

# Palestinian Reconciliation: Devil in the Details?

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Brief Analysis

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**How -- and if -- Hamas and Fatah overcome formidable security, institutional, and political roadblocks should dictate the international response to their unity deal and joint government.**

**A**s rival Palestinian factions Hamas and Fatah prepare to announce the names of ministers for a joint technocratic government as soon as this week, it remains unclear how the various provisions of last month's tentative reconciliation deal will be implemented in practice. On a wide array of issues -- security, public employees in the Gaza Strip, the dormant legislature, future elections, and the composition of the Palestine Liberation Organization -- uncertainty still reigns. How these issues are resolved -- assuming they are resolved at all -- should dictate U.S. and international policy toward Palestinian reconciliation efforts.

## FIRST PRINCIPLES

**I**n the wake of Hamas's 2006 legislative victory, the international community made clear that any future Palestinian government must adhere to the three principles laid out by the Middle East Quartet (i.e., the UN secretary-general, the European Union, the United States, and Russia): (1) recognizing Israel, (2) renouncing violence, and (3) respecting prior Israeli-PLO agreements. Similarly, Palestinian Authority president Mahmoud Abbas has repeatedly insisted that any unity government would abide by these conditions and therefore be eligible for continued donor aid and diplomatic recognition. In a May 5 interview, however, deputy chief Mousa Abu Marzouk of the Hamas Political Bureau said that the Quartet conditions "do not concern us one bit," adding that recognition of Israel was a "red line that cannot be crossed" and that the group's armed brigades would not be disarmed "under any circumstances."

A technocratic government that does not officially include Hamas might allow the Palestinians and the international community to effectively fudge the Quartet conditions, or so the thinking goes. But regardless of who sits at the head of the government or any given ministry, a host of security, institutional, and political issues will still need to be addressed. It is on the basis of these sticky details that the reconciliation agreement should be judged.

## SECURITY ROADBLOCKS

**P**erhaps the most fundamental challenge to reconciliation is the question of security integration and reform. For the Fatah-led PA and the international community, continued Palestinian cooperation with Israel in the areas of counterterrorism, law and order, and crime fighting is critical. Fatah seeks to maintain the stability it has worked hard to achieve in the West Bank, to keep doors open for future negotiations with Israel, and to remain in the good graces of the international donor community.

Yet such cooperation with Israel is anathema to Hamas. Although Hamas prime minister Ismael Haniyeh recently announced that he had reached agreement with Fatah on elements of "the security file," group leader Khaled Mashal declared, "The reconciliation does not mean an end to our resistance against the invaders, resistance will continue as long as the occupation exists." Another high-ranking Hamas official, Gaza secretary-general Abdul Salam Siyam, was equally blunt, stating (implausibly) that security cooperation with Israel was "criminalized" according to the terms of the unity deal.

Beyond the rhetoric, though, the "security file" includes several significant logistical barriers to reconciliation. Most tangibly, Gaza's Finance Ministry indicated this month that Hamas's security services include approximately 25,000 employees, "and most of them belong to the Qassam Brigades," the group's elite terrorist wing. According to one account, two-thirds of Hamas policemen were serving as police officers by day and Qassam Brigade operatives by night as early as 2010.

In light of the group's explicit commitment to continue battling Israel, determining how to deal with Hamas militants is a significant challenge. In a recent statement to the media, one Qassam Brigade official explained that under a new unity government, "these employees will take orders from the brigade's military leadership, not their current manager at the Ministry of Interior." Alternatively, if these Hamas forces do yield to the unity government's authority, then arrangements would have to be made to insulate the official Western-backed and funded Palestinian Security Forces from their militant colleagues in Gaza.

According to several reports, the current reconciliation agreement calls for 3,000 West Bank Fatah policemen who worked in Gaza prior to the 2007 Hamas coup to return to the coastal enclave and reintegrate into the local security forces. In addition, Abbas's Presidential Guard forces would reportedly resume their former duties at the Rafah border crossing, but armed only with light weapons. Recent media speculation also indicates that an Egyptian-supervised "Arab commission" may be established to restructure Gaza's security services in accordance with formal Palestinian law -- a nebulous statement of intent that further highlights the high bureaucratic and ideological hurdles posed by Hamas's intention to uphold its militant independence.

Indeed, the token number of Fatah officers reportedly slated to return to Gaza will clearly not be able to rein in Hamas -- and Hamas know this. As one group member told the media while downplaying the deployment of "only 3,000" officers, "the security forces and weapons will remain under Hamas control, and no radical changes will take place in its structure, at least during the first year."

In this regard, Hamas is likely following the well-worn and successful path of the militant Lebanese Shiite group Hezbollah. Following the 2007 takeover of Gaza, Qassam Brigade commanders reorganized their loosely structured underground militia into a formal security service with advanced weapons such as missiles, rockets, and even unmanned aerial vehicles. Hamas is now loath to relinquish these military capabilities and is likely trying to

negotiate an arrangement in which it retains its arsenal and independent "resistance" militia even as its members participate in the unity government -- similar to Lebanon, where Hezbollah ministers serve in government. " Hamas wants to avoid ministerial responsibility for civilian matters," one unnamed group official recently remarked, "but it wants to maintain its power as a popular-resistance group."

Even apart from questions about the Qassam Brigades, it is unclear who, if anyone, would be responsible for preventing the various non-Hamas extremist groups in Gaza from attacking Israel. What is clear is that neither Hamas nor Fatah wants that responsibility.

## **PUBLIC-SECTOR EMPLOYEES IN GAZA**

**T**he unity deal will also have to resolve the thorny issue of other government employees in Gaza. Some 40,000 Hamas personnel (e.g., teachers, doctors, nurses, clerks) currently form the heart of the territory's public bureaucracy. And since the Hamas takeover, the PA has continued paying salaries to some 70,000 Fatah-affiliated Gaza employees, despite the fact that the vast majority of them no longer work. Haniyeh recently indicated that no public-sector employees in the territory will be fired due to the reconciliation agreement, and with local unemployment nearing 50 percent, there are social and humanitarian reasons for avoiding mass layoffs.

Yet various donor nations, particularly in the EU, have long urged the PA to rationalize its bloated public payroll. Fiscal prudence requires that any new Palestinian government address this issue instead of simply adding Hamas cadres to the official PA payroll. Indeed, unofficial reports indicate that Hamas has been promoting certain personnel to midlevel posts in its ministries -- many rumored to be unqualified for the positions -- simply in order to maintain a hold on Gaza institutions after a technocratic changeover.

## **ROLE OF THE LEGISLATIVE COUNCIL**

**A** major component of the unity agreement is that the Palestinian Legislative Council (PLC), the PA parliament that has not convened since 2007, be "reactivated." Hamas holds a majority in the 132-seat body, including the top seat -- group member Aziz Duwaik is speaker of the parliament and, by law, first in line to the PA presidency if Abbas resigns or is incapacitated. Under that scenario, Duwaik would assume the post for an interim period of sixty days, during which new presidential elections would need to be held.

Logistically, it is unclear if Israel would permit Gaza parliamentarians to travel to the West Bank for PLC meetings in Ramallah, and nine legislators are reportedly still being held in Israeli jails. Policywise, a key PLC function is overseeing the PA budget, and although a genuine budget drafting process is unlikely to be undertaken in the coming months, the Hamas-majority legislature could wield undue influence over PA economic priorities, ministry resources, and development projects.

## **FUTURE ELECTIONS**

**T**he publicly stated end goal of the reconciliation process is to hold presidential and legislative elections no earlier than six months after the seating of the unity government. Indeed, the initial unity government's main task is reportedly to prepare for such elections.

Abbas has previously stated that he does not intend to run in another election, yet such promises are easily reversible. According to opinion polls, he is still more popular than any other candidate and would be favored.

As for legislative elections, Abbas passed a little-noticed presidential decree in 2007 changing the electoral law to an all-proportional representation system (i.e. party lists). This marked a significant change from the mixed-system 2006 election in which sixty-six seats were determined via proportional representation and another sixty-six through district voting. At the time, Hamas and Fatah were essentially level in proportional representation, but the district votes went overwhelmingly to Hamas (45 seats versus Fatah's 17). A public affirmation of the 2007 decree

would signal Abbas's serious intent to hold open elections despite the inherent risk.

## PLO QUESTIONS

The unity deal also calls for continued discussions on restructuring the PLO, the transnational political umbrella group of the Palestinian people. Hamas and Palestinian Islamic Jihad have long called for an overhaul that would help them gain inclusion, but it is unclear how such a process would take place.

The Palestinian National Council (PNC), the nearly 700-member PLO parliament, has not officially met since 1996 (an "extraordinary" session took place in 2009 in Ramallah, but the body has not achieved a legal quorum in nearly two decades). It is currently dominated by Fatah, yet the criteria for PNC membership are opaque. Delegates hail from a reported thirty countries, representing not only Palestinian political parties but also trade unions, student groups, and professional associations. Further complicating matters is the fact that the PNC voted to amend the PLO Charter during its 1996 session, excising clauses calling for armed struggle and the destruction of Israel.

## CONCLUSION

Thus far, the international community and Israel have taken a "wait and see" approach regarding the Palestinian reconciliation agreement. While Israel suspended peace talks due to the Hamas-Fatah pact, it did not move forward with threatened financial sanctions against the PA.

For their part, Hamas and Fatah have taken tentative steps on the road to what they refer to as "national consensus." Since the initial accord was signed last month, rival newspapers have been allowed to operate again in the West Bank and Gaza, and Hamas relinquished control of Abbas's Gaza residence. In turn, Hamas members have been allowed to operate more openly in the West Bank, taking part in a joint demonstration with Fatah in Hebron and holding a mass funeral rally in Ramallah for two long-dead terrorists.

As the above issues make clear, however, the obstacles to true reconciliation between the two factions remain significant. Their ability to make progress on security, institutional, and political changes will dictate not only the future trajectory of Palestinian politics, but also relations with the international community and the prospects for reviving the peace process with Israel. Especially where Hamas is concerned, the devil is certainly in the details.

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