

Ending the War

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Articles & Testimony

Laying the groundwork for an eventual Hamas surrender would break the current binary choice between more destructive conflict and an ineffectual ceasefire.

“If Hamas cared at all for Palestinian lives, it would release all the hostages, give up arms and surrender the leaders and those responsible for Oct. 7.”

—President Biden, November 18, 2023, Washington Post op-ed.

This call for Hamas to lay down its arms may be viewed as a throwaway line in the Biden administration’s campaign to counter the graphic images of Palestinian civilians dying at the hands of Israeli troops armed with American weapons. After all, the predicate is clear: Hamas’ conscious use of Palestinian civilians—including women, children, and hospital patients—as human shields shows that it does not care for Palestinian lives. But on closer inspection, Biden was right to raise the prospect of Hamas’ surrender. Actively pursuing that goal might be the best way to save Palestinian lives and to achieve U.S. strategic objectives in the Israel-Hamas war.

Since October 7, President Biden has held fast to the principle that Israel has both the right and the obligation to wage war against Hamas for its unprovoked aggression against civilian communities in southern Israel. Two

conditions have been layered on that foundational principle. One is tactical—that Israel operate within international humanitarian law that requires combatants neither to target civilians nor cause them disproportionate harm. And one is strategic—that victory on the battlefield should pave the way for a political process that results in the establishment of a Palestinian state next to Israel, on terms commensurate with Israeli security requirements.

For its part, Israel has accepted the tactical constraint. It has implemented numerous operational procedures to keep the tragically high civilian death toll from climbing substantially higher; it has also allowed inspected humanitarian goods to flow into the war-zone. At the same time, while Israel has neither accepted nor rejected the strategic principle regarding the long-term goal of “day-after” planning, its leadership has at least ruled out permanent occupation of the Gaza Strip and the forced expulsion of its civilian population. It does, however, plan to maintain a security presence there for the foreseeable future.

Although Washington and Jerusalem do not currently see eye to eye on the strategic question, both recognize that the precondition for any effort to bridge those differences is Israeli victory over Hamas. That is to say, any talk of a post-war political process is meaningless without Israeli battlefield success: There can be no serious discussion of a two-state solution or any other political objective with Hamas either still governing Gaza or commanding a coherent military force.

This strategic reality—as much as his post-October 7 sympathy for Israel—animates Biden’s opposition to a ceasefire, which would leave Hamas battered but still potent. Put another way, President Biden recognized early that “ceasefire now” presents an insurmountable obstacle to any “political process later,” and his decision—correct and courageous—has been to fight the growing chorus for a ceasefire and to play the long game.

Sustaining this policy will become increasingly difficult. Biden has shown remarkable resilience in keeping his finger in the dike of international opinion and rejecting calls for a ceasefire, but his ability to do so may be finite. In the best of circumstances, Israel will soon turn its attention to southern Gaza, where it will have to operate with different tactics than its bombing-heavy, scorched-earth approach that appears to have largely driven Hamas out of the north.

Success for Israel is certainly possible but it will take time. Along the way, the pursuit of Hamas leadership in the vast warren of underground tunnels or in the sea of displaced people in southern Gaza may itself produce precisely the type of unintended civilian calamity that would heighten calls for a ceasefire. How long the White House can resist calls for a ceasefire from within the president’s own party and his closest international partners is uncertain.

Even then, there is little clarity as to what precisely defines success—is it killing or capturing the senior Hamas decision-makers? Decimating the upper ranks of Hamas political and military leaders? Destroying the organizational structure of Hamas military forces? Killing the vast majority of Hamas fighters in the field? What mix of these objectives will end Hamas control of Gaza and also convince the vast majority of Israel’s evacuated southern citizens that it is safe to return to their homes in order to rebuild their lives and communities—the most tangible human test of Israel’s military success? Is achieving 90 percent of these goals necessary? Will 70 percent suffice? Will Israel be allotted the time and space to turn 70 percent to 90 percent?

In the fog of war in Gaza, the only certainty is that the survival of a substantial element of Hamas would be a political and diplomatic disaster. Such an outcome will make it impossible for any Arab, international, or UN force to police the post-conflict environment in Gaza; impossible for any concerted effort by UN specialized agencies, major NGOs or international donors to invest in the needed repair and reconstruction in Gaza; and impossible for the United States to lead an international diplomatic initiative to advance a negotiated outcome to the Israeli-Palestinian conflict.

Indeed, with a ceasefire leaving a battered but still operational Hamas in control of key parts of Gaza and therefore

able to claim victory, Hamas' rejectionist ideology will likely gain traction among Palestinians and throughout the Middle East. This would put Arab states on the defensive, and they would hesitate to take risks to advance their rhetorical calls for a reinvigorated Arab-Israeli peace process. By the same token, Hamas' survival would validate the desire by some in Israel for a long-term "forward defense" presence deep inside Gaza territory, almost ensuring a perpetual conflict.

It makes sense, therefore, for the United States to pursue an outcome to the Israel-Hamas war that ends in Israeli victory. However, given that battlefield success is inherently uncertain (if for no other reason than that civilian casualties may at any moment exceed the tipping point that compels the Biden administration to acquiesce to calls for a ceasefire), the White House should consider embracing another option that breaks the stranglehold of the binary choice—war or ceasefire—that is currently being debated. One option that achieves an outcome similar to Israeli victory, but at lower risk and fewer civilian casualties, is Hamas' surrender.

Modern wars rarely end in surrender. It is rarer still for surrender to mean the effective dissolution of one of the warring parties. Serbia, for example, was forced to capitulate to NATO in the Kosovo War but the result was its withdrawal from Kosovo territory, not its destruction as a political entity. Conversely, there are recent examples of insurgencies led by non-state actors that ended in the annihilation of the latter—such as Russia's victory over separatists in the Second Chechen War and Sri Lanka's victory over the Tamil Tigers—but both took over a decade to achieve, with intermittent bouts of diplomacy as well as many multiples of the current Gaza death toll.

There is no example of surrender—or, to use the more felicitous term, "laying down arms"—in the history of the Arab-Israeli conflict. Past wars have ended in armistice agreements, UN Security Council resolutions, and sometimes even peace treaties. But there have been two "first cousins" to surrender: the August 1982 sea-borne departure from Beirut of about 11,000 armed PLO fighters, with most heading to Tunis, where Yasir Arafat re-established his headquarters; and Arafat's October 2004 departure from the Muqata in Ramallah after a year's siege and his relocation to Paris, where he died two weeks later. Neither is analogous to the current situation—the latter was focused solely on getting rid of Arafat, not the entire PLO/Palestinian Authority structure, and the former was viewed by many of its advocates as a way to preserve the PLO's role as the Arab League-endorsed "sole legitimate representative of the Palestinian people." But the Beirut example does provide some aspects of a template, especially as it was brokered by the United States and other regional actors in order to end the siege of Lebanon's capital and to safeguard the city's population.

In the current situation, Hamas is probably not close enough to battlefield defeat to consider the option of laying down its arms. It retains significant military capacity in southern Gaza and few of its highest-level leaders have been killed. If Israeli military operations in, around, and under Khan Younis begin to achieve their objectives however, this situation could change rapidly. If it appears that Hamas has lost command/control of most of its military units, if a critical mass of senior leaders are captured or killed, or if the trickle of street protest against Hamas rule in Gaza becomes a flood, pursuing Hamas' capitulation would become a real policy option. It is important, therefore, to begin discussing and assessing the idea now.

In practical terms, Hamas is unlikely to consider laying down its arms—that is, to surrender—unless its leadership believes it faces imminent annihilation. Even then, it may require the collective will of a coalition of forces—including key Arab states, PLO/Palestinian Authority leadership figures, and key foreign capitals (including those in the so-called "global south")—to transform this from a talking point to a concrete policy option. No doubt, many of them would frame this proposal as a way to spare the Palestinians of Gaza further suffering and death. Similarly, one can assume that Hamas would not only do its best to claim it was acting to save Gazans, but would add that it was trying to protect what remains of organizational cohesion (in order to preserve the option of fighting another day).

For its part, Israel could consider Hamas' surrender much earlier, in order to escape the inexorable ticking of the

political clock that may soon expire for waging war with the support of its principal ally in Washington. But even so, Israel would be thinking of Hamas' agreement to lay down its arms as a way to achieve its original war aims without having to complete the military mission of destroying Hamas in Gaza. Domestic politics would weigh heavily on decision-makers, because not only would Hamas' surrender look very different from its promised destruction, but also getting to that outcome would require Israeli leaders to grapple with hot-button political issues for which the War Cabinet, the governing coalition, and the nation at large may not be ready.

In this environment, reconciling the two views of Hamas' surrender is difficult but not impossible, especially if the alternatives are war-to-the-finish or an imposed ceasefire. This would require clarity on several critical issues, including:

- the fate of Hamas leaders inside Gaza and other perpetrators of the October 7 attack (that is, does surrender lead to arrests or only exile; if there are arrests, what principles determine who is arrested and tried for their crimes versus who is exiled; where are the exiles sent; what are the conditions of their exile; who will pay for, supervise, and patrol their exile)
- the disposition of Hamas rank-and-file (who among the thousands of Hamas fighters will go into exile versus who will be allowed to stay in Gaza after renouncing violence and any affiliation with Hamas or another terrorist organization; do the exiles leave alone or with their families; who among Hamas civilian officials and activists go into exile versus who are rehabilitated in place; how deep into Gaza society will the process of "de-Hamasification" go)
- the definition and implementation of demilitarization and the mechanism to ensure no subsequent rearmament (meaning, who will supervise and implement the collection of all remaining Hamas weapons, including rockets, and the destruction of Hamas' military industrial capacity)
- the connection between Hamas' surrender in Gaza and the status of Hamas in the West Bank (will Hamas operatives captured in the West Bank be subject to the same surrender terms as those in Gaza)
- the connection between Hamas' surrender and other terrorist combatants like Palestinian Islamic Jihad (meaning, what if PIJ refuses what Hamas accepts; will surrender terms differ for PIJ)
- implications of Hamas' surrender for its external leadership (will current host countries, like Qatar, enforce the terms of surrender on Hamas leaders residing there; will those leaders be arrested, extradited to Israel, or confined to a place of exile; will their assets be seized)
- Israeli commitments within the context of surrender (what promises, if any, will Israel make about its post-surrender pursuit of Hamas leaders and October 7 attackers, and about the lawful punishment Israeli courts will impose on those convicted of crimes related to that attack)

If this list of issues were not daunting enough, one cannot pursue this option of surrender without also defining the basic architecture of the post-Hamas regime in Gaza. After all, unlike the gray outcome that would accompany even the most robust definition of Israeli military victory—and which could still see thousands of angry, armed young men roaming the alleys of Gaza cities—Hamas' surrender would be a clarifying moment. Its full implementation, over the course of at least several weeks, would mitigate the need for Israel's long-term security presence inside Gaza and instead allow for Israel's withdrawal behind a border buffer zone.

This means it is essential to work out in advance the details of the three legs of Gaza's immediate post-Hamas future—civil administration; public safety; and repair/reconstruction—especially because it is essential to prevent a governance and security vacuum in Gaza. Moreover, because the United States and so many of the international and Arab regional actors who would be asked to play a role in that effort insist on linking the outcome of Gaza's fighting to both the revitalization of the Palestinian Authority and the reinvigoration of the Israeli-Palestinian peace process, it is necessary to fold early discussion of both those issues into deliberations over the idea of Hamas' surrender.

None of these issues will be easy for the current Israeli leadership to discuss, let alone embrace.

There are two additional issues that will deserve attention. In the Gaza context, surrender may be just as effective as military defeat in undermining the appeal of Hamas' radical ideology—and therefore something that Hamas' leadership will oppose unless faced with imminent disaster—but it is not alone sufficient. Filling the vacuum left by a vanquished Hamas is not solely an issue of governance; it will take proactive efforts to prevent the reincarnation of Hamas under a different name and different branding. It will not be enough just to enforce the original language of the Oslo Accords outlawing any political party that “commits or advocates racism or pursues the implementation of their aims by unlawful or non-democratic means.” Recognizing that “you can't beat something with nothing,” this will require the invigoration of a more moderate political alternative, one that would likely draw on Gaza's clan structure, local community and business leaders, the technocrats who maintain public services (including those who direct and staff UNRWA operations), and Gaza veterans of the Palestinian Authority. Identifying and empowering local leaders in the immediate post-Hamas environment will be a tricky but necessary task.

More broadly, none of this will succeed without deterring Iran from playing the role of spoiler. Already, Iran is playing a double-game in the Israel-Hamas War. On the one hand, under pressure from the unusually robust U.S. deployment to the region of two aircraft carriers, an amphibious battle group and a nuclear submarine, Tehran has taken pains to signal its distance from Hamas' October 7 attack; it has also refused to get directly involved in the conflict on Hamas' behalf.

But on the other hand, Iran has unleashed its Yemeni Houthi proxies to lob multiple ballistic missiles at Israel and to attack Israeli-connected shipping vessels, while having its Shiite militia proxies in Syria and Iraq turn up the heat on U.S. ground forces there with more than 60 attacks on U.S. installations and personnel. And thus a key element of any Biden administration plan to fill the post-Hamas vacuum with a more moderate alternative and to advance peace diplomacy must be additional pressure on Iran to stop the flow of arms, funding, and training to radicals in the Arab-Israeli arena, and convincing Tehran it will pay a heavy cost for trying to undermine U.S. efforts.

With all eyes on the release of Israeli hostages and their cynical exploitation by Hamas to stretch out the current pause into a de facto ceasefire, it may seem premature to discuss the idea of Hamas' surrender. In reality, however, now is precisely the time to begin this important work.

Hamas' ability to extend the pause is limited. As Israeli leaders have promised, Israel is poised to restart military operations soon. Indeed, since Israelis apparently believe it was their military power that compelled Hamas to begin to bargain over the hostages, they are likely to resume fighting with renewed ferocity. At the same time, the pause will strengthen ceasefire advocates by giving them a practical alternative to point to; they too are likely to ratchet up their efforts to make the temporary pause permanent. The combination of reinvigorated Israeli ardor to fight and a strengthened commitment by ceasefire advocates to press their case makes this the right moment for the Biden administration to begin the complex diplomatic effort to build support for Hamas to surrender as a third path to achieve Israel's core war aims, save Palestinian lives, and open the door to a post-war, post-Hamas political process.

At the very least, giving substance to the idea of Hamas' surrender will deepen the wedge between Hamas and ordinary Palestinians in Gaza. This in itself is a positive step toward isolating Hamas and hastening the end of this tragic conflict.

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