

Arab Thought Forum

Democratic Formation in Palestine

General Report 3

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This report is the outcome of teamwork from the following:

Team Head: **Abdel Rahman Abu Arafeh**
Team Members: **Najat Amer**
Ahmad Ruwaidi
Ziad Abdallah
Nasser Ya'coub
Ahmad Siam
Usama Ja'fari

Typing and layout: **Arda A. Aghazarian**

An elaborate discussion concerning this report took place in a special session conducted by the Arab Thought Forum on May 4, 2001 that included the participation of the following Board of Trustee members: Albert Aghazarian, Ibrahim D'eibes, Jiryas Khoury, Said Husseini, Samar Al Nather, Taher Nammari, Adnan Shqeir, Azzam Abu Su'oud, Imad Ghayatha, Mohammad Masrooji, Mohammad Abbas Abdel Haq, Mu'een Kan'aan and Naf'e Hassan.

Democratic Formation in Palestine (3)

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Arab Thought Forum
9 Ali Bin Abi Taleb street
P.O.Box 19012 Jerusalem
Telephone: 02-6289136/ 6264774
Fax: 02-6264338
Email: info@multaqa.org
URL: www.multaqa.org

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- 9/2/2000 Two-day lawyers strike in protest over conditions in regular courts.
- 29/2/2000 Police Commander announcing a ban on holding public rallies and marches without prior approval.
- 1/3/2000 The fourth General Control Bureau report handed to PNA President.
- 7/3/2000 Opening of the fifth term of the PLC.
- 1/4/2000 Palestinian NGO law put into effect.
- 29/4/2000 The Palestinian High Court annuls the Police Commander's order concerning public rallies and marches.
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- 25/7/2000 End of Camp David Summit.
- 11/8/2000 Presidential decree forming the Higher National Committee for Administrative Reform.
- 13/9/2000 End of the Interim period defined in the Sharm El Sheikh Accord.
- 28/9/2000 Sharon's provocative visit to Al Aqsa Mosque.
- 29/9/2000 Israeli forces kill 6 and wound 40 Palestinians at Al Aqsa esplanade.
- 30/9/2000 Eruption of violent confrontations all over Palestinian territories resulting in the killing of 13 and wounding of hundreds of Palestinians.
- 6/10/2000 Israeli forces impose full siege over Palestinian territories in the West Bank and Gaza Strip.
- 7/10/2000 Following the killing of 60 Palestinians, Palestinian security forces open fire in defense of protestors.

- 12/10/2000 Angry Palestinian protestors kill two Israeli soldiers that penetrated into Ramallah. Israeli helicopter gunships fire artillery rockets at Palestinian Security headquarters, aggravating the violence.
- 13/10/2000 Four International Human Rights Organizations issue a report holding Israel responsible for the violence and condemning Israel's excessive use of force against Palestinian demonstrators.
- 17/10/2000 Sharm El Sheikh Conference.
- 22/10/2000 Emergency Arab Summit Conference in Cairo.
- 7/11/2000 UN Security Council Resolution concerning the *Intifada*.
- 9/11/2000 Israeli forces assassinate a Palestinian activist in Bethlehem, starting a wave of assassinations of Palestinian activists.
- 10/11/2000 Mary Robinson, UN High Commissioner for Human Rights, arrives to Palestine on a fact-finding mission.
- 12/11/2000 Islamic Summit convenes in Doha, Qatar.
- 9/12/2000 Israeli Prime Minister, Ehud Barak, offers resignation.
- 11/12/2000 International Commission of inquiry (Mitchell Committee) starts investigation.

Introduction

This is the third annual report issued by the Arab Thought Forum (ATF) on the state of democracy in Palestine. While this might appear as an unwarranted luxury in the midst of the current violence, the Arab Thought Forum believes that this endeavor should be undertaken in spite of the popular uprising. The Arab Thought Forum views the *Intifada* as a consequence of Israeli actions that seek to force the Palestinians to capitulate and abandon principles of international legitimacy concerning Palestine and that undermine Israel's obligations under international human rights conventions and treaties to which it is a signatory.

Just as previous Arab Thought Forum reports have emphasized the difficulty in achieving democratic formation in the absence of national liberation, the eruption of violence in September 2000, clearly underlined the need for Palestinians to complete national liberation. This would involve implementing democratic processes that would place Palestine in the category of democratic countries abiding by the rule of law and the principles of human rights.

Just as mentioned in the introduction of the first two general reports, the purpose of this study is *to monitor and pursue democratic formation in Palestine and trace unfolding trends, whether positive or negative. It is hoped to monitor greater positive trends in order to indicate that democratic formation is on the right path.*

Undoubtedly, issuing this sensitive report is a challenge, requiring great responsibility, and a certain degree of risk. However, it represents a national duty in the legacy of the Palestinian people, which is the motivating factor behind this report.

The Arab Thought Forum re-iterates its position that this report does not seek to flatter, criticize or condemn the performance of the PNA, as much as it seeks to objectively expose negative and positive trends, wherever they exist. In other words, the Arab Thought Forum is not affiliated with any political party but is aware of the delicate conditions surrounding Palestine and its people. The purpose of this report is not to pelt stones, but to shed light on flaws with the purpose of rectifying matters. The accumulation of repeated mistakes might disrupt movement in the proper direction. This mechanism, however, embodies the yearnings of the Palestinian people and pushes the democratic process forward.

Methodology

The general report includes three periodic and twelve monthly reports issued by the Arab Thought Forum in the period between January and December 2000. The three periodic

reports seek to identify trends in democratic formation, despite some variances in the methodology and approaches of targeted topics. Monthly reports focus on actual events and activities while quarterly reports analyze relevant indicators in the democratic formation, together with drawing conclusions for the period. Finally, the General Annual Report incorporates all previous assessments, underlining weaknesses and strengths, together with an evaluation of either progress or retreat based on daily follow-up of events occurring throughout the year, with analysis and a summary.

The sources of information in the periodic reports depend on monthly and quarterly reports prepared by the Arab Thought Forum on the topics of concern. It is based on information from the press, institutional and non-institutional reports or international institutions operating in Palestine. It also includes public opinion surveys conducted by local institutions.

From an analytical perspective, the activities of the Arab Thought Forum and the Center for Citizens Rights constitute a basic element in crystallizing different opinions and analyses, as these activities include a wide array of political and intellectual leaders, representing varying opinions.

As for the format of exposing issues, the Arab Thought Forum abides by its institutional approach in dealing with matters in an integrative manner vis-à-vis horizontal and vertical order. The Arab Thought Forum is aware that this is not necessarily the only or ideal way of presenting the report. Input by participants discussing the first and second annual reports issued in 1999 and 2000 has constituted an integral part in the preparation of the current report.

It is relevant to point out that the content and conclusions of the General Report are directly influenced by information issued from relevant political parties. The more official departments issue annual reports related to its activities, the more it will be possible to analyze such reports and extract better conclusions in the process of democratic formation. This will be reflected in the coming report where official reports from various bodies contributed to the summary and conclusions.

This report seeks to offer a modest contribution in the monitoring of democratic formation in the absence of clear and comprehensive measuring tools in both analytical and statistical forms. The Arab Thought Forum does recognize the efforts of certain specialized institutions committed to focusing on and developing quantitative expressions of such indicators.

General Outlook

For many, the Oslo Accords offered a window of hope that would pave the way for peace and stability in the region. Many believed that the time frame stipulated in the Accords were bound to encourage movement towards peace. For supporters of the Accords, the

completion of the five difficult interim period years were needed for reaching the final status settlement that would secure the ultimate objectives. In light of Israel's lack of commitment and implementation of the interim accords, the forcible extension of that phase and attempts to circumvent implementation, was a reflection of bad intentions. Instead of solving final status issues, attempts were undertaken to legitimize Israeli occupation policies involving settlement expansion and control of Palestinian natural resources. This was magnified by Israeli violations of international resolutions concerning Jerusalem and Palestinian refugee rights. Under Prime Minister Ehud Barak, the Israeli government managed to exacerbate an already tense situation by further provoking Palestinian sentiments. The visit by Sharon resulted in the use of excessive force leading to the killing of scores of Palestinians and the injuring of hundreds within a week, resulting in the surge of the new *Intifada*.

The Camp David summit terminated on July 25th without leading to a conclusive end despite intensive American efforts. Divergences in the Israeli and Palestinian positions regarding permanent settlement issues surfaced particularly regarding Jerusalem and refugees. Prime Minister Barak declared his five "no's" as a prelude to the summit. It became apparent that the Palestinian-Israeli positions and outlook to disputes were incompatible. Israeli strategy is based on the power balance that seeks to impose Israeli negotiating positions on basic issues such as Jerusalem, refugees, borders, settlement and other issues.

The main moral to be drawn from the failure of the Camp David summit is that Israel is not ready for peace with the Palestinian people. While the PLO has recognized Israel's control of four-fifths of mandatory Palestine, the Israeli government and large sectors of Israeli society have refused compliance with UN resolutions 242 and 338 and rejected principles and reference terms needed for a political settlement.

The tripartite American-Palestinian-Israeli declaration announced by the White House following the failure of the Camp David accords stated that the three parties agreed to pursue efforts for peace, avoiding violence, underlining that the Security Council resolutions 242 and 338 were the basis for future peace talks. However, there was widespread belief on both sides that the collapse of the summit undermined stability, in light of Palestinian frustration. This was exacerbated by the vote in US Congress to impose economic sanctions against Palestinians if they resorted to a unilateral declaration of statehood and the transfer of the US Embassy from Tel Aviv to Jerusalem. President Clinton's remarks following the failure of the summit reflected a clear bias towards the Israeli position. In a nutshell, the Israeli strategy is to reach an accord that would terminate the Palestinian-Israeli conflict as a prelude to end the Israeli-Arab conflict. The matter is not linked with Israel's obligations to deliver conditions related to Jerusalem, refugees and the settlements.

The eruption of the Palestinian *Intifada* in the last quarter of the year 2000 constitutes the most important development for the Arab world during the year. It placed the Palestinian

problem at the forefront, bringing forth the cause of an occupied people seeking to liberate its land and establish a free and sovereign state.

Additionally, the *Intifada* has fostered the link between the Palestinian people living in the Territories and outside. In a Palestinian public opinion survey¹, 70% expressed support for the continuation of the *Intifada*, 50% expressed the opinion that the best way of achieving Palestinian objectives is to mix the *Intifada* and negotiations and only 8.4% believe that negotiations alone can achieve the required objectives. The survey indicated that 62.8% oppose the Oslo Accords. This is the lowest percentage scored since the signing ceremony in 1993. The results reflect Palestinian frustration from the political process in general and the negotiation procedure in particular.

The *Intifada* sent a message to the world with hundreds of Palestinian martyrs and thousands injured, that security and stability in the Middle East is unattainable without the achievement of a sustainable peace. This peace must guarantee Palestinian rights to all legitimate rights involving the liberation of all lands occupied in 1967, the establishment of an independent Palestinian State with Jerusalem as its capital and the right of return for refugees. It should be noted that the eruption of the *Intifada*, as a result of Sharon's provocative visit to Jerusalem's al-Haram al-Sharif, was also a result of Palestinian frustration stemming from Israel's procrastination in implementing transitional accords and failure to reach a final agreement following seven years of the Oslo declaration and what seemed to be endless negotiations. Israeli procrastination was further reflected by the fall of three Israeli governments, the call for early elections twice within four years, the last following Barak's failure in forming a national unity government.

President Clinton's intensive efforts in concluding an Israeli-Palestinian accord despite intensive last-minute attempts ended in a failure. The Arab and international communities are hopeful that the new Bush Presidency will be more capable and even-handed than its predecessor. In general, the Palestinian people view the American administration as largely biased towards Israel. A public opinion poll² indicated that 95.1% of Palestinians believe that the US is biased towards Israel while only 1% believe that it is on the side of the Palestinians. In another survey³, 74% believed that the US is biased towards Israel in the negotiations. As for US influence, 70% believe that the US has a large influence on Palestinian decision-making. Despite the critical situation and the prevailing violence, 60% are optimistic towards the future while 18% feel pessimistic.

1. Institutions of the Palestinian National Authority

1.1 The Executive Authority

1.1.1 The President

The year 2000 was filled with challenges confronting President Yasser Arafat. It was supposed to be a deadline for achieving Palestinian rights. Instead, a number of developments have not merely obstructed the achievement of such an objective, but have also led to the eruption of the second Palestinian *Intifada* that came as a response to Israeli provocations and the excessive use of force against Palestinian civilians.

It is apparent that the launching of the *Intifada* and Israeli provocations were a direct result of the failure of the Camp David Summit on September 4, 2000. It seems that the Barak government took a decision to teach the Palestinians a lesson and make them realize that they are the weaker party to accept Israeli dictates from the stronger party. This explains Sharon's provocative visit to the Haram Al Sharif coupled with a massive military cover. This also explains the excessive use of force by Israeli troops against worshippers and civilian protestors. The killing of sixty Palestinians with hundreds of wounded within one week from the eruption of events is also an indicator. The message addressed to the Palestinians was clear from the outset: "You have to accept what we are ready to offer you, any additional request shall not be met and any additional demands shall be faced with a force that you cannot resist".

Once more, President Arafat had to face tough challenges involving a chain of suffering at the political, social, economic levels. Although the tests facing the President involve advisors that are often amateurs, he demonstrated over the years a remarkable ability to survive and even emerge stronger. It may be assumed that the President and the Palestinian people are involved in passing the last exam. There are so many questions that require answers. Israel had finally changed its style of handling matters by assigning two professionals (Peres and Sharon) to manage the crisis in a more professional manner.

The Arab Thought Forum's general report last year pointed to the Palestinian people's need to establish a strategy for its future course. This seems to have started. Matters on the internal front are different. The President still gives priority to the political process at the expense of internal loopholes linked to the process of building. The President's moves to place internal reform on low priority opens the way for the spread of negative trends including mismanagement and misuse of public funds.

President Arafat has managed to sustain a high level of popularity over the years. However, recent events have negatively affected such popularity. A public opinion poll⁴ indicated that the level of confidence in Arafat declined to 25.7% last December, while it was 31.8% in June 2000. Such a rating looks reasonable compared to other figures that have jointly amounted to 23.6%. The percentage of people having no confidence in any figure has reached 31.8%. In another poll, 38.5% supported Arafat's Presidency with 14.3% supporting Sheikh Ahmad Yassin, and 10% went to Haidar Abdel Shafi.

Over the year, President Arafat has sought to transform the international consensus over the establishment of a Palestinian State towards the shaping of an Israeli-American-

Palestinian understanding. Reaching such an understanding would facilitate the re-deployment of Israeli forces and the spread of sovereignty. Such a transformation is not automatic but is bound to a new definition of drafting conditions for a possible peace, including the establishment of a Palestinian State within the 1967 borders.

President Arafat and Palestinian diplomacy in general have sought, during the first part of the year, to pressure the Israeli side through international and regional parties to face Israeli intransigence in meeting deadlines that have been agreed upon in the signed accords. The results of such efforts were extremely minimal and Israeli considerations had a greater impact in shaping up international and regional positions. The US efforts to speed up the peace process in the year 2000 and Clinton's drive to advance the Palestinian-Israeli track have placed President Arafat in front of three possible borders for the State of Palestine that have all been deemed unacceptable by Palestinian standards. The Camp David negotiations followed by the Taba talks have resulted in Israel's offering a fourth map involving a Palestinian State over 95% of the West Bank and Gaza.

The common denominator in maps presented by the Israeli leadership is that Israel is ready, in principle, to recognize a Palestinian State as an entity, at the expense of basic Palestinian rights and interests. The Americans and Israelis failed in the last Camp David summit to force Yasser Arafat into offering concessions dealing with the four principal issues, especially Jerusalem and the right of return for Palestinian refugees.

Before heading to the summit, the Palestinian leadership had expected and warned that the possibilities for failure are greater than the chances for bridging the wide gap between the Palestinian and Israeli positions. During the tripartite summit, Palestinian expectations proved to be true. There was a massive pressure to circumvent international resolutions calling for the full withdrawal of Israeli forces from Palestinian lands occupied in 1967, especially Jerusalem.

Sovereignty over East Jerusalem claimed by both parties has been the stumbling block in the negotiations. President Arafat asserted that he cannot envisage a just solution without the return of Jerusalem as a capital of the Palestinian State. With the absence of proposals dealing with the core issues, the talks reached a dead end. Both Clinton and Barak accused Arafat for the failure of the summit due to his "intransigent positions". In general, the Palestinians, including opposition groups, have expressed their satisfaction with the Palestinian position. With the eruption of the *Intifada* and Israel's violent response, many political analysts have called upon President Arafat to suspend talks with Israel. Israel, they believe, has been using the whole process as a cover-up for continuous violations by circumventing the international community and neglecting to fulfill its political, legal and human rights obligations. Arafat's assessment is based on other considerations. He depends on maintaining the vitality of the political process and the developments occurring on the ground. Abstract power balance considerations lead the President to consider that the suspension of negotiations, unilaterally from the Palestinian side, is a luxury that cannot be afforded.

On more than one occasion, different factions and parties have stressed that return to negotiations along the previous setup would seriously undermine the political targets set by the *Intifada*. Newly established political targets would rectify the framework of negotiations and lay a new basis, securing the application of international legitimacy, along with breaking the US monopoly of the political process. Despite this, Arafat and Barak headed to the Sharm El Sheikh summit with the most intense confrontation occurring on the ground since the Oslo Accords. In such a confrontation, every side has its outlook and demands. The Palestinian side is under full military siege by the occupying power, while the Israeli side feels itself under siege because of internal security and the vulnerability of settlements and settlers who found themselves hostage in their implantations.

The Palestinian *Intifada* has managed to stir mass movements in the Arab, and to some extent International public. However, such support was not transformed into political resolutions or did it prevent vetoes of Security Council resolutions or abort decisions issued by summit meetings.

Arafat has eagerly sought to secure the dispatch of UN international observers to protect civilians in the Palestinian territories from assaults by Israeli forces. The US threatened to use the veto even if the largest number of nations supported the proposed resolution. As a result, countries supporting Palestine demanded to actively participate with the USA in peace talks and in the decision-making process.

As for the internal policy, there were three basic events during the last year in which President Arafat participated:

1. The convening of the Central Committee of FATAH where basic political issues on the internal and external front were discussed, including the current negotiations at the interim and permanent phases. The meeting discussed ways of bolstering national unity among various sectors of the Palestinian people.
2. The convening of the Central Council where the difficulties confronting the Palestinian people in liberating the land and achieving independence was discussed. A special focus was laid over the need of maintaining national unity as a basic element in confronting challenges facing the Palestinians.
3. The inauguration of the fifth session of the PLC where the President delivered a speech referring to issues of concern in the Palestinian position.

President Arafat faced repeated demands from various groups and figures to focus on the internal front. The current *Intifada* exposed a number of flaws particularly in the lack of clarity of the political discourse, continued corruption, mismanagement and inefficiency to respond to emergency needs of Palestinians.

President Arafat visited the wounded in hospitals and locations that were subject to bombardment. He issued an order to donate a “presidential bonus” to 80,000 workers in the West Bank and Gaza after they lost their jobs as a result of Israeli closure and siege. There was criticism for such a decision since compensating workers is a right and not a bonus. Arafat praised the steadfastness of Palestinians living close to the settlements. He promised to restore buildings that were damaged as a result of shelling and issued orders to form a Higher Relief Committee to collect and distribute Arab donations to affected parties.

At the level of the judiciary and the rule of law, the President signed on an order to form an Upper Judiciary Council. In what is considered interference in institutions that are supposed to be civil organizations, he issued a decree specifying members of the board of trustees of both Al Najah National University in Nablus and Al-Quds University in Jerusalem. The President also approved the bylaws of the National Energy Council to establish electricity generation projects in the Gaza districts.

In light of discussions and initiatives to draft a constitution, Al-Multaqa held a special meeting in September seeking to develop a unified constitution.

The President also approved regulations concerning charitable societies and civil organizations that have viewed the matter as an important democratic achievement. Decrees approved included laws concerning labor, arbitration, commercial agents, traffic, and standards and regulations. Four laws have been presented to him for final approval after passing phases of endorsement at the PLC. With the purpose of encouraging investment and regulating revenues and fiscal management of the PNA, President Arafat ordered the formation of the Higher Council for Development.

Strengths 1. *The ability to mix between the tough political stand and diplomatic flexibility that would assist in facing Israeli actions seeking to circumvent principles of International Legitimacy.* 2. *Leading the country during the Intifada in a manner that would secure the largest level of Palestinian national unity. This is the cornerstone for confronting Israeli intransigence and violence.* 3. *The theoretical adoption of principles of democracy, rule of law and human rights.* 4. *Adopting a number of key decisions at the judicial level as a prelude for the necessary steps in assuring the principle of the independence of the judiciary.*

Weaknesses 1. *The suspension of elections pending the national liberation process has undermined the vitality of the democratic process. The principles of the rule of law are sheer slogans with no relevance to the actual reality.* 2. *Israel leads to undermine Palestinian popular and official positions. There is a dire need for the Palestinian negotiator to stress that the dignity of people are not to be sacrificed on the temple of Israeli security.* 4. *Although Israel has crossed all red lines, the official Palestinian position has been restrained by the Oslo Accord restrictions. The Palestinian position has not managed to transform the political position from a framework of Declaration of Principles to putting an end to occupation and colonization.*

Lack of effective m

1.1.2 The Government

The third Palestinian government formed in March 1998 continues to exercise its functions in spite of its transitional character. The eruption of events with the September 2000 *Intifada* has exposed the weakness of such a government that is not capable of coping under normal circumstances, let alone the emergency situation required to face the new developments. The lack of efficient and initiative-oriented structures that have the ability to adapt to changes on the ground are apparent.

The prevailing Palestinian trend of concentrating on the political process and its relations with the Israeli government towards ending the occupation has placed the issue of reforming and upgrading government performance on the backburner, indicating that the current inefficiency is bound to continue.

The question that poses itself is whether the political process and external circumstances, no matter how delicate and important, justify keeping the internal weakness, or is dealing with the internal weakness bound to strengthen the external front? Such a question is facing the leadership. However, this report deems it important to stress that strengthening the internal front and making it capable of coping with challenges requires the practice of democracy and the respect of the rule of law.

Appendix (1) includes detailed information about the PNA. The background to the formation of the Cabinet is included in previous Multaqa reports.

Upgrading the administrative performance of ministries and government agencies is of utmost concern to the general public. High expectations were placed following the formation of the Higher Committee of Development and Administrative Reform. By now it is clear that instead of ameliorating conditions, it has become part of the official bureaucracy and a burden rather than providing the required improvement. The formation of a Technical Support Unit that was designed to work with the five committees emanating from the Higher Committee of Development and Administrative Reform has been the only development to boost the process of Administrative Reform involving a number of International, Arab and local experts. The five committees emanating from the upper committee are committees dealing with: Administrative and Fiscal Development, Legal Development, Health, Education and Retirement and Pension. These committees are designed to deal with mechanisms of administrative and fiscal reform.

The management of salaries through the General Personnel Department rather than through the Finance Ministry required the formation of a smaller committee involving a number of experts who would develop a system between various ministries and departments and regulate salary scales, promotions, and setting standards for paying veterans and dealing with new employees and fresh appointments. Mechanisms were set to activate the committee of insurance, pensions and dealing with the problem of teachers. Another decision was taken to review the civil service law in both its

administrative and fiscal aspects and reach a mechanism for administrative reform and seek possible ways of developing the judiciary. Funds required to build courts and developing the judiciary were taken into consideration.

The PNA has continued its operation in the period covered by the Report, implementing a number of activities falling within its jurisdiction. With the eruption of the *Intifada*, the ministries that already had administrative and juridical problems faced a more complicated situation that required greater flexibility in dealing with emerging problems.

A public opinion poll 5 indicates that 55% of the public believes that the performance of the PNA is good or very good, compared to 37% who believe that the performance is bad or very bad. As for the PNA, the poll indicated that 21.3% view the performance as positive, 21.3% as medium, and 33.4% as bad.

There has been a varying level of accommodation by Palestinian ministries and institutions in response to the new circumstances created by the *Intifada*. A tiny section has managed to carry on with its work regardless of the emerging obstacles. Most had disruptions in carrying out scheduled programs. In some cases, ministers had to operate in branch offices where they reside resulting in a negative performance. The absence of a large number of employees from reporting to their work either due to Israeli siege or without justification resulted in weakening performance.

The general impression was that the *Intifada* has taken ministries and PNA institutions by surprise. This was despite expectations of setbacks resulting from failure to implement the Oslo Accords for over a year and a half as a result of Israeli intransigence and increasing frustration from lack of movement in the peace process, as well as increasing economic hardship at all levels.

The *Intifada* has reflected the vulnerability of various ministries and institutions in their capability to respond to emerging needs by the public. It was not possible to cope with the implications of thousands of workers losing their jobs within Israel or compensate victims of Israel's savage bombardment or providing relief to thousands of families that are now living below the poverty line. Lack of coordination between ministries was obvious.

By September, there was a clear paralysis in the functioning of most ministries and institutions. Massive Israeli assaults and the intensification of events could partially explain this. However, the total inefficiency that has affected government institutions in areas under full Palestinian control is unjustifiable. Once more, it became obvious that vital issues such as efficient management, the rule of law and proper institution building are elements that are not in any way less important than national struggle against occupation. The need for proper internal management has surfaced as a crucial element.

The PNA assigned the personnel department as the party responsible for government employees before and after recruitment, as well as the party responsible for upgrading personnel training in order to improve Palestinian performance, including a system to deal with end-of-service procedures. The personnel department was expected to coordinate with various departments requiring training programs and its implementation, especially following the establishment of the Administrative Development Institute under its auspices.

According to the most recent statistics, employees in the public sector involve 112,500 employees, in addition to 25,000 persons working for local government or those who are on the payroll of donor countries without appearing on the personnel rosters. Observers note that inflation and over-employment is not the only feature in public management. There is a serious decline in the level of performance and an increasing waste of public resources. In addition, there is lack of confidence at various administrative levels and a declining commitment to discipline and the sense of belonging. The actual situation poses basic questions about the role of official bodies during the current *Intifada*.

After a two-year delay from the signing of the Palestinian National Plan for Human Rights, the Ministry for NGO's, in cooperation with the Ministry of Planning and International Cooperation, as well as the UN Commissioner for Human Rights in Gaza, launched a program for holding workshops with experts, targeting public and NGO organizations in the Palestinian areas and Jerusalem. The national plan focuses on six sectors: education, health, housing, rule of law and the independent judiciary, social welfare, and environment. Actually, surveys were prepared to study the six sectors and a draft integrating them was completed in summer 2000. President Arafat was supposed to approve and announce this plan on the 51st anniversary of the Universal Declaration of Human Rights on December 10, 2000. The development of events disrupted that. Palestine is the only Arab country that endorsed such a plan, but what is more important is putting it to action⁶.

Al Multaqa was assigned to present a draft of the Palestinian National Plan for Human Rights. This was done with copies presented to the Ministry of Planning and International Cooperation and the General Commissioner for Human Rights.

Concerning the functioning of the ministries during the period covered by the report, the following aspects could be mentioned:

1. Health and Public Safety Services

The PNA has introduced some improvements in the health sector that suffered serious deterioration during the years of occupation. However, the measures to improve health

services did not match the increasing population and has not reached internationally accepted quantitative and qualitative standards. The Palestinian population still suffers from health insecurity. There is a wide disparity in primary health-care services provided in the West Bank and Gaza, as well as between urban and rural areas. The same disparity applies on the rates of infant mortality. Medical services are also disproportionate in the field of geographic distribution despite the construction of new hospitals.

In light of the spread of drug-use in Jerusalem, Al Multaqa held several meetings during the year 2000 resulting in a project to prepare a field study to diagnose the problem.

The health sector suffers from a shortage in the number of doctors in proportion to the population. Currently, there are ten doctors to ten thousand persons. The lack of up-to-date medical equipment forces medical services to be dependent on Israeli hospitals. Israeli measures of limiting freedom of movement of both patients and health workers should also be mentioned, especially restricted access to Jerusalem⁷.

There is also a negative trend in social habits that hamper proper diagnosis of patients, such as lack of providing medical prescriptions or resorting to sorcerers. The weakness of syndical activity in the health sector and its dependence on outside sources including the lack of coordination between Gaza and the West Bank together with the PNA's interference in union work, has further weakened organized activity.

Health services are provided through the Palestinian Health Ministry as well as NGOs, UNRWA and the Private Sector. Officials in charge of health affairs are keen to apply human rights principles in the domain of health. However, there is lack of a long-term plan. Developing health services are far from responding to the needs of Palestinian Society, especially to poor and marginalized groups due to the lack of providing budgets needed to construct and equip hospitals or secure medicine and advanced medical equipment. The right of guaranteeing physical and mental health is a matter of utmost importance.

There is talk about negative symptoms concerning medicine that is not readily covered by health insurance. Certain parties monopolize import of medicine undermining the local pharmaceutical industry. The PLC's health committee has laid the legal framework to regulate the health sector and address the lack of medical products and provide mechanisms to monitor and control pharmaceutical products and medical institutions.

The Committee recommended that the PNA should hold the Ministry of Health solely responsible to supervise the package of health regulations including public health, auxiliary medical services, health insurance and standardizing pharmaceutical control at ports of entry.

Table 1

Distribution of Health Institutions in Palestine, 1999 8

Type of Hospital	WB		Gaza Strip		Total of Hospitals No. of Hospitals	Total of Families No. of Families
	No. of Hospitals	No. of Families	No. of Hospitals	No. of Families		
General	20	1607	5	829	25	2436
Specialized	5	524	7	387	12	931
Rehabilitation	3	89	1	30	4	119
Birth	17	279			17	279
Total	45	2499	13	1246	58	3765

The Ministry of Health has been remarkably active in responding to the challenges imposed by the new *Intifada*. It has carried out its work efficiently with the personnel showing a high rate of attendance and treating the large number of wounded. The Ministry has benefited from previous experience by establishing field hospitals in various districts. Patients needing long-term treatment were transferred to hospitals in Arab and European countries while local clinics continued to treat regular cases. Despite the exceptional conditions, the ministry addressed health matters to service the population. During the same period, the European Gaza hospital was established through the initiative of UNRWA.

However, the activity of the ministry was focused in towns and did not extend to rural areas. Patients were transferred to all hospitals including private hospitals. This was a heavy burden especially considering the financial deficit in Jerusalem's Al Maqassed hospital. Medical institutions in Jerusalem were also subjected to shooting by Israeli troops as in the case of the Augusta Victoria hospital.

The Palestinian Red Crescent crews managed to reach locations of events in record time. Appendix (13) indicates human losses prepared by the Palestinian Red Crescent Society. The Health Ministry has established 35 new health centers in various districts and rehabilitated 75 other centers. The Minister of Health has declared that the year 2000 would witness a qualitative improvement in health services provided in Palestinian urban and rural areas. The hospital of martyr Mohammad Al Durra was launched with 60 hospital beds covering pediatric and cardiac services together with three emergency units.

The total number of hospital beds functioning at the end of 1999 was 3765 with a deficit of 1646 beds. By the end of 2003, Palestine needs called for a total of 6058 hospital beds⁹.

A public opinion poll¹⁰ indicates that 48.6% believe that the health system in Palestine is good, 32.4% consider it average, while 17.7% believe it's bad.

Supplies

Supply of food and consumer products have an important effect in securing health and economic rights. Advanced countries actively coordinate efforts between public and private institutions to secure consumer rights. The Ministry of Supplies has been active in this field. However, there is lack of cooperation with the private sector especially in raising public awareness. The Ministry's activity is more focused on combating malpractice rather than prevention. There is a need to balance between these two measures. The activity of the Ministry concentrates on checking canned products and gold, although consumer products affecting public rights are much more than these two products.

There is a necessity to set up a program to develop consumer awareness through a concerted effort among the Ministry of Supplies, the Ministry of Commerce and the Association of Consumer Rights. During the year, Ministry of Supply inspectors have discovered a large amount of unhealthy and expired food products. Tons of Israeli expired products were destroyed by the Ministry, which has taken prompt measures to deal with **lesteria germs** in Israeli food products. Samples were taken for laboratory testing. Products involved all kinds of milk products, frozen meat, chicken and frozen fish.

Al Multaqa held a workshop in March under the title: "Produced in Palestine" with the participation of the Minister of the Economy, Director General of Industry Ministry and a number of industrialists.

The Minister of Supplies announced that the PNA decided to confiscate all Israeli settlement products that have been smuggled into the Palestinian market and that do not fit into standards set by the Ministry from local markets. The Director General of Inspection and Control in the Ministry of Supplies declared that Israel is undermining the health of Palestinians through encouraging the smuggling of items and unhealthy supplies to the Palestinian areas through settlements. The Ministry has taken a decision to ban the entry of all material with expired dates into the PNA areas.

The Ministry appealed to the public not to purchase unbranded gold products. One-hundred and sixty-two merchants who violated this were transferred to prosecution to be charged. Merchants were ordered to declare prices for items on sale with statements of content in Arabic.

The Petroleum Agency indicated that gasoline products are 4% more expensive in PNA areas. It warned that it would rigorously inspect prices and take measures against violators. The Israeli government threatened on several occasions that it would stop

gasoline supplies as a form of fighting the *Intifada*. In fact, this was done on several occasions, particularly in the Gaza Strip.

Environment

Since its establishment, the Ministry of Environment has exerted clear efforts to improve environmental conditions in Palestine. It has undertaken practical measures in this direction through endorsing a strategic plan defining its working relation with international and local NGOs working in the field. Necessary environmental regulations were endorsed¹¹. The Minister of Environment considered that the PNA President's approval of the environmental law #7 of 1999 is a worthy step and a national achievement since Palestine was among the first countries that endorsed such a law that includes the preservation of national resources. The Minister described the law as comprehensive and inclusive of economic, developmental and social concepts. The approval was warmly welcomed by international agencies, donor countries and the World Bank. What is more important, however, is the implementation of the law and taking necessary measures to put an end to the violations that are still widespread.

Labor

President Arafat approved the Labor law. However, this was not officially endorsed or published in the official gazette. Clearly, this has to do with the financial implications involved.

The closure imposed by the occupation authorities in PNA areas has resulted in many employees missing work. This did not impede the participation of the Ministry of Labor in emergency committees formed in various districts. Lists of workers affected by closure and unable to attend work were prepared, including lists of workers employed in Israel with valid work permits until September 28, 2000. According to the Labor Ministry, these workers amounted to 44,000, who received a one-time bonus of 600 NIS. In cooperation with the ministries of Agriculture and Local Government as well as UNDP, lists were prepared to support a program to create jobs for the unemployed with a budget of 12 million dollars.

The General Administration of Labor Relations in the Ministry has announced the formation of emergency committees in all districts in conjunction with productive parties (the Ministry of Labor, the Trade Union Federation, the Chambers of Commerce and the Union of Employers), in order to face the current conditions. The Ministry focused on labor sectors to ensure safety measures and minimize hazards for workers on duty.

Al Multaqa is in the process of producing a simplified version of the Labor Law.

2. Educational Services

School education is provided through the public sector covering 67.5% of pupils while UNRWA covers 26% and the private sector 6.5%. In addition to providing educational services to school students and administering the operation from kindergarten to secondary levels, the Ministry of Education supervises and sets the curriculum for private and UNRWA schools.

There is a shortage of schools and classrooms. In 1999, there were 1700 schools, mostly falling under the Ministry of Education. There is a wide discrepancy in the level of schools with 43% lacking one or more of the basic services, such as providing water or electricity regularly or having restrooms and scientific labs, libraries, and adequate playgrounds and fields in some schools. There were **793 thousand** students in secondary schools during the year 2000. This constitutes a high proportion of 91%. The students who make it to the secondary level are not more than 70,000 persons annually: Although male and female students are equal at the basic level of studies; the rate of females tends to decrease at the secondary level.

Estimates of the Ministry of Education¹² indicate that there were **115 thousand** classrooms in the year 2000 with a need to add 720 classrooms annually to cope with natural increase.

Al Multaqa held a special session on November 18, 2000 to discuss the situation of education during the *Intifada*. A study was published about the situation of education in Jerusalem.

The Ministry of Education has set up a database involving statistics related to the educational process for the year 1999-2000. The information was computerized and indicates that there was a 6.5% increase in the number of pupils and a 4.5% increase in the number of schools during last year.

A study conducted by the Ministry during the school-year 98-99 indicated that the overall **leakage** from public and UNRWA schools was 1.6%, with the proportion increasing in higher grades to reach 4% at the secondary level.

It should also be noted that teacher salaries are quite low and do not meet necessary levels for an adequate standard of living, resulting in repeated complaints and strikes by the teachers. Many teachers resort to looking for additional work that might affect the venerated status of educators, as well as decreasing efficiency and job satisfaction.

A public opinion poll¹³ indicated that 41% believe that the Palestinian educational system is good, 33.6% average and 11.4% bad.

The Director General of the Education Ministry announced that a fund was established for social welfare support providing 6.5 million NIS for ministry employees in 1999, including families of deceased employees, as well as retired and resigning personnel. In addition, educational loans were provided to employees. The Ministry has approved a system for a provident fund involving a 2% salary cut. Since this issue is pertinent to the personnel of the Ministry, discussion over the matter is ongoing.

The Palestinian universities that absorb 65,000 students face a double-thronged financial problem. On the one hand, there is a shortage of funds needed to cover operational budgets, including low salaries to academic staff. On the other, students and university administrations face the problem of tuition fees that are becoming more difficult to cover with declining economic conditions. The financial situation at Al Quds University is particularly critical and could lead to paralysis.

Table 2

Palestinian Universities and Student Numbers, 199914

Al Azhar	4	4	8438	100
Islamic	3	6	8823	200
Bethlehem	2	4	1950	14
Birzeit	2	2	4274	505
Hebron	2	3	2610	19
Jerusalem	3	6	4060	657
Jerusalem Open	2	3	20850	150
Najah	4	6	6740	480
Education College/Gaza		1	3670	151
College of Science Edu/Ram		2	570	
Ploritecnic	1		1975	

Needless to say, the crisis in universities cannot be addressed without fundamental measures that would secure funds to cover operational costs or devise a tuition system that does not depend on minimum fees, taking into consideration the need to provide exemptions to needy students. Such steps require a concerted coordination between universities and the Ministry of Higher Education with backing from the PLC and the Ministry of Finance.

In light of the increase in violence at schools, Al Multaqa held a special session on February 15, 2000 to discuss the matter with the participation of a number of educators to come up with suggestions to deal with the problem. Concerning the role of youth, Al Multaqa held a workshop on February 2, 2000 with a selective group of Jerusalem High School students to discuss concerns and needs of the youth.

Obviously, salary scales are linked to the general budget and improving salaries require a political decision backed by locating adequate funding. Annual expenditure of the Ministry of Education in the year 2000 was 212 million dollars of which 157 million went to salaries. A normal increase of 15% is required each year.

The Ministry signed several developmental agreements, including:

- An accord with UNICEF involving US\$552,000 to build quantitative and qualitative projects responding to the needs of children, basic education and baby-health care.
- An accord with Save-the-Children involving a million dollars to implement a US funded project to support and train educational activities and cadres.
- A three-year agreement with the Australian Government to support vocational and commercial training for one million Australian dollars with a special focus on Gaza Strip.
- In cooperation with Norway, Saudi Arabia, Holland, Japan, Spain and Germany, the General Administration for Construction and Projects in the Ministry has completed plans to build 6 new schools.
- With support from the Japanese Government, a number of additional classrooms and health units were built in a number of schools.

In addition, 1011 teachers who were entitled to educational loans received support.

The Ministry expressed relief for the return of normal school life following the general strike of schoolteachers, praising the positive position of the teachers at the national level. However, this should not be at the expense of the teachers who are entitled to improve their standard of living.

The educational sector had its share of Israeli violations. Since the beginning of the Intifada, oppressive measures were taken against schools including infrastructure damage through repeated shelling causing serious damage to educational buildings in various districts. The erection of roadblocks and the siege of towns and villages disrupted access to schools by students and teachers. The killing and wounding of scores of pupils by occupation troops has had a devastating effect on schools and students.

According to the Ministry of Education estimates, 45 pupils were killed in the first month of the Intifada and an additional 1500 wounded, with some suffering permanent damage. The shelling hit 25 schools in the West Bank and Gaza. The siege imposed and restrictions of movement complicate the process of restoration, coupled with the psychological stress on pupils. These are flagrant violations of international conventions calling for the protection of children.

The Ministry has taken serious steps to deal with the emerging situation. An emergency plan was set to transfer students from damaged schools to other locations and to devise a project to teach the wounded at home. Other plans involved the functioning of teachers under emergency conditions. All of these are exceptional steps that cannot go on

indefinitely, and that require coordination with international organizations, specializing in education. The Israeli practices should be exposed and stopped.

3. Infrastructure and Housing

Great efforts were made to rehabilitate Palestinian infrastructure that was damaged during the period of occupation. Through support from donor countries, several projects were undertaken to improve the situation, especially in projects involving roads, schools, hospitals, potable water and street lighting. A number of Palestinian institutions coordinated such activity, including the Ministry of Planning and International Cooperation, PECDAR, the ministries of Local Government, Health, Education, Housing, as well as the Water and Electricity authorities.

Al Multaqa held a session in May to discuss urban planning with a number of experts and officials of the Ministry of Local Government.

Several plans were set up to develop the housing sector with the participation of private sources in order to provide housing¹⁵ for people with limited income and to secure related public services. In addition, a system for long-term housing loans was endorsed setting standards and ground-rules for housing projects. The plans included projects in rural and peripheral areas as well as projects to survey, manage and register state lands. The legal and juridical basis for building development standards was also set. A total of 55 million dollars was earmarked for the plan.

It is obvious that such a plan responds to the need to provide adequate housing, but in reality things are far from what is required. It is pertinent to note that the plans should meet implementation deadlines. Right from the outset, the PNA undertook plans to restore infrastructure and provide housing and buildings to ministries and returnees. Such activity was mostly concentrated in Gaza City and Ramallah, with the PNA institutions encouraging private and banking contributions¹⁶.

The Ministry of Housing had to carefully keep track of buildings damaged by Israeli shelling during the Intifada and provide estimates for the repairs needed. At the time this report was prepared, there were 430 residential units and houses that were seriously damaged in the West Bank and Gaza while 2635 residential units were partially damaged. The amount needed to repair the structures that were shelled is around 35 million dollars, of which 52,000 NIS were offered by the PNA for repairs in 70 Beit Jala houses. Hebron Municipality provided money for the restoration of shattered windows in 250 houses. In Nablus, some donations were collected to help owners of damaged houses, while in Jericho local societies helped in the repair of two houses.

The Director General of the Ministry estimates that the total contribution provided by governmental and non-governmental sources to repair damaged buildings is around 100,000 dollars. The Council of Ministers issued a decision requiring compensation for damages. However, implementation of the decision is limited due to lack of funds,

meaning that hundreds of people are suffering and being obliged to leave their homes and take refuge in other locations.

The Water Authority has launched the third phase of the Water Resource Program in the West Bank at a cost of 85 million dollars. The plan is designed to raise efficiency in providing potable water to the public and deal with chronic shortages of water, especially in the summer season when there are extended water shortages in towns and villages.

The Director of the Energy Authority signed an accord with the Norwegian Government to support electricity projects in Palestine to the tune of 10 million dollars. The National Company of Electricity for the north of the West Bank was registered with a capital of 100 million dollars, providing electrical energy with 200 megawatts. The Palestine Electric Company has managed to complete 80% of the electricity-generating project that will cost 150 million dollars. With the eruption of events in September 2000, there was a slowdown in the project resulting from Israel's blocking the entrance of basic equipment in the ports. The Israeli government also threatened, through the Israeli Electricity Company, to stop supplying electricity because of unpaid bills.

The Jerusalem Electric Company, after years of trouble, is witnessing a process of reform and development. The Finnish Government's technical and financial assistance of 30 million dollars has dramatically helped the situation.

4. Social Affairs and Welfare

The Ministry of Social Affairs faced difficulties due to the reduction of financial assistance by 300,000 dollars monthly, to the needy and families of martyrs. The Minister of Finance denied that there was a reduction, stressing that the budget for social affairs was increased by 2.5 million dollars annually, insuring all the allocations earmarked to martyrs inside and outside Palestine.

The Ministry announced that it provides relief aid to 42,000 families in the Palestinian areas and 22,000 Palestinian families in Egypt, Jordan, Syria and Lebanon, as well as assistance to the families of martyrs, wounded and prisoners in all areas. By December, the Ministry had provided 300 dollars to each of the 3500 wounded. A first installment of 2000 dollars was paid to the families of martyrs. Payment to these two categories was provided in cash and directly.

The Ministry allocates a monthly payment to the families of martyrs and seriously wounded victims of the Intifada. Payments amount to 600 NIS to the unmarried wounded, in addition to 250 NIS to the spouse and 25 NIS for each child. The Ministry has committed itself to provide such assistance for 6 months awaiting a future decision

for the two categories. Assistance was provided through a committee of 3 persons that visited the family of each martyr or wounded within the first week of the death or injury.

The Department of Martyrs and Wounded in the Ministry of Social Affairs received (by the end of 2000) 2 million dollars from the Ministry of Finance. Any additional contributions or donations should pass through the Ministry of Finance. The Minister of Social Affairs signed an agreement with the Director of WFO (World Food Organization) providing 9700 tons of wheat as emergency assistance with a cost of 3.9 million dollars to be distributed to needy families in various districts.

With the increasing burden resulting from casualties, unemployment and economic decline, the Ministry does not have the financial means to cope with the new situation. This evokes the need to develop social insurance and support systems to enable meeting the challenges.

5. The Economy

The Palestinian economy has attained a gross national income of **5445 million dollars** in 1999 following continuous growth in 97,98,99. In the year 2000, it was expected that there would be a 6% growth as in the previous year. Indicators gathered in the first and second quarter of the year pointed out to that. However, the severe Israeli economic blows following September 2000 have changed the course of events¹⁷.

Indicators covering a period of 12 months ending in March 2000 show that the private sector has attained a growth rate of 25%, bank deposits increased by 18% to reach to 2.8 billion dollars. Loans offered by local banks amounted to 900 million dollars, amounting to 32% of the deposits. These loans are mostly of a facilitating nature. Banks are still hesitant to get involved in serious investments.

Tax revenues have increased by 25% and unemployment reduced to 10.9% compared to 13.9% in the previous year. At the same time, price increases did not exceed 3.3%. There was a serious setback in these trends following the eruption of the Intifada. The gross local product has decreased as a result by 50.7%. There were varying levels of decline in different sectors with 40% in transfer industry and construction, 30% in internal trade including revenues from value added tax, 10% in agriculture, 10% in public administration and local projects, 10% in public services including education and health¹⁸.

There has been a wide discrepancy in the effects among various sectors. Hotel and tourism activity declined by 88%, farming and fishing 74%, construction 78%,

government projects 60%, custom revenues 60%, VAT (Value Added Tax) 50%, financial mediation 24%, and transport 34%.

Part of the reason for the losses is the following:

1) Government Revenues:

The Israeli Government has been withholding tax revenues owed to PNA, that constitute 70% of public revenues. Amounts withheld until the end of the year totaled 320 million dollars.

2) External Trade:

Non-agricultural exports to the Israeli market amounted to 45 million dollars monthly during the first half of 2000. As a result of the closure, there is a daily loss of 1.9 million dollars in this area.

3) Labor Market:

Until August 2000, 143,000 workers were employed in Israel of whom 110,000 of them were laid off. This resulted in a loss of 170 million dollars during four months.

Israel's absolute control of the above-mentioned sources of revenue reflects the policy of hegemony and pressure tools that can be exerted against the Palestinians and the PNA. Without breaking Israel's control of these three sources of income, the Palestinians will be unable to exercise any form of independence. The nature of political accords will determine the result. For instance, custom revenues cannot be controlled without direct import through Palestinian harbors. Revenues from external trade require control of border passes. As for the labor market, there is a need to develop the Palestinian economy and provide local job opportunities. This requires economic investments that are clearly hampered with Israel's control of borders and ports¹⁹.

The Impact of Israeli Measures on Economy and Living Standards

The Israeli measures have clearly targeted the Palestinian people through collective punishment bound to impoverish and lower living standards. Constant control of movement has played its role in placing one-third of the Palestinian people below the poverty line (which means that the daily per capita income is 2.1 dollars or even less). By September 2000, 21% of the Palestinian people were below such a line and the figure rose to 32% by the end of December 2000.

For further elaboration on the impact of such measures, the following can be added:

Revenues:

The Gross National Product (GNP) increased in 1999 to 5,850 million dollars with standard prices. A 6% increase was expected by the end of 2000 based on an over-all daily product of 17.3 million dollars with 312 workdays. However, due to Israeli collective punishment measures, production decreased by 50% meaning that the amount of daily losses is 8 million dollars, which is double the total assistance provided by the donor countries during the first half of the year 2000²⁰.

The blockage of custom and tax revenues resulted in massive damage to the PNA treasury, depriving it of 50 million dollars monthly. The losses are linked to the paralysis affecting various aspects of commercial activity including import and export. The siege and closure disrupted all border passes and indemnities had to be paid for thousands of tons of goods held in the port of Ashdod. The Israeli Government also withheld tax revenues and workers insurance benefits.

The direct total monthly losses resulting from the decline of national production is around 317 million dollars, which means that between September and December 2000 a total of 1.3 billion dollars were lost²¹.

Unemployment:

Following the relative stability in the Palestinian territories starting from the second half of 1996 and continuing until the eruption of recent events, unemployment declined from 25% in 1996 to 11% in the middle of 2000. This means that there were 70,000 unemployed Palestinians that soared to 260,000 (40%) in the last quarter of the year as a result of collective Israeli measures. Considering that each employee supports an average of four dependents, this means that 760,000 persons were negatively affected in their living standards.

Destruction of Property:

Under security pretexts, the occupation forces have systematically destroyed buildings and infrastructure severely hampering services, industry, agriculture and means of communication. Rockets, artillery shells and automatic weapons were used in addition to truncating roads by heavy military bulldozers. The settlers have taken their part in assaulting Palestinian property in almost all areas surrounding settlements, especially in Rafah, Khan Yunis, Beit Jala, Beit Sahour, Hebron, Toubas and Qalqilya.

The destruction has affected hundreds of sites with initial estimates indicating that by the end of the year, 3065 houses were damaged²². Partial surveys uncovered that by

November, there were 13 public buildings, 10 factories, 14 religious sites, and 67 cars including ambulances that were hit. Bulldozing covered large areas of agricultural fields, gardens, orchards and irrigation means, in addition to roads. In Gaza Strip alone, 5000 dunums were bulldozed. The damage is estimated at hundreds of millions of dollars.

Days of Closure:

Within the same pattern of Israeli collective punishment measures, the last quarter of the year 2000 involved 69 days of closure out of 122 (i.e. more than half the period). This constitutes the highest rate imposed since 1993. Closure involves preventing use of main roads, obstructing movement on side-roads, erecting roadblocks, attacks by settlers, truncating sections of the road, digging trenches or blocking roads by heaps of rocks.

The closure entails the following practices as well:

- a) Preventing travel between the West Bank and Gaza.
- b) Shutting down the "safe passage" between Gaza and the West Bank after a year from its inauguration, while the second passage was not opened.
- c) Closing the Gaza airport for a total of 60 days (50% of the time since September).
- d) Shutting down the Karama passage on the River Jordan at a rate of 20 to 36% of the time, depending on civil or commercial usage.
- e) Shutting down the Rafah passage on the Egyptian border, at a rate of 40 to 60%, depending on civil or commercial usage.

Siege and Isolation:

In addition to closing roads, the occupation authorities, since the beginning of the Intifada, have resorted to separate and isolate Palestinian territories into enclaves actually dividing the West Bank into 46 separate enclaves and Gaza into five.

6. Commerce

The Palestinian economy was the main victim of recent events. Not only was the national income affected, but all living conditions, with 42.9% facing an economic decline as a public opinion survey indicated²³. Implementation of the WYE River Accord in the economic section, that entailed widening and increasing export and import items with Arab countries (Egypt and Jordan) involving 1300 items amounting to 20 million dollars each 6 months, was blocked. Severe measures were taken to paralyze local and international commercial activity that became concentrated in isolated enclaves.

Import activity has become almost completely paralyzed following Israel's holding of Palestinian goods in ports imposing high indemnities and fees.

Al Multaqa held a meeting on November 11, 2000 to discuss the capability of the Palestinian economy to cope with actual challenges with the participation of a number of ministries, PNA officials and NGO representatives.

The tourism sector was deeply affected by recent events. Israeli measures involving blocking roads, policy of siege and destruction has made it impossible to secure the minimum requirements for touristic activity. Tourism and service sectors were stifled as a result. Plans for Bethlehem 2000 project failed to achieve expected economic returns. However, the ministries of Tourism and Bethlehem 2000 continue to pursue their efforts, hoping for the revival of the touristic market. The Ministry of Tourism and Archaeology announced that the PNA is in the process of establishing new museums in Jericho, Bethlehem, Hebron, Ramallah, Tulkarem and Sabastya after completing renovation preparations.

Al Multaqa held a session to discuss the future of tourism in Palestine drawing from the experience of Project Bethlehem 2000 with the participation of the Minister of Tourism, Minister of Bethlehem 2000 and a number of experts.

The agricultural sector faced equally difficult circumstances with the disruption of the olive picking season and the beginning of winter farming. The policy of closure has largely undermined marketing procedures leading to grave losses to farmers. This was coupled with Israeli forces damaging and bulldozing many fields and agricultural facilities under security pretexts.

Al Multaqa held, at the end of February, a session to discuss the future of Palestinian economy with the participation of officials, and business people to discuss trends in the economy.

According to the Ministry of Agriculture, the Israeli measures have caused losses to farmers in villages and rural areas amounting to the tune of 60%. Figures published by the Ministry of Agriculture indicate a serious setback in exported agricultural products, as well as a disruption in the execution of the Ministry of Agriculture to vital diversification of products causing a loss of almost 1.6 million dollars.

Under the pretext of controlling roads, occupation forces resorted to damaging and bulldozing orchards and agricultural fields over vast areas in Gaza Strip and the West Bank, including the destruction of artesian wells and rural housing structures. In several cases, buildings and infrastructural sites were leveled. Since September until the end of the year, a total of 4450 dunums of land in Gaza was destroyed²⁴.

5. The General Budget of the PNA

The Intifada and the Israeli siege of Palestinian territories prevented the Ministry of Finance from presenting the general budget for the year 2001 on the prescribed time, which is two months before the end of the year 2000, unlike the previous budget that was presented on time. However, the law regulating the general budget granted the PNA an extension of spending money for three months into the new fiscal year based on the previous budget (i.e. until March) after which expenditure would be illegal.

Great efforts were made to approve the general budget project for the year 2001 prior to the convening of the Arab Summit on March 27, 2001. A number of experts were summoned to help in the preparation of the budget in order to demand that the Summit participants cover the deficit and provide emergency assistance to the health, education and social welfare sectors. The PNA also requested the Summit to speed up the financial assistance required according to the studies involving reconstruction of property destroyed by the occupation and look seriously into the resolutions of the conference of Arab Finance Ministers that was held last November. In general, the budget committee of the PLC is in the process of preparing a report about the budget to be presented for approval*.

Al Multaqa held in June a symposium on budget preparation with the participation of the PLC's Director of Budget and the Director of the General Control Bureau to expose conditions required in the General Budget.

The budget presented for the year 2000 was similar to the previous one with a decrease of 55 million dollars, reaching 1.679 billion dollars. A prominent feature was the amount of local revenues that were estimated at 362 million dollars, while public expenditure was due to increase by 314 million dollars, mostly to cover salaries of 6000 new employees hired in the last quarter of 1999 (this constitutes three-fold of the number specified in the budget). In the first quarter of the current year 2000, an additional 4250 employees were placed on the pay roll in contrast to 3400 employees specified in the budget for the entire year 2000. Increase in hiring new personnel is done in an arbitrary manner and does not respond to real needs. There is still a serious shortage in manpower within the justice, judiciary, health and education sectors. By the end of the current year, there will be a total of 112,500 employees on the PNA pay- roll.

The PNA expects that the budget deficit will be 546 million dollars with the total public revenues amounting to 1.308 billion dollars divided as follows: 581 million dollars from local revenues, 117 million dollars from donations and grants to support the budget, 60 million dollars as soft loans, and 550 million dollars from grants earmarked to fund developmental projects.

The level of local revenues in the year 2001 has decreased by 383 million dollars due to Israeli measures. In the previous year, it amounted to 964 million dollars. The local revenues constitute 50 million dollars from income tax, 200 million dollars from custom

revenues, 259 million dollars from Value Added Tax (VAT) and 72 million dollars in non-tax revenues.

Public expenditure in the 2001 budget is 1.677 billion dollars of which 1.89 billion dollars are operational expenses divided among 686 million dollars as wages and salaries, 193 million dollars as operational expenses, 14 million dollars as regular capital expenses and 218 million dollars as transfer expenses, bringing the total current expenses to 1091 million dollars.

Developmental expenses were estimated by the PNA as 588 million dollars, including 38 million dollars financed by the General Treasury and 550 million dollars from donor countries. The deficit in the general budget for 2001 is largely due to oppressive measures by the occupation, with an estimated 3 billion dollars of losses until the end of the year. In general, the data provided in the budgets of the fiscal years 1997, 1998, 1999 and 2000 indicate a decline in the level of international aid from donor countries and the linkage to the development of the peace process, moving away from the principle target of boosting Palestinian economic growth. ?? Linkage of development to the peace process?

There is an equally declining trend in providing international assistance to development activities and fulfilling commitments of donor sources. In 1997, only 269 million dollars were delivered constituting 32% of the pledged funds. In 1998, the amount was 330 million dollars (37% of the expected), while in 1999 the amount was 235 million dollars (34% of the expected). 25

The Arab Summit Conference held in Cairo in October 2000 pledged to provide a billion-dollar assistance to Palestine. The actual amount that was transferred was 53 million dollars only.

In reviewing the budget over four years starting from 1997, there was a trend of a gradual increase in revenues starting from 953 million dollars in 1997 to 1364 million dollars in the year 2000. There is also a gradual increase in expenditure whereby from an amount of 1113 million dollars in 1997 the figure reached 1363 million dollars in 2000. Simultaneously, the deficit decreased from 159 million dollars in 1997 to 109 million dollars in 1998 and to 58 million dollars in 1998 with no deficit whatsoever in the year 2000. This was achieved despite the small proportion of increase to funds reaching the PNA -i.e. from 270 million dollars in 1997 to 400 million dollars in 2000- (with an increase of 130 million dollars, which is less than the deficit in the budget). Such a positive trend is basically due to the improvement in tax revenue collection that has increased from 345 million dollars over a period of 4 years to 228 million dollars during the year 2000 alone, although the last quarter of the year had a serious economic setback with the Intifada and Israeli military measures.

Table 3

Break-up of the General Budget 1997-2001 (in millions of dollars)²⁶

	1997	1998	1999	2000	2001
General Revenues	954	1084	1136	1364	1308
Local Revenues	684	754	901	964	581
Grants and Donations	269	330	235	400	117
Public Expenses	1113	1194	1194	1364	1677
Running Expenses	790	853	953	940	1089
Developmental Expenses	323	341	241	423	550
Deficit	159	109	58	Zero	526

International Aid

The third quarterly report for the year 2000 issued by the Ministry of Planning and International Cooperation²⁷ indicates that the total amount of pledged assistance over the last five years amounted to 4641 million dollars (81% of amounts pledged over the last five years). Actually, 3057 million dollars were transferred (of which 404 million dollars are in form of loans). Of the amounts transferred, 285 million dollars were geared to the NGOs and the rest to PNA institutions. This constitutes 66% of committed aid and 53% of pledged aid. Comparing such figures with the budget of 1999 indicates that 467 million dollars were forthcoming until September 2000.

Table 4

Assistance by Donor Countries²⁸

1994	829	504
1995	651	425
1996	744	514
1997	699	553
1998	641	425
1999	649	473
2000	527	162

It is noted that there is a decrease in the amounts delivered compared to the amounts pledged by donor sources. In 1995, the actually delivered assistance was 64%, in 1996: 66%, in 1997: 77%, in 1998: 57%, in 1999: 65% and in the year 2000: 89%, according to the afore-mentioned report of the Planning Ministry.

Table 5**Distribution of Pledged Aid on Various Sectors 1994 until September 2000
(In millions of dollars)²⁹**

Water & sewage treatment	429	48	Agriculture	57	8
Education	365	26	Hard Waste	30	-
Institution building	568	287	Detainees & Refugees	33	5
Health	251	43	Tourist & Cultural Resources	74	48
Infrastructure	219	94	Industrial development	25	4
Housing	105	8	Woman	15	2
Democratic development	98	6	Environment	10	-
Police & Security	110	19	Private sector	12	3
Transport	164	74	Child care	6	-
Productive sector	139	57	Communication	4	-
Humanitarian aid	129	47	Judicial affairs	9	6
Social & human development	58	58	Other sectors	17	
Energy	62	6	Overlapping sectors	47	
Water	429				
Human Rights & Civil Society	27				

In addition to water, sewage and wastewater treatment infrastructural build-up that consumed 94 million dollars, there was a focus on transport with 74 million dollars, human and social development: 58 million, the productive sector: 57 million, tourism: 48 million (mostly for the Bethlehem 2000 project), an additional 48 million for water and sewage, humanitarian assistance: 47 million, health: 43 million, and education: 26 million.

The mechanism to dispense with such assistance was implemented through signing 150 agreements with various countries, including 10 free trade accords, 5 loan agreements and 10 bilateral comprehensive agreements and 125 assistance agreements.

The Monetary Authority

The Monetary Authority is supposed to be the backbone of the banking system working on improving professional and administrative performance and extending services to boost finance operations. It should be capable to commit banks to abide by guidelines and procedures that would guarantee transparency and secure the publication of annual and periodic activity statements. The Monetary Authority has issued elaborate circulars to supervise banking activities in Palestine and setting procedures for publishing budgets with an external auditing system. However, economic analysts point to the inability of the Authority to take appropriate measures following the report of the Bank Control Department for over 4 years (1995-1999). This raises questions over the efficiency of control and auditing of Bank operations by the Monetary Authority.

Table 6

Numbers of Banks and Branches in Palestine for the year 200030

National Banks	9	48
Arab Banks	11	63
Foreign Banks	3	4
Total	23	115

It is alarming that the Monetary Authority is still unable to enforce the publication of annual budgets and end-of-the-year accounts for several public share-holding companies and banks. Neither the controller of companies nor the financial market or the Monetary Authority is able to secure that. This contravenes with the law of companies # 13 for the year 1964, which is supposed to be in action in matters involving the stock market and the Monetary Authority itself, being extremely crucial to the general investment operation.

The events and the siege facing the country have obviously affected the work of the monetary fund. However, emergency committees were formed to ensure proper management of bank deposits, to include the coordination of banks and Palestinian businessmen to ensure that the current cash liquidity and that the banking system is capable of fulfilling all of its obligations despite the measures imposed by Israel³¹.

The three parties have underlined their cooperation to fix banking rates and commission imposed on bounced checks and rates of facilities, commissions and re-scheduling debts. The Monetary Authority announced that the number of bounced checks has decreased to 13% instead of the much higher rates in the beginning of the Intifada.

The Monetary Authority has prepared a draft about the "Palestinian Banking Law", which was presented for discussion at the PLC. There are serious criticisms to this bill³², notably not giving enough importance to banking privacy, not addressing incorporation of banks, lack of clarity in procedures involved in liquidating companies and means of dealing with laundering crime money.

6. Freedom of Thought and Expression

The issue of the freedom of thought and expression has a unique and controversial status in the Palestinian territories. Opponents to the PNA and a number of human rights organizations claim that the PNA interferes with freedom of thought and expression, including shutting down private TV stations or banning the distribution of some newspapers as well as detaining and interrogating journalists. On the other hand, supporters of the PNA point out that the level of freedom of thought and expression in

the Palestinian territories is way above the level of all Arab and many other countries. Reports are published criticizing the PNA with symposia and conferences where the opposition lashes out against all symbols of PNA without any consequence.

There seems to be a red line whereby the PNA reacts sharply when it is crossed. To understand this, one may notice the following features:

In a session held with Othman Abu Gharbiyeh, Director of Political Guidance Commission, focus was laid around issues related to freedom of expression and measures taken by the PNA in this respect. The proceedings were published in issue 23 of "Shuun Tanmayia"

- Directing public insults to the head of the PNA in the media is considered a redline not to be crossed on the assumption that he is a symbol and that insulting the symbol constitutes an insult to the Palestinian people. This has happened on several occasions. However, similar criticism within regular conferences and meetings goes with impunity. In general, there is no investigative police system that tracks and presents reports about words uttered, as is the case in police systems. However, there are harsh reactions when a certain media organization or public character directs criticism that carries a personal insult.
- Directing inaccurate or unfounded accusations and spreading it in a provocative manner that the PNA considers bad-intentioned.
- Spreading information that could undermine relations with Arab and friendly parties.

It is noted that the sharp reactions of the PNA that result in detention or closing down a media office is carried out with direct orders from the PNA, although this is not certain. No party (other than the President) has the authority to take measures against a media agency or a public figure. If this is the case, it has good and bad points. The good side is that the issue of freedom of thought and expression is so sensitive that it has to be addressed at the highest level of decision-making. The bad side is the absence of clear legislation to deal with such matters. In the most democratic countries, there are redlines that are not allowed to be crossed. These lines are determined by the specific conditions in each country and any trespassing results in legal procedure, including interrogation, detention, charging and conviction. Normally, it is the prosecution that undertakes the procedure without interference from the President.

In the public opinion poll³³ concerning the level of democracy and freedom of opinion in Palestine, 21.7% considered the Palestinian system democratic, 39.8% semi-democratic, while 32.4% considered it undemocratic. As for the freedom of thought, 40% believed that the situation is similar to Arab countries and only 27.8% considered that the situation in Palestine is better than other Arab countries.

In another survey³⁴ about the performance of the Palestinian radio and TV, 27.7% viewed the performance of the official TV as good, 34.6% medium, and 15.3% as mediocre. The ratings for the official radio were 27.7% good, 33.7% medium, and 15.4% bad.

The specific cases unfolding during the year were the following:

·Abdul Sattar Qasem:

Detained on February 18, 2000 and released July 28 of the same year. This detention is not unconnected to the previous detention of Dr. Qasem. There is no love lost between him and the PNA. In 1999, Dr. Qasem was detained on the background of his signing the Statement of the Twenty. Unknown assailants had attacked him on the background of an article that was deemed insulting to the President. On July 6, 2000 the Palestinian High Court ruled that his detention was illegal and that he should be released. This was carried out 20 days after the court ruling.

·Omar 'Assaf:

An instructor and leading member of the Democratic Front for the Liberation of Palestine who was active in the teachers' strike that took place early in the year 2000. 'Assaf was detained for 47 days between May 5 and June 22 with no lawyer having access to visit him.

·'Abdul Fattah Ghanem:

A functionary of the Refugee Affairs Department who made press statements criticizing the PNA's treatment with the issue of refugees and linking it to administrative corruption. Ghanem was detained on June 20, his family could visit him only 40 days after his detention, while the lawyer was not allowed to contact him.

· Maher El Alamy:

A journalist who had been briefly detained a few years ago was held on June 6th and spent 12 days in detention over the background of an article he published supporting the teachers' strike. Before being released, he was ordered to sign an oath that he would not be criticizing the PNA.

·In the period between April and June, the police have detained and interrogated a number of journalists including Abdullah Issa who passed information to Al Sharq Al Awsat newspaper in London, that the police considered harmful. Ghazi Mohammad Ali, editor of Al Ayyam newspaper, organ of the Islamic Salvation Party, was detained over the publication of an article criticizing the police. The same happened with radio journalist Fathi Barqawi, who criticized the PNA in scientific conferences and Wisam Afifi, editor of Al Risala newspaper for publishing news about a strike that the detainees were planning for.

·Closing down TV and Radio Stations:

In the period between February and June, the Palestinian police shut down for a few days the radio station "Sawtal Hub wal Salam" and "Al Manara", as well as three

private TV stations: Al Mahed, Watan and Al Nasser. The measures against "Sawtal Hub wal Salam" radio **and** "Al Nawras" television stations had to do with the teachers' strike. The closure orders were carried out immediately, either by phone call or orally without any legal procedures.

Therefore, measures were taken during the year against people expressing opinion, in the form of shutting down media stations for limited periods.

The PNA was disturbed by circulated statements and opinions and resorted to measures that did not conform to legal procedure. There is reason to question whether the PNA did not exaggerate in its reaction and sensitivity to expressions and crossed redlines that would undermine the principle of expression and public rights.

The presidential decree #3 of 1998 and the "publication law" of 1995 has not been scrutinized by the PLC. Article (2) of the law states that "journalism and printing are free" and that "the freedom of thought is guaranteed to each Palestinian". However, there are other articles that undermine this, such as article (37) that bans publication of material that could be harmful to religion, morality and national unity. Such generalization opens the way to various interpretations, especially in light of imprisonment measures against violators of the publication law.

On the same issue of freedom of thought and expression is what concerns public meetings and demonstrations. Hundreds of such meetings were held in a normal democratic manner. However, there were cases of unjustifiable interference including the announcement placed by the police commander in the local press on February 29 concerning the law of public meetings. The add included a strict ban of holding public meetings and organizing demonstrations without a prior approval from the police. This evoked wide popular dissatisfaction resulting in the Supreme Court ruling of April 29, following a petition by Human Rights organizations and rescinding the police order as an order that contravenes the 1998 #12 law concerning public rallies. In the period between February 22 and April 29, the police had dispersed a peaceful protest of the teachers in Hebron and prevented a solidarity march in Gaza with prisoners held by the occupation authorities.

The Monitoring and Human Rights Committee of the PLC recommended that the PNA should abide by the publication law and honor the principle of freedom of the press and expression and political association while calling for the immediate release of all political detainees in line with the decisions of the Supreme Court. It also called for the independence of the judiciary and the need to specify one address for granting licenses to private stations in a manner that will not contradict with pre-existing laws.

7. Justice

The most important step concerning justice is the President of the PNA's signing the long overdue decree forming the Supreme Judicial Council. This is bound to move in the direction of rehabilitating the Judiciary and developing it technically, administratively and morally to become an independent authority. The President has not yet approved the Basic Law bill and the Judiciary Authority law bill and the Court formation law bill that have all been approved by the PLC.

The Fatwa and Legislative Department:

The Director of the Fatwa and Legislation Department in the Ministry of Justice has stated that all legislation issued since the arrival of the PNA is harmonized and in application. He indicated that the department had completed 46 laws and is in the process of preparing six others to present for approval in the PLC.

The legal committees formed by the legislation committees is in the process of developing the legal frameworks in Palestine through the bills of civil, criminal, environment, notary public, child, VAT (Value Added Tax) and hallucinatory drugs laws. Other committees are working to draft the commercial and property laws.

The Ministry of Justice has undertaken practical measures to build a court complex in Gaza and another in Ramallah. Saudi Arabia has pledged an amount of 20 million dollars to complete this operation. In Gaza, a training course was held in cooperation with the Egyptian Justice Ministry supported by the United Nations Program of Drug Prevention with the participation of a number of prosecutors and anti-drug officers.

8. Institutional Performance and Administrative Reform

In its second general report, Al Multaqa had elaborately discussed this subject³⁵, particularly concerning the decree issued by the President on August 11 including the formation of the Higher National Committee for Administrative Development. The objectives, structure and functions of the six branch committees were presented. The activities of the committee were reported in the last quarter of 1999. However, the level of the dynamic start declined in the following period. The only development was the formation of a Technical Support Unit that was designed to work with the sub-committees emerging from the Higher Committee of Development and Administrative reports. The activity was launched with remarkable effectivity but retreated to chronic bureaucracy without securing the mechanisms that would implement the work needed.

9. Interior and Civil Affairs

The Ministry of Civil Affairs received from Israel powers and files of lands that have been transferred from area C to area B within the second phase of re-deployment in the West Bank.

The Ministry announced the new wave of Palestinian family reunion approved applications for the year 2000, indicating that 95.5% of approved applications were according to first-come/first-serve basis with 4.5% allocated to exceptional and humanitarian cases. The operation of the Ministry of Civil Affairs was severely curtailed in the last period since it requires constant coordination with Israeli authorities that has become extremely difficult.

The Ministry of Interior is the only ministry that the President of the PNA kept under his direct supervision through a director general. This reflects the sensitivity viewed by the President to the nature of the Ministry, especially under the present circumstances. The specific responsibilities of this Ministry are unclear. Under normal circumstances, the General Intelligence and the police fall under the Interior Ministry, which is not the case in Palestine. There are no reports of failure in carrying out other functions, such as public safety, profession practice, licensing institutions and societies, in addition to civil affairs and issuing certificates.

The Ministerial Coordination Committee assigned to lay a strategy prepared by the Ministry for NGOs met to discuss means of cooperation and coordination between official departments of the PNA and the NGOs following the President's approval of the PLC law concerning NGOs.

It should be noted that the law was issued before the formation of the Ministry, and so there is nothing in the law that specifies the authority of the Ministry that operates based on the presidential decree establishing it. The Ministry has prepared an internal list interpreting the law. A similar list was prepared by the Ministry of Interior without endorsement of either. The trend is to amend the law in a manner that will incorporate the changes after the adoption of the law.

The Ministry of Interior has called upon all societies and registered bodies to put matters in order within nine months, starting from April 1st, in line with article 42 of the charitable associations and NGO law #1 for the year 2000. It stressed that no activity for charitable societies and NGOs could be performed without official registration with the Ministry.

The Ministry of Waqf and Religious Affairs sponsors pilgrimage to Mecca in line with quotas specified by Saudi Arabia. The increasing number of Palestinian pilgrims seeking to perform pilgrimage causes great pressure for the the Ministry. Mediations for people eager to conduct pilgrimage adds to the pressure of assuring that transport companies abide by health conditions needed for the comfort of the pilgrims.

Central Bureau of Statistics (PCBS)

The Palestinian Central Bureau of Statistics (PCBS) proceeded in publishing periodic reports, in addition to a number of surveys. A total of 458 publications were issued with 125 published in the year 2000 covering 34 topics, ranging from population, housing, education, health, economic sectors, as well as towns and structures³⁶.

Following the publication of population and housing censuses in Palestine, the PCBS issued the second statistical book on Jerusalem.

The PCBS organized the third annual conference on Palestinian children exposing the basic indicators related to Palestinian children in the fields of education, health and child-employment. There was also a survey concerning construction contractors.

The wide array of surveys and tables published are not only important sources of information, but constitute a basic element in planning activity, both on the economic and social fields. Some consider that the diversity and the intensive publication of information makes it difficult to keep track of trends, while others view this positively especially in tracing specialized sectors.

There might be a need, following several years of the PCBS in operation, to make an evaluation by international experts to assess material published and propose amendments in form or content.

Strengths 1. *In general, ministries and government departments address basic functions and services within available means in a complex situation, and there has been an improvement in all fields of activity compared to the Israeli administration, especially in the fields of health and education.* 2 *There has been a clear improvement in facilities that would encourage productive and housing investment.* 3. *Great effort was done, with varying results, in improving and rehabilitating the infrastructure especially in roads, energy, potable water, communication, sewage and urban rehabilitation.* 4. *Despite occupational disruptions, the Palestinian economy has maintained a regular annual growth as reflected in the GNP (Gross National Product), increasing tax revenues and improvements in employment and poverty line, as well as the increase in bank deposits. The trend backwards started after the Israeli aggression last September.* 5. *The events have caused a delay in presenting the budget on time but the preparation by the Finance Ministry of the budget has reached an advanced stage.* 6. *The formation of the Judicial Higher Council is an important step in rehabilitating the judiciary system towards becoming an independent authority.*

Weaknesses 1.The third Palestinian Government is still dragging its work, in spite of the interim nature of the arrangements increasing the weakness in many areas. 2.The disparity of readiness among various ministries, with several being unable to cope with the emergency situation since September 2000. 3.The Intifada has exposed the Government's vulnerability in being able to respond to the emerging conditions resulting in thousands of workers losing their jobs or to compensate losses incurred by Israeli shelling or securing relief to thousands of families that fell below the poverty line. 4.The Government apparatus suffers from employee inflation compared to a low level of production with high costs and bad numerical distribution among ministries. For instance, the justice, judiciary, health and education sectors face a shortage in personnel, while there is over - employment in other departments. The level of income of employees does not match living levels. 5. The PNA was unable to draft a comprehensive plan to address the needs of the consumer, whether at the productive or services level. In fact, many of the services are below the minimum level needed by human right standards. 6. The system of social welfare is confined to specific groups. What is needed is a comprehensive social welfare system. 7. A number of cases were reported undermining the freedom of thought and expression, including detentions and closing down media stations. 8. There has been no endorsement to the Judiciary Authority, court formation laws, as well as the basic law hampering the process of transforming the judiciary into an efficient independent authority. 9. So far, there were no tangible results from the work of the Higher National Committee for Administrative Development. 10. There is distrust and misgivings in the relation between the PNA and NGOs.

1.1.3 Security Establishments

This section traces the performance of the security establishments based on the following six functions as per our previous report:

1. Palestinian Security Obligations emanating from the Political Settlement Accords

Security cooperation was pursued with varying levels through most of the year 2000. The Palestinian Security Forces uncovered explosives prepared by HAMAS and detained a number of suspects. After besieging the Taybeh-Hamas-cell in their hideout in Kufur Qalleel, Nablus district, two members were detained. Mohammad Deif, Head of the Military Wing of HAMAS was also detained. In a precedent, the Palestinian police handed over Hisham Nijem of Nablus to the Israeli side after verifying that he was involved in assaulting and killing a child in Nazareth. A member of the Preventive Security found a number of Israeli border police members in El Bireh close to the house of Executive Committee Member Secretary Mahmoud 'Abbas and handed them over to the liaison following an interrogation. Security coordination continued despite Israeli

military and intelligence encroachment on Palestinian areas, such as 'Assira Al Shamaliyya and Surda, resulting in the killing and wounding of innocent civilians by Israeli special units.

However, with the eruption of events and Israel's shelling headquarters of Palestinian national forces, the Security Cooperation came to a halt. The PNA has released members of HAMAS, partly to protect them from Israeli shelling. It is absurd that Israel protested on the release while insisting that it has the right to shell detention centers.

2. Security and Internal Stability

The role of security establishments in internal stability and securing public order has been remarkable. The police and criminal investigation units have scored successes in combating crime. Following an increase in theft and violence in the areas of Jenin, Toubas, Tulkarem and Hebron, where a gang assaulted the Shari'a Court in the Old City, systematic searches were conducted and assailants were charged in courts. There were also cases of gangs focusing on theft from schools. Stolen items were uncovered and returned to owners with violators taken to court.

In a public opinion poll³⁷, 63% expressed that they feel safe and they feel safe about their property while 18% did not have such a feeling. The police ranked third out of 15 in the Palestinian structure in the level of public confidence, rating 54.9%, while security establishments ranked sixth with a 48.8%. In another survey³⁸, the security establishments received a good rating with 31.5%, medium rating with 35.3% and only 28.4% believed the performance was bad.

The events in Ramallah and El Bireh following the killing of Ahlam Dukmaq by a young man from Al Am'ari camp and the ensuing demonstrations that resulted in destruction of public and private property, with tensions rising high in both cities as a result, reflect the ability of the security establishments to restore public order.

3. Prestige of the Authority

As mentioned in the previous report, maintaining the prestige of the Authority is a prerequisite for any political system. However, this should not be exaggerated. A case in question was what occurred in Birzeit University following the visit of French Prime Minister Jospin who uttered declarations against Hizbullah, evoking anger among Palestinians. The backlash of security organs was not confined on students who assaulted the Prime Minister inside the University but extended into rounding up of scores of students in dormitories and university buildings holding them in detention centers in Ramallah and Jericho. There was a deep sense of alarm to these excessive measures with no due process.

Another serious violation was the assault by the Military Intelligence in September to the headquarters of the Palestinian accountants' and auditors' society in Gaza, including physical assault on members. In response, the society called upon all members, including those employed in PNA institutions, for a sit-in and an open strike. A number of pamphlets and statements were issued over the matter. As a result, President Yasser Arafat ordered the formation of an Interrogation Committee. However, no results were announced as to the work of the Committee.

There were other measures undermining the freedom of thought and expression through temporary closures of a number of local radio and TV stations. This was on the background of demonstrations in solidarity with the prisoner uprising.

During the first part of the year, there were specific violations of human rights as reported by Amnesty International and other human rights organizations, describing overlapping security agencies and detention parties, including maltreatment. The reports listed cases and numbers of political detainees held by the PNA. There were calls for putting an end to political detention and the reinforcement of the role of the judiciary and putting limitations on security establishments together with activating the role of prosecution in order to enable to fill up its role according to the law.

The security organs held detainees who were ordered to be released by the High Court. In addition, there are detainees who have been held for extended periods with no due process.

4. Normal Functions

The term "normal functions" means the security role in crossing points, civil defense duties, protocol and other administrative matters. As for crossing points, the role of Palestinian Security Personnel is largely frustrating. Israeli security authorities detain, interrogate and ban travel without any discussion with Palestinian security officers. The case with Gaza Airport is even more frustrating. Humiliating search procedures in the land crossing point in Rafah prior to procedures of flight constitutes a nightmare for the public.

With the eruption of events in September, the Israelis have repeatedly closed down crossing points and the airport for extended periods, complicating life. The Civil Defense units have received a number of vehicles and equipment, but this was short of the level needed to cope with the challenges ahead. This became more complicated with regular artillery and rocket shelling of Palestinian civil structures. Administratively, the PNA lacks proper means for criminal analysis, medical labs and forensic operations with a lack of qualified experts in the field.

5. Military Courts and State Security Court

Human Rights organizations continue to express complaint and criticism towards the State Security Court, since it was not formed under emergency conditions on the one hand, and on the other, for its being linked to the political accords signed with the Israelis. Recently, there were emerging conditions that may justify the existence of a State Security Court, especially in light of assassinations carried out by Israel against Palestinians, with the aid of collaborators. However, it is pertinent that the functioning of such a court should fall within the framework of national safety. In several cases, the State Security Court has looked into cases of common crimes including drug and financial fraud cases, as well as personal disputes and killings that are not connected to national security. Reforms necessary to activate the regular court system is bound to reverse the State Security Court dealing with cases of a civilian character.

6. Protecting the Inner Front

With the new *Intifada*, the Palestinian security establishments are operating under extremely delicate conditions. On the one hand, their role and their allowed weaponry are severely curtailed by the signed agreements. On the other, there is a need to support the people in confronting the occupation's encroachments requiring a high level of readiness.

In general, there is an appreciation for the role played by the security organs in siding up with the people in resisting occupation. However, there is displeasure with certain Palestinian security units that are penetrated by collaborators working for Israel and thus facilitating the liquidation of key military and political figures. One cannot take lightly the large number of Palestinian cadres from various political groups that are incarcerated in Israeli prisons with collaborators involved or the assassination of 30 Palestinians, with Israel admitting to the killing of only 20. The role of the collaborators in interrogation centers has also been prominent. This resulted in the detention of a number of collaborators by the PNA security organs, that are required to provide protection to the public, especially under the current circumstances.

A quick look at the list of martyrs and wounded indicates that there is a large number of Palestinian security members involved in defending the public in areas adjacent to settlements or protecting popular marches confronting Israeli troops on road blocks in various junctures, as well as patrolling neighborhoods to protect the public from assaults.

In this respect, the National Political Guidance Commission has issued instructions to the public in order to avoid settler attacks through the formation of home guard units in various areas, including measures of protection such as not traveling individually on roads.

Deaths in Detention Centers

For the third running year, there has been a decrease in the number of deaths in detention centers. In fact, Khaled Yunis Al Bahar, 35 years, was the only case of death after 12

years of detention by the Preventive Security in Dhahiriyya prison. His father insisted that Khaled did not suffer from any health ailment while the Commander of the Preventive Security in the West Bank claimed that the death was a result of a heart attack. With the lack of clarity as to the conditions of detention and physical torture, it is difficult whether to hold the security organs responsible. More important, however, is to develop efforts to prevent the recurrence of such deaths.

Table 7
Deaths in Palestinian Detention Centers according to years³⁹

Year	Gaza	West Bank	Total
1994	1	1	2
1995	4	4	8
1996	1	2	3
1997	2	3	5
1998	-	2	2
1999	-	1	1
2000	-	1	1
Total	8	13	22

Table 8

Deaths in Palestinian Detention Centers according to the Security Establishments⁴⁰ (1994 - 2000)

General Intelligence	4	6	10
Preventive Security	3	3	6
Naval Police	1	-	1
Military Intelligence	1	-	1
Unspecified	1	-	1
Force 17	-	1	1
Criminal Police	2	-	2

Strengths 1.The role of security establishments in maintaining internal stability, securing public order and combating crime is appreciated. 2.Equally appreciated is the role of the security establishments in confronting occupation through the Intifada and defending the public. 3.The capabilities of Civil Defense have relatively improved, although more is needed to respond to the requirements.

Weaknesses 1 In order to maintain the prestige of the Authority, the security establishments resort to unwarranted measures, including to practices that do not conform with proper legal procedures. 2. A number of cases involved violation of human rights by some security organs including the duplication of parties carrying out detention, maltreatment and physical torture, as well as the ongoing political detention and measures limiting the freedom of thought and expression. 3.Reservations and criticism for the State Security Court is ongoing with the need to take necessary measures to activate normal court procedures in order to halt the State Security Court interfering with civil cases. 4.The phenomena involving the spread of collaborators is alarming and requires greater preventive measures by the security establishments to curtail it.

1.1.4 Local Government

The issue of electing local councils has come back to the forefront during the first period of the year, with sources in the Ministry of local government announcing that the implementation of elections are pending only to the completion of legal administrative and financial preparations. With the eruption of events in September, the issue of elections was placed off the shelf.

The delay in carrying out local elections has undermined proper local rule. Article (3) of law #5 concerning the election of local councils, 1996 confines the determination of election dates to local councils to the Minister of Local Government. This is a serious flaw since it reflects a patronage system on local councils resulting in repeated undelivered promises and meaningless justifications. In the meanwhile, the Ministry continues to appoint municipal local councils.

Al Multaqa held rallies in various towns to allow discussion over matters of concern to the public with councils and officials. A total of 19 such meetings were held.

To discuss the issue of newly-formed municipalities, Al Multaqa conducted an analytical field research that has been published recently.

Lack of proper coordination between the Ministry and local bodies on the one hand, and other ministries and official bodies on the other, is a problem obstructing the flow of information resulting in negative implications, especially in the shortage of water that has particularly affected population centers in the north and the south. Since the beginning of last year, the issue of the fair distribution and improvement of water networks was discussed. The same applies to electricity, as related to distribution companies, generation, supplies and transportation. The formation of an electricity company in the north has evoked a confusion and discussion concerning the management of services and the overlapping role of the public and private sectors, with ownership held by local councils. Equally, there is an overlapping between the national, regional and local plans.

Although the Ministry has undertaken efforts to develop existing local systems and introducing councils in population centers that had no local representative bodies and upgrading councils, there has been no qualitative change in this framework. Development operations are unbalanced, due to the discrepancy between large and newly initiated bodies that is bound to widen the gap between needed assignments and financial and administrative means available for both. Furthermore, there are problems in the operation of municipal courts that are exacerbated with the lack of a police force that would provide a reasonable executive mechanism to support local bodies. By the year 2000, 20% of the population in the West Bank and Gaza had either no regular or uninterrupted access to electricity. There are 184 villages that have no potable water, with an urgent need to expand urban areas. In addition, there are 3500 km of roads that require asphaltting or maintenance at a cost of an average of 100,000 dollars per km.

On another level, repeated Israeli shelling of Palestinian towns has wreaked havoc in the municipal projects dealing with developing infrastructure and public sites, including the digging of trenches to obstruct movement of people, as well as damaging wells and water canals and shelling populated dwellings. The Israeli siege has also disrupted development and service projects undertaken by most municipalities and blocked the arrival of material needed to implement projects under way. Projects funded by donors were carried out with only 20% efficiency, indicating that a serious paralysis has faced various plans under-way.

In further oppressive measures against Palestinians, 1.3 million Palestinians have found themselves under the poverty line intensifying the financial crisis faced by local bodies, with consequences that further complicate providing public services. Failure by the public to cover payments (taxes and fees) and the accumulation of debts reflects the

financial crisis with the Regional Company threatening to cut electricity from the PNA areas if dues that amount to 3.5 million dollars are not paid by the Energy Authority.

The confusion that characterized the performance of the PNA institutions with the *Intifada* has obstructed implementation of the emergency plan adopted by the Ministry to facilitate services, with the exception of municipal councils in large cities. Some municipalities managed to cover minor repairs, such as glass and water tanks affected by Israeli shelling, especially in neighborhoods close to settlements, but most councils were unable to cope with the events, with most newly-formed local councils in the country side completely isolated.

As far as qualitative developments are concerned, the following steps have occurred:

- 1) In a newly adopted policy, a Joint Services Council System was activated, with five councils of this kind, three of them in Qalquilya, the **first two group nine village councils in each**, and the third 10. The fourth is in Nablus district comprising five village councils in each, while the last is in Ramallah and El Bireh district with 11 village and municipal councils.
- 2) Forming a four-party council with the involvement of the World Bank, UNDP and the US Development Agency with the purpose of coordinating all capacity building programs in the Ministry and municipalities, with funding from donor countries. In this respect, Jericho Municipality has received the World Standard Certificate ISO 9002.
- 3) The Ministry of Local Government underwent several phases of personnel transfers and appointments at various levels of the administrative pyramid. By the end of 2000, the total number of employees reached 12,000 persons in contrast to 5000 employees in 1994 with an ongoing need to fill up positions in light of the lack of personnel.
- 4) The Higher Planning Council approved several structural and planning master plans in Bethlehem, Zaa'tara, Al Mazra'a Al Sharqiyyeh, El Bireh, Birzeit, Al Doha, Jifna and Bani Na'eem, with the financial crisis looming after the Ministry of Finance's transfer of 80,000 NIS out of a total of 300,000 NIS earmarked for aerial photography.
- 5) An agreement to finance building headquarters for ten municipal councils in the West Bank and Gaza. Beneficiaries are: Biddo, Beit Ummar, Al Khader, Beit Liqya, Beit Leed, Jayyous, Tammoun, Jaba', Beit Lahia and Al Bureij.

The Ministry of Local Government will also be a beneficiary from the memorandum of understanding that was signed through the Ministry of Planning and International Cooperation - Department of Western Europe together with the Middle East Cooperation Program of the German Ministry of Development and International Cooperation.

The agreement covers several areas to be supported, including water, water purification stations, job creation, building schools and garbage treatment. The project for community development is probably the most important of the three signed agreements with a budget of 7 million Euro.

***Strengths** 1. Activating the joint services councils system is a positive development that is bound to raise the efficiency level of the work of local councils and decrease expenses while increasing services provided to the public. 2. An obvious improvement in the administrative efficiency of the local councils compared to what was the case during the Israeli occupation administration. 3. A responsible role, even if limited by lack of means, undertaken by local councils to confront aggressive and oppressive Israeli measures. 4. A clear improvement in the level of cleanliness, lighting and traffic systems in main towns.*

***Weaknesses** 1. Ongoing procrastination in setting up dates for holding local elections. This is a crucial flaw that cannot be compensated, no matter how much the level of administrative and services improve. 2. The disparity between taxes, fees and the actual cost of services resulting in chronic financial deficit for most local councils. This affects the quality of services provided and hinders the process of development needed to introduce a qualitative change in population centers, especially in the country side. 3. The ongoing refusal of the PNA to budget and transfer funds to support towns and villages despite repeated promises. 4. Lack of strategies or proper models to find a balance between self-reliance and external financial sources. 5. Continuing lack of a clear-cut and officially endorsed development plan incorporating all PNA institutions, to upgrade conditions of local councils in the country-side and narrow the gap between urban and rural services provided, both qualitatively and quantitatively.*

1.1.5 General Control Bureau

The Director of the General Bureau has asserted that the Bureau is monitoring the performance of national institutions and supervising the budget and expenditure of all institutions. He added that annual reports are regularly presented to the President of the PNA including a summary of the results concerning the party under inspection.

Mr. Jarrar Al Qudweh, Director of the Palestinian General Control Bureau, commented in a panel held by Al Multaqa on June 15, 2000 concerning the implications of the General Budget, that the Bureau has regularly issued its annual reports and handed them on time to the President of the PNA. He added that the publication and distribution of these reports are not the responsibility of the Bureau but that of the PLC or other parties. However, the Bureau systematically monitors PNA institutions and informs each party about the results of its evaluation and conclusions.

Mr. Al Qudweh added that he presented the 4th report of the Bureau to the President on March 1st, 2000, including a number of harsh comments over the performance of some ministries and agencies while warning from the accumulation of public debt that is estimated to be 582 million dollars.

Mr. Jarrar Al Qudweh, Director of the General Control Bureau, participated in the session held by Al Multaqa around the budget and related monitoring tools.

The Director of the Control Bureau pointed out that government institutions have to take measures to improve the level of job attendance and carry out responsibilities. He stated that the forcible absence of some employees should place more responsibility on those capable to reach their departments.

***Strengths** 1. Although the reports of the General Control Bureau have not been published, the Bureau succeeded in asserting its prestige and seriously monitored the performance of ministries, public and NGO institutions. 2. The work of the Bureau has contributed to improving performance, especially in what concerns financial dealings in various targeted institutions.*

***Weaknesses** 1. Due to non-publication of the Bureau reports and taking follow-up legal measures against violators, the importance and clout of the reports will decline. 2. Lack of concern and follow-up would lead to a decline in performance level and could negatively widen aspects of corruption. 3. Coordination between the General Control Bureau and the PLC, which is also a monitoring institution, is almost non-existent.*

1.2 Legislative Authority

1.2.1 The Legislative Council

With the eruption of the *Intifada* in September 2000, the PLC faced a serious crisis. On the one hand, the Council was questioning its mandate that was supposed to end by May 1999. On the other, with the new conditions involving closure, separation and

isolation imposed by the Israeli occupation, making it impossible even to have a quorum of convening, even at the level of sub-committee meetings.

The PLC tried to overcome this problem by holding separate and simultaneous meetings in both Gaza and Ramallah with little success.

Table 9

Distribution of PLC Sessions according to Parliamentary Terms⁴¹

Normal session	38	30	21	14	19
Special session	4	4	11	8	3
Secret session	1	2	2	1	1
Total	43	36	34	23	23

The PLC concluded its 4th term with a richer experience in building a parliamentary tradition. Although there were achievements, the PLC realizes that it is facing tremendous challenges with hard work and major responsibilities ahead. The Council has to complete the legislative infrastructure, which has been given top priority on the agenda of the 5th term requiring a broad official and popular participation. During the inauguration of the term, the Speaker of the Council addressed members, pointing out that there is continuous work ahead requiring the mobilization of national efforts and the development of monitoring mechanisms and devising new work procedures that would improve joint work and complementation with the PNA, while insuring the separation of authorities. However, the questions related to the expired mandate of the PLC, failure to follow up monitoring activity and undertaken resolutions has affected the level of the PLC credibility. A public opinion poll⁴² indicated that the PLC was rated in the 11th position out of 15 institutions enjoying the confidence of the Palestinian public with 38.5%. In another poll⁴³, the performance of the Council was rated as good by 19.3%, 32.5% as medium, while 37.6% considered the performance bad.

In essence, the PLC, in its 4th term that concluded on the 6th of March 2000, followed with great concern the political conditions and the process of negotiations, tangibly contributing to setting public policy. It boosted its position on the Arab and International fronts by receiving 70 friendly delegation visits and accepting invitations, with 30 delegations of the PLC paying visits to various parliaments and establishing parliamentary friendship associations with counterparts.

During the 4th parliamentary term, the Council convened regularly holding 15 regular sessions and 9 exceptional sessions. There were over 260 meetings held by sub-committees issuing 50 reports and 75 resolutions, covering political, economic, social, legal and administrative fields with a focus on the issues of Jerusalem, refugees,

settlement, peace process and negotiations. Despite the relatively high level of sessions and meetings, attendance was often low and hardly forming a quorum.

The 5th term convened on March 7, 2000 with 75 members attending and the absence of 13. Mr. Ahmad Qrei' was re-elected as Speaker with Ibrahim Abul Naja, First Deputy Speaker, Ghazi Hananiya, Second Deputy and Rawhi Fattouh, Secretary. The 5th term held 19 regular and 4 special sessions and issued 66 resolutions. The repeated re-election of the Speaker is a matter that weakens the vitality of the democratic process.

At the administrative level, the PLC has placed a special focus on developing its managerial system through benefiting from the experience of other parliaments, through training courses and workshops with special interest on six issues in this field:

- 1) Completion of administrative departments with an evaluation of the cadres and seeking to professionally develop the structures.
- 2) Developing the library and connecting it through Internet with various parliamentary and public libraries around the world and providing additional necessary equipment, together with opening a branch in Gaza City.
- 3) Starting the establishment of a separate building in Ramallah, adjacent to the convention hall and earmarking a special budget to the Council hall in Gaza.
- 4) Taking the first steps towards establishing a special TV station for the PLC, with the supervision of a specialized team that would document and broadcast all sessions as is the case in democratic countries.
- 5) Establishing a women unit within the framework of the Council to boost her role and assure her equality in all laws and legislation issued by the Council.
- 6) Establishing a training unit linked to the Council administration to upgrade the professional standard of the personnel.

For the second year running, the Council was involved in participating in a series of activities and public events on the occasion of democracy day in various districts. A number of ministries and NGOs have participated in the campaign. The activities had a comprehensive character covering all districts with a special focus on distant rural areas.

The Council was unable, due to the siege, to publish regular publications as in the past, including the monthly legal bulletin and the decrees signed by President Arafat, as well as reports and positions taken by the Council at each term, together with commentaries provided by juridical experts concerning bills presented to the PLC.

The PLC took the issue of the teachers' grievances seriously. Discussion dealt with the work of the Joint Committee of the Ministerial Council and the PLC concerning the results that have to do with salary improvements and retirement procedures for West Bank employees, together with speeding up elections for a teachers' union.

The Council listened to the report of the Education Committee concerning the conditions of detainees in Israeli prisons on the background of the strike that has been declared. The Committee has praised the steadfastness of the prisoners and the support of the Palestinian people in solidarity, while ascertaining the PLC decision that no framework agreement signature could take place without including the issue of the prisoners.

Concerning prevailing conditions in Israeli prisons, the Minister of State for Prisoner Affairs declared, following a meeting with the Israeli side, that there was no positive response vis-à-vis the commitment stipulated in item #4 in the Sharm El Sheikh Accord, calling for the release of prisoners. Members of the PLC have underlined the need to conduct International publicity campaigns to explain the importance of the prisoner issue on the peace process.

Within the framework of following up the peace process and the Palestinian-Israeli negotiation track, the PLC held a special session in the Ramallah headquarters where the results of the Camp David Summit Accord were discussed. The Council had decided that the session should be public, where the attendants had a detailed exposé from the Palestinian negotiators as to the mechanisms of negotiations in the Camp David Summit, delving into the committees that were formed to conduct negotiations and the principles adopted as a reference to the negotiations.

The work of the PLC was seriously disrupted since the beginning of the *Intifada*. Until the writing of this report, only two sessions were held, with every session divided into two; one in Ramallah and the other in Gaza. This situation has created a complication in the pattern of voting and the discussion of the agenda. Furthermore, the siege on Palestinian territories has impeded the freedom of movement between the two parts of the Palestinian territories. Nevertheless, issues of vital concern to the public as well as political matters were discussed, including recommendations concerning workers that were employed within the green line, with recommendations raised to the Council of Ministers. The Council, during this period, has moved from legislative work to the political, in light of the Speaker's involvement in International Relations and contribution to negotiations and consultation meetings. Many members were involved in matters related to the *Intifada* on the background of their organizational affiliations.

In addition, members of the PLC have placed focus on their particular areas to follow up events and participate in peaceful demonstration against aggressive measures undertaken by the occupation. They were also active in consoling families that suffered casualties, while playing an important role in the media to expose Israeli oppressive practices.

Many members participated in panels and conferences held in Gaza and the West Bank, dwelling on issues related to the final phase, such as refugees, Jerusalem and basic Palestinian rights in general.

Offices in branches have issued directory publications to raise awareness among the public and offer guidelines for public safety, especially in emergency situations. The PLC has distributed information about first aid, emergency telephone numbers and means of contacting members in critical cases. Despite all these achievements, the work of the PLC is way below the required, not only because of the circumstances imposed by the *Intifada*, but largely due to declining credibility emanating from the inability of the Council in emerging as an independent authority. Inability to implement previously taken resolutions and assert monitoring activity is added to the end of the mandate, that is not clear. Lack of a deadline for the end of the current Council and a date for new elections undermines the role of the PLC from an organic, active structure into a formalistic ineffective structure.

Symptoms of weakness were also reflected through the low level of attendance, which is also connected to the relevance of the PLC with interim-type political accords that place limits on its role, both at the legislative and representative levels. Like other PNA structures, incompleteness of national liberation is bound to restrain the PLC from attaining a level and a situation that people yearn for.

Strengths 1. *Evolution of professional and administrative parliamentary traditions.* 2. *Fostering the position of the PLC, particularly at the international level.* 3. *Contributing to reinforce the concept of an independent Palestinian State as a viable objective.* 4. *With the exception of recent events, the Council had an intensive activity, both in the number of sessions and topics discussed, including meetings of sub-committees covering most issues of concern to the public.* 5. *The events have reflected a solid interaction between PLC members and the public through difficult times.* 6. *Despite the hidden clash between the PNA and the Legislative Authority, the Council continued operation, overcoming obstacles in many cases.* 7. *To address lack of administrative experience, the Council gave importance to develop supportive administrative structures with delegations being dispatched to friendly countries to draw managerial skills.* 8. *The active interaction among some PLC members during the Intifada in addressing emerging crisis is an important step, even if it was not part of a general PLC plan.*

Weaknesses 1.The mandate of the PLC expired on May 4, 1999, with no announcement to extension or reference to new elections. The credibility of the Council was undermined as a result of political instability with no signs of completing national liberation and continued disruptions imposed by the occupation on the Council carrying out its functions. 2.The PLC is confined to a prevailing political faction lacking active parliamentary opposition groups that are boycotting the Council. 3.The organic overlapping between the PLC and the PNA that includes the involvement of several members in executive positions contrary to the bylaws of the PLC resulting in the PNA's domination over the Council. 4.Interventions of members do not follow a systematic manner and are often subject to the temperament of the session chair. 5.Despite the difficulty in the current Intifada phase, the Council and its committees is expected to be more active. 6.The dual role played by the Speaker of the PLC through active participation in political negotiations contravene parliamentary tradition, even if the Speaker is supposed to have negotiation skills. 7.The level of coordination between PLC departments in Gaza and the West Bank is weak and sometimes creates duality in carrying out work. 8.The branch offices of the PLC operate in a form which is isolated from the PLC as a whole, due to lack of coordination with matters becoming more complicated during the Intifada. 9.No changes were introduced in the figures running the PLC or other permanent committees resulting in lack of vitality and democracy within the Council.

1.2.2 Legislation and Laws

Until the end of December 2000, the PLC discussed 82 bills of which 18 were presented during that year. Of the total figure, members of the PLC presented 18 bills, PLC committees 9 and the cabinet 55 bills.

Within six years of PNA activity, President Arafat signed 27 laws. This is very little, especially in light of the fact that most crucial laws such as the basic, health insurance, punitive court, regular court, social insurance, administrative formation, judicial authority laws have not been finalized yet. Currently, there are 14 laws awaiting the signature of the President and cannot be proceeded without determining the ceiling of political accords. It should also be pointed that the PLC has amended the Palestinian local council law stating that Jerusalem is the capital of the coming Palestinian State.

Within Al Multaqa's efforts in the legislative framework, a simplified version of the Rehabilitation centers and civil affairs law was published last year.

Appendix (9) indicates the activity of the PLC and the bills discussed reflecting priorities of topics raised and showing that there is no specific legislative plan. The lion's share deals with legislation presented by the PNA through the cabinet council that came up with over half of the bills.

The *Intifada* has hampered the possibility of PLC members meeting under one roof since September 2000. The Council was unable to come up with an emergency plan of functioning under all conditions, with lot of work needed in proceeding with the legislation package.

With all the efforts in pursuing the legislative operation and the novelty of experience, as well as political limitations, the legislation package is still lacking with an average of one law approved monthly during the last five years. This does not fit into the needs of an entity heading towards liberation. Furthermore, bills presented by PLC members are quite low and do not exceed 20% of bills discussed. In absolute figures, bills initiated by the Council did not exceed four bills annually. Looking into the articles and format of laws, it becomes clear that a lot of technical efforts are needed to meet modern standards, including classification of items that could be followed up and revised with efficiency. Furthermore, the bills have often a generalized character without specifying means of implementation, including the availability of needed funds.

Strengths 1. *The PLC, after five years of activity, has come up with a number of legislative achievements by issuing laws or uniting the legal framework in the two parts of the country.* 2. *The involvement of the PLC in providing services to the public should not divert it from carrying basic functions of legislation and monitoring.*

Weaknesses 1. *Setting up priorities in proposed legislation is not done according to an institutional plan as much as it is based on individual efforts and initiatives.* 2. *The legislation package that has been issued is insufficient to meet social needs and is not comprehensive and planned, even if the laws address certain issues.* 3. *Non-completion of bills into laws creates a mood of frustration for initiators and beneficiaries.* 4. *The PLC has failed to come up with a plan to deal with the current conditions and taking measures to financially compensate losses according to objective and fair standards.* 5. *The PLC does not react to the PNA's non-publication of certain laws in the official gazette causing confusion as to the dates of implementing legislation.*

1.2.3 Parliamentary Monitoring

Although the Basic Law defines monitoring mechanisms and means and the relation between the three Authorities, the PLC conducts monitoring over the PNA and tries to influence internal and external policy, as if the Basic Law has been approved.

In this respect, the Council regularly discusses complaints and pleas endorsing resolutions raised to the PNA. The Committee of Monitoring and Human Rights conducts investigation into complaints raised by the public in different issues, thus playing a vital role in observing and following up violations from the part of PNA departments to the rights of the public.

In addition to the financial monitoring that is the most vital to supervise financial income and expenditure and assure the legality of accords, as well as emergency expenses, it has been noted that the relationship between the budget committee and the PNA (represented through the Minister of Finance) has been remarkably positive. The Minister regularly attended meetings of the Committee responding in writing to all queries, as well as accepting shifting items in the budget, based on demands of the Committee. Responding to PLC member queries, the Minister of Finance indicated that the establishment of a higher council for development, which came after the preparation of the budget, is bound to contribute positively towards the proper implementation of the budgets and regulate government revenues and expenditure.

Within the monitoring framework, the PLC received responses from ministries following queries on a number of topics including:

- The response of the Finance Minister concerning the policy of securing loans underlining the need of transferring the Government's share into provident funds, while presenting final account records and periodic financial reports on time. The Director General of the budget in the Finance Ministry was informed that the social security fund should have an independent budget without being included in the General Budget.
- Concerning procedures undertaken by appointed municipal councils in carrying out bids and tenders, as in the case of changing conditions in the bid of constructing El Bireh central bus station. After completing the bid, the Minister of Local Government indicated that the relation of his Ministry with local councils is subject to the law governing such councils. He stated that agreements signed between municipalities and other parties are determined by contractual procedures.
- Following a query concerning earmarking 25 million dollars from the World Bank to support housing in Palestine, the Minister of Housing pointed out to the formation of a mortgage company in Palestine with the PNA holding a large share in the Company. However, the PNA contribution did not exceed 20-30% of the shares.
- The Minister of Health responded to the recommendation of the PLC not to allow any medicine to be used without analysis and banning the circulation of drugs that do not meet international standards before being dispatched to Palestine. He declared that measures were taken in coordination with the customs department and crossing points to control incoming medicine first hand through the Ministry of Health.

The monitoring role of the PLC was severely curtailed as a result of the siege imposed all over Palestinian territories. However, there were repeated calls to the Palestinian leadership to give utmost attention towards the internal front, including amendment of negotiating methods, endorsing a clear political discourse, confronting symbols of

corruption, upgrading government administration, protecting public funds and pursuing an accountable and transparent public policy.

Resolutions and Statements

During the period under review, the PLC has undertaken several resolutions covering various areas with members discussing the following:

- 1) The report of Education and Social Affairs Committee concerning educational matters, while calling to the full implementation of the civil service law related to appointments in the Ministry of Education. It called for the speeding up of building new schools needed in various areas while calling to the review of the Palestinian curricula and requesting a special report to be presented to the Council.
- 2) Demanding the Ministry of Religious Affairs to abide by selecting pilgrims through lottery selection, taking into consideration priority in registration and setting up quotas in every district, based upon population numbers with measures taking into account the families of martyrs. It called for the renting of permanent centers to Palestinian pilgrims and assuring proper transportation procedures, that would secure the comfort of pilgrims together with the proper selection of supportive medical teams, in conjunction with the Ministry of Health and the Palestinian Red Crescent Society.
- 3) The PLC reviewed the complaint presented by Tawfeeq Al Tirawi, Head of the Intelligence Department, concerning what he called "the assault of PLC member Abdul Jawad Saleh on the Department". Following discussion, the PLC decided that it was awaiting the report of the investigative committee that was formed by the PLC Affairs Council. Members of the Committee were: Ibrahim Abul Naja, Hassan Khreisheh, Ghazi Hananiya and Jamal Shobaki.
- 4) Approving the PNA's general budget for the fiscal year 2000 based on the recommendations included in the Committee for budget and financial affairs.
- 5) A number of resolutions presented to the PLC were approved, such as the amended law of the Judicial Authority, the bill concerning civil courts presented by the legal committee, the bill of arbitration and the bill of public health. As for the bill calling for the banning of torture of detainees and prisoners, the Speaker has referred the matter to the Monitoring and Human Rights Committee. The Council has taken special resolutions concerning punitive measures and the traffic bill.
- 6) The Economic Committee report concerning insurance companies and problems involved in that area. The PLC has taken a resolution calling for the speeding up in the regulations covering insurance in Palestine and put an end to controversial legislation, together with the definition of authorities and answerable parties. It called for the widening the circle of insurance companies involved in projects managed by

the PNA, together with the activation of the Insurance Department in the Finance Ministry and securing budgets and personnel that would allow proper functioning in a legal manner.

- 7) The report of the internal, security and local government committee concerning the establishment of a department to issue passports in the West Bank without allowing children to be registered in the passports of their parents. The PLC requested that the validity of the passport should be for 5 years instead of 3.
- 8) The report of the Education and Social Affairs Committee (the health unit) concentrated on the importance of drugs and pharmaceutical products with the impact it has on Palestinian society.
- 9) The report of the political committee concerning the political situation and the course of negotiations including a meeting with Yasser Abed Rabbo, as well as the Head of the negotiating team to the final stage status to discuss the reasons behind his resignation from heading the delegation. The political committee presented a report to the PLC concerning the meetings held in Amman with Farouq Al Qaddoomi, Nayef Hawatmeh and Salim Za'noon. The purpose behind these meetings was to get acquainted to the work of the PLO's political department and its opinion towards the unfolding political process.
- 10) The Monitoring and Human Rights Committee has raised the issue of the PNA's harassment of media figures through detention without due process, undermining the freedom of thought and expression. The Council approved the recommendations of the Committee after introducing some amendments. The head of the Personnel Department was ordered not to abide by the decision of the Director General of the Police, freezing the salary of an employee.
- 11) The PLC condemned the Israeli aggression against the Palestinian people, claiming that the Israeli government orchestrated the bloody events to achieve certain political objectives.

During the *Intifada*, the PLC has undertaken two resolutions that were presented to the Ministerial Council. Resolution 57 referred to the formation of ministerial committees to cope with the aggression, especially in supporting families of martyrs, workers and farmers, while resolution 58 called for the re-construction of houses and institutions destroyed by Israeli measures and called for providing international protection to the Palestinian people.

The PLC condemned the assault on Mr. Lionel Jospin, France's Prime Minister, asserting the solid historical ties between France and Palestine. A press statement was issued expressing sorrow and condemnation to statements referred to US President Clinton concerning the transfer of the US Embassy to Jerusalem, as well as bilateral ties and aid.

***Strengths** 1.The PLC has succeeded to some extent in exposing facts concerning financial and administrative corruption, including excesses by the PNA. 2.The PLC managed to pressure the PNA to present the General Budget for the fiscal year 2000 on time for the first time. 3.The Council has exercised monitoring role despite the narrow range in which it is operating.*

***Weaknesses** 1.The lack of organized constitutional basis in the relation among the three authorities weakened the PLC's confidence in itself as an institution and hampered, to some extent, its monitoring role. 2.The voluntary retreat of certain political forces in asserting its role has affected the fabric and the monitoring role of the PLC. 3.The law requires the presentation of the General Budget at least two months before the start of the fiscal year. This did not happen in the year 2000 and the eruption of the Intifada is not a sufficient reason to justify the delay. 4.The PNA did not submit to the PLC's insistence for the need to provide accounts and regular reports in the implementation of the General Budget. 5.Throughout the year 2000, the PLC did not endorse any agreement, even in the economic field. 6.The PLC falls short in making use of the great effort done in the work of committees that collect facts and come up with recommendations.*

1.2.4 Council Committees

The PLC pursued in the trend of introducing improvements in monitoring performance within the Council committees, including sessions to listen and fact-finding. The eruption of events towards the end of the year has seriously hampered and practically halted the work of the sub-committees. By the end of the first period of the 5th PLC term, Council committees were quite active in holding 840 meetings with an additional 429 listening sessions or field visits, resulting in the issue of 445 reports⁴⁴ (table 10).

The issues tackled by the PLC committees during the period under review included:

- **The Monitoring and Human Rights Committee** that organized a workshop over the bill banning torture with the presence of representatives of Human Rights organizations and security establishments, as well as experts. In a second meeting, the role of the judiciary in protecting public rights and impediments obstructing the work of judges was discussed. The Committee met with the UN Special Envoy on Human Rights and discussed human rights conditions in Palestine, including Israeli violations related to settlements impeding geographic connection among various areas and the ongoing detention campaigns of Palestinians. The Committee asserted the inter-connection between the principle of protecting rights and general liberties with the legal and juridical principles and issues of the independent judiciary, as well as procedures of appointment, promotion, transfer, delegation, loaning, dismissal and replacement. In the judicial field, the Committee discussed and pointed out to the lack of appeal courts, a higher judicial council, the vulnerability of judges, the introduction

of state security courts, the low salaries of judges and the incompleteness of the institutional build-up of the judicial authority.

The Council adopted several resolutions in this respect, recommending the confirmation of the law calling for the independence of the judiciary and the need to appoint efficient judges, as well as the establishment of courts in all districts while keeping the judiciary independent and de-politicized.

The Monitoring and Human Rights Committee condemned the closing down of media institutions and the detention of journalists as measures that are contrary to the law. It also called for the formation of a committee to investigate the circumstances of the death of prisoner Khaled Omar while being transported from Al Dhahiriya prison to 'Alya hospital in Hebron.

•**The Legislative Committee** held two sessions in Gaza and Ramallah to discuss the civil court bill, probing into the over-all framework and philosophy of the bill with the purpose of unifying the Palestinian legal system and reforming it in a manner that coincides with the higher national interest. The Committee discussed the judicial court's formation bill that would complement and comply with the Judicial Authority's law.

The Legislative Committee, in cooperation with the Economic Committee, reviewed the bill for housing and real estate that was referred by the PLC. The recommendation was to accept the bill dealing with regulating private property for housing and commercial purposes specifying procedures related to tenants, landlords and eviction procedure by-laws.

Table 10

Meetings and Activities of PLC Sub-Committees (Until the end of the 1st period of the 5th term)

Legislative	122	64	72	10
Political	74	49	31	3
Jerusalem	34	9	13	
Land Affairs & Confronting Settlement			72	43
	25			
Refugee	101	25	53	
Economic	71	65	50	22
Budget & Financial Affairs		216	55	57
9				
Education & Social Affairs		195	72	128
	14			

Freedom & Human Rights	120	25	33
2			
Interior& Security & Local Gov.	85	38	24
16			
Council Affairs	23		

•**The Political Committee** hosted Dr. Sa'eb 'Ereqat, Minister of the Local Government, who is also in charge of the interim status file, concerning the third withdrawal phase and Israel's non-abidance with implementing 32 items agreed upon during the interim period. To boost the PLC's relations with other parliaments, the Committee paid several visits to Arab and International parliaments and received various parliamentary delegations providing briefings about the Palestinian position. In its last report, the Committee presented a number of recommendations concerning the permanent status negotiations. As a follow-up to the political developments occurring on the Arab and International fronts, the committee was concerned with developments on the Syrian-Palestinian track, with a focus on studying the impact of resuming negotiations on this track, especially the impact on Palestinian camps in Lebanon.

•**The Budget Committee** handled studying and analyzing the developmental budget that comprises donations and loans and came up with comprehensive recommendations on ways to deal with public debt, together with providing guidelines on loan procedures and interests, in line with the revenues of the PNA and its other commitments. It also recommended that all state loans should be approved by the PLC before finalization.

The Committee has improved its study and analysis of the budget, both in form and content, probing into the tables of all items in the budget in a professional manner and scrutinizing changes and financial discrepancies, while warning from ongoing increases in some items. Recommendations were presented to deal with flaws including the transfer of some item figures that the Minister of Finance approved. The Committee also exposed the seasonal budget deficit and coordinated with the Ministry to cover it as a priority from the new budget of 2000.

•**The Economic Committee** concentrated on preparing the water bill that passed different legislative readings with several amendments introduced. The Committee had prepared a detailed report concerning problems faced by insurance companies operating in the Palestinian market including suggestions to improve performance and putting an end to the duplication in policies and specifying responsibilities and authorities in the field of insurance.

•**The Education Committee** held a special meeting at the Orient House to discuss the crisis in Al Quds University with the presence of the Governor of Jerusalem. The Raporteur of the Committee of Education and Social Affairs presented a detailed

explanation concerning the social insurance bill during a workshop held by the women's department of the PLC.

- The Health Sub-Committee of the Education and Social Affairs Committee** held a session to discuss its final report concerning government hospitals that suffer from shortage of hospital beds, qualified personnel, as well as medicine and equipment. The Committee met officials in Gaza International Airport to look into the issue of pharmaceutical products that enter through passengers and investigate the fate of drugs after one month from confiscation.
- The Interior and Security Committee** held meetings with the Minister of Transportation, Director General of licensing and Director General of Transport, presenting remarks over the traffic bill.
- The Refugee Affairs Committee** discussed a number of recommendations that are due to be presented to the Central Committee, including a number of national principles concerning the issue of refugees. The Israeli Knesset's decision to ban the return of Palestinians into Israel was also discussed.
- The Committee for Land Affairs and Confronting Settlement** presented a report for discussion in the PLC, exposing a new settlement drive targeting lands in the districts of Jerusalem and Bethlehem, in a manner that would place an isolation between them.
- The Jerusalem Committee** presented to the PLC the latest developments in continued Israeli settlement and judaization, calling for support to Palestinian villages around the city.
- The Security, Interior and Local Government Committee** discussed master plans for urban structures in Gaza districts, as well as the issue of prisoners held by the PNA, whose prison terms ended, calling for their immediate release.

With the eruption of the *Intifada*, it was not possible to have any quorum for the meetings of the PLC and its sub-committees, with no serious steps taken to find an alternative. It could have been possible to adapt the work of the committees with the new conditions through activating the work of members in their places of residence and maintaining the monitoring role to some degree. By the end of December, work gradually resumed in the PLC, especially at the administrative level, with employees living at close distances, becoming able to report to work in Ramallah.

Strengths 1.The PLC sub-committees have succeeded in becoming the tool for the Council's exercising the monitoring role. 2.The sub-committees have managed, especially before the current *Intifada*, to involve the public and specialists in monitoring the work of the PNA and providing suggestions through private and general sessions.

3.The PLC sub-committees were actively involved in crucial issues, such as the strike of government schoolteachers, pharmaceutical products, freedom of thought and expression, as well as Israeli violations of Palestinian human rights. 4.There was a wide disparity in the level of activity of various sub-committees.

***Weaknesses** 1.The PLC sub-committees should find a way to deal with inability to meet following Israeli closure and siege measures. 2.Taking no account of investigations and recommendations presented by the PLC hinders the work of illegal practices of institutions or members of the PNA. 3.There was no change in the membership of the sub-committees during all previous sessions, with the exception of the monitoring committee that violated its internal bylaws by including too many members.*

1.3 The Judicial Authority

1.3.1 The Judicial System

The primary role sought by Palestinians is the establishment of a democratic society, based on the principle of division of powers and specifically the existence of an independent judicial authority, that is parallel to the executive and legislative authorities. However, there are serious impediments for the judicial authority assuming its position, particularly in light of the fact that the judiciary is an administrative structure dependent on the Ministry of Justice, that is part of the PNA.

There has been a general consensus among all parties related to the judicial system that the President should sign the laws concerning the judicial authority and the formation of courts⁴⁵, that entail the formation of a higher judicial council⁴⁶, to secure the position of the judicial authority. However, the surprise was that the Council was formed without the approval of the judicial authority law that should have been the necessary receptacle to activate the judiciary with all its elements. With the lack of approving the judicial authority law, there is a danger that the Higher Judicial Council will be deprived from any authority.

The justification given to explain this was that the Higher Council was formed on a temporary basis for one year, after which the President was expected to approve the judicial authority law and have it published in the official gazette.

Interference by the PNA in the work of the judiciary continued during the year. This became apparent in the following cases:

- The interference of security and official bodies in solving problems of the public as a substitute to the judiciary, especially in offices of governors in getting involved in disputes and complaints.

- The PNA established two centers for mediation and arbitration in Gaza and Ramallah. This is bound to deprive the judiciary from performing its task and creates a duality in dealing with cases and disputes.
- The PNA, in many cases, has transferred cases of a civil nature to the state security court that has a military character with no sufficient guarantees of justice that exist in civil courts.
- Lack of implementation of orders issued by the judiciary.
- Lack of sufficient funds earmarked by the PNA to the judiciary.
- Interference and the attempts to influence the judiciary, judges and the work of courts was not confined to the PNA but also involved elements that sought to bribe judges, refuse implementation of court orders and to look for ways to evade orders issued by courts. What is more alarming are cases of assault in courts as in the case of the assault on the Ramallah court by a mob rejecting a certain ruling and the robbery of a religious court that is located in the old city of Hebron, which is under Israeli control.
- The inability of the judicial system from improving administratively is also noted with a serious shortage of judges and other supportive personnel in courts. Most procedures are carried out manually with no computers, causing a long delay in resolving cases. Furthermore, there is no specialized law library that could be a reference to judges, lawyers and prosecutors, with the exception of the Ramallah Appeal Court that is not up-to-date.

Table 11

The Palestinian Judicial System 200047

West Bank	15	13	3	5	9	1
Gaza Strip	9	13	12	2	6	1

Compared to our previous report, there has been an addition of two magistrates' courts and three additional judges in Gaza, bringing the figure to a total of 24 judges with no addition in 1st instance courts.

Table 12**Number of Judges compared to Population Figures - 2000**

Type of Court	West Bank	Number of Citizens/ Judge	Gaza Strip	District
1st Instance	District			
	Jenin & Toubas	1: 245000	Gaza	1: 77000
	Tulkarem	1: 69000	Deir Al Balah	1: 78000
	Nablus	1: 66000	Khan Yunis	1: 53000
	Qalqilya & Salfit	1: 145000	Rafah	1: 65000
	Ramallah & Bireh	1: 110000	Jabalya	1: 99000
	Jericho	1: 16000		
	Bethlehem	1: 141000		
	Hebron	1: 418000		
(Average)		1: 113000		1: 72000
1st Instance	Nablus & Jenin	1: 194000	Gaza& North Gaza	1: 83,000
	Qalqilya& Tulkarem			KhanYunis, Rafah, Deir Al
Balah		1: 166000		
	Salfit & Toubas			
	Ramallah & Bireh	1: 44000		
	Jericho	1: 33000		
	Bethlehem	1: 47000		
	Hebron	1: 29000		
(Average)		1: 106000		1:108000

Table (12) indicates that:

- 1) The number of judges is extremely low compared to the number of the population.
- 2) The number of judges is less in the West Bank than in Gaza Strip.
- 3) The number of judges in the district of Hebron and to the south of Gaza is extremely low compared to other districts.

Justice Ministry reports indicate that the incoming cases to First Instance and Magistrates Courts in the year 2000 with public prosecutors and follow-up departments received 59,585 cases of which 58,350 cases were solved. This means that a total of 160 cases are looked into daily and, with the low number of judges, questions arise as to the proper review of the cases and attaining justice. Furthermore, there are 120,000 cases awaiting ruling since several years in court halls.

There is no indication that acting judges are inefficient, other than their being unexposed to the new trends and developments in the field of law. This requires offering judges short or long term courses, with participation in conferences and encouragement to do research with tools that would boost their juridical know-how. The Palestinian judiciary has an urgent need to reinforce principles of the human rights and absorb humanitarian international law with the conventions attached to it.

There is also a need to increase the number of judges in the Ramallah Court of Appeals from a total of three judges to a number that could respond to the needs, since they have to resolve all appeals from lower courts. There are 12 judges in the court of appeals in Gaza filling up actually the role of a Supreme Court.

The Judicial Authority institutions were among the most confused following the current *Intifada* undermining public interest. The courts were actually paralyzed, freezing the implementation of claims and financial rights of so many people, as well as depriving lawyers that depend almost completely on the work of courts from income.

The disruption of the judicial operation was due to reasons similar to what occurred with other institutions, including the inability of the personnel reporting to work. While it might be justifiable for the absence of personnel not providing regular services to the public, the judiciary must continue functioning under all circumstances. Most judges are actually able to reach their courts if they wanted to without being exposed to a serious danger. The absence of other court officials poses another problem that needs to be resolved.

The judicial system must have looked into urgent cases, including cases that the parties were able to attend in front of courts. Even before the eruption of the *Intifada*, the judicial system was packed with problems of all kinds. In order for matters to go to normal, a series of urgent and tangible measures are required to resume work in courts, including transfers of judges and prosecutors in a manner that fits their ability to move. Needless to say, the judiciary has a crucial role to fill and just as the state security courts proceeded in convening whenever the need arose, so should be the case with other courts.

1.3.1 Lawyers

The union of Palestinian lawyers is facing unprecedented complications following the declaration of the General Assembly that the Union Council is not recognized. The Supreme Court in Gaza has rejected the validity of the founding Council of the union of lawyers on the basis of the termination of its mandate last May 10. The law regulating the Profession of Law issued on November 10, 1999 granted the Funding Council the

authority of the Union Council pending elections to be held on May 10, 2000, posing a problem with no clear solution. The Council of the Palestine Lawyers Union met in July 2000 with the purpose of reforming the Union Council and electing a union head, but this has failed and resulted in the division of lawyers into 3 parties supporting the Council, the Fee Forum and the Coalition of Lawyers for Change. Accusations were exchanged for the reasons leading to the failure, with no representative body to reflect the third authority.

Announcing elections is a step in reversing the negative implications resulting from the absence of the lawyers union throughout the Israeli occupation years and affects the performance of lawyers and court orders. The new union has a great responsibility in adopting more serious positions concerning human rights violations in the PNA territories and in countering excesses, undermining the judicial system. together with setting up guidelines to professional ethics, complying with principles and standards set by the General Assembly of the UN.

1.3.2 Cases related to the Judicial Authority

State Security Court

Despite widespread criticism to the legitimacy of the State Security Court and its contravention with the work of a regular judiciary, the State Security Court has issued rulings in several cases of concern to the Palestinian public opinion during the period covered in the report, including the execution of Raji Saqr who was convicted of the deliberate killing of Ahlam Dukmaq, and convicted the second accused Jihad Al 'Azza to 12 years in prison for carrying unlicensed weapons. The court has issued an actual prison sentence with hard labor of periods ranging from 8 to 12 years on the five persons accused of the robbery of Jordan Bank. It should be noted that all rulings issued by the State Security Court are valid only after the approval of the President of the PNA.

The defense council of Mahmoud Abu Hunood, one of the military leaders of HAMAS that surrendered to the PNA following the failure of Israelis to arrest him, objected to his transfer to the State Security Court on the basis that the Court is not qualified, as well as the nature of its formation and the procedures that followed. He added that Abu Hunood did not violate any Palestinian law applying in Palestinian areas and has not contravened any international conventions. However, the prosecutor of the State Security Court insisted that the PNA is determined to present Abu Hunood to court in order to avoid Israeli demands to hand him in. At a later date, the State Security Court condemned Abu Hunood to 12 years in prison for organizing military cells and providing it with ammunition.

Death Sentences

The issue of death sentences surfaced again under new circumstances. With Israeli units carrying out assassinations and field executions of Palestinian activists based on information provided by local collaborators, the Palestinian Security Forces were able to expose elements directly related to such assassinations. These collaborators were presented to the Palestinian State Security Court that issued 7 death sentences during the last quarter of the year and the President approved the execution of Palestinians.

There is a consensus among Palestinian circles that punitive action must be taken against traitors but activists in human rights continue to criticize the PNA even in such extreme cases, calling for the need to provide a greater justice while looking into such cases. They stress that more time should be provided and that the accused should have the means of defending themselves prior to being convicted. Undoubtedly, such demands are justified since there is no way to review the rulings, in case the fairness of the sentences is put under question. Concerning the implementation of death sentences, there are contradicting opinions with segments of people considering such a sentence legitimate while others call for the annulment of capital punishment and the application of other forms of punitive measures.

The Security State Court issued various rulings in different periods without approval from the President, including the ruling against Mahmoud Da'oud Khawaja to be executed by fire after he was condemned to the killing of money changer Mustafa Ahmad Baroud in Gaza city on September 5, 2000. A similar sentence was issued against Wa'el Nawwaf Daraghma on October 31st, 2000 for the killing of a lieutenant in the preventive security. A verdict to execute Raji Fares Saqr by hanging was issued on July 3rd, 2000 for the killing of Ahlam Dukmaq. On the 7th of December 2000, a death sentence was issued against 'Allan Bani 'Odeh for collaboration with Israel during the *Intifada*. A military court issued two execution orders in absentia on the 21st of May 2000 against Abdul Rahman Hammad and Husam Hammad for collaboration with the Israeli Intelligence.

The Citizen's Right Center of Al Multaqa received a total of 362 complaints over the last year. The attached appendix details the break-up of the complaints received.

Political Detention

The issue of political detention still evokes concern and blemishes the image of the PNA. While preparing this report, there appeared to be a wide discrepancy in the number of such cases as reported in various Palestinian human rights reports, creating a confusion for both the PNA and the reports of relevant institutions. Elimination of such confusion is necessary and the PLC has an important role to play in this respect by receiving accurate

information about all cases of political detention and publishing the information. To indicate the degree of confusion, our previous report in May 2000 estimated that there were 400 detainees in Palestinian detention centers while Amnesty International declared in September 2000 that the number of detainees was 600 for the same period. This estimate was based on a previous report issued by Amnesty on March 31st 1999, which makes it important for human rights organizations such as Amnesty International to verify figures, basically because of a time gap between the two reports during which several political detainees have been released but continued to be included in the reports that followed. Depending on primary sources might lead to inaccuracies if the process of updating information is not carefully checked. Along the same line, the last Amnesty report indicates that there were 13 political detention cases during the year 2000 while there are documented information coming from other sources that the figure is actually more than that and involves 71 detainees. In both cases, whether estimates are high or low, undermine the credibility of reports and raise questions that weaken the impact necessary in such reports.

The information gathered by Al Multaqa indicate that the total number of political detainees during the year 2000 was 71, of whom 20 were released after periods of detention varying from 20 to 110 days, while 21 of them were under detention by the end of the year.

Forty-eight of the detainees are from the West Bank and 33 from Gaza Strip. The figures indicate that most political detainees (57, of whom 15 were released) were apprehended by the Preventive Security, both in the West Bank and Gaza Strip. The General Intelligence Department came in the second place with the detention of 8 persons of whom 2 were released, and the police came third with the detention of 6 persons of whom 3 were released (table 13).

It should be pointed out that these figures do not include cases of people wanted by Israel on the background of being accused of carrying out attacks against Israeli targets and do not include figures for those who were detained for short periods. It should also be pointed out that the Palestinian Higher Court issued orders to release 39 persons who were held as political detainees by the year 2000, but continued to be held in custody (table 14). In cases of people held on the background of freedom of expression, such as Omar 'Assaf and Maher 'Alami, they were released after a few days while Abdul Sattar Qasem was released after five months, and Abdul Fattah Ghanem is still in custody.

Most of the detained are held on the basis of the Wye River Accords and the presidential edict that came as a result, on November 1998. However, there are cases of people detained on the background of criticizing the PNA. No matter the justifications of political detention, they clearly contradict the Palestinian Basic Law of 1996 that has passed the three readings in the PLC, but has not been endorsed by President Arafat. Article 19 of the bill stipulates that "freedom of opinion is untouchable and every person has the right to express opinion orally, in writing or other means of expression, in line with the law". The bill also specifies that "detention should be carried out by a court

order and that the accused should appear in front of the magistrate’s court within 48 hours from detention and determine the legality of the custody”.

Table 13
Political Detention by the PNA for the year 200048

Detention side	WB	Gaza		WB	Gaza	
Preventive Security	40	17	57	39	3	42
Police	2	4	6	2	1	3
Intelligence	6	2	8	6		6

Note: The table does not include:

- Elements wanted by Israel on the background of armed activity against Israeli targets.
- Detainees who were incarcerated for less than 2 weeks.
- Detainees held in custody before the year 2000 who are estimated to be a few dozen over varying periods (notice table 14).

Table 14
Political Detainees who were ordered to be released by the High Court but are still in Custody until September 30, 2000

	1	10/10/1999
	1	18/11/1999
	1	14/11/1999
	1	8/11/1999
	1	10/6/1999
	1	20/2/1999
	1	1/7/1999
	2	4/6/1999
	1	3/10/1999
	1	6/7/1999
	1	12/7/1999
2		16/4/2000
1		6/10/2000
4		10/5/2000
20		12/10/2000

Strengths 1.The PLC was keen to discuss the legislative package related to Palestinian

Judiciary and completed the three readings required, as is the case with the Judicial Authority and the Court formation laws. 2. Issuing the decree for the formation of a temporary Higher Judicial Council that included qualified elements in the law profession. 3. The Higher Court has looked into cases and issued verdicts with no strings attached to interference or other considerations, including the orders calling for the release of political prisoners held by the PNA. 4. Concern to activate and improve the performance of the prosecution and the appointment of new members to fill the need in various districts. 5. Holding general assembly meetings of the union of Palestinian lawyers and insisting to hold elections for the Union Council on specific dates.

Weaknesses *1. Continued interference by the PNA in the work of the judiciary, which is still a department dependent on the Ministry of Justice and has not taken an independent character as the executive and legislative authorities. 2. Non-implementation of orders issued by the Judicial Authority by the PNA and specifically security establishments or by citizens interfering in various ways to resolve disputes. 3. Official parties interfering with cases and disputes in a manner that weakens the authority of courts affecting social security and shaking confidence in the legal system. 4. Failure to including sufficient funds to the judiciary within the general budget presented by the PNA and the low salary scale and privileges needed by judges that would affect their fairness and social prestige. 5. Continued inefficiency in courts that still use manual means in registering files and follow-ups with no computers, in addition to the shortage in the administrative staff in some courts. 6. Serious shortage in the number of judges resulting in files piling up and delays in proceeding with the cases. 7. Continued presence of an appointed Lawyers Union Council.*

2. Civil Society Organizations

2.1 Political Parties

Discussions and resolutions of the Palestinian Central Council set the foundations of the settlement that the Palestinian people are willing to accept, based on the relevant international resolutions, together with setting up the main parameters that would confront Israeli policies and practices. This requires national unity among all Palestinian forces and the readiness for cooperation and joint action.

The proceedings of the Central Council that were held a few days from the termination of the interim period phase according to the Sharm El Sheikh Accords were crucial and sensitive. A decision was taken to extend the interim period for more than a year (from May 4, 1999 to September 13, 2000). The importance of this session was not only due to

the maturing of the period that was designed to conclude the interim period, but also due to the range of discussions that included the positions of all Palestinian political trends.

Right from the outset, the Central Council took a controversial position believing that the interim period terminated, thus freeing Palestinians from all obligations and limitations. Calls were made to halt the current negotiations and to move into a new phase based on international resolutions, moving the Palestinian problem to the United Nations, including the immediate declaration of Palestinian sovereignty over all Palestinian territories occupied in 1967.

Another line of thinking expressed apprehension from having a legal and administrative vacuum, especially in the relation with the Israeli occupation, stressing that meeting deadlines was not as important as sticking to the political position. Advocates of this position cautioned from declaring the interim phase as terminated and called for dealing with the matter as a *fait-a-complis* without specifying a time ceiling.

A third position cautioned from the extension of the interim period that could last forever while considering that the termination of the phase is insufficient and there are obligations from the interim period that should be delivered. This pragmatic position considers that the achievement of Statehood and extension of sovereignty cannot happen all of a sudden and requires cumulative work and the continuation of negotiations for a limited period, as a last chance in dealing with the Israeli-American position.

The final statement entailed an assertion by all three above-mentioned trends to stick to national principles and call for the implementation of legitimate resolutions as a basis and reference to the peace process and the need to apply these resolutions starting from resolution 242,338,194 and stick to the principle of land for peace. The final statement linked the implementation of these resolutions to a specific time ceiling that would not exceed the 15th of November 2000 calling upon the leadership to seriously deal with the resolution of the Council. For the first time, the implementation of fulfilling the resolutions was not confined to the Executive Committee but simultaneously involved the Palestinian National Council and the PLC in the responsibility.

Al Multaqa held several sessions to discuss the political and factional situation in Palestine with a number of institutions.

Political forces had to shoulder the responsibility of reconstructing the network of internal relations to push matters in the required direction.

In general, the Palestinian political scene wavered in three directions, including center, right and left, with several currents in between. There is little movement in changes along these three central currents indicating that there is a political balance stabilizing the relative influence of each tendency. This created a boring and inactive political atmosphere. Smaller parties have a very limited space of maneuvering within such a setup.

There were calls by various currents to unite forces and introduce new political currents through reshaping the political scene. Such attempts were far from succeeding because they focused on a simple mathematical addition in small numbers rather than a broader interaction that could produce innovative new components that are effective.

The Palestinian experience indicates that any party interaction requires heating up to be effective, while abstract and theoretical propositions remain confined within intellectual circles with no popular support. The *Intifada* paved the way for a broad activity front that the political movements have utilized to mobilize joint leadership between National and Islamic parties, not only at the street level but also along the Palestinian political pyramid.

In this framework, the National and Islamic forces, together with the PNA, are expected to transcend differences and seriously work in a more realistic way in devising ways and means of proceeding in the *Intifada* with less losses and find ways to minimize Israel's assault that contravenes international accords and bilaterally- signed agreements.

A public opinion poll⁴⁹ indicated that 44% do not support any of the existing political trends, while the Palestinian opposition has received the rate before the last in the confidence of the public with 32.4%. Parties and political organizations were at the bottom of the list, having 15 entries with a 29%. If these rates are taken seriously, there is a very negative trend that requires the political parties and the opposition to re-assess its role and performance.

2.1.1 National Opposition

All national opposition forces have agreed last year to assert the national principles and broaden the basis of joint national common denominator. Political, cultural and social meetings were held in all party headquarters, in addition to marches and political rallies in all districts. There was a consensus by representatives of all national forces, public figures and party leaders to the necessity of standing behind the decisions of the Central Committee in its last session and putting the program into practice. There was also a consensus for the need to boost national unity and resort to dialogue in resolving all disputes with the need to rectify the internal scene. The PNA's initiation of internal

reform was considered an important start to mobilize the people to resume its struggle for the achievement of national objectives and be able to confront Israel's belligerent actions.

During the period under review, George Habash; leader of the Palestinian left, resigned paving the way to the election of Abu 'Ali Mustafa to become Secretary General of the PFLP. During a public rally in memory of the martyrs and in honor of the previous Secretary General, calls were made to devise a Palestinian strategy that sets red lines and insures national principles with a review of the political outlook on the background of Israel's failure to deliver rights at the critical phase of the national cause.

At the organizational and party levels, the 6th conference of the PFLP has conducted a sharp auto-critique, declaring that the level of political discourse was not in line with performance. The PFLP members and cadres were asked to stand by the decisions of the conference and work to foster the unity of the Front and its democratic march in developing its internal organization while associating liberation and communal objectives.

On the other hand, the DFLP declared that the differences of opinion and stands with the PFLP do not constitute a barrier in working together, and ultimately unite. The People's Party called to confront any setbacks that hinder the establishment of statehood on the land and the initiation of fundamental measures to rectify the internal situation together with public mobilization, to re-establish a national consensus that would dispel the limitations set in the Oslo Accords. The party also called for the adoption of joint national programs that meet four conditions: Putting an end to the duality in the political discourse, preserving foundations of national unity, developing the capacity of people to stand steadfast, and maintaining the popular character of the *Intifada*.

With the ongoing *Intifada*, the national opposition has asserted that the popular uprising carries the message that it is futile to negotiate from a position of weakness and that Israeli society is not mature to achieve a peace process with electoral candidates competing on who causes more damage to the Palestinians. No viable political party in Israel dares to achieve peace with the Palestinians; therefore the national opposition called for the continuation of the *Intifada* and resisting occupation with various means until the achievement of national objectives.

FATAH considered that the changes that occurred over many years of struggle have led the negotiations under extremely difficult regional and international conditions. However, this does not hamper the struggle options of the Palestinian people and that the eruption of the *Intifada* confirms that negotiations do not hinder the Palestinian people and its leadership in launching a war of independence against the occupation when there is no response to Palestinian demands. FIDA called for the formation of a broad

ministerial coalition at the level of the Authority as a step towards the achievement of national unity.

The national opposition has also focused on the need to put the internal scene in order and the formation of a United Leadership Front, changing negotiating teams, as well as taking practical steps that would strengthen the establishment of state institutions, including holding parliamentary and municipal elections, as well as drawing the borders with neighboring counties while claiming that the current situation is the most appropriate to take these measures. Although political parties and opposition groups maintained a presence in points of confrontation with occupation troops, it remained unable to transform its political discourse into a concrete political and social program to be adopted by the PNA.

2.1.2 Islamic Opposition

The Islamic Opposition faced a tension and crisis due to conflicting outlooks and contradictory strategies. HAMAS and the Islamic Jihad that are considered the two strongest religious opposition factions, did not participate in the meeting of the Central Council and the Liberation “TAHREER” party adamantly refuses any official meetings with the PLO on the basis that it completely rejects Oslo and all its ramifications. The PNA has sought in many ways to contain the Islamic forces, dragging them to participate in conferences and discussions calling for the acceptance of negotiations. In the opinion of the Opposition, the PNA uses the issue of national dialogue as a tactic to drag factions to its side whenever a crisis looms. On the other side, the base of HAMAS has not absorbed the idea of accepting a peace with Israel while the leadership expresses interest in taking certain roles to the side of the PNA, indicating that there is a division between the leadership and the grassroots.

The current situation has placed the Islamic Opposition in a serious crisis and confusion as to the direction to be taken. The 1993 slogan of dumping Oslo has become unrealistic due to large strides taken in that respect while return to military assaults is bound to embarrass the PNA and drag it into an uncalculated battle, undermining all achievements and freezing Israeli withdrawals from Palestinian territories. Providing support to the Palestinian negotiations contradicts the initial position endorsed by the Islamic Opposition. In case of holding Palestinian elections at various levels, should it participate or remain isolated and for what purpose? In case of the establishment of the State, which is the objective that Palestinians yearn for, should the Islamic Opposition be supportive or work to abort such a plan? These are some questions that place the Islamic Opposition in a position that requires coordination to specify its outlook for the future.

The Islamic Jihad party’s position from the Camp David Accords assumes that there is no possibility to reach a final peace agreement on several crucial problems since the Israelis

cannot accept the minimum demands of Palestinians. On several occasions, the Jihad movement claimed that Israel and the US do not oppose the emergence of a Palestinian State as long as it is done with Israeli conditions, while criticizing the PNA's acceptance of Barak's strategy of deferring interim period issues to the final status agreement.

With the eruption of the *Intifada* last autumn, HAMAS concurred with other national opposition groups, as well as FATAH, to the need of carrying on with the *Intifada* and resisting occupation until independence. Divergence of opinion is related as to the continuation of negotiations with Israelis, that HAMAS considers futile, while other factions consider it important as a means to achieve Palestinian rights.

HAMAS realizes that negotiations constitute a means that cannot be ignored in the process of achieving national objectives but stresses that the Palestinians' being the weaker party, and the imbalance of power to the advantage of Israeli with American bias, cannot lead to achieve Palestinian objectives. HAMAS is critical to two matters in the Palestinian-Israeli negotiations, having to do with isolating the Palestinian problem from its Arab and Islamic circle and the deferring of discussing the issue of Jerusalem and other crucial matters to the final phase negotiations and dealing with secondary subjects.

HAMAS was actively involved from the outset in *Intifada* activities, together with other national factions. It was engaged in all meetings and public rallies while threatening to hit at Israeli targets, following shelling and military attacks by Israelis. HAMAS claimed responsibility for operations carried out in Khadera, Jerusalem, Tel Aviv and Natanya, stressing that violence, breeds violence in a clear message that Israel should not cross certain lines.

2.1.3 Parliamentary Opposition

No serious developments have occurred in this respect during the period under review, since parliamentary blocs were engaged in matters of public concern under the special circumstances facing the country.

Parliamentary blocs focused on following up the Camp David negotiations and the implications of declaring statehood. The Democratic Alliance Bloc in the PLC issued statements reflecting its position towards various political developments, including a condemnation of the US Congress, backing up Israel completely in a biased manner. It also called the PNA to activate internal reform at all levels.

The FATAH bloc called for standing firm and encounter pressures and even halting negotiations and security coordination, while calling on Arab countries to withdraw ambassadors to Israel and resisting normalization. The PNA was called to put a serious,

active and concrete realistic plan that could cope with current challenges and document Israeli aggressions and start trial procedures of war crimes.

Strengths 1.Serious cooperation among various Palestinian forces to confront Israeli practices that deny and negate the rights of the Palestinian people. 2.Increasing acceptance to the endorsement of legitimate international resolutions as a basis to the political settlement accepted by the Palestinian people. 3.Active field coordination between various national forces during the Intifada.

Weaknesses 1.Signs of duality between political decision-making bodies, such as the PLO and the PNA, with implications that would exclude certain segments. 2.Decline in the credibility of political parties that have a limited role and are unable to balance the political discourse into an active political and social program.

2.2 Trade Unions and Professional Associations

Trade unions continue to operate in the same manner as in the previous *Intifada* before the PNA's arrival. It focused on political activity, giving no importance to membership conditions, which resulted in a number of excesses that kept the movement weak. There is a serious shortage of regulations that would secure safety at work and prevent occupational hazards and guarantee workers rights in general. Furthermore, the trade union movement is deeply divided and lacks unified laws with no specific work plans, resulting in the division between the General Secretariat of Palestine, Union of Workers and the General Union of Professional Associations.

The lack of workers' courts has worsened the situation, making it more difficult to resolve problems faced by workers. Although the Ministry of Labor has a special department to regulate the labor market, there is no proper coordination between labor and employers following the failure of joint committees to coordinate among the three parties.

The issuance of the Palestinian Labor Law last April 30th is the most significant achievement and was subject of an extensive discussion for a long period. All parties consider that the afore-mentioned law paves the way to organize the labor market, fill up the legal vacuum and resolve basic aspects of labor, such as wages, work hours, women employees, contracts, etc.

Al Multaqa held intensive discussions with teacher organizations and the General Union of teacher over the issues of concern, particularly on the background of the teachers' strike.

Observers indicate that the labor law will not succeed in coping with problems of labor but constitutes the basis of dealing with worker problems under occupation that is

controlling the Palestinian labor market. However, although the labor law has been approved, it is not in application and there is need to apply it promptly.

On the other side, there was an announcement of the formation of a preparatory committee with representatives of professional unions - doctors, pharmacists, dentists, lawyers, engineers and veterinarians from all districts, with the purpose of uniting the trade unions. As a result, five follow-up committees were formed with the purpose of drafting laws and amending the Union's charter.

Pharmacies in the districts of Ramallah, Nablus and El Bireh partially shut down their pharmacies during May in protest of the non-application of the Palestinian professional practice regulations that was due to be implemented by the beginning of 1999.

The Medical Doctors Union rejected the regulations concerning the practice of medicine and dentistry that had been prepared by "diwan al Fatwa wal tashree", claiming that it eliminates the professional and social role of the Union.

The General Union of Workers issued its special recommendations for the social insurance regulations calling for the establishment of a public institution for social welfare.

The workers were severely affected by the total closure of PNA territories with daily losses of 3.5 million dollars of workers within the green line and in settlements. Added to that is around 10% of local unemployment from the slowdown in local industry and the shortage of imported raw material, directly affecting the gross national product.

Instead of activating plans to deal with the situation, trade unions sufficed by registering the names of the unemployed, ending up with the distribution of 600 NIS to those who were registered. The Labor Ministry was unable to compromise between the unions and formed an investigation committee to look into claims of embezzlement accusations exchanged between the General Union of workers with the Ramallah branch.

Coordinating emergency committees were formed to address the agricultural sector at a different level in districts with the purpose of assisting farmers under current circumstances through an initiative of the agricultural relief committees association and the participation of governorates, agriculture department, local government, Farmers Union, the Cooperative Union and the Arab Center for Agricultural Development.

Strengths 1.The promulgation of the Palestinian labor law with the trade unions playing a major role in its drafting. 2.The existence of initiatives designed to organize professional groups such as the medical and agricultural frameworks.

Weaknesses 1.The trade union movement is weak and dispersed, having little effect in influencing society and the interest of labor groups. 2.The non-implementation of the labor law has negatively affected the trade unions and professional associations. 3. Absence of democratic practice is a key element in the weakness of trade unions and professional associations.

2.3 Civil Society Organizations and NGOs

The *Intifada* had a clear impact on the work of civil society organizations, some of whom have responded in record time to change priorities and meet the emergency conditions, following an initial confusion. In general, civil society organizations enjoy the confidence of the Palestinian public. A poll indicated⁵⁰ that the Palestinian NGOs have the 4th rating out of a list of 15 bodies in the level of public confidence, with a 53.5% compared to 37.6% to foreign NGOs that were in the 13th position, while state institutions got 41.6% (10th rating).

The Palestinian civil society organizations warmly welcomed the law concerning NGOs that was passed by the PLC and approved by President Arafat and put to action as of April 1st, 2000. Intensive official and civil effort was done to pass the NGO law, and the network of civil organizations through its coordinating committee has drafted a guide to all NGO organizations with instructions to meet conditions, according to the new law, with a nine-month notice to rectify matters.

Expressing concern about Jerusalem, the civil organizations held a meeting in the City last April at the Arab Thought Forum (Al Multaqa) to discuss means of activating the role of NGOs in Jerusalem.

Al Multaqa, in its capacity as a member of the Palestinian NGO network participated in various local and international activities related to NGOs.

As a result, sub-committees were formed by the civil society organizations in the fields of health, education, agriculture, encouraging Arab investment in Jerusalem, monitoring Israeli violations, supporting Jerusalem institutions and boosting up the network's official and non-official networking in the City.

The law concerning civil society organizations and NGOs evoked widespread discussion in official and non-official circles. The propositions advanced by the Ministry of Interior

were considered to be contradictory in some parts with the Law and included items that did not fit. New restrictions were placed on the work of societies and NGOs, granting the Minister authorities that were not stipulated, and even contravened with the spirit and basic philosophy of the law. For instance, article 22 of the list included a condition to get the Minister's approval on all profit-making activities of NGOs. This contradicted article 15 that stated: "Societies and civil organizations have the right to organize activities and undertake profit-making projects, on condition that the revenues are utilized to cover activities that are beneficial to the public interest".

In the same framework, the issue of registering Jerusalem institutions with the Palestinian Interior Ministry has evoked another controversy. Representatives of the Ministry of Interior insisted that such a registration would not affect the operation of the NGOs in Jerusalem, while representatives of NGOs were not sure. The matter was postponed for a few months with an ongoing discussion as to how the issue of registration and compromise could be implemented. The Ministry of Interior set December 31st, 2000 as a deadline for the registration of Jerusalem NGOs.

In a precedent, Palestinian civil society organizations from three geographic areas including Palestine, inside the green line, and Lebanon were able to meet together in a conference held in Larnaca, Cyprus. The purpose was to network Palestinian civil society organizations all over and boost Palestinian official and non-official activity. More initiatives and steps are needed to connect Palestinian NGOs inside and outside the country. With the eruption of the *Intifada*, the NGO network has mobilized to cope with the new conditions and the general board of the network held a meeting to discuss the current political situation and decided to boycott joint projects and the Peres Peace Center. The network has formed committees to implement medium and long-term projects according to sectors and organize civil participation in the battle for independence.

In general, the *Intifada* has not taken civil organizations and NGOs by surprise, since they acquired an experience in quickly adapting to new conditions. In fact, they were established under extremely complicated conditions with the purpose of fulfilling national duty. The NGOs participated in various committees formed in various areas to deal with health and other issues and promote the justice of the Palestinian cause, locally and internationally. A number of open dialogue sessions, workshops and seminars were held, including official meetings with diplomatic representatives of foreign and international bodies. In addition, websites were utilized to disseminate information to present the Palestinian position and expose Israeli violations, as well as the publication of studies and reports covering many areas. The NGOs have played a major role in documenting the destruction of buildings with regular field visits to console families of martyrs and wounded, adapting their activity from the phase of institution-building to the phase of emergency action.

Foreign NGOs

Foreign NGOs provide support and backing to Palestinian civil organizations, offering important social and humanitarian services. However, the level of the foreign NGOs does not match the level of their local counterparts, especially after the eruption of the *Intifada* that impeded and even paralyzed the work of some of the NGOs. Some organizations have resorted to ordering foreign personnel to leave the country and stay in European hotels with high *per diem* expenses instead of providing services during the critical times. Some of the humanitarian organizations have slowed down instead of increasing activity.

Reflecting disappointment, a public opinion poll⁵¹ indicated that the foreign NGOs operating in Palestine have the 13th rating out of 15 public bodies with a 37.6% rate compared to Palestinian NGOs that were placed in the 4th position in public confidence with a rate of 53.5%.

However, these results cannot be generalized on all foreign institutions, some of which responded with flexibility and dynamism and adapted its activity into an emergency situation to deal with emerging conditions.

2.4 Human Rights Organizations

Some observers view that the experience of the Human Rights Organizations Council in the West Bank has a long way to go in order to meet the required level, even if it has scored some achievements. Efforts are needed to find a common work program and coordinate work with a local reference body based on a true understanding of Human Rights Organizations in spreading the culture of democracy in Palestinian society.

In a joint letter dispatched to President Arafat, a number of Human Rights Organizations expressed deep alarm for the appointment of a **new General Prosecutor that had been condemned by a Military Court in Jericho to 7 years in prison** over the killing of a Palestinian detainee. The letter warned of the impact of such an appointment on the credibility of the general prosecution and public outlook to the Judicial Authority, that is supposed to be a defender of rights and liberties.

As a member of the Palestinian Human Rights Council, Al Multaqa participated in joint activities and meetings with International investigation committees including a meeting with Mary Robinson.

Human Rights Organizations in the West Bank and Gaza received with distress the decision of the founding Council of the Palestinian Lawyers Union, informing a number of Palestinian lawyers active in Human Rights that their names will be cancelled from the list of lawyers practicing the profession. The matter constitutes a precedent that has never occurred with any Arab lawyers union and is a severe blow to the structure of civil society organizations working in the field of human rights.

The Human Rights Organizations called for the speedy activation of law and educational institutions as a form of reversing trends of collective misbehavior that resulted in innocent victims. What was described as ‘accidents’ kept recurring as an indication that the culture of violence is creeping into Palestinian society. In order to prevent crime becoming a habit in society, the Human Rights Organizations recommended, following meetings calling for the revival of law, as well as distancing the law and security institutions, from narrow social interest and disputes so that its role will be guided by the spirit of the law. Dealing with such a situation requires comprehensive investigation, not only into the incident but also in what has led to it. At the same time, there were calls to implement punitive measures against all violators without discrimination or factional and political considerations, without resorting to State Security Courts that are illegal and lack defense and appeal guarantees, in addition to undermining the regular court system.

The Council for Human Rights Organizations has issued several statements concerning the hunger strike declared by Palestinian detainees in Israeli prisons and the popular protests in support of the strike. It called the international community to shoulder legal and ethical responsibilities towards the killing and shooting of Palestinian demonstrators and in solidarity with Palestinian prisoners held by Israel.

The Constitution Charter draft occupied an important part of the activity of Human Rights Organizations, underlining the need for endorsing a charter that would guarantee rights and liberties in Palestine honoring the rule of law and the principle of the separation of powers.

The Constitutional Charter emanating from the Central Council’s meeting focused on the importance of upholding the principles of the rule of law, political pluralism and securing human rights and parliamentary life. In addition, there were calls to the actual preparation for PNC and local council elections as a framework reflecting community needs of Palestinians. A number of Human Rights Organizations expressed alarm that this document will be a substitute to the constitution and be actually used to restrict liberties with the pretext of national interest.

Al Multaqa has concluded preparation, with an agreement with the UN Human Rights Commissioner General in Palestine, a National Plan for Human Rights in Palestine. The plan covers six basic sectors: housing, health, education, social welfare, environment and justice. There were six workshops held in the West Bank and another 6 in the Gaza Strip with participants from government and non-government institutions to discuss sectorial studies prepared by consultants in each field.

Palestine will be the first Arab country out of 20 countries in the world that have such a plan as requested by the 1993 Vienna conference. After completing discussion of the plan with a specialized Palestinian Ministerial Committee and endorsement of the Ministry of Planning and International Cooperation, the plan needs to be endorsed by the PLC prior to getting approval from President Arafat and becoming official.

Although Palestinian human rights were grossly violated in an unprecedented manner during the year⁵², the 52nd anniversary for the Universal Declaration of Human Rights passed unnoticed. The meeting held with Mary Robinson, UN Commissioner for Human Rights, with the Human Rights Council, including the presentation of a report describing “increasing Israeli violations and the use of internationally-banned weapons together with shelling, assassination and destruction of roads⁵³ by soldiers and settlers as revealed by organizations in the network”.

The UN Commissioner General took positive positions vis-à-vis the Palestinian right for self-determination and the right of return for refugees calling for International protection. However, the Commissioner’s report did not meet ethical and professional standards, as remarked by human rights activists, in that it lacked details of violations without firmly confirming Israeli violations. It sounded as if the violations were allegations that require corroboration. On the other side, the use of the term “violence” is misleading, implying that there is symmetry in the balance of power between the two sides. The report failed in firmly confirming the excessive, unjustifiable use of force by the Israeli army and police.

The report referred to the “ugly lynching” of two Israeli soldiers in the Ramallah Police station without any reference to the scores of killings on the Palestinian side by settlers, police, special units and the army⁵⁴. Although the Commissioner personally witnessed a number of war crimes and crimes against humanity, there was no reference to this in the report.

Human Rights Organizations have been tracing the economic, cultural, social and political effects of the *Intifada* while holding meetings keeping track of figures and documenting events with the purpose of resorting to the International Court of Justice and demanding compensation for human and material losses⁵⁵.

Strengths 1.The NGOs operating in a vital and dynamic manner still enjoy Palestinian public trust. 2.The issuing of the Civil Organization’s Law and putting it into effect is a positive incentive for NGO work. 3.Many NGO’s managed to adapt activities to fit into the conditions created by the *Intifada*. 4.A number of foreign NGOs also conditioned activities to meet the needs within the circumstances of the *Intifada*.

Weaknesses 1.A number of NGOs were confused in carrying out programs with the eruption of the Intifada. 2.A number of NGOs still lack the pre-conditions for proper operation including the principles of internal democracy and proper financial procedures. 3.Setbacks and flaws were noticed and the position and level of a number of foreign NGOs operating in the country.