



The Reconciliation of Hamas and Fatah Smoothing the Way to the Middle East Conference by Contributing to Peace and Security in the Region

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In their review of the Nuclear Non-Proliferation Treaty (NPT) on 28 May 2010, the 189 parties to the NPT endorsed a Final Document calling for a 2012 Conference to be attended by all Middle East states on the establishment of a Middle East zone free of weapons of mass destruction including their delivery vehicles. The document called on the UN Secretary General and the United States of America, the United Kingdom, and the Russian Federation (the co-sponsors of the 1995 Resolution on the Middle East) to consult with the states of the region on specific preparatory steps.¹

It is too early to predict at this stage of the preparations, how questions such as regional rivalries and drive for hegemony, hostile and friendly alliances, win-win versus zero-sum thinking and conflicting interests of regional states will impact on the 2012 Middle East Conference (MEC). The linkage between the Fatah-Hamas reconciliation agreement and the regional environment is only one of many issues connected to the MEC. Both are in flux, influence each other and resemble moving targets. When identifying conditions for success or failure for the Conference the weapons issue needs to be put within the overall framework of regional security and stability of which reconciliation between Hamas and Fatah is an important ingredient. Two related issues are of immediate importance to regional instability and deserve special attention. The first is the political split in the Palestinian arena; the second is the security tensions between Hamas and Israel.

The Palestinian Split: Features and Factors

The formal political split between Hamas and Fatah dates back to June 2007 when Hamas militias took over the Gaza Strip after attacking Fatah-led Palestinian Authority (PA) security forces. They claimed that their coup was a pre-emptive act aimed at aborting a planned attack by Fatah to liquidate Hamas militias. The take-over was followed by the ousting of the short-lived Saudi-mediated unity government and the establishment by presidential decree of a caretaker government in the West Bank; meanwhile Hamas retained its own government in Gaza.

The split between Hamas in Gaza and Fatah in the West Bank led each party to create a monopoly of force in their respective areas of control. The build-up and employment of two separate security services is the most conspicuous expression of this contest for power and prevalence in the national arena. The Legislative Council, which was democratically elected, is since defunct. Two parallel governments rule in Ramallah and in Gaza, both of them without electoral legitimization. Presidential and parliamentary elections are not only overdue but also necessary if the process of building the institutions of a future sovereign and democratic Palestinian state is to continue. Any political settlement between Israel and the Palestinians requires a Palestinian representative acceptable to both Gaza and the West Bank. As such, Palestinian reconciliation is a pre-requisite for achieving peace and security in the region.

Abstract

The reconciliation agreement between the two major Palestinian factions Hamas and Fatah could contribute to reviving the fledgling Middle East peace process. This POLICY BRIEF identifies the platform of the future Palestinian government as the key for linking Palestinian unity and the possible resumption of the Israeli-Palestinian peace process; progress on this front could help mitigate regional tensions and therefore enhance prospects for success of the envisaged 2012 Middle East Conference. Any political settlement between Israel and the Palestinians requires the presence of a representative acceptable by both Gaza and the West Bank. As such, Palestinian reconciliation is a pre-requisite to achieving peace and security in the region.

This POLICY BRIEF is based on contributions made at the meeting of the ACADEMIC PEACE ORCHESTRA MIDDLE EAST in Vienna in July 2011. The Working Group on the 2012 Middle East Conference included academic colleagues from Germany, Israel, Lebanon, and Palestine. Margret Johannsen acted as coordinator. ■



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At the same time, the weapons fired at Israeli territory are also an expression of the power struggles within the intra-Palestinian sphere. The breakdown of the six-month truce which preceded the Gaza War of 2008/09 is evidence that, in a political sense, the rockets and grenades were also directed against the Palestinian Authority. They were meant to prove its incapacity to deliver the commodity Israel was most seeking, namely security, so that the PA was unable to make any progress in the negotiations with Israel on final status issues. Escalation between Israel and Hamas became part of the internal competition between different factions targeted by Israel besides the rivals Hamas and Fatah.

With tensions upheld by tit-for-tat military operations in the Gaza sphere, the political climate in the region might well deteriorate so that it adversely affects the preparations of the MEC. An eventual reconciliation of Hamas and Fatah would therefore remove one of the obstacles that has obstructed negotiations on a bilateral, jointly-agreed ceasefire between Hamas and Israel and which under the new conditions could be expected to be more sustainable than the truce declared by both parties in June 2008. Alleviating the rocket threat and allowing the Gaza area to recover both psychologically and materially would undoubtedly enhance the prospects for the envisaged Conference even if the rocket issue itself is not to be part of the agenda.

The Unity Agreement

After long-lasting confrontation and countless mediation efforts, Fatah and Hamas managed under Egyptian auspices to reach consensus on a number of measures which the signatories present as conducive to achieving Palestinian national unity. The agreed document entitled “Palestinian National Reconciliation Agreement” was signed in Cairo on May 4, 2011 by the two major Palestinian factions as well as by each of the relevant minor groups.²

The agreement provides for a shared provisional government of independents whose major tasks will be the preparation of elections, making efforts to end the blockade of the Gaza Strip and working on its reconstruction, as well as overcoming the Palestinian split. It was agreed that the members of the designated national unity-government should be neither from Hamas nor Fatah but ‘technocrats’ accepted by both sides, thereby emphasizing its non-political character. Presidential and Legislative Council as well as Palestinian National Council elections

The security tensions between Hamas and Israel

One of the major problems overshadowing the envisaged Middle East Conference is the element of hostility in the Palestinian-Israeli arena. As the sporadic violent confrontations in the Gaza sphere and their media echo in the region demonstrate, this is still a significant feature of Middle Eastern relations. The Gaza War of 2008/09 between Israel and Hamas not only brought death and destruction to the Gaza Strip and demonstrated the vulnerability of southern Israeli towns to Palestinian rocket fire. It was also testimony to the crucial threat posed by the tit-for-tat strategies in the Gaza sphere to efforts to rehabilitate Israeli-Palestinian mutual trust and to revive the dialogue towards a resolution of the conflict.



are to be held one year after the signing of the agreement. Furthermore, Hamas and Fatah are to agree upon a Central Election Committee which will be responsible for the ballots. The security forces are to be put under one umbrella.

In order to assess the prospects of the agreement to overcome the intra-Palestinian division it will be helpful to look at the motivating factors as well as circumstances that facilitated the conclusion of the agreement.

Political Deadlock

The deadlock in the intra-Palestinian struggle for power is intricately linked to the political impasse in the Israeli-Palestinian relations. Hamas opted for armed resistance, but Israel's military responses to the continuation of the struggle have limited the scope and number of its operative options. At the same time, Hamas has focused on establishing its control over the Strip, forcing the de facto ceasefire on rival factions and garnering popular approval there.

Fatah, for its part, opted for negotiations, but made them contingent upon a freeze in Israeli settlement expansion only to see an upsurge in those activities. In addition, the failure of the recent attempts to revive the peace process has dashed Fatah's hopes of reducing the influence of Hamas through a political breakthrough towards a settlement.

Thus, both movements understood that their options had failed and that the continued division enabled Israel to shy away from resuming the peace talks, while at the same time carrying on its settlement policy. Against this backdrop, Palestinian public opinion came to view the division as severely damaging to the Palestinians' national interest and demanded that both parties put an end to it.

The Arab Awakening: Inspiration and Political Calculations

The unity agreement can also be interpreted within the context of the so-called Arab Spring of 2010-2011. The enthusiasm and persistence of the Arab youth in the revolting countries apparently inspired thousands of Palestinian youth to publicly voice their frustration with the situation in the Palestinian territories. Rallies were held under the banner of ending inter-party division. This demand was presented both as a national goal for its own sake and as a means for ending the occupation. The leaders in Ramallah and Gaza City took

account of the widespread dissatisfaction with the internal split. Both movements claimed that they signed the reconciliation agreement as a response to the publicly voiced demands for overcoming the split.

The upheavals also affected the mid-term calculations of the Palestinian power elites and their respective allies. With the displacement of the Mubarak regime in Egypt, Fatah initially appeared to have lost an important regional ally in its power struggle with Hamas. Fatah is, however, benefitting from the developments in Syria, where the regime is going through a deep crisis and is busy with its own internal problems so that Hamas faces the loss of its steadfast ally against Fatah. Without the solid backing provided by Syria, neither Fatah nor Hamas could be confident that the continued division would benefit them in their respective sphere of control.

For its part, the High Military Council, which replaced Mubarak's regime, has sought to limit the potential for a flare-up in the Strip by reconstructing civilian infrastructures and integrating Hamas in the PA. In doing so, the new Egyptian regime has hoped to restrain Hamas as well as to contain the Egyptian Muslim Brotherhood. It conveyed clearly to Hamas that in order to benefit from the overthrow of Mubarak's regime they would have to end the Palestinian division in their own backyard as soon as possible. Showing greater openness towards Hamas than the ousted regime had, Egypt promised increased economic aid (extended by Qatar) and defense in the event of Israeli military operations in the Gaza Strip. A promise to remove the ban on the movement of people on the Egyptian border with the Strip was yet another incentive that spurred Hamas into signing the agreement with Fatah.

The Palestinian Quest for International Recognition

As part of the plan of the Palestine Liberation Organization (PLO) to seek recognition of Palestinian independence in the United Nations, its leadership has sought to reinforce its international image by consolidating its democratic features. For this purpose, the plan to hold general elections has been revived. However, doing so without Hamas' inclusion threatens to deny any legitimacy to the results; moreover, going to the polls requires public order which Hamas could easily disturb if they were held without its approval. For its part, Hamas has made its participation in the elections conditional

Box No. 1: Speeches at the Declaration Ceremony in Cairo on 4 May 2011

»»Our people have always rejected this rift. All factions will now have to show that they have learned from this difficult experience, and that they will accept a democratic government through the coming elections.««
(Mahmoud Abbas, President, Palestinian National Authority)

»»[Our] only fight is with Israel...our aim is to establish a free and completely sovereign Palestinian state on the West Bank and Gaza Strip, whose capital is Jerusalem, without any settlers and without giving up a single inch of land and without giving up on the right of return [of Palestinian refugees].««
(Khaled Meshaal, Chairman, Hamas Political Bureau)

Source: Julia Pettengill and Houriya Ahmed (2011) 'Regional Actors and the Fatah-Hamas Unity Deal. Shifting Dynamics in the Middle East?'. Online, available at <http://www.henryjacksonsociety.org/cms/harrier-collectionitems/Fatah+Hamas+Document.pdf> (November 18, 2011).

**Box No. 2: Palestinian Public Opinion on the Reconciliation Agreement**

- 57.2% of the West Bank respondents and 61.2% of the Gaza Strip respondents are optimistic about the chances that the reconciliation agreement will be implemented. At the same time, 54.9% expect the return of international financial sanctions after the establishment of a reconciliation government.
- 45% of the respondents prefer Fatah's candidate Salam Fayyad as Prime Minister, while only 22.3% (19.0% in the West Bank and 28.7% in the Gaza Strip) prefer Hamas' candidate Jamal Al Khodari.
- 62.0% of the West Bank respondents and 58.8% of the Gaza Strip respondents want the new government to follow the policies of the PA president and the PLO rather than the policy of Hamas, whereas only 14.7% in the West Bank and 24.3% in the Gaza Strip prefer the policies of Hamas to those of Abbas and the PLO.

[N=1,200 adults interviewed face to face in 120 randomly selected locations. Margin of error 3%.]

Source: Palestinian Center for Policy and Survey Research (2011) 'Poll No. 40, 16-18 June'. Online, available at <http://www.pcpsr.org/survey/polls/2011/p40e.pdf> (November 15, 2011).

According to another poll in the West Bank and the Gaza Strip,

- 53% of the respondents agree that Hamas should play a central role in the government versus 32% who think that Hamas' involvement will threaten the relations with foreign countries, and 15% who say that Hamas' participation will not change anything.
- In addition, only 32% of Palestinians surveyed favored the establishment of a two-government system, one in the West Bank and one in the Gaza Strip, while 77% oppose the idea, as it will harm Palestinian internal unity.
- Moreover, the government favored by 67% of those surveyed is one in which all factions would be included rather than one that would comprise only members of the winning party (33% of respondents).

[N=838 individuals randomly chosen and over 18 years of age. Margin of error: 3.4%]

Source: Near East Consulting (2011) 'Survey 4-6 July'. Online, available at <http://www.near-east-consulting.com/press/2011/NEC-PressRelease-July2011-EN.pdf> (November 26, 2011).

on institutional coordination with the PA. Hamas' inclusion in the Palestinian Authority would provide the movement with the opportunity to obtain international legitimacy rather than being marginalized and branded as a terrorist organization. This opportunity could not be achieved without reconciliation with Fatah, while Fatah for its part needs to include Hamas in the Palestinian Authority and so challenge the Israeli argument that Abbas does not represent all the Palestinian people and that any deal with him will not survive because Hamas will undermine it.

As a result of presidential and legislative elections in the Palestinian territories as well as elections to the Palestinian National Council – the Parliament of the PLO, which represents the Palestinian people worldwide – the Palestinian political institutions can renew their democratic legitimization. Reinvigorating the Palestinian leadership, however, has to reckon with existing structures such as the PLO's Executive Committee. The agreement stipulates that the Executive Committee's authority, which includes foreign policy, shall not be affected by the tasks and decisions of the provisional government. As a result, the Palestinians are represented by the present Head of the PA, President Abbas, who in his capacity as the Chairman of the PLO will remain in charge of negotiating with Israel. This division of labor could ease the work of the provisional government and also facilitate the resumption of negotiations with Israel.

Indeed, the attempt to reconcile the differences between the two leading parties in the Palestinian arena could advance Palestinian institutional and political unity. However, many questions remain regarding the implementation of the agreement's principles that involve difficult and potentially divisive decisions. They pertain to the formation of the interim government including its tasks and authorities, the pending elections including the election system, the merger of the separate institutions in the West Bank and the Gaza Strip including above all the security services, and the integration of Hamas into the PLO.

If these challenges are not met, the Cairo agreement will turn out to be just a fleeting episode in the ongoing inter-organizational rivalry within the Palestinian camp and will fail to contribute positively to developments in the region that could enhance the positive potential of the MEC. Moreover, even if the two parties manage to reconcile their differences, especially those relating to

their respective, separate military and police apparatuses, this will not necessarily lead to an immediate relaxation of the Israeli-Palestinian security tensions but it will help to resume the political process. Relaxation of security tensions will occur only if Hamas endorses the approach towards Israel and the desired solution to the conflict through the two-state formula as advocated by the mainstream body of Palestinian politics and, according to recent polls, what seems to be the majority of the Palestinian population.³

Challenges and Prospects – What Lies ahead

Palestinian Considerations

The Cairo Reconciliation Agreement is facing the same challenges as earlier agreements such as the Mecca Agreement⁴ of February 8, 2007 which provided for a unity government but eventually did not prevent the division between Gaza and the West Bank. Though cautious optimism prevails this time because of the inter-Palestinian and regional changes mentioned above, there is an obvious anxiety among Palestinians that this agreement may fall apart at any moment. This anxiety is becoming a means of pressure on the leadership of both movements to hold to the agreement and prevent its collapse. Six months after the national unity ceremony in Cairo, Hamas and Fatah agreed on holding parliamentary and presidential elections in May 2012.

However, the two factions continued to function separately in the areas under their respective control after having failed to agree on the name or the identity of the prime minister of the future provisional government of independents. Fatah's decision to nominate Salam Fayyad as a candidate to this position aimed to give assurances that the new government would provide continuity to the former one, thus to facilitate the acceptance of the new government by the U.S. and Europe. In particular, Abbas favored to retain Fayyad as prime minister of the PA on account of his international credibility and the strategy of establishing a de facto Palestinian state by building institutions that promote security, good governance and a free-market economy that won the approval of the International Monetary Fund and the World Bank.

Hamas, on the other hand, refused to accept Salam Fayyad's nomination, arguing that the candidate ought to come from Gaza given the fact that the power base of the PA President and the PLC's speaker is in the



West Bank. Hamas resented Fayyad's cooperation with the United States in creating the new National Security Forces, which have been employed by the Fatah-led PA to secure its rule in the West Bank and target political opponents – primarily affiliated with Hamas, leading it to accuse Fayyad of serving Israeli security interests.

Not even a confidence-building measure, like the reciprocal release of prisoners between Hamas and Fatah has taken place. Obviously, four years after the setting up of two distinctive Palestinian polities the stakes for both parties are even higher than in 2007.

- The merger of the security organizations can be expected to be the most complicated and challenging goal to meet. Hamas has full control of these organizations in Gaza and is unlikely to allow Fatah to regain control over them. The new security branches in the West Bank, which were rebuilt under the guidance of U.S. and European experts (named by Fatah's opponents as Dayton forces) are becoming more professional. These forces are unaccepted by Hamas, and Fatah will not give in to Hamas' demand to disband or reconstruct these forces to include Hamas members.
- There is no solution either for the fate of tens of thousands of security and civil servants appointed by Hamas in Gaza after the split in 2007 from among its own followers after dismissing all those suspected of loyalty to Fatah, nor for those who were dismissed. The four year-long division created a new class which benefits from the split, such as those involved in the business conducted through the extensive network of tunnels that were built underground, across the Strip's border with Sinai. They will definitely not benefit from the agreement's success.
- There was no unified national plan on how to move towards future diplomatic options – the UN vote on Palestinian independence or resuming negotiations with Israel if it decides to freeze settlement activities and to accept the 1967 lines with minor land swaps as a basis for negotiations. It is not at all clear what the national strategy would be if the plan of getting UN confirmation of Palestinian independence fails and nothing new justifying the resumption of the negotiations takes place.
- The PA will have to take care lest its declared commitment to the political process undercuts the effort to regulate its inter-organizational relations. Alternately, the PA will have to work hard to prevent

Hamas from dictating the political agenda or from escalating the conflict with Israel which would force it to choose between either standing shoulder to shoulder with Hamas or being committed to the political path. Together with Hamas, it also faces the challenge of preventing extremist militant factions from provoking yet another Israeli-Palestinian cycle of violence. An extensive military operation mounted by Israel to stop rocket and mortar fire from the Strip and to weaken Hamas' military infrastructure would likely halt any progress towards holding elections and unifying the Palestinian political ranks.

The Need for Negotiations

As far as Israel is concerned, the Fatah-Hamas rapprochement is widely perceived by the Israeli right wing government as a sign of radicalization on the part of the PA. This perception was clearly reflected in the demand, posed to the PA by the Israeli Prime Minister Benjamin Netanyahu, to choose between peace with Israel and peace with Hamas.

This perception may well reduce the already limited Israeli readiness to soften its position regarding resumption of the dialogue and the outlines of the final status settlement, and also make it all the more problematic for the government of Israel to articulate an initiative that would encourage the PA to return to the negotiating table – and also halt Israel's slide towards international isolation.

To be sure, a nationally legitimate Palestinian leadership is perceived in Israel to be in the Israeli interest. However, from the widespread Israeli perspective, any such representation would not facilitate resumption of the peace process if based on institutional coordination between Fatah and Hamas while Hamas still adheres to its rigid ideological directives. Thus Israel insists that the demands that were presented to Hamas as preconditions for political dialogue, which essentially imply endorsement of the two-state final status settlement, remain on the agenda.

For its part, the PA did not present the quest for international recognition at the UN as an alternative to negotiations as such, but as an option against the backdrop of the prolonged deadlock in the negotiations. Of course, recognition of the State of Palestine in the territories occupied by Israel in 1967 would remove none of the obstacles to effective statehood: the occupation regime, the Jewish settlements and their

Box No. 3: Rejection of the Palestinian Reconciliation Agreement

»» *What happened today in Cairo is a mortal blow to peace and a big prize for terrorism [...]. Israel continues to want peace and seek peace but we can only achieve that with our neighbors that want peace. Those of our neighbors that seek the destruction of Israel and use terrorism are not partners to peace.* ««
(Israeli Prime Minister Benjamin Netanyahu)

Source: 'Fatah and Hamas proclaim landmark reconciliation pact', *The Journal*, May 4, 2011. Online, available at <http://www.thejournal.ie/fatah-and-hamas-proclaim-landmark-reconciliation-pact-131343-May2011/> (November 19, 2011).

Box No. 4: Voices from Western Capitals

»» *We will not deal with, nor in any way fund, a Palestinian government that includes Hamas unless and until Hamas has renounced violence, recognized Israel and agreed to follow the previous obligations of the Palestinian Authority.* ««
(U.S. Secretary of State Hillary Clinton)

Source: 'Clinton: U.S. won't deal with Hamas until it accepts our terms', *Haaretz*, April 22, 2009. Online, available at <http://www.haaretz.com/print-edition/news/clinton-u-swon-t-deal-with-hamas-until-it-accepts-our-terms-1.274554> (November 11, 2011).

»» *[T]he EU must welcome this reconciliation that will allow Palestinians to speak with one voice and it must agree to work with all members of the new unity government that is likely to emerge from this agreement.* ««
(Chairman of the European Parliament's Delegation for Relations with the Palestinian Legislative Council Proinsias de Rossa)

Source: 'EU must bless Fatah-Hamas draft agreement, says EP Delegation for relations with the Palestinian Legislative Council', April 28, 2011. Online, available at http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dmed/dv/5a_dplcpressreleasepalestin/5a_dplcpressreleasepalestina1.pdf (November 30, 2011).

»» *If the principles are not upheld, it puts us in a very difficult position [...]. I think the central question people ask is, 'Does this mean a change of heart on behalf of Hamas or not?' [...] We want them in this process. Otherwise there will be no peace.* ««
(Middle East Quartet's Representative Tony Blair)

Source: 'Fatah and Hamas proclaim landmark reconciliation pact', *The Journal*, May 4, 2011. Online, available at <http://www.thejournal.ie/fatah-and-hamas-proclaim-landmark-reconciliation-pact-131343-May2011/> (November 19, 2011).

**Box No. 5: Voices from Iran, Syria, and Hezbollah**

The head of Iran's majlis, National Security and Foreign Policy Commission Alaeddin Boroujerdi, viewed unity among all Palestinian factions "as a leap forward towards the decline of the Zionist regime."

Source: 'Iran supports Palestinian unity efforts', Press TV, May 3, 2011. Online, available at <http://www.presstv.ir/detail/177974.html> (November 24, 2011).

Syria's official news agency SANA carried the foreign Ministry's congratulations to the Palestinian people for the settlement's "positive result" in generating Palestinian strength, considering the reconciliation agreement "as a great victory to the Palestinian people's cause in their just struggle to liberate the occupied lands and restore the rights, an issue Syria has sought and worked for its achievement."

Source: 'Syria considers the Palestinian reconciliation a Great Victory', DP News.com, April 30, 2011. Online, available at <http://www.dp-news.com/en/detail.aspx?articleid=82143> (November 24, 2011).

Lebanon's Prime Minister Neguib Mikati congratulated the Palestinians on "consolidating bonds between different segments of the people and taking a united stance regarding the struggle against the Israeli enemy."

Source: 'Mikati: Lebanon endorses an independent Palestinian state, rejects refugees' settlement', The Daily Star, June 29, 2011. Online, available at <http://www.dailystar.com.lb/News/Politics/2011/Jun-29/Mikati-Lebanon-endorses-an-independent-Palestinian-state-rejects-refugees-settlement.aspx#axzz1jGRyaXS7> (November 24, 2011).

infrastructures, and the ongoing blockade of the Gaza Strip. Nor would international recognition bring about a solution to the final issues regarding security arrangements, the exact line of the border, the status of Jerusalem, and the future of the refugees. Recognition of the State of Palestine is not a substitute for negotiations but could create a new dynamic in the talks that is badly needed if the two-state settlement is still to stand a chance. Seen in this light, the quest for international recognition at the UN is not an expression of unilateralism but rather a step that should be followed by a return to the negotiation table. A profile of Hamas as part of the PA that is directed towards garnering support and achieving electoral success by legitimate means, namely good governance, could help to alleviate the concerns voiced mainly by Israel and the U.S. on the occasion of the reconciliation agreement.

In preparation for a vote in the UN General Assembly on recognizing Palestinian independence, both sides were interested in demonstrating national unity. Any political process offered to Abbas to justify the returning to the negotiating table will have a crucial impact on the reconciliation process and its chances of realization. Abbas has said repeatedly that there will be no return to the negotiations unless Israel agrees to a total freeze of the settlements activities and accepts that the borders of the future Palestinian state will be based on the June 4, 1967 lines. Until real progress is made on these issues, preserving at least the unity intentions underlying the signed agreement would seem to be in the joint interest of both Fatah and Hamas.

The Role of External Actors

The initial reactions of the United States and the European Union to the unity agreement ranged from outright rejection to cautious support. U.S. Secretary of State Hillary Clinton made it very clear that Washington will not support any government that includes Hamas unless and until Hamas adopts the Quartet principles.

EU institutions and member states were not able to agree on a position: the chairman of the European Parliament's Delegation for Relations with the Palestinian Legislative Council, Proinsias de Rossa, welcomed the unity agreement. He also urged the EU to respect the democratic wishes of Palestinian voters when new elections are held under this agreement. However, the reactions of individual European heads of state were

more cautious, revealing fears that the presence of Hamas in a unity government would be problematic. In their view, this will breach the Quartet Principles, which were adopted by the U.S. and the EU after Hamas won the 2006 elections.

The Quartet's conditions for accepting Hamas as a partner are still on the table. The Quartet reaffirmed its statements regarding its support for a Palestinian government committed to non-violence, recognition of Israel, and acceptance of previous Israeli-Palestinian agreements including resulting obligations such as the road map, and encouraged progress in this direction. A Palestinian unity government would be an opportunity to put these demands in a new context. Even while remaining within the framework outlined in the Quartet principles, it will not be necessary for the U.S. and EU to sever financial support and to break off diplomatic relations with the new national unity government. Withholding aid from the Palestinian Authority or imposing sanctions on it will enforce extremism rather than pragmatism and moderation. A government platform in line with the Arab Peace Initiative⁵ can be read as a commitment by all parties, including Hamas, to these requirements. As for the political process, the Palestinian position is that the representative who will conduct the negotiations on behalf of the Palestinian people is neither Hamas nor Fatah but the PLO, which recognized Israel a long time ago when Yasser Arafat exchanged letters with the late Prime Minister Yitzhak Rabin in 1993 that paved the way towards the Oslo Agreements.

The External Axis of Resistance

Hamas' external backers – Iran, Syria, and Hezbollah – strongly supported the announcement of a Palestinian unity agreement, taking it as evidence of Palestinian determination to continue on the path of resistance.

The position taken by Hamas' allies can be viewed as political and popular in that it signals continued pressure on Israel by the trio in support of their Palestinian ally. However, what was either omitted from public statements or de-emphasized, yet nonetheless obvious, was the fact that representation by a single government also strengthens Palestinian bargaining power. Such empowerment would enable the leadership to follow through with the plan to obtain statehood at the UN and possibly further down the road,



to formulate and negotiate an agreed political platform in serious negotiations with Israel.

If the Palestinians are able to move along this road, their allies would presumably support their efforts. Such steps would likely be viewed as hastening a comprehensive Middle East peace wherein land-for-peace bargaining could be extended to Syria and Lebanon. In such a scenario, which would take care of long-standing grievances of both countries, Iran would stand to lose influence.

Conclusions and Recommendations

Palestinian National Unity and the 2012 Middle East Conference

To be sure, if a jointly formulated national program incorporates the commitment of Hamas to armed struggle the unity agreement will not deliver on the various expectations it has raised. One way of turning the unity agreement into a positive impulse on the way to mitigating cores of tension in the Middle East, and thus also on prospects for holding the 2012 MEC, would be to base the platform of the unity government on the principles of the Arab League's Peace Initiative. This could provide a face saving way out of the present deadlock not only in the context of the Israeli-Hamas stand-off but also in the context of Fatah-Hamas talks. However, a clear cut Israeli decision to freeze all settlement activities in the West Bank and East Jerusalem would provide strong evidence of Israel's peaceful intentions, which are widely suspect among the Palestinians, and help to move forward in the conciliation and mitigation of the conflict.

The Quartet and the Intra-Palestinian Reconciliation: Recommendations

The reconciliation agreement could represent a window of opportunity for the stalled peace process in the Middle East. In the past, the ideological divide and power struggle in the Palestinian arena was used both by Palestinian leaders and Israeli governments to justify their inability to fully carry through with the stipulations of the Quartet's 2003 Road Map.⁶ However, a national unity government which encompasses all Palestinian factions would be in a better position to alleviate Israel's concerns that peace with only half of the Palestinians would amount to no peace at all.

Indeed, Palestinians hope that the formation of a technocrat government will be seen as a positive step towards national reunification

and also as a means to pressure Israel to go back to the negotiating table. Referring to the procedural aspect of the dialogue with Israel, PA spokespersons stress that it is the PLO and not the government that is in charge of conducting negotiations with Israel. To be sure, integrating Hamas as part of the Palestinian national representation is the only guarantee for the success of any future deal – if such a deal is indeed to be accomplished. And as such the reconciliation agreement should be welcomed as a step forward and not used as an excuse to justify the continued deadlock in the political process. In order to facilitate the very establishment and sustainability of such a unity government, and also to increase the chance that its establishment would directly or indirectly help mitigating regional tensions in the Middle East, state supporters of the PA should refrain from imposing sanctions on it. They should rather consider it a functioning administrative body of a national entity on the path to self-determination and sovereignty.

Finally, on the presumption that the members of the Quartet are still committed to the two-state settlement, they would give the Palestinian diplomatic initiatives the benefit of the doubt by committing to the recognition of a Palestinian state. They should do so along with assertive support for resumption of Israeli-Palestinian talks and mediating pre-negotiations and actual negotiations between Israel and Palestine. In this regard, the Quartet's proposal of September 23, 2011 that the two sides commit to reaching an agreement within a time frame agreed to by the parties but not longer than the end of 2012⁷ lacks the clout necessary to revive the stagnant peace process.

Endnotes

1. See Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2010) Final Document, Vol. 1. Online, available at: www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50%20%28VOL.1%29 (November 13, 2011).
2. 'Fateh and Hamas Reconciliation Agreement', May 4, 2011. Online, available at <http://www.jmcc.org/Documentsandmaps.aspx?id=828> (November 20, 2011).
3. See Palestinian Center for Policy and Survey Research (2011) 'Poll No. 40, 16-18 June'. Online, available at <http://www.pcpsr.org/survey/polls/2011/p40e.pdf> (November 15, 2011).
4. 'Mecca Agreement and the Program of the Palestinian Unity Government (2007)'. Online, available at <http://www.alzaytouna.net/arabic/?c=1598&a=109086> (November 21, 2011).
5. 'The Arab Peace Initiative, 2002: Official translation of the full text of a Saudi-inspired peace plan adopted by the Arab summit in Beirut, 2002'. Online, available at <http://www.al-bab.com/arab/docs/league/peace02.htm> (November 22, 2011).
6. 'A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict', April 30, 2003. Online, available at <http://www.un.org/media/main/roadmap122002.pdf> (November 18, 2011).
7. 'Statement by Middle East Quartet', September 23, 2011. Online, available at <http://www.un.org/News/Press/docs/2011/sg2178.doc.htm> (November 10, 2011).

**Further Reading**

- Camille Mansour (2011) 'Toward a New Palestinian Negotiation Paradigm', *Journal of Palestine Studies*, 40(3): 38-58.
- Shimon Stein (2010) 'The European Union and the Middle East', in Shlomo Brom and Anat Kurz (eds) *Strategic Survey for Israel 2010*, Tel Aviv: Institute for National Security Studies, 157-173.
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- Khaled Hroub (2010) *Hamas: A Beginner's Guide*, London: Pluto Press.
- Anat Kurz (2005) *Fatah and the Politics of Violence: The Institutionalization of a Popular Struggle*, Brighton: Sussex Academic Press.
- Margret Johannsen, Ghassan Khatib, and Anat Kurz (2012) 'Designing disarmament strategies: The case of Hamas', in Bernd W. Kubbig and Sven-Eric Fikenscher (eds) *Arms Control and Missile Proliferation in the Middle East*, London: Routledge, 186-214.

Primarily designed by the U.S. and the EU as a substitute for the recognition of a Palestinian state at the UN, the statement was not perceived by the Palestinian leadership as sufficient to facilitate the resumption of the negotiations. Spokespersons of the PLO including President Abbas pointed out that the statement lacks a clear mentioning of a total freeze of settlements activities and the 1967 borders as a reference for the negotiations. At the same time, it was welcomed by the Israeli government which has insisted that negotiations begin without preconditions. Hence, in light of the discrepancy between the Palestinian and Israeli approaches as to the terms under which negotiations could start, the Quartet must assume a proactive role instead of being content with the role of a railbird. The complex linkages between the issues at hand – the quest for unity and the PA's diplomatic momentum on the one hand, progress towards the international recognition of Palestinian statehood and Hamas-Fatah efforts to establish political common ground on the other hand – put high demands on the empathy of any external mediator. With the aim of defusing the potentially detrimental inter-party relationship in the Palestinian arena, the Quartet should avoid

linking its support for Palestinian statehood to intra-Palestinian political dilemmas. Indeed, officially withdrawing the demands that were presented to Hamas as preconditions for dialogue would be politically difficult, but the Quartet can still leave the matter for the PA's leadership to solve. Thus the Quartet should focus on efforts to pave the way for a revival of the Israeli-Palestinian dialogue – also by relentless support for Palestinian statehood.

Efforts to get the parties back to the table and negotiate in good faith should also be motivated by the wish to reach a settlement that would earn major public support among Israelis and Palestinians, erode the attractiveness of hard-line positions on both sides, and also enhance Hamas' integration into the PA on the basis of acceptance of the two-state, negotiated, final status agreement with Israel. In order to actively help the parties to bridge the gaps, the Quartet should provide for a mediating mechanism, including monitoring of progress or setbacks in the negotiations. By offering services of such nature, the Quartet would make a serious effort to help smoothing the road to the envisaged Middle East Conference. ■

About the ACADEMIC PEACE ORCHESTRA MIDDLE EAST (APOME)

The ORCHESTRA is the follow-up project of the "Multilateral Study Group (MSG) on the Establishment of a Missile Free Zone in the Middle East". The ACADEMIC PEACE ORCHESTRA MIDDLE EAST is a classical Track II initiative: It consists of some 70 experts – mainly from the Middle East/Gulf, one of the most conflict-ridden areas of the world. The ORCHESTRA is meeting regularly in working groups (CHAMBER ORCHESTRA UNITS) on specific topics in the context of a workshop cycle from 2011-2014. The main goal of this initiative is to shape the 2012 Middle East Conference on the establishment of a zone free of weapons of mass destruction and their delivery vehicles agreed upon by the international community in May 2010.

For this reason, these experts develop ideas, concepts, and background information in a series of POLICY BRIEFS which are the results of intense discussions within the CHAMBER ORCHESTRA UNITS. In this framework, the broader normative Cooperative Security Concept will be further developed, embedded, and institutionalized in the region. At the same time, the ORCHESTRA meetings serve as venues for confidence-building among the experts. The networking activities of PRIF's Project Group are documented by the ATLAS on Track II research activities in or about the Middle East/Gulf region.

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