

THE FLOERSHEIMER INSTITUTE FOR POLICY STUDIES

# **Is A Viable Democratic Palestine Possible?**

Future Scenarios for Palestine

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## **About the Author**

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## **About the Study**

This publication explores whether or not a democratic Palestinian State is possible. To answer the question events and processes within the PA since Arafat's death are analyzed, with special attention to the rise to power of Hamas and its impact on the political and social system. Following this analysis three scenarios are presented: Total Collapse, National Consensus and Building a Viable State, and The Impasse.

Relying on the three scenarios Rami Nasrallah explores the barriers and opportunities strewn along the way to a viable Palestinian State.

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# Preface

## **A Turning Point for the Palestinians**

The death of President Yasser Arafat in November 2004 marked the inauguration of genuine transformation in the Palestinian political system. Following Arafat's election in 1969, the political system was almost entirely subjugated to him as the Chairman of the Palestine Liberation Organization (PLO). His proclaimed role as the founder of the Palestinian national movement was without any real competitor. The Palestinian case represents a unique model of liberation movements: The PLO was founded with the goals of liberation and independence, but the Palestinian revolution has not brought such independence. Arafat's absence from the Palestinian and international political arenas presented the Palestinians with a new challenge: the historical legitimacy drawn from the revolution, the symbolism and the history of the struggle against the occupation are no longer the criteria that determine the strength of Palestinian political movements and powers. The historical symbolism vanished with the death of Arafat and with it his stature, symbolism and achievements in keeping the Palestinian identity alive throughout more than four decades of struggle. Now, the Palestinian political system has entered a new phase that entails a search for new sources of legitimacy.

Elections conducted on January 9, 2005 legitimized President Mahmoud Abbas (Abu Mazen), whose political platform was based on achieving security, ending the internal chaos, achieving reform, and bringing freedom to the Palestinians. Until shortly before Arafat's death, Abu Mazen was considered by numerous political powers, and even within Fateh itself, as a personality that did not enjoy internal legitimacy. In fact, the external acceptance which he enjoyed during his

premiership from April 30 to September 6, 2003, especially by the United States, Europe and Israel, was counterproductive, and some of his competitors considered him an unacceptable choice for the Palestinians. Abu Mazen himself pointed to this accusation in his letter of resignation to President Arafat, in which he underscored that he was unable to work under such circumstances. But this was soon about to change.

The smooth transition of authority after the death of Arafat in November 2004 was secured with the choice of Abu Mazen as Chairman of the Executive Committee of the PLO and Farouq Al-Qaddoumi as Head of the Fateh Movement. The appointment of a temporary Chairman of the Palestinian Authority (PA) (the Speaker of the Legislative Council in accordance with the law was to become Chairman of the PA for sixty days until presidential elections could be conducted), and then the unanimous nomination of Abu Mazen as Fateh's candidate for the presidential elections were all indications that national politics were entering a new era in which the Fateh movement agreed on a single personality to prevent the movement's disintegration and collapse and to avoid internal fracture. As Fateh's nominee for the elections, Abu Mazen enjoyed legitimacy from all powers within Fateh, including those that had opposed him during his tenure as premier. Fateh's unanimous approval of Abu Mazen's personality stemmed from the conviction that he was the most capable of uniting the Fateh movement, the most acceptable to the international community and the most suitable candidate to lead the Palestinian people out of the present stalemate. In the end, Abu Mazen received 62 per cent of the Palestinians' votes.

The second post-Arafat system-altering force has been the emergence of Hamas as a major player in the system. Since the beginning of the 1990s, Hamas had sought to take part in Palestinian political decisions, and since 1993 efforts were made to engage in dialogue and include Hamas in the framework of the Palestine Liberation Movement. However, differences over the political platform and the issue of the percentage of Hamas' representation remained insurmountable. But during the past four years, Hamas has consolidated its power and has become a political force paralleling the Fateh Movement, which had ruled over the PA since 1994 and had received 70 per cent of the Legislative Council seats in the 1996 election, which Hamas had refused to take part in. Yet



upon realizing the developments among Palestinians after Arafat's death, Hamas adopted the slogan of "partners in blood and partners in decision." In March 2005, Hamas' decision to partake in the legislative elections (PA Parliament), crowned its desire to participate in the Palestinian political structure.

The parliamentary elections in January 2006 resulted in a Hamas majority. This can be considered an earthquake and a revolution in the Palestinian political system; the single-party political system dominated by Fateh came to an end and a new era began. Will this sea change in politics have a salutary impact on the emergence of a Palestinian state? Will it enhance the possibilities of a viable democratic Palestine?

This paper will firstly examine recent internal political events and dynamics and the way they affected and were affected by the conflict and by the attempts to circumvent a stalemated situation. We shall begin with a consideration of the Israeli unilateral disengagement plan from Gaza and the north of the West Bank; it had a tremendous impact on the internal dynamics of the Palestinian political system and it is expected to impact the establishment of the Palestinian State in terms of its effect on the internal Palestinian agenda and on Palestinian relations with Israel and other regional players. Second, after reviewing other key factors, and their impact on the political dynamics, including the impact of Hamas, three scenarios will be developed in order to better understand the significance of current trends and where they might lead the Palestinians. Third, we will address the possibility of a democratic transformation of the Palestinians, including a consideration of a model democratic state that could be a best-case scenario and a review of factors which could accelerate the democratization process.

# The Unilateral Withdrawal from Gaza and Parts of the West Bank

The Palestinian leadership faced a huge predicament when Ariel Sharon presented the "Disengagement Plan," which they could hardly reject since it was leading to the termination of the Israeli occupation of Palestinian lands. The Palestinian leadership remained suspicious of Israel's seriousness and the motives behind the Disengagement Plan, especially when it came to dismantling settlements. The repeated Palestinian calls for returning to negotiations with Israel and merging the unilateral Disengagement Plan with the Roadmap were unsuccessful. Soon after the plan was proposed, international public opinion rallied behind it, considering it a positive move that may mark a real transformation and a return to the negotiations' table. Israel's portrayal of the Palestinian leadership, represented by Yasser Arafat (whom Israel besieged until his death in November 2004), as "irrelevant" and not a negotiating partner, and Israel's refusal to deal with him, obliged the international community to accept the Israeli plan. The United States and Europe were quick to support the plan, although they called on the Israeli side to coordinate with the Palestinians in preparing for the implementation of the plan, but those calls were never honored. Moreover, the Palestinians warned that the real motive of the Disengagement Plan was to solidify West Bank settlements and to consolidate the occupation of the West Bank and Jerusalem; that the plan was an attempt to distract attention from Israel's construction of the wall after the UN General Assembly adopted the International Court of Justice's consultative decision which deemed the wall illegal (September 2004); and that ultimately the Gaza Strip would be turned into a giant prison whose keys Israel would throw into the sea once the withdrawal was completed. These warnings have not received due

attention from the international community. Moreover, it is possible to argue that the Israeli unilateral plan managed to turn the Palestinian side into an ineffectual factor and seemingly confirm the irrelevancy of the Palestinian leadership, even after Yasser Arafat's death and the election of Mahmoud Abbas as President of the PA in January 2005. At the same time, this plan enhanced Israel's international status and presented Israel as a party making sacrifices for the sake of peace.

Tayseer Mheisen, a civil society activist in Gaza, has written an article on the political factions' visions and roles in the future development of the Gaza Strip,<sup>1</sup> in which he described the reality in the Strip on the eve of the Israeli withdrawal:

The society of Gaza is marred by excessively violent conflicts among various actors: militias, clans, security services, political factions, smugglers, and arms and drug dealers. Relations among all those actors are entwined and entangled, and most of their lines extend to influential centers of power in the PA and outside the country. The interventions of the Higher Follow up Committee, civil society organizations, or the security services often seem futile. The security chaos in the Gaza Strip has not dropped from the sky at once, was not imported in cans from abroad, and cannot be justified by conspiracy theory alone. The security chaos is a logical outcome and resultant of the policies and positions adopted by the PA during the past ten years. It is an outcome of the factions' excessive mobilization of protesting energies, militarization of the Intifada and the society in a disordered manner, raising slogans based on a superficial reading of the reality and its dynamics, practices putting them above the law and its control, and engagement in conflicts, competition and deals with each other at the expense of the masses and their real interests. Furthermore, it is an outcome of weakness of the law and absence of the will among the various security services which drain energies and resources, create multiple centers of power, manage a conflict among themselves, and bargain with the symbols of the clans or the gangs to resolve issues, yet fail to protect a single prisoner in their jails or even a police station. Finally, the security chaos is an outcome of the society's structure and prevailing culture, which enforce the values of loyalty and devotion to the group at the expense of allegiance to the public interest, and which are based mostly on divine ideologies

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<sup>1</sup> Tayseer Mheisen, *The Gaza Strip after the Withdrawal: An evaluation of the present reality and a vision for the future*, Birzeit University – Development Studies Program, July 2006.

and judgmental reactive individual and group behaviors. What happens in Gaza today, like kidnapping foreigners and murdering policemen, the wide prevalence of drug use, the surge in the rates of crime and deliberate murders, and the outbreak of unprecedented violent family disputes are strong indications of absence of the law, and even absence of a deterrent authority. In fact, it is feared that the collapse of the authority in one form or another has become an interest for most parties.

During a cabinet session on March 15, 2005, the PA passed a resolution calling for formation of a technical committee to undertake all necessary preparations for the handover of responsibilities and authorities in all sectors and fields following the Israeli withdrawal from the Gaza Strip and the north of the West Bank. Mohammad Dahlan, Minister of Civil Affairs, was given direct executive responsibility over those preparations. He formed technical teams and working groups pertaining to the handover and management of the settlements, the international crossings and borders, the infrastructure and public services, the safe passage/territorial contiguity, legal affairs, and lands and properties. This committee and its technical teams prepared studies regarding possible technical alternatives for the handover and usage of the vacated lands and properties under various scenarios. The preparations made by this committee and its technical committees remained mere theoretical because the bases in accordance with which the plans were devised assumed that the Gaza Strip would be open to the outside world through the airport, the port, Palestinian control over the crossings, and territorial continuity between the West Bank and the Gaza Strip. In parallel to the technical preparations, the PA formed committees for popular support and protection in order to increase public awareness of the need to behave in a civilized manner and forge partnership for the sake of preserving properties following implementation of the disengagement plan.

Israel's refusal to coordinate with the Palestinian side the details and date of its withdrawal forced the Palestinian government to decide shortly before the beginning of implementation to stop implementing the plans and arrangements it had made for the handover and the imposition of security control over the evacuated settlements. As the Israeli forces withdrew, people stormed the evacuated areas and destroyed twelve synagogues left intact by Israel. The PA considered that whole fiasco an Israeli attempt to embarrass it. As Israeli forces

withdrew, scores of citizens entered the sites of the former settlements, and thousands crossed the Palestinian-Egyptian border after armed men detonated the wall on the border.

Each Palestinian faction sought to utilize Israel's withdrawal from the Gaza Strip in its favor. Hamas considered the withdrawal a victory brought about by its resistance and characterized the evacuation as akin to Israel's withdrawal from South Lebanon, which Hezbollah had claimed as its victory. Fateh also claimed Israel's withdrawal as its victory and expressed willingness to take the lead in building a model for the "liberation" of the rest of the Palestinian territories (the West Bank and East Jerusalem). The withdrawal was followed by political tensions among the Palestinian factions, while the fact that no real change occurred in the daily reality of Gaza and the continuation of its closure forced the Palestinian factions to back off claiming victory. Regrettably, neither the PA nor the various Palestinian factions were able to seize this moment to reorganize their ranks or to exploit this opportunity to present a model of governance and management that they had discussed, such that would prove to the world that they were capable of dealing with the new reality effectively and managing themselves without outside assistance.

Ibrahim Abrash, Professor of Political Science at Al-Azhar University in Gaza, has outlined the opportunities made possible by Israel's withdrawal from the Gaza Strip: it would add 100 squared kilometers of rehabilitated agricultural, tourist and industrial lands, and it would enable the PA to establish a political regime, albeit on parts of the Palestinian territories, supported by a strong international will (prior to the elections that brought Hamas to power) to provide financial and economic support. In fact, donor countries convened a conference in February 2005, which pledged to provide support for reviving Gaza and its economy. One of the central issues raised by Abrash, which caused anxiety in the Palestinian street in Gaza, was the handing over of the Gaza portfolio "to the troubled Oslo elite that managed it in accordance with the private sector mentality as an investment project for the political elite and the economic elite allying with it."

The security chaos remained as it was before the withdrawal of the occupation. It is even argued that the security chaos worsened. Moreover, the Gaza Strip became subject to closures—whether in the form of barring the entry of goods

from Israel, or barring travel to Egypt across Rafah Crossing— more frequently than prior to Israel's withdrawal from the Gaza Strip.

## **The Legislative Elections**

The Palestinian Legislative Council elections were held in January 2006, after several postponements. They were a major political development that changed the course of events and created a major transformation, expected to have a huge impact on the future of the Palestinian people and their political system.

The 2006 legislative elections, backed by strong international support, witnessed a political transformation manifested in Hamas' decision to run in the elections. That decision contradicted the movement's previous position on the legislative elections held in January 1996, when it refused to participate in the elections since their terms of reference were the Oslo Accords. The elections lead to a decisive victory by Hamas, which won 74 out of 132 Parliament seats, while Fateh won only 45 seats.

Many recognized that the election results were not a reward for Hamas, but a punishment for Fateh. The PA's image as corrupt, its failure to impose law and order, and the cessation of the political process had negatively affected the lives of Palestinian citizens. Moreover, the suffering that resulted from the fragmentation of the West Bank and the isolation of the villages from their urban centers, the imposition of checkpoints and closures, and the deterioration of the economic conditions all lent credibility to the Hamas slogan "Change and Reform." By accepting the idea of political participation, Hamas presented itself in a different way—the list of candidates it presented were not necessarily hard core Hamas activists as much as influential social actors and individuals, who enjoyed a good reputation for serving their communities and commanded respect for their integrity. The strategic selection by Hamas of its candidates explains the party's success in winning the majority of seats on the district level (seats are divided based on the methods of election into district elections and national list elections) where it won 45 seats in comparison with only 17 seats for Fateh. (On the national list level the two movements were almost tied, with

Hamas winning 29 seats in comparison with 28 for Fateh.) This substantial victory for Hamas was not totally surprising: it had been foreshadowed by significant successes in the local council elections held throughout 2005.

Prior to its participation in the legislative elections, Hamas had not been part of the Palestinian political system; Despite the measure of popularity it enjoyed, it had not shown any interest in the nature of authority and governance and the means of building institutions. In fact, Hamas sought to create a parallel authority to the PA alternative institutions through its educational, social and sports institutions and through its military strength by which it had formed a strong security system, especially in the Gaza Strip.

While Hamas campaigned on the theme of reform and change and talked about continuation of the resistance, it did not present an integrated social program. Hamas' slogans were similar to Fateh's slogans concerning the need for change, for liberation and for building the state, but neither party had a clear action plan for making a transformation towards a structural political, social, economic system.

Tayseer Mheisen described the internal dynamics within Hamas as follows:

In spite of the violent protest energy possessed by Hamas movement, and its ability to mobilize masses, it generally lacks a program for comprehensive political and social change. It substitutes that program with a group of positions, opinions, stances and split slogans that do not represent a cohesive discourse or an integrated program. Although the movement includes in its membership a fine group of professionals, experts, managers, businesspeople and academicians in the fields of economics and administration, it was uncommon for the movement to take part in any discussion on economic issues, the administrative performance of the PA, or the issues of reform.

(Birzeit, 2006)

The Second Intifada weakened the national leadership of Fateh and yielded multiple field commanders and political centers of power. It thus exacerbated the competition for power among members of the political leadership and triggered the evolution of local militias that ended up becoming significant forces in the balance of power, especially in the peripheral areas (Jenin and the south of the Gaza Strip). Fateh suffered from a negative image created by its

association with the PA; in the public's mind there was no clear dividing line between Fateh and the PA—Fateh became the PA and vice versa. In fact, it is possible to argue that all mistakes committed by the PA were executed by Fateh, especially those pertaining to administrative and financial corruption, economic monopolies, the weakness of the institutional structure, the absence of an effective audit, and the absence of a clear hierarchy. In addition, Fateh was the main contributor to the spread of security chaos and the dualities and contradictions in the operation of the security services, which suffered from bitter conflicts among their leaders. The latter's control over their elements weakened during the Second Intifada, especially in light of the declining popularity of a number of leaders of security services during that period of time.

Tayseer Mheisen describes Fateh movement's formation of the PA and its institutions by noting:

It became obvious that what happens is a cloning of the PLO's leadership and administrative approaches in the formation of the PA and its way of doing business: respect for institutionalization was absent in favor of individualism and factionalism; participation in decision-making was restricted; the authority was dealt with as private property; authoritarianism prevailed in spite of artificial political pluralism; attempts were made to control and co-opt civil society institutions; popular organizations and syndicates continued to be dealt with as political screens; resistance to passing legislation that would divide authority or restrict the exercise of unilateral authority; and encroachments were committed against human rights and the freedoms of opinion, expression and criticism.

(Birzeit, 2006)

In Fateh, political decisions ultimately revolved around the character and charisma of the leader, who represented a symbolic and consensual figure for all conflicting factions and parties. In fact, Yasser Arafat contributed to some degree to the evolution of conflicting and contending centers of power in such areas as the structure of Fateh, the PA administrative and executive structures, and the security services. Nevertheless, Yasser Arafat's absence has undoubtedly had a negative effect on Fateh by increasing fragmentation within its ranks and sharpening differences within all facets of the Palestinian leadership.



Shortly after the outbreak of the second Intifada, and in light of the surge of Hamas' popularity as a result of suicide operations within the cycle of terrorism and counter terrorism, Fateh withdrew its renunciation of violence and its own cadres began targeting Israeli civilians in a manner similar to Hamas'. Fateh began competing with Hamas in its ability to carry out suicide attacks inside Israel. The return of Fateh elements to armed struggle as a means to regaining popular support did not reflect a strategy dictated by the political leadership as much as a phenomenon which arose from a state of disorder. In fact, Fateh elements who lead that approach (Al-Aqsa Martyrs Brigades) were considered rebellious against their political leadership until Arafat managed to absorb them and mobilize them under his leadership.

## **The Hamas Government**

Hamas' victory in the legislative elections was arguably surprising to Hamas itself. The scenario sought by Hamas was a 50:50 victory alongside Fateh, to join the PA government and shoulder responsibility for the social portfolios. Any arrangement necessitating contact with Israel and compliance with the terms of signed agreements and international commitments, especially the Roadmap, were rejected by Hamas, which endeavored to avoid being in such a position. Meanwhile, Fateh refused to join a national unity government in order to force Hamas to face the international crisis by itself. Members of Fateh refused to extend a helping hand to Hamas, and accused it of seeking to seize control of the Palestinian political system and even toppling it, given that Hamas does not recognize the Palestine Liberation Organization (PLO) as the sole legitimate representative of the Palestinian people. (Since 1993, Hamas has been demanding representation in the Palestinian National Council and PLO institutions by a quota of 40%, as a prerequisite for joining it.)

The PA government formed by Hamas is considered the first in the history of political Islam, whereby a movement affiliated with the Moslem Brotherhood as a global organization ascended to power. As the government was formed, an international siege was imposed on the PA due to Hamas' refusal to recognize Israel and the agreements signed between the PLO and Israel. The siege

included withholding assistance, most of which had been in the form of financial aid supporting the payment of salaries of PA employees in the bureaucratic system as well as in the military system. The majority of PA employees, 165,000 in total, were appointed when Fateh was in power and are members of it; Hamas, as an organization, was therefore not harmed by the international sanctions since its cadres rely on independent resources as well as outside funding from Arab and Islamic countries (this also includes benevolent bodies and zakah (alms – a religious tax) and charitable committees in those countries). The international siege aimed at imposing pressure on Hamas to force it to bow to the western demands or to encourage alternative parties to topple it and seize control of the authority. Foreign support was confined to providing humanitarian assistance and setting up mechanisms for support that bypass the government and deal directly with the Office of President Abbas. Israel's detention of Hamas ministers and most of its parliamentarians in the summer of 2006 failed to change Hamas' position of holding onto power and its insistence on carrying out the functions and duties entailed by its presence as the head of the government. Hence, Hamas tried to prove that arrests did not affect its shouldering of the responsibility of managing the various ministries, and the portfolios of detained ministers were handed over to other ministers.

Hamas existed on Arab and Islamic support, and several Hamas ministers transported money from these sources through the Rafah Crossing; however, the amounts raised were meager in the context of the massive need. They did not constitute an alternative to the support received by the PA, and did not meet the huge need that arose from the suspension of the payment of salaries for more than nine months and the employees' strike for more than three months, which only ended in January 2007 in accordance with a promise to resume paying the employees' salaries. The government did not fulfill its promises of paying salaries, and a protest strike was continued in May 2007.

After the ascension to power, Hamas began adopting pragmatic policies. It is unclear if those steps formed temporary tactical steps or an irreversible strategic transformation. The following points summarize the transformations exhibited by Hamas since it has been heading the Palestinian government:

1. Hamas began talking about being part of a national movement whose Islamic roots did not conflict with Palestinian nationalism. It also began

talking about the Palestinians' right to self-determination and the right to establish their own state.

2. Hamas avoided undertaking measures to change the nature of the society and impose "Islamization" on the Palestinian street. In fact, it tried to attract independent elements and build relations with secular and independent parties in order to assuage fears that the its success would lead to an imposition of a religious agenda on the Palestinian political and social system.
3. Hamas toned down its anti-Israel tone. In spite of its refusal to recognize Israel, it began talking about Israel as a reality, and in some cases meetings between Hamas mayors and officials or personalities close to Hamas with Israelis have become commonplace.
4. Hamas sought to address the West and build channels of political dialogue for the sake of the West's acceptance of its ascension to power. This conflicted with its previous positions, which were suspicious of the West's neutrality and the value of dealing with the West.
5. Also, it sought improved relations with Arab regimes, and this marks another transformation. Its religious ideology previously viewed those regimes at culprits against the Palestinian people.
6. Hamas committed, by-and-large, to the calm it has declared unilaterally. During the past two years, Hamas was the Palestinian faction most committed to the calm. Hamas has been advocating its terminology of the Hudna, which is a ceasefire agreement necessitating negotiation between two parties. In other words, Hamas has signaled that it is possible to negotiate the terms of a ceasefire with Israel.
7. Certain pragmatic elements in Hamas began talking about the Turkish model of the Islamic Justice Party and avoiding confrontation with Islamic parties that ascend to power or enjoy significant parliamentary representation.

External pressure exerted against the Hamas government led to increased internal Palestinian support for it as opposed to the expected reaction against it

that would arise from the deterioration of living conditions and the suspension of salary payments. In fact, Israel and the United States were accused of imposing a siege on the Palestinian people and inducing that deterioration. At the time of writing this paper (May 2007), it is impossible to talk about a popular movement against Hamas, despite the ongoing economic siege imposed on the Palestinians, with the minor exceptions of protests by Palestinian policemen and National Security Force members (who besieged the Palestinian Legislative Council in Gaza and opened fire on the building on several occasions) and the limited protests in Ramallah that accompanied the civil servants' strike.

Since its ascent to power Hamas has sought to impose its military domination. It has formed the Executive Force in the Gaza Strip as a security force supporting the Interior Minister, who had been stripped of his authority over security when the diverse security authorities were consolidated under the President's office (e.g., The National Security Force, the Preventive Security Force, and the General Intelligence Service). The Executive Force numbers 5,500 personnel, most of whom are members of Izz Eddin Al-Qassam Brigades, the military wing of Hamas. The Executive Force played a role in the recent confrontations in the Gaza Strip when it tried to impose a ban on carrying weapons within the vicinities of hospitals (various confrontations had taken place in the Gaza Strip on the issue of carrying weapons in hospitals). This force also replaced police forces that were deployed outside ministries and the Legislative Council in Gaza. President Abbas declared the Executive Force illegitimate unless it joins the official security forces under his control. The force was behind the retaliatory actions against various security leaders of Fateh, especially the Preventive Security and the Intelligence Service. Members of the Al-Qassam Brigades considered such actions legitimate in response to the torture exercised by the PA against Hamas in 1995-1996. Hamas sent a clear message that it refuses to abandon power and authority when it rejected President Abbas' decision concerning the Executive Force and announced the doubling its membership to 12,000 persons.

It is possible to argue that Hamas will never willingly relinquish its control of the Gaza Strip, and that the odds against its withdrawing from confrontation with Fateh in the Gaza Strip are limited. The situation in the West Bank is

different – an announcement that an Executive Force would be formed in the West Bank was denied quickly after Fateh vowed to fight this force and pursue its members. In fact, the reality of an almost undisputed Fateh security control in the West Bank minimized the chances of establishing such a force there.

## **Unity Government**

Clashes in Gaza in early 2007 between Fateh and Hamas led the Saudis to intervene by inviting the leaders of both sides to Makka to chart a Unity Government to stop the clashes and blood flow, and to prevent possible civil war. The Makka agreement, signed in early February 2007, aimed at putting together a unity government, which was formed later in March. This government was led by a Hamas Prime Minister, and Fateh and other political fractions were part of its coalition. The expectations from this government were that it would be acknowledged and recognized by the International Community, which was not the case. Israel immediately refused to deal with any of the ministers of this government – including Fateh ministers, unless it would recognize Israel and the Quartet conditions. The Unity Government lead by Hamas failed to change anything on the ground concerning the international siege, security chaos and the deterioration of the socio-economic conditions.

## **Gaza, Hamas and the Fate of the State and the Palestinian People**

Obviously, Israel's withdrawal from the Gaza Strip and Hamas' subsequent victory in the elections have become the critical factors challenging the course of the Palestinian political system and the future of the entire Palestinian people. Presently, Hamas' success in its quest for power, in the wake of abandoning its traditional independent position, is the strongest factor influencing the Palestinian arena.

There are neither strong indications of any internal unification within the ranks of Fateh nor of any improvement in its ability to present an alternative to Hamas. Granted, during the past three months, President Abbas has begun taking an interest in what goes on within Fateh, contrary to his past relationship with it. Nevertheless, despite being the leader of Fateh, Abbas has not mobilized its support for his policies and has not relied on it for their implementation. For example, a recent step undertaken by Abbas was the appointment of a new leadership for Fateh in the Gaza Strip within the frame of the so-called "arena committee", which was comprised of young Fateh elements and excluded and marginalized traditional leaderships. A similar step is expected to take place in the West Bank. At a first glance, these steps may be viewed as reforms within the movement; however, the growing accusation that the young leadership of Fateh is as corrupt as the old and politically subjugated to foreign powers may increase divisions within Fateh. The questions being raised now are: Can the originally popular choice of Hamas be reversed now by military means and, if so, is Fateh capable of assuming control and returning to power after infuriating the people with its corruption, administrative inflation, hidden unemployment, security chaos and the spread of illegal arms? Have Palestinian choices narrowed down to whatever the outcomes from the present crisis? Or would other choices be imposed on the Palestinian people after it failed to rule itself? In order to answer these questions, several scenarios have been developed, addressing the Palestinian future, possible trends, and whether a transformation is possible.

# Three Scenarios

## **The First Scenario: Total Collapse**

Due to the continuation of the international boycott of the Hamas government (and later the national unity government) and its refusal to recognize Israel directly, Hamas decides to step down and refuses to participate in the upcoming elections in order to overcome the crisis of having to recognize Israel. The level of participation in the envisioned elections does not exceed 40% of registered voters. Several political forces headed by Hamas boycott those elections and consider them to be held in the service of foreign objectives and in response to American and Israeli demands.

Tension and armed clashes between Hamas and Fateh continue intermittently, and the situation becomes more complicated due to clan and local allegiances of the combating parties. Individual and family vengeance become motives for continuing the clashes and assassinations, especially in the Gaza Strip. The West Bank witnesses reactions to the clashes in Gaza, but the situation remains relatively calm. Continuation of the clashes and failure of the Arab and Egyptian mediation efforts lead to final withdrawal of the European observers at the Rafah Crossing, resulting in a permanent closure of the Gaza Strip and isolation from the outside world.

The PA, headed by the Presidency, has become the strongest actor in light of the termination of the roles of the ministries and state institutions. Their demise is due to the long international siege and the concentration of the sources of power and control in the hands of the Presidency. The PA advocates resuming negotiations in order to reach an immediate permanent settlement. Contrary to

the provisions of the Roadmap, the Palestinians reject its piecemeal approach including a Palestinian state with temporary borders, and demand an independent state with permanent negotiated and agreed upon borders.

The continuing deterioration of security conditions, the state of chaos, and the war amongst militias and armed families is used by Israel as a pretext for rejecting a final status agreement. The PA fails to mobilize wide international support for its demands, while efforts to negotiate with Israel do not get any support in the Palestinian street due to the on-going suffering, the dire realities of everyday life, and the deterioration of the security and economic conditions. Hamas elements declare an all out war against everything western and accuse the Presidency of treason and subjugation to the United States by accepting its security and financial assistance. Extremist elements within Hamas seize control of the movement and alienate the pragmatic elements which took part in the government. Extremist elements declare the failure of any political cooperation and any agreement with Fateh and wage war against it. Fateh continues to deal with the issue of peace and negotiations relying on the same Oslo mentality that created a huge rift between various sectors of the Palestinian society. The leadership of Fateh remains corrupt.

Institutional collapse plagues all Palestinian bureaucratic sectors, which have disintegrated due to the concentration of authorities and responsibilities in the hands of the Palestinian Presidency. The elites that control the security establishment of Fateh seize control of the Presidency. However, they lack wide popular support as well as a strong partisan political organization because the combatant forces within Fateh inhibit reaching any internal agreement and rebuilding the hierarchy of Fateh. It cannot therefore become a central political force that can pose an alternative to Hamas which has maintained its high organizational capacity as well as its military strength.

Continuous deterioration and the absence of any horizon for reaching a peace agreement change the Palestinian political and economic reality, while the internal war causes mass emigration of the educated Palestinian class. Militias and local forces seize control of the Palestinian street and impose their agendas on the PA's leadership.



Israel calls those Gaza Strip and West Bank areas within the wall it has built "nests of international terrorism," and accuses the Palestinian people of declaring war against Israel and the West in the name of extremist parties, especially Al-Qaeda and radical Islamic groups.

The incessant political futility results in collective resignation of the Presidency and a total collapse of the national movement, which has become militias. Some join Hamas in its war against Israel and the West, and others seek to maintain certain levels of influence and control, especially in the West Bank.

Extremist Islamic forces in Iraq and other countries view Hamas' war against Israel and the West as "a gate for collective jihad" which they have advocated for a long time. This war threatens all political regimes in the countries surrounding Israel, and rings the bell for all out confrontation and war.

## **The Second Scenario: National Consensus and Building a Viable State**

The forces in Hamas that believe in political participation and melding Hamas into the Palestinian political life prevail. Concurrently, western forces minimize the significance of imposing conditions on Hamas as long as it remains willing to cooperate with the national forces in maintaining calm and security and political stability for the sake of resuming the peace process. The national and Islamic forces reach a national consensus that determines the Palestinian priorities and agenda based on paying more attention to internal issues in parallel with the political negotiation process. They address the issues of reform, combating corruption, security chaos, imposition of the rule of law, as well as economic development.

The Makka agreement served as a guiding principle for the unity of goals reached by Hamas and Fateh and the two parties established a real mechanism, which leads to a valid internal and political transformation. The various political forces, including those affiliated with the national forces headed by Fateh (and PLO factions) and the Islamic forces headed by the Hamas movement, agree on a political program based on serving the Palestinian national interests and

realizing the ambitions and aspirations of the Palestinian people by establishing a Palestinian state on the June 4, 1967 borders. They also agree that a viable democratic Palestinian state is the only guarantee for Palestine and the future of the Palestinian people. Success of the national consensus and determination of a Palestinian political, security and economic agenda restores the international community's interest in the Palestinian cause and the Palestinian-Israeli Conflict.

The donor countries take a new approach in dealing with the issue of support for the PA by concentrating on the private sector and civil society, in addition to their support for the government. The economic situation witnesses unprecedented revitalization and the revival of many institutions and companies that were about to go out of business due to the impasse that accompanied the international sanctions imposed on the PA prior to reaching the national consensus and joint action agenda between the national and Islamic forces.

The international acceptance of Hamas as a partner allows pragmatic forces within the movement to seize control of the centers of power within it. Its political positions and relations with the West and Israel become more moderate and pragmatic and consequently more acceptable on the street level as well as the international community level.

The PLO receives a mandate from all forces to manage negotiations aimed at reaching a final peace agreement with Israel. A final agreement securing a Palestinian state on most of the West Bank and Gaza, with minor modifications and land exchanges, is finally signed.

The GDP per capita income increases significantly with renewed hope for political and economic horizons. Arab, Islamic and international investments in the Palestinian economy increase dramatically. Regional relations are strengthened on the security and economic levels to provide guarantees for the ultimate resolution and success of the Palestinian state, which has become a unique model in terms of the political participation of all national and Islamic forces, as well as its economic accomplishments and the qualitative growth generated by the viable state.

The Palestinian state witnesses intensive return of Palestinian capital and know how to take part in the state-building. New and modern cities begin to appear within the state, while the Gaza Strip becomes a huge economic gate to several neighboring Arab countries through its port that serves transit trade.

Relations with the Western world improve dramatically, and the Palestinian model of a state and political participation contributes to diminishing the tension and confrontations that characterized the West's relations with political Islam and its mind-set towards Islam and Muslims. The Palestinian-Israeli conflict has ended and is no longer a source of legitimacy and a pretext for the conflict with the West, especially by Islamic movements and Muslim communities in the West.

### **The Third Scenario: The Impasse**

Tensions and confrontations between Fateh and Hamas continue, but the state of no agreement between the two sides and both movements' failure to present an internally and internationally acceptable alternative, lead to the adoption of previously objectionable compromises. The international community begins taking measures to impose an international presence and foreign control due to the Palestinian forces' failure to play any positive role to end the security chaos and the absence of peace in the life of the Palestinian citizen.

The International Quartet, joined by Egypt and Jordan, demands deploying foreign forces to impose security and the rule of law. Responding to a Palestinian request (acceptable to the majority of Fateh and Hamas leaderships), Jordan deploys Badr Forces, which are affiliated with the Palestine Liberation Army. These are made up of Palestinians living in Jordan, and lead by a Palestinian leadership, but trained by the Jordanian army. Badr forces enter the West Bank, impose security and control, and end the state of lawlessness and chaos that has prevailed in the West Bank for many years. Battalions of Bader forces are dispatched to the Gaza Strip as well, but they face more difficulties in imposing security because the Gaza Strip has several armed forces affiliated with the Palestinian factions, popular forces, clans, and local affiliations.

In the Gaza Strip, Egyptians continue to work on coordinating and supervising security efforts, but Egypt refuses to enter its military forces, choosing to deploy Badr forces instead. The Egyptian role is transformed from that of the "mediator" to the real "runner" of things in the Gaza Strip. In the West Bank, however, the nature of the strong social and economic relationship between the West Bank and Jordan accords Jordan more influence in spite of Jordan's refusal to play any political role on behalf of the Palestinian people. National leaders believing in the regional relationship with Jordan and Egypt seize control, while the convergence between Jordan and Hamas contributes to stabilizing the situation. Arab countries like Saudi Arabia and the Gulf countries contribute to the security role played by Jordan and Egypt by providing generous financial support to meet the Palestinian daily needs.

Utilizing the role of the Arab countries, Western countries seek to "maintain" the present situation in order to prevent widespread confrontations, whether internally or against Israel. Meanwhile, Israel continues to consider its withdrawal from the Gaza Strip enough for the Palestinians to "prove themselves." Israel considers the borders of the separation wall and its withdrawal from isolated settlements deep in the West Bank a political accomplishment that offsets any need for political negotiations or a final settlement with the Palestinians. Israel believes that unilateral steps are the only guarantee for preserving its interests.

However, ongoing Israeli control over most of the West Bank, especially the Jordan Valley and Jerusalem, exacerbates tensions and undermines the efforts to maintain stability in spite of the imposition of security control and ending the state of chaos.

Palestinian organizations continue their military attacks against Israel from the Gaza Strip and the West Bank, thereby subjecting Badr forces to Israeli criticism for failing to prevent attacks against it. Israel launches military strikes against those forces in a manner reminiscent of its destruction of the Palestinian security establishment at the beginning of the second Intifada. This situation leads to the outbreak of popular protests in the form of a third Intifada ignited by the absence of a political horizon, the continuation of Israel's bombardment of the Gaza Strip, and the fragmentation of the West Bank and restriction of movement within it. Certain Palestinian forces begin to wage attacks against

Badr Army Forces, accusing them of attempting to revive the Egyptian and Jordanian option. Those attacks force Jordan to withdraw Badr forces, especially in light of the escalation of the Israeli bombardment of their positions.

Total collapse paralyzes all aspects of Palestinian public life, economic deterioration continues, and the international community ceases its assistance to the Palestinian people except for humanitarian aid intended to rescue thousands from the famine and starvation that prevail all over the West Bank and Gaza Strip.

Palestinian masses flee the West Bank and the Gaza Strip, whether due to Israeli pressure or due to the total security and economic collapse. Middle and educated social classes are the first to flee.

This situation results in enduring confrontations, especially in light of the international community and neighboring Arab countries' indifference to events in the West Bank and the Gaza Strip.

# The Chances for a Viable Democratic Palestinian State

The question that these scenarios beg, and which we must now address, is whether chances for Palestinian democracy would be better or worse after the establishment of the Authority. What are the obstacles to the creation of a real democracy and a truly viable Palestinian state? What are the chances for that scenario to be a realistic future for the Palestinians? To answer these questions we will revert again to the past to better understand the current trends and the likelihood of this scenario. The answers depend upon first identifying and overcoming internal impediments to democracy. This, however, requires an understanding of the evolution of Palestinian political institutions.

## **The Early Years**

The Palestinian case remained outside the frame of a “normal” state. The Palestinians did not have sovereignty over internationally-recognized lands and borders. Liberation from the British mandate and later the Israeli occupation remained the focus of the national movement. The Palestinian liberation movement began before Israel’s 1948 independence. At its core were representatives of the elite families who enjoyed influence and control over the administration, the economy and the society. While this movement kept a political face, it remained traditional and family bound. However, it disappeared from the Palestinian arena after the *Nakba* (catastrophe), as Palestinians refer to the results of the 1948 war between Israel and the neighboring Arab countries.

In 1964, the Palestinian Liberation Organization (PLO) was founded as an institutional framework to represent the Palestinian people. After their 1967 defeat in the Arab-Israeli war, a loss blamed by Palestinians on insufficient Arab nationalism, the PLO became a framework for attacks as a way of self-liberation, independent of the Arabic regimes and peoples. The PLO filled the vacuum left by traditional families who had fled into the Diaspora with young refugees educated in other Arab states. Many had also gained experience while working in Kuwait, Qatar and other Gulf states. Beginning in 1968, this new caste organized a political structure which included other movements. It anchored its position within the PLO because of its ability to negotiate with the Executive Committee of the PLO, the domain of power and influence. The PLO's structure and hierarchy might have seemed democratic but, in reality, power was centered in the hands of Yasser Arafat. He became the Palestinian national icon and crystallized Palestinian identity apart from its dependence upon other Arab leaders.

PLO decision-making was subject to negotiations according to quotas, a style called "democracy of the guns." This was mostly a process of negotiating personal loyalties and distributing incomes and privileges. There was no broad political participation.

The political culture of democracy was never a priority for the PLO, which maintained national liberation as its primary goal. PLO factions and organizations which called for democracy were, in practice, neither democratic in their structure nor in their decision-making. Heads of factions made decisions based on their own separate negotiations with Yasser Arafat—head of both the PLO and its largest faction, Fateh. Public participation in PLO-founded syndicates, labor unions and student unions never translated into a political role in running the institutions. Heads of such institutions became middlemen between grassroots society and decision-makers. The masses had no say in decisions. PLO rule became one of a traditional elite in which decisions reflected personal loyalties and clients. Hisham Sharabi, chairman of the Center for Policy Analysis on Palestine, described the Palestinian political situation as a neo-patriarchy, a new social patriarchy based on submission to the head of the family. The ruler became a father to whom personal loyalties replaced civil allegiance. The patriarch was above questioning. He was not accountable.

Sharing power became impossible. Submission to this neo-patriarchy might be voluntary, but adherence to the system provided privilege and enrichment.

The institutions created by the PLO in the early 1980s in the West Bank and Gaza encouraged the buildup of civil society and service institutions through funding, initiated after the 1974 Arab summit in Baghdad. Palestinians founded several universities, culture centers, social service institutions and research and media centers. The new elite took charge of these institutions and replaced the older, pro-Jordanian leaders, especially after Jordan's 1988 disengagement from the West Bank. PLO filled the vacuum, notably in such important institutions as the religious endowment (Waqf), the syndicates and the international unions, which were completely independent from Jordan. This added to the importance of the West Bank and Gaza Strip, especially after the first Intifada in 1987, which brought the struggle and its leaders back to Palestine. In the beginning, the PLO leadership in Tunisia had nothing to do with the Intifada. The uprising started spontaneously and evolved into a movement which not only resisted the occupation but also provided social services and organized an alternative to the institutions of occupation.

While these institutions became, in theory, the nucleus of a Palestinian state, many Palestinian researchers disagree about whether they also marked the foundations of a civil society. The PLO supported these institutions not for the purpose of cultivating political participation and civil society, but rather for building service-based institutions to minimize the dependence on services and institutions provided by the Israeli occupation authorities. The creation of alternative institutions to those imposed by the Israelis came to be seen as part of the struggle against the occupation. Nevertheless, while these institutions succumbed to the personality-driven paralysis of so many other Palestinians organs, their formation and early development allowed for a spark of democratic culture.

## **Oslo and Beyond**

During the 1991 Madrid Conference, the emerging West Bank and Gaza leadership began to negotiate plans and programs for sovereign institutions. Simultaneously, however, in Oslo, there were secret and direct negotiations between Israel and Tunisian-based PLO officials. In September 1993, these



culminated in a Declaration of Principles. This was an important turning point. Oslo shifted the internal Palestinian political balance from the grassroots leadership in the occupied territories to the PLO-dominated PA. The PA did not adopt the *Intifada*-born autonomous institutions, but rather supplanted them with new institutions modeled after those of a sovereign state. The Tunis-based PLO leadership exported its political mentality and system of personal patronage when it returned to the West Bank and Gaza Strip. This sidelined the local political and civil society that had already developed. The “outsiders”, or what was known as the returnee leadership, consolidated its grip over all centers of power and influence.

The PA became financially dependent upon donor countries. Their financial support delineated the role of Palestinian civil society institutions, whose relations with the Authority remained tense and full of mutual recriminations. Even today, the PA tries to control NGO funds by asking donating states to transfer their funds through the Authority under the pretext of incorporating independent institutions into the Palestinian development plan. The NGOs, on the other hand, regard such attempts as part of a plan to contain, control and restrict their activities.

The West Bank and Gaza Strip experienced their first election in 1996. However, the majority of PLO factions did not participate in these elections since they derived their legitimacy from the Oslo accord, which many Palestinian factions saw as illegitimate. Hamas and the Islamic Jihad refused to participate because, to do so, would have been to acknowledge a political settlement and, by extension, Israel’s right to exist. The absence of serious competition enabled Fateh to dominate. The dividing line between Fateh and the Authority blurred and the two became synonymous.

The 1996 election was by no means meant to serve as a component of democratization, a concept of no importance to Israel and the international community at the time. They sought not democracy, but rather a guarantee that the Authority would have the power to back its commitments to curb attacks against Israel. This approach set back democratic development. Palestinian governance resembled that of the traditional Arabic state, represented by a strong, multi-branched internal security force committed to the suppression of any opposition to, criticism against, or attempts to monitor independent policies

and governance. Advocates of real democratic change and reform were usually accused of serving Israeli goals by sowing dissension which Israelis might exploit.

Oslo did not stipulate that the legislative council could make laws. Rather, the executive authority, centered on Arafat himself, had limited legislative powers. Nevertheless, the Palestinian side, dissatisfied with limited autonomy, insisted on establishing administrative and legal bodies with the trappings of a sovereign independent state. Despite its legislative impotence, they doubled the number of legislative council members to 76. The principal law, however, while endorsed by the council, remained frozen because the Authority chairman did not want to sign anything that would reduce his powers and control. What many outside the Palestinian-run areas called laws, were nothing of the kind. The election law, for example, was merely a decree signed by the Chairman. It never passed through legislative channels and commissions, and was never ratified as a law.

This has changed somewhat since Arafat's death. In June 2005, the Palestinian Legislative Council ratified an election law increasing the number of seats to 132, half of which elected by majority vote and half by proportional representation. The Council itself still had limited legislative and supervision powers. Centralized and personality-driven government remained the rule. Most ruling party members have intertwined interests with the executive branch. The absence of any parliamentary opposition exacerbated factionalism within Fateh. Despite these obstacles, though, by 2003 the Council had started to prove itself. It influenced cabinet formation and maintained some accountability with occasional threats of no confidence motions. Just as had occurred in the "democracy of the guns" period, national dialogue brought together the Palestinian political factions, including those such as Hamas and the Islamic Jihad which had remained outside the PLO. This dialogue, however, was confined to the elites, devoid of any broad public participation.

The judiciary was no better than the legislative. The PA did not ratify the law establishing regular courts, nor did it enforce the majority of Supreme Court decrees, especially those related to general freedoms, human rights and the abuse of executive power. There was frequent executive interference in the judiciary.

## **Lingering Internal Obstacles to Democracy**

The PA continues to dominate Palestinian society. Various security forces have spread their control at the expense of public freedom and independent civil society. Dependence upon the Palestinian government has discouraged independent civil society. Many labor leaders and syndicate heads have become salaried government employees. Social and economic endeavors have become impossible under such powerful authority. The middle class which, in the 1970s, comprised the majority of Palestinians in the West Bank and Gaza, started to vanish in the early 1990s. The gap between the rich—often with official and economic ties to the PA—and the poor widened. Israel’s decision to restrict Palestinian labor inside its borders exacerbated the trend.

The political structures of both the PA and the Islamic movements also constrict democracy. On one hand, rising in the ranks of Fateh requires subservience to the authoritarian culture while, on the other hand, the Islamic movements reject democracy in principle because it is a Western import. Alternative noises about adopting a *shura* system are incomplete. These have not been translated into applicable modern mechanisms of governance that would guarantee broad participation.

Palestinian organizations whether nationalistic or Islamist seek to derive public legitimacy from fighting the occupation and attacks on Israel, spurring a violent vicious cycle which claims both Palestinian and Israeli victims. The elections of 2006 allowed Hamas to prove its strength. By beating Fateh in the provincial councils, Hamas showed itself to be a competitive political power. It has juxtaposed its creation of a social service network with Fateh corruption. Hamas now threatens the Palestinian political monopoly and may make it bipolar, albeit not democratic. Despite the holding of elections, there has not been a clear political and social development program. Political parties have kept the organizational structure of militant movements. Many still retain politburos to make political decisions and refuse to allow new political powers to emerge.

Palestinians have not undertaken reform for its own merits. Donor countries have sought accountability for their own funds, but no real reform was directed at fighting the corruption which impacted the daily life of ordinary people. Diplomatic desire to continue the peace effort has meant ensuring the strength

of the Authority in order to prevent Hamas from emerging as an alternative. Reform attempts have floundered. The international community paid lip service to reform, but its efforts, if sincere, were without focus. An attempt to reform the bureaucratic administrative and financial institutions of the Authority and restructure the security forces and unite them under a single leadership has had no positive effect on Palestinian citizens.

The results of the recent Palestinian elections, in which Hamas was victorious, caused many Palestinians to pause and reconsider the changes and transformations that are taking place in the Palestinian society. Hamas is a party which does not allow much internal participation. It won the elections because of its program of "Change and Reform." This suggests that Palestinian civil society is ready to address its internal affairs and is willing to work hard on the process of democratization in order to build a viable and democratic Palestinian state. But it will not be easy. There is no ready recipe for reform that will lead to a viable Palestinian state. This state should function in two parallel dimensions: a political dimension, and a social, cultural and economic dimension. Therefore, a strong Palestinian civil society, which is independent from the domination of both Hamas and Fateh, is a necessary pre-condition for translating the public demand for reform into a civil society agenda, and for maximizing the participation of the public from all backgrounds and parties to create a general and inclusive agenda.

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