



Why Palestinian Elections Should Get Back on Track

Citing Israeli obstruction, President Mahmoud Abbas has put off elections that were slated to begin in May. The decision is disappointing, as Palestinian institutions need refreshing. The polls should be rescheduled, with the full backing of outside powers, including the European Union and United States.

On 29 April, Palestinian President Mahmoud Abbas “indefinitely postponed” three separate rounds of elections in the occupied Palestinian territories that had been scheduled to start on 22 May. His announcement, four months ago, of dates for these elections had come as a pleasant surprise to many Palestinians. No voting for Palestinian Authority (PA) institutions, which exercise limited self-rule in the territories, or the Palestinian national movement’s main organs has taken place for fifteen years. These institutions have become stale and out of touch. Most Palestinians welcomed the opportunity to refresh them, particularly the apparent chance to bridge the gap that opened in 2006 between the West Bank, administered by Abbas’s Fatah party, and the Gaza Strip, administered by the Islamist Hamas. In the eyes of many, such internal political renewal is necessary if Palestinians are to develop an effective national strategy for dealing with the deepening Israeli occupation, including settlement expansion in East Jerusalem and the West Bank, but also

Gaza’s increasing isolation, amid the moribund peace process. In this light, the decision to postpone was a major disappointment.

Frustrating, too, is the international reaction. Abbas’ external partners – notably Europe and the UN – have done little more than express regret at the delay and call for new election dates. The U.S. offered no words in defence of Palestinian democracy. The planned Palestinian elections need and deserve steadfast outside support. Foreign powers should do all they can to get the vote back on track, not only offering the PA the assistance it needs to bring off all three rounds of elections smoothly but also strongly discouraging Israel from continuing to derail the process. They should make clear that they will honour the election outcome and continue working relations with whichever Palestinian government emerges, subject only to that government committing to respect international law (including prohibitions on violence against civilians). Israel should abide by its obligations under the foundational documents of the Oslo peace

process not to hinder Palestinians' exercise of the franchise. But first Abbas and the Palestinian leadership will need to reschedule the elections at the earliest possible date and fully commit themselves to the project of political renewal that they embody.

On 15 January, Abbas announced that elections for the Palestinian Legislative Council (PLC), the Palestinian Authority's lawmaking body, would be held on 22 May, followed by a presidential election on 31 July and elections for the Palestine National Council, the Palestine Liberation Organization's internal decision-making organ, on 31 August. His statement brought a rush of political activity. Some 93 per cent of eligible Palestinians registered to vote, and 36 groups submitted lists of candidates by the 31 March deadline. Presidential decrees and legal interventions made it hard for opposition hopefuls to register, and reports of intimidation of candidates challenging the ruling order were rife. Nevertheless, preparations for elections progressed well, and the Palestinian Central Election Commission showed a high degree of transparency in its operations. Ripples of public engagement were easy to see. Many electoral slates included younger people. An increased women's quota (26 per cent) ensured that 405 of the 1,389 registered candidates were women.

In parallel, Fatah, Hamas and other Palestinian factions met twice in Cairo in early 2021, primarily to agree on election modalities. The meetings were not news in themselves: Fatah and Hamas have made several attempts to come together behind a common program since 2006, when the Islamists won the last PLC vote. Back then, the Quartet, comprising the U.S., EU, UN and Russia, imposed three conditions for recognition of the newly elected government: that it acknowledge Israel's right to exist, renounce violence and accept all previous Israel-Palestinian agreements.

These requirements were and remain red lines within Hamas. While Hamas has indicated its readiness to de facto accept Israel (notably in revisions to the Hamas charter in 2017) and to work in a government that affirms the PLO principles (which include accepting previous agreements and non-violence), it will not explicitly endorse these stipulations, which remain controversial in the movement and are considered relevant only in the context of any potential comprehensive deal and regarding which there are no reciprocal demands on Israel.

As Crisis Group has argued repeatedly, the imposition of the Quartet conditions has been counterproductive and overall has had disastrous consequences. Israel, with U.S. backing, has since blockaded Gaza, where Hamas has its de facto government. Fatah rejected the result, leading to fighting in which Hamas drove the PA's security forces out of Gaza and, in effect, took it over. Abbas maintained the Fatah-dominated PA's hold on the West Bank and, eventually, dissolved the PLC.

On past occasions, Fatah and Hamas have been unable to reconcile; nor could they do so this time in Cairo. But the 2021 meetings were different in that they focused on a more practical and immediate agenda – how to run elections in which both would participate and whose outcome both pledged to respect – which at least held out the promise of larger breakthroughs down the road. There was talk of a joint Fatah-Hamas list for legislative contests. All these factors added significance to the elections as the momentum toward polling gathered pace.

Although the ostensible reason given for Abbas' indefinite postponement was Israel's refusal to allow the vote in occupied East Jerusalem, three other dynamics were in play that made the prospect of elections increasingly precarious. The first was divisions within Fatah, whose longstanding internal rivalries surfaced during the preparation of candidate lists. Fatah split into three blocs:

one backed Abbas' official list. Another supported a reformist slate that included independents but was led by Nasser al-Qidwa and Marwan Barghouthi, the first a former Fatah executive member and nephew of Fatah founder Yasser Arafat, and the second a previous street leader and Fatah parliamentarian who is now a prominent political prisoner. The third bloc championed candidates tied to Mohammed Dahlan, a breakaway former Fatah security chief now very much estranged from the party leadership. The split with Dahlan is longstanding, but the departure of al-Qidwa and Barghouthi was new. The cumulative effect left the rump Abbas-led bloc feeling threatened and weakened. From being an exercise in re-electing Fatah – perhaps as *primus inter pares* in a power-sharing agreement with Hamas – elections became an unpredictable challenge to business as usual.

The second dynamic was the rift between Fatah and Hamas. The rumoured unified Fatah-Hamas slate never came to pass. Having won 44.5 per cent of the vote and a majority of seats (74 of 132, while Fatah won 45, with 41.5 per cent of the vote) in 2006, Hamas was signalling that it had more modest power-sharing ambitions for the 2021 elections, pledging not to seek the posts of prime minister and foreign affairs minister for itself (which could trigger an international veto of the new cabinet). In part, Hamas might have been aiming to relinquish its increasingly burdensome governing authority in Gaza, while maintaining its power base and resistance capacity there and gaining representation in PLO structures. But Fatah became increasingly worried, given its own internal divisions, that Hamas could again emerge as the largest party in a vote. Outside powers, not least the U.S., shared this concern. Hamas is a U.S.-listed Foreign Terrorist Organisation. The Biden administration has shown no appetite for expending political energy on rethinking

the Quartet's position and is in fact working to restore bilateral relations with the Fatah-led PA and PLO. The worries about Hamas partly explain the lack of Western support and encouragement for Palestinian elections.

The third dynamic concerns Israel's opposition to the elections. This is best understood as the flip side of why many Palestinians supported the vote – as an on-ramp to strengthening Palestinian capacity and agency in challenging Israeli policies and as a way of overcoming Palestinian division and the isolation of Gaza. Israel refused to commit to allowing East Jerusalem Palestinians to vote in Palestinian general elections, a right guaranteed in the Declarations of Principles, under Article II of the 1993 Oslo I accord and Article VI of the 1995 Oslo II accord and upheld on previous occasions. These documents are the foundation of the peace process in which Israel recognised the PLO and which made provisions for establishing the PA. Reports and interviews indicate that Israel viewed the highly sensitive issue of Jerusalem as a way to undermine the vote (for Palestinians it is impossible to conduct elections without East Jerusalem, which Israel has illegally annexed, remains occupied territory and is of high religious value – home to al-Aqsa mosque – and political salience as the capital of a future Palestinian state). Israel may also have considered that the Jerusalem question would give the Palestinian leadership a useful excuse should they decide to cancel the polls.

Israel had taken other steps, too. It disbanded Palestinian election meetings in Jerusalem, arrested two candidates on the Hamas list – El Beera Najeh from Ramallah and Hasan El Werdian from Bethlehem. It also enforced restrictions on Palestinian movement within and between the occupied territories, making sure that anything resembling a normal election campaign (even accounting for COVID-19 safety measures) was impossible. There are well-sourced

reports of Israeli security officials warning the Palestinian leadership not to proceed with the vote.

As for Western powers, having urged the Palestinians to renew the democratic process over many years, they largely failed to step up when put to the test. The period between the announcement of polls and the decision to postpone was marked by absence of foreign engagement to help see that the elections would take place or to plan for how to respond to results. European states called on President Abbas to issue relevant election announcements and decrees, and committed to help facilitate the vote, including in East Jerusalem. But they did not deliver on these commitments and failed to push back when Israel refused the necessary entry permissions for a European preparatory mission and election observers. The Biden administration stated that elections are “a matter for the Palestinian people to determine”. But, at the same time, the State Department reiterated its standing position toward Hamas participation by invoking the Quartet requirements. Washington also said nothing about Israel’s disruptive measures, including refusing Palestinian requests for clarification on East Jerusalem voting and arresting candidates.

Indeed, there was a sense that for many outside powers the decision to postpone came as a relief. Working out how to deal with a Hamas win was too difficult, cajoling Israel into accepting the Palestinian vote in East Jerusalem too daunting, the implications for the (anyway stalled) peace process too unpredictable and the dispatch of election observers under coronavirus conditions too challenging.

This is more than a missed opportunity. In its short-term thinking it helps guarantee the further hollowing-out of Palestinian democratic institutions, rendering even more divorced from reality the international position of Palestinian state-building and the two-state concept, while helping

to lock in Palestinian division and the dire, blockade-induced deterioration in Gaza. The institutions of Palestinian self-governance, limited as they are by various forms of Israeli control, have long since ceased to be accountable to or representative of the Palestinian public. In the fifteen years since Palestinians have had a chance to elect a president or legislators – and the even longer time since PLO elections – the Palestinian proto-state has increasingly been shorn of checks and balances. It has become a system of rule by presidential decree, with the legislative branch disbanded and judicial independence eroded. This development has robbed ordinary Palestinians of any say not just in their own governance but also in the strategies their leaders pursue toward realising their freedoms.

To move forward:

- Western governments should make a clear and unequivocal commitment to the Palestinian democratic process, call for the immediate announcement of new dates for the holding of all three rounds of Palestinian elections, and stand behind their completion on those dates. They also should work with the parties to de-escalate any immediate tensions resulting from the announcement of postponed elections, especially amid violence in East Jerusalem and between Gaza and Israel that could easily spread to the West Bank. They should call on Israel to desist from provocative policing measures in East Jerusalem, notably with the month of Ramadan coming to an end and Eid holidays approaching.
- Those states in a position to do so, especially regional states (Egypt, Qatar and Turkey), should, in dialogue with the relevant Palestinian factions, continue steps to promote reconciliation and agreements

regarding the future conduct of elections. They should discourage Fatah and Hamas from responding in destructive ways to the postponement and from any further curtailment of democratic space in civil society. Given the stated opposition of Hamas and other factions to Fatah's reversal of elections, this would best include a credible commitment to seeing through a rescheduled vote.

- In encouraging elections to take place on the newly announced dates, the Quartet, in particular the U.S. and EU, should state that they intend to respect the outcome of elections, and clarify that they will determine their engagement with a future Palestinian government based on its commitment to resolving the conflict and acting in accordance with international law. They should not allow the Quartet conditions pertaining to the 2006 elections to further hinder progress. The Quartet should also urge Israel to enable and facilitate voting for East Jerusalem Palestinians in accordance with signed agreements and previous practice, setting out consequences and response steps in the event of Israel's failure to comply. Likewise, they should urge Israel to desist from threats and actions of intimidating, detaining and imprisoning candidates and their supporters, and to remove restrictions on campaigning and freedom of movement.
- Europeans and others should be ready to deploy election observers, including preparatory missions, in the lead-up to elections, with necessary precautions taken for COVID-19, and should demand the necessary cooperation from Israel to allow this deployment. They should continue to give technical and practical support to the Central Elections Commission and the

work of civil society electoral monitoring bodies.

For its part, the government of Israel continues to renege on commitments made in signed agreements, including with regard to the Palestinian vote in East Jerusalem. While this is nothing new and is inherent to Israel's entrenched occupation of Palestinian territories, Israel should consider that the further hollowing and delegitimising of Palestinian institutions risks a backlash that has both security and political implications. Ideally, it would abide by relevant clauses of the Oslo framework, notably those pertaining to allowing East Jerusalem Palestinians to cast their votes; desist from politically motivated detentions, arrests and other actions that contribute to more tensions and create an atmosphere of intimidation; and facilitate movement between the West Bank and Gaza in ways that enable candidates to campaign more effectively.

Finally, the Palestinian leadership should announce, in short order, a new schedule for all three rounds of elections and adhere to that schedule in full. Promises to renew reconciliation talks with Hamas and other factions are not a substitute for elections, nor are they likely to make progress against the backdrop of postponed elections. The Palestinian authorities should also desist from political arrests and intimidation of candidates or lists and aim to create an atmosphere of trust, stability and safety during the campaign.

Elections in the occupied Palestinian territories, if they go ahead, will not be free and fair in any universally recognisable sense. The circumstances under which any Palestinian election takes place – Israeli occupation and Palestinian statelessness – render that impossible. Palestinians face daily violations of their basic human rights to freedom,

dignity and health alongside continued creeping annexation of Palestinian territory by Israel.

Still, the absence of structures for democratic engagement between Palestinian leaders and public is a glaring problem, one that has become more acute as the circumstances of Palestinians on the ground have deteriorated. In particular, Palestinians have paid a high price for the entrenched disconnect between Gaza and the West Bank – not only territorially, but also in terms of politics, administrative structures and movement of goods and people. The Fatah-Hamas divide

and the absence of Palestinian leadership accorded public legitimacy via a vote have further damaged Palestinian capacity to fashion a strategy for ending the military occupation and the conflict with Israel through negotiations. Breaking the impasse requires elections not only for the Palestinian Authority, but also for the PLO structures.

Elections are no cure-all, but accountable, representative and renewed Palestinian governance and national institutions are a prerequisite for reasserting much-needed Palestinian agency. They deserve international support.