

Palestine: Intense Wrangling Precedes Elections

Nathan Brown

On July 17, 2005, Palestinians are scheduled to elect a new parliament. The stakes are enormously high, especially as groups that sat out the 1996 parliamentary election—notably Hamas but also smaller factions—will field candidates. Various parties have been squabbling over the electoral rules. Arab governments routinely tinker with election laws with a particular result in mind. What is unusual in the Palestinian case is that the electoral law is being amended not along lines dictated by the government but by complex bargaining among several actors. Vital matters have still not been settled, and the protracted negotiations threaten to delay balloting.

In drafting legislation for the elections, the current parliament has debated registration procedures, a quota for women, and the age of eligibility for candidates. But the most contentious issue by far has been the mixture of proportional representation and district voting. While the 1996 elections were conducted solely on a district basis, it seems likely that now some seats will be apportioned according to a party's share of the national vote while other seats will go to the top vote-getters in 16 multi-member districts. The precise balance has important implication for the outcome of the elections, and the players have staked out sharply different positions:

- Smaller factions fear that candidates from the two largest parties, Fatah and Hamas, will swamp them in district voting. They have insisted on a large number of seats being awarded according to a party's total share in the national vote.
- Many incumbents calculate that their chances for re-election are greater if they can depend on their local constituencies. Converting to a proportional representation system might force them to compete nationally and to fight for a high place on their party list or (in the case of independents) be shut out completely.
- Under the current system, Gaza is mildly overrepresented in the parliament; Gazan deputies therefore wish to avoid reapportionment if districts are used.
- Hamas is less concerned with the precise formula, because it would run well both nationally and in districts. But the movement is anxious to hold elections while its popularity is high and therefore wishes to see the issue settled soon.
- Fatah is pulled in many different directions, with the specter of electoral defeat aggravating party divisions. Fatah could trump the smaller factions with district voting and protect the seats of many of its existing members. Younger Fatah activists have demanded party primaries, which have finally been scheduled for May 27.
- President Abu Mazen has suggested that all seats be decided by proportional representation. This might allow him to assemble an electoral coalition; it would also

result in a parliament with a stronger sense of party discipline, all deputies having been selected by virtue of their party positions rather than their individual and local popularity.

The debate over the electoral format is difficult to resolve not only because of the number of interests but also because of the various decision-making bodies involved, including the presidency, the parliament, and the parties. The parliament took up the issue in 2002 but dawdled because elections seemed far off. Yasser Arafat's death in November 2004 required presidential elections, and Abu Mazen was able to ensure national unity only by pledging to hold parliamentary elections as well. Rawhi Fatuh, the acting president between Arafat's death and Abu Mazen's election, decreed the date of July 17, forcing the parliament to take up the matter in earnest. In March 2005, Palestinian parties met in Cairo and cut a deal to apportion the seats evenly between the two electoral systems. But parliamentary deputies then passed a bill that awarded only one-third of the seats according to proportional representation. Bowing to the president and the advocates of moving towards a system of full proportional representation, the cabinet returned the bill to the parliament asking that it be amended on its third and final reading. Responding to diverse pressure, the parliament has stalled by submitting the matter to the legal committee, leaving the bill unpassed two months before the scheduled election. Whether the parliament gives in to cabinet and party pressure or stands its ground, it must also amend the interim constitution, since the number of deputies under either version of the electoral law is larger than that specified in the constitution.

At this point, suspicion runs deep between the parliament and the parties, between an older Fatah generation that sees itself being shunted aside and a younger generation that fears it will be dragged to defeat by a corrupt old guard, and between Fatah and the other parties, who see the prolonged wrangling as an attempt to escape from the Cairo agreement or even delay elections. At the same time, Palestine might be showing the Arab world a new kind of electoral politics, one in which the rules of the game are not dictated according to the interests of those in power but are sharply contested among multiple parties. The resulting confusion may not seem enviable, but it is oddly democratic.

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