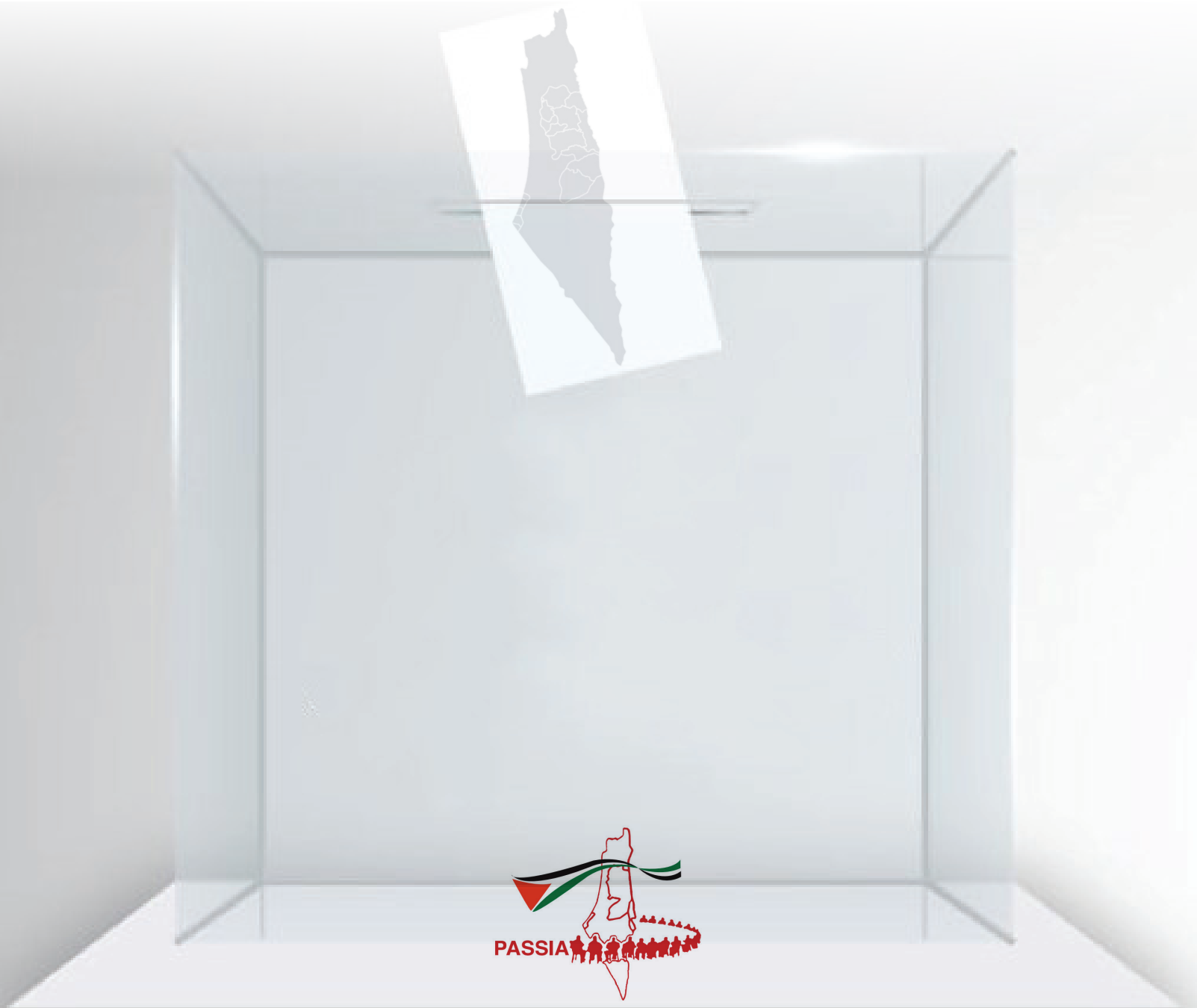
THE 2021 PALESTINIAN ELECTIONS

–THAT NEVER HAPPENED



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About This Publication:

After 15 election-less years in the Occupied Palestinian Territories (OPT) and many failed attempts at intra-Palestinian reconciliation, it seemed as though the long overdue Palestinian general elections would finally take place in 2021. Such hope was dashed for the time being after President Mahmoud Abbas announced its indefinite postponement. This bulletin tells the story of the 2021 election promise, its process, actors, agendas, and premature ending.

The Elections at a Glance:

15 January: Presidential Decree on Elections: PLC (22 May), President (31 July), PNC (31 August)
29 April: Elections indefinitely postponed

Eligible voters: 2.8 million people
Registered to vote: 93%

Women quota: 26% % (~ 34 seats)

Christian quota: min. 7 seats (5%)

Electoral lists: 36 (7 political parties and 29 independent lists)

Candidates: 1,391 29% female

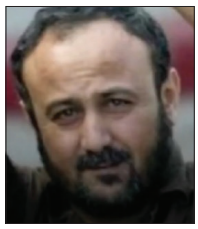
Main researcher and author:
Leonie Martiny

Contents:

LIST OF MAIN ACTORS:

- **Mahmoud Abbas**, President of the Palestinian Authority; Chairman of the PLO; Chairman of Fatah.

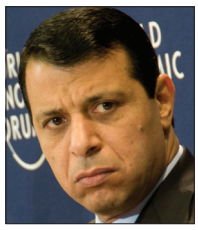
- **Mahmoud Al-Aloul**, Deputy Chairman of the Fatah Central Committee; PLC member; head of the official 2021 Fatah election list.



- **Marwan Barghouti**, Member of the Fateh Central Committee; PLC member; Fatah Tanzim leader in the Second Intifada, imprisoned in Israel since 2004.

- **Nasser Al-Qudwa**, Head of the Freedom list for the 2021 elections; ousted Fateh Central Council member; former PA Minister of Foreign Affairs; former PLO Ambassador to the UN; nephew of late Palestinian leader Yasser Arafat and dismissed head of the Yasser Arafat Foundation.

- **Dr. Hanna Nasir**, Chairman of the Palestinian Central Elections Commission (CEC).



- **Mohammad Dahlan**, Advisor to Abu Dhabi Crown Prince Mohammad bin Zayed; former Fatah leader in Gaza; former PA Security Minister.

- **Ismail Haniyeh**, Chairman of Hamas' politburo; former Prime Minister of the PA government (2006)

- **Saleh Al-Arouri**, Hamas leader and commander in the West Bank; founding commander of its military wing, Izzeddin Al-Qassam Brigades.

- **Jibril Rajoub**, Secretary-General of the Fatah Central Committee; Head of the Palestinian Football Association and the Palestine Olympic Committee; former head of the Preventive Security Forces in the West Bank.

- **Salam Fayyad**, Visiting Professor at Princeton University; head of the "Together We Can" list for the 2021 elections; former PA Prime Minister and Finance Minister; founder and leader of the Third Way party, which run in the 2006 elections.

- **Hussein Al-Sheikh**, Head of the PA's General Authority of Civil Affairs; member of the Fatah Central Committee, the PLO Central Committee and the PNC.

- **Samir Al-Mashharawi**, Co-founder of Dahlan's Fatah Democratic Reform group and head of the affiliated "Future" list for the 2021 elections; senior Fatah official in Gaza; former deputy head of the PA Preventive Security in Gaza.

I. Introduction: Elections in Palestine

1. The 2021 Elections

President Abbas and CEC Chair Hanna Nasser with election decree - Courtesy of Wafa.

On 15 January 2021, Mahmoud Abbas, President of the Palestinian Authority (PA)[1] and Chairman of the Palestine Liberation Organization (PLO)[2], issued a presidential decree[3] announcing the holding of the following three elections in the summer of 2021:

Palestinian Legislative Council (PLC) Elections

Elections for the PLC - the PA's 132-seat legislative body - were to be held on 22 May 2021. The PLC represents Palestinians living in the West Bank, the Gaza Strip and East Jerusalem and has wide-ranging legislative authority regarding internal matters in areas over which the PA had jurisdiction, limited by issues subject to the permanent status agreement that has never been reached. Under Palestinian electoral law, PLC terms are four years. However, the last PLC elections were held in 2006,[4] and the PLC has not had a regular sitting since 2007.

Presidential Elections

Presidential elections were scheduled for 31 July 2021. The presidential term is also set at four years, but the last elections were held in 2005 and President Abbas remained in office even his term expired in 2009. Under Palestinian electoral law, the President of the PA can only be elected for two terms.

Palestinian National Council (PNC) Formation

The formation of a new PNC, the PLO's highest legislative body that formulates policies and programs, was to take place on 31 August 2021. The relevant provisions are set out in the PLO Basic Law (Articles 5 and 6), according to which PNC members are elected directly by the Palestinian people. The existing PNC remains in office until the holding of new elections is possible. In fact, no PNC elections have been held to this date; its current membership of several hundred is mostly appointed. As a PLO organ, the PNC represents all Palestinians, including those outside the OPT, and its membership is not limited to political parties. PNC elections were discussed by the Popular Conference for Palestinians Abroad (PCPA) in early March 2021,[5] where over 200 Palestinians from 26 different countries called for the participation of Diaspora Palestinians, which currently number over 6 million as opposed to 4.5 million in the OPT.[6] The issue was also raised in the second round of Cairo talks a few days later. Since there is no past model for PNC elections and their implementation seems unfeasible, it was always highly unlikely that they would take place. Hence, this monograph mostly focuses on the elections for the PA posts and, unless specified otherwise, the terms "legislative" and "presidential" refer to the elections of the PLC and the President of the PA, respectively.

2. The Legal Framework and the Electoral System

The setting up of 'free and fair' elections in the OPT finds its roots in Article 3 of the 1993 Declaration of Principles (DoP) and was subsequently developed in Annex II to the 1995 Oslo II Agreement.[7] The amended 2003 Basic Law (drafted by the PLC and ratified by then-President Arafat), serving as a quasi-constitution, adopts the Oslo

1 The PA was established by the Oslo Accords (and hence the signature of the PLO) as a temporary, transitional body to deal with the powers and areas transferred to it by Israel. It was to operate for a 5-year interim period, during which the PLO and Israel were to engage in final status talks leading to a permanent status agreement.
2 The PLO is recognized internationally (including by Israel) as the sole legitimate representative of the Palestinian people, representing all Palestinians, including those living outside the OPT. It deals with broader decisions regarding the status of Palestine and conducts foreign relations but has no legal authority over internal local governance.
3 For the full text see https://www.elections.ps/tabid/1127/language/en-US/Default.aspx.
4 See Annex III for more information.
5 "Palestinians in exile should vote in election for National Council," *Middle East Monitor*, 9 March 2021, https://www.middleeastmonitor.com/20210309-palestinians-in-exile-should-vote-in-election-for-national-council/.
6 See https://www.elections.ps/TabId/1083/ArtMID/9183/ArticleID/2779/Elections-in-Palestine-An-article-by-Hanna-Nasir.aspx.
7 For the full-text documents see: https://peacemaker.un.org/document-search?field_paregion_tid=All&field_paconflict_tid=All&field_pacountry_tid=Israel&keys=.

Accord's draft of Palestinian elections and establishes a semi-presidential regime in the OPT. Together with its amendments of 2005 (hereinafter 'Palestinian Basic Law') it constitutes the basis of today's Palestinian legal and political organization. With regard to the electoral system, currently the *Decree Law*[8] *No. (1) of 2021 amending Decree Law No. (1) of 2007 of General Elections* and the *Election Law by Decree of 2007* lay down the provisions for the holding of general (presidential and legislative) elections. Main features are the **closed list proportional representation system for PLC elections** (i.e., the share of seats a party wins matches the share of votes it receives) and the **two-round system for presidential elections**.

For the PLC, there is a 1.5% entry threshold[9] and a 26% quota for female representation. In order to vote, an eligible **voter** has to be Palestinian, at least 18 years of age, have lived at least one year in the OPT, not hold Israeli citizenship, and be registered in the final voters' registry.[10]

A PLC **candidate** must be at least 28 years old, a permanent resident of the OPT, not convicted of a crime or felony, and have resigned from potential ministerial, state,[11] NGO or public body positions, constituting broad restrictions that have been widely criticized.[12] A list nomination must include a signed list of 3,000 eligible voters as well as a bank bond certifying a $20,000 deposit.[13] The final list of running candidates must be published 22 days prior to election day, marking the beginning of the official campaign period.

Elections are organized by the Central Elections Commission (CEC), an institution established by Annex II, Article 1(3) of the 1995 Oslo II Accord, whose members are appointed by the PA.

II. Chronological Overview of Developments

1. Background

The intra-Palestinian rift between Fatah and Hamas and the continued disagreements that have largely defined their relationship since the major fallout of 2007 have contributed greatly to the absence of elections since 2006. All election promises made since have failed. Towards the end of 2019, Fatah and Hamas seemed to have agreed (once again) to hold elections in the near future, although still divided over issues of voters in East Jerusalem. President Abbas refused to issue a decree announcing an election date until Israel guaranteed East Jerusalemites' right to vote. Hamas and other critical observers, however, saw this as an attempt to escape the elections altogether. Be it as it may, the arrival of the Covid-19 pandemic has upset purported election plans.

2. The Lead-up to the Presidential Decree

Nevertheless, some (mostly symbolic) action was taken to maintain the illusion of upcoming elections. In April 2020, President Abbas issued a presidential decree to reconstitute the Central Elections Committee (CEC), headed by Hanna Nasir. At a meeting on 4 September 2020, Palestinian factions reiterated their plan to hold free and fair elections and agreed on a system of proportional representation.[14] The meeting's relative success was attributed in part to the close relationship between Jibril Rajoub (Fatah) and Saleh Al-Arouri (Hamas),[15] the former of whom later became the public face of the 2021 election endeavor. In his speech before the UN General Assembly on 25 September, President Abbas announced that he was preparing for elections.[16] Talks between Hamas and Fatah representatives took place in Istanbul, and in early January 2021, following a reconciliation letter from Hamas,[17] President Abbas met with CEC Chairman Hanna Nasir to discuss elections. Shortly afterwards, he adopted a decree-law amending the 2007 Election Law, which introduced critical changes that, along with previous changes that violated judicial independence, were intended to keep him clinging to power. On 15 January 2021, President Abbas then issued a presidential decree calling for general elections. Such a decree had only been issued once

8 A decree-law is a presidential decree holding the force of law enacted by the legislature.
9 Election Law by Decree of 2007, Article 6 (3).
10 https://www.elections.ps/tabid/1137/language/en-US/Default.aspx.
11 https://www.elections.ps/tabid/1146/language/en-US/Default.aspx.
12 See, for example, the PNGO position paper at https://en.pngoportal.org/post/3305/Position-paper-by-civil-society-organizations-regarding-the-amendment-of-Charitable-Associations-and-Civil-Society-Organizations-Law.
13 *Ibid*.
14 Final Communique of the Meeting of the General Secretaries of the Factions, 4 September 2020, http://www.plo.ps/en/article/190/%2004/09/.
15 Kuttab, Daoud, "Will Elections Solve Palestinian Division?" *The Medialine*, 7 February 2021, https://themedialine.org/news/opinion/will-elections-solve-palestinian-division/.
16 "President Abbas: Preparations are underway for parliamentary and presidential elections," https://english.wafa.ps/Pages/Details/120336.
17 "President Abbas welcomes Hamas letter on reconciliation," https://english.wafa.ps/Pages/Details/122698.

before in 2009 (then calling for general elections in 2010 that never came to fruition),[18] fueling hopes that this time decision-makers are serious about elections. Many members of the international community welcomed the decision and offered their support, and the CEC began preparations. Since then, Palestinian stakeholders continually called on the international community to pressure Israel to allow East Jerusalemites to vote.

3. Important Legal Changes and Their Political Repercussions

Among the important changes introduced by the January 2021 decree amending the Palestinian Election Law are:

- Officially, all introduced changes were aimed at overcoming any obstacles related to the electoral process, but the new **requirements for presidential candidacy** included a "certificate of no criminal record,"[19] which seemed to undermine the opposition's prospects of success. Already back in 2016, President Abbas had stripped Mohammed Dahlan, one of his main rivals, of his parliamentary immunity and subsequently appointed a court to convict him *in absentia* for embezzlement.

  Another prime example of past efforts to reshape the election law in President Abbas' favor was his 2007 decree-law changing the electoral system from mixed to purely proportional[20] after the 2006 elections that showed that Fatah did much better in the latter system than in the former, and its rival Hamas *vice versa*.

- **Requiring PLC candidates** to commit to the Amended Basic Law of 2003 and its amendments, replacing the previous requirement "to uphold the PLO as the sole legitimate representative of the Palestinian people and the Declaration of Independence Document in addition to the provisions of the Basic Law." This modification looks like an olive branch directed at Hamas and Palestinian Islamic Jihad (PIJ), which are not (yet) members of the PLO and openly objected the PLO's readiness to compromise in the Oslo Peace talks. This amendment indicated an intra-Palestinian reconciliation effort at the expense of a further deterioration of Palestinian-Israeli relations. It should be noted that the amendment only addresses the PLC candidacy, leaving the requirement for presidential candidates to uphold the PLO as the sole legitimate representative unchanged.

- Allowing of **non-simultaneous elections** (legislative and presidential) as agreed upon in the 2020 talks between Fatah and Hamas. During the 2019 election talks, Hamas still rejected the untangling of the two. The consecutive holding of the two elections seemed designed to buy the PA head time in case of unfavorable PLC election results. The 10 week-gap could have allowed President Abbas to shift his strategy with a view to holding onto the presidency.[21]

- **Raising the quota for women** in the PLC from 20% to 26%, which is seen by some women's organizations as a step in the right direction but falling short of the 30% lobbied for.[22]

- **Changing all references** of "National Authority" and "Chairman of the National Authority" to "State of Palestine" and "President of the State of Palestine" - a symbolic change that should not be underestimated. First, equating the PA with the State of Palestine illustrates the PA's gradual *de facto* assumption of the PLO's *de jure* powers. Second, such a move, even if not intentionally, seems to sideline the Palestinians in the Diaspora, because the PA represents only those living in the OPT who are the only ones who will elect its president. By calling him/her the President of the State of Palestine, the weight of the political opinions of Diaspora Palestinians with regard to their state appears degraded.[23]

- **Christian "quota":** on 21 February 2021 President Abbas issued a Decree on the Allocation of Legislative Council Seats to Christian Citizens, allocating "at least" seven seats to Christians, which means they will make up 5% of the PLC[24] (although representing less than 2% of the OPT population). Previously, in the 1996 and 2006 elections, only six seats were reserved for them.

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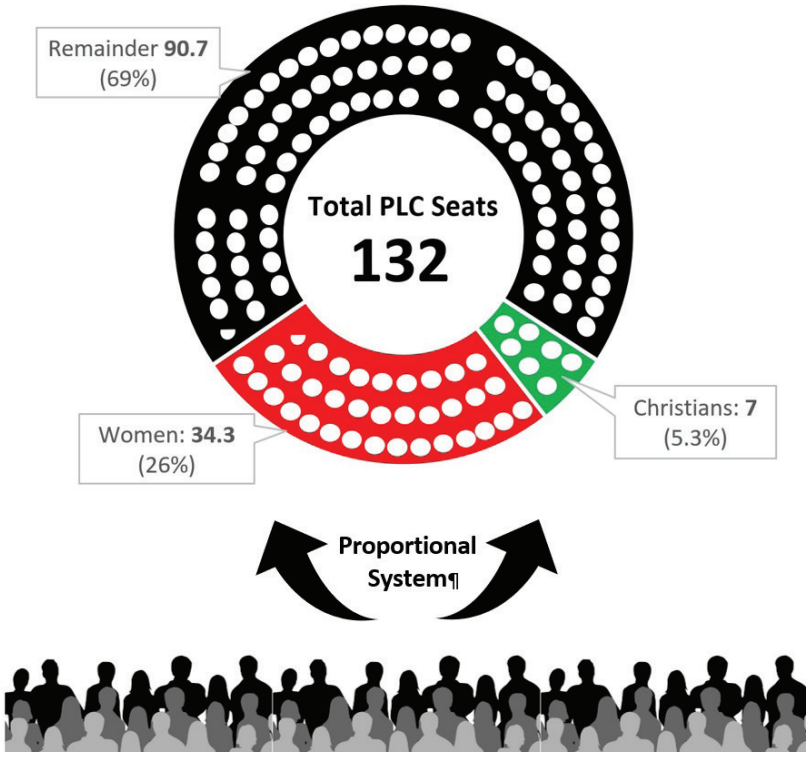
18 Presidential Decree No. ( ) of 2009 Concerning the Call for Presidential and Legislative Elections, https://www.elections.ps/tabid/335/language/en-US/Default.aspx.
19 Article 11, Decree Law No (1) of 2021, https://www.elections.ps/Portals/0/Election_Decree_Law%28En%292021_1.pdf.
20 Election Law by Decree 2007, Article 4 ("complete proportional representation system") annulling Election Law No. 9 of 2005, Article 3 ("mixed electoral system (...) relative majority (...) and proportional representation").
21 Kuttab, Daoud, "How Palestinians agreed on elections," *MEI*, 1 October 2020, https://www.mei.edu/publications/how-palestinians-agreed-elections.
22 Abumaria, Dima, "Palestinian Women Say Planned Increase in Legislative Council Representation Not Enough," *The Medialine,* 14 January 2021, https://themedialine.org/life-lines/palestinian-women-say-planned-increase-in-legislative-council-representation-not-enough/.
23 Hawwash, Kamel, "Palestine's electoral process threatens to shore up the status quo," *Middle East Eye*, 27 January 2021, https://www.middleeast-eye.net/opinion/edit-abbas-decree-palestinian-elections-raises-questions.
24 See https://www.elections.ps/Portals/0/Decree_Allocation_Legislative_Council_Seats_Christian.pdf.

In addition to the amendments of the Election Law, **amendments of the Judicial Authority Law** of 2002 as well as two decree-laws pertaining to the formation of regular and administrative courts could have influenced the elections. The changes made by the President mainly strengthen the executive authority's involvement in the judiciary, for example by:

- enabling the President of the PA to appoint presiding judges and their deputies to high instance courts (instead of following the independent recommendation of the High Judicial Council - which President Abbas dissolved in 2019 and replaced with the Transitional High Judicial Council);

- abolishing a number of securities previously enjoyed by judges, such as the immunity from dismissal, lowering of the retirement age, and the High Judicial Council's ability to force judges to retire even before that age (over 40 judges have already been dismissed under these provisions). An exception was made for the 85-year-old Supreme Court President and head of the Transitional High Judicial Council Issa Abu Sharar;[25]

- establishing administrative courts "subordinate to the executive" with authority to hear petitions against official institutions and government entities, including the Elections Committee.[26] The PA President appoints their president, deputy and all judges on the appellate level, raising fears that in practice, these new courts may eliminate the High Court of Justice.



These decrees were issued as part of a wide-ranging policy of interference by President Abbas that included the establishment of a president-friendly Constitutional Court in 2016[27] and the forcing into retirement of all 35 Palestinian Supreme Court judges in 2019. The changes introduced are said to violate the Judicial Authority Law and the Palestinian Basic Law (Article 98),[28] as well as the fundamental principle of separation of powers. Given the increase of presidential power through these decrees, their timing (publication four days prior to the call for general elections) appeared particularly questionable. In the end, the later establishment of the Elections Court in early March limited the possibilities for President Abbas' abuse of power via his judicial system.

25 "Abbas appoints Issa Abu Sharar to head the Judicial Council," 13 January 2021 (Arabic), http://shahed.cc/news/3115.
26 "A Statement issued by the National Coalition for Judicial Reform and Protection and the Independent Commission for Human Rights-ICHR regarding emending the Judicial Authority Law," https://ichr.ps/en/1/26/3050/A-Statement-issued-by-the-National-Coalition-for-Judicial-Reform-and-Protection-and-the-Independent-Commission-for-Human-Rights--ICHR-regard.htm.
27 "With new decree, Palestinian leader tightens grip," *Reuters*, 11 April 2016, https://www.reuters.com/article/us-palestinians-abbas-court-idUSKCN0X816B.
28 Al-Haq, "Executive Summary: A Legal Treatise on the Laws by Decree Amending the Law on the Judicial Authority Law and on the Formation of a Transitional High Judicial Council," https://www.alhaq.org/advocacy/14779.html.

4. The Cairo Talks

First Round (8-9 February 2021)

During a two-day meeting in Cairo on 8-9 February 2021, 14 Palestinian factions discussed the PA legislative and presidential elections and agreed to abide by the timetable set by the presidential decree of 15 January 2021. The Fatah delegation was headed by Jibril Rajoub and the Hamas delegation by Saleh Al-Arouri. PIJ announced it would boycott the elections because of its disapproval of the PLO's agreements with Israel, but pledged not to obstruct them.[29] Discussion of the PNC elections was postponed to a second round of talks in March.[30]

Cairo meeting, February 2021 - Courtesy of Wafa

In a joint statement, the factions agreed upon:

- The establishment of an independent **Elections Court**. On 1 March, the court was created by a presidential decree, headed by Iman Nasser Eddin, a senior judge at the High Judicial Council, and consisting of eight judges from the West Bank and from Gaza, "exclusively responsible for whatever is related to the electoral process, its results and any disputed issues."[31]

- The immediate release of **political prisoners** as a confidence building measure.[32]

- The facilitation of election **campaigning** by all factions in all areas (although it was unthinkable that Israel would allow Hamas' campaigning in East Jerusalem). On 20 February 2021, President Abbas issued a decree promoting public freedoms and facilitating the CEC's work. However, the granted freedoms did not seem to be in line with the reality on the ground: many non-Fatah candidates complained about an "unfree" environment for elections that manifested itself in harassment and even attacks.[33]

There was also disagreement or only vague comments on the following issues, most of which were postponed until after the elections and the possible formation of a unity government:

- **Security at all polling stations**. In general, Fatah and Hamas regard each other's police as illegitimate, but they agreed that "Palestinian police" would secure polling, which was widely interpreted to mean that Fatah police would guard polling stations in the West Bank and Hamas police in Gaza.[34]

- **Voting in East Jerusalem.** The factions merely expressed the need for holding elections in all of the OPT but did not come up with plans on how to realize them in Jerusalem. The failure to do so eventually paved the way for their postponement.

- **Fatah-Hamas joint list.** There was no further information regarding such a possible slate which had already been the subject of rumors for a while.

- **Relations with the West.** There were no official plans how to deal with the risk of deteriorating relations with Western (donor) countries given the expected participation of Hamas, which many of them considered a "terrorist" group.

29 "Islamic Jihad Decided Not to Participate in the Palestinian Elections," *RT Online,* 9 February 2021, https://arabic.rt.com/middle_east/1200957-/.
30 Boxerman, A., "Fatah and Hamas agree on terms of 1st Palestinian election in 15 years," *Times of Israel*, 9 February 2021, https://www.timesofisrael.com/fatah-and-hamas-agree-on-terms-of-1st-palestinian-election-in-15-years/.
31 "Fatah and Hamas... in a joint statement: We have reached understandings in preparation for the elections," *Al-Quds Al-Arabi,* 11 February 2021 (Arabic), https://www.alquds.co.uk/
32 "Palestinian Elections 2021: Reconciling Competing Motives," Arab Center Washington, DC, 18 February 2021, http://arabcenterdc.org/policy_analyses/palestinian-elections-2021-reconciling-competing-motives/.
33 "Ahead of Palestinian elections, West Bank homes of 2 candidates hit by gunfire," *Times of Israel*, 13 April 2021; https://www.timesofisrael.com/ahead-of-palestinian-vote-west-bank-homes-of-2-candidates-hit-by-gunfire/.
34 For example, Al-Mughrabi, Nidal, "Rival factions agree on procedures for Palestinian elections – statement," *Reuters*, 9 February 2021, https://www.reuters.com/article/palestinians-politics-election-int-idUSKBN2A92OL.

- **Covid-19.** There was no mentioning of how to overcome the extraordinary circumstances caused by the Corona pandemic under which elections were to take place.

- **No guarantees.** There was only verbal affirmation for the respect of the election outcome and a smooth post-election transfer of powers.

- **Fatah-Hamas reconciliation.** There was no form and conditions of an agreement.

Second Round (16-17 March 2021)

Despite the PLO's attempt to postpone the second round of talks due to an alleged absence of fundamental issues,[35] the talks went ahead and Palestinian factions, as well as PNC and CEC representatives met in Cairo to further discuss the upcoming elections, although with a modest overall outcome. Besides the factions emphasizing the importance of the elections to include East Jerusalem, West Bank, and the Gaza Strip the only two noteworthy elements of this second round of talks were:

- The signing of a "**code of honor**" according to which all parties pledged to comply with relevant legal provisions and CEC instructions as well as to respect the election results.

- Discussion on the **formation of the PNC**, including mechanisms and membership issues, as part of (re) activating the PLO.[36]

Hamas and the PIJ, neither of which are members of the PLO/PNC, reportedly were particularly insistent on reaching an agreement on the PNC elections before the PLC elections take place as both (even the PIJ which boycotted the PLC elections), apparently planned to participate in the PNC poll.[37]

III. Challenges and Obstacles

Since 2007, Fatah and Hamas have held several reconciliation talks, some of which included election promises that never materialized. The latest rapprochement between the two sides took place in Istanbul in October 2020 and was greatly facilitated by the constructive working relationship between Fatah's Jibril Rajoub and Hamas' Saleh Al-Arouri.[38] The 2021 election promise faced many obstacles that the national dialogue in Cairo sought to overcome, but to no avail. After two rounds of talks only some praised them as successful[39] while others criticized them as empty talks to postpone pressing issues.[40] In the end it was the East Jerusalem obstacle that prevented the elections, but the following hurdles could have hampered them as well:

1. A Road Map to Avoid a Repetition of 2006/2007

With Fatah's split into several lists ahead of the PLC elections, many observers feared that Hamas (running on one unified ticket) would have a good chance of winning yet another election. However, an election victory short of an absolute majority does not equate a coalition victory. Even if Hamas had won the most seats, it is not at all certain that it would have formed the strongest bloc and hence the government. In any case, it is without doubt that a reintegration of Hamas into the PA system as a strong – or potentially the *strongest* – player constituted a nightmare scenario for Israel, the West and some Middle Eastern powers fearing that such a victory could "spell momentum for other Islamist political groups" in the region.[41] To mitigate such an outcome, which was undesirable in the eyes of many (including Fatah), the proposal for a joint Fatah-Hamas list was put on the table, which would have assured Fatah 10 more seats than Hamas, impeding at least a Hamas-

35 "PLO Factions Seek to Postpone National Dialogue," *Asharq Al-Awsat,* 2 March 2021, https://english.aawsat.com/home/article/2836441/plo-factions-seek-postpone-national-dialogue.
36 "Palestinian Factions Conclude 2nd Round of Cairo Talks," *Asharq Al-Awsat*, 18 March 2021, https://www.aa.com.tr/en/middle-east/palestinian-groups-conclude-talks-in-cairo/2179536.
37 "Cairo Invites Palestinian Factions to Resume Talks on Elections," *Asharq Al-Awsat*, 8 March 2021, https://english.aawsat.com/home/article/2847421/cairo-invites-palestinian-factions-resume-talks-elections.
38 Kuttab, Daoud, "Will Elections Solve Palestinian Division?" *op. cit.*
39 E.g., PA Foreign Minister Riad Al-Malki, quoted in "Intra-Palestinian talks in Cairo 'successful'," *AA*, 9 February 2021, https://www.aa.com.tr/en/middle-east/intra-palestinian-talks-in-cairo-successful-premier/2138123.
40 E.g., Hani Al-Masri quoted in http://passia.org/media/filer_public/9e/e7/9ee7a41f-e7b0-4c16-91db-348383def88b/hani_masri_-_palestinian_elections.pdf.
41 Ofer Zalzberg of the Kelman Institute for Conflict Transformation, cited in: https://www.ynetnews.com/article/SyLdQuTI00.

dominated government.[42] As this idea did not translate into reality, Palestinians, Israelis and the world were left with a scenario that presented the real possibility of a renewed strengthening of Hamas. However, it is difficult to predict how the international community would have reacted to a potential Hamas victory, as it remains unclear whether the lessons of 2006 were learnt.

2. The COVID-19 Pandemic

While elections were held in several countries during the global health crisis, others postponed scheduled them for safety concerns. By the day of the postponement, the OPT had seen over 322,000 Corona infections that claimed over 3,400 deaths[43] and a vaccination campaign that was far from advanced[44] and faced little preparedness by the Palestinians to get vaccinated.[45] Hence, chances always were that the OPT would not make it out of the pandemic by the scheduled election dates. The roaring Covid cases (especially in Gaza) could have served alongside the East Jerusalem issue as a pretext to postpone the elections. In fact, already on 1 March a PA official reportedly raised the possibility of having to postpone or cancel the elections in light of the surging Covid-infection rates.[46]

3. The Political Will


Citizens looking at preliminary electoral lists

Many observers believed that President Abbas' call for elections was primarily a stunt, an olive branch directed at Biden. After four years of the Trump administration that proved to be nothing less than disastrous for the Palestinian cause, many hoped for an improvement with the new American President. It may be that the initial call for elections was indeed directed at Biden and other Western donors, signaling Palestinian democratic efforts to bring back accountability. On the other hand, it was clear that President Abbas would need to renew his legitimacy and that Hamas was suffering from sanctions, border controls, and lack of PA payments. Nevertheless, the continuation of actual preparations (the CEC's work, the successful registration, the Cairo talks, the publication of electoral lists) for elections surprised many (including Israel and perhaps even President Abbas himself). Developments on the ground contributed to a temporary spike in public trust in the 2021 election promise. Others pointed out that even if the elections were actually held, they would not "produce a democratic and representative leadership", but merely prop up the status quo, because neither Fatah nor Hamas, Israel, the international community nor the Palestinian elite were interested in achieving real democracy in Palestine. Therefore, "Palestinian elections are nothing but political theatrics to cover over" the lack of political will to promote "a democratic Palestinian society."[47] For many, President Abbas' postponement announcement is a proof of his political power thirst.

4. The Technicalities of a Post-election Transition

One of the side-effects of a president still in office over a decade after the end of his term and the absence of balloting in 16 years is the fact that power transfers are neither properly institutionally assured nor practiced. When Hamas surprisingly won the 2006 PLC elections, President Abbas and the international community refused to accept this democratic outcome. Efforts to work together in a unity government proved futile several times. The 2021 Cairo talks emphasized the importance of respecting the elections' outcome but failed to establish a real framework of guarantees. Many unsolved questions could have arisen in the context of a potential power transfer, such as the return of PA governance to Gaza or the return of Hamas governance to the West Bank, the reintegration of Hamas-run ministries and civil servants into the PA system, the future of Hamas' armed wing as well as the extent to which Israel and the Fatah-aligned security forces would allow Hamas to operate in the West Bank.[48] Analysis of Hamas' positions at the Cairo talks indicated that their goal in participating in the elections was

42 Kuttab, Daoud, "Will Elections Solve Palestinian Division?" *op. cit.*
43 Daily statistics published by https://english.wafa.ps.
44 Israel refused to provide vaccines for all inhabitants of the OPT (constituting a breach of its international law obligations) and the PA lacked the financial and logistical capacity to procure large quantities of doses early on. Vaccinating began only in February 2021 and although Palestine qualified for the international COVAX program, the vaccination campaign remained largely uncompleted around the scheduled election dates.
45 JMCC, *Poll No. 97 - Palestine Before the Elections*, 20 April 2021, http://www.jmcc.org/documentsandmaps.aspx?id=892.
46 "Palestinian Election: Coronavirus, Fatah strife may delay, cancel vote," *The Jerusalem Post*, 1 March 2021, https://www.jpost.com/middle-east/palestinian-election-coronavirus-fatah-strife-may-delay-vote-660583.
47 Hawari, Yara "Palestinian elections: Democracy for no one," *Aljazeera,* 27 January 2021, https://www.aljazeera.com/opinions/2021/1/27/palestinian-elections-democracy-for-no-one.
48 Lovatt, Hugh, "Back to democracy: Europe, Hamas, and the Palestinian elections," *ECFR Policy Brief*, 18 March 2021, https://ecfr.eu/publication/back-to-democracy-europe-hamas-and-the-palestinian-elections/.

to gain recognition and legitimacy within the Palestinian house, and not to assume power as their goal was in the 2006 elections. Regarding the post of the president, many expected that President Abbas would somehow manage to stay in office. Hamas has never claimed that they have a candidate for presidency. Even if he seems to have escaped presidential elections for now, the Palestinian leadership will still have to confront the question of the 85-year old's successor, who will most likely be a Fatah candidate. Technically, Article 37 (2) of the Palestinian Basic Law stipulates that in the event of an unexpected vacancy, the speaker of the PLC would assume the presidency for an interim period of no more than 60 days before new elections. However, PLC speaker Aziz Dweik (Hamas) did not become the accepted interim president when President Abbas' term expired in 2009.[49] Fatah could have used the 2021 elections to ensure that the new PLC speaker would have his own political color. Other rumors suggested that the Abbas-loyal Fatah leadership was trying to create the position of Vice President. Still, internal Fatah divisions, political dissatisfaction, and the fact that power transfers have not been regularly managed and implemented all point to the dangers that may arise from an unprepared vacancy or a future unwanted election result.

5. East Jerusalem Voting

The issue of East Jerusalem voting was the official reason for the indefinite postponement of the elections, as decided on 29 April 2021 by the PA leadership.

Stakes and Legal Obligations

The role of East Jerusalem in Palestinian elections is a highly symbolic and identity-related issue. While Palestinians view East Jerusalem as their future capital, Israel illegally annexed it in 1980 and declared it its undivided capital. Many Palestinians fear that not holding elections in East Jerusalem would be tantamount to recognizing the Jewish claim to the city. Israel, on the other hand, is more than reluctant to allow Palestinian electoral activity (including campaigning and voting) in Jerusalem because it amounts to acknowledging at least some Palestinian claim to the city. Under the 1995 Oslo II Accords (Article 2(3)) Israel is legally obligated to recognize the right of Palestinian Jerusalemites to participate in elections and provide for Palestinian voting in Israeli post offices in the city. Some 350,000 Palestinians live in East Jerusalem, roughly 150,000 of whom are eligible voters, of which 6,300 voters had registered in 2021 – a mere 4,2%.[50] Thus, had voting been made possible in the city, it would have largely satisfied the symbolic criterion. Some 60 Jerusalemites were registered as candidates running for seats in the 2021 PLC.[51]

The CEC had come up with a potential technical solution for voting in Jerusalem that did not require Israeli approval. It had reportedly set up 11 polling centers in Jerusalem suburbs outside the municipal boundaries[52] that would have accommodated all of Jerusalem's remaining eligible voters.[53] Other proposals circumventing Israeli approval included balloting in UN buildings, churches, mosques or passing with a ballot box from house to house.[54]

Evolution of the Issue's Place in the Election Debate

Since the publication of the presidential decree in January 2015 calling for elections, various Palestinian stakeholders repeatedly have stressed the importance of including East Jerusalem in the electoral process. In February 2021, the PA sent a letter to the Israeli government requesting that Israel allow campaigning and voting in East Jerusalem. According to the Palestinian Civilian Affairs Minister, Hussein Al-Sheikh, Israel's initial reply was that "they (would) not give an answer before the Israeli parliamentary elections".[55] Even after the Israeli elections (23 March 2021) and until one day before the official start of the election campaign (30 April 2021), there was no official Israeli position and no reply to the request regarding East Jerusalem voting.

The PA had also made continued efforts from the beginning to mobilize the international community for democratic elections in all the OPT, including East Jerusalem. In fact, on 18 April 2021, Palestinian Foreign Minister Riyad Al-Malki left for Europe to persuade European partners to pressure Israel to allow electoral activity in East Jerusalem. An EU request for access to the OPT for an exploratory mission was left unanswered by the Israelis.[56]

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49 The question of respect for the Basic Law and power transfers also reemerged at later stages: https://samanews.ps/ar/post/340518/.
50 CEC, Elections in Jerusalem, 18 March 2021, https://www.elections.ps/Tabld/1083/ArtMID/9183/ArticleID/2775/Elections-in-Jerusalem.aspx.
51 *Ibid.*
52 I.e., in neighborhoods that lie in the PA's Jerusalem Governorate but outside of the Israeli-controlled municipal boundaries, e.g., Abu Dis, Ar-Ram, Al-Izzariya, Dahiet Al-Barid.
53 CEC, Elections in Jerusalem, 18 March 2021, *op. cit.*
54 Hass, Amira, "Postponing of Palestinian Election Proves Abbas Is Closer to Israel's Interests Than His Own People," *Haaretz*, 2 May 2021,
55 "Will Jerusalem provide an excuse to postpone Palestinian elections?", *The Arab Weekly*, 19 March 2021, https://thearabweekly.com/will-jerusalem-provide-excuse-postpone-palestinian-elections.
56 "The occupation authorities ignore the request to send a European mission to monitor the elections," *Arab 48,* 18 April 2021, https://www.arab48.com/ 2021/04/18/.

While East Jerusalem voting had been an issue from the beginning, it turned into a *sine qua non* condition only a month before the scheduled start of the election campaign, when several Palestinian politicians called East Jerusalem's participation in the elections a "constant and uncompromised position"[57] and that "there (would) be no elections without Jerusalem".[58] This paved the way for the subsequent postponement or cancellation debate. In the final week before the election campaign, the East Jerusalem issue gained momentum and became the single most discussed topic in relation to the elections and their potential cancelation. On 9 April 2021, Fatah Central Committee member Hatem Abdul Qader was the first official to publicly admit that the elections could be postponed in the absence of an Israeli decision to allow East Jerusalem's participation.[59] Two days later, Nabil Shaath, a senior adviser to President Abbas, was even more explicit on warning of a postponement if Israel continues to ignore the PA request to allow elections in East Jerusalem.[60] At a Fatah Central Committee meeting on 26 April 2021, Abbas himself called Jerusalem "a red line" and announced that without its participation there will be no elections.[61] Some sources claimed that he had already informed the EU, Jordan and Egypt about his decision to postpone the elections,[62] prompting the EU to ask him to delay the announcement until 29 April 2021 in order to pressure Israel to allowing the elections. On 27 April, 13 EU ambassadors met with Alon Bar, head of the Israeli Foreign Ministry's political department, who claimed that despite Israel's concern about Hamas' participation, it had no intention of interfering with or preventing the Palestinian elections.[63] Israel refused to further comment on the issue, leaving room for interpretation of whether "not preventing" meant allowing them or not. Israel's continued refusal to formally respond to the request resulted in a *de facto* prohibition of electoral activity in East Jerusalem, although its official stance was that the elections were not subject to Israeli approval and that it was anyway unable to make a decision in the absence of a government, referring to Israel's caretaker government following the last Israeli elections.[64] Hussein Al-Sheikh, Minister of Civil Affairs and Fatah Central Committee member, claimed that Israel had "officially" told Palestinians that Jerusalemites will not be allowed to participate" in the elections, but when pressed to prove this claim, he admitted "that the Israeli position was transmitted to him verbally."[65] On 29 April 2021, after a meeting of Palestinian leaders and factions to "discuss" the elections, President Abbas announced their indefinite postponement, citing the East Jerusalem issue as the official reason, a mere pretext for some.

Reactions to the Postponement

The talk of postponement had already unleashed a wide range of heated reactions prior to its actual announcement. Despite the consensus among Palestinians that East Jerusalem should be included in the vote, there were different stances on the questions of *postponement* and *alternative voting* in the event of Israel's continued refusal to give the green light:

- Most of the **political factions** were against postponement insisting after 16 years without elections on the opportunity to elect their leadership. Opposition was expressed through a demonstration by Dahlan supporters in Gaza, a vigil in Ramallah and in interviews. Two days before the actual announcement of postponement, representatives of 28 electoral lists staged a protest,[66] saying it was only a way out for Fatah which feared a poor performance. Nevertheless, the decision to postpone was reportedly taken unanimously by the factions that attended the meeting (Hamas and PIJ did not),[67] although Nasser Al-Qudwa said elections should "go ahead without waiting for permission from Israel."[68]

57 For example, Hamas Politburo member Izzat Al-Rishq, quoted in https://www.aa.com.tr/en/middle-east/no-palestinian-elections-without-jerusalem-hamas/2198993.
58 Fatah Central Committee member Azzam Al-Ahmad, quoted in https://english.wafa.ps/Pages/Details/123880.
59 Arnaout, A-R., "Palestinian elections in Jerusalem face 3 scenarios," *AA*, 9 April 2021, https://www.aa.com.tr/en/middle-east/palestinian-elections-in-jerusalem-face-3-scenarios/2203465.
60 "Abbas adviser: Palestinian elections 'very likely' to be postponed," *Times of Israel*, 20 April 2021, https://www.timesofisrael.com/abbas-adviser-palestinian-elections-very-likely-to-be-postponed/.
61 "Palestinians to discuss delaying vote over Jerusalem dispute," *AP*, 26 April 2021, https://apnews.com/article/middle-east-jerusalem-government-and-politics-5a98e06f4d1ea3ae15223695589c6c04.
62 Lebanese Al-Akhbar newspaper, cited in https://www.ynetnews.com/article/HktBvcHPu.
63 Abu Sharar, S., "'Israel not trying to thwart Palestinian elections'," *AA*, 28 April 2021, https://www.aa.com.tr/en/middle-east/israel-not-trying-to-thwart-palestinian-elections/2222744.
64 "President Abbas: No elections without Jerusalem," *Wafa News Agency*, 29 April 2021, http://english.wafa.ps/ Pages/Details/124252.
65 Kuttab, Daoud, "The high cost of delaying Palestinian elections," *Al-Monitor*, 28 April 2021, https://www.al-monitor.com/originals/2021/04/high-cost-delaying-palestinian-elections.
66 Abu Amer, A., "Hamas braces for delay of Palestinian elections," *Al-Monitor*, 29 April 2021, https://www.al-monitor.com/originals/2021/04/hamas-braces-delay-palestinian-elections.
67 "Palestinian leadership postpones national elections until East Jerusalemites are allowed participation," *Wafa News Agency*, 30 April 2021, http://english.wafa.ps/Pages/Details/124253.
68 "Al-Qudwa to create new Fatah current," *Middle East Monitor*, 3 May 2021, https://www.middleeastmonitor.com/20210503-al-qudwa-to-create-new-fatah-current/.

- **Palestinian civil society activists and intellectuals** also objected to the election delay. At a virtual meeting organized by ACT - Institution for Studies and Alternative Means of Conflict Resolution, participants agreed that "a delay would be dangerous and (would) have long-term repercussions," and that postponement would only be acceptable if it included a new election date.[69] At another meeting held by the Palestinian Center for Policy Research and Strategic Studies - Masarat, Birzeit University professor Mahmoud Dudin said that the "executive branch's postponing of the election breached the Palestinian constitution" because such a decision rests solely with the Central Elections Commission.[70]

- Some, especially **PA and Fatah affiliates**, argued that albeit important, elections should not come at the expense of giving up Jerusalem, emphasizing the centrality of the Jerusalem issue for Palestinian statehood and identity. Already during the 2019 talks on elections, Fatah insisted that East Jerusalemites must be allowed to vote. Critics believe that Fatah's stance on this issue is tightly correlated to how well it thinks it will do in the elections.

- Others, especially **Palestinian journalists** critical of the PA, were in favor of existing alternative voting options - such as polling stations outside the Israeli municipal boundaries – saying after 16 years and several months of intense preparation elections are essential to bridge internal divisions and move forward. Some predicted that a cancellation would cause a massive turmoil within Palestinian society, adding to the frustration and anger amid heightened tensions between Palestinians and Israeli security forces,[71] while others noted that a last-minute postponement would amount to "(letting) the occupation state decide whether the elections will be held or not."[72]

After four challenging years of the Trump Administration, both the new Biden Administration and the election promise came as a sign of hope for change in the eyes of many Palestinians, who were "worried" that Fatah postpones the elections using the East Jerusalem issue as a pretext. According to a PCPSR poll, the percentage of Palestinians in favor of going ahead with the elections even if voting in East Jerusalem was denied by Israel had increased over the last few months preceding the announcement and stood, at the moment of President Abbas' decision, at 65%, while the rejection of this idea had decreased to 27%.[73]

- Another group, represented mainly by **Hamas**, called for holding elections in any event, even if Israel refuses to allow them in East Jerusalem. In April 2021, Hamas warned the PA that any postponement would greatly hamper the restoration of unity and "push the Palestinian people into the unknown"[74] and that instead of a delay, the means of "how to conduct the elections in Jerusalem should be discussed."[75] Conscious of Hamas' position, President Abbas reportedly dispatched Hussein Al-Sheikh to Qatar, seeking its support in persuading Hamas to cooperate and not to escalate.[76]

- There was little support for the proposal to conduct **balloting inside UN offices/European consulates** as "neutral territory", which some saw as "an escape, not a solution to the problem".[77] President Abbas himself emphasized that Jerusalem was a political, not a technical problem,[78] and while this is certainly accurate to some extent, it also portrays those in favor of alternative voting strategies in a negative "collaborator" light. *Haaretz* journalist Amira Hass noted the "subversive element" of the alternative voting suggestions, as well as their capability to "rock the illusion of normality", and "launching a popular resistance campaign by the very act of getting East Jerusalem Palestinians to vote in any way possible".[79]

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69 Kuttab, Daoud, "The high cost of delaying Palestinian elections," *op. cit.*
70 Hass, Amira, "Postponing of Palestinian Election Proves Abbas Is Closer to Israel's Interests," *op. cit.*
71 "Fresh clashes between Israeli forces, Palestinians in Jerusalem and West Bank," *Times of Israel*, 24 April 2021, https://www.timesofisrael.com/fresh-clashes-erupt-between-israeli-forces-palestinians-in-old-city-west-bank/.
72 Arnaout, A-R., "Palestinian elections in Jerusalem face 3 scenarios," *op. cit.*
73 PCPCR, *Public Opinion Poll No. 79,* March 2021, https://www.pcpsr.org/sites/default/files/Poll%2079%20English%20press%20release%20March%202021.pdf.
74 Hamas member Khalil Al-Hayyeh, quoted in https://www.algemeiner.com/2021/04/22/hamas-postponement-of-palestinian-elections-will-push-people-into-the-unknown/.
75 Hamas spokesman Hazem Qassem, quoted in https://www.reuters.com/world/palestinian-elections-appear-headed-delay-amid-jerusalem-dispute-fatah-2021-04-27/.
76 Kuttab, Daoud, "The high cost of delaying Palestinian elections," *op. cit.*
77 Fatah Revolutionary Council member Hatem Abdul-Qader, quoted in https://www.aa.com.tr/en/middle-east/palestinian-elections-in-jerusalem-face-3-scenarios/2203465.
78 "President Abbas: No elections without Jerusalem," *op. cit.*
79 Hass, Amira, "Postponing of Palestinian Election Proves Abbas Is Closer to Israel's Interests," *op. cit.*

The East Jerusalem Issue in Past Elections


Voting in East Jerusalem, 2006

In 2006, Israel refused to let East Jerusalemites cast their vote until 11 days prior to election day, when an agreement was reached that some voting (around 5% of all eligible voters from Jerusalem at that time) could take place at post offices within the municipal boundaries, while the remainder had to travel outside of Jerusalem to cast their votes. However, Israeli police detained candidates in Jerusalem, prevented campaigning at Damascus Gate, banned the use of Palestinian symbols, and imposed fines for putting up campaign posters. Hamas was not allowed to campaign in East Jerusalem. On election day, many of those entitled to vote inside Jerusalem arrived at their post office to find out that they had been registered at a post office much further away. Even though they eventually were allowed to cast their ballots, poor communication and overall confusing and changing instructions contributed to the fact that the Jerusalem district had the lowest turnout of all 16 districts.[80]

Final Considerations

The change from a mixed electoral system to a purely proportional one took some pressure of the Jerusalem issue from a legal point of view because elections could be run, theoretically, without any Jerusalem representative. On the other hand, this clearly undermine the rights of Palestinian residents of Jerusalem, potentially leaving them with no representation in the PLC. But even if voting had been made possible, Palestinian Jerusalemites might have been reluctant to participate, be it out of fear that it might entail Israeli sanctions (e.g., revoking some of their rights) or because of the fact that the PLC could not intervene in the affairs of Jerusalem anyway.

IV. The Indefinite Postponement and International Reactions

Following repeated hints of a possible postponement of the elections, President Abbas called for a meeting of the Palestinian leadership[81] on 29 April 2021, which Hamas and PIJ refused to attend in protest of the mere idea of postponement. Protests also erupted on the streets of Ramallah. At the end of the meeting, President Abbas decided – despite the objections of the factions – to postpone the elections until the participation of Jerusalem is guaranteed, without setting a new date, which was generally understood as an "outright cancellation"[82] given the unlikelihood of Israel allowing electoral activity in Jerusalem.

Among those branding the postponement as "illegal" were Nasser Al-Qudwa and Mohammad Dahlan[83] while Hamas leader Mushir Al-Masri even called it "criminal"[84] and others demanding "setting a clear time limit for the period of postponement."[85] The day after the postponement, many Palestinians expressed their disappointment through protests that amounted to a national quasi-consensus that President Abbas' "ill-advised election gambit (…) exposed deep dysfunctions within the Palestinian political system",[86] giving up "whatever was left of Palestinian democracy."[87] That the alleged Jerusalem issue "outweigh(ed) the views of 93 percent of the electorate"[88] infuriated the public and sparked concerns about instability.[89] It remains to be seen if the frustrated and angry Palestinians – especially youth, who have never had the chance to vote in elections and wanted to have a say in their political future – may soon start exploring options, including civil disobedience.

80 *Final Report on the Palestinian Legislative Council Elections, January 25, 2006,* NDI, 2006, https://www.ndi.org/sites/default/files/2068_ps_elect_012506.pdf.
81 Some uninvited Palestinian list leaders criticized their absence at the meeting as they had undertaken all the necessary steps to participate in the elections. However, only the Palestinian factions, Hamas, and Islamic Jihad were invited; Kuttab, Daoud, "The high cost of delaying Palestinian elections," *op. cit.*
82 "Postponing vote saves Abbas from the jaws of unavoidable defeat," *The Arab Weekly*, *op. cit.*
83 "Al-Qudwa to create new Fatah current," *op. cit.*, "Palestinian leader delays parliamentary and presidential elections, blaming Israel," *Reuters*, 30 April 2021.
84 "Postponing vote saves Abbas from the jaws of unavoidable defeat," The Arab Weekly, *op. cit.*
85 Comment from the "My Independent Youth Dignity" list, quoted in: "Postponement of Palestinian Elections Raises Tensions Between Factions," *The Medialine*, 5 February 2021, https://themedialine.org/by-region/postponement-of-palestinian-elections-raises-tensions-between-factions/.
86 Al-Omari, Ghaith, "To Vote or Not to Vote: Implications of Postponing Palestinian Elections," Policy Watch 3477, The Washington Institute for near East Policy, https://www.washingtoninstitute.org/policy-analysis/vote-or-not-vote-implications-postponing-palestinian-elections.
87 Kuttab, Daoud, "EU pressures Israel over Palestinian poll delay," *Arab News*, 30 April 2021, https://www.arabnews.com/node/1851521/middle-east.
88 Hass, Amira, "Postponing of Palestinian Election Proves Abbas Is Closer to Israel's Interests," *op. cit.*
89 Al-Omari, Ghaith, "To Vote or Not to Vote: Implications of Postponing Palestinian Elections," *op. cit.*

1. Israel

Israel's semi-official stance on the Palestinian elections has been that they are an "internal Palestinian matter," and it did not intend to interfere with them nor prevent them, which is, of course, a gross oversimplification, given that Israel arrests candidates, controls borders, and has the option and legal obligation to allow voting in Jerusalem.[90] Israel did not give a green light for electoral activity in East Jerusalem but reportedly told the PA it was not in a position to make a decision in the absence of a government (which had not yet been formed after the 23 March 2021 Israeli elections, which were the fourth in two years) and remained in its "strategic ambiguity"[91] until the PA called the elections. In fact, Israel had nothing to gain from either alternative. Had it allowed East Jerusalem voting, it would have essentially acknowledged a Palestinian right to the city and facilitated elections that not only might have brought about a change in the rather Israel-friendly status quo[92] but also contributed to the integration of a re-strengthened Hamas into the PA and put Israel "under an international magnifying glass."[93] If, on the other hand, Israel had officially objected to the elections, it would have faced strong international accusations of obstructing democratic developments in Palestine. Hence, calling off the elections was in Israel's interest, as admitted by Israel's then Foreign Minister Gabi Ashkenazi in a leaked phone call with his American counterpart.[94] Israeli Defense Minister Benny Gantz said at the time that while not intervening in the elections, Israel would refuse to work with Hamas,[95] and General Roni Numa, former director of Israel's military Central Command, was quoted saying that he did not "see anything good emerging from these elections for Israel. From the Israeli perspective, it would be preferable that there be no elections."[96]

According to Fatah Central Committee member Jibril Rajoub, the head of Israel's Security Agency (Shin Bet), Nadav Argaman, accompanied by an American official, had paid a visit to the presidential compound in Ramallah in mid-March 2021,[97] with the mission of halting Fatah's efforts to create a joint list with Hamas, or, as other sources suggested, to scrap the PLC elections if Hamas takes part.[98] While the PA rebuffed Israel's request, some say that Argaman's visit has nevertheless contributed to the non-materialization of a Fatah-Hamas joint list.

While the Israeli government never officially reacted to the Palestinian election decree, the Israeli army led intensive arrest campaigns of Hamas leaders and other political figures in the West Bank,[99] some of whom were threatened not to take part in the elections.[100] Moreover, Israeli forces actively impeded the holding of Palestinian campaign or other political events in East Jerusalem, detaining candidates and stopping a Fatah meeting in the Ambassador Hotel and a press conference in the St. George Hotel.[101] All of this pointed to the fact that Israel would probably not have tolerated electoral activity in East Jerusalem. When the election cancellation became likely, Israel prepared for possible unrest and violence all over the OPT.[102]

2. USA

While it is widely believed that one of the main reasons behind the initial calling for elections was President Abbas' desire to renew his legitimacy in the eyes of the new US Administration, Biden's response stood out for its absence throughout most of the process. The non-reaction is to be placed within the wider context of the new Administration's "low-key minimalist approach" to the Israeli-Palestinian conflict, signaling that – despite resuming aid to the Palestinians, renewing official relations – American diplomatic priorities now lie elsewhere.[103]

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90 Boxerman, A., "As Palestinian vote looms, Israeli attention is elsewhere. That could backfire," *Times of Israel*, 22 April 2021, https://www.timesofisrael.com/as-palestinian-vote-looms-israeli-attention-is-elsewhere-that-could-backfire/.
91 *Ibid.*
92 Which Amira Hass accurately describes as "ironically, (...) (not being) that: It constantly changes to the detriment of the Palestinians, as a people and as individuals, and in favor of the Israeli takeover of their lands and homes." Hass, Amira, "Postponing of Palestinian Election Proves Abbas Is Closer to Israel's Interests," *op. cit.*
93 *Ibid.*
94 Atwan, Abdel Bari, "Postponing Palestinian polls," *Raialyoum*, 11 April 2021, https://www.raialyoum.com/index.php/postponing-palestinian-polls/.
95 Shezaf, H., "Gantz Says Israel Won't Interfere in Palestinian Elections, but 'Won't Work With Hamas'," *Haaretz*, 6 April 2021, https://www.haaretz.com/israel-news/.premium-gantz-israel-won-t-interfere-in-palestinian-elections-but-won-t-work-with-hamas-1.9686983.
96 Boxerman, A., "As Palestinian vote looms, Israeli attention is elsewhere. That could backfire," *op. cit.*
97 "Abbas Rejects Israeli Efforts to Stop Palestinian Elections," *The Medialine*, 7 March 2021, https://themedialine.org/headlines/abbas-rejects-israeli-efforts-to-stop-upcoming-palestinian-elections/.
98 Weiss, Y., "Report: Shin Bet Asked Abbas to Scrap Palestinian Elections If Hamas Runs," *Hamodia*, 21 March 2021, https://hamodia.com/2021/03/21/report-shin-bet-asked-abbas-scrap-palestinian-elections-hamas-runs/.
99 E.g., Naji Al-Aasi, Hassan Al-Wardeyan, Mustafa Al-Shinar, Adnan Asfour, Yasser Mansour, Khaled Al-Hajj, Abdul-Basit Al-Hajj and Omar Al-Hanbali.
100 Adam, Ali, "How Israel is trying to derail Palestinian elections," *The New Arab*, 14 April 2021, https://english.alaraby.co.uk/english/in-depth/2021/4/14/how-israel-is-trying-to-derail-palestinian-elections.
101 *Ibid.*; https://apnews.com/article/israel-jerusalem-middle-east-elections-voting-d5c4b3206e970785d0e2ab90435ff144.
102 "Abbas Delays Palestinian Elections, Citing Israel's Refusal to Allow Jerusalem Vote," *Haaretz*, 29 April 2021, https://www.haaretz.com/middle-east-news/palestinians/.premium-abbas-set-to-announce-postponement-not-cancellation-of-palestinian-election-1.9759709.
103 "Israeli-Palestinian conflict gives Biden foreign policy headache," *BBC*, 15 May 2021, https://www.bbc.com/news/world-us-canada-57119881.

Timeline of the Main Events

2019

Oct

8: President Abbas asks CEC head Hanna Nasir to start preparing for "general elections".

Nov

2: Hamas officially agrees to hold elections.

9: Fatah officials agree on nominating Mahmoud Abbas for the presidency.

11: Hamas publishes 'five requirements' to hold Palestinian elections: (1) Holding them in the entire OPT (West Bank, Gaza, and East Jerusalem), (2) providing "freedoms necessary to hold elections," i.e., no Israeli suppression of Palestinians, (3) respecting the election results, (4) neutralizing the Constitutional Court, and (5) resolving issues over the current PLC.

Dec

10: The parties agree to hold legislative and presidential elections.

17: President Abbas urges the EU to pressure Israel to allow elections in East Jerusalem.

27: PA says there will be no voting without East Jerusalem.

2020

Apr

1: Presidential decree on the reconstitution of the Central Elections Commission is issued.

Sep

4: Palestinian factions reiterate their plan to hold free and fair elections and agreed on a system of proportional representation.

22-24: Meeting in Istanbul, Fatah and Hamas announce common vision on reconciliation and elections.

25: Addressing the UN General Assembly, President Abbas announces that he was preparing for elections.

2021

Jan

2: Hamas sends a reconciliation letter to President Abbas.

10: CEC convenes in preparations for general elections.

11: Decree Law No (1) of 2021 Amending Decree Law No (1) of 2007 of General Elections.

15: Presidential Decree No. (1) of 2021 calls for Legislative, Presidential, and National Council Elections.

17: CEC informs factions and political parties in Ramallah about the election schedule.

- UN Secretary-General Antonio Guterres welcomes the call for elections as "a crucial step towards Palestinian unity" and affirms the UN's support.

20: Mohammad Shtayyeh announces Mahmoud Abbas' presidential candidacy.

24: CEC extends an official invitation to the EU to observe the elections.

26: CEC commences training programs for new elections staff.

27: Palestine extended an official invitation to the Organization of Islamic Cooperation to observe the PLC elections.

- Imprisoned Fatah leader Marwan Al-Barghouti reportedly intends to run for presidency.

Feb

3: The CEC commences with the accreditation of local and international observation missions and media representatives wishing to cover the elections.

8: CEC extends an official invitation to the Russian representative to observe the elections.

- The EU sends a request to Israel asking for permission to access OPT for observation mission.

8-9: First round of Cairo Talks; ends with agreement on cooperation in and "mechanisms" for the forthcoming elections and to respect their outcome.

10: Election registration offices open in Gaza and the West Bank.

11: Hussein Al-Sheikh visits imprisoned Marwan Barghouti

16: Voter Registration ends with 93% of the eligible voters registered.

2021 Palestinian Elections

20: Presidential Decree on the allocation of PLC seats to Christian citizens.
- Presidential Decree promoting Public Freedoms and facilitating the CEC's work

21: Hamas says it won't nominate a candidate for the presidential elections.

22: CEC begins issuing accreditation cards to observers and journalists.

Mar

1: Presidential decree on the Establishment of an Elections Court.
- Exhibition and challenge on the preliminary voter registry open for three days.

2: The PA sends an official letter to Israel on holding the upcoming Palestinian general elections, including a request to allow holding them in East Jerusalem.
- Nasser Al-Qudwa announces electoral list separate from Fatah.

9: CEC briefs representatives of 15 registered political factions on nomination procedures for the elections.

11: Nasser Al-Qudwa is ousted from Fatah for forming an independent list for the PLC elections.

16-17: Second round of Cairo Talks; Palestinian factions sign a code of honor to guarantee the success and smooth conduct of the electoral process.

20: Nomination period for legislative lists begins.

21: CEC launches the first edition of its electronic newsletter "A Day for Palestine" on everything related to the elections.

29: Hamas unveils its "Jerusalem is Our Promise" list of candidates.

31: Nomination period for legislative lists ends with 36 electoral lists accepted.

Apr

1: US State Department spokesman Ned Price labels the elections a "matter for the Palestinian people to decide."

6: CEC publishes preliminary electoral lists.

8: Deadlines to submit objections on preliminary electoral lists.

9: Fatah Central Committee member Hatem Abdul Qader publicly admits potential postponement of the elections should Israeli fail to allow East Jerusalem's participation.

11: CEC issues its decision on 231 objections submitted against electoral lists and candidates, approving one objection.

18: The Elections Court rejects all 18 appeals submitted against the CEC's acceptance of electoral list and candidate nominations.
- PA Foreign Minister, Riad Al-Malki leaves for Europe to persuade European partners to pressure Israel into allowing electoral activity in East Jerusalem

20: Hamas official Khalil Al-Hayyeh warns that any change to the timetable for the PLC elections would deal a heavy blow to reconciliation and unity efforts.
- PA Prime Minister Mohammad Shtayyeh rejects the European offer to hold Jerusalem elections online.

22: At a UNSC briefing, UN Middle East envoy Tor Wennesland calls for international support for the elections.

26: At a Fatah Central Committee meeting, President Abbas refers to Jerusalem as a "red line" reiterating that no elections could be held without East Jerusalemites participating.

27: 13 EU ambassadors meet with Alon Bar, Head of the Israeli Foreign Ministry's political department, to discuss East Jerusalem voting.
- Hamas rejects the idea of postponing the May 22 PLC elections.

29: President Abbas announces the indefinite postponement of the elections.

30: Deadline for withdrawal of nominations.

May

1: Date set for the beginning of the election campaigns.

21: Date set for the end of the election campaigns.

22: Date set for the PLC elections.

Jul

9: Final list of candidates for the presidential elections set to be published.

31: Date set for the presidential elections.

Aug

31: Date set for the PNC elections.

Only in early April, State Department spokesman Ned Price made an official statement by labeling the elections a "matter for the Palestinian people to decide,"[104] not without reiterating, however, the US' reservations against Hamas participation and the importance of the Quartet requirements: non-violence, recognition of the State of Israel, and acceptance of previous agreements, although they have deemed ineffective and counterproductive over the years.[105]

Officially, the US might support Palestinian elections as part of its efforts to promote democratic developments. Many analysts, however, assumed that the US would rather not have the elections take place, fearing that the rule of the "ally" Fatah could be jeopardized, as confirmed by US Secretary of State Antony Blinken in a leaked phone call with the Israeli Foreign Minister.[106] Political analyst Ghaith Al-Omari also suggested that President Abbas may "have underestimated the depth of the legal and political obstacles to US engagement with the PA if Hamas is brought back into its structures."[107] The PA made some efforts to counter the US' worries, such as a letter sent in February by Hussein Al-Sheikh to Hady Amr (US State Department) outlining the commitments to international law and a Palestinian state on the 1967 borders of the political factions (including Hamas).[108] Yet, the US Administration kept its "hands-off" position, mainly over concerns about Hamas' possible involvement in a new government. AIPAC, the powerful pro-Israel lobby in the US, even called for banning Hamas from the ballot.[109] The US's obvious position not to object to a postponement of the elections[110] constituted a stark deviation from its role in 2006, when it had pushed massively for the holding of elections, even pressuring Israel into a last-minute permission regarding Jerusalem. This change of attitude is mainly based on the "undesirable" election outcome of 2006 and was also reflected in Washington's silence over "Israel's disruptive measures, including refusing Palestinian requests for clarification on East Jerusalem voting and arresting candidates."[111]

3. Egypt and Jordan

As direct neighbors of the Palestinians who struggle domestically with Islamist groups, Cairo and Amman's reaction to the 2021 Palestinian elections was also largely dominated by fear of a repetition of 2006, meaning an increased instability and a strengthening of Hamas.[112] Only two days after President Abbas' January 2021 decree calling for elections, and in a first show of external interference, the Egyptian and Jordanian heads of intelligence, Abbas Kamel and Ahmed Hosni, visited Ramallah in a bid to push for Fatah to run on a unified list to diminish Hamas' prospects of securing an election victory and for President Abbas to reconcile with Dahlan (with just as little success), in order to increase the non-Hamas' bloc's chances in the elections.[113]

4. European Union

As the largest contributor to foreign aid for Palestine, the EU has repeatedly applied pressure on the PA leadership to hold elections. Thus, the European External Action Service's (EEAS) spokesperson Peter Stano welcomed the presidential decree on elections and pledged the EU's support,[114] which was reiterated by EU Representative Sven Kuehn von Burgsdorff on 24 January 2021, when the CEC extended an official invitation to the EU to observe the elections,[115] as it had in 1996, 2005 and 2006. On 8 February 2021, the EU sent a request to Israel,[116] asking for access to the OPT via Israel for an "exploratory delegation of observers"[117] in an effort to prepare an

104 Hernandez, M. "US says Palestinian people should decide elections," *AA*, 1 April 2021, https://www.aa.com.tr/en/americas/us-says-palestinian-people-should-decide-elections/2195751.
105 E.g., Tocci, Nathalie, "The EU, the Middle East Quartet and (In)effective Multilateralism, June 2011, http://www.europa.ed.ac.uk/__data/assets/pdf_file/0008/206891/Mercury-Paper-9.pdf; ICG and USMEP, "Why Palestinian Elections Should Get Back on Track," 30 April 2021, https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/israelpalestine/why-palestinian-elections-should-get-back-track.
106 Atwan, Abdel Bari, "Postponing Palestinian polls," *op. cit.*.
107 Among them the 2004 Congress bill preventing financial ties with designated terror organizations; Al-Omari, Ghaith, "To Vote or Not to Vote: Implications of Postponing Palestinian Elections," *op. cit.*
108 "Palestinian Authority Sends Letter to Biden Asserting Factions' Commitment to 67' Border," Asharq Al-Awsat, 22 February 2021, https://english.alaraby.co.uk/news/rival-palestinian-factions-pen-joint-letter-biden-administration.
109 "AIPAC wants to decide who can run in Palestinian elections," *The New Arab,* 16 February 2021, https://english.alaraby.co.uk/english/comment/2021/2/16/aipac-wants-to-decide-who-runs-in-palestinian-elections.
110 Al-Kassim, M. "Palestinian Paper: US Understands If Abbas Postpones Elections," *The Medialine,* 18 April 2021, https://themedialine.org/by-region/palestinian-paper-us-understands-if-abbas-postpones-elections/.
111 ICG and USMEP, "Why Palestinian Elections Should Get Back on Track," *op. cit.*
112 Abu Amer, A. "Postponed Palestinian Elections: Causes and Repercussions," Sada (Carnegie Endowment for International Peace), 11 May 2021, https://carnegieendowment.org/sada/84509.
113 *Ibid.*
114 "EU welcomes holding of Palestinian national elections," WAFA News Agency, 16 January 2021, http://english.wafa.ps/Pages/Details/122876.
115 https://www.elections.ps/TabId/1083/ArtMID/9183/ArticleID/2596/The-CEC-Extends-Official-Invitations-to-the-European-Parliament-and-the-European-Union-to-the-2021-Palestinian-Elections.aspx.
116 "Israel risks derailing EU election mission to Palestine," *EU Observer,* 20 April 2021, https://euobserver.com/world/151594.
117 Adam, Ali, "How Israel is trying to derail Palestinian elections," *op. cit.*

elections observation mission, however, on 19 April 2021 they still awaited a reply.[118] According to the EU, Israel's continued non-responsiveness "considerably reduced the EU option to observe the (…) elections" because such an observation is usually prepared months in advance. The allegedly deliberate obstruction of Palestinian elections by Israel was harshly criticized by some Members of the European Parliament, including Margrete Auken from the Danish Green and Swedish Socialist Even Incir, who sent a letter to Israel's ambassador to the EU, Aharon Leshno-Yaar, stating that "preventing the EU from supporting democracy is unacceptable, no matter where it happens."[119] Since it seemed increasingly unlikely that the EU would be able to fly in observers in time for the elections, efforts were undertaken to mobilize observers locally and enhance the role of European associations on the ground. Other initiatives by European organizations included the online tool "Busala", created by the German Friedrich-Ebert Stiftung (FES) and the Jerusalem Media & Communications Center (JMCC), which aims at helping voters to find out which political party or movement best fits their ideals by matching their answers to a set of questions with the publicly declared positions and statements of the various parties and lists.[120]

CEC chair Nasir with EU representative Kuehn von Burgsdorff

On 27 April 2021, after talks about a potential cancellation of the elections increased, 13 European ambassadors met with Alon Bar from the Israeli Foreign Ministry to discuss the East Jerusalem issue. Bar reiterated that Israel viewed the elections as an "internal Palestinian matter" and was not planning on interfering in them, though it was not clear whether this meant that Israel would allow electoral activity in Jerusalem. The EU's request to observe the elections also remained unanswered.

After President Abbas announced the postponement, EU foreign policy chief Josep Borrell called the decision "deeply disappointing", proposing that a new date for the elections "should be set without delay."[121]

5. United Nations

On 17 January 2021, two days after the presidential decree calling for elections, UN Secretary-General Antonio Guterres welcomed them as "a crucial step towards Palestinian unity" and affirmed the UN's readiness to support them.[122] At a briefing of the UN Security Council on 22 April 2021, UN Middle East envoy Tor Wennesland still called for international support for the elections,[123] but found himself only a few days later, on 30 April 2021, expressing his full understanding of the Palestinians' disappointment about their postponement, stating that "a new and timely date for elections" would have been "an important step in reassuring the Palestinian people that their voices will be heard."[124] Former UN Special Coordinator for the Middle East Peace Process (2015-2020) Nickolay Mladenov was even blunter, tweeting that "there was no legitimate reason to cancel the Palestinian election. None! Denying your own people the right to elect their leaders is dangerous, wrong and it (is) fatally damaging to your national cause. I call for this decision to be immediately reversed in the interest of peace."[125]


CEC chair Nasir with UN Middle East envoy Wennesland

118 "Israel risks derailing EU election mission to Palestine," op cit.
119 *Ibid*.
120 The tool can be found at: https://busala.org/.
121 For the full statement see https://eeas.europa.eu/headquarters/headquarters-homepage/97541/palestine-statement-high-representative-josep-borrell-postponement-elections_en.
122 For the full statement see https://news.un.org/en/story/2021/01/1082342.
123 For the full statement see https://news.un.org/en/story/2021/04/1090442.
124 For the full statement see https://news.un.org/en/story/2021/04/1091072.
125 See https://twitter.com/nmladenov/status/1388022511049314304.

V. Impact and Future Outlook

1. Context

The 2021 election promise did not unfold and die in a vacuum, but evolved in a symbiotic relationship with simultaneous political, cultural and religious happenings, all in the wider context of the Covid-19 pandemic. A brief, non-comprehensive overview of key factors and events shall enable a better understanding of the local, national, regional and global situation in which the 2021 election promise was made and cancelled.

On a global level, the Corona pandemic raged, which hit the OPT particularly hard due to a lack of health equipment and vaccines, and because it exacerbated already previously worrisome unemployment rates.[126] Politically, the call for elections came just before President Biden took office and his new Administration made clear quite quickly that the Israeli-Palestinian conflict was not among its priorities.[127]

On a regional level, Israel held its fourth general elections in two years with a fifth round of elections looking not entirely unlikely in the coming months. Israel's inability to produce a stable government has affected the Palestinian elections at least twofold: it was used as an excuse not to respond to the East Jerusalem voting request[128] and it allowed for a power vacuum situation when the situation in Jerusalem became tense and violent (resulting eventually in the Israel-Gaza confrontation that, as some claim, Netanyahu tried to instrumentalize in accordance with his own political needs[129]).

On a national and local level, Israel's prevention of Ramadan celebrations at Damascus Gate in April and the eviction orders hovering over Palestinian families in Sheikh Jarrah were not only exemplary of the ongoing occupation and discrimination, but constituted a sufficiently explosive mix to spark violent clashes between Palestinians and Israeli security forces in Jerusalem.

2. Description, Analyses, Predictions

Many analysts agree that the *de facto* cancellation thwarted a "historic chance to effect change"[130] and that while elections are "no cure-all"[131] and even less so under occupation, their cancellation was "disheartening"[132] for many. A June 2021 PCPSR poll revealed that around two thirds of Palestinians opposed the postponement decision, convinced that it was motivated by President Abbas' worries about the election results, while only one quarter supported it, believing it had to do with Israel's refusal to allow East Jerusalem's participation.[133] Given the "untenable" *status quo* for Palestinians, especially in Jerusalem,[134] the postponement further added to the widespread frustration and anger, leading to "a very tense Palestinian reality,"[135] characterized by "corruption and nepotism, Oslo, security coordination as Israel constantly expands the settlements, the lack of transparency and accountability of the people in charge, the helplessness against settler violence, and the issue of establishing a state, in contrast to the political weakness."[136] The hope that a new parliament could address these issues died with the cancellation. In addition to the difficult occupation reality Palestinians face, the cancellation confirmed their reduction to "mere observers of their plight and cause, unable to participate in political developments."[137]

However, many outsiders were quietly relieved about the postponement, as summed up by the International Crisis Group and the United States/Middle East Project: "Working out how to deal with a Hamas win was too difficult, cajoling Israel into accepting the Palestinian vote in East Jerusalem too daunting, the implications for the

126 ILO, *Impact of the COVID-19 Pandemic on the Labour Market in the Occupied Palestinian Territory*, September 2020, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_774731.pdf.
127 Bertrand Natasha & Lara Seligman, "Biden deprioritizes the Middle East," *Politico*, 22 February 2021, https://www.politico.com/news/2021/02/22/biden-middle-east-foreign-policy-470589.
128 "President Abbas: No elections without Jerusalem," *op. cit.*
129 Eldar, Akiva, "How the violence plays into Netanyahu's hands," *Aljazeera*, 16 May 2021, https://www.aljazeera.com/opinions/2021/5/16/how-the-violence-plays-into-netanyahus-hands.
130 E.g., Gaza-based Mohammed Hijazi, quoted in "Postponement of Palestinian Elections Raises Tensions Between Factions," *The Medialine, op. cit.*
131 ICG and USMEP, "Why Palestinian Elections Should Get Back on Track," *op. cit.*
132 Hatuqa, Dalia, "Gen Z Reclaims the Palestinian Cause," *Foreign Policy,* 25 May 2021, https://foreignpolicy.com/2021/05/25/israel-palestine-gaza-sheikh-jarrah-abbas-youth-activists-east-jerusalem-occupation/.
133 PCPSR, *Public Opinion Poll No. 80,* June 2021, http://pcpsr.org/sites/default/files/Poll%2080%20English%20press%20release%20June2021.pdf.
134 "Protecting and Preserving Jerusalem's Identity is an International Responsibility", *Arab Digest,* 12 May 2021, https://arabdigest.org/visitors/sample-newsletters/protecting-and-preserving-jerusalems-identity-is-an-international-responsibility-2/.
135 "Postponement of Palestinian Elections Raises Tensions Between Factions," *The Medialine, op. cit.*
136 Hass, Amira, "Postponing of Palestinian Election Proves Abbas Is Closer to Israel's Interests," *op. cit.*
137 Tartir, Alaa, "A new approach to elections in Palestine," *Aljazeera*, 1 May 2021, https://www.aljazeera.com/opinions/2021/5/1/why-palestinians-should-vote-no-at-the-upcoming-elections.

(anyway stalled) peace process too unpredictable and the dispatch of election observers under coronavirus conditions too challenging."[138] The consequences of the short-term alleviation of Western worries are severe, further "hollowing-out Palestinian democratic institutions"[139] and rendering the internationally preferred two-state solution all the more fanciful. Some observers saw the calling off of the elections as not only secretly benefitting important actors of the international community, but also greatly serving Fatah and the PA, at least in the short run, as it "lets a fossilized Fatah movement hold on to positions of economic, administrative and political power in the West Bank" and as their "strict adherence to the Oslo Accords" and to security cooperation with Israel, often at the expense of Palestinian security and rights, is very convenient for Israel which holds PA officials' privileges hostage.[140]

Other voices predicted that failure to meet Palestinians' "real thirst for change," as Hanan Ashrawi put it,[141] might translate into violence given "the ingredients for an explosive mix,"[142] while it was uncertain whether it would be directed at the PA or Israel or both and how Hamas would react. While no immediate widespread outbreaks of violence occurred in response to the postponement, possibly due to the plunge in expectations prior to the decision,[143] it could be argued that it may have partially contributed to the anger that led to mass protests in Jerusalem, although the escalation of violence, including Hamas' rocket fire, was primarily a response to Israeli police butality in Jerusalem, especially at Al-Aqsa Mosque. Some claim, however, that Hamas had planned the flare-up, because according to its assessment a militant approach over the Jerusalem issue would lead to further support versus the PA.[144]

Some predicted that Hamas would emerge as the short-term winner of the cancelled elections, whereas Fatah would "be in deep political crisis" that would cause a "further eroding (...) (of President Abbas') already abysmal standing."[145] Indeed, within a week after the cancellation, the PA had become a rather marginal player and the question of intra-Palestinian reconciliation seemed once again set back by years with national unity looking like an "(un)likely option in the foreseeable future."[146] However, the mass mobilization of Palestinian youth at protests rising for dignity[147] and the widespread endorsement of Hamas' actions against Israel were a manifestation of an "unprecedented show of unity for the Palestinian community."[148] The blatant absence of the political independents who had striven for leadership through elections was not only criticized but, coupled with the rising youth, seen as the ushering-in of a new era in which Palestinians are looking for other means to reclaim their dignity, equality and justice. As Rashidi Khalidi put it, "the people who claim to be leaders of the Palestinian people have failed to provide a national strategy (...) the (new) Palesitnian leadership is Palesitnian civil society."[149]

3. Moving Forward

Disapproving of the election postponement, various Palestinian stakeholders called for different approaches and solutions. Some of the main proposals – some complementary, some competing – are presented below:

- **Civil disobedience.** President Abbas' governing stream of Fatah lost the streets years ago, but the cancellation of the elections further increased the Palestinian public's disrespect for them and the PA institutions that have done little to improve Palestinian daily life. Many Palestinian politicians and scholars therefore called for civil disobedience that would create "revolutionary legitimacy."[150] There is a considerable group of Palestinians, especially youths who have never voted in their life and thus never vested the current leadership with power in the first place, and who do not respond to any of the traditional political factions, but rise in unity to demand dignity and a future of their own. Some hope that this might give way to an unconventional national

138 ICG and USMEP, "Why Palestinian Elections Should Get Back on Track," *op. cit.*
139 *Ibid*.
140 Hass, Amira, "Postponing of Palestinian Election Proves Abbas Is Closer to Israel's Interests," *op. cit.*
141 "Palestinian Authority Postpones Parliamentary Election," *NPR*, *op. cit.*
142 Al-Omari, Ghaith, "To Vote or Not to Vote: Implications of Postponing Palestinian Elections," *op. cit.*
143 A Google Trends analysis of the search phrase "Palestinian elections 2021" in Arabic showed that "initial excitement (was) followed by fast-declining interest", https://besacenter.org/will-violence-erupt-if-abbas-cancels-the-palestinian-elections/.
144 "Why the rockets are falling now," Globes, 11 May 2021, https://en.globes.co.il/en/article-why-hamas-is-1001370661.
145 Al-Omari, Ghaith, "To Vote or Not to Vote: Implications of Postponing Palestinian Elections," *op. cit.*
146 *Ibid*.
147 For further elaboration, see an interview with Dr. Mahdi Abdul Hadi, head of PASSIA: https://www.youtube.com/watch?v=7pcTYGJ5RCw.
148 Yara Hawari quoted in https://twitter.com/AlShabaka/status/1392796825434869764.
149 Hatuqa, Dalia, "Gen Z Reclaims the Palestinian Cause," *op. cit.*
150 Mahmoud Dudin, see Hass, Amira, "Postponing of Palestinian Election Proves Abbas Is Closer to Israel's Interests," *op. cit.* See also Sari Nusseibeh, scholar and PLC candidate (Kuttab, Daoud, "EU pressures Israel over Palestinian poll delay," *op. cit.*), Nabil Diab, a member of Mustafa Barghouti's political party ("Postponement of Palestinian Elections Raises Tensions Between Factions," *The Medialine, op. cit.*), and predicted by Hanan Ashrawi ("Palestinian Authority Postpones Parliamentary Election," *NPR*, *op. cit.*).

unity of the Palestinian people (as opposed to the Hamas-Fatah reconciliation), strong enough to forge a national consensus in a transitional phase towards elections.

Another form of rejection of the current political system suggests casting invalid ballots once elections are eventually held, because "the worst the Palestinian electorate could do is give (…) legitimacy" to Fatah or Hamas "by voting for their candidates."[151]

- **Resignation of President Abbas.** According to a poll from December 2020, two thirds of the Palestinians demanded President Abbas' resignation. The first political and intellectual figure officially calling for this as the only way "to avoid an explosion" after the elections were cancelled was Professor Sari Nusseibeh, former president of the Al-Quds University and second candidate on Mohammed Dahlan's slate.[152] Calls for Abbas' resignation were echoed by Palestinian protesters at the Al-Aqsa compound in Jerusalem in mid-May, by a group of Palestinian factions, and by a group of Palestinian academics, who accused President Abbas of lacking legitimacy while running the PA as a "dictatorial institution" and hoped for the "Palestinian people to join this call"[153] for a fresh start.

- **Youth Parliament.** While the role of the Palestinian youth is overall remarkable, the idea to create a virtual youth parliament stands out, demonstrating that they will not be silenced by PLC candidate requirements that are extremely harsh (minimum age 28, $20,000 deposit, etc.), but to take matters into their own hands. The progressive youth-led *Generation for Democratic Renewal* was founded in February 2021 and promoted the creation of a virtual parliamentary list with candidates between 18 to 45 years, to compete with the actual PLC lists and exercise political participation.[154] After the elections were postponed, the group declared it would not give up its initiative.

- **Calls for elections.** Interestingly, at the time of writing, most calls for elections are coming from the international community, and not from "within" the Palestinian society, although a recent poll showed clear support (72%) among Palestinians for holding elections in the near future.[155] Immediately after the postponement was announced, national and international stakeholders requested new dates to be set. During the month of May, however, the focus of Palestinian society shifted from the alleged election promise to more substantial and substantive means to achieve change, e.g., through civil disobedience. In the meantime, members of the international community, especially from Europe, are clinging to their election demands, be it due to the need to justify donations, a genuine belief in democratic processes, or maybe a lack of understanding of the current situation in the OPT. Whether Western countries would have been ready to accept the outcome of the elections is another question that will remain unanswered for now.

151 Tartir, Alaa, "A new approach to elections in Palestine," *op. cit.*
152 Kuttab, Daoud, "EU pressures Israel over Palestinian poll delay," *op. cit.*
153 "Palestinian activists call for 'illegitimate' Abbas to be removed from office," *The New Arab*, 31 May 2021, https://english.alaraby.co.uk/news/palestinians-call-abbas-be-removed-office.
154 For more information see their website https://tajdeed.ps/.
155 PCPSR, *Public Opinion Poll No. 80,* June 2021, *op. cit.*

VI. Annex

1. Candidates

PLC Electoral Lists

On 6 April 2021, a week after the closure of the nomination period (31 March 2021), the CEC published the preliminary electoral lists. Objections could be submitted until 8 April 2021, and on 11 April the CEC issues its decision on the 231 objections received, approving only one due to acquiring Israeli citizenship (in violation of the provisions of Decree Law No. (1) of 2007). Subsequent appeals before the Elections Court were possible, but all 18 appeals were dismissed, marking the closure of the candidacy phase.156 According to the electoral calendar, nomination could be withdrawn until 29 April after which final lists were to be published and the electoral campaigning period to begin on 30 April 2021. All 36 lists that submitted their nomination applications were accepted; 7 of them were from political parties, and 29 were independent lists. The splitting of Fatah into several lists, coupled with the overwhelming number of independent (partly technocratic) lists and a 1.5% threshold, would have most likely disrupted the usual Fatah or Hamas political continuum.

CEC's election campaign process as announced on its website.

The overall number of candidates running for the 132-seat PLC would have amounted to 1,391, including 405 women (29%). Of the candidates, 38.5% were between 28 and 40 years old, 22.2% between 41 and 50, and 39.3% were over 50.[157]

Below, some of the lists and candidates are briefly presented (see Annex V for the full list):

- "**Fatah Movement**": The official Fatah list of 132 candidates, headed by Fatah deputy head **Mahmoud Al-Aloul**, followed by **Suad Zalloum**, **Ahmad Hilles**, and Fatah Secretary General **Jibril Rajoub**. A surprise on the list was Qadura Fares (No. 7), who is considered a close ally of Barghouti.[158] Despite President Abbas earlier assertion that no member of the Central Committee, Revolutionary Council or current ambassadors would be nominated the first five candidates were Fatah Central Committee members.[159] Not on the list was Hussein Al-Sheikh, a close confidant of President Abbas.[160]

- **"Freedom":** Independent list of 56 candidates submitted by **Nasser Al-Qudwa**, nephew of Yasser Arafat, former Fatah Central Committee member, and endorsed by **Marwan Barghouti** who currently serves five life sentences in an Israeli jail for his role during the Al-Aqsa Intifada. Barghouti's move in the elections was subject of much speculation as polls made him out to be one of the most popular candidates in the Palestinian political sphere. Fatah representatives had previously undertaken much effort to persuade Barghouti to

156 CEC, "Elections Court Rejects all Submitted Appeals," 18 April, 2021, https://www.elections.ps/TabId/1083/ArtMID/9183/ArticleID/2776/Elections-Court-Rejects-all-Submitted-Appeals.aspx.
157 "CEC Exhibits the Preliminary Register of Nominated Electoral Lists," 6 April 2021, https://www.elections.ps/TabId/1083/ArtMID/9183/ArticleID/2758/CEC-Exhibits-the-Preliminary-Register-of-Nominated-Electoral-Lists.aspx.
158 Hass, Amira, "Real Challenge in Palestinian Elections: Convince Jerusalem Voters to Cast Their Ballots," *Haaretz*, 4 April 2021, https://www.haaretz.com/middle-east-news/palestinians/.premium-in-palestinian-elections-voters-have-many-alternatives-for-a-protest-vote-1.9679304.
159 *Ibid.*
160 Kuttab, Daoud, "The high cost of delaying Palestinian elections," *op. cit.*

run on a unified Fatah list,[161] fearing his breakaway could seriously harm Fatah's prospects. Some claimed that even after the submission of the lists, President Abbas was still trying to have Barghouti to retract his step. Al-Qudwa had announced his intention to run on a separate list already in early March which got him ousted from Fatah altogether.[162] While the Fatah Central Committee had announced that any Fatah official running independently would equally be expelled, it was unclear whether a similar fate would have awaited Barghouti, who was considered a much bigger asset. The eventual cancellation spared Fatah from taking any measures against him. The Freedom-list was headed by Al-Qudwa, with Marwan's wife **Fadwa Barghouti** coming second and **Abdel Fatah Hamayel**, a leader of the first intifada, third. **Hani Al-Masri**, the director general of Masarat, the Palestinian Center for Policy Research and Strategic Studies, also figured on the list (No. 9). Marwan Barghouti himself did not, which fueled speculations about his intent to run in the later presidential race (candidates of which cannot be PLC members).

The list was criticized for its heavy representation of the West Bank with only few Gazan candidates. Al-Qudwa acknowledged this shortcoming, during a visit to Gaza on 14 April 2021 to mobilize votes, justifying it with the haste that characterized the list's formation only few hours before the deadline. Al-Qudwa further unleashed public criticism for saying in an interview that "all existent Fatah parties (took) issue with political Islam."[163] Despite a later apology for his statement, his comment risked resonating with hesitating voters. After the elections were cancelled, Al-Qudwa surprisingly stated that he would be "ready for reconciliation with the mother movement on condition of reforming it based on national interests," calling for elections before the end of the year.[164]

- **"The Future"**: Another breakaway list of Fatah members submitted by **Mohammed Dahlan**'s Democratic Reform Block. The top three on the 132-candidate list were **Samir Al-Mashharawi**, a former Fatah leader and Preventive Security veteran from Gaza, **Sari Nusseibeh**, the former President of Al-Quds University and respected scholar, and author and feminist **Nayrouz Qarmout**. Although many were suspicious towards Dahlan and his UAE connections, his "talent for pouring in money"[165] and the inclusion of Nusseibeh did not go unnoticed. Dahlan himself was not on the ticket, possibly due to ambitions to run for president.

- "**Jerusalem is our Destination**": Hamas' list of 131 candidates, over half of which was made up of West Bank and East Jerusalem candidates. It was headed by Gazan politburo member **Khalil Al-Hayyeh**, and followed by **Mohammed Abu Teir**, a Jerusalemite who has spent half of his life in Israeli prisons, and **Lama Khater** from Hebron as Nos. 2 and 3 on the ticket.[166]

- "**United Left**": List of 75 candidates that united the Palestinian People's Party and the Palestinian Democratic Union Party (FIDA), headed by **Fadwa Khader**. Initial attempts of uniting a wider left-wing spectrum did not succeed.[167]

- "**Pulse of the People**": List submitted by the leftist Popular Front for the Liberation of Palestine **(PFLP)**, with two prisoners - **Ahmad Saadat** and **Khalida Jarrar** - as the top two candidates. The great majority of this slate were Gazan candidates.[168]

- "**Change and Ending the Division**": 50-candidate-strong ticket submitted by **Mustafa Barghouti**, founder of the Palestinian National Initiative (Al-Mubadara).

- "**Together We Can**": 51-candidate-strong ticket of former Palestinian Prime Minister **Salam Fayyad**.

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161 The efforts alluded to include PA Civil Affairs Minister Hussein Sheikh, a close confident of Abbas', visiting Barghouti in prison in February to "discuss" the elections. Some claim Barghouti was threatened not to run on a separate list. See "Barghouti to stand for election from Israeli prison cell," *Middle East Monitor,* 15 February 2021, https://www.middleeastmonitor.com/20210215-barghouti-to-stand-for-election-from-israeli-prison-cell/.

162 "Profile - Who is Fatah's dismissed member Nasser al-Qudwa?" *AA*, 12 March 2021, https://www.aa.com.tr/en/life/profile-who-is-fatahs-dismissed-member-nasser-al-qudwa/2173529.

163 "Nasser Al-Kidwa: We will not back down from supporting Marwan Barghouti if he runs for Palestinian presidency,", *France 24,* 1 April 2021, https://www.france24.com/ar/-20210401/.

164 "Al-Qudwa to create new Fatah current," *op. cit.*

165 Hass, Amira, "Real Challenge in Palestinian Elections," *op. cit.*

166 *Ibid.*

167 Kuttab, Daoud, "36 electoral lists will compete in upcoming Palestinian vote," *Al-Monitor,* 2 April 2021, https://www.al-monitor.com/originals/2021/04/36-electoral-lists-will-compete-upcoming-palestinian-vote#ixzz6zjvxpRel https://www.al-monitor.com/originals/2021/04/36-electoral-lists-will-compete-upcoming-palestinian-vote.

168 Hass, Amira, "Real Challenge in Palestinian Elections," *op. cit.*

Presidential Elections

According to the CEC, the final list of candidates for the presidential elections was set to be published on 9 July 2021.[169] Speculations included:

- On 20 January 2021, Prime Minister and Fatah Central Committee member Mohammad Shtayyeh announced that **President Abbas** would be Fatah's nominee for the upcoming presidential elections, saying there was consensus and unanimity within Fatah in support for that choice.[170] Other Fatah officials reacted in surprise and deception, having had hoped Abbas would have made room for younger candidates, especially as he had previously repeatedly insisted that "he had no plan to run again."[171] At the moment of the postponement, Abbas had still not made his candidacy official.

- Imprisoned Marwan **Barghouti,** too, had not yet announced whether he was seeking a presidential candidacy, though some media outlets suggested this, and the fact that he supported Nasser Al-Qudwa's list without appearing on it, was widely interpreted as a signal that he intended to run for president. In terms of popularity, he would have been the most dangerous rival for President Abbas and his potential victory would have put Israel into a very uncomfortable position, either having to deal with him in prison or be forced to release him.[172] Early estimates predicted that "half of current Fatah supporters would side with Barghouti over (President) Abbas."[173]

- Had the Abbas-rival Mohammed **Dahlan** proceeded to announce his candidacy for the presidency, a likely scenario, the established Fatah-dominated rule probably would have tried to impede his candidacy. Already as early as in January 2021 had the Abbas-introduced changes in the legal requirements for presidential candidates been used to justify banning Dahlan.[174] Dahlan was ostracized from Fatah's Central Committee in 2011[175] and stripped of his parliamentary immunity in 2012 (a move that was declared constitutional by the Constitutional Court created by President Abbas in 2016[176]), and shortly afterwards, Dahlan was found guilty of embezzlement and convicted in absentia. Fatah Central Committee member Azzam Al-Ahmad already made it clear that Dahlan will not be allowed to run for the presidency because he does not have "a clean record."[177] Dahlan had been said to be the US' favorite option, not least because of his ties to the UAE, from where he secured in spring 2021 shipments of 60,000 doses of Sputnik V vaccines for Gaza,[178] a generous gesture that may have been aimed at improving his popularity rates in the OPT in light of the elections.

- **Hamas** decided not to run in the presidential race,[179] due to two main factors: One, Hamas has come a long way since its initial rejection of the PA as an Oslo-created construct. Notwithstanding, their acceptance to participate in the PLC elections is not, for Hamas and at this point, extendable to an active participation in the designation of the head of a body whose very creation Hamas ideologically opposed.[180] Two, this also suggests that, contrary to Abbas', Israeli and American fears, Hamas was not after a comprehensive election victory that would have included the post of the presidency. Rather, it sought to reclaim its place, playing *a* part in Palestinian politics.

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169 CEC, "Legislative Elections 2021," https://www.elections.ps/Portals/0/timeline2021_en.pdf.
170 "Abbas to remain Fatah's presidential candidate in polls," *AA,* 20 January 2021, https://www.aa.com.tr/en/middle-east/abbas-to-remain-fatah-s-presidential-candidate-in-polls/2116927.
171 For example, Kuttab, Daoud, "How Palestinians agreed on elections," *op. cit.*
172 Bishara, M. "Palestinian political prisoner Marwan Barghouti for president?" *Aljazeera,* 23 February 2021, https://www.aljazeera.com/opinions/2021/2/23/political-prisoner-marwan-barghouti-for-president.
173 Masrwa, L. and M. Abu Sneineh, "Palestine elections: Marwan Barghouti eyes presidential run from behind Israeli bars," *Middle East Eye,* 28 January 2021, https://www.middleeasteye.net/news/palestine-elections-marwan-barghouti-consider-candidate-fatah-pa.
174 "Azzam Al-Ahmad: Dahlan cannot run in the Palestinian presidential elections," *Almanar News,* 27 January 2021, https://www.almanar.com.lb/7784361.
175 "Abbas suspends Dahlan from Fatah over 'coup plot'," *BBC,* 4 January 2011, https://www.bbc.com/news/world-middle-east-12114595.
176 Mughrabi, N. and A. Sawafta, "Palestinian president can revoke parliamentary immunity of opponents - court," *Reuters,* 6 November 2016, https://www.reuters.com/article/us-palestinians-politics-idUSKBN131108.
177 Azzam Al-Ahmad: Dahlan cannot run in the Palestinian presidential elections," *op. cit.*
178 Mughrabi, N., "Palestinians receive 40,000 COVID-19 vaccines from UAE," *Reuters,* 11 March 2021, https://www.reuters.com/article/us-health-coronavirus-palestinian-rivals-idUSKBN2B32GM.
179 "Hamas says it won't nominate presidential candidate for Palestinian elections," *Times of Israel*, 22 February 2021, https://www.timesofisrael.com/hamas-says-wont-nominate-presidential-candidate-for-palestinian-elections.
180 In fact, Hamas boycotted the PA's first elections in 1996 due to its objection of the Oslo Accords. While they did participate in the 2006 legislative elections, they boycotted the 2005 presidential ones.

2. Voter Registration

In order to be able to vote in the legislative and presidential elections, voters have to be registered in the final **voters' registry**. They were able to do so electronically until 16 February 2021 via the CEC's website or in person during five days starting on 10 February 2021.

For its **voter registration campaign**, the CEC operated 80 information and registration centers with some 600 staff to facilitate registration in all West Bank and Gaza districts.[181]

On 17 February 2021, the CEC announced that 93,3% of **eligible voters** (a total of 2.6 million) registered to vote. Residents of **East Jerusalem** with Israeli-issued ID cards did not have to register. In the preliminary voter registry, **women** constituted approximately 49%, while **first time voters** made up about half of the 2021 electorate.[182]

Voter registration in Khan Younis

Regarding the issue of prisoner voters, Hussein Al-Sheikh, chairman of the General Authority for Civil Affairs and member of Fatah Central Committee, announced on 21 February 2021 that they were going to "officially ask the government of Israel to allow Palestinian prisoners in its prisons and detention facilities to exercise their right to vote."[183] During the run up to the postponement announcement, there were over 4,000 Palestinians in Israeli jails.[184]

The overall successful registration process saw a **turmoil on the last day of registration** when a number of registration centers were moved without voters' knowledge. Some eligible voters found that their names had been transferred to a far-away voting location. According to activists, 300 to 500 voters were affected, including some election candidates.[185] CEC chairman Hanna Nasir condemned these incidents and said the transferred registrants were reassigned to their original centers. The CEC also filed a complaint to the Public Prosecution, believing that the tampering was not a hacking attack, but rather caused by an abuse of the CEC's e-service.[186]

During the three days designated to the exhibition of the preliminary voter registry and the submission of objections, 176 such objections reached the CEC, mostly related to mistakes in voters' personal data. Objections were reviewed until 7 March 2021.[187]

3. Past Elections

The 1996 Elections

On 20 January 1996, the first Palestinian general elections were held in accordance with the Oslo Accords and the 1995 Palestinian Elections Law, simultaneously electing 88 PLC members and designating the head of the PA. A little over one million Palestinians had registered to vote, 71,7% of which turned out on election day. In the presidential race, Yasser Arafat defeated his only competitor Ms. Samiha Khalil by gaining 88.2% of the votes. In the PLC elections, 672 candidates, including 25 women, competed and Fatah won a comfortable majority of 55 seats. Hamas boycotted the both elections due to its rejection of the Oslo Accords. Over 500 international and 2,000 local observers concluded that the elections had been free and democratic.[188]

181 "CEC Launches Field Voter Registration," 10 February 2021, https://www.elections.ps/TabId/1069/ArtMID/8994/ArticleID/2637/CEC-Launches-Field-Voter-Registration.aspx.
182 Chacar, Henriette, "Young Palestinians are fed up with their leaders. Can elections bring change?" +972 *Magazine,* 22 April 2021, https://www.972mag.com/palestinian-elections-2021-youth-change/; Asseburg, Muriel, "Palestinian Elections, Finally," *SWP Comment*, 29 March 2021, https://www.swp-berlin.org/10.18449/2021C24/. For comparison: In the 2006 PLC elections, voter registration stood at around 80%, 75% of which cast their ballots, and in the 2005 presidential vote the turnout was 65%, despite Hamas' boycott. "The CEC announces the preliminary results of the second PLC elections," 26 January 2006, https://web.archive.org/web/20090124013414/http://www.elections.ps/template.aspx?id=290; "Palestinian Elections," CRS Report for Congress, 9 February 2006, https://fas.org/sgp/crs/mideast/RL33269.pdf.
183 *Wafa News Agency*, February 21, 2021, https://english.wafa.ps/Pages/Details/123379.
184 See https://www.btselem.org/statistics/detainees_and_prisoners.
185 Al-Kassim, M. "Accusations Allege Tampering with Voters' Records Ahead of Palestinian Elections," *The Medialine*, 18 February 2021, https://themedialine.org/top-stories/accusations-allege-tampering-with-voters-records-ahead-of-palestinian-elections/.
186 "CEC Chairman Addressed the Transfer of Registration Centers," 18 February 2021, https://www.elections.ps/TabId/1083/ArtMID/9183/ArticleID/2659/CEC-Chairman-Addressed-the-Transfer-of-Registration-Centers.aspx.
187 "The CEC Announces the End of the Exhibition and Challenge Period," 4 March 2021, https://www.elections.ps/TabId/1083/ArtMID/9183/ArticleID/2682/The-CEC-Announces-the-End-of-the-Exhibition-and-Challenge-Period.aspx.
188 https://www.elections.ps/Portals/0/pdf/Resultselection1996.pdf. For a portrayal of the legal framework and the elections' shortcomings, see Al-Haq's report on the 1996 elections which can be found here: https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/Joint_Report_on_the_1996_Palestinian_Elections.pdf.

The 2005 Presidential Elections

A second round of general elections had been scheduled for the year 2000 but was delayed due to the outbreak of the Al-Aqsa Intifada. Following the death of President Yasser Arafat in November 2004, PLC Speaker Rawhi Fattouh became interim President as foreseen by the Basic Law and immediately called for new elections,[189] which were held on 9 January 2005. With 62.5% of the votes, President Abbas came out as the clear winner amongst the seven candidates who had competed for the presidency (his main challenger then was Mustafa Barghouti of Al-Mubadara who secured just under 20%).[190] Outside monitors described the elections, which had a turnout of 65%, despite Hamas' boycott, as free and fair.

The 2006 PLC Elections

The PLC elections took place on 25 January 2006 after an amendment to the Elections Law No. 9 of 2005, increasing the number of PLC seats from 88 to 132 and introducing a mixed electoral system amongst other changes. Of the registered voters, 77% turned out on election day, resulting in a surprising landslide victory of Hamas, which obtained 74 as opposed to Fatah's 45 seats.[191] Elections overall met international standards despite some smaller issues and obstruction in East Jerusalem. However, the international community was shocked to see Hamas, a designated terrorist group in the eyes of many, win, and refused to enter into relations with a Hamas government, imposing sanctions.[192]

Poster from the 2006 Elections

4. Opinion Polls

Palestinian Center for Policy and Survey Research (PCPSR) Poll, December 2020

According to a PCPSR survey in mid-December 2020, two-thirds of the respondents demanded President Abbas' resignation, and three-quarters new elections, although only one-third expected them. Some 69% said they would participate in PLC elections, in which Fatah would have gained 38%, Hamas 34% of the votes. Support for Hamas was higher in Gaza and for Fatah in the West Bank. Overall, 56% supported holding elections even without East Jerusalem, while 39% opposed this. 76% thought that Fatah would not accept a Hamas victory, whereas 58% assumed Hamas would not accept a Fatah victory. If Marwan Barghouti were to form a list, it would get 25% of the votes, leaving the official Fatah list with only 19%. If Mohammed Dahlan formed his own list, his slate would get 7% and the official Fatah list 27%.193

In presidential elections between the incumbent Mahmoud Abbas and Hamas' Ismail Haniyeh, the former would lose (43%) over the later (50%), with support for Abbas higher in the West Bank and for Haniyeh higher in Gaza. If the presidential race was to be between Marwan Barghouti and Haniyeh, the poll predicted a 61% victory for Barghouti, leaving Haniyeh with 37%. If current PA Prime Minister Mohammed Shtayyeh confronted Haniyeh, both would receive 47%. Of all respondents, only 25% viewed President Abbas as Fatah's best candidate, while 52% believed that the movement has better candidates (Barghouti, Dahlan, Shtayyeh). If President Abbas abstained from the race, 37% would want Barghouti, 23% Haniyeh, and 7% Dahlan to be the next president.

Restoring unity between the West Bank and Gaza was the top priority for Palestinian elections for 28% of the respondents, while 24% named improving economic conditions, 18% the removal of the Gaza blockade, 15% the fight against corruption, and only 6% bringing back democracy.

Overall, 52% believed that elections would neither be free nor fair.

189 "Palestinian Elections," CRS Report for Congress, *op. cit.*
190 See CEC: https://www.elections.ps/Portals/0/pdf/SummaryPresidentialElectionsFinalResults2005.pdf.
191 See, CEC, Legislative elections 2006: https://www.elections.ps/tabid/236/language/en-US/Default.aspx.
192 Morro, Paul, "International Reaction to the Palestinian Unity Government," CRS Report for Congress, 9 May 2007, https://fas.org/sgp/crs/mideast/RS22659.pdf.
193 PCPSR, *Public Opinion Poll No. 78,* December 2020, https://www.pcpsr.org/sites/default/files/Poll%2078%20English%20fulltext%20December%202020.pdf.

Palestinian Center for Policy and Survey Research (PCPSR) Poll, March 2021

In March 2021, another PCPSR poll showed that as people became more confident that the election may really happen (now two-thirds vs. one-third in December), public opinion seemed "to shift a little in favor of Fatah and away from Hamas."[194] Demands of holding the elections remained high (76%).

If Israel would deny the elections in East Jerusalem, 65% (up from 56%) now believed they should still go ahead with Jerusalemites voting outside the municipal boundaries, while 27% rejected 27% the idea (down from 39%), illustrating an increased Palestinian readiness to compromise on important issues in order to safeguard the elections.

When asked to name the party/faction that should lead the next government, 38% nominated Fatah, 22% Hamas, and 29% did not nominate any party/faction.

Assuming Marwan Barghouti formed his own independent list, it would get 28% of the votes (up from 25%), leaving the official Fatah slate with 22%, and a potential list formed by Mohammad Dahlan would get 10% (up from 7%), leaving Fatah with 29%. If Nasser Al-Qudwa formed his own independent list, 7% would vote for it (with Barghouti's endorsement 11%), compared to 30% who would vote for the official Fatah list.

Support for a Fatah-Hamas joint list stood at 57% (38% opposing the idea), and Fatah would beat Hamas by 3-13 percentage points in PLC elections.

In presidential elections, Barghouti would win over all of the other candidates. If only President Abbas and Haniyeh were nominated, the former would receive 47% (up from 43%) and the latter 46% (down from 50%).

Restoration of unity between the West Bank and Gaza remained the top priorities for the Palestinian elections (still at 28%), followed by economic conditions, the combat of corruption and the removal of the Gaza blockade, with a mere 2% prioritizing the creation of a democratic political system. When asked who would be the most able to deliver on the respondent's top priority, 31% selected Fatah, 22% Hamas, and 19% neither.

Overall, 48% felt the elections would not be free and fair and over 60% did not trust that the election result would be accepted by the main players Fatah and Hamas.

Jerusalem Media and Communications Center (JMCC) Poll, April 2021

According to a JMCC poll conducted in the first half of April 2021, 26% of the respondents said it was unlikely that they would participate in the vote, mainly due to a lack of confidence that the elections or candidates would be "beneficial." Some 44% believed that the elections would be postponed, 39% that they would take place as scheduled, and 27% did not expect them to be fair. Nevertheless, 62% preferred a holding of elections under any circumstances over waiting for full reconciliation.195

The poll predicted a Fatah victory with 25% of the votes, with the Al-Qudwa/Barghouti list coming in second (13%), and Hamas third (8%). It is unclear whether the respondents were familiar with all the lists' names and candidates.

In a presidential vote between President Abbas, Barghouti and Haniyeh, Barghouti would win with 33,5%, ahead of President Abbas (24,5%) and Haniyeh (10,5%).

194 PCPSR, *Public Opinion Poll No. 79*, March 2021, https://www.pcpsr.org/sites/default/files/Poll%2079%20English%20press%20release%20March%202021.pdf.
195 JMCC, *Poll No. 97 - Palestine Before the Elections,* April 2021, http://www.jmcc.org/documentsandmaps.aspx?id=892.

5. Preliminary Electoral Lists

List Name (English)	Arabic	No. of candidates	Of which women	No. 1 on List	Logo
1.Palestine for All (Filasteen Lil Jamee')	فلسطين للجميع	24	6	Mufid Mahmoud Musa Al-Hassaineh	
2.The Democratic Change List (Qa'imat Al-Taghyeer al-Dimoqrati)	قائمة التغيير الديمقراطي	61	22	Ibrahim Abdelqader Mahmoud Abu Hijleh	
3. My Independent Youth Dignity (Karamaty al-Sha-babiya al-Mustaqilla)	كرامتي الشبابية المستقلة	18	6	Hussam Hussein Ibrahim Yousef (Al-Qatawi)	
4.Fulfillment and Construction (Al-Wafa' Wal-Bina')	الوفاء والبناء	23	6	Issam Hilmi Ali Hamad	
5.Enough is Enough Movement (Hirak Tafah al-Kayl)	حراك طفح الكيل	30	9	Ziad Mohammed Issa Amro	
6.The Palestinian National Initiative for "Change and Ending the Division" (Al Mubadara al-Wataniyyah al Filastiniyyah "Lil Taghyeeer wa inha' al-Inqissam")	المبادرة الوطنية الفلسطينية "للتغيير وإنهاء الانقسام"	50	16	Mustafa Kamel Mustafa Barghouti	
7.All Palestine Gathering (Tajamo' Al-Kol al-Filastini)	تجمع الكل الفلسطيني	28	7	Bassam Ahmad Abdallah Qawasmeh	
8.Wattan for Independents (Watan lil Mustaqileen)	وطن للمستقلين	46	11	Hassan Abdel Fattah Abdel Halim Khreisheh	
9.Palestine Brings us Together (Filasteen Tajma'una)	فلسطين تجمعنا	18	6	Odeh Mohammed Awad Al-Ammour	
10. Jerusalem, Our Destination (Al-Quds Maw'iduna)	القدس موعدنا	131	33	Khalil Ismail Ibrahim Al-Hayyeh	
11. The Future (Al-Mustaqbal)	المستقبل	132	34	Samir Abdul Qader Mohammad Al-Mashharawi	

12. Return (Al-Awda)	العودة	40	12	Jawad Hussein Abdel Fattah Dar Ali (Al-Saqer Abu Sado)	
13. Returning (A'idun)	عائدون	34	9	Mustafa Musa Hussein Zaqout (Abu Suhaib)	
14. The Independent List (Al-Qa'ima al-Mustaqilla)	القائمة المستقلة	26	6	Nicola Saba Nicola Khamis	
15. Justice (Adala)	عدالة	19	5	Fayez Ibrahim Salah Freijat (Fayez Abu Sateh)	
16. The Pledge for the Homeland (independent) (Al-Aahd lil-Watan)	العهد للوطن (مستقلة)	18	7	Walid Mahmoud Abdel Fattah Ardiyeh	
17. The New Dawn (Al-Fajr al-Jadeed)	الفجر الجديد	22	8	Suhaib Attiyeh Abdel Mu'ti Zahdeh	
18. The United Palestinian Movement (Al-Hiraq al-Filastini al Muwahad)	الحراك الفلسطيني الموحد	25	7	Khaled Badi'a Othman Dweikat	
19. The Pulse of the People (Nabd al-Shaab)	نبض الشعب	65	19	Ahmad Saadat Yousef Abdel Rasul (Abu Ghassan)	
20. The Renaissance of a Nation (Nahdat Wattan)	نهضة وطن	17	6	Mujahed Nimr Ahmad Nabhan (Al-Amid)	
21. The Pulse of the Country (Nabd al-Balad)	نبض البلد	28	10	Anas Samir Mustafa Asteh	
22. Justice and Construction (Al-Adala Wal Bina')	العدالة والبناء	21	7	Mazen Khalil Yousef Madani	
23. The Promise and Loyalty Bloc (Kutlat Al-Aahd Wal Wafa', (Al-Murabitoun))	كتلة العهد والوفاء (المرابطون)	20	6	Khaled Mahmoud Ahmad Al-Hilo (Doctor Khaled)	
24. The Voice of the People (Sawt al-Nass)	صوت الناس	26	6	Ihab Judeh Younis Al-Nahal	

25. The United Left (Al-Yassar al-Muwahhad)	اليسار الموحد	75	24	Fadwa Saliba Qustandi Khader (Um Saliba)	
26. The National Movement (Right) (Al-Haraka al-Wataniyah (Haqq))	الحركة الوطنية (حق)	21	6	Younis Salem Jaber Al-Rajoub (Abu Samed)	
27. Together We Are Able (Ma'an Qadiroun)	معا قادرون	51	16	Salam Khaled Abdallah Fayyad	
28. The United Palestine (Filasteen al-Muwahada)	فلسطين الموحدة	17	4	Ahmad Mohammed Abdel Rahman At-Tamizeh	
29. The Independents' Assembly (Tajamo' al-Mustaqilleen)	تجمع المستقلين	26	9	Khalil Theeb Naji Assaf	
30. Freedom and Dignity (Al-Hurriyyah Wal-Karamah)	الحرية والكرامة	24	7	Amjad Rafiq Abdel Salam Shihab	
31. The Dream of Gathering Independent Youth (Hulm al-Tajamo' al-Shabab al-Mustaqil)	حُلم التجمع الشباب المستقل	17	5	Fadi Salah Ibrahim Al-Sheikh Yousef	
32. The Palestinian Future (Al-Mustaqbal al-Filastini)	المستقبل الفلسطيني	18	6	Ahmad Fouad Nimr Ahmad Al-Muzini (Abu Al-Nimr Al-Muzini)	
33. Competence List (Kafa'a)	قائمة كفاءة	18	7	Younis Majdi Fayad Abu Muilaq (Abu Mahdi)	
34. Justice for All Independent List (Al-Adala Lil Jamee')	قائمة العدالة للجميع المستقلة	16	7	Taysir Fattouh Ibrahim Hajje	
35. The Freedom List (Qa'imat al-Hurriyyah)	قائمة الحرية	56	16	Mohammed Nasser Jarir Na'man Al-Qudwa (Nasser Al-Quqwa)	
36. Fatah Movement List	قائمة حركة فتح	132	34	Mahmoud Othman Ragheb Al-Aloul (Abu Jihad)	

Collected ballot boxes, 2006 elections.

Photos on pages 10-32 courtesy of the Central Election Commission.

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