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Palestinian Elections, Finally

Significance, Challenges and European Responsibilities

Muriel Asseburg

2021 is shaping up to be a year of elections for the Palestinians, both in the Palestinian Territories and across the world. Three ballots are scheduled for the institutions of the Palestinian Authority (PA) and the Palestinian Liberation Organisation (PLO). It is still unclear whether they will all take place as planned. The PA elections certainly have an important role to play in integrating the younger generations in the Territories, restoring political accountability and reinstating democratic checks and balances. The elections to the Palestinian National Council – the PLO's parliament in exile – would be even more significant and a crucial step towards creating a representative organ and establishing the basis for an inclusive discussion about the liberation movement's future strategy and the role of the PA. The EU and its member states have been calling for years for the Palestinian leadership to revive the democratic process and overcome the Fatah/Hamas split. They should therefore not only support the elections with observers but also contribute actively to their being as free, fair and competitive as possible under the difficult circumstances.

In mid-January 2021 Palestinian President Mahmoud Abbas issued decrees for three elections to be held in the course of the year: to the Palestinian Legislative Council (PLC), the PA's parliament, on 22 May; for the PA presidency on 31 July; and to the Palestinian National Council (PNC), the PLO's parliament in exile, on 31 August.

The decision to hold elections fulfils the longstanding demand of the international community – especially Germany and its EU partners – to revive the democratic process in the Palestinian Territories. At the same time, Abbas hopes to prepare the ground to mend the relationship with the United States after four years of dysfunc-

tionality under President Donald Trump. The decision was made possible by a rapprochement between the Palestinian parties: first and foremost Fatah, which governs the West Bank, and Hamas, which governs in Gaza. The decisive motivation was their shared rejection of Trump's so-called deal of the century and the Israeli government's announcement in early summer 2020 of a formal annexation of parts of the West Bank. In view of the existential threat to the Palestinian national project, the Palestinians agreed in autumn 2020 to hold elections at all levels before resuming talks towards reconciliation between the rival leaderships. The sequence acknowl-



edged that one of the effects of the failure of all efforts to overcome the split had been to prevent the holding of elections.

Elections Still Uncertain

The Palestinian parties committed in early February 2021 to accept the election results, and agreed to secure the polling stations with official, uniformed security forces, and to establish a special election court (with judges from the West Bank, Gaza and East Jerusalem). They also agreed to establish a government of national unity, ensure freedom of expression and release political detainees on both sides. In mid-March they signed a code of honour for the ballots.

Preparations are already in full swing. President Abbas has issued decrees regulating the process in the Palestinian Territories, including a purely proportional national list system for the PLC election. Voter registration was carried out in mid-February. Registration of party lists is between 20 and 31 March.

Yet it is by no means certain that all the elections will occur as planned. The third wave of the Covid-19 pandemic, which is currently virulent in the Palestinian Territories, is likely to hamper campaigning and voting. Nor is it clear whether the Palestinian population of East Jerusalem will be permitted to participate, and if so how. Both dominant parties also worry about losing control of the part of the Territories they currently govern. Another fear is that a successful ballot could be followed by another round of international isolation and loss of urgently needed diplomatic and financial support — as occurred in 2006 after Hamas won largely free and fair elections and formed a government. This government was quickly isolated by Israel, the EU and the United States and undermined by Fatah, in a process that spiralled into armed conflict between Hamas and Fatah, Hamas's violent seizure of power in Gaza and the political split that still drags on today. The governments of Israel, Jordan

and Egypt are already exerting pressure on the PA to delay the elections.

Potential Significance

Elections in the Palestinian Territories would of course occur under conditions of occupation and achieve no more than renewing the institutions of the Palestinian Authority, whose powers under the Oslo Agreements between Israel and the PLO are very limited indeed. The process would nevertheless be immensely significant. Elections would *firstly* give the very young population of the Palestinian Territories an opportunity to participate in politics. About two-thirds of the population are under 29 years old. Given that the last elections were more than fifteen years ago — for the presidency in January 2005, to the PLC in January 2006 — that also means that about half of today's electorate (those aged 18 to 33 years) have never had an opportunity to vote.

Secondly it would be a first step towards restoring political accountability and democratic checks and balances. Abbas has ruled by decree since declaring a state of emergency after the political split between the West Bank and Gaza in June 2007. In December 2018 he finally dissolved the PLC, with the effect of lifting the deputies' immunity. In the meantime two parallel political systems have emerged in the West Bank and Gaza, both of which are governed in an increasingly authoritarian fashion. While there may be little prospect of overcoming the split and achieving genuine reconciliation, elections could at least restore a counterweight to the executive, and the legislative council would likely push for an independent judiciary.

Thirdly the elections offer an opportunity to revive the political debate, foster the emergence of new political forces and engage society. At least in theory it would also present a chance to initiate an orderly succession to the presidency. Although the population is largely disillusioned about the PA's institutions and the political par-

ties, the enthusiasm for voter registration — with more than 93 percent of those eligible signing up — indicates strong interest in political participation. Surveys show three-quarters of respondents supporting elections, and a lively debate about the elections is under way in the Territories and across the diaspora.

Fourthly the elections to the PLC will determine one-third of the seats on the PNC (132 of 350), as Legislative Council deputies will automatically represent the Palestinian Territories in the exile parliament.

Elections to the PNC

In view of the grim outlook for the national Palestinian project, the PNC elections would be especially significant. A process of renewal would be crucial to make the PLO's governing body representative and improve its effectiveness. The bloated National Council (with currently 765 members) last met in April/May 2018. Even if it is still nominally the PLO's supreme decision-making body, it has remained largely on the sidelines since the PA was established in 1994 and took over functions of the PLO. One central reason for its loss of relevance is the concentration of powers enjoyed by Abbas, as PA president, PLO chairman, Fatah chairman and president of the State of Palestine. This excludes from the political process 8.5 million Palestinians in Israel and the diaspora (compared to about 5.2 million in the Palestinian Territories). Furthermore, the balance of forces in the PLO institutions is defined by factional compromises negotiated long ago and outdated quotas for unions and societal groups.

Now the size of the PNC is to be reduced to 350 members and its composition determined wherever possible by elections. Even if the specific circumstances might not allow voting to take place in every country with a Palestinian community, and elections may end up being possible only in the Palestinian Territories, Israel, Europe, the United States and South America — they would still mark a decisive step towards

establishing a representative organ and integrating forces like Hamas into the PLO in proportion to their popularity. That would also create the basis for an urgently needed Palestinian debate about the future strategy of the liberation movement and the role of the PA.

Caveats

There are currently strong signs that the two dominant forces — Fatah and Hamas — are seeking exclusive power-sharing rather than free, fair and competitive elections. It remains unclear whether the two parties will actually — as has been discussed — stand on a joint list and thus negotiate the share of seats between them in advance, rather than leaving that to the voters. There is also still doubt as to whether they will agree on a joint candidate for the presidency — as Hamas in particular would wish. Hamas has thus made it clear that it does not intend to stand its own candidate for president.

In general, conditions have been created that narrow the field and deter rather than encourage candidates from standing. The window for registration is so short as to make it almost impossible to form new alliances or conduct primaries. Also there is no party law that would regulate the establishment and registration of new parties beyond mere electoral alliances. Moreover, the lists have to collect three thousand signatures and deposit the equivalent of US\$20,000 — a huge sum in the Palestinian context — to register. Before they register candidates are also required to resign from any public office they hold (whether as minister or local councillor) and terminate any employment in the public sector or even with civil society organisations. The minimum age for standing for the PLC was set at 28 years, provoking harsh criticism especially among the Palestinian youth.

Neither Ramallah nor Gaza has fully implemented the agreed release of political prisoners. And there is no sign of a political opening. Quite the contrary, in early March

Abbas issued a decree on NGOs placing considerable constraints on the freedom of civil society.

To date only Hamas has held internal elections — to schedule and therefore more or less coincidentally in advance of the elections. In the case of Fatah we currently see the opposite of an internal process involving the grassroots: The leadership assigns list places, excludes popular candidates and, according to media reports, threatens those who intend to stand on alternative lists with exclusion from the party or even physical violence. When Nasser al-Qidwa, member of Fatah's central committee, long-serving PLO representative to the United Nations and former PA foreign minister refused to bow to the pressure he was actually expelled from the party in mid-March. There is every sign that Abbas intends to stand again for president in July despite his advanced age of 85 years, his poor health and his repeated promises that he would not do so. He certainly wants to prevent adversaries within his own party from standing. This concerns two individuals in particular: Marwan Barghuthi, former PLC deputy and former secretary-general of Fatah in the West Bank, who has been imprisoned in Israel since 2002 and is currently regarded as the most popular Palestinian politician; and Mohammed Dahlan, former head of the Preventive Security Force in Gaza, who was expelled from Fatah and has been in exile in the United Arab Emirates since 2012.

Israel's Role

Orderly elections are also endangered by Israeli measures. Not only have Israeli security forces in the West Bank begun detaining members of the PFLP (Popular Front for the Liberation of Palestine) and Hamas and pressuring them not to stand in the elections. Israel also has yet to clarify whether and how the Palestinian population of East Jerusalem will be permitted to participate in the elections, as explicitly laid out in the Oslo Agreements. In the past some voted in

a kind of postal vote in the city's post offices, others in Palestinian West Bank communities adjacent to Jerusalem. With good will on both sides ways and means could certainly be found to allow East Jerusalem's Palestinian population to participate. And then there is the question of enabling residents of East Jerusalem to stand as candidates. That would require a clear commitment from the Israeli government not to strip them of their residency rights in the city — as occurred after the 2006 PLC elections when four Jerusalem-based Hamas deputies were detained and expelled from the city.

European Demands, European Responsibility

The EU and its member states — as the largest donor to the Palestinians — have declared that they want to contribute to building a democratic Palestinian entity. For years they have been calling on the Palestinian leadership to return to the democratic process and overcome the split. German Chancellor Angela Merkel is said to have urged President Abbas to hold elections at their last meeting in August 2019.

The EU and its member states should therefore not only — as already planned — support the upcoming ballots with (financial) assistance and observers. They should also — if possible united and in coordination with Washington, but if need be in a coalition of the willing — *firstly* press the Palestinian leadership to refrain from yet again indefinitely postponing the elections. They should also prevail upon the PA to rapidly create an atmosphere in which free, fair and competitive elections can take place — to the extent that is possible at all under the occupation. In order to facilitate the PNC election in late summer they should enable the Palestinian diaspora in Europe to campaign and vote, for example by providing polling stations and logistical support.

Secondly they should push Israel to allow the Palestinian population of East Jerusa-

lem to vote — and to stand for election — without restrictions, to grant the freedom of movement within and between the Palestinian Territories required for campaigning and voting, and to desist from intervening in the electoral process.

Thirdly they should now send a clear message about the conditions under which they would cooperate with the government of national unity sought by the dominant parties, rather than waiting to see what outcome the election brings. There is a need to allay fears that a Western policy of isolation would yet again more or less automatically be imposed on any government in which Hamas were involved.

Hamas has backed the agreement among the Palestinian parties that forms the basis for the elections, whose existence the PA confirmed in a letter to the US State Department. It contains a commitment to a two-state settlement based on the 1967 borders, to international law, (unarmed) popular resistance, and recognition of the PLO as sole representative of the Palestinians worldwide. The European Union and its member states should announce that they are willing to cooperate with a unity government operating on the basis of this platform. That would also serve to strengthen the pragmatic wing of Hamas, which has come ever closer to accepting the conditions for cooperation laid down in 2006 by the so-called Middle East Quartet (United States, Russian Federation, United Nations, European Union), i.e. commitment to non-violence, recognition of Israel, and acceptance of previous agreements and obligations, but is only ready to recognise Israel in the context of an agreement and not as a precondition.

Even if Hamas is still on the European Union's list of terrorist organizations, it would be sensible for the EU and its member states to reconsider their "no contact policy" towards Hamas. It would make sense to initiate at least low-level contacts in order to explore further steps towards rapprochement and to feed European posi-

tions (for example in relation to Israel, governance and human rights) into Hamas's policy debates and positions.

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