

A New Opportunity For Peace

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Arafat's legacy, built during forty years was strong enough to resist immediate changes in the aftermath of the death of the founder of the Palestinian Authority, chairman Arafat. Despite the election of Mahmoud Abbas (Abu Mazen) to the top PA position, he was simply seen by many as the continuation of the same legacy. Such assumption pre-empted most of his potential strategies and forced president Abbas to be more careful in implementing his intended changes in a secured atmosphere.

While Arafat personally, was not considered a corrupted leader, he developed a corrupted system to facilitate his work and vision, by corrupting his immediate associates and enforcing a blackmail policy as the background to his relationship with most of them. Power centred among Arafat associates, both civilian and military, impeded the development of a post Arafat reform process within an accepted normal pace and forced Abbas to forge alliances with some of these groups against others within the PA and Fatah movement, in order to proceed solemnly with his vision of government. Basically, Abbas was operating in three levels, each one feeding the next in a complete circle of national priorities. The first was reorganizing the governing party, Fatah and pushing for possible internal reforms to transfer the party from being an impediment actor to promoter of changes and from crisis-stricken organization to a catalyst body helping to introduce reform and good governance. Any achievement at this level will directly facilitate his dialogue with the opposition groups and particularly with Hamas and Islamic Jihad. His aim is to achieve a permanent cease-fire among the different Palestinian factions and to sell it to the Israelis for potential mutual agree-

ment on security, stability and resumption of negotiations. Successes with the opposition will translate itself into successes with Fatah and any success with both will increase his credibility among the Israeli side and the international community.

Abbas maintains a clear personal strategy focused mainly on getting rid of Arafat's legacy and men, through time and patience and he has the right like any other elected leader to do that. He needs time badly, which is a scarce commodity in the region, in order to make the slow changes required according to his own strategy, including the restructuring of the decision-making process and also regarding decision makers, while knowing that the pressure been put on him by Sharon is preventing the achievement of the expected results. Abbas believes that in order to implement his vision successfully, he needs to replace the corrupted military generals, later to change the corrupted Fatah leaders and then to develop new alliances which not necessary are based on Fatah party lines. He is a genuine revolutionary in the passive sense.

Arafat's legacy is being replaced slowly by a dynamic process of loose leadership, with a shy, less vocal and less charismatic leader. Abbas is striving to stay within the category of democratically elected president away from being seen as a leader, since he believes that leadership is something he must earn over the years and not to inherit from within the system. Abu Mazen (Mahmoud Abbas) intends to build a post Arafat era free from Arafat's' domination, approach, men, system and philosophy. He wants to reach a level where people will demand change from him and that he will simply act on it and where law and order will be the symbol of government. He is introducing almost everything that Arafat refused to introduce and he is doing exactly everything the opposite to what Arafat used to do, setting up not only a huge space between the two in terms of style and philosophical

interpretation of governance, but also in judging results. The phasing out of the strong Arafat legacy is evident for all observers, but its pace is very slow due to the strong internal resistance among the numerous potential losers who are becoming strong spoilers to badly needed reform.

The introduction of the military retirement law was intended to avoid possible confrontations with the sacked generals, by offering them generous retirement with symbolic new assignments as advisors to the president. Bringing the second tier of officers into the leadership provides Abbas, in difficult times, with a new and strong allegiance among the military. This offers him an opportunity to handle the other pending issues more forcefully if required, especially dealing with the militias of the different operating Palestinian factions, including his own party, Fatah. Success in such move will offer him an advantage over the endless demands from the religious opposition factions. Building an official military capacity will facilitate his negotiation capabilities with both Hamas and Islamic Jihad and help him modify positively the terms of discussion between them. On the other hand, organizing the long awaited Fatah general conference this year, after a delay of more than 15 years, will reinvigorate the party and allow for the rejuvenation of its leadership to reflect the image of its ranks and files. Introducing internal party democratic reform will certainly produce a new leadership for Fatah, with a complete restructuring of its decision-making bodies, thus directly influencing and altering the names of Fatah candidates for the legislative elections. Primaries or internal party elections will constitute the basis for electing the party leadership, not only within the new Fatah, but also among the rest of the Palestinian political parties. Marwan Barguthi had an open-ended internal quarrel with the late Palestinian president, as a result from his intentions to go ahead with party primaries and internal participatory democracy. This was against the wishes of Arafat, who wanted a tailor made selection process, according to his needs and based on the level of allegiance of the expected candidates. The proposed Fatah conference is not only a face-lifting exercise, but a complete restructuring mechanism, moving from an inherited system into a new one, with names of new people and probably a new name for the party. Another important policy element, which was clearly adopted by Abbas, concerned rebuilding Palestine's damaged credibility and deteriorated image, as well as its inconsistent commitment to agreements and

leadership behaviour. Such change required movement on parallel tracks, (1) locally with the Palestinian people, by offering them incremental and positive change in their livelihoods and increasing hopes for their future; (2) with the Israeli leadership, by showing a readiness to combat violence against innocent Jewish targets. This includes the readiness to respond militarily, if necessary, to the increasing threat to Palestinian stability and security initiated by possible violent and disrupting acts, from organizations like Hamas and Jihad; (3) with the international community and in particular the USA and the EU regarding the PA's commitment to signed agreements and its readiness to fulfil its obligations to agreements. Abbas has shown, since he has been elected as president of the PA in 9th January 2005, an unequivocal commitment to peace, a clear position against the militarization of the Intifada and a willingness to implement all the pending reform measures within the administrative structures of the PA, with both the civilian and the military aspects.

The post Arafat era is earmarked with the name of Mahmoud Abbas and can not yet be seen in another context. The local Palestinian scene can not provide any other options for the time being and Abbas is considered as the best available option. He tried to draw lines to differentiate himself from Arafat, when he was appointed as prime minister and was later forced to resign, in protest to the direct interference of the late president. People hailed such rare and courageous action that was seen as a necessary foundation for a future role. His sincere character, commitment to life and devotion to peace, through his belief in the future, are shaping the style of government and through it the image of Palestine.

Local achievements are irrelevant if not supported by outside action and in particular from Israel and the US administration. President Bush is showing no intention to provide the Palestinian leader with a letter of commitment, like the one given to the Israeli Prime Minister Sharon, thus reducing his actions to symbolic ones with minimum relevancy. Since his election in January, President Abbas has been able to reach an agreement with the opposition and to halt violence and attacks against Israeli targets, yet there has not been any official recognition by the US or the Israeli governments. Instead they have been demanding more from him, without offering anything in exchange. Sharon has been able to sell his unilateral disengagement plan to the Americans and to replace the universally accepted Road Map, successfully tur-

ning the pressure again on the Palestinians in order to facilitate the smooth implementation of the plan. What is required here is not cooperation and joint implementation, rather facilitation to provide the needed security measures and actions during the Israeli implementation of the plan. If Abbas refuses to cooperate he will be criticized by the US administration and if he cooperates then he will lose credibility among his people.

While Abbas wants to proceed with the implementation of the Road Map and he only accepts to see the disengagement plan as part of it, he intends to move quickly to negotiate over the final status issues. While fulfilling all Palestinian requirements, still Sharon has different plans. The majority of the Israeli public, including the elite, are convinced that Sharon intends to use his disengagement plan from Gaza to increase his grip of power and control over the West Bank. This would annex the major blocks of settlements in Israel, while keeping the remaining territory for the Palestinians and for a future Palestinian state with less than 50% and only connected through transportation links operated by Israeli soldiers and opened or closed according to Israeli interests. While the disengagement is carried out in Gaza and the isolated four settlements in the north of West Bank, Israel continues building the wall in the West Bank, isolating Jerusalem by expanding the illegal Ma'aleh Adomim settlement block. This will have the effect of disconnecting the north of the West Bank from its south and the E-1 Road is evidence of that. While Abbas wants direct negotiations and to reach an end to the conflict, Sharon wants to manage the conflict and to postpone any negotiations indefinitely. He has already started an incitement campaign against Abbas, by blaming him for things that he has never done, intending to arrive at a stage where he will declare Abbas irrelevant (like he did with Arafat) and to announce that there is no Palestinian credible partner (like he did during Arafat), with the intention of avoiding any international pressure to dismantle further settlements or to accept the establishment of a sovereign Palestinian state with Jerusalem as capital based on 67 borders.

Keeping this option alive has not been denied by Sharon and has even been confirmed in interviews

with major Israeli newspapers, prior to the Pesah holidays in April 2005, thus planting the seeds to force the total collapse of the Abbas government. This would then open up the way for a further radicalization of the Palestinians, both within Fatah ranks or within Hamas. The Israeli leadership has been publicly promoting that the only futuristic scenario is based on their unilateral actions in Palestinian territories and are advocating open Israeli full scale actions, as a response to any possible reactions from the Palestinians. According to Israeli reports based on an official declaration, when the Israeli government completes the building of the wall, the annexation of the major settlement blocks in Israeli, the Jerusalem envelop including the expansion of Ma'aleh Adomim and the E-1 route, which will turn Gaza into a big prison and divide the remaining parts of the West Bank into cantons connected through transportation links, they expect the Abbas government to fall under domestic pressure and for chaos to reign instead. They forecast the immediate disruption of the third Intifada and greater coordination between Fatah and Hamas. Israel will then be ready to handle it fiercely and effectively and to once more blame the Palestinians for wasting another opportunity to reach peace with Israel, intending to expose the Palestinian true face of hatred through acts of terrorism. Such a bleak picture has been circulated among most observers and analysts and reflects the expected performance leading up to the initiation of the Third Intifada. A new opportunity has opened up with the death of Arafat and the election of Abbas as president of the Palestinian Authority, although no real action has been taken by Israel, the US or the Quartet to take advantage of it. Time is moving quickly and there has not been the slightest reaction to the real changes taking place in Palestine. This might force the Palestinians to rethink their own strategy, based on the recent failures. Sharon is pushing for such a conclusion, in order to serve his own long term interests and the Palestinians have not found any other option in order to avoid such an outcome. Bloody confrontation could probably paint the next picture and disaster might loom again in the area, before it spreads further. Third party intervention will become the focal point of the post-Arafat era.

SEPARATION WALL

July 2003: the Israeli Minister of Defence announced the completion of the first stage of construction of the wall, which is 180 km long. Construction began in June 2002 and entailed the expropriation of land, following approval by the Council of Ministers for the building of half of the total length of a security fence, planned to be 350 km.

1st October 2003: the Israeli Government approved the route for the second stage of the wall, which would in the end cover 195 additional km. In contrast to the first stage, the second section of the wall would in some cases be built up to 20 km inside the West Bank, so that various settlements would thus be inside the Israeli zone.

8th December 2003: the United Nations General Assembly adopted a resolution asking the International Court of Justice in The Hague to rule on the legality of the construction of a wall in the Occupied Palestinian Territory.

12th February 2004: the Israeli Government decided not to appear before the International Court of Justice in The Hague.

23rd February 2004: the International Court of Justice in The Hague began deliberations concerning the legality of the construction of the wall.

26th February 2004: residents of various villages northeast of Jerusalem, including Beit Sourik, brought a case before the Israeli Supreme Court opposing the separation barrier's route in their areas.

15th April 2004: the United Nations Commission on Human Rights adopted a resolution calling upon Israel to destroy the wall and put an end to its settlements policy.

30th June 2004: the Israeli Supreme Court ordered the route of the separation wall to be changed to reduce the damage which it might cause to the population in the area. In their ruling, the three judges stated that the wall's route had caused great injury to the local people and that the state had to find an alternative which, although it might offer less security, reduced the damage caused to the people in the area. The wall would thus pass closer to the so-called Green Line, between the West Bank and Israel. In the Court's judgment, 30 of the 40 kilometres of the wall to which the court petition referred were illegal and the state was obliged to change the route, since the wall was interfering with the daily life of 35,000 people who lived in that area and was separating them from their farms, schools and workplaces.

9th July 2004: the International Court of Justice in The Hague published its report on the wall in the West Bank, declaring it illegal.

Advisory opinion by the International Court of Justice concerning the legal consequences of the construction of a wall in the Occupied Palestinian Territory

In its advisory opinion delivered to the Secretary-General of the UN, the International Court of Justice concerned itself solely with the section which is constructed in Palestinian territory, under the division between the two states indicated by the Green Line.

In its decision, the Court states, by a vote of 14 to 1 that the construction of the wall by Israel in Palestinian territory is contrary to international law. The Court also considers that the construction of the wall is a breach of the Fourth Geneva Convention relative to the protection of civilian persons in time of war, of 1949.

Israel is thus under an obligation to terminate its breaches of international law and to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto. Moreover Israel is under an obligation to make reparation for all damage caused by construction of the wall in the Occupied Palestinian Territory.

In spite of the fact that the decision is only advisory, not binding, the Court considers that the United Nations, and in particular the General Assembly and the Security Council, ought to consider what further action is required to put an end to the illegal situation resulting from the construction of the wall.

http://www.icj-cij.org/icjwww/idocket/imwp/imwp_advisory_opinion/imwp_advisory_opinion_20040709.htm

More information:

Resolution of the United Nations Commission on Human Rights: "Question of the violation of human rights in the occupied Arab territories, including Palestine."

http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-2004-10.doc

Judgment of 30th June by the Israeli Supreme Court.

<http://elyon1.court.gov.il/eng/verdict/framesetSrch.html>

Israel's Ministry of Foreign Affairs, information on the wall.

<http://securityfence.mfa.gov.il/>

B'Tselem.

www.btselem.org