



# **Palestine in Crisis: Policy Papers**

Ramallah 2006



# Table of Contents

<b>Summary</b>	5
<b>Paper 1:</b> Post Disengagement: Prospects for a Two-State Solution	33
<b>Paper 2:</b> The Role of Civil Society and Current Challenges	43
<b>Paper 3:</b> The Current Palestinian Crisis: Mechanisms for and Dimensions of a Solution	51
<b>Paper 4:</b> Charter of Action and Rights of Parliamentary Blocs in the Legislative Council	59
<b>Paper 5:</b> Palestine-Lebanon: The Convergence and Divergence	65
<b>Paper 6:</b> National Consensus Document: Evaluation of Performance and Achievements	71
<b>Paper 7:</b> The Internal Palestinian Crisis: Practical Initiatives and Available Alternatives	77



## **Summary**

MIFTAH has conducted a series of closed dialogue sessions within the framework of the public policies program, which addressed a number of pressing Palestinian issues. The outcome of these dialogues was a series of public policy papers (seven) that included analyses of the Palestinian political situation and the ongoing crises in an attempt to formulate ideas , alternatives, and an exit strategy.

The main points of the public policy papers are as follows:



## **What Comes after the Disengagement Plan? Possibilities of Implementation of the Two - State Solution**

The Sharon unilateral Disengagement Plan from Gaza Strip ended the Israeli settlements and military presence in the Strip. This Plan raises several questions, including: What comes after Disengagement? What are the political, economic and social dimensions of Disengagement on the Palestinian people? What is its impact on the peace process, the implementation of the Road Map and the American two-state vision?

### **The Different Dimensions of Separation (Disengagement)**

The unilateral disengagement plan had different political and negotiations dimensions. Despite Israeli withdrawal from Gaza Strip, a number of issues are still pending, such as the border crossings, the Airport, the Seaport, linkage between the West Bank and Gaza through a safe passage, all of which make this withdrawal a mere rearrangement of Israel's illegal occupation of the Gaza Strip.

Palestinians are concerned that Israel may exploit this Disengagement Plan to shift its negotiations agenda from core issues (Bor-

ders and Settlements, Refugees, Water and the Palestinian state) towards the above-mentioned secondary issues. This allows Israel to gain the necessary time in order to complete the discriminatory Separation Wall, isolate Jerusalem and set up enclaves and cantons over parts of the West Bank, thus undermining any chances for the establishment of an independent Palestinian state.

At the internal and security levels, the Disengagement Plan has opened the door to a number of problematic issues at the internal Palestinian national level, specifically the relations between the Palestinian National Authority (PNA) and the various factions and political parties, most notably Hamas, the security chaos, conducting of legislative elections on time and, the participation of Hamas.

Economically, Israel left the Gaza Strip after destroying all its resources and infrastructure, with the poverty and unemployment rates reaching unprecedented levels. The Government of Israel (GOI) still insists on moving Rafah border crossing to a bordering area between Egypt, Gaza and Israel, or at least assigning this tri-lateral border crossing to the passage of goods and people, which means tightening its control over Palestinian economic relations with the outside world.

### **Towards a National Action Methodology for Confronting Different Dimensions of the Israeli Withdrawal from Gaza**

There is a need to formulate a joint methodology of action that includes PNA decision-makers, political forces, civil society organizations and the private sector. Such a methodology aims at consolidating a strategic Palestinian plan that focuses on the core Palestinian political issues and a comprehensive solution to the Palestinian Israeli conflict, as opposed to the phased solution which Israel seeks to impose through the Provisional Palestinian state project in the Gaza Strip and the West Bank. The top priority within the



Palestinian agenda for the forthcoming period should be ending the occupation of the West Bank and Jerusalem, halting the discriminatory Separation Wall and Israel's illegal settlement expansion.

This agenda must seek to fortify the internal front through continuous national dialogue among different forces on the Palestinian arena that adopts the principle of political partnership and pluralism, and gives priority to national interests over narrow factional interests. It shall exert efforts to create an appropriate environment for conducting legislative elections, putting an end to the deteriorating security situation, chaos of arms and plurality of authority, provide citizens with security in its comprehensive sense, and regulate the arms of resistance.

There is a dire need for a comprehensive economic development plan for all the Palestinian Territories that underlines the necessity of the economic linkage between the West Bank and the Gaza Strip as one economic entity. The plan must embark on implementing strategic and developmental projects such as the port, the airport as well as investment in gas fields and industrial zones.



## **The Role of Civil Society and the Current Challenges**

The political developments, namely the results of the last legislative elections conducted on 25 January 2006 and the victory of Hamas brought forward a number of political, intellectual, and social challenges for different social groups, including civil society organizations. The modest results of electoral lists that participated in the elections as representatives of civil society organizations, or at least with their support, manifested their weaknesses and the gaps or deficiencies in their methodologies, that need diagnosis with the aim of learning lessons and concluding solutions and remedies.

### **Evaluation of the Role of Civil Society Organizations**

Although the legislative elections were conducted under special circumstances that led to voting in accordance with closed political criteria on two streams: Fateh and Hamas. However, there were gaps that led to the weak performance of civil society organizations. Weaknesses include the weak coordination between components of the society and the exclusion of some trade unions and labor federations. Moreover, the mission of facilitating change

has been restricted to a limited number of small elite among these institutions and their impact on decision-making and on formulation of public policies was limited. The number of these institutions, as well as their activities and programs, were geographically concentrated in the middle of the West Bank (Ramallah, Jerusalem, and Bethlehem) in addition to Gaza city. These civil society organizations were not providing assistance and service-delivery activities and programs, which the public was in dire need of. Finally, the deterioration of voluntarism constituted yet another weakness of civil-society organizations.

### **Requirements for Activation of the Role of Civil Society Organizations**

In order to end the crisis of civil society institutions, there is a need to address the weaknesses and gaps, through concentrating on horizontal expansion in different areas. There is also a need to emancipate trade unions and labor federations, activate their role and involve them in civil society institutions and in the process of formulating plans and trends. There is a need to re-orient the activities and programs of civil society institutions towards public needs, enhance voluntary work in their activities and programs through adopting public activities that motivate participants and address their sense of identity. Moreover, these must embark on a wide process of reform and combating of corruption, and mobilize public opinion to oppose and confront such phenomena. They must also reinforce the institutional dimension and the values of transparency and democracy inside the civil society and its institutions.

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## **Economic and Political Siege of the Palestinian Authority: the Dimensions and Mechanisms for Remedy**

The PNA suffers a suffocating crisis that emerged immediately after the new Hamas Government assumed office. Hence, the Palestinian people suffered from siege, economic boycott and political isolation, as the donor community suspended its assistance to the Palestinian Government and severed all political contact with it.

### **The Dimensions of the Economic Crisis**

The inability of the PNA to pay salaries to its employees, and the fact that most banks suspended operations with the PNA as Israel threatened to stop all banking transactions with them, has led to a serious economic crisis.

Politically, it is expected that the peace process that started in Madrid, Oslo and the subsequent agreements will end. Israel will continue to impose unilateral elimination plots, on the pretext of the absence of a Palestinian partner and in a manner that preserves Israeli interests and satisfies Israeli security requirements, at the expense of the Palestinian people and their rights. There is a pos-

sibility of the collapse of the PNA and the emergence of local militias that may pave the way for the out break of civil war.

### **Proposed Mechanisms for Crisis Resolution**

In order to break the political isolation and economic blockade imposed on the Palestinian people, there is a need to examine several strategies. The first is to convene a national salvation conference that defines a unified Palestinian vision and an agreed agenda that constitutes the minimum acceptable Palestinian position and to present it to the world as a Palestinian program of all Palestinian forces. Moreover, there is a need to form a national unity Government based on this program, provided the Palestinian Legislative Council (PLC) grants this Government a safety net for the agreed duration. Alternatively, there is also a need to reach a consensus so that the Council of Ministers (Cabinet) assumes the responsibility for the implementation of the internal national program, while the Presidency takes charge of foreign affairs (activate the Palestinian Liberal Organization (PLO) and its institutions through the integration of all Palestinian political forces, and reaffirm the PLO's role as the sole legitimate representative of the Palestinian people).

In order for such national dialogue to bear fruit, it is possible to utilize existing channels at the Presidency in order to mitigate the economic blockade and political isolation, provided these channels do not constitute an alternative or a shadow Government run by the Presidency.

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## **Charter of Action and Rights of Parliamentary Blocs at the Legislative Council**

Within the context of committing to the democratic approach in Palestinian political life, and respect for principles of plurality, there is a need to establish parliamentary traditions, most notably the notion of parliamentary blocs.

In this context, there is a need to commit to a group of principles related to the rights and duties of parliamentary blocs, most notably:

Each winning electoral list is entitled to form a parliamentary bloc comprising its members. Each bloc has the right to have its own bylaws to regulate its work, select a head, dismiss or accept the resignation of any of its members, be informed of the major issues related to the work of the PLC work and chair some committees such as the Budget, Human Rights and Public Freedoms committees. These blocs are entitled to reach agreement among each other concerning the coordination of their work, propose draft laws, call for a no-confidence vote against the Council of Ministers (Government) or one if its members and participate in the PLC support bodies (Council Affairs Committee, Library Supervision body, Parliamentary

Research Unit Supervision body etc...). A bloc is entitled to get appropriate headquarters within the PLC premises and to utilize the Council's facilities to perform its parliamentary work. It is entitled to a budget. The heads of parliamentary blocs shall have priority to speak or respond to draft laws, to Government statements or confidence/no-confidence moves towards the Government. Heads of blocs are entitled to request adjournment for holding consultations between bloc members prior to voting. The representation of parliamentary blocs shall be taken into consideration upon allocating or receiving official delegations. Finally, these blocs are entitled to form ad hoc gatherings for a specific issue of their interest.

**Duties of Parliamentary Blocs** include their commitment to parliamentary and professional traditions, their pledge not to use the Council's documents, assets and information in any action other than parliamentary work. Blocs must inform the Council Affairs Committee and the PLC Speaker of any changes in their structure or formation. No bloc is allowed to nominate more than one bloc member to the same post within the PLC. Parliamentary blocs pledge to urge their members to abide by the provisions of the Law and PLC bylaws.

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## **Palestine-Lebanon: the Similarities and Difference**

The intense developments at the Palestinian and Lebanese arenas following the two resistance operations "The Dispelled Illusion" and "The Sincere Promise," and the subsequent large scale Israeli attack against the Gaza Strip and Lebanon, raised several questions on the possibility of linking the Palestinian option to the Lebanese option, and the dimensions of such linkage and its impact on the current Palestinian situation.

### **Similarities and Differences**

There are many common factors, as well as differences, between the Palestinian resistance and the Lebanese resistance. The first similarity is the common enemy (Israel), their method of work (guerilla warfare), in addition to the strategy and weapons used by the enemy in confronting both (Palestinian and Lebanese resistance).

HizbAllah and Hamas are no longer mere resistance movements, but also parties in authority. Some perceive HizbAllah as an extension of Iran in the region. Similarly, some question the possibility of Hamas having a private agenda within the context of the regional conflict (Syria- Iran axis).

There are many differences between the two situations. Some consider the experience of HizbAllah a deeper and more influential resistance experience, as manifested during the recent war that lasted around five weeks. The Palestinian resistance, despite all its positive aspects in confronting the enemy and the spirit it sustained throughout the years of struggle, suffers from an absence of unified leadership, weak training and experience, lack of coordination between military wings.

Furthermore, there are differences in the environment in which each of the sides operate. Lebanon is a state with recognized borders, and the resistance has open access to weapons. In Palestine, however, Israeli's disengagement from Gaza Strip did not mean the end of its occupation of the Palestinian territories, and the establishment of permanent recognized borders.

Finally, Lebanese political parties, including HizbAllah, realize the importance of maintaining a unified position to confront the crisis and find solutions. This is not the case in the Palestinian arena, despite consensus on the Prisoners' Document.

**The Possibility to Link the Two Issues:** Some consider this as an opportunity to attract international attention towards the Palestinian cause, the root of all problems and conflicts in the region. This is based on the belief that linking the two issues is only natural as both have one enemy and one objective, and there is an opportunity to benefit from the sympathy that Lebanon enjoys at the international and public levels through linking the two causes, especially if such international interest results in an international consensus to resolve all outstanding issues in Lebanon and Palestine.

On the other hand, some believe that there should be no linkage, since the crisis in Lebanon has led to delaying attempts to launch Palestinian-Israeli negotiations over the captured Israeli soldier (Gilad Shalit). Political linkage, specifically with HizbAllah, may lead to linking the Palestinian cause to Iran, which maybe detrimental to Palestinian aspirations altogether.

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Others call for linking the two issues in all aspects that may benefit the Palestinian cause, specifically in relation to political negotiations and implementation of pertinent UN resolutions, while at the same time, avoiding the negative consequences of such linkage whenever possible, specifically the attempts to link the Palestinian side to the regional axis (Syria-Iran).

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## **National Conciliation Document: Scenarios and Alternatives for the Coming Period**

Following the failure of negotiations concerning the formation of a coalition Government, hence Hamas' ongoing confrontation of an international economic and diplomatic blockade, the National Conciliation Document of the Prisoners (a.k.a. the Prisoners' Document) was issued. The document was drafted following extreme polarization and antagonism between the two main Palestinian factions, Hamas and Fatch, which reached the extent of internal fighting and threatened Palestinian national unity, and the confrontation of Israel's occupation.

There was a call for national dialogue based on the Prisoners' Document that addressed all controversial issues, including: the establishment of a Palestinian state within the 4 June 1967 borders with east Jerusalem as its capital, the return of the Palestinian refugees to their home land on the basis of UN Resolution 194, the right to resistance and its concentration within the 1967 Occupied Territories, the activation of the role of the PLO, and its reformulation on the basis of proportionate representation before the end of 2006, agreement over PLO's assumption of responsibility for negotiations, and the formation of a Palestinian national unity Government within two weeks of signing the document.

The Kerem Shalom operation and the subsequent Israeli military operation “Summer Rain” reshuffled the cards on both the Palestinian and Israeli arenas, and the options and alternatives of both parties have become unclear. However, a number of scenarios or alternatives are envisaged to deal with the status-quo, which can be summarized as follows:

- **First - Continuity of the Status-Quo:** This option entails the intensification of internal polarization, plurality in conflict-management strategies according to the agendas of different factions, the escalation of Israeli aggression, security chaos, the aggravation and increase of poverty and unemployment rates, the continuation of the international diplomatic and economic siege, and the mere symbolic existence of the PNA.

This is the worst case scenario, since it constitutes an environment conducive to the implementation of Israel's unilateral policies and the subjugation of the Palestinian people, hence breaking their will and enforcing a one sided solution of the Palestinian Israeli conflict.

- **Second - Dissolving the PNA and Returning to the Pre-Oslo Era:** Advocates of this view believe that the PNA has lost the justification for its existence: it failed to end the occupation and its policies, it failed to build institutions of law and order, and it failed to provide the pre-requisites of a viable Palestinian presence, including the establishment of an independent and sustainable economy. This option means that Israel is held fully responsible as an occupying state, which opens the opportunity for requesting international protection or forming a unified national leadership that runs the affairs of citizens in the same manner that existed prior to the signing of the Oslo Agreement and the inception of the PNA.

Opponents to this view believe that adopting this option essentially negates and undermines the achievements of the Palestinian people and contradicts the Prisoners' Document, particularly concerning

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the need to preserve the PNA. Another major concern for opponents of the dissolution of the PNA is the fact that 165,000 Palestinian citizens are employed with the Government (including approximately 58,000 security personnel and 107,000 civil servants). These PNA employees provide for their families, which constitute around one million Palestinian citizens (i.e. a quarter of the Palestinian population in the Palestinian occupied territories).

- **Third - The Option of Negotiations:** This option builds on the hope that parties are convinced of the need to return to negotiations, on the basis of the Road Map. Some consider this option inevitable, as the alternative to negotiations is imposing a unilateral Israeli solution that enjoys international and Arab support. On the other hand, others believe that the negotiations option has proved to be a failure, particularly as seven years of negotiations have not accomplished any tangible achievements worth mentioning. Furthermore; Israel has undermined the option of negotiations by imposing irreversible facts on the ground (settlement construction and expansion, the discriminatory Separation Wall, the Conversions Plan, unilateral disengagement and demarcation of borders).

- **Fourth - Combining Resistance with Negotiations while Preserving the PNA:** This option stems from the need to combine armed resistance with negotiations, as this will constitute major pressure on Israel. Advocates of this view believe that armed resistance has resulted in unconditional withdrawal of Israel from the Gaza Strip, and is, therefore, the natural alternative to negotiations, which have reached a dead end.

According to this point of view, Palestinian political forces can agree on a unified resistance strategy, its forms and scope. On the other hand, experience has proven that it is impossible to combine authority with armed resistance, especially under the huge Israeli superior military power and the inherent international bias in its favor, which has led to the de-legitimization of the struggle for liberation and equating resistance to occupation as terrorism.

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## **The Crisis of Forming the National Unity Government: Practical Initiatives and Available Alternatives**

The feeling of optimism that had prevailed among the Palestinian political establishment following the announcement of an agreement on the formation of a national unity Government did not last very long. This prevented the success of efforts exerted towards the formation of a national unity Government until now, which has caused an almost complete paralysis in the Palestinian political system. Extreme polarization and antagonism between the two political mainstreams, Fateh and Hamas, was translated into armed clashes which resulted in serious casualties.

### **“Appeal for Palestine”**

Because of this grave situation, a number of national forces and intellectuals came together to draft a document entitled “Appeal for Palestine” that included a group of practical initiatives to exit the crisis, prioritized in the following manner:

#### **First Option:**

To form a national unity Government based on the Prisoners' Document and its political program (to be implemented before the end

of Ramadan). This includes convening the Higher Committee for the activation of the PLO.

### **Second Option:**

- The formation of a transitional Palestinian government, composed of independent national personalities, and blessed with the acceptance of existing political forces and the PLC's endorsement for one year, during which this cabinet would work towards resolving internal issues, particularly 1) reversing the deteriorating socio-economic situation, 2) remedying poverty and unemployment, 3) ending the international political and economic siege on the Palestinian people, 4) guaranteeing the resumption of international financial assistance, 5) resuming financial and administrative reforms, and 6) improving government services to the public.
  - The authorization of the Palestine Liberation Organization (PLO), in its capacity as the central political reference to the PNA, to follow up the political process (i.e. peace negotiations), and urging President Mahmoud Abbas to convene the PLO's Higher Committee, which is headed by Abbas and composed of the Palestinian National Council's President, members of the PLO's Executive Committee, the leaders of the various Palestinian factions and political parties, and several independent personalities; the aim of this meeting would be to re-elect the PLO's Palestinian National Council, in addition to the overall development of the PLO itself.
  - The proposition of a national plan to combat (and end) the current state of security and weapons chaos in the Palestinian territories, reform the Palestinian security apparatus, safeguard the rule of law, and achieve security and justice to Palestinian citizens. This would be carried out in a spirit of co-operation between the Presidency and the Government, with the participation of the relevant institutions and the support of all political forces and the PLC.
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- The allocation of this transitional period (one year) for the promotion and fostering of a calm internal national dialogue, free of rhetoric, in order to reach agreement over the mechanisms to implement the National Conciliation Document of the Prisoners (a.k.a. the Prisoners' document), including the formation of a national unity government and reaching consensus on its proposed agenda.

These initiatives shall be combined with the mobilization of Palestinian public opinion, which would act as a political force in itself in order to bring Fateh and Hamas to accept them and insure their implementation.

The steps envisioned in the "Appeal for Palestine" raise a number of questions:

### **A National Unity Government or a Government of Independent Figures?**

There is a general preference for the option of a national unity Government in comparison with other options, despite a general realization that the chances of this option are gradually becoming remote. However, this option has several advantages, most notably: it is the favorite option acceptable by all parties, it has gone a long way and has reached a conclusion, and it enjoys public support. Furthermore, it creates the necessary climate for meeting international demands, as it neither stipulates the total submission to the Quartets conditions nor their complete negation.

Finally, such a Government provides the opportunity to end the economic and political siege imposed on the Palestinian people.

Despite all the above-mentioned advantages of the national unity Government option, there are obstacles that hinder its adoption, most importantly: it is difficult to agree on a political program for this Government that combines political action with armed resistance.

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**The second option of forming a Government of independent figures** requires general national consensus and wide public support. It constitutes a practical exit because of the conflict between national forces over the national unity Government, while at the same time it constitutes the least damage to Hamas' interests (since this option enables Hamas to maintain its power in the PLC).

This option also provides an opportunity for a provisional truce in the on-going fight between Hamas and Fateh, and prevents the escalation of factional antagonism into internal fighting. It grants the public a chance to catch their breath at the political and economic levels and unifies the Palestinian stance in any future political move concerning the Palestinian Israeli conflict.

Despite the above-mentioned advantages of this option (a Government of independent figures), it has certain limitations, including Hamas' rejection. Consequently, this option will not solve the ongoing power struggle between Hamas and Fateh. In addition, there are no guarantees that a government of independent figures would resolve disagreements over contradictory political program, even temporarily.

### **A Higher Committee for Activating the PLO or a Negotiations Reference Committee**

Throughout all documents agreed by Palestinian factions and forces, there is a repeated assertion for the need to develop the PLO through activating the Higher Committee as agreed during the Cairo dialogue in March 2005. There is a debate over the procedures and mechanisms adopted in this regard. In order to hold PNC elections, there is a need to reach an agreement on the adopted procedures and mechanisms, which requires no less than one year. Re-formulating the PNC through the quota system is not possible since Hamas demands 40-60% of the PNC seats; a demand that other factions cannot accept.

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Consequently, there is a need to reach a practical formula that includes Hamas in the PLO. One of the most prominent options in this regard is the representation of Hamas in the PLO's Executive Committee through the Prime Minister, the PLC Speaker and other Hamas representatives (in addition to one representative of the Islamic Jihad). This ensures that Hamas enjoys equivalent weight as Fateh at the Executive Committee, particularly because decisions are taken through consensus.

However the problem lies in the fact that Hamas does not merely desire a role within the PLO, but also wishes to possess, control, and reformulate it in accordance with the outcome of the last parliamentary elections.

**The second proposed alternative** is forming a negotiations reference committee representing all Palestinian political forces and factions. This option ensures the collective responsibility towards negotiations, safeguards national principles and precludes the evasion of any faction of its responsibilities in this regard.

### **Public Opinion as a Means to Exit from the Crisis**

The extreme polarization between Fateh and Hamas requires wide popular intervention that alleviates such antagonism. Creating a wide public opinion in support of any of the aforementioned alternatives requires all other Palestinian political forces as well as civil society organizations to take responsibility for pushing the parties towards agreement. It also requires the public's utilization of all possible means, including public seminars, town meetings, gatherings, partisan education and awareness building.

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*Full Text Of  
Papers*







# **Post Disengagement: Prospects for a Two-State Solution**

## **Introduction**

In August 2005, Israel withdrew unilaterally from the Gaza Strip, by that theoretically ending its occupation. All 21 settlements in the Gaza Strip, housing approximately 8,500 settlers, were evacuated and the Israeli army withdrew from their postings, which was an implementation of the Israeli Prime Minister's new policy; the Unilateral Disengagement Plan that also includes plans to evacuate four settlements in the northern West Bank.

Ariel Sharon's Unilateral Disengagement Plan was lauded by the United States, the European Union and the Quartet, which considered it a positive step forward towards the resumption of peace negotiations between the Palestinians and the Israelis. In contrast, Palestinians, both the government and the public at large, viewed the Plan with ambivalence and cautious skepticism.

The Plan was deemed by some as an unprecedented achievement, since Israel was able to dismantle and evacuate 25 settlements for the first time since its occupation of Palestinian lands in 1967 and by that technically withdrawing to the 1967 lines in some areas. It was also considered an example of the possibility of readdressing the one of the contentious final status negotiations issues, i.e. the settlement issue, especially in the West Bank and East Jerusalem. The fact that it

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was spawned and implemented by the godfather of the Zionist settlement project himself, made the case appear to be stronger.

Conversely, others considered the Unilateral Disengagement Plan a political ploy and the withdrawal of troops a mere re-deployment, as a way for Israel to respond to massive outcries against its continued occupation of the Palestinians. This tactic was also seen as a move to stall the resumption of a peace process, in spite of overwhelming international support for the creation of a contiguous and viable Palestinian State with Jerusalem as its capital.

Regardless of the Israeli motivations and objectives for going through with the Unilateral Disengagement Plan, many questions remain; most significantly, how the future of the evacuated areas is going to be post disengagement, politically, economically, and socially. Other issues that also need to be dealt with are the plan's impact on the peace process, in particular the U.S. led "Road Map", and any consequences that it may have on the viability of a two-state solution, as well as a negotiations on the status of all other Occupied Palestinian Territories, including the West Bank and East Jerusalem. The Unilateral Disengagement Plan also poses a challenge to the PNA, Palestinian civil society and private sector in confronting any negative ramifications that the Plan may have on the prospects for Palestinian statehood.

Following is an analysis of the varying elements at play and some attempts at circumventing any possible negative consequences that this may have on the Palestinian street.

### **First: the Varying Dimensions of the Unilateral Disengagement Plan**

The impact of the Israeli withdrawal from the Gaza Strip had a number of effects on the Palestinian people and can be analyzed as follows:

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## **The Political and Negotiations Dimension**

Despite the Israeli withdrawal from the Gaza Strip, the dismantlement of settlements and military posts that had existed there for 38 years, the withdrawal leaves behind a number of simmering issues and exposes this Israeli move as a mere redeployment of the Occupation. Israel is clearly unwilling to relinquish control of any of the border-crossings, refuses to allow the refurbishment of the airport for its reopening and rejects the idea of the construction of a seaport. All this constitutes an Israeli responsibility for territories that it evacuated, and previously occupied, and is in clear contradiction to Israel's claim that it has effectually ended the occupation of the Gaza Strip. Its demand at the UN Security Council to pass a resolution to that effect is audaciously preposterous.

The issue of linkage between the West Bank and the Gaza Strip through a safe passage is yet to be determined. One of the Israeli proposals is a channel (tunnel) that links the West Bank to the Gaza Strip. Another suggestion is a railroad that goes directly between the two regions, by-passing Israeli territory, for the non-stop movement of goods and people.

These Israeli measures do not demonstrate goodwill and further heightens Palestinian concerns about the future. As a means of payback for its withdrawal from the Gaza Strip, Israel plans to go ahead with expanding settlements in the major settlement clusters in the West Bank, as well as those in and around Jerusalem and the Jordan Valley. Israeli plans also include expediting the construction of the Apartheid Annexation Wall, thus isolating Jerusalem from major Palestinian towns and creating irreversible facts on the ground in order to preclude any form of Palestinian sovereignty over the city in the future.

The Unilateral Disengagement Plan is clearly a tactic that Israel believes will buy more time in order to further compromise and prevent the creation of a viably contiguous Palestinian State, by separating West Bank districts into isolated cantons. Furthermore,

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there are clear indications that Israel hopes to exploit the Unilateral Disengagement Plan in order to incur major damage on final status issues in any future negotiations (i.e. settlements, borders, refugees, water and Palestinian statehood); and instead steer negotiations towards mundane and superficial issues such as border crossings, control over airspace and territorial waters, as well as relations between the Gaza Strip and the West Bank. The Unilateral Disengagement Plan, an initiative of Ariel Sharon, is heading towards further imposing Israeli hegemony by unilaterally demarcating borders between the Palestinians and the Israelis.

Israel's Unilateral Disengagement Plan was erroneously lauded as an implementation of a step within the framework of the Road Map. However, despite constant attempts to link Israel's Unilateral Disengagement Plan to the Road Map, Israel refuses to consider the implementation of the Road Map before the PNA executes all obligations cited in the plan, particularly that Palestinian factions be disarmed, especially Hamas. Israel's unflinching stand on this issue enjoys the support of the U.S. and the Quartet. Consequently, the international community is unable to exert any significant pressure on Israel in order to resume a peace process or final status negotiations in the foreseeable future

### **The Internal and Security Dimension**

The Israeli withdrawal from the Gaza Strip opened Pandora's Box to a number of internal Palestinian challenges. Specifically, how the relationship between the PNA, Hamas and other Palestinian factions will play out and whether the PNA will be able to disarm their respective military wings. During the post-Disengagement period, there was an increase in lawlessness and power play on the part of some factions. There were concerns that the Palestinian Legislative Council elections, slated for January 25, 2006 would not take place amid the general chaos. Hamas' bid to participate in the PLC elections was also a controversial issue for Palestinians.

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In the first few days that followed the Israeli withdrawal from the Gaza Strip, all factions converged on the streets in counter demonstrations to “celebrate” the pull out. In contrast, the PNA security apparatuses and administration seemed ineffective, weakened by a slow reform process and years of being targeted by Israel. Some analyses warned against the situation exploding and compared the deterioration of conditions in the Gaza Strip to those in Somalia.

The Palestinian concern with the seemingly successful implementation of the Unilateral Disengagement Plan is the inevitability of a Hamas face-off with the PNA and the Fateh ruling party. The fear is that Hamas will attempt a coup to seize power from the PNA instead of awaiting the PLC elections to take over power peacefully.

Manifestations of the chaos and rampant lawlessness on Palestinian streets following the Israeli withdrawal included a rise in crime rates, assaults on citizens and officials, as well as acts of vandalism against public and private property, including shops, restaurants and hotels. There was also a surge in assassinations, abductions, random shootings; in general, citizens became increasingly terrorized and insecure in their own homes and on the streets of their towns and villages. Unfortunately, the weakness of the PNA security apparatuses did not allay people’s fears that their personal safety will be safeguarded. The fact that there was an absence of judicial due process in bringing perpetrators of crimes to justice contributed to the lack of faith in the PNA and its executive branches.

Concomitantly, some of the other problems that emerged had to do with Israel’s threat to sabotage the PLC elections if Hamas decided to participate. Israeli and international pressure on the PNA continued to mount demanding that the military wings of Hamas and other factions be dismantled in order to circumvent the possibility of conflict erupting between the two sides and to ensure that the PLC elections go ahead as scheduled.

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## **The Economic Dimension**

Israel's withdrawal from the Gaza Strip came after decades of its deliberate destruction to the economy and infrastructure there. Already economically strained, poverty and unemployment reached unprecedented levels post-Disengagement (around two thirds of the Gaza Strip population lives under the poverty line; unemployment rates exceed 50% and a general economic recession prevails.) Despite international promises to provide assistance to restore the infrastructure and inject investments into the Gaza Strip, as well as deal with immediate humanitarian needs, several challenges stand in the way of fulfilling these promises, namely Israel's control of all border crossings.

The Israeli Government is unwilling to hand over control to the PNA at the Rafah border crossing and is proposing to move it altogether to an area where joint jurisdiction can be shared among Palestinians, Israel and Egypt to facilitate the movement of goods and people in and out of the Gaza Strip. Unfortunately, this solution still severely restricts normal economic relations between Palestinians and the world at large. The issue of the airport and seaport for the Gaza Strip is still a matter of contention with Israel and what exacerbates the economic situation there even more is Israel's total ban on hiring laborers from Gaza until 2008.

Economic studies, including those of the World Bank, indicate that economic development, attracting foreign investment and overcoming poverty and unemployment in the Gaza Strip will not be possible unless Palestinians are able to control their own border crossings. Having economic and geographic contiguity with the West Bank is also a precondition to the success of an economically viable Gaza Strip. Moreover, financial aid from international donors is contingent upon whether the PNA is able to implement necessary institutional reforms, including that of the Civil Service, and significantly reducing the over-inflation of employment within PNA bodies.

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## **Second: Towards a National Methodology to Confront the Various Dimensions of the Israeli Withdrawal from Gaza**

The Israeli withdrawal from the Gaza Strip is a significant step towards liberating Palestinian territories from Israel and establishing an independent Palestinian state. Nonetheless, it should be viewed with caution as it raises a number of challenges that the Palestinian political leadership, including the various political factions, must address in order to maximize any benefits that the Unilateral Disengagement Plan may have and minimize its losses. This can be done through unifying efforts and collaboration among decision-makers within the various sectors of Palestinian Society, including the PNA, the civil society and the private sector, taking into consideration the aforementioned political, security and economic concerns. These issues can be further delineated as follows:

### **Politically and in Negotiations:**

Politically, the top priority is for a consolidated Palestinian strategy that focuses on the core issues of the Palestinian cause in order to find a comprehensive solution to the conflict by reiterating Palestinian demands of addressing Final Status issues. Palestinians must always be aware of Israeli attempts at undermining Palestinian national ambitions, as demonstrated by their constant attempt to impose transitional solutions, such as a provisional Palestinian state in the Gaza Strip and West Bank cantons. Ending the occupation of the West Bank and Jerusalem should remain the top priority on the Palestinian Agenda; therefore, freezing the construction of the Apartheid Annexation Wall and settlement expansion is a must. Palestinians should demand that the Advisory Ruling on the Wall by the International Court of Justice in The Hague become compulsory by raising the case to the UN in order to impose sanctions against Israel if it refuses to comply.

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Palestinians should rally all possible international support in order to stop the Israeli policies of land expropriation and expansion of settlement clusters that effectually impose facts on the ground. There is international consensus over establishing an independent and viable Palestinian state; therefore, all efforts must be wielded to bring Israel back to a peace process and the resumption of Final Status negotiations. Moreover, there is a need for urgent Palestinian action to abort Israeli attempts to get a UN Security Council resolution passed stating that the Israeli occupation over the Gaza Strip has ended, especially since in reality it has not. Despite its withdrawal from the Gaza Strip, Israel still controls it from afar via land, air and sea, and continues to obstruct the easy flow of basic human commodities such as food and water.

Palestinians must also communicate with their Arab neighbors in order to help them set a Palestinian-friendly agenda that ensures Palestinian rights and political aspirations. It should be made clear that any Arab attempts at normalizing relations with Israel prior to the full end of the Israeli occupation of Palestinian lands is unacceptable as it infringes on the Palestinian national struggle.

### **Internally:**

In order to confront some of the challenges presented by the Unilateral Disengagement Plan, namely Israel's expansion policy in the West Bank, Palestinians must demonstrate the will and wisdom to continue the national dialogue among all parties involved, in order to ensure that the Palestinian political system is based on partnership and pluralism. National interests must be put above narrow factional ones; the ballot box should be the sole determinant in a peaceful transition of power, therefore, an environment conducive towards holding fair and free elections must be guaranteed.

There is also a need to put a stop to the lawlessness on Palestinian streets, first and foremost by banning the display of arms in pub-

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lic, but also by dealing with the conflicting and confusing duality of authorities in order to provide citizens with a sense of security. Palestinians need to streamline the resistance efforts, whereby the decision to resist and its consequent manifestations is a collective, national one agreed upon by all factions.



### **Economically:**

The success of the national project will be tested in the Gaza Strip. Therefore, great priority must be given towards developing a comprehensive economic development plan for all Palestinian Territories. When devising these plans, the West Bank and the Gaza Strip should always be considered as one economic unit, in order to ensure a unified market economy where the free exchange of goods and an integrated customs and taxation system are in place.

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International pressure must be applied in order to come up with innovative solutions to the prevailing Israeli policy in impeding the free flow of goods (and persons) in and out of the Gaza Strip, which currently strangulates the Palestinian economy.

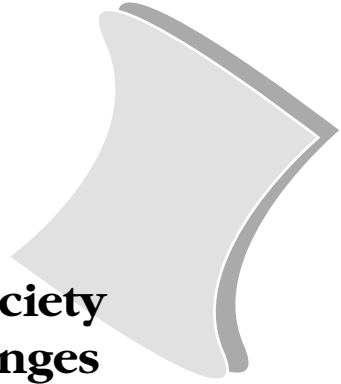
The Paris Agreement also needs to be reviewed in order to oblige Israel to implement all articles that ensures Palestinian trade rights, which it has since evaded, until such an opportunity arises to reach an alternative agreement. Furthermore, Palestinians need to come up with a Palestinian trade policy in order to establish economic independence from Israel especially in the Gaza Strip, at this time. Having an independent trade policy would certainly encourage the repatriation of expatriate Palestinian capital and Arab (and foreign) investments in the Gaza Strip.

The evacuated areas and any establishments left behind from the occupation must be rehabilitated and any action taken into stimulating the revival of land or greenhouses, for example, must be done professionally and efficiently, in order to reap any economical rewards that they may incur.

Certain conditions within the PNA must be met in order to encourage the injection of financial aid into the Gaza Strip, namely a decrease in the lawlessness, and administrative and financial reform within PNA institutions. There is a need to attract development projects, especially such strategic ones as the marina and airport. In addition, creating industrial parks and taking advantage of the natural gas fields found in the Gaza Strip, would help boost the economy by creating job opportunities.

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# **The Role of Civil Society and Current Challenges**



## **Introduction**

The political development that took place in Palestine recently, namely the PLC elections on January 25, 2006 and the subsequent Hamas majority gain, presented the civil society with a number of political, intellectual and social challenges.

The modest results achieved by the electoral lists representing civil society, or those it supported, exposed the weak performance of civil society organizations among the general public. This raised a variety of questions into their work methodologies that need deeper analysis in order to identify mistakes and find solutions.

Some of the most pertinent issues that need to be explored include a thorough look into some of the underlying causes that highlighted civil society institutions' failure, particularly, their inability to address public needs. Furthermore, they were unable to raise public awareness on social and political issues prior to and during the PLC elections in a convincing manner.

Whereas Palestinian civil society had been influential in the past in leading the community and raising their awareness to such issues as democracy, they have lost some of their past effectiveness and influence. Some would blame this on the intensive focus on purely academic or intellectual projects, while ignoring service-oriented

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ones. Some would argue that civil society may be able to regain its standing with the public if it is seen to address emerging basic needs that would significantly contribute to a better quality of life.

Following are the main themes that address these questions:

- 1- The Definition of the Concept of Civil Society
- 2- An Evaluation of the Role of Civil Society Institutions
- 3- Requisites for the Reactivation of Civil Society's Role in Order to Overcome the Current Crisis

### **First: The Definition of the Concept of Civil Society**

In order to discuss the role of civil society and its institutions, there is a need to understand the make up of civil society. Three main classifications can be drawn:

- 1- Non-Governmental Organizations (NGOs), which may include charitable societies, cultural or athletics clubs, as well as private sector institutions.
- 2- Interest groups or lobbies that are active in human rights issues. Political parties can be classified into this category as well.
- 3- Trade unions and labor federations.

However, there could be other definitions of civil society specifically created on an ideological or intellectual basis:

- 1- Faith-based civil society institutions. These are mostly humanitarian relief, charitable or service-oriented organizations.
  - 2- Civil society institutions based upon liberal, democratic ideals and values, these are mostly intellectual in their pursuits.
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Proponents of the first classification consider that NGOs, such as charitable societies, clubs and human rights organizations are limited in their scope and their impact is barely felt in society, despite the fact that they may be able to exert some influence over certain sectors of society. Moreover, those organizations that are influential within civil society may infringe on trade unions and labor federations, who are one of the most ineffectual sectors of civil society at the moment. As for political parties, they fail to present political and social programs that meet the needs of various sectors within the public and are thus ineffective.

On the other hand, advocates of the second classification view faith-based organizations as organized and efficient as they provide integrated services to the public; therefore, it has a better chance of influencing constituencies. This model's success was somewhat proven following the PLC elections. Meanwhile, the shortcomings of secular civil society in its failure to address the concerns of the public were exposed. An apparent competitiveness among these organizations prevailed, which made it nearly impossible to coordinate initiatives. Some personal rivalries also surfaced during the elections period, which further alienated an increasingly shrinking constituency. This could lead some civil society organization to shift their mandates and chose to work within a faith-based framework, for self-preservation reasons or to compete for available resources.

## **Second: An Evaluation of the Role of Civil Society Institutions**

Despite the fact that civil society institutions that ran or supported candidates in the last PLC elections had modest gains, their obvious shortcomings, as previously discussed, should not be the only indicators as to where they went wrong. The reality is that the PLC elections took place in an increasingly polarized system, whereby two major parties (Fateh, being a national secular party

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and Hamas, being a faith-based party) were each competing for the majority in the PLC.

The faith-based party (Hamas) was able to invest in the failures of the national secular party (Fateh) in many ways, most notably:

- 1- The inability of the national secular party to accomplish any significant achievements towards national liberation, namely because of the Israeli policies of repudiating agreements, continuous settlement activities, land expropriation and construction of the Wall.
- 2- Internally, the national secular party was unable to tackle the rising rates of poverty and unemployment, which reached unprecedented levels during their rule. Wide-spread corruption among the various tiers of the ruling party's hierarchy had negative impact on their standing with the public. The spread of violence and lawlessness, threatening the internal stability and personal security of citizens, also decreased faith in the prevailing system, therefore, an overwhelming need to risk change prevailed among the public.
- 3- The policy of closure and siege enforced by the Israeli occupation in the Palestinian Territories, also contributed to a general mood of anxiety and insecurity that had adverse effects on the elections procedure and outcome.
- 4- The general feeling of injustice and the emergence of local concerns took precedence over the more general national issues.

The prevailing sense that change needs to occur was greatly exploited by the faith-based party and thus it raised anti-corruption campaign slogans calling for reform and promising change. This went hand in hand with putting an overriding emphasis on religion in their elections campaign. Meanwhile, an effective third alternative to Fateh and Hamas was mostly absent amid this height-

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ened polarization, therefore any role that small parties may have had in affecting change to the status quo was nominal.

In addition to the general atmosphere of polarization, there were other reasons that contributed to the weak performance of civil society institutions, some of which are discussed below:

- 1- A lack of coordination prevailed among various sectors of the civil society, whereby some, such as trade unions and labor federations were being excluded by an increasingly elitist NGO community.
  - 2- The many attempts at effecting change became inevitably restricted to a limited number of elite groups, which were unable to reach out to grassroots organizations within the community.
  - 3- Civil society institutions were politically neutral and therefore had limited influence on decision-making and public policy formulation.
  - 4- Civil society institutions are concentrated geographically in the central areas of the West Bank (Ramallah, Jerusalem and Bethlehem) and in the Gaza Strip. There is a quantitative concentration of comparable organizations, whose target groups have reached a saturation point, whereas organizations in more remote areas are marginalized, and thus more susceptible to being influenced by an increasingly polarized environment.
  - 5- Secular civil society institutions refrained from offering basic humanitarian services and programs, since it held the opinion that these were the responsibility of the PNA, despite the fact that the PNA was obviously unable to meet all the needs. These organizations were also largely dependent on foreign aid and bound by the conditionality of receiving funding, which directed their spending on awareness rais-
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ing of democracy principles, human rights, etc., which prevented them from branching out into projects that offered practical, service-oriented or development projects.

- 6- The decline of the spirit of volunteerism among the public in general, which is no longer willing to offer up their time for free, as had been the case in previous decades, further contributed to the demise of civil society organizations. This has led to an indifferent public, who lack a sense of community service and belonging.
- 7- These civil society organizations were also ailed by a lack of a shared vision or national plan, which weakened the effectiveness of these institutions on influencing public policies and development plans. Other negative factors had to do with the internal make up of the various organizations and the extent to which they were able to incorporate transparency and democratic principles in their day to day operations.

Despite the aforementioned failings of civil society institutions, there are certain strengths that distinguish their work, which may constitute a basis for reactivating and expanding their role in the future. Throughout history, and to their credit, Palestinian civil society has enjoyed a prominent role in the national struggle against Israeli occupation, especially in its successful work in exposing the occupation's racist policies. Civil society also had a distinctive role during the successive Palestinian Intifadas in strengthening the steadfastness of the Palestinian people and their resistance against occupation.

Civil society institutions are also highly adaptable to changes on the ground and develop their programs and activities accordingly. Their activism in the reform process of PNA institutions and their choice of marginalized target groups, such as women and children, are positively received in society and may consti-

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tute a platform for re-launching and reinstating their valuable role in the future.

### **Third: Requisites for the Reactivation of Civil Society's Role in Order to Overcome the Current Crisis**

In order to overcome the crisis currently facing civil society institutions, there is a prevailing need to address the weaknesses that the PLC elections results exposed. Maintaining the current status quo will only serve to deepen the crisis further, jeopardizing civil society's longstanding achievements and reducing their ability to impact public policies with the new ruling party. Following are some pre-requisites necessary for reactivating the civil society institutions during the next period:

- 1- Shifting towards a more parallel system of expanding activities and projects beyond the central West Bank, which have had more than a fair share of projects implemented there. Some of the bigger civil society organizations may chose to create networks with smaller institutions in different areas, or at the very least become intermediaries between small, local NGOs and donor agencies, especially since NGOs in rural areas lack the know-how and the connections to attract funding for much needed projects.
  - 2- Reactivating the role of trade unions and labor federations to bring them into the decision-making process is important. This will benefit civil society organizations, who will consequently gain access to a wider constituency, because of the public appeal and membership of these unions and federations.
  - 3- Gearing activities and programs to respond to public needs, will help civil society organization diversify into service oriented projects away from theoretical activities such as education, training and awareness-raising.
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- 4- Consolidating the efforts of civil society organizations will empower them to support the democratic opposition within the PLC, in order to ensure pluralism. This will enhance civil society's influence and role in maintaining some of their previously gained achievements.
- 5- Enhancing voluntary work in the activities and programs of civil society institutions through adopting activities that have mass appeal is a must, since they will motivate participation and provide volunteers with purpose and develop their sense of identity. These projects should be well chosen to offer concrete benefits for all involved as opposed to projects that are devoid of substance or cater to specific political affiliations.
- 6- Launching a broad reform process and anti-corruption campaigns in order to mobilize public opinion in combating these phenomena would further boost the standing of civil society organizations.
- 7- Reinforcing organizations who seek to implement values of transparency and democracy, specifically in matters related to declaring sources of funding and expenditures on activities and programs.

Finally, there is an urgent need to reformulate the role of civil society institutions in order to adapt to constant developments, especially since the current situation is open to all possibilities. The boycott and siege imposed on the new government and the deteriorating Palestinian socio-economic conditions may require bigger responsibilities on the part of civil society. In light of prevailing conditions, civil society organization may need to revert to the wide-ranging role it previously played in order to meet the emerging needs of society, whether by leading the popular struggle against the occupation or by becoming a safety net for Palestinian society as it struggles towards nationhood.

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# **The Current Palestinian Crisis: Mechanisms for and Dimensions of a Solution**

## **Introduction**

The PNA has been enduring a serious crisis ever since the new Hamas Government assumed office. Since then, the Palestinian people have been made to endure siege, economic boycott and political isolation. In line with this Israeli position, the donor community also suspended its aid and external support. The US, Europe and the UN all announced their decision to sever all political contacts with the newly appointed government and suspend all forms of assistance to the Palestinian people delivered through Palestinian public institutions and entities. Meanwhile, Israel continued in its construction of the Apartheid Annexation Wall, its policies of assassinations and arrests in addition to multiplying checkpoints inside the Occupied Palestinian Territories (OPT). Furthermore, it threatened to implement unilateral solutions, such as [Israeli Prime Minister Ehud] Olmert's "Convergence" Plan to connect settlements and disengage from the Palestinian Territories, a plan that the US has seemingly accepted and the EU seemingly acknowledges.

## **The Economic Crisis**

Israel, the US, Europe and the United Nations imposed a siege and isolated the PA, thus causing a multi-dimensional crisis represented in the following:

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## **A)- Economic:**

- 1) The PNA became incapable of paying its employees' salaries estimated at US\$95 million for several reasons. Israel suspended the transfer of tax revenues it collects on behalf of the PNA. The PNA's monthly tax revenues dropped from US\$ 40 million to US\$ 20 million, and the EU stopped its direct support to the Palestinian budget, partially used to cover the PNA's employee salaries.
  - 2) The PNA has reached the maximum possible ceiling for internal loans, such as loans from commercial banks, which now amount to US\$ 640 million. The Palestinian Investment Fund (PIF) has used assets and the accounts of donor-implemented projects as collateral, in addition to US\$ 660 million as outstanding payments for the private sector, suppliers, pension funds, checks and bills. External debts also amounted to US\$1.339 billion towards the end of 2004.
  - 3) The banks operating in Palestine were incapable of giving the necessary letters of credit for importing the basic materials, since Israeli banks threatened to freeze all banking transactions by next July. It is not possible to directly import through European or Arab (Egyptian and Jordanian) banks since they do not accept Israeli currency (NIS); this means that there is a need for a bank clearance that takes around 60 days in addition to prior approval from the Israeli Central Bank.
  - 4) Around 66% of consumer goods in the Palestinian markets are Israeli products. Moreover, Israel is the main source of raw materials utilized in Palestinian industries.
  - 5) The intention of the donor countries to increase their humanitarian assistance to the Palestinian people in the health, education and social affairs sectors is futile un-
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less the salaries of these sectors' employees, who constitute the foundation for delivering these services, are paid. Operational costs of these service-oriented institutions must also be covered. However, this will unfortunately transform Palestinian society into a recipient society that lacks any dimension of development or self-reliance. This will also create a problem in regards to channels of distribution for this financial aid, since NGOs, expected to play a major role in this regard, are incapable of providing an alternative to PNA institutions in delivering basic services to citizens. Furthermore, such a situation will inevitably create a number of authorities.

The current economic crisis in the PNA has been further aggravated by its past failure to build a resistant economy. The current economic crisis is not only the outcome of present conditions but an accumulation of ten years, since the inception of the PNA. In trying to provide remedies for a number of problems, the PNA instead created others. For example, as a result of trying to overcome unemployment and integrate members of the armed groups into the security services, inflation in public employment was created. Instead of looking for means to strengthen the national economy and enhance self-sufficiency, dependence on external funding and foreign aid increased, as well as dependence on economic agreements with Israel, first and foremost the Paris Agreement, which established the dependence of the Palestinian economy on Israel's. In return, Israel would collect taxes on behalf of the PNA and allow Palestinian laborers to work inside Israel. In the end, both were lost when Israel decided to withhold the transfer of tax revenues and imposed stringent conditions on the entry of Palestinian laborers into Israel.

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## **B)- Political**

Despite the multiple economic facets of the current crisis, the fact remains that the problem is deeply-rooted in politics. Hence any remedy must essentially be of a political nature. This raises questions regarding the possible political consequences of this crisis, illustrated in the following:

- 1) To end the peace process that began in Madrid including the Oslo Accords and all subsequent agreements, especially since Israel no longer abides by these agreements and seeks to impose unilateral solutions on the Palestinian people.
  - 2) Israel continues to impose unilateral plans under the pretext that they have no Palestinian partner. The position of the Government of Israel (GOI) became clear in its last meeting when it declared the PNA a “terrorist authority” hostile to Israel, and hence prohibited any contact with it. This means that Israel is not only targeting the Hamas Government, but also aims to isolate the Palestinian entity. It also aims to create an enabling environment for its unilateral solution by rallying international support for it. Such a solution preserves Israeli interests and fulfills the requirements of Israeli security at the expense of the Palestinian people and their rights. It seems that this plan has won the support of the United States under the Bush administration as well.
  - 3) The continued siege and isolation may lead to the collapse of the PNA and the emergence of local militias, warlords and ultimately the outbreak of civil war, which would serve Israel’s convergence plan, through creating isolated and fragmented Palestinian cantons. This would represent the demise of any achievements made by the Palestinian struggle over the years.
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## **Proposed Mechanisms for Crisis Resolution**

In order to break the political isolation and economic blockade imposed on the Palestinian people, the issue must be given its due importance. Strategies must be created that are founded on collective Palestinian action and timely and comprehensive national dialogue, to achieve the following:

- 1) To convene a national salvation conference that defines a unified Palestinian vision and an agreed on agenda that constitutes the minimum ceiling for an acceptable Palestinian position and which also preserves the rights and achievements of the Palestinian people and their national aspirations, i.e. to establish an independent state and end the occupation. Such an agenda must be presented to the world as a unified Palestinian program for all forces rather than the platform of one specific faction, even if this faction was elected through a democratic process. If such a plan leads to the collapse of the Palestinian political system as a whole, then an agreed on unified Palestinian vision would reinforce the capacity to confront internal and external pressures and open political prospects for the Palestinian question of confronting Israel's unilateral convergence plan<sup>1</sup>.
- 2) To form a National Salvation Government that includes all political forces in the Palestinian arena, irrespective of the current proportional representation in the PLC. Such a government must build on the common grounds reached in the comprehensive national dialogue, provided the PLC grants this Government a safety net for an agreed-upon duration and that such a situation does not imply that Hamas has fallen from power and Fateh is back in office.

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<sup>1</sup> Further details on this proposal appear in an article for Dr Ahmad Majdalani entitled: "Towards a Political Initiative to Break the Political Isolation and Economic Blockade, Al-Ayyam , Tuesday, 12/4.2006

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- 3) To reach a common vision for security, which has always been a weak point in past years, by benefiting from the experience of the last ten years.
  - 4) To recognize the Basic Law as the foundation for resolving any conflict of competencies between the Presidency and the Council of Ministers, or for reaching a consensus on the distribution of competencies between them, so that the Council of Ministers assumes the responsibility for the implementation of the internal national program, while the Presidency takes charge of foreign affairs.
  - 5) To activate the PLO and its institutions through the establishment of a broad front that comprises all Palestinian forces and asserts its status as the sole and legitimate representative of the Palestinian people everywhere and of the National Authority in the Palestinian Territories. This is a national imperative due to its impact on the future of the Palestinian people, especially in the wake of the threats against the National Authority and its possible collapse, which will ultimately put the entire Palestinian question at risk.
  - 6) To seek to alleviate American pressure on Arab and European parties through a unified Palestinian vision reached through national dialogue, and to present this vision through the PLO. This is aimed at convincing the European side that cutting off aid and economic blockade will not lead to the fall of the Hamas-led government and the restoration of Fateh. On the contrary, such pressures will only intensify Palestinian reactions to this blockade, increase hatred towards the US and the West in general, and strengthen public, community and political support for the Hamas government. Such policies of pressure and siege will create more extremist
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reactions, since the absence of a political process and international support will lead to complete chaos, not only in the OPT but in the region as a whole.



- 7) To involve the society in presenting an international political initiative that includes steps towards ending the occupation and achieving peace, since the Road Map has been rendered futile in the wake of the subsequent developments in the region.
  - 8) Until this national dialogue achieves its desired outcome, it is possible to utilize any channels that still exist in order to mitigate the economic blockade and political isolation imposed on the PNA, namely the Presidency. This is while bearing in mind that these channels do not constitute an alternative or a shadow government run by the Presidency. The Council of Ministers and the Presidency must reach an understanding on this issue.
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The Council of Ministers must receive assurances from the Presidency that such efforts are aimed at alleviating the impact of the siege and political pressures, and providing basic needs to citizens, which in turn will help maintain the people's steadfastness and their ability to face these pressures.

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# Charter of Action and Rights of Parliamentary Blocs in the Legislative Council

## Introduction

In the context of commitment to democratic practice in Palestinian political life and respect for the principle of plurality, freedom of speech and opinion as well as respect for different opinions, members of the PLC intend to establish parliamentary traditions, most notably adopt the principle of parliamentary blocs. This is in line with the Elections Law that confirms the right of individuals and political groups to form electoral lists.

All party-signatories to this charter declare their commitment to the adoption of the following principles hereby, and propose that the Committee of Council Affairs adopts them for approval during the next PLC meeting as an annex to the Bylaws.

**First:** Each electoral list that won seats in the PLC is entitled to form a parliamentary bloc comprised of its members (no less than two members).

**Second:** A number of members who have common goals or interests may join or organize a parliamentary bloc, provided their bloc consists of no less than three members. Independent members who do not belong to any parliamentary bloc may join any given bloc on condition they report to the Council Affairs Committee and its Chairpersonship.

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**Third:** Any Parliamentary bloc is entitled to have bylaws that regulate work among its members, provided these do not conflict with the Basic Law or the PLC Bylaws. The bloc shall deposit a copy of its bylaws at the Council Affairs Committee.

**Fourth:** In order to receive official approval, each parliamentary bloc shall select a head and inform the presidency of the Council and the Council Affairs Committee of the names of its members, their signatures and their commitment not to join any other bloc.

**Fifth:** Any bloc may dismiss or accept the resignation of any of its members at any time during the legislative session; dismissed or resigned members may not join another bloc during the same legislative session.

**Sixth: Opposition and Coalition Blocs**

- 1) Parliamentary blocs shall be classified into two types according to their participation in the government: the government and the opposition blocs. Blocs that enter into a coalition with the government must deposit the relevant signed agreements with the Council's Presidency and the Council Affairs Committee.
- 2) The head of the largest opposition bloc shall be nominated as the Head of Opposition, while the other opposition blocs have the right to nominate - from each block- a deputy who shall substitute the head of the opposition in case he is absent.
- 3) The PLC Speaker shall inform the Head of Opposition about major issues related to the work of the PLC.

**Seventh:** It is preferable that members of the opposition bloc chair each of the Public Budget and Finance and Human Rights Monitoring Committees.

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**Eighth:** Each parliamentary bloc is entitled to conclude agreements with other blocs over coordinating work among them within the PLC.

**Ninth:** All parliamentary blocs retain the right to propose draft laws, request a no-confidence vote against the Government or one of its members, while members of blocs are entitled, each at his/her own account, to inquire and examine as well as propose draft laws.

**Tenth:** Each bloc is entitled to participate in the PLC support bodies, such as:

- 1) Council Affairs Committee,
- 2) PLC Library Supervision body,
- 3) Parliamentary Research Unit Supervision body, and
- 4) PLC bulletin Supervision body.



**Eleventh:** The Council shall provide appropriate headquarters for each bloc within the PLC premises, and each bloc is entitled to utilize the Council's facilities to perform parliamentary work and receive guests, provided it is coordinated with the management of these facilities.

**Twelfth:** The Council shall allocate a budget for each bloc to be determined by the Council and in accordance with previously agreed criteria. Disbursement shall be according to sound financial procedures, with a disbursement report submitted to the Council Affairs Committee.

**Thirteenth:** The heads of Parliamentary blocs shall have priority to speak only to respond to draft laws, government statement or confidence or no-confidence moves towards the government.

**Fourteenth:** Heads of blocs are entitled to request adjournment for holding consultations between bloc members prior to voting; the PLC Speaker must respond positively to this request and adjourn the meeting for a period not exceeding thirty minutes.

**Fifteenth:** The representation of parliamentary blocs shall be taken into consideration upon delegating or receiving official delegations.

**Sixteenth:** The Council Speaker shall provide the heads of blocs with the verbatim report of the meeting for their review 48 hours prior to the next meeting.

**Seventeenth:** Duties of Parliamentary Blocs

- 1) Parliamentary blocs and their members shall be committed to parliamentary and professional traditions. They shall pledge not to use the Council's documents, assets and information received from it in any action other than parliamentary work.
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- 2) The head of each parliamentary bloc shall inform the Council Affairs Committee and the PLC Presidency of any changes in the structure or formation of the bloc.
- 3) No bloc is allowed to nominate more than one member to the same post within the PLC.

**Eighteenth:** Parliamentary blocs must pledge to urge their members to abide by the provisions of the law in regards to the disclosure of their personal financial accounts, that of their spouses and their underage children.

**Nineteenth:** Members of different blocs are entitled to form ad hoc gatherings, provided they inform the PLC Speaker.

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## **Palestine-Lebanon: The Convergence and Divergence**

### **Introduction**

The intense developments in the Palestinian and Lebanese arenas following the two resistance operations "The Dispelled Illusion" and "The Sincere Promise" on the northern and southern borders of Israel, and the subsequent wide-scale Israeli attack against Gaza and Lebanon, better described as the Sixth war between Israel and Arab parties (resistance this time), raised several questions. Such questions relate to the possibility of linking the Palestinian option to the Lebanese option, the dimensions of such linkage, its advantages and disadvantages as well as its impact on the current Palestinian situation.

The simultaneous developments in both Lebanon and Gaza, and the fact that the U.S.A. and Israel placed Hamas and HizbAllah in one frame as "terrorist movements and an arm for Syria and Iran in the region" raise questions about the similarities between the Palestinian and Lebanese resistances and the impact of this crisis on the conditions in Palestine.

Before responding to these questions, there is a need to identify the similarities and differences between the two (the Palestinian resistance and the Lebanese resistance), especially during the recent crisis, and the environment in which the struggle between the two sides took place. This can be summarized as follows:

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## **Similarities and Differences between the Two Resistances**

There are many common factors, as well as differences between the Palestinian Resistance and the Lebanese Resistance. The first similarity is the common enemy (Israel) which occupies Palestinian territories and parts of Lebanese land and imprisons thousands of Palestinian, Arab and Lebanese prisoners. The second common factor is the operating method used by both, that is guerilla warfare, in addition to the weapons the enemy utilizes in confronting both and the objective of the struggle, which is liberating the land.

On the other hand, HizbAllah and Hamas are no longer mere resistance movements, but also parties in authority. HizbAllah has representatives in the Lebanese Cabinet and Parliament, while Hamas constitutes a majority at the PLC and has formed the Palestinian Government. This imposes limitations on their behavior as liberation movements.

Some perceive HizbAllah as not only as a liberation movement, but also as an advanced post for Iran in the region. Similarly, some question the possibility of Hamas having a private agenda within the context of the regional conflict (Syria-Iran axis and their struggle against Israel and U.S.).

Finally, one may say that the most striking similarity between the Lebanese and Palestinian situations is the fact that they are the most serious and difficult tracks in the Arab-Israeli conflict, and constitute the perpetually flammable front within this conflict, because they were either left in vacuum, or because deficient arrangements have been considered appropriate for resolving them.

On the other hand, there are many differences between the two situations. Some consider the experience of HizbAllah a deeper and more influential resistance experience, as manifested in the recent war that lasted around five weeks, during which the Lebanese Resistance was distinctly accurate and precise in its political

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discourse and confrontation mechanisms against the enemy. The Palestinian resistance, however, and despite all its positive aspects in confronting the enemy and the spirit it sustained throughout the years of struggle, suffers from an absence of unified leadership, weak training and experience, lack of coordination between military arms, weak armament and lack of security protection for its members because of exhibitionism.

There are differences in the environment in which each of the sides operates. Lebanon has recognized borders, and the resistance has open access to weapons as well as political and moral support. Furthermore, it is possible to find solutions, such as deploying international protection forces in Lebanon.

The situation in Palestine is very different. The Israeli withdrawal from Gaza Strip did not mean ending the occupation of the Palestinian territories, and the presence of permanent recognized borders. This precludes international intervention that Israel rejects in principle, as it considers the Palestinian question an internal Israeli issue.

Finally, the Lebanese parties, including HizbAllah, realize the importance of maintaining a unified position to confront the crisis and find solutions. This was evident in the pertinent decisions of the Lebanese Cabinet that it took unanimously. This, however, was not the case in the Palestinian arena, despite initialing the National Consensus Document, which is suffering difficulties that hinder its enforcement, a fact that adds to the marginalization of the Palestinian cause.

### **The Possibility of Linking the Two Issues**

Some see no harm in linking the Lebanese and Palestinian issues and in fact consider this an opportunity to attract international attention towards the Palestinian cause, the root of all problems and conflicts in the region. These believe in the need to thrust the Palestinian question into the Lebanese crisis, as this constitutes an

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opportunity for a collective solution for outstanding issues in the region, through mechanisms for liberation from occupation, and linking the two issues is only natural as both have one enemy and one objective (liberating Arab land).

On the other hand, recent events in Lebanon attracted broader international and popular support than the Palestinian cause, hence, the need to benefit from such interest through linking the two causes, especially if that results in convening an international conference to resolve outstanding issues in both causes. In this case, there is a need for Palestinians to prepare for negotiations, if such a door is open, through considering the National Consensus Document as their main instrument. This would seem realistic, as developments at the Palestinian and Lebanese fronts led to the failure of unilateral options adopted by the current Israeli leadership.



Moreover, the internationally accepted proposed settlement principles in Lebanon regarding disarmament, the deployment of international forces, and imposition of state sovereignty over its soils do not negatively influence the principles underlying the proposed settlement at the Palestinian level, and hence make linking the two causes harmless.

However, others believe that such a linkage will have a negative impact on the Palestinian cause. Most notably, Palestinian President Mahmoud Abbas is not in favor of linking the Lebanese issue with the Palestinian issue, as well as the American and Israeli parties who wish to separate the two cases. Some believe that the crisis in Lebanon has led to delaying attempts to launch Palestinian-Israeli negotiations over the imprisoned Israeli soldier until military operations end and a settlement is reached in Lebanon.

Others may be in favor of linking the two issues at the popular level, but not at the political level, specifically with HizbAllah, which may lead to linking the Palestinian cause to Iran, hence harm the cause.

There is yet a third stream that calls for linking the two issues in all aspects that may benefit the Palestinian cause, specifically in relation to convening an international peace conference, political negotiations and implementation of pertinent UN resolutions. At the same time, these call for avoiding the negative consequences of such linkage whenever possible, specifically the attempts to link the Palestinian side to the regional axis (Syria-Iran). The major question that remains is the ability of the Palestinian side to maintain control of the decision on whether to link or not to link.

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# **National Consensus Document: Evaluation of Performance and Achievements**

## **Introduction**

More than two months have passed since The National Consensus Document (also known as Prisoners' Document) was signed. Despite the 11 September 2006 declaration of an agreement on the determinants for forming a national unity government that are among the most important items included in the Prisoners' Document, no progress has been achieved pertaining to other elements in the Document. Those elements relate to developing and activating PLO, preserving the institutions of the PNA, reforming the security system and putting an end to security disorder.

This stalemate comes under extremely difficult Palestinian conditions that are on the verge of full breakdown at the political, economic, and social and security levels, regional and international isolation, a deterioration of the Palestinian cause to its lowest levels at the international arena, a breakdown of public institutions and a widening gap between the West Bank and Gaza Strip. This requires immediate treatment, due to the possible negative impact on the ability of the Palestinian people to confront occupation and the aggravating price that has to be paid one day after another.

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The fact that the content of the Prisoners' Document has not been implemented, despite all the risks that threaten Palestinian existence, is attributed to a number of reasons, most notably the absence of a political will among decision-makers within main Palestinian forces to reach a formula of agreed-upon action to run the PNA and its institutions. This becomes evident through the differences over the interpretation of items of the Document and the mechanisms of implementation despite the agreement of those forces and their signature of that Document.

Such tense situation raises a number of questions over the possible alternatives, and the potential for implementing the Prisoners' Document, the obstacles that hinder implementation and the means of overcoming them. These may be identified as follows:

### **Reform of the PLO**

The agreement among Palestinian factions to reinvigorate the PLO as the sole and legitimate representative of the Palestinian people, and include the Palestinian forces that are not represented within PLO, constituted an important item of the March 2005 Cairo Agreement and the March 2006 Prisoners' Document. This requires President Mahmoud Abbas to invite a higher PLO reform committee, including members of the Executive Committee, Secretary-Generals of factions, the Palestinian National Council (PNC) Speaker and a number of independent personalities, to formulate mechanisms for selecting a new PNC that in turn will form a unified national leadership for the Palestinian people before the end of 2006.

While more than a year and a half had passed over the Cairo Agreement, and several months over the Prisoners' Document, no serious steps have been taken towards activating PLO. Some attribute this to factional interests overweighing national interests, the difficulty in forming the higher committee and the difficulty of representing different forces, especially after the last legislative

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elections in which Hamas had won the majority of seats. Some believe that the results of these elections have led Hamas to raise its demands, specifically over the size of its representation within PLO, as Hamas discourse started to call for rebuilding PLO over new foundations that take into consideration developments on the ground, while the Cairo Agreement called for developing and activating PLO.

Some believe that forming a unified national leadership through developing and activating the PLO requires several months, until an agreement is reached over the composition and membership of the Higher Committee, a new mechanism for forming the PNC, the implementation of these procedures and finally the selection of the new unified national leadership. The grave Palestinian condition cannot remain frozen during that time, and consequently this trend believes that the solution is to rectify the current PLO leadership until the PLO is developed and activated through the Higher Committee. This can be done through expanding the PLO Executive Committee to include the PLC Speaker and The Prime Minister – both of whom are Hamas- in addition to another Hamas and one Islamic Jihad members.

Proponents of this provisional solution believe it is fair and unproblematic, especially that the decision-making norms within the Executive Committee are based on a mechanism of consensus rather than voting.

## **Formation of a National Unity Government**

The National Consensus Document stipulated the formation of a national unity government on a foundation that ensures the representation of all parliamentary blocs, to be based on the Document as well as on a joint political program. All Palestinian forces unanimously agree that such a government may constitute an exit out of this highly polarized Palestinian situation between the two major Palestinian streams: Fateh and Hamas.

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A heated debate is ongoing over the validity of the Prisoners' Document as a political program for the national unity government. Some believe that such a document is not appropriate, as it represents a political plan from which a political program should emanate, as stipulated in the Document itself. Moreover, some items in the Document may constitute the political determinants of the prospective government, but are in need of some clarification. These are the Arab legitimacy, meaning (the Arab Peace Initiative), that PLO and the President of the PNA assume the responsibility of negotiations with Israel based on the text of the Document related to international legitimacy (the Two-state solution, a Palestinian state within the 1967 borders) and finally the recognition of commitments that bind the PLO.

Another trend believes that the Prisoners' Document may constitute a political program for the National Unity Government. Those believe that it constitutes the minimum common program among all Palestinian forces that takes into consideration all variables in the Palestinian arena and includes all the political determinants for the action of the unity Government, and that under the circumstances it is not possible to attain more.

In general, there is a lack of optimism towards the efforts that aim at forming a National Unity Government, due to many obstacles, most notably the absence of a political will between the two major trends, Fateh and Hamas. This is revealed by the circumstances surrounding the proposition and agreement over the Prisoners' Document, which came as a result of public pressure, and the pressure to resort to public referendum, in addition to the circumstances surrounding the formation of this Government, including the siege and the strike.

There are also external impediments, including the positions expected from this Government at the Israeli and international (American and European) levels, and its ability to deal with the demands, whether through responding to or bypassing them.

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Furthermore, there are all those details concerning the distribution of seats within this Government over the parliamentary bloc and forces and the differences within these forces over ministerial seats.

## **Conducting Early Elections**

Some suggest conducting early Presidential and Legislative elections as a final resort to exit the current political impasse and the deep rift between the presidency on the one hand, and the Council of Ministers and the Legislative branch on the other hand. This option, however, faces a number of difficulties most importantly that Hamas considers it a coup against the results of the last Legislative elections and against the Movement. Furthermore, early elections are not a practical option under the current local, regional and international conditions, and it is not expected that Israel and the U.S. approve conducting such elections with the participation of Hamas.



Exiting the aggravating Palestinian condition necessitates immediate action towards enforcing the items included in the Prisoners' Document, specifically those related to activating PLO, forming a unified national leadership, forming a National Unity Government, reforming the security institutions and system and putting an end to security disorder.

Due to the difficult Palestinian conditions and the lack of sufficient time for implementing the necessary procedures for attaining radical solutions, specifically those related to activating and developing PLO, the proposal is to expand the PLO Executive Committee to include representatives of forces outside PLO, specifically Hamas and Islamic Jihad, ensuring appropriate representation temporarily, until a radical solution is reached. At another level, and despite all the problems and obstacles that hinder the formation of a National Unity Government, it is unanimously accepted as the sole appropriate exit out of this political deadlock and the state of political polarization at the Palestinian level. Such a Government, based on a political program and plan, is the only alternative that is capable of confronting the siege imposed on the Palestinian people. The other alternative to that is full collapse and slipping into confrontation and civil war.

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# **The Internal Palestinian Crisis: Practical Initiatives and Available Alternatives**

## **Introduction**

The sense of optimism that had prevailed among the Palestinian political elite following the announcement of agreement on the formation of a national unity Government, between Palestinian President Mahmoud Abbas and Prime Minister Ismail Haniyyeh, did not last long. Many developments followed, most prominently the exchange of hostile public statements between Fateh and Hamas, reflecting a sharp deterioration in relations and a lack of commitment to the content of the agreement and its determinants.

The Palestinian political system, with all its institutions (the Presidency, Council of Ministers (Cabinet), the Legislative Council, the various Palestinian political parties and civil society organizations) are almost totally paralyzed. This is demonstrated in the aggravating crisis that afflicts all aspects of life in Palestinian society, and threatens to completely destroy the present and future prospects of the Palestinian cause altogether.

The US-led international siege on the Palestinian Authority (and people) is paralyzing economic and social life; the public employees' strike has entered into its second consecutive month, increasingly bringing the threat of total economic collapse closer to reality. Extreme polarization between the two mainstream political

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factions, Fateh and Hamas, is leading to armed clashes on the streets, some of which have resulted in deaths and injuries.

### **“Appeal for Palestine”**

Due to this grave situation, a number of national forces and intellectuals came together to draft a document entitled “Appeal for Palestine,” that included a group of practical initiatives to exit from the crisis. It calls for the immediate halt and explicit condemnation of internal fighting, and end to incitement, a withdrawal of armed persons from the streets and neutralization of security forces away from political conflicts. The declaration also defines a number of options prioritized in the following manner:

**First option:** To intensify dialogue with the aim of forming a national unity Government based on the Prisoners’ Document and the determinants of the political program agreed between President Mahmoud Abbas and Hamas leaders. This option, commonly viewed as the best case scenario, was intended to be fulfilled by the end of the month of Ramadan 2006. This accompanies the convening of the Higher Committee for the activation of the PLO.

**Second option:** This alternative stipulated the following:

**First:** the formation of a transitional Palestinian government, composed of independent national personalities, and blessed with the acceptance of existing political forces and the PLC’s endorsement for one year, during which this cabinet would work towards resolving internal issues, particularly 1) reversing the deteriorating socio-economic situation, 2) remedying poverty and unemployment, 3) ending the international political and economic siege on the Palestinian people, 4) guaranteeing the resumption of international financial assistance, 5) resuming financial and administrative reforms, and 6) improving government services to the public.

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**Second:** the authorization of the Palestine Liberation Organization (PLO), in its capacity as the central political reference to the Palestinian Authority (PA), to follow up the political process (i.e. peace negotiations), and urging President Mahmoud Abbas to convene the PLO's Higher Committee, which is headed by Abbas and composed of the Palestinian National Council's President, members of the PLO's Executive Committee, the leaders of the various Palestinian factions and political parties, and several independent personalities; the aim of this meeting would be to re-elect the PLO's Palestinian National Council, in addition to the overall development of the PLO itself.

**Third:** the proposition of a national plan to combat (and end) the current state of security and weapons chaos in the Palestinian territories, reform the Palestinian security apparatus, safeguard the rule of law, and achieve security and justice to Palestinian citizens. This would be carried out in a spirit of co-operation between the Presidency and the Government, with the participation of the relevant institutions and the support of all political forces and the PLC.

**Fourth:** the allocation of this transitional period (one year) for the promotion and fostering of a calm internal national dialogue, free of rhetoric, in order to reach agreement over the mechanisms to implement the National Conciliation Document of the Prisoners (a.k.a. the Prisoners' document), including the formation of a national unity government and reaching consensus on its proposed agenda.

These initiatives are coupled with activities that create a public opinion conducive to minimizing friction between Fateh and Hamas, by exert pressure on both of them in order to achieve tangible results.

The practical provisions of the "Appeal for Palestine" raise a number of questions that need to be addressed, including:

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- Which is indeed the best option, a national unity Government, a Government consisting of independent figures or a national consensus Government?
- Should dialogue concentrate on the type of Government formed or on the content of its program, irrespective of its form?
- Should the Higher Committee be activated in order to develop the PLO, move toward the implementation of the Cairo Agreement, and assume the task of following up negotiations? Alternatively, should a negotiations reference committee be formed, representing all Palestinian political forces within the framework of PLO institutions and under the responsibility of the Chairman of the PLO's Executive Committee?

Following is a record of the discussion of these questions and an attempt to address them.

### **A National Unity Government or a Government of Independent Figures as an Alternative to the Hamas Government:**

Undoubtedly, there is a general preference for the option of a national unity Government in comparison with other options, although there is a general realization that the chances for this option are increasingly becoming remote. However, this option has several advantages, most notably:

- Most parties, specifically Hamas and Fateh accepted it in principle.
  - The dialogue has gone a long way and has reached a conclusion (the determinants document), in addition to the form of Government and the role of parties involved in it.
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- It enjoys public support, and it is easy to rally efforts that would exert pressure on parties.
- Adopting it would imply the start of the implementation of the items of the National Consensus Document of the prisoners, and an introduction to implement its other items.
- The option of the national unity Government based on the concluded determinants of the political program of this Government creates a ripe ground for a realistic approach to international demands. It neither means the submission or full acceptance of the Quartet's 3 conditions, nor abandoning or rejecting them fully; it essentially means by passing them.
- It provides an opportunity to end the economic and political siege imposed on the Palestinian people, especially in light of the international community's indication of their readiness to deal positively with this option.

Despite the positive prospects of the national unity Government option, there are obstacles that hinder its adoption, most importantly: This option represents a long-term solution rather than a temporary one, as is the case with the second option (a Government of independent figures). In addition, it is difficult to agree on an elaborate and clear political program for this Government that all forces can approve; at the same time to agree on one that the international community accepts, i.e. a program that constitutes a position that enables building an effective political plan of action, and preserves the principle of the right to resistance. Moreover, it is also difficult for Hamas to develop a clear political program that does not necessarily fulfill international demands, but is capable of breaking the international consensus with the European position regarding the siege against the Palestinians. This is manifested by the latest hesitation of Hamas concerning certain determinants, such as the approval of the Arab peace initiative.

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Dialogue over the formation of the Government is not open indefinitely under the difficult conditions that prevail in the Palestinian territories and the increasing risk of slipping into internal fighting (civil war).

The second option of forming a Government of independent figures requires general national consensus and wide public support. If agreed, it constitutes a practical exit in case some conflict between national forces persists over the national unity Government, while at the same time it constitutes the least damage as envisaged by Hamas, since this option enables it to maintain its political position of rejecting implicit recognition of Israel. It also transfers this burden to the national Government, while at same time maintains Hamas' role as a national reference and monitor of the Government's behavior, as it can vote for no confidence against this Government with the majority it enjoys at the PLC.

This option also provides an opportunity for a provisional truce in the on-going fight between Hamas and Fateh, and reverses the increasing risk of internal fighting, which all parties would suffer from. It grants the public a chance to catch their breath at the political and economic levels. This also clears the way for the adoption of a Palestinian political position towards any future political action to resolve the Palestinian question; otherwise, Israel may evade fulfilling its obligations, attributing that to the lack of readiness on the Palestinian side (a situation that is clearly detrimental to the Palestinian cause altogether).

Despite the above-mentioned advantages of this option (a Government of independent figures), it has certain limitations, most importantly the fact that Hamas has not accepted it so far, until it bolsters its position within the PLO and ensures lifting the siege off the movement alongside the Government. Furthermore, this option will not solve the on-going conflict of power between Hamas and Fateh in areas other than the Government.

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At another level, the problem of the political program of the Government persists, as Hamas is not expected to agree on a Government whose program is responsive to principles that it may interpret as submissive to the demands of the Quartet.

Consequently, some observers believe that discussions must focus on a national consensus Government regardless of whether it takes the form of a Government of national unity or of independent figures.

### **A Higher Committee for Activating the PLO or a Negotiations Reference Committee**

Throughout all the documents agreed by Palestinian factions and political forces, there is a repeated assertion for the need to develop the PLO through activating the Higher Committee as agreed during the Cairo dialogue in March 2005.

While the main factor in activating the PLO lies in forming the Palestinian National Council (PNC), debate revolves around the mechanisms that need to be adopted in this regard. In order to hold the Palestinian National Council (PNC) elections, there needs to be an agreement on the adopted procedures and mechanisms, which requires no less than one year. Re-formulating the PNC through the quota system is not possible since Hamas demands 40-60% of the PNC seats, a matter that other factions cannot accept. Consequently, there is a need to reach a practical agreed formula that includes Hamas in the PLO in a manner that does not harm the existing legitimacy and institutions of the PLO (the Central Committee (Council), the Executive Committee, the National Council, the Palestinian leadership).

One of the most prominent options in this regard is the participation of Hamas in the PLO's Executive Committee through the Prime Minister, the PLC Speaker and another Hamas representative, in addition to one representative of the Islamic Jihad. This

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ensures that Hamas enjoys equivalent weight as Fateh at the Executive Committee, particularly since decisions are taken through consensus.

The problem, however, as some believe, lies in the fact that Hamas does not desire a role within the PLO, but wishes to possess and control it and reformulate it in accordance with the outcome or the last parliamentary elections. Some even believe that Hamas has a more serious plot, which is “substitution” of, rather than “partnership” within, the PLO. According to this point of view, the final position of Hamas depends on the internal balance of power among the three existing trends. These are the hard-line Damascus trend that rejects the existence of the Palestinian Authority in the first place; the Gaza trend, which seeks to reach a consensus based on the supremacy of the Hamas program; and the West Bank trend, which is aware of the gravity of the situation and wishes to reach consensual agreements.

The second proposed alternative is forming a negotiations reference committee representing all Palestinian political forces and factions. This is the eighth item in the Determinants document, which Hamas wanted to delete after it had approved it.

This option ensures the collective responsibility towards negotiations as a safeguard for preserving the national principles and precludes the evasion of any faction of its responsibilities in this regard. However, Hamas’ position has become clear after it had requested deleting this item off the Determinants document. Hamas had more than once agreed to grant President Abbas the right to negotiate, on condition that the results are adopted either through the new PLC or through a general referendum.

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## **Public Opinion as a Means to Exit the Crisis**

The extreme polarization between Fateh and Hamas that afflicts the Palestinian society requires wide popular intervention that alleviates such antagonism. Creating a wide public opinion in support of any of the aforementioned practical alternatives requires all other Palestinian forces as well as civil society organizations to take responsibility for pushing parties towards dialogue in order to reach an agreement on a common political denominator and find practical mechanisms that prevent internal fighting.

The creation of a popular pressure movement requires addressing the public utilizing all possible means, including seminars, gatherings, partisan education and awareness activities to inform them of the different developments at the Palestinian arena and the practical options for ending the crisis.



The accelerating developments at the Palestinian level and the activation of all the elements that make up a prescription for internal fighting necessitates that all Palestinian national, economic and social forces take timely action to launch practical initiatives in order to exist from the crisis.

“Appeal for Palestine” identified a number of initiatives, the first and best being the national unity Government, provided it has a specified deadline. The second option is the transitional Government of independent figures, coupled with the PLO’s assumption of the responsibility for negotiations, and putting an end to security chaos.

Despite differences in perceptions towards the best option, the most important issue remains to find a prescription or a practical alternative that prevents escalation into internal fighting and addresses the urgent issues within Palestinian society. This requires rallying all efforts of the national forces and civil society organizations to mobilize the public and exert pressure on parties to move away from the state of severe polarization between Fateh and Hamas and push them to agree on a mechanism or an alternative that ends the current crisis.

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