



INSS Insight No. 253, May 3, 2011

The Fatah-Hamas Reconciliation Agreement

Shlomo Brom

The Egyptian announcement of April 27 that Fatah and Hamas reached an agreement on reconciliation took many people by surprise, including many Palestinians. Israel and the United States, who have factored the rift between Fatah and Hamas as a central element in their policies, were likewise surprised. Against this background, several major questions about the reconciliation agreement emerge. What moved the parties to change their positions and reach an accord? Have they really succeeded in bridging the main gaps in their positions, or have they only postponed discussion of the gaps and disagreements? What will the ramifications of this step be for the policy of other actors, especially Israel and the United States? This article attempts to answer these questions, even though the details of the agreement have not yet been published.

It appears that the combination of events in the Arab world and the deadlock in the negotiations with Israel prompted the change in positions. At this stage it is clear that the party that bore the main brunt of concession, which made the agreement possible, was Hamas: the Egyptian proposal accepted by both parties was presented already in October 2010, on the basis of Abbas' ideas, and on October 14, Fatah agreed to it. At the time Hamas rejected it out of hand; it has now changed its position, apparently because it is not at all sure that the developments in the Arab world are to its benefit. While they have brought about the fall of the Mubarak regime, which was hostile to Hamas, and they are liable to strengthen the parent Muslim Brotherhood movement in Egypt, the revolution that toppled the regime and the protests in other countries have been led by liberal secular elements that do not embrace the ideology of political Islam. Rather, they have highlighted the problem of the Arab regimes' lack of public legitimacy and its ramifications.

From this point of view, Hamas finds itself in a position of weakness. Although it won the Palestinian Legislative Council elections in 2006, the term expired and no new elections have been held. The Hamas government in the Gaza Strip, like other authoritarian Arab regimes, rules through force while relying on Hamas' security apparatus. At the same time, periodic surveys indicate a decline in support for Hamas, especially in the Gaza Strip.

Hamas fears that the uprisings in the Arab world, evidence that the public has overcome the fear of the regime security apparatus, will bring about a similar uprising against it. This fear is reflected in the brutal suppression of demonstrations that were held in the Gaza Strip in favor of national reconciliation between Fatah and Hamas (in contrast to the Palestinian Authority's government, which handled similar – albeit smaller demonstrations – in the West Bank in a more sophisticated manner). In addition, the events in Syria indicated to Hamas that it might lose its base of support there, and therefore prompted a drive to strengthen ties with the new regime in Egypt by responding positively to its mediation proposals.

From Hamas' point of view, the deadlock in the peace process has removed an obstacle to a reconciliation agreement, since Abbas insisted that even after the reconciliation agreement, he would continue negotiations with Israel on a permanent agreement. If the negotiations are in any case not viable, Hamas does not need to fear a concession on this issue.

For his part, Abbas did not have much choice but to accept an agreement that was based on his proposals of several months ago. Even if he had counted on Hamas' not accepting these proposals, he cannot retract them without paying a heavy political price in the internal Palestinian arena. Indeed, here the storm in the Arab world has taken an interesting turn. The limited protests and the demonstrations did not call to overthrow the regime, rather for national reconciliation. Despite of the success of the Palestinian Authority in handling the protests – in part by supporting national reconciliation and related initiatives, such as Abbas' initiative to visit Gaza – the fear was that the protests would spread if Fatah rejected the accord.

Here too the deadlock in the peace process had a significant impact. Notwithstanding the self-confidence demonstrated by the Palestinians in the success of their move in the international arena to achieve recognition of a Palestinian state, they are not at all sure of themselves. The Palestinian leadership is fearful of great expectations that are not met. Although the General Assembly will support a Palestinian state in the 1967 borders by a large majority, on the ground nothing will happen. The disappointment of the Palestinian public is liable to cause serious harm to the Palestinian Authority government and to support for Fatah. The reconciliation agreement will preempt this, as in any case, from Abbas' point of view, there were no prospects for progress with the Netanyahu government.

It is doubtful that the agreement reached by the parties in Cairo bridges the main gaps in their positions. The two sides have agreed to the establishment of a national unity government that will be a government of technocrats, without political figures. They have agreed to hold presidential and Legislative Council elections and elections for the PLO's Palestine National Council (PNC) within a year. The elections will be held by a central election committee of judges who are agreed upon by the two sides. Hamas will join the

PLO. In the meantime, security in the West Bank will continue to be controlled by the Palestinian Authority and in the Gaza Strip by Hamas. A joint security committee will be established that will coordinate between the two sides. The political prisoners held by both sides will be released.

However, as the saying goes, the devil is in the details. Even now the question arises, who will be the prime minister? Abbas will want Salam Fayyad to continue as prime minister in order to satisfy the international community. Hamas, which sees Fayyad as a bitter enemy, is liable to oppose this. The two sides will aspire to achieve advantages in advance of the elections and will fight over the makeup of the central elections committee. What will be the system of elections to the Legislative Council? Fatah has asked to change the system, which it sees as lending advantages to Hamas. A main bone of contention concerns conditions for joining the PLO: Hamas sought to receive a certain (high) percentage of representation in PLO institutions even before the elections. How will the PNC elections be held? This is a complicated question because of the need to hold them in the Palestinian diaspora as well as in the territories. In spite of the agreement on separate security control in the two areas, each side will attempt to take advantage of the accord to establish a presence in territory controlled by the other side. Will the prisoners be released? Abbas, for whom the release of prisoners involved in terrorism is liable to cause trouble with Israel and with the international community, has already declared that the Palestinian Authority has no political prisoners. All these elements could bring about the collapse of the agreement between the two sides.

Israel and the United States now face a difficult dilemma. Their existing policies aspired to bring about a state of affairs in which the situation in the West Bank would be much better than in the Gaza Strip, which would in turn reduce support for Hamas and increase support for Fatah. The US administration was also of the belief that effective negotiations that would bring about the signing of a permanent agreement with the support of the Palestinian public were an essential element of this approach. They would theoretically level tremendous pressures on Hamas and then allow a reunification of the two areas under the Palestinian Authority, willingly or through force. This policy was problematic even before the reconciliation agreement. Israel was not able to explain how the decline in support for Hamas, mainly in Gaza, would bring about the fall of the Hamas regime, and the United States failed to propel effective negotiations between the two sides. In addition, Israel could not continue the blockade of Gaza following the flotilla affair, and thus the economic situation in Gaza has gotten better and the quality of life has improved.

The problematic nature of this situation has now been heightened by the Fatah-Hamas agreement. It appears that initially at least the parties are exhibiting conditioned reflex responses. The Israeli government has leveled empty threats against Abbas that it will not hold negotiations with him when there are no negotiations, but it has also directed a real threat that it will stop the flow of tax monies to the PA. In the United States, threats have

been made, mainly in Congress, about possible harm to financial aid to the Palestinian Authority. Other voices have been heard in the international arena, including from the European Union and the UN representative to the region, in support of the Fatah-Hamas agreement.

Israel and the United States will have to decide whether there are only risks latent in this agreement – mainly the risk of Hamas taking over the Palestinian Authority, including the West Bank – or if there are opportunities. If the agreement is a result of Hamas weakness and not a sign of its strength, it is worth examining whether it is possible to create a situation whereby the president of the Palestinian Authority and the government of technocrats continue to maintain their present relationship with Israel, and Hamas is forced to swallow this and cooperate with a process that is ultimately liable to threaten it. Abbas himself hinted at this possibility when he said that the negotiations with Israel are not the responsibility of the Palestinian Authority government, but of the PLO, and that he, as head of the PLO, intends to continue them even after the establishment of the unity government. Participation in the Palestinian government and the holding of elections will also create more serious pressure on Hamas to work for quiet in the Gaza Strip, which in turn can help advance the diplomatic process. It appears that the Obama administration has elements that could support this approach; it is doubtful that there are counterparts in the current Israeli government.

