

The Hudna: Hamas's Concept of a Long-Term Ceasefire

The landslide victory of the Palestinian Islamic Resistance Movement, Hamas, in the 2006 parliamentary elections in the Occupied Palestinian Territory and the movement's military takeover of the Gaza Strip in the following year revealed that Hamas cannot be ignored as a key player in Palestinian politics. Hamas is well-known for its anti-Israeli charter from 1988 and its violent attacks against Israel. Less known is that Hamas has its own recipe for solving the conflict with Israel peacefully. The core principle of this recipe is the Islamic concept of hudna, the extended ceasefire. To learn more about Hamas's hudna proposals, PRIO research staff interviewed Hamas leaders in Gaza, Syria and Lebanon. This policy brief provides an analysis of those interviews, showing that where the Oslo process failed to achieve its intended aim – the resolution of all final-status issues – Hamas seeks to reach agreement on issues where agreement is possible and to postpone the obstacles to progress for the next generation to solve.

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From PLO to Hamas?

'Today I have come bearing an olive branch and a freedom fighter's gun. Do not let the olive branch fall from my hand,' declared the late Yasser Arafat, chairman of the Palestine Liberation Organization (PLO), in his 1974 address to a plenary session of the UN General Assembly. Two decades later, Arafat established the Palestinian Authority on Palestinian soil and was awarded the Nobel Peace Prize, along with Yitzhak Rabin and Shimon Peres of Israel, for entering into peace negotiations.

Where Arafat had an olive branch in one hand and a gun in the other, Hamas has the *hudna* and the Qassam rocket. *Hudna* is Hamas's offer of a long-term ceasefire with Israel. On close examination, the purpose and details of Hamas's *hudna* do not appear to differ substantially from the political positions of the PLO during the Camp David talks in 2000. If Hamas leaders are taken at their word, they may walk the same walk as Arafat did.

Hamas's conditions for a long-term ceasefire with Israel

In 1999, Hamas's leadership set out the following conditions for a long-term ceasefire with Israel in a memorandum sent to European diplomats:

1. the withdrawal of Israeli occupation forces from the West Bank and the Gaza Strip;
2. the evacuation of all Jewish settlements illegally erected and populated by Jewish immigrants on Palestinian lands seized by force in both the West Bank and Gaza;
3. the release of all Palestinian prisoners in Israeli detention; and
4. recognition of the right of the Palestinian people to self-determination.

One might ask, though, what about the Palestinian refugees? The seeming omission of recognition of the right of return as a condition for a ceasefire is mainly what distinguishes the *hudna* from a possible final peace deal. A *hudna* is a partial solution and a temporary agreement. It is not a final peace agreement. As long as the refugee issue remains unresolved, Hamas cannot recognize Israel, as Hamas leaders do not regard themselves as having the legitimacy to decide on that issue on behalf of the refugees. The *hudna*, which does not entail recognition of Israel's right to exist, means that Hamas can

postpone the refugee issue. Thus, the whole point of the *hudna* is that it opens up for reaching agreements on issues where agreement is possible, while postponing difficult issues such as the refugee issue, where agreement seems unlikely, until a later date.

Besides refugees another main issue in the Israeli-Palestinian conflict relates to land and the question of Israeli withdrawal from the West Bank and Gaza. Are the 1967 borders absolute in Hamas's thinking, or is it conceivable that Hamas might agree to a land-swap deal that would make it possible for Israel to keep some of its settlements in the West Bank?

In Gaza, at least some of Hamas's leaders are open to discussing this question, and there are individuals within Hamas who are willing to do cost-benefit calculations on land. Others, however, are determined to avoid what they regard as the mistake the PLO made: minimizing Palestinian rights by discussing details with Israeli negotiators. The main political body within Hamas, the *shura*, has discussed and approved the offer of a *hudna*, but it has not discussed the details of what such an offer might involve.

During the spring of 2010, Hamas leaders in Gaza, Syria and Lebanon were interviewed by PRIO research staff regarding the purpose of the *hudna* and the conditions for its establishment. On refugees, interviewed Hamas leaders emphasized that the right of return would need to be accepted in principle. In relation to this question, it is notable that the positions of most of the Hamas people interviewed did not differ substantially from the position of the PLO during negotiations with Israel. In 2000 Palestinian delegation members talked of the right of return, rather than return itself. The Israelis were asked to recognize the right of return in principle; if they could agree to this, Arafat was reportedly willing to be flexible on the actual implementation of such a right. On the question of land swap, there are also individuals within Hamas who are willing to enter into discussions. Thus, on this point too, the positions held by some Hamas leaders are consistent with those held by the PLO negotiators whose discussions with Israel Hamas so markedly opposes.

Legitimacy

Given the above, it is possible that the reason for Hamas's public opposition to anything but a return to the 1967 borders and negotiations over all final-status issues might then be more about the involvement of the Fatah-dominated PLO in negotiations with Israel than about the issues themselves. Reference to the issue of legitimacy is frequently made by Hamas members, and in their view Fatah thoroughly lacks the legitimacy to represent the Palestinians. When Fatah is discussing questions related to land swap, Jerusalem or refugees with Israel, the very fact that it is Fatah discussing these issues with Israel increases opposition to Israeli - Palestinian talks inside Hamas. Hence, the potential for compromise on final-status issues is not something that is currently frontloaded by Hamas.

How binding is the hudna?

For Hamas, the *hudna* represents the transfer of an Islamic means of conflict resolution from intertribal conflicts to international relations. The common denominator for Hamas is Islamic jurisprudence, not international law. In Islamic jurisprudence, the *hudna* is recognized as a binding and legitimate contract. The Quran requires Muslims to observe the terms of such an agreement until the end of its specified period. Nevertheless, according to Islamic jurisprudence, the binding nature of a *hudna* is first of all a question of moral binding, and no Islamic institution exists to sanction a party violating the treaty.

What is the purpose?

The *hudna* is a means to a goal, rather than a goal in itself. Nevertheless, the *hudna* represents something more than simply a tactic. In Arab and Islamic tradition, a *hudna* constitutes a phase within a larger process: first the ceasefire, *hudna*, then the *sulh*, reconciliation. The most common outcome of the *hudna* phase is a final peace agreement. Ideally, the purpose of a *hudna* is to resolve a conflict by forcing the parties to use the ascribed period to seek a nonviolent resolution to their differences.

How long would it last?

The most important precedent a *hudna* in Islamic history, the treaty of Hudaibiya made by the Prophet Muhammad and the Meccans in 628, was to last for ten years. However,

Hamas places more emphasis on the principle of the *hudna* rather than a specified period of ten years. The ceasefire period is regarded as a trial period. It should be up to the next generation of the Palestinians to decide whether the *hudna* should be extended, suspended or developed into a permanent agreement.

Compatibility with Israeli requirements

Can a *hudna* satisfy Israeli requirements for security? Paradoxically, Hamas's preference for a limited ceasefire rather than a full peace agreement has important similarities with the position of Israel's Likud party. Likud politicians have discussed ending 'endism', which means abandoning the idea that the Israeli-Palestinian conflict can be ended with a quick fix, and instead focusing on issues on which agreement is possible. This entails accepting that the terms of a final-status agreement cannot be agreed at the current time, without this necessarily implying a state of war between the parties. Where Israelis have referred to an 'economic peace', Hamas's concept of *hudna* also implies reaching agreement on some basic issues, while leaving the issues that are currently obstructing progress for future generations to decide.

Challenges

If political circumstances changed and the *hudna* was put on the formal agenda of Middle East talks, would it be an absolutist or a pragmatic position in relation to the details of the conditions for such an agreement (such as the issue of postponing the refugee issue) that would prevail? In order to answer this, one would probably need to identify the positions of various circles of power within Hamas, as well as their relative strengths. Below is an evaluation of challenges to a possible *hudna* in three core areas of Palestinian resistance: Lebanon, Syria and Gaza.

Lebanon

In Lebanon Hamas has engaged in comprehensive dialogue with salafi jihadist groups in Palestinian camps. Hamas apparently has managed to de-radicalize the largest salafi jihadist groups like Usbat al-Ansar. Taking this role, of convincing the salafi jihadists to suspend armed activities as it harms the interests of the Palestinians, may prove costly for Hamas in its efforts to justify the pursuit of a possible *hudna*. The head of Hamas in Lebanon feared that the focus on a *hudna*

might be interpreted as a concession to Israel's superior military power. This would undermine Hamas's legitimacy, its leading political position and its influence on the jihadist groups. The *hudna* is thus a liability for Hamas in Lebanon, as the organization risks losing its ideological control over jihadist groups as a consequence of such an approach.

Syria

In Syria, as things currently stand, there exists consensus between the Syrian regime, secular Palestinian resistance groups and Islamist Palestinian groups regarding political goals: establishing a Palestinian state and ensuring refugee return. No party has veto power over Hamas's political programme, but in order to maintain good relations with both the so-called HISH Alliance of Hamas, Iran, Syria and Hezbollah and the Damascus-based Palestinian resistance groups, Hamas has been following a policy of strategic adaptability. Rejectionism resonates better than pragmatism in Syria, which makes tactical rejectionism less costly than tactical pragmatism for Hamas in Syria. However, as a political rather than a military organization in exile, Hamas needs diplomatic tools. It must balance its offer of a *hudna* with sustaining credibility on the two main rights insisted upon by the rejectionist groups: the right of return and the right of resistance.

Gaza

In 2010, Hamas remains the target of an international boycott, and the socioeconomic situation in Gaza is precarious. The ongoing economic crisis in Gaza has nearly crippled Hamas's rule. In March and April 2010, the Hamas government was unable to pay the wages of civil servants. Its imposition of several new taxes, including a tax on cigarettes, was naturally highly unpopular among the insolvent population. It has been reported that the economic crisis could spark an uprising in Gaza. Opposition has grown from within Islamist ranks, from people who regard Hamas as being 'too light' as an Islamist movement. Allegedly, pressure from Al-Qaeda-inspired salafi jihadist groups has had an ideological impact on the clandestine military branch of Hamas. Already in the 1990s, it was reported that prominent members of the military branch opposed the *hudna*, and that Hamas leader Mahmoud al-Zahar – now considered a hardliner – had been threatened

for discussing the truce.

Gaza's salafi jihadist groups are estimated to have around two hundred members, and they are thus in no position to challenge the major Palestinian groups in terms of popular support. Nevertheless, they do have strong motivation to act as spoilers against possible negotiations on an extended ceasefire, which could have an impact on internal discipline within Hamas. Thus, the main worry among Hamas's political leaders in Gaza in relation to jihadists is not that they constitute a military threat or have large popular appeal; rather, the fear is that they may exert an ideological influence within the military branch of Hamas.

However, political and economic pressure on Hamas in Gaza does not necessarily mean that the idea of the *hudna* has been weakened. The *hudna* offers a possible way out of the exhaustion of the Gaza population, without Hamas having to compromise on its basic principles. An agreement on a ceasefire with Israel that does not include recognition of the Jewish state and that implies an end to the attrition caused by the international boycott and the challenges from the salafi jihadists could benefit Hamas in terms of popular support. This would make it harder for the Qassam brigades and the hardliners within the movement to ensure that Hamas maintains absolute rejectionist positions.

Recommendations

- *Discuss the hudna with Hamas.* Hamas has suggested a long-term ceasefire. If no response to this offer is forthcoming, this will signal to Hamas and its Palestinian supporters that there is no international interest in their suggestion of a long-term ceasefire. Discussing the *hudna* with Hamas will strengthen the proponents of peaceful conflict resolution within the movement. Discussing the *hudna* could also produce its own momentum. The signal sent by not pursuing the *hudna* offer is that Hamas is viewed exclusively as a resistance organization and expected to act like one.
- *Encourage Hamas to emphasize governance over resistance.* Hamas is a mass movement and cannot be defeated without eliminating its constituency, which comprises up to half

of the Palestinian people. There is a tension within the movement concerning priorities. If diplomatic conflict resolution is to gain momentum within the movement at the expense of armed resistance against Israel, Hamas's project of governing in Gaza should be encouraged rather than obstructed. This would entail a change to current economic and political ways of dealing with Hamas in Gaza, whereby Hamas would be viewed as part of the solution, not just part of the problem.

- *Normalize the economic situation in Gaza by allowing for regular flow of goods in and out.* Since Israel's attack on the aid flotilla to Gaza in the spring of 2010, there has been a slight easing of the blockade against Gaza, though improvements remain limited. The economic blockade should be totally lifted so that economic life in Gaza might be normalized. The blockade regime has failed to achieve its aim – to topple Hamas. Hamas has never been stronger in Gaza, politically as well as militarily, than after four years of economic blockade. The challenge to Hamas now comes from radical groups both outside and inside Hamas in Gaza. An improvement in the economic situation in Gaza would decrease tensions and encourage Hamas to prioritize diplomacy over violence.

- *Engage politically with Hamas.* The political isolation of Hamas entails the isolation of political ideas that are widely held among Palestinians. These ideas will not simply be made to disappear by refusing to engage in dialogue with Hamas. If political progress is to be achieved, dialogue is essential. Experience shows that Hamas is capable of compromise, and is able to cut deals with rivals both directly and indirectly.

- *Review the conditions for keeping Hamas on terror lists.* Hamas wishes to be removed from international lists of organizations involved in terrorism. There exist critical voices within Hamas regarding the use of terror both tactically and strategically. Through dialogue with jihadist Islamist groups, Hamas has encouraged the latter to refrain from using terror. In Lebanon this has led the largest jihadist groups to distance themselves from Al-Qaeda. Concerning the conditions for keeping Hamas on terror lists, that Hamas do not use terror and renounce terror is a fair and realistic condition. That Hamas recognizes Israel is not so. To not recognize Israel is not terror, and it is not a balanced demand as only two Arab states – Jordan and Egypt – have formally recognized the state of Israel.

- *Encourage Palestinian unity.* Without Palestinian unity, no peace deal with Israel will have sufficient legitimacy among Palestinians to be operational. A 'carrot and stick' approach should thus be adopted towards not only Hamas but also towards the Palestinian Authority on the West Bank, to encourage Palestinian unity. The international favouring of the Palestinian Authority on the West Bank should not be unconditional as such Western support demotivates those in power from sharing their power. Fatah and Hamas leaders should be told that a new Palestinian unity government would be accepted and not boycotted.

- *Encourage political reforms in the PLO.* A prerequisite for a successful peace process is Palestinian popular support. For PLO to have broad Palestinian popular support also from large marginalized groups like the refugees, it is necessary to have internal reforms in the PLO. Most important, Islamic factions among the Palestinians will need to be included in the PLO. This would also ensure that they do

not act as spoilers to a new peace process. Hamas has stated that it would accept the outcome of a possible Palestinian referendum on a peace deal.

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THE PROJECT

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