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# country report

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## Government in Contravention of National Unity

### What are the challenges facing the new Palestinian Authority Cabinet?

*By Marc Frings*

The Palestinian Authority PA has a **new government**: In the aftermath of the resignation of former Prime Minister Rami Hamdallah (29.01.2019) and the appointment of Mohammad Shtayyeh (10.03.2019), a new government was set up and sworn in on 13 April. **No democratic elections** preceded the formation of this government. Moreover, the **reconciliation between Fatah and Hamas** is making no progress. Thus, it is hardly surprising that the majority of Palestinians do not trust the PA with mastering the central national challenges.

### The mandate of new Prime Minister Mohammad Shtayyeh

President Mahmoud Abbas linked the appointment of Mohammad Shtayyeh as Prime Minister in March with a list of seven priorities:

1. Restoring national unity and reintegration of the Gaza Strip into a legitimate government frame
2. Preparing elections (since reference is made to the PA Basic Law, this means elections for the Legislative Council and the Presidency);

3. Supporting victims and families, victims of the occupation. Amongst others the injured, the martyrs and Palestinians in Israeli prisons are mentioned.
4. Promoting resilience in the face of occupation and settlements;
5. Defending Jerusalem including Christian and Muslim holy sites and promoting the resilience of East Jerusalem's Palestinian population;
6. State- and institution building, economic investment, promoting women and youth, strengthening a culture of peace and the rule of law with an independent judiciary (including legal protection and, in particular, freedom of expression);
7. Promoting cooperation between the PA and private and civil society groups based on collective responsibility to achieve independence and the establishment of state institutions.

These guidelines reflect the main challenges of Palestinians. At the same time these points prove that in recent years the problems have become much larger, more complex and more insurmountable:

› **Priority 1: Reconciliation**

The Palestinian movements Fatah and Hamas are far from reconciliation. The last agreement was signed in October 2017. However, with a failed assassination attempt on the then prime minister and his chief of security in the Gaza Strip, the rapprochement failed. There are legitimate doubts that reconciliation under President Abbas is intended and advanced. It would be too difficult for the PA to regain control over the Gaza Strip particularly since support within their Fatah movement in the coastal strip has diminished.

› **Priority 2: Elections**

The government reshuffle did not proceed on the basis of democratic elections. The political leadership refuses to hold elections as long as it is unclear that the Palestinians in Gaza and East Jerusalem can take part. Additionally, an electoral defeat of Fatah is imminent at this point. At the moment, there are two opposing options: either re-elect the PA institutions (President Abbas's term ended in 2009, the

tenure of the legislative council ended in 2010. In December 2018, it was dissolved by presidential decree), and signals the will for state building or make efforts to integrate Hamas and Islamic Jihad into the PLO – which is so far secular - in order to prioritize national liberation. Both institutions - PA and PLO - are led by aged power elite and urgently need a democratic, personal and ideological overhaul.

› **Priority 3: Support for the Martyrs**

The demand to continue the financial and moral support to the Martyrs Fund and the support to prisoners has strategic significance: the Israeli Knesset had passed a law in July 2018 to reduce the monthly transfers of the PA's custom duties by the sum that the Palestinian leadership is paying to persons and groups who are considered as terrorists by Israel. In response, President Abbas decided to completely reject the transfers, which are due to Palestinians, in order to substantiate his rejection of the Israeli decision. Accordingly, he proved the power of his political calculations as solidarity with the 5,450 prisoners is extremely high. This group exerts influence on the social mood that exceeds the influence of some of the political movement. Because the US has largely suspended its payments to the Palestinians in recent months, the situation is tense. PA employees in the West Bank receive only reduced salaries. As a result, Abbas has been able to recover short-term political capital, as a majority of 70% of Palestinians admired the president for this decision. However, the PA is now heading for a financial collapse. One think tank estimates that as early as the first half of 2019, the PA could go bankrupt. This situation is unlikely to be in the interest of Israel as a large part of the total budget is allocated towards the security sector which is significantly responsible for Israeli-Palestinian security coordination.

› **Priority 4: Resilience**

With reference to the resilience of the Palestinian people, the president invokes a phenomenon that is increasingly openly articulated particularly in Gaza. In the absence of rational arguments, more and more

Palestinians refer to their physical presence, which in their view emphasises their wish for self-determination, independence and statehood. At the same time, this should be seen as a declaration of bankruptcy of the political peace process and the leadership's performance. Such an argument no longer refers to the rights of the Palestinians under International Law and the corresponding responsibilities of Israel as the occupying power, but sees a strategic advantage in the fact that they have not yet become victims of flight or expulsion.

› **Priority 5: East Jerusalem**

The call for East Jerusalem's defence has arrived late from the point of view of the mainly but not only 330,000 Palestinian residents of the city. In recent years, in the summer of 2017, civil disobedience in the aftermath of the riots on and around Haram Al Sharif has revealed that the Palestinians in Jerusalem are on their own. These riots, demonstrations or violence that sprout up in the city do not trigger social or political solidarity actions in other parts of the Palestinian territories. At the same time, however, Jerusalem is considered the most important and emotional subject in the Israeli-Palestinian conflict. Most Palestinians in Jerusalem largely feel isolated, whereas a majority believes anyway that the US decisions on the issue of Jerusalem as capital of Israel and embassy move did not merely substantiate, but only confirmed, the Palestinian loss of Jerusalem.

› **Priorities 6 and 7: State, Statehood, Liberties**

The references to statehood and political freedoms stand in blatant contradiction to the creeping authoritarianism of recent years. The parliament is dissolved, the president rules with decrees. At the head of the judiciary are the Supreme Constitutional Court and the High Court, two politicized bodies. Civil society organizations, journalists, and individuals are increasingly withdrawing from the public sphere because of a climate of fear that prevents any criticism of the PA. In light of arrests based on social media statements that

are critical of the government and the harassment of the uncomfortable civil society, explicit reference to freedom of expression can only be read as a farce. It is, therefore, puzzling how a new social contract can be created on this basis, as postulated in the government's mandate (Priority 7).

## The New Cabinet: Old Men from the West Bank Dominate

- › **Five cabinet members were maintained from the previous government:** The two Prime Minister Deputies, Abu Amr and Abu Rudeineh, as well as Foreign Minister Malki, Finance Minister Shukri Bishara and Tourism Minister Ma'ayah continue their work under Shtayyeh. Relatively young ministers who were visionary and successful in their areas of responsibility were left out; particularly Minister of Culture Ihab Bseiso (born in 1978) and Minister of Education Sabri Saidam (born 1972).
- › This is a cabinet that is made up mostly of **Fatah movement** personalities who hold positions within Fatah's governing bodies. Additionally, the Cabinet includes **politically independent ministers** as well as representatives of **three small PLO movements** (Palestinian Democratic Union, Palestinian People's Party, Palestinian People's Struggle).
- › **PFLP and DFLP**, the two main PLO parties after Fatah, are absent in the new government. In recent times, they have moved away from President Mahmoud Abbas and continued calling for a government of national unity.
- › Four of the Cabinet's ministers are originally from **Gaza**. This is a relevant issue so as not to have Hamas that rules the coastal strip, sit directly or indirectly around the Cabinet table. Of particular note is the appointment of Atef Abu Saif as Minister of Culture. Just last March, he joined the demonstrations against Hamas in Gaza in order to emphasize the poor living conditions. He was injured in the clashes by Hamas security forces.

- › Many of the ministers have explicit **expertise** for their respective portfolios. For example, the Minister of Health is a physician; the Minister of Justice is a professor of International Law; the Minister of Culture has published works as a writer and both of the ministers of Education and of Higher Education have been heads of Palestinian universities.

Although Palestinian women make up 48% of Palestinian society, there are only three female ministers in the Cabinet. This is not the only demographic downside: almost 70% of the population in the Palestinian Territories is 30 years old or younger. However, the age of the government members is clearly in the age range to which only a minority belongs since only 10% of Palestinians are 50 years or older. While four ministers originate from Gaza, only one member of the Cabinet comes from Jerusalem. Despite the fact that this is a government for the population of the Occupied Territories, it would certainly have been a wise move to give Diaspora Palestinians and refugees a greater voice in it. With the exception of a few ministers who hold overseas credential and who have served as ambassadors, the majority of the Cabinet members are born in Palestine. Only the Minister of Culture comes from a refugee camp.

## The New Government in the Light of Current Challenges

### **Statehood and Democracy: weak**

The appointment decree that Mahmud Abbas handed over to the new Prime Minister on 10 March 2019 was already politically explosive. Shtayyeh was appointed not by the President of the Palestinian Authority but by the President of the State of Palestine. Although Abbas holds two offices (Fatah leader and head of the Palestine Liberation Organization (PLO)), this is a constitutionally and politically questionable step, as it suggests an apparently intended weakening of the National Authority. Once again, the question is whether the political leadership in Ramallah is willing to invest energy in the renewal of the PA. The prestige of state institutions is miserable: 62% are dissatisfied with Abbas' administration and half of respondents say the

PA has become a burden on the Palestinian people. The president's appointment of a PA government blurs the boundaries between the PLO and PA institutions, which are formally separate. It remains unclear how elections will be held in light of the continuing fragmentation. Hamas' political wing has at this point the best cards to win national elections again because Fatah lingers in a fragmented condition. A repetition of the electoral disaster of 2006 is so likely. Back then several Fatah candidates vied for the same voters within the constituencies and thus presented the victory to the Hamas candidate on the silver plate. The international community must play out this scenario since they do not seem to tire from demanding a democratic renewal of Palestine.

### **Security: open**

One central office remains vacant at the time being at the request of the new prime minister. As in the previous government, this office will not be filled. Shtayyeh's predecessor was also responsible for the Ministry of Interior. This is certainly the most sensitive area of responsibility in the hands of the Palestinians. The extensive security sector reform is undoubtedly the largest achievement of Abbas' presidency albeit it being considered by the civilian population as the most controversial. In the aftermath of the Second Intifada, Abbas urged his government to restore the Authority's power monopoly and to disarm the political movements' militant groups. At the same time, security co-ordination that guarantees peace in the region was established. This stability has a price: The security apparatus, with more than 80,000 employees, consumes 29% of the PA's total budget. However, many Palestinians perceive this cooperation as a betrayal of their own cause, because they often have the impression that more is being done for the security of settlers in the West Bank than for the Palestinian civilian population.

Security, control of the security apparatus and coordination with the Israeli side: a lot of the threads do not come together within the Ministry of Interior, but directly through President Abbas. In recent weeks, rumors circulated in Ramallah that there are about to be personnel changes at the top of the security bodies. A significant

change in the security architecture will depend on Prime Minister's Shtayyeh maneuvering scope and his perception of it both within Palestinian society and the Israeli leadership. Speculation is that Shtayyeh is still waiting for the personnel changes in order to appoint a Minister of Interior. In this context, it is also noticeable that Hussein al-Sheikh is no longer part of the government. As Minister of Civil Affairs (this ministry is missing in the new cabinet list), he was the first contact for the Israelis in regards to the situation in the Occupied Territories. He was also involved in the Gaza Reconstruction Mechanism that was implemented by Egyptians, Israelis and Palestinians. It is extremely unlikely that Al Sheik, who is a close confidant of the president, will no longer play a political role. He will most probably take on a new responsibility elsewhere, for example, in the Advisory Council of Abbas.

#### **Conclusion: It has been made easy for Hamas**

The government no longer claims to be at the service of "national unity." On the contrary, Hamas is decisively excluded from government participation. This distinguishes the current government from the previous one. Despite the fact that their achievements were always critically perceived, they were credited for having acted as guarantors of national reconciliation (although no Hamas politician or sympathizer was part of it). With staffing that seems largely from the West Bank and which loyal to Fatah, it becomes clear that the path of political alienation has been entrenched and the reconciliation project has

little chance of success. Thus, it was made particularly easy for Hamas to criticize the government reshuffle: as "entrenching the division between West Bank and Gaza" Hamas rebuked the swearing-in of the new ministers. This would make it even easier for the US Government to divide both territories in the framework of a peace plan.

In fact, the government lacks constitutional legitimacy. Article 66 of the Palestinian Basic Law provides for a hearing before the Legislative Council, followed by a vote of confidence. However, this is no longer possible because the Parliament, which is no longer in session, was dissolved in December by President Abbas - contrary to the Basic Law and with reference to a decision of the Supreme Court. This is how the Palestinian people received their 18th government last weekend, although only two parliamentary elections have taken place since 1996. This gives the impression that priority was given to power consolidation. In second place - as well as in public opinion - preparations and mind games for the post Mahmoud Abbas era is in full swing. However, future vision is uncertain and detracts from reality where democratic renewal is urgently required at home to signal to the international community that there is political leadership to negotiate peace with Israel. On the other hand, the ongoing coalition negotiations in Israel indicate to what extent political leadership in West Jerusalem is still waiting to be invited to peace negotiations.

#### **The Palestinian Authority's 18th Government**

Prime Minister	Mohammad Shtayyeh	Fatah
First Deputy	Ziad Abu Amr	Independent
Second Deputy/Information	Nabil Abu Rudeineh	Fatah
Jerusalem Affairs	Fadi al Himdi	Independent
Labor	Nasri Abu Jish	People's Party
Health	May Kaileh	Fatah
Cultur	Atef Abu Saif	Fatah
Economy	Khaled Al-Osaily	Independent

Public Works and Housing	Muhammad Ziyara	Independent
Education	Marwan Awartani	Independent
Higher Education	Mahmud Abu Mouis	Independent
Women	Amal Hamad	Fatah
Local Government	Majdi al-Salah	Independent
Telecommunication	Ishaq Sidr	Independent
Transport	Asem Salem	Independent
Agriculture	Riad al-Atari	Democratic Union
Justice	Muhammad Shalaldah	Independent
Tourism	Rula Ma'yah	Fatah
Social Development	Ahmad Majdalani	Palestinian People's Struggle
Leadership and Empowerment (Minister of State)	Osama al-Sadawi	Independent
Foreign and Diaspora Palestinians	Riad al-Malki	Independent
Finance	Shukri Bishara	Independent
Government Spokesperson	Ibrahim Milhem	
Cabinet Secretariat	Amjad Ghanem	

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