

BACK TO DEMOCRACY: EUROPE, HAMAS, AND THE PALESTINIAN ELECTIONS

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March 2021

SUMMARY

- Palestinian elections are on track to take place during the coming months – for the first time in over a decade.
- The EU and the US have a decisive role to play in ensuring the electoral process succeeds. In doing so, they can support Palestinian political renewal and improve prospects for a sustainable peace agreement with Israel.
- Within Hamas, moderates have gambled on elections. The movement – along with Fatah – is looking for new avenues for political engagement given the increasingly inauspicious regional and international context.
- The EU and the US must: commit to respecting the outcome of the Palestinian elections; persuade Israel to support a free, fair, and inclusive process; and pursue a constructive relationship with any new government that pledges respect for democracy, human rights, and international law.

Introduction

Palestinians may soon be heading to the polls for the first time in 15 years. For some, this will be their first taste of electoral politics and democratic participation. Yet it will not be Palestine's first democratic experiment. Long before the advent of the Arab uprisings, Palestine held free and fair elections to choose a president and a parliament. In hindsight, these elections, held in 2005 and 2006 respectively, marked the high point of Palestinian democracy.

The European Union and the United States were initially strong advocates of Palestinian democracy, and were a driving force behind the last elections, urging the main political rivals – the Islamist Hamas and the secular Fatah – to engage constructively in the process. The EU and the US proved less comfortable when the democratic outcome went against their interests following Hamas's victory in the 2006 legislative election and the group's refusal to endorse international demands such as recognising Israel. Subsequent efforts by the EU and the US to boycott and undermine the democratically elected government led by Hamas significantly damaged the Palestinian democratic and state-building project. This stoked Palestinian political tensions and helped provoke a short civil war in June 2007 that left Hamas in control of Gaza and President Mahmoud Abbas , leader of Fatah, in control of the West Bank. These events reverberate to this day.

There is currently a renewed push by Palestinian factions to hold fresh elections in the coming months. This is a welcome development. While this will not by itself mend the many fractures that have arisen since the 2007 Gaza-West Bank split, national elections combined with a post-election power sharing agreement between Hamas and Fatah would nonetheless assist full national reconciliation, institutional and societal reunification, and political reform.

Just as importantly, a successful electoral process would demonstrate to Hamas that political participation and commitment to democratic principles can generate benefits that it cannot obtain through armed violence. This could strengthen more moderate trends within the movement that favour political compromise and engagement. These are all important ingredients in efforts to reach a sustainable peace agreement with Israel.

The coming weeks and months will test the commitment of Palestinian factions, which will have to contend with their own rivalries, as well as restrictions imposed by Israel's military occupation and interference in the electoral process. But successful elections will also require the EU and the US to

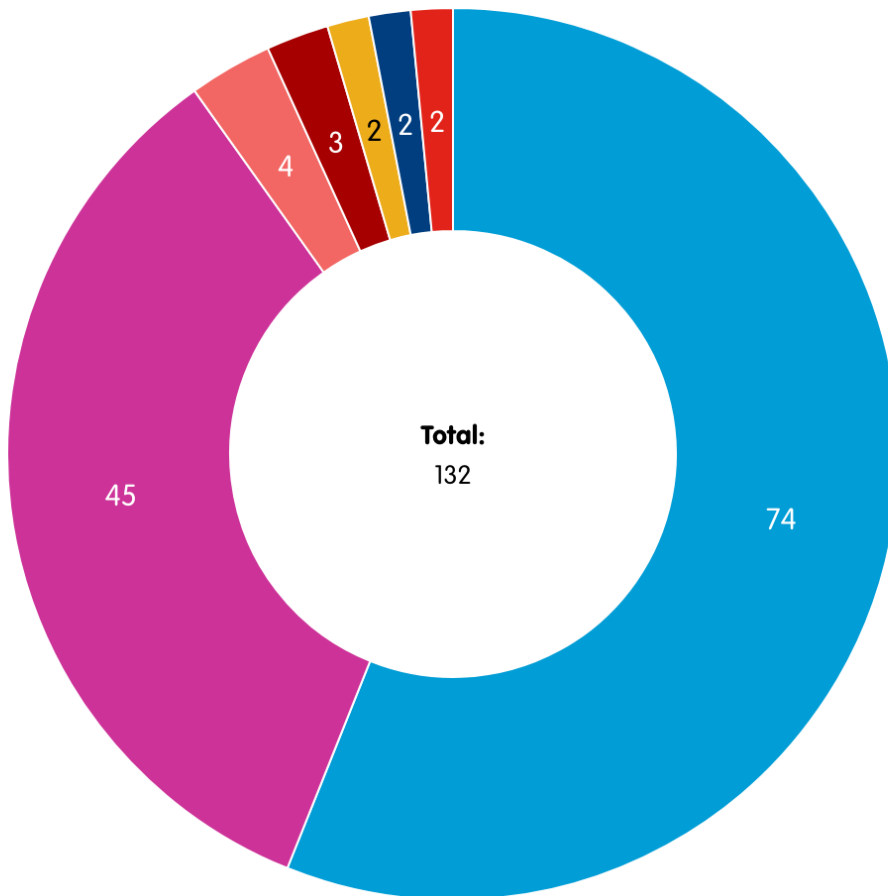
learn the lessons of 2006. How they position themselves will be an important factor in determining whether Palestinians can escape the divisive legacy of the past and renew their country's democratic fabric, and whether Hamas will ultimately choose to prioritise political engagement or armed confrontation. Conversely, an acrimonious collapse of the electoral process or another rejection of the electoral outcome by the EU and the US would likely mark the formal end of Palestine's state-building project in its current configuration, and of any imminent prospect of national reunification. Either outcome would also entrench the position of hardline Hamas factions – to the detriment of whatever is left of the internationally backed two-state solution.

From democracy to authoritarianism

Despite its current democratic deficit, the Palestinian Authority (PA) has twice held presidential and legislative elections. Yasser Arafat and his Fatah party won the first elections in 1996. These were boycotted by Hamas, which saw them as legitimising the 1993 Oslo Accords and the PA system that these had created – both of which it opposed. Presidential elections were held again in 2005 following Arafat's death and were won by Abbas, who also took over as head of Fatah and the Palestine Liberation Organisation (PLO), which is formally tasked with negotiating on behalf of Palestinians. The consequence of the failure of the Second Intifada, which ended in 2005, was that Hamas made a strategic decision to move away from armed violence and towards political engagement. It opted to take part in the next legislative elections, held in January 2006, running as the 'Change and Reform' list. In doing so, it accepted the PA and the political realities created by the Oslo Accords. Electoral victory gave it a majority of seats in the Palestinian Legislative Council (PLC) and resulted in a smooth transfer of power to a Hamas government headed by prime minister Ismail Haniyeh, under the auspices of Abbas. Haniyeh subsequently became the leader of Hamas in 2017.

Distribution of seats in the 2006 Palestinian Legislative Council (PLC)

Change and Reform (Hamas) Fatah Independents Martyr Abu Ali Mustafa (PFLP)
Third Way (Fayyad) Alternative (DFLP, PPP, Fida) Independent Palestine (Mustafa Barghouti)



The 2006 elections used a mixed system of voting. This combines both simple majority (districts) and proportional representation (lists) systems.

Source: Central Elections Commission Palestine
ECFR · e CFR . eu

By all accounts, the 2006 elections were free and fair. The EU described them as an “important milestone in the building of democratic institutions”. It added that “these elections saw impressive voter participation in an open and fairly-contested electoral process that was efficiently administered by a professional and independent Palestinian Central Elections Commission”. Although short-lived, this arguably put Palestine among the first democratic Arab states – years before the Arab uprisings.

International boycott and the Quartet Principles

Ironically, the 2006 elections were largely the result of sustained pressure on Abbas, Hamas, and Israel by the George W Bush administration as part of the US drive for ‘democratisation’ in the Middle East. The US also pressured Israel into allowing elections – including in Palestinian East Jerusalem, which Israel annexed in contravention of international law in 1980.

Having expected elections to further empower Abbas and Fatah, the US responded to Hamas’s electoral win in a knee-jerk fashion – quickly pushing for international isolation of, and pressure on, the Haniyeh government. It based this on Hamas’s frequent perpetration of attacks, which included suicide bombings against civilians until 2005, and its resultant listing as a terrorist organisation by the US and the EU since 1997 and 2001 respectively.

Meeting just days after the election, but before any new Palestinian government was sworn in, the Quartet for Middle East peace (the US, the EU, Russia, and the United Nations) asserted that any “future Palestinian government must be committed to non-violence, recognition of Israel, and acceptance of previous agreements and obligations.” These three conditions have since become known as the Quartet Principles and, ostensibly, continue to be conditions of US and European funding to PA governments to this day. Some Quartet members privately expressed concerns that the principles were ambiguous and could feed intra-Palestinian conflict.[1] Indeed, the real American intent, according to advisers to then British prime minister Tony Blair, was to exclude Hamas from power by deliberately demanding conditions that it could not accept.[2]

The same month, in January 2006, the European Council formally endorsed the Quartet Principles and expanded their scope to encompass Hamas as a whole – rather than merely the members of the Hamas-controlled PA government, as initially stipulated by the Quartet. Then, in April 2006, EU ministers endorsed a proposal put forward by Belgium, the Netherlands, and Luxembourg setting out guidelines for limiting contact with new Palestinian government ministers (irrespective of party affiliation) and the Hamas political establishment. This formed the basis of the EU’s ‘no-contact’ policy with Hamas, which remains in effect today – to the chagrin of many European officials who privately describe it as a complete failure. While the US has adopted a similar position, the UN and Russia have continued to talk to Hamas.

After the March 2006 swearing-in of a Hamas-dominated cabinet that refused to abide by the

principles, the EU and the US cut all aid to the PA government. Although Haniyeh continued to reject the Quartet conditions, he stressed that Hamas had “accepted the establishment of a Palestinian state on the 1967 borders” but would agree only to a “truce” with Israel – not “recognition”. This was matched by initial overtures from Hamas figures to European capitals to develop a rolling armistice with Israel under international supervision.

At the time, these positions represented significant concessions by Hamas and a turn towards moderation, reflecting its decision to prioritise engagement. As Muhammad Shehada, a Palestinian writer and analyst, explains, this strategic pivot was made possible by moderate figures within the party who argued, and still argue, that abandoning violence in favour of a political track “would win Hamas greater legitimacy and provide a more effective means of advancing Palestinian rights.” They have been joined by pragmatists who shift between engagement and violence depending on what they consider to be the most expedient way of achieving their goals.

To head off political turmoil and the collapse of the PA due to international sanctions, Fatah and Hamas formed a unity government in March 2007. Led by Haniyeh, it included a Fatah deputy prime minister, Azzam al-Ahmad, and an independent (but Fatah-leaning) foreign minister, Ziad Abu Amr. The government’s political platform brought further concessions. These included affirming its commitment to agreements signed by the PLO with Israel, and backing the establishment of an independent and sovereign Palestinian state over all territories occupied in 1967, with Jerusalem as its capital. While it maintained violence as a right of self-defence it did renew the offer of a prolonged period of *tahdi’a* (calm) with Israel. But its failure to once again fully and formally meet the Quartet Principles resulted in a continuation of the international boycott and sanctions.

De-democratisation and fragmentation

Simmering internal Palestinian tensions and deadlocked governance, stoked by international pressure, eventually erupted into the 2007 civil war, during which Hamas forces ejected Fatah-controlled PA security forces from the Gaza Strip – pre-empting Fatah’s own reported US-supported plan to topple Hamas.

The fracturing of Palestinian governance and the expiration of the four-year mandates of Abbas’s presidency and the PLC has produced a political system that is increasingly authoritarian, unaccountable, and devoid of legislative oversight. This has led to the proliferation of human rights abuses and clientelism under both Hamas and Fatah rule, and the closing down of space for political

dissent. A new presidential decree by Abbas to curb the independence of civil society organisations is the most recent reminder of this. Israel's policy of separation between Gaza and the West Bank, and repeated detention of PLC members – most prominently Khalida Jarrar of the Popular Front for the Liberation of Palestine – have further undermined Palestinian institutions and deepened internal divisions.

Such divisions have entrenched the Gaza-West Bank divide. This has prompted Hamas to develop its own institutions in Gaza – including ministries, judicial systems, and security forces – while reverting to a more hardline stance in favour of armed confrontation with Israel. With the legislative process effectively frozen, Abbas has ruled for more than a decade through presidential decrees – a mechanism he has used to appoint his supporters to key positions in the PA's justice and security systems. While both Fatah and Hamas have secured themselves in their respective fiefdoms, this has come at considerable cost to their domestic reputation, as well as to governance conditions in both the West Bank and Gaza, with the latter now engulfed by a humanitarian crisis.

During this time, there were several failed reunification attempts and unfulfilled promises of elections. The closest the parties came to success was the formation in June 2014 of a short-lived government of national consensus led by a Fatah prime minister and composed of independent technocrats. Although it contained no Hamas members, the movement accepted it, as did the EU and the US. Ultimately, the reconciliation deal failed due to disagreements over technical questions relating to Palestinian reunification. This prompted Abbas to reshuffle the cabinet in July 2015 without consulting Hamas – after which it withdrew its endorsement of the government.

The last roll of the dice

In January 2021, Abbas issued a long-anticipated presidential decree setting dates for a fresh round of elections. These will start with elections for the PLC on 22 May; followed by the election for the PA presidency on 31 July; and finishing with the formation of a new Palestinian National Council (PNC), the PLO's parliament, by 31 August. This was made possible due to the current weakness of both Hamas and Fatah: domestic, regional, and international dynamics have shifted against them, and they are increasingly aware of the strategic dead-end in which they find themselves. For both, elections combined with a power-sharing agreement provide the best means of protecting their domestic interests and confronting external challenges.

The current electoral push grew out of discussions last year between Palestinian factions to develop a common political platform

to resist President Donald Trump’s “Peace to Prosperity” plan for the conflict – which sought to undermine Palestinian aspirations for sovereign statehood – and Israeli plans to annex large swathes of the West Bank. These discussions acquired increasing urgency after the announcement of US-backed normalisation deals between Israel and Arab countries such as the United Arab Emirates, which further weakened and isolated Palestinian groups.

Speculation abounds as to Abbas’s personal motives for moving forward on this. But it seems likely that it was at least partially motivated by his desire to send a positive signal to the incoming Biden administration and re-legitimise his leadership, in preparation for a renewed round of peace talks with Israel.

Despite facing considerable pessimism at home and abroad, Palestinian factions continue to make important progress towards elections. Over the past two months, Palestinian leaders representing PLO factions, Hamas, and Islamic Jihad have twice met in Cairo (on 8-9 February; and 16-17 March) to address outstanding electoral issues. This has delivered several agreements, including on the conduct of elections, confidence-building measures such as the release of political prisoners, and the creation of an electoral court – a divisive issue that led Hamas to boycott past municipal elections. Egypt has facilitated these intra-Palestinian talks and offered logistical support, including offering to monitor the election process in Gaza in the absence of any formal PA presence.

The Central Elections Commission (CEC), chaired by Hanna Nasir, is proving itself to be competent and impartial. Voter registration has proceeded smoothly, and nominations for PLC candidates are expected to open on 20 March as scheduled. In addition, the CEC has shown itself willing and able to defend the integrity of the electoral process. For example, it filed a complaint with the PA’s prosecutor-general over unauthorised changes – allegedly by PA security forces, which are aligned with Fatah – to the location of voting centres in the Hebron area, which voted for Hamas in 2006.

From competition to cooperation

Fatah and Hamas have positioned elections as a stepping-stone towards political reconciliation and national reunification. This is the reverse of past such attempts, which set the creation of a reconciliation agreement and the formation of a transitional national unity government as preconditions for national elections. The new approach allows the parties to initially work around areas of disagreement while gradually rebuilding mutual trust. As an added benefit, they have been able to signal their commitment to Palestinian democratic principles and unity without having to

make far-reaching political concessions.

According to recent public opinion polling, three-quarters of Palestinians want elections. In such a scenario, Fatah would win 38 per cent in legislative elections, compared to 34 per cent for Hamas – with Hamas emerging on top in Gaza and Fatah stronger in the West Bank. But it is likely that competing Fatah lists would give Hamas the largest number of seats in the PLC, though it would fall short of a majority. That said, the change to electoral rules since 2006 means that a ruling government will need the support of multiple lists to gain a majority. As far as the presidential election is concerned, Abbas would lose against other prominent national figures such as Haniyeh or Marwan Barghouti, a veteran Fatah leader currently imprisoned by Israel. This is unsurprising given that 66 per cent of Palestinians want the 85-year-old Abbas to resign.

In recent months, Hamas and Fatah have shown their desire to reach a post-election power-sharing deal that preserves their current duopoly on power. Maintaining the political status quo and ensuring access to the PA's patronage system undoubtedly benefits both Hamas and Fatah. But such a deal – based on electoral cooperation rather than electoral competition – also aims to avoid a repeat of the zero-sum struggle that brought down the Palestinian political system in the past.

Both have indicated a firm intention to form a government of national unity, regardless of which party does better in the legislative elections. In addition, Hamas has signalled that it will not field its own candidate in the presidential election and could instead lend its support to a 'national unity' figure (including potentially a candidate from Fatah), although it has so far expressed no preference on its preferred choice.[3] However, this cooperative atmosphere could be difficult to sustain once the electoral campaign gets into full swing and rival factions begin campaigning against each other.

Moving forward, Palestinian leaders need to finalise several outstanding elections-related issues, including security arrangements and the allocation of seats among factions as part of a new PNC. And, of course, the continued spread of covid-19 in the Palestinian territory and lockdown restrictions will add a further layer of complexity.

Alongside this, most of the technical (but still deeply political) questions related to Palestinian reunification may not be broached until after the elections. These include questions such as those on how to return PA governance to Gaza by reintegrating its Hamas-run ministries and civil servants into the PA system; the future of Hamas's armed wing and security control in Gaza; and the extent to which Israel and Fatah-aligned security forces will allow Hamas to operate freely in the West Bank (and vice versa).

A house still divided

Of course, 15 years of animosity and division are not easily overcome. Fatah's secretary-general, Jibril Rajoub, and Hamas's deputy chair, Saleh Arouri, have been the driving force behind the proposed elections and seem to have established a good working relationship with each other. But Hamas has long been sceptical about Abbas's commitment to elections. They worry that he is only talking about elections to ingratiate himself with the new US administration, before eventually derailing the process and laying the blame on Hamas, Israel, or the pandemic.[4] The prospect of losing his hold on power following one of the elections could provoke a similar manoeuvre. There are other potential spoilers on both sides, including senior Fatah members and PA security officials who are concerned that elections and a power-sharing agreement with Hamas will harm their personal standing, Fatah, and the stability of the PA.

Hamas officials are also concerned that internal divisions within Fatah could complicate the elections and the establishment of power-sharing arrangements.[5] At the same time, they seem willing to play off these internal rivalries to advance their own interests. This was illustrated by the UAE's delivery of covid-19 vaccines to Gaza over the past two months, which took place at the behest of Mohammed Dahlan, an adviser to Emirati Crown Prince Muhammad bin Zayed and high-profile Fatah opponent of Abbas who in the past led PA security crackdowns against Hamas. In exchange, Hamas has allowed several allies of Dahlan to return to Gaza in preparation for elections. Should there be multiple Fatah PLC lists or presidential candidates, Hamas could find itself in the role of kingmaker – potentially allowing it to decide which Fatah faction(s) to form a coalition government with, and which presidential candidate to throw its political weight behind.

Meanwhile, one of the largest obstacles to overcome before elections can be held will be Israel's response, particularly with regards to the inclusion of Israeli-controlled East Jerusalem – which Fatah and Hamas have both described as a prerequisite. Israeli officials are far from enthusiastic about the

prospect of elections. They are concerned that another resounding Fatah defeat could once again unleash post-electoral instability as it did in 2006, potentially leading to a scenario in which Hamas takes over the West Bank and turns it into another ‘Hamastan’. The inclusion of East Jerusalem in elections also poses a political problem for Israel given its claims to exclusive sovereignty over the city and efforts to suppress Palestinian political activities there. However, it is also clear that Palestinian political divisions and weakness have served Israel well – allowing it to dodge serious peace negotiations and consolidate its control over Palestinian territory.

For now, Israel has not publicly articulated its position towards upcoming Palestinian elections. Its government is no doubt keen to avoid such a politically charged question during a tight Israeli general election – to be held next week. In the meantime, Israel likely hopes that the Palestinians will derail the electoral process themselves before it has to show its hand. But the Israeli government has already begun detaining and threatening Hamas members in the West Bank as an explicit warning against running in elections.

The Hamas bet

Hamas is a resilient movement, but it is under considerable political and financial pressure due to the shifting regional geopolitical landscape, which has become more hostile to it.[6] Since the 2007 split, it has had to maintain governance responsibility for the Gaza Strip – which is one of the most densely populated areas in the world and is suffering from a profound, man-made socio-economic crisis. While Hamas corruption and mismanagement have exacerbated this crisis, the situation has been considerably worsened by Israeli sanctions and Egyptian and PA restrictions (which Abbas first imposed in March 2017 to punish Hamas for the failure of previous reconciliation efforts).

The Islamist movement continues to embrace – and, at times, engage in – armed confrontation with Israel. But it has been unable to throw off Israel’s chokehold over Gaza. Three destructive wars with Israel have produced nothing more than continued stalemate and an eventual return to the status quo ante. As the movement’s leader in Gaza, Yahya Sinwar, has noted: “war achieves nothing”. Similarly, it achieved inconclusive results in its attempt to use (mostly nonviolent) popular mobilisation during the 2018-2019 Great March of Return protests along Gaza’s border with Israel. While Hamas still believes it has the right to resist the occupation, it is exhausted and “ready for quiet”. [7]

Since 2018, Hamas has reached a fragile modus vivendi with Israel that has allowed for an incremental and limited easing of some restrictions on Gaza and the influx of Qatari stabilisation

funds in exchange for Hamas's commitment to preserving calm. This agreement does not fundamentally challenge Israel's closure of the Strip and has broken down on several occasions, each time returning Hamas and Israel to the verge of all-out war. The group is also sensitive to accusations that it is seeking to develop a 'mini-state' in Gaza at the expense of national unity.

Against this backdrop, Hamas has come to view Palestinian elections and its participation in a future PA government as its only viable option. It hopes this will relieve it of the burden of administering Gaza and allow for the Strip's economic redevelopment, including by eventually forcing a more substantial easing of Israeli restrictions. Just as importantly, by offering it membership of the PNC, the electoral process gives Hamas a backdoor into the PLO, which would grant it greater influence and legitimacy within the Palestinian national movement.[8]

In the past, Hamas (along with Islamic Jihad) has been invited to attend PNC meetings as a non-voting observer, although it usually refuses to do so. The selection of a new PNC that included formal participation by Hamas would be an important milestone in efforts to fulfil the group's political ambitions. This would constitute a full reversal of its past aspirations to compete against, and ultimately replace, the PLO and the PA.

These objectives reflect Hamas's immediate focus on political empowerment. Its longer-term national goals are less defined, beyond a notional commitment to liberating Palestine – which its leaders increasingly equate with the establishment of an independent state based on the 1967 borders.

Nevertheless, the Islamist movement remains reluctant to play a high-profile role in the next government. It has indicated that it does not intend to nominate senior cabinet members and will avoid 'front-facing' roles such as prime minister or foreign minister.[9] This has as much to do with the movement's desire to minimise Western concerns about its potential role as its bitter experience of governing Gaza over the past 15 years. Some senior members of the movement have described its decision to form PA governments in 2006-2007 as a strategic blunder that cost it domestic support, caused it tremendous financial pain, and trapped it in Gaza.

A return to moderation

In its desire to move forward with elections, Hamas has made several concessions, such as accepting electoral arrangements that are more favourable to Abbas and Fatah. For example, Hamas conceded its preference for holding all three elections at the same time and accepted a sequenced approach,

despite its concerns that Abbas may cancel the electoral process after the PLC election – thereby denying it greater access to the PLO. Hamas also accepted the PLO’s status as the legitimate representative body of the Palestinian people, and a new proportional representation (national list) system for PLC elections, which favours Fatah.[10]

The movement is keen to avoid a repeat of the disastrous international response to its victory in the 2006 legislative election. It wants to move towards political engagement with Europe, to end the EU’s no-contact policy, and to be delisted as a terrorist organisation. This is despite its own perception that Europe is not interested in promoting a diplomatic track that would include Hamas to achieve Palestinian reunification and resolve the conflict with Israel.[11] Moderate members of Hamas hope that ensuring political stability and continuity through an arrangement with Fatah based on a moderate political platform can help reassure the EU and the US about its participation in a future PA government.[12]

The Islamist movement continues to formally reject the Quartet Principles, which would require it to violate its ideological red lines – such as its refusal to formally renounce armed resistance and recognise Israel in advance of a peace agreement – a move that Hamas leaders view as political suicide. As Hamas officials are always keen to point out, the Quartet has never formally made such demands of the Israeli government and its constituent parties. Nevertheless, Hamas has indicated that a future PA government in which it participates could accept a two-state solution, abide by existing agreements with Israel, and endorse the principles of non-violence, international law, and democratic governance – reprising and expanding on the moderate positions of its 2007 government. [13]

Senior Hamas leaders have endorsed similar positions in the past. The group’s previous leader, Khaled Mashal, stated in 2017 that it is “prepared to work according to a Palestinian programme jointly with others to establish a Palestinian state on the 1967 borders”. Speaking in 2011, Hamas’s former deputy foreign minister, Ghazi Hamad, made a similar point: “we said, frankly, we accept the state and ‘67 borders ... Hamas is ready to go more and more for political solutions.”

Similar views have been voiced by Haniyeh and Sinwar. Hamas’s 2017 Political Document – which represents the group’s official positions – also frames a two-state solution as a “formula of national consensus”. Furthermore, there are strong hints in private that the group could recognise Israel and demobilise within the context of a final peace agreement that settles all claims and creates an independent Palestinian state.[14] As one figure within Hamas noted, “we want to send a clear message that we will engage in a process that can meet Palestinian rights, including the right of return

for refugees.”[15] While stopping short of formally renouncing armed resistance, another Politburo member, Husam Badran, has signalled that the movement could prioritise peaceful popular resistance.

To be sure, not all members of Hamas share the same views, and the coming electioneering will likely give rise to contradictory messages. Fathi Hamad, a hardline member of Hamas’s Politburo, regularly extols Hamas’s support for armed resistance and Islamic claims over “historic Palestine”. This, in part, reflects the need to balance domestic campaigning and external engagement. But it is also a genuine reflection of the competing trends and strategic divergences within the group. Which of these camps steers Hamas going forward will depend on whether elections and political engagement can protect the group’s core interests. The outcome of Hamas’s internal elections – which are currently wrapping up – could provide an initial indication of where this balance of power within the movement currently lies.

A make-or-break moment for Palestine

There are many reasons to downplay the merits of the forthcoming elections. They may merely reproduce the current monopolies on power enjoyed by Hamas and Fatah – even with the participation of multiple electoral lists and presidential candidates. These measures may also do little to bridge the generational gap between Palestine’s ageing leadership and its predominantly youthful population, or provide the sorts of political choice and transformation that many Palestinians desire. The elections also will not directly challenge Israel’s military occupation, which remains the ultimate decider of Palestinian life.

It is also unclear how Hamas’s membership of the PNC will play out in the long term. As Sam Bahour, a leading Palestinian analyst, remarks: “any Palestinian political grouping desiring to formally join the PLO has no user’s manual and no path forward”.

Finally, it is worth noting that, in its current configuration, this electoral process will exclude most Palestinians who live outside the occupied territories. As Bahour goes on to note, “a Palestinian in Ain al-Hilweh Refugee Camp in South Lebanon, or in Nazareth, Israel, or Youngstown, Ohio, or Santiago, Chile has the same inalienable right to have their say as do those of us under military occupation in Ramallah, Jerusalem, or Gaza.”

Even putting these concerns aside, the next PA government will inherit deep political and economic

challenges. Addressing these issues will require it to balance the competing expectations of Palestinian voters and international donors – both of which will demand accountability.

The future of the PA's relations with Israel

One key source of tension will remain the PA's commitment to existing agreements with Israel under the Oslo Accords. The most fraught aspect of this relates to security coordination with Israel given Palestinian public perceptions that it only benefits Israel and its settler population, fails to protect Palestinians from settler violence, and facilitates Israeli security raids. In addition, Palestinians argue that Israel has not respected its own obligations under these agreements – by expanding its settlement project, withholding tax clearance revenues collected on the PA's behalf in retaliation for Palestinian political decisions it disagrees with, and obstructing Palestinians' movements between Gaza and the West Bank. More broadly, these agreements have formalised Israeli dominance over the Palestinian political system and prevented the emergence of a transformative political strategy that could challenge Israel's occupation more effectively.

Against this backdrop, Palestinian politicians regularly call for an end to PA cooperation with Israel. This includes figures not just within Hamas but also in Fatah and the PLO's Central Council. Abbas too has repeatedly vowed to take such a step. But, as the outgoing government of prime minister Mohammad Shtayyeh has found, breaking free from Israel and the Oslo Accords is far from simple given the degree to which they sustain Palestinians' daily lives and the PA (along with its patronage networks). Mashal himself has acknowledged that “despite the fact that it [Hamas] rejected the Oslo agreement that harmed the interest of our people ... Hamas has to deal with this reality”. And, indeed, this was the position of Hamas's 2006-2007 governments.

So far, no party has laid out a detailed plan for PA governance. But a mixture of political interest and deference to international funding conditions would likely push a government of national unity to abide by existing agreements with Israel, including security commitments in some form. This would allow it to focus on more immediate priorities, such as addressing domestic socio-economic challenges, containing covid-19, and supporting Gaza's redevelopment – although progress will continue to be hampered by the overarching context of Israel's occupation. As a means of easing popular pressure and potential criticism from non-governing parties, the government could refer the question of the PA's future relations with Israel to a new PNC for debate.

Playing the long game

Despite the many challenges ahead, holding free, fair, and inclusive elections in the West Bank, East Jerusalem, and Gaza would be an important first step towards restoring accountable national institutions and creating space for the emergence of younger, non-factional, and progressive leadership structures – even if many activists cannot stand this time round due to restrictive candidacy requirements. Combined with a post-election power-sharing agreement, this would be a step towards full national reconciliation, institutional and societal reunification, and political reform. Moreover, a revived national political conversation – centred around a reactivated (and ultimately reformed) PNC, accountable leadership and institutions, and empowered civil society – will put Palestinians in a stronger position to navigate some of the core strategic dilemmas currently faced by their national movement. From a European perspective, this would have the added benefit of strengthening the resilience of the PA and bolstering support for the two-state solution in the face of growing domestic challenges.

When it comes to Gaza, a real unity--- government would be a boon to its beleaguered population. Restoring PA governance would remove one key justification for Israel's siege of Gaza – even if the country has imposed sanctions on it in some form since the mid-1990s. More immediately, a unified Palestinian authority would facilitate greater international redevelopment efforts and a covid vaccination rollout, and would support the revival of Gaza's once-vibrant economy. Most tantalisingly, in the longer term, this could open the door to the exploitation of Gaza's gas reserves, which could provide Palestine with energy self-sufficiency and reduce its reliance on foreign aid.

Just as importantly, a successful electoral process resulting in a viable unity government and Palestinian reunification would vindicate moderate Hamas figures who argue that political participation and a commitment to democratic principles can move their aims forward in a way that armed violence cannot.

Clearly, the prospects for launching meaningful peace negotiations with Israel remain a distant prospect given continued political divergences between Israeli and Palestinian negotiating positions, and Israel's erosion of the territorial footprint of a future two-state solution. But there may still be room to secure a longer-term calm between both sides by expanding the current ceasefire arrangements between Hamas and Israel in Gaza. This could develop and update ideas previously put forward by the group – such as a 2006 proposal developed by moderate figures within Hamas and

Swiss officials. This envisaged a rolling armistice with Israel in exchange for gradual de-occupation and greater Palestinian freedoms – with the ultimate goal of easing tensions and rebuilding trust to enable genuine progress towards a two-state solution. To be sure, this would not provide a final resolution to the conflict. But it could, at the very least, anchor existing de-escalation efforts, while increasing the chances that the coming years will be fought exclusively in the political arena.

Conversely, the collapse of the electoral process would accelerate Palestinian political disintegration and rising authoritarianism. This would destroy whatever international credibility and domestic legitimacy the PA and its leadership have left, potentially provoking a backlash against Abbas by the Palestinian public and emboldened rivals within Fatah. The lack of any realistic prospect for national reunification would push Gaza and the West Bank further apart, encouraging Hamas and Fatah to entrench themselves in their respective fiefdoms. In such a scenario, Gazans would have little chance of escaping their dire humanitarian situation. After two failed attempts to participate in a political process by tabling moderate policy positions and engaging in elections, Hamas's calculations would be upended in favour of its hardliners' views. The lesson the movement would take away from the experience would be that only armed resistance can deliver tangible results.

Such an outcome could lead to military escalation with Israel, with the aim of forcing a new *modus vivendi* that would allow for increased economic redevelopment in Gaza. Or, failing that, Hamas might threaten to 'go underground' by relinquishing its current role as Gaza's *de facto* government and returning to its origins as an armed insurgent group. This would create a security vacuum that the PA and Israel would struggle to fill. It could also be accompanied by actions in the West Bank to undermine the PA and Fatah.

A second chance for Europe

Europe's status as the PA's biggest funder means that what it says and does over the coming weeks and months matters hugely. Given clear signals by Hamas that it wants to prioritise political engagement based on a relatively moderate policy platform, Europe should not follow the sort of path it did 15 years ago. Instead, it should work towards a policy of constructive engagement with any future government in which the group participates. This would be an important means of supporting political reconciliation and national reunification efforts, and would draw Hamas deeper into a diplomatic process that could advance intra-Palestinian reunification and lead to a sustainable peace agreement with Israel.

The single most important step that the EU and European governments can take at this current juncture is to publicly affirm their willingness to respect the results of free and fair elections – something they have so far shied away from doing, but that would signal a serious European commitment to the democratic process.

In parallel, they should press the main stakeholders – namely, Hamas, Fatah, the PA, and Israel – to facilitate an electoral process that can pave the way for the peaceful transfer of power and elections every four years. The EU and European governments should be particularly attentive to any indication that Abbas may delay the elections. If necessary, they should use the political leverage created by their funding relationship with the PA to prevent this.

The EU must make clear that it expects Israel to: fulfil its obligations under the Oslo Accords by supporting the electoral process and allowing the deployment of an EU election observation mission, including in East Jerusalem; and refrain from all retaliatory measures against candidates, as well as future members of the PLC and a unity government. Precedent suggests that it is possible for Israel and the CEC to find a way to allow voting to take place in East Jerusalem. How straightforward this will be depends on the composition of Israel's next government. It may be harder to ensure that Israel does not make life difficult for Palestinian voters and candidates. In both regards, international involvement will be important.

To do this, the EU should enlist the support of its Quartet partners while working with Israel and the CEC to ensure free and fair elections are held in East Jerusalem, building on past arrangements. It could also emphasise to its Israeli interlocutors that it is in their interests to facilitate a successful Palestinian democratic process at a time in which Israel is increasingly accused of consolidating an apartheid system in the occupied territories, where Palestinians are effectively denied political representation. The EU should also remind these interlocutors that Hamas and Israel have already shown themselves able to forge a pragmatic relationship when it suits their interests despite their mutual hostility – a relationship that some Israeli security officials have found easier to manage than that with Abbas and the PA.[16]

Learning its lesson from 2006, the EU should spell out its expectations of a future PA government in advance of elections. But, rather than requiring an explicit recital of the Quartet Principles – which sank the 2007 government of national unity – it should be prepared to accept alternative formulations that can meet European expectations. At the same time, the EU should allow the Palestinian leadership to develop a more transformational political strategy that can more effectively challenge

Israel's occupation and escape from the broken peace-making paradigm. This is another important factor in addressing the current power asymmetry between the two sides, and in incentivising Israeli support for a peaceful end to conflict based on a two-state solution.

The EU should also look to the formation of the 2014 government of national consensus. Although the government was short-lived and ultimately fell victim to unresolved intra-Palestinian political disagreements, the EU and the US adopted a more flexible and hands-on approach to it, giving it greater latitude in meeting their conditions. This resulted in a formula in which they accepted the government based on its endorsement of a previous speech given by Abbas – which endorsed a two-state solution, committed to respect agreements signed with Israel, and reaffirmed a complete rejection of violence and terrorism in all its forms.

With this in mind, the EU should signal its readiness to fund a future Palestinian government that commits to the peaceful establishment of a Palestinian state based on the pre-June 1967 lines, with Jerusalem as its capital. This should also mean endorsing the principles of international law, nonviolence, and democratic governance, including respect for human rights. The EU should then engage with the relevant stakeholders to identify how a future government can demonstrate such commitments in word and deed – such as by potentially reprising Abbas's 2011 speech as the basis for its political platform. This formula would provide a pragmatic and constructive way to ensure that the EU can continue funding the PA while still supporting its policy objectives.

Finally, the EU and its member states must proactively engage with the new US administration to secure its support for Palestinian elections and a positive response to a unity government. But, while the EU should seek maximum alignment with the Biden administration, it should not allow its own policies to once again be determined by Washington, as happened in 2006 when it followed its lead in signing up to US conditions.

Conclusion

If the EU does not encourage and support the forthcoming polls, it will put the electoral process at greater risk of failure. The EU must, therefore, remain focused on its strategic objectives. Elections provide the EU with an opportunity to help develop Palestinian democracy, accountable institutions, and a unified government based on the rule of law. A unity government could also help support Gaza's socio-economic recovery and avert another war with Israel.

At a time when the Oslo peace process has run aground and there is almost no realistic prospect of a return to a two-state solution, it would be a significant achievement to bring Hamas into a nonviolent political strategy for resolving the conflict with Israel and ensuring its respect for democratic rules and international law. In doing so, the EU would help create the basis for a sustainable political agreement with Israel underpinned by cross-factional and Palestinian public support. While the path ahead will not be easy, working to back successful elections and secure a positive post-election political environment would be a wise investment of the EU's political capital.

About the author

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[1] Email exchange with Nathan Stock, former field director of the Carter Center's Ramallah Office, 2 March 2021.

[2] Email exchange with conflict mediation expert and frequent interlocutor of the UK prime minister's office at the time, 17 February 2021.

[3] Video-call with senior Hamas adviser based in Gaza, 21 January 2021.

[4] Discussions with senior members and advisers to the group since 2019.

[5] Video-call with senior Hamas adviser based in Istanbul, 16 February 2021.

[6] Discussion with Muslim Brotherhood intellectual with close ties to the movement, European capital, November 2019.

[7] Discussion with Hamas member, European capital, June 2019.

[8] Discussions with senior members and advisers to the group since 2019.

[9] Video-call with senior Hamas adviser based in Istanbul, 16 February 2021.

[10] Video-call with senior Hamas adviser based in Gaza, 25 November 2020.

[11] Interview with Hamas Politburo member, Doha, December 2019.

[12] Video-call with senior Hamas adviser based in Gaza, 27 January 2021.

[13] Discussions with senior members and advisers to the group since 2019.

[14] Discussions with senior members and advisers to the group since 2019.

[15] Discussion with Hamas figure, European capital, June 2019.

[16] Author discussion with Israeli security official, Tel Aviv, April 2019.

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