

EDITORIAL

Ladies and Gentlemen,
Friends of the Friedrich-Ebert-Stiftung,

As the political division between Fatah and Hamas, West Bank and Gaza enters its seventh year, the 24th edition of Seyasat Magazine, a quarterly product of the partnership between FES Palestine and the Institute of Public Policies (IPP) is analyzing the political, social and economic reality in light of the six years of political division.

Contributors to the latest edition attempt to search for a way to restore Palestinian unity. Regional dynamics, however, have had repercussions on the Palestinian scene and deepened the split between both parties. Therefore, developments in Egypt and the fate of the Muslim Brotherhood are closely observed by Palestinian analysts.

While Hamas finds itself more isolated than ever, President Mahmoud Abbas has committed himself to a renewal of negotiations with his Israeli counterparts about a final settlement of the Israeli-Palestinian conflict.

The engagement of the Obama Administration has been instrumental in bringing both sides back to the table. Still, Palestinians debate whether it is not too late for the Two-State-Solution and explore alternatives to this model. But neither the shining idea of a bi-national state from river to sea for all its citizens nor the subjugation to a state of "colonial apartheid" seem to be realistic and desirable options.

To find out more, read below the summary of Seyasat's 24th Edition, offering insight and analysis to the latest political developments, particularly in the Palestinian and Arab contexts.

For the full access of Seyasat Magazine in Arabic and its summaries in English is available on www.ipp-pal.org.

Wishing you an enjoyable read!

Seyasat Magazine Edition (24): English Summary

Introduction:

It's the seventh year of the Palestinian division. As SEYASAT notes in its editorial marking the issuance of this edition, the Palestinian division has entered its seventh year confidently, with no serious signs that this division will not have a long life. Nothing has changed on the national arena during the past six years except for deepening of the differences and transformation of this division into a natural phenomenon in the Palestinian political life. What is certain is that division is no longer a monopoly to the Palestinian people—"divisive" phenomena are beginning to appear in other Arab political arenas, especially as the blossoming of the flowers of the Arab Spring stumbles. Seyasat is dedicating several sections of its edition to analyzing the political, social and economic reality in light of the six years of division in an attempt to search for a way out and rescuing the Palestinian reality from its loss.

Title of Article: "Six Years Later: The Palestinian Division and the Impediments to Regaining National Unity"

Author: Mr. Azzam Sha'ath

Seyasat opens its edition with a study for researcher and writer Azzam Sha'ath entitled "Six Years Later: The Palestinian Division and the Impediments to Regaining National Unity." Sha'ath presents a detailed analysis of the reality of the Palestinian division, leading to the basic impediments that render regaining the national unity difficult. He underscores the necessity of overcoming those impediments in order to make regaining the national unity possible. Enormous efforts have been exerted for the sake of regaining the unity between the West Bank and the Gaza Strip, even before Hamas's forceful domination of Gaza in June 2007.

Those efforts began with the Mecca Accord, which was signed in February 2007, and included the Sanaa Declaration of March 2008, the Dakar Agreement in the Capital of Senegal in June of the same year, as well as the Egyptian Paper for Inter-Palestinian Reconciliation, which was prepared in

Cairo and presented in September 2009, the Cairo Accord which was declared in April 2011, and the Doha Accord which was signed by President Mahmoud Abbas and Khaled Mish'al in February 2012.

The Doha Accord was followed by an extensive debate within Hamas Movement's institutions concerning the authority of the Head of the Politburo to sign, singularly, an accord with Fatah Movement. The latest attempt at reconciliation was the Cairo Accord II of January 17, 2013, which was shepherded by the Egyptian Presidency. The positive atmosphere which prevailed specifically in the wake of the most recent Israeli aggression on Gaza, and the exchange of allowing celebrations marking the anniversaries of the launch of both Fatah and Hamas Movements have all given a positive impression that the reconciliation was imminent. However, those efforts have not managed to realize the geographic and administrative unity between the West Bank and the Gaza Strip.

The first axis of this edition analyzes the roots and causes of the Palestinian division in terms of the contentious issues that have created and exacerbated the division among the Palestinian political forces, which are: (1) the division over the concept of the Palestinian state (its borders, form, regional and international relations and future); (2) the controversy over the status and representation of the Palestinian political system (the Palestine Liberation Organization and the Palestinian Authority); and (3) the position on the political reconciliation agreements signed between the Palestine Liberation Organization and Israel beginning with the Declaration of Principles on September 13, 1993 and the Oslo Accord and including the subsequent agreements signed following establishment of the Palestinian Authority.

The second axis is dedicated to studying the field obstacles to Palestinian reconciliation. It discusses the impacts of the division on public Palestinian institutions, especially the legislative and judicial authorities, and then the repercussions of the division on the economic and social conditions. The author concludes by recording a number of observations concerning the stalled efforts to restore national unity, including:

- The two major parties, like the remaining Palestinian political forces, remain in disagreement over a Palestinian comprehensive national program which can draw the features of the Palestinian political future as well as the future of the Palestinian state and its regional and international relations, and establish cooperative relations among the various forces. Moreover,

these forces have not concluded a clear agreement concerning the limits of the path of political reconciliation and the Palestinian resistance.

- Absence of political will on both sides of the crisis in the Palestinian arena.
- The measures taken by both parties to the division concerning building and inaugurating their administrative, economic, service and security institutions, and the attribute of duplication which has characterized the political and legal system throughout the past six years.
- Neither party to the crisis has taken serious steps to enforce the role and mission of the societal reconciliation committees emanating from the Cairo meetings in order to give them the opportunity to fulfill their societal tasks of overcoming the consequences of the political division.

Title of Article: **“Legislations passed under the division and their ramifications on the rights and freedoms system in the Gaza Strip: a forward-looking approach”**

Author: **Dr. Mohammad Abu Matar, and Mr. Rami Murad**

As a supplement to the previous discussion, researcher and community activist Rami Murad and Dr. Mohammad Abu Matar write about “legislations passed under the division and their ramifications on the rights and freedoms system in the Gaza Strip: a forward-looking approach”. The division characterizing the Palestinian state of affairs represented a major shift in the field of political and legal sociology in Palestinian Authority territories, where Palestinians in the West Bank and the Gaza Strip were subject to two governance regimes which were reshaped in the context of conflict between Fatah and Hamas movements over constitutional authorities as well as their struggle for governance and its institutions.

This reality produced variations in the field of constitutional practice in the area of passing and issuing legislations in accordance with a vision that did not lack a political context in its approach toward the provisions of the Basic Law, thereby leading to duplication of the legislative institution and system, and acceleration of the pace of issuing legislations.

This raises questions about the extent of the need for the issuance of such legislations and their objective. To what extent have their texts and the mechanisms of their issuance been in line with the provisions of the Basic Law and the rights and freedoms guaranteed in it? Has the passing of such legislations been carried out neutrally in relation to the issues they regulate or has it been governed by the political approach as a syndrome of cases of struggle over authority? And what are the ramifications of the answers to those questions on the exercising of general rights and freedoms? The study answers these questions by focusing on the situation in the Gaza Strip – as the study field of this research paper – due to the legislative authority's responsibility of the issuances of such legislations.

It is noted that since 2008, the governing authority in Gaza has issued several legislations, the number of which at the end of 2012 has reached 35, without participation from the parties and forces represented in the Legislative Council in the process of issuing such legislations, and in the absence of any role for civil society organizations and syndicates in representing the interests of the individuals comprising the society in those passed legislations.

This contributes gradually to mainstreaming the values reflected in the behavior of the forces dominating the authority as values regulating the behavior of the entire society and the relations among its members, and thereby transforms those values from the private domain of those forces to the general domain and public space, resulting in the end in the issuance of legislations reflecting a unilateral perspective toward the rules regulating the behavior of the individual in the society. This poses a major threat to rights and freedoms and the scope of exercising them.

The first axis in the paper discusses the constitutional mechanisms for passing legislations in the Palestinian Authority and the extent to which the process of passing legislations in Gaza conforms to the provisions of the Basic Law and the Bylaws of the Legislative Council in accordance with the constitutional approach presented by the Reform and Change Bloc. The second axis discusses the regulation of rights and freedoms in the legislations passed by the Legislative Council in Gaza since 2008 from a legal perspective. The third axis of the paper discusses and explores the implications of those legislations on the exercising of rights and freedoms in the Gaza Strip.

The two researchers conclude that in light of the legislations passed both in Gaza and the West Bank, it has become necessary to reconsider those legislations in a way that contributes to unifying the

legislative and legal system in the Palestinian Authority's territories in conformity with the provisions of the Basic Law and the Bylaws of the Legislative Council and leads to promoting the values of citizenship and ensuring respect for human rights. They argue that attaining this goal is tied to ending the political and institutional division and achieving the Palestinian national unity.

Title of Article: "The Palestine Liberation Organization (PLO) from the Beginning to Evolution"

Author: Mr. Abdul Ghani Salameh

Political researcher Abdul Ghani Salameh presents a study entitled "The Palestine Liberation Organization (PLO) from the Beginning to Evolution," in which he analyzes the evolution of the PLO from its beginnings until reaching the debate concerning the necessity of developing and reviving it.

The researcher does so by analyzing and deconstructing the experiment of building the PLO. What matters to Salameh in this context is the idea of finding an alternative to the PLO, which he utterly rejects, saying that it does not fulfill the Palestinian national objective and in fact works toward fragmenting the Palestinian representation. In demonstrating his point, Salameh reviews Fatah's contributions to the PLO and the changes it has introduced in it, and requests that the reader imagine what would happen if Hamas was to fully control the PLO or its "alternative".

One of the most important changes introduced by Fatah (and armed resistance factions) in the structure of the PLO and its Charter's articles was the concentration on the patriotic dimension at the expense of the nationalistic dimension without confronting it. Following adoption of the interim program in 1974, the PLO's political approach tended to shift more toward reconciliation and set less rigid conditions. This shift divided the Palestinian arena into advocates of rationalism and radicals who viewed the PLO's approach as capitulation to the enemy and abandonment of the national rights.

Hamas, and the Muslim Brotherhood before it, never recognized the PLO as the sole legitimate representative [of the Palestinian people]. They confronted the PLO all the time and accused it of

surrender and capitulation even in its military heyday! This debate came in the context of the position of the parties representing political Islam toward the national forces whom they have always accused of secularism and disbelief. Also, there are fears that Hamas would repeat Fatah's experience in leading the PLO, but in a different way and direction; if Fatah's historic step at that time led to opening the doors of international arenas for the Palestinian cause at a wider scope, what is happening nowadays (at the hands of the Hamas Government) is dwarfing the Palestinian cause and reducing it to Gaza and its demands.

And if Fatah has consolidated the patriotic and nationalistic dimension of the conflict with nationalistic tools and methods, Hamas may resort to consolidating the religious dimension of the conflict and extracting it from its national and heritage context, thereby undermining the true pillars underlying the conflict and rendering it part of the religious war waged by the forces of political Islam.

Given Hamas's experience in power, many appear to fear that if Hamas seizes control of the PLO it would "*Islamize*" it and consequently place its ideological and partisan issues at the forefront of the priorities, even at the expense of major national and political issues, just as it did in the Gaza Strip when it started to impose some kind of "*Islamization*" of the society and impose certain issues and behaviors on the citizens of the Strip. Moreover, they fear that "*Islamization*" of the PLO would cause it to lose its collective national identity and its ability to absorb the Palestinian diversity.

Furthermore, Hamas may accept an interim settlement with Israel although such interim stage would freeze the conflict for many years under the slogan of "a long-term truce". Abdul Ghani Salameh concludes by stating that there is no need for creating an alternative [Palestine Liberation] organization, and that a sound national state of affairs contradicts with any attempt to penetrate the PLO and change its approach and Charter.

In fact, he demands reviving and renewing existing PLO institutions and restoring their stature in order for them to be able to absorb the Palestinian entirety and adopt a new Palestinian strategy.

There is no argument that after all these years the PLO's structures have been weakened and its legitimacy has eroded, and as such they are in dire need of reform. However, reform is quite different from creating alternatives and attempting to penetrate it. Such attempts would demolish what had

been built so far, undermine all accomplishments and place the national project opposite the wall of failure due to dispersal of the political representation and fragmentation of the national entity.

Title of Article: **“Any Alternative to the Palestinian State Solution?”**

Author: **Mr. Muhannad Abdul Hamid**

Author and political analyst Muhannad Abdul Hamid opened the articles corner with an article entitled “Any Alternative to the Palestinian State Solution?” He defends the necessity of Palestinian insistence on a solution based on a Palestinian state against ideas that express the necessity of adopting a two-state solution.

He argues that while the colonial project since the *Nakba* may have undermined establishment of a Palestinian state and worked on dismantling and destroying its foundations on the ground, the Palestinian people’s need for a state is of utmost importance, and transforming such need into reality constitutes a qualitative turning point that would culminate the Palestinian people’s long-standing struggle against occupation, dispersion and guardianship. An independent Palestinian state has not lost its historical justification and need.

Do the Palestinian people have other options? Do the difficulties, complications, torpedoing of foundations and systematic undermining of the basis of transition into statehood justify backing off this central goal (the state) whether by escaping forward by presenting a shining objective, which is a “bi-national state” or “a state for all its citizens” or by subjugating to the status quo of “colonial apartheid”?

Title of Article: **“The Muslim Brotherhood Facing Major Questions”**

Author: **Mrs. Nayrouz Qarmout**

Author and researcher Nayrouz Qarmout reviews the experience of the Muslim Brotherhood and its future with an article entitled “The Muslim Brotherhood Facing Major Questions”. Certainly, as the reader can understand from Qarmout’s deep analysis of the Muslim Brotherhood’s experience and its linkage to the national and regional contexts, the Muslim Brotherhood’s experience in power in Arab countries has not achieved much success in comparison with the performance of political Islam in

Turkey and Iran. Qarmout recalls what happened in the Gaza Strip in terms of replacing the structures and frameworks of the [Palestinian] Authority and wonders if the same experience could be repeated in Egypt.

She rules out such scenario. The concluding question Qarmout closed her article with was about the ability of the Muslim Brother to rise to the challenge of the political game and form real programs that respond to the needs of the people and countries they govern.

Title of Article: "Egyptian-Ethiopian relations and ramifications of the Renaissance Dam project on them "

Author: Mr. Mohammad Diab

Political researcher Mohammad Diab writes about the crisis in Egyptian-Ethiopian relations and ramifications of the Renaissance Dam project on them. Diab concludes after reviewing the course of Egyptian-Ethiopian relations since the beginning of last century that the crisis is heading toward further escalation, and that the present Egyptian reality does not allow a real Egyptian response at the level of the challenge.

Title of Article: "The Juvenile in International Charters and Legislations in Force in Palestine"

Author: Mrs. Tahani Aweiwi

In the public policies corner, *Seyasat* presents two studies. Legal researcher Tahani Aweiwi presents a study entitled “The Juvenile in International Charters and Legislations in Force in Palestine.” After extensive discussion of the reality of juveniles in Palestine and legislations concerning them in the Basic Law and other laws, as well as legislations concerning juveniles in general, the researcher offers a number of recommendations, the most important of which are summarized as follows:

1. Passing unified Palestinian legislations concerning juveniles’ judiciary and keeping pace with the various changes in Palestinian society to keep up with the rules and rights endorsed by international standards concerning juveniles’ judiciary. Those must include family violence

targeting juveniles in order to put an end to violence practiced against juveniles within the family.

2. Establishing a specialized juveniles' judiciary system comprised of specialized judges and prosecutors trained and qualified to deal with juveniles' issues and juveniles' best interests in line with the rights endorsed by international standards.
3. Establishing a specialized police directorate or units to deal with and follow up juveniles' issues.
4. Designing programs and establishing alternative means for resolving simple juveniles' cases without recourse to courts, on condition of respecting human rights, safeguarding legal guarantees and subjecting the transfer of such cases to alternative means to the review of a specialized authority.
5. Establishing correction facilities having a disciplinary, educational and training character, not a prison, which guarantee dealing with juveniles in a manner commensurate with their condition and crime, ensure their well-being and guarantee the rights they are entitled to.
6. Fostering coordination among the police, prosecution and courts regarding juvenile cases in order to facilitate cooperation among them within the frame of an integrated corrective criminal policy.

Title of Article: "Investment Promotion Policies in the Modifications of the Palestinian Investment Promotion Law".

Author: Mr. Zakariyya As-Sarhad

The second study, for researcher Zakariyya As-Sarhad, reviews investment promotion policies in the modifications of the Palestinian Investment Promotion Law. As-Sarhad states that the Palestinian Investment Promotion Law and its recently-endorsed modifications present better incentives than those presented in similar laws in effect in Jordan, Egypt and Israel in all fields, including the period for benefitting from incentives and income tax exemptions, investment guarantees, and the amount

of restrictions on the transfer of money and profits abroad. The researcher discussed in detail the most important modifications on the Investment Promotion Law which are presented in the following ten points:

1. Modifying Article (14) to expand the composition of the Board of Directors of the Investment Promotion Agency to seventeen members. The number of Board members of the Agency in the original law was thirteen. The Ministry of Local Government was included in the membership of the Agency, along with two representatives from the private sector, which was represented by five members in the original law and now has seven after the modification.
2. Modifying Article (15) concerning defining the responsibilities and authorities of the Investment Promotion Agency's Board of Directors to include additional responsibilities and authorities to those outlined in the original law.
3. Modifying Article (17) concerning the responsibilities and authorities of the Chief Executive Officer of the Investment Promotion Agency.
4. Modifying Article (23) concerning incentives.
5. Modifying Article (24) concerning making incentives' contracts.
6. Modifying Article (25) concerning the investors' procedures.
7. Modifying Article (27) concerning expanding and developing existing projects.
8. Modifying Article (35) concerning customs' and purchase tax exemptions.
9. Modifying Article (43) concerning exceptions in certain investment fields.
10. Adding Article (15) concerning authorities of the Council of Ministers.

The researcher moves afterwards to discussing the institutional structure of investment promotion policies, which is classified into three levels: the political level, which is the highest level, the supervisory level and the executive level.

Then he analyzes investment promotion policies in detail in accordance with three mechanisms derived from the Investment Promotion Law, which are:

- Investment promotion institutions through establishment of an agency concerned with encouraging investment in Palestine.
- Policies for guaranteeing investments and protecting investors.
- Policies of giving incentives and exemptions to investors.

He concludes that attaining integration among the basic pillars of investment promotion policies can contribute to creating an atmosphere more capable of attracting investment. He does not mean here the ability of the Palestinian economy to attract investments, which is considered the most important factor. Rather, he refers to those pillars having a legal reference, which represent a suitable framework for designing, approving and implementing policies that encourage investment and consequently creating a suitable and attractive atmosphere to investment. Working within an institutional framework specialized in encouraging investment represented in the Investment Promotion Agency, along with a package of exemptions, incentives and advantages, in addition to new legal guarantees, collectively have huge importance in improving investment opportunities in the Palestinian economy.

Title of Article: "The latest state of affairs in the region and future transformation and coalitions in it"

Author: Dr. Atef Abu Seif and Mr. Akram Muslallam

Seyasat dedicates the internal studies corner to the profound intellectual debate and dialogue between its editor-in-chief and managing editor Dr. Atef Abu Seif and author Akram Muslallam concerning the latest state of affairs in the region and future transformation and coalitions in it. The Arab state of affairs is certainly rediscovering the stage of the compulsory beginnings of the evolution of the national state in the post-colonialist era. This stage is full of questions which the Arab political elite can provide answers to in order to bring stability and prevent disintegration and crumbling. Are we witnessing the rise of a new national state in the Arab region? Are we witnessing a new region?

What are the features of this state and how will the region look like? These questions require digging and excavation of the structure of the Arab society, as well as unveiling the social, cultural, economic and structural developments in order to identify the nature of ongoing transformations. The final outcome of everything happening in the Arab state and the region will be inseparable, as it is difficult to separate what happens in the region from what goes on in the streets of Arab capitals. This debate excavates everything—the history, politics, sociology and economics—for the sake of deconstructing the Arab state of affairs.

Book Reviews: **“Hidden History: Palestine and the East Mediterranean”**

Seyasat reviews Bassem Ra’ad’s book ‘Hidden History: Palestine and the East Mediterranean.’ Policies describes the book as one of the most important publications written by Palestinians in defense of their history and continuity on this land. It is considered an important document revealing the forgery of robbery, looting and domination operations practiced during the past three decades through explorations, excavations, studies, missions, construction of stereotypes and embodying arguments and approaches. In this book, whose chapters reveal the difficult task shouldered by its author in reading old texts and contemporary writings and reviewing tour guides and movies as well as novels, biographies and political speeches, the Palestinian national identity is presented, after liberating it from dispossession and distortion, as a natural and logical extension of old identities that were formed on this land. The author does so through scientific rebuttal, based on historical evidence and archeological discovery, of all propaganda arguments that tried to understate everything that used to exist in Palestine in favor of superiority of the Jewish and the Hebrew in despicable racism that contradicts with all values and rights, contravenes reality and abandons the truth.

In the “Library” corner, Seyasat presents four of the most recent books released by Arab and Palestinian publishing houses about the Arab and Palestinian realities.

As Seyasat states in its introduction, this is not a celebration of the sixth anniversary of the division; this black event is not celebrated. However, Seyasat thought about reminding of the ugliness of the Palestinian reality under the brunt of this division through studies, articles and the seminar marking the release of this edition. There is certainly a dire national need to rescue the Palestinian reality in

order for it not to deteriorate further and in order for the Palestinians not to find themselves out of coverage.

Information about the Authors:

1. Mr. Azzam Sha'ath is a researcher and writer
2. Dr. Mohammad Abu Matar is a Professor Political Science, and Mr. Rami Murad is a researcher and community activist
3. Mr. Abdul Ghani Salameh is a researcher and author in political affairs.
4. Mr. Muhannad Abdul Hamid is an Author and political analyst.
5. Mrs. Nayrouz Qarmout is an Author and researcher
6. Mr. Mohammad Diab is a researcher and author in political affairs
7. Mrs. Tahani Aweiwi is a Legal researcher
8. Mr. Zakariyya -Sarhad is a researcher and author
9. Dr. Atef Abu Seif is a editor-in-chief of Seyasat and Mr. Akram Muslallam is a Palestinian writer, and managing editor of Seyasat.