Policy Papers

Ramallah 2006

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Summary

Throughout the year 2006, MIFTAH conducted a series of closed dialogue sessions within the framework of its Public Policies Program, which addressed a number of pressing issues by engaging Palestinian academics, decision makers, and politicians, among other segments of society, in an open and candid exchange of information and ideas. The tangible outcome of these sessions was a series of public policy papers (seven) that included detailed analyses of the Palestinian political situation and the ongoing internal crises, in an attempt to formulate ideas, alternatives, and exit strategies.

Following is an overview of these policy documents:

First paper (13 and 24/8/2005):
What Comes After the Disengagement Plan?
Possibilities of Implementation of the Two-State Solution

The Sharon unilateral Disengagement Plan from Gaza Strip ended the Israeli settlements and military presence in the Strip. This Plan raises several questions, including: What comes after Disengagement? What are the political, economic and social dimensions of Disengagement on the Palestinian people? What is its impact on the peace process, the implementation of the Road Map and the American two-state vision?

The Different Dimensions of Separation (Disengagement)
The unilateral disengagement plan had different political and negotiations dimensions. Despite Israeli withdrawal form Gaza Strip, a number of issues are still pending, such as the border crossings, the Airport, the Seaport, linkage between the West Bank and Gaza through a safe passage, all of which make this withdrawal a mere rearrangement of Israel's illegal occupation of the Gaza Strip.

Palestinians are concerned that Israel may exploit this Disengagement Plan to shift its negotiations agenda from core issues (Borders and Settlements, Refugees, Water and the Palestinian state) towards the above-mentioned secondary issues. This allows Israel to gain the necessary time in order to complete the discriminatory Separation Wall, isolate Jerusalem and set up enclaves and cantons over parts of the West Bank, thus undermining any chances for the establishment of an independent Palestinian state.

At the internal and security levels, the Disengagement Plan has opened the door to a number of problematic issues at the internal Palestinian national level, specifically the relations between the PNA and the various factions and political parties, most notably Hamas, the security chaos, conducting of legislative elections on time and, the participation of Hamas.

Economically, Israel left the Gaza Strip after destroying all its resources and infrastructure, with the poverty and unemployment rates reaching unprecedented levels. The Government of Israel (GOI) still insists on moving Rafah border crossing to a bordering area between Egypt, Gaza and Israel, or at least assigning this trilateral border crossing to the passage of goods and people, which means tightening its control over Palestinian economic relations with the outside world.

Towards a National Action Methodology for Confronting Different Dimensions of the Israeli Withdrawal from Gaza
There is a need to formulate a joint methodology of action that includes PA decision-makers, political forces, civil society organizations and the private sector. Such a methodology aims at consolidating a strategic Palestinian plan that focuses on the core Palestinian political issues and a comprehensive solution to he Palestinian Israeli conflict, as opposed to the phased solution which Israel seeks to impose through the Provisional Palestinian state project in the Gaza Strip and the West Bank. The top priority within the Palestinian agenda for the forthcoming period should be ending the occupation of the West Bank and Jerusalem, halting the discriminatory Separation Wall and Israel's illegal settlement expansion.

This agenda must seek to fortify the internal front through continuous national dialogue among different forces on the Palestinian arena that adopts the principle of political partnership and pluralism, and gives priority to national interests over narrow factional interests. It shall exert efforts to create an appropriate environment for conducting legislative elections, putting an end to the deteriorating security situation, chaos of arms and plurality of authority, provide citizens with security in its comprehensive sense, and regulate the arms of resistance.

There is a dire need for a comprehensive economic development plan for all the Palestinian Territories that underlines the necessity of the economic linkage between the West Bank and the Gaza Strip as one economic entity. The plan must embark on implementing strategic and developmental projects such as the port, the airport as well as investment in gas fields and industrial zones.

Second Paper (13/2/2006):
The Role of Civil Society and the Current Challenges

The political developments, namely the results of the last legislative elections conducted on 25 January 2006 and the victory of Hamas brought forward a number of political, intellectual, and social challenges for different social groups, including civil society organizations. The modest results of electoral lists that participated in the elections as representatives of civil society organizations, or at least with their support, manifested their weaknesses and the gaps or deficiencies in their methodologies, that need diagnosis with the aim of learning lessons and concluding solutions and remedies.

Evaluation of the Role of Civil Society Organizations
Although the legislative lections were conducted under special circumstances that led to voting in accordance with closed political criteria on two streams: Fateh and Hamas. However, there were gaps that led to the weak performance of civil society organizations. Weaknesses include the weak coordination between components of the society and the exclusion of some trade unions and labor federations. Moreover, the mission of facilitating change has been restricted to a limited number of small elite among these institutions and their impact on decision-making and on formulation of public policies was limited. The number of these institutions, as well as their activities and programs, were geographically concentrated in the middle of the West Bank (Ramallah, Jerusalem, and Bethlehem) in addition to Gaza city. These civil society organizations were not providing assistance and service-delivery activities and programs, which the public was in dire need of. Finally, the deterioration of voluntarism constituted yet another weakness of civil-society organizations.

Requirements for Activation of the Role of Civil Society Organizations
In order to end the crisis of civil society institutions, there is a need to address the weaknesses and gaps, through concentrating on horizontal expansion in different areas. There is also a need to emancipate trade unions and labor federations, activate their role and involve them in civil society institutions and in the process of formulating plans and trends.   There is a need to re-orient the activities and programs of civil society institutions towards public needs, enhance voluntary work in their activities and programs through adopting public activities that motivate participants and address their sense of identity. Moreover, these must embark on a wide process of reform and combating of corruption, and mobilize public opinion to oppose and confront such phenomena. They must also reinforce the institutional dimension and the values of transparency and democracy inside the civil society and its institutions.

Third paper: (11 and 18/4/2006)
Economic and Political Siege of the Palestinian Authority:
The Dimensions and Mechanisms for Remedy

The Palestinian National Authority (PNA) suffers a suffocating crisis that emerged immediately after the new Hamas Government assumed office. Hence, the Palestinian people suffered from siege, economic boycott and political isolation, as the donor community suspended its assistance to the Palestinian Government and severed all political contact with it.

The Dimensions of the Economic Crisis
The inability of the PNA to pay salaries to its employees, and the fact that most banks suspended operations with the PNA as Israel threatened to stop all banking transactions with them, has lead to a serious economic crisis.

Politically, it is expected that the peace process that started in Madrid, Oslo and the subsequent agreements will end. Israel will continue to impose unilateral elimination plots, on the pretext of the absence of a Palestinian partner and in a manner that preserves Israeli interests and satisfies Israeli security requirements, at the expense of the Palestinian people and their rights. There is a possibility of the collapse of the PNA and the emergence of local militias that may pave the way for the out break of civil war.

Proposed Mechanisms for Crisis Resolution
In order to break the political isolation and economic blockade imposed on the Palestinian people, there is a need to examine several strategies. The first is to convene a national salvation conference that defines a unified Palestinian vision and an agreed agenda that constitutes the minimum acceptable Palestinian position and to present it to the world as a Palestinian program of all Palestinian forces. Moreover, there is a need to form a national unity Government based on this program, provided the Palestinian Legislative Council (PLC) grants this Government a safety net for the agreed duration. Alternatively, there is also a need to reach a consensus so that the Council of Ministers (Cabinet) assumes the responsibility for the implementation of the internal national program, while the Presidency takes charge of foreign affairs (activate the PLO and its institutions through the integration of all Palestinian political forces, and reaffirm the PLO's role as the sole legitimate representative of the Palestinian people).

In order for such national dialogue to bear fruit, it is possible to utilize existing channels at the Presidency in order to mitigate the economic blockade and political isolation, provided these channels do not constitute an alternative or a shadow Government run by the Presidency.

Fourth Paper (25/2/2006):
Charter of Action and Rights of Parliamentary Blocs at the Legislative Council

Within the context of committing to the democratic approach in Palestinian political life, and respect for principles of plurality, there is a need to establish parliamentary traditions, most notably the notion of parliamentary blocs.

In this context, there is a need to commit to a group of principles related to the rights and duties of parliamentary blocs, most notably:

Each winning electoral list is entitled to form a parliamentary bloc comprising its members. Each bloc has the right to have its own bylaws to regulate its work, select a head, dismiss or accept the resignation of any of its members, be informed of the major issues related to the work of the PLC work and chair some committees such as the Budget, Human Rights and Public Freedoms committees. These blocs are entitled to reach agreement among each other concerning the coordination of their work, propose draft laws, call for a no-confidence vote against the Council of Ministers (Government) or one if its members and participate in the PLC support bodies (Council Affairs

Committee, Library Supervision body, Parliamentary Research Unit Supervision body etc...). A bloc is entitled to get appropriate headquarters within the PLC premises and to utilize the Council's facilities to perform its parliamentary work. It is entitled to a budget. The heads of parliamentary blocs shall have priority to speak or respond to draft laws, to Government statements or confidence/no-confidence moves towards the Government. Heads of blocs are entitled to request adjournment for holding consultations between bloc members prior to voting. The representation of parliamentary blocs shall be taken into consideration upon allocating or receiving official delegations. Finally, these blocs are entitled to form ad hoc gatherings for a specific issue of their interest.

Duties of Parliamentary Blocs include their commitment to parliamentary and professional traditions, their pledge not to use the Council's documents, assets and information in any action other than parliamentary work. Blocs must inform the Council Affairs Committee and the PLC Speaker of any changes in their structure or formation. No bloc is allowed to nominate more that one bloc member to the same post within the PLC. Parliamentary blocs pledge to urge their members to abide by the provisions of the Law and PLC bylaws.

Fifth Paper (5/7/2006):
National Consensus Document:
Scenarios and Alternatives for the Coming Period

Following the failure of negotiations concerning the formation of a coalition Government, hence Hamas' ongoing confrontation of an international economic and diplomatic blockade, the National Conciliation Document of the Prisoners (a.k.a. the Prisoners' Document) was issued. The document was drafted following extreme polarization and antagonism between the two main Palestinian factions, Hamas and Fateh, which reached the extent of internal fighting and threatened Palestinian national unity, and the confrontation of Israel's occupation.

There was a call for national dialogue based on the Prisoners' Document that addressed all controversial issues, including: the establishment of a Palestinian state within the 4 June 1967 borders with east Jerusalem as its capital, the return of the Palestinian refugees to their home land on the basis of UN Resolution 194, the right to resistance and its concentration within the 1967 Occupied Territories, the activation of the role of the PLO, and its reformulation on the basis of proportionate representation before the end of 2006, agreement over PLO's assumption of responsibility for negotiations, and the formation of a Palestinian national unity Government within two weeks of signing the document.

The Kerem Shalom operation and the subsequent Israeli military operation "Summer Rain" reshuffled the cards on both the Palestinian and Israeli arenas, and the options and alternatives of both parties have become unclear. However, a number of scenarios or alternatives are envisaged to deal with the status-quo, which can be summarized as follows:

First: Continuity of the Status-Quo: This option entails the intensification of internal polarization, plurality in conflict-management strategies according to the agendas of different factions, the escalation of Israeli aggression, security chaos, the aggravation and increase of poverty and unemployment rates, the continuation of the international diplomatic and economic siege, and the mere symbolic existence of the PNA.

This is the worst case scenario, since it constitutes an environment conducive to the implementation of Israel's unilateral policies and the subjugation of the Palestinian people, hence breaking their will and enforcing a one sided solution of the Palestinian Israeli conflict.

Second: Dissolving the PNA and Returning to the Pre-Oslo Era: Advocates of this view believe that the PNA has lost the justification for its existence: it failed to end the occupation and its policies, it failed to build institutions of law and order, and it failed to provide the pre-requisites of a viable Palestinian presence, including the establishment of an independent and sustainable economy. This option means that Israel is held fully responsible as an occupying state, which opens the opportunity for requesting international protection or forming a unified national leadership that runs the affairs of citizens in the same manner that existed prior to the signing of the Oslo Agreement and the inception of the Palestinian Authority.

Opponents to this view believe that adopting this option essentially negates and undermines the achievements of the Palestinian people and contradicts the Prisoners' Document, particularly concerning the need to preserve the PNA. Another major concern for opponents of the dissolution of the PNA is the fact that 165,000 Palestinian citizens are employed with the Government (including approximately 58,000 security personnel and 107,000 civil servants). These PNA employees provide for their families, which constitute around one million Palestinian citizens (i.e. a quarter of the Palestinian population in the Palestinian occupied territories).

Third: The Option of Negotiations: This option builds on the hope that parties are convinced of the need to return to negotiations, on the basis of the Road Map. Some consider this option inevitable, as the alternative to negotiations is imposing a unilateral Israeli solution that enjoys international and Arab support. On the other hand, others believe that the negotiations option has proved to be a failure, particularly as seven years of negotiations have not accomplished any tangible achievements worth mentioning. Further more; Israel has undermined the option of negotiations by imposing irreversible facts on the ground (settlement construction and expansion, the discriminatory Separation Wall, the Conversions Plan, unilateral disengagement and demarcation of borders).

Fourth: Combining Resistance with Negotiations while Preserving the PNA: This option stems from the need to combine armed resistance with negotiations, as this will constitute major pressure on Israel. Advocates of this view believe that armed resistance has resulted in unconditional withdrawal of Israel from the Gaza Strip, and is, therefore, the natural alternative to negotiations, which have reached a dead end.

According to this point of view, Palestinian political forces can agree on a unified resistance strategy, its forms and scope. On the other hand, experience has proven that it is impossible to combine authority with armed resistance, especially under the huge Israeli superior military power and the inherent international bias in its favor, which has led to the de-legitimization of the struggle for liberation and equating resistance to occupation as terrorism.

Sixth Paper (1/8/2006):
Palestine-Lebanon: the Similarities and Difference

The intense developments at the Palestinian and Lebanese arenas following the two resistance operations "The Dispelled Illusion" and "The Sincere Promise," and the subsequent large scale Israeli attack against the Gaza Strip and Lebanon, raised several questions on the possibility of linking the Palestinian option to the Lebanese option, and the dimensions of such linkage and its impact on the current Palestinian situation.

Similarities and Differences
There are many common factors, as well as differences, between the Palestinian resistance and the Lebanese resistance. The first similarity is the common enemy (Israel), their method of work (guerilla warfare), in addition to the strategy and weapons used by the enemy in confronting both (Palestinian and Lebanese resistance).

HizbAllah and Hamas are no longer mere resistance movements, but also parties in authority. Some perceive HizbAllah as an extension of Iran in the region. Similarly, some question the possibility of Hamas having a private agenda within the context of the regional conflict (Syria- Iran axis).

There are many differences between the two situations. Some consider the experience of HizbAllah a deeper and more influential resistance experience, as manifested during the recent war that lasted around five weeks. The Palestinian resistance, despite all its positive aspects in confronting the enemy and the spirit it sustained throughout the years of struggle, suffers from an absence of unified leadership, weak training and experience, lack of coordination between military wings.

Furthermore, there are differences in the environment in which each of the sides operate. Lebanon is a state with recognized borders, and the resistance has open access to weapons. In Palestine, however, Israeli's disengagement from Gaza Strip did not mean the end of its occupation of the Palestinian territories, and the establishment of permanent recognized borders.

Finally, Lebanese political parties, including HizbAllah, realize the importance of maintaining a unified position to confront the crisis and find solutions. This is not the case in the Palestinian arena, despite consensus on the Prisoners' Document.

The Possibility to Link the Two Issues: Some consider this as an opportunity to attract international attention towards the Palestinian cause, the root of all problems and conflicts in the region. This is based on the belief that linking the two issues is only natural as both have one enemy and one objective, and there is an opportunity to benefit from the sympathy that Lebanon enjoys at the international and public levels through linking the two causes, especially if such international interest results in an international consensus to resolve all outstanding issues in Lebanon and Palestine.

On the other hand, some believe that there should be no linkage, since the crisis in Lebanon has led to delaying attempts to launch Palestinian-Israeli negotiations over the captured Israeli soldier (Gilad Shalit). Political linkage, specifically with HizbAllah, may lead to linking the Palestinian cause to Iran, which maybe detrimental to Palestinian aspirations altogether.

Others call for linking the two issues in all aspects that may benefit the Palestinian cause, specifically in relation to political negotiations and implementation of pertinent UN resolutions, while at the same time, avoiding the negative consequences of such linkage whenever possible, specifically the attempts to link the Palestinian side to the regional axis (Syria-Iran).

Seventh Paper (11/9/2006 and 4/10/2006):
The Crisis of Forming the National Unity Government:
Practical Initiatives and Available Alternatives

The feeling of optimism that had prevailed among the Palestinian political establishment following the announcement of an agreement on the formation of a national unity Government did not last very long. This prevented the success of efforts exerted towards the formation of a national unity Government until now, which has caused an almost complete paralysis in the Palestinian political system. Extreme polarization and antagonism between the two political mainstreams, Fateh and Hamas, was translated into armed clashes which resulted in serious casualties.

"Appeal for Palestine"
Because of this grave situation, a number of national forces and intellectuals came together to draft a document entitled "Appeal for Palestine" that included a group of practical initiatives to exit the crisis, prioritized in the following manner:

First option: To form a national unity Government based on the Prisoners' Document and its political program (to be implemented before the end of Ramadan). This includes convening the Higher Committee for the activation of the PLO.

Second option:

A) the formation of a transitional Palestinian government, composed of independent national personalities, and blessed with the acceptance of existing political forces and the PLC's endorsement for one year, during which this cabinet would work towards resolving internal issues, particularly 1) reversing the deteriorating socio-economic situation, 2) remedying poverty and unemployment, 3) ending the international political and economic siege on the Palestinian people, 4) guaranteeing the resumption of international financial assistance, 5) resuming financial and administrative reforms, and 6) improving government services to the public.

B) the authorization of the Palestine Liberation Organization (PLO), in its capacity as the central political reference to the Palestinian Authority (PA), to follow up the political process (i.e. peace negotiations), and urging President Mahmoud Abbas to convene the PLO's Higher Committee, which is headed by Abbas and composed of the Palestinian National Council's President, members of the PLO's Executive Committee, the leaders of the various Palestinian factions and political parties, and several independent personalities; the aim of this meeting would be to re-elect the PLO's Palestinian National Council, in addition to the overall development of the PLO itself.

C) the proposition of a national plan to combat (and end) the current state of security and weapons chaos in the Palestinian territories, reform the Palestinian security apparatus, safeguard the rule of law, and achieve security and justice to Palestinian citizens. This would be carried out in a spirit of co-operation between the Presidency and the Government, with the participation of the relevant institutions and the support of all political forces and the PLC.

D) the allocation of this transitional period (one year) for the promotion and fostering of a calm internal national dialogue, free of rhetoric, in order to reach agreement over the mechanisms to implement the National Conciliation Document of the Prisoners (a.k.a. the Prisoners' document), including the formation of a national unity government and reaching consensus on its proposed agenda.

These initiatives shall be combined with the mobilization of Palestinian public opinion, which would act as a political force in itself in order to bring Fateh and Hamas to accept them and insure their implementation.

The steps envisioned in the "Appeal for Palestine" raise a number of questions:

A National Unity Government or a Government of Independent Figures?
There is a general preference for the option of a national unity Government in comparison with other options, despite a general realization that the chances of this option are gradually becoming remote. However, this option has several advantages, most notably: it is the favorite option acceptable by all parties, it has gone a long way and has reached a conclusion, and it enjoys public support. Furthermore, it creates the necessary

climate for meeting international demands, as it neither stipulates the total submission to the Quartets conditions nor their complete negation.

Finally, such a Government provides the opportunity to end the economic and political siege imposed on the Palestinian people.

Despite all the above-mentioned advantages of the national unity Government option, there are obstacles that hinder its adoption, most importantly: it is difficult to agree on a political program for this Government that combines political action with armed resistance.

The second option of forming a Government of independent figures requires general national consensus and wide public support. It constitutes a practical exit because of the conflict between national forces over the national unity Government, while at the same time it constitutes the least damage to Hamas' interests (since this option enables Hamas to maintain its power in the PLC).

This option also provides an opportunity for a provisional truce in the on-going fight between Hamas and Fateh, and prevents the escalation of factional antagonism into internal fighting. It grants the public a chance to catch their breath at the political and economic levels and unifies the Palestinian stance in any future political move concerning the Palestinian Israeli conflict.

Despite the above-mentioned advantages of this option (a Government of independent figures), it has certain limitations, including Hamas' rejection. Consequently, this option will not solve the ongoing power struggle between Hamas and Fateh. In addition, there are no guarantees that a government of independent figures would resolve disagreements over contradictory political program, even temporarily.

A Higher Committee for Activating the PLO or a Negotiations Reference Committee
Throughout all documents agreed by Palestinian factions and forces, there is a repeated assertion for the need to develop the PLO through activating the Higher Committee as agreed during the Cairo dialogue in March 2005. There is a debate over the procedures and mechanisms adopted in this regard. In order to hold PNC elections, there needs to be an agreement on the adopted procedures and mechanisms, which requires no less than one year. Re-formulating the PNC through the quota system is not possible since Hamas demands 40-60% of the PNC seats; a demand that other factions cannot accept.

Consequently, there is a need to reach a practical formula that includes Hamas in the PLO. One of the most prominent options in this regard is the representation of Hamas in the PLO's Executive Committee through the Prime Minister, the PLC Speaker and other Hamas representatives (in addition to one representative of the Islamic Jihad). This ensures that Hamas enjoys equivalent weight as Fateh at the Executive Committee, particularly because decisions are taken through consensus.

However the problem lies in the fact that Hamas does not merely desire a role within the PLO, but also wishes to possess, control, and reformulate it in accordance with the outcome of the last parliamentary elections.

The second proposed alternative is forming a negotiations reference committee representing all Palestinian political forces and factions. This option ensures the collective responsibility towards negotiations, safeguards national principles and precludes the evasion of any faction of its responsibilities in this regard.

Public Opinion as a Means to Exit from the Crisis
The extreme polarization between Fateh and Hamas requires wide popular intervention that alleviates such antagonism. Creating a wide public opinion in support of any of the aforementioned alternatives requires all other Palestinian political forces as well as civil society organizations to take responsibility for pushing the parties towards agreement. It also requires the public's utilization of all possible means, including public seminars, town meetings, gatherings, partisan education and awareness building.