During the first months of 2011, when the democracy wave of the Arab Spring was at its strongest, Palestinian leaders were faced with a public outcry over Hamas and Fatah pursuing parochial interests over national ones. When demonstrators in Gaza and the West Bank gathered to demand political reforms and Palestinian unity, Hamas and Fatah leaders equally feared that they could be the next victims of popular discontent. “If we fail to respond to the will of our people, we will go the way of others,” a Hamas leader told the International Crisis Group in Cairo. The fear of “going the way of others” paved the way for the April 2011 Cairo-agreement, where Hamas and Fatah agreed on arranging new Palestinian elections. The agreement represented a historical milestone. It was the first time in Palestinian history that an agreement had been reached to conduct elections also for the seats of the Palestinian National Council (PNC), the parliament of the Palestine Liberation Organization (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 implementing 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 the mandate of the preparatory committee: 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 by, 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. In June 2013 the work of the preparatory committee came to an abrupt end. The reason was that the executive committee of the PLO unilaterally issued a law for elections for the PNC. As Fatah and the PLO saw it, the law had to be issued because it had been impossible to reach a compromise with Hamas. As Hamas saw it the issuing of the law was a blatant violation of the Cairo-agreement.

Why was it so hard to reach a consensus over the election system for the PNC? And what are the deeper causes behind the failure of the Palestinian reconciliation process?
The Hamas disagreement on the election law

The election system proposed by the PLO EC was to divide the electorate into two: the diaspora as one electoral district, and the West Bank and Gaza as one. 50% of the PNC seats – 175 representatives – in diaspora should be elected 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. The benefit of this system, according to Nabil Shaath from Fatah, 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. Moreover, 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 public their candidate members in the West Bank, thus avoiding possible arrests by Israel.

Hamas was strongly against the PLO election law. The main reason was the election system in diaspora. “We need a system where individuals compete for seats,” said Yahia Moussa, functioning speaker of the Palestinian Legislative Council (PLC) in Gaza. “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.”

However, the most serious issue for Hamas in Gaza was not the election system itself, but the mandate of the current Executive Committee (EC) of the PLO, and what Hamas claimed was arrogance and unilateralism from PLO, as Sami Abu Zuhri, a spokesperson for Hamas in Gaza, outlined: “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.”

Political leaders from the other factions of the preparatory committee, interviewed in June 2013, were not impressed by Hamas’s protests on the political process. “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. “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.”

Tactical democrats

Hamas leaders in Gaza admit that there is some truth in that they do not currently prioritize democratic elections. As they see it, armed resistance is not something the people have the right to abandon by democratic elections or a referendum: “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,” said the Hamas spokesman Fawzi Barhum in Gaza.

For Hamas in Gaza, resistance, i.e. armed resistance, is regarded 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.

However, both Hamas and Fatah are sensitive to external pressures because the survival of the two competing governments in the West Bank and Gaza are dependent on external 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 Brother-
hood branch,” said another. 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.

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 resistance 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

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. The Palestinian division makes the Palestinian political system political impotent. No leadership controls the whole Palestinian territory or population. 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 Hamas nor Fatah can have the cake and eat it too.

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