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The Briefing of the Third Issue of Seyasat

The third issue of Seyasat was issued at January 2008. It was the first issue of the magazine after the Hamas coup in June 2007. Seyasat tried in this number to touch the new Palestinian reality through theoretical and practical approaches as well.

Seyasat devotes two studies to discussing the Palestinian context. Ambassador Nabil Ramlawi, former representative of Palestine at the United Nations Office at Geneva and a member of the Revolutionary Council of Fateh, writes a legal study entitled "self-determination, central issue in the Palestinian political discourse" in a serious attempt to identify and clarify the importance of the legal right of self-determination in the international law, International Bill for Human Rights and in experiences of other nations experiences. He tries to promote this concept in Palestinian context to serve the Palestinian national liberation struggle in Palestine at a crucial time for Palestinians to be more sensitive to the aspirations of the international community.

Firstly, Ambassador Ramlawi explains that the right to self-determination is central to the Palestinian political discourse. Despite different circumstances and with many crises, the origins of the crisis is depriving the Palestinian people to exercise their natural right of independence, freedom and self-determination. The right of self-determination for the Palestinian people has extreme importance to uphold and defend it and to highlight its importance in an alterative method to refute the Israeli claims He recommends that Palestinian employ the concept it in all areas of their diplomatic and political discourse against the attempts to deliberately strip them from this natural right.

The researcher discusses, the concept of self-determination in international law, history and the evolution of the concept in the various texts of successive laws and its historical contexts and also. AS the researchers' subtitles suggest self-determination is a binding notion of international law. Then he moves to discuss self-determination in the Economic, Cultural and Social aspects of International Covenant and the

International Convention on Civil and Political Rights. Then he moves to discuss self-determination in the UN Security Council resolutions.

Doing so, the researcher moves to discuss self-determination in the post cold war and self-determination and the question of membership in the United Nations before he concludes this

section discussing the actual impact of the right to self-determination on international relations and his influence by them.

After this the researcher discusses the idea of self-determination in its Palestinian context starting deeply the Palestinian right to self-determination in the era of the Nations League before the big calamity that befell the Palestinian people in 1948. Then he discusses the Palestinian people's right to self-determination before the United Nations after the dissolution of the Nations League and how the Palestinians can defend their right through using the successive UN resolutions. The researcher goes to display this right in accordance with the norms of the United Nations and Commission of Human Rights.

Ambassador Nabil Ramlawi concludes his study focusing on the right of self-determination in the context of the one power domination of international relations. The researcher rightly says that the best phase for claiming the Palestinian right to self-determination was connected to the struggle of the Palestinian people and the sacrifices it made in this regard. In contrast, the retreat of such right linked to the negative turn down either of the heat of the struggle and the successful of the external hostile attempts to stop this struggle or eliminate it conceals.

In the second study, Dr. Musa Abu Mallouh, the law professor at Al-Azhar University in Gaza, discusses in depth his study entitled "judicial control as a guarantee for the rule of law" by looking at how to activate the constitution and provide a guarantee for the protection of the law taking clearly into account the Palestinian context .

After an introduction about the legal situation in Palestine, Dr. Abu Mallouh looks at the concept of the rule of law and then moves on to discuss judicial control as a guarantee in respect for the principle of the rule of law. He does this through a study of judicial control over the constitutionality of laws and judicial control over legitimacy.

When discussing judicial control over the constitutionality of laws, he looks at the judicial control over the constitutionality of laws in Palestine during different periods before the issuance of the provisional Basic Law in 2002 and after the issuance of the law.

He believes that the courts, before the issuance of the Basic Law in 2002, took the lead and felt that they have the right to observe the constitutionality of laws, and if any inconsistency between the rule of law and any other legal base higher in rank than it, it puts aside the minimum legal rule for its unconstitutionality. After the issuance of the provisional Basic Law of 2002 for the first time in Palestine there became a clear and explicit text about the judicial control over the constitutionality of laws in articles 94 and 95 and then additional material in the amended Act in 2003.

The law ordered the establishment of the supreme constitutional court to consider the constitutionality of laws and regulations or systems and others in which censorship be in form and in terms of subject. Dr. Abu Mallouh criticizes the absence of any law regulating the future work of the Supreme Court countries in the Palestinian law as in the case in different.

In his talk about the legitimacy, the writer says that it must be respected in the administration of its activity, especially its resolutions which must be in accordance with the law. If not doing so the aggrieved can resort to the Supreme Court of Justice to request cancellation.

At the conclusion of his study he submits a set of recommendations which include:

- (1) organizing a litigation before the Supreme Court,
- (2) issuing a law of establishing the Supreme Constitutional Court,
- (3) reviewing the law draft of the Supreme Constitutional Court because of some remarks on the texts.

(4) abolishing of the existence of the Supreme Court of Justice in the case of a juvenile independent administrative.

(5) the establishment of independent and administrative law and reviewing laws which formed the court and shaped the civil and commercial courts.

After that, Seyasat provides three articles discussing Palestinian situation. Mr. Abdul Rahim Mallouh Deputy Secretary General of the Popular Front for the Liberation of Palestine and member of the executive committee of the Palestine Liberation Organization writes "reality and the Palestinian political: developments and future prospects".

Mallouh considers the internal Palestinian situation within a more comprehensive vision of contemporary international developments which creates an atmosphere for Annapolis conference conduction, and the attempts to spread failure spirit in the dead peace process. He believes that current developments in the Palestinian scene after Hamas movement take over of the Gaza Strip, much more than just a domestic event since many interweaving threats from Washington to Tehran in that. Israel also, says Mallouh, wants to leave the authority in the West Bank and the de facto authority in Gaza, with the possibility of having the conflict between the both each other and not the ability to conflict with Israel on the rights and interests of the Palestinian people. This is why it is feeding the internal tensioned atmosphere, says Mallouh.

Mallouh Presents the initiative put forward by the two Fronts, the Popular Front and the Democratic Front as a basis for ending the state of division and which is based on the retreat of Hamas movement from controlling the Strip and delivering President Abu Mazen's headquarters and the formation of a transitional government supported from all the fraction. This government will be preparing for presidential and legislative elections on the basis of proportional representation.

Mallouh believes that there is an urgent need to build a national democratic coalition which contributes to the maintenance of the national project and protect national unity. He believes that the task of forming this coalition rests with the Left in the basis. As Mallouh concludes his article that everyone

shall return to real facts, "This is not an appealing to anyone, but reminding everyone of his responsibility"and everyone must put the national responsibility above all else.

On his article Ahmed Musleh, lecturer at BirZeit University, writes on "military domination of Hamas on the Gaza Strip: the effects and risks."

Dr. Musleh writes "The resort to force and violence, and insisting on it left a profound effect on the lives of Palestinian society and its own political future. The effects can not be overcome easily, and will always be a source of weakness as long as Hamas insists on its rights to the use of violence against its opponents ".

The current Palestinian situation is painful and destructive at the community level and the prospects of the future. The series of actions taken by Hamas and its authority in Gaza, lead but to deepen the state of division. This division is enhanced by the continuing work of the sacked Government of Haniya, in spite of the President's decision, is a serious constitutional violation. The state of division by Hamas and its tendency to form parallel organs and institutions violates the present judicial system, which must always remain independent and away from the enticements. Despite this Hamas formed a supreme council to eliminate the official Supreme Judicial Council.

The restrictions imposed by the authority of Hamas in the Gaza Strip is not confined to political activities but rather extended to various areas ranging from rights and freedoms and freedom of gatherings and freedom of expression and journalistic work to the restrictions imposed in holding wedding parties and songs quality that can be used in those parties.

The most serious effects of the coup lies in that it encouraged the Israeli and international parties to reframe the solutions drafted in favor of the Palestinian issue. Resolutions which the Palestinian struggle managed to gain for decades. These reopened files include the Egyptian and Jordanian option with a pretext that the Palestinians are unable to manage a state of them after a failure and fighting in Gaza.

The only solution that the Palestinians can adopt to get out of the dark tunnel, is to get out of the crisis and return to the national and democratic choice and not betting on any Other option, as Dr. Ahmed Musleh concludes his article.

In his article "Fateh forty third anniversary" Dr Atef Abu Seif, editor of Seyasat , reviews the current situation in the movement's circle and the challenges it faces in the new year. Dr. Abu Saif says that the analyst of the movement's affairs is aware that there are three types of the questions which were always poses in the faces of the movement in each year and every time the question on the future of the movement is raised.

The first question regards the occupation and ways to reflect and realize the dream of national independence and statehood. The second question touches on the Palestinian internal situation and the mess in which Hamas made coup put the national movement and national liberation project, and the necessity of activating the PLO.

The last question regards Fateh internal situation, especially in light of the growing necessity for holding the sixth organizational Congress of the Movement. A lot of the crisis and problems facing the movement are due to the delay in holding the Congress. This is besides the movement's relation to its supporters and grassroots.

The writer says that Fateh has to reconsider its definition of the negotiating process and develop plans and programs to respond to new developments which dictated peace process. And a vision of the movement requires the definition of threats and challenges and develop scenarios to overcome them. Negotiations may not be limited to Fateh in the near future if Hamas decided to go into the negotiating process indirectly or almost directly with Israel. Fateh has to re open the negotiating process in order to serve the national interest

On the other hand, the challenges of the Hamas coup imposed significant facts on the ground. At the same time, it affected the unity of the Palestinian national fabric. This requires Fateh to deploy new instruments to deal with the situation, both at the organizational level or national level. The writer calls for the rehabilitation of the PLO

as the Palestinian national home, in which the national liberation process is channeled. The movement also is required in this context to bring unity back among the Palestinian people and to give greater priority and concerns of the its grassroots in the exile and our folks there.

However, the greatest challenge facing the movement in the new year as the writer says the "convening of the long-awaited sixth General Congress of the movement". Holding the Congress must be more than a carnival but a chance to overcome the challenges that face the movement. This include arranging the conditions of movement and bridging the gap between the different leaders, drafting or underscore some of the literature of the movement. In sum , Fateh is required to return to its identity and bravely faces the new era.

In addition to this, there are new challenges nascent of to the experience of the movement in governance based on its relationship to its grassroots and constituency. There are many problems facing Fateh, and those challenges require a wisdom from the movement's side in the management of risks in respect to its relationship with its public, and in providing solutions to promote the movement at the organizational level. The movements is required to restore its spirit among its constituency which made the movement paying high in legislative elections, in January 2006 and the subsequent events of June 2007.

Close to this word, the movement in the new year is asked o reaffirm its presence and its expanded popularity among people not as the organization's authority, but as the people's movement. The movement is also demanded to develop its media discourse and its information institutions. Also it has to tighten its relationship with the Arab masses and supporters. It is an arduous task but Fateh has to surmount it.

Completing the discussion on the internal Palestinian situation Seyasat allocates the symposium of this issue to discussing the human rights situation in the Gaza Strip in the light of Hamas takeover.

Ran by researcher and lawyer Salah Abdel Atti, advocates of Human rights in the Gaza Strip sat around Seyasat table: Bassem Bushnaq, Director of the Office of the Independent Commission for Citizen's Rights in Gaza, Khalil Abu Shammala, Director of Dammer Foundation for Human Rights, Hamdi Shaqqura, board member of the Palestinian Center for Human Rights and director of Democratic Development Unit, and Jamil Sarhan representative of the Mezan Center for Human Rights and coordinator of the Legal Service in it.

In this symposium the interlocutors discuss the situation of human rights according to concrete facts, figures and evidence of course focused on the internal situation and the repercussions of the practices of the authority of Hamas, without forgetting the fundamental violator of the Palestinian right: the occupation.

In its third issue Seyasat continues developing itself as full as starting from this issue it introduce a regular "interview" in each issue with a policy makes. The guest of this issue is Dr. Saeb Erakat, chief Palestinian negotiator. In deep dialogue directed by the managing editor of Seyasat, Akram Muslim, and in a language deeper than the routine language of the press and of daily political talk, Dr. Erikat deeply discusses issues operating in the Palestinian political mind.

Dr. Erekat talks about Annapolis and the negotiating process. It is a talk about negotiations that is very much connected to a man who led the process over the last 17 years since he sat at the Madrid Conference bearing famous kufiyya on his shoulder before Shamir at that time.

In its public policy file, Seyasat exclusively publishes an unofficial translation of a document "building the Palestinian state" presented to the Paris Economic Conference held in Dec. 17, 2007. The document written in English, Seyasat translation has been the first full translation of its texts. Seyasat presented an introductory explanation of the document, which stated that this document is the closest to the Palestinian perception of the economic costs of establishing an independent Palestinian state. It

sets out visions and scenarios covering different sectors of the Palestinian Authority in the Gaza Strip and West Bank.

It came within a particular vision of a Palestinian draft aiming at transforming the Palestinian National Authority to a state and therefore, it provides a clear reading of the reality of the Authority. It tries to explore mechanisms and programs that facilitate and accelerate that transformation process, considering the eventual cost of all this. It estimates these costs about six billion dollars. Seyasat tries to put the plan in the context of previous plans and drafts from the famous World Bank documents in 1994, entitled the "investment in peace" and even the Rand Corporation draft about the costs of setting up a Palestinian state which was issued in 2005. The plan of course is attached with tables, figures and data, economic, social and political.

In the second study of the file of public policy, Dr. Jamal Za'anin Dean of the Faculty of the community in Al- Aqsa university in Gaza discusses "policy of the Palestinian National Authority in developing higher education system in Palestine." In his study Dr. Za'anin discusses a group of entrances leading to a whole and clear picture about the state of higher education in Palestine and the National Authority public policies in the field of higher education.

After a short review by the researcher, he touches on the reality of higher education in Palestine in terms of available data: the number of students and universities, institutes and their distribution etc. he uses official document issued by the different ministries and organizations. The researcher works hard and diligently in studying these documents and papers, analyzing, explaining and presenting them to provide in-depth study on public policy in this field.

The researcher divides the message of higher education to strategic goals and objectives according to the documents of the Ministry of Higher Education. He defines four strategic objectives according to official documents including

- (1) achieving financial sustainability,
- (2) activation and support of scientific research in higher education institutions,
- (3) improving quality of higher education and harmonization of its outputs with the requirements of comprehensive development,
- (4) meet with the growing demand for higher education, facilitation and diversity.

Then he discusses supervising higher education in Palestine, from the point of view of first managing higher education in Palestine by the ministry of the Higher Education Council and the Supreme Council for education and vocational and technical training and the Council of Scientific Research. Secondly from the point of view of the institutions of higher education and the guiding principles for the structure of these institutions..

The last part in the study of Dr. Za'anin is devoted to discuss the financing of higher education in Palestine. He discusses higher education funding strategy and initiatives which have been taken to reform higher education funding and the problems facing higher education funding. At the end of the study he puts a set of proposals for strategic inputs to improve the status of institutions and the structural work of higher education in Palestine.

In its "international affairs" file, Dr. Ayman Talal Yusuf, lecturer at the American University in Jenin, writes a study on Russia entitled "Cesar Putin leaves his mark on Russian foreign policy" in which he discusses Russia's foreign policy in the era of the Russian President Vladimir Putin.

It is firm that Putin gave the Russian policy a hawk's inclination which is the strongest since the collapse of the Soviet Union, and even much before since the Soviet Union began to retreat in the era of former President Gorbachev. With the arrival of Putin to power in 2000, he has developed three principles of foreign policy. The first states that if the expansion of NATO to Russia's gates, Russia will seek to support the interdependence between the countries of the Soviet Union. The second principle of

Putin states that Russia opposes the unipolar system led by America. And third, Russia will work to support its security environment in the Middle East by strengthening relations with China, India, Japan, Kazakhstan and Mongolia.

The researcher, Dr. Ayman Talal Yusuf, depends on the theoretical elitist theory in his study which sees that politics and mainly foreign policy is strongly influenced by strong and powerful ruling character. In its book review, Seyast present the review of the book of the the former deputy Marawan Kanafani "years of hope" by journalist and writer Asmaa al-Ghoul. As the reviewer suggest in her title for the review the book is a mixture of, personal and political in the life the writer and his engagement in the Palestinian politics and his relationship to the late President Yasser Arafat as a consultant during a significant period in Palestinian politics. At that time he was close to the circle of decision-making.

As usual, Seyasat presents a group of recently published books on the Palestinian issue and the Middle East politics. These include, "Palestine: a personal history" by the Palestinian English writer Karl Sabbagh; "The road map to nowhere: Palestine / Israel since 2003," by Tanya Reinhart; " Once upon a Century: Palestinian life "by Dr. Seri Nesbeyah; " The Israeli lobby and U.S. foreign policy " by John J. Mearsheimer and Stephen Walt; " Sixty years of conflict in the Middle East " by Boutros Boutros-Ghali, Shimon Peres and edited by the French journalist Andre Versailles.