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Research Report

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In the Aftermath of the Palestinian Parliamentary Elections

How to Deal with Hamas?

Muriel Asseburg

Following its unexpected landslide victory in the elections on January 25, 2006, Hamas will hold an absolute majority in the Palestinian Legislative Council (74 of 132 seats). After the result was announced, Hamas—which contested the election as a party under the name of “Change and Reform”—announced that it was ready to take on the responsibility of government and work together with other political forces. Accordingly, it has entered negotiations with possible coalition partners over policy positions and the distribution of posts. For a grouping that has only just decided to work within the political system—and had expected to occupy the role of a strong opposition—this represents an enormous challenge. The Fatah membership’s disappointment over the defeat exploded in violent clashes, which contain great potential for escalation.

The actual composition of the next Palestinian government is still unclear. Three possible scenarios are realistically conceivable:

1. The formation of a *government of national unity* under Hamas leadership but also involving Fatah (currently rejected by Fatah’s leaders and rank and file);
2. The formation of a *technocratic government* that includes several independent figures of national and international standing (such as the current finance minister, Salam Fayyad, or the former minister of culture, Ziad Abu Amr);
3. The formation of a *Hamas-only government*

The third scenario would, however, be encumbered by the twin risks of a high degree of isolation abroad and a lack of real authority at home. Consequently, Hamas would prefer one of the first two options.

In the current situation of great tension and a major breakdown of law and order, there is a fourth scenario that cannot be ruled out entirely. Elements among the election losers and their associated militias and security forces could foment massive violent disorder on a scale sufficient to prevent a peaceful handover of power. This road could easily lead to conditions akin to civil war.

What Can We Expect from a Hamas Led Government?

Both domestically and with respect to the peace process, a Hamas-led government would in all probability be the lesser evil compared with the alternative of Fatah staying in power against a strong Hamas opposition block. In opposition, Hamas would have had enormous power to obstruct without having to accept political responsibility or to cooperate with Israel and the international community.

Furthermore, it should not be forgotten that the change of government actually opens up opportunities for fundamental reform of the Palestinian system. Implementation of Hamas' domestic agenda (although admittedly not its societal policies) would meet Europe's demands for more effective action to root out corruption and stem nepotism, profiteering, and security chaos—all tasks in which the governing Fatah party has failed over the past ten years. A technocratic government, in particular, would allow tangible progress to be made in these areas and further the formation of effective Palestinian institutions.

Whether it will be possible to resume the peace process in the medium term—by reviving the road map or in another form—is currently an open question. In a situation where neither of the conflicting parties sees a partner for peace on the other side—and is therefore unwilling to enter negotiations—a permanent cease-fire is still the best option. In recent months Hamas has demonstrated that it can effectively enforce a cease-fire—when and as long as it wants to—and this option is by no means excluded under a Hamas-led government. The challenge for Hamas would lie in disciplining groups beyond its own ranks, Islamic Jihad and the militants allied to Fatah.

How to Deal with Hamas?

It is in the interest of Palestinians, Israelis, and Europeans that the handover of power take place as peacefully as possible and that

there be no further escalation of intra-Palestinian conflict. Such an escalation would not only be associated with a further loss of control in the Palestinian territories, but also a heightened risk of attacks on Israel. For that reason, European governments should avoid making overhasty decisions, posing unrealistic demands, or sending any signals that could further escalate the crisis. In concrete terms that means:

1. The offer of talks made by the Hamas leadership should not be rejected, but instead taken as an opportunity. Europeans should establish and intensify contacts at the unofficial level in order to sound out possible fields of cooperation, feed European positions into Hamas' current position-finding process, and at the same time lend support to the pragmatic forces in the organization.

2. Any statements that could suggest to the rank and file and the leadership of Fatah or to the security forces that Europeans might approve of the use of force to prevent the formation of a Hamas-led government should be avoided. Making any such statement would involve a real risk of provoking an "Algerian scenario" of an attempted coup or clashes escalating into civil war. The European Union should therefore declare unambiguously that they respect the election result as the basis for forming a government.

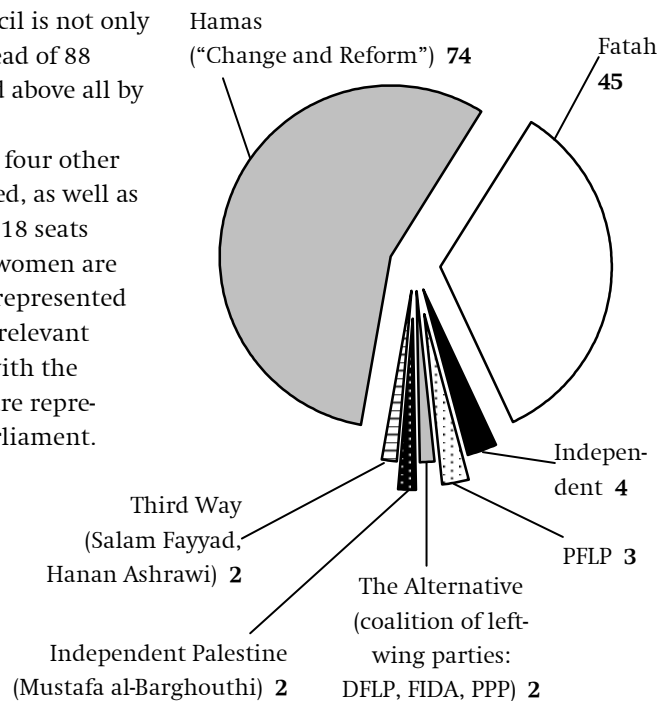
3. The European Union and its member states should help to stabilize the situation. Accordingly, they should not be too quick to suspend budget support for the Palestinian Authority. If the Palestinian Authority ends up in a situation where it is unable to pay its employees' salaries—especially those of the 60,000 members of the security forces—the danger of internal violence and a complete collapse of law and order will be exacerbated. Neither the European Union, nor Israel can have any interest in financial support being substituted by other parties—such as Iran—and tied to their conditions. So for the time being a pragmatic way to continue the payments needs to be found.

The Palestinian Legislative Council

The elected Legislative Council is not only bigger than before (132 instead of 88 seats), it is also characterized above all by an increase in pluralism:

Alongside Hamas and Fatah, four other parties or lists are represented, as well as independent deputies. With 18 seats (thereof: 8 Fatah, 6 Hamas), women are considerably more strongly represented than before (5 seats). All the relevant political and social forces—with the exception of Islamic Jihad—are represented in the Palestinian parliament.

Distribution of the 132 seats



4. The international community has made its demands on Hamas clear (recognition of Israel's right to exist, observance of treaties and agreements, renunciation of violence). Now, diplomatic efforts tailored to averting an escalation should take precedence over declaratory politics. In that sense, the political course outlined in the resolution of the EU foreign ministers of January 30, 2006—granting Hamas a transitional period in which to form a government and define its positions—is to be welcomed. Thereafter, further support should be made contingent on the actual behavior of the Hamas-led government.

Here, the European Union should insist on the fulfillment of a number of realistic demands, including:

- ▶ Renewal and strict observance of the cease-fire;
- ▶ Observance of agreements with Israel and neighboring states, and the continuation of technical cooperation;
- ▶ Renunciation of anti-Semitic rhetoric and calls for anti-Israeli violence.

Public recognition of Israel's right to exist and Hamas' commitment to a two-state solution will not realistically be the starting point for negotiations—but might be their first result. And they will, like the Oslo process, have to be part of a reciprocal development. Germany and the European Union should help to foster such a process of "normalization" of relations between Hamas and Israel rather than leaving fronts to harden on both sides.

5. The call for Hamas to respect existing agreements and continue cooperation with Israel is unlikely to bear fruit unless Israel, for its part, shows readiness to go down the road of contact and cooperation and to meet its obligations under the Oslo accord and other agreements. These obligations include making transfers of sales tax and customs duties to the Palestinian Authority, easing restrictions on Palestinian trade and freedom of movement, and ensuring reliable electricity and water supplies to the Palestinian territories. Consequently, the European Union should also demand Israel

to continue technical cooperation and maintain transfer payments. This is by no means unanimously rejected within Israel. The country's defense minister, for example, has praised Hamas' responsible behavior since the elections and called for transfer payments to continue. Individual Israeli politicians are already going a step further and calling for negotiations with Hamas.

6. The Palestinian elections were—to the extent possible under conditions of occupation—largely free and fair, and very well organized. They were also competitive. The voters had the choice between eleven parties and lists and numerous independent candidates, all with different ideas about domestic, societal, and foreign policy. The elections therefore are a model for the Arab world. It would be an extremely dubious signal, both to authoritarian Arab regimes and to the Arab street, if the election result were to be given merely pro forma recognition, while de facto denying legitimacy to the majority faction. This is all the more true given that it was the European Union and United States that pressed the Palestinian Authority to hold elections in the first place and urged it to hold them at this juncture. Isolating the future Palestinian government would strip the European and American democratization efforts in the region of their last vestiges of credibility and do irreparable harm.

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