



Government

Administration

Historical Background

Ottoman Period (until 1917): Since the early 16th Century, Ottoman laws and legal system applied. By the mid-19th Century, some laws began to be influenced by legal developments in Europe (e.g., the Land Code of 1857, Civil Code). Few laws dating back to the Ottoman period are still in force.



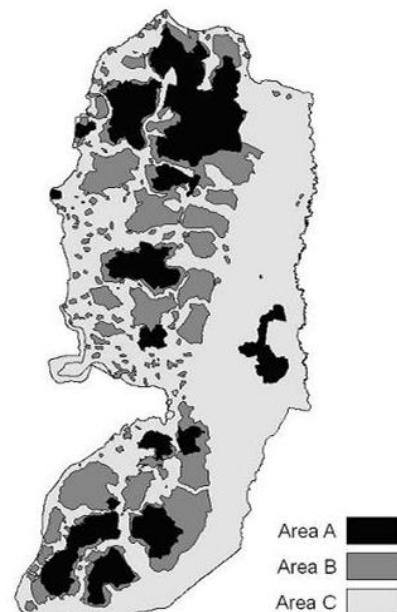
British Mandate (1918-48): In 1918, the British military administration assumed full responsibility for all laws, legislation and orders. In 1922, when Britain obtained the mandate over Palestine from the League of Nations, British Common Law and judicial structures were introduced in most legal areas. During 1923-48, the British legal system was super-imposed on existing structures; some of the laws from this period are still in force.

1948-1967: Following the War of 1948, the West Bank (incl. East Jerusalem) became part of Jordan and Gaza was under Egyptian rule. In the West Bank, laws that did not contradict the Jordanian Defense Law remained in effect; in 1950, when the West Bank was united with the East Bank some laws applied to both banks and others to only one side. During 1950-1967, the common parliament passed much legislation, most of which is still in force. In Gaza, most Ottoman and British laws remained in force with only few reforms introduced; in 1955, Egypt issued a Basic Law for Gaza, and in 1962, a Constitutional Order.

1967-1993: In the course of the 1967 June War, Israel occupied the Palestinian territories, annexed 70 km² (mainly East Jerusalem area), abolished the West Bank court system, assumed legislative, executive and judicial powers, imposed its military administration, and introduced over 2,000 military orders, amending, changing or repealing virtually every piece of existing legislation. Until the 1988 Jordanian disengagement, the West Bank remained partly under Jordanian administration.

Since Oslo: The Oslo agreements divided the West Bank into three zones: Areas A, B and C:

- In **Area A** (17.2% of the West Bank), the PA has sole jurisdiction and security control, but Israel still retains authority over movement into and out of these areas, and repeatedly makes use of this 'right' during incursions and arrest raids.
- In **Area B** (23.8%), the PA has civil authority and responsibility for public order, while Israel maintains a security presence and 'overriding security responsibility'.
- The remaining 59% of the West Bank, **Area C**, is still under total Israeli occupation.



The PA is still under occupation and has not accomplished the goal of independence and statehood, while Palestinians are still denied their right to self-determination according to international law.

■ Central and Local Government

The **Palestinian National Authority (PNA or PA)** is an interim administrative organization that governs parts of the WBGS. It was established in 1994, pursuant to the Oslo Accords between the PLO and the government of Israel, as a five-year transitional body with **central government** functions during which final status negotiations between the two parties were to take place.

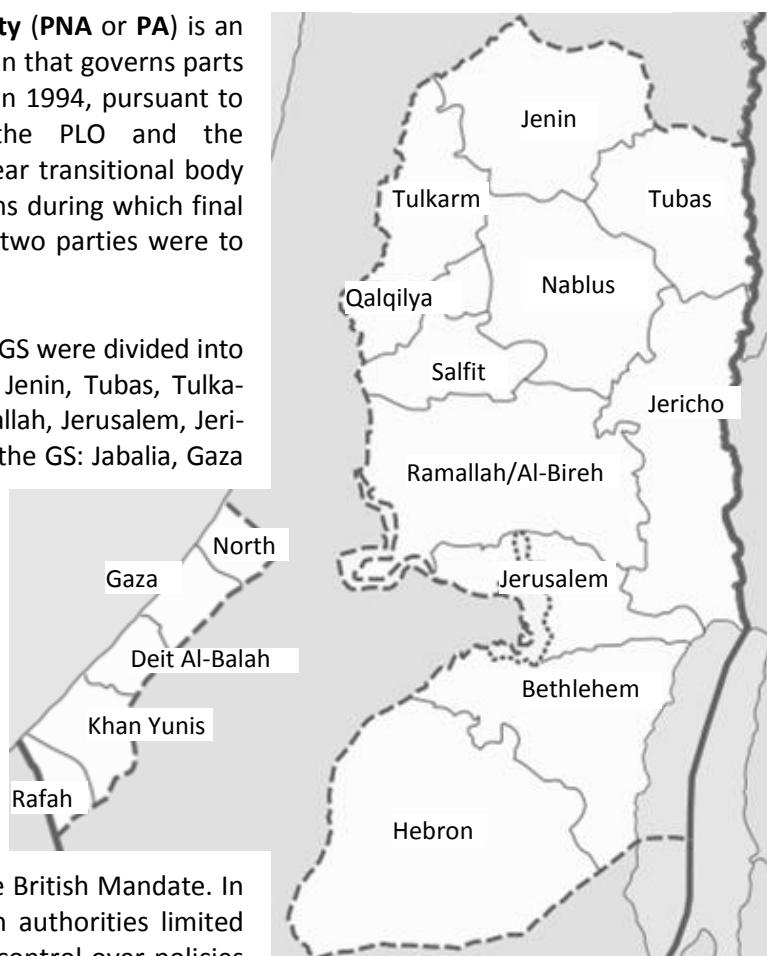
With the arrival of the PA, the WBGS were divided into **16 Governorates** (11 in the WB: Jenin, Tubas, Tulkarem, Qalqilya, Salfit, Nablus, Ramallah, Jerusalem, Jericho, Bethlehem, Hebron and 5 in the GS: Jabalia, Gaza City, Deir Al-Balah, Khan Younis and Rafah). Each of these is headed by a governor appointed by the President. The governorates are subordinate to the Ministry of Local Government and cooperate with the mayors and heads of village councils in their respective districts.

Municipal and village councils

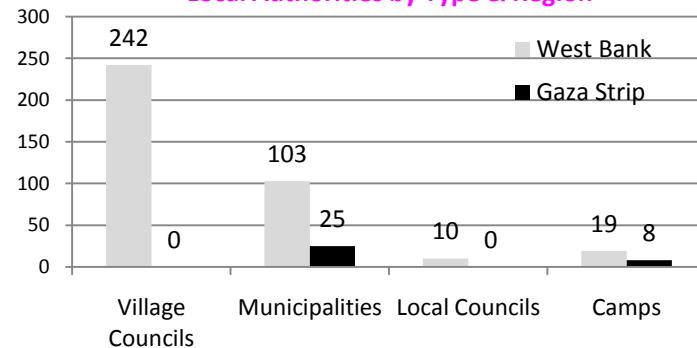
have existed in Palestine since the British Mandate. In June 1967, the Israeli occupation authorities limited their powers and solidified their control over policies and budgets; the Arab Jerusalem Municipality Council was completely dissolved. Since the arrival of the PA, the municipal and village councils took over administrative responsibilities (e.g., water, electricity, waste disposal, schools, planning and building control, roads, maintenance, control of public markets). Prior to the last fully implemented round of local elections (from Dec. 2004-Sept. 2005), municipal elections were only held in Gaza in 1946, in the West Bank in 1976, and in Jerusalem in 1965. The **second local elections** were held in late 2012 (see below for details).

There are **557 Palestinian localities** (WB: 524, GS: 33), which are run by **407 local authorities** (WB: 374, GS: 33). Some of these provide services for more than one locality. In total, there are **128 municipalities** (WB: 103, GS: 25) and in the West Bank another **242 village councils** and **10 local councils**, all

PA Governorates



Local Authorities by Type & Region

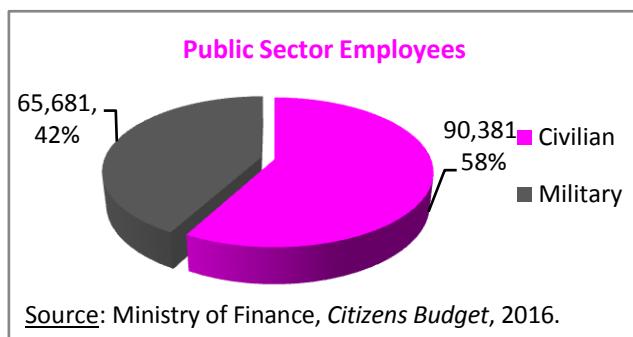


Source: PCBS, Local Community Survey 2015, 2015.

of which function in accordance with the regulations of the Ministry of Local Government. In addition, there are 27 **refugee camps** (WB: 19, GS: 8) (PCBS, *Local Community Survey 2015*, 2015).

■ Public Sector

- In January **2006**, Hamas won the legislative elections, and replaced Fateh as the leading party, triggering tension between the Fateh-dominated senior bureaucratic personnel and the newly appointed Hamas officials. In addition, donors began bypassing existing institutions (mainly the Hamas headed Finance Ministry) and channeling funds via the President's Office. The situation worsened after Hamas seized control of the **Gaza Strip** in **June 2007** and established there a *de facto* own entity separate from the PA in the West Bank, which is still in place today.
- **Public Administration and Defense** contributed **12.6%** to the **2nd Quarter 2016 GDP** (excl. East Jerusalem), making it the largest single contributor. In the West Bank, the sector's GDP contribution is estimated at 6.9%, in Gaza at 30.9% (PCBS, *Quarterly National Accounts*, Q2-2016).
- In 2016, the total number of **public sector service personnel** was **156,062** (up from 151,646 in 2015): 90,381 of which civilian and 65,681 military. The **Education** (47,409) and **Health** (13,084) sectors represented 67% of the total civil service employees (Ministry of Finance, *Citizens Budget*, 2016).
- As of June 2016, 21.2% of the employed workforce worked in the **public sector** (WB: 14.6%, GS: 37.3%) as compared to 64.4% in the **private sector** (PCBS, *Labor Force Survey Report Series*, Q2-2016).



Elections

■ Election framework

Eligible voters and candidates: Eligible voters are Palestinian WBGS residents incl. Jerusalem, aged 18 years or above on polling day, and registered in the voters' list of one of the 16 district electoral offices. **Eligible candidates** must be aged 30 (PLC) or 35 (President). Presidential candidates must submit a list of 5,000 eligible voters, PLC candidates a list of 500 supporters. **Palestinians living overseas are not eligible to vote.**

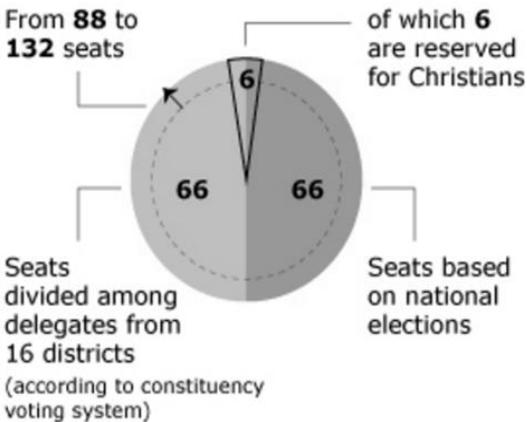
Election Law and System: The 1996 Election Law was **amended** on 18 June **2005**, providing for a **mixed electoral system** (majority *and* proportional systems) and increasing the **PLC seats** from 88 to 132, half of which are elected in the 16 electoral districts by a ballot of individual candidates (with six seats reserved for Christians), the other half by a ballot of closed lists of candidates put together by political parties or coalitions. The law also allocated a 20% quota of PLC seats for

women. On 2 Sept. 2007, Pres. Abbas changed the electoral law: district voting was eliminated and Palestinians were to vote solely for party lists. All candidates were required to recognize the PLO as the sole legitimate representative of the Palestinian people. Other changes to the law are pending Fateh-Hamas talks and their agreed stipulations for the next elections.

■ Past Results:

The 2005 Presidential Elections:

From the establishment of the PA until the death of Pres. Yasser Arafat in Nov. 2004, only one election for the President and the PLC took place in 1996. The next such elections were scheduled for 2000, but were delayed due to the outbreak of the Al-Aqsa Intifada. After the death of Arafat, presidential elections took place on 9 Jan. 2005. Seven candidates contested the election, which PLO leader Mahmoud Abbas won with 62.3% of the votes. Independent Mustafa Barghouthi came second with 19.8%.



Source: Fanack, <https://chronicle.fanack.com/palestine/governance>



The 2006 PLC Elections:

Elections for a new PLC - scheduled for July 2005 - were postponed after major changes to the Election Law were enacted and eventually took place on **25 Jan. 2006**. The Central Elections Commission had registered **1,268,721 eligible voters** (WB: 775,640, GS: 493,081).

Past PMs		Tenure
Mahmoud Abbas		19 March-7 Oct. 2003
Ahmad Qrei'a		7 Oct. 2003-15 Dec. 2005
Nabil Sha'ath		15 Dec.-24 Dec. 2005
Ahmad Qrei'a		24 Dec. 2005-19 Feb. 2006
Ismail Haniyeh ¹		19 Feb. 2006-June 2007
Salam Fayyad		June 2007-June 2013

Past Presidents	
Yasser Arafat (died)	Jan.1996-11-Nov. 2004 (<i>de facto</i> since July 1994)
Rawhi Fattuh (acting)	11 Nov. 2004-15 Jan. 2005

¹ Haniyeh was dismissed from office by President Abbas on 14 June 2007 at the height of the Fatah-Hamas conflict.

Current Main Office Holders:

President:
Mahmoud Abbas
(15 Jan. 2005-)



Prime Minister:
Rami Hamdallah
(June 2013-)



Municipal Elections:

The **first** ever PA **municipal** elections took place in rounds between Dec. **2004** and Dec. **2005**. **Hamas** contested for the first time and scored high. The **second local elections** took place during Oct.-Dec. **2012** in the West Bank; it was criticized for a lack of political competition as candidate lists in 181 locations – and thus 2,124 of the overall 3,487 seats – were elected by acclamation, while only 1,363 seats were elected by an actual vote. Citing harassment of its members and the need for political reconciliation before the holding of elections, Hamas boycotted the polls.

■ Next Elections:

The **next elections** are currently a matter of debate between Hamas and the President's Office. **Presidential elections** were due in January 2009, when according to the PA's Basic Law Pres. Abbas' 4-year term in office finished. In November 2009, after reconciliation talks with Hamas had failed, Pres. Abbas announced the **indefinite postponement** of the elections, and on 16 December 2009, the PLO Central Council subsequently extended Abbas' term until elections were held. On 22 January 2010 a Presidential Decree on the indefinite postponement of presidential and legislative elections was issued. Since 2012 elections were always high on the agenda during the Hamas-Fateh reconciliation talks. The intra-Palestinian agreement from 23 April 2014 provided for the formation of a Palestinian interim government and the holding of presidential, legislative and PNC elections within six months thereafter. However, the Gaza War of summer 2014 put things on hold. On 21 June **2016**, the PA Cabinet announced that municipal elections shall be held on 8 October. Hamas agreed to participate and to allow elections to take place in Gaza. However, on 8 September, the Palestinian High Court ordered the suspension of all preparations, while deliberations on a petition to cancel the elections continue.

Rule of Law

■ Legal Background/Legislation

On the legal level, the PA President issued his first decision on 20 May 1994, providing that **legislation and laws** that were effective before 5 June 1967 in the West Bank and Gaza Strip would remain effective and the PA Council (and then the Palestinian Legislative Council since 7 March 1996) assumed the power to promulgate legislation and Israeli military orders were annulled. Legislation is published in the Palestinian Official Gazette *Al Waqae'*.

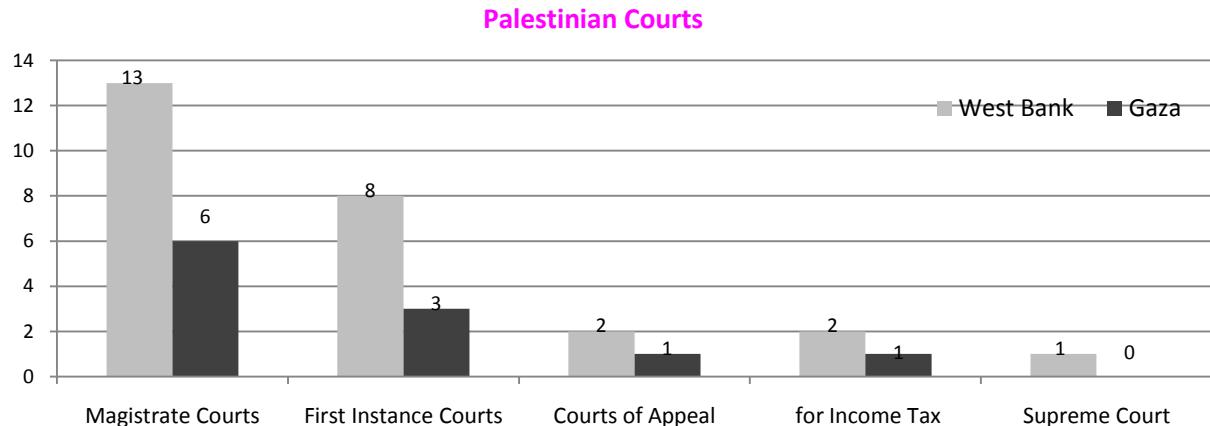


Palestine does not have a formal constitution; after decades of neglect under occupation, its legal framework is based on a confusing mixture of various historical **legal systems** (Ottoman, British Mandate, Egyptian, Jordanian, and Israeli), as well as **Shari'a law** and a **Basic Law**, which came into force on 7 July 2002 (amended in 2003 and 2005) and functions as a temporary constitution until the establishment of an independent State (for the various drafts of the Palestinian Constitution, see <http://www.palestinianbasiclaw.org>).

Due to Israel's imprisonment of PLC members, the Fateh-Hamas conflict, and overdue elections the **PLC** has been deficient since 2007. This - along with the fact that the **PNC** is virtually defunct (it had its last regular session in 1996 and a meeting scheduled for September 2015 was indefinitely postponed amid boycotts by some political factions and debate about the agenda and structure of the meeting) - has adversely impacted the **law-making** process.

■ Judiciary

- The **PA court system** consists of the Supreme Court, Appeal Courts, First Instance Courts and Magistrate Courts. Specialized courts were established (such as the Anti-Corruption Court in 2010 and the Customs Court in 2011) as were specialized chambers within regular courts (e.g. separate criminal and civil chambers, labor cases chambers) (*World Bank, Sustaining Achievements in Palestinian Institution-Building and Economic Growth*, Sept. 2011).
- In 2010, a **High Judicial Council**, composed of senior judges, was established.
- In April 2016, President Abbas issued a Decree appointing nine judges to the **High Constitutional Court**, activating this court for the first time some ten years after its formal establishment by Law No. 3 of 2006. On 7 November 2016, the court ruled that President Abbas can revoke the parliamentary immunity of lawmakers, which will allow him to expel various political opponents.
- On 17 July 2016, Prime Minister Rami Hamdallah announced at the 7th Judicial Conference in Ramallah the government's plan to form a **High Criminal Court** and make amendments to the Jordanian penal code, which dates back to 1960 and is in force in the West Bank.
- There are currently the following courts in Palestine:



Source: PA High Judicial Council, 2015.

In addition, there is a corruption crimes court as well as a First Instance Court for Customs and a Courts of Appeal for Customs (*Ibid.*).

- In 2013, there were 178 **judges** in the **West Bank** (27 of them female), 12 public **prosecution offices** and 109 **prosecutors**. The resulting **ratio** of 4.7 prosecutors per 100,000 inhabitants is lower than in other countries in the region (Jordan: 13.2, Egypt: 16.1, and Tunisia: 17.1). There were also 23 **Shari'a courts** with 42 judges, and 7 **detention/prison facilities**.
- As of Oct. 2016, some 4,000 Palestinian **lawyers** were registered with the Bar Association in the West Bank and 1,313 in the Gaza Strip. In addition there were 2,681 **law trainees** in the West Bank and 1,285 in Gaza (Palestinian Bar Association.).

■ Human Rights Violations in the PA

Regular complaints include the insufficient conduct of legal proceedings, arbitrary raids and arrests, violation of the right to freedom of expression, disregard of court rulings, and torture of detainees.

- According to B'Tselem, 686 **Palestinians were killed by Palestinians** (WB: 136, GS: 550) between 28 Sept. 2000 and Sept. 2016, 134 of them on suspicion of **collaborating** with Israel (WB: 109, GS: 25).
- Six laws regulate **death penalty** in the PA (3 penal codes, 3 procedural), four of which pre-date the formation of the PA in 1994. Since then and as of Oct. 2016, 180 **death sentences** have been **issued** (WB: 30, GS: 150, 91 of them after 2007) and 35 **executed** (WB: 2, GS: 33), 22 of them without the ratification of the Palestinian President in violation of the law. As of mid-October, 16 death sentences have been issued in 2016 so far, all in Gaza (12 by military courts, 4 by civil courts) (PCHR, *20 Years Against Death Penalty: Facts on Death Penalty in Palestine and PCHR's Position*, 10 Oct. 2016).
- Other causes of concern are incidents involving **PA security forces**, such as arbitrary detentions and political arrests that do not comply with legal procedures and deny citizens' personal freedoms, delayed execution of court judgments, as well as torture and abuse (ICHR, www.ichr.ps).
- ICHR has documented 18 cases of **femicides** in 2016 until the end of November (WB: 11, GS: 7) compared with 17 cases in 2015 (WB: 9, GS: 8) and 27 in 2014 (WB: 16, GS: 11).
- Palestinian authorities have also been accused of **violating obligations** Palestine had assumed in ratifying international treaties protecting **free speech**, by arresting, abusing, and criminally charging journalists, bloggers and activists who express criticism of the PA's security cooperation with Israel and of corruption (<https://www.hrw.org/news/2016/08/29/palestine-crackdown-journalists-activists>).

Negotiations

■ Timeline

- The **Declaration of Principles** on Interim Self-Government Arrangements (DoP) of 13 **Sept. 1993** stipulated that negotiations would be conducted in two phases: a first 'transitional' or 'interim' period during which Israel would gradually withdraw from Palestinian areas in the WBGS in return for Palestinian guarantees, particularly on security-related issues, and a second phase to conclude a 'final status' agreement' by 4 May 1999. However, the date passed with no deal signed and, instead, a series of new agreements was drafted and signed, incl. the *Agreement on the Gaza Strip and the Jericho Area* (Oslo I, 4 **May 1994**), the *Palestinian-Israeli Interim Agreement on the West Bank and the Gaza Strip* (Oslo II, 28 **Sept. 1995**), the *Protocol Concerning the Redeployment in Hebron* (Jan. **1997**), the *Wye River Memorandum* (Oct. 1998) and the *Sharm El-Sheikh Memorandum* (Oct. **1998**).
- In **July 2000**, the US called for a three-way summit to achieve an agreement on final status issues. However, the **Camp David** Summit ended on 26 July 2000, after 15 days of talks, without success. To overcome the post-Camp David deadlock, a US '**Bridging Proposal**' in Nov. 2000 proposed Israeli withdrawal from 90% of the West Bank and several solutions for the final status issues, based on which talks were conducted in **Jan. 2001** in **Taba**. However, they failed to reach an agreement, as did the **June 2001 Ceasefire and Security Plan** proposed by CIA Dir. George **Tenet**.
- In **Feb. 2002**, Saudi Crown Prince Abdullah announced his proposal of "normal relations" with Israel for a full withdrawal of Israeli troops from the OPT, recognition of a Palestinian state and the refugees' right to return. The **Saudi initiative** was adopted by the Arab League in Beirut in **March 2002** and has been reiterated since then.



- In **Dec. 2002**, the so-called Quartet of mediators - the US, the UN, the EU and Russia - presented a new draft peace plan ('*Performance-based and Goal-driven Road Map*'), which - formally launched in **April 2003** - aimed at a "final and comprehensive settlement of the Israel-Palestinian conflict by 2005," based on a full two-state solution, starting with an end to Palestinian terrorism and a freeze on Israeli settlements and other steps to normalize conditions, but lacked a timetable.
- In late **2003**, the so-called **Geneva Accord**, an unofficial extra-governmental peace proposal, offering a draft permanent status agreement to solve the conflict, made headlines.
- In **2004**, then Israeli PM **Sharon** introduced Israel's *unilateral disengagement plan* ending effectively the era of talks and attempts to negotiate a solution. Israel's cabinet passed a revised version of the plan on 6 June 2004 and it was enacted in Aug./Sept. **2005** through the removal of all settlement/military installations in the Gaza Strip and of four settlements in the northern West Bank.
- With Hamas forming the PA unity government in **March 2006** - following the second PLC elections two months earlier - Israel suspended all remaining contacts with the PA. Meetings between Pres. Abbas and PM Olmert resumed after the Palestinian national unity government was dissolved following the near civil war and Hamas takeover of Gaza in June 2007, but with no results.
- The US-mediated **Annapolis conference** on 27 Nov. **2007** was meant to re-launch the direct talks but only produced a "joint understanding" regarding further negotiations, the (unrealistic) goal of a peace treaty by the end of 2008, and a commitment to implement Road Map obligations.
- The Arab summit in Damascus in **March 2008** renewed the 2002 **Arab Peace Initiative**. On 27 Dec. 2008, PA halted all negotiations in protest of Israel's massive 'Operation Cast Lead' in Gaza.
- Taking office in **January 2009**, new US President Obama made the peace process one of his top priorities. Netanyahu, returned to power in Israeli elections in **March**, stressed his conditions, including a demilitarized Palestinian state and recognition of Israel as the homeland of the Jewish people, while the PA insisted on a complete settlement freeze. In November, Netanyahu announced a partial 10-month freeze and Abbas - under US pressure – agreed to **resume talks**.
- On 3 March **2010**, the Arab League's Follow-Up Committee on the Arab Peace Initiative endorsed four months of "**proximity talks**" with Israel, which allowed Pres. Abbas to resume negotiations without his demands on settlements being met. Talks began on 9 May and on 29 July, the Committee agreed to support **direct Palestinian-Israeli talks**, which resumed in September. However, the end of Israel's settlement moratorium on 26 September brought all activity to a halt.
- After a round of meetings in Tel Aviv and Ramallah, the Middle East Quartet declared In **March 2011**, that they held little hope for the resumption of talks as the differences between the two sides were far too wide and the Arab Spring as well as the Iran issue came to dominate.
- In early Jan. **2012**, Israeli and Palestinian negotiators met for the first time in over a year in Amman, but failed to revive peace talks. In May, Israeli Defense Minister Barak suggested bypassing the stagnant talks with "an interim agreement, maybe even unilateral action" by imposing the borders of a future Palestinian state. Despite Israeli and US opposition, the Palestinians distributed a draft resolution to the UN on 8 November seeking 'non-member state' status. Israel warned that it would consider partial or full cancellation of the Oslo Accords if the resolution was adopted.
- On 31 July **2013** renewed peace talks were launched in Washington D.C. with an initial timeframe of 6-9 months to discuss all the final status issues. US Sec. of State Kerry held a first meeting on 13 August and talks continued in the following months but with no progress.



- Despite US efforts in early **2014**, the parties failed to achieve a guiding framework for continued negotiations, *inter alia* due to ongoing settlement expansion and Israel's failure to release the agreed fourth tranche of prisoners. An outline for an agreement was envisioned by 29 April 2014, but Israel suspended negotiations after Hamas and the PLO signed their unity accord a week earlier, stating that it would not negotiate with any Palestinian government "backed by" Hamas. Throughout the year, Palestine has acceded to 15 international treaties and conventions. The only talks held were those on an Egypt-brokered ceasefire following the Gaza War, which came into force on 26 August 2014.
- During **2015**, the Israeli-Palestinian negotiations remained **stalled** amid a fragile security situation, in which the PLO decided in March 2015 to suspend all forms of security coordination with Israel over unsuccessful talks on the PA's security control over Area A. Israel's settlement policy remained an impediment to overcoming the current impasse.
- **2016** has seen some international efforts to advance talks. On 17 May, **Egyptian** President Al-Sisi called on regional leaders to take historic steps for peace, and on 3 June, **France** hosted a meeting of 28 delegations which reaffirmed support for a two-state solution and discussed ways how to contribute to it. On 1 July, the **Middle East Quartet** issued a report outlining key threats to the two-state solution and urging the parties to make progress towards a two-state reality.

■ Positions on Outstanding Negotiation Issues

	Palestinians	Israel
JERUSALEM	<ul style="list-style-type: none"> • East Jerusalem is subject to UNSC Re. 242 and forms part of the occupied territory which will become the Palestinian state. In principle, sovereignty must be divided along the 1967 lines (with mutually agreed exchanges). • Thus, Al-Haram Al-Sharif compound must also fall under full Palestinian legal sovereignty. • Jerusalem in its entirety (not only the East) is subject of final status negotiations. Palestinians will exercise sovereignty over the part that will serve as their capital. • Jerusalem should be an open city with no physical partition that would prevent free movement. • Freedom of worship and access to religious sites must be guaranteed to all faiths and their dignity protected. 	<ul style="list-style-type: none"> • Jerusalem is and must remain the capital of the State of Israel, undivided, under exclusive Israeli sovereignty (as stipulated under its 1980 Basic Law). • There is no basis in international law for the position supporting a status of corpus separatum for the city of Jerusalem, which was no more than a non-binding proposal and became irrelevant with the Arab states' rejection of UN Resolution 181.
BORDERS	<ul style="list-style-type: none"> • The borders must be the June 4, 1967 lines, incl. Jerusalem, which is part of the whole border and cannot be delayed. • The Palestinian state must be sovereign, viable, and geographically contiguous. • Full control over the borders (free movement and access to international markets) and a territorial link between the West Bank and Gaza Strip. • Willing to discuss minor, reciprocal, and mutually agreed changes to the 1967 boundary (1:1 land swap) and how to manage resources that are shared with neighboring countries. Land swaps should not cover more than 1-4% of the Palestinian 	<ul style="list-style-type: none"> • Achievements of the 1948 War are established undisputable facts. Talks thus relate to territory occupied in 1967 (22%). • East Jerusalem is part of Israel's municipal boundary and should be postponed, as should the 'Holy Basin' area. • The border line must secure a solid Jewish majority within Israel and guarantee Israel's security, which the current Green Line cannot fulfill. • Control of the borders, airspace, and

	<p>territory.</p> <ul style="list-style-type: none"> • No Man's Land is integral part of the OPT (although there have been a few suggestions to consider dividing it evenly). • A permanent territorial link (Gaza-West Bank corridor) under Palestinian sovereignty is necessary for a viable state. • An equitable delimitation of the maritime area (Mediterranean and Dead Sea), with all maritime neighbors (Israel, Egypt, Cyprus, and Jordan). 	<p>territorial waters of a future Palestinian state is Israel's absolute right.</p> <ul style="list-style-type: none"> • A land swap compromise would encompass up to 10% of the occupied land, must not necessarily be 1:1. • A Palestinian state must be demilitarized and Israel is entitled to 'hot pursuit' into Palestinian territory. • No Man's Land is not occupied by anyone - thus not open to discussion (but could consider even division). • Agree to principle of territorial link/ safe passage but claim control over it. • Maritime issues are governed by international law.
SETTLEMENTS	<ul style="list-style-type: none"> • All the settlements built after 1967 are illegal and pose the greatest threat to a viable two-state solution. • An immediate, genuine and comprehensive settlement freeze and dismantling of outposts are necessary (in accordance with international law and the Road Map). • Evacuation of (most) settlements is a must for the exercise of sovereignty and for sufficient land and access to resources to make a state viable and contiguous. • No wholesale annexation of so-called settlement blocs. • Ready to consider that a substantial number of Jewish settlers remain under Israeli sovereignty. 	<ul style="list-style-type: none"> • Settlement activity is legitimate. • West Bank lands and settlement blocs need to be retained (annexed) as a buffer in case of future aggression. Isolated settlements could be relocated into the settlement blocs or within Israel. • Wants to keep 80% of the West Bank settlers (Etzion, Adumim, Modi'in, Shomron/ Ariel blocs).
REFUGEES	<ul style="list-style-type: none"> • Israel must acknowledge responsibility for the creation and perpetuation of the refugee problem. • Israel must recognize that Palestinian refugees and their descendants have the right to return in principle. • The issue must be resolved in a just manner, in accordance with UNGA Resolution 194 (1948). (Palestinian refugees must be given the option to exercise their right of return, though they may favor resettlement in a Palestinian state or in third countries, or normalization of their legal status in the host country). • Refugees shall be granted restitution and compensation for the material and non-material damages they have suffered (including loss of properties, livelihood, and opportunities and human suffering due to protracted displacement). • States that have hosted Palestinian refugees shall be entitled to remuneration. 	<ul style="list-style-type: none"> • In any final accord the Palestinians must recognize Israel as the state of the Jewish people, thus the right of return to Palestinian refugees is implicitly denied. • Resolution 194 is non-binding and does not mention a "right" anywhere. Argues that the "live at peace" condition has not been met and referred only to 1948 refugees, not to their descendants. • Refuses to recognize its responsibility with respect to the refugee issue. • Returning refugees must be absorbed in a future Palestinian state as their return to Israel proper would threaten the state's Jewish identity (and Israel has also managed to absorb millions of Jewish immigrants over the years). • Other refugees should be rehabili-

	<ul style="list-style-type: none"> The international community must be represented in the mechanism to guarantee the efficiency and durability of the implementation process. 	<ul style="list-style-type: none"> tated by international aid and resettled in neighboring countries. Agrees to an international implementation mechanism.
WATER	<ul style="list-style-type: none"> Acceptance of the fundamental principle of international water law stipulating that both Israel and Palestine are entitled to an equitable and reasonable allocation of shared freshwater resources. Water rights and the fair allocation of water according to international law must be attained and is critical for future political stability in the entire region. The Jordan River is one of the water sources to be shared and, together with the adjacent Jordan Valley, is essential for a viable state. Compensation by Israel for the past and ongoing illegal use of Palestinian water resources under international law. 	<ul style="list-style-type: none"> Wants the problem, i.e., the shortage of water, as a starting point. Insists on full control of the sources of Palestinian water. Any additional water for Palestinians must not come out of the Israeli share of water extracted from the West Bank, but through brackish/wastewater treatment and developing new unconventional water sources. Initially refused to discuss the Jordan River altogether due to 'security' reasons; now accepts to discuss the lower Jordan River.
SECURITY	<ul style="list-style-type: none"> It is impossible to discuss security before establishing the borders of the Palestinian state. A Palestinian state must be able to defend itself from external threats and cannot be demilitarized (but may agree to arms limitations in return for full Israeli withdrawal and third party presence). No Israeli presence or control over borders and border crossings whatsoever. International presence to protect borders, monitor crossings, resolve disputes, etc. Airspace could be controlled jointly. Security cooperation that preserves the integrity and sovereignty of each state (incl. sharing of security related information, respecting international human rights, and developing relations with all bordering states so as to promote peace, security, and stability in the region). International guarantees and involvement will play a central role. No military alliances against the other side, nor allowing one's territory to be used as a base of operation against each other or against other neighbors. No foreign troops may be stationed in either state's territory unless agreed to by the two parties. 	<ul style="list-style-type: none"> Israel's security takes precedence above all else and requires defensible borders. Palestinian state must be demilitarized. Israeli military presence, especially along borders and in Jordan Valley, and early warning stations. Complete Israeli control of the air-space above the West Bank and Gaza. In principle, rejects any international presence. Regional arrangements are needed to prevent deployment of foreign troops in Jordan, Palestine, and Israel, other than those agreed upon by the parties.

■ Palestinian Unity (Talks)

Since the Hamas takeover of the Gaza Strip in 2007, a series of reconciliation agreements have attempted to rebuild a unified Palestinian political system, but so far unsuccessfully. On 4 May 2011, after four years of bloody infighting and numerous rounds of talks mediated mainly by Egypt, Fatah and



Hamas formalized an end to Palestinian disunity by signing, along with other main factions, a reconciliation agreement in Cairo. The deal provided, *inter alia*, for the creation of a joint caretaker government and elections within a year, but other key issues, such as reforming the security forces, remained unsolved. In Doha in February 2012, President Abbas and Hamas politburo chief Khaled Mashaal agreed to form an interim government of independent technocrats to be headed by President Abbas (as Prime Minister) and oversee elections and Gaza's restoration. However, some Hamas leaders rejected the agreement. Further talks reached "a deadlock" after Hamas prevented the Central Elections Commission from updating the Gaza voter registry in July and boycotted the local elections in October. While the November 2012 Israeli military operation in Gaza, the growth of Israeli extremism, and the successful UN bid seemed to increase the prospects for unification, with both factions announcing reciprocal amnesty of political prisoners and the rapid resumption of unity talks, events in the region dealt a sharp blow to rapprochement, with Hamas and Fatah adopting starkly opposite stands *vis-à-vis* the military coup in Egypt.

However, talks continued and on 23 April 2014, the PLO and Hamas signed a unification accord in Gaza, providing for an interim government of national consensus within five weeks and the holding of elections thereafter. On 2 June 2014, President Abbas swore in a new government headed by Prime Minister Rami Hamdallah. However, due to the Gaza war no further steps were taken. The rift between the two sides further deepened with Hamas' objection to the PA's appointment of four new ministers in the July 2015 "consensus government". Reconciliation talks resumed in Qatar in February and May 2016, but have achieved no progress in the two main issues: formation of a national unity government and the organization of parliamentary and presidential elections. To date, Hamas continues to operate a shadow government in Gaza.

Police & Security

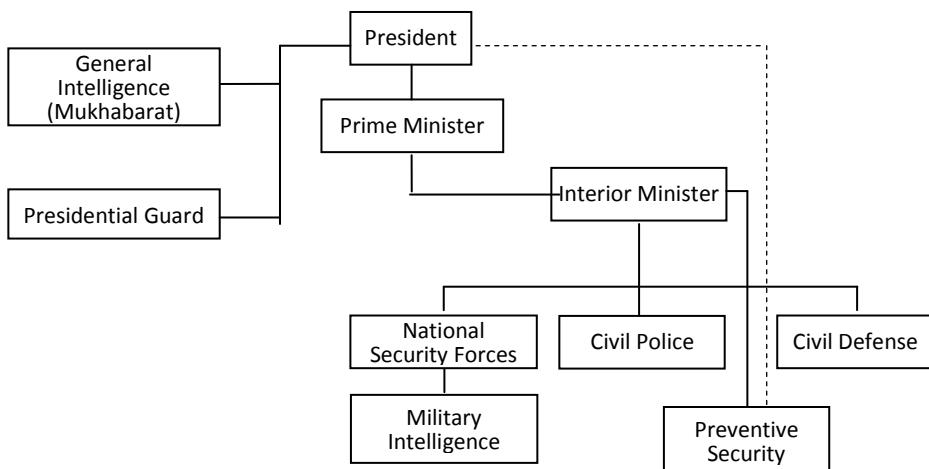
- The structure of the PA security apparatus was stipulated in the **Cairo Agreement** (4 May 1994), where it is defined as a "strong police" that would exist for five years, by which time a final status would supposedly have been negotiated. The **number** of this force was set at 9,000, of which 7,000 were recruited from the Palestine Liberation Army (Diaspora) and 2,000 from the WBGS. All personnel required Israeli authorization and the PA police force was to be equipped with a maximum of 7,000 personal firearms, 120 medium and heavy machine guns, and 45 armored vehicles.
- **Oslo II** (28 Sept. 1995) added the task of preventing and combating violence and incitement of violence against Israel (Art. XII and XIV) and thus changed the structure of the PA security apparatus, to be composed of several branches (e.g., Civil Police, Public, Preventive and Presidential Security, Intelligence - Annex I, Art. II and IV). The number of policemen increased to 30,000, and



eight official security services were created: Civil Police, Preventive Security, Civil Defense, National Security, Presidential Security, Military Intelligence, Naval Police and General Intelligence. Furthermore, four new security services were formed or put under formal control of an official agency while acting independently: the Special Security, the Military Police, the Border Police and the Special Forces.

- The number of **PA security staff** has not changed over the past year; with approx. **65,000** it is large compared to international benchmarks (World Bank, *Economic Monitoring Report to the AHLC*, Sept. 2015).
- **Expenditures** on public order and safety absorbed the largest share of total expenditure, averaging around 30% of **total spending** during 2009-2015 and standing at around 8.1% of GDP in 2015 – which is very high when compared with military expenditures in the world (IMF, *Report to the AHLC Committee*, August 26, 2016).

Command Structure of the Palestinian Security Forces



- In the West Bank, there are at least 64 **police stations** with 7,675 civil police **personnel** (2,269 of whom in the Ramallah HQ, 256 **women**) (PCBS, *A Review of Palestinian Justice and Security Sector Data*, 2013).

Police by Function/Area of Specialization

Function/Area of Specialization	Number	Function/Area of Specialization	Number
Traffic	535	Family Protection	23
General Investigation	330	Drug Control	166
Security	944	Special Police	1,208
Management	925	Operations	172
Public Relations	47	Armament	45
Finance	46	Tourism & Antiquities	94
Administration	190	Detention/Prison Facilities	331
Explosives	41	Governorate Police	2,399
Police Security	143	Political mandate	11
DCO	25	Total	7,675

Source: PCBS, *A Review of Palestinian Justice and Security Sector Data*, August 2013.

- In January 2006, the EU established the **EU Police Mission in the Palestinian Territories (EUPOL COPPS)**, which operates under the European Security and Defense Policy and aims to assist Palestinian forces, with currently 69 international and 45 national staff (www.eupolcoppss.eu).

State of Palestine

On 29 November 2012, the UN General Assembly in New York voted overwhelmingly with 138 in favor, nine against and 41 abstentions to “...accord to Palestine non-member observer State status in the United Nations ...” (Resolution 67/19).

- **Countries voting FOR the resolution:** Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Chile, China, Comoros, Costa Rica, Cuba, Cyprus, Denmark, Djibouti, Dominica, East Timor, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kirghistan, Kuwait, Laos, Lebanon, Lesotho, Libya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, North Korea, Norway, Oman, Pakistan, Peru, Philippines, Portugal, Qatar, Qatar, Russia, Russia, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Sri Lanka, St. Kitts and Nevis St. Lucia, St. Vincent and the Grenadines, Sudan, Suriname, Swaziland, Sweden, Sweden, Switzerland, Switzerland, Syria, Tajikistan, Tanzania, Thailand, Costa Rica, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, UAE, Uganda, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen, Yemen, Zambia, and Zimbabwe.
- **AGAINST:** Canada, Czech Republic, Israel, Marshall Islands, Micronesia, Nauru, Palau, Panama & US.
- **ABSTAINING:** Albania, Andorra, Australia, Bahamas, Barbados, Bosnia/Herzegovina, Bulgaria, Cameroon, Colombia, Croatia, Dem. Rep. of Congo, Estonia, Fiji, Germany, Guatemala, Haiti, Hungary, Latvia, Lithuania, Malawi, Monaco, Mongolia, Montenegro, Netherlands, Papua New Guinea, Paraguay, Poland, Korea, Moldova, Romania, Rwanda, Samoa, San Marino, Singapore, Slovakia, Slovenia, Macedonia, Togo, Tonga, United Kingdom, and Vanuatu.
- **NO VOTE (absent):** Equatorial Guinea, Kiribati, Liberia, Madagascar, and Ukraine.



On 12 December 2012, Palestine informed the UN Secretary-General that the designation “State of Palestine” should be used in all official documents, although this does not preclude the use of the term “occupied Palestinian territory”. This has been the case since the Secretary-General’s report on the “Status of Palestine in the United Nations” (A/67/738) of 8 March 2013.

Palestine is already a **full member** in the following regional and international bodies: Arab League, Non-Aligned Movement (NAM), Organization of Islamic Cooperation (OIC), Group of 77, and UNESCO.

The State of Palestine also took steps to access **international conventions and treaties**, which brings with it new obligations, for example on the guarantee to respect and protect human rights, and legislation will have to be revised to be in line with these new standards (see separate factsheet listing the multilateral treaties signed by Palestine to date).

Recommended Research Sources:

<http://www.courts.gov.ps/>
<http://www.nad.ps> (Negotiations Dept.)
<http://www.mofa.ps> (Foreign Affairs Ministry)
<http://www.palestinianbasiclaw.org>
<http://lawcenter.birzeit.edu> (BZU, Law Center)
<http://www.elections.ps> (Election Commission)
<http://www.ichr.ps/> (Indep. Commission f. Human Rights)
<http://www.nsf.ps> (National Security Forces)
<http://www.eupolcoppss.eu>
<http://www.aman-palestine.org>
<http://www.marsad.info/en> (Pal. security sector observatory)
<http://www.pal-plc.org/> (Pal. Legislative Council)
<http://www.dcaf.ch/Project/Assistance-Programme-Palestinian-Security-Sector-Reform>

Aman, *Sixth Annual Corruption Report - Integrity and Anti-Corruption in Palestine 2013*, April 2014.

Amrov, Sabrien & Alaa Tartir, *After Gaza, What Price Palestine’s Security Sector?* Al-Shabaka policy brief, Oct. 2014.

Cohen, Amnon, *Palestine in the 18th Century: Patterns of Government and Administration*. Jerusalem: Magnes Press, 1973.

Independent Commission for Human Rights, *The Status of Human Rights in Palestine, Annual Reports*.

PA Ministry of Interior, *Palestinian Security Sector Strategic Plan 2014-2016*, April 2014.

Palestine Fact Sheet - Vertical Division of Power, May 2014

(https://portal.cor.europa.eu/arlem/Documents/PALESTINE%20FACT%20SHEET%201%20EN_11%20May%202014.pdf).

PCBS, *Local Community Survey*, various issues.

PCBS, *A Review of Palestinian Justice and Security Sector Data*, August 2013.

State of Palestine, *National Strategy for the Justice and Rule of Law Sector 2014-16*, August 2014.

UNSCO, *Report to the Ad Hoc Liaison Committee*, 22 Sept. 2014.

Wagner, Victoria, *Palestinian Judiciary and the Rule of Law in the Autonomous Areas - An Introduction*. PASSIA, 2000.

World Bank, *West Bank and Gaza: Improving Governance and Reducing Corruption*, 2011.