

Towards Palestinian National Reconciliation



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The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military. Further information on DCAF is available at: www.dcaf.ch

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Reference Texts

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Geneva Centre for the
Democratic Control of
Armed Forces (DCAF)

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Introduction

'Security is a point of division in our society. Some believe in peaceful means for solving the armed conflict, others in armed resistance. What we need is a shared definition of security. Then we can talk about the security forces, their size, their structure and their reform.'

A Palestinian security officer, DCAF Workshop, February 2007

In very general terms, 'reconciliation' describes a process of coming together, of uniting what has been divided. Reconciliation is seen as necessary in divided societies. As an instrument of transforming conflict into peace, reconciliation appeals to people, donors and politicians alike. Yet, it remains largely unclear what reconciliation actually entails. Does it mean bringing wrongdoers to justice and preventing them from returning to power? Or, on the contrary, does it imply politics of inclusion? Does it mean sharing the same ideas? Or is it more about respecting different approaches?

What does reconciliation mean to Palestinians?

What is the relationship between reconciliation and the many other values in Palestine's transitional society, such as the need for justice and security, the control of corruption, the need for institutional development, the distribution of wealth, and the delivery of basic services?

What precisely does reconciliation mean in the Palestinian context? Is it a form of Palestinian peace? Is it healing the wounds of past confrontations? Is it bringing to justice those who are responsible of human rights violations? Is it a formula for sharing political power? Is it an agreement on who controls the guns or on how to restructure the security forces? Is it a return to institutional process? Is it

a shared strategy of dealing with occupation? Is it all of these or none?

Developing a reconciliation policy

Before developing new reconciliation agreements, it may be useful to understand what has worked in the past and what has not worked, what might work in the future and what might not work, and why. Are the failures due to weaknesses in the texts or in the implementation? Have expectations about reconciliation been too high or too low? Has reconciliation been overloaded with too many issues? Or, on the contrary, have important issues been left out?

In this sense, the collection of reference texts can be seen as an invitation to deal with reconciliation as a policy issue. The process of developing a new policy usually begins with a review of the existing one. Reviewing past reconciliation policy may have the advantage of leading to more realistic assessments of Palestinian attitudes and capacities. It may also generate realistic expectations about the future outcome of a new reconciliation policy.

Reconciliation and Security Sector Reform

One can argue whether reconciliation in divided societies is part of security sector reform or whether it is only a necessary pre-condition for it. As long as a society is divided, security sector reform can never achieve its main objective, which is to provide security and justice for all. It will thus remain meaningless. The division of society is incompatible with the idea of good governance of the security sector, which rests on values such as the rule of law, democratic governance, inclusiveness, accountability, and institutional process.

Reconciliation and Democracy

“Reconciliation is the soil in which democracy takes root. Democracy can thrive only where the disparate factions in society have chosen to be governed in common. Democracy requires that the disappointed minority accede to the will of the majority – a concession that can happen only if the minority and the majority are sufficiently reconciled that they accept each other’s presence in the polity and the content of each other’s choices as legitimate, even if they don’t agree with them.”

Erin Daly and Jeremy Sarkin, *Reconciliation in Divided Societies: Finding Common Ground*, Philadelphia: University of Pennsylvania Press, 2007, p.19.

Reconciliation and Accountability

“Societies that produce despots are polarized ones in which enough members are disaffected that they are willing to turn against, or support, a regime that turns against their fellow citizens. If reconciliation is going to have a deterrent effect it must be reconciliation among the people, not just between the leaders. (...) Despotism will be deterred when the people will have enough connection to one another that they will not allow a despot to divide them; when the people have enough respect for human rights that they will not tolerate abusive means even to achieve ends that they might otherwise like; when they are sufficiently invested in their communities and in their nations that they ask questions and demand accountability from their leaders.”

Erin Daly and Jeremy Sarkin, *op. cit.* p.17.

Reconciliation and National Security Policy

Without some form of reconciliation, a society will be unable to develop a common approach to security and, ultimately, it will undermine its own interests. A national security policy, which sets out a society’s approach to security and explains how security will be achieved, requires a broad-based inclusive approach.

In the Palestinian case, there are a number of important questions to be answered. What does

‘security’ mean to Palestinian citizens and to political factions? What are the national security interests? What threatens these interests, now and in the future? How to deal with occupation? Are Palestinian institutions capable of protecting the security of the Palestinian people? What would Palestinian institutions need to do differently in order to provide better security to the Palestinian people? Are Palestinians also willing to deliver security to the region? How?

It is quite normal that a debate over such vital questions produces many and often contradictory responses, even in societies that are not divided. What distinguishes divided from non-divided societies is their way of dealing with these disagreements. In the former, disagreements are suppressed, and individuals and groups excluded from the political process; in the latter, disagreements are admitted and resolved, over time, by consensus. Associating political and civil society actors for determining security threats, priorities and resource allocation provides broader legitimacy, greater readiness for consensus, and enhanced responsiveness to citizens’ needs. At the same time, it allows for a broader sharing of the responsibility for the choices made.

For divided societies, reconciliation policy and national security policy are mutually supportive and cannot be separated from the rule of law, democratic process, institutional development, transparency and accountability.

Why this collection of reference texts?

This collection of reference texts does not have the ambition to analyse how Palestinians have viewed or currently view reconciliation. Nor does it aim to make suggestions on how Palestinians should solve the various problems associated with reconciliation. The two goals of this booklet are much more modest.

The first goal is to assist Palestinian negotiators by providing them with a tool for easy reference. The booklet contains the legal framework in force and the texts of agreements from previous reconciliation talks. The second goal is to encourage Palestinian policy-makers to critically examine past reconciliation efforts.

The booklet contains three sections. The first section comprises important legal documents, such as the PLO Declaration of Independence, the

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PLO (Palestine Liberation Organisation) Basic Law, and the Amended Basic Law of the Palestinian National Authority (PNA). The second section includes all Palestinian inter-factional agreements since 2005, such as the Cairo Declaration of 2005, the National Conciliation Document of 2006, the Mecca Agreement of 2007, and the Programme of the National Unity Government of 2007. In the

Annex, the reader will find documents that deal with more practical aspects of Palestinian security sector governance, and that were either provided by Palestinian experts or by external actors.

It is hoped that this reader will be of help to all those involved in shaping and formulating reconciliation and national security policy.

Part I

Basic Reference Texts

Palestinian Declaration of Independence (1988)

Algiers, 15 November 1988

Palestine, the land of the three monotheistic faiths, is where the Palestinian Arab people was born, on which it grew, developed and excelled. The Palestinian people was never separated from or diminished in its integral bonds with Palestine. Thus the Palestinian Arab people ensured for itself an everlasting union between itself, its land and its history.

Resolute throughout that history, the Palestinian Arab people forged its national identity, rising even to imagined levels in its defense, as invasion, the design of others, and the appeal special to Palestine's ancient and luminous place on that eminence where powers and civilisations are joined ... All this intervened thereby to deprive the people of its political independence. Yet the undying connection between Palestine and its people secured for the land its character, and for the people its national genius.

Nourished by an unfolding series of civilisations and cultures, inspired by a heritage rich in variety and kind, the Palestinian Arab people added to its stature by consolidating a union between itself and its patrimonial Land. The call went out from Temple, Church and Mosque that to praise the Creator, to celebrate compassion and peace was indeed the message of Palestine. And generation after generation, the Palestinian Arab people gave of itself unsparingly in the valiant battle for liberation and homeland. For what has been the unbroken chain of our people's rebellions but the heroic embodiment of our will for national independence? And so the people was sustained in the struggle to stay and to prevail.

When in the course of modern times a new order of values was declared with norms and values fair for all, it was the Palestinian Arab people that had been excluded from the destiny of all other peoples by a hostile array of local and foreign powers. Yet again had unaided justice been

revealed as insufficient to drive the world's history along its preferred course.

And it was the Palestinian people, already wounded in its body, that was submitted to yet another type of occupation over which floated the falsehood that "Palestine was a land without people." This notion was foisted upon some in the world, whereas in Article 22 of the Covenant of the League of Nations (1919) and in the Treaty of Lausanne (1923), the community of nations had recognised that all the Arab territories, including Palestine, of the formerly Ottoman provinces, were to have granted to them their freedom as provisionally independent nations.

Despite the historical injustice inflicted on the Palestinian Arab people resulting in their dispersion and depriving them of their right to self-determination, following upon UN General Assembly Resolution 181 (1947), which partitioned Palestine into two states, one Arab, one Jewish, yet it is this Resolution that still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty.

By stages, the occupation of Palestine and parts of other Arab territories by Israeli forces, the willed dispossession and expulsion from their ancestral homes of the majority of Palestine's civilian inhabitants, was achieved by organised terror; those Palestinians who remained, as a vestige subjugated in its homeland, were persecuted and forced to endure the destruction of their national life.

Thus were principles of international legitimacy violated. Thus were the Charter of the United Nations and its Resolutions distorted, for they had recognised the Palestinian Arab people's national rights, including the right of return, the right to independence, the right to sovereignty over territory and homeland.

Reference Texts

In Palestine and on its perimeters, in exile distant and near, the Palestinian Arab people never faltered and never abandoned its conviction in its rights of return and independence. Occupation, massacres and dispersion achieved no gain in the unabated Palestinian consciousness of self and political identity, as Palestinians went forward with their destiny, undeterred and unbowed. And from out of the long years of trial in ever mounting struggle, the Palestinian political identity emerged further consolidated and confirmed. And the collective Palestinian national will forged for itself a political embodiment, the Palestine Liberation Organisation, its sole, legitimate representative recognised by the world community as a whole, as well as by related regional and international institutions. Standing on the very rock of conviction in the Palestinian people's inalienable rights, and on the ground of Arab national consensus and of international legitimacy, the PLO led the campaigns of its great people, molded into unity and powerful resolve, one and indivisible in its triumphs, even as it suffered massacres and confinement within and without its home. And so Palestinian resistance was clarified and raised into the forefront of Arab and world awareness, as the struggle of the Palestinian Arab people achieved unique prominence among the world's liberation movements in the modern era. The massive national uprising, the intifada, now intensifying in cumulative scope and power on occupied Palestinian territories, as well as the unflinching resistance of the refugee camps outside the homeland, have elevated awareness of the Palestinian truth and right into still higher realms of comprehension and actuality. Now at least the curtain has been dropped around a whole epoch of prevarication and negation. The intifada has set siege to the mind of official Israel, which has for too long relied exclusively upon myth and terror to deny Palestinian existence altogether. Because of the intifada and its revolutionary irreversible impulse, the history of Palestine has therefore arrived at a decisive juncture.

Whereas the Palestinian people reaffirms most definitively its inalienable rights in the land of its patrimony: Now by virtue of natural, historical and legal rights, and the sacrifices of successive generations who gave of themselves in defense of the freedom and independence of their homeland; In pursuance of Resolutions adopted by Arab Summit Conferences and relying on the authority bestowed by international legitimacy

as embodied in the Resolutions of the United Nations Organisation since 1947; And in exercise by the Palestinian Arab people of its rights to self-determination, political independence and sovereignty over its territory, The Palestine National Council, in the name of God, and in the name of the Palestinian Arab people, hereby proclaims the establishment of the State of Palestine on our Palestinian territory with its capital Jerusalem (Al-Quds Ash-Sharif).

The State of Palestine is the state of Palestinians wherever they may be. The state is for them to enjoy in it their collective national and cultural identity, theirs to pursue in it a complete equality of rights. In it will be safeguarded their political and religious convictions and their human dignity by means of a parliamentary democratic system of governance, itself based on freedom of expression and the freedom to form parties. The rights of minorities will duly be respected by the majority, as minorities must abide by decisions of the majority. Governance will be based on principles of social justice, equality and non-discrimination in public rights of men or women, on grounds of race, religion, color or sex, under the aegis of a constitution which ensures the rule of law and an independent judiciary. Thus shall these principles allow no departure from Palestine's age-old spiritual and civilisational heritage of tolerance and religious coexistence.

The State of Palestine is an Arab state, an integral and indivisible part of the Arab nation, at one with that nation in heritage and civilisation, with it also in its aspiration for liberation, progress, democracy and unity. The State of Palestine affirms its obligation to abide by the Charter of the League of Arab States, whereby the coordination of the Arab states with each other shall be strengthened. It calls upon Arab compatriots to consolidate and enhance the emergence in reality of our state, to mobilize potential, and to intensify efforts whose goal is to end Israeli occupation. The State of Palestine proclaims its commitment to the principles and purposes the United Nations, and to the Universal Declaration of Human Rights. It proclaims its commitment as well to the principles and policies of the Non-Aligned Movement.

It further announces itself to be a peace-loving state, in adherence to the principles of peaceful coexistence. It will join with all states and peoples

in order assure a permanent peace based upon justice and the respect of rights so that humanity's potential for well-being may be assured, an earnest competition for excellence may be maintained, and in which confidence in the future will eliminate fear for those who are just and for whom justice is the only recourse.

In the context of its struggle for peace in the land of Love and Peace, the State of Palestine calls upon the United Nations to bear special responsibility for the Palestinian Arab people and its homeland. It calls upon all peace-and freedom-loving peoples and states to assist it in the attainment of its objectives, to provide it with security, to alleviate the tragedy of its people, and to help it terminate Israel's occupation of the Palestinian territories.

The State of Palestine herewith declares that it believes in the settlement of regional and international disputes by peaceful means, in accordance with the UN Charter and resolutions. Without prejudice to its natural right to defend its territorial integrity and independence, it therefore rejects the threat or use of force, violence and terrorism against its territorial integrity or political independence, as it also rejects their use against the territorial integrity of other states.

Therefore, on this day unlike all others, November 15, 1988, as we stand at the threshold of a new dawn, in all honour and modesty we humbly bow to the sacred spirits of our fallen ones, Palestinian and Arab, by the purity of whose sacrifice for

the homeland our sky has been illuminated and our Land given life. Our hearts are lifted up and irradiated by the light emanating from the much blessed intifada, from those who have endured and have fought the fight of the camps, of dispersion, of exile, from those who have borne the standard for freedom, our, children, our aged, our youth, our prisoners, detainees and wounded, all those whose ties to our sacred soil are confirmed in camp, village and town. We render special tribute to that brave Palestinian Woman, guardian of sustenance and Life, keeper of our people's perennial flame. To the souls of our sainted martyrs, to the whole of our Palestinian Arab people, to all free and honourable peoples everywhere, we pledge that our struggle shall be continued until the occupation ends, and the foundation of our sovereignty and independence shall be fortified accordingly.

Therefore, we call upon our great people to rally to the banner of Palestine, to cherish and defend it, so that it may forever be the symbol of our freedom and dignity in that homeland, which is a homeland for the free, now and always.

In the Name of God, the Most Gracious, the Most Merciful: "Say: O God, Master of the Kingdom, Thou givest the Kingdom to whom Thou wilt, and seizest the Kingdom from whom Thou wilt, Thou exaltest whom Thou wilt, and Thou abasest whom Thou wilt; in Thy hand is the good; Thou art powerful over everything." Sadaqa Allahu al-Azim.

The Basic Law of the Palestine Liberation Organisation (1991)

Part I.

General Principles

Article 1

The Palestinians shall amongst themselves constitute in accordance with the provisions of this Basic Law an organisation to be known with the name of the Palestine Liberation Organisation

Article 2

The Palestine Liberation Organisation shall commence its responsibilities in accordance with the principles of the National Charter as well as the provisions of this Basic Law, and the bylaws, provisions and decisions to be issued forth in pursuance of them.

Article 3

Relationships with the Organisation shall be based on commitment to struggle and to national action, the different levels of the Organisation, from its base up to its collective leadership, being closely linked together on a basis of the following principles: the minority shall defer to the will of the majority, confidence of the people shall be won through persuasion, the movement of Palestinian struggle shall be continued, the armed Palestinian struggle shall be supported, and every possible effort shall be made to ensure that it continues and escalates, so that the impetus of the masses towards liberation may take its course until victory is achieved.

In implementation of this principle, the Executive Committee shall draft regulations for the Organisation's subsidiary bodies, due regard being paid to the circumstances of Palestinians in all places where they are concentrated, to the circumstances of the Palestinian revolution, and to the realisation of the objectives of the Charter and the Basic Law.

Article 4

All Palestinians are natural members of the Palestine Liberation Organisation, performing their duty to liberate their country in accordance with their abilities and qualifications. The Palestinian people is the base of this Organisation.

Part II.

The National Council

Article 5

The members of the National Council shall be elected by the Palestinian people by direct ballot, in accordance with a system to be devised for this purpose by the Executive Committee.

Article 6

- a. Should it be impossible to hold an election to the Council, the National Council shall continue to sit until circumstances permit of the holding of elections.
- b. If, for some reason, one or more seats in the National Council fall vacant, the Council shall appoint a member or members to fill the vacant seats.

Article 7

- a. The National Council is the supreme authority of the Liberation Organisation. It drafts the policy planning and programmes of the Organisation.
- b. Jerusalem is the seat of the Palestine Liberation Organisation.

Article 8

The National Council is elected for three years, and it shall be convened in regular session once every six months by its President or, should extraordinary sessions be necessary, by the President at the request of the Executive Committee, or of a quarter of its members. It shall meet in Jerusalem, Gaza, or any other place, depending on circumstances. Should the President not call such a session, the session shall convene automatically in such place and at such time as are designated in the request submitted by its members or by the Executive Committee.

Article 9

The National Council shall have a President's Office, consisting of the President, two Vice-Presidents, and a Secretary, elected by the National Council when it first meets.

Article 10

The National Council in ordinary session shall consider:

- a. The annual report submitted by the Executive Committee on the achievements of the Organisation and its subsidiary bodies.
- b. The annual report of the National Fund and budget allocations.
- c. Proposals submitted by the Executive Committee and recommendations of Council Committees.
- d. Any other questions submitted to it.

Article 11

The National Council shall form such committees as it deems necessary to assist in the performance of its duties.

These committees shall submit their reports and recommendations to the National Council, which shall in turn play its role in discussing them and shall issue forth its decisions thereon.

Article 12

Attendance by two-thirds of the members of the Council shall constitute a quorum. Decisions shall be taken by a majority vote of those present.

Part III.

The Executive Committee

Article 13

- a. All members of the Executive Committee shall be elected by the National Council.
- b. The Chairman of the Executive Committee shall be elected by the Committee itself.
- c. The Executive Committee shall be elected from the National Council.

Article 14

The Executive Committee shall consist of fourteen members, including the Chairman of the Board of Directors of the Palestine National Fund.

Article 14 bis (Amended)

The Executive Committee shall consist of fifteen to eighteen members, including the Chairman of the Board of Directors of the Palestine National Fund.

Should vacancies occur on the Executive Committee, for any reason, when the National Council is not sitting, they shall be filled as follows:

- a. If the vacancies are less than a third of the total membership, they shall not be filled until the first session of the National Council.
- b. If the vacancies amount to a third or more of the total membership of the Executive Committee, the National Council shall fill them at a session convened for the purpose in not more than thirty days.
- c. Should it be impossible, for valid reasons, to convene the National Council in extraordinary session, vacancies arising in either of the above cases shall be filled by the Executive Committee, the Council's Bureau and such members of the Council as are able to attend, at a joint council formed for this purpose. The new members shall be chosen by majority vote of those present.

Article 15

The Executive Committee is the highest executive authority of the Organisation. It shall remain in permanent session, its members devoting

Reference Texts

themselves exclusively to their work. It shall be responsible for executing the policy, programmes and planning approved by the National Council, to which it shall be responsible, collectively and individually.

Article 16

The Executive Committee shall assume responsibility for:

- a. Representing the Palestinian people.
- b. Supervising the Organisation's subsidiary bodies.
- c. Issuing regulations and instructions, and taking decisions on the Organisation's activities, provided these are not incompatible with the Charter or the Basic Law.
- d. Implementing the Organisation's financial policy and drafting its budget. In General, the Executive Committee shall assume all the responsibilities of the Liberation Organisation, in accordance with the general policies and resolutions adopted by the National Council.

Article 17

The permanent headquarters of the Executive Committee shall be in Jerusalem. It shall also be entitled to hold its meetings in any other place it sees fit.

Article 18

The Executive Committee shall establish the following Departments:

- a. A Military Department
- b. A Department for Political and Information Affairs.
- c. A Palestine National Fund Department
- d. A Department for Research and Specialised Institutes.
- e. A Department for Administrative Affairs.
- f. Any other department the Committee considers necessary. Each department shall have a Director-General and the requisite staff. The authority of each department shall

be defined by special regulations drawn up by the Executive Committee.

Article 19

The Executive Committee shall establish close relations and coordinate activities between the Organisation and all Arab and international Organisations, federations, and institutions which agree with its aims, or which help it in the realisation of the Organisation's objectives.

Article 20

The Executive Committee shall continue to exercise its prerogatives as long as it enjoys the confidence of the National Council. The Executive Committee shall submit its resignation to the new National Council at its first session. It is subject to re-election.

Article 21

Attendance of two thirds of its members shall constitute a quorum, and its resolutions shall be adopted by a majority vote of those present.

Part IV.

General Provisions

Article 22

The Palestine Liberation Organisation shall form an army of Palestinians, to be known as the Palestine Liberation Army, with an independent command which shall operate under the supervision of the Executive Committee, and carry out its instructions and decisions, both general and particular. Its national duty is to become the vanguard in the battle for the liberation of Palestine.

Article 23

The Executive Committee shall make every effort to enrol Palestinians in Arab military colleges and institutes for military training and to mobilise all energies of liberation.

Article 24

A fund, to be known as the Palestine National Fund, shall be established to finance the activities of the Organisation, which fund shall be administered by

a board of directors to be formed in accordance with special regulations for the fund issued by the National Council.

Article 25

The Funds sources of revenue shall be:

- a. An impost on Palestinians imposed and collected in accordance with a special system.
- b. Financial assistance provided by Arab governments and the Arab nations.
- c. The sale of "liberation stamps" which the Arab states will issue for use in postal and other transactions.
- d. Contributions and donations.
- e. Arab loans and aid from Arab countries and friendly peoples.
- f. Any other sources of revenue approved by the Council.

Article 26

Committees to be known as 'Committees for the Support of Palestine' shall be formed in Arab countries to collect contributions and support the Organisation in its national endeavours.

Article 27

The level at which the Palestinian people is represented in Arab organisations and conferences shall be determined by the Executive Committee. The Executive Committee shall appoint a representative for Palestine to the League of Arab States.

Article 28

The Executive Committee shall be entitled to make such regulations as are necessary for the implementation of the provisions of this Basic Law.

Article 29

The Organisation's National Council shall be empowered to amend, alter, or add to this Basic Law by a two thirds majority of its members.

Part V.

Transitional Provisions

Article 30

On 10 July 1968, the National Council convened in Cairo shall replace the former Provisional National Council of the Palestine Liberation Organisation and exercise all the prerogatives allotted to it by this Basic Law.

Article 31

The National Council shall sit for two years as from July 10th, 1968. Should it prove impossible to hold elections for its successor, it shall meet and decide either to extend its term for another period or to form a new Council in such a manner as it may approve.

Article 32

The National Council alone is entitled to co-opt new members from time to time, as it sees fit, should this be desirable in view of the requirements of the battle for liberation and the need to strengthen national unity, in conformity with the provisions of the National Charter, in accordance with regulations to be drafted by the Executive Committee in the coming session.

The Amended Basic Law of 2003

In the Name of God, the Most Gracious, the Most Merciful.

Part I.

Article 1

Palestine is part of the larger Arab world, and the Palestinian people are part of the Arab nation. Arab unity shall be an objective that the Palestinian people shall work to achieve.

Article 2

The people shall be the source of power, which shall be exercised through the legislative, executive, and judicial authorities based upon the principle of separation of powers and in the manner set forth in this *Basic Law*.

Article 3

Jerusalem shall be the capital of Palestine.

Article 4

1. Islam shall be the official religion in Palestine. Respect for the sanctity of all other divine religions shall be maintained.
2. The principles of Islamic *Shari'a* shall be a principal source of legislation.
3. Arabic shall be the official language.

Article 5

The governing system in Palestine shall be a democratic parliamentary system based upon political and party pluralism. The President of the National Authority shall be directly elected by the people. The Government shall be accountable to the President and to the Palestinian Legislative Council.

Article 6

The principle of the rule of law shall be the basis of government in Palestine. All governmental powers, agencies, institutions and individuals shall be subject to the law.

Article 7

Palestinian citizenship shall be regulated by the law.

Article 8

The flag of Palestine shall be of four colors and in accordance with the dimensions and measurements approved by the Palestine Liberation Organisation. It shall be the official flag of the country.

Part II. Public Rights and Freedoms

Article 9

Palestinians shall be equal before the law and the Judiciary, without distinction based upon race, sex, color, religion, political views or disability.

Article 10

1. Basic human rights and liberties shall be protected and respected.
2. The Palestinian National Authority shall work without delay to become a party to regional and international declarations and covenants that protect human rights.

Article 11

1. Personal freedom is a natural right that shall be guaranteed and may not be violated.

2. It shall be prohibited to arrest, search, imprison, restrict the freedom, or prevent the movement of any person, except by judicial order pursuant to the provisions of the law. The law shall determine the period of provisional detention. Imprisonment or detention shall only be permitted in places that are subject to laws related to the organisation of prisons.

Article 12

Every arrested or detained person shall be promptly informed of the reason for his arrest or detention. He shall be promptly informed, in a language he understands, of the nature of the charges brought against him. He shall have the right to contact a lawyer and to be tried before a court without delay.

Article 13

1. No person shall be subject to any duress or torture. Accused and all persons deprived of their freedom shall receive proper treatment.
2. All statements or confessions obtained through violation of the provisions set forth under paragraph 1 of this Article shall be nullified and of no force or effect.

Article 14

An accused person shall be considered innocent until proven guilty in a court of law that guarantees the accused the right to a defense. Any person accused in a criminal case shall be represented by a lawyer.

Article 15

Punishment shall be personal. Collective punishment shall be prohibited. Crime and punishment shall be determined only by the law. Punishment shall be imposed only by judicial decision and apply only to actions committed after enactment of the applicable law.

Article 16

It shall be prohibited to conduct any medical or scientific experiment on any person without the prior legal consent of the person or a court. No person shall be subject to medical examination, treatment or surgery, except pursuant to the law. Transplantation of human organs and new scientific developments shall be regulated by

the law in order to serve legitimate humanitarian purposes.

Article 17

Homes shall be inviolable; they may not be subject to surveillance, broken into or searched, except pursuant to a valid judicial order and in accordance with the provisions of the law. Any legal consequences resulting from violations of this article shall be considered invalid. Individuals who suffer from such a violation shall be entitled to a fair remedy, guaranteed by the Palestinian National Authority.

Article 18

Freedom of belief, worship and the performance of religious functions shall be guaranteed, provided that public order and public morals are not violated.

Article 19

Freedom of opinion may not be violated. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law.

Article 20

Freedom of residence and movement shall be guaranteed within the limits of the law.

Article 21

1. The economic system in Palestine shall be based upon the principles of a free market economy. The Executive may establish public companies that shall be regulated by the law.
2. Freedom of economic activity shall be guaranteed. The law shall determine the rules governing its supervision and the limits of those rules.
3. Private property, both real estate and movable assets, shall be protected and may not be expropriated except in the public interest and for fair compensation in accordance with the law or pursuant to a judicial decision.
4. Confiscation of property shall be pursuant to a judicial decision.

Reference Texts

Article 22

1. Social, health, disability and retirement insurance shall be regulated by the law.
2. Maintaining the welfare of the families of martyrs, prisoners of war, injured and disabled is a duty that shall be regulated by law. The National Authority shall guarantee these persons education, health and social insurance.

Article 23

Every citizen shall have the right to proper housing. The Palestinian National Authority shall secure housing for those who are without shelter.

Article 24

1. Every citizen shall have the right to education. Education shall be compulsory until at least the end of the basic level. Education shall be free in public schools and institutions.
2. The National Authority shall supervise all levels of education and its institutions and shall strive to upgrade the educational system.
3. The law shall guarantee the independence of universities, institutes of higher education and scientific research centers in a manner that guarantees the freedom of scientific research as well as literary, artistic and cultural creativity. The National Authority shall encourage and support such creativity.
4. Private schools and educational institutions shall comply with the curriculum approved by the National Authority and shall be subject to its supervision.

Article 25

1. Every citizen shall have the right to work, which is a duty and an honor. The National Authority shall strive to provide work for any individual capable of performing it.
2. Work relations shall be organized in a manner that guarantees justice to all and provides workers with welfare, security, and health and social benefits.
3. The organization of unions is a right that shall be regulated by the law.

4. The right to conduct a strike shall be exercised within the limits of the law.

Article 26

Palestinians shall have the right to participate in political life, both individually and collectively. They shall have the following rights in particular:

1. To form, establish and join political parties in accordance with the law.
2. To form and establish unions, associations, societies, clubs and popular institutions in accordance with the law.
3. To vote, to nominate candidates and to run as candidates for election, in order to have representatives elected through universal suffrage in accordance with the law.
4. To hold public office and positions in accordance with the principle of equal opportunities.
5. To conduct private meetings without the presence of police members and to conduct public meetings, gatherings and processions within the limits of the law.

Article 27

1. The establishment of newspapers and all media means shall be a right for all, guaranteed by this *Basic Law*. Their financial resources shall be subject to the scrutiny of the law.
2. Freedom of audio, visual, and written media, as well as freedom to print, publish, distribute and transmit, together with the freedom of individuals working in this field, shall be guaranteed by this *Basic Law* and other related laws.
3. Censorship of the media shall be prohibited. No warning, suspension, confiscation, cancellation or restriction shall be imposed upon the media, except by the law and pursuant to a judicial decision.

Article 28

No Palestinian may be deported from the homeland, prevented or prohibited from returning

to it or leaving it, deprived of his citizenship, or handed over to any foreign entity.

Article 29

Maternal and childhood welfare shall be national duties. Children shall have the right:

1. To comprehensive protection and welfare.
2. Not to be exploited for any purpose whatsoever and not to be permitted to perform work that might damage their safety, health or education.
3. To protection from harmful and cruel treatment.
4. Not to be subjected to beating or cruel treatment by their relatives.
5. To be segregated from adults, if the children are sentenced to a penalty entailing deprivation of liberty, and to be treated in a manner that is appropriate to their age and aims at their rehabilitation.

Article 30

1. Filing an action before a court shall be a protected and guaranteed right for all persons. Every Palestinian shall have the right to seek redress in the judicial system. Litigation procedures shall be regulated by the law to guarantee the prompt resolution of cases.
2. Laws may not contain provisions that provide immunity to any administrative decision or action or that bars judicial review.
3. Judicial error shall result in a remedy by the National Authority. Conditions and methods of such remedy shall be regulated by the law.

Article 31

An independent commission for human rights shall be established pursuant to a law that shall determine its formation, duties and jurisdiction. The commission shall submit its reports to the President of the National Authority and to the Palestinian Legislative Council.

Article 32

Any violation of personal freedoms, of the sanctity of the private life of human beings, or of any of the

rights or freedoms that are guaranteed by the law or by this *Basic Law* shall be considered a crime. Criminal and civil actions resulting from such violations may not be subject to any statute of limitations. The National Authority shall guarantee a fair remedy to those who suffer from such damage.

Article 33

Enjoying a balanced and clean environment is a human right. The preservation and protection of the Palestinian environment from pollution for the sake of present and future generations shall be a national duty.

Part III. The President of the National Authority

Article 34

The President of the National Authority shall be elected in a general and direct election by the Palestinian people, pursuant to the *Palestinian Election Law*.

Article 35

Before assuming office, the President shall swear the following oath before the Legislative Council and in the presence of the Speaker of the Palestinian National Council and the President of the High Court:

'I swear by God, the Almighty, to be faithful to the homeland and to its sacred places, to the people and its national heritage, to respect the constitutional system and the law, and to safeguard the interests of the Palestinian people fully, as God is my witness.'

Article 36

The initial term of the presidency of the National Authority shall be the interim phase, after which the President shall be elected pursuant to the law.

Article 37

1. The office of the President shall be deemed vacant in any of the following cases:
 - a. Death.

Reference Texts

- b. A resignation submitted to the Palestinian Legislative Council, if accepted by two-thirds (2/3) of its members;
 - c. Loss of legal capacity, as per a decision issued by the High Constitutional Court and subsequently approved by a majority of two-thirds (2/3) of the members of the Palestinian Legislative Council.
2. If the office of the President of the National Authority becomes vacant due to any of the above cases, the Speaker of the Palestinian Legislative Council shall temporarily assume the powers and duties of the Presidency of the National Authority for a period not to exceed sixty (60) days, during which period free and direct elections to elect a new President shall take place pursuant to the *Palestinian Elections Law*.

Article 38

The President of the National Authority shall exercise his executive duties as determined in this law.

Article 39

The President of the National Authority is the Commander-in-Chief of the Palestinian Forces.

Article 40

The President of the National Authority shall appoint and terminate the services of delegates of the National Authority to foreign countries, international organisations and foreign agencies. The President shall accept the accreditation of foreign delegates to the National Authority.

Article 41

1. The President of the National Authority shall promulgate the laws approved by the Palestinian Legislative Council within thirty (30) days from being referred to him. The President may refer a draft law back to the Legislative Council with his comments and the reasons for his objection within the same period. Otherwise, the law shall be deemed promulgated and published in the *Official Gazette*.
2. If the President of the National Authority returns a draft law to the Legislative Council in conformity with the time limit and conditions

set forth under the preceding paragraph, the Legislative Council shall discuss the law again. If the Legislative Council approves the law a second time by a majority of two-thirds (2/3) of its members, the proposed law shall be deemed promulgated and published in the *Official Gazette*.

Article 42

The President of the National Authority shall have the right to grant special pardons or to commute sentences. However, general amnesties or amnesties for crimes may not be granted except by the law.

Article 43

The President of the National Authority shall have the right, in cases of necessity that cannot be delayed and when the Legislative Council is not in session, to issue decrees that have the power of law. These decrees shall be submitted to the Legislative Council in the first session convened after their issuance; otherwise they shall cease to have the power of law. If these decrees are submitted to, but not approved by, the Legislative Council but not approved, they shall cease to have the power of law.

Article 44

The salary, allowances, and remuneration of the President shall be determined by the law.

Article 45

The President of the National Authority shall appoint the Prime Minister and authorise him to constitute his Government. The President shall have the right to dismiss the Prime Minister or to accept his resignation and to request him to convene the Council of Ministers.

Article 46

The Council of Ministers shall assist the President in the performance of his duties and the exercise of his powers in the manner set forth in this *Basic Law*.

Part IV. The Legislative Authority

Article 47

1. The Palestinian Legislative Council shall be the elected legislative authority.

2. The Legislative Council shall assume its legislative and oversight duties as determined in its bylaws, insofar as they do not contradict the provisions of this law.
3. The term of the Legislative Council shall be the interim period.

Article 48

1. The Legislative Council shall consist of eighty-eight (88) members elected pursuant to the law.
2. If the position of one or more members becomes vacant due to death, resignation or loss of capacity, interim elections shall be conducted in the relevant district to elect a successor, pursuant to the law.

Article 49

Before commencing work, every member shall swear the following oath before the Legislative Council:

'I swear by God, the Almighty, to be faithful to the homeland, to preserve the rights and interests of the people and the nation, to respect the law, and to perform my duties in the best manner, as God is my witness.'

Article 50

In its first session, the Legislative Council shall elect a Speaker, two Deputies to the Speaker, and a Secretary-General. Together, they shall make up the Office of the Legislative Council. No member of the Office shall at the same time hold the position of the President of the National Authority, or a minister, or any other governmental position.

Article 51

The Legislative Council shall accept the resignation of its members and establish its own bylaws, as well as procedures for questioning its members, in a manner that does not contradict the provisions of this *Basic Law* or general constitutional principles. The Legislative Council shall be solely responsible for maintaining order and security during sessions and committee meetings. Security personnel may not be present on the Legislative Council premises unless requested by the Speaker or the Chairman of a committee, as occasion may require.

Article 52

The President of the National Authority shall open the first ordinary session of the Legislative Council and shall deliver an opening address.

Article 53

1. Members of the Legislative Council may not be questioned in civil or criminal proceedings due to opinions they express, facts they mention, their voting in sessions of the Legislative Council or committee meetings, or because of any action they perform outside of the Legislative Council in the course of performing their parliamentary duties.
2. No member shall be interfered with in any manner, nor shall any search be made of a member's possessions, home, place of residence, vehicle, office, or any real estate or movable property belonging to the member, throughout the period of immunity.
3. No member of the Legislative Council shall be required during the period of membership, or subsequently, to testify on any subject regarding actions or statements in the Legislative Council or information obtained as a result of membership therein, unless the member voluntarily agrees to do so and has the prior consent of the Legislative Council.
4. No penal measures shall be taken against any member of the Legislative Council unless he is found in the immediate commission of a crime. The Legislative Council shall be notified immediately about measures taken against a member so that it may decide upon its proper course of action in the matter. If the Legislative Council is not in session, the Office of the Legislative Council shall assume this responsibility.
5. No member of the Legislative Council shall relinquish parliamentary immunity without the prior permission of the Legislative Council. Immunity shall not lapse after membership in the Legislative Council ceases but shall be subject to the limits prevailing during the period of membership.

Article 54

1. No member of the Legislative Council shall exploit membership in the Legislative Council

Reference Texts

for any type of private business or in any manner whatsoever.

2. Each member of the Legislative Council shall submit a financial statement for himself, his spouse and each of his minor children that details what each owns in wealth, including, but not limited to, real estate and movable property inside of Palestine and abroad, as well as debts. Each such statement shall be kept in a sealed confidential envelope at the High Court of Justice and may not be accessed unless permitted by the Court and within the limits set forth by the law.

Article 55

Each member of the Legislative Council shall receive a monthly salary determined by the law.

Article 56

Each member of the Legislative Council shall have the following rights:

1. To submit to the Executive all legitimate requests necessary to enable the member to carry out parliamentary functions.
2. To propose laws. Rejected proposals may not be submitted again within the same term.
3. To address inquiries and interpellations to the Government, to any minister or to others of similar rank. Interpellations may not be discussed until seven (7) days after submission, unless the addressee agrees to reply immediately or within a shorter period. However, the period of seven (7) days may be shortened to three (3) days in urgent cases and with the approval of the President of the National Authority.

Article 57

1. Following an interpellation, a minimum of ten (10) members of the Legislative Council may submit a request to withdraw confidence from the Government or from any minister. Voting on such a request may not be held earlier than three (3) days after its submission. A decision may be issued by the approval of the majority of the members of the Legislative Council.

2. Withdrawal of confidence shall result in the termination of the term of the party from whom confidence was withdrawn.

Article 58

The Legislative Council may form special committees or entrust one of its committees to conduct information gathering and fact-finding regarding any public matter or any public institution.

Article 59

The Legislative Council shall approve the General Development Plan. The law shall determine the way to prepare and submit the General Development Plan to the Legislative Council.

Article 60

The law shall regulate the specific rules governing the preparation and approval of the General Budget and disbursement of funds appropriated in it, as well as all attached budgets, developmental budgets, budgets for public institutions and services, and budgets for each project in which the investment of the Government comprises at least fifty (50%) percent of its capital.

Article 61

Taking into consideration the provisions of Article 90 of this *Basic Law*:

1. The Government shall submit the annual draft General Budget to the Legislative Council at least two (2) months prior to the beginning of each fiscal year.
2. The Legislative Council shall convene a special session to discuss the annual draft General Budget. Within a period not to exceed one (1) month from the date of receipt, the Legislative Council shall either approve the annual draft General Budget with the necessary amendments prior to the beginning of the new fiscal year or send it back to the Government. The returned draft General Budget shall include the comments of the Legislative Council so that its requirements can be fulfilled and the draft General Budget can be resubmitted to the Legislative Council for approval.

3. The voting of the Legislative Council on the General Budget shall be title by title.
4. Transfer of funds between the various budget titles shall not be permitted unless agreed upon by the Legislative Council and the Executive.

Article 62

The final accounts of the General Budget of the National Authority shall be submitted to the Legislative Council no later than one (1) year from the end of the fiscal year to which the accounts pertain. The Legislative Council shall vote on the final accounts title by title.

Part V. The Executive Authority

Article 63

The Council of Ministers (the 'Government') shall be the highest executive and administrative instrument; it shall shoulder the responsibility for implementing the programme approved by the legislative branch. Except for the executive powers of the President of the National Authority, as set forth in this *Basic Law*, executive and administrative powers shall be within the competence of the Council of Ministers.

Article 64

1. The Council of Ministers shall comprise a Prime Minister and ministers, not to exceed twenty-four (24) in number.
2. Each minister's appointment shall identify to which ministry each minister shall be assigned.

Formation of the Government

Article 65

1. Within three (3) weeks of his appointment by the President of the National Authority, the Prime Minister shall form a government. There shall be a right to an extension of a period not to exceed two (2) weeks.
2. If the Prime Minister fails to form a government within the prescribed deadline or does not obtain the confidence of the

Legislative Council, then the President of the National Authority shall appoint another Prime Minister within two (2) weeks from the passing of the deadline or the date of the session of confidence, whichever first occurs. The provisions set forth under the preceding paragraph shall apply to the new Prime Minister.

Confidence in the Government

Article 66

1. Once the Prime Minister selects the members of the Government, the Prime Minister shall submit a request to the Legislative Council to hold a special session for a motion of confidence. The motion of confidence shall take place upon hearing and discussing the written ministerial declaration, which specifies the programme and the policies of the Government. The session shall be held no later than one (1) week from the date of submission of the request.
2. The motion of confidence shall be cast for the Prime Minister and the members of the Government together, unless the absolute majority of the members of the Legislative Council decide otherwise.
3. Confidence shall be granted to the Government if it obtains the affirmative vote of the absolute majority of the members of the Legislative Council.

Article 67

After obtaining the motion of confidence and before assuming their offices, the Prime Minister and members of the Government shall swear the constitutional oath, set forth in Article 35 of this *Basic Law*, before the President of the National Authority.

Powers of the Prime Minister

Article 68

The Prime Minister shall exercise the following powers:

1. To form or modify the composition of the Council of Ministers, to dismiss or accept the resignation of any of its members, and to fill a vacant position.

Reference Texts

2. To convene the Council of Ministers for weekly meetings, or as occasion may require, or upon the request of the President of the National Authority, as well as to set its agenda.
 3. To preside over sessions of the Council of Ministers.
 4. To manage the affairs of the Council of Ministers.
 5. To oversee the work of the ministers and public institutions dependent upon the Government.
 6. To issue necessary decisions within the competence of the Prime Minister pursuant to the law.
 7. To sign and issue regulations approved by the Council of Ministers.
 8. Appoint a minister to serve as the Prime Minister's Deputy and to assume the duties of the Prime Minister if the Prime Minister is absent or unable to perform such duties.
7. To be responsible for maintaining public order and internal security.
 8. To discuss with various governmental bodies competent with regard to the preceding paragraphs 6 and 7 their proposals and policies regarding the implementation of their respective responsibilities.
 9. (a) To establish or dissolve agencies, institutions, authorities and similar administrative units belonging to the executive apparatus of the Government, provided that each such unit shall be regulated by law.

(b) To appoint heads of institutions and agencies set forth under the preceding subparagraph (a), and to supervise them pursuant to the provisions of the law.
 10. To determine the respective areas of responsibility of all ministries, agencies and institutions that report to the Executive, and others of similar status.
 11. To assume each other responsibility assigned to it pursuant to the provisions of the law.

Powers of the Council of Ministers

Article 69

The Council of Ministers shall exercise the following powers:

1. To devise general policies within the limits of its jurisdiction and in light of the ministerial programme approved by the Legislative Council.
2. To implement general policies adopted by the competent Palestinian authorities.
3. To prepare the General Budget for submission to the Legislative Council.
4. To prepare the administrative apparatus, set its structure, and provide it with all necessary means, as well as to supervise it and follow up on it.
5. To follow up on the enforcement of laws and to ensure compliance with their provisions, taking necessary actions in this regard.
6. To supervise the performance of the ministries and all other components of the

Article 70

The Council of Ministers shall have the right to submit draft laws to the Legislative Council, to issue regulations, and to take necessary actions to enforce laws.

Article 71

A minister shall exercise the following powers and functions with regard to his ministry:

1. To propose the general policy for the ministry and to supervise its implementation after approval.
2. To supervise the conduct of affairs in the ministry and to issue necessary instructions therefor.
3. To implement the General Budget within the funds allocated for the ministry.

4. To propose bills and legislation related to the ministry and to submit them to the Council of Ministers.
5. A minister may delegate certain powers to the deputy-minister or to other senior officers in the ministry, within limits set forth by the law.

Article 72

A minister shall submit detailed reports to the Council of Ministers on the activities, policies, plans and achievements of his ministry in comparison with the objectives specified for the ministry within the framework of the General Plan, including the ministry's proposals and recommendations concerning its future policies. These reports shall be submitted regularly every three (3) months, so that the Council of Ministers remains well informed and has sufficient information about the activities and policies of each ministry.

Meetings of the Council of Ministers

Article 73

1. Upon invitation of the Prime Minister, the Council of Ministers shall meet periodically every week, or as occasion may require. No persons other than ministers may attend these meetings, unless there is a prior invitation from the Prime Minister.
2. The meetings of the Council of Ministers shall be documented.

Accountability of the Prime Minister and the Ministers

Article 74

1. The Prime Minister shall be accountable to the President of the National Authority for his actions and the actions of his Government.
2. Ministers shall be accountable to the Prime Minister, each within the limits of his jurisdiction and for the actions of his ministry.
3. The Prime Minister and members of the Government shall be jointly and individually accountable to the Legislative Council.

Article 75

1. The President of the National Authority shall have the right to refer the Prime Minister to investigation as a result of crimes attributed to the Prime Minister during or due to the performance of his official duties, pursuant to the provisions of the law.
2. The Prime Minister shall have the right to refer any minister to investigation based upon any of the reasons set forth under the preceding paragraph 1, pursuant to the provisions of the law.

Article 76

1. Every indicted minister shall be suspended from the performance of official duties immediately upon the issuance of an indictment. Such a suspension shall not prevent the continuing of the investigation or follow-up procedures.
2. The Attorney-General or a representative of the Public Prosecution shall perform the investigation and indictment procedures. If a trial ensues, it shall be conducted before an appropriate tribunal and shall follow the provisions and procedures determined in the *Penal Code* and the *Law of Penal Procedure*.
3. The above provisions shall apply to deputy-ministers, assistant-ministers, and others of similar rank.

Motion of Non-Confidence

Article 77

1. A minimum of ten (10) members of the Legislative Council may submit a request to the Speaker to hold a special session to withdraw confidence from the Government or from any minister after an investigation.
2. The date of the first special session shall be determined three (3) days from the date of submitting the request. The special session shall not be held later than two (2) weeks from the date of the submission of the request.

Reference Texts

Article 78

1. Adoption of a motion of non-confidence in the Prime Minister and the Government shall require the absolute majority of the members of the Legislative Council.
2. A motion of non-confidence in the Prime Minister and the Government shall result in the immediate termination of their term.
3. Upon the termination of the term of the Prime Minister and the Government as provided in paragraph 2 above, they shall temporarily exercise their powers in the capacity of a caretaker government, during which they may make decisions only insofar as they are necessary for the conduct of executive affairs until a new government is formed.

Article 79

1. If the Legislative Council, by absolute majority, adopts a motion of non-confidence in the Prime Minister or in the Prime Minister and the members of the Government collectively, the President of the National Authority shall present a new Prime Minister, who shall take over from the former within a period not to exceed two (2) weeks from the date of the adoption of the motion of non-confidence. The new Prime Minister shall be subject to the provisions of this title.
2. If the Legislative Council adopts a motion of non-confidence in one or more members of the Government, the Prime Minister shall present the new member or members in the following session, provided that such presentation shall take place within two (2) weeks from the date of the adoption of the motion of non-confidence.
3. (a) Any addition or change that may affect a portfolio, a minister, or more than one minister shall be considered a ministerial reshuffle, so long as it affects less than one-third (1/3) of the members of the Council of Ministers.

(b) Upon a ministerial reshuffle, the addition of a minister, or the filling of a vacancy for any reason, the new minister or ministers shall be presented in the very next session of the Legislative Council, which shall occur no later than two (2) weeks from the date of the

reshuffle or the occurrence of the vacancy for a motion of non-confidence pursuant to the provisions of this Article.

4. Neither the Prime Minister nor any of the ministers shall assume their duties until they obtain the confidence of the Legislative Council.

Financial Liability of Members of the Council of Ministers

Article 80

1. The Prime Minister and each minister shall submit a financial statement for himself, his spouse and his minor children that details what each owns in real estate, movable property, stocks, bonds, cash money and debts, whether inside of Palestine or abroad, to the President of the National Authority, who shall make the necessary arrangements to maintain their secrecy. Such information shall remain confidential and may not be accessed unless permitted by the High Court, as occasion may require.
2. Neither the Prime Minister nor any minister may purchase or lease any property belonging to the State or to any public entity, or have a financial interest in any contract concluded with any governmental or administrative body, nor may they, during their terms of office, be board members in any company, or practice commerce or any other profession, or receive a salary or any other financial reward or remuneration from any person in any capacity whatsoever, other than the single salary determined for ministers and the relevant allowances.

Remuneration and Allowances of the Prime Minister and the Ministers

Article 81

Remuneration and allowances for the Prime Minister, ministers and others of similar rank shall be determined by the law.

Article 82

The appointed Prime Minister and all ministers must be Palestinians, who enjoy full civil and political rights.

Article 83

The Government shall be considered dissolved and shall be formed again pursuant to the provisions of this title in the following cases:

1. Upon the commencement of a new term of the Legislative Council.
2. Upon the adoption by the Legislative Council of a motion of non-confidence in the Prime Minister, in the Prime Minister and the Government, or in one-third (1/3) or more of the number of ministers.
3. Upon any addition, change, vacancy, or dismissal that involves at least one-third (1/3) of the Council of Ministers.
4. Upon the death of the Prime Minister.
5. Upon the resignation of the Prime Minister or the resignation of one-third (1/3) or more of the members of the Government.
6. Upon the dismissal of the Prime Minister by the President of the National Authority.

Security Forces and Police

Article 84

1. The Security Forces and the Police shall be regular forces. They shall be the armed forces in the country. Their functions shall be limited to defending the country, serving the people, protecting society and maintaining public order, security and public morals. They shall perform their duties within the limits determined by the law, with full respect for rights and freedoms.
2. The law shall regulate the Security Forces and the Police.

Local Administration

Article 85

1. The law shall organise the country into local administrative units, which shall enjoy juridical personality. Each unit shall have a council elected directly, as determined by the law.
2. The law shall determine the areas of responsibility of the local administrative

units, their financial resources, their relations with the central authority and their roles in the preparation and implementation of development plans. The law shall regulate the aspects of oversight over these units and their various activities.

3. Demographic, geographic, economic and political parameters shall be taken into consideration at the time of defining the administrative divisions so as to preserve the territorial unity of the homeland and the interests of the communities therein.

Public Administration

Article 86

The appointment of public officials and governmental staff and the conditions of their employment shall be pursuant to the law.

Article 87

The law shall regulate all affairs related to civil service. The Civil Service Department shall, in coordination with the competent governmental bodies, upgrade and develop the public administration. Its advice shall be sought upon drafting laws and regulations that deal with public administration and civil servants.

Public Finance

Article 88

Public taxes and duties shall be imposed, amended and repealed only by the law. No one may be fully or partially exempted, except in circumstances determined by the law.

Article 89

The law shall determine the provisions regarding the collection of public funds and the procedures for spending therefrom.

Article 90

The law shall determine the beginning and the end of the fiscal year and regulate the General Budget. If the General Budget is not approved by the beginning of the new fiscal year, expenditures shall continue on the basis of a monthly allocation of one-twelfth (1/12) of the budget of the previous fiscal year, for each month.

Reference Texts

Article 91

1. All revenues received, including, but not limited to, taxes, duties, loans, grants and profits accruing to the National Authority from managing its property or activities, shall be paid to the General Treasury. No part of the General Treasury funds may be allocated or spent for any purpose whatsoever, except pursuant to the law.
2. The National Authority, pursuant to the provisions of the law, may form a strategic financial reserve, to encounter fluctuations and emergency situations.

Article 92

Public borrowing shall be concluded by law. It shall not be permitted to commit to a project which would require spending funds from the General Treasury at a later stage, unless approved by the Legislative Council.

Article 93

1. The law shall regulate the Monetary Authority, banks, the securities market, foreign exchange, insurance companies, and all financial and credit institutions.
2. The Governor of the Monetary Authority shall be appointed by decision of the President of the National Authority and approved by the Legislative Council.

Article 94

The law shall determine the rules and procedures for granting privileges or imposing obligations related to the utilisation of natural resources and public facilities. The law shall also detail the ways and means of dealing with real estate owned by the State and other public legal personalities, and the rules and procedures regulating them.

Article 95

The law shall determine the rules and regulations for granting wages, remuneration, pensions, subsidies and allowances incurring to the General Treasury. The law shall also determine the bodies that will be responsible for their implementation. No exceptional funds shall be spent except within the limits determined by the law.

Article 96

1. A 'Bureau of Financial and Administrative Control' shall be established by law to provide financial and administrative oversight to all bodies and units of the National Authority, which shall include the monitoring of the collection of public revenues and the spending therefrom, within the limits of the budget.
2. The Bureau of Financial and Administrative Control shall submit to the President of the National Authority and to the Legislative Council an annual report or a report upon request about its work and comments.
3. The Chief of the Bureau of Financial and Administrative Control shall be appointed by decision of the President of the National Authority and approved by the Legislative Council.

Part VI. The Judicial Authority

Article 97

The Judicial Authority shall be independent and shall be exercised by the courts of different types and at different levels. The law shall determine the way in which they are constituted and their jurisdiction. They shall issue their decisions pursuant to the law. Judicial decisions shall be announced and executed in the name of the Palestinian Arab people.

Article 98

Judges shall be independent and shall not be subject to any authority other than the authority of the law while exercising their duties. No other authority may interfere in the Judiciary or in judicial affairs.

Article 99

1. Appointment, transfer, secondment, delegation, promotion and investigation of judges shall be determined in the *Judicial Authority Law*.
2. Judges may not be dismissed, except in the cases set forth in the *Judicial Authority Law*.

Article 100

A High Judicial Council shall be established. The law shall determine the way it is constituted, its responsibilities, and its rules and procedures. The High Judicial Council shall be consulted about draft laws relating to the Judiciary, including the Public Prosecution.

Article 101

1. Matters governed by *Shari'a* law and matters of personal status shall come under the jurisdiction of *Shari'a* and Religious Courts, pursuant to the law.
2. Military Courts shall be established by special laws. Such courts shall not have any jurisdiction beyond military affairs.

Article 102

Administrative Courts may be established by the law to consider administrative disputes and disciplinary complaints. Any other jurisdiction of such courts and the procedures to be followed before them shall be determined by the law.

Article 103

1. A High Constitutional Court shall be established by law to consider:
 - (a) The constitutionality of laws, bylaws, and other enacted rules.
 - (b) The interpretation of the *Basic Law* and legislation.
 - (c) Resolution of jurisdictional disputes which might arise between judicial entities and administrative entities having judicial jurisdiction.
2. The law shall determine the manner in which the High Constitutional Court is formed and structured, the operating procedures it shall follow, and the effects of its decisions.

Article 104

The High Court shall temporarily assume all duties assigned to Administrative Courts and to the High Constitutional Court, unless they fall within the jurisdiction of other judicial entities, pursuant to the laws in force.

Article 105

Court hearings shall be public, unless a court decides to hold them *in camera* due to considerations related to public order or public morals. In all cases, the sentence shall be pronounced in a public hearing.

Article 106

Judicial decisions shall be implemented. Refraining from or obstructing the implementation of a judicial decision in any manner whatsoever shall be considered a crime carrying a penalty of imprisonment or dismissal from position if the accused individual is a public official or assigned to public service. The aggrieved party may file an action directly to the competent court, and the National Authority shall guarantee a fair remedy for him.

The Public Prosecution

Article 107

1. The Attorney-General shall be appointed by decision of the President of the National Authority, based upon a nomination submitted by the High Judicial Council.
2. The Attorney-General shall handle and assume public cases in the name of the Palestinian Arab people. The jurisdiction, functions and duties of the Attorney-General shall be determined by the law.

Article 108

1. The law shall determine the manner of forming the Public Prosecution service and its jurisdiction.
2. The law shall determine the conditions for appointing, transferring and dismissing members of the Public Prosecution service and the rules and procedures of their accountability.

Article 109

A sentence of capital punishment pronounced by any court may not be enforced unless approved by the President of the National Authority.

Part VII. State of Emergency Provisions

Article 110

1. The President of the National Authority may declare a state of emergency by decree when there is a threat to national security caused by war, invasion, armed insurrection, or in times of natural disaster, for a period not to exceed thirty (30) days.
2. The state of emergency may be extended for another period of thirty (30) days if a majority of two-thirds (2/3) of the members of the Legislative Council votes in favor of the extension.
3. The decree declaring the state of emergency shall state its purpose, the region to which it applies, and its duration.
4. The Legislative Council shall have the right to review all or some of the procedures and measures adopted during the state of emergency, at the first session convened upon the declaration of the state of emergency or in the session of extension, whichever comes earlier, and to conduct the necessary investigations in this regard.

Article 111

It shall be prohibited to impose restrictions upon fundamental rights and freedoms when declaring a state of emergency except to the extent necessary to fulfill the purpose set forth in the decree declaring the state of emergency.

Article 112

Any arrest resulting from the declaration of a state of emergency shall be subject to the following minimum requirements:

1. Any detention carried out pursuant to a state of emergency decree shall be reviewed by the Attorney-General or the competent court within a period not to exceed fifteen (15) days from the date of detention.
2. The detained individual shall have the right to select and appoint a lawyer.

Article 113

The Legislative Council may not be dissolved or its work be hindered during a state of

emergency, nor shall the provisions of this title be suspended.

Article 114

All provisions regulating the state of emergency that were applicable in Palestine prior to the entry into force of this *Basic Law* shall be cancelled, including the British Mandate Defense (Emergency) Regulations issued in the year 1945.

Part VIII. General and Transitional Provisions

Article 115

The provisions of this *Basic Law* shall apply during the interim period and may be extended until the entry into force of the new Constitution of the State of Palestine.

Article 116

Laws shall be promulgated in the name of the Palestinian Arab people and shall be published immediately in the *Official Gazette*. These laws shall enter into force thirty (30) days from the date of their publication, unless the law determines otherwise.

Article 117

Laws shall apply only to what occurs after their entry into force. It may be determined otherwise as occasion may require, except for criminal matters.

Article 118

Laws, regulations, and decisions in force in Palestine before the enforcement of this law shall remain in force to the extent that they do not contradict the provisions of this *Basic Law*, until they are amended or repealed pursuant to the law.

Article 119

All legal provisions that contradict the provisions of this *Amended Basic Law* is hereby repealed.

Article 120

The provisions of this *Amended Basic Law* may not be amended except by a majority vote of at least two-thirds (2/3) of the Members of the Legislative Council.

Article 121

This *Amended Basic Law* shall enter into force as of the date of its publication in the *Official Gazette*.

Issued in the city of Ramallah on 18 March 2003 AD, corresponding to 15 Muharam 1424 AH.

Yasser Arafat

**Chairman of the Executive Committee of the
Palestine Liberation Organisation**

President of the Palestinian National Authority

The Basic Law of 2005 Concerning the Amendment of the Amended Basic Law of 2003

The Chairman of the Executive Committee of the Palestine Liberation Organisation,

The President of the Palestinian National Authority,

Having reviewed the *Amended Basic Law of 2003*, particularly Article 120 thereof,

Based upon the approval of the Legislative Council during its session of 27 July 2005,

In accomplishment of the public interest, and

In the name of the Palestinian People,

I hereby promulgate the following law:

Article 1

Articles 36, 47/paragraph 3 thereunder, 48, and 55 of the *Amended Basic Law of 2003* shall be amended to become as follows:

Article 36

The term of the presidency of the National Authority shall be four (4) years. The President shall have the right to nominate himself for a second term, provided that he shall not occupy the position of the presidency more than two (2) consecutive terms.

Article 47, Paragraph (3)

The term of the Legislative Council shall be four (4) years from the date of its election, and the elections shall be conducted once every four (4) years in a regular manner.

Article 48

1. The members of the Legislative Council shall be elected in general, free and direct

elections pursuant to the provisions of the *Elections Law*, which shall determine the number of members, electoral constituencies, and the electoral system.

2. If the position of one or more members of the Legislative Council becomes vacant, the vacancy shall be filled pursuant to the provisions of the *Elections Law*.

Article 55

Allowances, rights and obligations of the members of the Legislative Council and ministers shall be determined by the law.

Article 2

A new Article under number 47 *bis* shall be added to the *Amended Basic Law of 2003*, the provision of which shall be as follows:

Article 47 bis

The term of the current Legislative Council shall terminate when the members of the new elected Council swear the constitutional oath.

Article 3

This law shall enter into force as of the date of its publication in the *Official Gazette*.

Issued in the City of Gaza on 13 August 2005 AD, corresponding to 8 Rajab 1426 AH.

Mahmoud Abbas

Chairman of the Executive Committee of the Palestine Liberation Organisation

President of the Palestinian National Authority

Part II

Inter-factional Agreements

The Palestinian Charter of Honour (2005)

Gaza, 18 January 2005

In the Name of God, the Most Gracious, the Most Merciful.

“Lo! Allah loveth them who battle for His cause in ranks, as if they were a solid structure.”

In allegiance to the martyrs, injured, and prisoners in prisons of the occupation, and to all sacrifices of our people for more than a decade; insofar as the Israeli withdrawal from the Gaza Strip is a national achievement by the Resistance; and in confirmation of the adherence to our legitimate right to resist the aggression and occupation, removal of the Israeli settlement [activity], defence of our land and holy shrines against the Zionist schemes, and flagrant American bias towards the Israeli enemy to repress the Resistance and Intifada; to render a failure the continuous external attempts to jeopardise the internal affairs of the Palestinian people; and working towards the achievement of the return of all Palestinian refugees to their land from which they were expelled, the Palestinian forces have consented to the following Charter of Honour:

First: On the Constants of the National Cause

1. Palestine is part of the Arab Islamic territory, and the Palestinian people is part of the Arab Islamic nation.
2. Liberation of the Palestinian land and joint work on all Palestinian, Arab and international levels.
3. Confirmation of the unity of the Palestinian people in all place of their presence and the protection of them with all possible means.
4. The Zionist entity constitutes the main enemy of the Palestinian people due to its usurpation of the land, expulsion of the people, massive killing, house demolitions, uprooting of trees, destruction of the economy, and seizure of the resources of the Palestinian people as well as their deprivation of them for more than a century.
5. Safeguarding and protection of the right to return for all the Palestinian refugees to their land from which they were expelled and working towards the restoration of this right with all legitimate means.
6. Adherence to the goal of vanquishing the occupation and establishment of an independent, fully sovereign Palestinian state with Jerusalem as its capital.
7. Protection of the Palestinian people with all the possible military, security, economic and political means.
8. All confirm the necessity of building an independent Palestinian economy in all fields, directing of resources to promote the pillars of steadfastness; encouragement of the national production; adopting of an impartial policy that puts an end to public squandering and extravagance as well as corruption at existent institutions; fair distribution of the burden of confrontation with the occupation; and supporting of the steadfastness of all categories of the Palestinian people.
9. The issue of the prisoners and detainees is a priority of the Palestinian action and part of the national sovereignty and liberation as well as confirmation of the due work towards their being released with all legitimate means.
10. Collaboration, communication or security liaison with the occupation is a capital offence which must be punishable with the most

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severe penalty in accordance with the law in force in Palestine.

Second: Internal Relations

All confirm the following principles:

1. To respect the faith of the people and nation; respect the intact customs as well as the civic and cultural heritage and human rights; and invigorate women's role and preserve their rights in all walks of life.
2. To confirm the safeguarding of the national unity and not to subject it to danger.
3. To protect political freedoms and the right to forming civil, syndicate, commercial and cultural institution, freedom of the media, publication, expression, organisation, assembly and demonstration in a manner that does not contradict our faith and cultural heritage and within the framework of the law.
4. To conduct a process of comprehensive reform of the Palestinian administrative and financial conditions in a manner that safeguards the achievement of justice, equality, transparency and accountability by everybody; to protect public funds and properties; and hold accountable persons who abuse their positions and dispose of the public funds.
5. To implement the rule of law as well as full independence of the judiciary, protect it against encroachments by any authority whatsoever and execute its decisions in the context of the policy of the separation of powers; and convert all agencies of the Authority into institutions governed by law in preparation for transforming them into the institutions of the independent State.
6. To adopt the elections for adjudication of each of the Palestinian affairs as well as to support it and not to disrupt it.
7. To preserve, develop and support civil society organisations as well as to lay controls that safeguard its development and service of the society as a whole.
8. To develop detailed, specialised programmes for dealing with the phenomenon of the

collaborators, thereby ensuring its being eradicated and preventing its recurrence as well as safeguarding the protection of the society therefrom.

9. To adopt the constructive dialogue in order to reach common grounds and to prohibit the use of arms in the settlement of factional, familial or individual disputes.
10. To develop educational programmes that affirm themes and principles agreed upon in order to promote education and culture in a manner that does not contradict the faith of the nation and its cultural and civic heritage.
11. To activate the role of religious institutions and develop the educational, media and cultural role of mosques.
12. To establish the temporary comprehensive Palestinian national reference as well as set forth its programme of action.

Third: External Relations

All confirm the following principles:

1. To build balanced political relations with the Arab and Islamic states so as to serve issues of the nation and preserve its unity and progress.
2. To work towards building an integral economic system with Arab and Islamic states and to be open towards the rest of the world countries.
3. To necessarily build balanced relations with all countries of the world on the ethical bases and political principles that safeguard the rights of our people, protect them and repulse aggression thereon.
4. To confirm the legitimacy of the armed resistance, political strife, and all means of Jihad and struggle which the Palestinian people has exercised and is exercising to attain freedom and independence, and to lobby all powers to denounce all forms of occupation and tyranny in Palestine, Iraq, Afghanistan, and each span occupied by the foreigner.

The Palestinian Charter of Honour Relating to the Elections (2005)

Gaza, 17 October 2005

We, the political forces and parties taking part in the second Palestinian legislative elections; committed that all phases of the electoral process are conducted in a transparent and impartial manner and be dominated by decent competitiveness between candidates and electoral lists in a manner that serves the public interest; and recognising the importance of the abidance by the Elections Law and instructions issued in accordance with it for regulation of the progress of the electoral process, we hereby pledge to be committed to the following:

1. To completely adhere to the provisions of the Palestinian Elections Law, the regulations and instructions issued forth in accordance with it, as well as with the directives and decisions of the Central Elections Commission in relation to the progress of the electoral process.
2. To cooperate with the Central Elections Commission in the efforts it makes as to conduct free and impartial elections as well as to respect its staff members.
3. To respect the role of local and international observers and to cooperate with them in the performance of their role of observation.
4. To abide by the principle of the secrecy of voting as well as the voters' right to choose their list and candidate in a free manner.
5. To comply with the period of time of the electoral campaign as is designated by Law.
6. Not to resort in the electoral campaign to anything that entails any instigation or vilification against other candidates, partisan entities or partisan lists, as well as to abstain from defamation, libel and revilement, and to keep away from arousing feuds or exploiting religious, sectarian, tribal, regional, familial or racial sentiments amongst categories of the citizens.
7. To refrain from the physical obstruction of the electoral campaigns of others, including by sabotage, tearing apart, or posting of pictures and slogans over the pictures and slogans of others, or any other acts that are interpreted as a physical assault on the electoral campaign of other candidates.
8. To be committed as not to exercise any form of pressure, intimidation, accusation of treason or atheism, or violence against any candidates and/or any voters.
9. To be committed as not to carry weapons and/or use it during public assemblies, processions, and in all other electoral events and activities.
10. To be committed as not to offer gifts, donations, monetary aid or other benefits or to promise to offer them to a natural or juridical person during the electoral process, whether directly or indirectly.
11. Not to hang electoral posters and pictures on private places or on doors and walls of commercial shops belonging to citizens except after obtaining their explicit approval thereof; to adhere not to hang electoral posters and pictures on the advertisement boards belonging to commercial companies or citizens except after obtaining their explicit approval thereof; and to be committed as to remove all manifestations of the electoral campaign following the expiration of the electoral process.
12. Not to use the official logo of the Palestine Liberation Organisation and/or the Palestinian

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- Authority or any logos similar to it in the gatherings, advertisements, electoral statements, and in all types of writings, paintings and pictures to be used in the electoral campaign.
13. Not to hold festivals or organise public gatherings in mosques or churches or in the vicinity of hospitals or inside buildings and places occupied by the governmental departments or public institutions, and not to use encampments or the Palestinian security headquarters or public supplies for purposes of the electoral campaign.
 14. To keep a clean environment during the electoral campaign, to avoid indiscriminate posting of pictures and statement in public places, and take care of the appearance of public places and clean after completion of electoral processions and festivals.
 15. To be committed as not to receive funds to cover the expenses of our electoral campaign from any foreign, external or non-Palestinian sources either directly or indirectly, and not to obtain as well as funds from the Palestinian Authority to cover expenses of the electoral campaign.
 16. To abide by the limits of expenditure over the electoral campaign so that it does not exceed one million dollars or its equivalent in legally circulated currency to spend over the electoral campaign of the electoral list as a whole, as well as sixty thousand dollars or its equivalent in the legally circulated currency to spend over the electoral campaign of the candidate nominated to the membership on the Council in the electoral constituency.
 17. To be committed to present a detailed financial statement to the Central Elections Commission, to include all sources of funding which we have received as well as the amounts we have spent during the electoral campaign within a maximum period of one month following the announcement of final results of the election.
 18. To train the agents affiliated with us on the Code of Ethics of Agents and Observers issued forth by the Central Elections Commission.
 19. To bear the responsibility for the activities of the electoral campaign exercised by all agents affiliated with us as well as by workers in our electoral campaign.
 20. To provide the Central Elections Commission with all electronic [web] pages and sites, through which we will exercise electoral campaigns.
 21. To bear the responsibility for any publications, posters or statements to be issued forth by our electoral campaign.
 22. To abide by the compliance with the peaceful and legal techniques in relation to the challenges and objections as well as their respective results during all phases of the electoral process, and to cooperate with the competent authorities in the investigations in these challenges, objections and complaints.
 23. To comply with the decisions of the Palestinian judiciary in relation to the electoral campaign.
 24. To abide by the official and final results of the elections which are issued forth by the Central Elections Commission and/or the competent court.
 25. To establish a national committee to follow up on the compliance with the provisions of the Charter as well as to raise public awareness thereon.
- As a commitment by us to adhere to the provisions of this Charter, we hereby sign it. May God grant us success.
- The national and Islamic forces and factions taking part in the legislative electoral process:
- The Fatah Movement; Islamic Resistance Movement (Hamas); Popular Front for the Liberation of Palestine (PFLP); Democratic Front of the Liberation of Palestine; People's Party; Palestinian Democratic Union (FIDA); Palestinian Front of Popular Struggle; Palestinian Liberation Front; Arab Liberation Front; Arab Palestinian Front; Popular Front – General Command; As Sa'iqa Organisation; and Palestinian National Initiative.

The Palestinian Cairo Declaration (2005)

Cairo, 17 March 2005

Under the auspices of, and in acceptance to the Arab Republic of Egypt kind invitation, the Palestinian Dialogue Conference was held in Cairo between the 15 and 17 March 2005 with the participation of the Palestinian President Mahmoud Abbas and the attendance of 13 factions.

1. The participants confirmed their adherence to the Palestinian principles, without any neglect, the right of the Palestinian people to resist in order to end the occupation, the establishment of the Palestinian state with full sovereignty and Jerusalem as its capital, and guarantee of the right of return of refugees to their homes and property.
2. The participants agreed on a program for the year 2005, based on the continuation of the atmosphere of calm, in return for Israel's adherence to ceasing all forms of aggression against our land and Palestinian people, where ever it occurs, as well as the release of all prisoners and detainees.
3. The participants confirmed that the continuation of settlement, the construction of the wall, and the Judaization of East Jerusalem are explosive issues.
4. The participants discussed the internal Palestinian situation. They agreed on the necessity of completing comprehensive reform in all areas, supporting the democratic process in its various aspects, and of holding the local and legislative elections at their determined time according to an election law to be agreed upon. The conference recommends to the Legislative Council to adopt steps to amend the legislative elections law, relying on an equal division (of seats) in a mixed system. It also recommends that the law for elections of local councils be amended based on proportional representation.
5. The participants agreed to develop and reactivate the Palestine Liberation Organization on agreed upon bases in order to include all the Palestinian forces and factions, since the PLO is the sole legitimate representative of the Palestinian people. Therefore, it has been agreed upon to form a committee to define these bases, and a committee will be formed consist of the president of the National Council, the members of the Executive Committee of the Palestine Liberation Organization, the general-secretaries of all Palestinian factions, and independent prominent national figures. The president of the executive committee will convene these meetings.
6. The participants agreed unanimously that the dialogue is the sole means of interaction between all the factions, as a support to national unity and the unity of the Palestinian ranks. It is prohibited to use weapons in internal disputes, the rights of the Palestinian citizens shall be respected and not be violated. The continuation of the dialogue through the coming period is a basic necessity toward unifying our speech and preserving Palestinian rights.

The National Conciliation Document of the Prisoners (2006)

28 June 2006

In the Name of God, the Most Gracious, the Most Merciful.

"Abide by the decree of God and never disperse."

Introduction

Based on the high sense of historical national responsibility and in the light of the dangers facing our people, and based on the principle saying that rights do not fall out of prescription, and on the basis of the non-recognition of the legitimacy of occupation, and for the sake of reinforcing the internal Palestinian front and maintain and protect the national unity and the unity of our people in the homeland and in the Diaspora, and in order to confront the Israeli scheme that aims to impose the Israeli solution and to blow up the dream and right of our people in establishing its independent state with full sovereignty - this scheme that the Israeli government intends to execute in the next phase based on achieving the apartheid wall and the judaisation of Jerusalem and expansion of the Israeli settlements and the seizure of the Jordan Valley and the annexation of large areas from the West Bank and blocking the path in front of our people in exercising their right in return.

In view of safeguarding the accomplishments of our people throughout its long struggle and out of loyalty to our martyrs, prisoners and our injured, and given that we are still in the a phase of liberation, this necessitates that we formulate a combative political strategy in line with this objective. Therefore, with the goal of making our comprehensive national dialogue a success, based on the Cairo Declaration and coupled with the urgent need for unity and solidarity, we put forth this document (the National Conciliation Document) to our great, steadfast and zealous

people, to President Mahmoud Abbas (Abu Mazen), the PLO leadership, Prime Minister Ismail Hanieh, the Council of Ministers, the Speaker and Members of the Palestinian National Council, the Speaker and Members of the Palestinian Legislative Council, to all Palestinian forces and factions, all nongovernmental and popular organisations and institutions and to the popular leadership of the Palestinians in the homeland and in the Diaspora.

This document is being put forth as a complete package and the introduction is part of it:

1. The Palestinian people in the homeland and in the Diaspora seek and struggle to liberate their land and remove the settlements and evacuate the settlers and remove the apartheid and annexation and separation wall and to achieve their right to freedom, return and independence and to exercise their right to self-determination, including the right to establish their independent state with Jerusalem (al-Quds al-Shareef) as its capital on all territories occupied in 1967, and to secure the right of return for refugees to their homes and properties from which they were evicted and to compensate them and to liberate all prisoners and detainees without any discrimination and all of this is based on the historical right of our people on the land of our forefathers and based on the UN Charter and international law and legitimacy in a way that does not affect the rights of our people.
2. To speed up efforts to achieve that which was agreed on in Cairo in March 2005 pertaining to the development and reactivation of the PLO and the participation of all forces and factions to it according to democratic principles that reinforce the status of the PLO as the sole legitimate representative of the Palestinian people wherever they are in a manner that

meets with the changes on the Palestinian arena and in a manner that consolidates the authority of the PLO to assume its responsibilities in leading our people in the homeland and the Diaspora. The PLO should also be the body that mobilizes the people in defending their national, political and humanitarian rights in the various forums and circles and in the international and regional arenas. Furthermore, our national interest stipulates the formation of a new Palestinian National Council before the end of 2006 in a manner that secures the representation of all Palestinian national and Islamic forces, factions and parties and all sectors of our people through elections, where possible, according to proportional representation, and through agreement where it is not possible to hold elections according to mechanisms set up by the Higher Committee resulting from the Cairo Dialogue. The PLO therefore, will remain a broad front and framework and a comprehensive national coalition and the higher political reference for all the Palestinians in the homeland and in the Diaspora.

3. The right of the Palestinian people to resist and to uphold the option of resistance of occupation by various means and focusing resistance in territories occupied in 1967 in tandem with political action, negotiations and diplomacy whereby there is broad participation from all sectors in the popular resistance.
4. To formulate a Palestinian plan aimed at comprehensive political action; to unify Palestinian political discourse on the basis of the Palestinian national goals as mentioned in this document and according to Arab legitimacy and international legitimacy resolutions that grant justice to the Palestinian people maintaining their rights and constants to be implemented by the PLO leadership and its institutions, and the PNA represented in president and government, the national and Islamic factions, the civil society organisations and public figures. This is aimed at mobilizing Arab, Islamic and international political, financial, economic and humanitarian support and solidarity with our people and the PNA and to gain support for the right of our people to self-determination, freedom, return and independence; furthermore, it is

aimed at confronting Israel's plan to impose any unilateral solution on our people and to confront the oppressive siege.

5. To protect and support the PNA since it is the nucleus of the future state and was born of the struggle and sacrifices of the Palestinian people; to stress that higher national interests call for respecting the "Basic Law" of the PNA and the effective laws and for respecting the responsibilities and authorities of the president elected according to the will of the Palestinian people through free, honest and democratic elections. It also calls for respecting the responsibilities and authorities of the government granted by a vote of confidence from the PLC which came through free and honest and democratic elections and stress on the importance and need for creative cooperation between the presidency and the government; there should be joint action and regular meetings between them to achieve and reinforce cooperation and integration according to the provisions of the Basic Law and the higher national interests and for the need for comprehensive reforms in PNA institutions, especially the Judiciary whereby the judiciary authority should be respected at all levels, its rulings implemented reinforce the rule of the law.
6. To work on forming a National Unity Government that secures the participation of parliamentary blocs and political forces interested in participating on the basis of this document and the joint program to upgrade the Palestinian situation at the local, Arab, regional and international levels. Their goal is also to implement the reform program and develop the national economy and encourage investment and fight poverty and unemployment and provide best possible care for the sectors that carried the burden of steadfastness, resistance and the Intifada and who were the victims of the Israeli aggression. In particular, this refers to the families of martyrs, prisoners and injured and the owners of demolished homes and properties, destroyed by the occupation, and the unemployed and graduates.
7. The administration of the negotiations falls within the jurisdiction of the PLO and the

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- President of the PNA, which will be on the basis of adhering to Palestinian national goals as mentioned in this document on condition that any agreement must be presented to the new PNC for ratification or a general referendum to be held in the homeland and the Diaspora according to a law setting the bases for its conduct.
8. The liberation of the prisoners and detainees is a sacred national duty that must be assumed by all Palestinian national and Islamic forces and factions, the PLO and the PNA represented by President and Government, the PLC and all forces of the resistance.
 9. Stressing on the need to double our efforts to support and care for the refugees and defend their rights and work on holding a popular conference representing the refugees that would create commissions to carry out duties towards the refugees and to stress on the right of return; the international community should also be pressured to implement Resolution 194 which stipulates the right of refugees to return and to be compensated.
 10. To work on forming a unified resistance front called the "Palestinian Resistance Front" to lead and engage in resistance against the occupation and to unify and coordinate resistance action and work on defining a unified political reference for the front.
 11. To cling to the principles of democracy and to hold regular, general, free and honest democratic elections according to the law for the Presidency, the PLC and the local and municipal councils and trade unions and federations and to respect the principle of a peaceful and smooth transfer of authority and to stress on the principle of separation of authorities. The Palestinian democratic experience should be protected and any democratic choice and its results respected; furthermore, there should be respect for the rule of law, public and fundamental freedoms, freedom of the press and equality among the citizens in rights and duties without discrimination; the achievements of women should be respected and further developed and promoted.
 12. To reject and denounce the oppressive siege on the Palestinian people being led by the US and Israel and to call on the Arabs at the popular and official levels to support the Palestinian people, the PLO and the PNA and to call on the Arab governments to implement the political, financial, economic, and media decisions of the Arab summits that support the Palestinian people and their national cause; to stress that the PNA is committed to the Arab consensus and to joint Arab action that supports our just cause and the higher Arab interests.
 13. To call on the Palestinian people to strive for unity and solidarity, to unify their ranks and to support the PLO and PNA represented in President and Government; to endorse the peoples steadfastness and resistance in the face of Israeli aggression and siege and to reject any interference in internal Palestinian affairs.
 14. To denounce all forms of division that could lead to internal strife; to condemn the use of weapons in settling internal disputes and to ban the use of weapons among the people; to stress on the sanctity of Palestinian blood and to adhere to dialogue as the sole means of resolving disagreements. There should be freedom of expression through the media, which also applies to any party in opposition to the authority and its decisions in accordance with the law; adherence to the right to peaceful protest and to organize marches, demonstrations and sit-ins on condition that they be peaceful and unarmed and do not attack the property of citizens or public property.
 15. The national interest necessitates the need to find the best means of allowing our people and their political forces in the Gaza Strip to participate in the battle for freedom, return and independence while bearing in mind the new situation in the Gaza strip as true elevation and power for the steadfastness of our people and on the base of using the struggle methods of resisting the occupation while taking into consideration the higher interests of our people.
 16. The need to reform and develop the Palestinian security system in all its branches in a modern manner that allows them to assume their responsibilities in defending

Towards Palestinian National Reconciliation

the homeland and people and in confronting the aggression and the occupation; their duties also include maintaining security and public order, enforcing laws, ending the state of security chaos and lawlessness, ending the public show of arms and parades and confiscating any weapons that harm the resistance and distort its image or those that threaten the unity of Palestinian society; there is also a need to coordinate and organize the relationship between the security forces and the resistance and organize and protect their weapons.

17. To call on the PLC to continue issuing laws that regulate the work of the security apparatus in its various branches and to work towards issuing a law that bans the exercise of political and partisan action by members of the security services whereby they are required to abide by the elected political reference as defined by law.
18. To work on expanding the role and presence of international solidarity committees and peace-loving groups that support our people in their just struggle against the occupation,

settlements and the apartheid wall both politically and locally; to work towards the implementation of the International Court of Justice ruling at The Hague pertaining to the dismantlement of the wall and settlements and their illegitimate presence.

This document was issued by:

Palestine National Liberation Movement (Fatah):
Marwan al-Barghouthi, Member of the PLC

Islamic Resistance Movement (Hamas):
Sheikh Abdelkhalek al-Natsheh

Islamic Jihad Movement:
Sheikh Bassam Sa'adi

Popular Front for the Liberation of Palestine (PFLP):
Abdelrahim Mallouh

Democratic Front for the Liberation of Palestine (DFLP):
Mustafa Badarneh

N.B: The Islamic Jihad Movement put reservations on the article that relates to negotiation.

The Mecca Agreement (2007)

Mecca, 8 February 2008

In the Name of God, the Most Gracious, the Most Merciful.

"Glorified be He Who carried His servant by night from the Inviolable Place of Worship to the Far Distant place of worship the neighbourhood whereof We have blessed."

Based on the generous initiative announced by the Custodian of the Holy Shrines, King Abdullah Bin Abdul Aziz, King of the Kingdom of Saudi Arabia, and under generous auspices of His Majesty, dialogues on national reconciliation and an agreement took place in the Holy City of Mecca between the Fatah and Hamas movements over the period of 19 – 21 Muharram 1428 AH, corresponding to 6 – 8 February 2007 AD.

Thanks to God, these dialogues have been crowned with success. An agreement was made on the following:

First:

To stress on banning the shedding of the Palestinian blood and to take all measures and arrangements to prevent the shedding of the Palestinian blood and to stress on the importance of national unity as the basis for national steadfastness and confronting the occupation and to achieve the legitimate national goals of the Palestinian people and adopt the language of dialogue as the sole basis for solving the political disputes on the Palestinian arena.

Within this context, we extend our sincere gratitude to the brothers in Egypt and the Egyptian security delegation in Gaza who exerted tremendous efforts to calm the conditions in Gaza Strip over the past period.

Second:

To agree – in a final manner – to form a Palestinian national unity government according to a detailed agreement ratified by both sides and to start on an urgent basis to take the constitutional measures to form this government.

Third:

To move ahead in measures to activate and reform the Palestine Liberation Organisation and accelerate the work of the preparatory committee based on the Cairo and Damascus Understandings.

It also has been agreed on detailed steps between both sides on this issue.

Fourth:

To stress on the principle of political partnership on the basis of the effective laws in the Palestinian National Authority and on the basis of political pluralism according to an agreement ratified between both parties.

While announcing this Agreement to our Palestinian public and to the Arab and Islamic nation and to all our friends in the world, we confirm our commitment to this Agreement in text and spirit so that we can devote our time to achieve our national goals and get rid of the occupation and regain our rights and devote work to the main files, first and foremost of which are Jerusalem, the refugees, the Al Aqsa Mosque, the prisoners and detainees and to confront the Wall and settlements.

May God be our guide.

Mecca on 21 Muharram 1428 AH, corresponding to 8 February 2007 AD.

Signatories

Under auspices of the Custodian of the Holy
Shrines, King Abdullah Bin Abdul Aziz

Hamas Movement

Fatah Movement

Member States

Kingdom of Saudi Arabia

Palestine

The Palestinian Unity Government Programme (2007)

Gaza, 17 March 2007

In the Name of God, the Most Gracious, the Most Merciful.

“And hold fast, all of you together, to the Rope of Allah (i.e. this Qur’an), and be not divided among yourselves, and remember Allah’s Favour on you, for you were enemies one to another but He joined your hearts together, so that, by His Grace, you became brethren (in Islamic Faith).”

Praise be to God, a praise that shall befit the Majesty of His Face, the Greatness of His Power, and the Vastness of His Mercy and Generosity. And prayers and peace be upon the Master of Men, Imam of the Right Path, the Master of ancestors and descendants, and Leader of the Righteous. Prayers and peace be on his Family, Companions, and those who follow his Right Guidance until the Day of Judgement.

Brother Dr. Ahmed Bahar, Acting Speaker of the Legislative Council;

Ladies and Gentlemen, Members of the Legislative Council;

Ambassadors, Consuls, and Representatives of States and International Organisations;

Representatives of the National and Islamic Factions;

Dear Attendants,

Peace be upon you. I welcome you all on this great day. I also welcome Mr. Alvaro De Soto, representative of the United Nations Secretary General in the Middle East and the accompanying delegation.

I hoped that this Council convene with a complete plenary session, on top of which is brother Dr. Aziz Dweik, Speaker of the Legislative Council,

and that this meeting be in Jerusalem. However, the occupation has prevented this. It still insists to continue to detain members of the Legislative Council and Ministers. It has also gone to extremes in fragmenting the homeland, Judaizing Jerusalem, isolating it from its surrounding areas, and continuing incursions. The incursion into Nablus, which the occupation carried out on the eve of the announcement of this Government, is but a promotion of the persecution it exercises against our people.

The detention of the Speaker of the Legislative Council, as well as his brothers the members of the Legislative Council, Ministers, and heads of local councils, is a definitive proof of the cruelty and tyranny of the occupation, the policy of collective punishment, and tyrant siege, to which our people and their government and Legislative Council were subjected over the past year due to the democratic choice which we have adopted in our political life, because of our commitment to the Palestinian rights and constant principles, and because we have rejected to submit any relinquishments under the pressure of the siege and ferocity of the aggression. We have made every effort we can to release our brothers the Ministers and members of the Legislative Council. However, I hereby confirm to the respectable brother Dr. Aziz Dweik and his brothers the members of the Legislative Council and Ministers, to the leading prisoners, and to the thousands of heroic detainees who are held behind the bars of the occupation and in solitary confinement cells that you are on our top priorities and we will not tranquil unless you are released. I pray to God that a relief be soon.

It is my pleasure to extend congratulation to the brothers who signed the Prisoners’ Document, which laid the foundation of the National Conciliation Document: Marwan al Barghouthi,

Abdul Khaleq an Natsheh, Abdul Raheem Mallouh, and Bassam as Sa'di.

Today, we stand with all pride, glory and gratitude before the thousands of martyrs who have watered this blessed land with their blood and paved for us the path to freedom, independence and dignity. Here, I hereby make a distinguished mention of the senior martyrs the late President Yasser Arafat, the Imam Sheikh Ahmed Yaseen, Dr. Fat'hi ash Shiqaqi, Abu Ali Mustafa, Omar al Qasem, Abu Jihad, Dr. Abdul Aziz ar Rantisi, Abu al Abbas, as well as the extended caravan of the sainted martyrs, thanks to their Jihad and accordance – following the favour of God – we have reached our present status.

We also recall our heroic wounded citizens, who have drawn the map of Palestine with their pure blood. We recollect our refugees, who stand at the gate of the homeland in Jordan, Syria and Lebanon, waiting for the hour when they will return to their houses from which they were displaced due to tyranny and aggression. Palestine has not been absent from the eyes of these people, who have lived in pain in the exile and in the Diaspora. Their successive generations have not forgotten the right to return. In this context, I make a special mention of our people in Iraq and appeal to the Iraqi leadership and religious authorities and all concerned parties to intervene and protect our people and cease their being targeted and intimidated. I hereby stand with all pride and glory in front of our people in the 1948 territory and express high appreciation of their role in the protection of the holy shrines and the defence of the Blessed Al Aqsa Mosque.

Ladies and Gentlemen,

Having been displaced from the land of their forefathers, the Palestinian people have lived for about 60 years under severe dispersion, deprivation and displacement. Due to the occupation, the Palestinian people have suffered from all forms of torture, oppression and aggression. Nonetheless, our people have marked a longstanding procession marked by struggle, resistance, steadfastness and resilience, during which they have offered thousands of martyrs, injured citizens and prisoners. Our people have also illustrated the most wonderful examples of sacrifice, accordance and adherence to rights and constant principles, as well as in seeking

their national unity, of which the National Unity Government is a significant expression.

The National Unity Government has been born in the aftermath of strenuous efforts exerted by the faithful and diligent sons of the Homeland, who have worked day and night to reach conciliatory visions as well as common grounds that would unite the Palestinian entirety under one canopy.

This Government is the fruit of the positive spirit and mutual trust that has led to the resolution of all issues in various areas. In addition to the cessation of infighting between brothers, this Government is one of the most prominent conclusions of the Mecca Agreement, which was devised under auspices of the Custodian of the Holy Shrines, King Abdullah Bin Abdul 'Aziz, as well as with a remarkable national devotion by Mr. President Abu Mazen, brothers in the leadership of the Fatah Movement, and by brother Khaled Mash'al and his brothers in the leadership of the Hamas Movement. All have articulated the responsibility of the leadership in this critical stage. In the Holy City of Mecca, they have agreed to inaugurate a new phase of the life of our Palestinian people and to turn over a painful page in our life. Brother President Abu Mazen has reflected a high degree of observance to protect the Mecca Agreement, worked towards convincing all parties of the necessity to respect it and deal with the Palestinian people on its basis. He also exerted constructive efforts during the stage of consultations in the course of forming this Government. I beseech God that this brotherly environment and this constructive cooperation go on. Furthermore, the National Unity Government embodies a long series of Palestinian dialogues, in which the Arab Republic of Egypt has played the most prominent role as to sponsor and follow up on them. In March 2005, the Palestinian factions signed the first comprehensive Palestinian agreement in Cairo. The National Unity Government is also a fruit of appreciated efforts exerted by several sisterly Arab States and Arab and Islamic organisations.

In reference of the rights and constant principles of our people, in compliance with the National Conciliation Document, in light of the Address of Assignment, and based on the fact that we are still in the process of liberation and building, the Platform of the National Unity Government is based on the following:

Reference Texts

First: On the Political Level

1. The Government confirms that the key to security and stability in the region will depend on the termination of the Israeli occupation of the Palestinian territory and recognition of the Palestinian people's right to self-determination. The Government will work with the Arab brothers and international community to bring an end to the occupation, restore the legitimate rights of our people – first and foremost of which is the establishment of the independent Palestinian State of full sovereignty over all the territories occupied in 1967 and with Jerusalem as its capital. Thereby, we can build a solid and coherent ground for peace, security and prosperity in all parts of the region and for successive generations.
2. The Government will be committed to the protection of the supreme interests of the Palestinian people, maintenance and development of their gains, and working towards the achievement of their national goals as approved by Resolutions of the National Councils, articles of the Basic Law, National Conciliation Document, and Resolutions of the Arab Summit Conferences. Accordingly, the Government will respect the resolutions of the international legitimacy as well as the agreements which the Palestine Liberation Organisation signed.
3. The Government will exert special efforts in order to encourage all Palestinian parties to expedite to implement the provisions of the Cairo Agreement in respect of the Palestine Liberation Organisation.
4. The Government will adhere to rejecting the so-called 'state with temporary borders' as devised by the American and Israeli project.
5. [The Government] confirms and clings to the right to return as well as calls upon the international community to implement the provisions of Resolution 194 in relation to the Palestinian refugees' right to return to their land and properties, from which they were displaced, as well as to make reparations for them.
6. The Government will be committed to relentlessly work to release the heroic female and male prisoners from the prisons of the

Israeli occupation, as well as to release the abducted members of the Legislative Council, Ministers, and members of local councils.

7. The Government pledges to confront measures of the occupation, including assassinations, arrests, incursions, and military checkpoints, as well as to address the issue of crossing points, siege and closure.
8. To consolidate the relation with sisterly Arab and Islamic States and with friendly States and powers that love freedom and justice, as well as to be open towards and cooperate with the regional and international vicinity on the basis of mutual respect.

Second: Jerusalem

1. In coordination with the Executive Committee of the Palestine Liberation Organisation, a higher committee on the affairs of Jerusalem will be established in order to follow up on the issues of steadfastness in the city of Jerusalem. Within the Public Budget, a clear budget item will also be allocated by the Government for Jerusalem.
2. To confront the Israeli policies targeting Jerusalem, including its land, people and holy sites; to work towards making available adequate resources in the Budget so as to support the steadfastness of our fellow citizens in Jerusalem; to expose the occupation's practices in regard of the holy city and in the Blessed Al Aqsa Mosque; to promote the issue of Jerusalem in all regional and international arenas; and to call upon the Arab and Islamic nation to bear the responsibility for protecting Jerusalem and supporting its residents politically and in the media.

Third: On the Level of the Confrontation with the Occupation

1. The Government affirms that the resistance of all forms, including public, popular resistance against the occupation, is a legitimate right of the Palestinian people; it is safeguarded by all international customs and conventions. Our people shall be entitled to self-defence against the ongoing Israeli aggression.
2. The Government will work – through the national conciliation – to hold and expand the period of calm [tahdi'a] so that it becomes

a comprehensive, reciprocal and synchronous calm in consideration of a commitment by the Israeli occupation to cease its measures on the ground, including assassinations, arrests, incursions, house demolitions, land levelling and confiscation, cessation of excavations in Jerusalem, removal of checkpoints, reopening of crossing points, and lifting off restrictions on movement, and development of mechanisms as well as a definite schedule for the release of prisoners.

3. With respect to the provisions under the National Conciliation Document, the Government affirms that the administration of negotiations shall be a capacity of the Palestine Liberation Organisation and the President of the Palestinian National Authority on the basis of the adherence to and achievement of the Palestinian national goals as well as on the grounds of protecting the Palestinian rights and constant principles, and provided that any political achievement that is accomplished be presented to the new Palestinian National Council for approval and endorsement or a public referendum to involve the Palestinian people inside and outside be conducted by a law that will regulate it.
4. The Government will work towards, and will encourage the relevant parties to, expedite and terminate the issue of the imprisoned Israeli soldier within a framework of an honourable transaction of an exchange of prisoners and return of the deported citizens.
5. The Government affirms that the achievement of peace and stability in the region is contingent upon the termination of the occupation; restoration by our people of their national rights; removal of the apartheid Wall and settlements; cessation of the Judaizing of Jerusalem, the policy of annexation and all forms of racial discrimination; and restoration of rights to their entitled persons.

Fourth: On the Security Level

The National Unity Government recognises the difficulty of the internal security situations. It also deems that the most important of its priorities in the upcoming stage will be to control the prevalent security situation. This, however, will

require a full cooperation between the President's Office and the Government. In order to achieve this, the Government will adopt the following:

1. To call for and work towards the re-formation of a Higher National Security Council insomuch as it will be the authority of all security agencies as well as the regulatory framework of their operation and definition of their policies.
2. To structure and build the security agencies on professional grounds; work towards providing their needs; implement a comprehensive reform that removes the partisan and factional capacity therefrom; distance them from political disputes and conflicts; consolidate their allegiance to the homeland firstly and lastly as well as their abidance by the implementation of decisions made by their political leaderships; and to observe that the personnel of the security establishment adhere to the tasks assigned to them.
3. To abide by the enforcement of the laws which regulate the work in the security apparatuses, and which are approved by the Legislative Council.
4. To devise and implement an inclusive security plan with a view of obliteration of all phenomena of security chaos and instability and encroachments; protection of lives, honours, and public and private funds and properties; control of arms; provision of security to citizens; working towards extermination of grievances through the rule of law; and supporting of the Police so that they can carry out their duty in the most perfect manner regarding the execution of judicial decisions.

Fifth: On the Legal Level

1. The Government, and in full cooperation with the Judicial Authority, will work towards ensuring the reform, rejuvenation and protection of the Judicial Apparatus, including all of its institutions, in a manner that will render it capable of performing its duties within the framework of the promotion of justice; fighting of corruption; adherence to the independence of the judiciary; establishment of the rule of law as well as

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law enforcement in an integral, transparent and unbiased manner on everybody; and following up on the files of corruption and encroachment on the public finance.

2. The Government confirms its functioning in accordance with the Basic Law, which regulates the relation between the three authorities on the basis of the separation between them as well as respect of the powers bestowed upon each one of them in pursuance of the Basic Law.
3. The Government will help Mr. President in the performance of his tasks. It will also adhere to the cooperation and integration with the President's Office of the Authority in line with the Law as well as with the Legislative Council and the Judicial Authority in order to develop the Palestinian political system with a view of the consolidation of one, unified and strong National Authority.

Sixth: The Economic Situation

1. The Government will seek to bring an end to all forms of the tyrant siege that is imposed on our people.
 2. The Government calls for the reconsideration of the Paris Economic Protocol in a manner that will liberate the Palestinian economy from dependence.
 3. To give the priority to the promotion of the national economy; provide protection to the productive and service economic sectors; promote national exports along with maintaining the support of national products by all potential means; and develop the economic and commercial relations with the Arab and Islamic World as well as with the European Union and the rest of states in the world.
 4. To protect the consumer; promote the private sector; create the proper and suitable enabling environment for its activity; lay the sound foundations between the Government and establishments of the private sector; terminate monopoly; and define the manner of the disposition of available resources and just distribution. The Government will also create the appropriate environment as well as the atmosphere necessary for the protection and stability of the investment enterprises.
5. The Government will encourage economic development in a manner that is consistent with our values and customs and with the achievement of social justice, as well as in a form that serves development; protection of the private sector; promotion of investment; abatement of unemployment and poverty; consolidation of productive economic sectors; reconstruction of the infrastructure; and development of industrial zones as well as the sectors of housing and technology.
 6. To reconsider the investment-related laws and put an end to the activities of monopoly between the Executive Authority and private sector.
 7. To support the agricultural sector and raise the developmental budget designated thereto.
 8. To work towards a regular disbursement of salaries for employees in the public sector and to adhere to the tabulation and payment of salary arrears as well as the arrears due to the private sector.
 9. To pay attention to the sector of workers, farmers and fishermen and to work towards the alleviation of their suffering through support and special projects.

Seventh: In the Field of Reform

1. The Government will adopt the project of administrative and financial reform. It will also cooperate with the Legislative Council so as to promulgate the laws which will promote reform and fight corruption.
2. To develop operation structures and techniques throughout the governmental institutions in order to ensure their effective and smooth operation as well as their compliance with the law.
3. To devise a plan for the rationalisation of governmental expenditure in all areas.
4. To fight corruption; consolidate the values of integrity and transparency; prevent the exploitation of the public finance; and draft a Palestinian societal strategy for administrative development.

Eighth: On the Level of Consolidating the Palestinian Value System

1. The Government will be committed to consolidating the national unity; protecting civil peace; promoting the values of mutual respect; adopting the language of dialogue; fostering the culture of tolerance; protecting the Palestinian blood; and prohibiting internal fighting.
2. The Government affirms the unity of the Palestinian people inside and outside.
3. The Government will work towards the advancing and consolidating of the national conciliation and internal stability and will address the consequences of the sorrowful events with the suitable mechanisms, along with the Government's commitment to the principle of the rule of law and the provision of protection to the citizen and public and private properties with all relevant consequent commitments. I also call upon our brothers in the families of martyrs who have fell during the regrettable events for more patience and anticipation of God's reward and I confirm to them that we stand by them and by their grief and pain.
4. The Government will adhere to the promotion of the principle of citizenship through equality in rights and duties; equal opportunities; consolidation of social justice, particularly in the fields of employment and appointments in various ministries and institutions; non-discrimination in public rights between all citizens; and obliteration of all forms of favouritism in the civil and security recruitment.
5. The Government affirms its protection of political pluralism and will support the development of the electoral system; protect public freedoms; foster the values of democracy; protect human rights, bolster the principle of justice and equality; safeguard the freedom of the press and freedom of expression, the right to difference, and rights of Palestinian women; adhere to the peaceful succession of authority; and complete the elections of local councils as soon as possible.
6. The Government will adhere to the consolidation of political partnership and

will encourage all forces on the scene to commence a serious dialogue in order to bring it about.

7. To support the families of martyrs and prisoners; offer aid to them; maintain their decent and noble living; and provide the special requirements which they need.
8. The Government will be committed to providing decent living for the citizen; making available the requisites of life, social and health care, and high quality health; treating the phenomenon of poverty and unemployment through the provision of job opportunities, development projects, and social security programmes.
9. The Government will work towards the development the educational apparatus; upgrading the status of teachers; encouraging scientific research; and sustaining the impartial status of the educational apparatus. The Government will also support the creation and implementation of the National Fund for Higher Education.
10. To pay maximum attention to the youth and Palestinian sports movement; meet their needs; and work towards the expansion of the sports infrastructure, including expediting to completing the project of the Sports City and continuing external participations in a manner that will promote the status of Palestine in the Arab, regional and international sports assemblies.
11. The Government will observe the enforcement of the law concerning persons with special needs.
12. To protect the rights of women and allow room for them in the political participation, decision making and in contribution to the process of building throughout institutions and in all fields.
13. The Government will encourage and support civil society action as well as civil society organisations.

Ninth: International Relations

The Government affirms its pride of its Arab and Islamic depth as well as appreciates the Arab and Islamic political, economic and media support. The

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Government is further committed to reinvigorating its role in both the Arab League of Nations and the Islamic Conference Organisation. We also look forward that the Arab Summit Conference, which will convene in Riyadh at the end of this month, make decisions that terminate the siege and support as well as protect the Mecca Agreement. Additionally, the Government is proud of the various international bondages, which have been consolidated through the international support of our people and their legitimate rights. The Government will also work towards building sound and solid relations with various countries in the world as well as with international organisations, including the United Nations, Security Council, and regional and international institutions in a manner that helps our people attain their freedom and independence as well as contributes to fostering global peace and stability.

The Government affirms its adherence to the civil heritage that is grounded on tolerance, coexistence and dialogue between civilisations, as well as its respect of the International Law and International Humanitarian Law in conformity with our genuine values, customs, and traditions.

The European Union has offered much assistance to our Palestinian people, supported their right to freedom and independence, and adopted serious positions as to address criticisms to the policies of the occupation. This has also been adopted by Russia, China and Japan in their foreign policy towards the question of Palestine.

To this avail, the Government will be committed to building a solid relation with the European Union and with the Federation of Russia, Popular Republic of China, Japan, India, and countries throughout Latin America. We anticipate that they also take practical measures for lifting the siege imposed on our people and place pressure on the occupying authorities to bring an end to the siege, respect human rights prescribed by international conventions, withdraw the occupation from our occupied territory, and cease recurrent, aggressive practices against our people. Moreover, the Government will be committed to developing the relation with permanent members at the Security Council.

Also, the Government calls upon the United States Administration to the necessity of reconsidering its positions towards the question of Palestine;

to the necessity of respecting the choice of the Palestinian people which is embodied by the National Unity Government; and to stop the policy of double standards. The Government also looks forward for good relations between the Palestinian and American peoples.

Ladies and Gentlemen,

It is my pleasure to extend sincere and unfathomed gratitude to the Custodian of the Holy Shrines, King Abdullah Bin Abdul Aziz, King of the Kingdom of Saudi Arabia, for his blessed efforts in the reunion of the Palestinian people, which have culminated in the conclusion of the Mecca Agreement, under which we shade ourselves in this stage. Thanks are also due to the Saudi leadership and people for their hospitality, generosity and care.

We also present our sincere gratitude and appreciation to Egypt, which has stood beside our people during times of ordeal and made a tremendous effort through the Egyptian delegation that is staying in the Gaza Strip to save the Palestinian blood, establish bonds of unity, and bring close points of view about the issues of dispute.

Furthermore, we express our thanks and appreciation to Syria, which embraced several Palestinian dialogues, including the latest Damascus Dialogue which has paved the way to the Mecca Agreement. In addition, we submit our great thanks to the State of Qatar that has expressed the authentic Arab attitudes in standing by our people during their distress under the siege as well as in its adherence to the Palestinian unity and cohesion; to Jordan that has been attending to the Palestinian movement, both politically and internally, and expressing willingness to host Palestinian meetings; and to Sudan that has made blessed efforts to support the Palestinian people and took action from its position as the Head of the Arab Summit Conference in supporting the Palestinian people. Gratitude and appreciation are also due to Yemen, States of the Arab Maghreb, and States of the Gulf Cooperation Council. We also thank the Islamic Republic of Iran that has alleviated the suffering of our people through its support and corroboration. Gratitude and appreciation are as well extended to the Arab League of Nations and to the Islamic Conference Organisation. Furthermore, we thank

all the friendly states that have announced their positions and welcomed the formation of the Government of National Unity as well as expressed their readiness to work towards the termination of the siege imposed on our people.

We also express our great gratitude to the Follow-up Committee, factions, and personalities inside and outside Palestine, who have attended to all internal dialogues and taken action in all stations in order that we arrive at this marked national moment.

Ladies and Gentlemen,

The challenges ahead of us are multifarious; those waiting our people and our new experience to fail are many; our path is still long; our battle is fierce; and our road is not paved with flowers. Great expectations are pinned on us; our people are anticipating and waiting; the nation's eyes are directed towards us; and everybody is waiting

for what the National Unity Government will offer. Will it be at the level of challenges? We are determined to make achievements for our people. Even more, we are optimistic and trustful of God, first and foremost, and of our people and nation. We will go on in the path of pride and dignity until the accomplishment of victory, freedom, return, and independence. By God's will, the occupation and siege will vanish.

Presenting to your Esteemed Council the members of my Government for confidence and welcoming all Ministers who will comprise this Government, I extend great appreciation and gratitude to the Ministers of the Tenth Government, with whom I had the honour to work under the hardest conditions; they shouldered hardships, expressed genuine positions, stood steady in the face of whirlwinds, safeguarded trust, and kept the legacy of martyrs, injured citizens, prisoners, and their families and relatives. May God reward them the best on behalf of our people.

The National Unity Government:

1.	Prime Minister	Mr. Isma'il Abdul Salam Ahmed Hniya
2.	Deputy Prime Minister and Minister of State	Mr. Azzam Najeeb Mustafa al Ahmed
3.	Minister of Finance	Dr. Salam Khaled Abdullah Fayyadh
4.	Minister of Foreign Affairs	Dr. Ziyad Mohammed Hussein Abu Amr
5.	Minister of Interior	Mr. Hani Talab Abdul Rahman al Qawasmi
6.	Minister of Transportation	Dr. Sa'di Mahmoud Suleiman al Kranz
7.	Minister of Prisoners' Affairs	Advocate Suleiman Mahmoud Mousa Abu Sneineh
8.	Minister of Education and Higher Education	Dr. Nasser ad Din Mohammed Ahmed ash Sha'er
9.	Minister of Planning	Dr. Sameer Abdullah Saleh Abu Eisheh
10.	Minister of Agriculture	Dr. Mohammed Ramadhan Mohammed al Agha
11.	Minister of Local Government	Engineer Mohammed Ibrahim Mousa al Barghouthi
12.	Minister of Youth and Sports	Dr. Basem Na'im Mohammed Na'im
13.	Minister of Economy	Engineer Ziyad Shukri Abed Rabbu ath Thatha
14.	Minister of Information	Dr. Mustafa Kamel Mustafa al Barghouthi
15.	Minister of Justice	Dr. Ali Mohammed Ali Musleh (Sartawi)
16.	Minister of Social Affairs	Mr. Saleh Mohammed Saleem Zidan
17.	Minister of Culture	Mr. Bassam Ahmed Omar as Salhi
18.	Minister of Labour	Mr. Mahmoud Uthman Ragheb al Aloul
19.	Minister of Telecommunications and Information Technology	Dr. Yousef Mahmoud Hamed al Mansi

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20.	Minister of Public Works and Housing	Dr. Sameeh Hussein Abed Karakrah
21.	Minister of Tourism	Dr. Khuloud Francis Khalil Du'eibis
22.	Minister of Women's Affairs	Mrs. Amal Mohammed ash Sheikh Mahmoud Siyam
23.	Minister of Health	Dr. Radhwan Sa'id Suleiman al Akhras
24.	Minister of Religious Endowments and Affairs	Dr. Hussein Mutawe' Hussein at Tartouri
25.	Minister of State	Engineer Wassfi Izzat Hasan Qabaha

Thanking you for your efforts and appreciating the trust of our people in you, I do hope that my Government gain your precious confidence.

Peace be upon you.

Your brother Isma'il Abdul Salam Haniya

The Prime Minister-Designate

Gaza – Palestine

Written on Saturday, 27 Safar al Khair 1428 AH,
corresponding to 17 March 2007 AD.

The Yemeni Initiative for Dialogue between Fatah and Hamas (2008)

22 March 2008

First:

To revert the situations in Gaza to the status quo ante prior to 13 June 2007; to adhere to what the Palestine Liberation Organisation has committed itself to; and to conduct early presidential and legislative elections.

Second:

To resume the dialogue on the basis of the Cairo Agreement of 2005 and the Mecca Agreement of 2007 on the grounds that the Palestinian people is one indivisible whole. The Palestinian Authority shall consist of the authority of the elected president, elected parliament, and the Executive Authority which will be represented by a national unity government. The Palestinian legitimacy, including all of its components, shall also be adhered to.

Third:

To confirm the respect of the Palestinian Constitution and Law and to abide thereby by everybody.

Fourth:

To rebuild the security agencies on national grounds, whereby they shall report to the Supreme

Authority and the National Unity Government. Not a faction shall bear a relation thereto.

Fifth:

To form a coalition national unity government, in which all factions will be represented in proportion with their weight in the Legislative Council. It shall be capable of exercising all of its responsibilities.

Sixth:

To establish through the Arab League of Nations a committee, which shall comprise respective States, such as Egypt, Saudi Arabia, Syria, and Jordan. Yemen expresses its readiness to take part in case it is thus requested and its mission shall be to execute the above.

Seventh:

The Palestinian institutions, including all of their components, shall operate without factional discrimination. They shall report to the Supreme Authority and to the National Unity Government.

May God be watchful of our intention.

Text of the Agreement between Fatah and Hamas

27 April 2011

Under the auspices of Egypt, delegations from the Fatah and Hamas movements met in Cairo on April 27, 2011 to discuss the issues concerning ending the political division and the achievement of national unity. On top of the issues were some reservations related to the Palestinian National Unity Accord made in 2009.

Both political parties mutually agreed that the basis of understanding made during the meeting are committing to both parties in the implementation of the Palestinian National Reconciliation Agreement. The basis of understanding agreed upon by Fatah and Hamas are as follows:

1. Elections

A. Election Committee:

Both Fatah and Hamas agree to identify the names of the members of the Central Election Commission in agreement with the Palestinian factions. This list will then be submitted to the Palestinian President who will issue a decree of the reformation of the committee.

B. Electoral Court:

Both Fatah and Hamas agree on the nomination of no more than twelve judges to be members of the Electoral Court. This list will then be submitted to the Palestinian President in order to take the necessary legal actions to form the Electoral Court in agreement with the Palestinian factions.

C. Timing of Elections:

The Legislative, Presidential, and the Palestinian National Council elections

will be conducted at the same time exactly one year after the signing of the Palestinian National Reconciliation Agreement.

2. Palestine Liberation Organization

The political parties of both Fatah and Hamas agree that the tasks and decisions of the provisional interim leadership cannot be hindered or obstructed, but in a manner that is not conflicting with the authorities of the Executive Committee of the Palestine Liberation Organization.

3. Security

It was emphasized that the formation of the Higher Security Committee which will be formed by a decree of the Palestinian President and will consist of professional officers in consensus.

4. Government

A. Formation of the Government:

Both Fatah and Hamas agree to form a Palestinian government and to appoint the Prime Minister and Ministers in consensus between them.

B. Functions of the Government:

1. Preparation of necessary condition for the conduction of Presidential, Legislative and the Palestinian National Council elections.
2. Supervising and addressing the prevalent issues regarding the internal Palestinian reconciliation resulting from the state of division.

Towards Palestinian National Reconciliation

3. Follow-up of the reconstruction operations in the Gaza Strip and the efforts to end the siege and blockade that is imposed on it.
4. Continuation of the implementation of the provisions of the Palestinian National Accord.
5. To resolve the civil and administrative problems that resulted from the division.
6. Unification of the Palestinian National Authority institutions

in the West Bank, Gaza Strip and Jerusalem.

7. To fix the status of the associations, Non-Governmental Organizations and charities.

5. Legislative Council:

Both Fatah and Hamas agree to reactivate the Palestinian Legislative Council in accordance to the Basic Law

Annex

Agreement on Calming the Situation in the Palestinian Street under Auspices of the Islamic Conference Organisation (2006)

Gaza, 19 December 2006

Palestinian National Authority

Prime Minister's Office

In the Name of God, the Most Gracious, the Most Merciful.

In the presence of Professor Akmal ad Din Ihsan Oglo, Mr. Mahmoud Abbas (Abu Mazen), President of the Palestinian National Authority, and Mr. Isma'il Haniyyeh, Chairman of the Palestinian Council of Ministers, have endorsed the agreement reached in the meeting between the Minister of Interior and security agencies under auspices of the Egyptian delegation. Held this evening of Tuesday, 19 December 2006, in Gaza city, the Agreement provides as follows:

1. Armed individuals will be withdrawn from the streets and all phenomena of armament and tension will be terminated.
2. The Ministry of Interior will bear full responsibility for preserving security in the Palestinian street.
3. The Executive Force will be redeployed to its previous positions.
4. All barriers set up in the course of the latest events will be removed.
5. Security agencies will refrain from intervening in any political disputes and will remain within the framework of implementing their assigned duties in line with the provisions of the Law.
6. The principle of the rule of law will be established and applied to all offenders and those who create sedition within the Palestinian society.
7. A joint operations room will be established. To follow up on the implementation of this Agreement, the operations room will entail representatives of the Palestinian National Security forces, Ministry of Interior, and General Intelligence agency.
8. An impartial fact-finding committee will be established to investigate the latest events that took place in the Palestinian territory as well as any other events which a party requests. This activity will be conducted under auspices of the Islamic Conference Organisation.
9. This Agreement shall enter into force at 12:00 pm on the 19 December 2006.

Vision of a Professional Palestinian Security Sector (Technical Team for Reform) (2007)

Political and security crises witnessed throughout the territory controlled by the Palestinian National Authority (PNA) over the past years have required the Palestinian leadership to take all necessary measures to protect the Palestinian territory and citizens. The Palestinian leadership also has to confront daily aggressions against Palestinian achievements and interests. Through the National Security Council (NSC), the Palestinian leadership should pledge to promote security agencies, support efforts made by security commanders and personnel, and build all capacities that enable Palestinian security forces to carry out their assigned national duties. As a priority, the NSC must re-establish components of the Palestinian security apparatus.

Recent events make the development of a national vision of the concept of security as well as the role of the security sector a necessity. Therefore, all stakeholders, including the Palestinian President's Office, the Government, the Palestinian Legislative Council (PLC), political parties, factions, civil society organisations and private sector representatives should take part in setting up such a vision in conformity with the spirit of the Mecca Agreement and other preceding agreements. The national vision should safeguard Palestinian civil life, particularly values and principles of the democratic political system.

The essence of such a vision should reflect the reality of the security apparatus. In fact, the security sector is the sole legitimate institution that is authorised to carry weapons. Security agencies also need to be well regulated: they must possess a strong doctrine and carry out their respective functions out of devotion. Furthermore, they must enjoy a most powerful internal cohesion as well as loyalty to their institution. These characteristics are indeed the backbone of the security sector. Since

the Palestinian security system now lacks such attributes, it has become lifeless. Inactive as it is, security personnel have also been transgressing elected political and legislative agencies.

Political agreements signed by the Palestine Liberation Organisation (PLO), combined with the national state of affairs and capacities, reiterate the need to form a national security strategy that serves the Palestinian national interest.

Such a vision must meet the security sector's needs in a balanced manner. It should neither jeopardise Palestinian national security requirements nor waste Palestinian primary resources and development components.

Against this background, it is clear that an effective and efficient professional security apparatus should be built. Such an apparatus should have a security doctrine, a security culture, human rights, and legislation, in addition to the right organisational structure, powers, and performance benchmarks for the security agencies.

The security sector should also be grounded on the following principles:

I. Impartiality:

1. Security commanders and personnel may not intervene in favour of a particular faction against another. The vision of a professional national security sector safeguards the principle of peaceful handover of power. It also represents a fundamental feature of the democratic political system.
2. Criteria of professionalism and competence should be in place to select security personnel. Selection may not be carried out on the basis of political, tribal or familial affiliation.

II. Professionalism

1. The security apparatus is bound by a civil vision, which is led by the political authority. In this context, security agencies implement instructions issued by the political leadership.
2. Security personnel must be loyal to the Palestinian Basic Law. They should also work towards establishing the rule of law.
3. The security apparatus may not exercise influence over the making of political decisions, unless it is requested to do so. While on duty, security commanders and personnel may not perform political or partisan activities.

III. Legislative and legal framework

1. Abidance by approved laws serves the desired national vision and helps enhance functions of various security agencies.
2. Pieces of legislation that regulate the functions of security agencies should be developed, including the Law on Service in the Palestinian Security Forces and the Law Concerning the General Intelligence.
3. Bylaws for each security agency should be enacted in reference of the respective laws.

IV. Administrative organisational structures

1. Organisational structures of security agencies need be set up anew. Agencies with similar duties should be merged. In addition, powers ascribed to security agencies should be defined in a specific and accurate manner.
2. Chain of orders (i.e. command and control) within the security sector must be defined and organised, thereby safeguarding the hierarchy of security command and control.

V. Security vision and doctrine

A clear and specific security vision, mission and doctrine need to be adopted, based on the following:

1. Operating on the basis of a defence strategy.
2. Safeguarding and protecting the Basic Law

(Palestinian Constitution) as well as Palestinian citizens' security and interests.

3. Responding to Palestinian citizens' needs within the limits of the security agencies' jurisdiction on both the individual and the collective levels.
4. Avoiding policies of alliances, affiliations or antinomies on the international and regional levels. Also, security agencies may not pose threats to others.

VI. Internal oversight

1. Security command and personnel should report to the political level.
2. Security agencies must submit periodic reports on their functions to the relevant oversight bodies.
3. A national mechanism should be developed to oversee the quality of functions and services rendered by the security sector.

VII. Accountability and transparency

1. Commanders of security agencies should be accountable to specialised committees at the PLC.
2. National bodies should carry out random and unexpected inspections of security agencies. Inspections aim to assess these agencies' commitment to protect individuals' rights as well as to human rights culture.

VIII. Security budget

1. A detailed and specific budget for the security sector should be approved. The budget should enable the development of a professional and effective security apparatus.
2. Under competent authorities' oversight and supervision, transactions related to expenses, purchases and tenders should be in line with transparent legal and financial rules.

IX. Rotation of command

Heads of security agencies must be selected in accordance with the relevant provisions under the Law on Service in the Palestinian Security Forces.

Reference Texts

Selection should be approved by the NSC as well as certified by the President through respective decrees.

X. Prohibitions

Security commanders and personnel shall be prohibited from carrying out certain acts, including:

1. Levying funds from the public.
2. Contacting any external parties except within the mandate given to them by the relevant Palestinian authorities.
3. Establishing executive forces or prisons outside the legal framework.
4. Taking part in factional activities that are identical to their functions in security agencies.
5. Revealing any classified information pertaining to the details of their functions and daily activities, as well as confidential security information.

To achieve such an ambitious vision requires an enabling Palestinian enabling environment. In essence, the vision should work towards achieving a societal development in line with the Palestinians' capacities. It should also safeguard national harmony and political conciliation as is prescribed by the Mecca Agreement and the political platform of the National Unity Government. In fact, the Palestinian Government must develop clear executive plans for development programmes in the fields of security, media and culture. The implementation of these plans will require relentless efforts.

Addressing the deteriorating security situation throughout the PNA-controlled territory is extremely urgent and may not be postponed. In this regard, the Palestinian leadership, including both the President and the Government, faces

tremendous challenges. The Palestinian leadership must search for creative remedies to cope with the prevalent security instability. At the same time, it must create an enabling environment that paves the way to build the aspired Palestinian security sector.

Addressing the degrading security situation throughout the PNA-controlled territory is an urgent priority that requires taking the following measures:

1. Accurately identify the security issues to be treated.
2. Determine which security agencies are to handle the identified issues.
3. Determine the civil agencies and organisations which shall support the security agencies in fulfilling their duties.
4. Define the command which is delegated by security agencies to treat the aforesaid predicaments.
5. The command mentioned above should supervise the development of a clear, measurable, appraisable and timely general plan.
6. Various security agencies shall translate the general plan into specific detailed plans on each task they are assigned to. They should also monitor the plans' implementation.
7. The general plan and detailed plans should be modified in light of the progress achieved.
8. The Palestinian leadership should provide all needs required to ensure the plans success.
9. The NSC shall develop respective policies and the NSC Secretary should follow up on the implementation of these policies.

The Egyptian Invitation to Bilateral Talks regarding the Palestinian-Palestinian Dialogue (2008)

8 October 2008

Based on the adherence of the Egyptian political leadership to the unity of the Palestinian people and the relentless endeavour towards a state in which the Palestinian-Palestinian dialogue becomes the essential foundation on which we must build our action during the upcoming stage, in order to attain the sublime goal of the establishment of the independent Palestinian State; in parallel with the Initiative for Comprehensive National Conciliation and Dialogue launched by the Palestinian President, Mahmoud Abbas, on 4 June 2008; and in light of the conviction which we have sensed from the Palestinian factions and organisations in regard of the importance of approaching the national dialogue in order to end the state of fragmentation, which the Palestinian people suffers from, Egypt has deemed that the current atmosphere is the most suitable timing for commencing an objective and purposeful Palestinian national dialogue, through which we can reach a new stage, which witnesses the restoration of Palestinian cohesion and reunion within the framework of one family, which has faith in unity, denounces factional disputes, and shoulders the national responsibility.

In the light of Egypt's commitment to render this dialogue a success, we have defined three major elements. Combined, these will pose a set of questions, which we request the organisations to discuss in a transparent manner in order to form their visions so as to address these elements. Then,

they are requested to notify us with their visions during the meetings which we will begin to hold in Cairo between us and the leaders of Palestinian organisations at a later stage. We have defined these questions as follows:

1. The extent of willingness to end the state of fragmentation.
2. The nature of the goals desired from this dialogue and whether these goals are related to an agreement on forming a national unity government; or working on Palestinian reunion; or an agreement on a Palestinian national project to which they all consent.
3. The main issues which form the agenda of the national dialogue.

Egypt casts no doubt on the commitment of all that this dialogue be serious and fruitful. Consequently, the Cairo talks will focus on the nature of responses, which we will receive in relation to these questions, thereby helping us to ultimately form a comprehensive Egyptian vision of all aspects of the dialogue on the basis of the visions and concepts, which the leaderships of the organisations will submit to us when we meet in Cairo within a bilateral framework.

May God guide you and us towards the good of the Palestinian national interest and the achievement of the Palestinian people's aspirations.

The Draft Agreement Distributed by Egypt to the Palestinian Factions (2008)

21 October 2008

In fulfilment of the blood of our reverent martyrs; with high regard to the suffering of our brave prisoners; having faith in the justice of our national cause; in confirmation of the continuity of our strife in order to obtain our legitimate rights, including the establishment of the independent Palestinian State with Jerusalem as its capital; in affirmation of the refugees' right to return to their homeland; convinced that the sacrifices of our Palestinian people who have been steadfast over the past decades must not be wasted by narrow partisan disputes; in reference of the grave challenges and tremendous dangers that surrounded our Palestinian question during a stage, which we all deem to be one of the most significant and most dangerous throughout our contemporary Palestinian history as well as a juncture which will certainly lead us towards the bringing about of our legitimate rights and protecting them against forfeiture; grounded on the unity of our people as well as mobilisation of their great powers towards the achievement of their strategic goals; with the conviction by all that the perpetuation of the current situation will direct us toward further consolidating the political, territorial and psychological fragmentation which will virtually undermine our people's hopes and expectations as well as our just cause, and with which our logic as to defend them vanishes and our arguments as to impose them on the world so that it bears its due responsibilities and obligations diminish in light of regional and international variables, the nature and requirements of which we are all aware of; and in light of the historical responsibility which compels us all to avoid our factional disputes, whatsoever the nature of such disputes is, and to proceed with all the faith and commitment we possess towards a real elevation of our supreme national interest, this is the time we must transform our national unity from mere, luminous slogans into real convictions which we duly implement.

Looking up to a future, which we must make for ourselves, define its landmarks and shape its features with our hands and take action therein with a mighty will and formidable insistence, in order to restore cohesion to the Palestinian house, as well as agree upon a national project, through which we address the international community and prove with it our right to live in security, peace and prosperity like the rest of nations in the world; and

With reference to the effective bilateral talks held between the Palestinian factions and the Egyptian leadership over the period from 25 August 2008 to 8 October 2008, which manifested an unprecedented agreement on the necessity to terminating the fragmentation and on the foundations required to address it, the Palestinian factions and forces convened in Cairo on 9 November 2008 and agreed upon their national project as follows:

First: General Principles

1. The Palestinian national interest shall rise and tower above partisan and factional interests.
2. The Palestinian territory shall be one geographical and political unit and its partition shall not be admitted under any circumstances whatsoever.
3. Dialogue shall be the sole means to terminating any internal disputes.
4. Sanctity of the Palestinian blood, incrimination of internal arrests, cessation of incitement, denouncement of violence and all that may lead to it, including means and measures.
5. Democracy shall be the sole option for the succession of power within the framework of the respect of the rule of law, order, and respect

of legitimacy. Supporting of democracy shall stipulate a political participation by all and away from the principle of sharing.

6. Resistance within the framework of the national conciliation shall be a legitimate right of the Palestinian people so long as the occupation persists.
7. The previous main references shall be relied on (the Cairo Agreement of March 2005; Document on the National Conciliation of May 2006; Mecca Agreement of February 2007; President Mahmoud Abbas's Initiative for the Comprehensive Dialogue of June 2008; and resolutions of the Arab Summit Conference on the termination of the state of fragmentation).

Second: Agreement by representatives of all Palestinian political factions and leaderships to terminate the state of fragmentation through consent to solving the major issues, as follows:

8. The Government: To form a government of national conciliation with delineated tasks, to include the lifting of the closure, running day-to-day life of the Palestinian people, preparing for holding new presidential and legislative elections, and supervising the restructuring of the security agencies.
9. The security agencies: To restructure the Palestinian security agencies on professional and national grounds away from factionalism so that they will be the sole [entity] authorised with the mission of defending the homeland and citizens, along with securing required Arab assistance to accomplish the process of building and reform.
10. The elections: To conduct simultaneous presidential and legislative elections at a time to be agreed on as well as to review the Elections Law in accordance with the requirements of the interest of the homeland.
11. The [Palestine] Liberation Organisation: To develop and rejuvenate the Palestine Liberation Organisation, the legitimate and sole representative of the Palestinian people, in conformity with the Cairo Agreement of March 2005, so that it encompasses all forces and factions, as well as to preserve the Organisation as an inclusive national

framework and a supreme political authority for the Palestinians, and to elect a new national council inside Palestine and abroad, wherever possible.

Third: All factions and segments of the Palestinian people have agreed to abide by the requisites of the upcoming phase, as follows:

12. To preserve the state of calm within the framework to which all Palestinian factions and forces agreed during their meetings in Cairo on 29 and 30 April 2008.
13. To provide the appropriate internal environment in order to render successful the phase following the comprehensive dialogue and to implement completely the requisites of this phase, in addition to the inevitability to stop and terminate any internal actions or measures that may damage the effort made to exterminate the state of fragmentation and the necessity to interact positively with the requirements of internal conciliations.
14. To agree to establish the committees which will assume the task of negotiating the necessary details as well as the mechanisms of their functioning as to implement conclusions reached in the framework of addressing all the issues pertinent to the dialogue and conciliation (the Government Committee; Elections Committee; Security Committee; Committee on the Liberation Organisation; and Committee on Internal Conciliations). These committees shall commence their work following the meetings related to the direct comprehensive dialogue. Should factions thus request, there shall not be an objection to an Arab participation in any of such committees.

Fourth:

15. All factions and forces of the Palestinian people have agreed that the administration of the political negotiations shall be a power of the Palestine Liberation Organisation and President of the Palestinian Authority. These shall be built on the rule of adhering to the national goals, provided that any agreement in this regard is presented to the National Council for endorsement or for a public referendum, whenever possible.

Reference Texts

Fifth:

16. The representatives have agreed that the national project, which embeds clear horizons, legitimate expectations and ambitions, shall not be non-executable. It shall demand that good faiths and honest wills be transformed into a programme of action to be implemented

within a framework of responsibility, conviction, and commitment towards the generations that will hold us accountable for the responsibility which we have shouldered as well as the generations that have the right to live in stability and prosperity under our independent State.

The Appeal for National Unity (2009)

27 January 2009

Today, the Palestinian people are confronted with dangerous conditions.

Conditions are deteriorating following the recent barbaric aggression on the Gaza Strip, which has local, Arab, regional and international ramifications, along with the positions and measures that endanger the safety and unity of the Palestinian territories and other measures that jeopardize the representation and independence of the Palestinian people's decision, and work underway to prepare the grounds for passing schemes that Israel has aimed to impose on our people through increasing colonial schemes, denying the Palestinian people their rights and through steps aimed to realize the Zionist dream.

In face of this dangerous picture, there is a need to adopt a clear position based on the pillars of the higher national interests that should rise high above all other individual, tribal and partisan interests.

The Palestinian higher national interest must remain an area of national consensus that can constitute a basis for agreement on common national denominators that allow for achieving national unity and that can enable the Palestinian people to achieve their national goals.

The undersigned call on the Palestinian people to support the appeal for unity in all its components and principles and to struggle to realize it through practical steps.

The principles and components of the appeal for unity are as follows:

First: General Principles of the Appeal for Unity

1. The Israeli occupation of the Palestinian territories, the dispersion of the Palestinian people, the attempts to conceal their identity

and to deny their national rights that include the right of return and the right to exercise self-determination, including the right of establishing their independent Palestinian state, with Jerusalem as its capital, on all Palestinian territories which were occupied in 1967, is the basis of the conflict; therefore, the struggle toward ending the occupation and recognizing Palestinian rights is the compass that must lead the path and work of the national forces.

2. The West Bank, including Jerusalem, and the Gaza Strip is one geographic entity that is under Israeli occupation and the occupation does not end unless it ends on all parts of this entity.
3. The aggression on the Palestinian people in the Gaza Strip is an aggression on the entire Palestinian people and it aims to break the will of the Palestinian people and force them to coexist with the occupation, split and surrender in front of the schemes that aim to eliminate the Palestinian national cause. Moreover, this aggression is part of the aggression that was launched by the Israeli occupation troops on the West Bank in 2002 and this requires a Palestinian policy that can meet the requirements to frustrate the goals of this aggression.
4. The political and geographic split is catastrophic to the Palestinian cause; therefore, there is a need to grant priority toward ending the split through dialogue, which must be lead quickly to a national consensus based on the pillars of the higher national interest that must rise above all partisan interests.
5. The basic pillar of national action must include maintaining the democratic principles of the

Reference Texts

political system, including peaceful transfer of authority and pluralism in all its form and preserving and respecting individual rights and freedoms and human rights, and securing the rule of law, in addition to the adoption of regular and periodic elections. The pillars of the higher national interests that unite Palestinians wherever they are forces everyone to respect the unity of the cause and people and to preserve the freedom of belief and freedom of expression and the right to protest and demonstrate; this also entails the complete and immediate halt of all forms of political oppression and arrest and the need to release all political detainees and ending torture and acts of killing and ending incitement campaigns and refraining from issuing decisions or decrees that can lead to further split and division.

Second: Components of the Appeal for Unity

1. The appeal for unity is based on the importance of having a Palestinian role that can exert pressure to end the split and achieve unity. The appeal for unity is based on the Cairo Declaration and the National Reconciliation Document; it complements all other Palestinian, Arab and international efforts and initiatives, including the Egyptian paper, and the Yemenite Initiative that enjoyed consensus at the Arab Summit in Damascus.
2. Immediate and unconditional start of comprehensive national dialogue with the participation of all national factions, parties and figures and serious action to achieve national reconciliation that includes the basic issues in a manner that reflects the interests and aspirations of the Palestinian people within the framework of their national constants through democratic means and this must come in one package with all clauses to be implemented in parallel within an agreed upon timetable.
3. The formation of an agreed upon Palestinian national government that abides by a program that reflects the Palestinian national rights and that adheres to international law and the UN resolutions away from the unfair conditions of the Quartet Committee in dealing with this government. This government has to be strong and capable of unifying the two sectors of the homeland in the West Bank and Gaza Strip and has to prepare for organizing legislative and presidential elections and to stop security coordination and reform the security services, so that they become professional services that serve the homeland and the citizen and enforce the rule of the law away from partisan interests.
4. To struggle toward ending the siege and opening all crossings and establishing a permanent, free and safe passage between the West Bank and Gaza Strip and take all Palestinian necessary measures to facilitate relief and reconstruction of Gaza Strip as soon as possible, and move away from all matters that can further deepen the split between the West Bank and Gaza Strip or make it a total separation.
5. To stress the right of the Palestinian people in resisting the occupation, using all legitimate means and to consider this as a legitimate right and duty to be exercised within the context of national reconciliation and in accordance with international law and in a manner that serves the national cause and the goal of independence.
6. To stop bilateral negotiations that have moved on the basis of Annapolis track and the roadmap and to find a new approach to the negotiations that can guarantee the halt of settlement activities and that can end the aggression and siege; the new approach needs to be based on the international law and the UN resolutions with aim to implement the UN resolutions and not hold negotiations over them and to achieve our legitimate national rights.
7. The unity of the Palestinian representation and the independence of their decision must be protected by all the Palestinians in honor and loyalty to the struggle and sacrifices of our people; this also necessitates work to reform, reactivate and reformulate the PLO so that it includes, encompasses and reflects the interests and aspirations of all sectors of the Palestinian people, away from factional quotas, and on the basis of national partnership and the national program. This also entails holding Palestinian National Council elections, along with elections at the

popular and trade union levels on the basis of full proportional representation in accordance with the National Reconciliation Document, wherever possible, inside the homeland and all over the Palestinian Diaspora, in order to form a new National Council that reflect the aspirations of all sectors, parties and wings of the Palestinian people.

8. To set the Palestinian National Authority within its natural status as an interim arrangement towards establishing the independent Palestinian state with full sovereignty and with Jerusalem as its capital. The PNA needs to be subject to the national program and to its reference which is the PLO, the sole and legitimate representative of the Palestinian people which leads the struggle towards return and towards exercising the right of self-determination, freedom, sovereignty and independence.
9. The Palestinian leadership needs to delegate a Palestinian commission consisting of legal experts to follow up the issue of filing court cases, especially in the countries where their legal systems allow it and to exert pressure and lobbying efforts to see the UN conduct an international investigation and hold the leaders and Generals of Israel accountable for what they committed in terms of war crimes and render compensation to the Palestinian people.

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مركز جنيف للرقابة الديموقراطية على القوات المسلحة

شارع المعارف ٣٤

رام الله / البيرة

الضفة الغربية

فلسطين

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