



Academic Paper

The Transformations of the Pillars of Legitimacy of the Palestinian Authority From the Political Promise to the External Factor



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The Transformations of the Pillars of Legitimacy of the Palestinian Authority: From the Political Promise to the External Factor

Sari 'Orabi¹

Summary

The Palestinian Authority (PA) is currently suffering from a number of entrenched crises that affect the justifications of its existence and continuity. The 2008 Mahmud 'Abbas-Ehud Olmert talks ended without reaching an agreement, and in 2009, when Benjamin Netanyahu became a prime minister, the peace process was halted, in addition, the Palestinian President announced that there will be no negotiations with the continuation of settlement building. However, it was without adopting any resistance policies that would obstruct settlement building or resist the occupation. Therefore, the PA has been without a political justification of its continuation as an authority under occupation, whereas its original existence was based on a promise to that it would become a state with the June 1967 borders.



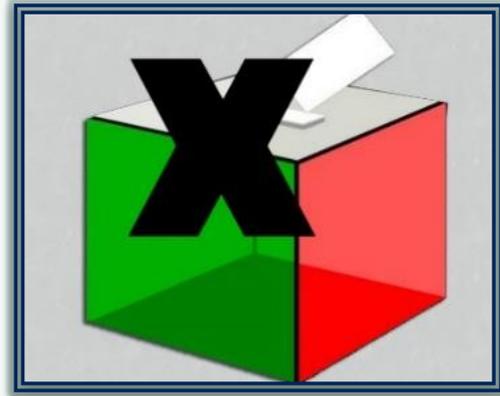
Socially wise, the PA doesn't seem capable of performing its social duties; including the economic and legal ones, and the entire Palestinian economic cycle is subject to the political conditions. The PA was unable to enhance the steadfastness of the people within its geographical area of authority, and that of the Jerusalemites. Similarly, the judicial aspect, at its security and judicial levels, for we have seen the security fragility with the killing of the Palestinian activist Nizar Banat, during his arrest, by the PA's security forces.

Matters have become more critical with the PA's cancellation of the legislative and the presidential elections and that of the Palestinian National Council (PNC),

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which were approved by Hamas and most Palestinian forces. According to the presidential decree issued by President ‘Abbas, the legislative elections were scheduled on 22/5/2021. However, they were canceled in the form of a postponement, under the pretext that it was not possible to hold them in Jerusalem, but without the PA offering any alternative mechanism that would

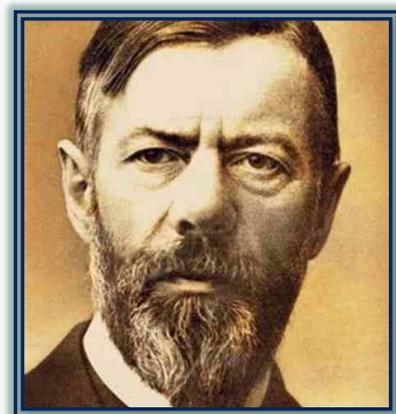


regulate the relationship between various Palestinian forces and ideas. On the contrary, the PA continues to reject reconciliation and national partnership, except if Hamas recognizes what the PA calls “resolutions of international legitimacy.” This means that the PA wants to limit its function to its initial one as dictated by the Oslo Accords, for this function has become a guarantor of its existence and continuity of power, and this makes the PA a goal in itself, without any political assurances that it would evolve.

This paper discusses the transformations of four pillars of PA legitimacy, from its inception to the present moment. They are: the political promise, social function, popular legitimacy, and external support. It discusses also the political meanings of these transformations, and the possible ensuing grave national risks.

First: Preface, the Legitimacy Concept

Every political power is keen to invoke justifications for its existence and continuation, for the core of power, according to its most reliable definition, as per Max Weber, “the chance of a man or of a number of men to realize their own will in a communal action even against the resistance of others who are participating in the action.”² This calls for building a relationship between the political authority and those who are governed, on the basis of a rational-legal authority that is unlike the traditional ones that are based on kinship and descent (such as a king or a chief), an outdated historical



Max Weber

² Hans Heinrich Gerth and Charles Wright Mills (eds.), From Max Weber: Essays in Sociology (London: Routledge, 1991), p. 180.



achievement, or leadership charisma. It must be based on rules and laws,³ or functions, specifying the legitimate uses of force.

The “Palestinian Authority” is a structure that is much less than a state, as it is not able to gather the Palestinians within a sovereign political territory. It ambiguously and completely overlaps with the presence and domination of the Israeli occupation. Therefore, it seeks to cover up with a legitimacy that would justify its existence and continuity. However it has the specific case of being intertwined with a national liberation movement that has not fulfilled its liberation project. As a result, discussing the pillars of the PA’s legitimacy is doubly sensitive.

It can be said that the PA legitimacy has descended from a traditional and charismatic one to an ambiguous legal one. The PA resulted from a national liberation movement, mainly the Fatah movement, whose official launch date is the date contemporary Palestinian revolution has started. Its origin also goes back to the Palestine Liberation Organization (PLO), which was considered the moral state of Palestinians. The maker of the PA project, the late Palestinian President Yasir ‘Arafat, had enjoyed a special charisma based on his historical national role. However, after this long struggle, the PA under occupation has taken a different path and has been subject to a lot of Palestinian criticism, making traditional and charismatic legitimacy not enough. It needed legitimacy of legal nature, such as having a political project, social function and popular consent. These are some pillars of legitimacy, in terms of what people think about authority and its obligations.



Yasir ‘Arafat

The PA operates in a very complicated landscape with many balances of power. It is the outcome of a regional international decision, and a limited settlement between the PLO and Israel. Therefore, one of the most important pillars of the PA legitimacy, is the external support. If the power according to Michel Foucault is “the name given to a complex strategic situation in a given society,”⁴ then the PA

³ Craig Calhoun, *Dictionary of the Social Sciences* (New York: Oxford University Press, 2002), pp. 25–26.

⁴ Marc Schuilenburg, *The Secularization of Society: Crime, Risk and Social Order* (New York: New York University Press, 2015), p.42.



is a complex strategic situation in a multi-actor external environment. One of the most important actors is Israel, which the PA is supposed to be in conflict with, and from which it wants to extract what is called in Palestinian literature the minimum rights of the Palestinian people. Therefore, the pillars of PA legitimacy are considered quite controversial, since they include, at the same time, political argument and external support.

Second: The Transformations of the Pillars of PA Legitimacy

1. Political Argument (or Political Promise)

“The normative concept of political legitimacy is often seen as related to the justification of authority,”⁵ and in the case of the PA, it seems that the justification of its establishment is more urgent. For establishing an authority under occupation, at a level much lower than a country, at the lowest level of what can be considered self-governance, and that would get off the struggle track, needs political justification, not just a statement, rather a promise of evolving into better conditions.

Seeking to establish an authority under occupation took a long time, no less than twenty years, since the early 1970s. The idea had started outside the PLO framework, with different proposals from ‘Aziz Shohadeh,⁶ Hamdi al-Taji al-Faruqi and Muhammad abu Shilbayeh.⁷ Then, the idea began to appear in the PLO frameworks, in the Fatah movement in particular, under the slogan of phased revolution, as in the proposals of Nimr Saleh and Majid Abu Sharar in 1971, and even before that, Farouk Qaddoumi had put forward the proposal at the second Fatah conference held in Damascus in 1968. Then, prior to the October 1973 war, the Democratic Front for the Liberation of



⁵ Fabienne Peter, Political Legitimacy, site of Stanford Encyclopedia of Philosophy, 24/4/2017, <https://plato.stanford.edu/entries/legitimacy/>

⁶ Munir Shafiq, “Why do the Palestinians Reject the Palestinian State Project in the West Bank and Gaza Strip,” *Shu'un Filistiniyyah* journal, issue 7, March 1972, pp. 65–73. (in Arabic)

⁷ Yezid Sayigh, *Al-Kifah al-Musallah wa al-Bahth 'an al-Dawlah: Al-Harakah al-Wataniyyah al-Filistiniyyah 1949–1993* (Armed Struggle and the Search for State: The Palestinian National Movement, 1949–1993), translated by Basim Sarhan (Beirut: Institute for Palestine Studies, 2002), p. 449.

Palestine (DFLP), prompted by Fatah, re-introduced the idea. Afterwards, the 12th session of PNC, in June 1974, adopted the ten-point program that included the PA establishment on whatever land the occupation withdraws from.⁸



The 12th session of PNC

After understanding the post-October war shifts in the regional balance, Fatah and the PLO changed considerably concerning the PA concept, and began to openly promote it. Representation concerns and the conflict with Jordan over the West Bank (WB), were evident in Yasir ‘Arafat’s justifications at the time, as the testimonials about that phase attest.⁹

The PA concept and the shift from the complete liberation of the land to the two-state solution began to be discussed even before leaving Beirut in 1982, before the war on Iraq in 1990/1991, and surely before the Madrid Conference. This means that this transformation resulted from political factors other than the direct ones explained. For the known factors included representation concerns that caused conflicts with Jordan and Syria, then in the early 1970s, there were fears of having new representatives inside the occupied territories, then after the first *Intifadah*, there were fears of the emergence of an alternative leadership. Nevertheless, there were other very important factors, including huge regional transformations such as Egypt’s exit from the conflict with Israel, whose indicators appeared after the October war, and the defeat in Iraq in 1991.

However, these factors were not enough to justify the PA establishment under occupation. Therefore, an interim solution was suggested within a revolutionary context, and was mentioned in the ten-point program as “the independent

⁸ Nazih Abu Nidal, *Muzakkarat Nazih Abu Nidal: Min Awraq Thawrah Maghdurah* (The Memoirs of Nazih Abu Nidal: From the Papers of a Betrayed Revolution), interviewed by Ziad Muna, (Beirut–Damascus: Cadmus Press, 2011), pp.143–144, ebook.

⁹ Mu‘in al-Taher, *Tabegh wa Zaytun.. Hikayat wa Suwar min Zaman Muqawim* (Tobacco and Olives.. Stories and Pictures From the Time of Resistance) (Doha: Arab Center for Research and Policy Studies, 2017), pp. 50–51.



combatant national authority,” which “once it is established, the Palestinian national authority will strive to achieve a union of the confrontation countries, with the aim of completing the liberation of all Palestinian territory, and as a step along the road to comprehensive Arab unity.”¹⁰ This authority would become a limited self-governing authority, whose existence is conditioned on the recognition of Israel and delivering a security service, with the objective that this would lead to a permanent solution to the conflict. The PLO was promised that the solution would be an independent Palestinian state on the borders of June 1967.

This means that the political promise has changed from having a fighting authority that aims to gain control of any Palestinian land with the aim of liberating all of Palestine, to a conditioned authority that has to recognize Israel, but promises to turn into a state on all the 1967 occupied territories. A promise that collided with the failure of the Camp David Accords negotiations between Yasir ‘Arafat and the then Israeli Prime Minister Ehud Barak under the auspices of then US President Bill Clinton in July 2000. It led later to the outbreak of the second Palestinian *Intifadah*, which overshadowed the fact that the political justification of the PA existence has ended. Then, in the 2006 elections, the justification was renewed and during the 2007 Palestinian schism.



Ehud Barak

Since then, it can be said that the PA has actually stopped promising to turn into a better state, despite the fact that the peace process was pushed forward, when the Palestinian schism occurred in June 2006, and the PA needed to get stronger with external international and Israeli factors. The Annapolis Conference was held in November 2007, under the auspices of then US President George W. Bush, then the ‘Abbas-Olmert negotiations followed in 2008, After that, the peace process



The Annapolis Conference was held in November 2007

¹⁰ “Political Programme of 9 June 1974, 12th Palestine National Council,” site of United Nations Information System on the Question of Palestine (UNISPAL), 9/6/1974, <https://unispal.un.org/UNISPAL.NSF/0/BA7A9909F792340F8525704D006BDAF1>



has been in a complete stalemate, since Netanyahu became prime minister in 2009, and President ‘Abbas declared the halt of negotiations with the continuation of settlement building.¹¹

It can be said that since Olmert’s resignation in September 2008, i.e., 13 years ago, and the peace process has been stalled. This means that the PA has itself become a goal, doing nothing in terms of struggle, due to its absolute commitment to the security conditions that establishe and guarantee its continuity (Contrary to ‘Arafat’s policy during the tunnel uprising in 1996, and the second *Intifadah* in 2000).

Many observers considered the combative stance of the PA during the May 2021 events was weak. These events began with the stroming of *al-Aqsa* mosque, then there were attempts to displace the residents of the Sheikh Jarrah neighborhood, which led to the aggression on Gaza Strip (GS), known to Palestinians as the Sword of Jerusalem battle (dubbed by Israel Operation Guardian of the Walls).

The official announcement of the end of the political argument and the ineffectiveness of the PA reflected on a number of Israeli and US events and resolutions: In December 2017, the then US President Donald Trump recognized Jerusalem as the capital of Israel, and in January 2020, he announced his plan “the Deal of the Century” to end the Palestinian-Israeli conflict. In April 2020, Netanyahu announced his plan to annex some WB areas to Israel, then the new normalization wave started in 2020, emanating from Trump’s vision. As for the PA, President ‘Abbas did nothing but announce that the PLO and the “State of Palestine are absolved...of all the agreements and understandings with the American and Israeli governments and of all the obligations based on these understandings and agreements, including the security ones.”¹² However, after only six months, the PA announced the resumption of security coordination with the Israeli occupation,¹³ then lately it told Hamas that in order to return to talks, Hamas must recognize the “international



Donald Trump



Benjamin Netanyahu

¹¹ ‘Abbas Renews Linking Negotiations to Settlements, site of Aljazeera.net, 3/11/2009, <https://bitly.is/3zIUJaU> (in Arabic)

¹² President Abbas Declares End to Agreements with Israel, US; Turns Over Responsibility on Occupied Lands to Israel, site of Palestine News and Info Agency (Wafa), 19/5/2020, <http://english.wafa.ps/page.aspx?id=SHr6TEa117154132029aSHr6TE>

¹³ Six months after Their Suspension, the Palestinian Authority Announces the Resumption of Communication with Israel and the Security Coordination., Aljazeera.net, 17/11/2020, <https://bit.ly/3hEPDjL> (in Arabic)

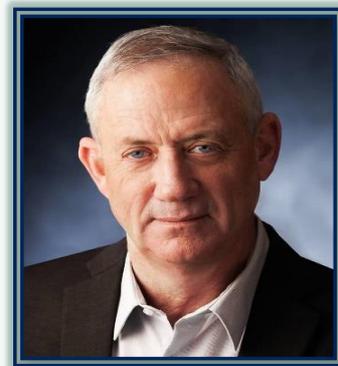


legitimacy resolutions,”¹⁴ and this was after the weak PA performance in the Sword of Jerusalem battle.

Since 2015, the PLO institutions, and even the Fatah movement, have decided more than once to stop security coordination, and absolve of the agreements with the occupation.¹⁵ However, none of these decisions were implemented, despite the PA’s announcement, on many occasions, that Israeli policies are destroying what remains of hopes for a two-state solution.¹⁶ This means that the PA, on the one hand, has lost the political promise that represented the first national basis for its legitimacy, and on the other hand, has lost the effectiveness of the struggle that would have turned into another pillar of its legitimacy.



Therefore, after this long journey of peace process failure, in which the PA did not evolve into a higher status, and since the Naftali Bennett’s right-wing government has descended from the same ideological orientations as Netanyahu, and, by virtue of its coalition structure, is unable to take essential positions in the conflict, this government is not expected to provide anything of significance to the peace process. Lately, Bennett himself, after assuming his position as prime minister, has reiterated his opposition on the establishment of a Palestinian state, and ruled out his meeting with President ‘Abbas.¹⁷ He assured that there will be no political process with the Palestinians, and that matters will not go beyond the economic facilities,¹⁸ a stance that is considered a continuation of Benjamin Netanyahu’s policy of “economic peace.” Although Israel’s Defense Minister Benny Gantz met ‘Abbas, his positions have been against dismantling the WB settlements and establishing a Palestinian state along 1967 borders,¹⁹



Benny Gantz

¹⁴ The Movement’s Statement Came in Response to ‘Abbas’s Comment in a Leaked Document, Hamas to “Arabi 21”: ‘Abbas adopts Israeli Conditions on the Movement, site of Arabi 21, 28/8/2021, <https://bit.ly/3kd6U5d> (in Arabic)

¹⁵ How Many Times has the Authority Decided to Stop Coordinating with the Occupation?, site of Quds News Network, 17/11/2020, <https://bit.ly/3CfUkIB> (in Arabic)

¹⁶ ‘Abbas: Settlement will “Eliminate” Hopes for a Two-State Solution, *Alghad* newspaper, Amman, 22/9/2016, <https://bit.ly/39gmjEI> (in Arabic)

¹⁷ Bennett Rules Out Meeting with Palestinian President Abbas, site of Ynet news, 14/9/2021, <https://www.ynetnews.com/article/s1jbpafk>

¹⁸ Bennett to the Palestinians: Economic “Facilitations,” Yes, Political Agreements, No, site of Arabs48, 2/9/2021, <https://bit.ly/3lo4fVG> (in Arabic)

¹⁹ Gantz Says Israel Could Accept New Iran Nuclear Deal, site of The Times of Israel, 15/9/2021, <https://www.timesofisrael.com/breaking-from-longheld-israeli-stance-gantz-willing-to-accept-jcpoa-revival/>

which effectively undermine any prospect of a meaningful Palestinian state in the future.

2. Social Function

The political argument is supposed to be the most important justification for the existence and continuation of the PA. The failure of this argument is supposed to make the PA—if it remains—strengthen the social function that supports the steadfastness of the Palestinians on their land. This is in principle, when looking at the PA as a project that emerged from a Palestinian liberation movement. However, in addition to that, the beneficial consequences²⁰ that the authority promises socially, economically, and security-wise are among the legitimate justifications for its existence.

When dividing the PA's social function into security and economic ones, the complete interdependence between the latter two is noted, on the one hand, and between them and the Israeli factor on the other hand. Thus, they neither can be separated from each other nor from the Israeli economy. This was manifested when the PA linked its receipt of tax money from Israel—which is purely Palestinian money—to security coordination. For, when in opposition to the annexation project the PA announced that it is absolved of all the agreements, it refused to receive the clearance taxes,²¹ then, afterwards, it received them, while resuming security coordination at the same time. As for Israel, according to Palestinian Prime Minister Mohammad Shtayyeh, it deducts from the clearance taxes what is equal to the stipends paid by the PA to the families of Palestinians held in Israeli prisons and those killed and injured by Israeli forces and settlers; 51 million shekels/ month (\$15.5 million), since 2019.²² This means linking the Palestinian economy and its income to criminalizing the Palestinian struggle.



Mohammad Shtayyeh

The PA does not have ports, airports, or direct crossings to the outside world, which makes import and export completely dependent on Israel. Moreover, the

²⁰ Fabienne Peter, Political Legitimacy, Stanford Encyclopedia of Philosophy, 24/4/2017.

²¹ Palestine Refuses to Accept Tax Revenues From Israel, Anadolu News Agency, 4/6/2020, <https://www.aa.com.tr/en/middle-east/palestine-refuses-to-accept-tax-revenues-from-israel/1864408>

²² Prime Minister: Israel's Cut from Palestinian Tax Revenues Leaves PA in Difficult Financial Position, Wafa, 12/7/2021, <https://english.wafa.ps/Pages/Details/125376>



movement and transportation within WB are controlled by Israel, and it can use them for punitive measures, whenever it wants. For since *al-Aqsa Intifadah*, Israel has increased the major and minor barriers, bypass roads and the Separation Wall, etc., as tools of control and domination. They remain ready for collective punishment, in case any resistance action in WB was made. Furthermore, in Area C, which includes areas eligible for urban, industrial and agricultural expansion, the construction is not available, and according to Oslo Accords, its security and administrative authority is controlled by Israel. These areas are considered candidates for settlement expansion, and they are used to establish control and separation between Palestinian communities.

According to the statistics of the United Nations (UN) Office for the Coordination of Humanitarian Affairs-occupied Palestinian territories (OCHA-oPt), the number of demolished structures, most of them in Area C, was 7,637 and the number of people displaced reached 11,485.²³ This makes construction and economic expansion in Area C extremely risky. During the Salam Fayyad's government term, the PA called on the Palestinians to construct in this area,²⁴ however, it is economically unable to support development projects in Area C, or to compensate Palestinians in the event the occupation demolishes their properties in those areas.



Salam Fayyad

The inability of the PA to rely on itself has manifested during its successive financial crises, like its inability to pay the full salaries of its employees, in more than one incident. It was also evident during political crises, such as the clearance taxes crisis, or during general crises, such as the COVID-19 pandemic crisis. In these cases, the authority was forced to borrow from local banks. From February to September 2020, the PA tax incomes fell by 70%, and external funding fell by 50%, which increased the debt in favor of local banks and became 7 billion shekels (about \$2 billion); external debt became 4.5 billion shekels (\$1.3 billion); and the arrears to the private sector and the pension fund

²³ Breakdown of Data on Demonlition and Displacement in the West Bank, site of United Nations Office for the Coordination of Huminitarian Affairs-occupied Palestinian territories (OCHA-oPt), <https://app.powerbi.com/view?r=eyJrIjoiMmJkZGRhYWQ0ODk0MS00MWJkLWI2NTktMDg1NGJIMGNiY2Y3IiwidCI6IjBmOWUzNWRiLTU0NGYtNGY2MC1iZGNjLTV1YTQxNmU2ZGM3MCIslmMiOjh9>

²⁴ Fayyad Calls on the Palestinian Communities to Contribute to Building the State, WAFA, 24/9/2010, <https://bit.ly/39c8OwP> (in Arabic)

became 13 billion shekels (\$3.8 billion). Therefore, the PA's total debt until that date became 24.5 billion shekels (\$7.1 billion).²⁵

The PA's crushing financial crisis compels the authority sometimes to increase internal collection, which increases the burden on the Palestinians, instead of the authority being a source of strength for their steadfastness. Furthermore, the PA is unable to absorb the huge numbers of new graduates, where 40 thousand Palestinian students graduate annually, and the employment opportunities do not exceed 8 thousand. Therefore, Palestine has the highest unemployment rate in Asia and the Arab world,²⁶ and its environment expels the Palestinians rather than strengthening their steadfastness in their land.

In the same context, the PA is now borrowing from Israel to address its serious financial crisis, as in the 'Abbas-Gantz agreement of 2/8/2021, when Israel agreed to lend the PA \$155 million, which will be paid off from the confiscated clearance funds starting June 2022.²⁷ This economically means the accumulation of debts and the prolongation of the crisis,²⁸ while politically, it means establishing the link between the PA's existence and function and Israel. For the latter also has granted 15 thousand work permits to Palestinians in WB, to work inside the occupied territories in 1948.²⁹



Mahmud 'Abbas

The "Economic Peace" policy puts the entire economic cycle under the mercy of Israel. The PA revenues are linked to Israel that collects clearance taxes, and its external aid is subject to political blackmail, and global political and economic fluctuation. The number of employed Palestinians in Israel and settlements increased to 170 thousand at



²⁵ Analysts: The Authority is in a Financial Predicament After Borrowing Reached its Highest Ceiling, site of Palestine Economy Portal, 30/9/2020, <https://bit.ly/3tLLJua> (in Arabic)

²⁶ In Palestine...the highest unemployment rate in Asia and the Arab world, site of *Alhadath*, Ramallah, 7/8/2019, <https://bit.ly/399aFm9> (in Arabic)

²⁷ From the Clearance Funds, the Palestinian Authority Borrows \$ 155 Million From Israel, site of Alaraby TV, 30/8/2021, <https://bit.ly/3kgeZGw> (in Arabic)

²⁸ The Authority Borrows From (Israel) .. An Accumulation of Debts and a Deportation to the Crisis, site of Al-Resalah Net, 4/9/2021, <https://bit.ly/3C9Ym5s> (in Arabic)

²⁹ From the Clearance Funds, the Palestinian Authority Borrows \$ 155 Million From Israel, Alaraby TV, 30/8/2021. (in Arabic)



the end of 2020.³⁰ This employment, which is part of the WB economic cycle, is fully conditional on the calm required by Israel, furthermore, the PA cannot control this labor. The workers deal directly with the Israeli “Coordination of Government Activities in the Territories,” which is the Israeli expression of what was previously known as the Civil Administration, whose power overwhelms the PA.³¹

Added to this structural dilemma corruption and nepotism,³² which are intrinsically linked to the lack of legislative power that was disrupted with the Palestinian schism, and dissolved in December 2018. After that, the executive authority has dominated, forming a constitutional court whose legality has been questioned by human rights institutions,³³ which also challenged the legitimacy of dissolving the Palestine Legislative Council (PLC).³⁴ This authority has also reconstituted the Supreme Judicial Council, and dominated the entire administrative judiciary, making its hand free, and making the Palestinians feel that the authority is no longer theirs.

These policies necessarily has affected the judicial system, which has led the Palestinians to resort to the primary tribal civil structures, such as clans. This partly explains the escalation of family problems and the killings in recent years in WB. If the period from early 2021 until June is compared to the same period of 2020, we find that the murder rate in Palestine increased by 69%, while crime and violence increased by 40%.³⁵

The public’s effectiveness is declining, due to the PA’s weakness and preoccupation with the security aspect, leaving the public overwhelmed by the consumer economic policies. As for the social function, the PA’s ability in that concern is declining, while its institutions are limited to securing employment to its social network, that is the one linked to its ruling party and ruling class. Moreover, people’s confidence in the justice system has declined, making them rely on their primary structures. Therefore, the PA has been strengthening the tribal civil structures, where tribal reformists are supported by the executive authority,

³⁰ By the End of 2020, the Number of Palestinian Workers in Israel Will Rise, site of Aliqtisadi, 17/2/2021, <https://bit.ly/3tNeerB> (in Arabic)

³¹ Expansion of the Israeli “Civil Administration”... Targeting the Palestinian Authority in an Economic Context, Research Center of the Palestine Liberation Organization (PLO), <https://bit.ly/3EoqweJ> (in Arabic)

³² Exclusive: Nepotism in Palestine: Officials’ Relatives are Guaranteed a Job Upon Graduation, site of Middle East Monitor (MEMO), 23/6/2021, <https://www.middleeastmonitor.com/20210623-nepotism-in-palestine-officials-relatives-are-guaranteed-a-job-upon-graduation/>

³³ The Organizations Council Demands the Withdrawal of the Decision to Form the Constitutional Court and to Respect Freedom of Opinion and Expression, site of Al-Haq, 26/1/2017, <https://bit.ly/3lxghMx> (in Arabic)

³⁴ A Position Paper issued by Palestinian Civil Society Organizations and the Independent Commission for Human Rights Regarding the Decision of the Constitutional Court to Dissolve the Legislative Council and Call for Legislative Elections, Al-Haq, 27/12/2018, <https://bit.ly/2Xjofk6> (in Arabic)

³⁵ Since the Beginning of 2021: The Crime Rate has Increased by 40% and Murder by 69% in the West Bank, site of Arab48, 14/7/2021, <https://bit.ly/2XANDSN> (in Arabic)



and their decisions and solutions are considered bases for the official judicial authorities.³⁶

The political capabilities of the PA are linked to its security capabilities. It is unable to extend its security influence to Area C,³⁷ which constitutes most of WB, and its security forces need to coordinate with the Israeli forces to enter those areas. These Israeli forces define also when and where the PA can arrest any political opponent, whereas they are less able to deal with family problems, the arms trade used in those areas, drugs, and the like.

3. Popular (or Electoral) Legitimacy

The establishment of the PA was not based on a general referendum, rather on its emergence from a national liberation movement, and on having a political argument and making economic promises. However, it can be said that its opposition at the time was apparent, with the establishment of the Alliance of Ten Factions, whose prominent members included Hamas, the Islamic Jihad Movement in Palestine (PIJ), the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP). This alliance between Hamas and the Palestinian left-wing resulted in winning a number of Palestinian university councils in WB, starting with the Birzeit University elections in 1993 under the slogan of rejecting the Oslo Accords, then in An-Najah University in 1994, and Al Quds University in 1995.³⁸



³⁶ ‘Ammar Yasir Jamous, “Tribal Reform from Human Rights, Values and Constitutional Perspective,” site of the Independent Commission for Human Rights, Ramallah, 2019, p.7. (in Arabic)

³⁷ Ibid.

³⁸ Sari Orabi, The Islamic Movement and the Student Movement, Palestine Supplement, *Assafir* newspaper, Beirut, June 2013, <https://bit.ly/2Xo5oV0> (in Arabic)



The PLO helped the PA with its popularity, not only because “democracy is seen as necessary for political legitimacy,”³⁹ and because the new authority is interested in showing a democratic face in front of the sponsoring, founding and financing forces, who would compare it to the Israeli image of democracy; but because it is aware of the importance of this issue. Moreover, the agreements between the PLO and Israel included annexes that stipulate holding elections and how to organize them.⁴⁰ Therefore, in 1996, legislative and presidential elections were held and were boycotted by many political forces including Hamas. Then, the PA continued, without renewing the elections, until the end of the *al-Aqsa Intifadah* and the death of the late Palestinian President Yasir ‘Arafat. In 2005, presidential elections were held and Mahmud ‘Abbas won, and in 2006, legislative elections were held and Hamas won.

The elections, which renewed the legitimacy of the authority, led in 2007 to Palestinian schism. This new situation has disrupted the legislative institution, and provided the presidency with a “pretext” to single out the Palestinian scene by issuing a series of presidential decrees. The presidential and legislative terms were supposed to end in 2009 and 2010 respectively, therefore, the PA in 2009 tried to address this situation, by summoning the Palestinian Central Council (PCC) to extend the mandate of the President (after the end of the first term of ‘Abbas) and the PLC,⁴¹ on the pretext that the PLO is the PA founder. This step is considered an acknowledgment of the end of President Abbas’s term, and raises many doubts about the use of the Constitutional Court to dissolve the PLC, without discussing the presidency.

Since Hamas won the legislative elections in 2006, and the call for elections has always been an integral part of the Palestinian political scene. First, in the form of early elections that include an implicit rejection of the victory of Hamas, then as a prelude to reconciliation with Hamas. The elections were a constant clause in all reconciliation understandings between Hamas and Fatah, and the decision of the Constitutional Court that dissolved the PLC stipulated that elections should be



³⁹ Fabienne Peter, Political Legitimacy, Stanford Encyclopedia of Philosophy, 24/4/2017.

⁴⁰ The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip: Annex II- Protocol Concerning Elections, UNISPAL, <https://unispal.un.org/DPA/DPR/unispal.nsf/eed216406b50bf6485256ce10072f637/91270ae09320b3d485256f18006759c8?OpenDocument>

⁴¹ The PCC Extends the Mandate of the President and the Legislature - Hamas: A Coup Against the Law and the Constitution, site of Ma’an News Agency, 16/12/2009, <https://bit.ly/3EptEHf> (in Arabic)

held six months after the decision.⁴² This remained the case until Hamas and Fatah agreed to hold multi-phased elections, the legislative one, then the presidential, and another for the PNC. Then, ‘Abbas issued a presidential decree setting the dates for these elections, starting 22/5/2021 for the PLC.⁴³ However, he soon canceled them under the pretext that it was not possible to hold them in Jerusalem.⁴⁴

The understanding of the two movements sparked a lot of controversy, and the intention of the PA to hold elections was also subject to many doubts, for the entire PA area has been under Israel’s control. This would make the elections a way to blackmail Hamas politically, or to experience a new schism after the renewal of the PA’s legitimacy, as in 2006. On the other hand, the cancellation of the elections had actually affirmed the opinions that questioned the seriousness of holding them or the intentions behind holding them, especially since Fatah has failed to form a national coalition and since the proposal of having a joint list with Hamas has failed. Furthermore, competitive blocs emerged from Fatah, which means that it was impossible for the official Fatah list to achieve a comfortable majority in the PLC.⁴⁵

The PA encountered several incidents after canceling the elections, most importantly the May clashes in Jerusalem and the Hamas-led Sword of Jerusalem battle, during which the PA was almost silent. It even encountered new crises, one due to purchasing Pfizer vaccines from Israel that were about to expire,⁴⁶ hence, another mysterious corruption incident inside the PA, and one due to the killing of the Palestinian activist Nizar Banat by security forces during his arrest,⁴⁷ and the condemning demonstrations that followed, which the PA pursued with repression and persecution.⁴⁸ This has revealed the growing security dominance and influence of the ruling elite, without the PA



Nizar Banat

⁴² WAFA Publishes the Text of the Constitutional Court's Decision Regarding Dissolving the PLC and holding Elections, WAFA, 24/12/2018, <https://bit.ly/3hDe2Gq> (in Arabic)

⁴³ The President Issues a Presidential Decree Setting the Date for Holding the General Elections in Three Stages, WAFA, 15/1/2021, <https://bit.ly/3CiGkxR> (in Arabic)

⁴⁴ The President Issues a Decree Postponing the General Elections, WAFA, 30/4/2021, <https://bit.ly/399VOI6> (in Arabic)

⁴⁵ Why Palestinians Will Not Hold Elections, at Least for Now, site of Carnegie Endowment for International Peace, 21/7/2010, <https://carnegieendowment.org/sada/41251>

⁴⁶ Palestinian Bodies Demand an Investigation into the Expired Vaccine Deal with Israel, site of *Al-Arabi al-Jadid* (The New Arab) newspaper, London, 19/6/2021, <https://bit.ly/3hFpm4Z> (in Arabic)

⁴⁷ Nizar Banat: The Most Outstanding Audacious Voice Against the Palestinian Authority, site of the British Broadcasting Corporation (BBC) in Arabic, 24/6/2021, <https://bbc.in/2YW1hAe>

⁴⁸ Demonstrations in the West Bank Against ‘Abbas... and Repression in Ramallah, site of Arabi 21, 26/6/2021, <https://bit.ly/3hFWGsm> (in Arabic)



being able to address these mistakes quickly and with transparent mechanisms. The responsibility for the vaccine deal remained ambiguous,⁴⁹ and in the Nizar Banat case, the PA convicted 17 soldiers of beatings that led to death, abuse of authority, and violating military instructions, without holding anyone of a higher rank accountable.⁵⁰ It also did not dismiss Shtayyeh's government, nor was it able to announce a cabinet reshuffle.⁵¹

4. The External Factor

The erosion of legitimacy, and the diminishing ability to perform functions that confer legitimacy, will necessarily lead to reliance on security against potential popular risks on one hand, and on external support, on the other hand. This is mainly due to the PA being under occupation. Such conditions were early predicted by thinkers, since the early 1970s.⁵²

As a result, the PA had no choice but to strengthen its legitimacy, by first proving its importance through the function it was established for, and by having regional and international support. In fact, in the current international system, when the legitimacy of certain political powers is ascribed to international conventions, “national communities are not the exclusive source of political legitimacy.”⁵³ So what if the political authority was established by a limited conditional agreement between the PLO and Israel under international auspices, where there has been and still is severe imbalance in power between the two?



⁴⁹ The Controversy Over the “Vaccine Deal” Multiplied, and the Palestinian Authority Returned it to the Israeli Authorities with Visual Documentation, site of *Al-Quds al-Arabi* newspaper, London, 20/6/2021, <https://bit.ly/3hGnKYx> (in Arabic)

⁵⁰ Investigation Ends with the Death of Palestinian Dissident Nizar Banat.. Indictment of all Members of the Security Force, *Aljazeera.net*, 5/9/2021, <https://bit.ly/39hl0MR> (in Arabic)

⁵¹ What are the Reasons for Postponing the Cabinet Reshuffle in Shtayyeh's Government?, *Quds News Network*, 25/8/2021, <https://bit.ly/3ziFshB> (in Arabic)

⁵² Munir Shafiq, “Why do the Palestinians Reject the Palestinian State Project in the West Bank and Gaza Strip,” pp. 65–73.

⁵³ Fabienne Peter, *Political Legitimacy*, *Stanford Encyclopedia of Philosophy*, 24/4/2017.

After the Sword of Jerusalem battle, the PA was supposed to prove its importance to the international community, by demonstrating its importance to Israel, which completely dominates the PA vital areas in WB. That's why Central Intelligence Agency (CIA) Director William Burns met with 'Abbas in August 2021, and discussed how to stabilize the PA politically and economically, stop Hamas from taking over the PA leadership,⁵⁴ and



William Burns met with 'Abbas in August 2021

arrange for the post-President 'Abbas stage.⁵⁵ This was preceded by the visit of the US Deputy Assistant Secretary of Israeli and Palestinian Affairs Hady Amr to Ramallah in July 2021, who discussed the mechanism for transferring Qatari humanitarian funds to GS,⁵⁶ whose mechanism has actually changed, and no longer involves directly Hamas, rather it will be through the UN, without paying the salaries of the Gaza government employees, for the PA doesn't agree on that.⁵⁷ Also, as part of the Western support for the PA, it was visited by the Chief of the British Secret Intelligence Service (MI6) Richard Peter Moore. As for Hady Amr's visit, he warned that the PA is in a "difficult and dangerous" situation, economically and politically, adding that the Palestinian administration cannot afford to pay salaries because of the economic crisis, and the political crisis in Palestine led to instability and a dangerous situation. Amr urged Israel to improve the economic and political situation of the Palestinian administration.⁵⁸



Richard Moore

Another related move was when 'Abbas was visited by the Defense Minister Benny Gantz who said, "As the Palestinian Authority gets stronger, Hamas gets

⁵⁴ CIA Director in Ramallah to Discuss Strengthening the PA, Quds News Network, 11/8/2021, <https://bit.ly/3lzWrQS> (in Arabic)

⁵⁵ What are the Reasons for Postponing the Cabinet Reshuffle in Shtayyeh's Government?, Quds News Network, 25/8/2021.

⁵⁶ Biden's Mideast Point Man in Region Amid Tussle over Home Demolitions, The Times of Israel, 12/7/2021, <https://www.timesofisrael.com/bidens-mideast-point-man-in-region-amid-tussle-over-home-demolitions/>

⁵⁷ The Disbursement of the Qatari Grant to the Poor of Gaza Through the United Nations Begins Tomorrow, *Al-Arabi al-Jadid*, 12/9/2021, <https://bit.ly/3kiqTzD> (in Arabic)

⁵⁸ US Envoy Warns Israel on Palestinian Authority's Economic Crisis, Anadolu News Agency, 17/7/2021, <https://www.aa.com.tr/en/middle-east/us-envoy-warns-israel-on-palestinian-authoritys-economic-crisis/2307207>



weaker, and so long as it has greater governance, we will have more security and we will have to act less.”⁵⁹ In this visit, Israel offered a \$155 million loan to the PA, increased the number of Palestinians who will be permitted to work in Israel, said it would recognize the status of three thousand Palestinian currently living in WB without proper documentation,⁶⁰ approve a thousand buildings in Area C,⁶¹ and allow the PA cellular providers to usher in 4G technology.⁶²

Also in August 2021, the Egyptian General Intelligence Directorate Chair ‘Abbas Kamel visited President ‘Abbas,⁶³ and in September 2021, ‘Abbas met with Egyptian President ‘Abdel-Fattah el-Sissi and Jordanian monarch ‘Abdullah II in Cairo in a trilateral summit.⁶⁴ This means that the PA will be the political beneficiary of the Sword of Jerusalem battle, which was not expected by the observers, and it would not be surprising if it required Hamas to recognize the international resolutions.



‘Abbas met with ‘Abdel-Fattah el-Sissi and ‘Abdullah II in Cairo in a trilateral summit

⁵⁹ Gantz Says Israel to Extend NIS 500 Million Loan to Palestinians, *The Times of Israel*, 30/8/2021, https://www.timesofisrael.com/liveblog_entry/gantz-says-israel-to-extend-nis-500-million-loan-to-palestinians/

⁶⁰ Expected Israeli Facilitation: The Fruits of the Abbas-Gantz Meeting, site of Alain News, 30/8/2021, <https://al-ain.com/article/abbas-gantz-meeting-israeli-facilities> (in Arabic)

⁶¹ Israel Agrees to Build 1,000 Housing Units for Palestinians in Area C, Ma’an, 11/8/2021, <https://bit.ly/3IBCZDt> (in Arabic)

⁶² Palestinians Eagerly Await Arrival of 4G Cellular Service, *The Jerusalem Post* newspaper, 31/8/2021, <https://www.jpost.com/middle-east/palestinians-eagerly-await-arrival-of-4g-cellular-service-678301>

⁶³ Bennett Meets Egyptian Spy Chief on Gaza, is Invited to Visit Cairo Within Weeks, *The Times of Israel*, 18/8/2021, <https://www.timesofisrael.com/bennett-meets-egyptian-spy-chief-on-gaza-is-invited-to-visit-cairo-within-weeks/>

⁶⁴ PA’s Abbas Meets Egypt’s Sissi, Jordan’s Abdullah in Rare Trilateral Summit, *The Times of Israel*, 2/9/2021, <https://www.timesofisrael.com/pas-abbas-meets-egypts-sissi-jordans-abdullah-in-rare-trilateral-summit/>

Summaries

The most dangerous aspect of the PA, is that it has lost its political horizon and has become a goal in itself, serving the interests of the influential elite, and in best case scenario, the interests of a network linked to the ruling party and its influential elite. This makes the PA depend completely on the conditions of its existence and on external factors, mainly Israel, which is an expected situation, due to the nature of conditions in which the PA operates, and the limitations of its powers in the first place, by virtue of the agreement. All of this will certainly be reflected on its social function, and on its eagerness to cover up with popular legitimacy.

Despite the Palestinian schism, which was one of the most important factors for the transformation of the PA elite, and despite the PA's increasing dependence on the external factor, it was keen at different times to strengthen its legitimacy. It convened the PLO institutions; tried to reconcile with Hamas along other forces, such as the PIJ; held meetings of the so-called Palestinian leadership at the PA headquarters; escalated the tone of the discourse against the occupation and the US, while being supported by Hamas; kept the Palestinian street busy talking about the elections; and called for factional support before President Abbas' speech at the annual meeting of the General Assembly of the United Nations in September. However, after cancelling elections, this policy was completely absent, in favor of the complete reliance on the external factor, which explains President Abbas' conditions for dialogue with Hamas, and his lack of eagerness to secure its support, as usual, for his expected speech at the UN General Assembly in September 2021.



It is important to understand the transformations of the PA's pillars of legitimacy, the ensuing transformations in its structure and elite, and the decisive role of the external factor affecting its internal performance and political trajectory. This is in order to manage a correct national relationship with the active national forces, and so that these forces do not repeat the futile integration or repair attempts with the PA, or seek partnership in unfavorable contexts, governed by decisive external factors. These circumstances require forging a path from outside the PA, building national alignments that believe in the original principles of the liberation project, strengthening the steadfastness of people in their land and curbing the phenomenon of leaving the PA territories, whether in WB or GS.



Conclusion

In WB, the PA suffered from successive incidents in a short and intense time, such as the cancellation of elections, the expired vaccines deal, the Sword of Jerusalem, and the killing of Palestinian activist Nizar Banat. This has led, to a large extent, to the weakening of its popular legitimacy, especially after having ceased to make convincing political promises, and its social function has adequately weakened.



This paper has discussed the most prominent pillars of the PA's legitimacy, since its establishment until now. It has focused on political legitimacy, represented in the political (dialectical) argument and political promise. The erosion of this argument and being practically dominated by Israel are the roots of other erosions. For the social function and the popular (or electoral) legitimacy have eroded, too, therefore, after a number of fundamental transformations since the Palestinian division, the PA was forced to rely on its functional role and the external factor. As a result, it became unconcerned with reconciliation attempts, very explicit in its conditions on Hamas, wanting it to make concessions, and this is a constant policy of Fatah, at least since Hamas won the 2006 legislative elections.

This does not mean that the PA will absolutely stop trying to renew its legitimacy, albeit with limited and relative tools. For based on its previous history with its political opponents, the PA may raise the issue of elections again, seek temporary support from factions, or harden the political rhetoric, as it did many times in the past. This, in turn, calls for a different policy from these opponents, mainly Hamas.

The Fatah movement is not solely responsible for these consequences, for under occupation, the entire national movement is incapable of bypassing the PA, the harsh conditions in GS turns it into a repellent environment, in addition there are major national questions related to the role of Palestinian refugees outside the occupied territories, and the position of the Palestinians of the 1948 occupied territories towards the conflict. These questions become increasingly urgent in view of the grave risks arising from the transformation of the pillars of legitimacy of the PA.