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AFTER ARAFAT? CHALLENGES AND PROSPECTS

I. OVERVIEW

In the weeks since Yasir Arafat's death on 11 November 2004, the Palestinian leadership has undergone a surprisingly smooth and orderly transition. Israeli-Palestinian as well as Palestinian-Arab and Arab-Israeli relations are witnessing levels of cooperation and coordination not seen in years.¹ International efforts to jumpstart the peace process are visible once again, with those previously debating whether attempts should be made to defuse the ongoing crisis now discussing how best to do so. Still, the extent to which these dynamics present an opportunity for peace remain uncertain and will depend on whether visible efforts to rejuvenate Palestinian institutions are accompanied by renewed commitment to repairing Israeli-Palestinian relations and moving toward a viable, comprehensive peace.

Timing and sequencing will be key. All relevant parties -- Palestinian, Israeli, American, Arab and European -- are in agreement that the transition process and the reconstruction of Palestinian institutions is a priority; the immediate focus, therefore, naturally is on the 9 January presidential election. The Palestinian decision to conduct this poll within the 60 days prescribed by Palestinian Authority (PA) legislation and associated commitments and Israel's assurance that it will facilitate the event represent hopeful starts.² But, President Bush's

statement notwithstanding, the "heart of the matter" is not nor has it ever been Palestinian reform. Defects in Palestinian democracy (by almost every measure less significant than in every other Arab country) did not cause the Israeli-Palestinian conflict any more than addressing them will resolve it. While international support for Palestinian reform is welcome, it ought not come at the detriment of simultaneous moves on the political front, lest the new Palestinian leadership rapidly lose whatever legitimacy elections will bring.

There is, in other words, a danger of excessive complacency generated by the current harmony. That the relative calm and goodwill is vulnerable already is evident in the mounting toll of Palestinian and Israeli casualties, which could yet imperil the electoral process.³ It will prove transient if efforts to embed it within a clear and defined political horizon accompanied by concrete changes on the ground are not actively pursued.

The challenges posed by the Palestinian transition can be grouped into several categories:

- The new Palestinian leadership will have to earn its legitimacy from the Palestinian people. Given the weak and discredited nature of Palestinian Authority (PA) institutions, the presidential poll is necessary but insufficient.

restrictions on his movement and his inability to obtain a permit to campaign in the Gaza Strip.

³ Arafat's final weeks and the period immediately following his death were among the least violent since September 2000. Late November 2004, however, witnessed a gradual escalation, particularly in the Gaza Strip, initially limited to Israeli assassination of Palestinian militants and Palestinian attacks on Israeli military installations and settlements. By mid-December, with each side blaming the other for the deterioration, matters in the Gaza Strip had reverted to form. Palestinians conducted a series of sophisticated attacks against Israeli positions within Gaza and once again shelled Gaza settlements and the Israeli town of Sderot; Israel launched several armoured incursions into Palestinian population centres. The death toll from 1 November through 20 December stands at approximately 45 Palestinians and ten Israelis dead.

¹ In December 2004 PLO Chairman Mahmoud Abbas (Abu Mazen) paid official visits to Syria, Lebanon, and Kuwait, repairing ties that had been strained to the point of non-existence for over a decade. A prisoner exchange, economic protocol, and other measures that same month also pointed to a noticeable thaw in Egyptian-Israeli relations. Susan Severeid, "Egypt charts new course for Mideast peace", Associated Press, 15 December 2004.

² Even on the electoral front, there is cause for concern. As of 10 December 2004, Israeli soldiers had roughed up PA presidential candidate Mustafa Barghouti at a roadblock and detained a second, Bassam Salhi, on the outskirts of Jerusalem. A third, Hassan Khreishah announced his withdrawal from the contest, citing unacceptable Israeli

Local elections, scheduled to begin on 23 December 2004 in several West Bank locations, and legislative elections, expected to be announced for mid-2005, are no less important. These will need to be conducted with the participation of the opposition and be free of violence and obstruction.⁴

- The new leadership will not be able to operate without the support of the Palestinian political system and will, therefore, need to revitalise it in order to lead. In addition to the above elections, this means conducting internal primaries within the dominant Palestinian National Liberation Movement (Fatah) to choose delegates to its sixth General Congress scheduled for 4 August 2005, and the latter's election of a new and more representative leadership. In addition, it entails intensified efforts to incorporate the Islamic Resistance Movement (Hamas) and Palestinian Islamic Jihad (PIJ) into the Palestinian political system -- ideally through the institutions of the Palestine Liberation Organisation (PLO) -- on the basis of a strategic consensus that is consistent with a negotiated two-state settlement and a mutual cessation of attacks against civilians, and to which its adherents are held accountable.
- Democratic and organisational legitimacy will not absolve the new leadership of the requirement to deliver results; as a Palestinian observer explained: "in our system, elections confirm legitimacy, they don't create it. Abu Mazen was selected because of his institutional status, and, if elected, he will last because of his achievements. Elections are just one part of this equation".⁵ Rapid and tangible progress will be expected in terms of law and order as well as economic well-being, as will concrete evidence of a halt to further settlement expansion, Israel's release of prisoners, loosening of Israeli restrictions on movement and a credible diplomatic process. How the Gaza disengagement initiative is implemented in 2005, and what follows it, will be a critical test in this regard. Of course, none of this will be sustainable without a mutual and visible reduction in violence.

- The international community's approach should proceed from the premise that a successful transition, end of the violent confrontation, changes on the ground and revival of the peace process are organically linked rather than issues that can be sequentially and separately addressed. If progress is held up on any of these fronts, the likelihood is that none will be satisfactorily achieved.

As preparations for the January 2005 election demonstrate, the current environment is one in which Palestinians must lead if the transition is to succeed. But they cannot do so unless enabled by Israel and the international community. After four years of conflict there are too many factors beyond the PA's control for it to be otherwise. The onus is upon all the parties, and particularly upon those who have proclaimed the new reality in the Middle East a fresh opportunity.

II. MULTIPLE VOIDS

The void created at the heart of the Palestinian political system by Yasir Arafat's demise is best explained by his unique popular stature, undisputed monopoly over decision-making, and methods of rule during nearly four decades at the helm of the national movement.⁶

A. ARAFAT'S UNIQUE POSITION

For the vast majority of Palestinians, Arafat's leading role in the rebirth of the Palestinians as a people after the *nakba* (catastrophe) of 1948 and the emergence of the contemporary national movement after 1967 endowed him with personal political credit that on the whole outweighed their criticisms of his policies and methods. This attitude is best summed up in the expression used by Fatah activists, "We disagree with him but not about him".⁷

To Palestinians, Arafat remains above all the leader who took a scattered and broken people, held them

⁴ Crisis Group telephone interview, Yezid Sayigh, Palestinian analyst, 8 December 2004. See further, Yezid Sayigh, "Palestinians must go to the polls", *Financial Times*, 22 November 2004.

⁵ Crisis Group telephone interview, Ramallah, December 2004.

⁶ For a comprehensive analysis of the development of the contemporary Palestinian national movement and Arafat's role, see Yezid Sayigh, *Armed Struggle and the Search for State: The Palestinian National Movement, 1949-1963* (Oxford, 1997). For an account of more recent developments, see Graham Usher, "Facing defeat: The Intifada two years on", *Journal of Palestine Studies* XXXII: 2 (Winter 2003), pp. 21-40.

⁷ Crisis Group interviews, Fatah activists, West Bank, 2004.

together despite overwhelming odds and in the face of repeated Israeli and Arab attempts to subdue them, and successfully placed their struggle for self-determination at the centre of the international agenda, transforming refugee communities widely considered a humanitarian problem into a potent national liberation movement. In one of his last interviews Arafat indicated that this is also how he viewed his own legacy: "We have made the Palestinian case the biggest problem in the world...107 years after the [founding 1897 Zionist] Basel Conference...Israel has failed to wipe us out. We are here, in Palestine, facing them. We are not red Indians".⁸ By the same token, his failure to establish an independent state is primarily seen as reflecting Israeli and American hostility to Palestinian national aspirations rather than his shortcomings as a revolutionary and statesman.

Perceiving him as the symbol and personification of their cause, Palestinians at critical junctures provided him with the benefit of the doubt in ways that are unlikely to be extended to any successor. In the words of one Palestinian, "Whether you agreed with him or not, it was never in doubt that Abu Ammar [Arafat] devoted his entire existence to Palestine".⁹ "Because of his history", affirms an independent critic, "Arafat enjoyed immunity. He could never be accused of treason on account of his concessions. With his successors, this is no longer the case".¹⁰

Arafat's standing among Palestinians was, in short, fundamentally personal and historical, and transcended his institutional position, organisational power, and electoral mandate. If for Arafat a democratic mandate was a welcome addition to his credentials with which to admonish foreign critics and needle Arab counterparts, his successor cannot function without one. "Without a popular mandate", explains PA presidential candidate Mustafa Barghouti, "a new leader won't be accepted by the people, and will be considered someone imposed by outside forces to serve their interests".¹¹ And where Arafat could all but ignore formal Palestinian political institutions even when making decisions as momentous as accepting the 1993 Oslo agreement, his successors will need to reinvigorate

these weakened and marginalised structures in order to legitimise their own strategic steps.

A dedicated micromanager throughout his life, and whose most senior colleagues and potential rivals were almost all assassinated by Israel or Arab rivals, marginalised, or dead by the early 1990s, Arafat exercised undisputed "autocratic control over Palestinian security, financial, and political decision-making",¹² particularly as the years wore on. This not only further weakened Palestinian institutions, but also makes it unlikely that a single individual will possess the requisite clout to replace him in this respect - or will be allowed to if he attempts to do so. In the view of a senior West Bank Fatah leader, "Arafat and the rule of law were incompatible. Now that Arafat is gone, it is time for the rule of law".¹³ Repeatedly, in this respect, Palestinians emphasise that "what was tolerated during the era of Yasir Arafat will not be permitted after him".¹⁴ Often such warnings are accompanied with critical references to the monopolisation of decision-making (*infirad*).¹⁵

Also part of Arafat's legacy is the pluralism that became an integral part of Palestinian political life during his stewardship. For all the talk about the requirement for democratic reform, it is hard to dispute the fact that there is far more tolerated political diversity and free speech in the Palestinian polity than in any Arab counterpart. This tradition reflects both the objective reality that leadership and policy could not be forcibly imposed upon a dispersed people living under multiple sovereignties, as well as Arafat's consistent preference for forging consensus, co-opting competitors, and outmanoeuvring rather than eliminating rivals. During Arafat's 35-year tenure as PLO Chairman, the only rival to have received a death sentence (*in absentia*) was Sabri al-Banna (Abu Nidal), leader of the breakaway Fatah - Revolutionary Council, in 1974. Even leaders of the 1983 Fatah rebellion against Arafat's leadership were not put on trial, and several were later absorbed into the PA.

The flip-side, as has been evident during the current uprising, is that rival movements and even competing

⁸ *Al-Ahram Weekly* 715, 4-10 November 2004.

⁹ Crisis Group interview, Palestinian resident, Ramallah, 12 November 2004.

¹⁰ Crisis Group interview, Palestinian activist, Ramallah, 10 November 2004.

¹¹ Crisis Group interview with Mustafa Barghouti, Secretary of the Palestinian National Initiative and PA presidential candidate, Ramallah, 11 November 2004.

¹² Crisis Group interview with Adnan Abu Odeh, Jordanian commentator and analyst, Amman, 6 December 2004. See further Sayigh, *Armed Struggle*, op. cit.

¹³ Crisis Group interview with a member of the Fatah Revolutionary Council, Ramallah, 29 November 2004.

¹⁴ Crisis Group interviews with Palestinian activists, West Bank, November 2004.

¹⁵ Crisis Group interview with Mahmud Zahhar, Hamas leader, Gaza City, 23 November 2004.

Fatah factions have been subject to neither strategic nor tactical discipline. Rather, Arafat sought to influence and control them through a combination of patronage, utilisation of his personal stature, and selective repression made possible by his personal prestige. The new leadership will by contrast have far less access to such mechanisms and likely be far less adept at using them, while being even less capable of forcibly eliminating detractors. At the outset at least, it will need to negotiate understandings with the spectrum of Palestinian forces, most prominently Hamas, "which now has the power of veto over Palestinian decision-making and the capacity to sabotage initiatives taken without its consent",¹⁶ as well as the increasingly fragmented Al-Aqsa Martyrs' Brigades affiliated with Fatah.¹⁷

B. ARAFAT'S MANY POSTS

Arafat monopolised key posts within the national movement's political institutions. In a telling incident dating from the 1990s, he reportedly responded to a critic who had accused him of monopolising decision-making:

I consulted with the President of the State of Palestine, the Chairman of the Executive Committee of the PLO, the President of the PA, the Commander-in-Chief of the Palestinian Armed Forces, the head of the National Security Council, the Minister of Interior, and several other officials -- all of whom were of course Arafat himself. In light of this, and on account of the political system's diffuse structure, the succession will be a more complex affair than replacing a head of state or organisational leader. The PA presidential election scheduled for 9 January 2005 is, therefore, only one component

of this transition process and will not conclude it. The most important positions held by Arafat in this respect were the following:

Chairman of the Executive Committee of the PLO. Established in 1964 and led by Arafat since 1969, the PLO rather than the PA remains the supreme organ of the national movement, as well as the internationally-recognised representative of the Palestinian people and the formal Palestinian interlocutor in the peace process. The PLO counts the leading nationalist and leftist political movements¹⁸ but not the Islamist organisations as constituent members. Seats on its decision-making bodies, including the fourteen-member Executive Committee (EC), the 200-member Central Council (CC), and the larger Palestine National Council (PNC),¹⁹ are apportioned between its member organisations -- and in the case of the PNC also subsidiary institutions -- on a quota basis that makes room for a sizeable proportion of unaffiliated independents and takes geographical diversity into account.²⁰

Pursuant to PLO by-laws, its Chairman is appointed by the EC rather than elected by the PNC.²¹ On 11 November 2004 Mahmoud Abbas (Abu Mazen), the EC's Secretary since 1996, was unanimously chosen by its members to replace Arafat. Although it is expected that the CC and PNC "will in due course be

¹⁶ Crisis Group interview, Hani Masri, Palestinian analyst and commentator, Ramallah, 10 November 2004. Crisis Group interviews, Hamas leaders, Gaza Strip, November 2004, confirmed this analysis.

¹⁷ As one minor example of the Brigades' lack of discipline, a statement attributed to the Al-Aqsa Brigades on 12 November 2004 announcing that they would be changing their name to the Martyr Abu Ammar Brigades in honour of the late Palestinian leader was later discounted by Brigade commanders. Crisis Group interview, Zakaria Zubaidi, Al-Aqsa Martyrs' Brigades commander, Jenin, 15 November 2004. For more on the growing fragmentation within the Brigades, see Crisis Group Middle East Report N°32, *Who Governs The West Bank: Palestinian Administration under Israeli Occupation*, 28 September 2004, pp. 22-28.

¹⁸ Most prominently Fatah, the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), the Palestinian People's Party (PPP), the Palestinian Democratic Union (FIDA), the Palestinian Popular Struggle Front (PPSF), and several smaller organisations.

¹⁹ Akin to a parliamentary body, the PNC's size has varied considerably over the years. Currently counting approximately 600 members, most of whom hail from the Palestinian diaspora, its consistent expansion since the 1980s reflects the reduction of its policymaking role and growth as an instrument of patronage that serves primarily to endorse rather than debate leadership decisions. Recent proposals to limit its size to approximately 300 members equally apportioned between residents of the occupied territories and representatives of exile communities have not yet been ratified. The Central Council performs an intermediate function between the EC and PNC.

²⁰ The leadership of PLO subsidiary institutions, such as the general unions representing workers, women, and writers, are typically controlled by member organisations on a quota basis. Unaffiliated independents within the PLO have generally supported Fatah policies, which helps explain their prominence in its institutions. For further discussion of the quota system see Jamil Hilal, "PLO Institutions: The Challenge Ahead", *Journal of Palestine Studies* XXIII:1 (Autumn 1993), pp. 46-60.

²¹ Although the PNC does not elect the PLO Chairman, each of its sessions elects a new Executive Committee (whose composition may be identical to that of its predecessor).

called into session to confirm this decision",²² there is no existing mechanism within the PLO to provide Abbas with a meaningful electoral or popular mandate, which helps explain his subsequent candidacy for the PA presidency, despite the inherent tensions between the two roles, one as head of a national liberation movement, the other as chief administrator of an occupied entity. To date, no announcement has been made concerning the next PNC session.²³

*President of the PA.*²⁴ Established in 1994 as a subsidiary organ of the PLO, the PA's main function is to administer West Bank and Gaza Strip territory vacated by Israel and to regulate the affairs of its Palestinian residents pursuant to the 1993 Oslo agreements. Although formally an interim body pending the conclusion of an Israeli-Palestinian permanent status agreement, it has the institutional character of a state. Constitutional changes adopted in 2003 by the PA legislature, the Palestinian Legislative Council (PLC), transferred most governmental powers to the newly-created post of prime minister. A further PLC decision in November 2004 to place the National Security Council (and thus control over the security forces) under the authority of the prime minister effectively reduced the presidency to a ceremonial post, whose main power consists of the right to dismiss the prime minister without cause.²⁵ Here, too, the potential for tension exists: the president will enjoy a popular mandate while possessing few formal powers while the prime minister will lack the mandate while holding the power. That said, a new round of legislative elections, particularly if contested by the opposition, potentially could provide the prime minister with a significant, if indirect, base of political support.

²² Crisis Group interview with Mamduh Nofal, Palestinian presidential adviser and author, Ramallah, 29 November 2004. Such confirmation is not formally required.

²³ The last full PNC sessions were held in 1991 and 1996. It is indicative of its weakened status (and that of the PLO opposition) that it was convened to approve Palestinian participation in the 1991 Madrid Middle East Peace Conference but not the 1993 Oslo agreements (a task left to the EC and Central Council).

²⁴ Pursuant to the PLO's proclamation of Palestinian statehood at the 1988 session of the PNC, Arafat also held the separate and unrelated title of President of the State of Palestine. Given developments since that time, it is expected that this symbolic post will be allowed to lapse pending the establishment of Palestinian sovereignty.

²⁵ The president also has the right to appoint the prime minister, whose nomination must, however, be confirmed by the PLC.

In accordance with the PA's Basic Law, Arafat has been succeeded by PLC Speaker Rawhi Fattouh for a period of 60 days, pending election of the new president.²⁶ The poll, while limited to Palestinians resident in the occupied territories (including East Jerusalem),²⁷ has elicited keen interest because it is the closest thing Palestinians have to a national leadership contest.²⁸ Approximately ten candidates have registered, including nominees representing Fatah, the Democratic Front for the Liberation of Palestine (DFLP), the Palestinian People's Party (PPP), and several unaffiliated independents.²⁹ Although Hamas, PIJ, and the leftist Popular Front for the Liberation of Palestine (PFLP) refused to field candidates and announced a boycott of the presidential election,³⁰ surveys suggest that public participation will be high and include many Islamist supporters.³¹

While popular support for Abbas was negligible prior to Arafat's death,³² he quickly emerged on

²⁶ Only one round of (voluntary) voting will be held in which there is no minimum threshold for voter participation. The candidate obtaining a simple majority of votes cast on that date wins.

²⁷ Less than half of all Palestinians live in the occupied territories, another reason the PLO chair is considered more powerful than the PA presidency.

²⁸ The only previous presidential election, held in January 1996, was won by Arafat with 88 per cent of the vote. Arafat was formally elected to a four-year term. Given that the Oslo process that created the electoral process was meant to be concluded by 1999 it is unclear whether the PA was under an obligation to hold a new election in 2000. Initial Palestinian reluctance to do so, and thereafter the deterioration of the security environment and Israeli-American opposition to the prospect of a renewal of Arafat's mandate, ensured that it did not take place.

²⁹ On account of withdrawals, only seven candidates will be contesting the elections.

³⁰ The organisations called upon their own members not to vote rather than for a general boycott. This stance also is limited to the presidential poll, with the failure to hold parliamentary elections on the same date cited as an important reason. The PFLP initially sought to promote the candidacy of unaffiliated independent Haidar Abd-al-Shafi.

³¹ One Palestinian pollster cites a figure of 90 per cent. Given that support for the boycotting parties is at least 30 per cent, this means that two-thirds of their constituents could participate in the presidential elections. Khalil Shikaki, "Among Palestinians, evidence of change", *The Washington Post*, 12 December 2004.

³² In public opinion polls conducted by the Palestinian Centre for Policy and Survey Research (PSR) in June and September 2004, Abbas received the support of 3 and 2 per cent of respondents respectively. In a September 2004 poll conducted by Birzeit University's Development Studies Program (DSP), he polled only 0.5 per cent. PSR - Survey Research Unit,

account of his institutional and historical seniority as the front-runner after his nomination by Fatah and the decision by elder statesman Haidar Abd-al-Shafi not to contest the election.³³ The subsequent decision by imprisoned West Bank Fatah Secretary General Marwan Barghouti -- who had previously thrown his support behind Abbas -- to run as an independent temporarily threw the race wide open. Although public opinion polls in 2004 consistently showed Barghouti far ahead of Abbas and second only to Arafat in popularity,³⁴ the two candidates enjoyed statistically equal levels of support until Barghouti withdrew in mid-December. Among the other candidates, surveys suggest that only Mustafa Barghouti -- a distant cousin who has been endorsed by Abd-al-Shafi -- is capable of making a respectable showing but is very unlikely to represent a real challenge to Abbas.³⁵

Chairman of the Fatah Central Committee. Established by Arafat and several colleagues in the late 1950s and the largest and most powerful Palestinian political movement since the 1960s, the nationalist Fatah movement is for all intents and purposes the party of government. It is also in deep crisis, in no small part because of its close association with the PA. Its supreme organ, the 21-member Central Committee (CC), is widely viewed by the rank-and-file as

anachronistic, unrepresentative, unresponsive, and corrupt, an assessment shared by many of the younger members of the 102-member Revolutionary Council (RC) and particularly pronounced within the informal grouping known as the Higher Movement Committee (HMC).³⁶ Characterised by an increasingly diffuse power structure with numerous centres that variously compete, cooperate, or both, it often seemed that Arafat, "who fostered these divisions and rivalries in order to exercise control", was Fatah's "only common denominator".³⁷ It is for this reason that fears about a turbulent succession struggle have centred around rivalries within Fatah more than those between it and Hamas.

In a move that surprised many observers, the Fatah Central Committee unanimously chose Farouk Qaddoumi (Abu Lutuf), its former deputy chairman, who remains based in Tunis, as its new leader.³⁸ According to some reports, Qaddoumi was contacted by PNC Speaker Salim Za'nun with an offer to relocate to Palestine and assume the leadership of the PLO. When as expected he demurred on the grounds that he refuses to live under Israeli occupation, he was offered and accepted the Fatah portfolio.³⁹ In doing so, the Central Committee sought to send a message to its diaspora constituency that it has not been forgotten and at the same time prevent Qaddoumi, who has been highly ambivalent about the Oslo accords, from

"Public Opinion Poll # 12"; PSR- Survey Research Unit, "Public Opinion Poll #13", at <http://www.pcpsr.org/survey/polls/2004>. Birzeit University Development Studies Programme, "Poll No. 18: Palestinian Elections and Registration", at <http://home.birzeit.edu/dsp/opinionpolls/poll18/>.

³³ Abd-al-Shafi, 84, a founding member of the PLO, former chief Palestinian negotiator, and a universally respected figure among Palestinians of all political persuasions, declined on health grounds. An independent nationalist with communist sympathies, he would have been the only candidate from the Gaza Strip.

³⁴ See the PSR and DSP polls cited above.

³⁵ Mustafa Barghouti, a former leader of the ex-communist Palestinian People's Party (PPP), is formally registered as an independent candidate but is running on the platform of the Palestinian National Initiative (PNI), which he established in 2002 with Abd-al-Shafi, Ibrahim Dakkak, and the late Edward W. Said. Its main demands are the "establishment of a sovereign, independent, viable, and democratic Palestinian state on all of the territories occupied by Israel in 1967, with Jerusalem as its capital" and "safeguarding" the right of return; "Creating a national emergency leadership with a unified strategy based on the principle of full participation in decision-making"; implementation of the rule of law; "engaging the Palestinian diaspora in the nation building effort"; and "developing and expanding the international solidarity movement with the Palestinian people". See further <http://www.almubadara.org/en/>.

³⁶ The Central Committee tends to be the power base of the PLO's historic leadership, consisting largely of officials previously based in Tunis, whereas the Higher Movement Committee primarily brings together activists who cut their political teeth in the occupied territories during the 1980s. Given the highly diffuse power structure of Fatah, the internal divisions within each of its camps (which also include the security establishment, the Al-Aqsa Brigades, and the rank-and-file) and the variety of competing alliances between leading camp representatives, the reduction of Fatah's internal contradictions to a generational struggle between an Old Guard and Young Guard is inherently problematic. See further Crisis Group Middle East Briefing, *The Meanings of Palestinian Reform*, 12 November 2002, pp. 7-8.

³⁷ Crisis Group interviews, Fatah activists and Palestinian analysts, West Bank, 2004.

³⁸ Qaddoumi is better known as the longstanding head of the PLO's Political Department, or "foreign minister". Expectations at the time were that the Central Committee would appoint a leader resident within the occupied territories, such as Abbas or Barghouti (even though the latter is not a Central Committee member). Crisis Group interviews with Fatah activists, Ramallah, November 2004.

³⁹ Though the report remains unconfirmed, the offer is said to have been endorsed by Abbas. Crisis Group interview with Palestinian official, Ramallah, November 2004.

functioning as a figurehead for opposition to Abbas by Fatah's exiled and/or more radical cadres. With Abbas as new Central Committee Deputy Chairman, and given Qaddoumi's limited familiarity with the movement in the occupied territories and the limited resources at his disposal, he has - at least for the time being - been effectively neutralised.⁴⁰ Others point to "the continued importance of seniority within Fatah" and Qaddoumi's status as the last surviving member of Fatah's founding cell as a contributing factor in his ascendancy.⁴¹

In late November 2004 Fatah announced that its Sixth General Congress would convene on 4 August 2005, thus acceding to a longstanding demand by advocates of renewal within the movement -- and strongly suggesting this was a *quid pro quo* for Barghouti's initial support for Abbas. The decision means that throughout the coming months, local Fatah chapters and sectoral organisations will hold primaries to choose delegates to the Congress, who in turn will elect a new Central Committee and Revolutionary Council. It is widely expected that the Congress, the first since 1989 and the first to be held without Arafat's dominating influence, will herald major changes in Fatah's leadership and structure.⁴² Against the prospect of a more unified movement with a more coherent political program emerging from this process, there is the risk of greater division and outright schisms, particularly if it is not properly conducted and perceived as a stitch-up. The acrimony resulting from Barghouti's 1 December decision to contest the presidential election as an independent is an indication of what could be in store. According to one of his closest associates, Ziad Abu Ain, opposition to the top-down manner in which Fatah selected its candidate and his resultant determination to transform the election into a Fatah

primary formed a key reason for his reversal of course. "It was the leadership's biggest mistake".⁴³

The only significant post Arafat did not occupy - and which in 2003 had been created in response to foreign demands for a reduction of his powers - was that of PA prime minister. Nominated by the PA president and subject to confirmation by the Palestinian Legislative Council, the post has since September 2003 been held by Ahmad Quraei (Abu Alaa). Quraei almost resigned in protest in July 2004 (as had Abbas before him)⁴⁴ on account of Arafat's consistent interference, and in October 2004 was saved by Arafat's illness and subsequent death from an impending Legislative Council no-confidence motion. Currently Quraei enjoys substantially increased powers, or more precisely is able to exercise them. His increasingly strained relationship with Abbas⁴⁵ and political incompatibility with the other candidates make it possible -- though by no means certain -- he could be replaced after the January election.

In mid-November the Fatah CC resolved that the posts of PLO chairman and PA president should, as during the Arafat era, remain in the hands of a single figure. While designed to bolster Abbas's candidacy and lacking the force of law, this expresses the need felt by elements within Fatah for a new supreme leader, whether in order to guarantee the continued visibility of the Palestinian cause and/or to safeguard their movement's continued pre-eminence within the political system. Yet Arafat did not derive his stature on the basis of his titular monopoly or electoral victories, but rather on account of his personal record, ability to connect with the rank-and-file, and charisma. According to many observers, Marwan Barghouti appeared best positioned eventually to succeed him in that capacity, though whether and how soon he will recover from the inevitable loss of credibility resulting from his flip-flops over the presidential election remains to be seen. Prominent Fatah leader Qaddura Faris in this respect -- "and despite obvious ideological differences" - likens him to Ayatollah Khomeini: "like Khomeini, Marwan is not a titular leader. And as with Khomeini, those

⁴⁰ "Arafat personally knew every Fatah member in the West Bank and Gaza Strip and knew everything about them. That's clearly not the case with Qaddoumi, and will show". At the same time, "most Fatah people I've talked to recently, especially refugees and Al-Aqsa Brigades commander Zubaidi, expressed relief at his appointment -- he is seen to be rock solid on the right of return". Crisis Group interview with Graham Usher, *Economist* Palestine correspondent, Jerusalem, 13 November 2004.

⁴¹ "The historic leadership prefers Abu Mazen to others, because they are afraid of the future". Crisis Group interview, Nofal.

⁴² Fatah's by-laws state that the General Congress should convene every four years. In the fifteen years since its last meeting, vacant positions have virtually without exception been filled by Arafat's personal appointments.

⁴³ Crisis Group interview with Ziad Abu Ain, member of the Fatah Higher Movement Committee, Ramallah, 2 December 2004.

⁴⁴ See further, the booklet published by Mahmoud Abbas, *130 Days: Achievements and Obstacles* (in Arabic) September 2003.

⁴⁵ Crisis Group interview with senior PA official, December 2004. Palestinians who have followed the growing tensions between the two men have concluded that it is essentially a turf war and does not reflect significant policy differences.

who are cannot take decisions until he has indicated 'yes' or 'no'.⁴⁶ If so, the observation strongly suggests that it will take more than one pair of feet to fill the numerous shoes Arafat left behind.

III. MULTIPLE CHALLENGES

According to Palestinian analyst Yezid Sayigh:

The transitional Palestinian leadership faces three main challenges: to reform PA governance, instilling far greater internal accountability; to end violence against the Israeli occupying power, while proposing effective means to counter ever-expanding Israeli colonisation of the West Bank and East Jerusalem; and to present clear parameters for an acceptable permanent solution to the conflict with Israel. No effective leadership or functioning government can emerge without meeting these challenges.⁴⁷

Spelled out in more detail, the new Palestinian leadership must ensure an orderly transition; obtain popular and organisational legitimacy; revitalise Palestinian institutions and governance; integrate the Islamist opposition into the political system; formulate a coherent political program, including how to respond to Israel's Gaza disengagement initiative; achieve security and economic welfare for its constituents; and establish constructive relations with Israel and the United States. These are, in turn, overshadowed by the leadership's fundamental *raison d'etre*: Palestinian liberation, which it (and most Palestinians) define as ending the occupation through a negotiated two-state settlement and a just resolution of the refugee question. The catch is that not only are all of the above objectives inter-connected, but few if any can be realistically achieved unless Israel and the U.S. actively cooperate. "The new leadership cannot establish its authority without elections, cannot hold elections without a ceasefire, cannot establish a ceasefire without reaching agreement with Hamas [and Israel], and cannot reach agreement with Hamas without conducting [PLC and local] elections".⁴⁸

⁴⁶ Crisis Group interview, Qaddura Faris, PA Minister of Prisoner Affairs and member of Fatah RC and West Bank HMC, Ramallah, 29 November 2004.

⁴⁷ Sayigh, "Palestinians must go to the polls", op. cit.

⁴⁸ Crisis Group interview, Palestinian analyst Hani Masri, Ramallah, 3 November 2004.

A. HAMAS AND THE AL-AQSA BRIGADES

Among Palestinians interviewed by Crisis Group, the consensus is that Hamas will agree to and -- given its heavy losses in the Gaza Strip since 2003 in fact needs -- a ceasefire⁴⁹ (though, as indicated by the 12 December 2004 attack on an Israeli checkpoint, not at any price and not unconditionally)⁵⁰ and that the Islamist movement is also keen to translate, through elections, its increased popularity into political power.⁵¹ Speaking to Crisis Group, Hamas leader Mahmoud Zahhar specified an "end to Israeli aggression" and to assassinations, the release of prisoners, and "political participation" in Palestinian affairs as conditions for a ceasefire.⁵²

For such arrangements to be sustained beyond the short term, however, they will need to be embedded into a viable political process in which Hamas acquiesces in the Palestinian leadership's pursuit of a two-state settlement and agrees not to obstruct it, and the latter is not presented with unattainable preconditions by Israel and the United States -- such as dismantling the Islamist organisation. In a previous report Crisis Group concluded that Hamas has for the most part reconciled itself to a two-state settlement.⁵³

⁴⁹ One unanswered question -- assuming the prediction is correct -- is whether Hamas will insist on a formalised ceasefire (which Israel has rejected on the grounds that a ceasefire is an internal Palestinian affair) or accede to Sharon's proposal of "quiet for quiet". Most believe that in light of its failed 2003 unilateral ceasefire, Hamas is too mistrustful of Israel to accept informal arrangements again, and furthermore seeks the added prestige of committing Israel to formal arrangements. According to Hamas spokesperson Sami Abu Zuhri, "We'll never repeat the previous experience" of a unilateral ceasefire. He also identified "an Israeli withdrawal" as a condition for a mutual ceasefire. Crisis Group interview, Sami Abu Zuhri, 7 November 2004.

⁵⁰ In this respect the marked escalation of the conflict within the Gaza Strip in December 2004 can, to the extent it has been initiated by Hamas, be interpreted as a double message from the Islamists: a reminder of their capabilities to the PA, and a message to Israel that unless and until there is a ceasefire, there will be no cessation of hostilities.

⁵¹ Crisis Group interviews with Masri; Daud Talhami, member of the DFLP Politburo, Ramallah, 4 November 2004; Ghazi Hamad, Islamist journalist, Rafah, 17 September 2004; Imad Falluji, member of the PLC former PA minister, Gaza City, 18 September 2004.

⁵² Crisis Group interview with Zahhar, op. cit.

⁵³ Crisis Group Middle East Report N°21, *Dealing With Hamas*, 26 January 2004. Reflecting on Hamas's political evolution and Fatah's own resort to suicide bombings and borrowing of religious idiom (such as the al-Aqsa intifada), a Palestinian observed that "Fatah is becoming more like

More recent interviews with Hamas leaders and statements by others have strongly confirmed this view.⁵⁴ Nevertheless, Hamas is unlikely to implement a ceasefire without its terms being met and, as recently witnessed, remains prepared to escalate the conflict to promote these and remind the PA and Israel of available alternatives. The 7 December 2004 bombing of an Israeli military base in the Gaza Strip, coming a day after the Damascus meeting between Abbas and Hamas politburo head Khalid Mash'al, was in this context primarily a "clear message" to the Palestinian leadership that the Islamists remain capable of ruining their best-laid plans if the movement's interests are not properly taken into account.⁵⁵

Hamas currently also appears increasingly interested in joining the PLO, provided there is prior agreement on the political program and related issues such as PA legislative elections and the organisation's quota of seats within PLO institutions.⁵⁶ The opposition the Islamists have expressed to various measures undertaken by the current leadership, in this respect, appears less motivated by substantive differences (although these certainly exist) than anger at the leadership's failure to consult before proceeding.

A potentially more complex challenge because it cannot be resolved by a political deal with a centralised leadership concerns the Fatah-affiliated Al-Aqsa Brigades. According to Zakaria Zubaidi, a prominent Brigades commander in the northern West Bank, "We're not fighting Israel for it to stop chasing us, we're fighting for the end of occupation. We'll only accept a ceasefire with the establishment of an independent Palestinian state".⁵⁷ He further adds that he will "not recognise Fatah Central Committee

decisions if they don't recognise us officially as the Fatah military wing". Zubaidi also rejects the view that the Brigades are responsible for lawlessness: "I'm not scared of the PA assuming its role. I want them to take control. It would be ideal if institutions would function. I offered blood in the absence of law, I filled the vacuum. I admit that the Brigades are not a 100 per cent clean element. Not every person with a gun is a fighter".⁵⁸

Zubaidi characterised Arafat's death as a "big blow" for the Brigades. "Military work needs political support. I was comfortable fighting occupation with Arafat as leader, because at a certain time he was in my shoes and was firm on principle. In his absence I'm not at ease at all".⁵⁹

Some Palestinians believe the Brigades are a virtually intractable problem, politically as well as organisationally. According to one pessimist, Abbas "will ask them for a ceasefire, but can't stop the money flow to those who refuse. If he does they'll increase problems for him. He also knows that they have other sources, like Hizbollah".⁶⁰ Others take a very different view: "the Brigades are in fact far weaker than they appear, and the PA is far stronger. It is a matter of willpower and of using various means at our disposal to bring the Brigades back into the fold".⁶¹ Among these means, one that is increasingly muted is to offer members of the Brigades, most of whom until the financial reforms of 2003 received payments via the security forces, an opportunity to become formal members of a reconstructed PA security structure.⁶² A senior Fatah leader is in this respect almost dismissive of the Brigades' demands for formal recognition as the movement's military wing:

The Brigades are respectable people but not in a position to impose conditions on us. I think they are the easiest group to deal with in Fatah. If we

Hamas while Hamas is becoming more like Fatah". Crisis Group interview, December 2004.

⁵⁴ Crisis Group interviews, Zahhar and with Hamas spokesperson Sami Abu Zuhri, Gaza City, 16 September 2004. For a recent statement by a senior West Bank Hamas leader that is quite detailed in this respect, see Arnon Regular, "Top Hamas man says group may accept truce with Israel", *Haaretz*, 4 December 2004.

⁵⁵ Crisis Group telephone interview, Taghreed El Khodary, Al-Hayat/Lebanese Broadcasting Channel (LBC) Gaza Strip correspondent, 9 December 2004. The attack "broke a relative lull in fighting in Gaza and inflicted the IDF's first combat fatality since Yasser Arafat's death on 11 November". *Haaretz*, 8 December 2004.

⁵⁶ Crisis Group interview with Zahhar, op. cit.

⁵⁷ He adds, however: "I don't want to get into religion, but as Muslims if we're offered something good we are obliged to respond kindly. If we see goodwill from the enemy we'll have to react in kind". Crisis Group interview with Zubaidi, op. cit.

⁵⁸ "If I had been able to move around I would have gone to Ramallah, told Arafat what the problem is, and wouldn't have had to burn down the [Jenin] governorate....I am not a watchdog over all Brigades elements, but when you see me burning a PA building you can be sure it's the Brigades". Crisis Group interview with Zubaidi, op. cit.

⁵⁹ Ibid.

⁶⁰ Crisis Group interview with Nofal, op. cit.

⁶¹ Crisis Group interview with PA official, December 2004.

⁶² Although this would violate provisions on the maximum number of security personnel and increase pressure on the PA budget, PA officials believe it can be sold to the international community as the least troublesome option. Crisis Group interview with PA official, December 2004.

embrace them, we can cooperate. But if we push them away there will be big problems. The formal leadership is not courageous enough to embrace them. The Brigades shouldn't be afraid. We'll resolve their problem in a respectable and generous way. I view their relationship with Fatah like that of children thrown out of the house and sleeping rough.⁶³

The reaction of key Brigades commanders during the dispute surrounding the selection of Fatah's presidential candidate suggests that restoration of discipline may indeed not prove as difficult as some suggest. On 15 November 2004, Zubaidi informed Crisis Group that although he personally supported a Barghouti candidacy, "If there is a Fatah majority for Abbas I will support him, if he is elected democratically and does not compromise our principles".⁶⁴ Even though Abbas was not chosen through primaries and has been virtually silent about his electoral platform, Zubaidi and a number of other Brigades commanders were among the first to criticise Barghouti's 1 December 2004 decision to contest the election as an independent candidate.

Ultimately, views within the Palestinian leadership and within Fatah on how to approach Hamas, the Brigades and other organisations remain divided. Currently, a powerful majority appears to hold that for strategic or tactical reasons integration and consensus is the optimal approach. However, others are persuaded that confrontation ultimately is inevitable -- though preferably waged once political and security conditions have sufficiently evolved in the PA's favour -- and that the PA will emerge victorious.⁶⁵ Depending upon developments in inter-Palestinian negotiations and Israeli-Palestinian relations, the prospect of conflict between and potentially among these forces, although highly unlikely at present, cannot be entirely excluded.⁶⁶

⁶³ Crisis Group interview with Faris, op. cit.

⁶⁴ Noting that the Brigades do not have a unified view on the matter, he identified the principles as a state in the territories occupied in 1967, East Jerusalem as its capital, the right of return, and the release of Palestinian prisoners in Israeli jails. Crisis Group interview with Zubaidi, op. cit.

⁶⁵ "We don't need Egypt to help us in our relations with Hamas. We managed to control them without any outside assistance in 1996, and can do so again. It's primarily a matter of political will". Crisis Group interview with former Palestinian security official, Gaza City, 16 September 2004.

⁶⁶ According to an independent Palestinian analyst: "Certainly it's very important to seek consensus, but without being subservient to it. There's a difficult and delicate balance to be held: unless the PA leadership offers a clear political alternative to what has gone before (on all fronts) or to what makes it different from other actors and platforms, then how will it

B. THE PALESTINIAN POLITICAL PROGRAM AND ARAFAT'S LEGACY

If every Palestinian political movement put forward a candidate for the 9 January election, voters would not necessarily be choosing between irreconcilable strategic options. The election would probably not, for example, be transformed into a contest between a two-state settlement and a struggle to remove Israel from the map, nor even a referendum on the application of Islamic *shari'a* law in the West Bank and Gaza Strip. To that extent, Arafat's legacy of framing the struggle for Palestinian self-determination as one for an independent state in the West Bank and Gaza Strip with East Jerusalem as its capital appears secure, at least for the time being.⁶⁷ Rather, the conflicting visions are primarily about how to proceed and are primarily being fought out within Fatah.

One school of thought, primarily identified with Abbas, believes that Palestinians will get nowhere until they internalise the realities of the regional and international balance of power, and that they can best achieve their objectives by seeking integration with it. For Abbas, this has long been an article of faith; others have since reached that conclusion, whether out of tactical consideration or genuine conviction. In practical terms, this means putting an end to the armed uprising, enforcing the rule of law, concentrating on the construction of Palestinian institutions, and adhering to agreements so that pressure is generated in and on Israel to do likewise.⁶⁸

Continued armed attacks, in this view, has essentially led to a further consolidation of Israeli control and even provided its harshest abuses with international legitimisation. The method of ensuring the success of negotiations is thus to enable them by discarding weapons, thereby provoking a shift in Israeli and international public opinion. Abbas reiterated this

promote what it feels is the better route? It might soften how it presents this, but finally it must decide if it wants to lead, or merely to rule and roost". Crisis Group interview with Sayigh, op. cit.

⁶⁷ Opinion polls show continued majority Palestinian support for a two-state settlement but opposition having reached levels of approximately 25 per cent. "It's difficult to say politically that the two-state solution is finished but most think it's unrealistic. If Sharon continues with his policies, can we really still say it's possible?" Crisis Group interview with Nofal, op. cit.

⁶⁸ See for example, "Mahmoud Abbas's call for a halt to the militarisation of the uprising", *Journal of Palestine Studies* XXX: II (Winter 2003), pp. 74-78.

message on 14 December 2004: "The use of weapons is harmful and it should stop....[It is important to] keep the uprising away from arms because the uprising is a legitimate right of the people to express their rejection of the occupation by popular and social means".⁶⁹

As expressed by one member of this camp, "we accept that the lead items on the American agenda are terrorism and democracy and will do our part. Then we will go to them and ask them to put their money where their mouth is".⁷⁰ Prominent Fatah leader Qaddura Faris explained it in much the same manner: "Our primary goal in this new phase is to convince the world that the obstacles to peace are not within our society. We understand Sharon won't give us anything but don't want to be the pretext for the lack of political progress".⁷¹

The rival camp, of which Marwan Barghouti is the leading representative, subscribes to the theory that enemies are only moved by pressure. For Palestinians to discard their weapons prior to attaining their objectives, its proponents argue, is an unwarranted act of submission that will reflect itself in the contents of an agreement. Its radical pragmatism is best summarised by Barghouti's oft-cited statement at the outset of the current uprising: "We tried seven years of intifada without negotiations, and then seven years of negotiations without intifada; perhaps it is time to try both simultaneously". According to one of his closest associates, "Marwan supports negotiations only if they end the occupation. Otherwise the intifada must continue".⁷² Rather than detracting from a viable Israeli-Palestinian agreement, in other words, it is because of the uprising that one will be achieved. Seen from this perspective, the alternative to resistance is not negotiation, but occupation.⁷³

⁶⁹ Addressing the role of the security forces, Abbas added, "There is security chaos, that's why we're demanding and are seeking to unify the security apparatus". His criticism of the armed uprising provoked surprisingly few negative comments among Palestinians, though it was denounced by a number of Palestinian political organisations and militias. See for example, *International Herald Tribune*, 15 December 2004.

⁷⁰ Crisis Group interview with senior PA official, December 2004.

⁷¹ Crisis Group interview with Faris, op. cit.

⁷² Crisis Group interview with Abu Ain, op. cit.

⁷³ According to one voter who spoke before Barghouti withdrew his candidacy: "Personally, I will vote for Marwan. I think that we need someone who would not sell out the uprising and all the martyrs. You may say that Marwan may

The dexterity with which Abbas has managed the domestic and regional scenes and his willingness to express a forceful and clear message regarding the use of violence suggest he is properly reading the mood of a growing Palestinian constituency that is exhausted by four years of confrontation and hardship and eager for normalcy and political progress. Still, even Barghouti's 12 December withdrawal from the presidential election should not necessarily be read as a clear-cut victory for Abbas in this respect.⁷⁴ As one Palestinian analyst put it:

In the Palestinian political system elections were never about one party defeating the other with more votes. What you get, as was typical during the PNC sessions of the 1970s and 1980s, are negotiations -- often excruciatingly detailed ones -- producing a deal for which the rival camps then vote for.⁷⁵

Stated differently, "Arafat had the rare talent of being able to authentically represent all strands in the very broad church that is Fatah. Any leader seeking broad legitimacy needs to do the same".⁷⁶ It seems likely that this case is no different, which also means that "Abbas can no longer represent only his own camp and political positions, but also has to represent those identified with Barghouti".⁷⁷ According to various accounts, Barghouti's main demands included a rejection of partial agreements; a detailed presentation of Palestinian national objectives and adherence to them; the rejuvenation of Fatah and the PLO; ensuring the rights of fugitives, deportees and prisoners; and affirmation of the right to resist.⁷⁸ While it is unlikely that Abbas will simply adopt this agenda, he cannot afford to ignore it.

Arafat's absence is likely to have its greatest impact if and when Israelis and Palestinians once again begin negotiating final status issues. The campaign launched by Israel and the U.S. to blame Arafat for the collapse of the July 2000 Camp David summit has

have done it implicitly while Abbas did it explicitly when he denounced terrorism, but I say that Mandela never said anything about terrorism in his early life as a freedom fighter". Crisis Group telephone interview, 8 December 2004.

⁷⁴ However, Barghouti's on-again off-again campaign has almost certainly hurt his personal stature.

⁷⁵ Crisis Group interview with Jamil Hilal, Amman, October 2004.

⁷⁶ Crisis Group interview with Karma Nabulsi, former Palestinian representative and adviser to Palestinian negotiating team, Amman, 12 December 2004.

⁷⁷ Ibid.

⁷⁸ *Al-Hayat*, 11 December 2004.

been so successful that the explanations provided by them, though certainly subject to question and largely intended to delegitimise Arafat, have been largely accepted even by Palestinians and will thus severely constrain any successor. Among Palestinian refugees, for example, it is an article of faith that the summit collapsed because Arafat insisted upon their right of return, and "his refusal to capitulate" on this issue is in fact considered his greatest achievement.⁷⁹ In the words of Brigades commander Zubaidi, "Abu Ammar refused to make concessions. That's why they killed him".⁸⁰ Even before Arafat's death, his "refusal to capitulate" on final status issues was cited as the primary explanation for his siege,⁸¹ and his reputation as "the only Arab leader capable of saying 'no' to the Americans" bolstered his sagging popularity.

According to one of the late Palestinian leader's advisers, "Arafat's legacy is an obstacle for Abbas because people don't know what he accepted and refused at Camp David and Taba".⁸² One of his leading confidantes expressed the view of many with the statement that Israel and the international community lost a "golden opportunity" to reach a permanent settlement while Arafat was still alive ("as we always advised them to do"), and that without him "it will be much more difficult. Not impossible, but much more difficult".⁸³

C. ISRAEL, THE U.S., AND THE INTERNATIONAL COMMUNITY

On the whole, Israeli politicians, security officials, and analysts interviewed by Crisis Group appear to understand the sensitivity of the moment and the need for the Sharon government to adjust its policies accordingly. The views of Baruch Spiegel, adviser to the Israeli Ministry of Defence, are in this respect representative:

The threats are very clear: continued instability and chaos in which efforts to reach accommodation are undermined by extremists. The opportunity is elections and a process that reconstructs Palestinian institutions. The elections are critically important and provide an opportunity for both sides to climb down a great number of branches they are stuck on. They can become the focal point of the entire transition. Coordination between us and the international community, the international community and the Palestinians and, of course, us and the Palestinians is very important. We need stability and an end to terror. We also need to see a less aggressive IDF policy in place, meaning we end targeted killings. I would like to see the coordination mechanisms put back in place. People need to see an improvement in the economic and humanitarian situation on the ground. We need to open up closures, and we need to let elections happen -- including East Jerusalem.⁸⁴

There is also surprisingly broad if reluctant acceptance among Israeli officials of the Palestinian leadership's efforts to integrate Hamas into the political system. According to Ilan Leibovich of the Israeli parliament's Foreign Affairs and Defence Committee, "I have no problem with Hamas participating. We need to deal with the players that matter and if the PLC incorporates such players it can help".⁸⁵ Oded Ben-Haim of the Ministry of Foreign Affairs concurs: "Hamas is seen as a threat to the transition. I disagree. The transition needs to be authentic, even if Hamas is incorporated. I am not sure what will be but I think it is worth the risk. What if Hamas becomes like our version of Shas?"⁸⁶ In this respect Deputy National Security Adviser Itamar Yaar points out that "Hamas could have used this period to make chaos. So far it and PIJ have demonstrated responsible behaviour".⁸⁷

⁷⁹ Crisis Group interviews with Palestinian refugees, Am'ari refugee camp, Ramallah, 11 November 2004. "The most important thing is that Arafat died before conceding the right of return, because he is the only one who would have been able to do so and now no one can". Crisis Group telephone interview with Palestinian right of return advocate, 12 November 2004.

⁸⁰ Crisis Group interview with Zubaidi, *op. cit.*

⁸¹ "Why do you think he's been under siege for three years?", Crisis Group interview with senior Palestinian intelligence official, Ramallah, June 2004.

⁸² Crisis Group interview with Nofal, *op. cit.*

⁸³ Crisis Group interview with Arafat confidante, Ramallah, 3 November 2004.

⁸⁴ Crisis Group interview with Baruch Spiegel, adviser to the Israeli Ministry of Defence, Tel Aviv, 21 November 2004. Other Israeli officials interviewed by Crisis Group specifically referred to the Gaza disengagement initiative when discussing a resumption of coordination.

⁸⁵ Crisis Group interview with Ilan Leibovich, Tel Aviv, 18 November 2004. Leibovich represents the Shinui party that until December 2004 formed part of the governing coalition.

⁸⁶ Crisis Group interview with Oded Ben-Haim, director, Palestinian Affairs Division, Ministry of Foreign Affairs, Jerusalem, 22 November 2004.

⁸⁷ Crisis Group interview with Itamar Yaar, Ramat Hasharon, 25 November 2004. The statement was made before the marked escalation of hostilities in the Gaza Strip.

Israeli officials interviewed by Crisis Group had a clear preference for Abbas, cautioning, in the words of Leibovich, "We brought him down once before, and we need to avoid doing so again".⁸⁸ The prescriptions offered to support him are, first and foremost, to avoid giving him a "bear hug",⁸⁹ facilitate his efforts to acquire a mandate and revitalise PA institutions, improve conditions on the ground, refrain from making excessive and unrealistic demands upon the PA, and coordinate the disengagement from the Gaza Strip with him.

While agreement exists on immediate steps, the longer-term horizon is murkier. Whether on account of doubts about Israeli or Palestinian political will (or both), there is virtually no talk either in Israel or among members of the international community of resuming the effort to forge a permanent settlement. To the extent such assessments are based on the conviction that the new Palestinian leadership will need time to assert itself and prepare its constituents for difficult decisions, they may be correct, but only in the short run. Abbas, assuming he is elected, will need time to assert his authority, demonstrate achievements on security and quality of life issues, and forge a greater political consensus. To confront him immediately with sensitive permanent status issues -- namely concerning the right of return and Jerusalem -- arguably would overload the wagon.

Paradoxically, however, what he may not be capable of digesting now he will be unable to live without later: in other words, to sustain his leadership he will have to show genuine progress toward a resolution of the conflict. That does not necessarily mean achieving such a resolution in the near future; few among the Palestinian leadership harbour the hope that it can be done while Sharon is prime minister, and most dismiss the prospect outright.⁹⁰ But it means at some point not too far

down the road putting forward the international community's collective view of what an endgame should and ultimately will look like.

This observation is particularly pertinent to the U.S. In a joint 12 November 2004 White House press conference with British Prime Minister Tony Blair held only hours after Arafat's burial, President Bush made clear his priority was Palestinian reform, a position made even more apparent weeks later when he called Palestinian democracy -- and not issues of borders or settlements -- the "heart of the matter". These statements, "which suggest that he defines Palestinian freedom as the right to conduct elections rather than live without occupation", were received with dismay by Palestinians.⁹¹ With Palestinians already convinced the international community has a habit of demanding they accept resolutions and initiatives they consider unbalanced and then moving the goalposts, it was a particularly poor start. A more detailed presentation of what is on offer to Palestinians and Israelis should they fulfil their Roadmap commitments remains to be made.

Even the Europeans, who have all but formally adopted the view that without a clear definition of an endgame, meaningful progress in Israeli-Palestinian relations is unlikely to materialise,⁹² appear leery to push that position at this point. According to a European diplomat:

Our strategy is to stand up a "responsible" Palestinian leadership and take this to the Israeli government with the announcement that it now has a partner. If it refuses to properly engage, the Israeli public will have a compelling reason to create a viable Israeli partner in the voting booth.⁹³

Again, that is an understandable reaction to immediate circumstances. Yet the type of Palestinian leadership the Europeans envisage for such a role is unlikely to survive long enough for the strategy to succeed unless it has genuine political achievements to its credit.⁹⁴

⁸⁸ Crisis Group interview with Leibovich, op. cit.

⁸⁹ Crisis Group interviews, Leibovich, Spiegel, both op. cit.

⁹⁰ Palestinians (and other sceptics) in this respect point to a recent interview given by Dov Weisglass, Sharon's senior adviser, in which he stated: "The significance of the disengagement plan is the freezing of the peace process. And when you freeze that process, you prevent the establishment of a Palestinian state, and you prevent a discussion on the refugees, the borders and Jerusalem. Effectively, this whole package called the Palestinian state, with all that it entails, has been removed indefinitely from our agenda. And all this with...a [U.S.] presidential blessing and the ratification of both houses of Congress. The disengagement is actually formaldehyde. It supplies the amount of formaldehyde that is

necessary so there will not be a political process with the Palestinians". *Haaretz*, 6 October 2004.

⁹¹ Crisis Group interview, Palestinian civil society activist, Ramallah, 13 November 2004.

⁹² Crisis Group interview, European diplomat, October 2004.

⁹³ Crisis Group interview, European diplomat, Amman, November 2004.

⁹⁴ An idea worth considering is to use the protocol requirement of congratulating the winner of an election to provide the new leader with a declaration of intent by the

Properly gauging Palestinian opinion will be critical in determining when best to launch a political initiative. Already, some mistakes appear to have been made in this respect. Widespread international criticism and even outright condemnation of Marwan Barghouti's 1 December 2004 decision to contest the election made little sense -- a curious way to encourage democracy, it was viewed by Palestinians as an unwarranted interference in their affairs and, in light of existing internal pressure on Barghouti to withdraw, ill-advised as well. With many Palestinians already convinced the international community has chosen Abbas as their preferred candidate (and not a few supporting him for that reason),⁹⁵ the last thing he needs is heavy-handed intervention on his behalf. Indeed, some have argued that Barghouti's withdrawal may well end up hurting Abbas. Prior to the withdrawal, Palestinian analyst Khalil Shikaki wrote:

Winning a contested race would be the best outcome for Abbas....A victory over Barghouti could give Abbas...the legitimacy he needs to combat violence and to deliver on any pledges he makes in negotiations with Israel. If Abbas

were to win unopposed, he would end up with a weaker hand.⁹⁶

Another important factor in the transition is the recognition of the role that civil society can play. The international community, together with the Palestinian leadership, should increase their support for the activities of organisations working to fill gaps in delivering basic services, defending basic rights, and leading conflict resolution efforts.

IV. CONCLUSION

The Palestinian transition is off to a healthy start but it is an exceedingly fragile and delicate affair with many suppressed rivalries awaiting the new leadership's first slip to re-assert themselves. On the Israeli side too, tensions raised by the forthcoming Gaza withdrawal -- and the prospect of widespread settler and right-wing efforts to thwart it -- dictate prudent and judicious diplomacy over coming months. All in all, it would be a mistake to be lulled by the atmosphere of good will and harmony over Palestinian democracy and Israeli disengagement. The escalation of violence in the Gaza Strip during the second week of December is only the sharpest and most recent reminder.

During this phase, it will be important to assess the Palestinian public mood accurately. While they are indeed hungry for the rule of law and thirsty for functioning institutions, Palestinians are equally desperate for political progress, first on issues such as settlement construction and the separation barrier, but soon afterward on ending the occupation. The assessment that "if Abbas within 100 days of his election does not get anything from Bush and Sharon he will face increasingly difficult Palestinian obstacles" is difficult to refute.⁹⁷ As with his ill-fated 2003 premiership, Abbas has "only months to deliver".⁹⁸ If he again fails, he is likely to be consumed by the same combination of forces -- detractors within Fatah most prominent among them.

Arafat's absence makes things both easier and more difficult for Abbas. Easier, because he will no longer have to contend with the Old Man's domineering presence, and it can no longer be used as a pretext by others. More difficult, because he cannot use it as a

international community. In April 2004, President Bush angered Palestinians by writing to Prime Minister Sharon that a future negotiated settlement would have to respect demographic realities on the West Bank -- that is, some Israeli settlements -- and would not include a right of return to Israel for Palestinian refugees. Such provisions are not unrealistic -- indeed they are part of the endgame solution proposed by Crisis Group (Middle East Report N°2, *Middle East Endgame II: How a Comprehensive Israeli-Palestinian Peace Settlement Would Look*, 16 July 2002). The Bush letter was unbalanced, however, because it cited only concessions expected of the Palestinians. The members of the Quartet in charge of shepherding the Roadmap -- the U.S., EU, Russia and the UN Secretary General -- might collectively or individually take the occasion of congratulating the new PA president to express belief that a settlement must produce a contiguous, viable Palestinian state based on the 4 June 1967 borders, with any changes to those borders mutually agreed and compensated for by territorial exchanges, and that Jerusalem would become the capital of both states, with sovereignty based on demographic realities. Such unilateral statements would not force the new leader prematurely to take specific positions on the most contentious issues, but would allow him to demonstrate that he had already achieved a better balance in the international community's approach.

⁹⁵ Crisis Group interview with Palestinian activist, Amman, 12 December 2004. "I don't particularly like Abu Mazen, but if the Americans insist that only he can receive the keys to a state, let's see if they're prepared to give them to him". Crisis Group interview with Palestinian resident of Ramallah, 13 November 2004.

⁹⁶ Khalil Shikaki, "Among Palestinians", op. cit.

⁹⁷ Crisis Group interview with Nofal, op. cit.

⁹⁸ Crisis Group interview with Sayigh, op. cit.

pretext himself nor any longer derive legitimacy for his actions from Arafat. As in 2003, Abbas cannot succeed by addressing only domestic issues, cannot successfully address domestic issues in isolation from the Israeli-Palestinian conflict, and cannot succeed on the latter front without cooperation from Israel, the international community, and the Palestinian political system.

Even in the best of circumstances Abbas is likely to prove a transitional figure; tolerated by some because he is the devil they know better, promoted by others because he is seen as the most effective tool for their own objectives, opposed by those who view his agenda as a mortal danger to theirs, and enjoying the genuine support of few. The analogy with Anwar Sadat, an initially weak leader who assumed power within a strong as well as stable system, is not particularly useful given the extreme weakness of Palestinian institutions and constant ferment of its political system. And Palestinian political culture has changed considerably more in the half century since Abbas became part of its elite than did its Egyptian counterpart in the 18 years between the 1952 Free Officers' seizure of power and Abd-al-Nasir's death.

The more pertinent question thus likely is not what the Abbas era will look like,⁹⁹ but rather how Abbas will shape and adapt Arafat's legacy before transmitting it to successors of his own. If, for Palestinians, 2005 is indeed "the year of elections",¹⁰⁰ during which they begin to rejuvenate their institutions, rebuild their shattered society and economy, and embark on a new beginning in relations with Israel, Abbas will have bequeathed to his political heirs a sound framework that makes Palestinian national objectives that much easier to achieve. If, however, a combination of *infirad*, chaos, and conflict is permitted to take hold, the details of how Israelis and Palestinians can complete the journey begun in Madrid in 1991 may well become largely academic. With Arafat gone, Palestinians face yet another historic crossroad. How others respond will go a long way toward determining which way the Palestinian people ultimately choose to go.

Amman/Brussels, 23 December 2004

⁹⁹ Abbas, furthermore, is almost 70. By the time Arafat reached that age, what many consider the highlight of his career, his 1974 address to the UN General Assembly, was already a quarter century behind him.

¹⁰⁰ Crisis Group interviews, Faris, Nofal, both op. cit.



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