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REQUIEM FOR PALESTINIAN REFORM

Clear Lessons from a Troubled Record

Nathan J. Brown

**Democracy and
Rule of Law Program**



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NEVER HAS THE CAUSE OF POLITICAL REFORM in the Arab world received as strong verbal support—on both the international and domestic political levels—as it did in Palestine between 2002 and 2006. And while much of the Palestinian reform agenda remained unrealized, Palestinian governance changed in fundamental ways during the reform wave. But international backers of reform in particular had a remarkably short-term focus, a highly personalized view of the process, and a very instrumental view of reform, leading them to turn harshly against the achievements of the Palestinian reform movement when it brought unexpected results. What can this combination of success and disillusioned failure teach us about the cause of Arab political reform?

THE PALESTINIAN REFORM COALITIONS

A reform coalition of Palestinian parliamentarians and intellectuals began sketching their plans for a different kind of Arab political system in 1996. Their goal was to undermine the emerging authoritarianism of the Palestinian Authority (PA), a political system governing Palestinian-administered areas of the West Bank and the Gaza Strip since 1994. The PA oversaw most civil affairs for the Palestinian population of those two areas; it was also seen by most Palestinians as an embryonic Palestinian state. From an early date, some Palestinian activists insisted that their state be born reformed, avoiding the authoritarian features common to Arab regimes in the Middle East.

Not until 2002 did the coalition's efforts receive a hearty international endorsement. That year, the United States and the European Union intervened in a remarkably frank and direct manner to support the cause of Palestinian political reform. With international backing, the reform movement began to effect some significant changes, most notably in constitutional structure and fiscal transparency. Ten years after the effort began, it achieved its greatest success. In 2006, a professionalized body (the Central Elections Commission), operating with international technical assistance and political protection, oversaw a national election in which, for the first time in Arab history, a deeply entrenched party was repudiated by the voters. And the victor was a reform-oriented list called Change and Reform that had made corruption and abuse of power the focus of its campaign. Never before had a reforming opposition party won power at an Arab ballot box. And sitting alongside the reform party was a popularly elected president who, though affiliated with the erstwhile (and now discredited) governing party, was often seen as a friend of the Palestinian reform movement.

No Arab political system had ever showed such an ability to reform itself—albeit with a significant measure of international assistance. But many of the friends of Palestinian reform, especially but not exclusively its international allies, quickly concluded that their efforts had given birth to a monster. The problem, of course, was that the victorious reform party had goals that went beyond good governance: Change and Reform was the creation of the Movement of Islamic Resistance. Known

by its Arabic acronym, Hamas, this Islamist party bitterly opposed the internationally sponsored peace process and rejected all but technical negotiations with Israel. Its decision to downplay its international agenda (and even part of its Islamist agenda) for the election campaign hardly reassured its critics.

Some supporters of Palestinian reform merely abandoned the effort, but others went further, actively seeking to destroy what they had once so enthusiastically supported. For instance, in December 2006, when the Palestinian president moved in blatant violation of the critical constitutional reforms of 2003 (reforms that had at the time resulted in his appointment as prime minister) by threatening to dismiss the elected parliament, the United States (which had provided critical support for the constitutional reforms) not only offered him encouragement but also offered material support to the armed forces he would need to impose his will.

Indeed, for a solid year after the January 2006 elections, the international actors who had sponsored and helped fund the PA not only watched but facilitated its decay by cutting aid, boycotting its government, and blocking any private or public party from providing financial assistance. In the aftermath of the elections, Palestine's two major political parties, Hamas and Fatah, lurched between violent rivalry and attempts to form a national unity government—finding international thumbs very much on the scale, tilting the balance against unity. No international actor endorsed the slide toward civil war, but the most important ones made clear that they supported (with funds and even military assistance) the presidency in any conflict with the cabinet, effectively taking sides in a brewing struggle. Even the European Union—which eventually stepped in to pay salaries to many PA employees, thus averting its collapse—publicly endorsed an imaginary presidential prerogative to call early elections.

The 2006 elections had laid bare the central problem with the Palestinian reform effort: Almost all of its powerful backers viewed reform not as an end in itself but as a means to a set of ends. Not only have the ultimate ends of various members of the reform coalition sharply diverged (and often contradicted each other), but almost all backers of reform have been strongly inclined toward short-term thinking, quick to abandon support for reform when it has clashed with other immediate goals. The result threatens not simply the achievements of the reform effort but also the entire political edifice on which it was built. By early 2007, it was still unclear whether the PA—and the embryonic Palestinian state it had sought to foster—could survive the sanctions imposed by the same international actors who had helped create it.

This essay is an effort to answer four questions: What was the Palestinian reform movement able to accomplish and why? How and why did it fail? What remains of its efforts? What are the lessons for proponents of reform in the Arab world?

THE ACCOMPLISHMENTS OF THE PALESTINIAN REFORM MOVEMENT

From its birth in 1994, the PA emerged as an authoritarian set of institutions in a manner reminiscent of the development of similar systems elsewhere in the Arab world. But as familiar as it may have seemed, Palestinian authoritarianism showed some very different features as well: it was very highly personalized and characterized by weak institutions and ad hoc arrangements. While the Egyptian and Tunisian presidents, for instance, are very strong, each controls his country through a set of laws and institutions that reflect and follow his will. But in the Palestinian case, authority was not merely

centralized but was also personalized: there were no clear chains of command, laws were either not issued or routinely violated, and the president dominated the system more by setting up competing fiefdoms and distributing patronage and benefits (often personally) than by devising clear procedures and structures to implement the presidential will. And indeed, Yasser Arafat was not merely PA president; he also headed Fatah, the largest political party, and chaired the Palestine Liberation Organization (PLO), a body responsible for representing all Palestinians throughout the world.

The PA's international patrons themselves abetted this developing pattern, both intentionally and unintentionally. They deliberately did so by privileging the PA's security obligations and apparatus over any governance concerns. As the PA's security services burgeoned in size, international supporters accepted them partly as patronage devices that would employ those loyal to the PA president, Arafat. Other parts of the security apparatus offered less gentle benefits: a set of "state security courts" were constructed that vaguely and unconvincingly mimicked judicial bodies; they convicted those brought before them (sometimes in the middle of the night) with ruthless efficiency. These courts won public endorsement from the U.S. vice president at the time, Al Gore.

Not all the international support for Palestinian authoritarianism was by design. One of the most critical institutions supporting the emerging set of unaccountable political structures was the system of monopolies and border crossings that controlled the importation of many basic commodities to the Palestinian areas. These allowed the president and his allies to dominate the economy and realize tremendous profits (most of which went to Palestinian institutions, but some of which went straight into private pockets) without any oversight. These monopolies were an unintended by-product of the customs union set up as part of the Oslo Accords.¹

Palestinian authoritarianism was notable not only for its lack of institutionalization but also for the atmosphere of intellectual openness in which it operated. This openness had ill-defined but harsh limits—vocal critics could be harassed, threatened, arrested, and abused. But the pattern of repression was so uneven—and many Palestinians so accustomed to defying governing authority—that remarkably frank and critical discussions remained a staple of Palestinian political life. Only a small portion of this discourse seeped into the print and broadcast media, but in seminars, public discussions, and parliamentary sessions, criticism of the PA and of its president could be vociferous, sarcastic, and occasionally even threatening. According to Natan Sharansky's crude but often-cited "town square" test, a free society is one in which a person in the middle of the town square can express his or her views without fear of arrest or harm. According to this standard, Palestine was not fully free, but it was far closer than almost any other Arab society. In 1993, a leading Palestinian stated in an interview with the author, in a public restaurant within shouting distance of the main public square in Ramallah, "Our problem is Yasser Arafat." He went on to explain that there was a consensus that Arafat was a failed leader in the domestic realm.² One deputy sarcastically suggested in the midst of a parliamentary debate in 1998 that Arafat simply be declared to be God; the next year, another deputy shouted that an uprising against the PA would be an inevitable by-product of its corruption. Marwan al-Barhuti, an important Fatah leader in the West Bank, gave voice to this criticism in 1998 in a public conference:

Talk again of building democratic institutions, meaning decision making by an institution in a democratic way, and talk of collective leadership in the shadow of Yasser Arafat are hopes with no basis in reality: not in the Fatah movement, not in the Palestinian people, not in the PLO, and not in the Palestinian Authority. As long as Yasser Arafat exists, he is the alternative to institutions. Yasser Arafat is the institution, and with his existence there will be no institutions.³

Thus, almost from the beginning of the PA, some leading Palestinians began to criticize the emerging authoritarian patterns. And they found some successful backing for their efforts. A report of the PA's external auditor, the General Control Institute, offered extensive documentation of a pattern of petty and not so petty corruption and mismanagement. When the Palestinian Legislative Council (PLC), the PA's parliament elected in 1996, obtained the report, the PLC started its own investigation, which supplemented the Institute's charges. The PLC also became central to reformers' attention when it took up the matter of the PA's constitutional structure. Despite Yasser Arafat's hostility, the PLC drafted a "Basic Law," taking a document prepared by the PLO's legal committee and transforming it into the most liberal constitutional document in Arab history before passing it in 1997. The PLC also sent fairly liberal laws to the president on matters ranging from public meetings to the judiciary; it wrote a budget law giving itself serious oversight powers and skirmished annually with the cabinet before approving the budget. But in all these matters, the PLC's attention was fitful. The body was often easily intimidated or deflected by the president and unsure how to react when he refused to sign or promulgate laws it had passed. The result was an imposing paper effort to construct the rule of law and a liberal legal and constitutional order, but extremely uneven success in implementing those efforts.

Indeed, most PLC successes actually boomeranged in the short term: they aggravated Palestinian authoritarian patterns instead of limiting them. As the PLC established itself as the body that initiated PA legislation, most efforts to regularize PA authoritarian practices simply came to a halt. Authoritarianism itself did not actually diminish; it simply moved outside legal channels. When the president wanted someone arrested, the person was arrested; when a court ordered a detainee released, prison officials—claiming that they answered to the president but not the courts—simply ignored the court. Work that Arafat's government had begun on a restrictive press law ground to a halt under the suspicious eyes of the PLC, but critical journalists were still harassed (and even arrested) completely outside any legal framework. In short, whenever the PLC did what it wished, the president also did as he pleased. The centerpiece of the PLC's reform efforts—the Basic Law—sat on the president's desk, unsigned, for five years. Other critical pieces of legislation (such as a judicial law) also stalled.

The result was the development of an impressive reform agenda and legislative framework but a failure (actually a refusal) to implement most of it. And the international community that supported the construction of the PA acquiesced in (and, as in the cases of the security system and import monopolies, sometimes even encouraged) emerging authoritarian practices. To be fair, there were efforts—generously supported by the international community—that carved out islands where a more liberal Palestine could emerge. The PLC, for instance, developed capacities for research, legislative drafting, and budgetary analysis that were fairly impressive for a new parliament. And the weak Palestinian party system (Fatah deputies, despite having a majority, almost never met as a caucus) prevented these resources from being monopolized by uncritical supporters of the executive, as happens in other Arab parliaments.

Perhaps the most striking island of reform was the professionalizing segment of Palestinian civil society. Over the years, Palestinian society in the West Bank and, to a lesser extent, the Gaza Strip, had developed layers of voluntary, charitable, social service, and neighborhood organizations. Some of these dated back to the first half of the twentieth century (such as a group of charitable women's organizations); others had been founded as recently as the first intifada, in the late 1980s. What these organizations lacked in funds and professionalism they compensated for in enthusiasm,

sense of mission, and grassroots support. The emergence of the PA led to the transformation of some of these groups and the founding of new ones. Whether transformed or new, some civil society organizations in Palestine were now far more capable and professional in general than in the past—but also dependent on external donors. The result, as described by one Palestinian scholar, was a civil society suspended over the rest of Palestinian society, detached from its domestic roots but highly professionalized in its operations.⁴ In this new form, civil society was a key supporter of the PA reform movement, documenting abuses, developing plans, lobbying the PLC (sometimes even drafting legislation), and confronting the emerging authoritarian order.

The eruption of the second intifada in September 2000 initially sidelined the reformers but ultimately led to their victory. For two years, the escalating violence rendered talk of reform seemingly irrelevant. Nationalist and military rhetoric and action dominated; institutions decayed under Israeli pressure and Palestinian disinterest. International attention to Palestinian reform flagged, and donors shifted their focus to meeting basic needs.

Yet in the spring of 2002 the reform movement suddenly reemerged, and, over the course of the following year, it achieved nearly all of its objectives. The general weakness of Palestinian institutions, the near collapse of the PA, and the Israeli siege on the Palestinian president evidently had led many Palestinians to believe that institutional development was an immediate and critical need rather than a luxury to receive attention after nationalist goals had been met. The elements of the international community that had supported the creation of the PA also embraced the cause, though for a different set of reasons. European donors generally believed that only a capable and institutionalized PA could be an effective participant in any renewed peace process. The U.S. government was more specific in its concerns, holding Yasser Arafat personally responsible not only for domestic Palestinian problems but also for the intifada itself. Any effort against Arafat's authority was deemed reform; reforms that might not weaken Arafat quickly lost the support of high-level U.S. officials. Thus, there was strong American support for introducing the position of prime minister and increasing cabinet control over security and the budget. New elections, however, were seen by the U.S. leadership as a possible tool in Arafat's hands. (In fairness, it should be noted that below the level of the senior U.S. leadership, many Americans working in development agencies and nongovernmental organizations [NGOs] supported a less personalized vision of reform).

With a powerful—if diverse—domestic and international coalition behind it, the cause of Palestinian reform suddenly received a tremendous amount of attention. Palestinian finances, legal institutions, security services, constitutional arrangements, and NGOs were thoroughly examined—not only within Palestine but at international conferences (one summoned by British Prime Minister Tony Blair). Reform efforts received public support from the most powerful leaders in the world. The Roadmap for Peace—a plan sponsored by the European Union, the United States, the United Nations, and Russia—imposed numerous reform obligations on the Palestinians. The attention had considerable effect. By the summer of 2003, Palestine had perhaps the most transparent and efficient fiscal apparatus of any Arab state. The Basic Law was not merely dusted off and approved, it was also amended in order to transfer executive authority from the office of the president to a cabinet headed by a prime minister fully accountable to the parliament. Other dormant reform projects—the judicial law, for instance—were similarly revived and approved. The constitutional reform also placed internal security under the authority of the cabinet, theoretically ending its isolation from parliamentary oversight.

Much of this success was due to an unusual partnership: Palestinian legislators, activists, and intellectuals developed an ambitious reform plan (sometimes drawing from international advice); the PA's powerful external patrons supplied the political muscle necessary to secure presidential approval of the program; and (to the reformers' horror), the Israeli move to imprison Arafat in his headquarters left him desperate for international protection. At times the partnership was imperfect: weeks after Arafat approved the Basic Law, President George W. Bush strangely called for a new constitution, most likely out of simple ignorance of what had already been achieved. Baffled Palestinian leaders nevertheless dutifully rummaged through domestic constitutional efforts and found a sleepy committee that had been drafting a permanent constitution (for a Palestinian state whenever it would be declared); the committee was energized and expanded until American attention wandered elsewhere.

Sometimes the external support went beyond the ill informed to the inconsistent, subordinate as it was to the familiar pressures of security concerns and power politics. For instance, when Israel demanded that some individuals besieged with President Arafat be surrendered, and threatened to assassinate or apprehend them if they were not, Arafat hastily convened a court-like body to convict them so that they could be held by Palestinians. The wholly illegal proceedings were, of course, overturned by a Palestinian court. The cabinet, with the quiet support of Western governments, acted in direct violation of a clear constitutional text requiring them to honor court judgments and ordered the verdict ignored.

Despite this uneven pattern of accomplishments and a rather eclectic mix of reforms, by the middle of 2003 the emerging authoritarian order in the PA had been thoroughly undermined. And, on paper at least, the PA had been transformed into a far more coherent and democratic structure.

HOW AND WHY DID THE REFORM MOVEMENT FAIL?

The most impressive accomplishments of Palestinian reform came at a time when the president was literally under siege and Palestinian public institutions in various states of decay. Some critical structures—most notably the educational and health systems—limped along throughout the intifada, continuing to meet basic needs. Other structures, however, including most ministries, the security services, and the courts, simply could not operate at any level of effectiveness under the political conditions that prevailed. Indeed, the security services aggravated the problem, since their personnel were active in running protection rackets and party militias. They also tended to be highly personalistic in their loyalties and would defend their leader quite ruthlessly. As time went on, efforts to reform Palestinian governance set off power struggles within the PA and sometimes degenerated into physical (even murderous) attacks and violent demonstrations.

In retrospect, it could be said that the problems for Palestinian reform began as soon as politics left the realm of paper documents and legal texts. The various reform plans that had been produced by internal and external actors often contained detailed, ambitious agendas but almost never identified priorities or showed much attention to sequencing. Thus, when it came to implementation of the paper accomplishments, the record was haphazard, reflecting no coherent strategy but merely short-term political alliances and opportunities. For instance, Palestine had the most professional and autonomous election commission in the Arab world, as well as the most impressive domestic

election-monitoring effort—all built with international assistance—at a time when the parliament met in rare sessions only by videoconference (because Israel barred travel between the Gaza Strip and the West Bank) and factions of the governing party continued to employ thuggery to jockey for positions on the electoral list.

A Shaky and Rootless Coalition

The more fundamental failure of the reform effort, however, lay in the heterogeneity, cross purposes, and shallow domestic political roots of the reform coalition. Palestinian reform had many intellectual advocates, but its domestic constituency was extremely weak—while the benefits it offered were real, they were also diffuse and contrary to the interests of very powerful groups. Two critical types of organized political actors, civil society organizations and political parties, were in no position to give reform the support it needed.

Civil society organizations could offer ideas, train personnel, report on, implement, and follow-up on an array of reform projects—but most of them could not deliver any organized political support. This was a direct (if unintended) result of the international support they received. For every step they took toward developing professionalization, they found that their grassroots support atrophied. It was theoretically possible for these groups to reach outward in the society even as they accepted external support, but only a few managed to focus on both internal and external linkages simultaneously.⁵

Political parties provided precious little support to the reform process. Indeed, they often were part of the problem. The authoritarian order that emerged between 1994 and 2002 was built partly on party patronage, as Fatah gradually transformed itself from a revolutionary movement into a dominant political party in a semiauthoritarian setting. Long-term party activists staffed the emerging PA bureaucracy and the security services; party factions competed with each other for access to public benefits. But because the transformation to such a party was incomplete—and because Arafat, as party leader, operated by playing off factions against each other rather than by constructing rigid hierarchies—the result was a confusing set of patronage networks, party militias, and competing factions rather than a well-structured party machine. Fatah was hardly a force for reform, and indeed, it was a logical actor to be reformed itself. To be sure, some factions in Fatah, led by members of a middle generation of party activists who had emerged in the West Bank and the Gaza Strip during the first intifada, did push for democratizing reform within the party. Their initial motivation was personal—this cadre of activists had been disappointed by the positions they had obtained in the PA and also felt that they had the grassroots support to do well in a party election. Their resentment of Arafat and his generation of party leaders ultimately led them to adopt the broader reform cause. PLC members from this generation were critical in pushing the reform program into law. But even reforming leaders within the party did little to activate the party's mass base; by the time party primaries were attempted in 2005 to determine the slate of candidates in the 2006 elections, nobody was quite sure who was a member of the party or how one joined. The disorganization and opposition of senior party leaders was sufficient to scuttle some primaries and throw the credibility of the process into doubt.

Smaller parties also found themselves caught between their origins as revolutionary movements and the attraction of playing a role in the emerging PA. But the failure of the PA to hold elections before the outbreak of the second intifada—and then the air of nationalist crisis following the eruption of violence—prevented any transformation of these smaller parties into effective forces

for political reform. A few small parties did emerge with a reform agenda, but none succeeded in building any grassroots support. Nor was there much of an incentive to do so until local and parliamentary elections were held in 2005 and 2006. And none succeeded in organizing any sizable constituency in the short lead-up to the elections.

Enter Hamas

There was one striking exception to the pattern of civil society and party organizations losing or neglecting their grassroots support. The leading Islamist party, Hamas, along with a network of civil society organizations associated directly or indirectly with the movement, spent the years between 1994 and 2006 organizing, building structures, and emphasizing social service and constituency building.⁶ Hamas and the Islamic sector of civil society were not hostile to reform, but it was not initially a primary focus for them. But as PA misgovernance provoked popular resentment, Hamas's sensitivity to public opinion, along with its opposition to the peace process that had created the PA, led the party to adopt reform themes. This gradual tendency was augmented by the PA's action at various times to repress the Islamist movement—while the repression was not applied in a sustained and consistent manner, it was severe, even brutal, when it did occur, and was executed largely outside legal channels. Thus, Hamas's critique of PA mismanagement began to blend with its outrage at the PA's harsh security practices to produce an emphasis on the need for Palestinian reform. Hamas's fellow Islamist movements—most notably Egypt's Muslim Brotherhood—had begun to emphasize political reform for their own reasons at about the same time, giving Hamas some ideological and programmatic guidance.

Hamas's program for the 2006 elections did contain some hints of its Islamic origins and uncompromising stance toward Israel, but the vast majority of the document resembled the reform proposals that had been generated by non-Islamist movements over the previous ten years. The primary difference between Hamas's reform agenda and that of the reform coalition was not in content but in credibility: Hamas had earned a reputation among Palestinians for seriousness of purpose and dedication to principle and the national cause that enhanced its reform reputation despite its relatively late adoption of reform themes.

Thus, in the end, the most effective Palestinian force claiming the reform mantle also pursued an international agenda so sharply at variance with that of the PA's patrons that the Islamist electoral triumph led the global community—particularly the United States—to move against many of the accomplishments of the reform movement and even to undermine most of the PA itself (only structures that were fully independent of the cabinet and parliament escaped international hostility). Prior to 2006, U.S. support for reform may have been inconsistent, personalized, idiosyncratically selective, and shortsighted, but it was probably far more sincere than most Palestinians were willing to allow. But as was the case with the 2006 elections, the Americans quickly shifted gears and undertook, without any sense of irony, to destroy some of their earlier accomplishments.

For instance, in the security sector, much of the U.S. effort to support reform had focused on placing the security services under cabinet (rather than presidential) oversight and regularizing payment of salaries through the treasury to ensure that the security services were professional bodies designed to meet national needs rather than personal or party militias. Yet after 2006, the United States moved rapidly to cut off payments to security services now under Hamas command

and to offer material support to those under presidential command (despite a clear constitutional provision—inserted with strong U.S. backing in 2003—that made the cabinet responsible for internal security).

The election of a Hamas majority in the PLC in 2006 thus revealed the shallowness of the reform coalition. The Palestinian backers of reform consisted of intellectuals and NGO activists with a powerful vision but little constituency, party activists who were often outmaneuvered within their own parties, and international sponsors of the PA who focused on personalities far more than principles and were easily distracted. Hamas stood very much outside this coalition even when it raised the reform banner, and its electoral triumph led large parts of the reform coalition not simply to abandon the cause completely but to seek to turn the clock back to an era when an unfettered president (to be fair, one who won an uncompetitive but fairly clean election) dominated Palestinian politics.

WHAT REMAINS OF PALESTINIAN REFORM?

The frequently feckless nature of international interest in Palestinian reform prompted cynicism among its supposed beneficiaries. Many Palestinians complained that they were being required to build a reformed set of state structures at a time when international support for actual statehood never went beyond hortatory. Lacking sovereignty, freedom of movement, fiscal autonomy, and basic security, Palestinians were still supposed to forge ahead with building accountable, professional, and efficient governmental structures operating in accordance with the standards of first world states.

The complaint was telling, but it obscured an uncomfortable reality: while the international situation had created many absurdities in the Palestinian political condition, it also had provided vital support for reforms that brought some tangible benefits to Palestinian society. International backers had often cherry-picked reform efforts from the array of proposals presented to them, but the original ideas for reforms—as well as responsibility for much of the implementation—generally were the Palestinians'. The result was that when international support collapsed in 2006, odd but important pockets of its accomplishments survived.

This pattern can best be illustrated by tracing the history of the 2006 parliamentary elections, the very event that led the reform movement into provoking an international crisis of the first order. The first PLC elections had been held in 1996 in accordance with the Oslo Accords. The original idea of holding a second round of parliamentary elections was a Palestinian one: from a Palestinian perspective, the legitimacy of PA institutions was questionable after 1999, the year designated under the Oslo Accords as the deadline for reaching a permanent settlement of the Israeli-Palestinian conflict. Many Palestinians claimed that because the PLC was elected under the Oslo Accords, its legitimacy ended with the expiration of those accords. Few outside Palestine paid much attention to this argument, partly because they did not regard the Oslo Accords as having lapsed.

But as time went on, Palestinian reformers latched on to the idea of elections as a way of renewing the vitality of Palestinian institutions and forcing a measure of popular accountability. Senior Palestinian leaders, led by Arafat himself, remained ambivalent. But when it became clear that elections might offer a tool to prove their legitimacy to skeptical Israeli and U.S. officials, they began

to warm to the idea. American ambivalence, however, deepened over time for the same reason: while President Bush had embraced the call for Palestinian reform, his conception of what that entailed focused primarily on the person of the Palestinian president. Only certain electoral outcomes—those weakening Arafat—would be considered reform.

Acting with a mandate from the U.S. Agency for International Development, a team of American NGOs (the National Democratic Institute, the International Republican Institute, and IFES) issued a report on the feasibility of Palestinian elections, inspired by President Bush's 2002 call for Palestinian reform.⁷ The report was generally favorable (though it urged extensive preparations). Mindful of the risks accompanying possible Hamas participation in the elections, the three NGOs recommended that the Palestinians develop a code of conduct for parties entering the electoral process. Arguing that parties that embraced violence did not have democratic credentials, the NGOs suggested that the code of conduct exclude such parties. While the requirement was clearly aimed at Hamas, in fact Hamas did disavow internal violence. Its position against Israel was far bloodier in both theory and practice, of course, but barring parties favoring war against external adversaries was an odd stance to present in Washington on the eve of the Iraq war. To make a distinction between a political movement launching suicide attacks against enemy civilians and a state overthrowing an internationally recognized government would have been more than plausible on moral grounds, but few of the Palestinians responsible for implementation and administration of elections would have been persuaded that Hamas violence against Israel rendered Hamas undemocratic. In fact, the American NGOs completely ignored the weak basis under Palestinian law for excluding Hamas from electoral participation. Whatever shaky legal argument could be made was politically impracticable to apply against a political actor that most Palestinians regarded as wholly legitimate.

In the end, the idea of elections was simply shelved until Arafat's death in late 2004, at which time the United States suddenly rediscovered their attractiveness as a way for the new Palestinian leadership to shore up its position. When elections were finally scheduled, the idea of the code of conduct was revived, but this time as a wholly Palestinian project. Shortly before the elections, all Palestinian political parties agreed to a set of principles on how to campaign. The principles, which focused mostly on fair play, were largely honored, and led to a fairly clean campaign. But they failed to bar Hamas or to persuade it to change its position on Israel, the original international purposes behind the code of conduct.

The strange career of the electoral code of conduct was an omen for some of the other reform efforts—they survived, but were isolated or transformed to varying degrees by the changed environment. Years of training programs, scholarships, and workshops had generated a cadre of highly trained personnel, sprinkled unevenly through ministries, other public bodies, and NGOs. Perhaps the most impressive of these organizations were the set of independent public agencies—the electoral commission, the human rights commission, the monetary authority—that had been especially favored because they were central elements of the international conception of Palestinian reform. And since these institutions were not under the oversight of the cabinet or the parliament, they were not cut off from international support by the draconian sanctions that were imposed after Hamas formed the new Palestinian government.

Other public institutions have been less fortunate in the wake of the international sanctions imposed on the PA after the Hamas electoral victory. Some have retained a portion of their capabilities, but even many of these have lost their role. For instance, the research unit of the PLC is still well trained and well equipped, but its employees have not been paid since the

international sanctions were imposed. They are not called upon to do much research anyway, with the PLC unable to muster a quorum because of Israeli arrests of Hamas deputies and continued Fatah-Hamas rivalry. The judiciary—fairly independent but not yet well staffed with trained personnel—somehow soldiers on, though it suffered a prolonged strike until December 2006 because support personnel were not paid.

But the political basis underlying the entire reform agenda has collapsed. Large parts of the political coalition that made the reform wave of 2002–2003 possible and weakened the Palestinian presidency (especially the United States, the European Union, and some Fatah leaders—even some of those who had been converts to the reform cause) have formed an alliance to rebuild an unfettered presidency. On December 16, 2006, President Abu Mazen, who, as Palestine’s first prime minister, had led the effort in 2003 to build the rule of law and democracy in support of a renewed peace process, claimed a right to dissolve the Hamas-dominated PLC. Both the United States and key European states explicitly backed his move. But Article 47 of the Basic Law—which the president and his supporters claimed was ambiguous on early elections—states directly that “the term of the Legislative Council is four years from the date of its election.” Neither Abu Mazen nor his U.S. and European backers explained which part of “four years” they found unclear. The Basic Law, the centerpiece of reform efforts for many years, was again threatened with brazen violation by some of the same actors who had forced it on Arafat.

The broader reform agenda survived, to the very limited extent that it did, in the hopes of a few remaining independent intellectuals and in the platform of Hamas. Indeed, with its election victory, Hamas became the only ruling party in the Arab world to call for observance of democratic procedures, the rule of law, and faithfulness to constitutional text with any consistency and sincerity. But Hamas in power—reduced to obtaining aid from abroad in cash transported in suitcases, unable to pursue any legislative agenda because many of its parliamentary deputies were imprisoned, and unable even to ensure that salaries were paid to government officials (most though not all salaries were paid as “social allowance” directly by the EU in a manner that completely bypassed the Hamas government)—proved utterly unable to pursue any reform vision.

The reformers could claim credit for building the few structures and drafting the few laws and procedures that gave Palestinian politics the little coherence and stability it retained. The Basic Law remained largely in effect, the judiciary still retained some independence, and bodies such as the Central Elections Commission retained some professionalism and credibility. But these same bodies, laws, and procedures came under tremendous pressure from the battles between Hamas and Fatah, cabinet and president, and Palestine and its former patrons. Abu Mazen’s call for elections was a threat to violate the Basic Law, obtain a judicial imprimatur for a coup, and have the Central Elections Commission oversee the operation.⁸ The damage to the few remaining pockets of reformed politics was clear: it turned the reformed institutions into political footballs and showed how isolated and endangered they would be in case of an all-out struggle between the PA’s first leaders and its new ones.

LESSONS FOR REFORM IN THE ARAB WORLD

For a brief but critical moment, the circumstances favoring political reform in Palestine seemed more propitious than they ever had in any Arab context. There was a well-formed reform agenda, a strong and expert group of Palestinian activists supporting the changes, a vocally supportive

international community, and a Palestinian leadership that—while resistant—was so dependent on international assistance for funds, political support, and even physical protection that it scrambled desperately to demonstrate its fealty to the reform cause. And, as the present analysis has shown, the accomplishments of that reform period were substantial and real. But the success of the coalition created the political conditions for its own dissolution: it led to clean elections, the victory of Hamas, and the shattering of the reform agenda.

Arab reform advocates and their international supporters can derive five lessons from the Palestinian experience: the need to align agendas, the peril of short-term goals, the peril of personalizing reform, the long-term nature of the reform project, and the need to engage Islamists.

Lesson 1: The Need to Align Agendas

Reform can make the most progress when international and domestic agendas are in alignment.

Palestinian reformers were able to develop many plans during the 1990s, but they were continuously outmaneuvered by the Palestinian political leadership, encouraged by its international backers. Thus, in 2002 and 2003, international support proved a vital, if embarrassing, source of leverage for Palestinian reformers. But when international attention wandered, or when international support showed a very different conception of what reform meant, achievements were far more limited.

Lesson 2: The Peril of Short-Term Goals

When reform is viewed as a means of achieving other short-term goals, its benefits, if any, will be equally short-lived. Political reform is only rarely an end in itself, of course, and it is unrealistic to expect many political actors to pursue it for reasons that are completely ideological or altruistic. For Palestinians, political reform was a means of obtaining a more functional government and creating a leadership that was both more capable and more effective in defending Palestinian interests internally and externally. For the international supporters of Palestinian reform, the primary (and sometimes only) purpose of reforming Palestinian institutions was to support a peace settlement with Israel. International actors supported reform when it was seen as a tool to weaken Arafat and transfer power away from those parts of the Fatah leadership seen as uncompromising and corrupt. But support would diminish, even before the Hamas triumph, whenever reform of political institutions and electoral processes strengthened those deemed hostile to the international agenda (for the United States and Israel, this came to include Arafat himself). For the international audience, reform was highly instrumental: it was designed to build a set of structures that met Palestinian needs in a way that showed the benefits of pursuing less than maximal nationalist goals and to allow the emergence of a credible Palestinian leadership that could make agreements—including critical concessions—authoritatively in the name of all Palestinians.

The domestic and international goals were different, but they were not necessarily contradictory over the long run. The problem was that at the international level there were expectations of immediate payoffs, and thus a remarkable impatience with the reform effort. Worse, when reform of Palestinian institutions contradicted other short-term goals (such as backing particular leaders or parties), it was immediately and totally subordinated.

The international support for reform as part of the peace process was not necessarily quixotic. Political reform most probably could aid the cause of a negotiated Palestinian-Israeli settlement, but only over the long term. Until 2006 the Palestinian leadership clearly favored a two-state

solution; indeed, it constantly endorsed the idea. But the leadership pursued the goal of two states in a way that inspired little confidence among its international interlocutors as well as its domestic constituency. Reform could help produce a leadership that could negotiate authoritatively for Palestinians and deliver economic and political benefits to the population for participating in the peace process.

The main argument for supporting reform as a means of serving the cause of peace was that it was more likely to produce success over the long term than the suggested alternatives. But the journey would be difficult, circuitous, and uncertain. Of course, since the international support was led by the United States, a country that, at the time, was preparing a military invasion of Iraq and subsequently coping with the effects of that invasion, it may have been unrealistic to expect Palestinian reform to be pursued with single-minded determination and strategic vision. European dedication to the cause of reform, less encumbered by the Iraq venture, tended to be more sustained. But the deleterious effects of willful shortsightedness on the part of the United States were far reaching. It exposed Palestinian reformers to withering domestic criticism, rendered the international effort hypocritical in the eyes of many Palestinians, and led to immediate international abandonment of the cause whenever any setback occurred.

Lesson 3: The Peril of Personality Struggles

The cause of reform will be undermined to the extent that it is reduced to a personality struggle. Palestinian reformers were quite adept at pointing out the many shortcomings of Arafat's leadership from their perspective, and many did gravitate to Abu Mazen's side when he was prime minister (and, to a much lesser extent, when he was president). But for Palestinian reformers, their cause was not a plot against Arafat or a vehicle for Abu Mazen's ambitions. The same cannot be said for the U.S. effort: for the United States, reform was a way to diminish or remove Arafat and support Abu Mazen (a man who frustrated some U.S. decision makers by his seeming lack of ambition).

Lesson 4: Reform as a Long-Term Project

Supporting non-Islamist reformers is at best a long-term project. Indeed, support for reform can easily backfire if used as a short-term device to put off choosing between the uncertainty of democracy and the backing of particular outcomes. There were many Palestinian leaders able to articulate a powerful reform vision; such figures did not simply enjoy the regard of international patrons but were often respected domestically as well. But respect did not translate into practical and organized political support. Furthermore, international responsiveness to (and support for) these reformist leaders often led them to neglect the difficult task of building grassroots support and political parties or other organizations with vocal and active constituencies. Immediately after Hamas's electoral victory, there was some international interest in "supporting the moderates" and recognition that such a policy must include encouraging them to provide social services and organize their popular base. But would-be international supporters show no sign whatsoever of any recognition of how difficult and long-term this task would be.

One Palestinian NGO leader, Mustafa al-Barghuti, provides a cautionary tale in this respect. He rose to national prominence as the leader of a volunteer effort to provide medical care to poor and remote parts of Palestinian society during the first intifada. His organization, the Union of Palestinian Medical Relief Committees (UPMRC), provided an avenue for a generation of student

activists to supply medical services to significant parts of Palestinian society. After the Oslo Accords, the UPMRC's record qualified it for considerable international support; it became one of the most successful Palestinian NGOs at attracting financial assistance. In 2005, al-Barghuti attempted to use this base to form an alternative political movement, first by running for president against Abu Mazen and then by launching a new political party for the 2006 parliamentary elections. In 2005, when he was Abu Mazen's only opponent, al-Barghuti received 19 percent of the vote. But in 2006, when Hamas entered the electoral fray, al-Barghuti's list received only two out of 132 seats.

There has never been a non-Islamist Palestinian political leader better poised to make the leap from civil society activist to political party leader than Mustafa al-Barghuti. But al-Barghuti could not make the transition on short notice, perhaps in part because his effort was every bit as centered on him personally as Fatah was in Arafat's day. If non-Islamist forces are to emerge, heavy-handed international efforts to support particular favorites will do little to help them. Success will only come by a long-term effort by Palestinian actors (perhaps with some international support) to build mass-based organizations. Fatah and Hamas took decades to accomplish this task, and there is no reason to expect that others will be able to move more quickly.

Lesson 5: The Need to Engage Islamists

Finally, the Palestinian reform experience should provide the strongest possible reinforcement to a lesson that is emerging from other societies in the region as well: the path of reform cannot be followed without encountering—and probably incorporating—Islamist movements. There is no absolute dichotomy between reform and some forms of political Islam, as much as some domestic reformers and their international supporters might wish. Islamist movements have sunk deep roots in their societies, and any effort that seeks to bring democracy or renegotiate the relationship between state and society will provide openings for Islamists. Islamists will use those openings. One of the most striking developments in the Arab world over the past few years is the skill with which many Islamist movements have grasped the reform mantle. Hamas's record in this regard is actually less impressive than that of some of its fellow movements, but pushing for reform through democratic means appears to be, as activists from other movements term it, "a strategic choice." It will do no good to question the sincerity of Islamists' dedication to reform: their conception of political reform differs, sometimes profoundly, from that of more liberal activists, to be sure. But the ideas that rulers must be accountable; that existing Arab regimes are estranged from their societies; that repression, harsh security measures, and unrestrained executive branches have served Arab societies poorly—all these fit easily and naturally within the Islamist political program and appeal.

The victory of Hamas in the 2006 Palestinian parliamentary elections starkly confronted advocates of reform in the Arab world with lessons they should have already learned in a form they can no longer avoid. Those who have not given up on the cause—and there are still many in the Arab world and a few outside it who see reform as an end in itself or as an indispensable tool for achieving other ends—must learn to see political reform as a difficult and long-term challenge rather than a solution to immediate crises, no matter how pressing those are.

NOTES

- ¹ Under the Oslo Accords (and specifically the Protocol on Economic Relations between the Government of Israel and the PLO, known as the Paris protocol), all commodities destined for Palestinian markets passed through Israeli ports of entry. Israel would collect the tax for Palestinian-bound goods and pass the revenues on to the PA (after deducting an administrative fee). This allowed for trade in some commodities—such as cement and gasoline—to be tightly controlled; the PA-owned monopolies were not an inevitable product of this system, but it made it easier for them to operate.
- ² Azmi Shu' aybi, personal interview, Ramallah, Palestine, November 1999.
- ³ *After the Crisis: Structural Changes in Palestinian Political Life and Work Horizons*, proceedings of the Fourth Annual Conference of the Muwatin Foundation, Ramallah, Palestine, September 22–23, 1998 (Ramallah, Palestine: Muwatin, 1999), 107 [in Arabic; translated by author].
- ⁴ See the comments of Ali Jarbawi in Ziad Abu Amr, *Civil Society and Democratic Transformation in Palestine* (Ramallah, Palestine: Muwatin, 1995) [in Arabic].
- ⁵ While the phenomenon was especially marked in the Palestinian case, it is not unusual for international assistance to detach civil society organizations from their constituencies. On the issue generally, see Thomas Carothers and Marina Ottaway, eds., *Funding Virtue: Civil Society Aid and Democracy Promotion* (Washington, DC: Carnegie Endowment for International Peace, 2000).
- ⁶ See Sara Roy, “The Transformation of Islamic NGOs in Palestine,” *Middle East Report* no. 214 (Spring 2000): 24–6, on the Islamist movement’s turn from politics to social service.
- ⁷ IFES, International Republican Institute, and National Democratic Institute, *Palestinian Elections: A Pre-Election Assessment* (Washington, DC: IFES, August 2002), www.ifes.org/publication/52067c9fad7971f3700b09ea3bccc2c2/08_02_Palestinian_Elections.pdf (accessed January 17, 2007).
- ⁸ While early elections clearly violated the Basic Law, the Central Elections Commission took the position that its purview was limited to overseeing elections, not adjudicating constitutional disputes. The commission thus implied that it would defer to the courts. But the courts themselves came under a cloud: fairly or unfairly, Hamas viewed the existing judiciary as too close to Fatah. To make matters worse, a law creating a constitutional court had been rushed through the PLC by the outgoing Fatah majority after the January 2006 elections but before the new deputies were seated. The law placed the court under presidential domination. When this law was challenged in the courts, Palestine’s most senior judges upheld it. Thus, the various bodies were either too timid or too suspect to resolve the dispute over early elections in a manner likely to be acceptable to all parties.

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