

The Palestinian Strategic Report 2007



Edited By
Dr. Mohsen M. Saleh



Al-Zaytouna Centre For Studies & Consultations

Chapter One

*The Internal Palestinian Scene:
Brothers' Misery*

The Internal Palestinian Scene: Brothers' Misery

Introduction

In a nutshell, the year 2007 was, so to speak, the year of “political and geographical divisions,” during which the Palestinian conflict by passed all its red lines and reached to a breaking point. The developments during this year reflected the depth of the Palestinian–Palestinian differences, and demonstrated that some powerful quarters are adamantly against a viable project for national unity, and that external powers has a strong say in determining the Palestinian internal affairs.

The year 2007 witnessed the continuation of the efforts to discredit The Islamic Resistance Movement (Hamas), and prepare the ground for The Palestinian National Liberation Movement's (Fatah) resumption of power that it had lost during the legislative elections. Various ways and means were employed to attain this objective, viz international financial siege as well as Israeli pressure that took the shape of incursions, systematic arrests, organized killings, and culminated in the arrest of Hamas members of the Palestinian Legislative Council (PLC) in order to paralyze its entire machinery.

However, the security option was the most important of all these obstructive means. All the security forces were placed under the presidency jurisdiction, and the government was not allowed to deal or direct them. This brinkmanship led to continuous confrontations and unprecedented anxiety that propelled Arab intervention which had finally crystallized in the Saudi initiative and Mecca Agreement by which a government of national unity was formed.

Mecca Agreement was, indeed, an outstanding achievement as it stopped the bloody confrontation and emphasized the necessity of a Palestinian political partnership supported and guaranteed by the Arabs. However, this breakthrough did not deter the security forces, particularly the Preventive Security Services, which continued their defiance and strife to impose their control. Thus, the security confrontations were resumed, and a corresponding media campaign blamed “the other” for the tension. The upshot was the eruption of an all around military confrontation, the collapse of the national unity government, and finally, the

division of the Palestinian national territories whereby the government of Isma‘il Haniyyah imposed a tight control over Gaza Strip (GS), while the presidency and Salam Fayyad’s emergency government assumed the rule of the West Bank (WB). This de facto political and geographical division was well exploited by the presidency to actively pursue its policy to declare the results of the elections null and void and to call for new elections, as explained below:

First: The Phase of the Agreement over the Amended “Detainees’ Document”

By the opening of the year 2007, the conflict between Fatah and the presidency on one side and Hamas and the Palestinian government on the other side was still in place. While the siege, that had been increasingly and simultaneously imposed by Israel, the United States of America (USA) and European countries, continued in full swing, the presidency intensified its pressure on Isma‘il Haniyyah’s first government under the guise of plebiscite, early elections, and the need for a new government that could lift the tight siege. Such a new government should accept the conditions of the Quartet, namely recognition of Israel, and all the signed treaties as well as the stoppage of the resistance to the occupation. Meanwhile, a well organized public and secret campaign was orchestrated to intensify insecurity, and to paralyze the ability of the government, be it that of Hamas or a national unity government, to maintain law and order that enable ordinary people to continue their normal life.

During the first half of the year 2006, the issue of the so-called National Reconciliation Document, also known as the Detainees’ Document, had come to the forefront. During the negotiations over this draft document, the presidency had persistently threatened that it will call for a plebiscite if the parties failed to conclude an agreement on the issue. However, an agreement, in which some mutually agreed amendments were incorporated in the draft, was finally concluded, and the formation of a national unity government in which all parties should participate appeared to be the next logical step. Nonetheless, by contrast, two coherent moves appeared during the second half of the year 2006. The first was a political move patronized by the presidency, which threatened to call for new elections, as reflected in a number of press releases

from the president's office: 21/5/2006, 27/9/2006, 16/12/2006 and 19/1/2007.¹ Simultaneously, there was an intensified security move, masterminded by Muhammad Dahlan, the former head of the Preventive Security Services, which aggravated the lawlessness in the Palestinian territories.

Due to the military confrontations in which some were killed and wounded from both sides, two consecutive meetings were held in early 2007 in GS between President 'Abbas and Premier Isma'il Haniyyah. While Haniyyah declared that he agreed with 'Abbas to withdraw the fighters from Gaza streets, and on the necessity of the continuation of calm, the latter did not make any statement. However, Fatah issued a statement that ignored the call for restraint, and provocatively said, "Blood for blood and aggression for aggression... All members of the movement should openly respond to every attack."²

Behind these events were two important issues. The first issue was the American initiative of extending \$86.4 million* to support the Presidential Guard Forces. An American document mentioned that General Keith Dayton, the American Security Coordinator for Israel and the Palestinian Authority (PA), was in charge of the program to support and reform the Palestinian security sector that is under the supervision of the presidency.³ The other issue was the continuous conflict between the presidency and the government over the Executive Force that was placed under the command of Interior Minister Sa'id Siyam, which had been, since its formation, targeted by the Presidential Security Forces in GS. In harmony with this position, the office of President 'Abbas issued on 6/1/2007 a decree that declared "the Executive Force, both officers and soldiers, to be illegitimate and unlawful, and that it will be dealt with on this basis unless it is immediately incorporated in the legal security forces that are stipulated in the Palestinian Basic Law."⁴ This decree aggravated security tension and increased security confrontation between the two parties. Moreover, a tense political environment prevailed, which sharply reduced the possibility of an agreement on the formation of a national unity government, even threatened that a total confrontation between the rival security forces might erupt.

These dangerous developments triggered Ahmad Bahr, the acting speaker of PLC, and Ibrahim Abu al-Naja, secretary of the High Follow-Up Committee of

* The term \$ used throughout this book is the US\$.

the National and Islamic Forces, to initiate a new round of talks that aim for the formation of a government of national unity.⁵ While saying that there is still time to explore the possibility of such a government, President ‘Abbas insisted that he will resort to early general elections if this endeavor failed.⁶

While this heated contest was gaining momentum, Fatah organized on 7/1/2007 a central rally at Yarmouk Stadium that was headed by Member of Parliament (MP) Muhammad Dahlan. He threatened Hamas leaders that they will not be “beyond the reach of our force,” described the movement as a “gang,” and added that “if they harm one of us we will harm two of them.” A Hamas spokesman responded to these threats by saying that Dahlan works for an American–Israeli agenda,⁷ while a close source to Premier Haniyyah, said that “Dahlan is striving to control Fatah... and to rearrange his personal status in line with a very well known agenda.” Moreover, the source added, all the PA security forces adamantly refuse to cooperate with the Interior Minister Sa‘id Siyam.⁸

Lest that this tension lead to an explosion, the resistance factions hurriedly called for convening (public) dialogue sessions to discuss a document entitled “general principles to end the security disorder and to resume national dialogue to form a national unity government.”⁹ But the effective dialogue was held in Damascus to which two delegates, Ziad Abu ‘Amr and Khalid Salam (known by his pseudo-name Muhammad Rasheed), and the Qatari Minister of the State For Foreign Affairs Ahmed Bin ‘Abdullah Al Mahmoud had rushed to prepare the ground for a meeting between President ‘Abbas and Khalid Mish‘al, the head of Hamas Political Bureau.¹⁰

The main issues of the mediation focused on the following:

1. The premiership of the national unity government, should it be given to Hamas which has the majority in the PLC or to an independent to appease the Quartet?
2. The letter of designation, its contents, the conditions of the Quartet, and if the program of the government will be in line with the letter’s stances, or can it express its reservations concerning them?
3. The “sovereignty” ministries (Foreign Affairs, Interior, Information and Finance), will they totally or partially go to Hamas, or will they be given to independents, where both parties mutually agree-upon their names?

The mediators in Damascus crystallized a draft agreement on the desired government that was based on independent nominees for the “sovereignty” ministries. Some will be chosen by Hamas and the rest by Fatah, though no specific names were spelled out. To bridge the huge gap between the presidency and the government, the draft agreement proposed a compromise on the content of the letter of designation, on the formation of a new security council and the restructure of the Palestinian Liberation Organization (PLO).¹¹

The Qatari mediation was synchronized by a dubious decision by President ‘Abbas that led to considerable suspicion and political uneasiness, namely the appointment of Dahlan the top commander of all Palestinian security forces. This decision was revealed by the Israeli press,¹² and *Maariv* newspaper specifically recorded that the appointment was verbally communicated to Dahlan. These news provoked the concern of many quarters, including Hamas and the Interior Minister Sa’id Siyam, particularly so as the law prohibits the duality of being an MP and an occupant of any executive office. Nonetheless, in that tense environment, President ‘Abbas arrived in Damascus on 20/1/2007, and had a meeting with the Syrian President Bashar Assad. It was hoped that this meeting would facilitate the mediation between Fatah and Hamas during the forthcoming meeting of their leaders ‘Abbas and Mish’al. The Syrian press release that was issued after the meetings of the two presidents “emphasized the necessity of the unity of the Palestinian people... the importance of discarding violence, the consolidation of national unity, and the active pursuit of dialogue between all Palestinian factions as the sole means to form a government of national unity.” The presidential press release added that Syria “supports all that the Palestinian agree on, and will willingly extend its help in this respect.”¹³ Hence, it was hoped that the Palestinian mediation delegation will fine tune the draft agreement, and that it will be endorsed in the scheduled meeting between ‘Abbas and Mish’al. But the events took a different course mainly because of a major rift between the president and the government of Hamas over the letter of designation and the response of the premier to it. While President ‘Abbas insisted that the forthcoming government, which is led by Hamas, unequivocally “abides” to the signed treaties, and the decisions of the PLO, the Arab summits, the international community and the Palestinian National Council (PNC), Hamas proposed “to respect” those decisions. Since there is so much difference between the words “abide” and “respect,” the mediation was doomed to failure and the scheduled meeting between ‘Abbas and Mish’al never took place.

Though appearing to be minor and around two words only, the rift was, in fact, serious and deep, as it was on two different political approaches that could not be reconciled except by getting a consensus. Statements attributed to ‘Abbas indicated that he was aware of the nature and the depth of the gulf between the two sides and that he wanted “a government acceptable to the world and can lift the siege,” which means the acceptance of the Quartet’s conditions that Hamas outrightly rejected because they contradict its political agenda. ‘Abbas had also reportedly said that “the Americans will not accept the word respect.”¹⁴ However, Syria, who refused that its capital be the venue for aggravating Palestinian differences, pressured both parties to have a meeting that revolves around four principles, namely rejection of internal fights, adherence to Palestinian national unity, rejection of a temporary Palestinian state and the continuation of the dialogue to form a government of national unity.¹⁵ However, this enforced meeting actually took place.

When the news of Damascus dialogue reached GS, a leader of the Popular Front for the Liberation of Palestine (PFLP), who was actively engaged in arranging Fatah–Hamass dialogue, said, “The failure of ‘Abbas–Mish‘al meeting will not affect what will be internally agreed upon on the issue of the initiation of the national dialogue inside the Palestinian territories.” The PFLP had, in fact, arranged four meetings between Fatah and Hamas, which were attended by some prominent leaders of The Islamic Jihad Movement in Palestine (PIJ) as well as Ahmed Bahr, the acting speaker of PLC, and Ibrahim Abu al-Naja, secretary of the High Follow-Up Committee of the National and Islamic Forces. The outcome of the fourth five-hour meeting, held on 20/1/2007, was an agreement that provided for the resumption of the dialogue and the reactivation of the joint Hamas–Fatah office and the Joint Media Committee (JMC) between the two organizations. The dialogue session materialized on 23/1/2007 in an agreement to deliberate over some shelved issues concerning the dialogue, that had actually started eight months ago in GS and Ramallah and culminated in Damascus, and which concentrated on the stoppage of all kinds of aggression and all negative responses.¹⁶

However, the absence of a political settlement lead to the resumption of security confrontation, e.g., between those of the Preventive Security and those of the Executive Force in northern GS on 25/1/2007, while an improvised explosive device exploded the next day in Jabaliya north of the GS in which a member of the Executive Force was killed and seven others were wounded. Once more each side

hastened to specify the main points of the political agreement which are also the main points of difference. Premier Isma'il Haniyyah said:

To bypass this deadlock and to form a government of national unity, the national Palestinian consensus that is spelled out in the National Reconciliation Document should be respected and strictly adhered to. For the quest for political formulas outside this document had been the cause of all political dissension in the past.

Haniyyah also talked about the necessity of “the firm belief in political partnership, not only in the government but also in the entire structure of the Palestinian political system whether it was in the government, the PLO, the embassies, representatives or the governors.” Haniyyah had also renewed his opposition to early parliamentary elections.¹⁷ By contrast, some informed Palestinian sources quoted ‘Abbas saying that he sticks to his original position that called for “early legislative and presidential elections if the option of a national government, which is currently explored in the dialogues of Gaza, fails.” Previously, ‘Abbas had reiterated this stand in Damascus by saying, “Early elections is a viable option if the negotiations for the formation of the government fail.”¹⁸

Due to these estranged political stances, military confrontations had once more erupted, and on a wider scale. In Gaza, nine were killed, seven from Hamas, one from Fatah and the ninth was a baby, in addition to the tens of wounded and kidnapped. The confrontations extended to Nablus where 24 of Hamas members were kidnapped.¹⁹ The fighting was intensified during the subsequent three days to involve all the cities of GS, and, more dangerously, the cities of the WB where many confrontations and kidnappings took place, and the casualties reached 26.²⁰

Through its security delegation stationed in Gaza, Egypt initiated on 28/1/2007 another initiative to stop the fighting on the foundations of:

1. Withdrawal of all armed persons from the streets.
2. Removal of all forms of tension.
3. Release of all the kidnapped from both movements.
4. Removal of all road blocks.
5. The Palestinian police force should be the only authorized agency to investigate all security issues. Hamas and Fatah should, moreover, submit lists of all the persons implicated in the latest incidents.²¹



Instead of helping the Egyptian initiative to take its course, the security sources of the presidency declared that it had blown up eight tunnels built by Hamas in GS to assassinate President ‘Abbas and MP Muhammad Dahlan. They added that “a tunnel in the vicinity of ‘Abbas’ house in Gaza was found and blown up a few months ago” and that “these tunnels are usually located on the route taken by President ‘Abbas and the leader in Fatah Muhammad Dahlan, and that their aim is assassinating both.”²²

In an orchestrated intensive media campaign, both Haniyyah’s government and Hamas rejected and denied these charges. In a press conference on 27/1/2007, Interior Minister Sa’id Siyam, openly stated the following stances:

1. He accused President ‘Abbas of shelving his decisions concerning the Palestinian security forces, and enumerated several of them that were not implemented by those under the authority of the president.
2. He severely criticized ‘Abbas appointment of Dahlan in charge of all the Palestinian security forces, considering it contradictory to the Amended Basic Law. Premier Haniyyah, he added, sent to the president several official messages objecting to this appointment, but received no response.
3. The Minister spoke about the arms received by the security forces about a month ago and wondered about their destination and to whose benefit are these forces armed? Meanwhile, the police force received none of these armaments, which included armored Jeep vehicles imported into the territories in coordination with Israeli occupation, but without a prior permit from the Palestinian Ministry of Transport.
4. The minister spoke of an American plan to form brigades and battalions in GS and WB. He maintained that some meetings were held for this purpose, and that he has some documents written by senior security officers that mentioned some urgent demands to face the internal situation.
5. The minister demanded the restructuring of the National Security Council (NSC) headed by President ‘Abbas himself, and offered the restructuring of all the security forces, including the Executive Force, on strict national nonpartisan basis.²³

Likewise, Yahya Musa, the deputy head of Hamas parliamentary bloc, “held President ‘Abbas fully responsible for all what happened, for all the Palestinian tension, for obstructing the Palestinian agreement, and for all the forms of coup

d'état that isolated the government, besieged it and obstructed all its businesses.” Musa added that “President ‘Abbas embraces the criminal team that conspires against the elected government of the Palestinian people, and he legitimizes those who plot to overthrow the government.” Isma’il Radwan, Hamas’ spokesman, held Fatah responsible for the latest military confrontations, and added that the movement extends organizational, financial and political cover to “a group of insurgents that is conspiring against the nation’s fundamentals, and is implementing an American–Israeli plot to drag the Palestinians into a civil war.” The Palestinian Information Center website, which is affiliated to Hamas, joined the campaign against Dahlan. It accused him of “doing his part” of an American plot to overturn Hamas, and pointed to “information leaked by some of Dahlan’s confidants that on the verge of a Palestinian agreement on the national government, he ordered his men in the security forces to foment internal political unrest.”²⁴

Hamas counter campaign indicated that the decisive confrontation was imminent, especially after the Presidential Guard Forces were deployed in the streets of Gaza, and missiles were fired at the house of the Minister of Foreign Affairs, Mahmud Zahhar. Faced by these dangerous developments, Premier Haniyyah called upon President ‘Abbas, then on a foreign tour, “to quickly and urgently order the withdrawal of all fighters and the removal of all military checkpoints that have spread all over GS.” While in a cabinet meeting, Haniyyah appealed to the Palestinian people “the necessity to protect national unity, continue the dialogue and remove all arms and armaments from the streets.”²⁵

In the face of this spiraling military, political and media tension, the Saudi government struck a deal that was acceptable to all parties, namely Mecca Agreement.

Second: The Phase of Mecca Agreement

On 29/1/2007, King ‘Abdullah bin ‘Abd al-‘Aziz issued an urgent appeal to the Palestinian people which stated:

With a strong hope, desire and determination, I call upon my Palestinian brothers, represented by their leaders, to forthwith end this tragedy and adhere to what’s right. I indiscriminately call them all to an urgent meeting in their brother homeland the Kingdom of Saudi Arabia, and in the vicinity of the Holy Sanctuaries, to discuss their differences impartially and without interference from any side.



He urged the Palestinians “to be rational and allow the language of dialogue to supersede the language of violence.” However, the Saudi officials emphasized that this meeting is conditional on the stoppage of the Palestinian military confrontations.²⁶

King ‘Abdullah’s appeal was immediately welcomed by the Palestinian presidency and Hamas as well as by Egypt, Syria, Jordan and the Arab League. However, what was immediately required was the stoppage of the fighting, because one day after the Saudi initiative, the clashes continued in GS, the alert escalated in the streets and the Palestinians who were killed amounted to 33 while more than 100 were injured. Egypt took up this task, and Major-General Burhan Hammad, head of the Egyptian Security delegation in the Palestinian territories, managed to convince both parties—Fatah and Hamas—on 30/1/2007, to meet and agree on a ceasefire with an immediate commencement of the national dialogue. The security agreement was signed and proclaimed in a press conference; It stipulated that there must be an immediate ceasefire, a withdrawal of all fighters from the streets, a removal of all road blocks, a return of all security forces to their barracks, an end to all kinds of tension, a release of the kidnapped, and that the conflict will not be conveyed to the WB while the government of Isma‘il Haniyyah will take the full responsibility of maintaining security, general order and the supremacy of the law.²⁷

After a brief lull, and during the decisive days between the King’s invitation and Mecca meeting, a bloody fighting erupted in Gaza. The architect of this new wave of fighting, viz the security forces, had their own agenda behind this sudden move, namely to decisively impose their control of the internal front, and hence influence the course of the forthcoming dialogue. There were 25 dead and about 250 were wounded in the city of Gaza. Moreover, a combined force of the Presidential Guard Forces and the Presidential Security Forces (Force 17) waged a calculated attack on the compound of the ministries as well as the old building of the Ministry of Interior. At the beginnings of February 2007, the attacks included the Islamic University, one of Hamas’ fundamental strongholds which came after al-Qassam Brigades, Hamas’ military wing, intercepted what they said to be a load of arms and armaments that were on their way to the Presidential Guard Force, the university was bombarded, resulting in huge losses, including the destruction of the university library and laboratories. The mass media exhibited pictures of the university after

its arson, which showed defamatory slogans written on the walls and signed by the Presidential Guards and Fatah. The president of the Islamic University, Kamalin Sha'ath estimated cost of damage to be \$15 million.²⁸ Meanwhile, a Fatah source claimed that the Presidential Guard Forces that infiltrated the university building arrested seven Iranians and an eighth blew himself up during the clashes. Hamas denied this alleged capture.²⁹ Even the media disseminated the official release about the "Iranians capture," but the Presidential Guards and the concerned authorities failed to show any of the alleged captives, which indicated that the whole scenario was nothing but a publicity stunt.

Meanwhile, in a corresponding exhibition of force, Hamas waged a wake up, swift and widespread, but brief, attack on the security forces. However, the Security Forces leaders, Muhammad Dahlan and Rashid Abu Shbak, seemed to have got the message that their strategy of a quick and decisive victory in Gaza was farfetched. Hence, they stopped their major offensive.

In an indirect accusation to the security forces of being under the American thumb, Isma'il Haniyyah asked the American administration to stop interfering in the affairs of the Palestinian people; otherwise a civil war might erupt.³⁰ However, the Egyptian security delegation had once more interfered to calm the situation, though skirmishes continued here and there until Mecca meeting of 6/2/2007. Due to all this unnecessary chaos, Hamas had at first objected to Muhammad Dahlan's membership of Fatah delegation to the talks, but it eventually withdrew this demand in the interest of a smooth conduct of the meeting.

Mecca rendezvous, which continued for three days, resulted in an agreement which provided for the following:

1. The deal, which is to be called "Mecca Declaration," agreed on four main issues:

- a. The emphasis on the prohibition of Palestinian bloodshed, as well as on the unity as the basis for national steadfastness and defiance to the occupation, and on dialogue as the only means to achieve this unity.
- b. The agreement on formation of a national unity government in accordance with a detailed agreement between the two parties.
- c. The active pursuit of reforming and developing the PLO.
- d. Emphasis on the principle of political partnership in accordance with the principle of political pluralism.

2. Agreement on the contents of the official letter of designation addressed by President ‘Abbas to Isma‘il Haniyyah, the designated new prime minister. In this letter, both the words “abide” and “respect” were mentioned. The former was used in the context of the supreme interest of the Palestinian people, protecting their rights, while achieving these interests in accordance with the provisions of National Councils, the Basic Law, the National Reconciliation Document and the resolutions of the Arab summits. The latter word, “respect,” referred to the decisions of the international community and the agreements signed by the PLO.

3. Agreement (within the dialogue committee) on the distribution of the ministries: nine for Hamas, six for Fatah, four for the four other blocks in the Legislative Council and five for independents (including the Ministries of Finance, Foreign Affairs and Interior). As for the latter, around which there had been prolonged differences before and during Mecca meeting, it was agreed that Hamas appoints to it an independent personality who should be endorsed by President ‘Abbas. Parallel to this deal, it was agreed that Fatah appoints the Deputy Prime Minister.³¹

At the background of the Mecca Agreement emerged a major issue, namely international publicity to this agreement as a basis to lift the siege imposed on the Palestinian government that was formed by Hamas after its victory in the legislative elections.

Once the agreement was finalized, Haniyyah and the delegates of Fatah and Hamas returned to Gaza on 12/2/2007. The agreement was jubilantly received by the Palestinians, particularly in Gaza, and was a great relief across the Arab and the Muslim worlds. There were preparations for the resignation of the current government and for the delivery of the new letter of designation officially to Haniyyah, in order for him to start consultations to form the new national unity government in accordance with the established constitutional procedures.

Meanwhile, even before Mecca Agreement, Israel reiterated its conditions for dealing with the government of national unity. The Israeli Minister of foreign affairs, Tzipi Livni, publicly declared that the conditions of the Quartet provide the basis for her government’s dealing with this government.³²

In appreciation of the constructive Saudi role in the negotiations, Palestinian sources said in Mecca that members of the Saudi delegation explained to them some of the political, even the security dimensions of the agreement, and what may

be accepted by the international community to help in lifting the siege. ‘Azzam al-Ahmad, a member of Fatah delegation, said that “the Saudi officials assured them that the agreement will help them in their contacts with the foreign powers, particularly the USA, to lift the siege.”³³

Nonetheless, a few days later, David Welch, the assistant secretary of State for Near Eastern Affairs, phoned President ‘Abbas to caution him that the USA will continue the siege under the new Palestinian government. Similarly, the US General Consul in Jerusalem Jacob Walles, visited ‘Abbas and told him officially that “the American administration refuses to deal with the new government because it does not clearly commit itself to the conditions of the Quartet.”³⁴ Condoleezza Rice, the American Secretary of State, had also directly told President ‘Abbas in Ramallah on 18/2/2007 that the American administration would boycott the government of national unity, and restrict its contacts with the Palestinians to the president’s office only.³⁵

Immediately after his return to Gaza, Isma‘il Haniyyah started his preliminary consultations to form the new government by a meeting with the High Follow-Up Committee of the National and Islamic Forces that embodied 15 factions and political parties. During the deliberations, the leftist forces expressed some negative observations on Mecca Agreement, which they criticized for being too narrow and exclusively between Fatah and Hamas. Other preliminary deliberations between Hamas and Fatah were over the nominees for the ministers of Interior and Foreign Affairs and the deputy premier, as well as the fate of the “Executive Force.” However, official consultations started on 16/2/2007, when Haniyyah formally submitted his resignation to President ‘Abbas during their meeting in Gaza. The latter asked Haniyyah to form the new government via deliberations that supposed to take three weeks, and might be extended for more two weeks. The president’s letter of designation to the designated premier used the word “respect” that had been agreed upon in Mecca, i.e., “I call upon you to respect the decisions of the international community and the agreements signed by the PLO.” Haniyyah, on his part, declared his acceptance of the letter of designation.³⁶

On 17/2/2007, Haniyyah officially met the PIJ, PFLP, The Palestinian National Initiative and the Democratic Front for the Liberation of Palestine (DFLP), and subsequently consulted the other parties. On 15/3/2007, Haniyyah submitted his proposed cabinet to President ‘Abbas who accepted it, and the new government

won on 17/3/2007 the confidence vote of the PLC with an overwhelming majority, 83 PLC members voted for granting confidence while only three members against. Premier's Haniyyah's address to the Legislative Council tantamount to the program of the new government, which stated the following:

- It vividly mentioned resolution 194 of the General Assembly of the United Nations which calls for the return of the Palestinian refugees.
- The address explicitly mentioned that the Palestinian state will be established in the 1967 occupied territories, with Jerusalem as its capital. But it avoided any reference to Israel.
- Refusal of a state with temporary borders that was offered in the "Road Map."
- The address referred "to all forms of resistance, including the people's resistance," and undertook "to consolidate the truce and extend it to be comprehensive, reciprocal and concurrent in return for the commitment of the Israeli occupation to stop all its measures on the ground."
- The conduct of the negotiations is within the prerogative of the PLO.
- To expedite the settlement of the captured Israeli soldier Gilad Shalit within an honorable deal for the exchange of the prisoners and the return of the exiled.
- To invite foreign powers to take practical steps to end the siege, and to call upon the American administration to reconsider its positions towards the Palestinian issue.
- The address undertook to address the issue of security, to "reconstruct the NSC, being the reference to all the security forces," and to "formulate a comprehensive security plan to end all forms of chaos." Besides, the premier committed his government to sensible expenditure and to fight corruption.

The cabinet included 25 ministers, 'Azzam al-Ahmad of Fatah was appointed deputy premier while the Ministries of Foreign Affairs, Interior and Finance were respectively headed by Ziyad Abu 'Amr (independent), Hani al-Qawasmi (independent) and Salam Fayyad (the Third Way Bloc). Thus, Hamas and Fatah had voluntarily forgone the sovereignty ministries to independents and other parliamentary blocs.

The formation of the national government was a great relief, and had spread optimism and hope to lift the siege, end the lawlessness, and hence proceed to the implementation of the core of Mecca Agreement that is based on political partnership between Fatah and Hamas (and other factions and blocs). Though this vividly included three areas, the government and its affiliated bodies, the security forces and the PLO, it soon became apparent that the presidency and the influential group in Fatah had another understanding of political partnership, i.e., confined to the government and its ministries, but not to include the security forces and the PLO, which were viewed to be the exclusive prerogative of the presidency. This contradictory interpretation of the concept constituted an entrée to weaken the new government, particularly the Ministry of Interior around which there had been heated controversy before the Mecca Agreement, specifically on who will be its minister (the independent minister Hani al-Qawasmi). The first crisis that faced the new government was about the functions of the Interior Ministry, and which of the security forces will be under its control and which will be under the command of the presidency. Another dispute was about the discipline of the security forces and whether they had the freedom to accept or reject the directives of the Minister of Interior. As for the PLO, no meeting was convened to discuss its restructuring or the activation of its institutions.

Third: The Spiral of the Security Crisis

On 2/3/2007, and while Haniyyah was engaged in finalizing the team of the new national unity government, President ‘Abbas issued a decree by which Muhammad Dahlan was appointed the presidents’ National Security Advisor, in addition to heading the NSC. Though the news were not officially announced but only leaked to the press, the appointment of Dahlan to this top security position had complicated the Palestinian scene.

However, this delegation that gave Dahlan supreme control over the whole security apparatus was contradictory to the Amended Basic Law which prohibits the duality of membership of the Legislative Council and an executive post. This presidential decree was accompanied with another decision that ‘Abbas issued by virtue of his presidency of Fatah, namely the appointment of two organizational committees, one for GS and the other for the WB, whose members were handpicked

from among Dahlan supporters. Hence, Dahlan controlled both the security of the PA and the organizational apparatus of Fatah. The third article of the appointment decree authorized Dahlan to participate in the meetings of the PLO to present issues related to his posts.³⁷ But this was a flagrant violation of the PLO regulations that restrict the attendance of the Organization's meetings to those elected by the PNC. The agenda behind this appointment was to confine the political partnership stipulated in Mecca Agreement to the government of Isma'il Haniyyah only, and not to extend it to the security forces which were totally placed under the authority of the presidency. This would certainly directly affect the position and functions of the Minister of Interior, and implant the first time bomb for the national unity government. However, the appointment of Dahlan engendered bitter opposition in the government as well as in Fatah and Hamas.

In the heat of this crisis, President 'Abbas appointed, on 15/4/2007, himself the head of the NSC, while Haniyyah was given the position of vice president and both Muhammad Dahlan and the Minister of Interior Hani al-Qawasmi were appointed members of this Council. Hence, the government's spokesman Ghazi Hamad declared that difference was still pending over Dahlan's appointment to the membership of the Council as a representative of the security, though he is concurrently a member of the PLC.

Meanwhile, the Israeli newspaper *Haaretz* published the details of an American security plan drawn by General Dayton, the American Security Coordinator for Israel and the PA, that aimed at strengthening the Presidential Security Guards that was under the control of President 'Abbas, and the establishment of a new office for the president's National Security Advisor Muhammad Dahlan.³⁸ Hence, Yahya Musa, deputy head of Hamas parliamentary bloc, strongly opposed Dayton's plan, which is, in his words, "a stab in the chest of Mecca Agreement,"³⁹ while Mahmud al-Zahhar declared Hamas' refusal of Dahlan's appointment in the position of an advisor or a member of the NSC saying that "some intend to keep private military units, whether to this person or that."⁴⁰

Simultaneously, the crisis within Fatah gained momentum. The movement's civil and military cadres convened a conference in GS, on 10/4/2007, under the presidency of Ahmed Hillis, they bitterly criticized "Some of Fatah leaders who controlled the movement for their personal interests." They demanded "the return to Fatah's ideology and principles as specified in the Internal Order Document,"⁴¹ in reference to their opposition to the newly appointed organizational committees

within the movement. In an interview with *al-Hayat* newspaper, Ahmed Hillis said “We trust Brother Abu Mazin, and hope that he’ll support the movement and its interest, and not the interests of certain persons who only work for their personal agenda.”⁴²

While this heated debate was ongoing, the Minister of Interior Hani al-Qawasmi drew a security plan that was endorsed by the government on 14/4/2007. Its objectives were three, to disseminate the security and police forces, confront internal fighting and regulate the possession of arms. According to Mustafa al-Barghuthi, the Minister of Information, the plan was approved by “a comprehensive national consensus.” He added that “a general overseer, stationed in the Ministry of Interior, will be appointed for all the security forces,” and special attention will be given “to end the partisan nature of the security forces.”⁴³ Besides, the Minister of Interior declared that the internal security forces will be responsible for implementing the plan, though “the chaotic status of the Palestinian territories may dictate seeking the help of the National Security Forces and other available forces such as the Executive Force.”⁴⁴ Subsequently, the minister said that “the security forces will be reformulated and restructured on strict professional, non partisan, basis.”⁴⁵

However, this ambitious security plan soon faced formidable obstacles that impeded its implementation. The Minister of Interior was so frustrated that he submitted his resignation in protest, but Premier Haniyyah refused to accept it pending his next meeting with the president. Al-Qawasmi enumerated his reasons for resignation in the following:

1. Predicaments and obstacles created by the Interior Ministry Director General Colonel Rashid Abu Shbak, a confidant of Muhammad Dahlan also, to strip the jurisdictions of the Interior Minister. He, moreover, monopolized authority in three of the security forces, the Preventive and Police Forces and the Civil Defense, and refused that the minister has contacts with their commanders, thus monopolizing this mission.⁴⁶

2. The Palestinian presidency stripped the financial and administrative functions of the Interior Minister and invested them in the Interior Ministry Director General Colonel Rashid Abu Shbak. Thus, the minister has no functions except through the director-general, and can not even call an officer or a soldier without his prior consent.⁴⁷

The crisis of the resignation triggered a meeting in Cairo on 28/4/2007 between President ‘Abbas and Khalid Mish‘al, the head of Hamas Political Bureau, to consolidate the Mecca Agreement and the government of national unity. The security problems and the obstructionist role of Abu Shbak were thoroughly discussed, whereby President ‘Abbas undertook to resolve this issue in his forthcoming meeting with Premier Haniyyah in Gaza.

On his part, in declarations to *Albayan* newspaper of 29/4/2007, Colonel Rashid Abu Shbak played down his differences with al-Qawasmi, but added that “there may develop a misunderstanding on the issue of the functions,” though “he had not transgressed the functions of any person by exercising his functions within the law.”⁴⁸ However, the controversy around the Ministry of Interior and Abu Shbak’s security forces, that operated independently from the Interior Minister, had soon become the issue that would make or break the success of the government of national unity and the Mecca Agreement. Meanwhile, the economic and financial siege continued as severe as ever.

‘Abbas and Haniyyah met to discuss the functions of the Ministry of Interior amid security deterioration and the aggravation of the war of words between the two sides. While Haniyyah had warned in the Friday sermon of 4/5/2007, “the rioters against the continuation of their behavior that endangers the security of the citizens,”⁴⁹ Yusuf ‘Isa, the director of the Preventive Security Services, criticized the media campaign that held his apparatus responsible for the security breakdown of law and order. However, ‘Abbas and Haniyyah held several meetings that were attended from time to time by the Minister of Interior or delegates from Hamas and Fatah. The discussion focused on the functions of the Minister of Interior and his authority over the director of the security, the illegitimacy of the appointment of Muhammad Dahlan to the NSC, and whether it is feasible to implement the security plan in these circumstances. However, ‘Abbas was unable to decisively settle the conflict. While telling the Minister of Interior that “we have come to secure your success not failure”⁵⁰ and promising to “pressurize Abu Shbak to completely cooperate with Qawasmi,”⁵¹ ‘Abbas insisted on Dahlan’s membership in the NSC. Meanwhile, the resignation of the Minister of Interior remained on the shelf awaiting the fulfillment of these promises.

Though the two parties appeared to have been engaged in a controversy over the functions of the Minister of Interior and other details, the conflict that they tried to

conceal was, in fact, essentially political in nature. Immediately after the departure of President ‘Abbas from Gaza, bloody fighting was resumed in which many were killed, wounded or kidnapped. While Fatah held Hamas squarely responsible for the tension and the killing, the latter issued a communiqué in which it refused these charges, and “accused dissidents of the national consensus who want to swing the country back to the time of fighting in the service of a non-nationalist agenda.”⁵² Bitter fighting continued the next day and life in the GS was virtually paralyzed. The government met to discuss the deteriorating situation, but the Minister of Interior insisted on his resignation, and the cabinet appointed Haniyyah as the acting minister on 14/5/2007. The sustained tension was reflected in numerous proclamations of accusations and counter accusations. Fighters took positions in the streets, and President ‘Abbas was said to have cancelled a visit to the GS because of an abortive plot against his life,⁵³ which was out rightly denied by Hamas, which claimed that it very well knows the “dirty sources” that fabricated these news to the bureau of the French press agency, Agence France-Presse (AFP).⁵⁴ Worried by this escalation, the Egyptian Security delegation, headed by Major-General Burhan Hammad, hurriedly returned to Gaza, and tried without success, to calm down the situation in collaboration with Hamas and Fatah. Tension continued for several days during which the Presidential Security Forces barricaded in the main streets. However, Ahmed Hillis, a prominent Fatah leader, issued a commendable press release in which he distinguished between Fatah and the Security Forces by saying, “Fatah did not take a decision to confront Hamas, and it will lift the cover off any person who undertakes operations to kill the Palestinians, and that the people know exactly who kills their sons.”⁵⁵ Nonetheless, the confrontation dominated the scene, though President ‘Abbas paid a second visit to Gaza on 22/5/2007, and Ahmed Hillis claimed that the visit “gave guarantees to everybody that no plan was harbored to ignite the situation,”⁵⁶ whereas the situation was escalating every minute.

Once more Egypt interfered, and initiated negotiations between Egyptian security officers and representatives of Palestinian factions in Cairo. Several suggestions to end the fighting were put on the table, but the impetus for the confrontation was much stronger than the rationale for dialogue. By the start of June, the on and off fighting had turned into an organized and well planned

confrontation. It extended to the city of Rafah, and some prominent Hamas leaders were targeted, notably Ahmad Abu Harb, the commander of the artillery unit of al-Qassam brigades, while on 11/6/2007, the office of Isma'il Haniyyah, the Prime Minister, was fired at, and the attacks did not spare hospitals and mosques. The truces that had been arranged from time to time quickly broke down and mutual accusations altered from the general accusations to accuse people in specific. Hence, Mushir al-Masri, the secretary of Hamas parliamentary bloc, said that the attacks were undertaken by members of the Presidential Security Forces and the security forces affiliated to him as well as "the insurgents in Fatah," and that the so-called "*al-Muntada*" (assembly or salon) "turned into a stronghold for killing, kidnapping and torture." Mahir al-Miqdad, the spokesman of Fatah in Gaza, said, "Hamas decided to continue the escalation."⁵⁷ It is worth noting that this escalation took place at a time when all the Palestinian factions, including Hamas and Fatah, were invited, on Egypt's initiative, to hold talks to reach a comprehensive Palestinian agreement. All the concerned parties had agreed upon dialogue and Cairo's talks. Nonetheless, verbal outbursts and fighting on the ground in Gaza continued as strong as ever.

As expected, this security escalation synchronized with political onslaught. The office of the presidency issued a statement accusing Hamas leadership of planning to control the government, and The Central Committee of Fatah circulated another communiqué that accused "Hamas' extremist wing" of striving "to end the legitimate national authority," and declared that "We will never hesitate to protect our national authority and national project." Moreover, Ahmad 'Abd al-Rahman, the official spokesman of Fatah, threatened that the "The Central Committee will hold an emergency meeting to reach a final decision on the Organization's continued participation in the government and the Legislative Council," while the National Security Forces declared that it "will firmly resist the attempts to wage a coup against the Palestinian legitimacy." Faced with this media and political escalation, Hamas responded with a similar defiant tone. Ahmed Bahr, the Acting Speaker of the PLC, maintained that "a conspiracy is being hatched within the headquarters of the presidency," and sent a message to President 'Abbas warning him against "the ongoing mess undertaken by his supporters."⁵⁸

Fourth: Hamas Domination of GS

Three indicators demonstrated that the government of national unity will be short-lived. The First was the American–Israeli plans and lobbies whose aim was the collapse of the government of national unity and the collaboration with an emerging Palestinian party, said to be part of Fatah, that favorably responded to the American plans. Persistent reports emphasized that Dayton had been actively pursuing his scheme to train and arm the Presidential Security Guards for a possible confrontation with Hamas,⁵⁹ and that 15 thousand soldiers, who were presumably loyal to Muhammad Dahlan, were allocated for this mission. The plan was to crush Hamas, and thus enable President ‘Abbas to take the required political and strategic decisions such as the dissolution of Hamas-led government and the formation of an emergency government.⁶⁰

By April 2007, there were persistent reports of some American suggestions submitted to President ‘Abbas under the code “Action plan for the Palestinian Presidency 2007,” which aimed at strengthening Fatah, prepare the ground for a decisive battle with Hamas, and to avail what is needed to strengthen the President’s grip over the security forces. The plan fixed a time frame of three to nine months to attain its objectives.⁶¹ Other reports maintained that Dayton, towards the end of May 2007 and in a hearing session of the American House of Representatives’ sub-committee on the Middle East, said that “the situation will soon mercilessly explode in GS.”⁶² Moreover, Alvaro de Soto reported in his final report as the Special Coordinator for the Middle East Peace Process that since the formation of Hamas government and until the conclusion of the Mecca Agreement a year later, the United States was actively designing and pushing for a confrontation between Fatah and Hamas. De Soto added that ‘Abbas’ close advisors “revealed to us, on condition of anonymity, that they had prepared an initiative to dissolve the government of Hamas.”⁶³

The second indicator was represented by the reluctance of the presidency and the influential security group in Fatah to genuinely cooperate in disciplining and organizing the security forces. The appointment of Muhammad Dahlan as National Security Advisor was viewed by Hamas and many observers as an indication of escalation, though, in this respect, the most conspicuous element was the campaign to delay and fail the work of the Interior Minister Hani al-Qawasmi, which compelled him to resign.

As for the third indicator, it was represented by a group of practical measures taken by the influential group in Fatah, which were largely compatible with what had been leaked of the American plan. They were the expansion and training of the Presidential Guards, including the inclusion in this force of 500 loyal soldiers to ‘Abbas who were trained in Egypt, the construction of security checkpoints, and the increased operations of kidnapping and assassination by individuals affiliated to President ‘Abbas and Muhammad Dahlan. Particularly so, according to Hamas’ sources, was the assassination of 22 Hamas activists in a week in mid May 2007,⁶⁴ and the targeting of other citizens simply because they were bearded or reported to be sympathizers with Hamas. The assassination on 13/5/2007 of two journalists working for *Felesteen* newspaper was a vivid example of this intentional security escalation.⁶⁵ More catastrophic was the brutal murder of a young member of Fatah, namely Husam Abu Qainas, whose body was thrown from a tower just because he bearded, as later established by Tawfiq Abu Khusah, a leader of Fatah in GS.⁶⁶

However, Hamas entered during the period 11–14/6/2007 in what it called the decisive battle with the “conspiring faction in Fatah” after which it controlled the GS. 116 and 550 were reported dead and wounded, respectively,⁶⁷ though the statistics of the Palestinian Centre for Human Rights mention a higher number of casualties during the period 7–16/6/2007, i.e., 161 dead, including 43 civilians, 91 from Fatah and its security forces and 27 from Hamas, al-Qassam Brigades and the Executive Force.⁶⁸

Hamas defended its decisive action as absolutely necessary, and that it targeted only a sector that affiliated itself to Fatah. The movement maintained that it did not originally intend to control GS, but the sequence of events drifted to this conclusion. It never planned to control the security square and the presidential headquarters, but was forced to do so because they were vacated and exposed to theft and robbery. In these explanations, it was mentioned that the control of the security headquarters was undertaken to intercept the designs of what has been described as “the Zionist group that conceals behind some forces,” and that:

the leader of this Zionist and treacherous group had considered the partnership [with Hamas] as defective, and did his utmost best to make us fail. We exercised restraint, and asked our brothers in Fatah to suppress this oppressive group, but to no avail until this group controlled the centers of power in the movement and exploited them to serve the Zionist objectives.

Hamas' communiqué added, "We do not antagonize any of the [security] forces, but we are against the group that penetrated them."⁶⁹ In this respect, Sami Abu Zuhri, the spokesman of Hamas, said, "We were compelled to undertake this step after all the mediations to stop the crimes had failed... This is not a deadlock. If President 'Abbas is seriously determined to stop these incidents, we are ready."⁷⁰

However, Hamas decisive operation, known also as "the coup," was not free of some drawbacks that damaged the image of Hamas. Some pro-Hamas media had exhibited disgusting scenes that has substantially served the cause of Hamas opponents, who effectively used them to incite the people against Hamas, e.g., the brutal assassination of Samih al-Madhun, forcing the Palestinian security officers to leave the premises with naked chests, hosting Hamas' flag on some buildings, and, in one incident, the destruction of the picture of the late President 'Arafat by walking on it. Many of Hamas leaders admitted these wrong practices, and proclaimed their refusal to such acts, but they considered them within the context of the bitter and mutual incitement between Hamas and Fatah.

Hamas refused to call what it did as a coup, as the one who ordered is the premier of the government of national unity cum acting Minister of Interior, and with the support of the majority of PLC. Hamas had, moreover, continued to recognize the legitimacy of President 'Abbas, and called him for dialogue without prior conditions. However, whether we call Hamas' action "decisive operation" or a "coup," the fact remains that it has far-reaching repercussions on the Palestinian scene of which the most important are:

1. Besides the political schism, it led to a geographical division, in the sense that Palestinians of GS found themselves under the control of Hamas and its dismissed government, while those of the WB were placed under Fatah, the Palestinian presidency and the emergency government.

2. The incidents that culminated in the decisive step showed the strong impact of the external factors on the Palestinian national affairs. Though unable to crush Hamas once and for all, the US succeeded to weaken and divide the national front, and to provoke its two main players, Fatah and Hamas, into a bloody conflict.

3. The incidents had seriously damaged the image of the national Palestinian project, and its program of resistance. Moreover, it led to a kind of disgust and apathy among the Arabs and the Muslims, and within the international forces that support the Palestinian rights.

4. The Palestinian presidency found in Hamas' control over Gaza an opportunity to dismiss the government of national unity and to appoint an emergency government in the WB, though this is contrary to the Basic Law. It also exploited the paralysis of the Legislative Council, caused by the Israeli arrest of more than 40 of Hamas MPs, to issue presidential decrees that had the force of law. The decrees and measures undertaken by the presidency and the emergency government had gone a long way to corner Hamas and destroy its personnel and institutions in the WB, and to try to undermine its organizational and military infrastructure, at a time when they (the presidency and the government in the WB) developed their security coordination with the Israeli occupation. According to Hamas sources in the WB, the movement was subjected to 1,007 attacks by the security forces and Fatah during the period 11/6–31/8/2007, which included 639 operations of arrest and kidnapping, 36 incidents of firing live ammunition, 175 attacks on institutions and societies that included Qur'anic schools, philanthropic societies, media institutions, press offices, schools and nurseries. 156 attacks were also reported on the private properties of members and supporters of Hamas.⁷¹

Conversely, Hamas and its dismissed government tightened their grip on the GS, and dealt harshly with the supporters of Fatah, as the practices of some were viewed as a threat to security and stability. We do not have specific statistics of the size of illegal practices committed in GS, though both Authorities in the WB and GS were, however, criticized by human rights organizations.

5. The decisive operation provoked doubts and fear among a number of Palestinian forces towards Hamas, who questioned its credibility and commitment to the democratic option and peaceful devolution of power. The resort to "violence" triggered hostile media campaigns that dismissed the organization as "extremist," "terrorist" and "reactionary," and associated it with al-Qaeda. This damaged the reputation of Hamas in some Arab countries, particularly Egypt whose regime has been facing difficulties in dealing with the Muslim Brothers, to whom Hamas is considered to be affiliated. Hamas spent many months of contacts and explanations to minimize the damage that had resulted from decisive operation.

6. In absence of partnership with Hamas and the Legislative Council, the Palestinian presidency had free hands to pursue negotiations with the Israeli side, with the guidance and the support of USA, Europe and some Arab regimes. However, the Palestinian negotiator was placed in his weakest position, with

limited control over the WB, an internal front in disarray, and lack of ability to pursue serious measures to rebuild the PLO or conduct a dialogue with Hamas. Being unable to maintain national unity without the partnership with Hamas, the Palestinian negotiator found himself in an awkward position as he could pursue the peace project and build relations with USA and Israel only if he dissolved this partnership. Israel would certainly make use of this dilemma to extract further concessions from the Palestinian presidency, though, at the same time, it was not sure that 'Abbas has the guts and ability to execute the agreements that may be concluded, hence has been hesitating to concede its commitments.

7. The GS has suffered from a tight and continuous siege and ongoing Israeli aggression. Unfortunately, some quarters in the PA incited the situation to secure the downfall of Hamas government and the failure of its experience. Amongst the examples of this drive is the accusation that Hamas harbors al-Qaeda and confiscates the funds that it collects from the electricity bills. However, in spite of the huge sufferings of the inhabitants of Gaza, Hamas managed to maintain its control over the GS. It is worth noting that the Israeli campaigns of pressure and aggression had ultimately a backlash as Hamas regained its popularity.

8. The decisive operation reduced the lawlessness in GS as well as the factional and family conflicts. This indicates that Hamas had relatively succeeded in weakening and containing this phenomenon, and that its claim of considering a particular security faction that is related to Fatah, extremely responsible for the breakdown of law and order seems to be probable. According to Al Mezan Center for Human Rights the number of casualties of the breakdown of law and order during the first six months of the year 2007 was 422 dead and 1,946 wounded, and it was significantly reduced during the last six months of the year that followed Hamas' control, where only 60 were killed and 425 were wounded.⁷² As for the first three months of the year 2008, the casualties are estimated by 13 dead and 25 wounded.

It is worth mentioning that though the worst security confrontations were between Fatah and Hamas, the fighting was not confined to them but mushroomed to include family conflicts, thuggish brutality and the execution of "justice" by some citizens, all were bound to occur in the absence of the might of the government.

There are no specific statistics of the casualties of the two sides during the year 2007. However, according to Hamas, it suffered since the conclusion of Mecca Agreement, on 7/2/2007, and until the decisive operation on 14/6/2007, 69 dead, 74 wounded, 120 kidnapping incidents, 102 cases of aggression on institutions and 97 cases of firing live ammunition.⁷³ As for Fatah casualties during the year 2007, which are not independently confirmed, it totaled 138 dead and 299 wounded. Coupled with these catastrophic losses, many innocent citizens were victims of the chaos. However, despite the extreme hardship, the GS did not record any death cases resulting from conflicts between Hamas and Fatah during the first three months of the year 2008. For the lawlessness during the first six months of the year 2007 (see table 1/1), and for the casualties of the lawlessness during the years 2002–2007 (see table 2/1).

Table 1/1: Some Statistics of the Dead and Wounded due to the Lawlessness in GS⁷⁴

Year 2007	Number of wounded		Number of dead	
	Wounded	Children	Dead	Children
January	325	24	75	6
February	408	32	52	4
March	204	30	21	3
April	141	21	22	2
May	212	34	64	4
June	656	72	188	9
Total	1,946	213	422	28

Some Statistics of the Dead and Wounded due to the Lawlessness in GS

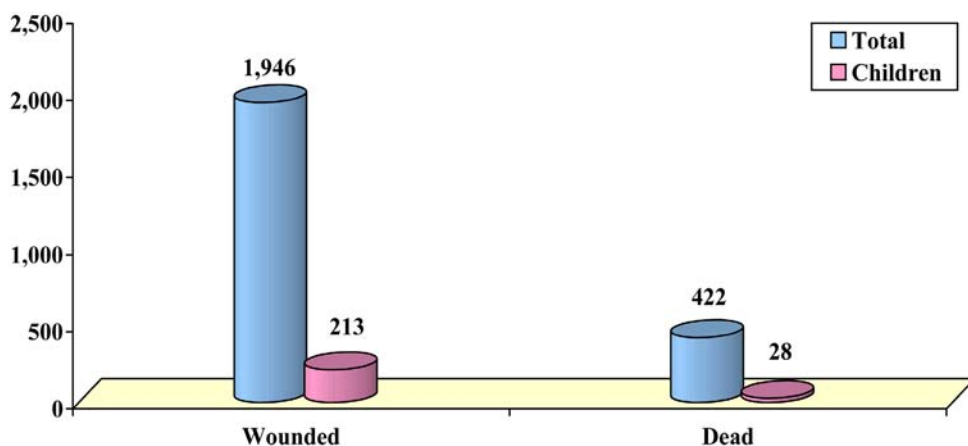
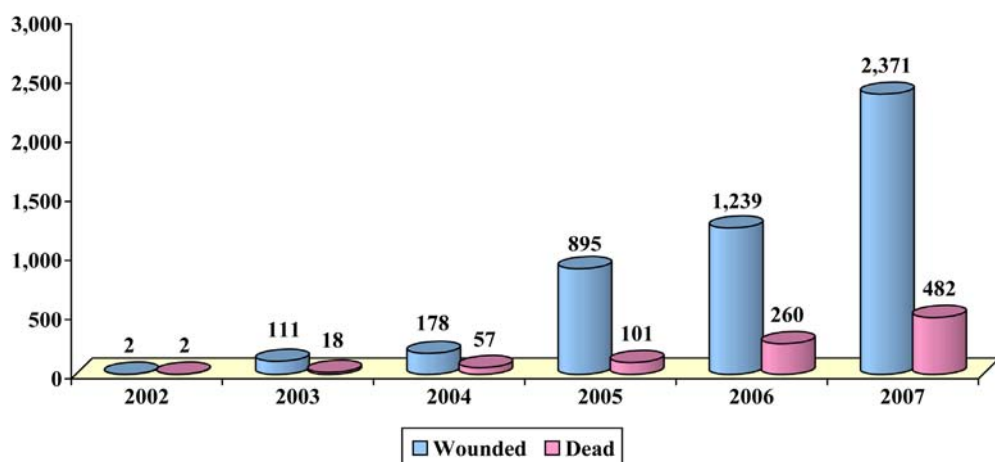


Table 2/1: Victims of Lawlessness 2002–2007⁷⁵

Year	Wounded	Dead
2002	2	2
2003	111	18
2004	178	57
2005	895	101
2006	1,239	260
2007	2,371	482
Total	4,796	920

Victims of Lawlessness 2002–2007



9. It was obvious that the decisive decision was locally taken by Hamas leaders in Gaza, i.e., it was not a central decision. However, though Hamas leadership in the WB and in the diaspora supported the operation, they did not appear to be ready to bear its repercussions. This is particularly so in the WB where Hamas personnel and infrastructure were exposed to the bitter antagonism of the security forces and some individuals affiliated to Fatah, including arrests and closure of institutions. It is evident that Hamas' media and the mobilization campaign that accompanied the decisive operation had several loopholes that were employed to attack the movement, coupled, of course, with drawbacks and negative practices of the operation itself.

10. It is clear that many of the personnel of the security forces did not view the battle with Hamas as their own concern, but rather that of a specific group in the security forces and Fatah. For if the 55 thousand troops of the security forces in Gaza viewed the confrontation as their personal battle, Hamas may have encountered formidable difficulty in its drive to decisively settle the fighting in its own favor. Many of the officers had, in fact, voluntarily vacated their positions, wore civilian clothes and handed their headquarters to Hamas once they realized that it was about to control some of the major buildings, and after the flee of many of Fatah security and political leaders who were in charge of the battle with Hamas.

A report prepared by the military office of Fatah movement in Gaza on the spectacular and swift collapse of the security forces recorded that many of their personnel genuinely believed that they were defending the project of a small influential group in the PA and Fatah. Similarly, the report of the presidential investigation committee, assigned by 'Abbas and headed by al-Tayyib 'Abd al-Rahim, reached the same conclusions. It mentioned that Hamas succeeded in neutralizing a sizable sector of Fatah and its leadership apparatus, who did not view the battle to be that of Fatah per se.

However, after its control of Gaza, Hamas called for a bilateral dialogue with Fatah and a comprehensive one with the other factions under Arab patronage. The aim was to unite the country, and to agree on the nature of the political partnership set up by Mecca Agreement, which had partially been achieved by the government of national unity under the premiership of Isma'il Haniyyah. But Fatah and the Palestinian presidency patronized another analysis and a different position. They

argued that what took place in Gaza was nothing but a military coup against the legitimate authority, and that they will not engage in any dialogue unless and until the insurgents completely retract and nullify what they did.

Due to these contradictory positions, some Arab and Palestinian parties volunteered to call upon Fatah and Hamas to engage in a dialogue. It was intended to supersede what happened through an acceptable and mutually agreed arrangement. The Arab League initiated the formation of an investigation committee as an entrée towards the suggested dialogue, but the Palestinian presidency angrily refused the idea, saying that “the principle of accepting an investigation committee is a de facto recognition of the legitimacy of the insurgents.”⁷⁶ The deadlock continued until the end of 2007. While Hamas agreed to the many mediation initiatives suggested by Yemen, Saudi Arabia, Qatar, Egypt and the Sudan, Fatah stuck to its guns. Within this estrangement, each side started to unilaterally arrange its affairs in the light of its position and the reality on the ground.

Fifth: Measures Undertaken by the PA

The drive of the Palestinian presidency to exclude Hamas from the Palestinian legitimacy necessitated that they ignore and supersede the Legislative Council in which Hamas enjoyed the majority. Since it was essential to have an alternative reference that provides a legal cover to the president’s decrees, the presidency reverted to the hitherto dormant PLO and its institutions that suddenly started to deal with the Palestinian daily affairs, though it has been generally agreed that the PLO should have no executive or legislative functions, but solely be a reference to the PA on major issues.

In line with this orientation, the Executive Committee of the PLO convened an emergency meeting on 14/6/2007 to consider the serious developments in Gaza. It submitted for the consideration of President ‘Abbas several recommendations:

- Dismissal of Isma‘il Haniyyah’s government (which, anyhow, is the prerogative of the President).
- To declare a state of emergency.
- To form an emergency government.
- To call for early elections.⁷⁷

‘Abbas immediately accepted these recommendations and ordered their forthwith implementation by virtue of three presidential decrees. Henceforth such decrees constituted the primary means that the president used, under the guise of the prevalence of state of emergency, to supersede the legitimate institutions. Salam Fayyad was handpicked to be the designated premier of the new emergency government.

According to the Basic Law, the summarily dismissal of Isma‘il Haniyyah’s government should automatically transform it into a caretaker government. But the Palestinian presidency depended on the state of emergency to override this legal condition. However, the pertinent question is: Is the declaration of an emergency government a legal act?

According to Palestinian legal experts, the first and second presidential decrees, that had respectively dissolved the government of national unity and declared the state of emergency, are constitutional. But the third, which ordered the formation of an emergency government, is not based on any legal text. For the law gives the president the right to declare the state of emergency only. It may last for 30 days that may be extended for another 30 days with the approval of at least two thirds of the members of the Legislative Council, which, obviously, the President can not secure. However, the Basic Law does not allow the formation of an emergency government.

Another legal text requires that a government, any government, must win the vote of confidence of the PLC. This applies to the government of Salam Fayyad, if its formation is considered legally acceptable, a procedure that the President did not opt to follow.

All these legal predicaments were bypassed through the theory of governing by “decrees.” Hence, few days after the incidents, a decree was issued on 22/6/2007 suspending a legal article (article 79 of the Basic Law as amended in 2003) that requires the consent of the PLC to any ministerial appointment.

These decrees synchronized with a security campaign against Hamas activists in the WB, while another presidential decree targeted Hamas’ institutions, including the financial ones. The decree authorized the Minister of Interior to “revise the licenses of all societies and institutions that had been issued by the Ministry of Interior or any other governmental body.” Hence, this decree empowered the Minister of Interior to close down all Hamas’ financial and philanthropic institutions. Salam Fayyad

constituted all his eleven–minister cabinet from independent technocrats who were not affiliated to any of the Palestinian resistance factions. The new emergency government took the constitutional oath before the president on 17/6/2007.⁷⁸

After a short duration, the two lawyers who were chief drafters of the Basic Law, lawyer Anis al-Qassem and Professor Judge Eugene Qatran said that the document does not authorize President ‘Abbas to appoint a new government without the approval of the PLC, nor to suspend any article of the Basic Law. The two drafters added that the Basic Law requires that the dismissed government of national unity be a caretaker government, until President ‘Abbas secure parliamentary approval to a new government. Judge Qatran, a Palestinian by origin but then a Chief Judge in the United Kingdom (UK), said to Reuters news agency: “What is clear is that Haniyyah’s government should not be disbanded during the emergency period.” Lawyer al-Qassem said that the Basic Law does not include any article on an emergency government, and Judge Qatran emphasized that the existence of the state of emergency does not mean that the president can form an emergency government, and that governing by decrees does not mean that the president has the right to suspend or change the Basic Law.⁷⁹

With regard to the declared intention of the Palestinian presidency to call for early elections, the independent legal expert cum dean of the Faculty of Law of al-Najah University, Ahmad al-Khalidi, said, “there is no text in the Basic Law that speaks of early elections,” and “there are texts that speaks of a fixed duration for the PLC, which is four years.”⁸⁰

Sixth: The Attempt to Control the PLC

The Israeli arrest of 41 (later rose to 44) of Hamas MPs was exploited by the Palestinian presidency to achieve its goal of controlling the PLC. Since Hamas had technically lost its majority in the legislative body, President ‘Abbas issued a presidential decree, on 5/7/2007, that fixed a date for the second ordinary term of the PLC. The decree stipulated that the Council elects its new Speaker Office before conducting any discussions on any item on the agenda, including declaration of the state of emergency and Salam Fayyad’s new government. The plan was that Fatah would hopefully capture, in cooperation with other parliamentary blocs, the Speaker’s post and will head various committees, thus expelling Hamas from

the entire Palestinian political system. However, the direct objective behind this maneuver was to win vote of confidence to Fayyad's government that it should have by the end of the constitutional grace period of 30 days, scheduled to expire on 17/7/2007. As argued by 'Azzam al-Ahmad, the head of Fatah's parliamentary bloc in the Council, this decree was issued on that date because the four-month duration of the Council's first session expired one day earlier.⁸¹ Though Fatah had boycotted an earlier session called for by Hamas' parliamentary bloc on the grounds that it was illegal, it accepted to attend the session called for by the new presidential decree. However, Hamas boycotted this session, thus the Council was unable to convene, and consequently Fayyad's government did not secure the required vote of confidence. More importantly, was the paralysis of the Legislative Council and its inability to function.

Shortly before the expiry of the constitutional duration of the emergency government, a presidential decree, issued on 13/7/2007, appointed four new ministers to Fayyad's cabinet, to be 16 ministers including Fayyad. Fayyad's government resigned the next day after which it had been viewed as a caretaker government.⁸² Thus, the situation caused an open ministerial crisis. Meanwhile, 'Abbas failed to exploit the Israeli arrest of Hamas MPs to constitute an alternative majority in the Council and capture its leadership. To find exist from the crisis, 'Abbas reverted to the PLO and called for a meeting of its Central Council. In response, Hamas called for an ordinary session of the PLC. Ahmed Bahr, the acting speaker of PLC, declared that the authorizations written by the arrested MPs will be used to cast their votes, but Fatah and other parliamentary blocs refused the principle of voting by authorization.⁸³

The Central Council of the PLO met on 18/7/2007, where President 'Abbas emphasized the following in his address to the meeting:

- To sanction early presidential and parliamentary elections based on proportionate representation.
- Renewed his accusation to Hamas of attempting his assassination.
- Summarily terminated Cairo Agreement that had been concluded between all Palestinian factions.
- Said that Hamas had totally violated Mecca Agreement.

The Central Council of the PLO agreed to all that the president asked for, including the principle of early elections. However, it was generally agreed that

a partial election in the WB would practically alienate Gaza, and thus effectively consolidate the schism between the two parts of the country, and that no genuine elections can be conducted without a harmony between the two sides, Fatah and Hamas. Hence, even the parliamentary blocs that supported Fatah declared that they will not participate in an election that is not preceded by a national consensus, and conducted in both the WB and the GS. To appease the opponents, the president changed his stance by saying: “We will give the dialogue ample opportunity before the call for elections on condition that the insurgents retract what they did,”⁸⁴ a stance that the president and his advisors stuck to until the end of the year. In response, Hamas issued a violent declaration that totally refused the tone and content of ‘Abbas’s address. It, moreover, declared that ‘Abbas has no constitutional right to call for early elections, and “emphasized Hamas’ commitment to both Mecca Agreement and Cairo Declaration.”⁸⁵ In a press conference in Qatar, Khalid Mish‘al declared:

- Hamas total refusal to override the existing Palestinian Council bodies by concentrating only on the legitimacy of the presidency, while ignoring that of the PLC and the government.
- Hamas refusal to use the PLO as an alternative reference to the PLC.
- The first step towards national reconciliation should be the resolution of the security issue and the reorganization of the security forces on strictly national and professional basis that cleanse them from corruption and all suspected roles.⁸⁶

This wrangling led to concrete repercussions. The PLC was completely paralyzed, and the call for early elections could not practically materialize, though the notion remained on the table but amended from time to time to suit the understanding of the presidency and Fatah to the essence of elections if and when held. Hence, in an address before Palestinian workers in Amman, dated 15/8/2007, President ‘Abbas declared that the elections, if held, “it would synchronically be in WB and GS.”⁸⁷ On the other hand the Palestinian president endorsed, on 2/9/2007, an electoral law that accepted the system of proportionate representation in legislative elections. For during the past elections, Hamas won 45 out of the 66 seats allocated for direct elections and Fatah got only 17 of them, while the two movements were neck to neck in the proportionate elections, i.e., 44.4% (i.e., 29 seats) for Hamas compared to 41.4% (i.e., 28 seats) for Fatah.

By this decision, ‘Abbas also aspired to appease the Palestinian secular and leftist forces for whom proportionate representation was vital to strengthen their role in formulating Palestinian politics, and with whom the President betted to cooperate to swing the balance of power in favor of Fatah in case a new government is to be formed. President ‘Abbas decision contained another dangerous item, which required every parliamentary or presidential candidate to abide in advance by the political convictions of the PLO. In effect, this provision denied all opponents the right to stand for elections, and made it a foregone conclusion that the PLC be overwhelmingly controlled by one political trend only, which would, in turn, close the door for any reconciliation.⁸⁸

Seventh: The Crisis within Fatah and the PA

Fatah suffered from increasing disarray, flaccidness and corruption, as well as the lack of charismatic leadership, particularly after the demise of Yasir ‘Arafat. It also paid a heavy price by sticking to the Oslo Accords and their dues, which was reflected in the movement’s decline of popularity compared to the sizable support that Hamas got in the municipal and legislative elections. Additionally, Fatah needed, and still needs, to put its house in order, and to convene its long awaited Sixth General Congress, as the last one was held way back in 1989.

The scramble within Fatah during the year 2007 reflected serious conflicts over power and policies between the movement’s different factions. While the security group strove to dismiss Hamas government, in cooperation with the Americans if deemed necessary, another faction demanded that serious effort be exerted to achieve understanding and reconciliation between the two movements, in order to put the Palestinian house in order, and it criticized Muhammad Dahlan’s obstructionism and intrigues. Fatah grass roots had particularly asked for the convening of the Sixth General Congress to inject new young blood in the movement and to dissociate it from a weak and corrupt clique. But the dramatic events that led to Hamas’ control over Gaza, and the way by which Hamas implemented its military operation shocked all the sectors of Fatah and united them against what they considered to be a humiliating blow to their movement and to the joint national work. This triggered support within Fatah to President ‘Abbas’ measures against Hamas and

to the current leadership of Fatah, notwithstanding its protracted delay to convene its Sixth General Congress and reluctance to put Fatah house in order.

In a meeting held in Damascus on 16/12/2006 with 10 Palestinian factions, Faruq al-Qaddumi refused ‘Abbas’ call for early elections in December 2006.⁸⁹ In a further interview, dated 6/1/2007, with *al-Kifah al-Arabi* magazine, he argued that the insistence on this move would lead to a Palestinian civil war. In this interview, he attributed his political differences with ‘Abbas to his “rejection of the Israeli conditions for settlement, such as the stoppage of the resistance and the harassment of the activists.” He added, “Abu Mazin is ready to entertain these demands, even calls for them,” because “his psyche is American and western, though the West has been exploiting him without extending anything to the Palestinian people.” Al-Qaddumi also said, “There are no differences between Fatah and Hamas, the difference is between Hamas and the presidential team that works to promote its interest and political program.” He added that the behavior of some members in Fatah “is alien to the general orientation” of the movement, and that they need to be re-educated and re-trained. Al-Qaddumi gave the example of the the Preventive Security Services,⁹⁰ which, in his words to *Asharq Alawsat* newspaper of 22/6/2007, “has been accustomed to do some deeds that we do not accept, specially after the appointment of Muhammad Dahlan National Security Advisor.”⁹¹ In another dialogue published in the Egyptian magazine *al-Ushbu‘* of 23/6/2007, al-Qaddumi referred once more to his differences with Mahmud ‘Abbas and what he called “Fatah–the PA,” where he said that President ‘Abbas has no authority outside the framework of the PA, which is restricted in the WB and Gaza, adding that Palestine is now “a state without a president.”

In the name of Fatah members, cadres and officers in the diaspora, a communiqué was issued in Amman on 14/1/2007, which spoke of the intervention of some of the movement’s influential leaders to block an internal investigation on the reasons for the death of the late President ‘Arafat. The communiqué mentioned more than once the name of Muhammad Dahlan and his close associates without spelling out their names. It, moreover, sternly warned that it will disclose the documents and the events if the strife to ignite a Palestinian civil war continued.⁹²

Internally, one of the most important signs of a serious rift within Fatah was glaringly exhibited during the conference “*Risalatuna*” (our message), held by Ahmed Hillis, a member of Fatah revolutionary council, in GS on 10/4/2007.

During the discussions, it appeared that there was a general rejection of President ‘Abbas’ decisions on the movement’s affairs, and to the policies of some of his close associates. The participants, who included some elite and military cadres, bitterly criticized some of Fatah leaders for their “control of the movement in the interest of their personal interests,” and undertook to correct the path of the movement. Hillis said that the congress aimed at confronting some of the illegal decisions issued in the name of President ‘Abbas, in reference to the President’s decision to form the so-called provisional leadership committees as alternative organizational frameworks. Hillis went to the extent of accusing the president “of trying to impose unqualified people on the security institutions, and to give them functions that obstruct and destroy the serious organizational effort, and shackle it with some measures in the interest of specific persons.”⁹³

Few days after *Risalatuna* conference, a number of *al-Aqsa* Martyrs Brigades’ military leaders called for a press conference in which they supported what they described as the “corrective movement” lead by Hillis. *Al-Aqsa* Brigades’ prominent military leader Khalid al-Ja’bary said during the conference that “Fatah had been hijacked by some of its leaders under American–Israeli pressure,” and added that “some personalities in Fatah receive American and Israeli aid,” in obvious reference to the funds that the American congress had decided in that very same period to grant to President ‘Abbas.⁹⁴

Meanwhile a crisis erupted between Fatah ten-member Supreme Leading Committee in Gaza (which was appointed by President ‘Abbas to administer the affairs of the Movement after Hamas’ control of the GS) and the government in Ramallah over the stoppage of the salaries of some 10 thousand troops of the Fatah security forces in Gaza. The entire members of the council, lead by Zakaria al-Agha, submitted their resignations to President ‘Abbas, as affirmed by Ahmed Hillis, who added that the resignations were in protest of the “irresponsibility of some Fatah leaders in Ramallah.”⁹⁵

Subsequently, while preparations for Fatah’s Sixth General Congress were in progress, bitter conflicts erupted within the movement, which were partly motivated by Gaza events. Amongst those was a fight that took place during the 34th session of the Revolutionary Council, held in Ramallah during the period 10–13/1/2008, between Nasr Yusuf, a member of the movement’s Central Committee, and Muhammad Dahlan, a member of the Revolutionary Council.

Yusuf bitterly criticized Dahlan and held him squarely responsible for Fatah's "catastrophe" in Gaza, which provoked heated controversy and exchange of harsh words between the two men.⁹⁶ Similarly, media onslaughts were exchanged between Dahlan and Hakam Bal'awi, a member of Fatah Central Committee.⁹⁷

Another conflict emerged when Abu 'Ali Shahin, a member of Fatah's Revolutionary Council, severely criticized President 'Abbas' handling of what he called "Hamas' coup," and described him as a "failed leader," who does not have the guts to take the appropriate decision at the right historical moment. On behalf of the president and the Central Committee, Bal'awi issued a statement that described Shahin as a man with "a sick imagination," and vividly accused Fatah leadership in Gaza of being responsible "for the betrayal of the movement either in the battle, or by being conceited, presumptuous and coward."⁹⁸

Gaza incidents had thus led to a crisis within both the PA and Fatah, which was particularly demonstrated by series of decrees that dismissed the senior officials of the security forces in Gaza because of their so-called apathy in defending their positions. Dr. Husam 'Udwan, a Fatah leader in Gaza, took the initiative in a press conference, dated 17/6/2007, of "forming a revolutionary court to prosecute the symbols who caused the destruction of Fatah in Gaza, headed by Dahlan, and inflict maximum punishments against them." Two other Fatah officials closely associated with Ahmed Hillis, the top Fatah leader in Gaza, told the press that they "support the trial of Dahlan and all who are related to what happened, on condition that it would be within the official frameworks of the movement." They called upon Fatah Central Committee to constitute a committee for the trial of Muhammad Dahlan, Rashid Abu Shbak and the leaders and officers of the security forces.⁹⁹

On 18/6/2007 news were leaked of President 'Abbas' presidential decision to dissolve the NSC,¹⁰⁰ which he actually did by virtue of a presidential decree issued on 22/6/2007. The decree achieved dual purposes: to get rid of some undesirable leaders of Fatah in this sensitive post specially Muhammad Dahlan, and, concurrently, Isma'il Haniyyah, the dismissed prime minister. Another presidential decree dismissed Interior Ministry Director General Rashid Abu Shabk, Muhammad Dahlan's right hand in a confrontation with the government of national unity.¹⁰¹ However, a general feeling against Dahlan and some senior Fatah leaders had already been crystallized within Fatah's ranks, because they left GS before the crisis was over.

On 26/6/2007, President ‘Abbas issued a decree that banned all the militias and the para military organizations irrespective of their affiliation, and asked the government to confiscate their arms,¹⁰² including those of Fatah, Hamas, PIJ and other Palestinian factions. This measure was said to be essential in order to prepare the ground for the implementation of a security plan that was in the making in the Ministry of Interior headed by Major General ‘Abd al-Razzaq al-Yahya. And in reality, it was an actualization of an article in the Road Map plan that stipulated the dismantling of all the resistance cells.

President ‘Abbas issued another decree on 27/6/2007 that ordered, on the recommendation of an investigation committee that he constituted, the dismissal of the leaders of three security forces: Brigadier General Misbah al-Biheisi, commander of the Presidential Security Forces, his deputy Ziad Judah and Manar Muhammad, the commander of the Joint Forces in Gaza.¹⁰³

Another crisis appeared when Hani al-Hassan, a prominent leader of Fatah’s Central Committee and the senior advisor of President ‘Abbas, had on 27/6/2007 an interview with Aljazeera TV Channel. For he declared during this interview that Hamas decisive action was not directed against Fatah itself, but it aimed at suppressing the supporters of General Dayton and his plan within the movement. Hamas, he added, has initially moved against this corrupt group that accepted for itself to work under the directives of this American General, while “the majority of Fatah did not care....” This daring position lead to an outcry within Fatah, and opened the way for the emergence of a faction in the movement that patronized these views, and stood against Muhammad Dahlan and his ilk. In retaliation, ‘Abbas dismissed Hani al-Hassan from his position as the President’s senior advisor,¹⁰⁴ but the demands to also dismiss him from the Central Committee and to try him internally vanished with time, largely because of their illegality. Other Fatah members defended al-Hassan’s right to express his concerns which, they maintained, should be discussed within the movement.¹⁰⁵ Hatim ‘Abd al-Qadir, a member of the provisional leadership committee in the WB, said that “what brother Hani al-Hassan said in his interview with Aljazeera is in line with the views of many of Fatah’s members and cadres,” though he criticized the timing that al-Hassan chose to air these views, whose forum, they argued, should have been Fatah’s internal apparatus, not the media. Others of the Fatah’s cadre said in a meeting that they organized in Ramallah on 30/6/2007 that “al-Hassan’s diagnosis,

analysis and induction resemble what is in the minds of both the rank and file and the leaders of Fatah at all levels.”¹⁰⁶

The “war of the decrees” developed to reach the PA itself. A decree, dated 17/8/2007, withdrew all the presidential decrees issued during the period 7/3/2007–15/4/2007, i.e., during Isma‘il Haniyyah’s premiership of the national unity government. They dealt with the promotion and transfer of government officials, the decree also withdrew all the functions and privileges granted to them by virtue of previous decisions.¹⁰⁷ Isma‘il Haniyyah responded to this drive by saying that President ‘Abbas retreated from and undermined Mecca Agreement by these decrees, which he described as an “administrative massacre.”¹⁰⁸

Subsequently, President ‘Abbas issued a decree addressed to his Premier Salam Fayyad that elevated Riad al-Maliki from an acting to a full-fledged Minister of Foreign Affairs, which had in effect stripped al-Qaddumi from the title that he insisted upon, namely the Palestinian Minister of Foreign Affairs, and thus all his foreign functions.¹⁰⁹

Eighth: The Stance of the Palestinian Factions

The outcome of the elections of the PLC, on 25/1/2006, had reformulated the Palestinian political map to be, to a large extent, a two-party system. For Fatah and Hamas had jointly won 86% of the vote and 90% of the parliamentary seats, while the leftist Palestinian factions under the PLO (the PFLP and DFLP as well as the People’s Party and Feda group) got only 7% and 3.8% of the vote and the seats, respectively. As for PIJ which boycotted the elections, the opinion polls gave it only 3–5% of the popular vote.

The general tendency of the other Palestinian factions was to emphasize their historical, national and resisting role, thus they refused marginalization. They strove to build a political system that is based on national harmony, and not on a partisan Hamas–Fatah platform, where they will increase their political influence and role in making and shaping Palestinian politics, but, at the same time, maintain their identity and entity, i.e., not to be an offshoot of either Fatah or Hamas. Thus was their quest for proportionate representation in elections that was jointly demanded by the PFLP and DFLP as well as the People’s Party and Feda group. This system



will enable them to have the casting vote between the two biggest blocks, Fatah and Hamas, as none of them was likely to have an absolute majority. Hence, they will be in a better position to impose their conditions and increase their role in the democratic game.

The PFLP criticized Mecca Agreement because it was exclusively concluded by Fatah and Hamas, who distributed the ministerial and other senior posts between themselves. Moreover, the PFLP claimed that the Agreement compromised on the minimum Palestinian rights as set by the National Consensus Document that had been endorsed by all factions. The PFLP also criticized the Agreement's closure of what it called the files of corruption and internal fighting and the non-accountability of those who committed these crimes.¹¹⁰ Hence, was the Front's rejection to participate in the government of national unity.

As for the DFLP, it viewed the Mecca Agreement as defective and needs to be developed through a comprehensive dialogue that should transform it from a bilateral deal into a full-fledged national agreement that would guarantee the formation of a truly government of national unity.¹¹¹ However, though criticizing the partisan system of Fatah and Hamas, the DFLP participated in the government of national unity by a single ministerial post.

PIJ welcomed Mecca Agreement for being instrumental in sparing the Palestinian blood, but refused to participate in the government of national unity, which was in harmony with its position that viewed the PA as an outcome of Oslo Accords, boycotted the elections and refused to participate in the political and administrative structure of the PA.

The Independent Palestine Bloc participated in the government of national unity, through its leader Mustafa al-Barghouthi, who was allocated the Ministry of Information and played a distinctive role notwithstanding the short-lived government of the national unity. The Third Way Bloc, also, participated in the government through Salam Fayyad, who was handpicked for the Ministry of Finance because of his distinguished contacts with the West. Fayyad was later destined to play a role that was too large for the boots of his tiny bloc that had two MPs only in the PLC, namely the premier of the emergency government that President 'Abbas appointed after Hamas' control over the GS. This position gave Fayyad an opportunity to increase his influence and contacts, and to play a larger role in Palestinian politics.

The other Palestinian factions and forces tried to mediate between Fatah and Hamas, and exerted considerable effort to control the conflict between them. They held them jointly responsible for the turbulence, but none of them supported Hamas' forceful seizure of the GS. However, it is worth noting that the four factions of the PLO (The PFLP and DFLP, the People's Party and Fida) had all participated in the meetings of the Central Committee of the PLO, which gave the Palestinian presidency the opportunity to claim legitimacy, and provided a legal cover for the measures and decrees that it took to establish its authority versus Hamas. Moreover, while adamantly rejecting Hamas' "coup" and its accompanied measures and practices, these factions had, to say the least, mildly criticized the decrees, measures and the security onslaught of the presidency and Fayyad's government against Hamas in the WB. Various explanations are given for this inconsistency. While some attribute it to a measure of similarity between the political program of these factions and that of Fatah rather than Hamas, others speak of conflicting positions between the pro-President 'Abbas' internal leaders of these factions and their more extreme diaspora counterparts. Another explanation may be found in President 'Abbas (PLO leadership) funding of these factions that dictates upon them a restrained political stand, and his complete support to their demand of an electoral law based on proportionate representation. However, each of these factors had its impact in determining the inclination of these factions towards Fatah, though researchers differ in estimating the exact weight of each and every factor in this respect.

The PFLP rejected Hamas' control over Gaza, and called upon the movement to nullify it, though, at the same time, it criticized President 'Abbas' "hasty" decision to form an emergency government that aggravated internal tension and deepened the Palestinian crisis. As for the DFLP, it maintained that Hamas' action was a "coup" against the legitimate authority, and submitted a four-point initiative to bypass the Palestinian trap, as follows:

1. Hamas should retreat from its "coup" in Gaza, and undertakes to maintain democratic freedom and political plurality.
2. The formation of a transitional government, under the premiership of an independent personality, to replace the emergency government formed by Abu Mazin, which should create a conducive environment for holding new general elections.

3. To amend the electoral law on the basis of proportionate representation.
4. To activate the PLO, the only legitimate representative body of the Palestinian people, and to restructure its institutions on democratic basis.¹¹²

Though PIJ had also criticized Hamas' control over Gaza, it understood its motivation more than any of the other Palestinian factions. However, some quarters in Hamas had expressed their resentment of PIJ's attempt to play an intermediary role, while it should have, in their view, decisively supported Hamas, as the two movements are committed to the Palestinian Islamic trend and to the resistance of the Israeli occupation. The joining of many of Fatah members in Gaza the PIJ after Hamas' control over the GS was suspiciously viewed as they may exploit their new umbrella to foment trouble in Gaza. Nonetheless, PIJ continued its active resistance and launching of missiles against the Israeli incursions shoulder to shoulder with Hamas, though it, likewise, suffered from the Israeli wave of assassinations and arrests.

However, it is noticeable that the Palestinian factions were closer to Hamas in their criticism of Annapolis Peace Conference and the entire settlement project. Thus they had not been assimilated in either of the two big parties, but had from time to time supported or opposed one or the other as they saw fit. This apparent neutrality may qualify them to play a more positive role in achieving Palestinian national unity if they play their cards effectively and efficiently.

Ninth: The Siege and the Uplifting of the Siege

The siege was imposed by the USA, West Europe and Israel on the entire PA throughout the durations of Isma'il Haniyyah's first government and the government of national unity. However, these powers exempted from this siege what they called humanitarian aid, and declared that they will deal and send funds to the office of the Palestinian President only. But after Hamas' decisive action in Gaza and the political hostility between the governments of Ramallah and Gaza, western powers and Israel lifted the siege on the former while it remained in place on the latter. The presidency and Ramallah's government maintained that they will build a successful and developed experiment in the WB compared to the failed administration in Gaza that will not be able to provide the means of living

to the people, which will ultimately lead to the collapse of Hamas' experiment in Gaza. In effect, this meant that the PA will be a participant in the siege on Gaza. Nonetheless, many quarters in the world demanded the separation between hostility to the new "authority" in Gaza and collective punishment imposed on the 1.5 million population of Gaza. Correspondingly, the government of Salam Fayyad, who posed itself as the representative of all the Palestinians, realized that it will be placed in an embarrassing situation if it denied the aid that it gets to Gaza. Thus, though continuing, the siege was unable to stand some of the challenges that it faced, particularly with regard to some public financial responsibilities such as the cost of petrol, water and electricity that was paid to Israeli companies. Hence, a view emerged that the government of Salam Fayyad should continue to bear its financial responsibilities in Gaza, and restrict its effort to preventing the flow of funds to Hamas only. Hence, the slogan of drying up the sources of Hamas' funds emerged, and Salam Fayyad's government initiated over a period of six months (June–December 2007) a series of measures to achieve this goal, in addition to administrative decisions to weaken Hamas' grip over the GS.

The implementation of this plan started within days after Hamas' control over Gaza by leaking to the press news of:

a series of decisions recently taken by the leaders of the security forces to prevent the repetition of Gaza's experience in the WB, of which the most important are to destroy the military cells of the Ezzedeen al-Qassam Brigades and the Executive Force, and to dry up Hamas' sources of funding and to close down its institutions.¹¹³

Along this line, a presidential decree was issued on 22/6/2007, which authorized the Minister of Interior to dissolve the previously licensed societies.¹¹⁴ Four days later, another decree ordered the dissolution of all the militias and para military formations.¹¹⁵

Subsequently, after these general decisions, the following specific measures were taken:

- Non-recognition of the results of the secondary school certificate issued by the dismissed government in Gaza, which in effect meant obstruction of university education.¹¹⁶
- Non-recognition of the list of nominees for the pilgrimage submitted by the *Awqaf* (Islamic Endowments) Ministry in Gaza.¹¹⁷

- Abstention of Salam Fayyad's government from paying the salaries of the government employees in Gaza, and its discrimination between those of the governments of Ramallah and Gaza.¹¹⁸
- Exemption of all the inhabitants of Gaza from taxes and customs in order to deprive the dismissed government, or any other government, from a major source of revenue.¹¹⁹
- To incite the people to revolt against Gaza's government in protest of the power cuts that resulted from the Israeli stoppage of fuel supply to Gaza. In a press conference, Riad al-Maliki, the Minister of Information in the government of Fayyad, said, "The Palestinian people in every house in Gaza should publicly say to Hamas that you are squarely responsible for this crime."¹²⁰ However, the European Union, which normally funds the cost of fuel for the electricity supply, finally resolved this problem.
- Enactment of a special law to prevent money laundering in order to "shrink Hamas' sources of funding."¹²¹
- The siege that sharply restricted the flow of funds to Gaza led to a major health crisis, particularly with regard to chronic diseases, and to a sharp reduction of medicine in hospitals. Basim Na'im, the acting Minister of Health in Gaza, warned, in a press conference, held on 20/11/2007, against this dangerous development.¹²²
- The government of Ramallah dissolved all the *Zakat* (almsgiving) committees in the WB on the pretext that they constitute a source of funding to Hamas.¹²³

Coupled with the Israeli crippling siege, these administrative and financial measures lead to such a difficult economic situation in the entire GS that the Deputy Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Filippo Grandi, called for a press conference in Gaza on 9/8/2007 in which he warned that "the GS is in real danger of being totally dependent on international aid, a society that is isolated and closed." He added that both the agricultural and industrial sectors "are exposed to a catastrophe," and demanded the opening of the crossings and the resumption of export and import activities.¹²⁴ The United Nations declared that the Israeli siege led to the closure of 85% of the factories in Gaza due to the scarcity of raw materials. Another report issued by the world organization recorded that these factories had discharged all their 70 thousand workers.¹²⁵

Conclusion

Internally, the year 2007 is perhaps among the worst years in the entire modern Palestinian history. For it witnessed a bloody conflict between the two major Palestinian movements, that ended in a de facto political and territorial division.

The year 2007 demonstrated the fragility of the Palestinian political and democratic structure, the existence of a crisis of confidence between the major partners and insufficient understanding of the rules of the democratic game and peaceful devolution of power. The parties were unable to administer the differences between two largely incompatible programs, particularly with regard to the quest for a peace and the issue of resistance, and in dealing with the Israeli occupation and the international community. The year had also glaringly shown the substantial impact of the Israeli, American and international pressure on the internal Palestinian scene, which proved to be a major player and a decisive factor in igniting the conflict between Fatah and Hamas. Nonetheless, had not some influential Palestinian parties been willing to enthusiastically respond to these pressures for the sake of promoting their own agenda, the tragedy could have been minimized or even avoided.

Historically, Fatah had been the pioneering and leading movement in the confrontation with Israel, within the PLO, and in the option of negotiations which led to Oslo Accords and, finally, in the formulation of the PA. Within this framework, most of the Palestinian resistance factions placed themselves under its umbrella and accepted its pursued policies, though they occasionally criticized its practices. However, with the progress of time, new political and resistance forces were bound to emerge from within the Palestinian society. Fatah should have expected the inevitable emergence of these forces and developed a mechanism to deal with them within the agreed democratic game that should, in the end, accept the principle of peaceful devolution of power. But the insistence of Fatah leadership to swiftly return to power and to conduct early elections placed many obstacles in the path of the Hamas led government. It, moreover, triggered foreign intervention and led to the bitter struggle over the functions that had tremendous negative impact on both sides.

Mecca Agreement was an outstanding Palestinian–Arab achievement that established for the first time a united national government on the basis of a true

partnership, which imposed restrictions on both the peace and resistance projects. While Fatah made in this agreement some concessions with regard to authority and procedures, Hamas had correspondingly compromised on its declared political stands. However, within a month, the government of national unity suffered a serious blow at the hands of an influential group that affiliated itself to Fatah, and which directed the security forces to foment trouble that would lead to the collapse of the government of national unity in coherence with Dayton's American plan. This led to the resignation of the Minister of Interior, who was unable to perform his duties because of the many predicaments that some senior security personnel placed on his way.

Hamas maintained that its decisive operation in Gaza, the so-called coup, was by all means an obligatory and not a voluntary action. Nonetheless, this gave Abu Mazin an opportunity to dismiss the government, form an emergency government and orchestrate a ferocious campaign against Hamas in the WB. On its part, Hamas found itself responsible for administering the GS at a very difficult time when the people suffered from an unprecedentedly tight blockade that aimed at the collapse of Hamas. The persistence rejection of the presidency to the call of unconditional negotiations between the two sides left Hamas with no viable option except to continue its control over Gaza.

What attracts attention is that the Arab calls for dialogue during the first months after the "decisive military action" were ferociously rejected by the Palestinian presidency but accepted by Hamas. But the subsequent Arab initiatives had gradually accommodated the conditions placed by President 'Abbas.

Many of Fatah cadres were equally unhappy with Fayyad's leadership of the emergency government. For he took this opportunity to increase his influence in various government institutions, including the security forces, even if this was at the expense of the movement itself. This triggered growing opposition within Fatah to Fayyad's leadership and the demand that the movement directly participate in the government.

The Palestinian situation should have healed the wounds and united the internal front through a real, serious and strategic dialogue. Alas, though experiencing an unprecedented condition of weakness, the Palestinian presidency pursued the peace settlement project and abrogated Cairo Agreement of March 2005, while Fatah and Hamas strove to respectively consolidate their grips over the WB and the GS. This

closed the door, hopefully temporarily, in the face of any serious effort to reform the Palestinian political system, and to reactivate and restructure the PLO.

The body of the Palestinian issue is still too heavy to be supported by the weak legs of the Palestinian people and their institutions. The Palestinian decision making continues to be really problematic, and the major Palestinian forces are, unfortunately, still engaged in a futile power struggle to weaken each other instead of joining hands, or amicably and fairly share roles and power among themselves.

The GS is heading for more blockade and hardship, while the negotiations for a peace settlement are unduly protracting and dragging, which enables the Israeli occupation to impose realities on the ground and to Judaize Jerusalem. Nonetheless, the national Palestinian project could overcome this formidable stumble through a serious effort to put its house in order and to protect it from internal and external interventions, and by a pragmatic reading of the reality and prospects. Then and only then could it develop its own power and secure the support of the Arabs, Muslims and the international community at large, while, at the same time, giving due attention to the bundle of challenges and restrictions imposed by the Arab and international realities.

Endnotes

- ¹ *Al-Ayyam* newspaper, Ramallah, 22/5/2006; *Asharq Alawsat* newspaper, London, 28/9/2006; *al-Hayat* newspaper, London, 17/12/2006; and *Alwatan* newspaper, Oman, 19/1/2007.
- ² *Assafir* newspaper, Beirut, 6/1/2007.
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This Report

Al-Zaytouna Centre is glad to present to its reader The Palestinian Strategic Report 2007, the third in an annual series. The Report aims at monitoring the Palestinian issue through an informative and analytical approach. The Report covers the Palestinian internal political situation, issues concerning the Land and the holy sites, the economy, the Palestinian demographic indicators, the Israeli scene and the Israeli-Palestinian relations. It focuses on the Arab, Islamic, and international stances towards the Palestinian issue.

This Report is distinguished for its updated information till the end of 2007 and for its outstanding team of academics and experts.

Despite the unfortunate state of schism that characterized the Palestinian arena, and despite the hot and sensitive issues discussed, the Report did its best to be professional, scientific and objective. Thus, this Report is a distinguished addition to the Palestinian studies.

The Palestinian Strategic Report 2007



Al-Zaytouna Centre for Studies & Consultations

مركز الزيتونة للدراسات والاستشارات

P.O. Box: 14-5834 Beirut - Lebanon

Tel: +961 1 803 644 | Tel-Fax: +961 1 803 643

info@alzaytouna.net | www.alzaytouna.net



Al-Zaytouna Centre For Studies & Consultations