

The Future of a Palestinian Unity Government

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Brief Analysis

On September 11, 2006, advisors to Palestinian president Mahmoud Abbas and prime minister Ismail Haniyeh announced that the two had reached agreement on the formation of a national unity government after months of on-again, off-again discussions. The core of the agreement appears to be that Haniyeh will remain prime minister, Hamas will yield some key ministries, such as finance and foreign affairs, to Fatah, and the government will adopt some formula for its program that will allow it to claim it has met the Quartet's three conditions for renewing international aid. According to the Quartet's statement on January 30, "future assistance to any new government would be reviewed by donors against that government's commitment to the principles of nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap."

The timing of the breakthrough appears to be tied to the increasingly desperate economic situation, made worse in early September by a public sector strike of the 165,000 employees of the Palestinian Authority (PA) who have not received regular salaries since Hamas won a majority of seats in the Palestinian Legislative Council (PLC) in January elections. Recent statements by European officials such as EU foreign policy chief Javier Solana and British prime minister Tony Blair welcoming the prospect of a Palestinian unity government may also have suggested to the negotiating parties that an internal agreement would ease the economic boycott placed on the PA since Hamas took power.

It remains to be seen whether the formation of a new government will proceed smoothly, what program it will adopt, and specifically how its policy changes will address the Quartet's three conditions for renewing direct assistance to the PA.

Competing Concepts of Unity

For Abbas, forming a unity government serves the twin objective of alleviating the political and economic siege on the PA and regaining a semblance of authority for Fatah, which was swept out of power in January and has since demonstrated no capacity for internal reform and revitalization. The PA's public sector is populated mostly by Fatah

followers; consequently, Fatah's constituency has suffered more than Hamas from the international community's economic boycott. An agreement on a unity government would address this imbalance and limit Hamas's efforts to replace the PA's civil service corps with its own followers.

Abbas's approach in the negotiations to Hamas's intransigence over the core issues of recognizing Israel and accepting past agreements was to separate Hamas's ideology from the government's platform. To this end, Abbas hoped to form a government whose key figures, including the prime minister, would be acceptable to all factions and whose ministers would be mostly technocrats rather than political figures. Were Hamas to accept such a formula, it could retain its most maximal views as a party represented in the legislature, so long as its representatives still voted to confirm a government with a platform endorsing the 2006 Palestinian National Accord (also known as the prisoners' document) and the 2002 Arab League peace plan. The government could then claim to meet the Quartet's conditions and Hamas would not have to explicitly recognize Israel or endorse any previous plan—including the Roadmap—that would lead to a two-state solution.

Abbas's efforts to separate Hamas's role in government from its ideology as a party thus hinged on Haniyeh agreeing to yield his role as prime minister. According to the Palestinian Basic Law, the prime minister, not the president, is responsible for the government's composition, the direction of the ministries, and the implementation of the government's program. Were Hamas to retain the premiership, as Haniyeh demanded, it would be impossible to distinguish the views of Hamas from those of the government. Haniyeh refused to relinquish his position as prime minister during his negotiations with Abbas, ensuring that Hamas as a party would dominate any unity government.

Abbas defined unity as a transformation in both the character of the government and its composition. For Haniyeh, unity meant an incorporation of Fatah into his government as a minority partner in exchange for the release of Hamas prisoners in Israeli jails and, more importantly, the initiation of a process of refashioning the Fatah-dominated Palestine Liberation Organization (PLO) to include Hamas and Palestinian Islamic Jihad (PIJ). Reports of the final agreement indicate that neither side got precisely what it had demanded initially, but Hamas appears to have emerged from the negotiations as the dominant player in the unity government, having only agreed to vague understandings on the government's program.

Assessing the Compromise

The substance of the unity government's program will continue to build on the vagueness of the prisoners' document jointly adopted by Haniyeh and Abbas in late June. On the central point of Israel's recognition, Hamas is unlikely to accept a formula more forthcoming than it already agreed to in the prisoner's negotiations. According to that agreement, Hamas accepts only the international resolutions it deems legitimate and that do not "detract . . . from our people's rights," and calls for the unconditional right of Palestinian refugees to return to their homes in Israel.

Adding to that formula an endorsement of the 2002 Arab peace plan does not further clarify Hamas's position on Israel's legitimacy. The Saudi initiative adopted by the Arab League constructs a hypothetical scenario that would normalize relations with Israel and establish a comprehensive peace if Israel first withdraws to the 1967 ceasefire lines and imposes a "just solution" to the Palestinian refugee problem. It is certainly possible to interpret an endorsement of the Saudi plan as an implicit recognition of Israel, as Abbas surely will suggest. However, Hamas will still be able to claim to its followers that it has not modified its ideology because of the conditional nature of the Arab plan and the absence of a definition of a "just" solution to the refugee problem, which Hamas can continue to interpret as the return of refugees to pre-1967 Israel.

Hamas will also retain its distance from the unity government's adoption of past agreements negotiated by Fatah, tabling the prospect of annulling those agreements until a time when it can take control of the PLO. On the issue of

committing to nonviolence, Hamas will likely accept some formula for a truce, though in the past it has supported attacks against Israel by such allies as the Popular Resistance Committees (PRC) when Hamas operatives themselves abided by a truce.

According to reports of the government's composition, Hamas will retain seven portfolios in the cabinet, including the prime minister; Fatah will gain four ministries; and other parties represented in the PLC may gain some ministries. Fatah will receive the finance and foreign affairs portfolios, though Hamas will have a veto on the appointments. Hamas will retain its control over education, social welfare, and prisoner affairs—the positions it aspired to even before it became a majority party because the service portfolios will enable it to spread its ideology and following. Fatah will regain some political stature and political authority to negotiate with Israel, but if conditions do not improve for Palestinians, it will no longer be able to distance itself from the government's failure.

Obstacles for the Future

It remains to be seen precisely what program the new unity government will adopt and how the Quartet will interpret that program in relation to its three conditions. On the issues of the recognition of Israel and the acceptance of past agreements, the Quartet will be faced with a judgment of whether the adopted formula sufficiently addresses the Quartet's concerns, and there will likely be disagreement among the Quartet over what standard to insist the unity government meet. American officials have already signaled that the unity agreement alone will not alter U.S. policy toward the PA if there is not explicit compliance with the Quartet's conditions. If the Europeans seek to restore aid to the PA as a result of the unity agreement, the Bush administration will have to decide how much pressure it will exert on its allies to ensure a consistent policy.

What will be less open for interpretation will be the issue of nonviolence and whether the unity government will act to prevent future attacks, including Qassam rockets, against Israel. Here, the Damascus-based leaders of Hamas who control the Izz al-Din al-Qassam Brigades will have more say than Haniyeh over whether the unity agreement will change the international community's relations with the PA. Spoilers either from inside Hamas or its allies from the PRC or PIJ will retain the ability to sabotage the unity government's future at their discretion. The very day the unity agreement was announced, the Izz-a-Din Brigades and the PRC took credit for killing an Israeli soldier in Gaza in an ambush. The actions of these groups, more than the crafty maneuvering of Hamas's political leadership in Gaza, will determine the longevity of the unity government and its ability to change the international community's relations with the PA.

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