

The Consequences of No General Elections in Palestine



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Abstract

This paper tracks the disastrous repercussions of the political and legal absence of Palestinian elections, the distortion of the work of the three authorities as a result of the suspension of some provisions of the Basic Law and the dissolution of the Legislative Council. In addition, the absence of elections in the Palestinian economy is due to the duplication of public politics in both the West Bank and the Gaza Strip, and their direct effects on the general budget considering the lack of planning and oversight, which has affected the level of transparency and accountability.

All this has directly affected Palestinian society in all its aspects and has increased tensions such as demonstrations and strikes, which have increased the situation of impunity and crimes without accountability among segments of society. At the international level, the absence of elections and the negative renewal of legitimacy have affected the political project and the international community's advocacy of the Palestinian cause, considering the rapid global changes and transformations. In the end, the policy paper outlined four main trends in promoting the chances of elections in Palestine.

Introduction

Democracy and its practice in the Palestinian context strengthen the political and institutional regime of the desired Palestinian state, which can play a key role in continuing progress toward a Palestinian state; the democratic process is an effective way of supporting the establishment of a State and building a Palestinian society, and although it is difficult and complex due to the occupation and the current intra-Palestinian division, it is a necessary issue.

The importance of holding elections is evident in activating political participation among society in general, and the young people. According to the 2021 voter register, people ages between 18 and 30 (1,014,649) did not participate in any general election of a total voter register of about 2,601,965 people. Young people who did not participate in the general elections are now between 33 and 34 years old.

The policy paper discusses the implications of the absence of general elections in Palestine and their cumulative effects on Palestinian society, to show the negative repercussions caused by the absence of elections on the Palestinian political regime, freezing laws, the Legislative Council, the rule of law, the absence of government planning and control of public funds. This directly affected Palestinian society and civil peace and deepened political tensions, such as demonstrations, strikes and ongoing unrest in both Gaza and the West Bank. This policy paper provides a practical vision to overcome the division through the election fund.

1. Elections in Palestine

Although the concept of "democracy" and its practice developments are widespread, they vary in application from one society to another; all democracies intersect by the means of implementing "elections"¹. The most notable changes in the electoral system came after President Mahmoud Abbas issued a decree on 11 January 2021 to amend (1) 2007 about the general elections, changing the mixed electoral system to full proportionality and considering Palestine as a single electoral district, and modifying the position of president (from the head of authority to head of state of Palestine) in addition to raising the percentage of "women's quotas".

The authority's intention to organize legislative and presidential elections has been announced more than once. In his speech at the 74th Session of the UN General Assembly on 26 September 2019, Palestinian President Mahmoud Abbas announced his intention to hold legislative elections in the Palestinian territories.²

Following the announcement, the President sent a letter to Central Election Commission Chairman Hanna Nasser on November 4, 2019. He asked him to make contacts with forces, factions and institutions in the West Bank and Gaza Strip to consult and agree to hold legislative elections in the Palestinian territories.

This opened a legal, political and community debate on a range of issues related to the electoral process and its stages; the Electoral Court provided security and protection of polling stations after a marathon meeting between the Central Election Commission and the Palestinian factions in the West Bank and Gaza Strip, factions, including Hamas, that agreed to hold legislative elections in February 2021 followed by presidential elections.

Fatah and Hamas tried to rearrange legislative elections to avoid big surprises, similar to what happened in 2006. Fatah Central Committee Secretary Jibril Rajoub and Hamas Vice President Saleh al-Aroui have acknowledged their interest in a joint list in the legislative elections, which they claim will allow them to form a new government acceptable to the international community and the region.³

Elections: To Hold or Postpone

The decree to hold elections: After 15 years, Decree No. 3 of 2021 was issued on January 15 by President Mahmoud Abbas. It did set the dates for the legislative, presidential, and national council elections to be held in three stages.

The decree postponing the elections: President Mahmoud Abbas returned and issued a presidential decree in April 2021 bearing the number (12) for 2021, "Postponing the general legislative and presidential elections and the National Assembly... Until the conditions for its conduct are met in all Palestinian territories, primarily Jerusalem, the capital, following the provisions of the law."

¹ Mohammad Fae'q (2014), Democracy and Elections in the Arab Nation, Arab Organization for Human Rights, (Karam Khamis) page 20.

²UN News, (2019), Palestinian President Abbas: We will hold general elections and I invite the UN and international bodies to monitor the process, 26th Sep 2019: <https://bit.ly/36BXXhu>

³Mkhaimar Abusada, (2021): Palestinian elections and the need for political change, Washington Institute, 1st Mar 2021, <https://bit.ly/3CGOI15>

The Palestinian president justified his decision, that elections were not "guaranteed" to hold in occupied East Jerusalem because of Israel's rejection, despite the amended Palestinian Basic Law and other relevant laws. The laws did not give the president the right to cancel the elections, which means the decision overrides the Constitution. The weights of the nominated lists may be a major reason for the postponement, and the actions of the occupation in Jerusalem are merely a pretext.

2. Consequences of the election's absence

The absence of Palestinian elections has had serious repercussions on all levels, Perhaps the suspension of the implementation of the provisions of the Constitution and the continuing division, as well, have changed the international position on the issue globally, especially considering the changing international environment., the repercussions of the absence of Palestinian elections can be monitored and analyzed at all levels:

2.1 Political level

2.1.1 Domestically

– **Distorting the roles of authorities:**

The absence of general elections distorted the (legislative, executive, and judicial) authorities, this was demonstrated by the president's passage of a group (resolution of the law) from the division in 2007 to 2022. The de facto government in Gaza also has the same practices. which reinforced the lack of accountability and transparency in the Palestinian territories, and the dissatisfaction of Palestinians.

– **Expiry of legitimacy:**

Since 2007, the Palestinian regime has ceased to perform its usual constitutional functions, despite ongoing factional meetings in several capitals, initiatives, and proposals by Palestinian institutions, for example, Pal Think was presented in partnership with the Swiss (Swiss Paper to End the Division). Nevertheless, the division was strengthened and continued.

– **The low importance of the Palestinian cause:**

The absence of elections has contributed to the withdrew the position of the Palestinian cause on the international agenda, the multiplicity of Palestinian political representation has allowed regional and international parties to marginalize the Palestinian issue which is divided between the West Bank and The Gaza Strip, especially considering the rapid changes taking place in the region and the world, where new regional and international conflicts have been generated, the Palestinian cause has lost its central place at the table of international institutions and in the international media.

2.1.2 Globally

- Two different regimes and approaches to governance.
- Reducing opportunities for international financial aid.
- Obstruction of the work of UN organizations.
- International claims to renew legitimacy.

The world has criticized the absence of Palestinian elections, particularly in Europe, which funds the Palestinian Authority. This was clear after the postponement of the Palestinian elections in 2021. On April 30, 2021, EU Foreign Minister Joseph Burrell said the postponement of the Palestinian elections, was "very disappointing."

The European Union consistently supports credible, inclusive, and transparent elections for all Palestinians: "We firmly believe that effective, strong, inclusive, accountable Palestinian democratic institutions based on respect for the rule of law and human rights are essential to the Palestinian people, to democratic legitimacy, and the outcome of a two-state solution."⁴

2.2 Legal level

The legal implications of the absence of elections were:

- Override the basic law.
- Absence of legislative council.
- Palestine's violation of its international obligations.

2.3 Social level

The absence of elections has disrupted the composition of Palestinian society, which is reflected in the following:

- **Imbalance in the structure of Palestinian society:**

The political division has led to an imbalance in the "social balance", indicators of quality of life, community harmony and indicators of civil peace, and deepening the tension in Palestinian society.⁵

- **Women:**

The absence of general elections has deprived women and graduates of running for and participating in the democratic process. Regarding the proportion of women candidates on the electoral lists for the April 2021 legislative elections, it accounted for 29% of the total of 1,389 candidates, including 405 women. This is insufficient after 15 years of not running for such positions.

- **Young people:**

The PCBs monitored 1.16 million young men and women aged 18-29 in Palestine, representing 22% of Palestinian society⁶, many of whom did not exercise the right to political participation.

- **identity and migration rates:**

The PCBs estimated that between 2007 and 2017, migration reached about 110,000 immigrants from Palestine, mostly young people. This affects in one way or another the

⁴ FRANCE24, Palestinian Elections, EU considers the postponement disappointing. :2021<https://bit.ly/3MrZbvV>

⁵ Tayseer Mohisen, chapter and "close control": The impact of division on the unity of society and the effectiveness of the political system, 25 November 2014: <https://bit.ly/3Le9WBs>

⁶ Palestinian Census reviews the situation of young people in Palestinian society on the eve of World Youth Day, 12/08/2021: <https://bit.ly/3LWoW75>

disappointment of young people and their constant lack of demand for elections, despite their direct impact on their lives and future.⁷

2.4 Civil society level

The absence of periodic elections has contributed to the distortion of community institutions and has directly affected the structure and performance of Palestinian civil society. Moreover, the absence of general elections and local bodies may have opened the way for the absence of by-elections in civil society, which can be monitored as follows:

Palestinian public unions: The majority of Palestinian unions have not complied with the elections, as a result of the absence of general elections and the disruption of the Palestinian regime. Students' councils :Student council elections have been completely absent at universities in the Gaza Strip since 2007.

2.5 Economic level

The absence of elections has affected economic policies; there are different policies in the West Bank and Gaza Strip, including Mechanisms for dealing with the monetary authority, banks, credits, mechanisms for dealing with different types of taxes, and tax collectors according to the law. Consumer protection is also being tested in the absence of a price cap, and traders are being oppressed in the absence of a price floor (There is an incomprehensible case of high prices, especially for basic materials). It has had serious and direct implications for the economic sector that we can include:

- Trade policy.
- Labor policy.
- Expenditure policy.
- Revenue policy.

2.5.1 Various restrictions

- The absence of elections and division have had direct repercussions on the economic sector externally, which has emerged on the following issues:
- Reconstruction of Gaza after sequences of wars
- Bearing the consequences of development and missed opportunities
- Rafah crossing repeatedly closed due to lack of legitimate authority

2.5.2 Privat sector

The effects of the division have affected various aspects of life in the Palestinian territories, including the private sector losses in Gaza estimated at \$11 billion in 2019. The greatest impact was the weak trade between the West Bank and The Gaza Strip. The private sector has seen all kinds of constraints that have created reasons for the sustainability of its declining role and position in the economic structure.

⁷ Women and Men in Palestine Issues and Statistics, 2020, Palestinian Central Bureau of Statistics, Ramallah-Palestine, July 2020, p. 37.

3. Get out a road map

Elections in the Palestinian context mean that community structures can manage state institutions democratically and that Palestinian society deserves to have an independent State; public institutions represent the hoped-for Palestinian state. Since the meetings of Palestinian parties to hold elections, two problems have emerged: **first**, to discuss the feasibility of elections in the face of the existing Palestinian division. **The second** is the trend of Palestinian factions after the absence of elections to make accusations instead of overcoming obstacles, addressing problems, and seeking mechanisms to conduct them considering the existing obstacles, as follows:

3.1 The decision to hold elections

The transition of media and political statements to elections requires a real will and a real decision to be conducted. Elections are an important step in restoring democratic life, primarily ending the political division. In addition, collective action is required to hold elections and address all the problems of holding.

3.2 Gradual and successive elections

Student council elections, and then municipalities- local bodies, unions, and trade unions, can be initiated, as there is nothing to prevent them from being held, and thus address the obstacles to holding general elections collectively as agreed to be held collectively; without seeking solutions to existing problems, the absence of elections will remain in place.

3.3 Addressing controversial election issues

Several problems have arisen over the conditions and conditions for holding elections in Palestine, including those related to the occupation and its prevention of holding elections in Jerusalem. ⁸ Some of them are related to the Palestinians themselves, which can be overcome, as happened in the issue of "forming an election tribunal" in 2017, which was overtaken in 2021.

3.4 Youthelize the Palestinian regime

True support for women and youth starts with parties, which can support them and organize appropriate lists that support their fair representation. Electoral laws also need to be amended, with existing problems, and issues of young people and women remain the lowest priorities. These shocking equations need real adjustment from all Palestinians, and the parties must lead this change.⁹

The above is clear that no real development and building of the Palestinian state that reflects the aspirations of the Palestinian people without holding general elections, especially since all national dialogues have not yet led to an end to division and reconciliation, this means that elections must be held at all levels, to create a healthy public space that guarantees political participation. There is no way out of holding elections without the Gaza Strip because any representation that does not include the Gaza Strip is underrepresented by nearly 40% of the electorate.

⁸ Decision on Law No. (2) of 2017 on amending the Law on the Election of Local Councils No. (10) for 2005 and its amendments.