

# Point of View

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## Can Israel Overthrow the Hamas Government?

The arrest of the Hamas ministers and the military raid on the Hamas' social welfare system ("Dawah") may imply that Israel is aiming to overthrow the Hamas (Benn, **Ha'aretz**, 6/30/06; Rubinstein, **Ha'aretz**, 7/3/06).

Re'ut Institute contends that there may not be a constitutionally viable way to overthrow Hamas, and therefore, Israel's actions may result in total paralysis of the Palestinian Authority (PA).

### What is the Issue?

According to the Palestinian Basic Law, an absolute majority of members of the Palestinian Legislative Council (PLC) is required to both approve and disband the government.

The Basic Law provides no mechanism for dissolving the PLC. The PA President can only dismiss the government.

Hence, in light of the Hamas predominance in the PLO, it is clear that any "next government" in the PA will depend upon Hamas support.

Therefore, aside from voluntary resignation of Hamas from the PLC, there is no constitutionally viable way to prevent Hamas' participation in the political system of the PA.

### Why is this Important? Why Now?

The Re'ut Institute identifies five possible scenarios for the consequence of overthrowing the Hamas government:

- **Parliament without government** – In such case, the PLC has not been dissolved, but in the absence of a functioning government there will be no services provided to the Palestinian population and the regime will collapse.
- **Hamas boycotting the PA political system** – If Hamas takes such a step, it may lead to the collapse of the entire PA regime.
- **Dissolution of the PLC and new elections** – New elections may not change the political balance. Various surveys (e.g. **Ha'aretz**, 7/4/06) show that support for Hamas has not declined.
- **Non-constitutional Fatah government** – A new Fatah-led government may be perceived as a puppet-government collaborating with Israel.
- **National unity government** – Such a government will be established through agreements between Fatah and Hamas.

### Policy Options

The Re'ut Institute contends that Israel should examine its ability to overthrow Hamas in a constitutionally viable way, for the following reasons:

- The scenarios of PLC without a government, Hamas boycotting the PA, new elections or an illegitimate Fatah government, may undermine the PA to the point of collapse.
- Furthermore, Israel should re-examine the assumption that Fatah would replace Hamas. Although there are elements within Fatah who call upon Abu-Mazen to take advantage of

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the situation and establish a Fatah government (**Ha'aretz**, 6/29/06), other elements call for supporting Hamas against the "Israeli Siege" (Jibril Rajoub, **Al-Jazeera**, 6/29/06).

- The establishment of a national unity government may be the only way to promote the stability of the PA. However, this alternative would require some type of recognition of Hamas' participation in the PA government.

End.

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