THE PALESTINIAN NATIONAL AUTHORITY

Studies of the Experience and Performance 1994-2013

Editor

Dr. Mohsen Mohammad Saleh

Contributors

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The Palestinian National Authority: Studies of the Experience and Performance 1994–2013

السلطة الوطنية الفلسطينية: دراسات في التجربة والأداء 1994—2013

Editor:

Dr. Mohsen Mohammad Saleh

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The Performance of the Palestinian Governments 2003–2013

Introduction

On 13/9/1993, the PLO and Israel signed the Oslo Accords, which provided for gradual transfer of local government administration in the WB and GS to a Palestinian authority.

Based on this agreement, the PCC agreed, at its conference held in Tunisia on 10–12/10/1993, to form the PA. The PCC tasked the PLO Executive Committee with forming a transitional council of the PA headed by Yasir 'Arafat and including a number of members from the Executive Committee and Palestinians from home and abroad.[1]

The PA interim council passed two election laws for the PLC and the presidency according to the requirements stipulated in the Oslo Accords concerning the transitional period. Based on these laws the first PLC and presidential elections were held on 20/1/1996.[2]

In the context of building state institutions, the elected PLC passed the Palestinian Basic Law, which determined the form of the executive authority as well as its competencies and tasks.

Based on the Basic Law, which was effective from 1996 to 2003, the premiership would be attributed to the head of the PA. Article 50 of Draft Basic Law, which was approved in 2002, stipulated:

> The Executive Authority is the highest executive and administrative tool, which shoulders the responsibility of developing a program that will be approved by the Legislative Authority for implementation. The President of the

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[1] Decision to Establish the PNA: Issued by the Palestinian Central Council (PCC) in its session Held from 10–12/10/1993 in Tunesia, WAFA Info, Ramallah, http://www.wafainfo.ps/atemplate.aspx?id=4935 (in Arabic)

[2] 1996 Legislative Elections, WAFA Info, http://www.wafainfo.ps/atemplate.aspx?id=3614 (in Arabic)

National Authority and the Council of Ministers shall assume the responsibility of the Executive Authority in the manner prescribed in this Basic Law.[3]

Based on this law, President 'Arafat formed five governments between 19/5/1994 and 18/3/2003.[4]

However, international, regional and local conditions led to changes to the articles pertaining to the government in the Basic Law of 2003. Three years after the halt of negotiations between the Palestinians and the Israelis at Camp David, the US announced the "Road Map" plan to resume the negotiations in line with intense pressure on 'Arafat to pursue internal political reform, most notably the creation of the Prime Minister Office and appointing the then PLO secretary Mahmud 'Abbas as the first prime minister.

Although 'Arafat initially resisted these pressures knowing that they were meant to reduce his powers, he soon succumbed to international demands. On 18/3/2003, the PLC amended the Basic Law stipulating the creation of the Prime Minister Office of the PA.[5]

First: The Government in the Palestinian Basic Law

The government, according to the Palestinian Basic Law, is the supreme executive and administrative tool responsible for enacting the program set by the legislative authority. The government has all executive and administrative powers in the PA, except those powers granted by the Basic Law to the head of the PA.

According to the law, the cabinet comprises a maximum of 24 ministers, and it has to pass a vote of confidence in the PLC. The ministers are responsible to the prime minister who is in turn responsible, with his cabinet, to the PLC. The latter has the right to interrogate members of the government and withdraw confidence according to measures stipulated in the Basic Law. The prime minister follows up

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[3] 2002 Basic Law, The Palestinian Basic Law,
http://www.palestinianbasiclaw.org/basic-law/2002-basic-law

[4] Youssuf Hijazi, "Government line-ups during the PA period," site of Palestinian Planning Center, http://www.oppc.pna.net/mag/mag9-10/new_page_15.htm (in Arabic)

[5] Amended Basic, *Al-Waqai' al-Filastiniyyah*, 19/3/2003, Extraordinary issue. (in Arabic)

on the work of his ministers through a weekly meeting whereby every minister presents a report according to his jurisdiction and functions entrusted to him.[6]

Second: The Sixth Government: The Government of Mahmud 'Abbas

'Abbas faced a difficult mission from the moment he was tasked with forming the government until his resignation. 'Arafat saw international pressure to task 'Abbas with heading the government as an attempt by international forces to marginalize his political role and deal with 'Abbas instead of him.[7]

Although President 'Arafat finally gave in to international and local pressure and created the Prime Ministerial Office, conflict was the main characteristic of his relationship with the prime minister-designate. Indeed, the conflict started with the appointment of 'Abbas as head of the government and lasted until his resignation four months after its formation.

The conflict between the two foiled the formation of the government until the end of the additional deadline granted by the PLC for the prime minister-designate due to differences on naming the interior minister. Thus, while 'Abbas insisted on the appointment of Fatah leader Muhammad Dahlan for this portfolio, 'Arafat continued to refuse the appointment until 'Abbas threatened to decline the task of forming a government.[8] Ultimately, 'Arafat succumbed to international pressure and complied with the initiative launched by 'Omar Suleiman, then-director of the Egyptian General Intelligence Services (EGIS), and 'Abbas maintained the Interior Ministry and appointed Dahlan as state minister for internal affairs.[9]

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[6] Tasks and Activities of the Palestinian Cabinet, WAFA Info,
http://www.wafainfo.ps/atemplate.aspx?id=3645 (in Arabic)

[7] PIC, 29/3/2006,
http://www.palestine-info.info/arabic/palestoday/reports/report2006_1/29_3_06_2.htm

[8] Ali al-Saleh, Pressures on 'Arafat Intensify and Mediation with Abu Mazen Reaches a Deadlock, *Asharq Alawsat*, 23/4/2003,
http://archive.aawsat.com/details.asp?article=166988&issueno=8912 (in Arabic)

[9] *Alriyadh* newspaper, Al Riyadh, 24/4/2001.

However, although the conflict appeared to be related to the naming of the interior minister, it was in reality a deep conflict regarding powers and jurisdiction, especially in the security field,[10] which 'Arafat believed would maintain his control of the PA. This was demonstrated in the ongoing conflict between 'Arafat and 'Abbas until the latter's resignation on 6/9/2003.

1. The Government Functions[11]

Mahmud 'Abbas presented his ministerial statement before the PLC to obtain its confidence on 29/4/2003. The statement included the functions of the government, namely:

- Ending lawlessness, containing the spread of arms and the phenomenon of "illegal weapons," in addition to the rearrangement of security forces.
- Emphasizing the freedom to express political differences and opposition.
- Revival of political life and enhancement of the role of the opposition, while ensuring that power rotates through the encouragement of participation in elections at different levels.
- Reconstruction of infrastructure destroyed by Israel during *al-Aqsa Intifadah*.
- Reforming the economic sector, and providing Palestinians with health, education, media, cultural and agricultural services.
- Fighting corruption and job exploitation, protecting public money and referring those accused of corruption and exploitation of public money to the public prosecutor.
- Commitment to peace and negotiations as a way to achieve Palestinian national rights.
- Stressing that the government would assist President 'Arafat in meeting national interests and it would seek to lift the siege imposed on the Palestinian people through diplomatic efforts.

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[10] Ali al-Saleh, Pressures on 'Arafat Intensify and Mediation with Abu Mazen Reaches a Deadlock.

[11] For the full text of the ministerial statement, see Mr. Mahmud 'Abbas' Government statement before the Palestinian Legislative Council (PLC) in 29/4/2003, WAFA Info, http://www.wafainfo.ps/atemplate.aspx?id=5469 (in Arabic)

2. A Reading into the Line-Up of Mahmud 'Abbas' Government

Mahmud 'Abbas' government won the PLC vote of confidence on 29/4/2003 with a majority of 51 votes to 18 against and three abstentions.

The government line-up was characterized by the following:[12]

- This was the first government of the PA, since its establishment, whose head was other than the head of the PA due to international pressures which forced President 'Arafat to amend the Palestinian Basic Law.
- Prime Minister Mahmud 'Abbas maintained the interior portfolio.
- The government included one minister only from the Executive Committee, in addition to 16 ministers who were members of the PLC.
- The cabinet included 18 ministers from Fatah, one minister from Palestinian Democratic Union (Fida), one minister from Palestinian People's Party (PPP) and five independent ministers.
- Fatah movement held the majority in the government, as Hamas, PIJ, PFLP and DFLP abstained from participation.

3. The Performance of Mahmud 'Abbas' Government

Since the formation of the government, Mahmud 'Abbas worked in the context of covert, and sometimes overt, conflict with President Yasir 'Arafat, as the latter feared losing his powers to the prime minister.

Besides the conflict over powers between the two men, 'Abbas' pursuit of resolving the issue of military forces to pave the way for the peace process as stipulated for in the Road Map was, according to many observers, an explosive factor between 'Abbas and 'Arafat. This was so as President 'Arafat believed that the plan to "dissolve the military forces" might lead the Palestinians to civil war, and he pushed to keep the dissolution of these forces, especially al-Aqsa Martyrs Brigades affiliated with Fatah, in the hands of the Fatah Central Committee,[13] to prevent Palestinian internal conflict.

According to some Israeli security analysis, 'Arafat sought to mobilize al-Aqsa Martyrs Brigades to launch military operations against the occupation forces in

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[12] For more information, see Youssuf Hijazi, "Government line-ups."

[13] Ali al-Saleh, Pressures on 'Arafat Intensify and Mediation with Abu Mazen Reaches a Deadlock.

order to thwart 'Abbas' efforts and make him appear unable to implement his program seeking to resume the peace process.[14]

In one of the most dangerous demonstrations of the power conflict between 'Arafat and 'Abbas, the former accused the latter of delivering a speech in Middle East Peace Summit at Aqaba, Jordan, in early June 2003, without consulting him. 'Abbas, however, affirmed that he had consulted 'Arafat ahead of the speech he gave at the summit, which was held in presence of George W. Bush and the presidents of Israel, Egypt and Jordan.[15] Ultimately, 'Abbas was accused of compromising Palestinian rights in this speech, which led to mass demonstrations denouncing his "concessions."[16]

The conflict between 'Arafat and 'Abbas reached its peak when groups affiliated with Fatah took to the streets in demonstrations accusing 'Abbas of treason and collaboration with Israel. Some Fatah activists tried to break into the PLC building in concurrence with a parliamentary move to withdraw confidence from 'Abbas, and they sprayed slogans attacking the prime minister.[17] In fact, many observers saw that these demonstrations and measures would not have taken place without 'Arafat's prior knowledge, or even his management.

Mahmud 'Abbas failed in executing his governmental program aimed at ending lawlessness. He also failed to achieve any breakthrough in the peace process, which lay at the heart of this program. Consequently, he tendered his resignation on 6/9/2003, four months after his government had formed.

'Abbas based his resignation on his inability to execute his governmental program whether at internal or external levels. He blamed Israel and the US for his failure as they did not support any genuine accomplishments regarding negotiations or improving Palestinians' lives. The then Israeli Prime Minister Ariel Sharon refused to execute any of the Road Map commitments and continued an assassination policy targeting Palestinians.[18] Other policies included expediting the construction of the Separation Wall, refusal to free Palestinian prisoners, and

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[14] Ibid.

[15] PIC, 29/3/2006, http://www.palestine-info.info/arabic/palestoday/reports/report2006_1/29_3_06_2.htm

[16] *Addustour*, 9/6/2003.

[17] *Asharq Alawsat,* 7/9/2003.

[18] *Asharq Alawsat,* 7/9/2003; and site of Almoslim.net, 6/9/2003, http://almoslim.net/node/33461

Washington's abstention from exercising any pressure on Tel Aviv to implement its obligations.[19]

On the internal level, 'Abbas blamed 'Arafat for his failure to make any achievements, especially in the security file. He also saw the demonstrations opposing him in front of the PLC headquarters as a personal insult.[20]

Apparently, 'Abbas refused all American and regional mediations to hold him back from his resignation,[21] convinced that he could not work without cover from 'Arafat. This was stressed by Information Minister Nabil 'Amr, who was close to 'Abbas at that time, and who said that "any infringement on the status of 'Arafat or attempt to distance him would necessarily lead to dangerous, ominous consequences" given that he was the elected president of the Palestinian people.[22]

Third: The Seventh Government: The Emergency Government of Ahmad Qurei'

President 'Arafat assigned Fatah leader Ahmad Qurei' with forming a new government after he accepted 'Abbas' resignation. During the consultation period to form the government, PIJ member Hanadi Jaradat carried out a "self-immolation" operation in Haifa on 4/10/2004, killing 19 Israelis. This attack led to Israeli security and political escalation in the WB and GS including raiding Jenin and searching its houses, destroying the Jaradat family's house, shelling GS and threatening to invade it, in addition to tightening the siege on 'Arafat in al-Muqata'a compound in Ramallah.[23]

In response, President 'Arafat decided to form an emergency government headed by Ahmad Qurei'. The government was formed to serve for one month as per the law, and it comprised eight ministers including, besides Prime Minister Qurei', Interior Minister Nasr Yusuf, Finance Minister Salam Fayyad, Foreign

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[19] *Al-Ahram*, 7/9/2003.

[20] See *Asharq Alawsat,* 7/9/2003; and the full text of Abu Mazen Resignation Letter in 6/9/2003, WAFA Info, http://www.wafainfo.ps/atemplate.aspx?id=5470 (in Arabic)

[21] See *Asharq Alawsat,* 7/9/2003.

[22] *Al-Ahram,* 7/9/2003.

[23] Aljazeera.net, 5/10/2003.

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Minister Nabil Sha'th, in addition to Saeb Erekat, Na'im Abu al-Hummus, Jawad al-Tibi, Jamal al-Shubaki, and 'Abdul Rahman Hamad.[24]

The government was tasked with controlling internal security, and ending the state of lawlessness in the WB and GS. Some Palestinian legal circles justified the formation of the emergency government by the Israeli policy of threatening to invade the GS and hurt the president, in addition to the need to rearrange internal security conditions.[25]

Despite the exceptional nature of the emergency government and its short-term period, its formation faced problems that reflected the core crisis of all Palestinian governments following the fifth government, namely the power conflict between the president and the prime minister, since the latter's post was imposed and added to the Palestinian political system, under Israeli and international pressure.

Once Again, the president and the prime minister clashed, and this time it was because of appointing Interior Minister General Nasr Yusuf.

The crisis essentially exploded between 'Arafat and Yusuf because the latter did not attend the constitutional oath performed by the ministers before the president. Minister Yusuf justified his absence by his refusal to participate in a government that had not won the confidence vote of the PLC. The conflict ended with an agreement between 'Arafat and Qurei' that the government would serve the thirty-day period before announcing a new government headed by Qurei' that would take an oath before the PLC, as per the law.[26]

However, the real reason for the conflict was not this technical issue, rather, it was about the powers and competencies of the interior minister. General Nasr Yusuf demanded that his powers be defined clearly and accurately and that all security forces be put under his command, and that was rejected by 'Arafat. The conflict was finally resolved, and Qurei' agreed to head an emergency government in return for a promise from 'Arafat to grant Minister Yusuf expanded powers, which was the wish of Israel and the US as well.[27]

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[24] Aljazeera.net, 6/10/2003.

[25] Ibid.

[26] *Al-Jazirah* newspaper, al-Riyadh, 14/10/2003.

[27] Ibid.

This conflict brings back to mind the power conflict between 'Arafat and Mahmud 'Abbas concerning the security powers of the prime minister and the interior minister. Apparently, the former's insistence on sharing security powers with the government arose because he realized the importance of security in order to hold the reins. In addition, 'Arafat was afraid of applying security policies adopting the Israeli and American vision, which might lead to Palestinian civil conflict. It is perhaps this fear that pushed Prime Minister Qurei' to confirm that he would pursue a mutual ceasefire between the Israelis and the Palestinians based on the Road Map instead of a truce from the Palestinian side as Mahmud 'Abbas had suggested.[28]

Doubtless, a government formed to serve for 30 days would not be able to achieve any major accomplishments, especially as the Qurei' government was weakened by Israel, whose forces stormed the headquarters of the security forces. This made it a government with stolen will, as per the head of the PLO Political Department, Faruq al-Qaddumi.[29]

Fourth: The Eighth Government: The Government of Ahmad Qurei'

During the thirty-day period of the emergency government, Ahmad Qurei' conducted further consultations to form his permanent government. During this period, Qurei' sought to find a solution to the conflict with 'Arafat regarding the powers of Interior Minister Nasr Yusuf,[30] and the distribution of security powers between the president and the cabinet, in addition to resolving the conflict pertaining to 'Arafat's concerns regarding US and Israeli attempts to reduce his powers and political role for the benefit of the prime minister.[31]

Qurei''s government faced some obstacles, which delayed its formation. It was awaiting international assurances, particularly from the Quartet, to help the government

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[28] Ibid.

[29] Ibid.

[30] Ibid.; *Alriyadh,* 5/11/2003; and site of Al Bawaba, 6/11/2003, http://www.albawaba.com/ar/comment/reply/217717

[31] Al Bawaba, 6/11/2003.

succeed, by exercising pressure on Israel to unconditionally commit to the Road Map along with international monitoring.[32] Seemingly, Qurei' was trying to get these assurances to avoid the pressure his predecessor Mahmud 'Abbas had faced.

In addition to the political issue, Qurei' sought to resolve some internal obstacles and he tried to avoid any differences with 'Arafat, relying on the fact that, unlike 'Abbas, he was not assigned under international pressure. He also emphasized, before forming his government, the need to lift the siege imposed on 'Arafat, and to respect his political role.[33]

Before forming the government, Qurei' got verbal support from the EU, while the US, Israel and Britain promised to provide support on condition of pursuit of certain measures on the ground, especially those that stopped Palestinian resistance or "violence."

As for the differences with President 'Arafat, these were resolved after Qurei' conceded the appointment of General Nasr Yusuf. Fatah Central Committee sponsored a security deal between 'Arafat and Qurei' including the distribution of security authorities between the National Security Council (NSC) and the Interior Ministry which would be entrusted to Hakam Bal'awi. According to the deal, the NSC would assume all security powers, while the Interior Ministry would assume civil powers, allowing Yasir 'Arafat to maintain security control as head of the NSC.[34]

Qurei' presented his government line-up, which included 25 members according to Palestinian Basic Law, to the PLC on 12/11/2003. He won the vote of confidence by 48 to 13 with 5 abstentions.[35]

1. The Government Functions According to the Letter of Appointment

The functions of the new Qurei' government were not different from those of the 'Abbas government. The letter of appointment defined its functions as follows:[36]

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[32] Aljazeera.net, 8/9/2003, http://www.aljazeera.net/news/pages/4c0da750-fe8b-446b-9ecb-01f13bf97fdf

[33] Ibid.; and Aljazeera.net, 8/9/2003,
http://www.aljazeera.net/news/pages/575bdb37-4234-4338-a15a-2bfdfdb0f88a

[34] Aljazeera.net, 8/11/2003, http://www.aljazeera.net/news/pages/a3ef320d-6dc6-44c1-8354-41c87a7e4d3c

[35] PLC Gives Confidence to the 8th Palestinian Government, WAFA Info,
http://www.wafainfo.ps/atemplate.aspx?id=5489 (in Arabic)

[36] Ibid.

First: Confirming adherence to the peace and negotiations track, including to signed agreements and the Road Map, in collaboration with the Quartet.

Second: Continuing efforts to consolidate the sovereignty of the PA and its oneness, in addition to enhancing the rule of law and developing an environment of political pluralism.

Third: Enhancing the programs of security, administrative and financial reform, and consecrating accountability and transparency.

Fourth: Continuing preparations to hold presidential elections, as well as legislative and municipal elections as soon as possible.

2. Government Performance

Assessing the performance of the Qurei' government based on the four functions mentioned in the letter of appointment, it is possible to say that this government failed to achieve its mission where it could not proceed with the peace process or achieve any breakthrough in internal reform or start preparations for presidential and legislative elections. The greatest failure, however, was in enhancing the rule of law and putting an end to security chaos in areas controlled by the PA.

Living conditions in the WB and GS did not witness significant development during the period of this government. In addition, the state of security chaos and lawlessness continued in the PA territories, especially in the GS, and it escalated to the level of kidnapping French international employees and PA officials.

But the most pronounced deterioration and indication of continuous chaos was the abduction of GS police chief, Major General Ghazi al-Jabali by armed Palestinians. Consequently, the NSC declared a state of emergency in GS, in July 2004.[37]

As the security crisis exacerbated, and in concurrence with the abduction of the French citizens, Chief of Palestinian General Intelligence Services (GIS) Major General Amin al-Hindi and chief of Preventive Security Forces in GS, Rashid Abu Shbak resigned in protest against the failure to end lawlessness and the spread of loose weapons.[38]

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[37] Aljazeera.net, 3/10/2004, http://www.aljazeera.net/news/pages/ab9342c1-6311-4264-bf9e-383a40899783

[38] Ibid.

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Resignations were not limited to the security level, as Qurei' himself tendered his resignation to the president in protest against the deterioration of security conditions and not activating the PA institutions and the rule of law.[39]

In an attempt to contain the political-security crisis, President 'Arafat implemented some changes in top security positions. Thus, he issued a decision reducing the eight Palestinian security apparatuses to three; police, general security and intelligence. Nonetheless, 'Arafat's measures did not resolve the core problem; i.e. the conflict between the security forces and armed brigades under the authority of the president, and those controlled by Fatah leader Muhammad Dahlan.[40] Consequently, lawlessness and security crises continued, leading to new resignations on the political level, the most important among which are those presented by Justice Minister Nahid al-Rayyis and Planning Minister Nabil Qassis.[41]

The peace process continued to suffer stalemate due to Israeli policies and the failure of the two sides to achieve any development regarding the first phase of the Road Map. The government also failed in presenting any corruption files for trial and it did not achieve any developments regarding administrative reform in PA institutions. Until the end of the government period and the death of President 'Arafat, on 11/11/2004, this government did not announce any timeline for presidential and legislative elections as provided for in the letter of appointment.

On top of that, the failure of the government was easily detected as the prime minister offered his resignation several times. The government was disrupted due to security chaos, ongoing differences with President 'Arafat, Israeli practices which undermined the government and prevented it from accomplishing its functions, and weak PA financial resources which depended primarily on Arab and international grants and aid.[42]

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[39] Ibid.; Al-Wasat newspaper, Manama, 18/7/2004; and *Al-Ahram,* 18/7/2004.

[40] *Almustaqbal*, 20/7/2004.

[41] *Asharq Alawsat,* 8/8/2004.

[42] Site of People's Daily Online, 9/9/2004; Almoslim.net, 8/9/2004, http://www.almoslim.net/node/38559; and site of Islam Today, 8/9/2004, http://www.islamtoday.net/nawafeth/artshow-12-48243.htm

According to a poll conducted by Birzeit University, 11 months after the formation of the government, a majority of Palestinians said that the government demonstrated negative performance and that it did not have enough powers to carry out its tasks. The poll showed that a majority of Palestinians thought that the government had failed in accomplishing its goals in all areas; improving deteriorated economic and living conditions, easing the Israeli siege, withdrawing Israeli forces from cities, reducing unemployment, facing the construction of the Separation Wall, providing internal security for Palestinians, containing the spread of arms, advancement in negotiations with the Israelis, fighting corruption in PA institutions, resolving the issue of Palestinian prisoners, enhancing the rule of law, developing the performance and services of governmental institutions among other services and fields.[43]

Lastly, the Qurei' government entered a state of crisis management parallel to the accelerated deterioration of 'Arafat's health as on 6/11/2004 it was officially declared that the powers of 'Arafat would be delegated to Prime Minister Ahmad Qurei'.[44] After the official declaration of 'Arafat's death, on 11/11/2004, the PLC Speaker assumed the political authorities of the president as per the law, while Prime Minister Qurei' was to manage day-to-day PA issues until the formation of a new government after presidential elections.[45]

Fifth: The Ninth Government: The Government of Ahmad Qurei'

After the end of the transitional period following the death of President 'Arafat and the election of Mahmud 'Abbas as president of the PA, 'Abbas assigned Qurei' to continue in his position as prime minister and to form a new government.[46]

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[43] CDS, Birzeit University, 5/10/2004,
http://sites.birzeit.edu/cds/arabic/opinionpolls/poll19/poll19.pdf

[44] *Asharq Alawsat,* 7/11/2004.

[45] The Arabic site of British Broadcasting Corporation (BBC), 11/11/2004, http://news.bbc.co.uk/hi/arabic/middle_eastnews/newsid_3998000/3998123.stm; and Aljazeera.net, 12/11/2004.

[46] Kuwait News Agency (KUNA), 15/1/2005,
http://www.kuna.net.kw/ArticleDetails.aspx?id=1463852&language=ar

The formation of this government, was like that of its preceding ones, witnessing several difficulties due to the differences within Fatah Movement which prevailed over the PLC. In addition, the difficulties were exacerbated by the conflict between the president and the prime minister-designate, a conflict that had become a feature in the formation of all governments after the creation of the position of the prime minister in the Palestinian political system.[47]

1. The Formation of the Ninth Government

The differences within Fatah as well as the conflict between 'Abbas and Qurei' delayed the announcement of the government several times. The Prime Minister-designate had to modify his line-up two times as he realized that it would not pass the Fatah-dominated PLC vote of confidence. Indeed, Qurei' presented a ministerial statement then he postponed the vote of confidence as it was not guaranteed.

As the crisis continued, Qurei' threatened to give up on the position because of inter-Fatah differences, which forced 'Abbas to intervene and convince Fatah's Central Committee to agree to a technocrat line-up. On 25/2/2005, the government won the confidence vote with 54 votes in favor, 10 against and 4 abstentions.[48]

The new government line-up included 25 ministers, 17 of whom were new figures in addition to the secretary general of the cabinet with the rank of minister.[49] The most important remark regarding the government line-up is that it launched what could be considered the era of President 'Abbas, as it distanced a number of names who were close to 'Arafat, while at the same time it included figures who were not in harmony with 'Arafat, namely Minister of Civil Affairs Muhammad Dahlan and Interior Minister Nasr Yusuf.[50]

2. Functions of the Ninth Government

The letter of appointment issued by President Mahmud 'Abbas to Prime Minister Ahmad Qurei', and the latter's ministerial statement in front of the

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[47] *Almustaqbal*, 25/2/2005.

[48] Ibid.

[49] Ibid.

[50] Ibid.

PLC, defined the most important functions the government was demanded to undertake. These included:[51]

First: Achieving security and imposing order and the rule of law without infringement on the freedom of thought and difference.

Second: Enhancing the power of the judiciary in collaboration with the judicial institution and the Presidency through activating the role of the judicial apparatus, public prosecutor and Ministry of Justice.

Third: Continuing the process of comprehensive reform on the economic, financial, security, and public administrative levels according to the reform memorandum approved by the PLC in 2002.

Fourth: Preparing for legislative elections, and completing municipal elections according to set dates.

It is noted that these functions lacked any political dimension, inaugurating a new era in the Palestinian political system through maintaining the centrality of political decision within the Presidency, an issue that was a point of difference between the presidency and the premiership in the preceding governments. It is also noted that a new provision was added which was concerned with enhancing the role of the judiciary and the public prosecutor, which implies some seriousness in dealing with corruption in the PA institutions, and an intention to activate the role of the judiciary to fight such corruption.

3. The Performance of the Ninth Government

The ninth government, like majority of Palestinian governments, has suffered financial crises because of total dependence on foreign aid. Another reason has been Israel's punitive policy of withholding the delivery of tax funds to the PA in case of major conflicts between the PA and the occupation government.[52]

Consequently, laborers' and teachers' strikes were a recurrent item on the government's agenda.[53] This financial hardship has also urged the government to

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[51] Text of the statement of Palestinian Prime Minister Ahmad Qurei' Before the PLC for Giving Confidence for the 9th Palestinian Government, WAFA Info, 20/3/2005, http://www.wafainfo.ps/atemplate.aspx?id=5495

[52] WAFA, 16/2/2006, http://www.wafa.pna.net/body.asp?id=78633

[53] *Al-Hayat al-Jadida*, 14/7/2005.

seek temporary solutions at different stages, such as internal and external loans and using sums of money from cash reserve to cover urgent projects,[54] in addition to providing urgent and continuous aid for citizens in light of high unemployment levels and low income.[55]

Although the government program ignored the political aspect, the government focused on national and political issues, such as prisoners and Jerusalem. It also addressed the impact of continual Israeli infringements on the WB and GS, which thwarted the government's daily tasks.[56] In addition, the prime minister tried to focus on national and popular concerns through field visits and meetings in different Palestinian governorates.[57]

However, the government failed like its predecessors, to control security conditions, end lawlessness and contain the spread of arms that had continued four years. This failure pushed the PLC to hold investigative sessions to question the government on these matters.[58]

This security failure emphasizes the fact that the problem was originally political, and primarily caused by internal differences between conflicting currents in Fatah, especially that most cases of the chaos was caused by individuals and brigades affiliated with the Movement.[59] Given that the conflict was originally political, the government could be theoretically responsible for the security failure but in fact it was only a weak link in the security equation, which needed political consensus and decisions for its rebalancing.

Despite the above, the government should also be given credit, as within its attempt to end lawlessness, where the security forces and the judiciary agreed to cooperate in order to enhance the technical ability of the PA to control security, and give wide powers to the judiciary to activate the law.[60]

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[54] *Al-Ayyam*, 29/10/2005.

[55] *Al-Ayyam*, 24/1/2006; and WAFA, 16/2/2006, http://www.wafa.pna.net/body.asp?id=78633

[56] *Al-Ayyam*, 4/5/2005; and *Al-Hayat al-Jadida*, 14/7/2005 and 29/8/2005.

[57] *Al-Ayyam*, 19/5/2005; and *Al-Hayat al-Jadida*, 29/8/2005.

[58] *Al-Quds al-Arabi*, 7/7/2005; and *Al-Hayat al-Jadida*, 21/9/2005.

[59] *Al-Quds al-Arabi*, 7/7/2005.

[60] *Al-Hayat al-Jadida*, 14/7/2005.

In an attempt to contain the spread of arms, the government decided to integrate al-Aqsa Martyrs Brigades into the security forces, and to punish those who refused integration and handing their weapons in.[61] This was a direct application of President 'Abbas' program, based on a rejection of armed resistance against Israel, and limiting weapons as the preserve of the security forces. Yet, the integration did not include Ezzedeen Al-Qassam Brigades or other military wings of the Palestinian factions, which means that the government could not or would not bear the political price for imposing such a decision on brigades not subject to Fatah. It also implies that the government could not or did not wish to integrate those brigades into the security apparatus.

Political conflicts within the government on one hand, and between the prime minister and the president on the other, were a reason for thwarting security reform during this government's term, like the two previous governments. An ad hoc parliamentary committee for the study of reasons and treatment of lawlessness found that both the prime minister and the president were exchanging blame for failure in resolving this problem, and that there was uneasiness in 'Abbas-Qurei' relations.[62]

Besides these conflicts, other internal and external factors prevented security reform: Israel destroyed the security forces, the rivalry between the heads of different forces, the lack of a political decision for change, in addition to the complexity of this issue and its impact on relations between the government and different Palestinian factions refusing to renounce armed struggle.[63] The seriousness of the security crisis was further demonstrated by the prime minister's threat to resign in protest against lawlessness.[64]

Israel's unilateral withdrawal from GS was among the important developments on the agenda of the ninth government, which coordinated with the Palestinian factions to ensure a calm withdrawal without any engagement with the occupation forces withdrawing from the settlements. Besides, a committee was formed to study the approach to evacuated settlements in order to benefit from them in agriculture

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[61] *Al-Quds al-Arabi*, 24/10/2005.

[62] *Al-Hayat*, 4/10/2005.

[63] See Ibid.

[64] Aljazeera.net, 17/6/2005.

and other aspects of development. The committee also tried to prevent the eruption of any inter-Palestinian conflict, following the Israeli withdrawal, regarding the approach to its security, economic and political ramifications.[65]

The plan for dealing with the Israeli withdrawal included the formation of committees for investment in these areas, and cooperating with international organizations to better invest in liberated settlements, besides the formation of committees to prepare suggestions for running crossings and international borders.[66] In this respect, the Qurei' government is considered responsible for the signing of the Agreement on Movement and Access (AMA) with all its pros and cons. For during this government's term the agreement was signed, and it approved, before the withdrawal, a "third party" presence to monitor Rafah crossing on the Palestinian-Egyptian borders.[67] Despite government confirmation that it would not accept Israeli presence at the crossing,[68] the principle itself was a reason for Palestinians' suffering since the Israeli withdrawal from GS until today. Israel has used it to prevent transforming the crossing into an international passage which regulates passage of individuals and commodities according to internationally recognized standards.

The Israeli withdrawal from GS has burdened the government with new functions pertaining to the daily life of Palestinians in the Strip, most importantly dealing with environmental challenges in GS and provision of water and electricity, which needed financial resources the government did not have.[69] As time lapsed, the Qurei' government realized that the Israeli withdrawal from GS has encumbered the PA with additional economic burden and effectively turned the Strip into a big prison.[70]

As for political and national reform, the government sought to make some accomplishments through the formation of the "National Reform Committee" in cooperation with different Palestinian factions. Qurei's government also prepared

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[65] *Al-Hayat al-Jadida*, 14/7/2005; and WAFA, 20/7/2005,
http://www.wafa.pna.net/body.asp?field=tech_news&id=60521

[66] WAFA, 20/7/2005.

[67] Ibid.

[68] *Al-Hayat al-Jadida*, 29/8/2005.

[69] *Al-Ayyam*, 14/9/2005; and *Al-Hayat al-Jadida*, 29/8/2005.

[70] *Al-Hayat al-Jadida*, 15/11/2005.

an annual program for reform during its term.[71] This government is credited as, during its term, the Palestinian public prosecutor presented to the judiciary—for the first time since the establishment of the PA—files accusing prominent PA officials and leaders of corruption.[72]

As for administrative and institutional reform, the government continued, as Prime Minister Qurei' mentioned on 27/3/2006, the structural organization of the PA institutions. It also defined the limits, obligations, powers and tasks of every job, while identifying the number of jobs in every governmental institution, in addition to controlling appointments and promotions in PA institutions.[73]

It is noted that the government curtailed, in collaboration with President 'Abbas, the role of the PLO in foreign affairs as compared to the term of President 'Arafat. It enhanced the role of Nasir al-Qudwah, the Foreign Minister in the Qurei' government, at the expense of PLO foreign affairs official Faruq al-Qaddumi.[74] Apparently, this measure came within 'Abbas' attempt to end any role for al-Qaddumi, who opposed the Oslo Accords from the time it was signed.

The most important achievement of Qurei''s ninth government was in preparing for and monitoring PLC elections held in early 2006. The government was able to conduct the elections with success and integrity witnessed for by all sides, despite Israeli pressures and differences within Fatah, and between Fatah and other Palestinian factions.

However, Qurei''s government took a few measures and issued a few decisions that increased the burden on Isma'il Haniyyah's subsequent government, although Qurei' promised that he would put his government's expertise at Haniyyah's disposal. These measures included, for example, executing several appointments in high positions in contravention of the law, among other measures which Qurei' said had no relation with the legislative elections Hamas won.[75] Moreover,

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[71] *Al-Hayat al-Jadida*, 21/9/2005.

[72] Donia al-Watan, 29/6/2005, http://www.alwatanvoice.com/arabic/news/2005/06/29/24345.html; and WAFA, 16/2/2006, http://www.wafa.pna.net/body.asp?id=78633

[73] WAFA, 27/3/2006, http://www.wafa.pna.net/body.asp?id=82416; and *Journal of Palestine Studies*, vol. 16, no. 63, summer 2005, pp. 172–173. (in Arabic)

[74] *Al-Quds al-Arabi*, 3/10/2005.

[75] WAFA, 16/2/2006, http://www.wafa.pna.net/body.asp?id=78633; and PIC, 29/3/2006, http://www.palinfo.com

Qurei''s government handed over authority to Haniyyah in the context of the PA's deteriorating economic conditions, and the government's inability to pay their employees' salaries.[76]

In sum, Qurei' failed to implement many of his government pledges, faced many differences with President 'Abbas, and threatened to resign many times. This shows that the crises of Palestinian governments continued, despite the change in leadership in 2003.[77]

Sixth: The Tenth Government: The Government of Isma'il Haniyyah

Hamas won majority of seats in the PLC after its first participation in national elections on 25/1/2006. Based on the Palestinian Basic law, President Mahmud 'Abbas assigned Hamas leader Isma'il Haniyyah to form the government, on 22/2/2006, after consultation with the Change and Reform bloc which formed the parliament majority.[78]

Hamas sought to form a national unity government including all Palestinian factions to face the burdens imposed on the government and to avoid the international pressure a Hamas government would inevitably face. However, these attempts failed as all the other Palestinian factions refused to participate, and Hamas had to form the government alone.[79]

The new government was expected to meet internal and external problems due to Hamas' position opposing to the Oslo Accords and its consequences. Problems started at an early stage, even before the formation of the government, when the US, EU and Israel declared that they would not recognize the government unless it renounced "violence," recognized Israel, and was committed to all treaties and agreements signed by the PA and the PLO.[80]

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[76] WAFA, 27/3/2006.

[77] *Al-Quds al-Arabi*, 16/12/2005.

[78] Presidential Decree no (9) of 2006 on Mandating Prime Minister, WAFA Info, http://www.wafainfo.ps/atemplate.aspx?id=5529

[79] Donia al-Watan, 18/3/2006, http://www.alwatanvoice.com/arabic/content/print/40157.html

[80] BBC , 26/3/2006, http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_4848000/4848358.stm (in Arabic)

In this context, President 'Abbas sent a letter to Prime Minister-designate Isma'il Haniyyah saying that the latter's response to the letter of appointment did not conform to what was required. He pinpointed his concerns that the "coup" against the PLO's political commitments might subject the Palestinian people to international sanctions and isolation.[81]

Despite this difference, President 'Abbas presented the government to the PLC for a vote of confidence. Indeed, the government, which included 24 ministers, won the vote of confidence on 28/3/2006, by 71 to 36 with 2 abstentions.[82]

1. The Government's Functions

The prime minister-designate defined, in his ministerial statement to obtain PLC's confidence, the essential tasks of his government by:[83]

First: Resisting occupation infringements on man and land.

Second: Providing security and ending chaos in the Palestinian arena.

Third: Addressing the difficult economic conditions suffered by the Palestinian people.

Fourth: Pursuing reform and fighting administrative and financial corruption.

Fifth: Putting the Palestinian house in order.

Sixth: Enhancing the status of the Palestinian issue on the Arab and Islamic levels.

Seventh: Developing international and regional relations.

2. The Performance of the Tenth Government

Isma'il Haniyyah's government faced several obstacles in addition to the usual ones faced by all preceding governments such as financial deficiency, Israeli practices and weak security control on the ground. Consequently, it is not possible to discuss the government's performance without highlighting the context as follows:

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[81] The full text of the Palestinian president Mahmud 'Abbas letter to the Mandated Prime Minister Isma'il Haniyyah, WAFA Info, http://www.wafainfo.ps/atemplate.aspx?id=5499

[82] WAFA, 29/3/2006, http://www.wafa.pna.net/body.asp?id=82651

[83] The text of the Isma'il Haniyyah Government ministerial statement before the PLC, Palestinian Planning Center, http://www.oppc.pna.net/mag/mag21/new_page_28.htm

First: This was the first government to be formed by Hamas after Fatah had monopolized the formation of all Palestinian governments. Thus, the early term of this government witnessed a less than smooth transfer of power.[84]

Second: The international economic and political siege imposed on the government as Hamas rejected the conditions imposed by the Quartet.

Third: Hamas' lack of control over security forces, mostly formed of Fatah cadres, hindered any development related to curbing lawlessness.

Fourth: Fatah cadres' control of high administrative positions in the PA institutions curtailed the ability of the government to implement its program in light of the differences between ministers and their teams.

The government started its work despite lacking funds, and in order to resist the international financial siege, it agreed that international aid be transferred to the presidency rather than the Ministry of Finance,[85] thus depriving the government of an important power source.

In addition, the government tried to employ alternative means to provide money, such as launching projects in the liberated settlements and adopting austerity measures to reduce government spending.[86]

The financial crisis and political differences between Fatah and Hamas led to the employment labor strikes in the political conflict between the two sides. The term of the tenth government witnessed increased frequency of strikes due to the exacerbation of the financial crisis and the consequent inability of the government to pay employees' salaries.[87]

But the most dangerous and serious problem was the ongoing phenomenon of lawlessness and the spread of arms faced by preceding governments, too. The Hamas government suffered lawlessness more than its predecessors as it did not have any control over the Fatah-led security forces, and due to the conflict between the government and President 'Abbas over controlling these forces. This old

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[84] These manifestations include, for example, not providing the government with the required information to prepare the budget and economic plans, *Al-Ahram,*
http://www.ahram.org.eg/Index.asp?CurFN=arab1.htm&DID=8807

[85] *Al-Ayyam*, 24/5/2006.

[86] Ibid.

[87] *Al-Hayat al-Jadida*, 5/12/2006; *Asharq Alawsat,* 2/9/2006; and *Alriyadh,* 3/9/2006.

problem was further exacerbated during the term of the tenth government, leading to instability and loss of government prestige, and ultimately caused Palestinian Minister of Tourism and Antiquities Joudeh Morqos to resign in protest against the continued state of lawlessness. In addition, Jamal al-Khodari, Minister of Telecom and Information Technology, tendered his resignation in protest against lawlessness, although he later retracted it.[88]

The Egyptian security representative in GS played an important role in signing agreements between the Palestinian factions, especially Fatah and Hamas, to address security failure. Nonetheless, these agreements would be violated soon after their signature.[89]

The aggravation of the security crisis led to the formation of a special security force affiliated with the interior minister and called the "Executive Force." It had proved impossible for the minister to control the security forces affiliated with Fatah. This 3,422-member new force[90] led to more complications in the government's work, as President 'Abbas rejected their appointment. Moreover, clashes erupted between the Executive Force and the security forces loyal to Fatah, especially the Preventive Security Forces, which was under the considerable influence of Fatah leader Muhammad Dahlan.

Haniyyah's government has also failed to implement many of its functions due to the deteriorating relationship with President 'Abbas, given the difference between their political programs, and the accusations exchanged between the two.[91] In addition, the relationship was marred with a conflict over powers, including control over crossings, budget, and appointments in the administrative and security cadres.[92] Ultimately, the crisis aggravated, leading to an almost complete rupture between the President and Prime Minister Haniyyah.[93]

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[88] Site of Arabs 48, 13/6/2006 and 4/9/2006.

[89] See an Interview with the Palestinian Prime Minister Isma'il Haniyyah, *Al-Ahram,* 30/10/2006.

[90] *Annahar*, 15/6/2006.

[91] *Annahar,* 15/6/2006.

[92] *Al-Quds al-Arabi*, 2–3/9/2006; *Al-Hayat al-Jadida,* 5/12/2006; and WAFA, 10/1/2007, http://wafa.ps/arabic/body.asp?id=37021

[93] An Interview with the Palestinian Prime Minister Isma'il Haniyyah, *Al-Ahram,* 30/10/2006.

In an attempt to put an end to the increased problems in the occupied Palestinian territories, and to lift the international siege and amend the relationship between the Presidency and the government, there were talks about forming an alternative national unity government, and conducting consultations in this respect within three months following the vote of confidence granted for the tenth government,[94] which showed the gravity of the crisis the government was undergoing.

The crisis of the tenth government continued until the signing of the Mecca Agreement between Fatah and Hamas on 8/2/2007 endorsing the formation of a national unity government including Fatah, Hamas and independent figures. Accordingly, Haniyyah tendered his resignation to President 'Abbas who re-assigned Haniyyah to form the unity government.[95]

Seventh: The Eleventh Government under Haniyyah (National Unity Government)

Fatah and Hamas signed the Mecca Agreement on 8/2/2007 to put an end to lawlessness and internal conflicts, as well as the international economic and political siege imposed on the Palestinian government since Hamas won the legislative elections and formed the government.

The two movements held several meetings to form a national unity government based on the Mecca Agreement. During these meetings all problems pertaining to the governmental program were resolved, notably the stance towards the agreements signed between the PLO and PA on one hand and Israel on the other hand. The government was announced, then it was presented to the PLC for the vote of confidence on 17/3/2007 after overcoming differences related to the post of interior minister.

This government is considered the only true national unity government among all governments formed since the establishment of the PA, as its line-up included

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[94] *Al–Quds al-Arabi*, 2–3/9/2006.

[95] Jordan News Agency (Petra), 15/2/2007,
http://www.petra.gov.jo/nepras/2007/Feb/15/164.htm

for the first time members from Hamas and Fatah, while PIJ and PFLP declined to participate. All previous governments were limited to Fatah members and independent figures.[96]

The government won the vote of confidence by 87 to three, two of whom from the PFLP, whereas 42 deputies did not attend the session, of whom 41 were detained by Israel.[97]

1. Functions of the Government

The Prime Minister-designate Isma'il Haniyyah presented an ambitious program for the national unity government to obtain the confidence of the PLC. Here are the most important tasks and goals of the government as set in the program:[98]

First: Controlling security conditions and ending lawlessness.

Second: Reforming and activating the judiciary, besides securing the rule of law and judicial independence.

Third: Working to end the economic siege imposed on the Palestinian people, and seeking to reconsider Paris Protocol on Economic Relations, encouraging the private sector, enhancing consumer protection and development, supporting agriculture, regularity in payment of salaries, and supporting laborers and fishermen.

Fourth: Adopting an administrative and financial reform project, rationalization of consumption and fighting corruption.

Fifth: Consolidating national unity, protecting domestic peace, consolidating a culture of forgiveness, protecting Palestinian blood, and preventing internal fighting.

Sixth: Commitment to consolidating the citizenship principle through maintaining equality in rights and duties and equal opportunities.

Seventh: Protecting political pluralism, supporting the development of the electoral system, protecting public freedoms, enhancing the principles of democracy and Palestinian women's rights, commitment to peaceful rotation of power, and the completion of local elections as soon as possible.

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[96] Arabs 48, 17/3/2007; and *Al-Hayat*, 21/2/2007 and 18/3/2007.

[97] *Asharq Alawsat,* 18/3/2007.

[98] Arabs 48, 17/3/2007, http://www.arabs48.com/display.x?cid=11&sid=19&id=43784

Eight: Enhancing cooperation with "Arab and Islamic depth" and with the international community.

The government stressed in its program the political principles agreed on in the Mecca Agreement, namely respecting agreements signed by the PLO, authorizing the president with the political file, seeking to establish a state on the 1967 lines, adopting all forms of resistance, and commitment by all sides to present any political agreement with Israel to a referendum.

2. The Performance of the Government

Despite the government's flexible program and its consent that President 'Abbas would be the one concerned with political affairs, it was faced with international and Israeli rejection from the outset, Israel declaring it a government which supports "terrorism."[99] The US announced that it would not deal with any Palestinian government that had not explicitly accepted the Quartet conditions.[100]

The government took over its functions while it was suffering a severe financial crisis because of the siege. Essentially, the government was formed to end the siege and international isolation which had dire consequences on the Palestinians. Salam Fayyad was appointed as finance minister to contribute to resolving the problem as he was an internationally accepted figure.[101]

It was clear that achieving economic goals would need security, as stopping the fighting was vital to allow the PA to meet its economic, administrative and services-related obligations.[102] However, this was not achieved until the end of term due to the inter-Palestinian schism, as would be detailed later.

When the government commenced its functions, it had to look for funding to meet the needs of the year 2007; amounting to around $2.7 billion.[103] It was a very difficult mission under the international and regional siege. The government began

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[99] *Journal of Palestine Studies,* vol. 17, no. 66, spring 2006, p. 144. See also Cabinet Communique (special session), site of Israel Ministry of Foreign Affairs, 11/4/2006, http://www.mfa.gov.il/mfa/pressroom/2006/pages/cabinet%20communique%2011-apr-2006.aspx

[100] Interview With Stephen Hadley; Interview With Jack Murtha, CNN, 18/3/2007, http://edition.cnn.com/TRANSCRIPTS/0703/18/le.01.html

[101] *Al-Ayyam*, 22/3/2007.

[102] Ibid.

[103] *Al-Ayyam*, 29/3/2007.

its term while suffering from an accumulation of unpaid salaries for the employees in the previous government due to the siege. Despite the flexibility revealed in the program and government line-up, the siege would not be lifted completely and Israel continued to hold the tax revenues of the PA. Government constraints continued as funds were transferred to the Presidency rather than to the Ministry of Finance, which led to depriving the Ministry of the ability to set budgets and determine revenues.[104] Ultimately, due to the siege and Israel's holding of funds, salaries would be delayed throughout 2007.[105]

The government faced drastic failure in achieving its economic functions as defined in the ministerial statement, which was "unrealistic" according to some observers,[106] and unenforceable under the international economic and political siege imposed on the government.

Politically speaking, the government faced international discrimination, where its Hamas members faced siege while its Fatah and independent members were allowed to visit international capitals and meet their counterparts in different countries. Government attempts to confirm its unity and rejection of discrimination failed to change this situation.[107]

The government with its weak capacities, as the other preceding Palestinian governments, could not face Israeli repeated aggression on the WB and GS, despite the factions' commitment to the truce. Israeli assaults formed a political and national dilemma for the government, which observed the truce. However, it adopted "a national partnership" with the Palestinian factions to put a national joint mechanism to face Israeli practices.[108]

On the financial and economic level, the international siege continued, and some Arab aid was prevented from reaching the government treasury. Consequently, the drastic economic and financial situation reached unprecedented levels, as

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[104] *Al-Ayyam*, 22/3/2007; and Ma'an News Agency, 9/4/2007, http://www.maannews.net/ar/index.php?opr=ShowDetails&ID=63257

[105] Ma'an, 9/4/2007.

[106] Khaled Safi, A Reading in the Program and Formation of the New Palestinian Government, *Alhaqaeq al-Dowaliyyah* newspaper, March 2007. (in Arabic)

[107] Ma'an, 9/4/2007.

[108] Ma'an, 24/4/2007, http://www.maannews.net/ar/index.php?opr=ShowDetails&ID=65079

Palestinian funds held by Israel in June 2007, three months after the government took office, amounted to $1.5 billion.[109]

Although some major Arab aid was allowed, holding tax funds by Israel, the delay in transfer of Arab and international aid, and the accumulation of financial crises suffered by previous governments, led to the aggravation of government debt owed to the private sector. Thus, the government failed to implement its projects, and paying wages was constantly delayed, leading to labor strikes that disrupted the work of the government and paralyzed its key services.[110]

The security aspect represented the ultimate failure during this term. It faced a protracted problem lasting over six years during which lawlessness was simmering due to some families' violations, the differences between security leaders and the lack of any political will to solve this problem. Besides these historical factors, security failure increased due to aggravated political differences between Fatah, which controlled the security forces, and Hamas which represented the majority in the PLC and the government.

Despite the hopes that were attached to the signing of the Mecca Agreement and the formation of the national unity government to put an end to internal fighting and lawlessness, security incidents continued at frequently. Conflicts continued between heads of security forces and Minister of the Interior Hani al-Qawasmi, who was prevented from implementing his obligations, and he was even not allowed to enter security headquarters without approval of other security forces leaders affiliated with Fatah. Moreover, Fatah-linked security leaders issued orders to prevent al-Qawasmi from executing the simplest tasks, which led to his resignation a month after government's formation.[111]

Haniyyah rejected al-Qawasmi's resignation and said that he would study it with President 'Abbas to end the security crisis in GS.[112] Al-Qawasmi withdrew his

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[109] Ibid.

[110] Ibid.; and *Al-Ayyam*, 4/6/2007.

[111] To read about the reasons for the resignation of Interior Minister Hani al-Qawasmi, see Document: Letter of Resignation of Palestinian Interior Minister Hani al-Qawasmi, 17/4/2007, site of Al-Zaytouna Centre for Studies and Consultations, http://www.alzaytouna.net/permalink/4821.html (in Arabic)

[112] Ma'an, 24/4/2007, http://www.maannews.net/ar/index.php?opr=ShowDetails&ID=65079

resignation but he tendered it again a month later, due to escalating confrontations between armed members from Fatah and Hamas, and Haniyyah this time accepted it.[113]

The government tried to suggest some solutions for the crisis, and Haniyyah conducted several changes among security leaders in agreement with 'Abbas, in an attempt to improve security conditions.[114] The government conducted political calls with Egyptian and Saudi officials to help resolve the crisis.[115] In addition, a number of security and political agreements were signed between Fatah and Hamas under Egyptian sponsorship and with the participation of Palestinian factions in both GS and Cairo.[116] Yet, all these attempts did not help to prevent a security deterioration, which led into a major fighting, causing the death and injury of hundreds of Palestinians, and only ending when Hamas took control of the security forces in the GS.

With Hamas' control over GS a new phase in the history of PA governments started which will be referred to as the Schism Phase. President 'Abbas declared on 14/6/2007 the dismissal of Prime Minister Isma'il Haniyyah and appointed Salam Fayyad to form an interim government.[117] This government lasted until March 2013 despite being an interim government.

Eighth: Salam Fayyad's Post-Schism Governments

1. The Emergency Government

President 'Abbas announced a state of emergency after Hamas took control over the security forces in GS, and he assigned Minister of Finance Salam Fayyad in the national unity government to form the emergency government. The circumstances in which the government would be formed were not normal in light of Palestinian political and geographic division. Further, the government did not attain national consensus although the PLO factions agreed on it. Hamas didn't recognize the

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[113] *Asharq Alawsat,* 15/5/2007.

[114] *Al-Bayan* newspaper, Dubai, 1/6/2007.

[115] Ma'an, 24/4/2007, http://www.maannews.net/ar/index.php?opr=ShowDetails&ID=65079

[116] *Albayan*, 1/6/2007.

[117] *Alghad*, June 2007.

government on the grounds that it was mandated by President 'Abbas, and it considered the decision to form it a "coup" against parliamentary legitimacy,[118] while Fatah decided to sever any connections with Hamas and the government it led. For its part, Israel declared its readiness to deal politically and financially with the emergency government if it declared its commitment to the conditions of the Quartet, and it viewed the appointment of Salam Fayyad as positive.[119]

The government included 12 ministers, mostly technocrats, and it was headed by Salam Fayyad who was also the finance minister. The government was sworn in on 17/6/2007 amidst Palestinian political and legal controversy.[120]

During the state of emergency, the government indulged in differences with Hamas, and it cancelled all decisions that the Haniyyah government has taken, considering them annulled.[121] It also annulled the contracts of the members of the Executive Force, prevented any dealings with passports issued by the Interior Ministry in GS, and stopped all contracts that had been signed with the national unity government.[122] In addition, the new government issued decisions to prevent police and security forces in GS from working with the Haniyyah-led government,[123] and it stopped some public institutions working in GS and instead appointed public administrations in the WB.[124]

The emergency government set as top priority the confiscating of arms of the Palestinian factions fighting in the WB under the pretext of preventing a recurrence of the armed clashes that had occurred in GS and had led to division.[125] Indeed, Fayyad conducted several meetings with the Israeli side focusing mainly on the priority of controlling security in the government's agenda,[126] and discussing cooperation with Israel to achieve this mission.

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[118] Ibid.

[119] Ibid.

[120] Arabs 48, 17/6/2007, http://www.arabs48.com/display.x?cid=6&sid=7&id=46274

[121] WAFA, 21/6/2007, http://www.wafa.ps/arabic/body.asp?id=54298

[122] *Al-Hayat al-Jadida*, 21/6/2007; and *Al-Akhbar* newspaper, Beirut, 28/6/2007.

[123] Site of Al-Arabeya, 26/6/2007, http://www.al-arabeya.net/

[124] WAFA, 9/7/2007, http://www.wafa.ps/arabic/body.asp?id=55644

[125] *Al-Akhbar,* 28/6/2007; and *Alrai* newspaper, Amman, 14/7/2007.

[126] Site of Firas Press, 10/7/2007, http://fpnp.net/arabic/?action=detail&id=29824

According to the law, an emergency government can serve for a maximum of one month. Hence, President 'Abbas had to ask Fayyad to expand the government before the end of its term by adding four ministers thus totaling 16 in order to make the government permanent, which was considered by Hamas a violation of the Palestinian constitution and Basic Law.[127]

Through expanding the government and asking Fayyad to resign and then re-form the government with expansion, 'Abbas sought to overcome the constitutional gap presented by the Basic law. To that end, 'Abbas argued that the government was ready to be presented to the PLC as soon as there was a quorum, yet this would not happen as a large number of Hamas MPs had been detained by Israel![128] Nonetheless, when it became theoretically possible to convene the PLC after most MPs had been released, the PA leadership in Ramallah would disrupt any meeting of the Hamas-dominated Council. Accordingly, Fayyad did not seriously seek to win the approval of the PLC knowing in advance that his government would not obtain confidence.

As time passed PA institutions continued to suffer incomplete legitimacy given the political nature of the problem between Fatah and Hamas.

2. Fayyad's Second Post-Division Government

Fayyad tendered his resignation to President 'Abbas on 7/3/2009 after the launch of a new round of Palestinian reconciliation talks in order to enhance Palestinian dialogue, according to the resignation letter. 'Abbas accepted the resignation and asked Fayyad to lead the caretaker government until the formation of a new government based on ongoing dialogue.[129]

However, national dialogue failed to reach a quick agreement as hoped, which led 'Abbas to again task Fayyad with the formation of a broad government. The government was formed after major political controversy, in light of condemnation by Hamas and boycott from PFLP and protest from labor unions. Even the Fatah parliamentarian bloc protested against the mechanism of government formation

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[127] *Al-Khaleej* newspaper, al-Shariqa, 14/7/2007.

[128] *Al-Hayat,* 14/7/2007.

[129] Mohsen Mohammad Saleh, "Salam Fayyad Government," al-Zaytouna Centre for Studies and Consultations, citing AlJazeera Centre for Studies, Doha, 14/11/2010, http://www.alzaytouna.net/permalink/4633.html (in Arabic)

as it was not consulted, and it boycotted the government although more than half seats were for Fatah.

The government included members from Fatah as well as a number of technocrats and some ministers affiliated with the DFLP, the Palestinian Popular Struggle Front (PPSF), and PPP.[130]

3. Fayyad's Third Government

The Arab region witnessed a tense political environment in 2011 in light of the "Arab Spring" and the downfall of some regimes that were considered a part of the Arab "Moderate Front" with which the PA was allied.

In attempt to pre-empt any effect of this atmosphere, the PA announced that it would conduct local elections on 9/7/2011. It also suggested conducting legislative and presidential elections in September of the same year. However, Hamas rejected this suggestion, and it even stirred controversy within the PA, due to increased dangers of aggravating the Palestinian schism if elections were held without national consensus.

In light of these conditions, Salam Fayyad presented his government's resignation in order to form a new government, which would complete the tasks of the preceding government.

'Abbas accepted Fayyad's resignation and he tasked him with forming a new government on 4/2/2011 identifying the prime mission of the government as completing the previous government's program, preparing for presidential, legislative and local elections, and preparing for the September entitlement when the PLO would advance Palestine's statehood bid at the United Nations.[131]

Ten days into his assignment to form a government, Fayyad presented an initiative to form a national unity government as a step towards ending Palestinian division. The initiative suggested the formation of such a government, before resuming dialogue regarding controversial issues that delay the achievement of national reconciliation, particularly the security problem.[132]

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[130] Ibid.; and *Al-Hayat al-Jadida,* 20/5/2009.

[131] Sama News Agency, 14/2/2011, http://samanews.com/ar/index.php?ajax=preview&id=88243

[132] *Asharq Alawsat*, 24/2/2011.

The formation of the government failed several times as the Prime Minister-designate wanted to form a national unity government requiring holding rounds of talks to reach a reconciliation agreement, which was finally signed in Cairo on 4/5/2011, and was followed by an agreement in Doha on 6/2/2012 to appoint Mahmud 'Abbas himself a premier.[133]

As these two agreements failed, Fayyad demanded governmental change and performed the oath before 'Abbas again to renew confidence and give "legitimacy" to his government. But 'Abbas pressed for governmental modification and Fayyad rejected this. Consequently, a crisis started to appear between the two sides, especially as the difference in vision was accompanied with attacks by some Fatah leaders against Fayyad. However, 'Abbas complied with Fayyad's demands and tasked him with forming a new government.[134]

The government was formed and it performed the oath before President 'Abbas on 16/5/2012. Against Fayyads' wishes, 'Abbas was determined that Riyad al-Maliki would maintain the Foreign Ministry. Fayyad, for his part, gave up for the first time since he became prime minister on the finance portfolio, which was assumed by Nabil Qassis. The major mission of the government was to prepare for local elections in the WB.

Like all preceding governments formed after Palestinian division, this government was criticized by Hamas and other factions who claimed that it would enhance division as it did not represent a Palestinian national consensus. In addition, the Association of Public Sector Employees considered the government an insult to organized labor as it included a minister who has offended unions and employees during his work in the previous government.[135]

The relationship between 'Abbas and Fayyad was marred by differences during the latter's term as prime minister. However, those differences intensified in early 2013 as shocking figures revealed PA indebtedness with a new wave of statements and demonstrations bursting out against Fayyad's financial policies. The crisis was

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[133] Site of Sky News Arabia, Abu Dhabi, 16/5/2012,
http://www.skynewsarabia.com/web/article/20768/.htm

[134] *Al-Quds al-Arabi*, 30/4/2012.

[135] *Al-Quds al-Arabi*, 16/5/2012.

aggravated considerably by the resignation of Finance Minister Nabil Qassis based on his rejection of the 2013 budget plan, and his claim that it would not be possible to deal successfully with this budget and the deficit.[136]

In light of these differences, Fayyad presented a written letter of resignation to President 'Abbas on 24/2/2013. Following altercation and failed attempts to reconcile the President and his prime minister, the resignation was officially accepted on 13/4/2014.[137]

a. Functions of the 13th Government

Prime Minister-designate Salam Fayyad issued a political program, which he read upon taking the oath before the President.[138] For the PLC was not in session due to the state of division, in addition to the detention of a large number of Hamas members of parliament in Israeli prisons.

Fayyad stressed in this program that his government would be based on a number of principles, namely: committing to the political program of President Mahmud 'Abbas, and pledging to implement all bilateral and multilateral agreements signed by the PLO, including those signed with Israel.

Below are the most important functions of the government according to its ministerial program:[139]

• Ending the occupation and establishing an independent state on the 1967 lines.
• Restoring actual power of the legitimate authority in the Gaza Strip.
• Supporting Jerusalem as the eternal capital of the Palestinian people.
• Providing security and safety, ending lawlessness and forms of militancy, and having a monopoly of arms.
• Facing poverty, unemployment and economic recession, as well as supporting agriculture.
• Paying special attention to the prisoners and political detainees held in Israeli prisons.

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[136] *Al-Ayyam*, 3/3/2013 and 14/4/2013.

[137] *Al-Ayyam*, 14/4/2013.

[138] 13th Palestinian Government Program, WAFA Info, 22/7/2007, http://www.wafainfo.ps/atemplate.aspx?id=3646

[139] Ibid.

• Enhancing and developing the role of the judiciary and protecting its independence.

• Fighting corruption, nepotism and favouritism.

• Protecting human rights and public and individual freedoms.

• Adopting a clear strategy in fighting policies of declaring others as apostates, accusing them treason, and exploiting religion for political ends.

• Developing educational and health services.

b. The Government's Performance

1. Security

Although security was a governmental priority, the government excluded the salaries and allowances of around 17 thousand soldiers, mostly from GS, from the 2008 budget. This exclusion was based on the American desire to minimize the number of soldiers in GS,[140] a revealing insight in to the American impact on PA decision making.

The government sought to implement the requirements of the Road Map regarding security control. Yet it continued to suffer from Israeli practices curbing its work, such as the continued construction of barriers in the WB, instead of a reduction in their number.[141]

The government succeeded in imposing security in the WB, yet this success was coupled with criticism of the government's record on human rights and accusation of security coordination with the occupation, which has added to the erosion of Palestinian social fabric and comprehensively restricted the resistance forces in the WB.

2. Economy

The government sought to achieve its program through improving the living conditions of the Palestinians. Yet, dependence of the economy on foreign aid and grants remained prevalent, and budgets continued to suffer deficit every year.

The deficit in the 2008 budget amounted to $1.895 billion of the total budget, $3.075 billion. The budget increased to $3.283 billion in 2009 with a

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[140] *Felesteen* newspaper, Gaza, 14/11/2007.

[141] *Al-Ayyam*, 29/4/2008.

$1.653 billion deficit, which the government said would be covered through Arab and international aid.[142]

The government based its 2009 budget on an 8% estimated growth in the WB. It also reduced current spending by 35% compared with previous year, in order to reduce dependence on foreign aid, which reached $1.763 billion in 2008, a record figure in PA history.[143]

The budget of 2010 amounted to $3.9 billion, where local revenues increased by 20% compared with previous year, while net lending in the 2010 budget was around $250 million compared to $374 million in 2009. The budget devoted around half of its current spending to GS, around $3.16 billion.[144]

The 2011 budget amounted to $3.7 billion, with an increase in revenues amounting to 11% compared to 2010. Revenues were supposed, according to this budget, to cover around 66% of current spending ranging between 26% and 27% of Gross Domestic Product (GDP).[145]

The 2012 budget amounted to $3.54 billion and it was characterized by reducing the deficit from 13% in 2011 to 10% in 2012 after reaching 22% in 2008. However, despite reduced dependence on aid, and a reduction of spending and deficit, the expected total deficit according to the 2012 budget amounted to around $1.3 billion.[146]

The 2013 budget increased to around $3.8 billion with estimated revenues reaching $2.5 billion. The budget was based on estimated revenues covering 70% of spending, compared to 57% in 2008 and 67% in 2012.[147]

Fayyad occasionally stressed that he was seeking to reduce dependence on aid in the budget, and to build an independent national economy, in order to overcome some economic crises faced previously by the government at different stages.

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[142] *Al-Ayyam*, 5/2/2009.

[143] Ibid.

[144] WAFA, 29/3/2010, http://www1.wafa.ps/arabic/index.php?action=detail&id=69299

[145] WAFA, 31/3/2011, http://www1.wafa.ps/arabic/index.php?action=detail&id=10191

[146] *Asharq Alawsat,* 11/4/2012.

[147] *Alquds*, 28/3/2013.

Nonetheless, the economic situation did not change and the government continued to suffer successive economic crises due to the irregularity of foreign aid.[148]

The most dangerous financial crisis was that which resulted from raising the price of some fuel products and increasing interest rates in the WB in the summer of 2012, which led to wide popular demonstrations with the participation of PLO factions including Fatah, in addition to youth campaigns and labor unions controlled by Fatah.

In an attempt to absorb popular anger at that time, the government decided to reduce the salaries of ministers and senior staff, and to support prices of diesel and gas. These measures did not satisfy the demonstrators, and the Palestinian factions demanded that the government take more serious measures and engage in more dialogue to resolve the problem.[149]

The crisis revealed the continued government dependence on foreign aid in contrast to its declared program along with Salam Fayyad's reiteration of the need for foreign aid to end. He even justified the aid and praised its role in reviving Palestinian economy.[150]

Fayyad's government tried to consolidate the notion that it was building an economy of well-being, in contrast to the GS, which is besieged financially. However, the problem of paying salaries to PA employees remained and would escalate from time to time,[151] including periods of three months in which government employees did not receive their wages.

In an attempt to tackle the problem of poverty, the government resorted to the policy of aid and rations. It also sought to compete with charities affiliated with Hamas, and it closed some of these charities down or harassed them.[152] This deprived Palestinian families of charitable aid and made them dependent on governmental aid rather than the government's productive economy.

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[148] *Al-Ayyam*, 7/10/2013; and *Alquds*, 24/8/2012.

[149] *Asharq Alawsat,* 12/9/2012.

[150] WAFA, 18/9/2012, http://www.wafa.ps/arabic/index.php?action=detail&id=138790

[151] *Al-Hayat al-Jadida* 9/3/2009; and WAFA, 6/4/2009,
http://www.wafa.ps/arabic/index.php?action=detail&id=37040

[152] *Alrai*, 14/7/2007.

The 2010 general budget of the GS caretaker government was adopted on 31/12/2009, shortly before the beginning of the new year. Public expenditure was estimated at $540 million at a deficit of 89.1%. Expenditure included wages and salaries (37%), operating expenses (11%), manufacturing expenses (28%), development expenditure (18.5%), while 5.5% of the budget was ratified for the development of Jerusalem. However, what was actually spent amounted to $297.31 million, which is around 55.1% of estimated value.[153]

Most of the budget was used to cover wages amounting to $228.73 million, thus forming around 76.9% of total expenditure.[154]

3. Political Affairs

Political affairs were not absent from the government's agenda, yet its role was limited to issuing statements and following up on some diplomatic affairs related to Jerusalem, prisoners and the peace process.[155] Practically, the most important political issue it adopted was the support of popular resistance, whether in protests against the Separation Wall or by boycotting products from Israeli settlements.[156]

In August 2009, Prime Minister Fayyad presented a two-year political program complementary to the program upon which his government was formed. Fayyad called his program "Palestine: Ending the Occupation, Establishing the State," which set out the national goals and government policies, and was centered around "the objective of building strong state institutions."[157]

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[153] *Al-Hayat,* 5/1/2010.

[154] See "PLC Approves The Budget Bill for the Financial Year 2011," *al-Barlaman* newspaper, PLC, Gaza, 31/3/2011, http://www.plc.gov.ps/img/Magazine/pdf_file/cf0331c4-0bf0-4c76-9ef6-f97f4b3cd63b.pdf (in Arabic)

[155] *Al-Ayyam,* 24/3/2009; WAFA, 6/4/2009, http://www.wafa.ps/arabic/index.php?action=detail& id=37040; WAFA, 19/10/2009, http://www1.wafa.ps/arabic/index.php?action=detail&id =53554; and WAFA, 14/12/2009, http://www1.wafa.ps/arabic/index.php?action=detail&id =58705

[156] WAFA, 14/12/2009, http://www1.wafa.ps/arabic/index.php?action=detail&id=58705; and WAFA, 15/2/2010, http://www1.wafa.ps/arabic/index.php?action=detail&id=64536

[157] Palestinian National Authority, Palestine: Ending the Occupation, Establishing the State, Program of the Thirteenth Government, August 2009, https://unispal.un.org/pdfs/PA_EndingOccupation-Statehood.pdf

Although the program assured its full commitment to the PLO program, it was faced with criticism by Fatah, which perceived it as infringement on the powers of the PLO and the president.[158]

The plan set out the national goals, priorities and activities of the PA institutions within two years of its announcement, and the government was keen to track developments within the first year in its periodic meetings.[159] Then on 30/8/2010 Fayyad issued "The Freedom Document" to explain the work schedule for the second year of the program.[160]

Two years after the launch of this program, the Fayyad government announced the completion of the establishment of state institutions and its readiness to establish the Palestinian state, demanding that Israel end the occupation to give a chance for the state's establishment.[161] However, the government did not provide a detailed report regarding the conclusion of this program, which make it impossible to judge its performance.

What is clear is that even if the Fayyad government succeeded in establishing state institutions, it failed to establish a state, because the core of the Palestinian issue is political rather than administrative.

4. Reform and Fighting Corruption

The government achieved a record in performance and institutional work, which earned international certificates for good performance from institutions like the IMF.[162] However, despite the government's good record in fighting corruption, it faced some crises where some ministers were accused of corruption and the committee for fighting corruption decided to lift their immunity to try them.[163] The record also showed the improvement of PA institutions' performance and their dealing with groups and trends that enjoy the PA satisfaction and meet its

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[158] Paltoday, 26/8/2009.

[159] WAFA, 14/12/2009, http://www1.wafa.ps/arabic/index.php?action=detail&id=58705; site of al-Watan Online, 6/1/2010, http://www.alwatan.com.sa/Default.aspx?issueno=4809; and WAFA, 15/2/2010, http://www1.wafa.ps/arabic/index.php?action=detail&id=64536

[160] *Al-Ayyam,* 31/8/2010.

[161] *Al-Hayat al-Jadida,* 13/7/2011.

[162] *Al-Hayat al-Jadida,* 1/10/2011.

[163] *Assabeel*, 8/7/2011; and *Asharq Alawsat*, 1/12/2011.

security standards. This practically means the continued state of marginalization and prevention from work suffered by supporters of Islamic trends, especially Hamas and the PIJ, and depriving them of equal opportunities like their Palestinian peers.

5. Elections

The government sought to conduct elections and issue a law to regulate them based on proportional representation, and this step demanded political agreement between Hamas and Fatah. Nonetheless, such agreement did not crystallize except after the signing of the national reconciliation document in Cairo on 4/5/2011. It included an agreement on a mixed electoral law, which combined proportional representation and a constituency-based system. Yet, to date, no elections have been held. As for local councils, the government appointed commissions for their management despite the end of their term, for elections were repeatedly postponed due to differences between Fatah and Hamas.[164]

Ninth: Isma'il Haniyyah's Post-Schism Governments

When Hamas took control over the GS security forces in mid-June 2007, President 'Abbas decided to dismiss Prime Minister Isma'il Haniyyah and task Salam Fayyad with forming an emergency government. Although both 'Abbas and Fayyad reiterated that the jurisdiction of the emergency government will cover WB and GS, the de facto control by Hamas over the Strip restricted the authority of Fayyad's government to the WB despite Haniyyah's acceptance of his own dismissal. However, Haniyyah said that his government would remain to act as a caretaker government until the formation of a new government with the approval of the PLC. Thus, Hamas considered Haniyyah's government as constitutionally legitimate, and that it would continue with its tasks to "serve the citizens,"[165] and this is what happened.

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[164] *Al-Quds al-Arabi*, 13/12/2010; *Al-Hayat*, http://international.daralhayat.com/international article/232472; WAFA, 14/12/2009, http://www1.wafa.ps/arabic/index.php?action=detail&id =58705; and *Al-Ayyam*, 2/7/2011.

[165] Aljazeera.net, 15/6/2007, http://www.aljazeera.net/news/pages/4f5ccff2-95b0-4802-9f74-7b0f97d4a95a

1. Government Expansion

Haniyyah started consultations to expand his government in March 2008, and Fatah considered this step a blow to reconciliation efforts that would widen the gap between the two movements.[166] Nonetheless, Haniyyah denied any political dimension for his decision given that the ministers of the government, who continued in office after the division were burdened as each, had to assume more than one portfolio. Haniyyah actually finished his consultations in late April, and he added many ministers to the government, notably Sa'id Siyam who was appointed as interior minister.[167]

In an attempt to legitimize this expansion, the deputy speaker of the PLC decided to hold a session to grant confidence to the government, and to get authorization from MPs held in Israeli prisons to guarantee the quorum. However, this attempt did not succeed.

The government lost the interior minister, Sa'id Siyam, who was killed during the Israeli war on GS in 2008/2009. This urged Haniyyah to appoint Hamas MP Fathi Hammad to succeed Siyam.[168]

Haniyyah announced the expansion of his government for the second time on 10/3/2011 to include 15 ministers. The formation of the government, like other post-division governments whether in the WB or GS, was accompanied with political controversy. Thus, while Fatah believed that reshuffling the government would enhance the division, Hamas confirmed that the government would resign upon reaching a reconciliation agreement that provides for the formation of a new national unity government.[169]

Less than two months after the previous reshuffling, Haniyyah added Usama al-Mazini to the government line-up and appointed him education minister.[170] On 2/9/2012, Haniyyah reshuffled; eight ministers were removed and seven new ministers were added. Haniyyah justified the new reshuffling as an important step to pump new blood into the government and enhance its ability to achieve its

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[166] Aljazeera.net, 23/3/2008, http://aljazeera.net/news/pages/cffcf37e-6740-4016-8737-12149f13145b

[167] Al Bawaba, 7/4/2008.

[168] *Alarab* newspaper, Doha, 7/5/2009.

[169] *Asharq,* newspaper, Doha, 11/3/2011.

[170] *Al-Khaleej*, 26/4/2011.

development goals. Haniyyah also stressed that the caretaker government would not impact the possibility of reaching a reconciliation agreement between Fatah and Hamas.[171]

2. The Government Functions

The Haniyyah government did not present a new ministerial program after the division but it continued to perform its functions resulting from its control over the GS according to the program of the national unity government headed by Haniyyah. This continued to be the program adopted by all governments reshuffled or expanded by Haniyyah after the division.[172]

Due to armed conflict and the fighting which preceded the division, imposing security, ending lawlessness, and containing the spread of arms topped the list of priorities of the government. This explains why Haniyyah maintained the interior portfolio until these goals were met on the ground.

3. Government Performance

The government faced many difficulties due to the collapse of the PA's bureaucratic institutions after the division and placement of Fatah cadres to manage major posts in ministries and public institutions, in addition to the conflicts between this government and Salam Fayyad's government.

Since the division, the Haniyyah government faced crises resulting from the international economic and political siege imposed on it: Providing salaries, managing the crossings, replacing governmental employees who had complied with 'Abbas' orders and refused to report to their work,[173] in addition to resolving fuel scarcity and food monopoly by some merchants at the beginning of the government's reign in power.[174]

The first period of division witnessed a declared economic and political war between the Haniyyah and Fayyad governments. This was manifested in many areas, including the freezing of GS municipality budgets, halting the salaries of GS employees except those complying with 'Abbas' orders to abstain from reporting to work. In the same context, Fayyad's government issued many decisions to prevent

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[171] *Alghad,* 3/9/2012.

[172] *Asharq,* 11/3/2011.

[173] *Asharq Alawsat*, 24/8/2007.

[174] *Annahar,* 17/6/2007.

funding the treasury of the Haniyyah government, such as the decision exempting Gazans from paying taxes.[175]

In retaliation, the Haniyyah government dismissed senior employees for lack of cooperation.[176] It also prevented Fatah from organizing any political event or protests in GS[177] in response to Fayyad's obstruction of Hamas events in the WB.

However, administrative differences started to retreat with time in order to facilitate people's daily lives, such as coordinating high school exams and results, and other issues of education and culture.[178]

Although the GS government was able to rebuild and operate the main governmental institutions, it was a gradual process that witnessed conflicts with Fatah supporters, who maintained influence in some professional sectors. This situation continued for more than a year until calm was restored when Haniyyah replaced those employees who refrained from working and successfully dealt with strikes held by some in the education and health sectors.

4. Security

The GS government attempted to control weapons and security, yet, these attempts were faced with major difficulties at the outset. The security forces collapsed during the fighting that preceded the division, and they were ordered by 'Abbas and the other leaders of Fatah and their security forces not to work under Haniyyah's government.

In order to fill the security vacuum, the government formed a higher police council headed by Fatah leader Maj. Gen. Toufic Jabr and a number of Fatah leaders, who agreed to work with the government. This council took some measures to organize police security work and rebuild security forces,[179] and to rehabilitate and accommodate officers and members who complied with Haniyyah's call to commit to their work and refused 'Abbas' orders to not cooperate with the government.

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[175] *Al-Hayat*, 17/8/2007.

[176] site of Elaph, 18/7/2007, http://www.elaph.com/ElaphWeb/Politics/2007/7/248839.htm

[177] *Al-Ayyam*, 5/9/2007.

[178] Ma'an, 14/9/2008, http://www.maannews.net/ar/index.php?opr=ShowDetails&ID=128542

[179] *Annahar,* 17/6/2007; and *Al-Ayyam*, 18/6/2007.

In addition, the government made some decisions related to imposing security in the Strip such as the formation of a special commission from many ministries to facilitate and protect the work of foreigners[180] following the kidnapping of British Journalist Alan Johnston. Other decisions included the dissolution of Preventive Security Forces, which was party to the internal fighting before the division, and allowing its members to join other forces,[181] training police women,[182] and forming a marine police force.[183]

The Executive Force launched a campaign to contain the spread of arms among civilians, and demanded militants unmask whilst on the streets.[184] It also launched an arrest campaign under the pretext of fighting lawlessness and corruption, while Fatah accused it of executing political arrests.[185]

Consequently, the government was able to take a certain amount of control over security, prevent lawlessness and contain the spread of arms, as well as limiting crime and drug smuggling.[186] However, strict security solutions were pursued against some families that had caused chaos, and even Salafi groups, thus provoking criticism against the government's performance and its human rights record.

However, the government later employed several measures to improve its human rights record, by issuing decisions preventing torture, and instructing security forces to treat arrestees well.[187] It also issued decisions to try any member of the security forces accused of committing violations against civilians.[188]

5. Burdens of Israeli Wars

The government faced additional burdens due to the Israeli wars on GS, especially Operation Cast Lead in 2008/2009, and sometimes it had to work under exceptional circumstances. Some institutions, for example, had to work temporarily

[180] *Alquds,* 6/7/2007.

[181] Ma'an, 16/7/2007, http://www.maannews.net/ar/index.php?opr=ShowDetails&ID=74772

[182] *Al-Qabas* newspaper, Kuwait, August 2007.

[183] *Asharq Alawsat*, 10/8/2007.

[184] *Annahar,* 17/6/2007.

[185] Ma'an, 16/7/2007, http://www.maannews.net/ar/index.php?opr=ShowDetails&ID=74772

[186] *Felesteen* newspaper, 5/10/2009.

[187] *Al-Quds al-Arabi,* 4/4/2011.

[188] *Al-Hayat*, 21/6/2011.

in tents after shelling and destruction of their headquarters. Security concerns led to weak connections between ministers and the head of the government, and prevented the holding of the government's periodic meetings.[189]

Israeli wars saw a large number of families lose their breadwinner. This burdened the government with new expenses, as those families' financial aid amounted to millions of dollars.[190]

A 2008 government performance report stated that despite the political circumstances including war, blockade, political boycott and division, government institutions were able to work and provide education, health and social services.[191]

6. Economy

Since the formation of the first Haniyyah government in 2006, the government faced a strict international economic siege. The siege further increased after the Palestinian division in mid-June 2007 where the GS became greatly dependent on smuggling via the tunnels on its borders with Egypt.

The mechanism of Rafah crossing's operation and its opening days were part of the government's daily problems.[192] For these were influenced by political and security developments in Egypt, as well as by Hamas-Egyptian relations.

As the blockade tightened, the GS situation was increasingly likely to explode, as it did on 23/1/2008 when hundreds of thousands of Palestinians broke into Rafah crossing passing towards al-Arish and other Sinai cities to buy goods and commodities lacking in GS.[193]

Following the attack on the Gaza-bound Freedom Flotilla on 31/5/2010, Israel was under international pressure to mitigate the GS blockade. This accordingly improved government resources and helped it to launch a few new projects,

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[189] PIC, 12/7/2009.

[190] *Assabeel*, 3/9/2010.

[191] *Felesteen* newspaper, 5/10/2009.

[192] Felesteen Online, 23/6/2011, http://www.felesteen.ps/details/21531/.htm

[193] BBC, 24/1/2008, http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_7202000/7202745.stm (in Arabic)

most importantly huge building projects,[194] infrastructure projects in addition to supporting municipalities' budgets.[195]

Signs of improvement in the financial crisis started to crystallize in 2010 when the government was able to enroll more part-time employees in the government's institutions as full-timers.[196] It also provided tens of thousands of new jobs in government institutions, and increased the size of financial aid for those in need.[197]

According to government figures, poverty decreased from 60% to 40%,[198] which was close to the 2010 figures of the Palestinian Central Bureau of Statistics (PCBS), i.e., 38%.[199]

As for the 2007/2008 budget, the government was not able to approve it because of the blockade and lack of any data regarding revenues from foreign aid and grants. Thus, the 2009 budget was the first to be approved by the Haniyyah government after the division,[200] and it was an extraordinary budget, that needed to address the impact of the Israeli war on GS.

The 2010 budget amounted to $540 million with revenues estimated at around $56 million where the $404 million deficit would be covered from aid and grants.[201] The 2011 budget reached around $629 million with an unclear amount of revenues due to the special situation of the government under blockade and its dependence on Arab and regional undeclared aid due to political boycott imposed on Hamas.[202]

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[194] *Alghad,* 11/11/2010.

[195] Felesteen Online, 10/10/2010, http://www.felesteen.ps/details/11944/.htm

[196] Felesteen Online, 23/12/2010, http://www.felesteen.ps/details/14930/.htm

[197] Felesteen Online, 10/1/2011, http://www.felesteen.ps/details/15661/.htm; and Felesteen Online, 12/1/2011, http://www.felesteen.ps/details/15724/.htm

[198] Palestinian Press Agency (Safa), 3/4/2011, http://www.safa.ps/ara/?action=showdetail&seid=46002

[199] Palestinian Central Bureau of Statistics (PCBS), *Ada' al-Iqtisad al-Filastini 2011* (Performance of the Palestinian Economy 2011) (Ramallah: PCBS, May 2012), http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1883.pdf

[200] Site of Alresalah Press, 5/10/2009, http://alresalah.ps/ar/index.php?ajax=preview&id=1927

[201] Site of Filastin Alaan, 4/1/2010, http://www.paltimes.net/olddetails/news/106018

[202] Felesteen Online, 30/3/2011, http://www.felesteen.ps/details/18337/.htm

The 2012 budget amounted to $769 million with $174 million estimated revenues. The share of wages in this budget increased to $405 million compared to around $298 million in the 2011 budget. This was because the 2012 budget included some provisions, raises and delayed promotions from recent years,[203] in addition to an increased number of employees.

The 2013 budget amounted to around $897 million with revenues amounting to $243 million and forming 27% of the budget, while reducing government spending and increasing revenues from upper classes in the Strip.[204]

The government tried to increase its revenues through activating tax collection from institutions, which benefitted from tax exemption gifted by President 'Abbas before the division, such as the GS banks.[205] Still, the government had to show tolerance in collecting electricity and water bills due to the economic situation suffered by Gazans.[206]

As the blockade was mitigated and the tunnel-based economy flourished, government revenues increased in 2012 and that year witnessed notable infrastructure projects reaching $486 million according to government figures.[207]

Due to financial hardship and unemployment faced by Gazans, the government had to provide them with aid,[208] a policy pursued by Fayyad as well. This ultimately meant the failure in transforming Palestinian economy into productive economy and the consolidation of its dependence on aid.

In light of such harsh conditions, the achievements of the Ministry of Agriculture were the most significant in Haniyyah's government. For it was able to pursue a policy leading to GS "self-sufficiency" in some fruits and vegetables, by preventing their import from Israel and allowing the Palestinian farmer to disseminate his produce at reasonable prices instead of opening the market for Israeli products.[209]

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[203] Felesteen Online, 5/12/2011, http://www.felesteen.ps/details/26996/.htm

[204] Felesteen Online, 31/12/2012, http://www.felesteen.ps/details/83937/.htm

[205] *Al-Khaleej*, 19/11/2011.

[206] *Alghad,* 29/11/2011.

[207] Felesteen Online, 21/4/2013, http://www.felesteen.ps/details/90986/.htm

[208] Site of Ikhwan Online, 11/6/2009, http://www.ikhwanonline.com/Article.asp?ArtID=50173& SecID=231; and *Assabeel*, 3/9/2010.

[209] *Al-Khaleej*, 22/9/2012.

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7. Reconstruction

The blockade on GS prevented the speedy reconstruction of buildings damaged from Israeli wars. This file was also affected by political differences between Fatah and Hamas as well as by the international siege targeting some construction materials.

Despite some government attempts to overcome the lack of building materials through the use of cob instead of asphalt for streets, and reusing the debris of bombed buildings,[210] it could not overcome the problem of the prevention of construction material arriving.

The reconstruction process was actually launched in early 2011, two years after the end of war, and its first stage included the rebuilding of one thousand residential units that were completely destroyed during the war.[211]

According to estimates by the government in June 2011, the government was able to reconstruct around 90% of houses that were partially destroyed during the 2008 Israeli war against the Strip. The estimated cost was around $100 million distributed over 12 stages.[212]

8. Social Agenda of the Government

The government was accused at many stages of attempting to impose its social agenda on the Gazans based on some controversial decisions it has issued. These decisions included separation between the sexes in schools after the age of nine,[213] and imposing a particular wardrobe on female judges during their work in courts. However, the government rejected those accusations and it justified these decisions without smothering the controversy they triggered.

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[210] PIC, 12/7/2009.

[211] Felesteen Online, 18/1/2011, http://www.felesteen.ps/details/15887/.htm

[212] *Alghad,* 17/6/2011.

[213] *Al-Khaleej,* 2/4/2013.

Conclusion

The PA was established in 1994 by virtue of the Oslo Accords signed between the PLO and Israel in 1993.

According to the Palestinian Basic Law, which represents the PA constitution, the head of the PA forms and heads the government, and this was the situation until March 2003 when President 'Arafat was compelled by American and Israeli pressure to agree on amending the Basic Law and creating the prime minister post. He then appointed Mahmud 'Abbas as prime minister of the first Palestinian government formed after the amendment.

This chapter discussed the performance of Palestinian governments since the creation of the post in 2003 until 2013. The chapter concludes the following:

1. Since the creation of the prime minister office under Israeli and American pressure, the post has required not only Palestinian but international and regional consensus as well. Thus, Salam Fayyad was the best option for President 'Abbas given that he was an internationally accepted figure although he was not a Fatah member. Choosing Haniyyah for premiership in March 2006 contrary to international will led to political crisis, international siege and Palestinian division still witnessed at the time of preparing this book (early 2014).

2. Except for the national unity government formed after the Mecca Agreement signed between Fatah and Hamas, all governments formed from 2003 to 2013 were of one colour as they belonged to or were controlled by one faction, or they were technocratic governments supported mainly by one faction.

3. All Palestinian governments have suffered from relative tension between the president and the prime minister, in addition to conflict over powers between the two posts, especially regarding money and security.

4. Most governments have focused in their functions on running the daily and administrative issues of Palestinians in the WB and GS without much concern about political issues entrusted to the president. Some cases where prime ministers clearly tried to interfere in politics have resulted in major problems between the prime minister and the president.

5. All governments have faced varying financial problems as a result of the dependence of the PA economy and budget on aid. In addition, the occupation has contributed to these crises as it controlled the Palestinian economy through

manipulation of the Paris Protocol and holding tax revenues, among other discriminatory measures.

6. Most governments have failed to resolve the security crisis as this problem was related to structural problems in the security forces as well as to political conflicts within Fatah or between Fatah and Hamas. The lack of political will has led to complicating the mission of the consecutive governments to tackle lawlessness.

7. The governments formed in the WB and GS after the division (June 2007) succeeded in achieving security and they were able to limit lawlessness to a remarkable extent. However, this success was accompanied with accusations of government violation of human rights as well as PA governments' involvement in security coordination with the occupation to achieve security in the WB.

8. The period following the Palestinian division witnessed an open conflict between the WB and GS governments, thus thwarting the provision of services to the citizens in GS and disrupting their interests. This problem was partially solved after the two governments reached a mutual understanding.

9. The continued Palestinian division led to a constitutional vacuum in the national authority and both the governments, in the WB and GS, acted with incomplete constitutional legitimacy.

The Palestinian National Authority
Studies of the
Experience and Performance
1994 – 2013

This Book

Almost twenty years after the Oslo Accords and the formation of the Palestinian National Authority (PA), there is a need to examine this experience in all its aspects, especially since it has not achieved its main goal: the transition from an autonomous authority to an independent state with full sovereignty over the 1967 occupied Palestinian territories (West Bank and Gaza Strip).

This book is a comprehensive study of the PA and its experience. The 15 chapters analyze the aspects of the PA establishment and its legislative, judicial and presidential institutions, as well as the performance of successive governments. The book deals with the internal Palestinian situation, the security forces, the PA position towards the resistance forces, and economic, demographic, educational and health conditions in the West Bank and Gaza Strip. It also tackles the corruption in the PA, the relationship between the PA and the media, as well as its foreign policy.

This book is a systematic, scientific study that forensically documents the PA experience. It has undergone the usual procedures of scientific editing, including the reviewing of texts and references.

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