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POLICY CHALLENGES TO DEMOCRATIZATION IN THE OCCUPIED PALESTINIAN TERRITORY

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Hanan Kaoud is a Palestinian scholar and policy analyst specializing in democratization, gender, and governance in colonial contexts. With over two decades of professional and academic engagement, her work interrogates the intersections of colonial fragmentation, elite capture, and institutional legitimacy in the occupied Palestinian territory. With two master's degrees from Birzeit University, in Democracy and Human Rights, and in Gender and Development, Kaoud led analytical assessments, research and policy advocacy across Palestine, the MENA region, and international forums. Her recent research advances a decolonial critique of Oslo-derived governance and calls for a participatory social contract grounded in collective political agency.

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Executive summary

Palestine is increasingly besieged, externally by the genocidal campaign in Gaza and the enduring Israeli colonial control over the Occupied Palestinian Territory (oPt), and internally by authoritarian fragmentation within the Palestinian political system. The simultaneous erosion of collective political agency and representative institutions has produced bleak scenarios for both good governance and the viability of independent statehood. The current configuration of governance, shaped by the Oslo framework, has entrenched a logic of administrative subordination rather than national sovereignty. It operates through elite consensus, donor patronage, and institutional paralysis, offering only the simulation of democratic process under conditions of absent sovereignty.

In this context, the genocide in Gaza, representing a humanitarian catastrophe, could be considered as a revelatory moment: one that exposes the structural incapacity of the Palestinian Authority (PA) to act in defense of its people. Yet this moment also demands political initiative. The destruction and fragmentation laid bare must become a catalyst for institutional renewal grounded in collective authorship and public legitimacy.

This paper contends that the future of Palestinian governance requires more than technocratic fixes. It calls for a foundational reconfiguration: the articulation of a new social contract that:

- Responds to the deficits of internal authoritarianism and external domination.
- Reclaims governance as an extension of national liberation rather than administrative containment.
- Decouples legitimacy from donor dependence and elite control, restoring it to the Palestinian people, including refugees and the Palestinians in Exile.

To that end, the paper proposes:

- A broad-based consultative process to formulate a new representative political framework.
- The creation of a National Transitional Council and a constitutional assembly tasked with drafting a Charter of Popular Sovereignty.
- The establishment of a transnational electoral registry to ensure democratic inclusion across all geographies.
- A political strategy that repositions the Palestinian cause within global diplomatic forums through coordinated public diplomacy efforts.
- The transformation of donor-driven organizations into democratically accountable actors, subordinated to national priorities rather than external benchmarks.

The aim is not to rehabilitate Oslo-derived institutions, but to construct new ones that embody popular sovereignty under conditions of ongoing colonial fragmentation. Democratization, in this context, entails the reconstitution of legitimate authority from below; one that is anchored in peaceful civic, legal, moral, intellectual and cultural resistance, justice, self-determination, and the right of return, while in parallel holding fast to the Palestinian national project as reframed through a newly established social contract. This approach rejects adaptation to colonial conditions, whilst affirming that national coherence and political survival require a break from structures designed to manage, rather than represent the Palestinian people.

Introduction: Rethinking democratization under colonial control

This paper examines the trace of democratization in the oPt by analyzing the institutional framework set up under the Oslo Accords and its operational logic. It focuses on the relationship between governance structures and the political conditions imposed by prolonged occupation, territorial fragmentation, and the absence of sovereignty. Democratization under colonial rule is challenging since there is no independent state. Thus, it cannot be oversimplified to mean the practices and institutions of equal representation and rule of law. In the case of the oPt, democratization is complicated by the usurpation of land, denial of rights, legal inequalities and colonial control. A decolonial perspective measures democratization in such a colonial context in terms of the laws, institutions, ideas, and practices that create openings for self-determination and identity rights as well as practical mechanisms that enable citizenship skills in the lead-up to independence.

The PA, established under the Oslo I Accord (1993) and Cairo Agreement (1994), [1] as the main institutional outcome of Oslo, has functioned over time in ways that raise questions of political representation, legitimacy, and public accountability. Particular attention is given to the formal suspension of presidential and legislative electoral processes, the absence of a functioning legislature since 2006, [2] and the concentration of executive power.

Rather than attributing democratic regression solely to internal administrative shortcomings or technical delays in electoral processes, this policy brief situates the crisis of democratic governance within the broader structural and political context that shapes Palestinian institutional performance. It highlights the intersection of three interrelated determinants: (i) the concentration of political authority within an elite-driven decision-making framework; (ii) the persistent constraints imposed by Israeli military control; and (iii) the normative and operational influence of externally driven donor agendas on local governance structures.

The historical context

The Palestinian Basic Law mandates regular elections as instruments of democratic transition, [3] yet since 2006, this mandate has remained suspended: first due to the Hamas–Fatah rupture, then under the guise of national unity or the constraints of occupation. Elections, from their inception in 1996 through 2006, never functioned to transfer authority but instead served to regulate political participation within a preordained framework of subordination. As Ezbidi (2018) observes, the internal political fracture achieved what occupation alone could not: it fractured the social contract, eroded civil peace, and replaced collective will with factional interests. [4] The 2006 elections exposed the limits of reformist expectations under conditions of imposed sovereignty and factional capture, triggered a political rupture, and produced two territorially and institutionally fragmented authorities that shared neither sovereignty nor a unifying national framework, henceforth entrenching civic paralysis. Since then, the Palestinian Legislative Council ceased to function and was later formally dismantled in 2018 through interpretive ruling no. 10 of the Palestinian Constitutional Court.

[1] The agreement stipulates: The Government of the State of Israel and the Palestinian Liberation Organization team (within the Jordanian-Palestinian delegation to the Middle East Peace Conference) (the Palestinian delegation), representing the Palestinian people, agree that the time has come to end decades of confrontation and conflict, recognize their mutual legitimate and political rights, strive to live in peaceful coexistence with mutual dignity and security, and to achieve a just, lasting, and comprehensive peace settlement and historic reconciliation through the agreed-upon political process. The two parties hereby agree on the following principles.... These include negotiations, elections, jurisdiction, the interim period, and the preliminary transfer of powers and responsibilities. For more, see: Negotiations Affairs Department, Palestine Liberation Organization, published September 13, 1993: <https://www.nad.ps/ar/publication-resources/agreements/>

[2] PCPSR. (2023). *Critical Policy Brief, Number 3/2023*. PCPSR

[3] Central Elections Commission (CEC). Available at: <http://www.elections.ps/tabid/210/language/en-US/Default.aspx>

[4] Ezbidi, Basem (2018). The Palestinian Division: Structural Drivers and the Conditions for Political Resolution. *Al-Mustaql Al-Arabi Journal*.

[5] Al-Shabaka (2023). Dismantling Abbas's Rule over the Palestinian Judiciary. Available at: <https://al-shabaka.org/briefs/dismantling-abbass-rule-over-the-palestinian-judiciary/>

Following its announcement by presidential decree in March 2021, the postponement of the legislative elections reaffirmed the structural closure of the Palestinian political system. Although parties registered candidate lists and public mobilization began in anticipation of the May 2021 vote, the process was halted before ballots were cast. President Abbas cited the anticipated Israeli refusal to allow East Jerusalem residents to participate as the primary reason for the suspension, yet no alternative mechanisms, such as remote or absentee voting, were proposed. As Ezbidi (2021) contends, this reflects an epistemic configuration in which electoral processes are invoked to simulate legitimacy while simultaneously foreclosing genuine contestation. Even in the absence of an actual vote, the deferral of political participation under the guise of procedural concern renders representation hollow, transforming political life into a managed performance of instability. [6]

Consequently, the Palestinian political field has become fragmented, not along ideological lines, but through the consolidation of elite interests. Elections no longer function as instruments of collective representation but as devices for deferring systemic crises. Institutions continue to function administratively, yet they have lost legitimacy among the people. The relationship between the ruling authority and the ruled has broken down: citizens are no longer political actors, but subjects managed by a system that speaks the language of democracy while denying its substance.

Structural conditions of governance in the oPt

This section examines the institutional and political architecture that has structured governance in the oPt since the creation of the PA under the Oslo Accords. The analysis proceeds by identifying four interrelated features of this governance model: Oslo and the Depoliticization of Governance; The Erasure of Return; Institutional Silence; and the Crisis of Representation. Taken together, these features examine how governance operates in the absence of sovereignty and in the service of stability rather than representation.

ADMINISTERING FRAGMENTATION: OSLO AND THE DEPOLITICIZATION OF GOVERNANCE

Governance in the oPt follows a settler-colonial logic wherein sovereignty is displaced by administrative control subordinate to Israeli military authority. The PA was intended as a temporary body but has become a permanent administrative apparatus devoid of the attributes of statehood. It functions as a delegated mechanism performing limited tasks under externally imposed political, fiscal, and colonial constraints.

While nominally responsible for civil affairs in Areas A and B—about 40 per cent of the West Bank—the PA holds no authority in Area C or East Jerusalem, where Israeli control is absolute. Its operational capacity is financially dependent: in 2023, donor contributions comprised 60–70 per cent of public expenditure, and the World Bank reported a \$682 million fiscal gap, alongside chronic delays in salary and service delivery. [7]

Oslo transformed Palestinian governance from a national liberation project into a bureaucratic apparatus. This shift stripped the PLO of its representative mandate and reduced the PA to a managerial entity dependent on foreign approval. Governance became a means of elite consolidation rather than public accountability. As Ezbidi and Jarbawi (2019) argue, the system prioritized internal stability over political representation. [8] Hilal (2006) further shows how clientelism, patriarchal networks, and economic coercion—especially after Oslo—turned political authority into a mechanism for controlling the population rather than engaging it. [9]

[6] Ezbidi, Basem. The Palestinian Authority and the Illusion of Democracy. In *Palestinian Democracy Denied: Learning the Right Lessons from a Broken Election Process*, 13–16. Brussels: European Council on Foreign Relations (ECFR), 2021.

[7] World Bank Press Release (May 23, 2024). World Bank Issues New Update on the Palestinian Economy. https://www.worldbank.org/en/news/press-release/2024/05/23/world-bank-issues-new-update-on-the-palestinian-economy?utm_source=chatgpt.com

[8] May 11, 2019: Seminar on the Crisis of the Palestinian Political System, Ibrahim Abu-Lughod Institute, Birzeit University.

[9] The Palestinian Political System after Oslo. Beirut and Ramallah: Institute for Palestine Studies and the Palestinian Institution, 2006. Hilal, Jamil (for the study of democracy).

The Palestinian elite did not emerge through democratic processes, but under conditions shaped by occupation and external interference. Even before Oslo, leadership was selected through factional consensus and external patronage rather than public accountability. Oslo formalized this arrangement, institutionalizing a system that balances elite interests without representing the broader society. As a result, a politically insulated class governs within limits set by donors and the occupying power. This has closed off space for collective agency and contributed to blocking the development of a unified national project.

External actors have reinforced this configuration. Between 2019 and 2023, the PA received over \$1.2 billion annually, conditioned on meeting donor-imposed benchmarks: fiscal discipline, security coordination, and anti-corruption. These standards reframe legitimacy in technocratic terms. [10] As Tartir (2015) notes, this is "securitized development", where governance is evaluated by procedural efficiency rather than political accountability. [11]

This created a technocratic model where institutions are evaluated by donor-defined reforms, not by whether they represent the people. Democratization has been reduced to administrative functionality. Political representation is treated as a matter of performance and procedure, not as a reflection of national will. As Dana (2021) argues, this approach strips political life of content, turning governance into a technical exercise disconnected from its social base. [12]

Attempts at reform from within the Palestinian political system have consistently failed, not only due to external constraints but because reformist actors have remained institutionally subordinate to the dominant factions. Rather than forming autonomous political bases, these actors have often pursued incremental change through elite-controlled channels, thereby reinforcing the very structures they sought to challenge. When moments of political rupture occurred, such as the 2006 elections or the 2011 and 2017 unity negotiations, reformists lacked the organizational capacity, public mandate, strategic clarity, or even the political will due to self-interests, to assert an alternative project.

THE ERASURE OF RETURN

The right of return, once a constitutive pillar of the Palestinian national movement, has been systematically relegated to the margins of political discourse. Under the Oslo framework, return is no longer treated as a foundational right but repositioned as a negotiable issue within a model of governance that fragments sovereignty and excludes displaced constituencies. This marks a deeper shift: refugees are no longer political agents, but residual humanitarian subjects.

This redefinition serves a structural purpose as it aligns Palestinian political claims with a project of truncated statehood within the 1967 borders, at the expense of collective rights. As Kuttab (2013) notes, refugees have been recast as diplomatic abstractions, detached from the political body. [13] This marginalization has been codified through Israeli legislative actions, such as the 2024 laws curtailing UNRWA's operations in camps like Shu'fat and Qalandia, effectively dismantling institutional mechanisms that sustain the political visibility of return. [14] The erosion of return is not only juridical, but spatial. Camps in the West Bank remain governed as sites of containment rather than civic inclusion. Since October 2024, military incursions have rendered several camps uninhabitable, with over 45,000 Palestinians displaced under 'Operation Iron Wall': a process UNRWA describes as the most extensive internal displacement since 1967. [15]

This dual erasure has removed refugees from the institutional imagination of Palestinian governance. Without mechanisms to represent displaced populations, democratization becomes hollow: a project divorced from its national base and unable to articulate a collective political future.

[10] World Bank, Economic Monitoring Report to the Ad Hoc Liaison Committee, May 23, 2024.

[11] Tartir, Alaa. 2015. Securitised Development and Palestinian Authoritarianism under Fayyadism. *Conflict, Security & Development* 15(5): 479–502.

[12] Dana, Tariq. The Fallacy of Palestinian Elections: A Colonial Trap. In *Palestinian Democracy Denied: Learning the Right Lessons from a Broken Election Process*, 9–12. Brussels: European Council on Foreign Relations (ECFR). 2021.

[13] Kuttab, Alexander. 2013. *The Rights of Palestinian Refugees: Current Challenges and Possible Solutions*. In *Palestinian Refugees: A Comparative Approach*. The Forced Migration and Refugee Unit & The Birzeit Strategic Studies Forum, 73–87. Birzeit: The Ibrahim Abu-Lughod Institute of International Studies, Birzeit University.

[14] The Palestinian Center for Israeli Studies (Madar). Final Reading: Two Laws Prohibit UNRWA Operations in Areas Under "Israeli Sovereignty" and Ban Engagement with UNRWA. *Legal Monitor*, October 29, 2024.

[15] Ibid (UNRWA 2025).

INSTITUTIONAL SILENCE AND THE CRISIS OF REPRESENTATION

The consequences of this governance model were most clearly visible throughout the 2023 war on Gaza until present. In the face of mass genocide, displacement, and institutional collapse, the PA remained politically and juridically inert. This was not a failure of implementation, but a structural incapacity rooted in its design: Institutions created to manage rather than represent cannot fulfill protective or political functions during systemic crises.

This democratic closure has broader consequences. Popular confidence has collapsed. A 2023 PCPSR poll found that only 17 per cent of Palestinians supported the PA's continuation in its current form, while nearly 80 per cent demanded presidential resignation. [16] According to the Associated Press (2023), over 90 per cent oppose President Abbas's continued leadership. [17] These figures reflect the disconnection of political institutions from their social base. The existing regime does not only suffer from misgovernance. It is structurally configured to exclude. What emerges is a collapse of political accountability where the citizen is positioned as an object of service delivery, not as a participant in political decision-making.

Policy recommendations: Reconstituting authority through a new social contract

In the prevailing conditions, characterizing the PA as a social contract between it and the Palestinian people is conceptually and politically flawed. A social contract implies governance that is representative, accountable, and founded upon mutual recognition, a logic the PA has never embodied.

Beyond institutional failure, Palestinians face existential threats that are now affirmed by international legal authority. The ICJ's order of provisional measures on 26 January 2024 affirmed the plausibility of genocidal acts in Gaza under the Genocide Convention, requiring Israel to take immediate action to prevent such outcomes. [18] Although not a final ruling, it constitutes a landmark legal acknowledgment of Palestinian existential threat. UN Special Rapporteur Francesca Albanese has further described Israeli operations as exhibiting genocidal traits, including intentional killing, systematic destruction, and deprivation, and has urged states to recognize this as "apocalyptic genocide" and to confront corporate complicity in sustaining violence. [19]

These determinations confirm that Palestinians are subject not only to a dysfunctional PA apparatus but also to a legally recognized existential threat. Settler violence, military bombardment, and structural deprivation together produce an environment of living danger, one that the PA is manifestly incapable of redressing, whether legally or institutionally

[16] Palestinian Center for Policy and Survey Research (PCPSR). 2023. Public Opinion Poll No. 89. Conducted September 6–9, 2023. Findings include widespread demand for Abbas's resignation (approximately 80%) and significantly weakened public confidence in PA institutions.

[17] Laub, Karin (Associated Press). Palestinian poll shows a rise in Hamas support and close to 90% wanting US-backed Abbas to resign. AP News, published December 13, 2023. Available at: <https://apnews.com/article/>

[18] Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Provisional Measures, Order of 26 January 2024. The Hague: ICJ. Accessed via ICJ website.

<https://www.icj-cij.org/taxonomy/term/454>

[19] Albanese, Francesca. 2025. Report of the Special Rapporteur about human rights in the Palestinian territories occupied since 1967, A/HRC/59/23: From Economy of Occupation to Economy of Genocide. Geneva: UN Human Rights Council. Released June 2025. Accessed via UN website: <https://www.un.org/unispal/document/a-hrc-59-23-from-economy-of-occupation-to-economy-of-genocide-report-special-rapporteur-francesca-albanese-palestine-2025/>

The institutional crisis in the oPt cannot be addressed through technocratic reform or procedural normalization. Governance structures established under Oslo are structurally incapable of representing the Palestinian people or advancing collective political agency. A new social contract must therefore be articulated as a binding and representative framework that redefines legitimate authority under conditions of suspended sovereignty and territorial fragmentation.

The following recommendations are grounded in a political-structural reading of Palestinian governance, one that prioritizes popular legitimacy, political coherence, and the reactivation of collective national agency:

1. Initiate a broad-based consultative process to formulate a new social contract

A new social contract should be developed through an inclusive process involving all Palestinian political factions, including Fatah, Hamas, and others, as well as representatives of refugees, diaspora communities, unions, civil society organizations, local committees, and the public. The purpose is to create a legitimate political framework based on collective representation, not to negotiate power-sharing among elites. This process should follow three steps: first, form a National Transitional Council composed of representatives from syndicates, [20] refugee committees, and independent grassroots actors; second, convene a national assembly to draft a constitutional framework; third, present this framework for public ratification through structured and participatory deliberation. The process must guarantee representation for refugees and Palestinians in exile. A Global Palestinian Electoral Registry should be established to enable their participation in all stages of decision-making.

2. Delink institutional legitimacy from Oslo structures

Existing institutions derive authority from a framework designed to manage rather than represent. The proposed social contract must reassert the primacy of the Palestinian people as the source of authority, not donor agendas or interim accords. This requires a legal and political break from the Oslo-derived logic of deferred sovereignty.

3. Define mechanisms of accountability independent of factional capture

A representative political order must include enforceable checks on executive authority, protection for dissent, and institutional pluralism. This necessitates a return to constitutional principles, such as separation of powers and term limits, currently suspended under executive decree.

A People's Charter for Democratic Accountability should be drafted through participatory deliberation, codifying constraints on executive power, public recall mechanisms, and protections for political opposition. This charter must be judicially protected by an independent constitutional court.

4. Reframe political unity beyond administrative merger

In a context where Fatah controls the West Bank and Hamas controls Gaza, unity cannot be reduced to structural integration or shared governance. Instead, it must be rooted in a shared national vision, structured through a binding political charter that outlines mutual obligations, guarantees rights, and clarifies institutional roles under conditions of fragmentation.

This political charter should be ratified by national referendum, coordinated across the oPt and exile constituencies, thereby affirming unity through popular sovereignty rather than elite consensus.

[20] Syndicates refer here to autonomous professional and labour associations that represent key social constituencies within Palestinian society. From a legitimacy-based perspective, their inclusion in a transitional council is aimed at anchoring political reconstruction in organized, bottom-up collective agency but not corporatist representation.

5. Reposition governance within a national liberation project

Democratization cannot be pursued in isolation from the struggle for self-determination. Governance must be reoriented toward reconstructing a national political project that connects political representation with the goals of liberation, return, and decolonization. This requires restoring the substantive political content of representation, rather than simulating it through procedural or technocratic forms.

In the Palestinian context, democratic institutions must function not as frameworks of managerial containment, but as instruments of political mobilization anchored in the collective will of the people. Therefore, the project of democratization would need to be reconnected to broader strategies of resistance including legal, civic, and political, that challenge colonial domination while also enabling the state to fulfill its public responsibilities. Governance, in this view, is not the antithesis of resistance but its institutional articulation: a form of authority that derives legitimacy from struggle and expresses it through competent, accountable service to the people.

6. Engage the public in authoring political institutions

Authority must be built from below. A participatory drafting process for the new social contract, through town halls, local assemblies, and digital platforms, can restore the political agency of citizens and challenge elite monopolization. Legitimacy must be constructed as a shared authorship of political future.

Such participatory forums must also create mechanisms for refugee and diaspora engagement, including consultative assemblies in major host countries and digital platforms that ensure real-time deliberation and transnational accountability.

Concluding remarks

Democratization in the occupied Palestinian territory has not failed due to procedural inefficiencies or technical mismanagement, but because the governing institutions were designed to administer a fragmented and subordinate polity, not to represent a sovereign people. Within this structure, political participation has been reduced to controlled simulation, and legitimacy has been redefined through external validation rather than internal consent.

Recognizing that reform within the Oslo framework is structurally foreclosed, a transitional process must be initiated to construct a representative political order grounded in national will. This requires the establishment of a National Transitional Council composed of local committees, syndicates, refugee representatives, and independent figures, tasked with dismantling Oslo-based structures and initiating foundational deliberation. A constitutional assembly should then draft a binding framework anchored in popular sovereignty, with guarantees of judicial independence and refugee inclusion. Finally, this framework must be subjected to a multi-site referendum, enabling participation across fragmented and diasporic Palestinian constituencies.



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