

Arafat and His Critics:

U.S. Policy between Peace and Democracy in the Palestinian Authority

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Brief Analysis

On December 1, Mu'awiyeh Al-Masri, a Palestinian legislator from Nablus, was shot in the leg by a group of masked men in broad daylight. This mafia-style "kneecapping" was the culmination of several days of arrests and protests in the Palestinian Authority (PA) which followed the distribution of a leaflet accusing PA Ra'is Yasir Arafat of corruption.

The crackdown on the twenty signatories of the leaflet highlights the authoritarian, dark side of the PA--an aspect of Palestinian politics generally relegated to second-tier status in the Oslo/Wye/Sharm diplomacy of recent years. Although it is likely that this incident, like many previous ones, will fade into the background once the spotlights revert to the impending "final status" negotiations, it provides a useful context to reexamine U.S. policy toward the issue of Palestinian democracy and the development of the Palestinian state-in-the-making.

Background. On November 28, two former mayors, nine academics, and nine members of the Palestinian Legislative Council (PLC) signed a petition decrying the PA, which it said had "followed a systematic methodology of corruption, humiliation, and abuse." Clearly frustrated, the leaflet enumerated several unfulfilled promises of the Palestinian leadership, including a state with Jerusalem as its capital, return of the refugees, and "demolishing" of Israeli settlements. It also complained about continued land confiscation, settlement building, a lack of economic development in the PA, and the continued incarceration of Palestinian "political prisoners" in Palestinian jails. The leaflet implicated Arafat himself in the corruption and urged Palestinians to "stand together against tyranny and corruption."

Retribution against the signatories was swift. The PA condemned the leaflet as a seditious attempt to induce fitna, or societal chaos. That day, five academics were arrested, and the two former mayors, including former Nablus mayor

Bassam Shaka'a, were placed under house arrest. Three more academics were arrested on November 29. The nine PLC member signatories were temporarily "protected" by parliamentary immunity; however, a special session of the legislature was convened a day later to discuss removing the legislators' immunity so they could be prosecuted. Under extreme pressure, between November 29 and December 1, several academics and PLC members withdrew their signatures from the petition and/or apologized. On December 1, the PLC met in Gaza in special session, and voted 33 to 8 to condemn the petition, the petitioners, and the slandering of Arafat. The PLC confirmed that the confines of the legislature was the "only stage" for legislators to express their opinions, and resolved to empower Speaker Ahmed Qurie (Abu Ala) to establish a special committee to "monitor members of the Council."

Continuity. The arrests and the atmosphere surrounding the shooting do not constitute a change in PA policy. In fact, the PA routinely arrests or otherwise harasses those critical of the regime. Most recently, in October 1999, PA security forces incarcerated four Palestinian journalists for their writings. In an eerie recurrence, even the shooting of Al-Masri was not unprecedented. In August 1995, Abdul Sattar Qassem, a professor at Al-Najah University and a harsh critic of Arafat, was shot in the leg while walking in Nablus. Perhaps not coincidentally, Qassem was also a signatory to the leaflet and is currently in jail.

The response of the PLC to this latest round of abuse of power reflects the extent of executive authority power in the PA, which has systematically neutralized the legislature as a political force. Interestingly, a close reading of the Oslo II accords suggests that the legislature--not the executive--was originally conceived to be the dominant branch of government, but Arafat quickly sidetracked that approach upon his return to Gaza, in favor of a all-powerful executive capable of running roughshod over any other institution (i.e., legislative or judiciary) threatening to check its power. In the recent incident, only 54 of 87 demoralized, cowed, or coopted legislators attended the special PLC session that condemned the nine signatories for exercising their prerogative of free speech. In contrast, the PLC has never censured Arafat or the executive authority for corruption or abuse of authority. Paradoxically, the PLC vote to censure its own members (by establishing an ongoing committee to monitor and censor its members' speech and activities) ranks among the most severe rebukes ever offered by the legislature.

United States and Democracy in the PA. Although Arafat is chiefly responsible for the culture of authoritarianism that reigns in the PA, the two principal Oslo partners--Israel and the United States--have generally acceded to this, rarely with complaint. For Israel, the equation has been simple: As the Egyptian and Jordanian examples show, strong governments with the veneer but not the substance of democracy can ensure security and maintain order, which are the overriding dividends of peace. Too much democracy might erode the power of the state to impose its will on opponents of peace, so the argument goes. As a result, Israeli leaders from both Labor and Likud have rarely voiced more than rhetorical concern about the absence of democracy among their neighbors.

For the United States, the argument is not so simple. After all, the expansion of democracy has been a cornerstone of U.S. foreign policy, with the administration adopting the slogan of "democratic enlargement." In the Palestinian case itself, then-Assistant Secretary of State Robert Pelletreau applauded the first-ever PA elections in 1996, saying, "Experience has shown that democracies are the best partners for making peace and building prosperity." Although Pelletreau's linkage of democracy and peace seems intuitive--and is, in fact, the driving logic behind U.S. policy in Eastern Europe and Latin America, for example--four years later it stands out as one of the only unambiguous U.S. policy pronouncements in support of democracy in the PA. In fact, in terms of operational policy, the U.S. position on democracy and governance in the PA is decidedly more equivocal.

In 1997, for example, Arafat refused to sign the PLC's Basic Law--a proto-constitution that would have established a balance of powers in Palestinian governance. The only clear U.S. government statements encouraging Arafat to ratify the law came from the mid-level position of the consul-general in Jerusalem and were seldom, if ever, either publicly or privately echoed by higher officials in Washington. Likewise, in May 1997, when Arafat and his minister of justice

officially condoned the extra-judicial killings of Palestinians accused of selling land to Jews, then-State Department Spokesman Nicholas Burns could offer only the tepid suggestion that "it would be good to see a public condemnation"; this minister, Freih Abu Meddein, remains in his position and often leads the Palestinian team in official bilateral discussions with the United States. Lesser incidents of PA corruption and abuse of power--such as the October 1999 arrest of four Palestinian journalists and the publication in November 1999 of a PLC report implicating PA security forces in the ongoing extortion of Palestinian businessmen--did not even elicit comment from Washington.

As final status talks progress, it is important for Washington to revisit its reluctance to adopt a firmer stand in support of Palestinian democracy, free expression, and good governance. Indeed, precisely because the nature of permanent status agreements will require the Palestinians to make concessions from their official, public positions of the sort that Egypt and Jordan were never required to make--that is, territorial compromise--it will be vital for the Palestinian leadership to build a broader constituency for peace than Anwar Sadat or King Hussein ever did. Israel can be excused for accenting security over democracy, but Washington's unique role--and President Bill Clinton's high personal standing among Palestinians--offers a rare opportunity to urge the Palestinian leadership to embrace democracy, free expression, and more transparent governance as an investment in peace.

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