

# *Elections to the Palestinian National Council:*

## **Towards Palestinian Democratic Representation**

### ***What is the first step towards Palestinian democratic reform?***

The first step towards democratic reform is the organisation of free and direct elections to the Palestinian National Council, in which all Palestinians, in the homeland and outside in the *shatat*, have a direct vote. The fundamental flaw in the current Palestinian predicament is a crisis of representation, as most Palestinians do not have a say in the functioning of their own national Palestinian institutions. Palestinian refugees and those in the *shatat* have never exercised their democratic rights, leading to the political fragmentation of the Palestinian people, and its division into 'inside' and 'outside', as a result of external pressures. Moreover, the most important Palestinian democratic institution, namely the Palestinian National Council, has been marginalised from playing its national political role. In

practice, it has been transformed into a hollow institution, empty of any real substance and unable to give democratic expression to the popular will of the Palestinian people. It is worth noting that there is a national consensus around this need to reactivate the PNC through democratic elections, although no serious steps have been taken to achieve this.

### ***What is the Palestinian National Council?***

The Palestinian National Council is the highest representative legislative body of the Palestinian people both inside and outside Palestine. This encompasses all Palestinian refugees in their various current locations, the Palestinians of the *shatat*, Palestinians living in the territories occupied in 1967, and those living in the territories occupied in 1948.

### ***Why should elections to the Palestinian National Council be held?***

- Because every Palestinian has a legitimate right to be democratically represented.
- Because elections to the PNC would end the Palestinian division between the 'inside' and 'outside' and would restore unity to the Palestinian people.
- Because an elected PNC guarantees the preservation of Palestinians' inalienable rights. Foremost among these is the Right of Return.
- Because there is a national consensus and demand for these elections be held. For example, the second article in the Prisoners' Document, signed by

Fateh and Hamas in 2006, insists on PNC elections.

- Because elections like these strengthen the Palestinian position in the face of foreign and Zionist *diktats* and pressures.
- Because the PNC is the only body that carries the legitimacy to reform and revitalise all Palestinian institutions.
- Because the PNC rises above factional divisions and includes everyone, regardless of their party or political affiliations.
- Because PNC elections have the capacity to allay popular fears about the possibility of the cooptation of the democratic process, in a scenario where the PNC is formed based on a distribution of seats between parties, rather than by election.
- Because PNC elections will mobilise the young men and women of Palestine, affording them the opportunity to participate in the defence of their national cause and to make their voices heard internationally.

### ***The Historical Background of the Palestinian National Council***

The history of the PNC goes back to 1948, when a Palestinian National Council was held in Gaza, representing the first Palestinian legislative authority to be established on the territory of the Palestinian Arab state, itself laid out in UN resolution 181 of 1947. The Council at the time formed the All-Palestine Government (*Hukumat 'Umum Filasteen*).

The PNC was renewed in 1964 in the first Palestinian Conference, held in Jerusalem. The Conference announced

the formation of the Palestine Liberation Organisation (PLO), and deemed the Conference and all its delegates, the 'first PNC of the PLO'.

*The role of the PNC was curtailed by the Oslo Process in the mid 1990s, and decision-making was transferred to the institutions of the Palestinian Authority (PA) and the Legislative Council. This occurred despite the fact that the PA bodies were elected exclusively in the West Bank and Gaza, and therefore do not represent the Palestinian people as a whole, particularly since the majority of Palestinians live as refugees, and in the shatat. They can only be represented by the PNC.*

### ***What are the criteria of election and nomination to the PNC?***

Article 5 of the PLO's Fundamental Law stipulates that members of the PNC be elected 'by direct vote from the Palestinian people'. The electoral system, issued on 17 July 1965, also states:

- Every Palestinian has the right to vote in PNC elections if he/she is 18 years



old, if his/her name has been recorded in the final electoral registers, if he/she is of sound mind, and has not been convicted of a crime against national honour.

- Any candidate standing for election must be Palestinian, fully literate, registered as a voter in the final election register, 25 years old or above at the time of the elections, and not sentenced to any crime or misdemeanour. A candidate must not be an employee of the PLO, and should be an active member of the Popular Organisation (*al-Tanzim al-Sha'bi*). A candidate may not nominate him/herself in more than one electoral constituency.

*Despite these legal articles, our people have been deprived of their right to elect their PNC, as a result of the allocation of seats between Palestinian parties and unions.*

### **What are the capacities of the PNC?**

According to article 7-A of the Fundamental Law of the PLO, the PNC is the 'highest authority of the Palestine Liberation Organisation. It is the Palestinian National Council which decides the policies and plans of the Organisation.' The PNC represents the highest source of legitimacy for all the bodies and institutions of the PLO. It is responsible for all the constitutional, legal and general political affairs related to the most critical issues for the Palestinian people, and to its vital interests.

The PNC is the political body entrusted with the election of all members of the Executive Committee of the PLO.

### **What is the duration of each PNC term?**

Article 8 of the PLO Fundamental Law states that the duration of each PNC term is three years, and that its sessions be called by the PNC president once a year. Extraordinary sessions may also be called by its president upon requests from the Executive Committee or from a quarter of the PNC membership.

While this fundamental article is a constitutional imperative, the PNC has only been convened 21 times, the last time being the 1996 session in Gaza.

### **What are the ten areas with the largest Palestinian population?**

Occupied Palestine (1967):	4.043 million
Jordan:	2.5-3.5 million
Occupied Palestine (1948):	1.573 million
Chile:	500,000
Syria:	489,000
Lebanon:	460,000
Saudi Arabia:	341,000
United States:	260,000
Germany:	146,000
UAE, Qatar, Bahrain, Oman:	138,000

### **Practically speaking, will it be possible to hold elections, considering the dispersion of Palestinians in these and other areas?**

Yes. Logistical challenges can be overcome with the help of the United Nations, as shown by previous electoral experiences around the world. For example, the most recent Iraqi elections involved the participation of millions of Iraqi refugees abroad.

Several Palestinian researchers have presented detailed proposals on the use of information technology, and specifically electronic registration, which are currently used in national elections. These methods have proven a successful means of holding elections transnationally.

### **How can Palestinians eligible to vote be counted and registered?**

Palestinian experts have formulated detailed plans on this issue, based on cooperation between Palestinian communities, and the opening of Centres for Statistics and Registration in Palestinian embassies and consulates.

The question of 'who is a Palestinian' has been discussed in Palestinian circles for decades, and the most prevalent definitions are:

1. Every Arab born in historical Palestine, or every Arab holding citizenship rights according to the laws of the Mandate Period;
2. Every Arab born in Gaza or the West Bank, including Jerusalem;
3. Regardless of place of birth, anyone directly related to a person who fulfils the criteria in 1) or 2), or is for example the child, grandchild, or other descendant of such a person;
4. Anyone married to a Palestinian, as defined by the above criteria.

In the event that official papers are not available to prove that a person is Palestinian (for example an UNRWA Rations Card, a refugee's travel permit, a passport from the Palestinian Authority, a '48 Palestinian or Jerusalem identity card, a landownership deed, or the birth certificate

of a mother, father or grandparent), the testimonies of Palestinian researchers, activists or communities may be relied upon to prove Palestinian identity. This activity is essential regardless of the PNC elections, since it fortifies the Right of Return, enhances identity and belonging, and helps in uniting and mobilising Palestinians wherever they are, as well as documenting their existence.

### **How can we overcome the political challenges that certain states might pose?**

There are many historical precedents on overcoming these challenge on the issue of representation. For example, in the period before Oslo, the Zionist authorities used to prevent the participation of Palestinians from the West Bank and Gaza Strip in the PNC, so a number of seats were reserved to ensure that they would be represented. There are a number of creative solutions of this sort which could be employed in the event of any Arab or foreign state blocking the election process.

In any case, obstacles like these, and others that arise must be confronted through campaigns, hard work, and broad popular participation, rather than being used as excuses to give up our democratic rights, and our only way out of the crisis of Palestinian representation. As long as there is the political will that is united, then any logistical, political or statistical problem arising may be solved. The potential for hurdles along the way do not mean that we cannot see the process through to full democratic representation in our national institutions, which belong to the Palestinian people wherever they are.