

# **DEALING WITH HAMAS**

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## DEALING WITH HAMAS

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

The escalating cycle of Israeli-Palestinian military confrontation since September 2000, the breakdown in mutual trust and continued suicide bombings by the Islamic Resistance Movement (Hamas) – the most recent on 14 January 2004 – have returned the problem of how to deal with Hamas to the centre of the Israeli-Palestinian political and diplomatic equation.

For many Israeli and U.S., and some Palestinian, officials, confrontation is the only acceptable answer. Hamas opposes Israel's existence. Its ideology and actions contradict the very concept of Israeli-Palestinian coexistence and seek to escalate the conflict. It has repeatedly committed horrendous acts of terrorism against civilians and sabotaged progress towards a political settlement. The argument is that a meaningful ceasefire, let alone durable peace, is impossible without defeating Hamas militarily.

Yet Israel's policy of harsh military and punitive economic measures has significantly increased Hamas's influence in the occupied territories, advancing its goal of dominating the Palestinian political scene. Conditioning political progress on the immediate dismantling of Hamas's military infrastructure – in effect demanding an improbable Palestinian civil war in exchange for more tolerable occupation conditions – has given Hamas a veto over political progress. Isolating Yasir Arafat and weakening the Palestinian Authority (PA) have reduced the ability, and arguably the incentive, that either may have to contain the Islamists. Killing Hamas's leaders and militants, while perhaps temporarily dissuading it from large scale terror operations, has not reduced the numbers of Palestinians ready to undertake such attacks in the hope of advancing their cause.

Deciding how best to deal with Hamas requires understanding its nature and role on the Palestinian scene, where Islamism has been an integral and expanding part of the political landscape for at least half a century. Sometimes primarily social and reformist, at other times violent and highly politicised, Islamism is an increasingly popular mixture of both, making Hamas today an ever more serious rival to Fatah and the nationalist Palestine Liberation Organisation (PLO).

The reasons for its strength are varied, including clear ideology, simple agenda, cultivation of a popular base, effective social welfare network, Islamic credentials and ability to hurt Israel. Its stature among Palestinians also derives from PA failures as a proto-state to protect its people's well being and as a political actor to promote its self-determination. Throughout the Oslo process, Hamas has bet on PA inability to deliver and, so far, it appears to have wagered successfully. It has also been tactically flexible. Unlike most radical Palestinian groups, secular or Islamist, it is sensitive to public opinion, skilful at reading popular moods and acting in ways that are basically congruent – or at least not inconsistent – with them.

For these reasons, a strategy based on military action alone, however attractive it remains to all those appalled by Hamas's record of violence, is unlikely to meet the security and ideological challenge the Islamist movement presents. The task is to devise, if possible, a workable alternative.

The best and surest course would be to mobilise real pressure on Hamas to join the mainstream by closing down its military wing, or risk becoming increasingly vulnerable and irrelevant. ICG has repeatedly argued for replacing the incremental, step-by-step strategy of the Roadmap with an

‘endgame’ strategy involving forceful international presentation – led by the U.S. – of a comprehensive Israeli-Palestinian settlement blueprint.<sup>1</sup> That would help mobilise Palestinian constituencies while isolating rejectionists and empowering the PA to act against them.

For now, unfortunately, such a strategy does not appear on the horizon. Instead, U.S. policy has been reduced to the oft-repeated position that no progress will be made unless and until the Palestinian leadership takes decisive steps to end the violence.

But waiting for a “reliable Palestinian partner” to emerge is a recipe for paralysis, or worse: only a credible political process can produce an effective Palestinian leadership, not the other way around. The results of current policy are manifest: the Palestinian Authority’s power has eroded. The traditionally dominant Fatah is fragmented organisationally and geographically. And Hamas has only become stronger and more popular.

In this context, there would appear to be no realistic choice but to try to prevent an escalating spiral of violence and stem the disintegration of authority on the Palestinian side by bringing Hamas into the equation – by *pursuing simultaneously a negotiated ceasefire (involving the PA, the Islamist movement and Israel, backed by credible regional and international guarantees and a monitoring mechanism) and a new internal Palestinian political consensus (involving the mainstream secular movement, its Islamist rival and other Palestinian factions).*

Full dismantling of Hamas’s military capacity appears out of reach in the absence of a comprehensive peace, but the movement will need to provide early evidence that its adherence to the ceasefire is more than a recuperation tactic and represents a strategic decision to become a non-violent political player.

Although Hamas publicly defines its priorities by the conflict with Israel, it has an important domestic agenda, and during recent ceasefire talks it demanded political stature more commensurate with its popular backing. If Hamas takes all necessary steps to end violence, the option of giving it a formal political role should be pursued by levelling the Palestinian political field through elections or other power-sharing arrangements so it could pursue social and political agendas peacefully as an Islamist party in a pluralistic polity.

An assessment shared by many former and current Israeli security officials is that only a national authority viewed as legitimate by the broad majority of Palestinians will be capable of dealing with the challenge dissenting Palestinians pose to prospects of Israeli-Palestinian peace. Given the PA’s weakening and Fatah’s fragmentation, reaching a Palestinian consensus that eschews further violence and clearly accepts the principles inherent in a viable two-state solution may no longer be possible without including the growing Islamist constituency of which Hamas has become the principal representative.

All that said, even if the recommendations made below are accepted, any respite almost inevitably will be short-lived and Hamas’s power will only grow, unless the ceasefire is rapidly followed by the kind of intensive, comprehensive peace strategy ICG has constantly argued for. Palestinians need to be convinced that they are moving rapidly toward an acceptable political solution in order to marginalise those intent on armed confrontation and to empower those willing to block them.

## RECOMMENDATIONS

### To Hamas:

1. Agree to declare publicly and unconditionally an end to all violence and to:
  - (a) instruct the Martyr Izz-al-Din Qassam Brigades and all other Hamas elements to refrain from preparing or conducting armed attacks in Israel and the occupied territories including the recruitment of suicide bombers; and
  - (b) cooperate actively with efforts to establish a comprehensive and reciprocal Israeli-Palestinian ceasefire, working with Palestinian Authority (PA) security forces to prevent violations.

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<sup>1</sup> See ICG Middle East Reports N°2, *Middle East Endgame I: Getting To A Comprehensive Arab-Israeli Peace Settlement* and N°3, *Middle East Endgame II: How A Comprehensive Israeli-Palestinian Peace Settlement Would Look*; 16 July 2002, available at [www.crisisweb.org](http://www.crisisweb.org). See also now the Geneva Accord negotiated by teams of Israelis and Palestinians under the leadership of Yossi Beilin and Yaser Abed Rabbo, announced 1 December 2003: [www.genevaaccord.org](http://www.genevaaccord.org).

2. Agree to instruct all Hamas elements, upon entry into force of the ceasefire, to cease public displays of weaponry and the acquisition, manufacture, testing, smuggling, and transport of weaponry.
  3. Agree to establish a liaison committee to help the Quartet's proposed Arms Monitoring Commission (AMC) confirm cessation of weapons acquisition, manufacturing and testing.
  4. Agree with the PA on a mechanism by which PA security forces can re-establish control of areas evacuated by Israel.
  5. Within 90 days of a ceasefire entering into force, agree with the AMC on a credible staged process of weapons decommissioning, beginning with all mortars, rockets, and other weaponry in excess of a Kalashnikov or an M-16 being turned over to the AMC, and state publicly that:
    - (a) Hamas will not actively oppose a comprehensive peace agreement negotiated by the PLO leadership with Israel that is properly endorsed by Palestinian national institutions and the Palestinian people; and
    - (b) it will dissolve its military infrastructure and fully disarm under AMC auspices in the course of that agreement's implementation.
  6. Agree to seek integration within the domestic Palestinian political process with a view to becoming a non-violent Islamist political party.
- (c) moving to implement administrative reforms to empower local, legislative and other authorities to play an autonomous role in Palestinian decision-making; and
  - (d) inviting Hamas or individuals enjoying its confidence to join the PA cabinet, subject to the outcome of legislative elections.
8. Agree to establish, upon entry into force of the ceasefire, a Palestinian Security Committee comprising representatives of the PA, its security forces and the Palestinian factions to agree on mechanisms for implementation of the ceasefire and to confront potential violators.
  9. Agree to resume cooperation with Israeli security forces, fully cooperate with the proposed AMC and undertake measures to prevent violations of the ceasefire, including the enforcement of a ban on public display of weapons by those not part of the PA security forces.
  10. Permit, upon entry into force of the ceasefire, the reopening of charitable institutions linked to Hamas against whom credible charges of wrongdoing cannot be sustained.

#### **To Israel:**

11. As part of the ceasefire agreement:
  - (a) agree to cease the policy of armoured incursions, collective punishment, such as home demolitions, and generalised arrests, sweeps and targeted killings except to prevent imminent deadly attack;
  - (b) ensure that armed Israeli elements such as settler militias do not prepare or conduct activities that violate or otherwise undermine the ceasefire;
  - (c) negotiate with the PA accelerated evacuation of West Bank towns and cities so that the PA can establish security control there quickly and prepare to conduct elections; and
  - (d) undertake meaningful release of security prisoners.
12. To advance the peace process and maximise the chances of the ceasefire holding:
  - (a) revoke, consistent with legitimate security needs, economic and other

#### **To the Palestinian Authority (PA):**

7. Agree, subject to entry into force of the ceasefire, to seek to integrate Hamas into the Palestinian political decision-making process by:
  - (a) engaging it in a dialogue to achieve consensus on both its participation in Palestinian public affairs, including membership in the PLO, and strategy toward Israel predicated on peace between two states based on the 1967 lines;
  - (b) moving to implement plans of the new Palestinian government to conduct local, legislative, and presidential elections;

- punitive measures against Palestinians in the West Bank and Gaza Strip, particularly restrictions on movement, and implement the recommendations of the UN Secretary General's humanitarian envoy on civilian access to basic needs and services; and
  - (b) restrict the West Bank separation barrier to the 1967 lines, freeze settlement activity, and remove settlement outposts established since March 2001.
- 20. Cease financial support for Hamas unless and until it agrees to a comprehensive ceasefire, and enhance monitoring of charitable organisations to ensure funds are used only for humanitarian purposes.
  - 21. Support the Quartet in the presentation to the Israeli and Palestinian parties of a detailed vision of a comprehensive political settlement.

**Amman/Brussels, 26 January 2004**

**To Members of the Quartet (U.S., EU, Russia, UN Secretary General):**

- 13. Endorse and assist efforts to establish an all-party ceasefire through back-to-back agreements between the PA, Israel, and the Palestinian factions.
- 14. Establish an Arms Monitoring Commission (AMC) to verify compliance with the ceasefire, account for secured weapons, and monitor agreed disarmament measures.
- 15. Assist the PA rapidly to resume effective security control of areas evacuated by Israel.
- 16. Present the parties with a detailed vision of a comprehensive political settlement.
- 17. For the European Union,
  - (a) appoint a Special Security Adviser, upon achievement of a ceasefire, who is charged in particular with maintaining contacts with Hamas and other Palestinian factions;
  - (b) remove Hamas from the European Commission's list of terrorist entities if it is in full, verifiable compliance with the ceasefire and is fully cooperating with the AMC.
- 18. For the United States, resume and expand its Monitoring Mission for compliance with Roadmap and ceasefire commitments and publish monthly reports.

**To the Arab States and Iran:**

- 19. Encourage Hamas and other Palestinian factions, and particularly leadership elements residing in their territory, to agree to a ceasefire and participate in a strategic dialogue with the PLO/PA leadership.

## DEALING WITH HAMAS

### I. INTRODUCTION

The horrific suicide bombing on 14 January 2004, when a mother-of-two in her early 20s killed herself at a Gaza checkpoint, has given new intensity to the longstanding debate as to how to deal with the Islamic Resistance Movement (Hamas). Bringing to an abrupt and bloody end a four-month hiatus in such attacks by the Islamist movement, subsequent threats by Israeli Deputy Defence Minister Ze'ev Boim that Hamas leader Shaikh Ahmad Yasin was "marked for death", along with statements by Hamas leaders and Israeli officials that they would intensify their respective armed campaigns, suggest that worse is yet to come.<sup>2</sup>

An outburst of violence in August 2003 had already brought the tenuous truce (*hudna*) proclaimed by most Palestinian factions on 29 June to an abrupt end, precipitated the downfall of the Palestinian Authority (PA) government of Prime Minister Mahmoud Abbas (Abu Mazen), and led to the suspension of the international diplomatic initiative known as the Roadmap. Featuring a particularly deadly suicide attack by Hamas on a Jerusalem commuter bus on 19 August,<sup>3</sup> the renewed bloodletting also reinvigorated a longstanding debate between and within Israel, the PA, Arab states, and the wider international community over the most effective approach towards the Islamist organisation.

In the wake of the August attack, a broad consensus appeared to emerge that further dialogue with Hamas was futile. The PA, whose prime minister was meeting with Hamas representatives at the

moment of the Jerusalem bombing, formally cut off further contact, froze the bank accounts of a number of Islamic social welfare organisations, and signalled its readiness to confront the movement in the field. Israel dramatically escalated its campaign of assassinations against Hamas and announced it would continue to eliminate its political leaders, military cadres, and rank-and-file membership without distinction until the movement as a whole was eradicated.<sup>4</sup> U.S. President Bush froze the assets of six Hamas leaders and five Islamic charities.<sup>5</sup> On 15 September the Governor of the Central Bank of Jordan announced it was "freezing all [financial] dealings" with the leaders and charities identified by Bush.<sup>6</sup> And the European Union (EU), which despite U.S. pressure and Israeli protests had distinguished between the social, political, and military components of Hamas and maintained channels of communication with the political leadership, on 11 September adopted resolutions formally designating the organisation in its entirety as a terrorist entity. It also withdrew Special Security Adviser Alastair Crooke, who had functioned as the EU's link to Hamas and played an important role in facilitating the ceasefire.<sup>7</sup>

Behind this facade of apparent unity, however, real divisions remain. These have long existed within Palestinian circles. A minority of PA and Fatah officials strongly believe that a showdown with Hamas is inevitable and necessary both to

<sup>2</sup> Amos Harel, "IDF to Step up Anti-Terror Action in Gaza Strip Following Erez Attack", *Ha'aretz*, 18 January 2004.

<sup>3</sup> The 19 August 2003 attack left 23 dead and over 120 wounded, all civilians and most ultra-orthodox Jews returning from prayers at the Wailing Wall. Six of the dead were children.

<sup>4</sup> As expressed by Israeli Chief of Staff Moshe Ya'alon, "from our perspective all members of the organisation are part of the radical core". *Ha'aretz*, 24 August 2003.

<sup>5</sup> "Statement on Executive Order 13224", 22 August 2003.

<sup>6</sup> "Jordan Stops Dealings with Hamas Leaders", DPA, 15 September 2003. The decision was rescinded without explanation the following day, "Jordan Retracts Decision to Freeze Hamas Accounts", Associated Press, 17 September 2003. Several other Arab states, including Lebanon and Kuwait, proposed similar measures during this period.

<sup>7</sup> Chris McGreal, "UK Recalls MI-6 Link to Militants", *The Guardian*, 24 September 2003.

reinvigorate the peace process and ensure that the future Palestinian state is not dominated by radical Islamist forces.<sup>8</sup> A second group argues that dialogue with Hamas is the better option since confrontation would be self-defeating and damage Palestinian cohesion while, in the context of an end to the Israeli occupation, Hamas can be persuaded to disarm. Should it renege on its commitments or a radical fringe continue the struggle, it would be more easily contained by the Palestinian government and a public eager to preserve its new freedom and security.<sup>9</sup> A related view, primarily identified with the emerging generation of indigenous Fatah leaders, advocates a tactical alliance with Hamas, reform, elections and a “new national movement” to bring together those within Fatah, Hamas and other factions who have led the Palestinians on the ground since the late 1980s and displace those who have dominated the PLO since the 1960s.<sup>10</sup>

But even among European, U.S. and Israeli policymakers, views are far from uniform. European officials responsible for Middle East policy acknowledge that the 19 August suicide attack in Jerusalem rendered their position of maintaining communications with the Hamas leadership untenable.<sup>11</sup> Still, many argue privately that eventual engagement with Hamas is inevitable and have tried to signal to it that the option remains on the table if it modifies its approach. In interviews with ICG, they also stated that increased pressure will not eliminate the movement’s military capabilities and may even further radicalise it.<sup>12</sup>

The Bush administration has taken a firm approach against non-state organisations that resort to terrorist

violence, clearly including Hamas. U.S. officials have little faith in a ceasefire that would leave Hamas’s military capacity untouched or, worse, allow it to regroup and renew conflict from a position of greater strength.<sup>13</sup> But a debate exists on whether dismantling Hamas’s military infrastructure is a required first step and whether, as a political organisation, it could have a place on the Palestinian scene. President Bush, in June 2003, characterised the impending ceasefire as “useless because Hamas has to be destroyed”.<sup>14</sup> As that ceasefire was unravelling several months later, however, Secretary of State Powell emphasised the need for the Hamas military infrastructure, rather than the movement itself, to be dismantled.<sup>15</sup> Reports of indirect contacts between Washington and Hamas concerning the terms of a new truce surfaced during the preparation of this report, though they most likely were one-sided attempts by Hamas, and there is no indication Washington is taking such overtures seriously.<sup>16</sup>

Within Israel, a hard-line approach clearly predominates. It is premised on the fact that Hamas has demonstrated implacable hostility to peace in ideology and practice as well as a readiness to attack civilians deliberately, particularly within Israel. Although it has in the past evinced flexibility, this is believed to have been purely tactical, produced by intense military and political pressure; the recent pause in attacks inside Israel, acknowledged by some senior officials, is seen as deriving from such pressure.<sup>17</sup> Engaging Hamas is considered unlikely

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<sup>8</sup> In interviews with ICG, some PA and Fatah officials clearly voiced the opinion that Hamas endangered Palestinian national interests and that, sooner or later, it would have to be confronted with force. The question for them was when the PA security forces would have the political and military capacity to do so. ICG interviews, Ramallah, Gaza, July-September 2003.

<sup>9</sup> ICG interviews, Ghassan al-Khatib, PA Minister of Labour, Ramallah, 4 December 2003; Muhammad Hourani, Palestinian parliamentarian and member of the West Bank Fatah Higher Committee, Ramallah, 6 December 2003.

<sup>10</sup> ICG interviews, Fatah activist, Ramallah, 6 December 2003; PFLP activist, Ramallah, 4 December 2003.

<sup>11</sup> ICG interviews with European diplomats, Washington, Paris, October 2003.

<sup>12</sup> ICG interviews, European Union political advisor, Jerusalem, 13 September 2003; European Union security official, London, 15 September 2003; French diplomat, Jerusalem, 12 September 2003.

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<sup>13</sup> ICG interview with U.S. official, Washington, November 2003.

<sup>14</sup> Steven R. Weisman, “A Sense of Harmony felt within Diplomatic Circles”, *The New York Times*, 27 June 2003.

<sup>15</sup> Secretary of State Colin L. Powell, interview on Egypt’s Nile Television with Mohammed El Setohi, 12 August 2003.

<sup>16</sup> ICG telephone interview, Khaled Amayreh, Palestinian journalist, 16 December 2003. Arnon Regular, “Hamas Sent Message to U.S. via Qatar Proposing Truce with Israel”, *Ha’aretz* 23 December 2003 details current indirect contacts. Mahmud Zahhar, Hamas political leader, stated that “there have been some offers from the U.S., the Americans are establishing some contact with Hamas”, ICG interview, Gaza Strip, 5 August 2003. In early January 2004, Hamas leader Abd-al-Aziz Rantisi told Al-Jazeera television that Hamas had rejected a U.S. proposal under which Israel would cease assassinations in exchange for a truce by the Islamists. The veracity of this account has been questioned, and some believe that non-official U.S. persons may have been communicating with Hamas.

<sup>17</sup> Amir Oren, “Shin Bet, MI at Odds Over Hamas Terror Strategy”, *Ha’aretz* 22 December 2003; Herb Keinon,

to provoke a strategic shift on its part but likely to provide it with additional domestic and international legitimacy. Ridding the Palestinian polity of an organisation that rejects Israel's right to exist is thus a pre-requisite for a successful peace process and a Palestinian state ruled by pragmatic leaders.

But doubts are being raised, not from the political opposition alone but also from senior members of the national security establishment, such as former National Security Council and Mossad director Ephraim Halevy and senior military and intelligence officers who have been directly involved in Israel's campaign against Hamas and often previously subscribed to more hawkish view.<sup>18</sup> Their judgement is that the current strategy cannot work or, alternatively, that less painful alternatives have a greater likelihood of obtaining the desired results.

Hamas constitutes about a fifth of Palestinian society....So anyone who thinks it's possible to ignore such a central element of Palestinian society is simply mistaken....The strategy vis-à-vis Hamas should be one of brutal force against its terrorist aspect, while at the same time signalling its political and religious leadership that if they take a moderate approach and enter the fabric of the Palestinian establishment, we will not view that as a negative development. I think that in the end there will be no way around Hamas being a partner in the Palestinian government. I believe that if that happens there is a chance that it will be domesticated.<sup>19</sup>

A recent statement by Hamas leader Sheikh Ahmad Yasin triggered renewed debate. Yasin asserted that the movement would agree to a temporary peace with Israel in exchange for the establishment of a Palestinian state "on the basis of the 1967 borders" and the return of Palestinian refugees to Israel; "the rest of the land, within Israel, we will leave to history."<sup>20</sup> In response, Miltan Vilnai, a Labour

Member of the Knesset, described the statement as "definitely different from what we've heard until now."<sup>21</sup>

As the new Palestinian government led by Ahmad Qurai (Abu Ala) seeks to consolidate its position and revive the peace process by renewing the *hudna*,<sup>22</sup> these divergent perspectives are again being put to the test.

Overall, the divergent approaches reflect differing assumptions about the current situation: whether a revived peace process is conceivable so long as Hamas retains its military capacity; whether the PA has the military and political wherewithal to crack down on the Islamist group and, if not, whether a renewed political process can provide it; and whether continued Israeli military action can significantly degrade Hamas's ability to undertake further violent action. But they also reflect sharply contrasting assessments of Hamas's identity and objectives, namely whether the organisation (or a substantial part of it) is capable of eschewing violence, becoming a conventional political movement and coming to terms with a two-state solution.

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"Dichter: Quiet is Deceptive", *Jerusalem Post*, 24 November 2003.

<sup>18</sup> ICG interviews, Tel Aviv, Ramat Gan, and Herzliya Pituah, November 2003.

<sup>19</sup> Interview, Ephraim Halevy, director of Israel's National Security Council (2002-2003), director of Mossad intelligence service (1998-2002), *Ha'aretz*, 5 September 2003; Jayson Keyzer, "Ex-Israel Security Chiefs Push for Truce", Associated Press, 14 November 2003.

<sup>20</sup> DPA, 9 January 2004. It is not absolutely clear from the interview with the German press agency whether Yasin was

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referring to the return of Palestinian refugees as a precondition for a temporary peace or for a final one.

<sup>21</sup> Ibid.

<sup>22</sup> ICG interviews, Hani Masri, Palestinian journalist and political commentator, Ramallah, 5 December 2003; Hourani, 6 December 2003.

## II. HAMAS: ORIGINS AND DEVELOPMENT

### A. ORIGINS

The Islamic Resistance Movement (*harakat al-muqawama al-islamiyya*), better known by its Arabic acronym Hamas ("zeal"), was established during the initial stages of the 1987-1993 Palestinian intifada in the occupied territories and quickly developed into the most influential Palestinian Islamist organisation and main rival to the nationalist and secular Palestine Liberation Organisation (PLO). Although Hamas significantly postdates the PLO and its constituent factions, it emerged from a decades-old history of organised local and regional Islamist activism.

Hamas's roots are in the Society of Muslim Brothers, commonly known as the Muslim Brotherhood (*al-ikhwan al-muslimun*), established in Egypt in 1928. An organisation committed to both the struggle against foreign domination and the Islamisation of society along orthodox Sunni lines,<sup>23</sup> it considered Palestine a regional focus for its agenda and worked to establish a presence there beginning in the 1930s. In 1945, it founded its first branch in Gaza City, followed by an office in Jerusalem the following year.<sup>24</sup>

The Brotherhood played a visible role in Israel's war of independence, sending numerous armed volunteers, particularly from Egypt, to fight with the Palestinians when the United Nations adopted Resolution 181 partitioning Palestine into Jewish and Palestinian states in November 1947, well before the regular Arab armies intervened in May 1948. As the main irregular outside support, its participation compared favourably with the perceived betrayal and military incompetence of the

Arab states and heightened its standing among ordinary Palestinians.<sup>25</sup>

After the establishment of Israel and the formation of the West Bank and Gaza Strip as separate entities ruled by Jordan and Egypt respectively, the Palestinian branch was similarly divided and followed distinct paths of development until 1967.

The Brotherhood retained a separate identity in the Egyptian-administered Gaza Strip, though it was directly affected by the struggles of the Egyptian branch against British forces in the Suez Canal Zone and the nationalist regime of Gamal Abd-al-Nasir, which banned it in 1954. The Egyptian campaign to uproot the Brotherhood extended to the Gaza Strip, where the movement was forced underground and many activists were imprisoned or forced to leave the region.

During the tense 1950s, and particularly in the context of the Israeli occupation of the Gaza Strip during the 1956 Suez Crisis, local Muslim Brotherhood activists carried out cross-border raids against Israeli forces.<sup>26</sup> Israel's 1957 withdrawal from the Gaza Strip emboldened rank-and-file militants, such as future Palestinian National Liberation Movement (Fatah) co-founder Khalil al-Wazir (Abu Jihad), to propose that the Brotherhood establish a guerrilla force to continue attacks, but they were stymied by the leadership.<sup>27</sup> Disenchanted, they drifted away, relocating to Cairo and thereafter the Gulf, where they formed a core of Fatah's founding leadership and an important recruitment base.<sup>28</sup> Within the Gaza Strip, Egypt continued systematic repression. Shaikh Ahmad Yasin, the later founder and spiritual leader of Hamas, was imprisoned in 1965.

Conditions differed markedly in the West Bank, which Jordan annexed in 1950. The local Muslim Brotherhood was absorbed and remained part of a united movement led from Amman until well after 1967. Throughout the 1950s and 1960s, the

<sup>23</sup> Palestinian Muslims are almost exclusively Sunni, with the exception of a heterodox Druze minority. The main religious minority in Palestinian society has traditionally been Christian.

<sup>24</sup> Thomas Mayer, "The Military Force of Islam: The Society of Muslim Brethren and the Palestine Question, 1945-1948", in: Elie Kedourie and Sylvia Haim (eds.), *Zionism and Arabism in Palestine and Israel* (London, 1982), pp. 100-117; Richard P. Mitchell, *The Society of the Muslim Brothers* (Oxford, 1993).

<sup>25</sup> Mitchell, *The Society of the Muslim Brothers*, op. cit., p. 307; Ziad Abu Amr, *Islamic Fundamentalism in the West Bank and Gaza: Muslim Brotherhood and Islamic Jihad* (Bloomington, 1994).

<sup>26</sup> Yezid Sayegh, *Armed Struggle and the Search for State: The Palestinian National Movement, 1949-1993* (Oxford, 1997), pp. 63-64.

<sup>27</sup> Khaled Hroub, "Hamas: Political Thought and Practice", Washington, DC, Institute for Palestine Studies, 2000, p. 26.

<sup>28</sup> Sayegh, *Armed Struggle*, op. cit.

Brotherhood functioned as a loyal opposition, supporting the Hashemite monarchy, despite policy differences, in its confrontations with nationalist and leftist forces.<sup>29</sup> A legal political party, it openly participated in political life and contested every election.

Whether in the West Bank or Gaza Strip, however, between 1948 and 1967 organisational hegemony was the preserve of secular nationalist and leftist movements preaching revolutionary salvation through pan-Arabism and socialism, ideologies that caught the popular imagination more readily than the seemingly anachronistic Islamist message. Turning away from politics and increasingly reformist, the Brotherhood pointedly declined to participate in the establishment of the PLO in 1964 or seek a role within a more active and militant Fatah.<sup>30</sup>

## B. TRANSFORMATION

From the Muslim Brotherhood's perspective, Israel's 1967 occupation of the West Bank and Gaza Strip was less than momentous. Its focus remained on *da'wa* (proselytisation)<sup>31</sup> rather than *jihad* (struggle).<sup>32</sup> Through religious education in particular, it sought to "instil true Islam in the soul of the individual" and bring about an Islamic "cultural renaissance" led by a new generation.<sup>33</sup> Its outlook was non-confrontational, reformist not revolutionary.<sup>34</sup>

That said, its leadership did not eschew organisational work. Over two decades, it built

numerous mosques, established a network of social institutions and undertook the first, tentative steps towards political activism that eventually led to the emergence of Hamas.<sup>35</sup>

Between 1967 and 1989, the movement more than doubled the number of mosques in the occupied territories, from 600 to 1,350;<sup>36</sup> administered directly and thus independent of the Islamic establishment, the new pulpits were an ideal arena for *da'wa*. Institution building commenced in earnest during the 1970s. First, the Brotherhood established affiliated student associations, which gave it a foothold in universities that until late in the decade were the exclusive preserve of the PLO and the communists.<sup>37</sup> And it was inside the colleges and the universities – most notably the Islamic University of Gaza (established in 1978 and by 1983 under control of the movement)<sup>38</sup> – that it recruited, educated and mobilised an entire generation of activists who later emerged as some of the most effective and committed Hamas cadres. Secondly, the movement created a network of Islamic social welfare organisations, most prominently the cluster of institutions known as the Islamic Association (*al-mujamma al-islami*) in Khan Yunis, which was led by Shaikh Ahmad Yasin at its foundation in 1973. Through the Association and its charitable activities, it was able to establish links with the grassroots of Palestinian society, especially marginalised social groups,<sup>39</sup> and enhance its stature.

The gradual politicisation that the Muslim Brotherhood underwent during the 1980s should be seen in the context of the growing crisis of the Palestinian national movement after its expulsion from Lebanon in 1982, the regional rise of radical Islamism in the wake of the 1979 revolution in Iran and the encouragement the movement received in a

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<sup>29</sup> Quintan Wiktorowicz, *The Management of Islamic Activism: Salafis, the Muslim Brotherhood, and State Power in Jordan* (Albany, 2001), pp. 93-101.

<sup>30</sup> Hroub, *Hamas*, op. cit., pp. 20-29; Abu Amr, *Islamic Fundamentalism*, op. cit.; Sayegh, *Armed Struggle*, op. cit., pp. 627-629.

<sup>31</sup> Literally, "The Call [to Islam]".

<sup>32</sup> Literally translated as "struggle", *jihad* in Islamic theology – much like "crusade" in contemporary English usage – has numerous connotations, many of which are unrelated to armed conflict. In the context of Islamist movements' struggles for power, *jihad* is most often translated – by participants and observers alike – as "holy war", though "sacred struggle" is perhaps a more appropriate equivalent since in addition to armed conflict it can also entail non-violent action.

<sup>33</sup> Hroub, *Hamas*, op. cit., p.28.

<sup>34</sup> Abu Amr, *Islamic Fundamentalism*, op. cit., pp. 10-11; Hroub, *Hamas*, op. cit., pp. 28-29; Shaul Mishal and Avraham Sela, *The Palestinian Hamas: Vision, Violence, and Coexistence* (New York, 2000), pp. 18-20.

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<sup>35</sup> ICG interviews, Hamas co-founder and leadership member Ismail Abu Shanab, Gaza City, 5 August 2003. See also Hroub, *Hamas*, op. cit.; Mishal and Sela, *The Palestinian Hamas*, op. cit.

<sup>36</sup> Abu Amr, *Islamic Fundamentalism*, op. cit., p. 15.

<sup>37</sup> ICG interviews, Abu Shanab, 5 August 2003; Hamas student activists, Nablus, 28 May, 2003. The Palestine Communist Party (PCP) did not join the PLO until 1987.

<sup>38</sup> ICG interviews, Islamic University faculty members, Gaza City, July 26, 2003; Mishal and Sela, *The Palestinian Hamas*, op. cit., pp.23-24.

<sup>39</sup> See ICG Middle East Report N°13, *Islamic Social Welfare Activism in the Occupied Palestinian Territories: A Legitimate Target?*, 2 April 2003.

variety of ways from Israeli authorities.<sup>40</sup> The desertion of a number of disillusioned Brotherhood members during this period to establish the openly revolutionary Islamic Jihad also was important.<sup>41</sup>

Although Hamas was only set up at the beginning of the intifada that erupted in December 1987, the transformation from reformist movement to militant organisation was initiated during the preceding years, when the movement began to engage more regularly in open political activity, including several strikes and demonstrations against the occupation and clashes with Palestinian leftists. It also began then to establish a modest military infrastructure. In 1984 Shaikh Ahmed Yasin was the first Brotherhood leader to be arrested “on charges of possessing arms and planning military operations”. Sentenced to thirteen years, he was released the next year in a prisoner exchange.<sup>42</sup> According to Hamas co-founder Ismail Abu Shanab, whom ICG interviewed shortly before his 21 August 2003 assassination, “The period 1983-1987 marked the phase of direct preparation for resistance to the occupation, including armed struggle. Sheikh Ahmed Yasin took the lead in this, and did so independently of the Muslim Brotherhood”.<sup>43</sup>

Seen from Hamas’s perspective, its purported establishment on 8 December 1987 – the day before the intifada began – symbolises the organic relationship between the emergence of the Islamist movement and mass rebellion throughout the West Bank and Gaza Strip. The implication that there would have been no Palestinian uprising against Israeli occupation without Hamas, or at least that the Islamist movement resulted from a deliberate decision by the Islamists to foment, sustain, and

ultimately lead the intifada, is, however, hotly contested by its Palestinian rivals.

Independent analysts, who see the uprising as spontaneous rather than planned, have also raised doubts. Hamas more likely was established in February 1988.<sup>44</sup> While many factors entered into the decision, growing pressure from the rank-and-file upon the Brotherhood’s leadership to contribute to the uprising, along with fresh memories of the desertion of radicalised cadres in the early 1980s to form Islamic Jihad, no doubt was important. It has also been suggested that Hamas was initially established not to transform the Brotherhood into a militant organisation, but rather to protect it from the potential fallout if the initiative failed or the intifada came to an early end.<sup>45</sup>

Nevertheless, the 1987-1993 uprising formed the context in which Hamas emerged as a major political force. One of its significant advantages was that, like the communists but in contrast to Fatah and other PLO factions, it was indigenous to the West Bank and Gaza Strip; its leadership and rank-and-file were all but exclusively Palestinians residing in the occupied territories; its negligible presence in exile during these years meant that it did not constantly have to reconcile its interests with those of Arab states or of diaspora constituencies.

### C. ASCENDANCY

The mere existence of Hamas as an Islamist organisation that rejected secular nationalism posed a direct challenge to the PLO. Open competition was made virtually inevitable after Hamas spurned the United National Leadership of the Uprising (UNLU) that led the intifada on the PLO’s behalf and elected to steer its own course on strikes, demonstrations

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<sup>40</sup> In an ICG interview, Tel Aviv, 3 November 2003, a former deputy coordinator of IDF activities in the occupied territories noted that “the IDF historically viewed Hamas as a counterweight to the PLO and nurtured it”. ICG interview, former senior Israeli intelligence commander, Hezliya Pituah, 9 November 2003, confirmed this view. See further, ICG Report N°13, *Islamic Social Welfare Activism*, op. cit., pp. 4-5.

<sup>41</sup> See Abu Amr, *Islamic Fundamentalism*, op. cit., p.35.

<sup>42</sup> Mishal and Sela, *The Palestinian Hamas*, op. cit., p. 34. The main figure in the establishment of the Brotherhood’s security branch was Salah Shihada, who subsequently established the Hamas military wing and was assassinated in July 2002.

<sup>43</sup> ICG interview, Abu Shanab, 5 August 2003.

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<sup>44</sup> The timing of Hamas’s establishment remains a matter of contention. Some researchers believe its first leaflets appeared as early as mid-December 1987, while others insist they were produced in early 1988.

<sup>45</sup> Abu Amr, *Islamic Fundamentalism*, op. cit.; Graham Usher, “What Kind of Nation? The Rise of Hamas in the Occupied Territories”, in Graham Usher, *Dispatches from Palestine* (London, 1999), pp. 18-19; Jean-Francois Legrain, “The Islamic Movement and the Intifada”, in Jamal R. Nassar and Roger Heacock (eds.), *Intifada: Palestine at the Crossroads* (New York, 1991).

and other activities that formed the mainstay of the rebellion.<sup>46</sup>

Hamas's primary domestic conflict was with Fatah, which dominated the PLO and the Palestinian nationalist movement and had traditionally shunned ideological dogmatism precisely so it could accommodate a broad political spectrum, including Islamists. The schism was all but formalised as a result of the November 1988 session of the Palestine National Council (PNC), the PLO parliament, in Algiers. In order to capitalise on the uprising's achievements and Jordan's disengagement from the West Bank, and responding to pressure from Fatah circles in the occupied territories and the Tunis-based leadership of Yasir Arafat to formulate a clear, pragmatic political program, the PNC proclaimed Palestinian statehood and formally endorsed a two-state settlement, in effect recognising Israel while renouncing claims to territory within its pre-June 1967 boundaries.<sup>47</sup>

Even prior to the PNC session, Hamas had denounced similar proposals floated by Faisal Husseini, Fatah's leading representative in Jerusalem, as "a stab in the back of the children of the stones".<sup>48</sup> It had issued its own organisational charter, with a maximalist, hard-line program, in August 1988, just as the internal PLO debate began in earnest, and one week after the PNC resolutions, Shaikh Yasin voiced his personal opposition to them.<sup>49</sup>

In 1989, Hamas began a limited number of armed attacks against the Israeli military, most notably kidnapping and killing several soldiers within Israel. With the exception of a single PLO shooting of a soldier in Bethlehem in December 1987, these were the first such actions during the uprising. Almost immediately, in May 1989, Israel declared Hamas a terrorist organisation. During the following months, Yasin, a wheelchair-bound paraplegic since his youth, was imprisoned along with numerous other Hamas leaders and activists. Israel maintained "open lines of communication" with Hamas until late 1989, primarily by summoning its leaders to periodic

meetings and interviewing prisoners.<sup>50</sup> It was only in January 1990 that the Ministry of Defence ordered its staff to sever regular communications and began a sustained campaign to eliminate Hamas on the grounds that no compromise was possible with an Islamist organisation "whose only and unchanging objective is the destruction of Israel".<sup>51</sup> The methods used included arrests, deportations and assassinations.

1990 marked a turning point for Hamas in another respect. After seventeen Palestinians were shot dead by Israeli security forces within the Haram al-Sharif (Temple Mount) compound in Jerusalem on 8 October, Hamas demanded *jihad* "against the Zionist enemy everywhere, on all fronts and with every means".<sup>52</sup> No longer limiting its sporadic attacks to the military and symbols of the occupation, it began to strike at every available target, including civilians, also within the occupied territories. Between November 1990 and February 1991, more than ten Israelis were killed.<sup>53</sup>

Virtually alone among Palestinian forces, Hamas benefited from the 1991 Gulf War. In contrast to the PLO, it unequivocally opposed the Iraqi occupation of Kuwait.<sup>54</sup> Although it also opposed the subsequent war, its stance was viewed favourably by the Gulf States, which thereafter increased their subventions to the organisation and its affiliated institutions while they ostracised the PLO. Financial assistance from the Gulf region had been a key source of support for Palestinian Islamists since Muslim Brotherhood days (as it had been for the PLO), and Hamas was able to use the increased funding to promote not only religious proselytisation, education and social welfare activities but – precisely at a time when the PLO faced an unprecedented financial and institutional crisis – an alternative political project as well.

Hamas objected to Palestinian participation in the 1991 Madrid Middle East Peace Conference. As

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<sup>46</sup> Abu Amr, *Islamic Fundamentalism*, op. cit., 69-72; Beverly Milton-Edwards, *Islamic Politics in Palestine* (London, 1996)..

<sup>47</sup> Yezid Sayigh, *Armed Struggle*, op. cit., pp. 621-624.

<sup>48</sup> Hamas communiqué, 18 August 1988, quoted in Mishal and Sela, *The Palestinian Hamas*, op. cit., p. 43.

<sup>49</sup> ICG interview, Shaikh Ahmed Yasin, Gaza City, 5 August, 2003; Hamas communiqués issued on 1 and 22 November 1988, cited in Mishal and Sela, *The Palestinian Hamas*, op. cit., p. 59.

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<sup>50</sup> Hroub, *Hamas*, op. cit., pp. 204-205.

<sup>51</sup> ICG interviews, Shaul Shai, International Policy Institute for Counter-Terrorism researcher and former IDF brigadier general, Tel Aviv, 24 July 2003; Ephraim Sneh, former head of civil administration of the Israeli military government in the West Bank and former deputy minister of defence, Jerusalem, 7 July 2003.

<sup>52</sup> Mishal and Sela, *The Palestinian Hamas*, op. cit., p. 57.

<sup>53</sup> Ibid. The authors note that these attacks were largely "spontaneous" and conducted by individuals influenced by the Islamists' calls for revenge rather than organised actions carried out by Hamas militants.

<sup>54</sup> Hroub, *Hamas*, op. cit., p. 164.

the subsequent negotiations in Washington stalled while Israel strengthened its control over the West Bank and Gaza Strip, Hamas stepped up its military activities. Simultaneously, it helped lead protests against continued talks with Israel, and its conflicts with Fatah, especially in the Gaza Strip, became increasingly bitter.

In December 1992, the government of Yitzhak Rabin sought to resolve the Hamas challenge forcefully; in the wake of a series of attacks on Israeli security personnel to force the release of Shaikh Yasin – attacks without precedent since 1987 – Israel deported 415 Islamist leaders, activists, prisoners, and supporters to southern Lebanon.<sup>55</sup> This backfired. With international condemnation, popular outrage, and a re-invigorated uprising threatening to derail the Washington talks and the secret negotiations that had commenced in Oslo, Israel felt compelled to re-admit the deportees the following year. The deported Islamists, however, had used their time in southern Lebanon to develop relations with Hizbollah, which contributed to a qualitative improvement in their military capabilities.

The Tunis-based Fatah leadership also recognised that Hamas could no longer be ignored. In January 1993, it invited the Islamists for discussions in Khartoum, Sudan, at which the Fatah delegation was headed by Arafat. Although a variety of issues was raised, including incorporation of Hamas into the PLO, agreement was reached only to reduce factional conflict in the occupied territories, which was becoming particularly bitter and occasionally violent.<sup>56</sup>

Israel's failure to eliminate Hamas increased its stature among Palestinians. Despite the mass deportation, continued operations against Islamist militants and an unprecedented closure regime in the occupied territories, Hamas's new Martyr Izz-al-Din al-Qassam Brigades continued to attack Israeli soldiers and settlers throughout 1993.<sup>57</sup> Hamas's

increasing military effectiveness is widely considered an important factor in Israel's decision to conduct secret negotiations in Oslo, where it found an equally willing PLO, concerned both by the financial and political crisis its position during the Gulf War triggered and by the Islamists' increasing popularity.<sup>58</sup>

Throughout the intifada, Hamas made constant political inroads. Its leadership of the armed component of the uprising; the disintegration of the Soviet Union; the paralysis and fragmentation of the PLO factions in the occupied territories; and increasing Palestinian disenchantment with seemingly fruitless negotiations, allowed Hamas to overtake the PLO opposition factions and, by the time the Oslo accord was concluded in September 1993, emerge as Fatah's main rival. The modest lifestyles of its leaders and the professionalism of Islamic institutions, which compared favourably with the PLO's, also helped, as did the simplicity and clarity of its message.<sup>59</sup>

#### D. THE CHALLENGE OF OSLO

In a public statement published in the Palestinian press on the day Israel and the PLO sealed their agreement on the White House lawn, Hamas proclaimed its "total rejection" of the Oslo accord.<sup>60</sup> Its sharp condemnation of the "capitulation" to Israel notwithstanding, Hamas faced a serious dilemma. Widespread support for Oslo in the West Bank and Gaza Strip meant that Yasir Arafat and the PLO were hailed as patriots and, more importantly, that public opinion risked turning against any who acted to derail the process, particularly if their activities also sparked internecine conflict. As Hamas put it: "We opt for confrontation, but shall we confront our people? And can we tilt the balance in our favour?"

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<sup>55</sup> Usher, "What Kind of Nation?," op. cit., p. 18.

<sup>56</sup> ICG interview, Hani al-Hassan, PLO Central Council member, Ramallah, 18 July 2003; Milton-Edwards, *Islamic Politics in Palestine*, op. cit., p. 159. While it is assumed that Arafat hoped to bring Hamas into the PLO in order to neutralise and control it, Hamas, acting on the same assumption, presented demands it knew the PLO could not accept.

<sup>57</sup> The Qassam Brigades, established in 1991, take their name from a Syrian Muslim cleric who preached among the urban poor of Haifa's slums during the British Mandate and

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organised a guerrilla movement to confront the British during the 1930s. His death in a firefight with British police in 1935 helped spark the 1936-1939 Palestine Arab Rebellion. An icon of Palestinian nationalism, Qassam's legacy was effectively appropriated by Hamas and its military wing.

<sup>58</sup> David Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord* (Boulder, 1996), pp.112-113.

<sup>59</sup> ICG interview with Ismail Habbash, Palestinian film maker from the Gaza Strip, 4 December 2003. This was also clearly recognized by the Israeli political leadership, above all Rabin. See Makovsky, *Making Peace*, op. cit., pp. 111-114.

<sup>60</sup> Mishal and Sela, *The Palestinian Hamas*, op. cit., p. 102.

And if we succeed, will we be able to offer the people an alternative?"<sup>61</sup>

On 13 October 1993, Musa Abu Marzuq, the exiled head of the Hamas Political Bureau, produced an analysis of the transformed reality. Recognising the challenges posed by the new environment, he advocated continuation of *jihad* against the occupation, maintenance of Palestinian unity, and "political confrontation" with the Palestinian Authority.<sup>62</sup> This strategy was adopted by Hamas throughout the Oslo years but it was based on a contradiction: the continuation of *jihad* would necessarily strain relations with the PA, while national unity could only come at the expense of Hamas's struggle against Israel.

Once ensconced within the occupied territories, Arafat pursued a dual strategy towards Hamas. He sought to blunt its challenge through his traditional methods of divide, co-opt and rule. At the same time, he unleashed his security forces against the Islamists when they appeared to pose a direct challenge to either the sustainability of the Oslo process or his own authority. A successful example of the first approach was Imad al-Faluji, a prominent Hamas spokesman who was expelled for being too close to the PA, participated in the 1996 PLC elections and subsequently was appointed PA Minister of Communications. An early example of the second was "Black Friday", in November 1994, when thirteen worshippers were shot dead and 200 wounded after Palestinian security forces sought to prevent an Islamist demonstration assembling at Gaza City's Palestine Mosque, a Hamas stronghold.<sup>63</sup> Convinced it could neither fully co-opt nor entirely eliminate Hamas, the PA strategy ultimately was containment.

On occasion, the PA also negotiated with Hamas. In December 1995, Palestine National Council chairman Salim Za'nun and Hamas Political Bureau chairman Khalid Mash'al issued a joint communiqué in Sudan pursuant to which the PA agreed to release Hamas detainees and ease its pressure in return for a Hamas pledge not to campaign openly for a boycott of presidential and legislative elections scheduled for January 1996 or otherwise undermine the electoral

process.<sup>64</sup> According to some observers, the latter agreement was made possible by a previously unwritten one to maintain quiet during the Israeli-Palestinian negotiations leading to the 1995 Taba agreement on the transfer of West Bank cities to the PA.<sup>65</sup>

Israel's January 1996 assassination of Hamas military leader Yahya Ayyash ("The Engineer") set the stage for what remains the low point in relations between the PA and Hamas. The assassination, which occurred at a time when Hamas's military activities had virtually ceased and it had agreed to facilitate PA elections, infuriated the movement's leadership. During February and March of that year, Hamas took its promised revenge. In what appeared to be not only a bloody campaign of revenge but also a deliberate effort to destroy Prime Minister Shimon Peres's electoral chances, Hamas conducted an unprecedented wave of suicide bombings in Ashkelon, Jerusalem, and Tel Aviv that left more than 50 Israelis dead (mostly bus passengers) and wounded hundreds. The PA responded with a crackdown. In both the West Bank and Gaza Strip, its Preventative Security Force – the bulk of whose members were former members of local Fatah militias who knew the identities and often the locations of their Islamist counterparts – effectively dismantled the Qassam Brigades, while over 1,000 Islamist leaders, members and supporters were imprisoned and, in many instances, tortured. Numerous Islamic social welfare organisations and universities were raided, ransacked, and/or shut down, and the PA formally assumed supervision over all mosques. The harsh treatment of Hamas members by the Preventive Security Organisation, which included instances of significant human rights abuse, left a legacy of bitterness.

In administering this severe blow, the PA was assisted by a Palestinian public that reacted with broad indifference. Any aversion to PA methods was neutralised by the widespread feeling that Hamas had sabotaged an opportunity for peace and had

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<sup>61</sup> Hamas internal political report cited in *ibid.*, p. 101.

<sup>62</sup> Quoted in *ibid.*, p.102.

<sup>63</sup> Graham Usher, *Palestine in Crisis: The Struggle for Peace and Political Independence After Oslo* (London, 1995), pp. 70-71.

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<sup>64</sup> ICG interviews, al-Hassan, 18 July 2003; Yossi Beilin, former Israeli cabinet minister, Tel Aviv, 17 July 2003, stated that the Rabin government supported these negotiations in order to keep Hamas under control.

<sup>65</sup> Mishal and Sela, *The Palestinian Hamas*, *op. cit.*, p. 73, note that the agreement amounted to a limited pledge by Hamas to refrain from launching attacks from PA-controlled territory, but effectively took the form of a full ceasefire while it lasted

provoked Israeli collective punishments that caused widespread hardships.<sup>66</sup>

Whether or not a sustained crackdown would have permanently curtailed Hamas remains an open question. With the election of Benjamin Netanyahu in May 1996 and the effective suspension of the Oslo accords, the PA quickly lost motivation to continue the campaign. Confronted with increasing public unrest, it eased pressure on Hamas and reverted to its earlier posture of mixing dialogue with the Islamists, security cooperation with Israel and various other measures of containment. It did so on the assumption that under the circumstances neither co-option nor eradication would succeed – at least not at a price the PA was willing to pay.

More surprising perhaps than the PA's attitude was Hamas's relative passivity during the late 1990s, a time that saw a virtual halt in the peace process. Netanyahu has repeatedly asserted that his willingness to use severe force in the event the Palestinians reverted to violence was the decisive factor, claiming he had "restored security by restoring deterrence".<sup>67</sup> Although Hamas arguably had not lost significant military capability at the hands of the PA, it certainly had been seriously disrupted. Hamas leaders offer two different reasons. They concede that their agenda of ceaseless confrontation had been rejected by the people.<sup>68</sup> But they also note that Netanyahu's uncompromising stance was discrediting Oslo and the PA among Palestinians more effectively than they could, rendering superfluous a new campaign of suicide bombings.<sup>69</sup>

### III. HAMAS AND THE POLITICS OF VIOLENCE

#### A. ORGANISATIONAL STRUCTURE

Hamas relies heavily on group leadership, a feature consistently advocated by its spiritual leader, Ahmad Yasin. Though Yasin alone has the authority to impose his personal views, he rarely exercises his prerogative in a vacuum. Rather, his policy statements derive their authority from their ability to formulate consensus positions at the conclusion of internal discussions.<sup>70</sup>

The movement's executive body is the Political Committee, which is believed to number roughly twelve to fourteen people and is composed of members residing both inside and outside the occupied territories. In practical terms the Political Committee directs the activities of Hamas's overseas representatives, the political office, the information office, the para-military apparatus, and the Department of the Affairs of the Occupied Lands (known as *ad-da'wa*, encompassing the movement's charitable and teaching activities). The Political Committee operates through extensive and often time-consuming consultation, principally with the external leadership, the internal leadership and Hamas detainees in Israeli prisons, before reaching a decision, usually by consensus. A consultative council, that generally meets in Qatar, approves general policy, plans and budgets.

**The external members of the Political Bureau** are based primarily in Lebanon, Syria, Qatar and Iran. They include prominent leaders such as Musa Abu

<sup>66</sup> ICG interview with senior Fatah leader, Ramallah, 5 July 2003; ICG interview, Usher, 12 September 2003.

<sup>67</sup> Benjamin Netanyahu, "We Can Stop the Terror", *Jerusalem Post* 4 June 2001.

<sup>68</sup> In an ICG interview on 5 August 2003, Abu Shanab concluded that the Palestinian public put its hope in Oslo's capacity to deliver an end to the occupation during this period and so did not endorse Hamas's militant approach. See also polls by JMCC ([www.jmcc.org](http://www.jmcc.org)) for this period, indicating a clear loss of support, from 18 to 8 per cent, for Hamas during 1995-1996, in the wake of the suicide bombing campaigns.

<sup>69</sup> ICG interviews, Yasin and Abu Shanab, 5 August 2003. Netanyahu's 1997 decision to supply Jordan with an antidote to the poison that Mossad operatives had administered to Hamas Political Bureau member Khalid Mash'al during a botched assassination attempt and his release of Shaikh Yasin in exchange for the return of those operatives,

undoubtedly boosted Hamas's standing and prestige, to the dismay of Fatah leaders.

<sup>70</sup> ICG interview, Ghazi Hamad, editor of *Risala*, newspaper of the Hamas-affiliated Islamic Salvation Party, Gaza City, November 2003. Documents captured by Israeli security services provide some insight into internal decision-making. In 1992, for example, Hamas circulated a secret document to activists that described the situation without ideological jargon or embellishment, and presented policy options for discussion and decision. Activists were asked to provide input within a designated time period and instructed to consult on the issues with "knowledgeable people in your area", because "we wish to reach a decision acceptable to the widest possible basis of our ranks which, at the same time, would preserve the movement's achievements and remain faithful to its goals and principles". Mishal and Sela, *The Palestinian Hamas*, op. cit., pp. 121-31.

Marzuq, Khalid Mash'al, Imad Alami, Mohammad Nazal and Hamas's Lebanon representative, Usama Hamdan. The exiled leadership functions as Hamas's main conduit for relations with the Arab world and Iran and, of late, it has sought to increase its engagement with regional actors.

**The Gaza Strip Steering Committee**, led by Shaikh Yasin, and complemented by Muslim Brotherhood veterans such as Abd-al-Aziz Rantisi, Mahmud Zahhar, Ismail Haniyya, and the recently-assassinated Ismail Abu Shanab, is a key element in the decision-making process. It reflects the views of the internal membership of the Political Committee, and its input is solicited on almost every issue. On some matters affecting the occupied territories, it will act autonomously; but on wider issues, such as the recent ceasefire negotiations, external members of the Political Committee appeared to play a crucial role.<sup>71</sup> Some members of the Steering Committee also serve on the Political Committee.

**The West Bank political leadership** has been severely affected by Israeli arrests and killings. Efforts to re-build the structure have been hampered by the continuing Israeli military actions. It has no identifiable public leadership after the arrest of leaders such as Shaikh Hasan Yusuf in Ramallah and the assassination of others like Jamal Mansur and Jamal Salim in Nablus. Unable to operate cohesively, it has fractured geographically as well. Its influence, which in the past tended to have a radicalising effect, is today limited.<sup>72</sup>

**The prison leadership** traditionally has been another key element in Hamas policy-making. Because they enjoy a special legitimacy conferred by their status, they have on occasion been able to push the boundaries of policy to a greater extent than others in the leadership. Working closely with their colleagues from Fatah and Islamic Jihad in Israeli prisons, their views carry great weight. It is unlikely at this point that any political initiative within Hamas would succeed without their consent.

**The Military Wing of Hamas**, the Qassam Brigades, have a separate infrastructure and leadership. Currently led by Muhammad Deif, most top commanders, such as Salah Shihada and Ibrahim Maqadma, have been killed or arrested since September 2000, though for

the most part they appear to have been replaced.<sup>73</sup> Although in principle autonomous, the Qassam Brigades are known as a disciplined outfit whose commanders implement policies devised by the Hamas leadership rather than their own.<sup>74</sup> Israeli sources place their strength at a little over 1,000 men, the vast bulk in the Gaza Strip.<sup>75</sup> Their arsenal is believed to consist of light automatic weapons and grenades, as well as improvised rockets, mortars, bombs, suicide belts and explosives.<sup>76</sup> Hamas also has a large number of supporters who are armed or have access to weapons and militias who act in a civil defence role in areas of Gaza.

Although Hamas remains the most disciplined of Palestinian organisations, divisions exist and armed actions appear at times to have been decided by various cells on a local level, motivated in many cases by retaliation for Israeli targeted killings or military operations.<sup>77</sup> This trend has been accentuated since the second intifada, particularly in the West Bank, as the situation on the ground has complicated internal coordination.

## B. THE HAMAS CHARTER

The first exposition of Hamas's ideological platform is to be found in its founding "Charter of Allah: The Platform of the Islamic Resistance Movement" (August 1988).<sup>78</sup>

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<sup>73</sup> ICG interview, former senior Israeli military intelligence officer, Tel Aviv, 11 November 2003.

<sup>74</sup> ICG interviews with Hamas leaders and Israeli security officials confirm the widespread view that the military wing operates under the authority and subject to the discipline of the political leadership. See also Human Rights Watch, "Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians" (2002), pp. 69-71.

<sup>75</sup> ICG interview, Arnon Regular, *Ha'aretz* correspondent, 29 December 2003.

<sup>76</sup> For more on formal and informal Hamas leadership structures see also Hroub, *Hamas*, op. cit., and Mishal and Sela, *The Palestinian Hamas*, op. cit.

<sup>77</sup> Tensions between Hamas cells in the West Bank and Gaza, particularly on the question of suicide attacks, are not new. They were manifest, for example, during the 1996 series of suicide bombings. See Penelope Larzillière, "Le 'Martyr' Palestinien, Nouvelle Figure d'un Nationalisme en Échec", in *Israéliens et Palestiniens: La Guerre en Partage* (Paris, 2003), pp. 80-109.

<sup>78</sup> Translated and reproduced in Hroub, *Hamas*, op. cit., pp. 267-291. All citations of the Hamas Charter below are from this source.

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<sup>71</sup> ICG interview with European diplomat, January 2004.

<sup>72</sup> ICG interviews, former senior European security official, 15 September 2003; Usher, 17 December 2003.

Rooted in contemporary Islamist ideological tradition, the Charter insists that Islam provides the answer to all questions and that capitalism, colonialism, communism, imperialism, the West, Zionism and Jewry are components of a multi-faceted onslaught acting in concert to destroy Islam and eliminate the Palestinian people from its homeland. The secular state, as the supreme symptom of these ills, must be replaced by an Islamic polity. Simplistic in presentation and building on the communications style of the *intifada bayan* tradition – leaflets that sought to mobilise their readers through exhortation – it is a mixture of disjointed declarative statements and occasional analytical observations, interspersed with Quranic citations and excerpts from Islamic texts. There also is evidence that the authors of the Charter were influenced by European polemical political tracts such as the anti-Semitic “Protocols of the Elders of Zion” forged over a century ago by the Czarist secret police. The Charter reflects the intellectual state of mainstream Palestinian Islamism during the early 1980s. It is qualitatively different from the reflective jurisprudence of a scholarly or clerical class associated with the Islamist treatises of figures such as Hassan al-Banna of the Egyptian Moslem Brotherhood or the clerical movement led by Iran’s Ayatollah Khomeini.

There is no cohesive program. Its 36 articles do little beyond repeatedly proclaiming the movement’s Islamic identity and allegiance, its opposition to anything it defines as non-Islamic, and its dedication to *jihad* in all forms as the only guaranteed salvation.

Hamas’s perspective on the conflict with Israel in the Charter is that Mandatory Palestine in its entirety is “an Islamic *waqf*”<sup>79</sup> (Article 11), an eternal trust for future generations that can “only” be liberated by *jihad* (Article 34) and of which not “even part” may be renounced (Article 11). The movement rejects “so-called peaceful solutions” as incapable of restoring Palestinian rights (Article 13). If Hamas’s formulations and vocabulary are its own, the concepts that only total liberation is meaningful, only armed struggle can achieve it, and third party diplomatic initiatives are by definition hostile are lifted chapter and verse from Palestinian nationalist songbooks of the 1960s. The only significant distinctions are that Hamas seeks to establish an

Islamic entity and that it has been unambiguously clear from the outset that the “field of confrontation with the enemy is [limited to] Palestine”.<sup>80</sup>

The Charter, propounds an ideology saturated with a vulgar and uninformed anti-Semitism that flows directly from nineteenth century, right-wing European thought superimposed on a flawed reading of the Prophet Muhammad’s antagonistic relationship with the Jewish community in the Arabian peninsula.<sup>81</sup>

The spurious and notorious Protocols of the Elders of Zion is approvingly cited (Article 32) as the basis on which Hamas holds the Zionist movement and Jews in general responsible for every real or perceived ill to have afflicted the modern world, including capitalism and communism, both world wars, the UN Security Council and the drug trade (Article 22). Jews are told that “Islamic sovereignty” is the only arrangement that can produce coexistence but that they can thrive under it (Article 31). Beyond these sweeping statements of principle and prejudice, Hamas offers few concrete indications of how it intends to achieve an Islamic Palestine and what it would look like.

The Charter balances emphatic denunciation of PLO secularism and policies with protestations of brotherhood and confidence that the nationalist leadership will eventually discover the error of its ways and promises that “the day that the PLO embraces Islam as a way of life, we shall be its soldiers”. Until then, Hamas will deal with the PLO from the “position of a son toward his father, a brother towards his brother” (Article 27). A similarly dualistic attitude is expressed towards the wider Arab and Islamic worlds (Article 28). The charter taken as a whole is ambivalent toward Palestinian Christians but not hostile (Article 31), while it is unabashedly conservative about women (Article 18). In an important difference with the PLO covenant and a clear reflection of the movement’s roots, it emphasises “social solidarity” as a necessary prerequisite and essential component of a successful *jihad* (Articles 20 and 21).

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<sup>79</sup> A *waqf* in Islamic law is a property dedicated to the public good in perpetuity.

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<sup>80</sup> Until this day Hamas is not known to have carried out any armed operations outside of Israel and the occupied territories.

<sup>81</sup> Musa Budeiri, “The Nationalist Dimension of Islamic Movements”, *Journal of Palestine Studies* 95 (Spring 1995), pp. 93-94.

More than a decade later Usama Hamdan, chief Hamas representative in Lebanon, characterised the charter as a proclamation for *jihād* directed at the Palestinian people and formulated in the context of the 1987-1993 intifada, not a theological or philosophical treatise.<sup>82</sup> On this basis, many observers have concluded that attempts to understand Hamas today by reference to a fifteen-year old founding document is of limited value. Indeed, a closer examination of its current operating environment, institutional interests, organisational agendas, political objectives and alliances and rivalries yields a more nuanced picture.

### C. HAMAS AND THE TWO-STATE SOLUTION

Hamas remains officially committed to the destruction of Israel and the establishment of an Islamic polity throughout historic Palestine. That said, there are indications it recognises that these aspirations will remain beyond its reach. It has explored alternatives that would allow it to pursue more attainable and pragmatic objectives without explicitly renouncing its core beliefs.

Sheikh Yasin's recent statement indicating Hamas's willingness to reach a temporary peace with Israel within the 1967 borders was interpreted by some as potentially signifying an important change. In reality, it reflects a long-standing evolution rather than a break. The record suggests that such thinking infiltrated Hamas from an early stage. During the 1987-1993 uprising, Hamas leaders proposed various formulas for Israeli withdrawal to the 4 June 1967 borders, to be reciprocated with a decades-long truce (*hudna*). In 1987, and again in 1989, Shaikh Yasin stated, "I do not want to destroy Israel... We want to negotiate with Israel so the Palestinian people inside and outside Palestine can live in Palestine. Then the problem will cease to exist".<sup>83</sup> In a March 1988 meeting with Foreign Minister Peres, and then with Defence Minister Rabin in June 1989, Hamas leader Mahmud Zahhar explicitly proposed an Israeli withdrawal to the 1967 boundaries, to be followed by a negotiated permanent settlement.<sup>84</sup>

Yasin's proposals, which were recapitulated in an official statement by then Political Bureau leader Abu Marzuq in early 1994, have never been recanted and have been reconfirmed by Hamas leaders within and outside Palestine.<sup>85</sup> Abd-al Aziz Rantisi, a prominent radical, said: "The intifada is about forcing Israel's withdrawal to the 1967 boundaries", while adding this "doesn't mean the Arab-Israeli conflict will be over", but rather that its armed character would end.<sup>86</sup> Another Hamas leader stated: "Hamas is clear in terms of the historical solution and an interim solution. We are ready for both: The borders of 1967, a state, elections, an agreement after ten to fifteen years of building of trust."<sup>87</sup>

According to the Palestinian journalist Khalid Amayreh:

Hamas's rejection of a two-state solution is not as rigid or authentic as it used to be, and the Hamas of 2003 is not the Hamas of 1987. Under certain circumstances, Hamas is willing to recognise the political – though not the moral – legitimacy of the Israeli state. These conditions are: total withdrawal to the 1967 boundaries, including a total withdrawal from occupied East Jerusalem and the evacuation of all settlements, and genuine Palestinian statehood and sovereignty. The right of return for Palestinian refugees is not one of these conditions, and this is why Hamas would respond with a long-term *hudna* rather than a final peace formally terminating the conflict.<sup>88</sup>

Hamas does not propose to participate in negotiations<sup>89</sup> or to extend recognition to Israel at

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meeting between Zahhar and Peres ("My first encounter with Hamas was in 1988"), Tel Aviv, 17 July 2003.

<sup>85</sup> ICG interviews with Shaikh Ahmad Yasin, Ismail Abu Shanab, Mahmud Zahhar, Abd-al-Aziz Rantisi, Usama Hamdan, Hasan Yusuf, and others, 2002-2003.

<sup>86</sup> ICG interview, Rantisi, October 2002.

<sup>87</sup> ICG interview, Hamdan, 22 August 2003. The absence of any reference to the refugee question is curious, though the right of return is probably an element of the historic solution that, it is suggested, will arise after years of trust-building.

<sup>88</sup> ICG interview, Amayreh, 16 December 2003. In his 7 January 2004 DPA interview, however, Yasin reportedly conditioned even a temporary peace on the resettlement of Palestinian refugees inside Israel, though the meaning of his statement is slightly ambiguous.

<sup>89</sup> Some Palestinians would, however, like to see Hamas delegates participate in Israeli-Palestinian negotiations. Thus, prominent Palestinian journalist Hani al-Masri, a leading critic of the Islamists' conduct during the current uprising:

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<sup>82</sup> ICG interview, Usama Hamdan, chief Hamas representative in Lebanon, Beirut, Lebanon, 22 August 2003.

<sup>83</sup> Interview, Al-Nahar (Jerusalem), 30 April 1989. Quoted in Abu Amr, *Islamic Fundamentalism*, op. cit., p. 76.

<sup>84</sup> Hroub, *Hamas*, op. cit., p. 200. In an interview with ICG, Yossi Beilin indirectly confirmed his participation in the

their conclusion.<sup>90</sup> Rather, and at most, it suggests a possible readiness not to obstruct resolution of the conflict by others and to recognise the resulting political settlement as the de facto, operative reality. Hamas also ties such an outcome to the results of credible Palestinian elections. For Yasin, “in elections, it is always the people who decide. We will accept their decision as we have accepted their decision in all elections we have participated in”.<sup>91</sup> In October 2002, Rantisi stated that Hamas would abide by a “majority Palestinian decision if the [legislative] elections were free and not restricted by the limitations of Oslo”.<sup>92</sup> Elaborating, he said. “such elections mean that if we win, our own program will be adopted, and if Fatah wins we will respect the outcome and conduct ourselves as a political opposition”.<sup>93</sup>

A senior UN official in 2002 asked Mahmoud Zahhar, “Suppose that tomorrow, the PA and Israel reach agreement to establish a Palestinian state within the 1967 borders alongside Israel. A referendum is held, which shows clear Palestinian popular support for the peace agreement. What would Hamas do?” Zahhar responded: “Hamas will

never go against the will of the Palestinian people”.<sup>94</sup> Zahhar later insisted to ICG:

Hamas is not in favour of violent change or coups. We want the unity of the Palestinian people. Hamas was always a political organisation, whose activities encompassed all levels – economic, social, and political. It is ready for political competition in elections. We favour elections, but for independence, not self-rule. Once there is an independent Palestinian state, we shall participate on all levels.<sup>95</sup>

According to a Hamas student leader in Nablus, “In elections, Hamas will always accept the will of the people. There will be an Islamic state at the end, but only if the majority of the people opts for it. Hamas will never enforce its agenda on anyone”.<sup>96</sup>

It is difficult to know what to make of such statements. Certainly, substantial scepticism is in order. The pronouncements are studiously ambiguous: when Hamas speaks of peace negotiations after an Israeli withdrawal, it is unclear what it proposes for discussion. It is fair to conclude, therefore, that it views the 1967 borders as an interim solution, a deferral of the struggle for the rest of historic Palestine.<sup>97</sup> In other words, such statements can legitimately be read as proposing a negotiated path that would begin with a temporary state within the 1967 borders and culminate with Hamas’s Islamist state covering all of historic Palestine rather than an endorsement of a two-state settlement.<sup>98</sup> Asked by ICG in August 2003, Shaikh Yasin refused to clarify whether his above statements from the late 1980s implied endorsement of a negotiated binational state or a two-state settlement.<sup>99</sup> Hamas has rejected

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“I’d like to see Rantisi in the Palestinian negotiating team, like Ariel Sharon at the [1997] Wye River agreement. It would also help guarantee an eventual agreement, since no agreement can succeed without Hamas”. ICG interview, 5 December 2003.

<sup>90</sup> ICG interview, Zahhar, 5 August 2003: “Palestine is an Islamic *waqf*, therefore any recognition of Israel is out of the question. If there will be a Palestinian state, it will be an Arabic and Islamic one. For Israel, there can be no recognition, only a *hudna*”. Ismail Abu Shanab expressed the view that Hamas not only should accept UN Security Council Resolution 242 but, contingent on Israel’s withdrawal, also recognise Israel. ICG interview, June 2002. That clearly is a minority view within the organisation, though not an isolated one. Prominent leaders of the Hamas-affiliated Islamic Salvation Party, like Risala editor Ghazi Hamad, also make similar points. ICG interview, Hamad, November 2003. The Islamic Salvation Party was established by individuals affiliated with Hamas with a view to eventual participation in elected Palestinian institutions established after 1993.

<sup>91</sup> ICG interview, Gaza, 5 August 2003.

<sup>92</sup> ICG interview, Abd-al-Aziz Rantisi, prominent Hamas political leader, Gaza City, October 2002.

<sup>93</sup> Ibid. Rantisi confirmed Hamas preparedness to participate in “democratic procedures” and in fact demanded their application, expressing confidence that the Islamists “best represent Palestinian society” and had little to fear from such polls. ICG interview, Gaza, 26 July 2003.

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<sup>94</sup> ICG interview, UNSCO HQ, Gaza City, 19 May 2002.

<sup>95</sup> ICG interview, Zahhar, 5 August 2003.

<sup>96</sup> ICG interview, Najah University, Nablus, 28 May 2003.

<sup>97</sup> In his 7 January 2004 interview with DPA, Yasin made clear that, “If I accept a Palestinian state in the West Bank [and Gaza Strip], this does not mean I recognise the state of Israel, [it means] just a stop of violence for several years”.

<sup>98</sup> The assessment is shared by a number of Palestinian secular activists interviewed by ICG, including PA and Fatah officials. ICG interviews, Fatah and PFLP activists, PA officials, December 2003.

<sup>99</sup> ICG interview, Gaza, 5 August 2003. For the view that Hamas is prepared to live with Israel within the 1967 borders, see Alastair Crooke and Beverly Milton-Edwards, “Missed Opportunity? Hamas, Ceasefires, and the Future of the Israeli-Palestinian Conflict”, *The World Today*, December 2003.

every proposal for a two-state solution designed by others, including the December 2003 Geneva initiative, about which Rantisi said: “I tell those that signed the Geneva accord that Palestine [Israel and the occupied territories] will never be Jewish”.<sup>100</sup> In a recent interview, Shaikh Yasin stated: “the goal of our resistance is that all Palestinians can live in their homeland, in a situation in which all religions coexist together, Moslems, Christians and Jews. We are against a Jewish apartheid state in Palestine”.<sup>101</sup> Moreover, by apparently conditioning a temporary peace rather than a permanent settlement on the return of Palestinian refugees, Hamas is further – and significantly – diluting the concession it seemed to make.

In short, while its rejection of a negotiated settlement has waned over the years, Hamas has not renounced its ideal of establishing a state throughout Mandatory Palestine. It seems it would prefer a forced, unilateral Israeli withdrawal to the 1967 boundaries – which would commit Palestinians to nothing and for which it could claim much of the credit – to a negotiated settlement.

Hamas’s implicit endorsements of a two-state settlement thus may simply reflect tactical calculations that the struggle will resume once a Palestinian state is established or that signalling flexibility is an appropriate response to the constant pressures to which it has been subjected.<sup>102</sup> As expressed by a senior officer in the Israeli reserves: “If Hamas were to change its agenda of destroying Israel, it would cease to be Hamas”.<sup>103</sup> Continued statements by leading Palestinian Islamists that they remain committed to the forcible dissolution of the Jewish state lend credence to such assertions,<sup>104</sup> as – implicitly – does the movement’s

increasingly strident assertion that because of Israeli intransigence, “a credible two-state settlement will not materialise”.<sup>105</sup>

The stated willingness to abide by elections is equally open to question. Hamas has consistently participated in a variety of sub-national contests, such as for university student councils and professional associations and typically adhered to rules of democratic conduct when it lost. But that does not necessarily indicate how it would react to popular endorsement of a permanent political settlement that fundamentally contradicted its political program.

Those inclined to take a more positive view of the Hamas leaders’ pronouncements tend to underscore the internal dimension of its agenda. The movement, they argue, is realistic enough to know that it cannot destroy Israel; in their view, Hamas’s primary agenda is actually to enhance its role in domestic Palestinian affairs. They also tend to explain the resort to armed opposition largely by its desire to displace the PA and Fatah and emerge as the leading Palestinian organisation once a state has been established. Others add that the political structure of the Palestinian polity, and specifically the extent to which it enables Hamas to further its domestic ambitions through conventional political means, will importantly influence the path the Islamists choose in the aftermath of a peace agreement.<sup>106</sup>

The broader, unanswered question, is whether Hamas intends to acquire influence in order to alter the Palestinian approach to the peace process fundamentally or in order to enhance its own eventual role within the recognised political and security boundaries of a two-state settlement. The response, quite probably, is that Hamas would like to achieve both objectives, emulating and ultimately amplifying the role played by Hizbollah in Lebanon, becoming the central power in Palestine and achieving an informal and indefinite but strained

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<sup>100</sup> Quoted in *Ha’aretz*, 12 December 2003. In Amayreh’s view, Hamas was particularly opposed to the Geneva accord’s provision allowing for Israel’s annexation of some settlements (as part of an equal swap of territory) and to its implicit recognition of Israel as a Jewish state. ICG telephone interview, 16 December 2003. Graham Usher, “Fault Lines Betrayed”, *Al-Ahram Weekly*, 4-10 December 2003, additionally cites “renunciation of the right of return” as a key Hamas objection.

<sup>101</sup> *Der Spiegel*, N°50, 8 December 2003, p. 144.

<sup>102</sup> ICG interview, British diplomat, Jerusalem, 11 September 2003.

<sup>103</sup> ICG interview, retired senior Israeli military intelligence officer, Tel Aviv, 11 November 2003.

<sup>104</sup> See, for example, statements by Abd-al-Aziz Rantisi in Ibrahim Barzak, “Israel Tries to Kill Hamas Head”,

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Associated Press, 11 June 2003. While some correspondents interpreted Rantisi’s call – issued immediately after an Israeli attempt on his life – “not to leave one Jew in Palestine” as a reference to the occupied territories (e.g. “Israeli Raid Wounds a Key Hamas Aide”, *International Herald Tribune*, 11 June 2003), the choice of words renders this unlikely.

<sup>105</sup> ICG telephone interview, Amayreh, 16 December 2003.

<sup>106</sup> Ziad Abu Amr, Basim Zbeidi, presentations on the prospects for Hamas’s transformation into a political party, conference in Ramallah organised by The Palestinian Institute for the Study of Democracy (MUWATIN), 17 December 2003.

coexistence with Israel on its terms, not those traditionally put forward by the PA. There is much in its recent behaviour to back the view that Hamas wants to become a recognised and indispensable domestic and regional player: its tougher stance in negotiations with the PA and demands for fairer power-sharing arrangements, reflecting increased confidence in its strength (and in the PA's weakness); enhanced engagement with regional actors and signals it desires contacts with the U.S.; and its statement of interest in a temporary peace with Israel on the basis of the 1967 borders.

To some extent, the ongoing debates reflect not only divisions among those seeking to assess Hamas intentions but also the movement's multiple agendas. In the words of a former Israeli intelligence commander, Hamas is "a movement, something much wider than an organisation, composed of many sections and strands", which may hold differing views as to the relative weight to be allocated to social, political and military activities.<sup>107</sup> For those who believe this, regional and other international actors should devise policies that promote the more pragmatic elements within the Hamas leadership and particularly those who privilege the domestic social and religious as opposed to military components of the movement's agenda.<sup>108</sup>

#### D. HAMAS AND THE USES OF VIOLENCE

Hamas does not hide its belief in the utility of violence to achieve its political goals. The decision to become active in the struggle against Israel was the chief factor behind its establishment, and its leaders have consistently emphasised that violence is a legitimate Palestinian right and the only way to get Israeli and international responses. For Shaikh Yasin, for example, "The Israeli occupation demonstrated

that words were not enough to bring it to an end. Only armed resistance can achieve liberation".<sup>109</sup>

Although Hamas did not initially engage in suicide attacks against civilians, the justification for armed action gradually extended to such actions. Hamas leaders invoke a deep element of revenge, defending the attacks by arguing that "if there is no security for Palestinians, there will be none for Israelis either".<sup>110</sup> According to Shaikh Yasin:

Our main battle has always been against Israeli soldiers and settlers. The attacks inside Israel are operations we carry out in response to Israel's crimes against our people. They are not the strategy of our movement. Our strategy is to defend ourselves against an occupying army and settlers and settlements.<sup>111</sup>

One student leader put it simply: "These attacks carry a message: you kill us, so we kill you".<sup>112</sup> Shortly before his August 2003 assassination, Hamas leader Abu Shanab invoked a similar logic to explain the resort to such attacks after September 2000:

I want to emphasise that at the beginning of the Al-Aqsa intifada, we in Hamas did not commit any acts of violence. Nothing. Israel, however, killed scores of Palestinian civilians. The Palestinian street began to criticise us, even people in the PA began to criticise us. What is the philosophy of resistance? To inflict losses upon the enemy. We have no way to defend ourselves. We can only put pressure on Israel,

<sup>107</sup> ICG interview, former Israeli intelligence commander, Ramat Gan, 5 November 2003. More than forming rival and competing wings within the movement, the Hamas "sections" reportedly tend to differ on the emphasis they place upon the movement's social, political and military roles – which collectively enjoy a consensus within the organisation. Several Israeli, Palestinian, and foreign observers interviewed by ICG by contrast felt that different elements within Hamas are openly vying for control of the movement.

<sup>108</sup> ICG interviews, Ghassan Khatib, PA Minister of Labour, Ramallah, 4 December 2003; Muhammad Hourani, Palestinian parliamentarian and member of West Bank Fatah Higher Committee, 6 December 2003.

<sup>109</sup> ICG interview, Yasin, 5 August 2003. Similarly, a Hamas student leader asserted: "military operations are necessary to end the occupation" because "nobody supports us, we cannot rely on the West, and there is no alternative to resistance . . . Israel and the international community only react to pressure from Palestinians". ICG interview, Najah University, Nablus, 28 May 2003.

<sup>110</sup> ICG interview, Abd-al-Aziz Rantisi, Hamas leader, Gaza City, 26 July 2003. Members of Hamas identified the 1994 Ibrahimi Mosque massacre in Hebron – perpetrated by an Israeli settler affiliated with the Kach movement and resulting in the death of 29 Palestinian Muslims at prayer in Hebron's Ibrahimi Mosque – as the turning point which, in their view, made suicide attacks against Israeli civilian targets both legitimate and necessary. "The massacre did not leave us any choice. They attacked us at our weakest point, so we had to do the same in return. We did not want this kind of struggle, but were left with no choice". ICG interview, Abu Shanab, 5 August 2003.

<sup>111</sup> ICG interview, Yasin, October 2003.

<sup>112</sup> ICG interview, Hamas student leader, 28 May 2003.

and make clear that “if you do not withdraw, then we will be able to cause death and destruction on your side”. The Palestinians turned from a cat into a tiger, because they put us in a cage with no chance to move.<sup>113</sup>

Such a rationale has the political benefit of enabling Hamas both to proclaim opposition to attacks against civilians and to justify them as necessary to compel Israel to leave civilians on both sides out of the conflict.<sup>114</sup>

In other contexts, Hamas has defended such attacks by challenging the civilian status of its victims or claiming a right to attack such targets,<sup>115</sup> and has pointed to their substantial impact on Israel’s economy and morale.<sup>116</sup> “There are no civilians in Israel”, and “Israel is a military society” are typical justifications, as are statements alleging that the Islamists have established a deterrent balance of terror with Israel.<sup>117</sup> After an attack, Hamas spokesmen may virtually simultaneously characterise it as revenge against a recent Israeli assassination or armed incursion that produced civilian casualties; part of an ongoing strategic campaign against the occupation or Israel that will continue irrespective of Israeli conduct; a tactical initiative to force specific changes in Israeli policy; a message to a visiting American envoy and a warning to the Palestinian leadership preparing to meet the envoy; and/or a response to a particular diplomatic initiative.<sup>118</sup> At the same time, Hamas leaders emphasise that violence is only one among several available means, not an objective in itself.<sup>119</sup>

In short, the question has not been whether Hamas would conduct violent operations but what kind (attacks against soldiers and settlers in the occupied

territories or against civilians in pre-1967 Israel) and under what circumstances. For the most part, and consistent with its overall *modus operandi*, Hamas has acted in accordance with its assessment of the mood within the organisation and the Palestinian public at large; as a result, socio-economic conditions on the ground, Israeli tactics and the state of the peace process are important factors.

Palestinian public opinion clearly plays a key role in Hamas calculations and acts in two ways: first, because “Hamas will never act against the Palestinian street;” and secondly, because the PA’s ability to act without being viewed as Israeli collaborators is directly linked to popular perceptions.<sup>120</sup> According to an Israeli security official:

Hamas always seeks to be part of the Palestinian consensus and operates within it. We see this in the suicide operations. If the grassroots want operations, they will go for big attacks, because they do not want to lose support.<sup>121</sup>

This assessment is broadly shared by Palestinian and foreign observers, though at times qualified with the judgement that the leadership inside the occupied territories tends to attach greater weight to public attitudes than its counterpart in exile.<sup>122</sup>

It is important to recognise that broader popular attitudes, not solely those of its rank and file, affect Hamas’s attitude toward armed actions. During times of open conflict, Palestinians generally cite Hamas’s ability to inflict damage upon Israel as a reason for their backing. Thus, “I can’t even get from Ramallah to Birzeit University because of the Israeli roadblocks, but Hamas can get to the very heart of Tel Aviv. In the eyes of very many people, they are taking revenge upon those who prevented me from reaching Birzeit, and this only enhances their stature”.<sup>123</sup> A civil society activist adds: “many Palestinians who support a two-state settlement and are not Islamists also support Hamas during the

<sup>113</sup> ICG interview, Abu Shanab, 5 August 2003.

<sup>114</sup> ICG interview, Yasin, 5 August 2003.

<sup>115</sup> See Human Rights Watch, “Erased in a Moment”, op. cit., pp. 52-57.

<sup>116</sup> Such rationales were provided in most ICG interviews with Hamas leaders and activists in the West Bank, the Gaza Strip, Jordan, and Lebanon during May, July and August 2003, though not necessarily as an endorsement of further attacks.

<sup>117</sup> ICG interviews, Hamas student leaders, 28 May 2003; Rantisi, 26 July 2003.

<sup>118</sup> A recent report by a Palestinian security service highlights the degree to which Hamas and Islamic Jihad suicide attacks during the second intifada have been timed in order to torpedo various peace efforts. See *Ha’aretz*, 8 January 2003.

<sup>119</sup> The point was emphasized in all ICG interviews with Hamas leaders, and particularly by Shaikh Ahmed Yasin and Ismail Abu Shanab.

<sup>120</sup> ICG interview with former Israeli security official, December 2003.

<sup>121</sup> ICG interview, former senior Israeli intelligence official, Ramat Gan, 5 November 2003.

<sup>122</sup> ICG interviews, former senior European security official, 15 September 2003; Usher, 12 September 2003.

<sup>123</sup> ICG interview, Ismail Habbash, Palestinian film maker, Ramallah, 4 December 2003.

current period because in their view the movement is helping to produce an end to the occupation".<sup>124</sup>

Others note simply that humiliating treatment at checkpoints and the heavy toll of Israeli military incursions result in widespread support for Hamas actions, which are viewed as necessary to defend Palestinian honour and inflict commensurate pain on Israelis.<sup>125</sup> That those actions do not appear to have brought the Palestinians closer to their political goals has not, for now, affected the level of support for Hamas, probably since the PA's more diplomatic strategies have not succeeded either in the eyes of most Palestinians. Indeed, for many who experience violence, humiliation and settlement construction, it is Hamas's political analysis – not the PA's – that has proved correct.

The experience of suicide bombings against Israeli civilian targets, initially in 1994 and with increasing frequency during 1995 and 1996, is illustrative. Their use reflected Hamas's judgment that Palestinian public opinion would tolerate them. The assessment initially appeared correct, but the movement badly miscalculated in thinking that it could cripple both the Oslo process and the PA by consistently escalating. By the late 1990s, activists openly spoke of a Hamas "defeat" and, though it did not remain inactive, it withdrew to some extent into the social and cultural spheres.<sup>126</sup>

Hamas, like other Palestinian opposition movements, was initially hesitant to jump into the second intifada, which it feared was merely a temporary tactical ploy by the PA to extract Israeli concessions. It was only after the Islamists were persuaded that the uprising had sufficient autonomy and popular support that, as in 1987-1988, they committed their forces. By mid 2001, they were increasingly setting the pace, in no small part because they carried the conflict into Israel by resorting, with increasing frequency, to horrendous suicide attacks.

Israeli pressure is another determinant of armed Hamas activities. Israeli security officials are convinced that the assassination of Hamas political

and military leaders has a restraining effect. That also is the view of U.S. officials, who believe Hamas's more favourable predisposition to a ceasefire at various stages of the current intifada has directly stemmed from concern that the bulk of its leadership might be killed, resulting in significant harm to the organisation.<sup>127</sup>

But the tactic has limitations. The resulting civilian casualties have inflamed Palestinian public opinion and only deepened the desire for revenge. Moreover, to sustain credibility – and avoid any popular perception that they value their own lives more than those of ordinary Palestinians – Hamas leaders frequently have opted to retaliate against targeted killings, notwithstanding the expected Israeli counter. Since September 2000, there has been a consistent pattern of suicide attacks after high-profile Israeli assassinations. According to a European diplomat with contacts to Hamas during this period, the threat of assassination has an important but far from decisive impact. Hamas leaders are prepared to sustain such losses when they deem them politically worthwhile; if they would simply diminish Hamas capacity without political gain, the leaders are likely to seek a ceasefire.<sup>128</sup>

A third factor sometimes mentioned as affecting Hamas calculations is the international attitude but the evidence is mixed. Generalised condemnation of suicide attacks has had no discernible impact. On the other hand, the EU decision to place the organisation on its terrorism list and other steps to restrict its access to funds appears to have played a role in its recent reluctance (apparently ended with the 14 January attack) to use the tactic. Arab political and financial pressure would be the most influential. As Arafat told ICG, "Hamas can oppose Arafat, but must take account of the unified will of the entire Arab world".<sup>129</sup> Certainly, a decision by Syria and Iran to halt their cooperation and cut off any funding would have a profound effect. Discussions with Hamas leaders also indicate concern about being identified with al-Qaeda or global terrorism in the aftermath of the 11 September 2001 attacks in the United States, a point that is emphasised by the EU's former Special Security Adviser: "The Hamas

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<sup>124</sup> ICG interview, May Jayyousi, Executive Director, Palestinian Institute for the Study of Democracy (MUWATIN), Jerusalem, 3 December 2003.

<sup>125</sup> ICG interview with Palestinian political analyst, Ramallah, October 2003.

<sup>126</sup> Sara Roy, "The Transformation of Islamic NGOs in Palestine", Middle East Report 214 (Spring 2000).

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<sup>127</sup> ICG interviews with U.S. officials, Washington, July-November 2003.

<sup>128</sup> ICG interview, Jerusalem, October 2003.

<sup>129</sup> ICG interview, Yasir Arafat, July 2003. Arafat was specifically referring to Hamas's position vis-a-vis the March 2002 Arab League peace initiative adopted in Beirut.

leadership has sought to distance itself from [international Islamist radicals] that it also regards as a threat to its own interests. They see any widening of the struggle from the objective of ending Israel's occupation to conflict with other parties, particularly the U.S., as potentially disastrous".<sup>130</sup>

#### IV. OPTIONS AND FUTURE PROSPECTS

##### A. CONFRONTING HAMAS

Hamas's consistent opposition to the peace process and resort to violence against civilians has led many to conclude that forceful confrontation, aiming at the destruction of its military infrastructure, is necessary. First, given Hamas's nature, it is argued that any arrangement would create at best an illusory lull during which Hamas would seek to strengthen itself in order to renew the conflict on more advantageous terms. Hamas and Israel are in a "zero-sum game,"<sup>131</sup> Hamas is a terrorist organisation dedicated to Israel's destruction,<sup>132</sup> and its other activities cannot be decoupled from its overriding objective. A leading member of Israel's Labour party told ICG, "Hamas and Israel cannot exist in the same geographic domain...because it is theologically and ideologically committed to our destruction",<sup>133</sup> while another Israeli observer insisted that "the problem with Hamas is its vision – the destruction of Israel. Hamas sees Israel as temporary and any deal with them is, by definition, temporary".<sup>134</sup>

More broadly, under this view, to tolerate the existence within the Palestinian polity of a radical organisation like Hamas is to hold back any genuine progress on the peace process. Palestinians willing to compromise will become targets of Hamas political or physical pressure. Israelis willing to contemplate compromises will not act so long as Hamas retains the capacity to engage in violence and the determination to destroy the Jewish state.

Similarly, some secular Palestinian leaders described Hamas as a threat both to progress on peace and to the character of the future Palestinian state.<sup>135</sup> Certainly, unregulated armed elements are incompatible with an independent Palestine. "Hamas is winning the battle for the soul of Palestine", a Palestinian official worried. "For our own interest, it

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<sup>130</sup> Crooke and Milton-Edwards, "Missed Opportunity?", op. cit. In interviews with ICG, Hamas leaders appeared eager to differentiate their resort to political violence and to avoid any association with the al-Qaeda network. In this vein, Az-Zahar stated: "Our struggle is focused on and limited to the occupation". ICG interview, Gaza, 5 August 2003. See also ICG interview with European official, Jerusalem, October 2003; ICG interview with former Israeli intelligence commander specialised in analysis of Hamas, Ramat Gan, 5 November 2003, who also noted that Hamas "very quickly distanced itself from the 15 October 2003 attack on a U.S. convoy in the Gaza Strip".

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<sup>131</sup> ICG interview, former senior Israeli military intelligence official, Tel Aviv, 11 November 2003.

<sup>132</sup> ICG interview, former deputy coordinator of IDF activities in the occupied territories, Tel Aviv, 3 November 2003.

<sup>133</sup> ICG interview, Sneh, 12 November 2003.

<sup>134</sup> ICG interview, Israeli security correspondent, Tel Aviv, 4 November 2003.

<sup>135</sup> ICG interview, Ramallah, July 2003.

is vital that we defeat it, politically and militarily”.<sup>136</sup> Official engagement with Hamas, whether by the EU or Arab states, risks enhancing its legitimacy, putting it on a par with Fatah and the PA; the EU’s decision to recall Alastair Crooke is said by some to have been urged by PA security officials unhappy at his direct dealings with Hamas. Hamas, it is said, used the recent ceasefire talks in Cairo to maximise its standing, forcing Prime Minister Qureia to run after it but return empty-handed. The prime minister reportedly came back convinced that Hamas not only was determined to become the predominant Palestinian organisation, but persuaded it was on the verge of doing so.<sup>137</sup>

Because Hamas is a constant threat to the PA that could become acute at any moment, it is difficult for Palestinian leaders to adopt pragmatic negotiating positions or fulfil commitments.<sup>138</sup> Compromise with Hamas, for which “a *hudna* is nothing but a ceasefire for as long as it is weak”,<sup>139</sup> may represent the ultimate danger, because it is in the nature of Hamas to exploit systematically such opportunities to become a more powerful threat.

For those who hold this view, the strategy needed to combat Hamas must have several aspects, mirroring its multi-dimensional identity. These include physical liquidation of military cadre (and if necessary political leadership); widespread arrests; closure of Hamas institutions and other bodies it uses; drying up funding through concerted international action; outlawing institutions and affiliated individuals; and pressuring organisations like Hizbollah, and regional states like Iran, Syria and Saudi Arabia, a country that according to some, provides the majority of Hamas’s funding,<sup>140</sup> to end support. A comprehensive assault on Hamas’s social service network is believed by many a pre-requisite for minimizing its financial and popular support,

though this would have a devastating impact on the Palestinian population unless alternative assistance was provided rapidly.<sup>141</sup>

Some proponents of the view that Hamas needs to be dealt with urgently and forcefully believe the PA still can overwhelm the Islamists. PA security forces do far outnumber Hamas and have more firepower.<sup>142</sup> Yet, many doubt that Hamas can be defeated through military means, at least now. Israel has tried in various ways and, while Hamas’s military capacity arguably has been diminished, it has not been destroyed. One of the more lethal measures, the targeted killing of leaders, has applied additional pressure and may have been behind the movement’s decision to suspend, even if temporarily, suicide attacks.<sup>143</sup> But overall, according to two respected terrorism experts, the tactic “seem[s] to boost the group’s popularity during times of crisis”.<sup>144</sup> Given “the astounding rapidity with which Hamas fills vacant leadership positions after assassinations”,<sup>145</sup> their effectiveness has been questioned by some Israeli security officials as well. Hamas today is “politically stronger even if operationally weaker”.<sup>146</sup>

Indeed, most analysts concur that if anyone can subdue Hamas, it is the Palestinians themselves, both because of their better human intelligence and because this would be far more acceptable to the Palestinian people.<sup>147</sup> If anything, however, that

<sup>136</sup> ICG interview, November 2003.

<sup>137</sup> For an analysis of the Cairo talks in terms of Hamas’s goal of inheriting the PA, see Jonathan Halevi, “Is Hamas Preparing to Inherit the Palestinian Authority?”, Jerusalem Issue Brief, Vol. 3, N°14, 7 January 2004.

<sup>138</sup> ICG interview, former Israeli intelligence commander specialised in analysis of Hamas, Ramat Gan, 5 November 2003. The interviewee also suggested that what is perhaps most worrisome about Hamas is that it seeks to transform what has been primarily a national and territorial conflict between Israel and the Palestinians into a religious war between Muslim and Jew.

<sup>139</sup> ICG interview, Sneh, 12 November 2003.

<sup>140</sup> Ibid.

<sup>141</sup> ICG interviews with Palestinian and U.S. officials, Ramallah, Gaza, Washington, April-October 2003. See further, ICG Report, *Islamic Social Welfare Activism*, op. cit.

<sup>142</sup> Although battered by Israeli attacks, they have more than 40,000 men; by contrast, as noted above, the Qassam Brigades are believed to number roughly 1,000 in Gaza and some 130 in the West Bank.

<sup>143</sup> See *The New York Times*, 4 December 2003.

<sup>144</sup> Steven Simon and Jonathan Stevenson, “Confronting Hamas”, *The National Interest*, Winter 2003/2004, p. 59. They add: “Although the policy has forced Hamas underground and constricted its ability to organise terrorist operations, it has also made Hamas operatives harder to detect and reinforced the group’s violent revolutionary nature”, p. 67.

<sup>145</sup> ICG interview, former senior Israeli intelligence commander, Hezliya Pituah, 9 November 2003. An Israeli security correspondent, in an ICG interview, Tel Aviv, 3 November 2003, additionally concluded that the attempt to kill Yasin reflected that “the IDF don’t know what to do” and have run out of military options.

<sup>146</sup> ICG interview with U.S. official, Washington, September 2003.

<sup>147</sup> If the task [of dismantling Hamas’s military apparatus] remains with the IDF, . . . the Palestinian populace will only become more radicalised and less amenable to negotiated agreement....As much as possible, Palestinians should be

eventuality is even more remote. At the very least, the PA needs time to rebuild its security services – which despite their manpower lack organisational coherence, infrastructure such as adequate weapons or armoured vehicles necessary for any showdown and the will to confront other Palestinians – and it needs a political process to refurbish its legitimacy before it can be in the position of acting against Hamas with at least the population's passive acquiescence.<sup>148</sup> For now, however, the trend is in the opposite direction, with the PA increasingly losing authority and the capacity to govern; political factions, militias, and armed gangs, at times controlling little more than a neighbourhood, appear in some instances to have become the key policy-makers. Meanwhile, Hamas's influence and popularity are steadily growing, a success even its rivals in Fatah describe as "phenomenal".<sup>149</sup>

Altogether, "the PA does not have the capacity to face Hamas; its police are not feared and it lacks any infrastructure. Under current circumstances, the PA will not act as Israel wants".<sup>150</sup> The U.S. notion of waiting for a credible Palestinian leadership to emerge, one that will be able to act decisively against armed groups, before it re-engages on the peace process, is built on a dangerous illusion and wholly ignores the state of political and security disarray on the Palestinian side – a result both of Palestinian strategic mistakes and of Israeli actions on the ground. In the absence of a peace process that the Palestinians believe will end the occupation, no such leadership can or will emerge.

Even assuming the PA possessed the military capacity to confront Hamas, it would be unrealistic without such a concrete and credible peace process and the prior relaxation of Israeli punitive measures, for it would turn the PA into the occupier's accomplice in Palestinian eyes. A secular Palestinian activist explained: "I'm one of those who support peace but feel closer to Hamas during wartime, because they balance the violence of Israel".<sup>151</sup> Should Hamas feel that a ceasefire was being advanced for the purpose of rebuilding the PA

security forces so they could be turned against it, it would be unlikely to stand idle. Hamas will not "be a party to their own . . . dismantling".<sup>152</sup>

Several Palestinian security officers and Fatah officials interviewed by ICG made that plain, saying "I used to support a hawkish approach towards Hamas. But now, in the context of the Israeli and American aggression against us, we will not confront Hamas on behalf of the occupation.... A political solution with Israel will take a long time. In its absence we will not provide it with free gifts by liquidating a Palestinian organisation".<sup>153</sup> A colleague emphasised that:

Those within Fatah calling for the liquidation of Hamas are a weak minority made even weaker by Israel's continuing policy of assassinations and siege of Arafat. A majority in Fatah today want to open a new page with the Islamists on the basis of national consensus. If it was attacked by the PA they would see this as an attack on behalf of the occupation and reject it in word and deed.<sup>154</sup>

Another problem with an eradication approach is that it assumes the existence of a more fixed target than may exist. Fatah activists dismiss as a "completely empty and meaningless concept" the notion of an extensive terrorist infrastructure.<sup>155</sup> A PA cabinet minister said:

I tried to explain to the Americans. What's the "infrastructure of terror"? There are no massive underground bunkers. It consists of three individuals, one of whom will commit suicide; less than U.S.\$100; and an internet connection. It's that simple. I used to be a clandestine activist, and I know from experience that those who are hit the hardest grow the fastest. Violence is not the result of the existence of Hamas, but the inevitable result of the occupation. We didn't have Hamas until 1987, but there was not one month during the previous two decades of occupation without violence. There is only

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required to solve their own problems". Simon and Stevenson, "Confronting Hamas", op. cit., p. 66.

<sup>148</sup> ICG interview with Palestinian official, June 2003.

<sup>149</sup> ICG interview with Fatah activist, Ramallah, January 2004.

<sup>150</sup> ICG interview with Palestinian security official, December 2003.

<sup>151</sup> ICG interview, secular Palestinian activist, Ramallah, December 2003.

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<sup>152</sup> Crooke and Milton-Edwards, "Missed Opportunity?", op. cit.

<sup>153</sup> ICG interview, Palestinian security officer and Fatah activist, Ramallah, 15 September 2003.

<sup>154</sup> ICG interview, Palestinian security officer and Fatah activist, Ramallah, 15 September 2003.

<sup>155</sup> ICG interview, October 2003.

one way to contain Hamas – end the occupation with a successful peace process. This will empower the secular forces and the peace camp, which will persuade or compel Hamas to abide by the agreement.<sup>156</sup>

This theme is also brought up within the Israeli intelligence community:

The Israeli system simply does not understand that there is no such thing as “the infrastructure of terror” – terror is in the heart. People have reasons to carry out attacks, and Israel ignores them. There is no Weizmann Institute that makes suicide bombs. The Syrians and Iranians are not providing advanced weapons. Even if the Syrians close offices, it will not make a big difference. The basis of Hamas’s power comes from the street and not the outside. It comes from the desperation and the sense of hopelessness. One does not need much from Iran to make a bomb.<sup>157</sup>

This is not to say that robust military and financial pressure, particularly if internationally coordinated and coupled with political progress, cannot produce results, such as at least temporarily halting the most devastating attacks against civilians. But this is unlikely to be the longer-term and sustainable solution that Israelis have been hoping for. As a Palestinian security official said, “You can prevent some suicide operations through military means, but not all – the distance between planning and execution is too short”.<sup>158</sup>

## B. ENGAGING HAMAS

But is there any alternative strategy? The view that the Islamist movement is a permanent feature of the Palestinian political landscape, and efforts ought to focus on engaging and co-opting it is highly controversial. Still, it is being discussed with some frequency among Israelis and Palestinians and within

the wider international community.<sup>159</sup> The most prominent initiatives built around this notion have been spearheaded by Alastair Crooke, the former EU Senior Security Adviser, who used his considerable contacts to open a channel of communication to Hamas with the aim of persuading it to give up violence and enter the political process, and by Egypt in the context of intermittent ceasefire talks.

For the most part, advocates of engagement believe in three propositions: that Hamas will remain a sizeable actor with deep roots among Palestinians;<sup>160</sup> that excluding it from political arrangements will delegitimise those arrangements;<sup>161</sup> and that Hamas (or at least its more pragmatic elements) is willing to become a conventional political actor and accept Israel’s existence if given appropriate political clout.<sup>162</sup> Under this view, the challenge is not to “fragment and demoralis[e] ... the Palestinian nation”,<sup>163</sup> but rather to build a new Palestinian national consensus encompassing important segments of the Islamist movement around a negotiated two-state solution and the abandonment of terrorist violence as a tactic. “No amount of top-down political pressure from the international community will be able to energise a constituency that no longer trusts the direction of events, is embittered and feels victimised.”<sup>164</sup>

<sup>156</sup> ICG interview, Khatib, 4 December 2003.

<sup>157</sup> ICG interview, former senior Israeli intelligence commander, Herzliya Pituah, 9 November 2003. Another former intelligence official noted that Israel used to know the profile of a typical suicide bomber (age, gender, socio-economic status and education). “That is no longer the case. Today nobody knows because what feeds the suicide bombers is despair, and despair is touching all Palestinians”. ICG interview, December 2003.

<sup>158</sup> ICG interview with Palestinian security official, December 2003.

<sup>159</sup> Hamas’s potential transformation into a conventional political party was the subject of a recent conference in Ramallah, one of whose most prominent participants concluded: “The strategic shift within Hamas began when it demanded political participation, and it is now discussing the conditions of involvement”. Ziad Abu Amr, “Prospects for Hamas’s Transformation into a Political Party”, presentation to conference organised by Palestinian Institute for the Study of Democracy (MUWATIN), Ramallah, 19 December 2003.

<sup>160</sup> Hamas “represents a major segment of the population, and is rooted in the Palestinian community. There is no way of dealing with Hamas except through successful engagement, and this should be an internal Palestinian matter”. ICG interview, Nadim Rouhana, Palestinian academic and director of MADA (Arab Centre for Applied Social Research), Jerusalem, 4 December 2003.

<sup>161</sup> “An accord between Israel and some Palestinian negotiators that simply ignores a major current of Palestinian opinion is unlikely to be enduring”. Crooke and Milton-Edwards, “Missed Opportunity?”, op. cit..

<sup>162</sup> ICG interview, Schweitzer, 6 November 2003.

<sup>163</sup> Alastair Crooke and Beverly Milton-Edwards, “‘Legitimacy’ Revisited: The Need for a Process of Internal Palestinian Accommodation” (forthcoming).

<sup>164</sup> Ibid.

In this scenario, fostering an “internal Palestinian peace process” is critical; Alastair Crooke evokes the need for a new Palestinian legitimacy, a “loya jirga” of sorts, an alternative to immediate elections that would entail giving the Islamists a more proportional share of power in exchange for their agreement to a modified political approach.<sup>165</sup>

There needs to be some process of internal accommodation that could find some consensus on the selection of representatives to negotiate with Israel. It might be possible at this time to organise some elections perhaps at the local level and amongst professional and trade associations to give a popular dynamic to the process. [The interim political forum would agree on] the process by which a negotiating team is selected [and] its terms of reference . . . and draw up the guidelines for elections that might follow negotiations with Israel. The interim forum could also agree on practical arrangements for the implementation and regulation of any ceasefire and how those in breach of it would be sanctioned.<sup>166</sup>

In the words of an analyst of Palestinian affairs, active intervention is required, “incentives and pressures designed to strengthen the more pragmatic and accommodationist elements within Hamas who aspire to join the Palestinian national consensus”.<sup>167</sup> Advocates believe Hamas is at a crossroads; key leaders, determined not to be equated with Bin Laden’s nihilistic terrorism and convinced they have gained considerable political strength at home, allegedly see the need for a strategic transformation that will give them legitimacy in regional and international eyes, and given the appropriate environment, may be able to achieve it.<sup>168</sup> The advocates point in particular to Hamas-affiliated individuals who created the Islamic Salvation Party in 1993 as the non-violent embodiment of Palestinian Islamism with a view to participating in the domestic

and international political arenas.<sup>169</sup> While their effort failed, this tendency reportedly continues to exist within Hamas. Should conditions change, it could re-emerge more strongly and gradually marginalise the movement’s more radical elements.

At a more fundamental level, some analysts believe that even if it were possible, it would be far better not to exclude Hamas from the peace process if what is sought is a stable agreement enjoying broad legitimacy among Palestinians. Interestingly, some Israeli security officials take a roughly similar view, going so far as to explain that ultimately Israel will have to deal directly with Hamas if it wants a stable peace: “Hamas cannot be made to disappear”.<sup>170</sup> According to an Israeli journalist specialising in security affairs, “The IDF today understands that Hamas is also a movement like Hezbollah or [Israel’s Orthodox Sephardic] Shas movement [i.e. more than just a paramilitary organisation], and no one really believes that it can be destroyed”.<sup>171</sup> Israelis also have been invoking the so-called “Jordanian Model”. According to a former senior security official:

There is a school that accepts that the Hamas is a political and social movement and wants to engage them in a political process. It sees Jordan and its co-option of the Islamic movement as the model to emulate. Their argument is that Hamas cannot be made to disappear. Israel is at present studying the Jordanian model closely.<sup>172</sup>

Whether or not integrating Hamas fully into the fabric of Palestinian political life and providing it a fair opportunity to achieve a commensurate institutional role will lead it (or a substantial element within it) to comply with the rules of the game is a key unanswered question. Those who believe this hold that Hamas is willing to become a legitimate

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<sup>165</sup> Crooke and Milton-Edwards, *ibid.*, argue that Islamists need to be integrated into the security forces lest a growing body of Palestinian public opinion view those forces as alien to the national interest.

<sup>166</sup> *Ibid.* The authors believe that a rapid transition to elections could prove destabilising.

<sup>167</sup> ICG interview, Usher, 12 September 2003.

<sup>168</sup> See, for example, Crooke and Milton-Edwards, “Missed Opportunity?”, *op. cit.*; Mishal and Sela, *The Palestinian Hamas*, *op. cit.*; Shadid, *Legacy of the Prophet*, *op. cit.*; Usher, “What Kind of Nation?”, *op. cit.*

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<sup>169</sup> For the most part, leaders of the Islamic Salvation Party and advocates of a more pragmatic line within Hamas were trained and educated outside the occupied territories and have ties with Islamist organisations from other countries.

<sup>170</sup> ICG interview, former deputy coordinator of IDF activities in the occupied territories, Tel Aviv, 3 November 2003.

<sup>171</sup> ICG interview, Israeli security correspondent, Tel Aviv, 4 November 2003.

<sup>172</sup> ICG interview, former senior Israeli security official, Tel Aviv, 3 November 2003. A problem with this model is that the Islamic movement in Jordan was forced to concede a significant share of its power and stature after joining the political mainstream, a prospect Hamas is unlikely to accept.

political movement and that if it is engaged in some form of leadership responsibilities and preparing for elections, it is less likely to retain and deploy a clandestine militia than if it remains an aggrieved opposition. “Encouraging an internal Palestinian accommodation of all the factions is not to legitimise the Islamists. The last years gave them that: it is to recognise that if the Palestinian polity becomes irreparably divided, there can be no hope of agreement”.<sup>173</sup>

This involves a leap of faith many refuse to take, citing signs that Hamas ceasefire offers have all been undertaken under duress and that violence is intrinsic to the movement. They argue that “the availability of public backing will only determine the timing of Hamas’s violent challenge to secular rivals. It will not affect the inevitability of that challenge”.<sup>174</sup> Hamas’s repeated refusal to join PA cabinets is taken as an ill omen for its willingness to be co-opted into the political mainstream. That said, Hamas has always made plain its opposition to the political structures of Oslo, while urging elections for the Palestine National Congress, the PLO Executive and at the local, professional and student levels.

### C. TESTING THE WATERS: HAMAS AND THE ELUSIVE CEASEFIRE

All sides in the debate find justification for their views in the recent intra-Palestinian attempts to broker a ceasefire. How the ambivalent record is read depends very much on one’s interpretation of why Hamas agreed to the ceasefire in the first place and why it eventually collapsed.

#### 1. Why Did Hamas Agree to a Ceasefire?

On 29 June 2003, Hamas announced jointly with Islamic Jihad a “suspension of military operations (*hudna*) against the Zionist enemy for three months, effective today”, conditioned upon an “immediate cessation of all forms of Zionist aggression against our Palestinian people” and the “release of all prisoners and detainees”. “In the event that the enemy does not heed these conditions and commitments, or breaches any of them”, they warned, “we see ourselves unencumbered by this

initiative and hold the enemy responsible for the consequences”.<sup>175</sup>

Justifying the decision, the statement’s preamble referred to “the unity of Palestinian ranks during this dangerous phase”, “our national unity achieved through the intifada”, “our contribution to consolidating Palestinian national dialogue” and the need “to protect our internal front from the danger of schism and confrontation”.<sup>176</sup> Hamas leaders explained that the movement was keen to avoid *fitna* (discord) – in this context, confrontation with the PA: “Hamas wants to avoid inter-Palestinian struggle by all means”.<sup>177</sup> Going a step further, Hamas’s representative in Lebanon added, “we are in a very dangerous situation or stage, things could explode totally at any moment. The ceasefire was a tremendous chance for politics”.<sup>178</sup>

For many analysts, the ceasefire resulted from a combination of Palestinian public pressure, Israeli military actions and growing international condemnation. Hamas was responding to the Palestinian public’s weariness with the conflict and its desire to give the PA government of Abu Mazen an opportunity to succeed at a time when the Roadmap offered prospect of at least some political movement and improvement on the ground. While polling gave ambiguous and shifting responses, many Palestinians also gradually seemed to have concluded that the armed intifada, in particular suicide attacks, was not advancing their cause: while those attacks may have undermined Israel’s sense of security and satisfied a thirst for revenge, they did not bring them any closer to realising their aspirations. “Hamas militants are prepared to die, but not if they don’t see it helping in any way. They are beginning to see that this will not cause Israel to bend or cause international involvement on their behalf”.<sup>179</sup> This should not be misunderstood as opposition to armed attacks against Israel; the daily humiliation and loss of Palestinian lives ensures this will not result. But it means that more Palestinians,

<sup>173</sup> Crooke and Milton-Edwards, “‘Legitimacy’ Revisited”, op. cit.

<sup>174</sup> Simon and Stevenson, “Confronting Hamas”, op. cit., p. 61.

<sup>175</sup> Text of ceasefire statement issued by Hamas and Islamic Jihad, 29 June 2003.

<sup>176</sup> Ibid.

<sup>177</sup> ICG interview, Hamdan, 22 August 2003. “We made the decision based on a clear policy, i.e., avoiding by all means the outbreak of a civil war inside Palestinian society.” ICG interview with Mahmud az-Zahar, Gaza, 5 August 2003.

<sup>178</sup> ICG interview with Osama Hamdan, Beirut, 22 August 2003.

<sup>179</sup> ICG interview with EU security official, Jerusalem, September 2003.

however sceptical, may be prepared to give a diplomatic initiative a chance.

Pressure also may well have had a part. Israel's policy of targeted killings, discussed above, and frequent raids into Palestinian areas, increased the cost of Hamas tactics. Fear of PA action, on the other hand, seems to have been minimal. Hamas leaders were politely derisive of PA capacities.<sup>180</sup> In July 2003 Arafat answered ICG's question whether the Abu Mazen government's security chief was planning to attack Hamas with one of his own: "Do you think he is able to do this?"<sup>181</sup>

Some observers also point out that an important consideration for Hamas was its conviction that neither the Roadmap nor the new Palestinian government would succeed, and that the ceasefire was bound to collapse sooner or later. As expressed by Ismail Abu Shanab, a ceasefire would "tear the mask off the Roadmap, to prove that it is a security arrangement and not a peace plan".<sup>182</sup> It made little sense for Hamas to antagonise the PA, Fatah, the international community and its own constituents to resist arrangements it was convinced would disintegrate of their own accord. Hamas did not want to be singled out as responsible for its demise, however, and relished the opportunity to demonstrate it was essential to any political initiative.

What these views have in common is the sense that Hamas agreed to a ceasefire chiefly for tactical reasons.<sup>183</sup> Crooke and several Palestinian analysts offer a different interpretation. While they do not dispute the role of the factors cited above, they believe a more strategic calculation also was in play. They say Hamas did not accept the ceasefire in response to immediate circumstances or intent on seeing it come to a rapid end and that the degree to which it acted out of self-preservation or desperation should not be exaggerated. In July and August 2003, it consistently responded to Israeli assassinations with attacks it knew would result in further

escalation. And after the 21 August assassination of Ismail Abu Shanab, it prematurely abrogated its *hudna* under circumstances that it knew would lead Israel to escalate its military actions.

As they view it, the *hudna* was the first sign of an evolution within Hamas that deserves to be nurtured – a decision to try to shift the balance of power within the Palestinian polity, in coordination with certain younger Fatah leaders, by replacing elements of the existing PLO/PA leadership through a democratisation of public life.<sup>184</sup> Local Fatah activists gave some credence to this, explaining that both organisations needed each other's help to remove old leaders from power.<sup>185</sup> Key Hamas elements such as the prison leadership, which was keen to strengthen indigenous Fatah leaders led by imprisoned West Bank Secretary General Marwan Barghouti, are said to have helped tip the balance in favour of the ceasefire.<sup>186</sup> The prospect of enhanced regional and international recognition offered by participation in the ceasefire (particularly when weighed against the price of increased isolation), the efforts by Egyptian and European mediators to consult with local as well as exiled members of the Hamas leadership, and perhaps most of all the opportunity to demonstrate the centrality of Hamas to the Israeli-Palestinian equation were, under this interpretation, central considerations. According to EU security officials, Hamas repeatedly passed messages to its European contacts that it meant to keep the ceasefire and turn to a more political strategy.<sup>187</sup>

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<sup>180</sup> ICG interview, Zahhar, 5 August 2003: "I am certain that the PA cannot achieve anything". Hamdan expressed a similar view. ICG interview, 22 August 2003.

<sup>181</sup> ICG interview with Yasir Arafat, Ramallah, 7 July 2003.

<sup>182</sup> ICG interview, Abu Shanab, June 2003.

<sup>183</sup> "All ten of Hamas's declared or offered ceasefires between 1993 and 2002 emerged when it needed breathing room to regroup after pressure was exerted by a superior party – either Israel or the Palestinian Authority. None has lasted more than a few weeks". Simon and Stevenson, "Confronting Hamas", op. cit., p. 61.

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<sup>184</sup> ICG interview, Amayreh, 16 December 2003.

<sup>185</sup> ICG interview, Ramallah, 6 December 2003. A Fatah activist told ICG, "What has happened is that Hamas has established itself as a genuine force in the Palestinian political arena and that there has been a strategic decision by Fatah to recognise this reality rather than wish it away, as was often the case previously". ICG interview, Ramallah, 8 January 2004.

<sup>186</sup> ICG interview, Abu Shanab, October 2001, cited Barghouti as a Fatah leader who sought to forge "strategic unity with Hamas". Fatah leaders do not go so far, but note that Barghouti did indeed "reach out to Hamas out of necessity in order to strengthen national unity during a time of crisis". ICG interview, Ramallah, 8 January 2004. He added, "there is significant cooperation in the field between the two organisations, particularly at the lower levels. This is of tactical rather than strategic nature, based on temporary joint interests, like defending Jenin refugee camps against the Israeli invasion".

<sup>187</sup> ICG interview, Jerusalem, September 2003.

## 2. Why Did the Ceasefire Break Down?

In the aftermath of the ceasefire's breakdown, and in particular of the devastating 19 August 2003 suicide attack, most international actors considered that further engagement with Hamas was futile and politically untenable.<sup>188</sup> The EU increased pressure on Hamas through a variety of coercive means.<sup>189</sup> Crooke was recalled as EU officials questioned the viability of his approach. U.S. officials, while conceding that he had unique and valuable access to Hamas, believe that Hamas was simply using him to extract greater legitimacy and forestall more devastating Israeli attacks by holding out the illusory prospect of a strategic shift, while playing for time to rebuild its forces.<sup>190</sup> "Hamas was looking for the first opportunity to break the ceasefire without incurring all the blame and while retaining support from the street. The Israelis gave it to them but Hamas would have found one anyway".<sup>191</sup>

Others, including some in the EU, take issue with this. They argue that the effort was never allowed to develop fully: Israel continued to act against Hamas and was unwilling to make reciprocal commitments, while, as noted previously, the U.S. sent contradictory messages about whether it could live with a de-militarised Islamist organisation. According to this reading, the failure resulted primarily from

continued Israeli assassinations and killings that completely undermined genuine attempts at de-escalation. Israel's response created a

self-fulfilling prophecy. They had the expectation of failure and in effect guaranteed it. . . . [T]here were continued provocations, a dismissive attitude, no confidence-building measures, and unhelpful statements. Israel's Minister of Defence would publicly claim that Hamas is re-grouping and that [the] IDF must prepare for a massive attack. Hamas begins to prepare for this eventuality. To Israel this is proof of its original thesis, a *casus belli*. It attacks, Hamas responds, the IDF feels vindicated and the *hudna* is history.<sup>192</sup>

Hamas's chief representative in Lebanon, Usama Hamdan, is adamant that the movement was serious about the *hudna*:

The *hudna* was a great opportunity for politics. But it only resulted in more pressure on the Palestinians, even though Israel has to give too for a political solution to materialise. Hamas and other factions agreed to the *hudna* in order to produce an end to violence. Israel refused. It didn't give it a chance. While the Palestinians kept it, Israel committed daily attacks without being criticized by anybody. So it was left to the Palestinians to stop Israeli violence. On the basis of force, violence, power, we'll never reach a political solution. But the strong remain strong and there is nothing left for the Palestinians except resistance.<sup>193</sup>

Proponents of this view stress that the suicide attack that ended the ceasefire was a rogue operation by a Hamas branch in Hebron (and, according to others, perpetrated by a disaffected former Islamic Jihad member who had only recently switched to Hamas) acting without central instruction in retaliation for Israel's assassinations of close colleagues, an act that was a "disaster for Hamas".<sup>194</sup> In interviews with ICG, several Israeli and U.S. officials confirmed this account, explaining that neither the internal nor external Hamas leaderships had ordered the attack,

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<sup>188</sup> ICG interviews, British diplomats, Jerusalem, 11 September 2003; French diplomat, Jerusalem, 12 September 2003.

<sup>189</sup> French diplomats told ICG they exerted efforts to retain a clause offering Hamas the prospect of no longer being included on the EU terrorism list should it change its ways. But they quickly conceded that, once an organisation is on the list, it is very difficult to remove it. ICG interviews, Paris, October 2003. France's discomfort was expressed in an article by Foreign Minister De Villepin published in *Al Hayat*, 20 September 2003: "France does not compromise with terrorism. It agreed to Hamas's inclusion on the European list of terrorist organisations after that movement claimed credit for the attack that killed 22 Israelis on 19 August in Jerusalem. Nevertheless, we indicated at the same time that such a decision would naturally be reversible if Hamas agreed to renounce violence and terrorism in favour of political action. France cannot fail to react after such a grave act, even though it knows that the responsibility for the failure of the truce is shared".

<sup>190</sup> ICG interviews, Washington, October-November 2003.

<sup>191</sup> ICG interview with U.S. official, September 2003.

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<sup>192</sup> ICG interview, former senior European security official, 15 September 2003. Similarly, ICG interview with Egyptian officials, Cairo, October 2003.

<sup>193</sup> ICG interview, Hamdan, 22 August 2003. The interview took place in the immediate aftermath of the *hudna*'s collapse.

<sup>194</sup> ICG interview with EU security official, Jerusalem, September 2003. A former deputy coordinator of IDF activities in the occupied territories confirmed that many Israeli and Palestinian security officials believe the attack was a rogue operation that took the Hamas leadership by surprise. ICG interview, Tel Aviv, November 2003.

and there was some initial hesitation about whether to claim responsibility. Ultimately, Hamas is said to have concluded that it had no other choice, particularly since one of its members died in the operation.<sup>195</sup>

### 3. What Prospects for a New Ceasefire?

The fate of the current Egyptian effort, led by Director of Intelligence General Omar Suleiman, also yields contradictory assessments. It seeks to build on consultations between the PA, Hamas and other Palestinian factions to achieve a full, formal, reciprocal ceasefire between Israel and all Palestinian forces, initially for twelve months. It would involve undertakings by Hamas and the other Palestinian factions towards the PA and, subsequently, a separate and parallel agreement between the PA and Israel, with the latter's commitments sealed by a U.S. guarantee.<sup>196</sup> Concurrently, a supreme monitoring committee – PA, PLO factions, and the Islamist factions – would supervise political negotiations with Israel. Simultaneously, agreement is being sought on eventual Hamas inclusion in the PLO,<sup>197</sup> a schedule for local, legislative, and presidential elections, and additional measures to integrate Hamas into Palestinian political institutions.

Views vary as to why the discussions have not succeeded. According to some, Hamas wants an official Israeli commitment that it will end targeted killings, arrests and military incursions; although Israel was informally prepared to cease offensive activity in return for full cessation of Hamas operations (“We will respond to quiet with quiet”),<sup>198</sup> it refused to make a pledge. Other reports stress Hamas disagreement with an Egyptian proposal that factions collectively empower the Palestinian prime minister to negotiate with Israel on their behalf. Reportedly, Hamas insisted on previous understandings about establishment of a supreme monitoring committee.<sup>199</sup> More broadly,

some analysts believe Hamas went to Cairo in order to “for the first time . . . openly and confidently challeng[e] the basic Palestinian view that the PLO is the sole and exclusive representative of the Palestinian people. Hamas unabashedly demanded partnership status in the adoption of all decisions.”<sup>200</sup> The crisis in the PA, the gradual decline of the old Fatah leadership and the expected struggle for succession are all believed to have played a part in Hamas's calculation.

Another, related view is that, while the four-month hiatus in Hamas suicide attacks was the result of a deliberate decision by the movement (an assessment shared by some though not all Israeli security officials), neither it nor its regional backers see need for or benefit from a formal understanding that would empower the PA and Egypt, offer something to Sharon,<sup>201</sup> and give new life to the Roadmap with which it fundamentally disagrees.<sup>202</sup> Instead, it believes it can gradually reap the benefits of its growing popularity among Palestinians, calibrating the level of violence to suit its needs. The 14 January 2004 suicide attack – which, according to some observers, Hamas felt was both justified and saleable to Palestinian public opinion in light of continued Israeli military operations and the construction of the separation fence, and because it took place within the Gaza Strip rather than Israel – would appear to buttress this view.

The ultimate outcome of the ceasefire talks is unclear and, ultimately, may have more to do with internal Palestinian politics than with the vagaries of the peace process. As the conviction grows that the U.S. will not re-engage in an election year and that Israeli-Palestinians relations therefore will at best remain at a standstill, the talks increasingly are being seen through the lens of Hamas's competition with Fatah and the PLO. Hamas, under this interpretation, would

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<sup>195</sup> ICG interviews, Washington, Tel Aviv, October 2003. If true, this account suggests that even the traditionally highly disciplined Hamas is losing some of its central control.

<sup>196</sup> Danny Rubinstein, “A New and Improved *Hudna*”, *Ha'aretz*, 18 November 2003.

<sup>197</sup> Rantisi explained that Hamas would be prepared to come under the umbrella of the PLO on condition that it enjoyed appropriate influence within it. *Ha'aretz*, 16 December 2003.

<sup>198</sup> “Sharon Meets with Egyptian FM for Talks on Peace Process”, Associated Press, 22 December 2003.

<sup>199</sup> ICG interview, Amayreh, 16 December 2003. Croke and Milton-Edwards make the observation that Hamas has not

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demanded power equal to that of Fatah but rather a share more reflective of its popular support. “Hamas throughout the discussions has asked for weighing smaller than that of Fatah”, “‘Legitimacy’ Revisited,” op. cit.

<sup>200</sup> J. Halevi, “Is Hamas Preparing?”, op. cit.

<sup>201</sup> As one participant in the Cairo talks put it, “our view is that [in the struggle against Israel] we are not winning; we are not defeated but not winning either, and the main crisis to be resolved is the Palestinian crisis. Hamas feels Israel is losing and the main crisis is an Israeli one. So why throw it a lifeline to help it?” ICG interview with Bassam Salhi, leader of the Palestinian People's Party, Ramallah, 7 January 2004.

<sup>202</sup> ICG interviews with current and former PA officials, December 2003.

be prepared for a more sustained ceasefire, but only in the context of a process that granted the movement greater power and legitimacy principally on the domestic, but also on the regional and international scenes.<sup>203</sup> But this is precisely what Fatah may not be willing to grant:

Fatah is unprepared to reach agreement with Hamas at its expense, or at the expense of the legitimacy of existing Palestinian political institutions. . . .The difference[s] today are deeper than they appear, and are not only related to Israeli-Palestinian questions, but also to the character of Palestinian decision-making. Fatah's core demands are that there be a single Palestinian legitimacy, the PLO and only one Authority. Hamas, by contrast, is emphasising the need for a new strategic political program and new methods for the formulation and implementation of such a program.<sup>204</sup>

As one participant to the Cairo talks explained,

below the surface, it was clear to me that Hamas wants to be the initiative-taker, without providing clear commitments to anyone in the absence of guarantees to be provided either by the U.S. or Arab states, but refusing such a role for the PA. This I found new: I felt a clear rivalry for Palestinian leadership going on. Hamas in effect is saying if you want something from us, you must deal with us directly, not through the PA. Hamas's willingness to accept a cease fire is not the issue. The issue, rather, is the price the U.S., the PA and Israel will be asked to pay.<sup>205</sup>

Certainly, as this report went to press, in view of Hamas's 14 January suicide attack, threats of escalation and the continued failure of Hamas and the PA to make progress in their discussions, there is every reason to be pessimistic and to anticipate

the persistence or even worsening of the current situation. Whether or not the international community will have a further opportunity to test the willingness of Hamas to transform its agenda remains an open question.

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<sup>203</sup> A disappointed member of the radical Popular Front for the Liberation of Palestine stated: "Hamas will go for pragmatism and accept before we do, and become the Muslim Brotherhood again. They accepted a unilateral ceasefire. We didn't". ICG interview, PFLP activist, Ramallah, 4 December 2003.

<sup>204</sup> ICG interview with Dalal Salama, Member of the Palestinian Legislative Council and Member of West Bank Fatah Higher Committee, Ramallah, 7 January 2004.

<sup>205</sup> ICG interview with Bassam Salhi, leader of the Palestinian People's Party, Ramallah, 7 January 2004.

## V. A WAY FORWARD

With decreasing power and ability to exert control, the PA's capacity and willingness to confront armed groups decisively is highly questionable. Fatah is divided and in disarray, increasingly fragmented organisationally as well as geographically, and unable to provide direction to the national movement and mobilise Palestinians behind any political program.<sup>206</sup> The Palestinian social fabric is disintegrating, lessening the ability of any organisation or entity to assert central control. Israel's attempts to eradicate Hamas may have diminished its military capacity but its popularity and influence are growing, while the supply of suicide bombers remains high.<sup>207</sup> At the same time, Israel is unlikely to reverse its policies on the separation barrier, military incursions or targeted killings so long as the risk of terrorism persists. Prime Minister Sharon's threat of unilateral Israeli steps may change the equation, but their final shape and political impact are unpredictable, and they will not occur for several months, if at all. The U.S., hobbled by impending elections and sceptical that either the PA or the Israeli government is prepared to move seriously, has sent a clear message to the Palestinians: absent action to curb Hamas and other militant groups, it will not reengage. In short, prospects for any immediate breakthrough in the peace process are dim.

ICG has repeatedly argued that the presentation by the international community, led by the U.S., of a comprehensive Israeli-Palestinian settlement would help mobilise important Palestinian constituencies, isolate rejectionists before they become too powerful and empower the PA to act against dissident armed

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<sup>206</sup> A Fatah activist acknowledged, "the rise of Hamas, which is continuing, is beginning to have dramatic impact within Fatah... Their phenomenal success has made the subject of organisational renewal within Fatah acquire greater urgency", ICG interview, Ramallah, January 2004.

<sup>207</sup> According to a recent poll, Hamas's level of popular support has reached 20 per cent, behind Fatah with 25 per cent. See Palestine Centre for Policy and Survey Research, "Poll #10", December 2003. The poll also reveals strong popular support for Palestinian attacks against Israeli soldiers and settlers in the occupied territories, although less than half the respondents support attacks against civilians within Israel. Of related interest, signs of a Palestinian "Islamisation" – significant growth in the construction of mosques and in outside symbols of piety – are evident, particularly in Gaza. ICG interviews, January 2004.

groups that continued to pursue violence.<sup>208</sup> Under such an alternative strategy to the incremental, conditional and far vaguer Roadmap, there would be pressure on the Islamist organisation to join the mainstream or risk such marginalisation as would make it much more vulnerable to a crackdown. Indeed, should Palestinians once again come to believe in the prospects of a viable state based on the lines of 1967, they are more than likely to oppose the continuation of armed operations. In turn, Hamas, which has always sought to be in tune with public opinion, would be pushed to focus on its social and political domestic agendas.<sup>209</sup> Unfortunately, Washington does not seem prepared to pursue such a comprehensive solution for now.

As a result, the most that conceivably can be achieved at this point is a halt to the violence and the initiation of steps to rebuild a coherent, cohesive Palestinian polity that is able to act decisively. In the current situation, that leaves little choice but to deal with Hamas.

Hamas will be a distasteful, never fully acceptable political player if it does not renounce terrorism unequivocally, and many questions remain unanswered about its political goals, motivations and decision-making. But in this environment, and without a palatable and realistic alternative, there is a strong argument for testing the proposition that, through a combination of pressures and incentives, Hamas can gradually be integrated into mainstream Palestinian political life and through it into the Israeli-Palestinian peace process. A sequence of steps would be required, beginning with and building on a ceasefire. Experience shows how easily any ceasefire launched in the absence of a strong prospect for significant early political progress can collapse. Based on the lessons of the earlier failure, however, consideration should be given to two elements.

First, the ceasefire should be mutual; "a *hudna* can only work if Israel is involved, and plays an active role".<sup>210</sup> Secondly, Hamas should do more than merely halt its military operations; it must take steps

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<sup>208</sup> See ICG Reports, *Middle East Endgame I*, and *Middle East Endgame II*, op. cit., available at [www.crisisweb.org](http://www.crisisweb.org).

<sup>209</sup> Organisations that do not have such a domestic agenda, for example the Palestinian Islamic Jihad, may well remain committed to fighting Israel. But they would do so from a weakened and isolated position, making them vulnerable to the Palestinian security services.

<sup>210</sup> ICG interview, former deputy coordinator of IDF activities in the occupied territories, Tel Aviv, 3 November 2003.

signalling a serious intent to turn away decisively from a strategy based on violence. On both counts, a successful ceasefire will require verifiable security arrangements and a more sustained political process.

**A New Ceasefire.** Unless the threat of further violence is removed for both Palestinians and Israelis, there will be no progress on any other front. Hamas, together with other Palestinian organisations such as the Palestinian Islamic Jihad, should agree to halt armed attacks throughout Israel and the occupied territories immediately. Israel should undertake to halt military operations in the West Bank and Gaza Strip, particularly measures such as assassinations, arrest sweeps and armoured incursions in Palestinian population centres.<sup>211</sup> The limited exception to such a halt would be when an action was necessary to prevent a “ticking bomb”, that is, an imminent attack against Israel or Israelis, and implementation of this exception should be strictly monitored by the Quartet. Israel also should take steps, consistent with legitimate security needs, to revoke punitive economic measures, especially restrictions on free movement.

These undertakings should be brokered separately by third parties including in particular Egypt and the U.S.; the ceasefire will need to be overseen and facilitated by the Quartet, with the U.S. playing a leading role. These undertakings will need to be accompanied by strong indications from the Arab states that all financial or other material assistance to Hamas will be halted unless and until it renounces the use of terrorist violence and will then continue only so long as it abides by the ceasefire agreement.

### **Verifiable Steps to Place Hamas’s Military Capacity Out of Use and Ultimately Beyond Use.**

The notion of an immediate, effective “dismantling” of Hamas’s military infrastructure or of collecting all personal weapons is at this point unrealistic<sup>212</sup> but Israel will need an indication that the ceasefire is more than tactical and reflects the start of a serious process of de-commissioning of weapons. Hamas should commit to a series of measures. It should agree to cease immediately the smuggling, manufacture, transport and public display of weaponry and, crucially, within 90 days, to put out

of use weapons such as rockets and mortars that are the easiest to decommission yet pose the greatest Palestinian threat to the ceasefire. All Qassam rocket workshops, bomb-making laboratories and tunnels used for smuggling arms and explosives should be shut down. At the same time, Hamas should – if only passively – assist PA security forces in re-imposing authority over areas evacuated by Israel.

An arms monitoring commission (AMC), operating under the auspices of the Quartet, should be formed to supervise and verify implementation of these measures. As a means of reducing the potential for friction between the PA and various Palestinian factions, a Palestinian security committee with representatives from the leadership security forces and from the factions should be established to assist with the implementation of various ceasefire arrangements and to confront potential violators.

There is reason to be sceptical about Hamas’s willingness to abide by such arrangements, even though a number of security experts who have discussed these issues with the organisation believe they are realistic if they are part of a package that includes a cessation of Israeli attacks, a renewed political process and, as further described, political benefits for Hamas.<sup>213</sup> Several Palestinian officials and activists likewise felt that if the political and security components of any agreement were effectively monitored, and the process was not predicated on dismantling Hamas’s military capacity fully before the final conclusion of Israeli-Palestinian negotiations, the above arrangements might be acceptable to both the PA and Hamas.<sup>214</sup> They point out that should Hamas renege or more radical elements within the organisation break away in protest, they would be significantly easier to contain or eliminate once this process of de-escalation got under way than at present. Rather than the PA confronting the dilemmas of 2002-2003, Hamas would again face the realities of 1996.

**Towards Political Integration.** The requirements for Hamas to become a legitimate political player are twofold. First, it will need to announce publicly its decision to refrain from measures that may obstruct the progress of Israeli-Palestinian negotiations or the implementation of their outcome. Specifically, Hamas should announce its readiness to abide by any agreement with Israel reached by Palestinian

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<sup>211</sup> ICG interview, Khatib, 4 December 2003.

<sup>212</sup> ICG interviews with Palestinian security officials, Ramallah, September and December 2003. U.S. officials also concede that such an outcome is not expected at this point. ICG interviews, Washington, November, December 2003.

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<sup>213</sup> ICG interview, September 2003.

<sup>214</sup> ICG interview, Khatib, 4 December 2003.

negotiators and properly endorsed by Palestinian national institutions and the Palestinian people. Secondly, it will need to agree to dissolve its military infrastructure and fully disarm under AMC auspices in the course of that agreement's implementation. These announcements should be made within the first 90 days of a ceasefire in order to give that ceasefire more staying power and contribute to building the case that Hamas can be entrusted with a political role. The PA, in turn, will have to implement measures, including a firm schedule for elections and the devolution of greater power to local, legislative and other political bodies that will encourage and facilitate the integration of the Islamist movement into the mainstream.

It will not be easy to devise a process of gradual integration that does not destabilise Palestinian society and offers sufficient guarantees to Israel that the end result will not be a strengthened and no less radical Hamas at the helm. Some analysts have suggested a more controlled power-sharing formula – postponement of elections (the prospects for which are further complicated by Israel's re-occupation of West Bank population centres) until they can be held in stable political conditions but the convening of a kind of Palestinian "loya jirga" that would bring together representative of the various factions and other constituencies.<sup>215</sup> Others maintain that without immediate elections to produce a Palestinian leadership with a clear popular mandate, negotiations between Hamas, Fatah and the PA – and indeed between Israel and the Palestinians – cannot succeed.<sup>216</sup> At a minimum, the first step is for the PA, Hamas, Fatah and other Palestinian factions to engage in a strategic dialogue with the goal of achieving both a national consensus on a political strategy toward Israel consistent with peace and acceptance of the two-state solution and a formula for participation of the opposition in public life.

## VI. CONCLUSION

Hamas presents an extremely difficult challenge to peacemaking. It combines an ideology hostile to the concept of reconciliation, a substantial and growing popular support base, an organisational infrastructure capable of promoting its radical message throughout Palestinian society and the ability to frustrate through violence virtually any political process to which it is opposed. The environment of increasing socio-economic deprivation and political hopelessness in which Hamas operates has encouraged its growth and spurred its radicalisation. It shows a chilling willingness to deploy its bombs and bullets against civilians. In practice and for now, Hamas leaders possess the ability to spoil any chance for renewed political negotiations and an eventual peace agreement.

The question is not whether Hamas is a problem, but how to deal with it. A strategy that relies principally on force to remove it from the equation has proven of only limited effectiveness. Israeli campaigns to achieve full protection for its citizens and to eradicate the movement have not only failed completely in the latter objective, they have achieved only minimal success with respect to the former. There is reason to believe the PA cannot and will not directly confront Hamas after being battered by the Israeli military and in its standing among Palestinians during the past three years. Even if its security forces had the physical capacity to act and could again freely operate throughout PA territory, it is hard to imagine any Palestinian leader – no matter how favourable ultimately to a two-state solution and opposed to Hamas – instructing his forces to confront the Islamists decisively while the struggle with Israel continues. It would be political suicide.

To recognise Hamas's roots within Palestinian society and current level of popular support does not mean to minimise its militant posture or excuse its devastating attacks against civilian targets. It does suggest, however, that when combined with the decline in the PA's legitimacy and in the capacity of its security forces, the nature of the movement, together with the environment in which it now operates, casts serious doubt on the notion that Israel can remove it as a military threat and political force through a purely military solution.

Without harbouring any illusion, an effort needs to be made to explore alternative options fully. This should

<sup>215</sup> Crooke and Milton Edwards, "'Legitimacy' Revisited", *op. cit.*

<sup>216</sup> ICG interview, Mustafa Barghouthi, Secretary General of the Palestinian National Initiative, Ramallah, April 2003.

not be done at the expense of maintaining pressure on Hamas's military wing. But the belief that greater force can succeed is often accompanied by the conviction that political accommodation has already failed. That is not the case. EU and Egyptian efforts have not borne fruit, but they have not conclusively collapsed either. Hamas has been sending signals that it is interested in a process of political legitimisation and incorporation into the Palestinian political scene. It also has demonstrated keen sensitivity to public opinion, which at this time may be shifting away from support for the armed intifada.

While there is every reason to question the sincerity of Hamas signals, there also is every reason to put them to the test through a carefully designed and verifiable process. It should include a mutual ceasefire, significant, monitored decommissioning steps by Hamas, and if these are being implemented, a political process that integrates Hamas gradually in exchange for its commitment to abide by a settlement endorsed by representative national institutions and the Palestinian people.

Those who doubt that Hamas is ripe for strategic reorientation and is prepared to abandon the use of violence and genuinely accept coexistence with Israel may be proved right. Elements within Hamas or the movement as a whole may balk initially or seek subsequently to discontinue cooperation. At some point, indeed, a PA military campaign against Hamas or its breakaway elements may become inevitable.

But for now, the alternative has been insufficiently tested, and the risks of such a confrontation would be excessively high – assuming that those willing to conduct it could be found. Hamas would certainly react with even greater force, and without either a Palestinian security force to repress it or a Palestinian public to restrain it, the prospects of an even bloodier cycle of uncontrolled violence would be great.

There is a broader point. Over the years, the Palestinians' inability to agree on either the parameters of legitimate struggle or their strategic political goals has come at high cost, especially during the second intifada. The result has been incoherent policies and an incapacity to enforce or even to reach decisions. Given the PA's weakening and Fatah's fragmentation, reaching a Palestinian consensus that eschews further violence and clearly accepts the principles inherent in a viable two-state solution may no longer be possible without including the growing Islamist constituency of which Hamas

has become the principal representative. Creating a legitimate centre of power capable of taking decisive steps toward peace, therefore, requires a strategic dialogue that strives for broad agreement between the mainstream secular movement, its Islamist rival and other Palestinian factions.<sup>217</sup> Ultimately, only a national authority viewed as legitimate by the broad majority of Palestinians will be capable of dealing with the challenge dissenting Palestinians pose to prospects of Israeli-Palestinian peace, an assessment shared by many former and current Israeli security officials.

The approach recommended here runs counter to today's conventional wisdom and the instincts born of the tragic events of 11 September 2001. But rebuilding Palestinian political institutions and integrating Hamas, if it agrees to a ceasefire and non-violence in its actions, or co-opting its more pragmatic elements – assuming either of those goals is achievable – would help provide an essential breathing space to put the peace process back on firmer and more reliable ground.

The point nonetheless remains that even if successful, such a strategy is likely to be short-lived, a mere placeholder, until the initiation of a vigorous campaign for a comprehensive settlement. Everything ultimately depends upon that process regaining serious momentum – as ICG believes it can and will if only a real commitment is made to an 'endgame' strategy by the international community, led by the U.S.

Experience time and again has shown that a ceasefire cannot long last in a political vacuum. The faster that political process resumes, and the more vigorously it is pursued, the less Hamas or any radical element will be able to thwart progress and oppose the collective will of the Palestinian people. Ultimately, Hamas should be confronted with the choice of either transforming its agenda and eschewing all armed attacks, or becoming increasingly marginal and vulnerable, viewed as clearly endangering the Palestinian cause rather than contributing to it.

**Amman/Brussels, 26 January 2004**

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<sup>217</sup> The unprecedented debate among Palestinians provoked by the conclusion of the privately negotiated Geneva Accord (see [www.geneva-accord.org](http://www.geneva-accord.org)) is a first step in this direction. Although much of the discussion has taken the shape of opposition to elements of the accords (in particular concerning the solution to the refugee problem), the debate that has been ignited is both necessary and long overdue.

## APPENDIX A

### MAP OF THE OCCUPIED PALESTINIAN TERRITORIES

#### MAP OF THE GAZA STRIP



<http://www.cia.gov/cia/publications/factbook/geos/gz.html>

#### MAP OF THE WEST BANK



<http://www.cia.gov/cia/publications/factbook/geos/we.html>