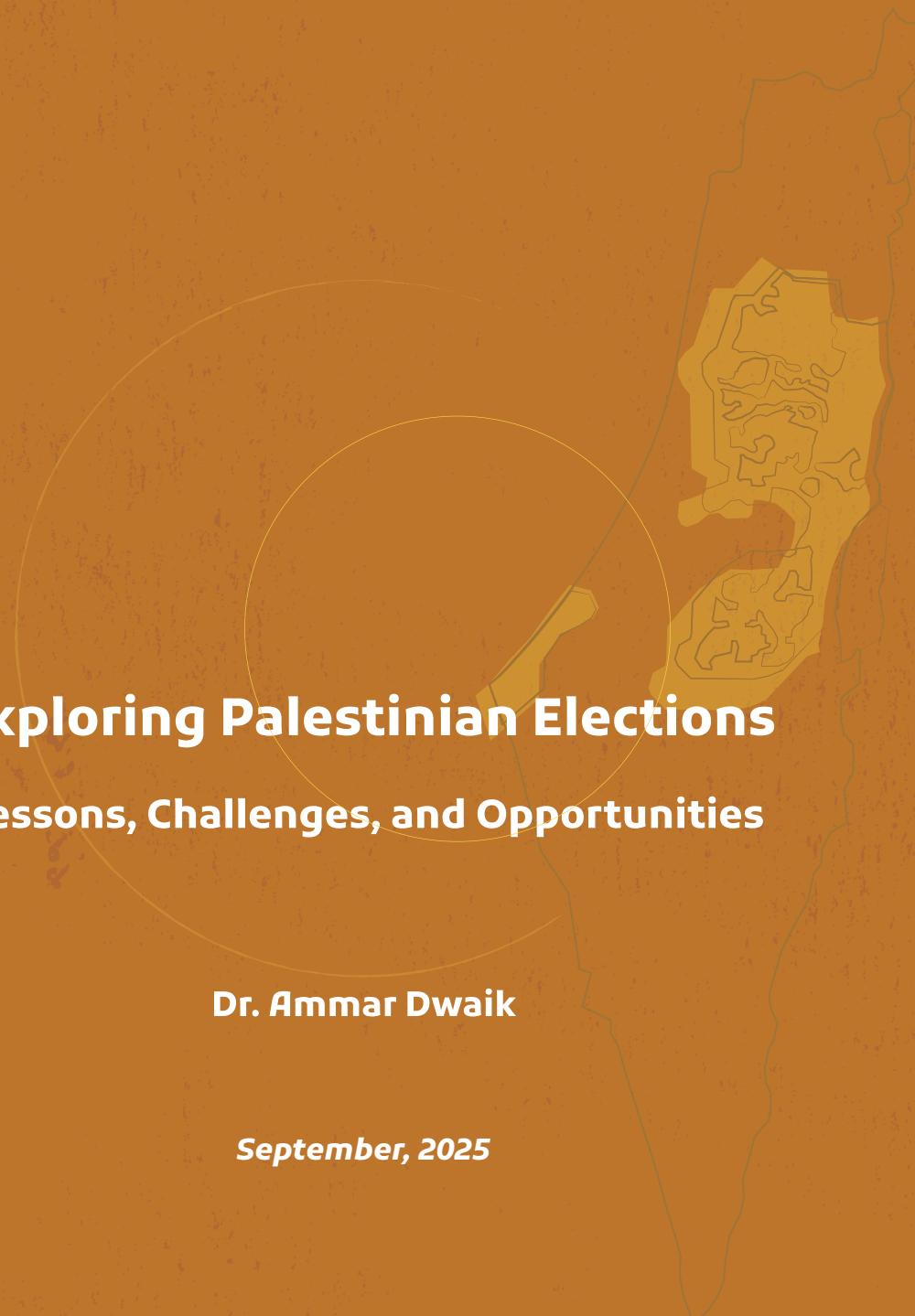




Exploring Palestinian Elections

Lessons, Challenges, and Opportunities

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1. Introduction

On April 29, 2021, Palestinian President Mahmoud Abbas announced an indefinite postponement of three separate election rounds in the occupied Palestinian territories. These elections were initially scheduled to begin with legislative elections on May 22, 2021, followed by presidential elections on July 31, 2021, and concluding with the formation of the Palestinian National Council on August 31, 2021.

The announcement of elections four months earlier was met with widespread approval across Palestinian society, as it was seen as a crucial step toward renewing the legitimacy of Palestinian institutions, strengthening the democratic process, and opening new avenues to break the ongoing political stagnation and division. Many segments of Palestinian society viewed these elections as an opportunity to reclaim their role in shaping the future of the political system, after years of democratic stagnation.

In the West Bank, Palestinian institutions have suffered from a decline in electoral legitimacy due to the prolonged absence of democratic processes, leading to a crisis of political representation and declining public trust in official institutions. Conversely, Hamas in Gaza has faced escalating challenges, struggling with a severe governance crisis under the weight of Israel's tightened blockade and international isolation, leaving it unable to meet the basic needs of the population.

Against this backdrop, an entire generation of Palestinians has grown up without any real electoral experience, contributing to political apathy and a widening gap between society and the ruling political system. This has underscored the urgent need to revive democratic life—not merely as a procedural exercise but as a fundamental step to ensure broader Palestinian participation in decision-making and strengthen their ability to influence their political future in an increasingly challenging internal and external environment.

The postponed general elections of 2021 serve as a vivid example of the political complexities surrounding Palestinian elections. The preparation process revealed an electoral structure capable of efficiently managing the voting process, highlighted the professional and independent role of the Election Commission and Election Court, and demonstrated public enthusiasm for political participation, as evidenced by the registration of 36 electoral lists. However, President Abbas's unilateral decision to postpone the elections indefinitely shed light on the deep-rooted political dilemmas preventing their execution and exposed fundamental imbalances within the Palestinian political system, which subsequently entered a new phase of persistent crisis.

While many local and international stakeholders advocate for Palestinian elections as a means to end division, enhance political representation, consolidate the legitimacy of governing institutions, and advance state-building efforts, such arguments often oversimplify the issue. Elections are not just a procedural or legal matter; they are influenced by a complex interplay of internal, regional, and international factors. Thus, Palestinian elections transcend up to a mere democratic obligation; they represent an arena of struggle over political directions and strategies.

Despite the theoretical consensus on the importance of elections, their role within the Palestinian context remains highly contentious. The challenges extend beyond technical and administrative obstacles to deeper structural issues related to national consensus. No electoral process can be separated from broader strategic questions, such as the struggle against Israeli occupation, the legitimacy and framework of political action, and the future of the Palestine Liberation Organization (PLO) as the sole legitimate representative of the Palestinian people. Additionally, regional alignments and international interventions play a crucial role in shaping the electoral trajectory, with some parties supporting elections as a step towards political stability, while others remain wary, fearing that elections could reshape the Palestinian political landscape in ways that conflict with their interests.

Since any future Palestinian elections will be held under Israeli occupation, their feasibility remains conditional on securing a certain level of international support and guarantees—not only to ensure their execution but also to prevent Israeli obstruction or sabotage. Israel views Palestinian elections through the lens of its security and political interests, perceiving them as a potential threat to its existing arrangements. Elections could either restructure the Palestinian political scene in ways that do not align with Israeli strategies or grant legitimacy to leaders and political movements that oppose Israeli policies. Consequently, any Palestinian electoral process will remain subject to the balance of international and regional power dynamics and the Palestinians' ability to carve out a maneuvering space that allows them to conduct elections that reflect their national will without being held hostage to external pressures or imposed conditions.

In light of the rapid developments following October 7, 2023, and the renewed discussions on the governance of Gaza in regional and international political forums—alongside prisoner exchange deals, including the possible release of Marwan Barghouti, and the advancing age of President Mahmoud Abbas, who turned 90 this year—these factors collectively keep the possibility of Palestinian elections open and under discussion. Despite the existing political challenges, it would be premature to dismiss the likelihood of an electoral opportunity arising, whether in the form of presidential elections initially or even simultaneous presidential and legislative elections. This necessitates moving beyond prevailing frustration and rejecting the notion that elections remain unattainable. Instead, it calls for serious preparation to seize any emerging opportunities by enhancing technical and organizational readiness and addressing major obstacles, whether internal or related to securing the necessary international guarantees to prevent disruptions.

Another vital dimension of political participation that cannot be overlooked is local elections, which have been held in four cycles since the establishment of the Palestinian Authority and three cycles since the political division. While Gaza has been excluded from the last three local election cycles, their continued organization in the West Bank has provided a limited but valuable opportunity for political participation. These elections have served as a microcosm of the broader political landscape, demonstrating the feasibility of electoral processes, maintaining the operational readiness of the Central Elections Commission, and enhancing its expertise in managing elections efficiently.

Furthermore, local elections have played a significant role in promoting democratic culture and increasing electoral awareness among citizens, reinforcing the importance of political participation in local decision-making. Palestinian civil society organizations have actively engaged in these elections, demonstrating strong organizational capacity in monitoring the electoral process. These organizations have also contributed to enhancing transparency, integrity, and addressing political and legal obstacles that could have hindered the elections.

Given this context, this paper aims to provide a comprehensive analysis of Palestinian elections by reviewing their historical background, drawing lessons from past experiences, identifying key obstacles, and offering political recommendations to improve their success. This study examines presidential, legislative, and local elections held since the establishment of the Palestinian Authority, along with the political circumstances surrounding each election, the legal framework governing them, and key observations regarding their conduct. The paper also examines the issue of elections in Jerusalem, which the Palestinian president cited as the primary justification for postponing the vote. This rationale is expected to continue serving as a means of avoiding electoral obligations and preserving the status quo.



General Elections (Legislative and Presidential)



2. The First General Elections in Palestinian History (1996)

The first general elections in Palestine took place on January 20, 1996, to elect the President of the Palestinian National Authority and members of the Palestinian Legislative Council (PLC), which at the time comprised 88 members. These elections were conducted based on Law No. 13 of 1995 and its amendments, which adopted a majority system¹ across 16 multi-member electoral districts (block voting system). Candidates ran as individuals, and voters could select a number of candidates up to the maximum seats allocated for their district.

These elections followed the establishment of the Palestinian National Authority under the Oslo Accords and represented a pivotal political milestone in the process of building Palestinian state institutions. The elections were seen as an important step in consolidating the political process that emerged from the interim agreement between Israel and the Palestine Liberation Organization (PLO) in 1993.

The elections received strong international support as part of efforts to promote peace and advance the political process initiated by Oslo. Both the Palestinian and Israeli sides saw mutual benefits in the elections: for Israel, they legitimized the Palestinian leadership as a negotiating partner in any final-status agreement, while for the Palestinian leadership, they were a means to strengthen its domestic legitimacy and legalize the ongoing political process.

However, several key Palestinian factions, including Hamas, the Popular Front for the Liberation of Palestine (PFLP), and the Democratic Front for the Liberation of Palestine (DFLP), boycotted the elections in protest of their association with the Oslo Accords, which these factions opposed.

Official participation in the 1996 elections was limited to factions that accepted the Oslo Accords, such as Fatah, the Palestinian People's Party (PPP), the Palestinian Democratic Union (FIDA), and several independents. Despite their official boycott, some individuals affiliated with opposition factions ran as independent candidates, reflecting internal divisions regarding the boycott decision. Moreover, boycotting factions did not actively campaign against voter participation or attempt to disrupt the electoral process, making their opposition more political than operational or confrontational.

Some analysts argue that the 1996 elections were more about consolidating the peace process than fostering genuine democracy². The electoral system was designed to favor Fatah, and President Yasser Arafat did not take concrete steps to ensure broader participation of opposition forces. Nevertheless, these elections remain a historic milestone, marking the first time the Palestinian people exercised their right to directly elect their representatives, including the President of the Palestinian National Authority. The 1996 elections laid the foundation for the first electoral experience in the history of the nascent Palestinian political entity.

The Legal and Political Framework of the 1996 Elections

The 1996 elections were conducted under a complex political process that involved negotiations with Israel and internal Palestinian discussions, albeit on a limited scale. The elections were organized based on two primary legal frameworks:

1 *The majority system is an electoral system in which the candidate with the highest number of votes is declared the winner. When applied in multi-member electoral districts (as was the case in previous Palestinian elections), it is referred to as the block vote system, whereby each voter is granted a number of votes equal to the number of seats in their district*

2 Shikaki, K. (1996). *The Palestinian Elections: An Assessment*. *Journal of Palestine Studies*, 25(3), 17-22.

1. The Elections Protocol (Annex II of Oslo II Agreement – September 28, 1995)

- This protocol established the legal and organizational framework for the Palestinian elections.
- It defined the number of PLC seats, electoral management rules, candidate eligibility criteria, campaign duration, election arrangements for Jerusalem, and local and international election monitoring.
- It also reinforced a presidential system by stipulating that the President should be elected separately and directly from the PLC elections, with voters casting two separate ballots—one for the President and one for the PLC members.

2. Palestinian Election Law No. 1 of 1995

- This law outlined detailed electoral procedures, including the formation and powers of the Elections Commission, voter registration requirements, campaign regulations, candidate nomination rules, and vote-counting procedures.
- It adopted a majoritarian electoral system, dividing the West Bank and Gaza into 16 electoral districts corresponding to administrative divisions, with reserved seats based on religious quotas (e.g., Christian quota and a seat for the Samaritan community in Nablus).

The fundamental principles established in the 1996 elections played a crucial role in shaping the legal and regulatory framework for subsequent elections. The 1996 elections can be regarded as a fundamental starting point in the Palestinian electoral process, as they laid the foundation for future elections and represented a key stage in the development of the Palestinian political system within a complex political environment that involved both internal and external dynamics.

Election Law No. 13 of 1995 was one of the first laws issued at the beginning of the establishment of the Palestinian Authority. It was enacted in preparation for the first general elections, and many electoral procedures, including voter registration, were completed before the law was officially issued. As a result, a significant portion of the law was never implemented in practice, revealing several legislative and procedural shortcomings.³

This law was passed before the establishment of the Palestinian Legislative Council (PLC), which led to the inclusion of provisions that should not have been part of an election law but should have been regulated by separate laws, such as the Basic Law, Political Parties Law, and Public Assembly Law. Additionally, the law contained excessive procedural details, which should have been addressed through regulations issued by the Central Elections Commission (CEC) rather than being embedded in the legislation itself⁴. These impractical details complicated the implementation of certain provisions and resulted in financial and administrative burdens on the Election Commission, as implementing some measures required significant resources and, in some cases, were deemed impossible to execute.

Indeed, during the 1996 and 2005 general elections, several provisions of the law had to be bypassed due to their impracticality. For instance, the law mandated the formation of parallel committees to election administration offices in electoral districts, which proved unnecessary and only served to complicate the electoral process further. Similarly, the voter registration process outlined in the law was overly rigid, lacking the necessary flexibility to allow the CEC to carry out its functions efficiently.

Another major legal shortcoming was the absence of a provision regulating a second round of voting in presidential elections in case no candidate secured an absolute majority (50% + 1). This omission could

³ Dwaik, A. (2013). *Elections and the peaceful transfer of power*. In J. Jaqaman, A. Dwaik, & A. Khalil (Eds.), *Papers on the Palestinian political system and the transfer of power* (pp. 169–194). Ramallah, Palestine: Muwatin Institute.

⁴ *Ibid*

have led to a legal and political crisis if such a scenario had arisen.

Given these challenges, there was a growing need to reform the Palestinian electoral framework to align it with modern electoral practices and ensure greater flexibility in responding to the political and administrative reality. The emphasis was placed on allowing procedural details to be determined through electoral regulations issued by the competent authorities, thus enhancing the integrity and efficiency of the electoral process.

The 1996 Palestinian elections are considered the first in the Arab world to be administered by an independent elections commission, rather than by the Ministry of Interior as was the case in most other Arab countries. Additionally, the 1996 elections were among the first in the Arab world to be subject to comprehensive international monitoring, with observers monitoring all stages of the electoral process, including voter registration, candidate nominations, election campaigns, voting, and ballot counting.

The Carter Center and the National Democratic Institute (NDI) conducted comprehensive election monitoring and issued a joint report highlighting several irregularities and organizational shortcomings that prevented the elections from being fully free and fair⁵. The report noted:

- Disorder in the ballot counting and result announcement process
- Frequent legal amendments just before the elections, leading to confusion
- Organizational chaos in voter registration, particularly in Jerusalem
- Issues in candidate nomination procedures

Furthermore, the Central Elections Commission (CEC), which was responsible for overseeing the elections, had several high-ranking officials from Fatah among its leadership, including the Chairman, Secretary-General, and key members. Despite these shortcomings, international monitoring bodies generally welcomed the elections and considered them an important step in promoting democratic transition and peace-building⁶.

3. The 2005 Presidential Elections

The 2002 Palestinian Basic Law set the term length for the President and the PLC during the transitional phase but did not establish a clear timeframe for its conclusion. Due to the ambiguity surrounding this transitional period, there was no fixed electoral calendar for holding new presidential and legislative elections.

The 2005 and 2006 presidential and legislative elections took place within a regional and international context that directly impacted Palestinian political dynamics. The Roadmap for Peace, launched by the George W. Bush administration in 2002, played a key role in paving the way for these elections. It included demands for political reforms, most notably:

- The establishment of an independent election commission
- Reforming the Palestinian Election Law to align with democratic standards
- Conducting free and fair elections to elect new Palestinian leadership

As part of these internationally driven reforms, the Palestinian Central Elections Commission (CEC) was established in December 2002, headed by Dr. Hanna Nasir. The new CEC started from scratch, as no previous records, staff, or offices were transferred from the previous election body. After reviewing the 1996 voter register, the CEC decided to discard it and conduct a new voter registration process, ensuring the creation of a permanent and regularly updated voter database.

5 The Carter Center. (1996). *Final report: The 1996 Palestinian elections*. <https://www.cartercenter.org/documents/electionreports/democracy/FinalReportPalestine1996.pdf>

These electoral developments occurred amid the aftermath of the Second Intifada (2000-2005), which saw escalating violence between Palestinians and Israelis. During this period, Israel launched a large-scale military operation, “Operation Defensive Shield” (March 2002), aimed at dismantling the Palestinian Authority’s infrastructure in the West Bank. The operation resulted in the reoccupation of major Palestinian cities and the destruction of Palestinian security headquarters.

One of the most significant outcomes of the Second Intifada was the siege on Palestinian President Yasser Arafat’s headquarters in Ramallah, which lasted until his death in November 2004. His passing created an urgent constitutional necessity to hold presidential elections to determine his successor.

On January 9, 2005, presidential elections were held just two months after Arafat’s death, in accordance with Palestinian electoral laws and the Basic Law. Seven candidates contested the elections, with Fatah’s candidate, Mahmoud Abbas (Abu Mazen), securing victory with 62% of the votes.

The elections were conducted under Law No. 13 of 1995, which had undergone multiple amendments before the 1996 elections to increase the number of PLC seats to 88. However, a major legal amendment was introduced on December 1, 2004, just a month before the 2005 presidential elections.

This amendment authorized the use of the civil registry (population registry) alongside the CEC’s voter register as the official basis for determining voter eligibility.

The last-minute amendment led to several administrative and logistical issues on election day, as the civil registry and the voter register contained different types of data. This confusion affected the electoral process not only in the 2005 presidential elections but also in subsequent local elections.

The use of the civil registry in parallel with the voter register created significant confusion during the 2005 elections, causing delays in voter verification and disrupting polling operations.

International and local election monitoring bodies strongly criticized this amendment, arguing that introducing such a fundamental change so close to the election was a poor legislative practice⁷. The unforeseen logistical complications resulting from this amendment reinforced the need for greater legal stability in the Palestinian electoral process.

The 2005 presidential elections received significant international support, particularly as part of efforts to reinforce the role of the Palestinian Authority (PA) after Arafat’s death. The elections were closely monitored by both local and international organizations to ensure their transparency and fairness.

The Central Elections Commission (CEC) received substantial technical and financial support, primarily from the European Union, several European countries, and the United States Agency for International Development (USAID). This assistance played a crucial role in facilitating the election process and ensuring its compliance with international standards.

Moreover, direct U.S. involvement helped persuade Israel to allow elections in East Jerusalem, following the provisions of the Oslo Accords’ Election Protocol. However, the voting process in Jerusalem was highly restricted—Palestinians were only allowed to vote inside Israeli post offices, and ballots were counted outside the municipal boundaries of Jerusalem. Although this arrangement limited Palestinian electoral participation, it enabled at least partial voting rights for Jerusalem residents.

With the exception of some disruptions caused by the introduction of the civil registry, as previously noted, the elections generally proceeded smoothly and calmly, culminating in a peaceful transfer of power following the death of the late President Yasser Arafat. The Central Elections Commission, however, came under significant political pressure from Fatah on election day to extend voting hours. The Commission complied with these demands, raising concerns about the impartiality of its decisions.

7 *The Independent Commission for Human Rights. (2005). On the presidential election process 2005. Ramallah. Available at: <https://shorturl.at/x9KRr>; The Carter Center. (2005). Report on the 2005 presidential election observation. Available at: <https://shorturl.at/xuFXq>*

Despite these concerns, local and international monitoring bodies concluded that the elections were free and fair. No direct interference was observed that could have altered the final results. The 2005 presidential elections were therefore seen as a key milestone in strengthening Palestinian democracy and ensuring a smooth leadership transition, despite the political and procedural challenges that accompanied the process.

4. The 2006 Legislative Elections

The second Palestinian Legislative Council (PLC) elections took place on January 25, 2006, amid a highly complex political landscape, characterized by escalating tensions and a deadlocked peace process with Israel.

The elections were conducted against the backdrop of failed negotiations with Israel, as Israel had not fulfilled its commitments under the “Roadmap for Peace”—a plan that was supposed to lead to the establishment of an independent Palestinian state. Additionally, Israeli authorities continued their settlement expansion in the West Bank, while escalating targeted assassinations and mass arrests of Palestinian political leaders and activists. These developments fueled widespread public disillusionment with the Palestinian Authority’s negotiation-based strategy, which was primarily led by Fatah.

Although Israel withdrew from Gaza in September 2005, this withdrawal did not end its control over the enclave’s borders, airspace, or coastal access. As a result, Gaza remained under de facto Israeli blockade, significantly impacting the political climate surrounding the elections.

During the Second Intifada (2000-2005), Hamas emerged as a dominant political and military force, playing a central role in armed resistance against Israeli occupation. This strengthened its popular support, particularly among Palestinians disillusioned with the PA’s inability to achieve tangible political gains.

Hamas effectively presented itself as a disciplined and organized alternative to the Palestinian Authority, focusing on social services, community initiatives, and grassroots mobilization. Its administrative efficiency and commitment to anti-corruption reforms helped bolster public confidence in its leadership. Conversely, Fatah experienced severe internal divisions and power struggles, weakening its electoral campaign and diminishing the coherence of its political messaging. These divisions also led to vote fragmentation, particularly in the district-based elections, at a time when the Palestinian Authority was increasingly accused of corruption and nepotism within its official institutions.

Hamas’s participation in the 2005 local elections marked a significant political shift, as the movement had previously boycotted the 1996 elections, considering them part of the Oslo Accords, which it rejected. Despite maintaining its opposition to Oslo, Hamas decided to participate in the local elections to strengthen its social and service-oriented role. The movement’s increasing popularity after the Second Intifada, coupled with its strong performance in the 2004 and 2005 local elections, boosted its confidence in its electoral base, paving the way for its participation in the 2006 legislative elections.

At the international level, the United States and the European Union supported the elections, believing that they would enhance the legitimacy of the Palestinian Authority. However, this support did not necessarily imply acceptance of a potential Hamas victory.

The results of the elections came as a major surprise—Hamas won 74 out of 132 seats, securing a parliamentary majority, while Fatah won only 45 seats. In response, Israel, the United States, and the European Union refused to recognize the new Palestinian government, imposing financial and political sanctions on the PA, which deepened the internal political crisis.

Tensions between Fatah and Hamas escalated, reaching a breaking point after the formation of a National Unity Government. The situation deteriorated into armed confrontations in 2007, resulting in Hamas seizing control of Gaza, effectively establishing a political division between Gaza and the West Bank—a division that continues to this day.

The 2006 legislative elections represented a critical turning point in Palestinian politics, as they reshaped the internal balance of power. However, instead of strengthening the democratic process, the elections led to a prolonged political conflict. The international community's refusal to accept the results, along with Fatah and PLO factions' unwillingness to share power with Hamas. This led to a deepening of internal political polarization that culminated in Hamas's military takeover of the Gaza Strip in July 2007. This political division had severe consequences for Palestinian political institutions, entrenching fragmentation and hindering the possibility of holding regular elections that reflect the true will of the Palestinian people.

The Legal Framework for the 2005 Legislative Elections

The 2006 legislative elections were conducted under Election Law No. 9 of 2005, which was enacted after nearly two years of extensive discussions within the Palestinian Legislative Council (PLC). The drafting process involved political parties, civil society organizations, academics, and local and international experts.

This law aimed to strengthen the legal framework for elections through a series of reforms, including:

- Abolishing Election Law No. 13 of 1995 and its amendments, including the provision that allowed the use of the civil registry as a basis for determining voter eligibility.
- Increasing the number of PLC seats from 88 to 132 and introducing a mixed electoral system—half the seats were allocated through a district-based system, similar to the 1995 law, while the other half was elected through proportional representation, treating the West Bank and Gaza as a single electoral constituency.
- Eliminating district election committees, which had previously created administrative redundancies, while strengthening the role of the Central Elections Commission (CEC) in managing the electoral process.
- Raising the minimum age for presidential candidates from 35 to 40, while lowering the minimum age for PLC candidates from 30 to 28.
- Introducing a women's quota, ensuring female representation in electoral lists, while retaining the Christian quota in districts and abolishing the Samaritan quota.

Compared to its predecessor, the 2005 Election Law introduced several notable improvements:

1. Enhancing the integrity of voter registration – The law abolished the use of the civil registry for voter eligibility and required exclusive reliance on the voter register prepared by the CEC.
2. Ensuring mandatory women's representation – Electoral lists were required to include a minimum number of women in high-ranking positions.
3. Simplifying electoral administration – The law eliminated district election committees, which had previously created administrative overlaps with electoral offices.
4. Establishing fixed legislative terms – It set a four-year term limit for the PLC, replacing the open-ended transitional term that had existed previously.
5. Securing sustainable funding for the CEC – The law required allocating a fixed budget for the CEC within the PA's annual budget to ensure its financial independence.
6. Strengthening the independence of the electoral judiciary – The number of Election Court judges was increased from five to nine, with a requirement that judges have at least ten years of legal experience.

Remaining Gaps and Shortcomings in the 2005 Election Law

Despite the significant reforms, the law still had several legal and procedural weaknesses, including:

1. **Lack of guarantees for the independence of the CEC** – The law did not prohibit political affiliations among CEC members, and their appointment was made solely by the PA President.
2. **Weak judicial independence in election disputes** – The Election Court issued conflicting rulings between the West Bank and Gaza, and some judges were replaced during the election process, raising concerns about political interference.
3. **Lack of transparency in the CEC's decision-making** – The law did not require the CEC to publicly disclose its decisions or hold open sessions.
4. **Weak oversight of campaign financing** – Although the law imposed restrictions on funding sources and spending limits, it lacked effective enforcement mechanisms to ensure compliance.
5. **Limited authority for the CEC to enforce campaign rules** – The CEC had no direct power to penalize violations, relying instead on the Attorney General to handle complaints.
6. **No clear mechanism for handling election complaints and appeals** – The law did not outline detailed procedures for candidates and parties to challenge election irregularities.
7. **Dependence of electoral regulations on the Cabinet** – The law required government approval for any electoral regulations issued by the CEC, which compromised its independence and allowed for potential executive interference.
8. **Absence of a legal framework for referendums** – The law did not include provisions on conducting referendums, creating a legal void if such a democratic mechanism were ever needed.
9. **Flaws in the seat allocation formula under the Sainte-Laguë method** – The law did not address cases of tie-breaking in seat distribution or scenarios where a party wins more seats than the number of its candidates.

The 2006 Palestinian Legislative Elections were conducted in a calm and organized atmosphere, with a high level of professionalism and efficiency in their administration, despite the challenges and difficulties that accompanied the process. The Central Elections Commission (CEC) successfully addressed many of the procedural and organizational errors observed in the 2005 elections, most notably by eliminating reliance on the civil registry and exclusively using the voter registry prepared by the commission. This contributed to enhancing the accuracy and transparency of the electoral process.

The elections received widespread praise from both local and international monitoring bodies, which affirmed their integrity and the soundness of their procedures. However, these bodies also provided several recommendations for improvement, particularly regarding monitoring electoral campaigns, ensuring polling stations' accessibility for persons with disabilities, establishing an electoral complaint mechanism, addressing the absence of a legal framework for political parties, strengthening oversight of electoral spending, and refining certain technical and procedural aspects.⁸

Nevertheless, these observations did not impact the core credibility of the electoral process or its legitimacy. As a result, the elections were widely recognized as legitimate both locally and internationally.

8 Palestinian Center for Human Rights. (2006). *Report on the legislative elections*. Available at: <https://shorturl.at/5zN2A>

Al Mezan Center for Human Rights. (2006). *Report on monitoring the legislative elections*. Available at: <https://shorturl.at/78HwP>

National Democratic Institute (NDI). (2006). *Report on the Palestinian legislative elections*. Available at: <https://shorturl.at/DkdrG>

5. The 2007 Elections Law by Decree: Amendments and Political Context

In September 2007, based on Article 43 of the Palestinian Basic Law—which grants the President of the Palestinian National Authority the power to issue laws in cases of necessity—the Palestinian President issued a law by decree on elections. This decree-law annulled Election Law No. (9) of 2005, under which the last legislative elections had been conducted. It introduced a fundamental shift in the electoral system by replacing the mixed electoral system with a fully proportional representation system, making the Palestinian territories a single electoral district and imposing new restrictions on candidacy.

The decree-law was issued shortly after Hamas' military takeover of the Gaza Strip and President Abbas' decision to dismiss Ismail Haniyeh's government and appoint a new government led by Dr. Salam Fayyad. This political shift affected the legislative process, leading to the exclusion of the Change and Reform Bloc, representing Hamas, from parliamentary consultations preceding the decree's issuance, despite consultations with other parliamentary factions. While the decree-law repealed Election Law No. (9) of 2005, it retained many of its provisions, making it more of a substantial amendment to the previous law rather than an entirely new and independent law.

The decree-law was not issued in response to legal gaps raised concerning the previous election law or to adopt recommendations from elections monitoring bodies and the Central Elections Commission, although it addressed some of these issues. Rather, it primarily aimed to achieve two main objectives:

- **A Fundamental Change in the Electoral System:** The decree-law abolished the mixed system and adopted full proportional representation. This amendment was influenced by the 2006 election experience, which demonstrated Hamas' dominance in electoral districts, allowing it to win a disproportionately large number of seats compared to its actual vote share. Conversely, in the list-based system, results were more balanced between the two major factions, Fatah and Hamas.
- **New Candidacy Restrictions:** The decree-law imposed new conditions on candidates, the most significant being the requirement to pledge allegiance to the Palestine Liberation Organization (PLO) as the sole legitimate representative of the Palestinian people and to commit to the Declaration of Independence and the provisions of the Basic Law, as stipulated in Articles 35/6 and 45/6 of the decree-law. This requirement effectively served as a political exclusion mechanism for certain opposition forces, particularly Hamas, which was not part of the PLO. As a result, the decree-law functioned as a tool for reshaping the political landscape in alignment with the new power dynamics emerging from the internal Palestinian division.

Although the decree-law was issued unilaterally by President Mahmoud Abbas, without prior consultation with Hamas and primarily as a reaction to Hamas's military takeover of the Gaza Strip, the movement later implicitly accepted it. This was clearly demonstrated through its participation in the elections scheduled for May 2021, without objecting to the decree-law itself; its observations were limited to requesting an amendment to Article 45.

Article 45 of the decree-law originally stipulated that candidates must “commit to the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people, to the Declaration of Independence, and to the provisions of the Basic Law.” This article was amended by Article (12) of Decree-Law No. (1) of 2021, which revised Decree-Law No. (1) of 2007 on general elections, replacing the requirement with the following condition: “to commit to the Amended Basic Law of 2003 and its amendments, and to the provisions of this law and its amendments.”

The decree-law also introduced a positive amendment regarding the presidential election mechanism by requiring a candidate to secure an absolute majority (50% + 1) to win. If no candidate achieved this threshold, a second round would be held. This provision enhances the democratic legitimacy of the elected president and prevents a candidate from winning with only a small percentage of votes. In contrast, the previous law (No. 9 of 2005) allowed for the president to be elected by a simple majority, meaning a candidate could win simply by receiving the highest vote percentage, regardless of actual popular support.

Despite repeated calls to strengthen the independence of the Central Elections Commission (CEC), the decree-law included provisions that could undermine its autonomy. Article 9/2 granted the President of the Palestinian Authority the power to replace any of its members at any time—a newly introduced clause that was absent in the previous law. This provision raises concerns about potential political interference in the Commission’s work. On the other hand, the decree-law strengthened the CEC’s independence from the Council of Ministers by stipulating in Article 118 that the Commission has the right to issue regulations without requiring cabinet approval, granting it greater flexibility in managing the electoral process.

The decree-law also introduced new restrictions on candidacy, the most notable being the requirement for candidates to pledge allegiance to the Palestine Liberation Organization (PLO) and the Declaration of Independence. This condition could restrict political participation for parties with differing positions on the PLO. Additionally, members of the Legislative Council who wish to run for the presidency are now required to resign—a condition that did not exist previously. However, the decree-law did not include a provision preventing electoral lists from nominating more than one candidate for the presidency, potentially leading to internal competition within the same list.

Among the positive amendments introduced by the decree-law was the establishment of a legal basis for the continuous updating of the voter registry, even in the absence of elections. This measure enhances electoral readiness and improves the accuracy of voter lists. The decree-law also introduced early voting for security forces, allowing them to cast their votes two or three days before the general election. However, it did not address the publication of security personnel voter lists, which could affect the transparency of the electoral process and raise concerns about the potential manipulation of security personnel votes.

The decree-law lowered the electoral threshold from 2% to 1.5%, which could lead to greater fragmentation of parliamentary blocs and increased representation for smaller parties. While this change promotes inclusivity, it may also affect the stability of the Legislative Council and make it more challenging to form strong parliamentary coalitions.

Regarding the regulation of referendums, the decree-law granted the CEC the authority to organize them under Article 13/18. However, it did not establish a clear legal framework for conducting referendums, leaving room for presidential decrees to regulate them instead of a legislative law that ensures consistency with democratic principles. Additionally, the decree-law gave the President the power to determine the number of seats allocated to Christian representatives. This provision is uncommon in democratic systems, where such matters are typically defined by law to ensure fairness and transparency in political representation.

The decree-law introduced new restrictions on electoral campaigning, including a ban on mosque imams calling for voting or boycotting elections. Additionally, the law regulated voting for illiterate individuals and persons with disabilities, allowing them to be assisted by a trusted person. However, it did not establish strict safeguards to prevent this provision from being exploited to influence voters’ choices or as a tool for vote-buying, which could undermine the integrity of the electoral process.

Despite some improvements introduced by the decree-law, it failed to address all the shortcomings of the previous election law. Instead, it imposed new restrictions on political participation and granted the President broader powers in forming the Central Elections Commission without sufficient guarantees for its independence or the immunity of its members. This could affect the transparency of the electoral process and raise concerns about the potential use of the Commission as a tool to exclude certain political forces.

6. Palestinian Elections 2021: From Hope to Suspension

As mentioned in the introduction, President Mahmoud Abbas issued a presidential decree on January 15, 2021, setting dates for general elections. The legislative elections were scheduled for May 22, 2021, followed by the presidential elections on July 31, 2021, and the completion of the Palestinian National Council elections on August 31 of the same year. This announcement came after years of democratic stagnation in an attempt to renew the legitimacy of Palestinian institutions and reorganize the political landscape, especially in light of the ongoing internal division between Fatah and Hamas since 2007, which had led to the erosion of institutional legitimacy and a lack of political renewal.

Despite the significance of this decision, it was not the result of a genuine national reconciliation process, raising serious concerns about whether the elections would deepen the division rather than resolve it. Nevertheless, the call for elections was widely welcomed, as many saw it as an opportunity to break the political deadlock and create a dynamic that could contribute to the reunification of institutions and the advancement of democratic transition—or at the very least, allow the Palestinian public to express its stance on the competing political agendas.

Given the complexity of the political scene and the failure to achieve reconciliation, the elections were also viewed as a means to gauge public opinion and measure support for both Fatah and Hamas. Additionally, they presented an opportunity for new political forces to emerge or for a third bloc to take shape, offering an alternative vision to break the ongoing political polarization.

The Palestinian leadership faced both internal and external pressures that pushed it to announce the elections.

- Internally, growing criticism over the absence of democratic legitimacy intensified. Legislative elections had not been held since 2006, and President Abbas' term had officially ended in 2009 without new elections, fueling demands from political forces and civil society to renew legitimacy through the ballot box.
- Externally, the European Union and key countries, such as Germany, linked their financial support to holding elections. Moreover, Joe Biden's election as U.S. president provided an opportunity to restore relations with Washington after a period of diplomatic estrangement under Donald Trump. This prompted the Palestinian Authority to seek to improve its image in the eyes of the international community.

All Palestinian factions welcomed the call for elections, and Hamas announced its willingness to participate without preconditions. This period saw intense political activity, culminating in a significant meeting of Palestinian factions in Cairo on February 9, 2021. The meeting, attended by the secretaries general of the factions, resulted in agreements to respect the election results, ensure the elections' integrity, and uphold democratic principles.

The Central Elections Commission began preparations by updating the voter registry and making logistical arrangements to ensure a smooth electoral process. However, legal and technical challenges arose, requiring political consensus, particularly between Fatah and Hamas, in coordination with the Central Elections Commission.

One of the main issues was the criminal record requirement for candidates. The election law stipulated that candidates must not have been convicted of crimes involving moral turpitude or dishonesty. A key dispute emerged regarding the recognition of judicial decisions issued by Gaza courts after the 2007 political split. To resolve this, a tripartite committee was formed, consisting of representatives from the Justice Ministries in the West Bank and Gaza, along with an independent figure, to assess candidates' eligibility and address disputes over judicial rulings.

Additionally, agreements were reached regarding the role of security forces in ensuring electoral security in Gaza, as well as the establishment of an Elections Court, which was to be composed of judges from both

the West Bank and Gaza, affiliated with the High Judicial Council. Hamas was given a role in selecting the judges to ensure broader acceptance of the court's rulings.

During this period, the Central Elections Commission conducted the electoral process with a high level of professionalism, while the Election Cases Court reviewed and ruled on appeals, reflecting a notable degree of neutrality and independence in election management.

The pre-election period saw a significant surge in political engagement. The Central Elections Commission registered 36 electoral lists with 1,389 candidates, including 405 women (29.15% of total candidates), marking an unprecedented political movement since the last legislative elections in 2006.

The large number of lists reflected a diverse political landscape. The competition was no longer limited to Fatah and Hamas, as new political forces emerged, alongside youth-led and independent lists that sought to challenge the traditional political polarization. This indicated a strong desire among Palestinian society for political renewal and broader representation beyond the dominant factions.

On other hand, the nomination period exposed internal divisions within the Fatah movement, as three separate electoral lists emerged, representing different factions within the party. The official Fatah leadership, under President Mahmoud Abbas, submitted its own list, while the Democratic Reform Current, led by Mohammed Dahlan, fielded a separate list. Additionally, a third list led by Nasser al-Qudwa, backed by imprisoned leader Marwan Barghouti, also entered the race, reflecting the deep internal rifts within Fatah. This fragmentation raised concerns about the dispersal of Fatah's votes to the benefit of competing lists, particularly Hamas, and was seen as a sign of a leadership crisis within Fatah that was expected to impact election results—had they not been postponed.

Ahead of the elections, President Mahmoud Abbas issued Decree-Law No. (1) of 2021 on January 11, 2021, amending the 2007 General Elections Law. The amendments included:

- Enhancing women's representation in electoral lists.
- Granting the President the authority to call for legislative and presidential elections separately if holding them simultaneously proved unfeasible.
- Modifying the resignation requirements for public employees running for office.
- Introducing changes to electoral appeals and procedural matters to facilitate the election administration.

Despite the positive atmosphere surrounding the elections, President Mahmoud Abbas announced their postponement on April 29, 2021, shortly after the nomination process closed, one day before the start of the official election campaign, and less than a month before the scheduled legislative elections. The decision cited "the unavailability of conditions for holding elections in all Palestinian territories, particularly in Jerusalem, the capital."

This decision triggered a wave of public and political outrage, with many Palestinian factions condemning it as a betrayal of the people's will and a denial of their right to elect their leadership. The move further deepened the political legitimacy crisis, as the Palestinian Authority (PA) was increasingly perceived as unable to renew its legitimacy through democratic means.

The official justification for postponement—Israel’s refusal to allow elections in Jerusalem—failed to convince most Palestinians. Many analysts and political observers pointed to other underlying reasons behind the postponement, including:

- Fatah’s internal divisions, as the party faced three competing lists, which could have fragmented its votes and weakened its standing against Hamas.
- Regional interference from neighboring countries that feared a Hamas victory could destabilize their own internal politics.
- Israeli intervention, with reports suggesting that the head of Israel’s Shin Bet met with President Abbas to persuade him not to proceed with the elections. Israel was reportedly concerned about a potential Hamas victory, and allegedly threatened to cut financial transfers to the Palestinian Authority if Hamas won. ⁹

The postponement had a negative impact on Palestinian reconciliation, as the elections were seen as a potential step toward ending the political division. The decision widened the gap between the Palestinian leadership and the public, reinforcing popular frustration with the PA’s failure to advance the democratic process.

The canceled elections represented a missed opportunity to renew political legitimacy and break the political deadlock that had persisted for years. While Palestinian leadership continues to cite Jerusalem as the reason for postponement, the Palestinian public remains steadfast in demanding its right to vote, viewing elections as the only legitimate path to political change and reform within the Palestinian system.

⁹ Abu Amer, A. (2021, May). *Postponed Palestinian elections: Causes and repercussions*. Carnegie Endowment for International Peace. Retrieved from <https://carnegieendowment.org/sada/2021/05/postponed-palestinian-elections-causes-and-repercussions?lang=en>

3. Palestinian Local Elections: Repeated Postponements and the Entrenchment of Division

7. Local Elections (2004–2005)

The Palestinian Local Councils Elections Law was enacted in 1996, in the early years of the Palestinian Authority (PA). However, the PA refrained from holding local elections until late 2004, without providing valid legal or technical justifications. Instead, it relied on appointments to select the heads and members of local councils based on political, tribal, and factional considerations.

When the late President Yasser Arafat finally decided to hold local elections, the process was divided into multiple phases, despite the fact that relevant laws explicitly stipulated that local elections should be conducted nationwide on a single day every four years. However, the elections were fragmented into five phases, with specific councils selectively chosen for elections or postponement based on political considerations. These included Fatah's electoral readiness in certain areas and fears that Hamas might win key local councils, as was the case in Hebron and Gaza, where elections were delayed to the fifth phase, which was ultimately never conducted.

The decision to hold local elections in 2004 coincided with major developments, most notably:

- The Israeli military operations during the Second Intifada, which resulted in the destruction of the PA's administrative infrastructure, the targeting of security headquarters, and the siege of Yasser Arafat in Ramallah.
- Internal and external pressures on the PA to implement political reforms and enhance legitimacy through elections.
- A need to restore public trust in official institutions and ease growing public dissatisfaction with the PA's performance.

However, the staggered election process was driven primarily by political concerns, as Fatah sought to avoid losing key municipalities to Hamas, particularly in major cities like Hebron and Gaza. This approach fueled political tensions and increased public discontent over the perceived manipulation of the electoral process.

Initially, the local elections were supervised by the Higher Committee for Local Elections, which divided them into five phases, of which only four were completed between 2004 and 2005. The fifth phase was never conducted.

In 2005, responsibility for local elections was transferred to the Central Elections Commission (CEC) under Article 72 of Law No. (10) of 2005. However, the last phase of the elections remained unfinished, further reinforcing the notion that the staggered election process was more of a political maneuver than a technical necessity. It was strategically used to assess party popularity and prevent an unexpected Hamas victory if elections had been conducted all at once.

The first two phases of the 2004–2005 local elections were conducted under Law No. (5) of 1996, which adopted a majoritarian system. However, the third and fourth phases were held under Local Elections Law No. (10) of 2005, which introduced a proportional representation system with closed electoral lists. The delay in holding local elections until late 2004 highlights the stalled democratic development in Palestine. The delay in holding elections prevented the renewal of the political legitimacy of local councils and fueled public dissatisfaction with the Palestinian Authority (PA). Additionally, Fatah's fears of Hamas' rise as a strong political competitor contributed to the postponement of elections, which in turn intensified public frustration with both the PA and Fatah.

The 2004–2005 local elections revealed early signs of Hamas' political rise, as the movement achieved notable successes in several local councils. This was a precursor to its landslide victory in the 2006 legislative elections.

The repeated delays in local elections demonstrate that political interests took precedence over democratic commitments. The PA leadership avoided elections to maintain its political dominance, but this strategy did not prevent Hamas from gaining electoral momentum. On the contrary, the public frustration over the delayed elections and dissatisfaction with the PA's performance were key factors contributing to Hamas' 2006 legislative victory.

After winning the 2006 legislative elections, and forming the 10th Palestinian government, Hamas showed no interest in organizing local elections and did not proceed with the fifth phase as scheduled. It appears that the movement was not interested in holding elections under the financial and political blockade imposed on its government, as it faced a severe financial crisis that affected its ability to pay employees' salaries and manage governance. This led it to avoid entering new elections that could result in losing some of its hard-won positions. As a result, local elections have not been held in Gaza since 2005, including in Gaza City Municipality and other local councils.

In contrast, local elections in the West Bank were only resumed in 2012, following years of suspension. This prolonged the democratic void in local governance, particularly in Gaza, where the absence of elections led to the continued appointment of local councils instead of their election. This widened the democratic gap in local governance, weakened municipal institutions, and limited their ability to address citizens' needs effectively.

The continued postponement of local elections—whether in the delay of holding them from the establishment of the Palestinian Authority until 2004, in conducting them in stages, or in the refusal of the tenth Hamas government to organize the fifth stage—shows that political interests were a decisive factor in obstructing the democratic process.

Even after local elections resumed in the West Bank in 2012, the political division continued to block elections in Gaza, creating different governance realities between the two territories. Since 2005, Gaza has not held any local elections, resulting in the continued appointment of local councils, further deepening the governance crisis and weakening the ability of local institutions to meet public needs.

The irregularity and absence of local elections were closely tied to the policy of appointing rather than electing local councils, marking a departure from democratic principles and the rotation of power. Since its inception, the Palestinian Authority (PA) relied on appointments to select local council members. It was not until late 2004 that the first local elections were held, covering 262 local councils in four phases. However, after the 2007 political division, and as the terms of elected councils expired, appointments once again became the default mechanism for selecting local councils until elections resumed in the West Bank in 2012.

8. Appointments in Place of Elections (2007–2012)

- The political division affected the management of local councils, with both the de facto government in Gaza and the PA governments in the West Bank implementing appointment policies:
- In Gaza, the Hamas-led government replaced appointed local councils with others comprised of Hamas-affiliated figures, excluding members associated with Fatah and other factions.
- In the West Bank, the PA extended the appointment policy to municipal councils, especially after their terms expired, in addition to appointing councils without holding elections.
- A major turning point in the institutionalization of local council appointments came with the issuance of Decree-Law No. (9) of 2008, which amended the 1997 Local Councils Law. This legalized the appointment process and expanded the government's authority to dissolve local councils. Under this law:
- The Council of Ministers, upon the recommendation of the Minister of Local Government, was granted the power to dissolve a local council if it "exceeded or violated its legal powers" or if its term expired (Article 3).

- Upon dissolving a council, the Minister of Local Government could appoint a temporary committee to manage the council for up to one year, during which elections were supposed to be held (Article 3(b)).
- The minister was granted the authority to dismiss a local council head with the approval of the Council of Ministers, and the remaining elected members would then select a new council head from among themselves (Article 3(c)).

This amendment significantly weakened the principle of power rotation in local councils by entrenching the appointment system over elections. It also expanded the authority of the Minister of Local Government, allowing the government to dissolve local councils and remove their elected leaders under broad and vague justifications, such as “violating their powers.”

Article 3(c), in particular, granted the minister unrestricted power to dismiss local council heads, representing direct political interference in local governance and a clear violation of democratic principles.

Following this law, all elected local councils in the West Bank were dissolved and replaced with temporary committees. While some committees included members of the dissolved elected councils, others were entirely restructured. In most cases, Hamas-affiliated council heads were excluded, demonstrating a clear political dimension in appointment decisions.

The politicization of local governance through appointment policies and legal amendments has further weakened municipal institutions, deepened governance instability, and widened the democratic gap in local administration, particularly in Gaza, where elections have been absent since 2005.

9. The Second Local Elections (2012–2013) and the Entrenchment of Division

After years of political stagnation, and under pressure from Palestinian civil society, calls for local elections resurfaced between 2010 and 2011. The government of Salam Fayyad expressed interest in holding elections. However, after a series of delays and contradictory decisions, the Council of Ministers repeatedly announced and then canceled local elections, creating a state of legal and administrative uncertainty regarding the electoral process.

Despite a High Court of Justice (the administrative court) ruling on December 13, 2010, which responded to a civil society petition and obligated the government to conduct local elections, considering them a constitutional and legal entitlement, elections were repeatedly postponed until 2012.

In May 2012, Decree-Law No. (8) of 2012 was issued, allowing the Council of Ministers to hold elections in phases if conducting them nationwide on a single day was unfeasible. This amendment helped decouple the elections in the West Bank from those in Gaza. Based on this, the Council of Ministers decided on July 10, 2012, to hold local elections on October 20, 2012, covering all local councils in both the West Bank and Gaza. However, after consultations between the Central Elections Commission (CEC) and Hamas, it became evident that Hamas had no intention in allowing elections to take place in Gaza municipalities. Consequently, on July 24, 2012, the Council of Ministers reaffirmed that elections would take place as scheduled but only in the West Bank, excluding Gaza due to Hamas’ refusal to participate.

For the first time, the Central Elections Commission (CEC) oversaw local elections, which were conducted under Local Elections Law No. (10) of 2005, using the proportional representation system for local councils.

The 2012 elections were subject to extensive domestic monitoring, with local observer organizations reporting key concerns. While no major violations were reported to the extent of undermining election legitimacy, reports on the 2012 local elections raised several concerns regarding the integrity and transparency of the process. One major issue was executive branch interference, as the government was accused of intervening in the classification and merging of local councils after the election announcement, which affected the fairness of the process. Additionally, violations during election campaigns and the silent period were noted, with observers calling for stricter regulations and stronger enforcement to prevent breaches. They also recommended that electoral lists be required to sign a code of conduct to ensure compliance with election laws.

Another critical concern was the influence of security forces on early voting, as reports indicated that security agencies interfered in the process, potentially affecting voter freedom. Observers suggested reassessing the necessity of early voting for security forces to prevent undue influence. Furthermore, judicial inconsistencies in election appeals emerged as a problem, with conflicting rulings from district courts leading to calls for transferring election-related cases exclusively to an Electoral Court to ensure uniformity in decisions.

The strict registration requirements for electoral lists also came under scrutiny, as the rigid criteria led to the disqualification of many lists. Observers recommended reviewing and easing these restrictions to prevent unjustified exclusions. Lastly, concerns were raised over uncontested wins (acclamation) without proper oversight. The absence of clear regulations on winning by default when only one list was running raised fears of political and tribal manipulation, highlighting the need for stricter controls to prevent potential abuses.

Reports also highlighted the lack of accessibility measures for persons with disabilities and elderly voters in some polling stations, making it difficult for them to exercise their right to vote. Additionally, inspection tours by executive authority officials during the elections were seen as an overreach of power and a violation of the Central Elections Commission's (CEC) authority. Another issue was the insufficient training of polling station officials, which led to organizational breaches, including continued election campaigning inside polling stations and the failure to maintain a controlled voting environment.

The reports concluded that, despite the elections being conducted, significant violations undermined their integrity, necessitating legal and administrative reforms to ensure greater fairness in future elections. Key recommendations included strengthening the independence of the CEC, limiting executive authority interference, improving voter registration and polling procedures, and creating an equitable electoral environment for all participants¹⁰.

10. The Third Palestinian Local Elections (2017): A Failed Attempt to Overcome Division

On June 21, 2016, the Council of Ministers announced that local elections for municipal councils in the West Bank and Gaza Strip would be held on October 8, 2016. The decision was widely welcomed by political parties, including Hamas, which declared its intention to participate. This phase witnessed the submission of electoral lists from various political factions and local communities, reflecting a strong interest in democratic participation, with 864 lists running in both the West Bank and Gaza.

However, after the nomination period ended, the Palestinian High Court of justice, in a session held on October 3, 2016 ruled—following an appeal submitted by a lawyer affiliated with Fatah—that elections would proceed in the West Bank but be canceled in Gaza due to the lack of a legally constituted judiciary in accordance with the Basic Law and related legislation.

Following this ruling, the Central Elections Commission (CEC) recommended, in a letter to President Mahmoud Abbas, that local elections be postponed for six months to allow time for internal Palestinian reconciliation. Consequently, the Council of Ministers issued a decision to postpone the elections nationwide in an effort to preserve national unity.

After the failure to hold elections in 2016, the government decided on January 31, 2017, to schedule local elections for May 13, 2017. However, this time they were to be held only in the West Bank, as political disagreements between Fatah and Hamas persisted.

Hamas formally notified the CEC of its refusal to hold elections in Gaza, citing its lack of consultation on amendments made to the Election Law following the court's decision to exclude Gaza from the 2016 elections. Additionally, Hamas objected to what it described as unilateral measures by the Palestinian Authority in determining election mechanisms.

10 Al-Haq Organization, *Report on Monitoring the 2012 Local Elections*: <https://www.alhaq.org/ar/advocacy/2520.html>, and the *Report of the Independent Commission for Human Rights*: <https://shorturl.at/3jKS6>

On May 13, 2017, local elections were held exclusively in the West Bank, but they did not cover all local councils, necessitating a supplementary round on July 29, 2017, for the councils that had been unable to vote in the first round.

Overall, these elections failed to resolve the Palestinian political division, as they were limited to the West Bank, excluding Gaza, thereby weakening their ability to achieve comprehensive democratic representation for all Palestinians. This electoral experience further entrenched institutional divisions, as Gaza continued operating under existing local councils without elections, exposing the legal and administrative complications posed by the presence of a separate judiciary in Gaza, distinct from the High Judicial Council in the West Bank.

The electoral preparations leading up to the High Court of Justice's ruling were marked by heightened tensions in both the West Bank and Gaza, with incidents of electoral violence reported. These included the abduction of Fatah-affiliated activists in Gaza, as well as threats against activists and candidates in the West Bank.

Following the Palestinian High Court's ruling, which canceled the decision to hold elections in Gaza on the grounds that the judiciary there was not constituted in accordance with the Judicial Authority Law and did not fall under the jurisdiction of the High Judicial Council (instead being affiliated with the Hamas government), President Mahmoud Abbas issued Decree-Law No. (2) of 2017, amending the 2005 Local Councils Elections Law.

This amendment transferred jurisdiction over electoral appeals and election-related offenses from the district courts to a special electoral court formed by the HJC. Previously, such matters fell under the jurisdiction of first-instance courts in the various governorates.

However, this amendment became a key point of contention and was one of the primary reasons cited by Hamas for boycotting the 2017 local elections. Hamas viewed the change as a unilateral decision by the Palestinian Authority, arguing that election procedures had been altered without consultation. The movement saw this move as part of broader attempts to centralize control over the electoral process, further deepening the political divide and mistrust between the two factions.

The 2017 elections demonstrated that holding elections amid ongoing political division presents a highly complex challenge, one that risks exacerbating tensions and deepening political polarization rather than fostering democratic unity.

11. The Fourth Palestinian Local Elections (2021–2022): An Incomplete Democratic Milestone

The Palestinian Council of Ministers decided to hold the fourth local elections in two phases, with the first phase taking place on December 11, 2021, followed by the second phase on March 26, 2022. However, these elections were limited to the West Bank, as the Council of Ministers postponed elections in Gaza, citing the need to wait for “suitable conditions.”

In the first phase, elections were planned for 376 local councils, but voting took place in only 154 councils where more than one list contested. In 162 councils, only one list ran unopposed and was declared the winner by acclamation. Meanwhile, 61 councils failed to receive a full list of candidates, resulting in the elections not being held there.

In the second phase, elections were held in 102 local councils. Among these, 50 councils saw competitive elections, while 23 councils had uncontested lists that won by acclamation. In 29 councils, no electoral lists were submitted, requiring the Council of Ministers to determine their fate.

The overall voter turnout across both phases was 58%, and women constituted 21% of the winners, whether through elections or unopposed victories. Despite these figures, the electoral process faced several challenges, the most significant being the exclusion of Gaza for political reasons and the lack of full candidacy in multiple local councils, preventing elections from being held in some areas. While the voter turnout was relatively strong, women’s representation remains in need of greater support through policies that encourage their participation in local governance.

The elections were monitored by both local and international observers, including the Carter Center and several domestic oversight organizations. Observer reports emphasized the need for the Palestinian Authority to provide the Central Elections Commission (CEC) with the necessary resources to conduct elections professionally and independently. They also stressed the importance of adhering to a four-year election cycle, as mandated by law, and implementing reforms to align the electoral process with international standards.

Among the key recommended reforms:

- Directly electing mayors rather than having them chosen by elected council members.
- Lowering the candidacy age for both local councils and the Legislative Council to encourage youth participation.
- Reducing the electoral threshold in local elections to enhance political inclusivity.
- Setting a cap on election campaign spending to ensure transparency and prevent financial manipulation.

To strengthen women’s participation, observers recommended ensuring that any resigning female council member is replaced by another woman, instead of the next candidate on the list, to safeguard gender representation. There was also a call to gradually increase women’s representation, aiming for the international minimum standard of 33%, with the long-term goal of reaching 50% for equal representation in decision-making at the local level.

Additionally, there were calls for establishing a National Electoral Court, which would have broad national legitimacy. Observers also urged the repeal of legal provisions restricting freedom of expression, particularly in the Election Law, Cybercrime Laws, and Emergency Laws. Lastly, they recommended the adoption of a Right to Information Law, which would enable journalists and election observers to enhance transparency and accountability in the electoral process.

The Palestinian Authority sought to hold local elections as a substitute for the postponed legislative elections, which had been scheduled for early 2021 but were delayed indefinitely, a move that fueled public

frustration and political tension. While Hamas officially rejected the elections in Gaza and did not directly participate in the West Bank elections, several candidates affiliated with Hamas ran on independent lists, reflecting its continued political presence in the electoral process, albeit indirectly.

In January 2023, Isam Al-Da'alis, Head of the Government Action Committee in Gaza, announced Hamas' approval to hold local elections in Gaza, urging their immediate organization. Hamas, through the Central Elections Commission and other intermediaries, expressed its willingness to facilitate elections in all local councils in Gaza under the 2005 Local Councils Elections Law, committing to removing any obstacles to the process.

Despite Hamas' repeated requests throughout 2023 to hold local elections in Gaza, no response came from the Palestinian government in Ramallah, which legally holds the authority to set election dates. The PA's reluctance appears to stem from a political calculation—not wanting to grant Hamas an opportunity to strengthen its rule in Gaza or legitimize its governance through elections. Additionally, allowing elections in Gaza would mean that security arrangements would fall under Hamas' control, potentially reinforcing its grip over the territory rather than challenging it.

Palestinian Elections Dashboard

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Elections Dashboard (English)

Elections Interactive Dashboard that contains the Palestinian Elections data over the Years

Elections Application

تطبيق الانتخابات التفاعلي (اللغة العربية)

صفحة تمكن المستخدم من تصفح بيانات الانتخابات والتفاعل معها

تطبيق الانتخابات

سنة الانتخابات: 2021, 2017, 2012, قوائم-2006, دوائر-2006

تطبيق خرائط الانتخابات الفلسطينية

Districts | المحافظات
Council Type | نوع الهيئة المحلية
Authority Name | الهيئة المحلية
Result | النتيجة

نتيجة | انتخاب | اللطرون | القدس | دون تحديد

الحدود الانتخابية وليست حدوداً إدارية
مصدر البيانات لجنة الانتخابات المركزية

منطقة انتخابية وليست حدود إدارية
المحافظات الفلسطينية

بيانات الانتخابات جميع السنوات

توزيع

4,975,516
نسمة | عدد السكان

2,491,926
ناخب مؤهل

652,414
ناخب

4,434
معد

792
مركز اقتراع

12,796
محطة اقتراع

491
عدد التجمعات السكانية

الخرائط | البيانات الانتخابية | الأصوات | المرشون | المقاعد | انتخاب / تركية

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Table 1: General and Local Elections Since the Establishment of the Palestinian Authority

Type of Election	Date of Election	Governing Law	Electoral System
● Presidential and Legislative	January 20, 1996	Law No. 13 of 1995 and its Amendments	Majority System
● Local Elections –(2004-2005) - First Phase in the West Bank (22 Local Authorities)	December 23, 2004	Law No. 5 of 1996	Majority System
● Presidential Elections	January 9, 2005	Law No. 13 of 1995	Majority System
● Local Elections – (2004-2005) _ First Phase in the Gaza Strip (14 Local Authorities)	January 27, 2005	Law No. 5 of 1996	Majority Voting System
● Local Elections – (2004-2005) - Second Phase (82 Local Authorities in the West Bank and Gaza Strip)	May 5, 2005	Law No. 5 of 1996	Majority System
● Local Elections –(2004-2005) - Third Phase (104 Local Authorities in the West Bank)	September 29, 2005	Law No. 10 of 2005	Proportional Representation System
● Local Elections –(2004-2005) - Fourth Phase (40 Local Authorities in the West Bank and Gaza Strip)	December 15, 2005	Law No. 10 of 2005	Proportional Representation System
● Legislative Elections	January 25, 2006	Law No. 9 of 2005 on General Elections	Mixed Electoral System
● Local Elections – (2012-2013)- 375 Local Authorities in the West Bank	October 20, 2012	Law No. 10 of 2005	Proportional Representation System
	December 22, 2012 - First Supplementary		
	June 1, 2013 - Second Supplementary		

 Local Elections - 2017 (358 Local Authorities in the West Bank)	May 13, 2017 - Local Elections	Law No. 10 of 2005	Proportional Rep- resentation System
	July 29, 2017 - Supplemen- tary Elections		
	September 22, 2018 - Re-election		
	July 13, 2019 - Re-elec- tion		
 Local Elections –(2021- 2022)- 478 Local Authori- ties in the West Bank	December 11, 2021 - Lo- cal Elections - First Phase	Law No. 10 of 2005	Proportional Rep- resentation System
	March 26, 2022 - Local Elections - Second Phase		
 Legislative Elections (Post- poned)	Originally scheduled for May 22, 2021	Law No. 1 of 2007 and Decree-Law No. 1 of 2021	Proportional Rep- resentation System

12. Elections in Jerusalem

The issue of elections in Jerusalem represents one of the most politically and legally intricate challenges within the broader Palestinian electoral framework. The city's unique status is shaped by specific arrangements established under the Oslo Accords' Election Protocol, which permitted Palestinians residing in Jerusalem to participate in elections through designated post offices, with their votes subsequently counted outside the municipal boundaries of Jerusalem. While Israel allowed Palestinian elections under these terms in 1996, 2005, and 2006, it denied permission for the 2021 elections, leading the Palestinian leadership to postpone the electoral process, citing the impracticality of holding elections without full participation from Jerusalemites.

With Israel maintaining its firm opposition to Palestinian elections in Jerusalem, the city remains a significant obstacle to any future Palestinian electoral process. This ongoing challenge necessitates a strategic reassessment of mechanisms that would safeguard the political rights of Jerusalemites and ensure their active participation, while simultaneously countering Israeli-imposed restrictions that seek to delegitimize their electoral involvement. A structured and comprehensive national dialogue is imperative to explore alternative voting mechanisms that uphold Palestinian sovereignty claims over Jerusalem and protect the right of its residents to democratic representation.

Although the Palestinian Authority presents the electoral arrangements in Jerusalem as a political achievement that must be preserved, even at the cost of sacrificing the elections themselves, a closer examination of these arrangements, as outlined in the annexed protocol of the Oslo Accords, reveals fundamental issues that extend beyond the electoral dimension to encompass political implications as well.

From an electoral perspective, these arrangements severely restrict the right of Jerusalemites to free and direct voting, imposing exceptional voting mechanisms that do not apply to other Palestinian voters. For instance, they are required to cast their ballots inside Israeli post offices, which undermines the independence of the electoral process and, indirectly, subjects it to Israeli control. Moreover, the act of voting inside post offices, casting ballots into a mailbox rather than an election ballot box, and having the votes counted outside the Jerusalem municipal boundaries reinforces the perception that Jerusalemites are foreign residents (living in the State of Israel) voting remotely in the elections of their own country. This aligns more closely with the Israeli narrative of Jerusalem's Palestinian residents rather than the Palestinian national perspective, which asserts their full political and national rights as part of an occupied Palestinian territory.

Additionally, electoral campaigning in Jerusalem is severely restricted, as Israel prohibits any Palestinian political activity in the city. Jerusalemites also face significant risks, such as the potential revocation of their Israeli residency status if they engage in elections in a visible or leading role. This significantly reduces voter participation rates and undermines the fairness of the electoral process.

In all previous Palestinian elections, participation in voting through Israeli post offices has been extremely limited, never exceeding 30% of the maximum threshold set by Israel. In the 2005 elections, Israel restricted the number of eligible voters using post offices to 6,000 across six designated locations. Meanwhile, the remaining eligible voters—exceeding 100,000 Jerusalemites—were allowed by the Central Elections Commission (CEC) to vote outside the Jerusalem municipal boundaries, but still within the Jerusalem electoral district, using special polling stations established specifically for them in both the 2005 and 2006 elections.

Given these challenges, it is essential for the Central Elections Commission to develop technical solutions, including alternative voting mechanisms that ensure Jerusalemites' participation without compromising their civil and political rights or reinforcing the Israeli narrative that they are a foreign community under Israeli sovereignty.

Most importantly, any alternative voting proposal must be subject to broad national consultations, leading to a unified Palestinian consensus on the most effective electoral mechanism. As the prospect of future Palestinian elections remains a possibility, the issue of Jerusalem will continue to be a highly sensitive matter requiring innovative strategies that uphold the political rights of Palestinians in the city while ensuring practical solutions that guarantee their fair and full representation in any future elections.

Conclusion

Since the establishment of the Palestinian National Authority (PNA), presidential elections have been held only twice—the first as part of the Oslo Accords' peace process arrangements, and the second following the vacancy left by Yasser Arafat's death. Similarly, legislative elections have been conducted only twice—the first simultaneously with the presidential elections as part of the peace process, and the second under the framework of the internationally backed Road Map for Peace.

At the local level, municipal elections have been held four times, yet three of these rounds did not include all local councils in Gaza, while the fourth round covered most councils but excluded 62 local bodies, including the cities of Hebron and Gaza. Despite these challenges, all elections have been monitored by both local and international observers and have generally been well-organized, albeit with some procedural and political complications.

The greatest challenge in Palestinian elections is their irregularity, as the decision to hold them remains contingent on local political dynamics and international considerations. Although there are legal frameworks that provide a reasonable foundation for free and fair elections, they contain significant gaps, most notably:

- The lack of strong guarantees for the independence and immunity of the Central Elections Commission (CEC).
- The absence of a broad national consensus when enacting electoral legislation.
- Legislative gaps, including the absence of a law regulating political parties, weak legal guarantees for access to information, and insufficient oversight over campaign financing and electoral funding.
- Legal restrictions on freedom of expression, including the Cybercrime Law, the Penal Code, and the Publications and Publishing Law, which create an oppressive political climate and impact the fairness of the electoral process.

- The decision to hold elections—and whether they are permitted in areas under the control of Fatah or Hamas—is often dictated by political calculations and the perceived likelihood of electoral victory. The history of municipal elections illustrates how internal political fragmentation has shaped democratic processes, transforming elections from a tool to enhance political legitimacy into a strategic bargaining chip, used by various parties according to their interests. While local elections continued in the West Bank, Gaza remained excluded from the electoral process, further entrenching political and administrative divisions and undermining democratic local governance. In Gaza, the continued reliance on appointments instead of elections has restricted democratic participation, with no local elections held in the Strip since 2005.

International and regional actors play a crucial role in determining the feasibility of holding general elections in Palestine. Organizing elections requires broad international political support, which is difficult to secure without regional and global consensus pushing in that direction. However, such support is not always guaranteed, as it is often contingent on shifting political priorities and regional transformations.

A particularly critical challenge for any upcoming elections is ensuring the participation of Palestinians in Jerusalem, given Israel's persistent refusal to allow Palestinian elections within the city, citing the Oslo Accords' electoral protocol. Despite the significance of this issue, there has been no comprehensive national debate to explore innovative solutions that would guarantee Jerusalemites' right to vote and run for office without compromising their legal status or the political standing of the city itself.

Despite these challenges, opportunities may arise due to shifting regional or international dynamics, particularly in the wake of the war on Gaza or in the event of a presidential vacancy. Local elections, in particular, provide a more flexible avenue for political participation, making it essential to maintain their regularity and ensure they include all local councils in Gaza.

The Palestinian political landscape remains complex and fluid, with multiple possible scenarios for the future of governance in both the West Bank and Gaza. However, elections will remain a central component of any potential political settlement or institutional restructuring.

To ensure readiness for any electoral process, it is imperative to:

- Strengthen national discussions on unresolved electoral issues, particularly regarding Jerusalem's participation.
- Address legal deficiencies that hinder transparent and fair elections.
- Promote a more open and democratic electoral environment.
- Ensure that the CEC remains fully prepared to oversee elections whenever they become politically feasible.

Ultimately, while Palestinian elections continue to be influenced by political divisions and external pressures, they remain a fundamental pillar for restoring legitimacy, fostering democratic governance, and shaping the political future of Palestine.

حرف

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