



Palestinian elections?

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A date of 4 May has been agreed for Palestinian legislative and presidential elections. Observers are unsure whether they will in fact take place on that date, as much depends on the fraught reconciliation negotiations between Hamas and Fatah.

Main points:

- Presidential and legislative elections have been agreed for 4 May but may not happen so soon.
- Much depends on the reconciliation talks between Fatah and Hamas, the two main parties.
- The talks are fraught with difficulty and have so far shown little progress towards establishing a unity government.
- Any unity government that includes Hamas without Hamas recognising Israel and renouncing violence would be shunned by the US and the EU.
- The Arab uprisings have shifted the political landscape; Hamas may or may not be interested in a major re-alignment.
- It remains unclear whether incumbent Abbas would be the Fatah candidate, while Ismail Haniyeh, prime minister in Gaza would probably stand for Hamas.
- Opinion polls give Fatah a clear advantage, but they may be inaccurate.

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Both legislative and presidential elections are planned for 4 May 2012 in the Palestinian territories. The Palestinian political scene, however, is in flux, particularly after the fall of Hosni Mubarak in Egypt and the symbolic rejection of the Road Map peace plan that was Mahmoud Abbas’s attempt to gain recognition for Palestinian statehood at the UN in September 2011.

1 Hamas and Fatah’s reconciliation talks

Israel is concerned about the reconciliation process between Hamas, the Islamist party ruling Gaza, and Fatah, the party of the president of the Palestinian Authority Mahmoud Abbas. Since Abbas defied the West and made a unilateral bid for statehood at the United Nations in September 2011, the US and other countries have withdrawn much of their aid from the Palestinian Authority. At the same time, Hamas, taking account of the rise of Egypt’s Muslim Brotherhood, to which their party is affiliated, and the simultaneous difficulties of their present sponsor, the Assad regime in Syria, appears to be interested in a major political re-alignment.

The ‘reconciliation’ is very far from being a smooth process, however. In fact, a declaration of intent to reconcile the two parties and form a government of national unity was made as long ago as May 2011.¹ So far there has been no sign of a national unity government largely, it is reported, because of disagreements about control of Palestinian security forces.

In December, Ismail Haniyeh, the Hamas prime minister of Gaza, said: “The Arab Spring has opened a wide horizon for us, and we must take advantage to promote the interests of our people.”² Haniyeh embarked on a multi-nation tour widely seen as an attempt to raise his profile. Hamas overall chief Khaled Meshaal has announced that he does not intend to seek re-election. This may be a sign of divisions within the party. Meshaal is seen by some Hamas elements as being too liberal. Ismail Haniyeh has reportedly signalled his interest in replacing Meshaal.³

Although the progress of reconciliation talks is uncertain, Hamas has agreed to join the PLO, the organisation which Fatah dominates and which negotiated the Oslo Accords, recognising the State of Israel. Israel strongly opposes Hamas, which it considers a terrorist organisation, joining the Palestinian Authority government unless the organisation explicitly recognises its

¹ For more on the original declaration, see the Standard Note [Hamas, Fatah and the Middle East Quartet principles](#), 17 May 2011

² “Hamas Leader Leaves on Tour of Arab Nations to Seek Support”, *New York Times*, 26 December 2011

³ “Hamas leader says he will step down”, *Los Angeles Times*

right to exist, renounces violence and adheres to previous agreements. There have been signs that Hamas is thinking of ways to reduce that opposition. Overall Hamas leader Khaled Meshaal recently agreed with Mahmoud Abbas that “the current phase [of policy towards Israel] be confined solely to peaceful resistance acceptable to the international community”.⁴ Commentators think that if Hamas is changing, however, it will be a drawn-out process at best.⁵ In one report, Ismail Haniyeh was quoted as saying in December: “Armed resistance is the way, and it is Hamas’s strategic choice to liberate Palestine.”⁶

2 Elections

Both legislative and presidential elections are due in the Palestinian Territories on 4 May 2012, according to an agreement reached between the two main parties, Fatah and Hamas, at reconciliation talks in Egypt in November 2011. If it happens, this will be the first time that legislative elections have been held since 2006, when the election was won by Hamas. The Palestinian Legislative Council has not sat since 2007.

Elections may not in fact happen in May. According to reports, the Palestinian Central Elections Commission was on 19 January still awaiting permission from Hamas to update the electoral register in Gaza, which takes about six weeks. Elections could only be held some three months after that, making the timetable for election on 4 May already very tight.⁷ Much will depend on the progress of reconciliation talks between Hamas and Fatah.

2.1 Palestinian Legislative Assembly election

The Palestinian Legislative Council is a unicameral assembly with 132 seats, elected through a closed-list proportional representation system to serve four-year terms.⁸ There is a one percent threshold for parties to gain representation.

Composition of the PLC after the 2006 election

Hamas (List of Change and Reform)	74
Fatah	45
Popular Front for the Liberation of Palestine	3
The Alternative	2
Independent Palestine (consisted of Palestine National Initiative and some independents)	2
Third Way	2
Independents	4

⁴ “Rivals who may need each other”, *Economist*, 31 December 2011
⁵ For a useful discussion of Hamas’s politics, see Nathan J Brown, “[Is Hamas Mellowing?](#)”, Carnegie Foundation for International Peace, Commentary, 17 January 2012
⁶ Hamas dispels reports of ‘no violence’ deal”, *Jewish Chronicle*, 23 December 2011
⁷ “Palestinian Fatah movement faces election showdown with Hamas, but appears ill-prepared”, *Associated Press*, 20 January 2012
⁸ Information on electoral systems from International Foundation for Electoral Systems, [Election Guide: Palestine](#)

While the two major parties' respective shares of the vote were relatively close, with only some four percentage points separating them, the seat distribution was skewed in Hamas's favour by the mixed proportional and first-past-the-post system. In 2007, the electoral system was changed, abandoning the constituency-based element in favour of a purely proportional system.⁹

Another change was introduced with the effect of barring any party which did not accept the Palestinian Liberation Organisation's right to represent the Palestinian people. The change appeared to be aimed at Hamas, which challenged the PLO (but Hamas recently agreed to join the PLO).

In an opinion poll carried out in December 2011, 29% said they would support Hamas if there were legislative elections; Fatah gained 43% support, with 17% undecided.¹⁰ Another poll, conducted in November, suggested that a clear majority of Palestinians supported Salaam Fayyad to continue in his role as prime minister and put Fatah clearly ahead at 46% with Hamas at just 17%.¹¹ The accuracy of polling has been called into question, however: there are suggestions that Islamists often get better results at elections than they do in opinion polls, as has happened in Tunisia, for example.¹²

Whether or not elections are imminent, life for the Legislative Council is not straightforward. In January, Israeli troops arrested Aziz Dweik, Speaker of the PLC, and three other PLC members, all Hamas deputies. Israel later announced that Aziz Dweik would be held for six months, saying, according to his lawyer, it was because he was "liable to be involved in hostile actions against Israel."¹³ Dweik is to be held under 'administrative detention' procedures, allowing indefinite detention without trial.¹⁴

Palestinian rights groups say that there are some 25 Palestinian MPs in Israeli detention, 20 of them held administratively. Palestinians say that the detentions are an attempt to undermine the negotiations between Hamas and Fatah, disrupt the forthcoming election and weaken Palestinian self-government.

2.2 Palestinian presidential election

The President is elected by absolute majority vote through a two-round system to serve a 4-year term. A presidential election is due at the same time as the legislative election.

Mahmoud Abbas's decision to seek recognition for Palestine as a state at the UN was in part a strategy to shore up the legitimacy of his and Fatah's leadership before the election. The Arab uprisings have boosted the impact of public opinion across the Arab world and Palestine is no exception. Having appeared to fail to gain much from Fatah's engagement with Israel in recent years, Abbas decided to pursue a line more independent of the US and Israel and go to the UN in September, succeeding in becoming a recognised member of UNESCO. The move appears to have shored up Fatah's popularity.

⁹ "PLO calls for early elections", IHS Global Insight,

¹⁰ Palestinian Centre for Policy and Survey Research, [Public opinion poll 42](#), 15-17 December 2011

¹¹ Arab World for Research and Development, [Opinion Poll: Arab Spring, UN Initiative, Palestinian Political System, Internal Issues/Priorities, Elections](#), 14 December 2011

¹² "Can Palestinian Fatah win the election in May without Pres. Abbas at the helm?", *al-Arabiya*, 19 January 2012

¹³ "Israel detains Hamas MP Aziz Dweik for six months", *BBC News Online*, 25 January 2011

¹⁴ "Israel Arrests Speaker of Palestinian Legislative Council", *IHS Global Insight*, 20 January 2012

In November, Abbas reiterated his intention not to stand. However, since then conflicting reports have emerged about his possible candidacy. In December a report said that Fatah was not looking for an alternative candidate;¹⁵ in January another was published saying that Abbas would not stand.¹⁶ If Abbas does not stand, his likely successor as candidate is Marwan Barghouti, a popular leader and member of the PLC who has been in Israeli jail for several years convicted of murder for actions committed during the second Intifada. Barghouti has support in both Gaza and the West Bank.

Mr Barghouti recently appeared in court in connection with another case, where he took the opportunity to make a call for a unity government:

I call on the great Palestinian people to embrace unity and cohesion and to establish a national unity government and also to embrace popular, peaceful resistance to end the occupation. Peace cannot happen without ending the occupation.¹⁷

The Hamas candidate is likely to be the present Gaza prime minister, Ismail Haniyeh.

According to the Palestinian poll from December, Abbas would receive 55% and Haniyeh 37% at a presidential election; Marwan Barghouti would be virtually as popular as Abbas, whereas the next most popular possibility, Saeb Erekat, would have no chance.¹⁸

¹⁵ "Palestinian President Abbas said Fatah's sole candidate in next election", *al-Quds al-Arabi website*, 15 December 2011 (translation provided by BBC Monitoring)

¹⁶ "Can Palestinian Fatah win the election in May without Pres. Abbas at the helm?", *Associated Press*, 20 January 2012

¹⁷ "[Fatah's Barghouti in rare court appearance](#)", *al-Jazeera*, 25 January 2012

¹⁸ Palestinian Centre for Policy and Survey Research, [Public opinion poll 42](#), 15-17 December 2011