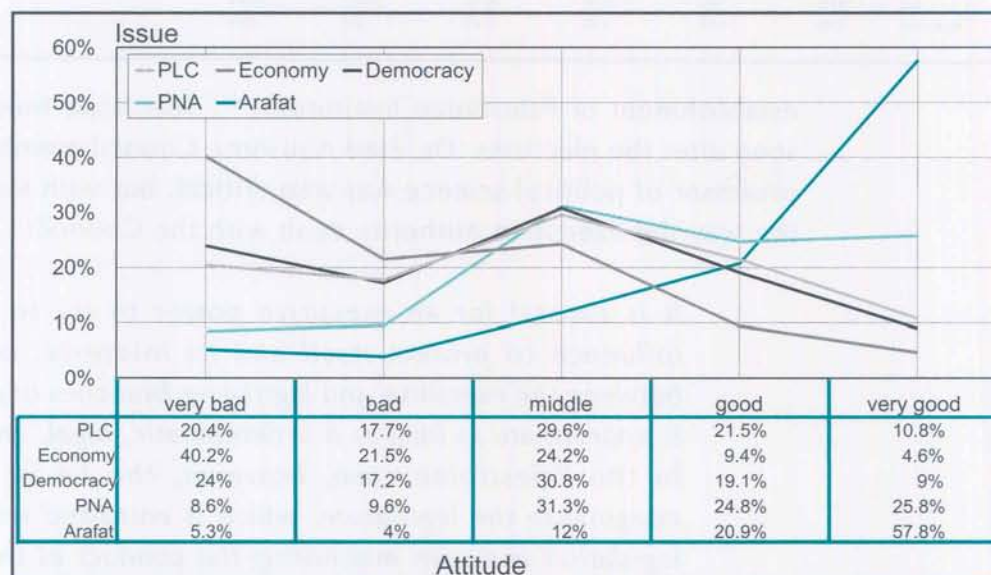
In addition to the above conditions which severely restrict the PLC, ever has since its election in January 1996 been plagued by numerous problems. First the bombings of Hamas and the Islamic Jihad occurred immediately after the elections, as were the harsh Israeli measures against the Palestinians in the West Bank and Gaza strip which followed these bombings. Second, the election of the Likud coalition to power in Israel. Third, the Palestinian measures which came under the pressure from the Israeli government to clamp down on Hamas and Islamic Jihad activists. These three developments clearly undermined the position of the newly elected Palestinian Legislative Council in the eyes of the Palestinian public.

In a poll conducted in December 1997⁴⁷, more Palestinians said that the Palestinian Authority's performance is better than that of the PLC. Whereas 50.6% of the people surveyed said that the performance of the PA is good, only 32.2% rated the PLC's performance as good (in August 1996, a mere 21.6% said that the PLC's performance was good).

The strong showing of the PA was evidenced not only during the period the above study was conducted. As the following figure indicates, the PA has been assessed positively throughout this year.

Figure 19

Palestinian Attitudes Towards Various Issues -December 1997-



Why, then, is the PLC perceived so negatively by the public? Is it because it is ineffective, or is it because of its composition or the limited powers granted to it by the agreements. Or is it because of Arafat himself?

When the Palestinians went into the polling booths to elect their representatives and the president of the PA, the turnout was recorded at 75.86%⁴⁸. This high voter turnout indicated to one fact: the Palestinian people envisaged a brighter future. The belief was that "[t]hese elections will constitute a significant interim preparatory step towards the realization of the legitimate rights of the Palestinian people and their just requirements and will provide a democratic basis for the

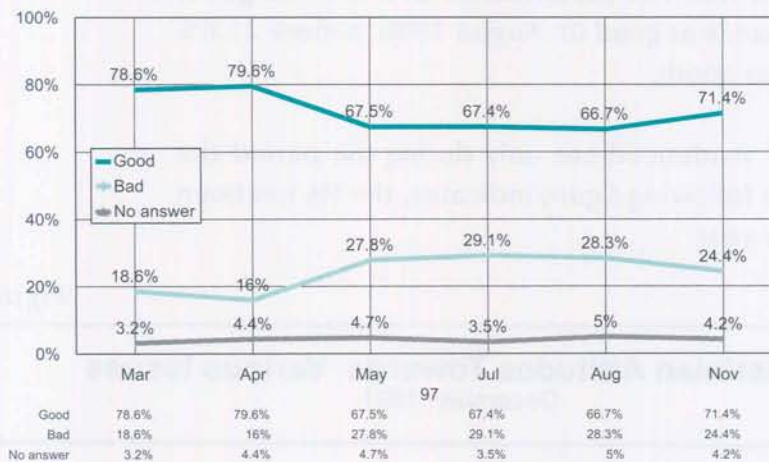
47 JMCC public opinion poll, December 1997.

48 Central Election Commission, Democracy in Palestine, 1996.

Figure 20

Palestinian Attitude Towards the Performance of the PA

March 1997 - November 1997



establishment of Palestinian institutions⁴⁹. This hope however was shattered soon after the elections. Dr. Ziad Abu-Amr, Council member from Gaza and a professor of political science was also critical, but with some justification, of the way the Executive Authority dealt with the Council:

*It is natural for an executive power to try to expand its influence to protect itself and its interests; competition between the executive and legislative branches of government is appropriate as long as it is democratic, legal, and peaceful. In the Palestinian case, however, the EA is seeking to marginalize the legislature, which is entrusted with enacting legislation and with monitoring the conduct of the executive itself. In this attempt, the executive is not observing democratic rules*⁵⁰.

Dissatisfaction with the Council, however, stems not from inherent weakness or bad conduct of Council members, but is rather due to the perceptions of the Palestinian public of the body which they elected in early January 1996. When asked about whether the PLC represents the aspirations of the Palestinian people, 24.0% said yes, 48.3% said yes but to no effect, and only 14.8% said that the PLC represents them in a bad way⁵¹. This ineffectiveness is seen by

49 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip. Washington DC. 28 September 1995. article II (2).

50 Abu Amr, Ziad. "The Palestinian legislative council: a critical assessment". *Journal of Palestinian Studies*. VOL.XXV, #4. Summer 1997. PP.90-97.

51 JMCC poll # 18, December 1996.

Figure 21

Perceived Restrictions of the Executive Authority on the Council

Comparison between the Council Members and the General Public

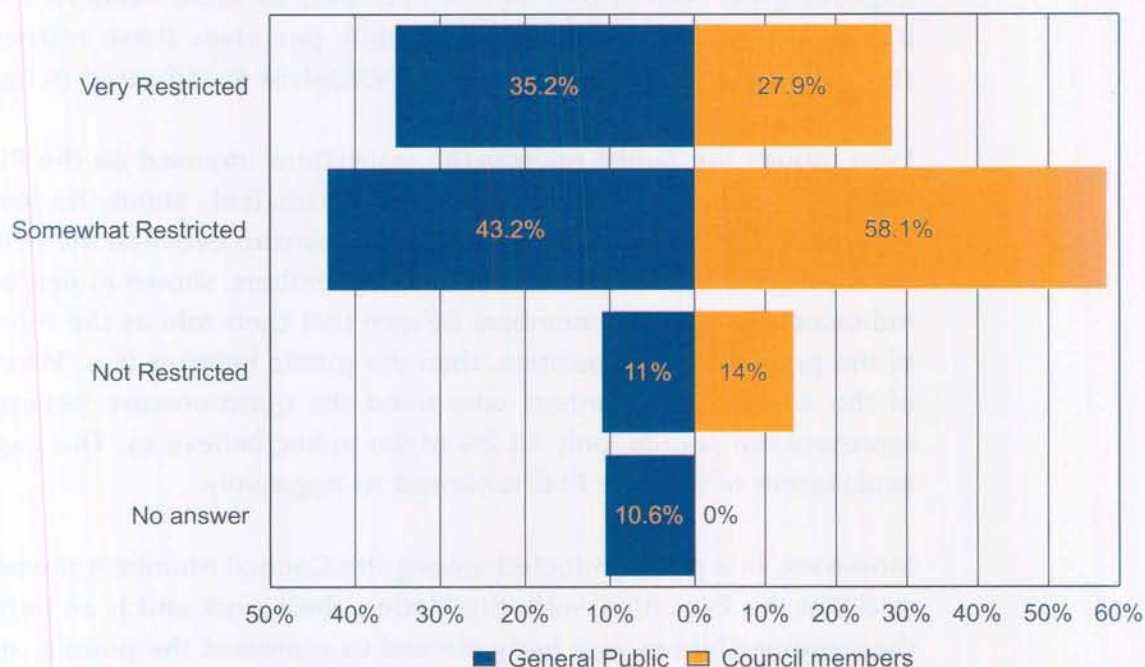
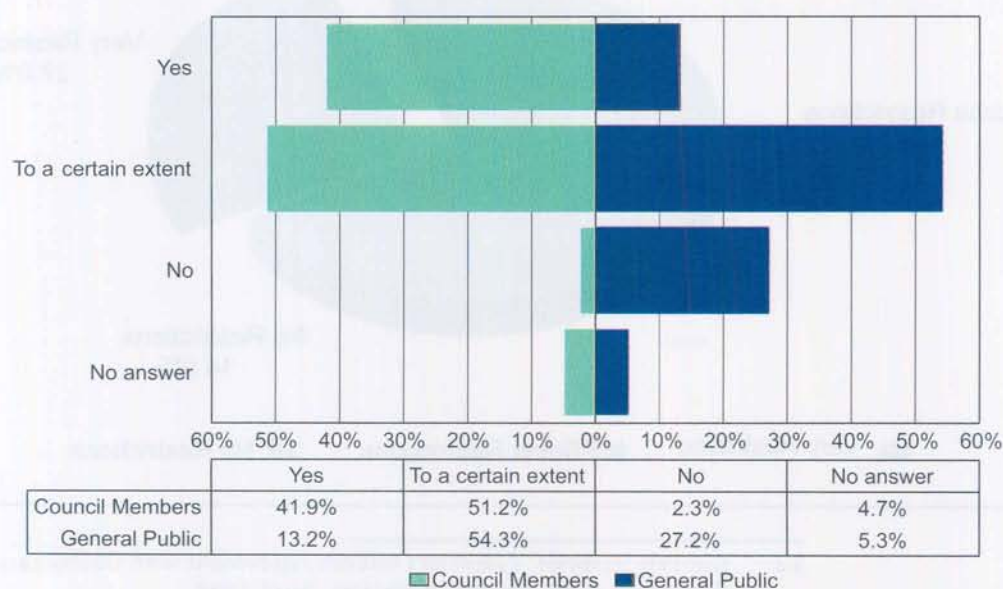


Figure 22

Comparison Between the Feeling of the Council Members and the General Public on Whether the Elected Members Represent the Views/Concerns of the People

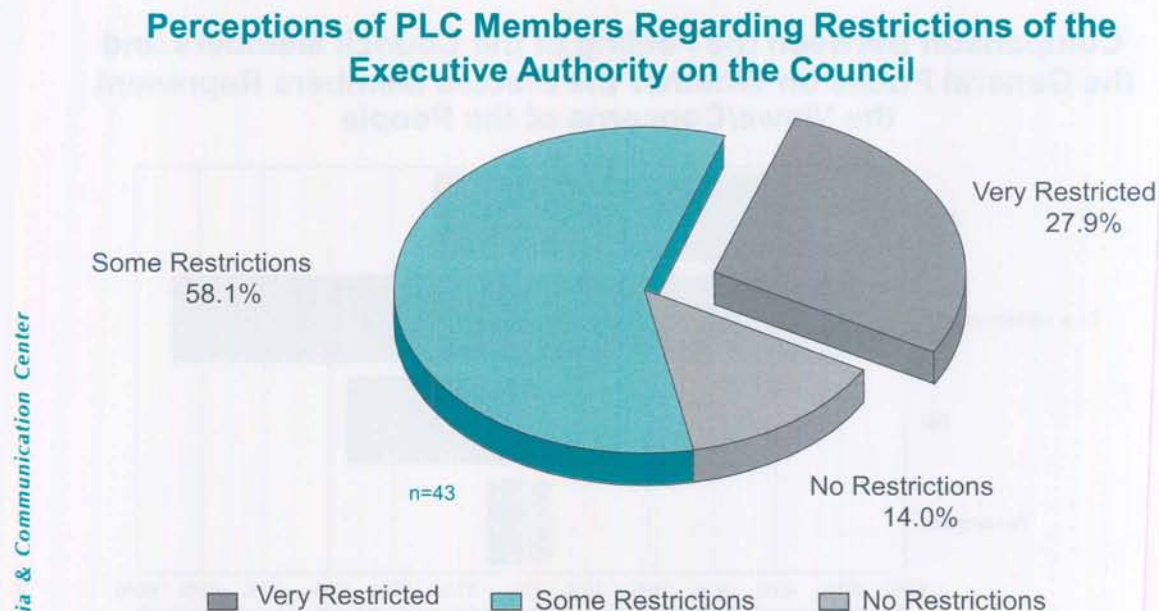


the public as being due to the role the "executive authority" plays in marginalising the PLC. In a poll conducted by the JMCC in August 1997, a large percentage of the Palestinian public said that the executive authority imposes great restrictions on the PLC and, as such, renders it ineffective. Ironically, in addition to this, the public perceives these restrictions more seriously than the Council members themselves as indicated in figure 21.

Even though the public realizes the restrictions imposed on the PLC, they do not feel, as the Council members themselves feel, about the level the PLC represents them well, poorly, etc. The comparison between the perceptions of both the general public and the Council members, shown in figure 22, clearly indicates that the PLC members believe that their role as the representatives of the people is more positive, than the public believes it is. Whereas 41.9% of the 43 Council members who filled the questionnaire believe that they represent the people, only 13.2% of the public believe so. This gap is another explanation of why the PLC is viewed so negatively.

Moreover, in a poll conducted among the Council Members themselves, 27% said that the Executive Authority hinders their work and is an impediment to their responsibilities as a body elected to represent the people, while 58.1% state that there are only some restrictions⁵².

Figure 23



52 Daneels, Isabelle. Palestine's Interim Agreement with Democracy. *Jerusalem Media and Communications Center*, Jerusalem. April 1998.

Why is the relationship between the PLC and the Executive Authority so sour? Ziad Abu Amr⁵³ attributes this to four major points: First, the PLC's specific mandate has not been clear or well-defined; second, the manner in which the PA and president Arafat have dealt with the PLC suggests that the elections and the PC were valued less for their democratic significance than for other considerations of importance to Arafat; third, the new Palestinian order after the establishment of the PA is incapable of effecting a smooth and incremental process of transition from the logic of the "revolution" and exile to the logic of "state" and civil society; and, fourth, the balance of power tilts considerably in favor of the EA, which monopolizes the political, bureaucratic, and financial resources, as well as the legitimate means of coercion. This monopolization is illustrated in Arafat's continued reluctance to ratify the draft laws submitted by the PLC or to give the PLC a meaningful role in Palestinian political life.

The Above view, however, is not shared by many, particularly from Arafat's circles, and even from members of the PLC. This camp believes that the PLC is merely a transitional body that is elected only for that purpose and only by a fraction of the Palestinian public. They believe that the PLO is still the reference and the representative of the Palestinian people and that the Palestinian National Council (PNC) is the true representative of the Palestinian people. Thus, accepting the PLC as the representative of the Palestinian people ultimately leads to the marginalization of the PLO and, consequently, the principle pillars of the Palestinian people namely, the right of return and the right to self determination. As Ghassan Al-Khatib argues "With all respects to the PLC and to its principles and functions, I agree with President Arafat that any solidification of the PLC implies a weakening of the PLO. A strong and effective Legislative Council will always be limited by the Interim Agreement which is the PLC's terms of reference. The PNC, on the other hand, is neither restricted by the Agreement, nor subject to Israeli pressures. This does not mean, however, that the PLC should have nothing to do⁵⁴". The view was also elaborated by Ahmad Khalidi who believes that the Israelis prefer to deal with the PLC instead of any organ of the PLO:

...Israel hopes that...the Council, not the PLO, would be its primary interlocutor; Israel ultimate preference was and remains to conclude final status arrangements not with unelected "self-appointed PLO" amorphously purporting to speak for the Palestinian people both "inside" and "outside",

53 Abu Amr, Ziad. "The Palestinian legislative council: a critical assessment". *Journal of Palestinian Studies*, VOL.XXV,#4. Summer 1997. PP.90-97.

54 Al-Khatib, Ghassan, Director of JMCC, in Jerusalem. Interview on December 6 1997.

but rather with the "democratically elected Council" whose representatives incontestably and legitimately speak for the "inside" alone.⁵⁵

Even if Arafat is correct, and perhaps he is, his strong grip on the institutions of the Palestinian Authority can never be justified because his control over the PLO institutions did not produce contradictory signs regarding the PNC. In spite of his belief that the PNC should remain to be the terms of reference for the Palestinian people and not the PLC, as he recently said in a TV interview to the London-based Saudi MBC station on 18 December 1997, even the PNC has not escaped from Arafat's hegemonial influences. Not only that, some even argue that Arafat has also marginalized even the institutions of the PLO. As Ziad Abu Amr notes:

...a close examination of what has been taking place on the ground since the establishment of the PA indicates a divergence from democratic conduct despite claims to the contrary. Lack of democratic behavior has been apparent throughout the peace process, and continues today. This lack is most clearly manifested by the highly individualistic leadership style of PLO chairman Yasir Arafat, who leaves no significant decision-making role for PLO leadership institutions. With the PA now up and running, PLO institutions such as the Executive Committee and the PNC are slipping into oblivion. The role of these institutions is expected to recede further in the aftermath of the latest session of the PNC in April 1996, which voted overwhelmingly to amend the PLO Charter in keeping with the Oslo accords. The receding role of the Palestinian political opposition groups, moreover, did nothing to dampen Arafat's disregard for democratic conduct. Since his arrival in Gaza, Arafat - who has little liking for power sharing and collective leadership - has secured control over political, bureaucratic, and financial resources as well as the legal means of coercion. Arafat's indifference toward serious democratic institutions-building is bound to retard any attempt at democratization.⁵⁶

55 Khalidi, Ahmad. *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. PP. 20-28, p.22.

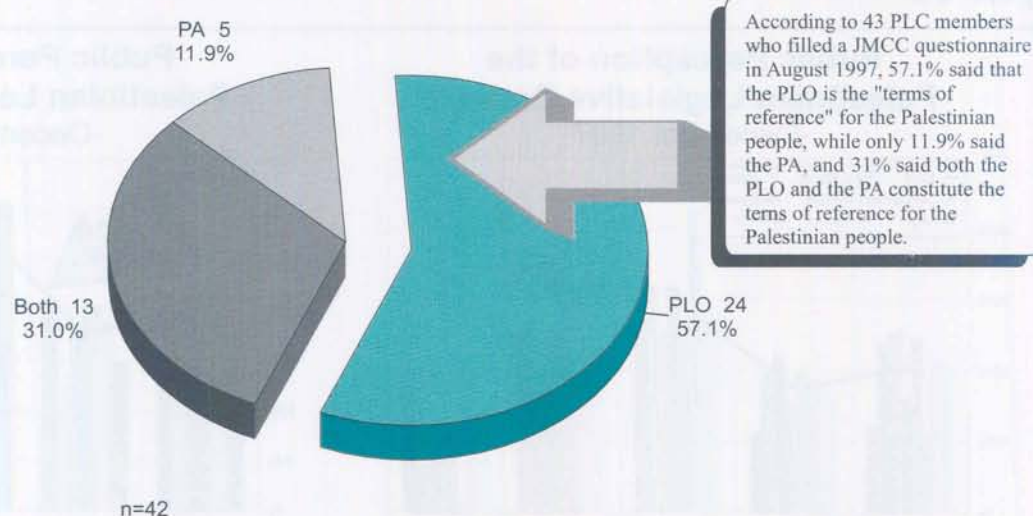
56 Ziad Abu-Amr. "Democratization in the middle east: Pluralism and the Palestinians a democracy in the making", *Shu'un Tanmawiyyeh*. Winter 1996-1997.

The above view is not shared with Ahmad Khalidi. Commenting on the episode when Arafat called the PNC to meet in April 1996 to amend the Palestinian National Charter, Khalidi argues:

While many saw the April PNC meeting as particularly ill-timed ..., the resolution on the charter passed without much debate and with no undue challenge to Arafat's authority. Arafat, demonstrating, once again his incontestable skill in mustering support for fundamentally unpopular and contentious decisions, succeeded in his objective of denying the Israelis any ground for disputing either his political credibility or his ability to deliver on his commitments. Moreover, the PNC meeting, by maintaining the political and legal integrity of the PLO and reinvigorating its executive committee by adding new members from both the "inside" and the "outside", appears to have strengthened the organization's role in the process rather than the contrary⁵⁷.

Clearly, the Palestinian political system is complex and vague. It falls within the constraints of the agreements with Israel, and the fears of marginalizing the Palestinian rights as delineated by the Palestinian National Charter and as portrayed by the PLO and its institutions. Arafat, being the leader of both the PLO and the PA, is also in this gap and, as such, susceptible to criticism from

Figure 24



57 Khalidi, Ahmad. *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. PP. 20-28, p.22.

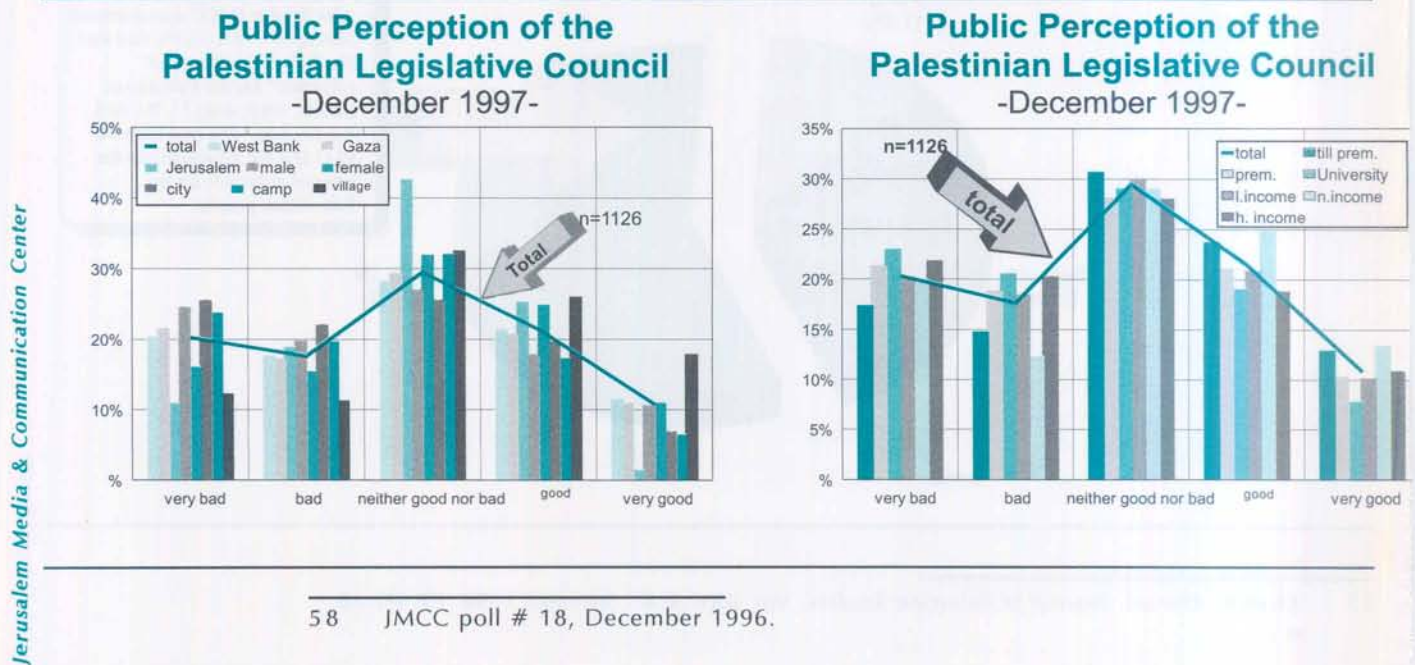
the proponents of both sides. On the one hand he is seen as marginalizing the PLC, on the other he is denounced for compromising the Palestinian national rights. Clearly, as seen above, Arafat tried to 'reconcile the irreconcilable' by playing it both ways. The fact that the PLC is a transitional one and is restricted by the agreements with Israel evidently prevents Arafat from entrusting it with major powers at the expense of the PLO.

The significance of maintaining the PLO as the only representative to the Palestinian people is manifested by the Palestinian public in the West Bank and the Gaza Strip on various occasions. In a poll conducted in December 1996⁵⁸, 37.7% of the respondents said that the PLO should have authority over the PA, while 19.2% said that the PA should have the upper hand, whereas 32% said both are the same, and 11.1% did not answer. This implies that even when it comes to the "inside" Palestinians, the PLO should remain in prominence.

The importance of the PLO in relation to the Palestinian people is equally important to the PLC members themselves. As shown in figure 24 below, most council members believe that the PLO is the reference for the Palestinian people.

Thus, the strong support that Yasser Arafat amasses within the Palestinian public inside the West Bank and the Gaza Strip could very well be explained by the belief people have in his approach to this issue. The relative weakness of the

Figure 25



PLC with regard to the Palestinian public, and their lack of appreciation to their work may be explained by the respect they have to Arafat, despite the criticism they also project, as will be discussed later, and in spite of the opposition reiterated by various scholars, academics, and council members. The attitude of the Palestinians towards the PLC is not influenced by residence, nor by education, nor income, as shown below.

The low esteem people have for the PLC does not, however, undermine their sincerity nor their dedication and strive to establish democratic principles and advance the rule of law. Their efforts in this regard is bearing fruits, and their tedious endeavors have as will be discussed later, can not be ignored. The undeniable fact, however, is that the political situation, to Arafat as well as to many in the PLC as well, requires patience. As Nabeel Amro, PLC member from Hebron said in a radio interview on Palestine Radio in 28 December 1997, "there is a problem of communication between the executive authority and the PLC. This is due to the fact that our experience is fresh. The conflict is a healthy one and should not be viewed as negative. The PA has qualifications which the PLO does not have, and the PLO has qualifications that the PA does not have. Let us not be very judgmental and let us give this experience a chance."

It is up to the future to see who is right and whether the strategy adopted by the Palestinian leadership is wrong. There are strong signs that the peace process is in trouble, and the criticism for Arafat is growing, albeit not from the Palestinian public. Whether these problems are a result of the current Israeli intransigence, or due to inherent Palestinian weaknesses will be discussed in chapter 6 of this study.

Chapter Four

Support for President Arafat

The name of Yasser Arafat has been synonymous with the Palestinian case for many years. He is credited with establishing Fateh, the strongest Palestinian liberation movement, and for putting the Palestinian case on the international agenda. Moreover, he was also noted for his ability, despite the enormous pressures, to rally the Palestinian factions under the umbrella of the PLO, even though this umbrella was composed of various groups ranging from Marxist to religious, from Arab nationalists to Syrian nationalists, from factions controlled by Syria to others controlled by Egypt, or Jordan, or Iraq.

Thus, Arafat was an individual who was besieged by conflicting interests, diverging ideologies, and interference by various regional and international actors, each trying to exercise more control in the PLO. According to Marwan Barghouti, a PLC member and a prominent Fateh leader from the West Bank:

We have a special case of a President. We do not have a traditional President who has been elected for four years and will lead us for four years. We have a leader who started as a leader more than thirty years ago. Mr. Arafat has been the chairman of the PLO for thirty years and a leader of Fateh. He is a historical symbol for the Palestinian people. So, he is more than a usual president. These things give him some privileges and distinguished power, and he was also elected by the people. In my opinion, Mr. Arafat took a very important decision with the general elections in order to strengthen democracy, but it is not a real democracy or full democracy as one would think. He has his own opinion about democracy as well. I think all the presidents in the world and all the governments in the world like to keep and strengthen their powers. It is not easy for anyone who has power to give it away. Also, for certain years, Mr. Arafat used to work with the institutions of the PLO and he was the decision maker.

This is the fact. The arrival of new chambers in the political field who decided to take part and participate in the political decision making is not easy for him.⁵⁹

These characteristics were perhaps the reasons why, as Professor Edward Said sarcastically commented, "the PLO has the distinction of being the first national liberation movement in history to sign an agreement to keep an occupying power in place".

It is not surprising, therefore, that :

By the signing of the Oslo Accord between the PLO and Israeli in 1993, Arafat's political control was so personalized that Palestinian politics had become almost wholly subservient to his sense of timing, temperament, and choice of priorities and methods. The consequences for the Palestinian national movements of his errors of judgment, such as the decision to escalate the Lebanese conflict in 1976 or to back Iraq during the 1990-91 Gulf war were magnified as a result of this symbiosis between leader and cause. Conversely, Arafat's instinctive grasp of the direction of change in the Soviet Union and the international system led him to make the timely concessions in 1988 and 1991 that assured the PLO a continuing place in regional politics and a role in the Arab-Israeli peace process.⁶⁰

Numerous studies and articles were written on Yasser Arafat since his arrival in scene of global politics more than thirty years ago. Some treated him as a terrorist, others as a revolutionary leader. Some regarded him as a good strategist whilst others portrayed him as intuitive, if not disorderly. Others depicted him as a tyrant, whereas many, even from within his critics, considered him as tolerant. Notwithstanding these portrayals, he was and still enjoys strong support among the Palestinian public, despite the setbacks that tarnished his image during the past three decades.

Professor Edward Said, the noted Palestinian intellectual argues that the Palestinian leadership lacks systematic strategic planning:

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- 59 Daneels, Isabelle. *Palestine's Interim Agreement with Democracy*. Jerusalem Media and Communications Center, Jerusalem. April 1998.
- 60 Sayigh, Yezid. "Armed struggle and state formation", *Journal of Palestine Studies*. Vol. XXVI, # 4, Summer 1997. PP. 17-32.

*The way you develop a real strategy is by gathering around you people who are willing not for money but out of dedication to devote themselves to the idea of liberation. But this leadership is not interested in liberation, which requires effort and the discipline of detail, where even a square inch actually liberated is much more important than getting general principles like the DOP signed in Washington. We will need an entire generation to be trained in what is effectively a modern struggle.*⁶¹

What kept his standing so strong among a people that suffered extensively from the mistakes of its leaders and the mistakes of even Arafat himself? What made him succeed in the Palestinian general elections of 1995, harvesting more than 80% of the votes? Is it because he is seen as a symbol by his people, or is it because he himself did not allow for any leader to compete with him, or is it because the Palestinian problem itself, and the actors involved with it, did not allow for other leaders to emerge on the scene? Or is it simply that Arafat is considered by his people as the most suitable leader who, despite his faults, was, and remains to be the best fit for the job? According to Dr. Ahmad Khalidi: "...Arafat's ...popularity is based on the assumption that he, better than anyone else, can deliver in the future, both in terms of final settlement and in terms of an overall improvement in material conditions of daily life".⁶²

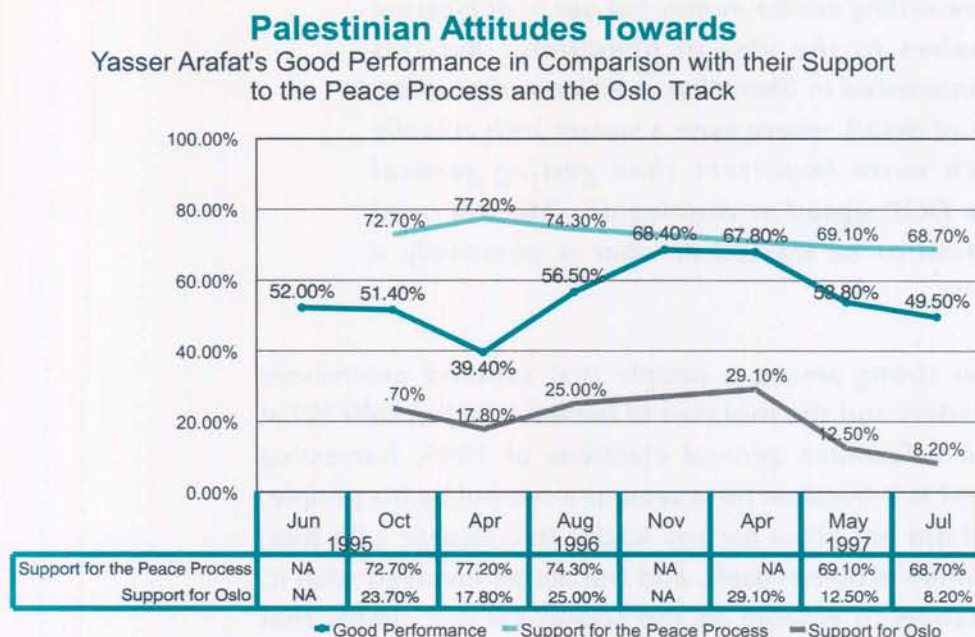
Of all the Palestinians polled since June 1995, an average of 54.9% said Arafat's performance as the head of the Palestinian Authority is good. At times, almost 70% of the people surveyed said that Arafat's performance was good, while at other times, less than 40% of the public evaluated his performance as good. As figure 26 shows, the attitude towards the good performance of Arafat is parallel to the level of support they have for the Oslo Agreement, although, as explained above, the support for the peace process remained steady throughout, despite marginal fluctuations.

Even though Arafat still enjoys strong support, he is, nonetheless, not immune from criticism. As indicated above, Arafat's performance went down dramatically at times when the Palestinians were under pressure (such as in April 1996 following the suicide bombings and the election of the Likud Government). Conversely he was rewarded during at, the "good times" (such as the period following the clashes between the Israeli military forces and the Palestinian

61 Said, Edward. "Symbols versus substance: a year after the declaration of principles", *Journal of Palestine Studies*. Vol. XXIV, #2. Winter 1995. PP. 60-72.

62 Khalidi, Ahmad. *Journal of Palestine Studies*. Vol XXV, # 4. Summer 1996.PP. 20-28.

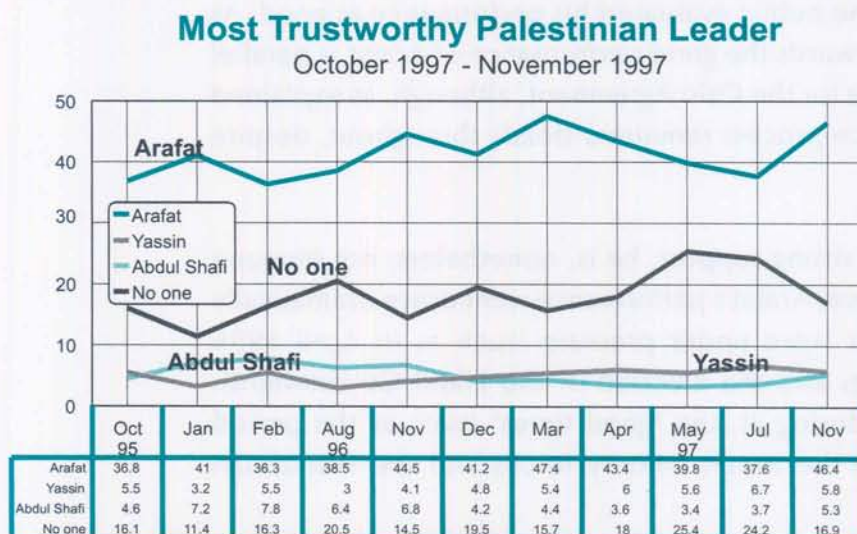
Figure 26



police forces in August and September 1996, during which the Palestinians felt that the Palestinian Authority was not a stooge to the Israelis).

Having said that, it seems that Yasser Arafat still enjoys the most support among Palestinians. As Faisal Hussein once said about Arafat, "he is the problem and he is the solution"⁶³.

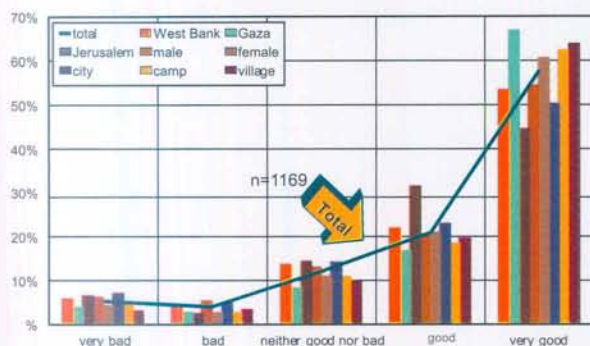
Figure 27



63 Interview on the LBC TV, "Hiwar Al-'Omr", August 1997.

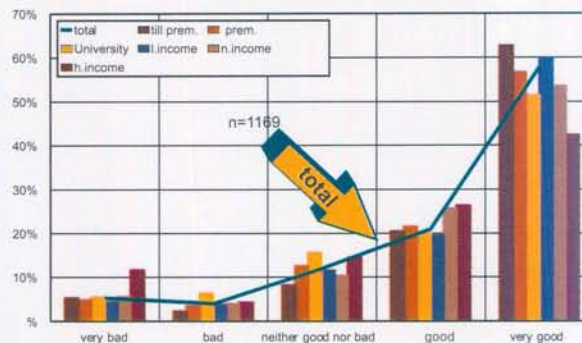
Public Perception of President Arafat

December 1997



Public Perception of President Arafat

December 1997



Conclusion

The low esteem people have for the PLC does not undermine their sincerity nor their dedication and strive to establish democratic principles and advance the rule of law. Their efforts in this regard is bearing fruits, and their tedious endeavors, as, will be discussed later, can not be ignored. The undeniable fact, however, is that the political situation, for Arafat as well as for many in the PLC, requires patience. As Nabil Amro, PLC member from Hebron said in a radio interview on Palestine Radio on 28 December 1997, "there is a problem of communication between the executive authority and the PLC. This is due to the fact that our experience is fresh. The conflict is a healthy one and should not be viewed as negative. The PA has qualifications which the PLO does not have, and the PLO has qualifications that the PA does not have. Let us not be very judgmental and let us give this experience a chance."

It is up to the future to see who is right and whether the strategy adopted by the Palestinian leadership is wrong. There are strong signs that the peace process is in trouble, and the criticism of Arafat is growing, albeit not from the Palestinian public. Whether these problems are a result of the current Israeli intransigence, or due to inherent Palestinian weaknesses will be discussed in chapter 5 of this study.

Chapter Five

Democracy and Palestine

Democratization has recently become one of the major issues addressed in international forums. Many countries have based their foreign policies and relations on the level of democratization in the countries they deal with or provide assistance to. In recent years, a large number of organizations were established in developing countries, and even in the industrialized world to monitor human rights violations and to advance civic education. Interest in the democratization process and the development of a civic society was also evident in the areas controlled by the Palestinian Authority. Obviously this interest is for the same reasons as in other countries with three exceptions. First, these areas are not under the full sovereignty of the Palestinian Authority and, as such, require special considerations and assistance. Second, the success of the peace process is contingent on the development of the economic and political lives of the Palestinians in the West Bank and the Gaza Strip. Third, the experience of the PA during the transitional period could provide an excellent "laboratory" for the understanding of the development of democratization and civic society elsewhere.

Not surprisingly, therefore, the issue of democracy and democratization under the Palestinian Authority have been widely examined by scholars and monitored by human rights organizations. Most have been very critical of the practices of the PA, some less critical and justify why certain undemocratic measures are taken by the PA, while others feel that the Authority is obliged by circumstance to act as it does. Some even believe that the record of the PA in regard to democratization and human rights is admirable when compared to other countries in the region.

Various indicators could be used to examine and measure the level of democratization in a specific country. In the Palestinian case, as yet, no serious study has been conducted to assess the level of democratization under the PA. Most there have been accounts of journalists, human rights organizations, and academics, and none can be valued as being scientific and methodological, although few organizations are currently examining the situation methodologically.

In tackling this issue, therefore, it is believed that the attitude of the Palestinian public, Council members, and academics could provide the best indicators as to how democratic or undemocratic the PA is, and whether its practices are consistent or merely a result of pressures from the Israelis. The question that will be examined here, therefore, will be why does the PA undertake undemocratic measures or practices? How prevalent are they? Can the PA be credited for some democratic practices, unique to its situation and to other countries living under similar social and economic traditions?

1. Status of Palestinian Democracy

Scholars and political observers attribute three main reasons for the lack of progress in the democratization process of the Palestinian Authority. The first attributes the lack of progress to the political culture of the Middle East, the second points the finger at President Arafat who fears that the peace process will be sabotaged, while the third reason is attributed to the Israeli interference and "seize mentality". Most argue that the lack of development in Palestinian civil society is attributable to a combination of all of the above.

The Palestinian Declaration of Independence of November 15, 1988 stipulates that:

The State of Palestine is the state of Palestinians wherever they may be. The state is for them to enjoy in it their collective national and cultural identity, theirs to pursue in it a complete equality of rights. In it will be safeguarded their political and religious convictions and their human dignity by means of a parliamentary democratic system of governance, itself based on freedom of expression and the freedom to form parties. The rights of minorities will duly be respected by the majority, as minorities must abide by decisions of the majority. Governance will be based on principles of social justice, equality and non-discrimination in public rights of men or women, on grounds of race, religion, color or sex under the aegis of a constitution which ensures the rule of law and an independent judiciary. Thus shall these principles allow no departure from Palestine's age-old spiritual and civilizational heritage of tolerance and religious coexistence.

Has the Palestinian leadership lived up to the word of the Declaration of Independence, or have the efforts of the PA towards the development of democratization of the Palestinian society been hindered by the political conditions and by the requirements of the peace process?

Since the PA assumed power over certain areas of the West Bank and the Gaza Strip (Zone A), numerous undemocratic measures have been cited by human rights organizations, scholars, and by the PLC. The PA has been charged with violating human rights, ignoring the Palestinian Legislative Council, and for ruling without a well-defined legal framework. According to critics, the media was restricted, people were imprisoned without due process, a number of detainees were tortured to death, government officials were appointed without consideration to merit or to qualification, public resources were used for personal benefits, and Palestinian NGO's were monitored and restricted. The most serious condemnation of the PA, however, has been the manner by which it treats the PLC. A number of council members and scholars charged the Executive Authority and Arafat with not respecting the legislative role of the PLC, for misusing public funds, and, above all, for not ratifying laws passed by the council, particularly the Basic Law. The failure to ratify the Basic Law, many argue, has left the Palestinian areas with no legal framework, and, instead, left it under the uncontested rule of Yaser Arafat and the Executive Authority.

Certainly, there is a lack of a legal framework in the West Bank and the Gaza Strip. The question one should ask is why is such a legal framework absent? What are the conditions leading to this? Is the current situation due to the effort of the Palestinian leadership to avoid power-sharing, or because the political conditions, inherent in the Oslo agreements, do not allow for pluralism, and institutional building to materialize in this period of time?

The lack of a legal framework, Glenn Robinson argues⁶⁴, was an attempt by the PA to consolidate power rather than to enhance democratic state building. This environment, Robinson argues, is mainly an outcome of the policies of the Palestinians coming from "outside" who strive to reduce the pluralistic and democratic impact of the Intifada. The Oslo Accord has nothing to do with this.

The politics of legal reform in Palestine can be seen as a metaphor for the politics of power consolidation by the PA...In the PA,...political consolidation has been characterized by

64 Robinson, Glenn. "The politics of legal reform in Palestine", *Journal of Palestine Studies*. Vol. XXVII, #1. Autumn 1997. PP.51-60.

confusion, autocracy, and ant-institutional personalism. These attributes are not the haphazard result of the Oslo process. Rather, they reflect the fundamental political task confronting the returning "outside PLO" when it came to power in Palestine in 1994: to marginalize the everyday authority of the "inside PLO" cadres. The PA -a fundamentally "outside" organization- has had to create a "politics of antithesis." Because the politics of the Intifada elite were based on decentralized, pluralistic, and institutional-driven action, the politics of the PA have, through necessity, stressed centralized, authoritarian, and personalized behavior⁶⁵.

The above analysis is shared by most of those who have tackled the issue of democratization of the PA. This view is, nonetheless, disputed by some who do not ignore the impact of Israeli measures. As Dr. Mustafa Barghouti , a prominent figure in the Palestinian NGO community, states:

*The Palestinians have a far greater ability to influence democratization than the other conditions for a lasting peace. But here, too, Israel plays a heavy role. The terrible pressures being brought to bear on the PA to carry out acts that are totally contrary to respect for human rights and the law (including through threats regarding loss of international financial support and delaying implementation of aspects of the agreement) are, to say the least, unbecoming for a country that claims to be a democracy. They reflect Israel's contempt for the Palestinian side, its deeply held belief that Arabs can be controlled only by force. Certainly, one does not expect Israel to encourage Palestinian democracy, but a democratic country should at least refrain from encouraging and indeed insisting on undemocratic acts.*⁶⁶

Others even believe that there is a certain level of democratic culture in Palestine. Democratic tolerance in Palestine was induced by the importance that all Palestinian factions have put on national unity. As Muhammad Hallaj argues with reference to the 18th PNC meeting, held in Algiers in 1988: "[t]he return of the opposition to the parliamentary constitutional structure of the

65 Ibid., p. 59.

66 Mustafa Barghouti. "Posteuphoria in Palestine". *Journal of Palestine Studies*. Vol. XXV, # 4 Summer 1996. PP. 97-113.

PLO was an admission of the failure of extra-constitutional confrontation and the triumph of the democratic dissent within the Palestinian political process"⁶⁷.

The democratic tradition of the PLO was also witnessed when the PA assumed power in parts of the West Bank and the Gaza Strip. While certain violations were committed by the PA, it is incorrect, many argue, to portray the Palestinian leadership as utterly dictatorial and intrinsically disrespectful of human rights. The election of the PLC and its efforts, afterwards, is a good case in point. While it is true that the restrictions imposed by the PA on the PLC are evident, the PLC has been, nonetheless, free to harshly criticize the PA, and the media have been vocal on many occasions in publishing violations of the PA and many of its agencies.

The question to be raised then is: does the PA act democratically at a time when there are no restrictions imposed on it? To answer this question, it is vital to address first the Oslo agreement and the extent of the PA's jurisdiction on the West Bank and the Gaza Strip.

2. The Oslo Map and Palestinian Jurisdiction

According to the Interim Agreement, the PA has very limited jurisdiction over a very limited area of the West Bank and a significant part of the Gaza Strip. As figure 29 shows below, Israel still has the "overriding responsibility for security..." in zones A, B, and C. This includes Zone A, the area in which Israeli military forces withdrew from and were replaced with Palestinian security and police forces. As for Zone B, the PA has only limited jurisdiction which primarily covers civil matters.

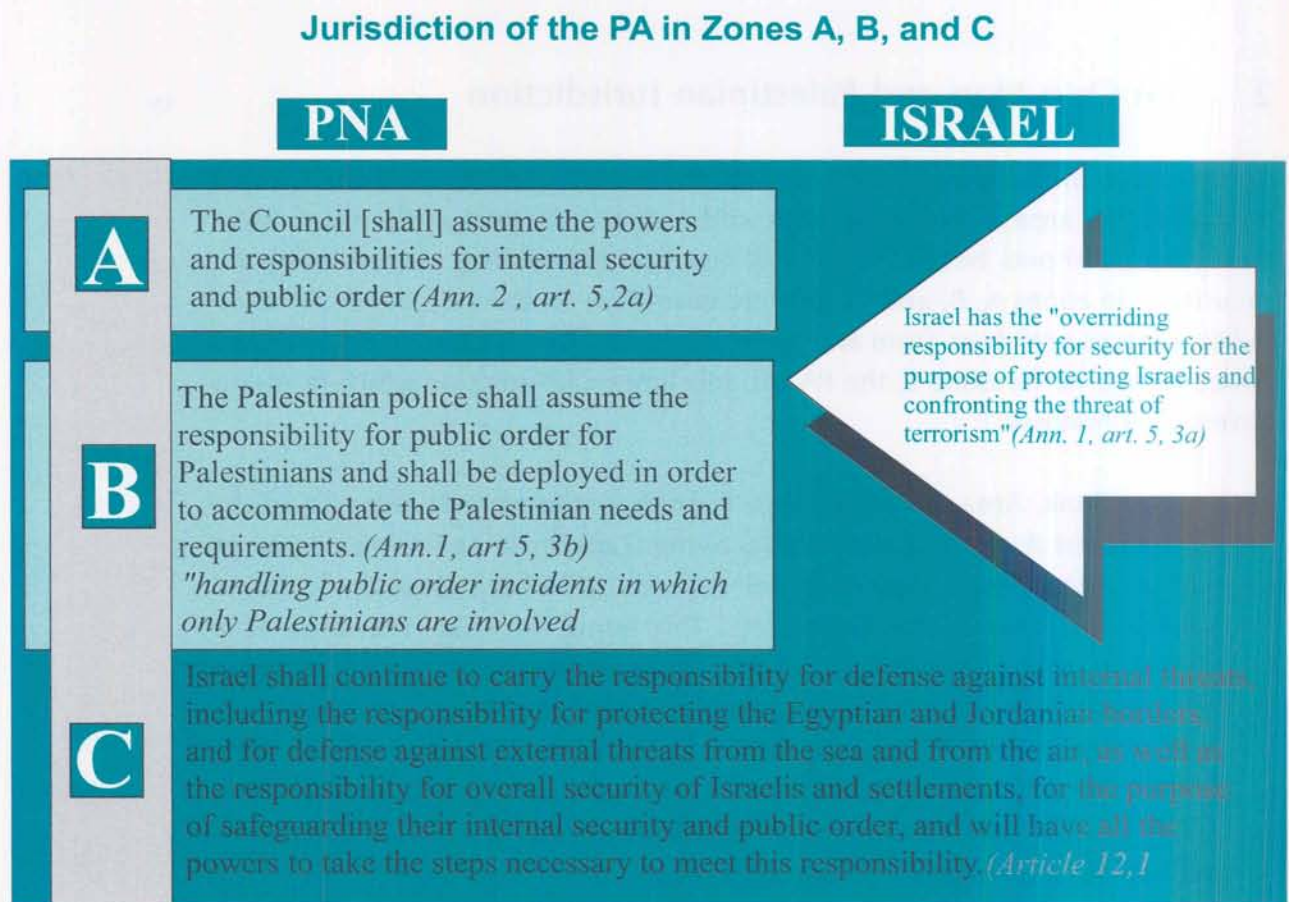
In the West Bank, Area A (major cities) is estimated to cover a mere 3% of the land of the West Bank, and almost 80% of the Gaza Strip. As for Area B (towns and villages), the percentage does not exceed 25% of the West Bank. There are no Zone B areas in the Gaza Strip. This being the case, the Gaza Strip enjoys more autonomy and, as such, the presence of the PA is more institutionalized. In the West Bank, however, Israeli presence is intensely felt, the jurisdiction of the PA is scattered and, consequently, less coherent. The entire West Bank is still under Israeli control and the PA areas are scattered, microscopic, and surrounded by Israeli military control and swallowed by Israeli settlements, as shown below in the Oslo map.

67 Hallaj, Muhammad. Quoted in Manuel S. Hassassian. "Policy and attitude changes in the Palestinian liberation organization 1965-1994: A democracy in the making", *Shu'un Tanmawiyyeh*, Winter 1996-1997.

Thus, whenever Israel wanted to pressure the PA or to collectively punish the Palestinian people, it sealed off the areas within zone A from one another as well as from the other areas of the West Bank, namely zones B and C (primarily settlement areas and inter-city roads). This situation brought about a weak and haphazard PA control over the West Bank, and a more coherent control over the Gaza Strip.

For the above reasons, an examination of the attitude of the Palestinians living in the West Bank and the Gaza Strip as well as those living under Palestinian jurisdiction, i.e. Zone A, (Gaza Strip and West Bank cities) and those living in Zone B where the jurisdiction of the PA is limited (mainly West Bank villages) would be of great assistance and may answer the bewildering question as to the role of the Israelis in the behavior of the PA vis-a-vis the democratization process.

Figure 29



Oslo II Map Outlining Areas A, B, and C



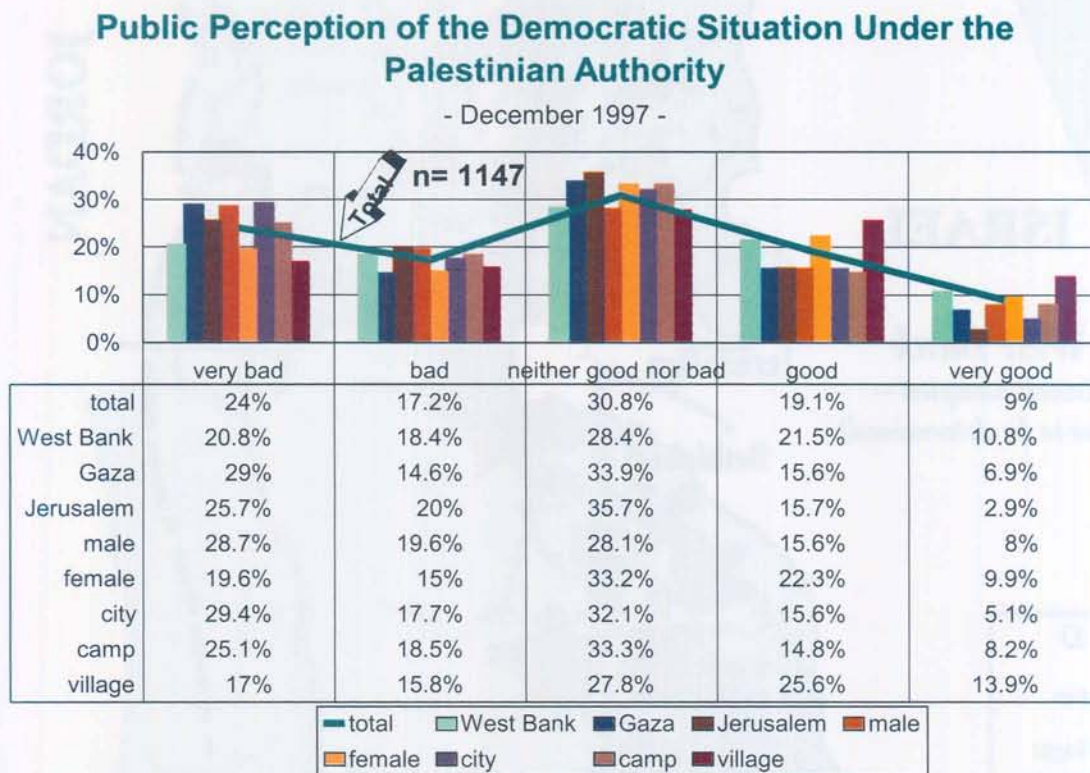
Arab Thought Forum

3. Palestinian Public Opinion and the Democratic Record of the PA

There is a general sense in the West Bank and the Gaza Strip that the development of the democratization process in these areas is negligible. Despite their strong support for the peace process, the Palestinian Authority, and President Arafat, the Palestinian public feels that the democratization record of the PA is not highly commendable. They feel that corruption is high, and that the PA interferes in the PLC and renders it ineffective⁶⁸.

In a survey conducted in December 1997, 41.2% of those surveyed said that the PA's level of democratization is either bad or very bad, compared to only 28.1% who said it is either good or very good, and 30.8% who said it is in the middle.

Figure 30

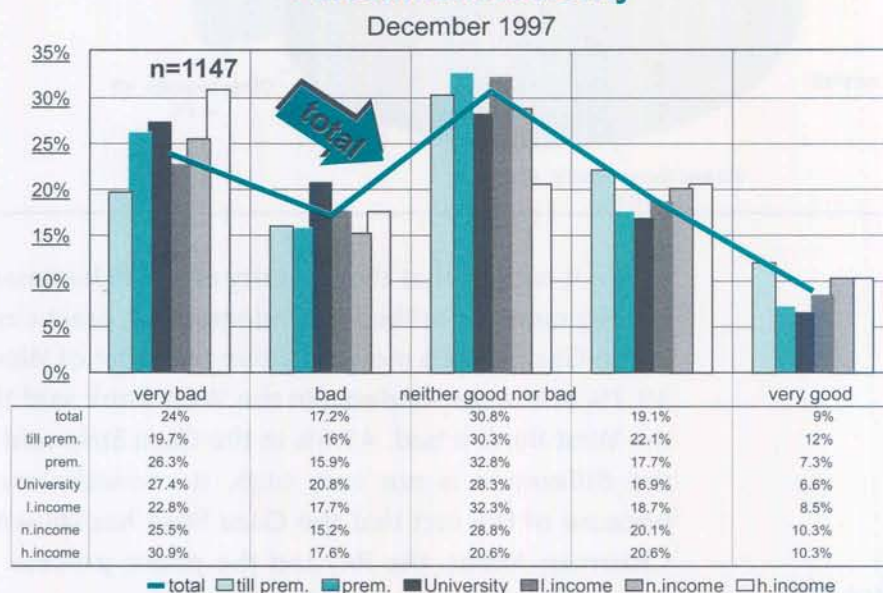


68 See JMCC polls of May, July, August, November, and December 1997 on the issue of corruption and for more information about the public opinion of Palestinians refer to Isabelle Daneels' Palestine's Interim Agreement with Democracy, JMCC publication, February, 1998.

As figures 30 and 31 show, almost all sectors of the Palestinian society have reservations about the democratization process under the PA. Although the attitude varies between villages and cities, between the West Bank and the Gaza Strip, between the educated and the uneducated, dissatisfaction with the democratic situation under the PA is clear and consistent. It is prevalent among all sectors of Palestinian society: city dwellers, villagers, and refugee camp residents, males and females, the rich and the poor.

Figure 31

Public Perception of the Democratic Situation Under the Palestinian Authority



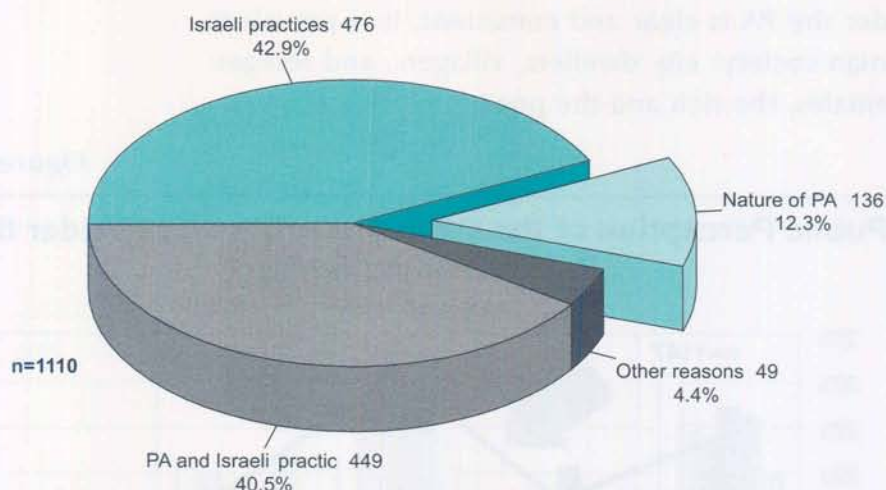
If this feeling is so widespread among all sectors of the Palestinian society, to what extent are the Israeli measures responsible for this feeling? How much can the lack of democratization in Palestinian society be attributed to the intrinsic undemocratic nature of the Palestinian Authority and the effort of its leadership to contain and suppress pluralism and due process of law?.

In the same survey of December 1997, 12.3% of the respondents from the West Bank, the Gaza Strip, and Jerusalem said that the nature of the Palestinian Authority is the cause of its undemocratic practices, 40.5% said that the nature of the PA and Israeli measures combined are the cause of the undemocratic nature of the PA, and another 42.9% said that Israeli practices and measures are the only reason why the PA acts undemocratically. Although the majority of the Palestinians blame Israeli practices for the PA's undemocratic practices, a majority of 52.8% blame the PA itself (12.8% blame only the PA and 40.5% blame the PA and Israeli measures and practices), as indicated in figure 32:

Figure 32

Cause of the Undemocratic Measures of the Palestinian Authority

December 1997

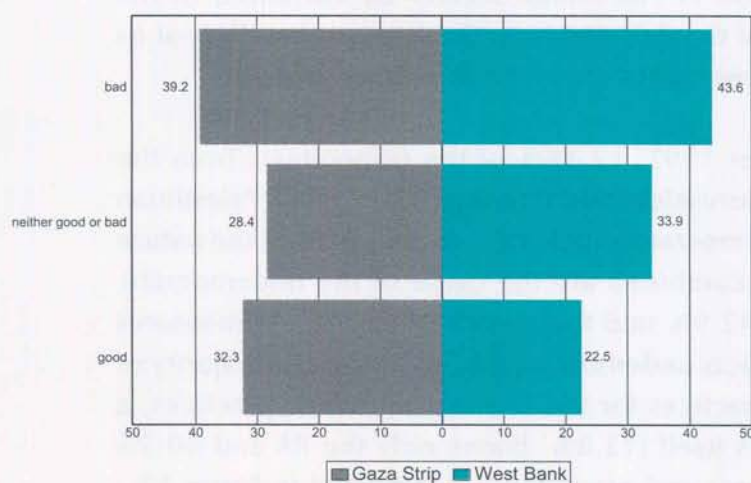


While it is clear that the majority of the Palestinian public blames primarily the Israeli practices for the PA's undemocratic practices, the attitude of Palestinians in the Gaza Strip is more negative than that of West Bank Palestinians. Whereas 39.2% of the respondents in the West Bank said that the level of democracy in the West Bank is bad, 43.6% in the Gaza Strip said it is bad (figure 33). Although the difference is not very high, it nonetheless deserves a deeper analysis because of the fact that the Gaza Strip has shown more positive signs towards Chairman Arafat, the PA, and the peace process.

Figure 33

Comparison Between the Attitudes of West Bank and Gaza Strip Towards Democracy Under the Palestinian Authority

December 1997



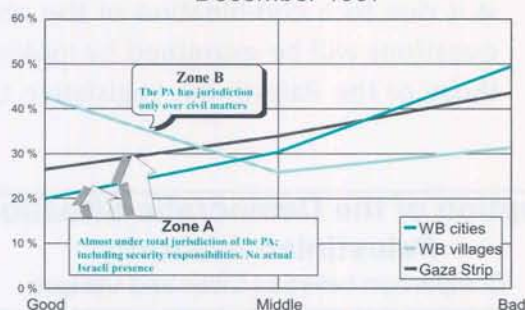
Why would this be the case when the PA is more institutionalized in the Gaza Strip and less so in the West Bank? Is this attributed to the presence of the PA, or because the frustration against the Israelis is stronger in the West Bank than it is in the Gaza Strip?

The above differences in attitudes become even more evident when the West Bank is divided into Areas A and B. As figure 34 clearly shows, wherever the PA has more jurisdiction, Palestinian public opinion towards the democratization record of the PA becomes more negative.

Figure 34

Comparison Between the Attitudes of Palestinians Living in Zone A and those Living in Zone B on the Democratization Record

December 1997

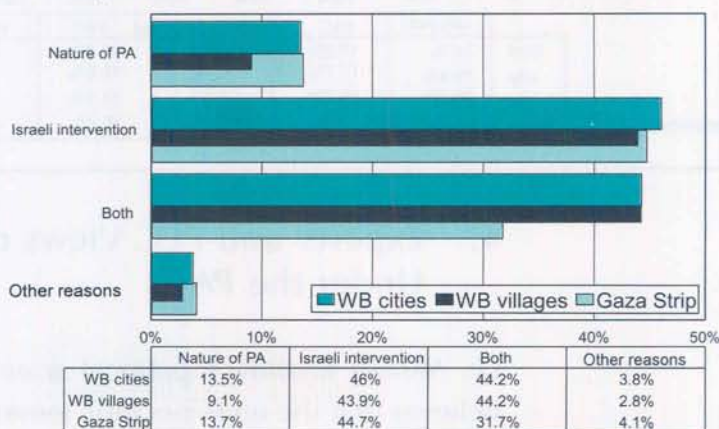


This, however, may be unfair because one may argue that the harsh consequences of the Oslo accords affect the people living under the control of

Figure 35

Causes of the Undemocratic Measures of the PA

Comparison between areas under Zone A and Zone B



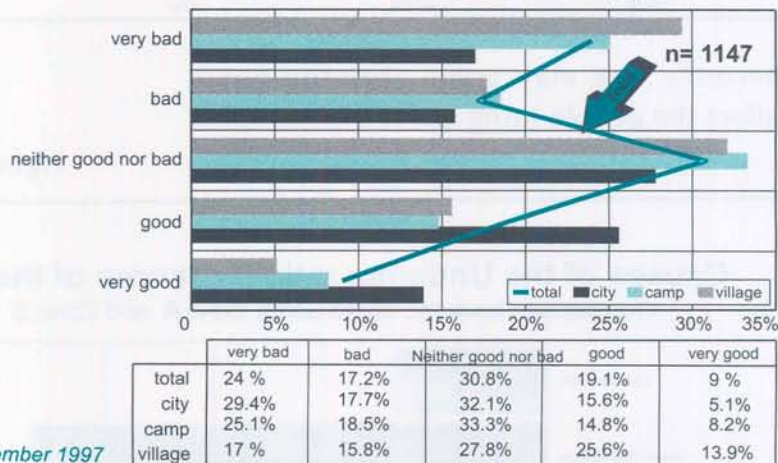
December 1997

the PA more negatively, or because their expectations prto be over-estimated. Clearly, as figure 35 indicates, even those living in Zone A (Gaza Strip and West Bank cities) place the blame on Israeli interventions and less on the nature of the Palestinian Authority. Surprisingly, however, the percentage of those who blame the PA is higher where the PA has more jurisdiction. Even in refugee camps where living conditions are much more severe than in the cities or villages, it is apparent, as indicated in figure 36 that villages are more positive than refugee camps. The fact that refugee camps are more positive than cities, may be attributed to the fact that camps are still legally under the responsibility of UNRWA, or because Fateh generally has had strong support in refugee camps What are the reasons behind the negative attitude of Gazans and West Bank cities towards the democratic performance of the Palestinian Authority? Is it because the PA is undemocratic in nature, or because those residing in Zone A are particularly susceptible to the constraints imposed on the PA by Israel, or is it due to a combination of the above factors? In the following pages these questions will be examined by looking at the views of experts, academics, and those of the Palestinian Legislative Council.

Figure 36

Public Perception of the Democratic Situation Under the Palestinian Authority

Comparison between Cities and Villages



December 1997

4. Experts' and PLC Views on the Democratization Process Under the PA

Dr. Ahmad Khalidi, a political scientist and renowned Palestinian strategist, believes that the undemocratic measures of the Palestinian leadership is solely the responsibility of the Palestinian Authority and the nature of Arab society which breeds undemocratic regimes. No other factor should be blamed:

In the gap between what is acceptable democratic practice in the West and what the limits of reality and history have imposed on the Palestinians, some have seen cause for shock and despair. But to expect otherwise is either naive or ill informed. No matter what image the Palestinians have of themselves- in particular the carefully cultivated self-image of the large and vociferous Palestinian intelligentsia- the truth is that Palestinian society in its basic structure and orientation is fundamentally no different from the Arab societies that surround it. Even a fervent belief in the justice and morality of the Palestinian cause should not blind us to the realities of Palestinian social and political conditions and to the fact that the kind of regime that will initially emerge from these conditions will in many ways replicate other regimes that have sprung from similar conditions. To expect a full-blown democracy is an ahistorical exercise in wishful thinking and in a peculiar sense is both patronizing and discriminatory⁶⁹.

Whereas Khalidi blames the Arab culture, Dr. Eyad Sarraj* places the blame more specifically on the Palestinian leadership, and less on Palestinian culture. According to Sarraj, "...the root of the problem is that Arab culture is a dictatorship which puts no value on its citizens' lives, so naturally their opinions have no value either"⁷⁰. However, Sarraj's harsh criticism of Arab culture seems to be in actuality a criticism of the leaders themselves, rather than the culture itself. As Dr. Sarraj continues:

Arafat truly believes that he can control the Palestinian people and dictate what is right and wrong. He doesn't see that everyone else could understand the situation or know what to do... He thinks he is the only one who comprehends the great conspiracy against the Palestinian people, therefore he works as if by divine inspiration in defense of the people's rights. Any one who opposes him is considered the enemy, either directly or indirectly. The problem is that the people

69 Khalidi, Ahmad. *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. PP. 20-28.

* Director of the Gaza Community Mental Health Program. An outspoken critic of the Palestinian National Authority. His constant criticism of the PA led to his arrest three times between December 1995 and June 1996. Currently he heads the Palestinian Independent Commission for Citizen's Rights.

70 Sarraj, Eyad. "The conspiracy of silence". *Palestine Report*. Vol. 3, # 12. August 29 1997. P. 8.

around Arafat don't help in changing his views. On the contrary, they reinforce them ⁷¹.

Sarraj's condemnation of the Palestinian leadership collectively, in particular those coming back from exile after the agreement with Israel, adds a new, although contradictory, reason for the lack of democratic development:

*After the PA entered the area, there was a clashing of cultures. The culture of the PA is the culture of the gun, and those who deal with guns believe in the[ir] right to Palestine, for they represent Palestinian nationalism. We, inside the occupied territories, who did not deal with guns affirmed this because we always considered them as heroes and symbols of the revolution. We've always been aware that people struggle in different ways, some by the sword, some by the pen and some with rocks; each one in his or her own way. Sometimes the words of a poet have more of an impact than hand grenades. But even poetry we glorified. So these people came and they had their own problems and they had their dreams and aspirations as a people and as individuals. They came into a culture which was very aware, not ignorant people who knew nothing about what was going on around them. We were not Yemen or Sudan; we had our sense of nationalism and our hopes. We were able to accommodate, however; ironically, we learned during the years of the [Israeli] occupation about democracy, human rights and freedom of expression; we saw the Israeli soldiers on television speak their mind, whatever that might be. But the newcomer came with a deep sense of insecurity. They were afraid of Hamas and of the Israelis and they were afraid of themselves, that there wasn't enough money; they were afraid of the people and of America. The Palestinians [from inside] had a lot of constructive criticism [to offer] which posed a threat to the PA because they were not used to criticism, since they had lived in an Arab state where the citizen has no value.*⁷²

Ziad Abu-Amr sheds a similar viewpoint stated by both Khalidi and Sarraj. According to Abu-Amr, after the Palestinian legislative elections the

71 Ibid., p. 9.

72 Sarraj, Eyad. "The conspiracy of silence". *Palestine Report*. Vol. 3, # 12. August 29 1997. P. 8.

Palestinians in the West Bank and Gaza had an "opportunity to lay the foundations for a democratic political system and society", two years after the elected Palestinian Legislative Council was inaugurated, however, "the Palestinians are no closer to democracy than they were before the elections", in spite of the relentless efforts of the PLC in this regard. "[D]espite a promising beginning, the prospects of democratic transformation remain uncertain"⁷³. This uncertainty in the democratic development of Palestinian society, Abu-Amr argues, is due to the fear of the traditional leadership of the PLC and is a result of a persisting power struggle:

*...It seems that the new Palestinian order after the establishment of the PA is incapable of effecting a smooth and incremental process of transition from the logic of the "revolution" and exile to the logic of "state" and civil society. Although the blame primarily falls on the incumbent regime, it asks us why that the social, economic, and political forces in Palestinian society are weak or absent. Making such a transition in an interim period is inevitably difficult and complicated. Nevertheless, the PA has failed to do what is within reach and what is objectively possible. The leadership appears reluctant to allow the smooth transition from one political mode to another to take place because this is bound to involve meaningful change in the power structure.*⁷⁴

Undoubtedly, there are abuses of human rights by the Palestinian Authority. Since the PA took control of the West Bank and the Gaza Strip, 16 Palestinians were tortured to death in Palestinian prisons⁷⁵, a number of newspapers were shut down, a few journalists were harassed, and, more importantly, the work of the Palestinian Legislative Council was hindered by interference by Arafat and the Executive Authority.

The role of the PA, in particular the Executive Authority, has angered many Council members to the point of resignation. Breaking laws by the PA was the reason behind the resignation of Dr. Hayder Abdul Shafi from the PLC in September 1997. According to Abdul Shafi :

73 Abu Amr, Ziad. " The Palestinian legislative council: a critical assessment". *Journal of Palestinian Studies*. VOL. XXV. #4. Summer 1997. PP. 90-97.

74 Ibid.

75 "The state of human rights in Palestine III: death in detention". *The Palestinian Human Rights Monitor*. Issue # 5. Jerusalem, December 1997.

*The PLC has tried from the beginning to take on its responsibilities to uphold the rule of law and protect human rights, but all our efforts have been in vain. There have been many complaints by citizens about the violation of human rights by the Palestine Authority, and the PLC has issued decisions and recommendations on these issues, but they have never been implemented.*⁷⁶

The PA's practices and its constant refusal to respect resolutions has also led to a suspension of the sessions of the PLC until the end of December 1997. Even the Fateh bloc in the Council was outraged by the Executive Authority's marginalization of the PLC. According to Abbas Zaki, a leading Fateh PLC member, the Palestinian Legislative Council is responsible for representing the people and "if the Executive Authority does not respond positively to our demands, we will cast a vote of no confidence against the Government by December 30 1997 so that we do not set foot into the new year with protests that confirm the incapacity of Palestinian institutions"⁷⁷.

The refusal of the Executive Authority to ratify many laws, including the Basic Law, which has already passed the Fourth Reading in the Council, further aggravates the problem between the PA and the PLC, thus undermining democratic development in Palestine. Even if Arafat and the Executive Authority, as discussed in previous chapters, do not want to give the PLC some powers because of fear that this might undermine the PLO, and thus the Palestinian national rights, or because of fear over the process, their actions can not be justified. Kamal Sharafi, member of the Council and regarded as close to PFLP argues that there is no justification for the PA to abuse human rights because "the circumstances are not appropriate":

*The Council devoted much of its time defending the Palestinians detained in PA prisons without any legal grounds. This topic kept being raised in all the council's sessions and members kept demanding the release of those who were not proven guilty. They also called for bringing those proven guilty to appear before a court for trial. However, the Executive Authority ignored all related resolutions claiming that political circumstances are not appropriate.*⁷⁸

76 Abdul Shafi, Hayder. *Palestine Report*. Vol. 3, # 18. October 10 1997 . P.7.

77 Zaki, Abbas. *Al-Ayyam*. Wednesday. Vol. 2, # 722. December 24 1997. P. 22.

78 (People's Rights, March 1997, issue No. 1). -Quoted in *Human Rights Watch* . September 1997. Vol. 9, #10(E).P. 36.

Neither can the fear of undermining the PLO and the PNC be justified, according to some. First all members of the PLC are members of the PNC by a Presidential decree. Second, the record of the Palestinian leadership in dealing with the PNC has not differed from the manner in which it dealt with the Palestinian National Council previously. According to Dr. Hayder Abdul Shafi, who served many years as a member of the Palestinian National Council:

Arafat tries to intimidate and sometimes he is very insulting. The Speaker [of the Council] could control this if he wanted- this is his function. But he wants to accommodate Arafat. Arafat is very accustomed to such conduct. He's been engaged in this for thirty years in the PNC and I can see it is difficult to depart from such conduct ⁷⁹.

5. Impact of Israeli Practices on the Development of Palestinian Democracy

As there are cases that indicate the inherent undemocratic and "revolution" mentality of the Palestinian leadership, there are also cases in which the PA was pressured to act undemocratically. This view is expressed by both the public and by a number of academics and members of the NGO community. According to the poll conducted in December 1997 (see figure 32), 83.4% of those interviewed believe that the main cause of the negative development of the democratization process under the PA is a result of Israeli practices and pressures.

This view, as discussed earlier, is also strong among Palestinians residing under the functional jurisdiction of the Palestinian Authority (Gaza Strip and West Bank cities) and is equally shared by many Palestinian human rights activists and civic leaders. Israel's paranoiac, exaggerated, but tactical and advantageous security concerns have undeniably pressured the Palestinian Authority to adopt undemocratic measures that violate the basic principles of human rights. Whether the PA, as Sarraj or Khalidi argue, is inherently undemocratic, or whether it is run by one individual who believes that he has the mandate by virtue of being the chairman of the PLO and by his election victory, clearly does not undermine nor reduce the role of the Israelis in hampering political development and the democratization process. "Arafat's recent behavior is clearly a result of the enormous pressure and siege being imposed by the

79 Abdul Shafi, Hayder. Interview on 29 July 1996. *The Human Rights Watch*. September 1997. Vol. 9, # 10(E).P. 37.

Israelis, which leave him without alternatives. It would appear that the Israelis and Americans have abandoned their alternating "carrot and stick" routine of dealing with Arafat and are now resorting to the "stick and stick" method⁸⁰. The security requirements which Israel and the US have been, and still are, pressuring the PA with include, inter-alia, imprisonment of opposition leaders and activists, and closing down the offices and related institutions of Hamas, Jihad, etc. As Pedro Moya⁸¹ notes in a draft report submitted to the North Atlantic Assembly (NATO Parliamentarians):

Mr. Arafat has demonstrated his readiness to step up security cooperation [with Israel], even to the point of concern for human rights activists, when there was real prospect of an Israeli matching performance. Thus, in early 1996, he severely cracked down on Hamas and Jihad.

Thus, salvaging the peace process and fighting radical militants were used as a justification not to uphold the rule of law and respect for human rights. As Khalil Shikaki argues:

...the peace process and the PA it engendered also had negative repercussions on the transition to democracy. Holding to the view that the requirements of democracy may contradict those of national reconstruction, and that in the early stages of state building it is more important to assert the state's right to monopolize power and eliminate competitors for the people's loyalty than to democratize the political system, the PA adopted undemocratic policies aimed at "protecting" the peace process and the process of national reconstruction. Meanwhile, the donor community's emphasis on building the capacity of the PA, rather than supporting institutions of civil society, reveals a similar belief that the success of the peace process requires political stability achievable only through the creation of a strong central authority⁸².

80 Ghassan, Khatib. "Israel's 'stick and stick' approach to peace". *Palestine Report*. Vol. 3, #12. August 29 1997. P.3.

81 Moya, Pedro. "Four Years After OSLO: Is there Still a Middle East Peace Process?"- Draft Report-. *International Secretariat of the NATO Parliamentarians*, AP 246 GSM (97) 10, August 1997. P. 13.

82 Shikaki, Khalil. "The peace process, national reconstruction, and the transition to democracy in Palestine". P. 9, *Journal of Palestine Studies*. Vol. Xxv, #2, Winter 1996, pp. 5-20.

On numerous occasions PA officials have done all they could to prevent non-PA organizations in taking the law into their own hands. Obviously, any state or government has the right to protect its national interests. However this should be carried out without imprisonment of suspects or sympathizers who have not been indicted nor have ever appeared before a court of law. The statement by PA Attorney General Fayez Abu Rahmeh to Palestinian TV's "Face the Press" in September 1997 that the British Emergency Regulations of 1995 are still in force neither helps Palestinian national interest nor does it fulfill the aspirations of many Palestinians who contested the applicability of these regulations in Israeli courts to prove that the British Mandate Emergency Regulations are void and not legal⁸³. As the report of Human Rights Watch of 1997 notes:

In responding to violence by militant groups, Israel has, with US support, exerted intense pressure on the PA to crack down on such groups, without making any reference, at least publicly, to the means employed. As the PA has indiscriminately rounded up hundreds of suspected militants in response to acts of violence against Israelis, both Israel and the US have signaled to Arafat that they are little concerned with abuses when they are committed in the name of Israeli security and saving the Israeli-PLO peace process....External pressures, however, cannot justify or fully explain the PA's disregard for the rule of law and intolerance of peaceful opposition and dissent. And while the PA's repressive tendencies fall well short of stamping out all dissent or critical voices, the pattern of intimidation, arrests, and physical mistreatment documented in this report has created substantial fear among Palestinians. Rights activists, lawyers, journalists, and even critics within the PA had to maneuver within a political environment that is at once chaotic and repressive, and where the precise limits of acceptable diare unclear. Some have chosen self-censorship, while others have continued to speak out despite the risks⁸⁴.

This view is further elaborated by the council members themselves. According to a study conducted by the JMCC on the Palestinian Legislative Council, when the members were asked to comment on whether it is justifiable for the PA in some situations to break the law in order to protect national security, of the 43

83 Al- Haq. *Palestine Report*. Vol. 3, #16. September 26 1997. P.12.

84 Human Rights Watch. September 1997. Vol. 9, # 10(E).P. 6 .

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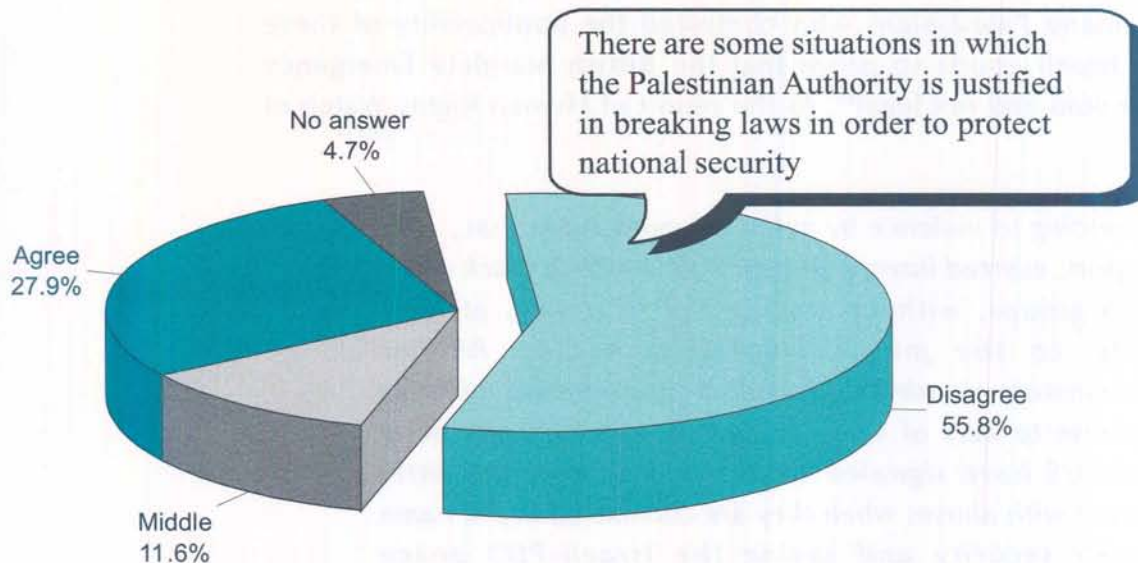
83 Al- Haq. Palestine Report. Vol. 3, #16. September 26 1997. P.12.

84 Human Rights Watch. September 1997. Vol. 9, # 10(E).P. 6 .

Council members who filled the questionnaire, 55.2% disagreed with the statement and only 28% said that the PA is justified in breaking the law to protect national security.⁸⁵ As figure 37 shows, 11.6% neither agreed nor disagreed:

Figure 37

Attitude of PLC Members About the PA and the Rule of Law



This issue became distressing for Palestinians when the Americans started to define the concept of security as the Israelis. As Ghassan Khatib notes: "...the concept of security as understood by Israel and, consequently, as used by Dennis Ross, is limited to Israeli security only, while the Oslo agreement deals with security of both parties involved in the conflict, i.e. Israelis and Palestinians"⁸⁶. Both the American and Israeli pressures on Arafat to strengthen security measures against Hamas have been particularly successful. Whereas Israel pressured Arafat and the PA by intensifying the closure, the American Administration was using the aid issue as a means to do so, at a time when the pro-Israel Congress was embarrassing the PA because of its human rights violations. It is here where the Palestinians were hit most and it is through these economic pressures that Arafat was forced to utilize undemocratic measures against his very own people. Thus as Lamis Andoni notes with reference to the arrest of Palestinian journalist Daoud Kuttub in early 1997 by the PA:

85 Daneels, Isabelle. Palestine's Interim Agreement with Democracy. *Jerusalem Media and Communications Center*, Jerusalem. April 1998.

86 Khatib, Ghassan. "Security for whom". *Palestine Report*, Vol. 3, # 10. August 22, 1997. P. 10.

...it is no secret that the right-wing-dominated US Congress has been seeking an opportunity to suspend aid to the PA in the name of concern over human rights. Unfortunately Kuttab's case is most likely to be cited for a long time by many in the US to justify anti-Palestinian positions. It will be cited by the same voices who have been calling on the PA "to guarantee Israel's security" by stifling dissent and rounding up the opponents of the peace process. it will be the same voices that sanctioned the Palestinian state security court, and turned a blind eye to the countless violations of human rights for the sake of ensuring "Israeli security".⁸⁷

Israel's insistence in isolating the issue of security without implementing such outstanding clauses of the Interim Agreement such as further redeployment and geographic contiguity of the Gaza Strip and the West Bank has greatly pressured Arafat to adopt measures that are domestically unpopular and internationally embarrassing. Thus the Palestinian people have been caught between the harsh reality of an omni-present Israeli occupation, and a regime that is plagued by corruption, mismanagement, a certain degree of authoritarianism, and, more importantly, a regime that is empowered to suppress its people, without being capable of delivering the promises it made when it entered into agreements with Israel .

Thus, the unilateral Israeli measures such as closures, arrests, demolition of houses, and land confiscation have, led the PA to be more and more perceived by the Palestinian public as a surrogate to the Israelis.

What the PA's policies of internal security actually betrays is a culture of defeat. This is not just due to the fact that the current Palestinian political leadership has and is lowering Palestinian's national claims to a series of desegregated parts of the West Bank and Gaza. More corrosively, it is born of an obsessive ethos of "national security" and "national interest" that, once their political and ideological content is unpacked, turn out to be no more than the practical implementation of Israel's territorial and security ambitions in the occupied territories⁸⁸.

87 Andoni, Lamis. "Free speech-for the right reasons". Palestine Report. Vol. 2, # 51. May 30 1997. PP. 8-9.

88 Usher, Graham. *Journal of Palestine Studies*. Vol. XXV, # 2. Winter 1996. PP. 21-34, p. 33.

Precisely because of the Israeli measures, the PA becomes undemocratic and helpless. These circumstances and these pressures, Dr. Mustafa Barghouti, the Director of the Palestinian Medical Relief Committees, believes are costing the Palestinian people and, equally the PA, extensively:

With no democratic civil society to act as a moderating force, the PA is all the more vulnerable to pressures to violate human rights, including carrying out arbitrary arrests and trials, with the risk that these actions will not only undermine the building of democracy but even prevent normal relations between the PA and its own people.⁸⁹

6. Is there Palestinian Democracy

Having said all this, it is also unfair to depict Arafat as a ruthless despot and the Palestinian Authority as a totalitarian regime whose human rights record is terrifying and scandalous. Quite the opposite, the PA according to some, has shown signs of democratization and that the democratic tradition is fairly present in Palestinian society. The shortcomings of the PA, they argue, are primarily caused by the continuation of the Israeli occupation. As Manuel Hassasian argues:

It is quite evident that the procedural definition of democracy is still inadequate among the Palestinians because one cannot presume the existence of the culture of accommodation that makes democracy operational. Yet, an alert political observer cannot negate the fact that the Palestinians in the Occupied Territories have developed certain trends of democratic behavior relatively inferior to Western Liberal democracy. These democratic trends have been embedded in the socio-political culture of a nascent civic society that has been initiated during the 1980s and 1990s by institution-building and grassroots organization, which today are exposed to disintegration because of the Israeli closure of the territories and its impact on Palestinian economy.⁹⁰

89 Barghouti, Mostafa. "Posteuphoria in Palestine". *Journal of Palestine Studies*. Vol. XXV, # 4. Summer 1996. PP. 87-96, p. 91.

90 Hassasian, Manuel S. "Policy and attitude changes in the Palestinian liberation organization 1965-1994: A democracy in the making", *Shu'un Tanmawiyyeh*, Winter 1996-1997.

No doubt the PA is under tremendous pressures and the PLO is clearly unwilling to risk political gains for any institution, even for the Palestinian Legislative Council. It may, as Giovanni Sartori argues, feel that it is not the time to proceed strongly with democratization development because of legitimate political rationalization:

...new states and developing nations cannot pretend to start from the level of achievement at which the Western democracies have arrived. In fact, no democracy would ever have materialized if it had set itself the advanced goals that a number of modernizing states currently claim to be pursuing. In a world-wide perspective, the problem is to minimize a pattern of civility rooted in respect and justice for each man...in short, to achieve a humane polity. Undue haste and overly ambitious goals are likely to lead to opposite results⁹¹.

In fact, the PA has taken positive democratic measures that are absent in most countries in the region. Palestine is perhaps the only "territory" in the Arab world where public opinion polls, regardless of how critical the results are, are conducted freely and without restrictions; opposing views and articles regularly appear on Palestinian media; criticism of the PA and Arafat are not lacking but rather quite common; political parties are very active in political life, even in the decision making process; and punitive measures have been taken by the PA in instances where violations were committed by members of the Executive Authority or in governmental institutions.

At no time has this been more evident as when the PA itself appointed an inquiry to investigate corruption in certain ministries and government agencies. This inquiry, which fell short of criticizing Arafat, submitted a report to Arafat, that was later forwarded to a special committee of the PLC. This committee further examined the report and submitted recommendations to the PLC. One of these recommendations was the resignation of the cabinet in response to the proof which had been accumulated regarding widespread mismanagement of public funds. After the ministers in question were questioned by the PLC, 16 of the 20 cabinet ministers submitted their resignation to President Arafat.

The corruption episode and the demand by the PLC that the cabinet should retestify to a simple and apparent fact: there is a level of democratization in

91 Sartori, Giovanni. Quoted in Manuel S. Hassassian. "Policy and attitude changes in the Palestinian liberation organization 1965-1994: A democracy in the making", Shu'un Tanmawiyeh, Winter 1996-1997.

the PA that should not be discounted. As Nabil Amro, a PLC member wrote on the PLC's actions vis-...-vis the corruption report and the resignation of the cabinet: "we ourselves supply the world with the facts which convict us! It is our leaders who supply the media with all the ammunition they need, allowing them to aim it back at us and distort our image with it". He goes on to say that the resignation of the cabinet ministers "...is a markedly democratic step to be cherished in any nation. This move makes [the Palestinian government more democratic] than Sweden, and makes the democratic parliament of Britain look like a joke"⁹².

92 Amro, Nabil. "Democracy or theater?", *Palestine Report*. Vol. 3, # 9. August 8 1997. P. 10.

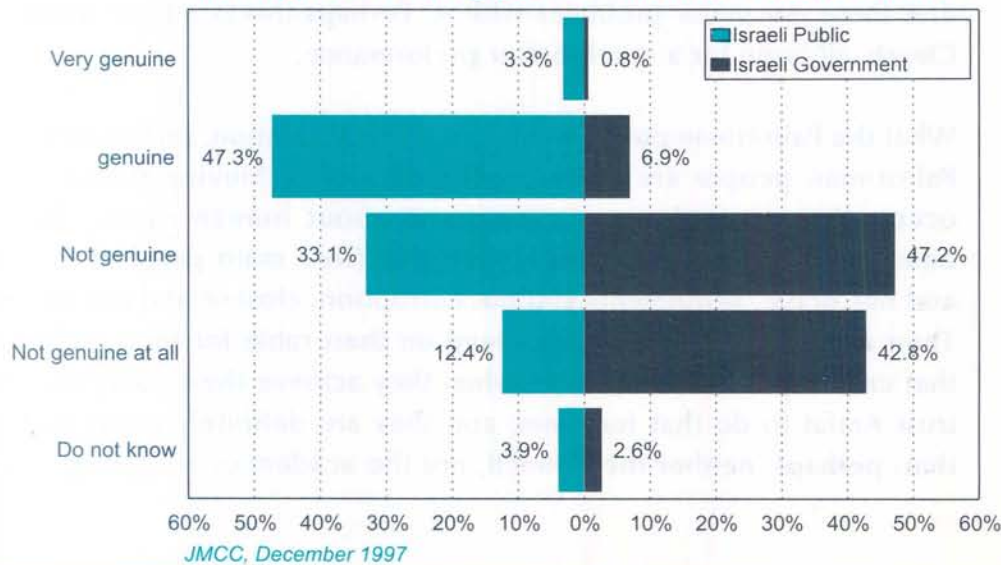
Conclusion

The Palestinian Authority entered the peace process hoping that the Israeli government would succumb to international pressure and return, at least, part of the rights of the Palestinian people. The current situation is discouraging and, as Madeline Albright said, the peace process is moving nowhere: "[t]he Oslo process and the partnership relationship between Israelis and Palestinians have collapsed.... We are facing a dangerous situation in the Middle East because the Arab-Israeli negotiations process has collapsed"⁹³. Israel is still pursuing policies that are detrimental to the peace process and is not seriously concerned with achieving peace. Even Yaser Arafat himself is losing faith with the Netanyahu government: the "Netanyahu government's insistence on resuming settlement activities means that it does not want to achieve peace"⁹⁴.

Despite the tremendous obstacles imposed on Palestinians of the West Bank and the Gaza Strip, it is evident that they are still confident about a peaceful resolution to the Palestinian problem. In a poll conducted by the JMCC in December 1997, 59.1% of the respondents said that they are optimistic about

Figure 38

How genuine do you think the (present Israeli government/Israeli public) is about reaching peace with the Palestinians?



93 Quoted in *Palestine Report*. Vol. 2, #45. P.2.

94 Quoted in *Palestine Report*. Vol. 2, #45. April 18 1997.

reaching a peaceful Arab-Israeli settlement. This optimism could very much explain why the Palestinian public so strongly supports the peace process. Another reason is perhaps due to the feeling among Palestinians that the Israeli public is genuine about concluding peace with the Palestinians, while their government is not. As shown in figure 38, there exists a great gap between how Palestinians think about the Israeli people and how they perceive the current Israeli government.

Their positive attitude towards the Israeli public is, perhaps, what gives them hope, as does their belief that there is no other option that could rid them of occupation. This belief is also reflected in the level of support Palestinians have for Yaser Arafat, for Fateh, and for the Palestinian Authority. Despite his shortcomings, a great majority of Palestinians believe that Arafat is doing his job in a good way. This does not mean that they do not criticize him, nor his performance. What is evident from the above is that Palestinians are frustrated more about the Israelis than about the Palestinian Authority. The frustration that is loudly heard by the Council members and/or NGOs, and/or academics against Yaser Arafat or the Palestinian Authority does not necessarily mean that the public shares them their views. This may be due to the fact that the PLC is seen by the public in the same manner as they see the Palestinian Authority, or because the public lacks sufficient information about the PLC and about the performance of the PA. In either case, one can not deny that the work of the PLC is carried out in public, its sessions are open to the media, and its work is scrutinized and examined by both NGOs and the media. One cannot deny that there is some transparency and openness in the PA, as one can not deny that there are major problems with it. Perhaps this is not an ideal situation. Clearly all hope for a much better performance.

What the Palestinian public wants is a political solution. Rightly or wrongly, the Palestinian people are more concerned with achieving peace and ending occupation, than they are concerned about human rights. The issue of democracy is not their primary concern. Their main problem is Netanyahu and not Arafat, settlements and not corruption, closure and not human rights. Their main concern is to have bread on their table for their children. Bread that can only become available when they achieve their political rights. They trust Arafat to do that for them, and they are definitely giving him the time that, perhaps, neither the Council, nor the academics are giving to him.

Endnotes

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