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Palestinian National Unity: The Question of Hamas

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Two months into the Hamas violent takeover of the Gaza Strip (GS), one thing has become clear: for all practical intents and purposes, the West Bank (WB) and GS represent two separate spheres of control for the foreseeable future. While ultimately, for political, economic and geopolitical reasons, the WB and GS must be one territorial unit, the prospects for reunification at the short or even medium term are very slim.

The Buildup

The clash between Hamas and the Fatah-dominated Palestinian Authority was almost inevitable. The ideological rift, which has defined the public terms of the debate between Hamas and the PLO, relates to the extent of, vision for, and means for achieving Palestinian statehood. Hamas publicly advocated a vision of an Islamic Palestinian state over all of historic Palestine achieved via "resistance", a term widely defined by Hamas to include acts of violence and terrorism. While it publicly entertained the idea of a Palestinian state along the 1967 borders, Hamas was clear that this is would only be an interim solution towards the ultimate goals of "full liberation". Whether this represents a deep-seated Hamas position or whether it is a tactical spin aimed at maintaining its own constituency is debatable. Be that as it may, this position governed Hamas' political behavior since its election victory. The PLO and PA position, by contrast, advocates a two-state solution: a secular Palestinian state living side by side in peace and security with Israel in a manner that will permanently end the Palestinian-Israeli conflict. This goal is to be achieved by peaceful political means, without resort to either violence or terrorism.

While ideology formed the public terms of debate, power politics defined the terms of behavior. Hamas interpreted its election victory as a *carte blanche*, or at least an opening, to take over the whole Palestinian political and governmental system, including the PLO and the security sector. It was unwilling from the outset to enter into any power sharing arrangement or coalition government. The conditions it placed for political partnership were so rigid as to be unacceptable even to some of the more hardline PLO members such as the PFLP. Fatah, which had dominated the PA since its creation, was loathe to relinquish any control over power after its election loss, especially in the security realm, fearing that its web of patronage might disintegrate.

As violence in GS continued to escalate, a number of attempts to bring the two sides together were tried, culminating in the so-called "national unity government", brokered in Mecca under Saudi auspices. All of these attempts had two features in common that led to their failure. The first relates to the "political program", where Hamas tried to use linguistic formulations as a way out of clearly committing to the two-state solution. It became clear fairly soon, and certainly after the Mecca agreement, that nothing short of clear adoption of the two-state solution and previous agreements between the PLO and Israel would suffice to lift the crippling international economic siege imposed after Hamas took over government. The second relates to the security sector, where neither Hamas nor Fatah were willing to relinquish their security assets, whether Hamas' militias or Fatah's control over key security services. The idea of security sector reform, where politics is moved out of security, was never seriously entertained. The result was an increasingly bloody zero-sum dance, ostensibly aimed at achieving national unity but in reality each side seeking out the other's vulnerabilities. The Hamas violent takeover of GS broke this dance.

Consolidation

Immediately after the takeover, Hamas started its bid to consolidate power in GS. It focused primarily on dismantling Fatah's security infrastructure, whether within the official security services or among the Fatah unofficial militias, the objective being to prevent any chance of a future Fatah counter-coup. It is planning to strengthen its "executive force", create a new internal intelligence service, and continue to strengthen its own militia, the Qassam Brigades. Some moves have been made against other armed entities, whether other factions like the Palestinian Islamic Jihad (PIJ) or the powerful Gaza clans. The seriousness, effectiveness and sustainability of these moves is doubtful but remains to be seen. In addition, some moves have started against the organizational infrastructure of Fatah in the GS, targeting mid-level activists. It is doubtful that these can be successful in eliminating Fatah's presence in the GS, but they will definitely disrupt Fatah's ability to function on the political or social level in the short term.

In the WB, the Palestinian Authority (PA) is also undertaking a consolidation process that focuses primarily on security and governance. While the PA's ability – and arguably immediate need – to dismantle the Hamas security infrastructure is limited at the time being, it is accelerating its efforts to create an effective security system to be able to take over security responsibilities in the WB. The ultimate objective of any reconstituted PA security sector in the WB would, in addition to imposing law and order, be to prevent Hamas from having the armed capability to repeat the GS experience. In addition, the PA has started targeting the Hamas social welfare infrastructure by requirement re-registration of NGOs in the PA, while looking into ways to provide effective, efficient alternatives of its own. The extent and effectiveness of

this effort remain to be seen.

Overlap

As Hamas tries to consolidate in the GS, and as the PA rebuilds itself in the WB, neither can escape the inevitable overlap inherent in this separation.

The first area of overlap centers on the issue of government functions in the GS. Hamas cannot create a new parallel government machine in the GS, nor can it meet the costs of running the existing structures. For its part, the PA has no interest in the full-fledged humanitarian crisis that would result from the non-payment of salaries. It cannot afford to be seen as abandoning the GS, nor does it gain any benefit from relinquishing the leverage that comes with controlling the purse strings.

The second area relates to security in the WB. While Hamas currently lacks the security capacity to mount a violent takeover of the WB, it still has the ability to be an effective spoiler. By mounting attacks from the WB against Israeli targets, it will inevitably draw Israeli responses that will derail the PA's consolidation and institution-building efforts in the WB.

Positioning

Once power is consolidated, each of the actors will attempt to maximize its leverage through playing up its strengths and compensating for its weaknesses.

The PA will attempt to create a model of success in the WB that will serve as a spearhead in any future effort to politically turn the GS. It will use its access to international funds to ensure that it continues to wield maximum influence in the civil sector in GS, and with that maintain its networks of supporters. It will also use its relations with Israel and Egypt to ensure that any significant reopening of the border crossings is only done under its auspices. As it uses these points of advantage to build up its own credit, it will continue to use this in its political campaign against Hamas, who will be asked for a high political price in exchange for any part of the pie. Payment for Hamas appointees or civil servants who are willing to implement decisions of the deposed Hamas government will be withheld to impede its ability to govern. Politically, the PA will seek progress on the peace process to rehabilitate its political message and to cast Hamas as the party guilty of blocking progress towards statehood.

Hamas will use financial resources under its disposal (including the substantial amounts it receives from Iran and other countries) not only to pay its operatives but also to reinvigorate its social support networks, knowing that the PA must relieve it from the burden of paying salaries. It will attempt to continue its old policy of taking maximum credit for its charitable work while blaming any failure to govern on the PA. It will use its physical control over the GS to ensure that the institutions of government do not serve as a vehicle for an all out revolt. At the same time, it will use its spoiler capacity to maintain the PA in a weak position in the WB and to limit its ability to undertake major action. Any failure to make progress on the peace process, and any aggressive action by Israel, will be used to cast the PA as a client regime and its political program as futile.

The 600-pound Gorilla

Israel will play a key role in determining the outcome of the power struggle. Economic revival in the WB is conditioned on reestablishing freedom of movement and trade. Short of that, international aid will continue to be no more than charity. Success in reforming the security sector requires help from Israel in terms of allowing training, equipment and armament. Until the PA reestablishes its intelligence capacity, security and intelligence cooperation between the PA and the Israeli security establishment will be essential for security success. It is critical here that Israel refrains from action that will portray the PA as a de facto - or even worse - accomplice in targeting Palestinians.

Conversely, Israel is central in any effort to isolate and neutralize Hamas. Any Israeli dealing with Hamas that bypasses the PA would not only send a message to the Palestinian public but would also give cover for third countries willing to reopen relations with Hamas. Similarly, any favorable prisoner exchange with Hamas will validate the latter's policy of kidnapping and violence, especially if juxtaposed against meager prisoner releases to the PA.

Most importantly on the strategic level is the matter of political horizon. Such a political horizon must go beyond lip service to the concept of a two-state solution, but must flesh out what the contours of the end deal and the shape of the Palestinian state will look like. Such a horizon must be comprehensive, covering the issues of borders, Jerusalem and refugees, and must hold the promise of a viable, contiguous and sovereign state.

If Israel is forthcoming in political negotiations, the PA can rehabilitate its message of liberation through negotiations and start rebuilding its political constituency. Failure to do so will further give credence to Hamas' political message that the PA is nothing but a client regime and that only "resistance" pays.

In short, for the PA to be able to re-establish its leadership of all Palestinians, it has to be able to offer the Palestinians a comprehensive settlement that addresses the key aspirations of Palestinian nationalism, and much of its ability to do so lies in Israeli hands.

Outlook

The outcome of the struggle between Hamas and the PA will not only relate to the redistribution of power within Palestine, it will affect the very prospects of statehood and the shape of the Palestinian society. A Hamas-led polity will exclude the possibility of the establishment of a Palestinian state in the foreseeable future: Israel, the US and Europe, and the Arab world will not allow such a development. It could spell out the end of the two-state solution as we know it. Moreover, a Hamas-led Palestinian society will lose its democratic, pluralistic secular nature. While Fatah has not been exemplary in its behavior, it has never abandoned its secular program, has allowed the continuation of political pluralism, and has not interfered in the private sphere of Palestinians. Hamas by contrast represents a vision of a theocracy where basic freedoms are denied. Its behavior in Gaza regarding social and political freedoms does not bode well. The struggle between the PA and Hamas is far from being a mere power struggle: it is a competition over the very soul and destiny of the Palestinian nation.

It is clear that there is no military solution to the Palestinian political crisis. A conventional

military recapture of GS is logistically and politically inconceivable. A Fatah counter-coup is also out of the question. Similarly, Hamas cannot take over the WB: the PA, Israel and Jordan cannot afford or and will not allow that.

Conceptually, the best way out would be through an agreement with Hamas and Fatah that would allow the former to reenter the PA. However, attempts to reach such an agreement must draw lessons from the failure of past attempts. Primarily, for any agreement to be sustainable it should deal with the fundamental political issues at stake. Hamas must accept a negotiated two-state solution as included in the PLO charter, renounce violence and terrorism, and abide by previous PLO agreements. These conditions apply not only to a power sharing agreement, but even to an agreement to hold new elections. Short of that, any new agreement will recreate the old problems of international boycott and internal instability.

For one thing, no democracy can accept a party using its electoral victory to negate the fundamentals of the political system that brought it to power. This is an accepted constitutional tenet not only in the west, but also in neighboring countries like Turkey. In addition, no responsible mature political system can allow new governments to pick and choose from their previous international obligations.

Practically, it is clear that ambiguous formulations and clever omissions are not enough to satisfy Israel or the international community to allow the reintegration of the PA into the international diplomatic, security and aid regime. If Hamas is to enjoy the benefit of international acceptance, it must pay the price of transforming itself politically.

These caveats should be kept in mind by all Arab or third parties that seek a new agreement between Hamas and the PA. An agreement for agreement's sake should not be the objective. The creation of a sustainable new system in Palestine that ensures not only domestic stability but also the necessary international acceptance to create a margin for a diplomatic breakthrough should govern the new approach. In addition, Hamas should not be allowed to politically benefit from its violent actions in the GS, lest a precedent is established and similar action is encouraged in neighboring countries.

Given Hamas' current state of mind, and the inevitable internal reorganization of power that it will have to undergo after such a momentous event as the GS takeover, it is unlikely that it will want or be able to do what it takes in the foreseeable future.

What to do next?

Any approach premised on permanent separation between the WB and GS cannot succeed. Politically speaking, no Palestinian leader can afford it. A Palestinian state in the WB alone will lack legitimacy. The exclusion of the Islamist constituency – once it has adopted peaceful political means – will lead to continued instability and will impede full democracy in any future Palestinian polity. Practically speaking, the GS is not sustainable without the WB: a GS state would be a failed state and a continued source of instability. Geopolitically, a separation would force a stronger, and possibly more direct, role for Egypt and Jordan in the GS and WB respectively, to the detriment of both countries.

The claim of one single political and territorial unit in the WB and GS must continue to be asserted, and the PA, headed by President Abbas, must be treated as the address for this unit. Parallel to that, all efforts must be made to bolster the PA's credibility and resources,

while drying out Hamas' resources (and with that social and economic influence) in the GS and degrading their armed capacity (and with it their spoiler function) in the WB.

This entails, on the one hand, a continuation of a complete international diplomatic and financial boycott of Hamas. Steps taken recently by Russia and Norway to limit and downgrade their interaction with Hamas, and resolutions taken by the Arab League recognizing Fayyad as the legitimate head of government should be maintained and encouraged. Israel's position should remain fast and not be tempted by Hamas' offers of short-term security calm. All matter related to the GS should be addressed through the official PA government, including issues of crossing point management, export and trade, and the provision of utilities. If Hamas refuses to allow the PA government to undertake these functions, it must pay the domestic political price.

In addition to punitive measures, direct or indirect international messages to Hamas must keep alive the promise of integration and acceptance if it transforms itself. Otherwise Hamas will have no incentive to change. However, any such overtures – including some recent calls for dialogue between Hamas and the PA – must remain clear on the fundamentals. Absent that, such messages are apt to be misinterpreted by Hamas as breaks in the international consensus. This is not only misleading to Hamas, it also creates false hopes among the Palestinian public that the resumption of international aid can come through artificial national unity, and may – similar to what existed just before the Mecca agreement – generate public pressure towards this unviable path.

On the other hand, the international community – especially the United States – must refrain from micro-managing Palestinian internal political affairs. This would only weaken Abbas and, as shown by experience so far, will be unsuccessful in dealing with Hamas. Ultimately, what Israel and the international community needs is either a changed or a marginalized Hamas. How that is achieved should be left to the discretion of the PA leadership, while making sure that the PA continues to understand the cost of a deal with Hamas that does not meet the international conditions.

An extension of this is that the PA should not be nickled and dimed. Doubt will continue to linger, at least at the early stages, regarding the PA's ability to perform certain duties, especially in the security sector. Prime Minister Fayyad has shown so far a high level of responsibility in assessing his government's own security capabilities. The world should work with the PA to upgrade its security capacity, and once a reasonable level – not a perfect but a reasonable one - is reached, the PA must be allowed to assume security responsibility. Israel must take some risks. The "too little, too late" and wait and see approach has been very damaging. Given what is at stake, this cannot continue.

A similar approach should be taken regarding economic revival. Once the PA establishes the necessary fundamental transparency and accountability structures, aid should be forthcoming. This aid should not be considered as a technical matter to be handled by accountants but rather as a political priority both in terms of the magnitude of the aid and the speed of its disbursement.

The PA should be free to use that aid as it sees fits in the GS. This is not only important for humanitarian considerations, but also for political ones. A PA that is seen as an accomplice in punishing the Palestinian people will lose support. On the other, a PA that acts as the savior from the excesses of Hamas will enjoy further legitimacy.

For its part, the PA must do what is needed to regain its domestic and international credibility. The first priority must be security. Initially, the immediate objective must be security effectiveness, not structural reform. This will entail working with the existing structures, deficient as they may be, to impose law and order and to take whatever counter-terrorism action it can in cooperation with Israel. Political means to neutralize Fatah militias must be sought, whether through demobilization or integration within the security sector.

However, as the Gaza events have shown, the security sector in its current shape is not sustainable on the long term. The narrow politicization of security inevitably creates competing security fiefdoms that are seen as illegitimate not only by the general public, but even by their own rank and file and mid-level commanders. Ultimately the security sector must be structurally reformed not only for the sake of dealing with the immediate problem posed by Hamas, but for the sake of building a reformed democratic Palestinian state. This process of restructuring will take years to complete, and will face challenges from within Fatah itself. Therefore, the short term criterion and trigger for restarting movement on the peace process should be effectiveness not reform.

The second issue is fighting corruption. While the main issue facing the Palestinian bureaucracy is not corruption but rather structural and systematic mismanagement, waste and inefficiency, corruption stands out as a visible and emotive issue. The devastating effect of associating the PA with corruption was seen in the PLC elections and has been an ongoing impediment to the image and effectiveness of the PA internationally. This image must be countered and this reality must be changed. Corruption should not be treated merely as a judicial or administrative matter but rather as a political one, requiring the use of political tools. High level cases should be identified and dealt with quickly and in the most visible and lawful manner, making sure that political credit accrues to the PA leadership.

However, as pointed out above, structural governance issues are the long-term problem. Systematic reforms must be started initially through reinstating financial control mechanisms and the extending to other sectors of the bureaucracy. Only then will the PA have necessary infrastructure for economic revival and effective service delivery and the realization of statehood.

In all of this, the PA should abandon its shy approach and start taking credit. It should play the media game smartly, aggressively pointing out Hamas' failures and playing up its own successes.

Most importantly, at the level of the clash of ideas and ideologies, the PA's basic message – liberation through negotiation – must be rehabilitated through significant concrete and credible progress towards a permanent status deal and the establishment of a Palestinian state. Short of that, the PA's security, governance and economic achievements will be spun by Hamas as the price the PA was paid for accepting and supporting the occupation: the PA will be cast as a collaborator. If progress towards a state is made, Hamas will find itself in the untenable position of campaigning against a Palestinian state; a campaign that it will certainly lose.

If, on the other hand, the national secular movement as represented by the PLO fails, the outlook will be bleak. We will witness either a full disintegration of the Palestinian polity or a Hamas takeover of the Palestinian society and political system ensues/ The Palestinian national cause will regress to where it was in the late 1960's: a movement that is fighting – in the figurative and literal senses of the word – for recognition at the margins of the international

system. The implications of this for Israel, the Arab world, and the West are best avoided.

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