

The postponement of the Palestinian Elections: Causes and Significance

May 2021



Introduction

On Thursday 29 April, Palestinian Authority (PA) President Mahmoud Abbas announced the postponement of elections for the Palestinian Legislative Council (PLC). Those elections, which were due to take place on 22 May, would have been the first elections since January 2006. “We have decided to delay the legislative elections until the participation of Jerusalem [residents] is ensured” Abbas said, emphasising that the issue of voting in Jerusalem “isn’t a technical issue, but rather a fundamental political one”. Instead, he vowed to work toward forming a Palestinian national unity government that would “abide by international resolutions and reinforce the Palestine Liberation Organization” (PLO).

The announcement did not come as a surprise, with PA officials warning for weeks such a scenario could happen. Nabil Abu Rudeineh, a spokesman for Abbas, had warned that Israel not allowing Palestinian residents of East Jerusalem to vote in the city was a redline. In a similar vein, Nabil Shaath, a senior figure in the PA, said that while “some people think that we are using Jerusalem as an excuse to postpone the elections ... we don’t want to hold elections in which some of the people cannot vote”.

Deeply ensconced in sensitive coalition talks following its late-March election, Israel maintains that it has not blocked Palestinian voting in Jerusalem. Israel did not formally respond to the PA’s request to allow voting in the city, but stressed it had no interest in thwarting the elections. In a meeting with 13 ambassadors from EU countries in late April, Alon Bar, the Foreign Ministry’s political director, emphasised “that the elections in the PA are an internal Palestinian issue, and that Israel has no intention of intervening in them nor preventing them”.

President Abbas’ announcement was denounced by other Palestinian parties with Hamas saying the postponement was “opposed to our national consensus and popular opinion” and that it represented a “coup against our agreements”. Two former Fatah officials who were running on independent slates, Mohammad Dahlan and Nasser Al-Kidwa, also criticised the move. A spokesperson for Dahlan’s Future party said that “no one has the right to postpone the elections,” adding, “only those who are afraid of the results don’t want elections”. According to the spokesperson, 25 electoral slates running in the elections were opposed to the decision.

The international community expressed disappointment. British Foreign Secretary Dominic Raab said that “the Palestinian people should be allowed to enjoy their democratic rights” and called on Israel to allow voting in East Jerusalem “in line with the Oslo Accords”. EU High Representative Josep Borrell called for all factions to work together to set a “new date for elections ... without delay”. Particularly scathing of Abbas’ decision was former UN Special Co-ordinator for the Middle East Peace Process Nickolay Mladenov, who said there was “no legitimate reason” for the President to cancel the election, terming it “dangerous, wrong and fatally damaging to your [the Palestinian] national cause”.

Underlying Abbas’ reasoning is thought to be his fear that Hamas would be significantly strengthened in the elections, a fear shared by Israel, Jordan, and Egypt, and a scenario which would complicate the Biden administration’s support for the PA. With no new date announced, and with PA Presidential elections (planned for 31 July) and a vote for the PLO National Council (PNC) (planned for 31 August) also postponed, it leaves the Palestinian arena in a state of deep instability.

The Legal Aspect: The Oslo Accords and the question of Palestinian elections

Considered particularly sensitive, the issue of Jerusalem’s status was pushed off by the Oslo Accords until after the interim period. Israel defines the entire city as its eternal indivisible capital – on 27 June 1967, after capturing the eastern part in the Six-Day War, Israel passed the Law and Administration Ordinance which provided for the extension of its law, jurisdiction, and administration to East Jerusalem. The PLO demands the eastern part of the city form the capital

of a future Palestinian state.

With Palestinian elections taking place during the interim period, the Oslo Accords detailed the conditions for Palestinian residents within East Jerusalem voting in the city. Oslo barred Palestinians residing in East Jerusalem to register as electoral candidates unless they had another legitimate residency within the West Bank. Yet, it also allowed Palestinian residents of East Jerusalem to freely vote in the elections.

In each previous PA election – in 1996, 2015 and 2006 – some Palestinians were allowed to vote within East Jerusalem. The PA was generally not authorised to establish polling stations in the city, with most residents voting in polling stations placed in the West Bank. However, the 1995 Israeli-Palestinian Interim Agreement included a special annex relating to elections which allowed some Palestinians to vote within East Jerusalem. Article VI of the agreement's annex II states that "a number of Palestinians of Jerusalem will vote in the elections through services rendered in post offices in Jerusalem, in accordance with the capacity of such post offices". These post offices were located just outside the Old City (Jaffa Gate in 1996 and Damascus Gate in 2005), as well as in Salah-a-din street, Shuafat, Bet Hanina, and the Mount of Olives, and included 11 polling stations in each office. Ballots were subsequently placed inside sealed envelopes and delivered to the relevant Palestinian election officials in the West Bank.

Even with this allowance, very few Palestinians voted within Jerusalem itself. Just over 5,300 Jerusalem Palestinian residents were estimated to have voted in the city in 1996. In the 2005 and 2006 elections, the number of post offices was increased to six (by adding one in Sur Baher) with a capacity of 6,300 voters.

The Current Controversy over Jerusalem

Independent of Israel's lack of response, large numbers of Palestinian residents in East Jerusalem can vote in the city. The Palestinian Central Elections Commission (CEC) has said that 150,000 eligible Palestinian voters who live in areas on the 'other' side of the Israeli security barrier (within the Jerusalem municipal boundaries but outside Israel's day to day involvement) could vote without any obstruction. The CEC reportedly planned to provide 11 polling stations in the Kufr Aqab neighbourhood in the north and Shuafat refugee camp to the east. Experts have also pointed out that alternative solutions exist to facilitate Palestinian voting in the city – whether through technological applications or by putting ballot boxes within sympathetic international organisations or consulates. These options however have been rejected by the PA.

Other planned components of the elections arguably contravened the Oslo Accords, such as Abbas' original election announcement defining them as being for 'institutions of the State of Palestine' rather than of the PA, as stipulated in the interim arrangements (and as was the case in 2006). More worrying for Israel is that despite Oslo stating that every Palestinian faction standing for parliament must accept the principles of the Accords – which includes recognising Israel and abandoning armed struggle – some factions fielding candidates reject these principles. For example, one Hamas candidate, Hassan Salameh, is a commander of the organisation's military wing, and was arrested in 1996 and sentenced to 48 life terms, plus 30 years for his role in a series of suicide bombings. Another, Nael Barghouti, is the longest-serving inmate in Israeli prison, having been arrested in 1978 and sentenced to life in prison for his role in terrorist attacks (before being released in 2011 as part of a prisoner exchange deal and subsequently rearrested in 2014 for violating the terms of the exchange). Jamal Abu al-Hayja, also a Hamas candidate, has been in Israeli prison since 2002 after being sentenced to nine life terms, plus 20 years for carrying out several terrorist attacks against Israel. Several Popular Front for the Liberation of Palestine (PFLP) candidates have terrorist backgrounds, including some who are serving time in prison.

Fatah divisions and the fear of a Hamas ‘victory’

While the controversy over voting in East Jerusalem took central stage, an underlying reason for the postponement is believed to be Fatah’s difficult position vis-à-vis the electorate, which is mainly due to numerous splits within the party.

Thirty-six party slates were submitted to the CEC including Hamas, Fatah, two breakaway parties comprised of former Fatah officials, a party led by former Palestinian prime minister Salam Fayyad, and several left-wing parties and other lists representing unions and associations. Palestinian Islamic Jihad (PIJ), based in Gaza, was not taking part in the election. According to official CEC figures, 2.6 million people were registered to vote in the West Bank, Gaza Strip, and East Jerusalem which comprised over 93 per cent of those eligible (although the vast majority were already registered from previous elections). The threshold for gaining a seat in the PLC is 1.5 per cent of the vote, estimated to be 28,000 votes.

Fatah is weak, divided, and faced a major challenge from Hamas. With Hamas approaching the elections united, following the (reportedly tight) victory in recent internal elections by Yahya Sinwar over Nizar Awadallah, deep divisions within Fatah significantly weakened the party. One Fatah list, compiled by the Central Committee, is led by Abbas with its first candidate Fatah Deputy head Mahmoud Aloul. Yet two other lists comprised of former Fatah officials were thought to undermine Abbas’ support. One, the Freedom Party, is headed by Yasser Arafat’s nephew and former Palestinian UN envoy and foreign minister Nasser al-Kidwa. The party also includes Attorney Fadwa Barghouti, the wife of the imprisoned (and highly popular) leader, Marwan, as well as other former Fatah officials. Another breakaway party, the Future Party, is headed by former Gaza Fatah leader Samir Masharawi and associated with Mohammed Dahlan, once head of the Preventive Security Force in the Gaza Strip (number 2 on the list is President of Al-Quds University Sari Nusseibeh). Both al-Kidwa and Dahlan have been highly critical of Abbas and his alleged corruption and autocracy.

Divisions within Fatah were predicted to hurt the party at the polls. Part of the reason Fatah lost in the 2006 parliamentary election was because half the seats were apportioned via majority voting in 16 different districts within the PA (and as Fatah often ran multiple candidates in each district it diluted the votes each candidate achieved). A 2007 presidential decree changed the system to a single national vote based on the proportional system (adopting a system almost identical to Israel). The party still faces electoral difficulties, primarily due to Al-Kidwa’s, Barghouti’s and Dahlan’s break from Abbas’ list. The deep fissures within the movement were predicted to depress voter turnout, which would inevitably have hurt Fatah and Abbas the most.

Regional concern over a stronger Hamas

Fatah’s weakness caused concern in Israel that a strong Hamas electoral showing could undermine stability in the West Bank. In early March, head of the Shin Bet Nadav Argaman held a reportedly ‘fraught’ meeting with Abbas, in which he encouraged him to cancel elections. “You can’t hold elections with Hamas” Argaman warned (Abbas refused, reportedly telling Argaman ‘I don’t work for you’). In a recent interview, the outgoing head of the Coordinator of Government Activities in the Territories (COGAT) Kamil Abu Rukun said it was “a very big mistake to go to these elections due to the high-risk Hamas will win,” adding that he recommended stopping all coordination in such a scenario. Israeli-PA security coordination is widely considered to be one of the main components keeping the West Bank stable.

Jordan and Egypt were also worried by a stronger Hamas. While both countries officially supported the elections, Egyptian and Jordanian intelligence chiefs Abbas Kamel and Ahmad Husni met with Abbas in Ramallah and reportedly “urged him to unify Fatah on the eve of the elections and to participate in a unified list to reduce the chances of Hamas winning it”. A victory for the Muslim Brotherhood-connected Hamas is thought to pose both symbolic and practical political and security consequences for both countries.

The Biden administration and the Palestinian Authority

A Hamas victory would also have complicated PA relations with Washington. In March and April, the Biden administration announced plans to provide \$15 million in COVID-19 support, \$10 million in “peace-building” programmes, and \$75 million in other indirect assistance. Yet the Palestinian Anti-Terrorism Act of 2006 (which was co-sponsored by Sen. Mitch McConnell and Sen. Joe Biden amongst others) states that “no PA ministry, agency, or instrumentality controlled by Hamas” could receive US assistance so long as Hamas refused to accept the Quartet conditions.

In this context, informal conversations between the PA and the administration likely took place before the elections were postponed. In mid-April, *Al-Quds* quoted an unnamed American official who said: “Washington would not object to a Palestinian Authority decision to postpone the legislative elections.”

What happens now?

Had elections taken place with Hamas gaining significant ground and subsequently forming part of a future government, it would have posed serious challenges and questions to Palestinian factions and the international community. Primary amongst these would have been: control of Gaza and Hamas’ large military arsenal; the future of Israeli-PA security coordination; and the extent to which the new PA government would commit to the international community’s Quartet Principles about rejecting violence and recognising Israel.

Following the postponement, the main challenge in the immediate term is maintaining stability in the West Bank, Gaza and East Jerusalem. Violence has risen over the past month, with several clashes between Jews and Arabs in Jerusalem in the week preceding the postponement – unconnected to elections. Several dozen rockets were fired by PIJ in Gaza towards Israeli communities. On 2 May, in a worrying escalation, three civilians were targeted in a drive-by shooting in the West Bank. Whilst still being investigated, the attack could have been pre-mediated by an organised terrorist cell. With heightened tension anyway due to Ramadan, and with Jerusalem Day and Nakba Day approaching, Palestinian frustration at Abbas’ decision could spill over into further violence – both towards Israel and inwards within the PA.

In the longer term, the postponement suggests continued Palestinian institutional dysfunction and whether this may signal the beginning of the end for Abbas. The 86 year old surprised many with his initial announcement of elections, but its postponement may further erode his already dwindling support. While he subsequently vowed to create a “government of national unity”, it is unclear that Hamas will support the move. Without elections, the West Bank/Gaza division may become even more exacerbated. The PLO, in great need of institutional regeneration, will likely continue to be an empty shell, and anger and frustration could boil over. Looking ahead, it will be particularly instructive to see the approaches taken by Dahlan, Al-Kidwa and Barghouti – all former senior Fatah officials who formed independent slates for the elections.

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