




The Palestinian-Israeli Declaration of Principles

Proceedings of Birzeit University's Seminar
December 17, 1993

Edited by:

Ibrahim Abu-Lughod and Ziad Abu-Amr

Roger Heacock



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PREFACE

On December 17, 1993 Birzeit University convened a one-day seminar to address the issue of the implications of the Declaration of Principles signed by Mr. Arafat on behalf of the Palestine Liberation Organization and Prime Minister Rabin on behalf of Israel. A faculty committee composed of Professors Ziad Abu-Amr, Roger Heacock and myself invited a number of distinguished members of the faculty at Palestinian universities as well as other specialists and public figures to participate in the seminar. This monograph contains the text of each presentation.

It should be pointed out that the presentations were delivered in Arabic and the full text of both the presentation and the discussion that ensued were published by Birzeit University's Center for Research and Documentation under the title *I'lan al-Mabadi' al-Filastini al-Israeli: Afaq al-Hader wal-Mustaqbal* (Birzeit University Press, 1994). The conveners of the Seminar, responding to the favorable reaction to the discussions and the publication, decided to make this translation available to an English reading public in order to familiarize them with Palestinian perspectives on the Declaration of Principles. In case any ambiguity should arise out of the English texts, please refer to the only authoritative version of the authors' presentations that are published in Arabic. At the same time, the editors take full responsibility for the translation.

It is my pleasure to express the Committee's appreciation to the participants who made their presentations available, to the discussants of the papers and to those faculty members who chaired the panel discussions.

We are also grateful to the Friedrich Ebert Foundation (Bonn, Germany) which financed the Seminar as well as this publication, and to its representative in East Jerusalem, Dr. Andrae Gaerber.

Ibrahim Abu-Lughod



THE PALESTINIAN-ISRAELI DECLARATION OF PRINCIPLES

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INTRODUCTORY REMARKS

Dr. Hanna Nasir

President of Birzeit University

Birzeit University is pleased to welcome you all to this study day on the Palestinian - Israeli Declaration of Principles. This is a subject of predominant concern for Palestinians right now. Varying opinions and evaluations of the DOP proliferate and it is therefore the responsibility of academic institutions to provide a forum for balanced, in-depth debate on a subject which will have such a profound impact on our lives and our political and social future. Birzeit University has held a number of discussions this year on current political events; it is our view that true democratic work can only be strengthened by encouraging constructive debate, among students in particular, and within the society as a whole. There is no doubt that the DOP is an important historic event and a significant turning point in Palestinian political history that cannot be ignored.

Irrespective of the different positions that have been expressed on the DOP, I feel that those who support the agreement are not unyielding in their support as they are well aware that the agreement only allows for some gains, that it is in fact a small window through which to obtain some Palestinian rights. Rather than rejoicing about the DOP, they are trying to deal with it on the basis that it is the only agreement which was possible under the present circumstances. As for those opposing the DOP, I feel that they too are not unyielding in their opposition, since they realize that the possibility of achieving other gains was not readily available under the current circumstances.

I believe that the slogans on walls and the lectures and speeches are more hardline than the internal reality of respective factions; we must bear in mind that both supporters and opponents of the DOP agree on one thing - the nightmare of occupation must end. As I have stated on more than one occasion, I am sure that the opponents of the DOP will

support the peace accord if it brings an end to occupation and similarly the supporters of the DOP will be leading the struggle should the peace accord fail.

Unquestionably, the accord is faltering because of Israeli obstinacy, something that was not unexpected. The question to be answered is how Palestinians can respond to this obstinacy. What advantages do we have on our side? Do we possess any means of applying pressure?

There exist a number of leverage points, which must be used wisely and strategically in order to counter Israeli obstinacy. We must realize that Israel's objective within the current accord is the opening of Arab markets and trade, exchange and normalization of relations with Arab states. This will be difficult to achieve without the blessing of the Palestinians, and therefore we must strengthen the Palestinian-Arab dimension so as not to lose the opportunity of maximizing the possible gains made available through the DOP. I do not feel that the Palestinians are fulfilling their potential in the development of Palestinian - Arab relations.

We must apply pressure by suspending the negotiations now and again. For example, it is unthinkable to remain in the negotiations when there are checkpoints blocking the entrances to Jerusalem. These checkpoints are not the security checks claimed by the Israelis, but rather political roadblocks, the desired goal of which is to affirm to the world and to the Palestinians that Jerusalem is "*the eternal capital of Israel*". Since the international community has consistently rejected this claim (and a resolution was recently passed by the United Nations on the inadmissibility of the annexation of Jerusalem), it is not unreasonable for Palestinians to apply pressure for the removal of these checkpoints by suspending negotiations. The international community will side with us on this issue.

The most important and powerful card in our hand, and one which must never under any circumstances be surrendered, is that of national unity. National unity does not mean a stifling of the opposition, but

rather its acceptance within the general understanding of democracy. National unity demands from each individual and every group respect for the opinions of others and an assumption of their sincerity and honest intentions, differences of principles and conclusions notwithstanding. The Palestinian leadership – supporters and opposition alike - has not given enough attention to this subject. The importance of national unity is such that I would question the benefit of achieving an independent state if it has lost the concept of national unity; there are numerous examples among newly independent countries of the inherent dangers of such a situation.

These are just some of the advantages Palestinians hold in the negotiation process. However, I have not addressed the problematic issues facing us, such as Jerusalem, settlements, the right of return, detainees and prisoners, among other things. These issues will, no doubt, be addressed in later sessions. Therefore, I invite you all to participate fully in discussions with today's experts and I would like to take the opportunity once again to welcome you to Birzeit University.

SESSION ONE:
THE NATURE,
PERSPECTIVES
AND IMPORTANCE OF
THE DECLARATION OF PRINCIPLES

Panel chaired by Ms. Islah Jad

AN EXAMINATION OF
THE FUTURE PALESTINIAN POLITICAL SYSTEM
IN LIGHT OF
HISTORICAL PALESTINIAN POLITICAL
EXPERIENCE

*Presentation by Dr. Ibrahim Abu-Lughod
Professor of Political Science and Vice President
Birzeit University*

I believe that the adjective "*oppressive*" is the one most frequently used to depict the kind of political system to be established in Palestine once the PNA assumes authority in Gaza/Jericho. It is openly stated by significant segments of the public that once Mr. Arafat, accompanied by the Palestinian police/army, arrives they will proceed to implement a political system which is authoritarian and will employ measures that are clearly repressive. On the other hand and simultaneously, an alternative projection is put forth by Palestinians and on occasion cited by sympathetic foreign "experts"; this would accept the premise that Palestinians, historically and experientially, have been less conservative than others in the region, are well educated and because of the absence of an independent national political system and spatial and geographic fragmentation have been much more politicized and participatory in their national politics of liberation. Taking this projection into account the proponents of this view conclude that the political system that will be established in Gaza/Jericho and later on in the West Bank as well will in fact be a democratic one unlike those systems prevailing in the surrounding region.

Clearly these two views reflect an ongoing struggle in the Palestinian "*polity*" noted in the national debate as well as by foreign observers. David Hirst, the well known British journalist, published an article in

the Guardian on the 12th of December, 1993 in which he analyzed the debate on the future political system then taking place among the Palestinian leadership in Tunis. He pointed out quite lucidly that both active opponents of Mr. Arafat and his critical supporters within the leadership have been quite insistent in their demands for reform in the decision-making process. They wish to ease the burden of his power and alter his autocratic style of leadership. In its response to these demands, the Executive Committee of the PLO introduced some changes in the conduct of the negotiating delegation/committees intended to place constraints on Mr. Arafat's control over them; then the Executive Committee began the process of "constitution -making" to guide the forthcoming Palestinian National Authority to insure adherence to democratic principles, pluralism, respect for human rights, and involving the "national institutions" in situ (West Bank and Gaza). Hirst further stated that people are anxious that the process of constitution-making be rapid so that it will be ready when the National Authority is in place; otherwise there is concern that the PNA will develop along the lines of traditional Arab authority systems headed by Mr. Arafat and assisted by his cronies, and aids who are known to be corrupt and fully subservient to Mr. Arafat. The projected constitution drawn up by a PLO-appointed Committee which does affirm the principle of democratic pluralism has not been published thus far.

These are then the two and obviously contradictory expectations: one that brings forth a repressive political system and the other that will usher in a constitutionally based democratic system. Our task now is to examine whether there is any historical base for the possible emergence of a democratic system in Palestine.

We are aware that neither in the near nor in the distant Palestinian past did the Palestinian people participate in establishing a political system that governed the country. Nor did the Palestinians live in a constitutionally based system that respected human and civil rights of the citizens or that imposed specific limits on the governing authority.

Historically Palestinians did not engage in national political elections although they did participate in more limited elections, for municipalities, trade unions and other civil institutions. But it is also true that Palestinians have been highly politicized and did participate in politics of opposition or national mobilization.

In that sense there is considerable political experience that will inform the emerging political system. At this point it is useful to point out some of the major characteristics of the quasi-political systems which Palestinians have fashioned in the past and in which they functioned.

The British Mandate imposed a colonial political system in Palestine which also was intended to facilitate the establishment of a "Jewish National Home". The system was conceived outside and was imposed on the Palestinians. The political response took the form of a nationalist movement (*al Harakah al-Wataniyyah*). The movement was clearly multi-party based, it was specifically opposed to the imposition of colonial control and to the Zionist movement and sought independence. It had a mobilizing character and sought the establishment of an alternative political system. Be that as it may be, the leadership of the nationalist movement did reflect the social structure of the country: political power was exercised by an elite whose bases were socio-economic. Historians have dubbed this kind of political class as the *'Ayan* who did actually exercise political hegemony even in the national movement that sought independence. Clearly this class did not assume its hegemony by a democratic process nor by a popular vote of the electorate. But in part because it espoused national objectives, it did receive considerable support from the population at large.

Following the 1948 disaster the Palestinians were fragmented and thus political experience became similarly fragmented. Those who remained in Palestine and became citizens of Israel did have a constrained opportunity to participate in a political system not of their own choosing or formation; nevertheless and over time they did acquire important and political experience relevant to the formation of

a democratic political system. Those who were in the Jordanian annexed West Bank did participate in Jordan's political system but did so under the constrained conditions of a somewhat authoritarian political system and did so not as Palestinians but as Jordanians. Again they participated in a political system which they did not fashion. Only in the Gaza Strip was it possible for Palestinians at some point to form a quasi political system in the early sixties when they created a Legislative Council whose membership was in part elected, in part appointed. It certainly reflected successful coalition formation.

In the diaspora, Palestinians participating in political activity did so within the framework of national parties in various countries, such as the Ba'ath Party, the Arab Nationalists, Nasserites, the National Social Syrian Party (Parti Populaire Syrien), and others. But, generally speaking, Palestinians did not in fact participate in Arab political systems, because they lacked citizenship and the rights that accompany citizenship.

Over time, the Palestinian political experience was that of the diaspora; it was embodied in the PLO, particularly when political-military factions took over the leadership of the organization. The leadership in the diaspora relied on economic, social and material bases differing from those of the traditional Palestinian leadership (whether supporters - *majlisiyoun* - or opposition). Groups in exile also differ from the popular factions participating in politics in the West Bank and Israel. The diaspora political movements emerged from the lower bourgeoisie and were established within a wider Arab framework, but with a Palestinian character. The organization was created and led in clearly defined ways that were also practiced by the traditional Palestinian leadership.

Palestinian political activity in the era of the PLO's predominance, which has lasted now for more than a quarter of a century, relies on the principle of alliances and coalitions among the political-military factions. There is an acceptance of the rules of the political "game", a

mixture of the democratic process, as represented by elections within unions and in factions, and a system of appointments and coalition-building to reach the Palestine National Council (PNC). The PNC represents Palestinian legitimacy in the legislative branch and holds "elections" for membership in the Executive Committee and Central Council. I would summarize the situation as follows: we live within the context of an Arab society and Arab nation which combines elements of the traditional and modern, and is not characterized by a demand for democracy in everyday life. Consequently, from the home and family to school and workplace, to university offices, repression is ever present in our society. In every part of our lives, we mix progress with tradition; we have not yet reached a consensus - socially, politically or constitutionally - about the system that should be established and on which we should base our laws.

The current political system is based on a constitution which limits the powers of the judicial, executive and legislative branches and clarifies the nature of the relationship between a citizen's rights and the duties of every individual or group. But the Palestinians have never seen a constitution in their lives! We have a number of principles embodied in the Palestine National Charter, in the clearly delineated constitution which came out of the legislative council in Gaza during the Egyptian era, and in the 1988 Palestinian Declaration of Independence. General principles are perhaps a good thing, perhaps a step forward, and will possibly translate into what we hope to have in the future, but they alone are not a constitution. Even now, for example, there is no constitutional definition of a Palestinian. The National Charter defines a Palestinian as a person born in Palestine or whose father was born in Palestine. However, what this means is that a person born to a Palestinian mother and an Iraqi father is not considered a Palestinian, and despite knowing this, for a variety of reasons we have never dared amend this article of the Charter. In this, we are following the pattern of other Arab countries, which tie citizenship to descent on the father's side.

There is good reason for the fears reported by David Hirst. The source of these fears lies not only in the practices of the leadership but also in those of the society itself. Our society's social and political experience and customs are a mix of traditional and modern. Both the long Palestinian political experience and the opportunity which may soon present itself to us will be reflected in the political system which will rule this country, beginning with the autonomy phase.

I am surprised that in evaluating the future system, some people expect that it will be authoritarian, when we have stated principles which, if implemented and developed, should establish a sound democratic system. We have not participated in any debate about the system - these are principles that have not been translated into text or practice. We do not know what the reality of the future system will be, but we judge it in advance.

In my opinion, the future political system will contain elements of all of the various political experiences and the social context in which we live, and will express the aspirations we hold of a "melting pot", a national re-weaving. The fabric of Palestinian life was torn apart in 1948, again in 1967, and yet again during the war in Lebanon. A sole Palestinian society, sharing common orientations and experiences, in fact does not exist; rather, there are many communities, each with different experiences, all of which must be molded together within the framework of a single society.

In looking to the political future, we must realize that what we create today, what we demand today, what we define today, and all that we expect for the future, will enable us to formulate the Palestinian political system. This does not mean that one group will be able to monopolize the formation process. Events at Birzeit University are an important indicator of what is happening in the society as a whole. Palestinian society is not tied by the hands, but rather has a rich experience in political work and coexistence, numerous intellectual alternatives, and different methods of working, and has struggled for national liberation, including through the PLO, the intifada, and

resistance to occupation. The Declaration of Independence, in its principles and commitments, expresses the fruits of these experiences. Thus, if the present has been influenced by that which preceded it, then the future will also benefit from the past and the present. We must expect that our faith will be justified through the ability of the people to translate their visions into reality, in an organized manner, within the framework of their rich political history, because it is the people who will decide and participate in the creation of a future political system and who will draw up the appropriate constitution as a solid basis for a progressive society which allows for political participation, justice and freedom. ■

A CRITICAL ANALYSIS OF THE DECLARATION OF PRINCIPLES AND ITS FUTURE

Presentation by Dr. Ali Jarbawi
Associate Professor of Political Science
Birzeit University

Rather than delving into the details of the DOP or an analysis of its content, since others have already done this, I would like to touch upon four main factors which will have a fundamental impact on the possibilities for future implementation of the accord.

1. *The DOP lacks consistency.* It is based on a group of constant elements and a group of variable elements. The constants arise from a set of basic principles while the variables come from a set of practical steps. In view of the fact that Israel's "*state of being*" is based on Israel's existence being a given and not a subject of discussion, the basic principles of the DOP favor Israel's interests. The Palestinian "*state of being*", on the other hand, is a variable, in that according to the agreement the Palestinian entity will be subject to negotiations to decide on its final status. The practical steps on the ground, rather than basic principles, will decide the course of the Palestinian path. In short, the DOP can be summarized as a *Palestinian Declaration of Principles towards Israel* and an *Israeli Declaration of Means of Proceeding towards the Palestinians*. This is a key point of which we must be aware; we cannot ignore its subordination in discussions on the possibilities of implementing the DOP in the future.

Let us clarify by noting that, in the DOP, the Palestinians are committed to the following four main principles:

- recognition of the legitimacy of Israel's presence, but over and above that, making its stability and security a Palestinian

responsibility. This fulfillment of Israel's ambition could be compared in importance to the significance of the Balfour Declaration to the Zionist movement;

- acceptance of the transformation of the Palestinian cause from a conflict with fundamental international dimensions, to be resolved according to international laws, into a local dispute between two parties, the solution of which is to be explored on the basis of shared arbitration and equality between the two disputing parties. The DOP provides for an arbitration committee with equal Israeli and Palestinian membership, and any conflict must be resolved within the framework of this committee. Within the limitations of the DOP's provisions, it will be impossible at any future point to return the Palestinian cause and the Palestinian-Israeli conflict to the forum of the United Nations or even to that of an international peace conference;
- acceptance of Israel's equal participation in Palestinian self-determination. After the signing of the DOP, the *Occupied Territories* became *Contested Territories*, and discussions regarding their status are to take place in the final stage of negotiations. Thus, the occupation by force of the lands of others became instead a legal presence and Israel now has equal right along with Palestinians to determine the future of these territories;
- acceptance of the normalization of Israel's presence in the Arab world by the formation of numerous joint committees, particularly in the economic arena.

In return for a Palestinian commitment to the DOP, Israel succeeded in evading any obligation to those demands which had always been fundamental in defining the Palestinian position. The DOP lacks any reference to Palestinian national rights: the expression "national rights" does not appear in the document and, in fact, is replaced - for Palestinians - with "political rights" only. Final determination of fundamental issues such as Jerusalem, settlements and refugees, among others, is left to the future. Then too, the agreement does not

ensure the development of the transitional phase so as ultimately to reach national liberation. The linkage between the two stages, a subject which has intensified in importance and vehemence over the last two years of negotiations, is completely absent from the DOP and is not guaranteed. Finally, the DOP describes a set of steps - elections, committees, various bodies - which grant defined, limited responsibilities to the Palestinians only in specific spheres. Moreover, within this framework, the Palestinian authority has only limited control since it is allowed no role in key areas such as external security, external relations, and authority over Israelis and settlers living in the autonomous regions.

To conclude this discussion of the first important factor, I would emphasize my firm belief that the DOP, despite its lack of coherence in structure and approach, would have been more widely and warmly accepted among Palestinians if it had included a commitment to maintain the status of Israeli settlers in the Occupied Territories, throughout the transitional phase, at the level it was at on the day of the signing of the DOP. The transition period is to last for five years, and in this time the Israelis will have the opportunity to continue creating "facts on the ground" in the Occupied Territories to serve their own interests. Since it is not within the power of the Palestinians to stop the deterioration of the situation, after five years of reality as defined by Israeli plans and objectives, Palestinians will have to accept whatever Israel allows them. Events on the ground since the signing of the DOP, particularly in the West Bank - the two settlements of Beit El and Shilo on the Ramallah/Nablus road are obvious examples among many - clearly show the expansion of settlements and seizure of land, and the rapid intensification of the Judaization of Jerusalem and its suburbs. Inasmuch as the DOP does not include a freeze on Israeli activity in the Occupied Territories during the interim period, it is a foregone conclusion that the Palestinians will lose out on those essential issues on which discussion is to be postponed for three years.

2. The DOP in a sense freed Israel from the moral pressure of the conflict and opened doors for it in the international arena, and at the same time ended what moral and ethical influence the Palestinians had previously held in the international arena. The two sides became "normal" parties in an "ordinary" conflict without any unique characteristics or any essential moral elements with international dimensions. After the signing of the DOP, the international community considered the Israeli-Palestinian conflict resolved, and interest in and follow-up of subsequent events began to fade. Israel benefited from the DOP in that the "heavy burden" of the Palestinian issue was removed from its shoulders and it was able to use this opportunity to expand its international relations. One constantly hears of the establishment or re-establishment of diplomatic ties between Israel and various countries. Arab and Islamic countries of course began normalizing relations with Israel, using the DOP to deflect any criticism of their actions.

In reality, however, it is not the effect of the DOP in expanding Israel's foreign relations that raises concern, since this was to be expected, but rather the absence of the moral dimension and the resultant lifting of pressure on Israel (particularly from international organizations, primarily the United Nations) and the absence of that influence on future implementation of the agreement. In this context, we must be aware that in the eyes of the outside world - non-participants in the conflict - the scene of Arafat and Rabin shaking hands on the White House lawn was the beginning of the resolution of the conflict and normalization of relations between two former enemies. With that famous handshake, Israelis and Palestinians were no longer occupiers and occupied, but two equal parties in a dispute. Of course, the equality of that handshake, as perceived by the world, is not reflected in Palestinian-Israeli relations in the Occupied Territories (where clearly the moral element works against the occupation authority):

This moral normalization of Israel's international status, provided by the signing of the DOP, grants this state, usurper of Palestinian legal

rights and occupier of Palestinian land, the chance to utilize the relaxation in the balance of power to interpret to its advantage the agreement's provisions in the future. This normalization will also grant Israel greater freedom to maneuver around the issue of Palestinian rights. The world did not blink an eye when Israel failed to withdraw on 13 December 1993 as it was required to do according to the terms of the DOP. Rather the opposite occurred, and the United Nations General Assembly passed, by a large majority, a resolution of unconditional support for the agreement. One must not forget that Palestinian statements were issued explaining Israel's non-compliance with the implementation of the scheduled withdrawal, and explaining that the oppression being carried out in the Occupied Territories since the signing of the DOP is merely "a storm of the final quarter hour". Under these circumstances, it is impossible to expect international support for our situation or that the world will jump when we expect it to, as if all we have to do is push a button. In this instance, we must admit that the DOP has removed the moral content from international support for the Palestinian issue (and thus from the international consequences for Israel), and expected international support in the future will be limited to financial and more precisely monetary help. When, after a certain period, this assistance disappears, the issue which for a century has not let the world sleep will be forgotten.

3. The DOP is a source of concern to other Arab parties. Since the beginning of the current process in 1991, there has been intense competition between the Arab parties directly related to the peace negotiations. For these parties, with whom Palestinians have always demanded coordination in not reaching a separate settlement with Israel, the Palestinian-Israeli agreement, while not a "stab in the back", is a source of worry to their interests and concerns.

Time does not permit me to concentrate here on the consequences of the DOP on Palestinian-Syrian relations and, too, the type of relationship that will exist in the future will not greatly affect the

situation inside the Occupied Territories. Syrian influence in terms of the implementation of the agreement will be political in nature (granting the Palestinian opposition to the DOP a platform for a period of time). From a practical point of view, however, Syria will play a key role in influencing developments in Lebanon in the future. This in turn means that Syria will have a decided impact on the question of Palestinian refugees in both Syria and Lebanon and its resolution in light of official, public Lebanese rejection of the possibility of granting the refugees citizenship.

Of greater importance from a practical point of view is the Jordanian-Palestinian relationship, due to Jordan's extensive interests and active presence in the Occupied Territories. Taking into consideration the DOP's potential political impact on Jordan and its future (aside from the economic and social effects), future competition between the Jordanians and Palestinians will be intense and will affect the implementation of the agreement. In short, despite the fact that the DOP was an agreement between two parties, Israel and the PLO, the three major players in the Occupied Territories are Israel, the PLO and Jordan. Inasmuch as the relationship between the three is complex and multi-faceted, implementation of the agreement will depend on the development of this relationship.

4. The agreement eliminated strategically effective Palestinian choices in the foreseeable future. We ourselves entered into a phase of justifying that elimination following the war in Iraq. On US television the day of the signing of the agreement, a key Palestinian negotiator used Somalia as an example - in an offensive way - when he said that Palestinians want to be like Singapore rather than Somalia. Speaking for myself, I wish we were similar to the Somalis in opposing American aggression.

One result of this loss of alternatives is the ultimate acceptance of the Palestinian-Israeli accord as an agreement of political necessity. Political considerations determined the necessity of the agreement, future ties to it, and adherence to its implementation. Despite

everything that has been said and done by Palestinians opposing the agreement, it will become operative not simply because international and regional powers desire its implementation, but because there are Palestinian forces that see this as their sole means of access to political or economic gains, or both.

Israel is aware of this, and turned to its advantage the Palestinian dilemma which resulted from the agreement. It wants the DOP implemented because it serves Israel's fundamental interests and objectives, but it wants the agreement implemented according to its own agenda and specifications. It is not surprising, therefore, to find that Israel is unwilling even to pretend to help the Palestinian side in justifying the agreement and facilitating the possibility of its implementation.

As a result of the four factors cited, I believe that the prospects for future implementation of the DOP will remain confined within an Israeli interpretation of the agreement. There are currently no points of leverage by which it might be compelled to give the Palestinians anything it does not want to give, anything outside its narrow specifications. The limits to the Israeli interpretation of the DOP will be decided in the future by a combination of three elements:

- (a) Israel's internal political factors;
- (b) the form and intensity of Palestinian confrontations with the Israeli occupation in the Occupied Territories; and
- (c) the extent of Palestinian internal cohesiveness, particularly within the Occupied Territories.

This final element, the extent of Palestinian cohesiveness, brings me to two final comments, both tied in with the internal Palestinian situation, and in particular with the issue of democracy and human rights.

A general Palestinian acceptance that the DOP will be implemented (an acceptance which on the side of the opposition remains hidden) is

the driving force behind the persistent efforts to open up a critical review of the Palestinian political situation. I think that if we believed that the agreement was going to fail, this debate on the shape and style of the coming Palestinian political system and the extent of its dictatorial or democratic nature would not have begun. But we have all started discussing our internal situation, in particular, the issues of democracy and human rights. Here I would like to emphasize that there is a need for a pluralistic democratic system which respects general freedoms and human rights. However, we must be on guard when discussing this issue for two reasons.

First, the lack of democracy in our political life is not new; it has a history and tradition, as Dr. Ibrahim Abu-Lughod pointed out earlier. This does not mean that we should not question this, but on the contrary, that we must and that we are late in doing so. The absence of democratic practices in our historical and traditional past makes it essential that our calls for and practice of democracy should extend beyond the standard methods. The standard method followed thus far has been to request that those at the top of the Palestinian leadership pyramid now switch from their accustomed practices to democratic ways. It is easy to forget that those at the top have been used to an undemocratic system for many years. There has never been any demand for real and expedient change; the method of political leadership was justified throughout the last three decades either by an emphasis on the uniqueness of the Palestinian situation and the lack of stability due to the absence of national authority on Palestinian lands, or by the claim that, in fact, the Palestinian political sphere was entirely democratic, to such a degree that we boasted of its democratic character in comparison with other Arab countries.

My point is as follows: demanding change at the top of the pyramid is not effective because there is insufficient pressure from the base to force this change. The key question which then emerges is whether, in fact, the political nature of the base and upwards is democratic. Do our practices and relations as individuals have democratic or authoritarian

characteristics? Are the institutions in the Occupied Territories democratic, or do they instead revolve around one individual, the director? Authoritarianism in Palestinian society is found at many levels. When we call for a democratic system, we must be ready to support democratic practices from the base on up to the top. This will guarantee the stability of democratic systems after their establishment.

The second point is that one must be attentive to the fact that the call for democracy and human rights should not spring from "a word of truth that has a false aim" - a moral Trojan Horse. In spite of the importance of democracy and the call for its adoption, it is clear that the funds being spent from foreign sources have specific, limited, and dangerous penetrating dimensions for our society. Western funding for the establishment of institutions and the support of research projects concentrating on democracy and human rights should be seen in this light. In the Occupied Territories, the subject has become "trendy" for many people, an easy way to make a living, because there is plenty of Western money available for this purpose. These people either forget or do not care that Western support has underlying objectives that are detrimental to Palestinian society at this point in time. We should be questioning why the West never cared for the human rights violations occurring under the occupation to the degree that it is now concentrating on the issue as the Palestinian authority begins to form.

Democracy is a vitally important concept and we must provide active support and even pressure for it to succeed. However, we should be attentive that the borders of legitimacy remain within national definitions and depend on our own efforts, rather than serving as a channel for Western influence to penetrate our society under a catchy and attractive slogan. ■

SECURITY DIMENSIONS IN THE DECLARATION OF PRINCIPLES

Presentation by Dr. Khalil al-Shiqaqi
Professor of Political Science
An-Najah National University

I was puzzled as to whether I should speak about the general security concepts or the practicalities of the accord. I have decided to speak about the logistical issues of the arrangement and their security dimensions since this is a topic currently being debated and is of central interest to the people. I would emphasize that the problems surrounding the DOP's security dimensions which are being faced now originate from the fact that Palestinians and Israelis have different understandings of the concept of security.

The problems, both in concept and logistical arrangements, arising from this difference in understanding are contained within the accord, which is unclear. Individuals who read the text, members of the PLO Executive Council as well as, I believe, Rabin himself, did not fully understand its security aspect.

Another factor contributing to problems in the negotiations is that although the Israeli government signed the DOP, it has yet to incorporate the principles of the accord into its policies. It appears that the Israelis have not realized that the text to which they put their signatures requires a change in their behavior. While the Palestinian side is confronting this same problem, it has much less scope for effecting change on the ground.

A third point to be made is that both sides - Arafat and Rabin - have begun backing off from the security agreement, and it is quite possible that neither side will return, since both have discovered the serious problems within the provisions of the agreement. Both sides had completely different understandings of the agreement: does that mean

that both will back out completely? Perhaps the statements from both sides - the Palestinians that it is possible there will be no agreement, the Israelis that it is impossible and that the DOP is not sacred - are merely tactical moves by both sides to see how much they can gain. And, perhaps, eventually, each side will simply play the cards they were carrying ten days earlier and announce that they have reached a compromise.

The agreement's security aspect can be divided into external and internal security issues.

EXTERNAL SECURITY

This issue does not concern Palestinians much. Palestinians were willing to a great extent to leave the external security arrangements to the Israelis, perhaps not realizing what the consequences would be. While we did not ask to share the responsibility for external security, neither did we ask that it be subject to negotiation. Yet what will be the reality if external security is kept solely in the hands of the Israelis? The Israeli interpretation of this responsibility is taken from the text of the DOP - and is not altogether wrong - and translates to a large and intensive Israeli military presence in the West Bank and Gaza. External security basically deals with two types of transgressions, those committed by or from another state - an attack or infiltration across a border. These are important threats to be considered for any state maintaining external security, whether Israel or the West Bank and Gaza. Therefore, if sole responsibility for addressing security concerns is handed over to Israel, this will require:

- the presence of concentrated Israeli forces in the West Bank and Gaza;
- control of the borders, which requires the presence of Israeli military forces on all borders. The coast of the Gaza Strip is a border, as are the boundary between Gaza and Egypt, the

boundaries between Gaza and Israel, Israel and the West Bank, and the Jordan river;

- control of the passages, since borders can also mean passages and there are passages on the borders. Responsibility for external security requires prevention of infiltration through the borders. Therefore, the passages will be in Israeli hands as well;
- with regard to the question of the size of the Jericho area, Israeli control of external security will require a large area in order to preserve security, such as the Jordan Valley, which is considered an important military zone by the Israelis. This means that the Jericho area will necessarily be extremely limited, despite the fact that according to the DOP the size of Jericho is subject to negotiation.

Several implications can be drawn from these points, and from Israel's elastic interpretation of the security issue. The Israeli army will maintain an intensive presence on the border as it does already. In addition, the Israelis will probably request total control of all passages, and the size of Jericho will be limited to just the municipal area.

Palestinians agreed to the DOP because they believed it to be not only an agreement on autonomy, but that it included one of the issues related to a final resolution. The word "withdrawal" is mentioned in the DOP, and Palestinians took the word to mean exactly that. Therefore, while it is correct that external security is in the hands of the Israelis, still there is to be withdrawal from Gaza. Does this mean a withdrawal from the borders as well? Palestinians believe that it does.

In addition, the DOP mentions coordination on the passages, which means that there will be a Palestinian presence on the passages, but to what extent and how much control in the coordination will Palestinians have? To the Palestinians, this subject is negotiable.

The DOP also mentions the Palestinian exiles from 1967. Coordinating their return requires Palestinian control of the passages. Palestinian coordination is agreed in the accord, and the Palestinian

position is based on that. The Israeli position is based on the four points I discussed earlier.

It is more than likely that the Israeli interpretation will prevail in the negotiations, and that any concessions of real substance will be made by the Palestinians. Palestinians may be accorded some symbolic concessions, but nothing more. This will create four key problems for the Palestinians:

- The first problem is that of the Palestinian authority's credibility. Any Palestinian authority will lack credibility due to the security arrangements mentioned above - the presence of the Israeli army on the border, Israeli control of the passages, and the boundaries of the Jericho area. If the Palestinian authority has no credibility, its ability to control internal security will be affected. If this happens, as is likely, any remaining credibility will be eroded and its power to regulate the internal security situation will be, at best, very weak.
- The second problem is the psychological burden which Palestinians will continue to carry as a result of the uninterrupted Israeli army presence on the borders and Israeli control of the passages. Palestinians will have difficulty understanding that there has been any change in the situation, and their feeling of oppression will continue.
- Thirdly, the whole idea of withdrawal will lose its meaning. It was this magic word "withdrawal" which brought the Palestinians to the agreement. If the Israeli interpretation prevails on the points discussed above, the withdrawal will be meaningless to Palestinians.
- Finally, Israeli control of passages and borders will give them the right to veto the return of exiles from 1967 and other Palestinians. This will influence the issue of the absorption of the 1967 refugees and the re-assembling of the Palestinian nation.

These are four dangers that would result from an acceptance of the Israeli position, a position I believe will prevail in the coming negotiations.

INTERNAL SECURITY

By internal security, I do not mean police issues. The police force is a civil matter that is not of great importance, and in general, any person who undergoes three months of training can be a policeman and understand the law. The subject of internal security has three basic dimensions:

1. How will the Palestinian authority protect itself from armed opposition, or settlers or the Israeli army?
2. In terms of political security for citizens, how will the authority be able to provide security to the ordinary citizen so that he will not be assassinated in the street, as has happened in Gaza? And how will the authority prevent settlers from terrorizing and threatening Palestinians, as is happening in the Hebron area?
3. Perhaps the most important issue in terms of its influence on our future is the security of the settlers, the security of the Israelis, and the security of the Israeli army.

These are three essentials of the internal security issue. Responsibility for internal security will be determined by the division of land. In the West Bank, excluding Jericho, internal security will be in the hands of the Israelis and will be turned over gradually to Palestinians as a result of later negotiations. In the Gaza Strip and Jericho area, internal security will be in the hands of the Palestinians, except for the security of settlers and the Israeli army which will remain the responsibility of the Israelis.

The question is whether the Palestinians will be able to maintain security in the three areas mentioned: security of the authority, of the citizen, and of the Israelis. My response would be that the Palestinians

will not have the ability to address these security concerns in the first year, nor even in the second year. Ensuring the security of Israelis in particular will not be possible. What influence will that have on the future? What might be the consequences of this situation? I envision two possible scenarios:

1. The transfer to Palestinians of responsibility for internal security in the remainder of the West Bank will not take place; the Israelis will not invite the Palestinians to repeat their failure. Israel's interpretations are conditional and incremental: only if success is achieved in Gaza will there be progress in the West Bank. But who judges the success or failure? The Israelis. Therefore, only if there is success in Gaza will there be a transfer of authority over internal security in the rest of the West Bank.
2. More dangerous than not transferring the authority for internal security in the remainder of the West Bank is the possibility that the Israelis will reoccupy Jericho. I have no doubt that the Israelis will reoccupy Jericho. They will not reoccupy all of Gaza; Gaza will be considered an open door through which they can enter at will. Gaza will be no different than the security zone in south Lebanon.

In other words, we will be again under occupation, a strategic danger that threatens to destroy the Palestinian dream of rebuilding the homeland, because of the fact that we could not ensure internal security as we agreed in the accord.

What issues surround the concept of internal security, the availability or lack thereof? What are the issues of the ongoing negotiations? What is the number of Palestinian forces that will be allowed to enter? What kinds of arms will they carry? The release of the prisoners is another related issue. These touch on the essence of this subject, not only from the Israeli side. There are several other topics of importance in the negotiations:

- the control of roads and intersections inside Gaza and Jericho;

- the ability of the Israelis to pursue an individual who carried out a military operation inside Israel or an area under Israeli control into the territory under Palestinian control; freedom of movement for settlers and the Israeli army within the Palestinian territories;
- the settlers' possession of arms and their ability to use their weapons in areas under the control of the Palestinian internal security forces;
- the size of the military presence and the type of deployment in Gaza and Jericho;
- The activity inside Gaza and Jericho of the Israeli intelligence services; and
- Palestinian-Israeli cooperation and coordination.

One final issue, and one which I will discuss in detail, is that of internal Palestinian relations within the given limitations of Israel's control of external security and within the demands of internal security and its related issues, and in particular in light of the possible consequence of a failure to provide security for the Israelis. Will this lead in the end to a Palestinian civil war, to a bloody internal struggle, or are there other solutions?

It is certain that the security issue alone will not determine what the answer to this question will be. If the issue were one of security only, I would predict a bloody civil war. However, the issue is not only security, but also political, and will depend on the future political system and the type of economic system that will exist, as well as on the psychological and social situation. Therefore, I am unable to render a judgment on the subject at this point; however, speaking strictly from a security point of view I believe there is going to be a bloody war. ■

THE DOP FROM THE POINT OF VIEW OF THE PALESTINIAN OPPOSITION AND THE PROSPECTS FOR A COURSE OF ACTION

*Presentation by Dr. Riyad al-Malki
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I would like to start by clarifying the types of Palestinian opposition that exist now. There is opposition both within and outside of the PLO. Religious opposition is juxtaposed with secular. There is the opposition closed to any agreement with the enemy and the opposition that wants to improve the conditions of the accord and the negotiation process. We have permanent and implacable opposition as opposed to an opposition that is evolving with the times, changing on the eve of elections and implementation of the agreement.

Let us examine the opposition from a critical, objective point of view, for the sake of the academic dimension of this presentation. I am in complete agreement with my colleague Dr. Ali Jarbawi's views and presentation of the DOP. In brief, I do not intend to cover the same points except that I want to examine the Palestinian dimension of the agreement from a critical point of view.

There are some overall aspects to the agreement which should be mentioned. The first is the theme of *division* - in terms of a political solution, the DOP separates the idea of autonomy from the concept of an independent state. Similarly, the agreement works towards the division of Palestinian territory. Rather than discussing the territories occupied in 1967, it talks about the areas of Jericho and the Gaza Strip. Division is both a key element in the agreement and its most dangerous consequence.

A second aspect is the new interpretation of UN Resolution 242. It is clear that this agreement depends on the spirit of 242. Everybody knows what 242 means - total withdrawal of the occupation forces from the land occupied in 1967. Therefore, if we accept the idea that the DOP is based on the spirit of 242, it means accepting the idea that Resolution 242 has a new interpretation - instead of total withdrawal we mean redistribution, and instead of the Palestinian occupied territories we are talking about the Gaza Strip and Jericho.

The agreement then constitutes, with Palestinian approval, an extremely dangerous precedent for what we Palestinians call international legitimacy, one in which we ourselves elect to change the interpretation and the meaning of international legitimacy, specifically Resolution 242. Today 242, tomorrow 194 or 181, and then we move on to other UN resolutions. This constitutes the undermining - by Palestinians - of the principles of international legitimacy with which we have supported and explained our national position for years.

A third aspect is the problem of Jerusalem. Despite the fact that all parties are aware that Jerusalem is the most important of all the problems connected with reaching a resolution, the issue of Jerusalem has been marginalized, and postponed to the final phase of the negotiations. If we leave Jerusalem to a later stage, we cannot begin to talk about formulating any agreement, even if it is called an interim agreement.

The fourth aspect to be considered is that of population. Dr. al-Shiqaqi has already briefed us on the security factor, which has important ramifications for the population. However, there are many other issues to be addressed - the refugees of 1948 and 1967, deportees, and all other Palestinians who live in the diaspora. Discussion on these issues has been either frozen or removed completely, crossed out of the vocabulary of the agreement. Moreover, not a word has been spoken of the idea of settling those Palestinian refugees now in Arab host countries.

The fifth dimension is material, basically, the idea of land. The immediate context is a continuation of occupation where the discussion centers not on withdrawal of the occupation forces but rather their redistribution. This is in direct contradiction to international legitimacy and UN resolutions, despite being agreed upon in the DOP.

Other issues agreed to in the DOP are as follows:

- the continued presence of Israeli settlements, which also contravenes UN resolutions and international law, despite agreement by the Palestinian team to the negotiations;
- agreement by the Palestinians in the negotiations to allow the Israelis to share in the use of Palestinian underground water resources located in the West Bank;
- borders, which have already been discussed in detail;
- the transfer of certain of the responsibilities of the civil administration, but there is no discussion on retaining the authorities of the military administration which will continue through the next phase.

This is a reading of those consequences of the agreement which concern Palestinians, from the point of view of critical opposition, adding to the points emphasized by our colleague Dr. Ali Jarbawi. I believe that these factors will bring about several crises in the implementation of the agreement.

1. The crisis of authority: an internal power struggle within the leadership to be. This was seen outside (inside the inner circle of the "outside") involving people such as 'Abbas Zaki, Hani al-Hasan, Ahmed Qaria', and everyone knows what their situation is in the circles of authority, while inside the Occupied Territories, the campaign of assassinations in the Gaza Strip are part of the process of elimination stemming from this same power struggle. However, there is also the struggle between the inside and the

outside, but this is still an internal rift, within the circles of the same emerging authority. Another struggle will arise between different political movements which will pose problems for the leadership. This struggle will not necessarily take place within the main movement of Fateh as the central body of the future authority, but with those groups seeking to form future circles of authority. This will lead to provocative conflicts between these elements and those in authority.

The leadership crisis is a central issue which will become more evident - if it is not already - at the start of the process of implementation of the DOP, and certainly before all the different provisions of the accord can be implemented.

2. The financial crisis: it is well known that the PLO believed that the billions of dollars slated to flood into the Occupied Territories would flow into the pockets of the PLO, to be distributed as the organization wished. As happened in the past, the PLO leadership tried to provide the World Bank and the EC with its Swiss bank account numbers, but was unsuccessful. Thus it appears that the transfer and spending of funds will not be channeled through the future authority, which will create a huge financial crisis for this leadership in terms of how it deals with its security and other needs and how it can remain in power in the autonomous areas.
3. The executive crisis, the basis of which will be the following:
 - (a) a loss of approval and popular support for this authority;
 - (b) the dependence of the authority on undemocratic means to ensure its position;
 - (c) the general disregard of the authority for democracy and human rights;
 - (d) the methods with which the authority deals with the opposition;
 - (e) the appointment of people for inappropriate positions.
4. Dealing with the opposition: what are the boundaries? When is the opposition considered to be acting outside the law? It is possible

that at a certain point in time, the opposition might be considered outside the law by the future authority. What is a given and how should the situation be dealt with?

- (a) **Time:** if it has not been eliminated or tamed in the months prior to the election, the opposition could become effective on the ground and attract large numbers of supporters, more so if the authority has failed to address the problems facing the population and to provide basic services.
 - (b) **Size:** the opposition will have the time, opportunity and justification to increase its strength and influence at the expense of the authorities.
 - (c) **Content:** democracy and human rights will be the weakest point of the coming authority, and this can easily be exploited by the opposition.
 - (d) **Power:** the authorities will work to harness the power of the police force to strike at the opposition by intimidation and attack. The force of the police will be a constant deterrent tool in the hands of the authority.
5. The crisis of adhering to the accord: the principal concerns of the future authority will be adhering to the implementation of the agreement, and fear of losing their power. There will be tremendous strain on the authority throughout the interim period, to prove to the Israelis that it is adhering to the articles of the agreement totally and absolutely.
6. There will be the crisis brought on by the continued presence of occupation forces and settlers, which could cause the whole situation to explode. Both nationalist and Islamic opposition movements have declared their commitment to continued resistance and attacks. This will influence the type of the crisis created by the opposition. The Palestinian authority must act to stop these operations and protect the Israeli authorities as part of

their agreement with Israel, which may influence the form of their adherence to the articles of the DOP.

This last crisis will lead to confrontation between the opposition, exercising its right to oppose occupation and the presence of the army and settlers, and the authority, with its commitment to protect the settlers and the Israeli army. I foresee three potential scenarios in terms of the type of confrontation which will occur:

- (a) *The Jordanian Model:* violent confrontations between the authority and the opposition lead to the use of force by the authority, resulting in a number of casualties, and the authority's loss of credibility;
- (b) *The Lebanese Model:* the authority ignores the resistance operations because it is incapable of halting them; this results in direct Israeli military intervention requiring some response from the authority. As in the Jordanian model, the authority suffers a loss of credibility;
- (c) *The Syrian Model:* as soon as the authority enters the autonomous areas, it creates a strict security belt to prevent any confrontations, depending on information from Israeli intelligence as well as numerous collaborators. The success of this model is feasible. The credibility of the authority will depend on the style with which it operates and how and to what extent it cooperates with Israeli intelligence.

Which of these models will prevail depends ultimately on the position taken by the opposition, which cannot be predicted. However, what I do foresee is that the opposition will continue to exercise its right of protest and will choose the appropriate time and place.

7. The elections crisis: elections are an important issue since it appears that the current leadership is not overly concerned to implement the planned elections in accordance with the agreement signed this year, for two simple reasons. If elections were to be held, the authority might lose power altogether, or it might be

forced into power-sharing with the opposition. In either scenario, it would be difficult for those elements in the PLO currently engaged in negotiations to continue with the course of action which began in Madrid and continued on to Washington and finally Oslo. Therefore, tremendous effort is being exerted to sidestep the question of elections. Elections will take place, however, if and when the PLO can be sure of a clear victory, but this will depend on whether or not the opposition participates. The issue of elections has yet to be discussed in detail by either the PLO or the opposition - for which offices will elections be held, what will be the format, size and scope of these elections? If the Islamic Resistance Movement participates, there will certainly be one of two results:

- (a) Hamas will take the majority of the seats, thus removing the PLO's negotiating element from power and from the negotiations completely; or
- (b) Hamas will split the results with the PLO's negotiating element, causing the PLO a loss of maneuvering power and direct representation, and threatening the continuation of negotiations with the Israeli side.

Either of the two results would be detrimental for the PLO leadership, and this itself is the final component of the overall crisis which will occur as a result of the accord.

There exist three alternatives for action by the opposition, speaking from an academic perspective:

1. Military confrontation with the authority is theoretically an option, yet one with suicidal overtones due to the size, power and support enjoyed by the authority at this point in time.
2. A second option would be to accept the current reality and deal with it. However, this is an improbable scenario since the opposition - particularly what could be called the principled opposition - is completely against it.

3. We are left with a third, intermediate, option which contains the following possibilities:
- (a) Continued calling for resistance to the occupation, on the principle of continued resistance until the occupation is ended, taking into consideration, however, the possible gap between the slogan and its implementation, under the current circumstances.
 - (b) Towards the various parts of the autonomy authority, the attitude in dealing with the authority will depend on the policy of the autonomous authority in general and towards the opposition in particular, and the extent of the restrictions that will be imposed upon the opposition, as well as:
 - the extent of democracy and respect for human rights;
 - the degree of hegemony, one-person power, and factionalism in public institutions;
 - the forms of cooperation between the autonomous authority and the occupation authority;
 - the reaction of the autonomous authority to the actions of the opposition.

These points will determine the nature of the interaction between the opposition and the autonomous authority. In fact - outside of those listed above - there is a variety of potential options which could be taken by the opposition, from viewing the new situation through the eyes of a civil society and its needs, through preparing for an advanced stage of unrest with the aim of defeating the autonomy authority. Such a defeat could be achieved at a later stage by taking advantage of the crises created by the terms of agreement. ■

SESSION TWO:

**THE IMMEDIATE IMPLICATIONS OF
THE DECLARATION OF PRINCIPLES**

Panel chaired by Dr. Roger Heacock

POLITICAL DIMENSIONS OF THE AGREEMENT

*Presentation by Dr. Ziad Abu-Amr
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Department of Philosophy and Cultural Studies
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I should first state that there may be unintentional overlap between my presentation and that of Dr. Riyad al-Malki, as I was scheduled to present his topic when it was thought that he would be absent at the time of the conference. However, I believe that I differ with him on a number of points. This study day is taking place at a time when acceptance of the DOP is suffering from an aggravation of the internal situation. The signs of the crisis afflicting the DOP are demonstrated in the serious differences which stand in the way of implementation of the accord and in the increased opposition to the agreement, whether through violence against the Israeli occupation or through the increased cooperation between members of the opposition, and the translation of theoretical alliances into real actions as exemplified by the student council elections in Birzeit University [where a list led by Hamas and the PFLP defeated that led by Fateh] and other events. There has also been a relative decrease in popular support for the DOP, as shown in the most recent opinion poll which indicated that support for the agreement is about 40%, compared to 60% shortly after the signing. I would note also the nationalist mood of the Palestinian street in general, where expectations of some sort of change in the situation in the Occupied Territories after the agreement have given way to disappointment.

These changes have a direct bearing on the subject of my presentation - political polarization. On the day that Israel was supposed to withdraw from Gaza and Jericho, the Israelis instead reinforced their military presence in these two areas and subjected those communities, along with the rest of the West Bank, to increased harassment. In the

Palestinian ranks today there is a situation of deep polarization which manifests itself on a number of levels:

- (a) within groups;
- (b) between nationalist groups;
- (c) between Islamic groups;
- (d) between nationalist opposition parties and Islamic parties on one side and nationalist pro-PNA parties on the other side;
- (e) between the political leadership and the politicized population; and
- (f) between the political leadership and the Palestinian diaspora.

The point of departure in this presentation is that a distribution of authority among the various political groups would be preferable to polarization or a monopoly of authority by one group. The question is whether the Palestinian political authority will incline toward a monopoly on political control, which could create a situation of polarization, or toward participation and power-sharing?

There are past experiences in Palestinian history which illustrate both scenarios. I refer as an example to the polarization which occurred in Amman in 1985, and the national reconciliation which took place later in Aden on the basis of a contract of participation and power-sharing. However, since the beginning of the peace process, from the Madrid conference in October 1991 until today, polarization has remained the dominant characteristic of Palestinian politics. This is not to say that there has been total polarization; there have been alliances which have remained in place, but there have also been unexpected changes both in political positions inside certain parties, and in coalitions. We cannot point to any short-term national unity or national consensus today as we could in the past. There are those who would say that this model of relations (short-term agreement or national consensus) is no longer feasible because we have entered a phase which differs from the period of national liberation. Today we are on the threshold of

establishing a state and there will be those who are in positions of authority and those who will be in the opposition.

Returning to the question I posed earlier, will the future Palestinian authority and the opposition - represented today by those who reject the DOP - tend towards a continuation of the current polarization, or will there be attempts at power-sharing based on the principle of joint participation? In my view, it is developments in the political situation which will determine the authority-opposition relationship and the potential for polarization or participation. The situation could develop in such a way that the role and legitimacy of the authority are strengthened, and thus it would not need to make conciliatory gestures toward the opposition. Perhaps the reverse will occur and divisions will become so entrenched that the authority will either be pushed into participation with opposition parties or will search for some outside alliance against them, turning to Jordan, Egypt or even Israel. I believe that the current divisions will persist throughout the process of transfer of authority. The Palestinian authority is preoccupied with the negotiations and the transfer of authority and is not paying attention to the issue of the power of the opposition. The future authority will attempt to monopolize power at least for a limited period of time, in order to reinforce its standing and appear powerful; this is considered a given for the transition phase in many areas. Therefore, the Palestinian authority will not offer seriously to deal with the opposition until after it has stabilized itself on the ground, and the interaction may develop gradually - in the meantime the authority could resort to any number of different methods for dealing with the opposition.

It would be preferable, and more practical, if the new authority were to work toward effecting a national consensus, since this would strengthen its legitimacy as well as its position vis-a-vis the Israelis. In the event of a reconciliation, which seems more likely, in my view, the authority will resort to handling the opposition in a number of ways, some of which are familiar in the experience of the Palestinians

outside. The authority may work for coalition agreements with one or more elements of the opposition. It may try to split the opposition or it may try to include opposition parties in the authority structure. There may be limitations on or outright repression of the opposition, the use of pressure or bargaining tactics, for example in deciding which of the exiled opposition leaders will be allowed to return. However, the new authority will not be allowed a free hand in dealing with the opposition by Israel, the regional powers, nor in the international arena, unless there is some degree of acquiescence by the opposition to the DOP. Attempts by the Palestinian authority to establish a relationship of participation and power-sharing with the opposition would be opposed on a number of fronts.

1. There would be Palestinian opponents to such a relationship. There are those in the Palestinian leadership who want to monopolize power, on the grounds that Fateh, the primary supporter of the DOP, is the largest political party and has struggled to reach an agreement with the Israelis and borne the responsibility for doing so, and it is unreasonable to allow the elements in opposition to gain from the agreement while continuing to try and impede its implementation.
2. There would also be Israeli opposition to participation and power-sharing with the opposition [on grounds that] participation by the Palestinian opposition in the new authority structure without a commitment to support the agreement would weaken the power of those supporting the DOP, since ultimately the goal of the opposition would be to try and bring about the failure of the agreement from within (I would remind you of the statements of Israel's Deputy Chief of Staff Lt.-Gen. Amnon Shahak, asking that Palestinians throw out Hamas from among their ranks).
3. The West in general and the Americans in particular would oppose the idea of participation by the opposition out of fear of both "Islamic fundamentalism" and the unwavering nationalist positions of the secular opposition, and the fear that any attempt to

make concessions would only help strengthen the opposition in the future and jeopardize the agreement.

4. Arab (particularly Egyptian) opposition would be based on the supposition that the participation of the opposition (particularly the Islamic opposition) in the authority structure would provide a boost to the Islamicists in Egypt, the neighboring country. The Egyptian regime would hardly regard such a situation with approval when it has itself entered into a war against Islamic groups.

How will the opposition parties respond to the authority and its offers of participation? What is the likelihood of their participation in the authority structure? How would they reconcile continuing resistance to the occupation and respect for the rule of law in the new Palestinian entity? These questions and ambiguities confront both the authority and the opposition equally. When the Palestinian authority is established on the ground the opposition will have to face certain responsibilities, such as respecting the rule of law, as in any other country in the world, or risk exposing itself to penalty under the rule of law.

Therefore, it will be necessary for the opposition to find a means of interacting with the new authorities, since both sides will now be moving within the same political, geographic and demographic sphere. The opposition, as a whole or elements of the whole, which has a popular and institutional base within the Occupied Territories, could immediately play a positive role in the new situation in much the same way that the opposition currently does within the PLO.

Let us examine the case of Hamas. Hamas is not and could not be considered marginal in terms of Palestinian society, but rather is an important and indivisible part of this society. If Hamas were to strive for the Islamicization of the society and its leadership, then it would have to get involved and be active within it. Hamas has managed to do that without becoming part of the official structure which controls this society; it participates in the institutions of the society and competes

with the PLO without being a part of it. Hamas has, however, participated in certain aspects of the societal structure without participating in others. Should the party decide to be guided by the position of the Muslim Brotherhood in Jordan, then its position would change, and it would participate in the future authority structure as a new organization, just as the Brotherhood participates in the Jordanian governmental institutions.

However, at this point it is necessary to clarify some of the differences between the situation of Hamas and that of the Muslim Brotherhood. The Hashemites in Jordan preceded the founding of the Muslim Brotherhood, and in fact supervised the founding of the Brotherhood in Jordan. The Brotherhood in Jordan historically has had a relationship with the Hashemite regime, which enjoys religious legitimacy through the Hashemites' descent from the prophet Muhammad. In contrast, the PLO, headed by Yasser Arafat, does not precede the founding of the Muslim Brotherhood, neither does it enjoy religious legitimacy, and therefore the organization does not have any religious authority in the eyes of Hamas and the Muslim Brotherhood. In addition, Hamas has retained its particular structures and institutions as an alternative structure to that of the Palestinian authority.

The situation of the Popular and Democratic Fronts differs from that of Hamas in that these two movements were founded within the context of the PLO; they are committed to the secular line of the PLO, its charter and political programs, and they participate in all of the PLO leadership institutions. It is well known that the opposition of the PFLP and DFLP to the DOP and, prior to that, to the negotiations themselves, is based on the inequity of the conditions imposed upon the Palestinians rather than the idea of negotiations or a political solution in principle. The current alliance between the DFLP, PFLP and Hamas is based on opposition to the DOP in general, and it is not known at this point if the positions of these three parties will also dovetail on specific provisions of the agreement. The public positions

of DFLP and Hamas on the issue of elections differs from the position of the PFLP. Dr. Riyad al-Malki did not discuss this issue because, as he stated, "the DFLP and the PFLP oppose the principle of participation in the elections". In my opinion, the positions of the DFLP and Hamas are not decided; there is a possibility that the DFLP will participate in the elections. There is no doubt that positions will change as the issue becomes linked with many others, since there is no common ground between the positions of Hamas and the two secular parties on social, cultural and educational issues, among others. Their current alliance is based solely on their common opposition to the DOP, and their differences will arise if the opposition's zeal in its rejection of the agreement and its resistance to it falters, and if other issues appear.

The Islamic Jihad will be the last party to make any deal with the authority based on the DOP, for a number of reasons, most importantly that the movement is unyielding in its ideological and political positions. It is a small, semi-secret group without institutions. Its leadership is based outside and it is able to survive as a small group without paying any dues to the authority. On the other hand, the Islamic Jihad would be unable to realize any gains through participation in the authority structure, no matter how marginal or nominal. Its relationship with the Islamic Jihad movement outside the country, and particularly with that in Iran, prohibits participation in the Palestinian authority.

While there are still the remaining opposition groups outside the country (e.g., in Damascus), most do not have a popular base in the Occupied Territories, and therefore the Palestinian authority will not have to pay much attention to them.

In closing, I believe that there is a realistic possibility of establishing a relationship of participation between those supporting the DOP and those opposing, but only if the opposition is convinced of the sincerity of the intentions of the new authority with regard to power-sharing.

The opposition groups, with the exception of Hamas, are political rather than ideological movements. Political movements by nature calculate possible gains and losses and are ready to negotiate their positions. All the Palestinian opposition groups - without exception - have entered a phase of bargaining with the Palestinian powers to be or with other, non-Palestinian, powers. These political movements are not able to survive on the margins of society nor can they afford to ignore the Palestinian street, where they seek to increase their support.

I believe that at this point in time the real danger lies in the fact that the Palestinian authority does not intend to share power with the opposition parties in any framework that would be acceptable to the latter. since to have real power-sharing would limit the freedom of the authority to make or carry out decisions. Rather, the authority has dealt with the opposition arrogantly and in an authoritarian manner, despite the fact that the authority would be better-placed in the future if some efforts were made to share power with it now. Should arrogance be allowed to dominate the actions of the Palestinian authority to the extent that it seems feasible to exclude the political opposition, this can only create numerous problems for the future. It would be far more advantageous for the Palestinian authority to base its legitimacy and strength on a national coalition rather than on outside support conditioned on specific political positions. Meeting the opposition half-way would provide a greater guarantee of internal political legitimacy and stability.■

LEGAL DIMENSIONS OF THE DECLARATION OF PRINCIPLES

Presentation by Advocate Raja Shehadeh, writer and former legal advisor to the Palestinian delegation to the peace negotiations

My contribution to this study day is related to the legal aspects of the Declaration of Principles. If this were another topic, I would be discussing both the negative and positive aspects, but unfortunately, as my subject is the law and its impact on the DOP, the negatives outweigh the positives. The paper should be considered a legal critique and will, I hope, be viewed in this context.

As a brief introduction, I would like to say that the state of legal discourse among Palestinians, particularly among the leadership, is weak, if not completely absent. This is especially unfortunate given the nature of the adversary and the nature of the international political discourse which relies largely on legality and the appearance of legality. Part of the problem lies in the general perception of law prevailing in our society, which sees the law as rigid and inflexible, a principle which expresses absolutes of right and wrong, rather than seeing the law as a tool, a means, and allowing it to play a positive role, developing and changing as needed.

The second general point I would stress is that, in my opinion, Israel's political strategy from the beginning has been to avoid the legal aspects of the conflict. The reason for this is quite simple - the Palestinians' legal position is very strong, therefore, the Israelis have tried to build a strategy in the negotiations of ignoring the legal aspects. They have succeeded in doing so by making a distinction between the interim and final phases, ever since the establishment of the authority of the negotiations at the Madrid conference in October 1991. This isolation of the two phases makes it difficult to deal with the legal consequences of the DOP, since any objections to the first

phase can be answered by the reply that these will be dealt with in the second phase.

The first article which discusses the goal of the negotiations states that it is the establishment of an authority for an interim period which will lead to a final settlement based on UN decisions 242 and 338. Hence, there is an interim period and a final period, and the first leads to the second. This linkage is important, because the response to any legal objection in terms of what was decided in the first stage can be that the issue is postponed until the second stage. The essence of the DOP relates to the interim arrangements, and in view of this we must look to the past, bearing in mind the fact that the policy of the occupation is based on Israeli settlement and, too, that all the legal and administrative changes implemented since 1978 should have taken the Camp David accord into consideration. Although the policy of settlement began in 1968, administrative and legal division between settlers and the Palestinian population advanced rapidly after the signing of the Camp David agreement. From 1978 and continuing until the start of negotiations with the Palestinians in 1991, Israel had ample time to reconcile its Camp David commitments with its expansionist ambitions. This reconciliation, in my view, is the foundation on which Israel has based its negotiating position from the minute negotiations began in Madrid, continuing through to Washington and ultimately Oslo.

I would like to raise two questions and attempt to answer them. First, does the Declaration of Principles maintain Israel's settlement gains, and how? Secondly, is it possible under the terms of the DOP to maintain the struggle against Israeli settlement throughout the interim period?

To respond to the first question, a study of the DOP by itself is not enough; one must also consider the *Agreed Minutes to the Declaration of Principles on Interim Self-Government Arrangements* which were also signed by the two sides. The following points are noteworthy. In the text of the DOP, in Article IV which deals with the issue of

jurisdiction, there is no mention of the settlements, while at the same time in the *Agreed Minutes* the settlements are unambiguously excluded from Palestinian jurisdiction. Secondly, Article IV of the DOP states that the two sides consider the West Bank and Gaza Strip a single territorial unit, but in the "*Agreed Minutes*" it is explained that jurisdiction does not include the settlements:

Jurisdiction of the Council will cover West Bank and Gaza Strip territory (note that the definite article "the" is excluded), except for issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, military locations, and Israelis.

The exclusion of the settlements, then, is unequivocal in the *Agreed Minutes*. Thirdly, exclusion of the settlements is not limited to the issue of jurisdiction but extends to the powers and responsibilities to be transferred to the Palestinians under Article VI, something which is confirmed in Article IV(2) of the *Agreed Minutes*:

The Council's jurisdiction will apply with regard to the agreed powers, responsibilities, spheres and authorities transferred to it.

Finally, however, the residual powers that will not be transferred will remain with the Israeli authority, as is clear from Article VII(5) of the *Agreed Minutes* and Article VII(5) of the DOP itself:

"After the inauguration of the Council, the Civil Administration will be dissolved, and the Israeli military government will be withdrawn."

Yet in the same Article of the *Agreed Minutes*, it is stated that:

The withdrawal of the military government will not prevent Israel from exercising the powers and responsibilities not transferred to the Council.

The effective consequences of this Article are serious, because up until the Oslo agreement, the settlements were part of the Occupied Territories and were theoretically and legally subject to the military authority responsible for these Occupied Territories - they had not been annexed to Israel. However, per the Oslo agreement, the settlements come under Israeli authority, meaning that they have been effectively annexed to Israel. It should be noted that this statement in Article VII(5) contradicts the fourth paragraph of Article V:

The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim period.

With regard to the second question raised - is it possible under the terms of the DOP to justify the legal struggle against Israeli settlements during the interim phase - or rather, does the DOP make continuation of the legal struggle impossible, my answer is based on the following:

1. In the introduction to the DOP it appears that the two sides agree that the time has come to
 - (a) recognize their mutual legitimate and political rights, and
 - (b) achieve a just, lasting, and comprehensive peace settlement through the agreed political process.
2. In implementing these aims, and in implementing the recognition of rights, etc., the two sides agreed on the articles that appear in the Declaration, and these encompass the immediate goals mentioned in the first part under the article *Aim of the Negotiations* which is based on an "interim self-government authority" and the later goal of a final settlement based on UN Security Council Resolutions 242 and 338. While Israel insists on its own interpretation of Security Council Resolution 242 - and this must always be noted - the essence of the resolution is not open to interpretation and is based on the important, universally accepted principle of the inadmissibility of acquisition of territory by force. In the view of every country in the world except Israel, Israel acquired the Palestinian lands after 1967 by using force. Similarly, appearing in the DOP's Article I is the understanding that the interim arrangements are an indivisible part of the overall peace process, and negotiations on a final resolution will lead to the implementation of Security Council Resolutions 242 and 338. The question then is how is it possible that the arrangements agreed upon for the interim period are based on Israel relinquishing what it has gained through occupying land by force?

How can these arrangements lead to a final resolution based on resolutions which prevent Israeli control of land by force? Finally, how is it possible under these conditions that the final settlement will be based on acknowledgment of the political rights of the Palestinian people, the recognition of which is one of the stated goals in the introduction to the DOP?

Before addressing this issue, it should be noted that nowhere in the agreement are the expressions *colony* or *settlement* defined. Therefore, does this refer to the places currently inhabited by Israeli Jews? Does it include the areas included in the jurisdiction of the Jewish local and regional councils? These regional councils cover an extremely wide area, including Palestinian areas. In addition to the land controlled by Israel for the various roads for transportation to and from settlements, large areas have been designated for use and therefore have become part of the near and distant future for the benefit of the settlements. Do the expressions *settlement* or *colony* include all of these areas? The answer to this is unclear and the issue is not discussed in the DOP.

One should also note the existence in the DOP of what appear to be restrictions on the legislative power of the Palestinian authority. Legislation and legislative authority are limited to the sectors transferred to the Palestinians, such as education, health, social affairs and tourism. However, zoning and land use plans are laws, and since the authority to make laws as such will not be transferred to the Palestinians, but according to Article IX(2), "both parties will review jointly laws and military orders presently in force in remaining spheres", any review of overall arrangements cannot occur without the participation of Israelis. Here it is worth noting the legal distortions enacted by Israel during the occupation, which can be divided into three categories:

1. the granting of lawmaking powers to the Area Commander, which violates legislative authorities permitted to the occupying power according to the Hague Agreement and the Fourth Geneva Convention;

2. the consideration of the Jewish residents of the settlements as "local residents" for the purposes of Jordanian law, as per a decision by the Israeli High Court of Justice, which was fundamental in influencing land use and planning issues;
3. creation of a new administrative reality whereby the authority over everyday issues for Palestinians was placed in the hands of the settlers. One example is the issue of planning - the responsible authority is a settler, which, as in other issues, allowed the settlements to expand rapidly while Palestinian planning was restricted, in turn limiting the possibilities for development.

At this point, the question remains whether it is possible that, following implementation of the DOP, Israel will be able to maintain the gains it has achieved, without legal resistance? If so, then one of the lengthiest occupations in modern history, an occupation witnessed in all its stages by numerous institutions and with unparalleled media attention, has been able to achieve gains that contravene international law without legal resistance from the countries of the world, and accepted within the DOP by those representing the Palestinian people. What can we ask of the international community that has historically backed the Palestinians?

I would like to present some suggestions:

1. we must insist on the implementation of the Fourth Geneva Convention, to ensure that the source of the Palestinian authority is not Israel and the military administration, and that the area is still considered an occupied area due to the continued presence of Israeli settlements;
2. we must demand the cancellation of Israeli military order 291, and a continuation of the land registration system and/or the formation of an international commission to examine the different claims of land ownership. The current situation is inequitable in that the majority of land is under the control of the Jewish settlements. Land distribution as such is based on Israeli military authority

claims that most of the land is state land. Military order number 291 canceled the land registration process which had been going on in Palestine since 1929. Another international commission could examine the status of zoning and planning regulations which, in their current form, are discriminatory in terms of land use.

These suggestions call for immediate intervention, there are also numerous less immediate interventions which could be effected, a few of which are presented here:

Israel is preparing to ratify trade and import agreements with Europe. In the past, the European Union linked these agreements to ending Israeli violations of Palestinian human rights. We must demand that these bilateral agreements between the European Union and Israel be linked to Israeli flexibility in allowing the Palestinians the authority and scope, particularly in the interim period, which would allow us to achieve our legitimate rights in the future.

Unfortunately, to my knowledge, a clearly defined Palestinian position has not yet been presented to the world, outlining specific demands and with a coherent strategy aimed at improving the chances of the Palestinians to obtain their legitimate rights within the altered legal and political context following the signing of the DOP.■

THE CULTURAL EFFECTS OF THE DECLARATION OF PRINCIPLES

*Presentation by Dr. Ahmad Harb
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Any study of the cultural effects of the DOP must of necessity be based on indications and possibilities arising out of the current reality, and on explanations of those items which appear in the agreement but are still being negotiated by the two parties. The cultural effects of the DOP, whether negative or positive, will be determined to a large extent by the type of future Palestinian authority that assumes leadership of the newborn Palestinian entity and whether this authority will view the issue of peace with Israel as a tactical or strategic matter. Each option requires a specific position by the authority towards Palestinian national culture.

I should mention that when using the word "*culture*" I use it in the wider sense at times, and then, as you will see presently, at times I limit it to literary production, written works and creativity in particular. The general understanding of culture includes the superstructure of a society, including educational, social, religious, political and training institutions, among others.

The DOP does not discuss "*culture*" except in Article VI which deals with "*Preparatory transfer of powers and responsibilities*" where the second provision states:

Immediately after the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and Jericho area, with the view to promoting economic development in the West Bank and Gaza Strip, authority will be transferred to the Palestinians on the following spheres: education and culture, health, social welfare, direct taxation, and tourism. The Palestinian side will commence in building the Palestinian police

force, as agreed upon. Pending the inauguration of the Council, the two parties may negotiate the transfer of additional powers and responsibilities, as agreed upon.

In Section B of the "Agreed Minutes to the Declaration of Principles on Interim Self-Government Arrangements" there is an explanation of Article VI. The relevant sub-sections are (1) and (4):

Article VI(2)(1):

The Palestinian side will inform the Israeli side of the names of the authorized Palestinians who will assume the powers, authorities and responsibilities that will be transferred to the Palestinians according to the Declaration of Principles in the following fields: education and culture, health, social welfare, direct taxation, tourism, and other authorities agreed upon.

Article VI(2)(4):

Upon the execution of the Declaration of Principles, the Israeli and Palestinian delegations will immediately commence negotiations on a detailed plan for the transfer of authority on the above offices in accordance with the above understandings.

What are the cultural consequences resulting from the text?

First, the discussion of culture appears in the context of the transfer of authority to the Palestinians, which is subject to negotiations, giving the Israelis the power to interfere and influence. Israel has invoked the right to interfere in the school curriculum, for example, in particular the teaching of geography, history and national literature, on the basis that it must not cause incitement and must be harmonious with an understanding of peace and coexistence. There have been a number of indications that this is a central concern of Israeli and American strategic thinking, while the Palestinian response was to sign the Agreement. One indicator was the suggestion to President Clinton by Martin Indyk, Middle East coordinator for the US National Security Council and known for his close ties to the Israel-PLO negotiations, that a committee of experts be formed to study ways of amending school curricula in the Arab world so that they conform to the

advancements of the peace process. In this context, I would also quote an Israeli author well-known for his support of the peace process:

I have no objection at all to the founding of a Palestinian state, but what is important to me is that Palestinians teach their children in schools that the state of Israel is on their western border.

Second, the discussion of "culture" in the Agreement is from a technical or mechanical point of view, side by side with other issues such as taxes, police, and economic development. The DOP discussion of "culture" is outside of any Palestinian cultural context or the framework of a distinctive national cultural identity. This, in my opinion, attempts to restrict recognition of the Palestinian people and their cultural identity.

Third, the discussion of "culture" appears in the section on the establishment of a development program in Annex II 3 (f) that the DOP calls

An economic development and stabilization program, including the establishment of an Emergency Fund, to encourage foreign investment, and financial and economic support.

Returning to the text, it is evident that the agreement, in Article VI (2), deals with culture as a means for economic development:

... [W]ith the view to promoting economic development in the West Bank and Gaza Strip, authority will be transferred to the Palestinians on the following spheres: education and culture, health, social welfare, direct taxation, and tourism. ...

Is not the opposite true, that proper economic development will occur within the context of the cultural framework of the society? Needless to say, the modern concept of "development" that has become so popular these days is linked historically and culturally to the development of capitalism and its control of the world, and to the desires of Third World nations to improve their situations. Economic development, if it is not a natural outgrowth of the national struggle for political independence and if it is not independent development - self-reliant in the face of dependence on aid, loans and foreign investments and the economic and social divisions between

"progress", linked to foreign companies and investments, and "tradition" - will occur without the influence of culture, society and civilization, regardless of our qualitative judgment of that influence.

This type of economic development most often has a negative cultural and social influence. It causes distortions in the social structure which are reflected in the deterioration of the system of values and in class and religious divisions. In our case, the situation will develop with a majority of the people living on the margin, and economic dependency will increase. The economic dependency which results from this type of economic development will necessarily raise the dialectical relationship between development and the need to retain cultural identity. Some of us will adopt the Western capitalist culture, which will highlight the issue of infusion of Western developmental culture into the framework of Palestinian culture. Issues such as this will form the basis of the Palestinian cultural discourse and perhaps the Arab cultural discourse for some time to come.

Given the increasing cultural and economic differences, the issue of religion will take on greater significance in Palestinian cultural development, in a way that emphasizes sectarian differences. The understanding of development and progress will be linked to Christianity, and the concept of conservatism will be linked to Islamic culture and history. Because the Christian minority is more accepting of Western culture and in general enjoys better economic conditions, they will be seen as more supportive of development projects, participating in and benefiting from them to a greater extent. With the weakening of the national cultural identity (a point I will discuss below), a future consequence of the implementation of the DOP may well be that affiliations based on religion, whether Christian or Muslim, will prevail, unlike before when the primary affiliation was based on national identity.

The authority or the Palestinian element which has political and economic interests in the political and economic normalization process will encourage and even work to speed up cultural normalization in

order to prove the comprehensive nature of the peace process. It is no secret that even in the areas of culture and creativity, semi-regular meetings have been taking place for some time between Palestinians and Israelis supportive of the peace process. I have been invited to some of these meetings and I know that in the short term they will result in concrete steps being taken on the path of Israeli-Palestinian cultural rapprochement, such as the establishment of a joint Palestinian-Israeli cultural center or joint publications in foreign languages of the works of Palestinian and Israeli writers. Palestinians inside Israel play an active role in this area under the slogan "*Writers for Peace*", and a meeting is scheduled to take place in the near future in Jerusalem between Palestinian writers from inside Israel, Palestinian writers from the Occupied Territories, and Jewish writers. Yet another example is the PLO Chairman and Shimon Peres, Israeli Foreign Minister, opening an Arab-Israeli culture meeting which took place in Grenada, Spain commemorating the sixth year of the intifada. At the meeting, there were problems surrounding the publishing a joint concluding statement, with the Israeli representative suggesting that the name "*Palestine*" in the cultural context be replaced with "*the PLO*", in accordance with the spirit of the DOP. Israeli attempts to replace the concept of a "*cultural nation*" with the concept of the PLO, which signed the DOP, have been noticed by many people. There is no doubt that the difference in the cultural meaning and content of these two names is great indeed.

The cultural effects or results of the DOP are not only based on that which is explicitly stated or omitted in the articles of the Agreement relating to culture. Simply signing the agreement with Israel, whatever the conditions and whatever the political ceiling we hoped to reach, placed us in a serious dilemma over national culture, whether as ordinary individuals, as writers, as intellectuals, and even as a political authority in the formative phase. The DOP placed us in the position of having to examine our historical, cultural consciousness, either to oppose or support it, rather than our political awareness and inclinations. The questions we hear raised every day are: How will we

teach Palestinian history? How will we teach the geography of Palestine? How will we teach Palestinian resistance literature? How will we teach Palestinian culture and work to preserve it and transmit it to the coming generations? All these questions in reality are one aspect of the dangerous crisis facing our national cultural identity; it is as if we are consciously or unconsciously trying to reform the forerunners of this identity.

When I use the phrase "*national culture*", I do so with an important saying in mind which distinguishes between culture and science: "*Culture has a homeland but science does not.*" Regardless of the philosophical arguments on the relationship between culture and science, this quotation serves my understanding of Palestinian national culture and my analysis of its most important aspects. Palestinian culture, in general, is Arab-Islamic culture in its essence, and it is not tied to the geography of the homeland, the state of being or sense of the homeland, or to the "*Palestinian-ness*" of the homeland except as a result of the Zionist challenge, its dimensions and cultural and political contents, which expresses itself, vividly and violently, in the occupation of this homeland. In other words, the cultural identity of the Palestinians is rooted in an understanding of the homeland, and the Palestinian national cause is what forms the essence and characteristics of the cultural identity which is based on the fact that Palestine the homeland is the Palestinian cultural homeland. This factor has played an important role historically in maintaining Palestinian unity after the catastrophe of 1948. When the Palestinian National Covenant was agreed, those who drew it up had no alternative except to reaffirm the national unity as a basis for the national cultural unity of the Palestinians who were living under Egyptian administration in the Gaza Strip, under Jordanian rule in the West Bank, under Israeli rule, and in the diaspora under the rule of various foreign or Arab regimes.

The Palestinian national cultural identity is rooted in the concept of the homeland to the degree that the homeland has become the

wellspring of inspiration for our creativity and culture and the "alchemist's stone" which changes by its touch and interaction all our literary symbols. In our creative culture we find that pain is the homeland, the loved one is the homeland, the lover is the homeland, the adulterer or prostitute is the homeland, the bird, the sun, the olive tree, the river, the sea, the stone and the word - all are the homeland. Perhaps Mahmoud Darwish's well-known poem is the best example of the depth of this rootedness:

I have a moon at the far edge of words and the blessing of birds and an eternal olive tree

I passed over the land before swords passed over a body transformed into a table

I am from there, returning the sky to its mother as it weeps for her

I cry so that a returning cloud will play me as music

I learned all words befitting the court of blood, so that I could break the rules

*I learned all words and I took them apart to build one single word
It is "the homeland".*

From here then, the Palestinian signing of the DOP is, whether we like it or not and whether we support it or oppose it, the agreement to the fragmentation of the homeland, which disconnected the poet from his transitory, dusty, obsolete, prosaic, revolutionary words. The fragmentation of the homeland is the breaking up of the national cultural identity, and in my opinion this is the most significant and most dangerous effect of the DOP on Palestinian culture. What happens when the center (the homeland) lacks the ability to pull things together is that the components of national cultural identity float in isolation from each other, distant from the magnetic points of the compass in the vastness of the new political reality. Implementation of this agreement will leave our national cultural identity a pile of rubble and in the end we will gradually become merely an Arab minority in Israel, Palestinian Arabs in the autonomous areas, Jordanians, Egyptians, Syrians, Lebanese, or Americans of Palestinian origin. With the breaking up of the national cultural identity the importance

of the familial, religious, tribal, or regional geographic culture will emerge.

The degree of danger of the DOP to the national cultural identity depends to a large extent on the internal Palestinian factor in dealing with the agreement and on the nature of the Palestinian authority which comes to power after its implementation. Will this authority be democratic or not? How will the authority deal with the political culture opposed to the agreement? Will this authority consider the political solution with Israel which it has achieved a tactical solution in stages or a permanent strategic solution? If the future Palestinian authority is not democratic, then the political solution it has obtained will be final and the situation does not augur well for the national culture. This authority would then be a factor in the cultural breakup. The concept of national culture would be limited to the vision of the ruling authority, and a situation will be created in which we speak about the culture of authority as opposed to the authority of culture, as is the situation in Arab and Third World countries. This authority will use culture to justify itself and its legitimacy, and its understanding and concept of Palestinian culture will be selective in corresponding with the conditions of peace to which it agreed. It is not unlikely that in this case there would be a reconsideration of what comprises political and cultural education, what is included in the educational curriculum, and educational philosophy.

If the authority is democratic - the authority deals with opposition political culture within the framework of a strategic understanding of national culture and the authority addresses all Palestinians everywhere as part of one whole (and this is essential to maintain and protect the concept of homeland within them) - this will dispel many of the fears which I have expressed about the break-up of our national cultural identity. It must remain clear to all of us as Palestinians - those in the authority, the opposition, and the independents - that even if it is not within our power to reclaim the homeland politically, we can retain it culturally. The first thing we can do to realize this goal is

to review the definition of "*who is a Palestinian*" on the basis of a comprehensive national culture and carry out a statistical survey of Palestinians based on this definition. ■

SESSION THREE:

TOWARDS A CIVIL SOCIETY

Panel chaired by Dr. Mahdi Abdel-Hadi

AUTHORITY AND SOCIETY IN THE INTERIM PHASE

Dr. Salim Tamari

Associate Professor of Sociology

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I will discuss in my comments some of the issues surrounding the establishment of the new authority in Palestine following the peace agreement. Two of the previous speakers touched on the nature of the issues arising from the reconstruction of the Palestinian social structure. From that material, a political map has been drawn of the nature of the coming alliances.

In my opinion, civil society in Palestine and in the Occupied Territories in particular has been shaped through the absence of a state in its two forms. The first form is the authoritarian Arab state seen in the post-independence stage following World War II. Absent too is the colonial state which preceded most of the now independent countries of the Third World which were established in most of Africa, Asia, and Latin America. We experienced the colonial state model during the Mandate period, and we are familiar with some of its unique characteristics from the period of Ottoman rule in the 19th century, when the bureaucratic system was largely composed of Palestinian personalities and local circles ruling through the authority in Istanbul; hence authority was concentrated in the hands of a few Palestinian feudal families in Jerusalem.

After the 1948 War, Palestine was partitioned and the Palestinian dominating elite (rather than ruling elite since it did not rule) lost its authority after being dispersed throughout the Arab world and other countries. The formation of the Palestinian national identity progressed with the dispersion of the Palestinian people, with a unified awareness of Palestinian identity emerging which distinguished itself from an Arab and Middle Eastern identification. There was a uniqueness about Palestinians which became even further accentuated

as the social and economic structures of the Palestinian entity were more and more scattered.

At that time, Palestine was divided into the state of Israel, an area under Jordanian rule, and another under Egyptian rule in the Gaza Strip. Not until the Israeli occupation of 1967 were all the parts of Palestine reunified, under Israeli rule. During this decisive stage, civil society in Palestine began appearing in its most developed form. This was largely due to the occupation and its unwillingness to share power with the local Palestinian elite. The furthest the Israeli occupation was willing to go was to create a subordinate political group in its attempt to form the Village Leagues in the late 1970s and early 1980s. The failure of this experiment was a result of Israel's unwillingness to allow even this marginalized group of Palestinian society to share in the authority over the land and natural resources of the state. At this point, associations, coalitions, groups, institutions, and voluntary organizations, as an alternative to the central authority, together formed the structure of the institutions of a civil society. The importance of these institutions in Arab society is due to the fact that they pose an alternative not to the state and its authority but rather to the other side of civil society -- the tribal structure. These voluntary organizations helped to undermine Palestinian society on the one hand, and oppressive authority on the other. All hope today, in the view of both opposing democratic elements and supporters of the Israeli-Arab agreement, lies with these organizations as the foundation of the future democratic society under the future Palestinian entity. This is the general picture as I see it.

The problem in the light of the coming settlement is that our political discourse requires a reshaping of our traditional style of political discussion and a new vision of the nature of political alliances. I have no doubt that the creation of a new society will lead to the establishment of new alliances vastly different from those that led Palestinian society in the beginning of the resistance to occupation, in terms of secular, national and Islamic groupings. This realignment will

come about as a result of the rebuilding of Palestinian society in a new form and unifying Palestinian society inside with the Diaspora, reinforcing their sense of identity in relation to the international community.

It is possible to describe the three main axes which will form the new Palestinian composition:

- (a) a bureaucratic group coming from outside, comprised of politicians surrounding the Palestinian leadership in Tunis and in the Arab countries, and the major organizations, political parties, social institutions, and elites inside Palestine;
- (b) the relations between all Palestinian geographical sectors. One problem is that during Israeli rule there was no combined social/political elite from all the Palestinian areas. The previously existing Palestinian social elite was composed of families that managed to preserve some of their standing into the period of Israeli occupation. A new elite took shape in the 1980s with the rise of the political parties. These elites inside did not form an integral society, thus creating a need for an emotional entity -- the organizations of the PLO. This is why when we insist on saying that the PLO is the sole legitimate representative of the Palestinian people, we are not tossing about slogans empty of political content, but rather we are stating that those people in the diaspora, through their political organization and through the PLO and its institutions, were able to create an entity that the society inside could not. In other words, they were able to unite in a political and legal form not only in the international arena but through the creation of a new entity we call the PLO and its branches. The second axis is the unification of the various Palestinian sectors in a society not only civil, but national and social. Our discourse about Palestinian society is lacking much of the hazy ideological vision needed for the composition of identity. As Professor Ahmed Harb said, the formation of the Palestinian identity is a process that has crystallized, but it does not rest on a collective

conscience of a regional nature. The regional base for this conscience is Palestinian in the imagination rather than reality. In my opinion, the new reality requires the unity of land for its manifestation by an able leadership that could regain the regional Palestinian unity in reality and not only as it exists in the Declaration of Principles;

- (c) the relation of Palestine or the coming Palestinian authority to its Arab *hinterland*. Clearly, as a result of the occupation Palestine was isolated politically and culturally from its natural connection with the Arab world. One of the first priorities for the Palestinian authority should be to work in this direction through joint agreements, security arrangements, and economic relations with the surrounding Arab states, specifically those geographically contiguous - the Levant - and then with the rest of the Arab world. This Arab continuity will form the necessary balance of power in the relation that Palestine is obliged to establish with Israel, so that Palestine will not be subsumed and the process of normalization of relations with Israel will not become a factor in marginalizing the Palestinian culture and economy.

This realignment between the Arab world and the Palestinian entity, and relations between the Diaspora and those inside will create problems in terms of the nature of Palestinian society and its internal alignments. This society that we struggled to form over the past 26 years. The question here is related to this future internal structure: will it be oppressive and authoritarian? Will it be a democratic formation? A great challenge currently faces the Palestinian opposition. If it continues to oppose the accord from the outside, it will end up being marginalized, but if it attempts to widen the range of opposition from within, it will become a parliamentary, political and cultural opposition force within the framework of the Declaration of Principles. Hence, it will share in the prospect of establishing a civil society that will hold in check the oppressive tendencies of the coming authority. The making of this alliance will be a methodological

problem within the Palestinian political discourse, particularly due to difficulties in distinguishing the public domain and the state domain. In one cultural panel discussion, intellectuals expressed doubts about the possibility of public political structures existing unconnected to the state apparatus, for example, the office of the State Comptroller, the apparatus that oversees human rights, means of communication, etc. (For example, there are many people in the circles of power that cannot comprehend that an organization like the BBC is funded by the state, but is not under the control of the state). There are numerous general public institutions that do not seek profit, and have special interests, some partisan and some not, but they are not all part of the state apparatus.

In the coming phase, many of these institutions formed by different partisan as well as non-partisan groups, undoubtedly will be included within the state apparatus; others will become part of Palestinian civil society forming a protective buffer between the public on one side and the executive ruling apparatus on the other. This protection of civil society in the coming period will be a great challenge.

Finally, to summarize, the period of constructing the Palestinian authority carries within it two struggles. The first struggle is the submission of the state apparatus in its embryonic stage to the parliamentary and public control that regulates the state's instinct toward domination and oppression, as in any other state. On the other hand, we are facing another challenge -- the expansion of those institutions of civil society established during the period of occupation so as to be capable of facing the challenge of joining the culture, society and national structures together toward making a new society in the coming years.■

DEVELOPMENT PERSPECTIVES IN PALESTINIAN SOCIETY

Ibrahim al-Daqqaq

Development Researcher and Planner

Palestinians have been aware of the close linkage between development and politics since the beginning of the Israeli occupation of the West Bank and the Gaza Strip in 1967. The occupying authorities were also not unaware of the relationship, neither were the many non-Palestinian sources of funding. These three groups used development as a mechanism to achieve seemingly humanitarian goals, while at the same time having opposing political goals.

The Palestinians, on their side, worked to use development to strengthen their steadfastness in the face of the tactic of coerced emigration used by the Israelis, and to enable themselves to practice a development resistance to the occupation and its various institutions as the Palestinians' means of asserting control over their homeland. With this understanding Palestinians adopted the slogan "*development for steadfastness in resistance*".

For its part, Israel endeavored, through the occupying authorities, to weaken the steadfastness of the Palestinian people on their land and to break the mechanisms of resistance to the occupation. To achieve these goals, the authorities adopted a policy of "*negative development*", as evidenced in the partition of the Occupied Territories into different sections and, to reinforce their isolation from each other, the building of settlements and roads between these sections, as well as other actions too numerous to detail here. The result of this was the emergence of various distinctions within Palestine itself.

For non-Palestinian funders, different factors and incentives lay behind their offers of aid to Palestinians in the Occupied Territories, and the performance and styles of these funders conflicted according to these factors. Despite their differences, a group of donors agreed to

provide material assistance, while avoiding offering political support to Palestinians in the struggle for their legitimate rights. Alterations were imposed upon Palestinian activities, with contradicting programs adopted by non-Palestinian supporting institutions. Palestinians accepted this charity because of their constant state of poverty. Thus, these supporting organizations, whether consciously or not, increased dependence among Palestinians, weakened their initiative, and intensified factional struggles and internal disputes. Some funding organizations pressured Palestinians for a normalization of relations with the occupying authorities on the authorities' terms.

Most recently, the development path took a new turn, one that is more clearly defined. The Madrid conference in 1991 delineated the future of development through both the bilateral (political) track and the multilateral (developmental) track. This development path was defined more concretely with the signing of the Declaration of Principles. The agreement includes articles and appendices laying out the long-term framework for development and for the Palestinians' political future through the coming phase and until the establishment of a Palestinian entity after five years. It also opens the door for clarification of the details of the relationship between the Palestinian and Israeli sides through the bilateral negotiations which began after the signing of the Agreement.

The picture summarized above reveals the nature of the relationship emerging between Palestinians in the Occupied Territories and non-Palestinian elements - with their various influences, their points of agreement and their differences - and it highlights the complications to which Palestinian internal dynamics are subjected. At the same time, it paints a picture of the difficulties confronting Palestinian society in adapting to these dynamics. These difficulties increase when there is an attempt to maintain a balance between allowing Palestinian society to benefit from the aid offered by non-Palestinian groups while at the same time retaining the thrust of the struggle to realize their goals: ending the Israeli occupation and its effects, ending the diaspora of the

Palestinian people, and creating an independent identity on Palestinian soil.

I will attempt in my paper to examine the development possibilities under the economic, social and political limitations imposed by the lengthy occupation, the intervention of non-Palestinians in the affairs of the Occupied Territories, as well as political developments after the Madrid conference in 1991. These limitations also relate to the lack of parity among Palestinians themselves and between Palestinians and others at the forefront of whom is Israel, within the framework of expected regional cooperation. These limitations also stem from the conditions of the Declaration of Principles signed in Washington and what its implementation will lead to, namely the fragmentation of the development process through the formula of separate phases leading to a final resolution (Gaza-Jericho, the autonomy stage, the final stage) and whatever else may be added on in terms of forcing the adaptation of the Palestinian infrastructure to ensure its subordination to the Israeli concept of development and the priorities of the regional cooperation partners. In order to complete the picture, I should begin by examining the Palestinian reality as it stands as one obstacle among many which, under the current circumstances, impede independent national development.

CURRENT PALESTINIAN REALITY

The state of dispersion imposed on Palestinians in 1948 and continuing until now gave rise to certain distinctions based on the degree to which Palestinians conformed to the conditions of their various host societies, and on the differences in policy of these societies' governments toward Palestinians. This applies to the situation in the West Bank and Gaza Strip in the periods between 1948 and 1967, and from 1967 until now.

The emergence of these distinctive characteristics may result in comprehensive negative consequences, the most important of which are:

- distortions of value;
- distortions of function;
- distortion of structure.

While there is no opportunity here to discuss in detail these distortions, I wish to point to four possible effects of these distortions:

1. the Palestinians' loss of their enterprising spirit and initiative in terms of productivity. This initiative formed a part of the traditional production system of their home communities, and its loss and the imposition of a forced adaptation to a system of production in exile alienated them from their previous experience. In addition, this forced adaptation was combined with Palestinians being prevented, much of the time, from enjoying rights as citizens in most places of refuge;
2. the emergence of a large number of Palestinians capable of serving others better than they could serve the independent Palestinian production system to be established in the future;
3. The Palestinians' separation from the land, and their transformation into mercenaries wandering throughout the world in search of livelihood and future;
4. the increased use of knowledge, gained under harsh circumstances, and its transformation into a commodity to exchange for moveable capital, in light of the Palestinians' lack of individual and communal security, and the lack of Palestinian institutions able to absorb their skills and other Palestinians' efforts in building an independent Palestinian base due to the absence of the necessary conditions for its existence.

In the case of the West Bank and Gaza, I would like to add the following:

1. the subjugation of their production system and its adaptation to the mechanisms of the Israeli market;
2. the increase in differences in market mechanisms between the West Bank and the Gaza Strip;
3. the growth of the role of the Israeli settlements as a superior system restricting that of Palestinian society and contributing to its fragmentation.

**THE DECLARATION OF PRINCIPLES:
CURRENT AND ANTICIPATED LIMITATIONS TO
DEVELOPMENT**

This agreement was signed on 13 September 1993 between the Palestine Liberation Organization and Israel in Washington, and consists, in addition to the introduction, of 17 articles and several appendices. Article VII, paragraph four, and the third and fourth appendices are related to development. The fourth paragraph of the seventh article discusses the formation of the Palestinian authorities to supervise the sectors of electricity, the port of Gaza, a development bank, a council for distribution and export, the environment and land, the administration of water, and any other authority to be agreed upon during the interim agreement.

The third appendix is a protocol detailing the establishment of Palestinian-Israeli cooperation within the framework of an economic and development program. To achieve these goals the appendix calls for the establishment of a joint economic cooperation council by the two parties, whose activities would include cooperation in the sectors of electricity, water, finances, transportation and communication, as well as trade, industry, the regulation of workers' affairs, the development of human resources, the media, and other programs of common interest. The fourth appendix calls for the coordination of Palestinian and Israeli efforts in the area of the regional economy.

I propose now to discuss some of the limitations and restraints facing independent Palestinian development in the following five areas: expected cooperation in light of the absence of equality, the political limitations of development, the role of the Israeli-Palestinian economic committee, the distortions which have taken place among Palestinians, the unfair challenge imposed upon them by the agreement, and Palestinian demographic policy.

EXPECTED COOPERATION IN THE LIGHT OF THE ABSENCE OF EQUALITY

Cooperation between Palestinians and Israel, and between them and other parties, was not an option put forward by Palestinians. Rather it was imposed upon them as a requirement by the other parties, among them Israel, for entering the processes of coordination and cooperation under conditions which can only be described as unfavorable to the Palestinians. Among these conditions are the delaying of negotiations on subjects essential to Palestinian development, such as Jerusalem, refugees, Jewish settlements, cooperation and coordination with neighboring countries (Article V, Paragraph 4 of the Declaration of Principles). These issues will be left to the final stages of the negotiations. Their exclusion from the negotiations at this point permits the continuation of the current disjointedness and distortion that is being imposed on Palestinian development work, and leads to the weakening of the Palestinians vis-a-vis the Israeli and Middle Eastern parties in the expected coordination and cooperation process. The exclusion of these issues will define Palestine's relations with its neighbors in the upcoming period (particularly in the autonomy stage), and maximize the degree of control that may be exerted to prevent Palestinian development taking an independent route to reach the hoped-for parity. In fact, Palestinian skills do exist, capable of leading a true development process that would fulfill the expectations of its people now. Palestinians would be able to engage in equal cooperation with their neighbors if they were allowed to end the conditions of the

diaspora and the barriers that prevent the transformation of individual capabilities into comprehensive collective capacity.

POLITICAL RESTRICTIONS ON DEVELOPMENT

Before discussing the limitations from the political aspect, I would like to emphasize the close relationship between politics and development, and the importance in maintaining a balance between the two so as to realize both the development aim and the political goal without giving up either. Because development is a continuous and progressive process, the Palestinians alone need to define conditions for its continuity and growth. Anything else will turn the development process into a tool for the exploitation of the Palestinians by all other parties: Israel, other neighboring countries, and especially the funders.

The political limitations on Palestinian national development are represented by the lack of Palestinian-imposed conditions, a result of the absence of Palestinian sovereignty on Palestinian land, and the limitations placed on Palestinian settlement, which prevent the establishment of a Palestinian geographical unit in the West Bank and Gaza Strip. The discussion about a final stage after five years concerns a Palestinian entity so shrouded in darkness that no one can define its features or be sure of its nature. Israel and the United States deny the Palestinians' right to an independent Palestinian state through their effectiveness under the current conditions in shaping the future of the region. The Palestinians are attempting to build a Palestinian state. In the absence of agreement between all sides, the discussion about a Palestinian future is transformed into one of conflicting hopes, the discussion about real development becomes an assumption built on hopes and wishes.

The concrete political limitations can be divided into three categories:

- (a) the imposition of cooperation with Israel on Palestinians within the context of a balance of power favoring Israel and the

normalization of relations between them before agreement on a political solution is reached between the two sides, will lead to the subjugation of Palestinian development to Israel's political aims:

- (b) as a result of the tilting of the power balance toward Israel, the economic development process has been divided into political phases that lack a mechanism that would integrate them to better serve the Palestinian national goal. By political stages I mean the Gaza/Jericho stage, the autonomy stage, and the final resolution stage;
- (c) in the absence of Palestinian political independence prior to the development of Palestinian self-capability, and given the absence of parity between all parties, the imposition of cooperation between Palestinians and their neighbors (regional cooperation) will subordinate Palestinian development to the interest of the stronger partners. In addition, such conditions will increase the opportunity for cooperation between Israel and neighboring countries which takes place at the expense of Palestinian interests.

COMMITTEE FOR PALESTINIAN-ISRAELI COORDINATION

In the third appendix of the Declaration of Principles it is stated that there should be a committee established for economic cooperation based on coordination in the areas of water, electricity, energy, financial matters, transportation, commerce, regulation of labor matters, development of human resources, information, and any project or program of concern to both sides. In fact, these sectors are influential in creating sustainable development in any society. The participation of Israel in this committee with the continuation of its military presence creates the opportunity to limit Palestinian authority (as defined by the Declaration of Principles) in the service of Palestinian aims. Proof of this is found in the seventh paragraph of Article IV, which calls for the establishment of a Palestinian authority to administer most of the above-mentioned activities within the framework of the Palestinian-Israeli committee, co-existing with

Israeli forces in the West Bank and Gaza, a fact that gives the impression that the Palestinian authority will be restricted.

THE DISTORTIONS OF PALESTINIAN SOCIETY

The distortion and disfigurement of the Palestinian communities in the Occupied Territories and the diaspora will remain a dangerous obstacle to development. Perhaps the most prominent of these is the relationship between Palestinians in the homeland and the diaspora and the distorted structure of Palestinian institutions in Palestine. I will provide a brief summary of these two issues.

The relationship between some Palestinians and their land and homeland is the result of dispersion and its accompanying conditions. The relationship between these Palestinians and the homeland changed, due to their experiences, from one linked and inspired by reality to a romantic relationship comprised largely of pictures woven in their imaginations without necessarily any connection to reality. Because of this change, these Palestinians lost the ability to deal objectively with concrete developments as they unfolded in Palestine between 1948 and the present.

Among the distortions Palestinians have suffered are the weakening of institutional performance in the face of Israeli actions, the break-up of a unified Palestinian framework into individual elements serving the various distinctions described earlier, and even a lack of internal unity among these individual elements. This fragmentation is particularly evident in the West Bank and the Gaza Strip, most clearly in the signing of the Declaration of Principles, which occurred at a time when Palestinians were in a state of unpreparedness and were unable to respond to the demands of the international community (through the World Bank) and the group of donor nations who are to provide for the building of institutions capable of absorbing and investing the funds allocated for developing the Occupied Territories within a short period of time.

DEMOGRAPHIC POLICIES AND ABSORPTIVE CAPACITY

There is an additional problem, in the capacity of the Palestinian land to absorb those returning to their homeland and the preparation of the appropriate mechanisms to implement this task in the absence of a fixed demographic policy. The current demographic distribution in the Occupied Territories does not serve any development objective. Rather, the continuation of the current situation in the Gaza Strip will lead to a human and national disaster. It will also result in a continuation of the migration from rural communities to the cities and the vacating of the countryside by its inhabitants, as well as the burdening of the urban areas with responsibilities that dramatically compound their current problems. The Jordan Valley is almost empty of people (approximately 49 persons per square kilometer), while at the same time it is the essential Palestinian source of food. There is no need to point out the role of Israeli settlements and the economic and political strategies of the occupying authorities which created problems in addition to those which resulted from the dispersion of 1948 - problems which had not previously existed to such a degree, at least not before 1967. The result was increasing disorder in the Palestinian population distribution, and a clear reversal in relations between Palestinian population clusters.

THE PROPOSED FOUNDATION OF A RESPONSIBLE PALESTINIAN POSITION

It is necessary here to discuss the foundations for a responsible Palestinian position for the transitional period and the groundwork appropriate for the final stage which will serve as a perspective for the long term.

Initially, I would stress the need for independent Palestinian development within an environment of the highest level of political independence. Until we achieve the goal embodied by an independent Palestinian state through the liberation of national aspirations from

external restrictions, Palestinian development will remain hostage to the current situation. The tools of steadfastness and resistance we must utilize include: working to stop the current deterioration in Palestinian society on the one hand, and on the other hand supporting the Palestinian struggle to reach the goal of political independence. The developmental priority for Palestinians in the 1980s, the call for strengthening resistant steadfastness by using development as a tool, will remain the developmental priority for Palestinians in the 1990s until the achievement of political independence. I would end by stating that the political struggle remains the most important factor in forming a picture of future development in Palestine during the interim period.

In discussing the interim phase called for in the Declaration of Principles, I would say that the Palestinian political authority will remain inadequate, waiting for completion within the framework of the final agreement between the Palestinians and Israel. Because of this, development work will become a means of political work, trying to make the best use of what has been provided in terms of authority and funding, to resist the pressure of Israel and the neighboring states aimed at ensuring that Palestine will conform to their designs.

The Declaration of Principles details the political and development framework of the Palestinian-Israeli relationship over the next five years, the interim period prior to reaching a final and permanent resolution to the current conflict. In my opinion, this framework is unfair to the Palestinians, yet nonetheless it gives them the opportunity to develop their role through studied political-developmental activity, confronting Israel and the neighboring states with a dynamic Palestinian reality capable of meeting the challenges and confrontations and capable of self-development.

In order to derive the maximum benefit from what is provided in terms of authority and funding, the Palestinian leadership assigned the task of development to the Palestinian Economic Council for Development and Reconstruction (PECDAR). The resolution creating the council was

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issued on 21 October 1993. The future PECDAR will be administered by a Board of Directors made up of 14 members, which will appoint an executive body and draw up the council's policies, within the framework of a comprehensive Palestinian policy, and monitor its execution and performance. The responsibilities of PECDAR will be centered around the receipt and administration of the donations and loans to come to the Palestinian people throughout the interim phase, assigning funds to appropriate projects, and thereafter taking a leadership role in the development process.

To be precise, I should mention that the function of PECDAR in the interim phase is to ensure a higher degree of Palestinian self-reliance through strengthening capacity of the national institutions in terms of development functions and actively increasing Palestinian collective human potential in the areas of administration, planning, implementation, supervision, and accountability. The following goals should be achieved by PECDAR during the interim period:

1. profitable investment of the incoming donations and loans;
2. building infrastructure appropriate to Palestinian development goals;
3. increasing Palestinian capabilities qualitatively and quantitatively in the areas of human resources, institution-building of different types and forms and the integration of these institutions in a harmonious network within the larger framework of a flexible Palestinian system;
4. through a responsible selection policy, transforming the projects to be implemented (particularly in the first three years, 1994, 1995, 1996) from projects lacking development relevance into a larger, integrated development framework;
5. increasing the advantage, in the strategic development sense, in realization of long-term goals by utilizing the experience gained during the transitional period, and developing this experience to enhance Palestinian abilities for the time when it takes control of

the development process, after the freeing of Palestinian national aspirations from repression and obstacles. Similarly, increasing the astuteness of Palestinians in dealing with the other parties in what is being called regional cooperation, a goal of great importance.

The nature and responsibilities of PECNDAR's work remains dependent on a declaration of official development policy by the Palestinian National Authority. PECNDAR, according to the terms of its formation, does not have the right to formulate or alter development policies, but has the responsibility of implementing these policies according to the directives and decisions issued by the political leadership of the Palestinian people. Despite the urgent need to formulate a Palestinian national development perspective, until now no official development policy has been decided by the political leadership. This although the economic department of the PLO had completed and proposed to the leadership a draft Palestinian development plan, in order that they might decide on it. It would then become feasible for PECNDAR to detail this vision and translate it into concrete projects to be implemented according to availability of funding and capacity during the interim period and in the long term.■

THE POSSIBILITIES FOR TRANSFORMING THE ENTITY INTO A STATE

Dr. Nabeel Kassis

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General Director

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I will discuss the possibilities for transforming an "entity" into a state. Note that the word entity is used without any real definition. What is meant by entity is the coming phase, which some refer to as autonomy, some as the interim stage, and others as the temporary phase. I believe that the organizers of this panel used the word "entity" in order to avoid using another word which might provoke the feelings of some.

The development of the entity to be established over the next few months into a state in the near future, depends to a large extent on what the Israeli position will be vis-a-vis this development, meaning what Israel will accept or not accept in interpreting the Declaration of Principles. The Declaration of Principles encompasses a fundamental change, in my opinion, in the Israeli view towards the establishment of a Palestinian state. The signs of this change in outlook are indirect but important, the most notable being the deeply significant recognition of the PLO - the political body in the meaning defined earlier by Dr. Salim Tamari - as the representative of the Palestinian people, the (currently) verbal recognition of the rights of the Palestinian people, and dealing with this people and its representatives as equals.

The Declaration of Principles leaves open the possibility of statehood while not legally prescribing it. Recently we heard a statement from Israeli legal sources that they understand from the Declaration of Principles that if a state is declared tomorrow, they would consider the Declaration void. However, this is from the Israeli point of view which sees the Declaration of Principles as allowing for the

development of what was agreed upon towards a state without prescribing it; and permits invalidation if things develop in a way of which Israel does not approve. Since a state is an option conditioned by Israel, what is the nature of the state we are talking about and is it the kind of state that we want? This is the issue I will touch upon shortly.

The future state, such as it is, will be a state only within the borders and restrictions imposed by Israel and accepted by the Palestinians, and it will be a state if and only if we are able to use our abilities after accepting the restrictions on transforming an "entity" into a state. But even if we succeed in transforming this temporary entity into an entity with the characteristics of a state within all of the imposed restrictions, the following questions still remain: what is the state we are talking about? What is the extent of state's independence? Is that state subordinate to one of its neighbors or is it a state capable of living as an equal?

There is a great lack of clarity in many of the points agreed upon in the Declaration of Principles and in the extent to which the agreement involves Israeli acceptance of the establishment of a Palestinian state, and Palestinian acceptance of provisions regarding settlements, Jerusalem and the borders, in that the Declaration of Principles does not mention the Fourth Geneva Convention at all (a point discussed by Raja Shehadeh earlier). By this I mean that there is a measure of vagueness in two ways: a vagueness which permits us to explore the possibility of founding a state in the near future, and a vagueness which permits Israel to impose the issues of settlement, Jerusalem and borders as issues relinquished by the Palestinians. Allowing the settlements to remain and to be tied economically and security-wise to Israel in itself signifies the breaking up of the land of the Palestinian entity and incapacity of that entity to develop. Acceptance of the settlements places difficult obstacles in front of the Palestinian entity, shaking its stability, as described in the possible scenarios touched upon by Dr. Khalil Shiqaqi. Settlements will make it difficult to create

an independent state with sovereignty because they impair the unity and integrity of the country. The passage in the Declaration of Principles which addresses the unity and integrity of the land during the interim period has no practical meaning in conjunction with settlements.

As for the borders, until now there has been no way to deal with the issue of borders and border crossings, within the security restrictions insisted upon by Israel, in a manner acceptable to both parties. Even in the stage which follows the interim phase, the issue of border crossings and travel will be a bone of contention since it is not likely that in the short- and medium term a Palestinian state will be able to keep open borders with Israel and with the Arab world and others over the Jordan river and the Mediterranean Sea.

There is also the issue of Jerusalem. The question is: are we ready to announce our state without Jerusalem as its capital? If we talk about the possibility of transforming the entity into a state over the next five years, it means we are talking about announcing a state the capital of which is Jerusalem. This is my opinion. If it is not possible to announce a state with Jerusalem as its capital, then a large question mark hangs over the transformation of the entity into a state.

In the end, a complete geographical entity, one of the characteristics of an independent state, will not be implementable in the near future. Secondly, any state developed out of an entity will be a state lacking sovereignty, at least in the short- and medium term.

Moving from external to internal factors, the question which must be asked is whether we have the assets that would enable us to proceed to a state. Obviously, it is not possible to establish a state without building strong institutions in both the private and public sectors. It is obvious too that the ruin of our various institutions limits our ability to absorb the aid which we need for the revitalization of standards of living, development and construction. For example, if today Birzeit University were given 50 million dinars to build a medical school

within the year, would the university be able to undertake this project? The answer is that it surely would not. The issue is not simply making funds available, not only providing aid, but also the ability to absorb aid in the absence of a strong institutional base. There is a need for institutions capable of building, planning and absorbing what is coming. Institutions are the most important thing that can be established, because without them there will not be a state. Strong institutions are an alternative to improvisation, fumbling, and mismanagement, problems which abound. However, the building of institutions requires vision, planning and consolidation of loyal and capable human resources. This is not impossible but it requires will, sincerity and work.

In addition to these things, we need emergency help from outside sources. Under the occupation we suffered greatly, and what resources we did have were seized in large part. As you know, there is currently no Palestinian government collecting fees and taxes and we need help in launching this effort. There is a fair amount of goodwill and a serious desire to help from outside parties supporting the current peace process which would like to see stability in the area. There is a reasonable amount of international acceptance of the need to establish a Palestinian state, albeit within the restrictions imposed by Israel, but do we have the ability to transform this intent, desire and aid into concrete accomplishments? All the current signs, unfortunately, point to the fact that we will be unable to build institutions if we continue in the manner in which we are now proceeding in all the leadership work on various fronts and at different levels, and I do not exclude anyone from this. Building institutions requires vision, leadership and planning, and it also requires specialized human resources. These human resources must be based on motivation. We will not be able to build strong institutions without the wealth of Palestinian experience outside Palestine. The experience in Palestine does work, but is in need of modification, and we cannot continue in the same way, overloading one person - regardless of his or her abilities - with a variety of specialized essential tasks each of which requires an entire

apparatus. This is the current situation. It is worrisome that until now there has been no serious sign of any change in procedure. We need a new method and a test of our sincerity in this rebuilding process is for us as a people to propose the right of return, enabling and motivating the immediate return of hundreds of trained people to take leadership positions in the different areas alongside their colleagues here. We here on the inside, with the humble abilities we possess, are not able to accomplish what is needed in a short period of time. There will not be a Palestinian state if we do not build an economy which attracts its inhabitants, and there will not be an economy which attracts the inhabitants without strong institutions, and we will not build strong institutions without planning and new vision and without the necessary numbers of dedicated and trained Palestinians. In the absence of these characteristics and without drastic changes in the way we deal with the challenges, the transformation into a state, if it takes place, will not do so in the ideal way but in the only way possible - through and with Jordan. The creation of a Palestinian state is a challenge to the will and abilities of the Palestinian people during the interim stage. External factors will not carry as much weight as in the past, rather the crucial factor will be the internal Palestinian one.■

SETTLEMENT OR HISTORIC RECONCILIATION?

Dr. Azmi Bishara

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The Agreement of 13 September 1993 between Israel and the PLO is called the Declaration of Principles. It is not a historic reconciliation and does not deserve to be labeled as such. At best, this agreement could be called a political settlement; by no means could it be called a just settlement.

Calling the Declaration of Principles a historical reconciliation is a misrepresentation forced on us by the international community and Israel to conform to their explanation of the handshake bestowed on us as a historic reconciliation with Zionism. Because of this, my worry and the worry of other Palestinian and Arab intellectuals arises from what appears to be a push towards normalization based on an agreement that under no circumstances deserves to be called historic. By normalization I mean simply the creation of a normal relationship between the states and institutions, a relationship of exchange and cooperation in the context of an unnatural situation - or the normalization of an abnormal reality.

In this short presentation, I do not propose a discussion of the Declaration of Principles from a strictly diplomatic view, since much has been said already and I do not believe that there is any great importance in opposing or agreeing with the accord, because whether or not it is successful, it has already become a reality. I could say in fact that it bypasses reality, meaning that it is already established reality according to its shape. There was no state alignment at the regional level to stop this agreement from creating a new reality. By bypassing reality I do not mean that the agreement would culminate in a Palestinian state as might be inferred from its reference to "stages".

On the contrary, Israel is trying to go beyond the agreement and empty it of any such potential as of now.

Every word in the agreement requires another agreement. Therefore, a legal discussion of this agreement is not possible and would be meaningless. Perhaps this agreement could be taught in diplomatic schools under the heading "*How to Make an Agreement that Sidelines All Fundamental Issues*". Israel's sidelining of the basic issues is not a tactical move, but a work of principle making the Agreement a stage towards establishing an Israeli protectorate and not a Palestinian state. The alternative to this Israeli strategy will not be an alternative to a Palestinian state because we are facing a historical stage that is profoundly different. The slogan of the state ended with the leadership that produced it. We have now to think of an alternative strategy to face the policy of an Israeli protectorate.

A historical reconciliation is built on two firm bases, the first being equality and the second, historical memory. In our situation, this means equality between two states, or between two peoples in a binational state, or between citizens in a democratic state. As for historical memory, it is possible to effect a historical reconciliation without taking into consideration the historical memory of both adversaries. When there has been a political settlement, little emphasis need be placed on the question of who shook hands with whom. The important thing is to reach an optimal solution within the given balance of power. However, when speaking about a historical reconciliation, such questions acquire special importance, and if we are not recognized as a victim we cannot forgive. And if we cannot forgive, we cannot reach a historical reconciliation.

We cannot and nobody can, not in the name of our people or our history, forgive the crime that was committed against the Palestinian people and the historical injustice meted out to it through a settlement in which no one apologizes to us, but rather in which they ask us to apologize.

The haste with which the Europeans, Americans, the intellectual Zionist left, and some of the Arabs are pushing us is a scary thing, because it considers the unjust political settlement a historic reconciliation so that they can get rid of the weight of the Palestinian question as quickly as possible. The struggle with Israel and Zionism still goes on and it will remain open as long as we can not reach a historic reconciliation on the previously mentioned bases. We might argue about certain issues such as "Is what they reached a political settlement or not?" There is no space to discuss if this is peace or not. Some of us are acting as if it is peace, but what kind of peace is it?

Is it possible to agree on a political settlement that would lead us one step further? The agreement became a hurried reality as a result of Arab and international conditions. But it is a reality that is not defined by things that are agreed upon and clear. The struggle between the PLO and Israel ended, without any change in the balance of power. The PLO entered the agreement without a sudden shift in the balance of power in its favor, and it began to subject itself, and not only objectively, to the reality of the balance of power existing between it and Israel.

We have a Palestinian leadership that was asked to sign in the moment of its historical weakness. We could argue over right and wrong concerning the behavior of the Palestinian leadership through the Gulf War, and we could argue over the definition of a revolution entering an economic crisis. Never did we hear in the past of economic crises in revolutions. But be that as it may, we have, in my opinion, reached a dead end with this leadership. The pragmatists in Israel under the leadership of Shimon Peres and all of the managerial and technocratic class that increased its power in the seventies, reached the conclusion that this is the suitable time to negotiate with the PLO and recognize it.

I never believed at any time that the Israeli ban on talks with the PLO was holy or set in stone, and I always believed that recognizing or not recognizing the PLO was tied to the recognition or non-recognition of

the rights of the Palestinian people. If Israel had recognized the national rights of the Palestinian people, all artificial obstacles to talking with the PLO would have been removed, and the subject was not, of course, a war or a boycott on terrorism, because Israel spoke and speaks with all the terrorists of the world. Rabin himself, the first Israeli pragmatist, used to say that terrorism is the weapon of the weak and that it does not represent any strategic danger to Israel: it is unlike the Egyptian and Syrian danger that was in the past; it is only an irritating problem. But the situation in Gaza is of course totally different. It became impossible to govern Gaza by the means that are allowed to Israel internationally. Therefore I believe that Rabin needs to amend his theory.

At any rate, a new social, political and economic group appeared in Israel that wanted to negotiate with the PLO prior to the recognition of the rights of the Palestinian people. Israel went far beyond the current assumptions and negotiated with the PLO without saying one word about the right to self-determination of the Palestinian people or their right to sovereignty over their land.

Especially for that reason, the PLO reached a dead end, in that Israel agreed to speak to it after emptying it of its contents. The operation of exchanging the symbol with the symbolized, the means with the end, and Palestine with the PLO is complete. What does the PLO mean without Palestine? What actually occurred is the saving of the PLO for a very short period of time and then as fast as lightning it will turn into a hostage of Israel.

Israel bear-hugged the PLO after 13 September, considered every critical person as an "*enemy of peace*", and neutralized the Arab world. Therefore, the PLO had no other strategy except begging Israel. Is begging a good strategy for the coming phase?

I don't believe that Rabin is going to show a tender heart in the beginning and he will try to squeeze Yasir Arafat's leadership to the end, over issues such as the passages, the borders, the settlements, etc.

The road of the PLO to Gaza will be full of compromises, and I do not think that we can depend on Israel's mercy.

We as intellectuals must explain to Israel that it must not confuse the contemporary PLO leadership with the Palestinian people. The Palestinian people are not hostages in Israel's hands and we are not ready to redeem the hostage with any of our rights. When the people came out to the streets on 9 December 1987, and I beg the pardon of the opposition and the PLO, the people did not consult with the PLO or the leadership or Israel.

I personally believe that we have to build on the people. I do not know if we have a civil society or a democracy. I have a particular view regarding these matters. But I would wager that the people will feel that the agreement of 13 September cheated them. The people shuffled the cards anew between the Amman Arab Summit and December 1987, and they are able to reshuffle them again.

The people of Gaza accomplished for the negotiation team much more than the team accomplished with its diplomatic skills. I say that with all due respect to the negotiation team. In my opinion, the failure of the Madrid formula -- forcing of Israel to negotiate with the PLO, was a result of opposition to that formula and not a result of support for it. Hamas played an important role in forcing Israel to talk with the PLO, and we should not forget that.

The situation then is much more complicated than that of a diplomatic road towards a diplomatic conclusion, and an opposing road that leads in the opposite direction. Things are more complicated than the notion that diplomacy is "the only game in town", and that nobody has an alternative to this game. Even the diplomatic games were not played by the diplomats alone: I would almost say they were not the main players in them.

At any rate, the claim that no alternative exists does not, in my opinion, constitute a logical or political justification. The expression "*no other alternative*" is a misinterpretation and misinformation, but it

is not justification. Those who used to say that there was no alternative, soon rode the wave of Intifada demonstrations. Those people who deny the existence of alternatives did not refrain from exploiting the alternatives that the Palestinian people created.

The struggle of the Palestinian people has resulted in achievements and in Israeli concessions that occurred despite international and Arab conditions, culminating in negotiations with the PLO and the relinquishing of Gaza. To rush to peace for these concessions and to normalize relations for the sake of these things means to stray from the path that led to them.

Phrases like "*agreeing with the Declaration of Principles*" or "*opposing them*" have become meaningless. What is the meaning today of being against the agreement? History does not go backwards. We cannot go back to a time where the agreement did not exist. Being against the Declaration of Principles today, if it is to make any sense, must mean to be critical to the reality that produced the agreement. But to support the agreement in the sense that it might lead to a Palestinian state, in my opinion, does not mean anything except that it might lead to an "*Israeli protectorate*". Progress towards a "*Palestinian state*" means moving on this road. The road to Gaza-Jericho First leads secondly to the rest of the territories, with the exception of Jerusalem and the "*security*" settlements and the settlements that were built on the Green Line.

What I dread most on this road is that the leadership, which became a hostage of its signature, will take the easiest road: aligning itself with the tribal structure of Palestinian society inside to empty any election process of its democratic content. "*Ghettos*" and "*protectorates*" cannot be democratic because the source of their legitimacy is not the people, but an external power. Any discussions of "*Palestinian democracy*" or any other subject are meaningless if they do not occur in the framework of action toward national sovereignty.

It is possible to propose an alternative form of popular democracy that includes the Palestinians organized within the institutions, the independents, and all those who refuse normalization with Israel on an unequal basis. It is wrong to bet on the Syrian tactical opposition to the agreement and that the opposition will return to the Palestinian people in the Occupied Territories and the Diaspora. For that the opposition would have to change its tactics and expectations. The Palestinian people will not demonstrate against withdrawal from Gaza and it is illogical to ask them to do so. They might demonstrate for withdrawal from Nablus, Ramallah, Jenin and Hebron, and they could demonstrate against the Judaization of East Jerusalem. The Palestinian people will not demonstrate against the agreement. But they might demonstrate against the effects of the agreement, against the settlements, for the release of prisoners and other issues which will be decided outside the agreement and only outside of it.

Any solution that the popular democratic movement opts for must be based on equality and mutual respect. The Palestinian state is no longer a holy slogan after the passing of the historical phase that gave birth to it. All solutions may be envisaged if they are based on equality. It is possible that the model will be some type of link with Jordan that will provide the utmost equality and mutual respect with Israel. This will be better, at any rate, than what is available in the relationship of the "*Gaza - Jericho Ghetto*" with Israel. The important thing is that we are not transformed into an Israeli protectorate. ■



APPENDIX:
ORIGINAL TEXT OF THE
DECLARATION OF PRINCIPLES ON
INTERIM SELF-GOVERNMENT AUTHORITY
AND ITS ANNEXES
SEPTEMBER 1993

**DECLARATION OF PRINCIPLES ON INTERIM
SELF-GOVERNMENT AUTHORITY
SEPTEMBER 13, 1993**

The Government of the State of Israel and the PLO team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference) (the "Palestinian delegation"), representing the Palestinian people agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security to achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process.

Accordingly, the two sides agree to the following principles.

Article I

Aim of the Negotiations

The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council, (the "Council") for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338.

It is understood that the interim arrangements are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council Resolutions 242 and 338.

Article II

Framework for the Interim Period

The agreed framework for the interim period is set forth in this Declaration of Principles.

Article III

Elections

1. In order that the Palestinian people in the West Bank and Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council under agreed supervision and international observation, while the Palestinian police will insure public order.
2. An agreement will be concluded on the exact mode and conditions of the elections in accordance with the protocol attached as Annex I, with the goal of holding the elections not later than nine months after the entry into force of this Declaration of Principles.
3. These elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements.

Article IV

Jurisdiction

Jurisdiction of the council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations. The two sides view the West Bank and Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period.

Article V

Transitional Period and Permanent Status Negotiations

1. The five-year transitional period will begin upon the withdrawal from the Gaza Strip and Jericho area.
2. Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period between the Government of Israel and the Palestinian people representatives.
3. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.
4. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim period.

Article VI

Preparatory Transfer of Powers and Responsibilities.

1. Upon the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and the Jericho area, a transfer of authority from the Israeli military government and its Civil Administration to the authorized Palestinians for this task, as detailed herein, will commence. This transfer of authority will be of preparatory nature until the inauguration of the Council.
2. Immediately after the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and Jericho area, with the view to promoting economic development in the West Bank and Gaza Strip, authority will be transferred to the Palestinians on the following spheres: education and culture, health, social welfare, direct taxation, and tourism. The Palestinian

side will commence in building the Palestinian police force, as agreed upon. Pending the inauguration of the Council, the two parties may negotiate the transfer of additional powers and responsibilities, as agreed upon.

Article VII

Interim Agreement

1. The Israeli and Palestinian delegations will negotiate an agreement on the interim period (the "Interim Agreement").
2. The Interim Agreement shall specify, among other things, the structure of the Council, the number of its members, and the transfer of powers and responsibilities from the Israeli military government and its Civil Administration to the Council. The Interim Agreement shall also specify the Council's executive authority, legislative authority in accordance with article IX below, and the independent Palestinian judicial organs.
3. The Interim Agreement shall include arrangements, to be implemented upon the inauguration of the Council, for the assumption by the Council of all of the powers and responsibilities transferred previously in accordance with Article VI above.
4. In order to enable the Council to promote economic growth, upon its inauguration, the Council will establish, among other things, a Palestinian Electricity Authority, a Gaza Sea Port Authority, a Palestinian Development Bank, a Palestinian Export Promotion Board, a Palestinian Environmental Authority, a Palestinian Land Authority and a Palestinian Water Administration Authority, and any other authorities agreed upon, in accordance with the Interim Agreement that will specify their powers and responsibilities.

5. After the inauguration of the Council, the Civil Administration will be dissolved, and the Israeli military government will be withdrawn.

Article VIII

Public Order and Security

In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council will establish a strong police force, while Israel will continue to carry the responsibility for defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

Article IX

Laws and Military Orders

1. The Council will be empowered to legislate, in accordance with the Interim Agreement, within all authorities transferred to it.
2. Both parties will review jointly laws and military orders presently in force in remaining spheres.

Article X

Joint Israeli-Palestinian Liaison Committee

In order to provide for a smooth implementation of this Declaration of Principles and any subsequent agreements pertaining to the interim period, upon the entry into force of this Declaration of Principles, a Joint Israeli-Palestinian Liaison Committee will be established in order to deal with issues requiring coordination, other issues of common interest, and disputes.

Article XI

Israeli-Palestinian Cooperation in Economic Fields

Recognizing the mutual benefit of cooperation in promoting the development of the West Bank, the Gaza Strip and Israel, upon the entry into force of this Declaration of Principles, an Israeli-Palestinian Economic Cooperation Committee will be established in order to develop and implement in a cooperative manner the programs identified in the protocols attached as Annex III and Annex IV.

Article XII

Liaison and Cooperation with Jordan and Egypt

The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives, on one hand, and the Governments of Jordan and Egypt, on the other hand, to promote cooperation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern will be dealt with by this committee.

Article XIII

Redeployment of Israeli Forces

1. After the entry into force of this Declaration of Principles, and not later than the eve of elections for the Council, a redeployment of Israeli military forces in the West Bank and the Gaza Strip will take place, in addition to withdrawal of Israeli forces carried out in accordance with article XIV.

2. In redeploying its military forces, Israel will be guided by the principle that its military forces should be redeployed outside populated areas.
3. Further redeployments to specified locations will be gradually implemented commensurate with the assumption of responsibility for public order and internal security by the Palestinian police force pursuant to Article VIII above.

Article XIV

Israeli Withdrawal from the Gaza Strip and Jericho Area

Israel will withdraw from the Gaza Strip and Jericho area, as detailed in the protocol attached as Annex II.

Article XV

Resolution of Disputes

1. Disputes arising out of the application or interpretation of this Declaration of Principles, or any subsequent agreements pertaining to the interim period, shall be resolved by negotiations through the Joint Liaison Committee to be established pursuant to Article X above.
2. Disputes which cannot be settled by the negotiations may be resolved by a mechanism of conciliation to be agreed upon by the parties.
3. The parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through reconciliation. To this end, upon the agreement of both parties, the parties will establish an Arbitration Committee.

Article XVI

Israeli-Palestinian Cooperation Concerning Regional Programs

Both parties view the multilateral working groups as an appropriate instrument for promoting a "Marshall Plan", the regional programs and other programs, including special programs for the West Bank and Gaza Strip, as indicated in the protocol attached as Annex IV.

Article XVII

Miscellaneous provisions

1. This Declaration of Principles will enter into force one month after its signing.
2. All protocols annexed to this Declaration of Principles and Agreed Minutes pertaining thereto shall be regarded as an integral part hereof.

Done at Washington D.C., this thirteenth day of September, 1993.

For the government of Israel
Shimon Peres (signed)

For the Palestinian Liberation Organization
Mahmoud Abbas (signed)

Witnessed By:

(Warren Christopher)
The United States of America

(Andrei Kozyrev)
The Russian Federation

ANNEX I

Protocol on the Mode and Conditions of Elections

1. Palestinians of Jerusalem who live there will have the right to participate in the election process, according to an agreement between the two sides.
2. In addition, the election agreement should cover, among other things, the following issues:
 - a. the system of elections;
 - b. the mode of the agreed supervision and international observation and their personal composition; and
 - c. rules and regulations regarding election campaign, including agreed arrangements for the organizing of mass media, and the possibility of licensing a broadcasting and TV station.
3. The future status of displaced Palestinians who were registered on 4th June 1967 will not be prejudiced because they are unable to participate in the election process due to practical reasons.

ANNEX II

Protocol on Withdrawal of Israeli Forces from the Gaza Strip and Jericho area

1. The two sides will conclude and sign within two months from the date of entry into force of this Declaration of Principles, an agreement on the withdrawal of Israeli military forces from the Gaza Strip and Jericho area. This agreement will include comprehensive arrangements to apply in the Gaza Strip and the Jericho area subsequent to the Israeli withdrawal.
2. Israel will implement an accelerated and scheduled withdrawal of Israeli military forces from the Gaza Strip and Jericho area, beginning immediately with the signing of the agreement on the Gaza Strip and Jericho area and to be completed within a period not exceeding four months after the signing of this agreement.
3. The above agreement will include, among other things:
 - a. Arrangements for a smooth and peaceful transfer of authority from the Israeli military government and its Civil Administration to the Palestinian representatives.
 - b. Structure, powers and responsibilities of the Palestinian authority in these areas, except: external security, settlements, Israelis, foreign relations, and other mutually agreed matters.
 - c. Arrangements for the assumption of internal security and public order by the Palestinian police force consisting of police officers recruited locally and from abroad (holding Jordanian passports and Palestinian documents issued by Egypt). Those who will participate in the Palestinian police force coming from abroad should be trained as police and police officers.
 - d. A temporary international or foreign presence, as agreed upon.
 - e. Establishment of a joint Palestinian-Israeli Coordination and Cooperation Committee for mutual security purposes.

- f. An economic development and stabilization program, including the establishment of an Emergency Fund, to encourage foreign investment, and financial and economic support. Both sides will coordinate and cooperate jointly and unilaterally with regional and international parties to support these aims.
 - g. Arrangements for a safe passage for persons and transportation between the Gaza Strip and Jericho area.
4. The above agreement will include arrangements for coordination between both parties regarding passages:
 - a. Gaza - Egypt
 - b. Jericho - Jordan.
 5. The offices responsible for carrying out the powers and responsibilities of the Palestinian authority under this Annex II and Article VI of the Declaration of Principles will be located in the Gaza Strip and the Jericho area pending the inauguration of the Council.
 6. Other than these agreed arrangements, the status of the Gaza Strip and Jericho area will continue to be an integral part of the West Bank and Gaza Strip, and will not be changed in the interim period.

ANNEX III

Protocol on Israeli-Palestinian

Cooperation in Economic and Development Programs

The two sides agree to establish an Israeli-Palestinian Continuing Committee for Economic Cooperation, focusing, among other things, on the following:

1. Cooperation in the field of water, including a Water Development Program prepared by experts from both sides, which will also specify the mode of cooperation in the management of water resources in the West Bank and Gaza Strip, and will include proposals for studies and plans on water rights of each party, as well as on the equitable utilization of joint water resources for implementation in and beyond the interim period.
2. Cooperation in the field of electricity, including an Electricity Development Program, which will also specify the mode of cooperation for the production, maintenance, purchase and sale of electricity resources.
3. Cooperation in the field of energy, including an Energy Development Program, which will provide for the exploitation of oil and gas for industrial purposes, particularly in the Gaza Strip and in the Negev, and will encourage further joint exploitation of other energy resources. This program may also provide for the construction of a petrochemical industrial complex in the Gaza Strip and the construction of oil and gas pipelines.
4. Cooperation in the field of finance, including a Financial Development and Action Program for the encouragement of international investment in the West Bank and the Gaza Strip, and in Israel, as well as the establishment of a Palestinian Development Bank.
5. Cooperation in the field of transport and communications, including a program, which will define guidelines for the

establishment of a Gaza Sea Port Area, and will provide for the establishing of transport and communications lines to and from the West Bank and the Gaza Strip to Israel and to other countries. In addition, this program will provide for carrying out the necessary construction of roads, railways, communications lines, etc.

6. Cooperation in the field of trade, including studies, and Trade Promotion Programs, which will encourage local, regional, and inter-regional trade, as well as a feasibility study of creating free trade zones in the Gaza Strip and in Israel, mutual access to these zones, and cooperation in other areas related to trade and commerce.
7. Cooperation in the field of industry, including Industrial Development Programs, which will provide for the establishment of joint Israeli-Palestinian Industrial Research and Development Centers, will promote Palestinian-Israeli joint ventures, and provide guidelines for cooperation in the textile, food, pharmaceutical, electronics, diamonds, computer and science-based industries.
8. A program for cooperation in, and regulation of, labor relations and cooperation in social welfare issues.
9. A Human Resources Development and Cooperation Plan, providing for joint Israeli-Palestinian workshops and seminars, and for the establishment of joint vocational training centers, research institutes and data banks.
10. An Environmental Protection Plan, providing for joint and/or coordinated measures in this sphere.
11. A program for developing coordination and cooperation in the field of communication and media.
12. Any other programs of mutual interest.

ANNEX IV

Protocol on Israeli-Palestinian Cooperation Concerning Regional Development Programs

1. The two sides will cooperate in the context of the multilateral peace efforts in promoting a development program for the region, including the West Bank and the Gaza Strip, to be initiated by the G-7. The parties will request the G-7 to seek the participation in this program of other interested states, such as members of the Organization for Economic Cooperation and Development, regional Arab states and institutions, as well as members of the private sector.
2. The Development Program will consist of two elements:
 - a. an Economic Development Program for the West Bank and the Gaza Strip.
 - b. a Regional Economic Development Program.
- A. The Economic Development Program for the West Bank and the Gaza Strip will consist of the following elements:
 - (1) A Social Rehabilitation Program, including a Housing and Construction Program.
 - (2) A Small and Medium Business Development Plan.
 - (3) An Infrastructure Development Program (water, electricity, transportation and communications, etc.)
 - (4) A Human Resources Plan.
 - (5) Other Programs.
- B. The Regional Economic Development Program may consist of the following elements:
 - (1) The establishment of a Middle East Development Fund, as a first step, and a Middle East Development Bank, as a second step.

- (2) The development of a joint Israeli-Palestinian-Jordanian Plan for coordinated exploitation for the Dead Sea area.
 - (3) The Mediterranean Sea (Gaza) - Dead Sea Canal.
 - (4) Regional Desalinization and other water development projects.
 - (5) A regional plan for agricultural development, including a coordinated regional effort for the prevention of desertification.
 - (6) Interconnection of electricity grids.
 - (7) Regional cooperation for the transfer, distribution and industrial exploitation of gas, oil and other energy resources.
 - (8) A Regional Tourism, Transportation and Telecommunications Development Plan.
 - (9) Regional cooperation in other spheres.
- C. The two sides will encourage the multilateral working groups, and will coordinate towards its success. The two parties will encourage inter-sessional activities, as well as prefeasibility and feasibility studies, within the various multilateral working groups.

Agreed Minutes to the Declaration of Principles on Interim Self-Government Arrangements

A. General Understandings and Agreements

Any powers and responsibilities transferred to the Palestinians pursuant to the Declaration of Principles prior to the inauguration of the Council will be subject to the same principles pertaining to Article IV, as set out in these Agreed Minutes below.

B. Specific Understandings and Agreements

Article IV

It is understood that:

1. Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, military locations, and Israelis.
2. The Council's jurisdiction will apply with regard to the agreed powers, responsibilities, spheres and authorities transferred to it.

Article VI (2)

It is agreed that the transfer of authority will be as follows:

1. The Palestinian side will inform the Israeli side of the names of the authorized Palestinians who will assume the powers, authorities and responsibilities that will be transferred to the Palestinians according to the Declaration of Principles in the following fields: education and culture, health, social welfare, direct taxation, tourism, and any other authorities agreed upon.
2. It is understood that the rights and the obligations of these offices will not be affected.

3. Each of the spheres described above will continue to enjoy existing budgetary allocations in accordance with arrangements to be mutually agreed upon. These arrangements also will provide for the necessary adjustments required in order to take into account the taxes collected by the direct taxation office.
4. Upon the execution of the Declaration of Principles, the Israeli and Palestinian delegations will immediately commence negotiations on a detailed plan for the transfer of authority on the above offices in accordance with the above understandings.

Article VII (2)

The Interim Agreement will also include arrangements for coordination and cooperation.

Article VII (5)

The withdrawal of the military government will not prevent Israel from exercising the powers and responsibilities not transferred to the Council.

Article VIII

It is understood that the Interim Agreement will include arrangements for cooperation and coordination between the two parties in this regard. It is also agreed that the transfer of powers and responsibilities to the Palestinian police will be accomplished in a phased manner, as agreed in the Interim Agreement.

Article X

It is agreed that, upon the entry into force of the Declaration of Principles, the Israeli and Palestinian delegations will exchange the

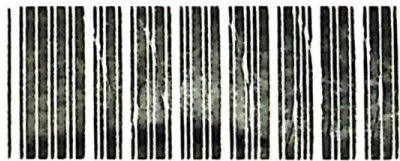
names of the individuals designated by them as members of the Joint Israeli-Palestinian Liaison Committee.

It is further agreed that each side will have an equal number of members in the Joint Committee. The Joint Committee will reach decisions by agreement. The Joint Committee may add other technicians and experts, as necessary. The Joint Committee will decide on the frequency and place or places of its meetings.

ANNEX II

It is understood that, subsequent to the Israeli withdrawal, Israel will continue to be responsible for external security, and for internal security and public order of settlements and Israelis. Israeli military forces and civilians may continue to use roads freely within the Gaza Strip and the Jericho area.

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MEMORANDUM FOR THE RECORD

On 10/10/54
The following information
was received from
the [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]



10/10/54
Box 1458
[illegible]
[illegible]
[illegible]

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