

Palestinian Elections: A Vital Step Toward a Stable Political Settlement

**Policy Paper
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A political settlement to resolve the conflict with the Palestinians once Hamas is weakened, and after an intermediate stage in which a reconstituted Palestinian Authority is established with the promise of a real political horizon, is a vital Israeli interest. Achieving this goal requires the election of a pragmatic Palestinian leadership that is deemed legitimate by the Palestinian public and is therefore able to realize the vision of a viable Palestinian state and a stable political settlement that provides security for Israel.

In order to prevent the election of extremists opposed to a political settlement, legitimate restrictions must be placed on the individuals and groups running for the post of president and for membership in the legislative council. These limitations will be based on the three conditions that the Quartet countries laid out for Hamas after its victory in the 2006 elections: abandoning the path of terrorism, recognizing Israel, and affirming the previous agreements it signed with the PLO.

The elections must take place in the context of an advanced political process offering hope to the Palestinian people in the West Bank and Gaza Strip, and increasing their support for a settlement approach. To that end, Israel will have to declare its commitment to a political process designed to result in a two-state solution, and adopt confidence-building measures that demonstrate its intent to reach a political settlement, including a halt of construction in the settlements. At the same time, the international community, led by the United States and the European Union, will have to guarantee their recognition of a Palestinian state. The United States will also help train the Palestinian Authority's security apparatuses, contribute to the development of its economy, and promote reforms in government institutions.

Israel and the international community must lay the groundwork for orderly, internationally supervised elections in the West Bank, East Jerusalem and the Gaza Strip that will ensure the election of a suitable national leadership for the Palestinian people. Having won the trust of the people, such a leadership will enjoy legitimacy and be able to promote a stable settlement with Israel. It will also contribute, over time, to strengthening the moderate elements in society and weakening extremist, religious, and nationalist opposition elements.

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A. Introduction: The importance of elections for a political settlement

Formulating a political plan for Israel to resolve the conflict with the Palestinians on the day after the war requires that general elections be held to choose a legitimate Palestinian leadership with which to negotiate a two-state solution and promote long-term agreements. The elections will be an essential component alongside institutional, economic, and security reform processes, which the Palestinian Authority will undergo as a "state in the making." Democratic elections are the way to promote positive change in the Palestinian system: To implement the vital process of a leadership change in the Palestinian Authority, and to prepare the ground for successful negotiations on a viable, stable political settlement.

The current Palestinian regime, which enjoys little support among the people, as well as the split between the West Bank and the Gaza Strip, are obstacles that must be removed in order to return to the negotiating table. An election process at the end of the interim stage will serve as a basis for entering political negotiations on a final status agreement. The general elections will build up a leadership representing Palestinian society in both regions.

An outline that presents the Palestinian people with a significant political horizon, including Israeli willingness and international guarantees to recognize a Palestinian state within a binding time frame, will presumably lead to a profound change in Palestinian public opinion. This, in turn, would enhance support for candidates advocating an arrangement that provides the Palestinian people with national, economic and social hope.

The surveys conducted by Dr. Khalil Shikaki's Palestinian Center for Survey and Policy Research (PSR) in Ramallah, which Israel considers a reliable source for understanding trends in Palestinian society, provide a clear illustration of the promise such a process holds. In the 1990s, when the Oslo Accords imbued the Palestinian public with hope for change, these polls consistently reflected overwhelming support for the Palestinian Authority and for a negotiated political settlement, while support for the path of resistance and terrorism was very low (only 13%-15% of those polled). In recent years, under the leadership of right-wing Israeli governments that have closed the door to a political settlement, support for the Palestinian Authority declined significantly while support has surged for Hamas and terrorism (80% of West Bank residents currently support armed resistance against Israel, although fewer than 50% support Hamas). This suggests that public Palestinian positions lend themselves to change and that the existence or absence of a political horizon could significantly affect choices at the ballot box.

The elections will also revitalize the Palestinian political system, which has been paralyzed for over 15 years, and end the ideological and geographical split between the West Bank and the

Gaza Strip. The leadership formed after the elections will apply its rule and authority in the civilian and security spheres in both regions.

The Palestinian leadership elected on the basis of the political horizon as described above may emerge from among mainstream nationalists born and raised in the territories, and will likely be more pragmatic in its political approach than the veteran PLO leadership that came from Tunisia following the Oslo Accords. This pragmatism could be expressed in Israeli-Palestinian agreement on a compromise focused on willingness to arrive at an arrangement for a Palestinian state, and less so on questions related to "perfect" final status solutions on the issues of the right of return and control of Jerusalem.

B. General elections in the Palestinian arena – Background

The Palestinian Authority is comprised of a presidency and three branches: a legislative council, an executive branch, and a judiciary. PLO institutions have been integrated into these authorities as follows:

1. The "President" ("Rais") of the PA is the chairman of the PLO.
2. A Legislative Council, elected and represented by residents of the West Bank and Gaza Strip ("the interior"), forming part of the Palestinian National Council of the PLO, which also represents the Palestinian diaspora.
3. An executive branch appointed by the PA president and composed of Fatah representatives who are members of the PLO's Executive Committee and Fatah's Central Committee, as well as local leadership in the territories. The PA was constituted to serve as the provisional government of the entire Palestinian people in the territories and in the diaspora during the interim period designated by the Oslo Accords, until a permanent status agreement is reached.
4. A judiciary consisting of a Supreme Court, a constitutional court, religious and administrative courts that existed under Israeli rule, and a security-military justice system. The Supreme Court justices are appointed by the PA chairman, subject to a recommendation by the Supreme Judicial Council, which consists mainly of Supreme Court justices, the Prosecutor General and the Minister of Justice.

Since the establishment of self-rule some three decades ago, the value of the PLO in the diaspora has declined politically as has the activity of PLO institutions in the West Bank and Gaza Strip, but the institutional distinction between the PLO and the Palestinian Authority has been maintained. This is a moral distinction of historical-political significance for the Palestinian people, which is related to the representation of the diaspora ("the outside") and the defense of Palestinian political principles in negotiations with Israel on rectifying the

historical injustice of dividing Palestine and eviction of refugees from their homes. The PLO is entrusted with authority to conduct negotiations and sign agreements, while the PA is entrusted with managing civilian affairs in the West Bank and Gaza Strip.

Due to deep ideological and political differences between Fatah and Hamas, only two presidential and legislative elections have been held since the Oslo Accords and the establishment of the Palestinian Authority in 1994. Hamas boycotted the first elections held in 1996 because of its principled opposition to the Oslo Accords and its assessment of a potential defeat, but participated in the 2006 elections on the assumption that it had a high chance of winning public trust. Under pressure from the US administration, Israel was forced to allow Hamas to run in the elections and to allow the participation of East Jerusalem residents. Hamas won mainly due to the failure of Fatah's political path, which was also reflected in Israel's unilateral withdrawal from the Gaza Strip, and voter disappointment with the failed and corrupt conduct of the PA regime.

Under the Israeli-Palestinian Interim Agreement (September 1995), residents of East Jerusalem are permitted to participate in general PA elections unless they are Israeli citizens. Since the PA was established, East Jerusalem residents have participated in three elections, voting at Israeli post offices: in the presidential and Legislative Council elections of 1996 and 2006, and in the 2005 presidential elections (in which Mahmoud Abbas was elected after the death of Yasser Arafat).

The Hamas victory and Fatah's refuse to accept the results of the 2006 elections resulted in governmental chaos and a violent Hamas takeover of the Gaza Strip in 2007, the ouster of the PA government and formation of a separate government, with police and military apparatuses. Attempts at Fatah-Hamas reconciliation over the years have failed due both to deep disagreements on issues such as the status and future of the military forces established by Hamas in the Gaza Strip and persistent Israeli opposition to the integration of Hamas into the Palestinian Authority. Israel blamed Hamas for developments in the Gaza Strip, preferring to perpetuate its separation from the West Bank in order to thwart prospects of a political process that would lead to the division of the land and the establishment of a Palestinian state. The last failed attempt at reconciliation and general elections was made in the summer of 2021. Israel's refusal to promise that it would allow residents of East Jerusalem to take part contributed to the PA's decision to cancel the voting.

C. Conditions for holding general elections in the Palestinian Authority

Holding general elections for the presidency and the Legislative Council will depend on the preconditions required to ensure the election of a pragmatic leadership from among the mainstream nationalist Palestinian people. Such leadership, elected without foreign

interference or influence, will allow movement toward accelerated negotiations with Israel on reaching an agreement to end the occupation and establish a Palestinian state. The international community and the Arab states, as well as Israel, must take various steps that Palestinian public opinion will regard as achievements of the national mainstream, and enhance its power ahead of the general elections.

What should the international community do?

1. Present an international political outline for all actions and steps to be taken, including general elections. The outline will be prepared in full coordination with Israel and the Palestinian Authority and will include specific timetables.
2. Help end the military campaign in the Gaza Strip to deprive Hamas of its governmental and military capabilities.
3. Promote measures for the physical and economic reconstruction of the Gaza Strip through the Palestinian Authority and with regional and international assistance from donor countries.
4. Advance a US-led effort to upgrade the status of the PA as a member state of the UN, upgrade its status accordingly in other international institutions, and amend the Paris Economic Protocol.

What should Israel do?

1. Declare its commitment to a political process within the framework of the agreed international outline.
2. Declare its adoption of the two-state solution and acceptance of the Arab Peace Initiative as a basis for negotiations.
3. Take confidence-building measures demonstrating intent to reach a political agreement, such as transferring territory from Area C to B, halting construction in the settlements and the creeping annexation trend, curbing settler violence against Palestinian residents, removing checkpoints, easing restrictions on the economy, and stop deducting money from the PA's tax revenues.
4. Commit to allowing elections to be held in East Jerusalem (in accordance with the Interim Agreement and past precedents).
5. Set a binding date for holding elections and meet it.

What are the Palestinians required to do?

1. Promote institutional, economic and security reform in keeping with their status as a state in the making.
2. Carry out, in coordination with Israel and the international community, effective measures to fight terrorism, ensure demilitarization (arms collection), and revise educational materials to remove content that incites against Israel.
3. Enshrine in legislation the terms and conditions imposed by the international community to prevent the participation of national or religious extremists in general elections for the presidency and the Legislative Council (see below).

How to ensure the desired election conditions?

1. The international outline will ensure that the elections are held by secret ballot under international supervision (American, European, Arab), deflecting attempts to influence the results, and include the residents of East Jerusalem.
2. The international framework will set legal limits for those wishing to run in elections: parties, lists and candidates will be disqualified from participating if their platforms, actions or statements deny or question Israel's right to exist, fail to recognize agreements the PLO signed with it, and support terrorism and armed struggle against Israel.
3. Clearly, any religious-Islamist party will be allowed to run in the elections and join a ruling coalition if it accepts the above stated legal boundaries (C/2).

Hamas achieved a majority in the Legislative Council in 2006 for the first time (with 74 out of 132 seats, compared to only 45 seats for Fatah). The result enabled Hamas to form a government, headed by Ismail Haniyeh, and take over the Gaza Strip. Following the elections, the Quartet countries set three conditions for Hamas to continue funneling aid from donor countries to the Palestinian Authority: recognition of agreements signed between the PLO and Israel, including the Oslo Accords, renunciation of support for terrorism and recognition of Israel. The Hamas leadership rejected these conditions.

Following the Quartet's move, a presidential decree issued in 2007 prohibited parties that did not recognize the PLO's right to represent the Palestinian people, including Hamas, from running in elections. However, current Palestinian electoral law does not address the prohibition of participation by parties that deny the existence of the Palestinian Authority or a commitment to past agreements signed with Israel.

D. How to restore public discourse on the relevance of the two-state solution?

It would be advisable to promote at an early stage a public discourse among the Palestinian people highlighting anew the importance and chances of reaching a political settlement with Israel on the basis of two states for two peoples, even if this arrangement is not final and perfect. In other words, both sides will express willingness for a political compromise leading to the removal of the occupation and the establishment of an independent Palestinian state, while agreeing on temporary solutions to the refugee question and the issue of control over the holy sites, and postponing discussion on "ending the conflict".

The United States, the European Union, and the moderate Arab states (Saudi Arabia, Egypt, Jordan, and the United Arab Emirates) may contribute to promoting a dialogue that supports a political settlement. The international community can be expected to partner in efforts to rebuild the Gaza Strip and provide the PA with economic support in the West Bank. It is also appropriate for the international community (led by the United States and the European Union) to recognize a Palestinian state. The United States will also help train the Palestinian Authority's security apparatuses, facilitate the development of the Palestinian economy and promote reforms in government institutions (for example, in the spirit of former Prime Minister Salam Fayyad's vision).

The Palestinians may well elect leaders currently imprisoned in Israel, such as Marwan Barghouti, for whom polls predict success. Barghouti is a key potential leader who supports a negotiated political settlement with Israel, and enjoys popularity among the younger and middle generations. In various polls conducted in recent years (as well as in mid-December 2023), he has consistently won broad public support, more than any other candidate. In preparation for the elections slated for the summer of 2021, Barghouti's name came up as a potential presidential candidate and as someone who could unite and lead the people, thus preventing a battle of succession within Fatah.

It should be noted in this context that there is global precedent for regimes reluctantly recalling leaders from exile, or releasing them from prison, in order to negotiate a political settlement with them.¹ In fact, the PLO's move from Tunisia to the territories under the Oslo Accords was also the return of a leadership from exile so that it would provide security and serve as a political dialogue partner.

¹ Examples: In 1956, the British exiled Archbishop Makarios from Cyprus to the Seychelles. A year later he was recalled to help implement a political solution, and in 1960 he was elected President of Cyprus. Julius Nyerere was imprisoned by the British but released and became Tanganyika's first president in 1962. Nelson Mandela was released from prison after many years and became president of South Africa in 1994.

E. Conclusion

General elections will be held within the framework of an international political outline prepared under the leadership of the United States and in full coordination with Israel and the Palestinian Authority. The outline will include steps to end the military campaign in the Gaza Strip, rehabilitate the Gaza Strip physically and economically, strengthen the political and security standing of the Palestinian Authority, and conducting Israeli-Palestinian negotiations on a political settlement.

The elections will be held under the auspices of the international community, as part of the general effort to resolve the conflict. They will be conducted by secret ballot in the West Bank, East Jerusalem and the Gaza Strip, under international supervision (American, European, Arab).

The international outline will set legitimate restrictions on running in the general elections, according to which parties and candidates will be disqualified if their platforms, actions or statements deny Israel's existence, fail to recognize agreements signed with it, support terrorism and armed struggle against Israel.
