

# Palestinian Elections Under Occupation

## STUDY PAPER

Between Democratic Legitimacy and National Liberation Requirements

### A New National Compact

- ✓ National Unity
- ✓ Democratic Institutions
- ✓ Resistance to Occupation
- ✓ Achieving Rights
- ✓ Independent State



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# Palestinian Elections under Occupation: Between Democratic Legitimacy and the Requirements of National Liberation

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# **Palestinian Elections Under Occupation: Between Democratic Legitimacy and the Requirements of National Liberation**

**Prepared by: Hani al-Masri**

## **Introduction**

President Mahmoud Abbas's announcement of holding Palestinian presidential and legislative elections has revived questions about the Authority's need to survive, to renew its legitimacy, to overcome the deep impasse it is experiencing, and to prepare for the coming stage, one marked by major stirrings that could lead to local, regional, and international changes.

The announcement came against the backdrop of a misjudgment, namely, that Hamas and the rest of the factions within the framework of the resistance would not participate, whether because of the political restrictions imposed under the elections law, or because of the possibility of being barred from participation by the occupation, the American administration, and other influential parties.

Yet the announcement reopened an old debate that is renewed whenever this entitlement is raised: Do elections represent a way out of the Palestinian crisis, or are they part of the solution, or might they turn into a means of reproducing and deepening the crisis?

From here, reducing democracy to merely organizing periodic elections strays from the essence of the matter. Elections are not an end in themselves, but rather one of the tools of democracy; and democracy is not merely a mechanism for choosing rulers, but an integrated system founded on the social contract, the rule of law, the independence of the judiciary, the separation of powers, the guarantee of public freedoms and human rights, respect for election results, and the peaceful rotation of power.

Many experiences have proven that elections may be held under authoritarian regimes, or under occupation, or amid sharp divisions, without necessarily leading to real change, and especially not to the establishment of a democratic system. Democracy itself is not a single model; political literature has developed different formulas, from competitive democracy to consociational democracy and power-sharing, especially in divided societies or those emerging from conflict, where resorting to majority rule alone may deepen division rather than transcend it.

These questions acquire doubled importance in the Palestinian case, because Palestinians do not live in an independent, sovereign state, but rather under a settler-colonial, replacement occupation that controls the land, the borders, the crossings, the population registry, and the economy, and possesses the ability to arrest candidates and voters, to prevent elections from

being held in large parts of the Palestinian territories, or to nullify their results if they conflict with its interests.

Therefore, the real debate should not revolve only around participation or boycott, but around the function of elections and their political and national conditions, and the extent of their capacity to serve the project of national liberation, rather than turning into a means of reproducing the Authority in its functional role of managing the population on behalf of the occupation.

## **Democracy and Elections... A Relationship That Is Not Absolute**

Winston Churchill is credited with the famous remark that democracy is “the worst form of government, except for all the other forms that have been tried”, that is, it is the best of the bad forms of government. This statement still expresses an important truth: democracy is not an ideal system, but it remains, so far, the formula most capable of curbing tyranny and guaranteeing popular participation and accountability.

However, human experience over recent decades have shown that elections, despite their importance, are not synonymous with democracy. Many countries have witnessed regular elections yet changed nothing, remaining authoritarian because of the absence of judicial independence, the dominance of the security services, the monopolization of the media, the use of political money, and the restriction of freedoms.

Indeed, Western democracies themselves today face growing criticism because of declining popular participation, the widening influence of pressure groups, the dominance of capital and the media, and the rise of populism, to the point that political competition now often takes place between forces that differ over policies but do not differ over the basic structure of the economic and political system. This raises questions about the extent to which elections alone can fully express the popular will.

Therefore, contemporary political thought no longer views elections as the sole criterion of democracy, but rather as part of a more comprehensive system that includes independent institutions, public freedoms, an active civil society, a free media, and effective mechanisms of accountability and oversight.

From this standpoint, elections are not a goal in themselves, but a means of acquiring and renewing legitimacy, provided they are free and fair, that their results are respected, and that the winner is actually able to exercise his powers.

## **Does Majority Democracy Work in Divided Societies?**

One of the most important developments in comparative political thought over recent decades is the distinction between democracy based on majority rule and consociational democracy.

The Dutch political scientist Arend Lijphart demonstrated that societies divided along religious, national, or ethnic lines may be unable to maintain stability if they resort permanently to the rule of “the winner governs and the loser opposes.” He therefore developed the concept of consociational democracy, which is based on broad partnership, proportional representation, the protection of minority rights, and consensus on existential issues.

This does not mean abolishing elections, but rather placing them within a broader framework that prevents them from turning into a tool for exclusion, domination, fragmentation, and further splintering and division. A number of countries and societies that emerged from deep conflicts or sharp divisions have benefited from this model, to varying degrees, while an academic debate continues over its merits and limits.

And if this model was proposed for independent, sovereign societies, then the need for consensus becomes all the more acute in the case of a people waging a battle of national liberation against a racist, settler-colonial occupation that seeks to dismantle their political and geographic unity, to displace them, to annihilate them, and to annex their land.

For this reason, the Palestinian question should not be: Who holds the majority? but rather: How can a national partnership be built that includes the various currents prepared for partnership, preserves pluralism, prevents division, and serves the project of national liberation?

We cannot judge the call to hold elections without noting that there is a clear intention to engineer their results so that they come out in favor of the existing Authority and the ruling elite. This is evident in the monopolization of all the preparations, especially the laws and procedures, and in the confusion and improvisation: from the call for Palestinian National Council elections and the drafting of a constitution (despite the existence of views on the usefulness of a constitution before independence), to backing away from that and calling for Legislative Council elections while postponing the presidential elections despite their extreme importance, given that the Palestinian political system is a presidential system, without setting a specific date for them; freezing the process of adopting the constitution; proceeding in parallel to appoint members of the National Council through the electoral-college formula; then reducing the number of Legislative Council members from 200 to 132, with 68 members to be appointed from the West Bank and Gaza Strip, without any serious consideration of holding elections for our people in the diaspora and places of refuge, even though national consensus was previously reached on holding elections wherever possible and on appointment according to agreed-upon criteria wherever elections cannot be held, and despite the availability of credible estimates regarding the feasibility of holding elections in numerous Palestinian communities. A quota was set for women’s participation and the age of those eligible to vote was lowered; but there was confusion over the Christian quota, after it had been 20, the number was reduced to 7 without a convincing explanation for the reasons for the change or for why the previously agreed-upon 10% ratio was disregarded. Perhaps the most objectionable issue is the placement of a political condition on candidacy, whereby one must accept the sole representation of the PLO, this is

agreed upon by the overwhelming majority, with dialogue over the validity of placing it as a condition, and accept its program and international legitimacy. This eliminates the very essence of elections as a competition among several lists over diverse ideas and programs: the social contract is what everyone agrees upon, whereas programs must remain a subject of competition, and without them there is no pluralism, no vitality, and no creativity. Making matters worse is lowering the electoral threshold to 1%, which would turn the general elections into something resembling local elections, where competition over influence and Legislative Council membership among families, clans, holders of capital, and centers of power in the Authority and society would prevail. There remains one point: the neglect of how our people inside are to be represented and to participate, despite their size and the importance of their role, which far exceeds their number. Despite the sensitivity of this matter, it must not be ignored; rather, it must be placed on the urgent agenda, and the Follow-Up Committee inside [the 1948 territories], which represents the various currents, can be regarded as the party concerned with exploring, together with the rest of the components and communities of the people, an appropriate formula for representation and participation.

### **The Particularity of the Palestinian Case... When National Legitimacy Takes Precedence over Electoral Legitimacy**

If elections in independent states are a means of choosing governments and rotating power, then in the Palestinian case they raise a more complex question: What is the function of the Authority in the first place? Is it the authority of an independent state exercising its sovereignty over its land and people, or an authority of limited-powers self-rule operating under the occupation and its constraints? And can the Authority be changed from within, and how?

It is this question that makes the Palestinian debate different from any electoral debate in an independent state, because the issue relates not only to the way rulers are chosen, but to the very nature of the political system itself, its function, the limits of its powers, and its relationship to the project of national liberation.

The Palestinian people are not living through a phase of political stability that allows natural competition among programs and parties; rather, they face a settler-replacement colonial project that seeks to annex the land, displace the population and prevent their unity, and undermine any Palestinian political entity capable of representing the people or defending their rights. Therefore, the national task of resisting the occupation and ending it remains the central task, while the democratic task, despite its importance, comes within the framework of serving that task, not confronting it.

This does not mean diminishing the value of democracy or postponing it indefinitely; rather, it means that democracy itself should be formulated in a manner consistent with the requirements of national liberation, so that it becomes an element of strength for the national project, not an element of division or internal strife.

For this reason, legitimacy in the Palestinian case is not derived from the ballot box alone, but from three integrated sources:

- National legitimacy, represented by commitment to the national project and to the historical rights of the Palestinian people, one of whose components is national consensus, whose importance increases in the event that elections cannot be held for external reasons, such as their being prevented by the occupation or their free conduct being rendered impossible.
- Democratic legitimacy, expressed through free and fair elections.
- Struggle-based legitimacy, embodied in resistance to the occupation and safeguarding the people's steadfastness on their land.

The real challenge is not to choose among these legitimacies, but to combine them and not allow them to contradict one another.

If it proves impossible to combine national legitimacy and electoral legitimacy, then the former becomes the governing reference, because elections are not an independent goal but a means of serving the national project.

## **Elections Under Occupation... The Limits of the Possible**

Free elections presuppose the existence of a minimum of political and legal sovereignty, such that the citizen can vote freely, the candidate can enter the competition without fear, and the winner can exercise his powers after the results are announced.

But the Israeli occupation controls the borders, the crossings, and movement between cities, and possesses the ability to arrest candidates and deputies, to prevent electoral campaigns, to disrupt voting in Jerusalem, Gaza, and the classified areas, or in any area it decides, and even to confiscate the election results if they conflict with its interests.

This means that the occupation does not stand outside the electoral process, but rather becomes one of the most important actors within it, whether it participates directly or indirectly.

The Palestinian experience has proven this more than once: after the 2006 elections, dozens of elected deputies and ministers were arrested, the work of the Legislative Council was paralyzed, and a political and financial siege was imposed on the elected government, confirming that respect for election results remains hostage to the position of the occupation and the influential international powers, not to the will of the Palestinian voter alone.

Hence the importance of the question posed by the economist and political scientist Mushtaq Khan, the substance of which is: If freedom, democracy, development, and free elections can be achieved under occupation, then why is there any need to end the occupation in the first place?

Although this question carries a degree of exaggeration, it draws attention to a fundamental truth, namely, that the occupation imposes a political and legal ceiling that renders any democratic process under occupation necessarily distorted and essentially deficient, and prevents elections under occupation from turning into a genuine tool of change or a free, authentic expression of the popular will.

## **Why Did the Idea of Consociational Democracy Emerge?**

For this reason, many researchers no longer regard the rule of “the majority governs and the minority opposes” as the optimal formula in divided societies or those emerging from conflicts. Instead, the concept of consociational democracy, or power-sharing, has emerged, based on broad partnership and consensus on existential issues, while democratic competition remains in other matters.

Consociational democracy does not mean abolishing elections, nor suspending the principle of accountability; rather, it means that existential issues, such as the constitution, the unity of the state, national rights, and the relationship among the components of society, are not settled by numerical majority alone, but by broad national consensus.

This formula has been applied, to varying degrees, in a number of countries emerging from civil conflicts or deep divisions, such as South Africa after the end of the apartheid regime, Northern Ireland after the Good Friday Agreement, and Belgium and Switzerland in managing internal pluralism, while an academic debate continues over its successes, failures, and the limits of its applicability in each case.

This does not mean transferring these experiences to Palestine mechanically, for each case has its own particularity; but the fundamental lesson from them is that societies facing existential challenges need a greater degree of national consensus and political partnership, not the logic of domination and exclusion.

From here, the Palestinian case appears closer to needing a consensual national formula, because the occupation and division together make resorting to the majority alone insufficient and an unsafe path for building a political system capable of confronting the national challenges.

## **Do We Need Elections or a New National Contract?**

The Palestinian experience reveals that the problem does not lie in the absence of elections alone, but in the absence of the encompassing national framework that defines the function of the political system, its goals, and its rules of operation.

Elections, however fair, cannot on their own solve the crisis of the national project, nor end the division, nor rebuild the PLO, nor formulate a unified national strategy.

For this reason, priority should be given to agreeing on a new national contract that defines:

- The supreme national goals grounded in fundamental rights, which do not change with changing circumstances and times.
- The rules of political partnership.
- The relationship between the Authority and the PLO.
- The minimum program that embodies the common denominators, which can be changed according to changing circumstances and balances of power, and is determined on the basis of the best and maximum that can be achieved at each stage.
- The forms of struggle appropriate to each stage, on the basis that they are dynamic and grounded in right and efficacy, not an idol we worship, but relied upon to the extent of their ability to advance along the path of achieving the national goals.
- The rules for the rotation of power, and the prevention of exclusion, excommunication, accusations of treason, and the monopolization of truth, patriotism, and religion.

After that, elections become a means of renewing legitimacy within this national framework, not a means of competing over a limited-powers authority that operates to manage the population under occupation.

In this sense, the real question is not: Do we hold elections or boycott them? but rather: What kind of elections do we want? And in the service of which national project?

## **The Arguments for Participation... Why Do Its Supporters See It as a National Necessity?**

Supporters of participation in the elections proceed from a conviction that the continued absence of elected institutions represents one of the most prominent manifestations of the Palestinian crisis, and that rebuilding legitimacy through elections, despite all the constraints, is better than the continuation of the institutional vacuum and the concentration of powers in the hands of the executive authority. The Legislative Council, despite the limitations of its powers, constitutes a framework for oversight, accountability, and legislation; it curbs the excesses of the executive authority and restores standing to the principle of the separation of powers.

These supporters also see that holding elections carries a political and national message, affirming the continued existence of the Palestinian people as a single political unit, and adhering to the unity of the West Bank, the Gaza Strip, and Jerusalem, in the face of Israeli policies that seek to entrench the geographic and political separation among them. The mere election of a council representing Palestinians in the West Bank and the Strip entrenches, even if only symbolically, the unity of the Palestinian political entity in the face of projects of partition and annexation. The Legislative Council acquires doubled importance given the Israeli government's adoption of a plan to "decide" the conflict, in the sense of liquidating the Palestinian cause from its roots, with American support and participation, manifested most clearly in the imposition of colonial trusteeship over the Gaza Strip under the name of the "Board of Peace," and with an impotence

that expresses itself in an attempt at regional and international interception that nonetheless aligns with the occupation's schemes by placing the so-called "reform" of the Authority and the "rehabilitation" of the Palestinians through completing their stripping of the remaining cards they hold, foremost among them resistance, as a condition for opening a political horizon and for exploring the launch of a credible track toward the establishment of the Palestinian state. Reform as a condition for independence has been repeated over and over, and in a worse form, ever since the Peel Commission in the 1930s, through the calls to reform the Authority after the Second Intifada, which aimed at subjugating the leader Yasser Arafat; and when he refused to continue relinquishing his powers to the prime minister, the post that was newly created in the Palestinian political system, he was gotten rid of and assassinated by poison. The same thing is being repeated in another form at present, when the current Palestinian leadership is asked to complete the concessions and the conditions of "reform" in order to attain independence, while the cause, the people, the land, the rights, and the encompassing national institution are lost and targeted.

The advocates of this view go so far (some of its proponents go far indeed) as if elections were a magic wand that could lead to unity and to transcending the Oslo Accords, restore vitality to Palestinian political life, which has been afflicted by stagnation for years, open the way for the renewal of elites and the emergence of new forces and coalitions, and break the state of monopoly that has prevailed over the political system; in addition to, as they portray it, providing a peaceful means of change and granting the citizen an opportunity for accountability, even if that opportunity is very limited by the occupation.

One of the most important arguments put forward by proponents of participation is also that there is no alternative. National unity has not been achieved despite dozens of agreements; the opposition has not formed a broad national front on the basis of a social contract and a new, realistic-yet-ambitious national political approach, one that avoids an over-realism devoid of any ambition to change reality, as well as an over-indulgence in fantasy detached from reality, so as to compel the official leadership to retreat from its unilateral approach and its clinging to its political choice. The PLO has not carried out the Palestinian change, renewal, and reform demanded by the Palestinian people; popular resistance suffers from a major decline; armed resistance faces unprecedented conditions after the war on Gaza, to the point that Hamas proposed a long-term truce of up to 15 years, which was not accepted because what is demanded is the complete abandonment of resistance and its retroactive condemnation; and the Palestinian people are not ready, for many reasons, to ignite an intifada so far, while the Arab, regional, and international environment appears less prepared to support the Palestinian national project. In light of this reality, elections become, in their view, the only practical means available to stir the stagnant waters.

These proponents add that rejecting or boycotting the elections will not automatically lead to building a national alternative; rather, it may lead to the continuation of the status quo and grant

the dominant forces an additional justification to continue managing the political system without oversight or accountability.

These arguments rest on an undeniable reality, namely, that the Palestinian political system suffers from a deep, comprehensive impasse resulting from the accumulation of numerous crises: a crisis of legitimacy, leadership, and programs that has reached a dead end regardless of the differing circumstances and causes; a decline in popular trust; the freezing of the PLO; and the erosion of the various institutions by placing all powers in the hands of the executive authority, the president, and a few aides, and the continuation of this situation carries existential risks for the Palestinian cause.

### **The Arguments for Boycott... Why Do Others Consider It the More Consistent Choice?**

In contrast, proponents of boycott see that elections under occupation cannot be free or fair, and their results cannot be respected, because one of the parties to the political process is the occupation itself, which possesses the ability to control their conditions and results, whether by preventing them, disrupting them, arresting candidates, or confiscating their results after they are announced.

This orientation rests on the Palestinian experience itself, which showed that Israel did not hesitate to disrupt elected institutions whenever they conflicted with its interests. The international community, too, which raises the banner of democracy, did not hesitate to impose a siege on the elected government in 2006, when the results came out contrary to its expectations.

Advocates of this view hold that elections may turn into a means of granting new legitimacy to an authority constrained by the Oslo Accords, whose function is to manage the population under occupation and which is compelled to align with the occupation merely to guarantee its own survival, without possessing significant powers or the ability to change the nature of this authority, expand its powers, or enable it to perform its national role. In that case, elections become a tool for managing the crisis and deepening it rather than solving it, and reproduce the same political system, perhaps a worse one, albeit with different faces.

This orientation also points out that electoral competition, in the absence of national consensus, may deepen the division rather than transcend it, especially if the competition takes place over a limited-powers authority, while the major national issues, such as rebuilding the PLO, formulating a unified national strategy, providing the components of steadfastness for the people and their survival on their land, keeping their cause alive, and thwarting the schemes of annihilation, liquidation, annexation, displacement, and apartheid, remain off the agenda.

The objection is not confined to the occupation alone, but includes the internal environment as well. Holding elections amid the continued division, the absence of trust among the political

forces, the widening gulf between the leadership, the factions, and the elites in general on the one hand and the people on the other, the lack of judicial independence, and the controversy over the laws governing the electoral process, all of this raises serious questions about the capacity of elections to achieve their declared goals.

### **Between Participation and Boycott... Is It a Real Contradiction?**

Despite the clear divergence between the two positions, both have legitimacy, though the legitimacy of boycott is greater in light of the engineering of the elections being carried out by the official leadership, and both proceed from a concern for the national interest, even if they differ in assessing the most appropriate means.

Proponents of participation view elections as an opportunity that should be seized, even if limited, to renew legitimacy and restore standing to the institutions.

Proponents of boycott, on the other hand, view them, in light of the current circumstances, the weakness and incapacity of the national movement in all its components, and the failure so far of movements and grassroots dynamics capable of rousing the Palestinian people to arise, as a process that may confer legitimacy on a distorted political reality and give the impression of the existence of a normal democratic life, while the occupation continues to undermine the foundations of this life and proceeds to achieve its fundamental goals, which represent existential risks and challenges.

Thus, the disagreement is not over the value of democracy, but over the extent to which elections, under the current circumstances, can achieve their national and democratic goals.

However, this debate sometimes overlooks an essential point, namely, that participation and boycott are not fixed principles, but two political choices linked to the context and to the conditions surrounding the electoral process.

Elections may be a step forward if they are preceded by national understandings, if reasonable guarantees of integrity are secured for them, and if they become part of a comprehensive process of rebuilding the political system.

They may, conversely, turn into a step backward if they are held within the framework of division, or designed to reproduce the existing balances of power, or used to grant new legitimacy to a bad reality that does not change.

From here, the most important debate should not be confined to the question: Do we participate or boycott? but should extend to a deeper question: What are the conditions that make elections a tool for serving the national project, rather than merely a mechanism for renewing the legitimacy of a limited-powers authority?

This approach moves the debate from the level of political tactics to the level of national strategy, and opens the door to examining the lessons offered by the Palestinian experience itself, lessons no less important than the theoretical debate over participation and boycott.

## **What Has the Palestinian Experience Taught Us?**

If the theoretical debate over elections under occupation is important, then the Palestinian experience itself is the most important criterion for judging the usefulness and limits of elections. From the municipal elections of 1976 to the cancellation of the general elections in 2021, the Palestinian experience has offered profound lessons confirming that elections are not a neutral procedural process, but part of the political struggle with the occupation and of the internal struggle over power and the political program.

### ***First: The 1976 Municipal Elections... When the Results Turned Against the Occupation's Goals***

The occupation authorities permitted the holding of municipal elections in the West Bank in 1976, believing that their results would produce local leaderships prepared to deal with them, thereby weakening the influence of the PLO and creating an alternative to it.

But the results came out contrary to expectations: a large number of national figures who supported the PLO and its political program won, and the municipalities turned into platforms for strengthening Palestinian national identity. When Israel discovered that the elections had produced a national leadership rather than an alternative one, the Zionist gangs assassinated and attempted to assassinate some of them by blowing up their cars. The occupation authorities resorted to dismissing the mayors, deporting some of them, and arresting others, and replaced the elected councils with appointed ones. Thus the experience proved that the occupation accepts election results as long as they serve its goals, but does not hesitate to turn against them when they produce a political reality it does not want.

### ***Second: The 1996 Elections... Legitimacy for Oslo More Than a Democratic Transition***

The first Palestinian presidential and legislative elections were held in 1996 under the Oslo Accords, resulting in the election of Yasser Arafat as president and the formation of the first Palestinian Legislative Council. Major forces, foremost among them Hamas, Islamic Jihad, the Popular and Democratic Fronts, and a number of factions, boycotted these elections in objection to the Oslo Accords and the political framework on which they were based.

These elections achieved important accomplishments, most notably the establishment of the first elected legislative institution, the enactment of the Basic Law, the exercise of a degree of oversight over the government, and the entrenchment of some features of parliamentary life. However, these accomplishments remained limited because of the nature of the Authority itself: it is a transitional self-rule authority with limited powers, constrained by its function as defined by the agreements signed with Israel, possessing no sovereignty over land, borders, or resources.

Moreover, the occupation effectively retained the right to disrupt any law or decision that conflicted with its interests, which rendered the Legislative Council incapable of exercising its full powers. Over time, and with elections not being held on schedule, the usefulness of the Legislative Council declined, its legitimacy eroded, and the elections were unable to change the nature of the political system that Oslo had produced.

Thus the 1996 elections granted popular legitimacy to the emerging Authority, but did not change the balance of power with the occupation, nor bring Palestinians closer to achieving the independent state to the degree that had been hoped. The Legislative Council committed its greatest error by providing cover for the process of subjecting the Authority to the conditions of the Quartet, through the creation of the post of prime minister and the transfer of many of the president's powers to the prime minister, in the hope that the government would meet the required conditions, which Arafat maneuvered to avoid fulfilling.

### ***Third: The 2006 Elections... Respect for the Ballot Box Until the Unwanted Results Arrived***

The 2006 Legislative Council elections constituted a pivotal juncture in Palestinian political history. The elections were held with the participation of most political forces, and international bodies praised them as free and fair elections. They resulted in the victory of the "Change and Reform" list affiliated with Hamas, which won a majority of the Legislative Council seats, contrary to American expectations, which had hoped to contain Hamas under the umbrella of the Oslo Authority by having it be a minority that must submit to the majority, which it was estimated would belong to Fatah, while Fatah receded to second place.

But no sooner had the results appeared than a new phase began. The United States, the European Union, and Israel imposed a political and financial siege on the new government. President Mahmoud Abbas tasked Ismail Haniyeh with forming the government, which was a good thing, but the ministries, especially the security services, did not cooperate with the government, and Israel arrested a large number of the elected ministers and deputies, which led to the practical paralysis of the Legislative Council, culminating in the decision to dissolve it through the Constitutional Court in 2018. The internal disputes then developed into a political, geographic, and institutional division in 2007, which ended with Hamas taking control of the Gaza Strip and the Palestinian Authority remaining in the West Bank.

This experience reveals a fundamental truth, namely, that the international community supports elections as long as their results accord with its political calculations, but does not necessarily commit to respecting the will of the voter if the results come out contrary to those calculations. It also confirms that elections alone cannot manage deep divisions if they are not preceded by an agreement on the rules of national partnership and respect for the results of the democratic process.

Here it is important to note that it is Europe that is currently demanding that the Authority hold elections to complete the reform process, but without agreeing to Hamas's participation unless it

disarms, relinquishes power in Gaza, and transforms into a political party. The United States, for its part, has not agreed, so far, to holding elections, because it is focused on the Gaza Strip and on implementing President Trump's plan, which stipulates changing the governance in the Strip, disarming it, and transforming Hamas into a political party before its participation in the political system is accepted. If this is achieved, it will require many months, whereas the elections are scheduled for the twenty-eighth of next November. The plan, backed by a UN Security Council resolution that stipulated that the "Board of Peace" holds the mandate and reference authority over the Gaza Strip for two years, ending at the end of next year and renewable, means that after the election of the Legislative Council, a state of duality of allegiance, reference authority, and power will emerge.

#### ***Fourth: The 2021 Elections... Postponement as a Political Decision***

At the beginning of 2021, a presidential decree was issued to hold legislative, presidential, and National Council elections. Dozens of lists put themselves forward for candidacy, and the Palestinian arena seemed on the verge of its first general elections in fifteen years. However, a decision was issued to postpone the elections indefinitely, justifying this by Israel's refusal to allow them to be held in East Jerusalem.

There is no doubt that Jerusalem was, and remains, an essential issue that cannot be relinquished, and it was, and remains, possible to agree on a formula for holding the elections there; but the president did not take that path. This led many political forces to believe that this reason was neither the only nor the main one, and that the estimates of the election results, the probability of the ruling forces losing, and the pressures of various parties, foremost among them the occupation state and regional and international parties led by the United States, played an influential and decisive role in the postponement decision.

Regardless of the motives for the decision, this juncture revealed, more than at any time before, that holding elections does not depend on the Palestinian will alone, but is also affected by the positions of the occupation, by the internal balances, and by the regional and international positions.

#### ***The Lesson Learned from the Four Experiences***

The preceding junctures reveal a set of facts that are difficult to ignore:

- First, the occupation has never dealt with the Palestinian elections as a democratic right of the Palestinian people, but has dealt with them from the perspective of its security and political interests.
- Second, the elections were unable, at any stage, to overcome the constraints imposed by the occupation on the Palestinian Authority, or to transform it into a sovereign authority.
- Third, the internal division was, in many cases, a factor no less influential than the occupation in weakening the elected institutions and disrupting their role.

- Fourth, the elections, despite their importance, were not able to contribute effectively to rebuilding the Palestinian national project, ending the division, improving conditions, or enhancing the factors of steadfastness and survival, because they were held in the absence of a national consensus on the nature of the stage, its goals, and the rules for managing disagreements.

This leads to a highly important conclusion: the crisis of the Palestinian political system is not primarily, nor solely, a crisis of elections, but a crisis of the national project, a crisis of leadership, structure, institutions, and program, and a crisis of strategy. Elections can renew legitimacy, but they cannot on their own redefine the function of the Authority, or rebuild the PLO, or set a unified national strategy for confronting the occupation.

From here, the question raised today becomes not: Do we hold elections? but: How do we make elections part of a comprehensive process of rebuilding the political system and the Palestinian national movement, instead of turning into a new juncture in the reproduction of the crisis?

## **The Upcoming Elections... Between Palestinian Calculations and Israeli Constraints**

The prospects for holding the upcoming Palestinian elections cannot be assessed in isolation from the political environment in which they will take place. Elections do not depend on the Palestinian will alone, but are affected by intertwined internal and external factors, foremost among them the Israeli position, the American position, the regional balances, and the nature of the Palestinian political system itself.

At the Israeli level, it is difficult to imagine that any Israeli government, especially the current one, whether from the right or the center, would agree to Palestinian elections that lead to the emergence of a unified national leadership possessing renewed popular legitimacy, if that would restrict its ability to continue the policies of annexation and settlement and to impose facts on the ground. Israeli governments may differ in methods, but they agree, to varying degrees, on preventing the establishment of a fully sovereign Palestinian state and on maintaining security and political control over the Palestinian land.

As for the United States, despite its declared affirmation of the importance of reform and democracy, its practical positions are tied to the nature of the election results more than to their being held. It supported elections when it believed their results would be consistent with its political vision, and opposed or ignored their results when they came out contrary to that vision. This does not mean an American rejection in principle of the coming elections, so much as it reflects a refusal, so far, at least, and a prioritization of political and security considerations over democratic ones.

On the internal Palestinian level, the picture appears more complex. The call for elections reflects a genuine need to renew legitimacy and end the state of institutional stagnation, but it collides at

the same time with fears among the various parties, especially the official leadership, of results that may redraw the balances of power within the political system, particularly after Hamas's decision to participate in the elections and the reports of the start of consultations to form a broad national list that includes the reformist current, Hamas, and several other factions, along with national and Fatah-affiliated figures united by several matters, most notably ending the monopolization of decision-making and of the Palestinian institution. From here, attempts emerge to influence the electoral environment through the laws, the candidacy conditions, the form of the electoral system, and other procedures that may transform the competition from a contest over national programs into a contest over positions and influence. From here, too, the increasing talk of postponing the elections becomes pertinent, until the results of the Israeli elections become clear first, the fate of the American-Israeli war second, and the American midterm elections third.

There are many reasons that may push for postponing the elections: first and foremost, the refusal of the Netanyahu–Ben-Gvir–Smotrich government, which finds it very difficult, if not impossible, to agree to holding the elections; the second factor, awaiting American approval, since European approval alone is not enough; and the third factor, the fear of holding them amid the Authority's financial crises and its inability to pay full salaries, with unemployment reaching unprecedented levels, the continuation of the war of annihilation and displacement in Gaza, and the assault of the settlers and the occupation army in the West Bank, which since the beginning of this year has reached more than fifty attacks in a single day, the eruption of corruption scandals from the former crossings official to the fuel and crossings crisis, and the repercussions of the recent Fatah conference, which make a phrase such as "Fatah will defeat itself if it does not put its ranks in order" apt. There are numerous Fatah-affiliated lists, and there is the imprisoned leader Marwan Barghouti, who has affirmed his determination to run in the presidential elections and is a candidate to win them uncontested, meaning that if the official Fatah list does not nominate him for the presidency, he will form a list that the aforementioned poll indicated would top all the lists. The results of the poll by the Palestinian Center for Policy and Survey Research set off all the red lights, not for Fatah alone, but for Hamas as well, and for the entire national movement and the ruling and opposition elites.

## **Can Elections Lead to Change?**

The answer to this question is not an absolute yes or no.

Elections may be a gateway to rebuilding the political system if they come within the framework of a comprehensive reform process, are preceded by national understandings, have their results respected, and are accompanied by the rebuilding of the PLO, the strengthening of judicial independence, the guarantee of public freedoms, and agreement on a shared national program.

But if they are held amid the continuation of the division, as is the case so far, and without consensus on the rules of the political game, and under an occupation that retains the right to

disrupt the results whenever it wishes, then they may turn into a means of reproducing the crisis rather than solving it.

For this reason, excessive reliance on elections as a magic solution is no less dangerous than rejecting them absolutely. The Palestinian experience proves that elections are not a substitute for the national project, just as the national project cannot dispense with democratic legitimacy.

## **What Are the Minimum Conditions for Meaningful Elections?**

If it is decided to proceed with the elections, it is essential to seek to provide a minimum of the conditions that would give them a national and democratic substance, the most important of which are:

- First, national consensus that elections are not an end in themselves, but a step within a plan and a comprehensive process for rebuilding the Palestinian political system.
- Second, agreement on a national program that expresses the common denominators and defines the priorities at the current stage, foremost among them stopping the war, confronting the projects of annexation and displacement, enhancing the steadfastness of Palestinians, and rebuilding the national institutions.
- Third, guaranteeing the neutrality of the Authority's institutions, the independence of the elections commission and the judiciary, and equal opportunity among all lists and candidates.
- Fourth, providing effective Palestinian oversight of the electoral process, because international oversight, despite its importance, cannot replace national oversight.
- Fifth, a prior commitment to respecting the election results, resorting to the law in addressing appeals and disputes, and refraining from resorting to force, exclusion, or disruption.
- Sixth, linking the elections to a clear plan for rebuilding the PLO, as the supreme political reference for the Palestinian people at home and abroad, so that the political system does not remain divided between elected institutions inside the occupied territories and representative institutions outside them.

## **Elections Are a Means, not a Project**

This study concludes that the ongoing debate between participation and boycott, for all its importance, touches the essence of the Palestinian crisis only partially. The crisis is not a crisis of elections, but a crisis of a national project, a political system, national unity, and genuine, rather than formal, representation of the Palestinians.

Elections are neither an absolute value nor an absolute evil. They are a political tool whose value is determined by its capacity to serve the national and democratic goals together. They may be a

step forward if they come within the framework of national consensus, a strategic vision, and a genuine will for reform; and they may turn into a step backward if they are used to reproduce the division, or to renew the legitimacy of an authority incapable of performing its national role.

Therefore, the question that should precede any talk of participation or boycott is: What political system does the Palestinians need at this stage? If the stage is one of national liberation, in which the Palestinian cause faces its gravest challenges in decades, then priority must be given to rebuilding the national movement and its institutions on the foundations of partnership, pluralism, and democracy, in a way that makes elections part of the project of national liberation, not a substitute for it.

What is required is not to choose between the national, the democratic, the social, and the economic, but to combine them. There is no sustainable liberation without popular participation and legitimate, accountable institutions, and no genuine democracy under occupation if it turns into a mere mechanism for managing the status quo.

From here, the most realistic path lies in formulating a new national contract that defines the major goals, the rules of partnership, the function of the Authority, the relationship between the Authority and the PLO, and the forms of struggle appropriate to each stage. Then elections become a means of renewing legitimacy within an encompassing national framework, not a new arena for conflict over an authority of limited powers.

In this way, the question is no longer: Do we hold elections or boycott them? but: How do we make elections, if they are held, a lever for rebuilding the Palestinian national project, enhancing the steadfastness of the people, and opening a new horizon for the struggle for freedom and independence?

In this sense, elections become one of the tools of the national struggle, not a substitute for it; a part of the liberation project, not an end in itself.

And what cannot be attained in full should not be abandoned in the main; and as long as what is required and expected is not achieved, the focus must be on realizing the maximum and the best of the possible, and on what there is agreement to achieve.



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