

# Inside the Palestinian Authority: Struggle between Arafat and the Legislative Council

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## ABOUT THE AUTHORS



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## Brief Analysis

**W**ith media attention focused on the fractious nature of Israeli politics in advance of Israel's May elections, little attention is paid to the fractious nature of Palestinians politics, which could also witness a governmental overhaul in May. Whether or not the fateful date of May 4 passes with a Palestinian unilateral declaration of independence (UDI) -- and signs increasingly suggest that it will not -- date does mark the Oslo-mandated expiration of the terms of both the Palestinian Authority Ra'is (i.e., Yasir Arafat) and the Palestinian Legislative Council (PLC). Something, therefore, will happen on May 4, regardless of the question of UDI -- perhaps an extension of these terms, perhaps something else.

Since its inception in 1996, the PLC has struggled to carry out its legislative and oversight responsibilities, but has failed to carve out its niche as a counterweight to the executive branch. As the countdown toward May 4 continues, the simmering confrontation between the Palestinian executive and legislative branches has intensified into a vocal political clash. This dispute highlights the competing priorities of advancing the peace process v. promoting democracy.

**No Defined Roles:** The root problem between the PLC and the executive is the lack of a clearly defined system of checks and balances. According to PLC Political Committee chair (and former Georgetown professor) Ziad Abu Amr, the current crisis in the PA is attributable to "the political culture of the executive authority, which refuses to accept the principle of accountability as a basis for relations between the executive and legislative authorities." This attitude is exemplified by Musa Arafat, chief of Military Intelligence and cousin of Yasir Arafat, who was asked in a December 1998 interview about requests to testify before a PLC committee. "The man in charge of the security services is the head of the PA, and we will not say anything except to our leadership," he replied contemptuously. "I will not go to the Legislative Council to testify, and I am not willing to deal with them."

Shortly following the January 1996 election of the PLC, Palestinian parliamentarians commenced work on a Basic Law, which was initially called a "constitution." This law, which passed its third reading more than a year ago, provided a road map for the Palestinian political system, including a detailed discussion of a balance of power arrangement between the executive, legislative and judicial branches and a procedure for succession in the event of

the death of the PA ra'is. So far, Arafat has neither ratified the Basic Law nor returned it to the PLC for revision; in effect, he has ignored it.

**The Prisoner Issue:** The most recent example of a clash between the two branches concerns an issue that has little resonance to outsiders but strikes a chord within Palestinian politics. In early January, Palestinian parliamentarians decided to convene a special PLC session to discuss the issue of Palestinian prisoners incarcerated in PA jails. MPs were alarmed by what they claim is a lack of due process afforded to approximately 300 Hamas members imprisoned without charge, some in jail since the run-up to the March 1996 Sharm al-Shaykh antiterrorism summit. Many MPs called for an official inquiry.

In the days before the session, the PLC had asked the executive to deliver a formal explanation of the prisoners situation but received no response. After some internal debate as to who had responsibility for the prisoners question -- the Justice Ministry, headed by Freih Abu Meddein, or the Interior Ministry, headed by Yasir Arafat himself -- the PLC decided to issue requests to Abu Meddein and a number of officials from the PA security apparatus to address the special session.

When no one from the executive showed up on the session date, January 7, the MPs were livid. In response, the PLC empowered a delegation to address the issue directly with Arafat and to reconvene one week later. On January 9, PLC representatives met with Arafat and reportedly received assurances that the prisoners in question -- "political" prisoners, according to the Palestinian press -- would be released on the eve of Eid al-Fitr (on or about January 20). In his address to the legislature on January 13, PLC speaker Abu Ala indicated that the prisoner file would remain on the agenda until he was "convinced that it reached a positive solution." One MP, Jamileh Sydam, suggested that failure to release the prisoners as promised was grounds for the legislature to vote no confidence in Arafat's entire administration.

**Palestinian Democracy and the Peace Process:** The PLC campaign to secure the release of Hamas prisoners highlights the question of the legislature's role vis-a-vis the peace process and inter alia threatens to stymie efforts to promote democracy in the PA. While some pro-democracy advocates might applaud the PLC for upholding principles of due process, it is clear that Palestinian commitments to fight terror may require circumventing some procedures used by democracies in more normal times. And few would suggest that these are "normal" times.

In fact, PLC calls for the release of Hamas "political" prisoners echo those of Hamas spokesman Ibrahim Ghawshah, who earlier this week demanded the release of Hamas prisoners, including one -- military leader Ibrahim Maqadimah -- whom Israeli prime minister Binyamin Netanyahu has called "one of the worst terrorists on earth." As long as the PLC focuses on this sort of issue, Arafat will be in a strong position to respond to the legislature with indifference and disdain. Regrettably, another side-effect of the PLC's decision to take up a human-rights issue that has anti-peace process implications is that Washington is unlikely to lobby too strongly for greater democracy within the PA.

**Of BMWs and Budgets:** In addition to the ongoing debate about the prisoners, the PLC has also been critical of the executive for delays in presenting the budget for legislative review. Palestinian law requires the draft budget to be presented to the PLC two months prior to the start of the new year. As of January 14, PA finance minister Mohammed Nashashibi had not yet delivered the 1999 budget to the PLC. (He did the same last year, forwarding it to the PLC only in March.) On January 7, the PLC openly vented its frustration with what it perceived as the executive's deliberate policy of "ignoring" the legislature and the law.

During the January 7 session, the PLC also decided to form a special committee to investigate the reports of violation of procedures in the purchase of automobiles. According to press reports, Arafat had decided to purchase new \$100,000 BMWs for each of the 40 members of his cabinet. In response, 24 members sent a memo to Arafat voicing

their concern over this extravagant expenditure.

Conclusion: Despite being in a position of relative weakness, the PLC has remained persistent in its demand for transparency and accountability in the executive branch. While admirable, this effort has so far been largely ineffectual. Disputes over the late budget and the BMW patronage payoff are only the most recent of a series of episodes that underscore the problematic relationship between the two branches. The strong executive can ignore the legislature with impunity. And despite the end of both their terms in May, it is highly unlikely that a reconstituted executive will volunteer to change its approach to dealing with a reconstituted legislature. Nevertheless, the events of early January suggest an unprecedented level of activism and self-confidence in the PLC. In the short run, the PLC's current assertiveness has negative repercussions on the peace process and has the unintended repercussion of bolstering international sympathy for Arafat's authoritarian rule; in the long run, it may be an encouraging development in the formation of the nascent Palestinian democracy.

David Schenker, a research fellow at The Washington Institute, is currently working on a monograph about the PLC.



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