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THE PALESTINIAN “RECONCILIATION” MAZE

BY KHALIL SHIKAKI *

For the past nine months, Fatah and Hamas have been trading accusations regarding who bears responsibility for obstructing Egypt’s efforts to reconcile the two. These efforts, started in Cairo in February 2009 and aimed at reunifying the West Bank and the Gaza Strip, have gone through six rounds of factional dialogue that culminated last October in an Egyptian-drafted “Reconciliation Agreement.” Fatah said it had some reservations but signed anyway. Hamas refused to sign and demanded revisions. It never fully and publicly articulated those revisions, but it did outline two of the most important ones: one on the formation of the election commission and another on the role of a temporary PLO leadership committee.

Seeking to avoid further negotiations, Egypt has made it clear the parties must sign the document as is, thus indicating their acceptance in principle, and that clarifications and amendments can, with the consent of the two sides, be introduced during implementation.

Since then, Fatah has argued that Hamas, under Iranian and Syrian influence, has sacrificed Palestinian strategic national interests in reunifying the West Bank and the Gaza Strip for the sake of maintaining an alliance with regional forces opposed to the Palestinian Authority (PA), and that the Islamist group has opted for maintaining the current split until its local and regional standing is such that it can either impose its own will or fully separate the Gaza Strip from Israeli and PA control. Hamas in turn has accused Fatah and Palestinian President Mahmoud Abbas of complying with an American request that places higher priority on reaching an agreement with Israel than on Palestinian national unification, in the expectation that progress on the peace process would completely marginalize the Islamist group or force it to yield to Fatah’s and the international community’s demands, including recognition of Israel.

Meanwhile, the split between the West Bank and the Gaza Strip is widening by the day. Public perception that reconciliation efforts will succeed has gradually moved from optimism to pessimism as the overwhelming majority now believes that the split is

*** Dr. Khalil Shikaki is director of the Palestinian Center for Policy and Survey Research in Ramallah and a senior fellow at the Crown Center for Middle East Studies at Brandeis University. He has conducted more than 150 polls among Palestinians in the West Bank and the Gaza Strip and has co-authored numerous annual reports of the Palestinian Democracy Index and the Arab Democracy Index. His recent publications include *Public Opinion in the Israeli-Palestinian Conflict: The Public Imperative During the Second Intifada*, with Yaacov Shamir.**

either permanent or long term. Reconciliation efforts seem to have reached a dead end, at least for now, falling victim not only to the conflicting interests of Fatah, which controls the West Bank, and Hamas, which controls the Gaza Strip, but more significantly to conflicting regional and international political dynamics.

Events like the postponement of the UN vote on the Goldstone Report, the launching of proximity talks, the Israeli raid on the Gaza Freedom Flotilla and the subsequent rise of Turkey as a regional player, as well as the Israeli and Egyptian easing of the siege on Gaza, have all played a role in the fate of reconciliation. Fatah and Hamas alike are finding it difficult to detach themselves from constraints imposed on them by these developments as well as by their alliances with partners pursuing conflicting regional agendas. Regional tensions could exacerbate the split further just as their easing could enhance chances for reconciliation.

Its name notwithstanding, the Egyptian document is not really about reconciliation. For Egypt, it is about ensuring that geopolitical links between the West Bank and the Gaza Strip are maintained. Egypt strongly suspects that Israel seeks to throw Gaza at its doorstep and that Hamas has a similar interest in severing ties with Israel—and thereby with the West Bank—and fully opening its borders with Egypt, something Cairo views as a national threat. The last thing Egypt wants is an independent Islamist entity on its northeastern border. With that, Fatah agrees. It too wants to maintain the territorial integrity of the West Bank and the Gaza Strip under one political authority (its own) as dictated by the Oslo agreement; hence Cairo’s and Fatah’s joint interest in engaging Hamas in so-called reconciliation talks.

But there is another reason that the Egyptian reconciliation document is not really about reconciliation: the Egyptian mediator and the Palestinian factions, including Hamas, have long abandoned this lofty goal. Midway through the dialogue, it became clear that the two sides can never agree on a joint coalition or a power sharing arrangement. The aim shifted instead to a much more modest goal: an agreement on a work plan that would eventually allow a process of West Bank-

Gaza Strip reunification under one Palestinian authority. To that end, a modest level of short-term Fatah-Hamas coordination, ending in presidential and legislative elections, is sought.

In August 2009, Egypt, fearing a prolonged process of endless dialogue, decided to greatly expand its previously limited mediation role. It took upon itself the task of designing a full agreement based on progress made during the six rounds of dialogue. It did so with the acquiescence, indeed the encouragement, of the two sides. On September 10, it asked all factions for comments on a “draft agreement” and informed them that based on this consultative process, it would formulate bridging proposals and integrate them into a final document to be signed, as is, in Cairo, a few weeks later. The final product, presented to the parties in early October, included a number of compromises Egypt sought to impose.

The Egyptian document, about 3,500 words in length, contains six articles addressing in very broad and loose terms matters related to the PLO, elections, security, reconciliation, a joint committee, and prisoners. Missing from the document is any reference to a national unity government (NUG) or direct mention of peace-related matters. A NUG has been replaced by a joint committee (JC) whose only task is to implement the agreement, not govern Palestinian territories. In other words, its mandate would be to find a place between the two governments of Salam Fayyad and Ismail Haniyeh, which each would continue to exist, and coordinate between them.

This arrangement was proposed by Egypt in order to avoid the potential deadlock that threatened to occur when Fatah, fearing an international financial and political boycott, insisted very early in the process that any unity government must accept existing PLO agreements with Israel. Hamas made it clear from the outset that it would never agree to that. The JC’s mandate, therefore, does not cover matters related to the peace process, foreign relations, or relations with Israel and donor countries. In framing the JC this way, Egypt hoped the new structure would avoid the destiny of the

NUG, the coalition that emerged from the Mecca agreement in March 2007 only to be rejected by the U.S. and the international community because it did not accept existing agreements with Israel.

The JC, along with the two current governments, would cease to exist once elections are held and a new government is established. While Hamas saw no problem in accepting the JC idea, Fatah had strong initial reservations about it, rejecting the implication that Hamas’s government was legitimate. Moreover, it did not like the idea that Hamas has managed, once again, to avoid addressing the thorny issue of PLO agreements with Israel.

For its part, Hamas had strong objections to aspects of the election process proposed by Egypt, particularly the formation of the election commission (EC). In the final reconciliation document, Egypt sided with Hamas in selecting the June 2010 date for elections, but sided with Fatah in determining the electoral system, proposing that 75 percent of seats be elected through proportional representation and 25 percent through a district-based majority instead of the current 50-50 split. It also sided with Fatah by giving Abbas the task of establishing the EC in accordance with the existing election law. Although the document asks Abbas to “consult” with Hamas before forming the committee, Hamas argued that the integrity and fairness of the election process required the EC to be formed by “mutual consent,” or *tawafiq*, thus granting Hamas veto power over the selection of its members.

Hamas has another major objection to the Egyptian document: it does not like the formula it proposes for Hamas’s integration into the PLO. The document recognizes that for the PLO to speak for all Palestinians, it needs to be reformed. Accomplishing this requires elections. But until then, the document mandates the establishment of a temporary committee (TC) that would integrate all factions, including Hamas, in accordance with the so-called Cairo Declaration of March 2005 which was signed by all Palestinian groups.

Fatah views the TC as a body with an adjunct role that

would not take away much of the tasks and responsibilities of the existing PLO Executive Committee (PLOEC) which it controls. For this reason, it initially opposed a statement describing the TC as a “temporary leadership structure.” Hamas on the other hand wants the new body essentially to supplant the PLOEC. For this reason, Hamas initially objected to a statement affirming “the jurisdiction of the [existing] PLO Executive Committee.” To prevent a breakdown, the Egyptian document resorts to ambiguity by merging the two statements into one.

Fatah also objected to a third statement requested by Hamas which sought to frame the tasks of the TC as the “outcome of national consensus...[and] whose mandate can never be obstructed”—language Fatah saw as depriving the PLOEC of its powers. Indeed, that *was* Hamas’s goal and understanding. To maintain the ambiguity it sought, the Egyptian document sides with Fatah by dropping the statement altogether. Hamas insists that without the inclusion of the missing statement, the new leadership structure is “worthless.”

It is worth noting that one of the main tasks of the TC, as described in the Egyptian document, is to “deal with the fateful issues on the political and national agenda and to make decisions on these issue by mutual consent.” If decisions of this body supersede those of the PLOEC, this, for Fatah, would be tantamount to granting Hamas veto power over the peace process, including the current proximity talks with Israel—something it is unlikely to concede given possible implications for the position of the U.S., Israel, and the donor community. Tellingly, the Cairo Declaration of 2005 did not include the statement requested by Hamas, nor did it include the assignment of the task related to “fateful issues” or, more critically, the demand that decisions of the TC be unanimous.

Although the three main actors in the reconciliation process—Hamas, Fatah, and Egypt—each have an interest in a successful conclusion, some parties’ interest is greater than others. Even though it does not publicly state it, Hamas’s leadership sees a strategic advantage in breaking Israel’s tight grip over the Gaza Strip, even if that comes at the cost of undermining the territorial

integrity of the Gaza Strip's connection to the West Bank. Freeing Gaza, in this view, would allow an Islamist entity to gain full access to the Arab and Islamic worlds; reunification with the West Bank would come once that territory too is free of Israeli occupation.

The May flotilla incident and the Free Gaza Movement serve this Hamas interest very well. Yet, Hamas recognizes that such a step—full separation—would be extremely unpopular with Palestinians, would be strongly rejected by Egypt and the PA, and would not be easily swallowed by Israel, whose government would demand an effective international border inspection regime that would prevent entry of arms into the Gaza Strip. For all these reasons, Hamas has no alternative to reunification, even as it continues on the side to pursue its preferred option. Israel's recent decision to ease the entry of civilian goods into the Gaza Strip through Israeli border crossings, while a victory for Hamas, nonetheless represents a significant setback for the Islamist group's goal of separation, and consequently strengthens Fatah's argument in favor of reunification.

But not everyone in Fatah's leadership is in favor of reunification, particularly if that entails serious concessions to Islamists, such as the one Hamas is now seeking with regard to its integration into the PLO. Despite strong national ties and the overwhelming popular demand for reunification, most West Bankers, due to Israeli restrictions, have never been to the Gaza Strip and they are unlikely to do so if separation continues for much longer. Indeed, between 1948 and 1967, the two areas were administered separately—one under Jordanian and the other under Egyptian control—and social and economic relations between the two areas were practically non-existent.

Yet, Fatah recognizes that it could easily lose popular support if it does not vigorously seek unity. It also

recognizes that Israel's incentive for reaching a peace agreement with the Palestinians depends in part on whether the two geographically separated areas are territorially and politically united—in other words, on whether it is signing an accord with all Palestinians or only some. A Palestinian state in both areas, at peace with Israel and bound by the terms of a peace agreement, serves Israeli interests as much as Fatah's. Moreover, without Fatah seriously searching for reunification, Egypt would have no alternative but to deal with Hamas as the legitimate government of the Gaza Strip, a development Fatah seeks to avoid.

It is highly unlikely that Fatah would agree to Hamas's demand for a veto over PLO decisions, but it might be in Fatah's interest to agree to Hamas's demand regarding the formation of the election commission. Indeed, given the fact that the current two governments of Fatah and Hamas will be in office on the day of elections, it will be tempting for the party that loses at the polls to deny the election's legitimacy and keep its government in place. That would be far less likely were the process managed by a commission whose members both sides approved.

Moreover, both the U.S. and Israel have an interest in acquiescing in the Egyptian-proposed arrangement, as it preempts the eventual emergence of a free Gaza under Hamas's control. But neither Israel nor the U.S. will support the current Egyptian effort if they do not think Fatah has a reasonably good chance of winning the planned elections. They probably know that for Fatah to be in that position it first must achieve meaningful progress in the peace process, an accomplishment only the U.S. and Israel can deliver.

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U.S. / MIDDLE EAST PROJECT

641 LEXINGTON AVENUE, SUITE 1500, NEW YORK, N.Y. 10022 TEL: (212) 634-6378 • FAX: (212) 634-6377

E:MAIL: USMEP@USMEP.US / HENRY SIEGMAN, DIRECTOR / BRENT SCOWCROFT, CHAIRMAN, INTERNATIONAL BOARD