

# Point of View

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## **Palestinian Sovereignty – Only in Court?**

The Jerusalem District Court ruled this week that “the PA meets the main requirements that constitute a ‘state’” and that it is “semi-sovereign” in the territory it controls (**Association of the Elon Moreh College v. State of Israel et. al.**, 4/23/06).

This ruling raises the issue of the political implications of the political status of the PA.

### **What is the Issue?**

#### **Status of the PA**

- The Interim Agreement (9/95) defined the powers and authorities of the PA for the duration of an Interim Period of no longer than 5 years (until 5/99), during which the two sides were to resolve all "Outstanding Issues". The political status of the Palestinian entity in the West Bank and Gaza Strip was defined as one of these issues.
- Though the two sides failed to reach a permanent status agreement by the end of the Interim Period, the PA continued to exist and acquired powers that were not allocated to it in the Interim Agreement. **The political status of the PA has never been determined.**

#### **Israeli Policy vis-à-vis the PA**

- Since Hamas' electoral victory (1/06), Israel has been working to block economic assistance to the PA, cut-off ties with its institutions and politically isolate its cabinet.
- Israel and the US are heading an international coalition conditioning the renewal of economic assistance to the PA on Hamas' adherence to three demands: to recognize Israel, to reaffirm existing agreements and to cease violence.

### **Why is this Important? Why Now?**

- Current Israeli policies affect the political status of the PA in contradicting ways:
  - *On the one hand*, ending the PA's dependency on Israel would entail improving the **political independence** of the PA.
  - *On the other hand*, ending assistance to the PA erodes its economic infrastructure and **damages its ability to effectively govern its territory**, making it unlikely that the PA will be able to provide its residents with civil services or maintain public order. A decrease in the effective control of the PA is likely to **damage the PA's political status and may even lead to its collapse.**
- **The political status of the PA affects the political demands that may be placed before the Palestinians, the extent of Israel's flexibility in security operations and the bilateral relations between the two entities.**

### **Policy Options**

- Israel's current policy towards the Palestinians greatly relies on the existence of a political address on the Palestinian side:

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- **The demands of Israel and the international community** from the Palestinians require a political entity that has the authority to implement agreements and enforce law and order in its territories.
- **“The Convergence Idea”**, according to which Israel will unilaterally withdraw from territories in the West Bank, is based on the assumption that Israel will transfer the authorities and responsibilities in the evacuated territories to a political address.
- However, Israel is eroding Palestinian sovereignty in order to maintain its operational freedom and to weaken Hamas.
- Israel must form a coherent strategy regarding the political status of the PA that reconciles the tension between its security interests and its political interests.

For additional sources see the Re'ut Institute website: <http://www.reut2006.info/hamas/eng/>.

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