The Palestinian Strategic Report 2008

Edited by
Dr. Mohsen Saleh

Al-Zaytouna Centre For Studies & Consultations

Chapter One

The Internal Palestinian Scene: The Missing Compass and the Partial Legitimacies

E-mail: info@alzaytouna.net Website: www.alzaytouna.net

You can contact us and view the center's pages by clicking on the applications below:

The Internal Palestinian Scene: The Missing Compass and the Partial Legitimacies

Introduction

The 2008 internal Palestinian scene continued to be characterized by, so to speak, "the misery of the full brothers". Hence, was the deepening of the schism between The Palestinian National Liberation Movement (Fatah) and The Islamic Resistance Movement (Hamas) and consequently the governments of Ramallah and Gaza. All attempts to put the Palestinian house in order, and that of Fatah too, had drastically failed.

The Palestinian "legitimacies", were partial experiments vis-à-vis each other and the world at large, be it that of the emergency government in Ramallah or Isma'il Haniyyah's government in Gaza. Meanwhile, the executive and the legislative institutions of the Palestinian Liberation Organization (PLO), including its Executive Committee, the Central Council, and Palestinian National Council (PNC), were legally overdue for about a decade. Hence, it no longer reflected the Palestinian status quo or the represented Palestinian forces on the ground.

This state of "confusion" and the "loss of the compass" had its impact on Fatah-Hamas dialogue. No breakthrough was achieved in both the political settlement and resistance path. However, this state of "perplexity" was not necessarily a loss of vision, and, likewise, the crisis of the national project was not merely a struggle for power. In fact, the core and underlying factor for these developments was a drastic and ongoing difference between two methods to address the national project and to achieve the national liberation goals and independence. Up to now, the two approaches failed to reconcile over some basic issues related to the settlement process, resistance and the recognition of Israel and its "right" over the 1948 occupied lands. Additionally, the two sides has not yet built reciprocal confidence that justly and effectively accommodates all parties in the PLO and in the Palestinian national institutions. While this tragic national crisis continues, the Palestinian people pay its costly repercussions: occupation, siege, confiscation of lands, Judaization of the sanctuaries and extension of the settlements. However,

the heroic steadfastness of the people and the resistance during the war on Gaza (27/12/2008-18/1/2009) coupled with immense Arab, Islamic and international support, led to the failure of the Israeli objectives, and gave an impetus to the hope of putting the Palestinian house in order according to specific national agenda.

First: The Caretaker Government in Ramallah

The support of President Mahmud 'Abbas (Abu Mazin) and the implicit, but probably reluctant, cover of Fatah, coupled with the Arab and international recognition, enabled Salam Fayyad's caretaker government to administer the affairs of the Palestinian Authority (PA) in the West Bank (WB). Fayyad's government sailed through with Oslo Accords and the Road Map and restored security coordination with Israel. It opened the gate to the American Lieutenant General Keith Dayton to pursue the so-called "development" and "building" of its security forces in line with the provisions of the Road Map and the assigned security role of the self-rule administration.

Fayyad's government argued that this was the only practical policy to be pursued at that difficult time when Palestinian, Arab, and international support for the Palestinian cause dwindled, and the resistance had practically failed to achieve the national goals, though the heroic resistance that failed the Israeli aggression on Gaza had immensely shaken these convictions. Hence, Fayyad's government strove to undertake its obligations under the Road Map and the Quartet in the hope that this would compel the Israeli side to observe its commitments, and to surrender the Palestinian rights, or at least part of them, during the settlement negotiations. Fayyad's government concentrated on improving the economic and living conditions of the Palestinians on the assumption that this policy would have "a philosophical and political resistance dimension, namely, to enable the Palestinian citizens to stick to their land."[1]

However, this "philosophy", which "imposed inactivity" on the Palestinian side, did not lead to a likewise undertaken from the Israelis to stop their policies of settlement, confiscation of land, Judaization, arrests, and assassinations. Meanwhile Fayyad's government and its security forces were preoccupied with the disarming of Hamas as well as the resistance fighters, and dismantling the movement's infrastructure, including its societies and philanthropic institutions. In

accordance with the Palestinian democratic system, Fayyad's government derives its legitimacy from the Palestinian presidency, but it does not enjoy legitimacy from the Hamas led Palestinian Legislative Council (PLC). It is ironic for this supposedly representative government to fight the party that represents the majority of the people and is entitled to represent them![2]

Hence, practically, the underlying and major factor for the continuation of Fayyad's government was the paralysis of the PLC and the detention of most of its members in the WB (specifically the Hamas supported Reform and Change Bloc) in Israeli prisons. In other words, the Israeli-American factor was the prime mover of the Palestinian decision through the imposition of certain processes that favored one side against the other.

Making use of the absence of the legislative authority, President 'Abbas and Fayyad's government restructured the economic, social, and security laws. During the period June 2007 - June 2008, President 'Abbas and Ramallah government issued 406 decrees that covered almost all aspects of the political and legal system.[3] To many, the accusation by the presidency and Fayyad's caretaker government to Hamas action in Gaza as an illegitimate coup does not really ring true as they had by these actions done exactly the same, and in cooperation with the occupation forces.

Fayyad's government worked hand in hand with President 'Abbas in dealing with Gaza Strip and Isma'il Haniyyah's dismissed government. Hence, Fayyad said that the restoration of Ramallah's control over GS is "a primary political objective that we are strongly and consistently committed to." He called for a temporary deployment of Arab forces in the Strip to help uniting it with the WB.[4] This meant the direct involvement of Arab forces in the internal Palestinian affairs in favor of one side against the other, and in a risky operation, particularly so after Hamas' rejection of this intervention and the failure of all Ramallah's measures as well as the Israeli aggression and siege. On its side, Hamas argued that if there is to be any necessity for Arab intervention, it should rather be in the WB where there is a direct Israeli occupation. Moreover, what the Palestinians really need is protection from the Israeli occupation, and not from the resistance fighters.

The notion of declaring Gaza a "rebellious province" provoked tremendous uproar in the Palestinian scene. 'Azzam al-Ahmad, the president of Fatah parliamentary bloc, revealed on 28/7/2008 that the institutions of the PA had for

some weeks been seriously considering a proposal that consider Gaza a rebellious province controlled by "a military gang that undertook a military rebellion." He continued to say, "It is the right of legitimate governments to use force to crush a military rebellion in any of its provinces, and to request help from whoever wishes to do so," but he quickly added, "We are keen not to be dragged into using force to end the rebellion."[5] However, Ahmad 'Abd al-Rahman, Fatah's spokesman and 'Abbas' media advisor, categorically denied any intention by the President or the PLO Executive Committee to declare Gaza as a rebellious province, and assured that they are still committed to dialogue to end the schism and to resolve the crisis.[6] Nonetheless, according to a report by the Israeli newspaper *Maariv* on 17/12/2008, Abu Mazin emphasized that Gaza is a "rebellious province" that Hamas controlled by force.[7]

Fayyad's government called for concentration of all effort to secure the success of the dialogue and the formation of a transitional government as a prelude to presidential and parliamentary elections.[8] It declared its readiness to administer Gaza passages in a way that guarantees the lifting of the siege, but refused the initiative of Haniyyah's government of a joint administration of these passages.[9]

Second: The Dismissed Government in Gaza

The year commenced with a heated confrontation with Haniyyah's government and Hamas, and ended by an outright explosion. At its outset, clashes with the supporters of Fatah coincided with the acceleration of the tight Israeli siege, which led to the bypassing of the frontiers with Egypt and the flow of hundreds of thousands of the Gazan people for a few days to purchase their necessities. The year ended with the Israeli aggression on Gaza. Meanwhile, between the beginning and the end of the year, Haniyyah's government found itself swimming against the tide in a divided Arab front and a hostile, antagonistic or apathetic international environment.

The success of Haniyyah's government was essentially in its ability to survive in almost impossible circumstances. But it paid a huge price for this survival, namely a strangling siege for more than a million and a half Palestinian, destruction of the infrastructure and total preoccupation with providing just fuel, food and medicine. But it did not have many alternatives, as its failure would mean revival of the

security chaos, the eradication of Hamas and the resistance program from Gaza, the end of the Palestinian drive for change and the restoration of Oslo path, the Road Map, and Annapolis theme, with all their drawbacks and liabilities. Those who asked Haniyyah's government to "descend from the tree" did not provide a ladder because they wanted it to fall on its head, or to submit in a humiliating manner. For the conditions provided for the formation of a new Palestinian government could not, by any means, lead to the building of confidence or guarantee a true partnership to administer the Palestinian house and make its decisions.

Throughout the year 2008, Haniyyah's government faced two difficult alternatives: either slow death, represented by the siege and the abortion or distortion of the experiment, or the alternative of downfall, marginalization, and eradication, as represented by a return to the options of Oslo, the Road Map, and Annapolis. It was overwhelmed during this difficult year with making the vital military preparations for the expected Israeli aggression, and the heavy responsibility of providing a decent living for the people. Hamas and Haniyyah's government did not see in their surrender of Gaza a mere and ordinary political step, rather, they viewed the political and economic siege a means to break the will of the Palestinian people and secure their humiliating submission, hence to impose on them the Israeli-American conditions.

Haniyyah's government managed throughout the year 2008 to tighten its grip over the Strip, and all the attempts to secure its downfall -through incursions, the siege, and the security hazards- had failed. It maintained reasonable popularity in the Strip, notwithstanding strong opposition, particularly from Fatah, which had by then reorganized itself. The tunnels on the Egyptian frontiers, which increased from 24 to more than 500, provided a partial solution for providing some of the necessities to the Strip. The government continued to provide cover to the resistance movements, and the transportation and "smuggling" of weapons continued, while others were locally made whenever possible. In these circumstances, the role of Hamas and the resistance was essentially defensive in nature and orientation, while that of the government machinery was primarily connected with maintaining law and order, providing the absolute necessities and fighting corruption. Thus, the environment was not by any means conducive for undertaking any developmental or economic projects. Furthermore, on the contrary the application of the Islamic law (*Shari'ah)* and the implementation of many other Hamas patronized Islamization programs were postponed.

The directives issued by the Palestinian presidency and Fayyad's government to the Authority's officials in Gaza led to an odd situation. For the officials were told not to pursue their duties, except in some ministries and institutions, that are directly linked with the health and welfare of the people, such as the Ministries of Health and Education, and in the governorates and the Central Statistics Bureau. This meant that the Authority in Ramallah paid those who stayed at home and suspended the salaries of those who worked, except in the cases of the above specified exemptions. According to the statistics of the Palestinian Economic Council for Development and Reconstruction (PECDAR), which is affiliated to the Authority in Ramallah, the number of GS officials totaled 78 thousands, of whom 31,350 were military personnel and 45,650 civilians. Amongst those, 17,750, i.e. 22.7%, pursued their careers mainly in the Ministry of Education (12,300 officials), and the Ministry of Health (5,000 officials). The wages and salaries paid for those who worked constituted 14.2% of the total paid to the Authority's officials in GS, which means that about 86% of the total salaries transferred by Ramallah's Authority were allocated for those who stayed at home, and who observed, or were compelled to observe, its directives. The amount paid to the latter idle group was $386 millions*.[10]

Moreover, news and reports issued by human right organizations indicated that the salaries of many officials were suspended for political reasons, including many employees of the Ministries of Health and Education. Sa'di al-Karnaz, The Secretary-General of Ramallah's government, had himself admitted that salaries of certain officials who "worked with biased quarters that did not abide by the Palestinian legitimacy," were suspended. However, some reports indicated that salaries were sometimes suspended on the basis of wrong and malicious reports sent to Ramallah.[11] According to a report issued in April 2008 by Al Mezan Center for Human Rights, the salaries of 3,615 officials were suspended, of whom 1,549 and 693 were respectively employees of the ministries of health and education.[12] 'Ala'adeen al-Battah, the head of the Palestinian Civil Servant's Union, mentioned the suspension of the salaries of two thousand employees in the Ministry of Health, three thousand in the Ministry of Education and two thousand in other ministries and departments.[13]

The policy of the presidency and the government of Ramallah towards government posts in GS weakened and politicized the public sector in the Strip,

* The term $ used through out this book is the US$.

and endangered a new form of disguised unemployment. Moreover, this policy revealed contradiction and confusion in defining national conduct, whereby the work of the Palestinians in Israeli institutions had become a normal pattern while those who worked in Palestinian institutions were penalized, and those who sat idly in their homes were remunerated.

In any case, Haniyyah's government acclimatized with this condition, and was able to provide salaries for more than 18 thousand of its employees,[14] who met its minimum need of officials. For example, those who were affiliated to its security forces were 13,600, a significant reduction from the previous figure of 56 thousands.[15] The government filled the vacant posts with those who supported its political orientation, endorsed its program or accepted to work under the status quo in the Strip, and, whenever needed, sought the support of al-Qassam Brigades to maintain law and order. This opened the gate to accuse both Haniyyah's government and Hamas of favoritism and politicization of the government sector.

In accordance with the Palestinian constitution, Haniyyah's government had considered itself since its dismissal by President 'Abbas a legitimate caretaker government. Notwithstanding the withdrawal of the ministers of Fatah, other Palestinian factions and the independents, the government continued to function. In April 2008, Haniyyah's government declared its intention to broaden the cabinet, which was dismissed by Fatah as a dangerous step that deepen schism and dissension among the Palestinians.[16] Nonetheless, by the end of June, Isma'il Haniyyah appointed several ministers: Muhammad 'Asqul for education, Usama al-'Aysubi for transportation, Talib Abu Sha'r for religious affairs and endowments *(al-Awqaf)*, Ahmad al-Kurd for social affairs, and Ahmad Shuwaydih for justice, and he confirmed Sa'id Siyam in the Ministry of Interior,[17] who was later assassinated during the Israeli aggression on Gaza.

By the end of summer 2008, Haniyyah's government managed to overcome a major strike undertaken by the teachers and the doctors, which was masterminded by Fatah and largely implemented by its supporters. About four thousand out of ten thousand teachers went on strike in protest of some transfers ordered by the government and against its control of the previously Fatah controlled General Union of Palestinian Teachers. The government took decisive measures to end the strike. It warned the teachers of suspending their salaries, and appointed some volunteers in their place. Since one third of the striking doctors were specialists,

whose absence from work would lead to serious repercussions such as the delay of surgical operations, the government compelled them to return to work. It told them that it is unbecoming to indulge in strike actions at a time when the Strip was confronting a suffocating siege and experiencing immense hardship. By ending the security chaos and suppressing the strikes, Haniyyah's government tightened its control over the Strip, which convinced many of its adversaries of the difficulty, if not the improbability, of securing its collapse or changing it from within.

Third: The Dialogue and the Placement of the Palestinian House in Order

The dialogue between Fatah and Hamas, and the placing of the Palestinian house in order had been a hotly debated issue during most of the year 2008. But what appeared to be "quarrelsome partners" failed to confront each other on one table to resolve their differences. Mutual accusations, lack of trust and preconditions dominated throughout the year. Of course, the issue was not a mere "quarrel", but a profound difference around the political program and the strategic goals.

Both of the conflicting parties, Fatah and Hamas, appeared to have believed that time would prove to be a healer, or on their part against the other side, though time may complicate matters and leads to realities on the ground that make resolution of a problem more difficult. The Palestinian presidency and the Authority betted on the following in Facing Hamas:

1. The suffocating siege and the possibility of an Israeli invasion of the GS.
2. The operations of suppression and eradication of Hamas and its supporters in the WB.
3. The waning of the resistance.
4. Security chaos, strikes, and riots.
5. The official Arab and international deadlock.

They expected that these developments would lead to the failure and collapse of Hamas government, hence the presidency and Fatah would impose their conditions on the movement and its government.

But Hamas and the supporters of Haniyyah's government had, on the other side, betted on the following:

1. The willingness and ability to continue the steadfastness.
2. The organizational discipline of Hamas versus the flabbiness, organizational disintegration, and corruption in Fatah.
3. The stumbling of the peace settlement process and the improbability of an eventual solution acceptable to the Palestinian people.
4. The popular democratic legitimacy, and the probability of the resumption of the role of the PLC as a result of a prisoners' exchange deal, which would facilitate the downfall of Fayyad's government by democratic means.
5. The imminent end of 'Abbas' presidency, while the PLC will continue to function.
6. The failure of the American project and its stumbleness in the region.
7. The acceleration of the Arab-Muslim support to the besieged Strip.

Hence, the two parties have been engaged in a joint operation of "finger biting", awaiting the cry of one before the other. But this would exhaust the Palestinians and delay their national project, and give ammunition to those fishing in troubled waters to distort the image of the Palestinian cause and struggle due to the schism.

President 'Abbas conditions for initiating a dialogue with Hamas may be summarized as follow:

1. Retraction from the coup in Gaza and apologizing to the Palestinian people.
2. To recognize the PLO as the sole and legitimate representative of the Palestinian people, and undertake to recognize the agreements that the PLO had signed and the legitimacies that it accepted.

Meanwhile President 'Abbas viewed the basis of an agreement with Hamas as follows:

1. To strike an agreement that would not isolate the leadership or the Palestinian government, or restore the siege on the Palestinian people.
2. To conduct an early presidential and legislative elections.

While refusing bilateral dialogue with Hamas, the presidential trend preferred to give itself a wider legitimacy and a propaganda stunt through sending a PLO delegation to dialogue with Hamas, or to conduct the dialogue session in the presence of representatives of all the Palestinian factions. But Hamas maintained that the core of the problem is between Fatah and Hamas, hence they should dialogue directly to resolve the basic issues, and subsequently extend the forum of the negotiations.

Hamas insisted that there should be no preconditions for the dialogue and that all issues should be put on the negotiation table. However, for the sake of having a fruitful dialogue, Hamas felt that all the standing issues be discussed in one bloc, and all political prisoners be released. Just before the assembly of the Cairo dialogue conference, scheduled in November 2008, Hamas elevated the latest condition of releasing the detainees into a pre-condition, hence was its decision not to attend and the consequential postponement of the dialogue session. This infuriated Fatah which came to the dialogue without a prior insistence on the above listed conditions.

Hamas did not view what it did in Gaza as a coup against the legitimacy, but a necessary step to confront those who exploited the security chaos to suppress the real legitimacy that was elected by the Palestinian people. In the words of Khalid Mish'al, "We are the legitimacy. How come that we rise against ourselves."[18] Hamas had no objection to the proposal of forming a credible and impartial committee to determine the responsible side and who should apologize.[19] But it rejected to recognize the PLO as the sole legitimate representative of the Palestinian people before its reform and activation, and only after Hamas joins its institutions. Hamas also declared that it would not be bound by the agreements concluded by the PLO, particularly those that contradict the Palestinian fundamentals and the resistance course, specifically recognition of Israel and its right in the 1948 occupied lands, or any other permanent deals. With these conditions, the dialogue was practically not feasible.

For those who called for retraction from "the coup" and the return of the status quo ante 14/6/2007, this inherently meant the acceptance of President 'Abbas' legitimacy, and to surrender to him power as well as the civil and security headquarters in Gaza; besides the reactivation of the official security services and the punishment of the architects of "the coup". But these quarters did not entertain Hamas' interpretation that the return of the status quo meant the re-establishment of the national government under Haniyyah's premiership, retraction of all the decrees and laws issued by 'Abbas in the absence of the PLC, the resumption of normal duties by all of Hamas' institutions and societies in the WB and the stoppage of security coordination with Israel as well as the Dayton plan that strove to restructure the security forces and destroy the infrastructure of the resistance movements.

Meanwhile, no serious measures were taken during the year 2008 to build bridges between the two sides in preparation for a meaningful dialogue. On the contrary, mutual accusations and hostile media campaigns continued, hence an unconducive environment of mistrust prevailed. However, this does not negate the fact that some genuine attempts were made by both parties and at all levels to bypass the crisis.

President ‘Abbas and some of Fatah leaders accused Hamas of being a satellite of Iran in the region, of having contacts with al-Qa‘idah, and of harboring plans to establish “a reactionary emirate” in Gaza. On its part, Hamas accused ‘Abbas and Ramallah’s government of implementing the American-Israeli agenda, and of suppressing the resistance drive. Moreover, the Hamas maintained that the leadership in Ramallah was reluctant to pursue the dialogue because of the American veto against any reconciliation between Fatah and Hamas.

President ‘Abbas appeared to be contradictory in his speeches and addresses. For he drifted between a call to open a new page and engage in dialogue and a bitter, violent, and sarcastic criticism of the other party. His speech on the 43rd anniversary of Fatah called for “opening a new page” and a “cordial brotherly understanding,” but at the same time accused the resistance of doing nothing but “inflicting misery on Gaza and its patient people.” He added, “It is very well known that when subjected to direct danger, the pretenders of resistance call for a disgraceful truce to protect their lives and privileges.”[20] However, ‘Abbas probably knows that speaking of a disgraceful truce and the protection of lives and privileges was futile and would seriously backlash on the leadership in Ramallah, particularly so as Hamas consider the Authority in Ramallah to be more fragile in this respect.

In an interview with *al-Hayat* newspaper, published on 27/2/2008, Abu Mazin bluntly described the resistance rockets as “futile”, and added, “The activities of Hamas revealed to the world that it is, to say the least, a reactionary movement that strives to establish an emirate in Gaza, but does not care a bit for the rest of the national project which has become under imminent danger because of what it did.” He continued to claim, al-Qa‘ida is in Gaza and it is an ally of Hamas, and that he will not allow “duality in armament [in the WB]…. The claim that this armament belongs to the resistance is a flagrant lie that nobody entertains.”[21]

In the fourth anniversary of the demise of Yasir ‘Arafat, ‘Abbas held Hamas squarely responsible for the “delay of the Palestinian dialogue in the service of

some regional agenda." While the Authority in Ramallah pays the salaries of 77 thousand officials in Gaza, he continued to say, the others "deal in money, arms and drugs"!![22] This accusation of engaging in drugs is a strange and cheap charge that President 'Abbas himself knows its falsity.

Some of Fatah leaders, like 'Azzam al-Ahmad, Abdullah al-Efrangi and Qaddoura Faris, admitted that there is an American veto against any dialogue between Fatah and Hamas, but they argued that their movement is not bound by this veto, and would opt for dialogue whenever it feels that this is in the national interest.[23] 'Abbas repeatedly denied his submission to such a veto, saying, "We will not accept any veto, be it regional, international, or local, that becomes a stumbling block in the way of national reconciliation."[24]

Some of Hamas' leaders, like Muhammad Nazzal, Fawzi Barhoum, 'Izzat al-Rishq, Khalid Mish'al, Isma'il Radwan and Mahmud al-Zahhar, considered the American veto a formidable obstacle in the way of reconciliation.[25] Hamas saw in the speech of 'Amr Mussa in the conference of donor nations, held in Berlin on 24/6/2008, an evidence for this conviction. For Mussa had said that the international community should be up to its responsibility to lift what he called the veto on national reconciliation. In fact, Mussa was engaged in a heated debate on the issue with Condoleezza Rice, the American Secretary of State, who responded by saying that it is not possible "to achieve peace without having a peace partner."[26]

In a memo, dated 6/1/2008, Hamas presented its vision to resolve the Palestinian schism, which emphasized that it harms national, Arab, and Muslim interests, serves no side but the Israeli, and weaken the Palestinian political stand and the ability of any Palestinian leadership to restore the Palestinian rights. The memorandum added that the solution lies in an unconditional and transparent dialogue that addresses the core issues and distance itself from foreign intervention, and which should be preceded by the stoppage of the smear media campaigns and the release of the detainees. Hamas specified ten basic fundamentals for the dialogue, including unity of the WB and GS and their political systems, respect for the option of democracy and all the components of the Palestinian legitimacy, respect for the basic law re-establishing the security forces on national and professional basis, the establishment of a government of national reconciliation, adherence to the Cairo Agreement 2005, National Consensus Document 2006, and Mecca Agreement 2007, abiding by the right of Palestinian people to the resistance of occupation and the restructuring, and reactivation of the PLO. Hamas maintained

that the PA, irrespective of who controls it, is not able or qualified to administer the resistance project. Hence, it is wrong to associate the resistance, its factions, and armament with the Authority, which, consequently, should not monopolize the arms or disarm the resistance. Moreover, there should be coordination between the resistance factions to administer the conflict with Israel, and with the government of the PA through a suitable mechanism.

Muhammad Nazzal, Member of Hamas Political Bureau, revealed that Khalid Mish'al presented to the Saudi leadership a memo of six principles that was along the lines of the above memorandum.[27] The call for dialogue was once more renewed when the Palestinians were compelled to lift the siege along Rafah passage, and hundreds of thousands of them crossed the Egyptian frontier. The dismissed government had then suggested joint administration of the Rafah passage with Ramallah, but the latter refused. Nimr Hammad, President 'Abbas' Political Adviser, said in this respect, the presidency will not debate with Hamas any issue unless and until "it retracts from its coup," and Hamas should "immediately depart from the passage and declare its failure to manage the affairs of the Gazzan people."[28] Some observers felt that these declarations had revealed the desire of the Authority in Ramallah that the siege continues to secure the failure of Hamas government through a popular uprising masterminded by the one million and a half or so Gazzans in protest of the tremendous hardship that they suffered as a result of this suffocating embargo.

Under the pressure of the above emergency that led to the infiltration of hundreds of thousands of the Gazzan inhabitants into Egyptian territory, President Mubarak offered to host a dialogue between Fatah and Hamas to end the fiasco,[29] which was initially welcomed by both movements.[30] But President 'Abbas insisted on his preconditions,[31] and consequently the meeting did not take place. Ramadan Shallah, the Secretary-General of The Islamic Jihad Movement in Palestine (PIJ), opined that the Authority in Ramallah constitutes the major obstacle for the dialogue, and that Abu Mazin had on each occasion insisted on a condition that he knew very well and beforehand that it will be rejected by Hamas.[32]

The Yemeni Initiative

'Ali 'Abdullah Saleh, the Yemeni president, presented on 9/8/2007 a six-point initiative to resolve the Palestinian conflict, which was welcomed by Hamas but declined by President 'Abbas.

However, after a visit by President ‘Abbas to Yemen on 9/2/2008, he added to the Yemeni initiative a new condition that he insisted to be the most important prerequisite for a dialogue. It became the first item of the revised version and read as follows: “The return in Gaza to the status quo ante 13/6/2007, to abide by the obligations of the PLO and to conduct early presidential and legislative elections.” The six other items were:

> Second: Resumption of dialogue on the basis of the Cairo and Mecca Agreements, respectively of 2005 and 2007, on the basis that the Palestinian people constitute a united and indivisible block, that the Palestinian Authority is composed of the elected presidency and parliament, and an executive authority represented by a national unity government, and that the Palestinian legitimacy with all its components be adhered to.
>
> Third: Absolute respect by all parties to the Palestinian constitution and law.
>
> Fourth: Restructuring of the security forces on national basis, whereby they should be under the top authority and the government of national unity, and no faction should have any authority on them.
>
> Fifth: To form a coalition government of national unity where each faction should be represented according to its weight in the Legislative Council, which would be able to exercise all its responsibilities.
>
> Sixth: The formation a committee from the Arab League composed of relevant states like Egypt, Saudi Arabia, Syria, and Jordan, to execute the above item. Yemen declared its readiness to join this committee if invited.
>
> Seventh: All the Palestinian institutions would be formed without any factional prejudice or preference, and they should submit to the top authority and the government of national unity.
>
> We the representatives of Fatah and Hamas agree that the Yemeni initiative be the framework for a dialogue between the two movements to return to the status quo ante Gaza incidents, in emphasis of the unity of the Palestinian land, people, and authority.

President ‘Abbas hastily welcomed the revised Yemeni initiative, while Hamas asked for explanations around the added item, and refused the logic of preconditions, though it agreed to include all the items of the initiative in the agenda of the national dialogue for further explanation and discussion. On the basis of the Yemeni invitation, Hamas sent a delegation to Sana‘a, while President ‘Abbas sent a PLO, not an exclusively Fatah, delegation. Hamas viewed this as lack of serious commitment on the part of Abu Mazin because, in its judgment, the PLO delegation speaks neither on behalf of Fatah nor the other Palestinian

factions. It was evident during the four-day dialogue (19-23/3/2008) that the core difference was around the first item of the revised initiative, from which, after a long debate, the following statement was finally deleted, viz "to abide by the obligations of the PLO."

How to deal with the initiative was yet another source for discussion, where Hamas saw that it was a framework for the dialogue rather than for the implementation. Finally, the two sides agreed to issue, separately from the Yemeni initiative, "Sana'a declaration" of 23/3/2008, which was signed by 'Azzam al-Ahmad and Musa Abu Marzuq, on behalf of Fatah and Hamas respectively. The declaration recorded that both Fatah and Hamas agreed that the initiative be "a framework for the resumption of dialogue between the two movements to return to the status quo ante Gaza incidents, in emphasis of the unity of the Palestinian land, people, and authority."

The representatives of Fatah and Hamas were evidently exposed to extreme pressure by the Yemeni leadership to reach an understanding, which the Yemeni president aspired to take to the Arab summit scheduled in Damascus a few days later.

On its propagation, Sana'a declaration and 'Azzam al-Ahmad were brutally criticized by the advisors of President 'Abbas, and a bitter controversy erupted between al-Ahmad and Yasir 'Abd Rabbuh. Nimr Hammad claimed that al-Ahmad did not contact the presidency before signing the declaration,[33] while 'Abd Rabbuh dismissed the declaration as a deceptive dead agreement, and that the initiation of dialogue on its basis is "politically futile".[34] Al-Ahmad responded by insisting that he was in contact with the presidency which authorized him to sign on behalf of Fatah. He accused Hammad of all around ignorance, whereby he does not know his (i.e. al-Ahmad) status in Fatah, not even that he was a member of the movement.[35] However, President 'Abbas supported the position of his advisors, refused to consider the initiative as a framework for the dialogue and insisted on its implementation.[36] However, a few days later, al-Ahmad retracted by declaring that "the initiative was verbatimly agreed to, that it does not allow any explanation or interpretation, and that the purpose of dialogue is its implementation, which should start immediately after the declaration of the end of the coup in Gaza," emphasizing that it is not subject to dialogue but for implementation on the ground.[37] He added, "There would be no dialogue before Haniyyah departs to his house."[38]

The stumbling of the Yemeni initiative and Sana'a declaration demonstrated that the environment was not yet conducive for a Palestinian reconciliation; and that the insistence on preconditions robbed its emotive force and "broke its oars". Moreover, it became clear that some betted on the weakness of the other side to score points at its expense. However, the heated controversy whether the Yemeni initiative was for debate or implementation continued for the rest of the year 2008.

The tense atmosphere between Fatah and Hamas prevailed. In response to Mish'al invitation to 'Abbas to visit Gaza, the latter renewed his demand that Hamas "retreat from its coup, declare its adherence to the Palestinian-Arab-international legitimacy, and that they go together for an early election."[39] 'Azzam al-Ahmad commented on this development by saying that Mish'al "is not qualified to make such a demand," and that Gaza is in a state of "rebellion," i.e. it is a "rebellious" province.[40]

Egyptian Custodianship

On 7/4/2008, Osama Hamdan declared that Hamas had officially requested Algeria to mediate for a Palestinian reconciliation, and that the latter positively responded.[41] Likewise, Mahmud al-Zahhar spoke on 29/5/2008 of Qatari attempts of mediation between Mahmud 'Abbas and the dismissed government in Gaza.[42] But these efforts were apparently unsuccessful.

In his capacity as the president of the Organization of Islamic Conference (OIC), the Senegalese President Abdullah Wad had also tried to activate the reconciliation process. During the first week of June 2008, two delegations, representing Hamas and Fatah, arrived in the Senegalese capital. Each of them met the President and his aides, and the two delegates met together under the patronage of the President. But the differences between them were too deep to be bridged, and the final communiqué declared the failure of the dialogue. The Senegalese felt that Fatah was not sufficiently serious, its delegation did not have the necessary authorization, and that the whole move was more of a gesture to Senegal than a desire to give it an effective role in the reconciliation process. Apparently, President 'Abbas was keen to initiate a new call for dialogue in which Egypt would hopefully play a major role in its success, particularly so as he knew that the Egyptian regime supports Fatah's political orientation and that Egypt had a heavy weight on the Palestinian and Arab fronts. During a meeting with the Executive Committee of the PLO, which was attended by representatives of the Palestinian factions, he had actually renewed

in 5/6/2008, in an unusually conciliatory and accommodative language, the call for dialogue. He even formed a follow up committee composed of Hikmat Zaid, Nimr Hammad and Ahmad ‘Abd al-Rahman from Fatah, ‘Abd al-Rahim Mallouh from the Popular Front for the Liberation of Palestine (PFLP), Mahmud Isma‘il from the Arab Liberation Front (ALF) and Mustafa al-Barghuthi, representing the independents.

Shortly afterwards, President ‘Abbas asked President Husni Mubarak for Egypt to patronize, host and work for the success of the Palestinian dialogue. Quoting Nabil ‘Amr, the Palestinian Ambassador in Egypt, *al-Hayat* newspaper reported that Mubarak informed ‘Abbas of Egypt’s consent and willingness.[43] Hamas welcomed both the dialogue and the manner in which President ‘Abbas proposed it, though it did not notice any change in his previous conditions. It added that it had not then received any invitation, and cautioned that for the dialogue to take a serious path it should be between Fatah and Hamas.[44]

However, President ‘Abbas’ call for dialogue did not materialize either because it was not enthusiastically supported in “Ramallah camp” or it was just a tactical move to caution the Israelis of the extensive disillusionment resulting from the stumbling of the settlement path, and of Hamas’ continued control of GS. Another possible reason for the dragging of the dialogue was ‘Abbas’ fury because of a message that Khalid Mish‘al sent on 8/6/2008 to the Secretary-General of the Arab League and a number of Arab leaders in which he welcomed the dialogue but blamed “the American and the Israeli vetoes” for the formidable difficulties that it confronted, and called for a genuine dialogue, otherwise the reconciliation would be for “other agenda such as being a cover up for expected treaties… or a diplomatic move preceding a harbored incursion or total aggression on GS.”[45]

The Egyptian call for a dialogue continued to be on the air throughout the summer of 2008, and some of Hamas leaders related ‘Abbas’ waning enthusiasm for the subject to the American pressure and the conditions of the Quartet. But Nabil ‘Amr claimed on 4/7/2008 that Egypt will soon invite 14 Palestinian factions to conduct the dialogue. Simultaneously, *Asharq al-Awsat* newspaper published on 7/7/2008 a paper embodying Hamas’ vision on the principles of the dialogue and reconciliation, which were similar to the ones mentioned above. The slowness in Egypt call for dialogue seemed to have partly been motivated by its keenness to make good preparations for the event. In an attempt to reach to a prior common

ground, the Egyptian government sent exploratory questions to all the factions,[46] with a preliminary working paper to be the basis for investigation and discussions. On the other hand, the finger-pointing between Fatah and Hamas, Hamas' control of the security square of the Hillis' family and its decisive action against the strike of the teachers and doctors, the continuation of political detention by Ramallah Authority of Hamas and PIJ supporters along with resistance activists, and the claim of some of 'Abbas' senior aides that Gaza was nothing but a rebellious province…, had all contributed to the stumbling of the dialogue path.

The other Palestinian factions, particularly those under the umbrella of the PLO had also tried to give their vision of ending the Palestinian schism. On 21/7/2008, Saleh Zaidan, a Member of the Democratic Front for the Liberation of Palestine (DFLP) Political Bureau, maintained that some respected organizational personalities prepared a memorandum that aimed at the launching of a national dialogue to end the conflict between Fatah and Hamas.[47] About a month and half later, some top leaders of the PLO spoke of a drive by the organization's factions to form a "caretaker government" to end the fiasco of the two governments in the Strip and the WB, and that the PFLP and DFLP as well as the Palestinian People's Party (PPP), the Palestinian Democratic Union (Fida) and the Palestinian Popular Struggle Front (PPSF) support this orientation. But the PLO top leadership itself felt that Fatah's influence over the government was extremely limited because of the European and American support to Salam Fayyad, and their linkage of the financial aid to the continuation of his personal premiership, besides the fact that Fayyad was not a member of Fatah, and thus not obliged to submit to its decisions.[48]

By the end of September 2008, it was reported that Cairo prepared a document of five themes to be presented to the Palestinian dialogue. Four of them were reportedly almost unanimously endorsed, viz discard of violence, formation of a national consensus government, rehabilitation of the security forces, and restructuring of the PLO, while the fifth spoke of fixing a date for presidential and legislative elections.[49] Moreover, the Egyptian proposal had embodied 14 measures to restore confidence between Fatah and Hamas, such as the stoppage of provocative campaigns, release of the prisoners, and the uplifting of the embargo on the societies and institutions. It also included some other broadly agreed clauses such as those related to the reformation of the PLO and the formation of a transitional government. However, other issues were still a

source of difference, e.g. the deployment in GS of Arab forces under Egyptian leadership and the abidance of all the factions by the international agreements concluded by the PLO and the PA.[50] On 8/10/2008, a Hamas delegation arrived in Egypt and had meetings with 'Omar Suleiman and his aides, in which it was consensually agreed to the formation of a government of national consensus, restructuring of the security forces on national and professional bases, and the formation of a committee to rebuild the PLO within two months from the launching of the national dialogue. Moreover, all the issues should be agreed upon as one package and Cairo should patronize a bilateral dialogue between Fatah and Hamas (scheduled by Egypt on 25/10/2008) before the comprehensive national dialogue commences in 9-11/11/2008.

Hamas made some observations of the Egyptian paper, in which it emphasized the necessity of separation between the requirement of the reconciliation and the end of the schism, and between the topics related to the administration of the conflict and the negotiations with the occupation, besides the importance of the simultaneous implementation of the agreement in the WB and GS, and the resolution of all the issues in one package.

The overwhelming majority of Fatah was for the success of the dialogue, but it also aspired for the formation of a consensus government capable of lifting the siege and to deal with the international community. Besides, the establishment of 'Abbas' legitimacy and the conduct of early presidential and legislative elections.[51]

By late October 2008, tension was resumed, whereby Fatah excused itself from attending the proposed meeting scheduled on 25/10/2008, while Hamas accused the Authority in Ramallah of detaining during the month of October 170 of its members.[52] With great dissatisfaction, Hamas took note of Egypt's failure to include in its paper any of the movement's proposals. It increasingly felt that the ongoing arrangements would not lead to a viable reconciliation but would concentrate on the needs of one side at the expense of the other, and that the whole exercise would focus on providing a cover to extend 'Abbas' presidency. Hence, in its meeting of 4/11/2008 with 'Omar Suleiman, Hamas expressed serious concern that the campaign of arrest in the WB would poison the environment, and it asked for concrete measures to release all political detainees and guarantee the participation of Hamas' delegation from the WB. The Egyptian promised to mediate on the issue. Hamas resubmitted its observations on the Egyptian paper, and the

Egyptians promised to present a new paper in the meeting of the comprehensive dialogue. However, the Egyptians informed Hamas that President 'Abbas would be seated during the opening session of 10/11/2008 on the platform beside 'Omar Suleiman, the Secretary-General of the Arab League and the foreign ministers of Egypt, Jordan, Syria, Lebanon, and Saudi Arabia, and that he will leave the hall with them after they deliver their speeches. By then, the leaders of the rest of the factions would ascend to the stage to sign what they presumably had agreed upon the day before the opening session, namely the formation of the committees and their functions and the final communiqué.

The denial of the Authority of the existence of political detainees[53] provoked Hamas' anger, and according to Muhammad Nazzal, the movement reacted to this development by submitting a list of 500 of its cadre and supporters detained in jails in the WB.[54] Hamas' requests of equal treatment by the patron with the conflicting parties, and that 'Abbas attends all the dialogue sessions, by virtue of his position as the president of Fatah and a key partner of the conflict and not as the patron for the conference, were also turned down. Hence, Hamas, supported by three of the resistance factions, PIJ, Popular Front for the Liberation of Palestine - General Command (PFLP-GC) and al-Sa'iqa, declined to attend Cairo meeting, and officially handed this decision to the Egyptian side on 8/11/2008.[55] This provoked the detestation and anger of both the Egyptian and Fatah and Authority leadership in Ramallah and some of Fatah leaders accused Hamas of aborting the dialogue and of being associated with some regional agenda.[56] On its part, Hamas responded by saying that those who speak of regional intervention do so to cover the association of their own decisions with agreements with Israel and the American administration.[57] Hamas conditioned its immediate attendance of a dialogue with the release of the detainees, the arrival at Cairo of its delegation from the WB and the participation of 'Abbas in all the sessions.[58] Besides, the dialogue should be serious and not a ceremonial session of signature.[59] The Israelis read the Egyptian anger as lifting of the Arab cover from Hamas and its government, and felt that the time was opportune for an immediate and extensive aggression on Gaza.

The Palestinian factions within the PLO criticized Hamas' boycott of the dialogue sessions. A declaration issued by the Palestinian Leftist Front, composed of the Popular and Democratic Fronts and the PPP, maintained that the launching of the dialogue was feasible on the fixed time, where all issues could be placed on the negotiation table. However, concurrently, the Leftist Front refused political

detention and suppression of all freedoms in the WB and the GS.[60] Rabah Mhana, Member of PFLP Political Bureau, used the word "wrong" in his description of the boycott decision.[61] Hence, the Popular Front used mild and diplomatic language in its criticism of Hamas boycott. While the DFLP held Hamas, in the words of a member of its political bureau, Taysir Khalid, "squarely responsible for the abortion of the efforts of the Egyptian leadership to end the status of schism"; Khalid had even maintained that by these unconvincing pretexts, Hamas intended to hide its real position towards the dialogue, and added that Hamas who accused others of submitting to the external veto against the dialogue had itself surrendered to this veto. By this stand, Khalid concluded, "it opted for narrow partisan interests at the expense of the supreme Palestinian national interests."[62]

In a joint communiqué, the Palestinian Arab Front, the Palestinian Liberation Front, the People's Struggle Front, Fida and ALF, held Hamas responsible for the delay of the national dialogue and demanded that it reconsiders its decision. The communiqué rejected political detention, but added that it should not be used as a pretext to delay the dialogue.[63]

Obviously, Hamas' repeated rationale for not attending the dialogue, namely political detention, was not sufficiently convincing. The movement seemed not willing to reveal its strong feeling, shared by other factions, that the dialogue, as structured, was a "political trap" that primarily aimed at legitimizing an extension to 'Abbas' presidency, while delaying or postponing the other pressing and urgent issues, for which no guarantees were given that they will be discussed and settled in the conference itself.

On the failure of the Cairo national dialogue, the relations between Fatah and Hamas on one side and Ramallah and Gaza on the other went back to square one; while the sensitivity of the internal situation sharply increased with the imminent end of both 'Abbas' presidency, as viewed by Hamas and its supporters, especially with the imminent end of the ceasefire (*tahdi'ah)* period between the resistance and Israeli in Gaza. But the Israeli aggression on Gaza that started on 27/12/2008 represented a major turning point, as there were then calls within Fatah and across all the national parties that the differences should be sidelined in order to confront the enemy.[64] Though some had initially betted on the collapse of Hamas' rule in Gaza as a result of the Israeli aggression, the heroic steadfastness of the people and the resistance coupled with the support that they had from the Palestinian,

Arab, Islamic, and international public impelled them to reconsider their position, and to realize that it would not be possible to control Gaza through the Israeli tank. Meanwhile, Hamas felt that the time was not opportune to declare the end of 'Abbas' presidential term, and to temporarily appoint the president, or his deputy, of the PLC in the presumably vacant presidential position. Thus, the widespread support that Hamas got in the Gaza battle, the new drive that the resistance program earned, the failure of the settlement path, the end of the presidency of Bush and the premiership of Olmert, and the need for a consensus on the reconstruction of Gaza had all contributed in paving the way for a new and serious national dialogue which culminated in the Cairo meetings of national dialogue during March 2009.

Fourth: The Predicament of 'Abbas' Presidential Term

The conflict over the expiry of 'Abbas' presidential term provoked a heated and growing controversy in the Palestinian scene, particularly during the second half of 2008. Fatah advocated that it should be extended until the date of the legislative elections, i.e. 25/1/2010, on the basis of article 9 of the 2005 Law of the General Elections, which stipulates that the presidential and legislative elections should be simultaneously conducted, and the presidential decree no. 1 on the general elections.

On the other hand, Hamas and its government adopted the view of several experts in Constitutional Law, especially Dr. Ahmad Mubarak al-Khalidi, a Professor of Constitutional Law and the Deputy Chair of the Constitution Committee and the head of the Drafting Committee. He and others argued that the four-year term of the president, specified by article 36 of the Basic Law, should be observed and upheld, hence 'Abbas' presidency, which started on 9/1/2005, should end on 8/1/2009. As for article 2/1 of the General Law of elections no. 9 for 2005, which provides for the simultaneously running of the presidential and legislative elections, it, in their view, explicitly contradicts article 36 and 47/3 of the Basic Law. Legal principles require that the constitution (the Basic Law) should supersede Ordinary Law, and not otherwise, otherwise this would be an illegal endeavor. Moreover, it is impossible to change the constitution by a provision of the Ordinary Law, which makes such a practice "null and void."[65]

We have elaborated on these legal backgrounds because it was the source material for the political controversy. But this should not distract us from the fact that the whole debate was essentially political. If there was a consensus between Fatah and Hamas, this issue would have been resolved quietly and without finger-pointing. This actually took place when Hamas had previously decided in the national interest to keep silent on the overdue of the presidency during the Israeli war on Gaza, but that didn't mean that it officially endorsed the extension or forfeited its right to subsequently oppose it.

The debate about 'Abbas' presidency had particularly intensified during the second half of 2008. By the end of June, 'Abd al-Karim Abu Saleh, head of the Fatwa and Legislation Bureau of the PA, reiterated that 'Abbas' presidency would expire with the end of the duration of the PLC,[66] a claim to which Faraj al-Ghul, Chairman of the PLC Legal Committee, immediately responded by emphasizing that 'Abbas' term ends on 9/1/2009, and that Hamas would recognize Ahmad Bahr, the Acting Speaker of the Palestinian Legislative Council, as the president of the PA unless its President 'Aziz Dweik is released from prison before this date.[67]

The debate accelerated after the publication by al-Zaytouna Centre of Ahmad al-Khalidi's memorandum in early September 2008, and his hosting, with other experts, by Aljazeera and other television network to discuss the issue.[68] Meanwhile 'Abbas seemed to have sought the advice of other Palestinian and Arab legal experts who justified the extension.[69] Hamas position on the issue remained persistent and unified as voiced by its internal and Diaspora leaders, including Khalid Mish'al, Isma'il Haniyyah, 'Aziz Dweik, Ahmad Bahr, Musa Abu Marzuq, al-Zahhar and others. However, the steps that Hamas would take after the expiry of 'Abbas' term remained unclear. The movement did not specify a clear and unified measure to be taken if al-Duweik was released, and the method that it will adopt to implement its promise of conducting presidential elections within sixty days, particularly so if a prior consensus between it, Fatah and other factions is not achieved on this issue and the time for the elections, and no suitable measures were taken on the ground in the WB and GS.

The Ramallah Authority was curious to know the steps that Hamas may take in the WB, and whether it would be inclined to repeat its Gaza measure. Though the realities on the ground in the WB, which was under Israeli occupation, made such a "coup" undesirable and improbable, Israel propagated such a development

to encourage the Authority in Ramallah to take further security measures against Hamas. A senior Israeli military source spoke of measures taken by Israel and Fatah to confront the possibility of a Hamas exploitation of a probable political instability just before the end of 'Abbas' term "to control cities, towns and villages in the WB." In language that is not void of instigation, the same Israeli officer said, "No doubt, we support that Fatah shoulders the responsibility of maintaining law and order in the WB, which, of course, requires the trailing of Hamas."[70]

Evidently, Hamas made use of the predicament of the expiry of 'Abbas' term of the presidency, as an element of pressure against Fatah and Ramallah Authority. Probably this was one of the factors behind Fatah's decision to participate in the supposedly forthcoming Cairo national dialogue, scheduled in November 2008. Moreover, Hamas' moderate language left a room for a deal on the issue in the light of some agreeable political measures and national consensus between the two parties.[71] This means that the subject has not been conclusively determined, but there is room for a political exit from these legal complications.

Fatah and Ramallah Authority took some precautionary measures to consolidate President 'Abbas' position. Fatah Central Committee extended his term by a period to synchronize his election with the legislative elections,[72] while the Executive Committee and the Central Council of the PLO, which is dominated by Fatah, endorsed the extension. In 23/11/2008, the Central Committee elected 'Abbas to the presidency of the Palestinian state, which was meant to be a message to his opponents that his authority supersede any other one of the Palestinian political system, though there was no Palestinian state per se and on the ground.[73] 'Abbas provided an Arab umbrella for his claim through an emergency meeting of the Arab ministers of foreign affairs that he called for in Cairo, which called him "to continue shouldering his responsibility as the president of the Palestinian National Authority" until the conclusion of the national reconciliation and fixing of a date for the new presidential and legislative elections.[74] But Hamas refused the decisions of the Executive Committee and the Central Council on the ground that they are legally overdue, and thus disqualified to take such decisions.[75]

The PFLP viewed the subject as political in its essence, and should be discussed over the table of comprehensive national dialogue. Moreover, to allow the issue of the duration of 'Abbas' term to drag on without an imminent political solution would deepen the Palestinian crisis.[76] But the endorsement of Hamas' position may

lead to presidential elections in Gaza only, thus there would be two presidents and the schism will be consolidated and the crisis exasperated.[77] However, the PFLP was unable to specify the date of 'Abbas' presidency.[78] Meanwhile, the Democratic Front viewed the whole scenario as a futile political controversy to cover up the tragic problem of schism, and that there is no legal or constitutional problem over 'Abbas' presidency in 9/1/2009.[79]

Mustafa al-Barghuthi felt that irrespective of the legality of the extension, 'Abbas would emerge weaker, "which Israel aspires to exploit."[80] Meanwhile Faruq Qaddumi, a member of Fatah Executive Committee and the president of PLO Political Department, sarcastically and bitterly commented on the election of 'Abbas to the Palestinian presidency by saying that he (Qaddumi) "does not recognize the PA, and that the election of 'Abbas to the presidency requires a decision from the PNC." Moreover, Barghuthi added, "there is no authority, no state or whatnot, we are under occupation."[81] As for the approach of PIJ, it was nearer to the position of Hamas, as, in the words of its representative in Lebanon, Abu 'Imad al-Rifa'i, if 'Abbas' presidency is legally extended, the conflicts and tension in the Palestinian scene would sharply increase.[82]

However, the aggression on Gaza and the subsequent dialogue in Cairo impelled Hamas to deal with the issue of 'Abbas' term as if it is a de facto matter, to be discussed, within a bundle of already concluded or adjourned consensuses, after the Palestinian presidential and legislative elections in January 2010.

Fifth: Fatah and its Sixth Congress

There was a lot of talk during the year 2008 on and about Sixth Fatah General Congress. The movement's first three congresses were respectively held in 1967, 1968 and 1971. But the fourth convened in 1980 and the fifth in 1989. It was evident that Fatah suffered from a profound state of flaccidness and disintegration that required its Sixth Congress to be speedily held to put its house in order.

In September 2004, the Fatah Revolutionary Council called for holding the Sixth Congress, and a preparatory committee was formed for this purpose, which dragged on in its mission for different reasons. Admittedly, many of the Fatah's cadre betted on the congress to make the necessary change. Nonetheless, the most

important representative and legislative institution in Fatah, namely the General Congress, had been neutralized and marginalized since 1971, as throughout a period of 37 years it was held twice only. Thus, decision-making remained practically and consecutively in the hands of the president of the movement, the Central Committee and, to a lesser degree, the Revolutionary Council. Since the elections of these leading institutions can only be done via the general congress, they remained in office for many years without any change.

After the lapse of 19 years since the last congress, it became absolutely necessary for the Fatah that led the Palestinian national struggle to hold its Sixth Congress. For during this period, Fatah had witnessed and experienced great and grave incidents and developments: changes in the path of the national Palestinian action, and the patronization by its leadership of new ideas, agreements and undertakings that were not compatible with its program of action, orientation and the previous decisions of its congress, in addition to the forceful emergence of Hamas which defeated Fatah in the elections. It was necessary to reorient the compass and the path, restore organizational discipline, equip the leading institutions with young blood, cure the flaccidness and extensive corruption and to restore the confidence of the Palestinian street in its national project and shaky path. Besides, there was an Arab and international interest in the reorganization of Fatah and the restoration of its solidarity and capability to initiate, being more acceptable and compatible with Arab and international policies towards the Palestinian issue, and as the movement that shouldered the burden of authority, the settlement path and Oslo Accords. Moreover, its disintegration and retraction would lead to the rise of Hamas who will take up the Palestinian leadership with all its negativism to the official Arab regimes and the international community, especially the obstruction of the peace settlement path and the totally objectionable assumption of power by the Islamists.

Throughout the year 2008 specific dates were repeatedly fixed for holding the congress to be subsequently deferred to another date, hence the year ended without having this long awaited function. This was due to a number of factors, of which the most important were:

1. The 19 year failure to assemble the congress endangered major and complex political and organizational issues that required a prior minimum consensus within the ranks of Fatah, otherwise the congress will drastically fail, which may result in further deterioration and retraction.

2. The status of flaccidness and organizational disintegration had sometimes opened the way for the infiltration of some members into the movement, which had become, so to speak, "an organization for the one who had no organization." Hence, Fatah became a loose organization that had no criteria for discipline and loyalty. Many opportunists joined the movement to achieve personal gains related to Fatah leadership of the PLO and the PA. The status of flaccidness had, moreover, weakened the organization's ability to hold its leadership accountable and to punish them whenever necessary. This led to cases of corruption within the top brass who were difficult to dislodge, and to the emergence of different factions that revolved around certain senior leaders and personalities, of whom some sought the support of outside forces. In these circumstances, the mere holding of the congress may lead to extensive polarization and bitter divisions that may result in the failure of some and the rise of others to the movement's executive posts. Faced with the likelihood of such repercussions, Fatah leadership preferred that the congress be held only when everything is satisfactorily prepared in advance and lead to "calculated" or "under control" results.
3. The problem of the generation gap, whereby the youngsters aspired to the top positions, and the old guard were concerned that they lose their positions and privileges as well as the movement's orientation and spirit that they cultivated and pursued for a long time.
4. The difficult equation of endorsing the political report and taking actions related to Fatah's vision and the peace settlement path. For many of the movement's rank and file and some of its symbols opted for the resistance and criticized the settlement process, while the "moderate trend", under the leadership of Abu Mazin himself, was perplexed and "embarrassed" by the undertakings that it gave to the Israelis, the Americans and the international community. Hence, they strove to avoid such a probable crisis by rescheduling the congress until they arrange for a suitable majority that supports their orientation. Some had even tried to enlist the support of some of the cadres through "political money", but many of Fatah's members proved to be too principled to yield to such incitements.
5. The absence of the popular historical leadership, particularly after the demise of 'Arafat, which was adequately firm and decisive to set policies

and convene a congress when it opted to do so. Nonetheless, this very leadership is largely responsible for the Fatah's flabbiness and structural and institutional weakness, as well as its inclination towards individuality and the marginalization of the general congress.

6. The problem of fixing a venue for the congress with its consequential and inherent political and organizational significance was another predicament. Should it be in Jericho where there was the PA and the Israeli occupation, and the ability of the Fatah's domestic faction to assemble cadres and supporters, or should it be in Jordan or Egypt where Fatah is likely to have better chances, and the host countries may have an impact on the Congress' orientation and outcome.

7. The predicament related to the numbers of conferees and the criteria for their selection. Should they be 1,200 or 1,500 as desired by many of the old guard, or around 3,500 as wanted by most of the youngsters, and what is the quota for the military? Moreover, who of Fatah's members are eligible for nomination or voting? The latter predicament had been standing at various degrees, for it will determine in advance the form and personnel of Fatah's leadership, its Central Committee and Revolutionary Council.

Since the beginning of 2008, the efforts to convene the congress continued. Nasr Yusuf and 'Azzam al-Ahmad left to Tunisia to meet and discuss with a number of the historical leadership the necessary arrangements, and there had been talk about the venue to be in Egypt or Jordan.[83] While the discussion was ongoing over the venue and the number of the participants, the Central Committee formed many sub-committees amongst which one was for drafting the political program and to submit it to the congress.[84] However, as reported by *al-Quds al-Arabi* newspaper, Nasir al-Qudwah soon relinquished his membership from the preparatory committee and the presidency of the drafting committee because of some major differences with the Central Committee.[85]

Nasir al-Qudwah had twice, and in writing, suggested that Fatah be transferred from a national liberation movement to a civil movement or a political party. But some major trends within Fatah managed to discard these ideas.

The preparatory committee formed four sub-committees; namely the political program, membership, discipline, and planning, and policies committees, which had all submitted their reports that were endorsed by the preparatory committee.[86]

In its meeting of 26/5/2008, Fatah Revolutionary Council decided that the congress be held before the opening of September 2008. By 12/6/2008, the preparatory committee concluded its session in Amman by endorsing the drafts of Fatah's political and national programs which dealt with its political strategies and economic, social, developmental, and youth plans. It also endorsed the draft of the new internal law, the criteria of membership and for selecting the representatives of the organization to the congress. Thus, according to Nabil Sha'th, nothing remained except to fix the venue and date of the congress, on the basis of which the number of the participants will be decided.[87]

By the end of July, some Fatah "heavy weight" leaders had reportedly advocated that the congress be shelved until the end of the Palestinian schism and "the restoration" of Gaza from Hamas' control.[88] Other news spoke of acute differences within the preparatory committee on the venue of the conference. Five members of the Central Committee and the provisional leaders in Jordan, Syria and Lebanon were said to have demanded that the congress be held outside the Palestinian territories, while the remaining members of the Central Committee, including Mahmud 'Abbas, insisted that it be in the interior.[89]

In an extended meeting of the preparatory committee, held in 3-4/8/2008 under the presidency of Abu Mahir Ghneim and attended by sixty members half of them from the Diaspora, the "hawkish trend" and the old guard dominated the discussion at the expense of the wishes of President 'Abbas, who intentionally absented himself though he was at the time in Amman. The committee endorsed a recommendation to revise the political program and its documents in a way that maintains the national fundamentals of the movement and its principles. The meeting also rejected some vague and general statements that Nabil Sha'th suggested for inclusion in the political program, which dropped the option of resistance, and kept conspicuously silent on the principle of a prolonged people's liberation war, and confused between the civil and military resistance. The meeting called for the reconsideration of the settlement process, revival and consolidation of the Arab-Islamic support to the Palestinian issue, and to explicitly and directly record the resistance. Some discussants of the program from among Fatah leaders "launched a violent campaign against what they called Dayton's path in the movement."[90]

Efforts were made in mid August 2008 to make Mahmud 'Abbas and Faruq Qaddumi meet in order to reach a consensus on the major issues before setting

the time and venue for the congress.[91] In 23/10/2008, Fatah Central Committee decided that the eligible participants to the congress from both the interior and the Diaspora be 1,200.[92]

The preparatory committee fixed for itself a meeting during 11-15/11/2008, to be followed by an extended one to discuss six almost finalized documents. Amongst them was the ninety page political paper which emphasized Fatah's rejection of the Israeli project and the reiteration of the principles that it advocated since its inception. But the paper did not corner itself into a specific political decision, but left the door slightly open for further deliberations on the movement's future orientation. Another paper is on the organizational structure which dealt with the relationship between Fatah on one side and the PA and its institutions on the other side, and emphasized the organizational separation between them. The third paper, the administrative paper, addressed the issue of the organization, its administration and the terms of reference. Besides, there were the membership and the financial papers. The sensitivity and confidentiality of the contents of the latter paper triggered some to suggest limiting its circulation and discussion to the presidency of the congress and some selected would-be members of the Central Committee, as an open and wide discussion might provoke accusations and finger-pointing. The sixth paper was the paper of the Central Committee on the current situation.[93]

Apparently, the prolonged and tedious effort of the preparatory committee failed to bridge the gap in the cases of conflicts, polarization, and delay. It became clear that it was unlikely that the congress be held before the end of 2008. In an interview with *al-Hayat* newspaper, published on 13/12/2008, a top Fatah leader assured that the Sixth Congress had been indefinitely postponed "lest the differences between wings lead to dissensions." He added that it's holding on time "tantamount to exploding the movement," the relevant leaders know this but are embarrassed to announce it, that "whoever thinks that the congress will be held in these circumstances is insane," and that the nominated participants were not more than 1,500 while those who wanted to participate totaled ten thousand.

Meanwhile talk was resumed on the resolution of GS problem before holding the Sixth Congress,[94] and of delaying the congress because of the concerns of some members of the Central Committee that they may lose the elections.[95] Up to December 2008, Ahmad Qurei'(Abu 'Ala') kept talking that the membership file had not yet been completed, and that the time and venue of the congress were still not determined.[96]

During the year 2008, the conflict between the so-called old guard and the youth movement had demonstrated itself through various incidents and developments of which the most prominent was, as noted above, the delay of the Sixth Congress, notwithstanding its importance and necessity to all. Another reflection of the crisis was in the conflicting orders and on the terms of reference, as was the case with regard to some Fatah appointees in Syria. Faruq Qaddumi appointed Muhammad Dawud (Abu Dawud) and his deputy Anwar 'Abd al-Hadi to fill two posts there, but, in his capacity as the leader of Fatah, Mahmud 'Abbas totally ignored these appointments, and instructed the movement's provisional representative to do likewise to all of Qaddumi's appointees.[97] The accusations and counter accusations between some of Fatah leaders were another feature of the crisis. Notably was the war of words between Hakam Bal'awi and Muhammad Dahlan. In a communiqué issued in the name of Fatah Central Committee, the former accused the latter of irresponsibility, exhibitionism, insubordination, negligence, and deceit.[98] Dahlan responded by telling his adversary that his most important contribution was to plant spies in Yasir 'Arafat office in Tunis. He dismissed the communiqué as sheer "media fabrication" to "pursue personal grudges," and called upon the Central Committee to "distance itself from this odd and cheap behavior of Bal'awi."[99]

Abu 'Ali Shahin, a member of the Revolutionary Council, launched an attack on the Central Committee and President 'Abbas whom he dismissed as a "failure". Other reports spoke of the opposition of several members of the Central Committee and the Revolutionary Council to the inclination of Dahlan to win a seat in the Central Committee, adding that Dahlan group is comparatively weaker versus its adversaries in the movement, notably Hani al-Hassan, Bal'awi, 'Abbas Zaki, 'Azzam al-Ahmad, Ahmad Hillis and others.[100]

Hatim 'Abd al-Qadir, a Fatah leader, minuted that the movement "reached a very difficult status."[101] while Sa'ib 'Uraiqat admitted that Fatah "is experiencing unprecedented problems and internal conflicts."[102] To add insult to injury came the scandal of the mobiles smuggling in which Rawhi Fattuh, the former Speaker of the PLC and an Advisor of President 'Abbas, was accused, which revealed the extent of the corruption charges against top Fatah leaders.[103] Rafiq al-Natsha, head of the Fatah Court, commented, "Corruption and corrupted people continue to control Fatah movement," but he hoped that they will be expelled by the Sixth Congress.[104] Marwan al-Barghuthi held Fatah leadership responsible for the failure

in the elections and the corruption of several of its leaders, and called for a genuine change in the leadership, the election of new faces and symbols who had no connection with "corruption, paralysis, and failure."[105] Towards the end of 2008, there were reports of verbal exchanges and rupture of relations between 'Abbas and Qurei' over their roles in the negotiations with Israel, and the attitude towards Fayyad's government.[106]

Hence, Fatah movement carried over its crisis to the next year, and the advocates of the delay and postponement of the Sixth Congress overcame their counterparts. Apparently, the congress will be subjected to further rescheduling unless and until a delicate deal is concluded, which will, at least, guarantee the concerns and interests of the big fishes and the influential trends in the movement.

Sixth: The Palestinian Liberation Organization

Though the PLO established the PA and gave it a legal cover, the latter progressively enlarged while the former was increasingly marginalized and weakened to eventually appear as one of the instruments of the Authority. The sidelined PLO whose institutions had been void of any content and influence was placed, so to speak, in the "intensive care unit" to be a rubber stamp that the Authority refers to whenever necessary to give it a cover up or to pass a resolution. The PNC, whose last meeting was 12 years ago, was not called for a meeting throughout the year 2008. As was the case with this institution, the legal duration of the Executive Committee and the Central Council expired since 1999. Nonetheless, the latter two continued to convene, and Abu Mazin depended on them to support his legal and political position and that of his government in Ramallah versus Hamas and its government in Gaza.

Evidently, the activation of the PLO and the restructuring of its institutions were associated with the subject of Palestinian comprehensive reform, and the placing of the Palestinian house in order, a development that could not materialize without a dialogue between Fatah, Hamas and the other factions, and a consensually agreed joint national program. Though a major item of the Cairo agreement of March 2005, the reform of the PLO stumbled because of the serious concerns of some Palestinian, Arab, and international sides that Hamas may dominate the PLO, especially after its victory in the 2006 legislative elections in the WB and GS. Both the National

Consensus Document of 2006 and the Mecca Agreement of 2007 provided for the activation and reform of the PLO, but no serious steps were taken in this direction. No doubt, the 2007 Fatah-Hamas conflict over the issue of legitimacy played a role in delaying the reform, but it should not be exclusively blamed for this. For the weakening and the marginalization of the PLO had been a major consequential feature of the settlement path and the Oslo Accords, and the individual style of leadership and the non-institutional conduct of the Palestinian leadership. If the PLO was healthy enough to accommodate all sectors of the Palestinian people, and to be an umbrella for all its factions, forces and professionals, the issues of the security chaos, and the "coup" against the legitimate institutions may have been addressed in a better and easier manner.

In his dialogue with Hamas in Yemen, President 'Abbas preferred to wear the PLO hat, hence he included in his delegation Salih Ra'fat, the secretary of Fida Party, and Qays 'Abd al-Karim of the leadership of the Democratic Front, a development that reflected, in Hamas' view, lack of seriousness on the part of 'Abbas, as the core of her problem is specifically with Fatah. Similarity, the President presented his June 2008 call for dialogue in the name of the PLO, and the latter's Central Committee held Hamas "totally responsible" for the failure of the November 2008 Cairo dialogue, even before its started, because it excused itself from participation.[107] Moreover, notwithstanding the reservations on its functions, the Central Council of the PLO elected 'Abbas on 23/11/2008, just before the expiry of his term, as president of the Palestinian state, and gave him the ammunition that he may need in future confrontation with Hamas and other opponents.

Taking advantage of their positions in the PLO leadership, some politically and popularly insignificant groups and personalities had, on the other side, assumed for themselves magnified roles in the Palestinian scene. Amongst them was Yasir 'Abd Rabbuh, a former leader of Fida Party, who took the senior position of Secretary-General of the Executive Committee of the PLO, though his party was hardly represented in the PLC. 'Abd Rabbuh was widely criticized for his negative role in the Fatah-Hamas relationship, and Salim al-Za'nun, the president of the PNC, had specifically criticized his attempt, which was supported by President 'Abbas, to convene an illegal meeting of the PNC to restructure the leading institutions of the PLO.[108] Moreover, President 'Abbas appointed Saleh Ra'fat, the Secretary-General of Fida Party, as head of the PLO Military Department.[109] To give such a senior and sensitive post to such a weak party that has no military wing and does

not participate in the resistance or the *Intifadah* reflected, in the view of many, that 'Abbas was not serious to reactivate the institutions of the PLO.

Faruq Qaddumi, the president of the PLO's Political Department, was the most outspoken of all Fatah and the PLO leaders in his criticism of the performance of 'Abbas and his aides. In 25/2/2008, he criticized the 'Abbas's decision to terminate the services of many of the officials of the political department, or to send them to pension, and he challenged the legality and legitimacy of the Executive Committee itself.[110] Moreover, he asserted more than once that it had already lost the quorum.[111] He also invited Hamas and other Palestinian forces to unconditionally join the PLO, and called for the holding of a new PNC, the election of a new Executive Committee, and to enact mechanisms for the reform of the PLO.[112] Moreover, Qaddumi submitted a program that argued for the separation between the Authority and the PLO and their two presidencies, the adherence to the option of resistance and to the right of return and to respect the Palestinian plurality.[113]

Meanwhile, Hamas continued to emphasize throughout the year 2008 the urgency of restructuring the PLO on sound political basis that allow the participation of all forces, the importance of political plurality, and that the PNC be constituted through direct elections whenever possible. Hamas refused to recognize that the PLO, as it stands, be the sole legitimate representative of the Palestinian people, especially as Hamas is not represented in it and has important institutional, ideological, and political reservations to it. PIJ took almost the same stand on the PLO.

Hamas failed to enlist the support of some important factions in the PLO, specifically PFLP & DFLP, to its call to accelerate the organization's process of reform, though the political program of these two Fronts, which rejected Oslo Accords, opted for the resistance and asked for reform within the PLO, were nearer to the vision of Hamas than that of the organization's leadership and the dominant trend in Fatah. However, the above theoretical position of these Fronts was contradictory to some of their actual practices, viz their behavior in the Executive Committee and their participation in the Central Council, which some critics view as a cover up to the policies of Mahmud 'Abbas. Some had, however, attributed this apparent incompatibility, to the common secular orientation between these leftist Fronts and Fatah that made them to be on the same boat with the latter versus the Islamic trends of Hamas and PIJ. Others argue that Hamas did not exert sufficient effort to find common grounds with these factions, and to assure them

that its leadership of the national project would absorb the others, respect their role, and never exclude them. Moreover, Hamas had not endorsed the program of the PLO where Fatah and these factions saw eye to eye, and President 'Abbas was in agreement with the vision of the latter that patronized complete proportional representation in the elections of the PLC and the PNC, to which Hamas was not in favor. Others felt that Fatah's control of the financial resources of the PLO, from which it allocated budgets to these factions and salaries to their full time cadres, played a role in their decision-making process.

Many personalities and national bodies pressed towards the activation of the PLO and the restructuring of its institutions, the formation of an elected PNC and the emphasis on the right of return. Amongst them were a group of Palestinians, of whom the most prominent was Shafiq al-Hout, Sulaiman Abu Sittah, and Bilal al-Hassan, which was formed in May 2007 and continued its drive during the year 2008.

Seventh: Internal Security and the Problem of Security

Admittedly, the security laxity had largely retracted during the year 2008. Both Gaza and Ramallah governments tightened their grips, which had, however, exposed them to criticism by the human rights groups over their practices of torture, political detention, and arbitrary use of power, though in different degrees.

The security measures undertaken by Fayyad government against Hamas continued under the pretexts of prohibition of illegal armament and to check Hamas presumed strive to overthrow the legitimate authority in the WB, as they did in Gaza. Apparently, the government of Ramallah was not in a mood to distinguish between the weaponry used in *al-Aqsa Intifidah* and defended the Palestinians for years, and that possessed by the tribes or used to foment the security hazards. Moreover, the claim of a possible Hamas coup was a mere guise to implement the dictates of the Road Map and Dayton's plan, as the conditions in the WB were completely different from those in Gaza, whereby the Israeli occupation was practically in charge of everything and everywhere in the WB.

Salam Fayyad maintained that the Authority "is keen to upkeep and maintain the political pluralism, but it refuses security multiplicity,"[114] but he also revealed his

government's policy towards Hamas by saying, "as long as the status quo in Gaza continues, the government will continue to view Hamas as an anti-Authority [PA] organization."[115] Subsequently, Riyad al-Maliki, the minister of Information and Foreign Affairs, revealed that his government decided, in its meeting of 5/5/2008, to take the arms from the militias, his nomenclature for the resistance, and from every person who is not part of the security forces,[116] which, in fact, was a literal implementation of the first item of the Road Map.

It seems that the PA did not distinguish between the resistance fighters on one side and the drug traffickers and robbers on the other side, Brigadier General Samih al-Saifi, the Military Commander of Hebron (*al-Khalil*) Region, openly said, "We are crystal clear, we work against the outlaws, drug traffickers, thieves, and armed military groups affiliated to any side," and added, "Any armament except that of the security forces is illegal."[117] Two days after their deployment in Hebron, the general's forces had actually arrested 53 so-called "wanted persons" in the towns al-Sammu' and Yatta, of whom 35 were Hamas members. This definition of "outlaws" may explain the persistent denial of the Authority of the existence of political detainees, i.e. the arrest of the resistance men is not viewed by Ramallah as political detention, which violates the principles and program of Fatah and the PLO.

The Israelis admirably viewed the activities of the Authority's security forces. A report by the Israeli Security Agency (Shabak), published in early 2008, commended the seriousness of these forces, that it confiscated 120 pieces of weaponry, disclosed a laboratory for manufacturing explosives, and dismissed directors of a number of philanthropic societies.[118] Furthermore, Brigadier General Yaov Mordechai, the head of the Civil Administration in the WB, indicated that security coordination with the PA in the WB is progressively increasing, joint meetings are ongoing between Israeli and Palestinian officers, and that the Palestinian security agencies returned fifty Israelis who crossed into territories under the Palestinian control.[119] Subsequently, Mordechai explicitly spoke of the nature of the war conducted by the Israeli authorities in coordination with the PA in Ramallah by saying, "We are engaged in a real battle with the civil and social institutions of Hamas movement, we are doing our utmost best and with all strength to fight all Hamas institutions in the WB: the military and the civil," and emphasized the direct Israeli-Palestinian coordination in this respect.[120]

In a meeting of the Israeli government, Yuval Diskin, director of Israeli Security Agency said, "The security cooperation with the PA in the WB is very good, particularly in fighting terrorism and in the closure of institutions." On his side, Riyad al-Maliki did not deny this, emphasizing that "there is no reason to prevent the security cooperation," which is, in his words, "very important."[121]

The minutes of a meeting between Israeli and Palestinian officers, disclosed by Nahum Barnea, the senior analyst of *Yedioth Ahronoth* newspaper, shows the extent of the security cooperation between the Authority in Ramallah and the Israeli security forces. If to be believed, this report requires deep reflection on the extent of the hostility of the security forces in Ramallah to Hamas, and whether it is at all possible to rebuild the security forces on national and professional basis whereby the significantly strong Hamas be part of this operation. It is worth noting that Barnea quotes from the minutes the following remark made by Dhiab al-'Ali (Abu al-Fatah), the Chief of the Palestinian National Security Forces in WB, to the Israeli officers, "There is no hostility between us, we have a common enemy, Hamas movement." The minutes also quote the following statement by Majid Farraj, the head of the Palestinian Military Intelligence Service, "We are confronting a very difficult battle... We decided to fight to the end. Hamas is the enemy, we decided to launch a war against it, and I say to you: There will be no dialogue with them. You should kill beforehand he who wants to kill you. You have concluded a truce with them but we have not." Farraj assured his Israeli counterparts that his group is properly doing the job that they have been asked to do, by minuting, "We deal with every Hamas institutions that you send to us. You have lately given us the names of 64 institutions, and we finished the job with 50 of them, some were closed down, while in the others we changed the administrative staff. We confiscated their capital." Farraj boasted in front of the Israelis that the Palestinian security can burst into the mosques and the universities, but the Israelis cannot!! As for Major General Hazim 'Atallah, Chief of the Palestinian Police, he said, "By the end of the year, we will be engaged in a confrontation with Hamas. I am speaking of a comprehensive plan."[122]

A report by the Israeli Ministry of Interior, dated 1/12/2008 and published in the *Jerusalem Post*, expressed the extent of the Israeli satisfaction with the security cooperation with the Authority in Ramallah by recording, "The security coordination is unprecedented through a sincere effort on the part of the Authority."

The report indicated that the coordination reached to high levels, as 247 meetings were held between the Palestinian and Israeli officers since the beginning of the year 2008 and until the publication of this report Israel permitted the opening of twenty Palestinian police centres in the WB.[123]

Within the framework of rebuilding the Authority's security forces in WB a special battalion of 620 soldiers underwent a four-month training program in Jordan, and returned on 28/5/2008, this was part of the plan drawn up by Lieutenant General Keith Dayton, United States Security Coordinator for Israel and the Palestinian Authority.[124] According to a report by *Haaretz* newspaper, these trainees were carefully selected, received special training and that they were the first battalion of five assigned to maintain law and order in the WB. The report recorded that the first Palestinian National Security (PNS) "battalion to undergo training under an American program and Jordanian guidance - the first supposedly elite unit of what used to be viewed as the PA army" and added that senior PA officials have dubbed the battalion as "Dayton's baby".[125]

With the Israeli consent, the Authority deployed security forces in the districts of Jenin, Nablus, Hebron, and Bethlehem. They succeeded in dismantling some of the resistance cells, and aborted explosive operations against Israel. Though its primary target was the dismantling of the civil and military infrastructure of Hamas, the force also strove to hit and dismantle all the military wings of the resistance factions, including the *al-Aqsa* Martyrs Brigades of Fatah, Saraya al-Quds of PIJ and others.[126] Their duty extends, in the words of Major General Hazim 'Atallah, Chief of the Palestinian Police in the WB, "Everyone who has connections with weaponry and explosives, i.e. military action, and it's not important against whom this action will be, as this occurs in Palestinian land, we will arrest him."[127]

Torture and political detention was a source for violent verbal exchanges and finger - pointing between Hamas and Fatah and between the two authorities in Ramallah and Gaza. Normally, the two sides consider the numbers of the detainees and the charges against them confidential, and there is presumably deliberate confusion between charges, what is political and what is criminal.

According to a report by the Shabak, the Palestinian security forces arrested during a period of five days only, 28/11-2/12/2007, 250 Hamas activists. And during the last week of 2007, they arrested fifty Hamas activists.[128] Amongst the tragic incidents that incited the Palestinian public opinion was the death of the

pro-Hamas Majd 'Abd al-'Aziz al-Barghuthi who was tortured till death in the Palestinian intelligence headquarters in Ramallah, on 22/2/2008. The people's disapproval was aggravated when the intelligence, depending on a fabricated medical report, denied that he died under torture. However, the torture charge was later confirmed by an independent investigation committee that President 'Abbas was compelled to form under public pressure.[129]

According to statistics released by Hamas on 12/11/2008, 616 of its supporters were detained by the Authority, including 94 university students, 35 liberated detainees, 15 Imams, 13 members of municipality and village councils, and nine journalists. Hamas claimed that during the period 10/6/2007-11/11/2008 the number of its detainees in the WB totaled 2,921.[130] Hamas information office issued in August 2008 a 369 page book, entitled in English rendering "The Black Book", which enumerated hundreds of alleged torture and punishment cases that its members and those of the resistance movements were exposed to in the WB by the Authority security forces. Some Palestinian legal institution emphasized the existence of political detention in both the WB and GS. Sha'wan Jabarin, the general director of the Ramallah-based Al-Haq human rights organization, reported 270 detainees in the WB, adding that the phenomenon has become wide spread and that all the security forces were involved in this practice and in all districts of the WB. Meanwhile, the Authority in Ramallah imposed information ban, whereby journalists were harassed by the security forces if they dared to report news about the subject. According to a prominent journalist in *al-Ayyam* newspaper, "We are totally prohibited to write on this subject. We will be arrested as soon as the article is published, even before that, and the media institutions pressure the journalists to ignore the subject issue."[131] The Palestinian Independent Commission for Citizen's Rights (PICCR) (established by Yasir 'Arafat) recorded 28 cases of torture and cruel treatment in November 2008 only.[132] It is worth mentioning that there are in the prisons of the Authority about ninety detainees, members of PIJ and other resistance cells.

The security forces in Ramallah continued to deny the existence of political detainees, at a time when they threatened Hamas activists not to speak to the media.[133] While many has kept talking about Hamas' detainees in Ramallah prisons, giving their numbers and names and demanding that a conducive environment be provided for launching the Palestinian dialogue, al-Maliki, the minister of Information and

Foreign Affairs, declared, "We do not have any political detainees,"[134] which was reiterated by Mahmud 'Abbas himself.[135]

On another vein, protests were voiced by certain quarters in Fatah against the way Fayyad was running the government, especially his discard of some Fatah members from the security forces and the civil service or sending them to pension, recruitment of many of his cronies or those who abided by his policy, his unacceptable conduct of controlling the financial resources of the Authority and his relations with the United States of America (USA). Bitter criticism was also launched against a number of his ministers. But Fayyad government was supported by President 'Abbas, who had intentionally given it direct support in a cabinet session that he had personally presided, by saying, "This government is my government, it has my full support, I have absolute confidence in this government."[136]

Nonetheless, increasing criticism was launched against the government. During the 25th term of Fatah Revolutionary Council that concluded, in the presence of 'Abbas, its meeting agenda on 26/5/2008, Salam Fayyad and his government were subjected to violent attack. The change of some ministers, specially the ministers of Foreign and Interior Affairs, respectively Riyad al-Maliki and 'Abd al-Razaq al-Yahya, was openly and loudly demanded. 'Azzam al-Ahmad, the leader of Fatah Parliament bloc, accused Fayyad government of hegemony over everything and in every institution. Most of the members of the Revolutionary Council voted for the immediate restructuring of the government, and some had even dismissed Fayyad as another Paul Bremer (the first US Administrator of Iraq after the American occupation of the country) because of his disbandment of Fatah's military units, and on the assumption that his government was an American government imposed on the Palestinian people.[137] Nonetheless, supported by 'Abbas and endorsed by Israel, USA, and regional countries, the government continued to function.

Haniyyah's government was not free from accusation of violation of human rights. Some reports indicated that it placed eighty persons under political detention,[138] and accused it of practicing torture in its prisons. But the government in Gaza found an excuse for itself in the presence of cells and other institutions that were particularly affiliated to Fatah, and who allegedly strove to foment trouble and security hazards to topple the government there. However, as a gesture for the encouraging news of a forthcoming dialogue in Cairo, Haniyyah's government

declared on 30/10/2008 the release of 17 of Fatah's cadres and claimed that by this move it has released all the political detainees.[139]

The bloody incidents that occurred on 31/12/2007 during the 43rd anniversary of Fatah, in which eight were killed and more than one hundred wounded,[140] triggered accusations and counter accusations on the responsibility for this incidents. An official committee, formed by the government of Isma'il Haniyyah, held some elements in the police and the leaders of Fatah jointly responsible for the events, and it declared that it imposed punishments on nine senior officers and 29 of the members of the security forces which ranged from reduction of salary or position to change of the workplace.[141] Hamas held Fatah leadership in the Strip responsible for the assassination in the evening of 31/12/2007 of four citizens, including a security man.[142] Haniyyah's government and Hamas movement accused Fatah leaders of conspiring to assassinate Premier Haniyyah during the 12/1/2008 festival for the returnee pilgrims, and it published photographed admissions of the arrested culprits, where they reportedly mentioned that they had been directed from Ramallah, specifically by al-Tayyib 'Abd al-Rahim, but the Authority in Ramallah denied any involvement in the conspiracy.[143]

On 25/7/2008, an exploded bomb caused the death of five members of al-Qassam Brigades (including a leader) and a child. The Ministry of Interior accused some of Fatah members living in the security square of the Hillis family. Attempts were made to arrest them in coordination with the notables of this family, but they failed, thus the security forces forcefully penetrated the square on 2/8/2008 causing the death of 11 persons, eight from the Hillis family, two policemen and a member of Marshoud family, while 107 were wounded, of whom seven were serious cases. The Israeli authorities allowed 188 members of the Hillis family to enter Israel, but only after it fired at them killing four and wounding others, including Fatah leader Ahmad Hillis.[144]

Some betted on the family security squares to be quagmires for further security chaos that would lead to the collapse of the government, but they were taken by the decisive and suppressive capability of Haniyyah's government. The operation of controlling the square of the Hillis family coincided with a widespread campaign against Fatah in GS, where 400 persons were arrested and all of Fatah institutions and societies were placed under government control. This was the heaviest blow that Fatah suffered in the Strip. For, unlike Fatah, Hamas did not take after its

decisive operation of 2007 any sweeping measures against Fatah presence in Gaza. On the contrary, it allowed its leaders and institutions to function, including the five Fatah provisional governors appointed by President 'Abbas. All the offices of the PLO, Fatah, and the pro-Fatah Palestinian popular organizations remained open. Moreover, work remained as usual in the Palestine News & Information Agency (WAFA) and the Palestine television, which were both controlled by President 'Abbas. While the correspondents of *al-Aqsa* television were not allowed to operate in the WB and the Gaza newspapers were denied access to the WB, their counterparts, in the WB, which were largely affiliated to Fatah, were allowed entry and circulation in Gaza.[145] Moreover, the dismissed government released most of the detainees, and returned to Fatah more than twenty of its institutions and societies.[146]

After a security campaign against the district controlled by Dughmush family in al-Sabrah square of Gaza city, the government of Haniyyah suppressed in September 2008 the last security square in the Strip. However, the battle led to casualties: 11 dead of the Dughmush family, including a boy and a child, as well as a policeman, and 42 were wounded of whom ten were policemen. The security men had reportedly used excessive power, committed transgressions that lead to the death of the nursed child, and they executed some members of the family while under detention, which was, however, denied by the spokesman of the police. The latter added that 15 were arrested because of criminal charges, and that the campaign was launched only after the wanted refused to surrender themselves.[147]

We do not have detailed statistics on the casualties of the security chaos during the year, and the figures provided by some institutions need to be scrutinized, as the definition of "security laxity" vary from one place to another. Nonetheless, some data indicate 28 dead and 70 wounded, of whom 19 dead and 53 wounded were from Gaza, and 9 dead and 17 wounded were from the WB.[148] However, we should note that the casualties of the security laxity in 2006 were 260 dead and 1,239 wounded, while in 2007 they totaled 482 dead and 2,371 wounded.[149] Thus, all in all, the phenomenon of security laxity had subsidized in 2008 compared to 2007.

Eighth: The Impact of the Israeli Aggression on GS on Internal Conditions

The suffocating siege and the barbaric aggression were two of the Israeli primary instruments to pressure Hamas and the dismissed government into failure and downfall, to prove their paralysis in providing the daily needs of the Palestinian people and to exhaust their energy in finding bread and medicine. Israel strove to impress upon the Palestinians that what Hamas, the Islamic trend and the resistance trend are doing is futile and will lead to nothing but daily hardship and political retreat. Moreover, it tried to persuade the Palestinians to put their humanitarian needs ahead of their national aspirations. Thus, Israel tried to be a major, if not the primary, player in making the Palestinian internal decision where it defines the Palestinian maximum national demands, and who should represent the Palestinian people according to its rules of the game.

The Israeli (as well as the Arab and international) siege of Gaza continued at varying degrees throughout the year 2008, and the Strip suffered from two extensive aggressions (27/2-5/3/2008 and 27/12/2008 to 18/1/2009). The war took a turn of being, so to speak, "a struggle of wills", and not merely infliction of casualties on human beings, trees, and stones. When one of the strongest armies in the world attacks a resistance movement with limited capabilities and in one of the most populated areas in the world, and without any moral or legal deterrent or fear from punishment, the outcome in terms of casualties should be known in advance. Thus, breaking the will of the Palestinians was, and still is, the most important achievement to the Israelis. Having this in mind, the Israeli policy failed to achieve its objectives throughout the year 2008, it even had negative consequences following the major aggression on the Strip towards the end of the year.

The six-month period of ceasefire, which expired on 19/12/2008, was negatively assessed by the resistance factions in a meeting that they had just before its end. For Israel had violated it 185 times, continued its siege and killed 21 Palestinians. Hence, Hamas and the resistance factions refused to renew it unless and until the siege is lifted, and they resumed their launching of bombs and rockets on the Israeli site. Several factors had triggered the Israelis to believe that the time was opportune to reap the fruits of their long military preparations, namely the desire of the Israeli government parties to consolidate their positions in the forthcoming elections, the failure of Cairo dialogue, the frustration of the Egyptian regime with

Hamas, the concern of the Palestinian leadership in Ramallah of probable steps by Gaza on the eve of the almost expired presidency of 'Abbas (only few days to go), and the transition period just before the end of the presidency of George Bush and the beginning of his successor Barack Obama.

The Israeli aggression continued for 22 days. The suffering was huge and the destruction was colossal, but the resistance was heroic and the Palestinian support to it was extensive and increasing. The casualties were heavy: 1,326 killed including 417 children and 108 women, 5,450 wounded of whom half were children and women. The invaders totally destroyed four thousand houses and 16 thousand others were partially damaged, and the cost of the loss totaled two billion dollars. Official Israeli statistics gave their death toll as ten soldiers and four civilians; though we know that the Israelis imposed strict restrictions on the media, and some oral Israeli sources gave their dead as about seventy.

The leaders of the aggression did not spell out the objectives of their campaign. However, there was a debate whether it should end by the downfall of Hamas government in the Strip, and to provide the suitable environment for the resumption there of the rule of the Authority in Ramallah and Fatah. Even if this was a desirable Israeli objective, its vivid announcement may lead to negative consequences among the Palestinians who were keen to have the prerogative of their independent national decision, and who object to the imposition of Israeli conditions on them. Others argued that the continuation of the Palestinian schism was in the interest of Israel as long as the Gaza Authority is "tamed" and weakened to perform the role of a policemen that nibs in the bud any resistance movement in Gaza, if, of course, it wanted to remain and continue in power. However, there was an Israeli consensus that the launching of rockets and the smuggling of weapons should stop, and there was a talk on truce for several years (if Hamas continued in power). But no concrete commitments were offered by Israel to discard playing with the siege card even if the truce materialized. No doubt, Israel aimed at inflicting on the resistance and its infrastructure the maximum possible damage, and to punish and terrorize the inhabitants for their selection of Hamas and the resistance trend in the hope that this would weaken the grip of Hamas on the affairs of Gaza and incite the inhabitants to rise against it.

The extensive study on the Israeli military plan, the duration of the aggression, the extensive bombardment, the mobilization of the reserve forces, the

entrenchment of the tanks in areas void of resistance, and the repeated attempts to probe and break through most of the confrontation lines cannot possibly be interpreted militarily except as an attempt to explore extending the declared ceiling to achieve an overwhelming invasion, even a temporary one, to impose surrender on the resistance and to break the will of the people. This explains why the invasion continued for such a long period -22 days- during which the Israeli leaders resisted and bore formidable pressure to stop the aggression. They also intentionally used prohibited weapons, and shouldered immense deterioration in the credibility and status of Israel. If they had the opportunity, they would not have hesitated to undertake an invasion and occupation operation that would enable them to arrest and/or kill the leaders of the resistance and to impose their conditions. Hence, the unconditional stoppage by Israel of its aggression, its total evacuation of the Strip, and the failure of its declared and non-declared objectives should be read as a victory for GS, its people, and resistance, which is of no less significance than al-Karama and other heroic battles.

On the commencement of the aggression, Khalid Mish'al called for unity and the organization of the resistance versus the aggression, and for the initiation of a third *Intifadah* in the WB. Admittedly, Hamas did not forecast the first strike, hence its initial losses, particularly in the police force, were huge. But it quickly absorbed the strike, and managed to administer the internal situation without experiencing troubles and chaos as many had expected. Within its limited means, the interior and Diaspora Hamas' leadership administered the military, political, and media battles wisely and steadfastly. Hamas, PIJ and other resistance factions continued to fire rockets and to a wider range throughout the battles' days, which demonstrated the great effort that al-Qassam Brigades and Saraya al-Quds had exerted in armament and preparations for the battle. Hamas succeeded to secure wide Palestinian, Arab and Islamic support to its decision to stand firm and to defend the Strip, and it rallied PIJ and other resistance movements behind its line of policy. Some of the PLO factions, particularly the PFLP, had also favorably responded to Hamas' strategy,[150] and there were calls amongst these factions for a unified leadership in the battlefield to confront the aggression.

Hamas and its government had consistently insisted throughout the duration of the aggression on the following conditions to stop the fighting, which received wide popular and factional support: the stoppage of the Israeli aggression, withdrawal

of the Israelis outside the Strip, the end of the siege, and the opening of all the crossings, including Rafah. This persistence coupled with Hamas' resistance to all kinds of pressure and the courage and sacrifices of the fighters won the movement the trust of the Palestinian street. Notwithstanding the violent targeting of the civilians in the hope that they turn against Hamas and its government, the people patiently bore the hardship, continued the culture of resistance and increased their support to the movement. When the Israelis were obliged to stop their aggression and withdrew from the Strip without achieving their declared objectives of stopping the rockets and "the smuggling" of weapons, Hamas declared its victory against the Israelis in the battle of breaking the wills. Hence, Hamas performance during the aggression belied the expectations of its enemies and adversaries, and won it immense popular, political, and media support. While the circle of those who betted on Hamas' downfall or marginalization had sharply narrowed, the movement won considerable supporters for its absorption in the Palestinian political system, and to ease its Arab and international isolation. Khalid Mish'al maintained, "This is the first real and big war in which our people achieved victory in their land," and he viewed it as "a watershed in the conflict with the Zionist enemy," and added, "with its implications, achievements, timing, and greatness, this battle lay the foundation for a serious and effective strategy for liberation that starts in Palestine, and, with the support of the Ummah, extends everywhere."[151]

PIJ stood side by side with Hamas in rejecting the ceasefire period and in confronting the aggression. Ziyad Nakhala, the Deputy Secretary-General of PIJ, said, "We are now nearer to Hamas than anytime before… Israel will never ever achieve its primary goal of this war, namely, to overthrow the system and to surrender to the Israeli will, and to restore Abu Mazin."[152] Ramadan Shallah, the Secretary-General of PIJ, criticized the position of the PA and some Arab regimes, which, in his opinion, superseded the limit by giving the occupation the green light to execute its massacres in Gaza, at least by keeping conspicuously silent.[153] Practically, PIJ effectively participated in repelling the Israeli aggression; it continued firing the rockets and 35 of its resistors died in combat.

The political reaction of a number of Fatah leaders was supportive to the resistance and its steadfastness versus the Israeli aggression. The movement cancelled the festivals that it planned to have on the occasion of its 44th anniversary. Qaddura Faris called upon all the Palestinians, particularly those in Fatah, to supersede their political differences, and to unite in one front against the

aggression.[154] 'Abbas Zaki said, "Gaza will never come to its knees, the resistance will be victorious," and added that all the members of Fatah are potential martyrs.[155] On the end of the aggression, Hani al-Hassan congratulated Hamas and the resistance for "the victory that they achieved in repelling the Zionist occupation of GS."[156]

Notwithstanding the positive language during the war and the consensus of proceeding towards the national dialogue after its end, a number of influential critics raised their voice again, which had partially resumed an environment of verbal exchanges between the two sides. Ahmad 'Abd al-Rahman bitterly criticized Hamas' "claim" of victory, and added, "They talk of illusionary victories, they should come out of their holes to see what happened in Gaza."[157] 'Azzam al-Ahmad accused Hamas of exploiting the people's needs for ulterior political objectives, while Fatah accused Hamas of liquidating some of its members, and it distributed a list of 17 names allegedly killed by Hamas.[158] But Hamas denied this accusation, and said that the ones who were sentenced to death were convicted spies, trouble makers or agents who guided the occupation planes to bombard the resistance sites.

The military wings of Fatah, the PFLP and DFLP, the Committees of Popular Resistance, and the PFLP-GC had all participated in resisting the aggression, each within its capabilities. This indicated that the resistance of the occupation is the focal point that unites all the Palestinians, and that whenever a high sense of responsibility prevails, all problems, real or imaginary, will vanish.

The performance of the PA in Ramallah at the beginning of the aggression was perplexed and vague, and the war tantamountd to a "political catastrophe" to it.[159] By the beginning of the war, some of the influential symbols of the Authority held Hamas more responsible than Israel. Nimr Hammad, an advisor of President 'Abbas, said that the leaders of Hamas are "participants" in the Israeli crime against Gaza, and that "Hamas should know what it means to undertake reckless adventurism...," while al-Tayyib 'Abd al-Rahim, the Secretary-General of the Presidency, called upon the inhabitants of Gaza to be patient, emphasizing that the "legitimacy" will return to Gaza.[160] But the colossal damage of the civilians and their steadfastness as well as that of the resistance triggered the symbols of the Authority to be more expressive and frank in condemning the Israeli aggression, and in their call to initiate the dialogue and to put the Palestinian house in order. The

Authority also freezed the settlement negotiations with Israel.[161] President 'Abbas said, "We will not accept the destruction of Hamas in order to replace it, our main concern is to stop the aggression against the Palestinian people, the only means to end the schism is dialogue and dialogue only."[162] But the Authority in Ramallah did not take practical measures to compel Israel to soften its intransigence, such as allowing demonstrations and sit-ins in the WB, release of the resistance's detainees, reopen the societies and the institutions that it closed down, and others.

Though the Egyptian initiative and the Security Council resolution 1860 included some loopholes that led Hamas and the resistance factions to voice reservations on them, the Authority in Ramallah viewed the resolution positively, being "an important step."[163] President 'Abbas called upon Hamas to accept the Egyptian initiative "without any hesitation," adding that the party which rejects it should "bear the responsibility of the cataract of blood."[164] But this initiative did not condemn the Israeli aggression, did not distinguish between the aggressor and the victim of aggression, and neither clearly demanded the withdrawal of Israeli forces from the Strip nor dealt directly with the Palestinian partner that administered and defended Gaza i.e. Hamas and its government.

The inability of the people of the WB to demonstrate and to organize popular reactions demonstrated the extent of the tight grip of the Authority's security forces, and the destruction that they caused in the popular and social institutions. The extensive security measures had, furthermore, revealed the extent of the fear of the Authority from any widespread protest movements against it, and its concern that they reflect the popularity of Hamas and the resistance trend in the WB.

The confusion of the Authority was also clearly seen in its last minute apology to attend Doha summit that discussed on 16/1/2009 the Israeli aggression on Gaza. President 'Abbas admitted that the pressure that he was exposed to prevented him from participation, and added that if he came to the summit, he will "slain himself from the artery to the artery."[165] However, Hamas filled this vacuum, and Khalid Mish'al delivered in the opening session the speech of Hamas and the resistance, which was viewed as a political and media victory to Hamas.

Hamas administered the battle by itself and in cooperation with the resistance factions in Damascus. However, despite the capability and wisdom that it demonstrated, the movement had not sufficiently and in details coordinated with the movements and the factions that rallied for its support. Moreover, it did not

capitalize on the positive transformation in the position of the PFLP in order to consolidate the partnership that emerged with it and other factions in order to meet the needs related to the confrontation of the aggression, lifting the siege and the reorganization of the Palestinian house.[166] We should note here that the PFLP was crippled by some internal scuffles and, in one way or another, by the positions of its pro-Authority deputy secretary-general. However, after the war, Hamas seemed to have provoked the fears of these factions by its call for finding an alternative legitimacy to the PLO, which had drained some political gains achieved during the aggression.

An outcome of the aggression on Gaza was the acceleration of the pace of the Egyptian patronized internal Palestinian dialogue. It held several sessions in Cairo during the months of February and March 2009, which succeeded in bridging the gap on several questions, though there are still many primary standing issues, which, God willing, may be discussed in the next Strategic Report.

Conclusion

The year 2008 was the year in which, so to speak, the Palestinian camel carried the water on its back, but without being able to drink it!! The schism continued throughout the year, but it was not a mere struggle for power, rather it essentially reflected a deep political conflict and a difference between two paths and visions for the Palestinian national struggle, which may take time to be reconciled or to be decisively settled one way or the other. The adversaries failed to sit on the same negotiation table, and an environment of finger-pointing, lack of trust, and preconditions prevailed.

The government of Salam Fayyad harmonized with Oslo Accords and the provisions of the Road Map. It held the Palestinians' hand and tracked the resistance, but it was unable to get the least guarantees from the Israelis to stop the settlements, confiscation of land, Judaization, detention and assassinations.

As for Haniyyah's government it survived between two alternatives, either the siege and slow death, or the downfall and marginalization, even uprooting if the course of Oslo program or the Road Map is destined to take up the administration of Gaza. Its success was in its ability to survive in almost impossible circumstances

and at a high cost of siege and destruction for one and a half million Palestinians. Its continuation in arming itself and preparing to confront the Israeli penetration was a testimony of determination to stand firm and secure the success of the resistance option that it patronized.

The Palestinian "legitimacies" were examples of partial legitimacies in relation to each other and to the outside world, be it the legitimacy of Salam Fayyad or Isma'il Haniyyah. By the end of 2008, the legitimacy of President 'Abbas itself has become questionable, as Hamas does not recognize his presidency which it considers to have legally expired on 8/1/2009, a development that had complicated the internal Palestinian scenario. However, due to the Israeli aggression on the Strip and its consequential complexities, and in the light of the subsequent conducive environment for national conciliation, Hamas preferred not to be dragged into a new phase of "breaking the bone". On another vein, the executive and legislative institutions of the PLO, including the Executive Committee, were legally a decade or so overdue, and the organization no longer reflected the Palestinian reality or the Palestinian forces on the ground. This crisis of "legitimacies" indicates the urgent need for the reorganization of the Palestinian house, which should be placed at the top of the priorities of the national program.

The "loss" of both the "direction" and "the compass" of the Palestinian national path coupled with the contradiction in the programs and style of leadership of Ramallah and Gaza had catastrophic consequences on the Palestinian national program which, sadly, is viciously revolving around itself. This state of "perplexity", which the Palestinian internal scene had experienced throughout the year 2008, had its repercussions on the dialogue between Fatah and Hamas. The play of "finger biting" between Fatah and Hamas continued, each waiting for the other to cry first, or for time to play in its favor. However, practically, the Israeli-American conditions had in advance fixed a ceiling for any Palestinian dialogue, whereby Hamas should "undertake" to recognize the agreements that the PLO had signed and the legitimacies that it accepted. The inherent condition for the formation of a government that lifts the siege was the acceptance of these undertakings. Thus, the Israelis and Americans were instrumental in making the Palestinian decision, though they are not physically present in the dialogue sessions, which Hamas had appropriately called the American veto. Therefore the crux of the matter lies in the response to the following question: How far are the Palestinians ready to shoulder

the consequences of their insistence to freely choose their path and to have their historical and legitimate rights, or will they offer concessions in line with "the reality" of the situation, the balance of power and the available capabilities, and to rescue whatever may be rescued?

Hence, it is necessary to liberate the Palestinian will, not to bet on the aids of the donor states, and to refuse the conditions laid in return for the Israeli-American recognition. There should also be a consensus on the opening of Rafah crossing and the other crossings and on the reconstruction issue, to refrain from using the question of the siege in internal politics, and to consolidate the steadfastness and resistance of the Palestinian people. Equally important is the urgency of forming a government to confront the siege, Judaization, Jewish settlements, the racial wall, and other issues.

Despite some serious attempts and after 19 years of impatient waiting, Fatah failed to convene its Sixth Congress, and the internal crisis is ongoing. The arguments for postponement and delay will continue to be effective unless a "magic" deal is concluded that will address the previous considerations, and observe the interests of the "big shots" and the effective trends in the movement.

Notwithstanding the killing and destruction resulting from the Israeli war on Gaza, the courage and perseverance of the resistance and the wisdom and steadfastness of its leadership, coupled with Palestinian, Arab, Islamic, and even international rally behind it and its victory in the battle of "breaking the wills" through failing the Israeli attack, were all instrumental in gaining Hamas and the resistance trend increasing political and media popularity. This victory created a status of apathy and disillusion among the enemies and the adversaries that it is unlikely to fail and eradicate Hamas; thus has been the drive towards dialogue and reorganization of the Palestinian house. However, there are still a number of formidable predicaments in its way, which requires immense determination and a high sense of responsibility, and to place the supreme interests of the Palestinian people ahead and above foreign pressure and narrow personal and partisan interests.

Endnotes

[1] Statement of Fayyad published by *al-Hayat al-Jadidah* newspaper, Ramallah, 11/11/2008.
[2] Although we emphasize the unity of the country and the rejection of schism, 47 members of the PLC in the WB are from Hamas, and 29 are from Fatah. While Premier Fayyad represents a bloc in the PLC that has only two members (1.5%).
[3] *Assafir* newspaper, Beirut, 30/8/2008.
[4] Reuters News Agency, 7/7/2008, see: http://ara.reuters.com; and *al-Hayat* newspaper, London, 2/8/2008.
[5] *Asharq al-Awsat* newspaper, London, 28/7/2008.
[6] *Al-Khaleej* newspaper, al-Shariqa (United Arab Emirates), 11/8/2008.
[7] *Felesteen* newspaper, Gaza, 18/12/2008.
[8] *Al-Hayat*, 2/8/2008; *al-Khaleej*, 8/8/2008; and *Annahar* newspaper, Beirut, 10/8/2008.
[9] *Al-Khaleej*, 14/3/2008; and *Alghad* newspaper, Amman, 31/8/2008.
[10] See the study of the Palestinian Economic Council for Development and Reconstruction (PECDAR) on the financial situation in Gaza, in: www.pecdar.ps/pdfs/emp.%20report.pdf
[11] See Amad for Information report, 18/6/2008, in: http://amad.ps/arabic/?action=detail&id=13095
[12] See Ibid.; and see The Arabic Network for Human Rights Information (ANHRI), 7/4/2008, in: http://auhri.net/palestine/mezan/2008/pro407-2.shtml
[13] The site of Aljazeera.net, 14/4/2008, see: www.aljazeera.net
[14] *Al-Hayat*, 6/2/2008.
[15] *Al-Khaleej*, 24/6/2008.
[16] See the statement of 'Azzam al-Ahmad, *al-Quds al-Arabi* newspaper, London, 29/4/2008; and the statement of 'Abdullah 'Abdullah, *Okaz* newspaper, Jeddah (Saudi Arabia), 29/4/2008.
[17] *Al-Khaleej*, 5/6/2008.
[18] The Palestinian Information Center, 15/1/2008, see: http://www.palestine-info.info/ar
[19] Ibid.
[20] *Al-Hayat*, 1/1/2008.
[21] *Al-Hayat*, 27/2/2008.
[22] *Al-Quds al-Arabi*, 12/11/2008.
[23] See the statement of 'Azzam al-Ahmad, *al-Quds al-Arabi*, 20/9/2008; and the site of Arabs48, 23/8/2008, see: www.arabs48.com; and *Alghad*, 5/11/2008; and the statement of al-Efrangi, *al-Khaleej*, 6/11/2008; and the statement of Qaddura Faris, Quds Press International Agency, 29/9/2008.
[24] *Al-Hayat al-Jadidah*, 1/8/2008; and see *Albayan* newspaper, Dubai (United Arab Emirates), 12 and 24/11/2008.
[25] See the statements: Muhammad Nazzal, Aljazeera.net, 27/4/2008; Fawzi Barhum, *Asharq al-Awsat*, 6/7/2008; 'Izzat al-Rishq, The Palestinian Information Center, 6/7/2008; Khalid Mish'al, *Annahar*, 16/7/2008; Isma'il Radwan, *al-Quds al-Arabi*, 22/7/2008; Mahmud al-Zahar, *al-Quds al-Arabi*, 13/8/2008; and Sa'id Siyam, *al-Khaleej*, 27/10/2008.
[26] Aljazeera.net, 25/6/2008.
[27] *Asharq al-Awsat*, 5/1/2008.
[28] *Al-Ahram* newspaper, Cairo, 24/1/2008; *Addustour* newspaper, Amman, 24/1/2008.
[29] *Al-Hayat*, 26/1/2008.
[30] *Al-Watan* newspaper, Abha (Saudi Arabia), 26/1/2008.
[31] *Al-Hayat*, 27/1/2008.
[32] *Al-Hayat*, 28/1/2008.
[33] Aljazeera.net, 24/3/2008.

[34] *Al-Khaleej*, 25/3/2008.
[35] Aljazeera.net, 24/3/2008; and *Asharq al-Awsat*, 25/3/2008.
[36] *Al-Hayat*, 24/3/2008.
[37] *Al-Ayyam* newspaper, Ramallah, 30/3/2008.
[38] *Alarab* newspaper, Doha, 4/4/2008.
[39] *Asharq al-Awsat*, 1/4/2008.
[40] *Asharq al-Awsat*, 1/4/2008.
[41] *Addustour*, 8/4/2008.
[42] *Alghad*, 30/5/2008.
[43] *Al-Hayat*, 10/6/2008.
[44] See for example: Sami Abu Zuhri statement, The Palestinian Information Center, 8/6/2008; and Muhammad Nazzal statement, Quds Press, 11/6/2008.
[45] Nabil 'Amr reported to say that Mahmud 'Abbas did not intentionally meet Khalid Mish'al during the former visit to Damascus because of Mish'al's "provoking" letter to some Arab leaders. See *al-Hayat*, 10/7/2008; and see a comment of 'Abbas in the same sense in *al-Hayat*, 30/7/2008.
[46] See *al-Khaleej*, and *al-Sharq* newspaper, Doha, 10/8/2008. Hamas has sent its responses to the Egyptian questions according to the broad outlines that had been published by *Asharq al-Awsat* on 7/7/2008.
[47] *Al-Quds al-Arabi*, 22/7/2008.
[48] *Al-Khaleej*, 7/9/2008.
[49] *Okaz*, 30/9/2008.
[50] *Okaz*, 6/10/2008.
[51] See for example: Qaddura Faris statement, Quds Press, 12/10/2008; and Mahmud 'Abbas statement, *al-Khaleej*, 21/10/2008.
[52] See Sami Abu Zuhri statement, *al-Khaleej*, 29/10/2008; and 'Izzat al-Rishq statement, Arabs48, 3/11/2008.
[53] See Nabil Sha'th Statement, *al-Quds al-Arabi*, 5/11/2008; and Mahmud 'Abbas statement, *Asharq al-Awsat*, 8/11/2008.
[54] *Alghad*, 9/11/2008.
[55] *Al-Hayat*, 9/11/2008.
[56] See 'Azzam al-Ahmad statement, *Okaz*, 9/11/2008; and Mahmud 'Abbas address on the anniversary of 'Arafat demise, *al-Quds al-Arabi*, 12/11/2008.
[57] See the statement of Musa Abu-Marzuq, *al-Quds al-Arabi*, 11/11/2008.
[58] See the statement of Khalil al-Hayyah, *Felesteen* newspaper, 12/11/2008.
[59] See Khalid Mish'al statement, *al-Hayat*, 24/11/2008.
[60] *Alquds* newspaper, 9/11/2008.
[61] *Alghad*, 9/11/2008.
[62] *Al-Hayat al-Jadidah*, 10/11/2008.
[63] *Al-Hayat al-Jadidah*, 12/11/2008.
[64] See for example: the statement of Ahmad 'Abd al-Rahman, *al-Hayat al-Jadidah*, 28/12/2008.
[65] See Ahmad al-Khalidi, *al-Tada'iyat al-Qanuniyyah li-Intiha' wilayat al-Ra'is Mahmud 'Abbas* (The legal ramifications for the end of the President 'Abbas' term), al-Zaytouna Centre for Studies and Consultations, Beirut, 6/9/2008, in: http://www.alzaytouna.net/arabic/data/attachments/ReportsZ/Legal-Implications-Abbas-Term-End-Khalidi_9-2008.pdf
[66] *Okaz*, 30/6/2008.
[67] *Al-Quds al-Arabi*, 30/6/2008.
[68] Al-Zaytouna Centre for Studies and Consultations has published the memorandum of al-Khalidi, along with other four contributions on the same subject written by: Walid 'Abd al-Hayy, 'Abd al-Sattar Qasim, Shafiq al-Masri and Muhammad Sa'id Idriss. See the articles in the Website of al-Zaytouna: http://www.alzaytouna.net/arabic/

[69] See Wasil Abu Yusuf statement, *al-Hayat*, 23/9/2008; and the statement of Mahmud 'Abbas, *Albayan*, 21/10/2008.
[70] *Al-Akhbar* newspaper, Beirut, 6/10/2008, quoting *The Jerusalem Post* newspaper, 5/10/2008.
[71] See Fawzi Barhum statements, *al-Khaleej*, 12/10/2008; and Salah al-Bardawil, Ma'an News Agency, 13/12/2008; and 'Aziz Dweik, *al-Hayat*, 17/12/2008.
[72] *Almustaqbal* newspaper, Beirut, 20/10/2008.
[73] See *al-Hayat*, *Annahar*, and *Alghad*, 24/11/2008.
[74] *Alarab*, 27/11/2008.
[75] See for example: The Palestinian Information Center, 23/11/2008; and *al-Hayat*, 24/11/2008.
[76] Arabs48, 12/10/2008, see: http://www.arabs48.com
[77] *Alghad*, 26/10/2008.
[78] *Al-Khaleej*, 3/12/2008.
[79] See the statement of Hisham Abu Ghosh, the member of PFLP, *al-Hayat al-Jadidah*, 23/11/2008.
[80] *Assafir*, 5/12/2008.
[81] *Al-Quds al-Arabi*, 20/12/2008.
[82] *Addustour*, 30/9/2008.
[83] *Asharq al-Awsat*, 6/1/2008.
[84] *Alarab*, 24/2/2008.
[85] See: *al-Quds al-Arabi*, 5/4/2008.
[86] *Al-Quds al-Arabi*, 22/4/2008.
[87] *Al-Hayat al-Jadidah*, 13/6/2008.
[88] *Al-Quds al-Arabi*, 25/7/2008.
[89] *Albayan*, 31/7/2008. The same reference reported that the five leaders of Fatah who opposed to the convention of the congress in the West Bank are: Faruq Qaddumi, Hani al-Hassan, Muhammad Jihad, Abu Mahir Ghneim and Salim al-Za'nun.
[90] *Al-Quds al-Arabi*, 4/8/2008.
[91] Quds Press, 17/8/2008.
[92] *Al-Quds al-Arabi*, 25/10/2008.
[93] See Ma'an News Agency, 9/11/2008; and see about the sensitivity of the financial paper: *al-Quds al-Arabi*, 9/8/2008.
[94] *Alghad*, 15/12/2008.
[95] *Al-Khaleej*, 16/12/2008; and see a statement of Hani al-Hassan quoted him in *Felesteen* newspaper on 26/12/2008. Al-Hassan was said to say that the members of the Central Committee are paid $25 thousand per month, thus some of the committee members is no willing to lose such a salary by leaving his.
[96] *Al-Hayat al-Jadidah*, 16/12/2008.
[97] *Al-Quds al-Arabi*, 16/1/2008.
[98] Ma'an News Agency, 14/2/2008.
[99] *Asharq al-Awsat*, 16/2/2008.
[100] *Al-Hayat*, 17/2/2008.
[101] *Alarab*, 24/2/2008.
[102] *Al-Akhbar*, Beirut, 13/10/2008.
[103] *Al-Ayyam*, Ramallah, 20/3/2008.
[104] *Al-Quds al-Arabi*, 21/3/2008.
[105] *Al-Quds al-Arabi*, 7/4/2008.
[106] *Al-Hayat*, 19/12/2008.
[107] *Annahar*, 13/11/2008.
[108] *Al-Sharq*, Doha, 10/8/2008. Although 'Abd Rabbuh was dismissed from Fida party after several years of his appointing in the Executive Committee of the Organization, he kept his position in the latter.
[109] *Al-Sharq*, Doha, 27/8/2008.

[110] *Alhaqaeq* newspaper, London, 15/3/2008, in: http://www.alhaqaeq.net/?rqid=9&secid=3&art=84643
[111] *Al-Sharq*, Doha, 10/8/2008; and *al-Hayat*, 17/10/2008.
[112] *Al-Hayat*, 17/10/2008.
[113] Quds Press, 23/11/2008.
[114] *Al-Khaleej*, 23/4/2008.
[115] *Addustour*, 8/8/2008.
[116] *Al-Khaleej*, 6/5/2008.
[117] *Asharq al-Awsat*, 28/10/2008.
[118] *Al-Hayat*, and *al-Quds al-Arabi*, 8/1/2008.
[119] *Al-Sharq*, Doha, 24/1/2008.
[120] *Addustour*, 13/9/2008.
[121] British Broadcasting Corporation (BBC), 19/10/2008, in: http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_7678000/7678733.stm
[122] *Al-Quds al-Arabi*, 22/9/2008.
[123] Ma'an News Agency, 2/12/2008.
[124] *Al-Quds al-Arabi*, and *Albayan*, 28/5/2008.
[125] *Haaretz* newspaper, 6/4/2008.
[126] See: *al-Quds al-Arabi*, 8/1/2008 and 28/10/2008; *Addustour*, 8 and 24/10/2008; and *Asharq al-Awsat*, 28/10/2008.
[127] BBC, 19/10/2008, in: http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_7678000/7678733.stm
[128] Arabs48, 7/1/2008, in: http://www.arabs48.com/display.x?cid=6&sid=6&id=51249
[129] See: al-Dameer Association for the Human Rights-Gaza, 23/2/2008: http://www.addameer.org
[130] Site of Albian Center for Information, 13/11/2008, in: http://www.albian.ps/ar/portal/01942ed0-9740-47f1-beef-0577d59f78d3.aspx
[131] BBC, 19/10/2008, in: http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_7678000/7678733.stm; and *al-Quds al-Arabi*, 1/11/2008.
[132] Reuters, 4/12/2008; and *al-Quds al-Arabi*, 5/12/2008.
[133] BBC, 19/10/2008, in: http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_7678000/7678733.stm
[134] *Al-Khaleej*, 16/10/2008; and see Nimr Hammad statement, Aljazeera.net, 30/10/2008; and the statement of Sa'di al-Karnaz, *al-Quds al-Arabi*, 2/8/2008.
[135] *Asharq al-Awsat*, 8/11/2008.
[136] *Al-Ayyam*, Ramallah, 15/4/2008.
[137] *Asharq al-Awsat*, 27/5/2008; *al-Quds al-Arabi*, and *al-Watan*, Saudi Arabia, 28/5/2008.
[138] BBC, 19/10/2008, in: http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_7678000/7678733.stm; and *al-Quds al-Arabi*, 12/11/2008.
[139] *Al-Khaleej*, 31/10/2008; and *al-Hayat*, 31/10/2008.
[140] *Al-Ayyam*, Ramallah, 1/1/2008; and Sama News Agency, 1/1/2008.
[141] *Al-Khaleej*, 3/6/2008.
[142] The Palestinian Information Center, 1/1/2008.
[143] See *al-Hayat*, *Asharq al-Awsat*, and *al-Khaleej*, 20/1/2008.
[144] See *al-Hayat*, *Asharq al-Awsat*, 4/8/2008.
[145] See *al-Sharq*, Doha, 1/8/2008.
[146] See *al-Khaleej*, 8/8/2008.
[147] See *al-Hayat*, 17/9/2008; and Human Rights Watch Report about Israel and the Occupied Palestinian Territories for the year 2008, in: http://www.hrw.org/en/world-report/2009-5

[148] See the report of the Palestinian Center for Human Rights in: http://www.pchrgaza.org/PCHR/a/campaigns_field.html
[149] Palestine News & Information Agency (WAFA), 13/1/2008; and Al Mezan Center for Human Rights, in: http://www.mezan.org/site_ar/insecurity/insecurity_statistics.php
[150] See Bashir Mussa Nafi', *al-Harb 'ala Qita' Ghazza* (The War on Gaza Strip), Aljazeera Studies Center, 26/3/2009, in: http://www.aljazeera.net/NR/exeres/49FB5319-C422-4491-889C-88F8A1D1BC69.htm
[151] The Palestinian Information Center, 21/1/2009.
[152] *Al-Hayat*, 28/12/2008.
[153] The Palestinian Information Center, 29/12/2008.
[154] Quds Press, 27/12/2008.
[155] *Almustaqbal*, 5/1/2009.
[156] *Asharq al-Awsat*, 25/1/2009.
[157] *Al-Quds al-Arabi*, 20/1/2009.
[158] See *Asharq al-Awsat*, 25/1/2009; and BBC, 24/1/2009, in: http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_7848000/7848888.stm
[159] See Bashir Mussa Nafi', *op. cit.*
[160] Aljazeera.net, 28/12/2008.
[161] Reuters, 29/12/2008.
[162] *Al-Hayat al-Jadidah*, 6/1/2009.
[163] *Al-Hayat*, 10/1/2009.
[164] *Al-Hayat*, 11/1/2009.
[165] *Al-Watan* newspaper, Doha, 17/1/2009
[166] See Bashir Mussa Nafi', *op. cit.*

This Report

The Palestinian Strategic Report 2008 is the fourth in a series of annual resourceful scientific studies. This Report aims at monitoring the Palestinian issue through an informative and analytical approach. The Report covers the Palestinian internal political situation, the Israeli scene and the Israeli-Palestinian relations. It focuses on the Arab, Islamic, and International stances towards the Palestinian issue, in addition to the issues concerning the Land and holy sites. The Report also analyzes the Palestinian demographic and economic indicators. Hence, it provides a comprehensive meticulous reading of the current situation.

This Report is distinguished for its updated information till the end of 2008 and for its outstanding team of academics and experts.

Despite the heat and sensitivity of the issues discussed, the Report did its best endeavors to be professional, scientific and objective. Thus, this Report is an unequivocal addition to the area of the Palestinian studies.

The Palestinian Strategic Report 2008

Al-Zaytouna Centre for Studies & Consultations
مركز الزيتونة للدراسات والاستشارات
P.O. Box: 14-5034 Beirut - Lebanon
Tel: +961 1 803 644 | Tel-Fax: +961 1 803 643
info@alzaytouna.net | www.alzaytouna.net

ISBN 978-9953-500-68-3