

## **Important dates**

<b>Jan 14, 2003</b>	Holding the London video conference following Israel's banning of Palestinian participation.
<b>Jan 31, 2003</b>	Israel bans speaker of Palestinian Legislative Council (PLC) to attend PLC session.
<b>March 17, 2003</b>	Initiating the post of Prime Minister for the first time in Palestine.
<b>March 17, 2003</b>	Israel arrests PLC member Husam Khader who is the second PLC member to be arrested after Marwan Barghouti.
<b>March 18, 2003</b>	President Arafat endorses the amended basic law of the PNC.
<b>April 9, 2003</b>	The fall of Baghdad into American hands.
<b>April 29, 2003</b>	The Mahmoud Abbas government wins PLC confidence and swears allegiance in front of President Arafat.
<b>May 17, 2003</b>	First summit in two years between Prime Minister Mahmoud Abbas and Ariel Sharon.
<b>June 4, 2003</b>	Akaba summit with George Bush, Mahmoud Abbas, Ariel Sharon and King Abdullah.
<b>June 29, 2003</b>	Unilateral declaration of ceasefire for three months on behalf of Hamas, Islamic JIHAD, PDFLP, HAMAS and Al Aqsa Brigades.
<b>July 9, 2003</b>	The US State Department agrees to offer 20 million dollars in direct aid to the PA for the first time.
<b>July 12, 2003</b>	The PLC approves the first reading of the Jerusalem Capital bill.
<b>Aug 5, 2003</b>	Mahmoud Abbas cancels a meeting with Sharon accusing him of undermining the Road Map.
<b>Aug 21, 2003</b>	Israeli forces assassinate Hamas leader Ismail Abu Shanab putting an end to a ceasefire that lasted 51 days.
<b>Aug 24, 2003</b>	The Palestinian Monetary Authority freezes the accounts of 39 charitable organizations by an order from the Attorney General.
<b>Sept 6, 2003</b>	Mahmoud Abbas government resigns. President Arafat assigns Ahmad Qurei' to form a new cabinet.

<b>Sept 6, 2003</b>	An Israeli failed attempt to assassinate Hamas leader Ahmad Yasin.
<b>Sept 10, 2003</b>	The ICRC condemns Israeli extra-judicial killings and Palestinian suicide bombings.
<b>Sept 10, 2003</b>	Israeli failed attempt to assassinate Hamas leader Mahmoud Zahhar. Instead, Zahhar's son is killed.
<b>Sept 11, 2003</b>	The Israeli government issues an order to get rid of Arafat.
<b>Sept 16, 2003</b>	The US vetoes a UN Security Council calling upon Israel not to expel or harm President Arafat.
<b>Sept 19, 2003</b>	The UN General Assembly passes a vote with 133 countries calling upon the Israeli Government not to expel or harm President Arafat.
<b>Sept 24, 2003</b>	27 Israeli pilots declare their unwillingness to target Palestinians by air strikes since such operations are illegal and unethical.
<b>Oct 1, 2003</b>	Implementation of the Civil Service Law in Palestine.
<b>Oct 5, 2003</b>	Ahmad Qurei' forms an emergency government as per a presidential decree declaring emergency for one month.
<b>Oct 15, 2003</b>	Three American guards are killed at the entrance to Gaza following an attack on their convoy.
<b>Nov 3, 2003</b>	End of the Palestinian emergency government term.
<b>Nov 4, 2003</b>	The Palestinian Police declare that the month of October had a record of 59 Palestinian martyrs and 322 wounded as a result of Israeli operations.
<b>Nov 12, 2003</b>	Ahmad Qurei's second cabinet wins PLC confidence and is sworn in, in front of the President.
<b>Nov 19, 2003</b>	The UN Security Council unanimously endorses the Road Map calling for the establishment of a Palestinian state by the year 2005.
<b>Nov 19, 2003</b>	Rafiq Natsheh is elected as PLC speaker.
<b>Dec 1, 2003</b>	Declaration of the unofficial Geneva peace initiative with Arafat's implicit approval and Israeli strong rejection.
<b>Dec 8, 2003</b>	The UN General Assembly refers the issue of the Apartheid wall to the International Court of Justice.
<b>Dec 9, 2003</b>	The PLC holds a boisterous session to discuss the Geneva Declaration.



## **Introduction**

**This is the sixth annual report on the state of democracy in Palestine. It coincides with the ongoing Palestinian uprising against the Israeli occupation that is trying to subjugate Palestinians by force to alter internationally approved resolutions concerning Palestine. Clearly Israel is seeking to reach a unilateral settlement that would legitimize the occupation and perpetrate the colonization of Palestinian areas and exert political, economic and military control forcing the PA to become just a local administration to deal with daily affairs of the population.**

**The Arab Thought Forum (ATF) was keen to issue the fourth and the fifth annual reports concerning the state of democracy at a time when addressing such issues seemed a futile luxury. It looked as if the priority should be focused on fulfilling national liberation and dealing with economic and security matters. In fact the calls for reform were not only a precondition for moving on but true steps have been taken in this respect responding to calls that were there since several years.**

**While the ATF recognizes the importance of reform and developing democratic practices, it is aware that this is not possible without fulfilling sovereignty. In fact such calls are nothing but an Israeli attempt to extend the occupation. However, the issue of reform remains on the top of Palestinian priorities. It is not merely temporary tactical measures or submission to external pressures but binding principles that need to be addressed as a matter of Palestinian concern.**

**The ATF is keen to grab opportunities to move forward but is apprehensive to attempts to externally impose a leadership. Democratic formation needs to pass through legitimate tools through frameworks determined by the people.**

**Attempts for external intervention are bound to cause a polarization within the Palestinian society that could shift the focus off from the need for reform. This is particularly true in light of the Israeli right-wing government's drive to perpetrate occupation and deny Palestinian rights.**

**For the international role to be effective, there is a need to assist the local community to develop the democratic formation through providing the tools and means that are necessary for such a course of action.**

**The ATF is aware of official Israeli intentions and thus defends the Palestinian legitimate leadership without losing sight of problematic areas that need to be**

**addressed. This process is bound to speed up the process of establishing an independent Palestinian democratic state.**

**Consistently, the ATF stressed that it neither seeks to flatter or condemn but to objectively diagnose strengths and weaknesses with the purpose of rectifying matters. In other words, the ATF is not in a position to take sides other than the ultimate interest of the Palestinian people with a deep understanding for the prevailing interests and sensitivities.**

**Our target in this report is not to point fingers but to uncover and take note of problem areas with the purpose of treatment. Accumulation of errors could undermine the process of moving on. More than ever, the current conditions require strengthening the inner front and treating ailments as part of the overall nation-building that Palestinians are yearning for.**

## Methodology

This 6th annual report is a summary of three periodic reports and twelve monthly reports issued by the ATF in the period between January and December 2003. These reports cover the process of democratic formation. Each report differs in its methodology of addressing targeted topics. The monthly reports are a monitor of current events and issues. The quarterly reports are a description and analysis of main events indicating democratic formation and draw specific conclusions concerning the period under study. The general report seeks to analyze all the afore-mentioned aspects; underlining weaknesses and strengths in light of steps forward or backward and following up the daily course of events during the given year. In addition, it analyzes and summarizes issues tackled by the annual report.

The series of reports (whether monthly, quarterly or this annual report), seek to underline elements, supportive or disruptive, of the process of democratic formation. This report is a by-product of the systematic monitoring of events drawn out from the press, information issued by government or non-government sources as well as reports by international institutions operating in Palestine. It also includes public opinion polls conducted by local institutions.

From an analytical point of view, the activities of the Arab Thought Forum and the Center for Citizens' Rights play an important role in crystallizing various opinions and analyses. Such activities include a wide array of opinion articulated in the meetings of the Forum, and involve a broad spectrum of participants from the Palestinian political and intellectual leadership.

As for the style of exposing topics, the Arab Thought Forum has chosen to approach the issues addressed in a wholistic way that considers both the horizontal and vertical relations between Palestinian society and its institutions. Additionally, the Forum sought as much as possible, to take into consideration views made by participants in discussion sessions about the previous general reports. This formed an integral part of the preparation of the current report.

It should also be noted that the quality and conclusions of the general report are largely affected by information and reports supplied by relevant parties. The more official departments come up with reports, the more possible it would be to assess performance in democratic formation. This will become clearer to the reader as we proceed.

In light of the absence of clear, endorsed, integrated measurement tools to assess democratic formation quantitatively and qualitatively, this report has limitations to the monitoring of democratic formation. To compensate for that, the report contains graphs and statistical tables to indicate impact trends.

The importance of producing such graphs and tables has also to do with linking the process of democratic formation to the level and quality of services provided by public institutions. As such, the ATF is not merely interested in tracing traditional, academic and democratic transformation, but also in concrete results and services provided to the public. The motive for that is that democracy is not an end in itself but a means to secure better services to the public.

In this respect, the ATF in its reports does not deal with the issue of democracy in an abstract manner or as a pure academic exercise, but sees a clear connection between theory and practice as well as justice, social welfare and services that are provided. This emanates from the view that all of the above are integrated and interdependent. Otherwise, democracy becomes a futile exercise and void of its content with no qualitative relevance to the public. Not less important, the report also sees the connection between the status of democracy and the general political situation. In the conclusions, one cannot ignore that the country is still struggling against the occupation and is in a process of national liberation.

During the successive years of issuing this report, there has been an obvious escalation of oppressive measures by the Israeli occupation. This has become especially a reflection of the return of direct Israeli rule to most Palestinian areas.

The ATF acknowledges the efforts of some specialized institutions that have provided valuable quantitative information included in this report and is indebted to members of the Board of Trustees and concerned friends whose meticulous comments have enriched the report.

## General Outlook

This sixth annual report issued by the Arab Thought Forum covers the events affecting the process of democratic formation in Palestine during the entire period of 2003.

The US decision to invade Iraq with British support and undeclared Israeli involvement with the objective of “bringing down Saddam Hussein’s regime and getting rid of weapons of mass destruction” was the highlight of Middle East events during the year. Calls to avoid the war across the world went unheeded despite Iraq’s unconditional acceptance of UN resolution 1441 and cooperation with UN inspectors looking for Iraqi unconventional arms and the destruction of Iraqi rockets that are beyond the permitted range. The US imposed a new logic bypassing the international legitimacy. Massive demonstrations that were held in 500 cities around the world failed to bring a peaceful solution to the matter. At a time when the region was a target for a new formation, the Arab world was remarkably calm and unresponsive.

The speedy fall of the Iraqi regime, in less than a month, through the fatal blow of the American and British forces encouraged the hawks in the US to call for similar blows to countries like Syria and Iran. However, the leaders of those countries grasped the new developments and the international and regional changes following the fall of Baghdad. Damascus closed the borders with Iraq and kept out wanted Iraqis adopting a policy of non-intervention in Iraqi affairs. Tehran was co-opted in the new American arrangements through containing the Iraqi Shiites within its sphere of influence. The US State Secretary did not mince words when he declared that Washington was out to re-form the Middle East out of Iraq.

The Arab dismantlement went ahead with the Gulf Cooperation Council adopting Sheikh Zayed’s initiative. Egypt claimed taking a neutral position while Yemen and the Maghreb countries stayed out claiming that they were taken up by the war on terror. Libya abandoned the Arabs claiming that it opted moving towards the African continent. The Arab world was deeply divided indicating that the proposed new Middle East runs along political lines rather than geographic ones. It seemed that the US could control the rest of the Middle East out of its presence in Iraq.

Obviously the stakes in Iraq are so high. However, the Palestinian question stands as a major hurdle along the way. It is probably this that pushed Sharon to verbally declare acceptance of the road map. It was an option that would evade friction with the US and



secure Israeli interests not only politically and diplomatically but also economically. As such, Sharon posed as “seeking peace” while holding the Palestinians as responsible for the failure of the peace process that he has systematically destroyed. House demolitions, wide scale detentions, razing land and settlement activity go unhindered to create new realities together with the erection of the apartheid wall under the pretext of fighting terror.

All efforts to rectify matters have collapsed with an intensive psychological and mediatic war waged against Palestinians based on misinformation and deception to portray resistance to occupation as a form of terror at a time when state terrorism against Palestinians is unleashed in all forms.

The gloomy atmosphere prevailed following the Akaba summit hosted by the Jordanian monarch on June 4, 2003 with the attendance of President Bush and Palestinian Prime Minister Mahmoud Abbas. There was widespread condemnation for Abbas’s referring to renounce “Palestinian terror” with no mention of Israeli state terror or emphasis on the need for Israel to withdraw to the line of June 4, 67 with Jerusalem as capital and asserting the right of refugees.

Focus was placed on the issue of combating terror and dismantling its infrastructure as a precondition for advancing in the peace process. This responds to Israel’s security considerations while evading the political component. Washington was keen to maintain the calm that was started on June 29 with the 3-month truce pledge. However, it survived for 51 days and came to an end with the assassination of Hamas leader Isma’il Abu Shanab on August 20, 2003. This brought back the vicious cycle of death with the return of extra-judicial killings and Palestinian responses targeting blowing up an Israeli bus<sup>1</sup>. The collapse of the truce created a political void that paved the way for renewed, more bloody confrontations between the two sides.

Israeli Chief of Staff Moshe Ya’alon made a declaration on July 3, 2003 claiming that the Palestinian acceptance of the truce was a victory to the Israeli military policy. However, the Israeli government dismissed that declaration as irresponsible on the following day. After several months from the collapse of the truce, it became clear that the Israeli military and political leadership is living in an illusion by attempting to impose its agenda on the Palestinian people through oppression and state terror.

Clearly Sharon’s second government disassociated itself from the establishment of a

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<sup>1</sup> A number of Israeli pilots declared their unwillingness to get involved in extra-judicial killings and state terror. In addition, 200 Israeli academics signed a petition in support of the pilots and their courage in upholding ethical values. The pilots who signed were dismissed from the service (Israeli papers 1 November 2003).

Palestinian state. With the involvement of three extreme right wing parties in the cabinet, what lies ahead is maintaining and aggravating the current deadlock. The government platform made no mention of a Palestinian state even along the line proposed by Sharon for a long range, multiphase interim solution. Thus the political inertia between both sides was severely curtailed. Military campaigns were continued at an escalating pace with increasing victims and the use of planes to execute extrajudicial killings evoking Palestinian revenge responses<sup>2</sup>.

With the Intifada entering its fourth year on September 28, there is no sign for the Palestinians relenting to the massive fire power. The yearning for independence and freedom is persistent with an attempt to dismiss the label of terrorism that Israel has been seeking to promote in order to continue its occupation.

Emphasis on completing the apartheid wall before the end of 2005 seeking to create facts on the ground before the International Court of Justice issues its verdict is extremely alarming to Palestinians. The Security Council had voted to refer the matter to the Court in the Hague with 90 countries in favor and 8 against (apart from the US and Israel, they were Australia, Ethiopia, Nauru islands, Mauritius islands, Micronesia and Balao), 74 countries abstained including the European Union. The voting indicates that the International community is hesitant to involve the International Court in the Middle East conflict. In this framework, the US vetoed a Security Council proposal calling upon Israel to halt building the apartheid wall. All what the US could do in this respect was deducting the cost of the wall from the loan guarantees to the Sharon government while the Europeans refused to exempt products of Arab and Palestinian occupied territories from customs.

With the lack of serious external pressures, there is an increasing feeling among Palestinians that their cause is being marginalized and is no more at the centre of International and Arab priorities, as they would have liked.

There has been an unprecedented flurry of unofficial initiatives recently. The most controversial is the Geneva Accord that evoked all kinds of reactions despite its unbinding nature to the PA. Nevertheless, certain Palestinian officials and even some ministers were actively promoting it with no reference to the Palestinian public. Opponents to the declaration claimed that the time for taking such key decisions on a one-man basis and imposing it is over and thus such a declaration is a risky political adventure.

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<sup>2</sup> In response to Israeli assaults, the Palestinians launched 26 suicide operations causing the death of 213 Israelis (of whom 50 were military and 163 settlers and civilians) according to the Israeli security sources for 2003. During the same period, the Israelis killed 627 Palestinians (of whom 123 were children, 17 women and 67 targeted assassinations and 76 bystanders killed during such attacks).

## **The Text of the Israeli Comments on the “Road Map”**

(As published in Haaretz)

1. Both at the commencement of, and during the process, and as a condition to its continuance, calm will be maintained. The Palestinians will dismantle the existing security organizations and implement security reforms during the course of which new organizations will be formed and act to combat terror, violence and incitement (incitement must cease immediately and the Palestinian Authority must educate for peace).

These organizations will engage in genuine prevention of terror and violence through arrests, interrogations, prevention and the enforcement of the legal groundwork for investigations, prosecution and punishment. In the first phase of the plan and as a condition for progress to the second phase, the Palestinians will complete the dismantling of terrorist organizations (Hamas, Islamic Jihad, the Popular Front, the Democratic Front, Al-Aqsa Brigades and other apparatuses) and their infrastructure; collection of all illegal weapons and their transfer to a third party for the sake of being removed from the area and destroyed; cessation of weapons smuggling and weapons production inside the Palestinian Authority; activation of the full prevention apparatus and cessation of incitement.

There will be no progress to the second phase without the fulfillment of all above-mentioned conditions relating to the war against terror.

The security plans to be implemented are the Tenet and Zinni plans. [As in the other mutual frameworks, the road map will not state that Israel must cease violence and incitement against the Palestinians].

2. Full performance will be a condition for progress between phases and for progress within phases. The first condition for progress will be the complete cessation of terror, violence and incitement. Progress between phases will come only following the full implementation of the preceding phase. Attention will be paid not to time lines, but to performance benchmarks (time lines will serve only as reference points).
3. The emergence of a new and different leadership in the Palestinian Authority within the framework of governmental reform. The formation of a new leadership constitutes a condition for progress to the second phase of the plan. In this framework, elections will be conducted for the Palestinian Legislative Council following coordination with Israel.
4. The Monitoring mechanism will be under American management. The chief verification activity

will concentrate upon the creation of another Palestinian entity and progress in the civil reform process within the Palestinian Authority.

Verification will be performed exclusively on a professional basis and per issue (economic, legal, financial) without the existence of a combined or unified mechanism. Substantive decisions will remain in the hands of both parties.

5. The character of the provisional Palestinian state will be determined through negotiations between the Palestinian Authority and Israel. The provisional state will have provisional borders and certain aspects of sovereignty, be fully demilitarized with no military forces, but only with police and internal security forces of limited scope and armaments, be without the authority to undertake defense alliances or military cooperation, and Israeli control over the entry and exit of all persons and cargo, as well as of its air space and electromagnetic spectrum.
6. In connection to both the introductory statements and the final settlement, declared references must be made to Israel's right to exist as a Jewish state and to the waiver of any right of return for Palestinian refugees to the State of Israel.
7. End of the process will lead to the end of all claims and not only the end of the conflict.
8. The future settlement will be reached through agreement and direct negotiations between the two parties, in accordance with the vision outlined by President Bush in his 24 June address.
9. There will be no involvement with issues pertaining to the final settlement. Among issues not to be discussed: settlement in Judea, Samaria and Gaza (excluding a settlement freeze and illegal outposts); the status of the Palestinian Authority and its institutions in Jerusalem; and all other matters whose substance relates to the final settlement.
10. The removal of references other than 242 and 338 (1397, the Saudi Initiative and the Arab Initiative adopted in Beirut). A settlement based upon the road map will be an autonomous settlement that derives its validity therefrom.

The only possible reference should be to Resolutions 242 and 338, and then only as an outline for the conduct of future negotiations on a permanent settlement.

11. Promotion of the reform process in the Palestinian Authority: a transitional Palestinian constitution will be composed, a Palestinian legal infrastructure will be constructed and cooperation with Israel in this field will be renewed. In the economic sphere: international efforts to rehabilitate the Palestinian economy will continue. In the financial sphere: the American-Israeli-Palestinian agreement will be implemented in full as a condition for the continued transfer of tax revenues.

12. The deployment of IDF forces along the September 2000 lines will be subject to the stipulation of Article 4 (absolute quiet) and will be carried out in keeping with changes to be required by the nature of the new circumstances and needs created thereby. Emphasis will be placed on the division of responsibilities and civilian authority as in September 2000, and not on the position of forces on the ground at that time.
13. Subject to security conditions, Israel will work to restore Palestinian life to normal: promote the economic situation, cultivation of commercial connections, encouragement and assistance for the activities of recognized humanitarian agencies. No reference will be made to the Bertini Report as a binding source document within the framework of the humanitarian issue.
14. Arab states will assist the process through the condemnation of terrorist activity. No link will be established between the Palestinian track and other tracks (Syrian-Lebanese).

The various initiatives were not confined to Palestinians and Israelis. Third parties were involved, such as the meetings held in London and Madrid with participants that are close to US and European decision-making circles.

Part of the reason behind the numerous initiatives is the American engulfment in the Iraqi quagmire. Waging an unjustified war and capturing Saddam Hussein without finding any weapons of mass destruction coincided with increasing Iraqi resistance and approaching US elections. All these elements called for calming up Iraq's neighbors, at least temporarily on all fronts including the Arab/Israeli front.

Simultaneously the Israeli government started to realize that it is almost impossible to resolve matters through military means. To gain time, it sought to calm down and offer a semblance of initiatives. With few months before the US elections, the PA felt the need to get out from the stalemate and prevent a total and final collapse of the process of settlement. Clearly the Palestinian side needs to focus on building up a united strategy in managing the conflict with a clear and specific political plan regarding the three basic issues of establishing an independent state, self determination and the right of return for refugees.

Sharon's threat in the Herzlia conference in December to resort to unilateral measures and impose the borders of the Palestinian entity outside the Apartheid wall through the separation and disengagement plan undermines the road map and precludes all other options.

# **1. Institutions of the Palestinian National Authority**

## **1.1 The Executive Authority**

### **1.1.1 The President**

The Israeli forces kept up the siege of President Arafat in his Ramallah headquarters amid an American-supported policy of creating an alternative Palestinian leadership. The formal declaration of the Road Map confirmed such a trend. A fierce campaign was waged during the year, particularly during February and later in August and September to isolate and dismiss Arafat culminating in an Israeli government decision in September calling to liquidate him.

Such a decision led to a stormy reaction. While some experts conveyed that there was an American role in the matter to test the type of reaction, former State Secretary Madeleine Albright declared that the position of President Bush to dismiss Arafat is a grave mistake. A source close to the Israeli government implied in July that Israel pledged to Washington secretly not to eliminate Arafat. However, a number of Israeli officials openly expressed such an intent as was the case with Ehud Olmert, the vice premier on March 22, 2003 and a senior military commander who revealed that the file of the military operation to exile Arafat “has been prepared since two years.”<sup>3</sup> General Amos Gil’ad, the head of the political security headquarters in the IDF ventured to declare that “the days of Arafat in the area are numbered. Dismissing him is necessary and I believe this is only a matter of time<sup>4</sup>.”

In response, FATAH warned about the gravity of such an eventuality in that any attempt to target Arafat would lead to disastrous consequences across the region and completely block any political moves<sup>5</sup>.

With Ahmad Qrei’s candidature to the post of prime minister, he declared that he had conditions before assuming the job. The most important is that “the manner of treating the elected President and leader of the Palestinians must change.” He added: “I will not agree to be a prime minister while there are attempts to marginalize the President and bypass him. I will not get involved with this<sup>6</sup>.” The reactions were varied. The US exercised the veto in the Security Council while the General Assembly approved with a majority of

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<sup>3</sup> Yediot Achronot September 12, 2003

<sup>4</sup> Yediot Achronot August 26, 2003.

<sup>5</sup> FATAH statement August 27, 2003.

<sup>6</sup> Al Ayyam September 11, 2003.

133 countries including the European Union countries. Some Israeli circles claimed that exiling Arafat might weaken Israeli control on his movement (like Etan Haber, Yediot Achronot, 27 August 2003). Others called for “a probe into the consequences and the timing of expulsion claiming that, for the time being, there is less damage in keeping Arafat held in his compound (Zeev Schiff, Haaretz, September 3, 2003).

On the other hand, prominent Israeli figures strongly objected to Israel's bypassing the international legitimacy. Avraham Burg, previous speaker of the Knesset, described the government decision as childish and that it causes strategic harm (13 September 2003). Latif Douri, Secretary of the Israeli/Palestinian dialogue group, described the decision as foolish and reflects the utter failure of subduing the Palestinian people through escalating oppression including killing, assassination, expulsion, settlement, land confiscation and building the apartheid wall<sup>7</sup>. On September 12, Israeli peace activists protested in front of the Israeli Defense Ministry against the decision to expel Arafat. Journalist David Grossman expressed the view that “getting rid of an opponent is a policy pursued by a terrorist organization and not a state based on law.” He emphasized that “Israel would commit a mistake, even a sin, if it eliminated Arafat<sup>8</sup>.”

Shimon Peres also declared that it would be a mistake to get rid of President Arafat who was awarded the Nobel prize in 1994 for his offering things that no other Palestinian leader ventured to give, such as recognizing Israel publicly<sup>9</sup>. Ron Pundak, one of the architects of Oslo stated that: “Israel is playing with fire in its decision to eliminate Arafat who is the main Palestinian decision maker that can keep the Palestinians in line<sup>10</sup>.” In the same spirit, columnist Dov Goldstein wrote that there is no alternative to Arafat as leader of the Palestinians. It is only through him that something could be achieved. All attempts to smear him and assassinate his character by describing him as a killer and a bloodthirsty terrorist are nothing but metaphoric, counterproductive ploys<sup>11</sup>.

Realizing that such an objective cannot be implemented, the post of a prime minister was devised on March 17 through Mahmoud Abbas. This was supposed to be a compromise that was granted confidence by all parties across the board and the initiation of the Road Map as a plan to revive the path of peace.

On April 29, 2003, President Arafat addressed the PLC calling for the endorsement of the new government and its plan following a discussion while reiterating the national objectives within proper democratic procedures of control and accountability.

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<sup>7</sup> Declaration by the Secretary of the Israeli/Palestinian Dialogue Committee, September 13, 2003.

<sup>8</sup> Yediot Achronot, September 17, 2003.

<sup>9</sup> Shimon Peres, on his 80th anniversary 22 September 2003

<sup>10</sup> Al Quds 20 September 2003.

<sup>11</sup> Ma'ariv 17 September 2003



The President's speech included a paragraph saying:

"Allow me to address in your name the whole world, the Americans, the Europeans, the Russians and especially the UN and address all Israelis to tell them: Gentlemen, all of you, the Palestinian people is yearning for a just, comprehensive peace and is striving for that. We are a people seeking security, stability and prosperity. We are earnestly looking to see ourselves, our neighbors and our region coexist, build and cooperate. However, we know at the same time how to adamantly uphold our rights without abandoning them. So help this people so that it can help you."

While Arafat's speech came within an internal Palestinian occasion, it was a message to the world which is being affected by the policies designed to the region both internally and externally.

The Israeli government tried to create a crisis along this map through coming up with fourteen reservations despite the fact that the road map was not announced for discussion but for implementation. An attempt to create a wedge between Arafat and his prime minister was too obvious, with Israel pushing to render Arafat irrelevant. Aware of such ploys, Abu Mazen declared to a major newspaper: "My government is that of Arafat, its success is as important to Arafat as to everyone else." By this, he tried to dismiss the tension between the two parties<sup>12</sup>.

However, it is a public secret that there was tension between the two particularly over the nomination of certain figures such as the minister of interior. In the background, Egypt and Jordan played a role in encouraging the creation of the prime minister's post. The purpose was not to isolate Arafat as much as it was perceived to facilitate negotiations. While Arafat seems to have lost his visible position in the negotiations, he remains the party calling the shots for what the prime minister could achieve. The meeting of the Executive Committee without Arafat reflects the separation of powers that was endorsed by Arafat himself when he urged the PLC and the Central Committee to introduce the new post to serve the national interest. It should be noted that Abu Mazen has a solid record and was the chief architect of Oslo. However, he could not overcome Arafat's symbolism as the historic leader running up matters. Through joint efforts and popular Palestinian support, there was hope that the ground is ready to resume the political process<sup>13</sup>.

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<sup>12</sup> Despite daily assaults on Palestinians, public opinion surveys indicated the Palestinian desire for peace. However, 87% regarded that Israel has no real desire for peace and 61% supported the continuation of negotiations with Israel (BZU Center for Development Studies, October 23, 2003). In another poll, 64% supported a peaceful solution based on two states (the Palestinian Center for Policy and Survey Research, March 25, 2003). The same poll indicated that 85% were for a mutual halt of violence and 59% supported taking measures against those who breach public order by firing arms. However, 54% supported operations against Israel if the occupation troops continue its assaults.

<sup>13</sup> 68.8% of Palestinians expressed satisfaction from the truce and 23.9% did not (the General Board of Information, July 10, 2003). Another poll had 78% holding Israel as responsible for the truce failure and 53% supported reaching a new truce (Public Opinion Center, Al Najah University, September 17, 2003).

The Palestinian territories have been adversely affected by the US war on Iraq. The Road Map was deferred together with the presidential and legislative elections that were supposed to be held in January 2003. The Israelis, on the other hand, exercised that right during the same period.

Sharon's gamble expected that the issue of the truce would be so divisive among Palestinians that it could lead to a civil war thus exempting Israel from delivering over the Road Map. The gamble was also over creating an internal rift between the President and the cabinet. Throughout the period under review, Arafat was calling to give the peace efforts and the Road Map a chance emphasizing the need for national unity and rejecting external interference in Palestinian affairs. Very few people knew at first about the internal divisions. However, Abu Mazen's resignation from FATAH's Central Committee during July reflected the extent of the crisis that has been building up for some time. It entailed differences over policies, interests, influence as well as prerogatives and decision-making.

It is not that easy to identify the source of the crisis as to whether it came after the Akaba summit or was a result of various manipulations involved in initiating the post of prime minister. However, one may argue that the source of the matter lies on the occupation and Sharon's intransigence that did not offer Abu Mazen any tangible concession. When the PLC met in September to evaluate the achievements of the first hundred days since the introduction of the post of prime minister, there was an occasion to identify whether the Palestinian leadership was trapped in that the new post was intended to create an alternative or parallel leadership. The whole ploy was to marginalize the President who actually appointed the prime minister. It seemed like an insult to Palestinian common sense that a prime minister in any setup is supposed to be under the President and not an alternative to him in preparation to topple him and get rid of him.

However, it should be pointed out that Abu Mazen and other Palestinians made their position clear to both Israelis and Americans that, regardless of internal differences, there is no alternative to Arafat's leadership. It is illogical for a government to function when the party that has appointed its head is under siege with his life under threat. At the same time, settlement activity is ongoing with measures of isolation, apartheid wall and extra-judicial killings as a recipe that will surely undermine the performance of the government and the Road Map. Israel did not cease to seek to marginalize Arafat despite all the changes in the Palestinian political system where he remains the determinant strong party.

To facilitate the job of Mahmoud Abbas, the Presidency has voluntarily conceded some of its security and administrative functions related to ministries and other public bodies.

However, dismissing the President's involvement in negotiation and security matters leaving him as merely a figurehead raised questions. It actually meant creating a leadership that would be tailored along Israeli wishes. What was particularly disturbing is the shuffling in the role of security affairs ministry and the appointment of an interior minister with the upgrading of the post of national security advisers and the formation of a Supreme Security Council headed by Arafat himself. Gradually, there was a case of polarization and rivalries over asserting influence even in regular administrative matters. With Israeli intransigence to respond positively to the requests of the Abbas government, there was no choice other than the prime minister's withdrawal from the scene while he repeatedly reiterated that he never would accept being used as an alternative leadership. In fact, Abbas held the Israeli government responsible for the collapse of the truce following repeated incursions, destruction and killings (August 10, 2003).

On the eve of the resignation of Mahmoud Abbas in early September, it became clear that the American/Israeli pressures exerted against the Palestinians intended to boost the influence of the prime ministry at the expense of the presidency or even isolate it and deprive it of security functions. On May 17, Saeb 'Erekat offered his resignation from the Ministry of Negotiation Affairs for being side-stepped since Abu Mazen was conducting negotiations with Israel without his knowledge.

Following Abu Mazen's resignation, the Israelis renewed the calls to expel Arafat accusing him of being an obstacle rather than part of the solution. Washington conveyed a message calling upon Israel not to harm Arafat personally. However, Americans pledged not to deal with the Palestinian leader lest there will be unpredictable complications<sup>14</sup>. The countdown of Israeli incursions into Gaza started on the background of shelling and time schedules involving the assassinations of HAMAS leaders conveying the message that no Palestinian has an immunity including Arafat.

However, Arafat continued to call the shots through popular support and tacit American, European and Arab blessing though in an indirect manner. It was him that had to decide who succeeds Abu Mazen and preserved an unchallenged influence<sup>15</sup>.

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<sup>14</sup> Most Palestinians do not consider that the US is earnest in reaching a peaceful settlement. Public opinion polls indicate that 97% of Palestinians believe that the US is biased towards Israel, 96% that it is not serious in the call for a Palestinian state (Palestinian Center for Policy and Survey Research, 15 October 2003). Another poll indicated that 74% do not take the US implementation of the Road Map seriously. (Public Opinion Center, Al Najah University, 17 September 2003). According to the BZU program of Development Studies (May 30, 2003). 56% do not believe that the US is earnest in implementing the Road Map, and 53.8% do not take President Bush seriously in this (Palestinian Public Opinion Center – 30 September 2003)

<sup>15</sup> A public opinion survey indicated that, until June 2003, Arafat had 35% support and it soared to 50% by October, making it his highest popularity level since five years (Center for Policy and Survey Research). 79% claimed that Arafat became more popular as a result of Israeli threats (same source, October 15, 2003), while 58.3% believed that currently there is no leader capable of signing an accord with the Israelis other than Arafat (same source, 12 November 2003). BZU Development Studies polls corroborated such findings with 63% viewing Arafat's performance favorably, 34% medium and 10% are unsatisfied (23 October 2003). However, 76.7% were satisfied from the performance of the Presidency.

## **Transcript of Speech by Palestinian Prime Minister Mahmoud Abbas at the Aqaba Mideast Summit<sup>16</sup>**

“As we all realize, this is an important moment. A new opportunity for peace exists, an opportunity based upon President Bush’s vision and the quartet’s road map which we have accepted without any reservations. Our goal is two states, Israel and Palestine, living side by side in peace and security. The process is the one of direct negotiations to end the Israeli-Palestinian conflict and to resolve all the permanent status issues and end the occupation that began in 1967 under which Palestinians have suffered so much. At the same time, we do not ignore the suffering of the Jews throughout history. It is time to bring all this suffering to an end.

Just as Israel must meet its responsibilities, we, the Palestinians, will fulfill our obligations for this endeavor to succeed. We are ready to do our part. Let me be very clear: There will be no military solution for this conflict, so we repeat our renunciation and the renunciation of terrorism against the Israelis wherever they might be. Such methods are inconsistent with our religious and moral traditions and are a dangerous obstacle to the achievement of an independent sovereign state we seek. These methods also conflict with the kind of state we wish to build based on human rights and the rule of law.

We will exert all of our efforts using all our resources to end the militarization of the Intifada and we will succeed. The armed Intifada must end, and we must use and resort to peaceful means in our quest to end the occupation and the suffering of Palestinians and Israelis. And to establish the Palestinian state, we emphasize our determination to implement our pledges which we have made for our people and the international community, and that is the rule of law, single political authority, weapons only in the hands of those who are in charge of upholding the law and order, and political diversity within the framework of democracy.

Our goal is clear and we will implement it firmly and without compromise: a complete end to violence and terrorism. And we will be full partners in the international war against terrorism. And we will call upon our partners in this war to prevent financial and military assistance to those who oppose this position. We do this as a part of our commitment to the interests of the Palestinian people and as members of the large family of humanity. We will also act vigorously against incitement and violence and hatred, whatever their form or forum may be. We will take measures to ensure that there is not incitement emanating from Palestinian institutions. We must also reactivate and invigorate the U.S.-Palestinian-Israeli Anti-Incitement Committee.

We will continue our work to establish the rule of law and to consolidate government authority in

<sup>16</sup> Naser Qudwa, Palestinian Representative to the UN delivered the speech on behalf of Arafat, December 1, 2003.

accountable Palestinian institutions. We seek to build the kind of a democratic state that will be a qualitative addition to the international community. All the P.A. security forces will be part of these efforts and will work together toward the achievement of these goals.

Our national future is at stake and no one will be allowed to jeopardize it. We are committed to these steps because they are in our national interests. In order to succeed, there must be a clear improvement in the lives of Palestinians. Palestinians must live in dignity. Palestinians must be able to move, go to their jobs and schools, visit their families and conduct a normal life. Palestinians must not be afraid for their lives, property or livelihood.

We welcome and stress the need for the assistance of the international community, and in particular the Arab states, to help us, and we also welcome and stress the need for a U.S.-led monitoring mechanism.

Together, we can achieve the goal of an independent Palestinian state, sovereign, viable, in the framework of good neighbors with all states in the region, including Israel.

Actually, the President nominated formally Ahmad Qrei' (Abu 'Ala) to head the cabinet. This was unanimously approved by the FATAH Central Committee and its bloc in the PLC as well as the Revolutionary Council and the PLO Executive Committee. On September 7, Abu 'Ala was formally assigned to form the new Palestinian government. Following a period of consultation, Arafat issued on October 5 a decree announcing an emergency government for a period of one month headed by Abu 'Ala with eight ministers in the cabinet.

This was the first emergency government assigned to deal with the unfolding events and Israeli threats. It had the task of asserting national unity and halt the chaos seeking to apply the rule of law<sup>17</sup>. Ahmad Qrei's government was formed since November 12 and, by the end of the year, had held six meetings where 60 decisions were taken regarding the procedures of running the government with representatives of national council members attending. Among the matters dealt with were coordination with the Central Elections Committee, accountability of the Prime Minister and other ministers, regulating ministerial public declarations, official functions of ministers abroad, mechanisms for paying salaries of security personnel, issues pertaining to civil servants performing activities without the approval of ministers. A decision was taken to hold a monthly meeting with the President over important issues<sup>18</sup>.

Although Israel has been dealing with Arafat in one form or another since thirty years, his personality remains largely controversial among Israeli political and security circles. Some view him as the only party capable of delivering and putting an end to the conflict while others consider him an impediment to reach a solution<sup>19</sup>.

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17 Concerning support for the continuation of the Intifada, 42.6% were for 44.5% against Palestinian Center for Public Opinion 12 November 2003. 63.2% felt that the Intifada did not achieve the objectives of the Palestinians, 27.5% felt otherwise, 84.6% felt there are negative trends in the Intifada and 10.8% felt otherwise (General Board of Information 29 October 2003). In another poll, 56.3% supported continuation of Intifada and 30.9% were opposed (Palestinian Center for public opinion polls 30 November 2003). 62% were unsatisfied with the current state, 43% were optimistic that it will achieve objectives (Development Studies Center 23 October 2003), 4.8% supported suicide bombings within Israel and 27.2% called for halting it (Palestinian Center 30 September 2003). 70% were for stopping attacks against civilians on condition the Israelis do the same and 50% felt that operations against Israeli civilians did not help (Center for Development Studies 23 October 2003). 38.3% were for suicide operations, 43% called to halt it within Israel (Palestinian Center 27 March 2003). 59% regarded that military confrontations promoted Palestinian rights (Policy and Survey Research – 15 October 2003).

18 Resolutions of the Council of Ministers – Prime Ministry Secretariat 29 February 2004.

19 In an attempt to fully understand Arafat's character, the Israeli Military Intelligence published at the end of November a report containing the most minute details about Arafat and his modus operandi and how to deal with him in case talks resume. The study was conducted by three American, Israeli psychological experts, through a computerized program, indicated that military pressure would not help to bend Arafat. However targeted measures, withholding PNA funds or external assistance would be more effective since it undermines his control tools. Contrary to many assessments that Arafat is rash or spontaneous, the analysis indicated that Arafat has a long-range strategic vision that he is calculating and patient with reasoning and an unwavering commitment to the cause of his people and that, since early childhood, had to depend on himself only. The study revealed that unilateral separation would urge Arafat to continue armed resistance.

### **Strengths**

1. All external attempts to undermine Arafat's hold on matters have failed. He demonstrated an outstanding resilience and confidence in his beliefs.
2. The President responded favorably to the basic reform activities including the initiation of the post of prime minister. He went along with the financial reforms and fully backed the prime minister.
3. Decrees were issued to deal with the judicial body along the path of making it a truly independent body. More is needed to be done in this respect.
4. Despite being under siege and unable to move, the President maintains control and manages to keep Palestine on top priority on the international scene.

### **Weaknesses**

1. The reform steps in the security establishments did not match the reforms introduced in civil institutions. So far the President failed to combine control of the security establishments and introducing serious reforms in them.
2. Lack of reform in the security establishments caused serious flaws. Truly the Israeli measures played a role in this. However, this does not preclude taking steps to change the situation.
3. The President did not move to hold local council elections despite repeated demands and the need for that.
4. Successive cabinets within a short span of time indicate instability.
5. Failure to develop a media strategy to expose the Israeli government's state terror under Sharon.

## 1.1.2 The Government

The Government proceeded in the steps for reform that had started in mid 2002. This became clear since the formation of the Abbas government that was approved by the PLC on April 29, 2003. The following day it swore allegiance in front of President Arafat. The Ministerial Reform Committee published what was achieved from the plan. This could be summarized within six areas:

- 1) **Government bodies that need to operate independently from ministries** (such as the Land Authority, Personnel Department, and Monetary Authority). In such cases, regulations need to be placed whereby a council needs to supervise the operation with someone having a mandate and being answerable to the PLC through some ministry. The exception would be the General Control Bureau that is directly answerable to the PLC.
- 2) **Other government bodies outside the realm of ministries**, (such as the Higher Council of Culture and Arts, the General Director of crossing points and borders). These would be integrated within relevant ministry structures to secure direct supervision and prepare work plans, budgets and accountability procedures.
- 3) **The General Executive bodies assigned to operate independently both administratively and financially**. These would be attached to the relevant ministry with a steering committee headed by the minister according to bylaws approved by the Council of Ministers (such as the Petroleum Authority, the Tobacco Authority and the Centre for Energy Research).
- 4) **Semi-governmental institutions that are partially or fully supported through the public budget**. Each would have a steering council with private or public figures headed by the relevant minister who is answerable to the PLC (such as universities and the Council for Higher Learning).
- 5) **The Model Structure of the Ministry**, where a format is adopted to be implemented on all ministries. The Personnel Department would keep a full registry of public jobs and those that are filling them up.
- 6) **The Council of Ministers**, whereby permanent committees would be formed involving relevant ministers. This would be in addition to special committees formed for various purposes to prepare bills (such as the reform and development committee, as well as the economic and social committees).



The new cabinet has undertaken to implement quick steps within the available means in order to improve living conditions for citizens facing dire needs. It pledged to restore the infrastructures that were damaged by the occupation. The declaration by the new government promised a process of intensive reform in all aspects of life and rights within the broader context based on the Arab peace initiative emanating from the Beirut summit and the Road Map as well as the US peace initiative approved by the Quartet. As a result, there are several possibilities to counteract the complicated formation of the current government prior to its gaining confidence at the PLC. The Mahmoud Abbas government was faced with external and internal challenges that could not be underestimated.

The external component had to do with the war on Iraq and the regional and internal ramifications including the US-sponsored Road Map with its implications on the Palestinian political map. The experience with successive US administrations indicates the ongoing one-sidedness towards Israel that had introduced 14 crucial amendments to the Road Map undermining its implementation. With Sharon's realization of the US election year and the impact of AIPAC in funding, Israel crudely interfered in the formation of the Palestinian government and pursued the policy of killings, closures and incursions while declaring its unwillingness to deal with President Arafat, calling for his isolation and linking the Road Map with the appointment of a prime minister.

The internal component had to do with the dichotomy between the presidency and the prime ministry that was a form of a power test involving international, regional and Arab parties. The result indicated that the presidency enjoyed an influence that cannot be underestimated. Marginalizing it is unrealistic while it is unlikely that there will be a clash with the prime ministry. Abu Mazen's government also faced the contradiction between the security component involving extra-judicial killings by Israel and meeting the external obligations while avoiding to take an oppressive course<sup>20</sup>.

The Prime Ministry could not be held answerable for the deadlock since the political file and the issue of negotiations is held by the PA through the President and the Executive Committee through the negotiations committee. This is a body that involves the President, the Prime Minister with a number of ministers and Executive Committee members. The Cabinet deals with the functioning of the various ministries along the line that has been declared by the Prime Minister at the PLC prior to winning confidence. This is what led Saeb Ereikat to resign from his post as minister in charge of negotiations for his being excluded from the meetings with the Israeli side.

<sup>20</sup> Opinion surveys indicated that support for Mahmoud Abbas at the time of his appointment was 61% with 32% opposing (Policy and Survey Research 14 April, 2003). In early September, 61% supported his resignation (public opinion poll center, Al Najah 17 September 2003). In another poll, only 26% viewed Abu Mazen Government's performance favorably, 39% medium and 31% weak. (BZU Development Studies, 5 August 2003). On 30 June, the Center for Public Opinion Poll found that support for Abu Mazen as Prime Minister was 41.1%.

In this context, the Council of Ministers sought to operate. However, the political component prevailed in most sessions especially on the issue of reaching a deal with the various political factions to observe a three-month truce to allow the Road Map a chance to move forward. Achieving such an accord was a milestone that was not grabbed by the Israeli side that proceeded to assassinate HAMAS leader Ismail Abu Shanab, on August 21, undermining the ceasefire. Within the same month, the Council of Ministers decided to appoint Sakher Bseiso as head of the PA personnel. This was strongly opposed as being a direct challenge to the President who stood against this decision<sup>21</sup>.

On September 7, Abu Mazen declared that his government was unable to proceed. He referred to the Israeli/American pressure as well as the internal Palestinian component as being the reason. However, it was the Israeli belligerent actions and the US connivance with such actions that undermined Abu Mazen's cabinet leading to its downfall. While awaiting the forthcoming PLC session, 18 independent PLC members including some FATAH representatives have called for blocking confidence from the prime minister at the PLC. Abu Mazen cut the road to such a procedure by announcing his resignation on September the 6th. In his letter to Arafat, he mentioned the combination of Israeli pressures as well as internal obstacles that led to the failure of his government.

In response to Abu Mazen's resignation, the US clearly sided with the Israeli position overlooking not only the reasons for the collapse of the government but also the entire peace process and the escalation of violence and the failure of the Road Map that is supposed to be endorsed.

The US Secretary of State bluntly accused Arafat and the PLC for not allowing Abu Mazen's government to confront HAMAS. In fact, Arafat and the PLC conceded to the initiation of the post of prime minister for the first time and reached a truce. This did not change Israel's course of action in expanding settlements, destruction, detention and extra-judicial killings with American blessing and continued boycott of the elected Palestinian President instead of posing as an honest broker. The Abu Mazen government failed regardless, whether the reason was the Hebrew State, the US or Palestinian mismanagement. The short-lived experience cracked under Israeli and US depiction of Abu Mazen as the good guy while Arafat was depicted as supporter of violence and terror.

Following the designation of Abu 'Ala to form the new government, there was discussion as to whether the new cabinet would be a broad or narrow government as to the number of ministers. The essence of the matter had to do with assessing the situation within the

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<sup>21</sup> FATAH decided on September 3, 2003 to form an investigation committee on the appointment of a new head for the civil servants stressing that the legitimacy of Arafat needs to be respected and not curtailed. This came following the appointment of a new director of civil servants by the Abbas government. The armed demonstration held outside the offices of the civil servant headquarters was condemned and viewed as a deviation from proper procedures.

fast unfolding events. The Bush and Sharon governments have clearly abandoned the political course. As such, the declaration of a one-month emergency government was incomprehensible for many since that month did not differ in any way from the months that preceded or ensued. It tended to be a tactic to diffuse the strains following the resignation of the Abbas government. Following a tense ordeal, Ahmad Qrei' managed to form the emergency government.

The new Council of Ministers has taken oath in front of the President, with the exception of the Interior Minister who refrained and was shifted to undertake security affairs through a national security council headed by Arafat. Since the emergency cabinet does not require PLC approval, it proceeded on for several months after issuing a decree for emergency conditions.

Following diverse expectations concerning the course of events at the end of the emergency period, Abu 'Ala's government managed to reach a deal with Arafat and present a regular cabinet that has won PLC confidence on the 12th of November 2003 (with a majority of 48 in favor, 17 opposed and 5 abstained, while two members did not attend)<sup>22</sup>.

Based on the ministerial statement that Abu 'Ala presented at the PLC, the tasks of the government were defined in four areas that were elaborately mentioned in the following form:

- ◆ Adhering to the peace option and the Road Map towards an independent state.
- ◆ Consecrating the sovereignty of the PA, its unity while fostering political pluralism within the framework stipulated in the law; keeping in mind the supreme Palestinian national interest.
- ◆ Proceed in comprehensive reform, including the security aspect while unifying performance coordination in the administrative and financial aspects while adhering to transparency and accountability<sup>23</sup>.
- ◆ Proceed in the preparation for presidential, legislative and local elections calling upon the world to provide adequate circumstances to achieve that.

At another level, the third draft of the Palestinian constitution project was issued. Dr. Nabil Sha'th, who chairs the project committee, declared that no constitution anywhere

<sup>22</sup> In Al Najah University, public opinion poll (17 September 2003), 68% saw that Qurei' is bound to save the same problems as 'Abbas. As for the emergency government, 35% saw it as unqualified to fulfill its role in a proper manner with only 21% thinking otherwise (BZU Development Studies October 23, 2003). The Policy and Survey Research Center on October 15 found that 61% support the appointment of Qrei' and 66% support Arafat's decision of emergency conditions. The Public Opinion Poll published on October 12, 2003, that 18.4% strongly support Qrei', 41.9% offer him confidence and 28.4% are against.

<sup>23</sup> For further details, refer to the report of the ministerial reform committee, PLA, February 2003. The report was prepared by Richard Earkman and issued on October 14, 2002

contains an item to secure a function that is not mentioned in the Palestinian constitution. An example for that includes the illegality of censuring private correspondence. No house could be encroached upon without an official order from the Attorney General while no security elements are allowed trespass on private meetings. Furthermore, the right to demonstrate and sit in is guaranteed. The draft constitution ensures the independence and separation of the legislative, executive and judicial powers with a joint control of these powers. The committee to draft the constitution was formed in 1999 with the task of preparation for the forthcoming state. In the meanwhile, the Basic Law was endorsed by the PLC as an interim constitution for the PA.

By October 20, 2003 the government decided to establish a special department to deal with individual and institutional grievances related to the functioning of ministerial bodies and follow-up on pending matters.

**Table No. 1**

**Palestinian Population for the Year 2003<sup>24</sup>**

**(Estimated in million)**

<b>Region</b>	<b>Number</b>
West Bank (Including East Jerusalem)	3,737,895
Israeli region	1,068,885
Jordan	2,797,674
Syria	436,157
Lebanon	415,066
Egypt	61,917
Saudi Arabia	309,582
Kuwait	39,402
Other Gulf Countries	124,230
Libya and Iraq	115,542
Other Arab Countries	6,523
United States	236,357
Other Foreign Countries	300,977
<b>Total</b>	<b>9,650,207</b>

<sup>24</sup>Palestinians at the end of 2003, Palestinian Central Bureau of Statistics 2003, Ramallah, Palestine.

## **Strengths**

1. The prime ministerial structure has become established. Having mechanisms to make it function is a qualitative change that will have its imprint in the process of reform, democratic formation, rule of law and the separation of powers.
2. The Palestinian councils of ministers have gone a long way in achieving reform on several fronts such as the financial as well as health and education services and the judiciary body.
3. As a result of the hard experiences during the year, there were clear lines drawn in the responsibilities and limitations between the presidency and the prime ministry. This is bound to contribute to political stability.
4. The prime ministry after Qrei's forming the second cabinet introduced proper organizational and administrative procedures. Applying professional standards resulted in a qualitative change within ministerial levels.
5. In an up-to-date style, the regular publication of ministerial resolutions is an important measure that allows civil and public control, particularly at the administrative reform level.

## **Weaknesses**

1. The repetitive formations of government reflected lack of stability and some confusion, adversely affecting the performance of various ministries.
2. The refusal of a certain minister to take an oath in front of the President reflects an irresponsible attitude. The aforementioned minister could have rejected the position rather than accept it and refuse to take the oath. Such an event should not occur in future.
3. The government seems to have no say in internal security. It acts as if the matter is of no concern. It is a must that the government, especially the interior ministry imposes its prestige in guaranteeing public law and order.
4. There is no deterrence of continued Israeli demolitions and razing lands such as in Rafah and Khan Younes. The responsibility of people left homeless or living in tents needs to be handled by Palestinians promptly. This should be given top priority.
5. Despite the talk about political pluralism, the government is not taking action on the ground to promote this principle.
6. Likewise, the government is not taking steps to counteract Israeli media campaigns. So far Sharon is getting away by twisting facts and despite all the state terror that his government is perpetrating.

## The Ministries

**The main ministerial activities during the period under review included:**

### 1) Health and Public Safety

The WHO warned in a report issued on August 11, 2003 that the entire Palestinian health system could collapse as a result of Israel's reoccupation of Palestinian areas and the policies to close up areas and enforce curfews. The report praised the efforts of the Health Ministry such as containing contagious diseases and providing free treatment for a large chunk of impoverished people. However, it warned that this could not be pursued in the long range in terms of providing medicaments and emergency treatment.

**Table 2**  
**No. of Hospital beds in Palestine for 2002<sup>25</sup>**

<b>Responsible Party</b>	<b>Public Hospitals</b>	<b>Private Hospitals</b>	<b>Clinics and Health Centers</b>	<b>Maternity Hospitals</b>
Ministry of Health	1527	936	-	150
Non-governmental Institutions	1102	258	136	154
Private	208	152	-	137
UNRWA	38	-	-	-
<b>Total</b>	<b>2875</b>	<b>1340</b>	<b>136</b>	<b>441</b>

In light of recurrent attacks against medical teams and Palestinian ambulance vehicles, the Ministry of Health pleaded to the ICRC to intervene to put an end to such attacks. Mention was made about repeated beating up of medical teams and ambulance drivers with cases of using medical vehicles as human shields or shooting out of ambulance cars. In the first quarter of 2003, 36 medical vehicles were damaged with 25 medical team personnel killed in the line of duty<sup>26</sup>. There were 55 birth delivery cases at military roadblocks causing the death of 33 fetus children and 31 mothers<sup>27</sup>.

<sup>25</sup> For further details, refer to the report of the ministerial reform committee, PLA, February 2003. The report was prepared by Richard Earkman and issued on October 14, 2002

<sup>26</sup> Al Hayat Al Jadida, March 17, 2003

<sup>27</sup> For more information, harm to medical personnel, the Israeli Information for Human Rights, December 2003.

**Table No. ( 3/a):**

**Palestinian victims resulted from the Israeli attacks from 29/9/2000 – 30/10/2003<sup>28</sup>**

<b>Year</b>	<b>West Bank</b>	<b>Gaza</b>	<b>Total</b>
2000	191	127	318
2001	342	249	591
2002	751	497	1248
2003	263	393	656
<b>Total Victims</b>	<b>1547</b>	<b>1266</b>	<b>2833</b>
<b>Total Injuries</b>	<b>12588</b>	<b>11981</b>	<b>37862</b>

**Table No. (3/b):**

**Victims by Targeted Groups**

<b>Victims</b>	<b>Number</b>
Embryo	33
Children	522
Women	166
Assassinations	211
Self- Scarify	26
Shelling & Clashes	2813

**Table No. (3/c):**

**Victims by Nationality**

<b>Nationality</b>	<b>Number</b>
Palestinian	2793
Israeli Arabs	14
Egyptians	2
Lebanese	2
US Citizen	1
UK Citizen	1

**Table No. (3/d):**

**Palestinian Victims during 2003 Victims by Profession**

<b>Profession</b>	<b>Number</b>
Medical teams	25
Journalists	8
Pupils (schools)	377
Students (universities)	186
Teachers	28
Undetermined	2189

<b>Range</b>	<b>Number</b>
Children	123
Women	17
Deliberate killings	67
Assault operations	50
Self sacrifice	26
Mysterious circumstances	24
Various attacks	320
<b>Total</b>	<b>2813</b>

<sup>28</sup> General Information Cooperation statistics, 28/1/2003

The numbers of Israeli losses during this period range from 898-944 according to Israeli sources as follows:

**Table No. 4: Israeli casualties from Palestinian operations**

<b>Source</b>	<b>Number</b>
Shabak	901
IDF	898
Foreign Ministry	916
Police	908
Settlement Council	916
Israeli Center of Information	967
Haaretz paper	944
Army command	900

In addition to the harsh suffering as a result of repeated Israeli assaults, there are extremely grave issues at the internal level. For instance there is a very alarming negligence in the Gaza beach. A number of people drowned as a result, including seven in one incident with five of them being brothers.

This raises the issue of the need for lifeguards and providing regular guidance for potential swimmers and having special beach patrols.

The Ministry of Health announced the receipt of 30 ambulance vehicles from Saudi Arabia. The first diagnosis centre and tumor treatment as well as leukemia detection was established in the Beit Jala hospital. The Ministry protested the Israelis' shutting down the 'M.E. medicament factory' in Beit Hanoun. It reiterated its policy of combating unemployment in the medical-related fields announcing the incorporation of 150 MDs.

## **2) Education**

Despite the harsh circumstances and the difficulty of mobility for pupils and teachers alike, with extended closures of educational institutions or occupying school buildings, the Ministry of Education maintained efforts to provide services both at the level of schools and universities. A five-year plan had been prepared in the year 2000 with five integrated components. The plan was disrupted at the expense of addressing emergency programs.



**Table No. (5/a)**  
**Number of schools, students and tutors for 2003 and 2004<sup>29</sup>**

<b>Gender</b>	<b>Schools</b>	<b>Students</b>	<b>Teachers</b>
Male	716	517568	21336
Female	712	506717	23182
Both Gender	674	— — —	— — —
<b>Total</b>	<b>2102</b>	<b>1.24285</b>	<b>44518</b>

**Table No. (5/b)**  
**Development in the Numbers of Students,Schools,and Teachers in governmental schools between1999-2003<sup>30</sup>**

<b>Year</b>	<b>Schools</b>	<b>Students</b>	<b>Teachers</b>
1994/95	1084	418	14.94
1995/96	1070	447.8	16.8
1996/97	1113	481.68	18.86
1997/98	1175	511.6	21.18
1998/99	1230	549.4	22.7
1999/2000	1289	586.8	24.32
2000/2001	1343	621.29	26.17
2001/2002	1406	653.65	28
2002/2003	1490	686.5	29.9
2003/2004	1577	711.5	31.86

**Table No. (5/c)**  
**Development in the Numbers of Students,Schools,and Teachers in government schools between1999-2003<sup>31</sup>**

<b>Responsible Party</b>	<b>Primary Phase</b>	<b>Secondary Phase</b>	<b>Total</b>
Government	613.228	98.313	711.541
UNRWA	253.578	— — —	253.578
Private	55.238	3928	59.166
<b>Total</b>	<b>922.044</b>	<b>102.241</b>	<b>1.024.285</b>

<sup>29</sup> Ministry of High Education, statistics of General education, www.moe.gov.ps

<sup>30</sup> Ibid

<sup>31</sup> Ibid

The impact of Israeli Attacks on the Palestinian Educational Situation Until the 30th of June 2003:

**Table No. (6/a): Losses and Human Suffering<sup>32</sup>**

	<b>School Pupils</b>	<b>University Students</b>	<b>Teachers and Staff</b>	<b>Total</b>
Martyrs	377	186	28	592
Wounded	2900	1240	58	4198
Detained	313	630	138	1080

**Table No. (6/b): Material Losses**

Incidents of school shelling	282
Incidents of university shelling	10
Incidents of shelling educational offices	6
Incidents of school closure	9
Incidents of university closure	2
Converting schools to military premises	43
Incidents of destroying or razing schools	38
Incidents of disrupting education	1125

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<sup>32</sup> Education and Higher Learning Ministry report, July 2003

## **Excerpts from an email from Rachel Corrie**

**to her family on February 7, 2003<sup>33</sup>**

### **Words or letters cannot describe what is actually occurring here**

I have been in Palestine for two weeks and one hour now, and I still have very few words to describe what I see. It is most difficult for me to think about what's going on here when I sit down to write back to the United States—something about the virtual portal into luxury. I don't know if many of the children here have ever existed without tank-shell holes in their walls and the towers of an occupying army surveying them constantly from the near horizons. I think, although I'm not entirely sure, that even the smallest of these children understand that life is not like this everywhere. An eight-year-old was shot and killed by an Israeli tank two days before I got here, and many of the children murmur his name to me, "Ali"—or point at the posters of him on the walls. The children also love to get me to practice my limited Arabic by asking me "Kaif Sharon?" "Kaif Bush?" and they laugh when I say "Bush Majnoon" "Sharon Majnoon" back in my limited Arabic. (How is Sharon? How is Bush? Bush is crazy. Sharon is crazy.) Of course this isn't quite what I believe, and some of the adults who have the English correct me: Bush mish Majnoon... Bush is a businessman. Today I tried to learn to say "Bush is a tool", but I don't think it translated quite right. But anyway, there are eight-year-olds here much more aware of the workings of the global power structure than I was just a few years ago—at least regarding Israel. Nevertheless, I think about the fact that no amount of reading, attendance at conferences, documentary viewing and word of mouth could have prepared me for the reality of the situation here. You just can't imagine it unless you see it, and even then you are always well aware that your experience is not at all the reality: what with the difficulties the Israeli Army would face if they shot an unarmed US citizen, and with the fact that I have money to buy water when the army destroys wells, and, of course, the fact that I have the option of leaving. Nobody in my family has been shot, driving in their car, by a rocket launcher from a tower at the end of a major street in my hometown. I have a home. I am allowed to go see the ocean. Ostensibly it is still quite difficult for me to be held for months or years on end without a trial (this because I am a white US citizen, as opposed to so many others). When I leave for school or work I can be relatively certain that there will not be a heavily armed soldier waiting half way between Mud Bay and downtown Olympia at a checkpoint—a soldier with the power to decide whether I can go about my business, and whether I can get home again when I'm done. So, if I feel outrage at arriving and entering briefly and incompletely into the world in which these children exist, I wonder conversely about how it would be for them to arrive in my world. They know that children in the United States don't usually have their parents shot and they know they sometimes get to see the ocean. But once you have seen

<sup>33</sup> Rachel Corrie is an American young woman who was deliberately trampled by an Israeli bulldozer in Gaza on March 16, 2003.

the ocean and lived in a silent place, where water is taken for granted and not stolen in the night by bulldozers, and once you have spent an evening when you haven't wondered if the walls of your home might suddenly fall inward waking you from your sleep, and once you've met people who have never lost anyone—once you have experienced the reality of a world that isn't surrounded by murderous towers, tanks, armed “settlements” and now a giant metal wall, I wonder if you can forgive the world for all the years of your childhood spent existing—just existing—in resistance to the constant stranglehold of the world's fourth largest military—backed by the world's only superpower—in its attempt to erase you from your home. That is something I wonder about these children. I wonder what would happen if they really knew. As an afterthought to all this rambling, I am in Rafah, a city of about 140,000 people, approximately 60 percent of whom are refugees—many of whom are twice or three times refugees. Rafah existed prior to 1948, but most of the people here are themselves or are descendants of people who were relocated here from their homes in historic Palestine—now Israel. Rafah was split in half when the Sinai returned to Egypt. Currently, the Israeli army is building a fourteen-meter-high wall between Rafah in Palestine and the border, carving a no-man's land from the houses along the border. Six hundred and two homes have been completely bulldozed according to the Rafah Popular Refugee Committee. The number of homes that have been partially destroyed is greater. Today as I walked on top of the rubble where homes once stood, Egyptian soldiers called to me from the other side of the border, “Go! Go!” because a tank was coming. Followed by waving and “what's your name?”. There is something disturbing about this friendly curiosity. It reminded me of how much, to some degree, we are all kids curious about other kids: Egyptian kids shouting at strange women wandering into the path of tanks. Palestinian kids shot from the tanks when they peak out from behind walls to see what's going on. International kids standing in front of tanks with banners. Israeli kids in the tanks anonymously, occasionally shouting—and also occasionally waving—many forced to be here, many just aggressive, shooting into the houses as we wander away. In addition to the constant presence of tanks along the border and in the western region between Rafah and settlements along the coast, there are more IDF towers here than I can count—along the horizon, at the end of streets. Some just army green metal. Others these strange spiral staircases draped in some kind of netting to make the activity within anonymous. Some hidden, just beneath the horizon of buildings. A new one went up the other day in the time it took us to do laundry and to cross town twice to hang banners. Despite the fact that some of the areas nearest the border are the original Rafah with families who have lived on this land for at least a century, only the 1948 camps in the center of the city are Palestinian controlled areas under Oslo. But as far as I can tell, there are few if any places that are not within the sights of some tower or another. Certainly there is no place invulnerable to apache helicopters or to the cameras of invisible drones we hear buzzing over the city for hours at a time. I've been having trouble accessing news

about the outside world here, but I hear an escalation of war on Iraq is inevitable. There is a great deal of concern here about the “reoccupation of Gaza.” Gaza is reoccupied every day to various extents, but I think the fear is that the tanks will enter all the streets and remain here, instead of entering some of the streets and then withdrawing after some hours or days to observe and shoot from the edges of the communities. If people aren’t already thinking about the consequences of this war for the people of the entire region then I hope they will start. I also hope you’ll come here. We’ve been wavering between five and six internationals. The neighborhoods that have asked us for some form of presence are Yibna, Tel El Sultan, Hi Salam, Brazil, Block J, Zorob, and Block O. There is also need for constant night-time presence at a well on the outskirts of Rafah since the Israeli army destroyed the two largest wells. According to the municipal water office the wells destroyed last week provided half of Rafah’s water supply. Many of the communities have requested internationals to be present at night to attempt to shield houses from further demolition. After about ten p.m. it is very difficult to move at night because the Israeli army treats anyone in the streets as resistance and shoots at them. So clearly we are too few. I continue to believe that my home, Olympia, could gain a lot and offer a lot by deciding to make a commitment to Rafah in the form of a sister-community relationship. Some teachers and children’s groups have expressed interest in e-mail exchanges, but this is only the tip of the iceberg of solidarity work that might be done. Many people want their voices to be heard, and I think we need to use some of our privilege as internationals to get those voices heard directly in the US, rather than through the filter of well-meaning internationals such as myself.

There was a clear increase in the number of school pupils in the educational system during 2003, with 40,000 additional pupils bringing the total number to 1,085 million. There were 77 new schools out of which 42 were built recently. By this, the total number of schools reached 2098 out of which 1750 are government schools, 272 UNRWA and 256 private schools with 162 in the Jerusalem area catering to 55 students having 2780 teachers. In addition, the number of kindergartens reached to 947. With the addition of 1364 new classes, the total peaked to 28,644 classes. The educational system involved 48,000 persons of whom 35,000 are in public schools, 8100 in UNRWA and 4800 in private schools. An additional 3500 persons work in private schools<sup>34</sup>. During the course of the year, 290 cultural extra-curricular activities were held with 1300 folklore groups and 670 summer camps involving 50,000 pupils<sup>35</sup>.

A total of one million and eighty thousand pupils headed to public, UNRWA and private schools for the academic year 2003-04. The Ministry of Education prepared the ground to meet laboratory needs in schools with various educational tools and fill up the job vacancies and the equipment of schools. To meet increasing needs, 77 new schools were prepared while the children of the martyrs, detainees and extreme social cases were exempt from paying any tuition fees. Needless to say, the roadblocks stand as a serious disruption in maintaining the educational life.

Actually there are a number of positive signs that reflect the level of learning in Palestine. For instance, the number of schools that have library facilities have increased from 28% in 1994 to 50% currently. Lab facilities have increased from a mere 3% to 36% during the same period. Evening classes in public schools have decreased from 21% to 5% in the West Bank and from 37% to 31% in the Gaza Strip.

However, the educational sector still suffers from certain problems including the inability to cope with the needs of over a million students and around 48,000 staff members. Teachers and employees have quite a low income with increasing transportation expenses as a result of all the roadblocks around. The deterioration in the quality of education is more noticeable as a result of the shallow services and restricted resources. In addition, there are a number of behavioral failures among teachers although beating is banned in schools.

Over and above all the Israeli incursions and assaults, there is the issue of the Apartheid wall that will end up isolating 95 thousand Palestinians living in 16 areas from the rest of their people. About 200,000 East Jerusalemites will be left apart; meaning that thousands upon thousands of pupils, teachers and schools would be left outside the

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<sup>34</sup> Monthly journal of the Ministry of Education, October 2003.

<sup>35</sup> Press conference, Minister of Education 30 August 2003.

wall. This would entail enormous logistic implications that are problematic and costly in the process of reorganizing the educational system and coping with isolated enclaves that actually lack proper schooling.

The Ministry of Education discussed with its Jordanian counterpart the issue of increasing the quota of Palestinian students in Jordanian universities. A new building was inaugurated for the ministry with an announcement that tens of schools have been already constructed during the last seven years with more to come and expanding existing ones to the tune of four million dollars. The Ministry organized special training on the new curricula involving 6000 teachers.

The results of the Tawjihi school-finishing exam were satisfactory with fewer problems than was the case in the previous year. A total of 56,451 pupils sat for the exam.

The results were as follows:

**Table No. 7: Tawjihi results for the year 2003<sup>36</sup>**

<b>Stream</b>	<b>Attended</b>	<b>Graduated</b>	<b>Graduation %</b>
Scientific	7291	5892	80,8 %
Art	23621	12459	52,7 %
Vocational	1998	1196	59,9 %

<sup>36</sup>Ministry of Education and Higher Education, General Administration for development and scientific researches, Statistical summary for the Higher education datas for the year 2002-2003

## **University Education**

Although the universities had to bear the brunt of cruel political and military measures disrupting their functioning throughout the occupation years, they managed to introduce a number of steps to improve curriculum and the administrative structures. However, there are indicators that the universities have failed to fulfill their role, largely due to the lack of coordination among the institutes of higher learning.

The Ministry of Education adopted the concept of the comprehensive quality in education through the national body of quality control in higher learning institutions. However, major challenges lie ahead as a result of being unable to keep up with modern technological advances and the fate of graduates in their role within development. This is not unconnected to financial self-sufficiency and technological means. The universities keep suffering from the occupation practices, be it from actual incursions into campus buildings or attacks on students and faculty or additional closures with ongoing mobility restrictions.

Under the economic hardship, tuition fees paid by students have significantly decreased affecting the budgets. Currently the Saudi assistance is covering this deficit partially. Simultaneously, the universities have devised programs to help students through “employment days” where they can earn some income. In the 2003 budget, an additional 20 million dollars was earmarked for higher education bringing the budget to 70 million dollars annually. Currently the university student population consists of 90,000 and is expected to reach 140,000 students by the year 2010.



**Table No. 8**  
**Colleges and Universities for the years 2002/ 2003<sup>37</sup>**

University	No. of Colleges	Gender	Registered Students		Related to education	Workers in other sectors	No. of Graduates 2001 / 2002	
			Diploma/ Bachelor	Higher studies			Diploma/ Bachelor	Higher studies
Azhar- Gaza	9	Male	6178	73	238	295	724	16
		Female	4032	32	27	24	551	8
		Total	10210	105	265	319	1275	24
Islamic-Gaza	7	Male	5597	300	285	634	762	107
		Female	6922	164	13	103	869	139
		Total	12819	464	298	737	1631	246
Aqsa- gaza	2	Male	2406		113	116	70	
		Female	4449		12	40	239	
		Total	6855		125	186	309	
Hebron	6	Male	1458	36	123	84	212	76
		Female	2506	15	13	39	303	18
		Total	3964	51	136	123	515	94
Polytechnic	3	Male	1596		104	163	241	
		Female	819		18	47	126	
		Total	2415		122	210	367	
Bethlehem	5	Male	648		94	108	129	
		Female	1364		37	100	269	
		Total	2012		131	188	398	
Jerusalem	10	Male	2228	435	308	307	341	52
		Female	2321	300	37	179	363	24
		Total	345	735	345	486	704	76
BeirZeit	5	Male	2174	438	266	252	425	57
		Female	2375	346	53	189	416	58

	total	4549	784	289	441	841	115
Alnajah National	10	3828	294	309	299	690	58
	female	5100	166	51	111	769	22
	Total	8928	460	360	410	1459	80
Arab American	5	1453		69	110		
	Female	576		13	57		
	Total	2032		167	82		
Total Of normal high education		28105	2720	2146	3257	7499	682
Open Education	5						
Colleges							
	Male	19994		1015	762	1058	
	Female	15780		76	153	1098	
	Total	35774		1091	1654	2147	
Total of open education		35774		1091	1654	2147	
Total of Colleges	5						
	Male	786		124	160	194	
	Female	1129		85	111	350	
	Total	1915		209	271	544	
General Total		1915		209	271	544	
Central of Colleges	22						
	Male	2938		0			
	Female	2954		0		850	
	Total	5892		563	341	1349	
Total of Central Colleges		5892		563	341	2199	
General Total	68	107686	2720	4009	5523	12389	682

### **3) Infrastructure and Housing**

#### **• Transportation**

There is a clear trend of deterioration in the transportation sector. As indicated by the Ministry of Transportation declarations, this is largely due to Israeli measures<sup>38</sup>. Direct losses reached 50 million dollars, in addition to 2.5 billion dollars in the form of indirect losses. The Ministry indicated that Israeli measures of withholding imported items, vehicles and equipment coming through Israeli ports do not prevent the ministry to seek putting plans and provide better services. Despite exorbitant fees for storage, shooting at vehicles, gasoline stations or expropriating cars, the Ministry continued its attempts to rectify the situation and even curbs vehicles that circulate in an unlawful way. Obviously there is a need for a massive effort to rehabilitate the transportation sector including repairing the entire road system.

However, the problem does not merely lie in securing the funds to achieve that. No less important are the issues of providing the political circumstances and dealing with matters related to sovereignty.

The Ministry of Transportation has launched a series of measures to upgrade the sector that has accrued around three billion dollars of losses. This includes the closure of Gaza's international airport that is clearly a violation of the trilateral Aqaba accords.

Despite the demolition and shutdown of the Gaza airport, the Palestinian airlines managed to operate 160 flights out of Al Arish airport. This is an 88.5% decline from the situation in the year 2000 when the number of direct flights out of Gaza reached 1354.

The internal transport system during the last three years has drastically deteriorated. In addition to bulldozing, closing roads while forcing people to move through unpaved roads, most public transport and private vehicles were worn out prematurely. The damage was not confined to material losses but included deterioration in safety levels on roads.

The number of vehicles decreased to 93,000 from 123,000, as was the case in the year 2000 (this constitutes a 25% decrease).

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<sup>38</sup> Al Ayyam, 21 June 2003.

**Table No. 9**  
**Number of Destroyed Houses and other Buildings<sup>39</sup> Until 29/2/2004**

	Partial Damage		Heavy Damage		Public Buildings Damage		Security Building Damage		Roads Damage		Total
	No.	Value \$	No.	Value \$	No.	Value \$	No.	Value \$	Direct	Indirect	
Ramallah	6145	7.08	72	3.396	63	2.345	14	24.485	8.800	5.250	51.362
Bethlehem	7850	8.72	141	7.098	17	1.770	4	3.750	5.150	4.000	30.493
Hebron	6300	5.45	362	13.870	2	0.055	11	5.887	7.200	6.200	36.662
Tulkarem	2800	2.25	68	2.480	20	1.263	5	2.615	4.300	4.450	17.363
Jenin	8085	6.36	1041	25.980	3	0.410	6	3.992	8.300	6.300	51.345
Nablus	6500	4.71	893	23.698	24	1.450	15	1.531	6.700	5.600	43.694
Jericho	30	0.03	7	0.254	1	0.010	9	0.314	0.700	2.000	3.309
Qalqulia	1627	0.65	60	2.718	11	0.020	10	0.085	2.650	3.150	9.267
Salfit	580	0.75	13	0.587	1	0.009	1	0.280	1.850	3.240	6.716
Jerusalem	47	0.03	4	0.370					2.000	3.200	5.806
North Gaza	1961	1.36	245	6.000	3	0.055			1.600	0.850	0.880
Gaza	2162	1.80	1991	9.802	9	0.151	337	19.303	1.750	4.400	37.212
Central	1307	1.04	189	5.192	1	0.014			0.900	1.200	8.387
Khanyounes	5105	1.93	337	7.189					1.150	1.200	11.472
Rafah	5751	2.61	1622	36.109	2	2.689			1.700	1.600	44.711
<b>Total</b>	<b>66250</b>	<b>44.8</b>	<b>5253</b>	<b>144.743</b>	<b>158</b>	<b>10.241</b>	<b>412</b>	<b>62.242</b>	<b>45.76</b>	<b>52.64</b>	<b>369.489</b>

The length of paved roads in the Palestinian areas amount to 4925 km (without the 670 km of Israeli by-pass roads). Serious damage was caused to the road network as a result of systematic and deliberate plan for gradual damage. The Ministry attempted to repair some of the damage but was unable to undo the destruction in the Gaza airport. The losses incurred in the broadcasting building and the transmittal stations was 6.5 million dollars.

What aggravates matters is the spread of 600 roadblocks all over the Palestinian areas obstructing the traffic flow. The catastrophic situation was felt by international and human rights organizations and fact-finding missions. Several Israeli groups have expressed reservation from such roadblocks that, far from maintaining security, intend to humiliate Palestinians.

In this respect, the former mayor of Tel Aviv Shlomo Lahat who was also a senior Israeli army officer stated that<sup>40</sup>:

<sup>39</sup> For further information: Ministry of housing and public working

<sup>40</sup> Haaretz, 5 January 2003

“The true purpose of these roadblocks is to humiliate and cause damage to the innocent population. I have every reason to doubt that such roadblocks managed to prevent a single security incident. There is a lack of a humane treatment when soldiers and settlers meet the people with looks full of hatred and compel them to get out from the vehicles and cross long distances on foot. If any car or truck tries to bypass a roadblock, punitive measures are decided in the field by the roadblock commander on the spot. Usually this takes the form of being beaten up or delayed up to 24 hours or simply confiscating the vehicles. Trucks carrying food products need to unload and reload transported material in different trailers. At times even reloading by using hands is prevented and food items could be blocked for hours or days without being able to cross roadblocks. As mentioned in other reports, hundreds of cases involving the sick have been disrupted causing instances of death including 50 cases of child delivery where 33 children and 31 mothers faced their death<sup>41</sup>.”

## • Water

The amount of rainwater in the West Bank reaches to 850 million cubic meters. The Palestinians are not entitled to use more than 100 million cubic meters out of this amount. This is a result of Israeli control of water sources and underground water supplies. Although there is a signed accord to share water, only a tiny part has been actually observed.

The allocation of water per each Palestinian ranges between 30-80 liters per day while the WHO standards estimates the daily per capita need at 150 liters. More than 200 villages in the West Bank still lack water networks depending largely on rainwater collection in cisterns or purchasing untested water that consumes 30% of the family income. The main water lines and internal distribution networks lose anywhere from 28 to 46% of the water as a result of obsolete and worn-up pipes.

During the few last years, the USAid carried out a number of projects to provide internal water networks, tanks and pumping stations in a number of villages. Although work has been complete in some of these networks, they are unused since the Israeli permission to provide these networks with water has not been forthcoming<sup>42</sup>. The situation in Gaza is even more problematic. About 90% of water there is inadequate qualitatively and quantitatively according to the WHO criterion as well as the Palestinian standards. This is largely due to pumping out large amounts of water and shifting it to Israeli

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<sup>41</sup> For more details, refer to the Alternative Information Center, Abuse of Palestinians and the Sarra checkpoints, December 2003.

<sup>42</sup> Fadel Ka'wash, World Water Conference, Stockholm, August 16, 2003.

settlements. The problem was aggravated in the last four years following the Israeli army's bulldozing water installations such as the demolition of 775 pools and damaging 32,000 meters of water pipes and bulldozing 10,000 dunams of irrigation networks and destroying 203 groundwater wells since the start of the current Intifada<sup>43</sup>.

The Water Authority launched the third phase of the emergency project for water services. This involved providing certain municipalities with chemical analysis seeking to control the quality of water. The Authority warned from the possibility of Israeli control over the western water basin as a result of building the Apartheid wall. This is particularly alarming since the Northern and Western basins are insufficient to solve the Palestinian shortage of water. The occupation forces currently control more than 33 Palestinian wells on an 83,000 dunam agricultural land to the west of the wall. As a result of the Apartheid wall, the Palestinians are bound to lose 12 million cubic meters of the Western basin water during the first phase.

The Water Authority warned from the detrimental side effects of erecting the wall on the Palestinian natural water resources. More than 250 villages in the West Bank are deprived of water resources as a result of Israeli military practices. The Authority rejected the Israeli policy of preventing all kinds of licenses to dig wells to have access to water resources holding Israel responsible to the contamination of the Western and Coastal water basins.

The material losses that affected Palestinians in terms of wastewater are estimated to be around one billion dollars as a result of Israeli violations. The Water Authority asserted that the Israelis continue to deprive Palestinians of any additional quantities of water unlike what has been agreed upon previously.

## • Communications

The Communications and Information Technology sources point out to the decline in services provided, particularly the "Jawwal" mobile telephone. This is due to Israel's holding up equipment that has been imported since several months. In addition, Israeli mobile phone networks operate illegally in the Palestinian territory<sup>44</sup>.

The total telephone lines reached 242 thousand lines, meaning a decrease of 11% from what was the case in 2000. In addition, there are 251 thousand mobile phones and 21 thousand members in e-mail through 13 companies<sup>45</sup>.

The governmental computer center is lagging behind as a result of the obsolete

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<sup>43</sup> Joint report, World Water Day Committee, Third World Water Forum, Kiyoto, Japan, March 2003.

<sup>44</sup> Azzam Al Ahmad, Minister of Communication and I.T, Jerusalem, July 22, 2003.

<sup>45</sup> For more information, refer to Transport and Communication Statistics.

equipment. Some were damaged and the quality has regressed. Transferring the responsibility to operate the center from the Planning Ministry to the new one also caused some problems. Clearly there is a need to have a comprehensive evaluation of the Computer Center, both in Ramallah and Gaza, in order to upgrade the technical and administrative level of the services that are provided.

## • Housing, Construction and Public Works

The Ministry of Public Work and Housing indicated that Israeli measures are obstructing the reconstruction of the Jenin camp. In the same framework, a ministerial committee was formed in order to follow-up the destruction in the town of Nablus.

**Table No. 10**

**Length of Road network for the year 2003<sup>46</sup> (excluding by-passes)**

Area	Type of Street			Total
	Main	Regional	Iterance	
West Bank	469,7	973,7	2,631,5	3,489,9
Gaza Strip	4,58	8,7	1,424	390,3
<b>Total</b>	<b>825,1</b>	<b>783,5</b>	<b>3,055,6</b>	<b>3,971,2</b>

In mid December, the Ministry of Public Works estimated that Israel caused a damage of 403 million dollars in various sectors. It started by assessing losses to buildings, private and public structures with partial restoration involving <sup>47</sup> thousand cases at a cost of 36 million dollars. Around 7800 homes were still in need of funding to be restored. The Ministry indicated that the committee in charge of estimating losses incurred to buildings found out that 4700 houses have been completely or largely demolished since the beginning of the current Intifada and until the end of 2003. The losses were estimated to be around 134 million dollars. The Committee managed to secure funding to restore 1986 houses while 2741 remained totally destroyed. There were 158 affected public buildings as well as 412 security establishment premises that could not be restored due to the lack of funds.

Work is underway to launch a project to build 600 residential units through Saudi funding together with a plan to reconstruct the Jenin refugee camp.

<sup>46</sup> Palestinian Central Bureau of Statistics, *ibid*

<sup>47</sup> General Board of Information.

The Ministry called upon beneficiaries of housing apartments and other real estate owners to post the bills imposed on them for services provided. A plan was also underway to repair the roads that have been damaged by the occupation troops as well as affected Palestinian houses.

## • Agriculture

The Ministry of Agriculture pledged to allocate 69 million dollars in order to compensate farmers for the losses incurred as a result of the siege. Cash imbursements were granted to affected farmers in August.

**Table No. (11/a): Results of Israeli attacks on the Palestinian Infrastructure Until November 30, 2003**

Total demolition of homes	4727 houses out of which 2218 in the Strip
Partial demolition of homes	54947 houses out of which 5373 in the Strip
Bulldozing lands	63039 dunams
Uprooting trees	975473 trees
Land confiscation for the wall	176620 dunams
Settlements	145
Settlers	231,000 (until 30/6/2003 according to the Israeli Interior Ministry report of 22/8/2003)

**Table No. (11/b): Results of Israeli attacks on the Palestinian Infrastructure During 2003<sup>48</sup>**

Total demolition of homes	790
Partial demolition of homes	1210
Bulldozing lands	3570
Uprooting trees	83,000
Land confiscation for the wall	60,000
Destroying irrigation networks	37 km.
Damaging agricultural roads	15 km.

<sup>48</sup> Independent Commission for Human Rights.



By April, the losses to this sector were estimated to be one billion dollars.

The Ministry also worked to recuperate certain agricultural lands. The focus was on lands close to the “green line” and around the settlements in that area as an attempt to prevent further expropriations under the pretext that such lands are useless for agriculture. The process involved bulldozing the lands in order to qualify them for agriculture. To alleviate the chronic shortage of water, plans were underway to dig scores of wells and provide water tanks to various villages. During the year, the Ministry established model agricultural projects while preparing plans to compensate farmers affected by the building of the Apartheid wall. Under the supervision of the Ministry, a number of roads were opened in order to provide services and access to agricultural lands and help in transporting products.

#### **4) Social Affairs and Detainees’ Affairs**

The Ministry of Social Affairs prepared its 316 million-shekel budget for the year 2004 with an increase of 60 million shekels from the previous budget. The amount earmarked for the families of martyrs and the needy was increased from 220 million to 268 million in the 2004 budget. This assistance was halted for eight months in 2003 due to lack of funds. However, the government covered the deficit at a later phase. There are 42,000 families that benefit from such assistance. The Ministry announced that 200,000 food baskets were distributed at a cost of six million dollars through Saudi support. The Friends Association from the United Arab Emirates offered 11 million dollars to establish a center for the handicapped.

##### **• Detainees’ Affairs**

The Ministry of Detainees and Ex-detainees Affairs warned of a possible explosion in Israeli prisons as a result of Israeli arbitrary measures. It condemned the measures taken to detain Palestinian public figures such as PLC members Marwan Barghouthi and Husam Khader (as well as other known figures like Sheikh Hasan Yousef, Abdel Rahim Mallouh, Wasel Abu Yousef, Rakad Salem, Taysir Khaled and others). During the last thirty months, there were 6500 detainees with some completing their sentence terms and others detained without any charges. Out of 6206 prisoners held in Israel, there are 352 children and 77 women and 669 with no charges. Concerned Palestinian sources indicate that children are being held under circumstances that do not meet internationally stipulated regulations concerning children’s rights<sup>49</sup>. Around 80% of the detained children who are tortured, beaten up and deprived from food, sleep with threats of rape. At

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<sup>49</sup> Ministry of Detainee Affairs, December 26, 2003. Report of Prisoner’s Club 2003.

times, they are placed with Israeli criminals who actually assault them sexually. As a result, 11% of the detained children suffer from physical and psychological problems. Israeli military orders overrule all civil and human laws concerning the detention of 12 to 14 year juveniles who could be charged in military courts. Currently there are 2518 Palestinian detainees in 9 central prisons within Israel while 3397 are held in 7 detention centers in the Occupied Territories. There are three detention centers in army bases inside Israel and an additional 300 detainees are held in various detention centers<sup>50</sup>.

The conditions of detention are often pathetic. Prisoners are held in ragged tents with no heating or cooling with a lousy quality of food and rotten health conditions. The process includes beating, torture and other forms of harassment. To facilitate detention procedures, military orders are issued allowing a junior officer to hold a person for 18 days without having access to a lawyer. This could be extended further. The Knesset is the only legislative body that has licensed torture. Reports indicate that there were 165 death cases in Israeli prisons during the occupation: 41% as a result of torture, 40% mysterious killing and 18% out of medical negligence<sup>51</sup>. There are 400 Palestinian detainees who have been in jail for periods ranging from 10 to 25 years.

Protest steps are taken to focus on the miserable conditions prevailing in Israeli jails.

## 5) Economics and Commerce

The Palestinian economy in 2003 faced an unprecedented deterioration bringing the per capita income to the lowest level ever (850 dollars). This is a 45% decrease from the level in 1999. The poverty rate reached 60% and unemployment 31% (while it was 11% in 1999). Spending on consumer goods declined by 25% and investments decreased to 500 million dollars, which is a third of what it was in 1999.

The loss in the GNP is estimated, during the same period, at 7 billion dollars; which is 130% of the GNP in 1999. The losses incurred in the destruction of public and private sectors as a result of Israeli attacks were more than 1200 million dollars. For 78% of the population, the income declined affecting half a million families out of which 237 thousand families lost more than half of their previous income<sup>52</sup>.

However, there was a slight increase in the actual national product in 2003 with a 5.4% addition until the last quarter of the year. Revenues increased by 20% compared to the same period in 2002. Out of this 25% are local revenues.

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50 Al Damir Institute report, April 17, 2003

51 Report of Ministry of Detainee Affairs, 26 December 2003.

52 PCBS, Work Force Survey, third quarter 2003, as well as Ministry of Finance data on the budget that were presented to the PLC session. December 3, 2003.

The Ministry of Economics and Commerce merged with that of the Industry as a step to improve administrative reform within the PA structure. With the formation of the new government, the Ministry of Supplies was also incorporated with the rest coming under the Ministry of National Economy. A unified administrative structure has been prepared to the new ministerial setup.

**Table No. (12)**  
**The main economic indicators in Palestine (in million Dollars)<sup>53</sup>**

<b>Indicator</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
<b>Population no (in million)</b>	2.361	2.454	2.554	2.840	2.958	2.085	3.224	3.381	3.550	3.737
<b>GDP</b>	2.833	3.504	3.878	4.182	4.464	4.954	4.579	4.405	3.095	3.157
<b>GNP</b>	3.216	4.055	4.546	4.914	5.617	6.125	5.466	4.911	4.543	3.606
<b>GDP/ capita</b>	1.222	1.411	1.474	1.503	1.541	1.641	1.484	1.302	0.903	844
<b>GNP/ capita</b>	1.388	1.632	1.728	1.766	1.939	2.028	1.771	1.452	0.997	964
<b>Consumption</b>	3.755	4.125	5.011	5.299	5.435	5.920	6.093	5.293	4.921	4.426
<b>Private</b>	3.178	3.641	4.230	4.148	4.227	4.646	4.870	3.970	3.859	3.195
<b>Government</b>	577	485	780	1.152	1.208	1.273	1.223	1.323	1.061	1.230
<b>Unemployment%</b>	25	18	24	20	14	12	14	25	31	25
<b>Inflation%</b>	14	11	8	8	5	5	3	1	5	4
<b>Public Revenues</b>	400	549	928	1196	1.822	1.136	1.364	1.308	743	1.219
<b>Domestic</b>	268	411	684	816	922	901	964	581	335	701
<b>Donations</b>	132	138	244	306	330	235	400	765	408	518
<b>Public expenditure</b>	383	635	928	1.113	1.193	1.194	1.364	1.239	1.237	1.493
<b>Current</b>	297	501	710	790	819	927	940	1.016	1.025	1.230
<b>Capital costs</b>	85	134	218	323	375	267	424	222	212	262
<b>Deficit/surplus before donation or grants</b>	114-	223-	243-	465-	439-	293-	400-	952-	-906	-792
<b>Total Deficit / surplus</b>	17	-86	0	-159	-109	-58	0	-186	-493	-273
<b>Goods and services exports</b>	561	668	739	767	887	891	868	626	430	288
<b>Goods and services imports</b>	2,334	2,500	2,871	3,028	3,320	3,804	3,404	2,779	2,878	2,003
<b>No. of workers in Israel (in Thousands)</b>	53	67	58	83	120	138	119	65	50	58
<b>No. of workers in Palestine (in Thousands)</b>	328	347	354	402	435	461	489	481	435	546

<sup>53</sup> Palestinian Monetary Authority, dataset and statistics, 2004

The Standards and Measurements Bureau that used to be part of the previous Ministry of Industry was kept out of the newly formed ministry in order to remain an autonomous body, as is the case in most countries. The merger involved reshuffling staff. Some were dispatched to other ministries with none being laid off. The Ministry of National Economy prepared a plan to cope up with matters in the forthcoming phase. Initially imports in 2001 were 1418 million dollars and 358 million dollars in exports. The PCBS stated that the deficit in the balance of trade in mid August was 1079 million dollars.

The donor countries were presented with a plan to restore economic and social stability in Palestine for the years 2003-2005. Funding the plan is divided into six basic parts that include supporting the PA budget with 650 million dollars, providing humanitarian and social assistance through funding various programs within the health, education, water and detainee rehabilitation sectors to the tune of 164 million dollars. The third part would deal with reconstruction and repairing damages caused to public and private enterprises. Job opportunities would be created at a cost of 26 million. The private sector is to be supported through loans and grants and helping industrial zones through 40 million dollars. The plan also includes funding projects that would boost administrative reform undertaken by the PA including building institutions and courts to the tune of 39 million. As for projects dealing with infrastructure, there is an amount of 278 million that includes funding projects for roads, energy, transport, health, water, public buildings for municipalities and local councils.

The overall cost to cover the entire plan comes up to 1197 million dollars. The Minister of Finance expects that donor countries would deal favorably with the plan in light of the approval provided to the Palestinian performance by the donors, particularly the European Commission.

The Minister of National Economy, in his capacity as a member on the Investment Board, confirmed that he has received the final report of the PA-run companies. He clarified that matters were put in order in several phases. Currently, more PA companies are being privatized, while maintaining limited public shares in such enterprises. The Investment Fund took a decision to decrease the 79 companies where the PA had partial or total stakes into less than a half.

The investment strategy adopted by the Fund focuses on the PA's not getting involved in competition with the private sector enterprises. Rather, it seeks to contribute to infrastructure building and provide incentives to encourage the private sector and the

search for outside markets. So far, the PA has invested around 700 million dollars in various companies.

The Ministry of National Economy has also called upon Palestinian companies to interact with the industrial rehabilitation program to achieve the maximum benefits to the industry. The program seeks to upgrade the competitive ability of two Palestinian companies out of 400 firms that would be targeted in a similar way in later phases. The Ministry of Agriculture announced Iraq's readiness to import 5000 tons of Palestinian olive oil. Several programs were launched to help farmers that were affected by the Israeli belligerence while setting up mechanisms for compensation.

In light of the setback within the tourism sector, the Ministry of Tourism and Antiquities has been working to develop environmental concepts related to tourism in Palestine, incorporating it into the historic, heritage and religious backgrounds. Also, steps were taken to ensure nature preservation procedures.

## **6) The General Budget and the Financial Condition**

Within the framework of administrative reform embedded in the 100-day plan, efforts were done to unify PA revenues within one single account in the treasury. An investment fund was set up with the completion of an external audit including all available assets with a full report on the matter. Evaluating what has been achieved in 2003, the Minister of Finance indicated that all what has been pledged has been actually delivered<sup>54</sup>. What was not implemented is confined to specific matters such as:

- The incompleteness of the Retirement Law. Although a committee to deal with this matter was formed with a definition of the main guidelines, taking in mind the specific Palestinian situation, the law is not expected to be finalized before 2004.
- Certain security establishments were not completely cooperative with the public transactions being completely conducted through the banks, including the payment of salaries. The Minister expected that the current 40% abidance would be completed within a few months.
- The Law for Civil Service is almost complete.
- As for the public debt, the Minister stated that, by and large, the situation is under control.

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<sup>54</sup> In a meeting held by AMAN, January 6, 2004.

**Table No. (13/a): The General summary budget for the year 2003<sup>55</sup>**

<b>Expenditure</b>		<b>Income</b>	
Local Income	581	Running Cost	
Transaction	117	Salaries	625
		Operational	167
		Transferable	237
		Others	11
		<b>Development Cost</b>	
		Local Sources	27
		Donations	212
<b>Total</b>	<b>531</b>		<b>1278</b>
<b>Deficit</b>	<b>-(747)</b>		

**Table No. (13/b): The General summary budget for the year 2003<sup>56</sup>**

<b>Expenditure</b>		<b>Income</b>	
Local Income	298	<b>Running Cost</b>	
Transaction	508	Salaries	828
		Operational	228
		Transferable	250
		Others	18
		Development Cost	250
<b>Total</b>	<b>806</b>		<b>1278</b>
<b>Deficit</b>	<b>-(888)</b>		

Regarding the basic achievements, the Minister defined two crucial matters having to do with concentrating public investments that was completed. The other had to do with the petroleum sector that has been put under control leading to a significant increase in revenues as a result of control mechanisms, preventing smuggling and cheating while improving tax collection procedures.

Work is underway to prepare a modern law for retirement that would also deal with over-employment in the civil service. A plan was adopted to restructure ministries and public bodies while reviewing and updating procedures in the civil service. A list of bodies working outside the authority of the ministries was prepared with the purpose of incorporating them with the relevant ministries.

<sup>55</sup> General budget law 2003, Ministry of Finance

<sup>56</sup> Ibid, 2004

In an unprecedented move regionally and globally, the Minister of Finance fully revealed the PA investments and business activities that involve 600 million dollars spread within 79 commercial enterprises with 73 million dollars deposited in banks. This step is supposed to adopt policies of operating the investment fund that would also include privatization measures.

The detailed report that has been posted on the website brought to an end an eight-year old controversy concerning the PA investment and bank account activities. Some observers see that this would prevent financial violations practiced by certain security establishments over the years. Others view it as a milestone towards transparency. The Minister of Finance declared that President Arafat was concerned to put an end to rumors and hearsay that has been disruptive. There was a need to expose to the public to the way that state funds are managed.

The report has shown that certain investments were subject to international external auditing<sup>57</sup>. Others were in the process to be evaluated while some activities were frozen due to the Intifada events. In fact, many shares and stocks declined in value. However, the Minister denied that the PA has sold or used investment profits. He stressed that all revenues would be within a unified PA account and will be managed under audit as public funds.

Related to the above, great attention was given to the Ministry's audit department. This had to do with spending and making sure that procedures are proper in every sense. The PA managed during the period under scrutiny to cover all its obligations to suppliers, providing social and medical assistance as well as settling pending payments to local councils. This reinforced public confidence in the PA that managed (unlike in previous years) to dispense salaries each month on time.

All these steps need a follow-up to make sure that there will be no return to past ways of mismanagement. Regulations and procedures need to be fostered within the process of reform and secure institutional transparency and professionalism. Particularly this is required within the Finance Ministry to perform duties and prepare reasonable budgets that respond to the economic and development needs.

The Ministry of Finance reported that a financial stability was taking place within the PA's reform policy. A good chunk of the debts to the private sector has been covered. Security personnel are receiving salaries through banks rather than through cash payments. The treasury accounts were united, clearly tracing revenues and expenditure

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<sup>57</sup> The PNA investment information is available on the site: [www.pa.inv\\_fund.com](http://www.pa.inv_fund.com)

with clear follow-up of business investments such as the Petroleum Corporation that was merged with the Ministry. As a result of the new work plan, prices of petroleum products were lowered to the consumer thus bringing to an end the phenomena of smuggling or messing up with standards of the fuel products<sup>58</sup>.

In implementing the 2003 budget, there was a failure to provide a financial report concerning certain funds operated by the PA. This includes insurance, compensation, and road accident victim funds. Also, revenues emanating from state-controlled operations were not elaborated (such as the Petroleum Corporation, the Tobacco Authority and the Water Authority)<sup>59</sup>.

A key failure in rectifying the Palestinian budget had to do with the insufficiency of allocations earmarked for education, health and human development. As was the case previously, the allocations cover less than half of what is needed in these fields. While there was some increase in the amounts earmarked for these sectors, there is a long way to go to bridge the wide gap.

The Ministry, in the process of financial and administrative reform, has taken up the issue of public functionaries including the process of appointments and promotions within the civil service. Currently this is pursued in line with the Budget Law and seeking to make use of masked unemployment through the transfer of extra civil servants into other public posts to meet the needs. However, there are serious obstacles to implement a viable modern retirement scheme given the prevailing subjective conditions and the specificity of the Palestinian case. This also has to do with meager savings and the inability to significantly raise civil servant contributions to the provident fund. As a result, the Ministry had to resort to external sources such as the European Union that encouraged the idea. Regarding the appointment of security personnel, the Minister of Finance revealed that there are illegal appointments in this respect. This is done under the guise of rehiring employees into security-related jobs. Around 800 such assignments have been recently cancelled. Furthermore, the Ministry started, as a result of a cabinet decision in May, to end services of civil servants reaching the age of sixty. This is supposed to facilitate the process of promotion for second-liners and offer opportunities to new graduates.

While the financial position of the PA is far from being ideal, it is in a better shape than last year. With the release of funds that were held by Israel through regular installments, the situation has improved since the beginning of 2003. However, there is a need to

<sup>58</sup> The Ministry revealed that fuel and gas tax revenues in July (one month after adopting the new measures) has soared to 64 million shekels instead of the 41 million in the previous month, June. This means a 23 million-shekel increase per month. Petroleum consumption in the West Bank increased in July to 9 million liters instead of 5 in June. However, the consumption of diesel in the West Bank increased from 7 million liters in June to more than 23 million in June. Decreasing the price of petroleum prices diminished smuggling fuel from Israel.

<sup>59</sup> An analytical study of the budget project for 2003, Parliamentary Research Unit.



remove obstacles facing the economic activity and the ability to raise sufficient revenues locally since external assistance during the first half of the year was less than what was expected in the budget. A mere 19 million dollars was forthcoming each month while the budget estimates for 2003 were based on 44 million dollars.

As a result, the PA had to address current needs through improvisation. It managed to decrease liabilities by 94 million dollars in order to secure the budget allocations to various ministries for 2003 on time. This resulted in a significant improvement in performance. In presenting financial indicators during the first half of the year, the Minister of Finance indicated that the average monthly expenditure reached 83 million dollars while the revenues were 48 million (of which 31 million are transferred after collection by Israel and 17 million in direct internal revenues). In addition, 28 million were installments transferred from Israel for previous amounts that had been blocked and 19 million in form of external assistance. This is why the treasury had to improvise and deal with matters on an ad hoc basis. Through withholding liabilities amounting to 94 million dollars, it became possible to cover salaries on time and transferring budget allocations to the various ministries.

The 2004 budget was approved by the Council of Ministers as well as the PLC. It is by far the most professional budget of the PA in that it passed through all the constitutional procedures.

**Table no. 14: Revenues and Expenditure of the PNA by the General Budget Law for fiscal year 2004<sup>60</sup>**

	<b>Millions of dollars</b>
1. Public Revenues	1706
a) Local Revenues	806
b) Grants to support Recurrent Expenses	650
c) Development Grants	249
2. Public Expenditure	1444
a) Current Expenses	250
b) Development Expenses	1706

60 PNA General budget law, 2004, Summary prepared by AMAN

**Table No. 15: The summary of general budget for 1998- 2004 in Million Dollar**

Statement	1997	1998	1999	2000	2001	2002	2003	2004
General Income	1195	1822	1604	1364	1308	1148	531	806
Local income	684	754	901	964	581	581	205	298
Grants and assistance	369	330	235	400	117	578	747	650
Public expenditure	1213	1194	1194	1364	1677	1476	1278	1694
Running costs	818	853	953	940	1089	1096	1040	1444
Developmental costs	393	341	241	423	550	380	239	250
Deficit	159	109	58	Zero	526	328	747	888

**Table No. 16: Financing**

Grants and assistance supporting the budget	650
Expected grants supporting the developmental projects	250
Released transactions Income	180
Net change in defrwert	-180
Paid back Loans	-12
Financial gap	zero

The budget for 2004 relied on an objective assessment as to the amount of resources and available means. This comes as a result of the financial reforms that were introduced. The reforms are realistically insufficient, since they do not include tax and sufficient control aspects nor do they set up expenditure priorities objectively. No structures or procedures are elaborated within the process of administrative development. This is what led some to refer to it as a budget for salaries and rents. In fact, the item for rents was estimated to be 828 million dollars. In addition, the budget depended, for the development part, on donor countries and assistance reaching 650 million dollars, which comes up as 25% of the total budget. On the other hand, running expenses are estimated at 1444 million dollars, which is 44% of the overall local output. The deficit for the 2004 budget is expected to be 888 million dollars. This is an alarming situation that calls for a number of reform measures to narrow the gap.

## Financial Assistance

In the course of the Intifada years, the economic situation was seriously affected. Maintaining living conditions became impossible without external assistance with an increasing need for support. In 1998 and 99, the assistance amounted to 490 million dollars. However, it had to be increased to 992 million in 2001 and 1026 million in 2002. This meant that the per capita assistance reached 320 dollars annually. However, this did not compensate for the loss of income that amounted to 40%<sup>61</sup>.

The main assistance in 2003 came from US and European and Arab sources. European assistance amounted to 240 million Euros, of which 80 million went directly to support the PNA. Despite the Israeli campaign to smear the PA and accusations of abuse of funds, the EU maintained the support just like previous years<sup>62</sup>.

**Table No. 17**  
**Assistance Given by Donor Countries<sup>63</sup>**

<b>Year</b>	<b>Confirmed sums in Million Dollars</b>	<b>Amounts Spent</b>
1994	829	504
1995	651	425
1996	744	514
1997	699	553
1998	641	425
1999	649	473
2000	527	162
2001	(1000)*	675
2002	(1100)	1100
2003		863

<sup>61</sup> Nigel Roberts, Director of the World Bank Mission in Palestine, July 2, 2003.

<sup>62</sup> Chris Patten, Europe's Commissioner for External Relations, July 6, 2003.

<sup>63</sup> MOPIC's 2000, 3rd Quarterly Monitoring Report on Donor's Assistance

\* Including Al-aqsa fund and other European and International assistance

**Table No. 18****Distribution of Confirmed Assistance among various sectors for the period 1994-September 2001<sup>64</sup>**

<b>Sector</b>	<b>Total amount for the period</b>	<b>Agreement during 2000</b>	<b>Sector</b>	<b>Total amount for the period</b>	<b>Agreement during 2000</b>
Sewage	429	48	Agriculture	57	8
Education	365	26	Solid Waste	30	-
Institutions	568	287	Prisoners	33	5
Health	251	43	Tourism	74	48
Infrastructure	219	94	Industry	25	4
Housing	105	8	Women	15	2
Promotion of democracy	98	6	Environment	10	-
Police and Security	110	19	Private Sector	12	3
Transportation	164	74	Children	6	-
Productive sector	139	57	Communication	4	-
Humanitarian assistance	129	47	Laws	9	6
Human and social development	58	58	UN-Classified	17	
Energy	62	6	Others	47	
Water	429				

As for US assistance, it consisted of 253 million dollars, of which 129 million came through UNRWA (with 88 million being in form of annual assistance and 41 million as emergency assistance). USAid handled 74 million dollars, in addition to 50 million dollars in form of an emergency need. This included 20 million dollars in direct support to the PNA for the first time ever. An additional 30 million dollars was earmarked for the “Quick Impact” project that sought to restore and repair facilities and roads that were damaged through Israeli attacks<sup>65</sup>. The Arab assistance coming mostly through Al Aqsa and Al Quds funds covered 97% of the pledges, bringing it to 593 million dollars by September 2003<sup>66</sup>.

<sup>64</sup> Ibid

<sup>65</sup> Daily Press Briefing, US State Department November 13, 2003. The assistance covers fiscal year from October 1 until September 30.

<sup>66</sup> Ahmad Muhammad Ali, Director, Islamic Development Bank.

However, there is a disparity in the figures provided regarding amounts of assistance between donor sources and Palestinian finance Ministry sources. This probably has to do with the various channels used by donors. The Ministry of finance claimed that the overall external assistance decreased in 2003 to less than 900 million dollars instead of 995 million in 2001 and 1025 million in 2003. As for contribution to the general budget, there was also a decrease with an input of 370 million dollars instead of 535 million in the year 2002<sup>67</sup>.

## **The Monetary Authority**

The Governor of the Palestinian Monetary Authority received a request from a number of Jordanian bankers concerning the increase of their capital operating in the Palestinian area. They demanded to be given a time limit beyond the year 2003 in order to accommodate with the Authority regulations. The Governor had requested in April 2003 that all banks operating in the Palestinian territory and having deposits that exceed 30 million dollars should raise the capital by 20 million dollars. As for banks having deposits that are less than 30 million dollars, there was a requirement to keep the deposited capital at five million dollars. The instructions affecting Jordanian, Egyptian and foreign banks required depositing half of the additional capital with the Monetary Authority not later than the end of 2003. Following an extensive meeting with representatives of Jordanian banks operating in the area at the bankers' society, a position was taken calling upon the Monetary Authority to base the increase in capital on the average of its sufficiency subject to the risk element rather than bank deposits. The objective of the Authority's demand to increase capital was to spur merger and joint ventures between Palestinian and Jordanian banks in a manner that would secure 49% of the shares to Jordanians and 51% to Palestinians. The Governor's request reiterated a previous decision that was not implemented due to the conditions prevailing in Palestine. In general, the purpose was to put an end to the discriminatory negative restrictions facing Palestinian banks. Prior to this decision, five local banks had come up with a capital of 120 million dollars while there were 12 non-Palestinian banks with a capital of 55 million dollars<sup>68</sup>. The new measures sought to bridge the gap in operational costs. Debts claimed by banks amount to 335 million dollars of which 216 million are problematic. The deposits in the banks amount to 3555 million dollars.

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<sup>67</sup> Salam Fayyad's report to the PLC, December 3, 2003

<sup>68</sup> Amin Haddad, Governor, Monetary Authority, May 10, 2003

**Table No. 19****Banks and their Branches in Palestine<sup>69</sup>**

Year	No. of Banks			No. of Branches		
	National	International	Total	National	International	Total
1995	3	11	14	14	43	57
1996	4	13	17	20	51	71
1997	8	13	21	29	60	89
1998	9	14	23	40	65	105
1999	9	14	23	48	67	115
2000	9	13	22	52	68	120
2001	10	13	23	58	68	126
2002	10	11	21	59	68	127
2003	10	12	22	73	60	133

**Table No.20****United Budget for the Banks Working in Palestine<sup>70</sup> (Million Dollar)**

	1996	1997	1998	1999	2000	2001	2002
Deposits	1706	2067	2390	2832	3470	3371	1923
Facilities	424	613	822	992	1328	1180	957
Outside assets	1392	1640	1775	2148	2316	2399	7143

It would be difficult for Jordanian banks that have their own problems at home to meet the requirements of the new decision. This is why the Jordanian Central Bank is demanding a delay in the implementation of the new procedures. It claims that according to the Basel Accords, the capital invested in the mother branch is the guarantee for branches operating elsewhere. Based on this, the representatives of Jordanian banks operating in Palestine called for a meeting with the Governor of the Jordanian Central Bank urging him to intervene in order to postpone the decision of his Palestinian counterpart until the political situation becomes clear.

Like other public bodies, the Monetary Authority has many problems that need to be addressed through the PLC. The Budget Committee presented a proposal for general discussion with a plan for restructuring and fostering the capacity of the Authority by regulating the banking sector and the monetary policy in Palestine.

<sup>69</sup> Palestinian Monetary Authority.

<sup>70</sup> Derived from: Palestinian Monetary Authority, Statistical Report, no.42, January 2002

In order to benefit from the services provided by Arab Banks, the Monetary Authority signed a memorandum of understanding and cooperation with the Chairman of the Arab Banks Union. This is the first agreement of its kind in form of Palestinian/Arab cooperation in the field of banking.

Loans offered by banks are distributed as follows:

- \$18.5 million to economic sectors
- \$95 million to industry and mining
- \$107 million to installations
- \$19 million for construction
- \$246 million for trade (\$183 million internally and \$63 million for external trade)
- \$23 million for transportation
- \$22 million for tourism
- \$125 million for public buildings
- \$58 million for financial services<sup>71</sup>

There are 21 operating banks of which nine are local, eight Jordanian, two Egyptian and two foreign banks. Deposits in these banks amount to 3200 million dollars (of which 81% are Arab and foreign banks with the remaining 19% in Palestinian banks).

## **7) Justice**

The Ministry of Justice formally disbanded the State Security Court transferring its authority to the relevant judiciary. Also, the State Prosecution was annulled and replaced by the punitive prosecution. Rulings issued by the early instance court replaced the State Security Court, thus handling the cases of those detained on such charges. The former Justice Minister Zuheir Sourani announced that the President approved the appointment of 37 assistants in the general prosecution in all districts.

The Fatwa and Legislation Department prepared the drafts of important bills, chiefly, the draft of the Civil Law that took four years to prepare. In addition, there were draft bills for the land law, urban planning, forming the supreme constitutional court, the law for establishing administrative courts, the trade union law, the law on drugs and that of commerce that will be presented shortly to the PLC. The Department also worked on a bill concerning juveniles and regulating crafts and artisanat. Currently

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<sup>71</sup> Amin Haddad, Governor, Monetary Authority, July 11, 2003

work is underway to prepare drafts concerning publicity, printing, social guarantees, education and learning.

Concern in establishing administrative courts is part of a comprehensive project that has been discussed with Egyptian and French parties. The purpose is to establish a state council, as is the case in these two countries. The Council would link the Fatwa and Legislation Department with the administrative judiciary that will judge administrative disputes.

The Minister of Planning and International Cooperation, in his capacity as head of the committee in charge of preparing the constitution has completed the final draft. However, the two articles concerning the issues of the borders and the refugees is still a matter of wide controversy and cannot be addressed except through an elected parliament in an independent state. He mentioned that this matter would be subject to a general plebiscite that could be conducted in a separate form during the coming elections.

The Ministry of Interior issued executive orders to activate most of its offices and the police directorate. A general meeting was held bringing together all public relations' directors working in the Ministry with the purpose of coming up with a unified work mechanism. The Ministry also decided to withhold funds pertaining to certain institutions in Gaza pending probes to ensure that abiding by orderly procedures is observed in the Palestinian areas.

## **8) Labor**

The Labor Ministry confirmed that there has been an unprecedented level of unemployment following Israel's reoccupation of Palestinian areas and the PA's inability to impose laws and regulations. Previously, the Ministry was not involved in fundraising to create job opportunities and alleviate the level of unemployment. However, it had to get heavily involved in dealing with unemployment and make efforts in conjunction with the ILO to establish a fund to create jobs and provide social protection through various programs subsidized by donors. A national committee was formed to follow-up such efforts with public and NGO groups to contain the problem of unemployment.

The Arab Labor ministers decided in their March meeting held in Tunisia to form a trilateral committee to support the employment and social protection fund in Palestine. This has been endorsed by the ILO and a presidential decree is expected to formally endorse the fund.



According to the PCBS, the number of the unemployed that have given up on searching for jobs out of desperation reached 109 thousand workers in the first quarter of 2003. The number of the unemployed reached 336 thousand persons. Out of this figure, 227 thousand are workless and searching for jobs. The percentage of unemployment is 30.3% with 2,5 million persons below the poverty line. Around 237 thousand families have lost more than half their income since the eruption of the Intifada. 79% of families in the West Bank and Gaza need assistance while 44% of the families are blocked by the siege and are unable to cover the costs of health services. During the first quarter of the year 2003, the number of wage earners below the line of poverty reached 57.7%<sup>72</sup>.

Labor Ministry sources indicated the continued deterioration in the field of unemployment. The Saudi Committee in support of the Intifada sponsored three thousand needy families to assist in the West Bank and Gaza Strip. Projects to create jobs were also undertaken such as building hospitals, schools and service institutions. Around two hundred workers received wages while 200 thousand special food packages were distributed to workers at a cost of six million dollars.

The Ministry of Labor declared that it is conducting a study on the living conditions of the unemployed with the purpose of creating jobs that has been endorsed by the cabinet.

To foster the national strategy, the protection and employment fund received a preliminary amount of 1.8 million dollars from the ILO and the ALO.

## **9) Freedom of Thought and Expression**

The issue of freedom of thought and expression is largely in a grey zone, although it is not that much in the dark area. It is true that there is a law for publications and print, but this lacks important elements and is largely confined to print journalism. This law hardly covers TV and broadcasting journalism and does not regulate private stations.

Obviously there is a need to come up with a modern, democratic system that would put the media work in order and assume a pioneering role. Article 19 of the Basic Law asserted that: "There will be encroachment on the freedom of expression. Every person has the right of expressing opinion verbally, in writing and through other means of expression or print within the realm of the law". Article 27 stipulated:

- Everyone has the right to launch newspapers or other means of media. This is a right that is guaranteed in the Basic Law provided sources of funding are monitored through the Law.

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<sup>72</sup> West Bank and Gaza Update, the World Bank, September 2003.

- Equally, the freedom of visual, audio, print and other media means, publishing, distribution, broadcasting and the liberty of those operating is guaranteed by the Basic Law and relevant laws.
- The media cannot be censored or given a warning or expressed according to the law and by a court right. However, there are constraints such as the complexity of receiving a license to operate a media project. The procedure requires approval of three ministries (Information, Interior and Communications). In addition, there is a disparity in dealing with broadcasting stations between the West Bank and Gaza although the two areas are supposed to be under the same jurisdiction.

The Attorney General had issued an order on June 24, 2003 to shut down three out of the six private broadcasting stations in Gaza. (The West Bank has 12 such stations). The reason was lack of permits (the stations in question are Alwan, Al Manar and Al Aqsa). The order included confiscating all equipment pending the completion of licensing procedures.

Needles to say that broadcasting stations need to acquire licensing to operate. However, the procedures must be part of comprehensive modern regulations. The way that armed policemen broke into the station offices with no warrants was not the best way of dealing up with the matter.

As for private TV stations, although seven years have passed since their start and, with a total of 31 such stations<sup>73</sup>, it is fragmented and needs a lot to have proper standards and means. Apart from local talk shows, most of these stations keep repeating copied programs. The Ministry of Information had instructed that 25% of the programs must be produced locally. The feasibility of mergers of such stations needs to be considered to increase and improve production quality. The financial crisis facing these stations was aggravated by Israeli assaults on several TV offices. There is no possibility to officially compensate for the damages and losses that occurred<sup>74</sup>.

<sup>73</sup> Palestine is the second Arab country after Lebanon to allow private TV and radio channels. The first broadcasting was launched in 1996.

<sup>74</sup> The Public Opinion Poll Center announced on October 26, 2003 regarding the distribution of newspapers, with Al Quds leading 38.1%, Al Ayyam 19.8%, Al Hayat Al Jadida 12% and Al Risala 1.3%. For satellite channels, Al Jazeera headed with 26.3%, Al Arabiya 7.5%, MBC 7%, Al Manar 6.2%, Abu Dhabi 4.4%, Al Mustaqbal 2.9%, Falastin 2.8%, LBC 2.8%, Israeli TV 2.3%. A JMCC poll indicated (April 16, 2003) that 51.7% watch Al Jazeera, 14.2% Abu Dhabi and Hizbullah channel, Al Manar 7.8%. Regarding radio broadcasts, 13.5% listen to the Voice of Palestine (the highest number), the Gaza Voice of Freedom (82.1%), Israeli Radio (6.1%). In the same poll, 51% read Al Quds, 21.9% Al Ayyam, 17.5% Al Hayat and 2.5% other papers. Also, 61% knew about public opinion polls but only 14.8% had high trust in them. 38.6% said they had some trust while 28% had no trust.

**Table No. 21**  
**Indictor on freedom of Expression<sup>75</sup>**

	<b>West Bank</b>	<b>Gaza</b>	<b>Total</b>
Newspapers	9	4	13
Magazines	14	3	17
Broadcast stations	21	8	29
TV. Stations	31	2	33
Culture centers	45	17	62
Theaters	3	2	5
Cinemas	4	-	4
Mosques	1246	545	1791
Churches	320	10	330
Museums	6	1	7

Alarming practices against journalists were recorded during the period under review. Correspondent Seif El Din Shahin was badly beaten while the offices of “Al Dar” magazine were damaged. The car of Al Jazeera’s chief correspondent was torched in Ramallah and the equipment of a private TV station in Nablus was destroyed. There was also a case of barging into the “Al Arabiya” satellite station.

On the other hand, the Child and Women Department in the Ministry of Information held a graduation ceremony for young media activists. The Ministry also condemned the discriminatory policy of the Israeli governmental press office for failing to provide press cards to Palestinian journalists.

#### ● **Women’s Affairs**

The formation of a ministry for women’s affairs was in line with the declared policy of gender equality. The purpose was to provide steps to close up the gap in women’s participation in all policies, programs and sector or national plans. The Ministry is not starting from scratch but building on what was already started with the Ministry of Planning in cooperation with 22 other institutions.

The establishment of the Ministry of Women’s Affairs came after nine years since the operation of the PA. During this period, the only women assuming a ministerial position were Hanan Ashrawi and Intisar Al Wazir, and now Zahira Kamal. The step could be in the right direction to reverse the trend of the decreasing presence of women in senior positions

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<sup>75</sup> Source: Palestinian Bureau of Statistics, 2004, Cultural survey data base.

within the PA. For instance, there is hardly any women in positions like director general of a ministry and none in the Executive Committee of the PLO since its establishment. As for the PLC, there are only five women out of 88 since the election of 1996.

### ● **The Palestinian Central Bureau of Statistics (PCBS)**

The PCBS issued a number of reports despite obstacles to have access to certain of the surveyed areas. Data was collected to cover the survey of youth as well settlement trends including demographic, social, economic geographic indicators documenting Israeli violations within the Palestinian Territory. The results revealed that there were 346 settlement posts by the end of 2002 (320 in the West Bank and 26 in the Gaza Strip). The “official” settlements were 171 (154 in the West Bank – mostly around Jerusalem and 17 in the Gaza Strip). The number of settlers during the same period (i.e. by the end of 2002) was 412,785 (405,458 to 7300 in Gaza). The PCBS also issued income statistics revealing the economic deterioration and surveyed the cost of living index with short-term and mid-term projections as to family and demographic needs. It also surveyed implications of the Apartheid wall on the economic and social conditions. The preliminary results of Palestinian external trade with Israel for the year 2002 was also published.

The fourth statistic yearbook for Palestine was issued including conditions of Palestinians in the Diaspora and within Israel. The Bureau revealed that there was a decline in the number of licenses issued for building as part of the recession indicating that 165% of the economic installations since last December have declined in comparison with October. Problems facing those installations were elaborated together with short-term and mid-term projections<sup>76</sup>.

The PCBS signed a memo of understanding to unify support provided from International sources. The memo includes establishing a fund to support projects for the coming three years. In early December, a new accord was achieved to support the programs for 2003-2005. This complements the deal reached with the main PCBS donors covering assistance, technical missions and additional financing for emergency programs that were not included previously.

<sup>76</sup> A public opinion poll held by the Geneva Board of Information on December 24, 2003 indicated that less than 19% view the performance of the PNA as good, 41.7% medium and 39.3% as bad. The BZU Development Studies on March 22, 2003 provided a detailed evaluation of the Palestinian public confidence in the performance of public and non-governmental institutions. The results were: Education 78%, health 59%, police 47%, judiciary 42%, security establishments 39%, ministries as a whole 38%. The PLC got 34%. As for CSOs, there was 87% confidence and local councils 89%, Zakat committees 65%, the media 47%, trade unions 35%, political parties 32%. The Najah University poll on November 7, 2003 revealed that 74.4% are satisfied from the performance of the Presidency, 61.2% of the Prime Ministry, 62.7% of the PLC, 63.5% of the Judicial Authority, 87.5% of the universities and 83.5% of the CSO's performance.

## **Strengths**

1. The role of the ministries of health, education, housing, public works, monetary authority, social affairs, detainees and ex-detainees, PECDAR, PCBS needs to be commended for managing to operate in a reasonable manner despite the harsh conditions.
2. The tasks undertaken by the Ministry of Finance did not only introduce basic reforms and reassert public confidence but also rebutted Israeli attempts to slander the PA. Furthermore, the joint efforts with the Ministry of National economy helped to put public investments in order.
3. The Ministry of Justice, together with the Fatwa and Legislation Department, has managed to reinforce the judiciary in a remarkable manner, more than previous years. Following up with such efforts is bound to place the judiciary in its distinguished position.

## **Weaknesses**

1. Forms of mismanagement or excessive bureaucracy are still common in various ministries and public bodies. There is a need to focus on performance and quality of services provided by the PA. The proper measurement of reform is in areas where there is a direct contact between the public and civil servants that are supposed to provide the services.
2. Emergency needs to respond to Israeli assaults and the increase in the number of injuries have left their mark in the level of day-to-day services, especially in the health sector and in marginalized areas. Such areas need to be placed on top priority particularly in light of closure measures that isolate them.
3. The same applies to the Ministry of Public Works. Many roads are in a pathetic shape and need to be repaired.
4. The work of the Monetary Authority should not be confined to follow-up procedures with banks. It should also get involved with dealing with issues of concern to the public that lose a lot of time waiting for their transactions in banks. Steps should be taken to improve services in the banks.
5. As for the Education Ministry, it is not enough to build new schools to meet increasing needs at the expense of existing schools. Proper education requires adopting modern methods, as well as maintaining hygiene facilities and modern equipment whether in labs or sport facilities both at the level of schools and universities. Despite the disparity in the level of universities, some are no more than like a secondary school. Universities require having a proper environment and facilities that meet international standards.
6. Assaults against journalists with lapse in security operations combine to create a most negative phenomenon that needs to be urgently addressed by the relevant bodies.
7. With all due respect to the efforts of the Ministry of Local Government, a lot needs to be done to meet the actual needs. Otherwise the public will continue to suffer.

### **1.1.3 Security Establishment Reforms and Palestinian Security Commitments**

The reform plan within the Palestinian security system focused on the restructuring of the Ministry of Interior and upgrading it to cope with the current requirements of merging all security establishments under one authority controlled by the Interior Ministry. This became more relevant with the filling up of the post of Interior Minister that was previously occupied by the President. The process included activating the role of courts and dealing with the side effects of the security establishments' non-abiding with the law. Work was needed to foster dedication to the patrimony and raising popular awareness concerning the needs for follow-up procedures.

Actually, the Palestinian leadership and security officers through the Ministry of Interior have worked to restructure the establishments in order to cope with national needs in a manner that would consecrate the rule of law, separation of the powers and avoid duplication or confuse rights and duties. To speed up such a process, a centralized merger brought together the preventive security, the police, the civil defense, the crossings and border directorate, civil and naturalization affairs and the passport department. To ensure control, a joint operation command was set up with an efficient control body as to the proper implementation and performance. However, the subjective organizational part of the security establishment is linked to the objective part related to the Israelis. For plans to be implemented, there is a need to train, equip and arm as well as being able to move. Currently this is not possible due to the closure and siege measures that include continuing assaults against PA installations, shutting up borders and crossing points while preventing communication among Palestinian forces. Theoretical programs need resources that would ensure the ability of the security forces to function within a set of orderly legislation.

The Ministry of Interior has gone a long way in setting up and crystallizing a policy based on developing the concept of security keeping in mind the interdependence between the struggle for liberation and building a healthy society. To achieve such an objective, the Ministry laid up a set for implementation that includes a training program that would qualify officers and the field staff that is in direct touch with the public.

It should be noted that the Intelligence Service and Force 17 are under the control of the President while the position of the naval force and special units is still floating with no clear line in the chain of command. Such a situation evoked alarm in certain circles in that the various security establishments could become competing centers of power.

With the preventive security falling under the aegis of the Interior Ministry and the General Intelligence under the Presidency, it is possible to have a conflict of interest. Reform in the area of security requires that the implementation of the law is carried out through the police forces only with no intervention from any other force. Work needs to be done to reduce the number of security establishments, defining the powers of each and separating among them. Military units should not be involved in dealing with public matters and standards should be set up for security functions.

Mahmoud Abbas emphasized during the PLC session to gain confidence to his government that a basic function would be to put an end to the chaos of having arms that cause a direct threat to the citizens. He added that: "No arms would be tolerated other than the arms of the Authority that will be used only to maintain public order and the application of the law. There will be no decision centers other than the legitimate decision center. This people has one Authority, one set of laws and a democratic national decision approved by all." Abu Mazen assigned the job of restructuring the Ministry of Interior to Muhammad Dahlan, Minister of Internal Security Affairs granting him such an authority that led some to consider Dahlan as an actual Minister of Interior.

On the other hand, the head of the Preventive Security in Gaza (Col. Abu Shabak) emphasized that the people have the right to resist occupation. He denied that there were plans to crush the resistance or interfere to suppress factions or tamper with civil liberties except through the law. However, he asserted that the Preventive Security shall track any group that would undermine the ceasefire. Actually it launched a campaign for several days to pursue popular resistance movements in the Gaza Strip<sup>77</sup>.

During last April, Zuheir Manasra, head of the Preventive Security in the West Bank resigned and was replaced by Ziyad Hab El Reeh in a reshuffle within the security establishments that involved thirty key positions. On August 24 Arafat appointed Jibril Rajoub as his adviser for National Security affairs promoting him from Colonel to General<sup>78</sup>.

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<sup>77</sup> Al Ayyam, July 6, 2003

<sup>78</sup> Col. Abdel Hay Abdel El Wahed was appointed as Deputy to the Interior Minister and Director General of the Civil Defense. Col. Mahmoud Asfour is another deputy minister and police chief. Abdel Rahman Barakat is head of main operations in the Ministry of Interior. Awni Al Ashi is Director of the Minister's office in Gaza, Ziyad Areef is in charge of training, Hamdi Al Rifi in charge of intervention and preserving public order, Samir Sarraj in charge of administrative affairs, Muhammad Saleh Joudeh in charge of organization and management, Mansour Abdel Rahman as head of the police academy and officer training, Musa Abdel Nabi Director General of Rehabilitation and Training Centers, Mahmoud Saydam assistant to the police chief in Gaza districts and Husni Rabay'a for the West Bank. Muhammad Muhtadi, General Director of Police in the Gaza Strip, Suheil Al Sheikh Head of the Khan Younes Police, Suheil Al Akhras Police Head for the Central Governorate, Majed Kafarneh for the north of Gaza and Mounir Farra Head of the Police in Rafah Governorate.

At a later phase, the district commanders of police and the Ministry of Interior were named seeking to upgrade the level of services.

The new measures included forbidding certain security forces to collect certain percentages from public investments such as cement and petroleum. This was in line with the policy of the Finance Ministry asserting that public funds cannot be tampered with outside the realm of law and the general budget.

In the same context, the Ministry demanded a list with all members of security establishments as a prelude to transfer all salaries through bank accounts. There were reservations by some of the military concerning this, since it is not in line with practices in neighboring countries. However, the Ministry managed to fulfill this within its broad policy of improving performance.

Consequently, security establishment officials have taken a number of steps to demonstrate good will in implementing Palestinian commitments in the Road Map phases. This included issuing order 43 from the Minister of Security Affairs attached to the Interior Ministry. The order contained disciplinary measures against officers who do not strictly abide by instructions. They were forbidden to reveal any confidential information or make public statements without a special permission or keeping official documents. Furthermore, officers were forbidden to undertake any additional jobs or commercial projects or have anything to do with contractors or tenders or receive money for any unofficial assignment whatsoever. The punitive steps for violators of the order ranged from warning, salary cut, depriving fringe benefits, lowering rank, stopping from work to dismissal according to the orders of the Police Chief. Another order carrying #17 stressed the need for discipline and honoring the chain of command. District police officers were given the authority to cut salaries or incarcerate violators up to 15 days.

Such measures paved the way for the formation of the National Supreme Security Council headed by Arafat. The functions of the Council had to do with supervising the overall operation of security branches, restructuring it, appointments, setting up a work plan, coordination with the Quartet and the Israeli side. Questions arise as to the dichotomy of the Council between the Presidency and the Prime Ministry (as well as that of the Minister of Interior and the President's National Security advisor). A decision was taken to hold regular meetings between the Council of Ministers and the National Security Council. At least one meeting was to be held each month with the attendance of the head of National Security (the head of Intelligence and two representatives from the Council of ministers assigned through the National Security Council).



### **The Government's Plan to Unify the Palestinian Security Forces within the Framework of the National Security Council**

Prime Minister Ahmad Qrei' presented his government's plan to unify the security forces within the framework of the National Security Council. Following is the text of the plan:

"Within the framework of the Executive Committee of the PLO and the Palestinian Leadership, it was decided to unify the operation of the security establishments and coordinate its performance at the governmental level as well as the National Council level in compliance with article 70, paragraph 7 and article 84 of the Basic Law mentioning that:

1. The Council of Ministers is responsible to maintain public order and internal security.
2.
  - a) The National Security Forces and the Police are regular armed forces having the task of defending the patrimony, serving the people and society and safeguarding security, public order and general morality. It fulfills its duties within the framework stipulated in the law with full conformity with the rights and liberty defined in Article 84 of the Basic Law.
  - b) The security and police forces shall be organized according to Article 84 of the Basic Law.

Based on the above and within the field of activating the National Security Council as a uniting framework of the security establishments and the integration of the tasks of the government and the National Security Council, there are requirements to:

- b) Ensure that the National Security Council has in its membership the Prime Minister, the Interior, Foreign and Finance ministers with the Prime Minister assuming the position of Deputy to the Council's Head.
    - c) The participation of the chiefs of National Security and National Intelligence in the meetings of the Council of Ministers while looking into issues related to security to ensure complementation, full coordination and unify performance.
3.
  - a) All Palestinian Security Establishments are to be unified within the framework of the National Security Council in regards to efficiency and performance. It would devise policies, delegate assignments, discuss reports concerning performance, particularly in what is related to the defense of the patrimony, maintaining public order and internal security, honoring and implementing the rule of law and curb all forms of chaos, fulfill obligations and commitments of the PLO and the PNA.

b) The National Security forces and the General Intelligence from one side and the police and preventive security forces on the other would constitute one body to defend the patrimony, maintain order, prevent all forms of chaos and implement public policies defined by the National Security Council that issues instructions in a clear and specific form.

4.

- a) The National Security Council sets up a detailed regimen to regulate membership and the manner of fulfilling its tasks and operations.
- b) The National Security Council sets up a detailed regimen to re-structure and unify the functioning of security establishments and national security forces to fulfill its tasks and specify terms of reference.
- c) This shall be fulfilled within one month of this date. A copy of these bylaws shall be deposited at the PLC.

From another angle the Internal Security Apparatus has launched, in cooperation with the police, an intensive campaign to close and dump four underground tunnels situated below the borderline separating Palestine and Egypt for smuggling and arresting those involved. The campaign targeted weapon and drug dealers in Rafah. The operation sought to impose the rule of law and halt the chaos of having firearms. In addition, the General Director of Public Security issued strict orders to all security forces to act to prevent any encroachment or violations on contact points to safeguard the supreme national interest.”

The PLC also demanded Ahmad Qrei' to request the Minister of Interior to present the broad lines concerning the security policy and the measures to control the home front. The Minister, Hakam Bal'awi referred to the internal security situation mentioning that the PA is in a "hesitant" mood as to the measures needed to be taken to control the inner front.

During November, the President, with a number of ministers and National Security and intelligence commanders, met to discuss ways to deter the military escalation. A number of decisions were taken to curb the chaotic conditions. This included reshuffling security forces, confirming Palestinian delivery of commitments requested within the Road Map on condition that Israel fulfills its part of the deal in a parallel manner to put an end to the violence and terror from both sides.

On the eve of declaring the emergency situation, Arafat headed a meeting to deal with security. Commanders from Gaza participated through the phone. A number of decisions were taken to prevent further deterioration despite the systematic destruction of security premises during the last three years. Large explosive material was uncovered in Jericho and Jenin and a number of suicide bombers were rounded up on their way to carry out operations in Israel.

### ● **The PA Prestige and Internal Security**

The security situation in Palestine is chaotic and messy. Lawlessness, carrying arms in demonstrations, stockpiling weapons in residential buildings and taking the law into one's own hands is just some of the prevailing symptoms. In Nablus alone, there were 33 killing cases in 2003. At the end of September, the Political Committee held a meeting expressing the deep alarm due to the deterioration of public order and lack of safety<sup>79</sup>.

The General Administration for Planning and Statistics in the Police Directorate issued data reflecting the gravity of the situation. The figures show that the PA has lost a good part of its prestige.

The statistics reveal that there were 354 cases of deliberate killings in the Palestinian areas during the current Intifada (2001-03) with an average of 110 each year. An additional 30 undeliberate killings were recorded. 207 cases led to death and 40 by mistake. There were 436 cases of setting out to kill and 2338 assaults. There were 1763 cases that led to causing handicaps and 11,847 cases of minor injury. Firearms were used in 77 cases while 64 killings occurred in public areas and 7 within official locations. As for the motivation for the murders, there were 64 cases on the background of collaboration

<sup>79</sup>The BZU Development Studies poll on October 23, 2003 indicated that 64% do not feel safe for themselves, families or property. Only 16% felt safe. Previously (on May 20), 61% felt unsafe and 20% felt safe.

with the enemy, 17 cases of fist fights, 14 revenge cases, 16 based on “family honor”, 9 interfamily feuds, 4 cases of dispute over property or money.

**Table 22**

**Deaths in Palestinian Detention Centers during according to 1994 - 2003<sup>80</sup>**

<b>Year</b>	<b>Gaza</b>	<b>West Bank</b>	<b>Total</b>	<b>Percentage</b>
1994	1	0	1	3.2 %
1995	4	5	9	29 %
1996	1	2	3	9.7 %
1997	2	4	6	19.4 %
1998	0	2	2	6.4 %
1999	0	1	1	3.2 %
2000	0	1	1	3.2 %
2001	3	2	5	16.1 %
2002	3		3	9.6%
2003	0	0	0	0
<b>Total</b>	<b>14</b>	<b>17</b>	<b>31</b>	<b>100 %</b>

A lot is needed to restore the PA prestige and curb violence. While Israeli incursions play a role in such a messy situation, it is unacceptable to use that as a pretext for such a state of affairs.

**Table 23**

**Deaths in Palestinian prisons according to the Security Apparatus 1994-2003**

<b>Apparatus</b>	<b>Gaza</b>	<b>West Bank</b>	<b>Total</b>	<b>Percentage</b>
General Intelligence	5	5	10	31 %
Preventive Security	2	6	8	25.8 %
Military Intelligence	3	3	6	19.4 %
Crime Police	3	2	5	10.5 %
Naval Police	0	1	1	3.1 %
Force 17	1	0	1	3.1 %
<b>Total</b>	<b>14</b>	<b>17</b>	<b>31</b>	<b>100 %</b>

<sup>80</sup> Tables are quoted from the list of deaths in Palestinian prisons, the Palestinian Group for Observing Human Rights

**Table 24****Duration which detainees spent from their detention date to death date**

<b>Duration in days</b>	<b>Number</b>	<b>Percentage</b>
1-3	9	29 %
4-14	8	25.8 %
15-30	3	9.7 %
More than a year	11	35.5 %
<b>Total</b>	<b>31</b>	<b>100 %</b>

A clearly disturbing case is the shooting of Sa'ed Shhebar, the Deputy Attorney General and wounding him on October 12, 2003. This followed the discovery on August 4 that a number of senior officials in the PA were involved in receiving bribes.

The General Intelligence resumed functioning after a period of lull. The Director General declared that it is forbidden to close any file once it is open until it becomes complete and handed over to the prosecution. He confirmed that some influential figures have been trying to cover up certain persons that have been implicated. Nevertheless, he pledged that the General Intelligence is determined to fulfill its role in fighting corruption, crime and delinquency. Investigation was conducted with a number of figures accused of receiving bribes or committing fraud and forgery. During the months of June and July, the investigation involved 350 cases of killings, attempted killings, robbery, fraud, forgery and encroachments having to do with supplies as well as cases of assault, drugs and theft. The volume of work is way above the capacity of the judiciary to handle the cases that are referred to the courts<sup>81</sup>.

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<sup>81</sup> Al Hayat, 13 August 2003

## **Strengths**

1. A major strength that was achieved was to put an end to power circles whereby certain security establishments were the domain of certain persons. This trend needs to be fostered in the direction that professionalism should be established with no consideration to personal favoritism. The appointment of an Interior Minister is bound to improve conditions along the way.
2. Significant organizational steps were taken to specify the responsibilities of the various establishments and its integration with the chain of command. Though the steps are far from complete, they are a move in the right direction to face up the tough internal and external challenges.
3. Depriving the security establishments from raising independent funds and subjugating all salaries to the Ministry of Finance is bound to raise the professional level and allow the security forces to focus on its actual tasks.
4. Despite the harsh circumstances and obstacles, the security forces and police continue to combat crime and other excesses.

## **Weaknesses**

1. Although the deterioration in conditions is a result of continued Israeli encroachments, the task of internal security remains, under all circumstances, a Palestinian responsibility that needs to be addressed. Any shortcoming should not be condoned. However there are lots of shortcomings.
2. Despite cosmetic changes here and there, no significant steps were taken to actually improve the efficiency of security establishments. More steps are needed in the merger policy to avoid overlapping among the Presidency (the National Security Council), the Prime Ministry and the Interior Ministry.
3. While conditions might not allow focusing on the content of security due to Israeli incursions, a lot needs to be done to regulate matters and issues related to contact with the public.

### **1.1.4 Local Government**

Municipalities are still heavily dependent on the central government to be able to function. They had to fill in for several bodies that were crippled in the past period. Burdens had to be shouldered with no funds earmarked for the additional tasks from donor sources. As a result, municipalities accumulated debts and often failed to pay employee salaries. Parties in charge of the budget be it at the level of the PLC or the Executive Authority asserted that funds were available to cover municipality needs. However the dispensation of the funds was not proper. The responsibility for such a failure falls on the PLC, the Ministry of Local Government and the municipalities themselves. At the end of the day, the need arises for the PLC to pressure the Executive Authority to provide specific funds according to established criteria and set up standards for developmental expenses. Certain municipalities decided to decrease water, crafts, industry and hygiene fees in order to allow the public to be able to foot such bills and continue providing services.

Focus was placed to regulate the financial relations between the Finance Ministry and the municipalities and local councils. Work is underway to complete an emergency project to rehabilitate municipal services and implement a comprehensive plan at a cost of 70 million dollars. This would include specifying available funding resources to the local councils and establishing a mechanism for making funds available in a transparent manner for both operational and developmental activities.

The Minister of Local Government announced that the Ministry of Finance reimbursed the local councils with an amount of 66 million shekels, which is its share from fuel taxes. The local council laws stipulate that 50% of fuel taxes should be reimbursed to municipalities. He indicated that his Ministry is demanding a larger amount for local councils in the 2004 budget. Previously there was no transfer of the fuel tax revenues to municipalities. The cabinet decided on December 22, 2003 to accept the principle of transferring a fixed percentage of public revenues to local councils. The decision included implementing the traffic law no. 5 for the year 2000 that calls for allocating a share of traffic transport revenues to local councils. Capacity building in local councils is underway to improve service and funding as well as building and maintaining the infrastructures within the municipal zones. Currently there are five emergency programs financed by the donor countries. Allocating resources depends, for the time being, only on the number of people. There is a need to take other aspects into consideration such as the level of need, amount of losses and the geographic size. In the first phase of implementing the

project in March 2003, 360 local councils and municipalities benefited with the Gaza municipality receiving the largest amount (1.3 million dollars) and a minimum of 3000 dollars for the smallest local councils.

Numerical indicators have shown that the per capita benefit from the project was 5.46 dollars. Despite the importance of the project, the broad demographic and geographic coverage disperses the efforts and undermines proper capitalization. It would have been more useful if allocations were geared towards integrated projects of a developmental and service nature. While this might have benefited a smaller number of people, it would have had better results within a three or five-year plan and setting up deadline priorities. The Ministry of Local Government managed to set up a united fund for all revenues earmarked to support municipalities and local councils.

The Ministry is also involved in the preparations to hold municipal elections. According to the Central Elections Committee, this could be possible within 100 days from the complete lifting of restrictions of movement and the withdrawal of Israeli troops from the areas that have been reoccupied.

In the beginning of January, Arafat issued a decree clarifying the functions of the governors who are the highest executive authority within the governorates. They represent the president and are in charge to follow up matters with official bodies such as the General Personnel Department. As head of the civil service, the governor supervises implementation of PA policies in services and production within his governorate. Article 4 of the decree specified the administrative structure of the deputies, advisors and administrative assistants of the governor who has the authority of a minister in regard to the civil servants. Furthermore, the governor is the party to implement judiciary orders of confirmed crimes and inform the Attorney General for unconfirmed crimes. He heads the Executive Council within his area. The Council includes all heads of PA departments (except the Attorney General and the judiciary) and certain local council heads. The Governor is also responsible to protect public property and maintain order with the assistance of the police and security forces with whom he holds regular meetings. He also heads the regulating and planning committee of the governorate that includes the mayors and the local council heads.

Municipalities and local council are still suffering from the impact of Israeli incursions. Huge amounts of money are needed to repair and restore the infrastructure<sup>82</sup>. Scores of developmental projects in the West Bank and Gaza came to a standstill to allow for coping with the emergency needs.

The local councils are striving to overcome deficits resulting from the inability of people

<sup>82</sup> For more, check: Palestinian Local Communities Losses and Damages caused by Israeli Aggression, Ministry of Local Government, June 2003.



to cover their municipal bills through signing certain accords with donors. The decrease in municipal revenues from the public exceeded 60%. Additional losses were incurred in agriculture and industrial zones in the Gaza area where thousands of dunams being bulldozed and industrial installations directly targeted with the systematic demolition of warehouses and workshops. This obviously exacerbated the problem of unemployment.

Elaborate discussion is held on the issue of holding local elections. Some perceive that as a tool of change and democratization to revitalize Palestinian society. Others are apprehensive that holding local council elections without presidential and legislative elections would turn the tide backwards. It is a reminder of the pre-PA days when the occupation was holding a tight grip on most matters. Therefore, elections should take place at all levels. Some fear that holding local elections prior to presidential and legislative ones could bring forth the domination of a certain political segment. Without taking sides in this controversy, it is clear that the beneficiaries from the lack of elections contribute to the chaos and paralysis affecting most local councils. Therefore, it is pertinent to hold elections of the local councils that cater to the broadest public sectors<sup>83</sup>. The Council of Ministers had taken a decision on December 22, 2003 to hold local council elections without specifying a date. In the same resolution, the Council called upon the PLC to speed up the process of approving the proposed amendments in the Local Council Law.

On the other hand, there has been a significant improvement in the level of women participation in municipalities and local councils in comparison with what was the case in the past. The Council of Ministers decided that each local council must include, at least, one woman. This was actually implemented in the West Bank but failed in the Gaza Strip.

The PCBS has issued the fifth annual, statistical book on Jerusalem for the year 2000. The Bureau surveyed the population of Jerusalem that reached, until 30 June 2003<sup>84</sup>, to 394 thousand persons of which 249 thousand live inside the zone of the city as declared by Israel after 1967. In addition, 149 thousand live in the Palestinian peripheral areas. The statistical book indicated that around 2000 houses were demolished in Jerusalem between 1968 and 2002, of which 123 were razed down in 2002. The quiet expulsion policy of the Israeli Interior Ministry has deprived 6400 persons from the right of residence in the city through the confiscation of their ID cards. The discriminatory policy of the Israeli Ministry includes humiliatory and insulting procedures that include queuing up for long hours under inhuman conditions.

According to the Israeli statistics, the Palestinians in 2003 constituted 32% of the population and the Jews 68% in Jerusalem.

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<sup>83</sup> Police and Survey Research findings on October 20, 2003 indicated that 60% support immediate elections, 33% were ready to vote for their local council head

<sup>84</sup> PCBS press conference June 8, 2003

## **Strengths**

1. The Ministry of Finance's decision to allocate a proportion of the fuel tax to local councils is a step in the right direction, even if it came belatedly. This income will help local councils to upgrade services.
2. Rehabilitation of the infrastructures that were damaged during the Israeli incursions proceeded in a smooth and transparent manner. Nevertheless, more resources are needed to complete the job.
3. The ministerial decision of including women in local councils and decision-making bodies is commended and needs to be spread.

## **Weaknesses**

1. Internal roads in villages and small towns are in a bad shape and the situation is getting worse. This is undermining the safety of people and property. It is not enough to deal with urgent necessities but there is a need to address the quality of services even in the city villages.
2. While emergency projects provide job opportunities and increase local council revenues, the mechanisms of implementation have actually led to scatter and waste funds under the pretext of fair distribution. With limited resources, there is a need to focus on and increase allocations in a manner that would lead to real qualitative changes, even if this is at the expense of certain delays in certain areas. If emergency assistance was focused on small villages suffering from lack of resources, the quality of services would have been in a better shape.
3. Failure to hold local elections is deeply disturbing. All those who contributed to deprive Palestinians below the age of 50 from participating in any local council elections will be blamed.
4. Although the villages around Jerusalem are supposed to be a priority in development, no concrete steps were taken to improve the level of services. The law concerning the capital was approved, but it did not lead to any concrete results.

### **1.1.5 General Control Bureau**

The PLC recently proposed a bill for financial and administrative control that would eventually replace the General Control Bureau within the PA, if approved. The bill entails a perspective that would secure transparency, accountability and proper performance in the use of public funds.

The draft of the bill evoked diverse reactions. Some viewed it as necessary in order to have a constitutional guarantee. Others claimed there was no need since there is already a General Control Bureau in place. Certain amendments could be added instead of creating new bodies that need additional funding and efforts. Supporters of the change stress that the Control Department needs to be independent from the PA as a separate body headed by a credible character with legal backing and the authority to face the PLC and the President. This needs to be at the footing of a minister with additional guarantees to boost his position and independence. His deputy would be similar to a Ministry's Director General. However, both would be accountable to the PLC through the speaker.

There were calls for including the NGO activity within the scope of control since they deal with public funds that are not private. The process requires activating the role of the judiciary and the administrative courts. The Control Department would be committed to issue an annual report to be published in the Official Gazette. Not only would the public be informed of the results, but there were also proposals to include the security establishments in the control. The head of the control would be forbidden to assume any other function or be associated with any faction to ensure objectivity and fairness. The proposal also included shortening the term of heading the Department from 7 years to 3 years<sup>85</sup>.

Regarding general control, there are three trends over the matter. One calls for providing a legalistic character to the General Control Bureau in that it will be part of the judiciary. Another stresses the need to attach it to the PLC, which is actually the body that has the responsibility to control public funds. The third trend sees that the General Control Bureau needs to be completely separate from the three powers in order to be effective and achieve the goals.

Clearly, the prevailing trend in the proposed bill is to place the General Control Bureau under the responsibility of the PLC as stipulated in article five of the bill. This became particularly relevant since the General Control Bureau has completed its fifth annual report and handed it to President Arafat. However the report was not presented to the PLC or published as is required by the law.

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<sup>85</sup> The PLC accepted the draft in principle in January of last year and referred the matter to the Budget and Financial Affairs Committee. It is currently being prepared for the various phases of reading.

## **Strengths**

1. The General Control Bureau continues to function and present its annual report to the President.
2. In addition to PA bodies, the General Control Bureau is monitoring the NGOs and CSOs.
3. The attempts of the PLC to create a new body for financial and administrative monitoring has evoked an active discussion. This could positively influence to bring forth a monitoring body that fits within the needs and is up-to-date.

## **Weaknesses**

1. Despite repeated demands, the findings of the General Control reports are not revealed since years.
2. The lack of communication between the General Control Bureau and the PLC is extremely disturbing. Rectifying this issue is pertinent to allow credibility and have an impact.

## **1.2 Legislative Authority**

### **1.2.1 The Palestinian Legislative Council**

The PLC is completing eight years with no sign of renewal. The vitality of the Council is eroding making it a figurehead while the number of the members is decreasing, for a variety of reasons and the average age is increasing.

In the session held on March 10, 2003, the PLC announced its eighth term in the presence of Arafat. The speaker, deputies and councils were formed. Another special session was held a week later to initiate the post of prime minister specifying the rights and duties. The President asserted that this is a necessary step to improve performance and complement work among various bodies for the welfare of Palestinian interests. With such a step, he added, the Palestinian political system is moving forward to foster democracy, the separation of powers and allow a wider scope for accountability, transparency and the rule of law.

In the paragraphs concerning the Executive Authority and the President of the PNA, a number of amendments were initiated on the Basic Law. The first amendment had to do with article 50 of the basic law stipulating that the “Council of Ministers (instead of the Executive Authority) is the executive tool and administrative arm to set up the programs approved for implementation by the legislative authority to be carried out by the Council as specified in the Basic Law.” Changing this article was the basis for all ensuing amendments. Article 71 was introduced to define the functions of the Prime Minister and article 72 for the Council of Ministers while article 73 referred to the weekly meeting of the Cabinet, or whenever necessary according to the Prime Minister. The article clearly referred not to allow non-ministers from attending sessions unless there was a previous approval by the Prime Minister and the cabinet. The purpose for this was to avoid the previous practice of holding the weekly meetings of the PNA with an amalgam of leaders, ministers, Executive Committee members and Fatah Central Committee members. Before the final endorsement of this article, only the Prime Minister’s prior approval was needed.

The Council also discussed the issues related to the mechanisms and dates of forming the government. This included the Prime Minister’s responsibility in front of the President and the ministries in relation to the Prime Minister as well as individual and collective

responsibility of the ministers in front of the PLC. The Council also approved the amendment that entitles the President to refer the Prime Minister to interrogation. The Prime Minister had the same right vis-à-vis his ministers. In addition, procedures for blocking confidence from the cabinet were endorsed whereby, with at least 10 PLC members, there is a right to call for lack of confidence in the cabinet, as a whole, any of the ministers.

The Council finally approved the amendments dealing with the Executive Authority regarding the allocations to the Prime Minister, the ministers and the parties within their realm of responsibility. Article 62 dealing with the PNA's President's selection of the Prime Minister was also approved.

When Prime Minister Mahmoud Abbas decided to seek confidence in the PLC, the US administration sent clear and implicit signals that voting against Abu Mazen's government would be like voting against President Bush and would put an end to the Road Map and to the Palestinian state as perceived by Bush. On September 5, the PLC held a special session to listen to Abu Mazen's presentation of his government's performance during the first hundred days and seeking PLC confidence. This was at the peak of the controversy with Arafat over control of security establishments. Most of the PLC members wished to stay out of the controversy, particularly due to explicit and implicit external pressures warning that the fall of Abu Mazen's government will have grave implications. The matter ended with the resignation of Abu Mazen's government and the formation of Ahmad Qrei's emergency government. In the PLC session held on November 12, 2003 Qrei's government won confidence. During the deliberations, most PLC members pointed out that there was nothing new in the statements of successive governments. However, Abu Ala, who was the PLC speaker for seven years, promised that he would do his best to put plans and follow it up effectively.

FATAH deputies argued about the mechanism of their selection of a new speaker due to the sensitivity of this post. A meeting with the movement's various bodies was held to discuss the matter. The Basic Law entitles any PLC member to present himself/herself to be a speaker. The controversy was whether the FATAH candidate would be a member of the Central Committee or allow FATAH PLC members to elect their own representative. This is what happened eventually when the FATAH bloc nominated and elected Rafiq Natsheh as Speaker with Ahmad Naser as Secretary instead of Rawhi Fattouh who became Minister of Agriculture. Natsheh stated that his priority is to preserve the monitory role of the Council and follow-up the reform plan at all levels due to its significant importance.

The PLC has been reviewing the Council internal regulations emphasizing on the importance to stick to them at all levels. It further set up procedures to allow complaints against members and amending procedures to fit with the new text of the Basic Law. Files were opened against PLC members who still assume administrative posts in violation of the by-laws. Clearly, the occupation is a major obstacle in activating the work of the PLC, the reform and democratic process as a whole. As a result, the gap between the PLC and the people has widened.

**Table (25)**

**Distribution of Legislative Council Sessions On parliamentary periods<sup>86</sup>**

	<b>First Session</b>	<b>Second Session</b>	<b>Third Session</b>	<b>Fourth Session</b>	<b>Fifth Session</b>	<b>Sixth Session</b>	<b>Seventh Session</b>	<b>Eighth Session</b>
Ordinary Meeting	38	30	21	14	19	8	7	14
Extraordinary Meeting	4	4	11	8	3	2	4	12
Secret Meeting	1	2	2	1	1	0	0	0
<b>Total</b>	<b>43</b>	<b>36</b>	<b>34</b>	<b>23</b>	<b>23</b>	<b>10</b>	<b>11</b>	<b>26</b>

In a study conducted by an international consultant on the functioning of the PLC, there was a call to take five necessary steps that include<sup>87</sup>:

- Fostering the trend to form parliamentary blocs that would have a better possibility of influencing.
- Initiating a Central Guidance Committee that would address all internal issues within the Council.
- Foster the work of the Budget Committee with expertise and equipment.
- Separating the Council administration, at all levels, from politics in a manner that would maintain independence and assuming responsibility along clear-cut grounds.
- Replacing electoral department offices of the PLC by allowing members to organize their work in an independent manner.

Although the PLC Speaker tried to limit the discussion over the Geneva Accord, this issue prevailed in a boisterous session held on December 9, 2003 with heated arguments between opponents and supporters who helped in drafting the document and attended the ceremony welcoming it in Switzerland.

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<sup>86</sup> The Palestinian Legislative Council, internal reports

<sup>87</sup> Rudolf Kabel, Recommendations for the Reform of the PLC, June 2003

The Political Committee presented a report about the accord warning not to endorse any of the declarations. It emphasized the need to conform the basic Palestinian rights, especially the Law of Return according to UN resolutions and the principles of the peace process with the ensuing accords. The Committee and most of the members were careful not to take a clear-cut position about the matter but warned that members of the Executive Committee and officials should avoid such meetings<sup>88</sup>.

The PLC followed with concern the imprisonment of members Marwan Barghouti (since April 15, 2002) and Husam Khader (March 17, 2003). This is a gross violation of International law and bilateral Palestinian/Israeli accords overlooking the immunity entitled to parliamentarians all over<sup>89</sup>.

On the 20th of July 2003, the PLC reiterated its rejection of the Knesset decision considering the Occupied Palestinian territories as part of Israeli lands. It emphasized that the Knesset is not the body that defines the identity and situation of the Palestinian lands. The ministers of justice and detainee and ex-detainee affairs were harshly reprimanded for holding a meeting with Israeli officials in East Jerusalem. This was viewed as a grave political mistake. The ministers under question ended up apologizing for not being careful as to the venue of the meeting.

### **1.2.2 Legislation and Laws**

Following the President's approval of the amended Basic Law, he also endorsed the procedures for court fees, agriculture and social insurance. Two sets of laws were of special concern to the media and NGOs. These were the General Budget bill that the Minister of Finance presented to the PLC on 31 December 2002 and the bill for punitive measures.

<sup>88</sup> The Public Opinion Poll Center indicated on October 26, 2002 that only 6.2% feel that the PLC members from their area largely represent them. 40% expressed some satisfaction about their representation, while 29.3% felt the PLC members do not represent them. The General Board of Information in a poll published on February 24, 2003 revealed that 44% view the PLC performance as bad, 36.4% as medium and only 19.6% felt it was good. The Najah poll (September 17, 2003) has shown that 59% are satisfied with the PLC performance. In contrast, the presidential institution had 82% satisfaction rate and CSOs 81%. The lowest ratings were the security establishments 53% and the judiciary 56%. Also 2.5% said they will vote for the same members like before, 8.5% some of them, while 47.8% said they will decide during the elections (Public Opinion Polls, Al Najah University, March 17, 2003).

<sup>89</sup> The Israeli Central Court resumed on April 6, 2003, the trial of PLC member Marwan Barghouti, who described the case as a theatrical play. He claimed that the judges are part and parcel of the occupation and have no legitimacy to try him. Barghouti declined to sign a police document admitting implication in "terror" activities. The trial for PLC member Husam Khader was held on April 8, 2003 when he denied all allegations of involvement in military allegations. He claimed that his kidnapping and detention is merely due to his rejection of occupation. Both PLC members maintain a high morale despite physical and psychological pressures exercised by the Shabak. Medical checkups were not allowed for them



As for the Budget Law that was approved on February 1, 2003, an operation room was set up to deal with the logistics of expenditure. This was the sixth budget for the PA. The PLC received the budget on time on January 1. This was a positive step indicating financial reform and proper management.

The second bill – that for punitive measures evoked a great deal of public concern at the level of media, CSOs and religious circles in both Gaza and the West Bank. Some of the religious figures went as far as accusing the PLC of contributing to deviation from Islamic principles in certain articles of the law such as the issue of dealing with adultery. A number of sessions were held to refute such claims in the presence of human rights groups and NGO representatives that offered their input for consideration in the second reading of the bill. The bill for punitive measures is undoubtedly one of the most important pieces of legislation discussed in the PLC with 400 articles coming in four sections that elaborate in detail all kinds of punitive and pardon laws both private and public. It deals with cases of halting implementation of punishments, multiple crimes, high treason, espionage and terrorism (which had a good deal of discussion in its overlapping, for some, with the legitimate national struggle). Most of the concerned lawyers, legal researchers and academics demanded the cancellation of this part since it is a blind copy of countries suffering from terror. In addition, there is no unified definition of terror (so far), fratricide, bribery, fraud, forgery of all kinds or abuse of jobs. Furthermore, the law tackled crimes affecting external dangers and the general interest including causing arson, damaging public roads, bridges or undermining public transport means. Of concern in this law is that it has been in line with the rest of Palestinian legislation based on the Basic Law in setting up the principles of what is allowed and what is not.

The CSOs demanded the redrafting of the bill in a manner that would honor human rights standards within the Palestinian specific setup<sup>90</sup>.

In particular, the following issues need to be emphasized:

- The need for the bill to stipulate the principle of international criminal mandate that allows charging Israeli war criminals that perpetrated crimes against the Palestinians. Also emphasizing that the passage of time does not negate the right to pursue legal proceedings.
- Regulating capital punishment and confining it to extremely limited cases. Instead, other forms of punishment would be applied.

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<sup>90</sup> Workshop on the Palestinian Punitive Law organized by the PNGO network on June 26, 2003.

- Amending the part referring to terror by endorsing the UN definition of the term with the need to differentiate between terror and the right to resist the occupation.
- The need to have specific articles that ban torture.
- The need to observe the principle of compensating for the abuse of innocents from the part of official parties.

The PLC approved on July 21, 2003 the first reading of the “Capital Jerusalem Bill”. It includes 15 articles for the establishment of a municipality in line with the law of local bodies. In an important step, the Council discussed the law concerning unlawful profits to be approved at a later phase.

Other bills in various levels of reading included: Measurements and Standards, Monetary Authority, General Supplies, Encouraging Investment, Towns and Industrial Zones, Administrative and Financial Control, the Fund to Compensate for Damages<sup>91</sup>, Social Care, Electricity, the Judiciary Authority Amended Bill, Planting Human Organs. Five bills were presented to the President for final approval. They are: Measurements and Standards, Monetary Authority, Amended Bill, General Supplies, Encouraging Investment, Towns and Industrial Zones. Other bills are in various phases of reading.

Overall, 46 bills have been handled at various levels of reading. This is a positive indicator given the obstacles and mobility freedom that obviously

<b>Laws</b>	<b>Number</b>
Approved by the President	4
Presented to the President	7
Passed First Hearing	11
Passed Second Hearing	1
Passed to Committees	15

## **Resolutions and Statements**

The PLC dispatched a letter to the Russian Duma on January 26, 2003 protesting the declaration of Vladimir Jarunevsky, Deputy Speaker of the Duma during his visit to Tel Aviv when he said that the Palestinian people have to look for a capital outside Jerusalem and a state outside Palestine. The speaker of the PLC mentioned

<sup>91</sup> The draft of this law was prepared by the ATF and adopted by PLC member Azmi Shuaibi who referred it to the relevant committees for comments on February 6, 2003. It was approved for a general reading, then prepared on July 1, 2003 for the first reading.

that such declarations are counterproductive and harm the peace process as well as the historic ties between Palestinians and Russians. He requested a clarification from the Duma over these statements.

The PLC in the session held on January 31, 2003 offered members two weeks to rectify their job situation. It requested that the Attorney General set up an investigation over tampering with expiry dates of certain food items. The Supplies Ministry was asked to present a report on the matter to the Council. The media was asked to inform the public about the hazards of such cases. The PLC unequivocally condemned on 31 January 2003 Israel's preventing Speaker Ahmad Qurei' to attend the session held in Ramallah together with other members. This was considered an attempt to undermine the Palestinian political system and the PA. Parliamentary bodies across the world were called out to intervene against Israeli measures obstructing the functioning of the democratically elected body.

- On April 15, the PLC held a special session to discuss the issue of detainees held by Israel and the Apartheid wall that is being erected over Palestinian soil, tearing apart the contiguity of the Palestinian areas. A statement was issued on the occasion of the detainees mentioning Marwan Barghouthi, Husam Khader, Abdel Rahim Mallouh, Taysir Khaled, Rakad Salem, Husein Yousef and Taysir Abu Sukkar. It requested the PA to provide a regular monthly remuneration to families of detainees and exempting their children from school and university fees. A call was made to place the issue of detainees on top priority both in the framework of international communications and in forthcoming negotiations.
- The Council issued a statement concerning the Apartheid wall referring to it as a new form of grabbing Palestinian lands and preclude the outcome of negotiations. The Council of Ministers was asked to assume responsibility to compensate all those who are harmed within a comprehensive plan.
- On February 3, 2003, the Council issued a statement condemning the assault of Israeli troops on the PLC offices in Hebron. It regarded it as a grave step following the outcome of Israeli elections.
- On March 17, 2003 the PLC condemned the kidnapping of deputy Husam Khader by Israeli troops stressing that it is a clear violation of International law.
- On the occasion of Land Day (March 30, 2003), the PLC warned of the possibility of Israel's taking opportunity of the war on Iraq to escalate the aggression against the Palestinians. It called for national unity and securing the home front under

such circumstances.

- The PLC Speaker's Office issued a statement on April 5, 2003 denouncing the escalation of Israeli troops by storming into the Tulkarem camp to conduct a maneuver of ethnic cleansing. For three days, all camp residents were expelled from their homes before being allowed to return.
- On April 14, the PLC issued a statement denouncing the invasion of Iraq. It called for the necessity to maintain the integrity of Iraqi soil, respecting its sovereignty and heritage asserting the right of the people for self-determination and control of the national resources. All threats and pressures on Syria and other countries were rejected and viewed as merely enhancing Israeli plans. In this context, the Council called upon the Quartet and especially the US to immediately declare the Road Map and provide a timetable for implementation while rejecting all Israeli attempts to introduce changes that will empty the plan from its content and maintain the occupation.
- The Council took a resolution calling upon the government to speed up the Retirement bill providing a two-week notice from the session held on August 19, 2003. Otherwise the Council would endorse the legislation and promulgate it in the Official Gazette for implementation before the end of the current year. During July, the Cabinet had taken a decision to discharge all civil servants reaching retirement age, paying them 75% of their original salaries, in addition to a monthly retirement allowance pending the completion of the law. The decision was opposed by the Executive Committee of the PLO and strongly opposed by the retirees, especially the returnees and detainees that expressed dismay from the decision.
- The Council issued a statement dealing with the political situation following Israel's conditional acceptance of the Road Map. It stressed that full and reciprocal implementation is needed for the plan to work.
- Another statement was issued on the occasion of the 55th anniversary of the Nakba as well as the confiscation of thousands of dunams of land in villages to the North and West of Jerusalem. Similar statements were issued following the attempt to murder Hamas leader Abdel Aziz Rantisi and the actual assassination of Isma'il Abu Shanab with grave consequences in attaining stability or calm up the region with the attempts to reach a truce. A communiqué was issued on the day of the Palestinian child calling for putting this issue on top priority when approving budgets, plans and programs.

## **Statement Issued by the PLC**

### **Concerning the Current Political Situation**

In its ordinary session of April 14, 2003, the PLC discussed the local, regional and international dimensions of the current political conditions in view of the ongoing aggression on the Iraqi people and its potential repercussions on the Palestinian issue and the Arab region as a whole. The council members took a particular notice of the serious Israeli measures, practices and attitudes against our people during the war on Iraq. The Israeli government escalated its bloody aggression by assassinating and arresting Palestinian resistance activists, intensifying settlement building, Judaizing Jerusalem, erecting the “separation wall” and moving it deep inside the Palestinian areas. All this in order to establish facts on the ground as a way of derailing international peace efforts aimed at releasing and implementing the “road map”. The Israeli government continues its attempts to evade and preempt the plan before its release. In view of the legislator’s debate, the PLC confirms the following:

1. Based on its national and Pan-Arab stand, the PLC condemns and rejects the aggression on Iraq and its occupation by the American and British forces. It asserts the need for ending this unjustified aggression and for withdrawing all foreign forces from Iraq. The PLC affirms the importance of preserving the welfare, unity, sovereignty, cultural heritage and the Iraqi people’s right to self-determination and control over their own national resources. Meanwhile, the council also rejects all outside threats and pressures on Syria and other states in the region, which only serves the Israeli evil schemes.
2. In view of the present critical and difficult conditions threatening the Arab nation, the council calls for setting aside internal Arab differences, for strengthening Arab solidarity, democracy and people’s participation in decision-making. Arabs should maintain a unified stand against all schemes that target our Arab nation’s cultural entity and its role in the international arena. The council calls for stronger Arab solidarity with the Palestinian people’s steadfastness and their just cause as the Arab nation’s prime cause.
3. In view of the ongoing aggression on Iraq and its repercussions, the council confirms our people’s commitment to peace as a strategic choice, but not a peace at any price. The Palestinian people demand a comprehensive and lasting peace. A peace that will end all forms of the Israeli occupation. A peace that will meet our firm and legitimate rights based on international resolutions, 194, 1397 and 242, including our right of return, self-determination and the establishment of the Palestinian State with Jerusalem as its capital.

4. The council calls on the Prime Minister-designate, President Arafat and the Palestinian leadership to speed up the formation of the new cabinet to meet the challenges of the ensuing critical stage.

5. The council warns against the Israeli government attempts to take advantage of the war on Iraq to establish facts on the ground by force, this is what lies behind the escalation of its aggression on our people, such as mass killing of Palestinian civilians, destruction of homes, assassination and arrest of Palestinian activists, intensified land confiscation through building the 'separation wall' and expansion of Jewish settlements, Judaization of Jerusalem, restriction of movement and tightening of the siege around Palestinian cities and villages.

6. The council calls upon the international community and all peace-loving and democratic forces to put pressure on the Israeli government to stop its barbaric aggression and its evil schemes against our people and the PNA. We call upon the Quartet committee and the US to instantly release and implement the "road map" without any Israeli amendments, because Israel- as clearly stated in Sharon's latest statements- aims at undermining the plan in order to keep the occupied Palestinian areas under its control.

7. The council condemns the continued arrest of PLC members Marwan Barghouthi, Hussam Khader and PLO Executive Committee members Abdul-Rahim Mallouh, Tayssir Khaled, Rickad Salem who are imprisoned with thousands of Palestinian resistance activists. The PLC calls for their immediate release. It calls for ending the Israeli practices that paralyze Palestinian political life, democracy and the council's work through restricting its members' movement. 8. The PLC calls upon our people to promote national interest and solidarity for facing up to the Israeli aggression and schemes targeting our people's steadfastness and determination to realize their legitimate national rights of self-determination and the establishment of their Palestinian independent state with Jerusalem as its capital.

### **1.2.3 Parliamentary Monitoring**

In light of the ongoing reform process that the PLC had launched starting from May 15, 2002, a number of significant steps have been undertaken. This involved the initiation of the post of Prime Minister, the appointment of a Supreme Judicial Council and the Attorney General. Simultaneously, review and restructuring of the administrative setup, based on the previous experience with the job descriptions, was undertaken. This included the security forces and consolidating the Judiciary with means that ensure the rule of law and its independence. Currently, the PLC is seeking to take the initiative to assume its role in control and deal with the process of reform. Work was started to review the elections law based in the new circumstances. The call to hold new legislative and presidential elections on January 20 of 2004 was foiled as a result of the Israeli attacks in all parts of the country.

While not much can be done to deal with such a disruptive policy, the PLC considers that there is no reason not to hold elections for the local councils that do not have a direct political character. The Ministry of Local Government needs to go ahead to go on with the procedures needed for such elections.

The National Committee for Reform was formed with four members from the Council of Ministers and two from the CSOs and two from the PLC. The Committee is expected to go over the activities of all official and non-official bodies in order to complete the process of reform under meticulous control. The PLC is in a position, more than ever, to assume its monitoring role. This is particularly true since the Prime Minister confirmed, more than once, that he is answerable to the PLC and no cover would be provided to any minister that exceeds his authority. In fact, the PLC has a number of tools to exercise its monitoring role of the Executive Authority as guaranteed in the Basic Law.

Actually, the Council did exercise such a role whether in the form of approving the constitutional amendments of the Basic Law, initiation of the Prime Minister's post or granting confidence to the new government heralding a new phase in parliamentary democracy. While the figures have not changed, the procedures and methods did change. The PLC also exercised its monitoring role through approving the General Annual Budget on February 1, 2003.

Several ministers were intensely queried about a number of issues. The PLC needs to follow up the implementation items of the 2003 budget.

In the session held on February 6, 2003 after some disruption due to the prevailing conditions, the PLC addressed a number of questions to the ministers within its monitoring role. This included the following:

- The Minister of Public Works was queried about the reconstruction of the Jenin camp and taken up on pledges that he had made in the previous year. The Minister clarified that the PA has left the reconstruction to UNRWA that has concluded a deal with the Red Crescent Society of the UAE to rebuild the camp at a cost of 27 million dollars. The delay in completing the job had to do with the delay of pledged funds and repeated Israeli incursions into the camp.
- The Minister of Supplies was queried about the parties benefiting from food assistance and the mechanisms and priorities of distribution. He clarified that there is a central supreme committee to handle the operation with representatives of relevant ministries and CSOs. Distribution in various areas is handled by regional committees headed by the governor of each district. The Minister also pointed out that work is underway to secure reserve food supplies to cope with emergency needs. He expressed his willingness to provide the inventory of such food reserves.
- The Minister of Tourism and Archeology presented a written response to the PLC concerning its plan for reform. It mentioned that long-term easy loans were secured to the tourism sector since outright grants were not possible on the basis that this is a profit-making sector. The loans were offered to hotel owners, tourist transport companies and small projects in this sector.
- The Minister for Local Government was queried about establishing the Union of Local Government Councils through a presidential decree rather than the PLC. The Minister justified that this was due to the urgency of the matter stressing that the Union is independent from the Ministry and fits within the policy of decentralization.
- A number of questions were addressed to the Minister of Interior over issues like the spread of crime and theft. The Minister mentioned that the police and security forces of the PA are facing a vicious assault that is bound to lead to violence and chaos. Criminal elements are released by Israel joining the collaborators in spreading unrest. As to the forgery of property-ownership documents, the Minister assured that the PA is aware of such activities and has a list of 12 suspected land-dealers who will be arrested in due time.



- As for the Jerusalem Electricity Company's tax for rural electrification and the way such funds were collected and spent, the Minister of Energy declared that the tax was approved by the Council of Ministers. Before halting it temporarily, 120 million shekels were collected. The condition was that this money would go to projects of rural administration.
- The Minister of Labor was queried about the legality and scope of control concerning external companies recruiting Palestinian laborers through ads published in local papers. Clearly, the Ministry was not in control in this matter.
- The PLC tackled a number of issues at the level of monitoring. In a special session held with the presence of the Prime Minister, there was an in-depth discussion about the Aqaba summit that Abu Mazen had attended.
- Dr. Salam Fayyad, the Minister of Finance, was queried about PA funds held by the Israeli authorities. He declared that a clear mechanism was reached out on this matter whereby the Israelis will not use any of this money without the knowledge and approval of the Palestinian side. As for the fees collected at the Betunya and Ein Areek roadblocks, the Minister mentioned that such fees cover services provided to the merchants on the roadblocks. His answer was considered insufficient since there is no binding law concerning such money collections. The PLC Speaker's office transferred the matter to the Economic Committee for follow-up.
- The Minister of Finance was also questioned about the debts incurred on local councils for failure to cover electricity bills that end up being deducted from PA funds collected by Israel. The Minister said that the PA has no choice in this matter but to approve. However, such payments are registered as local council debts that would be reimbursed to the PA in future.
- In its monitoring role, the PLC has questioned the Minister for Internal Security Affairs over Israel's withholding PA funds as a result of car thefts. The Minister declared that there are around 21,000 stolen cars in Gaza. The Ministry refuses to license these cars and has a plan to re-assemble them in cooperation with the Ministry of Transport. On this basis, Israel promised to free 37 million shekels that are withheld. Similar measures will be undertaken in the West Bank.
- On December 31, 2003 the PLC discussed the Economic Committee report concerning senior Transport Ministry officials involved in forging documents, stealing official papers to change truck and bus property rights during the term of previous minister Ali Qawasmi. The report mentioned that Arafat had formed a

committee to investigate the matter in June 2002. The results were forwarded to the President who transferred it to the General Control Bureau, who, in turn, passed it over to the Minister of Transport and back to President Arafat. The matter was discussed in the presence of the three ministers that followed Ali Qawasmi as Minister of Transport (Mitri Abu Aitah, Sa'di Krunz and Hikmat Zeid). The file, implicating senior appointed officials, was forwarded to the President and the Prime Minister. Since the matter reached the Attorney General, the PLC viewed that it should take a legal course. Most PLC members commended the work of the Economic Committee that pursued the matter asserting the PLC's role in monitoring and seriously combating corruption. It confirmed the Council's right to have access to any information from the executive bodies.

The Ministry announced that this corruption case had to do with bus companies, which are supposed to be public share-holding companies. However, the matter will be handled with the judiciary once the investigation is complete.

- Also in the context of the Ministry of Transport, there are flaws related to the bids for PA vehicles. It is unlawful for the party putting the specifications to open the documents to determine who will win the bid. As a result, a decision was taken to announce a new bid in January 2004.
- In its session held on December 31, the PLC tackled another important matter. It had to do with Palestinian companies selling Egyptian cement in the Israeli market. Following the publication of this information in the Egyptian press, the PLC Economic Committee and the National Economy Ministry took up the matter. As a result the licenses of importing cement were cancelled and dealing with the given Egyptian cement company was forbidden. The issue has a particular sensitivity since it has to do with the cement used to build the Apartheid wall. The file was referred for further elaboration to the economic, legal and monitoring committees.

In the same session, the Council tackled a report prepared by the Monitoring, Finance and Legislative Committees concerning the Palestine International Bank since the Presidential decree of October 28, 1999 disbanding the Board of Directors and taking hold of the Bank with a new management committee. The report indicated that following the decree to take hold of the bank, assets declined, within two months, from 71 to 45 million dollars. The trend continued causing 60% of the overall losses. According to the committee reports, the board of directors and

the Monetary Authority are responsible for the losses incurred in the four years from 1999 till the end of 2003. The PLC Monitoring Committee accused the Director of the General Control Bureau, in his capacity as director of the committee in charge of managing the board, as well as the Governor of the Monetary Authority for refusal to deal with the PLC. A recommendation was issued to refer the file to the judiciary calling for an investigation with the Governor of the Monetary Authority and the Director of the General Control Bureau over possible violations. This relates to the procedure in the dismissal of the Director of the Palestine International Bank and forming a steering committee instead of having a commissioner to run the bank contrary to regulations. The Council of Ministers was asked to order the Bank's steering committee to reimburse all allowances and honorariums that have already been paid. Most PLC members raised questions about the role of the Monetary Authority and the General Control Bureau according to article 93 of the Basic Law. The matter was endorsed unanimously. Currently, the matter rests with the Prime Ministry that has been asked to reshuffle the Monetary Authority Board, in accordance with article 15 of the Monetary Authority Law.

- PLC queries to the ministers included violations in PA vehicle bids, the Ministry of Transport's problems with the cost of governmental vehicles. Unlike Gaza, there are no accurate figures about the number of vehicles in the West Bank. In fact, allocating vehicles for government functions is not within the authority of the Ministry of Transport. There have been also violations relating to the allocation of public transport vehicles. Recently 241 taxi licenses were issued, with the Minister claiming that this was necessary to alleviate unemployment. The number of PA vehicles registered at the Public Transportation Department amounts to 3000 while there are an additional 4000 vehicles pertaining to the security establishments that are not registered with the Public Transportation Department. Probing into all the expenses of insurance, fuel, maintenance, testing of all these vehicles has been referred to the Monitoring and Economic committees.

The PLC held a special session through the Financial and Budget Committee to discuss the budget for 2004 that was presented by the Minister of Finance on January 3. The role of the Council has not been confined to the recommendations of the Budget Committee, but ample discussion occurred with a number of clarifications from the Minister. Passing the budget needs majority approval. According to the Basic Law, the PLC must approve each budget prior to the start of the fiscal year or return it to the Government within a maximum of one month from the date of presentation, as stipulated in article 61.

The Budget Committee conformed to the legal deadline in presenting its report. However, the Council returned it back with no discussion. The reason had to do with disagreements among Budget Committee members. A request was made to redraft the report with the presence of all committee members prior to discussion of the new report in a special PLC session. Divergences within the committee were attributed to certain personal considerations with certain members claiming they were not involved in preparing the report.

In general, the report recommended returning the budget to the Council of Ministers to make certain amendments. The Budget Committee felt that the Cabinet's projections for potential international assistance were overly exaggerated in light of previous experience over the last years. It also felt that the Ministry of Finance's expectations of revenues was unrealistic and is not based on sound grounds and accounting principles in the assessment. Furthermore, the budget did not identify funding sources to the deficit in the current operational expenses amounting to 650 million dollars. The report accused the government for lacking a clear vision as to the type of reforms needed and a sense of united orientation. The final outcome was a unanimous Council decision to refer the matter to the Budget Committee that would meet with the Ministry of Transport and redraft the report for discussion in the first PLC session in 2004.

The Economic Committee also discussed the issue of European assistance to the PNA in light of the Israeli campaign to slander items earmarked for such assistance. The preliminary remark was to subjugate all activities to direct control from the part of the donor as well as internal and external monetary control.

### **1.2.4 PLC Committees**

The Speaker of the PLC held a meeting in May with all heads of the permanent PLC committees. The purpose was to tackle four main issues in the presence of the PLC Steering Committee. He urged the committees to be ready for the new phase facing the Palestinian political system. The initiation of the position of Prime Minister paved the way for further parliamentary control and effective accountability towards more democracy and transparency. Such a democratic formation requires consolidating the role of the Council and the performance of the various committees during this delicate phase.

The discussion focused on four issues. One had to do with the Israeli siege and a letter was dispatched to all Parliament speakers in the world calling for lifting the siege and

allowing for the mobility of the President and PLC members so that they can fulfill their duties. Another focus was to activate PLC committees both at the legislative and monitoring levels. The third focus had to do with dealing with the new government and how to implement laws according to national priority and follow-up. The fourth focus had to do with financial and administrative conditions within the PLC and its mode of operation. Evaluation committees were to be formed with concrete proposals for the coming parliament. The Legislative Committee was assigned to prepare a plan to amend the internal by-laws of the Council based on the new version of the Basic Law.

PLC committees resumed activity, meeting regularly as a result of the developments within the Palestinian political system and the functioning of the Council of Ministers independently. The PLC feels that there is a true opportunity to exercise active monitoring and video-conferencing would be utilized to overcome barriers of movement with Gaza and elsewhere.

A hearing session was held in the PLC Gaza headquarters with the Minister of Internal Security Affairs who offered a briefing about the political situation and security talks with the Israeli side. The Interior Ministry plans to improve the performance of the security establishments was also discussed together with measures to implement court rulings, and the rule of law according to proper procedures. New heads of PLC committees were selected to replace those who joined the Council of Ministers.

Rafiq Natsheh, Speaker of the PLC, together with the Council Governor, held a consultative meeting with a number of PLC Affairs Committee members in light of the inability of the rest to attend due to the lack of travel permits to the Gaza members. A number of issues related to the functioning of the PLC was evoked with measures that could activate the work and secure regular meetings at all levels with proper mechanisms in the new Ramallah headquarters. Discussion took place regarding amendments needed to the Council's by-laws and the need to elect new heads for three of the committees that were chaired by members who joined the new Cabinet (the Budget Committee, the Legislative Committee and the Settlement Committee). There was a proposal to merge some of the committees and reshuffle members in a manner that would ensure having a sufficient number of members in each committee to make sure that it continues to function and deliver.

The initiation of the post of Prime Minister imposes a change in the form of the PLC's querying ministers. The Speaker can no longer determine who responds to questions to

ministers. Instead, this has become the prerogative of the Prime Minister within the new setup. The various committees pointed out that amendments are required in the Council by-laws to deal with the procedural changes.

## **The Economic Committee**

The Economic Committee held a hearing session to revise the file related to assistance provided to the PNA and CSOs on February 5 and February 19, 2003. The first round focused on assistance to the Ministry of Education (including higher education). It became evident that the functioning in this domain is quite transparent and credible, contrary to the Israeli allegations of corruption in order to undermine this sector. The second round discussed assistance provided to the Ministry of Health in the presence of the Director General and his deputy. Emphasis was made that the Ministry's role is essentially to supervise without receiving any funds directly. The financial operation is centered in the Gaza headquarters.

On the other hand, the Economic Committee held a workshop on January 22, 2003, with the relevant parties, on the Agriculture bill prior to passing the second reading. The Committee also discussed (on January 19) the rise in the price of electricity. Company officials revealed that the price of electricity usage is determined by the Israeli authority providing the service. Another extensive meeting was held with the Political Committee and the Committee to face Settlement and the Budget and Legislative Committees to discuss the issue of the Apartheid wall that is being built on Palestinian lands. The discussion focused on the report presented by the Economic Committee. Another session was held on April 9 with representatives of the Tourism and Archaeology sector to discuss ways and means to assist the hotelier sector that had been badly affected as a result of repeated Israeli incursions. The measures included exemption from licensing fees, rescheduling loan payments, decreasing interest rates and providing easy loans. Another session was held on April 27 to discuss problems facing the banking sector un

The Economic Committee discussed the issue of the General Electricity bill with the Minister of Energy. It demanded improving the level of services and controlling the tariff rates while making them equal in all areas. In addition to the Electricity bill, the committee discussed another problematic topic which is insurance that functions without binding regulations. A decision was taken to prepare a detailed report on the institutional framework of the private and public sectors with regulations that will control its operation.

As for the national strategy to create jobs, a comprehensive report is being prepared for

discussion in the PLC, including mechanisms to dispense the “unemployment stipend”.

### **The Legislative Committee**

The Committee held a session on March 22, 2003 to discuss the problem of violence in the family to confront issues such as rape, incest and killing women on the background of “family honor”. Measures are needed to restrain the unprecedented rise in such crimes.

The Committee also held a workshop to discuss property rights of registered and unregistered lands to stabilize real estate transactions.

Together with the Political Committee, a discussion was held over the elections bill including practical steps that the Central Elections Committee needs (a period of six months) to implement after approval.

- The trend is to adopt a mixed electoral system that will combine running according to factions and blocs or on direct individual candidacy while maintaining the actual electoral mechanisms.
- Among the most pertinent issues that the two committees discussed in this respect were:
- The need for the Elections law to depend on an independent point of reference contrary to the current situation that is based on the Oslo Accords.
- Stressing that Jerusalem will remain authentically included as an electoral district in the new law.
- Positive intervention to the favor of women and different denominations. At least 15% of the seats would be a quota reserved for women.
- Specifying being qualified for candidacy at 2-3%.
- Increasing the number of seats from 88 to 120.
- Decreasing electoral circles from 16 to 6 through merging the smaller circles.
- Offering a better chance for the youth to get involved by decreasing the minimum age for candidacy to 25 years (instead of the current 30 years minimum).
- Adopting the proposed mixed system.

## **The Political Committee**

The Political Committee held a session on January 23, 2003 to discuss the internal political situation along the issue of Iraq, the Road Map, the London Conference, Israeli Elections, the Apartheid wall and the impact of US policies on the region and particularly on Palestine. Also there were deliberations on constitutional and financial reform as well as issues like the Cairo dialogue. A number of recommendations were reached out regarding the emergency situation and the formation of a new government.

The Head of the Political Committee demanded speeding up holding the presidential and legislative elections based on a mixed electoral system that would divide Gaza and the West Bank into four electoral circles.

## **Monitoring and Human Rights Committee**

The Monitoring and Human Rights Committee took up the issue of funds pertaining to certain charitable organizations that are withheld by the Interior Ministry. It held a meeting to discuss ways of activating mechanisms for the future. It discussed the report prepared in collaboration with the Legislative and Economic committees on the issue of the Palestine International Bank (PIB) and its ramifications. The Committee rejected the letter sent by the Director of the General Control Bureau to the PLC Speaker concerning a number of members implicated in the PIB issue.

## **The Budget Committee**

The Budget Committee discussed the features, bases and priorities that should be considered in preparing the budget.

Together with the Economic Committee, it held a joint meeting to discuss issues such as the increase in fuel prices, transport costs, taxes and fees imposed on vehicles and food products that do not meet standards.

The joint committee composed of the Budget, Finance, Legislative and Economic Committees of the PLC discussed with the Director of the Land Authority and the director generals of the ministries of Housing and Public Works a number of issues related to government-owned lands.

The Committee received, together with the Finance Committee, the semi-annual report on revenues and expenses of the Finance Ministry for 2003. A hearing session was held to discuss the financial documents law and probe into such a multi-faceted and



professional topic that is related to the regulations affecting companies, the Monetary Authority, the capital market in activities involving share and stock exchange.

In collaboration with the local government and legislative committees, a joint session was held to come up with amendments to the law for unlawful profits that had been approved in the first reading by the PLC. Similarly, the law for retirement from the Military was prepared for the first reading. In early September, the Budget and Legislative Committees discussed the amended law of the civil service that had been passed in 1998. This includes amendments on salary and grade scales with the ways it affects financial and administrative future performance of civil servants.

### **Education and Social Affairs Committee**

The Education and Social Affairs Committee held a workshop to prepare a bill for children that would respond to the needs and involve children in various community activities. It also discussed the Health and Youth Care bills.

The health subcommittee of the Education and Social Affairs Committee discussed the General Health Law and referred it for expert advice. It also discussed projected amendments of the Palestinian Labor Law in light of Arafat's endorsement of the Social Insurance Law.

### **Internal and Local Government Committee**

The Internal Local Government Committee met to discuss the issue of Jerusalem as the capital and a bill regulating the use of fire works and toys.

The Committee also discussed the Law for Insurance and Salaries of Security Forces, recommending the amendment of the bill for the first reading. The same had to do with the law to elect local councils. Fakhri Shaqura, the head of the Internal Committee, who is also a member of the Supreme Security Council, presented a report to the PLC dealing with the internal security conditions that are chaotic with alarming unlawful practices that include firing arms, masked attacks, stolen cars, assaulting public property and taking the law into one's own hand. Some view that the mess has to do with the continued occupation since the PA security forces are not in a position to work wholeheartedly. Obviously this adversely affects the general conditions resulting in the emergence of private security agencies outside the realm of the PA.

### **The Refugees Committee**

The Refugees Committee discussed the Geneva accords, particularly in what is related to the Law of Return. It stressed the importance of conforming to the right of return and compensation for the refugees while holding Israel responsible for their expulsion in 1948. The UN was held responsible for the non-implementation of the resolutions concerning the right of return and compensation.

### **The Jerusalem Committee**

The Jerusalem Committee discussed the bill of Jerusalem as the capital. It dwelt upon a number of issues of concern to Palestinians in Jerusalem. A number of PLC members participated in the sit-ins to eliminate the racist gate of the Israeli Interior Ministry in Jerusalem.

### **The Lands and Confronting Settlement Committee**

Members of the Committee discussed the developments of building the Apartheid wall and the encroachments associated with that. A number of field trips were organized to assess the damages incurred through such a belligerence which is contrary to all international conventions.

### **Strengths**

1. The speedy unfolding events including political instability and international pressure with repeated governments' formations placed the PLC in a dynamic situation that revitalized it.
2. Despite PLC shortcomings, it remains the basic component of the Palestinian political system that sets the ground and incentives for more steps along the path of liberation and sovereignty.
3. There has been a partial return to exercise the monitoring role such as the issues of transport, PA vehicle bids, cement and the Palestine International Bank.
4. Raising the effectiveness of the various committees following a period of lull during the Intifada.
5. Concrete efforts to advance a number of bills and regulations.

### **Weaknesses**

1. The domination of a single stream in the PLC weakens the independent character of the Council in the midst of the excessive power of the executive. As a result, the PLC is no more than a rubber stamp for the PA, which is of the same stream.
2. So far, around 30 PLC members have assumed ministerial posts – more than one-third of the Council. This affects the independence of the PLC.
3. The activity of the committees is way behind meeting the challenges ahead.
4. A number of issues were brought forth within the monitoring role. However, no end results were achieved.

## 1.3 Judicial Authority

### 1.3.1 The Judicial Structure

Special measures were taken in the judicial field to enhance the rule of law and consecrate an independent and just judiciary. Additional funds were allocated to fill up the gaps including the construction of new courts, the appointment of new judges and establishing an institute for judicial training. The implementation of the Judicial Authority Law with its both financial and administrative components was a significant step, together with the establishment of a Supreme Judicial Council according to the law. Mr. Zuheir Sourani was appointed to head the Council on May 14, 2003<sup>92</sup> and launched to prepare the judiciary through filling up positions, promoting certain judges, establishing a Judicial Inspection Department and a Technical Office attached to the rescindment-court.

The Chief Justice and the Head of the Supreme Judicial Council paid visits to all districts to meet the judges, listen to them and seek to rectify matters within the available means. Raising the salaries of judges is bound to boost their prestige allowing them to have a decent living.

The Director General of the Palestinian Military Judiciary requested additional support in order to be able to cope with the requirements of handling cases of a military character with civilian participation. The needs include building courts, raising salaries of military judges and providing new structures and equipment, including labs to test blood, ammunition, drugs and so on.

Providing the judiciary with its needs is bound to assert the rule of law and circumvent Israeli measures of obstructing the work through movement restrictions. Donor countries have been forthcoming in providing all needed assistance to the judiciary with the exception of covering building costs that are needed to meet the shortage of courtrooms as well as filing and training areas.

Despite the existence of the Basic Law and a special Judicial Authority Law in action with the formation of a Supreme Judicial Council based on the legislative concept, clashes and over-lapping are still there among the Executive, Legislative and Judicial powers. This makes it pertinent to build the judicial structures as a prelude to proceed into reform. Powers need to be carefully and accurately specified making sure that the Attorney General, prosecution and all the judicial team are within the authority of the Justice Ministry. The Chief of the Supreme Judicial Council stressed that the judiciary

<sup>92</sup> There are criticisms to the formation of the Supreme Judicial Council since it contravenes with certain articles in the Judicial Authority Law, especially those related to the deputy head and the role of the Supreme Court in selecting the members.

must be completely independent from the Executive while making sure that the relationship with the Ministry of Justice is solid and complimentary. He rejected proposals of the Ministry to interfere in appointing staff, train judges and so forth since that contradicts the independence of the judiciary. However, the need for amendments is there, but should be undertaken at a later stage<sup>93</sup>.

Furthermore, the arbitrary appointment of certain judges has a reverse effect in the process of judicial reform that needs to be undertaken according to legal procedures. Otherwise, it will shake up public confidence in the independence and fairness of the Judicial Authority and its rulings. However, judicial reform requires continuity and is not linked to a specific time frame since it is an ongoing process. The Committee for Reform and Development that has been formed recently is supposed to push the new government's policy of enhancing the Judicial Authority and overcome obstacles impeding reform efforts within the judiciary and its independence.

The Judiciary has completed appointments to the different courts. President Arafat issued an order on August 17, 2003 appointing 19 new judges to first-instance courts with a 300% increase to judge salaries. Four of the judges are women. The Chief of the Supreme Judicial Council declared that these appointments fulfill the needs for judges for now. Furthermore, a Presidential Decree was issued to appoint a permanent Supreme Judicial Council as part of the reform process.

During September, the above-mentioned Council held a three-day meeting where the internal by-laws were laid in line with the Judicial Authority law as well as the inspection and technical procedures. Evaluating the operation of Palestinian courts, the Chief of the Supreme Judicial Council emphasized that a regular inspection by Supreme Court judges of the operation of the other courts is a very important step to ensure that matters are proceeding in a proper manner and that cases do not keep accumulating. Based on the law of the independence of the judiciary, the Supreme Council took the necessary steps to prevent judges from assuming any additional jobs or commercial activities. This is in line with boosting up the prestige and independence of the Judiciary. The Council further stated that the new criteria for promotion and allowances are based on performance rather than seniority. However, carrying out court sentences requires having a judicial police for actual implementation in all areas. It also needs ongoing training of judges and keeping up with the pace of primary changes occurring in the trends of global legislation. This involves the changing laws in international commerce, automation and computerization in the work of courts. In fact, some of the courts have been provided with advanced technological facilities while others are awaiting to receive the new equipment.

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<sup>93</sup> In a meeting held by JMCC on August 30, 2003

The Supreme Constitutional Court needs to be formed in order to complete the court system in Palestine, as stipulated in the Basic Law.

**Table No. 22/ a:**

**The position of Palestinian courts for the year 2003\***

	<b>Courts of first Instance</b>	<b>Magistrate's Court</b>	<b>High Justice</b>	<b>Court of Appeals</b>
<b>West Bank</b>	Ramallah	Ramallah	Appeal	Ramallah
	Jericho	Jericho	Cassation	Jerusalem (under construction)
	Hebron	Hebron		
	Tul Karem	Tul Karem		
	Bethlehem	Bethlehem		
	Nablus	Nablus		
	Qalqilia	Bethany (under construction)		
	Jenin	Bier Nabala (under construction)		
<b>Gaza Strip</b>	Gaza			
	Khan Younis	Gaza	Appeal	Gaza
	Dier Al-Balah	Jabalia	Cassation	
		Dier Al-Balah		
		Khan Younis		
		Eastern Villages		
		Rafah		

**Table No. 22/b**

**Number of Judges for the year 2003\***

<b>Courts of first Instance</b>	<b>Magistrate's Court</b>	<b>High Justice</b>	<b>Court of Appeals</b>
40	47	22	12

\* Supreme Judicial Council data, 2003

### **1.3.2 Matters of concern relating to the Judicial Authority**

#### **Courts**

Although the State Security Courts have not been dismantled, their functioning has come to a complete standstill. The Head of the Supreme Judicial Council indicated that there is no need for such courts following the issuance of the Basic Law, the Court Formation law, the Judicial Authority Law, the Punitive Proceedings Law and the Evidences Law. Therefore, State Security and State Prosecution laws are non-existent from a legal point of view. Some circles consider that this could be questionable since it was not annulled by a Presidential decree. Technically, the decree issued by Arafat in 1999 to form the State Security Court still stands. In fact the appointment of judge Husein Abu 'Asi to fill up the job of the Attorney General of the State Security Court on July 12, 2003 confirms this.

As for court activity during the period covered by the report, the Military Court issued a death sentence on Rami Shakkuru, aged 27, after being convicted of killing his neighbor Hasan Al Madhoun. The Supreme Court ordered the immediate release of three citizens that have been held by the intelligence since July-August 2002 in a manner that contravenes with the law, with no arrest warrant or any court proceedings or legal measures to extend detention.

In an unprecedented step, the Supreme Court in Gaza issued an order to temporarily freeze a decision of the Minister of National Economy, taken last June, to transfer the Ministry's Director General to a different department. This confirmed the right to legally protest decisions taken from above, including ministers.

Furthermore, the Supreme Court rescinded the order to freeze the operation of certain charitable organizations and ordering to return the funds that were confiscated from them. A case involving lawyers and legislative organizations protesting the formation of a court that looked for the third time in a certain case due to the lack of an alternative higher court was adjourned. The judges have raised their hands since the case questions the validity of their judicial formation.

The purpose of the questioning is intended to draw the attention of the Legislative and Executive authorities to the problems facing the Judiciary. There is a need to speed up legislation to place the judicial system on sound grounds that secure objectivity and fairness in judicial functions.

The Criminal Court in Gaza sentenced a number of police officers and interrogators to seven years in prison, to be carried out, for their non-deliberate killing of Ayman Hilles

on April 23, 2002 during the course of his detention at the Police Investigation Department. This case is the first of its kind within the Civilian Judiciary and sets a precedent. With the harsh conditions prevailing in the country and the restrictions on movement, the Supreme Judicial Council has sought to alleviate matters through the reorganization of Reconciliation Courts and making them available in various areas. Temporary locations for judges were set up in Ramallah and Tulkarem.

In a long-awaited step, the General Assembly of the Palestine Lawyer's Union in Gaza and the West Bank held their preparatory meeting to hold elections. Following the previous union's presentation of the financial report, elections were held on July 11, 2003 and a new council was formed.

### **Religious Judiciary**

Dynamic activity occurred within the field of the Religious Judiciary since the September 20, 2003 Presidential Decree calling for the formation of a Supreme Religious Judicial Council. This represents the Islamic terms of reference and involves the Supreme Religious Court headed by Sheikh Tayseer Bayyoud El Tamimi, as Chief Judge with nine other members.

The Court constitutes the third level of litigation, above the West Bank religious courts, based in Jerusalem, and the Gaza one. The financial criteria applied on regular judges are also applied on religious judges. In addition to the formation of the Judicial Inspection Council earlier, a number of religious courts were inaugurated in various areas, bringing the number of preliminary courts to 35 and 4 special courts, meaning that there is one court to each 100 thousand persons. With the completion of religious courts, the supreme religious court is bound to put an end to divergences in rulings and set unified principles according to the prevailing law. Arafat issued a decree on June 16, 2003 to reform the Supreme Fatwa Council for a fourth term to three years with 30 members headed by the Grand Mufti, 'Ikrima Sabri.

Through the nomination of the Chief Judge of Palestine, the President issued a decree appointing a number of religious judges with certain reshuffles in various areas. The new element in the appointments involved running a fair competition among the judges rather than the previous form of just naming the appointees. The President also approved the formation of a body to deal with civil affairs prosecution and a number of personnel were appointed to deal with such matters.

In the same context, a department for counseling and family reforms was established through the religious courts in order to deal with the harsh conditions that indicate a



serious rise in divorce and estrangement cases. Measures need to be taken to diffuse family feuds and handle cases related to juveniles.

However, the duality of the judicial system evokes controversy. Some parties call for the merger of religious courts with regular courts within one judicial system. Others claim that religious courts have excessive independence resulting in deviational practices and rulings according to whims and personal considerations. The Chief Judge strongly apposes the idea of merger insisting that the religious courts have a unique specificity that has to be observed and it is essential in safeguarding Waqf (endowment) religious lands in Palestine. He insists that religious courts are in a better position to serve the underdogs than the regular courts. In response to the lack of any women judges in religious courts, the Chief Judge claims that this is merely a result of no women entering the competition for such a post. In fact, a number of women were recently appointed in religious courts to fill up some administrative positions<sup>94</sup>.

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94 For more details, check Al Ayyam, September 27, 2003 page 7 and Al Quds, October 11, 2003 page 14

## **Strengths**

1. The year 2003 witnessed a number of serious steps in the domain of financial and administrative formations within the judicial system.
2. Halting the state security courts is a step in the right direction.
3. Important steps were also taken in the field of legislation, including the approval of the Basic Law, the Judicial Authority Law and the Supreme Judiciary Council.
4. The religious courts were clearly improved, including the formation of the Supreme Religious Judiciary.

## **Weaknesses**

1. The competence between the Ministry of Justice and the Supreme Judiciary Council is still unclear. The duality of the judicial system between regular and religious courts causes a burden to the citizen and the system itself.
2. There is still a dire need to establish a Supreme Constitutional Court in order to complete the court formations as stipulated in the Basic Law.

## **2. Civil Society Organizations**

CSOs could not stay away from the events occurring in Palestine, both internally and externally, since they represent a broad spectrum of sectors (such as parties, factions, unions, societies). With the actual lack of sovereignty following repeated incursions and the siege imposed on the Palestinians and their leadership, one can hardly talk about freedom of action. This becomes more complicated in light of accords, commitments and limitations binding the Palestinian Authority under international sponsorship. At a time when the occupation is ruthlessly pounding the Palestinians round the clock, resistance action is restrained and must be contained. As a result, there are two contradictory lines between negotiations, on the one hand, and struggle, on the other. This is a factor that leads dialogue among Palestinians into a deadlock.

Achieving a united Palestinian strategy is a complex matter despite the prevailing consensus that the coming phase is exceptionally delicate. The danger does not merely lie in viewing the Intifada as a form of terror that the US is set out to confront globally but involves the essence of the Palestinian cause. Clearly, the CSOs have to cope with the daily harsh conditions rather than deal with general political issues. However, they can play a significant role in shaping up opinion. This brings forth the level of change that such institutions have initiated in aspects like childhood, women, democracy, health and education.

Equally, such activities need to be compared with the level of needs and priorities that have been changing constantly as a result of Israeli measures. CSOs face additional restraints since they have to guarantee that they are not involved in dealing with “terror” as a pre-condition to receive funds.

With the remarkable Palestinian adaptation to the new measures and the security and economic siege, CSOs have failed to cope with the new international circumstances. Toppling the Iraqi regime with other countries being targeted to face the same fate allowed Sharon to capitalize certain Palestinian mistakes to cover up his belligerent campaign.

As such, CSOs found themselves in a defensive position instead of moving forward to support national independence and statehood. Often, factional considerations prevailed resulting in the failure to reach a common ground whether at the level of political discourse or means of resistance.

While National and Islamic forces have been seeking to find a common ground on major issues, there is a fear that dialogue could become an end in itself, in isolation from the intensification of settlements behind the Apartheid wall and creating de facto realities on the ground. This is combined with the military escalation, at the preparation of this report, that included targeted assassinations through aerial strikes and Palestinian reprisals.

External dangers are paramount in affecting changes within the Palestinian official and non-official policies as well as the mechanisms of operation. This brings forth the importance of putting the house in order on the basis of the national interest that needs to be clearly defined and synchronized with international moves to resolve the conflict.

## **2.1 Political Parties**

The issue of political pluralism and elections are matters of public concern regardless of the general prevailing circumstances. This calls for the need to provide a modern, democratic law to regulate political life and political parties. To engage the public policy and community, issues such as administrative reform, corruption, education and matters of concern to marginalized groups need to be addressed.

Concerning the role of political parties in promoting pluralism within the Palestinian society, the question arises whether this is possible at the time being. In fact, the situation is far from being satisfactory or credible. Most parties have failed to hold annual meetings since many years. To cope with the crisis within the Palestinian political parties, there is a need to establish standards that ensure providing organizational bases, by-laws and general assemblies with procedures of handing over power in a proper chain.

By and large, the Palestinian political parties have failed to endorse a common stand that could mobilize the public to focus on ending occupation and achieving independence.

Clearly, the political factions are far from the realities on the ground. They still have not grasped the complex nature of liberation with a constant refusal of joining the government and sticking to a rejection of the Oslo accords and all its ramifications. While new realities are emerging, the PA is held responsible for lack of progress. Would it not be worthwhile for the boycotting factions to seek joining the government and try to promote its vision from within? Wouldn't this help democratization of the regime and the society as a whole? In fact the failure of the opposition to assume responsibility contributes to the existing flaws in the negotiations with the Israeli side with no terms of reference. As

a result, every official is negotiating according to his outlook with no common stance agreed upon by the various officials, parties and factions.

During the period under review, the PA unequivocally accepted the Road Map declaring readiness for actual implementation. Opposition factions and FATAH declared a three-month truce provided Israel halts the assassination and detention policy. From a Palestinian point of view, the truce is a landmark since it was the first time that all factions have agreed with no exception. However, the truce that lasted from June 29 to August 21 collapsed under Sharon's tanks and planes that assassinated HAMAS leader Isma'il Abu Shanab together with scores of others.

Towards the end of the year, calls to resume the national dialogue and reaching a new truce were revived. After overcoming the crisis of forming the government, Egypt sponsored the inter-Palestinian dialogue for five days, starting from December 4. The purpose was to reach an extended truce with different mechanisms and conditions than the previous 50-day truce. However, the truce did not come as a separate item but was included within the general item of "discussing the current political situation in light of the developments."

The second topic came under "organizational and internal institutional conditions." In fact, the issue of the truce was discussed within both of the topics. Participants were divided over whether the truce should be linked to achieving a comprehensive national program of action or focusing on an emergency national program based on a temporary political understanding.

The issue of the truce aroused two positions. The first included FATAH, the People's Party, FIDA, the Popular Struggle Front and the Arab Liberation Front. The second involved HAMAS, JIHAD, PFLP and PFLP-General Command and SAIQA. The PDFLP came up with a position combining both camps. The first position emphasized the PNA's maintaining the political negotiating option while the others focused on the option of resistance. The organizers sought to find a common ground to bridge the gap and reach an accord.

The dialogue sessions did not result in an agreement other than expressing readiness to conduct further talks in future and not to target civilians. A brief statement was read in the presence of Palestinian Prime Minister Ahmad Qrei' and Egyptian Intelligence Head Omar Soleiman. Egyptian and Palestinian efforts were to be made for Israel to halt its military operations within Palestinian areas. Observers had not expected any further results out of these meetings.

The Cairo talks ended with no concrete results on the same day that the Geneva accords were signed with virtual illusionary hopes of a change on the ground. Sharon was quick to dismiss such hopes through his Herzliya declarations of his government's decision to take unilateral steps for separation. In the meanwhile, Palestinian factions during the last three years had lost all initiative with Israel controlling the scene and issuing balloon tests to the Palestinians that have failed to develop a "united" position.

### **2.1.1 The National Opposition**

The Palestinian opposition seems to be in a position to be forthcoming in maintaining internal control both in the fields of security and politics. There are a number of factors for this. More than once, the armed opposition expressed willingness to cooperate with the PA as the sole party to maintain public order and impose the rule of law. Even with the failure of negotiations, it is not the end of the world as some would claim. Quite the contrary, it could dissuade false hopes that peace is possible with Sharon and his extremist government. The alternative for Palestinians is to develop a united strategy of confrontation and steadfastness. However, the inner divisions within FATAH cannot go unnoticed. It is difficult to differentiate between the movement and the involvement of the leadership in the PA. This certainly affects FATAH's role at the grassroots level.

Clearly there are two main tendencies within FATAH. One is eager to maintain the status quo and block all attempts to activate the movement and put the house in order. The other seeks the contrary with calls for internal elections instead of appointments based on loyalty and undemocratic procedures. As such, overcoming such a disparity has become an urgent need since what happens within FATAH affects the entire Palestinian cause.

FATAH loyalists, who admit a certain decline in the movement, claim that Israeli security circles tend to exaggerate the role of Islamic and National opposition seeking to undermine the historic leadership and its symbol Arafat with the purpose of creating an alternative leadership, like the Algerian model and liquidating the cause together with internal divisions. They stress that FATAH proved, across the years, that it is the vanguard combining national and Islamic tendencies.

After more than five years of discussion, the Palestinian Democratic Collective was formally announced on September 2, 2003. Positive elements in the Collective include not requiring those who join to dissolve their factional identity or accept dictates of the majority. It also includes diverse independent personalities. However, there are flaws

that have been summarized by advocates of the Collective in three areas:

- Focusing on national political issues without taking into consideration the social issues.
- Expanding the circle of the collective to include factions like PFLP, PDFLP, the National Initiative and CSOs that have authentic democratic tendencies.
- Providing financial resources to develop the Collective and achieve the objectives.

The Collective includes three parties (the People's Party, the Democratic Union FIDA and the Popular Struggle Front). The founding body includes 500 political figures. While the Collective is a democratic framework, it is also a sort of a party meaning that there is a duality in its membership. The PFLP and PDFLP participated in the preliminary discussions but stayed away due to Israeli chasing of its members. The Collective considers itself part of the PLO.

Observers do not foresee that the Collective is actually capable of counterbalancing either the Islamic trend or FATAH. While there might be a need for a third party, it is unlikely that the Collective can fill the gap since it is using the old format and discourse. Some go as far as claiming that the whole idea of the Collective is to pre-empt the emergence of an effective third party. Others see a possibility that if the Collective succeeds, it might dissolve the original factional ties of its members.

The Collective published documents concerning its objectives indicating that the contents are subject for discussion in preparation for the General Assembly meeting at an undisclosed date.

The Collective actually had certain activities during the period under review. At the end of September, it held a meeting with the Prime Minister designate Ahmad Qurei' to discuss the internal and external challenges facing the Palestinians. The delegation stressed the need to learn from the example of the previous government and avoid unwarranted crises by referring to the Basic Law and legitimate institutions, especially the PLC. It called upon the Council of Ministers to set up priorities and plan of action in a clear-cut manner. Also, it stressed the need to fill up posts based on merit and not on factional considerations.

The PFLP emphasized that internecine fighting is a taboo and there is a need to maintain national unity to face the challenges, killings and Israeli assaults. It also called for the immediate release of its leader Ahmad Sa'adat from his Jericho jail. The Road Map was referred to as a new plan to abort Palestinian rights and dismissed the US position of

considering resistance as a form of terror. The Nuseibeh plan was also rejected for its abandoning the right of return of the refugees and surrendering Jerusalem. The Geneva Declaration was equally condemned with all other projects that diminish the minimal rights of the Palestinian people in liberation, independence and the right of return.

The Prime Minister paid a visit on November 14, 2003 to the PFLP's Secretary General in the Jericho jail that is supervised by international wardens. Sa'adat criticized the truce indicating that it cannot occur under occupation and it can only happen between ar

The People's Party stressed the need to enhance inner unity and broaden the circle of the Palestinian Cairo talks. Discussions were held with members of the Central Committee and Israeli measures were rejected including the banning of travel of the Palestinian delegation to participate in the London Conference in Mid January initiated by Tony Blair to discuss reforms in Palestine<sup>95</sup>.

The Party called at the end of August for escalating the struggle against settlement and the Wall claiming that the real test for the US is making sure that Israel does not violate international resolutions. It also praised the Palestinian commitment to the truce despite daily Israeli provocations.

**The Palestinian Democratic Union (FIDA)** expressed dismay with Abu Mazen's excluding the party from the government coalition, as was the case previously. It stressed that there is a need for more inclusivity rather than exclusivity in the formation of the government. In a later statement at the end of April, FIDA declared that it will determine its position towards the government based on the latter's performance and its adherence to the PLO's plan of action, as well as the level of repelling Israeli measures and dealing with economic issues and moving towards holding presidential, legislative and local council elections.

**The Popular Struggle Front** complained that the new cabinet was not approved by the Executive Committee and was endorsed only at the level of FATAH's Central Committee. The Front claimed that the government included members of one party and the Front should have been represented.

Dr. Wasel Abu Yousef, Member of the Political Bureau of the Arab Liberation Front was kidnapped by an ambush set up by Israelis on June 29, 2003.

At the Palestinian level, both the People's Party and the PPDFLP rejected the Road Map claiming it undermines international resolutions including the withdrawal of Israel to the pre-1967 lines and the right of return. They called for a comprehensive dialogue

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<sup>95</sup> The meeting was held on January 14, 2003 through video-conferencing.



within the framework of the PLO. It warned from dealing with the conflict from the narrow angle of Israeli security concerns stressing that the continuation of the Intifada and safeguarding Palestinians is the way to go in order to prevent political surrender and maintain national struggle.

### **2.1.2 Islamic Opposition**

The second item of the Road Map's first phase commits Palestinians to denounce violence and terror unequivocally and concretely exercise efforts on the ground to chase, foil and detain persons or groups that target Israelis everywhere.

Outgoing Prime Minister Abu Mazen reiterated the call for collecting all unlicensed weapons "since there is a single authority to protect and defend the people." This message was communicated to all parties including HAMAS and JIHAD. Abu Mazen stressed that the PA is the only party that can take peace or war decisions. No other party would be allowed to take actions that could have unpredictable consequences while affirming the freedom of expression.

At the same time, the Prime Minister completely dismissed the possibility of internal fighting due to the level of awareness of all factions. On July 6, he visited Sheikh Ahmad Yasin at the latter's residence to discuss the general situation. In response, HAMAS and JIHAD declared that collecting their weapons shall not be allowed but rather maintained for defense against Israeli belligerence. In fact, several armed confrontations occurred when the Israelis repeatedly assaulted the Gaza Strip during March and April under the pretext of crushing and dismantling terror infrastructures with scores of victims falling including a number of children.

After a relatively long lull in armed attacks, HAMAS and FATAH launched a joint military operation in Tel Aviv in response to continued Israeli incursions. The operation coincided with Abu Mazen's assuming his post and announcing his government that won the PLC confidence. At the time HAMAS and JIHAD were considering readiness to halt attacks against Israeli civilians in return for Israel's halting to target Palestinian civilians.

Most analysts confirmed that the Israeli cabinet decision to resume extra-judicial assassinations represented a change in the manner of the confrontation with the Palestinians. It focused on direct military pressure on groups viewed as "terrorist" while pressuring the PA politically. Higher-ranking leaders were targeted. Israeli helicopters failed to assassinate Abdel Aziz Rantisi and his son on June 10. During the truce that

started on June 29, a number of HAMAS and JIHAD leaders were assassinated in Hebron, Tulkarem, Jenin, Nablus and Gaza. However, the killing of HAMAS political figure Ismail Abu Shanab expressed Israeli unease with the Palestinian observance of the truce and calling for the implementation of the Road Map. Effectively Hamas was pushed to abandon the political game and be tempted to resume armed retaliation. The scene was more complicated than it looked but the responsibility in such cases is undoubtedly greater.

While Palestinians might have benefited to a certain extent as a result of the truce, their problems have not been solved. With the return of killings and reprisals, the conflict returned to square one. Throughout the declared truce, the Israelis did not cease the assassinations and repeated incursions keeping the vicious circle thriving<sup>96</sup>. Commenting on the “suicide killings”, the British journalist Patrick Seale commented that these operations are purely an instinctive drive where people are incapable not to respond when their basic existence is under threat<sup>97</sup>.

The statement issued by HAMAS and JIHAD concerning their commitment to observe the truce was similar to that of FATAH with the difference of concluding it with a sentence mentioning “on condition that the enemy abides by the conditions.” It added that any violation would break the truce and the “enemy” will be responsible for the consequences.

Without movement in implementing the Road Map, there are indications that the coming phase will exacerbate violence and counter violence.

On more than one occasion, HAMAS and JIHAD declared that they would never point out their guns to the PA. The Minister of Internal Security Affairs Muhammad Dahlan also indicated that the PA does not seek to confront the two movements. However, they have been facing enormous pressure internally and externally after being classified by the US and the European Union on top of the terrorist groups list following the collapse of the truce. This was accompanied with the freezing of a number of bank accounts abroad for alleged association with the Islamic groups. The writing is clear on the wall that the US has given a green light to the Israeli security circles to launch a wave of operations to dismantle these Palestinian groups.

Internally, the Ministry of Interior decided at the end of August 2003 to block bank accounts of a number of Islamic NGOs in Gaza. It stressed that the purpose was not to curtail human assistance to the public since relevant ministries undertook to pay the beneficiaries of such charitable activities directly.

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96 Danny Rubenstein, Haaretz, September 11, 2003.

97 Al Hayat, September 16, 2003

Following a meeting held on November 18, 2003 headed by Arafat and the presence of the Finance and Interior ministers, a decision was taken to free the funds pertaining to Islamic institutions. However, it is still unclear whether the decision was actually implemented.

Developments on the ground keep indicating that there are varying perspectives in the visions and decision-making styles of where to go from here. Some suggest yielding to what is offered in negotiations lest the losses become even more. Others wish to keep the conflict open and resort to armed struggle instead of talks. A third group tries to combine between negotiations and Intifada resistance to achieve better results.

In this respect, it is noteworthy that Ahmad Yasin, the leading HAMAS leader who pertained to the second group (either everything or nothing) has conceded in accepting a Palestinian state along the lines of 1967 and abandoning violence for a number of years without having to recognize Israel. This was considered a milestone and was in line with the position of the JIHAD that accepted it. However, during the dialogue talks held in Cairo in December, FATAH and Prime Minister Qrei' launched an attack on HAMAS and JIHAD movements for crossing all red lines in attacking the PNA on Arab satellite channels. In response to a statement by Col. Jibril Rajoub that the operations should be confined to the areas occupied in 1967, the Cairo talks failed despite Egyptian efforts to redeem the situation. The FATAH position to delegate the PNA to move internationally contributed to ending the talks without coming up with a final statement. This time HAMAS and JIHAD blamed FATAH, claiming that no free truce should be offered to Israel.

While HAMAS remained committed not to carry out attacks within the green line, Israel continued the campaign to assassinate leaders of the movement. On September 6, it tried to kill Ahmad Yasin and Isma'il Haniyeh. On September 10 it also failed to liquidate Mahmoud Zahhar and Abdallah El Shami. By October, second line leaders were targeted<sup>98</sup>.

On October 4 and December 25, the PFLP claimed responsibility for the Tel Aviv attacks. In response, Sharon's ministerial committee decided to assassinate PFLP and JIHAD leaders without targeting HAMAS political leaders. Simultaneously, rumours were spread that there is a discreet HAMAS/Israeli understanding, through Arab and American intermediaries, to stop Israeli assassinations of HAMAS leaders in return to maintaining the truce. HAMAS denied such contacts. However, the long lull of carrying out HAMAS operations raised some questions offering Israel a free victory, whether

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<sup>98</sup> While extra-judicial killings are contradictory to basic human laws and condemned internationally, it is not only the Israeli government that keeps resorting to it, but has the support of the Israeli public. According to Haaretz (October 9, 2003), 75% of Israelis support extra-judicial killings while only 19% are opposed.

actual or imaginary. Furthermore, HAMAS ceased to present itself as an alternative to the PA and Yasin was talking about “a truce that could last for years.” Questions were raised as to the message delivered by HAMAS and the designated address. Was HAMAS worried about being held responsible for the failure to establish a Palestinian state or was the movement after acquiring internal, regional and international recognition, eager not to lose what was achieved? In other words, was HAMAS on the path of moderation and ready to shoulder responsibility or was it undermining national unity?

### Rate of Popular Support to Palestinian Political Currents

#### a) During the first half of 2003

	Palestinian Center for Policy and Survey Research	General Information Board	Palestinian Center for Public Opinion	Development Studies Program	Najah University	JMCC
	14/4/2003		30/6/2003	5/8/2003	27/7/2003	/4/2003
FATAH	26%		30%	26%	24.7%	22.6%
HAMAS	29% <sup>99</sup>		20.2%	18%	21.4%	22.0%
JIHAD			7.6%	6.5%	5.2%	
National			5.1%		2.5%	
Democratic	32 <sup>100</sup>		3.2%		0.7%	
Peoples Party			1.1%		0.4	
FIDA			2.6%		0.3	
NIDAL			1.0%			
Nobody	41			44.0		34.00

#### b) During the second half of 2003

	Palestinian Center for Policy and Survey Research	General Information Board	Palestinian Center for Public Opinion	Development Studies Program	Najah University	JMCC
	15/10/2003	29/10/2003	30/10/2003	23/10/2003	17/11/2003	5/11/2003
FATAH	28	30.3	29.1	26	25.9	29.3
HAMAS	21	16	19.2	19	15.7	22.6
JIHAD	29	4.3	6.9	4	4.3	
National		2.1	7.1		3.3	
Democratic		1.8	3.1	4%	1.2	
Peoples Party		1.7	2.2		0.5	
FIDA		0.7	2.2		0.5	
NIDAL						
Nobody	23	23.0		48		28.0

99 Including HAMAS and JIHAD.

100 Including HAMAS, JIHAD, PFLP and PDFLP

### **2.1.2 Parliamentary Opposition**

Some observers consider that FATAH's predominant presence within the PLC played a role in the outlook for reform. Others argue that all the reform steps were merely imposed from the outside since previous PLC recommendations on reform went unheeded. Therefore the problem is not to come up with theoretical texts for reform but, rather, to be able to exercise effective parliamentary pressure on the Executive. There is currently a good opportunity to achieve that through a new election law that would enable the formation of parliamentary blocs along political and social issues. The current system does not push in that direction and it is expected that the PLC structure would be rectified in this respect with the new legislation.

## **Strengths**

1. The national dialogue sessions vitalized the internal political scene, thus compensating to the absence of participation in managing public affairs.
2. With the PA failing to respond to the national aspirations, political currents provide an alternative discourse for such expectations.
3. Even if political pluralism is not currently available in matters related to the management of public affairs, it is actually there in political positions, even in a theoretical manner as a prelude to advance in participatory pluralism.
4. The formation of the Palestinian Democratic Collective is a step in the right direction to vitalize the fragmented forces on the left.
5. Despite the duality in the discourse of the mainstream represented by FATAH, the movement still enjoys majority support in comparison with other factions.
6. Despite weakness and divisiveness, opposition parliamentary currents within the PLC contribute to democratic practices.

## **Weaknesses**

1. Political factions shall not be able to effectively participate in the political and parliamentary life until it overcomes its internal problems.
2. Failure to balance between the tasks of liberation and state-building further distances political factions from the realities on the ground.
3. The fragmentation within the forces to the left has increasingly weakened them, with public opinion polls indicating that they are quite marginal in comparison with the other currents.
4. Even if armed reprisal actions by Islamic groups are justified in the face of state terrorism, such actions have led to the erosion of support to the Palestinians on the international arena and was utilized by Israel to justify and escalate its aggression.
5. The mainstream represented by FATAH has a dual discourse that is hard to understand. It is in an unenviable position trying to satisfy all parties or drawing the wrath of all at the same level.
6. Despite the unity of the parliamentary opposition in voting patterns, it failed to systematize its operation to actually make the difference.

## **2.2 Trade Unions and Professional Associations**

The current conditions of Palestinian trade unions require an overall review and exposure of its modus operandi in order to restructure its functioning. This needs to go hand in hand with a modern democratic legislation to regulate it. More important is the urgency to hold elections in a professional manner. This might require a Presidential Decree to establish a founding council to the General Union of Palestinian workers for a duration of three months in preparation for unifying the bylaws between Gaza and the West Bank and holding up the elections.

The General Union was supposed to elect a new executive council in Nablus on August 27, 2003. However, the Israeli incursion into the town aborted the meeting despite repeated confirmations of the date. It is expected that the General Assembly of the Union will meet soon to hold the elections.

The crisis between the General Union of the Palestinian Unions and the General Union of Palestinian Syndicates still runs deep. Each group levels accusations to the other with allegations of fraud. On July 29, the General Union of Workers Syndicates issued a statement reflecting the sharp divisions.

To cope with the economic difficulties the General Union of Palestinian Workers Syndicates distributed assistance to 20 thousand families, through a Saudi donation. Each worker received aid worth 130 dollars.

The Progressive Workers Bloc completed preparations to hold its general assembly meeting towards the end of April. Issues of concern to the workers were discussed. This covered the divisions within the trade union movement with redundancy and duplication in union work which is fragmented. The Bloc called upon all workers groups to work in a concerted manner in order to cope with the dire circumstances and lack of job opportunities.

The Union participated in the ILO meetings coming up with the final document of the Employment and Social Protection Fund. The Secretary General of the Union asserted that successive meetings were to be held in order to set up the proper mechanisms for the functioning of the Fund.

The Minister of Labor declared that after the final agreement with the ILO on the document concerning employment and social protection, there is a need to find ways of supervising the fund and come up with mechanisms to cope with unemployment. Various programs and infrastructural arrangements are also needed with mechanisms for contact with donors.

In general, the Palestinian trade unions failed to play a meaningful role lagging behind. There is a lot of sloganeering with no implementation mechanisms. Instead of seeking the interests of the working class, it tends to promote individual vested interests of the union leaders.

The General Union of Palestinian Worker Syndicates held a meeting in Jerusalem to discuss the situation of the labor movement. It stressed the importance of going ahead with the fund to employ and protect workers with a million dollar budget following President Arafat's approval of the project with its bylaws and board of directors.

In the same framework, the Secretary General of the Union requested from the Prime Minister to hold a special session to review the situation of workers. The same request was addressed to the PLC, stressing the need to place workers in the level of concern to allow them to remain steadfast.

The Union of Palestinian Lawyers issued a statement condemning Israel's blatant violation of the most basic rights. This includes the right of self-defense and the ability of lawyers to have access to courts. Through the measures of closure and siege, more than 1200 lawyers were deprived from access to the courts. Some were granted permits but most cases were held on the basis of clandestine information that the lawyers were not allowed to see.

The General Union of the Disabled held a stormy sit-in in the Gaza PLC premises with all concerned CSOs calling for the activation of the 1999 law related to the disabled. It also called for the rehabilitation of the disabled through the Ministry of Social Affairs and avoid duplication in providing services between official and non-official bodies. The need to have a proper database on the disabled was also stressed. The number of disabled that were actually killed since the beginning of the Intifada exceeded 50 with around 5000 wounded and 120 detained.

After an interruption of three years, Birzeit University student elections were held. The Al Wafa Islamic Bloc won 25 seats out of 51 while FATAH got 20, the Democratic Pole 5 and the Democratic Collective got one seat. The Student Struggle Bloc failed to get any seat.

The Union of Women Committees strongly condemned the Geneva Declaration for its deviation from basic principles particularly the right of return which it stressed was an individual and collective right. It called upon the leadership to adopt a clear position over the issue of the right of return.



### **Strengths**

1. With all the limitations, the fact that the General Union of Trade Unions is there contributes to the welfare of the workers' household.
2. Some unions such as those of the lawyers held internal elections. This needs to be broadened in order to raise social awareness and be a model for democratic practice.

### **Weaknesses**

1. The Trade Unions in Palestine seem to have resigned to its divisions and given up on the efforts to have an efficient body representing Palestinian workers.
2. The Palestinian leadership is not exempt from responsibility for such a failure. It has the tools to pressure for putting the house in order.
3. Despite repeated union declarations to hold elections, the minimum requirements for democratic practices is still lacking. The same mechanisms and figures are still dragging since years.
4. In general, the Palestinian trade unions failed to play any meaningful role or provide the minimum to protect workers socially.

## 2.3 Civil Society Organizations and NGOs

CSOs got involved in the reform process through the Coordinating Committee that involves various unions, charitable organizations, the Coalition for Accountability and Integrity (AMAN) and representatives of the private sector. The Committee is actually a counterpart to the Ministerial Reform Committee. Several papers were presented and discussed with relevant officials coming up with a clear plan of action.

While there are indications for joint work between the public and CSOs, there is a feeling that the Ministerial Reform Committee failed to set up specific standards and come up with implementation mechanisms. Some also feel that certain official parties are keen to marginalize the role of CSOs in the overall reform process. This arouses the need to devise a national plan to specify the relationship between CSOs and public bodies and their role in each sector.

However, the reform is not possible without the complementary relationship between PA and CSO bodies with clear guidelines. CSOs are involved in coming up with legislation and policies that contribute to democratic standards, human rights, principles of equality and non-discrimination towards a pluralistic just society despite all the obstacles. CSOs were also involved in promoting the Elections Law and monitoring tools. For such a purpose, a number of meetings were held with the PLC's legislative and political committees as well as the Speaker and the Head of the Elections Committee.

Regarding the participation of CSOs in preparing the Palestinian constitution, it became apparent that the current situation is not opportune for such an effort. There is a need to determine the constitutional principles of the socio-economic regime that will come into being and the role of NGOs and the civil liberties concerning the public.

USAid had informed the CSOs that all grantees have to sign a document that no funds should reach to "individuals or institutions that are related, or believed to be related to terror activities." The PNGO network issued a statement rejecting terror while asserting the right of Palestinian resistance. The Coordinating Committee recommended CSOs not to sign the USAid annex document since it undermines the independence of civil work since CSOs are not political bodies even if members have certain political positions over a number of issues. The CSOs also stressed the need to seek alternative Arab funding to carry on with development programs.

The USAid's new conditions need to be addressed as a public issue of concern to the CSOs, the PA and the national movement. The CSO law that has been approved by the

PLC has to be implemented with focus on accountability and transparency in civil activity.

CSOs have called upon the entire Palestinian society to take a position vis-à-vis the conditional funding. CSOs and NGOs are unable to resist such conditions when municipalities are receiving USAid funds despite referring to the Palestinian struggle as terror. The PLC has not taken up a clear stand on the issue. The annex document contravenes with the Palestinian law that prohibits receiving conditional funds.

The European Union is also probing into imposing tight control measures to funds coming into the Palestinian areas. This followed the case raised by the Union against the LAW Society and its Director Khader Shqeirah who is alleged to have embezzled money according to the Ramallah and Stockholm branches of Earnest and Young auditors. Shqeirah was released on bail after being detained pending his trial in Ramallah's Reconciliation Court.

Regarding elections, there was a demand to review the 1995 law calling for a system of circles, proportional representation and increasing PLC seats with a 20% quota for women in order to ensure the equality stipulated in the Basic Law. Political parties are asked to have at least 30% of women candidates<sup>101</sup>.

CSOs have formed a body to observe elections with 9 representatives. Bylaws and structures were set up and meetings held with the Central Elections Committee over the matter.

The Coalition of CSOs met with Arafat and the Minister of Interior and Head of the Legislative Committee to push for the proposed amendments in the Elections Law. It is also following up the performance of the new cabinet and the level of adherence to its program.

At another level, the PLC approved through the first reading the amended law of CSOs and NGOs presented by the cabinet. The new amendment requires new association to be registered with the Ministry of NGOs rather than the Ministry of Interior, as was the case. 23 PLC members voted for the amendment while six opposed. Several meetings were held to discuss transferring authorities of the Interior Ministry to the Ministry of Justice regarding charitable organizations and CSOs. The PNGO network is preparing a bill to this effect.

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<sup>101</sup> This was in memo presented to the Head of the PNA and the Prime Minister in August. It was signed by a number of CSOs and political parties

On the other hand, a memo of understanding was signed between the Ministry of Finance and the PNGO network concerning tax and customs exemptions to CSOs according to article 14 of the NGO Law of 2000 on all movable and immovable assets.

The guidelines and standards for exemption were set up. It requires the official registry of the NGO and an application supported by official documents and financial reports with the need to open up a tax-deduction fund for employee salaries and the approval of the relevant ministry of the exemption.

As for the VAT, there is no text for exemption on procurement but CSOs are not obliged to pay this tax on its non-profit revenues.

The PNGO network reviewed within its general assembly its report for the period of January 1 and May 15, 2003 covering matters like emergency services, coordination, networking, advocacy, capacity and democracy building.

The CSOs that attended the Paris Social Forum paved the way for a dynamic Palestinian presence during the forthcoming meeting to be held in Bombay, India. This engagement that had started with the Forum's meeting in the Palestinian areas last year ensures placing Palestine as an integral part of social movements seeking the right of people to live in peace and security.

The CSOs welcomed the Ministry of the Interior's initiative for a joint meeting in early December. It reflected the importance attached to NGOs. An open, frank discussion was held stressing the need for a strong civil society based on the rule of law. Demands were made to clear pending CSO files at the Ministry. The Minister indicated that no cooperation with any security establishment was needed without a written authorization. The meeting helped promote proper ties between the two sides based on law rather than personal whims.

## **Jerusalem is a symbol of Islamic/Christian national unity**

**Atallah Hanna<sup>102</sup>**

Muslims and Christians in Jerusalem and the Palestinian lands belong to the Palestinian people that is striving to achieve its aspirations. In Jerusalem, both constitute one body in defense of the holy sites and the human heritage characterized by Arab, Palestinian, Islamic and Christian identity.

Since the encounter of the Damascene Arab Patriarch of Jerusalem Sofronius with the Muslim Caliph Omar Ben Khattab, who took over the city in the seventh century, there has been a special bond uniting Muslims and Christians. They both strolled in the alleys of the city and entered together the church of the Holy Sepulchre. The Edict of Omar shall remain a source of pride for us Jerusalemites, whether Muslim or Christian, not only for its importance as a historic document and a reflection of the depth of our ties, but also as an ascertainment of the importance of Jerusalem to Christianity as well as the continuity of Arab Christianity prior to Islam. Such a continuity has been ongoing and is bound to remain so. We do not deny that there are certain dogmatic differences between our creeds. However, we believe in The One God that we worship and seek forgiveness. Our roots and common principles are shared in speaking the truth and defending the right to live freely and take common positions. The Arab Land, particularly in Palestine and its striving heart, Jerusalem has witnessed an Islamic/Christian collaboration in all fields. We breathe the same air, live on the same land and carry the same national message. Jerusalem, that enshrines the most important religious sites, has always been a symbol of fraternity, solidarity and creative national unity between Muslims and Christians. Hence the message is a message of peace, brotherhood and solidarity. This is what we have to say for those who speak about the clash of religions and civilizations... calling them to look to Jerusalem as a model for interaction and collaboration. In Jerusalem, the Islamic/Christian dialogue is perpetual and the encounter is ongoing. Despite all attempts by the occupation, our national cohesion is stronger than ever in response to the Zionist attempts to change the demography and the Arab and human character of the City.

We are aware that the occupiers do not wish to see this remarkable Muslim/Christian cohesion. They prefer to see division and fragmentation and religious bigotry in order to dominate. They wish to divide and rule. However, all such attempts have failed since our people is aware and determined. Mosques and churches interlock and the cross and crescent meet in a marvelous mosaic plate. We are determined to maintain our march together towards our national goals. When the Al Aqsa mosque was put on fire and worshippers killed in their abodes, with incessant violations, we were together, be it in Al Aqsa or the Holy Sepulchre. In fact, the aggressive encroachment has enhanced our bonds. Jerusalem remains our spiritual center, par excellence and a symbol of our unity as a people. Under such harsh conditions we call upon all our Arab brethren to unite and stay strong to save Jerusalem and maintain it as a symbol of steadfastness and national pride. We are determined to stay united.

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102 Official Spokesperson of the Orthodox Church in Jerusalem and the Holy Land, Al Bayader, no. 842, November 22, 2003.

## 2.4 Human Rights Organization

Human Rights organizations followed with alarm Israel's systematic violations of basic rights and international resolutions. This includes maltreatment of detainees and hampering visits by advocates and families.

In a noteworthy development, the Israeli Foreign Minister alleged that Palestinians attacking Israeli forces hide in human rights organizations and other CSOs<sup>103</sup>. This was viewed by Palestinians as part of the propaganda to slander institutions and label the resistance as "terror" at a time when state terror is blatantly applied to maintain the occupation and protect settlers. Several statements were issued to resent such allegations.

Observers agree that transparency and accountability should start through the CSOs that have undertaken the task of following up on the PA's administrative, financial and political performance. This is why many CSOs were alarmed after the exposure of the abuse of funds within the LAW association. The Director of this CSO claimed that funds were not spent in the way that was agreed upon with the donors. The reason was not to use them for personal reasons. This is why the association informed donors that there were available funds when they were supposed to spend it all. LAW's membership in the PNGO network was frozen pending its restructuring and putting the house in order with the donors.

Human rights groups were concerned with the return of the abuse of firearms in certain towns and villages resulting in a number of casualties. Furthermore, the phenomena of taking the law into one's hand has affected both the public and private circles. Demands were made to seriously investigate and curtail such incidents to ensure social cohesiveness.

Concern was also included regarding prisoners who were supposed to be released. Following big expectations only 442 were released (190 security detainee, 160 administrative and 90 involved in criminal cases). Sharon acquiesced to the hard wing partners in his cabinet not to yield on the issue of prisoners. Most of the released had almost finished their prison sentences or were held for criminal offences. Marwan Barghouthi, FATAH's West Bank Secretary General, had a sixth-month extension to his detention in an isolated cell with his refusal to cooperate with the authorities since his "detention is illegal and an Israeli court cannot offer justice to Palestinians."

Concern is also focused on the daily humiliation of Palestinians on roadblocks. Statistics indicate that an average of 45 minutes is wasted daily through this. Furthermore, there

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<sup>103</sup>Yediot Akhronot, May 21, 2003

is the issue of extra-judicial killings that Sharon decided against civilian or armed leaders alike. A number of human rights organizations discussed the Geneva Accords that abandoned the issue of refugees as well as the individual and collective rights of Palestinians to bring criminal and civil cases against the occupation. Furthermore, these accords placed the bilateral Israeli/Palestinian accords and pledges at a higher plan than UN resolutions in cases of contradiction. Palestinian rights for compensation for settlements were also set aside while providing Israeli sovereignty over parts of the occupied territories with the arbitrary losses of Palestinian property.

The Mandela Institute was one of four human rights organizations around the world to win the French government's Human Rights Award for the year 2003. The awarding committee sought institutions that deal with improving conditions of detainees or protecting women against all forms of violence and discrimination. Mandela decided to allocate the value of the prize to secure regular visits for Palestinian women prisoners throughout the year 2004.

## **Strengths**

1. All public opinion surveys over the years indicate that CSOs are on top of the institutions enjoying public confidence.
2. CSOs have exercised a crucial role in all community spheres, including reform when representatives joined governmental reform. On the international level, they participated in various encounters, side by side, with official PA representatives.
3. CSOs seriously confronting funding conditions insinuating that the Palestinian resistance falls within the category of terror. While terror was unequivocally rejected, it insisted that resisting occupation is a right.
4. The role of CSOs in advocacy and international relations is remarkable both locally and internationally.
5. Human Rights Organizations play an important role in tracing and documenting Israeli violations, especially against civilians. While the task has not reversed the reality on the ground, the needed efforts are beyond the reach of such organizations.

## **Weaknesses**

1. Most CSOs lack proper internal and financial levels. This is not merely a result of the unavailability of human and financial resources. There are cases of financial flaws that negatively undermine the credibility of CSOs.
2. CSOs tend to take emotional and political stands at the expense of objectivity and professionalism with disregard to understanding conditions and circumstances that affect other organizations.
3. The networks have failed to reflect the product of its members who produce much more than what can be traced within the network.



## Conclusions

1. The war on Iraq complicated the scene in Palestine giving an edge to the Israeli forces in its war on the Palestinians seeking to impose a solution through excessive use of force. All types of pressure were used in a clear violation of human conventions. The collapse of the truce after 51 days of Palestinian commitment under the hammer of the Israeli side is an indication to that.
2. The **Palestinian People** continues the legendary resilience in front of Israeli military, intelligence and media measures. All attempts to create an alternative leadership failed with people adamant to achieve independence and sovereignty.
3. **President Arafat facing** various internal and external pressures has shown remarkable courage and resilience. While he clearly responded to the calls for reform, further steps are needed especially in the spheres of security, elections and media policy.
4. An important phase was achieved in the **Reform Process** with the creation of the post of Prime Minister. However, it is too early to judge the real impact of this. Obviously, concrete improvements occurred in the financial and judicial aspects but more is needed in other areas, especially security.
5. While the concept of a Ministerial Council or **Government** was enhanced, it still needs to become stable. The short-lived successive governments indicate that. The coming phase will show whether the change is authentic or cosmetic.
6. The positive steps taken in various public areas within the **ministries** at the national level cannot substitute to obvious shortcomings in different locations. Most transactions are not handled in ministry headquarters but in branch departments that suffer from all kinds of negligence.
7. The Palestinian **Security Establishments** are in a process of radical transition and restructuring especially after coming under the umbrella of the Interior Ministry. It is too early to predict the outcome of the changes. While the security establishments are not dividing the turf into centers of influence, no advance has been recorded in securing external or internal security but the contrary.
8. The task of **Internal Security** remains a Palestinian responsibility that must be addressed regardless of Israeli impediments. It is the basis of community stability and the backbone of the patriotic position.
9. The issue of **Local Authority** elections has become a national priority. However, this is hampered by the security conditions. Until then, municipal councils, in

cooperation with the Ministry of Local Government, are implementing projects through available means under harsh conditions. It has to face the bulk of the systematic destruction of the infrastructure by the occupation forces. On the other hand, demands for municipal elections, alongside legislative elections have become evident. In the meanwhile, there are positive developments that can be revealed in the forthcoming elections, particularly in women participation.

10. The decline in services provided to small and medium **population centers** is quite alarming. While this has occurred due to increasing burdens as a result of Israel assaults, continued negligence would have adverse effects in maintaining steadfastness or future reconstruction.
11. **The Palestinian Control Bureau** is still outside the frame of the reform process. Its tasks should not be confined to monitor public and civil institutions but also financial and administrative control. Clearly, the absence of the Bureau's report from the public is a problem which is coupled with the direct role of the Head in getting involved with public funds. Specifically, this has to do with his role in the Islamic Development Bank and the Palestine International Bank. Such an engagement is bound to affect the neutrality and independence and the full-time needed to fill up the post of Chairman of the General Control Bureau.
12. The **PLC** is still functioning without mechanisms and conditions necessary to activate the democratic process through new elections. Until that occurs, the performance of the Council is satisfactory, despite the impediments, both at the level of approving legislation and dealing with the Executive. The PLC's approval of constitutional amendments to the Basic Law is a step in the right direction to enhance reform. The Council has exerted significant efforts in dealing with several sets of laws. It was keen to restore its role in pushing towards reform and parliamentary control.
13. Not conducting **elections** does not merely bring the democratic process to a standstill. It causes decline in efficiency and vitality not merely at the level of targeted institutions but the entire people.
14. Important measures have been taken to safeguard **public funds**. This is a process that needs to be pursued and broadened since it is the only way to improve matters and fairly divide resources.
15. The issue of the independence of the **Judicial Authority** has been a matter of concern officially and non-officially. Important steps were taken in this respect

both in the administrative and legislative aspects. Complementary measures are needed for the judicial authority to operate in an independent and real way. However, there were important additions that were introduced.

16. The practical freezing of the **State Security Court** is a democratic step that needs to go further by canceling it completely. The formation of the Supreme Constitutional Court will handle cases of a special nature.
17. Although Palestinian **civilian casualties** are much more than their Israeli counterparts, the national interest and ethical considerations need to prevail more than the desire for revenge.
18. The Israeli scheme clearly wishes to drive the Palestinians into internal fighting to bring their ambitions to an end and enhance expansionist plans. However, despite all divisions, Palestinians are aware of such a danger and have been keen to maintain **national unity** as the basis to achieve national aspirations. Concluding a truce does not only represent a political step but indicates that Palestinians are able to find common denominators to face challenges. The issue of national unity has become interconnected with developments in the field and, eventually, with the political process. With the need to enhance the oneness of the Authority and the need to confront Israeli assaults, there are serious obstacles ahead. As such the issue of national unity becomes imperative.
19. Undoubtedly, there is dynamism in the Palestinian political life. Still, there are obstacles to transform the **Palestinian political system** into an authentic, pluralistic and vigorous system.
20. Certain **political parties** and factions face a dilemma of being placed in the list of terrorists. This has to do essentially with targeting civilians. Prudence is needed not to fall in such a trap. Conforming to ethical values during national liberation provide militants increasing power and support. Just as some of the factions accuse the PA of dual discourse, they do the same in a certain way. Leveling criticism to the PA without contributing to the course of matters does not help. While political factions have a low public support, they play a role in trying to keep a sense of orientation within a turbulent scene. Further interaction with grassroots might improve its contribution in moving matters forward.
21. While efforts are exerted to achieve reform in official bodies, there is a need for a comprehensive review in the operation of **Civil Society Organizations** that need to be included in the process of reform. In fact, it must be the model for that.

Without the existence of strong, transparent CSOs, there will not be a possibility for actual serious contribution in the process of reform and development. The presence of representatives from the CSO in the National Reform Committee is an indication to that. In its turn, the CSOs contribute in observing matters while fostering coordination to make concrete steps in its monitoring. This becomes particularly important in light of the decreasing available funds that have their own political agenda and are not necessarily related to the set of Palestinian priorities.

# **APPENDICES**

## Appendix #1

### Executive Committee of the PLO<sup>104</sup>

<b>Name</b>	<b>Position</b>	<b>Telephone</b>	<b>Fax</b>
Yasser Arafat	Chairman of Executive Committee	08- 2822366	08-2822365
Farouq Kaddumi	Political Section	002161-233816	002161-230105
Mahmoud Abbas	Secretary General	02-2959648	02-2959642
Yasser Abed Rabbo	Information Department	02-2954043	02-2954042
Zakaria Al Agha	National & International Department	08-2824428	08-2821388
Zuhdi Nashashibi	Economic Department	08-2820696	08-2826188
Samir Ghosheh	Member	02-2964989	02-2986292
Ali Ishaq	Member	02-2958797	02-2988797
Mahmoud Isma'eel	Member	08-2828271	08-2846944
Emil Jarjou'i	Member	02-2766401	02-2741540
Riad Al Khudari	Member	08-2823180	08-2837772
Abdel Rahim Mallouh <sup>105</sup>	Member	02-2959768	02-2959767
Ghassan Shak'a	Member	09-2374690	09-2379313
Tayseer Khaled	Member	09-2385577	09-2385577
Salim Al Za'noun	Chairman Palestinian National Council	08-2826325	08-2829153

104 Faisal Hussein, Sulaiman Najab and Yaser Amer have been died. While Dr. Abdel Rahman had already requested his release from the responsibility of the department.

105 Mr. Abdel Raheem Mallouh has been arrested by the Israeli Army since 11/6/2002

## Appendix #2

### Council of Ministers of the PNA

	1 <sup>st</sup> Cabinet Apr. 94 – June 96 June 2002	2 <sup>nd</sup> Cabinet June 96 – Mar.98 October 2002	3 <sup>rd</sup> Cabinet Mar. 98 – April 2003	4 <sup>th</sup> Cabinet June 2002 – September 2003	5 <sup>th</sup> Cabinet October 2002 – November 2003	6 <sup>th</sup> Cabinet April 2003 – - - present	7 <sup>th</sup> Cabinet September 2003 –	8 <sup>th</sup> Cabinet November 2003
Finance	Mohammed Z. Nashashibi	Mohammed Z. Nashashibi	Mohammed Z. Nashashibi	Salam Faiad	Salam Faiad	Salam Faiad	Salam Faiad	Salam Faiad
Education*	Yasser Amer	Yasser Amer		Na'eem Abu Ehomus	Na'eem Abu Ehomus	Na'eem Abu Ehomus	Na'eem Abu Ehomus	Na'eem Abu Ehomus
Higher Education		Hanan Ashrawi	Munther Salah					
Culture & Information**	Yasser Abed Rabbo	Yasser Abed Rabbo	Yasser Abed Rabbo	Yasser Abed Rabbo	Yasser Abed Rabbo			
Culture	—	—	—	—	—	Ziad Abu Amr	Nabil Sha'th	Yehia Yakhlef
Information	—	—	—	—	—	Nabil Amr	Ahmad Qurei	Ahmad Qurei
Labor	Samir Ghosheh	Samir Ghosheh	Rafiq Al Natsheh	Ghassan Elkhateeb	Ghassan Elkhateeb	Ghassan Elkhateeb	Na'eem Abu Ehomus	Ghassan Elkhateeb
Social Affairs	Intisar Al Wazir	Intisar Al Wazir	Intisar Al Wazir	Intisar Al Wazir	Intisar Al Wazir	Intisar Al Wazir	Jawad Tibi	Intisar Al Wazir
Tourism and Archaeology	Elias Freij	Elias Freij	Mitri Abu 'Eitah	Nabil Qasees	Nabil Qasees	Mitri Abu 'Eitah	Sa'eb Ireqat	Mitri Abu 'Eitah
Planning and International Cooperation**	Nabil Sha'th	Nabil Sha'th	Nabil Sha'th	Nabil Sha'th	Nabil Sha'th			
Planning	—	—	—	—	—	Nabil Qasis	Salam Faiad	Nabil Qasis
Foreign Affairs	—	—	—	—	—	Nabil Sha'th	Nabil Sha'th	Nabil Sha'th
Jerusalem	Faisal Hussein	Faisal Hussein	Ziad Abu Zayyad	Samir Ghosheh	Samir Ghosheh			
Health	Abdel Hafiz Al Ashhab	Ryad Al-Za'noon	Ryad Al-Za'noon	Ryad Al-Za'noon	Ahmed Shibi	Kamal Shrafi	Jawad Tibi	Jawad Tibi
Justice	Freih Abu Medden	Freih Abu Medden	Freih Abu Medden	Ibrahim El Doghmeh	Zuhier Surany	Abed AlKarim Abu Salah	Sa'eb Ireqat	Nahed Al Rates
Local Government	Sa'eb Ireqat	Sa'eb Ireqat	Sa'eb Ireqat	Sa'eb Ireqat	Sa'eb Ireqat	Jamal Shobaki	Jamal Shobaki	Jamal Shobaki
Civil Affairs	Jamil Al Tarifi	Jamil Al Tarifi	Jamil Al Tarifi	Jamil Al Tarifi	—	—	—	Jamil Al Tarifi
Waqf and Religious Affairs	Hassan Tahboub	Hassan Tahboub	—	—	—	—	Ahmad Qurei	Ahmad Qurei
Commerce and Economy*	Ahmad Qurei	Maher Al Masri	Maher Al Masri	Maher Al Masri	Maher Al Masri	Maher Al Masri	Salam Faiad	Maher Al Masri
Agriculture	—	Abdel Jawad Saleh	Fikmat Zeid	Rafiq El Natshea	Rafiq El Natshea	Rafiq El Natshea	Salam Faiad	Rawhi Fattooh
Industry*	—	Bashir Al Barghuthi	Sadi Alkrunz	—	—	—	—	—
Transportation & Communication	Abdel Aziz Haj Yeha	Ali AlQawasmi	Ali AlQawasmi	Metry Abu Eta	Metry Abu Eta	Sadi Alkrunz	Abed Al Rahman Hamad	Hekmat Zeid

\* Immersed with other ministry.

\*\* Split into two ministries

Supplies*	—	Abdel Aziz Shahin	Abdel Aziz Shahin	Abdel Aziz Shahin	Abdel Aziz Shahin	—	—	—	—	—
Housing	Zakaria Al Agha	Abdel Rahman Hamad	Abdel Rahman Hamad	Abdel Rahman Hamad	Abdel Rahman Hamad	Abdel Rahman Hamad	—	—	—	—
Public works	—	Azzam Al Ahmad	Azzam Al Ahmad	Azzam Al Ahmad	Azzam Al Ahmad	Azzam Al Ahmad	—	—	—	—
Housing and Public works**	—	—	—	—	—	—	Hamdan Ashour	Abed Al Rahman Hamad	Abed Al Rahman Hamad	Abed Al Rahman Hamad
Interior	—	—	—	—	—	—	Mahmoud Abbas	—	—	Hakam Bal'awi
Post and Telecommunications*	—	Imad Al Faluji	Imad Al Faluji	Imad Al Faluji	Imad Al Faluji	—	—	—	—	—
Telecommunications*	—	—	—	—	—	—	—	—	—	—
Energy	—	—	—	—	—	Abdel Rahman Hamad	Azzam Al Shawa	Abed Al Rahman Hamad	Salam Fiad	Azam Al Ahmad
Prisoner Affairs	—	—	—	—	—	—	—	—	—	—
Environment Affairs	—	—	—	—	—	—	—	—	—	—
Youth and Sports	Azmi Shu'aibi	Talal Sider	—	Hisham Abdel Razeq	Youssef Abu Safieh	—	—	Hisham Abdel Razeq	Jamal Shobaki	Hisham Abdel Razeq
Parliamentary Affairs	—	—	—	—	—	—	—	—	—	—
NGO Affairs	—	—	—	—	—	—	—	—	—	—
Bethlehem 2000	—	—	—	—	—	—	—	—	—	—
Minister of State	—	—	—	—	—	—	—	—	—	—
Secretary General	—	Ahmad Abdel Rahman	Ahmad Abdel Rahman	Ahmad Abdel Rahman	Ahmad Abdel Rahman	Ahmad Abdel Rahman	Hakam Bal'awi	—	—	Sulieyman Abu Saneneh & Qadora Faris
Secretary- General of the Presidency	—	AlTayyeb Abdel Rahim	AlTayyeb Abdel Rahim	—	—	—	—	—	—	Hassan Abu Lebdeh
Security Affairs	—	—	—	—	—	—	—	—	—	—
Negotiations Affairs	—	—	—	—	—	—	Mohammad Dahlan	—	—	—
Woman Affairs	—	—	—	—	—	—	Sa'eb Irikat	—	—	Sa'eb Irikat
Minister of Council Ministers	—	—	—	—	—	—	Yaser Abed Rabou	—	—	Zahera Kamal

Shaded area indicates membership at the PLC



**Appendix #3**  
**Official Palestinian Departments and Institutions**

Institution	Official in Charge	Telephone	Fax
Palestine Legislative Council	Rawhi Fatooh	02-2987716	02-2987719
Palestinian Economic Council for Development & Reconstruction (PECDAR)	Mohammad Shtayeh	02-2362380	02-2347041
Palestinian Geographic Center	Yunis Al Qawaasmi	02-2404711	02-2404712
National Center for Public Administration and Human Resource Development	Mohammad Naja	08-2829260	08-2824090
National Center for Studies and Documentation	Abdillah AlHorani	08-2865716	08-2822028
Palestinian Red Crescent Society	Fathi Arafat	02-2406515	02-2406518
Palestinian Central Bureau of Statistics	Hassan Abu Libdeh	02-2406340	02-2406343
Negotiations Affairs Department	Mahmoud Abbas	02-2963741	02-2963740
Dar Al Fatwa	Sheikh Ikrima Sabri	02-6285082	02-6285082
Diwan Al Fatwa and Legislation	Ibrahim Al Daghmeh	08-2829197	08-2829197
Personnel Department	Mohammad Abu Sharee'a	02-2980640	02-2987793
Palestinian Petrol Authority	Mahmoud Bader	02-2404988	02-2404003
Palestinian Environment Authority	Sufian Sultan	02-2929269	022929279
Palestinian Tobacco Authority	Ahmad Al Agha	02-2987561	02-2987507
Palestinian Energy Authority	Abdel Malek Al Jaber	02-2986192	02-2986191
Palestinian Water Authority	Mohammad Abu Gharbiyyeh	08-2822696	08-2822697
Palestinian Monetary Authority	Ameen Hadad	02-2409920	02-2409922
Martyrs Families & Prisoners' Institution	Youssef Jubran	02-2964027	02-2986268
Civil Aviation Authority	Fayez Zidan	08-2822800	08-2821309
Palestine Standards Institution	Issa Abu Arram	02-2964433	02-2965191
Political Guidance Commission	Othman Abu Gharbiyyeh	02-2987618	02-2987619
Palestinian National Archives Center	Mohammad Bheis	02-2349888	02-2349888
Government Computer Center	Ghassan Kaddah	08-2829262	08-2863900
Palestinian Curriculum Development Center	Salah Yassin	02-2406174	02-2401550
Radio & TV Authority	Radwan Abu Ayyash	02-2959890	022959893
General Control Bureau	Jarrar Al Qudweh	08-2829181	08-2821703
"Wafa" Palestinian News Agency	Ziad Abdel Fattah	08-2824036	08-2824046
Environment Authority	Yousef Abu Safieh	02-2403495	02-2403494
Non Governmental Organization Department	Hassan Asfour	02-2401370	02-2401371
Refugee Affairs Department	Mahmoud Abbas	02-2961132	02-2961313
Land Authority	Fraih Abu Median	02-2955166	02-2987705
Committee of Insurance and Salaries	Maged Al Helo	02-2966042	
High Committee of Fund and Investment	Mohammad Nashashibi	02-2967298	02-2967297
Committee of Industrial Towns	Ismail Abu Shhadeh	02- 2801028	02-2801034
National Association Office	Samir Shhadeh	02- 2986623	02- 2986322
Boarders Administration	Nathmi Mhanna	02- 2965868	02- 2965868
Higher Judge Council	Tayseer al Tamimi	02-2965868	02-2965868
Harbors Authority	Ali Shaath	08-2826737	08-2826747

**Appendix #4****Palestinian Security Establishments**

<b>Institution</b>	<b>Commander</b>	<b>Telephone</b>	<b>Fax</b>
National Security	Naser Youssef	08-2822803	08-2829479
General Security	Salim Bardini	08-2829425	08-2822335
General Intelligence	Amin Al Hindi	08-2829015	08-2829312
Military Intelligence	Mussa Arafat	08-2822932	08-2829114
Preventive Security-W.B.	Ziad Hab Al Reeh	02-2901801	02-2901807
Preventive Security- Gaza	Rashid Abu Shbak	08-2825415	08-2825044
Force 17	Faisal Abu Sharkh	08-2829323	08-2829324
Naval Police	Jawad Abu Hassan	08-2833610	08-2833620
Border Crossing Security	Nathmi Muhanna	08-6713684	08-6713685
Consult President for Security Affairs	Jebreel Al Rjoob	02-2981317	08-2981372

**Appendix #5****PNA Governorates**

<b>District</b>	<b>Governor</b>	<b>Telephone</b>	<b>Fax</b>
Jerusalem	Jamil Othman Nasser	02-2799074	02-2799076
Ramallah & Al Bireh	Mustafa Al Liftawi	02-2958588	02-2986575
Hebron	Areef Roobeen Al Jabari	02-2226405	02-2229345
Bethlehem	Zuheir Manasreh	02-2741667	02-2741666
Jericho & Jordan Valley	"Vacant"		
Nablus	Mahmoud Al Aloul	09-2383047	09- 2389913
Qalqilia	Mustafa Al Malki	09-2942921	09- 2942922
Jenin	Hayder Rasheed	04-2503220	04- 2503222
Tulkarem	Izildeen AlShareef	09-2673334	09- 2673334
Gaza	Mohammad AlQudweh	08-2828694	08- 2828684
North Gaza	Sakher Bseiso	08-2477146	08- 2477854
Khan Younis	Husnie Zuorb	08-2054875	08- 2054845
Rafah	Abed Al Mageed Al Agha	08-2539334	08- 2539334
Central	Abdalla Abu Samhadaneh	08-2539330	08- 2539334

**Appendix # (6/ a)**

**(a) Higher Judicial Council<sup>108</sup>**

Head high court - Chief Judge	Zuher Al Surani
Supreme Court Judge	Fayez Hamdan Al Qidreh
Supreme Court Judge	Sami Sarsour
Judge, High Court	Mohammad Soboh
Deputy Justice Minister	Asad Mobarak
Head, Court of Appeals	Ishaq Mohanna
Head, Court of Appeals	Imad Salim
Attorney General	Hussen Abu Assi
Attorney General	Fareed Al Jallad

**Appendix # (6/b)**

**(b) Palestinian Judiciary System**

<b>Position</b>	<b>Name</b>
Head, High Court	Zuher Al surani
Head, Court of Appeals /Gaza	Ishaq Mohanna
Head, Court of Appeals /Ramallah	Imad Salim
Attorney General	Hussein Abu Assi
Grand Mufti	Ikrima Sabri
Mufti of the Security Forces	Abdel Salam Abu Shkheidem
Chief Religious Court	Tayseer Biyouid Tamemi

**Appendix #7**

**(a) The Speaker's Bureau**

Speaker:	Ahmad Qurei' (Abu 'Ala)
1st Deputy:	Ibrahim Abu AlNaja
2nd Deputy:	Ghazi Hanania
Council Secretary:	Rawhi Fattooh

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<sup>108</sup> As it has been officially announced on 14/5/

**(b) PLC Committees – 8th session****Jerusalem Committee**

<b>Name</b>	<b>Position</b>
Ahmad AlZughayar	Chairman
Ahmad AlBatch	Rapporteur
Bishara Da'oud	Member
Hanan Ashrawi	Member
Fouad Eid	Member
Faraj AlSarraf	Member
Hatem Eid	Member

**Refugee Committee**

<b>Name</b>	<b>Position</b>
Jamal Al Shatti	Chairman
Abed Rabboh Abu Oun	Rapporteur
Jamilah Seidam	Member
Hatem Eid	Member
Ali Abul Reesh	Member
Kamel Al Afghani	Member
Mussa Abu Sabha	Member

**Land & Settlement Confrontation Committee**

<b>Name</b>	<b>Position</b>
Vacany	Chairman
Othman Ghashash	Rapporteur
Bishara Da'oud	Member
Zahran Abu Qbeitah	Member

**Budget & Financial Affairs Committee**

<b>Name</b>	<b>Position</b>
Sadi Al Quronz	Chairman
Fakhri AlTurkman	Rapporteur
Jalal Musaddar	Member
Da'oud Al Zir	Member

Ra'fat El Najjar	Member
Ibrahim al Habbash	Member
Abdel Aziz Shahen	Member
Youssef Al Shanti	Member
Fakhri Shaqoura	Member
Mu'awiya Al Masri	Member
Mufeed Abed Rabboh	Member
Ahmad Al sheibe	Member
Yousif Abu Safieh	Member
Rawya Al shawa	Member
Ziad abu amr	Member

**Economic Committee**

<b>Name</b>	<b>Position</b>
Azmi shaibe	Chairman
Jalal Musaddar	Rapporteur
Sa'di Al Quronz	Member
Hashem Daraghmeh	Member
Ali Qauasmi	Member
Ahmad Al shebi	Member
Da'ud El Zair	Member
Rawya Al shawa	Chaairman
Fayez Zeidan	Member

**Political Committee**

<b>Name</b>	<b>Position</b>
Marwan Kanafani	Chairman
Dalal Salameh	Rapporteur
Ahmad AlDeek	Member
Hanan Ashrawi	Member
Hussam Khader	Member
Hassan Khreishah	Member
Abas Zaki	Member
Kamal AlSharafi	Member
Mohammad Al Horani	Member
Marwan Barghouthi	Member

Ziad Abu Amr	Member
Emad Faluje	Member

### **Judicial Committee**

<b>Name</b>	<b>Position</b>
Abdel Karim Abu Salah	Chairman
Suleiman Abu Sneineh	Rapporteur
Ra'fat AlNajjar	Member
Suleiman AlRumi	Member
Faraj AlSarraf	Member
Mahmoud Da'as	Member
Azmi AlSh'eibi	Member
Musa El Zabout	Member
Jawad Al Tibi	Member
Karam Zarandah	Member
Ziad abu Ziad	Member
Yousef Alshanti	

### **Monitoring & Human Rights Committee**

<b>Name</b>	<b>Position</b>
Hassan Khreisheh	Chairman
Emad Al Falouji	Rapporteur
Burhan Jarrar	Member
Mohammad Hijazi	Member
Abdel Jawwad Salah	Member
Abed Rabbo Abu 'Oun	Member
Ali Abul Reesh	Chairman
Kamel Afghani	Member
Jamal Al Shati	Member
Mu'awiah El Masri	Member
Mussa Abu Sabha	Member
Jamilah Seidam	Member
Hussam Khader	Member
Aahmad Al Batsh	Member
Marwan Kanafani	Member

**Education & Social Issues Committee**

<b>Name</b>	<b>Position</b>
Abbas Zaki	Chairman
Mussa Al Za'bout	Rapporteur
Othman Ghashash	Member
Ibrahim Al Habbash	Member
Dalal Salameh	Member
Zuhran Abu Qubeitah	Member
Riad Al Zanoun	Member
Fakhri Turkman	Member
Karam Zarandah	Member
Fuad Eid	Member
Sulaiman Al roomi	Member
Moufeed Abd Rabo	Member

**Internal, Security & Local Government Committee**

<b>Name</b>	<b>Position</b>
Fakhri Shaqoura	Chairman
Burhan Jarrar	Rapporteur
Mohammad Hijazi	Member
Hashem Daraghmeh	Member
Mahmoud Da'as	Member
Abass Zaki	Member
Ziad Abu Amr	Member
Ali Al Qasmi	Member
Kamal Shrafi	Member
Fakhri Shaqoura	Member
Emad Al Falouji	Member
Hassan Khreisha	Member
Marwan Barghouti	Member
Mohammad Al Hourani	Member

Appendix #8

(a) Table of bills presented to the PLC

# of bill	Bill	Presenting Party	Date	Date Presented	Date	Referred to Sub committees	General discussion	1 st Reading	2 nd Reading	3 rd Reading	Referred to President	Promulgated
1/96 E	Basic Law	Mister of Justice/ Freih Abu Mdein	5/5/96	8/5/96	10/7/96	8/5/96	10/7/96	1/9/96	17/9/97	2/10/97	4/10/97	
2/96/MO	Electing Palestinian local Councils	Cabinet	20/3/96		22/8/96	10/10/96		10/10/96	1/12/96			16/12/96
3/96/MO	Civil Service	Cabinet	8/5/96	8/5/96	7/11/96	8/5/96	7/11/96	29/1/97	3/6/97		4/6/97	28/5/98
4/97/MO	Palestinian local Councils	Cabinet			4/2/97		4/2/97	12/2/97	2/7/97	14/7/97	21/7/97	12/10/97
5/97/MO	1997 Budget	Cabinet	15/3/97	15/3/97		15/3/97		27/5/97				27/5/97
6/97/MO	Monetary Authority	Cabinet	7/5/96	7/5/96	27/3/97	7/5/96	27/3/97	11/4/97	30/6/97		15/12/97	16/12/97
7/97/MO	Real Estate ownership in Palestine by foreigners	Judicial Committee	16/6/97	16/6/97	16/6/97	16/6/97	16/6/97	30/6/97	30/9/97			4/10/97
8/97/MO	The Palestinian General Petroleum Authority	7/12/97 Cabinet	19/4/97		15/7/97	18/9/97	15/7/97	18/9/97	25/11/97			
9/97/L	Regulating the Law profession	Budget Committee	9/7/97	10/7/97	14/7/97	10/7/97	14/7/97	1/12/98	6/1/99	6/4/99	19/4/99	24/6/99
10/97/L	Regulating General Budget and Financial Affairs	Budget Committee	30/4/97	9/3/98	19/3/98	19/3/98	19/3/98	2/4/98	14/4/98		20/4/98	3/8/98
11/97/MO	Protection of animal resources	Cabinet	11/4/97	30/9/97	13/10/97	30/9/97	13/10/97	14/10/97	10/12/97		9/3/98	2/11/98
12/97/MO	Political parties	Cabinet	24/1/97	30/9/97	10/11/97	30/9/97	10/11/97					
13/97/L	Rehabilitation and reformatory centers (prisons)	Control Bureau Committee	20/11/97		25/11/97	2/4/98	25/11/97	2/4/98	28/4/98		2/5/98	28/5/98
14/97/L	Judicial Authority	Judicial Committee	8/6/97		12/11/97	25/6/98	12/11/97	25/6/98	2/9/98	25/11/98	5/12/98	
15/97/MO	Local Institutions Development											
16/97/MO	Bank	Cabinet	11/4/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97
17/97/MO	Veterinarians	Cabinet	27/3/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97
18/97/MO	Civil Defense	Cabinet	11/4/97	30/9/97	25/11/97	8/1/98	25/11/97	8/1/98	31/3/98		20/4/98	28/5/98
19/97/A	Fire-arms and ammunition	Cabinet	19/4/97	30/9/97	25/11/97	30/9/97	25/11/97	7/1/98	2/4/98		20/4/98	20/5/98
	Charitable Societies and Civil Organizations	Members	13/10/97	13/10/97	9/12/97	13/10/97	9/12/97	30/5/98	30/7/98	25/5/99	12/8/99	16/1/00
20/97/A	Encouraging investment in Palestine	Members	10/11/97	10/11/97	9/12/97	10/11/97	9/12/97	19/3/98	14/4/98		20/4/98	23/4/98
21/97/A	Regulating work of Commercial Agents	Members	10/11/97	10/11/97	9/12/97	10/11/97	9/12/97	7/1/99	20/4/99	24/6/99	15/7/99	16/1/00
22/97/MO	Establishing the Palestinian Center for rural development	Cabinet	19/4/97	30/9/97	30/9/97	30/9/97	30/9/97	18/8/98 returned to PLO				
23/97/A	Fund for supporting martyr families, prisoners & wounded	Members			28/7/98	30/9/97	28/7/98	19/8/98	Presented for 1st reading & referred to sub committee for review			
24/97/MO	Public rallies	Cabinet	27/3/97	30/9/97	28/4/98	30/9/97	28/4/98	20/8/98	25/11/98		19/12/98	28/12/98
25/97/MO	Branding and checking precious ones	Cabinet	17/3/97	30/9/97	25/11/97	30/9/97	25/11/97	9/12/97	17/3/98		24/3/98	28/5/98
26/97/MO	Appointing "Mukhtars"	Cabinet	11/4/97		2/7/97	Refused	2/7/97	Refused				
27/97/MO	Protecting natural resources in Gaza Strip	Cabinet	19/4/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97	30/9/97
28/97/A	National Service	Member/ Azmi AlSu'eibi	31/8/97	19/3/98	19/3/98	19/3/98	19/3/98	27/5/98 Subdivided to: 1) legal 2) General Supplies 3) Public Works			14/9/98	2/11/98
29/1-97/MO	General supplies	Cabinet	13/7/98	19/3/98	27/5/98	19/3/98	27/5/98	14/7/98	18/8/98		18/8/98	
29/2-97/MO	Tenders for public works	Cabinet	13/7/97	19/3/98	27/5/98	19/3/98	27/5/98	1/9/98	25/11/98	9/6/99	27/6/99	28/12/99



30/98/MO	Natural Resources	Cabinet	24/1/98	19/3/98	19/3/98	28/4/98	18/8/98	5/11/98	5/12/98	24/1/99	
31/98/MO	General Statistics	Cabinet	24/1/98	17/3/98	17/3/98	17/3/98	29/3/02	2/5/02	7/6/02	17/6/02	8/7/02
32/98/MO	Industrial towns and free zones	Cabinet	24/1/98	17/3/98	17/3/98	17/3/98	29/7/98	18/8/98	9/9/98	2/11/98	
33/98/E	Relief and rehabilitation of the handicapped	Member/ Azmi Al Shureibi	10/3/98	19/3/98	19/3/98	18/8/98	Incorporated with the bill suitability of public sites to from handicapped rights bill				
34/98/MO	The 1998 PNA General Budget	Cabinet	27/1/98	31/3/98	31/3/98	28/4/98	Declared on 29/6/98				
35/98/MO	Civil Affairs	Cabinet	25/7/98	29/7/98	29/7/98	11/11/98	12/11/98	8/12/98	21/4/99	10/5/99	8/6/99
36/98/MO	Environment	Cabinet	16/5/98	17/5/98	17/5/98	18/8/98	27/5/99	6/7/99		5/8/99	28/12/9
37/98/MO	Palestinian Higher Education	Cabinet	16/5/98	17/5/98	17/5/98	27/5/98	13/7/98	30/7/98		19/8/98	2/11/98
38/98/L	Palestinian Labor	Education Committee	8/3/98	10/3/98	10/3/98	27/5/98	24/12/98	27/10/99	29/3/02	2/4/02	30/4/02
39/98/L	Public Health Insurance	Education Committee	20/5/98			5/11/98	Postponed to the incorporated with the General Health Bill				
40/98/A	Rights of Handicapped	Members	16/3/98	19/3/98	19/3/98	5/11/98	6/1/99	16/3/99	25/5/99	2/6/99	9/8/99
41/98/L	Palestinian Income Tax	Budget Committee	18/10/98	5/11/98	5/11/98	21/12/98	17/8/02	11/3/01		22/4/01	23/5/01
42/98/MO	Control of citrus	Cabinet	25/10/98	5/11/98	5/11/98	8/12/98					
43/98/MO	Banks	Cabinet	25/10/98	5/11/98	5/11/98	8/12/98	10/3/01	24/6/01	15/9/01	20/9/01	21/5/02
44/98/MO	Administrative formations	Cabinet	4/11/98	10/11/98	10/11/98	8/12/98	3/11/99	13/3/00		9/4/00	
45/98/MO	Supplies	Cabinet	4/11/98	10/11/98	10/11/98	1/12/99					
46/98/E	Author's and patent rights	Member/ Azmi Al Shureibi	1/3/99	16/3/99	16/3/99	1/12/99					
47/99/E	Print and Publications	Cabinet	13/3/99	16/3/99	16/3/99	25/5/99	Rejected due to issuance of President decree published in the official gazette				
48/99/MO	1999 PNA General Budget	Cabinet	5/4/99	5/4/99	5/4/99	The President recuperated the budget on June 9, 99					
49/99/MO	Traffic	Cabinet	19/4/99	20/4/99	20/4/99	23/6/99	16/12/99	15/2/00	8/6/00	17/6/00	17/9/00
50/99/MO	Amendment of Branding and controlling precious ores' law	Member/ Mu'awiya Al masri	19/4/99	20/4/99	20/4/99	The President recuperated the law on 27/9/99					
51/99/E	Palestinian Medical Council	Cabinet	25/4/99	11/5/99	11/5/99	25/5/99	Postponed, pending the completion of health laws				
52/99/MO	Regulating the sale and use of pesticides	Cabinet	16/6/99	24/6/99	24/6/99	1/12/99	18/5/00	Delayed			
53/99/MO	Arbitration	Cabinet	16/6/99	24/6/99	24/6/99	6/7/99	23/11/99	3/2/00	22/2/00	5/4/00	
54/99/MO	General Budget for fiscal year 99	Cabinet	13/7/99	14/7/99	14/7/99		Declared on 12/8/99				
55/99/A	Standards and Measurements	Members	21/7/99	14/10/99	14/10/99	1/12/99	16/2/00	12/4/00	28/6/00	1/7/00	4/9/99
56/99/MO	Punitive procedures	Cabinet	3/8/99	14/10/99	14/10/99	27/10/99	15/2/00	28/6/00	23/7/00	12/5/01	
57/99/MO	Fund to compensate farmers victim of natural disasters	Cabinet	3/8/99	14/10/99	14/10/99	1/12/99					
58/99/MO	Consular Fees	Cabinet	3/8/99	14/10/99	14/10/99	1/12/99	17/5/00	8/6/00		24/6/00	30/1/01
59/99/MO	Water	Cabinet	31/8/99	14/10/99	14/10/99	1/12/99	28/9/00	8/8/01	18/2/02	28/2/02	
60/99/MO	General Budget for fiscal year 2000	Cabinet	7/11/99	17/11/99	17/11/99	26/1/00					
61/99/E	Amended Law to regulate practice of Law	Member/ Freih Abu Mdein	18/11/99	18/11/99	18/11/99	25/11/99		27/11/99	28/12/99		
62/99/MO	Formation of regular courts	Cabinet	2/12/99	14/12/99	14/12/99	15/12/99	12/3/00	3/3/00	17/5/00	18/5/00	12/5/01
63/99/MO	Social Insurance	Cabinet	1/12/99	14/12/99	14/12/99	28/9/00	11/3/01	4/6/01	29/7/01	19/10/03	
64/99/L	Banning torture of detainees and prisoners	Control Bureau Committee	19/12/99	30/12/99	30/12/99	17/5/00					
65/2000/MO	General Health	Cabinet	26/1/00	3/2/00	3/2/00	12/3/00					3/12/03

66/2000/MO	Civil and Commercial Court	procedures	Cabinet	26/1/00	3/2/00	3/2/00	19/9/00	28/9/00	23/10/00	12/5/01
67/2000/MO	Amended Judicial Authority	Cabinet	26/1/00	3/2/00				5/2/00	14/5/02	
68/2000/MO	Housing Rents and Real Estate	Cabinet	4/4/00	3/5/00	3/5/00	3/5/00				
69/2000/MO	Civil Aviation	Cabinet	19/4/00	3/5/00	3/5/00	3/5/00	8/8/00	16/8/00	5/4/01	16/4/01
70/2000/E	Illegitimate profit	Member/ Abdul Fattah Hamayel	20/5/00	19/9/00	19/9/00	28/9/00	17/9/03			
71/2000/MO	Statements of content in civil and commercial items	Cabinet	6/6/00	7/6/00	7/6/00	28/6/00	9/8/00	16/8/00	18/9/00	12/5/01
72/2000/E	Jerusalem as Capital	Member/ Azmi Al Shu'ebi	7/6/00	8/6/00	8/6/00	8/6/00	19/7/00	20/7/00	28/9/00	5/10/02
73/2000/MO	The Palestinian nursing and midwifery Council	Cabinet	27/6/00	20/7/00	20/7/00	1/8/00				
74/2000/E	Combating smoking	Member/ Marwan Barghouti	8/8/00	19/9/00	19/9/00	10/9/01				
75/2000/MO	Industry	Cabinet	29/3/00	19/9/00	19/9/00	28/9/0				
76/2000/MO	Regulating professional unions (engineers)	Cabinet	27/8/00	19/9/00	19/9/00	10/3/01				
77/2000/A	Regulating professional	governmental teachers	Cabinet	2/9/00	19/9/00	19/9/00	10/3/01			
78/2000/E	Amendment of Local Council elections Law of 96	Member/Abdul Fattah Hamayel	2/9/00	19/9/00	19/9/00	10/3/01				
79/2000/L	Amendment of Civil Affairs	Law #2 of 1999	Interior	6/9/00	19/9/00	19/9/00	28/9/00	5/4/01	24/6/01	30/7/01
80/2000/MO	Agriculture	Cabinet	11/11/00	21/12/00	21/12/00	10/3/01	18/2/02	15/4/03	31/5/03	5/8/03
81/2001/MO	Management of Orphan	Property Association	Cabinet	24/1 /01	14/2 /01	14/2 /01	10/3/01			
82/2001/L	Securities	Budget Committee	11/2/01	14/2/01	14/2/01	10/3/01				
83/2001/L	Palestinian Capital Market	Budget Committee	11/2/01	14/2/01	14/2/01	10/3/01	16/1/02	6/10/02	8/10/02	22/10/02
84/2001/E	Social Insurance Fund	Member	13/2/01	14/2/01	14/2/01	10/3/01				
85/2001/MO	General Budget for fiscal year 2001	Cabinet	10/3/01	10/3/01	10/3/01	14/4/01				
86/2001/MO	Amended Local Institutions Law	Cabinet	13/11/00	24/6/01	24/6/01					
87/2001/E	Unemployment Insurance	Member /Azmi Shua'ibi	13/2/01	8/8/01	8/8/01					
88/2001/E	Dialing with Fire works	Member/ Abdul Fattah Hamayel	21/5/01	24/6/01	24/6/01	15/1/02				
89/2001/L	Jerusalem Municipality	Interior Committee	10/6/01	24/6/01	24/6/01	15/1/02	21/7/03			
90/2001/MO	Fees of Civil Courts	Cabinet	16/6/01	24/6/01	24/6/01	8/8/01	16/10/01	16/1/02	15/4/03	28/4/03
91/2001/MO	Profession of Auditing	Cabinet	26/6/01	8/8/01	8/8/01	8/8/01	16/1/02	6/10/02	8/10/02	22/10/02
92/2001/MO	Execution	Cabinet	28/6/01	8/8/01	8/8/01	8/8/01				
93/2001/MO	Punishment	Cabinet	6/9/01	15/9/01	15/9/01	16/10/01	14/4/03			
94/2002/L	Amended Judicial	Legal Committee				15/1/02	15/1/2002	14/2/02		
95/2002/A	Amended Rehabilitation & Reformatory Centers	Abdel Fatah Hamayel	16/2/02	6/10/02	6/10/02					
96/2002/MO	Work accidents for a Governmental Employee	Cabinet	16/2/02	6/10/02	6/10/02					
97/2002/MO	Palestinian Child	Cabinet	16/3/02	6/10/02	6/10/02	6/10/02	6/10/02	28/5/03	19/8/03	17/8/03
98/2002/A	Election	Azmi Al-Shouaibi	1/9/02	15/5/02	15/5/02					
99/2002/L	PLC Members Duties and Rights	Legal Committee	6/10/02	4/11/02	4/11/02	4/11/02	12/12/02	13/1/02	2/2/03	23/2/03
100/2002/A	Amended Budget Regulations	Azmi Al-Shouaibi	30/10/02	12/12/02	12/12/02					
101/2002/A	Amended Industrial Towns	Azmi Al-Shouaibi	30/10/02	12/12/02	12/12/02	12/12/02	6/2/03	28/5/03	17/6/03	
102/2002/A	Amended Monetary Authority	Azmi Al-Shouaibi	30/10/02	12/12/02	12/12/02	12/12/02	13/1/03	28/5/03	2/6/03	17/6/03
103/2002/A	Amended Regulating Bids and Tenders	Azmi Al-Shouaibi	30/10/02	12/12/02	12/12/02	12/12/02	6/2/03	28/5/03	2/6/03	17/6/03

104/2002/A	Amended Encouraging Investments	Azmi Al-Shouaibi	30/10/02	12/12/02	12/12/02	12/12/02	12/12/02	6/2/03	28/5/03	17/6/03
105/2002/L	Amended Standards and Regulations	Budget Committee	26/11/02	12/12/02	12/12/02	12/12/02	12/12/02	13/1/03	28/5/03	17/6/03
106/2002/A	Compensation Fund for victims of Israeli Aggression	Azmi Al-Shouaibi	21/12/02	6/2/03	6/2/03	1/7/03				
107/2002/L	Finance and Economy Monitoring Bearou	Budget Committee		28/12/02	13/1/03	13/1/03	16/12/03			
108/2002/MO	General Budget 2003	Cabinet	31/12/02		1/2/03	Declared on 1/2/03				
109/2003/MO	Planting Human Organs	Cabinet		16/1/03	6/2/03	6/2/03				
110/2003/MO	Social Care Fund	Cabinet		6/2/03	14/4/03	14/4/03				
111/2003/MO	Amended Basic Law	Cabinet	10/3/03	10/3/03	10/3/03	10/3/03	10/3/03	18/3/03	18/3/03	18/3/03
112/2003/A	Electricity	Abdel Rahman Hamad		5/4/03	14/4/03	14/4/03	28/5/03			
113/2003/L	Amended Judicial Authority	Legal Committee	14/4/03	14/4/03	14/4/03	14/4/03				
114/2003/A	Professional Associations	Abdel Fatah Hamatel		15/4/03	1/7/03	1/7/03				
115/2003/A	Palestinian Youth	Mufeed Abed Raboo	10/6/03	1/7/03	1/7/03					
116/2003/A	Prisoners and Liberated	Abdel Jawad Saleh	13/7/03	20/7/03	20/7/03					
117/2003/MO	Arafat Fund for Social Care	Cabinet		14/7/03	20/7/03	20/7/03				
118/2003/MO	Amended Standards and Regulations	Cabinet	14/7/03	20/7/03	20/7/03	Pending				
119/2003/MO	Amended for the Amended Industrial Towns	Cabinet	14/7/03	20/7/03	20/7/03	Pending				
120/2003/MO	Agriculture, Industrial and Comers Chambers	Cabinet	8/7/03	18/8/03	18/3/03					
121/2003/MO	Drugs and brain stimulus	Cabinet	3/8/03	18/8/03	18/8/03	10/12/03				
122/2003/L	Insurance	Economic Committee	11/8/03	18/8/03	18/8/03					
123/2003/L	Encouraging competition and Prevent Monopoly	Economic Committee	11/8/03	18/8/03	18/8/03					
124/2003/L	Industrial ownership	Economic Committee	11/8/03	18/8/03	18/8/03					
125/2003/L	Trade	Economic Committee	11/8/03	18/8/03	18/8/03					
126/2003/MO	Amended Civil Services	Cabinet	8/7/03	19/8/03	19/8/03					
127/2003/MO	Amended associations and Civil Society Organization	Cabinet	12/7/03	18/8/03	18/8/03	19/8/03	19/8/03			
128/2003/L	Insurance and Salaries for Security forces	Budget and Interior Committees	17/9/03	2/12/03	2/12/03					
129/2003/MO	Old archeology validity (No.51, 1966)	Cabinet	30/10/03	2/12/03	2/12/03					
130/2003/MO	Post	Cabinet	30/10/03	2/12/03	2/12/03					
131/2003/MO	Forensic Medicine	Cabinet	30/10/03	2/12/03	2/12/03					
132/2003/MO	Notary	Cabinet	30/10/03	2/12/03	2/12/03	30/12/03				
133/2003/MO	High Constitutional Court	Cabinet	30/10/03	2/12/03	2/12/03					
134/2003/MO	Governmental Budget 2004	Cabinet	3/12/03	3/12/03	3/12/03					
135/2003/A	Saving Public Documents	Hatem Abdel Qader	21/12/03	30/12/03	30/12/03					

**Appendix #8**  
**(b) Resolutions published in the Official Gazette after passing 3 readings,**  
**until the end of 2001**

No.	Decree	Gazette #	Pages	Date of publication
1	Decree #5, 1996, Election of Palestinian Local Bodies.	16	6	30/12/1997
2	Decree #1, 1997, Palestinian Local Bodies.	20	5	29/11/1997
3	Decree #2, 1997, Palestinian Monetary Authority.	21	5	31/12/1998
4	Decree #1, 1998, Encouraging Investment.	23	5	08/06/1998
5	Decree #2, 1998, Firearms and Ammunition.	23	28	08/06/1998
6	Decree #3, 1998, Civil Defense.	24	5	01/07/1998
7	Decree #4, 1998, Civil Service.	24	20	01/07/1998
8	Decree #5, 1998, Branding and Controlling Precious Metals.	24	72	01/07/1998
9	Decree #6, 1998, Centers of Reformation and Rehabilitation.	24	87	01/07/1998
10	Decree #10, 1998, Cities and Free Industrial Zones.	27	5	08/12/1998
11	Decree #11, 1998, Higher Education.	27	28	08/12/1998
12	Decree #12, 1998, Public Meetings.	28	6	13/03/1998
13	Decree #1, 1999, Natural Resources.	28	10	13/03/1998
14	Decree #2, 1999, Civil Affairs.	29	6	17/07/1998
15	Decree #9, 1998, General Supplies.			
16	Decree #4, 1999, Rights of Handicapped.	30	36	10/11/1999
17	Decree #8, 1998, Protection of Animal Resources.			
18	Decree #7, 1998, Regulation of General Budget.			
19	Decree #3, 1999, Practice of Law.	30	5	10/11/1999
20	Decree #5, 1999, Amended regulations for the practice of law #3	32	5	29/02/2000
21	Decree #7, 1999, Environment.	32	38	29/02/2000
22	Decree #8, 1999, Tenders for public works.	32	9	29/02/2000
23	Decree #1, 1999, Amendment of law #5 regulating the branding & control of precious elements.	30	46	10/11/1999
24	Decree #1, 2000, Charitable associations & civil organizations.	32	71	29/02/2000
25	Decree #2, 2000, Regulating Commercial Agents.	32	92	29/02/2000
26	Decree #3, 2000, Arbitration.	33	5	30/06/2000
27	Decree #4, 2000, Labor.			
28	Civil and commercial procedure law No. 2 for the year 2001	38	5	5/9/2001
29	Criminal procedure law No. 3, for the year 2001.	38	94	5/9/2001
30	Evidences in civil and commercial articles Law No. 4 for the year 2001	38	226	5/9/2001
31	Civil Courts formation Law No. 5, for the year 2001	38	279	5/9/2001

**Appendix #9**  
**Palestinian Non Governmental Organization Net Work**  
**Steering Committee**

<b>Name</b>	<b>Address</b>	<b>Email</b>	<b>Tel.</b>	<b>Fax</b>
Health, Development, information & Policy Institute	Ramallah	hdip@hdip.org	2980550	2985917
Palestinian Center for consultation	Jerusalem	pcc@palnet.com	6562272	6562271
Addameer Association	Ramallah	addameer@palnet.edu	2960446	2960447
Union for Health Care Committees	Ramallah	uhwc@palnet.com	2407518	2407517
Muwatin Associaton	Ramallah	Muwatin@muwatin.org	2951108	2960285
Education Center form	Ramallah	ednwt@palnet.com	2958460	2958460
Arab Thought Forum	Jerusalem	info@multaqa.org	6289126	6264338
Sirriyit Ramallah	Ramallah	Sirreyeh@palnet.com	2952706	2980583
Al-Haq Palestinian Hydrology	Ramallah	haq@al-haq.org	2956421	2954903
Groop	Ramallah	phgtamimi@hotmail.com	2966315/6	2966319
Besan Center	Jerusalem	bisanrd@palnet.com	2407837/8	2405777
Secratery of Pngo	Ramallah	Pngo@netp-ol.com	2963847	2963848

**Appendix #10**  
**The Palestinian Coalition for Accountability and Integrity - AMAN**

<b>Name</b>	<b>Address</b>	<b>Email</b>	<b>Tel.</b>	<b>Fax</b>
MIFTAH	Jerusalem	Info@miftah.org	5851842	5835184
Al Mezan Center for Humen Rights	Gaza	Mezan@hally.net	08-2453555	08-2453554
Palestinian Council for foreign relations	Gaza	Cfr-pal@hally.net	08-2836617	08-2836627
Paltrade	Ramallah	info@paltrade.org	2959447	2959449
Arab Thought Forum	Jerusalem	info@multaqa.org	6289126	6264338
Muwatin	Alberah	muwatin@muwatin.org	2951108	2960285
Secretary of AMAN	Ramallah	Amanaman-palestine.org	2989506	2989492

**Appendix #11**  
**Civil Committee for Monitoring of Election**

<b>Name</b>	<b>Email</b>	<b>Tel.</b>	<b>Fax</b>
Palestinian Center for Peace and Democracy	pcpd@palnet.com	2965981	2965983
Woman Center for Legal Counseling		2347438	2342172
Muwatin	talebawad@muwatin.org	2407721	2407730
PARC	mansour@pal-arc.org	2963840	2963850
General Union of Palestinian Women	jupw@palnet.com	2407696	2401093
The Arab Studies Society		2343352	2343354
PANORAMA	panorama@panoramacenter.co	2959618	2981824
The Civil Forum	aref@cfip.org	2348020	2348022
Arab Thought Forum	info@multaqa.org	2347129	2347674