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Palestinian Center for  
POLICY and  
SURVEY RESEARCH

## Critical Policy Brief

Number 3/2023

### Participation of East Jerusalem in Future Palestinian Parliamentary and Presidential Elections: Challenges and Policy Options



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July 2023



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### **The Palestinian Center for Policy and Survey Research (PSR)**

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# Participation of East Jerusalem in Future Palestinian Parliamentary and Presidential Elections: Challenges and Policy Options

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## Introduction

Presidential and legislative elections for the Palestinian Authority (PA) have been held twice each since 1996, the last taking place in 2005 and 2006 respectively. President Mahmoud Abbas (who was elected in 2005 with a five-year mandate, extended in 2009) announced in 2021 that presidential and legislative elections would be held that spring and summer in Gaza, the West Bank, and East Jerusalem. The right of the East Jerusalem residents was set out in the Oslo Accords. In April 2021, however, just a month before Palestinians were due to go to the polls to elect a new Palestinian Legislative Council (PLC), Abbas announced the indefinite postponing of elections, claiming the state of Israel's refusal to permit elections in East Jerusalem.<sup>1</sup> Two years on, this postponement continues, at a cost to Palestine's voters and their rights to self-government. Many have never voted in a national election, having turned 18 after 2006.

This policy brief will highlight the critical challenges facing future elections in East Jerusalem, namely Israel's cooperation (and lack thereof) in holding elections and political participation of East Jerusalemites (including the obstacles East Jerusalemites face in participating in the political process). It will then assess options for Palestinian policy makers and the international community to overcome such challenges.

## I. Background to future elections

### *Rationale of postponement in 2021*

When Abbas postponed elections in April 2021, he cited Israel's refusal to allow elections in East Jerusalem. During the last round of legislative elections in 2006, Israel curtailed the election by only allowing East Jerusalemites to vote from the outskirts of the city and at post offices. With Israel's continued occupation of East Jerusalem, and insistence that it is part of an "undivided capital" in which Palestinian political activity is banned, it is unlikely that such a compromise would have been possible had elections gone ahead in 2021. Although Israel's foreign ministry had said that elections were "an internal Palestinian issue, and that Israel has no intention of intervening in them or preventing them," the

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\* "Special thanks from Hiba Hussein for the research and writing provided by Ms. Iona Clark, Candidate, MPhil at Cambridge in Politics and International Studies."

<sup>1</sup> European Council on Foreign Relations, 'Mapping Palestinian Politics'.  
[https://ecfr.eu/special/mapping\\_palestinian\\_politics/elections-2021/](https://ecfr.eu/special/mapping_palestinian_politics/elections-2021/)

reality would likely be very different.<sup>2</sup> It is also telling that this was not accompanied with a statement of support for the right of the Palestinian electorate to elect their political representatives, or similar. Should Abbas have forged on with holding elections, knowing that no East Jerusalemites would be voting for their political representatives, it could have been interpreted as the PA accepting the illegal occupation and annexation of East Jerusalem.

Nearly all the other Palestinian factions, however, rejected Abbas's decision. Hamas referred to the postponement as a "coup". There is a feeling amongst some of Fatah's opponents that Israel's lack of cooperation is simply an excuse to cover up internal divisions within Abbas's party.<sup>3</sup> He is facing challenges from various Fatah splinter groups led by individuals including Marwan Barghouti (currently serving five life sentences in an Israeli prison), Nasser al-Kidwa (nephew of Abbas's predecessor, Yasser Arafat), and Mohammed Dahlan (a former PA security chief). Dahlan has called the postponement "illegal" and described it as an action taken by a president who has "lost his legitimacy".<sup>4</sup> Barghouti, in particular, has been signalled as Palestinian voters' preferred candidate in polls conducted by the Palestinian Centre for Policy and Research Survey.<sup>5</sup> It is possible that Abbas worried that a Hamas victory might split Fatah into factions, or being usurped as Fatah's leader and the PA's president.

The possibility of a Hamas victory may also be related to alleged international pressure to delay the elections. Al-Quds reported that Abbas faced Arab and American pressure to postpone voting, fearing a Hamas victory.<sup>6</sup> Hamas were triumphant over Fatah in the 2006 elections in the PA and has since 2007 been holding *de facto* control. Hamas however is recognised as a terrorist group by both the United States and the European Union.

## II. Critical challenges of East Jerusalem elections

### *Israeli refusal to cooperate*

The prospect of any Palestinian elections taking place in East Jerusalem in the future is mired by the continued Israeli occupation and annexation of parts of the West Bank, and the presumption that they though would interfere or prohibit elections taking place. Since 2006, Israel's government has only increased its aggressive expansion into East Jerusalem. The most recently elected government, led by Benjamin Netanyahu, is one characterised by extreme positions on further annexation and occupation.

In the 2006 elections, the Israeli government demonstrated an unwillingness to allow free and fair elections to go ahead in East Jerusalem. Voting and polling stations were prohibited, forcing voters to cast their ballot in post offices in Jerusalem where they were supervised by Israeli police. Although the exact effect of such intimidation is unknown, one can assume that such supervision created a hostile atmosphere which

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<sup>2</sup> Abbas delays Palestinian parliamentary polls, blaming Israel, *Al Jazeera*, 20 April 2021.

<https://www.aljazeera.com/news/2021/4/30/palestinian-factions-reject-abbas-decision-to-delay-polls>

<sup>3</sup> Ibid, Palestinian leader delays parliamentary and presidential elections, blaming Israel, *Reuters*, 30 April 2021.

<https://www.reuters.com/world/middle-east/palestinian-elections-delayed-says-president-mahmoud-abbas-2021-04-29/>

<sup>4</sup> Abbas delays Palestinian parliamentary polls, blaming Israel, *Al Jazeera*, 20 April 2021.

<https://www.aljazeera.com/news/2021/4/30/palestinian-factions-reject-abbas-decision-to-delay-polls>

<sup>5</sup> Palestinian Centre for Policy and Survey Research, Public Opinion Poll No (86), 7 December 2022.

<https://pcpsr.org/en/node/926>

<sup>6</sup> Abbas delays Palestinian parliamentary polls, blaming Israel, *Al Jazeera*, 20 April 2021.

<https://www.aljazeera.com/news/2021/4/30/palestinian-factions-reject-abbas-decision-to-delay-polls>

discouraged democratic participation. Furthermore, all Hamas offices were raided and shut down, and Hamas candidates were denied permission to campaign.

Ahead of the expected 2021 election, the Israeli government stated that they had ‘no plan’ to intervene in the elections, but refused to comment on the status of Jerusalem, and issued no statement of support for the elections or the Palestinian community’s right to elect its representatives. This should have been the basic response to any questions on the elections. President Abbas claims that he was told directly by officials that elections would not be permitted, but this claim cannot be verified.

As current laws stand in East Jerusalem, all political activity of the Palestinian Authority is strictly banned. This, and the prohibition of Hamas campaigning and participation, is unlikely to change in the foreseeable future.

Such disruption makes future elections difficult in a multitude of ways. One can expect significant levels of disruption to any voting process, either by a repeat of the 2006 methods of displacement, or by an escalation where East Jerusalem voters are stopped from voting in the city altogether. It would not be beyond belief to assume that voters would also be prevented from travelling outside of the city to vote. This disruption would likely be partnered with a use of state violence to maximise disruption. The physical presence of Israeli forces, regardless of whether they use force or not, is an act of political intimidation. It is a visual reminder of who holds power in the city, and a psychological reminder of violence enacted by such forces in the past. Furthermore, the supervision of voting by armed Israeli police reinforces the denial of Palestinian political agency and the historic colonial stereotype that Palestine is an ‘uncivilised’ society requiring mature (i.e. Western) supervision to develop into a self-governing state, as the original League of Nations mandate designated it in 1923.

Interference may also have the effect of radicalizing the Palestinian community in East Jerusalem. The longer elections are withheld from voters, the more likely voters are to embrace non-legislative methods of change, as democratic methods are seen as hopeless.

### *Lack of belief in political systems*

Were any elections to go ahead in East Jerusalem, there is a serious problem regarding political participation and faith in the potential of legislative change. In a survey conducted in 2022 by the Palestinian Centre for Policy and Survey Research, 93% of East Jerusalemites said they hadn’t participated in Palestinian elections. Many respondents were too young to vote in 2006. However, most crucially, only 6% said they would participate in a future election. This is a 33-point drop from the number who said that they’d participate in 2010. The fact that this problem has worsened over a decade shows growing dissatisfaction with the Palestinian Authority. There has been a 22-point increase in the perception that politicians are unimpressive and cannot help East Jerusalemites.<sup>7</sup> It is reasonable to assume that the postponement of elections in 2021 has only increased such concerns.

It is important to note that the decline in enthusiasm for participating isn’t matched by a corresponding rise in belief in Israeli elections. These have similar levels of participation (95% of respondents said they had not participated in Knesset or municipal elections). It is key, however, that there has been a 12-point decline in the percentage of East Jerusalemites boycotting Israeli municipal or Knesset elections on the

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<sup>7</sup> Palestinian Centre for Policy and Survey Research, A Special East Jerusalem Poll: Comparing the Results of 2010 and 2022 Polls. <https://pcpsr.org/en/node/931>



basis that the occupation makes such authority illegitimate.<sup>8</sup> This may not mean such respondents now view the power as legitimate and could rather signal both a collapse in belief that boycotts are worthwhile or effective and a strengthening of the idea that East Jerusalemites should try and make things work under the current occupation.

Alongside the decline in respondents boycotting elections due to the occupation is a corresponding decline in respondents who were willing to vote in Israeli elections at the request of the PA. In 2010, 23% of respondents said they would follow the request; in 2022 only 3% would.<sup>9</sup> This suggests a significant collapse in the authority of the PA in East Jerusalem.

Assuming these trends would be confirmed should a presidential or legislative election be held in the near future, a turnout of less than 10% in East Jerusalem would be incredibly damaging to the legitimacy of the newly elected PA or President. It is therefore imperative to try and address such concerns ahead of an election.

In an ideal world in which the Israeli government relaxed its restrictions and allowed the elections to run, this would likely ease the view that PA officials cannot help East Jerusalem. The likelihood of this, however, is minimal. One other factor is the inability of candidates to reach East Jerusalem residents because Israel will not allow them to campaign there. Thus, their potential impact to affect them as a constituency remains ambivalent to the East Jerusalem residents. Whether such concerns will be listened to or not cannot be known. It is likely that issues of candidate quality can only be meaningfully changed over time and successive elections as officials prove themselves to voters as trustworthy and capable of making meaningful improvements to the lives of East Jerusalemites.

#### *Other obstacles to political participation*

Aside from Israeli interference and lack of belief in the systems, there are additional problems – largely associated with the occupation of East Jerusalem – which could undermine political participation in an election.

East Jerusalemites face daily infringements on their rights to freedom of movement, expression, and education. This is a powerful tool of the Israeli government to gradually diminish Palestinian's sense of identity, self-determination, and freedom. The cumulative effect is incredibly damaging in a democracy as voters become resigned to accepting – or at least tire of protesting against – their own oppression.

Education has also been restricted and disrupted by the occupation, with particular censorship of educational materials that refer to Palestinian national identity. This poses a problem to political participation as children are not instilled with a sense of civic responsibility to participate in democratic processes.

The restriction on freedom of movement is a particular challenge. Even if limited voting was allowed in post offices, for example, this would be further restricted to those who could take time off work to travel and had the means to do so.

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

### III. Policy options

In light of these critical challenges, there are several options available for policymakers to consider.

#### *Postponing elections indefinitely*

The first option to consider is the continuation of the status quo: an indefinite postponement of the legislative and presidential elections until elections in East Jerusalem can be guaranteed to run without significant Israeli interference.

This option should be avoided at all costs. The main reasoning for this option is that in running the elections without East Jerusalem, the PA would be, or could be understood to be, implicitly accepting Israel's illegal occupation and abandoning the rights of East Jerusalemites.

In making a stand against Israeli interference, however, the PA ensures that the rest of the Palestinian electorate is continued to be deprived of their right to self-determination and participation in elections. The effect of this could be catastrophic. Hamas has already won the previous PA elections, and Fatah risks alienating itself further from the electorate, particularly if they are considered to have acted in their own self-interest. As critics said after the postponement, Fatah can be accused of effectively allowing Israel to hold a veto over Palestinian elections.<sup>10</sup>

Furthermore, the PA must demonstrate it can run a functioning government – that follows international law - and regular elections. This is essential to both bolster domestic support against Israeli occupation, and unite Palestinians behind their own institutions, but also to garner international support as a self-governing nation and an equal player to Israel.

The basic fact remains that elections have not happened since 2006, and a significant portion of the Palestinian electorate is aged between 18 and 34, meaning they have never voted in Palestinian elections. This is an unacceptable reality that ensures ongoing political disillusionment and weakens the legitimacy and therefore authority of the PA.

#### *Holding elections without East Jerusalem*

There are several alternatives to the indefinite postponement. The first is to push ahead with both legislative and presidential elections irrespective of whether Israel allows them to be held in East Jerusalem. As aforementioned, there are obvious downsides to running an election knowing a significant number of voters likely will not get to vote. It is unfortunate that in this case the PA could be seen as being responsible for denying its population a vote.

However, it is crucial that the PLC sits, and that a President is elected with a new mandate. Having proof that the vote was suppressed could provide the newly elected PLC a strong starting point in establishing a robust policy agenda that stands up to Israeli aggression. Symbolic actions could be taken to represent the missing representatives from East Jerusalem, such as leaving seats empty.

#### *Holding elections with East Jerusalem*

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<sup>10</sup> Abbas delays Palestinian parliamentary polls, blaming Israel, *Al Jazeera*, 20 April 2021.

<https://www.aljazeera.com/news/2021/4/30/palestinian-factions-reject-abbas-decision-to-delay-polls>

Another option is to not only push ahead with elections but also attempt some form of a vote in East Jerusalem. This was the preferred option for Hamas in 2021. The Palestinian Central Elections Commission stated days before Abbas' decision that it believed nearly 150,000 eligible Palestinian voters from East Jerusalem suburbs (almost half the city's Palestinian population) wouldn't depend on Israeli approval to vote.<sup>11</sup> This could be a powerful moment of resistance if numbers that large showed up to vote despite Israeli threats.

However, this could be a dangerous act of provocation that results in violence across Jerusalem and potentially elsewhere. It would likely see the mass arrests of anyone attempting to facilitate elections in East Jerusalem. This would not only be a strong psychological defeat for the PA but could also further destabilise the PA if large numbers of officials were detained, preventing the PA's operational capacity.

### *Encouraging Israeli co-operation*

The ideal scenario would, of course, be one in which Israel allowed a full, free, and fair vote to happen in East Jerusalem. To enable this to happen would likely need much stronger international pressure on Israel to allow the elections, and greater commitments to defending the Palestinian population's right to democracy. This could take the form of the international community committing to work with the elected authority (likely with the caveat that they must follow international law). This commitment would probably be essential to garner the support of international groupings like the EU which considers Hamas a terrorist group. To gain US support, an election would probably have to be held sooner rather than later whilst the Democrats still hold the presidency, as the return of Donald Trump (or similar candidate) to the White House would presumably see an even stronger pro-Israel position.

The international community would have to be clear in setting out consequences should Israel interfere with elections; consequences that must be enforced resolutely if necessary. As Abbas himself pointed in his May 2023 speech to the UN on the 75<sup>th</sup> anniversary of the Nakba, there have been over one thousand UN resolutions on Palestine but not one has ever been implemented.<sup>12</sup> If the international community could set out consequences and see them through, it could be a critical moment for restoring a sense of trust in international institutions.

This option faces significant feasibility problems. Palestinian policy makers cannot force international actors to pursue this line of action. The international community is currently largely focused on the war in Ukraine and Palestine is not seen as a high priority. It could be where they focus their lobbying and diplomatic efforts, however, as this is the option which would most likely force Israel's cooperation.

### *Addressing other motivations for the delayed elections*

All the of the options above rest on the assumption that Abbas was honest in his reasoning for delaying the elections. Assuming, however, that his critics are correct in highlighting fears over a Hamas victory

<sup>11</sup> Jørgen Jensehaugen and Erling Lorentzen Sogge, 'The Palestinian elections that weren't', *The Loop*.

<https://theloop.ecpr.eu/palestinian-elections-hang-in-the-balance/>

<sup>12</sup> 'Marking Anniversary of Nakba, President Tells Palestinian Rights Committee 'Tragedy Constitutes a Scar on Humanity'', Committee on the Inalienable Rights of the Palestinian People, UN Meetings Coverage, 15 May 2023.

<https://press.un.org/en/2023/gapal1453.doc.htm>.



and potential challenges from within Fatah, then there are more feasible options for policy makers to consider.

Already Fatah and Hamas have taken steps to improve conditions between them; as of 2022 all 14 factions have agreed to hold national elections within a year.<sup>13</sup> Statements from Fatah and Hamas both promised that this will not be another broken promise, but only time will tell. Policy makers could also apply pressure to Hamas and any other faction that advocates violence as a political tool to commit to following international law if elected.

The internal Fatah split is not something that could be directly addressed by policy makers, but they could apply pressure to Fatah to put the country before the party, which may reap rewards.

### *Addressing political participation*

As shown in Part I, even if elections were held, the PA faces an underlying fault line in the lack of political participation in East Jerusalem. It is hard for policy makers to try and address this without a firm promise that elections would be held in the future. Problems of restricted rights, particularly to movement, political organisation, and education are particularly insidious to deal with. One area that could be addressed, however, is the one of corruption and trust in politicians. Policy makers could focus energy on ensuring greater responsibility and accountability in government, thereby gradually building trust in the politicians and institutions.

## **IV. Conclusion**

The prospect of future elections in East Jerusalem and wider Palestinian is a bleak one. The PA are staring down two separate fronts: Israel and political apathy. Both must be removed or addressed in order for elections to be held successfully.

In the short term, policy makers should focus the majority of their efforts in convincing Fatah to hold some form of election as soon as possible, with or without Israel's approval. Lobbying the international community for greater support could also reap rewards, although the likelihood of any significant shift in the status quo is minimal. In the long term, policy makers must address serious apathy to political participation. Running an election would partially reduce this apathy, but it would not resolve it completely.

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<sup>13</sup> Lamine Chikhi and Nidal Al-Mughrabi, 'Palestinian rivals agree to hold elections but doubts persist', *Reuters*, 13 October 2022. <https://www.reuters.com/world/middle-east/palestinian-rivals-agree-elections-end-dispute-doubts-persist-2022-10-13/>

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