THE POLITICS OF CHANGE IN PALESTINE

STATE-BUILDING AND NON-VIOLENT RESISTANCE

MICHAEL BRÖNING

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List of Abbreviations

AIPAC	American Israel Public Affairs Committee
BDS	Boycott Divestment Sanctions Movement
COGAT	Coordinator of Government Activities in the Territories
DFLP	Democratic Front for the Liberation of Palestine
Fatah	Palestinian National Liberation Movement
GDP	Gross Domestic Product
GOI	Government of Israel
Hamas	Islamic Resistance Movement
ICRC	International Committee of the Red Cross
IMF	International Monetary Fund
ISM	International Solidarity Movement
JMCC	Jerusalem Media and Communications Center
MENA	Middle East and North Africa
NGO	Non-Governmental Organisation
NIS	New Israeli Sheqel
NVR	Non-Violent Resistance
OPT	Occupied Palestinian Territory
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
PASSIA	Palestinian Academic Society for the Study of International Affairs
PBS	Public Broadcasting Service
PFLP	Popular Front for the Liberation of Palestine
PGFTU	Palestinian General Federation of Trade Unions
PLO	Palestine Liberation Organisation
PLC	Palestinian Legislative Council
PNA	Palestinian National Authority
PNGO	Palestinian NGOs' Network
PNC	Palestinian National Council
PNI	Palestinian National Initiative/Al Mubadara
PPP	Palestinian People's Party

QIZ	Qualifying Industrial Zone
SI	Socialist International
UNLU	United Leadership of the Uprising
UNGA	United Nations General Assembly
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNRWA	United Nations Relief and Works Agency
UNSC	United Nations Security Council
UNSCO	United Nations Special Coordinator for the Middle East Peace Process
WHO	World Health Organisation

Prologue

Although the majority of the research for this book was conducted in the spring and summer of 2010, the findings are based on years of work in the Palestinian Territory, Israel and the Middle East through the author's association with the Friedrich-Ebert-Stiftung, a political foundation affiliated to the Social Democratic Party of Germany. This political affiliation has granted the author access to some otherwise restricted fields, whether to certain PNA leaders or, for instance, as an observer at the Sixth General Conference of Fatah. Differing from most decision-makers who more often than not limit their interactions to official counterparts in the West Bank, the nature of the author's responsibilities in the region has allowed for a more comprehensive approach. Research for this book includes months of in-depth interviews with rank-and-file activists, independent observers, political decision-makers and civil society leaders in both parts of the Palestinian territory – the West Bank and Gaza. While this approach would seem unexceptional in any other context, in the case of Palestine this broad approach is noteworthy. The Gaza Strip, and thus approximately one third of the Palestinian populace, has effectively remained inaccessible to the vast majority of Western decision-makers since June 2007.

Two chapters of the book which are particularly relevant to Gaza, namely discussing developments within Hamas and Fatah, are partly based on contributions the author previously made to *Foreign Affairs*, *Middle East Strategy at Harvard* and *Das Parlament*. These comments were wholeheartedly endorsed by some, but also met with passionate and occasionally fierce criticism. The argument presented in these chapters also responds to critics in the service of a (hopefully constructive) dialectic process.

While the author's institutional affiliation need not be concealed, it is important to underline that the views expressed in these chapters are solely those of the author. Whereas the book can and should be understood as a *political* intervention, it does not necessarily reflect the views of the Friedrich-Ebert-Stiftung or the Social Democratic Party of Germany.

Against the background of a specific German interest in a peaceful solution that is based on legitimate Palestinian claims *and* the

particular German responsibility for the security of Israel, one further point concerning Germany's role in the Middle East will be made. Berlin's foreign policy in the Middle East has unquestionably benefited from integration into European and international policy structures, be it the European Neighbourhood Policy or the Middle East Quartet. Although both frameworks are certainly not without shortcomings, contradictions and political disappointments, the analysis and policy recommendations brought forward in the subsequent chapters should not be misinterpreted as a call for a specific German *Sonderweg*. In many ways, uncoordinated German unilateralism may very well be the last thing that would further political progress in a region ensnarled in conflict.

However, this cautious outlook should not serve to confine or compel political players with a stake in true progress to an *acquis communautaire* of increasingly inadequate (Western) foreign policy dogmas. This holds especially true in view of the fact that many of these doctrines have proved their shortcomings time and again. Against this background, it is salient that important innovative stimuli can and should be brought forward by a European Left that seriously embraces its responsibilities rooted in international law, an unwavering commitment to peace and broad and inclusive political engagement with important stakeholders. This position certainly does not lack historical precedent. As former German Chancellor and Mayor of West Berlin Willy Brandt stated in his Nobel lecture of December 1971 *vis-à-vis* the seemingly intractable Cold War deadlock between the East and West, 'it is encouraging when dialogue takes the place of monologue'.

It is hoped that this book will be understood as a modest contribution to promoting such a comprehensive and encompassing dialogue. Only when based on an accurate assessment of current developments on the ground will tautological monologues be replaced with critical engagement, thus enabling genuine and constructive solidarity with both Palestinians and Israelis.

East Jerusalem
20 September 2010

1

Introduction and Overview

We have written ‘no’ out of sympathy and ‘no’ out of love, ‘no’ out of hate and ‘no’ out of passion – and now we would like to say ‘yes’ for once.

K. Tucholsky, 1929

1. PROGRESS AND STAGNATION

The Middle East peace process has empowered few, frustrated many and brought remarkably little peace to the region. Despite decades of negotiations, Palestinians and Israelis continue to live under perpetual threat of escalating violence, with fears and insecurity exacerbated by political stagnation.

The region again stands on the brink of bloodshed. In Lebanon, an unstable coalition government and a fragile ceasefire are threatened by clashes along the Israeli border. Israeli–Syrian relations have deteriorated in view of the Israeli Government’s unwillingness to consider the return of the occupied Golan Heights. In Turkey, growing hostility towards Israel since the raid on the Gaza flotilla in May 2010 has severely hampered formerly amicable relations. In Egypt, the battle over who will succeed the now ageing President Hosni Mubarak after 30 years of his authoritarian rule has resurfaced and the looming wars of the Diadochi seem likely to result in serious internal conflict. In Iran, Mahmoud Ahmadinejad’s *coup d’état* of summer 2008 has increased instability, causing worldwide concern in light of the anticipated Iranian nuclear weapons programme and giving rise to a new round of international sanctions. As a result, Western–Iranian relations remain strained and promise to have severe repercussions for the disastrous ‘Operation Iraqi Freedom’ and the volatile graveyard peace following the US-led invasion.

At the heart of this inflammatory deadlock of overlapping conflicts lies the seemingly intractable and asymmetric struggle between Israel and the Palestinians. Also here, the trend of 2010 seems less than encouraging. On the diplomatic front, after months of ‘proximity talks’ orchestrated by US Special Envoy George Mitchell, direct negotiations on final status issues were opened by

President Obama in September 2010. While the world hopes for a fundamental break from the ritual of Middle East negotiations, a new round of talks recalls years of failed efforts. Peace summits at Camp David and Taba were accompanied by high hopes in 2000, but resulted in an unprecedented wave of violence. In the West Bank, Israeli settlements continue to expand unhindered by the 'settlement freeze' announced to ovations in the US in 2010. In Gaza, the humanitarian situation remains dire, while the rift between Fatah and Hamas continues to deepen. And finally Jerusalem, the City of Peace, stands on the brink of violence, with calls for a 'unified eternal capital of Israel' sung against the backdrop of house demolitions and the expropriation of Palestinian residents.

Have prospects for a two-state solution all but disappeared? An increasing number of observers would agree – some reluctantly, some triumphantly. Israel's Foreign Minister Avigdor Lieberman in July 2010 unveiled his alternative to a comprehensive peace by proposing to turn Gaza into an 'entirely independent entity', while prominent Israeli historian Benny Morris candidly argues for a Palestinian–Jordanian confederation in a bestselling tract on how to resolve the ongoing conflict. Given 'the emptiness of Jordan', Morris earnestly pronounced, a 'redistribution of the Palestinian population' was the only feasible alternative. While this argument can be traced back to David Ben Gurion and Chaim Weizmann and thus echoes decades of suggestions to expel Palestinians by force from their homes, thinly veiled calls for ethnic cleansing by a prominent Israeli historian have resulted in little more than cursory criticism from the Israeli public (Morris, 2009, pp. 199–200). In view of the uncompromising Israeli stance, increasingly sceptical Palestinian voices have raised serious doubts about the prospects of a two-state solution. In 1999, the late Edward Said argued that 'real peace' could 'come only with a bi-national Israeli–Palestinian state', since the inherent contradictions of the Oslo Accords precluded the establishment of a viable Palestinian state (Said, 1999). Based on widespread disillusionment concerning Israel's readiness for compromise, public opinion in Palestine has increasingly embraced Said's pessimistic or – depending on one's outlook – overly optimistic assessment. In March 2010, a survey by the Palestinian Centre for Policy and Survey Research and the Hebrew University of Jerusalem found that Palestinian support for a one-state solution has risen to 29 per cent. Similarly, the results of a poll by the Jerusalem Media and Communication Centre and the Friedrich-Ebert-Stiftung of April 2010 reports that support for a 'bi-national' state has risen to 34 per cent.

Translated into a coherent political agenda, this shift in Palestinian public opinion would pose an unprecedented challenge to the Zionist ideal of a Jewish state. Would the path followed by South Africa not be the inevitable alternative? Should Palestinians give up their national aspirations and claim full civic equality in the State of Israel, a state that would extend from the 'sea to the river'? Israeli mainstream decision-makers have begun to express some apprehension. In 2007, Prime Minister Ehud Olmert warned that the State of Israel would be 'finished' if the two-state solution 'collapse[d]', while in January 2010 the leader of the Israeli Labour Party and Minister of Defence Ehud Barak argued that the absence of a two-state solution 'and not an Iranian bomb or any other external threat – [was] the most serious threat to Israel's future'.

Is this the reason why Israeli Prime Minister Benjamin Netanyahu approved in principle a two-state solution in his speech at Bar-Ilan University on 14 June 2009? Under pressure from the US administration, Netanyahu reluctantly acknowledged that 'in the heart of our Jewish Homeland now lives a large population of Palestinians' and declared that Israel did 'not want to rule over them'. Opting for the most limited of formulas (entirely unacceptable to Palestinians) and just short of an outright rejection of US demands, Netanyahu grudgingly accepted the basic consensus of the international community. It therefore seems that while the prospects of a two-state solution have been eroded by Israeli policies on the ground, the international community has increasingly adopted the two-state blueprint as the only solution to decades of violence. George W. Bush's Roadmap to Peace (2002), the Annapolis Conference (2007) and more recent policies of Barack Obama are evidence of this commitment. Despite obvious disappointments, growing scepticism and despair, the two-state solution continues to be supported by the majority on both sides of the Israeli–Palestinian divide. Thus at least theoretically – and rhetorically among decision-makers – the objective of two states for two peoples continues to fuse both international and local political consensus.

If, however, political support for the two-state solution has grown in the international sphere and among the majority of Israelis and Palestinians, the question as to why progress has remained elusive is salient. Who has been responsible for the decade-long failure that is the 'peace process'?

2. THE MYTH OF A MISSING PALESTINIAN PARTNER

Common wisdom has a clear – and convenient – response: the Palestinians. Represented by uncompromising and corrupt leaders and fuelled by irrational religiously motivated inflexibility, the Palestinian side has 'never missed an opportunity to miss an opportunity', as Abba Eban (Israel's foreign minister 1966–74) famously declared. At the root of this perception lies the failure of the Camp David talks of July 2000 and the subsequent spin-offs. The dominant narrative of Camp David – conveniently written by those responsible for its failure – singled out the Palestinians for rejecting what has been continuously presented as a 'generous offer'. In his memoirs, President Clinton repeatedly blamed Yasser Arafat for his 'colossal mistake' and labelled his 'rejection' an 'error of historic proportions'. For obvious reasons it was easier to blame the 'uncompromising' Palestinians rather than the US negotiating team, which was not an honest broker, having only succeeded in aggravating internal Palestinian mismanagement.

Unsurprisingly, a similar assessment was presented by the then Israeli Prime Minister Ehud Barak. In view of pending Israeli elections, it was no time for self-criticism. Instead, Barak resorted to the mantra-like incantation that all but destroyed the Israeli peace camp: 'I have turned every stone on the way to peace'; there is 'no Palestinian partner'. Re-enforced by the Israeli perception of Palestinians from the second *Intifada*, this narrative has become increasingly accepted by Israeli public opinion since 2000. In November 2007, a survey conducted by the Israeli scholars Daniel Bar-Tal and Eran Halperin found that 80.8 per cent of Israelis agreed with the statement that 'despite Israel's desire for peace, the Arabs [have] imposed war time and again'. Based on this, diplomatic efforts by the Israeli Government have so far succeeded in convincing large segments of the Western public that the peaceful Israelis do not have 'a partner for peace' on the Palestinian side. An internal review of public opinion polls in the US compiled by Woodnewton Associates for the Palestinian National Authority (PNA) in April 2010 found that US 'sympathy' for Israel had increased more or less continuously since 2003, reaching 63 per cent in November 2009. This constitutes an unprecedented peak since 1997 despite the humanitarian crisis resulting from military incursions into Lebanon in 2006 and Gaza in 2008–9. In comparison, US 'sympathy' for the Palestinians has hovered around 18 per cent since 2002.

Public support for Israel and Western news media have worked hand in glove with what even Washington's strategic establishment

has come to label the US's 'Israel-centric approach to the negotiation process' (Mead, 2009, p. 65). Time and again, the near-unconditional and comprehensive financial, economic, political and military support by the US for Israel has, on a diplomatic level, been represented as a hardly equidistant approach to peace-making in the Middle East. The repercussions of this have seriously undermined the Palestinian position, distorting the perception of actual developments on the ground.

3. CHANGE IN PALESTINE

As of 2010, against the background of uncompromising Israeli government policies, overshadowed by the security focus on Iran, eclipsed by the Gaza war and the beginning of final status negotiations under US auspices, change has taken place at different levels of Palestinian politics. These *politics of change* significantly break with previous attempts to achieve Palestinian national aspirations. While developments are not free of contradictions and setbacks, they fundamentally question dominant Western and Israeli narratives and ultimately pose an unprecedented long-term challenge to the Israeli leadership, irrespective of the outcome of current negotiations. The most notable political trends can be identified in terms of the programmatic reinvention of the Hamas movement, ideological and personal developments in Fatah, state-building efforts of Palestinian Prime Minister Salam Fayyad and in the rise of non-violent resistance to Israeli policies.

While adhering ideologically to the abstract objective of 'liberating all of Palestine', the Islamic Resistance Movement, Hamas, has recently initiated a significant programmatic transformation towards the factual and pragmatic acceptance of a two-state solution. This change has gone widely unnoticed by Western observers but fundamentally alters the parameters for engaging the movement in a constructive manner. The prospects for taking advantage of this significant development may, however, be jeopardised by the failure of Western governments to recognise Hamas as a relevant and dynamic political player *capable* of change. Hamas has traditionally been characterised exclusively on the grounds of outdated sources, such as the Hamas Charter. As moderate forces from within Hamas attempt to bring constructive change to the movement, Western decision-makers – and Arab governments – are at risk of contributing to self-fulfilling prophesies

by inadvertently supporting radical forces that thrive under the current policy of diplomatic and economic isolationism.

Change has also come to the secular Fatah party. In August 2009, Fatah surprised most international observers by holding its Sixth General Conference in a delayed response to the 2006 landslide electoral defeat. Sixteen years overdue, the party convention committed Fatah to non-violent resistance and transformed the movement from a heterogeneous group with an extensive support base abroad into a streamlined political institution firmly rooted in the Palestinian Territory. While by no means a fully functioning political party yet, Fatah renewed its leadership and bolstered forces that are, in principle, in favour of a negotiated solution to the Israeli–Palestinian conflict. While core challenges remain on Fatah's agenda, an important first step to reforming the moribund and archaic dinosaur of Palestinian politics has been taken.

Also in the PNA, Palestinian decision-making has undergone an untold revolution since 2009. Breaking with the previous dogma of 'liberation before state-building' as represented by the 1988 proclamation of the Palestinian State in Algiers, Prime Minister Salam Fayyad and President Mahmoud Abbas in August 2009 began to implement a comprehensive plan for Palestinian state-building. Fighting nepotism and corruption, this is attempted largely via unilateral state- and institution-building and is supplemented by efforts to lobby internationally for the recognition of a Palestinian state. Despite a noticeable lack of formal democratic legitimacy which has been vehemently criticised by some Palestinian observers, Fayyad enjoys the support of most Western governments and a growing number of Palestinians. His state-building policies have claimed Palestinian rights to self-determination through constructive initiatives despite the challenges and ambiguities of Israeli occupation.

While these *politics of change* have occurred at the institutional level in the three leading agencies of Palestinian nationalism, a fourth revolutionary development has emerged largely outside formalised political institutions: a general shift away from violent struggle to strategies of non-violent resistance. While non-violence *per se* has never been as sporadic in Palestinian politics as it has been absent in Western (and Israeli) news coverage, the concept has by now been embraced by all relevant political institutions in Palestinian politics. Originally brought forward by community leaders such as Mustafa Barghouthi, today Fatah, the PNA, Palestinian civil society and, to a certain extent, Hamas, have all *de*

facto adopted non-violence as their principal method of choice in recent months – albeit to different degrees in terms of formal endorsement and irrevocability. While not free of contradictions, this trend towards non-violence has the potential to alter fundamentally the equation of confrontation in terms of global public support for legitimate Palestinian demands. After all, these have often been compromised by illegitimate forms of resistance, which have not only caused human suffering among civilians – both Israeli and Palestinian – but have also played into the hands of hard-line Israeli decision-makers.

This fundamental and largely overlooked progress on the Palestinian side stands in stark contrast to a policy of stagnation on the Israeli side. Despite Netanyahu's qualified endorsement of a two-state solution, a major shift to the Right has pushed Israel's left-wing parties into an existential crisis since the failure of Camp David. This development threatens to alter fundamentally the balance of Israeli party politics. Right-wing parties have forced debates in the Knesset on openly racist legislation, while nearly half of Israel's school students do not believe that Israeli-Arabs (Israeli-Palestinians) should enjoy the same rights as Jewish citizens according to a poll published in March 2010. As described in the *Economist*, these shifts in Israeli public perception are indicative of a counterproductive Israeli siege mentality in which memories of historical victimisation, notably the Holocaust, and perceived global hostility have severely limited Israeli willingness to compromise with the Palestinians. In short, a fundamental push to the political Right has made Israel 'a worse place, not just for the Palestinians but also for its own people' (Israel's Siege Mentality, 2010). This analysis is supported by a survey conducted by the Israel Democracy Institute in August 2010, which found that 77 per cent of Jewish Israelis are convinced that 'it makes no difference what Israel does, the world will be highly critical anyway' (Peace Index Main Findings, 2010).

The most obvious example of this is the expansion of Israeli settlements. As is (perhaps not) widely known, since the signing of the Oslo Accords, the number of Israeli settlers has virtually *tripled* continuously and steadily, irrespective of the political party in power. Against this backdrop, Israeli peace veteran Uri Avnery has openly mocked Ehud Barak's Camp David mantra by pointing out that Barak had indeed 'turned every stone' – although not in promoting the supposed peace process, but rather in the unabated pace of settlement construction. The 'settlement freeze' which ended

in September 2010 made no exception to this general rule. Hailed as an ‘unprecedented step’ by the US State Department, a report by the Israeli organisation Peace Now in August 2010 appears to indicate otherwise. Eight months into the ‘settlement freeze’ saw the construction of ‘at least 600 housing units in over 60 different settlements’, of which ‘at least 492 [were] in direct violation of the law of the freeze’ (Ofran, 2010).

It is against this background that observers within and outside of the region have called for what Henry Siegman (2010, p. 18) labelled ‘forceful outside intervention’. For obvious reasons such voices are rejected by the Netanyahu government and US advisers such as Dennis Ross, who have successfully attempted to frame any US pressure as ‘well intentioned’ but counterproductive (Ross and Makovsky, 2009, p. 127). While potentially promising, the notion of an imposed solution was ultimately rejected by the US at the opening of final status negotiations in September 2010, when President Obama declared that ‘the United States cannot impose a solution’ as the US ‘cannot want [peace] more than the parties themselves’ (The White House, 2010a).

What remains within the realm of possibility, however, is an evolving international position that strives to achieve a much more even-handed approach to peace-making. Impartial diplomacy, taking into account legitimate interests and entitlements from both sides, would today face a Palestinian partner that has increasingly rejected violence in order to embrace state-building efforts in both a practical *and* ideological shift towards a two-state solution.

Compared with developments in Israel, the Palestinian leadership in Ramallah (and to a certain extent in Gaza) has fulfilled key Western demands stipulated in the Road Map for Peace and in Obama’s June 2009 speech to the Muslim world in Cairo. Although stated in broad terms, the Road Map called on Palestinians ‘to end violence’ and ‘undertake comprehensive political reform in preparation for statehood’ while Obama reiterated the need for Palestinians to ‘abandon violence’ and ‘focus on what they can build’. The PNA was requested ‘to develop its capacity to govern, with institutions that serve the needs of its people’, while Hamas was called on to ‘put an end to violence, recognize past agreements, and recognize Israel’s right to exist’ (The White House, 2009). With the exception of Hamas where ambiguities persist, especially in the West Bank, these conditions have, for the most part, been fulfilled.

The Palestinian side, represented not as a single homogeneous group, but rather through an understanding of the most relevant political players, has initiated a process that reformulates and moves beyond traditional conceptualisations. This process is discussed in the following chapters. At the same time, the argument presented here should not be misinterpreted as apologetic – specifically with regard to Gaza – or as 'romanticizing Hamas rule', as Amira Hass (2010) recently described. While *politics of change* in Palestine have fundamentally altered the political landscape of the Middle East, Palestinian ambiguities and shortcomings remain and are scrutinised in parallel.

This book aims to shed light on a much neglected aspect of Palestinian politics by questioning prevalent misperceptions and taboos. While Palestinian entitlement to statehood is not and should not be based on fulfilling (Western) demands of perceived good governance, Palestinians have on many levels demonstrated a resolute determination to bring about political change. This does not increase the (absolute) legitimacy of Palestinian claims, but has severe repercussions for the *realisation* of these entitlements. As Palestinians demonstrate a readiness for the two-state solution, the question remains: Will Israel and the West seize this chance to bring about 60 deferred years of a promised peace?

2

Hamas in Transition

You cannot step into the same river twice, for fresh waters are ever flowing in upon you.

Heraclitus of Ephesus

1. 'WHAT IS THERE TO TALK ABOUT?'

The traditional assessment of the vast majority of Western decision-makers is unambiguous: the Islamic Resistance Movement (*Harakat Al Mukawima Al Islamiye*) is a radical terrorist organisation. Unabashedly anti-Semitic, Hamas is committed to the destruction of Israel and aims at establishing an Islamic Caliphate on every inch of 'liberated' Palestinian soil. Hamas relies on a widespread network of social services in the West Bank and the Gaza Strip, where Palestinian society is indoctrinated with a single-minded ideology of hatred. Hamas' anti-Semitic agenda is backed and directed by Iran, which has effectively established an uncompromising proxy on the shores of the Mediterranean by granting Hamas unlimited military and financial aid.

This is the perception that has defined Western and Israeli decision-making for years. In an 'historic' speech at Tel Aviv's Bar-Ilan University on 14 July 2009, Israeli Prime Minister Netanyahu declared that Israel will not 'sit down at a conference table with terrorists who seek to destroy it' and in May 2010 defended the Israeli blockade of Gaza by stressing that 'the international community cannot afford an Iranian port on the Mediterranean'. Rather than engaging Hamas politically, Netanyahu has called for the overthrow of Hamas and attempted to implement such a policy during the invasion of Gaza in 2008–9. Following weeks of military confrontation which accomplished little more than the deaths of hundreds of Palestinians and 13 Israelis, Netanyahu explained at a press conference to foreign journalists in Jerusalem: 'At the end of the day, there will be no alternative but to bring down the regime of Hamas, a terrorist organization pledged to our destruction' (Zolka, 2010).

While this stance from a Likud leader perhaps does not come as a surprise, his approach has been, at least partly, accepted as common wisdom by scores of Western decision-makers. Thus it also forms the basis of President Obama's approach to Middle East peace-making. In a famous speech delivered in Cairo on 4 June 2009, the US president refrained from labelling Hamas a 'terrorist organisation', but urged the movement to enact fundamental reforms. The message was clear: if Hamas wants to be accepted as a legitimate player by the international community, changes must be made. As Obama stated: 'To play a role in fulfilling Palestinian aspirations, Hamas must put an end to violence, recognize past agreements, and recognize Israel's right to exist' (The White House, 2009).

On the face of it, the traditional assessment of Hamas seems understandable. After all, Hamas has routinely engaged in military operations against Israeli military personnel and has orchestrated hundreds of terrorist attacks against Israeli civilians. While from the standpoint of Hamas these operations do not constitute terrorism, but 'legitimate resistance', such operations have fundamentally sullied the reputation of Hamas in the West and have perpetuated the perception of the organisation as incapable of compromise. As a consequence, the conviction that Hamas cannot be engaged in a constructive manner has developed into one of the most influential policy dogmas of Middle East diplomacy. The accuracy of this dogma and the prospects for potential future political engagement with Hamas will be explored in the following chapter by examining Hamas' ideological frame of reference, recent programmatic developments in the movement and Hamas' changing role as the ruling party of Gaza.[1]

The Hamas Charter

For decades Western and Israeli observers have based their assessment of Hamas not only on the movement's violent operations but on a policy document, the 'Platform of the Islamic Resistance Movement' (the Hamas Charter), which appears to describe the identity and political agenda of Hamas with indisputable clarity. The Charter was published in the form of a leaflet in 1988 and is an oft-quoted point of reference for Western observers, the so-called pro-Israel lobby in the US and the Israeli public. Effectively, the Charter constitutes the only widely circulated document that is used to characterise Hamas. The prominent position the Charter has attained

in Western discourse can be seen by the preponderance of full-text quotations featured prominently on the websites of the American Israel Public Affairs Committee (AIPAC), the Anti-Defamation League (ADL) and the Israeli Ministry of Foreign Affairs. Illustrative of the role that the Charter has played, especially in the Israeli media, is a contribution by Yaron London who, on 28 June 2010, attributed more than one third of an op-ed in the daily *Yedioth Ahronoth* to verbatim quotes from the Charter, warning against the release of Hamas prisoners by calling on Israelis to take Hamas' declarations at face value (London, 2010). The question arises: What is the Charter actually about?

Based on the belief that 'Palestine is the navel of the globe and the convergence of continents, the object of greed … since the dawn of history' (§34), the Charter defines Hamas' *raison d'être* as a 'distinct Palestinian Movement' in liberating Palestinians until 'the banner of Allah is raised over every inch of Palestine' (§6).[2] While the Charter remains unspecific as to what kind of state it aims to establish on 'liberated lands', the movement does define the objective as the reinstitution of the 'state of Islam' in Palestine (§9), whose structures would be based on the 'model of the Prophet' and the 'Qur'an as its Constitution' (§8). Concerning the strategy to be employed by Hamas, the Charter firmly establishes that armed struggle is not only the preferred approach to 'liberation', but ultimately the only feasible one. The Charter stipulates that there 'is no solution for the Palestinian question except through *Jihad* [holy war]' (§13) and that 'death for the sake of Allah is the loftiest of its wishes' (§8). In line with this preference for violent struggle, the Charter rejects efforts to find a diplomatic solution to the conflict through international mediation:

Initiatives, and so-called peaceful solutions and international conferences, are in contradiction to the principles of the Islamic Resistance Movement …. Initiatives, proposals and international conferences are all a waste of time and vain endeavours. (§13)

This approach is based on the belief expressed in paragraph 11 that a territorial compromise accommodating both Palestinian and Israeli nationalist claims to the land is impossible due to the sacred nature of Palestine as an Islamic *Waqf*:

The Islamic Resistance Movement believes that the land of Palestine is an Islamic *Waqf* consecrated for future Moslem generations until Judgement Day. It, or any part of it, should not be squandered: it, or any part of it, should not be given up. Neither a single Arab country

nor all Arab countries, neither any king or president, nor all the kings and presidents, neither any organization nor all of them, be they Palestinian or Arab, possess the right to do that. Palestine is an Islamic Waqf land consecrated for Moslem generations until Judgement Day.

While these uncompromising mission statements might have equipped Western and Israeli decision-makers with sufficient reason to defend any hard-line policy approach to Hamas, the Charter does not stop there. Throughout the document, statements that are blatantly anti-Semitic can be found, equating Israel to Nazi Germany by condemning 'Nazi Zionist practices' (§31) and paraphrasing the 'Protocols of the Elders of Zion' as proof of Israel's inherent wickedness (§32). In a truly abhorrent paragraph (§22), the Charter features a blatant (mis)interpretation of modern history fraught with anti-Semitic stereotypes:

For a long time, the enemies have been planning … for the achievement of what they have attained …. They took control of the world media, news agencies, the press, publishing houses, broadcasting stations, and others. … They were behind the French Revolution, the Communist Revolution and most of the revolutions …. With their money they formed secret societies, such as Freemasons … for the purpose of sabotaging societies and achieving Zionist interests. … They were able to control imperialistic countries and instigate them to colonize many countries in order to enable them to exploit their resources and spread corruption there. …

They were behind World War I, when they were able to destroy the Islamic Caliphate …. They obtained the Balfour Declaration, formed the League of Nations through which they could rule the world. They were behind World War II, through which they made huge financial gains by trading in armaments, and paved the way for the establishment of their state. It was they who instigated the replacement of the League of Nations with the United Nations and the Security Council to enable them to rule the world …. There is no war going on anywhere, without having their finger in it.

In view of such statements, the broad international consensus of eradicating and boycotting Hamas seems understandable. The Charter has given rise to the conviction that any constructive dialogue with Hamas would be futile. 'No Western democracy would tolerate an organization with such views', argues Shlomo Avineri in a letter to the editor of *The New York Times* (Avineri, 2009). The former Deputy National Security Advisor of Israel,

Chuck Freilich, took this point a step further in *Foreign Policy*, asking rather dramatically: 'What could Israel and Hamas actually talk about? Is there anything short of voluntary national suicide that would satisfy Hamas? … All indications point to the contrary' (Freilich, 2008).

In the post 9/11 era, the Charter has been referenced numerous times to demonise Hamas by comparing the movement to Al Qaeda and similar organisations. Despite obvious shortcomings, this is a view that has only sporadically been questioned. Most proponents of this traditional perception of Hamas firmly adhere to the conviction that the Islamic Resistance Movement is not only unwilling to engage in political compromise with Israel but that Hamas is also inherently incapable of change *per se*. The Charter is frequently interpreted as a perennial political vision so firmly rooted in what is perceived as an 'Islamic' worldview that, as a result, any notion of political development has been excluded. What is questioned here is the accuracy of this interpretation.

2. CHANGING HAMAS: ON THEORY AND PRAGMATISM

The very fact that most Western observers frame their assessment of the ever-volatile Middle East by routinely referring to a document from 1988 should seem perplexing and in any other context would be criticised as inadequate. In the context of the Middle East, however, such assumptions continue to flourish as they take as a point of departure the widespread orientalist belief that change is intrinsically un-Islamic. An analysis based on countless statements of leading Middle East scholars, such as Bernard Lewis, reveals that the perception bears little resemblance to developments on the ground but appears convincing in the self-referential discourse of 'experts'.

In reality, Hamas, like many social institutions, has undergone dramatic change in recent years, partly influenced by outside factors and partly reflecting internal responses to external developments. Following Hamas' participation in the Palestinian elections of 2006, the movement's electoral triumph, the international boycott, Hamas' seizure of the Gaza Strip in 2007, Israel's 2008–9 war in Gaza and caretaker Prime Minister Salam Fayyad's suppression of Hamas institutions in the West Bank, the Hamas of today bears little resemblance to the original movement founded in 1987–8. These changes have, for the most part, gone unnoticed by Western observers and can be explained partly by an unwillingness to

question the adequacy of political labels that have conveniently legitimised established policies. However, the perception of change in Hamas has also been challenged by the fact that Hamas as a movement *in transition* has expressed ambiguous and, at times, contradictory statements and policies that not only reflect different wings struggling over the movement's future but have also targeted a wide range of audiences. The fact that certain Hamas leaders themselves have postulated the 'unchanging' character of Hamas in order to bolster Palestinian and Arab perceptions of the movement as the only steadfast bulwark of Palestinian ambitions has also contributed to a lasting misperception that Hamas is simply incapable of change.

Political Pragmatism vs. Ideological Austerity

The Hamas Charter serves as a convenient point of reference for Western and Israeli observers and is today probably more widely read in Washington, DC or West Jerusalem than in the Palestinian Territory. In the OPT, the Charter has fallen into near-total political neglect. Realising that it failed to represent the movement's evolving identity and resulted in a significant political fall-out, protagonists inside Hamas were faced with the difficult choice of defending a document that had effectively turned into a PR liability or of officially re-drafting it. Initially, it seemed that the latter was to be the course of action. In 2003, the Hamas political bureau in Damascus commissioned the re-drafting of the Charter, but ultimately shelved this endeavour following Hamas' electoral victory in 2006 and mounting international pressure. Faced with near-universal opposition to Hamas' victory, leaders in Damascus feared that re-drafting at this time would be perceived as giving in to external pressure (Tamimi, 2007, p. 151). To avoid appearing compliant with Western demands and in order to retain a certain degree of ambiguity in its programmatic heritage, Hamas leaders subsequently opted for a different strategy for overcoming the problems generated by the Charter. This approach can be seen at four levels.

First, for years Hamas leaders have refrained from publicly embracing the Charter. The document today is notably absent from any Hamas statement and is unavailable on most Arabic-language webpages affiliated with Hamas. One exception is the web presentation of the Qassam Brigades (Hamas' military wing) which, in the summer of 2010, published an abridged version which rather

tellingly only included the Charter's 'Ideological Starting-Points' and deleted the anti-Semitic slander of subsequent paragraphs (Al Qassam, 2010).

Second, Hamas leaders have been engaged in drafting more recent policy documents that have effectively replaced the Charter in all but name. These statements have been partly issued as communications to foreign diplomats and were partly developed as official policy documents for election campaigns in the Palestinian Territory. Third, Hamas leaders have played down the relevance of the Charter. Thus Mahmoud Ahmad Al Ramahi, the Secretary General of the Palestinian Legislative Council (PLC), notably clarified that the Charter 'should not be confused with the Holy Qu'ran' and was backed by Khaled Mishal, the head of Hamas' political bureau in Damascus, who explained that 'the Charter should not be regarded as the fundamental ideological frame of reference' (quoted in Tamimi, 2007, p. 149). Rather, Mishal reiterated in a television interview with PBS host Charlie Rose that Hamas' practice and recent policy outlines have effectively replaced the Charter. 'So, the whole world should deal with Hamas, with what it practices, its political stance that it declared, and not based on the Charter that was put [sic] 20 years ago' (Mishal, 2010).

Fourth, attempts to cast doubt on the legitimacy of the Charter have been notable. Hamas leaders have repeatedly pointed out that it has never been internally debated or formally approved. Proponents of this approach have pointed out that the Charter was written by a single confidant of Hamas' founder Ahmad Yassin, Abdel Fattah Dukhan. Dukhan wrote the Charter without an official mandate, failing to utilise broad consultative processes that would have otherwise been the norm (Caridi, 2010, p. 99). This multi-level approach of minimising the significance of the Charter has not achieved the desired effect of freeing Hamas from the Charter's fall-out – at least not among Western observers. Rather, critics of these attempts to contextualise the Charter have been quick to demand a formal rescinding of the Charter as proof of a 'moderate' Hamas. While such claims might appear understandable, it is doubtful whether such critics would be willing to accept even a formal renouncing of the Charter as anything but a tactical manoeuvre (Bröning, 2009).

The result of this focus on the Charter is the neglect of more recent Hamas policy outlines, which are more indicative of the movement's current character. Thus while observers are well advised to refer to the Charter as an historical document helpful in studying Hamas'

origins, more recent Hamas documents should be taken as the basis of current analysis. Hamas leaders have since begun effectively to embrace state-building and the two-state solution; a move that has the potential to alter fundamentally the political landscape of the Middle East.

In April 2006, the foreign minister of the Hamas-led government, Mahmoud Al Zahar, vaguely alluded to a two-state solution in a letter to UN Secretary General Kofi Annan. While Al Zahar later disputed any formal acceptance of Israel by clarifying to the *Reuters* news agency that 'such a sentence of acceptance was not used in the letter', it indicated an initial, albeit subtle, programmatic shift (Zahar Denies Talk, 2006). More outspoken policy changes were to follow. In response to the statements made in Cairo by President Obama, Hamas leader Khaled Mishal took the floor in Damascus in June 2009. Speaking to the Arab media, Mishal outlined a political agenda that starkly broke with the traditional, rigid rhetoric of confrontation and effectively reduced Hamas' aspirations to state-building ambitions in the West Bank and the Gaza Strip. Mishal declared: 'At a minimum, we demand the establishment of a Palestinian state with Jerusalem as its capital with full sovereignty within the 1967 borders, removing all checkpoints and achieving the right of return' (Hamas Leader Mash'al, 2009). This stance has been reiterated several times since the groundbreaking declaration in Damascus, most recently in the abovementioned interview by Mishal with PBS, in which the head of the political bureau envisaged an end to Hamas' military operations against Israel following the establishment of a Palestinian state within the 1967 borders:

The action is the occupation. And the reaction from the Palestinians is the resistance. So when the occupation comes to an end, the resistance will end. It is as simple as that. If Israel withdraws to the 1967 borders, so that will be the end of the Palestinian resistance. (Mishal, 2010)

A very similar position, supplemented by a demand for the release of Palestinian prisoners, had previously been outlined by the prime minister of the unity government and the present prime minister of Gaza, Ismael Haniyeh, in an op-ed for the *Guardian*:

The Palestinian National Unity government … envisages the establishment of an independent state on all the Palestinian land occupied by Israel in 1967, the dismantling of all the settlements in the West Bank, the release of all 11,000 Palestinian prisoners in

Israeli jails and the recognition of the right of all Palestinian refugees to return to their homes. (Haniyeh, 2007)

This historic shift in Hamas' doctrine was not limited to public statements by the two most prominent Hamas leaders, but was reiterated in confidential letters that the *de facto* government in Gaza delivered to Obama on at least two occasions. These letters, according to an official from the Gaza Ministry of Foreign Affairs, 'confirm Hamas' objective of establishing a state on the 1967 borders'. A similar open letter was also sent by Gaza's Deputy Foreign Minister Ahmad Youssef to the President of the European Parliament, Jerzy Buzek, in February 2010:

We have on numerous occasions committed ourselves to a peaceful solution culminating in a free, and independent Palestinian state on the pre-1967 borders with East Jerusalem as its capital. We believe this is a basis for Europe and the Quartet to move forward in a way that incorporates all Palestinian factions and promotes Palestinian reconciliation on Palestinian terms and interests. The status quo is a dead end option for all involved. (Gaza official sends EU parliament, 2010)

Given the fact that such policy statements have often been interlinked with a call for the 'right of return' for Palestinian refugees, their political value has been rejected. After all, from the Israeli perspective, the founding of a Palestinian state within the borders of 1967 against the backdrop of a heavy influx of Palestinian refugees into Israel does not seem to imply a factual recognition of Israel's right to exist. Thus, pundits such as Ami Isseroff, Israel-based director of MidEastWeb, were quick to refute the relevance of the Hamas statements outlined above:

Hamas will 'accept' a Palestinian state under those conditions, without making peace. But the conditions include return of the 1948 refugees, their descendants and foreign spouses to Israel, which would mean the end of Israel as a Jewish state. Therefore, the offer is meaningless even as a cease fire condition. (Isseroff, 2009)

Such criticism, however, fails to make a significant distinction, namely, the difference between a legal *right* and the question of *implementation*. While commentators such as Dennis Ross have attacked observers for allegedly failing to grasp the 'coded language' used in Hamas statements (Ross and Makovsky, 2009, p. 253), it seems that these accusations themselves are based on ignorance of subtleties. By demanding a 'right' of return, Hamas' position has effectively evolved in such a way that the organisation

now insists on recognition of the refugee's *right* of return and thereby adopts a face-saving concession. Actual implementation would be markedly different from Israeli fears. This is how Khaled Mishal's stance should be interpreted, especially in view of the fact that this Hamas stance is a factual repetition of the traditional PLO position on the refugee problem. To this day, the PLO has based all negotiations with Israel on the 'bedrock of PLO ideology and strategy' that the 'Palestinian refugees' right to return to their original homes is one of the inalienable national invariables' (Lindholm Schulz *et al*., 2003, p. 141). This position was reiterated on 13 May 2010 in a communiqué commemorating the 62nd anniversary of the Palestinian *Nakba* (PLO: Palestinian Refugees' Right of Return, 2010). Contrary to the international community's approach to Hamas, this issue does not preclude diplomatic engagement with the PLO. Why are similar statements by Hamas therefore taken as proof of inflexible radicalism?[3]

It is important to understand that these recent policy shifts concerning the two-state solution did not occur spontaneously but are related to a fundamental shift in Hamas towards political pragmatism. This development is paralleled in the movement's continuous ascent in Palestinian party politics. After lengthy deliberations, in 2004 Hamas decided to break with the founding rejectionist position and participated in municipal elections.[4] This trend was originally supported by the international community, which encouraged Hamas' participation in the PLC elections of 2006 (originally scheduled for 2005). Hamas' adherence to democratic principles based on the Oslo Accords and their successes in these elections illustrate a significant pragmatisation of Hamas in terms of a *de facto* acceptance of a two-state solution and an agenda of state-building previously unseen in the Islamic Resistance Movement (Asseburg, 2007, pp. 37–44).

Largely ignored by Western and Israeli decision-makers, Hamas first demonstrated a shift from the stance of veto player operating outside the established political spectrum into a functioning opposition in 2006. This was followed by a transformation from a radical opposition party into a majority party within the Palestinian Territory after the 2006 elections, and finally to the *de facto* governing party of Gaza. In this process, Hamas has, in a surprisingly short period, largely abandoned the religious rhetoric of the Charter and has (largely) sidelined attempts to violently 'liberate Palestine' in favour of the increasingly secular and pragmatic task of state-building.

Hamas' Political Programmes

To answer the question of what Hamas stands for today, an analysis of the movement's electoral programmes is essential. While Khaled Hroub's warning that 'drawing any conclusions about political parties based on their electoral platforms can be misleading' is certainly valid, the same holds true for foundational documents such as the Hamas Charter or in fact for any public policy statement of political organisations (Hroub, 2010, p. 139).

Following the decision to participate in the PLC elections in January 2006 and the implicit break with the formal rejection of the Oslo Accords, Hamas conducted, for the first time, a thorough review of its political platform. The electoral campaign, as outlined under the List for Change and Reform, focused not on 'violent resistance' but on promises of judicial reform, better education and housing, as well as health and environmental policies. Unlike the Charter, Hamas' electoral platform of 2006, which ran to approximately 20 pages, mentioned 'violent resistance' just twice while it devoted a total of 16 paragraphs to administrative reforms and civil rights. In addition to a discussion of fundamental principles, the document contained detailed policy recommendations on such matters as the need to 'keep Gaza's beaches clean and beautiful and receptive to tourism'. In a section on domestic policy, Hamas explicitly committed itself to 'political freedoms, pluralism, the freedom to form parties and hold elections' and the 'peaceful rotation of power'. In many ways, this programme bears striking similarities to the election manifestos of secular parties (Gunning, 2008, p. 167). At the same time, Islamist principles are not excluded: *Shari'a* law is seen as the 'principal source of legislation' in Palestine – according to Khaled Hroub a 'somewhat standard and controversial statement existing in the constitutions of all Arab and Muslim countries' (Hroub, 2010, p. 143). Based on this programme, Hamas won a landslide victory, securing 56 per cent of all PLC seats (74 seats plus four independents supported by Hamas) in elections that were considered free and fair by international observers (Ghanem, 2010, p. 125).

Following the elections, Hamas released a 'cabinet platform' for a Palestinian coalition government, in which Ismail Haniyeh, Gaza's current prime minister, outlined the movement's principles as the ruling party of the Palestinian Territory. The document marks Hamas' continuing transition from a radical armed movement to an

aspiring governing party. Armed resistance and anti-Israeli agitation are not mentioned even in passing. Instead, the platform demonstrates an even more pronounced trend towards state-building. The programme, comprising 40 articles, attempts to persuade the defeated Fatah to participate in a coalition government, albeit in vain. Presented by Prime Minister Ismail Haniyeh, this draft illustrates the evolution of Hamas in a number of policy areas. For instance, the document not only calls for the establishment of an office to deal with political complaints, but also stresses Hamas' commitment to supporting the development of civil society, actively bolstering the role of professional associations and trade unions. In a clear move away from the Qur'anic rhetoric of the Charter, religious statements are largely absent.

Finally, the strongest programmatic trend towards state-building to date can be found in the basic programme presented by Haniyeh's Government on 27 March 2006. This is the first document in which Hamas addresses the abstract concept of 'citizen' as the basis of government action. The platform also discusses economic issues from a free market perspective, stating that 'investment is a basic pillar in sustainable development' and declares Hamas' willingness to discuss all the 'necessary incentives and guarantees for foreign investment'. At the same time, the organisation acknowledges the needs of the Palestinian people and the necessity of 'contacts with the occupation in all mundane affairs: Business, trade, health, and labor' (Hroub, 2006, p. 15).

Based on a programmatic development that strives to overcome the limited scope of the Charter, Hamas, as seen in recent policy documents, today represents a rather heterogeneous socio-political movement with organised and outspoken ambitions towards state-building. In many ways, both theoretically and practically, Hamas' conservative social agenda does not fundamentally differ from the programmatic outlook (and internal contradictions) of the Turkish Justice and Development Party (AKP), a comparison often drawn by Hamas leaders themselves, who have repeatedly stated that Hamas will follow 'Erdogan, not the Taliban' (Youssef, 2008). Excesses in imposing this agenda, however, and counterforces have to be noted (see below). While Hamas has thus moved state-building and political participation to the centre of its agenda, political participation does not extend to engaging in the internationally promoted peace negotiations between the PLO and Israel. Instead, the concept of 'resistance' to Israeli occupation remains the

cornerstone of Hamas' *raison d'être*, albeit one of limited practical importance when compared to the movement's belligerent origins.

Hamas' recent policy documents illustrate increasing pragmatism, but they do not represent an ideological change in terms of Hamas' position with regard to the acceptance of Israel's right to exist. Hamas has not and likely will not officially make concessions in terms of formally accepting Israel's legitimacy in the near future.[5]

Hamas' position in this respect mirrors the movement's position concerning the refugees' 'right' to return and the inherent differentiation between theoretical, ideological and factual politics. The reason for this rigidity is partly based on what Hamas considers a major part of its political arsenal. An official recognition of Israel would, in the mind of Hamas' leadership, reduce political leverage in future negotiations with Israel. In the words of Khaled Mishal, the PLO's acceptance of Israel in the course of the Oslo Process dispensed a significant share of the PLO's political capital without receiving appropriate compensation:

There are those who have recognized the state of Israel and the Quartet conditions, but what have they obtained? Nothing. … Why should we replicate these experiences, especially since they lead to a dead end? … Israel does exist in actual fact and I am asked to give it legitimacy and to recognize that legitimacy? Realism does not mean recognizing the legitimacy of the occupation. An entity exists; this is a reality, but as a Palestinian I am not supposed to recognize the legitimacy of the occupation. (Mishal, 2006)

Another reason for Hamas' rigid ideological perseverance is the question of internal Palestinian perceptions. Hamas leaders are convinced that formally recognising Israel at this point would damage the movement's public standing by challenging its legitimacy as a resistance movement. What Hamas wants to offer is a unique path to national liberation which fundamentally differs from Fatah's and the PLO's approach. As Khaled Hroub puts it, embracing Western and Israeli conditions of acceptance at this point would amount to 'voluntary political suicide' (Hroub, 2010, p. 24). Thus for Hamas, strategic ambiguity – in the form of a *de facto* acceptance of Israel alongside a refusal to recognise Israel's legitimacy – is of paramount importance.

To illustrate this point, the United States Institute of Peace has made the persuasive suggestion that a distinction should be made between 'political flexibility' and 'ideological rigidity' (Scham and Abu-Irshaid, 2009). The case for such a differentiation is strong.

This holds true especially in view of the fact that pragmatic political concessions have often preceded abstract ideological shifts in political movements. A variety of originally 'radical' political organisations have ultimately followed a path of reform that began with practical steps on the ground as opposed to abstract changes in theoretical orthodoxy. A well-known example of this is the European socialist movement of the nineteenth and twentieth centuries which remained faithful to the historical commitment of class struggle and revolution long after notions of violent Leninist uprisings had lost all practical relevance. Similarly, the Peoples' Republic of China has engaged in *de facto* capitalist endeavours, creating special economic zones to epitomise capitalist development while zealously maintaining its commitment to communism as the state's official ideology. Thus to this day the Constitution of the Communist Party of China speaks of 'the realisation of communism as the highest ideal and ultimate goal of the Party' and expects its party cadres to be 'fervently dedicated to the revolutionary cause' (Article 34, 4). This, however, has obviously not prevented Western governments and businesses from engaging with the Peoples' Republic diplomatically, politically and economically.

Confronted with the contradiction between a *de facto* acceptance of the State of Israel and a continued rejection of Israel's legitimacy, Hamas has attempted to defuse the resulting programmatic tensions with the Islamic concepts of ceasefire (*tahadiyah*) and truce (*hudna*). Hamas founder Sheikh Ahmad Yassin suggested a 20-year truce as early as 1993, and Khaled Mishal made a similar offer, expanding the duration to 100 years in an interview with *Foreign Policy* in January 2008 (Seven Questions, 2008). Based on such concepts, Hamas considers the establishment of a Palestinian state within the 1967 borders as one step in a 'phased liberation of all of Palestine' and thus attempts to free itself from the need to engage in a more painful examination of abstract programmes and ideological outlooks (Abu Toameh, 2009). To understand Hamas' stance on state-building and Hamas' perception of Israel fully, the situation in Gaza best reflects Hamas' current state of transition, demonstrating both progress and shortcomings.

3. EMBRACING STATEHOOD: HAMAS IN GAZA

The few internationals who succeed in entering the Gaza Strip after receiving 'security coordination' from the Israeli COGAT authority or from the Egyptian authorities in Rafah enter political *terra*

incognita. Embassies warn that due to the absence of diplomatic relations between Western governments and Hamas, crossing into Gaza is done at one's own risk. Thus the US State Department's *Country Specific Information for the West Bank and Gaza* states that 'the ability of the U.S. Government to assist U.S. citizens in Gaza is extremely limited'. For organisations such as AIPAC, visitors effectively embark on a journey into a veritable 'terror state', while for the Israeli security establishment, Gaza simply is an 'Iranian satellite' (AIPAC, 2007; Halevi, nd).

Since 2007, Hamas has been the sole governing authority in the Gaza Strip and as such enjoys an unprecedented position in the Middle East from both a regional and historical perspective. Nowhere else has a chapter of the Muslim Brotherhood boasted a comparable position of authority. This function of ruling over approximately 35 per cent of the Palestinian population and a contingent strip of land has, however, not only changed the political relations of Palestinians to Israel but has also been responsible for important changes in the Hamas movement. Ruling Gaza has transformed significant parts of Hamas from a violent resistance movement into a *de facto* state actor charged with administering a 'real existing' political entity. This change of roles has resulted in significant challenges for Hamas, not only in technical, but also in ideological terms; initiating an open-ended process of transformation.

Incidentally, the taking over of Gaza by Hamas has widened the chasm between the movement and Fatah. One result has been a clamping down of Hamas' political and social structures in the West Bank, with the majority of the movement's social network institutions dissolved or taken over by Fatah.[6] Since June 2007, a score of civil society institutions in the West Bank affiliated to Hamas has been closed, among others 52 organisations in Nablus and 27 in Jenin. Andreas Indregard, Senior Analyst for the International Crisis Group in East Jerusalem, has monitored this development and explains that 'the vast majority of these institutions were closed for obvious political reasons' (Indregard, 2010, interview). Hamas has thus been stripped of one of its strategic assets in the West Bank and has been prevented from fulfilling a role that, for many years, strengthened its support base.

One significant aspect of Hamas' transformation from an exclusively resistance movement to a *de facto* state actor in Gaza is immediately apparent when entering the coastal strip. As one passes the modern glass terminal at Erez through automatic steel doors

surrounded by a high and intimidating concrete wall, visitors must walk along a lengthy fenced path towards the only remaining office in Gaza loyal to the West Bank PNA, which acts as a liaison office between Gaza and the Israeli border officials at Erez. Approximately 2 kilometres behind this last *de facto* stronghold of the PLO, the Gaza Government has set up an additional border terminal out of sight of Israeli border installations.

At this checkpoint, visitors face Hamas for the first time. Given the demeanour of the present officials, this is not entirely apparent. While the Hamas Charter promised 'to raise the banner of Allah over every inch of Palestine', the Hamas flag is nowhere to be seen. Instead, official PNA colours are openly displayed not only on the uniforms of the armed personnel, but also on checkpoint flagpoles and official registration forms, which bear the letterhead of the PNA Ministry of Interior. Registration proceedings are orderly and organised: forms are filled, photographs taken and entry into Gaza is as judicious as to any country in the region.

The Revolution that Wasn't? Institutional Continuity

Describing the border proceedings is not meant to offer a simplistic view on bureaucratic annoyances, but is indicative of an essential Hamas conviction: It is the Gaza Government that represents the legitimate PNA rather than Mahmoud Abbas' Ramallah-based authority. While this claim ultimately comes down to the legal (and ultimately futile) question of whose democratically legitimate term in office has expired or has been justly prolonged, the truth seems quite simple (Sarraj, 2010): Hamas rules Gaza. The movement controls the borders (within the limits of the Israeli occupation), the security apparatus, in addition to imposing taxes and providing (limited) government services.

In notable contrast to other groups labelled 'radical Islamists' for the sake of convenience, Hamas implemented an all-encompassing institutional takeover of Gaza on all levels following the violent seizing of the coastal strip in 2007. This commitment to governance was initially expressed during local elections of 2005, which resulted in a landslide victory over Fatah in seven Gaza municipalities with 65 per cent of votes in favour of Hamas. Following the Hamas 'coup' of June 2007, the movement swiftly took control of all government agencies in Gaza, establishing a separate branch of the PNA.[7] In an attempt to jeopardise Hamas' consolidation of power in Gaza, the PNA in Ramallah resorted to

orchestrating a general strike of all PNA employees in the coastal strip. Reacting to this challenge, Hamas leaders in Gaza filled vacant positions with loyal activists and invited retirees and young graduates to replace former PNA staff, who remained 'on strike' as of the summer of 2010. In this process, the Gaza Government effectively sidelined 70,000 PNA employees who continue to receive salaries from Ramallah in an unusual version of a full-paid government strike despite having been replaced by roughly 20,000 new civil servants.

Faced with this large number of inexperienced administrative staff in the government ministries, Hamas took the strategic decision to train the total of approximately 32,000 employees reporting for duty with a view to long-term ambitions. Throughout the Gaza Strip, Hamas organised programmes in which ministry officials and members of the judiciary were advised on issues related to budgetary planning, administrative procedures and administrative law. In this process, the Gaza Government also cooperated with well-established civil society organisations. Issam Yunis, director of the Gaza-based human rights organisation Al Mezan, points out that Gaza's civil society was initially less than enthusiastic about these requests:

Hamas approached us in order to train police officers in international standards of human rights soon after the takeover, declaring their interest in further qualifying their officers in these questions. Initially, we felt rather uneasy about this given our track record and mission as a non-governmental and non-partisan organisation. However, eventually, we agreed to train official staff in order to improve awareness and capacity. (Yunis, 2010, interview)

The objective of this decision to establish a more efficient and effective government administration through capacity-building appears not only to be a reaction to current needs but bears witness to strategic long-term planning concerning the improvement of public administration. As of 2010, this policy was considered successful by outside observers, who expressed admiration for the level of professionalism in administration attained by the Hamas Government. Gaza 'ministries and agencies display enviable levels of coordination, information sharing, and mutual support', as one observer noted (Sayigh, 2010, p. 2).

This entrenchment of Hamas as the governing authority in Gaza not only took place on the administrative level but also included a far-reaching reform programme for the security sector. Here, Hamas

implemented significant changes concerning internal and 'external' security forces. Hamas' 'executive force' had been set up after the elections in 2006 and was transformed to include three branches: the Civil Police, an Internal Security Force and the so-called National Security Forces of Gaza, charged with controlling the border. This change effectively transformed parts of Hamas' militia into what Hamas perceives as a legitimate PNA force. According to observers, this force has managed to bring more than just a small degree of calm and order to Gaza's streets, despite being simultaneously criticised for human rights violations. This move notwithstanding, as of 2010 Hamas continues to maintain armed brigades that are affiliated to the party but not integrated into the official Gaza security establishment.

In terms of the legal sector, Hamas demonstrated similar ambitions. In 2007, Hamas evaded formal judicial structures by establishing approximately 30 so-called Islamic Conciliation Committees throughout Gaza which largely replaced formal legal structures with a somewhat *ad hoc* legal system based on the mediation of local religious dignitaries. While these tribunals commenced work without delay, impartiality and neutrality was clearly problematic from the outset, as the committees function under the supervision of the executive branch. In the words of the International Crisis Group, the 'courts' have 'eroded any semblance of judicial independence' (International Crisis Group, 2008, p. 13). The parallel takeover of the formal legal system was completed in the following months, when Gaza's High Court was largely purged and Abdel Raouf Al Halabi was installed as the new Supreme Justice and replacements for 44 previous judges were appointed.

Political PNA institutions were not dissolved but continued to function after the Hamas takeover of Gaza. The Hamas leadership convenes weekly with formalised Cabinet meetings and has continued the work of the PLC. Based on Hamas' victory in the elections of 2006, the PLC reconvened in Gaza in November 2007 and continues to meet weekly in Gaza's former Parliament building, built in the 1950s.[8] Parliamentary proceedings are strictly followed, with laws presented and passed in a formalised sequence of readings. A professional presentation of the Gaza PLC is available on the internet (www.plc.gov.ps) and lists members, laws passed (up to June 2009) and current parliamentary events. As the Gaza PLC is composed almost exclusively of Hamas members (there are two exceptions – independent representatives who have been endorsed by Hamas: Jamal Al Khoudary and Hussam Al Taweel, a Christian),

controversy and political debate is not entirely absent, although rare. However, when outspoken criticism is voiced, this typically is based on fundamental government support. An example can be found in the comments of Sayed Abu Musameh, a Hamas PLC member from Rafah, who has a track record of openly criticising Hamas' government performance in the PLC and elsewhere. An openly critical debate in the PLC also took place in January 2010, when the Gaza Government faced strong criticism concerning the presentation of the annual budget of the Gaza PNA. Following criticism by lawmakers, the budget of $540 million was withdrawn and amended before it was passed.

Given the importance that international aid plays in the Palestinian Territory in general, Hamas authorities have attempted to reassert government control over the activities of international non-governmental organisations (NGOs) – a general trend of governments in the MENA region. In 2009, representatives of international NGOs working in the Gaza Strip were notified that 'registration' with the Gaza authorities was obligatory. These attempts were backed by statements from the Ministry of the Interior which eventually issued 'a final warning' in May 2009, which 'with reference to previous statements asks all foreign institutions working in Gaza for the second and final time that they have to re-organize their status according to the Law No. 1 from 2000'. Interestingly, this statement refers to previous PNA legislation and again demonstrates the institutional continuity of Hamas rule in Gaza. The Ministry of Interior requires any agency that registered with the PNA in Ramallah after June 2007 also to register with the Gaza authorities. In addition, all international NGOs in the Gaza Strip are requested to submit annual financial and programme reports. However, international organisations ignoring these requests have not yet faced penalties.[9]

Following the takeover of PNA governing structures, Hamas has also engaged in activities intended to remediate the dire economic situation in Gaza, an unlikely field of activity for the Islamic Resistance Movement. In order to develop economically, authorities invested in infrastructure projects, including paving the Al Nasser Street in Gaza City, investing in property, buying tourist facilities such as hotels and restaurants, and establishing a bank, an insurance company, transportation companies and media production companies. In addition, the Ministry of Agriculture commissioned Public/Private Partnership agreements with entrepreneurs who were

commissioned to run greenhouses in abandoned Israeli settlements throughout the Gaza Strip.

Between the takeover of Gaza in June 2007 and June 2010, Hamas was faced with a near-total blockade which resulted in a thriving smuggling trade along the Egyptian border, where smugglers imported goods, fuel and, to a lesser extent, weaponry through hundreds of tunnels.[10] Remarkably, Hamas formalised these informal activities. As of spring 2010, 90 per cent of the lucrative underground passages were controlled by the authorities, which closely monitored the routes and levied taxes on tunnel entrepreneurs. It is estimated that in the spring of 2010, the tunnels directly and indirectly employed up to 30,000 people. Since the change of Israeli import policies for Gaza from June 2010, the number of persons employed in smuggling has decreased significantly. Despite this, Hamas authorities continue to face an unprecedented economic crisis in Gaza, where a complete economic collapse is only prevented by the salaries paid to PNA civil servants 'on strike' from Ramallah and to employees of international organisations such as the United Nations Relief and Works Agency (UNRWA). The economic crisis is a direct result of the Egyptian–Israeli blockade which has prevented formal imports and exports, leaving unemployment rates at roughly half and two-thirds of Gazans in need of humanitarian assistance as of May 2010.

The official budget of the Gaza Government presented to the Gaza PLC in January 2010 included total expenditures of $540 million for 2010, of which salaries made up approximately 37 per cent. Total tax and fee collection was given as a mere $55 million, which left a public deficit of $485 million to be covered by other means. It is estimated that Hamas has, to date, covered this deficit through private donations and government support from the Gulf States and Iran. These are of paramount importance for safeguarding administration in Gaza. While the exact extent of Iran's financial support to Gaza remains undisclosed, observers estimate payments of between $150 to 200 million annually. PNA President Mahmoud Abbas estimated the total amount of support given by Iran at $250 million in 2009. However, the accuracy of this assessment is debatable, given the Ramallah PNA's interest in exaggerating the link between Tehran and Gaza in order to delegitimise Hamas.

Channelling funds to Gaza became increasingly difficult in 2010, as Egypt clamped down on the smuggling of goods by erecting an underground wall along the Gaza–Egypt border. In addition, Egyptian authorities restricted the transfer of funds through banking

transactions in a move that paralleled US policies. In what can be described as a financial blockade, the freezing of all assets at the Islamic National Bank in Gaza was ordered by the US Treasury on 18 March 2010. Stuart Levy, the Under Secretary for Terrorism and Financial Intelligence in the Treasury, declared that to be

consistent with our general commitment to a well-regulated and transparent financial system in the Palestinian Territories, the US Treasury will continue to expose Hamas's efforts to create institutions with the trappings of legitimacy that are in fact controlled by and used to support a terrorist organization. (US Department of the Treasury, 2010)

In categorising Hamas' activities as part of an overarching terror infrastructure, legitimate attempts at state-building are effectively labelled illegitimate. The actual ramifications of this policy can be seen in Hamas' dire financial situation, with government salaries unpaid for several months in 2010. Hamas' response to this challenge is worthy of note. In an unprecedented move labelled 'barbaric' by Jihad Al Wazeer, the West Bank PNA's head of the Palestinian Monetary Authority, members of Hamas' Executive Force seized $300,000 from the Bank of Palestine in Gaza City in March 2010 under order from a Gaza court. Funds were apprehended at gunpoint under claims that they had been illegally frozen by the West Bank PNA. In protest, banks in Gaza declared a general strike. While this move was severely criticised in Gaza and taken as proof of Hamas' criminal character by Israeli observers, it does not reflect the complete picture of Hamas' conduct. Beyond 'robbing banks' as readers commented in letters to the *Jerusalem Post*, Hamas has also engaged in far-reaching institutional efforts to deal with the perpetual financial crisis.

In 2010 the Gaza Government, not unlike the PNA in Ramallah, exerted considerable effort to improve the system of tax collection and focused increasingly on the collection of fees in the Ministries of Health and Transportation, for example in matters relating to vehicle licensing and health insurance. Furthermore, the Gaza Government also introduced real estate licensing which led to the collection of substantial fees from property developers. In the administrative aspects of tax collection, Hamas strictly implemented the PNA tax system as ratified in the PLC in 2006 and followed through on the collection of Value Added Tax on any invoice exceeding 100 New Israeli Sheqalim (NIS) in December 2009. Hamas also increased taxation rates on tobacco products to approximately 3 NIS per pack of cigarettes. Gaza's minister of the

economy, Ziad Al Thatha, justified this in a statement to the Palestinian news agency *Maan* by presenting these as routine procedures in state-building:

As we are now in Government, we believed it to be of the utmost importance to implement the ratified tax system, which was not in effect in Gaza in the past. (De Facto Government to Implement Same Tax System, 2010)

Unsurprisingly, these decisions were received negatively among the Gaza public, leading to PFLP warnings of a 'new *Intifada*' against the Hamas authorities. Faced with popular criticism, Ismael Haniyeh felt compelled to introduce *ad hoc* amendments to Gaza's tax laws, exempting certain manual workers from tax increases and municipal workers from health insurance payments. Likewise, on 24 May 2010, Hamas distributed welfare payments to the unemployed, announcing that 'taxes collected go to the unemployed' in a well-planned public relations ploy. By embracing a modern concept of statehood through attempts to formalise economic policies and legislation in Gaza, Hamas has demonstrated institutional continuity. This approach was also followed in establishing a monopoly of power; an objective ruthlessly pursued by Hamas.

With an Iron Fist: Hamas and the Monopoly of Power

After taking over the Gaza Strip (or in Hamas' view: after preventing a takeover of Gaza by Fatah), Hamas was faced with a difficult decision. Given the movement's track record of underground activities in close cooperation with organisations such as the Islamic Jihad, it was initially unclear whether traditional allies should be reined in. Would Hamas simply take over PNA institutions and continue to tolerate independent armed groups that had shared a common goal in the years of armed struggle? Or would it attempt to establish a monopoly of power – one of the pillars of formalised statehood according to Max Weber – at the risk of alienating former brothers-in-arms?

After assessing three years of Hamas rule in Gaza, two distinct phases can be identified: Hamas' determination to rule and its response to the challenges and counterforces that have emerged. In the first phase which arose shortly after seizing Gaza, Hamas swiftly and ruthlessly moved to crush all armed opposition. With utter brutality, the newly established Hamas police force and the militias of the Qassam Brigades crushed Fatah's security forces in the Gaza Strip and moved decisively against families who had developed into

de facto warlords, controlling significant areas of the Gaza Strip. In early August 2008, the target of such actions was the Hillis family, known supporters of Fatah who had openly questioned government authority and in many ways lived above the law. At the end of Hamas' crackdown, the family had been forcibly emasculated, leaving 12 family members dead:

The assault was brutal. A witness in the quarter reported to Crisis-Group that two of the twelve deaths resulted from execution style gunshots to the head; family members present during the attack saw their relatives shot in the legs, abdomen and spine after surrendering. (International Crisis Group, 2008, p. 4)

In September 2008, a similar fate awaited the Doghmosh family who were affiliated to the Islamic Army and believed responsible for the abduction of the British journalist Alan Johnston. Hamas police attacked the family compound and killed ten clan members. This ruthless strategy proved effective. The Hamas Government successfully established what could somewhat euphemistically be described as law and order – a concept previously unheard of in violence-ridden Gaza, where roadside shootings and abductions had been endemic for years. Gaza government officials proudly pointed to greater security, the disarming of violent groups and a decrease in crime as a welcome side-effect of the ruthless establishment of Hamas authority. Raji Sourani, director of the Palestinian Centre for Human Rights in Gaza, describes this first phase of the seizure and consolidation of power:

Following the Hamas takeover, the leadership established its power beyond question. If I was to give a ranking of de facto political relevance, I would say that Hamas undoubtedly holds first place, with Islamic Jihad perhaps on rank 12 and Fatah on rank 17. (Sourani, 2010, interview)

Hamas' power within Gaza also extended to relations with Israel and the establishment of a largely unnegotiated ceasefire along the Gaza–Israeli border. Hamas had previously respected unilateral ceasefires with Israel in 2003 and from 2005 to 2006. In 2005, the party announced that it would end suicide attacks against Israel.[11] In June 2008, Hamas managed to negotiate a further ceasefire with Israel, which lasted until November 2008, albeit with sporadic exceptions (approximately a dozen rockets and mortars fired in July and August 2008 respectively). Despite occasional violations, this ceasefire demonstrates not only Hamas' interest in a temporary suspension of hostilities with Israel, but also the ability to enforce

such agreements. Since the end of the Gaza war of 2008–9, approximately 750 rockets and mortars have been fired (by non-Hamas groups) at Israeli targets according to Israeli sources, resulting in a limited number of casualties. The Gaza Government has continued to implement a policy of ceasefire, repeatedly arresting violators, among others from the Islamic Jihad.[12] In addition to forcibly preventing the firing of rockets, the Hamas Government also engaged in political initiatives and put considerable pressure on armed factions of Islamic Jihad, the PFLP and the DFLP to end all violations of the ceasefire in June 2010.

This first phase of establishing Hamas' grip on Gaza through a comprehensive monopoly of power was increasingly undermined throughout 2009 and 2010 when armed Salafist groups attempted to challenge the established system in what can be described as phase 2 of Hamas' consolidation of power. While the popularity of these groups is difficult to gauge, claims that there are 11,000 armed fighters ready and waiting seem exaggerated. As of spring 2010 the actual figure was more likely closer to 3,000 (Sayigh, 2010, p. 4). These organisations draw their membership primarily from former members of the Qassam Brigades. Given the clandestine character of these movements, they do not seem to operate under a unified command, but have loosely integrated into the Jaljalat group, which incorporates four rather obscure Salafist factions: Jund Ansar Allah (Soldiers of God's Compassion), Jam'at Jaysh Al Islam (The Army of Islam), Al Tawheed Wa Al Jihad (Unity and Jihad) and Jund Allah (God's Soldiers).

In 2009 and 2010, these groups were engaged in at least three incidents which openly challenged the authority of Hamas and the activities of international organisations in the Gaza Strip. On 14 August 2009, approximately 100 followers of the Jund Ansar Allah announced the establishment of an Islamic emirate in Gaza and barricaded themselves in the Ibn Taymiyah mosque in Rafah along the southern part of the Gaza Strip. Hamas security forces stormed the mosque, killed the leader and several dozen followers in what was effectively the most violent incident in Gaza since the end of the war in 2008–9. On 4 February 2010, a motorcade of four ICRC vehicles engaged in humanitarian assistance in Gaza was attacked with explosive devices on Salah Al Din Street near the Beit Hanoun border crossing to Israel. Similarly, on 23 May 2010, 30 masked men set fire to an UNRWA installation along the Gaza seafront, established as the location of the annual Summer Games organised by UNRWA for over 250,000 refugee children.[13] While these

Salafist groups present their agenda as a struggle against Westernisation and are critical of Hamas' reluctance to introduce *Shari'a* law in the Gaza Strip, their emergence is a strong indicator of Hamas' shift towards moderation and Palestinian mainstream politics. In a rare interview with the Palestinian news agency *Maan*, Omer Al Ansari, who is presented as 'Gaza's Salafi leader', expressed his ideological outlook:

Anyone who holds a truce with the Israelis before liberating the holy sites and ending the occupation and releasing the prisoners is a guard for the enemy and supports the Israelis and the Christians. … The problem is that Hamas has decided to deal with modernity, and they chose the path of democracy; thus dealing with the western world. This creates a gap between us and them. Hamas is preventing the brigades from fighting against Israel. This is proof they are fully aware of what they do. They are … imposing a divided and unfair policy. (Qanan, 2010)

Confronted with this challenge, Hamas authorities tolerated dissent to a certain extent but decisively confronted open criticism of Hamas' position on the ground and the established monopoly of power. Certainly, a shift towards the political centre by Hamas as essentially a *de facto* state actor in a formalised political system allows room for manoeuvre for more radical forces such as the Salafists. Ahmad Youssef, deputy foreign minister of the Gaza PNA, and considered a 'moderate' Hamas leader, plays down the significance of the Salafi challenge, but at the same time justifies the hard-line stance of the authorities towards them:

The Salafists are minor individuals with a political agenda that is distorted and in many cases simply irrational. Hamas is not going to tolerate any sabotage of the situation in Gaza or of Gaza's relations to the neighbours. We will enhance law and order and will guarantee that the people of Gaza will be able to enjoy safety and security. (Youssef, 2010, interview)

As of the summer of 2010, it remains unclear whether the authorities will be able to contain the Salafist challenge permanently and defend Hamas' (un)questioned grip on power. Palestinian observers in the West Bank were reminded of the position of Yasser Arafat during the second *Intifada*. While Arafat was confronted with international isolation which prevented him from achieving meaningful gains in the political process, grass-roots activists took a more confrontational approach. Although the activists could not be contained without losing Palestinian support, Arafat was held

responsible for any military/terror operation emanating from the Palestinian side. At the same time, Arafat was in no position effectively to control even Area 'A', designated as PNA territory under the Oslo Accords. In contrast, Hamas in Gaza is theoretically poised to defend its authority much more vigorously. A continued policy of suppressing Salafi organisations and other groups, however, would further limit political freedoms in Gaza and points to similar trends in Gaza and the West Bank even though the scope of infringements in both parts of Palestine differs considerably.

Tightening the Grip: Hamas and Human Rights

There can be no doubt that the gravest human rights' violation committed in the Gaza Strip since the Hamas takeover has been the blockade of more than 1.5 million Palestinian citizens through the embargo imposed by Israel and, until June 2010, by Egypt. While this 'human rights crime', as former US President Jimmy Carter (2008) called it, cannot be glossed over, serious human rights violations perpetrated by Hamas have also been reported. These occurred with increasing frequency following Israel's military assault in the winter of 2008–9 as Hamas rule faced its greatest challenge. Despite fierce international criticism, Gaza authorities in 2010 have continued to execute a number of criminal offenders and Israeli 'collaborators', effectively breaking the legal moratorium on executions put in place by the PNA in Ramallah. In addition, the Gaza authorities have been engaged in or have facilitated extra-judicial executions and, since 2007, have repeatedly engaged in maiming dozens of dissidents by shooting them in the legs and/or knees (Human Rights Watch, 2009). Likewise in 2010, Gaza's previously vibrant civil society sector has been further infringed. Jamil Serhan, coordinator of the Independent Commission for Human Rights in Gaza, tells of drastic actions taken against peaceful assemblies:

Citizens were subjected to shooting or beating by masked people. The strange matter is that those masked groups stay in the area for a long time, drive cars with plates and perform their action calmly and without any fear. All these facts prove that they have a cover from authoritative people in the Gaza Strip. (Serhan, 2010)

While many such incidents do not appear to be officially implemented by the Gaza Government, it seems that they are rarely condemned or effectively prevented by the authorities. While such incidents increased significantly in 2010, they also occasionally

involved the Gaza police: On 24 May, the Internal Security Agency intervened when the Palestinian Independent Commission on Human Rights (PICHR) attempted to present its annual human rights report. On the same day, the Gaza Ministry of Interior prevented an NGO-organised demonstration intended to express support for UNRWA following the destruction of the latter's summer camp facilities. Participating members of civil society were intimidated by uniformed police and armed men who identified themselves as the *Mukhabarat* (secret service), and confiscated IDs as well as mobile phones.

Freedoms have not only been curtailed for NGOs but also for political parties who struggle to retain or regain freedom of movement in Gaza. Obviously, Fatah as a party has been forced to cease all activities. Mahdi Abdel Hadi, director of PASSIA in East Jerusalem and actively involved in Fatah–Hamas negotiations, goes so far as to say that Fatah as a movement has been 'crushed' in Gaza and 'cannot even move a finger' (Abdel Hadi, 2010, interview). Indicative of this is the arrest of several Fatah activists by the Gaza Ministry of the Interior, who were accused of being 'in charge of a Fatah propaganda campaign, defaming the government and spreading rumours in Gaza through a Fatah affiliated internet site' (Hamas Detains Men, 2010).

While this holds true for Fatah party activities, this is not to say that Fatah leaders in Gaza have disappeared from public life. Fatah PLC members continue to hold meetings with international decision-makers and openly participate in Gaza's public discourse. Other political movements, such as Al Mubadara and the PFLP, have been able to pursue their political activities, albeit for the PFLP, against growing obstacles. Thus, in April 2010, the PFLP accused Hamas authorities of arresting 'dozens' of its activists in Khan Yunis in the southern Gaza Strip. While this claim was rejected, Hamas spokesperson Fawzi Barhoum charged the leftist party with 'inciting violence and taking advantage of the wide freedoms they were granted'. The incident followed critical statements made by the PFLP concerning tax increases in Gaza (Hamas, PFLP trade accusations, 2010).

Hamas' hold on political freedom has also been paralleled in the area of freedom of expression. Gaza's media outlets have been prevented from independent reporting through intimidation tactics directed against journalists, leading to self-censorship. Currently, Hamas authorities permit the printing of two newspapers, *Al Risala* and *Filasteen*. The former's editorial office was destroyed by an

Israeli air raid in 2009, while the latter gained notoriety in Israel when a copy of the newspaper appeared in a video clip of captured Israeli corporal Gilad Shalit in September 2009. Between 2006 and 2010 the three major Palestinian dailies, *Al Hayat Al Jadidah*, *Al Ayyam* and *Al Quds*, were prevented from reaching Gaza by the Israeli authorities. When this decision was rescinded in July 2010, Hamas continued to ban the papers, confiscating them at Erez on the grounds of being controlled by Fatah and the Israeli military censor. Also, in an incident that received considerable international attention, Hamas authorities held the British journalist Paul Martin for one month on charges of espionage before releasing him in March 2010.

In addition to the printed media, Hamas authorities have also clamped down on traditional forms of media, notably on a dozen or so radio stations in Gaza. A handful of these continue to operate and receive training from the European Union. Despite international support, however, several stations are facing obstacles, including higher fees and restrictive conditions for the renewal of licences as imposed in May 2009 by the Ministry of Telecommunications. Reporters Without Borders has taken into account these incidents and points to 'political rivalries' that undermine press freedom in Gaza:

The climate continues to be very oppressive for Palestinian journalists, who are still subject to arrests, physical attacks and searches as a result of tension between the Fatah-led Palestinian Authority in the West Bank and Hamas in the Gaza Strip. (Reporters sans frontières, 2010).

While this assessment appears accurate, these developments have not entirely eliminated critical voices in the Gaza media. For instance, in August 2010, *Filasteen* published an article by editor-in-chief Mustafa Sawaf, which criticised Hamas and the proceedings at the Rafah border crossing. The criticism, however, was indirect and facts were based on 'certain rumours'. Also, the criticism was expressed by a known Hamas supporter (Sawaf, 2010).[14] Open criticism from outside of Hamas cannot be expressed without considerable risk and is frequently met with attempts to intimidate and silence dissidents. While these developments severely tarnish Hamas' performance as a government, they do not effectively constitute a fundamental break from previous practice in Gaza. The media in the Palestinian Territory have been repeatedly classified as 'not free' by observers such as Freedom House years before the Hamas takeover. In this regard, the oppressive conduct of Hamas

authorities does not constitute a revolutionary change from the prevous situation but rather a continuation of previously established bad practices. A somewhat similar assessment can be made with regard to the reported 'Talibanisation' of Gaza.

Islamisation: 'Hamastan' and 'Talibanisation'

Perhaps the foremost topic of controversy concerning Gaza today is the question of how far the Hamas takeover has led to the Islamisation of public life. Given the difficulties in assessing Hamas' performance, Islamisation is considered a reliable indicator of Hamas' true agenda. However, any such assessment is made difficult by the vagueness of the concept and by the fact that public life in Gaza already adhered to strict traditions perceived as 'Islamic' prior to the takeover. As a result of widespread societal conservatism, the effective impact of Hamas' rule is difficult to quantify.

In addition, objective accounts are rarely available. The limited presence of international journalists in Gaza has resulted in limited neutral reporting. This situation is further exacerbated by the motives of neighbouring states, including the PNA in Ramallah, who have little incentive to present the Gaza authorities as anything other than religious fanatics. Similarly, the Egyptian Muslim Brotherhood remains a challenge to President Mubarak and the tendency again is to diminish any accomplishments emanating from the Palestinian branch of the Brotherhood. Against this backdrop, Mubarak has warned that the Hamas Government 'must not be allowed to emerge from the fighting with Israel in 2008/2009 with the upper hand' and according to the Hamas affiliated *Filasteen* newspaper has declared 'a media war against Hamas in Gaza' (Abdel Gafoor, 2010). Likewise, Netanyahu has systematically referred to the Hamas-controlled strip as 'Hamastan', highlighting any Iran–Hamas association by adding the Farsi geographical suffix '*stan*' to the Arabic acronym Hamas. Fatah spokesperson Ahmad Abed Al Rahman also criticised Hamas rivals for establishing a 'new Somalia' in Gaza on 15 July 2007, an accusation that was taken up two years later when PNA President Mahmoud Abbas dubbed the coastal enclave a 'dark emirate' on 13 October 2009 (Hamas Leadership Fled to Sinai, 2009).

Certain Western observers have responded favourably to these attempts at further delegitimising Hamas' *de facto* rule by equating the Hamas Government to the Taliban in Afghanistan, insinuating that 'Hamas continues the quiet work of turning the Gaza Strip into

a Taliban-style Islamic state' (Gutmann, 2009). Similarly, Michael Herzog argues in a contribution to *Foreign Affairs* that

> Hamas initiated a gradual yet determined process of *Islamization* in all spheres of life. These included legislation and the courts, the education system, the media, and social life, as the group, in accordance with its Islamic code of conduct, demanded 'modest' dress for women, banned mixed-gender social events, closed or monitored Internet cafés, and even condemned chewing gum because it 'arouses the passion of the youth'. (Herzog, 2010, p. 2)

While the report of 'condemning chewing gum' was distributed widely in the Western media as proof of the irrational anti-Western sentiments of the Gaza Government, reasons for the 'ban' were rooted in the unfounded suspicion that the Israeli secret service had contaminated chewing gum with substances similar to Viagra and had freely distributed these to Gaza youths (Hamas Condemns Israel's Smuggling, 2009). The fact that this was seriously considered is telling of the general feeling of distrust among Hamas decision-makers regarding Israeli government policies, but cannot be interpreted as proof of irrational anti-Westernism.

Although some media reports seem exaggerated, a general policy of symbolic Islamisation cannot be denied and has in fact been implemented by certain Hamas decision-makers, especially from the Ministry of the Interior. In part, Hamas' social agenda as a movement is committed to preserving traditional 'Islamic' social norms. As such, it attempts to establish a system of rule that 'inspires conservative social order' (Milton-Edwards and Farrell, 2010, p. 308). Instances of Islamisation also appear as a policy sector, in which Hamas *can* implement unilateral governance (and social change) without foreign interference and despite limited funds. Thus in 2010, public signs were posted at the Hamas immigration checkpoint in Beit Hanoun warning visitors against importing alcoholic beverages. As described in the sign, alcohol would be 'seized and destroyed and poured in front of their owner'. While this has been interpreted by some as an indication of a loss of person liberties, similar legislation in a score of states including the Maldives has not been subject to similar criticism.

Reports of the alleged prohibition of female drivers, the banning of male hairdressers for women and strict clothing restrictions for female lawyers and students have also been widely circulated. While some of these reports are unsubstantiated, some have been implemented and subsequently abolished. Thus on 26 July 2009

when the *de facto* Supreme Court Justice Abdel Raouf Al Halabi ordered female lawyers to wear the traditional robe and headscarf (*hijab*) in court, the Gaza Ministry of Justice almost immediately rescinded the directive, following uproar in Gaza's civil society. Contrary to repeated reports, dress codes for women have not been enforced systematically. Palestinian school uniforms for girls have not been replaced and female drivers were frequently seen in Gaza's streets in the summer of 2010, as were driving instructors specifically catering to women. In addition, implementation of changes enforcing strict 'Islamic traditions' in Gaza's educational sector are unfounded. It is illuminating to compare this policy with the Hamas Charter of 1988, which explicitly deals with the importance of reforming education by proclaiming that 'it is important that basic changes be made in the school curriculum, to cleanse it of the traces of ideological invasion that affected it as a result of the orientalists and missionaries who infiltrated the region' (§15). Despite this clear policy statement, Gaza authorities have until 2010 refrained from introducing any fundamental changes in the curricula used in Gaza's schools. Notably, school textbooks remain unchanged.

A rather telling test case for the question of Islamisation in Gaza can also be found in the fate of the small Christian population (estimated at 3,000). While occasional media reports after the Hamas takeover painted a bleak picture of Christians suffering persecution under the regime in 2007 and 2008, Greek Orthodox Archbishop Alexios claims in recent years to have established 'good relations with the Hamas leadership'. According to the archbishop, Hamas has offered to protect Christian institutions with armed guards against renegade Salafist splinter groups.

The traditional Western view of the Hamas movement's approach to governance as inspired by the Taliban and Al Qaeda appears baseless. In Afghanistan, five years of Taliban rule and the establishment of an Islamic emirate, which effectively abolished the central government, were based on total disregard for international law and led to the dissolution of established judicial branches and the absence of all modern forms of governance. In Iraq in 2008, Al Qaeda and the Mahdi Army of Muqtada Al Sadr attempted to enforce a version of 'Islamic' rule which included the banning of 'un-Islamic' items. Notable examples include ice and the purchase of 'male' vegetables, such as cucumbers, by female customers. In Somalia, the Harakat Al Shabaab Mujahideen effectively controls the southern and central parts of the country and has declared open

war against international organisations, including international NGOs and the United Nations, a confrontation that has, until 2010, resulted in dozens of international aid workers being killed. In comparing Hamas' approach to ruling Gaza to radical factions in the region, including the abovementioned groups, one conclusion can be reached: Hamas decision-makers have, in fact, attempted to promote what they perceive as a 'modest Islamic order' in Gazan society, one that has often been inaccurately portrayed in Western media. The Gaza of 2010 certainly is not a beacon of freedom and liberty, but cannot be reduced to simplistic generalizations of 'Islamic' radicalism and the unbending application of the now largely obsolete Hamas Charter.

4. TREMORS OF CHANGE: 'HAMAS 2.0'?

While changes within the Hamas movement have been witnessed since 2004, in particular with Hamas' entry into the Palestinian political process, the transformation is far from over. Rather than depicting Hamas as a movement fundamentally at odds with its history as a resistance movement, Hamas can best be understood as a movement in transition, one that has not decisively broken with its past but can now be re-evaluated as akin to 'Hamas 2.0' (Bröning, 2009). Analysing this non-linear process helps to understand better the seemingly contradictory policies and statements that have emanated from Hamas. These indicate an incomplete transformation from movement to state actor and point to a certain ambiguity between old structures and new developments. This is not necessarily indicative of 'double-talk', but rather of internal struggles about the future course of the movement. This struggle within Hamas has ultimately resulted in contradictory policies:

- Extra-judicial executions and the intimidation of political opponents, irrespective of formalised attempts to foster the rule of law in Gaza.

- Enhancing formalised economic activity while embracing illegal smuggling of goods through the established 'tunnel economy' in Gaza.

- The juxtaposition of official Gaza PNA institutions and specific Hamas structures in the legal and the security sectors. In both sectors, semi-professional Islamic jurisprudence and armed

Qassam Brigades continue to coexist with formal state institutions.

A significant part of Hamas' current ambiguities can be found in Hamas' position with regard to 'armed resistance'. Rhetorical support for violent struggle has never been curbed, while the Gaza Government has been committed to a *de facto* ceasefire with the State of Israel since the end of the Gaza war. Illustrating this ambivalent position, on 20 June 2010 Mahmoud Al Zahar (member of the political bureau of Hamas) called on Palestinians to launch rocket attacks against Israel 'in the West Bank as well' (Hamas Official: Palestinians Should Fire at Israel, 2010). At the same time, Hamas forces in Gaza have been actively engaged in preventing rocket attacks. While occasional rocket and mortar fire from Gaza occurred throughout 2009 and 2010, these incidents were not undertaken by Hamas. In 2010, activists from Islamic Jihad were repeatedly prevented from launching attacks against Israel by Gaza's security forces.

The contradictions do not end here. On 31 August 2010, the Qassam Brigades killed four Israeli settlers in the vicinity of Hebron in an obvious attempt to sabotage the start of Israeli–Palestinian negotiations in Washington, DC with an act of armed 'resistance'. Even though the Qassam Brigades officially claimed responsibility for the attack, Mahmoud Al Zahar attempted to play down the incident by pointing out that 'people on the field' had 'coincidentally' implemented the attack (Hamas Claims Ramallah Attack, 2010). The recurrence of Hamas attacks in the West Bank in September 2010 might have grave repercussions. On one level, it reflects on the incomplete transitional stage of the movement which is not immune to setbacks. On another level, the resurfacing of acts of terror by the Qassam Brigades as the spoiler of US-led peace negotiations illustrates again the necessity to include Hamas in the political process. Without effective means of diplomatic engagement, uncompromising forces in Hamas might ultimately feel that resorting to violence is the only way to become part of the political equation. These ambiguities within Hamas, however, only appear contradictory when the movement is perceived as a monolithic actor. Rather than interpreting Hamas' dual positioning as evidence of ulterior motives, ambiguities should be understood as a process of internal repositioning. Ultimately, change and the resulting ambiguity are characteristic of a transitional shift from old

to new, with the ultimate goal of integration into the formalised political sphere.

Understanding Hamas as a multi-layered organisation with overlapping and competing power centres is critical to any assessment of the movement. This is certainly a challenge given Hamas' intransparency in organisational matters and the need to operate underground in the West Bank and in Israel (see Figure 1).

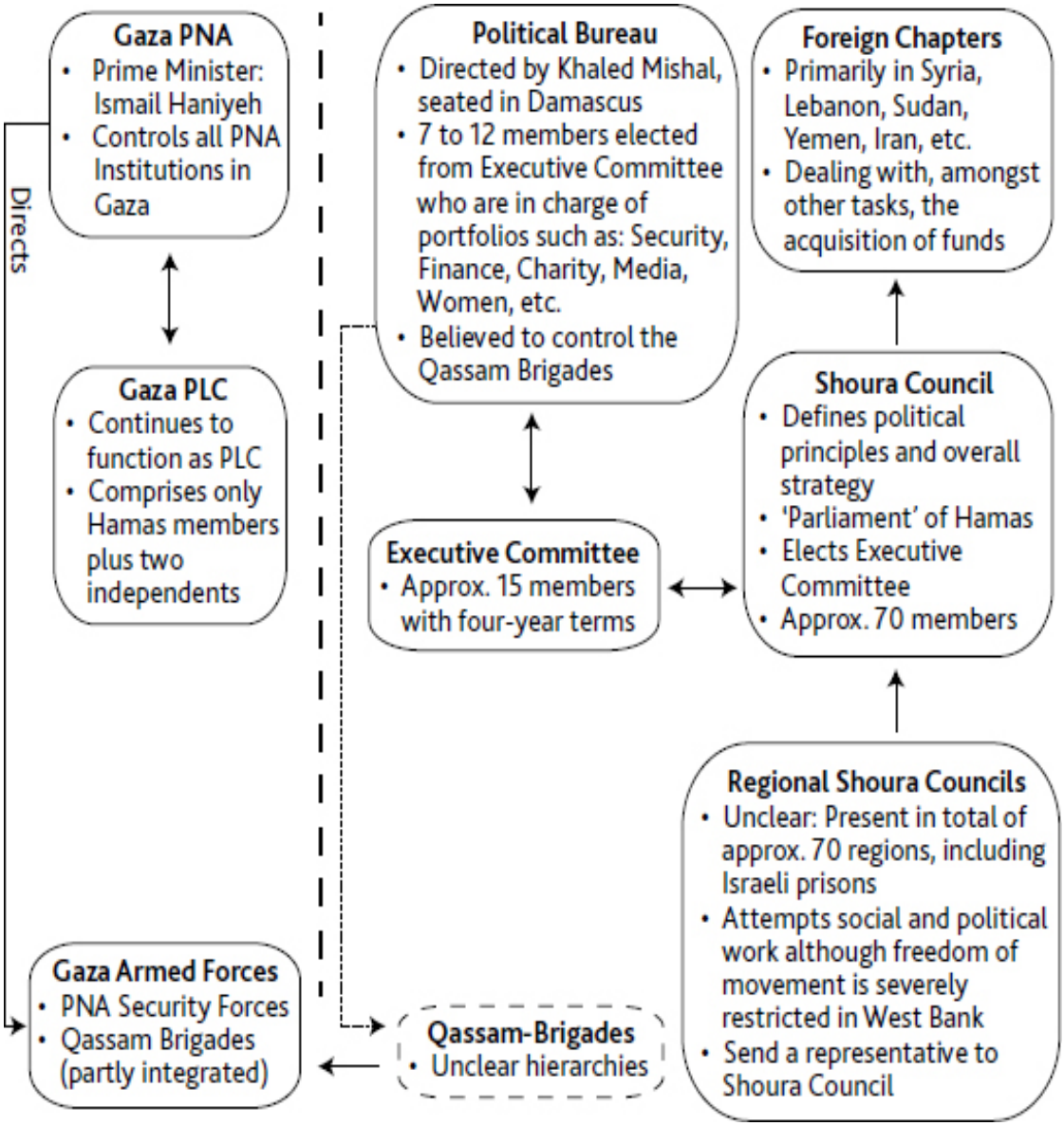

Figure 1 Organisational Structure of Hamas 2010

As a result, there is no lack of speculation regarding where the movement's centre is currently located, which wings of Hamas take a more 'moderate' or more 'radical' standpoint and whether or not a rift within Hamas exists (Bröning and Meyer, 2010). While talk of a true split in the movement is certainly premature, it seems that geographical separation has exacerbated pre-existing tensions and

differences between the Hamas in Palestine and Hamas in Damascus. Some observers have identified the Hamas leadership in Syria as 'more pragmatic than the leadership in the Territories', since Hamas in Damascus has traditionally managed relations with Arab states and has been engaged in fund-raising activities (Bazzi, 2006). Others have recently pointed to the low-key West Bank leadership as being more pragmatic and therefore more amenable to mending the Fatah–Hamas rift or have, with good reason, identified the Gaza authorities as more closely linked to events on the ground. Fatah Central Committee Member Nabil Shaath, for instance, summarises an unsuccessful mission to Gaza in the spring of 2010 by highlighting the role that Hamas leaders in Damascus allegedly played in obstructing internal Palestinian unity talks:

Hamas in Gaza is ready to sign the Egyptian unity document tomorrow. Unfortunately, Hamas in Damascus is not ready for it. Hamas in Gaza and Hamas in Damascus are two separate movements, but Hamas in Gaza is afraid of an open rift with Damascus. So it has until now accepted the veto from Damascus and the resulting stagnation. The question now is: Will Hamas in Gaza be able to move alone? (Shaath, 2010, interview)

Even though Hamas decision-makers commonly reject any notion that tension between the movement's different wings has emerged, Khaled Mishal appears to have lost significant influence in Gaza, but does seem to have gained influence in the Muslim Brotherhood. As coordination between Gaza and Damascus is made difficult due to technical challenges such as the absence of safe channels of communication, Hamas in Gaza has clearly gained political momentum from the takeover of the PNA government apparatus. In this development, the shift of power from the Diaspora to political players on the ground mirrors the trend that can be observed in other Palestinian movements such as Fatah (see chapter 3).

Perhaps more important than Gaza–Damascus relations today are recent developments inside the Gaza branch. In 2010, established Hamas leaders in Gaza such as Mahmoud Al Zahar and Gaza's Deputy Foreign Minister Ahmad Youssef, who have a clear stake in achieving international recognition, were challenged by a new category of business-related Hamas leaders who aim to implement a completely different agenda. Omar Sha'aban, director of the Gaza-based think tank PalThink, describes the emergence of this new group of businessmen who have an active interest in perpetuating the status quo:

Power within Hamas is not anymore only divided between political versus military, or inside versus outsiders. A new group has emerged and is gaining more influence every day: The business people of Hamas, who search for opportunities to invest part of the movement's resources in order to secure permanent income to the movement and its government. Hamas has to take care of 1.8 million people in terms of health, education, municipal services, social services, etc. This group's success has given Hamas' business people a very influential position. The siege, the tunnel economy, and financial support from outside are key factors in creating profitable businesses that are run by the movement for the movement. (Sha'aban, 2010, interview)

Despite the obvious humanitarian challenges of the siege, this new business class of Hamas leaders has benefited from the international boycott. As a group, they constitute a new – and potentially uncompromising – wing of Hamas which may prove extremely difficult to engage politically. Essentially, they represent an emerging class of profiteers, who have little or no interest in improving the general status quo of blockade, isolation and humanitarian crisis. The changes between the different geographical sectors of Hamas in Gaza, Syria, the West Bank and Israel have significantly increased the importance of international reactions to Hamas. International recognition for each respective power centre can either strengthen or reduce the political relevance of Hamas' different wings and thus influence the direction of political change.

5. PROSPECTS FOR WESTERN ENGAGEMENT WITH HAMAS

In many respects, the decade-long approach of ignoring, sidelining, boycotting and suppressing the Islamic Resistance Movement must be viewed as a failure. Contrary to the aims of political isolationism, the approach has not significantly weakened Hamas, but has witnessed an uninterrupted increase in Hamas' popularity. At the same time, it has left decision-makers with limited options and only a rudimentary understanding of developments from within Hamas. International Crisis Group's observation in 2007 that international decision-makers are left without firsthand experiences of Hamas' political thinking as a result of the boycott remains persuasive:

Handicapped by their refusal to have direct contact with Hamas leaders, outsiders with the greatest stake in the movement's policies have had to rely on second-hand impressions, conjectures and

presumptions. Such judgments have proved costly and – if the ultimate goal is to influence Hamas' behaviour – are in need of revision. (International Crisis Group, 2007, p. 24)

This, however, is not the most pressing case for rethinking the established policy. The traditional approach towards Hamas needs to be revised because it is disingenuous, ineffective, counterproductive and morally unsustainable. It is ignorant of recent developments in Hamas which offer numerous starting points for productive diplomatic engagement.

To begin with, the traditional Western approach can be considered disingenuous as it fails to acknowledge the results of the 2006 elections, in which Hamas was voted into power. Internationally recognised as free and fair, these elections should have brought Hamas political recognition. However, faced with these results, the international community embarked on a comprehensive policy of isolationism which questions its fundamental commitment to democracy. Hypocrisy notwithstanding, the standing of Western governments in the MENA region and beyond has been severely diminished. How credible are efforts to promote democracy when democratic results which fall short of Western expectations are summarily dismissed and conveniently labelled morally unacceptable? The policy to boycott Gaza has ultimately become an example of a moral double standard which refuses to recognise Hamas given the movement's perceived unyielding militancy. This is particularly problematic *vis-à-vis* other international actors, where similar moral standards are routinely ignored in light of economic gain. After all, human rights violations in Saudi Arabia, the Russian Federation and the Peoples' Republic of China have not seriously affected diplomatic acceptance or economic engagement. If, however, the boycott of Hamas merely represents an easily sustainable and convenient showcase for Western morality, it ultimately furthers the erosion of the very principles it ostensibly aims to protect.

The Western refusal to engage with Hamas is also in urgent need of revision as it has proved ineffective. Two decades of boycott and suppression, nearly three years of the blockade and repeated full-scale military confrontations between the Israeli army and Hamas have not succeeded in reaching the stated objective of removing Hamas from power and suppressing the political appeal of Hamas. Quite to the contrary, 'today Hamas is far stronger than when it first took power' (Byman, 2010). While reliable opinion polls are rare, it is clear that neither the war of 2008–9 nor the blockade has resulted

in a fundamental rejection by Palestinians of the Islamic Resistance Movement. While a certain disenchantment with Hamas is unquestionably noticeable mainly in Gaza, this has not and will likely not result in a popular uprising against Hamas. Rather, the assessment of the International Crisis Group in March 2008, that 'far less popular regimes have survived more onerous conditions' (International Crisis Group, 2008) has proved correct. While the situation for Hamas is far from comfortable, it is anything but desperate.

Faced with the fact that Hamas cannot be removed by force, Western, Israeli and some Arab decisions-makers must identify ways of constructively engaging with the movement. This seems imperative given the fact that the policy has achieved the opposite of its stated objective. Maintaining the blockade on Gaza has not furthered moderation but has facilitated the rise of more uncompromising Salafist factions. It has also contributed to a significant weakening of voices in Hamas that are working to bring about change through a constructive political process. Salafist groups and Hamas leaders who are excluded from political participation, however, will prove far more difficult to engage than the current Gaza leadership. Are Hovdenak in February 2009 argued convincingly that in view of these facts, Western policy has been counterproductive:

The EU's failure to respond positively to the chain of conciliatory steps undertaken by Hamas has in effect hampered the transformation process towards political moderation that was set in motion by Hamas's parliamentary participation. (Hovdenak, 2009, p. 61)

Effectively, international politics has given conservative forces in Hamas a convenient opportunity to deflect internal criticism by shifting blame for ambiguous governance performance to the actions and positions of outside forces.

Finally, boycotting Hamas to the detriment of hundreds of thousands of Palestinians who live in a humanitarian crisis is morally unsustainable. Until June 2010, the blockade of Gaza had largely ended formal economic activity in the coastal strip. The implicit aim of this approach was to present the state-building activities of Mahmoud Abbas' PNA in the West Bank as a more successful counter-model to Hamas rule in Gaza. This has only been partially successful and came at a massive humanitarian price. The facts in 2010 indicate that four out of five Gazans depend on

humanitarian aid, unemployment rates have skyrocketed to 50 per cent and a generation of young Palestinians in Gaza are raised under mentally crippling conditions. This is wholly unsustainable, last but not least given the fact that the majority of those suffering – the children and youth of Gaza – are effectively being punished for the 'crime' of voting for Hamas, a crime that they cannot possibly have committed (Ging, 2010, interview).

A further examination of the situation reveals that efforts towards reconstructing a wartorn Gaza have been effectively halted, with building materials such as cement largely unobtainable in the coastal strip since the war of 2008–9. Although Israeli 'goodwill gestures' in 2010 have allowed for the limited import of construction materials, these remain in short supply. Sebastien Trives, Deputy Director of UNRWA operations in Gaza, explains:

The amount of cement allowed in by the IDF Israeli Army for UNRWA projects over the last period amounted to less than 0.01 per cent of total cement needed to address the housing needs in Gaza. This was before the IDF agreed to transfer circa 400 trucks for another larger project. Now the figure stands at 0.07 per cent. (Trives, 2010, interview)

While this policy is as morally unacceptable as it is politically ineffective, it is all the more questionable as it fails to recognise recent developments within Hamas both in terms of its political programme and the implementation of policies on the ground. These newly emerging shifts within Hamas and recent developments have not led to a change in the Western perception of Hamas. Western decision-makers maintain a steadfast stance of focusing on negative examples of Hamas rule in Gaza and on dogmatic aspects of its agenda. One key element has been the question of 'accepting Israel's right to exist'. While the Government of Israel under Prime Minister Netanyahu only grudgingly acquiesced to the right of a Palestinian state in June 2009, and then only in response to considerable US pressure, the Charter of Netanyahu's governing party to this day rejects a Palestinian state. Tellingly, this has not led to comparable international criticism (Hicks, 2009).

This approach has culminated in a policy that has, until now, failed to reciprocate Hamas' emerging political pragmatism, which was overshadowed by military escalations. In this, the international community has missed an opportunity to influence Hamas' transition, as was similarly adopted with the PLO and Fatah. With the exception of Turkey, certain European states such as Norway and

Switzerland and the Russian Federation, the international community has not wavered on the stated stance and simply resorted to tautological demands. As Ghassan Khatib comments:

The problem is that all these signals of the Islamic Resistance Movement have never been reciprocated either by Israel or the US. This has left Hamas with little incentive and weakened the more moderate elements in the movement. (Khatib, 2009)

Proponents of the moderate wing of Hamas in Gaza have repeatedly voiced disappointment with Western decision-makers who have refrained from responding constructively to changes in Hamas' policy. Thus, Gaza's deputy foreign minister Ahmad Youssef expresses his frustration at the response to Hamas' efforts at engagement:

Hamas could function as a bridge between East and West and could affect a change in the perception of the West in the whole region. We have built our part of the bridge, but the construction is only supported from one side. Who in the West is building the bridge? (Youssef, 2010, interview)

Most Western governments have based their approach on the assumption that Hamas' moderation in terms of embracing the two-state solution cannot be taken at face value and does not constitute a significant change in policy. Thus some factions in the US establishment have rejected Hamas' steps of programmatic reform and state-building as 'a public-relations blitz for tactical gains' (Levitt, 2009). This assessment is noteworthy for different reasons. First, Hamas' statements are only taken at face value when they support the Western perception of militancy and irrationality. After all, in the last 20 years, the Hamas Charter has been quoted repeatedly to prove the movement's supposedly annihilationist agenda. While Hamas' statements have thus served as convenient points of reference in the past, today moderate voices of key Hamas figures are rejected as 'rhetoric'. Such a circular argument, however, leaves no room for progress, as even an official acceptance of the Quartet conditions by the Hamas *Shura* council (for instance) would be rejected as insincere strategic camouflage.

Such uncompromising criticism notwithstanding, new rules of engagement with Hamas are necessary if the objective is the furtherance of a responsible and genuine representation of Palestinian ambitions in the political arena. Such a readjustment should begin by opening unconditional diplomatic engagement with Hamas, which would ideally culminate in the explicit acceptance of

a Palestinian unity government that accepts the Quartet conditions in its capacity as a government. While the formation of a unity government through Fatah–Hamas negotiations seems unrealistic at the time of writing, there is no alternative to a repositioning of the international community *vis-à-vis* forthcoming Palestinian elections. Here, a clear signal that any result would be accepted is urgently needed. Importantly, Hamas should be allowed a theoretical positioning that retains an ideologically ambiguous stance concerning Israel's right to exist, lest Hamas be replaced by more radical organisations which would benefit from a moderate stance; a stance that would be perceived as having been adopted 'prematurely'. Here, the stress is ideological rather than practical. While such an approach would effectively mirror Western positions regarding Israeli political parties, it would also reflect a constructive approach that Western states have implemented with regard to the Hashemite Kingdom of Jordan. While members of parliament, civil society organisations and opinion polls throughout Jordan frequently express a fundamentally negative stance towards Israel and the Jordanian–Israeli peace treaty, Western governments disregard such positions and base their policies on positions presented by the Jordanian monarchy. A strong case can be made for the need to follow a similar approach in the Palestinian Territory. Political commitments *vis-à-vis* Israel should arise not from individual political parties but from established institutions such as the PNA presidency, PNA governments and the PLO. Regardless, the possible negative consequences of Hamas engagement need to be taken into consideration, certainly when examined alongside the humanitarian crisis that has resulted from the policy of boycott. What reasons would counter such a change in policy?

At the core of the Hamas boycott remains the conviction that international engagement would legitimise a movement that Western governments consider – sometimes justifiably – detrimental to the principles of democracy and human rights. However, it is questionable whether Hamas is truly in need of Western endorsement in order to flourish. Hamas enjoys the support of roughly 40 per cent of Palestinians, having not only won municipal elections in many towns in the West Bank and Gaza but also having achieved a landslide victory in the 2006 PLC elections. Thus Nathan Brown's assessment that international recognition would only play a minor role in promoting Hamas' internal appeal appears accurate (Brown, 2008). Hamas is a significant player in one of the world's most complicated conflict zones and will continue to be relevant with or without Western endorsement. The notion of 'resistance' has

played a central role in Hamas' self-perception and offers a fundamental distinction from most parties of the PLO and their stance regarding the 'peace process'. Taking this into account, diplomatic engagement with Hamas would challenge Hamas' unique appeal as a veto player. In this respect, diplomatic acceptance of Hamas might in the long run prove much more challenging for Hamas than for Western decision-makers (Bröning, 2009).

A second reason frequently raised to justify a closed door approach towards Hamas is based on the conviction that Hamas is an intrinsically anti-Semitic organisation which refuses to recognise Israel and thus, for moral reasons, cannot be formally endorsed. While this argument seems convincing when adopted against the backdrop of Hamas' anti-Semitic Charter, the outlined historisation of the Charter must also be taken into consideration. Furthermore, several Hamas leaders have recently made more explicit distinctions between anti-Zionism and anti-Semitism. In May 2006, Ismael Haniyeh told the German news agency DPA that Hamas did not have a problem 'with the Jews just because they are Jews' but because of the 'military occupation' (quoted in Ghanem, 2010, p. 158). Likewise, a recent meeting between Hamas and Neturei Karta, an ultra-Orthodox Jewish sect, in Gaza on 16 July 2009 demonstrated otherwise. While this meeting obviously cannot conceal widespread anti-Semitic attitudes among Hamas supporters and leaders, it does draw attention to the political distinction between the anti-Semitic and anti-Zionist approaches of Hamas. Even though Hamas' unwavering anti-Zionist stance can be criticised, observers often fail to note that an additional 20 states around the globe have also refused to recognise Israel, but have not suffered diplomatically as a result. These include Algeria, Bangladesh, Indonesia, Kuwait, Lebanon, Malaysia and Saudi Arabia.

Taking into account the regional repercussions of engagement with Hamas, pundits often refer to the risk of weakening the Arab Republic of Egypt should Hamas be recognised. Cairo enjoys 'a key security relationship' with the US according to the 2010 National Security Strategy and faces an ongoing challenge from the Egyptian Muslim Brotherhood (The White House, 2010b). Thus, accepting Hamas would ultimately weaken Egyptian secularism and Western interest in a stable and secular Arab Republic, or so the narrative unfolds. While this argument is often raised in Egypt, the validity is questionable when considering the long-term prospects for stability in Cairo. The case that a fundamental change of course in Egypt towards encouraging public pluralism for all oppositional forces

including the Muslim Brotherhood is indeed strong. In addition, this argument fails to take into account that the political boycott of Hamas, and the blockade of Gaza in particular, pose a long-term strategic burden for the secular regime in Egypt. Effectively, Cairo is left to deal with public scorn for what is perceived to be a fundamentally misguided policy in which Egypt is complicit. In this respect, the policy of refusing to engage with Hamas poses a much more serious long-term challenge to stability in Egypt than any public acceptance of Hamas ever could.

A powerful argument against engagement with Hamas is also expressed by observers who fear that legally accepting Hamas rule in Gaza would seriously weaken Mahmoud Abbas, who has consistently and understandably refused to accept Hamas as the governing authority in Gaza. Would international endorsement of Hamas then not foster Palestinian disunity? The opposite seems likely. While Western governments would be ill advised to recognise Ismael Hanyieh's Government officially as on par with the Ramallah PNA of Abbas and Salam Fayyad, political engagement is far from a formal recognition of legitimacy. After all, Fatah and Hamas leaders have been engaged in meaningful negotiations on the formation of a transitional government for years. These negotiations have certainly not implied official acceptance of Hamas' legitimacy in Gaza on the part of the PNA in Ramallah. Incidentally, it is Western insistence on the Quartet conditions that have up to August 2010 contributed to the failure of Hamas–Fatah unity talks in Cairo. Against this backdrop, a fundamental policy shift *vis-à-vis* Hamas is not detrimental to bolstering the PNA and Palestinian unity but ultimately a *conditio sine qua non*.

Finally, in Western discourse, engagement with Hamas has repeatedly been rejected on the premise that 'terror organisations' cannot be 'rewarded' for their militancy through acceptance as an official counterpart. Thus Daniel Byman, director of Georgetown University's Center for Peace and Security Studies, describes the risk often quoted:

Even the consideration of entering discussions carries many risks. Talks with U.S. officials do indeed reward the use of terrorism, tangibly demonstrating that groups can kill innocents and yet become legitimate interlocutors. (Byman, 2006)

Does 'talking to terrorists', former or otherwise, encourage terrorist behaviour? Perhaps, but Western states' current policy has often rejected this argument and subsequently made significant

political gains. The Bush Administration negotiated with North Korea while it listed Pyongyang as a state sponsor of terrorism. Likewise, the Obama Administration has expressed its willingness to negotiate with the Governments of Syria and Iran which, according to the US State Department, are sponsors of terrorism, and established contacts with the Government of Lebanon where Hezbollah comprises a cornerstone of the coalition. Concerning Hamas, the stance of the international community has been more than inconsistent. While official dialogue is still considered taboo and pressing political issues cannot be addressed with important stakeholders, exceptions have been made when the use of violence by Hamas has necessitated engagement:

Now, it is only violence that leads the United States and Israel to countenance exceptions to the policy refusal to negotiate with terrorists. Indirect negotiations are tolerated over captured soldiers and rocket attacks but not over other matters. (Brown, 2008)

In addition, the historical experience of the PLO indicates that allowing engagement with a 'terrorist organisation' – albeit indirectly – can play a major part in transforming seemingly uncompromising organisations.

Ultimately, a powerful argument against engagement with Hamas is often made with regard to Iran's regional aspirations. Would engaging Hamas not bolster the hegemonic tendencies of the Iranian Government and thus prove counterproductive in the long term? The opposite seems more likely. While the notion of an increasingly hegemonic Iran and the related notion of a 'Shia crescent' in the region deserve much more critical scrutiny than is commonly offered, the argument lacks conviction (Bröning, 2008). Diplomatic engagement with Iran in the context of the war in Afghanistan and post-Saddam Iraq has not resulted in a diplomatic breakthrough with Tehran but has also not emboldened Iran's foreign policy concerning these conflicts. To assume that diplomatic engagement with the Palestinian Sunni Hamas would encourage 'expansionist' forces in Iran is doubtful to say the least. If such engagement with Hamas did indeed have repercussions for Iran's political agenda, the opposite might well prove to be a more likely outcome. Political engagement between Western decision-makers and Hamas would offer the movement an alternative to the often exaggerated alliance with Tehran.

An important lesson for a more constructive approach with Hamas can be drawn from the West German approach to the German

Democratic Republic prior to Social Democrat Chancellor Willy Brandt's rise to power. Both German States emerged from the ruins of the Third Reich, claiming to represent the German nation in international forums. West Germany's chancellors adopted a policy named after an under-secretary of state. The so-called Hallstein doctrine stipulated that West Germany would cease diplomatic contacts with any country that established diplomatic relations with East Germany. This, therefore, led to the withdrawal of recognition for Yugoslavia in 1957 after Belgrade officially recognised an Ambassador from East Berlin. Although this doctrine was implemented flexibly, official channels of dialogue between West Germany and states in the Eastern hemisphere, with the exception of the Soviet Union, were compromised. Most notably, the policy did little to achieve the desired outcome of destabilising the East German regime. While any comparison between the Cold War and the intrigues and complexities of the Middle East deadlock might appear simplistic, the parallels of unconstructive boycotts are striking. Eventually, the Hallstein doctrine was abandoned by the social democratic coalition government with the Free Democrats (FDP), which accepted 'the factual existence' of East Germany but declined to grant formal relations under the auspices of international law. The call for such a diplomatic 'factual' acceptance of Hamas is continuously rejected by the international community, last but not least by the representative of the Middle East Quartet, Tony Blair. Instead of exploring new opportunities to break the lasting stalemate *vis-à-vis* Gaza, Blair has until now adhered to the mantra of 'no negotiations' based on the assessment that Hamas continues to be disqualified from engagement because 'it has not broken with violence, and ultimately only this makes the difference' (Blair, 2010, interview). While this at first might seem reasonable, this approach neglects the fact that the international boycott effectively robs Hamas of any means of engagement other than militancy and violent struggle.

Also, this approach seems more than somewhat ironic given that Israel has repeatedly engaged in indirect negotiations with Hamas. Surprisingly, public opinion in Israel generally seems to support ending the political boycott of Hamas. In February 2008, a poll that went widely unnoticed was conducted by *Haaretz*. Results indicate that 64 per cent of Israelis favour direct talks with Hamas. Similarly, in 2006, 67 per cent of Israelis were in favour of accepting and dealing with a PNA government that included Hamas (Ghanem, 2010, p. 137). If even the Israeli public seems amenable to engaging

with Hamas, the case for a continued blockade is becoming less and less convincing.[15]

The Hamas of 2010 certainly does not deserve international plaudits for the promotion of democracy and human rights, and in many ways continues to act as a political spoiler. Equally, it is not argued that radical elements in Hamas have been completely sidelined. Rather, it is stressed that moderate forces in Hamas need to be engaged and strengthened. Categorising Hamas *per se* as singularly evil and implementing an unequivocal policy of comprehensive rejection is not helpful – especially in light of the fact that this policy has time and again proved ineffective.

3

Changing Fatah

Fatah is in a state of decline.

Ehud Yaari, 1971

1. LOOKING BACK: AMBIGUITY, SYMBOLISM AND STAGNATION

For many Palestinians, Fatah is not a political movement, but a secular icon of Palestinian nationalism. The black-and-white chequered *Keffiyeh* of its late leader Yasser Arafat and the images of stone-throwing Fatah youths from the first *Intifada* have come to represent Palestinian political ambitions on the world stage. However, in time Fatah has also come to represent the shortcomings of the Palestinians' struggle for independence: political miscalculations, corruption, nepotism, terror activities and strategic ambiguity have alienated international and Palestinian supporters alike.

How can Fatah as a political and societal phenomenon, with a history of nearly half a century of struggle, be described in view of its changing character and symbolic nature? Which indicators can gauge decades of political and military engagement, geographical relocations and political divisions? Can ambiguity be met with clarity? This is not a challenge merely for commentators. Primarily, it constitutes a challenge for Fatah itself. After all, it seems the Palestine National Liberation Movement (*Harakat Al Tahrir al Watani al Falastinye*) has for the greater part of its history opted to respond to the complexity of its political environment with institutionalised imprecision. At the heart of this complexity lies a fundamental, internal ambiguity. Fatah has never decisively clarified its role between two, at times, opposing trends. On the one hand, Fatah has been unified by the self-perception that it is an all-inclusive liberation movement. On the other, Fatah has been functioning as a political party, firmly established in the Palestinian Territories since the early 1990s.

This ambiguity is discernible not only in terms of leadership, ideology and agenda but also in the strategy Fatah has used to achieve its objectives. Inherent contradictions are only enhanced by Fatah's institutional entanglement with the Palestine Liberation Organization (PLO) and the Palestinian National Authority (PNA), the two other secular representations of Palestinian nationalism. A particular challenge is posed by the personal and structural overlaps with both institutions which complicate the perception of Fatah as a distinct movement. Whereas these fundamental challenges are also likely to dominate Fatah in the years to come, important changes have recently taken place and have set in train an open-ended reform process. These developments will be discussed below and must be considered against the background of Fatah's long-standing history as a revolutionary liberation movement.

The Challenges of a Vagrant Movement

Founded in 1958 or 1959 – here the historical accounts differ – by Yasser Arafat, Salah Khalaf and Khalil Al-Wazir in the secrecy of a safe house in Kuwait, Fatah was originally run by a group of university graduates from Cairo. Despite their connections to Egypt, the movement considered itself strictly Palestinian from the outset. While this might seem obvious, it was a revolutionary approach in the passionate heyday of the Pan-Arabism of the 1950s. Following the disastrous setback of Pan-Arab ambitions in the military confrontation with Israel in 1967, Fatah was able to offer an alternative. By promising a distinctly Palestinian path to liberation *and* Arab unity, it laid the ground for establishing itself as *the* symbol of Palestinian national aspirations. Rejecting Nasserist messianic expectations of salvation and replacing Palestinian Pan-Arab factions such as George Habash's Movement of Arab Nationalists (*Harakat Al Qaumiyyin Al Arab*), Fatah soon engaged in military operations ('acts of terrorism' for Israelis) in historic Palestine. Thus it came to represent the only feasible and distinctly Palestinian approach to resistance.[1] While the distinguishing features of an emerging Fatah were the two principles of armed struggle and independent Palestinian decision-making, Fatah spent much of its early years outside of historic Palestine. Somewhat ironically, the self-perceived authentic representation of Palestinians was forced to relocate its geographical base from one Middle Eastern location to another, constantly increasing the physical distance between itself and the Palestinian homeland.

By August 1967, Arafat had set up a clandestine Fatah headquarters in Nablus and started leading the movement into a low-intensity guerrilla confrontation with the Israeli army. The fighting led to the deaths of approximately 100 Israeli troops, but also resulted in large-scale retaliation against Fatah in the West Bank. As a reaction to the considerable military pressure that was brought to bear on the movement, Fatah was forced to leave the Occupied Territory and relocate to neighbouring Jordan, home of the majority of Palestinian refugees driven from their homes in the preceding war. Following increased tension with King Hussein of Jordan and heavy clashes with Jordanian troops, Fatah was violently expelled from Jordan in 1971. Faced with King Hussein's determination to rid his kingdom of renegade Palestinian guerrillas, Fatah (and the PLO) were compelled to relocate its headquarters to Palestinian refugee camps south of Beirut. In this process, Fatah became a major player in the decade-long Lebanese civil war.

Following the Israeli invasion of Lebanon and the siege of Beirut in 1983, the international community finally provided a safe haven for the PLO and Fatah cadres at the periphery of the Middle East conflict in Tunis. Although certain Fatah departments are currently situated in Tunisia, they have lost most of their influence. Following the Madrid Conference in 1991, the Oslo Process and the Declaration of Principles, Fatah and the leader of the PLO triumphantly returned to the Palestinian Territories in 1994 to head the newly established Palestinian Authority. While Gaza was originally chosen as the official Fatah headquarters in the early days of the Oslo era, the movement later moved its headquarters to the West Bank city of Ramallah.

Fatah's historical journey through the Middle East does not merely reflect the rise and fall of a resistance struggle at the crossroads of shifting alliances and power-plays. It has, and continues to have, important repercussions for the movement's perception of itself and ultimately addresses the issue of institutional power and leadership. These questions became evident in the early days of the Oslo Process when competition between Fatah leaders returning from Tunis and a 'Young Guard' of activists from the OPT escalated.

The establishment of the PNA under Arafat signified the takeover of PNA and Fatah institutions by a cadre of Fatah leaders who had only sporadically been present on the ground during the previous decades. Veteran fighters who had lived through exile from Lebanon and Kuwait to Tunis and had directed the Palestinian struggle from a distance were suddenly confronted with a local, mid-level

leadership. These mid-level cadres lacked the personal connections to Arafat but, in contrast, had recently confronted Israeli troops, not from offices in Tunisia but in the streets of Ramallah, Nablus, Jenin and Gaza. At the core, this clash of political cultures was, therefore, also a clash of different forms of political legitimacy with repercussions that severely damaged Fatah's standing in the Palestinian Territory for years.

Fatah's internal leadership struggles have been aggravated by a notable ideological vagueness that has functioned to safeguard political unity at the expense of clarity. The absence of programmatic precision beyond the ultimate and singular goal of liberation has been a characteristic of Fatah for decades.

Fatah's Traditional Ideology of Liberation: No Details Please

Compared to the more ideologically refined left-wing parties such as the Popular Front or the Democratic Front for the Liberation of Palestine (PFLP, DFLP), Fatah has often been criticised for ideological vagueness. Leaders of the political Far Left have derided Fatah's lack of ideological maturity, the rejection of a 'scientific and materialistic' worldview and the shallowness of the resulting 'spontaneous activism'. All this seems rather unsophisticated, especially compared to the advanced Moscow-trained cadres of the PLFP.

Institutionally, the case is clear. As one of two Palestinian parties, Fatah officially considers socialism its ideological framework. As such, it retains 'observer status' at the Socialist International (SI), the global umbrella organisation of democratic socialist, social-democratic, socialist and labour parties (formed in 1951). Sharing this affiliation with the British Labour Party, the German Social Democratic Party and the Israeli Labour Party, to name a few, the ideological basis of this loose attribution has often been questioned. Fatah's lack of a detailed political agenda beyond the objective of 'liberating Palestine' and attaining Palestinian statehood has even given rise to the question of whether Fatah's 'socialism' has not always been more of a label attributed from the outside rather than genuine ideological commitment.

Put bluntly, Fatah's political affiliation with socialism seems to have seldom been much more than a convenient label for a party whose entry into international politics could not otherwise have been obtained. Given the traditional proximity of Western conservative parties to Christian traditions, and in view of the fact that an

ideological pro-Soviet or pro-Chinese affiliation was blocked by the DFLP, Fatah seems to have opted for socialism by default.[2] This is not to say that Fatah's political stance has ever openly rejected socialist tenets. Rather, it seems that a thorough discussion of political ideology in terms of a political programme has simply never been at the head of Fatah's agenda. Instead, Fatah has avoided programmatic specificity to secure its broad political appeal and has continuously opted for ideological equivocation based on a vague admiration of Third World resistance movements, ranging from Vietnam to Algeria.

This fuzzy self-perception is captured in a frequently quoted article of Fatah's early publication flagship *Filastinuna* (Our Palestine). The journal was published between 1959 and 1964 and provided the nascent movement with an ideological platform that regularly featured contributions by Arafat. In July 1960 the journal outlined Fatah's *raison d'être* explicitly *ex negativo:*

The sons of Palestine are called to carry the flag of freedom for their fatherland. They are called to arms in order to declare revolution with the goal to do away once and for all with the illegal Jewish robbery of our fatherland. (Quoted in Baumgarten, 2005, p. 33)

While the first Fatah cells were founded in the late 1950s, a formalised political programme came into being only in 1964 with the so-called Fatah Constitution, a brief document which was amended sporadically over the years.[3] The Constitution addressed the 'goals of the movement', but did so in the vaguest terms possible, attributing a mere four out of 130 articles to this question:

- Article 12: Complete liberation of Palestine, and eradication of Zionist economic, political, military and cultural existence.
- Article 13: Establishing an independent democratic state with complete sovereignty on [*sic*] all Palestinian lands, and Jerusalem as its capital city, and protecting the citizens' legal and equal rights without any racial or religious discrimination.
- Article 14: Setting up a progressive society that guarantees people's rights and their public freedom.
- Article 16: Backing all oppressed people in their struggle for liberation and self-determination in order to build a just, international peace.

While this agenda might not seem inadequate in terms of confrontational clarity, its strategic depth remains shallow. The programmatic shortcomings are particularly apparent when taking into account other sections of the Constitution. For instance, the text devotes more than six times the space attributed to the movement's 'goals' to defining at length 'organisational penalties' aimed at 'upgrading the members' morals and securing the movement's integrity'. This leaves little doubt that political planning for state-building after liberation was quite deliberately left unclear.

Instead of engaging in sophisticated programmatic elaborations, Fatah repeatedly convened to discuss problems of leadership. The General Conferences of Fatah, which in principle fulfil the same functions as party conventions in the Western political world, largely ignored programmatic debates. Instead, the General Conferences, which should have been held every five years, generally focused on staffing two key institutions: the Central Committee (*Al Lajna Al Markaziyah*) and the Revolutionary Council (RC) (*Al Majlis Al Thaury*), acting as the parliament of Fatah. While the Central Committee (CC) was partly elected and expanded in the General Conferences of 1967, 1971, 1980 (all in Damascus), and in Tunis in 1988, the formation of the Revolutionary Council (RC) was debated in 1968 (near Damascus). Bylaws were incorporated in 1971, and RC membership was expanded in 1980.

Whereas Fatah's ideological foundation and agenda have thus remained rather hazy in general, one very particular ambiguity in Fatah's project can be found in the question of method and strategy. Initially, the answer to the question of how Fatah's objectives were to be achieved seemed clear: armed resistance and revolutionary liberation were the preferred tools of engagement and were ideologically spelled out by Fatah leaders such as Salah Khalaf. While in rhetoric this stance was upheld until the Sixth General Conference in 2009, a second trend had already begun to emerge in the 1970s: the search for a diplomatic solution to the question of Palestinian statehood. This double strategy resulted in decades of methodological ambiguity and ultimately attracted harsh international and Palestinian criticism.

A History of Violence: Fatah and 'Armed Struggle'

At first, armed resistance was Fatah's official *raison d'être*. The movement was strongly influenced by the experience of anti-

colonial revolutionary movements and on 1 January 1965 formally pronounced the ‘start of the revolution’. On New Year’s Day, a group of Fatah *Fedayeen* (self-sacrificers) launched an attack on the Israeli water carrier in the Galilee. While the commando unit was composed of Fatah guerrillas, the movement itself did not officially claim responsibility. Instead, the obscure Al Asifa organisation (The Storm) came forward. In the first of a long series of military communiqués, the ‘General Command’ of the Al Asifa announced that ‘revolutionary vanguards [had] burst out, believing in the armed revolution as the way to return [to Palestine] and to liberty’ (quoted in Cobban, 1984, p. 33).

While the operation itself failed to produce meaningful military results, it marked the start of decades of guerrilla and terror tactics pursued by different Fatah factions and from the PLO in general.[4] Following their less than impressive performance in January, Fatah’s guerrilla capabilities slowly improved in Syria with the strengthening of Fatah cadres in and around Damascus, in defiance of Egyptian President Nasser. It is debatable as to how far the Fatah leaders of the 1960s were truly convinced that ‘armed liberation’ was feasible. However, the Fatah Constitution of 1964 unambiguously declared armed struggle ‘the inevitable method to liberating Palestine’. In article 19, focusing on Fatah’s ‘method’, the Constitution stipulated:

Armed struggle is a strategy and not a tactic, and the Palestinian Arab People’s armed revolution is a decisive factor in the liberation fight and in uprooting the Zionist existence, and this struggle will not cease unless the Zionist state is demolished and Palestine is completely liberated.

This uncompromising position and Fatah’s January operation were welcomed with enthusiasm by many Palestinians. However, Fatah was ultimately only one group among other Palestinian *Fedayeen* conducting border raids against Israel. This was to change with an event that has been labelled Fatah’s ‘foundation myth’: the Battle of Karameh (Khalidi, 1997, p. 196).

Signifying dignity in Arabic, the Jordanian border town of Al Karameh became the location of fierce military engagement between Fatah fighters and the Israeli military in March 1968. Contrary to other *Fedayeen* groups, Fatah guerrillas refused to withdraw from the town, situated approximately 20 kilometres east of Jericho, despite an expected Israeli incursion. Supported by the Jordanian army, Fatah guerrillas inflicted substantial casualties on Israeli

forces, leaving 29 Israeli and approximately 150 Palestinian fighters dead. Given this ratio of casualties, the battle can hardly be considered a military victory. Yet in light of the more recent humiliation of numerous Arab armies by a superior Israeli military force in the 1967 Six-Day War, even a stand-off was seen as a success and thus celebrated. The mere fact that Palestinian fighters had stood their ground resulted in a surge in popularity for the previously clandestine Fatah.

Reacting to Karameh, King Hussein symbolically declared that he too was a Fatah fighter, publicly announcing, 'we have reached the point where we are all *Fedayeen*'. Based on His Majesty's seal of approval, the movement opened a representational office in Amman. So appealing was Fatah's sudden ascent to glory that allegedly 5,000 membership applications were received in Amman within the first 48 hours after the battle.[5] Based on the perceived 'victory' of Karameh, Fatah also began receiving financial support from King Faysal of Saudi Arabia and was openly embraced by President Nasser, who agreed to meet the Fatah leadership and Arafat for the first time in 1969. More importantly, however, the battle of Karameh also provided Fatah with enough political impetus effectively to take over the PLO.

The PLO had been formed by an initiative of the League of Arab States in 1964 and later was recognised as the 'sole legitimate representative of the Palestinian people' by the international community. Following Karameh, Fatah encouraged its cadres to join the various PLO committees and, in February 1969, secured 33 out of 105 seats of the Palestinian National Congress (PNC), the exiled PLO Parliament. With this, Fatah became the largest single bloc within the PLO – a status the movement has claimed and defended ever since and a fact that is safeguarded by the continued exclusion of Hamas.

Harmony between Fatah guerrillas, lauded as heroes in much of Arab public opinion, and the Jordanian Government soon came to an end. Significant support from the large number of Palestinian refugees in Jordan enabled Fatah to set up what the Jordanian Government increasingly perceived as a state within a state on Jordanian territory. Following months of cross-border raids against Israel and weeks of increasingly self-confident Fatah activism in Jordan, the Hashemite kingdom ultimately crushed Fatah's presence in the country in what was labelled the Black September of 1971. Echoing previous Egyptian endeavours mainly in Gaza, the

Hashemite kingdom thus curtailed Fatah operations on Jordanian territory, forcing Fatah and the PLO to relocate to Lebanon.

Following Fatah's effective deportation, raids against Israel became increasingly difficult from the so-called confrontation states but nevertheless continued.[6] Given the difficulties involved in conducting effective guerrilla (terror) operations, Fatah and other Palestinian factions in the 1970s implemented a tactical shift towards urban terrorist operations. Based on the use of modern transportation infrastructure and communication tools, Fatah began to target Israelis and supporters of Israel both inside and outside of Israel and the OPT. The most striking example was the attack on Israeli athletes during the Munich Olympics of 1972 by the supposed Fatah-affiliated faction Black September, a name chosen to commemorate the infamous conduct of the Jordanian king. While responsibility for the Munich massacre has always been rejected by Arafat and the Fatah leadership, Fatah forces embarked on similar terror operations during the 1970s and 1980s, and were increasingly involved in the training of other organisations engaged in terrorist activities, primarily against Western targets.

While such terror operations guaranteed global attention, they failed to achieve tangible political results on the ground. The political stalemate in the Israeli–Palestinian conflict, the continued occupation, the sidelining of the Palestine problem *inter alia* by the Iran–Iraq war and the renewed exile of Fatah (and the PLO) to Tunisia resulted in disillusionment in the OPT. Outrage on the ground shifted political momentum and activism to Palestine in the 1980s – a trend that was largely overlooked by Fatah. From exile in Tunis, Fatah leaders were surprised by the form of resistance that originated in the refugee camps of the OPT in 1987 and was to determine the course of the Palestinian struggle for the coming years. Few foresaw the outbreak of popular resistance in the OPT, which soon became widely known as the first *Intifada* ('shaking off' the occupation).

The *Intifada* differed fundamentally from established Fatah operations and was originally and predominantly led by local community councils and a Unified National Leadership of the Uprising (UNLU). The *Intifada* thus initially left the PLO and Fatah with only limited control over the situation on the ground. What was worse (for many Fatah cadres), contrary to Fatah operations, the *Intifada* produced tangible results – albeit limited in scope when measured against aspirations. Faced with broad public opposition from Palestinians, general strikes, daily demonstrations and, last but

not least, reluctantly increasing US pressure, the *Intifada* demonstrated to the Israeli public that the occupation came at a heavy price. Occupying Palestinian towns and villages suddenly proved disastrous not only in terms of Israeli casualties but also for Israel's standing in the West. For many observers, the *Intifada* resistance ultimately transformed the image of a besieged Jewish state into the 'ugly face of Israeli occupation'.

The *Intifada*, however, had the greatest impact with regard to the self-perception of Palestinians. The uprising was eventually steered by Fatah cadres who managed to mobilise and emancipate Palestinian society from increasingly hollow-sounding Arab solidarity addresses, while empowering a legitimate Palestinian political representation on the international level. Thus, the Madrid Peace Conference of 1991 included a PLO 'advisory delegation' headed by Faisal Husseini. Starting with Madrid, the *Intifada* effectively paved the way for the Oslo Process and the establishment of the PNA in 1994.

Returning to Palestine not to command the *Intifada* but rather to bring it to an end and to take over the newly founded PNA, Fatah was subsequently transformed into the *de facto* state party of the Palestinian Territory. The PNA armed forces began comprehensive security cooperation with Israel, as stipulated by the Israeli–Palestinian Interim Agreement on the West Bank and Gaza Strip of September 1995. This cooperation notwithstanding, the years following the signing of the Oslo Accords ultimately did not witness a slowdown in Israeli settlement activities in the OPT. Nor did they lead to a significant reduction in Israeli and Palestinian casualties. According to Israeli accounts, from 1993 to 1998, 405 Palestinians and 256 Israelis were killed in Israeli army operations and Palestinian attacks conducted mainly by Hamas and Islamic Jihad, with Fatah groups occasionally cooperating in these operations. Worse, however, was yet to come. Following the provocative visit of the then Israeli opposition leader Ariel Sharon to the Temple Mount (*Haram Al Shareef*) on 28 September 2000, violent clashes erupted in East Jerusalem, Gaza and the West Bank. Unrestrained use of force by the Israelis left scores wounded and dead. US Senator George Mitchell was hastily dispatched to the region to investigate the 'second' or *Al Aqsa Intifada* and to make recommendations on how to curb the violence. On 30 April 2001, Mitchell presented US President Bush with his Sharm Al Sheikh Fact-Finding Committee Report, in which he soberly described the situation:

What began as a series of confrontations between Palestinian demonstrators and Israeli security forces … has since evolved into a wider array of violent actions and responses. There have been exchanges of fire between built-up areas, sniping incidents and clashes between Israeli settlers and Palestinians. There have also been terrorist acts and Israeli reactions thereto (characterized by the GOI as counter-terrorism), including killings, further destruction of property and economic measures. Most recently, there have been mortar attacks on Israeli locations and IDF ground incursions into Palestinian areas. (Mitchell *et al*., 2001)

Sketching the reasons for the escalation, Mitchell's team explained that:

Fear, hate, anger, and frustration have risen on both sides. The greatest danger of all is that the culture of peace, nurtured over the previous decade, is being shattered. In its place there is a growing sense of futility and despair, and a growing resort to violence (Mitchell *et al*., 2001).

While the Israeli Government and protagonists of the so-called pro-Israel lobby in the US immediately accused the PNA and Fatah of having masterminded the outbreak of violence in order to 'create sympathy for their cause' by 'provoking Israeli security forces to fire on demonstrators', as the Mitchell report paraphrased, the report also stated that there was

no basis on which to conclude that there was a deliberate plan by the PNA to initiate a campaign of violence at the first opportunity …. However, there is also no evidence on which to conclude that the PNA made a consistent effort to contain the demonstrations and control the violence once it began. (Mitchell *et al*., 2001)

In hindsight, this assessment proved accurate. Contrary to the widespread perception that 'Arafat launched the uprising' (Schanzer, 2008, p. 57), PNA President and Fatah leader Arafat did not engage in active planning or in the coordination of violent operations. On the other hand, he was in no position to effectively rein in disillusioned Fatah militias and other factions.

Compared to the first *Intifada*, the *Al Aqsa* uprising soon escalated into a near all-out (yet asymmetric) war between well-equipped Israeli forces and Palestinian fighters. Clashes frequently involved the Israeli air force and went hand in hand with the complete reoccupation of territories under PNA control, mainly the densely populated areas designated Area 'A' in the Oslo Accords.

Confronted with this in January 2002, elements within Fatah contributed to the escalation of the conflict by resorting to suicide bombings in Israel, largely as a reaction to Israeli assassinations of Fatah leaders in the West Bank. Such operations were mainly conducted by two related military organisations: The Al Aqsa Martyr Brigades and – although disputed – by the Tanzim. Leader of the Tanzim and then general secretary of Fatah in the West Bank Marwan Barghouthi justified this move in September 2001 with a tit-for-tat argument, pointing out that Fatah would not accept 'Israelis killing people on the ground day by day' while 'liv[ing] a secure life in Tel Aviv' (quoted in Friedman, 2008, p. 52). The Fatah leadership had established the Tanzim in 1995 as a grass-roots paramilitary force in an effort to balance the power of Hamas and Islamic Jihad. Over the course of the second *Intifada*, under the leadership of Barghouthi, the Tanzim were repeatedly engaged in operations against the Israeli military and occasional mortar attacks on Israeli settlements in the West Bank. However, the degree to which they were formally integrated into the Fatah hierarchy remains controversial. While international observers usually assume a 'Fatah affiliation', Israeli decision-makers have consistently argued that the Tanzim were an official wing of Fatah. Despite Israel's repeated claims that the Tanzim were responsible for terrorist attacks in Israel, the US refrained from labelling the group a foreign terrorist organisation (Lindholm Schulz, 2003, p. 162).

A similar debate was waged surrounding the political affiliation of the Al Aqsa Martyr Brigades, which conducted several suicide attacks in Israel, occasionally collaborating with Hamas and Islamic Jihad. The Brigades claimed responsibility for, among others, the bombing of the southern Tel Aviv central bus station on 5 January 2003 and the bombing of a Jerusalem bus on 29 January 2004, which left eleven Israeli civilians dead. Given the track record of these and earlier attacks, the Al Aqsa Martyrs Brigades were designated a terrorist organisation by the US on 27 March 2002. According to the research service for the US Congress, the Brigades did 'not have a well-defined structure and, of the factions … is the one over which Arafat would appear to have the least political control' (Katzman, 2002, p. 5).

Generally, the humanitarian consequences of the second *Intifada* were much more severe than those of the first uprising. Given the heavy use of Israeli military force and indiscriminate terror operations against Israeli civilians by some Palestinian factions, approximately 3,200 Palestinians and 950 Israelis are estimated to

have died. Countless were injured. The *de facto* reoccupation of the West Bank and the daily military assaults of the Israeli army against what was described as the 'Palestinian infrastructure of terror' resulted in a dramatic loss of life and property in the OPT. Likewise, repeated terror attacks against Israeli civilians further escalated tensions. While such attacks were occasionally orchestrated by Fatah-affiliated forces, the extent of Fatah's engagement remains hazy. An example of this is the bloody double-suicide attack on the port of Ashdod on 14 March 2004, which left ten Israeli citizens dead. Both Fatah *and* Hamas claimed responsibility for this incident.

Given the outpouring of public grief due to the high number of casualties, there was no shortage of Arab rhetorical support for the second *Intifada*. In an editorial commemorating the second anniversary of the *Intifada*, the Cairo-based *Al Ahram*, for instance, hailed the Palestinian struggle as a 'cry of heroism, bear[ing] testimony to the dignity of resistance and the power of the powerless' (Of Victory and Defeat, 2002). Such verbal support notwithstanding, the *Al Aqsa Intifada* severely damaged the Palestinian cause on an international level. It soon became clear that the *Al Aqsa* approach was not acceptable to key actors in the international community and thus was counterproductive.

Following the attack on the World Trade Center and the Pentagon on 11 September 2001, violence committed by or attributed to Fatah, the PLO and ultimately the PNA severely undermined the legitimacy and prospects of the Palestinian struggle. Violent operations against civilians enabled successive Israeli prime ministers to present Fatah activists and the PNA as affiliates of Al Qaeda. Even though the comparison lacked any substance, the argument proved a powerful tool of public diplomacy for Israel. Thus, on 3 December 2001, the Israeli Government declared the PNA a 'terrorist supporting entity' and 'Fatah, the Tanzim and [police] Force 17 terrorist entities' – a designation that was officially renewed on 11 April 2006, when the Israeli Cabinet branded the PNA a 'terrorist authority that is hostile to Israel'. Reminiscent of US President Bush's State of the Union Address of 29 January of the same year and his reference to an 'axis of evil', the Israeli army spokesman labelled the PNA as part of an 'axis of terrorism':

Since the beginning of the current conflict, Ramallah has stood out as a major centre of terrorist activity against Israeli civilians and security personnel. The terrorist infrastructure in the city, and at times in the entire West Bank, are dependent on senior Fatah leadership and senior commanders of the Palestinian security

apparatus. … The city has become the capital of Palestinian terrorism, from which many terrorist attacks have emanated. The major terrorist organization operating out of Ramallah is the Fatah, headed by Arafat. Marwan Barghouthi, Secretary General of the Fatah, who is also head of the Tanzim, serves directly under him. (Israeli Ministry of Foreign Affairs, 2002)

Confronted with such rhetoric and the destruction of PNA infrastructure by the Israeli army in retaliation for perceived terrorist activity by Palestinian factions, an intra-Palestinian debate emerged, questioning the effectiveness of *Al Aqsa* violence. An early voice in this debate was Saleh Abdel Jawad, then head of the Department of Political Science at Birzeit University. In October 2000, Jawad attempted to publish an article in Palestinian papers questioning the wisdom of violent confrontation. Though rejected by the press, his piece on 'The Intifada's Military Lessons' was eventually published by the Jerusalem Media and Communication Centre and is indicative of this slow transformation:

The events have somersaulted into a strategic method that can only lead to disaster. The participation of 'armed' Palestinian elements in popular demonstrations and shootings at soldiers and settlers must end, even though we know that it occurs within a context of self-defence. These shootings … are fruitless …. Instead, they offer Israel the excuse to use tanks, Cobra helicopters and rockets to quell an uprising that is popular in essence. … It is understandable that young men publicly carry arms as a recognizable symbol of a brave resistance for a people subject to the ugliest kinds of oppression. In our present circumstance, however, this hands Israel the excuse for crushing this resistance on a silver platter. … The use of arms in popular confrontations is political and military suicide. (Abdel Jawad, 2000)

While this statement illustrates the debate emerging within Palestine, the violence of the *Al Aqsa Intifada* not only heightened tensions between Fatah and Israel but also those *within* Fatah. Under Israeli military pressure, the movement degenerated into a conglomeration of armed groups, battling Israeli forces, perceived Palestinian 'collaborators', rival Palestinian factions and – occasionally – PNA security forces. Armed gangs emerged as a challenge not primarily to Israeli troops, who given their overwhelming firepower had little difficulty standing their ground in open military confrontations, but for Fatah and the PNA itself. Political rivalries between established institutions such as Fatah's Central Committee and *ad hoc* representations of younger *Intifada* activists such as Fatah's Higher

Movement Committee escalated. In addition, lethal clashes between armed factions repeatedly erupted – for instance, within the Al Aqsa Martyrs Brigades in Nablus. Against this backdrop, on 28 February 2004 at the end of a four-day meeting of Fatah's Revolutionary Council in Ramallah, Fatah leader Mohammad Dahlan admitted that even if desirable, 'Fatah does not have the means to disarm the Al Aqsa Martyrs Brigades'. This statement indicated the breaking down of formal hierarchies in Fatah and the weak position of a leadership that had not been driving, but had been driven by events.

This situation significantly changed with the inauguration of Mahmoud Abbas as prime minister under President Arafat, an office created in response to heavy US pressure. Unlike Arafat, Abbas who was designated Chairman of Fatah by the Central Committee, possessed the means and the determination to suppress Fatah renegades. On the very day that his Cabinet was presented to the Palestinian Legislative Council (PLC) on 29 April 2003, Abbas declared 'ending the armed chaos' in the Palestinian street as 'one of [his government's] fundamental missions'. In a series of statements later issued, Abbas pushed Arafat into a much tougher confrontational line against Fatah's militias. Abbas' efforts to rein in the militias and tighten the PNA's control over security services also included an important piece of legislation passed on 1 April 2004, which restructured payment mechanisms for PNA security staff.[7] Such steps were accompanied by Abbas' clear opposition to military and terrorist operations against Israeli targets. A well-known example of this was his statement of 19 August 2003, following a devastating suicide attack in Jerusalem. Abbas summoned representatives from Fatah, Hamas and the Islamic Jihad, condemned the incident as a 'horrible act' and made clear that the bombing 'did not serve the interest of the Palestinian people'.

In March 2005, 13 Palestinian factions (including Hamas) decided to back Abbas' approach (he had by now become President of the PNA) and to declare an informal truce with Israel in Cairo. While this agreement stopped short of an outright and complete ceasefire as requested by Abbas, four and a half years of fighting the *Al Aqsa Intifada* effectively came to an end. Abbas' approach of committing Fatah and the PNA factually to an exclusively *diplomatic* engagement with Israel proved victorious – at least for the time being.

While this decision has certainly boosted Fatah's standing in the West, it has at times come at a heavy price in terms of support within Palestine. This became evident throughout the course of the Gaza

war in the winter of 2008–9. While the Israeli air force inflicted severe damage on civilian and military installations in Gaza, killing hundreds of Palestinian non-combatants, Fatah refrained from military operations against Israel and surprisingly did not express any fundamental criticism. In view of the growing number of casualties and daily reports in the news media of suffering in Gaza, Fatah's seemingly 'neutral' stance was extremely unpopular and was perceived as being 'outflank[ed] by Hamas in terms of armed struggle' (International Crisis Group, 2009, p. 16). This, however, was not random or incidental, but rather a deliberate political stance taken by Fatah.

The Case for Realism: Fatah and Diplomacy

In principle, Abbas' commitment to diplomacy was not fundamentally novel. Despite the movement's history of armed struggle, public rejection of violence by leading Fatah decision-makers can be traced back several years. However, against the background of violent escalations on the ground, Fatah statements have often been interpreted as strategic double-talk by Israeli and international observers. This historic ambiguity, at least in part, arose from the fact that important diplomatic concessions on the Palestinian side had been explicitly expressed only by the PLO, the 'sole legitimate representative of the Palestinian people'. As stipulated in the Oslo Accords, the PLO remained the only official negotiation partner for Israel and thus liberated Fatah from the necessity of engaging in programmatic clarification.

Historically, Fatah's embracing of diplomacy received a significant boost when the joint armies of Arab states were overwhelmingly defeated in the Yom Kippur War of October 1973. The third Arab military disaster confirmed once and for all that a solution to the Israeli–Palestinian conflict through direct military confrontation with Israel on the battlefield was nothing but a pipe dream. As such, the 1973 defeat signified a 'demarcation line in strategic thinking in the Arab world', which also left a clear political mark on Fatah and the PLO (Safieh, 2005, p. 23). It is hardly a coincidence that in 1974 the PNC approved a proposition that called for the establishment of a 'national authority' over any piece of liberated Palestinian land, signalling a realistic qualification of the objective to liberate 'all of Palestine'.

Although presented in the framework of the PLO, this stance had originally been brought forward by Fatah. While this 'Ten Points'

programme can be considered a turning point for the PLO towards a peaceful resolution of the conflict, the goal of diplomatic engagement and state-building ultimately remained 'completing the liberation of all Palestinian territory'. Further steps soon followed. In 1989, Fatah and PLO Chairman Arafat commented on the 1964 PLO Palestine National Charter (amended in 1968), which called for the liberation of Palestine 'with the boundaries it had during the British Mandate' and thus was indicative of a rejection of the two-state solution. On French television, Arafat declared the Charter '*caduque*' ('null and void'). Likewise, on 9 September 1993, Arafat, in his capacity as PLO Chairman, officially recognised 'the right of the State of Israel to exist in peace and security' in a letter to the Israeli prime minister, initiating the Oslo Process. In order to further institutionalise this step, Arafat also convened with the PNC and PLC in Gaza on 24 April 1996, where the PNC decided that 'the Palestinian National Charter is hereby amended by cancelling the articles that are contrary to the letters exchanged [by] the PLO and the Government of Israel 9-10 September 1993'. The question of whether the Charter was actually changed or was simply 'frozen' remains controversial, as are the circumstances surrounding the Gaza decision (Said, 1998). However, it seems clear that the PLO actively engaged in further developing its programme to take account of a negotiated two-state solution. In contrast, Fatah has remained vague until very recently concerning this question. While Fatah thus came to represent the two-state solution in a *de facto* sense for the Palestinian public by affiliation with the PLO and the PNA, its programme and party Constitution remained committed to the 'liberation of all of Palestine'.

Gaining a 'State' – Losing a Party

With the establishment of the PNA in 1994, Fatah's inherent ideological contradictions were further exacerbated. Notably, the perception of Fatah as an all-encompassing liberation movement and Fatah as a distinct political party engaged in quasi-state-like diplomatic processes with political responsibilities on the ground became increasingly incompatible.

The return of Fatah's leadership to the Palestinian Territory added a further dimension to the ideological incoherence of the movement: The gap between former Fatah outsiders from the Diaspora and Fatah insiders rapidly widened with Fatah insiders' wariness of nepotism and corruption among returnees. Returning to the

Palestinian Territory, Fatah soon developed into the *de facto* 'state party' of the nascent Palestinian state (Jamal, 2005, p. 142). In this process, Fatah not only changed its own role but, at the same time, also transformed the PNA. Disappointing many proponents of Palestinian democracy, Fatah swiftly turned the authority into a factual party-state to the detriment not only of internal democracy in Fatah but in the PNA as a whole.

While elections to the first Palestinian Legislative Council (PLC) in 1996 were designed to act as a beacon to signal the dawning of a new era of Palestinian democratic self-determination, any such opportunity was missed. From the outset, Arafat overruled the democratic decisions of Fatah's grassroots districts concerning the selection of PLC candidates. Ignoring the results of democratic primaries in several Fatah districts, Arafat 'corrected' results to guarantee the inclusion of loyal Diaspora activists. Predictably, this was met with little enthusiasm by Fatah's primary voters and elected candidates alike (Parsons, 2005, p. 194). Democracy, however, was not only largely absent from within the party. Given the decision of several important Palestinian factions to boycott the Oslo Accords, the PFLP, the DFLP, Hamas and Islamic Jihad refused to participate in the PLC elections. The first democratic elections in Palestine were, as a consequence, effectively a one-party event. Palestinian observers, such as PFLP spokesman Riyad Malki, who had hoped to uphold democratic principles of political accountability, ridiculed the voting as *de facto* 'Fatah primaries' (Parsons, 2005, p. 202). PLC elections were based on the Interim Agreement between the PLO and Israel. With the implementation of a district-based 'winner takes it all' system, Fatah predictably dominated the political field. A more representational electoral system would have strengthened independent candidates, who, according to estimates, could have won up to six seats in the PLC (Jamal, 2005, p. 139). Despite inherent disadvantages within the electoral system, a few independent candidates such as Haidar Abdel-Shafi did win seats.

The absence of a representational system and the political boycott of most parties meant that Fatah members or affiliates won 71 out of 88 PLC seats. The new PLC was comprised of Fatah cadres, the business elite and selected traditional leaders, who were deemed necessary to guarantee local cooperation and representation. These election results ultimately meant that the PLC would not be able to control the PNA. The PLC, however, did not develop into a single bloc committed to supporting every move of the PNA Government. Also, Fatah did not form a cohesive bloc in the PLC and never

succeeded in disciplining PLC members or enforcing a party line. Voting patterns were unpredictable and never formally enforced by either party or faction. On the positive side, this at least guaranteed that the PLC had an 'independent spirit', which came as a welcome change from other Arab parliaments in the region.

The weak performance of the Fatah faction in the PLC, however, cannot be solely blamed on Fatah. The PLC was also hindered by severe restrictions placed on it by the Oslo Accords which had effectively reserved any meaningful political decision for the Final Status Negotiations that were supposed to take place between Israel and the PLO. Furthermore, PLC sessions were often stalled due to 'logistical' reasons, as the Israeli army routinely prevented PLC members from travelling (within the West Bank and Gaza) and thus did not allow the necessary quorum to be met.

Fatah's performance in the Cabinets of the PNA was equally ambiguous until the party was ousted from power following the introduction of a government of technocrats who lacked official party affiliation. The first Cabinet in 1994 was comprised of eleven Fatah ministers (out of 20) and seven independent ministers who were, nevertheless, closely affiliated to Fatah. The second PNA Cabinet maintained a firm 80 per cent affiliation to Fatah. Under the leadership of Arafat, Cabinet sessions often resembled improvised get-togethers under the leadership of a president who seemed less than enthusiastic about formalising decision-making procedures. After all, Arafat had been quoted questioning even the necessity of regular Cabinet meetings: 'Whoever has a problem in his or her ministry should come and see me about it. Why should we discuss these things with everyone and meet as a cabinet?' (quoted in Parsons, 2005, p. 209).

Similarly, party institutions such as the Fatah Central Committee and the Revolutionary Council lay in ruins following the outbreak of the second *Intifada*. While the CC, comprised of old Arafat associates, still convened – often before important PLC sessions – the RC effectively stopped consultations between 2000 and 2004. When summoned for the first time in three years on 27 February 2004, the meeting which was held in Ramallah was supposed to involve discussion of electoral reforms within Fatah and the question of how to rein in the Al Aqsa Martyrs Brigades. However, the session was overshadowed by personal animosities, when Arafat accused a respected RC member of being 'a spy and a traitor' and, in a fit of rage, threw his microphone at him.

Against this background and in view of ambiguities concerning the leadership, political agendas, support for democracy and Fatah's performance in government, the movement rapidly lost public support in the years following the second *Intifada*. Fatah's standing was also continuously damaged by the fact that the party, the PLO and the PNA failed to benefit from diplomatic engagement with Israel. The inherent contradictions of the Oslo Process and the uncompromising stances of the Israeli Governments prevented any meaningful political achievements. While this failure thus can be equally attributed to other factors, many have also blamed Fatah.

As a consequence, Fatah suffered the worst political defeat in its history when it lost the PLC elections to the Hamas-affiliated Reform and Change List in 2006. While this electoral disaster shocked Fatah to its core, worse was to come. Following months of growing tensions with rivals from Hamas and increasingly violent confrontations between supporters of the two organisations in the streets, Hamas took control of the Gaza Strip and effectively divided the OPT in a violent coup of June 2007. Fatah supporters were subject to attacks, which led to an exodus of Fatah cadres from the Gaza Strip to the West Bank. President Abbas responded by establishing successive governments of technocrats, which were only nominally in charge of Gaza. Effectively, since 2006, Fatah as a party has lost most of its previous influence not only in Gaza but also in the West Bank. The reasons for this series of defeats are manifold. Certainly, there was considerable disillusionment on the part of the Palestinian electorate with Fatah's approach to negotiations with Israel as it did not appear to have brought about tangible results. For the Palestinian public, Fatah had become the impetus behind diplomatic engagement in an attempt to realise the two-state solution by diplomatic means. This process, however, failed to end the Israeli occupation and thus nearly completely discredited Fatah's political stance.

Furthermore, in the eyes of the Palestinian public, Fatah had also failed to govern in an efficient and effective manner. Law and order had remained an elusive abstraction with endemic corruption filling the pockets of selected Fatah and PNA leaders. Following the death of Arafat, Fatah also suffered from the absence of a unifying political figure. Former Tanzim leader Marwan Barghouthi had been sentenced to a number of life terms in an Israeli prison, while former prime minister and current president, Mahmoud Abbas, was largely perceived as an interim figure. The question of leadership was augmented by the near-total lack of party democracy. Above all, this

was signified by the continuing postponement of a Fatah General Conference; something that had not been held since 1988. Effectively, the continuous postponement of Fatah's Sixth General Conference meant that

> the supreme policy making body of the largest faction of the PLO – and ruling faction of the PNA – had not met despite the 1991 Gulf war, the Madrid Peace Conference of the same year, the 1993 Oslo Accords, the 1994 establishment of the PNA, the 2000 Camp David summit, and the Al Aqsa Intifada. (Usher, 2006, p. 23)

In addition to programmatic shortcomings based on the lack of formalised party debate on essential political developments, postponing the Sixth General Conference also had negative repercussions in terms of leadership. Vacant positions in the CC were occasionally filled with nominees from the RC. The Central Committee, however, lacked new personalities possessing genuine political legitimacy. By 2003, the deteriorating state of the CC was matched by an additional incongruous reality; only 17 of the CC's 21 members were still alive. Of those, only 12 permanently resided in the Palestinian Territory, while some suffered from medical conditions that prevented active participation in the decision-making process. In a movement that had been characterised by the activism of its youth since the outbreak of the *Intifada*, most members of the CC were well beyond the age of 65 (Rabbani, 2008). The state of the Revolutionary Council was not much better. Members were routinely nominated by Arafat personally and lacked political backing by the grassroots. Due to the deteriorating security situation, the RC was unable to convene for official sessions during the *Al Aqsa Intifada*. Thus the 'Fatah Parliament' met only sporadically and separately in Gaza and the West Bank. Formal decisions were not taken as the required quorum was never achieved. Such was the sorry state of affairs within Fatah when the Sixth General Conference convened in Bethlehem in August 2009, surprising both internal and external observers. This was to signify a turning point for the otherwise stagnant and politically defeated movement.

2. REINVENTING FATAH: THE SIXTH GENERAL CONFERENCE

Fatah's Sixth General Conference convened in Bethlehem on 4 August 2009 following a delay of 16 years. It was Ahmad Qureia, Palestinian chief negotiator, who welcomed more than 2,300 delegates and a sizeable group of international observers to the

overcrowded Terra Sancta School gymnasium. After days of heated debates and repeated, last-minute extensions of the convention period, the General Conference produced unambiguous results. Established political careers came to an abrupt end, younger faces entered the scene, routine structures were broken up and outdated ideas were (at least partly) shelved. Mahmoud Abbas was affirmed as Fatah leader (by acclamation) and visibly enjoyed endorsement of the newly elected party bodies. Stronger than ever, the PNA President took control of Fatah and revived a decaying movement. In a sudden shift of priorities, Fatah re-emerged as a key player. Despite obvious risks given significant opposition to his decisions, Abbas appears to have triumphed, 'freeing himself from Arafat's ghost', as Mahdi Abdel Hadi, director of PASSIA in East Jerusalem put it (Abdel Hadi, 2010, interview).

An Uphill Struggle against the Sun

The Sixth General Conference was announced and postponed countless times. For years, neither the disastrous results of the PLC elections in 2006 nor pressure exerted by external players (among others from sister parties in the Socialist International) could persuade Fatah to hold the long overdue congress. Fatah's Central Committee failed to reach a final decision with regard to convening the convention despite two years of intense consultations in Ramallah and Amman. Likewise, the Revolutionary Council and a 'special committee' which had been charged with defining the conference's agenda failed to reach a consensus. The obvious question remains: What conceivable organisational challenge caused such a lengthy delay?

Put bluntly, there was too much at stake for too many people. Established Fatah cadres feared not only for their own personal ambitions but also for the future of Fatah as a movement. Could an end to the long-term ambiguity in terms of leadership and agenda not prove disastrous for the movement as a whole? Would a programmatic repositioning beyond the goal of 'liberating Palestine' not inadvertently lead to a split? Such voices were not restricted to notoriously hard-line sceptics but were deeply rooted in public Palestinian discourse (Al Hasan, 2009). At the same time, it had become clear that a personnel renewal within Fatah was of paramount importance. After all, the lack of leadership with actual support on the ground had contributed decisively to Fatah's crushing electoral defeat in 2006. Tellingly, from even within the movement it

was unclear who the legitimate leader of Fatah actually was. According to Fatah's bylaws, Faruq Qaddumi, living in exile in Tunisia, was to succeed Arafat. Following the death of Arafat, however, the Central Committee had elected Mahmoud Abbas as Chairman of Fatah, an office that, according to the party statutes, had hitherto not existed.

What is more, personal animosities had increased, while the relations between old and young activists had deteriorated. Younger leaders were pushing to increase their influence at the Executive level and thus challenged the positions of established players, fighters turned grey from years of resistance. While younger activists (usually in their forties and fifties) had been committed to Fatah for many years; they had not been represented in any formal party institution. Since party offices could only officially be assigned at a congress, changes in power structures and the composition of the support base were not reflected in the movement. The longer this situation persisted, the clearer it became to long-established office-holders that welcoming the party congress would mean abandoning personal ambitions.

Understandably, this did not enhance the elite's enthusiasm for convening the congress and explains the resistance that Mahmoud Abbas faced, notably from Fatah leaders outside of the OPT. The internal struggle revolved around two key issues which would largely determine the convention's outcome in advance: first, the question of location and second, who would be eligible to represent the movement as a delegate. Different venues were explored and rejected. Should Fatah convene in Amman or in Cairo, in Algeria, in Ramallah or in Jericho? Closely intertwined with this issue was the process of determining the composition of delegates. The fact that previous conferences had convened outside the OPT had resulted in General Conferences that had been largely devoid of delegates from the West Bank and the Gaza Strip. Naturally, such conventions had regularly overstated the importance of Fatah outsiders from the Diaspora. In contrast, a convention in the OPT would make the participation of outsiders a tedious affair and, in many cases, impossible. Equally sensitive was the question of how many delegates would be present. Fatah's bylaws did not set a fixed number but rather defined certain categories and quotas that would need to be met. In the absence of a clear framework, Fatah's Old Guard lobbied for a conference of only 700 delegates. Their ill-concealed objective was immediately apparent – the desire to control

the ambitions of up-and-coming younger leaders by limiting the electorate to more or less established cadres.

As a consensus regarding these questions was never achieved, the conference was postponed time and again, further aggravating an already dire situation. The movement was moving further towards complete ossification. In early 2009, as in the years before, all signs pointed to further delay. Contrary to all expectations, however, the conference took place in August, although the ultimate push can be attributed not to disgruntled Fatah decision-makers, but rather to Washington. Following a telephone call by the newly inaugurated US President (reportedly on his first day in office), Abbas was officially sanctioned. In response, the PNA President was eager to demonstrate his commitment to democracy. As the intra-Palestinian split prevented scheduled presidential and parliamentary elections, democratic proceedings from within the Fatah party seemed a promising alternative. As a consequence, Abbas pursued the convening of the conference with unprecedented determination, announcing that it would be held in Bethlehem on Arafat's birthday, thus making a further postponement by days or weeks factually impossible.

Following this announcement, exiled Fatah leader Farouk Qaddumi, along with others, immediately began torpedoing the decision by all means available. Qaddumi gloated, claiming that he would not set foot on Palestinian soil before 'it is liberated from Israeli occupation' and raged against the announcement of holding the congress on occupied Palestinian territory. He considered – perhaps correctly – that the plans were a deliberate attempt to oust him and others from power. A series of polemic statements against the congress and Mahmoud Abbas personally culminated in July 2009 with Qaddumi's allegation that the Palestinian president had personally participated in 'Yasser Arafat's poisoning' in order to pave the way to the leadership of the PNA, the PLO and Fatah.

However, resistance was emerging not only from within but also from outside of the movement. This was especially true of Hamas, which followed the possible reinvention of its arch-rival with apprehension from the sidelines. As the Islamic Resistance Movement ruled Gaza, it effectively controlled roughly 40 per cent of the Palestinian population in the OPT. Thus, it was clear that a significant number of Fatah's delegates would need to come from Gaza. As a consequence, in the run-up to the congress, Gaza delegates were transformed into a political bargaining chip. In return for allowing Fatah delegates to leave Gaza, Hamas demanded the

release of hundreds of its activists from PNA prisons. Fatah placed its hopes in Syrian and Egyptian mediation, anticipating a softening of demands at the last moment – but in vain. Ultimately, only a small number of Fatah's Gaza delegates managed to reach Bethlehem. While some 150 delegates left Gaza well before the conference, others allegedly sneaked out, dressed as farmers to circumvent the Hamas-controlled checkpoint near the Erez border terminal. The strategies that worked for certain individual delegates, however, could not work for hundreds of Fatah activists. Thus, the majority of the 500 Gaza delegates were prevented from participating in person and only a couple of hundred were able to vote, primarily via mobile phones.

While this development came under intense criticism, it was not only the delegates absent from proceedings who voiced their objections, but also those present. Deviating from democratic principles and benefiting from the absence of a clear organisational framework for the selection of delegates, Mahmoud Abbas blatantly packed the convention hall with hundreds of supporters. In the final days before the conference, he inflated the number of participating delegates by granting loyal associates and relatives the right to participate. In contrast to Hamas, Israel (bowing to heavy US pressure) facilitated the organisation of the conference and, with a few exceptions, allowed Fatah members living in Jordan, Syria and Lebanon to cross the Israeli border into the West Bank. In this way, participation of Fatah cadres from abroad was achieved.

Triumphant at Last: Enter the (not so) Young Guard

The changes to Fatah's Central Committee and the Revolutionary Council were nothing short of ground-breaking. The election results radically transformed Fatah from a movement strongly influenced by exiled leaders to a movement deeply rooted in the Palestinian Territories (Azzatira, 2009). Despite the large number of Palestinian refugees in the region, only four activists from the Diaspora were elected to high-ranking party positions. Of these, two actually resided in Ramallah as of May 2010.

Hamas' refusal to grant travel permits to Gaza delegates also resulted in changes in the character of Fatah in the Palestinian Territory. Instead of being equally rooted in what Palestinians refer to as 'both parts of the homeland'; Fatah's newly elected institutions represent Gaza only to a limited extent. As far as the positions that were filled in Bethlehem are concerned (some seats were filled later

by nomination from Abbas and the CC), only four of 19 CC members came from Gaza. Of these, only two have ever lived in the coastal strip for a meaningful period of time. In the Revolutionary Council, just 11 out of 81 elected members are from Gaza, which is clearly disproportionate to actual representation according to population distribution.

These election results ultimately produced a Fatah that was governed by the so-called Young Guard of *Intifada* activists from the West Bank. In the CC, 14 of the 18 previous members were replaced by representatives of the younger generation. Only exiled leader Abu Maher Ghneim (Farouk Qaddumi's deputy in Tunis) and three other Fatah veterans of the 'Old Guard' remain in the Committee. To the surprise of many, even prominent names, such as former Prime Minister and long-standing PLO chief negotiator Ahmad Qureia, who had opened the conference, failed to gain a seat. In addition, long-time PLO representative to Germany and Fatah's representative in international relations, Abdallah Frangi, found himself among those voted out of office.

The personal affiliations and loyalties of the new Central Committee were immediately debated and Palestinian observers were quick to point out that the new Committee revolved around five power blocs:

- Mahmoud Abbas: the President maintains a significant power base in the Central Committee with eight close associates currently in power.

- Mohammed Dahlan: a crucial stronghold exists around the former Chief of Preventive Security in the Gaza Strip. Dahlan is regarded with caution by the population at large due to his controversial acts in the Gaza Strip. He is considered a hard-liner who favours a confrontational approach towards Hamas and has been supported by the US for many years.

- Marwan Barghouti: the former Tanzim leader is one of the most prominent figures in the new CC. Barghouti has been sentenced to life in prison in Israel. He was unable to push any associates to the CC but continues to enjoy very strong – yet apparently decreasing – popularity in the West Bank and in Gaza.

- Jibril Rajoub: another younger mind in Fatah, Rajoub has been attracting attention mainly through the reckless pursuit of his

objectives. Three of the newly elected members of the CC have been labelled as his followers.

- Abu Maher Ghneim: although from outside of the OPT, Abu Maher Ghneim secured the most votes and is currently considered a possible successor to President Abbas. In the past, he attracted attention with his harsh anti-Israel stance, although just prior to the congress, his position was noted to have shifted closer to Abbas'. Since the CC has renewed its sessions, Abu Maher has taken up the task of presenting a progress report on the different CC commissions. He has thus elevated himself to a quite prominent position.

Following the elections in Bethlehem, three more members to the CC were appointed (Sakher Bessiso and Zakaria Al Agha from the Gaza Strip and Nabil Abu Rdeineh as CC spokesman), bringing the total number to 22.[8] The situation in the Revolutionary Council, which in principle should act as Fatah's parliament, is similar. However, while the CC absorbed rather experienced cadres, the RC was staffed with much younger Fatah activists including 11 women, with an additional two women who were later co-opted by Abbas and the CC.

The personnel changes implemented in Bethlehem ultimately add up to a complex but clear picture: Politically uncompromising activists who take a hard-line stance concerning Israel did not make the leap into the Central Committee, where Mahmoud Abbas is now backed by a majority that is, *in principle*, willing to negotiate with Israel. This is due to the fact that, with the exception of Abu Maher Ghneim, Fatah's Old Guard from the Diaspora has virtually lost all influence. With one exception, all current members of the CC actually represent the 'internal Fatah' of the OPT. Fatah has thus taken an important but risky step in terms of global Palestinian unity with a concerted shift away from a territorially disparate movement towards a concise representation of Palestinians in the OPT. Since the congress in Bethlehem, all power blocs that have evolved in the Territories since the *Intifada* are represented in the various Fatah institutions. Thus after a lengthy delay of more than a decade, Fatah's Young Guard has finally managed to take control of the movement. For Palestinian observer Khalil Shikaki, this resulted in a situation, in which

greater focus can now be expected on issues related to ending the Israeli occupation, (such as freezing settlement construction) and state-building (such as strengthening institutions, growing the economy and increasing good governance). [Because] now the people are being represented by those who have triumphed as well as suffered alongside them. (Shikaki, 2009, p. 6)

Whether this prognosis is accurate will only be known with time. Yet, a significant programmatic shift for Fatah *was* implemented in Bethlehem with the elaboration and acceptance of a new political programme and an amended internal Charter.

A Farewell to Arms: Fatah's New Programme

Attention in Bethlehem was focused largely on elections. Naturally, observers concentrated not only on the political significance of re-staffing key institutions but also on the personal tragedies and success stories that are associated with running or failing to run for political office. Although conference organisers allocated most of their time and energy to leadership matters, significant programmatic change was achieved. This might ultimately prove to have a more enduring effect than the changes in leadership personalities.

Programmatic discussions were orchestrated in a total of 18 committees. Actual debates, however, only took place within some of these, while several working groups convened without a clear agenda and failed even to produce formal minutes. Such differences in the committee's effectiveness must be attributed to the presiding mediator and his ability to chair a structured debate. As a consequence of the sometimes rather unprofessional work sessions, Fatah's newly issued key documents generally lack substantive discussion of social, economic or domestic policies. In this respect, they echo previous Fatah statements. Procedural shortcomings notwithstanding, by the end of the conference Fatah had elaborated and ratified two new defining documents that are often confused in Western discussion of recent changes: an updated 'internal Charter' (*Al Nizam al Dahliy*) and a new political programme (*Al Barnamij al Siyaasy*). The fact that the Charter in English is referred to as 'internal' has given rise to suspicions that this document contains a more 'authentic' version of Fatah's political stance. Also, some Israeli observers argue that any political compromise in the political programme was annulled in 'the critical "Internal Document" … intended for use in house' (Centre for Near East Policy Research,

2009, p. 2). While such speculation reveals deep-rooted suspicions about Fatah, the facts are far less inflammatory. Fatah's 'internal Charter' is considered 'internal' as it deals with the institutional prerogatives of the movement and defines the role and responsibilities of party institutions. As such, confusion lies quite simply in the choice of title for the document, which should arguably have been called a set of bylaws.[9]

The old Fatah Constitution of 1964 was not officially abrogated in Bethlehem but was superseded by the newly drafted 'internal' document – a fact that has also given rise to external criticism. Despite this, the redrafted document has been accurately described as remarkable; not for its content but notably for the lack thereof. A comparison between the 1964 and 2009 versions indicates that several controversial statements were deliberately removed in 2009. Among those are the following rather belligerent statements on Fatah's relation to Israel and the idea of violent resistance:

- Article 7: The Zionist Movement is racial, colonial and aggressive in ideology, goals, organisation and method.

- Article 8: The Israeli existence in Palestine is a Zionist invasion with a colonial expansive base, and it is a natural ally to colonialism and international imperialism.

- Article 12: Complete liberation of Palestine, and eradication of Zionist economic, political, military and cultural existence [is a goal of the movement].

- Article 17: Armed public revolution is the inevitable method to [*sic*] liberating Palestine.

- Article 19: Armed struggle is a strategy and not a tactic, and the Palestinian Arab People's armed revolution is a decisive factor in the liberation fight and in uprooting the Zionist existence, and this struggle will not cease unless the Zionist state is demolished and Palestine is completely liberated.

- Article 25: Convincing concerned countries in the world to prevent Jewish immigration to Palestine.

In addition to these deletions, the new 'internal Charter' demonstrates a substantive move away from the preceding

Constitution and focuses instead on non-political aspects. To the surprise of many, the Charter fails to mention ‘Israel’, ‘Jews’ or ‘Zionism’. Certainly, these omissions can be understood as a reflection of significant change in terms of de-radicalisation and a shift from external sources of conflict to internal restructuring. However, these changes have until now gone unnoticed by Israel and the West.

The true extent of Fatah’s political reinvention becomes salient when analysing the details of the political programme adopted at the conference. In a clear attempt to control the debate, the 31-page document was only openly discussed on the very day it was adopted, a strategy that was heavily criticised by participating delegates. In contrast to the new Charter, it is the new programme that discusses Fatah’s stance on negotiations with Israel, the movement’s approach to Hamas and the concept of resistance (see Appendix). Concerning negotiations, the programme defines quite detailed preconditions for any future diplomatic engagement with Israel:

- ‘real progress on the ground, according to clear and concrete indicators, mainly the complete halt of settlements especially in Jerusalem’;
- no peace agreement ‘until all prisoners are released’;
- ‘a clear and binding time table and a time ceiling for the negotiations’;
- an end to Israel’s ‘incursions, arrests, assassinations, and the end of the siege imposed on our people in Gaza, and the removal of the checkpoints in the West Bank, and the withdrawal until the September 28, 2000 borders’ [sic].

These conditions are clearly intended to defend Fatah from internal Palestinian criticism. After all, Fatah was vehemently attacked for the paltry results achieved during the Oslo Process, which ultimately resulted in a near tripling of the Israeli settler population in the OPT. With regard to Fatah’s relation to Hamas and the prevailing internal Palestinian division, the programme outlines several options including the ‘restructur[ing] of the Fatah Movement in Gaza … full support to our organization in Gaza’ and the ‘mobilis[ation] of the Palestinian masses to confront the split and [Hamas’] dictatorship’.

The most important and, some would argue, the most innovative part of Fatah's new programme, however, is without a doubt Fatah's approach to the concept of resistance. In his keynote address at the opening of the conference, Abbas emphasised that the concept of resistance was an inalienable right of the Palestinian people: 'When we stress that we espouse the option of peace and negotiations based on the UN resolutions, we retain our fundamental right to legitimate resistance guaranteed by international law.' This was reiterated in the new programme, which proclaims that 'the Palestinian people's right to practise armed resistance against the military occupation of their land remains a constant right confirmed by international law'. This does not seem revolutionary. The programme, however, further stipulates that 'Fatah has always rejected targeting civilians anywhere' and points out that 'the selection of struggle methods … depends on the necessities of safeguarding the calculations of power equations'. Thus, resistance is henceforward to be modelled according to the examples of Bil'in and Ni'lin in the north of the West Bank. In both villages, local popular committees have been staging weekly demonstrations against the Separation Barrier for years (see chapter 5). The new Fatah programme explicitly takes note of non-violent resistance (NVR) and thus demonstrates a fundamental shift away from decades of armed struggle. The minister for international affairs at the Presidency and former member of Fatah's CC, Abdallah Frangi, explains the reason for this change bluntly:

In terms of programme, the new Fatah cannot be compared to Fatah under Arafat. We have understood that in times where Al Qaeda terrorists murder innocents, any Fatah member carrying a gun is perceived as a terrorist. (Frangi, 2010, interview)

Thus, rather than calling for 'armed liberation', Fatah's new programme outlines the different 'forms and methods of struggle' and asserts the need for:

- Mobilization of popular non-violent struggle against settlement activities as expressed in its successful present model in Bil'in and Ni'lin against the Wall. … Our mission is to mobilise all citizens to take part in those activities, to mobilise Arab and international participation support from the Authority and its agencies, and to urge leaders to take part in its most important activities.

- Boycotting Israeli products at home and abroad through

popular movement, particularly those goods for which there is a local substitute. Performing new forms of civil disobedience against the occupation and launching an international campaign to boycott Israel, its products, and its institutions, benefiting from the experience of South Africa against Apartheid.

- Exploring strategic alternatives if progress is not achieved through ongoing negotiations, including the option of a democratic unitary state rejecting racism, hegemony and occupation.

- Calling on the UN and the Security Council to shoulder their responsibilities in resolving the conflict and ending the occupation.

- Restoring our direct and strong relations with the Israeli peace camp and revitalising our joint action for a just peace, without mingling it with normalisation with Israel, which is rejected while occupation continues.

Against the background of decades of ambiguous statements from Fatah concerning armed resistance, the importance of these developments can hardly be overstated. This holds true despite the fact that a rudimentary (if only verbal) homage to Fatah's heritage of armed struggle was also paid in Bethlehem. In addition to the section quoted above, CC member Mahmoud Alul insisted on inserting five 'points of clarification', which in an appendix to the official new programme stipulate that

despite our adherence to our choice for peace and our work to bring it about, we will not relinquish any of our options. We believe that resistance in all its forms is a legitimate right of occupied peoples. (quoted in International Crisis Group, 2009, p. 19)

While some observers took this 'clarification' as proof of Fatah's inflexible violent character, Fatah members and Palestinian observers alike generally stress the limited importance of the appendix. This is one of the reasons why, at the end of the conference, certain activists openly deplored the movement's apparent lack of belligerence (Zisser, 2009).

With regard to the question of recognising Israel as a Jewish state, the new Fatah line remains clear. Fatah's programme 'rejects recognising Israel as a Jewish state', as such an acceptance would be

detrimental ‘to protect[ing] the rights of the refugees’. Concerning these, however, the new programme also shows a certain amount of flexibility, stipulating ‘the right of refugees to return and to compensation’. This formula does not in abandon the ‘right of return’, a right sacred to many Palestinians, but rather stresses political flexibility and seeks to find alternatives to the current stalemate by pointing at the possibility of compensation. For CC member and former PNA foreign minister Nabil Shaath, programmatic changes in Bethlehem amount to a complete reinvention of the movement, but are notably built on Fatah’s traditional stances. Shaath directs the CC’s Foreign Relations Commission and believes that these changes reflect comprehensive reform. The political programme ‘steer[s] the party in a new direction, based on the four pillars of non-violent resistance, national unity, state-building, and international activism’ (Shaath, 2010, interview). Beyond these personal and programmatic changes in Bethlehem, Fatah has also agreed on structural innovations with regard to key institutions that have important political repercussions.

Fatah’s New Structure

With the clear objective of compensating cadres who lost positions of power during the conference, a new Fatah body was introduced: the Fatah ‘advisory council’. Article 120 of the new ‘internal Charter’ stipulates that ‘the council will consist of former Central Committee members, former Revolutionary Council members, and other competent members’. The RC confirmed this decision in February 2010, indicating that up to 80 former Fatah leaders should be granted a seat. Reactions from those who were informally nominated for this compensatory position were initially mixed. While some activists eagerly agreed to join the new body, others rejected it outright as an institution without substance and continued to lobby against the new leadership. For Sabri Saidam, Deputy General Secretary of the RC and former PNA minister, much depends on how Abbas will engage the Council and Fatah leaders who lost office in Bethlehem:

Opposition to the new set up of Fatah has not completely vanished. There is still a critical mass of military retirees and eternal freedom fighters who represent a powerful group of dissidents. The only way to rein in these people is through public endorsement by President Abbas. (Saidam, 2010, interview)

While the attempt to compensate former leaders through the Advisory Council was formalised in the new Charter, another possibly much more significant reform was introduced without clear reference to Fatah's bylaws: a separation between party and government positions in the PNA. Members of the Central Committee are not allowed to also hold a senior post in the PNA. As of August 2010, this decision had only been partially implemented and, for better or worse, seriously hampers Fatah's ability to take control of the government. Taking into account the changes established in Bethlehem, Fatah's organisational structure for the first time in decades appears to be synchronised with actual party proceedings (see Table 2).

Two developments not directly related to the Bethlehem conference are also noteworthy. Reflecting programmatic and personnel changes in the General Conference concerning the importance of Fatah's military wings, the Al Aqsa Brigades today have effectively ceased to exist as a formalised institution. While Fatah's military wing continues to be mentioned in Fatah documents and key personnel remain physically present in the OPT, the brigades have either been integrated into the PNA security apparatus or disbanded.[10]

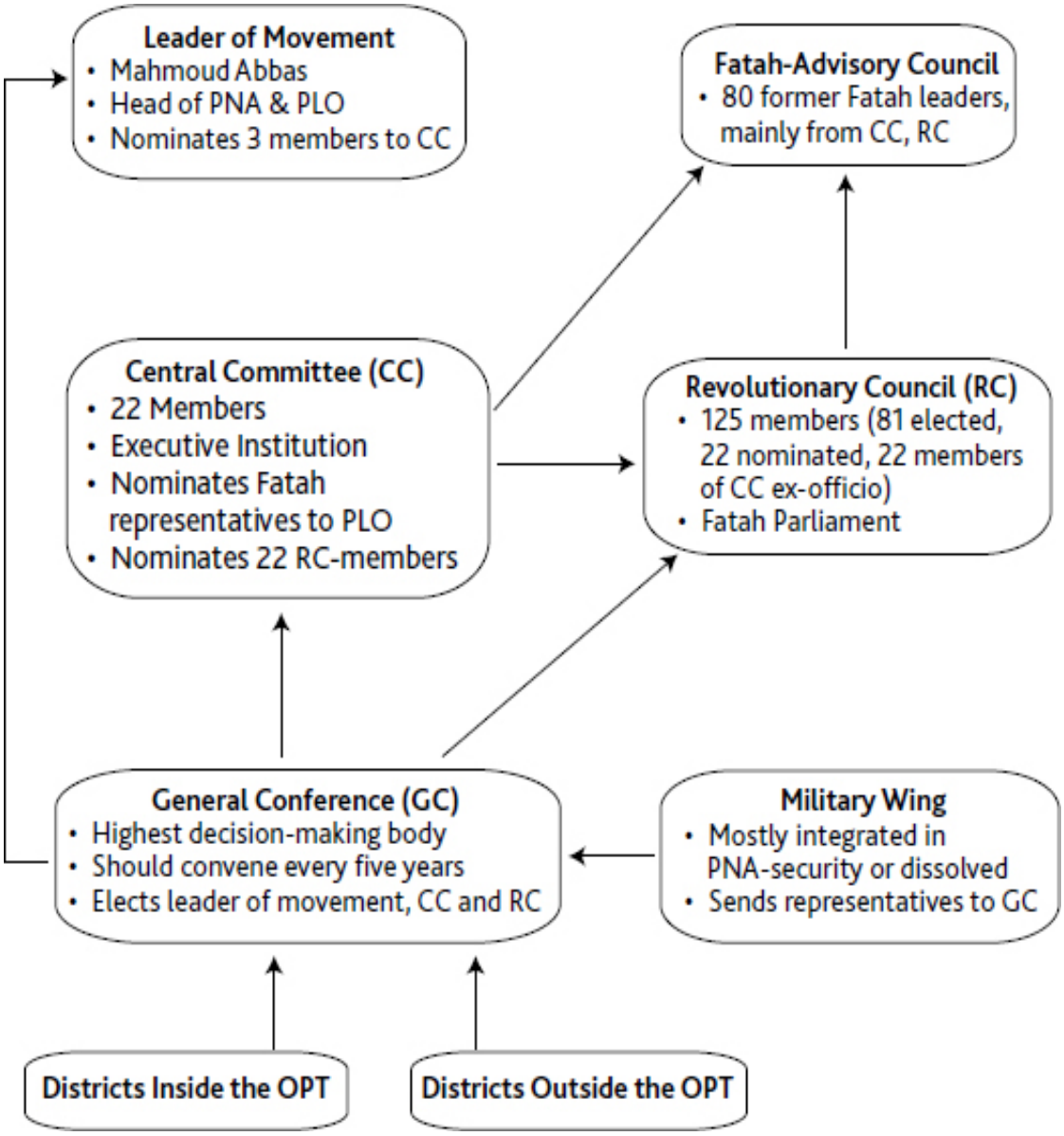

Figure 2 Organisational Structure of Fatah 2010

Likewise, an important development has emerged in the general management of the Revolutionary Council. Since the Bethlehem conference, the RC as well as the CC have broken with years of stagnation and now meet for regular and rather disciplined sessions, assembling in the Muqata'a government compound in Ramallah. The CC is in session once a month, while the RC meets four times a year. Due to the fact that the PLC has not been able to convene since Hamas' seizure of power in Gaza, the RC has effectively taken over the role of a West Bank parliament to a certain extent. Council sessions are attended not only by the RC but also *ex officio* by members of the CC and the PNA government. The latter is often subject to profound scrutiny in terms of professional conduct, testifying to (at the very least) an acknowledgment of plurality in

political engagement within the PNA government, even if the patchy commitment to democratic principles is far from adequate.

Celebrating Terror or Empowering Abbas? Mixed Reactions

Given the challenges that had to be overcome, proceedings and results of the congress were in principle welcomed by international observers. Reacting to criticism from a Democratic US Senator, US Secretary of State Hillary Clinton defended the conference for having proved that there was 'a broad consensus supporting President Abbas, negotiations with Israel, and the two-state solution'. Clinton asserted that while 'individual Fatah delegates' had engaged in 'problematic' statements, it was 'important to note' that those statements 'did not represent Fatah's official positions' (Klein, 2009). Contrary to this, there were fierce reactions from the Israeli side. Critics focused primarily on what they perceived as the 'glorification of terror', noting that the conference hall featured banners that emphasised the right to armed resistance. Likewise, Israeli observers condemned the conference's opening speech in which Dalal Al Mughrabi, a Fatah activist responsible for the notorious Costal Road Massacre of 1978, was officially praised.

From an Israeli academic perspective, observers lamented insufficient programmatic flexibility on the part of Fatah, arguing that 'as it stands, Fatah's platform leaves no room for discussion' (see Kurz, 2009, p. 51). However, it was the debate surrounding the idea of 'resistance' that generated the greatest unrest in Israel and Western states alike. Largely ignoring conciliatory statements and programmatic reforms as well as the decrease in support for anti-Israel hard-liners in the elections, the very idea of 'resistance' seemed sufficient for some observers to accuse Fatah of warmongering. Perhaps unsurprisingly, most of these concerns were voiced by high-ranking Israeli government officials who were eager to focus on ambiguous aspects of the proceedings. Israel's deputy foreign minister Danny Ayalon claimed that the conference was a 'serious blow to peace' even before it had ended (Keinon and Abu Toameh, 2010) and his superior, foreign minister Avigdor Lieberman, interpreted the events as 'effectively burying any possibility of reaching a comprehensive agreement with the Palestinians in the coming years' (Ravid, 2009). Yuli Edelstein, Likud minister of information and Diaspora, considered the conference a 'declaration of war' (Sofer, 2009a) and was backed by

transportation minister Yisrael Katz, who threatened that 'those who desire war shall get war' (Sofer, 2009b).

While Ehud Barak of the Labour Party branded Fatah's rhetoric merely as 'unacceptable', Eli Yishai, deputy prime minister and Shas chairman came to a more fundamental conclusion: 'Abu Mazen [Mahmoud Abbas] and his friends have proved that they do not want peace but are looking for any way to destroy Israel as a Jewish state' (Sofer, 2009b). Interestingly, no single prominent Israeli observer adopted a line of criticism that was raised by several Palestinian commentators: the question of how democratic the conference's procedures actually were. Immediately after the election results for the CC and the RC were made public, opposition against the proceedings grew. Criticism mainly, but not exclusively, came from candidates who had not been elected to power. Such Palestinian critics have a point: any objective assessment of Fatah's democratic performance in Bethlehem must necessarily arrive at a rather sobering conclusion. Taking into account the selection of delegates, the conduct of the voting and the counting of votes, the congress can at best be considered only partly democratic. On the eve of the convention, vehement criticism was expressed, denouncing the composition of the delegates and Abbas' co-opting of loyalists. Ahead of the elections, a number of votes were publicly sold, while delegates were not given an opportunity to fill their ballots in privacy. Following the voting, only some of the ballots were counted in the presence of neutral observers and recounts were systematically prevented (International Crisis Group, 2009b). All this at least partly spoiled the intended re-emergence of Fatah as a viable democratic body, although the (successful) Central Committee members hailed the conference as 'the return of elective democracy to Fatah' (Shaath, 2010, interview).

In the Palestinian Territory, however, public reaction was overall positive. According to polls conducted two months after the congress, the convention had to a small degree strengthened Fatah's standing. While opinion polls in the Palestinian Territory are notoriously unreliable, pollsters observed a slight increase in popularity over the long term. In October 2010, the Jerusalem Media and Communication Centre (JMCC) put support for Fatah at 40 per cent (it had stood at 38.5 per cent in June). Pollsters from AWRAD also noted an increase in Fatah supporters by roughly 6.5 per cent compared to pre-congress statistics (AWRAD, 2009; JMCC, 2009).

Certainly, the congress was not able to resolve all of Fatah's problems overnight. However, the general consensus in the

Palestinian Territory was that the conference was a step in the right direction. The equilibrium of the actual and institutional distribution of power that had been thrown off balance by years of stagnation was restored. Mahmoud Abbas was provided with a new party mandate, and Fatah was reinvented as a Palestinian movement based first and foremost in the OPT as well as a movement committed to non-violent struggle for a Palestinian state. While these achievements are impressive, Fatah still faces fundamental challenges, especially with regard to its relation to the PNA and to its main rival, Hamas. Ghassan Khatib, Director of the Palestine Government Media Centre and not affiliated to Fatah, provides a realistic assessment of the conference, noting that: 'The conference resulted in change and certainly that was important. This change guaranteed the survival of Fatah. For the party to really find its role, however, much more needs to be done' (Khatib, 2010, interview).

3. MAKING FATAH WORK: THE CHALLENGES AHEAD

Political observers and reformist Fatah members agree that Fatah's General Conference was an important step in reforming the party. While the Bethlehem conference clarified some of Fatah's important inherent ambiguities, other pressing issues demand that this should only mark the beginning of change. The most challenging tasks that await Fatah concern the question of who will lead the movement following the possible retirement of President Mahmoud Abbas from politics. Also, Fatah's relation to the PNA needs clarification, while internal party reform and reconciliation between Fatah and Hamas still remain on the agenda. These questions will need to be addressed in order to prepare the ground for a viable and functioning Fatah in the future.

While Bethlehem certainly settled the question of leadership for the time being, the question of who will eventually replace Mahmoud Abbas in the long term remains highly controversial. Given the president's questionable health, this question is one that is as pressing as it is difficult to address. The thin line between preparing the ground for a successor without simultaneously delegitimising Abbas prior to his departure from office is difficult to walk. An even greater challenge will be to organise this political battle in a way that is not destructive. Certainly Fatah, as with any political movement, has no shortage of ambitious cadres with high political aspirations. Central Committee members such as Mohammad Dahlan, Nabil Shaath, Marwan Barghouthi or Yasser

Arafat's nephew Nasser Al Qidwa do not lack experience or skill, and have indicated their readiness to return to the limelight. Given Fatah's entanglement with the PLO and the PNA, however, the question of succession in Fatah has fundamental repercussions for the other two key institutions of Palestinian political life.

A further challenge for Fatah is clarification of the movement's position *vis-à-vis* the PNA. While Prime Minister Salam Fayyad enjoys unparalleled popularity in the international community, he lacks sanctioned backing from Palestinian political parties. His attempt to challenge Fatah with his own 'Third Way' party in 2006 was unsuccessful but cost him dearly among Fatah's rank and file. The fact that Fayyad presides over a government of technocrats is a source of discontent for Fatah cadres, especially those in the Central Committee who have repeatedly called for a greater inclusion of Fatah in the government.

While up to twelve PNA ministers were members of Fatah as of August 2010, their party affiliation was considered a personal issue. Fatah, as a party, has not been involved in the selection of government ministers and did not officially sanction or confirm their nomination. Thus, leading Fatah members have repeatedly pressured Fayyad and President Abbas to allow for a much greater party representation in the PNA government by, for instance, handing over the all-important finance ministry to a candidate chosen by Fatah. Abbas has so far rejected these demands, trying to protect the professionalism of Fayyad's Government by keeping Fatah cadres out of the PNA. In July 2010, in an urgent meeting of the CC, Abbas openly reprimanded the leader of Fatah's PLC faction Azzam Al Ahmad, who had called in the Palestinian media for the dismissal of Prime Minister Fayyad.

While leading Fatah cadres are pushing for a greater slice of the political pie, it must be noted that at the grassroots level not all is well. This is especially true of the Revolutionary Council, which is the institution most closely aligned to party structures on the ground. Here, there is a great deal of disillusionment. So far, the RC has not managed to clarify its position *vis-à-vis* the CC. Although the RC has been much more positive than the CC in its assessment of the Fayyad Government, the latter has repeatedly attempted to co-opt the RC into a political alliance against Fayyad. While these attempts have so far proved futile, observers have noted that a significant number of RC members have pledged support for important members of the CC in the hope of furthering their own political ambitions. This has significantly curbed the ability of the RC to act

as a real counterweight to the CC, which repeatedly ignored RC decisions in 2009 and 2010.

Against the background of Fatah's electoral defeat in 2006, leading members of the RC have attempted to implement reforms on the ground, especially in the districts. From their point of view, political change in Fatah has to centre on the provision of services at the local level and must focus on renewing party membership, which remains problematic. The party register (of approximately 300,000 members, most of whom are nominal supporters at best) must be reduced to represent more accurately a small and committed group – a rather unpalatable and tedious task. This not only concerns actual political work on the ground, but also addresses issues of internal democracy. After all, democratic procedures necessitate accurate and realistic membership lists. This process, however, is challenging with regard to Fatah's traditional perception of itself. Delal Salameh, a leading member of Fatah's RC, criticises Fatah's self-perception as a key problem:

In our own view, we have always been the movement for the people. This was understood in a way that Fatah could not be clearly distinguished from the people. Fatah simply considered everyone an implicit member. Now the definition of a clear membership is one of Fatah's paramount challenges. (Salameh, 2010, interview)

Reforms at the district level have also been attempted. These concern Fatah's High Committees at the regional level. While these, according to Fatah bylaws are comprised of up to 30 functionaries, members of the RC have attempted to streamline the number to 17 in order to establish more efficient committees. One RC member, Haitham Arar, describes this change as 'the single most important reform to prepare Fatah for any upcoming election' (Arar, 2010, interview).

The fact that such reforms on the ground might prove essential was evidenced by the near-disastrous performance of Fatah in preparation for the local elections scheduled to be held on 17 July 2010. By presidential decree, the elections were cancelled only days in advance. While officials argued that this was necessary in order to foster national unity with Hamas, which had declared a boycott, and pointed to regional pressures from Egypt and Jordan, the real reason was rooted in Fatah's state of internal disarray. While opposition parties claimed that Fatah simply feared an electoral defeat by a coalition of the Popular Front (PPP), PFLP and Al Mubadara which would have been supported by Hamas from behind the scenes, these

claims seem exaggerated. Fatah in all likelihood would have benefited from the General Conference and it was generally believed that Fatah would achieve an electoral victory. The outcome would, in all probability, not have been a triumph for Fatah given Hamas' boycott and professional campaigning of parties such as Al Mubadara, but would have nevertheless bolstered the movement democratically in view of the absence of national elections.

While unease in Fatah concerning the elections' outcome was evident, it was ultimately not fear of defeat that prevented the casting of votes but quite simply Fatah's inability to organise a coherent election campaign. Acknowledging this, the Central Committee began exerting pressure on Abbas and Fayyad to cancel the elections. As PLC member and member of the Fatah preparation committee for local elections Sahar Qawasmeh states, the movement was both 'unprepared and unskilled' in the preparation effort (Qawasmeh, 2010, interview). After members of the CC were assigned responsibilities in the preparations leading up to elections in the regions, internal opposition led to the firing of the CC member in charge of preparations. Thus, Mohammad Madani was replaced by Abu Maher Ghneim. Failure was particularly clear with regard to the drawing up of electoral lists. Faced with the ambitions of influential families and candidates who had unsuccessfully run for office in Bethlehem and who were now seeking political compensation in lucrative local positions of power, Fatah did not succeed in forming unified candidate lists. Reminiscent of Fatah's campaigning ahead of the historical defeat in 2006, Fatah candidates were prepared to run against each other in several locations of the West Bank – much to the astonishment of the electorate who were expected to vote for a party that was proving incapable of providing a unified set of candidates.

Furthermore, Fatah has yet to prove that the fight against corruption is being taken seriously by the party leadership. Given the fact that Fatah's nepotism has contributed so fundamentally to the demise of the movement, surprisingly little has been done. A positive exception in this regard is a debate that started in May 2010 in the Revolutionary Council and was later forwarded to the Central Committee. Both institutions openly discussed the disappearance of large sums of Fatah money in the 1970s and promised to publish the names of profiteers.

Hamas–Fatah Reconciliation

The ongoing split between Fatah and Hamas poses a further fundamental challenge not only for both movements but for the Palestinian body politic as a whole. The rift has provided successive Israeli Governments with an easy excuse for rejecting compromise on the grounds of the apparent absence of a unified Palestinian leadership. Thus, self-proclaimed pro-Israel groups such as the Jewish Policy Center in Washington have been able to argue with at least some accuracy that 'nobody (on the Israeli side) knows who to talk to', as 'there would be nobody on the Palestinian side to ratify a [peace] agreement' (Schanzer, 2009). Although this point is questionable given Hamas' programmatic reinvention as outlined in the previous chapter, it is often used as an updated version of Ehud Barak's dictum that there is 'no Palestinian partner for peace'. While the regional dimension of the Fatah–Hamas rift is often overstated in Western media, the players involved also regularly make reference to this in order to deflect blame for failed negotiations. Thus, Abbas openly accused Iran of sabotaging Fatah–Hamas talks during a state visit to Tunisia in spring 2010, as Tehran did 'not want Hamas to sign the Cairo reconciliation document' (Abbas: Iran Blocking Palestinian Unity, 2010).

Such rhetoric aside, it becomes increasingly apparent that the Palestinian split cannot be understood without taking into account the broader picture. Clearly, the rift is not simply an internal Palestinian affair but 'a common Arab cause' (Habib, 2010). It fundamentally reflects a conflict that has been raging across the entire Middle East since roughly the time of the Islamic Revolution in Tehran in 1979. This is the rift between the secular nationalism of the established political elite versus protest movements fuelled by religious anti-establishment rhetoric. This reality is blurred by the fact that 'secular' movements such as Fatah have traditionally also resorted to religious rhetoric, while 'religious' protest movements such as Hamas have also embraced nationalist objectives (Brown, 2010, p. 47). With the possible exception of Turkey, no Middle Eastern society has yet succeeded in harmonising these opposing trends. Instead, governments across the Middle East have opted for confrontational approaches, rejecting Islamist opposition from participating in the established political systems and thus forcing groups such as the Egyptian Muslim Brotherhood into semi-legality or underground. Given the absence of a strong central authority in the OPT, the case of Palestine has proved largely unique. Against the background of the PNA's comparatively weak positioning as a quasi-state, the regional clash between secular nationalism and politicised religion has led to a horizontal separation represented by the

geographic disintegration of Palestine into two distinct parts: the West Bank and Gaza. This process differs significantly from the experience of other MENA states, where attempts to suppress politicised religion established systems of *vertical* separation, signified in political underground activities of the 'Islamic' opposition.

In view of the difficulties that even major players in the region face when dealing with the challenge of a perceived 'politicised Islam', it becomes obvious that for Fatah and the Abbas-led PNA, only compromise and dialogue are a feasible way to heal the rift with Hamas. This dialogue, however, has so far failed to result in tangible and consistent results. While Egyptian mediation efforts in Cairo led to the signing of a unity document by Fatah in November 2009, Hamas refused to sign and demanded amendments. Whereas the international media and Palestinian public opinion have repeatedly focused on the possibility of Hamas signing the document, the question of implementing any agreement might prove to be the greater challenge. Here, the history of Hamas–Fatah negotiations suggests scepticism. After all, the Fatah–Hamas Mecca Agreement, promoted by King Abdullah of Saudi Arabia, had already ended with a 'final agreement to form a Palestinian national unity government' between Hamas and Fatah in February 2007, but was obviously never fully implemented. Similarly, in 2008 the Government of Yemen engaged in unity talks which resulted in the short-lived Sana'a Agreement, stipulating 'a return of the Gaza Strip to the pre-June 2007 situation' – an agreement that was retracted only one day after it was signed.

These diplomatic approaches and track II efforts such as the mediation of Palestinian businessman Munib Al Masri in May 2010 and direct Fatah missions to Gaza by CC member and former foreign minister Nabil Shaath have largely focused on five points of contention:

- The formation of a united government for the West Bank and Gaza, either composed of or merely endorsed by Fatah and Hamas.

- The holding of legislative and presidential elections in the Palestinian Territory, with disagreement prevailing on the type of electoral system to be used. Whereas Hamas expects to benefit from a personalised system, relying on strong individual candidates, Fatah favours a majority voting system.

- The granting to both parties of the freedom to conduct political and social activities in both the West Bank and the Gaza Strip.

- Control of the PNA security services and disarming of party militias.

- The question of the inclusion of Hamas in the PLO. This question is related to the question of Hamas 'committing' itself to past PLO agreements with Israel. Hamas has thus far rejected this and has instead only offered to 'respect' them.

With regard to the former two questions, the prospects of Fatah–Hamas unity depend largely on Western involvement. The US has thus far refused the integration of Hamas forces into the PNA security sector. Furthermore, Western states have refused to accept any Hamas involvement in a Palestinian Government without prior acceptance of the so-called Quartet conditions which stipulate the end to violence, recognition of Israel and the acceptance of previous PLO agreements. As it stands, the prospects for an actual realisation of internal Palestinian unity seem remote. Put bluntly, neither side seems ready to relinquish authority to accommodate the needs and demands of the other.

Healing the rift between Hamas and Fatah to a level of competing, but functioning and cooperating entities is a serious challenge for both movements. Further obstacles *vis-à-vis* the issues outlined above demonstrate the necessary reforms that must be prioritised on Fatah's agenda. Fatah showed in 2009 that it is in principle capable of decisive reforms. In reflecting on the institutionalised changes of the past years, Fatah has demonstrated an uneasy but far-reaching desire to rid itself of dying faces and archaic programmatic liabilities and to embrace principled change through a newly emerging leadership and principles of non-violence. Despite all challenges and remaining obstacles, this leaves room for optimism.

4

PNA State-Building: Putting Palestine on the Map

True revolutionaries never bomb buildings.

Dan Bern

1. THE 'FAYYAD PLAN': PARAMETERS OF A TECHNOCRATIC REVOLUTION

Can a state be built under occupation? Can institution-building be successful prior to the liberation of one's homeland? Until recently, for many Palestinians the answer has been no. Following the establishment of the PNA in 1994, Palestinians have been engaged in institution-building within the framework of the Oslo Accords. However, in view of continued Israeli occupation, ensuing government programmes and initiatives implemented by the international community, did not impose an independent agenda. Rather, they focused on establishing and advancing administrative functions of the PNA as stipulated by the Oslo framework. Against the background of a deteriorating political process, detailed and comprehensive programmes of Palestinian state-building appeared not only unrealistically optimistic but notably remote from the reality on the ground. Consequently, PNA attempts at comprehensive planning towards the realisation of statehood were rarely presented and selectively implemented.

When Prime Minister Salam Fayyad announced the 'Programme of the Thirteenth Government' in August 2009, the situation fundamentally changed. A document entitled 'Palestine – Ending the Occupation, Establishing the State' effectively reversed the consensus in an unprecedented way. Breaking with years of rhetoric and administrative routine, Fayyad's plan focused on detailed state-building *before* liberation. In this regard, the programme constituted a constructive lessons-learned approach based on years of failed negotiations and the growing perception among Palestinian decision-makers that Palestinian initiative, largely independent of Israeli consent, presented the most promising approach to the realisation of Palestinian national ambitions.

Based on this assessment, the PNA Government started a comprehensive process of establishing the parameters of statehood 'despite the occupation to end the occupation', as described by the Prime Minister. The novelty of Fayyad's two-year plan was a move beyond the exclusivity of bilateral negotiations which many Palestinians increasingly perceived as futile. Fayyad's plan also indicates a significant shift away from Palestinian claims to statehood based on abstract *rights* towards a discourse of Palestinian entitlement based on a factual attainment of the basic requirements associated with a sovereign state. In this regard, Palestinian accomplishments in unilateral state-building were meant to increase pressure on the international community to facilitate a future demand for the official recognition of a Palestinian state.

Fayyad describes the reasoning behind the 'Fayyad Plan' (as it was soon dubbed by the international media) by juxtaposing *de facto* statehood with Israeli occupation:

The basic and fundamental objective is that two years from now … it will be very difficult for anyone, looking at us from any corner of the world not to conclude that Palestinians are indeed ready for statehood, and if the occupation is still around then, that will be the only thing that is abnormal and that needs to end. (Fayyad: Netanyahu Changed his Position, 2009)

Fayyad, a former World Bank and IMF economist, first gained public office as PNA finance minister under Yasser Arafat in 2001, before becoming Prime Minister under President Abbas in 2007. By presenting his Government Programme, Fayyad not only set out a detailed government agenda but also effectively delivered the official PNA reply to Western and, in particular, increasing US demands concerning Palestinian political obligations. Following his electoral victory, US President Obama indicated his intention to resolve the decades-long Palestinian–Israeli conflict within a two-year period and openly challenged the PNA to contribute constructively to this endeavour. In a speech delivered in Cairo in June 2009, Obama explicitly declared that 'now is the time for Palestinians to focus on what they can build', and specifically asked the PNA 'to develop its capacity to govern, with institutions that serve the needs of its people' (The White House, 2009).

In view of this seemingly innovative approach in the US's Middle East policy, the PNA under President Abbas and Prime Minister Fayyad began to deliver. As Fayyad points out in the foreword to the document that detailed his government's programme, 'for our part, we have to dedicate ourselves to the task of state-building'. The Prime Minister later referred to the 'significant shift in the international climate' as the reason for the new PNA approach to a government of 'technocrats' which might very well have truly revolutionary repercussions (Farraj, 2009).

The Audacity of Political Sobriety

The scope and depth of the 13th Government Programme stand in stark contrast to previous PNA government plans. As a matter of fact, on the day the elaborated programme was launched, the very existence of the programme itself was considered revolutionary. Although the PNA witnessed the rise and fall of twelve governments between 1994 and 2009, none had elaborated and presented a comparable document which, in theory, would have allowed for a critical assessment of the government's performance.[1]

This change is particularly evident when the agenda of the Fayyad Government is compared to the 1996 PNA Government. Although unavailable in English, an Arabic version was published in the Nablus-based Palestinian journal *Al Syassa Al Falastinia*. Rather telling of the document's limited historical relevance, the text is essentially a paraphrased summary of a speech by President Arafat, which for the sake of convenience was considered the official Government Programme. While the speech itself includes a 'work plan for the building of the homeland', instructions remain vague. The document called for the 'reform of the administrative system' and the 'protection of the young democracy', since

[t]he strength of peace negotiations and the strength of the Palestinian Authority is derived from the strength of the people. Thus, we have to strengthen our national unity on a democratic basis. (Speech by President Arafat, 1996)

The 1996 programme refers to state-building endeavours implemented by the Palestinian Economic Council for Development and Reconstruction (PECDAR), an

institution set up by the PLO in 1993. The programme remains sketchy, lacking substantive content to specify actual implementation in terms of planning. PECDAR's areas of work are simply generalised under a list of sweeping sectors, which include 'health', 'education', 'roads' and 'water' without further elaboration. Detailed state-building endeavours were largely ignored, since the focus itself was directed elsewhere. The 1996 programme does not aim to establish Palestinian institutions on the ground but focuses instead on final status negotiations. Arafat stresses from the outset in his speech that these negotiations were essential by explaining that they would 'determine the future and the destiny of our people'. Detailed institution-building was not considered comparable in significance.

Breaking with vagueness *en détail* and the approach of focusing exclusively on bilateral negotiations as the real locus of political developments, the Fayyad Programme outlines general principles of state-building as well as detailed and concrete work plans for individual PNA ministries. While the programme's 38 pages do not contain a single reference to Fatah – a fact much criticised by some Palestinian observers – it does aim to place government work within the framework of the previous agreements of the PLO. The plan declares its 'absolute dedication to the political platform of the PLO, including all its components and obligations, and all of its bilateral and multilateral agreements' (see Appendix).

While the bulk of the programme clearly focuses on a ministry-based plan of action, it does from the outset specify a more general 'vision of the State of Palestine': 'An independent Arab state with full sovereignty over the West Bank and the Gaza Strip on [*sic*] the 1967 borders, with Jerusalem as its capital'. This vision also characterises Palestine as 'a stable democratic state with a multi-party political system' and, in sharp contrast to previous Government programmes, largely lacks nationalistic rigour or religious rhetoric. The document declares as 'national goals' a set of comprehensive political objectives, which in addition to more general goals such as 'end[ing] the occupation of the Palestinian territory since 1967' also focuses on 'protect[ing] Jerusalem as the eternal capital of the Palestinian state', 'protect[ing] refugees and follow[ing] up the attainment of their rights', and 'secur[ing] the release of prisoners'. By this, the programme – at least in principle – formulates a political position *vis-à-vis* all outstanding core issues for final status negotiations and places the plan within the framework of a comprehensive political process that was once again launched under US auspices in September 2010.

'Vision' and 'national goals' form the backdrop to an action plan that is unprecedented in terms of the details of implementation. The plan focuses on general principles of institutional development in core areas such as the 'legal framework', 'organisational structures and processes', 'use of technology in government', 'management of national financial resources' and 'management of human resources in the civil and security sectors'. These principles are to be applied in the sectors of governance, social welfare, economy and infrastructure, in which policies are to be 'translate[d] into results'. Remarkably, these objectives include both general and specific objectives for each PNA ministry, including the development of a diplomatic corps (Ministry of Foreign Affairs), the restructuring and reorganisation of the security establishment (Ministry of the Interior), increasing domestic revenues and unifying the tax system (Ministry of Finance), elaborating a unified penal law (Ministry of Justice), reforming social security and health insurance (Ministry of Social Affairs), developing water resources (Ministry of Agriculture) and plans for modern seaports and airports (Ministry of Transport), to name a selected few (see Appendix).

Given this comprehensive agenda, critics were quick to point out that in light of the ongoing Israeli occupation, important objectives, such as preparations for an

international airport, seemed unrealistic to say the least. Such an assessment was not disputed by members of the government, who periodically conceded that, at this stage, the realisation of each and every element was secondary to the political claims. Thus, as pointed out by a government minister, some of the highly symbolic plans would not be realised in the near future:

There are plans for an international airport at the Jordan valley, and Hotel resorts at the Dead Sea. Obviously, one can doubt that these plans will ever be implemented. But our working hypothesis is that it will – only this will increase political pressure and enable us to realize our full potential. (PNA Government Minister, 2010, interview)

While the programme's technical details tend to conceal political implications of a revolutionary nature, it is important to realise that the programme itself did not start from scratch but was effectively built on previous PNA policies such as the 2008–10 Palestinian Reform and Development Plan (PRDP).[2] Samir Abdallah, former minister of planning and actively involved in the drafting of the 13th Government Plan, considers the programme 'a factual detailed continuation' of the PRDP (Abdallah, 2010, interview). Thus, claims that the programme constitutes the 'first serious Palestinian outline of a state-building effort since the PLO was founded in 1964', which are occasionally brought forward particularly in the Israeli media, seem at least partly exaggerated (Diker and Inbari, 2010).

Unanimous Western Support

Western support for Fayyad's Government Programme was almost unanimous from the outset. Outright critical statements were virtually non-existent as of September 2010. Indeed, European leaders have scrambled to outdo each other in their wholehearted expressions of support for Fayyad. EU High Representative Catherine Ashton met the Prime Minister in Ramallah on 17 July 2010 and summed up the encounter as:

a sign of the strong political and financial commitment of the European Union to the Palestinian Authority and Prime Minister Fayyad's leadership in building a democratic and viable Palestinian state. (Ashton, 2010)

Similarly, Christian Berger, Representative of the European Commission in the OPT, hailed the Fayyad Plan as 'music to our ears' in a meeting with civil society organisations in Gaza on 26 May 2010. Such assessments were not only backed by significant sums of ODA from EU institutions and member states, but also by symbolic gestures made by individual governments. The upgrading of the PLO 'General Delegation' in France to a 'Palestinian Mission' in July 2010, and the decision of the German Government in 2010 to establish annual bilateral Cabinet meetings between Berlin and Ramallah – a privilege until then exclusively reserved for the Government of Israel – are current European examples. These steps indicate a veritable honeymoon period between the European community of *payers* and a Palestinian government that seems keen to perform as a reliable *player*.

In a much noted further change, the US State Department upgraded the status of the PLO Mission in the United States to 'Delegation General', a move which was enforced on 20 July 2010. For obvious reasons, US support for Fayyad is of particular importance. However, despite the decision of the State Department, US perceptions of Fayyad appear somewhat more reserved when compared to European enthusiasm. On 22 September 2009, three weeks after its launch, US Special Envoy for Middle East Peace George Mitchell deliberately belittled the Fayyad Plan as the PNA's 'own version of an economic stimulus plan'. More importantly, as of September 2010,

official approval by the US President has not been issued. Until the US convened with international partners in the Middle East Quartet in Moscow in March 2010, comprehensive US endorsement had been lacking. In Moscow, however, US support was publicly granted.[3] While this multilateral meeting reflected Mitchell's earlier remarks, it nevertheless resulted in a comprehensive declaration of support for Fayyad:

The Quartet endorses fully … Prime Minister Fayyad's state-building and economic development programme which has seen significant improvement in the Palestinian Authority's performance with respect to security and law and order and improved economic growth. (Middle East Quartet, 2010)

In April, this stance was underlined by Secretary of State Clinton, who chose the American Jewish Committee annual gala dinner on 29 April 2010 as a stage to declare that 'the two-year plan to build a Palestinian state' was 'an essential investment in the future and a necessary foundation for peace and security' (Clinton, 2010).

While open criticism of Fayyad from official Israeli bodies has been rare – and largely confined to attacks on his policy of non-violent resistance against settlements and the Separation Barrier – Israeli decision-makers have in private and on numerous occasions expressed growing uneasiness with Fayyad. Faced with what is now perceived as an internationally backed development with increasing political momentum, decision-makers find it difficult to brand Fayyad's policies with the usual claims of Palestinian provocation and obstruction. Strong open criticism has, however, been directed at two specific elements of the plan: first, the question of a unilateral declaration of Palestinian statehood at the end of the two year period via the UN; and second, PNA state-building activities in Areas designated as 'C' (exclusive Israeli control) under the Oslo Accords.

2. ONE YEAR INTO STATE-BUILDING: A PRELIMINARY EVALUATION

Since the launching of the programme, state-building activities have increased significantly in the Palestinian Territory.[4] With the purpose of implementing the tasks outlined in the programme, the Ministries of Planning and Finance in January 2010 presented a guideline defining 'priority interventions' for 2010, which allocated the PNA budget to specific projects (Palestinian National Authority, 2010a). The document provides an overview of the direction of government intervention in 2010 which indicates a significant shift from the use of international assistance to uphold institutions towards actual investments in infrastructure. Sixty-seven per cent of planned PNA expenditures in 2010 were allocated to 'strategically significant infrastructure' (see Table 1). This rise in development expenditures by 46 per cent compared to the previous year signalled a progressive transition from consumption to public investment; something that has been demanded by donors for years.

Table 1 Ministries of Planning and Finance: PNA Priority Interventions for 2010

Main Principles	Cost Estimate (US$ 000s)	Percentage of Total Cost
Finalise the building of central and local government institutions	582,724	11 per cent
Upgrade public service delivery	1,219,949	22 per cent
Major projects to build strategically significant infrastructure	3,702,567	67 per cent
Improve and promote the image of Palestine internationally	31,399	1 per cent
Total	5,536,638	100 per

Throughout 2010, implementation of these priority interventions commenced in all sectors. However, the relative success of state-building varied significantly, the priorities being in the areas of security, public finances, infrastructure development, the reform of the justice sector and reforming social security policies. It is these sectors that will also see continued state-building efforts in the second half of the two-year period. Presented by Fayyad in Ramallah on 30 August 2010, the government elaborated on a 51-page document titled 'Homestretch to Freedom', which outlines the priority interventions for the period 2010–11 (Palestinian National Authority, 2010b). An evaluation of the results that have been achieved so far indicates a level of professionalism and progress previously unseen in the OPT.

At The Core: Security Sector Reform

Security has been described as the Fayyad Government's central area of intervention. While this assessment does not seem unjustified *per se*, Fayyad's policy in the security sector needs to be analysed within the framework of previous reform efforts. It is often overlooked that the emphasis on security has been a constant PNA priority since Mahmoud Abbas became President. Faced with widespread chaos and lawlessness, the breakdown of the PNA monopoly of power in the wake of the second *Intifada*, the unrestricted movement of armed militias and the effective banning of PNA security forces since 2000 by the Israeli army, Abbas instructed Fayyad in 2007 to impose a strict policy of law and order.

Labelled Fayyad's Security Plan, the Prime Minister declared that a clampdown on armed groups would be his first priority. International observers estimate that between 2007 and 2010 Fayyad ordered the arrest of nearly 10,000 Palestinians in the West Bank, many of whom were affiliated to Hamas or the Al Aqsa Martyrs Brigades. As of 2010, several hundred of those arrested were still being held in PNA prisons.[5] While advisers recommended implementation of the Security Plan by focusing initially and less ambitiously on the relatively peaceful area of rural Jericho, Fayyad chose a more aggressive tactic. In a risky move, he moved PNA security forces to Nablus, a stronghold of the Al Aqsa Martyrs Brigades and transformed the unruly city into a showcase for his approach. Following the restoration of order in Nablus, other West Bank cities, such as Bethlehem, followed suit. The result is what can be seen today: armed gangs have disappeared and uniformed police patrol the streets in all areas under PNA control.

While the establishment of a true monopoly of power was at the centre of Fayyad's and Abbas' decision-making from the outset, security does feature prominently in the 13th Government Programme. The term security itself is referenced nearly 40 times in the 38-page document and measures have been implemented with substantial international support, particularly from the US and the EU. Activities focus on the Special Police (a force of 1,300 officers visibly patrolling the streets in approximately 70 vehicles) and on the National Security Forces, of which a fifth 'special battalion' was formed in December 2009. The actual number of Palestinian police who have received international (primarily US) training has been a source of contention. While Palestinian decision-makers tend to downplay the involvement of the international community by referring to the training of 2,600 officers, international donors have contradicted this with estimates of approximately 4,000 Palestinian police having received training, either in the OPT or abroad (primarily in Jordan).

As of August 2010, the role of direct international involvement has been significantly reduced. A PNA Government spokesperson asserted in July 2010 that US trainers had effectively stepped into the background with regard to training the National Security Forces and that training had been completely taken over by Palestinian security experts (Khatib, 2010a, interview). Six hundred new National Security officers were deployed to Hebron in 2010.

Institutionally, security sector reform also includes the construction of modern detention facilities in Jericho, the establishment of five model police stations in Jenin, the appointment of an Inspector General to coordinate cooperation between different PNA security agencies and the establishment of a Central Training Administration, among other things. While these measures have been accompanied by a noticeable reduction in public freedom for oppositional forces and have led to repeated violations of human rights by PNA security staff (see below), they were welcomed by many Palestinians. Opinion polls conducted by the Jerusalem Media and Communication Centre (JMCC) between 2007 and 2010 indicate an increase in the perception among the Palestinian public that PNA policies in the West Bank have greatly improved the security situation (see Chart 1).

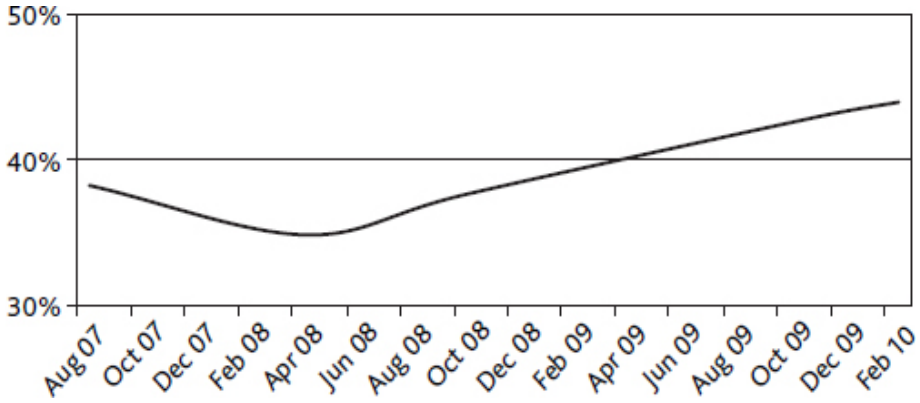

Chart 1 Number of Palestinians (West Bank and Gaza) Who Agree that the Security Situation has Improved in the West Bank

In July 2010, this perception was apparently shared by the Israeli army. 'In view of significant improvements in security and in Israel's coordination with Palestinian security services', the Israeli leadership openly pondered revoking a ban that prevented Israeli citizens from entering West Bank cities under PNA control (Harel, 2010).

Public Financial Management: Fighting Corruption and Paying the Bills

The PNA's management of public finances has been heavily criticised since the establishment of the authority in 1994. Lack of transparency, corruption and a virtual absence of professional planning have drawn both international and domestic criticism (Ghanem, 2010, p. 100). Thus in 1997, an investigative committee of the PLC was formed, which revealed that 37 per cent of the PNA's annual budget was unaccounted for and had been misused (PLC Special Committee Report, 1998). Contrary to common perception, the struggle against such practices did not begin with the 13th Government but under the presidency of Arafat, when on 6 June 2002 the President established a Ministerial Committee for Reform to deal with the misuse of public funds.

Already in 2002, however, Salam Fayyad as finance minister had addressed the issue of mismanagement by introducing a unified revenues account for the PNA (Unified System of the Central Treasury). This step reduced the possibility of nepotism and corruption in the PNA to such an extent that Fayyad himself considered it 'the core' of

Palestinian financial reforms, arguing that 'everything that has been done since then has been supplementary' (Farraj, 2009, p. 58).

The administration of public funds was, however, not the only financial problem that the PNA faced. Confronted with obstacles caused by the Israeli occupation and the violence of the second *Intifada*, both the stability of the Palestinian economy and the PNA's financial situation were uncertain. In a report presented at the pledging conference of international donors held in Paris in December 2007, the World Bank summarised some of the key challenges for the Palestinian economy since the second *Intifada*. Focusing on administration, the report argued that PNA wages for administration and the security apparatus accounted for almost half of total expenditures and had 'increased by nearly 57 per cent since 2004'. The World Bank requested a change of policy in this sector and a significant reduction of net lending, 'the second largest expenditure after the wage bill' (World Bank, 2008).

To support the PNA, the Paris Conference collected pledges from the international community totalling in excess of $7.7 billion for the period 2008–10.[6] Unlike in similar events, a large part of these pledges were actually honoured. By February 2010, €5.5 billion had been disbursed. In the words of French foreign minister Bernard Kouchner and his Spanish counterpart Miguel Angel Moratinos, this constitutes 'undeniable and unprecedented progress' (Kouchner and Moratinos, 2010). Confronted with this heavy donor dependency and international calls for reform, the Fayyad Government embarked on the implementation of unprecedented reform measures to increase fiscal sustainability. In 2009 and 2010 significant steps were taken:

- The PNA budget for 2010, approved in Cabinet in March 2010, lowered the recurrent deficit from 26 per cent of GDP in 2009 to 18 per cent in 2010. This constitutes the lowest deficit in terms of percent of GDP since 2000.

- In 2010, the PNA struggled to become less dependent on donors and with partial success. The Ad Hoc Liaison Committee reports that in 2010 the PNA requested $1.2 billion, which signifies a substantial decline from the $1.8 billion requested in 2008.

- Net lending, criticised by the World Bank in 2007, was reduced by 16 per cent in 2009.

- In 2010, the share of the PNA's wage bill was expected to fall to 22 per cent, declining from 24 per cent in 2009.

- PNA revenues in 2010 were projected to increase by 20 per cent when compared to 2009, based, among other things, on better tax collection. In 2010, the PNA noted a 17 per cent rise in domestic tax revenue based on reforms in tax compliance and stricter and more comprehensive enforcement.

- The PNA's Ministry of Finance improved control of expenditures by introducing a computerised accounting system connecting the ministry with all line ministries and governorates. Additionally, in what the World Bank considers an unprecedented step, the Ministry of Finance submitted all financial statements from 2008 to the State Audit and Administrative Control Bureau (SAACB) in 2009, for the first time implementing strict international standards.

In combination with other factors discussed below, these efforts to increase fiscal sustainability facilitated substantial economic development on the ground. By 2009, this was illustrated by the fact that:

- Unemployment in the West Bank decreased from 20 per cent in the last quarter of 2008 to 17.8 per cent in the last quarter of 2009.
- The Al Quds stock index rose by 11.8 per cent in 2009.
- The number of commercial truckloads delivered to Israel and Jordan from the OPT increased by 29 per cent in 2009 (as reported by the Government of Israel in April 2010).
- According to the Palestinian delegation to the Joint Economic Committee between the Government of Israel and the PNA, in 2009 foreign investment in the OPT increased by a remarkable 600 per cent as compared to 2008.
- The PNA Central Bureau for Statistics reports that real GDP in the West Bank and Gaza Strip increased by an estimated 6.8 per cent as compared to 2008. Growth reached a level well beyond the expectations of the PNA's 2009 budget, which predicted a 5.5 per cent increase. In the West Bank alone, real GDP growth reached 8.5 per cent in 2009, whereas in 2006 the per capita GDP ($1,130) reached only 40 per cent of the 1999 level. In 2010 GDP approached the 1999 level. In Gaza, where the Israeli–Egyptian siege imposed tremendous limitations on development, real growth in GDP increased by 1 per cent.
- In the last quarter of 2009, there was a 50 per cent increase in the number of businesses registered in the West Bank than in the previous year.

These improvements have not only been noted by decision-makers but also by the general Palestinian public. Compiled public opinion polls conducted by the JMCC and the Friedrich-Ebert-Stiftung between November 2007 and March 2010 indicate a significant increase in the percentage of West Bank Palestinians who regard recent economic developments with optimism (see Chart 2).

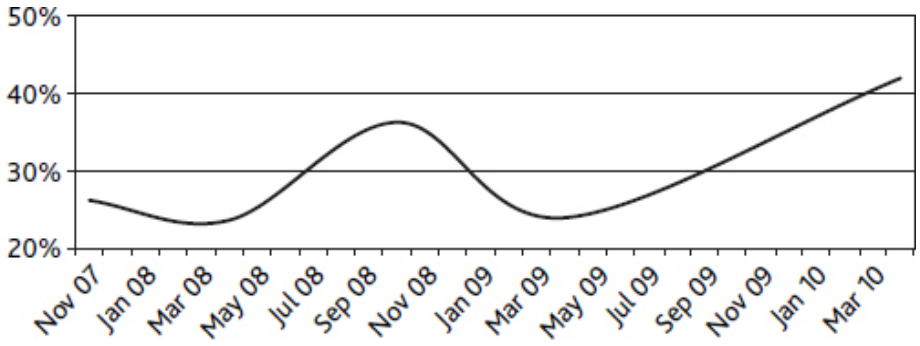

Chart 2 Number of Palestinians (West Bank and Gaza) Who Agree that the Economic Situation has Improved in the West Bank

Developing Infrastructure

Several highly symbolic projects of the 13th Government Plan in 2010 have not advanced beyond the initial planning stage due to political restrictions imposed by Israel. Examples of these are the opening of international airports in the Jordan Valley

and Gaza. In other fields, however, the PNA has made significant progress in developing infrastructure throughout the West Bank.

In 2009 and 2010, 3,000 km of agricultural roads were built throughout the West Bank, while 30 km of roads were recently paved in areas under PNA control in Hebron. At the same time, the PNA has begun the implementation of several public housing projects. The issuance of building licences by the PNA increased (in the first half of 2009) by 33.5 per cent as opposed to a previous decline (Portland Trust, 2009, p. 3). In addition, construction on two new neighbourhoods in Ramallah and Jenin was initiated along with ten new housing projects planned under the National Affordable Housing Plan which plans to construct 30,000 new housing units in the coming years. Furthermore, in January 2010, construction started in the new city of Rawabi to the north of Ramallah, which constitutes the first large-scale Palestinian housing development since 1967. Here, however, progress depends entirely on the Israeli Government, which must still approve the construction of an access road. Concerning the development of reliable energy infrastructure, the PNA engaged in efforts to connect neglected areas of the West Bank to the electricity grid. Eight Palestinian communities in the northern part of the West Bank and six in the south were supplied with reliable energy. Moreover, the PNA reported that 49 communities in different locations in the West Bank were supplied with a substantially improved electricity infrastructure. Effectively, the majority of permanently populated areas of the West Bank had by 2010 been connected to the electricity grid (Abdallah, 2010b). According to the PNA Ministry of Agriculture, thousands of *dunums* of unused or neglected land have been 'reclaimed', a development that is indicative of agricultural development.[7]

Rule of Law: Reforms in the Justice Sector

Given the importance attributed to the rule of law under the 13th Government Programme, it is hardly surprising that in 2009 and 2010, the PNA invested significant efforts in advancing reforms in this sector. While development in this field has been a constant PNA objective since 1996, progress had remained largely elusive. In 2009, however, the European Commission noted 'increasing signs of improvement in the justice sector in the West Bank' (European Commission, 2010). Especially noteworthy were intensive efforts regarding the reform of the Palestinian penal law which unifies the Jordanian, Egyptian and Ottoman legal traditions. In 2009 and 2010, the Ministry of Justice developed a draft law and subsequently focused on amending the proposed law with the support of international experts. On an institutional level, the PNA agreed to the construction of new court houses in Ramallah, Hebron and Tulkarem. In another positive development, PNA courts began tackling the considerable backlog of cases which, according to reports, had accumulated to nearly 90,000 cases by 2009. In 2010, the PNA reported an increasing tendency among citizens to submit new cases to Palestinian magistrates and first instance courts, where the number of cases presented increased by 67 per cent from 2008 to 2009. This reflects improved confidence in the justice sector and illustrates a generally improved situation concerning the settling of disputes through the formalised legal sector. Last but not least, the trend was facilitated by an increase in the number of judges and prosecutors who receive extensive training funded by the EU and other donors. The number of judges in the PNA increased to 190 (146 in the West Bank and 44 in the Gaza Strip), while the number of state prosecutors topped 158 (98 in the West Bank and 60 in the Gaza Strip).

Reforming Social Security

The Ministry of Social Affairs unified programmes in the Palestinian National Social Safety Net, establishing one comprehensive programme with the objective of 'increasing the efficiency, effectiveness and equity of social protection'. In the health sector, the PNA developed a comprehensive National Health Strategic Plan which aims to improve access to services and, at the same time, works towards improving Palestinian health insurance. Since the launching of the 13th Government Programme, health coverage has expanded to 65,000 families in the West Bank and Gaza. In this framework, a significant move away from cash assistance has been implemented. In terms of health infrastructure, the PNA has completed construction of eleven new health clinics, expanded another 30 clinics and inaugurated the first Palestinian blood bank and the first Palestinian drug rehabilitation centre in 2010 (Palestinian National Authority, 2010c).

While work in the abovementioned sectors covers a wide spectrum, including security, finance, economy and social policies, the accumulated results are significant when examined in practical terms. These achievements, however, only represent one side of recent developments and must be analysed from a separate and more critical perspective that moves beyond technical achievements to assess the implications of ongoing political ambiguities.

3. TURNING WINE INTO WATER? THE AMBIGUITIES OF FAYYADISM

Faced with an ongoing funding crisis as well as the obstacles created by the Israeli occupation and the framework of the Oslo Accords, state-building activities of the Fayyad Government will not be able to achieve all stated objectives defined in the 13th Government's programme within the proposed timeframe. Nevertheless, one year into the programme, substantial progress in terms of implementation has been achieved on several fronts. While independent Palestinian research into actual results has been scarce due to the broad scope of activities, international institutions have been vocal in applauding what are otherwise considered unprecedented developments.

A World Bank report of September 2009 is typical of established opinion on this matter, firmly declaring that the PNA was 'well-positioned for the establishment of a Palestinian state at any point' in the future. The far-reaching report even argues that 'relative to other countries in the region, the public sector in the West Bank and Gaza is arguably more effective and efficient' (World Bank, 2009, pp. 6–7). The European Commission too noted significant progress in 2009 – mainly at the levels of security and public financial management:

> The PA continued to make progress in the implementation of the PRDP 2008–10, most notably in the areas of security and public financial management. Implementation … in the areas of economic and private sector development, local governance – and, crucially, the judicial system – proceeded at a slower pace. (European Commission, 2010)

These positive assessments were shared by the United Nations Coordinator for the Middle East Peace Process (UNSCO), who argued in April 2010 that the reforms had 'demonstrated the capacity of the PNA to build a stable future for the Palestinian people' (UNSCO, 2010a). International praise notwithstanding, the progress that has been made by the Fayyad Government has to be seen in perspective. While appraisals of positive developments seem generally justified, qualifying facts and disturbing developments must also be noted. While management of public finances has been drastically improved and positive trends concerning independence from donors have been achieved, the PNA's financial situation remains precarious. The PNA's monthly financial needs remain murky at best and fail to reflect the need for long-term financial

planning beyond a two-month horizon. In fact, the very existence of the PNA depends on financial aid to sustain even the most basic and core administrative tasks. As of 2010, the PNA's finances remain essentially donor-driven. In this regard, the PNA continues along the path that began in 1994 which rendered the authority one of the most heavily donor-dependent economies in the world (Le More, 2008).

This parlous financial situation has given rise to repeated threats by Palestinian decision-makers that the PNA should be dissolved. In 2010 alone, the European Union was compelled to contribute to the payment of PNA salaries and pensions for its 81,000 civil servants and pensioners in the West Bank and the Gaza Strip on eight separate occasions. In August 2010, this emergency contribution reached €14 million. Recurrent financial problems also extend to the development expenditures of the Government Programme, the funding of which stood at only 51 per cent as of April 2010.

Even though these problems should not be understated (and in all likelihood will remain problematic), they have been addressed by the international community on an *ad hoc* basis.[8] More importantly, however, it should be pointed out that the economic consequences of recent PNA activities seem less ideal than is often presented by local and international stakeholders of economic progress in the OPT. Independent observers have repeatedly remarked that economic growth has been largely driven by donors who enable the PNA to develop public expenditures and establish fiscal stimulus. This it is argued is unsustainable in the long run. This assessment has been shared by PNA decision-makers such as the minister of economy Hasan Abu Libdeh who, on 3 August 2010, described 'the money received from donor countries' as the 'oxygen for [the] Palestinian economy' (Economy Minister, 2010).

Moreover, the overall poverty rate in the OPT remains unacceptably high, standing at 57 per cent in 2010. Economic development remains far behind even the status quo ante of 1999 (as the PNA is willing to admit). This trend also holds true for the Al Quds Index, which fared better in the first half of 2010 than in the previous year but still has not reached the positive performance of the last quarter of 2007. In terms of economic growth in the OPT, the Fayyad Government achieved important and positive results. Reports of a 'financial boom' in the OPT, however, seemed exaggerated as of the summer of 2010. The Israeli Government more than any has attempted to present the economic situation in the West Bank in excessively positive terms as evidence of Netanyahu's successful 'economic peace' approach. The Israeli Ambassador to Washington, Michael Oren, described a 'flourishing' economy in the West Bank as a 'model of prosperity [and] a prototype of peace' in a contribution to the *Wall Street Journal* (Oren, 2009). In contrast to such sweeping statements, more nuanced assessments are more realistic. According to a report from June 2010, economic growth in the West Bank was 'impressive but also precarious', first and foremost as a result of the political restraints of the occupation, an issue conveniently overlooked by the Israeli Ambassador (World Bank, 2010b, p. 11).

This is not to say that Israeli policies did not contribute to positive economic developments on the ground. In general, the Fayyad Government benefited from attempts to improve PNA performance, from heavy international assistance and the lifting of certain restrictions by the Israeli Government. In October 2009, for the first time since the outbreak of the second *Intifada*, Palestinians with Israeli citizenship were allowed to visit West Bank towns such as Jenin, where some 40,000 visitors per month have contributed to a boost in the local economy. Furthermore, a slight easing of checkpoints and roadblocks was ordered by the Netanyahu Government in 2009 and 2010. While any measure which increases freedom of movement in the West Bank is a welcome development, the actual removal of physical obstacles within the framework

of Netanyahu's 'economic peace' differ significantly from what was reported in the media. In an interview with Larry King in July 2010, Netanyahu boasted that 'hundreds of checkpoints [and] hundreds of roadblocks' had been removed. Independent observers have refuted such claims. According to UNOCHA, in the summer of 2010 a total of 505 checkpoints and other obstacles preventing free movement of goods and persons were still operating in the West Bank. While this constituted a 19 per cent decrease as compared to 2009, the number of obstacles still remained 26 per cent higher than in November 2005, when Palestinians and Israelis had initially adopted the Agreement on Movement and Access (AMA). In addition, this decrease was countered by an increase in so-called 'flying checkpoints' which function without pre-existing infrastructure, whose number increased by more than 50 per cent between December 2009 and March 2010 (UNOCHA, 2010a, p. 9).

With regard to PNA economic policies, observers, especially those of a left-wing persuasion, have pointed out that PNA policies represent a 'neo-liberal' doctrine designed to implement 'cutbacks to the provision of welfare by the authority' (Ziadah, 2010). While Fayyad certainly never attempted to conceal his free market approach, especially given his experience as a former IMF and World Bank economist, such criticism seems exaggerated in view of the obstacles presented by a corruption-ridden *de facto* Fatah party state which Fayyad is attempting to replace with a 'healthy' system (Sufyan, 2007, p. 137).

A third and more fundamental challenge to the Fayyad Plan is posed by the restrictions of PNA state-building activities to the areas designated as 'A' and 'B' under the Oslo Accords. Given the continuing blockade of Gaza, as of the summer of 2010, and the ongoing rift between the PNA in Gaza and the West Bank, Fayyad's state-building has been restricted to those areas of the West Bank under his direct control. As of 2010, these areas comprise merely 38 per cent of the West Bank (UNOCHA, 2010c). East Jerusalem remains largely inaccessible to the PNA and even Areas 'A' suffer from repeated incursions by the Israeli army. These restrictions have led to a significant diversification in the standard of living in the OPT and may also prove to have significant political repercussions (Tolan, 2010).

A key obstacle also proves to be Israeli settlements in the West Bank. According to a report by B'Tselem of July 2010, settlements control a controversial 42 per cent of all West Bank territory, despite the fact that their physical built-up area constitutes only 1 per cent of the West Bank (B'Tselem, 2010). The discrepancy can be largely attributed to Area 'C', which falls under Israeli control and grants settlers freedom of movement throughout the West Bank. As the PNA and international supporters have pointed out, effective state-building without access to Area 'C', which comprises 62 per cent of the West Bank and the Gaza Strip will remain elusive. As argued by the PNA:

The government's ability to roll out its many reform[s] and development initiatives across the entire occupied territory is severely limited by obstacles related to the Israeli occupation and the ongoing expansion of the [Israeli] settlement enterprise. (Palestinian National Authority, 2010d)

When taking stock of this situation, it seems clear that the expansion of Palestinian authority to Area 'C' might prove to be the factor that determines the success or failure of the Fayyad Plan. Without PNA control and access to Area 'C' as stipulated in the 13th Government Programme, limited PNA autonomy in the heavily populated Areas 'A' and 'B' in the West Bank will be the natural result of Fayyad's policies. Based on this assessment, the PNA in 2010 intensified its efforts to implement projects in Area 'C'. Hence in March 2010, Fayyad marked Land Day by paying a well-publicised visit to the village of Qarawat Bani Hassan near the West Bank city of Qalqiliya. Fayyad

was filmed ploughing a field while declaring his presence ‘a symbol of our complete rejection of settlers’ plans’ (Waked, 2010).

While PNA policies in Area ‘C’ have occasionally been implemented unilaterally, the PNA has generally attempted (and succeeded) in obtaining permission from the Israeli authorities. Such successes were often based on intense pressure by international players, as well as on the personal efforts of the Palestinian Prime Minister. The need for such lobbying clearly demonstrates the thin line that the Fayyad Government walks in view of the need both to cooperate with and confront the Israeli authorities. Regarding state-building activities in Area ‘C’, PNA Government spokesman Ghassan Khatib states that community-building efforts were being implemented ‘in virtually every town and village of Area “C”’ as of August 2010. While this has not been proved wrong, UN observers have unofficially assessed these developments more cautiously (UNSCO, 2010b, interview). While in 2010 community-building projects were in fact implemented in many locations in Area ‘C’, the vast majority were small-scale and, for instance, consisted of limited renovations to established community institutions. Even though such improvements in Area ‘C’ do in fact constitute a new approach by the PNA, such Israeli-tolerated activities have not fundamentally challenged Israeli control over these territories. As Menachem Klein notes in an Op-Ed for *Haaretz*, factual ‘Israeli control of Area C remain[ed] undisturbed in 2010’ (Klein, 2010). Illustrating this point, UNOCHA reported that the number of house demolitions in Area ‘C’ had increased significantly in the summer of 2010 (UNOCHA, 2010b).

A further troubling development that appears to threaten the implementation of the Fayyad Plan was related to what Fayyad’s critics have referred to as the absence of a democratic mandate for the Prime Minister *and* the PNA President. In a much discussed comment by the Carnegie Endowment for International Peace, Nathan Brown argues that Fayyad’s state-building was realised ‘unmistakably … in an authoritarian context’ and that ‘Palestinian democracy ha[s] simply come to an end in both halves of the PA’ (Brown, 2010).

While this assessment seems somewhat exaggerated, the underlying facts constitute a crucial challenge for both Fayyad and Abbas. The democratically legitimate term of the president came to an end on 9 January 2009 and was extended, in a manner that was legally questionable, for an additional year. In December 2009, the PLO extended President Abbas’ tenure ‘indefinitely’ until new elections for the PNA could be held. Additionally, the PNA was left without a democratically legitimate political institution for the foreseeable future following the end of the term of the dysfunctional Palestine Legislative Council (PLC) on 25 January 2010.[9] In view of this lack of legitimacy, the decision to cancel municipal elections (see the chapter on Fatah) scheduled to take place in July 2010 came as a particular – and justified – disappointment to Palestinian and international observers alike. For leaders of the opposition, Al Mubadara, cancelling local elections constitutes an act of ‘slaughtering democracy’ and the establishment of ‘a police state without a state’. The cancellation was particularly problematic as it took place against the background of increased curbing of democratic freedoms (Barghouthi, 2010, interview).

International observers and Palestinian human rights groups have repeatedly criticised a significant decline in public freedoms facilitated or at least tolerated by Fayyad. Several acts of repression against the media have been noted.[10] On a larger scale, however, increased pressure has been put on Hamas institutions in the West Bank. For instance, in August 2010, the PNA Preventive Security Service (PSS) in Nablus arrested six academics from Al Najah National University and charged them with cooperating with Hamas. Similar cases have been reported from other locations in

the West Bank, where in September 2010 hundreds of Hamas supporters were arrested following attacks committed by the Qassam Brigades. The negative repercussions of these developments are exacerbated in view of the fact that PNA quasi-statehood has expanded most notably in the field of government control, while the other side of the social contract, namely government services, have remained limited.

While such criticism seems justified in principle, any assessment of Fayyad in these terms should take into account the fact that his government was actively and constructively involved in organising local elections. In addition, being acutely aware of lacking a mandate, Fayyad himself offered his resignation to President Abbas on 7 March 2009. Nathan Brown's claim, that 'the unaccountable governing process' of Fayyad 'is actively denying' a democratic system, thus seems largely undeserved (Brown, 2010). This not-withstanding, the underlying argument that the Fayyad–Abbas Government rests on shaky foundations and is currently not backed by formal institutional support, is certainly valid. Given the volatile situation and an ageing Abbas, who has repeatedly expressed his intention to withdraw from politics sooner rather than later, the work of the Fayyad Government must be viewed as highly personalised and as yet precarious. In view of these obstacles and the positive (but also ambiguous) performance of the 13th Government thus far, it is hardly surprising that supporters and opponents of Fayyad have engaged in an increasingly harsh domestic Palestinian debate regarding his approach.

4. FAYYAD: PALESTINIAN MESSIAH OR TRAITOR TO THE CAUSE?

Initial Palestinian reactions to the 13th Government Programme were neither extremely critical nor excessively enthusiastic. Overshadowed by what seemed like a persistent confrontation between the US President and Israeli Prime Minister Netanyahu over settlement activities in 2009, observers paid scant attention to what then seemed like a technocratic footnote to geopolitical events of a far greater magnitude. Fayyad more than once openly expressed astonishment concerning the virtual lack of public reaction to the programme, which he argued 'was ignored without having been read'.

As of 2010, one year after presentation of the programme, this reality has obviously changed. Polarizing public debate in an unprecedented manner, the Fayyad Plan has caused a highly controversial inner-Palestinian and international debate concerning the scope, legitimacy and practicalities of the programme. The debate soon developed into an all-out campaign against (or respectively in support of) the Prime Minister. In the mainstream Western media, Fayyad has been celebrated as a responsible statesman, who embodies the 'best hope for Palestine in a very long time', as quoted in *The New York Times* (Cohen, 2010). The Prime Minister managed to fundamentally establish a new style of Palestinian government, which veteran commentator Thomas Friedman in the same forum simply coined '*Fayyadism*' (Friedman, 2009). In May 2010, *Time* magazine included Fayyad in its annual list of leaders who would 'most affect our world' (ranking 10th after Sarah Palin), while Alan Dershovitz declared Fayyad 'probably the best [partner for peace] that Israel has ever had' (Horovitz, 2010).

Praise for Fayyad has not been limited to the US establishment but has included influential Palestinian observers, such as Daoud Kuttab, who lauded the 13th Government Programme as a 'brilliant plan that works with or without Israeli cooperation' (Kuttab, 2010). Moreover, leading voices from the Left, including Noam Chomsky, have issued their stamp of approval, albeit with caution. In an interview with *Democracy Now* (17 May 2010), Chomsky stated:

[Fayyad] is pursuing policies, which, in my view, are quite sensible, policies of essentially developing facts on the ground. … I think it's probably a conscious imitation of the early Zionist policies, establishing facts on the ground and hoping that the political forms that follow will be determined by them. And the policies sound to me like sensible and sound ones. … Yes, it could turn into a viable Palestinian state. (Goodman, 2010)

Given the broad scope of praise, it is hardly surprising that several prominent observers, Palestinian, Arab and occasionally Israeli, have come to fundamentally different conclusions. Criticism of Fayyad has been directed not only at the Government's Programme as such, but also against the Prime Minister personally.

Thus, Israeli veteran critic Meron Benvenisti describes the Fayyad Government and the intention of building a state on 'less than 10 per cent of historical Palestine' as the programme of 'a bunch of traitors to their own cause' (Black, 2010). Prominent Palestinian intellectuals argue along similar lines. Palestinian-Jordanian Columbia University professor Joseph Massad has attacked Fayyad openly as 'a collaborator with the Israeli occupation' and 'a pioneer in normalization' (Massad, 2010). Similarly, former Knesset Member Azmi Bishara has accused Fayyad of being 'the man who abandoned the national discourse, forswore national rights and came from outside the national movement' in order to 'present a Palestinian state as a solution for the Israeli demographic problem'. Bishara has accused Fayyad of organising state-building as a 'contrived folk festival', which 'prioritizes the protection of Israel's security' over fundamental Palestinian interests (Bishara, 2010). Furthermore, the dominant political movements within Palestine have laid harsh accusations against Fayyad. Hamas leader Ahmed Bahar, the first deputy speaker of the PLC, describes the Prime Minister as part of the 'Zionist project' and considers his policies a 'major national crime', while Mohammad Al Hindi, senior leader of Islamic Jihad, has called Fayyad 'politically mutinous' following his participation in the 2010 Herzliyah Conference.

Within Fatah, highly critical voices have also been raised. Hathem Abdel Qadar, a member of Fatah's Revolutionary Council and Minister for Jerusalem Affairs in the 13th Government resigned from office in protest against 'Fayyad's ignorance concerning Jerusalem' (Qadar, 2010, interview), while Zuheir Al Manasreh, former security chief in the West Bank, describes Fayyad's security cooperation with Israel as effectively turning the PNA into 'the policeman of the occupation' (Al Manasreh, 2010, interview). Critical voices within Fatah have been so loud that, in August 2010, Fayyad reportedly presented Abbas with the option of ending this 'incitement' or accepting his resignation (Sherlock, 2010).

While at first such voices might seem unprecedented in severity and scope, it is important to point out that such criticism effectively constitutes a continuation of anti-Oslo Accord rhetoric which has been launched against Palestinian decision-makers since the establishment of the PNA. While a critical stance against Oslo certainly seems understandable from a Palestinian perspective, the lack of a comprehensive alternative beyond generalised notions of 'resistance' has been notable in most fundamental anti-Fayyad criticism. Not a single prominent Fayyad critic has been able to counter the Prime Minister's plan with an alternative agenda that would harness popular support or promise greater likelihood of success.

Recognising that anti-*Fayyadism* is partly a continuation of anti-Oslo rhetoric helps to explain the critical statements of Fayyad's detractors. Such attacks against the Prime Minister are to a certain extent based on his past and perceived lack of personal commitment to the cause. An international economist and holder of a US passport, Fayyad cannot point to a track record of anti-Israeli resistance of the kind that

protected Arafat and, to a lesser extent, Abbas from comparable attacks. Likewise, Fayyad enjoys protection from neither Fatah nor Hamas. He can be 'easily and fearlessly criticise[d] or attack[ed] by any Arab or Palestinian citizen', as Nasser Lahham, editor-in-chief of *Maan News*, notes (Lahham, 2010).

Yet in the case of Fayyad, criticism moves beyond the personal. To the dismay of the established political elite and intellectuals separate from the ruling establishment, Fayyad and Abbas have largely excluded Fatah and Hamas from participation in institutional power. This bears witness to what is increasingly perceived as an actual and – possibly – irrevocable development on the ground. Critics have concentrated primarily on two lines of argument. First, they have focused on Fayyad's and Abbas' perceived lack of a political mandate and, second, on the potentially disastrous results of the 13th Government Programme.

In particular, forces from Fatah and Hamas have attacked Fayyad for his limited legitimacy. Officially, Fayyad is head of an unelected caretaker government appointed by the PNA President. As a result, leading Fatah figures argue that Fayyad's Government has simply exceeded its authority. Since the PLO is officially charged with negotiating a lasting peace with Israel as the 'sole legitimate representative of the Palestinian people', Fayyad's policy is considered a further example of a general tendency to sideline the PLO. There is a point to this. The PLO has increasingly lost its role as the leading representative of Palestinian nationalism. This is due not only to the rise of Hamas but also to the fact that the PNA presidency has increasingly resorted to the League of Arab States in order to harness support for policies and positions when negotiating with Israel.

While this assessment of Fayyad's political mandate is not inaccurate *per se*, this line of criticism effectively ignores the fact that Fayyad's Government is essentially executing the political agenda of the PNA President who, incidentally, is also Chairman of the PLO. As Abdallah Frangi, minister for international affairs in the office of the presidency, explains:

Critics often underestimate that the president has consistently backed Prime Minister Fayyad. Even though this is occasionally viewed differently, Fayyad is the President's man. He is the prime minister not of himself but of the president and can use only the political capital of the PNA and of the PLO within the president's discretion. (Frangi, 2010, interview)

While criticism of Fayyad from Fatah seems at least partly based on the personal ambitions of leading Fatah cadres who are excluded from the corridors of power, critics, especially but not exclusively from the Far Left, have attempted to present Fayyad's Government Programme as Palestinian acceptance of Netanyahu's 'economic peace'. By equating Fayyad's policies to Netanyahu's political agenda, the 13th Government Programme is presented not as a plan for Palestinian statehood but as the ultimate tool of *preventing* a Palestinian state. Thus, Palestinian activists such as Ziyaad Lunat have brandished Fayyad's efforts as 'a complementary plan' to Netanyahu's policies (Lunat, 2010), while Hasan Abu Nimah, the former permanent representative of Jordan at the United Nations, explicitly argues that both government policies converge strategically: 'There is little of substance to distinguish these various plans from Israeli Prime Minister Benjamin Netanyahu's concept of "economic peace" and a demilitarized, Palestinian statelet under overall Israeli control' (Abu Nimah and Abunimah, 2009).

Given the scope of the Fayyad Plan, and its fundamental contradiction with Israeli policies in many – but not all – respects, these accusations are largely unconvincing. While the International Crisis Group in a report of April 2010 concedes that 'it would

be disingenuous to claim that there is no overlap between Fayyad's and Netanyahu's agendas', both plans differ significantly in their objectives (International Crisis Group, 2010, p. 24).

The Fayyad Plan explicitly works for the establishment of a Palestinian state based on the 1967 borders, specifically targeting areas designated as Area 'C' in the Oslo Accords (exclusive Israeli control). This is the reason why the Israeli Government has time and again declared fundamental opposition to this aspect of the Fayyad Plan. While both agendas effectively attempt to stimulate economic growth, their overarching political objectives are diametrically opposed. This has been made clear by repeated statements by the Israeli Prime Minister and statements of the Minister of Strategic Affairs and former Chief of Staff Moshe Yaalon. In a detailed policy paper published through the right-wing Jerusalem Centre for Public Affairs in July 2010, Yaalon clarifies Netanyahu's 'conditional endorsement of a Palestinian state' by categorically refusing territorial concessions respecting the 1967 armistice lines and by 'correct[ing] the widely-held view that peace requires Israel to withdraw to the perilous 1949 armistice lines. These lines would invite war by denying the Jewish state strategic depth and topographical protection' (Yaalon, 2010).

Despite this conceptual contradiction between both governments' approaches, official Israeli reactions have, by and large, been favourable to the Fayyad Plan. Remarks made behind closed door notwithstanding, even those operating in the highest echelons of Israeli politics have publicly endorsed Fayyad. In what some Palestinian observers uncomfortably labelled a 'kiss of death', Israeli President Shimon Peres hailed Fayyad as 'the Palestinians' first Ben-Gurionist' at the annual Herzliyah Conference in January 2010. The unlikely (and perhaps unfortunate) comparison confirmed the worst suspicions of Palestinian critics of Fayyad, especially in view of the fact that the Prime Minister himself had on more than one occasion equated his state-building efforts to the establishment of the State of Israel. Highlighting the importance of institution-building, Fayyad had remarked that 'Israel was not created in 1948. Israel was proclaimed as a state in 1948. The institutions of the state were there before 1948' (Magazine compares Fayyad to early Zionists, 2009). While certainly accurate, this comparison did not bode well for many Palestinian observers.

Given the juxtaposition between enthusiasts and harsh critics from both international and Palestinian public opinion-makers, the question of how Palestinians on the ground have assessed Fayyad's policies has retained great relevance. Observers keen to qualify Fayyad's role, such as the traditionally anti-Palestinian *New Republic's* Martin Peretz, have enthusiastically pointed out that everybody 'except the Palestinians' support Fayyad (Peretz, 2010). While this assessment points to an important challenge, it seems to ignore recent developments within the OPT. In view of initial public ignorance following the launching of his programme, Fayyad increased efforts to lobby for support and broaden his power base. Unprecedented for a PNA Prime Minister, Fayyad in 2010 embarked on a public relations campaign that was reminiscent of the late Yasser Arafat and stood in stark contrast to President Abbas who, since taking office, has only rarely left his Ramallah compound when in the Palestinian Territory. As of August 2010, Fayyad was continuously engaged in multi-level outreach efforts which included weekly radio speeches, the use of new methods of communication such as Facebook and Twitter and PR activities on the ground, such as tree planting ceremonies and publicised visits to marginalised towns. Some observers interpreted these steps as Fayyad's attempt to increase his support base in order to prepare for his succession to the PNA presidency, in anticipation of the future resignation of President Abbas which has been announced on numerous occasions.

While he certainly remains a candidate for the presidency, especially given clear US support, Fayyad himself has repeatedly denied any such ambition.

As of 2010, Fayyad's policies backed by PR efforts appear to have resulted in positive results. A poll by the Norwegian FAFO Institute indicates that the confidence of West Bank Palestinians in the Fayyad Government has increased substantially between 2009 and 2010. The percentage of Palestinians with 'a great deal or quite a lot of confidence' in Fayyad has increased from 28 per cent in 2009 to 43 per cent in 2010 (Fafo, 2010). This rise in confidence may very well be indicative of growing political support for Fayyad *vis-à-vis* future elections and the possibility of an independent political role. While the Prime Minister only received approximately 2.4 per cent of the total votes in the national elections of 2006, recent opinion polls have pointed at a remarkable increase in popularity as a presidential candidate. The renowned Arab World for Research & Development Institute presented findings of a poll conducted in March 2010 which indicates considerable public support for a 'President Fayyad' (AWRAD, 2010). Asked which candidate would be supported should Mahmoud Abbas step down, Fayyad received the greatest approval rate (21.6 per cent), with less support for other prominent candidates such as Ismael Haniyeh (Hamas, 18.8 per cent), Mustafa Barghouthi (Al Mubadara, 15.5 per cent) and Mohammad Dahlan (Fatah, 8.5 per cent). Such polls and independent research have led Khalil Shikaki to the conclusion that

[m]ost Palestinians support the institution-building process that the Fayyad government is undertaking. They support it because it means better performance, particularly in areas like the enforcement of law and order and, hopefully, it can also lead to a better justice system. (Gwertzman, 2010)

However, this support should not in principle be misinterpreted as overall confidence in the 13th Government Programme. In fact, most Palestinians remain sceptical about Fayyad's political state-building agenda but welcome any improvement on the ground. Shikaki explains:

[m]ost Palestinians, however, have doubts that the Fayyad-Plan can lead to such a development [e.g. the founding of a state]. People distinguish between institution-building on the one hand and rolling back occupation. Most people do not believe that a state can be established merely by building state institutions. For them, there has to be a process that goes along with that, and that process they know as 'rolling back occupation'. (Gwertzman, 2010)

Many Palestinians and several international critics fear that Fayyad may not succeed in establishing an independent Palestinian state within the borders of 1967, but rather an authoritarian Palestinian rump-state in Areas 'A' and 'B' of the Oslo Accords. While this is an option that Fayyad himself has repeatedly rejected as a 'Micky Mouse state' scenario, the possibility remains real, given the well-known positions of the Netanyahu Government. Against this background, Israeli veteran activist and former Member of the Knesset Uri Avnery labelled current PNA policy 'a big gamble' (Avnery, 2010). As of August 2010, the results of this high-stakes gamble remain unclear.

5. FAYYAD'S 'BIG GAMBLE'

To counter the risks involved in his state-building initiative, Prime Minister Fayyad has changed the key parameters of the 13th Government Programme; a move that was largely overlooked by international observers. On one level, the government increased activities in Area 'C' in order to bolster the plan's claim to creating a territorially coherent and economically viable state rather than a series of 'Bantustans'. On another

level, Fayyad significantly altered the 13th Government Programme in terms of possible Palestinian unilateralism. This occurred primarily due to pressure from President Abbas and in view of the final status negotiations launched in September 2010. Initially, Fayyad was deliberately ambiguous about the prospects of a unilateral declaration of independence following the completion of his government's two-year plan. While the programme did not expressly call for a unilateral formation of a state *per se*, the Prime Minister hinted at the possibility of pursuing a unilateral declaration via the UN Security Council (UNSC) on several occasions.

In this initial understanding of the Fayyad Plan, the state-building effort was meant to achieve two objectives. First, it was intended to prove to the international community (and to a lesser extent the diminishing Israeli peace camp) that there was a Palestinian counterpart who was willing and able to conclude a final status agreement with Israel. This would lead to the establishment of two states 'living side by side in peace and security', according to established international parlance.

Second, the Fayyad Plan at the outset promised to provide the Palestinian leadership with an attractive alternative to failing peace negotiations with Israel. Unilateral state-building could result in the crowning achievement of an internationally recognised state via the UN. This was considered much less dependent on Israeli goodwill than attempting to arrive at a negotiated agreement. According to this argument, the creation of a second option *vis-à-vis* the settling of the conflict would decrease Palestinian dependence on negotiations, which have limited prospects for success without tremendous pressure from key international actors. Thus, the idea of confronting Israel with the choice of finally agreeing to substantive compromises in the negotiation process or of facing Palestinian unilateral actions in the international arena was considered a potentially powerful tool of coercion. In order for this tactic to work, Fayyad openly confronted the Israeli public with the choice. In an interview with *Yedioth Ahronoth* Fayyad declared on 21 April 2010: 'We are not relinquishing negotiations as a method to establish a state, but in case this doesn't work we are preparing for a second possibility – to turn our dream into a reality' (Waked, 2010).

Initially, the idea of pushing an unnegotiated declaration of statehood through the UN was publicly endorsed (albeit cautiously) by the League of Arab States. On 3 March 2010 the League decided to support 'proximity talks' between Israel and the PLO with a warning that if the negotiations failed it would lead to Palestinian claims being referred to the UNSC. Only days earlier, the French foreign minister Bernard Kouchner openly supported Palestinian unilateralism in an interview published in *Journal du Dimanche* In which he declared that 'ensuite, on peut envisager la proclamation rapide d'un Etat palestinien et sa reconnaissance immédiate par la communauté internationale, avant même la négociation sur les frontières [then one can envisage the swift proclamation of a Palestinian state and its immediate recognition by the international community, even before negotiations on the borders]' (Kouchner, 2010).

Israeli media, by and large, expressed strong resistance to this possibility, ranging from cautious concern to outright panic. The popular broadsheet *Maariv* expressed concern regarding international isolation following unilateral moves in which 'Israel is liable to find itself [following] a Security Council decision that adopts the Palestinian declaration, without an American veto'. The paper exasperatedly asked: 'What will we do then?' (Caspi, 2010). In contrast, the *Jerusalem Post* in a standard prophecy of doom warned that Fayyad's unilateral initiative 'may lead to a third Intifada, during which Israel would be fighting a 20,000 strong militia … and a violent terror campaign branded around the world as a war for freedom' (Katz, 2010).

Following a brief period of uncertainty at the beginning of 2010, the Israeli position on Palestinian unilateralism subsequently evolved into a distinctly different and less distressing one. Israeli foreign minister Avigdor Liebermann made clear that a unilateral move to establish a Palestinian state in the borders of 1967 would not necessarily increase pressure on Israel. The rather slim prospects of actual international support for such a unilateral Palestinian move notwithstanding, the foreign minister warned that the result of such conduct would not be the removal of Israeli settlements from the West Bank but rather the establishment of a Palestinian state in Areas 'A' and 'B' of the Oslo Accords. Since such a unilateral step against the provisions of the Oslo Accords would 'release Israel of all obligations' and would foster the links between Israeli settlements and the State of Israel. Yisrael Harel, founder of the Yesha Council of settlers, took this reasoning a step further. For him, a unilateral move would be anything but troublesome:

Still, for the sake of argument, let's assume [Fayyad] does declare a state unilaterally and wins the support of his people, and that the international community overwhelmingly recognizes the new state. The territory it comprises, areas A and B, constitutes less than 50 percent of Judea and Samaria …. And the world? The Arab states? They will get used to a state within these borders …. The government of Israel, confronted with this provocation, will annul the roadmap – under the circumstances, the US will be unable to prevent such a step – accelerate the pace of settlement in Area C and, under pressure from the settlers, launch preparations to annex it. (Harel, 2010)

While it may be argued that even such a step would hardly change the status quo on the ground, Abbas exerted pressure on Fayyad to refrain from unilateral moves at least for the time being – a policy that was supported by Egypt and other Arab states. This decision was also reportedly fostered by the US President personally, who informed Abbas that the US would reject Palestinian efforts to circumvent direct negotiations with Israel by appealing directly to the UN Security Council. This stance was fundamentally backed by the US Congress which repeatedly issued non-binding resolutions against unilateral declarations of Palestinian statehood.[11]

Giving rise to exaggerated reports of a fundamental rift between Abbas and Fayyad, a process of 'clarifying' the Prime Minister's position took place in a series of public statements published in the Israeli media. In an interview with *Haaretz*, published on 2 April 2010, Fayyad declared that 'if for one reason or another' negotiations fail by August 2011, the PNA will have nevertheless gained substantial political credit internationally with acknowledged state-building credentials 'that the reality is bound to force itself on the political process to produce the outcome' (Eldar, 2010).

Widely interpreted in Israel as a commitment to unilateral action, Ehud Ya'ari, Arab affairs correspondent for Israel's *Channel 2*, confronted Abbas with his Prime Minister's statements in a televised interview on 26 April 2010 when Abbas emphatically denied any notion of unilateralism by confirming his intention to 'abide by agreements'. Two days earlier, on 24 April 2010, Abbas participated in a convention of Fatah's Revolutionary Council in Ramallah, where in a closed door session he reportedly clarified presidential prerogatives concerning fundamental policy decisions by reminding those present that 'it is not the factions or the governments that take ownership of decisions'.

Confronted with this declaration, Fayyad was forced to 'correct' his previous *Haaretz*-statements, emphasising that state-building was a means of being 'ready for statehood' by August 2011. In *The New York Times* he declared that 'this is not about declarations of statehood. It is about getting ready for one. Ours is a healthy unilateralism' (Cohen, 2010). Notably, this change was supported by the League of Arab States. The League's endorsement of final status negotiations with Israel of 29

July 2010 differed from the League's March decision as the more recent statement refrained from repeating the previous threat of unilateralism.

While this change was largely overlooked by the international media, it did constitute a significant shift in the Fayyad Plan towards connecting state-building efforts to a political bilateral or multilateral political tract. In doing so, the two abovementioned objectives of the original Fayyad Plan were (for the time being) effectively reduced to a single target: the effort to prove to the international community that the Palestinian side had fulfilled key obligations of the Roadmap for Peace and the US President's speech in Cairo of 2009. The Palestinians now *deserved* the appropriate political dividend. In this respect, Fayyad's state-building effectively changed from preparing for statehood to preparing for negotiations for statehood, which opened in Washington DC in September 2010.

While some Palestinian observers are confident that, by 2010, the Fayyad Government had already proved to the international community 'that there is a positive and engaged partner on the Palestinian side' and had begun 'to unmask Israel as an unwilling negotiating partner', this claim remains untested (Jarbawi, 2010). In fact, the inherent risks in Fayyad's 'big gamble' are significant. While Fayyad's efforts, with good reason, enjoy the near-unanimous support of the international community, failures in the negotiation process based on Fayyad's performance would have grave consequences. In many respects, PNA policies since 2009 have been leading to a moment of truth for the international community. The outcome of this culmination, however, seems as unclear as it seems decisive as of the summer of 2010. How would the Palestinian side react to the continued absence of a Palestinian state despite having met all preconditions in terms of 'preparations' for statehood by the Fayyad–Abbas Government? What option would remain in view of decades of futile negotiations, violent and non-violent resistance and professional attempts to fulfil all international (and Israeli) demands? With what justification and legitimacy should or could any Palestinian leadership attempt to control radicalisation and despair in the case of a factual elimination of the two-state solution?

While this, in many ways, may very well be the million dollar question of the Israeli–Palestinian conflict, it is safe to assume that the answer will prove to be much less attractive than the scenario sketched by the PNA of Mahmoud Abbas and Salam Fayyad.

5

Beyond Terror: Politicising Non-Violent Resistance

First they ignore you, then they laugh at you, then they fight you, then you win.

Mahatma Gandhi

1. NON-VIOLENCE: THE FORGOTTEN RESISTANCE

Contrary to common Western perceptions, Palestinian (and Arab) non-violent resistance against the occupation of Palestinian land is not a new phenomenon. Decades of oppression have been countered not first and foremost by violent responses but by a struggle that for most Palestinians for most of the time has been largely free of violence. Conceptually, these attempts are described as *popular* resistance (*Al Muqawima Al Shabiya*), *social* resistance (*Al Muqawima Al Mujtamaiya*) or *non-violent* resistance (*Muqawima La Unfiya*). While in Palestine all terms are used in parallel, non-violent resistance (NVR) today is the most internationally well known, linking Palestinian non-violent activism to the rich tradition of non-violent transitions from India and South Africa to Eastern Europe.

In discussing the concept of political change with regard to NVR in Palestine, it is thus not argued that the phenomenon itself is previously untried in the Palestinian context. However, an analysis of current political trends reveals that while NVR has been deeply rooted in the Palestinian collective response to occupation, new trends have recently emerged. These constitute an unprecedented rise in NVR and have the potential to alter the equation of confrontation in a dramatic way. By discussing these recent dimensions of classical NVR, it is not argued that the tactics of NVR *per se* have fundamentally changed; they have not. Rather, it is shown that the political adaptation of NVR has developed in terms of political inclusiveness. While no political movement – with the exception of the Palestinian National Initiative (*Al Mubadara al Wataniyeh al Filastiniye*, PNI) – can convincingly claim original ownership of NVR, today all relevant political institutions have embraced the concept as an important part – if not the only element

– of their strategy. Founder of the PNI and one of the earliest prominent advocates of NVR in Palestine Mustafa Barghouthi summarises this recent development by pointing out that today NVR is not only the dominant but effectively the only remaining political strategy of Palestinian political institutions:

Starting with protests against building the Wall [Separation Barrier] and moving from the anti-wall-struggle to a transformed anti-apartheid-struggle against Israel, non-violent resistance today is simply the only struggle around. It is supported by all major political movements. (Barghouthi, 2010, interview).

Programmatic developments in Fatah and Hamas and the policies of the PNA under Mahmoud Abbas and Salam Fayyad (as outlined in previous chapters) are clear indicators of this trend. As shown above, these actors have effectively eliminated (though in different levels of comprehensiveness) violence as a viable option of resistance. In this, all relevant political institutions with the exception of Hamas have broken with previous ambiguity which was rooted in the use of non-violent means *in parallel* with armed struggle. Arguably, this previously ambiguous use of NVR as an additional dimension to armed struggle has not been eliminated completely from Palestinian politics, but has been significantly reduced. This development was a direct result of a growing understanding that combining 'armed resistance' with the non-violent struggle had severely damaged the Palestinian cause, effectively facilitating Israeli attempts to delegitimise all aspects of resistance.

In view of this, the question of Palestinian violence was also addressed by President Obama, who in his speech in Cairo on 4 June 2009 reiterated categorically that 'to blow up old women on a bus … is not how moral authority is claimed; that is how it is surrendered'. From this starting point, the US President's remarks are helpful in understanding the relevance of the rise in NVR:

Palestinians must abandon violence. Resistance through violence and killing is wrong and does not succeed. For centuries, black people in America suffered the lash of the whip as slaves and the humiliation of segregation. But it was not violence that won full and equal rights. It was a peaceful and determined insistence upon the ideals at the center of America's founding. This same story can be told by people from South Africa to South Asia; from Eastern Europe to Indonesia. It's a story with a simple truth: that violence is a dead end. (The White House, 2009)

Certainly, Palestinians have looked beyond death. The following appraisal of recent trends in NVR indicates that a comparison of the current status quo in Palestine with the scope of US expectations leads to a clear conclusion. As of August 2010, Palestinian political institutions have largely fulfilled Western demands concerning the nature and character of Palestinian struggle. This constitutes a remarkable development, not least given that the institutionalised violence of a continued Israeli occupation has not been reduced in parallel. After all, as Amira Hass put it in *Haaretz*, 'forced rule is based on violence [and] every soldier at a roadblock, every camera on the separation fence, every military edict … are all part of nonstop violence' (Hass, 2010).

When discussing NVR as a concept, it is important to point out that Palestinian activists do not usually explain their commitment to non-violence by referring to (existing) moral advantages of a non-violent struggle within the framework of international law. Rather, Palestinian leaders such as Edward Said or Mustafa Barghouthi have pointed to the utility and possible effectiveness of non-violence modelled alongside anti-colonial struggles and the fight against South Africa's apartheid regime. While armed struggle is increasingly considered counterproductive and current negotiations futile by large segments of the Palestinian public, a non-violent, rights-based approach to resistance is considered not merely a more promising tactic but quite simply the only viable option. Against the background of global politics and peace-making attempts which have often sidelined Palestinian representation due to the inherent asymmetry of power, Palestinian NVR is considered a potentially powerful and explicitly *Palestinian* tool of activism.

When discussing NVR in the Palestinian context, a difficulty lies in defining the scope of what entails resistance. Acts of civil resistance can be traced back to the onset of Zionist immigration to Palestine and precede the founding of the State of Israel. A much quoted example is the Palestinian general strike which lasted from April to October 1936, organised by the Higher Arab Committee (HAC) under the British Mandate. The strike originated in Nablus and called for a halt to Jewish immigration, an end to land sales and the establishment of an Arab government. As such, it was part of the 1936–39 Arab Revolt. The strike was ultimately called off in the face of British resistance and the intervention of Arab monarchs. While to this day Palestinians view the initiative as an inspiring example of resistance, Western and Israeli historiography has denied the general strike and anti-colonial struggles of Palestinians prior to

1948 significant attention. NVR that preceded the Arab Revolt such as the Palestinian general strike in protest at Lord Balfour's visit to the Holy Land in April 1925 or the March of Arab Women in protest at General Allenby's visit to Jerusalem on 15 April 1933 have been largely excluded from official historiography.[1]

A key concept for distinctly Palestinian (and rather broad) perceptions of resistance is the term *sumoud*, which can be translated as perseverance or steadfastness. While *sumoud* has been a rallying cry for generations of Palestinians, it turns NVR into a near all-encompassing concept that is occasionally hard to distinguish from political passivism. Steadfastness as an ideological concept in Palestinian iconography is often symbolised by the image of the olive tree, firmly rooted in Palestinian soil and as such has been celebrated also in Mahmoud Darwish's poetry or Sliman Mansour's graphic works. *Sumoud* as a political approach was initially demonstrated following the occupation of the West Bank and the Gaza Strip during the Six-Day War of 1967, where it was defined as the continuation of daily life even in face of military occupation and oppression. As Gaza human rights activist Samah Sabawi writes:

Palestinians exhibit Sumud in their daily lives as they perform what would amount to normal everyday tasks in other places. Palestinian children resist succumbing to the will of the Occupiers non-violently as they make their daily journey to school despite the long waits at the checkpoints and the harassment by Israeli illegal settlers. Palestinian men and women non-violently challenge their occupiers when they continue to go to work even [if] it means riding a donkey using back mud roads, because they are denied access to the main streets in their villages as well as denied access to Jewish only roads. (Sabawi, 2010)

In this reading, the physical act of living as Palestinians on occupied territory, the refusal to disappear as a national collective with a distinctly Palestinian identity and the continuation of daily life despite seemingly insurmountable obstacles constitutes a quiet but politically powerful tool of resistance. It was *sumoud* that kept Palestinian identity vibrant and the political question of Palestine on the agenda. In the Palestinian discourse, this passive or 'static' *sumoud* is countered with 'resistance' *sumoud* (*sumoud muqawim*), which bears closer resemblance to what is commonly considered NVR in Western discourse. An example to illustrate the latter is the boycott of Israeli products from January 1988, initiated among others by Hanna Siniora. Such acts of resistance formed part of the wider and mostly non-violent first *Intifada*. Essentially, the *Intifada*

focused on acts of civil disobedience through strikes, mass demonstrations, funeral marches, tax boycotts (as seen in Beit Sahour), symbolic acts including raising banned Palestinian flags and the closure of Palestinian shops. These acts of resistance of the first *Intifada* were complemented by efforts to create an independent and self-reliant Palestinian polity by means of forming trade unions, cultural associations and sports clubs. Efforts also included improvised and makeshift classrooms for Palestinian students when faced with repeated closures of Palestinian universities and high schools, and the symbolic planting of trees against the seizure of Palestinian lands.

When characterising these acts as mostly non-violent, it must be made clear that public protests of the first *Intifada* were initially almost exclusively free of violence. Gene Sharp, then director of Harvard University's Programme on Nonviolent Sanctions, in 1989 estimated that violent acts of 'chiefly stone throwing' only occurred in approximately 15 per cent of resistance-related acts. In view of this ratio he expressed surprise that non-violence remained such an important element of the *Intifada*:

> Given the severity of Israeli repression in the form of beatings, shootings, killings, house demolitions, uprooting of trees, deportations, extended imprisonments and detentions without trial … the Palestinians have shown impressive restraint. (Sharp, 1989, p. 7)

As seen today, the largely non-violent character of the First *Intifada* was at least partly rooted in the absence of a viable option of armed resistance. In 1984, Mubarak Awad assessed the prospects of non-violence in an influential contribution to the *Journal of Palestine Studies*. Awad, who was later expelled from the OPT, commenced his call for non-violent resistance by outlining quite candidly the practical limitations of military confrontation:

> Palestinians living in the West Bank and Gaza Strip … are unarmed, not trained militarily and not permitted to possess weapons either as individuals or collectively. Furthermore, they do not have the necessary lines of communication to receive military supplies in sufficient quantities to be able to carry on continuous military operations against the occupiers for any length of time. (Awad, 1984, p. 23)

Based on this analysis, Awad argued that the most effective strategy against occupation was non-violence. However, at the same time he left open the possibility of replacing NVR with armed struggle 'at a

different stage by individuals who are not necessarily committed to non-violence'. While the first *Intifada*, especially initially, was thus mainly composed of NVR acts, the Israeli response to the nascent 'shaking off the occupation' was unrestrained. Then Israeli defence minister and later Nobel Peace Prize Laureate Yitzhak Rabin deliberately opted for military oppression and reportedly instructed Israeli soldiers to 'break the arms and legs' of resisting Palestinians. Although Rabin later denied this, Israeli soldiers testified that these orders were in fact issued and carried out: scores of Palestinians were injured or killed. This Israeli response contributed to the radicalisation of *Intifada* activities which also led to the death of many Israelis. The fact that this escalation might otherwise have been avoided should serve as a warning with regard to current Israeli policies against NVR activists.

A similar process of radicalisation was noted after disillusionment with the Oslo Process set in, which culminated in the second *Intifada*. Contrary to Israeli claims, the second uprising did not start with militant Palestinian operations but with unarmed mass demonstrations, sparked by the visit of Ariel Sharon, then leader of the opposition, to *Al Haram Al Shareef* (Temple Mount). As later reported by *Haaretz* and the more right-leaning *Maariv*, during the first month of the second *Intifada*, the Israeli army fired approximately 1.3 million bullets in the West Bank and Gaza despite the fact that at this stage Palestinians had refrained from using firearms and suicide attacks. This policy reportedly had the explicit aim of 'fanning the flames' and of transforming the demonstrations into a confrontation that could be dealt with militarily rather than politically (Laor, 2004).

While the second *Intifada* was soon transformed into an all-out yet extremely asymmetric violent confrontation, aspects of NVR continued. These mainly originated in village committees which organised protests against the construction of the Separation Barrier, the erection of which had begun on a large scale in 2002. The barrier not only separated Israelis from Palestinians but also Palestinians from significant tracts of their agricultural lands. In an unpublished manuscript prepared for Tel Aviv University, Julie M. Norman concluded that 'despite the apparent dominance of violent resistance' starting in 2000, 'nonviolent resistance was practiced throughout Palestine in various forms'. Even though it 'never garner[ed] the mass mobilization necessary to constitute a real popular movement', it 'clearly … has not been absent during the second *Intifada*' (Norman, 2009).

Despite a rich tradition of NVR in Palestine, non-violence has failed to receive substantial attention most notably in Western discourse. The media have focused largely on violent confrontations and Palestinian militant operations, having neglected to report on decades of Palestinian non-violent struggle. Patrick O'Connor, then an activist with the International Solidarity Movement (ISM), demonstrated that *The New York Times* as one of the world's leading newspapers had effectively misrepresented Palestinian acts of resistance as exclusively violent between 2002 and 2005:

Over the last three years *The New York Times* has published only three feature articles on Palestinian nonviolent resistance. This, despite the fact that Palestinians have conducted hundreds of nonviolent protests over the last three years throughout the West Bank. (O'Connor, 2005)

While this should hardly be surprising in view of *The New York Times'* well documented reporting bias on aspects of the Middle East conflict, it does pose grave limits on the effectiveness of Palestinian non-violent resistance (Falk and Friel, 2007). How can public opinion – especially in the West – be swayed if Western media effectively limit images of Palestinians to those of violent militants? As Chomsky noted in 1983, 'passive resistance only works if it attracts attention' (Chomsky and Otero, 1983). The attention of the West, however, has largely ignored non-violent Palestinian resistance, which explains why *New York Times* reporter Ethan Bronner in a recent (exceptional) contribution on NVR declared that the concept had previously 'never caught on' in Palestine (Bronner, 2010). Perhaps a more appropriate analysis would reach the conclusion that NVR quite simply did not catch on with the *Times'* editorial board.

2. CURRENT TRENDS OF NON-VIOLENCE

Palestinian discourse continues to consider NVR a broad concept that includes notions of passive *sumoud* and a multitude of initiatives pursued under different organisational authorities. The disparate structure is in fact often considered an organisational advantage and an informal form of life insurance for the movement. Proponents of NVR, such as Mustafa Barghouthi, stress that 'if non-violence was centralised, Israel would crush it' (Barghouthi, 2010, interview). The decentralised character of NVR is therefore viewed as a necessity. To simplify, NVR in Palestine can today be described as being composed of four main branches which coincide

institutionally and (mostly but not always) converge conceptually. These include (1) the Stop the Wall campaign organised mainly by popular committees in different locations of the West Bank, (2) initiatives that work towards breaking and ultimately lifting the Israeli (and until 2010 Egyptian) blockade on Gaza, (3) the Boycott Divestment Sanctions (BDS) movement and (4) PNA efforts of NVR.

The Stop the Wall Campaign

The campaign against the Separation Barrier is one of the better-known examples of NVR in Palestine. According to recent UN estimates, the barrier which from an Israeli perspective is needed to protect Israel from Palestinian terrorist attacks, has cut off approximately 9.5 per cent of the West Bank. Once completed, 85 per cent of the Separation Barrier will run on Palestinian land rather than the 1948 Green Line (UNOCHA / WHO, 2010, p. 2). Rooted in NVR activities of the second *Intifada*, the Stop the Wall campaign began as an urgent response by villagers who were directly affected by the barrier. Communities across the West Bank from Qalqilia to Bil'in initially organised *ad hoc* demonstrations and protests against the construction.

From the day the barrier was established in June 2002, activists of the Al Mubadara encouraged farmers in Qalqilia to challenge the separation and demand access to their lands on the other side of the barrier. In the words of Mohammad Abushe, leader of the local Al Mubadara group, it was the explicit aim to 'not repeat the mistake of 1948' and actively challenge Israeli policy (Abushe, 2010, interview). In October 2002, the initial and separate grassroots initiatives organised into so-called 'popular committees' which were loosely merged into a unified campaign which today is comprised of 54 committees. These are organised in a general assembly which also includes local NGOs. The campaign is supported by member organisations in a rotation system and is complemented by an independent Fatah unit tasked with coordinating anti-barrier protests (Fatah National Committee) and a PNA-supported Coordinating Committee. The Stop the Wall campaign aims to prevent or slow down the (as of 2010 limited) construction and calls for the dismantlement of the barrier, the return of territory illegally appropriated and financial compensation for losses resulting from the construction. While popular committees have recently sprung up in dozens of locations across the West Bank where weekly protests

are held, two communities in particular have become renowned for their non-violent efforts: the West Bank towns of Bil'in and Ni'lin.

The Bil'in committee organises weekly demonstrations in which protesters march towards the barrier that separates Bil'in from a large part of its agricultural land. The town is also internationally recognised as the host for annual conferences on NVR, which are frequented not only by Palestinian but also European decision-makers (such as Salam Fayyad and former Vice President of the European Parliament Luisa Morgantini in 2010). These efforts are supported by international and Israeli activists such as Anarchists Against the Wall and the International Solidarity Movement (ISM). The Ni'lin local committee was founded by a member of Al Mubadara in 2007 and today is composed of nine organisations which include all four political parties active in Ni'lin (Fatah, Hamas, PFLP and Al Mubadara), three local non-governmental organisations and two farmer organisations. Salah Khawaja, a committee member and former PFLP activist who was detained for ten years in an Israeli prison, explains the rationale behind the activities:

I know violent resistance as I was a part of it. It did not work. Our efforts were only effective once we focused on non-violence during the First *Intifada*. Suddenly our struggle gained international support. In 2007 we wanted to work for two main ideas which were first to find creative ways [to oppose] the occupation and secondly to send out a signal against the inner Palestinian split. By focusing on the common denominator of resistance against the wall, we hope to do both. (Khawaja, 2010, interview)

The residents of Ni'lin have staged weekly Friday protests against the Separation Barrier that runs west and south of the village and has severed Ni'lin from thousands of *dunums* of agricultural land and an important water source in the north-east of the village. Salah Khawaja argues that the barrier has transformed the village into a 'fragmented canton' and believes that only the weekly Friday demonstrations offer a way to change the situation. The demonstrations are routinely dispersed by the Israeli military using tear gas, rubber-coated steel bullets and chemical substances which cause nausea. While the majority of weekly protesters refrain from violent (re)actions, a minority of participating Palestinian youth frequently throw rocks at Israeli soldiers and the barrier. In the course of the last three years, the Israeli military approach to the protests has caused the deaths of three demonstrators and injured

hundreds, including several international activists. Israeli soldiers have also suffered (mostly minor) injuries.

Breaking the blockade of Gaza

Given the clear evidence of hardship resulting from the Israeli (and until 2010 Egyptian) blockade of the Gaza Strip, it is hardly surprising that Palestinian and international activists have declared breaking the blockade by non-violent means a priority. While many organisations in several countries have begun working towards this end, the most active proponent of this course has become the Free Gaza Movement. The group is essentially a nongovernmental coalition of Palestinian and international activists who have repeatedly attempted to break the Israeli blockade – officially kept in place to prevent Hamas from (re-)arming – by delivering humanitarian aid and bringing international observers to Gaza by sea.

The movement has established coalitions with international NGOs such as the International Solidarity Movement and since 2008 has been organising naval aid convoys to Gaza. The first sailing took place successfully in early August 2008, followed by a second voyage in October. Additional attempts in December 2008, and February and June 2009 were prevented from reaching the coastal strip by the Israeli navy, which responded to each attempt with increasing vigour. A climax in terms of international attention and the use of Israeli force against such convoys was reached with the six-ship *Mavi Marmara* flotilla from 30 May 2010 sent by the Free Gaza Movement and the Turkish Humanitarian Relief Foundation (IHH). As reported widely in world media, the Israeli navy intercepted and assaulted the flotilla causing the deaths of nine international activists and leading to minor injuries among Israeli military personnel. Following an international uproar and a further deterioration of Turkish–Israeli relations, the incident ultimately resulted in a significant change of Egyptian policy and a limited change to Israel's stance on Gaza. Inspired by the tragic yet at least partly successful flotilla incident of May 2010, other groups have continued naval efforts to break the blockade, *inter alia* from Lebanon, Jordan and Libya, which sent a naval vessel (*Hope*) in mid-July 2010. The vessel docked in the Egyptian port of Al Arish and delivered humanitarian aid via land crossings.

Boycott Divestment Sanctions Movement

Political and economic boycotts against Israel have long formed part of the Arab reaction to the founding of the State of Israel. (In)famously summarised by the 'three No's' of the League of Arab States in Khartoum from 1967 ('no peace, no recognition, no negotiations'), this strict approach was politically and economically cancelled by the signing of peace agreements between Israel and Egypt in 1979 and Jordan in 1994. This has not only led to the establishment of diplomatic relations but also to joint Qualifying Industrial Zones (QIZ). Likewise, an Israeli 'liaison office' was opened in Morocco in November 1994 as well as in Tunisia in 1996. Both operated until the outbreak of the second *Intifada*. In May 1996, Israel also opened a trade representation in Oman (closed in 2000) and in Qatar, which was shut down in 2009 by the Qatari Government in protest of Israeli policy on Gaza. Despite these exceptions, the majority of Arab states continue to reject the possibility of full diplomatic and economic relations with Israel until a 'comprehensive peace' is established, as stipulated in Article 3 of the Arab Peace Initiative from 2002. Taking this into consideration, the Boycott Divestment Sanctions (BDS) movement run by a nongovernmental Palestinian National Committee (BNC) does not seem innovative but functions rather like a second-generation civil society-based boycott attempt. However, the BDS movement differs from traditional Arab anti-normalisation calls in its nongovernmental grassroots character, its Palestinian ownership and its global decentralised approach.

BDS considers itself a 'rights-based' campaign as opposed to 'solution-based' initiatives and aims to compel Israel to end the occupation that began in 1967, stressing in particular discrimination of Palestinians residing in Israel and advocating for a solution to the Palestinian refugee problem based on UN resolution 194.[2] Omar Barghouthi, a founding member of the BDS campaign, compares these objectives to the anti-apartheid struggle against South Africa and explains that the question of political solutions is deliberately left out:

The BDS movement does not aim to fill a political leadership vacuum but instead focuses on filling up the vacuum of activism. For this reason, BDS has no position on the one-state or the two-state solution. We are simply basing our struggle on universal rights and international law. (Barghouthi, 2010, interview)

While essentially a decentralised movement, the BDS campaign upholds a secretariat to ensure a functioning administrative body and is supported by what Omar Barghouthi claims is the 'largest

coalition of civil society organisations in Palestine'. While difficult to verify, BDS is officially endorsed among others by the Palestinian General Federation of Trade Unions (PGFTU) and the Palestinian NGOs' Network (PNGO), which is comprised of 132 member organisations. The origins of BDS are commonly traced back to the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, where the side-event NGO forum endorsed the first international adoption of BDS principles. Article 424 calls on the international community:

to impose a policy of complete and total isolation of Israel as an apartheid state as in the case of South Africa which means the imposition of mandatory and comprehensive sanctions and embargoes, the full cessation of all links (diplomatic, economic, social, aid, military cooperation and training) between all states and Israel. (NGO Forum Declaration, 2001)

While this stance was severely criticised by Western governments, Human Rights Watch and others, it significantly bolstered the BDS campaign in terms of publicity. A further BDS call was adopted at the Fifth World Social Forum in Porto Alegre, Brazil, in January 2005. In its final declaration the forum 'ask[ed] the international community and governments to impose political and economic sanctions [on] Israel' and called on 'social movements to also mobilise for de-investments and boycotts' in order to 'pressur[e] Israel to implement international resolutions' (Call from Social Movements, 2005). The BDS campaign advocates for a comprehensive plan of action that comprises an academic and cultural boycott of Israel. For that means, BDS in 2004 published guidelines to 'comprehensively and consistently' boycott Israeli academic and cultural institutions in order to end 'Israel's occupation, colonization and system of apartheid'. While this cultural and academic boycott extends to all 'cultural products' that are commissioned, funded or sponsored by an 'official Israeli body', the guidelines also clarify that 'the individual product of an Israeli cultural worker *per se* is not boycottable' (PACBI, 2010). As regards academic cooperation, the BDS campaign adheres to the Palestinian Council of Higher Education decision from the 1990s not to cooperate with Israel until the occupation comes to an end. Thus, 'academic events', 'institutional cooperation with Israeli universities', 'study abroad schemes', 'collaborative research projects' and 'institutional membership of Israeli associations in world bodies' are targeted with a boycott (PACBI, 2010). A further

key element of the BDS approach is the promotion of a global consumer boycott of Israeli products and the organisation of a secondary boycott targeting companies with 'significant business interests in Israel'. The objective here is stated as 'generating bad publicity [and] economic pressure for change' (BDS movement, 2010).

The distinction between this form of boycott and the stipulated call for 'divestment' in order to 'start a downward spiral in which investment in Israel will simply become too risky a prospect' for international companies is difficult to draw (BDS movement, 2010). Both approaches rely on the organisation of a critical global public which will target businesses in public acts of protests in order to exert economic pressure on Israel. The BDS campaign also includes calls for 'faith-based', military and local governments' boycotts. While essentially a grassroots initiative in terms of boycotting Israeli goods, the BDS campaign is also supported by Al Mubadara, which in the summer of 2010 engaged in a poster campaign calling on Palestinians 'to boycott Israeli goods for the victory of our nation'.

Non-Violent Resistance and the PNA

For Prime Minister Fayyad, the 13th Government Plan 'Palestine – Ending the Occupation, Establishing the State' in itself is an integral part of NVR. Incorporating the concept of *sumoud* and traditional community-building elements of NVR implemented even before the first *Intifada*, preparing Palestinians for statehood is considered the constructive counterpart to rejecting occupation. Thus, on 25 April 2010 the Palestinian Cabinet stipulated that 'peaceful resistance and state-building efforts are parallel tracks' (Palestinian Authority Cabinet Meeting, 2010). While this analogy is certainly conceptually accurate, the PNA under Abbas and Fayyad has also engaged in concrete and specific acts of NVR. The PNA has made available funding for legal steps against the route of the Separation Barrier and has attempted to coordinate local anti-barrier protests centrally – partly with the aim of preventing demonstrations from escalating into all-out violent confrontations. For this reason, Fayyad's Government established for the first time a special Ministry of the Wall and Settlement Affairs, with the specific task of 'providing necessary support to popular committees in their peaceful resistance against the Wall' (see 13th Government Programme, Appendix). Concerning economic NVR, the PNA has largely focused on legally enforcing a settlement boycott in all territory under PNA control.

While the BDS campaign targets the State of Israel as such, the PNA's policy of boycott exclusively targets products manufactured in illegal Israeli settlements in the West Bank and the occupied Golan Heights. These PNA policies against settlement products are defined as 'Palestinian efforts to create self-sufficiency and sustainability' (Palestinian Authority Cabinet Meeting, 2010).

Fundamentally, these policies of NVR rest on two pillars: first, prohibiting the sale of settlement products in PNA-controlled territory; and secondly, preventing Palestinian labourers from working in Israeli companies located in the occupied territory. The former initiative was launched in September 2009 and was formally established in April 2010, when President Mahmoud Abbas signed a presidential decree outlawing the sale of settlement products as punishable by up to two years imprisonment and a fine of up to $14,000. While Israeli reactions to these steps were harsh, it is important to point out that these steps were effectively in line with a decision of the European High Court of Justice. On 25 February 2010, the Court had ruled that 'products originating in the West Bank do not qualify for preferential customs treatment under the EC–Israel Agreement' (Court of Justice of the European Union, 2010).

Following the issuing of the presidential decree, a PNA campaign against settlement products directed by Fayyad declared the boycott 'a daily expression of rejecting the occupation' and commissioned the Al-Karameh National Empowerment Fund with coordinating the policy. The Karameh Fund was set up as a joint PNA and private business initiative. In the summer of 2010, the PNA implemented a campaign to seize and confiscate settlement products, culminating in a well-reported demonstration in which settlement products were publicly burned in Fayyad's presence. The fund also employs inspectors who enforce the presidential decree and are engaged in a comprehensive house-to-house information campaign which is supported by several hundred volunteers. This non-violent taskforce distributes a 78-page Karameh booklet, featuring in-depth explanations of how to identify approximately 500 items to boycott, ranging from Golan Heights dairy products to furniture and tools. The booklet's preface discusses the difficulties of identifying settlement products 'since most of these products are tagged with either Palestinian, foreign or Israeli labels' reflecting the Israeli stance that goods produced in settlements of the West Bank constitute originally Israeli products. The booklet aims to 'open the eyes of Palestinian customers' among others by setting up a 24-hour

toll-free number for shopowners (Karameh Fund, 2010). Consumers are also asked to take a 'pledge of dignity', turning individuals into 'ambassadors of Palestinian dignity':

> We the people of Palestine, of all religions, affiliations, professions, and ages, have all come together to affirm our desire and determination to rise up, and shiver off the effects of settlement contamination in our Palestinian cities, villages, and refugee camps, first and foremost, via replacing settlement products in our local markets with those that are proudly produced in Palestine, with Palestinian Hands! … We hereby take upon ourselves the responsibility of leading this popular campaign, towards a dignified and prosperous national economy, upon which our beloved Palestinian state will be built on, thereby ensuring and sustaining the peace we long for. This is our pledge …. From now on we are… ambassadors of Palestinian dignity. (Karameh Fund, 2010)

While these PNA decisions have come under severe criticism in Israel, independent opinion polls conducted in June 2010 by Palestinian researcher Khalil Shikaki indicate that 72 per cent of Palestinians support these steps (Palestine Centre for Policy and Survey Research, 2010). Perhaps surprisingly, Israeli-Palestinian communities in the Galilee followed suit and in Nazareth introduced their own boycott of settlement-made products, a step initiated by the popular committee of Kafr Kana, a Palestinian-Arab town in the Galilee.

The PNA boycott of settlement products was followed by the banning of Palestinian workers from employment in Israeli settlements. Faced with an estimated 20,000 Palestinians who (as of 2010) continued to seek comparatively well-paid but nonetheless insecure employment in Israeli settlements, the PNA decided to enforce penalties. The impact was immediately apparent: by forbidding employment, the individual right to choose the manner and form of protest (and the ultimate consequences) was negated in a highly sensitive aspect of daily life. As a result, the Palestinian public reacted much more critically as the move effectively robbed thousands of Palestinian workers of their livelihoods. While the PNA in June 2010, in cooperation with international donors, attempted to establish a fund for Palestinians who had lost their source of income as a result of the ban, the repercussions have not been fully felt. Some observers rationalise that the consumer boycott and the growing demand for Palestinian products would increase labour demands in the OPT and thereby provide new employment opportunities; this is *theoretically* accurate on a systemic level as

tangible solutions for individual workers and their families remain elusive.

While the PNA's anti-settlement policies at first may appear in line with the BDS campaign, BDS activists and PNA representatives highlight significant differences in approach. The PNA ban limits the boycott exclusively to settlement products and is open to general economic cooperation with Israeli companies. PNA minister of the economy, Hassan Abu Libdeh, in the summer of 2010 even expressly called for 'deepening cooperation with Israel' (Goldstein, 2010). In contrast, the BDS movement extends the scope of activities to all products manufactured by Israeli companies on both sides of the Green Line and thus is much broader in scope – and more prone to international and Israeli criticism. Effectively, the PNA places the boycott within the parameters of the Paris Protocol on 'Economic Relations between the Government of the State of Israel and the Palestine Liberation Organization' of 29 April 1994. One reason for this decision is given with regard to Palestine's future accession to the World Trade Organisation, which prohibits boycotts against member states. While the legalistic reasons given by the PNA are certainly accurate, it appears that alternative and more persuasive reasons for the differences in scope are rooted in attempted objectives. While the BDS movement focuses on a comprehensive Israel boycott in its struggle for implementing a *rights*-based and not necessarily a *solutions*-based struggle, the PNA remains committed to achieving a two-state solution and thus has a much greater need for (and greater prospects in) identifying Israeli partners than BDS activists.

3. NON-VIOLENCE AND POLITICS: LEADERS START TO FOLLOW

In taking account of current developments in political movements such as Fatah and Hamas, PNA policies since the presidency of Mahmoud Abbas, and the described growing non-governmental movement, it is salient that the traditional concept of NVR has recently gained tremendous momentum. The new dimension lies in the fact that, for the first time in the history of the Palestinian struggle, non-violence is effectively promoted by all relevant political institutions and sectors of Palestinian society. In this, not only ideological (horizontal) but also vertical spheres converge. As Ziad Asali, the president of the American Task Force for Palestine (ATFP), recently put it in the *Guardian*: 'The growing non-violent

movement among Palestinians is simultaneously emerging spontaneously from the grassroots and being encouraged by the leadership' (Asali, 2010).

This is an unprecedented and potentially revolutionary development. In 2008, the leader of Al Mubadara, Mustafa Barghouthi, explained one of the founding reasons for his party by arguing that while the Palestinian people had taken 'the strategic choice of non-violence decades ago', they still lacked 'a leadership ready and willing to fully embrace this strategy' (Barghouthi, 2008). As of 2010, the situation seemed different. Today, the Palestinian political elite have fundamentally embraced non-violence in practice, if not programmatically. By doing so, they have fundamentally changed the equation of confrontation with Israel. While the repercussions of this change are highly significant, ambiguities in terms of diverging from a strict policy of non-violence must be noted. Sami Awad, executive director of Holy Land Trust, clarifies the development by highlighting the difference between a comprehensive strategy of armed struggle and sporadic outbreaks of violence:

This is not to say that certain Palestinian political factions or militant groups did not engage in armed activities, but rather that they no longer represented a comprehensive strategic option for most political factions and especially for the Palestinian community itself, especially after the appeal of nonviolence as witnessed during the first uprising in 1987. We still hear plenty of militant rhetoric, but very rarely is this translated into practice. (Awad, 2010)

When examined in relation to the policies implemented by Hamas, this assessment seems sufficient. While Hamas until recently had declared non-violent actions a 'women's fight' and had refrained from participating or giving concrete support to NVR, the movement's stance on NVR began to change in the spring of 2010. While this change is certainly highly relevant, it remains to be seen for how long the policy will continue to be implemented. Confronted with attempts organised by the Palestinian Non-Governmental Organisations' Network (PNGO) to challenge the Israeli imposed no-go 'buffer' zone along the Separation Barrier at the Gaza border with Israel, the Hamas Government in Gaza decided to support NVR by providing logistical support. As of summer 2010, Hamas routinely removed checkpoints for the protest marches and kept streets free of traffic to facilitate an orderly demonstration. Likewise, on 21 April 2010, Hamas joined ranks with most political movements in Gaza such as Fatah, PFLP, DFLP, Al Mubadara and

the PNGO to protest peacefully at the Erez crossing against the proposed transfer of Palestinians from the West Bank to Gaza (For the First Time Fatah and Hamas Participate in Joint Demonstration, 2010).

While these acts of protest have not effectively led to a softening in Israel's policy, the political repercussions of the flotilla incident in June 2010 certainly did. The flotilla tragedy resulted in an (un-comprehensive) change of Israeli policy regarding the blockade of Gaza and thus provided real impetus for NVR as a strategic tool used by Hamas. Aziz Dweik a leading Hamas PLC member from Gaza, summarises a common perception in Hamas' leadership in Gaza by pointing out that 'the flottila ha[d] done more for Gaza than 10,000 rockets', and that violence only 'help[ed] Israel win international support' (quoted in Levinson, 2010). Likewise, in West Bank towns such as Toubas and Ni'lin, and in the villages around Qalqilia, Hamas activists have contributed significantly to the work of popular committees engaged in NVR. Rather detached from greater politics, at the local level Fatah and Hamas activists have joined ranks with other local campaigners in common pursuit of non-violent activism against the Separation Barrier. While there has been no formal decision by Hamas bodies to embrace the local non-violent struggle officially, the participation of Hamas in the NVR movement has not been overlooked by the Fatah leadership. In July 2010, several Hamas protesters against the barrier were arrested and questioned – not by Israeli border police but by the PNA secret service which continues to employ many Fatah members (Hass, 2010). Sensing competition from Hamas in a realm perceived as useful for the reshaping of Fatah's battered public image, Fatah leaders have recently lashed out against Hamas' embrace of NVR. Hamas' new stance has been branded as double talk, based on the (accurate) perception that Hamas' political leaders continue to pride themselves on armed struggle in words while promoting NVR and enforcing a near-comprehensive ceasefire with Israel in practice. In particular, Fatah leaders have accused Hamas of reserving non-violence for the struggle with Israel, while taking a violent stance against their Fatah rivals (Palpress News Agency, 2009).

This might seem odd in view of Fatah's own changed stance on NVR taken at the Sixth General Conference on the 'mobilization of popular non-violent struggle' (see Fatah's political programme in the Appendix), decisions by Fatah's Central Committee on 'escalating non-violent resistance' in March 2010 and similar acts by Fatah's Revolutionary Council in April 2010. While Fatah's CC is

theoretically committed to dispatching high-ranking representatives to each weekly non-violent demonstration, this decision has been implemented only sporadically. Nevertheless, certain CC members, such as Abbas Zaki and former foreign minister Nabil Shaath, have been respectively arrested near Bethlehem and have been inhaling tear gas in Bil'in. Important for the coherence of the Palestinian political sphere's stance on non-violence is the Al Mubadara party, which, due to the popularity of its founder Mustafa Barghouthi, holds more sway in Palestinian politics than parliamentary representation might suggest. Al Mubadara was explicitly founded to 'celebrate national non-violent resistance' and has long spearheaded the idea of non-violence (The Palestinian National Initiative, 2010). As stated above, this general trend in Palestinian politics is not only represented by political parties, but also by the PNA under Abbas and Fayyad. While Abbas explicitly ran on an election platform of non-violence in 2005, and later labelled the violence of the second *Intifada* 'one of our worst mistakes' (Abbas: Second *Intifada* was one of our worst mistakes, 2010), Fayyad has been quoted as stating that non-violence for him is 'an ironclad commitment, not a seasonal thing' (Cohen, 2010).[3]

Based on this cursory *tour d'horizon* of Palestinian politics, it seems that with the exception of the Islamic Jihad, which enjoys only marginal public support, and splinter groups such as PFLP, all major Palestinian political institutions have effectively embraced non-violence – although to different degrees of comprehensiveness.[4] As of July 2010, Hamas has programmatically adhered to violent struggle, repeatedly issuing rhetorical calls for 'days of rage' while *de facto* participating in NVR and largely (but not fully) respecting and enforcing a ceasefire along the Gaza–Israel border since the end of the Gaza war of 2009. In view of the continued exclusion of Hamas from the political process launched in September 2010, it remains to be seen if and for how long this Hamas policy will be implemented.[5] Fatah has officially entrenched NVR in the new party programme, while considerably reducing the importance of armed resistance in the same document to that of an abstract 'right'. Needless to say, PNA forces have refrained from engaging in any violent confrontation with Israeli forces since the taking over of President Abbas.

4. NON-VIOLENCE: DOES IT WORK?

The rejection of NVR as an ineffective tool against a resolute opponent such as the State of Israel is as old as Palestinian NVR in itself. Egyptian President Gamal Abdel Nasser's famous statement from November 1967 *vis-à-vis* Israel that 'what was taken by force, can only be restored by force' has never ceased to resonate within certain sectors of Palestinian politics for understandable reasons: was it not violent struggle in Southern Lebanon and Gaza that led to the withdrawal of Israeli forces and thus succeeded where negotiations failed? Have not generations of PNA ministers unsuccessfully negotiated the release of Palestinian prisoners, while Hamas' hostage of one Israeli soldier has effectively pushed the issue of political prisoners to the forefront of the Israeli political agenda?

In view of these examples, many Palestinians and Arab leaders have time and again expressed their scepticism concerning the prospects of NVR. An unlikely coalition of Bashar Al Assad, Hassan Nasrallah and Mohammad Al Baradei has been recently quoted with nearly identical statements, all reasserting the fact that 'the Israeli occupation only understands the language of violence' (Nahmias, 2010), a statement that has been similarly mirrored in Israeli decision-making circles for decades. However, a stock-taking of NVR and its achievements points to a different and compelling understanding of the prospects of non-violence.

Despite the fact that recent *and* traditional acts of NVR have not changed the situation on the ground fundamentally – an objective that also the violence of the second *Intifada* failed to achieve – proponents of NVR identify a wide range of successes. These, however, are difficult to verify, since monocausal relations are inherently difficult to substantiate. This holds especially true when attempting to analyse the possible achievements of NVR. The argument that specific political decisions are a direct result of NVR is often made by its proponents but is more often than not difficult to verify – especially with regard to the question of boycotts and divestments. Did a specific company or investor take a particular decision based on political grounds (and thus as a result of BDS pressure) or rather purely for economic reasons? BDS activists and their opponents have a track record of disagreeing on the answer. Nevertheless, NVR can definitively assume to have contributed to the following developments.

Concerning the construction of the Separation Barrier, NVR activists claim to have succeeded in raising the political and financial costs of construction in several locations in the West Bank.

In Ni'lin, protests slowed the construction process to the point where actual construction time was nearly twice as long as anticipated. According to the Ni'lin popular committee, this resulted in heavy financial losses for the building company (Members of the Ni'lin popular committee, 2010, interview). Predictably, sceptics of NVR like to point out that the illegal construction of the barrier itself could not be prevented. However, in several locations, NVR engaged the Israeli court system and succeeded in having the barrier re-routed. In 2007, Israel's High Court of Justice had ruled unanimously that the course of the barrier in Bil'in should be modified. Having ignored the decision for more than two years, the Israeli army was ordered to alter the course in line with the ruling in February 2010. A similar example is the village of Budrus, north of Ni'lin, where the High Court ordered a re-routing in order to significantly reduce the expropriation of Palestinian lands.[6] As in the case of divestments, decision-makers were quick to point out that the weekly protests in the town were not connected to the decision. Likewise, in Deir Ballut, campaigners managed to reclaim agricultural land which included important water resources. While these achievements certainly did not result in a fundamentally different situation on the ground, they did succeed in easing and reducing the magnitude of injustice and established precedents for future successes. In contrast to the partially successful anti-barrier activities, the BDS movement has not managed to realise the ambitious and less Western mainstream-compatible objectives to a significant extent. The accession of Israel to the OECD in 2010 is only one example of a deepening institutional integration of Israel with Europe. Military, economic and academic cooperation with Israel continues to be the official government policy of several European states and will remain in place for the foreseeable future. Nevertheless, proponents of BDS point to a substantial list of perceived successes, including incidents of cultural boycott, such as the cancellation of Elvis Costello's concert in Israel in May 2010 due to a 'matter of instinct and conscience', as the singer put it (Dodd and McCarthy, 2010). Furthermore, acts of academic boycott such as the decision of the British University and College Union (UCU) in May 2010 to sever ties with the Israeli Histadrut, are presented as important achievements.

Concerning consumer boycotts, BDS activists refer to the decision of two Italian supermarket chains (Coop and Nordiconad) in May 2010 to suspend the sale of Israeli Agrexco products (such as Carmel fruit). Similarly, the divestment of Swedish pension fund Första AP-Fonden in March 2010 from the Israeli Elbit company is

also considered a success-story of divestment. While BDS campaigners consider these steps important achievements, the right-wing *Jerusalem Post* adopted a more relaxed attitude and argued that even in its 'second decade' the BDS movement had 'little to show for itself beyond marginal support' (Haber, 2010).

In contrast to the BDS movement, the PNA boycott of Israeli settlements seems to have resulted in substantial political and economic consequences. On 28 March 2010, the Israeli Manufacturers Association published a report complaining that 66 per cent of its exporters had been forced to cut prices 'due to the financial crisis and the repercussions of the boycott', while 21 per cent of exporters faced serious marketing problems in the UK and Scandinavia (Economy and Boycott Cut Israeli Exports, 2010). Similarly, the *Washington Post* reported that as of the summer of 2010, 17 businesses in the Ma'aleh Adumim settlement had been forced to close since the beginning of the boycott, while Hebrew papers reported that several companies in the Barkan industrial zone were waiting to leave the OPT and relocate to Israel within the 1967 Green Line (Morgenstern, 2010). The PNA boycott not only targets settlement companies that rely on the sale of products in the OPT but also strives to target Israeli companies that need cheap Palestinian labour. According to the PNA minister of labour Hassan Abu Libdeh, the number of Palestinians employed in settlements has been cut by 25 per cent since the beginning of the campaign and thus seems to constitute a real challenge. Palestinian economist Sam Bahour commented on this development in the UAE-based *National* in optimistic terms, contrasting these developments with the achievements of other forms of struggle: 'The campaign is working and has the potential to cause huge damage to the Israeli settlement enterprise, something we haven't been able to do for the last 40 years' (Karmi, 2010).

Reminiscent of this assessment is the above quoted Hamas response to the (limited) success of the Gaza flotilla. At the time of writing, the blockade of Gaza was still in place. However, NVR in the form of the flotilla (despite Israeli charges to the contrary) resulted in a significant increase of goods allowed into Gaza. Israel was compelled to change its blockade parameters from a positive to a negative list, now only stipulating banned items rather than goods permitted entry into the strip. Even though this does not constitute a fundamental change of policy, the flotilla achieved significantly more than acts of violent resistance, previous resolutions of the UN Security Council and repeated calls by European decision-makers.

While the results of NVR cannot and should not therefore be trivialised, it seems that the potential benefits of NVR lie most powerfully in the harnessing of international support for the Palestinian cause. Said, one of the early proponents of non-violence, relentlessly called for a change in strategy which would enable the Palestinian side to 'claim the moral high ground effectively' (Said, 2001). Said and others identified the critical perception of Palestinians as a crucial element in the conflict equation and demanded a change in strategy with the explicit aim that 'the average American will not immediately think of "terrorism" when the word Palestinian is pronounced'. While Said understood the importance of international support for the Palestinian cause, he did not nurture any hope that the Palestinian leadership under Yasser Arafat would be capable of implementing such an approach. Thus, already on 16 June 2001, Said called for a change in policy that reads much like recent statements of the PNA's Government Media Centre:

What is needed is a creative method of struggle which mobilizes all the human resources at our disposal to highlight, isolate, and gradually make unsustainable the main aspects of Israeli occupation – that is settlements, settlement roads, road-blocks, and house demolitions. (Said, 2002)

The importance of implementing NVR as the *exclusive* Palestinian response to occupation thus lies in the fact that the Israeli claim of an inherently violent Palestinian counterpart is increasingly shown to be incorrect. This analysis has led observers such as Hussain Abdul-Hussain to the conclusion that the rise of non-violence directly increases the likelihood of the founding of a Palestinian state (Abdul-Hussain, 2010). Recent international reactions to most aspects of practised NVR in Palestine seem to confirm this view. Elder statesmen from Jimmy Carter to Desmond Tutu have publicly endorsed NVR, while the reactions of the so-called pro-Israel lobby in the US and of the Israeli Government have been more than critical.

5. A HAMMER LOOKING FOR A NAIL? ISRAELI RESPONSES

The Israeli policy *vis-à-vis* the conflict has often been to effectively discredit and delegitimise moderate political forces on the Palestinian side (Khatib and Bröning, 2009). Israeli reactions to NVR mirror this general approach. Nevertheless, the Israeli public

has in general displayed a wide diversity of reactions when responding to Palestinian NVR. While left-leaning organisations such as Anarchists Against the Wall and certain academics have embraced the concept, the mainstream media have taken a highly critical stance. Oscillating between sinister warnings describing peaceful resistance as the 'Palestinians' doomsday weapon' (Burston, 2008) and declarations that acts of NVR are nothing but 'a storm in a teacup' (Sela, 2010), Israeli media are far from having established a consensus on how to assess the prospects (or threats) of NVR.

In contrast to this, decision-makers have been much less ambiguous and have clearly identified NVR as a strategic challenge. Thus, following the launch of the PNA boycott, the Ministry of Foreign Affairs established a special taskforce to counter the challenge diplomatically. Militarily, in February 2010 the Israeli army declared the villages of Bil'in and Ni'lin 'closed military areas' and continues to confront the unarmed protesters with well-equipped soldiers who routinely engage in violent operations. The army regularly targets not only a minority of stone-throwing youths but all protesters, including international media such as *Al Jazeera*, whose team was attacked with tear gas in Bil'in on 6 September 2009 during a live broadcast.

The spring of 2010 also witnessed a surge in violent raids on the homes of NVR activists. In February 2010, the Israeli army raided the offices of the Stop the Wall Campaign in Ramallah and confiscated computers and files. Also in the spring of 2010, several activists of the International Solidarity Movement were arrested in night-raids and expelled on charges of violating immigration procedures. While several international activists were deported, dozens of non-violent Palestinian activists have been arrested and are currently (as of September 2010) serving prison sentences in Israeli penitentiaries. The Israeli military are known to specifically target the community leaders of popular committees who are arrested, charged with 'incitement' and routinely denied due process. As former US President Jimmy Carter writes, these tactics of intimidation and collective punishment are typical of asymmetric confrontations that involve non-violent resistance:

The methods being used against these activists are common in situations where a stronger force faced weaker, but persistent, political opponents. They include the disproportionate use of force; subjecting families and whole communities to searches and intimidating raids, especially at night; bringing serious criminal

charges against activists for relatively minor offences; and the use of administrative powers to extend detention without charge. (Carter, 2010)

The policy of responding to a non-violent challenge with force has not been limited to the military leadership. At the political level, Israeli leaders have so far proved unable or unwilling to develop a strategy that does not frame NVR within an unwavering discourse of aggression. Quite clearly, the most widespread pattern of Israeli reactions has so far been the attempt to characterise non-violence (inadequately) as a challenge of militancy. Following this approach, NVR is equated to nothing more than an irrational caricature of terrorism, rooted in brutality and violence.

While equating unarmed activists with violent terrorists may to the impartial observer appear far-fetched, this approach appears to be the reaction of choice for large segments of the Israeli public. Thus, Israeli concert promoter Shuki Weiss reacted to the cancellation of the US pop-group the Pixies (a move in support of the BDS movement) by brandishing it as 'cultural terrorism' (Brinn, 2010). Similarly, the Judea and Samaria Council (*Yesha*) referred to the PNA boycott of settlement products as 'economic terrorism' (Issacharoff and Levinson, 2010), while PNA attempts to compensate workers who were forced to give up their jobs in Israeli settlements were labelled 'financial terrorism' by settler leader Danny Dayan (Miskin, 2010). Already in 2005, a call to boycott the University of Haifa was framed as 'an academic terror-attack against Israel' in the country's biggest daily newspaper *Yedioth Ahronoth* (Gilboa, 2005). Likewise, when faced with severe international criticism concerning the naval assault on the Gaza flotilla in May 2010, the Israeli government engaged in an obvious distortion of facts. Activists including European lawmakers and internationally renowned artists were attacked as 'terrorists' attempting to 'lynch' Israeli crack soldiers as they boarded the ships in a nightly helicopter raid. On CNN, Netanyahu declared that the flotilla was 'full of terror supporters' (2 June 2010) and was assisted by the American Jewish Committee, which simply labelled the convoy a 'terror flotilla' in a statement to the UN Human Rights Council on the same day.

Such attempts first to militarise, then stigmatise NVR appears to be a policy adopted by not only the Israeli Government but also by leaders of the opposition. Thus, MK Dalia Itzik, leader of the Kadima faction, contributed an op-ed to the *Jerusalem Post* in which she conveniently ignored the restriction of the PNA boycott to settlement products and likened the 'burning of Israeli products' by

the PNA to 'using Hamas tools of incitement and provocation' (Itzik, 2010). Similarly, Knesset speaker Reuven Rivlin (*Likud*) simply declared the PNA boycott a 'declaration of war' (Lazaroff, 2010). Based on these assessments, observers and right-wing decision-makers were quick to call for 'economic retaliation' against 'Fayyad and his gang' (Rosenfeld, 2010). This seemed necessary, since as Shaul Rosenfeld pointed out in a burst of orientalist rationalisation 'in the Levant, as in the case in any wild location on earth, the potential painful sanctions must hang above the heads of the rogue element at all times' (Rosenfeld, 2010).

Calls to counter economic NVR by the PNA and other institutions with legal sanctions were also implemented vigorously in 2010. In February 2010, the Knesset's Economic Affairs Committee considered blocking the transfer of tax and social security funds to the PNA unless they agreed to end the boycott campaign. On 15 June 2010, Knesset members from the government and the opposition rallied behind Dalia Iztik of Kadima and submitted a bill to the Law Committee which effectively criminalised any attempts to boycott 'Israeli organisations, individuals or products'. Unprecedented in scope, the bill targets Israeli supporters of boycotts, foreign governments, individuals and the PNA. The proposed law would impose heavy fines on individuals while it threatens 'foreign political entities' (i.e. the PNA) with economic sanctions and calls for 'entry bans against initiators or supporters of boycott activities' for 'at least ten years'. The bill was approved virtually unanimously at its first reading (New Bill Seeks to Outlaw Boycott, 2010).

Given these reactions, it seems obvious that Israeli decision-makers feel threatened by NVR especially in terms of economic boycotts. Ironically, this has been the response despite the fact that 'Israel itself is one of the world's prolific boycotters' as noted by *Haaretz* columnist Gideon Levy (Levy, 2010). Differing, for instance, from US legislation regarding the call for boycotts, Israel has opted to implement an indiscriminate policy against Israeli, Palestinian and international activists which effectively blurs any differentiation between NVR and violent struggle. Interestingly, attempts to stigmatise acts of NVR as inherently anti-Semitic have been few. In 2007, Richard Cohen accused proponents of anti-Israeli boycotts as 'surely' anti-Semitic in an op-ed for the *Washington Post*, but this argument never gained momentum (Cohen, 2007). Confronted with a sizeable portion of Jewish activists supporting the BDS movement, the Stop the Wall Campaign and, for instance,

peaceful initiatives against house demolitions in East Jerusalem, the argument of presenting these initiatives as anti-Semitic proved difficult to substantiate. Current political attempts to counter NVR have thus begun to accuse activists of 'delegitimizing' Israel, an accusation that few activists would refute.

Faced with the rise of NVR and the near-total cessation of Palestinian military/terrorist operations (with the exception of two attacks by the Qassam Brigades in the summer of 2010), Israeli decision-makers have recently increased efforts to identify and criticise acts of 'Palestinian incitement' as a violation of the Roadmap to a Permanent Two-State Solution of 2003. In early March 2010, Prime Minister Netanyahu informed the Knesset Foreign Affairs and Defence Committee that the Government would henceforward publish periodically a 'Palestinian incitement index' and nominated Yossi Kuperwasser, a former high-ranking officer of the military intelligence, to act as the 'government coordinator for incitement in the PA' (Ravid, 2010). Right-wing Israeli organisations, such as Palestinian Media Watch (PMW), which have engaged in this practice for years have adopted a very broad definition of what constitutes 'incitement'. For example, in a report from July 2010, PMW argues that the Arabic daily newspaper *Al-Hayat Al Jadida* had engaged in 'incitement' by describing the town of Um Al Fahem (inhabited by Palestinians with Israeli passports) as situated in the 'homeland occupied in '48' (Marcus *et al*., 2010, p. 3). On 3 May 2010, the organisation was invited to present a report in the office of the Israeli deputy foreign minister, a proceeding which the liberal *Haaretz* newspaper described as a 'surreal event', having brought formerly disparate right-wing radical organisations to the forefront of Israeli politics (Ravid, 2010).

6. CHALLENGES OF NON-VIOLENCE

In view of NVR results and Israeli reactions, which oscillate between military suppression and political attempts to counter NVR legally, it seems that NVR has struck a nerve on the Israeli side. However, non-violence in the OPT continues to face a series of challenges. The first such challenge is the question of strict non-violence. While the large majority of NVR acts are effectively free of any form of violence, the throwing of stones occurs frequently, for instance, in protests against the Separation Barrier. On the Palestinian side, this is often explained by calling such actions acts of individual and symbolic steadfastness in the face of oppression or

as a reaction to previous Israeli aggression. Some proponents of NVR also argue that given the barrier's illegality, physical assaults on the structure do not constitute illegal acts. Whether or not this argument is valid, it does not solve the problem that even sporadic acts of violence on a minor scale severely harm the international perception of Palestinian resistance as a legitimate struggle. Palestinian activists of NVR are only too aware of the fact that, on the Israeli side, any violent act is used to delegitimise the protests, arguing that 'a stone can be deadly', as a high-ranking commander of the Israeli army charged in April 2010 (Greenberg, 2010). Popular committees across the West Bank have thus struggled to prevent the mostly young activists (*shabab*) from giving the Israeli side a convenient excuse to label what are for the most part peaceful demonstrations as 'violent confrontations'.

While this challenge may be most apparent on the level of perceptions, observers have also lamented certain conceptual shortcomings in some of the more comprehensive anti-Israeli aspects of NVR. The BDS movement has been frequently criticised by Palestinians and internationals alike for expanding their activities to include boycotts against not only settlement products but all Israeli institutions, including academia. Also, observers have questioned the practicability of an approach that deliberately (largely) ignores the question of practical solutions to the conflict and have criticised what they perceived as the lack of a political vision on which BDS is based. Thus, Sari Nusseibeh, director of Al Quds University, points to inherent contradictions *vis-à-vis* the relationship of BDS activists to the Israeli state:

The problem of BDS is that their vision is anything but clear. What does BDS aim for? Is the objective the one-state-solution? If so, such a state will be based on the integration of Palestinians. If you will integrate into such a future state, how can you harmonize this scenario with a broad approach that includes academic boycotts? (Nusseibeh, 2010, interview)

Most commentators on NVR also point to the occasionally elitist character of NVR, in view of international participation in anti-barrier protests in places such as Bil'in. The question here is whether demonstrations by committed and personally involved local activists while supported by international university students and Israeli Anarchists Against the Wall will achieve more than sporadic and partial results. Such observers routinely call for a truly *popular* mass rising against the Separation Barrier. Since organising and guaranteeing a broad consensus of non-violence poses a much more

difficult challenge than recruiting a small group of committed armed militants, this objective is considerably hard to achieve. While these criticisms are certainly not irrelevant, they seem largely to miss the point. Committed Palestinian activists – for instance, against the Separation Barrier – rarely believe that dismantling the barrier and the removal of all illegal Israeli settlements in the West Bank can be achieved by means of marches and banners. If such an objective were to be achieved, it would have to be based on an exponential rise in the number of protesters over an extended period of time, mobilising virtually tens if not hundreds of thousands of protesters. Such a development remains rather unlikely at present.

The importance of NVR in places such as Bil'in and Ni'lin not only lies in welcomed achievements on the ground but in the fact that they constitute examples which have inspired *political* representatives to largely forsake armed struggle for more promising tools of activism beyond violence. Based on a practical understanding that violent struggle has not achieved meaningful results regarding Israeli settlements in the West Bank, key decision-makers have and ultimately had to change their approach. It is, however, on the political level that a core challenge of NVR remains unresolved with the continued disunity of NVR activists. A monolithic NVR strategy is as unlikely as it is perhaps desirable. The fact that BDS leaders consider the PNA activities of settlement boycotts 'part of the useless Fayyad-show' (as Omar Barghouthi puts it), while Hamas and Fatah leaders trade accusations over who truly owns the concept of NVR, however, indicates more heterogeneity than necessary for a multifaceted movement. It is this disunity and the risk of re-emerging (even sporadic) violence that may very well hinder a cause that could otherwise bring the strengths of traditional *sumoud* energetically into the realm of politics.

6

Epilogue

The objective of this book is to highlight recent political changes in the Palestinian Territory. Against the background of current developments, such as the September 2010 resumption of Israeli–Palestinian negotiations under US auspices and repeated threats of escalating violence in the region, a sea change has taken place on different levels of Palestinian politics. *Politics of Change* attempts to question previous perceptions of Palestinian aspirations and proposes a critical assessment of recent change.

As with all things political, future developments are difficult to predict. This is especially true in the Middle East, where change in time will be subject to change itself. Will Hamas' outlined transformation continue or be replaced by a disillusioned hard-line stance and renewed terrorist activities? Attacks committed by the Qassam Brigades in August and September 2010 against the background of renewed Israeli–Palestinian negotiations and increasing authoritarian tendencies in Gaza present this as a very real risk. Will Fatah pursue the reform efforts or disintegrate under internal power struggles over the succession of President Abbas and an escalating confrontation with Salam Fayyad? Will Fayyad and Abbas write history or become a footnote in the ongoing chronicle of conflict, succumbing to external pressures and internal resistance? Will democratic principles in the West Bank persist or will they be replaced by increasingly authoritarian trends? Finally, will non-violent resistance continue to flourish in Palestine or be swept away by a new wave of bloodshed following regional escalations or the breakdown of US-backed negotiations? Numerous questions remain. However, the general trends, discussed above, promise to remain significant beyond short term uncertainties.

These trends do not only provide insight for political prophets and observers (a difference frequently blurred in the Holy Land), they also point to the importance of international engagement. Innovative international and particularly Western intervention, or the lack thereof, has the potential effectively to influence key developments outlined in this book. The lessons learned in decades of conflict

demonstrate that without a strong international commitment to engage, tangible progress on the ground will remain elusive. Any attempt to affect developments, however, needs to be based on an accurate assessment of the realities of a changing conflict. In this regard, there is much room for improvement, as many aspects of change discussed here have until now been largely overlooked or misinterpreted. This book attempts to contribute to a more even-handed understanding for all who hope for peace in a war-torn region.

While this book examines the concept of change in Palestine, an attempt has been made to equally address shortcomings, contradictions and ongoing challenges. The analytical focus on remaining ambiguities is not intended to diminish the persuasiveness or comprehensiveness of the argument. Rather, critical points are explored in order to strengthen the general argument outlined above. After all, this book has not been written as an exercise in wishful thinking or an attempt to replace legitimate scepticism with a euphemistic counter-narrative. Rather, it marks an effort at a realistic assessment of a highly complex and changing political spectrum of political players.

Appendix

1. ENDING THE OCCUPATION, ESTABLISHING THE STATE

Programme of the 13th PNA Government

FOREWORD

This document presents the programme of the 13th government of the Palestinian National Authority. The programme, which sets out our national goals and government policies, centres on the objective of building strong state institutions capable of providing, equitably and effectively, for the needs of our citizens, despite the occupation. We believe that full commitment to this state-building endeavour will advance our highest national priority of ending the occupation, thereby enabling us to live in freedom and dignity in a country of our own.

It is time for our people to obtain their unconditional freedom and national rights as required by international law. This calls for positive and proactive steps, both nationally and internationally, in order to end the occupation and reach a just and lasting political settlement in our region. For our part, we have to dedicate ourselves to the task of state-building. This will be critical to our success. In parallel, we have to be fully engaged with the international community, and we should work to secure the full backing of our Arab brethren and the political and economic support of our friends around the world.

The establishment of an independent, sovereign and viable Palestinian state is fundamental for peace, security and stability in our region. Whereas Israeli settlement policies and activities continue to undermine the viability of the two-state solution, our government is determined to preserve and advance this solution concept through our full commitment to the Palestine Liberation Organisation (PLO) programme. We call on our people to unite behind this programme and the government's vision to transform it into a reality. This is the path to freedom. This is the path to the creation of the independent state of Palestine on the Palestinian

territory occupied in 1967, with East Jerusalem as its capital. And, yes, this can and must happen within the next two years.

The work of our government will be guided by international law and the precepts of good governance, as we work to ensure the fulfilment of our commitments toward our citizens and our partners in the international community. …

The determination of our people to end the occupation and establish our independent state underpins our confidence in their support for the goals and policies outlined in this document. It is through the support of our people that we will succeed in our mission. Through their commitment to the PLO programme – the programme of self-determination, the right of return and the establishment of an independent state – combined with the sense of accomplishment and self-empowerment that has started to emerge as a direct consequence of the success of the national stabilisation effort over the past two years, we are confident that the Palestinian people will fulfil their national aspirations, provided, of course, that we also succeed in restoring the unity of our homeland and institutions.

The establishment of a Palestinian state requires collective dedication to this national goal …. Therefore, this government's programme seeks to involve all sectors and segments of society in the national drive to develop and advance our institutions. We take fully into account that our people expect a government that provides them with security and basic services and fosters development in all spheres, while respecting their rights and liberties. We believe that building and sustaining effective institutions can only be accomplished through full partnership between the government and the citizens.

The present document sets out our national goals and the priorities and activities of the PNA institutions for the next two years. Moreover, the 13th government will do everything in its power to ensure that general elections will be held on their constitutionally mandated date in January of next year, in accordance with the law and highest international standards. This is a right of all citizens, and it is a constitutional requirement that should not be overlooked.

We look forward to continued regional and international support to establish Palestine as an independent, democratic, progressive, and modern Arab state, with full sovereignty over its territory in the West Bank and Gaza, on the 1967 borders, with East Jerusalem as its capital. Palestine will be a peace-loving state that rejects violence,

commits to co-existence with its neighbours, and builds bridges of cooperation with the international community. It will be a symbol of peace, tolerance and prosperity in this troubled area of the world. By embodying all of these values, Palestine will be a source of pride to all of its citizens, and an anchor for stability in this region.

Salam Fayyad
Prime Minister

INTRODUCTION

The supreme goal of the national liberation cause, led by the Palestine Liberation Organisation (PLO), the sole legitimate representative of the Palestinian people, is to end the occupation, establish a sovereign and independent state on the 1967 borders with Jerusalem as its capital, and reach a just and agreed solution for Palestinian refugees in accordance with relevant international resolutions, and UN General Assembly Resolution 194 in particular. The Palestinian Declaration of Independence of 1988, and the Oslo Declaration of Principles of 1993, affirmed the willingness of the Palestinian people to reach an historic compromise to end the occupation of the Palestinian territory since 1967, and secure Palestinian self-determination in an independent, sovereign state with Jerusalem as its capital. As the natural extension of the PLO, the Palestinian National Authority (PNA) is devoting all of its energy and capacity to realising this national goal. Since 1993, we have made significant progress in building institutions to protect and serve our citizens. We have continued on this upward path in spite of the ongoing occupation, siege and military action against our people, including land confiscation, house demolitions and military incursions. The path has been long and hard and the patience of our people has been sorely tested. Out of respect for our citizens, and in recognition of their desire to live free and peaceful lives under national independence, we must answer their demand to see the fruits of the state-building project. Against this background, the Palestinian Government is struggling determinedly against a hostile occupation regime, employing all of its energies and available resources, most especially the capacities of our people, to complete the process of building institutions of the independent State of Palestine in order to establish a *de facto* state apparatus within the next two years. It is time now for the illegal occupation to end and for the Palestinian people to enjoy security, safety, freedom and independence.

The Government calls upon our people, including all political parties and civil society, to realise this fundamental objective and unite behind the state-building agenda over the next two years. We want to work in partnership with all our citizens to build the institutions of a free, democratic and stable State of Palestine that adheres to the principles of human rights and equality under the law, without discrimination on any grounds whatsoever. Together we must confront the whole world with the reality that Palestinians are united and steadfast in their determination to remain on their homeland, end the occupation, and achieve their freedom and independence. The world should hear loudly and clearly, from all corners of our society, that the occupation is the true impediment which has frustrated our efforts to realise the stability, prosperity and progress of our people and our right to freedom, independence and decent life. The world should also know that we are not prepared to continue living under a brutal occupation and siege that flouts not only the law, but also the principles of natural justice and human decency.

The window of opportunity to secure a viable two-state solution is now mortally threatened by Israel's settlement policy, the continuation of which will undermine the remaining opportunity of building an independent Palestinian State on the Palestinian territory occupied in 1967. The PNA therefore calls upon the people of Israel and their leaders, as well as leaders and citizens across the world, to ensure that a just peace prevails in the Middle East. This peace cannot be attained unless our people gain their national rights as defined by international resolutions including their right to live freely and decently in an independent state.

We are a partner for peace. Like all other peoples of the world, we aspire to live in peace, secure prosperity for our people, and bring stability to our region. But, like all peoples, we also seek justice. This cannot be achieved unless our people attain their legitimate, national rights as prescribed by international resolutions and implicit in the two-state solution. … Israel must dismantle the infrastructure of the occupation and create the space for international efforts to reach a just and lasting peace.

Notwithstanding our people's suffering from Israel's policies and actions, the 13th Government is determined to dedicate efforts to building the Palestinian state. Based upon a Palestinian vision of the tasks that must be completed to build the State of Palestine, the Government hereby sets forth and communicates to our people, and all nations and friends in the international community, the basic

principles of its programme to translate this vision into a solid reality.

The establishment of a Palestinian state within two years is not only possible, it is essential. The establishment of this state is fundamental to security, stability and peace in the region. It will be a state that builds bridges with all the people of the world, not walls to deny them the joy of visiting this sacred land. It will be an emblem and protector of peace, tolerance and prosperity in this troubled region. Our Declaration of Independence, issued forth by the Palestinian National Council in 1988, called upon all peace and freedom-loving peoples and states to assist us in achieving our goal of an independent and sovereign Palestinian state. Twenty years on, we reiterate that call in anticipation of the good will and support of our Arab brethren and the international community of nations. We hope that they will continue to assist and support us to achieve this supreme goal.

OUR VISION OF THE STATE OF PALESTINE

Palestine is an independent Arab state with full sovereignty over the West Bank and the Gaza Strip on the 1967 borders, with Jerusalem as its capital. Palestine, the cradle of civilisation and of the three monotheistic religions, will shine as a beacon of humanitarian values and religious tolerance across the world. … The state will forever be a peace-loving state that rejects violence; it is committed to peaceful coexistence with the world community of nations.

Palestine will be a stable democratic state with a multi-party political system. Transfer of governing authority is smooth, peaceful and regular in accordance with the will of the people, expressed through free and fair elections conducted in accordance with the law.

The state of Palestine respects human rights and guarantees equal rights and duties for all citizens. Its people live in safety and security under the rule of law, safeguarded by an independent judiciary and professional security services.

FOUNDATIONAL PRINCIPLES

The foundations of the Palestinian state, and the rights, freedoms and duties of its citizens are clearly articulated in the Declaration of Independence of 1988, and the Basic Law of 2003. We are building a democratic system of government founded on political pluralism,

guarantee of equality and protection of all its citizens' rights and freedoms as safeguarded by the law and within its limits. These include the right to form political parties and engage in political activity without discrimination on any grounds whatsoever.

Political parties shall abide by the principles of national sovereignty, democracy and peaceful, regular transfer of authority. The Basic Law safeguards rights of minorities. In accordance with the law, the minorities must abide by the will of the majority.

Government is to be based on the principles of justice and rule of law, equality and tolerance …. The independence and immunity of the judiciary are constitutionally guaranteed and the law shall punish any infringement on its dignity. …

All Palestinians are equal before the law. They enjoy civil and political rights and bear public duties without discrimination, regardless of race, gender, colour, religion, political opinion or disability. Human rights and fundamental freedoms are binding and must be respected. The state shall guarantee religious, civil, political, economic, social and cultural rights and freedoms to all citizens and their enjoyment on the principle of equality and equal opportunity. A person may not be deprived of his rights, fundamental, or legal competence for political reasons.

The state is solely responsible for the safety and security of persons and property. Its security apparatus, which is built on professional grounds within limits of the law, shall work to protect the rights of every citizen so that he feels secure both at home and abroad. It is not permitted for individuals and groups to acquire, bear or possess arms in a manner that is in violation of the provisions of the law. Without prejudice to the principle that the state solely has the jurisdiction in the security field, defending the nation is a sacred duty and serving it is an honour for every citizen.

Shelter, education and health insurance are basic rights which will be preserved and protected by the state …. Natural resources, archaeological remains and historical and heritage sites in the State of Palestine are the property of the Palestinian people. The state shall preserve them and regulate their use in accordance with the law. Preservation of the Palestinian environment shall be the duty of the state and the society …

The economic system in Palestine shall be based on the principles of a free market economy within the context of legitimate and responsible competition …

NATIONAL GOALS

The PNA, including all its respective governing institutions and agencies, is mandated to manage the day-to-day affairs of the Palestinian people under the occupation. Through good performance the Government, as arm of the Executive, can significantly enhance the PLO's ability to manage the political struggle by creating a strong, united, internal and national front. First and foremost, the Government is required to develop policies and make decisions that bolster the Palestinian society's strength, cohesion, and perseverance. The Government also bears considerable responsibility for facilitating the national dialogue aimed at ending the state of political fragmentation and restoring national unity …. The 13th Government hereby asserts its binding commitment to the following national goals on the basis of its absolute dedication, as the Government of the President, to the political platform of the PLO, including all its components and obligations, and all of its bilateral and multilateral agreements.

END THE OCCUPATION OF THE PALESTINIAN TERRITORY SINCE 1967

In 1988, the Palestinian National Council issued the Palestinian Declaration of Independence and announced its readiness to enter peace negotiations with Israel on the basis of UN Resolutions 242 and 338. The PLO, the founder and nurturer of the Palestinian national struggle and the sole legitimate representative of the Palestinian people, also offered in 1988 the Palestinian Peace Initiative, in which it officially endorsed the two-state solution in line with relevant international resolutions. …

In Oslo in 1993, the PLO agreed to form the PNA for an interim period, pending resolution of final status issues and the formation of an independent State of Palestine. Despite commitment by both the PLO and PNA to all provisions of agreements signed with Israel, the occupation, colonisation and cantonisation of our land have persisted and gathered pace as successive Israeli governments turned from the path of peace. Israel remains in full control of security and civil life in the West Bank, whilst Gaza remains under siege and our people there are subjected to inhuman collective punishment. Furthermore, Palestinian life in Jerusalem is under daily attack through systematic violations perpetrated by the occupation regime.

It is the right and the duty of all Palestinians to protect their land, reject the occupation and defy its measures. The Government bears special responsibility for nurturing our people's ability to persevere and protect their homeland. The Government is obligated to support our people in peaceful, popular movements to confront the occupying authorities' measures, including land seizure and confiscation, settlement activities, construction of Separation Wall, and house demolitions. …

PROMOTE NATIONAL UNITY

The Government emphasises that national unity is the point of departure and the foundation of the Palestinian national cause. Protection and preservation of this unity is a national duty. …

The Government reiterates its commitment to national unity on the tenets and principles of the PLO. It considers that the current state of Palestinian political fragmentation is destructive and contrary to our national interest. … This Government will continue to work unceasingly to lift the siege on our people and to shoulder its responsibilities, particularly in the Gaza Strip. It will also dedicate itself and all its efforts to expediting an end to the state of division and restoring unity to our homeland and institutions, ensuring that national elections are held on their constitutionally mandated date in January 2010 …

PROTECT JERUSALEM AS THE ETERNAL CAPITAL OF THE PALESTINIAN STATE

Jerusalem is our people's religious, cultural, economic and political centre. It is the Flower of Cities and Capital of Capitals. It cannot be anything but the eternal capital of the future Palestinian state. Jerusalem is under threat: the occupying authority is implementing a systematic plan to alter the city's landmarks and its geographical and demographic character in order to forcibly create facts on the ground, ultimately separating it from its Palestinian surroundings and eradicating its Arab Palestinian heritage …. If these measures continue, the possibility of establishing the Palestinian state and ending the conflict on the basis of the two-state solution will be terminally undermined.

The Government emphasises its unreserved commitment to defending the Arab character and status of Jerusalem, and to restore its character as a city of peace, worship and tolerance that, with no

barriers or walls, is open not only to our people but to all humankind. … The Government will work with all organisations to preserve the landmarks of Jerusalem and its Arab Palestinian heritage, develop the city, and secure its contiguity with its Palestinian surroundings. The Government will also dedicate all its capacities to confront the occupation regime's policies; continue to work on regional and international levels to stop these policies; support education, health, economic, cultural and tourism activities; reopen Palestinian institutions; defy house demolition and evacuation orders; and resist all restrictions on our citizens, thereby safeguarding their struggle to remain steadfast in the capital city of their homeland.

PROTECT REFUGEES AND FOLLOW UP ON ATTAINMENT OF THEIR RIGHTS

The majority of the Palestinian people are refugees and displaced persons living in the Palestinian territory and abroad. Most refugees live under oppressive and harsh conditions, lacking their most fundamental human rights, foremost of which is the right to live on their homeland. Though the issue of refugees will be addressed in the final status negotiations, it is certain that no political settlement can be accepted by Palestinians without a just and agreed solution to this fundamental issue in accordance with international resolutions, including UN General Assembly Resolution 194.

The refugee issue will remain under the jurisdiction of the PLO, through its Department of Refugees' Affairs …. The Government emphasises that it will do all within its power and authority to bolster on the legal rights and living conditions of refugees in the occupied territory, particularly in refugee camps …

SECURE THE RELEASE OF PRISONERS

The continued detention of thousands of Palestinian detainees and prisoners in Israeli prisons and detention camps, in violation of international law and basic human rights, is of great concern to all Palestinians …

… In this context, the Government emphasises its full commitment to the freedom of all Palestinian detainees and prisoners and will continue to strive to secure their liberty …

ENSURE HUMAN DEVELOPMENT

People are the most important and most precious asset in Palestine. They are central to our national struggle and our steadfast will to secure liberation from the occupation. They will be the essential driver of the development of the Palestinian state following independence. The Government attaches supreme importance to developing the capacities of all Palestinian citizens. …

ACHIEVE ECONOMIC INDEPENDENCE AND NATIONAL PROSPERITY

Liberating the Palestinian national economy from external hegemony and control, and reversing its dependence on the Israeli economy, is a high national priority. A capable state is built on the foundations of a strong, sustainable, active and efficient economy. In spite of all Israeli restrictions, and recognising that sustainable development cannot be attained under the occupation, it is our national duty to do all that we can to pull our economy out of the cycle of dependence and marginalisation. This is essential to our effort to build state institutions. … The Government is committed to continuously developing all segments of the Palestinian economy, building a free and competitive economic system …

BRING EQUALITY AND SOCIAL JUSTICE TO ALL CITIZENS

We are building a Palestinian state to secure a peaceful and prosperous future for Palestinians in their homeland. … The Government believes that a free market economy, properly regulated in the public interest, can be harnessed to elevate the standards of housing, education, health, and other social and cultural services to our citizens. …

CONSOLIDATE GOOD GOVERNANCE

Achieving our national goals depends on the adoption of the basic principles and practices of good governance throughout the public sector, the private sector and civil society. …

The Government is committed to building effective institutions, consolidating the rule of law and serving its citizens. It is a champion of judicial independence, individual and collective

political and civil rights, and democratic freedoms. The Government will reinvigorate public oversight mechanisms; promote integrity, transparency, and accountability; and, fight all kinds of corruption and favouritism. It will also embrace and promote the principles of competence, professionalism, and merit-based recruitment and promotion in the public sector and, in doing so, empower civil servants to perform their jobs efficiently and effectively.

BRING SAFETY AND SECURITY ACROSS THE HOMELAND

Guaranteeing security, safety, peace and tranquillity within Palestinian society is a fundamental duty of the state. The social and economic well-being of citizens, the protection of their individual rights and freedoms, the preservation of our national unity, and the safeguarding of our pluralistic and democratic political system is absolutely dependent on an effective and efficient state security apparatus which adheres to the rule of law, and respects the independence of the judiciary and equality of all before the law. …

The Government is committed to the continued modernisation and professionalisation of the Palestinian security services under the banner of 'One Homeland, One Flag and One Law'. These agencies must be subject to the rule of law and to oversight by the legislative and judicial authorities. The Government will continue to apply the law and adopt a code of conduct to hold accountable all security services employees in line with human rights and freedoms. Abiding by the principle of judicial independence, we will prohibit politically-motivated arrests and detention that have no legal basis. …

INSTITUTIONAL DEVELOPMENT

… The Government has identified its main institution-building priorities in five core areas: the legal framework; organisational structures and processes; the use of technology in government; management of national financial resources; and management of human resources in the civil and security sectors. These are our top priorities, to which we will devote most of our attention over the coming months prior to the national elections in January 2010. We will also continue to give attention to the many other ongoing institutional reform activities set forth in the PRDP 2008–10.

UNIFICATION AND MODERNISATION OF THE LEGAL FRAMEWORK

The Palestinian legal framework comprises an array of laws and regulations inherited from a succession of foreign regimes – Ottoman, British, Jordanian, Egyptian and Israeli. In some cases the laws and regulations applied in the West Bank differ from those applied in Gaza. This, coupled with the fact that aspects of the legal framework are outdated, presents all manner of challenges to ensuring good governance.

One of the highest priorities of the Government will be to finalise the ongoing comprehensive review of the Palestinian legal and regulatory framework. …

RATIONALISATION OF GOVERNMENT ORGANISATIONAL STRUCTURES AND PROCESSES

… The Government will launch a review of its organisational structure and core processes. This review will be conducted on a sector-by-sector basis through a participatory and consultative process, and will be rooted in the foundational principles mentioned above, particularly the separation of powers, efficiency and effectiveness.

INFORMATION AND COMMUNICATIONS TECHNOLOGY

The more widespread use of information and communications technology (ICT) in the Palestinian public sector represents a huge opportunity to increase its efficiency and effectiveness in delivering services to our people. It also provides many opportunities for greater government transparency, accountability and better communication with citizens. … The Government will work with relevant academic and private sector institutions to ensure a comprehensive and coherent strategy for accelerating the adoption of state-of-the-art ICT in the public sector. …

FINANCIAL RESOURCES MANAGEMENT

… Over the years the PNA has sought to deal with economic stagnation and contraction, and resultant rises in unemployment and poverty, through increases in public sector employment and salaries. During periods of acute instability, these measures helped prevent

complete collapse of the Palestinian economy and social order. However, there have been significant consequences for the PNA's fiscal situation, limiting the resources available to fund other operating and development expenditure.

The Government will continue with policies and measures designed to restrict growth of the public sector wage bill. Most importantly, we will strengthen and rehabilitate our national economy to create job opportunities in the private sector. … The Government will also continue the work of previous governments to upgrade its expenditure and accounting systems and processes in order to further enhance transparency and accountability for public finances.

HUMAN RESOURCES MANAGEMENT

The effective functional performance of any organisation depends on the quality and dedication of its employees. … The 13th government will launch a review of human resources management systems and procedures to identify and implement key reforms to public sector recruitment, personal development and staff performance evaluation mechanisms. …

SECTOR PRIORITIES, POLICIES AND PROGRAMMES

To translate public policies into results the Government has identified sector priorities as a preliminary step. Priorities, policies and programmes are presented in four sectors – governance, social, economy and infrastructure. Below is a summary of sectoral priorities, policies and programmes, which ministries and non-ministerial agencies will implement in each sector.

GOVERNANCE

In a modern state, the governance sector – its structures, its systems and its operating procedures – must embody the supreme values of the society as well as the basic principles on which the state is founded. Governance affects all walks of life across all sectors. Accordingly, it can be considered as cross-sectoral. However, in the Government's programme, it is viewed as a separate sector in which cross-cutting institution-building issues need to be addressed. Policy priorities in the sector may be summarised in five domains.

Public administration: …

Civil and criminal justice: …

Security services: …

Local government: …

Fiscal stability: …

OBJECTIVES AND ACTIVITIES OF SECTOR INSTITUTIONS

All PNA institutions, including ministries and governmental agencies, have a role in implementing programmes to meet governance sector objectives. Below is a summary of the key objectives and related activities of the main governmental bodies in the sector.

Ministry of Foreign Affairs

The Ministry of Foreign Affairs (MoFA) has the following objectives:

Enhance capacities of the Palestinian diplomatic corps through:

- Building a professional, politically committed diplomatic corps at MoFA and at embassies as well as pump new blood in this sector.

- Finalising construction of the new MoFA building, regulating the Diplomatic Training Institute and purchasing the largest number possible of embassies.

Contribute to promoting the international position of Palestine through:

- Developing Palestine's international relations with various states and international organisations and broadening scope of cooperation with them on all levels, particularly in the fields of politics, culture and economy.

- Communicating with Palestinian communities overseas, empowering them to support the Palestinian cause and the perseverance of citizens in the occupied Palestinian territory.

Enhance effective service delivery to citizens through:

- Developing communication mechanisms between embassies and MoFA to facilitate service delivery to citizens outside the homeland.

- Deliver certification services to citizens in cooperation with other governmental bodies operating in the Palestinian governorates.

Ministry of Interior

The Ministry of Interior (MoI) has the following objectives:

Impose public order, establish the rule of law and preserve public safety, thereby consolidating security and safety as well as safeguarding rights and freedoms through:

- Developing the capacity of, restructuring and reorganising the security establishment, and regulating each security agency in accordance with the law and relevant regulations.

- Continuing to train security staff, building security offices and headquarters, and providing modern equipment to help the security agencies perform their assigned tasks.

- Completing development of laws regulating the functions of security agencies and preparing a code of conduct in order to protect citizens and safeguard public freedoms.

Deliver effective and efficient services to citizens, expatriates and visitors to the PNA-controlled territory in line with the law through:

- Developing the organisational structures, systems and process of the MoI.

- Building directorate offices and public service centres that offer high quality services.

- Automating service delivery and establishing connectivity with

other institutions (e.g., the Civil Registry).

- Developing the Law on Nationality and Passports.

Ensure transparent and accountable administrative and financial performance through:

- Implementing administrative and financial reforms in all branches of the security sector, including centralisation of financial management and clarifying the jurisdiction of each branch to ensure effective integrated operations.

- Ensuring integrated and cooperative systems and working methods throughout the MoI in a manner that unifies and centralises its administrative and financial management.

- Developing a policy framework and strategic plan for implementing security sector development programmes and projects.

Develop the MoI's relations with the local, regional and international communities through:

- Guiding activities to represent Palestine as a full member on the Interpol.

- Developing MoI's operation on committees established by the Arab Council of the Ministers of Interior as well as rejuvenating MoI's role in the Mediterranean Civil Protection Programme.

- Develop a code of conduct for the Palestinian civil society activity.

- Building media capacities of MoI so that it can effectively communicate with the Palestinian civil society.

Ministry of Finance

The Ministry of Finance (MoF) has the following objectives:

Reduce reliance on international aid through:

- Controlling and rationalising expenditure, particularly recurrent expenses.
- Increasing domestic revenues and unifying the tax system.
- Increasing property tax collection by local government units.
- Amending the Income Tax Law, thereby broadening the tax base and keeping pace with developments in the national economy.

Enhance competent management of the public finances through:

- Developing financial policies and public finance management methods.
- Establishing a department for research and studies in the area of public financial management.

Increase efficiency of public service delivery through:

- Promoting capacities of MoF staff and providing them with modern tools, including legislation, regulations and functional procedures.
- Finalise current work on computerising tax assessment and collection, enabling better management of taxpayer accounts.

Promote concepts of transparency and accountability in the management of public finance through:

- Enhancing the effectiveness of financial auditing throughout PNA institutions by adopting a decentralised auditing system.
- Developing the Public Procurement Agency as an independent body that reports to the Council of Ministers.
- Developing financial legislation and regulations and completing the implementation of an integrated accounting

system.

Promote full Palestinian participation in international trade as a sovereign entity:

- Becoming a full member on the World Customs Organisation.
- Developing qualified staff to operate customs departments at international ports (including land, sea and airports).

Ministry of Planning and Administrative Development

The Ministry of Planning and Administrative Development (MoPAD) has the following objectives:

Promote efficient and effective allocation of limited national resources through:

- Providing necessary technical support to develop capacity of governmental bodies in policy-making and planning.
- Monitoring and evaluation of governmental bodies' performance against agreed targets.
- Preparing national development plans, in coordination with all governmental bodies, the private sector and civil society, to clearly define national and sectoral policies, priorities and programmes.
- Working with the donor community to enhance aid effectiveness.
- Leading and coordinating the development of national spatial plans.

Promote citizens' trust and confidence in the PNA through:

- Managing the process of developing human resource capacities throughout the PNA.
- Providing technical support for governmental institutions to

develop their organisational structures and ensure efficient and transparent working methods documented in formal procedures manuals.

- Coordinating efforts to automate governmental functions.

- Supporting the Ministry of Finance's efforts to develop financial management and control systems in all governmental bodies.

Ministry of Local Government

The Ministry of Local Government (MoLG) has the following objectives:

Empower local government units and build their institutional capacities through:

- Developing consolidated administrative structures, administrative manuals and financial policies, and a computerised, integrated accounting system.

- Finalising the modernisation of spatial planning, developing policies and guidance for land use, and upgrading the capacity of the Higher Zoning Council.

- Developing strategic and developmental planning capacity at the local level.

- Establishing staff training centres at local government units.

- Merging local government units, where necessary, in order to facilitate better service delivery.

- Developing laws, regulations and procedural manuals on local government.

Build the MoLG's capability to oversee the local government sector through:

- Developing a strategic plan for MoLG capacity development.

- Developing a new organisational structure, administrative manuals and computerised systems to enhance the performance of staff.

- Developing a training plan for staff and developing monitoring and performance evaluation methods.

Promote democracy, transparency and civil society participation in the local government sector through:

- Conduct elections at local government units in a regular fashion.

- Monitor and evaluate the performance of local government units.

- Raise public awareness of the concept of local government and promoting partnership between MoLG, local government units and citizens.

Promote the concept of partnership between local government units and public and private sectors to promote local development and fiscal independence through:

- Promoting participation of local government units in local and national development.

- Generating opportunities to increase the financial resources of local government units.

- Encouraging adjacent municipalities to work jointly in launching and implementing development projects.

- Encouraging the private sector and civil society organisations to cooperate with local government units to implement development projects.

- Promoting partnership with the private sector to help deliver and manage services cost-effectively.

Ministry of Justice

The Ministry of Justice (MoJ) has the following objectives:

Protect citizens' fundamental rights and freedoms through:

- Developing, in cooperation with all relevant public institutions, an integrated civil and criminal legal framework which safeguards separation of powers and ensures the integrated operation of all sector institutions.
- Developing the forensic medicine capacity.
- Following up on the execution of court judgments.
- Monitoring administrative performance in prisons to safeguard human rights.
- Developing and implementing legal aid programmes for citizens who are incapable of defending themselves for financial reasons.
- Contributing to developing and rejuvenating the Bureau of the Legal Counsel and Legislation.

Enhance justice sector performance through:

- Supporting the development of professional capacities, including members of the public prosecution service and judges.
- Supporting the development of specialisation in the justice sector, developing specialist courts and specialised staff in fields of commercial disputes, labour, etc.
- Supporting the continuing education through the Palestinian Judicial Institute.
- Constructing justice facilities, including courthouses and public prosecution offices, throughout governorates.
- Supporting computerisation in the justice sector, including the police, public prosecution and courts.

Ministry of Waqf and Religious Affairs

The Ministry of Waqf and Religious Affairs (MoWRA) has the following objectives:

Promote awareness and understanding of the Islamic religion and culture and disseminate the concept of tolerance in the religion through:

- Developing and implementing programmes of Shari'a education as derived from the science of the Holy Qur'an and Prophet's heritage.
- Empowering mosques as a centre of guidance, through improving their infrastructure and services.

Promote service delivery to citizens through:

- Developing buildings and services, and maintaining mosques.
- Supporting the activities of the Hajj and 'Umrah.
- Supervising Shari'a education, including at the College of Preaching and Shari'a Science as well as the Islamic Orphanage.

Protect and promote effective and efficient management of Zakat funds and Waqf properties through:

- Improving the management of the Zakat funds and ensuring equitable distribution.
- Following up on the survey of the Waqf properties.
- Creating a computerised database to keep all information on Waqf properties.
- Developing policies on the best utilisation of Waqf properties.

Financial Administration Control Bureau

The Financial Administration Control Bureau (FACB) has the following objectives:

Contribute to protecting the public funds and properties through:

- Auditing governmental and non-governmental bodies to ensure that functions are carried out in line with applicable laws and regulations.
- Developing performance of FACB staff by training and developing necessary systems and tools to enhance performance.

Promote the concept of oversight and accountability in PNA institutions and civil society organisations through:

- Cooperating and communicating with bodies subject to FACB control.
- Publishing a monthly bulletin on the FACB activities and programmes.

General Personnel Council

The General Personnel Council (GPC) has the following objectives:

Promote transparency and accountability in public sector recruitment and promotions through:

- Developing appropriate regulations, mechanisms and standards in recruitment and promotion processes.
- Ensuring that the Law of Civil Service and relevant bylaws are duly enforced and updated.
- Establishing interconnectivity between GPC and the General Directorates of Salaries at the Ministry of Finance.
- Developing staffing tables and job descriptions for all governmental institutions.

Contribute to enhance public administration through:

- Taking part in developing modern policies and mechanisms in administration.
- Recruiting qualified human resources and providing staff training programmes.

Department of the Chief Justice of the Family Courts

The Department of the Chief Justice of the Family Courts has the following objectives:

Enhance the performance of the religious (Shari'a) judicial system through:

- Building capacities and increasing the number of Shari'a court judges, as well as providing necessary equipment.
- Constructing Shari'a courthouses, throughout the Palestinian countryside.
- Automating operations at Shari'a courts.

Safeguard citizens' rights through:

- Developing and approving laws that regulate functions of the Shari'a courts.
- Adopting a system to archive documents, both manually and electronically, in order to curb fraud, particularly in relation to inheritance, Waqf properties, marriage, divorce, etc.

Palestinian Central Bureau of Statistics

The Palestinian Central Bureau of Statistics (PCBS) has the following objectives:

Develop essential ICT infrastructure to support governmental policies and programmes through:

- Building central and administrative registers.

- Carrying out various censuses, including the agricultural census.

- Establishing a system for monitoring social, economic, environmental and governance conditions.

- Publish statistical data in a manner that serves users' needs and promotes scientific research.

…

Social

The conditions under which the Palestinian people now live are probably the harshest ever. Witnessing forced migration, displacement, imprisonment, assassinations, impoverishment and deprivation, Palestinian families and society are suffering terribly. Nevertheless, Palestinian society remains cohesive. The Palestinian people are proud of their heritage and culture. Policy priorities in the sector may be summarised in four domains.

Preserving social cohesion …

Providing social protection …

Preserving cultural heritage …

Promoting equal opportunities ….

Objectives and Activities of Sector Institutions

Below is a summary of the key objectives and related activities of the main governmental bodies in the sector.

Ministry of Social Affairs

The Ministry of Social Affairs (MoSA) has the following objectives:

Provide social protection to poor and marginalised groups through:

- Making cash transfers to severely impoverished families; families affected by the occupation regime's policies in Gaza, areas adjacent to the Separation Wall, Jerusalem and in the Jordan Valley; and to orphans.

- Providing food packages to families amongst the poorest 60 per cent of Palestinian families which do not receive cash assistance and to pregnant and breast feeding mothers within the poorest 40 per cent of the population. In addition, MoSA will provide a hot meal to children at nurseries in areas classified as pockets of poverty.

- Providing health insurance to those under the extreme poverty line by targeting the poorest 70 per cent of the most impoverished households; the elderly who are located within the poorest 30 per cent of the population; disabled members of households located within the poorest 30 per cent of the population; and all citizens from households under the extreme poverty line.

- Providing social care, rehabilitation and protection to physically disabled citizens and the elderly under the extreme poverty line, in addition to taking care of delinquent minors, rehabilitating the disabled, and providing protection and shelter to orphans and to children, women and elderly persons who are victims of violence.

- Economically empowering the poor by providing training and funding to SMEs run by economically deprived households, the disabled, female-headed families, and impoverished new graduates from universities and other tertiary education establishments.

Enhance the targeting and effectiveness of social protection activities through:

- Developing a unified social safety net and upgrading social protection legislation.

- Reviewing and developing MoSA's organisational structure and working methods to improve staff performance.

- Institutionalising and enhancing working relationships with domestic and international governmental and non-governmental organisations providing humanitarian aid.

- Supporting, in cooperation with UNRWA, service delivery to

refugees in refugee camps.

- Promoting, in cooperation with other relevant bodies, steadfastness of citizens living in uniquely threatened areas, such as Jerusalem, communities affected by the Wall and settlements.

Ministry of Education

The Ministry of Education (MoE) has the following objectives:

Provide opportunities to access and benefit from the 'Education for All' Programme through:

- Building classrooms throughout the occupied territory.
- Providing textbooks, stationery and equipment.
- Ensuring an appropriate learning environment for persons with special needs.
- Supporting education in Jerusalem.
- Providing loans to enable students to enrol in higher education.
- Encouraging enrolment at vocational and technical educational centres.

Enhance the quality of regular and vocational education through:

- Developing curricula.
- Promoting the use of ICT in education.
- Developing teaching techniques and enhancing the capacity of teachers.
- Developing a teaching monitoring and evaluation system.

Improve performance of higher education facilities through:

- Matching higher education with the requirements of the domestic labour market and national needs.
- Promoting a culture of scientific research in Palestine and exchanging expertise with other nations.
- Promoting the financial independence of higher education institutions.

Increase effectiveness of service delivery through:

- Developing MoE's organisational structure and working methods and its laws and regulations.
- Computerising data and financial administration systems.
- Developing the administrative and financial regulation pertaining to the Student Loans Fund.
- Enhancing cooperation with educational institutions and civil society organisations.

Ministry of Health

The Ministry of Health (MoH) has the following objectives:

Ensure easy access to high-quality health care services by all Palestinian citizens through:

- Completing the health care services network in the field of primary health care.
- Construct six health directorates in Jenin,

Tulkarem, Hebron, Bethlehem, Tubas, and Dura. Refurbish 25 level 2 and level 3 health care clinics.

- Construct ten new clinics.

- Completing the health care services network in the field of secondary and tertiary health care (hospitals). This programme will include the following:

  – Upgrade and re-equip governmental hospitals as well as expand hospitals of Jericho, Beit Jala, Jenin, Rafidia, Hebron, Yatta, and Palestine Medical Compound in Ramallah.

  – Build a new hospital with a capacity of 50 beds in Tubas.

  – Rehabilitate the mental health care facility in Bethlehem.

  – Develop a plan to construct a hospital for cancer

treatment and a centre for blood diseases.

- Developing MoH human resources, including:
  - Developing and recruiting medical specialists.
  - Enhancing capacity of health care sector employees by implementing residency programmes for medical specialisations.
  - Adopting a decentralised administrative and financial approach in operating the Palestine Medical Compound in Ramallah to enable recruitment of specialists from the private sector and from abroad.

Ensure sustainable health care service delivery through:

- Rationalising procurement of services from abroad as well as recruiting and developing local capacity to provide specialist healthcare services.
- Computerising hospitals and developing health care information systems.
- Approving and enforcing a modernised law on health insurance.
- Eliminating the abuse of the free health insurance.
- Developing various new national health strategies, including a Drugs Strategy, a National Anti-Cancer Strategy, and a National Nutrition Strategy, and revising outdated national strategies.

Ministry of Labour

The Ministry of Labour (MoL) has the following objectives:

Safeguard workers' rights through:

- Developing labour laws and regulations and monitoring their enforcement.
- Developing and regulating union activity in Palestine.
- Appointing inspectors and providing them with continuing education.
- Creating a social security system that safeguards workers' rights and provides health care services for them and for their families.

Enhance the skills of Palestinian workers to enable them to compete in the global economy through:

- Rejuvenating the National Vocational and Technical Education and Training Strategy.
- Matching vocational and technical training with labour market needs.
- Upgrading and invigorating a labour market information system and activating the Palestinian Employment Fund.
- Enhancing the quality of vocational and technical education and training in cooperation with relevant PNA bodies.
- Distributing vocational and technical training centres throughout the occupied territory.

Rejuvenate the role of cooperative organisations, and promote participation and accountability mechanisms within these organisations through:

- Approving a Palestinian Law on Cooperatives, developing by-laws and enhancing oversight of cooperatives.
- Implementing programmes for building the capacities of cooperative movements.

- Establishing of cooperative organisations and encouraging communal activities.

Ministry of Women's Affairs

The Ministry of Women's Affairs (MoWA) has the following objectives:

Enable women's participation in policy and decision-making through:

- Enacting and enforcing legislation to ensure women's participation.
- Ensuring that various governmental policies and programmes heed gender issues and women's participation.

…

Assessing the Government's commitment to gender issues through:

- Monitoring and evaluating commitment and progress made by ministries in relation to gender issues.
- Developing the capacity of gender units to monitor and evaluate the gender sensitivity of ministries' operations.
- Participating in monitoring and evaluation of implementation of Millennium Development Goals.

Alleviate the impact of poverty on women in cooperation with governmental and non-governmental institutions through:

- Developing a national strategy to promote women's participation in the labour market.
- Reviewing and developing national policies to elevate women's participation in the labour market.
- Encouraging women to enrol at vocational and technical educational centres.

- Developing programmes that provide finance for women to establish SMEs.
- Work with MoSA to provide aid to needy female-headed households.

Fight violence against women through:

- Enacting and enforcing legislation.
- Developing a national strategy to combat violence against women.
- Developing and implementing public awareness programmes.
- Contributing to developing plans for establishment of centres to protect abused women.

Ministry of Culture

The Ministry of Culture (MoC) has the following objectives:

Preserve the Arab cultural identity of Jerusalem through:

- Promoting Palestinian cultural activities and events in the city.
- Developing Palestinian cultural infrastructure.

Maintain Palestinian national cultural heritage and identity through:

- Using physical heritage (including traditional industries and handicrafts) to generate national income.
- Documenting collective oral history and transmitting it to future generations.
- Developing programmes to protect national culture from negative impacts of globalisation and confronting attempts to replace the national cultural identity.

- Encouraging cultural exchange between Palestinians at home, in the Diaspora and inside Israel.
- Promoting cultural exchange with Arab countries and with the entire world.

Encourage culture and ensure equitable service delivery through:

- Cultural development of vulnerable communities and groups.
- Working with relevant institutions to promulgate laws to rejuvenate cultural life in all its forms.
- Establishing, equipping and operating cultural infrastructure, including theatres, museums and libraries.

…

Ministry of the Wall and Settlement Affairs

The Ministry of the Wall and Settlement Affairs (MoWSA) has the following objectives:

Promote steadfastness of citizens affected by the Separation Wall in cooperation with other ministries and agencies through:

- Developing and implementing development projects west of the Wall.
- Contributing to providing basic needs of citizens, including implementation of social aid programmes.

Resist Wall construction and settlement activity through:

- Lobbying Arab and international support, emphasising relevant international resolutions.
- Launching media and political activities that highlight the ICJ Advisory Opinion on the Wall and to reaffirm UN resolutions regarding illegal settlements.
- Providing necessary support to popular committees in their

peaceful resistance against the Wall.

- Coordinating the national effort, including between official bodies and civil society organisations, to document changes on the ground and to provide up-to-date and accurate data on Israeli violations.

Ministry of Detainees' Affairs

The Ministry of Detainees' Affairs (MoDA) has the following objectives:

Work towards releasing all prisoners and detainees from Israeli prisons through:

- Lobbying Arab and international support for prisoners and publicising their predicament.

- Ensure that the issue of prisoners remains at the top of Government's policy agenda and a core issue in negotiations with Israel.

- Provide support and legal aid to prisoners.

Secure a decent standard of living for prisoners and care for their children and families through:

- Enhancing health care, social and financial services delivered to prisoners' families.

- Providing higher education opportunities and offering grants to prisoners and their families.

- Enabling prisoners to gain employment in governmental functions.

- Working with relevant organisations to provide vocational and technical training to help released prisoners compete in the labour market.

- Developing a programme to launch SMEs managed by released prisoners.

Improve MoDA service delivery through:

- Upgrading MoDA's administrative, financial and oversight systems. …

Ministry of Jerusalem Affairs

In coordination and cooperation with relevant PNA ministries and governmental agencies, the Ministry of Jerusalem Affairs (MoJA) has the following objectives:

Preserve the Arab identity of Jerusalem as the eternal capital of the Palestinian people and prevent attempts to alter its demographic character and cultural landmarks through:

- Lobbying Arab and international support for Jerusalem.
- Maintaining Jerusalem as a top priority on the Government's agenda and highlighting its predicament in the media.
- Launching programmes to promote the steadfastness of Jerusalemites, including:

- Strengthen Palestinian institutions in Jerusalem, providing financial support to help them deliver services to citizens.
- Provide necessary legal support for Jerusalem inhabitants to enable them confront Israeli policies and measures, including house demolitions and withdrawal of ID cards.
- Provide necessary engineering expertise to prepare and submit structural plans for houses under threat of demolition and for zoning of unclassified land to convert them into residential areas.
- Provide urgent aid to evicted families.
- Develop programmes to address drug addiction and consolidate social cohesion in the city.
- Provide support to housing projects in Jerusalem.
- Provide, in cooperation with relevant PNA institutions, support to secure basic educational needs, including construction of classrooms, improvement of the educational environment, and provision of adequate income for teachers.
- Provide support to the commercial and tourism sectors in Jerusalem by offering loan facilities, restoring closed commercial premises and developing a programme to provide funds for SMEs.

Palestinian Pension Agency

The Palestinian Pension Agency (PPA) has the following objectives:

Protect retirement funds through:

- Collecting pension contribution arrears.
- Enhancing pension fund management techniques.

- Developing and enforcing a sustainable law on retirement. …

Economy

Rebuilding the Palestinian economy is critical to our goal to establish an independent Palestinian state. This requires the lifting of the burden of restrictions and sanctions imposed by the occupation regime on the Palestinian economy. …

To initiate a sustainable economic recovery and to rebuild the national economy as a pillar of a modern Palestinian state, the Government has defined policy priorities in the sector in seven domains.

Creating an enabling investment environment ….

Promoting the role of private sector in social and economic development ….

Support Palestinian products and expertise ….

Developing national resources …

Developing infrastructure ….

Transmit knowledge and support Palestinian innovation ….

Expand bilateral and multilateral cooperation ….

Objectives and Activities of Sector Institutions

Below is a summary of the key objectives and related activities of the main governmental bodies in the sector.

Ministry of National Economy

The Ministry of National Economy (MoNE) has the following objectives:

Safeguard independence of the Palestinian economy through:

- Ending Israeli hegemony over the Palestinian economy.
- Diversifying markets and export destinations, with special focus on ties with Arab countries.

- Consolidating economic and commercial relations with other commercial partners, including Islamic states, EU, European Free Trade Association and the USA.

Stimulate economic recovery and develop an enabling environment for business and investment in Palestine through:

- Developing enabling legislation and regulations and removing bureaucratic impediments.
- Developing investment-enabling infrastructure, including industrial estates.

Promote Palestinian competitiveness through:

- Developing human resources to compete in the global economy.
- Creating an economy based on knowledge and modern technology.
- Contributing to development of policies to effectively manage natural resources.
- Modernise, broaden and enhance the productive base of the Palestinian economy.

Provide protection to Palestinian consumers through:

- Contributing to developing and putting in force a Consumer Protection Law.
- Building the capacity of the Palestinian Standards Institute.

Ministry of Agriculture

The Ministry of Agriculture (MoA) has the following objectives:

Improve food security and promote self-sufficiency through:

- Establishing agribusiness projects that generate income and

employ large numbers of workers.

- Marketing and raising the quality of national agricultural products.
- Enhancing household production by poor families.

Promote economic viability and inward investment in the agricultural sector through:

- Promoting economically viable crops.
- Encouraging the establishment of private companies to market agricultural produce.
- Protecting national agricultural products from unfair and anticompetitive market practices.
- Developing and improving livestock productivity.
- Encouraging financing of agricultural businesses.

Promote effectiveness of agricultural service delivery through:

- Modernising the MoA's organisational structure, building capacities of staff to enable them to provided enhanced services.
- Updating the national agricultural sector strategy.
- Upgrading the MoA's infrastructure.
- Finalising development of a legal framework to regulate the agricultural sector.
- Establishing unions and specialised boards providing agricultural services to farmers.

Develop, manage and utilise natural resources (land and water) through:

- Reclaiming and rehabilitating land, constructing agricultural roads and digging collection wells.

- Developing water sources used for agricultural purposes, promoting the competent use of irrigation, and using treated saltwater and wastewater in cultivation.

- Launching a tree-planting project in Palestine (five million trees).

Ministry of Tourism and Antiquities

The Ministry of Tourism and Antiquities (MoTA) has the following objectives:

Promote Palestinian tourism products through:

- Diversifying tourist products and promoting tourism services.

- Developing and enhancing cultural heritage resources.

- Enriching tourists' cultural experience.

- Creating an enabling investment environment for the tourism sector.

- Implementing model projects in selected areas, including the Jericho 10,000 project; development of sustainable tourism in Jericho; construction of the Riwayah museum in Bethlehem; rehabilitation of Tal Balata; administration of the Sabastiya site; and establishment of tourist information centers in Jericho, Nablus and Al 'Eizariya.

Promote and market Palestine as a distinctive tourist destination through:

- Developing a promotion strategy that markets Palestine as a unique tourist destination.

- Using the media, ICT, and tourist exhibitions to promote Palestinian tourism.

- Promoting the culture of tourism in the society – guiding citizens to engage positively with tourists and to protect cultural heritage sites.

- Promoting internal tourism.

…

Ministry of Telecommunications and Information Technology

The Ministry of Telecommunications and Information Technology (MoTIT) has the following objectives:

Build national human resources capacities in cooperation with relevant governmental bodies through:

- Contributing to development of educational curricula that promote the use of ICT.

- Contributing to the development of distance learning.

- Supporting scientific research and bringing international ICT expertise to Palestine.

Enhance consumer protection through:

- Contributing to development and enforcement of the Consumer Protection Law.

- Regulating the ICT sector and promoting competition in the ICT market.

Contribute to enhancing government performance and transparency through:

- Finalising the first phase of the e-government project.

- Establishing a national ICT centre in cooperation with relevant PNA bodies.

Increase ICT sector revenues through:

- Rehabilitating the postal sector to provide effective and competitive postal and financial services.
- Promoting partnership with the private sector to promote the sector domestically and internationally.
- Encouraging international ICT corporations to appoint direct agents in Palestine, rather than dealing with Israeli agents.
- Supporting ICT business' participation in local and international exhibitions.
- Supporting development of emerging ICT enterprises and inventions.
- Supporting the Palestine Information and Communications Technology Incubator (PICTI).
- Supporting installation of the IT Garden.

Palestinian Land Authority

The Palestinian Land Authority (PLA) has the following objectives:

Promote effective public service delivery through:

- Creating a central computerised database that includes all registers, plans and documents of the PLA.
- Constructing PLA branch offices throughout Palestinian governorates.
- Building capacity of PLA staff.

Protect and maximise utilisation of governmental land through:

- Listing and registering state land.
- Developing clear policies on the use of state land.

Protect citizens' properties through:

- Continuing work on the land settlement project in the West Bank.

- Computerising documents and plans.

Palestinian Capital Market Authority

The Palestinian Capital Market Authority (PCMA) has the following objectives:

- Enhancing the legal framework relating to the PCMA and the insurance, securities, and real estate mortgage sectors to ensure greater supervision, accountability and transparency.

…

Infrastructure

Infrastructure development is not an end in itself; it is a means to bring about social and economic development. Public infrastructure is a means to deliver basic services to citizens and businesses domestically, and to connect us with the rest of the world. Public infrastructure in Palestine currently varies from one area to another due to population distribution and limited financial resources on one hand, and the actions of the Israeli occupation regime on the other. To develop the infrastructure in Palestine to promote social and economic development, the Government has defined policy priorities in six domains.

Develop infrastructure in rural and marginalised areas …

Develop and maintain existing infrastructure …

Develop large infrastructure projects …

Develop regional infrastructure …

Ensure local participation in developing infrastructure …

Improve local implementation capacity …

Objectives and Activities of Sector Institutions

Below is a summary of the key objectives and related activities of the main governmental bodies in the sector.

Ministry of Transport

The Ministry of Transport (MoT) has the following objectives:

Ensure smooth and safe movement of persons and goods through:

- Developing plans and standards to improve local, main and interconnecting roads and railways and expanding their scope to cover all residential areas, including remote and marginalised areas.

- Developing plans to establish a safe passage to connect northern and southern governorates (the West Bank and Gaza).

- Taking part in the development of legislation and plans for building modern seaports, crossing points, and airports, including construction of the Palestine International Airport in the Jordan Valley and resumption of control over the Qalandiya Airport.

- Preparing for reconstruction of the Yasser Arafat International Airport and Gaza Port, as well as rehabilitating and developing the fishing harbour.

- Providing support to and reorganising the Palestinian airlines.

- Developing the public transportation sector.

- Developing traffic safety standards, including standards associated with the design of roads, management of traffic and certification of vehicles.

- Developing mechanisms to involve the private sector in the development and management of a cost-effective transportation infrastructure.

Promote effective and transparent public service delivery through:

- Developing laws and regulations governing the transportation sector.

- Developing modern, automated working methods.

- Building a modern information management system.
- Building a metrological information system.
- Developing and implementing a system to properly manage and regulate the public transportation sector.
- Building the capacity of staff.

Ministry of Public Works and Housing

The Ministry of Public Works and Housing (MoPWH) has the following objectives:

Reconstruct Gaza, including rehabilitation of crossing points and reconstruction of houses, public and private buildings and infrastructure destroyed by the occupation regime.

Deliver appropriate services to citizens and governmental bodies through:

- Rehabilitating the existing road network and constructing new roads.
- Building a geographical information system that includes data on all roads and development projects.
- Developing necessary plans to integrate settlement infrastructure into the Palestinian infrastructure in light of the settlement evacuation experience in Gaza in 2005.
- Identifying strategies for reducing construction costs, working in cooperation with the Engineers Syndicate and other relevant partners.
- Developing strategies to promote the use of solar power through the construction industry.

Contribute to rationalising government expenditure on roads and buildings through:

- Establishing regular maintenance units throughout Palestinian

governorates.

- Constructing public buildings throughout governorates, replacing old rented buildings with modern ones, and providing building complexes for the civil and security sectors.

- Complete the construction of ministries complex in Ramallah, pending the relocation of the Government to Jerusalem.

Increase home ownership through:

- Developing affordable housing policies and programmes for low and medium income households.

- Developing programmes to provide long-term home loans.

- Deliver basic infrastructure for private and public housing projects, including those constructed by cooperative housing societies.

- Assisting residents of Jerusalem and areas adjacent to the Separation Wall to obtain appropriate housing and support their efforts to procure construction licences.

Enhance the performance of the MoPWH through:

- Building the capacity of staff.

- Introducing information management, geographical information and electronic archiving systems, and establishing systems interconnectivity between governorates and the MoPWH.

Palestinian Energy and Natural Resources Authority

The Palestinian Energy and Natural Resources Authority has the following objectives:

Ensure that the electricity supply is delivered to citizens through:

- Developing and rehabilitating internal electricity networks and main electricity lines.

- Completing the Rural Electricity Project to provide electricity to all citizens, with particular focus on locales affected by the Separation Wall and other marginalised and remote areas.

- Rehabilitating the Gaza electricity generation station.

Reduce the cost of electricity consumption through:

- Setting plans for interconnectivity with Arab regional electricity and gas networks, and for procuring petroleum.

- Continuing work towards effective exploitation of the gas field off the Gaza coastline and using natural gas to generate electricity.

- Developing alternative energy sources, including renewable energy.

- Improving the financial performance of the electricity sector by applying the Electricity Law, incorporating distribution companies, reducing net lending, and curbing illegal consumption.

Palestinian Water Authority

The Palestinian Water Authority (PWA) has the following objectives:

Protect Palestinian water sources through:

- Ensuring that all Palestinian water rights are secured.

- Developing regional cooperation in the management of water resources.

- Developing effective water management methods.

- Developing legislation to protect and preserve water resources.

Ensure that water-related services are delivered to all residential locales in Palestine through:

- Developing main water networks and pipelines and digging new wells.
- Developing and implementing a programme for the maintenance of wells and water networks on a regular and emergency basis.
- Concentrating on supplying water to rural areas, remote and marginalised areas, and areas affected by the Separation Wall.
- Devising plans and studies for constructing water purification plants in the Gaza Strip.

Reduce water consumption through:

- Rehabilitating the main water networks and pipelines in order to reduce water losses.
- Eliminating illegal consumption of water and reducing net lending.
- Establishing the National Water Undertaking to supply water on a wholesale basis and restructuring the water distribution sector, creating water and wastewater service boards pending the creation of Regional Water Undertakings.
- Ensure that wastewater services are delivered to all communities.
- Developing sewerage networks, main pipelines and wastewater treatment plants.
- Developing and implementing regular and emergency programmes to maintain main water networks and pipelines as well as purification plants.
- Improving management of treated wastewater and developing techniques for disposal of waste residue.
- Developing low-cost water purification stations and mechanisms to treat wastewater in rural and small communities.

Palestinian Environment Quality Authority

The Palestinian Environment Quality Authority has the following objectives:

Provide protection to citizens against environmental pollution through:

- Developing environment-related laws, regulations and standards.
- Raise public awareness on environmental issues.
- Contribute to protecting public health by developing policies and programmes for solid waste collection and disposal.

Conserve environmental diversity and protect the marine and coastal environment through:

- Developing policies, standards, programmes and systems to protect environmental diversity.
- Developing policies, standards, programmes and systems to protect the marine and coastal environment.

2. POLITICAL PLATFORM OF THE PALESTINIAN NATIONAL LIBERATION MOVEMENT FATAH

(Ratified by the Sixth General Congress of the Movement on 8 August 2009)

STRATEGIC PRINCIPLES AND INTERIM POLICIES

The Fatah Movement broke out from the womb of its people and nation, a National Liberation Movement aiming at revolutionising, unifying and organising the Palestinian people. It aims at liberating our people's will in order to lead the cause with their own hands and push it from inertia to movement to put an end to occupation and colonisation, and work for the return of the refugees to their homeland.

Fatah designed a national strategy that governed its vision, priorities and course over half a century. Yet, it continued setting interim programmes based on its principles and its strategy, taking into account that the world in which it operates is an ever-changing world that carries continuous developments on Israeli, Arab and international levels. These developments on the Palestinian side affect the elements of strength and weakness of the Movement. It should take advantage of such developments and opportunities, while avoiding or minimising their risks.

The objectives of the Fatah Movement and its strategy shaped its style and characterised its personality, compared to other movements and parties of the region. …

ON STRATEGY

The objectives identified in Fatah Movement's strategy can be summarised as follows:

1. Liberating the Homeland, Ending its Settler Occupation and Attaining the Inalienable Rights of the

Palestinian People

The liberation of the homeland is the central axis of the Fatah Movement's struggle, including the right of the Palestinian people to self-determination as an inalienable right. This right cannot be lost by attrition since it was recognised and confirmed by the international community. This includes the right to establish its own sovereign and independent state with Jerusalem as its capital on the liberated Palestinian land occupied by Israel since June 4, 1967, the right of the refugees to return and to compensation, based on the United Nations Charter and the UN General Assembly Resolution No. 194. In the short run, it focuses on confronting the settlements, the judaisation of Jerusalem, the siege imposed on our territories, putting an end to the occupation of our cities and villages as a step towards achieving our strategic goals.

Fatah launched armed struggle and other methods of legitimate resistance to liberate the homeland. Such a right is recognised by international law as long as the occupation of our land remains. The Movement adopts a just and comprehensive peace as a strategic objective to be reached by various means, but it does not accept stalemate as an alternative. It adopts struggle with various tools as a means to retrieve our inalienable rights. …

2. Forms and Methods of Struggle

Struggle emanates from the right of the Palestinian people to resist the occupation, to struggle against settlements, expulsion, displacement and racial discrimination; a right guaranteed by international law. Our revolutionary struggle was launched by armed struggle against the military, but it was never confined to it. Usurpation of our land, its tools and methods were diverse and included peaceful resistance as … practiced by the first Intifada; demonstrations, sit-ins, civil disobedience, confronting settler gangs, political, media, legal, and diplomatic struggle, including negotiations with the occupation authority. Consequently, the Palestinian people's right to practice armed resistance against the military occupation of their land remains a constant right confirmed by

international law and international legality. However, the selection of struggle methods … depends on the capabilities of our people and our Movement. It also relies on local and external developments, on the necessities of safeguarding the calculation of power equations ….

In Fatah's principles, ends do not justify all means. There are means that, in the long run, contradict our overall objectives, especially that Fatah since its inception has postulated humane solutions that ensure the future coexistence between Muslims, Christians and Jews in one democratic state. Fatah always rejected targeting civilians anywhere. It also rejected transferring the fight abroad; it opposed practices of arms abuse and domestic chaos. It respected international law and abided by its requirements.

3. Independent National Entity and the Palestinian Identity

The strategy of Fatah is based on the Palestinian people and their struggle and the fact of having no substitute to their homeland. Therefore, the Movement deployed efforts in all fields in order to confirm the national independent entity of the Palestinian people. This identity constitutes the basis for our right in our country and for our rejection of forced settlement in neighboring Arab countries, or in any alternative homeland. The Movement believes that the confirmation of the national character requires giving priority to maintaining attachment to the masses, to the homeland and its basic social components.

The attachment to the Palestinian identity is an integral part of its affiliation to the Arab Islamic civilisation and the opening towards humanity. Therefore, the Movement has always emphasised its essential identification as a National Palestinian Movement, which determines its own course and priorities. …

4. Palestinian National Unity

The Palestinians are a genuine people with a clear identity and clear affiliation to their homeland. They maintained their attachment to this identity and to their homeland through their national struggle for almost a century, aiming to liberate their land from occupation and settlement. The Palestinian Arab people constitute one political unit whether at home, in the West Bank and its heart Jerusalem, in the Gaza Strip, behind the Green Line or in the Diaspora. …

Fatah rejects and condemns Palestinian infighting and considers the spilling of Palestinian blood a red line, a crime and a sin. Fatah struggled for the unity of the Palestinian people and its political representation within the Palestine Liberation Organisation (PLO) and continues to work for its representation encompassing all factions, parties and independent national personalities.

5. Our Arab Affiliation and Arab Relations

The Palestinian people are Arabs and constitute an inseparable part of the Arab nation, befriending its friends and confronting its enemies. Freedom-loving Arabs struggled with us and many of them joined our Movement. Our Arab nation provided us with support and protection and joined us in the liberation struggle sacrificing the blood of its sons. It believes that the colonial settlement project which targeted us targets the Arab nation as well. …

The Movement struggled to achieve full membership of the Palestine Liberation Organisation (PLO) in the Arab League and insists that the Palestinian state will continue to be an active member of this Arab Organisation, abiding by its decisions. … We endeavour to achieve Arab unity but we don’t accept trusteeship or subordination to anyone. As a result we had to enter into costly confrontations in defense of our independent Palestinian decision.

6. Islam and Divine Religions in the Strategy of Fatah

Palestine is the holy land of monotheistic divine religions, and Islam as the religion of the majority of the Palestinian people … is the official religion of the Authority and the state. Christianity enjoys the same holiness and respect. Fatah does not allow any discrimination between the Palestinians on the basis of religion, ideology or the strength of their belief. We respect the freedom of worship for all, including Jews. Since its inception our Movement called for a democratic non-sectarian state for Muslims, Christians and Jews.

The Movement is inspired by Islam and other divine religions from which it derives its spiritual and religious values. It belongs intellectually to the Arab Islamic culture. It is the Movement of a people which maintains spiritual and moral values and the belief in God, His Prophets and the sacred Books. Fatah Movement does not accept sectarianism, rejects fanaticism and extremism, and believes that the divine religions promote fraternity, tolerance and coexistence among nations.

7. The Role of International Relations in Fatah Strategy

There are no permanent international alliances and relations. International relations are based on common interests, visions, and power equations. They change as a result of changes in these variables. These relations are also based on international law, human rights and international agreements.

The Movement seeks to develop and improve its international relations, to widen the circle of its friends and allies, based on its strategic commitment to International Law, to UN legitimacy and the UN Charter. Fatah's exercise of international relations is based on its being a national liberation movement fighting to end the Israeli occupation. It is also based on the protections guaranteed by international humanitarian law and in particular the Fourth Geneva Convention of 1949 for the Protection of Civilian Persons in Time of War, which includes the protection of civilians under foreign occupation. Our struggle is also based on the provisions of international law that affirmed the right of

people to resist occupation, and on their right to struggle for their freedom, independence and self-determination.

Our Movement pays special attention to the United Nations and it works to re-activate the UN's role in the Palestinian cause. … Fatah realises the risks of the current unipolar international system which led to bloody wars focused on our region, destroying Iraq and Afghanistan, spreading sectarian and ethnic contradictions, and using brute force at the expense of the rule of law. However, this system was subjected to military failures and finally to economic defeats. This development heralds a multipolar world system which should bring back equilibrium into international relations and provides us with a greater opportunity to regain international legal support and action in favour of our rights.

8. Other Distinct Features of Fatah Strategy

Fatah adopts democracy and tolerance, rejecting extremism and terrorism in all its forms, especially state terrorism, and it deals in moderation with political realism. … Moderation does not mean cowardice and evading, but the rejection of extremism, and the attempt by some to … cover failure through exaggeration and imprudence. Democracy does not mean bowing to American matrices or yielding to wrong or misleading concepts, but by the constant return to the public, broadening the base of its participation in decision-making, refusing dictatorship and the rule of autocracy. We will be mistaken if we ever agree to the course of a one man rule. …

Fatah adopted these commitments because it is a movement of the entire Palestinian people, and not an elitist party. … That is why Fatah proposed a progressive vision of the future to the Israelis and rejected extremism and terrorism.

However, distinction must be made between terrorism, which targets civilians for aggressive political objectives, such as state terrorism practiced by Israel against our people, and the legitimate resistance against foreign occupation and peoples' struggle for their freedom, independence and self-determination against racism and all forms of foreign

domination and hegemony, within the confines of international law.

The Movement maintains its commitment to the human values of justice, peace, human rights, equality, dialogue between individuals and groups and between cultures and civilisations. It strongly supports the objectives and message of the United Nations and its specialised agencies emphasising the role of culture and education in the consolidation of international peace and security, as well as its commitment to the World Declaration on Human Rights [sic] issued by the United Nations.

These are the constant visions and obligations that form the strategy of the Fatah Movement. This set of objectives and perspectives represents the specific style for Fatah, its distinct personality and its strategic course of struggle in dealing with internal and external changes. Fatah lives in a permanently changing world and deals with it through interim programmes based on its strategic political platforms approved by its general congresses.

This requires a clear identification of the tasks of the next stage.

TASKS OF THE COMING STAGE

Introduction

Fatah emerges from its Sixth Congress to lead the Palestinian national struggle in the coming stage. Fatah believes that the new phase of the Palestinian national struggle will involve major difficulties and grave threats to the future of our national cause. The coming stage looks more complicated and more dangerous due to a combination of diverse and multiple external and internal factors. Foremost among these is the US alignment with Israel, particularly during the mandate of the previous US Administration. The Arab split and the internal Palestinian rift inflict serious damage to our cause, to our homeland, and to our ability to confront the occupation. …

Our central goal remains to defeat the occupation, liberate the homeland, establish our independent state with Jerusalem as its capital, and ensure the right of refugees to return and to compensation. Our interim tasks to be accomplished for the achievement of these goals include: Confronting the settler occupation, preserving the land and holy places and their Arab character, especially in Jerusalem; working for the release of prisoners, steadfastly upholding our principles in difficult times, and mobilising different forms of struggle to defeat the occupation, rectifying the course of negotiations without being confined solely to it, or accepting a futile continuation of it. We have to try to achieve progress through negotiations towards our goals, exploring alternative strategic means of struggle if the peace process fails in its current form. We have to keep on building our own strength in order to carry on the struggle.

We must strive to translate these directives into detailed interim tasks in order to achieve our objectives in the next stage; which will be presented as follows:

Confronting Settler Occupation and Continuing the Struggle for Liberation and Independence

1. Principles: Continued commitment to national principles, self-determination and the establishment of the independent Palestinian state with Jerusalem as its capital.

2. Refugees: Fatah Movement is committed to the following:

a. Working hard to achieve the right of refugees for return, compensation and restitution of properties while maintaining the unity of the refugees' cause regardless of their location, including the refugees inside the Green Line. Fatah supports the need to preserve the refugee camps as a political witness to the plight of the refugees who have been deprived of returning to their homes pending the resolution of their cause. Fatah will strive to preserve UNRWA as an international address for the

rights of the refugees until their return to their homes and country. Working to improve the conditions of the refugees and their camps is a national necessity.

b. The rejection of forced implantation of our refugees away from their homeland to an alternative homeland. No settlement 'Tawteen' in Lebanon and no substitute homeland 'Watan Badeel' for the Palestinians in Jordan are acceptable.

3. Detainees: We commit ourselves to strive to liberate all Palestinian prisoners and never to sign any final peace agreement without the freedom of every one of them.

4. Right to resist: Fatah adheres to the right of the Palestinian people to resist the occupation by all legitimate means, including the right to use arms. Such a right is guaranteed by international law as long as the occupation, settlement, and the denial of our inalienable rights continue.

5. Forms of struggle in the current stage: Fatah adopts all forms of legitimate struggle while remaining committed to the option of peace, without being restricted to negotiations only. The forms of this struggle, which can be successfully used in the current stage to support negotiations and reactivate them, or substitute them if they do not deliver may include:

a. Mobilisation of popular non-violent struggle against settlement activities as expressed in its successful present model in Bil'in and Ni'lin against the Wall, and to the struggle to rescue Jerusalem and prevent its judaisation. Our mission is to mobilise all citizens to take part in those activities, to mobilise Arab and international participation support from the Authority and its agencies, and to urge leaders to take part in its most important activities.

b. Creating new forms of struggle and resistance through grassroots initiatives and those of Fatah cadres in the framework of our people's determination to resist and

stand firm protected by international law and international guarantees.

c. Boycotting Israeli products at home and abroad through popular movement, particularly those goods for which there is a local substitute. Performing new forms of civil disobedience against the occupation and launching an international campaign to boycott Israel, its products, and its institutions, benefiting from the experience of South Africa against Apartheid.

d. Exploring strategic alternatives if progress is not achieved through ongoing negotiations, including the option of a democratic unitary state rejecting racism, hegemony and occupation. The development of struggle against Israeli apartheid and racism, return to the idea of declaring the state on the 1967 borders are examples of these strategic alternatives.

e. Continuing the struggle to release the prisoners and detainees, ending the external siege, lifting internal checkpoints … are important tasks in the coming period.

f. Calling on the UN and the Security Council to shoulder their responsibilities in resolving the conflict and ending the occupation; and continuing the drive to issue supporting resolutions by the Security Council based on Chapter VII of the Charter which makes them legally binding and enforceable.

g. Restoring our direct and strong relations with the Israeli peace camp and revitalising our joint action for a just peace, without mingling it with normalisation with Israel, which is rejected while occupation continues.

6. Development of PLO Performance in Negotiations: The continuation of negotiations without achieving any progress in a fixed time frame threatens our rights and turns into a game that enables Israel to use them as a cover to continue its colonisation and consolidate its occupation. To avoid this risk,

we need to make sure that the PLO and its negotiating delegations abide by the following rules to proceed with negotiations:

a. Linking the negotiating process to real and publicly observable progress on the ground. The most important indicators are: Total halt of settlements, especially in Jerusalem, and a complete cessation of attempts to change the character of Jerusalem, leading to its judaisation. Negotiations should not be resumed without the achievement of these goals. Moreover, Israel has to stop its incursions, detentions and assassinations; it has to lift the siege of our people in Gaza, remove the checkpoints in the West Bank and withdraw to the lines of September 28, 2000 as a first step towards reaching the borders of June 4, 1967. Such are clear indicators of progress on the ground; and progress in negotiations should be linked to their achievement.

b. Negotiations should be conducted on the basis of international legitimacy and its key resolutions: (181 and 194 of the UNGA; 242 and 338 of the UNSC) and in the framework of the Arab Peace Initiative. These negotiations should continue if they abide by these terms, and achieve our strategic and interim objectives.

c. Continue the efforts to hold a new international peace conference to push towards swift negotiations leading to a peace agreement that achieves our objectives.

d. Insist on setting a clear and binding timetable and a time ceiling for the negotiations.

e. Refuse to postpone negotiations on Jerusalem, the refugee issue, or any of the final status issues.

f. Reject the idea of a state with provisional borders.

g. Categorically refuse to recognise Israel as a ‘Jewish state’ in order to protect the rights of our refugees and those of

our people behind the Green Line (Palestinian Christian and Muslim citizens of Israel).

h. Insist on international participation throughout the negotiations, and set a mechanism for binding arbitration in case of differences during the implementation of the agreements.

i. Insist on international supervision and international peace-keeping mechanisms to ensure the implementation of the agreement.

j. Our success in achieving our goals through negotiations requires the formation of a national professional committee reporting to the PLO capable of handling tough negotiations, monitored by a higher commission in which Palestinian factions, national figures and professionals take part. Another committee of Fatah should be formed for the follow up of negotiations that has to report to the Central Committee and the Revolutionary Council.

k. We must conduct a referendum to approve the peace agreement reached through final negotiations.

l. The continuity of the struggle, the activation and unification of our Movement, the achievement of Palestinian national unity, and the performance of essential tasks on the Palestinian and Arab levels are required in the coming stage to achieve our national goals.

First: Rebuilding, Activation and Unification of the Movement

Fatah, as the right arm of the revolution, and its leadership shoulder the responsibility for protecting and achieving the Palestinian national goals. Without a capable, unified and active Fatah, we will fail, at least in the short run. Therefore,

the main tasks of the next stage are those of self-development and rectification of the Movement.

The Movement's organisational programme explains these tasks in detail.

The key tasks to reconstruct, reactivate and reunify the Movement are:

- Restoring public support for the Movement by taking the initiative, and by insisting on activism, to restore the course of struggle and to achieve a just peace. …

- Finding more effective organisational forms for the military branch. Activating the role of the Central Committee, requiring its formation through elections, performing its duties without allowing it to be by-passed or marginalised. Expanding the base of participation in decision-making by granting wider powers to the Revolutionary Council, and the formation of commissions, and institutions at home and abroad. Exercising positive democratic dialogue inside the ranks, holding the regular congresses and developing organisational forms to keep confidentiality, especially in areas where it is needed.

- Continued commitment to the culture of struggle, and the permanent readiness to engage in resisting the occupation, and sacrifice for the homeland. Continuous education through regular organisational meetings and training courses. …

- Achieving the unity of the Movement inside and outside the Homeland, between the West Bank including Jerusalem and the Gaza Strip and between the generations.

- Securing the independence of the Movement within the PLO and the PNA.

- Developing the finances of the Movement through self-

reliance and the reliance on the Palestinian masses in the Diaspora and at home. Rebuilding the accounting system of the Movement to ensure transparency, accountability and oversight through the development of the Commission of Finance, unifying disbursements and funding centers, and presenting periodic financial reports to the Revolutionary Council and the General Congress.

- Rejuvenation of the Movement through cooperation between the generations, fostering bridges of relationship between the young cadres and the experienced founding generation. …

- Restructuring and activating Fatah Youth Organisation ….

- Developing the role of women and preparing cadre of educationally, culturally and politically qualified women, broadening and strengthening the role of women in the Movement, encouraging their presence in leading positions.…

- Eliminating ‘centres of power’, cronyism and tribalism particularly through the separation of the security apparatus from the civil organisation and the rejection of any external funds for cadres, structures, and institutions of the Movement without central control ….

- Reviewing the media discourse of the Movement and handing its responsibility to professionals capable of ensuring its success in terms of clarity, sincerity, integrity and persuasion ….

- Promoting the provision of community services particularly in the fields of health, education, culture, and heritage, strengthening the presence of the Movement in grassroots organisations.

- Honouring veteran activists and Fatah pioneers, making benefit of their expertise, documenting their experiences

and their militant careers to make use of them in documenting the history of Fatah for over half a century of pioneering struggle.

Second: Activation of the PLO and its Institutions

PLO is the highest authority of the Palestinian people's institutions and the sole legitimate representative of the Palestinian people wherever they are, and the embodiment of our national unity. Within this framework, Fatah is committed to:

1. Emphasising the role of the PLO as a higher reference to the Palestinian Authority, drafting the constitutional regulations that govern the relationship between the PLO and the PNA and its institutions. The PLO is the organisation vested with negotiations, and authorised to sign final political agreements to realise the national rights of the Palestinian people ….

2. Upholding the principle of differentiating between the role of Fatah and the PLO.

3. Activating PLO institutions, departments, diplomatic missions and bodies at home and abroad ….

4. Holding Palestine National Council elections at home, and abroad whenever possible ….

5. Updating the concepts, mechanisms and obligations of factions and forces participating in the PLO institutions ….

6. Consolidating PLO presence among the Palestinian refugees in the Diaspora, especially in the refugee camps in the Arab States.

7. Reviving PLO ties with Arab and international solidarity forces and rebuilding relationship with them.

8. Developing PLO relations with peoples, parties and governments on Arab and international levels.

Third: Achieving Palestinian National Unity and Confronting the Blockade

Confronting the Separation

The continuation of the state of separation between the two parts of the homeland represents a serious threat to the future of the national cause of the Palestinian people; and Hamas cannot escape its responsibility if the split continues.

We need to move forward to reach success of the comprehensive national dialogue and foremost the dialogue with Hamas, based on ending the division in Gaza by:

1. Establishing a national unity government that organises simultaneous legislative and presidential elections.

2. Unifying the security apparatuses as a national institution to protect the security of the homeland and its citizens.

3. Dealing with the consequences of the coup and the split, to achieve national reconciliation including the release of detainees on both sides.

The failure of the dialogue because of Hamas' intransigence will neither detract from this priority nor undermine our determination to continue our engagement.

However, such failure obliges Fatah to adopt alternative options:

1. Rebuilding the Movement in Gaza, to cope with the requirements of the present situation, and providing full support for the Fatah organisation in Gaza to face the split.

2. Directing the energies of the Movement towards promoting public action and mobilising the Palestinian people to face

the split and the dictatorship.

3. Exposing the actions of Hamas that violate Palestinian traditions and customs by committing crimes against the Palestinian people of Gaza.

4. Calling for Arab security support in the Gaza Strip during the interim stage.

5. Strengthening the media work in the Arab and Islamic street to expose the reality of Hamas' policies and practices.

Confronting the Siege

Our duty to confront the Israeli siege of Gaza requires our performance of the following actions:

1. Strengthen the steadfastness of Gaza in the face of the siege; give it a priority in providing national support through budgetary finance and international grants, and solving the pressing problems of Gaza people living abroad, particularly students and patients.

2. Launching an international humanitarian campaign against the siege and starvation, and informing the world about the crimes against humanity committed by Israel against the people of Gaza, and to link resuming negotiations with Israel with lifting the siege.

3. Gradual separation of the Palestinian economy from the Israeli market, especially in electricity, fuel, gas and basic foodstuffs, replacing it by the Egyptian, Jordanian and Arab markets.

4. Working to implement the International Convention for the Rafah Crossing, trying to develop it by denying Israel the opportunity to control the opening and closing of this vital crossing.

Achieving National Unity and Political Partnership

While emphasising the role of the Palestine Liberation Organisation as the highest authority, embodying the national unity of the Palestinian people, the development of the concept of national unity into political partnership has become an urgent necessity in the coming stage …. This should be based on clear terms of reference such as:

1. Respecting pluralism and the right to form political parties and factions in accordance with the law.

2. Promoting the concepts of democracy and peaceful transfer of power at local and national levels.

3. Resorting to the ballot box in the formation of local councils, trade unions, legislative bodies and other frameworks.

4. Broadening popular participation in determining national public policies.

5. Amending laws, especially those related to elections to give the emerging powers and parties a better chance to participate in the elections.

6. Establishing a supreme constitutional court to resolve disputes related to the Constitution and other laws.

7. Consolidating Palestinian political gains by insisting on the commitment to obligations and agreements is a decisive prerequisite for participation in Palestinian political life.

8. Motivating the grass-roots bases to protect national unity and political partnership.

9. Disseminating the culture of partnership, prioritising the

national public interest over the narrow selfish interests of the forces, factions and parties.

Fourth: Protecting Jerusalem

Jerusalem is the capital of Palestine and its heart, the first *kibleh* and third holiest shrine of Islam, the city of peace and the symbol of divine religions. No peace can be installed without the return of Jerusalem as the eternal capital of the State of Palestine. Fatah considers all the decisions of Israel's annexation of Jerusalem, its settlement, displacement of people and changes of its features as null and void and their consequences must be abolished, in implementation of international resolutions that condemned all attempts to judaise Jerusalem. Jerusalem is an integral part of the land of Palestine occupied in 1967.

Fatah commits to the following tasks regarding Jerusalem:

1. Embodiment of Jerusalem as an eternal political capital of Palestine and a spiritual capital for the Arab nation, Islamic and Christian world.

2. Upholding absolute commitment to the resolutions of international legitimacy and the International Court of Justice advisory opinion on Jerusalem, which confirms the invalidity of Israel's decisions of annexation, and building the apartheid wall ….

3. Provide means of support related to preservation of Jerusalem and resist its judaisation ….

4. Provide all the facilities that the Movement can provide, and those provided by the National Authority to support the steadfastness and perseverance of our people in Jerusalem and to support projects that provide essential services to the residents of Jerusalem to strengthen their steadfastness and preserve their national and cultural identity.

5. Support Jerusalemite institutions and maintain their continuity in serving the steadfastness of Jerusalemites, to build new institutions, to maintain the Arab character of Jerusalem, and work to reopen the institutions shut down by Israel.

6. Activate Fatah channels, and those of the National Authority, with the Islamic and friendly countries for the implementation of special Arab projects to preserve the identity of Jerusalem and its Arab character and face the settlement and judaisation attacks.

7. Establish a special fund for Jerusalem to receive local, regional and international donations and to unify them in order to consolidate the steadfastness of the people of Jerusalem.

8. Strengthen the role of research centres to publish information, historical and cultural studies, organise conferences and seminars about the city of Jerusalem and to publish their proceedings in the media to raise the issue of Jerusalem at the global level.

9. Activate Fatah Jerusalem Commission as a Fatah reference for Jerusalem Affairs.

Fifth: Tasks of the Palestinian National Authority

The Palestinian National Authority (PNA) was established in 1994 by a decision of the Palestine Liberation Organisation. Fatah assumed most of its leading and administrative responsibilities. Yet, the PNA belongs to the Palestinian people and is governed through democratic elections. It is also an independent body. Fatah has the ability to influence the PNA especially when it assumes its leadership. The Movement should form a clear vision of the Authority, including the future tasks Fatah is committed to implement through the PNA, once Fatah assumes its leadership through democratic legitimacy. Fatah should also select the tasks that it will call on

the PNA to implement when it is outside the leadership of the Authority.

The following points are a summary of these tasks, although detailing them is the task of the 'National Construction Programme' submitted to the Sixth Conference separately:

1. Emphasising the principles of democracy, pluralism and peaceful transfer of power, consolidating those principles and protecting the freedom of individuals and their rights as the basis of state-building.

2. Achieving security, safety and respect of the law, and re-building the security apparatus on national and professional foundations.

3. Continue building and rebuilding state institutions, preserving the constitution and the laws regulating political, economic and social life.

4. Developing values and concepts based on the principles of our Arab and Islamic culture and international standards with regard to women, children, family and youth, political and civil rights and public freedoms.

5. Strengthening the role of women by eliminating all forms of discrimination against them, protecting them against family and social violence, working to enable them to enjoy their civil, political, economic, social … and cultural rights ….

6. Continuing to provide all kinds of support for the wounded and prisoners; develop specialised programmes for the rehabilitation of ex-detainees and develop programmes to take care of their families.

7. Fighting corruption and conducting radical reform in the performance of the Authority and judiciary, protecting and enforcing its provisions and independence, respecting the law, developing mechanisms of governance based on the

separation of powers and activating the principle of accountability.

8. Strengthening the presence and participation of civil society ….

9. Developing the national economy on the basis of economic efficiency and independence from Israeli economic hegemony ….

10. Focusing on private sector support by creating an encouraging investment environment, granting facilities to investors and establishing a sound market mechanism to maintain legitimate and effective competition, restricting monopoly and achieving protection for the consumer. Encouraging economic production capable of competition.

11. Respecting the right of every Palestinian to work and continue the efforts to provide employment opportunities, to comply with minimum wage; activate and support labour frameworks and trade unions.

12. Encouraging the Palestinian Investment Fund and the private sector to invest in the housing sector, especially in the outskirts of cities threatened by settlement ….

13. Ensuring the right to participate in cultural life in all its dimensions ….

Sixth: Tasks towards the Palestinian people in the Diaspora

Our people in the Diaspora are an important and integral part of the Palestinian people. The revolution was launched in the Diaspora, and our people have sacrificed thousands of martyrs for it ….

Seventh: Tasks toward ‘Our People in ’48’

The Palestinians, ‘our people in the territory occupied by Israel in 1948’, are an integral part of the Palestinian people. They maintained their national identity, heritage, belonging and belief in the just cause of their people, and they paid a high price for their steadfastness in the homeland. They are treated by Israel as second class citizens and live under the threat of ‘judaisation’ and ‘ethnic cleansing’ which means expulsion from their country. Fatah is committed to perform necessary tasks and take positions to protect them in the coming stage, such as:

1. Fatah rejects the call to recognise Israel as a ‘Jewish State’, and adopts the demands of our Palestinian people in the territory of ’48 to be recognised by Israel as full citizens with full rights.

2. Fatah rejects Israel’s racist calls for ethnic cleansing stressing the fact of natural and historic existence of our people in their homeland of Palestine before the establishment of Israel and its usurpation of our land.

3. Fatah supports the demands of our people for equality, restoring their rights to achieve economic, social and educational development for themselves, their regions, towns and villages.

4. Fatah supports unity and alliance between the Palestinian factions in Israel in order to reach adequate proportional parliamentary seats in the Israeli elections equal to their percentage in the population ….

5. Fatah works to promote interaction and communication between our Palestinian people in Israel and the masses, bodies and NGOs in the West Bank and Gaza to promote unity between the members of the same people.

6. Fatah works to inform the world about the Palestinian presence in Israel and to support this presence in the various fields of human, social and cultural rights, to face the policy of racial discrimination against the Palestinians.

7. Fatah supports the creation of joint committees and frameworks of our people with peace forces and peace activists in Israel against the occupation and colonisation of our Palestinian land in order to establish the Palestinian independent State on the 1967 borders with Holy Jerusalem as its capital.

Eighth: Activating Arab action and insistence on the independence of the Palestinian national decision

1. … The Movement rejects normalisation with Israel before ending the occupation on the basis of the Arab Peace Initiative. It works with our Arab brothers to impose boycott measures on Israel and punish it for its crimes and behavior, especially if it insists on carrying on its settlement policy.

2. Maintaining the strongest ties with the Arab masses ….

3. Building special relationships with neighbouring countries ….

[Deleted: 4–9]

Ninth: Tasks of International Relations

In the coming phase, Fatah must work hard to restore its historical and natural position amongst the forces of freedom, liberation and the peoples of the world, based on its true character and its role as a National Liberation Movement. … This requires performing the following tasks:

1. Intensify our political activities to present our principles, our goals and our struggle as a National Liberation Movement facing the dangers of racist settler occupation of our country, and working to rectify the image of our

Movement amongst the masses and the freedom forces in the world ….

2. Strengthen relations with the solidarity movements, political parties, trade unions and non-governmental organisations, particularly those working in the field of human rights, since they have effective impact on [sic] the national and international levels.

3. Explain the concept of peace adopted by the Palestinian people: based on justice and the right to exercise self-determination like all other peoples of the world, and on the principles of international law and international legitimacy. …

Activate the contacts with countries and international organisations through the Fatah institutions, the PLO and the PNA, which requires:

1. Intensification of activity and contacts on bilateral, international and multilateral levels to consolidate international support for Palestinian rights against settlements, siege and the wall …. Taking lesson of the South African experience, the Fatah Movement has to be ready to step up the international campaign against Israeli racist practices to reach international boycott.

2. Intensification of our official relations with the United Nations and the Security Council through the PNA and the PLO to affirm international legitimacy and its role. To work with the International Court of Justice and various international institutions, and with the Commission on Human Rights and the High Contracting Parties to the Fourth Geneva Convention in order to face the Israeli siege and settlement.

3. …

4. …

5. … Endeavour to open a strategic dialogue with Iran.

[Deleted 6–9]

Notes

CHAPTER 2

1. Despite the fact that the translated acronym Hamas, as frequently noted with the acronym Fatah, describes both respective organisations as *haraka* ('movements'), the terms 'movement' and 'party' are used interchangeably in the text. This is to stress the *process* which remains an incomplete transformation that situates Hamas and Fatah on the threshold between movement and political party.

2. Quotes from the Hamas Charter are based on the translation of the Yale Law School Avalon Project, [online] avalon.law.yale.edu/20th_century/hamas.asp.

3. One exception to this approach is senior Hamas official Khalil Al-Haya who declared on 19 May 2010 in Al Shujaiyeh (Gaza) that 'the return of all refugees without recognizing Israel in exchange for a 10-year truce' was his party's line (Abu Taha, 2010).

4. Previously, Hamas had only participated in low-key student council elections.

5. An often heard response of Hamas decision-makers when requested to formally accept the State of Israel is the reply as to *which* Israel is expected to be recognised, alluding to the question of borders that have never been declared by Israel.

6. Under international pressure, the PNA had already in 2003 attempted to clamp down on Hamas institutions in the West Bank, including the freezing of financial assets of Hamas charities (Hroub, 2010, p. 69).

7. For a critical account of the Hamas takeover of Gaza as effectively pre-empting a Fatah led assault, see Rose (2008).

8. The PLC building in Gaza City was destroyed in an Israeli air raid during the 2009 operation 'Cast Lead'.

9. Given the ongoing international boycott, these requests constitute a challenge for international organisations which intend to continue their activities in Gaza but are unable to register with an internationally designated 'terrorist organisation'. An unpublished survey among international agencies in Gaza conducted by Oxfam GB in May 2009 indicates that only nine out of 37 international NGOs in Gaza were willing to comply.

10. However, tunnels had already been used for smuggling many years before the blockade was imposed.

11. Even though suicide attacks are often referred to as characteristic of Hamas (in and outside of Palestine), the movement actually 'only' resorted to suicide terror operations between 1994 and 2006.

12. Interestingly, this policy of interference with the operations of Islamic Jihad only emerged after 2009. Following the victory of Hamas in the PLC elections of 2006,

Hamas itself refrained from launching attacks against Israel, but allowed factions such as Islamic Jihad to continue.

13. There were suspicions that the attack was implicitly backed by Hamas, since the incident was carried out in an area that was only accessible via Hamas checkpoints.

14. This development notwithstanding, a vital internal debate on programme and ideology continues to take place within Hamas and is based on a rich tradition of discourse (Klein, 2009, pp. 881–92).

15. It must be noted, however, that a poll conducted in June 2010 indicates that an overwhelming majority of 73 per cent of Israelis at the same time enthusiastically supported the blockade of the Gaza Strip (Maayana, 2010).

CHAPTER 3

1. While Kuwait ceased to play important political functions for Fatah's political and military struggle, Palestinians working in Kuwait and other Gulf states continued to play a vital role in securing funding for Fatah. Effectively, the PLO (and Fatah) established a tax system in place until 1991, collecting an income tax payable by Palestinians working in the Gulf.

2. This notwithstanding, Fatah and the PLO received significant military support and training from the Soviet Union throughout the 1970s (Dannreuther, 1998).

3. An English version of the 1964 Fatah Constitution is available at middleeast-facts.com/middle-east/the-fatah-constitution.php.

4. So powerful was the narrative of successful operations on Israeli territory that it took Fatah cadres well into the 1980s to admit officially that 'the start of the revolution' resulted only in modest if any achievements at all (Cobban, 1984, p. 33).

5. Incidentally, the king left no doubt that the Jordanian military played the major role in the confrontation. To this day, the Jordanian Government-run website of King Hussein of Jordan declares in rather patronising terms that Fatah forces present in Al Karameh 'also took part in the battle' (Diplomatic and Military Initiatives, 2010).

6. An (in)famous incident being the so-called Coastal Road Massacre of March 1978, in which a Fatah commando from Lebanon landed boats near the coastal road linking Haifa and Tel Aviv, hijacked a bus and killed 37 Israelis. Israeli Prime Minister Menachem Begin labelled the operation a 'Nazi atrocity' in his official statement to the press and ordered the Israeli army into South Lebanon in 'Operation Litani' (Israel Ministry of Foreign Affairs, 1978).

7. While traditionally commanding officers would have paid their inferiors personally in cash, thus strengthening personal over institutional loyalty, the PNA now pays the security forces directly through bank transactions.

8. The appointment of these three members was later formally approved by the RC.

9. Admittedly, a clear differentiation between a programmatic statement and 'internal Charter' would have been difficult to sustain with regard to the previous Charter from 1964 which also effectively acted as a political programme.

10. This notwithstanding, the Al Aqsa Martyrs Brigades claimed responsibility for firing on an Israeli vehicle north of Ramallah on 15 May 2010.

CHAPTER 4

1. Government plans were previously published, and occasionally featured detailed work plans for individual ministries (such as the 'reform plan' of the Cabinet presented to the PLC on 29 October 2002). However, implementation remained limited.

2. The PRDP was presented at the Paris Conference in December 2007. This plan outlines the PNA's strategy for the period 2008–10 and was developed in close coordination with international donors. The same holds true for planning instruments such as the Palestine National Plan (PNP) from 2011 to 2013, which was in the process of being developed at the time of writing. The objective of the PNP is not to replace the 13th Government Programme, but to elaborate a follow-up plan on institution-building.

3. In an earlier sign of political backing, the US administration announced a $20 million grant to support Fayyad shortly after the presentation of the Government Programme in 2009, while a few weeks prior to the official launching of the plan, the US Congress approved a $200 million deposit for the PNA Treasury.

4. This notwithstanding, initiatives have fallen in line with previous efforts as outlined in the PRDP for the 2008–10 period, which focused specifically on attempts to balance the PNA's fiscal situation by shifting expenses from recurrent spending to development spending.

5. Confronted with allegations of human rights abuses with regard to these prisoners, Fayyad ordered the demotion or dismissal of 43 police officers at the beginning of 2010 (The Disgrace of Torture, 2010).

6. 11 per cent of these were issued by the US and Canada, 53 per cent by Europe (which contributed €439 million through the EC in 2009 alone) and 20 per cent from Arab states such as Saudi Arabia.

7. In the OPT, 1 dunum = 1,000 square metres.

8. In May 2010, Christian Berger, the EU Representative in Ramallah, caused a public uproar when he hinted that the EU might reconsider its financial assistance to the PNA if no progress was made in negotiations with Israel.

9. The PNA has attempted to balance the lack of a formalised PLC by including Fatah party institutions, such as the Revolutionary Council, to a limited extent in the development of policies (see chapter 3). Also, efforts have been made to present government policies, including the PNA budget, to civil society. Thus, on 28 April 2010, the Prime Minister used the AMAN Annual Conference in Ramallah to present the PNA general budget to a broad spectrum of representatives of civil society. While this is not a substitute for a functioning Parliament, such efforts indicate a general willingness for open debate and public scrutiny.

10. A backlash against PNA security institutions due to the targeting of critical media outlets has been reported with the support of Palestinian civil society organisations. Thus Palestinian journalists in Bethlehem declared a strike backed by the Palestinian

Journalists Syndicate in protest against the assault of journalists by PNA security officers on 29 March 2010.

11. On 11 March 1999, Congress stipulated that since 'the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority', 'any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition'.

CHAPTER 5

1. For a detailed account of early NVR see *A Quiet Revolution: The First Palestinian Intifada and Nonviolent Resistance* (King, 2007).

2. Article 11 of UN Resolution 194 stipulates: 'The refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date.' The resolution was passed on 11 December 1948.

3. Mahmoud Abbas had based his election campaign in 2005 in large parts on the slogan 'Stop the militarization of the Second *Intifada*'.

4. Thus, the Al Quds Brigades, the military wing of Islamic Jihad, announced that they would continue to perform 'martyrdom-seeking operations' in Israel (Zaboun, 2010.) Western governments have estimated that Islamic Jihad comprises a hard core of up to 200 militants.

5. Notable exceptions for this Hamas approach are the killing of an Israeli police officer on 14 June 2010 in Hebron which was apparently committed by a Hamas cell operating in the West Bank, and the killing of four Israelis in Hebron in August 2010 by the Qassam Brigades.

6. The case inspired Ronit Avni and Julia Bacha's documentary *Budrus* (Just Vision, 2009).

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