

Concepts and Terms

Crisis of Palestinian Representation

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Definition

The concept "Crisis of Palestinian Representation" refers to the current inability of the Palestinians to conduct themselves within an agreed upon political framework that has both the authority and the responsibility to represent the Palestinian people. The crisis of representation derives from a number of trends, and especially from the decline of the PLO – the official Palestinian representative, the constitutional crisis in the Palestinian Authority (PA), and the rise of Hamas which is not represented in the PLO.

Background

Since the establishment of the PA (5/94), the Palestinian internal discourse regarding the issue of representation has intensified based on the following premises and developments:

- **The PLO is the legitimate representative** – The PLO was recognized as the Sole Legitimate Representative of the Palestinian People by the Arab states (10/74), the UN (11/74), the US, and Israel (9/93), and is the official partner for Israel and the international community in the political process.
- **The Palestinian state will inherit the representative powers from the PLO** – One of the basic premises of the political process was that the PLO would represent the Palestinian people until a Palestinian state was established under permanent status agreement, and would inherit the representative powers from the PLO. The establishment of the PA was not intended to change the status of the PLO, as can be seen through the Interim Agreement¹ (9/95) which limited the representative powers of the PA.
- **The PA has become the de-facto representative** – During the Oslo Process, most of the PLO leadership returned to the territories of the PA and became part of its leadership. Consequently, the political focal point has shifted from the PLO to the institutions of the PA in the Gaza Strip and the West Bank. As a result, the PLO became an empty "shell company" that continued to hold the official representative powers, while the PA became the political address for Israel regarding the inhabitants of the West Bank and Gaza Strip.

The Representation Crisis after Arafat's Death and Hamas' Victory

The fact that Yasser Arafat was the leader of the PLO, the Fatah and the PA, and was considered the "Founding Father of the Palestinian Revolution", prevented the ambiguity regarding the issue of representation from evolving into a real crisis. His death (11/05) instigated the dispute regarding the issue of representation, and Hamas' victory in the Palestinian Legislative Council elections (1/06) even further emphasized this crisis:

- **Intensification of the struggle between the PLO and the PA** regarding the issue of representation. This aggravation was manifested, among other things, by the public struggle

¹ The authorities of the PA were limited by the Interim Agreement (9/95) between Israel and the PLO. The agreement regulated the powers and authorities of the PA in matters concerning foreign policy, security, law and economics and regulated the interfaces between the PA and Israel.

over the responsibility for the Palestinian diplomatic representations abroad, between the Chairman of the PA, Abu Mazen (who is also the Chairman of the PLO) and Farouk Kadoumi, head of the political department of the PLO, who holds the official authority to conduct foreign relations on behalf of the PA.²

- **Constitutional crisis in the PA** – Under the encouragement of the international community³, the PLC approved a constitutional reform in the PA (3/03) that included the establishment of the position of Prime Minister.⁴ This reform created an overlap of powers and authorities inside the executive branch, between those of the Chairman and those of the Prime Minister. When the Chairman of the PA and the Prime Minister were both from the Fatah movement, this overlap did not undermine the ability of the PA to function.
- However, after Hamas' electoral victory (1/06), the overlap of powers and authorities between Abu Mazen, the Chairman of the PA from Fatah, and Ismail Haniyeh, the Prime Minister from Hamas, turned into a serious constitutional crisis.⁵
- **Strengthening of Hamas** – Hamas challenges the secular-nationalist ideology of Fatah and offers an Islamist-nationalist alternative.⁶

Hamas' victory in the elections to the PLC is perceived by Hamas as the first stage towards its take-over of the PLO and the entire Palestinian National Movement. Hamas is trying to gain control of the existing Palestinian political institutions (the PLO and the PA), while at the same time, remaining an independent political entity holding representative authorities. Thus, the Chairman of the political department of Hamas and the leader of Hamas' external wing, Khaled Meshal, has become one of the most significant Palestinian spokespersons, even though he does not have any official authority in either the PLO or the PA.⁷

² Until Arafat's death, Kadoumi was responsible for all diplomatic representations. In 2003 Abu Mazen, then Prime Minister of the PA, tried to subordinate them to the Foreign Minister but was blocked by Arafat. Since Arafat's death, the struggle over this issue, between Abu Mazen and Kadoumi, has intensified. See: Regular, **Haaretz**, 5/1/05 (in Hebrew).

In an attempt to abate the power struggle between the PLO and the PA, the Fatah Central Committee decided (11/04) that the identity of the Chairman of the PLO and the Chairman of the PA were to be the same person, as occurred during Arafat's time.

³ The international community asked to limit the powers of Chairman Arafat, which was considered an obstacle to the political process.

⁴ Myre, Greg, "Palestinian Becomes Premier, Diminishing Arafat's Power", **New York Times**, 3/20/03.

⁵ The main overlap between the powers and authorities of the Chairman and the government concern the areas of security, advancement and supervision of legislation, and foreign affairs. Regarding the last issue, for example, while the prime minister is responsible for the Foreign Ministry, the Chairman is responsible for appointing the Palestinian diplomatic representatives abroad (clause 40 of the Basic Law). This has occurred even though the Basic Law specifically acknowledges the PLO as the "Sole Legitimate Representative of the Palestinian People" (see footnote 3). See: Palestinian Constitutional Structure; Palestinian Elections – Towards Institutional Dysfunction.

⁶ In the past, Hamas' attempts to join the PLO failed because it demanded over 30% representation in the institutions, and were thus rejected by Arafat. Following Hamas' electoral victory, it is now demanding representation in the PLO equivalent to the votes it received in the elections. However, the Cairo Agreements, (3/05) which acknowledge the need for adding Hamas and the Islamic Jihad to the PLO, are yet to be implemented. See Regular, **Haaretz**, 3/23/06 (in Hebrew). At the present time, Hamas demands that Fatah implement reforms in the PLO as a condition for establishing a Palestinian National Unity government – needed in order to end the economic and political boycott placed on the PA since Hamas took power. **Ma'an News Agency**, 11/21/06 (in Hebrew).

⁷ Meshal's growing status is especially salient since the kidnapping of Gilad Shalit (6/06). See Mash'al: I'm the Address.

On the one hand, Meshal's conduct illuminates the internal power-struggle taking place within Hamas, between its internal leadership (represented by Haniyeh) and the leadership of its external wing. On the other hand, Meshal's status challenges the PLO as the official representative of the Palestinians, and the PA as the actual representative of the inhabitants of the West Bank and Gaza.

- **Split within Fatah** – In contrast to Hamas, Fatah's central playing field is *within* the institutions of the PLO and the PA. Therefore, at first glance it seems that its relation to the crisis of Palestinian representation is indirect. However, Fatah was until recently the most dominant movement within the Palestinian National Movement, and the place where decisions regarding the National Movement and later the PLO and the PA, were made. Thus, the split within the Fatah⁸ contributes significantly to the weakening of the PA and the PLO as representative bodies.

Political Significance: No Palestinian Address Exists

The consequence of the crisis of representation is that the Palestinians are not able to conduct themselves through an agreed political framework that can claim to hold the powers and authorities to represent the Palestinian people. Therefore, the crisis of representation is one of the main reasons for the general weakness of the Palestinian political system, which is unable to make or implement important political decisions.

On the one hand, although the PLO is officially the sole legitimate representative of the Palestinian people, its status lacks any real backing because the real political powers have been transferred to the PA and because it does not include a significant political actor like Hamas.

On the other hand, the PA lacks official representation status, is constitutionally paralyzed, and its policies are deeply influenced by Hamas' external leadership which has no official status.

Therefore, at the present time, there is no Palestinian political address that can take part in a significant political move.

End.

⁸ Two main power-struggles exist within the Fatah movement today. The first – between the "old guard", identified with Abu Mazen and Abu Ala, and the "young guard" which is identified with Marwan Barghouti. This struggle became evident prior to the last parliamentary elections of the PA when Fatah intended to present two separate lists. Likewise, the Revolutionary Council of the Fatah recently decided to establish a united leadership of the Fatah in the West Bank and Gaza Strip, in order to strengthen the power of the "young guard";

The second power struggle is between "external" Fatah, the Fatah leadership that controls the PLO, which is led by Kadoumi, and the "internal" Fatah leadership that is led by Abu Mazen; the tension between the two leaders led to the cancellation of the last gathering of the Fatah Central Committee in Amman and to the decision of Fatah's Revolutionary Council to appoint Abu Mazen as the Chief Commander of Fatah, a position which previously belonged to Arafat. See: Rubinstein, **Haaretz**, 10/19/06 (in Hebrew); Issacharoff, **Haaretz**, 11/13/06 (in Hebrew).

In addition, there are several armed organizations identified with Fatah, but which function as separate bodies (Al-Aqsa Martyrs Brigade, Tanzim and others).