

## October 2018 - PASSIA Brief on PALESTINIANS AND THE JERUSALEM MUNICIPAL ELECTIONS (30 OCTOBER 2018)

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### **BACKGROUND:**

- Since the start of the Israeli occupation in June 1967, Palestinians in Jerusalem were subjected to Israeli law and administration in the city, although under international law, East Jerusalem is occupied territory, thus the Fourth Geneva Convention is applicable and Israel has no claim to East Jerusalem by virtue of having taken control of it militarily.
- Under the illegally imposed Israeli law, East Jerusalem's legal status is different from that of the rest of the territories occupied in 1967 and its Palestinian inhabitants became "permanent residents" in the city, with special ID Cards and travel documents ("Laissez-passer") issued for them.
- Despite these measures, Palestinians in Jerusalem consider themselves as part of the people in the remaining occupied territories; however, unlike them they were not able to become Palestinian citizens post-Oslo and with the establishment of the Palestinian Authority (PA), without losing their right to live in Jerusalem.
- Based on their Israeli-imposed legal status of "permanent residents", Palestinians are permitted to vote in municipal (but not national) elections, but have to date largely chosen not to participate in the city's electoral process. The very few who did were mostly employees in Israeli institutions voting for Israeli parties.
- While boycotting the Israeli municipal elections, Palestinians in Jerusalem have tried on various occasions - but so far unsuccessfully - to (re-)establish some kind of their own representation in Jerusalem, including reviving the Arab Municipality (which Israel dissolved in 1967), creating a shadow municipality (e.g. by having a PA Ministry of Jerusalem or adding a Jerusalem Department to each of the existing Ministries), or reopening the Orient House (closed by Israel in 2001).
- After 51 years of occupation, enforcement of Israeli laws and neglect, the Palestinian "in-limbo situation" in Jerusalem has brought up the discussion about reconsidering the boycott and going to the ballot box before every election. Whether pro or con - there is no (Jerusalemite) political leadership on the Palestinian side to decide and guide.
- This year (2018), three small groups or initiatives of East Jerusalem Palestinians planned an unprecedented run for the municipal council, although they were not the first ones (see below for details of previous attempts).
- Deep disengagement: many Palestinians residents do not know who is running, what the candidates' platforms are, when Election Day is, or where the polling stations would be. Some mistakenly assumed an Israeli passport is required.
- On 26 June 2018, the PLO Executive Committee affirms its unwavering support for the Palestinian boycott of the Jerusalem municipal elections.
- On 30 July 2018, the Supreme Fatwa Council in Palestine forbade Palestinians from participating in the election, as it could be considered recognition of the "legitimacy" of Israel's occupation.

**FACTS & FIGURES:**

- **Municipality:** headed by a mayor, who serves a five-year term and appoints eight deputies.
- **Municipal Council Seats:** 31
- **City Council members** receive no salaries and work on a voluntary basis.
- **Religious political parties** are the most powerful faction, accounting for the majority of the seats.
- **Voters cast two ballots:** one directly for a **mayoral candidate**, the other for a list of candidates for the **municipal council**.
- In order to be **elected mayor**, a candidate must receive at **least 40%** of the valid **ballots cast**. Otherwise, there will be a second round of elections between the two candidates who received the most votes.
- Election to the Municipal Council is **proportional**, with lists winning seats based on the proportion of the vote they win. In the 2018 election, the estimated **minimum no. of votes needed to win a seat** were 7,000-8,000<sup>1</sup> (depending on turnout).

- **Palestinian voter turnouts**

Palestinian voter turnouts have traditionally been extremely low making the total voter turnout in the city also low.

**Palestinian Voter Turnout at Jerusalem Municipal Elections**

Year	Ballots Cast by East Jerusalem Palestinians	Voter turnout (%) of eligible Palestinian voters
1969	7,500	21% <sup>1</sup>
1973	3,150	7%
1978	8,000	14%
1983	11,500	18.4%
1989	2,700	3%
1993	6,000	5%
1998	6,500	6.5%
2003	3,500	3%
2008	2,600	2%
2013	1,600	0.9%

<sup>1</sup> The high figure was because municipal employees were literally bussed to the polls and rumors were spread that failure to vote could entail loss of rights and entitlements.

<sup>2</sup> Similar rumors led to another relatively high turnout in 1983.

Source: Seidemann, Daniel, *Elections in Jerusalem 2018: The Palestinian Dimension*, Oct. 2018.

<sup>1</sup> Ackerman, Gwen and Fadwa Hodali, "Defying 50-Year Taboo, Palestinians Run for Jerusalem Elections," *Bloomberg*, 14 May 2018, <https://www.bloomberg.com/news/articles/2018-05-13/defying-50-year-taboo-palestinians-run-for-jerusalem-elections>. Seidemann, Daniel, *Elections in Jerusalem 2018: The Palestinian Dimension*, October 2018.

- **Results of the 2013 Elections:**

- **Total eligible votes in Jerusalem (2013):** 576,406<sup>2</sup>
- **Eligible votes from mainly Arab neighborhoods (2013):** 180,299<sup>3</sup> (31.3%)
- **Valid Palestinian votes:** 95 (of which 22 for Meretz)<sup>4</sup>

- **Palestinian Lists 2018:**

1. ***Yerushalayim-Al Quds*** led by Gershon Baskin and Aziz Abu Sarah – later transformed into ***Al-Quds Lana*** (= Jerusalem is Ours) led by Aziz Abu Sarah (Gershon Baskin as advisor), who announced withdrawal of this candidacy on 25 September 2018, citing “legal challenges” imposed by Israeli authorities (with regard to his residency status) and strong Palestinian pressure.
2. ***Jerusalem for Jerusalemites*** led by Ramadan Dabash, a civil engineer from Sur Baher
3. ***East Jerusalem Party*** led by Iyad Bibuah, a teacher from East Jerusalem (At-Tur?) (backed off at an early stage)

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<sup>2</sup> *Jerusalem: Facts and Trends, 2014*, available at <http://en.jerusalemstitute.org.il/.upload/jerusalem/facts2014eng.pdf>.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

**PALESTINIAN ARGUMENTS FOR PARTICIPATION VS. NON-PARTICIPATION:**

**Con:**

- “No vote” is an important principle of Palestinian nationalism in Jerusalem and expresses a unified Palestinian voice against discrimination and inequality.
- Boycott of local elections = boycott of imposed Israeli civil law (in 1967).
- To cast a vote is to acknowledge the legitimacy of the occupation and of Israel’s control over the eastern part of the city (boycott = unequivocal refusal to legitimate the occupation and Israel’s claims that Jerusalem is the “complete and united” capital of Israel).
- Voting gives the Israelis political cover to create a reality where the Palestinians participate in the occupation of their own country.
- Taking part in the elections would be seen as agreement to Israel's continued rule over all of Jerusalem (“collaborating with the enemy”), accepting the “unified Jerusalem game.”
- Voting violates all international law and norms, and seriously undermines the prospects for a successful struggle to liberate our capital Jerusalem.
- “One can't change things from the inside, especially not the treatment of Palestinians. It's all about government policy. The municipality is just an instrument to oppress Palestinians.”
- “Whether we vote or not, city hall and the government will do whatever they want”.
- “Look at the Palestinians in Israel, they participate in the elections and get nothing.”
- Boycotting the municipal elections/non-cooperation is the longest lasting method of non-violent resistance to Israel’s policies of discrimination and exclusion. To abandon the strategy after so long would be a mistake - joining the Israeli political process especially now (after the US embassy move etc.) will look like we are surrendering.
- Even if Palestinians would vote *en masse* and win enough seats to make a difference, Israel would find ways to counter this (e.g., by changing demographics by adding the settlement blocs around the city to the municipality and or excluding Palestinian neighborhoods, especially those behind the separation wall, from voting).
- Even if Palestinians would vote *en masse* and win all possible seats, decision-making within the municipality depends on coalitions. If there was a strong Palestinian candidate (à la the late Faisal Husseini or MK Ahmad Tibi), no one will enter a coalition with them, so they will have no power at all.
- Even in the best case (all vote for one party and get maximum number of seats), crucial issues such as housing cannot be influenced as the ultimate decision takes place on national, not municipal level (i.e., the Israeli Ministry of Interior will very like veto any proposal for Palestinian housing).
- Under Israeli law, only a citizen can be mayor of Jerusalem (Article 4(b) of the Local Councils Law of 1975 reads: "...the eligibility to be elected head [of a Municipal Council] must be [an Israeli citizen]..." East Jerusalem Palestinians are, with rare exceptions, not citizens of Israel.

**Pro:**

- Voting doesn't mean accepting the occupation or Israel's sovereignty over Jerusalem but to lobby for Palestinians concerns and rights in the city in the absence of any other political strategy or leadership and improve living conditions.
- Doesn't the willingness to carry an Israeli ID card and driver's license or to receive social benefits and pay taxes to Israeli bodies constitute recognition of a city under occupation? (Counter-argument: no, unlike voting these are not voluntary acts if one wants to keep his residency rights).
- Participation in the political process could transform a political landscape that has allocated only 10% of the local council's budget to 37% of its people.
- Participation could transform the struggle from a nationalist one into a civil rights one.<sup>5</sup>
- Participation is a means to improve the quality.
- Participation is a political statement that Palestinian are here too.
- PA doesn't care about Palestinians in Jerusalem.
- Participation can strengthen Palestinians voices that challenge Israel's policies of exclusion.<sup>6</sup>
- Palestinian politicians could make their mark in municipal politics just as ultra-Orthodox Jews have.
- If Palestinian residents voted *en masse* like the ultra-Orthodox minority, they could win enough seats to make a difference and changes on the ground.
- Pragmatism should trump ideology to save East Jerusalem – Israel keeps changing facts on the ground and voting is the only initiative that might make a difference.
- We all live in the same city and this won't change.
- Giving up local political representation plays into the hands of the occupation forces, the right-wing and the settlement movement which have complete free hands in pushing ahead with their Judaization project(s).
- Palestinian representatives in Jerusalem would represent the entire Palestinian population, adding to the claim for a Palestinian capital in the city.

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<sup>5</sup> As former mayor Ehud Olmert once warned: if the two-state solution collapsed Israel would "face a South African-style struggle for equal voting rights, and as soon as that happens, the state of Israel is finished." *Haaretz*, 27 November 2007

<sup>6</sup> There had never been an Arab member of the Council, nor are there Arab department heads in City Hall. The mayor's part-time adviser on East Jerusalem is an observant Jew. Moreover, Ir Amim analyzed in 2013 the various platforms and found that most parties don't even address the problems of East Jerusalem at all.

**PREVIOUS ATTEMPTS AT RUNNING/CANDIDATES:**

All previous attempts to participate in the municipal election failed due to threats and calls for a boycott by Palestinian factions and/or officials.

- **1987:** The first Palestinian intending to contest the election was **Hanna Siniora**, a Christian Jerusalemite businessman and editor of *Al-Fajr* newspaper, who told foreign journalists on the 20<sup>th</sup> anniversary of the 1967 War that he would head a Palestinian list to run in the next Jerusalem municipal elections. However, he later withdrew after his two cars were torched.
- **1993:** The **Shalom Yerushalayim** (aka **As-Salaam Min Ajal Al-Quds**) party intended to run in the Jerusalem elections. Founding members were: Sarah Kaminker (Chair), Dr. Moshe Amirav; Deputy Mayor Dr. Lotte Salzburger; Dr. Gershon Baskin; Prof. Veronika Cohen; Dr. Shlomo Elbaz; and Hillel Bardin. They hoped that Palestinian residents would – either by themselves or with like-minded Israeli Jews – enter the municipal election to fight for two capitals, their fair share of municipal funds, and legitimate political power to protect their lands and property.

As the Jerusalem Palestinians they met said they would only vote if PLO Chairman Yasser Arafat gave his support, Kaminker, Amirav and Bardin went to meet him in his Tunis exile, but returned with no clear commitment. Without the prospect of getting tens of thousands of votes from Palestinian residents, required to succeed, the party terminated its work.

- **1998:** Musa Alayan, an insurance agent and lawyer with Israeli citizenship from Beit Safafa, formed the “Independent Arab List”, claiming he had the green light from PA officials (indeed, while the Lobby for Human Rights in Jerusalem, a coalition of nine Palestinian NGOs, denounced Alayan's campaign as strengthening Israeli sovereignty on Jerusalem, the *Al-Quds* newspaper ran a series of pro-Alayan statements and candidacy ads). Alayan argued that his candidacy had nothing to do with the future political status of Jerusalem, but his list received less than 3,000 votes<sup>7</sup> and did not gain a seat in the municipal council.

**1998:** The Hadash Party ran the first ever Arab candidate for mayor of Jerusalem as well as a list for city council, headed by Nazim Bader, a Palestinian citizen of Israel living in Beit Safafa, who also ran for mayor. (In the previous two elections, Hadash had supported the Meretz list). They ran on a "divided Jerusalem" platform, arguing that East Jerusalem Palestinians should be under Palestinian sovereignty and hence, not vote in the municipal elections.<sup>8</sup>

- **2003:** Musa Alayan ran again on the “Independent Arab List” and again failed to get enough votes.
- **2008:** Musa Alayan again failed to obtain a council seat, receiving only 3,452 votes.

Besides the above, there was at least one occasion (1998), where a Palestinian (Mufid Jaber) ran as a candidate for the left-wing Meretz Party.<sup>9</sup>

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<sup>7</sup> Abu Toameh, Khaled, “How Jerusalem's Arabs Act Against Their Own Interests”, October 2013, <https://www.gatestoneinstitute.org/4019/jerusalem-elections-arabs>.

<sup>8</sup> Klein, Amy, “Leaflets denounce Arab Candidate as ‘traitor’”, *The Jerusalem Post*, 25 September 1998.

<sup>9</sup> *Ibid.*