

The 2012 local elections in the West Bank: a display of discreet authoritarianism?



Election posters for Mahmoud Abbas. West Bank

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Criticisms of the authoritarian drift or power confiscation engaged in by Mahmoud Abbas and his entourage arise from the very heart of the Palestinian state apparatus¹. Yet, the Palestinian National Authority (PNA) continues to display all the indicators of a certain democratic vitality: political pluralism, more or less regular elections (whilst the country is under occupation), glowing reports by the international institutions in charge of supporting the PNA, etc. Palestinians were last called to vote in 2012 for local elections in the West Bank during which Palestine’s donors and observers crowded the polling stations and hailed the Palestinian Authority for the “democratic performance” of its election process. Nonetheless, a study that breaks free from the usual constraints of electoral observation² allows us to expose some of the fundamental elements observed outside of polling stations: changes in electoral law, pressures inside the presidential party, mobilisation of state resources – including security resources – in order to sway a victory for the clan in power, etc.

The Palestinian Authority’s ability to morph into a state and its relationship with Israel has long been analysed. However, the power practices of the Authority – stuck in the role of a political object in transition – are rarely the subject of study. This study aims, on the contrary, at making power practices visible while reframing them on a continuum, in order to make the articulations between various spaces and levels of power intelligible. The mapping of the mechanisms of political action means to highlight the “discreet authoritarianism” of the PNA. This discreet character stems from two constitutive elements of the PNA: the fragmentation of power centres induced by its “transitional” form maintained since the Oslo accords and the necessity to deliver certain democratic tokens to its financial backers.

In order to demonstrate these dynamics, the study of local elections³ offers an interesting take on the techniques mobilized by the apparatus of Fatah, the party in power, to ensure the largest possible victory and to side-line its opponents and even dissidents from inside the party. Such an approach allows us to explore the repertoire of authoritarian action that has constituted the rules of the Palestinian political game since Oslo, because of the two-decade-long confusion between the institutions of the Palestine Liberation Organization (PLO), the Palestinian National Authority (PNA) and Fatah.

¹ During my investigations into the PA’s institutions, between 2011 and 2015, this criticism arose frequently. Nevertheless, the immediate legal and political consequences against these individuals obligate us to preserve their anonymity.

² Most often limited to the day of the vote, in the official polling stations.

³ This article partially draws from an unpublished field study conducted in late 2014 with Emilio Dabed and Wissam al-Hajj. The study focused on five localities in Gaza and the West Bank: Gaza City, Nuseirat, Bethlehem, Hebron and Jenin and benefited from the support of the WAWAW program of the European Research Council.

The supposition that PNA authoritarian practices are discreet pushes us to renew our methods of analysis and to explore legislative documents and archives that are commonly ignored. This method addresses at first an issue of temporality – a study of the election process conducts *a posteriori* – but mainly a research approach with the objective of detecting traces⁴ of Palestinian authoritarianism. This study therefore hopes to highlight the practical modes of the exercise of authoritarian power⁵ while trying to account for the diversity, but also the interaction, between social, political, economic and legal mechanisms that aim to confiscate political representation.

At the centre of the elections: confusion between state and party apparatuses

Local authorities in Palestine, having preceded the national authority, occupy a particular role. First established under the Ottoman Empire⁶, local authorities continued developing under the British mandate (1920-1948). After a Jordanian and Egyptian⁷ ruling of the West Bank and Gaza between 1948 and 1967 respectively, Israel took full control of the Palestinian Territories in 1967. Israel was not interested in dismantling Palestinian local powers; on the contrary they put their best effort into strengthening a level of power that, in their view, would support their occupation. Nevertheless, the overwhelming victory of “pro-PLO” mayors in the 1985 local elections makes clear the impossibility of Israeli authorities’ attempts to establish lasting collaborationist authorities in municipalities. Municipalities become the space in which Palestinian nationalism, despite Israeli and Jordanian efforts to muzzle it, flourishes. Post first Intifada and the signing of the Oslo accords (1993), the municipalities – although in weary shape after decades of Israeli government hostility – remain charged with a strong symbolic signification as the central place for Palestinian politics in the occupied territories. For the last twenty years, municipalities have also been a remarkable place of observation to understand the competition around power repartition between the different layers of Palestinian powers, the rivalry between various political

⁴ If this term was popularized by Carlo Ginzburg’s *microstoria*, we are mostly using it here because of the possibilities it offers in its articulation with other levels of analysis. These “plays between scales [of analysis]”, which constitute the title and the backbone of the book directed by Jacques Revel (1996), are necessary to comprehend the authoritarian apparatus in its entirety.

⁵ Even if it were to be largely restricted by the existence of a colonial hegemon, in this case Israel.

⁶ On the conditions of establishment of those localities during the Ottoman period, see Rex Brynen, “The Neopatrimonial dimension of Palestinian Politics”, *Journal of Palestine studies*, vol. 25/1, 1995, pp. 23-36.

⁷ The Gaza localities fall into the hands of an Egyptian military governor, those of the West Bank are under civil administration by Jordan, which will keep its tutelage there long after the 1967 defeat. For further details, see Tom Segev (2005), *1967, Israel, the War, and the Year that Transformed the Middle East*, (chapter 18, “The Enlightened Occupation”, pp. 455-481).

notabilities and the campaign led against Hamas elected representatives. Indeed, since the 2006 legislative elections (which should have offered Palestine a parliament and a Hamas-led government) and the fratricidal war started by Fatah (which by refusing to leave power blatantly disregarded the electoral results), Palestinian political life bears the mark of ruinous competition. This struggle has led to a territorial division in which Hamas governs in Gaza and Fatah in the West Bank.

The stakes of the 2012 elections in the Palestinian territories go beyond the renewal of local representatives⁸. After Mahmoud Abbas postponed elections in 2010 and 2011, the 2012 elections were the first to be held since the 2006 legislative elections. The delay of elections, pronounced by a President whose mandate had expired in 2009, was deemed illegal by the Supreme Court in 2010.⁹ However, the constitutional order is regularly circumvented by Palestine's executive branch, as reflected for instance by the suspension of the Palestinian Legislative Council (PLC, the Palestinian Authority's Parliament) following the arrest and incarceration of Hamas elected representatives by Israel, the extension of political mandates beyond any legal framework, the governance by decrees used by the Presidency and the Prime Minister and the regular arrest of members of the opposition, union members and members of Parliament.

According to participants and observers, the 2006 legislative elections that resulted in a Hamas victory, appear to have been held according to democratic standards. The same cannot be said of the 2012 elections that were sullied by two main scandals amongst others: pressures on independent candidates and the delay of the elections in almost one fourth of municipalities. Both facts were reported to the Palestinian Electoral Commission, which itself played an active part in contributing to those irregularities. Indeed, numerous Fatah activists running on independent lists were reported to their party by the Commission that receives the registration of electoral lists; such denunciations led to Fatah's exclusion. The most widely known example is that of Ghassan Shakaa, mayor-elect of Nablus¹⁰ and historical figure of Fatah, who was excluded for refusing to yield in favour of the PA's selected candidate. The interweaving maintained between Fatah's party apparatus and the Palestinian Authority's administration was once again exposed during those elections.

⁸ Candidates run for the local elections by "list" that represents the number of seats in the municipal council.

⁹ *Al Zaytouna* (2013), "The Palestinian Internal Political Scene, 2012-2013"

¹⁰ *The New York Times*, "Mixed Results for Fatah Amid Low Turnout in Local Elections in West Bank", 21st October 2012, last accessed on 29th November 2014

The call for a boycott, initiated by Hamas and the Islamic Jihad Movement (IJM, which still encouraged its members to register on electoral lists¹¹), was one reason for postponing elections, the PA stated that it would delay “until a favourable national atmosphere [sets in]”. However, Islamist movements did not call for a boycott to undermine the electoral process; on the contrary they aimed at broadening the process while simultaneously opposing the PA’s decision to not hold legislative and presidential elections. In fact, the MPs’ mandates, as well as the President’s should have been renewed several years before the 2012 elections. Therefore, the boycott by IJM and Hamas was not one of democratic expression, but of a democracy *a minima*. They feared that their participation would result in a recognition of the power of the government of Mahmoud Abbas and Salam Fayyad, outside the frame of any national reconciliation process. Two consequences resulted from the boycott: the lack of participation of Hamas candidates in the elections and the cancellation of elections in the Gaza strip.

Candidates without opponents

A vote “by acclamation” was one of the innovations of the 2012 elections. Contrary to what this term suggests, a vote “by acclamation” does not offer an alternative between several candidates; instead, it is the mandatory voting mechanism that results from a single ticket election¹². The gap between the number of Fatah candidates elected by acclamation and those elected as a result of a choice between two or more is striking. The parties’ choice to withhold results and the confusion perpetuated by the Commission with regards to this subject (Fatah lists can be found under tens of different names¹³) does not allow for the production of exact statistics. However, it is known that 28% of political parties’ candidates (a large majority of which were Fatah) were elected from a choice between multiple lists, while the remaining 72% were allocated as a result of a vote by acclamation. This distribution differs greatly from “independent” seats: 26% allocated by acclamation and 74% by vote with an alternative¹⁴. Beyond showing the distinction between village councils (more elections by acclamation) and urban centres, those results point to the possibility of election without competition being largely beneficial to political parties and primarily to Fatah. This deadweight effect was

¹¹ *Al-Monitor*, “Al-jihād al-islāmī wa khiyyārāt al-harb wa-l-salām [The Islamist jihad and the options of peace and war], 9th May 2013. Last accessed on 5th December 2014.

¹² References are available in the appendix of this article.

¹³ There is only one list that bears the name of Fatah, in Salfit: Fatah wa-l-jabha al-dīmuqrāṭiyya, [Fatah and the democratic front].

¹⁴ From the data available via the CEC.

NORIA – ANALYSIS - JANUARY 2016 – THE 2012 ELECTIONS IN THE WEST BANK greatly underestimated by observers that focused on the “regularity of the election process”, or in other words on the lack of manipulation of election results and the absence of coercion at polling stations. Nevertheless, it appears that this electoral technique was a prerequisite to guarantee Fatah’s victory, made even easier by the fact that most of its representatives were elected without opponents. This is one of the main reasons why Fatah candidates demonstrated such determination in convincing opponents to withdraw before the first round of elections– they did so with the support of the PA.

The 2012 campaign also demonstrates an increasing neglect by the Palestinian public in the electoral matter: the 55% turnout rate is far from the 78% during the 2006 legislative elections (67% for the local elections of 2004-2005)¹⁵. Elections took place in only 35% of localities (amounting to 52% of the West Bank population) due to the absence of opponents or election cancellation. This disinterest can be explained by three main factors: the continuation of the Israeli occupation of the Palestinian territories that compromises any expression of sovereignty and reduces it to the powers granted to municipalities; the call for a boycott that earned a significant response; and the lack of a voting option that would allow for the expression of a rejection of the PA’s policies regarding ballots.

If the 2006 elections represented a hope for change inside the Palestinian territories, the harshening of the Israeli occupation and the embargo on the elected Hamas/Fatah government led to a widespread disinterest in the 2012 local elections¹⁶. With the decision to transform the 2012 elections into a referendum on national policies, Fatah earned a bitter victory. As the party in power, Fatah hoped to test its popularity without putting itself at risk, as its main challenger was boycotting the elections, and a safe demonstration of its commitment to the “democratic revival”. In the absence of Hamas, the party’s candidates ran against contenders from other PLO factions or independent candidates – mainly Fatah dissidents. Far from resulting in the Palestinian national movement presenting a united front against the Islamist opposition in support of Mahmoud Abbas and his government, these elections have, on the contrary, reflected the many divisions tearing apart the institution of the Palestinian national movement.

The other factions of the PLO presented few lists, thereby highlighting their growing weakness within the PLO. These parties, mainly born of the Palestinian Left, have indeed

¹⁵ CEC data.

¹⁶ Arab World for Research and Development, “Results of a Specialized Opinion Poll on Palestinian Local Elections”, 2012.

seen their political weight collapse since the Oslo accords. It is the direct consequence of their alignment, in practice, with Fatah's positions and the expression of their disagreement regarding their participation in the Palestinian Authority, as they officially fought the 1993 Oslo accords. This weakness hindered the constitution of a structured opposition within the PLO and the only lists claiming the PLO label were in reality spear-headed by Fatah by co-opting some local figures from other PLO forces¹⁷. Several witnesses and actors¹⁸ recount threats from the Palestinian Authority regarding party financing. If, to contain its internal opposition, Fatah excluded more than fifty members¹⁹ running under an "independent" label, actors reported that the PLO (dominated by Fatah) threatened parties running against Fatah with reducing their subsidies. The distribution of the PLO's financial resources between its various components dates back to practices forged during the Palestinian exile in Lebanon. These practices have endured at least until Yasser Arafat's death in 2005. It also seems that today, Mahmoud Abbas hopes that the same distribution of financial resources depends on an allegiance to the Authority and to his personal power.

A failed authoritarianism?

In many aspects, the 2012 elections appear as a sanction against the Palestinian government. The people were largely less inclined to vote than during the previous elections. Moreover, Fatah lost important cities, including Ramallah, despite the mobilisation of the Authority's political and legal resources to limit the number of adversaries, and to ensure the most favourable outcome for the presidential party. As for Mahmoud Abbas, his relative victory is not enough to hide the contestation he has to face as the leader of Fatah, of the PLO and of the Palestinian Authority. The first conclusion to be drawn after these 2012 elections is that the victors emerged diminished and weakened politically, as they failed to obtain the overwhelming victory they hoped for in running virtually unopposed. And it was precisely Hamas' boycott that convinced Mahmoud Abbas to hold elections, as he was sure to win.

The opposition Fatah faced in 2012 nevertheless demands a few clarifications. In rural areas, the precedence of local figures remains the key to explaining the results of voting, since Fatah managed to co-opt local elites by relying on a legislation tailored to its needs and by promising access to the Authority's resources. By contrast, in urban areas, Fatah tried to impose external figures, counting on the fact that in the long run they would be more indebted

¹⁷ Daoud Kuttab, "Municipal elections fever hits West Bank", 16th October 2012, [online](#), last accessed on 28th November 2014.

¹⁸ Anonymous interviews, November and December 2014.

¹⁹ Among which 18 political leaders, *Al-Zaytouna*, *op.cit.* and Daoud Kuttab, *op.cit.*

to the party than to their local base for the election. However, voters rejected parachuted candidates, offering a large victory to Fatah's opponents, whether they were independent or from other parties. This victory also illustrates the local notables' growing autonomy: not feeling compelled to benefit from Fatah patronage anymore – some even toted the refusal of support from Fatah as a campaign argument – thereby demonstrating a dissociation of local and national issues in urban centres.

Evidently, despite Fatah's mitigated results, the 2012 elections themselves are the result of a long process of restricting political expression and decision-making. Through a purely electoral analysis we can confirm that the regime's authoritarian dimension matches its lack of political attractiveness and therefore its relative weakness. The entanglement of the places and the tools that enabled to close any political process combined with Palestinian institutional sophistication (merging party, state and supra-state structures, and exile legacy) further complicates our understanding. Nevertheless, this study allows us to contest the democratic illusion that the Authority intends to present and to widen the perspectives of analysis on the modalities of the exercise of authoritarian power. From a strictly political angle, this study also questions the popularity or support the Authority claims both from the public and from within its own rank and file.

Key Facts

- Local elections were to take place in 2010 before they were cancelled by the Presidency two consecutive years²⁰. The elections were eventually held on October 20, 2012 and on November 24, 2012 for the “postponed elections”. The local representatives’ mandates had expired by over three years (2008-09).
- Elections only took place in the West Bank. No elections were held in either East-Jerusalem (because of the Israeli annexation) or Gaza (since Hamas demanded the organisation of presidential and legislative elections before allowing municipal elections).
- The turnout rate was of 55%²¹ (78% for the 2006 legislative elections).
- 354 municipalities in the West Bank: 123 had full-fledged elections, 215 had elections “by acclamation²²” (by show of hands, with a single list) and 16 had no elections. Since then 30 municipal councils have resigned resulting in a vacuum of power²³.
- Political lists won 90% of seats awarded by elections by acclamation and 54% of elections with several candidates.
- Fatah won 83%²⁴ of elections by acclamation. The “official” Fatah lists, supported by the Palestinian Authority, won in five out of the eleven West Bank districts.
- About 50% of voters did not register, likely in response to the call for boycott²⁵.

²⁰ Initially set to take place on July 17, 2010 (decision of the council of ministers n° 01/36/13/L.O/P.A.), the elections were cancelled for a first time (decision of the cabinet June 10th 2010, reference withheld); they were then scheduled for July 9, 2010 (decision of the council of ministers n° 01/82/13/C/PA), cancelled and pushed back to October 22, 2011 (decisions of the council of ministers n° 01/90/13/C/PA and 01/97/13/C/PA respectively); a decision made by the Presidency (reference withheld) on August 22, 2011 pushed back the elections “until the conditions are met to organise them on a national scale”. These conditions were never met because of the boycott by Hamas. Source: CEC website, last accessed August 13th 2015.

²¹ Central Election Commission, “Local Election: Statistics Summary”, 2012

²² The possibility of election “by acclamation” is a new electoral technique established by a decision of the council of ministers (“procedure for the election of municipal councillors” n° 6, March 28th 2003).. This change in voting system, even though it appears to be legal (by referring to the law on local elections, article 05, law n°10, 2005 and article 70, law n°12, 2005), is a violation of the Palestinian fundamental Law. Indeed, they can only resort to a decision of the council of ministers about the modes of implementation and not the voting system. The article 03 of this decision, entitled “winning by acclamation” specifies that “if at the end of the nomination period (registration), only one list – constituting a number of members equal to the number of seats of that locality, and meeting the demands regarding the representation of women and respecting the Muslim/Christian quotas – is registered, no elections will be held in this locality. The registered list wins by acclamation”. It is to be noted that the procedure of formalisation and of verification of the “acclamation” is not stated, making any legal argumentation for contestation impossible in court. Source: CEC website

²³ Central Election Commission, *op. cit.*

²⁴ Estimation of the author based on comparison between final results. The CEC has not released any number by political party, only a political party to independent candidate ratio, making a precise measure of Fatah’s victory impossible.

²⁵ Arab World for Research and Development, “Results of a Specialized Opinion Poll on Palestinian Local Elections”, 2012; Carter Centre, “Palestine Electoral Study Mission Urges Political Reconciliation”, 2012.

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