The preparatory committee of all the main Palestinian factions, including Hamas and Jihad, established after the 2011 Cairo agreement on reconciliation and elections, halted its activities in June 2013. The reason was that the executive committee of the Palestine Liberation Organization (PLO) – where Hamas and Islamic Jihad are not members – unilaterally issued a law for elections for the Palestine National Council (PNC), the parliament and supreme political authority of the PLO. As Hamas saw it, this was a violation of the 2011 Cairo-agreement. The preparatory committee, not the executive committee of the PLO, should decide on the election system for PNC elections, according to Hamas. PLO member groups defended themselves by claiming that they had had no alternatives because of Hamas’ intransigence towards reaching a compromise on the election system within the preparatory committee. The breakdown of the work of the preparatory committee, over minor differences on the election system for the PNC, is symptomatic of the deep crisis of Palestinian politics where Hamas and Fatah have repeatedly failed to implement plans to end their division.

Why has it been so hard to implement the 2011 Cairo-agreement and so difficult for Fatah and Hamas to reconcile? This question will be discussed by largely focusing one aspect of it, the collapse of the work of the preparatory committee: Why was it so difficult for Hamas and Fatah to reach consensus over the PNC election system?

Two main arguments will be made to answer these questions. The first argument, concerning PNC elections, is related to the tactical relation of the main Palestinian national movements towards democratic elections. Hamas and Fatah equally share a deep conviction that the election system largely determines the result. This largely stems from their experiences from the mixed election system applied for the Palestinian Legislative Council in 2006, where the two different systems of the “mixed system” applied, gave two different outcomes.

The second argument, concerning the failure to implement the Cairo-agreement, relates to a more fundamental democracy problem: The political culture of national movements generally, and the Palestinian ones especially. National movements in general have difficulties with accepting genuine political competition. As for Fatah (the hegemonic group of the PLO) and Hamas, both movements have historically been organized as underground movements, where internal ties and relations were cultivated at the expense of external ones. One implication is that an organization culture has evolved where negotiated settlements with others have been de-motivated.
The historical roots of secular – Islamist tensions in Palestine

When Fatah was founded in 1958, its founders were far from ideologically alien to the Muslim Brotherhood. In 1957 Khalil al-Wazir, one of the Fatah founders, contacted the Muslim Brotherhood in Cairo, asking them to set up an armed branch in Palestine to lead the Palestinian liberation struggle. Not before the Muslim Brotherhood in Egypt had declined his request, as the Brotherhood had problems in Egypt with the crackdown on them by Gamal Abdel Nasser, was Fatah founded. The approach towards the Brotherhood shows how Fatah from the outset was an organization not distinguished by ideology or religion. Its purpose was the struggle – the armed struggle – and most efforts were directed towards developing a political and military efficient organization. In spite of Fatah and PLO’s formal recognition of Israel in 1993, Fatah’s internal organization structure has not been changed.

Several of the Fatah founders who later became members of Fatah’s central committee had their political and organizational experience from the Muslim Brotherhood. When Fatah’s first public platform was formulated, it was, symptomatically, drafted by a former Muslim Brotherhood member.

As the Fatah-leadership saw Fatah as the broad national movement that was to liberate Palestine, Fatah opened up for everyone who wanted to participate in the struggle. Fatah was therefore never a strictly secular movement. Article 9 of the Fatah’s charter of 1958 said: “Liberating Palestine and protecting its holy places is an Arab, religious and human obligation.” Thus, as so many of Fatah’s founding members had their political experience from the Muslim Brotherhood, its organization culture and structure became heavily influenced by that of the Brotherhood. However, when PLO was taken over by Fatah and the Palestinian guerilla organizations in 1968, PLOs other members were all left and Marxist in some form. This led the Islamists of Gaza, Hamas’s predecessors, make Fatah and the PLO their primary political opponent after the Israeli occupation in 1967. The Islamists blamed the secular national movement for the Palestinian defeat in 1967. The Islamists blamed the secular national movement for the Palestinian defeat in 1967.

When Hamas was founded in 1987 it was principally as an armed branch of the Muslim Brotherhood in Gaza. Sheikh Ahmed Yassin, later co-founder and leader of Hamas, was the prominent figure of the Muslim Brotherhood in Gaza after 1967. Yassin had learnt from the experiences of the Egyptian Muslim Brotherhood, that as long as focus was on preaching and education, authorities would leave the Islamists alone. As Yassin saw it, the liberation of Palestine could only result from a phased struggle. A period of dawa, of Muslim preaching and education, and a subsequent period of Islamic institution building, had to predate the launching of armed jihad. This, however, included fighting secularism in all its shapes. And so the Marxist groups of the PLO became targeted by the Islamists in Gaza. Affiliates of the Islamic Center in Gaza, (al-mujamma’ al-Islami), led by Yassin, not only attacked females over lack of modesty as well as shops selling alcohol in Gaza. They also assaulted communists, PFLP and other PLO-members. So deep was the distrust against the Islamists among PLO-groups that when Yassin was arrested by the Israelis in 1984, after weapons had been found at the Islamic Center in Gaza, PLO affiliates were convinced that the weapons had been stored there to be used to attack PLO – not the Israeli occupiers.

The emphasis of the Islamists until 1987 was to purify Palestinian society first. Not before the society had been freed from the dominant secularism and leftist ideological influences, could the Palestinian land be liberated. Inevitably the impression Fatah and other PLO groups got, was that the Islamists were more concerned with challenging them than working for Palestinian independence.

After its founding, from the outset, Hamas did not recognize the PLO as “the sole legitimate representative of the Palestinian People,” a status the PLO had enjoyed by the Arab League and UN General Assembly since 1974. Hamas spokesmen asserted that because the PLO leadership was not elected by the Palestinian people, the organization did not have the mandate to monopolize the political representation of the Palestinians. In its founding charter, Hamas presented PLO’s values as incompatible with their own: “[S]ecular thought is entirely contradictory to religious thought. ... [W]e cannot use secular thought for the current and future Islamic nature of Palestine. The Islamic nature of Palestine is part of our religion, and everyone who neglects his religion is bound to lose.”

However, as long as Israel occupied Gaza and the West Bank and the stage of armed jihad had been reached, Hamas made common cause with the other Palestinian resistance groups. This changed by the Oslo-agreement in 1993. Many within Hamas then started to see Fatah as traitors.
The Oslo-process and the deterioration of internal relations

Hamas and the PLO member-groups had been brothers in arms during the first intifada, from 1987 to 1993. This came to an abrupt halt with the Oslo agreements and PLOs formal recognition of Israel. “People started thinking deeply, ‘where are those brothers in Fatah heading,’” Ahmed Yousef, a veteran Hamas leader, told Milton-Edwards and Farrell in Gaza. Hamas now faced a dilemma concerning their approach to the PLO. The Hamas leader Khaled Mishal and the politburo of Hamas, situated in Damascus, were willing to directly confront the PLO over the Oslo accords. But inside Gaza, Sheikh Ahmed Yassin - who had been the leader of Islamists in Gaza assaulting PLO-members during the years predating the intifada - feared political chaos. “You are shooting from abroad,” Yassin answered when he was criticised by party members in Syria for having referred to Yassir Arafat as “our brother in the Palestinian Authority” and not as the traitor he allegedly was. “If you say such a thing in Gaza a war would start tomorrow. Followers of Arafat and Fatah would fight followers of Hamas and I am not prepared to get involved in that,” Yassin said according to Zaki Chehab.

Within the PLO Yassir Arafat feared that popular support of Hamas’ condemnation of the Oslo Accords could challenge the PLO role as the sole and legitimate representative of the Palestinians. He thus called on Hamas leaders to join the PLO, and negotiate a quota of seats within the PNC in order to become PLO-members. Hamas responded by demanding elections for the PNC. To have regular elections for the PNC was stated in the PLO constitution (article 5), but the article had never been implemented. For Arafat and the Fatah leadership who did not want to lose control over the PLO nor jeopardize the peace process, PNC-elections were out of the question. Not having PNC elections, Hamas demanded 40 per cent of the seats in the PNC. Hamas was probably aware of the fact that 40 per cent was more than Arafat could offer, and as such, the demand can be seen as a proof that Hamas did not want to join PLO at that time. Fatah had after all merely been granted 1/3 of the PNC seats. Being co-opted by the PLO was not consistent with Hamas’s primary goal of de-railing the Oslo-process. “Hamas refused, for political and ideological reasons,” said Ghazi Hamad from Hamas in Gaza. “At that time there was no kind of coordination, cooperation or something like that between Hamas and Fateh. Everyone was moving according to his own agenda.”

From moderation to internal division

After the second intifada, from 2005 on, a more pragmatic trend towards the PLO and the Palestinian Authority (PA), established after the Oslo-agreement, prevailed within Hamas. The PA clearly was there to stay, as many as 80 per cent of the Gaza electorate had participated in the 1996 elections for the Palestinian Legislative Council (PLC), the parliament of the PA. Hamas in Gaza had been turned down by the exile leadership when they had wanted to participate in those elections. When Hamas 10 years later again discussed whether to participate in the PLC elections, the Gaza position prevailed. The politburo of Hamas acknowledged that boycotting the 2006 PLC elections would be at odds with the Palestinian populace. “The decision was in some respects a response to the popular sentiment and in fulfillment of our people’s desire to see all Palestinian factions participate in the political process,” Izzat Al-Rishiq from the politburo said in an interview with Azzam Tammimi.

Hamas’s decision to participate in the PLC elections prepared the ground for Palestinian rapprochement and the first Cairo agreement between all the main Palestinian factions in 2005. One significant element of the agreement was to reform PLO, opening up the organization for the Islamist organizations Hamas and Islamic Jihad. The 2005 Cairo-agreement did not explicitly refer to PNC elections, but to “develop” the PLO, and to “include all Palestinian powers and factions”. It nevertheless showed a much more reconciliatory approach from Hamas towards PLO, even referring to it as the sole legitimate representative of the Palestinians: “Those gathered agreed to develop the Palestine Liberation Organization on bases that will be settled upon in order to include all the Palestinian powers and factions, as the organization is the sole legitimate representative of the Palestinian people.”

Thus, after the second intifada, the political distance between Fatah and Hamas had narrowed, mainly because Hamas showed a more moderate face. The participation in the 2006 elections had Hamas compete for votes among the Palestinian centre rather than radical jihadists. The elections were remarkable in the sense that Hamas and Fatah competed as political parties, not as rivaling resistance movements. A genuine democratic political system was in the making. However, the democratization process failed over subsequent power transition issues, leading Hamas’ armed
wing to drive Fatah out of Gaza in 2007. Not only did the unified Palestinian political system col-
lapse. Hamas and Fatah reversed into being exclusive national movements, regarding their rival
as a major danger to their own national project.

Breakthrough and breakdown

Demonstrators in Gaza and the West Bank gathered to demand political reforms and Palestin-
ian unity during the first months of the Arab Spring in 2011. Hamas and Fatah leaders found
themselves to be in the same boat, both fearing that they could be the next victims of popular
discontent. The differences that had been insurmountable since 2007 were immediately forgotten
and by May 2011 the Cairo-agreement was a reality. The agreement was a historical breakthrough
because it was the first time in Palestinian history that an agreement had been made on conduct-
ing elections for the PNC of the PLO. The agreement stated that “Legislative, Presidential, and
the Palestinian National Council elections will be conducted at the same time exactly one year
after the signing of the Palestinian National Reconciliation Agreement.” However, on implement-
ing the agreement, there were enough hurdles for those who looked for them. One ambiguity
was over responsibilities concerning designing the election system. A preparatory committee had
been established by the parties signatory to the Cairo-agreement. The aim of the committee was
to prepare for the elections. As Hamas saw it, this committee should design the election system,
not the Executive Committee of the PLO. The 2011 Cairo-agreement had been ambivalent on this:
on the one hand the agreement referred to the preparatory committee as the “provisional interim
leadership” whose decisions could “not be hindered or obstructed.” On the other hand the Cairo-
agreement said that the work of the preparatory committee should “not [be] conflicting with the
authorities of the Executive Committee of the Palestine Liberation Organization”.

As time passed, the preparatory committee met regularly. And on several issues the members of
the committee managed to reach agreements. But not on the issue of the election system for PNC
elections. The parties were ostensibly influenced by the experiences from the PLC elections in
1996 and 2006. The election system then had a great impact on the outcome. Fatah did not want
to do the same mistake as in 2006, while Hamas did not want substantial changes to the election
formula they had gained so much from.

Tactical democrats: the experiences from PLC elections

Election experts agree that no election system may be regarded as best for all nations at all mo-
moments. However, five basic principles should be universally pursued. The first is inclusiveness,
especially providing for the representation of marginalized groups. The second is minimal distor-
tion, avoiding the danger of a large winner’s bonus. The third is incentives to build coalitions,
éncouraging likeminded candidates and groups to unite. The fourth is individual accountability,
allowing voters to reward and punish legislators, and the fifth is simplicity, the connection be-
tween the vote and the subsequent governing should be as clear as possible.17

One reason such principles are important references upon designing an elections system
for direct PNC elections, is the fact that general goals regarded as universally superior were ab-
sent as references pointes when the election system for the national elections in the West Bank
and Gaza were first designed. The Block Vote System (BVS) was the election system applied for
the first ever Palestinian national elections, for the PLC, in 1996. The BVS is a plurality system in
multi-member constituencies. The ballots consist of the names of all candidates of the relevant
constituency (and their affiliation). The voters mark their preferred candidates, up to as many
candidates as there are delegates to be elected from the constituency. Theoretically, a large party
could gain all seats by simply being largest, although gaining far less than a majority of the votes.18
The BVS means that votes are cast for persons rather than parties. The system encourages a col-
lective voting pattern. It benefits personalities with a group following, like clan representatives,
not ideological politics of parties competing with different political programs. The main struggle
over the election system in 1996 was within Fatah, as Hamas did not participate.19 After the re-
turn of the PLO to the West Bank and Gaza in 1994, tensions had emerged between the “return-
nees”, who had largely monopolized power positions within the new Palestinian Authority, and the
younger, internal, intifada-generation, who felt marginalized. The “insiders” feared that Fatah
would not conduct a transparent nomination process, and that this would result in the returnees
becoming overrepresented at the Fatah list at their expense. By the BVS it would be more up to
the voters — not the old Fatah elite - to choose the Fatah people they preferred. The Fatah/PLO
returnees had wanted full PR in one electoral district, realizing that their chances would dimin-
ish in face of personal competition through the BVS.20 The position of the “insiders” prevailed in
1996, where Fatah won 49 out of the 88 elected representatives. But save Fatah, only three other delegates elected represented political parties. The others were independent candidates, mostly clan representatives.

This had an impact on the 2006 election system. The other parties, save Fatah, wanted to have list proportional representation (PR) in one electoral district. A compromise of having a mixed system was then reached: 50% of the seats were to be elected by full list PR in one district, the other half by BVS in multiple districts.

Tensions and lack of discipline within Fatah was to have a determining effect on the results in 2006 as the BVS turned out to be catastrophic for Fatah. Hamas did not have more candidates in a district than was to be elected, whereas many Fatah candidates who had not been nominated ran as independent candidates. This meant that Fatah voters spread their votes on more Fatah candidates than there were seats. Each of the Fatah candidates therefore got less votes. Hamas supporters only voted for the nominated Hamas candidates, each Hamas candidate thus got the same number of votes as there were Hamas voters. Hamas won 45 seats and Fatah only 17 by the BVS, making the final result 74 seats for Hamas and 45 for Fatah. The proportional system, Hamas gained 29 seats (44% of the votes), and Fatah 28 seats (41% of the votes). If the PR had constituted the whole system, Fatah could have gained a majority of seats in the PLC by allying with non-Islamists. Fatah thus had benefited tremendously from the full PR compared to the BVS, while for Hamas it was opposite.

**The discussion on the election system for the PNC**

When PNC elections were discussed in the preparatory committee established after the 2011 Cairo-agreement, the experiences from the 2006 elections clearly were in the back of the mind of most of the members. It transpired that the preparatory committee could not reach an agreement on the preferable election system. The disagreement was between Hamas on one side, and the other members of the committee; the PLO member groups and Islamic Jihad, on the other. The difference was a minor one, on the number of election districts in diaspora. No party had wanted a “winner takes it all” majoritarian system, nor the BVS, in diaspora. The difference was that Hamas wanted a proportional system of several electoral districts in the diaspora, while the others wanted one single district in diaspora. Hamas wanted Syria, Lebanon, Jordan, in addition to one category for “the rest”, to constitute the electoral constituencies. 200 representatives should be elected from these electoral districts, and the exact number of seats should be proportional to the number of voters within the electoral district. For the inside, West Bank and Gaza, Hamas wanted 150 representatives to be elected, also by proportional elections within multiple electoral districts.

Hamas refused to compromise on this, amidst growing frustrations among the other committee members. “Hamas did not oppose to have a full representative system [for the 2006 PLC elections], they did not care about the matter,” said Saleh Zidan leader of DFLP in Gaza; “now Hamas thinks that the system of several constituencies is good for them, in the past, before the 2006 elections, Fatah thought it was good for them,” said Zidan.

However, when it came to tactical considerations, the fact was that no one would benefit more from full proportional elections system in one district than Zidan’s own party, DFLP, and the other small PLO member groups; ALF, PLF, FIDA, PPP, PSFI. They all risked losing their position within PLO by a system of multiple election districts, where the threshold to win a seat would be higher than a system with one large election district.

They also ostensibly substantially disagreed with Hamas, though. Their main argument was that having one election district in diaspora would make elections more implementable. If each of the main host country of Palestinian refugees was to be a separate electoral district, the process could come to a halt because of obstacles of having elections in Syria or Jordan. In Jordan, the authorities would not allow Palestinians with Jordanian citizenship to vote. Having elections would put the Palestinian Jordanians in the impossible situation of risking their economic security and future by election participation. Moreover, argued the veteran Fatah and PLO leader Nabil Shaath, the system could be applied without the names of the lists having to be revealed. This would make it possible for Hamas to run without having to make the names of their candidate in the West Bank public. After the 2006 elections Israel arrested 49 senior Hamas officials in the West Bank, including most of Hamas’ elected representatives for the PLC. Finally, the full PR was most suitable because it “unites and enhances democracy,” argued the leader of DFLP in Gaza, Saleh Zidan.
The PNC election law

In June 2013 the PLO leader Mahmoud Abbas and the executive committee of the PLO issued the PNC election law. 50 % of the PNC seats – 175 representatives - should be elected in diaspora by 100 % PR: party lists within one single electoral district. The other half of 175 representatives should be elected from the West Bank and Gaza. 75 % of these representatives were to be elected by complete proportional representation in a combined West Bank – Gaza single election district, while the 25 % of should be voted by the BVS of multiple districts in Gaza and the West Bank.

Abbas and the EC had had the constitutional right to do so. The PLO constitution specified that it was for the EC to design the election system: “The members of the National Assembly shall be elected by the Palestinian people by direct ballot, in accordance with a system to be devised for this purpose by the Executive Committee.” But in spite of the formal right the PLO EC had had to decide the election system for the PNC, the decision was not well received by Hamas in Gaza.

The Hamas disagreement on the election law

Hamas’ was against the PLO elections law for two reasons, said Yahia Mousa, functioning speaker of the Palestinian Legislative Council (PLC) in Gaza. The first concerned the relation between the PNC and PLC:

These bodies have to be separated, and so the representatives of the PLC should not be the same as for the PNC. The PLO is to be the main body of the Palestinians, it represents all Palestinians, inside and outside, while the Palestinian Authority is a temporary project for the administration of the West Bank and Gaza. What we are seeing now is that the PA dominates the PLO. Therefore, we want elections inside to be for two boxes, one for the PLC and one for the PNC.

The PLO election proposal implied that there should be a united vote for the Palestinian Authority and the PLO in the West Bank and Gaza. When Hamas first agreed to participate in elections, in 2005, after an agreement with all the main Palestinian factions in Cairo including Hamas and Jihad, it was agreed that the PLC members elected should automatically also be members of the PNC. “But when Hamas won the elections, Abu Mazen obstructed that,” said Mousa, “so we are not members of the PNC. But now we do not want it this way. We want separate elections for the PLC and separate for the PNC.” The PA should only be an administrative body, while all politics should be kept for the PLO, said Mousa. Moreover, if parties would automatically run for both PNC and PLC at the same time, this would exclude parties that did not recognize the PLC, like Islamic Jihad,” said Hamas spokesman Sami Abu Zuhri in Gaza.

The other, main issue objected to, was the election system in diaspora. “We need a system where individuals compete for seats,” said Yahia Mousa. “Those knowing the circumstances in the various countries are those having to be elected in order to address the various, specific circumstances,” said Hamas veteran Ahmed Yousef in Gaza: “In each country, people have different situations. The Palestinians in Jordan are different from the Palestinians in Syria, in Lebanon and in Saudi Arabia and in Egypt. This should be addressed in a different way.”

If it would be difficult to implement the elections, like in war torn Syria, and in Jordan where the Palestinians risked losing their citizenship, Hamas suggested that the results from the other places – where elections could be held - determined the percentage of seats where no elections could be held. “If Hamas got 40 % in the other places, they should have 40 % of the representatives in Jordan,” said Hamas spokesman Sami Abu Zuhri. Additionally, Hamas were not convinced that elections could not take place in Jordan, said Yahia Mousa:

We cannot make a decision on Jordan without having done a substantive check. We are not convinced that elections cannot be done in Jordan. There are 4 millions in Jordan and those are refugees who want to return to their homes, so why not allow them to vote. This issue must be examined. Fatah say it can’t be elections in Jordan, not in the Gulf, to say that finally there can’t be elections.

Disagreement on the process

Finally, the most serious issue for Hamas in Gaza was not the election system itself, but the mandate of the Executive Committee of the PLO, and what Hamas alleged was arrogance and unilaterality from PLO. Disregarding the work of the preparatory committee was as Hamas officials saw
It was a blatant violation of the 2011 Cairo-agreement: "It was agreed that the leadership [preparatory] committee should lead the PLO. This committee should decide all the decisions of the PLO. Therefore the EC is frozen, in fact Jihad and Hamas are in the PLO [the preparatory/leadership committee] and they have the right to decide along with the others. The EC broke the agreement. It wasn’t discussed with the factions," said Khalil Abu Leila, head of Foreign Relations of Hamas 2004 – 2007.34 “We believe the executive committee is a fake, something artificial,” said Ahmed Yousef, largely considered a moderate force within Hamas.35 The EC of the PLO had lost its credibility a long time ago, that was why they wanted urgently to have Hamas and Jihad to enter the PLO, according to Yousef. The problem with the split would after the issuing of the election law continue and there would be no elections what so ever, said Yousef. Another official for Hamas in Gaza, Sami Abu Zuhri, agreed:

The EC took Fatah’s positions from the Leadership and preparatory committee and ignored our positions. But the body responsible for the law should be the committee formed in Cairo, representing all the factions, including Jihad and Hamas. As long as Hamas does not accept this law, there won’t be elections.36

Hamas would not participate in the games played by Fatah and the PLO EC, said Fawzi Barhum, a spokesman for Hamas in Gaza;37 “One party takes a decision and imposes the law on others. This is not democracy, to impose the law by force is dictatorship. This step has destroyed all efforts of reconciliation.”

But it was hard to find a political leader outside Hamas who was moved by Hamas’s protests on the political process. Reportedly, when PLO chairman Mahmoud Abbas went to the step of issuing the law, it had been provoked by Hamas' reluctance towards reaching a compromise. In April-May 2013 Abbas had sent the Fatah veteran, Azzam al-Ahmed, to have extended meetings in Cairo with the deputy leader of Hamas, Mousa Abu Marzouk. Not reaching a compromise, it was agreed to do a follow up meeting between Hamas and Fatah in Jordan. The meeting was to be open-ended, no one should leave the room before an agreement was made, no matter how long it would take. But neither this plan worked, also the meeting in Amman failed allegedly as a result of Hamas' foot-dragging.38

When PLO EC issued the election law in June 2013 the work of the preparatory committee, and the reconciliation process, came to a halt. From Hamas' point of view there was no point in discussing the elections if the election system was decided elsewhere. But, as mentioned above, although Hamas officials in Gaza vehemently defended their protests against the political process and insisted on the need for several election districts in diaspora, all the other members of the preparatory committee, including Islamic Jihad, understood the problem of reaching consensus within the preparatory committee as caused by unwillingness from the Hamas side to reach a negotiated settlement. “They don’t want elections, they want a compromise with Fatah on having a quota [of seats in the PLO]. They speak about difficulties on the elections, and do not want to compromise, that is why they insist on having multiple constituencies,” said Rabah Muhanna, EC member and member of the preparatory committee from PFLP.39 “They are very serious about entering the PNC, but without elections, they want a deal with Fatah,” said Saleh Rafat from FIDA, himself a EC member. “If we go deeper into the issue,” said Saleh Zidan from DFLP, “Hamas do not want elections. They are too afraid of losing.”40 Even Islamic Jihad in Gaza apparently saw Hamas as intransigent: “We in the Islamic Jihad want to have elections for the PNC, and we will participate in elections for the PNC.” No matter, one or several electoral districts, the election system was subordinate to the political priority of having election, Khader Habib, spokesperson for Islamic Jihad in Gaza related.41

Hamas allegedly wanted to have the cake and eat it too – keep the power in Gaza while also entering the PLO. When confronted on the issue, Hamas officials did not deny this. It was necessary for Hamas to retain their position in Gaza, it was said, to protect the resistance.

**Elections if it gains the resistance**

Although Hamas is a resistance movement, the movement is different from Islamist jihadist groups affiliated with Al-Qaida by ideologically endorsing popular elections and democratic representation. Within the ideological mother organization of Hamas, the Muslim Brotherhood, the Islamic concepts of *shura*, that decisions affecting society should be taken after consultations, and *ijma*, that decisions should be reached through consensus, have been understood as *democratic* principles. “Shura and democracy are not identical concepts, but we see democracy as a contem-
However, while Hamas endorse democracy, it has been argued that the main reason for Hamas change of position regarding participation in democratic elections, in 2006, was tactical rather than related to their commitment to democratic values. When Hamas was out of the government corridors and Hamas members were persecuted by the security forces of Fatah’s Palestinian Authority, Hamas had had something to gain. “It wasn’t a choice between resistance and politics, it was to protect the resistance,” Jamila al-Shanti, a leading female Hamas member told Milton-Edwards and Farrell in Gaza on Hamas’ participation in the 2006 elections. If the Cairo-agreement of 2011 was implemented, Hamas risked losing what they had then gained, including the control over the “resistance,” if new elections were to come about.

The priority of resistance over democracy was also implicated by the Hamas-leader Khaled Mishal when Hamas in November 2012 celebrated its 25 years anniversary in Beirut and Gaza: “Everyone must refer to the results of the ballot boxes and respect the will of the people, as well as accept the peaceful exchange of authority,” he said first. But then he qualified the statement: “We must also be reminded that we are a special and unusual case since we are still living under occupation.” Mishal referred to “elections” three times, “democracy” four times, and “resistance” 43 times in his speech.

In Gaza, Hamas-leaders have been persistent in stating that participating in the political process did not mean to turn in their weapons. Two months ahead of the 2006 election, Mahmud Zahar, a veteran leader in Gaza, said: “Any attempt to disarm us is treason. Mr Mahmoud Abbas says that disarming Hamas will lead to civil war, and I agree with him.” Resistance was the priority over resistance, Hamas leaders in Gaza confirmed in June 2013. Armed resistance was not an issue rulers in Gaza, democratic elected or not, could abandon, said Sami Abu Zuhri, a Hamas official in Gaza. Resistance was a basic right for the Palestinians as an occupied people, “confirmed by international law.” Asked if Hamas would accept one authority in Gaza, controlling the weapons if Hamas lost an election, Fawzi Barhum, Hamas spokesman in Gaza, said:

Resistance is a right, and this right is not to be under a referendum, the reasons of resistance is for the resistance. … The weapons of the resistance are not negotiable, as long as Palestine is not liberated.

DT: But does not the people have the right to say no, we do not want the armed struggle now?

Barhum: All factions agreed in Cairo on all forms of resistance, there was a paragraph, confirming that resistance in all its forms and types are the right to the Palestinians. As for Abu Mazen and Oslo, it was signed while being refused by the Palestinian people.

DT: But if the Palestinian people elected Fatah, would you use bombs to oppose negotiations?

Barhum: Not all Fatah are against the resistance, there is Al Aqsa brigades in Gaza as well as the West Bank. It is Abu Mazen who is against the resistance, not Fatah.

Barhum’s reference to Fatah as something more than a political party, with factions belonging to Fatah also being involved in armed resistance, may also be understood with reference to another context than armed resistance. Hamas and Fatah are different from the other Palestinian factions that were involved in discussing PNC elections in the preparatory committee. The other members of the committee might be parties or/and guerilla groups, pursing armed resistance or/and working through political channels. But only Fatah and Hamas are explicitly mass movements (harakat). Hamas is an acronym for Harakat al-Muqāwamah al-ʾIslāmiyyah, The Islamic Resistance Movement, while Fatah is a (reverse) acronym, for Harakat al-tahrīr al-waṭanī al-filāṣṭīnī, meaning the “Palestinian National Liberation Movement”. As will be elaborated below, there are some crucial differences related to the internal compatibility between national movements versus the internal compatibility of political parties.

The mutual exclusiveness of national movements

Underlying the inability of Hamas and Fatah agree on technical issues related to implementing elections for the Palestinian Legislative Council as well as the Palestinian National Council is a substantial disagreement over strategy. By the Oslo-process Fatah renounced the armed struggle whereas Hamas has refused to abandon armed resistance as a strategy. PLO can not pursue both
strategies at the same time. Theoretically, this could be overcome by an elected PNC where the majority of the members would decide if PLO should change its politics and program. The prerequisite for such a system to work would be an agreement over the rules of the game. Elections would imply winners and losers, where the defeated would have to adjust its program to the majority. Hamas in Gaza were by June 2013 not ready to make such a sacrifice. But it should be noted that when Hamas won the elections for the Palestinian Legislative Council in 2006, Fatah was similarly not willing to hand over the control over the Internal Ministry that controlled the armed forces, although the Ministry according to the constitution (or Basic Law) should be controlled by the government approved by the Palestinian Legislative Council.47

One factor is then the difference of opinions and positions between Fatah and Hamas. Another thing is their willingness to adjust these positions as being one part among others within a political system.

A significant difference between a movement and party is their claim of representation. A national liberation movement claims to act on behalf of the whole population, not just a fraction of it. National movements maintain the idea that a nation could be united by a single voice and purpose, and that they are the ones representing this voice. A party may claim to be good for all the people, but parties that participate in elections can hardly claim to represent those who reject them at the polling stations. But when a national movement meets competition, it is likely to define the competitor as an illegitimate rival, to be ignored or violently crushed. A party would on the other hand define competing groups as legitimate political forces that should be challenged and hopefully defeated by political means.48 Hence, independence movements, like FLN, ANC and others, repeatedly fail to make the transition into democracy after independence and self-determination has been achieved. This is because the movements preserve the illusion of representing a unified nation. They continue to act as national movements also after the end of the national struggle. They continue to treat rival forces as traitors rather than legitimate political forces.49

The obstacles to Palestinian reconciliation is therefore not primarily related to differences in ideological-religious belonging. It is not the difference, but rather the similarity of the movements concerning organization culture that constitutes the main obstacle. Historically, Hamas and Fatah equally built their organization modelled after the organization of the Muslim Brotherhood in Egypt. This implied an internal organizational structure of autonomous, secret cells, organized in hierarchal order, with seniority as the principle for leadership recruitment; the swearing of oats to the become members; democratic centralism as a governing principle of decision making, among other things. All the commitment of the members should be to the movement as the movement was regarded as representing the true nation. Hamas and Fatah have thus equally cultivated internal ties at the expense of external ones. Fatah have cooperated with other Palestinian groups within the PLO, but always had complete control over the organization. Thus, both movements lack experiences when it comes to make national political settlements and substantial power sharing.

Their main challenge is accordingly not so much their ideological or strategic differences, as the similarity between their exclusive organization culture.

**Elections as counter-insurgency**

One aspect of the organizational similarity between Hamas and Fatah is the role of internal democratic procedures. Movements constantly risk internal fragmentation. While Fatah and Hamas are reluctant to have national elections and the internal division thus is sustained, internal elections are used by both movements, specifically in times of internal crises, to confirm the internal legitimacy of their leaders.

Thus, during 2012 it transpired that there were huge differences between Hamas’ exile leadership and Hamas in Gaza on the issue of reconciliation. In Gaza, the fear was that if the Cairo-agreement was implemented, Hamas’ control over Gaza, and the weapons of the armed branch of Hamas, could be threatened. An unprecedented row surfaced when Hamas leader, Khaled Mishal, signed an agreement in February 2012 in Doha with Mahmoud Abbas, on implementing the Cairo-agreement. A paragraph of the Doha agreement referred to “the need to continue the steps of activating and developing the Palestinian Liberation Organization through the reformation of the Palestinian National Council simultaneously with the Presidential and legislative elections.” "Palestinian National Council elections,” the wording of the May 2011 Cairo agreement, had become "reformation of the Palestinian National Council. One aspect of this is the fact that to reform the
PNC is obviously very different from to elect a new PNC. The Doha-agreement meant that Hamas would get into the PLO, but not threaten the hegemony of Fatah. By being inside the executive committee, Hamas could veto any deal PLO would want to make with Israel. It would also be a form of protection, as an attack on Hamas by Israel would also be an attack on the PLO. However, if elections were to take place for the Palestinian Authority, and Hamas lost, they would have to give up their control over Gaza if the rule of law was to prevail. Therefore, the deal was fiercely attacked by Hamas-leaders in Gaza, led by the veteran leader Mahmoud Zahar. According to Zahar the agreement was “foolish” and “a mistake,” and in March 2012 Zahar even declared the Doha agreement as “dead”. The opposition from Gaza had a huge impact on Hamas’ exile leadership. The original text of the 2011 Cairo-agreement was reinstated and the Doha-agreement renounced when Hamas and Fatah met in Cairo in May 2012. Moreover, Khaled Mishal announced that he would withdraw as a Hamas leader. Somehow he was nevertheless persuaded to continue and was a candidate when Hamas arranged their internal elections in 2012. Four circles; prisoners, the West Bank, Gaza and the diaspora, elected a new shura, the council that is the high authority within Hamas. The new shura of 60 persons then gathered to elect a new politburo and the new Hamas leader. By April 2013, the results were clear. Khaled Mishal was re-elected as the new leader. Since the implementation of the elections, reports of internal differences have disappeared. The elections had functioned as conflict management.

Fatah has even more than Hamas been rattled with internal infighting after the death of the Fatah and PLO leader Yassir Arafat in 2004. In 2009 Fatah was on the verge of an internal rebellion. The general secretary, Faruq Qaddumi, claimed that Mahmoud Abbas and Mahmoud Dahlan were behind the poisoning of Yassir Arafat. They had killed Arafat and hijacked Fatah and the PLO. Mahmoud Abbas then started pushing for having the Fatah congress convene, 20 years after the previous congress. This led 88 Fatah leaders in the West Bank to sign a declaration that was published in West Bank papers, where they alleged that Abbas was making a coup within Fatah. But Abbas managed to arrange the Fatah congress. By the congress his leadership was confirmed. Talk about coup and rebellion temporarily vanished as the “insurgents” could no longer claim to act on the behalf of the other Fatah’s members. However, by 2014 the Fatah infighting resurfaced, now between the exiled Mahmoud Dahlan and the 78 year old leader Mahmoud Abbas. As the Fatah constitution stipulates that the national congress should be held every fifth year, the question was if another internal election could lead the organization out also of this internal crisis.

When national movements are threatened internally, their leaderships have turned to internal elections as a form of counter insurgency; to prevent fragmentation and confirm the legitimacy of the leadership. Elections works as conflict management; delegitimizing internal opposition and preventing - at least temporarily - the discontent behind internal threats to power from growing strong. Elections are used by leaders to get them out of a fix. This is also why autocratic leaders sometimes reluctantly turn to democratize their regime.

**Snowballing and reverse snowballing**

No matter their attitude to national democratization, inside both movements, Hamas and Fatah, democratization has been a response to internal challenges. In 2011 though, the threat was not from within, but rather from a common driving force of political change: snowballing. Snowballing refers to changes in the international situation and the role of external forces on political communities and countries. Political changes in one country affect internal relations in another country, and this gradually generates a domino effect, with changes in country after country. The so-called third wave of democratization, starting in the 1970s and 1980s in Europe and South America, eventually also had an influence on the Eastern Block. The democratization of East Europe further led to political changes in the whole world. Also in the Arab world there were calls for an opening up of the political space for discontent citizens, and some political reforms were implemented in the beginning of the 1990s.

An important factor behind the effect of snowballing is that when autocrats sense that the political expectations among the people are rising, the fear for mass protests and insurgency due to changes in the international situation make them democratize as a preemptive tactics, to prevent demonstrations from gaining momentum. With the Arab Spring Fatah and Hamas faced the same crisis based on external pressure, and reacted by making the 2011 Cairo-agreement. “If we fail to respond to the will of our people, we will go the way of others,” a Hamas leader in Cairo told the ICG shortly after Mubarak had fallen in Egypt.

The phenomenon of snowballing is not only a factor generating democratization waves. The
mechanisms at work may also have negative impacts, so-called “reverse snowballing”, where democratization processes collapse, and the collapses send shock waves throughout a region. This has been observed in the Middle East with the negative effect of unrest on attitudes towards democratization, especially from the Syrian civil war. The popular consensus on the political values and ideas of the Arab spring in 2011; dignity, freedom, transparency, ousting the old kleptocratic dictators, rule by the people for the people, had not vanished two years later, but where democratization had taken place free elections had not contributed to an enhancement of these values. The perception was that democratization divided rather than united the population. Political stability was regarded as more important than having free elections and a “good democracy”.54

To generate changes external factors, be it snowballing or reverse snowballing, must interact with internal conditions of specific political systems. In the Palestinian case, the effect of external pressures is exceptional because the survival of the two competing governments in the West Bank and Gaza are dependent on other states for funding and support. Accordingly, the military coup in Egypt by July 2013, when the regime of the Muslim Brotherhood was ousted, has had a huge impact on Palestinian politics. Reportedly after the coup, Fatah officials immediately called for the Palestinians to equally overthrow Hamas in Gaza. The coup was “a wonderful achievement,” said an aide to President Mahmoud Abbas in Ramallah. “Now it’s Gaza’s turn to get rid of the Muslim Brotherhood branch,” said another, further predicting that “the dark era of political Islam” had ended.55 In spite of this tough talk, as long as Israeli – Palestinian negotiations were ongoing, status quo apparently was preferable for Fatah. Confrontation with Hamas could create unrest in the Fatah ruled West Bank, whereas reconciliation and Hamas entering the PLO could create problems with Israel, USA and the donor community.56

Hamas had on the other hand thought that the power of the Muslim Brotherhood in Egypt would lead to an economic boom in Gaza, with new agreements with Egypt, a liberalization of the economy and even a free trade zone between Sinai and Gaza. Rather, after the military coup, Egypt closed the tunnels to Gaza, the economic lifeline for the Hamas government. Reportedly, Hamas had a yearly budget of $894 million, but after the collapse of the tunnel economy had a deficit of $699 million. Unemployment reached 43 % in Gaza while Hamas were unable to pay the salaries of 40 000 government workers.57

While Fatah was politically strengthened by the military takeover in Egypt in July 2013, the coup was a catastrophe for Hamas. It’s lifeline; the border towards Egypt – and tunnels underground – has been closed. The coup has had at least two political implications for the Islamic movement. First, its political options have narrowed. Status quo is no longer possible as Hamas needs to pay their running expenses. Hamas needs a game changer, and confrontation with Israel or reconciliation appears to be their only alternatives. Second, the isolation of Gaza resulting from the Israeli - Egyptian blockade means that the autonomy of the Gaza government has been reduced, and congruently that their dependence on the political, diplomatic, and income generating activities of Hamas’ external leadership has been increased. The external leadership of Hamas-leader Khaled Mishal has thus been strengthened. One implication of this is that the chance of Hamas seeking internal reconciliation and PLO membership has been enhanced. For Mishal the PLO track always had priority over governing Gaza.

Conclusion

“Elections are the way. Elections are the solution for us. We chose elections.” So said Yahia Mousa, a prominent Hamas-leader in Gaza, in August 2011, three months after the historic Cairo agreement where Hamas and Fatah agreed on reconciliation and elections – including for the PLO.58 But two years later, when interviewed in June 2013, the message from Mousa was different:

In my opinion elections are not the best way. It is 100 % impossible to have elections under occupation. Elections are a recipe for deepening the division: Now all Palestinians should focus on how to end the occupation. … Give me one national liberation movement in the world that conducted elections under occupation. There is no way to have elections under occupation, no way.59

For Hamas in Gaza, resistance, i.e. armed resistance, is as an integrated part of Hamas’ identity. Although the movement runs a government, their primary motivation to do so is to protect the resistance. Resistance is strategy. Democracy, on the other hand, is tactic. Hamas leaders in Gaza are not deeply committed to democratic values. This could of course be said of political leaders in the Arab world and also Palestinian political leaders in general. But for Hamas - and also for Fatah - there is more to it. Hamas and Fatah are more than political parties, they are national
movements. They have a similar but incompatible sense of carrying the destiny of the nation on their shoulders. Part of this destiny is to protect the people from being led to disaster by their competing movement.

This situation illuminates how one of the greatest challenges of the Palestinian political system is the lack of a sound political process. A prerequisite in any peaceful, democratic political transition is to have political elites agree on the rules of the political game. One of the most important things to agree upon is that on some issues one simply cannot agree. One nevertheless has to find a settlement, either by compromise, or by letting the public democratically decide what they prefer. Hamas cannot enter the PLO while keeping Fatah out of Gaza. Fatah cannot have elections only for the Palestinian Authority while keeping Hamas out of the PLO. Neither part can have the cake and eat it too.

**Endnotes**

3. The charter text is available at: http://www.middleeastfacts.com/middle-east/the-fatah-constitution.php
7. The PLO also got status as an observer entity in the UN General Assembly in 1974, and as part of the Oslo agreements, also Israel and the international community came to recognize it as the sole representative of the Palestinians.
11. The politburo, or the Political Bureau, is the executive organ of Hamas.
13. Because of this fear, Arafat even appealed to the leader of the Egyptian Muslim Brotherhood to persuade Hamas to join Fatah- Tamimi, *Hamas. Unwritten Chapters*, 189.
15. Interview with author, Gaza, August 2011.
21. Internal Fatah conflicts were even stronger in 2006 than in 1996. The two most popular Fatah leaders – from the intifada generation - Marwan Barghuti and Muhammed Dahlan, even formed their own list, Mustaqbal (The future). They eventually withdraw in the last moment, but the incident clearly expressed how widespread the discontent within Fatah went. Fatah’s central committee accuses Dahlan of encroaching on


23 According to Saleh Rafat, member of the PLO EC and leader of Fida Interview with author, Ramallah, June 2013.

24 Interview with author, Gaza, June 2013.

25 Arab Liberation Front, Palestine Liberation Front, Palestinian Democratic Union, Palestinian People’s Party, Palestinian Popular Struggle Front.

26 Interview with author, Ramallah, April 2013.


28 Interview with author, Gaza, June 2013.


30 The PLC is the elected council of the Palestinian Authority, formally representing Gaza and the West Bank. PLC and the PA is formally subservient to the PLO.

31 Interview with author, Gaza, June 2013.

32 Interview with author, Gaza, June 2013.

33 Interview with author, Gaza, June 2013.

34 Interview with author, Gaza, June 2013.

35 Interview with author, Gaza, June 2013.

36 Interview with author, Gaza, June 2013.

37 Interview with author, Gaza, June 2013.


39 Interview with author, Gaza, June 2013.

40 Interview Gaza, June 2013.

41 Interview with author, Gaza, June 2013.


46 Interview with author, Gaza, June 2013.

47 This was the result of demands from Western donors who had wanted to reduce the power of the President by then, Yassir Arafat. “What Can Abu Mazin Do?” Nathan Brown. 2007, *Carnegie Endowment for International Peace* http://carnegieendowment.org/files/AbuMazinUpdateJune1507.pdf


58 Interview with author.

59 Interview with author.