

BICOM Strategic Assessment

Palestinian politics after Abbas: institutional and constitutional challenges

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Key Points

- The Palestinian succession battle is already underway. Palestinian Authority (PA) President Mahmoud Abbas is unlikely to name a deputy or relinquish power in the near future.
- The constitutional mechanism for succession is likely to be set aside and the odds strongly favour Abbas's successor emerging from within the Fatah party's ranks, absent elections.
- Amid the succession crisis, Fatah is subject to internal crises. The absence of internal elections and failure to address the growing generational divide threatens the party's future as a leader of the Palestinian national movement.
- The likelihood that a drawn out succession crisis may destabilise the West Bank, possibly resulting in the collapse of the PA, is of growing concern to Israel, Egypt, and Jordan.
- The end of the Abbas-era likely marks the end of the rule of the old guard, "Tunis-based" political leadership. Those who subsequently assume leadership of the PA and of the Palestinian Liberation Organisation (PLO) will be forced to contend with a constituency that has grown disillusioned with the promises of the Oslo process and many of the contenders espouse policies at odds with those calling for the sides to reach a negotiated final-status agreement establishing two states.

Palestinian politics after Abbas: the succession crisis

Mahmoud Abbas was elected President of the PA in January 2005. In the aftermath of the Second Intifada, Abbas came to power on a platform of working to secure a peace deal with Israel that would result in the establishment of an independent Palestinian state, while unifying the various factions within Palestinian domestic politics.

Now 11 years into what was supposed to be a four-year term, Abbas – who now rules by presidential decree – presides over three distinct Palestinian political institutions, each one with its own problems of legitimacy: the PA, the PLO, and the Fatah party. Abbas assumed a fourth role

– President of the State of Palestine – a largely symbolic title, which took on greater significance in 2012, the result of his campaign to upgrade the status of Palestine at the United Nations.

Despite persistent rumours of Abbas's failing health, the ageing leader is unlikely to relinquish his presidential authority. In the years since his term expired, Abbas has grown politically weaker. Given his repeated extensions of authority and refusal to name a successor, combined with the Palestinians' increasing frustration with the Abbas government and the moribund peace process with Israel, a chaotic battle for succession is the most likely scenario for the post-Abbas era, one that is [already underway](#).

This paper is the first in a two-part series analysing Palestinian politics in the post-Abbas era. Part one will explore institutional and constitutional challenges related to Palestinian succession and identify some of the leading candidates; part two will examine strategic options for the Palestinians in the post-Abbas period, including the long term viability of the PA and the future of security coordination with Israel.

The declining state of Palestinian political institutions

The Palestinian political system has languished since 2007, when Hamas expelled Fatah from the Gaza Strip and assumed *de facto* control over the coastal enclave. Governing institutions are led by individuals whose terms have expired and parliament (the Palestinian Legislative Council or PLC) has not met in nine years. The status quo for those Palestinians living in the West Bank and Gaza is defined by institutional paralysis and stagnation, growing authoritarianism, and economic dependence, which to a large extent renders their policy-making options subject to the demands of their international donors.

A weakened PLO: The PLO, while maintaining its legal status as the "sole representative of the Palestinian people", has been [hollowed out](#) in the years since the establishment of the PA. Since the mid-1990's, the overlapping roles of the PLO and PA has amounted to what one analyst claims is "[political_and_institutional_schizophrenia](#)". Most of the PLO's political institutions have been dormant for years. The Executive Committee – the main PLO leadership body that remains active today – is currently chaired by Abbas. The Fatah-dominated PA, whose jurisdiction has been

limited to Palestinian-controlled areas of the West Bank since the split with Hamas in 2007, now serves as the diplomatic address for many in the international community.

A divided PA government: The nine-year old schism between the Fatah-dominated PA and Hamas is a main driver of Palestinian domestic political dysfunction. Parliament has not met since 2007, and neither Fatah nor Hamas are willing to risk their grip on power in the West Bank and Gaza respectively by proceeding to national elections, despite calls for new elections enshrined in reconciliation agreements, including the Mecca Agreement of 2007, the Cairo Agreements of 2011 and 2012, the Doha Declaration of 2012, and the Gaza Agreement of April 2014.

Significant ideological and policy differences have precluded any of the aforementioned reconciliation attempts from coming to fruition. Israel, the US and many in the international community who regard Hamas as a terrorist organisation remain opposed to Palestinian unity, primarily as Hamas [has rejected the Quartet Principles](#) since their 2006 electoral win. They are unlikely to change their position regarding Palestinian unity so long as Hamas [continues to disavow](#) the PA's security coordination with Israel. Divisions among regional allies, in particular Qatar and Egypt, who support Hamas and Fatah respectively, have also frustrated reconciliation efforts.

The crisis within Fatah

In the years since his term as PA president expired, Abbas has often said that he has [no plans to seek](#) re-election. Despite his public pronouncements that he will not run in new elections, and periodic rumours that he is on the verge of announcing his retirement, Abbas has consistently acted to prevent the emergence of threats to his authority. His increasingly autocratic behaviour has recently included clamping down on political rivals, and suppressing critical journalists and [demonstrations](#) by Palestinian civil society.

No internal elections: The last meeting of the Fatah General Conference (FGC), where elections for Fatah's Central Committee are held, was in July 2009, Abbas was elected party chairman. The FGC was scheduled to meet again in August 2014, but this meeting was postponed due to the conflict in Gaza between Israel and Hamas. Subsequent efforts to convene another conference

to hold internal party elections have failed as Abbas is reluctant to allow for elections that might result in the emergence of new leadership that would challenge his authority.

Refusal to name a successor: Abbas could still designate a successor or name a vice president, though this option remains unlikely given his refusal to do so thus far. In recent years Fatah's Central Committee has urged Abbas to consider the appointment of a vice president. Creating this new post, however, would require amending the Basic Law, which is problematic as the PLC has not met in years. The deep-seated political dysfunction within the PA precludes Abbas's ability to circumvent the legislative process and name a vice presidential candidate whose appointment would not be subject to staunch opposition from within the ranks of Fatah.

The generational divide: In addition to internal power struggles among the movement's top leadership, Fatah is currently in the midst of a conflict with its constituents, driven by a younger generation that feels increasingly alienated from the policies pursued by the traditional political elite.

The majority of members of Fatah's Central Council are in [their 60s and 70s](#), largely representing the former Tunis-based "old guard" political elite. The 2009 party election did not allow for the emergence of any members of the so-called "young guard" – comprised of those who spent the majority of their lives in the West Bank and Gaza and established their credibility by participating in the intifadas and serving time in Israeli prisons.

The alienation of these younger generations of Fatah activists has deepened the associated sense of stagnation and further weakened the movement's general appeal and credibility. Many in this younger generation feel that Fatah has [failed to achieve tangible results](#) – particularly under Abbas's leadership which has been largely focused on negotiations with Israel and gaining influence in international organisations. The generational rift is further evidenced by [recent calls for reform](#) by senior Fatah officials belonging to the Revolutionary Council, the other decision-making body within the party. Though long dominated by Abbas loyalists and representatives of the traditional political elite, the Revolutionary Council is now largely comprised of those representing the young guard faction, who are increasingly directing their anger at the status

quo and their frustration over the lack of elections at Abbas.

Many young Fatah activists continue to see no path for political advancement outside of the Fatah movement, but to what extent Abbas's successor will succumb to pressure from the public to end the Oslo process – security coordination with Israel in particular – remains an open question.

The succession crisis

2003 Amended Basic Law and the rules governing succession

The 2003 Amended Basic Law outlines the constitutional mechanism for succession. In the event of a sudden vacancy – such as death, resignation, or removal by the High Constitutional Court – [Article 37](#) stipulates that the duties of the PA president will pass to the speaker of the parliament for a period of 60 days until national elections are held.

At the moment, there is a low-probability that the procedures governing succession will be implemented in the event of a sudden vacancy. Were a presidential vacancy to occur, the Amended Basic Law calls for presidential authority to pass – albeit temporarily – to the current speaker of parliament, Aziz Dweik, a member of Hamas who resides in the West Bank. Yet given the longstanding rivalry between Fatah and Hamas, it is unlikely that Fatah will allow for this transfer of authority, even on a temporary basis until new elections are held. Furthermore, were Hamas to assume control of the PA – even on an interim basis – this would likely result in an immediate cessation of funding from the US and others in the international community, and trigger a political crisis in the West Bank.

In April 2016, Abbas issued a presidential decree establishing a [constitutional court](#), in another instance of growing authoritarianism and the centralisation of power. Thereafter, he selected all nine members who were promptly sworn in, and who it is anticipated will rubber stamp subsequent presidential decrees. Without an active parliament, the move was perceived by many Palestinians as an attempt by Abbas to circumvent the PLC, creating a means for bypassing the constitutional rules of succession, thereby avoiding the temporary transfer of power to Hamas.

Ruling out national elections

Holding national elections would pose significant financial and logistical challenges for the PA, especially given their [current budget crisis](#). Moreover, in the absence of reconciliation between Fatah and Hamas, proceeding to elections is nearly impossible. For the moment, neither Fatah nor Hamas are likely to [allow for national elections](#) to be held for fear of losing their control over the West Bank and Gaza, respectively.

Even if the two sides agreed to hold national elections, they would face the added hurdle of securing Israeli consent for elections in East Jerusalem. Ensuring a means for Palestinians in the diaspora to participate is also problematic, particularly as the current regional environment renders it impossible to conduct the vote in neighbouring Lebanon and Syria, both of which have large concentrations of Palestinian refugees.

A second Hamas electoral victory?

Ismail Haniyeh became prime minister following Hamas's victory in the 2006 PLC elections and since 2007, exercises *de facto* prime ministerial authority over Gaza. While Hamas has proven to be a formidable political opponent for Fatah since the organisation won the parliamentary elections, they are [poorly positioned](#) to replace Fatah's hold on the PA presidency given the public's dissatisfaction with their dismal record of governance and their role in perpetuating disunity. Still, [public opinion polls](#) indicate that should presidential elections be held, Abbas would lose to Haniyeh if the two were the only candidates. (Both Haniyeh and Abbas would lose in a race that included Marwan Barghouti.) The same polls suggest that were legislative elections called, Hamas would lose to Fatah by only a few percentage points, making it the second largest party in the Palestinian parliament. The strong opposition to Hamas by Fatah, Israel, the US and others in the international community including key Arab states makes it highly unlikely that Hamas would be allowed to assume control of the PA presidency, even if they were to win elections.

Internal Fatah elections: Though holding national elections remains problematic, these same obstacles do not hinder the prospect of holding internal Fatah elections. There is a strong likelihood that the next PA president will emerge from Fatah, yet absent a new conference where internal elections are held, it is difficult to accurately predict who currently holds power

within the party leadership. Abbas's efforts to prevent the emergence of anyone to challenge his authority – including from within Fatah and the PLO Executive Committee – have ensured that there is no single candidate with [sufficient internal support](#) to distinguish himself from the competition. The result will likely be a prolonged succession battle, wherein a number of scenarios could play out.

The likely scenarios

The internal ballot: A highly undemocratic means of choosing a successor, this option would entail a procedure similar to the way Abbas was elected PLO chairman by a secret ballot within the PLO's Executive Committee in 2004, following the death of the former PA President and PLO Chairman Yasser Arafat.

The most likely successor to emerge in this instance would be a current high-ranking member of the PLO or a senior Fatah official, likely a long-serving Abbas loyalist. Given their many years of serving in the top echelon of Palestinian politics – even prior to the formation of the PA – such individuals may perceive themselves (and may be perceived by some in the electorate) as natural successors to Abbas. Such individuals include Saeb Erekat, Jibril Rajoub, Nabil Sha'ath, and Tawfiq al-Tirawi. Erekat in particular likely considers himself to be heir-apparent, given his years spent serving as chief Palestinian negotiator with Israel, and his appointment to the post of Secretary General of the PLO in September 2015. Rajoub and Tirawi are both former security chiefs with considerable support among Fatah members in the West Bank.

An Unofficial Endorsement from Abbas: Though Abbas remains steadfast in his reluctance to designate a successor or appoint a deputy, some Palestinians have interpreted Abbas's recent moves with respect to two long-time loyalists as an indication that he may regard one of them as his successor:

- **Saeb Erekat:** In July 2015 Abbas fired Yasser Abed Rabbo, the long-serving PLO secretary general, and appointed Erekat. The move was controversial in Palestinian political circles and was perceived by some as an [indication](#) that Abbas considers Erekat to be his successor. Though well-known on the international stage, Erekat's years as a chief Palestinian negotiator with Israel may [stymie](#) his chances of gaining the support of

the electorate, given the lack of progress on Palestinian statehood.

- **Majed Faraj:** Though not a member of the Central Committee, Faraj is a long-time Abbas loyalist. Born in the Dheisheh refugee camp just outside of Bethlehem, Faraj rose through the ranks of the security service, eventually assuming the role of PA intelligence chief. He gained diplomatic experience during the 2014 peace talks between Israelis and Palestinians, when he was chosen by Abbas to replace Mohammad Shtayyeh following the latter's resignation from the negotiating team. In the event of a power struggle within the Central Committee, it is possible that a veteran Fatah official from outside the committee such as Faraj might be selected.

An “outsider” candidate: A recent [survey](#) of Palestinian public opinion found that 95.5 per cent of Palestinians living in the West Bank and Gaza believe that corruption is endemic in Abbas's government. The growing public discontent with the current state of affairs may preclude the presidency from being handed to a current member of Fatah or the PLO's inner circle, especially if the successor is chosen in the absence of an election.

In the event of a sudden vacancy, and in particular if there is a drawn-out power struggle within Fatah's Central Committee and no one from the traditional Palestinian political elite emerges as a clear front-runner, the possibility of an “outsider” emerging to succeed Abbas cannot be ruled out. Among such contenders are:

- **Mohammed Dahlan:** A former head of the Palestinian security service in Gaza, Abbas expelled him from Fatah in 2011. Currently based in the UAE, Dahlan has spent his years in exile mounting a campaign to succeed Abbas. With the financial backing of the UAE, his strategy consists of gaining support of regional actors while increasing his popularity among Palestinians in the West Bank, Gaza, and among those residing in Palestinian refugee camps. Though his name is often included on a short list of contenders to succeed Abbas, recent public opinion [polls show him](#) getting only five per cent of the vote. Yet, while Dahlan may lack sufficient grassroots support to succeed Abbas as the next Palestinian leader, he has the potential to emerge as a strong “[power behind the throne](#)” – an influential second-in-command to whomever succeeds Abbas.

Abbas's possible successors

Saeb Erekat
The Negotiator
61 years old



Palestinian Liberation Organisation (PLO) Secretary General

Considered by some to be Abbas's preferred choice

Majed Faraj
The Loyalist
54 years old



Current Chief of Palestinian Preventive Security
Loyal Abbas follower, despite not sitting on the Central Committee

Jibril Rajoub
The Kingmaker
63 years old



Former Chief of Palestinian Preventive Security
Has considerable support among Fatah members in the West Bank

Marwan Barghouti
The Prisoner
57 years old



Serving multiple life sentences for orchestrating terrorist attacks
Critical of Abbas and highly popular with the grassroots

Salam Fayyad
The Technocrat
64 years old



Former PA PM
Lacking in grassroots support
Popular in the international community

Ahmed Qurei
The Placeholder
81 years old



Former PA PM
Long time on PLO executive committee ended after 2009 internal elections

Mohammed Dahlan
The Exile
54 years old



Former head of the Palestinian security service in Gaza
Based in the UAE, with substantial financial backing
Expelled from Fatah in 2011

Rami Hamdallah
The Underdog
58 years old



Current PA PM
Lacks support from Fatah, having never risen to the party elite

- **Ahmed Qurei (Abu Ala):** A former PA prime minister, Qurei's name has increasingly been touted as a possible [interim appointee](#) to replace Abbas. A long-time member of the PLO Executive Committee, Qurei was removed from Fatah's leadership during the last round of internal elections in 2009. His removal was reportedly at the hands of Abbas, who viewed Qurei as a potential rival. As the two are close in age (Qurei will turn 80 next spring while Abbas is 81) his appointment would be temporary,

while the succession battle among the Fatah elite to determine the next PA leader continues.

- **Salam Fayyad; Rami Hamdallah:** Fayyad and Hamdallah, the former and current prime minister respectively, at present lack both [sufficient grassroots support](#) as well as support within Fatah. (Fayyad was never a member of Fatah while Hamdallah is a party member but never rose to the ranks of the party elite). Though well-respected by many

in the international community, Palestinians were [disappointed with Fayyad](#) during his term as prime minister. Recent public opinion polls rank Fayyad at [two per cent](#) if national elections were called. In July 2016, Fayyad proposed a [plan](#) calling for national unity and statehood, though his announcement was immediately criticised by Abbas and those loyal to him. Yet, amid the chaos that will likely follow Abbas's departure from Palestinian political life, Fayyad's years of experience in both Palestinian domestic and foreign affairs could result in his return to the post of prime minister. Meanwhile, should the Fatah-dominated PA hope to bypass the constitutional succession rules to prevent power from temporarily transferring to Hamas, Hamdallah's role as the current prime minister may mean that Fatah leaders turn to him, at least on an interim basis.

The people's choice: A seemingly unifying figure, [Marwan Barghouti](#)'s name often appears on a list of candidates to succeed Abbas. Barghouti is currently in prison in Israel serving multiple life sentences for his involvement in orchestrating terrorist attacks during the Second Intifada. He has remained active in Palestinian politics from prison, where he regularly challenges Abbas's decisions, and has liaised with Palestinian students and with members of Hamas to discuss national reconciliation. [Public opinion polls](#) over the last few years consistently show that in a race including candidates other than Abbas and Haniyeh, Barghouti – who has the [support](#) of [members of Fatah](#), Hamas, and independents – would win.

Though Barghouti's life sentences renders his ability to assume the presidency a long shot, his sustained levels of popular support in recent years makes his endorsement of Abbas's successor critical, at the very least.

Conclusion

The likely prospect that the succession process will occur without a free and fair election for the Palestinians is highly problematic, particularly in light of the popular unrest that has swept the region since the start of the Arab Spring in 2011. The legitimacy crisis of Palestinian political institutions makes it difficult to accurately predict a successor to Abbas. As the absence of reconciliation between Fatah and Hamas renders holding new elections moot, the most likely scenario is that the Amended Basic Law's

succession rules will be set aside and Abbas's successor will emerge from the ranks of Fatah. This individual would then need to be confirmed by the PLO Executive Committee in an effort to compensate for his [legitimacy deficit](#). However, especially in the absence of elections, both the PA and the PLO must implement reforms in order for the PA (and the next PLO) leader to have any semblance of legitimacy. One step toward restoring the legitimacy of Palestinian political institutions is ensuring that after Abbas's departure from political life, a single person is not tasked with leadership of both the PA and the PLO.

Though predicting who will succeed Abbas remains an open question, it is evident that the post-Abbas era likely marks the end of the traditional "Tunis-based" political elite assuming the mantle of Palestinian leadership. Those who assume the leadership of the PA, PLO and Fatah will face the difficult task of leading a constituency that has growing increasingly disenchanted with the Oslo process and with a Palestinian leadership that has failed to deliver, whilst managing the demands of the international community that the Israelis and Palestinians negotiate a two-state solution.

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