

After Gaza: A New Approach To Hamas

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ZUSAMMENFASSUNG

Die israelische Offensive im Gazastreifen Ende 2008 hat den Nahen Osten erneut erschüttert. Eine der zahlreichen Fragen, die der dreiwöchige Krieg für die Europäische Union aufgeworfen hat, ist, wie sie in Zukunft mit Hamas umgehen wird. Bisher hat die Europäische Union die Hamas boykottiert und Palästinenserpräsident Mahmoud Abbas und die Fatah im Westjordanland unterstützt, obwohl die Hamas im Jahr 2006 freie und faire Wahlen gewonnen hat und trotz der Spaltung der Palästinensergebiete eine politische Kraft auch im Westjordanland geblieben ist. Damit hat die Europäische Union entscheidenden Gestaltungsspielraum im israelisch-palästinensischen Konflikt eingebüßt.

Die EU bekennt sich weiterhin dazu, ein Friedensabkommen zwischen Israel und den Palästinensern in Gestalt der Zwei-Staaten-Lösung zu unterstützen. Die Spaltung der palästinensischen Führung steht effektiven Friedensverhandlungen jedoch im Weg. Es muss daher eine Verständigung zwischen Fatah und Hamas geben. Dieses Szenario setzt nicht nur ein Ende der gewaltsamen Machtkämpfe zwischen Fatah und Hamas voraus, die die Europäische Union durch ihre Politik zwar nicht beabsichtigt, aber de facto dennoch unterstützt hat. Es setzt auch voraus, dass die Europäische Union Hamas als politischen Akteur akzeptiert und ihr Verhältnis zu Fatah überdenkt.

The Middle East has once again been shaken. For the European Union, one of the many questions that the three-week Israeli offensive in the Gaza Strip in late 2008 has raised is how to deal with the 'Harakat Al-Muqawama Al-Islamiya', the Islamic resistance movement, Hamas, from this point on.

The "Fatah & West Bank First Approach"

In elections in 2006, that were qualified as free and fair by international observers, Hamas won the absolute majority of seats in the Palestinian Legislative Council. In March 2006 Hamas formed a government led by Prime Minister Ismail Haniyeh. The European Union along with Israel and the United States refused to recognize the new Palestinian government regarding Hamas as a terrorist organization that does not adhere to the Middle East Quartet's criteria: the recognition of the State of Israel's right to exist, the recognition of previous agreements between Israel and the PLO, and a complete renunciation of violence. Israel, the EU and the US therefore decided to block all aid to the Hamas government. In the aftermath of the 9/11 terrorist attacks the Council of the EU adopted a Common Position on the application of specific measures to combat terrorism on

December 27th, 2001. The member states decided to freeze funds and other financial assets or economic resources of persons, groups or entities involved in terrorist acts. The terrorist wing of Hamas, 'Kata'ib al-shahid Izz al-din al-Qassam', as well as Palestinian Islamic Jihad were put on a list of terror groups. On November 29th, 2005 the Council significantly amended that list and added the political wing of Hamas as well as a number of other Palestinian radical movements, including Fatah's Aqsa Brigades. It was on the basis of this list that the decision was taken to boycott the March 2006 Hamas government.

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Within the Palestinian camp, Hamas' victory was challenged by its rival Fatah. Fatah did not accept the electoral defeat and a full transfer of its governing powers

to Hamas, and violence broke out. The ensuing fragmentation of the Palestinian leadership was aggravated by the boycott of the European Union. It was certainly the good intention of the European Union to strengthen a moderate Palestinian leadership. However, the boycott contributed to deepen the intra-Palestinian divisions and actually further weakened Fatah.

After months of intra-Palestinian fighting King Abdullah of Saudi Arabia mediated the establishment of a national unity government in March 2007. This included both Hamas and Fatah as well as several smaller factions. However, the agreement only lasted for a few months. In June 2007 the rift within the Palestinian leadership was cemented in geographic terms. David Rose published a widely read article in Vanity Fair in 2008 with evidence that the US was backing the security forces of Fatah's Muhammad Dahlan to challenge Hamas in Gaza. Hamas reacted to the situation by expelling Fatah from Gaza in a violent coup and subsequently seized power in the Gaza Strip. In the West Bank, Palestinian President Mahmoud Abbas dissolved the national unity government. He declared a state of emergency and appointed then Minister of Finance Salam

Fayyad to become the Prime Minister of a transition government. Fayyad's government of technocrats was never approved by the Legislative Council. Hamas at the same time continued to be an administrative force in many West Bank cities.

With these events, the European Union, Israel and the United States continued to enforce their boycott of Hamas and to maintain political and economical support for Fatah. The idea being to alienate Hamas from the Palestinians by fostering economic growth and political stability in the West Bank. In November 2007 a new political attempt to reach peace between Israel and the Palestinians was launched in the US city of Annapolis. The following months of US mediated negotiations between Israel and the Palestinians were clearly restricted to the West Bank leadership. Two high level international conferences were held in Paris and Berlin to foster the economy and to reform the judicial and security institutions in the West Bank.

In January 2008 Israel imposed a total blockade on movement in and out of the Gaza Strip as a reaction to rocket fire continuously targeting the Israeli town of Sderot. A humanitarian crisis started to unfold in the Gaza Strip, where 1.4 million Palestinians live in an area that is only 41 kilometres long and between 6 to 12 kilometres wide.

Despite joint efforts of the US, the EU and the international community, Annapolis failed to produce results before the end of George W. Bush's Presidency. The Israeli Prime Minister Ehud Olmert and President Abbas had met on a regular basis, but without taking any decisions on contentious issues. In the fall of 2008 Olmert fell over corruption allegations and early elections were scheduled in Israel for February 2009. Rocket fire continued from the Gaza Strip into Israel and Hamas and Israel failed to renew the six-months ceasefire that had been mediated by Egypt in June 2008. On December 27th, 2008, Israel started its offensive in the Gaza Strip.

The EU's Policy Towards the Palestinian Leadership After the Gaza War

The war in Gaza affected intra-Palestinian dynamics and aggravated the unresolved question of how to deal with the new role of Hamas in the Gaza Strip and within the Palestinian leadership in general. While the Israeli intervention was still on the way, Yossi Alpher concluded in a piece for *Bitterlemons* on December 29th, 2008, that even if the conflict in Gaza ended and the ceasefire between Israel and Hamas was renewed "under the best of circumstances, none of this will really solve our Hamas problem." If the European Union continues to adhere to facilitating the two-state-solution, this is as relevant to Europe as it is to Israel. But Hamas is only one side of the coin. There is also a "Fatah problem". During the Israeli offensive, the European Union continued its policy of trying to stabilise the Palestinian leadership around Abbas and Fayyad in the West Bank.

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This became increasingly difficult. Firstly because the events on the ground put the international attention on Hamas and the Gaza Strip, secondly, because the legitimacy of the West Bank leadership further eroded when President Abbas' term of office formally ended in January 2009, and thirdly, because Fatah declined in popularity. A poll conducted by the Jerusalem Media and Communications Center (JMCC) in January 2009 shows a rise in popularity of Hamas' leaders and government since the war. A majority of 46.7% of Palestinians in both the Gaza Strip and the West Bank believed that Hamas came out of the war victorious. A striking 53.3% of West Bank respondents are of this view, compared to 35.2% in the Gaza Strip. With severe problems of access for humanitarian aid to the Gaza Strip, there was also increasing pressure on the EU to

address the access and border control issues with Israel. The EU is involved in the difficult access arrangements because it has a currently suspended border assistance mission in Rafah on the Gaza-Egyptian border. Yet none of these issues can realistically be resolved without Hamas. During the war in Gaza the European Union, the US and Israel relied on the services of the Egyptians, other Arab states and Turkey that were offering to mediate indirect talks between Israel and Hamas about a ceasefire. But this indirect mechanism clearly has its problems. For example in the case of Hamas and the Gaza Strip it is questionable to what extent Cairo follows its own agenda in trying to contain the Islamist Hamas government and its influence on Egyptian domestic politics.

The downsides of the Hamas boycott have been addressed in European capitals from the very beginning. Behind closed doors officials would at the same time express their unhappiness with Fatah's inability to reform. Unofficially, there were always contacts with Hamas and they have recently been intensified. But officially the European Union has not changed its stance. However, things could change, in particular with the prospect of a renewed national unity government. For the European Union this would be a rather comfortable way out of the "Hamas problem": Hamas could be politically included, perhaps through mediation of an Arab third party. That way, there would be an inclusive Palestinian leadership body. The European Union could work with its Fatah representatives while sticking to its boycott of Hamas. However, this would be a difficult political limbo to the detriment of a coherent European policy towards a new Palestinian government. And intra-Palestinian reconciliation has become a lot more difficult since the war in Gaza.

Nevertheless, the renewal of the unity government is still being pushed by the European Union in the aftermath of the Gaza war. After an EU-27 meeting on January 25th, 2009 with Egypt, Jordan, the Palestinian Authority and Turkey, Czech foreign minister Karel Schwarzen-

berg representing the EU Presidency told reporters: "We believe that Palestinian reconciliation behind president Mahmud Abbas is fundamental to progress". UK foreign secretary David Miliband was quoted saying: "The reunification of the Palestinian people with a single voice to speak to them, to speak for the West Bank and for Gaza is absolutely essential." The meeting was also attended by the Norwegian foreign minister Jonas Gahr Store. Norway has maintained some relations with the Hamas government in Gaza.

The new US administration under President Barack Obama is also likely to adopt a new approach towards Hamas. In an interview with the Council on Foreign Relations in January 2009 Middle East veteran Richard W. Murphy is quoted saying "I think we are now getting pulled into a more active position on the ground [in Gaza]. Whether this will lead to the opening of political contact with Hamas is the question. I don't think it will happen quickly but I think it is inevitable." So the question is not if, but when and how this policy adjustment will come about.

How to Deal With Hamas – and Fatah?

A new stance towards Hamas will be a difficult undertaking involving high political costs for the European Union. A number of imponderabilities would be involved: the EU's credibility would be questioned, it would create frictions with Israel, Fatah and perhaps the US, a political upgrading would give Hamas and other resistance or terrorist movements a boost, a positive outcome of an engagement would not be guaranteed, to name but a few.

Hamas would also be a difficult partner. Some of Hamas' members and factions do not aspire to become part of the Palestinian political system created by previous negotiations. On the contrary, they are fighting it. It is a fact that the Hamas leadership has not publicly accepted Israel's legitimate right to exist, nor has it shown a public commitment to the two-state solution. However, many analysts claim that asking Hamas to do this as a precondition

for talks is asking too much. Hamas' readiness to accept Israel as a fact on the ground should be tested in the course of negotiations, they argue. And even though the current political leadership in the West Bank has accepted the Quartet's conditions, there are also radical forces within Fatah that do not adhere to them.

Intra-Palestinian leadership struggles are another important factor. Hamas' political leadership has to an extent accepted the system created by the Oslo process with the decision to run in the Palestinian elections in 2006 as the party of "Change and Reform". Palestinian voters in these elections clearly expressed dissatisfaction with Fatah that they felt had failed to become a reliable and transparent political force. The problem of the Fatah government's legitimacy has become much more acute since Abbas' term formally ended in January 2009. Both the President and the Prime Minister now lack democratic legitimacy. And the support of Fatah on the streets is at a low ebb. Nevertheless, the Europeans have carried on with their "Fatah first approach". The Czech EU Presidency has made it quite clear that Abbas and Fatah had its backing to take the political lead if a new unity government was installed. At the beginning of February 2009, President Abbas was invited to Strasbourg to speak in the European Parliament. For Fatah, the support of the European Union, amongst others, is a guarantee of its survival.

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So if the Europeans decided to engage with Hamas, what would it mean? Firstly, a re-assessment of EU relations with Fatah. At its very core the European Union's "Hamas problem" is a "Hamas&Fatah problem", i.e. a problem with the Palestinian leadership as such.

Secondly, how would the EU practically carve out relations with Hamas?

There are different options and variables that will have to be discussed:

- The question of direct versus indirect action: If an indirect approach is taken, who would be a trustworthy third party?
- The question of timing: When is a good moment to start talking to Hamas? What should the kick off look like? How can it be made coherent?
- Continued secret versus open engagement: What are the pros and cons of either of these approaches?
- In the case of an open engagement is adopted: Should the EU consider a public statement or a symbolic gesture? Should it even consider removing Hamas' political wing from its 2005 terrorist list?
- Whom within Hamas should the EU talk to? Where are its moderate forces after the war, and do they have sufficient backing within Hamas and the Palestinian public?
- What would be Hamas' political calculus for engaging with the EU? Does the majority of Hamas want to talk, and why? What are possible spoilers within Hamas and other radical forces?
- How can Arab states be included in order to establish a regional approach?

Finding a new stance towards the Palestinian leadership will be a challenging undertaking. But the political costs of carrying on with business as usual would certainly be higher for the European Union.

"Good Guys" Versus "Bad Guys"

Finally, public opinion does matter. It was the majority view expressed in the Western media and by Western statesmen that Hamas was responsible for the war be-



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cause of its ongoing rocket fire into Israel. Analyst Ivesa Lübben, however, in a recent paper that has not been published yet, has documented in great detail Hamas' power struggles with the other radical groups in the Gaza Strip over whether to renew the ceasefire with Israel. Lübben has reconstructed, along credible sources, that before the June 2008 ceasefire between Israel and Hamas was mediated, only 15% of the rockets fired into Israel from the Gaza Strip were of Hamas origin. An analysis of the last weeks in 2008 is likely to tell a different story to that portrayed by the western media. This does not mean that Hamas did NOT fire rockets into Israel, an act that deserves to be condemned. But it means that Hamas is far from being the ONLY organisation firing rockets. For example, the Aqsa Brigades associated with Fatah are still active in the Gaza Strip and fired rockets as well. This fact does not take away responsibility for rocket fire from Hamas. But it sheds light on intra-Palestinian dynamics that are often overlooked to the detriment of real understanding. A crucial question is, for example, if and when Hamas wants to contain and is capable of containing the other forces in the Gaza Strip?

It is time that the Europeans portray Hamas and Fatah for what they are.

Simplifications also portray an image of Hamas in the West as an entity like 'al Qaeda' or 'Jama'at al-Islamiya', which is inaccurate and misleading. Equally simplistic is the dichotomy of the "good" Fatah versus the "bad" Hamas, part of the axis of evil of Iran, Hisbollah and Syria. It is time that the Europeans portray both Hamas and Fatah for what they are. This would help a great deal in the process of understanding and readjusting the EU's policy towards the Palestinian leadership.

Conclusion

Like it or not, Hamas is a fact on the ground. A negotiated, lasting solution for the Israeli-Palestinian conflict can only be achieved if Hamas is involved. That means Hamas has to be accepted as a legitimate political player and the one-sided backing of Fatah has to come to an end. A sound knowledge of intra-Palestinian dynamics post Gaza will be a decisive asset in this process. A European discussion on how to deal with its "Hamas problem" and a decision to revise its stance on both Hamas and Fatah would be a valuable contribution to Palestinian reconciliation and, eventually, to the two-state-solution. The EU urgently needs a more differentiated and honest debate on the nature of both Hamas and Fatah and on the EU's anti-terror policies as a whole.

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