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Senat No. 286 on Political Issues:

The Administrative and Political Crisis in the Palestinian Authority

Main Conclusion:

1. As a result of the recent parliamentary elections and the rise of Hamas, fears in the Palestinian Authority are growing of administrative anarchy, a humanitarian crisis and perhaps deterioration to the point of civil war.
2. The Legislative Council and its sub-committees have been transformed into arenas for political sparring between the two main parties, Hamas (74 seats on the Council) and Fatah (45 seats).
3. The rift between the PA's president, Abu Mazen, and its prime minister, Ismail Haniyeh, is undermining the Council's functioning.
4. The executive branch has been incapacitated as a result of the lack of funds, experience, human resource management skills and objective obstacles.
5. Under Hamas leadership, the lack of a clear internal hierarchy has led to the creation of four basic ideological camps: at one pole are the extremist, Hamas Damascus and Haled Mashal, which take a rigid, violent position; at the other pole is the leadership of Palestinian prisoners incarcerated in Israel, who have adopted a pragmatic, moderate approach; in between are the Gaza faction, led by Haniyeh and Al-Zahar, and the relatively moderate West Bank faction.
6. In-depth professional public opinion surveys regularly conducted by Palestinian research institutions have unambiguously determined that despite the anti-Fatah vote, set against the background of the party's corruption, inept administration and inability to deliver the fruits of peace, 63% of the Palestinian public accepts the formula of two states for two peoples, with Israel defined as "the homeland of the Jewish people." However, only 37% of the respondents believe that the Israeli public accepts this same solution.
7. One of the options arising from this situation is the requirement that Haniyeh stabilize his government through cooperation with Fatah and other public representatives.

In the wake of recent parliamentary elections and the rise of Hamas, the political situation in the Palestinian Authority (PA) has continued its deterioration to the point where fears of anarchy, a humanitarian crisis and even civil war are intensifying. These snowballing trends, which are instigating tumult on the PA's streets, are likely to incite additional threats, including threats to Israel.

Officially, the Palestinian parliament (the 132-seat Legislative Council) is always in session, its bi-weekly meetings facilitated by a video-conference set-up that connects members in Gaza to those in Ramallah. The physical convening of all members is currently impossible due to the Israeli government decision to deny Hamas delegates freedom of movement between the West Bank and Gaza. Yet, Council functioning remains, to a significant degree, more apparent than real. Given the conflict between the two leading parties, Hamas (74 members) and Fatah (45 members), the Council and its sub-committees have become arenas for political sparring, behaviour that undermines execution of its legislative mandate. Fatah representatives, who have done little to rehabilitate their movement, are accusing Hamas representatives of lacking any basic understanding of the political system and the parliamentary rules of the game. Finally, as street clashes between the factions intensify and the arms race between Hamas and Fatah goes into higher gear, signs of the conflict's deterioration are becoming more conspicuous.

The rift between the PA's president, Abu Mazen, and the government's prime minister, Ismail Haniyeh is undermining the Council's capacity to pass legislation. A pattern has been created in which Hamas, as the Council's majority, transmits laws awaiting the president's signature; the president, in turn, refuses to approve the laws, an act that initiates a mandatory second round of Council voting for the purpose of ratification, which requires more than a two-thirds majority. Legislative proposals are therefore constantly getting "stuck" within the system.

The Hamas retort to this gambit was short in coming. In response to what they believed was a disorderly legislative process, Hamas itself disrupted the workings of the Office of the President. One of the main tactics employed was the attempt to undermine the status of the president. This was accomplished either by making decisions officially delegated to the president's domain of competence (such as the appointment of senior officials in the Palestinian Security Services) or by not executing those presidential directives meant to be implemented by the subordinate executive branch.

The executive branch itself, but primarily the government ministries, is tumbling toward disintegration, with government offices essentially in a state of stagnation. In effect, the majority of ministries simply do not function; experienced staff members – or, more precisely, those who have options – are beginning to abandon what seems to be a sinking ship. The lack of government funds – to the point where there is insufficient cash on hand to fill government gas tanks – has almost completely paralysed government offices. Administrative staff, which have not received any salary for the last three months, arrives at work sporadically, with the main topics of conversation quite unrelated to work. Yet, ministries dealing with burning humanitarian issues continue to provide their services. However, even there, operations are from orderly.

At the same time, the capabilities and skills of Hamas ministers and those senior civil servants appointed by the new ministers appear to be somewhat in doubt. Even in the early stages of their ascent to power, the new cadres are having difficulty adjusting and are displaying a lack of managerial knowledge. These facts must be considered in conjunction with the financing burdens and the objective difficulty of operating ministries that have become isolated from the rest of the system as a result of the physical dispersion of their ministers and senior officials on the one hand and those official's inability to travel on the other. All these factors impact on government performance. To illustrate, if 700 letters and requests regarding professional issues would arrive at the office of Abu Alla during his term as prime minister, only 10 such epistles arrive at present.

The Office of the Prime Minister is also having difficulty performing as a result of the internal factionalism afflicting Hamas and the absence of a clear chain of command in the movement's leadership, individuals who have reached positions of power without adequate preparation and in a manner that surprised them perhaps more than anyone else. The four factions that make up the Hamas leadership are not only separated geographically, they also support different approaches to translating their Islamic ideology into administrative and political practice.

The most extreme faction is Hamas Damascus, headed by Haled Mashal, which maintains an unyielding and aggressive position and is thereby preventing the government from introducing greater flexibility. The most moderate faction is, unexpectedly, the leadership of the detainees held in Israeli prisons. These are acting as catalysts supporting a closing of the ranks with Fatah and the other factions with the goal of creating a national unity government; they are also promoting a pragmatic approach toward Israel.

In the space between the two extremes are the leadership of Gaza and that of the West Bank. The Gaza faction, headed by Prime Minister Haniyeh and Foreign Minister Al-Zahar, is more extreme in its position when compared with the West Bank faction. The geographic separation and the inability to create a channel of communication free of Israeli intelligence surveillance are interfering with the leadership's capacity to conduct an internal ideological debate and formulate a uniform policy. At the same time, these constraints are enflaming the conflicts.

At this point, Haniyeh apparently objects to Mashal's obdurate rhetoric. Nevertheless, some analysts maintain that Haniyeh's moderation is only declarative, and that the real distance between Haniyeh and Mashal is minimal. In any case, it appears that Haniyeh fears the loss of Hamas hold on Palestinian public opinion. He therefore would prefer to form a broad-based government, constructed with Fatah and other factions and, perhaps, might even consider government adoption of the "Beirut Declaration," presented at the 2002 Arab League summit. This declaration is rooted in demands for a comprehensive peace and normalisation of relations between Israel and all the Arab states in exchange for Israel's withdrawal from all the territory occupied in June 1967 and establishment of a Palestinian state. Another option – much milder than the Hamas position – is adoption of the recently formulated "Prisoners' Document", which espouses a two-state solution.

We should stress here that Haniyeh is quite aware of the fact that the Palestinian public did not give Hamas a majority (44% in the proportionate elections) of its votes. He also comprehends that the public voted, in great measure, against Fatah rather than for Hamas, and in frustration from the feeling that peace had not brought them any of its promised rewards. Moreover, many of those who had cast their ballots for Hamas are not affiliated with the party nor consider themselves supporters of the Hamas position regarding a solution to the Israeli-Palestinian conflict. They are, instead, supporters of a peace settlement and cooperation with Israel.

In-depth professional public opinion surveys regularly conducted by Palestinian research institutions have unequivocally determined that the Palestinian public does not represent a barrier to continuation of the peace process. However, strange it may sound, the Palestinian public has gradually moderated its position toward a political solution to the conflict. For example, a survey conducted a few months ago by the most prominent pollster in the PA, Dr. Halil Shkaki, established that public readiness for a compromise with Israel is greater than ever before, and that the majority supports a settlement whose parameters are also acceptable to a majority of the Israeli public. In addition, in a survey conducted in September 2005, 63% of the Palestinian public responded that it accepts the formula of two states for two peoples. The respective question defined Israel as "the homeland of the Jewish people." These surveys confirm that one of the critical problems in the region is the lack of knowledge on both sides about the aspirations and hopes of the other side. The majority of Palestinian are convinced, or example, that Israelis are uninterested in arriving at a solution based on the two-state formula, and only 37% responded that they are convinced that the Israeli public supports this approach.

Deterioration, anarchy or civil war do not represent realistic options for the Palestinian Authority. However, one of the optional responses arising out of the events described herein is the demand that Haniyeh stabilize his government by cooperating with Fatah and other partners. One way to maximize these two partnerships would be for Haniyeh to adopt an independent and pragmatic policy opposing that of Mashal in everything relating to the dialogue with Israel. Such a move would provide Abu Mazen with greater space for political manoeuvring, an important factor given that the Palestinian constitution assigns responsibility for negotiations with Israel to the president. In order to realize such a possibility, Israel must keep open a window of opportunity for sincere negotiations toward a permanent settlement. Abu Mazen, on his part, has already declared his aspirations for reaching an agreement that will ultimately lead to a public referendum.