

# THE PALESTINIAN NATIONAL AUTHORITY

**Studies of the  
Experience and Performance  
1994-2013**



**Editor**

**Dr. Mohsen Mohammad Saleh**

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**Al-Zaytouna Centre For Studies & Consultations**

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# **Chapter Two**

## ***The Performance of the PA Presidency 1994–2013***

**Dr. Nadia Said Al Deen**



# **The Performance of the PA Presidency 1994–2013**

## ***Introduction***

The performance of the PA presidency, internally and externally, and since its inception in 1994, has been faced by multiple challenges resulting from the predicament brought about by the Oslo Accords, and the Israeli occupation's failure to implement signed agreements. The Israeli occupation has sought relentlessly to block any political solution that could lead to a peaceful settlement, undermined the foundations of the "two-state" solution, and swallowed large parts of the territories allocated to the future Palestinian state. Israel also sought to absorb East Jerusalem, without any accountability in the context of US bias in favor of the occupation and weak Arab-Islamic support for the Palestinian cause.

The manifestations of the Oslo Accords included a restrained PA bound by unilateral commitments, while Israel continued its steady assault on the Palestinian territories occupied since 1967, seizing Palestinian natural resources and tightening the noose around Area C (per Oslo's designations) in WB. In parallel, Israel has constrained the PA in Area A, while controlling all levers of the economy, such as the crossings, foreign trade, and freedom of movement, paralyzing WB life with the help of the Separation Wall, bypass roads, and settlements. Israel maintains a blockade on GS, and sequesters occupied Jerusalem including its trade.

Naturally, this has resulted in the accumulation of difficult economic and social conditions, accompanied by continuous attempts by Israel to restrict the space of maneuver of the PA presidency, whether internally through closing all pathways to altering the situation, or externally through blocking any Palestinian effort internationally to end the occupation and establish an independent Palestinian state.

The PA presidency's performance also faced by internal problems and criticisms. The division following clashes between Fatah and Hamas, which resulted in the latter's takeover of GS in mid-June 2007, deepened the crisis, entrenching a sharp dichotomy between WB and GS, and two conflicting discourses that, until now, were difficult to reconcile despite successive official reconciliation meetings and agreements.

## ***First: The Legal Reference of the Institution of the Presidency***

There was multiplicity in the legal references on which the institution of the presidency relied on from its establishment in 1994 and until the Palestinian Basic Law (interim constitution) was issued on 7/7/2002,<sup>1</sup> amended on 19/3/2003,<sup>2</sup> and its partial amendments in 2005.<sup>3</sup>

Consequently, there was confusion concerning the criteria of these references in defining the legitimacy of governance, with lack of specifications regarding the powers of the president, and ambiguity regarding the relationship between the three branches of power. The Basic Law that came into force later maintained the same problems, albeit in different forms.

The legitimacy and reference framework of the presidency, its obligations and responsibilities, are based on PLO charter, and on a decision of the Palestinian Central Council (PCC) on 10–12/10/1993 in Tunisia of forming the PA with Mr. Yasir ‘Arafat, the chairman of the Executive Committee of the PLO, heading its council.<sup>4</sup> However, there are Palestinian factions, led by Hamas and the Islamic Jihad Movement in Palestine (PIJ), as well as other broad social and political factions, which are not represented in the PLO. At the same time, the results of presidential and legislative elections that were held for the first time in the occupied territories on 20/1/1996, which led Fatah to control the PA and its executive and legislative institutions are not reliable, because the majority of factions boycotted the elections, including factions within the PLO like the PFLP and the Democratic Front for the Liberation of Palestine (DFLP).

On the other hand, relying on the Basic Law as the reference frame of the PA was a later step, rather than a “foundational” step. Indeed, it was enacted after the establishment of the PA, rather than as its foundational framework despite

<sup>1</sup> Palestinian Basic Law for the year 2002, *Al-Waqai‘ al-Filastiniyyah* newspaper (Palestinian official gazette), site of Diwan al-Fatwah wa al-Tashri‘, Gaza, 7/7/2002, Extraordinary issue, State of Palestine, site of Ministry of Justice, <http://www.moj.gov.ps/official-newspaper> (in Arabic)

<sup>2</sup> Amended Basic Law, *Al-Waqai‘ al-Filastiniyyah*, 19/3/2003, Extraordinary issue. (in Arabic)

<sup>3</sup> Palestinian Basic Law for the year 2005, with the Amendment of Some Provisions of the Amended Basic Law for the Year 2003, *Al-Waqai‘ al-Filastiniyyah*, issue 57, 13/8/2005. (in Arabic)

<sup>4</sup> Ahmad Qurei‘, *Al-Riwayah al-Filastiniyyah al-Kamilah li al-Mufawadat min Oslo Ila Kharitat al-Tariq* (The Full Palestinian Account of Negotiations From Oslo to the Roadmap) (Beirut: Institute for Palestine Studies (IPS), 2011), part 3, p. 240.

emphasizing that the “PLO is its reference.”<sup>5</sup> It was passed by the Legislative Council on 2/10/1997, and although it included broad powers for the president of the PA making it a quasi-presidential system, President Yasir ‘Arafat refused to endorse it in the beginning, leading to “charging the already tense relationship between him and the Legislative Council.”

President Yasir ‘Arafat signed the Basic Law later, under external pressure and internal demands for reform, with the Basic Law coming into force on 7/7/2002 when it was published in the Official Gazette, five years after it was passed in the PLC.<sup>6</sup>

This was linked to the after-effects of the Oslo Accords, in the view of some, when it transformed the PLO from “an organization to liberate the homeland into an organization whose function was to justify a series of political and national concessions,” which “did not stop until the bargaining reached the point of undermining the minimum fundamentals regarding the demands of the Palestinian people and their right to self-determination,” when the issue of liberation was removed from the PLO, producing a bona fide contradiction between the PA and PLO, and duplicity in leadership.<sup>7</sup>

From its formation, the PA sought to shift the political decision-making process from the frameworks and institutions of the PLO to its own departments and ministries, and seize its jurisdictions and dominate national action, including handling negotiations, and Arab and international relations, given the international view of it as a legitimate authority.<sup>8</sup> As for the renewed demand to revive the PLO

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<sup>5</sup> Palestinian Basic Law for the year 2002, *Al-Waqai‘ al-Filastiniyyah*, 7/7/2002, Extraordinary issue. (in Arabic)

<sup>6</sup> Kais ‘Abdul Karim et al., *Al-Hukumat al-Filastiniyyah: 1994–2006* (The Palestinian Governments: 1994–2006), The Route to Independence Series 17 (Beirut: Dar al-Taqqaddum al-‘Arabi li al-Sahafah wa al-Tiba‘a wa al-Nashr, 2008), p. 18.

<sup>7</sup> Shafiq Hout, “The Palestine Liberation Organization: General Overview,” in Mohsen Mohammad Saleh (ed.), *Munazzamat al-Tahrir al-Filastiniyyah: Taqyim al-Tajribah wa I‘adat al-Bina’* (Palestine Liberation Organization: Evaluating the Experience and Restructuring) (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2007), p. 15; and see also Minutes of the Seminar “Towards a Qualitative Step in the Work of the Palestine Liberation Organization” which was held by the Middle East Studies Center in Amman on 29/6/2005 and was published in the book: Jwad al-Hamad (ed.), *Munazzamat al-Tahrir al-Filastiniyyah: Nahwa Mashru‘ li Islah Bunyawiy Siyasi* (Palestine Liberation Organization: Towards a Political Structural Reform Project), Seminars Series 44 (Amman: Middle East Studies Center, 2006), p. 8.

<sup>8</sup> Mamdouh Nofal, “The Problem of the Relationship Between the Palestinian Authority and the PLO, and Ways to Resolve Them,” *Journal of Palestine Studies*, Institute for Palestine Studies, vol. 6, issue 22, Spring 1995, pp. 56–57. (in Arabic)

after being neglected for so long, this followed Hamas's landslide victory in the legislative elections on 25/1/2006, from the standpoint of "thwarting the elected government,"<sup>9</sup> while the issue is now part of the reconciliation talks that started after 2007, and which have not produced yet any real progress regarding the schism.

While the Oslo Accords prevent the PA from engaging in foreign affairs, which are assigned to the PLO, this is part of the bid to block powers related to independence and sovereignty for an Authority that can become a state. Israel does not conceal its plans to amend the Oslo Accords to practically assign the representative and diplomatic functions to the PA representing the Palestinians inside Palestine exclusively, according to international law expert Anis Qassim.<sup>10</sup>

The Oslo Accords established the third pillar of the PA's legal frame of reference, if not the main pillar, as many believe.<sup>11</sup> The Accords imposed commitments and restrictions on the performance of the PA and its scope of activities. The majority of Palestinian forces and factions reject the Accords, as they create a restricted entity with limited powers over the occupied WB and GS.

Some include in the foundations of the political system the Independence Document issued in November 1988. However, the leading bodies in the PLO did not prepare to implement it effectively, and bylaws and regulations within the PLO were not adjusted to make implementing the document mandatory.<sup>12</sup> At the same time, laws that were in force before the establishment of the PA are sometimes used, despite their overlap and lack of harmony, for example the case of Jordanian laws in the WB and Egyptian laws in the GS. Even though the PA has made serious strides in unifying laws and regulations, and enacted other legislations to manage the affairs of Palestinian society, the schism deepened the disconnection legally and not just geographically.

<sup>9</sup> Azmi Bishara, "Palestine: Where Do We Go From Here?," *al-Mustaqbal al-Arabi* journal, Centre for Arab Unity Studies, Beirut, issue 329, July 2006, pp. 11–12. (in Arabic)

<sup>10</sup> *Alghad*, 13/9/2013.

<sup>11</sup> Jibril Mohammad and Omar Rahhal, *Madkhal Ila Ma'fhoum al-Hukm al-Salih fi Filastin: al-Hukm al-Mahalli Namuzajan* (Introduction to Good Governance in Palestine: Self-Rule as an Example) (Ramallah: Ramallah Center for Human Rights Studies (RCHRS), 2000), pp. 55–56.

<sup>12</sup> Ahmad Qurei, *Al-Riwayah al-Flilastiniyyah al-Kamilah li al-Mufawadat min Oslo Ila Kharitat al-Tariq*, p. 242.

According to legal experts, there are two frames of reference governing the work and commitments of the presidency. The first is internal, and governs the relations among the branches of power and the affairs of the community and daily life. The second is Israeli military orders issued by the military governor in accordance with the laws of the occupation, related to security, the settlers, and the lands occupied in 1967. Since the PA's establishment, the governor and his civil administration are the source of its authority,<sup>13</sup> under the Oslo Accords. The latter stated that the PA rules and exercises the powers that were transferred to it,<sup>14</sup> while "Israeli military rule and its civilian administration in the West Bank continue to operate, with the PA exercising some of their powers and responsibilities." In other words, the PA did not only inherit the laws that were in place in the area when the occupation began, but also inherited "the military orders issued by the Israelis during the occupation, some of which go beyond the powers of any occupation authority rendering them illegal under international law."<sup>15</sup>

This confusion has a negative impact on the performance of the presidency and its relationship with existing authorities, and on the fabric of Palestinian society.

### **1. Powers of the Presidency**

The de facto "consecration" of presidential authority before the issuance of the Basic Law, and its "expansion" after the Law's entry into force, expanded this authority, touching on various vital affairs. Since the creation of the PA, and the PLO decision to form a government to exercise legislative and executive power and judicial functions,<sup>16</sup> President 'Arafat, in the absence of the prime minister's post (up until 2003), headed all cabinet meetings. Because of the absence of a legislative institution that could pass laws (up until 1996), as no civil servant courts or administrative courts or any frameworks underlying the foundations and mechanisms of government, administrative, and executive work were established,

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<sup>13</sup> Raja Shehadeh, "The Early Transfer of Powers in the West Bank: Burdens, Not Responsibilities," *Journal of Palestine Studies*, vol. 6, issue 21, winter 1995, pp. 55–56. (in Arabic)

<sup>14</sup> According to the fourth article of Gaza-Jericho Agreement (Cairo Agreement on the Gaza Strip and the Jericho Area) signed on 4/5/1994, see agreement text in site of Wafa Info, Ramallah, <http://www.wafainfo.ps/atemplate.aspx?id=4924>

<sup>15</sup> Raja Shehadeh, "The Early Transfer of Powers in the West Bank," p. 55.

<sup>16</sup> According to the Cairo Agreement signed on 4/5/1994, see agreement text in Wafa Info, <http://www.wafainfo.ps/atemplate.aspx?id=4924>



President ‘Arafat undertook all those functions. He issued orders, decrees, and presidential directives that had the power of law, or Ottoman, British, Egyptian, or Jordanian laws and even Israeli military orders were consulted to find appropriate formulations as needed. This is not to mention that ‘Arafat also decided on matters of spending.<sup>17</sup> Even after founding the PLC, in many instances, ‘Arafat continued to bypass the council, or delay the endorsement of the laws it passed.<sup>18</sup>

The presidency imposed its authority using various methods, including building armed security forces, which comprised eight agencies, with the goal of controlling the overall situation and also to fulfill security commitments to the Israeli side, while the judiciary was isolated, weakened and neutralized.<sup>19</sup> This is in line with the Oslo Accords, which did not allow the PA to form any armed forces other than police units, and restricted it in terms of security,<sup>20</sup> and without linking it to a mutually agreed resolution to the conflict. The appointments in these security forces created a major problem in the Palestinian social and political structure,<sup>21</sup> and fostered divisions in the Palestinian midst, not only as regards the conflict with the occupation, but also over how to exercise control and “regional” influence in the occupied territories, which even caused Palestinian civilian casualties.

As Fatah won the presidency of the PA and the majority of the PLC seats (88) in the 1996 elections—which the majority of forces and factions boycotted—Fatah imposed its dominance over influential positions, executive decision-making circles, the legislative branch, and the majority of public institutions and security forces, through figures directly or indirectly affiliated to Fatah. Thus, it gained

<sup>17</sup> Marwan Kanafani, *Sanawat al-Amal* (Years of Hope) (Cairo: Dar al-Shorok for Publication and Distribution, 2007), pp. 335–337.

<sup>18</sup> See for example: Jamil Helal, *Al-Dawlah al-Filastiniyyah Ba’d Oslo* (The Palestinian State After Oslo) (Beirut: Institute of Palestine Studies, 1998), pp. 209–210 and 236–239; and see also Archives and Information Department, al-Zaytouna Centre for Studies and Consultations, *Al-Majlis al-Tashri’i al-Filastini fi al-Dhaffa al-Gharbiyyah wa Qita’ Ghazzah 1996–2010* (The Palestinian Legislative Council in the West Bank and Gaza Strip 1996–2010), Information Report (14) (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2010), pp. 25–26.

<sup>19</sup> Dawud Suleiman, *Al-Sultah al-Wataniyyah*, pp. 49–56.

<sup>20</sup> Ahmad Mahmoud, “Palestinian Self-Rule Agreement: An Overview of Contents, Problems and Future Developments,” *Al Siyassa Al Dawliya* magazine, Mu’assasat al-Ahram, Cairo, issue 117, July 1994, p. 169. (in Arabic)

<sup>21</sup> Marwan Kanafani, *Sanawat al-Amal*, p. 270.

itself various privileges and advantages. This created extreme overlap between Fatah and the institutions of the PA, causing popular discontent in parallel with accusations of widespread corruption within the institutions of the PA. As a result, Fatah's popularity declined in favor of the Islamist opposition, which had dramatic implications at a later stage.

The PA sought to build a political system capable of securing a legal and constitutional environment that can replace the administrative and legal vacuum left behind by the occupation in the absence of a sovereign state of an independent entity.<sup>22</sup> This environment lacked the legal frame of reference, amid dominance by one faction over the PA, marginalization of the legislative and judicial authorities, overlap among the different branches, a bloated government sector, weak public administration, and overreliance on foreign aid. The prevailing policy was to appoint people to senior government positions in the PA according to partisan, factional, and family-based criteria, in parallel with restrictions placed on appointing supporters of Hamas and PIJ. It spread a sense of bitterness in the community over the unequal opportunities and unfairness in appointments. Furthermore, the excessive granting of the rank of "general manager" to appointees meant that they eventually created a controversial and dubious new social class that reflected of corruption and cronyism.<sup>23</sup>

This coincided with President 'Arafat issuing decisions and laws, which, according to Palestinian human rights organizations, violated human rights and the freedom of expression. These decisions included the creation of the State Security Court on 7/2/1995.<sup>24</sup> In 2003, death sentences issued by this court were reviewed and referred back to civilian courts.<sup>25</sup> Another decision included the presidential decree enacting the Press and Publications Law on 5/6/1995, which placed restrictions on the freedom of the press, and on the processes for obtaining licenses and for

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<sup>22</sup> Ayman Yusuf, "Palestinian Political System (1996–2006): From Unilateralism to Bipolar Factionalism," *al-Mustaqbal al-Arabi*, issue 334, December 2006, p. 42. (in Arabic)

<sup>23</sup> See Marwan Kanafani, *Sanawat al-Amal*, p. 334.

<sup>24</sup> Dawud Suleiman, *Al-Sultah al-Wataniyyah*, p. 78.

<sup>25</sup> The Ramallah Center for Human Rights Studies (RCHRS), "The State of Public Freedoms in the Areas of the Palestinian Authority," *Shu'un Isratijiyyah* magazine, Amman, issues 24 and 25, 2009, p. 114. (in Arabic)

censorship on newspapers before distribution.<sup>26</sup> After the formation of a tripartite committee comprising the PA, Israel, and the United States, to prevent incitement under the Wye River Memorandum, signed on 22/10/1998, a presidential decree was issued on “the perpetuation of national unity and prevention of incitement,” on 9/11/1998. And instead of abolishing it, it was republished in local papers in 2003, to go in line with above mentioned Palestinian-Israeli agreement to monitor media content and school curricula.<sup>27</sup> President ‘Arafat also issued, on 30/4/2000, in his capacity as Minister of the Interior, regulations for the Public Meetings Law, which restricts the right to peaceful assembly and gives the police broad powers to disperse assemblies, without heeding demands to abolish or amend the law, causing numerous violations.<sup>28</sup>

Despite early internal demands for reform and combatting corruption, the West overlooked the matter, and pumped in financial aid of over \$5 billion,<sup>29</sup> 90% of which Western-provided, between 1994 and mid-2001.<sup>30</sup> These were used to cover the capital and operational costs of the PA, to support the transition into a market economy, and to encourage the creation of Non-Governmental Organizations (NGOs). The latter projects were not for the sake of creating a developed democratic society in Palestine—which would threaten the negotiating process and disrupt the peace process—but rather to create social classes and segments that rely on Western aid. The purpose of the aid was to subdue the will of the Palestinians and facilitate their consent to a peace settlement according to Israel’s terms.

Because good governance is a necessary condition for the success of the peace process, in the Western view, Western projects continued to offer “counsel” on how

<sup>26</sup> PCHR, *Mulahazat Naqdiyyah ‘ala Qanun al-Matbu‘at wa al-Nashr li ‘Am 1995* (Critical Observations on the Publications Law of 1995) (Gaza: PCHR, 1995), pp. 13–18, [http://www.pchrgaza.org/arabic/studies/presslaw%20\\_1\\_.pdf](http://www.pchrgaza.org/arabic/studies/presslaw%20_1_.pdf)

<sup>27</sup> PCHR, “The Freedom of Opinion and Expression Under the Palestinian National Authority,” *al-Dirasat al-I‘lamiyyah* magazine, Cairo, issue 118, January-March 2005, p. 171. (in Arabic)

<sup>28</sup> *Ibid.*, p. 190.

<sup>29</sup> Note: \$ is used for the US Dollar.

<sup>30</sup> Ali al-Jarbawi, “On the Foreign Agenda Behind Reforming: The Palestinian Case,” *al-Mustaqbal al-Arabi*, issue 335, January 2007, p. 74. (in Arabic)

to reform the PA and address those challenges<sup>31</sup>. However, this soon took the form of US-Israeli pressure, when Arafat was blamed for the failure of the negotiations at the Camp David Summit in 2000. ‘Arafat was ordered, while he was under siege at the Muqata’a complex in Ramallah (where he was from 2001 until his death on 11/11/2004), to arrest resistance operatives, particularly from Hamas. Stripping the presidency of its powers and redistributing them elsewhere, became the only way to isolate ‘Arafat.<sup>32</sup> Political decision-making was assigned to the government and the prime minister, whose post was created later, and by placing security forces under the command of the Interior Ministry, and delegating financial issues to the Ministry of Finance.

Although President ‘Arafat tried to respond to external pressures, the siege on him, deterioration of the internal situation, and rampant corruption, led to the success of these pressures. On 6/6/2002, he appointed a new cabinet under his chairmanship, followed by a presidential decree to form a “ministerial committee for reform” to reform PA institutions. Under the Road Map plan,<sup>33</sup> ‘Arafat also had to establish the post of prime minister, in March 2003, and to sign the amended Basic Law on 18/3/2003, appointing Mahmud ‘Abbas as prime minister. Few months later, ‘Abbas resigned, and was succeeded by PLC Speaker Ahmad Qurei’, as the powers of President ‘Arafat and his ability to control matters gradually slipped until his death. PLC Speaker Rouhi Fattouh then took over the responsibilities of the presidency for a period of 60 days, according to Palestinian law, followed by PA presidential elections in which ‘Abbas won on 19/1/2005, after he had become head of the Fatah movement in 2004.

<sup>31</sup> For example the project of “Independent Task Force on Strengthening Palestinian Public Institutions,” which was commissioned by the European Commission and the Government of Norway to undertake a comprehensive study of Palestinian institution building. The Independent Task Force, chaired by Michel Rocard and directed by Henry Siegman, has been assisted in its work by Dr. Khalil Shikaki, and Dr. Yezid Sayigh. It issued a report “to determine what is right, what is wrong, and how to fix it,” in 1999 and annual follow-up reports “*Strengthening Palestinian Public Institutions*.” See also The RAND Palestinian State Study Team, “Building A Successful Palestinian State,” site of RAND Corporation, 25/11/2005, [http://www.rand.org/pubs/research\\_briefs/RB9072.html](http://www.rand.org/pubs/research_briefs/RB9072.html); The Arc: A Formal Structure For a Palestinian State, RAND Corporation, 26/8/2008, [http://www.rand.org/multimedia/video/2008/08/26/the\\_arc.html](http://www.rand.org/multimedia/video/2008/08/26/the_arc.html); and Robert E. Hunter and Seth G. Jones, “Building a Successful Palestinian State: Security,” RAND Corporation, 23/1/2006, <http://www.rand.org/pubs/monographs/MG146z2.html>

<sup>32</sup> See Abdelilah Belkeziz, “ Hamas and Fatah and the Presidency: The Game of Lethal Mistakes,” *al-Mustaqbal al-Arabi*, issue 330, August 2006, p. 31. (in Arabic)

<sup>33</sup> Drafted by the Quartet (US, Russia, European Union and United Nations) in 2003.

The situation did not change much after the Basic Law came into force. The law gave the presidency sweeping powers; the Palestinian people under the provisions of the election law elect the president directly.

According to the articles of the law, and in addition to being the head of the Executive Committee of the PLO, the PA president is also the Commander-in-Chief of Palestinian Forces (Article 39); has the authority to “appoint and terminate the services of the National Authority’s delegates to foreign countries, international organizations and foreign agencies. The President shall accept the credentials of foreign delegates” to the PA (Article 40); shall promulgate laws (Article 41); “shall have the right, in cases of necessity that cannot be delayed, and when the Legislative Council is not in session, to issue decrees that have the power of law. These decrees shall be presented to the Legislative Council in the first session convened after their issuance” (Article 43); “has the right to grant special pardons or to commute sentences. However, general amnesties or amnesties for crimes may not be granted except by law” (Article 42); “shall appoint the Prime Minister and authorize the latter to constitute his government. The President shall have the right to dismiss the Prime Minister or to accept his resignation and to request him to convene the Council of Ministers” (Article 45); shall receive financial statements from the Prime Minister and each Minister (Article 80); declare a state of emergency without returning to the PLC (Article 110); appoint the Governor of PMA (Article 93); appoint Chief of State Audit and Administrative Control Bureau (SAACB) (Article 96); appoint and sack the Attorney General (Article 107); and endorse the implementation of death sentences pronounced by any court (Article 109). The Basic Law has no provisions allowing the PLC to hold the president accountable, to interrogate him, or impeach him (Article 54).<sup>34</sup>

Although the Amended Basic Law introduced the post of prime minister for the purposes of separation between the presidency and the executive branch, and preventing the predominance of one branch over the other, in addition to distributing responsibilities, which were all concentrated in the hands of the President. However, the law also gave broad powers to the president, which practically led to the same crisis it ostensibly sought to resolve.

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<sup>34</sup> 2003 Amended Basic Law, The Palestinian Basic Law,  
<http://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>

This was manifested on more than one occasion and in more than one place. For instance, the presidency preempted Hamas's formation of a government following the 2006 PLC elections by stepping up its stranglehold on many security and civilian institutions, and through a series of appointments and promotions at PA institutions and ministries, as well as in the security forces.

The policy of appointments exhausted the budget of the PA. In 2006 and 2007 alone, close to 300 general managers and 18 thousand people were appointed in the security forces.<sup>35</sup> Today, the number of people hired by the PA is close to 172 thousand civilians and military personnel, for whose salaries the bulk of the budget goes, creating deep imbalance in the structure of the PA, with 34% of the budget on security, while the rest on development and services.<sup>36</sup> Consequently, conditions deteriorated in both the WB and GS, resulting primarily from the occupation's policy of maintaining the Palestinian economy in a state of underdevelopment and dependence on the Israeli economy. What made matters even worse was the increasing influence of the International Monetary Fund (IMF) and the World Bank on Palestinian economic policies, which, in consultation with the international organizations, increased taxes and drove up inflation, not to mention the results of operating under the parameters of the Oslo Accord and the Paris Protocol on Economic Relations.<sup>37</sup>

The paradox here is that security swallows a large part of the PA's budget, despite the PA having no army and severe restrictions placed upon it militarily by the Oslo Accords. The exceptional security doctrine of this authority under occupation includes collaboration in protecting more than half a million settlers across 180 settlements, security coordination with Israel, and fulfilling the demands of the US general who is in charge of security affairs and his crew in the occupied WB.

Although President 'Abbas declared in 2012 that government appointments to PA institutions would be stopped because of the financial crisis, data released by the Ministry of Finance indicates that salaries paid to PA and government personnel

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<sup>35</sup> See The Financial Crisis of the Palestinian Authority Portends Dire Consequences, *Asharq Alawsat*, 29/7/2007. (in Arabic)

<sup>36</sup> *Alghad*, 26/4/2013.

<sup>37</sup> See Sherif al-Mousa and Mahmoud al-Ja'fari, "The Palestinian Authority and Trade: The Israeli-Palestinian Economic Protocol," *Journal of Palestine Studies*, vol. 6, issue 21, winter 1995, p. 29. (in Arabic); and see also *Alghad*, 13/11/2012.

were more than \$1 billion in the first half of 2013. These included the salaries of the PLC that has been paralyzed since 2007, and around \$410 million to personnel working in the security forces.<sup>38</sup>

The salaries of employees have often been used as fodder in the internal political dispute. After the WB-GS split, the presidency issued instructions to public sector employees in GS, estimated to number around 77 thousands to stop going to work. According to a report by the Palestinian Economic Council for Development and Reconstruction (PECDAR), approximately 17 thousand of these employees continue to report to work. Salaries paid to those represent 14.2% only of the total amount of salaries transferred by the PA. This means that the PA treasury paid \$368 million annually to those with jobs who chose to sit at home.<sup>39</sup>

This coincided with nine decisions issued by the PA president, in 2006 and 2007, that have the force of law, and which entered into existence without the approval of the PLC.<sup>40</sup> Then, the PLC—whose term had expired—approved on 13/2/2006, a number of presidential decrees. They granted the presidency the right to make appointments to the constitutional court without the need to consult the PLC, and to appoint the head of General Personnel Council, head of Palestine Pension Authority, and the head of SAACB. The PLC also approved an amendment allowing the appointment of the secretary-general of the PLC from outside the council. All of these posts were filled by people from the Fatah movement.<sup>41</sup>

While the PLC was paralyzed because of the schism, the presidency issued decrees and decisions, making appointments and forming new frameworks that did not have the quality of being urgent as required by the Amended Basic Law. According to the PLC Deputy Speaker Hassan Khreisheh, the president of the PA

<sup>38</sup> See *Al-Quds* newspaper, 14/8/2013.

<sup>39</sup> See Palestinian Economic Council for Development and Reconstruction (PECDAR), Study Prepared by PECDAR about the Financial Situation in Gaza, 18/8/2008, <http://www.pecdar.ps/userfiles/file/emp.%20report.pdf> (in Arabic)

<sup>40</sup> Usamah Mahmud, "The Palestinian Authority Between the Hopes of Tomorrow and the Actual Truth," *Al-Hewar al-Mutamaddin*, issue 1993, 31/7/2007, <http://www.ahewar.org/debat/show.art.asp?aid=104389> (in Arabic)

<sup>41</sup> Mariam Itani, *Sira' al-Salahiyat Bayna Fatah wa Hamas fi Idarat al-Sultah al-Filastiniyyah 2006–2007* (Conflict of Authorities Between Fatah and Hamas in Managing the Palestinian Authority 2006–2007) (Beirut: Al-Zaytouna Centre for Studies & Consultations, 2008).



issued around 46 laws of this kind, 60% related to investments, management of interests, and tasks concerning some officials.<sup>42</sup> This was in addition to a decree issued on 20/11/2007 appointing the general director of the General Directorate of Preventive Security, and his deputy, and another decree on 1/3/2008, forming the Judicial Institute.

In parallel, President ‘Abbas, after the events of 2007, issued several decrees, including: decree 8 on 14/6/2007 for the dismissal of Isma‘il Haniyyah as prime minister; decree 9 on the same date declaring a state of emergency in all PA territories; decree 13 on 17/6/2007 designating Salam Fayyad to form a government, and decree 11 on 15/6/2007 suspending the application of three articles of the Amended Basic Law of 2003 (65, 66, 67), which state that the government must obtain the confidence of the PLC.

President ‘Abbas issued another decree, No. 16, on 20/6/2007 “granting the interior minister the authority to review all licenses pertaining to associations, establishments, and commissions issued by the interior ministry or any other government body,” and “take the appropriate measures against associations, establishments, and commissions including closure or rectification of situations or other measures.” In addition, “all existing associations, establishments, and commissions must apply for new licenses within a week of this date, and all those who fail to comply shall face legal measures.” This was followed by a decree 17 on 26/6/2007 “banning armed militias and paramilitary formations.” The president issued another decree 28 on 6/7/2007 “to expand military jurisdiction in states of emergency,” which poses risks not only in terms of violating the provisions of the Basic Law of relevance, but also in terms of violating the competence and functions of civil justice in favor of the military judiciary and prosecutor. This is not to mention extending the scope of judicial prosecution to include all those belonging to Palestinian forces, and any other existing body or a body created as part thereof, which gives many parties unchecked powers to engage in practices that assault or undermine rights and freedoms.<sup>43</sup>

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<sup>42</sup> *Alghad*, 13/9/2013.

<sup>43</sup> See decrees during that period on site of Mahmoud ‘Abbas, President of the State of Palestine, <http://president.ps/mraseem.aspx?id=82>

## 2. The Relationship with Different Authorities

It was difficult to achieve equilibrium in the relationship between the presidency and other branches of authority, in light of overlapping jurisdictions, which were sometimes seized by the first at the expense of functions and competences that are part of the executive, legislative, and judicial branches, causing sharp disputes between them.

With the broad powers possessed by President ‘Arafat, the institution of the presidency controlled equivalent jurisdictions of the executive branch and beyond. Just as the cabinet is subject to accountability and oversight from the PLC, it also reports to the PA president, where each minister is required to individually submit a financial report to the president directly. Consequently, his post combines executive and legislative powers, granting the president a de facto veto over the decisions of lawmakers.<sup>44</sup> In addition, the post combines the presidency of the PA and the PLO, which is the former’s frame of reference, making the head of the PA the primary lawmaker ahead of the PLC, as he is also the head of the PA’s frame of reference.

Despite early parliamentary and factional attempts to reform the PA and rein in the absolute powers given to President ‘Arafat, especially in financial, security, and political matters, this did not happen until later. The president retained the post of Interior Minister in the first three governments formed since 1994, and agreed to forfeit the post in the fourth government (13/6/2002–29/10/2002) as a result of internal and external pressures. However, the president retained control of financial matters even though the portfolio was given to other ministers, and the same applies to foreign policy. This policy remained the purview of the Ministry of Planning and International Cooperation until it was separated in the sixth government (30/4/2003–7/10/2003) formed by ‘Abbas as prime minister, following the introduction of the post in 2003, which also saw the creation of the Ministry of Negotiations for the first time. The eight governments formed under President ‘Arafat were dominated by Fatah elements, in addition to a minority from groups close to Fatah and independents. Perhaps the reason for this is that the majority of factions refused to take part in the elections and the government.

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<sup>44</sup> Jibril Mohammad and Omar Rahhal, *Madkhal Ila Majhoum al-Hukm al-Salih fi Filastin*, p. 64.

With the exception of the short-lived first government (10/9/1994–16/5/1996), which resigned in preparation for the PLC elections, the spread of corruption, overemployment, and overlapping powers led to the resignation of the second government on 25/6/1998. These factors also led to the reduction of the size of the fourth government, creating a crisis between the presidency and the PLC. For President ‘Arafat refused to consult the former over the government, as he considered this a cabinet reshuffle rather than a new lineup, contrary to the PLC’s opinion. This is in addition to the violation of the Basic Law of 2002, as the law places an upper ceiling on the number of ministers at 19, rather than the 21 ministers chosen for its lineup. However, the government continued to function until it resigned in September 2002. It is noteworthy to mention it was set at 24 in the Amended Basic Law of 2003.

Differences between the presidency and the government took a different turn after the creation of the post of prime minister, and the introduction of amendments to the Basic Law, which were vague and ambivalent regarding the powers granted. This caused a tug of war between President ‘Arafat and ‘Abbas, who was asked to form the new cabinet, in which he retained the portfolio of the Ministry of the Interior for himself. However, ‘Abbas did not last in his post for more than a few months, because of the dispute over the government’s program of work and the intervention of the presidential institution in its functions.<sup>45</sup> ‘Abbas subsequently tendered his resignation to President ‘Arafat, who approved it, and appointed Qurei‘ as his successor. Qurei‘ was able to form a government twice under ‘Arafat, and once under President ‘Abbas.

On the other hand, the appointment of judges and judicial staff in general were in the hands of the presidency, which intervened even in the mechanisms of appointments in the judicial system, bypassing general norms in this regard.<sup>46</sup>

The situation was not significantly different under President ‘Abbas, because of the overlapping jurisdictions between the presidency and the government, especially with regard the security forces, which were merged into three branches, and diplomatic matters including the appointment of diplomats, ambassadors, and PLO representatives. This created further confusion between the presidency,

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<sup>45</sup> Marwan Kanafani, *Sanawat al-Amal*, pp. 475 and 478.

<sup>46</sup> Jibril Mohammad and Omar Rahhal, *Madkhal Ila Mafhoum al-Hukm al-Salih fi Filastin*, p. 65.

where these issues were part of the president's jurisdictions under the Basic Law; the government, since these issues are part of the jurisdictions of the Ministry of Foreign Affairs; and the PLO and its political department in charge of foreign representation. The presidency's seizure of jurisdictions related to this part of the government, and blocking financial support from it for a while, created a crisis between the two sides, which was settled later.

Further deepening what the factions considered exploitation of the PLO structures in favor of the presidency was the decision to extend President 'Abbas's term for an additional year after it ended in January 2009,<sup>47</sup> in accordance with the Amended Basic Law of 2005. With the worsening situation, the PCC, on 23/11/2008, found a way out by electing President 'Abbas as president of the State of Palestine. But the move was criticized since the PCC's jurisdictions did not include electing the president and were restricted to nominating him, while the Palestinian National Council (PNC) as the supreme authority in the PLO is entrusted with the task of electing the president. Some did support the move given the difficulty of convening the PNC.<sup>48</sup>

Other than the dispute with the Hamas government (which we shall discuss later), the 2013 budget caused tension between the presidency and the government, when Salam Fayyad approved the resignation of Finance Minister Nabil Kassis, after President 'Abbas refused to do so, prompting Fayyad to resign in April 2013. The resignation came amid Palestinian demands that he step down because of the deteriorating situation in the WB, for which Fayyad's policies were blamed. Fayyad had pursued the same policies for more than five years in a row that he served as prime minister, bearing in mind that he served for nine years as finance minister. President 'Abbas accepted his resignation,<sup>49</sup> and assigned the academic Rami Hamdallah to form a new government. However, Hamdallah resigned 18 days after being sworn in, in protest at the overlapping jurisdictions, and the interference in his powers by his two deputies who were close to 'Abbas. However, 'Abbas reassigned Hamdallah to form the government, and he was sworn in on 19/9/2013, forming a government with the same lineup as before, after it was agreed to grant him wider powers.

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<sup>47</sup> *Alquds*, 30/5/2008.

<sup>48</sup> *Alquds*, 27/11/2008.

<sup>49</sup> *Al-Ayyam*, 13/4/2013.

The above reflects an illegality and interference in the powers of the PLC, as a result of the deliberate sidelining of the PLC, allowing the PA to fully dominate the political landscape according to Member of Parliament (MP) Hassan Khreisheh. He said that the sidelining of the PLC is unacceptable because it represents “the cornerstone of the political system,” stressing that reactivating the PLC would help put an end to the monopoly of power by the executive branch, restore stability, and reunite the Palestinian people ahead of holding general elections that would restore the citizenry’s right to elect their leaders.<sup>50</sup>

Finally, the overlap extended to the administrative area, for example with the reattachment of media institutions to PA presidency. This undermined their independence, and led generally to the appointment of staff on unsound criteria.

### 3. Corruption

In the climate of Israeli aggression against the Palestinian people, and the deteriorating conditions in PA areas, the stench of corruption spread to the point that it soon went beyond the local arena towards the international one. This compounded the suffering of the Palestinians and their crisis, in the absence of a sovereign and independent national entity, and in light of the fragmentation of Palestinian communities due to settlement building, the Separation Wall, and the geographic separation between the WB and GS.

This crisis has emerged since the formation of the PA, with the attempt to connect political, security, and social segments according to their loyalties and personal links, and connecting the authoritarian elites to local elites at home. This is all part of distributing interests, roles, and posts to perpetuate their dominance over the Palestinian society.<sup>51</sup> In addition, distributing resources, government portfolios, and senior posts relied on the principles of partisan, regionalist, or family-based representation, so as to gain social acceptance without considering the impact on the efficacy of the system.

This situation was encouraged by a state of favoritism, and what researchers called “clientelism,” which follows an unofficial hierarchy in the bureaucracy of government and the security forces.<sup>52</sup> Many were allowed to abuse their posts

<sup>50</sup> See site of Felesteen Online, 13/11/2014, <http://felesteen.ps/details/news/127223/html>

<sup>51</sup> Ayman Yusuf, “Palestinian Political System (1996–2006),” p. 42.

<sup>52</sup> Jibril Mohammad and Omar Rahhal, *Madkhal Ila Mafhoum al-Hukm al-Salih fi Filastin*, p. 66.

and their relationship with the PA to achieve secret gains, sometimes facilitated by Israel through partnerships and agencies. This is while foreign aid was shared according to quotas or deducted in favor of senior officials. Corruption spread, especially among officials in the PA administration and ranks of those in positions that allow contact with the Israeli side and the donor countries.<sup>53</sup> The declared amount of public money wasted reached \$350 million, according to the annual report of the SAACB in the administration of the PA in 1996, issued in early 1997.<sup>54</sup> However, this issue was put on the shelf at that point, similarly to other efforts that never led to any concrete measures.

President ‘Abbas took several measures to combat corruption; including the establishment of the Palestinian Anti-Corruption Commission in 2010, and issuing the Anti-Corruption Law of 2005 and the Anti-Graft Law 2005 amended in 2010, as well as the success of the commission in recovering millions of dollars since its inception, most recently \$60 million from two fleeing Palestinian businessmen.<sup>55</sup> However, the PA is still suffering from such problems, which led to a decline in financial support for the PA, and a downturn in popular confidence, before it embarked on an earnest path to hold the corrupt to account. According to the head of the Anti-Corruption Commission Rafiq al-Natsheh, “since its inception it referred 18 corruption cases to the courts, of which only one led to an exoneration, while 400 complaints regarding suspicions of corruption were received in 2012 and are being investigated.”<sup>56</sup>

The corruption issue became a subject of interest for the donor countries, for political purposes, accompanying their demands of reform. On 2/7/2012, a special committee in the US Congress accused President ‘Abbas and his sons Yasir and Tariq of abusing their political position to achieve personal gains, sparking a wave of Palestinian objections against outside interference in their local affairs.

Donor countries often use financial support as a weapon against the PA, in order to impose reform and fight corruption. Yet the flow of foreign aid since

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<sup>53</sup> Ali al-Jarbawi, “On the Foreign Agenda Behind Reforming,” pp. 74–75.

<sup>54</sup> Ibid., p. 75.

<sup>55</sup> *Alquds*, 28/8/2013; and see WAFA, 27/8/2013, <http://www.wafa.ps/arabic/index.php?action=detail&id=159091>

<sup>56</sup> *Asharq Alawsat*, 16/6/2013, <http://classic.aawsat.com/details.asp?section=4&issueno=12619&article=732592#.VIGl6tKUdZQ>

the inception of the PA until 2013, to the tune of \$21 billion, according to the head of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Muhammad Shtayyeh,<sup>57</sup> did not stop. Most aid was politicized and conditional, involving agendas that do not serve the wider national interest, but in line with the policy of occupation in maintaining Palestinian economic and political dependency.

#### 4. Polls

While polls conducted by specialized and independent Palestinian think tanks under President ‘Arafat were linked to the circumstances of negotiations, the peace process, reform, and societal conditions, the state of division and reconciliation introduced an additional fixture in those polls conducted under President ‘Abbas.

Polls consistently showed President ‘Arafat to be the most popular Palestinian leader among Palestinians,<sup>58</sup> despite the fluctuation of numbers sometimes, according to circumstances associated with the polls.

For instance, during the Israeli aggression and preparations of the Taba Agreement (28/9/1995), President ‘Arafat, in a poll conducted by the Palestinian Center for Research and Studies in late August, received an approval rating of 53.7%, and the support of 70.6% for the continuation of negotiations, even though 59.5% found it unlikely that the negotiations would succeed.<sup>59</sup>

In a poll conducted by the Development Studies Program at Birzeit University when the *Intifadah* started in 2000, President ‘Arafat obtained an approval rating of 46%, amid criticisms of the PA’s response to Israeli aggression, while 92% of respondents discounted the possibility of reaching peace. His approval rating declined to 38% in 2001 for the same reasons,<sup>60</sup> before rising again to 52%, in

<sup>57</sup> Wafa, 22/9/2013, <http://www.wafa.ps/Arabic/index.php?action=detail&id=160438>; and see also *al-Hayat al-Jadida* newspaper, Ramallah, 23/9/2013.

<sup>58</sup> *Alquds*, 3/9/2013.

<sup>59</sup> Abd al-‘Aziz al-A‘raj, “Palestinian Reactions on Taba Agreement,” *Shu‘un al-Awsat* magazine, Beirut, issue 46, November 1995, pp. 50–51.

<sup>60</sup> See site of Center for Development Studies (CDS), Birzeit University, [www.birzeit.edu/ccds/arabic/opinionpolls/poll2/](http://www.birzeit.edu/ccds/arabic/opinionpolls/poll2/); and see also, <http://sites.birzeit.edu/cds/arabic/opinionpolls/poll2/> <http://sites.birzeit.edu/cds/arabic/opinionpolls/poll5/>



reaction to the Israeli siege on ‘Arafat.<sup>61</sup> The rating peaked in 2003 to 62.6%, including 68% in GS.<sup>62</sup>

Meanwhile, a poll conducted by the Palestinian Center for Policy and Survey Research (PCPSR) during the period 1–5/12/2004 after the death of President ‘Arafat, showed wide satisfaction among 88% of respondents with the contribution of President ‘Arafat on national issues and the protection of the status of the Palestinian issue globally and internationally. A majority of 72% said they believed that President ‘Arafat was poisoned, and a majority of 64% said that Israel was responsible for his death.<sup>63</sup>

The opinion polls diverged over the popularity of President ‘Abbas, as the split with GS and developments regarding reconciliation influenced their outcomes. After obtaining an approval rating of 54% in April 2006, the figure declined a few months later to 34%, due to the worsening living conditions of the citizens and the poor performance of the PA.<sup>64</sup> However, the figure quickly rose to 68%, versus 32% for the Head of the GS Caretaker Government Isma‘il Haniyyah, according to an opinion poll conducted by The Washington Institute for Near East Policy in August 2008.<sup>65</sup> As for Hamas, and according to a poll conducted by the PCPSR in the period between 15–17/12/2011, 37% supported the movement after its prisoner exchange deal with the Israel, with Egypt as a mediator, compared to a limited decline in the popularity of President ‘Abbas.<sup>66</sup>

The popularity of President ‘Abbas rose to 64% following international recognition of Palestine as a UN non-member observer state on 29/11/2012.<sup>67</sup> A poll conducted by the PCPSR on 5–7/6/2014 showed that President ‘Abbas

<sup>61</sup> Jamil Hilal, “An Analysis of Opinion Polls in the Areas of the Palestinian National Authority February 2002,” *Journal of Palestine Studies*, vol. 13, issue 50, spring 2002, pp. 153–154. (in Arabic)

<sup>62</sup> See CDS, Birzeit University, [www.birzeit.edu/ccds/arabic/opinionpolls/poll2](http://www.birzeit.edu/ccds/arabic/opinionpolls/poll2)

<sup>63</sup> See PCPSR, Survey Research Department, Poll (14), 1–5/12/2004, <http://pcpsr.org/sites/default/files/p14adf.pdf> (in Arabic)

<sup>64</sup> See CDS, Birzeit University, [www.birzeit.edu/ccds/arabic/opinionpolls/poll2](http://www.birzeit.edu/ccds/arabic/opinionpolls/poll2)

<sup>65</sup> *Al-Hayat*, 6/8/2008.

<sup>66</sup> See PSR, Survey Research Department, Poll (42), 15–17/12/2011, <http://www.pcpsr.org/sites/default/files/p42a.pdf>

<sup>67</sup> See Arab World for Research and Development (AWRAD), Results of Palestinian Opinion Poll: The General Conditions, Voting in the United Nations, Aggression on Gaza Strip, Elections, Governmental Performance, 1–2/12/2012, <http://www.awrad.org/files/server/20121512052253.doc>

was the most popular choice in any upcoming presidential election, with 53% supporting him compared to 41% supporting Haniyyah.<sup>68</sup> This is while noting that the poll was conducted days after the formation of ‘Abbas’s government of national consensus headed by Walid al-Hamdallah. However, the popularity of Mahmud ‘Abbas declined following the Israeli war on GS in the summer of 2014 and the strong performance of the resistance. A poll conducted by the same center in the period 25–27/9/2014 showed that Haniyyah would win a presidential election by 55% compared to 38% for ‘Abbas.<sup>69</sup> This was confirmed by another poll conducted by the Center itself on 3–6/12/2014, indicating that Haniyyah would win by 53% compared to 42% for ‘Abbas.<sup>70</sup>

However, the results of such polls should be taken with caution, because of the special circumstances surrounding them, the climate of Palestinian division, and the biases of some polling centers.

## ***Second: The Institution of Presidency and the Palestinian Factions***

The Oslo Accords were a decisive turning point in the formation of the Palestinian political arena, changing the rules of the political game and influencing how its challenges and confrontations were specified. Indeed, the accords theoretically opened the door to a national state with sovereignty over a political and geographical entity (the WB and GS), and recognized borders based on the pre-1967 lines, as well as to the resolution of the Palestinian refugee issue.

However, the transition from the PLO, which was run as a national liberation movement (with multiple parties and political organizations), into a domain managed and organized by a self-governing authority, created a political system of a government and an opposition, rather than factions that agree and disagree within an inclusive organization like the PLO. This self-governing authority has been

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<sup>68</sup> See PSR, Survey Research Department, Poll (52), 5–7/6/2014, [http://www.pcpsr.org/sites/default/files/p52a\\_0.pdf](http://www.pcpsr.org/sites/default/files/p52a_0.pdf)

<sup>69</sup> See PSR, Survey Research Department, Poll (53), 25–27/9/2014, <http://www.pcpsr.org/sites/default/files/poll%2053%20full%20arabic.pdf>

<sup>70</sup> See PSR, Survey Research Department, Poll (54), 3–6/12/2014, <http://www.pcpsr.org/sites/default/files/poll%2054%20pressrelease%20Arabic%20%20final.pdf>

subject to a number of measures and restrictions; particularly the abandonment of armed struggle and the adoption of the strategy of negotiation and recognition of Israel, in return for the latter's recognition of the PLO but without agreeing to fulfill Palestinian national rights. This transition also created sharp problems between the presidency and Fatah on one hand, and other factions and forces on the other, most notably Hamas and PIJ, taking on multiple negative manifestations.

The Oslo Accords were faced with the opposition of majority of Palestinian forces and factions, even those that are part of the PLO like the PFLP and the DFLP, for calling for the formation of a constrained authority with limited powers over parts of the WB and GS, without this preventing President 'Arafat from approving it.<sup>71</sup> This created tension in the intra-relationship, where factions boycotted presidential and PLC elections in 1996, which were seen as byproducts of the Accords. However, these factions participated in the PLC elections of 2006, because of what they saw as a new reality that buried Oslo Accords under the *Intifadah* and Israeli unilateral measures.<sup>72</sup> However, Hamas boycotted the presidential elections on 9/12/2005, because it considered that they were held without the PLC elections, and were the result of a unilateral decision by Fatah.<sup>73</sup>

The forces' and factions' criticism against the monopolistic presidential decision concerning the Oslo Accords included the performance during negotiations, which were monopolized without consultation with Palestinian factions, and concessions were offered to the Israeli side with nothing in return. Negotiations were adopted as the sole option, prompting some factions like the DFLP, to demand the formation of a senior political leadership to take part in political decision-making, especially with regard to negotiations with the occupation, rather than confining this to the PA or Fatah.<sup>74</sup>

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<sup>71</sup> See Mohamed Hassanein Heikal, "Politics and History in Gaza-Jericho First," *Assafir* newspaper, Beirut, 21/10/1993. (in Arabic)

<sup>72</sup> Sami Khater, "Assessing Hamas's Political Path (2006–2007)," in Mohsen Mohammad Saleh (ed.), *Qira'at Naqdiyyah fi Tajribat Hamas wa Hukumatihā 2006–2007* (Critical Assessments of the Experience of Hamas & Its Government 2006–2007) (Beirut: Al-Zaytouna Centre for Studies & Consultations, 2007), pp. 18–21.

<sup>73</sup> Statement issued by Hamas, 1/12/2004.

<sup>74</sup> Nayef Hawatmeh, *Ab'ad min Oslo: Filastin ila Ayn?* (Beyond Oslo: Palestine Where Does Palestine Go From Here?) (Amman: Dar al-Jalil li al-Nashir wa al-Dirasat wa al-Abhath al-Filastiniyyah, 2000), pp. 30–34.

President ‘Arafat, in many instances (we will discuss them later), sought to pursue negotiations and resistance together, and to boost coordination with the factions. This was evident during *al-Aqsa Intifadah* (2000–2005), which re-injected “national liberation and resistance against the occupation” into the Palestinian political discourse. In addition, regular meetings were held and joint statements were released by the factions, whereas the 1987 *Intifadah* lacked such joint activities. The president secretly supported the resistance, in weapons, training, and funding, but continued at the same time to stress his commitment to the peace process as a strategic choice.<sup>75</sup> However, President ‘Abbas was committed exclusively to the peace process. He began his tenure as president by pledging to commit to the Road Map and combatting “violence,”<sup>76</sup> while “peaceful resistance” became a feature closely associated to his international obligations later.

The positions of the presidential institution contributed to souring relations with the forces and factions, especially Hamas and the PIJ, which criticized the security coordination with the occupation, the disarmament of the resistance and the arrest of its cadres in the WB, and the continuation of negotiations at the expense of the reconciliation.<sup>77</sup> In addition, these factions criticized the position of President ‘Abbas vis-à-vis the refugee issue, referring to his statement about allowing a limited number of refugees to return, while the rest would be given reparations.<sup>78</sup> In their view, this position detracts from the inalienable national right that must not be compromised. In addition, ‘Abbas has described the resistance’s rockets as “absurd,”<sup>79</sup> and stressed that he would not allow a third *Intifadah* to happen, even as the Israeli aggression continued. ‘Abbas criticized the *Intifadah* of 2000, which he claimed had “destroyed everything.”<sup>80</sup>

<sup>75</sup> Site of Yasser Arafat Foundation, Yasser Arafat, An Unforgettable Life, The Second Intifada, [http://www.yaf.ps/ya/life\\_details.php?start=28](http://www.yaf.ps/ya/life_details.php?start=28) (in Arabic)

<sup>76</sup> See *Asharq Alawsat*, 9/2/2005.

<sup>77</sup> Usamah Hamdan, “Rebuilding and Activating the Palestine Liberation Organization: Hamas’s Vision,” in Mohsen Mohammad Saleh (ed.), *Munazzamat al-Tahrir al-Filastiniyyah: Taqyyim al-Tajrubah wa I’adat al-Bina’* (Palestinian Liberation Organization: Evaluating the Experience and Restructuring) (Beirut: Al-Zaytouna Centre for Studies & Consultations, 2007), pp. 188–189.

<sup>78</sup> *Al-Ahram* newspaper, Cairo, 28/7/2008, <http://www.ahram.org.eg/Archive/2008/7/28/FRON3.HTM>

<sup>79</sup> *Annahar* newspaper, Beirut, 23/1/2008.

<sup>80</sup> *Assafir*, 26/9/2008.

The crises between the presidency and a number of Palestinian factions were caused by the Oslo Accords, and a result of the PA's implementation of its security commitments stipulated in the accords, despite the continuation of the occupation's aggression against the Palestinian people.

Since the creation of the PA, it has conducted security crackdowns on resistance operatives, especially during periods when the 1967 territories have witnessed Israeli aggression and the resistance has responded to it, or following "self-immolation"<sup>81</sup> attacks in the 1948 Palestinian territories. This is in addition to targeting the infrastructure of Hamas and PIJ by closing institutions and associations affiliated to the two.<sup>82</sup> The presidency also issued decisions to confiscate weapons, and close down newspapers and magazines that publicly support resistance operations. This is not to mention the violation of the freedom of opinion and expression and peaceful assembly in light of the absence of the rule of law, and the weakness of security control in favor of chaos and lawlessness, with some parties taking the law into their own hands, seriously violating the rights of citizens.<sup>83</sup>

Arrest campaigns continued against Hamas cadres, confiscating weapons, and conducting raids on the movement's institutions while confiscating their belongings<sup>84</sup>—in addition to arbitrary arrests and the violation of freedom of opinion and peaceful assembly by prohibiting citizens and political parties from holding peaceful protests.<sup>85</sup> Examples of these include: measures taken to disperse protesters at a meeting in Ramallah between President 'Abbas and Israeli Deputy Prime Minister Shaul Mofaz in early July 2012. A number of journalists were

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<sup>81</sup> The overwhelming majority of Palestinians, Arabs and Muslims consider these operations to be "martyrdom operations" while most Israelis and western writers and media describe them as "suicide operations". We used the word "self-immolation" in this report to be as neutral as possible. However, such terms may need more discussion.

<sup>82</sup> See Wael Sa'ad, "A Critical Analysis of the Experience of the Palestinian National Authority," in Mohsen Mohammad Saleh (ed.), *Azmat al-Mashru' al-Watani al-Filastini wa al-Aqfaq al-Muhtamalah* (The Crisis of the Palestinian National Project and its Prospects) (Beirut: Al-Zaytouna Centre for Studies & Consultations, 2013).

<sup>83</sup> PCHR, "The Freedom of Opinion and Expression Under the Palestinian National Authority," pp. 172–191.

<sup>84</sup> Khalid Muhammad Safi, "A Preliminary Analysis of Hamas's Rise to Power and the Future of the Peace Process," *Dirasat Baheth* magazine, Baheth Center for Strategic & Palestinian Studies, Beirut, issue 13–14, winter/ spring 2006, p. 161. (in Arabic)

<sup>85</sup> RCHRS, "The State of Public Freedoms," pp. 106–113; and see also Wael Sa'ad, "A Critical Analysis."

injured during police efforts to prevent protesters from reaching the headquarters of the presidency, to express their rejection of the visit by Mofaz and the resumption of Palestinian-Israeli meetings. The incident was condemned by Palestinian human rights organizations which saw it as unjustified repression against demonstrators; while President ‘Abbas ordered the formation of a commission of inquiry into the events to hold those responsible for violations against demonstrators and journalists in Ramallah accountable, out of concern for the freedom of assembly and expression.<sup>86</sup>

### **The Palestinian Schism**

In the 2006 PLC elections, Hamas won 74 seats in addition to 4 independents allied with Hamas, compared to 45 seats for Fatah, and 9 seats for groups affiliated to the left. The rest of the seats went to independents out of 132 seats.<sup>87</sup> These elections constituted a major turning point influencing the ongoing WB-GS split which continues to this day.

Since its electoral victory, Hamas has been subjected to American and Israeli pressure, which placed an economic and financial siege on the Palestinian government and people. The movement has also been subjected to massive international extortion, making the lifting of the siege and collective punishment subject to the movement’s recognition of the agreements signed with Israel. In other words, powerful states sought to get Hamas to recognize Israel and revoke its Charter, which emphasizes the right of the people of Palestine to their entire land.<sup>88</sup> Even though Hamas initially proposed forming a national coalition government, it was soon forced Hamas to form a cabinet on its own, after Fatah and other factions refused to join them.

Disputes between Fatah and Hamas led to the formation of a national unity government on the basis of power-sharing, in accordance to the Mecca Agreement signed in February 2007 under the auspices of the Kingdom of Saudi Arabia (KSA). It was supposed that it would prepare for the lift of the GS siege and the opening of crossings. However, the siege continued together with the disputes between the

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<sup>86</sup> See Aljazeera.net, 3/7/2012.

<sup>87</sup> *Al-Ayyam*, 30/1/2006.

<sup>88</sup> See Abdelilah Belkeziz, “Hamas and Fatah and the Presidency: The Game of Lethal Mistakes,” pp. 23–29.

presidency and the government over jurisdictions, which soon turned into a bloody conflict between the members of security forces and Fatah on one hand, and the members of Hamas's Executive Force, on the other. GS descended into lawlessness, as Hamas accused the presidency of "bringing in weapons, and training individuals as part of an American plan to liquidate Hamas."<sup>89</sup> Thus, Hamas was "forced to put limits on the faction linked to an American-Zionist agenda,"<sup>90</sup> by taking over GS, on 14/6/2007.

President 'Abbas described what happened in GS as a "coup against legitimacy," issuing a number of decrees (mentioned earlier), and accusing Hamas of protecting al-Qaeda in the Strip.<sup>91</sup> Hamas saw these statements as a "serious incitements aiming to isolate it regionally and internationally, and paving the way for international intervention against it."<sup>92</sup>

This belief held by Hamas was reinforced following reports about the "PA presidency's support for the continuation of the Israeli war on GS,"<sup>93</sup> which took place between 27/12/2008 and 18/1/2009. Forces and factions, including al-Aqsa Martyrs Brigades of Fatah, criticized the presidency and the PA after the PLO representative at the UN delayed a decision at the UN Human Rights Council (HRC) regarding the Goldstone Report, which condemned the occupation for perpetrating war crimes in GS during the assault, and which was later withdrawn. This "put [the presidency and the PA] under suspicion for collusion with the occupation"<sup>94</sup> according to these factions' view.

The mudslinging in the media between Fatah and Hamas, contributed to creating sharp crises that overshadowed reconciliation meetings and the agreements resulting from them, which have so far not led to the end of the WB-GS split. This situation has also led to dividing the Palestinian interior into one side that calls for a peace process based on the balance of power, and another side that adopts the resistance line. This has happened amid attempts by the international powers,

<sup>89</sup> *Alhaqaeq* newspaper, London, 11/7/2007.

<sup>90</sup> Statement issued by Hamas, 14/6/2006.

<sup>91</sup> *Alittihad* newspaper, Abu Dhabi, 11/7/2007, <http://www.alittihad.ae/details.php?id=122023&y=2007>

<sup>92</sup> Statement issued by Hamas, 21/7/2007.

<sup>93</sup> See site of Paltoday News Agency, 4/10/2009, <http://bit.ly/14OONJP>

<sup>94</sup> *Al-Quds al-Arabi*, 5/10/2009, <http://www.alqudsalarabi.info/index.asp?fname=data\2009\2009\10\10-05\04qpt50.htm>

Israel, and some Arab regimes to tighten the screws on Hamas, either to thwart it and facilitate its ouster, or to pressure it to accept the Quartet conditions<sup>95</sup> and enlist in the peace process.

### ***Third: The Presidency and the Israeli Occupation***

The presidency relied on the unfair determinants of the Oslo Accords, in managing its relationship with Israel. As a result, its policy remained captive to Oslo's provisions, without trying to move outside its framework, and in light of the US bias in favor of Israel and the weak Arab and Islamic support for the Palestinian issue. This is manifested in the presidency's adoption of negotiations as the sole option, without adopting a national strategy that has room for other options and alternatives, and that takes into account the nature of Zionist ideology vis-à-vis the Palestinian issue.

President Yasir 'Arafat, in some places, sought to combine resistance and negotiations, as happened during the massacre of the *al-Aqsa* tunnel in 1996, and during *al-Aqsa Intifadah* in 2000–2005, when he supported the purchase of weapons, training resistance, and national dialogue with all factions including Hamas and the PIJ. In addition, 'Arafat used popular protests supported by him against Israeli aggression as a card during negotiations, and threatened more than once to declare a Palestinian state unilaterally if negotiations hit a dead end.<sup>96</sup> However, all this usually unfolded—with the exception of the *Intifadah*—in the context of managing the negotiations with the Israelis rather than as an alternative strategy to negotiations.

As for President 'Abbas, he cut all links with the armed resistance, maintaining links only with peaceful forms of resistance. This emerged clearly after the schism, where there was security coordination with the occupation and a crackdown on resistance operatives in the WB. By doing so, 'Abbas discarded strong attributes and limited himself to negotiations as the strategic option that could lead to the

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<sup>95</sup> Abdelilah Belkeziz, *Azmat al-Mashru' al-Watani al-Filastini: Min "Fateh" ila "Hamas"* (The Crisis of the Palestinian National Project: From "Fatah" to "Hamas") (Beirut: Centre for Arab Unity Studies, 2006), pp. 113–118.

<sup>96</sup> Marwan Kanafani, *Sanawat al-Amal*, pp. 380 and 395.



two-state solution according to “international initiatives, resolutions, and reference frames,” based on the rule that there was no alternative to peace and negotiations. As a result, negotiations become the only strategic option<sup>97</sup> or even, as Senior Palestinian Negotiator Saeb Erekat said, “a way of life.”<sup>98</sup> This was despite the admission of the fact that Israeli intransigence had thwarted peace efforts, when President ‘Abbas, for example, said that Israeli policies and practices eliminate any chance for the two-state solution, “and takes the situation back to the circle of violence.” For his part, Erekat expressed his frustration over the failure of the “efforts made in many years to fulfill the two-state solution with the Israelis,” which “did not achieve any significant progress,”<sup>99</sup> yet without leaving the negotiating table.

Often, the Palestinians’ return to negotiations, whether after a long or a short break, was accompanied by broad popular and factional opposition that was largely ignored. Meanwhile the Israeli side would ignore Palestinian preconditions for negotiations related to stopping settlement activity. Thus, negotiations would proceed in parallel with settlement building, as happened in the negotiating round that was launched at the end of July 2013. It proceeded despite opposition from the majority of factions and forces, in light of settlement activity and the absence of a specific reference frame in accordance with the pre-1967 borders.

Opening secret channels of negotiations in addition to public ones, since Oslo, which are usually revealed later, helped create suspicions regarding the commitment of the negotiating process to Palestinian national rights. Indeed, there were sometimes proposals put forward to liquidate the Palestinian issue, along the lines of the Beilin-Abu Mazen Document, on 31/10/1995, which approved the return of refugees to a future Palestinian state in the WB and GS, and not

<sup>97</sup> See for example President Mahmud ‘Abbas statement in *Al-Quds*, 6/3/2008, <http://www.alquds.com/news/article/view/id/9187>; and *Alsharq Alawsat*, 14/7/2014, <http://aawsat.com/home/article/137411>

<sup>98</sup> Saeb Erekat, *al-Hayat Mufawadat* (Life is Negotiations) (Nablus: An-Najah National University, 2008).

<sup>99</sup> See for example President Mahmud ‘Abbas statement in *Addustour* newspaper, Amman, 26/7/2010; and Saeb Erekat statement in site of Secret News, 24/10/2014, <http://www.secretsnews.com/read-news/61464>

to the territories occupied in 1948.<sup>100</sup> Similarly, there was the Ayalon-Nusseibeh Plan, in July 2002, and the Geneva Accord, in December 2003, which both added to the Beilin-Abu Mazen document a clause on the “right of the Jewish people to statehood.” This gives a free recognition of what Israel has long sought to establish: historical, religious, and legal legitimacy. It also waives the right of return of refugees to their homes and lands from which they were expelled by the Zionist aggression in 1948, and deprives the Palestinian citizens in the territories occupied in 1948 from their right to their homeland.

The PLO has adopted the demand of establishing a Palestinian state on the 1967 occupied territories with Jerusalem as its capital, side by side with Israel, and the postponement of final status issues until the final phase, in accordance with the Oslo Accords. The PLO abolished clauses from the Palestinian National Charter that refer to “historic Palestine,” “the armed struggle,” and “Zionism” as a racist expansionist movement, during the 1996 PNC session in GS, in response to demands from the Israeli-American side.<sup>101</sup> Yet all this was met by an escalation in Israeli aggression against the Palestinian people. The Israelis were encouraged to do so by the absence of real differences among their political parties of various leftwing, rightwing, and religious orientations vis-à-vis the Palestinian issue. These parties collectively reject a return to the borders of 4/6/1967, the partition of Jerusalem, the right of return, and an end to settlement building, and instead offer a demilitarized Palestinian state with incomplete sovereignty, or even reject a state entirely.

The Road Map came amid Palestinian warnings against writing off the right of return, and its lack of a specific vision for the final solution, and the nature of the Palestinian state, its borders, its powers, and its surface area. The only new thing about the plan was the demand to implement Israeli commitments in parallel and not subsequently, and a moratorium on settlement building.<sup>102</sup> However, the Israeli side impeded the plan with 14 reservations, including refusing to commit to a specific timetable, demanding an end to Palestinian “violence,” and trusting

<sup>100</sup> Jaber Suleiman, “Palestinian Refugees in Settlemental Projects,” *Dirasat Baheth*, issue 6, spring/summer 2004, pp. 118–120. (in Arabic)

<sup>101</sup> Shafiq Hout, “The Palestine Liberation Organization,” pp. 16–17.

<sup>102</sup> Azmi Bishara, *Min Yahudiyyat al-Dawlah hatta Sharon: Dirasah fi Tanaqud al-Dimuqratiyyah al-Israeliyyah* (From the Jewishness of the State to Sharon: A Study on the Contradictions of Israeli Democracy) (Cairo: Dar al-Shorok for Publication and Distribution, 2005), pp. 345–346.

the US alone to implement the plan rather than the Quartet. Israel rejected the inclusion of the Arab Peace Initiative, the basis of the peace plan, and wanted the priority to be the security issue, with a de-militarized Palestinian state established after the final agreement and direct negotiations. It refused to freeze settlement building, acknowledge the right of return of Palestinian refugees, and refused to return to the status quo of before *al-Aqsa Intifadah* in September 2000.<sup>103</sup>

Ultimately, the Road Map was an ideal way for Israel to prolong the negotiations, while deepening the existing imbalance in its favor.

The same Israeli approach was taken towards the Arab peace initiative, which was declared at the Beirut summit in 2002, and formed the basis of Arab diplomacy concerning Palestine. Israel initially rejected the initiative, before agreeing to deal with it as a group of ideas for negotiations, provided that the Arabs change some of the clauses described as sensitive for Israel, and to expand the scope of the talks to include other countries.<sup>104</sup>

Sometimes contradictory statements are made by the office of the presidency, which are closer to being threats than to being political tactics within a clear strategy. These statements range from threatening to dissolve the PA, to demanding a one-state solution, and suing Israel internationally. In effect, this reflects a real and acute dilemma, not only because these positions are part of negotiating tactics, or because of their lack of seriousness and their incompatibility with the PA's strategy and approach, but also because it demonstrates the problem of "political monopoly," which the PA believes to be an appropriate way out of the current crisis in the absence of a national consensus.

The PA threat regarding the one state solution paints this solution as a bad option, intended to warn against the consequences of resorting to it as a result of Israel's policies, rather than as a serious solution up for discussion. Using the one state solution in this way could inflict serious damage that destroys the chances of resorting to it in the future.

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<sup>103</sup>Subhi 'Usailah, "The Israeli Policy Towards the Roadmap," *Al Siyassa Al Dawliya*, issue 153, July 2003, pp. 184–188. For more details on the Israeli Approval, in 25/5/2003, on adopting the Roadmap steps, and the affirmation that the implementation of the Roadmap will take into consideration the 14 reservations Israel gave to the United States, see 'Azmi Bishara, *Min Yahudiyyat al-Dawlah Hatta Sharon*, p. 344.

<sup>104</sup>Hasan Abu Talib, "The Arab Initiative Between Inertia and Movement," *Al Siyassa Al Dawliya*, issue 169, July 2007, pp. 30–31. (in Arabic)

Bringing criminal cases before the International Criminal Court (ICC) against Israeli war criminals and their settlement-related violations in the 1967 occupied territories, could be considered a national demand now available after the new “status” of Palestine at the UN. However, in 2012, President ‘Abbas settled the matter, on 31/12/2014, by signing a request to join 20 international treaties, led by the ICC statute,<sup>105</sup> after the failure of a Palestinian-Arab draft resolution at the Security Council demanding the end of the occupation and the establishment of an independent Palestinian state on the borders of 1967, which failed to obtain the minimum required nine votes.

Despite the achievements produced by the Palestinian move at the international level in 2012, with broad international recognition of the “state of Palestine,” the resolution was not an alternative to negotiations, which the Palestinian leadership never abandoned. Rather, the Palestinian leadership wanted to create a new negotiating environment by improving its international legal status through UN membership.<sup>106</sup> In other words, the Palestinian leadership did not invest the move in an alternative strategy to negotiations, even after it realized negotiations have failed, and it postponed its subsequent requirements to give the efforts to revive the peace process a chance.

Either way, Israel will not respect the implications, which do not change the balance of power or realities on the ground, which are determined by settlement-related activity and military aggression in the occupied territories.

As for the threat made by President ‘Abbas to dissolve the PA, it too reflects a dilemma, rather than a way out, in light of Israel’s policy to undermine the two-state solution, the PA’s financial crisis, the decline in the support of donor countries, and the lack of commitment by Arab countries regarding its pledges approved in previous Arab summits to provide the necessary financial support for the PA.

While dissolving the PA has broad popular support in order to rescue the Palestinian national project, the international community does not see it as a credible threat, since it has been made repeatedly, and given the inability of the PA to follow through with it, because of pressures related to services and employment

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<sup>105</sup> *Al-Hayat al-Jadida*, 1/1/2015.

<sup>106</sup> Muhammad Jum‘a, “Separate Battles: Palestinian Wagers after the “Birth” of the State at the UN,” *Al Siyassa Al Dawliya*, issue 191, January 2013, p. 34. (in Arabic)

at the very least. This is not to mention Western/ Israeli opposition, given the security coordination with Israel, and the latter's unwillingness to return to direct occupation, as well as the prevalent thinking in the Palestinian leadership, which believes in other options, based on the premise that the PA is an important gateway to the promised state and a vital provider of services.

Whatever the case may be, it was the Oslo Accords that led to these kind of contradictory strategies. Yet this path is being clung to despite its failure, with insistence on continuing along the negotiation path whose failure is proven, amid the continuation of the WB-GS split.

The presidency never stopped limiting its wagers to the United States in the peace process, and despite the clear US pro-Israel bias, the PA did not search for other international outlets or more welcoming and supportive arenas for the Palestinian issue.

The track record of successive US administrations shows their blatant pro-Israel bias, at the expense of legitimate Arab Palestinian rights. Consequently, the peace process—since the Madrid Conference in 1991 until today—shows Washington's support for Israel's security and demands, compared to counter-pressures on the Palestinian leadership, either to make it offer concessions or resume negotiations without preconditions.

Making matters more difficult is the US administration's keenness to dominate the peace process, neutralize UN and European Union (EU) roles, with the exception of the latter's economic role, while turning a blind eye to Israeli violations in the occupied territories, without any vision for ending the conflict or having the will to impose a balanced solution. This is what happened during the first term of President Barack Obama, which saw no serious progress in the peace process, despite consecutive rounds led by the US Special Envoy for Middle East Peace George Mitchell, and tours by Secretary of State Hillary Clinton. During Obama's second term, the US Secretary of State has made some moves suggesting continued interest in this issue, despite the US preoccupation with internal matters and other foreign policy issues.

Current conditions do not indicate any alterations to the previous approach. It does not seem that the US administration has any clear plans, for the time being at least, to resolve the conflict, but only to manage it.

## ***Fourth: Palestinian Foreign Relations***

### **1. The Presidency and Arab and Islamic Relations**

When the Palestinians were all in the Diaspora, they were vulnerable to the pressures of the Arab regimes, their disputes and conflicts, while when the PA was established, which is considered the nucleus of the future state, with legal, diplomatic and political commitments, it helped formulate Palestinian-Arab relations in a different way. However, events during the Diaspora stage continued to weigh heavily sometimes on bilateral relations under President ‘Arafat, especially in the first period of the PA’s formation.<sup>107</sup> This situation began to change somewhat under President ‘Abbas. Other Arab and international developments have had an impact, including the collapse of the Union of Soviet Socialist Republics (USSR), the emergence of the US as the sole superpower in a unipolar world, the US invasion of Iraq in 2003, and the revolutions and changes in the Arab world.

President ‘Arafat, from taking office, was keen to establish balanced Arab and Islamic relations, and refused to interfere in countries’ internal affairs. ‘Arafat sought to create strong relations with Asian and African nations, most notably Arab and Islamic nations, and to develop positive relations with Iran given its strategic position in the regional order.<sup>108</sup> ‘Arafat also sought to develop Arab coordination, especially with the frontline states, to create an Arab alliance against the occupation’s aggression and its repudiation of the implementation of agreements. Therefore, he visited Syria in 1996, after a four-year estrangement, at the encouragement of the now-deposed Egyptian President Hosni Mubarak,<sup>109</sup> and continued his coordination and cooperation with Jordan.

Similarly, President ‘Abbas was keen to mobilize political, moral, and financial support for the Palestinian issue, among the Arab and Islamic states. He participated in successive Arab summits, coordinated with Arab and Muslim nations, especially Egypt and Jordan, over the peace process, and was active in the Arab peace initiative committee. This is not to mention active Palestinian diplomacy, where

<sup>107</sup> Khalil Shikaki, *Al-‘Ilaqat al-Filastiniyyah al-‘Arabiyyah min al-Manfa Ila al-Hukm al-dhati* (Palestinian Arab Relations: From Exile to Self-Rule) (Abu Dhabi: The Emirates Center for Strategic Studies and Research (ECSSR), 1997), pp. 2–7.

<sup>108</sup> Bassam Abu-Sharif, *Yasser Arafat* (Beirut: Riad El-Rayyes Books, 2005), pp. 334–335. (in Arabic)

<sup>109</sup> Marwan Kanafani, *Sanawat al-Amal*, pp. 379–380.

PA officials toured countries around the world, especially Arab and Muslim ones, to gain the necessary support for its move at the UN.

However, Palestinian-Arab relations were affected by the changes and developments in the region that erupted in early 2011, and by the Palestinian schism.

The Egyptian revolution had removed President Mubarak from power. He was, according to Hamas, a Fatah supporter and an ally to the PA leadership in the reconciliation talks, and he also had a role in turning public opinion against Hamas,<sup>110</sup> and tightening the siege on GS during the Israeli assault of 2008/2009. After the revolution, Egypt provided strong momentum to sign the reconciliation agreement in Cairo in early May 2011, and this paved the way for Hamas to stand on solid ground, while attenuating strong cards that Fatah had possessed for a long time. Egypt proved to be a strategic supporter of GS during the Israeli aggression in November 2012, breaking the wall of isolation that trapped Hamas for years.

However, the events that led the military to seize power, and depose President Muhammad Morsi, turned the equation upside down. Hamas was subsequently subjected to media and political campaigns, thus creating a favorable atmosphere for the PA presidency to return to the status quo.

PA-Tehran relations are not in their best shape, where the former constantly criticizes Iran for its support for the resistance factions.<sup>111</sup> That was before relations between Tehran and Hamas soured due to the latter's position towards the Syrian crisis, which also severed its relations with the Syrian regime.

The presidency's relationship with Qatar, unlike other Gulf countries, is characterized by ups and downs. Doha hosts the Hamas leadership, has close ties with the GS government; and has pledged to donate \$400 million in aid instead of \$254 million, following the emir of Qatar's historic visit to GS, who wanted to break the siege and offer support to the Palestinian people.<sup>112</sup>

Arab and Islamic support for the Palestinian issue did not reach the desired level, beyond solidarity stances. And despite Turkish support for the issues of the Palestinian people, it is not expected that Turkey will take more advanced stances

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<sup>110</sup> *Al-Quds al-Arabi*, 14/12/2008.

<sup>111</sup> *Al-Hayat*, 5/12/2012.

<sup>112</sup> *Al-Hayat al-Jadida*, 24/10/2012.

in a way that would lead to a clash with the Israel, given the strong economic ties between the two, in addition to the continuation of political and military relations to varying degrees.<sup>113</sup>

## 2. The Presidency and International Relations

The Palestinian presidency has been keen to gain strong international support for its cause in confronting the Israeli aggression. But the US dominance over the peace process, the weak role of the UN, and the limited EU role that is confined to funding have narrowed down the options available to the Palestinian leadership. In addition, the PA gambled on the pro-Israel US administrations, and failed to find alternative outlets, especially in Europe and China, which have a good history of bilateral relations with the Arab countries. What exacerbates this is the weak coordination among Arab countries, which have conflicting foreign policies at times, with many of them subservient to US-Western foreign policy. This means that they often act as additional pressure on the presidency to compel it to stay within the peace process.

Many statements have been issued by the EU in support of an independent Palestinian state along pre-1967 borders in accordance with the two-state solution, and it took an advanced position, when it rejected settlement expansion, considering it an obstacle to the peace process.<sup>114</sup> This was reflected in the decision to ban “EU support in the form of grants, prizes or financial instruments... which may be awarded to Israeli entities or to their activities in the territories occupied by Israel since June 1967,”<sup>115</sup> causing tension in the relationship between the EU and Israel. However, the deep dichotomy between word and deed that plague Western attitudes towards Israel makes it unlikely that the tension in the relationship will lead to a crisis that would force the occupation to change its positions regarding issues related to the conflict.

<sup>113</sup>On Israeli-Turkish relations, see Mohsen Mohammad Saleh (ed.), *The Palestinian Strategic Report 2012–2013* (Beirut: Al-Zaytouna Centre for Studies and Consultations, 2015), pp. 198–202.

<sup>114</sup>Ziad al-Darab'ah, *Al-Ittihad al-Uruppi wa al-Qadiyyah al-Filastiniyyah* (The European Union and the Palestinian Issue) (Amman: Dar al Hamed for Publication and Distribution, 2011), pp. 96–98.

<sup>115</sup>Official Journal of the European Union, vol. 56, 19/7/2013, p. C205/9, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:205:FULL:EN:PDF>



The decline of international and Arab interest in the Palestinian issue, in light of the major shifts unfolding in the region, was one of the reasons that prompted the presidency to head to the UN to apply for incomplete membership at the UN General Assembly, in an attempt to put the issue back on the international stage. The Palestinian presidency had paved the way for this with a flurry of diplomatic activity, shuttling around the world to shed light on the importance of the UN move in light of continued Israeli settlements that was gnawing at the area supposed to become the Palestinian state.

### ***Fifth: The “Palestinian State” Between Reality and Possibility***

The Oslo Accords, since their birth in 1993, were not going to lead to anything. This is not only because the accords carried the seeds of their own failure within, or because the balance of power was tipped in favor of Israel, but also because the latter insisted on exploiting this imbalance to impose a peace settlement that does not fulfill even the bare minimum of Palestinian national rights. This created a sharp dilemma and deteriorating conditions in the WB and GS, with a negotiating path that stalled at times, and froze at others, despite the successive conferences and agreements that ultimately remained cosmetic, mere ink on paper.

Three elements have combined in fostering the impasse that the Oslo Accords initiated; first, the content of the Accords; second, the occupation, which exploited the Accords to consolidate its Zionist project in Palestine; and third, US pro-Israel bias contrasted with weak Arab and Islamic support of the Palestinian issue. Furthermore, the Accords produced a shackled PA with limited powers in the WB and GS.

The justification for the establishment and survival of the PA was the fact that it carried a project that aims to transform a self-governing authority on fragmented areas to a national state with sovereignty over a political and geographical entity (The WB, GS, and East Jerusalem). This state has recognized borders along pre-1967 lines, and a solution to the refugee issue in line with international resolution 194. However, none of this was achieved, while the PA became entrenched without its status changing since its inception, contrary to the hopes of the broad pro-Oslo segment of the Palestinian public.

The Palestinian consent to partition final status issues to six main areas (the refugees, Jerusalem, the settlements, the borders, security, and water), and postpone discussing them until the final stage of negotiations, as part of a transitional period that was supposed to expire in 1999; caused the prolongation of the negotiating process, where the Palestinians were drawn into discussing the smallest details at the expense of the core issues of the conflict. It also released the Israelis from any commitments or accountability regarding their violations in the WB and GS, as long as those issues were subject to discussion later, not to mention that the Oslo Accords dismantled the various components of Palestinian sovereignty.

This situation undermined many strong tactics that could have been used against Israel, and it burdened the PA with commitments from the Oslo Accords, which the occupation did not include in its calculations. It allowed Israel to break free from the pressures of being the occupier, and flood the area allocated for the establishment of a Palestinian state with settlements, bypass roads, and military checkpoints. This is all part of the Israeli vision for the future Palestinian entity, which for Israel should not be anything more than a self-governing administration managing the affairs of the Palestinian population, without having any sovereignty or security powers, which remain under the control of the occupation.

The new “status” Palestine obtained at the UN did not alter the reality of the situation, nor did it establish the state in reality. It will not force the Israeli side to change its settlement building policies in the WB. The problem here is that negotiations were consistently relied on as the sole strategic option that supersedes all alternatives.

## *Conclusion*

The aggressive Israeli policies used against the Palestinian people and their occupied territory has cast a heavy shadow on the PA presidency, internally and externally, as well as the components of the political system, which have been dragged into a crippling circle of challenges and problems. Israel has blocked all avenues of action for internal Palestinian change, and undermined the presidency’s international efforts to end the occupation and establish an independent Palestinian state, in light of the pro-Israel bias of the US and weak Arab-Islamic support.

The weak performance of the presidential institution was racked by internal challenges, and the usual problems and shortcomings that characterize political leadership in the Arab region. The Palestinian division has further deepened the crisis, amid bleak economic and social conditions affecting the Palestinian people, mainly the result of the occupation and its Judaization practices.

This requires the establishment of a unified Palestinian national strategy that adopts resistance, in all its forms, and aims to achieve reconciliation, end division, achieve unity, and rearrange the internal situation by reactivating the PLO. It also requires that the Presidency assumes its role as an institution for all the Palestinian people and all its components; and does not engage in individual or factional behavior undermining other factions and movements.

### **This Book**

Almost twenty years after the Oslo Accords and the formation of the Palestinian National Authority (PA), there is a need to examine this experience in all its aspects, especially since it has not achieved its main goal: the transition from an autonomous authority to an independent state with full sovereignty over the 1967 occupied Palestinian territories (West Bank and Gaza Strip).

This book is a comprehensive study of the PA and its experience. The 15 chapters analyze the aspects of the PA establishment and its legislative, judicial and presidential institutions, as well as the performance of successive governments. The book deals with the internal Palestinian situation, the security forces, the PA position towards the resistance forces, and economic, demographic, educational and health conditions in the West Bank and Gaza Strip. It also tackles the corruption in the PA, the relationship between the PA and the media, as well as its foreign policy.

This book is a systematic, scientific study that forensically documents the PA experience. It has undergone the usual procedures of scientific editing, including the reviewing of texts and references.

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