

# The Fatah– Hamas Reconciliation Agreement of October 2017

An Opportunity to End Gaza's Humanitarian Crisis and Permanently Overcome the Blockade

*Muriel Asseburg*

Ten years after Hamas violently seized power in Gaza, and following a string of failures to reconcile the Palestinian factions, there are now signs of a rapprochement between Fatah and Hamas. In September 2017 the Hamas leadership announced it would dissolve the administrative committee it had established in March, opening the way for the Palestinian Authority (PA) to take over the government in the Gaza Strip. In mid-October representatives of Hamas and Fatah signed an Egyptian-mediated reconciliation agreement. On 1 November PA forces were deployed to the Palestinian side of the Rafah border crossing with Egypt. Even if there are still major obstacles to merging the two security apparatuses, establishing a unity government, restoring the democratic process and achieving comprehensive reconciliation – the chances of the rapprochement preventing another round of armed conflict and improving the situation for the population in crisis-ridden Gaza are considerably better this time around. Germany and its European partners should help to accentuate the positive dynamics, support permanent improvements of the situation in Gaza through practical steps and work towards comprehensive reconciliation between the Palestinian factions.

In practical terms the 12 October 2017 agreement between the two largest Palestinian factions foresees the Palestinian Authority assuming control of Gaza's border crossings by 1 November 2017, taking over the government of the Gaza Strip by 1 December 2017, and integrating staff appointed by Hamas over the last ten years (about 40,000, roughly half in civilian functions, half in the security sector) by 1 February 2018. Restructuring of security apparatuses and further reconciliation measures are also to be discussed. On 21 November the smaller Palestinian factions are invited to put their signatures to the agreement in Cairo, too. In the first week of December, also in Cairo, a joint stocktaking will be held to assess progress and discuss next steps.

The May 2011 agreement between the Palestinian factions serves as the basis and point of reference for the new document. Acknowledging lessons learned from fail-

ures of implementing earlier agreements, this time only steps subject to consensus are to be implemented for now, while politically sensitive measures have been postponed until a later stage. This means that steps mentioned in the 2011 agreement, such as forming a unity government, re-activating the Palestinian Legislative Council, holding parliamentary and presidential elections, Hamas joining the PLO, and structural and programmatic reforms within the PLO, have been kicked down the road. Yet those are the measures that would be required to actually overcome the political rift.

### **Chances Improved**

It is therefore much too early to speak of the intra-Palestinian division being overcome, still less of a comprehensive reconciliation between the factions. Even implementation of the concrete points agreed upon will be a complex undertaking. Not only do relations between Hamas and Fatah remain beset by rivalry and great mistrust. Ten years of separation have also created two parallel administrations, two judicial systems and two security apparatuses. The legal systems – which already stem from different traditions – have been levered further apart by Abbas's presidential decrees on the one side and legislation adopted by Gaza's rump parliament on the other (on the impacts of the West Bank/Gaza split see SWP Comments 42/2017).

Nevertheless, it currently looks as if the agreement signed on 12 October will indeed be implemented. Concrete preparations for the PA to assume administrative responsibility in Gaza were set in motion immediately under the direction of the Egyptian intelligence service. In early November the presidential guard was deployed to the Rafah border crossing as scheduled. Hamas also closed down its checkpoints next to the PA staffed terminals at the Erez and Kerem Shalom border crossings as demanded by Israel. Detailed plans for dealing with public sector employees have already been drawn up with

Swiss support; these are now to be implemented by a committee set up for the purpose. The decisive factors behind the improved prospects for implementing the reconciliation agreement this time are changes in the interests of Hamas and the Palestinian president, Egypt's active role in implementing the agreement, and a green light from the United States and Israel.

### **Realpolitik in Hamas**

In the process of participating in elections (local in 2004/2005 and parliamentary in 2006) – and thereby at least de facto recognising the framework of the Israeli-Palestinian Oslo Accords of the 1990s under which they were held – and governing from 2006 onwards, Realpolitik has increasingly gained the upper hand within Hamas. Its representatives have come to realise that they will not be able to end the occupation (or even just the blockade of Gaza) through military action and on their own. This stance also aligns with the war-weary mood of Gaza's populace, whose priorities are concrete improvements in living conditions and overcoming the Palestinian division. The Hamas leadership has also come to realise that continuing to govern under the Israeli-Egyptian blockade, far-reaching international isolation, and sanctions imposed by the PA is doomed to failure and greatly harms its popularity. Additionally, the pressures of everyday crisis management distract from focusing on achieving national liberation.

The narrowing scope of action of the de facto government in Gaza in recent years has certainly expedited these insights. Abdelfattah al-Sisi's accession to power in Egypt in mid-2013 largely ended the flourishing trade through tunnels under the Egypt/Gaza border, depriving the de facto government of an important source of revenues in the form of levies on smuggled goods and on the operation of tunnels. Qatar, which was the main sponsor of infrastructure projects in Gaza in recent years, noticeably dialled back its support after the

embargo imposed in June 2017 by Saudi Arabia, the United Arab Emirates (UAE), Egypt and others placed it under pressure to also distance itself from Hamas (on the Qatar crisis see SWP Comments 25/2017). Sanctions imposed by Ramallah in response to Hamas's establishment of an administrative committee in March 2017 caused a dramatic escalation of the humanitarian crisis. Punitive measures included cutting the salaries paid to PA staff in Gaza, reducing payments to Israel for electricity for Gaza, and scaling back medical services available to Gazans.

Against this backdrop the Hamas leadership now sees only one option for initiating positive change and at the same time maintaining a political role: reconcile with Ramallah, forego exclusive responsibility for governing in Gaza and mend fences with the Egyptian leadership, which in 2015 categorised it as a terrorist organisation and banned it from operating in Egypt.

Although he continues to make radical statements on Israel, Yahya Sinwar stands for this pragmatic course. In October 2011 he was released from imprisonment in Israel after twenty-two years, in the scope of the Gilad Shalit prisoner exchange, and in February 2017 elected leader of Hamas in the Gaza Strip (succeeding Ismail Haniyeh). Local observers agree that Sinwar is determined to stay his chosen course and will be able to defend it against hardliners. It helps that he comes from Hamas's military wing, the Izz-al-Din-al-Qassam Brigades, and can depend on their support.

At the same time, the election of Ismail Haniyeh as leader of Hamas's political bureau in May 2017 (succeeding Khaled Meshal) has shifted decision-making – and thus the centre of interest – back from Qatar to Gaza. And the election of Saleh al-Arouri, a representative of Hamas in the West Bank now resident in Lebanon, as deputy leader of the political bureau in early October 2017 is yet another indication of a shift in influence from representatives of the diaspora to representatives of the Palestinian Territories in the Hamas organs.

It was Arouri, who also originates from the military wing, who signed the reconciliation agreement on behalf of Hamas.

### **Abbas under Pressure**

Three recent developments in particular pressure President Mahmoud Abbas to pursue reconciliation with Hamas seriously this time. Firstly, his popularity has plummeted, especially in Gaza. In a survey conducted by the Palestinian Center for Policy and Survey Research (PSR) in mid-September 2017, about two-thirds of respondents said they thought the president should stand down; the figure for Gaza was as high as 80 percent. If presidential elections with two candidates, Abbas and Haniyeh, were held now, Abbas could expect to lose against Hamas leader Haniyeh, with 42 percent as against 50 percent. Abbas's Fatah has also haemorrhaged support, above all in Gaza where it fell from 40 percent at the turn of the year to 28 percent in mid-September.

Secondly, since summer 2017 Egypt and the UAE have been fostering a reconciliation between Hamas and Fatah renegade Mohammed Dahlan, the former head of the Preventive Security Force in Gaza. This has brought one of the president's most important rivals back on the political stage. Dahlan was one of the central figures on the Fatah side responsible for the armed clashes of June 2007 that cost almost four hundred lives, ended the short-lived experiment of the Palestinian National Unity Government, and initiated the division of the Palestinian Territories into two entities with competing governments (for details see SWP Comments 14/2007). Dahlan was expelled from Fatah in June 2011 on charges including corruption and treason. The motivation behind the expulsion appears to have been massive accusations of involvement in corruption and extortion levelled by Dahlan against Abbas's sons Tareq and Yasser. He was subsequently convicted on various charges by PA courts and sentenced to fines and prison terms.

In recent years Dahlan has systematically expanded his power base in the Gaza Strip and refugee camps in the West Bank and neighbouring states, with financial support from the UAE, where he is now based. While he has demonstrated willingness to reconcile with the president, as demanded by Egypt, he is also pressing ahead with the establishment of separate party structures in the form of the Fatah Reformist and Democratic Party. Dahlan's rapprochement with Hamas has further undermined Abbas's position. For example in June 2017 Dahlan arranged for Egypt to supply diesel for Gaza's power station, counteracting Ramallah's sanctions. He has also initiated a programme of social reconciliation involving apologies and compensation for the families of those killed in the 2007 clashes. The process has been making good progress. And surveys show Dahlan's support in Gaza more than doubling since the beginning of the year to 23 percent.

Thirdly, Egypt is not alone in backing the reconciliation efforts. The United States also appears to have given a green light, with the Trump Administration believing that its ambitions for "the ultimate deal" to end the Israeli-Palestinian conflict can only succeed if the PA president and PLO leader speaks for the entirety of the Palestinian Territories. Washington therefore regards the PA assuming responsibility for government and security in Gaza as the first step towards an Israeli-Palestinian agreement. Other regional powers like Saudi Arabia have also given their backing to Egypt's mediation efforts. Even the Israeli government, which is concerned to contain spill-over effects from the crisis in Gaza and avoid undermining Egypt, has mostly refrained from disrupting the reconciliation process – while reiterating its refusal to negotiate with a Hamas-backed government. Altogether, therefore, Abbas can no longer find backers for his intransigent stance.

### **Egypt as Active Mediator**

The active participation of a third party to oversee adherence to the agreed timetable and put pressure on either side as needed will be as vital for implementation of the reconciliation agreement as it was for its creation. Egypt appears determined to make a success of what is now the seventh reconciliation agreement between Fatah and Hamas. This is evidenced not least by the prominent role played by Khaled Fawzi, the head of Egypt's intelligence service.

Cairo is pursuing three principal interests. Firstly, it wants to get a grip on security in Sinai, which has been beset for years by armed clashes between the Egyptian army and jihadist groups. To that end it has agreed close cooperation with Hamas on fighting cross-border terrorism and active measures against jihadists in Gaza. In return it has raised the prospect of a regular opening of the Rafah Crossing (now scheduled to start in mid-November), and enabled Hamas cadres to travel via Egypt and to resume a presence in there. Dahlan's mediation and UAE backing were essential in working towards a reconciliation between Egypt and Hamas and concentrating on shared interests – rather than focussing on conflicting interests as in earlier rounds. But the rapprochement only became possible after Hamas distanced itself from its parent organisation, the Muslim Brotherhood, which is public enemy number one in Egypt (see below for more on the Hamas policy document).

Secondly, with Washington signalling engagement for an Israeli-Palestinian peace agreement, Egypt would like to position itself as an indispensable partner and relevant regional power. In this context Cairo also regards the Fatah-Hamas agreement and the factional reconciliation under its auspices as an opportunity to minimise the influence of Qatar and Turkey in its immediate neighbourhood and to strengthen ties with the UAE.

Thirdly, Egypt must be interested in preparing the succession to Abbas – who is over eighty – in order to avoid chaos ensuing

when he dies. In this vein, it is in Cairo's interest to block any potential Israeli initiatives in such a situation (such as annexing parts of the West Bank or altering the status quo at the Temple Mount/Haram al-Sharif) that could lead to further regional destabilisation and would endanger the increasingly close Egyptian-Israeli security cooperation.

### **Disarming Hamas?**

It is unrealistic to expect Hamas to disband its military wing, generally renounce violence or break off ties with Iran against the backdrop of the continuing Israeli occupation and the sobering example of Fatah. While renouncing violence, recognising Israel and engaging in security cooperation with the occupying power have allowed Fatah to acquire international acceptance, it has been unable to make any progress towards independence or even towards lasting improvements in living conditions.

Still, since the 2014 military confrontations in Gaza Hamas has demonstrated that it is certainly able to reconcile the rhetoric of resistance with the assumption of security responsibilities. It has since then – as acknowledged by the Israeli security establishment – observed the cease-fire and largely prevented other militant groups from infiltrating or attacking Israel from Gaza.

After its reconciliation with Egypt in summer 2017, Hamas also began creating a buffer zone along the border with Sinai and taking active measures to stop militant jihadists, who had previously been able to operate largely unhindered across the border. Both the Israeli and the Egyptian security establishments are well aware that not only are Hamas's Qassam Brigades vital to any operation against radical forces in the Gaza Strip, but also that dissolving them would leave disbanded fighters outside central control and potentially turning to more radical groups.

Fatah and Hamas have also agreed verbally in October 2017 to avoid any actions that could endanger their agreement. This

implies not only continuing to observe the cease-fire in Gaza, but also refraining from armed attacks in the West Bank (which has been Hamas practice anyway since summer 2014).

### **Adjusting the Political Programme**

The preamble to the reconciliation agreement names as its objective – in line with the PLO charter – the aspirations of the Palestinian people to a sovereign state in the Palestinian territories occupied in 1967, with Jerusalem as its capital, and the return of the refugees.

In May 2017 Hamas had already published a new policy document based on intense and controversial internal discussions. It supplements the Hamas covenant of 1988 and now serves as the organisation's official ideological platform. Even if Hamas continues to define itself as a resistance movement, upholds the long-term goal of "the full and complete liberation of Palestine" (meaning the territory of the former British mandate for Palestine), refuses to renounce violence, and declines to recognise Israel's legitimacy, the document nevertheless contains important shifts towards Realpolitik. Hamas now locates itself within the "national [Palestinian] consensus" by accepting a Palestinian State within the 1967 borders, at least as an interim solution. And the document no longer speaks of the destruction of Israel.

Additionally, the Israeli-Palestinian conflict is no longer framed as a religious one. Hamas, the document asserts, "does not wage a struggle against the Jews because they are Jewish" but rejects Zionism and occupation. It recognises the PLO as the "national framework for the Palestinian people" and accepts the role of the PA, even if it rejects the Oslo Accords on the grounds that they contravene international law by generating "commitments that violate the inalienable rights of the Palestinian people". Furthermore, this document no longer references ties to Hamas's parent organisation, the Muslim Brotherhood, but instead

emphasises the movement's national objectives and rejects intervention in the internal affairs of other states – both of which are clear messages to Egypt.

### **Policy Recommendations**

In important dimensions of the reconciliation process agreement has yet to be reached between Hamas and Fatah. Merging apparatuses under the auspices of the PA will be a tricky undertaking. And there are other major obstacles to a comprehensive reconciliation. In particular, the Palestinian president and his Fatah party may lack motivation to hold elections, in view of the splits within the party and loss of popularity. Also, integrating Hamas into the PLO, reforming the organisation and revising its charter would all be potentially explosive manoeuvres against the backdrop of the failure of the Oslo Process.

At the same time, the regional dynamics have placed Fatah and Hamas – and the governments in Ramallah and Gaza City – under pressure to reconcile. Egypt appears determined to make a success of the 12 October agreement. This opens up an opportunity to prevent another military confrontation in the Gaza Strip, to tackle the humanitarian crisis there, and to create the basis for sustainable economic development. Whether the factional division can also be overcome will depend decisively on the behaviour of the regional actors (especially Egypt and Israel) and the international community (above all the United States and the European Union).

The EU and its member states should actively support the Palestinian rapprochement and signalise interest in its success to all sides, rather than simply watching as events unfold. After all, they have been calling on the Palestinians to overcome the division since 2007. Palestinian unity is also a precondition for returning to the democratic process in the Palestinian Territories, for upholding the option of a two-state settlement, and for the legitimacy of any Palestinian negotiating team in future talks.

That means first clearly communicating to the Palestinians the expectation that they implement the planned steps in accordance with the timetable and spirit of the agreement, and pressing Israel to refrain from torpedoing the efforts. That also includes the lifting of sanctions against Gaza promised by the Palestinian president, which will be crucial for achieving a rapid improvement in living conditions for the population there.

Beyond this it is crucial to help ensure that concrete steps stemming from the agreement, such as merging the two public sectors, do not fail for lack of resources. To that end the EU, in close coordination with Egypt, Switzerland and Gulf Arab donors should backstop public sector salaries for the coming months. At the same time it should help prepare plans to ensure that a slimming down of the bloated public apparatus does not produce losers and lead to impoverishment, but instead proceeds in step with the creation of employment in the private sector. Appropriate severance and pension arrangements will also need to be found.

The EU and its member states should also express their expectation that Palestinian reconciliation will lead, via elections and the reestablishment of an effective division of powers, to a restoration of the democratic process (as postulated in the preamble to the reconciliation agreement). In this connection they should offer not only technical support for staging and monitoring elections. They should also seek to get Washington on board, in order to guarantee the political conditions for elections to take place. That means in particular leaning on Israel to permit free, fair and competitive elections (albeit under the restrictive conditions of ongoing occupation) in East Jerusalem and the West Bank.

At the same time, the EU and its member states should unambiguously signal their willingness to cooperate with a consensus government supported by both Fatah and Hamas and with a future government of national unity including representatives

of both factions. In this connection it should refrain from imposing new conditions and instead abide by the terms for cooperation already formulated in EU Council Conclusions of May 2011 and July 2014: namely, that the Palestinian government should respect existing agreements with Israel, renounce violence and recognise Israel's right to exist.

EU member states should also work to reinforce the pragmatic current in Hamas by relaxing the "no contact policy" adopted by the Middle East Quartet (United States, Russian Federation, European Union and United Nations) after the 2006 Palestinian elections. Even if the EU continues to classify Hamas as a terrorist organisation, that need not preclude political and civil society exchange. The expansion of contacts should not be made contingent upon unrealistic conditions or paying lip-service, nor should it come at the expense of dialogue with representatives of other Palestinian parties. Rather it should occur within the framework of multi-party delegations (for example mixed parliamentary groups) and by including moderate representatives of the movement in civil society dialogues. Alongside implementation of the reconciliation agreement, important topics for such contacts would also include improving the human rights situation and expanding the space open to civil society.

EU member states should also grasp the reconciliation agreement as an opportunity to overcome the humanitarian crisis in Gaza and to transform circumstances there in such a way as to enable comprehensive reconstruction, sustainable economic development and tackling the grave environmental problems. That will necessitate lifting the blockade and enabling permanent freedom of movement for people and goods. In this connection Europe should offer contributions designed to reconcile the needs of Gaza's population with Israel's security interests, for example by deploying observers and training border officials in the scope of a border mission, by supplying equipment for screening export goods etc. As a first

step Germany should, in close consultation with Egypt, offer its good offices to mediate an exchange of prisoners and a long-term cease-fire between Israel and Hamas.

Last but not least, measures aiming to improve the concrete situation in Gaza have to be part and parcel of a European policy focused on ending the occupation of the Palestinian territories and achieving a settlement of the Israeli-Palestinian conflict (for detail on concrete measures see SWP Comments 36/2017).

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**SWP**  
Stiftung Wissenschaft und Politik  
German Institute for International and Security Affairs

Ludwigkirchplatz 3-4  
10719 Berlin  
Telephone +49 30 880 07-0  
Fax +49 30 880 07-100  
[www.swp-berlin.org](http://www.swp-berlin.org)  
[swp@swp-berlin.org](mailto:swp@swp-berlin.org)

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