

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

- ◆ In **Area A** (17.2% of the West Bank as of Oct. 2000), the PA has sole jurisdiction and security control, but Israel still retains authority over movement into and out of these areas, and has repeatedly made use of this 'right' during the current Intifada.
- ◆ 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 WBGS remain occupied territory under International

► 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 during which final status negotiations between the two parties were to take place.

Following 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: Jabalya, 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 Min. 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. Prior to the most recent rounds of local elections (from Dec. 2004 – Sept. 2005), the last municipal elections were held in Gaza in 1946, in the West Bank in 1976, and in Jerusalem in 1965. Since the arrival of the PA, the municipal and village councils took over administrative responsibilities (incl. water, electricity, waste disposal, schools, planning and building control, road construction and maintenance, control of public markets).

As of 2008, there were **557 localities** throughout the WBGS. Of these, 121 are **municipalities**, 12 **local councils**, 355 **village councils** or project committees, and 29 **refugee camp directors**. There are 20 local authorities that provide services for more than one locality. (PCBS, *Local Community Survey*, 2008).

The total number of **local authority members** was 4,214 in 2008, of which 563 (or 13/4%) were **female** (mainly in the West Bank). As for **representation**: there were 894 persons per member of a local authority in the WBGS (601 in the West Bank and 4,706 in the Gaza Strip). (PCBS, *Local Community Survey*, 2008).

► Public Sector

- In Jan. 2006, Hamas won the legislative elections, and replaced Fateh as leading party; since then, the PA is led by Pres. Mahmoud Abbas (Fateh) and PM Ismail Haniyeh (Hamas), which caused **tensions**, not only between the largely Fateh-dominated senior bureaucratic personnel and the newly appointed Hamas ministers and deputy ministers but also because donors began bypassing the existing financial institutions (mainly the Hamas headed Finance Ministry and channeling funds via the President's Office. The situation worsened after **Hamas** took by force control of the **Gaza Strip** in **June 2007** and established there a *de facto* own entity separate from the PA in the West Bank.
- In 2007, **public administration and defense** contributed an estimated 14.1% to the **GDP**, making it the second largest contributor (after 'other services' with 24.5%) (PCBS, *Quarterly National Accounts*, 2008).
- Of the employed Palestinian workforce, 22.7% (WB: 14.9% and GS: 47.5%) were working in the **public sector**. As of June 2008, highest public sector employment in the West Bank was in the Salfit (27.3%) and Tulkarem (23.3%) governorates, lowest in the Jerusalem governorate (3.9%). In Gaza, the largest percentage of public sector employees was found in the Deir Al-Balah (63.8%), the lowest in the Gaza-North (46.4%) governorate (PCBS, *Labor Force Survey*, April-June 2008).
- As part of its Dec. 2007 Palestinian Reform and Development Plan (PRDP), the PA has reduced **government employment** from over 180,000 in late 2007, to about 141,000 in the first half of 2008, well below the 153,000 limit set in the PRDP and the budget. (IMF. *Macroeconomic and Fiscal Framework for the West Bank and Gaza: Second Review of Progress*, Sept. 2008).
- The **daily average wage** in the public sector was NIS 79.5 (West Bank: NIS 82.1, GS: NIS 74.1) compared to NIS 74.6 (West Bank: NIS 81.1, GS: NIS 39.7) in the private sector. (PCBS, *Labor Force Survey*, April-June 2008).
- As part of its continued reform efforts under the Palestinian Recovery and Development Plan (PRDP), unveiled in Dec. 2007, the PA **reduced govt. employment** from over 180,000 in late 2007 to about 141,000 in the first half of 2008, well below the 153,000 limit set in the PRDP. (The World Bank. *Palestinian Economic Prospects: Aid, Access and Reform*. Sept. 2008.)
- Education, Health and Public Administration accounted for almost 25% of **GDP** in the first quarter of 2008. (Ibid.)
- IMF estimates of GDP indicate that the PA's wage bill alone is equivalent to over 27% of GDP.



13.2 ELECTIONS

► Election framework

Eligible voters:

Eligible voters are Palestinian WBGS residents incl. Jerusalem, who are 18 years old or older on polling day, registered in the voters' list of one of the 16 district electoral offices, while **eligible candidates** must be 30 (PLC) or 35 years (President). Presidential candidates must submit a list of 5,000 eligible voters supporting him/her, PLC candidates a list of 500 eligible voters. **Palestinians living overseas are not eligible to vote.**

Election Law and System:

In accordance with the **1996 Election Law**, voting occurred in 16 districts according to the **majority system** (1 ballot) on **2 Jan. 1996**. The PLC was dominated by Fateh with 49 out of the original **88 seats**, followed by Fateh-affiliated Independents (15), Islamic-affiliated Independents (4), Independents (17), and others (3). Six seats were reserved for Christians. The Election Law was **amended** on 18 June **2005**, providing for a **mixed electoral system** (majority and proportional systems) and increasing the **PLC seats to 132**, half of which were 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 (and considering the new **women quota**). On **2 Sept. 2007**, Pres. Abbas unveiled a series of **changes to the electoral law**: Palestinians will now vote solely for party lists, while district voting would be eliminated. All presidential and parliamentary candidates are furthermore required to recognize the PLO as the sole legitimate representative of the Palestinian people.



► 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 President and the PLC took place in 1996. The next such elections were scheduled for 2000, but were delayed following 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. PLO leader Mahmoud Abbas won with 62.3% of the votes cast, while independent Mustafa Barghouti came second with 19.8%.

Municipal Elections: On 10 May 2004 the Palestinian Cabinet announced the first ever municipal elections to take place in Aug. 2004 in Jericho, followed by certain municipalities in the Gaza Strip. However, they were postponed and took finally place in **rounds**, starting with 26 localities in the West Bank on 23 Dec. 2004, followed by 10 local councils in the Gaza Strip (27 Jan. 2005); the second round took place on 5 May, the third on 29 Sept. and the fourth and last on 15 Dec. 2005. **Hamas** contested for the first time and won big in the municipal elections.

The 2006 Elections and Result: Elections for a new PLC were scheduled for July 2005 but were postponed after major changes to the Election Law were enacted which required more time for the CEC to process and prepare. New elections took eventually place on **25 Jan. 2006**; the Central Elections Commission had registered **1,268,721 eligible voters** (of which 52.87% are male and 47.12% female): 775,640 in the West Bank and 493,081 in Gaza.

Current Main Office Holders:

President: Mahmoud Abbas (Fateh), since 15 Jan. 2005
Prime Minister: Salam Fayyad (Third Way) since June 2007



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

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 After the Hamas-Fateh clashes in early summer and the subsequent take-over of the Gaza Strip by Hamas forces, Pres. Abbas dismissed the Hamas govt. and replaced it with an emergency govt., which is still in place as of Nov. 2007.

► Next Elections

The next Presidential elections are currently a matter of public debate between Hamas and the President's Office. While Hamas has made it clear that it will not acknowledge Mahmoud Abbas' legitimacy as PA President after **Jan. 2009**, when according to the PA's Basic Law his 4-year term in office finishes, Fateh argues that elections should be held in **Jan. 2010** since the Palestinian Election Law calls for presidential and parliamentary elections to be held simultaneously 4 years after the date of the later (in this case the PLC elections 2006). If the presidency expires and elections are not held, it temporarily passes to the PLC Speaker (Abdul Aziz Dweik, a Hamas member currently imprisoned by Israel, or his deputy, also a Hamas member). In Nov. 2008, Pres. Abbas said he would call for elections in 2009 if Fateh and Hamas would not reconcile by the end of this year.



13.3 RULE OF LAW

► Legislation

- Since the PLC elections in 1996, the development of a legal infrastructure and judicial system - devastated by decades of neglect under occupation, the lack of regulatory frameworks and a confusing mixture of Ottoman, British Mandate, Egyptian, and Jordanian laws as well as Israeli military orders - has been a priority. As of Nov. 2005, 85 **laws** had been passed and signed, while another 7 were awaiting signature by the President and others were pending in their readings or reviews by the PLC, or being drafted.
- The Palestinian **Basic Law**, which came into force on 7 July 2002 is to serve as basis for a constitution (for a draft of the Palestinian Constitution see <http://www.mopic.gov.ps/constitution/index.asp>).
- In 2005, there were a Chief Justice and 128 judges (13 of them women) serving in the **PA court system**, consisting of the Supreme Court, Appeal Courts, First Instance Courts and Magistrate Courts. (PCBS, *Crime and Victimization Statistics*).

► Human Rights Violations

- It should be noted that elements within the PA have been responsible for **violating the rights of civilians**, sometimes in response to strong pressure by Israel and the US to clamp down on opponents of the peace process. The insufficient conduct of legal proceedings, arbitrary raids and arrests, violation of the right to freedom of expression, as well as the torture of detainees have become regular complaints.
- B'Tselem data suggests that since the beginning of the Al-Aqsa Intifada and up to Oct. 2008, 594 **Palestinians** were **killed by Palestinians**, 120 of them on suspicion of **collaborating** with Israel.
- According to PHRMG data, between 28 Sept. 2000 and 31 Aug. 2008, 161 **collaborators** were killed by Palestinians and the PA Security Forces, and a total of 35 **honor killings** occurred in the WBGS between 2003-Aug. 2008.
- According to PHRMG data, 37 people **died** while in **PA custody** between 1994-June 2008.
- Since 1995 and up to Oct. 2008, the PA has issued 65 **death sentences**, of which 18 have been executed. (B'Tselem, PICCR)
- Between 2004 and March 2008, 154 **kidnappings** occurred in the WBGS, incl. 44 foreigners. (PHRMG)

13.4 NEGOTIATIONS

► Timeline

- The **DoP** of 13 **Sept. 1993** stipulated that negotiations would be conducted in two phases: a first 'transitional' or 'interim' period during which time 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.' With the arrival of this target date (4 May 1999), however, a permanent settlement was far from being reached. Instead, a series of new agreements had been 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 with the intention of reaching an Israeli-Palestinian 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, the US came with yet another **'Bridging Proposal'** in Nov. 2000, proposing Israeli withdrawal from 90% of the West Bank to make way for a Palestinian state, and several solutions for the problems of settlements, refugees, and Jerusalem. Based on these ideas, Israelis and Palestinians conducted talks in **Jan. 2001** in **Taba**, but given the circumstances and time constraints (Intifada, Israeli elections) they failed to come to an agreement. The **June 2001** Israeli-Palestinian Ceasefire and Security Plan proposed by CIA Dir. George **Tenet**, also failed to change the situation on the ground.
- 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 reiterated at their summit in Riyadh in **March 2007**).
- In **Dec. 2002**, a draft of a new Middle East peace plan formulated by the so-called Quartet of mediators - the US, the UN, the EU and Russia - was presented to Israel and the Palestinians (also known as "**road map**"). The plan (in full: Performance-based and Goal-driven Road Map) - 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," though it had no timetable.
- In late **2003**, the so called **Geneva Accord** made headlines. It was an extra-governmental and therefore unofficial peace proposal meant to offer a **draft permanent status agreement** to solve the Israeli-Palestinian conflict (for details see its entry in the Dictionary section of this Agenda).
- In **2004**, then Israeli PM **Sharon** introduced **Israel's unilateral disengagement plan** ending effectively the era of talks and attempts to negotiate a solution. The Israeli Cabinet passed a revised version of the plan on 6 June 2004 and was enacted in **Aug. 2005** through the removal of all Israeli settlements and military installations in the Gaza Strip and of

four settlements in the northern West Bank. Disengagement from the Gaza Strip was completed on 12 Sept. 2005, from the West Bank 10 days later.

- With the coming to power of Hamas in **March 2006**, Israel suspended all remaining contacts with the PA. Meetings between Pres. Abbas and PM Olmert (known as the "four eyes") were resumed after the National Unity Government was dissolved following the near civil war in the Gaza Strip in June 2007. Six **meetings** were held in Jerusalem and one in Jericho.
- Abbas and Olmert met, under American mediation, in Nov. 2007 in **Annapolis**, US, to make plans for future negotiations. The meeting was attended by representatives of over 30 nations, the UNSC and the Quartet, and resulted in a draft resolution being presented by the US to the UNSC, which was, however, immediately withdrawn after Israeli objections. Following the guidelines set out at Annapolis, the **first Palestinian-Israeli negotiations on final status issues** were due to take place on 12 Dec. 2007. While Israel was obligated, "Consistent with the Mitchell Report, [to] freeze[s] all settlement activity (including natural growth of settlements)," Israeli **settlement activity increased dramatically** in the year since Annapolis (for details see: PLO-NAD, *Summary of Israeli Road Map Violations Since Annapolis*, 28 November 2007-27 November 2008).
- In Damascus in March 2008, Arab Heads of State renewed their 2002 **Arab Peace Initiative** and asked for a review in the light of ongoing negotiations. UN Sec.-Gen. Ban Ki-moon, in his message to that Summit, reiterated his commitment to "a just, lasting and comprehensive peace, the end of occupation, and the establishment of a Palestinian State which will live side by side in peace and security with Israel" whilst calling for a "different and more positive strategy for Gaza."
- In March 2008, the **EU Presidency** expressed its full support to the Annapolis peace negotiations. It stressed the need for "swift and tangible results on the ground in order to sustain negotiations. Action from both sides to implement their Road Map obligations is vital in order to retain the confidence and support of the Israeli and Palestinian populations, the region and the wider international community." (Council of the European Union, 14 March 2008).

► PLO Positions on Outstanding Issues

	Palestinian minimum demands	PLO negotiation position
Refugees	<ul style="list-style-type: none"> - Recognition of the rights of Palestinian refugees - Israel's acknowledgment of responsibility for the creation of the refugee problem - Israel's recognition of the applicable principles and rights of the refugees (incl. right to return) 	<ul style="list-style-type: none"> - <i>Recognition</i> of the refugee rights will open the way to negotiating their implementation, which must include the basic principles of voluntary repatriation, or resettlement, restitution and compensation for material and non-material losses
Jerusalem	<ul style="list-style-type: none"> - No Palestinian state without East Jerusalem as its capital is acceptable. - East Jerusalem is essential to the economic, political and cultural viability of a future state. 	<ul style="list-style-type: none"> - Committed to respecting the freedom of worship at, and access to, religious sites for all faiths. - Willing to consider a number of creative solutions with respect to the administration of the city in line with international law (e.g., Jerusalem as open city and capital of two states).
Settlements	<ul style="list-style-type: none"> - Settlements are illegal. - An immediate genuine and comprehensive settlement freeze, dismantling of outposts. - Evacuation of (most) settlements to allow for sufficient land, and access to resources to make a state viable 	<ul style="list-style-type: none"> - Settlements pose the single greatest threat to a viable two-state solution. Their evacuation would be the most appropriate first step towards satisfying Palestinian rights and allowing for the complete exercise of sovereignty over all territory within their future state.
Borders	<ul style="list-style-type: none"> - The border of the Palestinian state should be the 1967 armistice line. - Full control over the borders (free movement and access to international markets). - Territorial link between the West Bank and Gaza. - An equitable delimitation of the maritime area (Mediterranean and Dead Sea), not only with Israel, but also with Palestine's other maritime neighbors (Egypt, Cyprus and Jordan). 	<ul style="list-style-type: none"> - The 1967 boundary is the 1949 Armistice Line plus all mutually agreed legal modifications up until the 1967 conflict. It is the only internationally recognized boundary between Israel and the OPT. - 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.
Water	<ul style="list-style-type: none"> - Attainment of water rights and the fair allocation of water according to international law. - Compensation by Israel for the past and ongoing illegal use of Palestinian water resources. 	<ul style="list-style-type: none"> - Accepts the principle of international water law stipulating that both Israel and Palestine are entitled to an equitable and reasonable allocation of shared freshwater resources





International Law – Main References

■ RIGHT TO SELF-DETERMINATION:

UN International Covenant on Economic, Social and Cultural Rights: Article 1 (1): "All peoples have the right of self-determination."

■ ILLEGALITY OF EFFORTS TO CHANGE JERUSALEM'S STATUS:

UN Security Council Resolution 476 (1980): "Reconfirms that all...actions taken by Israel, the occupying Power, which purport to alter the character and status of...Jerusalem have no legal validity ..."

■ REFUGEE RIGHTS:

Constitution of the International Refugee Organization, Preamble (15 Dec. 1946) (Based on Res. A/45 adopted by UNGA in its first ever session on 12 Feb. 1946, mandating, *inter alia*, the Economic and Social Council to establish the International Refugee Organization (IRO) – a predecessor of today's UNHCR): "The Governments accepting this Constitution, Recognizing: (...) that as regards displaced persons, the main task to be performed is to encourage and assist in every way possible their early return to their country of origin."

The Universal Declaration of Human Rights, Art. 13 (2) (1948): "Everyone has the right to leave any country, including his own, and to return to his country;" and Art. 17 (2): "[n]o one shall be arbitrarily deprived of his property."

UN General Assembly Resolution 194 III, Para. 11 (11 Dec. 1948): "Resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible."

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation.

(Resolution 194 has been affirmed by the UNGA every year since its adoption).

Fourth Geneva Convention, Art. 49 (12 Aug. 1949): "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive." And Art. 53: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

European Convention for the Protection of Human Rights and Fundamental Freedoms, Protocol 4, Art. 3, 1&2 (16 Sept. 1963): "No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national" and "No one shall be deprived of the right to enter the territory of the State of which he is a national."

International Convention on the Elimination of All Forms of Racial Discrimination, Art. 5 d (7 March 1966): (i) The right to freedom of movement and residence within the border of the State; (ii) The right to leave any country, including one's own, and to return to one's country.

The International Covenant on Civil and Political Rights, Part III, Art. 12 (16 Dec. 1966): 1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. ... 3. No one shall be arbitrarily deprived of the right to enter his own country."

UNSC Res. 237 (14 June 1967): "1. Calls upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities."

American Convention on Human Rights, Art. 22.2 (adopted on 22 Nov. 1969, entered into force 18 July 1978): "No one can be expelled from the territory of the State of which he is a national or be deprived of the right to enter it."

UNGA Res. 2672 D (8 Dec. 1970): "1. Considers that the plight of the displaced persons continues since they have not been able to return to their homes and camps; 2. Calls once more upon the Government of Israel to take immediately and without any further delay effective steps for the return of the displaced persons."

Convention Concerning Indigenous and Tribal Peoples in Independent Countries Art. 16 (7 June 1989): 1) ...The peoples concerned shall not be removed from the lands, which they occupy. (...) 3) Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist. 4) When such return is not possible, (...) these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees. 5) Persons thus relocated shall be fully compensated for any resulting loss or injury.

■ PROHIBITION ON SETTLEMENT ACTIVITY:

The Hague Convention IV (18 Oct. 1907): Section II, Art. 23: (...) it is especially forbidden – (...) (g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war; (...)

Section III, Art. 46: Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated.

Universal Declaration of Human Rights (10 Dec. 1948), Art. 17 (2): No one shall be arbitrarily deprived of his property.



Fourth Geneva Convention (1949), Art. 47: "Protected persons who are in occupied territory shall not be deprived, (...) as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory." Art. 49: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." Art. 147 clearly prohibits, "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

UN Security Council Res. 242 (22 Nov. 1967): Emphasizes "the inadmissibility of the acquisition of territory by war", and calls for Israeli withdrawal of from all occupied territories.

UN General Assembly Res. 2649 XXV (30 Nov. 1970): (...) 4. Considers that the acquisition and retention of territory in contravention of the right of the people of that territory to self-determination is inadmissible and a gross violation of the Charter.

UN Security Council Res. 446 (22 March 1979): "Determines that the policy and practices of Israel in establishing settlements in (...) territories occupied since 1967 have no legal validity" and calls on Israel "to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories".

UN Security Council Res. 452 (20 July 1979): "Calls upon the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem."

UN Security Council Res. 465 (1 March 1980): "Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the ... territories occupied since 1967, ... have no legal validity" and calls on Israel "to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem".

UN General Assembly Resolutions Res. 3005 XXVII (Dec. 1972): 2. Strongly calls upon Israel to rescind forthwith and desist from, all such policies and practices as: (a) The annexation of any part of the occupied territories; (b) The establishment of Israeli settlements in those territories and the transfer of parts of an alien population into the occupied territories; (c) The destruction and demolition of villages, quarters and houses and the confiscation and expropriation of property; (d) The evacuation, transfer, deportation and expulsion of the inhabitants of the occupied territories; (e) The denial of the right of the displaced persons to return to their homes; 3. Reaffirms that all measures taken by Israel in contravention of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 Aug. 1949, to settle the occupied territories, including occupied Jerusalem, are null and void;

UN General Assembly Resolutions Res. 3525 A (15 Dec. 1975): 5. Condemns, in particular, the following Israeli policies and practices: (a) The annexation of parts of the occupied territories; (b) The establishment of Israeli settlements (...); (d) The confiscation and expropriation of Arab property (...); (f) The illegal exploitation of the natural wealth, resources and population of the occupied territories. 6. Declares that those policies and practices of Israel constitute grave violations of the Charter of the United Nations, in particular the principles of sovereignty and territorial integrity, and the principles and provisions of international law concerning occupation, and constitute as well an impediment to the establishment of a just and lasting peace.

The Rome Statute of the International Criminal Court of 1998 (Article 8(b)(viii)) defines "the transfer directly or indirectly by the Occupying Power of parts of its own civilian population into the territory it occupies" as a War Crime indictable by the International Criminal Court.

International Court of Justice (ICJ) Advisory Opinion of 9 July 2004 holds that the Wall, along with settlements, violate international law and calls upon Israel to halt its construction, dismantle portions already built, and provide reparations to Palestinians for damages it has caused.

■ WATER:

The UN Committee on Economic, Social and Cultural Rights (General Comment No. 15 of 26 Nov. 2002, E/C.12/2002/11, at 1): "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights."

Customary international water law calls for the "equitable and reasonable" allocation of water among the two or more parties who possess a claim to shared watercourses.

The Hague Regulations of 1910 / Fourth Geneva Convention of 1949: Both oblige the belligerent to safeguard the natural resources of the occupied country and to provide the original citizens with their needs from these resources.

UNGA Res. 3005 (Dec. 1972) recognized that the Palestinians' right of permanent sovereignty applies to the resources of the Occupied Territories. This has also been repeated in numerous subsequent UN reports.

The UN Convention on the Law of Non-Navigational Uses of International Watercourses (21 May 1997) is considered a global framework agreement with the goal to ensure the utilization, development, conservation, management and protection of international watercourses. It codifies the general principles and rules of International Customary Law and progressively develops, modifies and alters existing laws. The Convention follows the ecosystem approach, which emphasizes the need for integrated quality and quantity management covering surface and groundwater and their related ecosystems.

■ BORDERS

Article 2 of the Charter of the United Nations (1945), requires that "(a)ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

UN Security Council Resolution 242 (1967) emphasizes "the inadmissibility of the acquisition of territory by war" and calls for the "(w)ithdrawal of Israel armed forces from territories occupied in the recent conflict."

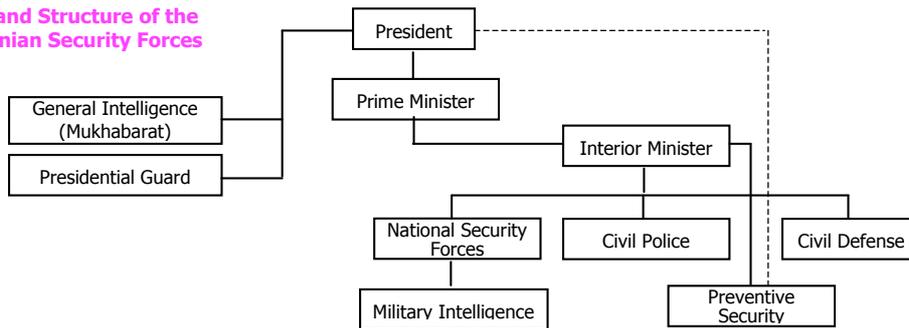
The International Court of Justice in its July 9, 2004 Advisory Opinion recognized the 1949 armistice line as the legitimate boundary of the West Bank and Gaza Strip, holding that all Israeli construction policies in the OPT – including settlement activities and Wall construction – is contrary to its obligations as an occupying power and is illegal.

13.5 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 police 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 allowed to be equipped with a maximum of 7,000 personal firearms, 120 medium and heavy machine guns, and 45 armored vehicles.
- The **Oslo II Agreement** (28 Sept. 1995) added the task of preventing and combating violence and incitement of violence against Israel (Art. XII and XIV) and consequently changed the structure of the PA security apparatus, to be composed of several branches (e.g., Civil Police, Public Security, Preventive Security, Presidential Security, Intelligence - Annex I, Art. II and IV). The maximum number of policemen increased to 30,000. After Oslo II, eight official PNA security services were created: the Civil Police, the Preventive Security, the Civil Defense, the National Security, the Presidential Security, the Military Intelligence, the Naval Police and the 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.
- Security Sector Reform** has been part of PA agenda, in conjunction with its engagements in the Road Map. In 2003, Pres. Arafat established by a presidential decree the **Palestinian National Security Council** in 2003 to oversee all the PA's security mechanisms. Through other decrees, Pres. Mahmoud Abbas reconstructed (28 Oct. 2005) and re-formed (8 April 2007) the Council before dissolving it in June 2007 in the wake of the Hamas takeover of Gaza.
- Following the victory of Hamas in the 2006 PLC elections, Ismail Haniyeh became new PM in March 2006 and appointed Said Siyam as **Interior Minister** (Fateh refused to join the govt.). In April 2006, Pres. Abbas appointed a loyalist, Rashid Abu Shbak, to head the three security services that are controlled by the Interior Ministry. In response, Minister Siyam created the "**Executive Force**" as a new security service under the command of his ministry; a decree by Pres. Abbas declared it illegal.
- One of the key outcomes of the Nov. 2007 **Annapolis Conference** was the appointment of Lt. Gen. **William Fraser** as Road Map Monitor and (Ret.) Gen. **James Jones** as special envoy to Middle Eastern Regional Security. Together with Lt. Gen. **Keith W. Dayton**, US security coordinator to the Palestinian territories, they work, *inter alia*, on the reorganization of the Palestinian security forces.

Command Structure of the Palestinian Security Forces



Overview of Palestinian Security Forces in the West Bank

Force	Strength	Head	Mission	Remarks
National Security	7,600 troops (effective ca. 3,700)	General Commander post vacant West Bank: Maj.-Gen. Thiab Hamdouni	Internal and border security	10 battalions in the West Bank; has directorates (e.g., training, finance, etc.) and sub-branches (e.g., military intelligence)
Military Intelligence	950	Brig.- Gen. Majed FuraJ	Internal affairs, military police (acts against infiltration by militant groups)	Runs the Intelligence Sciences College in Jericho
General Intelligence	3,549	Brig.- Gen. Tawfiq Tirawi	External intelligence, counterespionage, liaison with foreign intelligence	Runs the Intelligence Sciences College in Jericho
Presidential Guard	2,100	Brig.-Gen. Munir Az-Zu'ubi	Protection of the President, VIPs, & specific PA facilities; crisis response	3 battalions with a fourth having been authorized; absorbed the remnants of the old Force 17
Preventive Security	3,555	Brig.-Gen. Ziad Hab Al-Rih	Internal intelligence, investigation of corruption, counterespionage,	Received judicial power of arrest & investigation in Nov. 2007
Civil Police	6,457	Maj.-Gen. Hazem Atallah	Day-to-day policing, arrest of criminals, traffic control	Organized in districts
Civil Defense	400	Brig.-Gen. Ibrahim Atiani	Emergency responses (fire, medical, natural disaster)	

Source: US Security Coordination Road Warrior Team, *West Bank: Palestinian Security Forces*. June 2008.



13.6 STATE OF PALESTINE

Since its proclamation by the PNC meeting in Algiers on 15 Nov. 1988, 94 countries have recognized the State of Palestine; these are: Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Botswana, Brunei, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China (People's R.), Comoros, Congo (Brazzaville), Congo (Kinshasa), Cuba, Cyprus, Czech Republic, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Hungary, India, Indonesia, Iran, Iraq, Jordan, Korea (Dem. People's R.), Kuwait, Laos, Lebanon, Libya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Poland, Qatar, Romania, Russia, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, Vanuatu, Vatican, Vietnam, Yemen, Yugoslavia, Zambia, Zimbabwe. Austria, Belgium, France, Germany, Greece, Italy, Netherlands, Portugal, Spain, and the UK, Japan, Sweden, Finland and most EU countries did not formally recognize the State of Palestine but have granted a **specific diplomatic status** to a Palestinian representation, while Brazil and Switzerland allow a PLO representation protected by the immunity of another Arab Mission.

Mexico, Columbia, Venezuela, Rwanda, Chile, and Argentina, recognized the State of Palestine as a **Special Diplomatic Mission**.

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| http://lawcenter.birzeit.edu/ (BZU, Law Center) | http://www.palestinianbasiclaw.org/ |
| http://www.elections.ps/english.aspx | http://www.arts.mcgill.ca/programs/polisci/faculty/rexb/unsco-ruleoflaw/ |
| http://www.palestine-encyclopedia.com/EPP/Start.htm | http://www.piccr.org |
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