

Web Commentary

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Can Cairo Reassemble Palestine?

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Condoleezza Rice's trip to the Middle East may be the swan song for the Bush administration's quixotic push for a two-state solution to the Israeli–Palestinian conflict. The incoming American president will inherit a bleak landscape for peacemaking: the last decade has witnessed the collapse of a series of often halfhearted diplomatic initiatives and episodic outbreaks of violence. The obstacles to any new U.S. initiative will be considerable—and one of the most daunting is the deep division and institutional decay on the Palestinian side.

It is therefore not surprising that most Palestinian eyes are focused now not on Rice's diplomacy but on the internal Palestinian scene. Palestinian newspaper readers have recently been treated to a series of front-page headlines about Egypt's ongoing mediation among Palestinian factions, some of them suggesting real progress toward Palestinian reconciliation. But when they turn to the inside pages of their newspapers, Palestinians are treated to drearier news, as the feuding Gaza- and Ramallah-based governments carry out their cold war. In Gaza, teachers obeying a West Bank-issued strike call are fired, and pro-Fatah students at al-Azhar University are harassed. In the West Bank, supporters of Hamas complain that they are being rooted out of the bureaucracy and that Fatah party apparatchiks have effective veto over who may work for the government and who may not.

Is the prospect of Palestinian reconciliation real or is it merely an unconvincing decoy from the continuing Palestinian power struggle? Is it a necessary condition for resumption of serious diplomacy or merely a way to ensure the further entrenchment of Hamas and torpedo any remaining hope of a diplomatic solution to the Israeli–Palestinian conflict?

Are the Cairo Talks Serious?

The period since Hamas's electoral triumph in January 2006 has seen a variety of initiatives designed to restore some semblance of Palestinian unity. There have been talks in hotels and palaces in Saudi Arabia, Qatar, and Cairo as well as in prisons in Israel. Some of those bore no fruit at all; others led to short-term or partial agreements. Thus, despite these efforts, the current division among Palestinian leaders is deep indeed and threatens to get even worse. Hamas and the Gaza-based Palestinian Authority it controls have made very clear that they regard President Mahmoud Abbas (who heads the

Ramallah-based Palestinian Authority) as having no legitimacy after January 2009.¹ President Abbas, for his part, has been ruling by decree in the West Bank and continues to treat the Hamas-based government as completely illegitimate. The few remaining institutional strands tying Palestinians together are badly frayed and may soon break.

In the most recent mediation effort, Egypt, through intelligence chief Omar Suleiman, has been working to broker an agreement that would cover power sharing, a joint political program, and elections. Suleiman's efforts are treated as serious by all concerned parties and have drawn considerable domestic and regional attention. But while the effort is serious, the results are likely to be meager: the two halves of the Palestinian leadership have almost every incentive to cooperate with the Egyptian efforts but almost no incentive to come to an agreement. That calculus could change only with a very significant international effort to push for Palestinian unity.

The View From Gaza

For its part, Hamas has shown every sign of placing its bets on entrenching itself in Gaza rather than knitting the Palestinian polity back together. When the movement seized control of Gaza in June 2007, it argued that it did so only to prevent a coup by Fatah designed to deprive the Islamists of their 2006 electoral victory. The Hamas argument was in one sense quite persuasive: the effort to oust Hamas extraconstitutionally was one carried out in broad daylight and backed by important international actors (including the United States).

But in another sense, the Hamas claim of pre-emption masked the fact that the June 2007 events in Gaza constituted not simply one coup but two: a coup by Hamas against Fatah to seize full control of the Palestinian Authority in Gaza; and a coup by those within Hamas who worried that participation in a national-unity government with Fatah was part of an effort to marginalize and tame the movement. Those Hamas leaders—some of the historical founders of the movement as well as members of its military wing—led the movement to reject the more conciliatory and constitutional path it had followed since its 2006 victory. Rather than attempt to govern in the West Bank and Gaza through legal and constitutional channels, reaching out to other factions whenever possible, Hamas since June 2007 has focused all of its energies on building a party-state in Gaza. Opposing political movements have been repressed, pro-Fatah publications barred, distinctions between the movement and the governing authority blurred, and official institutions (such as the judiciary) severed from their West Bank counterparts and staffed with reliable figures.

Not all contact with the West Bank has been cut. Most civil servants are still paid by the Ramallah government, and Hamas has no ability to take on that massive payroll. Hamas also still claims to recognize the authority of the “Basic Law,” the constitutional document governing the Palestinian Authority, and thus accepts Abbas as president. It has convened the Palestinian Legislative Council, using its majority there to send legislation to Abbas for his signature.

But these links operate under serious strain. When some teachers struck, the Hamas government dismissed them. It manages to convene a quorum of the Legislative Council only by counting Hamas deputies imprisoned by Israel as present by proxy—a very dubious gimmick. And the “caretaker cabinet”—as the government in Gaza styles

itself—has appointed ministers to fill out its ranks, a clear violation of the Basic Law. But most ominously, Hamas has announced repeatedly that it will no longer treat Abbas as president after January 2009 (adducing a very solid legal argument) and that it will regard one of its own members, Ahmad Bahar, as acting president after that date (a more questionable although defensible proposition). Thus Palestinians face the prospect of having two presidents before they have their first state.

Hamas has made significant ideological sacrifices in order to pursue its establishment of a party-state in Gaza. Most obviously, it has agreed to a cease-fire with Israel. Even more remarkably, it has enforced the cease-fire on other radical Palestinian factions such as Islamic Jihad in the Gaza Strip (with some, if not total, success), in effect policing Palestinians to prevent them from attacking Israel. For a movement that defines itself as aimed at “resistance,” such a step does not come easily.

Hamas has also paid a steep price in terms of Palestinian public opinion. By entrenching itself in Gaza, Hamas leaders have only deepened a political division that troubles most Palestinians, leading them to hold the Islamists slightly more responsible than Fatah for continuing the break.

Thus, Hamas’s current focus would seem to make substantive success in the Cairo talks difficult indeed. While the Hamas leadership almost certainly does not want to restrict its agenda permanently to administering Gaza, its short- to medium-term objective is to make its party-state work. Reunification with the West Bank is a more distant goal. Moreover, such reunification would make new elections likely. While the ostensible position of Hamas is that presidential elections must be held in January, the movement is not well positioned for Palestine-wide balloting because its actions have undercut its popularity substantially.

The View From Ramallah

Palestinian leaders in Ramallah—in the presidency, the technocratic government of Salam Fayyad, and the leadership of Fatah—show little interest in making sacrifices for unity either. There is, of course, deep resentment against Hamas for its seizure of power in Gaza last year. But the dispute is far more than a personal feud. In order to entice Hamas into an agreement, Ramallah-based leaders would have to allow Hamas back into the government, reconvene a parliament in which Hamas has a majority, “professionalize” the security services (preventing them from operating as Fatah strongholds), allow Hamas to resume activities in the West Bank, and perhaps open the Palestine Liberation Organization to Hamas. The PLO is hardly more than a shell at present, but it is one of the few institutional bastions that has managed to exclude the Islamists (by offering them representation as a small faction rather than the leading party Hamas sees itself as). In short, an agreement in Cairo would face Ramallah-based leaders with the prospect of sharing power with a movement that might eventually overwhelm it.

While the Ramallah leadership has reason to be wary of the long-term implications of reconciliation, it seems confused and divided over how to use the period in which it can govern without Hamas. Indeed, most leading actors show no signs of having any clear strategy at all. Fatah leaders are involved in a bitter and complex power struggle for control of a decaying organization—and the jostling inside the party is widely and rightly

perceived as both petty and highly personal. Efforts to rebuild the party have been held hostage to petulant maneuvering and backbiting.

One of the few islands of competence in Ramallah—the technocratic Fayyad government—is not immune to the infighting. Its ministers, few of whom have any political base, are resented by Fatah and sometimes other factions. The government is kept in office not by domestic support but by its international reputation and the financial and diplomatic support that has come with it.

While the cabinet thus administers what remains of the Ramallah-based Palestinian Authority, there is not much evidence of any leader in Ramallah with a clear strategy. Decision making tends to be reactive. For instance, many Palestinians have discussed the need for a third party, but nobody has begun the serious but arduous task of building one. Over the short term, an imaginative leadership might seize on Hamas's insistence on presidential elections in January by calling the Islamists' bluff and scheduling voting for January 2009—forcing Hamas to choose between fielding a candidate who would almost certainly lose or sitting out the election and being forced to accept the legitimacy of the victor. Such a tactical move would require boldness and imagination—characteristics in short supply in Ramallah. More daunting—perhaps even chimerical—is the requirement of Fatah unity behind a single candidate so that opponents of Hamas would not split their votes.

Why Talk?

If Hamas is content to rule Gaza and those in Ramallah are more preoccupied with internal maneuverings than in knitting Palestine back together, why are both sides so dutifully showing up in Cairo? Why do they keep on issuing optimistic pronouncements about a process that they are not even sure they wish to succeed?

The two sides participate in the Cairo talks not because they have high hopes for reconciliation but because they cannot risk alienating those who wish to see the Egyptian effort succeed. Palestinian public opinion and the broader Arab world stand squarely behind the principle of Palestinian reconciliation and neither Gaza nor Ramallah wishes to bear responsibility for failure in the eyes of Palestinian or broader Arab audiences.

On the domestic level, the fissure in the national cause and in Palestinian institutions has produced feelings of despair throughout Palestinian society. Both Hamas and Fatah are popular movements that present themselves as embodying Palestinian aspirations and serving Palestinian needs. To be seen as undermining national unity carries considerable cost—even without the prospect of immediate elections. And the movements' reluctance to reconcile forces them to pay a penalty not only in the currency of popular support but also in that of internal unity.

In the first respect—broad popular support—Hamas has probably suffered more than Fatah according to opinion polls. In the second—internal unity—it is Fatah that has paid the higher price. There is some discomfort in parts of Hamas with the party's actions over the past year and a half (such discomfort is especially evident in private conversations on the West Bank), but the more fissiparous Fatah has squabbled in public about how to approach the prospect of reconciliation, with some Fatah leaders sometimes vying to position themselves as the true devotees of national rather than partisan interests.

This situation forces both Hamas and Fatah to issue periodic optimistic and soothing statements; each seeks to develop their rival's reputation for bloody-mindedness. The two sets of leaders hasten to affirm their dedication to reconciliation but haggle over the details and question the other's commitment.

But it is not merely Palestinian public opinion that induces the movements to force gritted teeth into smiles in the negotiations. The broader Arab world has also applied pressure for Hamas and Fatah to settle their differences. This takes the form not only of newspaper columns and talk shows but also hard-headed diplomacy. In recent months, the Egyptian effort has been particularly muscular. Suleiman has exploited the two sides' deep dependence on Egypt to force them to continue negotiations despite their deep reservations. Fatah has always anchored itself in part in broader Arab diplomacy and hardly wishes to alienate Egypt. And Fatah leaders are doubtless mindful of the Egyptian government's own antipathy to Hamas's mother movement, the Egyptian Muslim Brotherhood.

Hamas's eagerness to attract Egyptian support is less immediately apparent, but it is probably stronger even than Fatah's. To be sure, Hamas leaders meeting with an Egyptian intelligence chief cannot be oblivious to the Egyptian government's sometimes brutal treatment of its own Islamic opposition. Egypt maintains diplomatic relations with Israel, a state that Hamas says it will never recognize. Hamas leaders are also deeply resentful that Egypt holds prisoner a senior Hamas military figure who slipped over the border earlier this year. And Egypt cooperates to a degree with what Hamas refers to as the "international blockade" of Gaza by maintaining sharp restrictions on what can cross above ground on the Gaza-Egyptian border. Thus, Hamas intersperses its friendly references to Egyptian mediation with occasional snarls and angry hints that Egypt is taking the wrong side.

But in fact, these very same features of the Hamas-Egypt relationship cause not only resentment but dependence. Hamas has used Egyptian mediation to maintain the cease-fire and to keep negotiations alive with Israel over a prisoner release. Most significantly, the effort by Hamas to solidify its control over Gaza forces the movement to pursue any opportunity to pry the Egypt-Gaza border open. Of course, from a purely economic standpoint, opening movement and access to Israeli ports and markets is probably a sounder approach than turning toward Egypt—but the question is more political than economic. For Hamas, freer movement between Gaza and Egypt would not only assist Gaza; it would also realize Hamas's ideological program of a Palestinian economy cut off from Israel but integrated with the Arab world.

For international reasons, then, as well as domestic, Fatah and Hamas have every reason to cooperate with mediation to avoid blame for the failure of reconciliation. But as things stand, the benefits of an agreement are far less impressive than the benefits of talking about an agreement.

Can Mediation Change the Calculus?

A concerted international effort could bend not merely the rhetoric but also the preferences of both sides. If the United States, supported by Europe, put its weight behind reconciliation instead of division, Fatah would quickly come around. Egypt could

probably induce a similar change in Hamas, though this would be a more difficult task. The question is less whether external mediators could persuade the feuding parties to adopt more forthcoming attitudes; instead, the question is how much they want to.

Strong support by the United States and Europe for Palestinian reconciliation would be difficult for Ramallah's leaders to resist, because they depend on international support for both operating revenue and international respectability. Since the January 2006 elections, international pressure has pushed in the precise opposite direction, however. Led by the United States, generally with ambivalent European acquiescence, the international sponsors of the Palestinian–Israeli peace process worked against any Fatah–Hamas cooperation between the 2006 elections and Hamas's seizure of Gaza in 2007. Since that time they have worked to keep Hamas bottled up in the tiny territory the movement now controls. Washington's partners in the Arab world—most obviously Egypt, but Jordan as well—now show some signs of discomfort with the effects of this stringent policy (and have opened up direct contacts with Hamas).

Were the United States to reverse course and endorse Palestinian reconciliation, many of its friends would feel a strong sense of relief. The exception, of course, is Israel, which has shared Washington's wish to keep Hamas isolated. Israel has been, of course, carrying out its own indirect negotiations with Hamas over a cease-fire and a prisoner release, but such tactical maneuverings do not indicate a softening of its position regarding a possible role for Hamas in a viable and unified Palestinian Authority.

Thus, Ramallah could be induced to accept reconciliation as a goal if its backers accepted the idea. But what could change Hamas's calculus? The movement's international isolation make it far less likely to listen to friendly advice—Hamas has few friends, and those that it does have (such as Iran) are limited in their influence over the movement's strategic choices and hardly push for reconciliation in any case.

But Hamas could probably be swayed by a determined Egyptian application of carrots and sticks. Again, the desire of Hamas to show that it can administer Gaza increases its need to keep the Gaza–Egyptian border as open as possible—or, failing that, to keep the tunnels below that border operational. An end to the international economic isolation of Gaza is worth a tremendous amount to Hamas and a serious offer in that regard by Egypt would likely change the movement's attitude toward Egyptian-sponsored reconciliation—provided, of course, that the reconciliation did not force Hamas to relinquish control of Gaza.

It is not clear if any of the international actors with cards to play feel they have enough to gain from Palestinian reconciliation. And absent any concerted effort to bring full pressure on both Gaza and Ramallah, it is likely that the current division will continue. Actually, the division will likely deepen. Between 1994 and 2000, Palestinian officials, technical experts, and lawyers worked to knit Gaza and the West Bank into a single institutional unit. They had some success on paper, though continued restrictions on travel limited the success of their efforts. Between 2000 and 2008, much of that effort was rendered irrelevant, but it was not destroyed. In January 2009, the institutional and legal rupture between the West Bank and Gaza could become nearly complete, with Hamas claiming untrammelled authority in Gaza—the movement will have full control of all branches of government operating in the Gaza Strip. The remaining slender thread will

be the payroll for large parts of the civil service—still largely met by the Ramallah government (though the teacher’s strike has driven a wedge here as well).

Lurching Toward a Single State—but Away From a Solution

Reconciliation is unlikely without a concerted international push—and deeper division is the default outcome. But such a push has not been forthcoming. To be sure, Egypt is pursuing reconciliation energetically, but it is not clear how much it is really willing to offer Hamas. And the United States leads the West in favoring continued isolation of Hamas; Ramallah has been actively discouraged by its patrons from pursuing reconciliation with Gaza.

It may be time for the United States to try a different path. But it must be acknowledged that the case for reconciliation is neither easy nor obvious. From the moment of Hamas’s electoral victory, there has been an odd symmetry to arguments about how to handle Hamas. Neither those who wish to incorporate Hamas nor those who wish to keep it isolated can offer much hope for the success of their favored policies—incorporation and isolation are both risky bets. Instead, their strongest arguments are the weakness of the alternatives. Those who claim a peace process that bypasses Hamas will likely fail are almost certainly correct—but that does not mean that Hamas will be easy to incorporate. Those who claim that including Hamas will not moderate the movement’s fundamental goals are likely correct as well (at least over the short- to medium-term). But that does not mean that excluding Hamas makes diplomatic progress possible. Just the opposite is the case.

In short, those who claim that Hamas makes a diplomatic process extremely difficult and those who claim that a process with Hamas is unlikely to work are both right. To date, U.S. policy has been based exclusively on the first claim, and the results have been close to disastrous: the Palestinian Authority has been divided, the Palestinian ability to speak with an authoritative voice has evaporated, and Hamas is deeply entrenched in Gaza while it is likely only in something approaching hibernation in the West Bank.

Is it time to try the other approach—perhaps by encouraging Palestinian reconciliation? The risks of such a path (reinvigoration of Hamas and paralysis of a Palestinian unity government) are very real. But those risks must be weighed against the currently emerging reality.

Some Palestinians sarcastically complain that the current split between Gaza and the West Bank has given the Palestinians a deformed kind of two-state solution. But there is another dark way to describe the current reality—as an emerging but distorted single state. In fact, Israeli scholar Menachem Klein has suggested precisely this: a single state is “the current problematic reality—although not exactly the democratic version envisaged by its advocates.” He notes that the entire area from the Jordan to the Mediterranean lies under Israeli security control.²

The single political regime controlling the area is an acceptable if undesirable outcome for some of its inhabitants and an unmitigated disaster for others. Advocates of a one-state solution may be realizing half their wish: they are getting their single state, but it is no solution.

Notes

¹ See my July 2008 Factsheet, “Palestinian Presidential Elections,” http://www.carnegieendowment.org/files/brown_palestine_elections.pdf.

² Menachem Klein, “One State in the Holy Land: A Dream of a Nightmare?” *International Spectator*, forthcoming, December 2008.

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