

# Statehood, Final Status, and the Future Role of the PLO:

## Will the Conflict End with Independence?

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### Brief Analysis

Last Sunday, the world breathed a sigh of relief as the Palestinian Liberation Organization (PLO) Central Council voted to postpone a declaration of statehood until at least November 15, 2000. Less noticed, however, has been the internal battle over what is perhaps the second most important political issue on the Palestinian political agenda--the drafting of the Palestinian Constitution. Within the Palestinian Authority (PA) today, the constitution is the focus of an increasingly bitter debate pitting PLO "outsiders" against West Bank/Gaza "insiders." The outcome of this contest will determine not only the future of the PLO as a revolutionary movement and political institution but it may also have far-reaching implications for any future Israeli-Palestinian peace agreement.

Constitution Drafting In October 1997, the Palestinian Legislative Council (PLC) passed the Basic Law, (later known as the "Palestinian Constitution") and sent it to Arafat for ratification. So far, Arafat has not signed the law, leaving the PA without a constitution. In preparation for an impending declaration of statehood, the PLO Central Council authorized Palestinian leaders in April 1999 to draw up a constitution; Minister of Planning and International Cooperation Nabil Sha'ath, was designated chairman of the drafting committee. The following month, Sha'ath visited Cairo to consult with Arab League Chairman Ismat Abdul Meguid and in response Abdel Meguid offered to establish a legal committee to advise the Palestinians on the drafting process. Shortly thereafter, the British Department for International Development (DFID) inaugurated a project to provide financial and technical assistance to the Palestinian drafting committee.

Initial Version Excerpts of an early draft of the constitution appeared in the Palestinian daily Al-Ayyam on July 4, 2000, and in September 2000, a copy of the most recent version was made public. The current draft is not final, but is believed to reflect the thinking of the Palestinian leadership. In many respects, the document echoes the Basic Law. Arabic is deemed the official language, Islam the religion, and Jerusalem the capital. The principles of Islamic Law (sharia) are formally designated as the principal basis of legislation. Like the Basic Law, the draft established a firm separation of executive, legislative and judicial powers. Provisions included a large section on rights, including freedom of expression, freedom of the press, and freedom from torture. The document also mandated strict rules of financial disclosure for all elected officials in the PA.

Especially notable are passages that seem to sink the Arab-Israeli conflict into the very foundation of the future Palestinian state. For example, Article 33 of the draft constitution states that the "Palestinian right of return to his homeland is among the natural rights which it is not permitted to discard on his behalf or to surrender." Perhaps most provocative is Article 63, the section dealing with the future structure of the Palestinian parliament.

**Internal Parliament-in-Exile?** Based on the September draft, the post-independence parliament will be a bicameral body representing Palestinians both at home and abroad. One chamber--termed the "Legislative Council"--will consist of 150 members elected from within the Palestinian state; the second chamber--the "National Council"--will be comprised of 150 members from outside the Palestinian state. Palestinian officials have indicated that diaspora representatives would be elected where possible or otherwise "appointed." Given the political climate in Jordan, Syria and Lebanon, though, it is all but assured that these members would be appointed directly by the PLO.

While the draft is not specific, it does mention a separation of duties between the two houses. Whereas the Legislative Council will be concerned with internal politics of the Palestinian state, the work of the National Council will focus on the "fundamental national rights of Palestinians." Likewise Article 63 states that the laws of the National Council will obligate both the "Palestinian state and the PLO."

If approved as drafted, Article 63 would provide the PLO with a new lease on life in the post-independence Palestinian political system. The PLO will appoint the National Council, and the Palestinian state will be obligated to the National Council. Not surprisingly, this structure has alarmed "insiders" as well as Palestinian pro-democracy activists, who fear that the continued control over the reins of power by the PLO bureaucracy will undermine Palestinian political development and hurt local interests.

**After Liberation** As a mass movement, the PLO has been in sharp decline for several years, and with the exception of its leading Fatah component, the organization has lost whatever relevance it had in the lives of West Bankers and Gazans. Indeed, there appears to be a growing consensus among "insiders" that once statehood is achieved, the PLO will have outlived its *raison d'etre*. Even PLO leaders have previously indicated as much. In February 1996, for example, PLO Political Department head Faruq Qaddumi stated that after the establishment of an independent state, "the PLO will cease to exist or become a political party."

In an important editorial that appeared in *Al-Ayyam* last February, Hani al-Masri, the Director General of the Ministry of Information discussed the PLO's decline and its future. "The older the PA gets," he wrote, "the shorter the life of the PLO becomes." In fact, had it not been for President Clinton's visit to the Palestine National Council in Gaza in December 1998, when the Council affirmed its annulment of aspects of the PLO covenant, al-Masri explained, the organization "would have been dead a long time ago." But while he acknowledged the PLO's decline, al-Masri did not call for its demise. Instead, he suggested that the PLO transform into something akin to the "Jewish Agency," in which the PLO would be responsible for links with Palestinians abroad while the PA maintains responsibility for building the state within the PA territories. The draft constitution, however, does not appear to allot the PLO such a modest, limited role.

**PLO Strikes Back** So far, it appears that the PLO is fighting hard to retain its prerogatives and its role in post-independence Palestine. In fact, Palestinian National Council (PNC) Chairman Salim Za'anoun is taking a particularly active interest in the work of the committee drafting the constitution. Early in the process, Za'anoun tried to install a handful of supporters on the drafting committee, allegedly to protect PLO institutional interests. When the Committee's deputy chairman refused, Za'anoun started to openly oppose the committee's work. A month ago, DFID responded to this internal squabbling by suspending its assistance project; some Palestinians say that the British agency was forced out by Za'anoun. The drafting committee still meets, holds workshops, and convenes town hall meetings, but it is all done without outside funding.

Post-Independence Implications As Palestinians come closer to realizing statehood, the future role of the PLO has political implications beyond any bureaucratic division of labor. The PLO's main constituency is Palestinian refugees, the segment of the Palestinian people most likely to be dissatisfied with any final status agreement (or, at least that segment least likely to see immediate gains via the agreement). More than any other group of Palestinians, they are likely to oppose a definitive end to the conflict with Israel. By providing the PLO with a dominant role in Palestinian politics in the post-independence era, the Palestinian leadership is virtually ensuring that embers of the conflict with Israel will remain hot for a long time to come.

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