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The Current Palestinian Scene: Setting National Priorities Right

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For Palestinians to develop an effective national strategy, re-take the initiative and make the Palestinian state a real option requires first of all that they give up the illusion that "the state is a stone-throw away", and that "the solution is at the door." Such a strategy must give priority to putting an end to Palestinian divisions, rehabilitating the National Program, and uniting the people. It has to adopt 'smart' resistance (one that abides by the international criteria that condemn targeting civilians) and productive negotiations, by reconsidering the role of the Palestinian Authority to subject it to the National Program; a strategy that reforms, reactivates, and restructures the PLO, so as to combine all Palestinian factions and all the colors of the Palestinian spectrum; a strategy that opens up all options, rather than confines itself to a one-and-only option. But Hamas faces a fundamental dilemma of advocating resistance while its strategy on the ground has changed towards managing a long-term truce with Israel. Recently, Hamas has come closer to the PLO and the PA platform and is considering it a program that represents the minimum demands for Palestinians, not merely an interim program, as it used to consider it. In the Territories of the Palestinian Authority, i.e. the West Bank, there has been a gradual transformation of authority, which has shifted from Fatah as the ruling faction to a government of experts and technocrats. Fatah now is not the organization that controls the PA and its resources and wealth while it continues to bear all the burdens. In face of the three scenarios of possible developments over the medium-term, priority should be given to ending the occupation, not to building the state's institutions. Israeli occupation is of a very special brand and makes resistance the only valid way to end it. Only resistance - smart resistance - can sow the seeds that negotiations can harvest.

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Where we stand today

September 28 marked the ninth anniversary of the Second Intifada, which started as a reaction to the failure of the Camp David negotiations for a final agreement among U.S. President Bill Clinton, Israeli Prime Minister Ehud Barak, and Palestinian National Authority President Yasser Arafat, where efforts were made to market an unacceptable solution as a "generous offer." It was also a reaction to the war that was waged by the Israeli government, after the failure of the Camp David Summit. The fateful moment was the visit by Ariel Sharon to the Holy Mosque of al Aqsa, with heavy protection by occupation forces. Palestinians who demonstrated in defense of their sacred rights were massacred, triggering the second Intifada, which lasted for several years.

The Ehud Barak Administration wanted through that war to achieve what it had failed to achieve at the negotiation table, including changing Palestinian attitudes and pushing the Palestinians to give up resistance, to reduce the aims of the national program, and, consequently, to accept the Israeli offers.

The nine years that followed the failure of the Camp David Summit were busy with events, developments, and changes, the most important of which were:

- The reoccupation of the West Bank after the "Protective Wall" operation toward the end of March 2002, and the seen by many Palestinians as siege on President Arafat, which led to what was, his assassination.
- The international, American, and Israeli recognition of the principle of a Palestinian state following the statement by President George W. Bush of his vision of a settlement in June 2002
- The Israeli withdrawal from Gaza in 2005.
- The creation of the post of Prime Minister in the Palestinian Authority in 2003, in response to American efforts to create a new Palestinian leadership that would be different and would fight "terrorism," as required by President George W. Bush.
- The circulation of the "Roadmap," which represented an attempt to merge transitional solutions and a final agreement, and which relied on a security approach to solve the conflict. The plan included an American and international commitment on the creation of a Palestinian state by 2005.
- Hamas participation in the Palestinian Authority, after it won the legislative elections in 2006, obtained a majority in the Legislative Council, and then formed a majority government that could not last, due to the siege and the Israeli and international boycott.
- The intra-Palestinian rapprochement and signing of the Mecca Agreement, which led to the formation of a national unity government that survived for only three months, due to the siege and boycott, as well as to the positive response of one Palestinian party to the three conditions posed by the international community for the recognition of the national unity government (renouncing violence, recognizing Israel and accepting the Road map). Eventually, Hamas was not given the chance to rule, either individually or in a national government. The Legislative Council suffered a similar fate, due to the arrest of dozens of MPs.
- The outbreak of inter-Palestinian fighting that evolved into a split and a coup that took place in June 2007, and led to the co-existence of two authorities that both contending for legitimacy and local, regional, international, and Israeli support. Each of them has a cabinet, security

agencies, ministries, judicial authorities, etc.

- The reactivation of Palestinian-Israeli security coordination, with the Palestinian Authority starting to implement its commitments under the Roadmap, even though it calls for simultaneous implementation of commitments.

- The resumption of Palestinian-Israeli negotiations, and convening of the Annapolis Conference, which only offered a new promise to the Palestinians to reach a peace agreement by 2008, which, again, has not been fulfilled.

- The Israeli war on Gaza, which began in late 2008, and aimed to contain Hamas and prevent it from launching missiles. This has created a new situation based on lull without an agreement, while the siege on Gaza continues hindering reconstruction of the Strip, at least until the captive soldier Gilat Shalit is freed.

- The consecutive Israeli governments since the Oslo Accords have all but abandoned the attempt to reach a peace agreement. They have shifted more and more to the right, culminating in Benjamin Netanyahu's 2009 government, the most extreme and racist since the establishment of Israel.

- The victory of Democratic candidate, Barack Obama, who campaigned on the motto of "change" and pledged to give priority to the conflict in Middle East.

- The Obama Administration has been busy since January 2009 trying to create conditions appropriate for the resumption of negotiations between the Palestinians and Israeli, but has continually faced Israeli obstinacy and refusal to stop building settlements and to resume negotiations from the point where they broke off last February. The U.S. Administration, as was clear after the tripartite summit of Obama, Abbas, and Netanyahu, appears to have

acquiesced to this position and is now calling for resumption of negotiations without preconditions.

- The intra-Palestinian dialogue sponsored by Cairo since February 2009 has failed, which has caused Egypt to try to manage the conflict rather than seek an end to it, as a lesser evil.

All of these events have contributed to the comprehensive dilemma in which the Palestinian situation is mired today. Meanwhile the Palestinian cause is losing ground. The international community is increasingly moving away from international law and UN resolutions, and is aligning itself with what is seen as acceptable by the U.S. and Israel. Efforts of the international community to end the conflict and to stop the building of settlements have led nowhere, especially after the Obama Administration backed away from proposing a concrete plan for peace, and also from its demand that Israel stop the expansion of all settlements in return for normalizing the relations between Arab countries and Israel, although the US did not demand that the Israeli freeze include the settlements in Jerusalem and the couple of thousand units now under construction, in addition to public utilities.

The current deadlock is likely to lead to one of the two following outcomes: (a) there will be no chance of resuming negotiations as long as President Mahmud Abbas (Abu Mazen) insists on his conditions: the total freezing of settlements, defining the legal framework of negotiations, with a timetable, and resuming negotiations from the point where former negotiations ended, not from zero; or (b) the Palestinians will resume negotiations even though their conditions have not been fulfilled, due to the Palestinian leadership's conviction that its margin of maneuver is narrowing, and that it has no option but to negotiate with Israel.

The latter analysis is likely to lead to a resumption of negotiations, based on the American view that halting negotiations will not stop settlements and that to achieve something is better than nothing. The Americans also believe that to focus through dialogue on the major issues is better than getting bogged down in procedural issues, including the terms for resuming negotiations. The negotiations are therefore most likely to resume without fulfilling the Palestinian conditions; preparations are now under way to find a suitable script for such a resumption.

That halting negotiations would not stop the building of settlements is certain. However, resumption of negotiations while the Netanyahu government is constantly working to implement its plans will only give it the time it needs and good cover for what it is doing. In addition, it would prevent any further negotiations, and give the incorrect impression that a solution is at the door and that there is no need for anybody to intervene, whether with new initiatives or through negotiations, which Israel insists be bilateral only. This will make it easy for Israel to impose its conditions on the Palestinians, thus creating a new status quo that will make the Israeli solution the *only* possible, practical solution on the table.

The Israeli solution will fall somewhere in the spectrum of options adopted by various Israeli parties. These options are: (1) Continuation of the status quo (which Hamas apparently favors) (2) Imposition of a state with provisional borders; this would delay the issues of refugees, settlements, and Jerusalem indefinitely; (3) Revival of the Jordanian option as an alternative homeland for the Palestinians; (4) tutelage under an Egyptian mandate; (5) Unilateral Israeli steps, as in Gaza. It is difficult to assess which among these options is most probable, before reviewing the thinking and programs of the various Palestinian parties to confront this dilemma.

Hamas

Whether Hamas deliberately planned the coup which led to its control of the Gaza Strip or simply found itself in a defensive situation and had to take over the Strip, without prior plan, in order to prevent a coup against it remains unclear. Its current attitude suggests one of the two views:

- a. That its unilateral control of Gaza will enable it to reorganize the entire Palestinian political system (both the **PA** and the **PLO**), which will ensure for Hamas full participation in the Palestinian leadership as a party competing with Fatah, not as one of its satellites. Fatah has dominated the Palestinian leadership since the beginning of the Palestinian revolution and controls the PLO since 1969.
- b. Hamas was emboldened by its success in the legislative elections and by the ease with which it took control of the Gaza Strip. While Fatah, unable to move beyond its failure in the negotiations, the peace process, and the elections, was preoccupied with internal controversies, Hamas believed that the road was paved to use Gaza as the base (the “Islamic Emirate”) that would enable it to take control of the West Bank, the PA, and representation of the Palestinians.

Despite its pragmatism and the steps it has taken toward political moderation, Hamas

remains a dogmatic, totalitarian organization. It is socially and ideologically conservative and does not really believe in pluralism, participation, or democracy. Large blocs within Hamas consider elections a one-day feast, rather than a rule in politics.

Hamas, in spite of all the internal conflicts, believes that "One Gaza in hand is worth ten in the bush". It is not likely to relinquish its hegemony over Gaza, first because of the advantages the Strip provides to it, and, second, because it fears the revenge that might be loosed against it were the legitimate authority to recover Gaza, which might even lead to the full exclusion of Hamas from the political system. Hamas realizes that Fatah does not believe in true partnership, and that it will not accept a strong competitor. The most it can willingly provide to Hamas will be partial participation in the PA and in the PLO, as a satellite. That is why the 2005 Cairo Accord could not be implemented; Fatah could not willingly accept full Hamas participation in the PLO, after Hamas' surprising entrance into the PA, through the polls.

Hamas has been wagering on a number issues:

- Continuing deterioration and fragmentation of Fatah, a wager that has failed, as Fatah recently emerged strengthened from its sixth congress, notwithstanding some fundamental divergences with the movement.

- Hamas also wagered on becoming a more attractive model of authority than Fatah, a wager that has also failed, due to the lack of a comprehensive plan of governance, to oppression, and to the increasing assault on individual and public freedoms in Gaza. The movement has killed dozens of citizens, fired live bullets at the legs of demonstrators, put people under house arrest, imposed the hijab on female lawyers

and schoolgirls, and established the "Guards of Virtue," a kind of religious police, who patrol streets and beaches to prosecute women who are accompanied by men not from their own families. It is indisputable that the Israeli aggression and harsh siege have prevented Hamas from exercising authority the way it may have wanted, but this was an objective condition that Hamas should have taken it into account when it opted for continuation of its unilateral authority in the Strip.

- A third wager that collapsed was on the new U.S. Administration. Hamas expected the Obama Administration wouldn't be as bad as the former administration, and would review American and international conditions to recognize Hamas or a government in which Hamas was a partner. The change achieved by the Obama administration is remarkable in many areas; however, regarding the Hamas issue, it would not go beyond the recognition of a government in which Hamas is a partner as long as the government approves the agreements between the PLO and Israel and the commitments that result from those agreements

- Hamas also wagered on a deal with Israel to swap prisoners. After its steadfastness in the Israeli war on Gaza, Hamas imagined that such a deal would free a huge number of Palestinian prisoners, including hundreds with long sentences. This would clear the way to break the siege on Gaza, to opening the borders and crossings, and result in a reciprocal lull that would lead to the reconstruction of Gaza. Such a situation would certainly have strengthened Hamas, both at the political and popular levels, and would have opened the door for Arab, international, and Israeli recognition of Hamas, but, again, it did not work.

- Egypt has kept the Rafah Crossing closed, arrested Hamas affiliates in Egypt, and attacked tunnels that connected the Strip to Sinai, all of which proves that Hamas's

wager on Egypt was another mistake. However, it should be mentioned here that the Egyptian paper that was presented to achieve reconciliation between Fatah and Hamas, and which leans slightly toward Hamas, only reflects Egypt's eagerness to avoid failure in the dialogue, which affects Egypt's image and status. Hamas looked stronger both at the political and popular levels after the war on Gaza. Some visits and signs from Europe and the United States might have indicated this. At that time, Hamas thought that if it could show some political moderation and demonstrate its ability to maintain security in the Strip, it would get American, international, and Israeli recognition, especially since its major competitor, Fatah, was in a miserable situation. However, as days and months passed, Hamas began to exhaust its credit without having used it for political gain.

Hamas needs to give up illusions and realize that agreeing on PLO commitments is the necessary price for recognition. Yet, if Hamas does this solely for the sake of recognition, it will lose its identity and its role. Moreover, Hamas needs to understand that it is impossible to combine the Palestinian Authority that resulted from the Oslo Accords with armed resistance. It has been tried and it failed. Hamas, therefore, has to choose between the Palestinian Authority and resistance.

- Hamas has also wagered on its alliance with the axis of Iran, Syria, Qatar, and Hezbollah. Iran suffered from the unrest that followed its elections; Syria resumed dialogue with the United States, and expressed a desire to resume talks with Israel, which improved Syrian-Palestinian relations; Qatar had already taken steps to normalize its relations with Israel, at the American request and the elections results in Lebanon only confirmed to Hamas that it has to reconsider its calculations, and that things are not going in its favor, even within the "axis of steadfastness."

- The last wager of Hamas was on the failure of the negotiations and the peace process. This wager, which can be justified, would be the last escape for Hamas, as it was the major factor that helped it surface and rise previously, and it might help it again. The American President and his Special Envoy George Mitchell are facing the consequences of the ominous failure to soften the position of the Netanyahu Government, despite the repeated visits of Mitchell. This failure, if it happens, will put the Palestinians leadership in an absurd situation which will be worse than the previous situation, thus benefitting Hamas. Saeb Erekat commented on this in a talk show on CNN that hosted him together with the Israeli Minister Dan Meridor. "If we reach an agreement, Hamas will disappear; if we don't, we will disappear," he said.

The anticipated failure of negotiations is the last harbor for Hamas, but it should not rely on it too much, as this failure alone will not be of great benefit to Hamas. What benefited it in the past was that negotiations had failed and Israeli authorities ignored the Oslo Accords and continued building settlements. At that time Hamas offered an alternative to negotiations and the peace process, namely resistance. However, Hamas will not be able to take advantage of a return to the absurd negotiations. First because, it failed to give an example of good government in Gaza, and, second because, it has expressed its readiness to engage in negotiations, as Khaled Mashaal said in his speech last June. This statement contradicts the authorization that Hamas previously gave to President Abbas to conduct the negotiations, and later ask for popular approval, either by referendum, or through a PLO National Council, which would include all the factions and sectors that are still outside PLO.

Nor should one forget that Hamas suspended its resistance after the latest Israeli war in Gaza, fearing the heavy price that it might pay again, seeking to enjoy its

authority over the Strip and, in order to prove that it is a responsible party that can provide security to Israel, so as to encourage Israel and the United States to consider it a Palestinian partner, or at least a major contributor in this partnership. All of this will not free Hamas from its dilemma, even if negotiations once again move in a vicious circle.

Recently, Hamas has come closer to the PLO and the PA platform and is considering it a program that represents minimum demands, not merely an interim program, as it used to consider it. It is not in an enviable position, whether negotiations resume or remain frozen.

Fatah

Fatah is now in a better condition than it was before Obama came to office. This is due to several factors, including the international demand to stop Israeli settlements, a general acceptance of the two-state solution, the convening of its sixth conference, the meeting of the PLO National Council to choose a new Executive Committee, and an improved security, administration, and economic situation in the West Bank. Yet it is still in a uneasy situation: it rules as a self-governing authority under an occupation that is working hard to Judaize Jerusalem, continues building the Separation Wall, deepens the siege, and increases the arrest and regular incursions in the PA territories.

Fatah, moreover, is facing a new reality inside the PA. After the coup in Gaza, it decided to stay out of the government, believing that it could return whenever it wanted, and the way it wanted. However, it is now faced with a new reality, namely the situation created by the increasing role of Salam Fayad, the caretaker Prime Minister since the coup. Fatah members are now participating in the government

individually, but not the movement as a bloc.

There has been a gradual transformation of authority in the Territories of the PA, especially in the fields of security, the economy, and administration, which led to reducing the role of Fatah. Authority has shifted from Fatah as an organization to individual members of Fatah, such as experts and technocrats. Fatah now is not the organization that controls the PA and its resources and wealth. A new concept has emerged: "the New Palestinian," as it was termed by General Keith W. Dayton, who is working to establish a professional security force capable of imposing security above all else.

It now provides cover for the Palestinian Authority, without enjoying its privileges. Instead, it bears all the burdens: corruption, flabbiness, security coordination, and violations of rights and freedoms. Such violations have escalated after the split between Gaza and the West Bank, as the PA is destroying the Hamas infrastructure in the West Bank, fearing that the Gaza coup might be replicated there. Another burden which Fatah has to bear is the fulfillment of the Authority's commitments in the Roadmap, which requires halting the resistance, dismantling its infrastructure, confiscating its weapons, and arresting its activists. This has presented Fatah with a difficult choice: it either opts to become the PA party that provides cover for the absurd negotiations and the *de facto* state – the state of the leftovers that Netanyahu will be willing to give up; or it chooses to reconstruct itself and restructure the entire Palestinian political system, based on a reconsideration of the National Program, in order to unify the Palestinian people to accomplish that program. A third option, however, is to remain where it is now, somewhere between the first two options.

Unless unexpected substantial changes take place in the near future, there will be no

essential developments that can justify optimism. This will remain true so long as the Palestinian leadership can see no option other than negotiations and more negotiations, and so far as the leadership relies on the American administration and the international community, and adopts a self-assurance policy by building state institutions and ensuring security for the occupation, in order to convince the international community to exert pressure on Israel to withdraw from the Palestinian territories and agree to a Palestinian state. This policy puts the horse before the cart. What hinders a Palestinian state is not the need to prove Palestinian capability. This cannot be a condition to restoration of rights. Proving capability can be an endless exam. In fact three things hinder the Palestinian state: first and foremost the Israeli occupation, the Palestinian political and geographic divisions; and, lastly, building institutions, an administrative structure, the economy, and security. Priority should therefore be given to ending the occupation and not to building the state's institutions. Concentrating on building institutions under occupation will only put the state at the mercy of the occupation. Such was the case of building security forces under American supervision, under the auspices of security coordination. The occupation cannot be ended through sterile negotiations, as Palestine is under a racist occupation that depends on settlements and evacuation of Palestinians. It is an occupation that is based on a religious and political doctrine that claims that Palestine is the land of Israel, the Land of Promise, and that Israel has liberated it, **not** occupied it. This special, exceptional occupation makes resistance the correct way to end to it. Only resistance can sow the seeds that negotiations can harvest. In order for this resistance to be able to sow, it must be a fruitful resistance: it must be based on a united national strategy that is able to utilize the act of resistance to serve the Palestinian national interest, on the one hand, and to maintain the justice of the

Palestinian cause as well as its moral superiority, on the other. Above all, such resistance must abide by the international criteria, which acknowledge the right of any people under occupation to resist the occupation by all legitimate means. Such a resistance, that condemns targeting civilians, is capable of unifying the Palestinian people inside the homeland and in exile and of ending the Palestinian division by re-acknowledging the National Program, whose ceiling has been lowered since the Oslo Accords, and especially after the Annapolis Conference, without a clear framework, since negotiations themselves have become the framework.

The objectives of the Palestinian negotiator have diminished drastically, so that the right of return is now based on "finding a just solution that can be agreed on, instead of international resolutions, especially Resolution 194, which include the right of return and the right of compensation. The new objective will include a symbolic return that will allow only a couple of dozens of thousands to return to the 1948 territories, provided that the return is for family reunion, and not an exercise of the authentic right of return. Other Palestinians can return to the future Palestinian state, remain where they are after receiving the citizenship of the countries they live in now, or move to other countries willing to receive them.

New principles such as "land exchange" and "Israeli withdrawal from 100% of the territories occupied in 1967" have replaced the international resolution that forbids occupying territory by force, and demands a full Israeli withdrawal. Clinton's plan to "join the settlement blocks" and "the Jewish quarters" in occupied east Jerusalem has become the ceiling that practically reigns the negotiations.

The Obama Administration is different from the George W. Bush Administration. However, the difference between the two,

regarding the Middle East, is merely in language and form, rather than content. The American administration is under huge pressures from the Zionist Lobby (which comprises Jews and the Zionist Christians,) to limit its activities to managing the conflict if it cannot find a solution that matches one of the Israeli preferences. Israel rejects withdrawal from the territories occupied on June 5, 1967, and from Jerusalem, and seeks to terminate the cause of the Palestinian refugees. It does not recognize an independent Palestinian state with sovereignty. In contrast, it requires Palestinian recognition of Israel as a Jewish state. Therefore, it prefers the status quo: conflict management rather than the resolution, in order to give Israel time to complete its racist expansion and settlement plans.

It would be easy to conclude that putting all eggs in the basket of the United States and the international community is definitely a losing proposition. The role of the international community is essential, but we should deal with it differently by trying to change its role, rather than submit to it completely. If we do not know what we want and how to achieve what we want, no one will help us find out.

We must set a strategy that is capable of achieving our national goals – a strategy that opens up all options, not one confined to a single option. The negotiation option has been tried and has failed. To try it again, without extracting lessons, will only mean harvesting more disappointment and more failure. On the other hand, the option of armed resistance has also been tried and has failed. Consequently, a new national strategy should be adopted: a strategy that gives priority to ending the Palestinian division, to activating the National Program, to uniting the people; a strategy that combines fruitful resistance and productive negotiations, and reconsiders the role of the PA, to subject it to the National Program; a strategy that reforms,

reactivates, and restructures the PLO, so as to combine all Palestinian factions and all the colors of the Palestinian spectrum; a strategy that opens the way to all options, and does not confine itself to a one-and-only option. Only such a strategy can allow the Palestinians to re-take the initiative and make a Palestinian state a possible option. This requires, first and foremost, giving up the illusion that “the state is a stone's throw away,” and “the solution is at the door.”

Three possible scenarios

The first scenario, would be maintaining the status quo, maybe with a slight shift forward or backward. This scenario means that negotiations will remain frozen, or they might resume but without any breakthrough in the near future. Rather, negotiations on how to conduct the negotiations will characterize this scenario. The Palestinian split will remain as it is, with dialogue among the Palestinians to contain the division, and to prevent a complete rupture. The Egyptian card can be played well in this scenario, and can lead to a kind of coexistence, so as to manage the division but not solve it, by delaying the elections until the end of the first half of 2010, which can be further extended. A factions' committee can be formed to coordinate between the two governments. Reciprocal acts of hostilities in the West Bank and the Gaza Strip will be restricted: arrests, media campaigns, violation of individual and public rights, pending regional and international developments, especially regarding negotiations and the peace process.

In the second scenario, the intra-Palestinian dialogue will succeed in reaching a joint program, on which a united government will be formed (either a national unity government, or a government of independent technocrats). The Palestinian leadership will continue demanding a freeze of settlements, definition of a framework and a timetable for negotiations, and

resumption of negotiations from the point where they had stopped. If this scenario is realized, chances for a solution that achieves the minimum of Palestinian rights will increase.

In the third scenario, negotiations will resume without preconditions, and the divisions between the Palestinians will grow, leading to a complete rupture. This will lower the ceiling limiting the Palestinian negotiator as well as the ability of the United States to impose a solution that meets the minimum Palestinian demands. Hence, the possibility of a de facto solution that is a state made of the leftovers, a state with temporary borders, a state that will have to start a new round of negotiations on the issues of the final situation, for a period that will go on longer than anyone expects. The scenario will be no better if the state is announced unilaterally and its borders are June 4, 1967. It will remain the worst scenario, which will lead to the deterioration of the Palestinian option and the advancement of the alternative options: the Israeli and the international one. And, who knows, it may even lead back to the Jordanian option or Egyptian custody.