

Palestinian Democracy and the Peace Process:

One Year after May 4, 1999

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Brief Analysis

As Palestinian and Israeli negotiators settle into a negotiating routine in Eilat this week, the peace process quietly marks an anniversary of sorts--one year ago the Oslo-Wye diplomacy faced the threat of a unilateral Palestinian declaration of independence. That step was temporarily averted when Palestinian Authority (PA) ra'is Arafat postponed his May 4 declaration until after the Israeli election that month and then, following the signing of the Sharm el-Sheikh accord with the new government of Ehud Barak, until September 13, 2000. Today, May 4 is no longer a critical date on the calendar of Palestinian national aspirations. Yet, it does remain an important milestone for those committed to developing a more representative, democratic, and accountable PA. And more so than is commonly recognized, that process in turn is likely to have a significant impact on the prospects for an eventual Israeli-Palestinian peace agreement.

Background May 4 marks the one-year anniversary of the end of the "interim period," the five-year span between the establishment of the PA under the Oslo II accords and the date by which the two sides were to have reached a "permanent status agreement." According to those accords, May 4, 1999, was also the date designated as the end of the term of office for both the ra'is (head) of the PA and the members of the Palestinian Legislative Council (PLC), all of whom were elected to office on January 20, 1996. When Arafat delivered a major speech last year postponing the declaration of independence--"Every day is May 4," he said--he mentioned neither the status of the interim period nor the scheduling of elections for a new PLC. Since then, Arafat has said nothing on the subject.

No Elections Generally, the robust Palestinian civil society attaches great importance to developing a more democratic political system; hence, the large number of Palestinian public figures willing to face the strong-arm of the PA to criticize its performance. On the issue of elections, Palestinian democrats have received a particularly cold shoulder from the PA.

Local elections provide an instructive case in point. Although one of the first laws passed by the incipient Palestinian legislature in 1996--and subsequently ratified by Arafat--was the Elections Law for the Local Councils, no local elections have been held since the PA was established in 1994. Instead, Arafat has appointed all local officials. From time to time, advocates of good governance have pressed Arafat and his ministers for local elections, and at least

twice--in February 1997 and March 1999--Minister of Local Government Sa'eb Erekat pledged that local elections would be held "by the end of the summer." None were ever held, and Erekat continues to lead the PA's fight against PLC efforts to end centralized municipal appointments in major cities like Nablus and Tulkarm. Just last week, al-Quds newspaper reported that the Ministry of Local Government had once again appointed all the members of the Tulkarm Municipal Council.

Postponement Justified PA officials and ministers have a long list of explanations for the lack of local elections and the indefinite postponement of national elections. Erekat, for example, maintains that local Palestinian elections cannot take place in a "free and proper ambiance" until Israel completes all of its territorial redeployments. Still other officials define the "interim period" to mean however long it takes to establish the Palestinian state. Perhaps not surprisingly, many Palestinians dispute this interpretation and instead maintain that the terms of office for the ra'is and PLC ended a year ago. In February 1998, during a moment of unusual candor, Minister of Social Affairs Intisar al-Wazir (Um Jihad) explained her understanding of the delay. "The PA is smart," she confided. "It won't hold elections in the shadow of frustration."

Few "official" statements have been made by the PA regarding the extension of the interim period. The most authoritative comment came in February 1999, when Osama Abu Safiyya, the director general of the Palestinian Elections Committee, announced that the Court of Appeals concerned with election affairs had issued a ruling specifying that Arafat "in his capacity as chairman of the PLO [Palestine Liberation Organization] Executive Committee," would alone determine the term of the PLC. This ruling, which received little attention at the time, provided Arafat with the justification for an indefinite postponement of elections for both the ra'is and the PLC.

PLO versus PA? In the PA, where the rule of law is inconsistent at best, it is generally not constructive to overanalyze legal rulings such as the one mentioned above. Still, Abu Safiyya's statement deserves analysis, because of its implications both for Palestinian governance and for the peace process. Although in recent years the PLO has been somewhat marginalized by the PA, as final status talks progress, the PLO--as the organization claiming to represent all Palestinians everywhere--will almost surely assume a higher profile. There are signs that this is already in the works. Last week, for example, PLO Political Department head Faruq Qaddumi met in Jordan with Democratic Front for the Liberation of Palestine (DFLP) leader Naif Hawatmah to discuss reconstituting the Palestinian National Council (PNC). According to an April 26 report in al-Quds, the goal of the talks was to determine how the negotiations could be placed "under the supervision of the PLO and not the PA."

It is unclear what the effect of a more activist PLO would be on the peace process. Conventional wisdom holds that the PLO as an institution would assume more hard-line positions than the West Bank- and Gaza-focused PA, because the PLO represents the hundreds of thousands of refugees around the globe whose decades-old claim to a "right of return" is unlikely to be realized in a final peace deal. Conversely, some suggest that while the PLO may be more uncompromising, it alone is the institution that can declare a complete "end to the conflict" with Israel. Of course, as long as Arafat presides over both the PLO and PA, this discussion is academic. In a post-Arafat political milieu, however, it is unlikely that one individual will control both. If and when this occurs, the dynamics of the PA-PLO relationship will take on more significance.

Conclusion One year after the end of the interim period, problems of internal governance--symbolized by the absence of any plans for municipal or national elections--still plague the PA. According to public opinion polling, the PA's poor performance on governance issues mirrors the overall drop in Palestinian confidence in their leadership. Over the past year, polls by the Nablus-based Center for Palestine Research and Studies show Palestinian approval ratings for PA democracy have dropped from 26 percent to 22 percent; similarly, Arafat's own popularity has fallen from 46 percent to 39 percent, his lowest rating since polls were initiated in 1994.

As the peace process enters its most complex phase, these low ratings could make it difficult for Arafat to garner

popular support for even the most advantageous agreement. Indeed, polls show that many Palestinians both consider themselves distant from their leaders and believe that those leaders have already made too many concessions to the Israelis. Should the PLO as an institution assume a larger role in the negotiations, Arafat's ability to engineer an historic compromise will become even more tenuous. Given that Arafat will surely need to compromise on at least some of his oft-stated demands on Jerusalem, refugees, and territory if a deal is to be reached, he will likely need to find a vehicle to bolster his popular support during the critical negotiating period. The May 4 anniversary is a useful reminder that developing Palestinian democratic institutions may be a necessary prerequisite to forging the Palestinian consensus to make those compromises possible.

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