

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 consisted 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 Council (PLC)
- 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 current 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).

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 courts.
- 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 judicial system

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 base for current developments. Therefore, arbitration plays an important role in handling and regulating issues of economic processes and development, contracting, and disputes.

