



Are Palestinian elections going to be held?

Sawsan Ramahi

BRIEFING PAPER

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This is not the first time that President Mahmoud Abbas has called for elections, whether for the Palestinian National Council, the Palestinian Legislative Council or the presidency. On every occasion, his political opponents in Hamas have responded positively to the call, but the election process never goes ahead, for all sorts of reasons.

On 26 September, President Abbas announced before the UN General Assembly that he will call for general elections in the West Bank (including Jerusalem) and the Gaza Strip. This was a few days after the proposal of the Palestinian eight-faction initiative (including factions in the Palestine Liberation Organisation) to end the political division, which Hamas agreed to. Abbas's Fatah viewed it as a waste of time.

We need to ask why Abbas chose this particular time to call for elections; what are the advantages that he and the Fatah movement that he leads believe will come from holding them now; will this time be different to previous occasions; and will Hamas respond quickly and positively to remove any obstacles preventing the elections from being held? Moreover, what are the benefits that Hamas hopes it will reap from the elections; has it read the situation; and is the movement acting wisely, or is it merely reacting so that it will not be accused of hindering national reconciliation?

The Palestinian factions' initiative

The initiative by eight Palestinian factions - Islamic Jihad, the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), the Palestinian People's Party, Palestinian National Initiative, the Palestinian Democratic Union (FIDA), the Popular Front for the Liberation of Palestine - General Command and As-Sa'iqa - consists of four clauses¹:

- Considering all reconciliation agreements since 2005 to be reference points for the implementation of the reconciliation.
- Holding a meeting of the PLO development and activation committee in October 2019 in Cairo, in the presence of President Mahmud Abbas. The committee will oversee the implementation of most reconciliation measures.
- The initiative considers the period between October 2019 and July 2020 as a transitional phase to achieve national unity and end the division, during which inflammatory media statements would stop, and the Palestinian government would cancel its measures affecting the lives of citizens in the Gaza Strip.
- The timetable states that a transitional national unity government would be formed before the end of 2019, which will remain until all elections are conducted (legislative, presidential and PNC) in mid-2020.

The reasons and expected gains behind the election call

The eight-faction initiative offers a solution to the tense Palestinian reality, but instead of a positive response to the proposal that sought a comprehensive solution, including the reorganisation of the PLO, Abbas only called for legislative and presidential elections. Why, and why now?

Perhaps Western pressure, specifically from Europe, which is the main financial supporter of the Palestinian Authority, was the main motivator for Abbas. The West wants the PA to have elected institutions because it is embarrassing for Europe, which claims to support democracy, to continue to support Abbas given that his official term of office ended in 2009, and he violated the constitution by appointing a court to disable the PLC.

Abbas may also have believed that the time was right for him to remove Hamas through the legitimate means of the political process. The Arab and international conditions appear to be conducive to this, as is the dire humanitarian and economic situation in Gaza. Although this could be seen to be an attempt to cut off the factions and throw the ball into Hamas's court in the hope that movement will reject it, sadly for Abbas, it didn't. Moreover, in his call for new elections, the PA President did not want Fatah to be isolated, but was merely seeking to hear from the people.

What might Hamas gain from participating in the elections?

The Palestinian Islamic Resistance Movement - Hamas - does not want to be blamed for impeding reconciliation and domestic peace in occupied Palestine. It sees the elections as a means to move forward from the current stalemate, end the internal division and form a governance system based on partnership.

Participating in the elections will restore legitimacy to the movement and there is a possibility that the international community will accept it as a serious political player in Palestine. Sections of the international community have admitted that they were wrong to isolate Hamas after its 2006 election victory.

Hamas could also see the elections as a way to ease its own burden of trying to ease the situation of the Palestinians living under siege in the Gaza Strip. Furthermore, there could also be an opportunity to develop the resistance to the Israeli occupation in the event that they agree with the PA to end the division and establish a civil resistance programme as a bare minimum.

The movement has agreed to participate in the elections, provided that the following conditions are met:

1. An appropriate environment must be created in which free and fair elections can be held. In its written response to the Central Elections Commission, Hamas stressed the need to hold elections based on the elections law, without forcing candidates or electoral lists to sign off of any political pre-conditions. It also added that they have the right to establish political programmes that they see fit and express their beliefs.
2. Guaranteed freedom of opinion and public freedoms, including freedom from prosecution for Hamas's electoral campaigns, activities and funding.
3. Resolving the issue of the PLC members' rights in accordance with the Basic Law and forming an elections court made up of judges who are known for their integrity and complete independence, as well as neutralising the Constitutional Court (appointed by President Mahmoud Abbas) and any other court, and preventing them from interfering in the elections and their results.
4. Inviting Arab and international committees and legislative and legal institutions to oversee the election process, as well as local and regional civil society institutions to ensure integrity and complete transparency.
5. The elections must be held in the West Bank, Gaza Strip and Jerusalem.
6. The election results must be respected.

The position of other Palestinian factions on the elections

The PFLP affirmed the following:

1. The importance and necessity of holding comprehensive elections, as it is the way to transfer power and renew the structure of the Palestinian political system. The faction stressed the need to unite all efforts to result in success.
2. The PFLP warned that conducting elections without consensus would deepen the division and lead to separation, as it considers national consensus to be mandatory for the success of elections.
3. The need to hold a leadership meeting bringing together the secretaries general of the various Palestinian factions, for them to discuss the electoral process in the context of an integrated process to end the division on one hand, and provide guarantees of its integrity and the recognition of its results on the other. They must also agree on how to hold the elections and how to produce a comprehensive democratic process for all components of the Palestinian political system, including the Palestine Liberation Organisation.

The DFLP welcomed the move and stressed the following:

1. The importance of preparing for elections and providing the appropriate environment and conditions to ensure their success.
2. The need to hold a national dialogue at the level of the various Palestinian factions' secretaries-general, in the presence of President Mahmoud Abbas, to agree on everything related to these elections and their inclusivity. They must include the presidency, PLC and PNC. They must also agree on the election laws in accordance with complete proportional representation.

Islamic Jihad:

Despite Islamic Jihad's refusal to participate in legislative and presidential elections, it affirmed that it will not hinder the course of the elections in light of the consensual atmosphere.

As for the other factions, such as the Palestinian People's Party and the Palestinian Liberation Front, they support the electoral process, but have some relatively insignificant reservations.

What do the Arab, regional and international parties want to achieve through the Palestinian elections?

Some regional countries - Egypt, Saudi Arabia and the UAE, for example - believe that it is necessary to eliminate Hamas, or at the very least weaken and remove it from power and government. They believe that the movement poses a threat to them in light of their own fight against Islamic movements, and the governments of these countries fear Hamas dominating the election scene. However, they also see the elections as an opportunity to bring former Fatah official Mohammed Dahlan back into the Palestinian fold.

Other countries, notably Qatar and Turkey, consider the electoral legitimacy of Hamas as a justification for establishing good relations with the movement.

Internationally, the Europeans believe in the need to hold elections in order to reshape the PA institutions in order to give them a degree of legitimacy. They hope that by doing so they will renew the presence of octogenarian Mahmoud Abbas and Fatah in the West Bank and form a government that restores the PA in the Gaza Strip and adheres to the Oslo Accords. The EU, apparently, is not averse to Hamas participating in such a government in some shape or form.

The Americans toe the Israeli line and believe that it is necessary to remove Hamas from the Palestinian political equation or, at the very least, weaken its position considerably.

The Russians, meanwhile, see the need to rebuild the relationship between Hamas and Fatah and have hosted Palestinian reconciliation negotiations more than once. Hence, Moscow favours elections and a commitment to the peace process.

Difficulties facing the elections

Agreement amongst the factions on the various details could be a problem. Abbas called for legislative elections, followed by presidential elections, while Hamas wanted them to be held simultaneously. However, after consultation, most of the factions — including Hamas — agreed that the legislative and presidential elections should be held separately, and that the latter will follow the former within three months, on the condition that a single decree determining the legislative and presidential election dates are issued by Abbas.

Hamas and a number of the factions, such as Islamic Jihad, the PFLP and the DFLP, want a special national meeting to discuss the election procedures before Abbas issues his decree for them to go ahead. However, the PA President sent a letter to Hamas through the Presidential Election Commission, stipulating that the meeting would take place after the decree was issued, and the movement agreed to this.

Israel's control over the West Bank is another problem, especially as its government has not yet expressed its opinion about the elections, and whether it will allow the participation of Hamas in the West Bank. Nor has it specified whether Hamas candidates in the West Bank will be arrested for participating in the elections, as Israeli security agencies are still arresting Hamas members of the 2006-elected PLC.

Will Israel agree to Palestinian elections being held in Jerusalem? This is a serious point, especially after US President Donald Trump recognised the “undivided” city as the capital of Israel, and given that all of the Palestinian factions have agreed not to participate in elections if the Palestinians in Jerusalem are excluded.

Holding elections based on different laws and under two different authorities in Gaza and the West Bank may also be a difficulty to be overcome.

The division within Fatah and Mohammed Dahlan’s control over some of the organising bodies, especially in Gaza, is another problem. The matter would be even more complicated if Dahlan manages to coordinate with imprisoned political figure Marwan Barghouti, who, along with his wife and movement, have seen their status reduced within Fatah. Coordination between the two would be a nightmare for Abbas.

Potential election scenarios

In light of the apparent contradiction and differences between the Palestinian forces, observers present several scenarios² that could define the upcoming Palestinian elections as follows:

1. Not holding elections

This scenario is based on the premise that seeing different parties raising the issue of elections and welcoming them is just a manoeuvre in which each one tries to lay the blame for not holding them onto another party.

2. Conducting consensual legislative elections

This scenario is based on the holding of elections, especially for the PLC, in a mutually agreed manner between the two sides of the division. This can be achieved if the PA President re-proposes something that has been circulating since 2016, which was supported by Abbas and was not objected to by Hamas. This requires the formation of a joint list consisting of Hamas and Fatah candidates, along with those agreeing to

join it, and leaving a number of seats available for those deciding to run as independents.

3. Holding legislative elections only in the West Bank due to a failure to agree on comprehensive elections

This scenario is not beyond the bounds of possibility, especially after holding local elections in the West Bank and Abbas calling a meeting of the PNC unilaterally, as well as the dissolution of the PLC and judicial council, along with a quarter of the judges being retired.

In the event that no agreement is reached with Hamas regarding the details of the election process, or Israel preventing elections in Jerusalem, Mahmoud Abbas may resort to the option of electronic voting. The country would then be a single constituency with proportional representation. However, results will be open to challenge because of the difficulty of monitoring the electoral process in this manner.

Scenarios if elections are held

If Hamas wins the elections, it will face the same dilemma it did in 2006 in terms of the PA being handed over by Fatah. It will not be easy to hand over the West Bank to Hamas. Moreover, what would Israel's position be; will it agree to deal with Hamas? How will the movement deal with this new reality? Can economic sanctions be imposed on the movement, which will mean the economic crisis afflicting the Gaza Strip spreading to the West Bank? There is also the possibility of Israel arresting the Hamas officials elected in the West Bank.

If Fatah wins the elections, an equally important question will arise: would Hamas be willing to hand over Gaza and the resistance? Or would it hand over administrative control of the enclave while maintaining its own control of the resistance forces, thus reproducing the Hezbollah model in Lebanon, which is something that Mahmoud Abbas rejects.

If Dahlan's faction wins, especially if he coordinates with Marwan Barghouti, this will flip all of the cards. We could also see the independents who are not affiliated with any of the factions doing well and possibly even winning. The public leaned towards figures uninvolved in political life and with no responsibility for the political and economic gridlock in Tunisia, for example. This is something that the people are also demanding in Lebanon, Iraq and Algeria.

Latest developments

Several days ago, Palestinian President Mahmoud Abbas stated³ that all of the factions have agreed to hold the elections and that he is serious about going ahead with them. This was said in his speech at the opening of the first International Conference for Integrity and Governance for Sustainable Development in Ramallah. However, he believes that one problem remains to be solved; he will not proceed if the Palestinians in occupied Jerusalem are not allowed to vote in their own city. The Palestinian President called on European and other countries to make an effort to persuade Israel to agree to hold elections in Jerusalem, as they were on previous occasion.

This obstacle seems to be delaying Abbas's decree to hold legislative elections, following which the requested national meeting will be held to agree on the procedures for conducting the elections, which the factions have already agreed to attend.

Conclusion

In light of the aforementioned, it has become clear that there are many obstacles still standing in the way of the Palestinians holding general, free and fair elections in the occupied territories.

Among the most important obstacles that caused previous election efforts to fail and may already prove to be the reason for the failure of the proposed polls is the great difference in political visions and positions that make it difficult to reach an agreement on a joint Palestinian political programme which unites all Palestinians and forms a road map for post-election political action.

Failure to start confidence-building measures, such as a national unity government, lifting the PA's punitive measures against the Gaza Strip, activating the PLO interim leadership framework, and the existence of effective guarantees that the PA will respect the election results, leaves room for doubt regarding the integrity of the process, true representation and accurate results.

Indeed, holding the elections in the current climate may lead to more Palestinian division. The future of the resistance, led by Hamas, and rejection of the resistance by Abbas and the PA, will make it one of the most important bones of contention post-elections.

All of this requires calculations of the gains and losses from the elections if they take place in the way that Abbas wants, unless Hamas and Fatah, should the results be tied, are able to form a single government which agrees on an alternative programme for Oslo, which is questionable.

As for the Israelis, who have not yet expressed any opinion on the matter, there are still major cards to play which are capable of disrupting the entire electoral process. The issue of Jerusalem, for example, as well allowing electoral manifestos to circulate in the West Bank and the arrest of Hamas and other faction members taking part in the elections.

Free and fair elections are, under normal circumstances, a peaceful means for the transfer of power, but in the Palestinian case, characterised as it is by occupation and division, elections may justify prolonging the occupation and giving it formal recognition for its unilateral measures imposed by force, especially in Jerusalem. It may also be an additional source of deeper cracks appearing in the division. The entire matter requires national dialogue and national understanding to precede the election process.

Endnotes

1. Arabi 21; <https://bit.ly/2ZpHju6>
2. El Balad News; <https://www.elbalad.news/4080847>
3. Haberler; <https://ar.haberler.com/arabic-news-1401658/>

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