# **Palestinian National Authority (PNA)**



## **Executive Body**

### Limited Range of Power

•Power of the PNA limited to certain territories, divided into 16 governorates

Influence decreased additionally after the Hamas-Fatah struggles since 2006

Division of West Bank and Gaza into area A, B and C: Area A: PNA security and civilian control (all major towns except Jerusalem); Area B: Palestinian civilian and Israeli security control; Area C: Full Israeli control → Insofar, full PNA control is strictly limited to Area A.

#### Different Terms for the PNA Government

 Unity Government: Term refers to the short-lived government, established in 2007 following the parliamentary elections in 2006. It constisted of nine Hamas and six Fatah ministers.

\*Emergency Government: Term refers to the government established in 2007 after the Unity Government of Hamas and Fatah fell apart. According to the Basic Law, the President can declare the state of emergency and rule without the approval of the Palestinian Legislative

\*Interim Government: Refers to the legal status of Palestine as it is not a state in a legal perspective (Definition of state includes: clearly defined territory, a permanent population and a sovereign title)

•Provisional Government: Due to the regulations of the Basic Law, an Emergency Government can only last for 30 days. Therefore, President Abbas appointed the curren Provisional Government which will remain in responsibility until new parliamentary elections or the appointment of a new government. The legal aspect of the creation of the Provisional Government is disputable.

• Technocrat Government: Cabinet consisting of professionals in their field of responsibility neglecting majority relations in the parliament

·Hamas Government in Gaza: After the struggle with Fatah since 2006, Hamas appointed a government of their own in the Gaza-Strip.

## Legislative Body

•The Palestinian Legislative Council (Palestinian Parliament) composes the legislative body of the PNA

•The first Palestinian Legislative Council lasted for 10 years, with a total number of 88 members

In 1996 Fatah won the elections to the PLC. Back then 88 members were elected, five of which were women (5.6%)

In June 2005 a new law was passed increasing the number of members in the Council from 88 to 132.

•The results of the elections which were held according to the mixed system of elections in 2006 were as follows

- Hamas (Islamic resistance movement): 74 seats
- Fatah: 45 seats
- Popular Front for the Liberation of Palestine: 3 seats
- Additional seats for other minor Palestinian Parties.

The PLC currently has 132 members.

The PLC has 16 female members (12.1%). Six of them are Fatah, 7 are Hamas, 1 is from the Popular Front, 1 is from the "Third Way", and 1 is from Independent Palestine

The last PLC meeting was held in the beginning of April 2007.

The chairman of the PLC since 2006 is Aziz Dweik (Hamas).

### President

 President is directly elected by the Palestinian people

•Yasser Arafat became the President on 5th July 1994

 After Arafat's death. Mahmoud Abbas was elected as President on 9th January 2005 Commander in Chief of the security apparatus

Right to issue decrees, which have the power of laws in cases of necessity and when the Legislative Council is not in

Right to declare the State of Emergency Controls State Security and Military Courts

> **Direct Election** of the PNA President

#### Appoints and absolute majority **Palestinian Legislative Council (PLC)** dismisses the **Prime Minister** Composed of 132 members, elected by the Palestinian people

•The parliamentary elections in 2006 were based on the mixed electoral system evenly **Prime Minister** 

(50%-50%) between the relative majority (multiple constituencies) and proportional representation (list system) considering the entire Palestinian territories as one electoral constituency.
The elections law was changed by decree in 2007, establishing only proportional

representation (list system), but has not been confirmed by the parliament yet.

The Office of the PLC consists of a speaker, two deputies to the speaker and the Secretary General, who are all elected during the first meeting.

Confidence with absolute maiority •Vote of No Confidence with absolute majority

Vote of

Vote of No Confidence with

•The position of the Prime Minister was

established in 2003 to balance the power of

Mahmoud Abbas became the first Prime

The current Prime Minister, Salam Fayyad

was announced by Mahmoud Abbas on 14th

**Council of Ministers** 

The Council of Ministers shall comprise the

Prime Minister and a number of Ministers,

Prime Minister Salam Fayyad consists of 20

Ministers and the Cabinet Secretary

(including 4 female ministers)

The current, 13th government, led by

**Announces** 

and dismisses

the members

of the cabinet

the President

June 2007

not to exceed 24

Minister on 30<sup>th</sup> April 2003

**Direct Election of** the Members of the Parliament according to the elections law

## **Judiciary Body**

•the Judiciary Branch has yet to be properly formalized

Extremely complex Palestinian law: existing Palestinian legal provisions are made up of customary law, Ottoman, British, Jordanian, Egyptian and Israeli military orders

In addition, the Territories are divided politically and geographically. Therefore, Hamas is developing its own judiciary in the Gaza Strip.

### Structure of Court System

The Palestinian court system is a three-tiered system of courts.

Depending on the seriousness of a case, it is first assigned to single-judge magistrate courts multi-judge district courts.

Appeal from either of these goes to the second level, the Court of Appeals and Cassation Religious Judiciary: Personal status issues are handled by a separate court system. Shari'a courts operate for Muslims and the other Palestinian religious communities have their own

High Constitutional Court: established in 2006, though, as a result of the absence of a Palestinian constitution and only few judges, the workability is still constrained

Informal Justice: Due to responsibility gaps between Israel and the PNA, and the limited range of jurisdiction, the informal justice sector remains an important part of the Palestinian

#### Arbitration

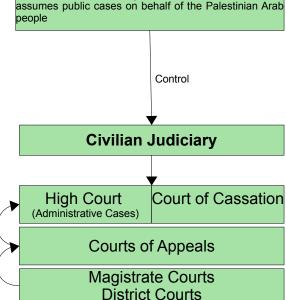
In recent years, arbitration has become more and more important as the PLC is currently not able to release new laws and regulations, necessary to provide a legal basement for current developments. Therefore, arbitration plays an important role in handling and regulating issues of economic processes and development, contracting, and disputes.

### **High Judicial Council**

·Handles and assumes public cases in the name of the Palestinian Arab people

Supervision of the judicial system

Nominates the Attorney General, who handles and assumes public cases on behalf of the Palestinian Arab



### Shari'a and Religious Courts

Supervision by own High Judicial Council Matters of personal status

## Palestinian People