

Abbas, Hamas, and the Referendum Trap

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Brief Analysis

Palestinian president Mahmoud Abbas's pursuit of a referendum on the Palestinian National Accord has been widely interpreted by commentators and reporters as a power play designed to circumvent the Hamas-led government and force it to implicitly accept Israel's existence. But while the process of conducting a referendum -- the legality of which remains questionable -- would shift power away from the government and the legislature, the actual text of the document, which a group of Palestinian prisoners in Israeli jails negotiated, more closely resembles the political program of Hamas than that of Abbas. Moreover, Hamas has recovered from its initial surprise at the referendum initiative and has mounted an effective response, first by challenging the legality of a referendum, then by dragging Abbas into negotiations over the substance of the Accord. Despite a possible compromise that may emerge in coming days and shift the composition of the government or modify the language of the Accord, Hamas has used the internal Palestinian debate over a referendum to secure its internal legitimacy and advance many of its governing priorities.

A Political Victory for Hamas

Hamas has consented to nearly all of the articles of the Accord, but many of its representatives have suggested they cannot accept any language that acknowledges international resolutions or the 2002 Arab League peace initiative that would lead to recognition of Israel. A subtler tactic articulated by the prisoner leader Abdul Khaleq al-Natsheh, a drafter of the Accord who later withdrew his endorsement, would have Hamas accept only the "fair" international resolutions. This selective approach to international resolutions reiterates the position Palestinian prime minister Ismael Haniyeh announced when presenting his cabinet and enables Hamas to appear to compromise without making any concrete commitments.

Hamas has successfully adopted a strategy of "constructive vagueness" in the national dialogue by using the text of the Accord as a starting point for further negotiation. Hamas realized that it does not have to accept "Arab legitimacy," for example, as written in the document if it could further water down this already vague standard to make it even less connected to the Arab peace initiative. Nor does Hamas have to accept limiting resistance to territory occupied in 1967 when it prefers an even more ambiguous formulation asserting the right of Palestinian resistance without specifying where legitimate resistance can take place.

Though Abbas himself has conceded that the Accord, which contradicts many of his own long-held positions, is not perfect, he handicapped his own negotiating posture by tying the referendum to the document's original text. He

further weakened his position by agreeing to move the factional negotiations from Ramallah to Gaza and extending the deadline for agreement until the date he set for the referendum, July 26. A compromise at this stage between Hamas and Fatah may restructure the government to include some Fatah ministers or technocrats, but Hamas is unlikely to concede more than cosmetic control of its executive role. Even a technocratic compromise can easily be dominated by Hamas loyalists or by the Hamas-dominated Palestinian Legislative Council (PLC).

Legalizing Hamas's Militia

On June 15, Abbas made an additional concession to Hamas by sanctioning the deployment of its 3,000-strong militia in Gaza and officially incorporating it into the Palestinian security apparatus. Since the establishment of this force in late April as a means of exerting control over the streets of Gaza and challenging the traditional Fatah-led security arms there, more than twenty Palestinians have been killed and dozens injured in factional fighting. Hamas and its allies in the Popular Resistance Committees have carried out assassination attempts on several leading Fatah security officials and attacked their headquarters in Gaza City, Rafah, and Khan Younis. Not only has Abbas now reneged on his earlier assertions that Hamas's militia was illegal and must be withdrawn, he has formally incorporated the militia into the Palestinian police forces that receive their orders and salaries from the Hamas-led Ministry of the Interior. Perhaps Abbas believes this measure will ultimately allow him to co-opt Hamas's fighting capability, but Hamas's confrontational approach has only served to consolidate its control over another wing of the Palestinian Authority (PA).

Financial Support for Hamas

Since the start of national dialogue negotiations on May 24, Hamas has accelerated the smuggling of money through the Rafah crossing. The first public incident occurred on May 18, when international monitors discovered Hamas spokesman Sami Abu Zuhri with nearly \$1 million of undeclared money concealed in his clothing. Abu Zuhri refused to leave the crossing until Abbas agreed to allow the money to go to the Hamas-led Ministry of Finance. Abbas relented, fearing he would be accused of participating in the economic siege against the PA. However, this agreement paved the way for Hamas to engage in further smuggling efforts, including \$20 million carried across the Rafah crossing by the foreign minister, Mahmoud al-Zahar, and \$2 million carried by the information minister, Yousef Rizqah. Though these funds still fall far short of the revenue needed to return the PA to solvency, and it is unclear how much of the smuggled cash has actually been transferred to the Finance Ministry, these incidents indicate that Hamas has made arrangements to cover its own operational expenses and ensure the continued loyalty of its followers. It is also unclear how much additional money Hamas has managed to smuggle either through Rafah or the tunnels it operates under the border.

Remaking the PLO

A critical component of Hamas's strategy for dominating Palestinian institutions is its efforts to gain a controlling stake in the Palestine Liberation Organization (PLO) before recognizing it as the sole legitimate representative of the Palestinian people. After committing to a change in the composition of the PLO as part of the price for securing the March 2005 Cairo agreement among Palestinian factions, Abbas has stalled further negotiations on the issue, particularly since the election of Hamas. He has even attempted to reconcile with his main Fatah rival, Farouq Kaddoumi, who is the PLO's purported foreign minister and a potentially important ally in minimizing Hamas's role in the PLO. Abbas has permitted Kaddoumi to represent the Palestinian government at international conferences -- a step he vehemently opposed while Fatah still led the PA. Already, Kaddoumi has challenged al-Zahar's position as PA foreign minister by appearing at a meeting of the Non-Aligned Movement in Malaysia and insisting on leading the Palestinian delegation.

Abbas's efforts to prevent Hamas from joining the PLO may now be undermined, since Hamas has demanded

progress on the issue in its negotiations over the Accord. Should Abbas allow the process of refashioning the PLO to proceed, as reports from negotiation participants indicate, it would represent another significant retreat as well as a potential source for greater unrest within Fatah.


Conclusion

Abbas's call for a referendum was intended to exert pressure on Hamas, but it has only handcuffed his negotiating ability and forced the Palestinian president to retreat from several of his prior positions. Conversely, Hamas has benefited from its refusal to sign on to the Accord as written; Hamas has gained support from other Palestinian factions without conceding any elements of its own political program; it legalized its militia in Gaza; and it has insisted on accelerating talks on remaking the PLO.

Moreover, by initially rejecting the Accord but then accepting it as the basis for dialogue, Hamas gained public support as the faction willing to make concessions for the sake of national unity. An initial Bir Zeit University poll found that 77 percent of Palestinians would vote in favor of accepting the Accord in a referendum, but more recent polling by Khalil Shikaki reports that while nearly three-quarters of Palestinians support the contents of the Accord, only 47 percent would vote for it in a referendum. This disparity suggests that Hamas has gained sympathy for the argument that the referendum itself would be illegal. Hamas will likely garner further public support should the national dialogue break down, since it will attempt to depict Fatah and the other factions as obstructing a reasonable compromise.

Abbas has thus fallen into a trap set by Hamas. The most significant achievement of the Palestinian national movement historically was the victory of a realistic program adopted by the nineteenth meeting of the Palestinian National Council in November 1988, which accepted the concept of a two-state solution with Israel. Prior to the negotiation of the Accord, Fatah had insisted that Hamas accept the 1988 declaration as the basis for national unity. Agreeing to anything short of the 1988 declaration for the sake of cosmetic unity will not achieve the desired end of restoring the financial support of the international community and its support of a serious peace process. Even if the national dialogue produces a recomposed government that includes Fatah members or technocrats as ministers, the National Accord falls well short of the international community's demands that Hamas recognize Israel, accept past agreements, and renounce terror and violence in order to end the PA's political and economic isolation. Any new Palestinian government will have to address these issues in substance, even if its ministers are not elected representative from the PLC. Moreover, vague understandings between Fatah and Hamas will not eliminate factional violence so long as Hamas retains governing authority, Fatah feels isolated, and thousands of armed security officers remain unpaid.

Hamas continues to face an array of challenges in governing Gaza and the West Bank; the PA is bankrupt and largely unable to provide public services. But so far, Hamas has outmaneuvered Abbas, and his numerous concessions are failing to convince Hamas to change its principles.

Mohammad Yaghi is a Palestinian political analyst and a columnist for al-Ayyam. 

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