



Academic Study

# Neopatrimonialism in the Palestinian Authority



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# Neopatrimonialism in the Palestinian Authority

Ashraf ‘Uthman Badr<sup>1</sup>

## Summary

This paper aims to study and analyze the system of governance in the Palestinian Authority (PA) from its inception in 1994 until 2020. It seeks to answer a central question related to the system type of the PA, while exploring other sub-questions, primarily how much neopatrimonialism (the new patrimonialism) applies to the PA. The study uses an interdisciplinary methodology, with a review of the literature on the topic and referring to publications issued by the PA, in addition to interviewing and viewing in an objective rather than a chronological sequence.



The theoretical importance of the study lies in affirming the continuation of the PA neopatrimonial system of governance from its inception until the writing of this study. The study argues that the predicament the PA faces is a structural one. It has preceded its establishment and was the result of the prevalence of authoritarianism, which is one of the characteristics of the neopatrimonial system of governance.

## Introduction

The two major parties in the Palestinian arena, Fatah and Hamas, agreed to hold legislative, presidential and national elections, which was confirmed by the decrees of the PA President, Mahmud ‘Abbas, and approved by most Palestinian factions after their meeting in Cairo on 8/2/2021. However, after that, a controversy arose among those interested in the Palestine issue regarding the possibility of solving the crisis of the Palestinian political

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system through elections. While some believed that holding elections was a way to a solution, others saw that the crisis of the Palestinian political system was structural and the elections would not contribute to solving it. Accordingly, this study came to discuss this problem.

Many writers and researchers agree that there is a “crisis” in the PA, but they do not agree on its causes. A review of the literature on the PA “crisis” shows three approaches. The first has based its analysis of the PA and the Palestine Liberation Organization (PLO) transformations on the theories of democratization. Mamduh Nofal argues that in the early years of the PA formation, the crisis was in the failure to regulate the relation between the PA and the PLO.<sup>2</sup> As for Jamil Hilal, he believes that the crisis was the result of the attempt to transform the self-government to a state,<sup>3</sup> which was accompanied by the marginalization of important political elite<sup>4</sup> and the dismantlement of the Palestinian political landscape.<sup>5</sup> For his part, ‘Asem Khalil claims that the crisis is constitutional stemming from ambiguity, diversity and the continuing change of the legal and constitutional situation in Palestine.<sup>6</sup> In contrast, and following the political schism that occurred after Hamas took over Gaza Strip (GS) in 2007, Ahmad Sameh al-Khalidi claimed that the crisis resulted from the erosion of the PA legitimacy.<sup>7</sup> Ahmad Mubarak al-Khalidi has adopted the same opinion,<sup>8</sup> and argued that the crisis began when President ‘Abbas ended his term and lost his legitimacy.<sup>9</sup>

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<sup>2</sup> Mamdouh Nofal, “The Dilemma of the Relation Between the Palestinian Authority and the Palestine Liberation Organization,” *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 22, 1995. (in Arabic)

<sup>3</sup> Jamil Hilal, *Al-Tabaqah al-Wusta al-Filastiniyyah* (The Palestinian Middle Class) (Ramallah, Beirut: The Palestinian Institute for the Study of Democracy “Muwatin” and the Institute for Palestine Studies, 2006).

<sup>4</sup> Jamil Hilal, *Takwin al-Nukhbah al-Filastiniyyah Munthu Nushu’ al-Harakah al-Wataniyyah ila ma ba’d al-Qiyam al-Sultah al-Filastiniyyah* (The Formation of the Palestinian Elite: From the Palestinian National Movement to the Rise of the Palestinian Authority) (Ramallah: The Palestinian Institute for the Study of Democracy “Muwatin”, 2002).

<sup>5</sup> Jamil Hilal, “The Dismantlement of the Palestinian Political Field,” *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 107, 2016. (in Arabic)

<sup>6</sup> Asem Khalil, “Problems of Constitutional Authority in Light of the Palestinian Reality,” *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 63, 2005. (in Arabic)

<sup>7</sup> Ahmad Sameh al-Khalidi, “The Present Palestinian Dilemma: How Did We Get Here and What to Do?,” *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 74–75, 2008. (in Arabic)

<sup>8</sup> Head of the drafting committee of the Palestinian Constitution, former Minister of Justice and Professor of Constitutional Law and Political Systems at An-Najah University in Nablus.

<sup>9</sup> The Legitimacy of the PA President after the End of his Term, “Bila Hudud” TV talk show, site of Aljazeera.net, 6/10/2008, <https://www.aljazeera.net> (in Arabic)



The second approach deals with the PA crisis from a developmental economic perspective. Hamdi al-Khawaja has warned about the PA's economic subordination;<sup>10</sup> and Raja Khalidi and Sobhi Sammur<sup>11</sup> have agreed with him, on the basis that the PA—since its inception—has neoliberal economic trends, which were clearly manifested during the rule of Prime Minister Salam Fayyad. Some authors base their argument on the PA's neoliberalism, which was established in 2009, specifically with Fayyad's release of the program, "Palestine: Ending the Occupation, Establishing the State."<sup>12</sup> Among these, to name but a few, are Lynn Jabri,<sup>13</sup> Linda Tabar,<sup>14</sup> Toufic Haddad,<sup>15</sup> Adam Hanieh<sup>16</sup> and Laila Farsakh.<sup>17</sup>

The third approach addresses the crisis from the perspective of the form of government and its repressive practices, in addition to the PA being authoritative, with the subsequent decline of democratic governance, public freedoms and related violations of human rights,<sup>18</sup> as demonstrated in the restrictions on the media,<sup>19</sup> the spread of corruption and lack of transparency.<sup>20</sup>

<sup>10</sup> Hamdi al-Khawaja, "The Problems of the Palestinian Economy and the Hope in the Arab Dimension," *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 37, 1999. (in Arabic)

<sup>11</sup> Raja Khalidi and Sobhi Sammur, "Neoliberalism as Being Liberation: The Statehood Program and the Remaking of the Palestinian National Movement," *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 88, 2011. (in Arabic)

<sup>12</sup> Rafeef Ziadah, "What Kind of Palestinian State in 2011? Neoliberalism and World Bank Diktats," site of Global Research, 13/4/2010, <https://www.globalresearch.ca/what-kind-of-palestinian-state-in-2011-neoliberalism-and-world-bank-diktats/18638>

<sup>13</sup> Lynn Jabri, "Rawabi: The First Planned Palestinian City, Colonizing the Hill Tops of the West Bank," *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 90, 2012. (in Arabic)

<sup>14</sup> Linda Tabar, *Critical Readings of Development under Colonialism: Towards a Political Economy for Liberation in the Occupied Palestinian Territories* (Ramallah: Center for Development Studies – Birzeit University, 2013).

<sup>15</sup> Toufic Haddad, "Neoliberalism and Palestinian Development: Assessment and Alternatives," in Linda Tabar (ed.), *Critical Readings of Development under Colonialism*.

<sup>16</sup> Adam Hanieh, "Development as Struggle: Confronting the Reality of Power in Palestine," in Linda Tabar (ed.), *Critical Readings of Development under Colonialism*.

<sup>17</sup> Leila Farsakh, "Palestinian Economic Development," *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 101, 2015. (in Arabic)

<sup>18</sup> Eyad el-Sarraj, "Human Rights under the Palestinian Authority," *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 30, 1997. (in Arabic)

<sup>19</sup> Amal Jamal, "State-Formation, and the Prospects of Democracy in Palestine," *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 40, 1999. (in Arabic)

<sup>20</sup> Azmy Shuaiby, *Al-Fasad wa al-Hukm al-Saleh fi al-Bilad al-'Arabiyyah/ al-Halah al-Filastiniyyah* (Corruption and Good Governance in the Arab Countries/ The Palestinian Case) (Beirut: Centre for Arab Unity Studies, 2004).





Reviewing the literature on the PA “crisis” shows that some studies were based on partial approaches without comprehensive analysis of the political system, which we claim to be a neopatrimonial (new patriarchal) one. Indeed, some studies confuse the causes and symptoms of the crisis by considering corruption, the violation of human rights, the bleak political horizon and the absence of a political vision as reasons for the current crisis. Other studies believe that the source of the crisis lies in the neoliberal trends of the PA, without examining this hypothesis with empirical evidence and the extent to which the PA policies correspond to the neoliberal agenda. Others argue that the crisis of the Palestinian political system has to do with the loss of political legitimacy given the end of the terms of both the presidency and the Palestinian Legislative Council (PLC), and they deduce that the solution lies in holding presidential and legislative elections, contrary to what this study concludes.

Some have studied and analyzed the structure of the PA by using the neopatrimonial concept/ model. One of the first researchers to use it was Rex Brynen who argues that the PA’s neopatrimonial structure extends well before its establishment and goes back to the PLO neopatrimonial structure.<sup>21</sup> Yezid Sayigh agrees with Brynen noting that the neopatrimonial pattern has dominated the structure of the PLO under the leadership of the late Yasir ‘Arafat.<sup>22</sup> Ali Jarbawi believes that the Palestinian political legacy has been linked to a leading figure who is central, charismatic, and fully monopolistic of the Palestinian decision-making process,<sup>23</sup> and that the Oslo Accords have produced an organized system of authoritarian patrimonialism.<sup>24</sup> For her part, Helga Baumgarten framed a theory of neopatrimonialism in the Palestinian case by examining the relation between



<sup>21</sup> Rex Brynen, “The Neopatrimonial Dimension of Palestinian Politics,” *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 25, no. 1, Autumn 1995.

<sup>22</sup> Yezid Sayigh, “Armed Struggle and State Formation,” *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 26, no. 4, Summer 1997.

<sup>23</sup> Ali Jarbawi, *Al-Bunyah al-Qanuniyaah wa al-Tahawwul al-Dimoqrati fi Filastin* (Legal Structures and the Transition to Democracy in Palestine) (Ramallah: The Palestinian Institute for the Study of Democracy “Muwatin”, 1999), p. 26.

<sup>24</sup> Ibid, p. 52.



the patrimonial model and the rentier state model, as they share the same foundations and can be termed as neopatrimonial model.<sup>25</sup>

Mushtaq Khan considered the neopatrimonial model insufficient to analyze the Palestinian situation, because it does not give a central role to the external factor represented here by the Israeli occupation. Thus, he proposed to use the model of asymmetric containment client state.<sup>26</sup> Samer Irshaid tested the empirical neopatrimonial model to study the Palestinian case.<sup>27</sup> Anas Iqtait dealt with the PA using the non-oil rentier state theories stating that the concept of rent is not limited to natural resources, but goes beyond it to include unearned incomes such as external financing. Iqtait argued that the PA, as a rentier state, is a resilient, non-democratic, neopatrimonial system.<sup>28</sup>



Brynen and Sayigh used neopatrimonialism as a concept without testing it as a theoretical paradigm, while Baumgarten framed a theory of neopatrimonialism without examining it empirically in the Palestinian context. Mushtaq Khan delved into the examination of the neopatrimonial model and its applicability to the Palestinian case, but the claim that the neopatrimonial model does not consider the external factor important is a refuted claim, for Richard Snyder and Jason Brownlee have dealt with the role of the external factor.<sup>29</sup> Also, Iqtait perceived neopatrimonialism as one of the characteristics of the rentier state, while reality indicates the opposite, as the clientelistic rentier state is one of the characteristics of the

<sup>25</sup> Helga Baumgarten, "Neopatrimonial Leaders Facing Uncertain Transitions," in Roger Heacock (ed.), *Political Transitions in Arab World*, Part Three (Palestine: Ibrahim Abu-Lughod Institute of International Studies - IALIIS, Birzeit University, 2002).

<sup>26</sup> Mushtaq Husain Khan, George Giacaman and Inge Amundsen (eds.), *State Formation in Palestine* (London and New York: Routledge, 2004).

<sup>27</sup> Samer Irshaid, "The Impact of the Oslo Accord and the Second Intifadah on the Fatah Movement and the Palestinian Authority," Master's thesis, Birzeit University, 2007. (in Arabic)

<sup>28</sup> Anas Iqtait, "The Palestinian Authority and the Rentier State," *Siyasat Arabiya* journal, Arab Center for Research and Policy Studies, Doha, issue 26, May 2017. (in Arabic)

<sup>29</sup> Richard Snyder, "Explaining Transitions from Neopatrimonial Dictatorships," *Comparative Politics* journal, New York, vol., 24, no. 4, July 1992; Richard Snyder, "Paths Out of Sultanistic Regimes: Combining Structural and Voluntarist Perspectives," in H. E. Chehabi and Juan J. Linz (eds), *Sultanistic Regimes* (Baltimore: Johns Hopkins University Press, 1998), pp. 49-81; and Jason Brownlee, "... And Yet They Persist: Explaining Survival and Transition in Neopatrimonial Regimes," *Studies in Comparative International Development* journal, Springer, vol. 37, no. 3, Fall 2002.



neopatrimonial model. Moreover, Iqtait confuses rentierism with clientelism, as there are rentier democratic regimes which adopt the welfare state model, while neopatrimonial regimes are characterized by the rentierism of the state that is linked to clientelist networks.

It should be noted that, since its inception in 1994, the PA has gone through two phases or two periods: The phase of the late ‘Arafat (1994–2004), and that of President ‘Abbas extending from 2005 until the writing of this study, noting that both stages can be divided into several periods. During ‘Abbas’s rule from 2005 to 2020, ten governments were formed, and five prime ministers took over the leadership of the government, namely Ahmad Qurei‘, Isma‘il Haniyyah, Salam Fayyad, Rami Hamdallah and Muhammad Shtayyeh, each of whom having his own policies. In principle, it is true that the crisis was different in both phases, but this study claims that it is similar in essence and structure and preludes the establishment of the PA. Previous studies were limited to studying the period when ‘Arafat assumed power, but none of them touched upon the period of ‘Abbas’s rule.<sup>30</sup> Indeed, some studies, issued at the beginning of ‘Arafat’s assumption of power, predicted a shift in governance from being neopatrimonial to being closer to “post-charismatic.”<sup>31</sup> This is the gap this paper seeks to address, by studying the rule system during the era of President ‘Abbas from 2005 to 2020, and based on the studies we referred to that prove that Arafat’s rule was neopatrimonial, and assumes that neopatrimonialism governs the PA structure, whether during ‘Arafat’s or ‘Abbas’s eras.



Yasir ‘Arafat

<sup>30</sup> Some newspaper articles and policy papers describe ‘Abbas’s rule as neopatrimonial without examining this empirically. See for example:

Marwa Fatafta, Neopatrimonialism, Corruption, and the Palestinian Authority: Pathways to Real Reform, site of Alshabaka, 20/12/2018, <https://al-shabaka.org/circles/neopatrimonialism-corruption-and-the-palestinian-authority-pathways-to-real-reform>

<sup>31</sup> Ali Jarbawi and Wendy Pearlman, “Struggle in a Post-Charisma Transition: Rethinking Palestinian Politics after Arafat,” *Journal of Palestine Studies*, Institute for Palestine Studies, Beirut, vol. 36, no. 4, Summer 2007.



This study faces several problems, foremost of which is the analytical knowledge model, which considers the PA a “state” that has failed to being sovereign, one of the foundations of state formation, which provides a partial explanation of the reality of the PA best described by President ‘Abbas as “an authority without authority.”<sup>32</sup> Therefore, we will reservedly use the term “state,” while realizing that this description does not apply to the reality of the PA. We will use it when analyzing and comparing with other neopatrimonial regimes and states, without neglecting the colonial condition on the one hand, and the fragmentation and division on the other hand. This study focuses on the performance of the ‘Abbas-led PA, which is centered in the West Bank (WB), without extensively studying the GS authority and the performance of the dismissed government led by Hamas, or the administrative committee it formed. For the analysis of the economic and political reality in GS needs theoretical tools that may be different, even if the GS authority intersects with that in WB in many of the neopatrimonial characteristics.



This study adopts an interdisciplinary methodology, by conducting a review of the literature on the topic, relying on primary sources and reports issued by PA institutions, the Palestinian Official Gazette (*Al-Waqai' Al-Filastiniyyah*) in addition to viewing and interviewing.

The paper was divided into several sections. After the introduction and the theoretical framework, the study examines the applicability of the neopatrimonial model to the PA. It examines the relation of the ruler with “state” institutions, capital, as well as the elites and social sectors, in addition to foreign powers.

<sup>32</sup> Abbas at Central Council calls for revision of agreements with Israel, Palestinian News and Information Agency (WAFA), 14/1/2018, <http://english.wafa.ps/page.aspx?id=5HXKtoa96042346983a5HXKto>





## First: Theoretical and Conceptual Framework

### ► Neopatrimonialism (new patrimonialism)

At first glance, the use of the neo- prefix suggests a renewal of an old idea or the persistence of an old idea after a gap in its use. This is what is inferred from the use of neo<sup>33</sup> as a prefix for the word patrimonial rather than the word new, which suggests something entirely new. Neopatrimonialism is characterized by the chief executive's retention of state power through an extensive network of personal favoritism rather than through ideology or law.<sup>34</sup> Neopatrimonialism was established on a basic assumption, which is that formal state institutions are integrated into the informal private policies of the rulers.<sup>35</sup> Thus, the working definition of neopatrimonialism is: “a combination of two types of overlapping domination; traditional (patrimonial) dominance and legal rational bureaucracy.”<sup>36</sup>

Max Weber believes that patrimonialism implies that the patron in a certain social and political order bestows gifts from private resources on followers to obtain and strengthen their loyalty. They obtain material benefits and protection in exchange for support. Thus, the ruler exercises his hegemony through the bureaucratic administrative system, hence, patriarchal logic is used beyond the kinship ties.<sup>37</sup> Weber concludes that traditional governance can coexist with a wide range of economic systems and is not limited to capitalism.<sup>38</sup> Peter Pawelka argues that neopatrimonialism is a



<sup>33</sup> Definition of 'neo-', Collins English Dictionary, 2020,

<https://www.collinsdictionary.com/dictionary/english/neo>

<sup>34</sup> Samuel Noah Eisenstadt, *Revolution and the Transformation of Societies: A Comparative Study of Civilizations* (New York: The Free Press, 1978), pp. 277-289.

<sup>35</sup> Michael Bratton and Nicolas van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (Cambridge: Cambridge University Press, 1997), p. 274.

<sup>36</sup> Gero Erdmann and Ulf Engel, “Neopatrimonialism Reconsidered: Critical Review and Elaboration of an Elusive Concept,” *Commonwealth and Comparative Politics* journal, Taylor & Francis, vol. 45, no. 1, 2007, p. 105.

<sup>37</sup> Christian von Soest, “What Neopatrimonialism Is – Six Questions to the Concept,” Paper presented at the workshop “Neopatrimonialism in Various World Regions”, German Institute of Global and Area Studies Hamburg (GIGA), 23/8/2010, p. 4.

<sup>38</sup> Helga Baumgarten, “Neopatrimonial Leaders Facing Uncertain Transitions,” p. 49.



system of individual rule that depends on legitimacy on the one hand, and on administrative and military bureaucracy, on the other hand, where legitimacy is based on a mixture of traditional loyalties and material rewards.<sup>39</sup>

Samuel Eisenstadt argues that “south” countries freed from colonial domination have adopted neopatrimonial system of governance, whereby national rulers often use traditional methods of power (patrimonialism/patriarchy) when dealing with growing problems and crises in their countries in the post-independence period. Thus, neopatrimonialism is shaped when the modern state is mixed with the traditional forms of governance when dealing with the political and governance problems.<sup>40</sup> According to Eisenstadt, the difference between patrimonialism and neopatrimonialism centers on the level of political problems that both models face and the relation of these problems with the conditions that might lead to the continuity of the traditional system. This explains the properties and dynamics of the neopatrimonial model.<sup>41</sup> In this context, Eisenstadt draws attention to the differences of political organization, i.e., between a royal family in the traditional patrimonial rule and the more complex, bureaucratic or partisan organizations in the modern institutions of the neopatrimonial state.<sup>42</sup>

## **Second: The Neopatrimonial Model and the PA**

The PA governance system is supposed to be “democratic parliamentary system, based upon political and party pluralism. The PA President shall be directly elected by the people. The government shall be accountable to the President and to the Palestinian Legislative Council.”<sup>43</sup> However, due to the division in 2007 and the PLC disruption, the system was transformed into a completely individual rule.

There is debate among researchers about the existence of a specific model of neopatrimonialism and whether there is agreement on its basic

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<sup>39</sup> Ibid., p. 54.

<sup>40</sup> Shmuel Noah Eisenstadt, *Traditional Patrimonialism and Modern Neopatrimonialism* (London: Sage Publications, 1973), pp. 10-12.

<sup>41</sup> Ibid., p. 50.

<sup>42</sup> Ibid., p. 60.

<sup>43</sup> Article (5) of the Amended Basic Law of 2003, 18/3/2003, site of the Palestinian Basic Law, <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>



characteristics. Therefore, this paper will base its empirical examination of the PA on a model inferred from the writings of Snyder, Baumgarten, Paulka and Eisenstadt. This model was based on an examination of the relation of the individual ruler with the most important actors in the political and social system; focused in four areas:

**1. The ruler's relation with "state" institutions; and it includes:**

- a. The relation with the administrative apparatus.
- b. The relation with the legislative authority.
- c. The relation with the judiciary.
- d. The relation with the security forces.

**2. The relation of the ruler with capital holders.**

**3. The relation of the ruler with the elites and social sectors.**

**4. The relation with foreign powers.**

**1. The Ruler's Relation with "State" Institutions**

After creating the position of the prime minister in 2003, the political system of the PA shifted to a semi-presidential (president-parliamentary) one. Then, a change took place immediately after the 2006 elections and before the formation of the tenth government; where 'Abbas and the outgoing PLC took several decisions during the transitional period, in which many public institutions became affiliated to the PLO rather than the government or the PA. Then, after the 2007 division, the presidential system returned, despite remaining apparently mixed. More recently, the President's dominance over the political system was codified, in contravention of the Basic Law, through the issuance of a decree law providing the presidency broad powers; enabling it to open subsidiary headquarters in the



governorates and open bank accounts;<sup>44</sup> hence, the Presidency was transformed into a parallel government.

To establish their control, neopatrimonial regimes seek to build a network of interests by means of a clientelistic system. Clientelism depends on establishing a relation between a patron and a client, and the loyalty of the client is bought through the provision of financial resources and services. In an attempt by the PA to establish a kind of hegemony, many mechanisms are used, including the recruitment into the military and civil state apparatus as well as containment by bestowing gifts to specific groups.<sup>45</sup> Within this context, more than 80 non-ministerial institutions have been created in the PA with the salaries of their heads equal to those of ministers. Most of these bodies bear a job title that ministries can carry out such as “Road Accidents Authority,” which can be included in the Transportation Ministry while the urgent reason for creating some other bodies, such as the “Nuclear Radiation Authority,” is not known.<sup>46</sup> This leads us to conclude that the goal of creating such bodies and job positions is to win the allegiance of some people.<sup>47</sup>



We can claim that the PA under ‘Abbas is a continuation of the system established by the late ‘Arafat, and this is what we will try to address here:

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<sup>44</sup> Decree Law No. 5 for 2020, *Al-Waqai’ Al-Filastiniyyah* journal, vol. 165, 19/3/2020, Bureau for Legal Consultation and Legislation (Diwan al-Fatwa wa al-Tashri’), site of Palestinian Ministry of Justice. (in Arabic)

<sup>45</sup> Joshua Stacher, *Adaptable Autocrats: Regime Power in Egypt and Syria* (California: Stanford University Press, 2012).

<sup>46</sup> Majid al-‘Aruri, Public Bodies Headed by Emperors... Fancy Salaries and no Services, site of Ultra Palestine, 30/4/2020, <https://ultrapal.ultrasawt.com/> (in Arabic)

<sup>47</sup> The Palestinian government has recently approved the merger and abolition of more than 25 official non-ministerial institutions to improve services, raise the level of coordination, prevent duplication and rationalize expenditures. Palestinian Government Approves the Merger and Elimination of more than 25 Official Institutions, site of *Al-‘Arabi al-Jadid* (The New Arab), London, 29/12/2020, <https://www.alaraby.co.uk> (in Arabic)





### ► a. The Relation with the Administrative Apparatus

The ruler seeks to dominate the administrative apparatus in the neopatrimonial state. The PA was established by Fatah and some PLO members.<sup>48</sup> After Hamas's victory in the legislative elections in 2006 and its formation of the government, 'Abbas, the head of the PA, PLO and the Fatah movement, sought to monopolize administrative powers by attaching various institutions to the PA presidency or the PLO, so that the powers of the government would be transferred to the PLO. The reform steps that were supposed to end the confusion between the PA and PLO institutions were reversed, and each of the Palestinian News and Information Agency (WAFA), the Palestinian Broadcasting Corporation, Palestine TV Channel, the State Information Service and the Palestinian National Committee for Education, Culture and Science were again affiliated with the PLO. Moreover, the PA presidency exacerbated the problems in the functional administrative structure of the PA and increased its financial burdens through promotion and appointment decisions, where "some appointments have not taken into account the proper principles and rules of nomination."<sup>49</sup>



Following the schism, the presidency dominance was codified through the issuance of several decisions and the enactment of laws related to the public service. A decree law was issued stipulating for "the dismissal of every employee not abiding by the legitimacy,"<sup>50</sup> where legitimacy here means the PA presidency represented by 'Abbas. This was followed by Cabinet Resolution No. 18, issued on 13/9/2007, which stipulates that conducting a security clearance is a condition for appointment to a civil service.<sup>51</sup>

<sup>48</sup> However, this does not mean that there are no employees from Hamas. According to Prime Minister Rami Hamdallah, 70% of teachers are from Hamas. Security Clearance Not Prerequisite for Employment and 70% of Teachers are From Hamas, says Hamdallah, site of *Al-Hadath*, Ramallah, 13/3/2016, <https://www.alhadath.ps> (in Arabic)

<sup>49</sup> *Al-Taqrir al-Sanawi al-Thani 'Ashar* (The Twelfth Annual Report) (Ramallah: Independent Commission for Human Rights (ICHR) (Diwan al-Mazalim), 2006), p. 8.

<sup>50</sup> Cabinet Decision no. 80 for 2007 Regarding Employees not Committed to Legitimacy, *Al-Waqai' Al-Filastiniyyah*, vol. 77, 9/10/2008.

<sup>51</sup> Site of the Independent Commission for Human Rights, 30/1/2020, <https://www.ichr.ps> (in Arabic)



Consequently, whoever is “suspected” by the security forces of his opposition political affiliation, or lack of loyalty to the head of the PA, will not be employed. According to Dr. ‘Ammar Dweik, Director of the Independent Commission for Human Rights, anyone who has a security “file” indicating that he belongs to Hamas, or later as affiliated with Mohammad Dahlan—‘Abbas’s strong rival within Fatah, who has been dismissed and accused of corruption cases—is rejected on security basis and is deprived of employment. Despite the Supreme Court’s decision to nullify the “security clearance,” the PA institutions did not respond and the “security clearance” still exists.<sup>52</sup>

The President used salaries as a tool for control, and the matter was not limited to the salaries of the PA employees, but included PLO allocations as well.<sup>53</sup> Thus, the salaries of some employees were cut under the pretext of their “rebellion” against legitimacy, as happened with the GS employees, who did not abide by the decision not to join their work following the division; while the salaries of those who did not go to work were paid. Also, about 700 employees in WB were dismissed under the pretext of lack of respect for legitimacy, according to Dweik, but most of them later returned to their job with judicial rulings. In addition, the salaries of 60 freed prisoners from WB were cut.<sup>54</sup> When the prisoners met with Prime Minister Mohammad Shtayyeh, to discuss their case, Shtayyeh told them that the solution is with



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<sup>52</sup> Personal interview with Dr. Ammar Dweik, Ramallah, 25/2/2020.

<sup>53</sup> In June 2018, appropriations for the Popular Front for the Liberation of Palestine were stopped, following the Front’s objection to President ‘Abbas’s monopoly of the PLO, and the failure to implement the decisions issued by the Central and National Council. Decision to Stop PFLP Appropriations Widely Condemned, site of Palestine Today TV, 8/6/2018, <https://paltoday.tv> (in Arabic)

The appropriations are still halted as of the time of writing this paper. Mariam Abu Dakka, We Will Resist Monopolizing the PLO; Betting on Gantz an illusion, site of Al-Watan Voice, 23/4/2020, <https://www.alwatanvoice.com/arabic/news/2020/04/23/1331847.html> (in Arabic)

<sup>54</sup> Mirvat Sadek, PA Forces Disperse a Sit-in in Ramallah Demanding the Return of Prisoners’ Salaries, Aljazeera, 26/11/2019. (in Arabic)



Major General Majid Faraj and the President, because that kind of decision needs the signature of the President.<sup>55</sup>

Employees' salaries were used to pressure Hamas to end its GS control, in addition to putting pressure on opponents inside Fatah, so the salaries of GS employees loyal to Dahlan were cut, and the salaries of the remaining employees were reduced by 30%–50%.<sup>56</sup> In spite of the Central Council's decision that all salaries must be paid and the measure be withdrawn, 'Abbas held on to his decision and delayed adherence to the decision of the Central Council under the pretext of a "technical defect."<sup>57</sup> This coincided in WB with cutting the salaries of the representatives of the Hamas-affiliated Change and Reform Bloc in the PLC in 2018, an exclusive measure that was not applied to other blocs,<sup>58</sup> and they were not transitioned to retirement like their colleagues. The salaries of the representatives of the GS bloc were cut after the division.

### ► b. Relation with the Legislative Authority

In a neopatrimonial system, the ruler controls the legislature. After the division, 'Abbas suspended the PLC work and announced its dissolution on 23/12/2018, in addition he assumed its functions. He issued decisions bearing the status of law, most of which did not bear the characteristic of "urgent necessity," which is the condition of its issuance, as stipulated in the amended Basic Law. Remarkably, 284 decision laws were issued from 2005 to July 2020,<sup>59</sup> three times the number of laws issued by the PLC throughout 1994–2004, which amounted to 85 laws.<sup>60</sup> According to Dweik, the issuance of decision laws was expanded without controlling the "state of necessity." For example, the Telecommunications Law was issued but was not implemented; so, if there was a case of necessity, why was the law not implemented? In addition, the issuance of some laws aimed at serving particular persons, such as the Anti-Corruption Commission Law, which was

<sup>55</sup> Personal interview with 'Alaa Rimawi, spokesperson of former prisoners whose salaries were suspended.

<sup>56</sup> Head of the PA's Staff Union: Suspension of Employees' Salaries and Repeating the "Crime" of Deduction for Others, Palestinian Press Agency – Safa, 10/5/2017, <https://safa.news> (in Arabic)

<sup>57</sup> Decisions of the National Council, Ma'an News Agency, 4/5/2018, <https://www.maannews.net/news/948323.html> (in Arabic)

<sup>58</sup> MP 'Abdul Rahman Zeidan Facebook page, 29/4/2020.

<sup>59</sup> Decision Law Throughout 2006–2020, site of Al-Muqtafi, <https://bit.ly/394yGZU> (in Arabic)

<sup>60</sup> PA Laws Throughout 1994–2004, site of Al-Muqtafi, <https://bit.ly/394yGZU> (in Arabic)



amended to allow the President to extend the term of the head of the commission, Rafiq Natsheh, and indeed it was extended twice. Then, another law was issued amending a clause regarding permitting the dual nationality of the head of the commission to make room for Dr. Ahmad al-Barrak, who holds dual nationality, to assume this position.

The two decision laws 4 and 12 of 2020 are another example of laws issued to serve influential groups. The two decisions deal with amending the law on remuneration and salaries of PLC members, members of the government, and governors, in addition to amending the public retirement law whereby “it added a large segment of senior public officials to members of the PLC, members of the government and governors, who were granted an illegal prerogative. It allocated retirement salaries to them without the slightest contribution in the retirement fund, and granted this segment, who obtained a job with the rank of minister in addition to the pension salary without contributions, the right to recover their contributions to the retirement fund since they assumed their public office.”<sup>61</sup> This was “at a time when the general budget is suffering from a stifling financial crisis and a serious deficit as a result of the Israeli piracy measures and also as a result of the economic effects of the Coronavirus pandemic.”<sup>62</sup> It is estimated that this amendment will cost the PA more than 25 million shekels (about \$7.14 million).<sup>63</sup> However, after public uproar, the two decisions were reversed.<sup>64</sup>



<sup>61</sup> Musawa Demands the Abolition of Decree Laws 4 and 12 of 2020, site of Palestinian Center for the Independence of the Judiciary and the Legal Profession “Musawa”, 28/4/2020, <http://www.musawa.ps/post/musawa-demands-the-abolition-of-decree-laws-4-and-12-of-2020.html/ar?fbclid=IwAR1jvs7wLYMHWWhZYe7VWma5D-YjiOLXhnTa-qg9CDozUfH6njnrhzLnFq8> (in Arabic)

<sup>62</sup> In An Urgent Letter to the President and Prime Minister, ICHR (Diwan al-Mazalim), 28/4/2020. (in Arabic)

<sup>63</sup> Former Minister Shawqi el-Issa’s Facebook page, <https://www.facebook.com/Issashawqi>  
Note: The exchange rate of the dollar against the Israeli shekel was calculated at 3.499.

<sup>64</sup> Prime Minister Mohammad Shtayyeh’s Facebook page, 29/4/2020, <https://www.facebook.com/Dr.Shtayyah>





### ► c. Relation with the Judiciary

In neopatrimonial systems, the judiciary is dominated by the ruler. According to Al-Haq report, the Palestinian judicial system suffers from a structural defect resulting from the domination and interference of the executive authority.<sup>65</sup> Robert Terris argues that neopatrimonialism and the resulting clientelism encourage the merging of customary law and tribalism in the PA at the expense of the “legal” democratic pattern, so that there is legal pluralism within the PA; a tribal law with the law in force in the courts. Terris attributes the PA leadership’s unwillingness to unify laws to its interest in such a pluralism that creates competition between individuals and organizations, which strengthens the dominance of the individual ruler and individuals’ allegiance to him. The unification of the legal system strengthens the judiciary and guarantees the rights of individuals. However, this will weaken the role of tribal chiefs and notables in solving problems and undermine their “clientelistic” relation with the ruler. For this relation provides them with material and moral support in employment, salaries, etc., in exchange for ensuring their allegiance to the ruler, who will depend on them to consolidate his political power through mutual benefit.<sup>66</sup>



Since its inception, the PA has pursued a policy based on strengthening clans and giving them legitimacy in imposing law and order. This was exemplified by the establishment of what is known as the Supreme Commission for Tribal Affairs. According to Advocate (O.F), quite many crimes are solved by tribal rule. In fact, the executive authorities, such as the police and the judiciary, require for resolving disputes and releasing the litigants a tribal reconciliation agreement.<sup>67</sup>

<sup>65</sup> 'Isam 'Abdin, *Mulahazat 'ala Qarar bi Qanun bi Ta'dil al-Mahkamah al-Dusturiyyah al-'Ulia* (Notes on the decree law to amend the law of the Supreme Constitutional Court), 2nd edition (Ramallah, Al-Haq Organization, 2014), p. 5.

<sup>66</sup> Robert Terris and Vera Inoue-Terris, “A Case Study of Third World Jurisprudence - Palestine: Conflict Resolution and Customary Law in a Neopatrimonial Society,” *Berkeley Journal of International Law*, UC School of Law, Berkeley, vol. 20, issue 2, 2002, pp. 462–495.

<sup>67</sup> Interview with Advocate O.F, Hebron, 5/2/2020.



With the beginning of ‘Abbas’s tenure, the encroachment of the executive authority was manifested by the introduction of an amendment to the method of appointing judges to the Supreme Constitutional Court. On the last day of the PLC of 2005, which was controlled by Fatah, and in anticipation of the new council in which Hamas holds a majority, an amendment was approved providing for strengthening the powers of the Presidency and its control of the Constitutional Court. According to the amendment, the President has the sole authority to appoint judges of the court, in consultation with the High Judicial Council and the Minister of Justice. This would diminish the PLC authority; where previously the judges of the Constitutional Court were appointed with the President’s nomination, the recommendation of the High Judicial Council and the approval of the legislature.<sup>68</sup> Also, on 30/10/2012, the President issued a decree law regarding the amendment of the Court’s law. Under this amendment, the Court became an arm of the executive authority, instead of being an arm of the principle of the supremacy of the constitution. For it gave the PA President absolute control in appointing judges to the Court and eliminating any role of the Court’s general assembly, in addition to the President’s sole control of replacing the members of the Court without any controls or criteria, and referring them to retirement.<sup>69</sup>



Encroachment reached a peak on 15/7/2019, where two decisions were issued, regarding the amendment of the law of the judicial authority and the formation of a High Judicial Council. Both decisions constitute an assault on the Basic Law as well as the constitutional principles and values, particularly the principle of the rule of law, the separation of powers and the independence of the judiciary. A quarter of the judges were transferred to retirement, and the transitional High Judicial Council, which the President formed alone, was granted very broad powers over the judiciary, such as

<sup>68</sup> Anis Qassem, Bad Amendments to the Palestinian Constitutional System, site of *Al-Hayat al-Jadida*, Ramallah, 1/3/2006. (in Arabic)

<sup>69</sup> ‘Isam ‘Abdin, *Mulahazat ‘ala Qarar bi Qanun bi Ta’dil al-Mahkamah al-Dusturiyyah al-‘Ulia* (Notes on the decree law to amend the law of the Supreme Constitutional Court), pp. 6–7.



dismissal, early retirement, referral to other jobs and the restructuring of the entire judiciary.<sup>70</sup>

The dominance of ‘Abbas over the judiciary peaked, when he issued a set of decision laws and decrees (38 + 39 + 40) related to the judicial authority. He appointed the president of the Supreme Court as chairman of the Judicial Council, delegated judges, terminated their services and referred them to early retirement. These decisions, according to a statement issued by civil society institutions, make judges feel threatened with their job security and affect their impartiality and independence, which is clear and explicit violation of the principle of the inability of judges to be dismissed. The issuance of these decisions coincided with the referral of six appointed judges to early retirement, which is considered as dismissal of judges, in contradiction to the provisions of law. This violation can be added to the violations of the constitutional rules, international standards and basic principles on the independence of the judiciary issued by the United Nations.<sup>71</sup>

#### ► d. Relation with the Security Forces

In neopatrimonial regimes, the ruler controls the security forces by recruiting loyal people. According to the Basic Law, some security forces are supposed to report to the Ministry of Interior. However, with the victory of Hamas in the 2006 elections and before the formation of the government, the system was changed; the intelligence services would originally report to the President, but the other forces would report to the minister of interior. Thus, a new position called the General Director of the Security Forces was created, a link between the minister and the forces; consequently, the minister became with



<sup>70</sup> Ibid., p 5.

<sup>71</sup> Civil Society Organizations Call for the Abolition of all Decrees Related to Judicial Legislation and Ending Their Effects, site of Palestinian Center for the Independence of the Judiciary and the Legal Profession “Musawa”, 28/4/2020, <https://www.musawa.ps/post/csos-call-for-the-abolition-of-all-decrees-regarding-judicial-legislation-and-to-end-their-effects.html> (in Arabic)



no power over the forces,”<sup>72</sup> taking into account that the security forces in general report to the President.

Most of the personnel and leaders of the security forces are affiliated with Fatah, and there are even some security forces, such as the Preventive Security Forces, according to the current Shtayyah, consist totally of Fatah members.<sup>73</sup> As mentioned above, individuals are hired after they pass the “security clearance,” so that their commitment to the “legitimacy” is guaranteed, or in another words, their allegiance to the President.

The leaders of the security forces take instructions and orders from the President, and there is no actual value to the decisions of the other Palestinian leadership frameworks. This was clearly demonstrated after the recommendation by the PLO National Council and Central Council to stop security coordination with the Israelis<sup>74</sup> and the forces’ non-compliance with this decision. The security forces completely obey the orders of the President, who is in turn keen to distinguish them in terms of salaries, as the average monthly wage for security sector employees exceeds the average wage for civil sector employees by about 15%.<sup>75</sup> In exchange for this patronage and distinction, the President guarantees the forces’ allegiance. As an indication of this, we see banners on the facades of the buildings of some forces with a picture of the President inscribed with the sentence “We pledge allegiance to you.”<sup>76</sup> In contrast, security personnel whose allegiance is suspected are punished, as happened with about 200 security personnel whose salaries were cut under the pretext of their support for Dahlan.<sup>77</sup>

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<sup>72</sup> Written interview with ‘Umar ‘Abdul Raziq, former finance minister in the 10th government (Haniyyah’s government), 28/5/2020.

<sup>73</sup> Samer Irshaid, “The Impact of the Oslo Accord and the Second Intifadah on the Fatah Movement and the Palestinian Authority,” p. 76. (in Arabic)

<sup>74</sup> Statement by the PLO Central Council, WAFA agency, 5/3/2015, [http://www.wafa.ps/ar\\_page.aspx?id=DOMbm8a660441393513aDOMbm8](http://www.wafa.ps/ar_page.aspx?id=DOMbm8a660441393513aDOMbm8) (in Arabic)

<sup>75</sup> Nasr ‘Abdul Karim, Report about the “Salary Gap in the Civil Service: The Reality and the Proposed Measures to Bridge it”, site of The Coalition for Accountability and Integrity (AMAN), Ramallah, 2017, p. 5. (in Arabic)

<sup>76</sup> In this context, there have been attempts by the PA institutions to make ‘Abbas as a symbol, such as the Ministry of Education’s issuance of a book within the curricula, entitled: “Our President is our Role Model,” which includes some of President Abbas’s statements. Also, the Palestine TV broadcasted the operetta “Angel of Peace,” which mentions the president’s virtues.

<sup>77</sup> PA Cuts Salaries of Dozens of Dahlan Supporters in Gaza, Site of *Al-Quds al-Arabi*, London, 21/1/2015, <https://www.alquds.co.uk> (in Arabic)







National Security building in Hebron; photo taken by the researcher on 15/1/2020

## 2. Relation with Capital Holders

Neopatrimonial systems are characterized by the rentierness of their economy,<sup>78</sup> hence the relation between the ruler and capital is based on rent-seeking, while using state power to redistribute wealth among different groups without having a new wealth.<sup>79</sup> In 2007, the alliance was cemented between Palestinian capital holders, on the one hand, and the Fatah movement and leaders of the security forces on the other hand. Thus, Palestinian capitalism was established based on favoritism and clientelism, born of the relation between the ruler and the capitalists close to the PA, who are given preference to earn higher returns than others, in exchange for allegiance to the ruling authority.<sup>80</sup>

Palestinian capitalists have benefited from many of the institutional and legal reforms implemented by the PA, and from Israel's pursuit of an "economic peace" policy based on facilitating trade and enhancing opportunities for Israeli-Palestinian economic partnerships. In 2008 and 2010,

<sup>78</sup> It is the return resulting from non-economic activity, and this return may result from external aid and grants, natural sources such as petroleum, or tax revenues.

<sup>79</sup> John A. C. Conybeare, *The Rent-Seeking State and Revenue Diversification*, *World Politics Journal*, Cambridge University Press, London, vol. 35, no. 1, October 1982, pp. 25–42.

<sup>80</sup> Tariq Dana, "Crony capitalism in the Palestinian Authority: a deal among friends," *Third World Quarterly journal*, Taylor & Francis, vol. 41, no. 2, 2020, p. 249.



the Fayyad government organized the Palestine Investment Conference in Bethlehem. The conference, held with the facilitation of the Israelis, was attended by Palestinian, Arab, Israeli and international investors, and it resulted in several large-scale economic projects that include Palestinian, Arab and regional capital, with the tacit participation of Israeli commercial sides. This began with the establishment of the city of “Rawabi,” the development of existing industrial zones, in addition to the development of the banking and financial sectors and encouraging investments in information and communication technology.<sup>81</sup> In addition, in 2011 and 2014, the “Investment Promotion Law” was amended by presidential decrees, whereby large companies were granted many benefits, such as exemptions from capital gains taxes and other tax and non-tax incentives, without referring to the council of ministers or even the PLC, which is originally disabled.<sup>82</sup>



### 3. Relation of the Ruler with the Elites and Social Sectors

Neopatrimonial regimes build a network of interests that include social and political elites. According to Hilal, clientelism is manifested in the relation of the PA with the elites in several areas, most importantly in: the distribution of resources according to political calculations in order to obtain allegiance; containing political opposition so that the “state” becomes a major employer, including the monopoly of highly privileged jobs; he inclusion of a wide range of intelligentsia within the PA institutions; and the authority turning a blind eye to some civil society institutions receiving external funding.<sup>83</sup>

<sup>81</sup> *Success Stories* (Bethlehem: Palestine Investment Conference, 2010), [http://www.pipa.ps/files/file/publication/Success%20Stories\\_PIC2010.pdf](http://www.pipa.ps/files/file/publication/Success%20Stories_PIC2010.pdf)

<sup>82</sup> Background Paper, “Roundtable (7): Evaluation of the 2014 Amendments to the Investment Promotion Law,” Palestine Economic Policy Research Institute (MAS), Palestine, 2014, p. 6.

<sup>83</sup> Jamil Hilal, *Al-Nizam al-Siyasi al-Filastini Ba’d Oslo: Dirasah Tahliliyyah Naqdiyyah* (The Palestinian Political System After Oslo: A Critical Analytical Study) (Ramallah, Muwatin, 2006), p. 24.



Under ‘Abbas, a clientele network was formed including syndicates and professional unions that are almost completely controlled by Fatah. All associations and social institutions not controlled by Fatah were closed after the schism, and some of them were reorganized through the appointment of administrative committees recommended by the security forces. As a result of holding elections during the schism, the prosecution of Hamas activists, and the exclusion of Dahlan’s supporters in WB, the elections in many trade unions were held without a real competitor to Fatah, which won some positions by acclamation.



Neopatrimonial regimes are concerned with building a social welfare network linked to the ruler, and instead of giving credit for this patronage to the state and its institutions, credit is attributed to the president or his party. As in the case of the PA President grants, including the president’s scholarships for outstanding students, grant to the freed prisoners, and the Hajj grants. In addition, “aid” or food parcels are distributed in the name of the president to some needy families, as happened after the outbreak of the COVID-19 pandemic.<sup>84</sup> He also donated medical equipment to some hospitals.<sup>85</sup> There are financial grants controlled by the president’s party, such as the grants for those affected by COVID-19,<sup>86</sup> which were distributed by the emergency committees affiliated with Fatah.<sup>87</sup> For the grant of 700 shekels (about \$200), which was supposed to be distributed to workers affected by COVID-19, was distributed on the basis of clientelism. This was revealed by Riyadh Kamil, head of the emergency committee at the Ministry of Labor and the General Federation of Palestinian Trade Unions, who stated that the list of beneficiaries (35,000) from “*Waqfat Ezz*” (Stand with Dignity) fund included names of

<sup>84</sup> An Aid Convoy from President ‘Abbas to Bethlehem, Quds Net News Agency, 12/3/2020, <https://qudsnet.com> (in Arabic)

<sup>85</sup> Al-Kaila Talks About the Medical Equipment that President ‘Abbas donated to the Ministry of Health, Al-Watan Voice, 17/1/2020, <https://www.alwatanvoice.com/arabic/news/2020/01/17/1307379.html> (in Arabic)

<sup>86</sup> “Waqfat Ezz” fund: Wasta is the Criteria and Fatah Cadres are the Only Beneficiaries, site of Nawres net, 19/5/2020, <http://www.nawres.net/archives/58108> (in Arabic)

<sup>87</sup> Position Paper 2 on: Local Emergency Committees Formed in the Context of Confronting the New Coronavirus Pandemic in the West Bank, ICHR (Diwan al-Mazalim), 15/4/2020, p. 5. (in Arabic)



merchants with large capital, employees who have not stopped working and names of members of the same family.<sup>88</sup>



A Fatah representative conducting a draw of the president's grant for Hajj at al-Ibrahimi Mosque in Hebron (50 seats); photo taken by the researcher on 17/2/2020

#### 4. Relation with Foreign Powers

Snyder argues that, in most cases, neopatrimonial systems benefit from foreign patronage providing military and material aid that strengthen domestic clientelistic networks.<sup>89</sup> The PA depends on foreign patronage as it was established under the auspices of Western and donor countries in exchange for providing security and calm. According to Dr. Hasan Abu Libdeh, a member of the Palestinian negotiating delegation, donor countries met on 1/10/1993 and decided to fund the fledgling PA with \$2.4 billion in return for it to provide calm and stability.<sup>90</sup> Western financing is linked to the basic goal of preserving Israel's stability, which is obscured by raising the slogan of

<sup>88</sup> Disgraceful – This is What Riyadh Kamil, the Official in the General Federation of Palestinian Trade Unions said About Those Benefitting from Waqfat Ezz Aid, site of You Tube, 17/5/2020, <https://www.youtube.com/watch?v=ndA8YAIq2nU> (in Arabic)

Note: The exchange rate of the dollar against the Israeli shekel was calculated at 3.5175.

<sup>89</sup> Richard Snyder, "Paths Out of Sultanistic Regimes," p. 58.

<sup>90</sup> Personal interview with Dr. Hasan Abu Libdeh, Ramallah, 18/11/2018.





“Palestinian development” and by claiming that the goal is to achieve stability and security in the region, while, in fact, the goal is to ensure the security and stability of Israel.<sup>91</sup>

The influence of foreign powers on the PA was clearly evident after the Hamas victory in the 2006 elections, when the Quartet<sup>92</sup> stipulated three political conditions for the recognition of any Palestinian government and its continued support. They are: recognition of Israel, renunciation of violence and commitment to the agreements signed between the PLO and Israel.<sup>93</sup> According to Dr. ‘Umar Abdul Raziq, Hamas was given a three-month deadline after its formation of the government, which in turn rejected these conditions. As a result, Israel stopped transferring tax money, and foreign aid was halted.<sup>94</sup> Banks also suspended the government’s operating accounts for fear of US sanctions, which caused the suspension of the PA employees’ salaries.<sup>95</sup> This prompted Hamas to declare its “respect” for the signed agreements and its participation in a “national unity” government following the Mecca Agreement in February 2007. However, Israel and most donor countries continued to boycott the unity government as they refused Hamas’ participation in any Palestinian government. Consequently, Hamas was

<sup>91</sup> Khalil Nakhle, *Usturat al-Tanmiyah fi Filastin: Al-Da‘m al-Siyasi wa al-Murawaghah al-Mustadimah* (The Myth of Development in Palestine: Political Aid and Sustainable Deceit), translated by Albert Aghazarian (Ramallah: Institute of Jerusalem Studies and The Palestinian Institute for the Study of Democracy “Muwatin,” 2004), p. 24.

<sup>92</sup> A committee made up of the United Nations, the US, the European Union and Russia. It was formed in 2002 with the aim of advancing the peace process.

<sup>93</sup> United Nations (UN), Secretary-General, Statement by Middle East Quartet, New York, SG/2104, PAL/2042, 30/1/2006, <https://unispal.un.org/UNISPAL.NSF/0/354568CCE5E38E5585257106007A0834>

<sup>94</sup> According to ‘Abdul Raziq, “In general, donor countries stopped dealing with the government and stopped transferring the funds they had committed to. The US recovered \$50 million it had paid to the PA before the formation of our government. That is, it withdrew the money after its arrival. Russia donated \$10 million to the health sector, which was disbursed through the president’s office. Gaddafi’s Libya paid \$50 million. Qatar, Algeria, Kuwait and many Arab (non-oil) countries paid part of their monthly obligations to the PA. Saudi Arabia withdrew its deposits from a bank account in Cairo (or asked the bank not to pay) and the Saudi government’s \$25 million worth check was returned. European countries, after about two months, proposed (through the director general of international relations) to pay salaries (in the form of grants and assistance that would be later calculated as part of the salaries) of the health and education sectors and social affairs payments. They wanted us to provide lists and monitoring. I stipulated that they should pay for security (they wanted to pay for health for fear of the outbreak of epidemics in Israel, and they wanted to pay for teachers so that the educational process remains organized and the students do not throw stones at the occupation forces). We told them if the security forces do not receive their wages, they will shoot rather than throw stones. They agreed; and here the wages problem has been almost solved.”

<sup>95</sup> Written interview with Dr. ‘Umar Abdul Raziq, former minister of finance in Haniyyah’s government, 27/5/2020. (in Arabic)



unable to provide salaries and the League of Arab States disbursed partial sums of salaries through the president's office;<sup>96</sup> hence, the external factor contributed to strengthening the president's powers.

In a related context, the PA depends in its budget on the tax revenues collected by Israel, due to the latter's control of the crossings. It constitutes two-thirds (67%) of the PA's revenues.<sup>97</sup> Without these returns, the PA is not be able to pay salaries. As the occupation realizes this, Israeli Prime Minister Benjamin Netanyahu, upon the advice of his security advisers and after the PA's decision to join the International Criminal Court in 2015, transferred the tax funds Israel withheld. Netanyahu announced that he approved the recommendation of the Israeli security forces to transfer withheld tax funds "to preserve the interests of Israel." In this context, Israel faced immense pressure from the US, the European Union and international bodies to reinject tax funds, fearing deterioration in the economic situation in WB, which could develop into overwhelming chaos threatening the security of the PA and of Israel as well. Consequently, the Israeli security forces recommended transferring tax funds to prevent the collapse of the PA and the security of Israel.<sup>98</sup>



**Benjamin Netanyahu**

## **Conclusion**

The PA suffers a structural "stalemate" precluding all attempts to fix it. Thus, it is too deep to be solved by holding elections, since holding them will reproduce the impasse rather than end it. The dilemma is not only in losing political legitimacy, it is in the political system itself, which is dominated by neopatrimonialism, where the manifestations of corruption, violations of human rights and erosion of legitimacy are part of its symptoms.

<sup>96</sup> "Palestinian Reform and Development Plan 2008 – 2010," Palestinian National Authority, Ministry of Planning, Ramallah, p. 14. (in Arabic)

<sup>97</sup> "The semi-annual report of the general budget 2018," The Coalition for Accountability and Integrity (AMAN), Ramallah, September 2018, p. 8. (in Arabic)

<sup>98</sup> Israel to Transfer the Withheld Tax Funds to the PA, Site of Arab 48, 27/3/2015, <https://www.arab48.com> (in Arabic)



There are subjective and objective factors influencing the PA's political system. Among these factors are the agreements signed by the PA and its commitment to international conditions that prevent its emancipation from the neopatrimonial model. Assuming that the political actors are willing to democratize the system and adopt the legal constitutional system, they will not be able to do so due to the external factor. An indication of this is the lack of engagement of Western countries with the results of the 2006 elections, as was manifested in the conditions of the Quartet and Israel's arrest of Hamas MPs.

The PA was established to play a functional role of maintaining security and calm, and has been bound by agreements and commitments, which include "security coordination." As a result, the individual role of President 'Abbas was overlooked due to the need for a partner who would work under the terms of the Quartet and do its role. Any attempt to escape these obligations will collide with the fact that the PA depends for its resources on tax revenues (clearance tax) controlled by Israel. Hence, the PLO, the PA's reference authority, cannot change the latter's "approach" or "functional role," as long as it is subject to the conditions set when established.

The PA diverted from its original goal, establishing a "state," and what President 'Abbas, the architect of the Oslo Accords, feared has crystallized. He said that this agreement is a common denominator between two enemies, and it bears the possibility of establishing an independent state, however, it may turn into a one that cements the occupation for years.<sup>99</sup> Indeed, the PA and its security forces have changed from being an institution established to achieve the goal of an independent "state" to an institution aimed at preserving its survival, even if the price was to cement the occupation. The PA is struggling primarily to remain alive, vehemently defending its continuation despite the failure to achieve the goal for which it was originally established, because there is a network of interests and beneficiaries behind its existence. This PA was "designed" to preserve its employees, who number in the tens of thousands and whose interests and livelihoods are tied to its existence, regardless of its "functional role." Whoever wants to get out of the impasse and change the "approach" of the PA has to change its

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<sup>99</sup> Ahmad Qurai', *Al-Riwayah al-Kamilah li al-Mufawadat min Oslo ila Kharitat al-Tariq: Mufawadat Oslo 1993* (The Complete Palestinian Account of the Negotiations: From Oslo to the Road Map: The Oslo Negotiations 1993), (Beirut: Institute for Palestine Studies, 2005), p. 295.



“structure,” and this may be difficult. Perhaps the most feasible is to return again to a national liberation movement, that does not abide by any obligations. Experience has proven that it is difficult, if not impossible, to combine the “approach” of the PA with the “approach” of a national liberation movement.

