



SELF-GOVERNMENT, DEMOCRACY, AND MISMANAGEMENT UNDER THE PALESTINIAN AUTHORITY

ILAN HALEVI

Using as its starting point the May 1997 report by a Palestinian parliamentary committee on the misuse of public funds, this essay looks into the performance of the Palestinian Authority and charges of corruption, patronage, and human rights violations. It argues that most of the excesses result from the legal vacuum created by the occupation and from the absence of institutional counterweights to the PA in all domains. While reactions to the report demonstrated civil society's profound aspiration for the rule of law, the article concludes that the absence of a state necessarily means the absence of a state of law and an ongoing state of emergency.

WITH THE SEPTEMBER 1993 DECLARATION OF PRINCIPLES and the Israeli-Palestinian interim agreements that followed, the Palestinian people entered a complex phase of their history. The leadership was called upon to negotiate, over an extended period, the liberation of the territory on which it was to establish a genuine sovereignty, while at the same time having to engage in the challenges and difficulties of nation building. This double problem entailed an unprecedented model of state formation, where the cart of development was paradoxically put before the horse of independence. It was likewise wholly dependent upon the progress of the peace process and its "dynamics," that is, on the continuing movement toward greater Palestinian sovereignty in both territorial and political terms.

But for nearly two years now, the negotiations, already slow and difficult in the earlier phase, have ground to a halt. The liberation of territory has been adjourned. Threats to the existing margin of autonomy are accumulating, and construction is limited to restricted geographical and legal domains. Thus is the building of the Gaza airport and harbor still forbidden by the Israeli occupier; thus does the "safe passage" between the West Bank and Gaza remain an unfulfilled promise while the sealing of the territories (the "closures") and other obstacles to free circulation are choking the economy of the Palestinian zones. What actually remains of all the grand designs of construction and development is the management of this crippled interim

ILAN HALEVI, a writer and analyst of Middle East affairs, is currently Fatah's permanent representative in the Socialist International. This paper is an updated version of an article published in the summer 1997 edition of the *Revue d'études Palestiniennes*, the IPS's French-language quarterly.

status: the daily administration of public and private international pledges, partly materialized but for an important part blocked; the political management of a spiraling crisis; the social management of an impossible equation; the budgetary management of the considerable funds that the international community, through the intermediary of the World Bank and to a lesser extent the European Union, is either investing or—with regard to support for the administration, security organs, and more generally institution building—transferring directly to the Palestinian Authority (PA).

THE REPORT

Whence the importance of the publication of a report summarizing the work of the special parliamentary control committee set up by the Palestinian Legislative Council to look into the use of public funds. This report inflamed the Palestinian street in early summer 1997, giving rise to an interest far beyond the limited scope of the inquiry itself. Indeed, the commentaries published by the media—print and broadcast, in Palestine and abroad—gave vent to extensive speculations about a report that no journal took the trouble to publish in extenso, thus making it possible to evoke a content that the actual reading of the report does not confirm. It was claimed, in particular, that the report highlighted the corruption of the Palestinian administration. In this regard, the international press implicated specific Palestinian personalities, including several ministers in the Palestinian government, suggesting that the report constituted a considerable source of embarrassment for the PA. For the most part, however, such speculations were totally gratuitous. Nowhere in the report is there any accusation of misappropriation of funds for private purposes. It is true that certain ministries—and not certain ministers—were criticized by the authors of the report for their budgetary management. Criticism of the ministries perforce involves the ministerial responsibility of those in charge, which is why the entire Palestinian cabinet submitted its collective resignation in the aftermath of the scandal unleashed by the report. As the resignation was rejected by PA President Yasir Arafat, however, it remained devoid of any but a theatrical effect.

Originally, the drafting of the report was part of the normal activity of the Palestinian Legislative Council, elected in January 1996, whose statutes and agenda provide for certain procedures of control, supervision, and budgetary verification as a matter of routine, as is the norm in states where the rule of law prevails. The text was to be the council's first annual report on government spending.

The role of the council in the production and drafting of the initial report was therefore crucial. It was only after it was completed that Arafat took the decision to publish an abridged version of it. In fact, and to be perfectly accurate, there were altogether three reports, since the full report and the shortened version mentioned above were preceded by what may be called a "report on the report," signed by the PA comptroller, Mr. Jarrar al-Qudwa.

From the existence of multiple versions to conclude that the report had been expurgated or censored was but a step, and the door to the wildest speculations was thrown wide open: What was the PA hiding? What was contained in the sections not included in the published report?

For the most part, the report is an accountancy inventory of rash spending by the public administration. From a detailed listing of expenditures undertaken by the various ministries, it appears that more than \$300 million (nearly a third of the PA's total yearly budget) could have been saved, and was therefore "wasted." This was the section that itemized the apparently exorbitant sums spent on furnishing the ministries; one budgetary item alone involved the purchase of some 7,000 cellular phones.

The section concerned with fiscal exemptions, on the other hand, posted as a loss for the state, is more interesting, for it is here that we begin to perceive the veritable galaxy of private companies that have mushroomed around the PA since its inauguration in summer 1994: building companies, hotels and restaurants, import-export firms, and enterprises of all kinds. The assorted entrepreneurs and contractors have succeeded in obtaining various protections and have gained access to considerable cash-flow facilities (loan guarantees and so on) without which they could not have entered the market. What emerges from between the lines is a description of the "system" through which a new class of businessmen is being formed: a system that recalls the transformation, in Eastern Europe at the end of the Gorbachev era, of former communist bureaucrats into owners of entire sectors of an economy being privatized under their own auspices. With this major difference: here, it is the "national" economy that is being revived, whereas the rule of market has always been.

Ultimately, what the report denounces is budgetary incompetence and the unseemly extravagance on the part of the government ministries. At the same time, by bringing to light the system of tax exemptions and "encouragements" to investment, it opens the door to an implicit criticism of the tentacular hypertrophy of the executive, in particular in the economic field, against the background of a constitutional vacuum and absence of private law. There is also veiled criticism of the "clientization" of society—the all-pervasive patronage system in a welfare state too poor to give to everyone and accused of "irrigating" first and foremost its own social periphery. This last includes the world of courtiers-businessmen and finance operators and contractors but also plain intermediaries, commission takers, and other "insiders" who gravitate around power centers in all contemporary societies. In this sense, the report, for all its emphasis on numbers and its restrictive mandate for mere accountancy, does underline the perverse impact of the current situation both on economic activity and on the credibility of the PA itself.

THE OFFICIAL CRITIQUE OF THE REPORT

The official criticism of the report appeared in a document prepared for the international donors in the summer of 1997 by the PA Ministry of Planning and International Cooperation. Its goal was to reassure the donors, who had been demoralized by the disinformation campaign that surrounded the issuing of the report(s). On the eve of its announced publication, for example, Israeli television broadcast a long program entirely devoted to a journalistic inquiry into corruption within the PA. The program, intended to accredit the idea that corruption was not only prevalent but basically imported from Tunis by the PLO "returnees" as a category, was widely viewed by Palestinians throughout the West Bank and Gaza Strip. The murkiness arising from the fact that there were three reports, the private and media speculations on their content, and the ongoing Israeli efforts to discredit the PA (so as to reduce its ability to mobilize either Palestinian or international support in confronting Israeli policies) inevitably gave rise to grave questions. From the donors' point of view, the inevitable question was why they should contribute sizeable sums to the PA if the money was going to disappear into the pockets of those close to power. The donors therefore had to be reassured, which is why the PA undertook to issue its critique.

The thrust of the official critique rests on the fact that the report fails to distinguish between the expenditures it considers exaggerated and the expenditures that do not result from a decision by the competent organs, such as banking privileges, tax exemptions, and other irregular budgetary procedures. It stresses that although too much may have been spent on furnishing the ministries, this does not mean that the ministries should not have been furnished at all, or that they could have been furnished free of charge. In other words, the report should have calculated the difference between the excessive expenditures on given items and the committee's estimate of how much reasonably should have been spent on those items. Thus, 7,000 cellular phones may be too many, but does this mean that none were needed?

As the official critique is happy to emphasize, the original report says nothing about any misappropriation of funds, not to mention outright embezzlement. Indeed, in the eyes of the majority of the Palestinians who follow the issue closely, this was the basic flaw and weakness of the report, which conceals as much as it reveals about the scope of the corruption phenomenon. Indeed, this was undoubtedly one of its major functions. Lifting a corner of the veil covering these practices sends a positive signal to Palestinian public opinion, saturated by rumors of corruption, while at the same time controlling and limiting, to the extent possible, the damage.

In itself, the publishing of the report is a sign of health in public life. It is a striking example of the role of the parliamentary institution and of the legislators. The very fact that its publication was decided by the PA itself means that the latter acknowledges and endorses the approach. In short, its publica-

tion gets across the idea that there are limits, and that things can change, or, in any case, can be stopped from getting worse.

What shines through this episode in the making of a balance of power between state and society is the strength and rootedness of Palestinian civil society's profound aspiration for the rule of law, as well as its demand for a social justice strongly marked by egalitarianism (despite the almost total consensus in favor of a market economy). This accounts for the intensity of interest, indeed the passion, aroused by the report's publication in all strata of society.

The arrest and week-long detention of Daoud Kuttab, an independent journalist and owner of al-Quds television station, just after the report came out, brought home both the importance and the fragility of this balance of power: officially, Kuttab was charged with violating the Law of the Press, and more specifically, with having violated the terms of his contract with the PA Ministry of Information on the one hand and the Legislative Council on the other. Authorized to broadcast live the debates of the council on his program of audiovisual training, he broadcast the session where the famed report was to be debated, ignoring the PA's demand that he not do so.

The authorities' nervousness regarding public debate had been exacerbated by the not-coincidental broadcast just before of the Israeli television program on corruption discussed above. But the Kuttab affair deprived the PA of an important part of the credit it could have claimed for ordering the report to be published in the first place. The detention of Kuttab suggested not only that it feared open discussion but that it feared what the Legislative Council would have to say on the matter.

Kuttab's release (he affirms that he was correctly treated during the five days he was kept under surveillance in an office and during his two days in prison) demonstrates the effectiveness of the Palestinian and international pressures brought to bear on the PA. It also reflects the power of public opinion, which appears as a relatively novel parameter in this context. Indeed, the plethora of information sources and media (broadcast more than print) has opened unprecedented opportunities for the flow of data and ideas in the Palestinian territories. In addition to the private and local radio and TV stations, one finds the public and private Arab radio stations, Radio Monte Carlo, Radio-Orient, Israeli radio and TV in Arabic and in English, and a multitude of cable and satellite Arab and international television channels, to say nothing of the Internet, where the waging of the Arab-Israeli conflict takes a sophisticated form.

The vigor of public debate is a sign of the strength of Palestinian civil society, of which the Palestinians themselves are not always aware. And in this particular battle, civil society has powerful allies: the World Bank, which is demanding financial transparency; the European Union, which insists on democracy and the rule of law; the "Oslo coalition" in general, which has carved accountability, transparency, and respect for human rights into the accords; and, last but not least, the PA itself, which is committed to these de-

mands even if it does not always succeed in fulfilling them. This was apparent in earlier crises, when society's protests won out over the resistance of the apparatus. In the last analysis, in this type of situation, the PA always ends up on the side of the law, which today is the side of the street.

The drawback of this power of the street lies in the fact that its determination not to be duped and its critical skepticism go hand in

The drawback of the power of the street lies in the fact that its critical skepticism goes hand in hand with a credulous vulnerability to rumors.

hand with another form of naïveté, a credulous vulnerability to rumors: the rumor that seizes the street, gets hold of it, the rumor that takes on a life of its own. For between the reign of Egyptian and Jordanian secret services and thirty years of Israeli occupation, a peculiar form of self-censorship has crystallized. This is the culture of the *washwasheh*, whispered confidences and rumors passed along

from mouth to ear, and of the *nukat*, subversive jokes, as in the Egyptian popular tradition. One finds here echoes of the culture of double talk noted by Western travelers in the totalitarian regimes of Eastern Europe and which would be immediately recognizable to any citizen of third world police states, heirs of colonial police dictatorships. Add to this the provincial pattern of "gossip" characteristic of villages and small towns (the two poles between which Palestinian society's center of gravity oscillates) and you get a reasonably good recipe for the crystallization of a cynicism where a disillusioned street becomes a demoralized street and thus easy to manipulate. The situation is somewhat different for the middle classes, whose discontent coincides with their ambitions and who feel compelled to defend the privileges so dearly acquired under occupation. It is thus not surprising that it is among the intellectuals, academics, and liberal professionals such as doctors and lawyers that one finds (alongside the parliamentarians and political militants, first and foremost of Fatah) the most ardent defenders of the rule of law, the least eager to accept the "normalization" of the Palestinian state-in-the-making.

At the base of all these phenomena lies the legal and institutional vacuum created by Israeli occupation. Indeed, the prevailing legal system is heterogeneous both in terms of sources (bits of Ottoman, Mandatory, Egyptian or Jordanian, Israeli, and finally Palestinian legislation) and geography (the Jordanian law in force in the West Bank has never been applied in the Gaza Strip). It also remains, despite the preparatory work in this direction, devoid of any constitutional dimension, with all the efforts to overcome this limitation blocked by the freezing of the political process.

The legal vacuum is patent when it comes to private (commercial) law, a domain where administrative authorization, itself entirely dependent upon the whim or favor of the prince, has always taken the place of standardized and transparent procedures, whether it be a question of public tenders, the registration of companies, import-export licenses, tax regulations, or banking facilities. The political-security collusion of the various decision-making

organs is a longstanding feature of the institutional landscape that thirty years of military occupation, with all its arbitrary rule and power abuse, could only aggravate in popular perceptions. In these conditions, the informal or parallel economy, black market, undeclared transactions, hand to hand, in cash, as well as commissions, under-the-table payoffs and outright bribery become normal elements of economic activity. This situation can in no way be seen as resulting from the establishment of the PA. This last only inherited it and now manages it, which is precisely the problem: society expected the PA to put things in order, to do some cleaning.

Underlying all these manifestations of the state of emergency and of crisis management is the all-mighty power of the executive organs, their very power a direct result of the weakness and restrictions inhibiting the structuring and strengthening of democratic institutions. For political nature, too, hates a vacuum, and the executive has rushed in to fill the void created by the absence of representative political institutions with powers emanating from popular sovereignty. The Legislative Council, with its commendable earnestness and sense of responsibility, is the sole embryo of this construction. Since its establishment at the beginning of 1996, everything has been frozen: Shimon Peres chose to hold early elections rather than implement the agreements signed; the suicide attacks of February 1996 provided the excuse for calling off the process; and Netanyahu's victory unleashed the present escalation. Except for the painful birth of the Hebron Protocol—in any case not a new accord but a sequel inherited from the earlier phase—all forward motion has stopped. The redeployments of the Israeli army out of area B (villages and refugee camps) called for under the signed agreements did not take place: the Israeli government's absurd proposal to withdraw its forces from some 9 percent of the West Bank, elicited by mild U.S. pressures, ran into the "Gulf Crisis" of January–February 1998. A substantial withdrawal, even by stages, from area B is not even among the elements put forward for discussion by the American, Egyptian, or Jordanian mediators. Yet without redeployment, there can be no municipal elections, no regional elections, no local power, no building of decision-making or management bodies capable of counterbalancing the power of the central authority or challenging its monopoly on business transactions and patronage. This situation is emblematic: it is the actual space of the PA—the geographic and political territories under its jurisdiction—that is threatened from all sides by the Israeli violations of the accords.

The legacy of behavior patterns brought back from Beirut or Tunis is thus marginal compared to this structural imbalance of power: the absence of institutional counterweights to the might of the executive in all areas of social and economic life makes possible the distortions discussed here. For while the autonomy of institutions has been deferred to a future stage of the stalled process, the authority of the executive is formally guaranteed by the Declaration of Principles of 13 September 1993 ("Oslo I") and especially by the Interim Agreement on the West Bank and Gaza Strip of 28 September 1995

("Oslo II"), which specifically states that all powers shall be vested in the hands of the executive pending their future distribution among the appropriate institutions. In these conditions, by blocking the implementation of the agreements and thereby hindering the building of democratic institutions, Israeli leaders are systematically weakening the legislative and judicial powers and reinforcing the unchallenged power of the executive.

There is no question that the PA should "clean house," and any step toward improving political and financial practices will be greatly welcomed by Palestinian and international public opinion. But there should be no illusions about the fact that only the political unblocking of the situation and the actual implementation of the signed agreements, which means a change in the official Israeli position, can create the conditions necessary to transcend these problems within the Palestinian administration.

AFTER THE REPORT

Nearly a year after the publication of the report, can one ask: What, if anything, has changed? The conduct of public administrators is perhaps more cautious, some practices might perhaps be more subtle and less visible. Perhaps. Whatever the case, however, nobody has been reprimanded, removed, or even transferred as a result of the inquiry.

What is easier to ascertain is what will most probably *not* change.

Report or not, the Israeli blockade, closure, sealing, or siege of the Palestinian territories—periodically relegitimized by attacks and operations, which the closures have never been able to prevent—continues. The closures cost the Palestinian economy between \$7 million and \$9 million a day, a figure confirmed by the World Bank. This sum transforms the millions contributed by the international community into a mere drop in the ocean of global losses. The cost of living in the Palestinian territories has increased by more than 15 percent in one year, while unemployment has risen to unprecedented heights, nearing 75 percent of the active population. What is certain in such a situation, then, is that there will be a deepening of social inequalities, making popular opinion all the more readily scandalized by the highly visible forms of enrichment in those sectors where economic activity goes on and in particular in the field of construction.

It is this economic situation that aggravates the phenomena of embezzlement and the misappropriation of public patrimony, just as it exacerbates the demagogic attitudes and discourse on personal wealth, with all this implies in terms of populist hypocrisy and faked austerity. Thus, in the Palestinian mind, wealth is increasingly being

If wars always find their profiteers, reconstruction does too.

confused with corruption, business with theft. For if wars always find their profiteers, reconstruction does too, even more so, and this appears to be the hour of the new Middle Eastern and international peace profiteers. And in

the absence of anything resembling a genuine peace, they can only feed on its paltry substitute, the “peace process.”

The task, then, is to weed out the true from the false, outright theft from legal trade, to undo the confusion between the conquest of markets and influence peddling, between legitimate ambitions and con jobs. In the wake of the Oslo-inspired economic summits of Casablanca and Amman, as under the banner of triangular European-Israeli-Palestinian cooperation, a multitude of private interests have emerged or positioned themselves in the peaceful competition wherein the search for private profit serves as a guarantee of commitment to the cause of peace. One has only to listen to the advertising campaigns of Palestinian private enterprises, and especially banks, broadcast over Palestinian national radio to be struck by the patriotic and enthusiastic coincidence between public and private interest that today constitutes the structuring discourse of the national bourgeoisie. From the national point of view, the issue is transparency and equal opportunity between the entrepreneurs themselves and not enrichment in itself.

What is certain is that as the nonimplementation of the agreements and its consequences (economic asphyxia and political blockade) weaken and reduce the PA’s margin of maneuver, Palestinians are being driven to despair. Still, the Israeli leaders’ hope to reduce them to utter dependency illustrates the extent to which the Israelis, or at least Netanyahu’s advisers, misread the Palestinian political map. Blinded by their racist contempt for Palestinians, they fail to grasp that the PA can never trade the support of the street for any break or advantage the Israelis could provide. Which means that we can expect the Israelis to intensify their pressures to control, master, neutralize, buy, co-opt—in a word, to manage this *de facto* state of emergency marked by the arbitrary rule of an executive devoid of counterweights.

WIDENING THE DEBATE

In the final analysis, the report of the parliamentary control committee deals only with a secondary aspect of a situation where the absence of a state necessarily means the absence of a state of law, the absence of the rule and primacy of law, and the omnipresence of a state of emergency. This is particularly clear in the judicial realm and with regard to the functioning of security organs, periodically challenged by human rights organizations; indeed, it is manifest at all levels of daily life.

The abuse of power, alas, is in no way confined to the budgetary sphere. Human rights violations in the territories under Palestinian administration are serious and worrisome, even though it is not yet certain to what extent they constitute a pattern. Palestinian courts have meted out punishment for the most dramatic violations, assassinations, and the torture of prisoners: in Jericho in 1996, for example, two Palestinian policemen were sentenced to heavy prison terms for causing the death of a detainee (in that case, an alleged “collaborator”); and in 1997, two Palestinian soldiers were sentenced

to die for torturing one of their colleagues to death on a totally apolitical matter.

Concerning political repression, certain improvements have been noted over the past two years, lending support to the optimistic hypothesis that there may be a learning process at work, a mechanism of trial and error, experimentation and correction within the organs of repression themselves. Mass arrests, roundups, and searches of the opposition, particularly of the Islamist movement, are on the decline in favor of more selective, targeted arrests. The current policy appears to be aimed at isolating and dismantling the armed groups actually responsible for anti-Israeli operations, either already carried out or planned, and leaving the political-ideological movement *per se* alone. Similarly, there has been a substantial decrease (but not a total disappearance) in the kind of police brutality witnessed during the massive raids and waves of arrests in 1995 and 1996.

To assess this development, a certain number of facts must be recalled. Since the summer of 1994, Palestinian opposition to the PA and to Yasir Arafat has largely coincided with opposition to the Oslo agreements and even to the Madrid process; those critical of Arafat's methods but supportive of the general political direction he launched have been more or less marginal. Insofar as the public discourse of the Islamist organizations is concerned, the opposition is to the very idea of peace with the state of Israel; only recently has the discourse shifted to the idea that such peace, rather than a conspiracy to be foiled at all costs, was but a pathetic illusion that did not stand a chance (given the nature of the Zionist state). The Islamist movement, however, had ample opportunity to gauge its relative weakness among Palestinian opinion. Its call in January 1996 for a boycott of the Palestinian elections was massively disavowed by the overwhelming popular participation in the vote. Thus, having failed to convince Palestinians to give up their hopes for peace, these groups embarked on a series of terror operations against Israeli civilians, which they knew would end the ongoing process of reconciliation by provoking barbaric Israeli reprisals. And indeed, their attacks successfully impeded, slowed down, and crippled the peace process and helped Netanyahu gain power, thus opening the present crisis.

The PA's position of principle is clear: all Palestinian opinions are legitimate, and political dialogue with the currents rejecting Oslo must prevail. At the same time, any "autonomous" armed activity is forbidden and will be repressed. Within that framework, the PA has periodically engaged in political dialogue with the leaders of the opposition movements. The ultimate aim of this dialogue is to co-opt the Islamist current into Palestinian institutional life, which means some form of power sharing in exchange for the recognition, already acquired in practice, of the legitimate character of the PA and the end of armed operations.

The Israeli position is radically different. The Israelis demand mass arrests; the outlawing of the currents opposed to peace; and the closing down of the

associative, cultural, and civic activities inspired by these currents. In other words, they demand what amounts to a Palestinian civil war.

In the years since Oslo, long periods of truce in anti-Israeli attacks (periods where the rise in popular hopes was translated into hostility to sabotage strategies) alternated with spates of suicide bombings and other spectacular operations. At the level of popular opinion, such operations—habitually following months of self-restraint in the face of stalemate, the nonimplementation of the agreements, and the escalation of settlement construction—feed on the frustrations of the painfully slow negotiations process.

At an organizational level, however, these attacks have been provoked by Israel's intransigence on the issue of prisoners, its rejection of all mediation and truce offers, and especially by the assassinations of Islamist leaders Fathi Shiqaqi and Yahya Ayyash and more recently the attempted assassination of Khalid Mishal. In these conditions, nothing could prevent the movement's hard-liners (often without the support of their local leaderships but with the support and encouragement of their friends in Amman, Beirut, Damascus, and Tehran) from blowing up busses and with them—by way of Israeli backlash—the peace process.

The Islamist current strikes, but it is the PA that is incriminated by the Israeli leaders and ordered to take "harsh measures" against terrorism. Raids and sweeps by Palestinian security follow, with "muscled" searches and mass arrests. The Israeli officials are never satisfied, however, ceaselessly complaining that the arrests are not followed by investigations or condemnations. Searches carried out with spectacular brutality by the PA in Islamic universities and their arbitrary closure have been criticized in the Palestinian media and public debate as politically damaging and useless in terms of security, while being denounced by the opposition as a humiliating service rendered to the occupier.

Since the resumption of "national dialogue" in February 1997, the Palestinian security and judicial organs have acted with a lighter hand, abstaining in particular from the brutalities that followed the murderous attacks against Israeli civilians in Jerusalem, Tel Aviv, and Ashkelon in February 1996. Starting with the Beit El attack, where a Popular Front for the Liberation of Palestine (PFLP) commando assassinated two Israeli settlers, the PA embarked on a new strategy: to arrest and bring to trial without delay the perpetrators of the operation, while avoiding any political escalation against their organization and resisting Israeli pressures for extradition. One of the results of this strategy was to deepen the already existing contradictions within the PFLP concerning armed attacks.

On the morrow of the Mahane Yehuda bombing in late July 1997, the Israeli government handed the PA a list of several hundred militants and cadres of Hamas and Islamic Jihad, demanding their immediate arrest. Significantly, the PA immediately and formally rejected the demand. To the contrary, and despite Israeli protests, the PA officially opened a new round of political consultations with the opposition, asking for its support in efforts

to obtain the implementation of the signed agreements and to stop expressing support for anti-Israeli attacks.

Ultimately, what is most costly for the prestige and international image of the PA is its relationship with the press, its allergy to criticism, and more generally the relations between the state organs and agents and independent associations and public personalities. It is in this area that the illusion of power and the drive to control everything clashes most brutally not only with the complexity of the Palestinian situation but also with the entire reality of late twentieth century, where the free circulation of words and images can circumvent virtually any attempt at censorship. Here, however, practices of intimidation are never far: where is the line between traditional forms of mediation, the desire to persuade or influence, and downright intimidation, pressure and threats, even short of physical violence? Attempts to intimidate journalists or public figures are particularly costly, precisely because they are public and are at once transformed into propaganda assets for the opposition. Thus have such outrages as the campaign against Iyad Sarraj and the short-lived ban on a book by Edward Said backfired. This in itself is a happy outcome, but such outrages have caused serious damage to the credibility of the PA.

THE CRUX OF THE MATTER

It is still too early to undertake a true reckoning. The provisional observations possible at this stage suggest contrasted assessments, inevitably biased, between apology and denunciation and are for the most part unsurprising. Those who have always denounced continue to denounce. Those who opposed Oslo when it was first signed now point to its disastrous consequences, amalgamating the accords themselves with the effects of their nonimplementation, and continue to decry Arafat's policies and leadership.

The rare surprises of the last few years, since the Palestinian legislative elections of January 1996, have occurred within the domain of Palestinian political life, against the background of the polarity between secular patriotism and Islamist activism. Thus have a number of "opponents" rallied to the PA, including Bashir al-Barghouti, the communist leader; 'Abd al-Jawad Salih, former mayor of al-Bireh; Hanan Ashrawi, the independent; and former Hamas leader Imad al-Faluji. Thus, too, has there been the discreet "return" from exile of most Democratic Front cadres and their active participation in the "national dialogue," and the quasi split within the ranks of the PFLP triggered by the emergence of a realistic current, which began to manifest itself in 1996 with open criticism of the PFLP's boycott of Palestinian legislative elections. Finally, there is the flexibility of the Islamist movement's leadership inside the Palestinian territories.

From the start, and even a priori, judgments on the PA's performance have been categorical and without nuance. In general, they have been

grounded in a confusion between policy and leadership and between leadership and the personality of Yasir Arafat. Indeed, ever since the crisis of 1983, a constant feature of Palestinian political life has been its opposition of “Arafatists” and “radicals” and its tendency to concentrate on Arafat’s person any discussion of the strategies and methods of management of political and financial power. And one of the major weaknesses of Palestinian political debate is that it has become impossible to discuss daily management without falling into an argument over the validity of the overall political strategy and therefore over the person of Arafat, who spearheaded it throughout.

Judgments on the PA’s performance have been grounded in a confusion between policy and leadership, and between leadership and the personality of Yasir Arafat.

In this sense, the publication of the control committee’s report may be a turning point insofar as it shows a determination to debate management on the part of Arafat’s political *allies*, on the part of those who have thrown themselves behind the peace process. There is also cause for hope in the high standards and demands of Palestinian civil society and its refusal to accept antidemocratic practices or corruption as normal phenomena.

But personal subjectivities, in this respect, differ greatly. Disappointed love can inspire immense bitterness, even hatred. Thus can one hear contemptuous sneers and radical condemnations in which prejudice is not absent: the defeatism of colonized intellectuals, outraged by their people’s backwardness, by the provincial and amateurish approach of the national establishment to modern communication techniques, echoes the most classical colonial racism, and they converge in the affirmation that the Palestinian state-in-the-making cannot but be a corrupt dictatorship, “like the other Arab regimes.” Here, the radicals of the ultra-Left are in tune with the colonialists of the ultra-Right and compete in dubious comparisons to Bantustans, Vichy, Papa Doc, and so on. No doubt that for those who feel vindicated when trouble befalls the Palestinian areas, bearing out their somber predictions, the publication of the parliamentary control committee’s report constitutes further evidence of the structural and not merely circumstantial corruption of the PA. We shall abandon them to the troubled delights of their equivocal virtue, reserving for a further occasion the pleasure of doing justice to their absurd parallels.

The crux of the matter is that without state sovereignty, there can be no popular sovereignty, no “government of the people, by the people and for the people,” which to say no democracy. The only alternative to the arbitrary rule of the executive is the power of institutions. And indeed, what is missing at present is the space, the very territory of power, the “territorial jurisdiction” promised in Oslo. Without this, it is impossible to build and structure democratic institutions: without Israeli redeployment from area B, which is to say without withdrawal from the Palestinian villages and the refugee camps of the West Bank, no local or regional elections can be held, no new areas of civic intervention can be opened, no emancipation of society can

take place. More fundamentally, without an independent Palestinian state, free to legislate in a sovereign fashion, absolute primacy of the law will remain beyond reach. No rule of law without a state, no state of law without a state: It is impossible for freedom of the individual to blossom where the servitude of the community deepens. The question is not how to rationalize a state of affairs that is in itself perfectly unacceptable and unjustifiable, but to understand its genesis and identify the conditions needed to transcend it.