

# At the End of the Day, Hamas Too

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The upheavals of recent weeks in the Palestinian arena have been rapid and dramatic, even for the dizzying pace of the Middle East. Hamas's violent military coup in Gaza reshuffled the Palestinian cards and dealt a new hand to replace what many had assumed were permanent Palestinian cards. The bloodshed caused by Hamas's takeover of Gaza added a new dimension to the idea of a *fitna* (civil war). Until then the prevailing opinion was that despite local flare-ups and confrontations between Fatah and Hamas, antagonism would not reach the level of a civil war, both due to the religious prohibition and to the declared interests of the two sides that the situation not deteriorate to that point. The ensuing violent reality, however, escalated the confrontation and spurred the division of political control in Palestinian society between Hamas and Fatah in separate geographic regions. Today Hamas alone controls Gaza, and Fatah and the Palestinian Authority are dominant in the West Bank.

For its part, Israel is now faced with a situation whereby Gaza is controlled by an adversary it regards as illegitimate and a non-viable interlocutor. On the other hand, the governing element in the West Bank is considered a possible partner, but its ability to meet Israel's minimum security requirements remains an open question.

This essay contends that Hamas's failure to recognize Israel, at least at this stage,

need not be an insurmountable obstacle, if as a partner in a potential unity government – in a coalition with Fatah and perhaps other parties – Hamas will renounce its terrorist ways and will cooperate with others to prevent terror, but does not recognize Israel publicly. This contention may smack of theoretical constructs that lack any practical realism, given the situation in the wake of the Gazan takeover and the tension with Abu Mazen's administration. Yet if as is likely the ties between Hamas and Fatah are severed only temporarily, the question will reappear at Israel's doorstep. Since Hamas as a political movement is not likely to disappear from the Palestinian arena and rather is likely to be a significant political power, it will wield substantial ability to impede any future political process if it is ostracized. However, if it is engaged, its contribution to attaining a long term *hudna* at a price acceptable to Israel could in fact be highly valuable.

The new reality that has been formed in Gaza, the rapid pace of the changes in Palestinian politics, the inter-generational struggle in the organizations' leaderships, and the power struggles between the internal and external leaderships have created a complicated challenge for Israel. The question of how to confront it is even more difficult in light of the multiple sources of power in the Palestinian sphere. The fact that the respective abilities of these elements to meet Isra-

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el's security and diplomatic needs is largely unknown only adds to the complexity of the challenge facing Israel's leadership.

Israel's policy toward the Palestinians has also undergone numerous changes since the Oslo accords, in part due to developments in the Palestinian arena and the inability among the Palestinian themselves to meet Israel's minimum security requirements. For its part, Israeli society is still hesitant and divided regarding the modes of resolving the dispute with the Palestinians. Opinions range between support for far-reaching territorial compromise and the refusal to relinquish large areas, mainly due to a lack of faith that even the more moderate Palestinians recognize the existential rights of the State of Israel and support the decision to renounce terrorism.

In any case, the prevalent opinion in Israel, at least at this stage, is that under no circumstances can Hamas constitute a partner to a political agreement with Israel due to its extreme ideological positions that reject the right of Israel's sovereign existence. Conversely, the Fatah-led Palestinian Authority is considered an eligible partner in light of its recognition of Israel; this too, however, is conditioned on the PA's ability to prevent the export of terrorist attacks from its territory. Furthermore, Israel demands that the PA change its management patterns and build its sovereign institutions in a manner that will allow it proper governmental function. At this stage these conditions seem far from realization.

In the current internal Palestinian political arena, the rift between Fatah and Hamas appears difficult to repair. However, it seems that in the final analysis, these actors will find a way to bridge the divide between them in order to advance Palestinian national inter-

ests. Yet even if this does not happen, Israel will need to decide with whom to speak, what to speak about, and how to conduct the dialogue.

The situation that exists today between Fatah and Hamas, and the latter's uncompromising position not to recognize Israel, strengthen the Israeli resolve not to view Hamas as a political interlocutor. Challenging this consensus, this essay urges a reexamination of the Israeli position in order to advance a political process with an *effective* Palestinian partner. This approach requires a readiness to accept even Hamas as a partner, alongside Fatah, in a joint coalition. Only in this way can a long term ceasefire with a Palestinian partner be achieved and an effective diplomatic process be initiated. Hamas's acceptance as a partner should not be automatic, but must be conditioned on the movement's commitment to avoid terrorist attacks and to join with Fatah in preventing terrorism from the Gaza Strip and the West Bank. However, the categorical rejection of Hamas because it does not recognize the State of Israel will unquestionably prevent the possibility of establishing an effective diplomatic process between Israel and the Palestinians, and will perpetuate the use of terrorism as a central tool in the Israeli-Palestinian conflict.

### **Hamas as a Partner within a Palestinian Coalition: Basic Assumptions**

1. *The developmental process of organizations struggling for national freedom.* In ethno-nationalist conflicts and also in conflicts that involve religious discord such as the conflict between Israel and the Palestinians, organizations that use terrorism as a tool to advance their struggle can be expected to undergo processes of pragmatization. Organizations that launch



their struggle using terrorism and violence as a central and exclusive weapon in achieving their goals evolve toward a strategy that also incorporates a political-diplomatic process.<sup>1</sup> Once engaged in this process, the organizations are forced to gradually forfeit the use of the terrorism tool and ultimately to even reject it. This process is not necessarily linear, and there can be regression along with advances. The central goal in the fight against terrorism in struggles of this kind is to draw the terrorist organization toward the political path while helping to wean it as quickly as possible from terrorism as a legitimate course of action. Hamas is no different. As a social, religious, and political movement that is notorious for its armed terrorism-oriented apparatus, Hamas uses various strategies to attain its political gains. Terror is one of the tools in its repository. Therefore, Hamas, as with Fatah in its time, should also be pulled into the political-diplomatic process, rather than distanced or ousted from it. The process of inducting organizations such as these into the political sphere, which then becomes the sole legitimate playing field, is a painful process for them; how much more so for a movement such as Hamas, which does not envision significant political achievements and organizational benefits that will justify to itself and its supporters the dramatic change in its position.

2. *Hamas's interest in joining the political game as a legitimate player.* In order to become an accepted player in this game, the movement is eager to reduce the suffering of the Palestinian people and to advance Palestinian interests as it grasps them – and on the basis of a national religious platform. This of course must complement its interests as a movement. Consider Hamas's agreement to the *tahdiya*, which, as noted by Khaled

Masha'al, was a move to become a partner in Palestinian decision making.<sup>2</sup> Moreover, after many years in which it had boycotted the political process, the movement decided to plunge in with maximum effort and take part in the parliamentary elections. Hamas also made substantial efforts to earn legitimacy for its government, from its constituents, from the Arab world, and from the international community. Its leaders expressed a willingness to govern pragmatically, and even to pay the price of suspending terrorist attacks, despite their refusal to publicly reject the option of returning to terror in the future.

3. *Hamas's unlikely disappearance as a socio-political phenomenon.* Hamas constitutes a significant political and social power, and represents a broad sector of Palestinian society. This was given greater credence by the movement's victory in the January 2006 Palestinian parliamentary elections. It is thus clear that Hamas is not likely to disappear or to be ousted from the Palestinian political arena, even if Israel manages to break its military backbone or cause its isolation in the regional and international spheres.

4. *Hamas's ability to disrupt and destroy diplomatic processes forged without it.* Hamas has already proven its ability to damage any attempt to establish a peace process that it has not helped design. The movement used terrorism to subvert the currents of the Oslo process, even when its political and military power was far smaller than today and its principal rival, Fatah, was the hegemonic power in Palestinian society. It is therefore clear that its current political and military power enable it to disrupt any attempted political negotiations with Israel if it has not been a partner to this effort.

**Only by accepting Hamas as a partner in a joint coalition, alongside Fatah, can a long term ceasefire with a Palestinian partner be achieved and an effective diplomatic process be initiated.**

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### **Fatah as an Effective Partner**

The common assumption in current Israeli discourse in relation to Fatah (particularly in light of the absolute rejection of Hamas) argues that the Fatah-led Palestinian Authority is the only partner with which Israel can reach a peace agreement via a diplomatic process that is not accompanied by violence. This assumption is intertwined with a demand for change in PA management style, most notably in everything related to control of the security apparatus. However, it seems that given Fatah's present experience of a deep organizational and leadership crisis and the current public widespread denial of its legitimacy, the chances of this occurring are quite slim. This derives from Fatah's failure to meet the expectation of the Palestinian public on two levels: first, in connection with realizing Palestinian national aspirations to establish a viable sovereign state; and second, its failure to offer the Palestinian population a reasonable daily existence that includes personal safety, livelihood, and freedom of movement. Already under Arafat's leadership Fatah failed to undertake the institutional changes required in the shift from a revolutionary movement to a ruling party that heads the Palestinian Authority. Thus, the operation and management styles that characterized the PLO during the years of struggle when it operated in the diaspora, such as the split between the military apparatuses, nepotism, personally motivated financial allocations, and corruption among senior people, were grafted into the nascent state institutions.

This situation grew even more serious as a result of the stagnation in Fatah's leadership. The older generation, which includes Abu Mazen, the current chairman, is considered corrupt by most of the Palestinian pub-

lic. In practice, this layer blocks the movement's renewal process and prevents the rise of new and young forces among the Fatah leadership. As a result, it seems that if Abu Mazen does not carry out the organizational reforms required in Fatah and fails to establish effective PA civilian and military institutions, its leadership will not be able to win legitimacy from the public, including from its own supporters. Therefore, these changes are essential in order to turn Fatah into an effective partner for reaching an agreement with Israel. Should there be no changes in Fatah and the PA, the Palestinian leadership will be forced to continue relying on Israel's impetuses and international support in order to establish its control in the West Bank.

Is it within Abu Mazen's power to carry out these changes? Judging by his management until now, it is doubtful whether he can carry out essential reforms, especially if these threaten the status of Fatah's older generation (internal elections, removal of the heads of the security establishment and unification of the militias into an efficient force, cancellation of economic monopolies, and so on). Therefore, external actors such as the United States and the heads of the European community must encourage, assist, and perhaps even pressure him to carry out the required changes. In this context, Israel's power to influence is doubtful, and in fact it behooves it to remain on the sidelines so as not to reinforce the already problematic image in the Palestinian public of Abu Mazen as Israel's yes-man, if not an outright collaborator.

Against this background, the test of Abu Mazen and Fatah is twofold: to quash Hamas's attempts in the West Bank to imitate the movement's successful takeover in Gaza and prevent it from harming the renewal of dialogue with Israel (by carrying out terror-

ist attacks in Israel and/or assassinations of senior PA figures; and to initiate significant reforms that will turn the PA into an effective government and a serious partner for a permanent arrangement.

### **Expectations of Israel: Fatah vs. Hamas**

It is a common assumption in Israel that Hamas's immovable and uncompromising core principles, which categorically reject the existence of the State of Israel, essentially deny the possibility of reaching an acceptable arrangement with the Palestinians in cooperation with Hamas. Indeed, on the ideological level Hamas considers all of Palestine as Islamic wakf lands that cannot under any circumstances be forfeited. This allegedly summarizes the movement's maneuvering space. At the same time, a slightly deeper view reveals that the gaps between Fatah and Hamas regarding compromise on the central issues are not so wide. The core issues of the Palestinians include the demands for an Israeli withdrawal to the 1967 lines including in eastern Jerusalem, which would become the capital of the Palestinian state; sovereignty over the holy sites; and a solution to the refugee problem. In return for fulfilling these demands, Fatah's leadership is prepared to end the historic conflict with Israel.

On various occasions Hamas spokesmen have emphasized that they too want a resolution of these issues. For instance, already in March 2006 Masha'al declared that Israel must withdraw to the 1967 borders, including in Jerusalem, implement the right of return for the refugees, and free Palestinian prisoners. In return, Masha'al promised "to carry out real steps to establish true peace."<sup>3</sup> What does "true peace" include? How flexible is Hamas? To what extent is the move-

ment prepared to compromise on the path to "peace"? All these require in-depth examination. Such an examination can take place only in the framework of secret or open contacts, and as part of bilateral or multilateral discussions.

In any case, what is the difference between Fatah and Hamas? Essentially it lies in their respective willingness to show flexibility, for instance on the issue of settlement blocs and exchange of territory or in the drive to find creative solutions, for instance to the refugee problem and the issue of Jerusalem. At the same time, since direct political negotiations have never been conducted with Hamas on the core issues, the movement's degree of flexibility remains unknown. It is entirely natural that prior to negotiations, one keeps one's cards close to the chest.

The one clear difference between Fatah and Hamas lies in the willingness to declare recognition of the State of Israel. Fatah, led by Arafat, recognized Israel's existence, although many in Israel remain skeptical as to Fatah's sincerity and the specific wording of this recognition. Hamas refuses to make a similar step, certainly at this stage, yet the movement is prepared to recognize Israel *de facto*.<sup>4</sup> Israel, however, demands official and declared recognition. Thus, despite the complete legitimacy of Israel's demand for such recognition as a condition for its preparedness to talk with the Palestinians, the question is whether the lack of such a declaration is a valid reason to refuse to engage in dialogue. It seems that given Hamas's current political developmental stage, a public declaration on recognition of Israel constitutes an inviolable obstacle and perforce prevents its involvement in the political process.

Prior experience proves that the significance of mutual declarations of recognition

in any case is limited. Recognition of Israel did not prevent the PLO and Fatah from renewing terrorist attacks in Israel when they decided that terrorism would serve their interests or, as per their narrative, when it was forced upon them, such as during the al-Aqsa intifada. Thus, the question is asked whether Israel must condition any diplomatic progress with Hamas on a public declaration of the legitimacy of its existence.

### **Is it Possible to Talk to Hamas?**

Even before Israel begins to test Hamas's readiness to advance toward resolution of the dispute's core issues, the question arises as to whether Hamas itself wants to talk to Israel, and if so, about what and in what way. Various Hamas spokesmen, from former prime minister Ismail Haniyeh to Khaled Masha'al, the movement's Damascus-based leader, have declared they are to prepared to conduct direct<sup>5</sup> or indirect contacts with Israel.<sup>6</sup> This principle was officially approved by the movement in the framework of the Palestinian unity government's platform.<sup>7</sup>

The Hamas takeover of Gaza and the response by Abu Mazen, which denies the legal standing of the Hamas government, allows Israel to wait to see how the relations between the Palestinian factions evolve. In the final analysis, these two actors will presumably find a way to renew their cooperation. Therefore, an Israeli decision regarding a change of direction vis-à-vis Hamas can be made in principle, with the necessary deliberations and free of time pressures. Should Israel opt for this channel, it can pursue secret channels and publicize the matter gradually at later stages.

If such an agreement is reached, it will be possible in the first stage to establish contacts with authorities on municipal issues that

concern day-to-day routine in the West Bank and Gaza: the opening of border crossings, export of goods, and so on. In the second stage, it will be possible to begin contacts to achieve a long term *hudna*. For this purpose, the indirect contacts that already exist with the Hamas leadership regarding the kidnapped soldier Gilad Shalit can be used. In the past Hamas conditioned security quiet on far-reaching demands: release of all prisoners, Israeli withdrawal from the West Bank, and more. Now that the movement has taken control of the Gaza Strip, the motivation of its senior operatives to reach a ceasefire may significantly increase, clearly based on the assumption that Hamas requires quiet in order to stabilize its control, and that it wants to ensure a reasonable routine for the Gaza population.

In the third stage, it will be possible to open fundamental diplomatic contacts and thereby clarify Hamas's flexibility regarding the core issues. Such negotiations will need to be conducted in a broader framework and with the cooperation of Fatah. The movements will presumably find ways to renew the dialogue between them on their own. If not, this problem can be solved via conducting negotiations under broad regional or international auspices. Contacts in the framework of a broader umbrella can also solve the need for mutual recognition between Hamas and Israel.

### **Risks and Opportunities for Israel**

Many fear that once it is proven – as expected – that Hamas cannot be a partner under any condition, two central, irreversible risks will be realized. First, Israel's readiness to engage in dialogue with Hamas will grant the movement international legitimacy. As a result, various parties that until now have

shunned contact with Hamas due to Israeli and American pressure will begin holding regular discussions with its representatives. In this way, the external ability to influence Hamas to moderate its belligerent positions toward Israel will apparently be reduced. Israel will thereby, even if indirectly, empower and legitimize the use of terrorism far beyond the limits of the local dispute. This will weaken the West's position in its war on global terrorism.

Second, if Israeli and international pressure on Hamas is mitigated or withdrawn, Hamas will not be subject to monitoring and will be free to arm, equip, and prepare itself toward continuing the military-terrorist campaign. According to various elements, resumption of the armed struggle is expected in any case, once Hamas senses that the diplomatic process has stopped serving its plan to bring about Israel's elimination as an independent sovereign state. Therefore, any future confrontation with it will begin from a much more difficult and complicated starting point for Israel than that which exists today, and will lead to many Israeli casualties. Moreover, a Hamas released from pressures and boycotts will enable other external extremist actors who reject Israel's existence, such as Iran and al-Qaeda, to gain a foothold alongside Israel's borders. This will further strengthen the danger to Israeli security, and perhaps even endanger its future survival.

Undoubtedly engaging with Hamas indeed incurs costs and risks, but it also presents important opportunities.

The current international boycott of Hamas is not comprehensive, and it is clear that many actors in the world, including among Israel's friends in the European Union, are interested in contacts with Hamas, and are already holding secret or partially secret

contacts with it, whereby the price of negotiations will be the sanction of these contacts. If Hamas actually does integrate into the political process vis-à-vis Israel, it will be possible to mobilize these same actors to deepen Hamas's rejection of terrorism and commitment to prevent it. Should Hamas return to terrorism, Israel would not be limited in its battle despite Hamas's already having won international political recognition, since this was awarded for the movement's political steps and not for violence.

The process of arming and establishing Hamas's military power is already taking place, despite the Israeli blockade of Gaza, although its scope is apparently limited at this stage. The risk of accelerating the rate of Hamas's arms buildup and military organization under the cover of political dialogue is clear. Indeed, a similar concern exists regarding the buildup of Fatah's forces and those of the Palestinian Authority. Should agreements between Israel and the Palestinians be reached, it may perhaps be possible to monitor these processes, even if they are not prevented fully. In any case, Israel will need to prepare for dealing with this improved Palestinian military capability if political efforts fail. Since its establishment, Israel has been forced to be prepared for responses of this sort.

In addition, including Hamas in the political process is likely to undermine the Hamas-Iran and Hamas-al-Qaeda connections. These political ties are by no means natural or permanent, and they are likewise inherently different. Sunni Hamas's choice of Shiite Iran stems from the lack of diplomatic, military, and economic alternatives, and it could well weaken should other alternatives present themselves. For its part, the link with al-Qaeda is certainly not natural, and for that

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matter there is little tangible evidence of it. Hamas is not interested in it, and certainly not in allowing the territory it controls to become a frontline for the organization whose touch is far more damaging than beneficial.

### **Conclusion**

It thus seems that in the balance of risks and opportunities, the possibility of dialogue with Hamas within a general Palestinian framework should be considered. Conducting contacts with Hamas in the framework of a coalition with Fatah may likely yield some important benefits: stabilization of a Palestinian partner with public legitimacy and the ability to uphold agreements; a strengthened pragmatic current within Hamas over the militant pull; stabilization of a prolonged ceasefire with the Palestinians; a weakened Hamas-Iran connection and less association with al-Qaeda and global jihad elements; and in the longer term, a change in the movement's approach toward possible coexistence Israel as required by reality, and a rational choice of the political path over the terrorist-military option. Should these positive changes not emerge and should Hamas return to its violent origins, Israel will be able to grapple with the movement using its full military capability and with the knowledge that it indeed has no alternative.

### **Notes**

1 See for example the statement by Hamas leader Khaled Masha'al, who explained the rationale for the *tahdiya* in March 2005 thus: "Resistance is still our choice. . .yet we want to enable other regional and international pressures on the occupation in order to realize Palestinian national interests," *al-Quds*, March 18, 2005.

- 2 Hamas leader Khaled Masha'al declared in response to the *tahdiya* agreement that "what was achieved constitutes a serious step toward political participation in the Palestinian decision-making process," *al-Quds*, March 18, 2005. "خطوة جادة نحو الشراكة السياسية في «صنع» القرار الفلسطيني"
- 3 Khaled Masha'al at a press conference in Jeddah, *al-Quds*, March 15, 2006. Masha'al repeated this statement a month later. See *al-Quds*, April 22, 2006. In November 2006, in response to a question at a press conference in Cairo whether his organization would recognize the State of Israel within the 1967 borders, Masha'al declared that "Hamas has announced more than once that it is acting to establish a Palestinian state in the 1967 borders." When he was asked what the movement's demands were in this context, he answered: "First, we demand an end to the occupation and the establishment of a state in the 1967 borders that will include Jerusalem. We demand true sovereignty, including border crossings. Second, we will not accept agreements in stages as in the past." Quoted in Ynet, November 25, 2006.
- 4 See, for instance, Masha'al's declaration in an interview with Reuters, as quoted in *Haaretz*, January 11, 2007, as well as the declaration by Ismail Haniyeh's economic advisor to Channel 10 regarding the movement's readiness to open contacts in order to enable the renewed opening of the border crossings in Gaza. Quoted by the *Jerusalem Post*, July 10, 2007.
- 5 See for example the remark by Haniyeh, "We have no problem with negotiating with Israel, but it is Israel that must decide if it is prepared to give the Palestinians their due," *Haaretz*, August 14, 2006.
- 6 See, for instance, Haniyeh's remark that "President Abu Mazen, in the authority of his office...can negotiate with any party," Ramathan news agency, May 1, 2006.
- 7 Article 3 states that "negotiations are under the authority of the Palestinian Liberation Organization and the president of the Palestinian National Authority," *al-Quds*, March 16, 2007.