



Beyond Islamists & Autocrats

Governance as a Path to Palestinian Political Rejuvenation

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SINCE THE CREATION of the Palestinian Authority (PA) in the mid-1990s, Palestinian politics has been dominated by the Fatah and Hamas movements. Fatah, a secular national liberation movement established in the late 1950s, has held sway over Palestinian politics and institutions since 1968. Hamas, the Palestinian offshoot of the Muslim Brotherhood, was established in 1987 and rose to prominence in the 1990s. The competition between the two blocs turned sharply in 2007, when Hamas, after winning legislative elections in 2006, violently took control of the Gaza Strip. Since then, the contest has widened into a rift, both politically and geographically. Amid this dynamic, alternatives to the autocratic secular Fatah and the equally autocratic Islamist Hamas have struggled—and largely failed—to emerge. Meanwhile, other political parties have been unable to articulate an alternative popular vision for creating a Palestinian state. Palestinian civil society is yet to find the balance between its traditional role as a part of the Palestinian liberation movement and a new role under the PA. Governance reform efforts, while initially successful, have been undermined before they could take deep hold.

A POLITICAL THIRD WAY?

Ostensibly, conditions are ripe for a new Palestinian political movement to rise as an alternative to Fatah and Hamas. Both organizations are confronting internal political challenges. In late 2016, Fatah concluded its seventh General Congress, which strengthened PA president Mahmoud Abbas's grip on the movement but marginalized and alienated significant constituencies within it, especially among its younger members. For its part, Hamas has endured a protracted internal struggle involving its various political and armed components, and the group's fortunes rise or fall with the regional political jockeying of its various benefactors. Additionally, both have failed to govern areas under their respective control in effective, transparent ways and have closed the political space, further turning off the general public.

Results from a poll conducted in late September by the Palestinian Center for Policy and Survey Research (PSR) illustrated public dissatisfaction with the two major blocs. When respondents from the West Bank and Gaza were asked which party they would choose in a prospective parliamentary vote, 32.1 percent indicated Hamas, 36.9 percent indicated Fatah, and, tellingly, 24.1 percent marked "none of the above."

Yet, as evidenced in the 2006 elections for the PA's parliament, the Palestinian Legislative Council (PLC), no political actor has succeeded in uniting this large unde-

cided segment of the Palestinian electorate. The various Marxist “Fronts for the Liberation of Palestine” that populated the Palestinian political scene in the 1970s have withered away with the demise of the Soviet Union, and these secured just five of the PLC’s 132 seats. The two independent lists that ran won just two seats apiece. As the PSR survey suggests, the decade that followed the 2006 elections did not witness a transformation of the political map. The nine parties identified in the survey as alternatives to Hamas and Fatah garnered a total of 6.9 percent among them.

The failure of a new Palestinian political movement to emerge can be explained by a number of factors, some of them generic. Indeed, the Fatah-Hamas dynamic resembles the struggle in many Arab societies between the established authoritarian order and political Islam. On the Palestinian scene, these two forces are well established, possess strong political machinery, and enjoy name recognition. Any newcomer would be at a disadvantage.

The tools used by Hamas and Fatah to maintain their grip on politics likewise resemble those used by other authoritarian regimes. In broad terms, both parties’ control over the institutions of government in their respective areas of rule enables them to use patronage to attract supporters and suppress dissent. Reports by international and Palestinian human rights organizations show that both parties use violence, unlawful arrest, torture, and a weak court system to systematically restrict basic political rights such as freedom of assembly, expression, and the press. While these repressive tools are mainly used by each party against the other, they are also used against independent critics or potential new competitors.

Such problems are daunting in their own right, but politics in Palestine offer an additional challenge to new forces seeking to enter the scene. Unlike sovereign states, where legitimacy is a function of domestic economic, governance, and inclusion of various societal sectors, legitimacy in Palestinian politics has traditionally been closely linked to the ability to articulate a credible path for ending the Israeli occupation and achieving independence. The establishment of the PA and subsequently the Hamas takeover of the Gaza Strip have forced the two movements to confront issues of governance, cor-

ruption, service provision, and economic challenges. Their failure to meet these challenges has weakened their standing, but the issue of liberation continues to be central in Palestinian politics.

Given Hamas and Fatah’s dismal record on the governance front, the space exists for a new political movement to articulate a more compelling governance or economic program. But when it comes to articulating a vision for liberation, the two movements have already claimed the obvious options—namely, diplomacy in the case of Fatah and armed resistance for Hamas—and none of their competitors has put forth an alternative narrative that sufficiently captures the public imagination.

The combination of challenges, whether generic ones facing any newcomer to a well-established political map, ones relating to Hamas and Fatah’s use of traditional means of oppression, or ones specific to the anomaly of governing and engaging in politics in the absence of sovereignty and independence, have lowered prospects for the emergence of effective non-Islamist, nonauthoritarian political forces.

PALESTINIAN CIVIL SOCIETY IN CONTEXT

Given the challenges facing new political forces, civil society is sometimes looked at as a potential incubator for new voices and trends that challenge the Palestinian status quo. Yet Palestinian civil society faces its own limitations.

Palestinians proudly claim a well-established civil society. Some of its components, like the General Union of Palestinian Students (GUPS), trace their origin to the 1920s. In the 1960s, after the establishment of the Palestine Liberation Organization, a number of additional civil society organizations, such as the General Union of Palestinian Women, were created under the PLO umbrella. Also active were numerous trade and labor unions, students associations, and charitable organizations. Many of these, however, were an extension of the political party map and functioned along the patronage and quota systems that characterized much of the bureaucratic history of the PLO. Some, such as GUPS, fostered the development of future political leaders or—

absent other forms of elections—arenas where different factions competed to prove their political weight.

In the 1970s and 1980s, though, a new form of civil society organization sprouted in the occupied territories. After the 1967 Six Day War, Israeli authorities had assumed direct governance functions and service provision in the West Bank and Gaza Strip. Even as Palestinian inhabitants of these areas engaged Israeli authorities, most did so out of necessity, especially in crucial sectors such as health, education, and municipal affairs, while rejecting the legitimacy of Israeli rule. Given this denial of the Israeli occupation's legitimacy, and the limited nature of the services provided by Israeli authorities, civil society organizations started cropping up to fill this vacuum. While providing services to the populace in myriad sectors, including healthcare, agriculture, culture, and human rights, these organizations saw themselves and were seen by the public as central agents in confronting the occupation through the preservation of Palestinian identity and the promotion of *sumud*, or steadfastness.

When the first intifada began in 1987, the role of these organizations became pivotal; along with political movements, they helped mobilize, organize, and provide leaders for the popular uprising. While some of these organizations were loosely affiliated with or dominated by members of political movements, they were largely seen as independent and tightly connected to the grassroots, with all its political diversity. During that period, civil society's standing rose to an extent that some of its leaders started being seen as potential national leaders, a trend that alarmed not only Israeli authorities but also the PLO leadership in the diaspora.

The Oslo peace process, however, begun in the early 1990s, presented a challenge from which Palestinian civil society has yet to recover. Although the resulting Oslo Accords did not end the occupation or bring about an independent, sovereign Palestinian state, they did create protostate institutions. Thus, the establishment of the PA marked the first time Palestinians were governed by their own leaders, albeit via limited self-rule. Whereas, formerly, opposition to Israeli governing structures had offered clarity of purpose, now this clarity dissipated, replaced by complex sets of questions regarding how to relate to the newly established PA and the ever-present,

if reduced, footprint of the Israeli occupation: What was the role of civil society in confronting the occupation now that the Israeli authorities were no longer directly managing a wide array of civil and security issues touching Palestinians' lives? Was it preferable to support the PA's strategy of negotiations and diplomacy or to continue the forms of nonviolent resistance developed during the first Intifada? How should Palestinians relate to the PA, which was seen as a national achievement and a first step toward establishing Palestinian independence but was also marred by corruption and poor governance? How should civil society balance its mission of pursuing good governance and grassroots empowerment with the desire not to undermine the fledgling PA? In the absence of sovereignty, how could a civil society centered on resistance make the transition to being a normal civil society?

These enduring tensions are most vividly illustrated in the Palestinian human rights community. Before the establishment of the PA, Palestinian human rights organizations focused on Israeli human rights violations, thereby serving two purposes: helping Palestinian individuals and communities pursue their rights, and politically mobilizing international pressure on Israel. With the creation of the PA, human rights organizations had to address two fronts: one, continued Israeli human rights violations, though their numbers diminished as Israel handed over certain authorities to the PA; and two, high disregard for human rights demonstrated by the PA itself, in both the West Bank and Gaza, an attribute imported from Arab governments. If Palestinian human rights organizations only focused on Israeli violations, they would be ignoring a sizable portion of their mandate to protect universal human rights and would become irrelevant for the growing number of victims of PA violations. If they focused on violations by the PA, however, they would be seen as undermining or even delegitimizing Palestinian leadership. The PA, of course, exacerbated this dilemma by painting human rights activists calling attention to PA violations as collaborators who wittingly or unwittingly supported anti-Palestinian sentiments. Faced with this conundrum, Palestinian civil society began losing direction and relevance.

This diminishing relevance was reinforced by two trends, the first being PA policies that did not favor civil

society. Upon its establishment, the PA largely marginalized Palestinians from the occupied territories in favor of those longstanding exiled PLO members whose return to the West Bank and Gaza Strip was permitted by the Oslo talks. Partly out of concern over the rising popularity of local leaders, and partly reflecting a natural gravitation by PA leaders toward a familiar group whose loyalty was tried and tested, the PA allotted the greater share of jobs and resources—and therefore power—to the “returnees.” As it consolidated power, the PA began enacting restrictive policies reminiscent of those adopted by other Arab countries aimed at limiting NGOs’ access to foreign funding and their freedom of operation.

Second, the NGOs themselves contributed to their own marginalization, especially in the area of foreign aid. In order to receive this aid, which proliferated after Oslo, Palestinian NGOs became at least as sensitive to donor requirements as they were to the needs of their constituencies. Considerable international funds and donor requirements for reporting and evaluation fostered bureaucratization and a move away from the grassroots qualities that characterized Palestinian civil society in the 1980s. This shift favored larger NGOs, often resulting in the crowding out of smaller initiatives. It also resulted in transparency-related problems, whether accusations of outright corruption or the more subtle concern over funds being diverted from NGO work to political purposes.

While Palestinian NGOs continue today to provide important services to Palestinians, civil society has lost vibrancy for the reasons just outlined. Once a model of pluralism that cultivated leaders with grassroots legitimacy, Palestinian civil society more than two decades after Oslo has become bureaucratized, less able to mobilize the public, and increasingly directionless. To illustrate this point, the Independent Palestine list, headed by veteran civil society leader Mustafa Barghouti, garnered only two seats in the 2006 PLC elections. In the intervening time, and despite recent attempts by emerging civil society actors to address these issues, the picture has not fundamentally changed and civil society has not regained its pre-Oslo standing.

PROSPECTS FOR GOOD GOVERNANCE

The problem of poor governance in the PA was identified shortly after its establishment. Most notably, in 1997 the PLC issued a report detailing instances of corruption within the PA. Yet the overall international and Palestinian focus on peace negotiations in the 1990s kept issues of governance at the margins of international attention. With the collapse of the negotiations in 2000 and the outbreak of the second intifada, the governance issue started receiving more international attention. This attention culminated in 2003 with the publication of the Roadmap for Peace in the Middle East, which called, *inter alia*, for the creation of the post of prime minister and for a slew of reforms, including restructuring of the Palestinian security sector. While some of the reforms suggested in the Roadmap were implemented at that time, the process was hobbled by constant opposition from President Yasser Arafat, who regarded the reforms as measures intended to sideline him.

After Arafat’s death and the election of Mahmoud Abbas to the PA presidency, the governance question finally entered the limelight, brought about in particular by Hamas’s victorious campaign in the 2006 PLC elections, with its rhetorical emphasis on good governance and anticorruption. In the security sector, the perils of poor governance became evident in 2007, when Hamas forcibly took over the Gaza Strip, defeating the larger but ill-coordinated and poorly governed Palestinian security forces.

A combination of the Hamas electoral and security victories along with an international focus on reform, particularly by U.S. president George W. Bush and his administration, created irresistible pressure on the PA. Salam Fayyad, a political independent with a proven reformist track record during his earlier tenure as finance minister, was appointed prime minister in 2007 and embarked on a program of building PA institutions. Under Fayyad’s leadership, reforms, particularly in the security, public finance, and public administration sectors, were striking enough to suggest to international organizations and observers that Palestine was ready for statehood.

Despite these practical successes, Palestinian reform

faced significant political resistance. Hamas was concerned with the prospect of a reconstituted Palestinian security sector that would effectively curtail its activities in the West Bank. And Fatah worried that financial and bureaucratic reforms would threaten its control of the PA, with all its attendant financial and patronage benefits. The two organizations thus worked effectively to undermine the reform process and negatively brand its proponents.

The main vulnerability of those promoting reform was their inability to convince the Palestinian public that it offered a path to ending the occupation. In general, while Palestinians consider issues relating to quality of life and governance important, opinion polls consistently show these to be secondary to matters of liberation. Despite attempts to cast reforms as a step toward independence—Fayyad's reform program was titled *Palestine: Ending the Occupation, Establishing the State*—he was unable, in a way that resonated with the public, to counter the accusation leveled by both Hamas and Fatah that his program amounted to “beautifying the occupation.” According to critics, reforms were simply creating a PA that was more effective in managing Palestinians' daily affairs and the security situation in the West Bank. For its part, Israel did not provide concrete deliverables that would allow reformists to argue reform was producing deoccupation such as curbed Israeli military operation in PA-controlled areas or extended PA authority to additional areas in the West Bank.

Reform, however, was treated as a priority by the international community, particularly the United States at the highest level under President Bush. This robust support was crucial in protecting reform and providing a margin of effectiveness for its proponents, given that the Fatah leadership was not willing to confront an American president heavily invested in reform's success. But this support was not without problems. Reform was closely identified with Fayyad, and was often referred to as “Fayyadism,” exposing the inherent tension between the objective of building institutions *qua* institutions and the need to support individual reformers, even if the latter approach risked personalizing reform as an issue. Indeed, opponents of reform highlighted

American support in order to paint Fayyad as a U.S. implant into Palestinian politics.

When the Obama administration took office in 2009, the focus shifted toward resuming negotiations with the Israelis and away from internal Palestinian reform. Sensing waning international attention to reform, President Abbas replaced Prime Minister Fayyad in 2013.

Although relatively short-lived, Palestinian reform did have a political impact. At a baseline, the prioritization of reform by the international community enabled Palestinian reformists to emerge, with Fayyad the most visible example. Fayyad was also one of a small handful of Palestinian leaders to rise to national prominence without the backing of an established political party. More generally, given Palestinian political stagnation, Fayyad is one of the few new Palestinian leaders to emerge, period, in the last decade, and he remains active on the political scene. In addition, while governance did not displace liberation as the primary focus for the Palestinian public, the reforms themselves improved Palestinians' sense of personal security and their economic prospects. While the long-held negative public perception of the PA was slow to change, opinion polls showed Palestinians gradually improving their perceptions of PA transparency. All these factors helped promote stability in the West Bank and injected new, albeit limited, energy into Palestinian politics.

Against the transformative potential of governance reform, Fayyad's experience also showed its limitations. While opinion surveys indicated public support for reform, this did not translate into political capital or an electoral constituency. In the 2006 PLC elections, the list headed by Fayyad only managed to secure two seats, and polls have shown little change since. Given the threat reform represents to established political actors who benefit from the status quo, emerging Palestinian reformists are especially vulnerable, and their agendas require sustained international support until they can take hold. Unless coupled with a convincing promise that it will provide a path to Palestinian statehood, reform remains insufficient on its own as a platform for a new type of Palestinian politics.

LESSONS FOR U.S. POLICY

Political stagnation, a weakened civil society, and poor governance are creating a combustible situation among Palestinians, a scenario worsened by the crisis of legitimacy facing national political and governing structures. Indeed, institutional weakness could threaten the very viability of the PA. The legitimacy crisis also contributes to a volatile security situation, as witnessed by the wave of individualized terrorist attacks against Israelis since late 2015. Eventually, such volatility could erupt in ways that affect U.S. interests and policy objectives. Yet Washington can only influence the state of affairs among Palestinians on certain fronts.

When it comes to rejuvenating political parties, there is little the United States can do directly. Hamas is a terrorist organization that Washington cannot and should not engage. Stagnation within Fatah, meanwhile, owes not only to a lack of skill or professionalism within its ranks—issues that can be addressed through U.S. technical assistance—but also to a lack of political will to rejuvenate. Indeed, President Abbas has been consistently tightening his grip on the movement and regards doing so as an existential matter. For Abbas and other Fatah leaders, the political calculus behind various actions is highly local and, as such, not amenable to U.S. influence.

Short of direct intervention in the minutiae of Palestinian politics, however, the United States can pay more attention to undemocratic policies and actions by the PA. Calling out PA violations of human rights and political freedoms, and attaching a cost to such violations, will help create an environment in which new political voices can emerge. Additionally, the United States should continue to engage with neighboring regional allies that have greater influence on and understanding of Palestinian domestic politics, particularly Jordan and Egypt, to gain deeper insight into these countries' concerns and potentially support measures they may be willing to undertake to encourage Palestinian leaders to reinvigorate their political structures.

Similarly, with civil society, the fundamental ques-

tions on overcoming impediments to change can only be answered by the Palestinians themselves. Recognizing this limitation, Washington can take certain steps to maintain the viability of this sector. In addition to direct support to NGOs providing valuable services to the public, the United States can push back against PA policies intended to constrain civil society before such policies take deep hold. As demonstrated by successful recent European pushback against attempts by the PA to penalize and coerce NGOs, external pressure can effectively convince the PA to reverse such measures. But just as efforts must be in place to protect civil society, measures are needed to ensure that support for NGOs is transparent and used as intended.

The area in which the United States can be most effective is governance reform. Under the Bush administration, U.S. policy demonstrated compellingly that a sustained U.S. commitment to reform, in addition to improving the effectiveness, legitimacy, and stability of PA institutions, can empower reformers and facilitate their rise into national politics. But for such a policy to succeed, it needs to have support from senior quarters in the U.S. administration, be sustained in order to protect reforms and reformers when the process is most vulnerable, and be accompanied by deliverables that enable reformers to argue convincingly that their efforts are contributing to Palestinian independence.

Traditionally, U.S. policy toward Palestinians focused on negotiations—and rightly so, since Palestinian-Israeli peace can only be achieved through U.S.-led diplomacy. Yet the stagnation of Palestinian politics and the growing lack of legitimacy of Palestinian political structures and governance institutions deeply impede the Palestinians' ability to conclude a conflict-ending peace deal, and present risks of their own. Whether in the context of active negotiations or—as seems likely in the foreseeable future—in the absence thereof, addressing Palestinian politics, particularly in the area of governance, where Washington can be most effective, can help advance U.S. values, create conditions for reformers to emerge, bring about stability, and improve the prospects for peace.

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