



PLO vs. PA

September 2014

INTRODUCTION

There has been considerable debate about the extent to which the Palestinian leadership is a legitimate and broad representative of the Palestinian people. The terms Palestine Liberation Organization (PLO) and Palestinian Authority (PA) are often used interchangeably and confusion exists about the similarities in their structures and functions. While the two bodies are – at least in theory - significantly different, this confusion is justified since they are very much interrelated in practice.

So, which of the two bodies actually represents Palestinians? In a nutshell, the PA has “municipal authority” over the affairs of Palestinians in the Occupied Palestinian Territories (OPT), while the PLO takes broader decisions regarding Palestinians worldwide and the status of Palestine, but holds no legal authority over internal local governance. As the PLO is the signatory to the Oslo Accords and negotiated the establishment of the PA (created to implement those Accords), and both bodies are currently led by the same person, they are intrinsically linked. The PLO is per se superior to the PA, but the latter increasingly appears to be gaining in political significance at the PLO’s expense. Among other things, it has assumed diplomatic functions in parallel with the PLO, a role for which it is not mandated. Matters are further complicated by the fact that both their respective legislative bodies are not functioning – the Palestinian Legislative Council (PLC) in the West Bank and Gaza has not met for seven years, and the Palestinian National Council has not convened since 1998.

This bulletin aims to shed light on the origins and evolution of both organizations and provide a better understanding of the relationship between the PLO and PA, as well as the possibilities and prospects for institutional reform, under discussion recently and partially agreed upon as part of the reconciliation process for Palestinian national unity.



1st PLO Executive Committee, Jerusalem, 1964



Meeting of the PA unity government cabinet, June 2014

Table of Contents:

Palestine Liberation Organization (PLO)	2
Palestinian National Authority (PA)	4
Evolution of the Relationship between the PLO and the Palestinian Authority	5
PLO-PA Graph	6
PLO Reform and the Future of the PA/PLC	8
The Palestinian Authority: Rendering the PLO Obsolete?	9
Conclusion	10
Timeline	11
References	12



Palestinian National Council, Algiers, 1988



Palestinian Legislative Council, Ramallah, 1996

PALESTINE LIBERATION ORGANIZATION (PLO)

Background

After the Palestinian Nakba of 1948, the hopes of all Palestinians within the borders of Israel and in the refugee camps lay with the Arab states, and especially with Gamal Abdel Nasser, the Egyptian leader of Pan-Arabism. The recovery of the homeland was seen as dependent upon the achievement of Arab power through Arab unity.¹ Arab nationalism and the Ba'ath Party dominated the ideological spectrum at that time and did not leave much room for an independent movement dedicated to Palestinian nationalism. The only distinct Palestinian organization permitted was the Palestinian Students' Federation in Cairo, at the time already under the leadership of Yasser Arafat, Salah Khalaf and Faruq Al-Qaddumi, who would later become central in Fatah as well as the PLO. While underground groups calling for Palestinian independence to be achieved by Palestinians themselves did emerge, such as Fatah and others, Pan-Arabism clearly dominated,² to the extent that, "insistence on a separate Palestinian identity was regarded with suspicion, as a sign of a lack of Arab solidarity."³

However, once the need for a distinct Palestinian organization to lead the fight for Palestinian rights and independence became apparent,⁴ the first Arab summit in Cairo in 1963 called for its establishment⁵ and the first Palestinian National Council was formed one year later.

Establishment

It was at this first Palestinian National Council (PNC) on 28 May 1964, in Jerusalem – attended by 422 members⁶ – that the PLO was founded to address the Palestinian national cause and achieve the liberation of all of historical Palestine. In its concluding session on 1 June 1964, the Council adopted key resolutions appointing an Executive Committee, chaired by Ahmad Shuqeiri who had been the Palestinian representative at the Arab League since September 1963, and creating a military, financial, political and administrative infrastructure for the Palestinian people: a National Charter and Fundamental Law were adopted as the basic constitution, a Palestine National Fund was set up, and a Palestine Liberation Army created.

Nevertheless, the PLO was still controlled by Arab states, particularly Egypt, until the late 1960s, when the factions of the Palestinian resistance gained greater representation in the PLO.⁷ In 1969, Yasser Arafat, then head of the Fatah faction, was elected Chairman of the PLO Executive Committee.⁸ Henceforth, the PLO became the political umbrella organization for the majority of the Palestinian factions with the mission to serve as *the* Palestinian national movement. In 1974, the Arab Summit recognized the PLO as the "sole and legitimate representative of the Palestinian people" and the UN granted it observer status.⁹ Furthermore, the PLO represented Palestine in the Movement of Non-Aligned Countries, the Organization of the Islamic Conference, and other bodies. However, the fact that the PLO was dependent on neighboring Arab states to establish its respective bases made it extremely vulnerable to attempts to influence, control or exploit the Palestinian struggle. It was only the often-conflicting interests of these states that helped the PLO to maintain some degree of independence.¹⁰

PLO Chairmen



Ahmad Shuqeiri
(1964 -1968)



Yahya Hamud
(1968 -1969)



Yasser Arafat
(1969 - 2004)



Mahmoud Abbas
(2004 -)

¹ Hamid, Rashid. "What is the PLO?" *Journal of Palestine Studies*, Vol. 4, No. 4 (Summer 1975), pp. 90-109.

² As manifested also in the foundation of the United Arab Republic - a union formed between Egypt and Syria, inspired by the Pan-Arab vision. It lasted only until 1961, when a coup in Syria led to its secession.

³ Frangi, Abdullah. *The PLO and Palestine*. London, 1983, p. 96.

⁴ Especially due to three events: the break-up of the United Arab Republic (the union between Egypt and Syria), the achievement of Algerian independence in 1962, and Israeli plans to divert the Jordan River. See Hamid, Rashid. "What is the PLO?", *op. cit.*

⁵ Frangi, Abdullah. *The PLO and Palestine*, *op. cit.*, p. 95-98.

⁶ Mostly elected Palestinian public officials, professionals, businessmen, farmers, or members of the Jordanian Parliament and that of the Gaza Strip, and representatives from refugee camps, women's and students' organizations. See Hamid, Rashid. *What is the PLO?*, *op. cit.*

⁷ Initially Fatah criticized the establishment of the PLO and challenged it with its own military operations. Like other newly established Palestinian guerrilla groups, Fatah won increasing prestige from its warfare against Israel – especially in face of the new reality created by the June 1967 War – resulting in the marginalization of the PLO leadership, then headed by Ahmad Shuqeiri. At the July 1968 PNC session in Cairo, the guerrilla groups were included in the PLO for the first time and Shuqeiri resigned. He was succeeded in a short transition by Yahya Hamuda, who did not represent these groups. The guerilla leaders were elected to key positions in the PLO, most significantly the Fatah leader, Yasser Arafat, who was appointed as PLO spokesman. See Hamid, Rashid. *What is the PLO?*, *op. cit.*

⁸ The new influence of the guerrilla groups led to their takeover of the PLO at the February 1969 PNC session, with the election of Arafat as Chairman.

⁹ See UNGA Resolution 3237 of 22 November 1974.

¹⁰ See Hilal, Jamil. 'The Polarization of the Palestinian Political Field,' *Journal of Palestine Studies*, 39: 3 (2010), pp. 24-39; Frangi, Abdullah. *The PLO and Palestine*, *op. cit.*

Structure & Organization

The PLO's political program is laid out in its National Charter, while the organization itself is governed internally by its Fundamental Law (also referred to as Constitution or Statute) which outlines the powers, responsibilities and relationships between its leading organs: the Palestine National Council (PNC), the Central Council, and the Executive Committee.

The **PNC**¹¹ is the highest authority in the PLO constitutionally and is responsible for formulating its policies and programs. Serving as the parliament for *all* Palestinians in and outside of the Occupied Palestinian Territory (OPT), it represents all sectors of the Palestinian community worldwide, including political parties, popular organizations, resistance movements, and independent figures from all sectors of life.¹² In 1964, the PNC adopted the Palestinian National Charter, which was reviewed and amended in 1968, and again in 1996 (to annul articles that were incompatible with the Oslo agreements).¹³ In December 1998, the PNC met in Gaza, with the attendance of President Clinton, to formally revoke – by acclamation – the articles of the Palestine National Charter that “offended” Israel (i.e., considered the Zionist entity of Israel as an enemy). However, the Charter was not formally changed or redrafted in any session afterwards.

The PNC is supposed to meet every two years.¹⁴ It elects a Bureau (made up of a speaker, two deputies and a secretary) and an Executive Committee, and may amend the Palestine National Charter, the Fundamental Law,¹⁵ and its own membership. Due to political constraints and developments, the PNC's functioning is irregular. It takes decisions by a simple majority, with two-thirds of its membership forming the quorum. The PNC is considered a legislative body, although currently none of its seats are elected. Rather, seats are appointed, mostly based on the PLO's quota system of representation in proportion to the size of the particular member faction.¹⁶ It is not clear how likely future PNC elections are to take place. It is anticipated that this will depend to no little extent on interference by the US and Israel, which have in the past prevented Palestinians from freely selecting their representatives,¹⁷ as in the installment of the Prime Minister in 2003, or their failure to accept the 2006 electoral victory of Hamas, the Islamic Resistance Movement.

The **Central Council** is not referred to in the founding documents of the PLO; it was established by the 11th PNC in January 1973 as a legislative organ to function when the PNC is not in session and to follow up and implement its resolutions. Its 124 members are drawn from the PNC (including the entire Executive Committee) and it is chaired by the PNC President.

The **Executive Committee** is the PLO's primary executive organ, its “cabinet”, and represents the organization internationally. The Committee is elected by, and is responsible to, the PNC. Committee members each hold a portfolio (e.g., Foreign Affairs, Information, Occupied Territories, Education & Culture, etc.) and, together, elect the Chairman. The Executive Committee has four major functions: (1) to represent the Palestinian people; (2) to supervise the various PLO bodies; (3) to execute the policies and decisions set out by the PNC; and (4) to handle the PLO's financial issues.¹⁸ It is in permanent session, with two-thirds of the members forming a necessary quorum. It takes decisions by a simple majority. Its membership stands at 18, including its Chairman.

The PLO is an independent body and the recognized sole legal representative of the Palestinian people.

¹¹ According to the PNC website, the PNC was first established in 1948 when Al-Haj Amin Al-Husseini, then head of the Arab Higher Committee, called for its convention in Gaza. It formed the All-Palestine Government, headed by Ahmed Hilmi Abdel-Baqi, who was the Palestinian representative in the Arab League until 1959. See http://www.palestinepnc.org/index.php?option=com_content&view=article&id=505%3Apalestine-national-council&catid=99%3A2010-05-25-12-04-07&Itemid=364&lang=ar.

¹² Although Article 5 of the Fundamental Law stipulates that PNC members are elected directly by the Palestinian people, most members were appointed by the Executive Committee due to the impossibility of holding elections. According to the 1995 PA Elections Law No. 13, Article 3, PLC members also become members of the PNC. Yet, as this legislation was not enacted by either the PLO or the PNC, its legal validity is in dispute. The 2005 PA Elections Law No. 9, Article 116, repealed the previous law, rendering the question of the membership of the current PLC members (elected in 2006) in the PNC unclear.

¹³ At the PNC meeting of 22-25 April 1996, in Gaza, it was agreed that a number of clauses in the PLO Charter be removed or modified where these were contrary to the 1993 letters of mutual recognition exchanged between the PLO and Israel. However, this was linked to progress in the peace process, and since this did not advance, no further steps have been taken and no new Charter has yet been adopted.

¹⁴ However, this is not the case. In August 2009, the PNC convened for the first time since 1998 when Mahmoud Abbas (Chairman of the PLO Executive Committee) called an extraordinary session in Ramallah to hold new Executive Committee elections.

¹⁵ Available here: http://www.palestinepnc.org/index.php?option=com_content&view=article&id=506%3Athe-rules-and-regulations-stipulating&catid=99%3A2010-05-25-12-04-07&Itemid=364&lang=ar.

¹⁶ Mostly aligned with Fatah, further bolstering its predominance within the PLO, making it virtually indistinguishable from other groups and enhancing Arafat's power.

¹⁷ See “US threat to Palestinians: change leadership and we cut funds,” *The Guardian*, 24 January 2011 (<http://www.theguardian.com/world/2011/jan/24/us-threat-palestinians-leadership-funds>).

¹⁸ As the Executive Committee, and not the PNC, controlled the PLO's budget, budgetary control and decision-making within the Executive Committee were consolidated under Chairman Arafat – a feature that was to become characteristic of Arafat's rule in the PA. See Khalil, Osamah. “Who are You?": *The PLO and the Limits of Representation*, 18 March 2013 (<http://www.thejerusalemfund.org/ht/display/ContentDetails/i/38679/pid/895>).

PALESTINIAN NATIONAL AUTHORITY (PA)

Background

The exodus from Lebanon in 1982 distanced the PLO from the Palestinian base and weakened it generally, leading to a shift in the center of gravity in Palestinian politics, as well as in the balance of power within the PLO, from the Diaspora to Palestinians living in the OPT.¹⁹ This process was accelerated by the outbreak of the first Intifada in late 1987,²⁰ which prompted the foundation of the Unified National Leadership of the Uprising (UNLU) – made up of representatives of different factions who organized strikes, demonstrations, and grassroots mobilization. While the UNLU was soon incorporated into the PLO, its leaders originated from Palestinians “internal” to the OPT. This was a major challenge to the PLO and coincided with the emergence of Hamas and Islamic Jihad as distinct groups that posed a challenge to the monopoly of the PLO as representatives of Palestinian interests, positions and needs.

The aim of the first Intifada was to achieve a two-state solution with a Palestinian state in the OPT (an area constituting 22% of historic Palestine). This position constituted a major and historic concession on the part of the Palestinian people. The PLO, fearing further loss of influence, was compelled by the Intifada and the local leadership, which had attracted international attention and sympathies, to embrace this path forward. At its 19th PNC session in Algiers in November 1988, the PLO proclaimed the state of Palestine, also recognizing UN Resolutions 181, 242 and 338 and thereby accepting the “land-for-peace” principle and implicitly recognizing Israel’s right to exist. As support for the PLO dwindled further with the end of the Cold War and Arafat’s public backing of Iraq during the 1990-1991 Gulf War, the PLO pursued its new approach by opening several channels of negotiations with the occupying power, Israel. One of these channels (the secret talks in Norway which, remarkably, not only excluded but left in the dark the “internal” leadership) led ultimately to the Oslo Accords, Israeli recognition of the PLO as the representative of the Palestinian people, and the establishment of a Palestinian National Authority.

Establishment

The PA was established as a temporary, transitional body as part of the Palestinian-Israeli Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993, as the first document of what is referred to today as the “Oslo Accords”. As the representative of the Palestinians, the PLO was authorized to form a council to deal with the powers and areas transferred to it by Israel. The PLO Central Council assigned the PLO Executive Committee this task and appointed the late Yasser Arafat as chairman of the new entity. The subsequent Oslo I and II Accords of 1994 and 1995 provided for the establishment of limited Palestinian autonomy in the West Bank and Gaza, gradually extending the geographic scope of the emerging PA and its competencies insecurity and civil affairs pending the negotiations on final status issues.²¹ While the PLO signed all the agreements with Israel, implementation was delegated to the newly established PA, which thus functions as an arm of the PLO.²²

PA Presidents



Yasser Arafat
(1994 -2004)



Rawhi Fattouh
(2004 -2005)



Mahmoud Abbas
(2005-)

PA Prime Ministers



Mahmoud Abbas
(3-10/2003)



Ahmed Qurei
(2003-2005)



Nabil Sha'ath
(12/2005)



Ahmed Qurei
(2005-2006)



Ismail Haniyeh
(2006-2007)



Salam Fayyad
(2007-2013)



Rami Hamdallah
(2013-)

¹⁹ Hilal, Jamil. ‘The Polarization of the Palestinian Political Field,’ *op cit.*, p. 28; Shikaki, Khalil. ‘Palestinians Divided,’ *Foreign Affairs*, 81:1 (2002), pp. 89-105.

²⁰ This civil uprising erupted in Gaza on 9 December 1987 after the death of four Palestinians and subsequent demonstrations and clashes. This later developed into a massive civil uprising comprising strikes, civil disobedience, demonstrations, and clashes, all met with harsh countermeasures. The Intifada also had the goal of building a new society based on freedom and independence.

²¹ The PLO’s readiness to accept such a gradual process was seen by many as rooted in the ten-point transitional political program adopted in the 12th PNC session in June 1974 (following the 1973 October War). It stated that in the case of an Israeli withdrawal from the OPT, the PLO would accept the establishment of a national authority in these territories. See Hamid, Rashid. “What is the PLO?” *op. cit.*

²² The Oslo Accords and all subsequent agreements were not ratified by either the PNC or the PLO Central Committee.

The PA was granted partial administrative and security responsibility over “Areas A and B” (excluding settlers and settlements, borders, airspace, water, and other spheres), as set forth in the Oslo Accords for the five-year interim period of negotiations with Israel, to end with the conclusion of permanent status talks (planned for 1999), at which point it would be replaced by a government of the Palestinian state.

Structure & Organization

The PA’s executive comprises a President and a Prime Minister-led cabinet, a 132-member Palestinian Legislative Council (PLC)²³ as its legislature, and a judiciary with dedicated high courts to rule on criminal and constitutional issues. The PLC does not represent all Palestinians as it is only elected by Palestinians living in the West Bank, including East Jerusalem, and the Gaza Strip. It is prohibited from legislating on issues that are to be settled within a permanent status agreement.

In 2003, the PLC passed an amended Basic Law that laid down the PA’s powers, organs and responsibilities. Currently, the PLC is sidelined due to the lack of a quorum, for various reasons, especially the West Bank/Gaza divide since 2007.

The PA derives its legitimacy and terms of office from the PLO, which authorized the PA’s creation by signing the agreements with Israel. Thus, the PA is subordinate to and dependent on the PLO. While its legitimacy was confirmed by the PLC elections in 1996 and 2006, it lacks both sovereignty and the mandate to represent *all* Palestinians.

EVOLUTION OF THE RELATIONSHIP BETWEEN THE PLO & THE PALESTINIAN AUTHORITY

The Oslo Accords revealed the weakness of PLO institutions, which - soon after the Oslo process was instituted- existed primarily in name (and possibly entirely on the basis of the PLO’s international status). Much of its personnel and budget were shifted to the PA, first to Gaza and Jericho, later also to the remainder of the West Bank, with staff often assuming high level positions in the new administration. The return of the PLO leadership from the Diaspora to the West Bank and Gaza Strip led to a conflict between the “old guard”, who had spent most of their life in exile and dominated all PLO institutions, and the “young guard” that had emerged during the first Intifada. The latter had become part of the local leadership, viewed the Oslo Accords and the PLO’s leadership style in an unfavorable light, were outspoken in their criticism of corruption, nepotism, centralism, secrecy, and lack of transparency and accountability, and advocated a more cooperative approach towards other political forces such as Hamas, influenced by their common experience during the Intifada. They now felt marginalized in the PA’s institutional setting and demanded their own roles and positions.²⁴

Under the Oslo Accords, the PLO and PA were distinct entities, but the overlapping of leadership roles and positions, combined with unclear authorities and responsibilities, became the reality from the outset. The only distinction within the PA was that between the “returnees” and those who had grown up under Israeli occupation and saw many issues from a different angle. As the dominant PLO faction, Fatah transformed itself from a liberation movement to a political party. It also came to control the newly established PA, winning a landslide victory in the first Palestinian elections²⁵ on 20 January 1996. The focus clearly shifted from the PLO to the PA, from revolution, resilience and armed struggle, to democratic legitimization, governance and state building. As a result, Fatah’s legitimacy and power was increasingly tied to the PA’s success in implementing the Oslo Accords, with the ultimate goal of statehood.

In 1999, a report on PA institutions concluded that, albeit the PLO-PA relationship was of a temporary nature, “the difficulty of distinguishing the mandates of PLO and Palestinian Authority institutions has impeded the promotion of key elements of good governance, especially the exercise of constitutional power, transparency and accountability, and the rule of law.”²⁶ Moreover, whereas the “internal” leadership of the PA has been legitimized by two presidential and parliamentary elections, plus a round of municipal elections, the “external” leadership of the PLO has never been elected and is increasingly considered as an unrepresentative circle pursuing its own goals, which have little or nothing to do with the daily lives of Palestinians in the territories.²⁷ The PLO is disempowered by the paralysis of its main organs (the PNC and the EC), but it remains, for the time being, the representative of *all* Palestinians and holds the authority to negotiate with Israel and conduct foreign relations with third parties. In this duality lies the *raison d’être* for the existence of the two entities.

²³ As stipulated in Art. 47 of the Basic Law.

²⁴ These include former Intifada leaders and fighters such as Marwan Barghouti, Mohammed Dahlan, Kadoura Fares, and Jibril Rajoub, many of whom had spent time in Israeli prisons.

²⁵ Gaining 55 of the 88 seats of the new Palestinian Legislative Council, while its leader, Yasser Arafat, was elected as President with 88.2% of the vote.

²⁶ *Strengthening Palestinian Public Institutions*, Washington, DC: Council on Foreign Relations Press, 1999.

²⁷ Today Palestinians are more directly dependent on the PA as the main employer and service provider.



PLO

As the sole legitimate representative of the Palestinian people, superior to the PA and its term of reference

PA



Established on the basis of the Palestinian-Israeli Declaration of Principles on Interim Self-Government Authority (DoP), Washington DC, 13 Sept. 1993 and the subsequent Oslo I and II Accords, 1994-95

Established in 1964; recognized as sole legitimate representative of the Palestinian people at the Arab Rabat Summit and by the UN in 1974, by Israel in 1993.

ESTABLISHMENT

HEAD

Chairman
Head of the Executive Committee
elected by the PNC
Mahmoud Abbas

President
ex-officio member of the PLC
elected by the Palestinian people in the West Bank, Gaza Strip and Jerusalem
Mahmoud Abbas

appoints

EXECUTIVE

Executive Committee
elected by the PNC
18 members

Central Council
Intermediary between PNC and EC
124 members

Cabinet
appointed by the President
18 Ministers (including the Prime Minister)

LEGISLATIVE

Palestinian National Council (PNC)
Parliament in-exile - members are mostly appointed by the Executive Committee (represents trade unions, professional organizations, etc., and most factions, excl. Hamas)

Palestinian Legislative Council (PLC)
Parliament, 132 members - elected by the Palestinian people in the West Bank, Gaza Strip and Jerusalem (does not represent Palestinians in the Diaspora; members are independents or affiliated with various factions, incl. Hamas)

Ultimate decision-making body and legislative authority; formulates policies; sets guidelines for the Executive. Declared Palestinian independence on 15 Nov. 1988.

Powers limited by the Palestinian-Israeli agreements; legislation excludes issues left for the final status negotiations.

headed by a president
Salim Zanoun

headed by a speaker
Aziz Dweik

Members

vote

vote



ARMED FORCES

Palestine Liberation Army (PLA)
outside the occupied Palestinian Territories

Palestinian Security and Police Forces
West Bank Gaza Strip

FOREIGN RELATIONS

Conducts foreign relations and related activities (e.g., negotiations)

No formal but *de facto* foreign relations powers

FINANCES

Palestinian National Fund

**PA Finance Ministry /
Palestinian Monetary Authority**



	PLO¹	PA
Establishment	Established in 1964; recognized as sole legitimate representative of the Palestinian people at the Arab Rabat Summit, Oct. 1974, and by the international community, including Israel	Established on the basis of the Palestinian-Israeli Declaration of Principles on Interim Self-Government Authority (DoP), Washington DC, 13 Sept. 1993 and the subsequent Oslo I and II Accords
Seat/Headquarters	Tunis	Ramallah
Head	Chairman (Mahmoud Abbas) Head of the Executive Committee elected by the PNC	President (Mahmoud Abbas) ex-officio member of the PLC elected by the Palestinian people in the West Bank, Gaza Strip and Jerusalem
Executive	Executive Committee elected by the PNC 18 members	Cabinet appointed by the President 18 Ministers
Legislative	Palestinian National Council (PNC) Parliament in-exile, headquartered in Amman (with a branch in Ramallah) headed by Salim Zanoun <i>de facto</i> mostly appointed by the Executive Committee	Palestinian Legislative Council (PLC) Parliament, 132 members, headquartered in Ramallah (with a branch in Gaza) headed by a speaker (Aziz Dweik)
Electorate	All Palestinian people worldwide (approx. 11-12 million) will directly elect (never to place until this day).	Palestinian people with a valid address in the West Bank, Gaza Strip and Jerusalem (4.4 million)
Parties & Factions represented	<ul style="list-style-type: none"> • Fatah • PFLP • DFLP • Palestinian People's Party (PPP) • FIDA (Palestinian Democratic Union) • PFLP – General Command (PFLP-GC) • Al-Saiqa • Palestinian Liberation Front (PLF) • Arab Liberation Front (ALF) • Palestine Popular Struggle Front (PPSF) 	<ul style="list-style-type: none"> • Fatah – 45 seats • PFLP (ran as “Martyr Abu Ali Mustafa”) – 3 seats • PPP/DFLP/Fida (ran as “The Alternative”) – 1 seat • Hamas (ran as “Change and Reform”) – 74 seats • Al-Mubadara (ran as “Independent Palestine”) – 2 seats • Third Way - 2 seats • Independent personalities – 4 seats
Constitutional Platform/“Mandate”	Palestinian National Charter (constitutional document of the PLO, which defines the ideological platform) Fundamental Law (Bureaucratic-institutional regulations, which establish the rules, authority, duties and roles of the various bodies that comprise the PLO)	Interim Agreements (constitutional framework for the Palestinian Self-Governing Authority as laid down in the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995 and based on the 1994 Gaza-Jericho Agreement and 1993 DoP) Basic Law (provisional constitution of the PA. Was affirmed by the PLC in October 1997, but only ratified by Chairman Arafat in May 2002 and reintroduced with several amendments – especially regarding the position of Prime Minister upon international pressure in February/March 2003.)
Armed Forces	Palestine Liberation Army (PLA) (outside the occupied Palestinian territories, although some forces have been absorbed in the PA security apparatus)	Palestinian Security and Police Forces (inside the occupied Palestinian territories, currently divided between the West Bank and the Gaza Strip)
Foreign Relations	Conducts foreign relations and related activities	Has no official foreign relations powers (issue to be settled in the final status negotiations) but conducts <i>de facto</i> foreign relations and has a Foreign Minister
Finances	The Palestine National Fund receives all revenues of and finances the PLO according to an annual budget prepared by the Executive Committee and approved by the PNC; it develops the Fund's revenues; and it supervises the expenditures of the PLO and its organs. The Fund's Chairman is elected by the PNC. The members of the Board of Directors are appointed by the PLO Executive Committee.	Ministry of Finance (in charge of: Controlling financial activities of the PNA and its expenditure; paying salaries of government employees; managing and settling employee salaries and retirement of civil administration and compensation; scrutinizing and overseeing all financial transactions; monitoring the implementation of the provisions of financial legislation in force).
		Palestinian Monetary Authority (issues and manages national currency and implements a sound monetary policy to ensure monetary stability and keep inflation under control, and provides a safe, sound and secure banking and national payment system, along with exercising the role of economic and financial advisor to the Palestinian government.)

¹ As the sole legitimate representative of the Palestinian people, superior to the PA and its term of reference.

PLO REFORM AND THE FUTURE OF THE PA/PLC

The ambiguities of this situation have prompted a great deal of discussion in recent years about the need to reform and revive the PLO/PNC without bowing to external pressure and attempts to exert influence by the US, Israel, the EU, some Arab states, and even the PA-based “internal” leadership.²⁸ Any reform needs to include changes in PLO funding and its Charter as a step towards strengthening internal democratic procedures.

Thus far, the PLO, PA, and the Fatah²⁹ faction have been pretty much identical, but if and when this may no longer be the case, how would their relationship with each other alter? Would the PA and PLO become different entities with clearly distinguishable functions and identities, and without any overlap of posts and membership, as demanded throughout the reform talks? And if not, what would happen to the PA if the PLO succeeded in revitalizing itself? Would it be “absorbed” by a reformed PLO? Would the PNC, if finally elected, ultimately replace the PLC?

PNC elections have never been held (although stipulated in Article 5 of the PLO Constitution of 1968³⁰) and have been at the core of the discussions on PLO reform, as well as in reconciliation talks in Cairo since 2005. In early 2010, the main Palestinian factions met in Ankara and Istanbul and agreed on a system of proportional representation for the PNC elections. Article 1c of the May 2011 Cairo Agreement on Reconciliation stated: “Legislative, presidential, and the Palestine National Council elections will be conducted at the same time exactly one year after the signing of the Palestinian National Reconciliation Agreement.”³¹

So far, no detailed discussions have taken place on the various aspects of reforming the PLO, but eventually, the following questions will have to be tackled:

- How to determine the size of a new PNC and how to distribute the seats between “internal” and Diaspora representatives?
- How to register eligible Diaspora voters who are not registered with UNRWA (one suggestion being to rope in PLO delegations abroad for this purpose)?
- How to include Palestinians with Israeli citizenship (assuming Israeli opposition)?
- How to elect the head of this new PLO: by direct elections or by an intermediary body (which is the function of the current Executive Committee)?
- Who would fund PLO reform/PNC elections?
- What to do with the Central Council, which is not formally part of the PLO?

If the PLO ever embarks on its reform process, a less technical issue that arises is the willingness of Hamas to respect existing PLO agreements with Israel,³² as well as the readiness of the international community to accept the new PLO in its entirety (i.e., Hamas and Islamic Jihad inclusive), or whether they would want to overturn the election results as in 2006. A further complication might be that a reactivated PLO would either reject the Oslo Accords or consider them as “dead”. What would be the response of the international community? If it would revoke recognition and the diplomatic achievements of the PLO, the inclusion of Hamas (and other resistance groups) would prove a serious problem rather than an asset – certainly something the current PLO leadership would try to avoid.

There are also arguments that PNC elections are not feasible and would not achieve the desired result. The reasons are cited as firstly, the political factions involved in it are more likely to engage in a power struggle than in democratization and institution-building; secondly, how and where would it be possible for the PNC to meet; and thirdly, where would the funding come for these elections and reforms?³³

²⁸ While the PLO Charter provided for PNC elections, Fatah, in particular, feared that such elections could revive the internal divisions within pre-48 Palestinian society and lead to interventions by Arab states in support of individual Palestinian groups, potentially threatening Palestinian control over the PLO. See Sayigh, Yezid. *Armed Struggle and the Search for a State*. Oxford: University Press, 1997, p. 100-101.

²⁹ As the dominant group within the PLO since 1969, Fatah has always had very few ideological or personnel differences with the umbrella organization. Those within Fatah who disagreed with the mainstream politics and strategy, split off over the years and established their own less moderate or even militant groups.

³⁰ Which reads: “The members of the National Assembly shall be elected by the Palestinian people by direct ballot in accordance with a system to be devised for this purpose by the Executive Committee.”

³¹ “B4. Fatah-Hamas Unity Agreement, Cairo, 4 May 2011,” *Journal of Palestine Studies*. 40 (4), 2011, p. 212.

³² For instance, “Hamas Chief Revives Talk of Reuniting With P.L.O.,” *New York Times*, 28 November 2012, http://www.nytimes.com/2012/11/29/world/middleeast/leader-of-hamas-calls-for-palestinian-unity.html?_r=0.

³³ See Marusek, Sarah, “The peace talks and Palestinian representation: In conversation with Osamah Khalil,” *Middle East Monitor*, 3 August 2013, https://www.middleeastmonitor.com/index.php?option=com_content&view=article&id=6779:the-peace-talks-and-palestinian-representation-in-conversation-with-osamah-khalil&catid=146:activism&Itemid=178.

THE PALESTINIAN AUTHORITY: RENDERING THE PLO OBSOLETE?

Many observers note that since 1993, *de facto* political power has been shifting from the PLO to the PA; they see the PLO as primarily a formal name for the organization and the titles given to those who hold office, rather than a functional entity. This marginalization of Diaspora Palestinians “from any meaningful form of engagement in political decision-making over the last 20 years has only exacerbated the sense of disconnect that increasingly exists between ordinary Palestinians and the political structures that represent them.”³⁴ Some voices go further to describe the PLO as “history” because it represents the past for Palestinians, but does not offer a vision for their future. Others claim that the PA leadership itself is not interested in involving the Diaspora in any decision-making, fearing a greater division as well as struggle for positions and power.³⁵

The 2006 elections, pushed for and advocated by Western countries and hailed for their flawless conduct, concluded in a highly surprising and disruptive outcome: Fatah (and thus, the PA “establishment”) was defeated as the dominant faction and replaced by Hamas (running at the time as the Change and Reform Party³⁶), a movement representing resistance, no negotiations under the Oslo agenda, and reluctance to recognize Israel. These election results underlined the clear lack of a popular mandate by the PLO leadership: the few small factions that made up the majority on the PLO EC gained – altogether – only 1.5% of the seats of the PLC, and the big winner of the elections was Hamas, not even a member of the PLO.³⁷

Although Hamas had not intended to take over the PA leadership in 2006, but rather to remain in a position of influence, it won a landslide victory with 74 of the 132 PLC seats. This was a clear vote of discontent with the PA’s (Fatah) performance in governance and achieving statehood, in contrast with the clear stance taken against Israel by Hamas.³⁸ This explains why there are arguments that the PLO – originally established as a national liberation movement – is outdated and should be replaced by a new representative body able to tackle contemporary challenges.³⁹ This view is supported by those who see the PLO’s role as major player significantly diminished by the emergence of Hamas in the late 1980s.⁴⁰ However, while the Islamic movement was initially understood as a counterforce to the PLO, in recent years there has gradually been more talk of bringing Hamas (and Islamic Jihad) into the PLO.⁴¹

A first attempt at concerted action failed immediately after the 2006 elections, with Fatah warning Hamas not to challenge its dominance in the PA. To assert his power, President Abbas decreed that all PA security forces would, in future, answer directly to the President. He also created a new secretary-general in charge of PA personnel, comptroller institutions and salaries – all departments that Hamas regarded as central to its program. The outgoing PLC granted President Abbas the power to appoint a constitutional court to mediate between the President and Prime Minister. The international community exacerbated the situation because, although the EU, US and others had praised the conduct of the elections, they then deemed the elections unacceptable and made demands that basically required Hamas to change almost all of the positions which had won them support.⁴² When Fatah/the PA rejected a coalition government, mainly due to external pressure, Hamas formed the government, with Ismail Haniyeh as Prime Minister. It barely had an opportunity to succeed or fail as it was immediately boycotted by many in the international community for refusing to meet the conditions they had stipulated.⁴³

Technically speaking, the term of Mahmoud Abbas as President expired in 2009. An emergency law extended his term in office for another year, but this ended four years ago. Discontent has been voiced that the very person responsible for negotiating for Palestine actually has no legitimacy to speak on behalf of the Palestinian people.

³⁴ Kouttab, Alexander. *Palestine: towards a new national strategy?* 10 October 2013, (http://www.ecfr.eu/content/entry/commentary_palestine_towards_a_new_national_strategy).

³⁵ See Marusek, Sarah. “The peace talks and Palestinian representation,” *op.cit.*; Badawi, Samer. “50 years of the PLO: Where to now?” *#972Mag*, 22 September 2014 (<http://972mag.com/50-years-of-the-plo-where-to-now/91766/>).

³⁶ After Hamas had boycotted the first PLC elections in January 1996, President Abbas had entered into an agreement in 2005 allowing the Islamic movement to stand in the 2006 elections without concessions – a move opposed by many Fatah members.

³⁷ Tuastad, Dag. *Democratizing the PLO - Prospects and Obstacles*, Peace Research Institute Oslo (PRIO) Paper, January 2012, http://file.prio.no/Publication_files/Prio/Tuastad-Democratizing-the-PLO-PRIO-Paper-2012.pdf.

³⁸ Usher, for instance, argues that one crucial factor in Hamas’ popularity (besides being an alternative party) was their goal to “restore the Arab-Israeli conflict to its ‘proper character’, away from the hegemony of Israel’s security needs and US regional ambitions and back to the paradigm of an illegal occupation and an occupied people’s unqualified right to resist.” Usher, Graham. “The Democratic Resistance: Hamas, Fatah, and the Palestinian Elections,” *Journal of Palestine Studies*, 35: 3 (2006), pp. 20-36.

³⁹ Khalil, Osamah. “Who are You?: The PLO and the Limits of Representation,” 18 March 2013 (<http://www.thejerusalemfund.org/ht/display/ContentDetails/i/38679/pid/895>).

⁴⁰ Previously, Hamas had demanded over 30% representation in PLO institutions as a condition to join, which was rejected by Arafat. After its electoral victory in 2006, Hamas asked for representation proportionate to the votes received in the elections. Hamas has long insisted on reform of the PLO as a condition for the establishment of a national unity government with Fatah.

⁴¹ For the time being, Hamas’ position is that the PLO can negotiate on behalf of Palestinians, as long as there is a national referendum to approve what has been decided upon.

⁴² I.e., that Hamas should (1) agree to all UN resolutions related to the Arab-Israeli conflict; (2) accept all Arab League resolutions, including the 2002 peace plan; and (3) honor and accept all agreements signed between the PLO and Israel since Oslo. Israel added that Hamas must recognize its right to exist as a Jewish state, dismantle all weapons, and cease all terrorist activity.

⁴³ Subsequently, and exacerbated by international players, tensions between Fatah and Hamas soared. President Abbas dissolved the government and declared a state of emergency, and in June 2007 Hamas took over the Gaza Strip. Despite the April 2014 unity agreement between Hamas and Fatah, Hamas still governs the Gaza Strip *de facto* completely independently from the Fatah-led government in the West Bank.

CONCLUSION

The draft Basic Law enacted by the PA in 2001 envisaged a type of two-chamber system consisting of the PLC (elected by those inside the Palestinian territories) and the PNC (elected by Palestinians in the Diaspora).⁴⁴ Yet, to date, no detailed drafts or studies for the reform of the PLO and the reactivation of its organs have been conducted, nor on the potential repercussions for other organizations. There is still a tendency to grant the PLO supreme authority or a supervisory function over the PA, should both remain intact.⁴⁵

The 2012 UN General Assembly vote to upgrade Palestine's status to "non-member observer *state*", as well as the recent reconciliation agreement between Hamas and Fatah (of 23 April 2014),⁴⁶ and the subsequent establishment of an interim unity government tasked with organizing new elections and incorporating Hamas into the PLO, gave the concept of PLO reform a new impetus. The leaderships of both factions (as well as of smaller PLO groups) have demonstrated the political will to hold PLO/PNC elections. This is supported by the Palestinian people who feel "enormous distrust (...) mainly, but not only in the Diaspora – toward an unelected, unaccountable West Bank PA-PLO leadership that takes potentially seismic national decisions in their name."⁴⁷

In light of the stalemate in the peace process and the complete lack of political perspectives for Palestinians, there have been repeated calls over recent years to declare an end to the Oslo process and dismantle the PA, returning daily control of the OPT and responsibility for the fate of over four million Palestinians to Israel. Should this ever happen, the "external" PLO would remain the only address and may grow in strength, especially if Hamas and other factions eventually joined. The main question is if Hamas would agree to a PLO membership based on proportional representation through elections, rather than insisting on a fixed quota of representation in all PLO bodies.

At present, and even prior to the 2014 assault on Gaza that exacerbated the *status quo* and relations between the main political actors, none of the existing factions could offer a convincing vision for the future. Unfortunately, past experience has demonstrated that outside forces – primarily the US and Israel – are much more concerned about the composition of the Palestinian leadership than about ending Israel's 47-year old military occupation and genuine Palestinian democracy and will very probably insist on endorsing any future election results. Thus, the state of Palestinian politics as well as the prospects for recognition of the Palestinian state remain bleak.



PLO Chairman Yasser Arafat at the UNGA,
New York, 1974



PLO Chairman/PA President Mahmoud Abbas
at the UNGA, New York, 2013

⁴⁴ See Brown, Nathan J. *Palestinian Politics After the Oslo Accords*. Berkeley: University of California Press, 2003, p. 91.

⁴⁵ Tuastad, Dag. *Democratizing the PLO - Prospects and Obstacles*, Peace Research Institute Oslo (PRIO) Paper, January 2012, http://file.prio.no/Publication_files/Prio/Tuastad-Democratizing-the-PLO-PRIO-Paper-2012.pdf.

⁴⁶ The main points of the agreement were:

1. Full implementation of the previously signed Doha and Cairo unity agreements.
2. Formation of a transitional National Unity Government within five weeks, as agreed upon.
3. Holding of parallel PLC, Presidential and PNC elections at least six months after the transitional unity government is formed.
4. Reforming, reactivating and developing the PLO within five weeks, so that it can perform its duties.
5. Starting the tasks of the Social Reconciliation Committee within five weeks.
6. Implementing the Public Freedoms File agreed upon as part of the Cairo Agreement, and to resume its activities.
7. Implementing all related agreements to allow the PLC to perform its duties.

"Palestinian Elections To Be Held In Six Months, Hamas and PLO Agreement States," IMEMC, 24 April 2014 (<http://imemc.org/article/67626>).

⁴⁷ Usher, Graham. "Letter from the UN: The Palestinian Bid for Membership." *Journal of Palestine Studies*, 41 (1) 2011, p. 65.

PLO vs. PA



Timeline

1964, Jan. 13-17: In Cairo, the first Arab League summit announces the intention to organize Palestinians so that they can contribute to the liberation of Palestine.

1964, May 29: The first Palestine National Council (PNC) meeting is held in Jerusalem. The Palestine Liberation Organization (PLO) is created, headed by Ahmad Shuqayri. The Palestinian National Charter is announced and the Palestine Liberation Army is formed.

1969, Feb. 14: At the fifth session of the PNC in Cairo, Yasser Arafat becomes the third chairman of the PLO Executive Committee.

1970, Sept.: Clashes between the PLO and the Jordanian army, known as Black September.

1971: The PLO is expelled from Jordan and sets up new headquarters in Beirut, Lebanon.

1974, June 1-9: At the 12th session of the PNC, the PLO accepts the idea of national authority over any liberated part of Palestine.

1974, Oct. 14: The UNGA recognizes the PLO as the representative of the Palestinian people and invites it to participate in the deliberations of the General Assembly on the question of Palestine in plenary meetings (Resolution 3210).

1974, Oct. 26-29: The Arab League summit in Rabat declares the PLO the "sole legitimate representative of the Palestinian people".

1974, Nov. 13: Yasser Arafat addresses the UN General Assembly.

1974, Nov. 22: The UNGA recognizes the Palestinian people's right to self-determination, legitimizes UN contacts with the PLO, and added the Question of Palestine to the UN Agenda (UNGA Resolution 3236).

- UNGA Resolution 3237 invites the PLO to participate in UNGA sessions and work as an observer.

1976, Jan. 12: The UN Security Council votes 11-1 with 3 abstentions to allow the PLO to participate in a UNSC debate without voting rights, a privilege usually restricted to UN member states.

1982, June 3: Attempted assassination of the Israeli ambassador in London by the anti-Arafat Abu Nidal faction. Israel uses the attempt as a pretext to invade Lebanon and evict the PLO.

1982, June 6: Israel invades Lebanon and besieges Beirut. All diplomatic peace initiatives are suspended.

1982, Aug.: The PLO begins to withdraw from Beirut in August, under the protection of a multinational force.

1982, Sept. 30: Arafat and 87 PLO leaders leave Beirut on board the Greek ship, *Atlantis*.

1983: A split in Fatah, with a Syrian-backed faction attempting to end Arafat's control of the PLO, leads to an open conflict for the next four years.

1986, April 2: The Asian Group of the UN decides to accept the PLO as a full member.

1987, April 20-26: The PLO reunifies at the 18th PNC session in Algiers.

1988, Nov. 12-15: The 19th PNC session in Algiers proclaims the State of Palestine, condemns terrorism, and recognizes UN Resolutions 181, 242 and 338, thus accepting the land-for-peace principle and implicitly recognizing Israel's right to exist.

1988, Dec. 13: Arafat addresses the UN General Assembly in Geneva (after the US refused him a visa) and repeats the statements made by the PNC in November. Washington subsequently agrees to open a "substantive dialogue" with the PLO.

1988, Dec. 15: UNGA Resolution 43/177 acknowledges the proclamation of the State of Palestine by the PNC a month earlier and decides the designation "Palestine" should be used in place of the designation "Palestine Liberation Organization" in the United Nations system.

1990: The PLO supports Iraq's invasion of Kuwait. Kuwait responds by severing ties with the PLO, cutting its financial backing and expelling some 400,000 Palestinians.

1993, Sept. 9-10: The PLO recognizes the right of Israel to exist and is recognized in return by Israel as the representative of the Palestinian people.

1993, Sept. 13: At the White House, the PLO and Israel, in the presence of Yitzhak Rabin and Yasser Arafat, sign the Declaration of Principles on interim self-government, which had been secretly negotiated in Oslo.

1994, May 4: The Gaza-Jericho Agreement (Oslo I) initiates a partial Israeli withdrawal from Gaza and Jericho and establishes the Palestinian Authority in these areas.

1995, Sept. 28: The Interim Agreement on the West Bank and the Gaza Strip (Oslo II) expands the Palestinian Authority to Area A and B of the remaining West Bank.

1996, Jan. 20: The first Palestinian parliamentary elections (PLC) take place and PLO Chairman Yasser Arafat is elected President of the Palestinian Authority.

1998, July 7: UNGA Resolution 52/250 extends Palestine's UN status to allow participation in UNGA debates, although not in voting.

1998, Dec.: The PNC meets in Gaza, with the attendance of President Clinton, to formally revoke the parts of the Palestine National Charter that are offensive to Israel.

2008, Nov.: The PLO's Central Committee elects Mahmoud Abbas as President of the State of Palestine.

2012, Nov. 29: The UNGA votes to admit Palestine to 'non-member observer State' status.

2014, April 23: The PLO and Hamas sign a pact paving the way for reconciliation and a new unity government.

2014, June 3: Declaring that a "black page in history has been turned forever," President Abbas swears in a new PA unity government after seven years of harsh political and social division.

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