

Back to the Future: The Latest Hamas-Fatah Reconciliation Deal

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Brief Analysis

Despite the ambiguities in the new agreement, the uncertainty of its actual implementation, and the lack of clarity about what it might mean for Gaza, neither Hamas nor Fatah has an interest in aborting the reconciliation effort at the moment.

The agreement reached between rival Palestinian factions Hamas and Fatah on September 25 was just the latest in a long line of accords declaring their intention to move toward national reconciliation. Signed in Cairo, the agreement is, at most, an amplification of the unity deal reached in April -- similar to that and three other failed agreements dating to 2007, significant gaps still separate the parties, and the thorniest issues were once again left purposefully vague. How the broad outlines declared in Cairo are implemented in practice will be crucial -- for intra-Palestinian politics generally and the fate of the Gaza Strip in particular.

A "CLIMATE" OF UNITY

The new agreement came after a few short days of negotiations between Hamas and Fatah officials in Cairo, and after indirect talks on a more durable Gaza ceasefire between Israel and Hamas were postponed -- by both parties -- until late October. The greater priority placed on intra-Palestinian affairs should not come as a surprise. For the international community, the only mechanism by which Gaza can be opened to reconstruction aid and economic development is the return of the Fatah-dominated Palestinian Authority, which was violently ousted from the coastal enclave in 2007.

Providing a semblance of "national unity," if not an immediate transfer of authority to the PA, was important to Hamas in the shattered postwar Gaza environment, where public pressure is growing. It was also important to PA president Mahmoud Abbas ahead of his September 26 speech at the UN General Assembly. Moreover, the international Gaza donor conference set for October 12 is fast approaching. Thus, the first two clauses of the new agreement call for the PA "national consensus" government -- a Fatah-dominated administration seated in June as part of the April unity deal -- to take over responsibility for Gaza and expedite the end of the Israeli-Egyptian blockade so that reconstruction can begin in earnest.

This statement of intent regarding the PA's return is indeed a novelty in Palestinian reconciliation deals, and the text of the agreement goes further than its predecessors in other respects as well. For instance, it mentions that the parties agree to "cooperate with the UN" on Gaza reconstruction, and it details, for the first time, a clear mandate for a new "Legal and Administrative Commission" tasked with vetting the large Hamas-affiliated public sector in Gaza.

Yet as one senior Hamas official recently stated, "What happened in Cairo was an explanation of [existing] agreements, not a new agreement." And similar to past accords, ambiguity remains on an array of crucial issues -- likely by design. PA minister Hussein al-Sheikh put it thusly on September 26: "The importance of the agreement does not lie within the text of the agreement itself, but rather in creating a positive climate to implement it."

QUESTIONS ABOUT GAZA'S FUTURE

The central ambiguity surrounding the agreement is how much control Hamas is willing to effectively cede to the PA and the national consensus government in Gaza. Three issues stand out: the future of local government ministries, including Hamas-affiliated public-sector workers; what role, if any, Hamas will play at Gaza's border crossings and in the postwar reconstruction framework; and the territory's overall security regime going forward.

Gaza's public sector. Since the April reconciliation deal, Hamas has consistently demanded that the PA pay the salaries of the thousands of public-sector workers it has recruited in Gaza. These civil servants -- believed to number approximately 43,000, over a third of which are Hamas police and Interior Ministry security forces -- have not been paid in months. In contrast, the estimated 70,000 Fatah-affiliated civil servants in Gaza have continued receiving their salaries from the PA since the 2007 Hamas coup despite being instructed to stay at home.

The latest agreement calls for the above-mentioned Legal and Administrative Commission, made up of PA technocrats, to vet the Hamas public sector while "displaying fairness." Unlike past efforts, the new committee's work will likely be expedited -- although no timeframe has been given, the agreement calls on the PA government to "guarantee financial awards" (i.e., advances) to Hamas civil servants until the committee finishes. Contrary to recent statements by Hamas officials, however, these advances are highly unlikely to include all of the group's workers, particularly security personnel. A third-party international mechanism has been mooted for paying these employees, though official details have not been forthcoming. Going forward, the biggest issue will be rationalizing the Gaza public sector, as called for repeatedly by Western donors. Simply combining the thousands of Fatah and Hamas civil servants there into one giant bureaucracy is not realistic.

Reconstruction. The new agreement stipulates that the PA's national consensus government will exercise "its security duties over the areas of the Palestinian National Authority," including Gaza border crossings. It also states that the PA government will be "responsible for supervision and follow-up" on reconstruction. Yet nowhere does the document mention Hamas ceding de facto authority inside the territory, and Abbas is on record refusing to swallow a Hamas "shadow government." At present, Hamas is believed to be pushing for a joint reconstruction committee, where it can continue exercising control over -- and reaping economic and political benefits from -- any massive international assistance program under a useful PA umbrella.

Whatever the case, a significant contingent of PA security forces (PASF) would be required if the government is to exercise "its security duties" in Gaza. Yet the PASF comprises only nine National Security battalions, which does not allow for significant redeployments from the West Bank to Gaza, save for a rumored contingent of up to a thousand elite Presidential Guards. The difference will have to be made up by the estimated 30,000 Fatah-affiliated security personnel who remained in Gaza after the 2007 coup. These personnel have not worked in seven years, and many were detained by Hamas at different periods, so they will need retraining and vetting as well -- not least because of potential dual loyalty to Hamas or exiled Fatah strongman Muhammad Dahlan. In general, the new agreement does not address the infrastructure required for redeploying the PASF into Gaza.

One authority, many guns. Over the past few weeks, Hamas has begun raising a "popular army" in Gaza to complement its elite Izz al-Din al-Qassam Brigades, likely hewing closely to the reserve militia model employed by Hezbollah in Lebanon as well as the Iranian-backed "National Defense Forces" fighting in Syria. While no one expects the PASF to forcibly disarm Hamas and the myriad other armed groups in Gaza, the implications of this move are clear: Hamas is creating facts on the ground to preserve its power if the PA returns to Gaza, counterweighing any nominal political authority it may cede.

QUID PRO QUOS IN PALESTINIAN POLITICS

While the new agreement puts much emphasis on Gaza, five of its nine clauses focus on Palestinian politics writ large. At least nominally, the tradeoff appears to be granting the PA a foothold in Gaza in return for easing political restrictions on Hamas in the West Bank. But here too ambiguity remains.

For instance, short sentences lacking any detail stipulate that the committees on "Public Freedoms" and "Community Reconciliation" will resume their work. These committees are intended to end the restrictions on Hamas and Fatah political activities and cadres in the West Bank and Gaza, respectively, including the release of prisoners. Hamas reportedly executed several dozen Fatah members during the Gaza war, while Israeli intelligence uncovered a large Hamas network in the West Bank in August, with both Abbas and Israel accusing the group of plotting a coup there. It has yet to be determined whether the PA will soften its ongoing crackdown on Hamas members in the West Bank, or whether Hamas will grant increased freedoms to Fatah activists in Gaza.

In addition, the agreement nominally tasks the Palestinian Legislative Council (PLC), where Hamas holds a majority, with reconvening after the various political blocs hold "necessary consultations." The April unity deal called for this as well, but it did not materialize, and several prominent Hamas parliamentarians were subsequently arrested after the June kidnapping and murder of three Israeli teenagers. In any case, it is unclear how a parliament dominated by Hamas would work with a Fatah-ruled PA government. Also unclear is the timeframe for new presidential and legislative elections, which the agreement vaguely stipulates should be held after "conditions" are "quickly" prepared.

Finally, a major clause in the agreement deals with achieving the political goals of the Palestinian national movement, including the establishment of a state within the 1967 lines, with Jerusalem as its capital, and the right of Palestinian refugees to return "to their homes." The text purposefully does not say whether such a development would come in the framework of a peace agreement with -- and recognition of -- Israel, as Abbas has indicated in the past. Rather, the wording leaves room for incorporating Hamas's strategy of no agreement or recognition, but rather a long-term *hudna* (armistice) for the purpose of eventually liberating all the lands of Mandatory Palestine in stages. Moreover, there is no mention of the Arab Peace Initiative, the longstanding Saudi proposal that Abbas has publicly accepted, which would extend recognition to Israel in return for withdrawal to the 1967 lines.

Despite the document's ambiguities and the uncertainty of its actual implementation, at this point neither Hamas nor Fatah has an interest in aborting the reconciliation effort. The new deal is just vague enough for both parties to

move forward while they continue to squabble over the details. Indeed, the final clause of the agreement calls for a "follow-up committee" to monitor how the terms are executed and to "overcome obstacles." In other words, the long-running Hamas-Fatah rivalry endures, and if history is any guide, this latest reconciliation agreement will not be the last.

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