

# SEYASAT

## **Studies**

- Ramifications of the Israeli war on Gaza Strip in light of Goldstone Report
- Economy of Tunnels in Gaza Strip: National Necessity or Socio-economic disaster?
- The changing Qatari role in the Arab regional system since 1995

## **Articles**

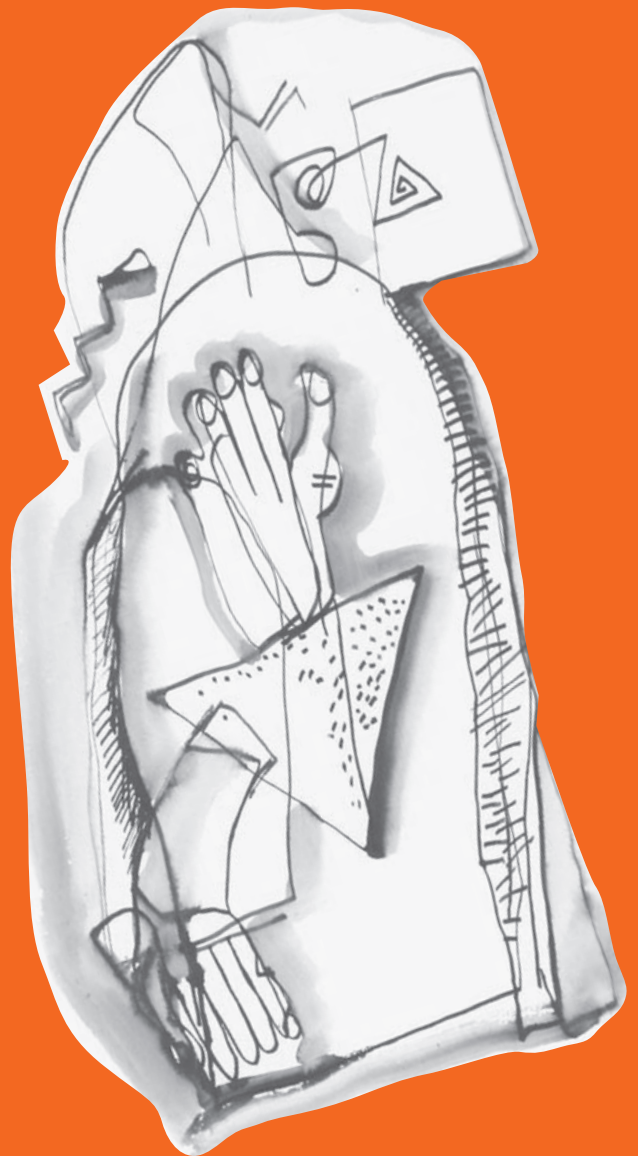
- The Palestinian-Israeli negotiations: the constants and Transformations
- The ramifications of Nahr al-Bared Nakba

## **Symposium**

- The international assistance to Gaza amid a fragile economy and harsh political reality

## **Public Policies**

- Public policies and human rights: from globalization to the state





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## Summary of Seyasat – Edition 12 (April, 2010)

“The Palestinian reconciliation has not been achieved and the Arab Summit also failed to add value to the Arab political landscape, meanwhile the process of negotiations remains stagnant.

This is a brief summary of the political setting at the time of publication of the new edition of Seyasat this spring. Discussions connected to the Egyptian paper have not made any progress despite of several attempts to convince Hamas to sign up to the paper and some minor related developments had been undertaken, such as meetings between the Fatah and Hamas leadership in Gaza and Damascus and the meeting with Nabil Shaath during his visit to Gaza. However, no progress was achieved.

Within the Arab context, seven Arab leaders did not attend the summit for various reasons. But nevertheless their absence impacted on the Arab consensus which continuously suffers from splits. The Arabs failed to become the driving force that would boost the Palestinian unity; on the contrary, the Arab split is a larger reflection of the Palestinian situation. One might even say that the Arab split feeds the Palestinian split.

Even the meeting between Netanyahu and Obama in the last week of March, when Obama put questioned Netanyahu regarding his readiness to divide Jerusalem and his sincerity on the settlement process, failed to bring any promising news.

Instead, some statements indicate that more time is needed to evaluate the seriousness of the US-Administration. It is true that Obama feels relaxed domestically, especially after concluding one of his most important internal battles with the US Congress on the health system reforms.

Ambassador **Nabil Ramlawi**, former Palestinian Representative to the UN in Geneva, has written an essay on the “Ramifications of the Israeli war on Gaza Strip in light of the Goldstone Report”. The writer reviews the conditions that led to the formation of the investigative committee into the Israeli war on Gaza and says that the most distinguishing aspect of the report, when compared with previous reports, is that it is daring, courageous and comprehensive. It also includes thorough analysis, recommendations and conclusions and an executive summary.

The report includes everything that the UN Human Rights Council, the UN General Assembly, the UN Security Council and the International Criminal Court should do to hold those who committed war crimes in



Gaza, (crimes that are well documented in the report on the definition of the International Law and International Humanitarian Law), accountable. The report also presented proof of committing systemic crimes against the Palestinian people throughout the years of occupation. All the evidence presented in the report proves that Israeli leaders and the Israeli army fully intended to commit those crimes. Moreover, Judge Goldstone was able to produce his report with a high level of professionalism despite the nature of his mission and the pressure put on him.

Ramlawi then reviews the various ramifications of the Israeli war on Gaza Strip. He recommends that Palestinians stress the war crimes and crimes against humanity that were committed by Israel. In addition, there is a need to highlight the crime of aggression against the Palestinian people, and the need to reveal the ugly, racist face of Israel to the entire world by exposing how it violated international law as if it was a country above the law. This will require re-evaluation of the negotiations process with Israel – if fruitful negotiations are to be achieved and not simply meetings for the sake of meeting.

The international community must not be selective when dealing with global issues. It paid attention to the war on Gaza and talked about the need to bring the Israeli war crimes to international justice, but yet ignores another important aspect: that of the Israeli occupation itself and the negotiations with Israel. The international community must be consistent when dealing with these issues.

The new conviction to return to the international community is a sound and extremely important strategic transformation in the political actions of the Palestinians. It was unwise to waste that many years during which our people paid a heavy price in order to finally reach this conclusion. It is of high relevance to stress the true nature of the conflict between the Palestinian people and Israel – a conflict between a people under occupation and an occupying force. It is not as Israel likes to portray it: a dispute over land.

**Dr. Sameer Abu Mdallaleh**, Head of the Economic Department at Al-Azhar University in Gaza, has written a study entitled, “The Tunnels Economy in Gaza Strip: Is it a national necessity or a socioeconomic disaster?”. Abu Mdallaleh begins by reviewing the impact of the Israeli siege and closures policy on the economic conditions in Gaza Strip and reviews the available economic and social indicators to highlight the deterioration of conditions and the difficult living conditions of the people. Then, the author moves to study the financial and human losses in Gaza Strip caused by the Israeli offensive. He continues by writing about the impact of the siege on the various economic sectors, reviewing the most important sectors and how the

Israeli siege and measures affected them. These are the basic three premises for research on the emergence of the tunnels and smuggling phenomena between Egypt and Gaza or what the author terms as the Tunnels Economy.

Mdallaleh records that it was in 1983, when Israel discovered the first tunnel, less than a year after the implementation of the Camp David Agreement between Egypt and Israel in 1982. Activities in the tunnels prior to 2000 were characterized by operations involving the smuggling of drugs and gold which is prohibited but highly profitable.

Rarely the tunnels were used to smuggle weapons. With the al-Aqsa Intifada starting in 2000, the tunnels started to take on a new purpose of smuggling of weapons for the resistance factions. With the expansion of those activities, the numbers of tunnels consequently increased with both the siege and the ban on basic commodities, the process of tunnel building expanded without any organization or supervision because it was one of the only means to challenge the siege and reinforce the steadfastness of the citizens. The tunnels tried to alleviate the suffering of the people under siege in Gaza and have become the life vein of Gaza Strip.

The tunnels are the key factor that could keep Hamas in power. Imports coming from tunnels, such as food, clothes and fuel prevented the Gaza economy from collapsing. They provided the main source of goods into Gaza. As the siege continues, the tunnels gain more importance despite of their disastrous effects on all forms of productive economy or sustainable development.

The border strip extending from the sea to the west up to the 1967 borders is almost 13 kms whereas the distance to which the tunnels extend is about 8 kms. The number of tunnels increased from 20 in mid 2007 to around 500 multipurpose tunnels, according to some estimates, by November 2008. Some even say that there are almost 800 tunnels, including tunnels under construction.

In September 2008, Rafah Municipality began charging fees on tunnel owners under the classification of “cross border trade activity” or as some refer to it, the “Underground Crossings Ministry”. Every tunnel owner pays 10,000NIS or \$2,600 in licensing fees. Those who do not pay the fees are not permitted to complete the digging of their tunnels or the municipality closes the tunnels. The Electricity Company also imposes electricity fees on every tunnel.

The numbers of workers in the tunnels exceeds 12,000 laborers and when added to those who work in trade, transport and distribution, the total number can reach up to 15,000 laborers, most of whom are from the city of Rafah and from other cities and camps in the Gaza Strip.

The goods coming through the tunnels are flooding the Palestinian local market. They include food, house furniture and other items that Gazans need despite of the relatively poor quality and high prices. Some complain about the standard of tunnel goods while not having any acceptable alternatives. The most important commodities that come through the tunnels are detergents, food items, electric generators, bicycles, spare car parts, plumbing material, shoes, children's clothes, cement, veterinary drugs, cigarettes, containers of gas, sheep and other animals.

The tunnels have become the main source of fuel in the Gaza Strip. There are 12 tunnels bringing in an average of 20,000 liters of fuel per tunnel a day. There is an agreement to bring in cement through six tunnels averaging 30-35 tons of cement on a daily basis. Moreover, tunnels have also been used to bring in individuals who are not allowed to enter the Palestinian territories because of the closure of the crossings, particularly Rafah Crossing.

The researcher reviews the key negative aspects of the tunnels:

- The tunnels transformed Gaza Strip into solely a consumers market and Gaza Strip does not export any goods or items through the tunnels;
- The tunnels pushed Gaza Strip into a cash crisis by exporting funds and importing commodities; the tunnels also weakened the national economy, especially industry;
- They have reduced the pressure on Israel to open the crossings and end the siege; Israel is working gradually to get rid of Gaza Strip and push it on to Egypt, evading its responsibilities as an occupying force and separating Gaza Strip from the West Bank and Jerusalem;
- The tunnels threaten the lives of the young men who work in them because of the absence of safety precautions, rescue tools and equipment; many young people have lost their lives in the tunnels;
- The high prices of the goods and items that are being smuggled; this is the result of greedy merchants and tunnel owners, in addition to the fees and taxes imposed by the discharged government of Hamas;



- The absence of monitoring in order to prevent a monopoly and soaring prices. The markets are flooded with goods but the majority of citizens are not able to buy them because of their high cost.
- The tunnels consolidated the Gaza Strip's isolation from the outside world combined with the absence of a comprehensive national and developmental plan from the international and Arab world who remained silent in the face of the siege;
- The tunnels led to an increase in all kinds of social problems and crimes (drugs, ecstasy pills, robbery, murder, and family disintegration);
- The semi-absence of price control and unprecedented price rises in prices forced the poor with little purchasing power into situations that forced them into borrowing and selling off their jewelry or into social practices that humiliated the individual and their families;
- The merchants exploit the siege and have raised prices by as much as 400% in some cases;
- The tunnels have developed and expanded to the point where they have become a non-productive economic parasite and do not contribute to the process of alleviating the pressure on the low-income and poor sections of Gazan society although they have provided partial solutions by providing some necessary commodities;
- They have become a major tool in exploiting and enforcing the policy of monopoly and black market trade;
- There has emerged a class of rich people who are the tunnel lords who exceed 2000 persons; these people have amassed millions, become landlords and owners of modern cars and villas;
- The tunnels have spread death in the streets by bringing in thousands of motorcycles threatening pedestrians' safety;
- They have been the cause of the Palestinian people losing much international and Arab support and solidarity, especially since Israel exploited the issue in the media, giving the impression that Gazans were able to overcome the problems of the siege.

Researcher **Natalie Hamdan**, a student in the Higher Studies Department at Birzeit University, has produced a study entitled, “The Changing Qatari Role in the Arab Regional System since 1995”. The Qatari role went beyond geopolitical borders being one of the most important criteria when playing an effective role in any regional system. Although Qatar is a small country and not considered as a military or economic power in terms of its area and population, it has been able to play a role beyond its political situation.

Qatar could record diplomatic successes, more than many other Arab or foreign countries. It was able to intervene in several instances, mainly in the management of the Lebanese national dialogue in the Qatari Capital, Doha, and the Qatari mediation to solve the crisis in Darfur, as well as playing a role in releasing the Japanese hostages who were arrested in Iraq in 2004. Qatar also hosted and organized several conferences, seminars and political, economic, social and cultural forums at the Arab, regional and international level; these efforts pushed Qatar to the forefront of international politics.

Natalie Hamdan seeks to reveal the relationship between Qatar’s role and conduct pertaining to outstanding issues in the region and the Greater Middle East Project. The role that Qatar plays at the Arab and regional levels raises many questions that require exploration in order to comprehend the Qatari role in its regional context.

The questions are as follows:

What are the major motivations that have led to the changes in Qatari foreign policy? What is the status of Qatar in regard to the Gulf regional system? Has this affected its political conduct in the region? Why does Qatar, a small country, constitute a unique case in the Gulf regional system? What is the real role that Qatar plays in the current Arab regional system? How does Qatar balance playing a support role to the Arab rejectionists’ front and maintain its status hosting the largest US air force base in the Middle East?

Hamdan bases her study on the premise that the fragile status of this state makes it necessary to engage in various contradicting projects. There are many reasons behind Qatar’s double role- playing in its relations with the two most effective players in the Arab regional system.

Maybe the most important reason behind Qatari conduct is the fact that the new Qatari political system seeks to achieve the best for Qatari interests and this can only come about from being in an alliance with a super

power, such as the United States. The basic assumption in the study is that the interests of the Qatari state lead it to deal with several regional projects in the region, in particular the Greater Middle East Project.

The researcher concludes that much of the benefits from the position taken by Qatar are due to the political reforms started by Sheikh Hamad Ben Khalifah. The reforms prove that the new ruler realizes the requirements of achieving what is best for Qatari interests at both regional and international level. Thus, Qatar adopted a stance of political realism that recognizes the international balance of powers and presses for an evaluated policy taking the interests of the major countries into consideration.

The issue of appeasing and pleasing the US is considered as a basic pillar not only for the stability of Qatar in the Arab political arena, but also in order for Qatar to enjoy political weight at the regional and international level. Observers following Qatari foreign affairs can see that Qatar, in the last 12 years, has succeeded in assuming its role at the expense of the status of Saudi Arabia, by promoting a “moderate rational policy” with clear US support. As a result, Qatar has been able to play the most notable role within the Arab arena.

In the articles section, **Rif’at Shanaa** from Lebanon writes on the ramifications of Nahr al-Bared Nakba; the author reviews several comments pertaining to the reconstruction of the camp, mainly:

1- A total number of 37,500 persons (or around 6,000 families) were dispersed from their homes; they are the residents of Nahr al-Bared new and old camps. The new camp refers to the lands purchased by the residents in order to expand construction, particularly when population numbers substantially increased and the limited space suffered 40% damages with the remaining parts in need of renovations.

2- The UNRWA does not provide official services in the camp, therefore, when the people were allowed to return to the camp they had to face burnt out homes and a destroyed infrastructure with no water, electricity or any other daily necessities.

3- The residents were hoping to see an accelerated process of reconstruction but reconstruction procedures were slow, confusing and questionable. This caused the residents to raise their voices in anger and frustration.

4- Western donors offered \$122 million out of a total of \$450 million needed for reconstruction as stated in the Vienna Conference held on June 23, 2008 in the presence of the donors and the Arab countries. Since 2008, only \$25 million has been paid by Saudi Arabia. The cost of removing the rubble and much of the

assistance and compensation to nearby Lebanese villages and municipalities was also taken out of the basic amount allocated to reconstruct the camp.

5- The issue of compensation was not seriously discussed, in terms of furniture, damaged cars and losses by merchants or compensation to the home-owners in the new camp.

6- There is a tendency in building to adopt large and spacious streets and yards in order to maintain security and control over the camp and this will be at the expense of the owners of the new homes.

Finally, the author raises the most important question: what will the status of the camp be in the future if reconstruction occurs? The author says that certainly Nahr al-Bared Camp will not be like the other camps in Lebanon because it will be demilitarized without any base for factions and political movement in it will be totally controlled. Unlike other camps, this one will have a police center to deal with internal problems and an office for the intelligence services in the camp to monitor the security situation and the movement of factions inside the camp. The entrances to the camp will be under the total control of military checkpoints, which is the same for other Palestinian camps in Lebanon.

**Saleem al-Naffar** writes an article entitled “The Palestinian-Israeli negotiations...between the Constants and the Transformations”. Al-Naffar says that the stated position of President Abu Mazen: “stressing the need for a total halt to settlement construction and the need to define terms of reference for the negotiations and to establish clear parameters on the political process” sounds an alarm bell. It calls all Palestinian and Arab players to gather behind the President for supporting his efforts to bear fruit, otherwise, the constants and transformations in the negotiations process will be subject to questions and open-ended changes that will not serve the Palestinian and Arab causes.

For the Palestinian leadership, the path of negotiations is a compulsory path in light of both the objective and subjective conditions facing the Palestinian cause. Therefore, negotiations were not the result of an unfinished battle but the culmination of a series of general setbacks during which the Palestinian leadership had tried to engage so that it could move forward the battle for the national soil, although it was aware that the balance of power favored the enemy to a large extent. The Palestinian leadership considers the road to negotiations as a different means under different conditions, to achieve the same end, that of Palestinian national rights.

The Palestinian negotiator faced two positions that frustrated him in his mission. The first is the position of the Israeli negotiator who wants to give up small areas of land and authority while still have them subordinated to him.

The second position lies in the opposition from all sides: Palestinian, Arab and regional. This was not limited to political opposition and rejection but went further to inciting and executing military operations that ill-served the political process, raising doubts about the intentions of those groups given that the Israeli side was looking for excuses to evade their political commitments.

The author reviews the constants and transformations in the Palestinian and Israeli positions. The Camp David 2000 negotiations failed to stress Israeli transformations, which allowed the constants to surface. Hence, we witnessed their intransigence and lack of readiness to accept a two state solution. The Israeli position was nothing more than statements without real content and without any talk of rights. This climate pushed the Palestinian constants to the surface.

The Palestinian constants cannot be surpassed in this process: a state within the 1967 borders with Jerusalem as its capital and the return of refugees, and the remaining Palestinian constants that are in accordance with international legitimacy resolutions. These constants are basically a transformation of a constant accepted within the unjust formula of dividing the homeland of our fathers. The question posed now is how the Israelis can ask for further transformation on the current constants?

The author concludes that the Palestinian management of the negotiations was not arbitrary but based on a national agenda and is evidence that negotiations are part of the struggle to achieve national rights.

In an article entitled “In Jerusalem, Israel acts in its own interests, where is our interest?” **Talal Abu Rokbeh** from Ramallah Center for Human Rights reviews Israeli Seyasat and positions on Jerusalem, comparing them with the Palestinian and Arab positions and Seyasat. Abu Rokbeh says the problem does not lie with Israel’s activities because these are expected practices from the occupation but that strangely, the Arab and Palestinian position has not learnt the lesson from more than half a century of conflict in confronting Israeli activities, particularly in Jerusalem.

The first option is to halt negotiations and this is the demand of those opposing negotiations with the Israeli side. The negotiations have been stalled since the defeat of the Israeli Kadima Party and the Likud Party’s

formation of an extremist right wing coalition government. The second option is armed resistance but that has become a greater burden on the Palestinian than on Israel. As for the call for a third Intifada in the Palestinian lands, those who call for it are deluded. How can a third Intifada erupt while the entire Palestinian society is still suffering from the effects of the al-Aqsa Intifada and its dangerous ramifications.

This edition of Seyasat Magazine devotes its **seminar** to completing the discussion on economic conditions in Gaza. The roundtable discussion hosts three researchers to discuss international assistance to Gaza, the obstacles and incentives. The participants are Dr. Ibrahim Abrash, Political Science Professor at Al-Azhar University, and former minister Dr. Sameer Abu Mdallaleh, Head of the Economic Department at the University, and Dr. Atef Abu Seif, Chief Editor of Seyasat Magazine. The discussion was facilitated by researcher Ma'moun Sweidan.

In the Public Seyasat Section, Dr. **Amani Mas'oud**, from Cairo University, writes on "Public Seyasat and Human Rights: from Globalization to the State". She discusses methods of including human rights in state public Seyasat and compliance with the relevant international charters and norms. Mas'oud states that with the new millennium, human rights issues and democratic culture have occupied the political agenda and international and Arab research themes. Respecting human rights and public freedoms are necessary requirements in the development of the human individual and improve his/her mental and social potential. She goes on to say that the concept of rights is born with the human being and is not the outcome of a particular legal system, specific culture or values system.

The fact that many governments recognize the principle of human rights is proof of the importance of human rights in the public Seyasat of those countries. This explains the emergence of certain concepts such as the permanent call for the participation of the individual in establishing the Seyasat of his state. Recently, concepts such as "governance, participatory development, social capital, democratic transformation, and civil society reinforcement and empowerment" have enjoyed the support of many countries and major international organizations.

The responsibilities of the state in respecting human rights does not arise from their being simply an effective element in establishing and implementing Seyasat but because the relationship between "justice" and "effectiveness" of public Seyasat is linked with the protection of human rights. This has had an impact

on the developing concept of the alleviation of poverty and of the concept of development and given them new dimensions.

In the same section, researcher **Rashad Tawwam** and attorneys Azzam Tawafsheh and Sou'ad Jahwan present a study on the legality of “Legal Deposit in accordance with Intellectual Rights Legislations: Towards a private effective Palestinian system”. The study presents recommendations and offers solutions regarding the regulation of legal deposit in Palestine to address the gap in legal protection of intellectual property rights. The study provides a comparison with the legal systems in Egypt, Jordan and Palestine.

There is no legal deposit in the Palestinian territories in law or by practice or on an optional basis. The Ministry of Culture tried to make use of decree no. (4) of 1997 issued by President Arafat to establish the Palestinian National Book Department by expanding the goals and missions of the department to include legal deposit. However, this was not mentioned in the decree in the first place. We can see from internal papers of the Ministry of Culture at least one paper whose date precedes the date of the decree and find that it places legal deposit as a key task for the department. One of the papers includes a “Unit of Library Services Affairs” as part of the organizational structure of the department that also includes a unit under the title “Legal Deposit”. However, 12 years later the unit has still not been established despite the support the decree first received.

In the International Politics Section, Dr. **Usama Antar** presents a study on the “European Political position on the Middle East – the German Role”. The author reviews the European political role regarding the Palestinian cause, highlighting the German role in particular. He concludes from this evidence, that the Europeans were pioneers in finding solutions appropriate for both sides from a European standpoint. History has proven that the US eventually follows European solutions several years after they have been proposed. This policy has been adopted since the late 1980s starting with the opening of contact channels and then recognition of the right to self-determination for the Palestinian people, and finally the recognition of the need to establish a viable Palestinian sovereign state.

But as has been noted, the last few years have witnessed a fading of the EU glamour in the region because it began to adopt a different position at the end of the nineties and the beginning of the new century. The European position towards Israel cannot be justified and there is no clear, mature, political analysis to explain it. The researcher affirms that the European political



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Position on the Palestinian cause is showing signs of retreat. The conservative right wing dominates the majority of governments in Europe, therefore, the majority of European positions serve the Israeli vision, such as fighting terrorism and Islamic extremism.

**Seyasat Magazine** reviews the new book by Jamil Hilal on the Palestinian Left and presents a set of new publications in the Magazine's library section.

Seyasat Magazine concludes its introduction by saying that this edition completes the third year of the magazine, and it hopes to continue to provide a window for research in political and intellectual studies related to the Palestinian cause and to contribute towards original and creative research and thought.

**"This Summery has been published in cooperation with the  
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