

The 2005 Palestinian Elections in East Jerusalem: A Report of Ir Amim and the Peace and Democracy Forum

Immediately upon the death of Yasser Arafat, it became clear that the first critical step in the transition to the new leadership would be to conduct elections for the new Palestinian "Rais" within the legally stipulated sixty days. It also became apparent that these elections would figure prominently on both the domestic Palestinian and Israeli public agendas, and in the international arena.

This report derives from the shared experience of two NGO's, one Palestinian (The Peace and Democracy Forum), one Israeli (Ir Amim), who were intimately involved in the elections that took place in East Jerusalem. We aspire to offer a shared analysis of the events in Jerusalem that led up to the January 9, 2005 elections, a description of the election day itself, and the lessons that should be derived from them.

Background

Virtually all of the problems that unfolded during the 2005 elections in Jerusalem were easily anticipated from the outset. That said, a number of the anticipated difficulties failed to materialize, and they are noteworthy.

In September 2004, prior to Arafat's death, the Israeli Minister of Internal Security shut down the Palestinian voter registration offices in East Jerusalem shortly after they opened. This reflected the government thinking at the time: elections for the PA would not take place in Jerusalem. This position was hardly surprising. The Israeli Cabinet was composed of those political leaders, from the Prime Minister on down, who led public opposition to the 1996 elections in Jerusalem.

Immediately upon the call for new elections, it appeared that this pattern would repeat itself: Foreign Minister Shalom and Deputy Prime Minister Olmert openly expressed their opposition to elections in East Jerusalem. But within hours, that opposition collapsed. The Prime Minister and the Cabinet quickly did an about-face (in all likelihood as the result of keen international concern relating to democracy in the Middle East, and in Jerusalem in particular), and the conduct of elections in East Jerusalem became a given. It is noteworthy that contrary to the controversy the elections generated in 1996, virtually no opposition was expressed in Israeli public opinion in 2004-5.

It was evident from the outset that the Palestinians had little choice but to allow for elections in East Jerusalem by taking the path of least resistance, i.e. replicating the rules established in the 1996 elections. The 1996 experience left little doubt that the election procedures in Jerusalem were laden with politics. The ground-rules ultimately agreed upon did not primarily reflect agreement between professionals on both sides but rather derived from protracted political negotiations at the highest echelons of government.

The Israeli government perceived its interest as assuring a low voter turnout (in an attempt to prove that the residents of East Jerusalem are not “really” Palestinian). Israel tried to create ground-rules that would portray those participating as casting absentee ballots (bolstering Israel’s claim that East Jerusalem is an integral part of Israel). (For example, this went so far as determining the position of the slots on the voting containers: while the Palestinians insisted on these being on the top, as in a ballot box, Israel successfully determined that they be on the side, as in a mail receptacle for absentee ballots).

The Palestinian interest was precisely the opposite: to create a situation that would allow the residents of East Jerusalem to enhance their claim to be an integral part of the Palestinian body politic. Given the symbolic importance of Jerusalem to both sides, the sensitivities of the issues involved, and the short period up to the elections, it was clear that there was no real option to renegotiate these procedures prior to the 2005 elections.

While the decision to take this path of least resistance was understandable, it also condemned the election process in Jerusalem to pre-ordained failure. The conditions of the 1996 elections in East Jerusalem were grossly inadequate, generating a problematic democratic process and a disappointing voter turnout. In the ensuing years, the causes that under-lie these difficulties were amplified. Assuring the “fact” that elections would take place in Jerusalem was purchased at a high price: the near certainty that these elections would be, at best, no better than those of 1996.

The 1996 Elections

Consequently, we deem it appropriate to briefly examine the failings in the 1996 election in Jerusalem. The conditions under which they took place derived from a clearly flawed compromise:

- Only 4,965 designated voters were allowed to vote in the five polling places inside the city (Israeli post offices in East Jerusalem); the rest (approximately 35,000) were compelled to vote in the Jerusalem voting district outside the city, in the West Bank.
- The post offices, with one exception, were tiny and unequal to the task at hand.
- Persistent rumors circulated – and in all likelihood were intentionally circulated by certain Israeli authorities - that participation in the election would result in loss of residency rights in the city, and revocation of social benefits.
- Campaigning was limited to the private domain, and to a small number of designated billboards. Cars with campaign stickers were pulled over by the police.

- On election-day, police, border patrol and military roadblocks were set up throughout East Jerusalem, and its environs in the West Bank.
- Police and border patrol soldiers were conspicuously posted near the polling places, and voters entering them were photographed by the authorities.
- Information regarding polling places was released by the Palestinian Central Election Committee (CEC) just prior to election-day, creating confusion among the voters.

The cumulative effect was stark: the political and physical obstacles inhibiting a genuine democratic process, coupled with subtle but effective intimidation contributed significantly to the low voter turnout in 1996. Of the 43,950 Palestinian residents of East Jerusalem who registered (a low number in itself in comparison to the number of eligible voters), only 13,545 cast a ballot, 1,355 at the East Jerusalem post offices, 12,190 at polling places in the West Bank.

This survey would be incomplete without stating that the low voter turnout was not only the result of external impediments; it also reflected a mood of disgruntlement among the Palestinian residents of East Jerusalem vis-à-vis the PA, its institutions and its neglect of East Jerusalem affairs.

Developments and Changes since 1996

In the ensuing years, none of the problems that led to low voter turnout were adequately addressed, and subsequent events created new obstacles:

- **Separation Barrier.** The erection of the wall/security fence surrounding much of East Jerusalem, and the permanent checkpoints at the entrances to the city made problems of access to polling places more critical. If, in 1996, a large majority of voters left the municipal boundaries in order to vote, in 2005, the Barrier made this significantly more difficult.
- **Intifada.** Four years of [\(-intifada-\)violence and bloodshed](#) have created greater tension, even hostility, between the security forces and the local residents.
- **Lack of social/political institutions.** The death of Faisal Husseini, the closure of Palestinian institutions (like Orient House), the incremental severance of Jerusalem from its environs in the West Bank, along with persistent Israeli efforts to obstruct political organizing have all led to disarray among the political players in East Jerusalem. Closures and the

security barrier have further contributed to the weakening of ties between the residents of Jerusalem, their Palestinian environs, and the Palestinian leadership.

None of this augured well for the conduct of a genuine democratic process in the 2005 elections in East Jerusalem.

The Events Leading up to the 2005 Elections

We wish to summarize in brief the events and trends that unfolded in East Jerusalem during the period leading up to the January 9, 2005 elections:

- Once the election date was determined, the canvassing for voter registration hastily resumed. However, none involved (including the authors of this report who were quite familiar with the procedures) really understood if, at all, the registration process was important. In retrospect, it was not, since non-registered voters were allowed to vote. [after almost nine hours from the opening of polling stations](#)
- On at least two occasions, candidates, who required permits to campaign in East Jerusalem, were detained for real or purported violations of the terms of their entry permits into Jerusalem. (It should not be ruled out that one or more of these incidents were initiated by the candidate himself, since the publicity helped his campaign. Regardless, these events disclose that a “democratic” campaign that requires candidates to receive permits from the security authorities is highly problematic).
- On a number of occasions, organizers of political events (including some involved in organizing the non-partisan events initiated by the authors of this report) and people distributing campaign literature were summonsed to the security authorities for interrogation. Plain-clothes security operatives were on occasion conspicuously present at some of these events.
- The Israeli cabinet included a specific assurance that infringement of rights or entitlements were not risked by those who participate in the election. But nonetheless, the rumors of potential risks persisted (and the canvassers trying to register eligible voters reported this as a widespread fear among eligible voters). Some of these rumors were fanned by pronouncements by Israel’s Deputy Prime Minister Olmert who justified his opposition to East Jerusalemites’ participation in the elections by stating: “the elections are only for those who will become part of Palestine”. This statement was interpreted by some as a veiled threat that voters jeopardize their residency rights.

- The political negotiations between Saeb Erekat and Prime Minister Sharon's office were protracted and it was only very shortly before the elections that any credible information regarding voting procedures were released. The sites of the polling places and the guidelines to the public were released only a couple of days prior to election day, and the opening of a sixth polling place in Tsur Bahir remained almost a secret. The Jerusalem Municipality gave notice concerning the billboards allotted for campaign posters only three days before the election.

The Efforts of Peace and Democracy Forum (PDF) and Ir Amim

Unbeknownst to one another, PDF, a Palestinian organization which promotes the emergence of a vibrant civil society in East Jerusalem, and Ir-Amim, an Israeli organization dedicated to an equitable and sustainable Jerusalem, began to anticipate the difficulties entailed in the elections in East Jerusalem, and to examine ways to address these issues. Very quickly the two NGO's dovetailed their efforts, some of which were carried out independently, some jointly. Throughout, PDF emphasized that they acted out of their understanding of the Palestinian national interest, and Ir Amim emphasized its own perspective of the Israeli national interest. These different points of departure did not prevent close co-operation.

Ir Amim addressed the Israeli public in order to highlight the idea that the emergence of a civic society in East Jerusalem was a vital Israeli interest, and not only a Palestinian one. Consequently the success of the elections in East Jerusalem was also an Israeli interest. With PDF's assistance, this campaign was expanded to include press interviews with Israeli members of Knesset from the Labor part (two of whom were just about to become Ministers in the government) in the Palestinian press, and they offered assurances that no harm would befall those who voted, and expressed support for the elections.

Ir Amim had extensive contacts with the most prominent of the international teams of observers in Jerusalem, the Washington based National Democracy Institute, and the European Commission team. In both cases, the difficulties anticipated in election-day were discussed, along with the ways of addressing them. Ir Amim staff did preliminary study tours of East Jerusalem with members of these observation teams, particularly focused on the conduct of the elections and the anticipated difficulties.

Prior to the elections, PDF published a series of ads in the Palestinian press, urging East Jerusalemites to vote, informing them of their rights as Jerusalemites, and informing them of the existence of a hotline on election day.

PDF initiated two town meetings, one in Isawiyya and the other in the Old City, in which the representatives of Ir Amim addressed the fears and concerns of the residents regarding the elections. The events were well attended, and it is our shared perception that the joint appearance of Israelis and Palestinians trusted by the residents proved to be quite effective in clarifying issues and allaying fears. The appearance of an Israeli lawyer

who explained that no risks were entailed by voting, but that those who would try to use intimidation to deter people from voting were violating the law, had a clear impact on the participants.

PDF and Ir Amim jointly established an election-day situation room. The PDF published ads in the Palestinian press informing the public that they could contact the situation room with election-related questions, and report problems from the field.

PDF and Ir Amim have no intention of overstating either the scope or impact of their efforts. Like much else related to these elections, their activities were put together late in the day, and reached limited numbers of people. However, viewed as a pilot, both PDF and Ir Amim view these modest efforts as a qualitative success, and a joint Palestinian-Israeli team is, in appropriate places, certainly greater than the sum of its parts. It is an enterprise well worth improving upon and expanding in the upcoming legislative elections, currently scheduled for July 17, 2005.

January 9 Election Day

Election day was marked by significant confusion among eligible voters relating as to who may vote, where and how. Initially, only those designated in advance were allowed to vote at the East Jerusalem post offices. Potential voters being turned away at the post offices was a common site. Mid-day, President Carter took action to address these difficulties at the highest political echelons. The Israeli Prime Minister's office consented that any eligible voter, not only those 6,000 designated, could vote at the post offices. Important as a precedent, this shift in policy was taken too late to have any real impact on the final voter turnout.

The remaining voters tens of thousands of eligible voters were required to vote outside the city, but in the Jerusalem voting district (which included areas beyond the municipal boundaries in the West Bank). These potential voters had little information regarding the polling places in the area adjacent to Jerusalem. Particularly absent was information regarding those polling places accessible to East Jerusalemites without having to cross a checkpoint. An ad hoc system of vans collecting voters and transporting them to the polls was in place, but appeared to work haphazardly.

In comparison with the 1996 elections, there was a marked improvement relating to the presence of Israeli security forces around the polling places, and relating to the checkpoints in and around the city. Palestinian residents commented ironically that it's a shame that not every day is election-day: there were fewer flying roadblocks, and passage through the permanent checkpoints was, without precedent, almost unfettered. Almost no reports were received concerning roadblocks, and none relating to the intimidating presence of security forces in and around the polls in East Jerusalem. However, the existence of a physical barrier throughout much of East Jerusalem clearly contributed to the low voter turnout.

Only two minor attempts to disrupt the polling – one by the Israeli right, the other by

Palestinian Islamists - were recorded, and had no impact on the conduct of the elections.

The atmosphere on the streets of Jerusalem, and around the polling places, was clearly one of a “holiday for democracy”. Campaign posters, vehicles transporting voters and heated discussions at the polling places contributed to this atmosphere. Unfortunately, this was not reflected in the voter turnout. The authors of this report have no real explanation that can reconcile the public mood as they experienced it, and the poor turnout.

Based on data (released to) the authors [acquired through \(by\) the CEC's website](#), 1212 voters cast their votes at the post offices in East Jerusalem – a marginally smaller turnout than in 1996. In the polling places outside the city, approximately 5,000 voters cast votes, less than half the number of those who did so in 1996.

Analysis and Conclusions

If a genuinely engaged voting public who exercise their right to vote is any measure, there is no way to describe the 2005 elections in East Jerusalem in any manner other than a failure. In saying so, we by no means imply that the elections were falsified (and not having been present inside the polling places, we rely entirely on the findings of the teams of international observers in this regard). But this in no way detracts from the significance of a turnout that was less than 6% of the eligible voters.

A comprehensive understanding of the meager voter turnout requires an examination not only of technicalities of voting procedures – which were, in and of themselves, stacked against free and open elections – but also in the socio-political context in which the elections took place.

We intend to address both dimensions – both in our analysis, and in our recommendations.

The fact that the actions of the Israeli authorities on election-day itself disclosed almost exemplary cooperation, rather than obstruction reveals an important lesson. Focused, limited amendments in voting procedures will have little impact on the emergence of a genuine democratic process or an engaged constituency in East Jerusalem. Nothing short of radical reforms will suffice.

We deem the following changes to be critical if the democratization of Jerusalem is to be anything more than a thinly veiled fiction:

- It is essential that Palestinians be able to engage in political organization in East Jerusalem, both prior to and in the course of election campaigns, and without fear of reprisal or sanctions. This is clearly not the case in East Jerusalem, and major reforms in Israeli policies in this regard are required. These must entail:

1. the ability to conduct an unimpeded registration process
 2. the freedom to campaign and assemble, even in the public domain
 3. the ability to open campaign offices in the city
 4. the right to be elected
 5. the right to freely express political positions, and to use all legitimate means (campaign literature, posters, billboards etc).
 6. freedom of movement for both candidates and voters
 7. the right to cast one's vote without fear.
- Polling-places, adequate both in number, size and location must be opened throughout all of the neighborhoods in East Jerusalem, in order to allow East Jerusalemites access to polling places within walking distance of their homes, as is accepted in Western democracies. This means that the ad hoc arrangements made by President Carter and the Prime Minister's office on election-day, allowing all eligible voters to vote inside the city, must become permanent.

A comparison is in order. The number of eligible voters among the Palestinians of East Jerusalem for the Jerusalem Municipal elections and the PA elections are quite similar: approximately 100,000 eligible voters. But in the 2003 Jerusalem municipal elections, Israel set up more than 110 polling stations throughout East Jerusalem, in comparison to only 11 in the 2005 Palestinian Authority elections.

- The persistence of the rumors, (in spite of formal assurances to the contrary), that voting may entail risks of loss of entitlements, requires special attention. Clear public pronouncements by Israel in the Palestinian press, accompanied by high-level and high-profile international guarantees are in order.
- The existence of the wall/security barrier in East Jerusalem creates major difficulties, both during the campaign and on election-day. A genuine democratic process cannot take place while straddling an impermeable border, and as construction proceeds, the difficulties will multiply exponentially. One small example should suffice: in 1996 Israel insisted that PNC candidates have addresses both in Jerusalem and the West Bank. This arrangement, problematic as it was in the past, is a virtual impossibility today.
- The blame for a lack of political organization, or the low voter turnout should not be laid exclusively on Israel. A prolonged and sustained public education campaign is critical in the attempt to create a genuinely enfranchised Palestinian collective in East Jerusalem. This effort must be coupled with the organizational efforts of the Palestinian political parties themselves.

- It is essential that the CEC release accurate polling information well in advance of the elections. This matter is addressed first and foremost to the political leaderships, since the CEC cannot release what has not been agreed upon.
- A more timely release of all relevant data by the CEC is important to allow for a comprehensive analysis of the previous elections and better preparation for the approaching PLC elections.

The scope, nature and intensity of the upcoming PNC election slated for July are such that if major efforts do not commence immediately, these elections will fail to provide a valid democratic outlet and process in East Jerusalem

Transcending Jerusalem's Democratic "Fictions"

The authors of this report wish to conclude with a caveat: even if all the recommendations above will be implemented, and in exemplary good faith, the democratization of East Jerusalem will remain partial at best. We wish to elaborate on this point.

With rare exception, the Palestinians of East Jerusalem may not vote in Israeli national elections. They are not citizens of Israel. In the 2003 Jerusalem Municipal Elections, where Palestinian residents are entitled to vote, barely 4,000 of the over 100,000 eligible voters participated. And only 6,000 of the 100,000 eligible voters in the 2005 Palestinian Authority elections cast their ballots.

Anyone familiar with the political culture of the Palestinians of East Jerusalem knows just how steeped that culture is in democratic values. This is among the most "democratized" publics throughout the Middle East. However, out of 200,000 possible ballots that could have been cast in the two elections that took place during the last year and a half, only 10,000 ballots were, in fact, cast. The explanation for this cannot lie in an alienation from democratic values, but must be found elsewhere.

Neither Israelis nor Palestinians disclose even the remotest aspiration to share any sort of political community in Jerusalem. The Palestinians of East Jerusalem are neither entitled nor willing to participate in the elections of the national leaders whose actions govern their lives – the leadership of Israel. Nor do they desire to elect Jerusalem municipal officials, in spite of their right to do so – for fear of legitimizing Israeli hegemony in East Jerusalem. On the other hand, the only national leadership in whose election they may participate – the PA - has virtually no direct impact on their lives. The very right to participate in this latter exercise in semi-futility is fraught with obstacles, intimidation and reservations regarding the PA.

Under circumstances where a voter may not, and will not, elect those politicians who, empirically, control his or her life; but can vote, with great difficulty, for the politician who has little or no direct influence on his or her life – is it any wonder that the voter turnout is low? Regardless of all formalities, the Palestinians of East Jerusalem are doubly disenfranchised.

It is the current "bon ton" that democratization of the Middle East is a precondition for peace. Whatever reservations PDF and Ir Amim may have of the totality of this doctrine, we share a belief that the existence of vibrant, civil societies in Jerusalem, East and West, is indeed critical for a stable peace in the city. But the obverse is no less true. Democracy is also government by consent of the governed. Until such time as the Palestinian residents of East Jerusalem become a genuinely enfranchised constituency whose political leaders are affiliated with the body politic to which they belong -- a Palestinian State -- democracy will remain more fiction than fact.

The fact that genuinely democratizing East Jerusalem requires a resolution of its anomalous status in the framework of a political agreement in no way absolves the parties from doing what must and can be done, here and now.

For the Israelis – this means cutting loose from the fictions created in order to turn Palestinians into “Israelis” casting absentee ballots, and to create the space necessary to for the un-intimidated exercise of democratic rights.

For the Palestinians – this means organizing their own civil, political and democratic processes and institutions even under the present constraints.

For the international community – this means insisting that the process of democratization include the epicenter of the Israeli-Palestinian conflict – Jerusalem - while assisting the parties to soberly engage in efforts to narrow the gap between slogan and reality.

Jerusalem/Al-Quds/Yerushalayim, March 2005

The Peace and Democracy Forum

Ir Amim

The Partner Organizations

The Peace and Democracy Forum is...

[Peace & Democracy Forum \(PDF - Palestine\)](#) is a [Palestinian non-governmental organization based in East Jerusalem](#). The Forum is officially registered with the Israeli Ministry of Interior as a non-profit public society (AMUTA) in accordance with the Israeli Law regulating the functions of such institutions.

PDF-Palestine aims at:

- 1- [raising awareness of the Palestinian public regarding their economic and social environment , and enhancing individual and group involvement in order to develop elements of sustainability within the society;](#)
- 2- [encouraging concerned Palestinians within the various sectors of society to make use of the available legal, economic and social means in order to run their affairs;](#)
- 3- [enhancing democratic behavior, practices and measures within Palestinian institutions and within the society;](#)
- 4- [promoting openness, transparency and accountability within the public sector institutions and within the civil society institutions;](#)
- 5- [highlighting methods of non-violence to resolve social, economic and political conflicts;](#)
- 6- [mobilizing public support for negotiations in order to achieve a peaceful settlement to the Palestinian-Israeli conflict.](#)

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Ir Amim (“City of Peoples” or “city of Nations”) is a professionally driven Israeli organization, unaffiliated with any political party or institution. Ir Amim seeks to render

Jerusalem a more viable city even under the dire current circumstances, while generating and promoting a more politically sustainable Jerusalem in the future. The non-profit organization is comprised of professionals and lay activists -- attorneys, planners, architects, educators, social scientists and concerned citizens -- who are devoted to "Jerusalem on a human scale." That is, to a city shared by two collectives, Israeli and Palestinian, not only in the future, but today. Ir Amim places its knowledge and expertise concerning the political, economic and social conditions in Jerusalem at the disposal of a wide range of organizations and individuals, including those governmental and municipal authorities who deal with the ongoing management of the city and Track II parties who examine the sustainability of future political arrangements.